



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

MAY 10 2019

The Honorable Elijah E. Cummings
Chairman, Committee on Oversight and Reform
U.S. House of Representatives
Washington, DC 20515

The Honorable Raúl M. Grijlava
Chairman, Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairmen:

I am in receipt of the letter dated May 7, 2019, containing allegations regarding the Department of the Interior's (Department) ongoing efforts to respond to the oversight requests of the House Committee on Oversight and Reform (HOR) and the House Committee on Natural Resources (HNR). I am addressing this letter to both of you, because this issue impacts the oversight process with both of your Committees.

It is unfortunate that the May 7, 2019 letter mischaracterizes the diligent work and efforts at accommodation that the Department has undertaken in response to the numerous requests for information made by both your Committees.

As you correctly note in your letter, the Executive Branch and the Legislative Branch are co-equal branches of government under the U.S. Constitution. As such, the branches work together to accommodate the needs of the other, in a respectful manner. With several former Department staff who worked on oversight matters while at Interior now with the majority staff of both committees, you are of course aware that this process of accommodation is longstanding and spans all political parties.

By the actions we have taken it should be unquestioned that the Department is committed to cooperating with Congressional oversight requests to the fullest extent, consistent with our constitutional and statutory responsibilities. The Department considers the timely response to oversight requests from congressional committees an important responsibility, and Secretary Bernhardt has made this very clear. For this reason, our productions in response to HOR's and HNR's many requests are ongoing, with the goal of providing Congress the information requested in a timely manner and in response to the priorities articulated by the committees.

The Department currently is in the process of responding to approximately 17 individual requests for information and documents received in the last three and a half months from your two committees combined. As of May 10, 2019, the Department has produced over 66,000 pages of

documents and has offered multiple briefings to the committees on these requests. Despite assertions and implications to the contrary, the Department is not delaying or otherwise obstructing the legitimate oversight role of the Congress, but instead is proactively accommodating your many requests for information consistent with the previous Administration's pace and posture toward congressional oversight.

Rather than engage in the accommodation process designed to protect the interests of our co-equal branches of government, HOR instead has acted with remarkable disregard for the fact-finding process, including the one requested by the Committee to the National Archives and Records Administration (NARA). You seek to interview, under penalty of perjury, long-serving employees with over 60 years of combined Federal service, including administrative assistants who are career employees of the Department, before reviewing the documents provided by the Department or the requested report from NARA. Further, within a month of the Committee's initial date requesting a Department response, the Committee threatened my salary for simply seeking to work through a constitutionally-grounded accommodation process. This pattern is troubling for several reasons, most notably, those identified in the HOR Ranking Member's letter on April 9, 2019, that documented a "habit of using selective sections of statements to advance [the Committee's] partisan investigations."

In particular, the Department rejects allegations by HOR that we have refused to make the officials available for transcribed interviews. As stated in our reply of April 24, 2019, these employees have been instructed by counsel that they are free to submit to such interviews if they so choose. However, as we have previously indicated, we do not believe that these employees are the appropriate persons to address the questions you have raised. Rather than work with the Department to identify the appropriate persons, you have instead bullied and threatened in an attempt to force these employees to submit to your interview process without regard to whether doing so would advance a legitimate legislative or investigative purpose. This again reinforces concerns raised in Ranking Member Jordan's April 9, 2019 letter, that the Committee intends to conduct the interviews with the aim of releasing "excerpts ...to generate headlines in [their] partisan investigation."

Since receiving the Committees' initial letter, the Department's responsiveness has been extensive. The Department requested a conference call with committee staff on April 6, 2019, to discuss the request and before having the conference call on April 12, 2019, the Department produced nearly 27,000 pages of meeting requests, calendar entries, daily schedules, and daily cards that address the very issue raised in your March 28, 2019 letter.

The Department has also offered a briefing to discuss these documents to ensure that the Committees understand the process for maintaining the Secretary's schedule and calendar. Following the April 12, 2019 conference call, where this briefing was discussed, HNR committee staff suggested a review of the April 10, 2019 document production, to better inform a potential briefing on the subject. Unfortunately, HOR committee staff dismissed this request and even removed the HNR staffer from the email chain. Since our production on April 10, 2019, we have not received a single question related to the content of these documents. These are strange responses from entities that claim to have a genuine interest in understanding these issues.

Calls and an email on April 16, 2019, and April 17, 2019, to contact committee staff to set up a meeting went unanswered until the Committee rushed individual letters out the door on April 17, 2019, to the four employees with whom they are seeking transcribed interviews. This led to the Department's April 24, 2019 letter, correcting inaccuracies in the Committee's April 17, 2019 letter. The Department subsequently requested another conference call on April 25, 2019, to discuss the details and logistics of the offered briefing. HOR staff dismissed this request, instead demanding a one-on-one phone call at an undisclosed time. The following week the Department proposed a date for the briefing to occur during the next congressional recess after taking into account the Secretary's planned appearance at three separate congressional hearings over the next three weeks. Committee staff failed to respond to our offer of a briefing until after the May 7, 2019 letter, threatening my salary if the Department continued to pursue the accommodation process.

The Department has also worked with NARA to ensure that the processes used by the Department are consistent with Federal record-keeping laws and regulations. The Department has sent two letters, hosted an interagency meeting, and maintained ongoing communications with NARA to resolve any remaining questions. We have respectfully suggested that the Committee review the Department's report to NARA documenting its findings on the Department's compliance with record-keeping obligations. This was requested not as a means of delay or obstruction, but because we believe that this report would provide the Committee with the information it seeks. Taking this step would also help allay concerns that the Committee's request to NARA was not "a duplicative request" but rather a genuine inquiry meant to inform the Committee's fact-finding mission.

Finally, the May 7, 2019 letter, cites section 713 of the Financial Services and General Government Appropriation Act, P.L. 116-6, a section of the appropriations law laudably designed to discourage attempts to punish whistleblowers. To suggest that participation in this constitutionally-recognized accommodation process is akin to prohibiting or preventing an employee from communicating with Congress is non-collegial and frankly, at this point in the dialogue, shocking.

The Department believes that we can continue to engage in a process of accommodation and that we are not, as you claim, late or delayed. We will not engage in the Committees' political showmanship and threatening tactics, but rather we stand ready to continue working to provide the information you have requested.

Sincerely,



Cole Rojewski
Director, Office of Congressional
And Legislative Affairs

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

The Honorable Rob Bishop, Ranking Member
Committee on Natural Resources