



BUDGET The United States
Department of the Interior
JUSTIFICATIONS

and Performance Information
Fiscal Year 2021

**OFFICE OF
THE SOLICITOR**

NOTICE: These budget justifications are prepared for the Interior, Environment and Related Agencies Appropriations Subcommittees. Approval for release of the justifications prior to their printing in the public record of the Subcommittee hearings may be obtained through the Office of Budget of the Department of the Interior.



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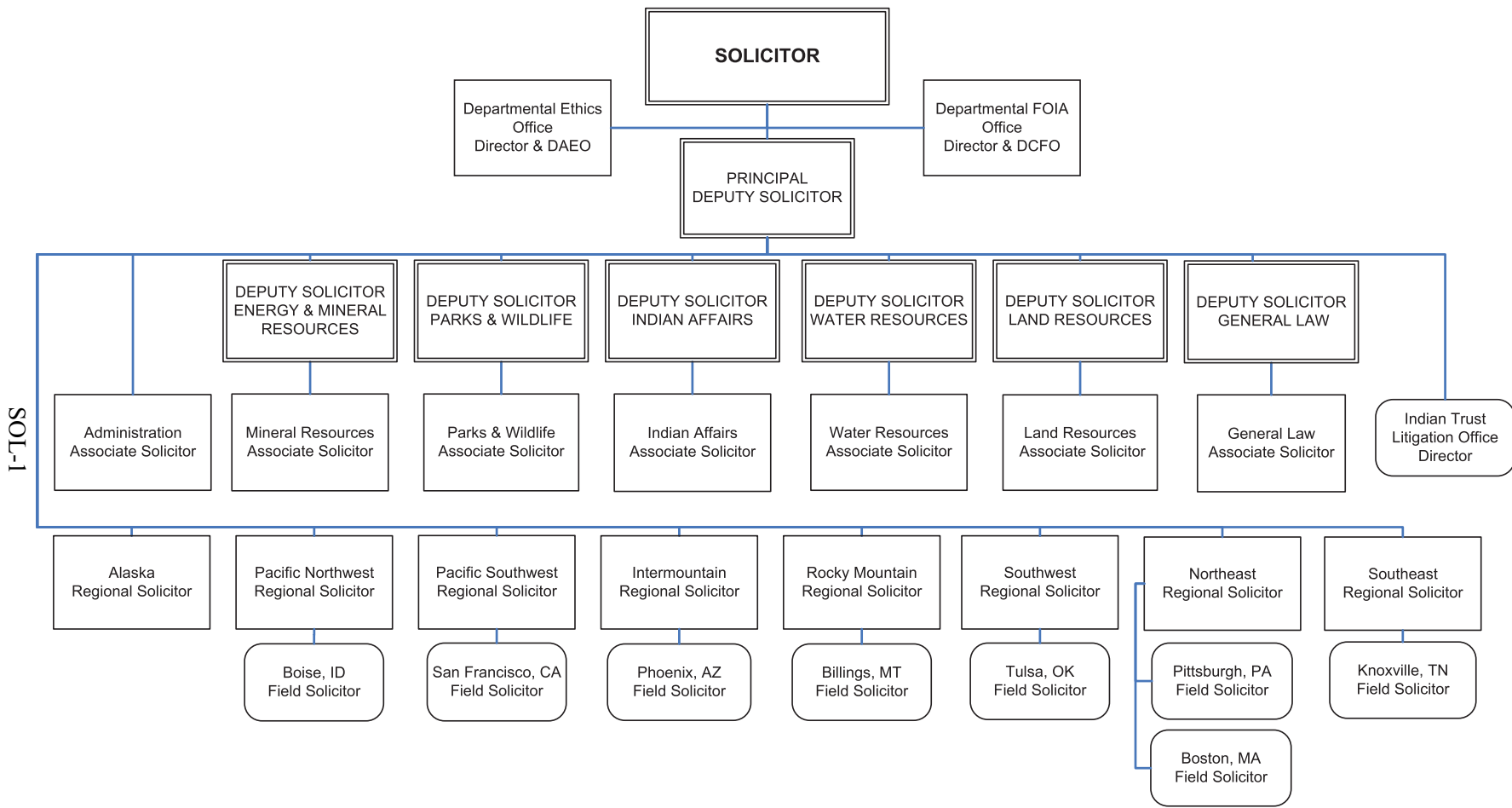
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DEPARTMENT OF THE INTERIOR

OFFICE OF THE SOLICITOR

ORGANIZATIONAL CHART



I-105

GENERAL STATEMENT

The Office of the Solicitor (SOL, Office) maintains the mission of providing legal counsel and advice to the Department and inspiring high ethical standards. The Office provides legal representation and other services to the Secretary and his Immediate Office, the Deputy Secretary, the Assistant Secretaries, and all bureaus and offices, ensuring that all components of the Department carry out their responsibilities in accordance with the law. SOL provides legal representation across the entire spectrum of the Department's broad mission, requiring extensive knowledge of laws relating to a host of natural resource issues, property law, administrative law, Indian law, contract law, tort law, employment law, and appropriations law. In the litigation arena, SOL attorneys represent the Department in administrative hearings and work in conjunction with the Department of Justice in representing Interior in judicial proceedings throughout the United States. SOL also provides legal assistance in drafting and reviewing regulations, contracts, memoranda of agreement, formal decisions, leases, rights-of-way, title documents, other legal instruments, and proposed legislation. In addition, SOL manages Interior's Ethics Office and resolves Freedom of Information Act (FOIA) and Privacy Act Appeals.

In addition to providing the Secretary and the Department the legal services needed for the advancement of priority goals and other mission areas, the budget request consolidates and modernizes the Department's ethics program for maximum effectiveness. The Department is committed to transforming and enhancing the ethics infrastructure. A functional and resilient ethics program that facilitates DOI's ability to fully embrace a culture of ethical compliance is critical. The budget request includes an increase of \$16,864,000 and seventy-eight FTE to meet the Department's ethics compliance requirements and to realign the reporting structure for ethics personnel in the Department into the Departmental Ethics Office (DEO). The FY 2021 budget implements this reorganization to restructure the ethics program by transferring bureau ethics funding and FTEs to the DEO. Other DOI bureau and office budget requests include decreases of \$14,921,000 to partially fund the DEO's budget request increase.

The budget request also creates a new FOIA Office activity for \$1,860,000 for eight FTE in the Departmental FOIA Office to oversee and improve the Department's FOIA program. This new activity will help to ensure that FOIA operations in the Department are conducted efficiently, effectively and in full compliance with applicable laws.

The budget request supports the President's Management Agenda Workforce Cross-Agency Priority Goal #3, Developing a Workforce for the 21st Century. The Department will support strategic recognition throughout the year, address workforce challenges, and recognize high performing employees and those employees with talent critical to mission achievement. The budget assumes agency pay for performance efforts increase one percentage point for non-Senior Executive Service (SES)/Senior Leader (SL)/Scientific or Professional (ST) salary spending.

LEGAL SERVICES WORKLOAD

The work of the Office impacts every program within the Secretary's jurisdiction. SOL attorneys actively engage in client counseling to ensure sound decision-making, including implementation of strategies that may decrease the likelihood of litigation and corrective post-litigation actions. SOL attorneys assist the

Secretary, through the Departmental bureaus and offices, in responding to congressional direction in appropriations and substantive legislation, advising the bureaus and offices on legal options for streamlining processes and improving program management, and implementing plans to carry out departmental goals. The Office also assists the bureaus in responding to requests from the Inspector General, the Office of Special Counsel, the Congress, the courts, and the public.

Attorneys handle filed litigation, reduce or mitigate potential legal challenges, and provide timely counseling which is critical to ensuring litigation risks are properly managed. With proactive counseling, decision-makers are provided the opportunity to weigh litigation risks and potential costs by pursuing one decision over another. Front-end counseling is critical to realizing cost avoidance by either preventing litigation or narrowing the issues that might be challenged in litigation.

The Office of the Solicitor plays a highly specialized and multifaceted role in the Department. The Office provides expertise in natural resources and Indian law, as well as a considerable number of other substantive legal issues, including real property, administrative, tort, procurement, and employment law. Office personnel develop expertise over years of practice in highly technical and specialized statutory and regulatory schemes. The Solicitor's Office devotes a substantial portion of its time on the legal counseling needed for agency program managers to plan for and reach defensible decisions that are closely scrutinized by various interested, and often litigious, constituencies. Some of the work the Office performs includes: reviewing proposed regulations and proposed regulatory revisions; reviewing permits; reviewing land use planning documents; advising on all administrative functions; law enforcement; security; preparing Secretarial Orders; and participating in government-to-government relations with Indian tribes. The Office advises the Secretary and his designees through the bureau and office component structure. It is the work of the Solicitor's Office that forms the legal foundation for program decisions, risk analysis on a particular course of action, and the development and review of the administrative records and evidence to support the program decision. In litigation, the Department of Justice relies on the expertise of SOL lawyers to prepare the administrative record, respond to discovery requests, identify and prepare fact and expert witnesses for testimony, conduct extensive document productions (including privilege reviews), draft legal arguments, develop litigation strategy, and prepare a comprehensive defense of the Department's actions.

Counseling

The Office's legal counseling services support every facet of the Department's wide-ranging mission, as indicated by the breadth of the counseling areas described above. Ensuring that high priority Secretarial initiatives receive sufficient and thorough legal counsel is critical to decreasing the likelihood of future litigation.

For example, the Department is playing a critical role in advancing national policy to promote environmentally responsible and safe development of our Nation's vast energy resources, while at the same time minimizing regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation. Nine of the Department's ten bureaus have significant energy programs, operations, and responsibilities. The Department's energy portfolio includes oil, gas, coal, hydroelectric, wind, solar, geothermal, and biomass. The development of energy resources on public

lands will increase domestic energy production, provide alternatives to overseas energy resources, create jobs, and enhance the energy security of the United States.

The Office's legal counseling services provides integral support across the spectrum of the Department's initiatives in furtherance of this important policy. The Office provides counseling both on a strategic level and on a project level. On a strategic level, it reviews old and proposed regulations and policy initiatives. On a project level, it reviews energy exploration, development, production, and transportation decisions or actions for National Environmental Policy Act (NEPA) compliance and other legal considerations.

The Office provides legal services across the broad spectrum of the Department's programs, helping to minimize legal risk and to enhance litigation success in the advancement of the Administration's priorities and legal obligations. Client counseling is essential to reaching sound and defensible program decisions and ensuring Departmental compliance with a broad array of legal requirements. Office attorneys provide a wide breadth of services, including giving advice to the review and drafting of key Departmental decisions, rulemakings, and planning documents in a broad spectrum of disciplines based on the diversity of the bureaus and offices. Our attorneys also help prepare and review massive administrative records that are the basis of our defense in litigation over Departmental decisions. For example, land use planning and other decisions may require analysis under NEPA to identify and analyze a variety of alternatives that will eventually form the basis of a final agency decision. Legal counseling from the beginning of a NEPA process is critical to ensuring cost effective management of the process and potentially narrows the issues that might arise as challenges to a bureau's proposed action.

In areas such as employment law, regular and timely counseling with management officials leads to better and more defensible personnel decisions, lowers the risk of employee complaints and litigation, and thus saves the agency time and money. Providing established Departmental programs legal services is essential to providing comprehensive and robust legal representation for the Department.

In FY 2021, the Office will continue legal services in established practice areas, such as the development of the offshore oil and gas five-year plan, continue permitting of energy projects, administration of tribal and individual Indian resources, statutorily required decision-making under the Endangered Species Act, and a host of other land management programs.

Litigation

The Office's litigation workload is driven by (1) defensive litigation in which SOL attorneys work with the Department of Justice (DOJ) to defend the Secretary's actions and those of the various bureaus and offices; (2) affirmative litigation in which SOL attorneys develop referrals and work with DOJ in prosecuting primarily civil legal actions to enforce and/or obtain compliance related to environmental, natural resource, and Indian laws overseen by the Department; (3) challenges to bureau decisions before administrative boards of appeals, such as the Interior Board of Land Appeals, the Interior Board of Indian Appeals, and the Civilian Board of Contract Appeals; and (4) employment disputes such as those filed with the Merit Systems Protection Board and the Equal Employment Opportunity Commission. The vast majority of the Office's litigation is defensive in nature, meaning that SOL has no discretion but to handle the matters. Failure to do so would result in possible default judgment by the court, as well as sanctions.

In the course of this work, SOL attorneys work with DOJ at all judicial levels, including State and Federal trial courts, appellate courts, and the United States Supreme Court. The Office also internally handles administrative litigation matters.

With proactive counseling, decision-makers are provided the opportunity to weigh litigation risks and damages to program management by pursuing one decision over another. Front-end counseling is critical to realizing cost savings by either preventing litigation or narrowing the issues that might be challenged in litigation.

Defensive Litigation

The Office has virtually no control over the number of defensive cases being filed against the Secretary and the Department. These cases are non-discretionary, meaning that the Solicitor's Office must participate in working with the Department of Justice in all phases of the litigation. Failure to do so could result in the courts issuing default judgments against the Secretary and the Department, as well as contempt of court citations. Court schedules and deadlines drive the pace of the work and attorney time devoted to these cases.

These defensive suits arise from all aspects of agency decision-making. The suits include: challenges to land management decisions; water use and operations; breach of contract claims; tort allegations; alleged breaches of trust in dealing with Indian lands, resources, and monies; and personnel and employment related matters. For example, defensive litigation concerning how the Secretary fulfills fiduciary trust obligations to individual Indians and Tribes continues to be a resource-intensive effort.

Affirmative Litigation

In affirmative litigation, the Office's goals are straightforward and critically important: ensure that Federal laws are followed through civil enforcement actions that provide credible deterrents against future violations; ensure that violators of criminal statutes are appropriately punished; collect debts owed to the government; ensure that those responsible for contamination pay for or conduct needed remediation; and obtain money to restore or replace natural resources injured or destroyed by oil spills or releases of hazardous substances into the environment.

In affirmative litigation, the Office has an opportunity to recover costs incurred performing environmental cleanups on Departmental lands and economic damages for injuries to natural resources and to use those recovered funds and damages to conduct additional environmental cleanups and directly address harm to public resources. In environmental cleanup matters, the Office recovered \$4.6 million in FY 2018 and \$5.3 million in FY 2019. These funds are returned to the Department's Central Hazardous Materials Fund and used for cleanups at other sites on Departmental lands.

The Office also recovers settlement funds for natural resource restoration and recovery of past costs. Over the last seven years, the Department's Restoration Fund has received an average of over \$295 million annually in restoration settlements and advanced or reimbursed cooperative damage assessment funds. Fiscal year 2020 receipts are estimated at more than \$600 million, with the increase largely due to the finalized settlement for natural resource impacts arising from Deepwater Horizon oil spill in the Gulf of Mexico. Between 2017 and 2031, the settlement will deliver up to \$8.8 billion to the Restoration fund

in annual installments. None of this money would have been collected without intensive work by the Office of the Solicitor.

GOOD ACCOUNTING OBLIGATION IN GOVERNMENT ACT REPORT

The Good Accounting Obligation in Government Act (GAO-IG Act, P.L. 115-414) enacted January 3, 2019, requires that Agencies report the status of each open audit recommendation issued more than one year prior to the submission of the Agency's annual budget justification to Congress. The Act requires Agencies to include the current target completion date, implementation status, and any discrepancies on closure determinations.

The Department of the Interior leadership takes audit follow-up very seriously and considers our external auditors, to include the Government Accountability Office (GAO) and Office of the Inspector General, valued partners in not only improving the Department's management and compliance obligations but also enhancing its programmatic and administrative operations. As stewards of taxpayer resources, the Department applies cost-benefit analysis and enterprise risk management principles in recommendation implementation decisions.

The Department's GAO-IG Act Report is available at the following link: <https://www.doi.gov/cj>

FISCAL YEAR 2021 BUDGET REQUEST OVERVIEW

The FY 2021 President's Budget request for the Office of the Solicitor is \$86,813,000.

The Office developed a 2021 budget that focuses on supporting the Department of the Interior's efforts to improve the efficiency and effectiveness of Department-wide programs by delivering the highest quality legal, ethics, and FOIA services to Interior.

The following table illustrates the 2019 Actual, the 2020 Enacted, and the 2021 Request.

TOTAL 2021 BUDGET REQUEST

(Dollars in Thousands)

Budget Authority	2019 Actual	2020 Enacted	2021 Request
Appropriation Total	65,674	66,816	86,813
FTE Direct	289	304	381
FTE Reimbursable	91	150	82
FTE Allocation	31	30	42
FTE Total	411	484	505

**Office of the Solicitor
Budget at a Glance**

(Dollars in Thousands)

	2019 Actual	2020 Enacted	Fixed Costs	Program Changes	2021 Request
Legal Services	58,996	59,240	+1,645	-1,120	59,765
Workforce Planning				[-1,120]	
General Administration	4,940	5,029	+684	0	5,713
Ethics Office	1,738	2,547	+64	+16,864	19,475
Ethics Office Modernization ^{1/}				[+16,864]	
FOIA Office	-	-	-	+1,860	1,860
Establish FOIA Office				[+1,860]	
Total	65,674	66,816	2,393	17,604	86,813

1/ Includes a transfer of \$14,921,000 from other DOI agencies.

Summary of Requirements for the Office of the Solicitor

(Dollars in Thousands)

	2019 Actual		2020 Enacted		Fixed Costs (+/-)	Program Changes (+/-)		2021 Request		Change from 2020 (+/-)	
	Amount	Total	Amount	FTE		FTE	Amount	FTE	Amount	FTE	Amount
		FTE									
Salaries & Expenses											
Legal Services	58,996	271	59,240	+1,645	-9	-1,120	262	59,765	-9	+525	
General Administration	4,940	21	5,029	+684	0	0	21	5,713	0	+684	
Ethics Office ^{1/}	1,738	12	2,547	+64	+78	+16,864	90	19,475	+78	+16,928	
FOIA Office	0	0	0	0	+8	+1,860	8	1,860	+8	+1,860	
TOTAL, SOL	65,674	304	66,816	+2,393	+77	+17,604	381	86,813	+77	+19,997	

6-TOS

1/ The Ethics Office program change includes a transfer of \$14,921,000 from other DOI agencies.

Office of the Solicitor
Justification of Fixed Costs and Internal Realignments
(Dollars In Thousands)

Fixed Cost Changes and Projections	2020 Total or Change	2020 to 2021 Change
Change in Number of Paid Days This column reflects changes in pay associated with the change in the number of paid days (-1 day) between 2020 and 2021, from 2,096 hours in 2020 to 2,088 hours in 2021.	+185	-218
Pay Raise The President's Budget for FY 2021 includes one quarter of a planned 3.1% pay raise and three quarters of a planned 1% pay raise for FY 2021.	+0	+876
Employer Share of Federal Employee Retirement System The change reflects the directed 1.3% increase in the employer contribution to the Federal Employee Retirement System.	+104	+533
Departmental Working Capital Fund The change reflects the final 2021 Central Bill approved by the Working Capital Fund Consortium.	+64	+805
Worker's Compensation Payments The amounts reflect final chargeback costs of compensating injured employees and dependents of employees who suffer accidental deaths while on duty. Costs for the FY 2021 will reimburse the Department of Labor, Federal Employees Compensation Fund, pursuant to 5 U.S.C. 8147(b) as amended by Public Law 94-273.	-98	+122
Unemployment Compensation Payments The amounts reflect projected changes in the costs of unemployment compensation claims to be paid to the Department of Labor, Federal Employees Compensation Account, in the Unemployment Trust Fund, pursuant to Public Law 96-499.	-19	+0
Rental Payments The amounts reflect changes in the costs payable to General Services Administration (GSA) and others for office and non-office space as estimated by GSA, as well as the rental costs of other currently occupied space. These costs include building security; in the case of GSA space, these are paid to Department of Homeland Security (DHS). Costs of mandatory office relocations, i.e. relocations in cases where due to external events there is no alternative but to vacate the currently occupied space, are also included.	+392	+275
Baseline Adjustments for O&M Increases In accordance with space maximization efforts across the Federal Government, this adjustment captures the associated increase to baseline operations and maintenance requirements resulting from movement out of GSA or direct-leased (commercial) space and into Bureau-owned space. While the GSA portion of fixed costs will go down as a result of these moves, Bureaus often encounter an increase to baseline O&M costs not otherwise captured in fixed costs. This category of funding properly adjusts the baseline fixed cost amount to maintain steady-state funding for these requirements.	+0	+0

DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
APPROPRIATION LANGUAGE

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, [\$66,816,000] \$86,813,000.

(Department of the Interior, Environment, and Related Agencies Appropriations Act, 2020.)

APPROPRIATION LANGUAGE CITATION

Appropriation: Salaries and Expenses

For necessary expenses of the Office of the Solicitor.

43 U.S.C. § 1455

43 U.S.C. § 1455 provides that, on and after June 26, 1946, the legal work of the Department of the Interior shall be performed under the supervision and direction of the Solicitor of the Department of the Interior, who shall be appointed by the President with the advice and consent of the Senate.

GENERAL ADMINISTRATION ACTIVITY

Activity: General Administration

(Dollars in Thousands)

	2019 Actual	2020 Enacted	2021			Change from 2020 Enacted (+/-)
			Fixed Costs & Related Changes (+/-)	Program Changes (+/-)	Budget Request	
General Administration	4,940	5,029	+684	0	5,713	+684
Direct FTE	18	21	0	0	21	0
Reimbursable FTE	1	1	0	-1	0	-1
Allocated FTE	0	0	0	+1	1	+1

GENERAL ADMINISTRATION PROGRAM OVERVIEW:

Division of Administration: Under the direction of an Associate Solicitor, the Division of Administration is responsible for providing and coordinating all management and administrative services needed by the Office. Responsibilities in the Division of Administration include: organizational, strategic, and performance planning; program evaluation; budget and accounting; human resources management; employee development and training; space and property management; procurement services; IT planning and services; and records management. The Division is comprised of two branches, each of which is supervised by a Deputy Director: the Branch of Administrative Operations and Planning, and the Branch of Information Resource Management.

LEGAL SERVICES ACTIVITY

Activity: Legal Services

(Dollars in Thousands)

	2019 Actual	2020 Enacted	2021			Change from 2020 Enacted (+/-)
			Fixed Costs & Related Changes (+/-)	Program Changes (+/-)	Budget Request	
Legal Services	58,996	59,240	+1,645	-1,120	59,765	+525
Direct FTE	263	271	0	-9	262	-9
Reimbursable FTE	86	94	0	-13	81	-13
Allocated FTE	30	29	0	+12	41	+12

Summary of 2021 Program Changes for Legal Services

Request Component	(\$000)	FTE
<u>Program Changes:</u>		
Workforce Planning	-1,120	-9
TOTAL Program Changes	-1,120	-9

The responsibility of the Legal Services program is to effectively manage the legal work to support the Secretary and the bureaus. Among these legal services are representation in litigation, both administrative and judicial; preparation of legal opinions; legal review of legislation, regulations, contracts, and other documents; and informal legal counsel to clients on a continual basis in a wide variety of circumstances.

Workforce Planning (-\$1,120,000/ -9 FTE) – The Office will coordinate with client-bureaus and offices to balance legal work demands and prioritize their requests for attorney involvement.

LEGAL SERVICES PROGRAM OVERVIEW

The Office of the Solicitor consists of a headquarters organization in Washington, D.C., and offices in 16 locations throughout the United States. The Solicitor is the chief attorney for Interior and the principal legal adviser to the Secretary. The Solicitor is also designated as the Department’s Chief Freedom of Information Act (FOIA) Officer. The Solicitor directs the Office’s professional staff and is responsible for the legal work provided to Interior.

The Washington, D.C. office is organized into the Immediate Office of the Solicitor, which includes a Principal Deputy Solicitor, six Deputy Solicitors with subject matter oversight, the Departmental Ethics Office, the Departmental FOIA Office, six legal divisions, and an administrative division as detailed below. Each legal division is headed by an Associate Solicitor who is directly responsible to the Solicitor

and respective Deputy Solicitor. Attorneys under the supervision of Associate Solicitors render legal services for Interior's programs.

HEADQUARTERS

Immediate Office of the Solicitor

Departmental Ethics Office

Departmental FOIA Office

Indian Trust Litigation Office

Division of General Law

Division of Indian Affairs

Division of Land Resources

Division of Mineral Resources

Division of Parks and Wildlife

Division of Water Resources

Division of Administration

PROGRAM AND ORGANIZATION DESCRIPTIONS

The majority of the Office's resources are devoted to the defense of a wide range of litigation against the United States, both administrative and judicial, and to other general legal services, ensuring that Interior's agencies carry out their responsibilities in accordance with the law. In most judicial litigation, SOL attorneys actively assist or are co-counsel with attorneys from DOJ. In some judicial litigation and all administrative litigation, Office attorneys represent Interior without assistance from DOJ.

The Office also provides everyday legal service assistance in drafting and reviewing legislation, proposed and final regulations, contracts, memoranda of agreement, final decisions, leases, rights-of-way, title documents, and other legal instruments, as well as providing both written and oral legal advice on a constant flow of legal questions. Some of these questions arise from such generic statutes as the Administrative Procedure Act, FOIA, Privacy Act, Federal Advisory Committee Act, Federal Tort Claims Act, Civil Service Reform Act, the Civil Rights Acts, and the Rehabilitation Act, while other questions arise from the many specific statutes applicable to Interior's program areas in which the Office's attorneys and paralegals have developed significant expertise.

In addition to this essential baseline of legal work, the Office engages in a significant number of special legal projects, providing critical legal support for Interior's key initiatives. The legal staff assists the bureaus in responding to congressional direction in appropriations and substantive legislation. The Office advises the bureaus on legal options for streamlining processes and improving program management and implementing plans to carry out departmental goals. Finally, the Office assists the bureaus in responding to Inspector General, congressional, judicial, and public FOIA requests, as well as subpoenas for documents.

In addition to the Immediate Office of the Secretary and the offices of the Assistant Secretaries, client-representatives include the following bureaus and offices within Interior:

- Bureau of Indian Affairs (BIA)
- Bureau of Indian Education (BIE)
- Bureau of Land Management (BLM)
- Bureau of Reclamation (BOR)
- Fish and Wildlife Service (FWS)
- Bureau of Ocean Energy Management (BOEM)
- Bureau of Safety and Environmental Enforcement (BSEE)
- National Park Service (NPS)
- National Resource Damage Assessment and Restoration Program (NRDAR)
- Office of Surface Mining Reclamation and Enforcement (OSMRE)
- United States Geological Survey (USGS)
- Office of Policy, Management and Budget (PMB)
- Office of Aviation Services (OAS)
- Office of Chief Information Officer (OCIO)
- Office of Civil Rights (OCR)
- Office of Collaborative Action and Dispute Resolution (CADR)
- Office of Environmental Policy and Compliance (OEPC)
- Office of Historical Trust Accounting (OHTA)
- Office of Insular Affairs (OIA)
- Office of the Special Trustee (OST)/Bureau of Trust Funds Administration (BTFA)
- Interior Business Center (IBC)
- Indian Arts and Crafts Board (IACB)
- Secretary's Indian Water Rights Office (SIWRO)

Client-representative specific narratives are omitted for those bureaus and offices where the legal services provided are predominantly generic, that is, relating to personnel, procurement, FOIA, and other statutes of general applicability to all bureaus and offices.

ORGANIZATION DESCRIPTIONS

The **Immediate Office of the Solicitor** includes the Solicitor, Principal Deputy Solicitor, six Deputy Solicitors, Counselors, the Indian Trust Litigation Office, and supporting staff. The Immediate Office is responsible for directing the legal work of the Office.

The Departmental Ethics Office is responsible for overseeing Interior's statutorily mandated ethics program, and derives its authority directly from the Secretary, who by regulation, is the head of the agency's ethics program. The Departmental FOIA Office directs the activities of FOIA programs throughout the Department. Both offices report directly to the Solicitor.

The Indian Trust Litigation Office (ITLO) within the Immediate Office of the Solicitor provides legal counsel and defends litigation filed in Federal courts throughout the country against the Department by individual Indians and Indian Tribes. This litigation typically addresses the Secretary's trust duties with respect to trust fund accounting, trust fund management, and management of non-monetary natural resource trust assets. ITLO has primary responsibility for matters filed in the United States Court of Federal Claims seeking money damages under the Tucker Act and Indian Tucker Act (28 U.S.C. § 1491 and 28 U.S.C. § 1505) for alleged breaches of fiduciary trust, and actions for declaratory and injunctive relief in district courts seeking to enforce compliance with a fiduciary trust duty.

The **Division of General Law** is responsible for administrative and general legal matters including, but not limited to, acquisition, information law, tort claims, insular areas, employment and labor law, legislative and appropriations issues and intellectual property. In addition, the Division provides legal assistance and counsel to the Assistant Secretary - Policy, Management and Budget, the Chief Information Officer, and to the Endangered Species Committee. The Division consists of an Associate Solicitor, an Assistant Solicitor for General Legal Services Branch, an Assistant Solicitor for the Acquisitions and Intellectual Property Branch, an Assistant Solicitor for the Torts Practice Branch; and the Director of the Employment and Labor Law Unit (ELLU).

- 1) The Branch of General Legal Services has responsibility for legal matters and litigation related to Federal administrative law including budget and appropriations, financial management, FOIA, FOIA appeals, Privacy Act appeals, records management, electronic data management/e-discovery, partnerships, the Federal Advisory Committee Act, the Privacy Act, the Administrative Procedure Act, and employee travel and similar matters. It addresses internal delegations of authority, departmental law enforcement policies, insular areas, information technology, scientific integrity, rulemaking, congressional oversight, and all other related and general matters not specifically the responsibility of any other branch or division. A portion of the practice of the Branch is devoted to providing early legal engagement, counseling, and review for clients from across all Department bureaus and offices, while ensuring consistency in Federal administrative law throughout the Office of the Solicitor.
- 2) The Branch of Acquisitions and Intellectual Property has responsibility for legal matters related to Interior acquisition functions, including all related claims, litigation, and bid protests; use of revolving and franchise funds; interagency agreements, grants and cooperative agreements; patents, copyrights, trademarks, rights in data, and other forms of intellectual property; legal support of high-priority contracting and assistance actions, such as information technology and supporting secretarial priorities; and support of Indian education and law enforcement programs and priorities. A portion of the practice of the Branch is devoted to providing early legal

engagement, counseling and review for diverse clients, while ensuring consistency in general legal services throughout the Office of the Solicitor.

- 3) The Torts Practice Branch provides counseling and advice in handling all Federal Torts Claims Act (FTCA) matters, and Military Personnel and Civilian Employees Claims Act administrative matters filed against Department of the Interior and its agencies. It also supports the Department of Justice in all Federal judicial litigation filed against the United States, involving Interior agencies. The Branch also handles all suits for money damages alleging negligent or wrongful acts, including law enforcement actions. In addition, Branch attorneys handle claims related to injury and damage to Government property.
- 4) The Employment and Labor Law Unit (ELLU) provides legal review of disciplinary and performance-based actions under Chapters 43 and 75 of Title 5 of the U.S. Code, and defends the agency against claims brought under 75 of Title 5 of the U.S. Code, Title VII and Title VI of the Equal Employment Opportunity Act, Rehabilitation Act, Age Discrimination in Employment Act (ADEA), Veterans Employment Opportunity Act, Uniformed Services Employment and Reemployment Rights Act, Whistleblower Protection Act, the Family Medical Leave Act (FMLA), and the Fair Labor Standards Act.

The **Division of Indian Affairs** is responsible for legal matters related to the programs and activities of the Bureau of Indian Affairs, Bureau of Indian Education, Land Buy Back Program for Tribal Nations, the Office of Special Trustee, and the proposed Bureau of Trust Funds Administration (BTFA). In addition, the Division provides legal assistance and counsel to the Assistant Secretary - Indian Affairs. The Division has an Associate Solicitor and four branches, each headed by an Assistant Solicitor.

- 1) The Branch of Environment and Lands advises the Department in carrying out its responsibilities toward federally recognized Indian Tribes and individual Indians related to the acquisition, management, and protection of land, reservation boundary issues, and the protection of the environment, including natural and cultural resources.
- 2) The Branch of Self-Governance and Economic Development has responsibility for legal matters related to Tribal economic development, gaming, and a wide range of Indian Affairs program activities including housing, social services, transportation, judicial services, law enforcement, tribal contracting and compacting and consultation.
- 3) The Branch of Tribal Government Services provides legal advice on matters concerning Tribal status; the reorganization and functioning of indigenous and Tribal governments; and the scope, extent and exercise of Tribal governmental authority in internal and external relations. This subject matter includes questions of membership, the adoption and modification, under Federal statute, of Tribal constitutions and corporate charters, leadership disputes, Tribe-specific and Indian preference, the reorganization of the Native Hawaiian Community, the respective jurisdiction of Federal, Tribal and State governments, Indian Child Welfare Act matters, hunting and fishing rights, international issues and Bad Man claims. The Branch also provides legal

services to BIE leadership in operating Federal schools for Indians and in providing contracts and grants to Tribal schools.

- 4) The Branch of Trust Services has responsibility for advising the Secretary in the Secretary's capacity as trustee over trust assets generated from the use of trust resources including the leasing and sale of such land and minerals. The Branch is responsible for legal matters related to the management of the trust assets, including Tribal and individual Indian money accounts, probate issues, the land title and records office, and the Land Buy Back Program for Tribal Nations.

The **Division of Land Resources** is responsible for legal matters related to the programs and activities of BLM, other than legal matters concerning mineral programs. The Division is also responsible for asserting, on behalf of all of Interior's bureaus, affirmative claims seeking reimbursement under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) for costs incurred by those bureaus in remediating contamination on bureau lands. The Division also defends the bureaus in contribution actions asserted against them under CERCLA and other laws. In addition, the Division provides legal assistance and counsel to the Assistant Secretary - Land and Minerals Management; and, with respect to matters concerning operation of the Department's Central Hazardous Materials Fund, the Assistant Secretary - Policy, Management and Budget. The Division has an Associate Solicitor and two branches, each headed by an Assistant Solicitor.

- 1) The Branch of Public Lands has responsibility for legal matters related to BLM land management functions, including land acquisitions, disposals, surveys, boundaries, withdrawals, national monuments, classifications, rights-of-way (current and historic), solar and wind development, trespass, land titles, land use planning, grazing, recreation, forest management, wildland fire issues, law enforcement, water rights, wild horses and burros, and wilderness.
- 2) The Branch of Environmental Compliance and Response has responsibility for legal matters related to implementation of response actions, cost recovery and cost avoidance involving cases funded from Interior's Central Hazardous Materials Fund and other matters addressing a response to a release or threatened release of hazardous substances on Department-managed lands. The Branch also has responsibility for legal assistance and counsel with respect to issues of environmental compliance that arise under numerous State and Federal laws at Interior's facilities, as well as environmental liabilities that arise during real property transactions. The Branch also works closely with U.S. Environmental Protection Agency and other agencies in promoting the cleanup of mixed ownership sites (private and public lands) and facilitating the remediation of formerly used defense sites. The Branch also coordinates its response activities with Interior's Natural Resources Damage Assessment and Restoration Program.

The **Division of Mineral Resources** is responsible for legal matters related to the programs and activities of BOEM, BSEE, OSMRE, USGS (other than those related to its Biological Research Division), and BLM's minerals programs. The Division provides legal assistance and counsel to the Assistant Secretary - Land and Minerals Management.

- 1) The Branch of Offshore Resources provides legal services to BOEM and BSEE. It is responsible for legal matters related to Outer Continental Shelf mineral and renewable energy leasing and the regulation of operations on such leases; including preparation of a national oil and gas leasing program, establishing financial terms in leases and the grant of relief therefrom, and the requirement of bonds for the performance of lease obligations; enforcing environmental and safety regulations, including those relating to oil spill response planning for offshore facilities; and international issues relating to OCS mineral extraction, including establishment of U.S. maritime boundaries, and protecting the interests of the United States in bankruptcy proceedings and in legal challenges to Departmental rules and enforcement actions. The Offshore Resources Branch is also responsible for legal services pertaining to programs and activities of the Department related to the Law of the Sea and other international law issues affecting marine minerals, pollution, and related matters.
- 2) The Branch of Onshore Minerals provides legal services to the minerals programs of BLM and USGS. It is responsible for legal matters related to Federal coal, oil and gas, locatable hardrock minerals, leasable solid minerals, mineral materials, and geothermal resources disposition, development and extraction, environmental regulation and protection, and reclamation and remediation. The Branch also assists BLM in its regulatory responsibilities on Indian trust and restricted lands.
- 3) The Branch of Surface Mining provides legal services to the OSMRE. It is responsible for legal matters related to OSMRE programs and activities, including regulatory programs, enforcement and collections, and abandoned mine land reclamation.

The **Division of Parks and Wildlife** is responsible for legal matters related to the programs and activities of NPS, FWS, and the Biological Research Division of the USGS. In addition, the Division provides legal assistance and counsel to the Assistant Secretary - Fish, Wildlife and Parks and the Assistant Secretary – Water and Science. The Division has an Associate Solicitor and three branches, each headed by an Assistant Solicitor.

- 1) The Branch of National Parks has responsibility for legal matters related to NPS's programs and activities and for legal matters related to the programs and activities of NPS's National Capital Region and the United States Park Police.
- 2) The Branch of Fish and Wildlife has responsibility for legal issues related to the programs, activities, and policies of Interior and FWS concerning conservation, the preservation of migratory birds, fish, other kinds of endangered species, game and marine mammals, and their habitats throughout the United States, its possessions and territorial waters; the protection, management, and use of natural and cultural resources within the National Wildlife Refuge System; and interaction and liaison between Interior and other Federal and State agencies, foreign countries and international organizations.

- 3) The Branch of Environmental Restoration has responsibility for the resolution of legal problems which involve the programs, activities, and policies of Interior and its various agencies, when related to natural resource restoration.

The **Division of Water Resources** is responsible for water rights legal matters for BOR, BLM, NPS, FWS, BIA, and the USGS. In addition, the Division provides legal assistance and counsel to the Assistant Secretary – Water and Science and the Secretary’s Indian Water Rights Office. The Division has an Associate Solicitor and two branches, each headed by an Assistant Solicitor.

- 1) The Branch of Water and Power has responsibility for legal matters related to the assertion and administration of water rights by all Bureaus within the Department other than water rights asserted on behalf of Tribes and individual Indians. The Branch provides legal advice on Reclamation law, including contracting for water delivery; repayment, and operation and maintenance; hydropower development; water research and technology; water policy and water rights. The Branch coordinates assertion and defense of all Bureau, State law-based and Federal reserved water rights. The Branch helps Bureaus resolve issues concerning major water resources such as the Colorado River and the Central Valley Project in California, as well as matters related to interstate compacts.
- 2) The Branch of Indian Water Rights has responsibility for legal matters related to BIA programs and activities with respect to water rights held in trust by the United States for Indian Tribes and allottees, including adjudications and congressional settlements of Indian water rights; license applications before the Federal Energy Regulatory Commission and hydroelectric power projects that affect Indian reservations and resources; and the operation and maintenance of BIA irrigation projects. The Branch also provides legal support to the Secretary’s Indian Water Rights Office.

Interior Regions, Regional Solicitors, and Field Offices. The twelve DOI regions are served by several Regional Solicitors and their respective regional and field offices. Actual areas served by the Regional Solicitors and Field Offices overlap to a considerable extent, with the result that more than one manager may direct legal matters within a single State. Regional solicitors are designated as the principal legal advisor to one or more regions.

- A. The **Alaska Regional Solicitor** is responsible for legal matters for all DOI bureaus in Alaska. With over two-thirds of the Nation’s public lands, national parks, national wildlife refuges, wild and scenic rivers and wilderness areas located in Alaska, significant mineral as well as onshore and offshore energy resources, and 229 of the 574 federally recognized Indian Tribes, the legal issues handled in the Alaska Unified Region are broad in scope and of considerable national significance. In addition, the office addresses numerous unique issues of law arising from Alaska-specific statutes such as of the Alaska National Interest Lands Conservation Act, the Alaska Native Claims Settlement Act, and the Native Allotment Act of 1906.
- B. The **Northeast Regional Solicitor** is responsible for legal matters involving all bureaus except BIA in the North Atlantic-Appalachian Region (Connecticut, Delaware, Maine, Maryland,

Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia); legal matters involving all bureaus except NPS in the Great Lakes Region (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin); and legal matters involving specific bureaus in Iowa (BIA, FWS, and USGS), Kentucky (OSMRE), Missouri (FWS), Nebraska (BIA), North Dakota (BIA), South Dakota (BIA), and Tennessee (OSMRE). The Regional Solicitor has offices located in Bloomington, Minnesota, and has field offices located in Boston, Massachusetts, and Pittsburgh, Pennsylvania.

- C. The **Pacific Northwest Regional Solicitor** is responsible for legal matters involving all bureaus in Columbia-Pacific Northwest Region (Idaho, Oregon, and Washington); and legal matters involving the BIA in southern Alaska (Metlakatla) and northwestern Montana (Flathead Indian Reservation). The Region also handles legal matters for the BOR extending into northwestern Montana, and for the FWS, it handles legal matters in the Pacific Islands Region. The Regional Solicitor is located in Portland, Oregon, and a Field Office is located in Boise, Idaho.

- D. The **Pacific Southwest Regional Solicitor** is responsible for legal matters involving several Regions, including all bureaus in California and Nevada (except for most BIA matters in Nevada and BOR matters related to the Colorado River); and legal matters involving specific bureaus in Alaska (OSMRE and USGS), Hawaii (NPS and USGS), Idaho (OSMRE), Oregon-Klamath Basin (BOR and FWS), Pacific Islands (NPS and USGS), and Washington (OSMRE and USGS). The Regional Solicitor is located in Sacramento, California, and a Field Office is located in San Francisco, California.

- E. The **Intermountain Regional Solicitor** is responsible for legal matters involving several Regions, including all bureaus except FWS and OSMRE in Utah; legal matters involving all bureaus except FWS, NPS, and OSMRE in Arizona; legal matters for BOR in Nevada and California (BOR Lower Colorado Basin Region) and Colorado, New Mexico, and Texas (BOR Upper Colorado Basin Region); legal matters for BIA in Nevada (BIA Eastern Nevada Field Office and Western Nevada Agency) and New Mexico (BIA Navajo Regional Office shared with the Southwest Region); and legal matters for BLM in Nevada (shared with the Pacific Southwest Region). The Regional Solicitor is located in Salt Lake City, Utah, and a Field Office is located in Phoenix, Arizona.

- F. The **Rocky Mountain Regional Solicitor** is responsible for legal matters involving several Regions and the BLM National Operations Center (NOC) nationwide and all legal matters involving the BLM in Colorado, Montana, Nebraska, North Dakota, South Dakota, and Wyoming; all legal matters involving the BOR Denver Office and the BOR located east of the Continental Divide in Colorado, Wyoming, and Montana, and in Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, Texas; all legal matters involving FWS in Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming; legal matters involving the Office of Natural Resources Revenue (ONRR) and legal matters involving BOEM and BSEE in Colorado; legal matters involving the Interior Business Center (IBC) in Colorado; legal matters involving the NPS Denver Service Center, NPS WASO in Colorado, the NPS in Arkansas, Iowa, Indiana, Illinois, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota,

and Wisconsin, NPS concessions contract matters for several Regions; and all other legal matters involving the NPS in Colorado, Montana (with the exception of Big Hole Battlefield—Nez Perce), and Wyoming; all legal matters involving the BIA in Montana (with the exception of the Flathead Indian Reservation) and Wyoming; various legal matters involving the USGS; and all legal matters coordinated through OSMRE in the West. The Regional Solicitor is located in Lakewood (Denver), Colorado, and a Field Office is located in Billings, Montana.

- G. The **Southeast Regional Solicitor** is responsible for legal matters involving all bureaus in several Regions including, the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and the Virgin Islands; legal matters involving all bureaus except BOEM and BSEE in Louisiana; legal matters for specific bureaus in Arkansas (FWS and OSMRE), Connecticut (BIA), Illinois (OSMRE), Indiana (OSMRE), Iowa (OSMRE), Kansas (OSMRE), Maine (BIA), Massachusetts (BIA), Missouri (OSMRE), New York (BIA), Oklahoma (OSMRE), Rhode Island (BIA), Texas (OSMRE), and Virginia (BIA, BLM, and OSMRE); and legal matters for specific NPS programs in select states in the Region. The Regional Solicitor is located in Atlanta, Georgia, and a Field Office is located in Knoxville, Tennessee.
- H. The **Southwest Regional Solicitor** also serves several Regions, and is responsible for legal matters involving all bureaus in New Mexico, Oklahoma, Texas, and on the Navajo Reservation; and legal matters involving specific bureaus in Arizona (NPS, FWS, and OSMRE), Colorado (BIA), Illinois (OSMRE), Kansas (BIA, BLM, BOEM, and BSEE), Louisiana (BOEM and BSEE), and Missouri (BIA). The Southwest Regional Solicitor is responsible for legal matters involving the BIA's Office of Law Enforcement and the Office of Facilities Management and Construction, the BIE, and the Office of the Principal Deputy Special Trustee. The Regional Solicitor is located in Albuquerque, New Mexico, and a Field Office located in Tulsa, Oklahoma.

ETHICS OFFICE

Activity: Ethics Office

(Dollars in Thousands)

	2019 Actual	2020 Enacted	2021			Change from 2020 Enacted (+/-)
			Fixed Costs & Related Changes (+/-)	Program Changes (+/-)	Budget Request	
Ethics Office	1,738	2,547	+64	+16,864	19,475	+16,928
Direct FTE	8	12	0	+78	90	+78
Reimbursable FTE	4	55	0	-55	0	-55
Allocated FTE	1	1	0	- 1	0	- 1

Summary of 2021 Program Changes for the Ethics Office

Request Component	(\$000)	FTE
<u>Program Changes:</u>		
Ethics Office Modernization ^{1/}	+16,864	+78
TOTAL Program Changes	+16,864	+78

1/ Includes a transfer of \$14,921,000 from other DOI agencies.

Ethics Office Modernization (+\$16,864,000 / +78 FTE) – This request furthers the objectives of Secretary’s Order 3375, which seeks to improve the Department’s ethics program through consolidation within the Departmental Ethics Office (DEO) in the Office of the Solicitor. The DEO is directed by the career Designated Agency Ethics Official. Reimbursable agreements with Department bureaus and offices will fund about 55 FTE in the DEO in FY 2020 for the provision of ethics services. Sufficient budget authority in the Ethics Office Activity is sought in FY 2021 to eliminate the need for reimbursable work agreements with bureaus and offices for ethics services to be delivered to all Department components. Reductions in bureau funding of \$14,921,000 are reflected in the Congressional Justifications of each affected bureau/office.

The DEO performed a workload analysis to determine the proper level of resources necessary to support the broad spectrum of ethics services required by the Department of the Interior. The DEO estimated the number of ethics work hours necessary to support the 62,449 Department employees on board as of May 2019. As summarized in the following table, the DEO determined that an efficient and effective ethics program requires 30 FTE for advice and counsel services, 27 FTE for financial disclosure reviews, 20 FTE for ethics training and education, and 13 FTE for management, ethics policy development and deployment, and ethics office administrative support. Most DEO employees are strategically located across the Nation so that ethics officials are proximate to where Department employees require ethics services.

Ethics Office Workload Analysis

DOI Workforce by Employee and Financial Disclosure Filing Type	# of DOI Employees as of May 2019	Advice and Counsel Hours per Employee	Financial Disclosure Hours per Employee	Training and Education	Management, Policy, and Office Support	Total
Presidential Appointed Senate Confirmed Officials	8	160	40	2		
Other Political Appointees	90	80	10	2		
SES/SL	350	10	10	1		
Other 278 Filers	400	3	10	1		
450 Filers	10,000	1	3	0.5		
Other Employees	51,315	0.5	0.1	0.5		
Total Hours (SOL Workload)		48,838	43,852	31,604	20,800	145,094
FTE (SOL Workload)		30	27	20	13	90

Advice and Counsel Services

Department employees should expect that when they have an ethics or political activity related question, a knowledgeable, conscientious ethics official will be there not only to answer their specific question, but also, to proactively help solve problems and create solutions whenever appropriate and provide ethics advice and counsel in writing. Seemingly simple questions can pose complex scenarios that require thoughtful discussions, and employees can and should expect to be given appropriate and helpful guidance covering all of the ethics issues raised. Providing ethics advice and counsel in writing on a single matter can range from fifteen minutes to eight hours. Thirty FTE within the DEO are required to provide the Department of the Interior’s employees with thoughtful, appropriate, and helpful ethics guidance.

Financial Disclosure

Financial disclosure is the foundation of a Federal ethics program because the accurate reporting of assets and interests is required by law, and because this information is critical for ethics officials to provide timely and accurate advice to employees about potential conflicts of interest. Department employees should expect that their financial disclosure reports will be timely reviewed and the ethics staff will provide guidance based on the information contained in these reports. Additionally, an ethics official should be accessing financial disclosure requirements for new employees and whenever a current employee takes a different job within the same agency. Financial disclosure reviews by an ethics official can range from one hour for the simplest financial disclosure to 200 hours for Presidential appointees with

complex assets and incomes. Twenty-Seven FTE within the DEO are required to collect and review filed financial disclosures and also assess financial disclosure requirements across the Department.

Training and Education

All Department employees should expect relevant and engaging ethics training and education. This training, a legal requirement for many employees, must be a fundamental part of every Department ethics program. Department employees need quality training and education on topics ranging from the Standards of Ethical Conduct for Employees of the Executive Branch to criminal conflict of interest laws to political activity restrictions. Twenty FTE within the DEO are required to provide high quality training and education that is customized and relevant for each Department bureau and office.

Management, Policy Development and Deployment, and Office Support

Thirteen FTE are required to manage the DEO staff, develop and deploy ethics policy, and provide office administrative support and services for the Ethics Office. A minimum of five FTE are necessary to supervise and manage an ethics workforce of 90 FTE.

Three FTE are necessary to develop and deploy ethics policies and procedures compliant with the Ethics in Government Act of 1978, other statutes with ethics provisions including criminal financial conflicts of interest statutes, the Standards of Ethical Conduct for Employees of the Executive Branch, and other government-wide ethics and political activity regulations promulgated by the Office of Government Ethics (OGE). Five FTE are necessary to perform office administrative support and service functions. Administrative support and service duties include time and attendance verification, preparing and reviewing travel authorizations and vouchers, preparing and transmitting correspondence, property and inventory management, general supply and equipment purchasing and maintenance, scheduling, organizing records, office space and furnishings management, receipt and processing of personnel actions, and budget planning and execution.

PROGRAM OVERVIEW

The Departmental Ethics Office (DEO) is responsible for overseeing Interior's statutorily mandated ethics program, and derives its authority directly from the Secretary, who by regulation, is the head of the agency's ethics program. The DEO is responsible for implementing the laws, executive orders, regulations and departmental policies concerning conflicts of interest and employee responsibilities and conduct (5 C.F.R. § 2638.201-202). The DEO is unique within the Office, as it has programmatic responsibilities, as well as the rendering of legal advice.

The DEO is headed by a Director, who is also the Designated Agency Ethics Official (DAEO). The DAEO is delegated the responsibility to manage and coordinate Interior's Ethics program (5 C.F.R. § 2638.202-203). The DEO also ensures the implementation of and compliance with the Ethics in Government Act of 1989, other statutes with ethics provisions, Executive Order 12674: *Principles of Ethical Conduct for Government Officers and Employees*, government-wide ethics regulations, and Interior's supplemental ethics regulations and policies governing employee conduct.

The DEO develops departmental ethics policy and strives to provide every Interior employee the proper counseling and technical assistance to help them with the ethics and conduct issues they may face as entrusted public servants. The Office seeks to integrate leadership and ethical concepts into everyday decision making in order to foster and maintain high ethical standards for Interior employees and to ensure that employees incorporate an awareness of the ethics rules and regulations into their day-to-day management practices.

The DEO provides direct services to all employees within the Immediate Office of the Secretary; the Assistant Secretary for Policy, Management and Budget; within SOL; as well as all political employees. Along with this program requirement, the DEO is responsible for providing oversight and technical assistance to Interior's ten bureaus to ensure that each of the bureaus' ethics programs are in compliance with all applicable ethics laws, executive orders, and regulations (5 C.F.R. § 2638.202). The DEO also manages a Hatch Act compliance program.

The DEO performs a number of tasks required by law or regulation. Additionally, the DEO provides other, broader assistance in a variety of Interior initiatives to ensure that attention is paid to whether a particular course of action is prudent and in concert with ethics laws and regulations at large. Comprehensive attention to both types of responsibilities is critical to maintaining a robust ethics program throughout Interior.

REQUIRED FUNCTIONS

- **Oversight and Technical Assistance to Bureaus:** Not only is the DEO responsible for performing ethics functions for a broad spectrum of employees, it is also responsible for ensuring that Interior's bureaus are properly administering their ethics programs. The regulations require that the DAEO administer a program for periodic evaluation of the ethics program and its components. Currently, the DEO meets this responsibility by convening monthly meetings with the bureaus' headquarters ethics contacts to ensure consistency in the management of the program. Additionally, the DEO has utilized contract services to perform program reviews of the bureaus. The DEO provides live workshop training on topics important to the consistent management of the bureaus' ethics programs.
- **Presidential Appointments:** The DEO plays a critical role in the clearance process of nominees to Presidentially Appointed-Senate Confirmed (PAS) positions. The DEO reviews financial documents, consults with the nominees, and recommends and drafts appropriate recusals or authorizations to allow the nominees to perform their duties without actual or apparent conflicts of interest. Key in this process is the coordination with the White House Counsel's Office, and the United States Office of Government Ethics (OGE). Additionally, the DEO works with Interior's Office of Congressional and Legislative Affairs to prepare nominees for their committee hearings and assists in the drafting of responses to any questions committee members may have. In a Presidential

transition year, additional time is spent coordinating and ensuring compliance with the financial disclosure requirements for all political appointees, training these employees, and providing individual counseling on a range of ethics topics essential to the appropriate performance of their official duties.

- Financial Disclosure: The DEO is responsible for ensuring that the public and confidential financial disclosure reporting requirements are met. Both levels of financial disclosure require the administration of tracking systems for the collection, review, and certification of the forms in accordance with the time frames set out by regulation (5 C.F.R. § 2634.601-607, § 2634.901-909). Additionally, any remedial action required as a result of review and certification of these forms must be administered by the DEO or respective bureau ethics program. Such remedial actions include divestiture, recusals, or authorization, all of which require a determination in accordance with criminal statutes and administrative regulations. Department-wide, there are approximately 11,000 filers of financial disclosure forms every year, both public and confidential financial disclosures. All forms require technical as well as more stringent financial conflict of interest review and certification. The DEO is responsible for certifying all financial disclosure forms of employees in the Immediate Office of the Secretary, under the Assistant Secretary for Policy, Management and Budget, employees in the Office of the Solicitor and all Interior political employees. PAS employees' financial disclosure forms are certified by the DAEO and forwarded to OGE for final certification.
- Training: The DEO is responsible for providing new employee ethics training as well as annual training for all filers of the confidential and public financial disclosures. All report filers are required to receive annual training. The administration of the ethics training program is in accordance with 5 C.F.R. § 2638.701-708. The DEO is responsible for providing guidance and training for all bureau ethics counselors to ensure consistency in the advice and counseling provided to employees.
- Counseling: As required by 5 C.F.R. § 2638.203, the DEO is responsible for maintaining a system for counseling employees on all ethics matters, including interpretations of the criminal financial conflict of interest statutes, the post-employment statute, as well as all standards of conduct regulations (both government-wide and agency-specific). Such systems must include adequate documentation of questions raised and advice rendered to provide employees with advice, but also for purposes of audit and evaluation by the OGE, or in support of an investigation of alleged violations by the Office of Inspector General. The DEO is responsible for providing guidance and counseling to ethics counselors and general employees on any changes to the ethics rules and regulations.
- Liaison Role: The DAEO is required to be Interior's liaison with the OGE for all matters relating to the management of the ethics program (5 C.F.R. § 2638.203(b)). The DAEO

and ethics staff performs this role with the White House Counsel's Office, as well as with the Office of Special Counsel.

FOIA OFFICE

Activity: FOIA Office

(Dollars in Thousands)

	2019 Actual	2020 Enacted	2021			Change from 2020 Enacted (+/-)
			Fixed Costs & Related Changes (+/-)	Program Changes (+/-)	Budget Request	
FOIA Office	-	-		+1,860	1,860	+1,860
Direct FTE	-	-		+ 8	8	+8
Reimbursable FTE	-	-		+1	1	+1

Summary of 2021 Program Changes for the Departmental FOIA Office

Request Component	(\$000)	FTE
<u>Program Changes:</u>		
Establish New Departmental FOIA Office	+1,860	+8
TOTAL Program Changes	+1,860	+8

Establishment of New Departmental FOIA Office (+1,860,000/ +8 FTE) - The Department is fully committed to an equitable FOIA program that ensures compliance with statutory requirements of transparency, accountability, and prompt production. Historically, FOIA operations have been managed in a decentralized manner, creating challenges for coordination and accountability. Exponential increases in the number and complexity of requests and litigation (primarily for non-response) over the last four years have made organizational and operational improvements to the program a necessity. Some aspects of the FOIA program's decentralized structure, such as different reporting processes across Interior's bureaus and offices, varying sets of operating procedures, and insufficient levels of accountability, have hindered efficient and effective management of operations and contributed to the need for Department-wide improvements to the program.

Overall, the number of FOIA requests received by DOI rose 28% from FY 2015 to FY 2018. The complexity of the FOIA requests received by DOI has also increased significantly and this factor contributes to the amount of time and resources needed for processing. In FY 2015, exceptionally voluminous and complex requests represented only 21% of the total number of requests received by DOI. By contrast, in FY 2018, exceptionally voluminous or complex requests rose to 36% of the total number of requests DOI received. In addition, FOIA litigation increased by a factor of 20 from FY 2015 to FY 2018. Overall, DOI's backlog of FOIA requests increased 459% from FY 2015 to FY 2018. These increases imposed a substantial burden not only on the bureau FOIA offices, but also on record custodians who must search for and collect the responsive records, the subject matter experts who must review these

records to provide context to the FOIA processors, and the SOL employees who must review the response packages and assist with the increased amount of litigation.

In response to these challenges, on November 20, 2018, Secretary's Order No. 3371 designated the Solicitor as the Department's Chief FOIA Officer and created the career Senior Executive Service position of Deputy Chief FOIA Officer (DCFO) to oversee the Department's FOIA program. The DCFO is responsible for establishing Department-wide FOIA policies, procedures, and practices. The DCFO is also responsible for directing the activities of the FOIA program throughout the Department in consultation with senior officials in the component bureaus/offices.

On April 11, 2019, the House Committee on Natural Resources and the Committee on Oversight and Reform sent a letter to the House Committee on Appropriations to request a funding increase for DOI's FOIA program to help address the increase in FOIA requests. On December 20, 2019, Public Law No. 116-94, Further Consolidated Appropriations Act of 2020, was enacted providing the Department \$1,000,000 more than the 2020 President's budget request to help the Department address its FOIA workload.

On January 7, 2020, Secretary's Order No. 3378 established the Departmental FOIA Office (DFO) as a new governance activity in the Office of the Solicitor and further specified the responsibilities of the DCFO. The 8 FTEs in this activity's initial phase will oversee the operations of the bureau/office FOIA offices and expand their capacity to timely and effectively respond to the increased volume of FOIA requests. Such expanded capacity will be accomplished by promulgating effective Department-wide policies and procedures, providing strategically deployed operational support to assist bureaus/offices with particularly challenging requests and backlogs, acquiring and deploying improved technology, raising the standards for FOIA personnel performance, and developing metrics-based staffing requirements and reporting measures that will hold the bureaus accountable for meeting their FOIA obligations. Bureaus/offices will retain authority and responsibility to manage their FOIA operations, but the FOIA offices will be overseen by, and held accountable to, the DFO.

PROGRAM AND ORGANIZATION DESCRIPTIONS

The DCFO will serve as the Director of the DFO, managing all activities of the office and directing the activities of the FOIA program throughout the Department. The DFO will carry out the following functions:

- **Policy and Operational Support:** The DFO will create Department-wide policies and guidance on FOIA processes and procedures to foster consistency in FOIA processing. In addition, to achieve cost-savings and address existing resource shortages, the DFO will leverage resources by establishing a small FOIA Support Team (FST) consisting of permanent DFO personnel and rotating personnel from FOIA offices in component bureaus/offices. The FST will enable the coordination of cross-cutting requests and the strategic deployment of resources by assigning FOIA processors as needed to assist bureaus/offices with particularly challenging requests (such as requests that are subject

to litigation or are complex or voluminous in nature) and with backlogs. The proposed rotation will allow increased flexibility and provide valuable cross-training and career development experience to FOIA personnel at the bureau/office level. Although the FST is not intended to be a substitute for properly staffing the FOIA offices in bureaus/offices, it will enable the DFO to provide additional FOIA operational support to the bureaus/offices to address unexpected or significant FOIA demands by leveraging and strategically allocating resources.

- Human Capital, Technology, and Communications: The DFO will establish appropriate FOIA program management elements to ensure uniformity in position descriptions and performance plans of Department FOIA personnel. The DFO will also approve hiring decisions and monitor performance evaluations of staff in the bureaus/offices to ensure the highest quality hiring of, and performance by, FOIA Officers. The DFO will be responsible for the administration of modern and reliable technology to ensure efficient tracking and processing of FOIA requests by bureaus/offices and will also serve as the FOIA Public Liaison for the Department.
- Coordination and Oversight: The DFO will design and implement an oversight program, with input from the bureau/office FOIA offices, to monitor and evaluate the operations of the FOIA offices and to coordinate statutorily mandated reporting. The ultimate goal of the DFO is to ensure that bureaus/offices properly track and process incoming FOIA requests, including requests subject to pending litigation, and issue legally justified responses. To begin working toward this goal, the DFO will assist the bureau/office FOIA offices in developing quality control procedures to reduce processing errors before proposed releases are referred for legal and/or awareness reviews. The DFO will also evaluate how it can best assist Department leadership in monitoring the timeliness of record custodians to ensure cooperation and responsiveness in the processing of FOIA requests and otherwise ensure compliance with Department policies and procedures and Government-wide requirements.

SECTION 403 COMPLIANCE

Public Law 116-94, Further Consolidated Appropriations Act, 2020, requires disclosure of program assessments used to support Government-wide, departmental, or agency initiatives or general operations.

SEC. 403. The amount and basis of estimated overhead charges, deductions, reserves or holdbacks, including working capital fund and cost pool charges, from programs, projects, activities, and subactivities to support government-wide, departmental, agency, or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations of the House of Representatives and the Senate. Changes to such estimates shall be presented to the Committee on Appropriations for approval.

The administrative costs for this Office will be displayed in two components – **External Administrative Costs**, and **Bureau Billing for Client Support** for reimbursable attorney positions funded by clients.

External Administrative Costs –The following table illustrates external administrative costs paid to Interior and other agencies to support Department-wide activities such as IT security, architecture, and capital planning; training through DOI University; telecommunications; finance and accounting services; building security; mail room; and enterprise licenses.

External Administrative Costs (Dollars in Thousands)	
	FY 2021 Request
Interior's Working Capital Fund	
Centralized Billings	3,928
Direct Billings	3,394
Total	7,322

- **Bureau Billing for Client Support** - A number of client bureaus and offices within Interior require legal assistance beyond the level of services that this Office is able to provide with its current appropriation. Section 403 of the Department of the Interior appropriation authorizes the reimbursement for administrative services. The legal work provided by SOL falls within the meaning of this provision. In these instances, the Office typically hires one or more attorneys on time-limited appointments and the Office enters into a reimbursable support agreement with the client to cover the cost.

The table below illustrates the indirect overhead costs for reimbursable attorney positions funded by clients. The indirect overhead costs reflects a pro rata portion of operating costs which includes space,

telecommunications, postage, courier services, supplies, printing, copying, computer equipment, law books, IT services, automated legal research services, and external administrative costs.

Bureau Billing for Client Support (Dollars in Thousands)	
	FY 2021 Request
Attorney salaries and benefits	14,132
Reimbursable attorney overhead	3,734
Travel	485
Total	18,351

In addition to reimbursements for staff positions and some related expenses, client bureaus fund a portion of the Office's travel. Consistent with the understanding developed with the Appropriations Committees, travel related to litigation and other core Office functions is paid out of the SOL appropriation, but clients fund some travel for our attorneys to provide client training, attend meetings, and for other matters not involving core Office functions. The Office also receives budget allocations from Departmental Offices like the Natural Resource Damage Assessment and Restoration Program, the Office of the Secretary's Working Capital Fund, and the Office of the Special Trustee for American Indians for attorney salaries, benefits, and overhead.

**Office of the Solicitor
Employee Count By Grade
Total Employees**

	FY 2019	FY 2020	FY 2021
	Actual	Estimate	Estimate
Executive Level IV	0	1	1
SES	22	22	25
SL - 00	4	4	4
Subtotal	26	27	30
GS-15	120	131	140
GS-14	202	233	250
GS-13	26	34	36
GS-12	17	15	17
GS-11	20	26	28
GS-9	3	4	5
GS-8	10	10	10
GS-7	7	8	8
GS-6	2	2	2
Subtotal	407	463	496
Total employment (actual & estimates)	433	490	526

REIMBURSABLE POSITIONS
(Dollars in Thousands)

	FY 2018	FY 2019	FY 2020
Bureau of Indian Affairs			
Legal support, related to BIA water resources	41	43	44
Legal support, related to trust land, Tribal relations, fee-to-trust activities, and other BIA activities	110	150	155
Legal support, BIE priority matters	207	208	214
Legal support, trust services	209	147	151
Legal support, irrigation and general Indian water rights	107	124	128
Legal support, title and fee-to-trust	126	158	163
Legal support, Twin Cities paralegal	146	0	50
Legal support, related to legislation, policy, and operations	162	179	184
Legal support, probate and AIPRA issues	155	0	0
Legal support, enforcement and Carcieri opinions	161	0	0
Legal support, Osage matters	137	100	103
Legal support, BIA Navajo Region	84	88	141
Legal support, BIA OJS matters	428	245	302
Legal support, land and IBIA matters	123	0	0
Legal support, BIE contracting and labor relations	202	0	0
Legal support, special needs claims, Indian education, and other BIE legal issues	182	410	422
ASIA detail	0	44	45
Legal support, employment issues	86	269	277
Ethics	0	76	778
Subtotal	2,666	2,241	3,157
Bureau of Land Management			
Legal support, land and operations, NEPA, planning, realty, minerals, grazing, and renewable energy/ DRECP issues	413	436	449
Legal support, special assistant US attorney assignments	36	76	78
Legal support, natural resources, realty, procurement, and general law matters	169	81	83
Legal support, land and operations including NEPA, FOIA, land use planning, oil and gas, mineral trespass, wild horses, and grazing issues	140	156	161
Legal support, land and operations, NEPA, realty, planning, FOIA, oil and gas, hardrock minerals, wild horses, fire trespass, CERCLA and AML, and grazing issues	443	453	467
Legal support, fluid mineral program	0	40	41
Legal support, paralegal activities	0	23	24
Legal support, land and general law, including environmental law, NEPA, oil and gas, trespass, land use planning, realty, and grazing	125	125	129

REIMBURSABLE POSITIONS
(Dollars in Thousands)

	FY 2018	FY 2019	FY 2020
Bureau of Land Management (continued)			
Legal support, land use planning, Sage Grouse, Recreation, and NEPA	185	44	50
Legal support, AK land use planning, RDI, BLM Fire Service, and Navigability projects	0	196	202
Legal support, NHPA compliance, recordable disclaimers of interest, R.S. 2477, renewable energy, railroad rights-of-way, FLPMA, and other rights-of-way issues	226	233	240
Legal support, SNPLMA, land and resources occurring principally in southern Nevada	205	154	159
Legal support, R.S. 2477, land and mineral resources, grazing, renewable energy, NEPA, NHPA, land use planning, rights of way, and recreation	342	359	370
Legal support, FOIA	26	101	104
Legal support, Helium	0	159	164
Legal support, BLM Directorates and State Offices	0	186	192
Legal support, including procurement, agreements, and other legal support as necessary	211	218	225
Legal support, employment issues	184	315	324
Ethics	0	0	1,350
Subtotal	2,705	3,355	4,812
Bureau of Ocean Energy Management			
Legal support, offshore minerals and renewable energy issues	440	454	468
Legal support, rulemaking, renewable leases, seismic permits, marine mineral agreements, OCSLA, OPA, and FOIA	902	857	883
Legal support, relating to offshore renewable energy issues	218	227	234
Legal support, relating to Alaska issues	222	226	233
Legal support, employment issues	0	18	24
Ethics	0	0	203
Subtotal	1,782	1,782	2,045
Bureau of Reclamation			
Legal support, Upper and Lower Colorado issues	210	219	226
Legal Support, Central Utah Project – Title II construction and Title III mitigation programs	203	211	217
Legal support, intellectual property	34	0	0
Legal support, power and irrigation issues	177	186	192
Legal support, water contracts, water rights issues, Klamath project issues, NEPA, and NHPA	9	0	0
Legal support, Lower Colorado River basin	129	230	237
Legal support, Boulder Canyon Project Act	192	199	205

REIMBURSABLE POSITIONS
(Dollars in Thousands)

	FY 2018	FY 2019	FY 2020
Bureau of Reclamation (cont.)			
Legal support, water rights, water quality, contracts for the CVP, and non-CVP projects in California and Nevada	239	249	256
Legal support, Great Plains Region water service contracts, land title, NEPA, Indian water rights settlements, and general water rights	201	206	212
Legal support, stream adjudication and water rights issues	167	171	176
Legal support, general law and realty	180	0	0
Legal support, realty, land management, cultural resources, NEPA, ESA, CWA, and Washington BOR projects	114	109	112
Legal support, including procurement, agreements, and other legal support as necessary	134	125	129
Legal support, San Joaquin River Restoration	0	66	68
Legal support, New Mexico water project and operations	183	184	190
Legal support, Federal Columbia River Power System, Federal power issues, and irrigation diversion rate settings	189	199	205
Legal support, contracting, repayment issues, water supply issues in the western United, and the Central Valley Project	238	220	227
Legal support, Bay-Delta Area Office	0	64	66
Legal support, Indian water rights settlement implementation matters and agreements, contracts, and other legal document reviews related to CAP, Navajo project, and NGS extensions	207	214	220
Legal support, NEPA and ESA	0	29	30
Legal support, employment issues	59	219	226
Ethics	0	50	873
Subtotal	2,865	3,150	4,067
Bureau of Safety and Environmental Enforcement			
Legal support, rulemaking initiatives, oversight of offshore operations, regulation under OCSLA and OPA, and FOIA	1,032	928	956
Legal support, oil and gas environmental and safety program	195	203	209
Legal support, employment issues	96	69	71
Ethics	0	0	200
Subtotal	1,323	1,200	1,436
Fish and Wildlife Service			
Legal support, procurement, contracts, and concessions	0	17	18
Legal support, Farallon Islands National Wildlife Refuge	0	15	15
Legal support, ESA, refuge, contracts, and grants	72	98	101
Legal support, ESA, realty, and records	23	0	80
Legal support, Office of Law Enforcement issues	363	258	0
Legal support, employment issues	184	250	328

REIMBURSABLE POSITIONS
(Dollars in Thousands)

	FY 2018	FY 2019	FY 2020
Fish and Wildlife Service (cont.)			
Ethics	0	0	1,867
Subtotal	642	638	2,409
Interior Business Center			
Legal support, IBC contractual and acquisition services	1,036	804	828
Legal support, including procurement, agreements, and other legal support as necessary	242	265	273
Legal support, employment issues	19	95	98
Ethics	0	0	180
Subtotal	1,297	1,164	1,379
National Park Service			
Legal support, property, and realty	110	93	96
Legal support, FOIA, partnership agreements, cultural resources, environmental remediation, water, and intellectual property	248	286	295
Legal support, intellectual property	46	0	0
Legal support, including procurement, agreements, and other legal support as necessary	199	200	206
Legal support, concessions, leasing, and commercial services	105	87	50
Legal support, procurement, concessions, and agreements	284	30	31
Legal support, realty, contracting, and agreements	0	116	119
Legal support, related to Organic Act, NEPA, and FOIA	242	267	275
Legal support, Point Reyes and Golden Gate matters	0	51	53
Legal support, Southeast region matters	0	0	50
Legal support, employment issues	612	780	803
Ethics	0	0	791
Administrative support detail	0	18	0
Subtotal	1,846	1,928	2,769
Office of the Special Trustee for American Indians			
Legal support, Office of Special Trustee for American Indians	203	211	217
Legal support, trust policy and procedure projects	210	217	224
Legal support, employment issues	0	19	20
Legal support, Office of Special Trustee for American Indians	[2,228]	[2,297]	[1,997]
Ethics	0	0	210
Subtotal	413	447	671
Office of Surface Mining Reclamation and Enforcement			
Legal support, OSM issues	214	218	225
Legal support, coal, regulatory, and reclamation operations	115	118	122
Legal support, employment issues	10	22	23

REIMBURSABLE POSITIONS
(Dollars in Thousands)

	FY 2018	FY 2019	FY 2020
OSMRE (cont.)			
Ethics	0	0	209
Subtotal	<u>339</u>	<u>358</u>	<u>579</u>
United States Geological Survey			
Legal support, intellectual property	51	5	5
Legal support, employment issues	38	67	69
Ethics	0	0	905
Subtotal	<u>89</u>	<u>72</u>	<u>979</u>
Other Offices and Programs			
Ethics services for ONRR	191	255	263
Legal support, ONRR royalty matters	206	61	63
Legal support, ONRR related matters	306	268	276
Legal support, Land Buy-Back Program for Tribal Nations	182	93	186
Legal support, OCIO	140	170	349
Legal support, OS employment issues	13	146	150
Legal support, OS FOIA	0	0	936
Ethics services for OS	0	306	707
Legal support, Departmental management	0	166	171
Legal support, Indian Water Rights Office detail	26	201	207
Legal support, OS issues reflecting cross-cutting matters arising from all DOI bureaus	238	0 225	0 232
Legal support, DOJ assignment	109	159	164
Legal support, FOIA Appeals	[235]	[240]	[240]
Legal support, WCF torts practice branch	[1,640]	[1,645]	[1,645]
Legal support, WCF issues	[215]	[220]	[220]
Legal support, NRDAR	[636]	[638]	[638]
Legal support, HAZMAT compliance	[1,393]	[1,401]	[1,401]
Subtotal	<u>1,411</u>	<u>2,050</u>	<u>3,704</u>
TOTAL REIMBURSEMENTS	17,378	18,385	28,007

FY 2019 Endangered Species Act (ESA) Payments - Department of the Interior

Case	Venue	Citation	Amount	Payee	Payment date
American Stewards of Liberty, Independent Petroleum Association of America, and Osage Producers Asc	E.D. Okla.	6:17-cv-00352-RAW	\$14,000.00	Nossaman LLP; Paul Weiland	11/20/18
Center for Biological Diversity v. FWS	N.D. Cal.	3:16-cv-06040-WHA	\$250,000.00	Greg Loarie; Center for Biological Diversity	8/26/19
Center for Biological Diversity v. Bernhardt, et al.	D.C. Cir.	1:18-cv-1568-TNM	\$12,645.60	Rachael Curran; Jaclyn M. Lopez; Center for Biological Diversity	9/27/19
Center for Biological Diversity v. Zinke (Arctic grayling)	9th Cir.	16-35866	\$225,000.00	EarthJustice	11/29/18
Center for Biological Diversity v. Bernhardt (Shasta Salamander)	N.D. Cal.	3:18-cv-07211-WHA	\$6,000.00	Jennifer L. Loda; Brian Segee	7/25/19
Friends of Animals v. FWS	D. Colo.	18-cv-1544-WYD	\$8,735.86	Michael Harris; Friends of Animals	3/20/19
Native Ecosystems Council and Alliance for the Wild Rockies	D. Mont.	CV 9:12-cv-00027-DLC	\$26,904.61	Rebecca Smith and Tim Bechtold	4/4/19
Total ESA Payments			\$543,286.07		

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FY 2019 Equal Access to Justice Act (EAJA) Payments - Department of the Interior

Case Name	Bur	Judge	Type	Amount	Hourly Rates	Venue	Citation	Appeal Status	Payment Date	Payee/Plaintiff's Attorney
Dine Bi' Olta School Board Association v. DOI	BIE	Stephen Logan	Court Settlement	\$42,000.00	\$300-\$325	D. Ariz.	CV-17-08066-PCT-SPL		7/23/19	Frye & Kelly PC
Donald Routson v. Jewell	BLM	David Duncan	Court Decision	\$16,681.58	\$350-\$500	D. Ariz.	15-cv-08286-PCT-DKD	Appeal dismissed	2/27/19	Donald Routson
Friends of Animals v. BLM (Three Fingers)	BLM	Michael Simon	Court Settlement	\$56,011.87	\$182-\$214	D. Or.	2:16-cv-01670-SI		4/10/19	Friends of Animals, Inc.
Ginger Kathrens and the Cloud Foundation v. Bernhardt	BLM	Susan P. Watters	Court Settlement	\$45,000.00	\$300-\$865	D. Mont.	1:18-cv-00125-SPW-TJC		5/30/19	Meyer, Glitzenstein & Eubanks, LLP
Judy Bundorf, Friends of Searchlight Desert and Mountains, Basin and Range Watch, et al. v. Zinke	BLM	Miranda Du	Court Decision	\$296,236.57	\$330-\$410	D. Nev.	2:13-cv-00616-MMD-PAL		3/18/19	David H. Becker
Native Ecosystems Council and Alliance for the Wild Rockies v. BLM	BLM	Susan Watters	Agency Settlement	\$100,000.00	\$250-\$400	D. Mont.	1:18-cv-55-BLG-SPW-TJC		9/11/19	Akland Law Firm, PLLC
San Juan Citizens Alliance v. BLM	BLM	James O. Browning	Court Settlement	\$72,000.00	\$405-\$245	D.N.M.	1:16-cv-00376-JB-JHR	Settled	6/24/19	Kyle J. Tisdell
San Juan Citizens Alliance, Inc. v. BLM	BLM	Richard Paul Matsch	Court Settlement	\$80,000.00	\$200-\$200	D. Colo.	14-cv-02784-RPM		2/6/19	Travis E. Stills
Sierra Club, et al. v. Bernhardt	BLM	William H. Orrick	Court Settlement	\$238,000.00	\$350-\$850	N.D. Cal.	3:17-cv-07187-WHO		7/17/19	Earthjustice, Western Environmental Law Center, Environmental Law and Policy Center, and Clean Air Task Force
Sierra Club, et al. v. Zinke	BLM	Elizabeth Laporte	Court Settlement	\$215,000.00	\$350-\$850	N.D. Cal.	3:17-cv-3885-EDL		10/31/18	Earthjustice, Western Environmental Law Center, Environmental Law and Policy Center, and Clean Air Task Force
Western Organizational of Resource Councils, et al. v. BLM	BLM	Brian Morris	Court Settlement	\$238,685.00	\$250-\$320	D. Mont.	CV-16-21-GF-BMM		5/15/19	Western Environmental Law Center
Western Watersheds Project v. Zinke (sage-grouse RMP)	BLM	B. Lynn Winmill	Court Settlement	\$280,000.00	\$150-\$450	D. Idaho	4:08-cv-00516-BLW		2/12/19	Advocates for the West

Case Name	Bur	Judge	Type	Amount	Hourly Rates	Venue	Citation	Appeal Status	Payment Date	Payee/Plaintiff's Attorney
White Pine County v. BLM	BLM	Andrew Gordon	Court Settlement	\$80,000.00	\$300-\$425	D. Nev.	2:14-cv-00226-APG-VCF		12/21/18	Simeon Herskovits
AquaAlliance v. BOR	BOR	Lawrence O'Neill	Court Settlement	\$145,000.00	\$300-\$500	E.D. Cal.	1:15-cv-754-LJO-BAM		6/7/19	Aqua Terra Aeris Law Group / Jason Flanders
Alliance for the Wild Rockies v. Savage (E. Reservoir)	FWS	Dana Christensen	Court Decision	\$163,233.53	\$190-\$440	D. Mont.	9:15-54-M-DLC	9th Cir appeal final	4/4/19	Rebecca Smith and Tim Bechtold
Center for Biological Diversity v. FWS	FWS	Trevor N. McFadden	Court Settlement	\$13,392.55	\$340-\$544	D.D.C.	18-cv-02069-TNM		6/29/19	Ryan Shannon
Front Range Nesting Bald Eagle Studies v. FWS	FWS	William Martinez	Court Settlement	\$65,000.00	\$202-\$590	D. Colo.	1:18-cv-00356-WJM		7/22/19	Eubanks & Associates, LLC
Red Wolf Coalition, et al. v. FWS	FWS	Terrence W. Boyle	Court Settlement	\$620,000.00	\$350-\$500	E.D.N.C.	2:15-cv-00042-BO		6/3/19	Southern Environmental Law Center
Safari Club International & NRA v. Zinke & FWS	FWS	Royce C. Lamberth	Court Settlement	\$40,000.00	\$193-\$205	D.D.C.	14-cv-00670-RCL; 15-cv-01026-RCL (consolidated)		11/20/18	Safari Club International
Turtle Island Restoration Network	FWS	Susan Mollway and Magistrate Judge Richard Puglisi	Court Settlement	\$80,000.00	\$375-\$450	D. Haw.	1:12-cv-594-SOM-RLP		5/24/19	David Henkin, Earthjustice
Wildearth Guardians v. Hoover (Furbearer CITES and ESA sec 7 consultation Lynx Incidental Take Statement)	FWS	Donald W. Molloy	Court Settlement	\$145,000.00	\$290-\$390	D. Mont.	9:16-cv-00065-DWM		6/5/19	Wildearth Guardians, Peter M.K. Frost, Matthew K. Bishop, and Sarah McMillan
Total				\$3,031,241.10						