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Deflect and obstruct: How Interior ducked House oversight

BY EMMA DUMAIN, CORBIN HIAR | 01/12/2021 07:11 AM EST



House Natural Resources Chairman Raúl Grijalva (D-Ariz.) on Capitol Hill in July. | Francis Chung/E&E News

E&E DAILY | When Scott Angelle, an oil drilling advocate-turned-industry regulator, finished a hearing before the House Natural Resources Committee last March, lawmakers had some follow-up questions for him — a standard part of the congressional oversight process.

The Interior Department's response to the inquiries, however, was anything but routine.

It took nearly nine months for the department to address committee members' requests for more information about the Bureau of Safety and Environmental Enforcement director's role in weakening offshore oil production standards.

And when the agency finally did so at the end of last year, according to interviews with Natural Resources staffers and dozens of emails and documents they shared with E&E News, it required that 29 boxes' worth of documents be hand-delivered to Capitol Hill and physically accepted by a committee staff member — in the midst of a raging public health crisis.

Natural Resources Chairman Raúl Grijalva (D-Ariz.) said the message from Interior implied by the document dump was clear: "Go find it yourself."

What the committee ultimately received, staffers say, was materials either already publicly available or not responsive to the request.

This lack of cooperation at Interior is part of a larger pattern of deflection and outright obstruction of congressional oversight by the Trump administration — one that is without parallel, according to current and former Hill staffers.

"I've been involved with congressional oversight in different capacities for several decades, and the stonewalling of the Trump administration and its agencies has been unprecedented," said Phil Barnett, who was an aide to former Rep. Henry Waxman (D-Calif.), who led major congressional investigations of the 2010 Deepwater Horizon oil spill and the tobacco industry.

"When we have these consistent efforts to thwart oversight and thwart accountability," he continued, "the motivation unfortunately is often that people are making decisions they're worried can't withstand the light of day."

From the White House down to Interior's Office of Congressional and Legislative Affairs, the outgoing administration has regularly thumbed its nose at the constitutionally provided powers of the co-equal branch of government.

That began as soon as President Trump took office at the beginning of 2017, when his Justice Department told agencies they could ignore oversight requests from the Democratic minority. And the obstruction continued well past January 2019, when House Democrats regained the majority.

Oversight battles led to sparks at some congressional hearings, but they were mostly waged out of public view by faceless committee staffers and low-level political appointees. The documents provided to E&E News offer a vivid behind-the-scenes look at how and why Democrats on many

committees have struggled to hold the norm-breaking administration to account.

For Natural Resources staffers, the disputes had real consequences. Lawmakers and the taxpayers they represent were blocked from receiving vital information about the Bureau of Land Management's costly and controversial decision to move its headquarters from Washington to an isolated city in western Colorado.

The documents also show the agency prevented top appointees from testifying — or even submitting written testimony — for Natural Resources hearings on a whole range of topics related to safety, conservation and activities on public lands.

"It shows extreme levels of disrespect for another branch of government," Justin Rood, an investigations staffer under the late Sen. Tom Coburn (R-Okla.), said of Interior's efforts to evade scrutiny. "It's intolerable for a functioning democracy."

Oversight's gatekeeper



Interior Secretary David Bernhardt on Capitol Hill last year. | Francis Chung/E&E News

Democratic staffers of the Natural Resources Committee say they launched 43 formal document or information requests for Interior over the last two years, and they estimate that fewer than a quarter of those requests were "adequately fulfilled."

A selection of emails shared with E&E News show staffers persistently seeking to obtain the materials necessary to close out the requests, often checking in with their Interior contacts several times over many months for updates. They were repeatedly brushed off or ignored.

Frequently, the buck stopped with Cole Rojewski, a 32-year-old former chief of staff and campaign manager to Rep. David Valadao, a California Republican who lost his seat to Democrat T.J. Cox in 2018 but won it back last year.

Rojewski has led Interior's Office of Congressional and Legislative Affairs since February 2019, the same month Cox was chosen to run the Natural Resources Subcommittee on Oversight and Investigations.

"Sometimes familiarity breeds contempt," said Rood, who is now the congressional director at the Project on Government Oversight watchdog group.

Rojewski's personal connection to Natural Resources, Rood said, may have "made for an even more poisonous and toxic relationship than exists between most Trump agencies and their Democratic oversight committees."

In a statement to E&E News, Rojewski defended his facilitation of the oversight process. "I have great respect for Congress's legitimate constitutional oversight role," he said. "After receiving over 81,000 documents consisting more than 465,000 pages, the Committee appears to be frustrated that they were unable to identify any instance in which the Department acted inappropriately or unlawfully."

He added, "Future oversight bodies should take note that partisan, headline-driven oversight is hardly a model for success."

Natural Resources staffers tell a different story. They came to dread when their routine follow-up emails were punted to Rojewski.

Take the committee's effort to get responses to lawmakers' questions for Angelle, the BSEE director, after the March 2020 hearing.

When Rojewski last joined a monthslong thread about the Angelle questions on Dec. 7, the congressional affairs chief said he looked "forward to delivering the more than 40+ packages to the Chairman before this Congress ends."

After committee staffers objected to receiving materials in person that ought to be available electronically — especially given the soaring rates of COVID-19 infections in the U.S. — Rojewski's response was to downplay the severity of the potentially deadly disease.

"I know the Department and many of your members have continued working through this pandemic for the American people," Rojewski said in one of several heated exchanges that day. "I was especially happy in August when I saw the Chairman, like many members of congress, out and about with the public just a mere two weeks after contracting COVID."

When Natural Resources staffers last month finally got Angelle's responses to lawmakers' follow-up questions from the March hearing, the information was loaded onto CDs and clearly could have been transmitted electronically. Staff also said the responses had been cleared for release all the way back in July.



Cole Rojewski. | @ColeRojewski/Twitter

But this wasn't the first time Rojewski had dismissed Democrats' pandemic safety concerns and pressured the committee to flout the social distancing guidelines issued by the Trump administration's own health officials.

At least three times last September, Rojewski said Interior leaders would not participate in committee oversight hearings until members agreed to meet in person. The agency would be "happy to reconsider once members return to work at the Committee," he added.

On one of those occasions, Rojewski linked to a [tweet](#) showing Grijalva at an outdoor event in Tucson, Ariz., and said, "The argument that members can't show up for hearings has [passed]."

Grijalva, 72, had recovered from the novel coronavirus earlier that year. The chairman's illness came after Interior Secretary David Bernhardt challenged him to fly back from his district to preside over a Capitol Hill hearing that Democrats had, for public health reasons, intended to be virtual ([E&E Daily](#), Aug. 3, 2020).

While declining to make another Interior official available for an oversight hearing, Rojewski said that Cox, the subcommittee chairman, had "failed to attend a single of the multiple briefings we held for the committee on [the] issue."

"Regardless," Rojewski continued, "we continue to look into the issues discussed at the last briefing and will work with the committee once members come back to work."

Angelle, Excel printouts and windings



Bureau of Safety and Environmental Enforcement Director Scott Angelle during a Natural Resources Committee hearing last year. | Francis Chung/E&E News

Many of the oversight requests to which Rojewski and his office were slow to respond specifically concerned Angelle's management of BSEE and allegations of industry bias. Both issues, Democratic lawmakers argued, could result in the enactment of policies harmful to the environment and the public.

The BSEE director was appointed to his regulatory position in 2017 after a career in Republican politics and years on the board of the oil company Sunoco.

In the days leading up to Grijalva's ascension from ranking member to chairman of Natural Resources, he made clear he wanted to conduct rigorous oversight over Angelle.

That interest followed a series of 2018 reports showing Angelle giving out his personal cellphone number to oil executives, instructing them to call him with recommendations and requests so they could skirt public records laws ([Energywire](#), Nov. 13, 2018).

In February 2020, *The Wall Street Journal* [detailed](#) Angelle's undocumented role in watering down the "Well Control Rule" — the Obama-era policy that tightened offshore drilling safety and testing measures in response to the Deepwater Horizon oil spill. The paper alleged Angelle had pressured career staffers to make the revised rule friendlier to the oil and gas industry.

The day the story broke, Grijalva asked Interior for documents relating to the drafting process for the revision and several others, seeking to determine whether there was a pattern of leadership interference in determining final environmental regulations.

The following month, Angelle appeared before the committee and disputed the *Journal's* reporting, at which time Energy and Mineral Resources Subcommittee Chairman Alan Lowenthal and fellow California Democratic Rep. Mike Levin formally asked the BSEE chief to provide them with "any communications, documents or evidence" to support his claims ([E&E Daily](#), March 11, 2020).

"It's an amateur tactic to send up hard copies, especially in the middle of a pandemic."

— *Phil Barnett, former Hill Democratic aide*

Four months later, Interior's congressional affairs office sent the committee 38 boxes that the agency said were responsive to its Well Control Rule questions. The boxes contained over 48,000 documents and more than 113,000 pages of material, including printouts of 27 Excel files.

After going through the boxes, Natural Resources staffers determined that the overwhelming bulk of the materials was already widely available and previously released, including public comments and environmental impact statements. Still, Angelle demanded that the information be kept private.

"The confidentiality of documents" enclosed needs to be maintained to protect the country's "ongoing litigation interests," he said in a letter that accompanied the document dump last July.

"It's an amateur tactic to send up hard copies, especially in the middle of a pandemic," said Barnett, the former Waxman staffer who now leads a congressional support group called Co-Equal. By the time he left Congress in 2014, he said the "vast majority" of document productions were done electronically.

At a 2019 hearing, Rep. Deb Haaland (D-N.M.) — President-elect Joe Biden's pick to lead Interior — criticized the agency for responding to an oversight request with unrelated materials, including nearly 100 pages of documents written in the windings font.

"I can't defend that," said Brian Steed, who was at the time the Bureau of Land Management's deputy director of policy and programs ([E&E Daily](#), April 11, 2019).

'The article speaks for itself'



William Perry Pendley, the Bureau of Land Management's former acting director, during a Natural Resources hearing last year. | Francis Chung/E&E News

The leadership of acting BLM Director William Perry Pendley was another major focus of oversight for Natural Resources.

Committee Democrats were concerned about Pendley as soon as he was installed at BLM in July 2019. He had spent his career opposing federal government control of public lands and boasted a record of mocking climate science and denigrating the Black Lives Matter movement ([Greenwire](#), June 29, 2020).

His arrival at BLM also coincided with Interior's momentous announcement that it would relocate BLM's top brass from D.C. to Grand Junction, Colo. The administration said the move was designed to bring the agency closer to the vast majority of the 245 million acres it manages, but critics

feared it was part of a larger effort to make the agency obsolete.

Pendley testified before the full Natural Resources Committee regarding the move in September 2019, but his appearance "left more questions than answers," Grijalva said in a letter to Bernhardt the following month. The chairman urged the Interior secretary to share the agency's official analyses justifying the BLM relocation (*Greenwire*, Nov. 14, 2019).

The letter failed to shake loose any information on the Grand Junction decision and how it would affect BLM's top career staffers. Committee staff said that shortly after issuing a subpoena threat last March, Interior did hand over some materials the panel had been requesting for months.

Yet the agency continued to sit on other key information, and documents show the committee's other emails about the matter went unanswered. In the heat of the summer, a Natural Resources staffer tried again, stating that news coverage of the completion of the relocation should mean that all personnel data would now be available (*Greenwire*, Aug. 6, 2020).

"Thanks for your interest," an Interior aide said. "The move west is going great and the article speaks for itself."

Interior claims this email exchange fell outside the realm of a formal document request and that the original BLM investigation had been closed months earlier. Committee staff argue this was an extension of its ongoing inquiry that should not have been so glibly dismissed.

In any event, it marked the last exchange on the matter, said Natural Resources staffers, and the public still does not know how many jobs have been lost as a result of the relocation, including how many job losses might have disproportionately affected Black employees.

These issues might have come up at Pendley's confirmation hearing to be the permanent BLM director had the White House not pulled his nomination amid backlash from Republicans. He continues to lead the agency, even after a federal judge in Montana ruled he could no longer do so in an acting capacity (*Greenwire*, Sept. 25, 2020).

'Short-term wins'

When the Trump administration ends next week, Rojewski and his colleagues can leave office secure in the knowledge that they have largely shielded many of Interior's most controversial decisions from potentially damaging scrutiny.

But they didn't do it alone, congressional oversight experts say. And the agency's veil of secrecy could soon be lifted.

Stonewalling by Rojewski and others succeeded "because of the level of disrespect that exists not only in the administration but within the institution of Congress," said Rood, the former Senate GOP staffer.

"And when powerful congressional colleagues side with the executive branch over their own responsibilities and authorities," Rood said, "that's how an institution shuffles itself into irrelevancy."

It's not uncommon for congressional majorities to be more lax in their oversight activities of an executive branch that shares their party label, which could explain why House Republicans did little to police the Trump administration in its first two years.

"All those things are things that we're not going to let go of."

— *House Natural Resources Chairman Raúl Grijalva (D-Ariz.)*

In fact, Grijalva told E&E News he doesn't think he will need to exercise aggressive oversight of the incoming, Democratic, Biden administration, especially with Haaland, an ideologically aligned friend and colleague, poised to become the next Interior secretary.

Instead, Grijalva said, the Natural Resources Committee's new oversight mandate could actually come down to relitigating some of the developments of the last two years, from the shrinking of the Bears Ears National Monument to the expansion of uranium mining around the Grand Canyon to the mishandling of the COVID-19 crisis in Indian Country.

"All those things are things that we're not going to let go of," he said.

Grijalva also said he hoped the committee could use its oversight functions to expose the undue industry influence in the decisionmaking process at Trump's Interior Department.

"I think we can help develop guardrails that Interior hasn't, to make sure that they are transparent, accountable and conflict-free," he said.

When Biden takes charge on Jan. 20, the information blockade at Interior is likely to end, Rood predicted. Grijalva, who said Biden will come in with a "clean slate," will find an agency more responsive to congressional oversight and eager to reverse Trump-era environmental rollbacks.

"Everything that you fought to protect is going to get shared. Everything that you tried to stop from happening is going to happen," Rood said of Trump's Interior. "So rather than putting yourself and your agency on a long-term path for success, you've enjoyed a brief series of short-term wins that, upon its end, is quickly reversed."

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