



BUDGET The United States
Department of the Interior
JUSTIFICATIONS

and Performance Information
Fiscal Year 2022

**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.

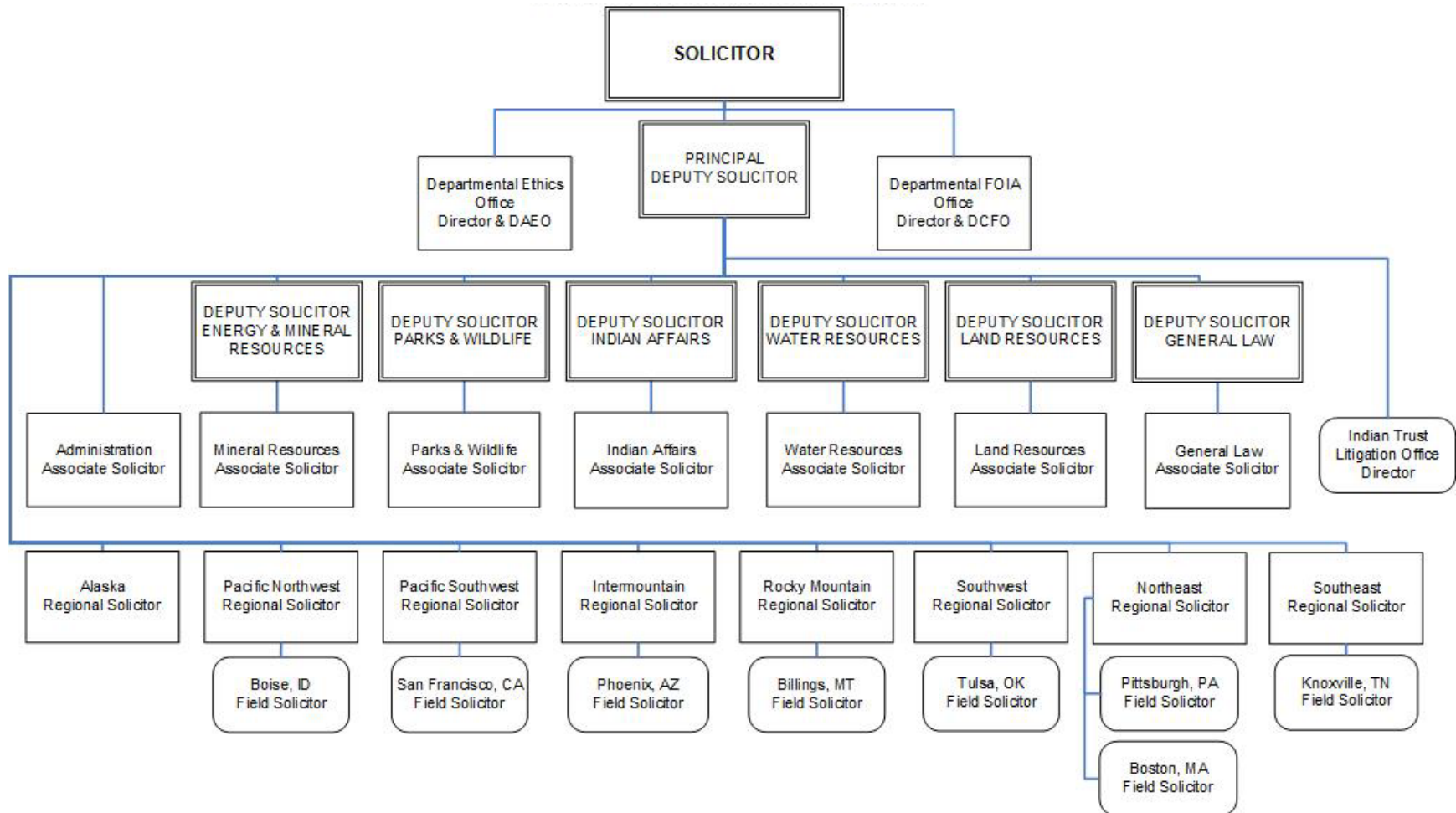


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DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
ORGANIZATIONAL CHART



GENERAL STATEMENT

The Office of the Solicitor's (SOL) mission is to provide legal counsel and advice to the Secretary and the Department, while inspiring and ensuring the highest ethical standards. The Office provides legal representation to the Secretary and all senior leadership, as well as comprehensive legal services to all bureaus and offices, ensuring that the Department's programs and activities are conducted in accordance with applicable laws and regulations. SOL's legal representation spans the entire spectrum of the Department's broad mission, providing expertise on a host of natural resource and environmental law issues, mineral law, water law, land use law, Indian law, contract law, tort law, employment law, administrative law, and appropriations law. SOL attorneys represent the Department in administrative hearings and work in conjunction with the Department of Justice in representing the Department in judicial proceedings in Federal, State and Tribal courts throughout the United States. The Office 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 the Departmental Ethics Office and Departmental Freedom of Information Act (FOIA) Office.

The budget request provides the Secretary and the Department the legal services needed for the advancement of the Administration's goals and other operational priorities. 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 will 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 all Department components in responding to requests from the Office of the Inspector General, the Office of Special Counsel, Congress, the courts, administrative tribunals, and the public.

The budget request includes an internal transfer of \$1,860,000 from the Office of the Secretary to implement Phase Two of the Departmental FOIA Office (DFO). The DFO provides governance, oversight, and operational support to the Department's component FOIA offices to improve their FOIA request processing quality and capacity and ultimately reduce FOIA-related litigation.

Having sufficient attorney resources to handle filed litigation and provide timely counseling is critical to ensuring that litigation risks are properly managed and mitigated. With proactive counseling, decision-makers are provided the opportunity to weigh litigation risks and potential costs, thereby thwarting potential legal challenges. Front-end counseling is critical to realizing cost savings by either preventing litigation or narrowing the issues that might be challenged in court.

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>

LEGAL SERVICES WORKLOAD

The work of the Office addresses and influences 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 and anticipated 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 Solicitor's Office devotes a substantial portion of its resources to 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, preparing and reviewing Secretary's Orders, participating in government-to-government relations with Indian Tribes, and advising on administrative functions, law enforcement and security. It is the work of the Solicitor's Office that forms the legal foundation for program decisions, risk analysis on a 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 attorneys to compile the administrative record, respond to discovery requests, identify and prepare fact and expert witnesses for testimony, conduct document productions (including privilege reviews), draft legal arguments, develop litigation strategy, and prepare a comprehensive defense of the Department's actions. SOL's attorneys also play a critical role in settlement negotiations and in evaluating the merits of seeking an appeal from an adverse decision, including to the United States Supreme Court.

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 balancing regulatory constraints. Nine of the Department's bureaus have significant energy programs, operations, and responsibilities. The Department's energy portfolio includes oil, gas, coal, hydroelectric, wind, solar, geothermal, and biomass. The Office's legal counseling services provides integral support across the spectrum of the Department's initiatives. On a strategic level, the Office 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.

Office attorneys provide a wide breadth of services, including giving advice to the review and drafting of key Departmental decisions, rulemakings, and planning documents. SOL attorneys help prepare and review massive administrative records that are the basis of the Department's defense in litigation. For example, land use planning and other decisions may require analysis under NEPA 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 and potential narrowing of 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. The Office is committed to supporting the Administration's effort to ensure, promote, and protect equity, diversity, and inclusion throughout the Department of the Interior.

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 must assume responsibility over the matters or risk possible default judgment by the court, as well as sanctions. In the course of this responsibility, SOL attorneys work closely with DOJ at all judicial levels, including Federal trial courts, State and Tribal 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 and reputation 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.

The Office's litigation caseload involves matters in every judicial district throughout the nation. SOL attorneys handle a broad spectrum of subject areas, with cases ranging from the relatively simple to the most complex and time intensive. Many cases can last several years or even decades. Claims for monetary relief often can be in the millions of dollars. In addition to judicial litigation, the Office also handles administrative litigation before the Interior Board of Land Appeals, the Interior Board of Indian Appeals, the Equal Employment Opportunity Commission, and the Merit Systems Protection Board.

As mentioned above, having attorney resources to handle both the filed litigation and to provide timely counseling is critical to ensuring that litigation risks are minimized. Proactive counseling provides decision-makers the opportunity to weigh litigation risks and damages to programs 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 court.

DEFENSIVE LITIGATION

As the defendant, the Office cannot control a plaintiff's decision to file litigation against the Secretary or the Department. These cases are non-discretionary, meaning that the Solicitor's Office must participate 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 volume and pace of the work 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; personnel and employment related matters; and numerous other issues. Some examples of resource intensive defensive litigation include challenges to oil and gas leasing and coal leasing decisions in multiple regions; bankruptcy cases, in which SOL defends government interests; the constitutionality of the Department and NPS commercial filming statute and regulations; Endangered Species Act (ESA) reform regulations, consultations, and listing determinations; the constitutionality of the Indian Child Welfare Act; constitutional, federal education statutes, and Administrative Procedures Act (APA) violation allegations for BIE school programs; BLM land use plans for sage grouse conservation; and Indian, ESA, APA, tribal trust, and takings relating to limited water resources in the western United States.

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.

While critically important, because affirmative litigation is discretionary – as opposed to defensive litigation – affirmative case referrals suffer when the Office lacks the resources to address its non-discretionary workload. We have seen a 28 percent reduction in affirmative cases over the past five years, resulting in fewer civil enforcement actions, fewer criminal prosecutions, and fewer debts and penalties collected.

Nonetheless, the benefit derived from affirmative litigation continues to far outpace the cost. 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 \$5.3 million in FY 2019 and \$5.6 million in FY 2020. 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 the 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.

FISCAL YEAR 2022 BUDGET REQUEST OVERVIEW

The FY 2022 President's Budget request for the Office of the Solicitor is \$95,498,000.

The Office developed a 2022 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 budget requests an appropriation availability change from one year to two years, enabling the Office to manage its resources more effectively, while continuing to provide essential legal services to the Secretary and the Department. The budget request includes a \$3.4 million program increase to fund the non-discretionary relocation of two regional offices. The relocation costs include records disposition, design to maximize space efficiency, construction, furniture suitable for downsized offices, and costs for moving equipment and files. The budget request includes a transfer of \$1.9 million from the Office of the Secretary to implement Phase Two of the Departmental FOIA Office, which provides governance, oversight, and operational support to the Department's component FOIA offices to improve their FOIA request processing quality and capacity and reduce FOIA-related litigation. The budget request also includes \$200,000 for SOL as part of a Departmentwide Diversity, Inclusion, and Compliance budget initiative to address identified high priority needs in support of Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities through the Federal Government* (Jan. 25, 2021), and Executive Order 13988, *Preventing and Combatting Discrimination on the Basis of Gender Identity and Sexual Orientation* (Jan. 20, 2021).

The following table summarizes the 2020 Actual, the 2021 Enacted¹, and the 2022 Request.

Total 2022 Budget Request
(Dollars in Thousands)

Budget Authority	2020 Actual	2021 Enacted	2022 Request
Appropriation Total	66,816	86,813	95,498
FTE Direct	303	381	390
FTE Reimbursable	154	82	90
FTE Allocation	30	42	43
FTE Total	487	505	523

¹ The Office's FY 2021 enacted appropriation included +\$16,864,000 for the consolidation of the Department's ethics program within the Departmental Ethics Office and +\$1,860,000 to establish the Departmental FOIA Office.

BUDGET AT A GLANCE
(Dollars in Thousands)

Appropriation: Office of the Solicitor	2020 Actual	2021 Enacted	Fixed Costs	Internal Transfers (+/-)	Program Changes (+/-)	2022 Request
Legal Services	59,240	59,765	+2,221		+3,400	65,386
Office Moves					[+3,400]	
General Administration	5,029	5,713	+213		+ 200	6,126
Diversity, Equity, Inclusion, and Accessibility Initiative					[+200]	
Ethics Office	2,547	19,475	+723			20,198
FOIA Office	-	1,860	+68	+1,860		3,788
Phase Two of FOIA				[+1,860]		
Total	66,816	86,813	+3,225	+1,860	+3,600	95,498

SUMMARY OF REQUIREMENTS
(Dollars in Thousands)

Salaries & Expenses	2020 Actual Amount	2021 Enacted Total FTE	2021 Enacted Amount	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-) FTE	Program Changes (+/-) Amount	2022 Request FTE	2022 Request Amount	Change from 2021 (+/-) FTE	Change from 2021 (+/-) Amount
Legal Services	59,240	262	59,765	+2,221		0	+3,400	262	65,386	0	+5,621
General Administration	5,029	21	5,713	+213		+1	+200	22	6,126	+1	+413
Ethics Office	2,547	90	19,475	+723		0	0	90	20,198	0	+723
FOIA Office	0	8	1,860	+68	+1,860	+8	0	16	3,788	+8	+1,928
TOTAL, SOL	66,816	381	86,813	+3,225	+1,860	+9	+3,600	390	95,498	+9	+8,685

**JUSTIFICATION OF FIXED COSTS AND INTERNAL
REALIGNMENTS
(Dollars in Thousands)**

Fixed Cost Changes and Projections	2021 Total or Change	2021 to 2022 Change	Description
Change in Number of Paid Days	-218	+0	This column reflects changes in pay associated with the change in the number of paid days between the FY 2021 and FY 2022, which is the same number of paid days in both FY 2021 and FY 2022.
Pay Raise	+876	+1,574	The President's Budget for FY 2022 includes one quarter of a planned 1.0% pay raise and three quarters of a planned 2.7% pay raise for the FY 2022.
Employer Share of Federal Employee Retirement System	+533	+552	The change reflects a 1.1% (and 1.8% for Law Enforcement) increase in the employer contribution to the Federal Employee Retirement System.
Departmental Working Capital Fund	+805	+412	The change reflects the final FY 2022 Central Bill approved by the Working Capital Fund Consortium.
Worker's Compensation Payments	+122	+11	The amounts reflect final chargeback costs of compensating injured employees and dependents of employees who suffer accidental deaths while on duty. Costs for the BY 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.
Unemployment Compensation Payments	+0	+0	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.
Rental Payments	+275	+676	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.

Fixed Cost Changes and Projections	2021 Total or Change	2021 to 2022 Change	Description
Baseline Adjustments for O&M Increases	+0	+0	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.

DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
APPROPRIATIONS LANGUAGE
SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, [\$86,813,000] \$95,498,000, to remain available until September 30, 2023.

(Department of the Interior, Environment, and Related Agencies Appropriations Act, 2021.)

DEPARTMENT OF THE INTERIOR

OFFICE OF THE SOLICITOR

JUSTIFICATION OF PROPOSED LANGUAGE CHANGES

Appropriation: Office of the Solicitor, Salaries and Expenses

1. Addition of the following wording:

[to remain available until September 30, 2023]

The Office of the Solicitor proposes a two-year appropriation. This type of funding allows SOL a degree of flexibility that will improve SOL's operations and management and enable it to better address large one-time costs such as office moves. This proposal is a technical no-cost adjustment. Benefits include:

- Sufficient time to complete procurement actions in years when operating under protracted continuing resolutions
- Allows for proper planning for office moves and construction projects within multi-year time parameters required by the General Services Administration
- Enables more efficient use of current space through funding of:
 - Document scanning, file archiving and disposal
 - Renovation projects to right-size offices and maximize space productivity
 - Office expansions when changing priorities in a locality demand an increase in staffing
- Ability to carry over unobligated balances to meet unexpected future expenses and cost increases
- Ability to quickly adjust to changing Administration or Department priorities
- Conformity with most DOI appropriations, including those for comparably sized and structured components

APPROPRIATIONS 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)

	2020 Actual	2021 Enacted	2022			Change from 2021 Enacted (+/-)
			Fixed Costs & Related Changes (+/-)	Program Changes (+/-)	Budget Request	
General Administration	5,029	5,713	+213	+200	6,126	+413
Direct FTE	17	21	0	+1	22	+1
Reimbursable FTE	2	0	0	0	0	0
Allocated FTE	0	1	0	0	1	0

Summary of 2022 Program Changes for General Administration

Request Component	(\$000)	FTE
Program Changes:		
Diversity, Equity, Inclusion, and Accessibility Initiative	+200	+1
TOTAL Program Changes	+200	+1

Justification of 2022 Program Changes

The 2022 budget request for the General Administration activity is \$6,126,000 and 22 FTE, a program change of +\$200,000 and +1 FTE from 2021.

Diversity, Equity, Inclusion, and Accessibility Initiative (+\$200,000/ +1 FTE) – the budget request includes a \$200,000 program increase for one FTE as part of a Department-wide Diversity, Equity, Inclusion, and Accessibility initiative to address identified high priority needs in support of Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities through the Federal Government*, and Executive Order 13988, *Preventing and Combatting Discrimination on the Basis of Gender Identity and Sexual Orientation*. As part of this initiative, the Department, bureaus and offices will jointly conduct a review of the Diversity, Equity, Inclusion and Accessibility program across Interior to identify gaps, challenges, best practices and examine Department and bureau roles, responsibilities and governance.

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 formulation, justification and execution; human

resources and position and performance management; employee development and training; space and property management; procurement of services, furnishings and equipment; information technology planning and services; management of administrative and legal support systems; continuity of operations and safety; communications; and FOIA response and records management.

LEGAL SERVICES ACTIVITY

Activity: Legal Services
(Dollars in Thousands)

	2020 Actual	2021 Enacted	2022			Change from 2021 Enacted (+/-)
			Fixed Costs & Related Changes (+/-)	Program Changes (+/-)	Budget Request	
Legal Services	59,240	59,765	+2,221	+3,400	65,386	+5,621
Direct FTE	275	262	0	0	262	0
Reimbursable FTE	102	80	0	+3	83	+3
Allocated FTE	29	40	0	0	40	0

Summary of 2022 Program Changes for Legal Services

Request Component	(\$000)	FTE
<u>Program Changes:</u>		
Office Moves	+3,400	0
TOTAL Program Changes	+3,400	0

Justification of 2022 Program Changes

The 2022 budget request for the Legal Services activity is \$65,386,000 and 262 FTE, a program change of +\$3,400,000 and 0 FTE from 2021.

Office Moves (+\$3,400,000/ 0 FTE) – the budget request includes a \$3,400,000 program increase to relocate two regional offices. The relocation costs include records disposition, design to maximize space efficiency, construction, furniture for downsized offices, and moving costs for files and equipment. The relocation of the Intermountain Regional Office from its current location requires \$2,500,000. The relocation of the Tulsa Field Office from its current location requires \$900,000. Extensive discussions have taken place with the General Services Administration (GSA) over the past several years regarding the Salt Lake City, Utah, office, and the Tulsa, Oklahoma, office, and SOL expects that a relocation will be required. The relocated offices would remain in the Salt Lake City and Tulsa metropolitan areas, respectively. While SOL’s preference would be to remain in its current offices, all indications are that SOL cannot extend the lease beyond a short interim period. The amount requested is the estimate provided by GSA for a build-out of new office space that will be functionally equivalent to the current office space while reducing the per-employee square footage.

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 and six Deputy Solicitors with subject matter oversight; the Departmental Ethics Office; the Departmental FOIA Office; six legal divisions; and an administrative division. Each legal division is managed 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.

The responsibility of the Legal Services program is to effectively manage the legal work to support the top priorities of the Secretary and the bureaus. Among these legal services are providing legal counsel and advice to the Secretary, other Department leadership, and the Department's bureaus and offices; representation of the Secretary and the Department in judicial and administrative litigation; preparation of legal opinions; legal review of legislation, regulations, Congressional requests, contracts, land title documents, and other legal materials.

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 bureaus and office 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 government-wide statutes as the Administrative Procedure Act, FOIA, Privacy Act, Federal Advisory Committee Act, Federal Tort Claims Act, Civil Service Reform Act, Civil Rights Acts, and Rehabilitation Act, and various Constitutional provisions. Other questions arise from the hundreds of environmental and resource statutes and regulations applicable to Interior's program areas in which the Office's attorneys and paralegals have developed significant and specialized expertise.

In addition to this essential baseline of legal work, the Office engages in a significant number of special 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)

Bureau of Ocean Energy Management (BOEM)

Bureau of Safety and Environmental Enforcement (BSEE)

Bureau of Trust Funds Administration (BTFA)

Fish and Wildlife Service (FWS)

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 Collaborative Action and Dispute Resolution (CADR)

Office of Diversity, Inclusion and Civil Rights (OCR)

Office of Environmental Policy and Compliance (OEPC)Office of Insular Affairs (OIA)

Interior Business Center (IBC)

Secretary's Indian Water Rights Office (SIWRO)

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 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.

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 litigation, 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.

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.

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 involving tort claims against Interior components. The Branch also handles all lawsuits 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.

The Employment and Labor Law Unit 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, and the Bureau of Trust Funds Administration. 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 supervised by an Assistant Solicitor.

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.

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.

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 Bureau of Indian Education leadership in operating Federal schools for Indians and in providing contracts and grants to Tribal schools.

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 the Bureau of Land Management, 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 supervised by an Assistant Solicitor.

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.

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 the Bureau of Ocean Energy Management, the Bureau of Safety and Environmental Enforcement, the Office of Surface Mining Reclamation and Enforcement, the U.S. Geological Survey 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. The Division has an Associate Solicitor and four branches, each supervised by an Assistant Solicitor.

The Branch of Ocean Energy provides legal services to BOEM, including support for its mineral leasing, exploration and development plan administration, bonding, National Environmental Policy Act (NEPA) analysis, and renewable energy (including offshore wind, wave, and ocean current energy) functions. The branch also advises BOEM regarding international and domestic boundaries, international pollution and marine mineral matters, the Law of the Sea treaty, and the Convention on the Outer Continental Shelf.

The Branch of Offshore Safety and Enforcement provides legal support to BSEE in enforcing safety and environmental regulations and regulating field operations, including permitting, inspections, development of regulations to achieve safety and environmental protection, enforcement (including litigation of civil penalties or other sanctions), approval of suspensions and unitizations, oil spill preparedness and response, pipelines and rights of way, decommissioning, and environmental compliance functions.

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.

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 supervised by an Assistant Solicitor.

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.

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.

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 supervised by an Assistant Solicitor.

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.

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 Office of the Solicitor has eight regional offices, each directed by a Regional Solicitor. Additionally, there are eight subordinate field offices, each supervised by a Field Solicitor. Each regional and field office is assigned a geographical area for which it provides legal services to the Department's bureau operations within that geographic area.

The **Regional Solicitor - Alaska** is responsible for legal matters for all DOI bureaus in Alaska with the exception of OSMRE and USGS and legal matters involving the BIA for the Metlakatla Indian Community on the Annette Islands Reserve. 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.

The **Regional Solicitor – Intermountain** is responsible for legal matters in Utah involving all Department bureaus except FWS and OSMRE, as well as legal matters in Arizona involving all bureaus except FWS, NPS, and OSMRE. In addition, the office is responsible for legal matters involving BOR located west of the Continental Divide in Colorado, New Mexico, Texas and southwestern Wyoming (BOR Upper Colorado Basin Region) as well as in California and Nevada (BOR Lower Colorado Basin Region); and legal matters for BIA in Nevada (BIA Eastern Nevada Agency and Western Nevada Agency). The Office of the Regional Solicitor is located in the Salt Lake City, Utah, metropolitan area. A subordinate field office is supervised by a Field Solicitor under the direction of the Regional Solicitor and is located in the Phoenix, Arizona, metropolitan area.

The **Regional Solicitor - Northeast** is responsible for legal matters involving all bureaus except BIA in 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 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.

The **Regional Solicitor – Pacific Northwest** is responsible for legal matters involving all bureaus in 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.

The **Regional Solicitor – Pacific Southwest** is responsible for legal matters involving 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.

The **Regional Solicitor – Rocky Mountain** is responsible for legal matters involving 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 Eastern Colorado Area Office including BOR located 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, Nebraska, Kansas, 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 Acquisition Services Directorate) in Alaska and Idaho; legal matters involving the NPS WASO 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 Regions 3, 4, 5, 6, 7 and 8; 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.

The **Regional Solicitor - Southeast** is responsible for legal matters involving all bureaus in 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.

The **Regional Solicitor - Southwest** 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)

	2020 Actual	2021 Enacted	2022			Change from 2021 Enacted (+/-)
			Fixed Costs & Related Changes (+/-)	Program Changes (+/-)	Budget Request	
Ethics Office	2,547	19,475	+723	+0	20,198	+723
Direct FTE	11	90	0	0	90	0
Reimbursable FTE	50	0	0	0	0	0
Allocated FTE	1	1	0	0	1	0

ETHICS OFFICE 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 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 accurate and timely counseling and technical assistance to help them with the ethics and conduct issues they may face as entrusted public servants. The DEO 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.

executive orders, and regulations (5 C.F.R. § 2638.202). The DEO also manages a Hatch Act compliance program for Interior.

REQUIRED FUNCTIONS

- Oversight and Technical Assistance to Bureaus: Regulations require that the DAEO administer a program for periodic evaluation of the ethics program and its components. The DEO has direct oversight and responsibility of administering ethics programs for all DOI bureaus and offices. The DEO also provides live training on topics important to the consistent management of the bureaus' ethics programs.
- Presidential Appointments: The DEO coordinates and ensures ethics compliance for all political appointees. In coordination with the White House Counsel's Office, and the United States Office of Government Ethics (OGE), the DEO plays a critical role in the clearance process of nominees to Presidentially Appointed-Senate Confirmed (PAS) positions. The DEO reviews all nominees to perform their duties without actual or apparent conflicts of interest. Additionally, the DEO works with Interior's Office of Congressional and Legislative Affairs to prepare nominees for committee hearings.
- Financial Disclosure: The DEO is responsible for ensuring that the public and confidential financial disclosure reporting requirements set out by regulation (5 C.F.R. § 2634.601-607, § 2634.901-909) are met. Department-wide, there are approximately 11,000 filers of financial disclosure forms every year, both public and confidential financial disclosures. The DEO is responsible for certifying all financial disclosure forms of all employees in the Department. 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.
- Training: The DEO is responsible for providing relevant and engaging ethics training and education to 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.
- 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).
- 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.

- Policy and Compliance: The DEO develops and deploys 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 OGE.

FOIA OFFICE

Activity: FOIA Office
(Dollars in Thousands)

	2020 Actual	2021 Enacted	Fixed Costs & Related Changes (+/-)	Internal Transfer (+/-)	Program Changes (+/-)	2022 Request	Change from 2021 (+/-)
FOIA Office	0	1,860	+68	+1,860	0	3,788	+1,928
Direct FTE	0	8	0	+8	0	16	+8
Reimbursable FTE	0	2	0	0	+5	7	+5
Allocated FTE	0	0	0	0	+1	1	+1

Summary of 2022 Internal Transfers for FOIA Office

Request Component	(\$000)	FTE
<u>Internal Transfer:</u>		
Phase Two of Departmental FOIA Office	+1,860	+8
TOTAL Internal Transfers	+1,860	+8

Justification of 2022 Program Changes

The 2022 budget request for the Legal Services activity is \$3,788,000 and 16 FTE, a program change of +\$1,860,000 and +8 FTE from 2021.

Phase Two of Departmental FOIA Office (+\$1,860,000/ +8 FTE) – The Office of the Solicitor requests an internal transfer from the Office of the Secretary of \$1,860,000 for 8 FTE. The Departmental FOIA Office was established in January 2020 to implement Department-wide changes that improve the processing quality and capacity of the bureau FOIA offices and provide ongoing central governance and oversight. With strong Congressional support, the DFO is completing Phase One of its implementation in FY 2021 and is beginning to make significant improvements to the Department’s FOIA program. This funding increase will enable the DFO to complete Phase Two of its implementation by hiring five additional attorneys to serve on the FOIA Support Team, which provides targeted operational assistance to the component bureaus/offices to address backlogged, cross-cutting, or particularly complex FOIA requests; two compliance analysts to further develop and implement quality control procedures to ensure the FOIA offices are following legal and policy requirements and otherwise employing best practices; and a FOIA litigation lead to coordinate FOIA litigation across the Department. Full staffing will enable the DFO to reduce existing backlogs in the Department’s FOIA offices, which will in turn reduce future FOIA litigation. Achieving these results will require a sustained effort over the course of several years. Once backlogs and litigation are under control, the DFO’s activities will contribute to preventing the recurrence of backlogs and litigation by maintaining an efficient, effective, and resilient FOIA program through continual oversight, training, and updates to technology and best practices, as well as targeted operational assistance to address surges in incoming requests. The long-term tangible outcomes of this

request are lasting improvements to the Department's FOIA program, resulting in more efficient and effective request processing, faster response times, and reduced backlogs.

FOIA OFFICE PROGRAM OVERVIEW

The mission of the Departmental FOIA Office is to implement systemic changes that improve the processing quality and capacity of the component bureau/office FOIA offices and provide ongoing central governance, support, and oversight of the FOIA offices.

The Departmental FOIA Office is responsible for governance, oversight, and operational support to the Department's component FOIA offices to improve their FOIA request processing quality and capacity and ultimately reduce FOIA-related litigation. The Deputy Chief FOIA Officer (DCFO) serves 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 carries out the following functions:

- **Policy and Operational Support:** The DFO promulgates Department-wide policies and guidance on FOIA processes and procedures to foster efficiency and consistency in FOIA processing. In addition, to achieve cost-savings and address existing resource shortages, the DFO leverages resources and expertise through its FOIA Support Team (FST). The FST consists of DFO personnel and in the future will also include rotating personnel detailed from FOIA offices in component bureaus/offices. The rotations will allow increased flexibility and provide valuable cross-training and career development experience to FOIA personnel at the bureau/office level. The FST will enable the coordination of cross-cutting requests and the strategic deployment of resources by assigning FOIA processors to assist bureaus/offices with large backlogs and particularly challenging requests (such as requests that are subject to litigation or are complex or voluminous in nature). Although the FST is not intended to be a substitute for properly staffing the FOIA offices in bureaus/offices, it enables 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 has begun establishing appropriate FOIA program management elements to ensure uniformity in position descriptions and performance plans of Department FOIA personnel. The DFO has also begun approving hiring decisions and monitors performance evaluations of staff in the bureaus/offices to ensure the highest quality hiring of, and performance by, bureau/office FOIA Officers. The DFO prepares in-depth workforce analyses of bureau/office FOIA offices to make data-driven recommendations to their leadership concerning staffing requirements, strategic alignment, and improved processing procedures. In addition, the DFO is responsible for the administration of modern and reliable technology to ensure efficient tracking and processing of FOIA requests by bureaus/offices.
- **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 and will provide training to the FOIA offices on policy

and best practices. 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. The DFO also serves as the FOIA Public Liaison for the Department.

- **FOIA Litigation Coordination:** To meet the demands of increased FOIA litigation, SOL attorneys specializing in other subject-matter areas have been assigned FOIA cases, oftentimes at the expense of providing needed advice and counsel in their core subject matter areas. The DFO will hire a senior attorney who will centrally track and coordinate these cases and provide targeted assistance to the attorneys that are handling them. Such coordination will facilitate consistency and efficiency in the Department's FOIA litigation approach and strategy. It will also lay the groundwork for consolidating the Department's FOIA litigation work in the DFO in future years.

DISCLOSURE OF ADMINISTRATIVE ASSESSMENTS

Public Law 116-260, Further Consolidated Appropriations Act, 2021, 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 Committees 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 2022 Request
Interior's Working Capital Fund	
Centralized Billings	4,340
Direct Billings	2,830
Total	7,170

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 reflect 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	FY 2022 Request
Attorney salaries and benefits	16,500
Reimbursable attorney overhead	4,158
Travel	460
Total	21,118

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 Bureau of Trust Funds Administration for attorney salaries, benefits, and overhead.

EMPLOYEE COUNT BY GRADE

(Total Employment)

Employee Count by Grade	2020 Actuals	2021 Estimate	2022 Estimate
Executive Level V	1	1	1
SES	22	24	25
Subtotal	23	25	26
SL - 00	3	5	5
Subtotal	3	5	5
GS -15	133	131	131
GS -14	243	248	254
GS -13	42	50	50
GS -12	21	26	26
GS -11	28	28	28
GS - 9	4	3	3
GS - 8	10	10	10
GS - 7	7	8	8
GS - 6	2	2	2
Subtotal	490	506	512
Total employment (actuals & estimates)	516	536	543

REIMBURSABLE POSITIONS

(Dollars in Thousands)

	FY 2019	FY 2020	FY 2021
Bureau of Indian Affairs			
Legal support, related to BIA water resources	43	46	47
Legal support, related to trust land, Tribal relations, fee-to-trust activities, and other BIA activities	150	151	156
Legal support, trust services	147	8	8
Legal support, irrigation and general Indian water rights	124	167	172
Legal support, title and fee-to-trust	158	195	201
Legal support, energy development, natural resource law, realty, and FOIA	0	113	116
Legal support, related to legislation, policy, and operations	179	163	168
Legal support, realty issues	0	373	384
Legal support, Osage matters	100	80	82
Legal support, BIA Navajo Region	88	85	88
Legal support, BIA OJS matters	245	393	100
Legal support, land and IBIA matters	0	59	61
Legal support, BIA Pacific Northwest Region	0	94	97
Legal support, employment issues	269	285	0
Ethics	0	404	0
ASIA detail	44	78	80
Subtotal	1,547	2,694	1,760
Bureau of Indian Education			
Legal support, BIE priority matters	208	223	230
Legal support, special needs claims, Indian education, and other BIE legal issues	410	437	450
Legal support, employment issues	0	59	0
Ethics	76	271	0
Subtotal	694	990	680
Bureau of Land Management			
Legal support, land and operations, NEPA, planning, realty, minerals, grazing, and renewable energy/DRECP issues	436	359	370
Legal support, special assistant US attorney assignments	76	314	323
Legal support, natural resources, realty, procurement, and general law matters	81	0	0

	FY 2019	FY 2020	FY 2021
Bureau of Land Management (continued)			
Legal support, land and operations including NEPA, FOIA, land use planning, oil and gas, mineral trespass, wild horses, and grazing issues	156	176	181
Legal support, land and operations, NEPA, realty, planning, FOIA, oil and gas, hardrock minerals, wild horses, fire trespass, CERCLA and AML, and grazing issues	453	441	454
Legal support, California matters	0	0	95
Legal support, fluid mineral program	40	212	218
Legal support, paralegal activities	23	56	58
Legal support, land and general law, including environmental law, NEPA, oil and gas, trespass, land use planning, realty, and grazing	125	127	131
Legal support, land use planning, Sage Grouse, Recreation, and NEPA	44	0	5
Legal support, AK land use planning, RDI, BLM Fire Service, and Navigability projects	196	173	178
Legal support, NHPA compliance, recordable disclaimers of interest, R.S. 2477, renewable energy, railroad rights-of-way, FLPMA, and other rights-of-way issues	233	252	260
Legal support, SNPLMA, land and resources occurring principally in southern Nevada	154	187	193
Legal support, R.S. 2477, land and mineral resources, grazing, renewable energy, NEPA, NHPA, land use planning, rights of way, and recreation	359	394	406
Legal support, FOIA	101	123	127
Legal support, Helium	159	198	204
Legal support, BLM Directorates and State Offices	186	0	0
Legal support, including procurement, agreements, and other legal support as necessary	218	576	593
Legal support, employment issues	315	480	0
Ethics	0	1,480	0
Subtotal	3,355	5,548	3,796

	FY 2019	FY 2020	FY 2021
Bureau of Ocean Energy Management			
Legal support, offshore minerals and renewable energy issues	454	523	604
Legal support, rulemaking, renewable leases, seismic permits, marine mineral agreements, OCSLA, OPA, and FOIA	857	590	608
Legal support, offshore renewable energy issues	227	451	595
Legal support, relating to Alaska issues	226	248	255
Legal support, employment issues	18	220	0
Ethics	0	146	0
Subtotal	1,782	2,178	2,062
Bureau of Reclamation			
Legal support, Upper and Lower Colorado issues	219	241	248
Legal Support, Central Utah Project – Title II construction and Title III mitigation programs	211	221	228
Legal support, power and irrigation issues	186	198	204
Legal support, Lower Colorado River basin	230	246	253
Legal support, Boulder Canyon Project Act	199	210	216
Legal support, water rights, water quality, contracts for the CVP, and non-CVP projects in California and Nevada	249	259	267
Legal support, Great Plains Region water service contracts, land title, NEPA, Indian water rights settlements, and general water rights	206	218	225
Legal support, stream adjudication and water rights issues	171	179	184
Legal support, realty, land management, cultural resources, NEPA, ESA, CWA, and Washington BOR projects	109	121	125
Legal support, including procurement, agreements, and other legal support as necessary	125	119	123
Legal support, San Joaquin River Restoration	66	152	157
Legal support, New Mexico water project and operations	184	195	201
Legal support, Federal Columbia River Power System, Federal power issues, and irrigation diversion rate settings	199	206	212
Legal support, contracting, repayment issues, water supply issues in the western United, and the CVP	220	260	268
Legal support, Bay-Delta Area Office	64	138	142

	FY 2019	FY 2020	FY 2021
Bureau of Reclamation (continued)			
Legal support, Indian water rights settlement implementation matters and agreements, contracts, and other legal document reviews related to CAP, Navajo project, and NGS extensions	214	224	71
Legal support, NEPA and ESA	29	192	198
Legal support, employment issues	219	222	0
Ethics	50	1,091	0
Subtotal	3,150	4,692	3,322
Bureau of Safety and Environmental Enforcement			
Legal support, rulemaking initiatives, oversight of offshore operations, regulation under OCSLA and OPA, and FOIA	928	1,090	1,123
Legal support, oil and gas environmental and safety program	203	196	202
Legal support, employment issues	69	65	0
Ethics	0	209	0
Subtotal	1,200	1,560	1,325
Bureau of Trust Funds Administration			
Legal support, trust policy and procedure projects	428	456	470
Legal support, employment issues	19	16	0
Legal support, Indian trust litigation	[2,297]	[2,283]	[2,283]
Ethics	0	215	0
Subtotal	447	687	470
Fish and Wildlife Service			
Legal support, procurement, contracts, and concessions	17	28	29
Legal support, Farallon Islands National Wildlife Refuge	15	1	1
Legal support, ESA, refuge, contracts, and grants	98	158	163
Legal support, ESA, realty, and records	0	42	108
Legal support, Office of Law Enforcement issues	258	162	317
Legal support, Region 3 matters	0	78	80
Legal support, employment issues	250	290	0
FWS detail	0	209	215
Ethics	0	2,343	0
Subtotal	638	3,311	913
Interior Business Center			
Legal support, IBC contractual and acquisition services	804	803	827
Legal support, including procurement, agreements, and other legal support as necessary	265	0	0
Legal support, employment issues	95	82	0
Ethics	0	277	0
Subtotal	1,164	1,162	827

	FY 2019	FY 2020	FY 2021
National Park Service			
Legal support, property, and realty	93	89	92
Legal support, FOIA, partnership agreements, cultural resources, environmental remediation, water, and intellectual property	286	366	377
Legal support, including procurement, agreements, and other legal support as necessary	200	212	118
Legal support, concessions, leasing, and commercial services	87	0	0
Legal support, procurement, concessions, and agreements	30	56	58
Legal support, realty, contracting, and agreements	116	178	183
Legal support, related to Organic Act, NEPA, and FOIA	267	254	262
Legal support, Point Reyes and Golden Gate matters	51	91	94
Legal support, Southeast region matters	0	0	60
Legal support, employment issues	780	776	0
Ethics	0	1,217	0
Administrative support detail	18	0	0
Subtotal	1,928	3,239	1,244
Office Natural Resource Revenue			
Legal support, ONRR related matters	268	70	122
Legal support, ONRR royalty matters	61	216	222
Ethics services for ONRR	255	266	0
Subtotal	584	552	344
Office of Surface Mining Reclamation and Enforcement			
Legal support, OSM issues	218	229	236
Legal support, coal, regulatory, and reclamation operations	118	121	125
Legal support, employment issues	22	29	0
Legal support, regulatory and reclamation operations, enforcement and permit actions, FOIA, bankruptcy	0	77	259
Ethics	0	210	0
Subtotal	358	666	620
United States Geological Survey			
Legal support, intellectual property	5	0	0
Legal support, employment issues	67	103	0
Ethics	0	1,046	0
Subtotal	72	1,149	0

	FY 2019	FY 2020	FY 2021
Other Offices and Programs			
Legal support, Land Buy-Back Program for Tribal Nations	93	173	178
Legal support, OCIO	170	359	370
Legal support, OS employment issues	146	197	0
Legal support, Great American Outdoors Act	0	0	50
Legal support, OS FOIA	0	865	691
ASIA detail	0	280	113
Ethics services for OS	306	1,183	0
Legal support, Departmental management	166	0	0
Legal support, Indian Water Rights Office detail	201	132	0
Legal support, OS issues reflecting cross-cutting matters arising from all DOI bureaus	225	273	281
Legal support, DOJ assignment	159	186	217
Legal support, FOIA Appeals	[240]	[550]	[550]
Legal support, WCF torts practice branch	[1,645]	[1,720]	[1,720]
Legal support, WCF issues	[220]	[352]	[352]
Legal support, NRDAR	[638]	[1,048]	[1,048]
Legal support, HAZMAT compliance	[1,401]	[1,189]	[1,189]
Subtotal	1,466	3,648	1,900
TOTAL REIMBURSEMENTS	18,385	32,076	19,263

FY 2020 EQUAL ACCESS TO JUSTICE ACT PAYMENTS

Case Name	Bur	Judge	Type	Amount	Hourly Rates	Venue	Citation	Appeal Status	Payment Date	Payee/Plaintiff's Attorney
Fletcher, et al. v. United States	BIA	Gregory Frizzell	Court Decision	\$34,839.61	\$125-\$400	N.D. Okla.	02-CV-427-GKF-PJC		5/19/20	William Fletcher
American Wild Horse Campaign v. Bernhardt	BLM	Nancy Freudenthal	Court Settlement	\$98,414.93	\$197-\$864	D. Wyo.	17-cv-170		10/21/19	Eubanks & Associates, LLC
Cascadia Wildlands et al. v. BLM	BLM	Michael McShane	Court Settlement	\$99,000.00	\$285-\$390	D. Or.	6:19-cv-00247		6/10/20	Cascadia Wildlands
Dine Citizens Against Ruining the Environment v. Bernhardt	BLM	James Browning	Court Settlement	\$150,000.00	\$305-\$525	D.N.M.	1:15-cv-209-JB		2/11/20	Western Environmental Law Center/Kyle Tisdell
Klamath Siskiyou Wildlands Center, et al. v. BLM	BLM	Mark Clarke	Court Settlement	\$92,000.00	\$285-\$375	D. Or.	1:17-cv-997		7/23/20	Cascadia Wildlands
State of Alaska	BLM	H. Russel Holland	Court Decision	\$400.00		D. Alaska	No. 3:17-cv-0090-HRH	Protective appeal withdrawn	12/3/19	State of Alaska

Case Name	Bur	Judge	Type	Amount	Hourly Rates	Venue	Citation	Appeal Status	Payment Date	Payee/Plaintiff's Attorney
Triumvirate LLC v. Zinke et al.	BLM	Holland, H. Russel	Court Settlement	\$123,487.68	\$125-\$125	D. Alaska	3:18-cv-91-HRH	Filed & Dismissed	12/19/19	Lewis Bess Williams & Weese PC
Western Watersheds Project v. Ellis (Battlecreek)	BLM	B. Lynn Winmill	Court Settlement	\$578,000.00	\$175-\$450	D. Idaho	4:08-cv-00435-BLW		2/7/20	Advocates for the West Lawyer's Trust
National Wildlife Federation et al v. National Marine Fisheries Services, et al. (FCRPS)	BOR	Michael Simon	Court Settlement	\$64,484.00	\$300-\$575	D. Or.	No. 3:01-cv-00640-SI		5/14/20	Earthjustice
Buffalo Field Campaign v. Jewell	FWS	Christopher Cooper	Court Settlement	\$77,407.35	\$188-\$214	D.D.C.	No. 1:16-cv-1909		11/29/19	Michael Harris
Center for Biological Diversity v. Bernhardt (D. Ariz. No. CV-4:19-218-TUC-RCC	FWS	Raner Collins	Court Settlement	\$5,100.00	\$544-\$544	D. Ariz.	CV-4:19-218-TUC-RCC		12/13/19	Brian Segee

Case Name	Bur	Judge	Type	Amount	Hourly Rates	Venue	Citation	Appeal Status	Payment Date	Payee/Plaintiff's Attorney
Center for Biological Diversity v. Bernhardt et al., Case. No. 1:19-cv-01607-KBJ	FWS	Katanji Brown-Jackson	Court Settlement	\$8,500.00	\$166-\$510	D.C. Cir.	No. 1:19-cv-01607-KBJ		10/15/19	Collette Adkins
Center for Biological Diversity v. Fish and wildlife Service and Rosemont Copper Company	FWS	James Soto	Court Settlement	\$340,000.00	\$250-\$425	D. Ariz.	4:17-cv-00475-JAS		7/31/20	Fink, Cummings, Melton
Friends of Alaska National Wildlife Refuges et al v. Bernhardt et al.	FWS	Gleason, Sharon	Court Settlement	\$85,048.37	\$245-\$385	D. Alaska	3:18-cv-29-SLG	Filed & Dismissed	2/13/20	Trustees for Alaska
General Land Office of Texas v. U.S. Fish and Wildlife Service, A-17-CA-00538-SS	FWS	Sam Sparks	Court Settlement	\$250,000.00	\$185-\$450	W.D. Tex.	A-17-CA-00538-SS		9/18/20	Theodore Hadzi-Antich

Case Name	Bur	Judge	Type	Amount	Hourly Rates	Venue	Citation	Appeal Status	Payment Date	Payee/Plaintiff's Attorney
Indigenous Environmental Network and North Coast Rivers v. State (Keystone Pipeline)	FWS	Brian Morris	Court Settlement	\$385,000.00	\$187-\$800	D. Mont.	CV 17-29-GF-BMM		2/28/20	Stephan C. Volker
Public Employees for Environmental Responsibility v. David Bernhardt, et al.	FWS	Emmet Sullivan	Court Settlement	\$5,000.00	\$340-\$572	D.D.C.	19-2708 (EGS)		8/18/20	Peter Jenkins
Total				\$2,396,681.94						

FY 2020 ENDANGERED SPECIES ACT PAYMENTS

Case	Venue	Citation	Amount	Payee	Payment date
Alliance for the Wild Rockies v. Munoz (Elk Smith)	D. Mont.	20-cv-00029	\$14,719.60	Rebecca K. Smith	7/30/20
Alliance for Wild Rockies v. Probert (Pilgrim II)	D. Mont.	CV-18-67-M-DWM	\$110,000.00	Rebecca K. Smith and Timothy M. Bechtold	8/18/20
American Stewards of Liberty, Charles Shell; Cheryl Shell; Walter Sidney Shell Management v. Interior	W.D. Tex.	15-cv-011740LY	\$160,000.00	Paul S. Weiland, Nossaman LLP	11/15/19
Center for Biological Diversity (CBD) v Bernhardt (Southern mountain caribou)	D. Idaho	2:19-cv-00265-CWD	\$9,000.00	Andrea Santarsiere, Colette Adkins	3/26/20
CBD v. Bernhardt (Emperor Penguin)	D.D.C.	1:19-cv-02282	\$12,000.00	Sarah Uhlmann	4/20/20
CBD v. Zinke (Mexican gray wolf)	D. Ariz.	CV-15-00019-TUC-JGZ; CV-15-00179-TUC-JGZ; CV-15-00285-TUC-JGZ	\$480,000.00	Segee, Preso	12/11/19
CBD v Bernhardt (14 Hawaiian species)	D. Haw.	1:19-cv-00588-HG-KJM	\$7,500.00	CBD/Maxx Phillips and Ryan Shannon	5/20/20
CBD v. Bernhardt	D.D.C.	1:18-cv-01375	\$5,000.50	Center for Biological Diversity	12/10/19
CBD v. Bernhardt (Green sea turtle CH)	D.D.C.	1:20-cv-00036	\$8,500.00	Catherine Kilduff	8/21/20
CBD v. Bernhardt (Streaked Horned Lark)	D. Or.	3:18-cv-00359-MO	\$205,500.00	Eric Glitzenstein	2/4/20
CBD v. USFWS, No. 2:19-cv-00632 (OSMRE 1996 BiOp)	S.D.W. Va.	2:19-cv-00632	\$29,200.00	CBD/Jared Margolis	6/25/19

Case	Venue	Citation	Amount	Payee	Payment date
Defenders of Wildlife & CBD v. Bernhardt	D.D.C.	19-cv-02936-KBL	\$25,015.25	Jason Rylander and Jennifer Loda	5/1/20
Indigenous Environmental Network and North Coast Rivers v. State (Keystone Pipeline)	D. Mont.	CV 17-29-GF-BMM	\$190,000.00	Stephan C. Volker	2/28/20
National Wildlife Federation et al v. National Marine Fisheries Services, et al. (FCRPS)	D. Or.	3:01-cv-00640-SI	\$1,970,968.74	Earthjustice	5/14/20
Native Ecosystems Council v. Marten (N. Hebgen)	D. Mont.	9:18-cv-00087-DLC	\$120,000.00	Rebecca K. Smith, Timothy M. Bechtold, Kristine Akland	9/1/20
Natural Resources Defense Council v. David L. Bernhardt et al.	D.C. Cir.	1:19-cv-00078-RMC	\$15,000.00	NRDC, REBECCA J. RILEY	10/15/19
New Mexico Farm & Livestock Bureau, NM Cattlegrowers Assc, NM Federal Lands Council v. Bernhardt	10th Cir.	17-2211	\$205,000.00	Pacific Legal Foundation, Christina Martin, Anthony Francois, Glenn Roper, Raymond Nhan	8/7/20
Total ESA Payments			\$3,567,404.09		