

U.S. House of Representatives

Committee on Natural Resources

Washington, DC 20515

February 7, 2019

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

Dear Acting Secretary Bernhardt:

Transparency in our government agencies is fundamental to good governance and accountability. The need for transparency is even more acute for our leaders. How leaders spend their time, and who they meet with, provide a window into how policy and program decisions are made at an agency. As the Acting Secretary and former Deputy Secretary of the Department of the Interior (DOI), you have attempted to manage your potential conflicts of interest by recusing yourself from issues involving certain former clients with business before DOI.¹

However, the versions of your calendars that have been obtained through Freedom of Information Act requests and posted to the DOI website are missing important details. The information below was compiled from your calendars for August 2017 to September 2018.² All calendar entries included below failed to include either a description of the meeting topic or the non-DOI attendees. In total, the meetings below account for over 100 hours of your official government time.

“External Meeting”	98 entries
“Call” or “Call Time”	40 entries
“Event”	8 entries
“Meeting” or “Energy Meeting”	5 entries
“Briefing”	3 entries

Last month, as you assumed the role of Acting Secretary of the Department of the Interior (DOI), you began publishing your schedule on the DOI website with even fewer details.³

There is further concern that the some of your calendar entries may have been altered or left incomplete. For example, at 6:15 PM on August 29, 2017, you met with Steve Ryan, a partner

¹ Letter from Deputy Secretary David Bernhardt to U.S. Dept. of Interior (Aug. 15, 2017), available at <https://assets.bwbx.io/documents/users/iqjWHBFdfxIU/rL2bONocejOY/v0>.

² Result for Secretary Calendars, doi.gov, <https://www.doi.gov/foia/os/secretarial-calendars> (search “Freedom of Information Act (FOIA)”, “OS FOIA Library,” and “Calendars”)

³ Press Release, U.S. Department of the Interior, Acting Secretary Bernhardt’s Schedule January 7-January 11 (Jan. 11, 2019), available at <https://www.doi.gov/pressreleases/acting-secretary-bernhardts-schedule-january-7-january-11> and <https://www.doi.gov/pressreleases/acting-secretary-david-bernhardt-schedule-january-14-2019-january-18-2019>

at McDermott Will & Emery.⁴ The “Who” field lists you and another DOI employee whose identity is redacted but appears to be former Secretary Ryan Zinke. In contrast, former Secretary Zinke’s publicly disclosed calendar entry for that meeting includes a “Description” field in which several additional attendees were listed.⁵ The discrepant entries in both calendars appear to be the same appointment, generated by the same person, indicating that both entries should be identical unless altered or withheld.


One of the attendees omitted from your calendar is Brian Ballard, President of Ballard Partners, a lobbying firm whose former clients include then presidential candidate Donald Trump, and which has reportedly built a reputation for helping industry clients get favors from the Trump administration.⁶ Two other attendees, Susie Wiles and Syl Lukis, are managing partners at that firm. Another attendee is listed as Jim McCray, CEO at Highwood Capital, LLC, a national political and business consulting firm. The omission of these attendees from your calendar raises questions about the intent to hide or manipulate federal records to avoid full disclosure.

To assist the Committee’s oversight, please provide the following documents and information as soon as possible, but no later than February 21, 2019:

1. All calendars and schedules maintained by or on behalf of David Bernhardt. This should include calendars provided to David Bernhardt as part of his daily briefing materials or travel briefings. To the extent not contained in these documents, provide additional documents and information sufficient to show the date, time, attendee(s), location, and topic(s) of discussion for any and all meetings attended by David Bernhardt after July 24, 2017.
2. Any and all Meeting Proposal Information Forms submitted to the Office of the Deputy Secretary or the office of the Acting Secretary after July 4, 2017.

Please contact the Oversight and Investigations Subcommittee staff at (202) 225-6065 with any questions about this request. Thank you for your attention to this matter.

Sincerely,


Raúl M. Grijalva
Chairman
Committee on Natural Resources


TJ Cox
Chairman
Subcommittee on Oversight and
Investigations

⁴ U.S. Department of the Interior, David Bernhardt Calendar Entries – August 2017, pg. 29, available at https://www.doi.gov/sites/doi.gov/files/uploads/17-01238ca_august.pdf

⁵ U.S. Department of the Interior, Ryan Zinke Calendar – August 2017, pg. 19, available at https://www.doi.gov/sites/doi.gov/files/uploads/august_calendar_0.pdf

⁶ M. Scott Mahaseky, *The Most Powerful Lobbyist in Trump’s Washington*, POLITICO (Apr. 02, 2019), <https://www.politico.com/magazine/story/2018/04/02/most-powerful-lobbyist-in-trump-washington-217759>