

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

June 6, 2024

The Honorable Bruce Westerman  
Chairman  
Committee on Natural Resources  
1324 Longworth House Office Building  
Washington, DC 20515

Dear Mr. Chairman:

Thank you for directing your staff to inform me that you are seriously contemplating unilaterally issuing a subpoena to staff at the U.S. Department of Homeland Security (DHS) ahead of a hearing on the Oversight and Investigations Subcommittee on June 13, 2024. I write to express my opposition in the strongest terms.

As you know, the Committee on Natural Resources has never in its history unilaterally issued a subpoena without a vote. Chairs of both parties, including myself, have exerted ourselves to balance the Committee's legitimate oversight needs with the importance of preserving the integrity and stature of the compulsory process.

Even threatening a subpoena is not to be done lightly.

When Committee Democrats gave subpoena authority to the Chair in the 116th Congress, we did so only after more than a year of unprecedented levels of obstruction from the administration of now-convicted felon Trump. We received document "responses" from his Department of the Interior (DOI) that were predominantly non-responsive, duplicative, meaningless, or heavily redacted. We received completely blacked-out pages and documents consisting of nonsense symbols.

For one document request, DOI provided a 12,320-page printout of an Excel spreadsheet that was already publicly available. Timely emailing a hyperlink to the document would have sufficed; instead, it took nearly two months to provide the document in a completely useless format. When questioned by a Republican Committee Member about this production, the DOI Solicitor committed to "doing better."<sup>1</sup> Nevertheless, less than two months later, DOI again sent the

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<sup>1</sup> *The Department of the Interior's Failure to Cooperate with Congressional Oversight Requests: Oversight Hearing Before the H. Comm. on Nat. Res.*, 116th Cong. 22 (Sept. 26, 2019) [hereinafter *Oversight Hearing*], <https://www.govinfo.gov/content/pkg/CHRG-116hhrg37901/pdf/CHRG-116hhrg37901.pdf> (questioning by Rep. Jody Hice, Member, H. Comm. on Nat. Res., of Daniel Jorjani, DOI Solicitor).

Committee printouts of Excel charts totaling over 3,000 pages. As with the earlier instance, each spreadsheet could have been emailed in its original form, and the hard-copy format prevented the Committee from being able to meaningfully analyze the information it contained.

The obstruction was brazen and obvious. One email obtained by the Committee showed that DOI, Fish and Wildlife Service, and National Park Service (NPS) staff were instructed to withhold any communications directed to the Committee Chair.<sup>2</sup> Under questioning by a Republican Committee Member, the DOI Solicitor refused to state on the record that DOI was not “purposely” withholding or “restraining” its document productions.<sup>3</sup>

This extensive, obvious disregard for the Constitution’s co-equal system of check-and-balances is what finally led Committee Democrats to even consider subpoenas.

By contrast, it is difficult to interpret the threat to DHS as anything but an election-year stunt. DHS is already negotiating with you about your requests in good faith. We are unaware of any evidence to the contrary. Using a sledgehammer to crack a nut is questionable enough — to do so when it’s already been cracked and is being handed over is puzzling.

It is difficult to interpret this refusal to take “yes” for an answer as anything other than an attempt at creating a flashy distraction from the headlines about convicted felon Trump.

That’s understandable. Americans are still reeling from the news that convicted felon Trump shook down Big Oil for \$1 billion in campaign contributions in exchange for rolling back climate and clean energy progress, including even letting the oil industry write the actual executive orders for him to sign.<sup>4</sup>

The Committee should take action on my letter of May 23, 2024, to you requesting an investigation of smoking-gun evidence that Big Oil is illegally colluding to use *our public lands* to artificially price gouge Americans.<sup>5</sup>

Instead, the topic of your subpoena threat is the temporary, voluntary use of a National Park asset as emergency housing for migrants fleeing violence. At this point, this supposed concern for NPS

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<sup>2</sup> Email of March 14, 2019 (on file).

<sup>3</sup> *Oversight Hearing*, *supra* note 1, at 28 (questioning by Rep. Daniel Webster, Member, H. Comm. on Nat. Res., of Daniel Jorjani, DOI Solicitor).

<sup>4</sup> David A. Graham, *Trump Flaunts His Corruption*, THE ATLANTIC (May 9, 2024); Ben Lefebvre, ‘A Little Bold and Gross’: Oil Industry Writes Executive Orders for Trump to Sign, POLITICO (May 8, 2024); Lisa Friedman et al., *At a Dinner, Trump Assailed Climate Rules and Asked \$1 Billion From Big Oil*, N.Y. TIMES (May 9, 2024); Zachary Basu & Ben Geman, *Trump Teams Up with Big Oil in Push to Dismantle Biden’s Green Agenda*, AXIOS (May 10, 2024); Jon Queally, *11,000% Return: Trump’s \$1 Billion Offer Could Yield \$110 Billion Windfall for Big Oil*, COMMON DREAMS (May 16, 2024).

<sup>5</sup> See Press Release, Natural Resources Committee Democrats, “Grijalva, Committee Democrats Urge Chair Westerman to Investigate Big Oil Collusion to Inflate Gas Prices” (May 23, 2024), <https://democrats-naturalresources.house.gov/media/press-releases/grijalva-committee-democrats-urge-chair-westerman-to-investigate-big-oil-collusion-to-inflate-gas-prices>.

is difficult to take seriously as well. NPS assets are frequently leased out for non-recreational purposes — as you well know, given that you are party to such a lease for your personal office.<sup>6</sup>

In fact, NPS land has been used to temporarily house an influx of migrants in the past. In 2023, there was an increase in the otherwise steady number of migrants arriving at Dry Tortugas National Park for a short time, where they were allowed to remain temporarily. Republicans were silent. Indeed, Republican Governor Ron DeSantis responded by providing resources, in part to “ensure the safety of migrants attempting to reach Florida through the Florida Straits.”<sup>7</sup> Perhaps coincidentally, the Cuban diaspora is an important Republican voting bloc in Florida.

I would hope that this posturing is not simply an attempt to distract from the actual threat to the National Park System, which is posed by convicted felon Trump. In fact, your subpoena threat came only two days after Trump announced his intention to eliminate the Department of the Interior,<sup>8</sup> which includes our National Parks. Committee Republicans have yet to denounce this destructive, unpopular plan of course, and have not even commented on the disruptions it would cause to tenants of NPS office spaces.

Instead, the Republican focus is on subpoenaing an entity that is already cooperating to provide what is requested.

I will also note that when Committee Democrats considered subpoenas, we instituted binding requirements of providing the minority with extensive notice, including a copy of the proposed subpoena and production schedule, and provided a veto mechanism to safeguard against abuses by the Chair. These Republican-drafted safeguards ensured that the minority would have a seat at the table to participate in the development of any subpoena.

By contrast, you have instituted a unilateral process in which we are unable to weigh in and are not even guaranteed that we will be kept informed of any subpoena being issued, even after the fact. This approach degrades the legitimacy of the resulting subpoena, to your own disadvantage.

The Biden administration has been transparent, forthcoming, and reasonable in its responses to legitimate congressional oversight requests from our Committee. And on this particular oversight effort, DHS is engaging in the accommodations process in good faith. Issuing a subpoena under these circumstances and without minority involvement would permanently damage this serious last-resort tool.

I strongly oppose the issuance of any such subpoena under these circumstances.

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<sup>6</sup> Don Thomason, *US Rep. Opens Field Office*, THE SENTINEL-RECORD (Jan. 18, 2015), <https://www.hotsr.com/news/2015/jan/18/us-rep-opens-field-office-20150118/> (noting that having a Congressman’s personal office in the Hot Springs National Park headquarters building was “a first” for that location).

<sup>7</sup> Press Release, Office of Governor Ron DeSantis, “Governor Ron DeSantis Signs Executive Order and Activates National Guard to Provide Support as Biden Administration Ignores Alarming Influx of Migrants to Florida Keys” (Jan. 6, 2023), <https://www.flgov.com/2023/01/06/governor-ron-desantis-signs-executive-order-and-activates-national-guard-to-provide-support-as-biden-administration-ignores-alarming-influx-of-migrants-to-florida-keys/>.

<sup>8</sup> Fox & Friends interview, FOX (June 2, 2024), <https://www.foxnews.com/video/6354166444112> (stating that the Department of Education will be “the first Department” convicted felon Trump will eliminate, “other than to have a little, tiny coordination,” and that this elimination will be followed by “Department of Interior” [sic]).

Sincerely,

A handwritten signature in blue ink that reads "Raúl M. Grijalva". The signature is written in a cursive, flowing style.

Raúl M. Grijalva  
Ranking Member  
Committee on Natural Resources