

## Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e)

### Filer's Information

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**Bernhardt, David Longly**

Deputy Secretary, Department of the Interior

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Other Federal Government Positions Held During the Preceding 12 Months:

None

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Names of Congressional Committees Considering Nomination:

- **Committee on Energy and Natural Resources**
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Electronic Signature - I certify that the statements I have made in this form are true, complete and correct to the best of my knowledge.

**/s/ Bernhardt, David Longly [electronically signed on 03/06/2017 by Bernhardt, David Longly in Integrity.gov]**

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Agency Ethics Official's Opinion - On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments below).

**/s/ Loftin, Melinda, Certifying Official [electronically signed on 05/02/2017 by Loftin, Melinda in Integrity.gov]**

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Other review conducted by

**/s/ McDonnell, Edward F, Ethics Official [electronically signed on 05/02/2017 by McDonnell, Edward F in Integrity.gov]**

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U.S. Office of Government Ethics Certification

**/s/ Apol, David, Certifying Official [electronically signed on 05/04/2017 by Apol, David in Integrity.gov]**

## 1. Filer's Positions Held Outside United States Government

#	ORGANIZATION NAME		CITY, STATE	ORGANIZATION TYPE	POSITION HELD	FROM	TO
1	Brownstein Hyatt Farber and Schreck, LLP		Washington, District of Columbia	Law Firm	Shareholder	6/2009	Present
2	Bernhardt Brothers Land and Cattle, LLC	See Endnote	Greeley, Colorado	Limited Liability Company	Managing Member	6/2012	Present
3	Virginia Board of Game and Inland Fisheries		Richmond, Virginia	State Agency	Board Member/gubernatorial term appointment	8/2012	6/2016
4	Center for Environmental Science Accuracy and Reliability	See Endnote	Dixon, California	Non-Profit	Board Member/volunteer	6/2012	Present

## 2. Filer's Employment Assets & Income and Retirement Accounts

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	Brownstein Hyatt Farber and Schreck, LLP (law firm)				
1.1	Brownstein Hyatt Farber and Schreck, LLP	N/A		Partnership distribution based upon equity interest/bonus for entire reporting period	\$953,085
1.2	Brownstein Hyatt Farber and Schreck, LLP, capital account	N/A	\$15,001 - \$50,000		None (or less than \$201)

#	DESCRIPTION		EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1.3	BHFS-E PC (General partner and holding company of the law firm)	See Endnote	N/A	None (or less than \$1,001)	2015, 2016 S Corp distribution disbursements based upon ownership interest	\$151,341
1.4	UBE PC (General Partner entity of the law firm)		N/A	None (or less than \$1,001)		None (or less than \$201)
2	Brownstein Hyatt Farber and Schreck, LLP Defined Contribution Plan		No			
2.1	Vanguard High Yield Corporate Fund Admiral Shares N/L		Yes	\$15,001 - \$50,000		None (or less than \$201)
2.2	Metropolitan West Total Return Bond Fund Class I		Yes	\$15,001 - \$50,000		None (or less than \$201)
2.3	Pimco High Yield Fund Institutional Class		Yes	\$15,001 - \$50,000		None (or less than \$201)
2.4	Vanguard Institutional Index Fund Institutional Shares		Yes	\$250,001 - \$500,000		None (or less than \$201)
2.5	Vanguard Small-Cap Index Admiral Shares		Yes	\$50,001 - \$100,000		None (or less than \$201)
2.6	Vanguard Total International Stock Index Fund Admiral Shares		Yes	\$50,001 - \$100,000		None (or less than \$201)
3	IRA #1		No			
3.1	DFA Emerging Markets Small Cap Port Institutional Class N/L		Yes	\$1,001 - \$15,000		\$1,001 - \$2,500
3.2	DFA Emerging Markets Value Port Institutional Class N/L		Yes	\$15,001 - \$50,000		\$201 - \$1,000
3.3	DFA International Value Port Institutional Class N/L		Yes	\$15,001 - \$50,000		\$201 - \$1,000
3.4	DFA U.S. Large Cap Value Port Institutional Class N/L		Yes	\$50,001 - \$100,000		\$1,001 - \$2,500
3.5	DFA U.S. Small Cap Value Port Institutional Class N/L		Yes	\$15,001 - \$50,000		\$201 - \$1,000

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
3.6	DFA International Large Cap Growth Fund Inst Class N/L	Yes	\$1,001 - \$15,000		None (or less than \$201)
3.7	DFA International Small Cap Growth Fund Inst Class N/L	Yes	\$1,001 - \$15,000		None (or less than \$201)
3.8	DFA International Small Cap Value Portfolio Inst CLS N/L	Yes	\$1,001 - \$15,000		\$201 - \$1,000
3.9	DFA U.S. Small Cap Growth Port Institutional Class N/L	Yes	\$15,001 - \$50,000		\$201 - \$1,000
3.10	DFA U.S. Large Cap Growth Port Institutional Class N/L	Yes	\$50,001 - \$100,000		\$1,001 - \$2,500

### 3. Filer's Employment Agreements and Arrangements

#	EMPLOYER OR PARTY	CITY, STATE	STATUS AND TERMS	DATE
1	Brownstein Hyatt Farber and Schreck, LLP	Denver, Colorado	Capital Account: Under the terms of my partnership agreement, I am required to provide 45 days notice of withdrawal. Upon receiving notice of withdrawal, the firm has the choice of returning my capital contribution in equal semi-annual payments over a period of five years, or accelerating the payments to a date before I am sworn in. It would be my intent to have all capital returned prior to entering federal service. If the firm will not return the capital before I enter into federal service, it is my intent to disclaim any interest in the capital.	1/2012
2	Brownstein Hyatt Farber and Schreck, LLP	Denver, Colorado	Defined Contribution Plan: I am a participant in the firm's defined contribution plan. Neither I nor the sponsor will make any additional contribution to the plan following the departure from the firm.	6/2009
3	Brownstein Hyatt Farber and Schreck, LLP	Denver, Colorado	Anticipated S Corp distribution from 2016 remaining to be disbursed on 3/31/17.	1/2012

### 4. Filer's Sources of Compensation Exceeding \$5,000 in a Year

#	SOURCE NAME	CITY, STATE	BRIEF DESCRIPTION OF DUTIES
1	Brownstein Hyatt Farber and Schreck, LLP	Washington, District of Columbia	Legal services
2	Targa Resources Company LLC	Houston, Texas	Legal services
3	Noble Energy Company LLC	Houston, Texas	Legal Services
4	NRG Energy, Inc.	Princeton, New Jersey	Legal services
5	Sempra Energy	San Diego, California	Legal services
6	Lafarge North American -- Western Region	Chicago, Illinois	Legal services
7	Safari Club International -- Foundation	Tuscon, Arizona	Legal Services
8	Active Network LLC	Dallas, Texas	Legal Services
9	Statoil Gulf Services LLC	Houston, Texas	Legal services
10	Cobalt International Energy	Houston, Texas	Legal services
11	Rosemont Copper Company	Tuscon, Arizona	Legal services
12	Independent Petroleum Association of America	Washington, District of Columbia	Legal services
13	Taylor Energy Company LLC	New Orleans, Louisiana	Legal services
14	Garrison Diversion Irrigation District	Carrington, North Dakota	Legal services
15	Westlands Water District	Fresno, California	Legal services
16	Cadiz Inc.	Los Angeles, California	Legal services
17	Forest County Potawatomi Community	Crandon, Wisconsin	Legal Services

## 5. Spouse's Employment Assets & Income and Retirement Accounts

None

## 6. Other Assets and Income

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	DFA T.A. World EX U.S. Core Equity Port Inst Class N/L	Yes	\$50,001 - \$100,000		\$1,001 - \$2,500
2	DFA International Large Cap Growth Fund Inst Class N/L	Yes	\$15,001 - \$50,000		\$201 - \$1,000
3	DFA U.S. Small Cap Growth Port Institutional Class N/L	Yes	\$50,001 - \$100,000		\$201 - \$1,000
4	DFA Tax managed U.S. Market-Wide Value Port Inst Class N/L	Yes	\$100,001 - \$250,000		\$2,501 - \$5,000
5	DFA Tax-Managed U.S. Targeted Value Portfolio Inst Class N/L	Yes	\$50,001 - \$100,000		\$201 - \$1,000
6	DFA U.S. Large Cap Growth Port Institutional Class N/L	Yes	\$50,001 - \$100,000		\$201 - \$1,000
7	T. Rowe Price Virginia Tax Free Bond N/L	Yes	\$100,001 - \$250,000		\$2,501 - \$5,000
8	Vanguard High Yield Tax Exempt Fund Admiral Shares N/L	Yes	\$50,001 - \$100,000		\$1,001 - \$2,500
9	U.S. bank account #1 (cash)	N/A	\$250,001 - \$500,000	Interest	\$201 - \$1,000
10	U.S. brokerage account #1 (cash)	N/A	\$1,001 - \$15,000		None (or less than \$201)
11	Bernhardt Brothers Land & Cattle LLC	See Endnote	\$15,001 - \$50,000	Sale of cattle	\$9,300
12	Satya Mineral Trading USA LLC (gold mining, exploration, and development outside the United States)	N/A	\$1,001 - \$15,000		None (or less than \$201)

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
13	US bank account #2 (cash)	N/A	\$1,001 - \$15,000		None (or less than \$201)
14	U.S. brokerage account #2 (cash)	N/A	\$1,001 - \$15,000		None (or less than \$201)

## 7. Transactions

(N/A) - Not required for this type of report

## 8. Liabilities

#	CREDITOR NAME		TYPE	AMOUNT	YEAR INCURRED	RATE	TERM
1	Branch Banking & Trust Company	See Endnote	Mortgage on Personal Residence	\$500,001 - \$1,000,000	2016	3.5%	30 years
2	Branch Banking & Trust Company	See Endnote	Mortgage on Personal Residence	\$500,001 - \$1,000,000	2012	4.5%	29 years

## 9. Gifts and Travel Reimbursements

(N/A) - Not required for this type of report

## Endnotes

PART	#	ENDNOTE
1.	2	LLC dissolved in March 2017, subsequent to the submission date.

PART	#	ENDNOTE
1.	4	The start date is based upon a good faith estimate, and this was a non-compensated position from which I resigned subsequent to the submission date.
2.	1.3	Total includes 2015 and 2016. The 2016 distribution is distributed over the first three months in 2017. The amount shown includes the last payment made on March 31, 2017.
6.	11	LLC dissolved in March 2017, subsequent to the submission date.
8.	1	Refinanced mortgage
8.	2	Applies for portion of reporting period and paid off when refinanced.



# Summary of Contents

## 1. Filer's Positions Held Outside United States Government

Part 1 discloses positions that the filer held at any time during the reporting period (excluding positions with the United States Government). Positions are reportable even if the filer did not receive compensation.

This section does not include the following: (1) positions with religious, social, fraternal, or political organizations; (2) positions solely of an honorary nature; (3) positions held as part of the filer's official duties with the United States Government; (4) mere membership in an organization; and (5) passive investment interests as a limited partner or non-managing member of a limited liability company.

## 2. Filer's Employment Assets & Income and Retirement Accounts

Part 2 discloses the following:

- Sources of earned and other non-investment income of the filer totaling more than \$200 during the reporting period (e.g., salary, fees, partnership share, honoraria, scholarships, and prizes)
- Assets related to the filer's business, employment, or other income-generating activities that (1) ended the reporting period with a value greater than \$1,000 or (2) produced more than \$200 in income during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF).

## 3. Filer's Employment Agreements and Arrangements

Part 3 discloses agreements or arrangements that the filer had during the reporting period with an employer or former employer (except the United States Government), such as the following:

- Future employment
- Leave of absence
- Continuing payments from an employer, including severance and payments not yet received for previous work (excluding ordinary salary from a current employer)
- Continuing participation in an employee welfare, retirement, or other benefit plan, such as pensions or a deferred compensation plan
- Retention or disposition of employer-awarded equity, sharing in profits or carried interests (e.g., vested and unvested stock options, restricted stock, future share of a company's profits, etc.)

## 4. Filer's Sources of Compensation Exceeding \$5,000 in a Year

Part 4 discloses sources (except the United States Government) that paid more than \$5,000 in a calendar year for the filer's services during any year of the reporting period.

The filer discloses payments both from employers and from any clients to whom the filer personally provided services. The filer discloses a source even if the source made its payment to the filer's employer and not to the filer. The filer does not disclose a client's payment to the filer's employer if the filer did not provide the services for which the client is paying.

## **5. Spouse's Employment Assets & Income and Retirement Accounts**

Part 5 discloses the following:

- Sources of earned income (excluding honoraria) for the filer's spouse totaling more than \$1,000 during the reporting period (e.g., salary, consulting fees, and partnership share)
- Sources of honoraria for the filer's spouse greater than \$200 during the reporting period
- Assets related to the filer's spouse's employment, business activities, other income-generating activities that (1) ended the reporting period with a value greater than \$1,000 or (2) produced more than \$200 in income during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's spouse's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF). Amounts of income are not required for a spouse's earned income (excluding honoraria).

## **6. Other Assets and Income**

Part 6 discloses each asset, not already reported, that (1) ended the reporting period with a value greater than \$1,000 or (2) produced more than \$200 in investment income during the reporting period. For purposes of the value and income thresholds, the filer aggregates the filer's interests with those of the filer's spouse and dependent children.

This section does not include the following types of assets: (1) a personal residence (unless it was rented out during the reporting period); (2) income or retirement benefits associated with United States Government employment (e.g., Thrift Savings Plan); and (3) cash accounts (e.g., checking, savings, money market accounts) at a single financial institution with a value of \$5,000 or less (unless more than \$200 of income was produced). Additional exceptions apply. Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF).

## **7. Transactions**

Part 7 discloses purchases, sales, or exchanges of real property or securities in excess of \$1,000 made on behalf of the filer, the filer's spouse or dependent child during reporting period.

This section does not include transactions that concern the following: (1) a personal residence, unless rented out; (2) cash accounts (e.g., checking, savings, CDs, money market accounts) and money market mutual funds; (3) Treasury bills, bonds, and notes; and (4) holdings within a federal Thrift Savings Plan account. Additional exceptions apply.

## 8. Liabilities

Part 8 discloses liabilities over \$10,000 that the filer, the filer's spouse or dependent child owed at any time during the reporting period.

This section does not include the following types of liabilities: (1) mortgages on a personal residence, unless rented out (limitations apply for PAS filers); (2) loans secured by a personal motor vehicle, household furniture, or appliances, unless the loan exceeds the item's purchase price; and (3) revolving charge accounts, such as credit card balances, if the outstanding liability did not exceed \$10,000 at the end of the reporting period. Additional exceptions apply.

## 9. Gifts and Travel Reimbursements

This section discloses:

- Gifts totaling more than \$375 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.
- Travel reimbursements totaling more than \$375 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.

For purposes of this section, the filer need not aggregate any gift or travel reimbursement with a value of \$150 or less. Regardless of the value, this section does not include the following items: (1) anything received from relatives; (2) anything received from the United States Government or from the District of Columbia, state, or local governments; (3) bequests and other forms of inheritance; (4) gifts and travel reimbursements given to the filer's agency in connection with the filer's official travel; (5) gifts of hospitality (food, lodging, entertainment) at the donor's residence or personal premises; and (6) anything received by the filer's spouse or dependent children totally independent of their relationship to the filer. Additional exceptions apply.

## Privacy Act Statement

Title I of the Ethics in Government Act of 1978, as amended (the Act), 5 U.S.C. app. § 101 et seq., as amended by the Stop Trading on Congressional Knowledge Act of 2012 (Pub. L. 112-105) (STOCK Act), and 5 C.F.R. Part 2634 of the U. S. Office of Government Ethics regulations require the reporting of this information. The primary use of the information on this report is for review by Government officials to determine compliance with applicable Federal laws and regulations. This report may also be disclosed upon request to any requesting person in accordance with sections 105 and 402(b)(1) of the Act or as otherwise authorized by law. You may inspect applications for public access of your own form upon request. Additional disclosures of the information on this report may be made: (1) to any requesting person, subject to the limitation contained in section 208(d)(1) of title 18, any determination granting an exemption pursuant to sections 208(b)(1) and 208(b)(3) of title 18; (2) to a Federal, State, or local law enforcement agency if the disclosing agency becomes aware of violations or potential violations of law or regulation; (3) to another Federal agency, court or party in a court or Federal administrative proceeding when the Government is a party or in order to comply with a judge-issued subpoena; (4) to a source when necessary to obtain information relevant to a conflict of interest investigation or determination; (5) to the National Archives and Records Administration or the General Services Administration in records management inspections; (6) to the Office of Management and Budget during legislative coordination on private relief legislation; (7) to the Department of Justice or in certain legal proceedings when the disclosing agency, an employee of the disclosing agency, or the United States is a party to litigation or has an interest in the litigation and the use of such records is deemed relevant and necessary to the litigation; (8) to reviewing officials in a new office, department or agency when an employee transfers or is detailed from one covered position to another; (9) to a Member of Congress or a congressional office in response to an inquiry made on behalf of an individual who is the subject of the record; (10) to contractors and other non-Government employees working on a contract, service or assignment for the Federal Government when necessary to accomplish a function related to an OGE Government-wide system of records; and (11) on the OGE Website and to any person, department or agency, any written ethics agreement filed with OGE by an individual nominated by the President to a position requiring Senate confirmation. See also the OGE/GOVT-1 executive branch-wide Privacy Act system of records.

## Public Burden Information

This collection of information is estimated to take an average of three hours per response, including time for reviewing the instructions, gathering the data needed, and completing the form. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Program Counsel, U.S. Office of Government Ethics (OGE), Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917.

Pursuant to the Paperwork Reduction Act, as amended, an agency may not conduct or sponsor, and no person is required to respond to, a collection of information unless it displays a currently valid OMB control number (that number, 3209-0001, is displayed here and at the top of the first page of this OGE Form 278e).

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