

Please know that my office takes all credible allegations of potential ethics violations by any DOI employee very seriously and allegations against senior officials are an extremely high priority. Consequently, when the New York Times published its article, I immediately sought to understand the facts and carefully analyzed the applicable legal authorities. We note that the Acting Secretary also immediately requested that my office look into this matter and to examine the prior ethics advice and counsel he had received.

Of critical importance, we note that the Acting Secretary does not have any financial conflicts of interest related to either his former client, Westlands Water District, or the CVP generally. As reflected in his Ethics Agreement, dated May 1, 2017, and his Ethics Recusal memorandum, dated August 15, 2017, the Acting Secretary was required under 5 C.F.R. § 2635.502 to recuse for one year (until August 3, 2018) from participating personally and substantially in any “particular matters involving specific parties” in which Westlands Water District was a party or represented a party. Because Westlands Water District is an agency or entity of a state or local government it is excluded from the requirements of paragraph 6 of the Ethics Pledge. Additionally, consistent with U.S. Office of Government Ethics (OGE) guidance, it was determined that the law the Acting Secretary had lobbied on for Westlands Water District, Public Law 114-322, should not be categorized as a “particular matter” because the law addressed a broad range of issues and topics. Therefore, because he did not lobby on a “particular matter” for Westlands Water District, he was not required to recuse himself under paragraph 7 of the Ethics Pledge either from “particular matters” or “specific issue areas” related to Public Law 114-322. Accordingly, the Acting Secretary’s recusal related to Westlands Water District ended on August 3, 2018, and was limited in scope to “particular matters involving specific parties” under 5 C.F.R. § 2635.502.

I have enclosed the transmittal e-mail from me to the Acting Secretary with a detailed memorandum attached wherein the DEO consolidates and memorializes prior ethics advice and guidance on certain issues involving the CVP. Of particular importance for a legal analysis of the scope of the Acting Secretary’s recusals related to Westlands Water District, the memorandum analyzed and categorized certain issues involving the CVP and related State Water Project as “matters,” “particular matters of general applicability,” and “particular matters involving specific parties.” As I state in the transmittal e-mail, these legal categorizations are critical in determining whether an official complies with the various ethics rules. As reflected in the memorandum, we determined that both the Notice of Intent to Prepare a Draft EIS and the development of a 2019 Biological Assessment are appropriately categorized as “matters,” not “particular matters.” Our determinations are supported by Federal law and OGE opinions and though the matters involved may sound like “particular matters” or “specific issue areas,” they are legally broad matters outside the scope of 5 C.F.R. § 2635.502. As noted above, the Acting Secretary’s lobbying on behalf of Westlands Water District on Public Law 114-322 was not categorized as a “particular matter” and did not require an additional recusal under paragraph 7 of the Ethics Pledge. Therefore, the Acting Secretary was not required under either 5 C.F.R. § 2635.502 or the Ethics Pledge to recuse from participation in either the Notice of Intent to Prepare a Draft EIS or the development of a 2019 Biological Assessment. Attached, for

your convenience, please find the legal reference materials addressed in the memorandum—I believe our interpretation and application of the relevant legal authorities is both reasonable and prudent.

I have advised the Acting Secretary, at his request, that he and his staff should continue to consult with the DEO prior to participating in any matter that is potentially within the scope of his Ethics Agreement, Ethics Recusal memorandum, the Ethics Pledge, or any other ethics law or regulation. Additionally, to eliminate any potential for miscommunication, I have instructed my staff that all ethics guidance to the Acting Secretary be in writing prior to his participation in a decision or action that reasonably appears to come within the purview of his legal ethics obligations.

In closing, and to be responsive to your final requests, the DEO has not issued any authorizations or ethics waivers to the Acting Secretary or other Interior officials on the topics you raised, nor have we referred any matters to the IG on these topics. It is worth noting that the Acting Secretary meets with me and my senior staff frequently and that I have a standing meeting with him once a week to discuss any significant ethics issues at the DOI. Pursuant to the Acting Secretary’s direction, my senior staff also meets with his scheduling staff and other top officials twice a week, at a minimum, to ensure we are aware of who the Acting Secretary is meeting with and the issues he will be discussing. These efforts, supported by the Acting Secretary and his staff, are designed to ensure his compliance with applicable ethics rules and protect the integrity of the Department’s programs and operations. My experience has been that the Acting Secretary is very diligent about his ethics obligations and he has made ethics compliance and the creation of an ethical culture a top priority at the Department.

If you have any other questions or concerns, please do not hesitate to contact me.

Sincerely,

SCOTT A. DE LA VEGA,

*Director, Departmental Ethics*

*Office and Designated Agency Ethics Official.*

Enclosure.

Mr. GARDNER. This letter is in response to a letter from Senators WARREN and BLUMENTHAL and states that the Ethics Office has found that Mr. Bernhardt’s actions as Deputy Secretary and Acting Secretary “have complied with all applicable ethics laws, rules, and other obligations, including the requirements of President Trump’s executive order 13770, entitled ‘Ethics Commitments by Executive Branch Appointees.’”

This letter from the career head of the Department of Interior ethics professionals who served at the White House during the previous administration goes on to say:

My experience has been that the Acting Secretary is very diligent about his ethics obligations and he has made ethics compliance and the creation of an ethical culture a top priority at the Department.

That wasn’t in the New York Times, either, but I think it should be.

This is not about Mr. Bernhardt’s ethics or his integrity or his qualifications; it is about the fact that he has been and will be effective at implementing an agenda that the other side doesn’t agree with because they know he will be effective in protecting our great outdoors and our public lands.

I am thankful there are qualified people out there like Mr. Bernhardt and his family who are still willing to wade through the muck and serve the people of the United States, knowing that they will be called a liar in front of their children at a U.S. Senate committee hearing despite letters from top officers in charge of our ethics laws at the Department of Interior saying otherwise.

I am thankful for David, and I look forward to working with him and his team at the Department of the Interior. I hope my colleagues will see through the partisan rancor, see through the lens of blue or red, of party politics, and confirm a man who—if you go back to Colorado and talk to people like Russell George, you will learn that he has the greatest respect not only for our public lands but for the people of Colorado, and for that, I am grateful for him and my colleagues who will confirm him today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

HONORING STATE PATROL CORPORAL DANIEL HOWARD GROVES

Mr. GARDNER. Madam President, I rise today to honor an officer of the Colorado State Patrol who was killed in the line of duty on March 13.

As other Members of this Chamber know, many parts of the country were hit hard by a bomb cyclone storm system last month. Again today, we are going through another spring storm. That storm caused flooding in much of the Midwest, as we have seen across the national news, and extremely hazardous road conditions in my State, which led to thousands of stranded drivers.

State Patrol Corporal Daniel Howard Groves, like many first responders that day, was attempting to aid a driver in the Eastern Plains of Colorado on I-76 who had slid off the road, and he was struck by a passing vehicle.

Corporal Groves was 52 years old. He leaves behind a large and loving family, including his parents, his partner Eddie, his four siblings, and many more. We know that his family will continue to honor his sacrifice and ensure that his legacy lives on.

Corporal Groves joined the Colorado State Patrol in 2007 after leaving a career in the technology services industry in Chicago. His family and friends remember him as a man with a tremendous capacity to love and care for others. He was a man of humor who wasn’t afraid to crack a joke just to make people smile. According to a fellow officer, he once arrived at training wearing pajamas instead of the required police sweats.

At a memorial service honoring his life, a longtime friend spoke about the encouragement and advice that Dan was known for. He always encouraged others to follow their dreams, no matter how big. He often spoke of the importance of family and friendship and the need to make time to enjoy life with others.

His fellow officers remembered him as a man who was drawn to service because of his desire to help, someone who always knew the risks inherent in the job but never let that deter him from doing what needed to be done.

One colleague who spoke at the memorial remembered Corporal Groves as someone who frequently asked, where do you need me to be? He always wanted to be in the spot where he could be most effective, no matter the danger involved.

Even on the morning of March 13, as the weather was taking a turn for the worse, Corporal Groves knew there were drivers on the road who needed his help, and, as many law enforcement officers did that day, he bravely ventured out to offer assistance. This quality makes for a great law enforcement officer but is sadly the quality that we most often take for granted.

We owe a tremendous debt of gratitude to Dan and to all first responders who are willing to put their lives on the line to assist those in times of need and a debt of gratitude to their families as well.

I know my colleagues in the Senate will join me in offering our thoughts and prayers to the family and friends of Corporal Groves and all those who defend that thin blue line.

As I have done too many times in this Chamber, I remember the words of LTC Dave Grossman, who said: "American law enforcement is the loyal and brave sheep dog, always standing watch for the wolf that lurks in the dark."

I drive by the spot where Corporal Groves was killed at least two or three times a week, and he will always be in my prayers, along with his family, for his sacrifice.

It is my hope that the thoughts and prayers that we offer to those who wear the blue uniform will bring them comfort as they carry out their solemn duties.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCOTT of Florida). Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

ATTORNEY GENERAL WILLIAM BARR

Mr. SCHUMER. Mr. President, well, if anyone wonders whether Attorney General Barr is a straight shooter, this week, we got our answer.

Yesterday, at the Senate Appropriations Committee, the country saw another disconcerting performance by the Attorney General. In the face of serious questions surrounding the release of the Mueller report, the Attorney General did exactly what President

Trump wanted: He dodged questions, peddled a conspiracy theory, and, like the President, lobbed baseless accusations. It is clear that for Mr. Barr, the title he holds is far less important than the boss he serves.

What he did not say is that Russia attacked our democracy, as all 17 Agencies of our intelligence community have confirmed. What he did not say is that the intelligence community concluded that the Russians infiltrated our democracy to help Donald Trump. What he also didn't say is why he continues to wait on releasing the Mueller report. It took him less than 48 hours to summarize over 300 pages but over 2 weeks, and counting, to release the report itself.

Instead of giving straight answers, Mr. Barr seems to be nothing more than a spokesperson for the President's campaign. He seems more like the President's Press Secretary than the Attorney General. He is even using the President's own tactics: Admit nothing. Deny everything. Make counter-accusations.

Many of us tried to give Mr. Barr a chance, but after this week's performance, it is clear as day he and the President are working off the same playbook and planning to withhold crucial facts from the American people.

What is really important is this: When Attorney General Barr issues his report, his objectivity will be in total doubt. No one will believe, when he redacts large parts of the report, that it was done on the merits; people will believe he redacted parts of the report to help President Trump. How will the American people be able to trust Mr. Barr, and how will the American people be able to believe that his version of the report is the real version when he has been so, so partisan and was willing to peddle FOX News conspiracy theories before the Appropriations Committee yesterday?

When Mr. Barr was first nominated as Attorney General, the question posed to him was, would he be part of the Trump legal team or an independent agent of the law? I think we have our answer, as we watch him echo President Trump's statements and enable President Trump's worst instincts. Whether it is defending the administration's dangerous healthcare lawsuit or perpetuating conspiracy theories, Mr. Barr is acting more like a member of the President's campaign than the independent Attorney General he is supposed to be.

Mr. Barr is letting down thousands—tens of thousands—of hard-working people at the Justice Department. They are doing their job. When someone is given real information that Russia interfered with our elections, of course they are supposed to look into it. That is part of their job. For Mr. Barr to label this as spying, echoing some of the worst conspiracy theorists in the country, he loses all credibility, and that credibility is vital because he will be issuing a report with redactions.

When Mr. Barr issues his report, in terms of what should be redacted and what shouldn't, his objectivity will be in total doubt because of his performance yesterday.

Again, how will the American people be able to trust that the Attorney General has given them the most information he can rather than the least and that he has given them a full view of what happened rather than protecting the President? People are just not going to believe it.

The bottom line is that yesterday's performance calls into complete question the objectivity and even the judgment of the Attorney General. He does not seem to be an independent actor pursuing the rule of law. Rather, he seems to be somebody simply ready to help the President no matter what the price.

H.R. 268

Mr. President, on another matter, disaster relief, it is an absolute travesty that this Chamber is recessing without a compromise on much needed funding for disaster relief.

From the start, Democrats have supported an "all of the above" approach to helping every part of America that is struggling from natural disasters. We need to help everyone hurt last year and everyone hurt this year—everyone hurt in Puerto Rico, everyone hurt in the Midwest, everyone hurt in Florida, and everyone hurt in Texas, Alabama, Mississippi, and Georgia. In the American tradition, everyone comes together when we have disasters, and we help everyone.

Our Republican friends seem to have a different view. They want disaster relief that explicitly denies Puerto Rico the help it needs, even though they are American citizens like everybody else. They heard President Trump's temper tantrum at their lunch a few Tuesdays back, and they have obeyed. This is un-American. We should not be picking and choosing who gets disaster relief.

When Americans suffer, we all step in. We all help. President Trump does not believe that, but where are our Senators who are standing up for this principle? The compassion of the American people is much greater than President Trump's small-minded contempt for the people of Puerto Rico. The Senate, particularly Senators from the disaster States who need that money, ought to have the courage to resist it instead of making up stories and pointing fingers of blame.

Republicans have refused to present a serious solution that can pass the House and the Senate. We all know that if Puerto Rico is not treated equally, it will not be seen on the floor of the House. We all know that the Governor of Puerto Rico has said that the solution Republicans are supporting is not adequate for Puerto Rico. We all know that.

It is a tragedy that the Republican leadership in this Chamber has refused to help American citizens before going into recess. They own the mess they