

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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February 27, 2018

The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am writing to request that you issue a subpoena to compel the Department of the Interior to produce documents it has been withholding from Congress since last October relating to Secretary Ryan Zinke's efforts to reassign career Senior Executive Service employees and other civil service employees, as well as the costs associated with these reassignments.

Shortly after taking office, Secretary Zinke threatened to use personnel reassignments to slash the Department's workforce in response to their alleged disloyalty. He "promised a 'huge' change by restructuring staff positions" and claimed that many career employees are "disloyal." He also compared assuming the position of Secretary to "capturing a pirate ship."¹ In June 2017, the Department moved forward with efforts to reassign numerous civil service employees without providing a clear rationale.²

On October 11, 2017, I wrote to Secretary Zinke to request documents "relating to the reassignment of numerous Senior Executive Service (SES) employees and career civil servants within the Department of the Interior." Specifically, I requested:

1. all documents and communications regarding or relating to the reassignment or proposed reassignment of any career SES employee or civil service employee that has been considered or has occurred since January 20, 2017;

¹ *Zinke Says a Third of Interior's Staff is Disloyal to Trump and Promises "Huge" Changes*, Washington Post (Sept. 26, 2018) (online at www.washingtonpost.com/news/energy-environment/wp/2017/09/26/zinke-says-a-third-of-interiors-staff-is-disloyal-to-trump-and-promises-huge-changes/?utm_term=.0f7fe0fe7f6d).

² *Zinke Moving Dozens of Senior Interior Department Officials in Shake-up*, Washington Post (June 16, 2017) (online at www.washingtonpost.com/politics/zinke-moving-dozens-of-senior-interior-officials-in-shake-up/2017/06/16/11801d3a-5295-11e7-b064-828ba60fbb98_story.html?utm_term=.d8acbdbae79).

2. all documents and communications regarding or relating to the costs associated with the reassignment or proposed reassignment of any career SES employee or civil service employee that has been considered or has occurred since January 20, 2017; and
3. all documents and communications regarding or relating to how the reassignment or proposed reassignment of any career SES employee or civil service employee that has been considered or has occurred since January 20, 2017, will better serve taxpayer interests and the Department's operations by matching employee skill sets with mission and operational requirements.³

As I referenced in my October letter, one employee who was reassigned was Joel Clement, "one of the Department's foremost policy experts on climate change."⁴ Mr. Clement had alleged that "his reassignment was in retaliation for disclosures he made to George D. Banks, the Special Assistant to the President for International Energy and Environment, about the risks to human health in Alaska Native communities created by the effects of climate change."⁵ On February 13, 2018, Mr. Banks reportedly resigned his position at the White House "after being informed that he would not receive a permanent security clearance."⁶

In addition, Secretary Zinke testified that cuts proposed in President Trump's Fiscal Year 2018 budget would result in "an estimated reduction of roughly 4,000 full time equivalent staff from 2017."⁷ This year, the President's Fiscal Year 2019 budget states that the Department will implement a "Department-Wide Reorganization Plan" that will result in workforce reductions through "a combination of attrition and separation."⁸

The Department responded to my letter on December 4, 2017, confirming that, "On June 15, 2017, 33 members of the Department's career SES or 15 percent of the SES cadre received proposed or formal notices of reassignment."⁹

³ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Secretary Ryan Zinke, Department of the Interior (Oct. 6, 2017) (online at www.democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-10-09.EEC%20to%20Zinke-DOI%20re%20SES%20Joel%20Clement_0.pdf).

⁴ *Id.*

⁵ Complaint of Possible Prohibited Practice or Other Prohibited Activity, Joel Clement (Form OSC-11) (July 19, 2017) (online at <https://tinyurl.com/WHAClement>).

⁶ *Third White House Official Resigns After Being Told He Wouldn't Qualify for Full Clearance*, Politico (Feb. 14, 2018) (online at www.politico.com/story/2018/02/14/third-white-house-official-resigns-after-being-told-he-wouldnt-qualify-for-full-clearance-409246).

⁷ Subcommittee on Interior, Environment and Related Agencies, Senate Committee on Appropriations, Testimony of Ryan Zinke, Secretary of the Interior, *Hearing on the 2018 President's Budget Request* (June 21, 2017) (online at www.appropriations.senate.gov/imo/media/doc/062117-Zinke-Testimony.pdf).

⁸ Department of the Interior, *Fiscal Year 2019 The Interior Budget In Brief* (Feb. 2018) (online at www.doi.gov/sites/doi.gov/files/uploads/2019_highlights_book.pdf).

⁹ Letter from Mary Pletcher, Deputy Assistant Secretary for Human Capital and Diversity, Chief Human Capital Officer, Department of the Interior, to Ranking Member Elijah E. Cummings, House Committee on

The Department produced only 176 pages of documents, including a nearly 60-page photocopy of the Civil Service Reform Act of 1978, which Congress passed 40 years ago. In addition, the Department produced copies of reassignment requests from the Deputy Assistant Secretary for Human Capital and Diversity to the Executive Resources Board and letters from the Executive Resources Board to each employee. Finally, the Department produced a chart tracking the planned moves of employees, but redacted it without adequate explanation.¹⁰

The Department produced no additional documents relating to Mr. Clement, the Department failed to produce any documents detailing the costs of the staff reassignments or any communications explaining how these reassignments would serve taxpayer interests, and the Department failed to respond to repeated inquiries about when—or whether—it plans to produce the remaining documents.

For all these reasons, I request that you issue a subpoena compelling the Department to produce, by March 12, 2018, unredacted copies of all of the documents requested in my letter on October 11, 2017.

One of our core responsibilities on the Committee is to conduct vigorous oversight of agency reorganizations and the treatment of career federal employees. Although I was disappointed that you chose not to join me in requesting documents from the Department about these wide-ranging actions that are squarely within our jurisdiction, I hope that if you decide not to issue this subpoena yourself, you will place this matter on the agenda for our next regularly scheduled business meeting so all Committee members will have the opportunity to vote on a motion to subpoena these documents.

Thank you for your consideration of this request.

Sincerely,



Elijah E. Cummings
Ranking Member

Oversight and Government Reform (Dec. 4, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/Redact.1.pdf>).

¹⁰ Although a Department representative stated that redactions were made pursuant to the Privacy Act, the Privacy Act does not apply to disclosures to Congress. *See* 5 U.S.C. §552a (b)(9).