

**Congress of the United States**  
**Washington, DC 20515**

March 28, 2019

The Honorable David Bernhardt  
Acting Secretary  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

Dear Acting Secretary Bernhardt:

The Committee on Oversight and Reform and the Committee on Natural Resources are investigating potential issues with recordkeeping at the Department of the Interior (DOI). Recent testimony from a senior official at DOI, as well as recent press reports, raise questions about whether you and other officials are adequately preserving records of your schedule and daily appointments.<sup>1</sup> The Committees are also concerned about whether information about your meetings is being properly released under the Freedom of Information Act (FOIA).

On March 13, 2019, the Committee on Oversight and Reform held a hearing on compliance with FOIA. During the hearing, in response to questions about whether you have calendars or calendar entries that are being deleted at the end of each day, Rachel Spector, the Deputy Chief FOIA Officer at DOI, testified that she is aware of an issue being evaluated internally by DOI. She stated:

I have some familiarity with the issue that you are raising and understand that the Solicitor's office in the Department is working with the records officer in the Department to determine what's occurred there and whether it's consistent.<sup>2</sup>

On February 28, 2019, you wrote in a letter to Committee on Natural Resources Chairman Raúl Grijalva that you did not personally maintain a calendar. You did not explain whether DOI preserves a complete record of your activities, but admitted that your daily schedule provided to the public differs from the actual entries on your calendar. You wrote:

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<sup>1</sup> See Committee on Oversight and Reform, *Deputy Chief FOIA Officer at Department of Interior Admits Issue with Secretary Bernhardt's Calendars Being Deleted* (Mar. 13, 2019) (online at [oversight.house.gov/news/press-releases/deputy-chief-foia-officer-at-department-of-interior-admits-issue-with-secretary](https://oversight.house.gov/news/press-releases/deputy-chief-foia-officer-at-department-of-interior-admits-issue-with-secretary)). See also *Congress Wants to See Acting Interior Secretary's Calendar—He Says He Doesn't Keep One*, CNN (Mar. 8, 2019) (online at [www.cnn.com/2019/03/08/politics/david-bernhardt-calendar-democrats/index.html](http://www.cnn.com/2019/03/08/politics/david-bernhardt-calendar-democrats/index.html)).

<sup>2</sup> Committee on Oversight and Reform, *Deputy Chief FOIA Officer at Department of Interior Admits Issue with Secretary Bernhardt's Calendars Being Deleted* (Mar. 13, 2019) (online at [oversight.house.gov/news/press-releases/deputy-chief-foia-officer-at-department-of-interior-admits-issue-with-secretary](https://oversight.house.gov/news/press-releases/deputy-chief-foia-officer-at-department-of-interior-admits-issue-with-secretary)).

Numerous people create calendar entries on what can be labeled my calendar to maintain a schedule for the organization of daily appointments, both personal and official. However, the details of the schedule I receive each day are publicly provided.<sup>3</sup>

You reportedly did not publicly disclose several meetings with industry, including a meeting with the former CEO of the American Petroleum Institute.<sup>4</sup>

Due to these questions regarding the preservation and maintenance of your schedule, we ask that DOI contact the Committee on Oversight and Reform by April 8, 2019, to schedule transcribed interviews with the following individuals:

1. Catherine Gulac, Administrative Assistant to the Deputy Secretary;
2. Samantha Hebert, Director, Office of Scheduling and Advance;
3. Gareth Rees, Executive Assistant to the Office of the Deputy Secretary; and
4. Todd Willens, Acting Chief of Staff and Associate Deputy Secretary.

These interviews will address the process through which DOI employees maintain your schedule and the process by which records of your activities are preserved and produced in response to FOIA requests. If any of these employees no longer work for DOI, please provide their contact information so that the Committees may contact them directly.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. The Committee on Natural Resources is the authorizing Committee for the Department of the Interior, including its component offices and bureaus, its personnel, and its operations.

If you have any questions, please contact Oversight Committee staff at (202) 225-5051 or Natural Resources Committee staff at (202) 225-6065.

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<sup>3</sup> Letter from David Bernhardt, Acting Secretary, Department of the Interior, to Chairman Raúl Grijalva, Committee on Natural Resources (Feb. 28, 2019) (online at [oversight.house.gov/sites/democrats.oversight.house.gov/files/2.28.19%20signed%20letter%20to%20Chairman%20Grijalva%20.pdf](https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2.28.19%20signed%20letter%20to%20Chairman%20Grijalva%20.pdf)).

<sup>4</sup> *Congress Wants to See Acting Interior Secretary's Calendar—He Says He Doesn't Keep One*, CNN (Mar. 8, 2019) (online at [www.cnn.com/2019/03/08/politics/david-bernhardt-calendar-democrats/index.html](http://www.cnn.com/2019/03/08/politics/david-bernhardt-calendar-democrats/index.html)).

Sincerely,



Elijah E. Cummings  
Chairman  
Committee on Oversight and Reform



Raúl M. Grijalva  
Chairman  
Committee on Natural Resources

cc: The Honorable Jim Jordan, Ranking Member  
Committee on Oversight and Reform

The Honorable Rob Bishop, Ranking Member  
Committee on Natural Resources