

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

March 15, 2019

The Honorable Mary L. Kendall  
Deputy Inspector General  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Deputy Inspector General Kendall:

We write to request that your office investigate reports of ethics irregularities by senior officials at the Department of the Interior (Department) and review whether ethics policies and procedures that cover senior officials at the Department are sufficient to ensure compliance with the letter and spirit of Federal ethics requirements, particularly those that prevent conflicts of interest.

We specifically want to bring to your attention allegations included in a February 12, 2019, article published by *The New York Times*<sup>1</sup> which raise questions regarding Acting Secretary David Bernhardt's involvement in actions taken by the Department that appear to directly benefit a former client. We note that, according to the article, Acting Secretary Bernhardt relied on verbal rather than written authorization from ethics officials to participate in matters that affected his former client. Reliance on a verbal authorization, with no supporting documentation, is not likely to ensure that adequate steps have been taken to eliminate any conflicts of interest with work done for former clients or employers, particularly when it involves a controversial issue that was the subject of prior litigation and lobbying by the Acting Secretary.

We are also troubled by the allegations included in a February 20, 2019, complaint<sup>2</sup> from the Campaign Legal Center which includes documentation regarding six senior officials' communications and interaction with former clients or employers in potential violation of the Trump Administration's ethics pledge, which restricts participation by officials in certain matters pertaining to former clients or employers.

As Chair and Ranking Member of the House and Senate Appropriations Subcommittees on the Interior, Environment, and Related Agencies, respectively, we take seriously any reports of ethical wrongdoing at the Department. We therefore ask that you take the following actions:

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<sup>1</sup> <https://www.nytimes.com/2019/02/12/climate/david-bernhardt-endangered-species.html>

<sup>2</sup> <https://campaignlegal.org/sites/default/files/2019-02/2-20-19%20Letter%20to%20Interior%20IG%20Regarding%20Ethics%20Violations%20%28with%20exhibits%29.pdf>

- Audit the actions of Acting Secretary Bernhardt and the policy changes he has participated in regarding the Central Valley Project and/or State Water Project, including the 2019 biological assessment referenced in the *New York Times* article, to determine whether his actions comply with Federal ethics requirements. As part of this review, we request that you specifically determine whether written authorization or other communications were sought or received from ethics officials regarding his participation in any discussion, review or development of these policy changes. We also ask you to determine whether ethics officials were fully apprised of all relevant details regarding potential conflicts of interest before any verbal authorization and/or ethics advice were rendered, and ask you to review the timing and circumstances by which such ethics advice was sought and how the ethics advice was memorialized by ethics officials (e.g. notes, internal memoranda or other supporting documentation).
- Investigate the allegations made against six additional senior Department of the Interior officials in the Campaign Legal Center's February 20, 2019 complaint, which details potential violations of the Trump Administration's ethics pledge on the part of the employees. This complaint raises questions regarding whether senior officials met with or otherwise had dealings with former clients or employers within the first two years of their service in violation of this pledge.
- Review the Department's ethics policies and procedures, including any changes initiated since January 20, 2017, by the Trump Administration, to determine whether the agency has the rules, resources and culture in place to ensure compliance with Executive Order 13770 and other Federal ethics requirements. As part of this review, we also ask you to investigate the frequency with which senior agency officials have relied on the use of verbal rather than written authorization regarding their participation in matters that implicate former clients or employers more generally, and whether ethics advice is being appropriately sought and memorialized in a reasonable timeframe before agency officials participate in decision-making rather than provided on a *post hoc* basis. We request that you offer specific recommendations if your review reveals that additional policy changes or controls are required.

We look forward to hearing from you soon regarding this important matter, and we thank you for your important work in providing oversight over the Department's stewardship of public assets and resources so we can most effectively manage our resources on behalf of the American people.



Tom Udall  
Ranking Member  
Subcommittee on the Interior,  
Environment and Related Agencies  
United States Senate

Sincerely,



Betty McCollum  
Chair  
Subcommittee on the Interior,  
Environment and Related Agencies  
U.S. House of Representatives