

Senate Energy Hearing re: nomination of Rhea Suh, Assistant Secretary DOI

May 5, 2009

SENATOR BENNETT:

Ms. Suh, Secretary Salazar went to Utah on the first of May to talk about various items. The first of May is an important date because that's the date David Hayes established – in responses to my questions with respect to his confirmation – that there would be a preliminary analysis of the review of the 77 leases that the secretary cancelled. Unfortunately, the press reported that the secretary said he couldn't meet the May 1 deadline because he didn't have David Hayes and there have been statements that it is Senator Bennett's fault because he is keeping the department from getting the people it needs.

I have repeatedly told the secretary that I would be happy to lift my hold on David Hayes after we have seen some progress on the review, but there has been no progress; there have been simply the public statements that somehow I am responsible for the fact that the department isn't doing anything. Now, David Hayes came to visit me in my office after we had this conversation and he made a personal commitment to me that the review would proceed with or without him. He said if it was with him – if he could be confirmed – it would proceed more rapidly, but that it would proceed regardless. He understood the current dynamic recognizing that he could not lead the team if he was not confirmed, but that it would go forward and it wasn't just in conversation; I have the document that he sent me and it says and I quote:

“The review will proceed in a disciplined and timely way. The administrative record will be provided to all members of the review team as soon as it can be made available and before it is required by the court. Assuming that the record can be made available within the next couple of weeks, every attempt will be made to review the record, conduct a site visit, and complete relevant interviews by May 1. The review team will seek to complete its work and provide a report to Secretary Salazar by May 29.”

Now here's the point where you come in.

“Composition of the Review Team: If confirmed, David J. Hayes will have overall responsibility for undertaking the review of the 77 parcels that were withdrawn from the Utah lease sale. Pending Mr. Hayes's confirmation, the Review Team will consist of the acting Assistant Secretary for Policy, Management and Budget and the acting directors of the BLM and the NPS, and their designees. The acting Solicitor, Art Gary, will provide legal support to the extent needed.”

Now that doesn't indicate to me that the thing can't go forward without David Hayes. It's a pretty clear statement that there was every intention that it would go forward and none of that has happened.

So I got to your statement and you say that we need to have more transparency, efficiency and effectiveness, and there is nothing I would like more with respect to these

77 leases than transparency, efficiency and effectiveness. And assuming that your confirmation will go through, and I do not see any reason why it should not, you will take over the responsibility of this and I would hope that we could get from you a pledge here today that you will complete the commitment that was made to me by Mr. Hayes on Interior Department stationary. Since it is on official Interior Department stationary I assume the commitment was made by the department and not Mr. Hayes. Now is that something you are comfortable undertaking?

My plea is that you will work within the department to get the department to keep the commitment that they have made to me in writing, which they have made zero progress ever since the commitment was made. Since you will replace the acting secretary for policy, management and budget and take the lead on this, I appreciate your commitment here. In my view, I agree with you absolutely that we need transparency, efficiency and effectiveness and this issue is a very good place to start.