

**Testimony to the “Forum on President Trump’s Favoritism Toward the Oil and Gas Industry During the Government Shutdown”**

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Good afternoon.

Thank you, Congressman Lowenthal and Members of the Committee for holding this public forum.

Thank you all, as well, for doing everything you can to end this damaging and costly government shutdown.

I had the privilege of working at the Department of the Interior from 2009 to 2012. I served as the Deputy Chief of Staff as the government prepared for three potential shutdowns in 2011.

All those shutdowns were, thankfully, averted. But - guided by the leadership of career civil servants - the Interior Department and its agencies applied a set of principles to prepare for the chaos that comes in any shutdown.

Principle one: Follow the law. The Solicitor’s office at that time was crystal clear that the Antideficiency Act prohibits executive branch agencies from spending money that hasn’t been appropriated by Congress. Period.

Principle two: Protect public safety, and the resources that Interior is responsible for safeguarding. You cannot safely operate our national parks, wildlife refuges, or national monuments without rangers - it is as simple as that.

Principle three: Be fair. Our government is supposed to treat everyone equally - whether the government is open or closed. The Interior Department should never be a political favor factory.

Principle four: Be open and honest with the public. The public deserves to know what is going on at the Interior Department at all times. A shutdown is no exception. The responsibility rests with the Secretary of the Interior to clearly explain what is open, what is closed, and why.

The Trump Administration’s Interior Department is following none of these principles.

Acting Secretary David Bernhardt is, instead, bending - and potentially breaking - the law to protect the oil and gas industry from any interruption in the services of government. Many of these companies are his past lobbying clients.

The only way the public has any idea what the Interior Department is doing is if news of some activity leaks out. Acting Secretary Bernhardt’s Interior Department is a black box of secrecy.

For the American people who are trying to make sense of what the Interior Department is doing, here is what they see:

They see a department working to let oil companies drill off the Atlantic coast, while pulling down work to advance offshore wind leases.

They see a department that is processing hundreds of drilling permits and speeding ahead with plans to drill in the Arctic National Wildlife Refuge, while shuttering critical support services for tribes across the country - including health care, child care, and contracting support.

They see a department that is allowing our national parks, wildlife refuges, and public lands to get trashed while the leader of the American Petroleum Institute boasts that the oil industry hasn't "seen any major effects of the shutdown."

This is not the way government is supposed to work in any circumstance, especially during a major crisis.

In the words of a recent complaint that was filed with GAO, Acting Secretary Bernhardt is very clearly "gaming the system to circumvent the shutdown."

So what is to be done about this mess?

Until the government re-opens, here are three recommendations for the Interior Department:

First: Acting Secretary Bernhardt needs to come out of the shadows and explain to the public how he is running the Interior Department.

He should, at a minimum, should be holding daily public media briefings describing what is happening in on our parks, with our natural resources, and with services that affect tribal nations. To my count, since becoming acting Secretary, David Bernhardt has not once stood in front of journalists or a public meeting to answer questions.

Second: The Interior Department should be providing real-time updates to Congress and the public on how much money it claims to have left in its accounts. They have now repeatedly - and magically - found leftover money from 2018 to pay for their oil and gas activities.

Does this money really exist? Is it being spent as Congress intended? And if so, how long will that money last?

Third: The Interior Department should immediately make a blanket extension of all public comment periods that were open during the government shutdown.

You cannot expect the public to comment on - say - drilling plans for the Arctic National Wildlife Refuge if websites are compromised, or if agency staff is not on hand to meaningfully engage in a public process.

Congressman Lowenthal and Members of the Committee: thank you again for holding this forum, and for your work to end this shutdown.