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E&E NEWS: Sexual Harassment may plague entire Department

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Interior Secretary Ryan Zinke said today that sexual harassment might be a departmentwide problem, not just within the National Park Service.

"It's not just the Park Service," Zinke said in response to a question from Rep. Niki Tsongas (D-Mass.) during a House Natural Resources Committee hearing on the administration's fiscal 2018 budget proposal.

When Tsongas followed up and asked if he was suggesting sexual harassment was a "broader issue" through the department, Zinke agreed.

"It may be departmentwide, I think that is a fair assessment," he said, specifically mentioning the Bureau of Land Management as another trouble spot.

Zinke, who reiterated that he has "zero tolerance" for sexual harassment, which he witnessed in the military, told lawmakers he may need legislative help in combatting the problem.

"I want to make sure we have an environment free of harassment and free of intimidation," said the secretary.

One area where Zinke might seek help from Congress is getting bad apples out of the department faster. It's notoriously difficult to fire career federal employees, something Zinke alluded to in response to a question from Rep. Don McEachin (D-Va.).

McEachin today asked the full panel and the Oversight and Investigations Subcommittee to hold a hearing to investigate the pervasive sexual harassment at agencies, including the NPS (E&E Daily, June 8).

The Virginia Democrat asked Zinke why Interior hasn't hired more lawyers in response. Zinke said some of the problem is structural and that he "couldn't fire" those who engaged in misconduct because of red tape.

"I need some help from Congress," he said. Lawmakers recently passed legislation to make it easier to fire employees at the Veterans Affairs Department.

Subcommittee Chairman Raúl Labrador (R-Idaho) said he was open to McEachin's request to holding a hearing on sexual harassment at NPS.

'No gag order'

Zinke today also committed to meeting Democrats "in person" to discuss department issues, after hearing complaints from the minority over the department's failure to respond to several formal information requests.

"There is no gag order," Zinke said, responding to questions from House Natural Resources Committee ranking member Raúl Grijalva (D-Ariz.). "I have met with the minority in person; I committed to meeting with the minority."

Zinke, who sat on the Natural Resources panel when he was a Montana congressman, added that he would give Grijalva his phone number as a professional courtesy. Zinke also said he has pledged to meet quarterly with members.

"While I appreciate the gesture, the fact remains these responses for the record need to occur," Grijalva said, referring to letters from Democrats to Interior.

Grijalva has sent Interior several missives since January on various issues, including the department's wide-ranging review of 27 national monuments, and has not yet received any response, said Adam Sarvana, communications director for the Democrats on Natural Resources.

The Justice Department earlier this month concluded that the executive branch's constitutional duty to respond to information requests is largely limited to committee chairs (Greenwire, June 9).

Senate Judiciary Chairman Chuck Grassley (R-Iowa) later dismissed DOJ's interpretation as "nonsense," joining Democrats in their criticism.

Offshore drilling

Zinke largely stuck to his script during his appearance, one of several this week, pointing out that the budget proposal was a "starting point" and that it represented a "balanced" approach.

Members once again outlined concerns about the \$11.7 billion request and proposed cuts affecting a host of programs, including the Land and Water Conservation Fund, payments in lieu of taxes program, and the administration's Atlantic and Pacific offshore drilling push.

"All of a sudden, the talk is doing more with less, everyone tightening their belts, making sacrifices," said Grijalva, who complained about the 85 percent proposed cut to LWCF in particular.

He added: "But I don't see the oil and gas industry making sacrifices in this budget. I don't see polluters setting up any new cleanup fund to pay for their actions."

The Natural Resources panel boasts several members from California, and a couple of them took an opportunity this morning to grill Zinke over President Trump's April 28 executive order directing Interior to review offshore oil and gas drilling in the Atlantic and Pacific outer continental shelf regions, which President Obama declared off-limits under a five-year plan.

"We do not want new leasing off our coastline," said Rep. Jared Huffman (D-Calif.). "The people of California are simply not going to allow it to happen. You will be doing less with less if you attempt to drill for oil off the coast of California."

Zinke told Huffman the department plans to publish a request for information on the five-year plan. "I want to say in the next 30 days, if not sooner," said Zinke. "We think the whole five-year plan will be done in two to three years."

'I don't have a director of anything'

Zinke today complained, as he has previously, that he is the only confirmed official in place at his department. "I've got about 70 appointments, not one that has gone through Senate confirmation

yet," he told lawmakers, during the exchange with McEachin.

"I have five solicitors that are pending confirmation," Zinke said. "I don't have a deputy. I don't have a director of Fish and Wildlife. I don't have a director of parks. I don't have a director of anything."

Zinke has frozen hiring in Washington, D.C., and Denver, but told McEachin that he might be open to an exception to that if necessary.

Monuments review

Natural Resources Chairman Rob Bishop (R-Utah) praised Zinke for his "inclusive process" in the department's review of 27 national monuments, including two in Utah.

"After eight years, it is a breath of fresh air to have someone leading the department who understands the reason why it was created in the first place, and just how far its core statutory functions have strayed since that time," Bishop said.

The Utah Republican said he was committed to introducing legislation to help Zinke clean up ambiguities in the management of monuments, including Bears Ears.

Zinke has said previously that while the 1906 Antiquities Act gives the president authority to proclaim monuments, managing those properties — especially when they conflict with other designations such as wilderness areas that have separate federal restrictions — is challenging. And in those cases, it's Congress, not the president, with the authority to sort that out.

"The committee is ready to do any kind of legislation to succeed in any of those broader reforms you would like to do," Bishop said.

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Alex Hinson

Deputy Press Secretary
Department of the Interior
C: 202-641-5381