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ONE HUNDRED TWELFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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January 10, 2012

The Honorable Ken Salazar
Secretary of the Interior
1849 C Street NW
Washington, DC 20240

Dear Mr. Secretary:

The Department of Interior's (DOI) January 6, 2012, letter is unresponsive to the overwhelming majority of the Committee on Oversight and Government Reform's (the Committee) questions and requests posed in my December 12, 2011, letter regarding the Occupy DC protesters in McPherson Square. While I appreciate DOI's offer of a staff briefing, the letter specifically requested written answers and documents. It is the Committee's expectation that DOI's staff briefing will not delay or negate the Department's obligation to deliver these requested items.

While I understand that recent events involving the National Park Service (NPS) have caused additional delays, a month has now passed since my request was sent to the Department. If the Department cannot provide full written answers and produce responsive documents as requested, the Committee may need to consider the use of compulsory processes to obtain this information.

As requested in my letter of December 12, 2011, to the Department, please provide the following:

- 1) A written explanation of whether the NPS believes that the protesters camping at McPherson Square are in violation of the law;
- 2) A written explanation of the legal difference between a "24 hour vigil" and "camping";
- 3) A full and complete written explanation along with relevant documentation of how and why the NPS determined the actions of the protesters at McPherson Square to be a "24 hour vigil" as opposed to "camping";
- 4) All legal writings that the NPS is relying on in determining whether or not to evict the Occupy DC protesters from McPherson Square;

- 5) A written explanation of which office at DOI was responsible for the final decision to allow protesters to camp in McPherson Square;
- 6) A written explanation of when, if ever, the NPS plans to force the protesters to stop camping in McPherson Square;
- 7) A written explanation of whether DOI plans to do further rehabilitations to McPherson Square once the protesters leave to repair the damage that they have done and any cost estimates for how much this additional rehabilitation would cost;
- 8) A written explanation of what steps, if any, the NPS or DOI plans to take to seek recompense from Occupy DC for any damage to McPherson Square;
- 9) All communications between the NPS and DOI headquarters involving the Occupy DC protests in McPherson Square;
- 10) All communications between the NPS, DOI, and the White House involving the Occupy DC protests in McPherson Square;
- 11) All communications involving the NPS involving the decision of whether or not to allow the protesters to camp in McPherson Square;
- 12) All communications involving the NPS and DOI personnel related to the "Help Us Preserve McPherson Square" flyer;
- 13) All communications between the NPS and any representatives or associates of the Occupy DC movement, anyone claiming to represent the Occupy DC movement, or anyone affiliated with a group or organization that participated in any Occupy DC movement protest or event; and
- 14) All communications between DOI headquarters and any representatives or associates of the Occupy DC movement, anyone claiming to represent the Occupy DC movement, or anyone affiliated with a group or organization that participated in any Occupy DC movement protest or event.

Additionally, the Committee is seeking to understand how local officials were involved in the decision making process related to the Occupy DC protesters in McPherson Square. As soon as possible, but no later than 5 p.m., January 24, 2012, please provide the following:

- 1) All communications between the NPS and the District of Columbia government related to the Occupy DC protesters in McPherson Square;
- 2) All communications between DOI personnel and the District of Columbia government related to the Occupy DC protesters in McPherson Square;
- 3) All communications between the NPS and the Metropolitan Police Department of the District of Columbia related to the Occupy DC protesters in McPherson Square; and

The Honorable Ken Salazar

January 10, 2012

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- 4) All communications between DOI personnel and the Metropolitan Police Department of the District of Columbia.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X. An attachment to this letter provides additional information about responding to the Committee's request. On each item provided, please indicate which question the item is being responsive to.

When documents are produced to the Committee, production sets should be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

Please contact Mike Whatley of the Committee staff at (202) 225-5074 with any questions about this request. Thank you for your attention to this matter.

Sincerely,



Darrell Issa
Chairman

Attachment

cc: The Honorable Elijah E. Cummings, Ranking Minority Member

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Responding to Committee Document Requests

1. In complying with this request, you should produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when they were requested.
8. When you produce documents, you should identify the paragraph in the Committee's request to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full, compliance shall be made to the extent possible and shall include an explanation of why full compliance is not possible.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. The time period covered by this request is included in the attached request. To the extent a time period is not specified, produce relevant documents from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.

17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.
19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email, regular mail, telexes, releases, or otherwise.
3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might

otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.

4. The terms "person" or "persons" mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
5. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.