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U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

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DEMOCRATIC STAFF DIRECTOR

April 25, 2011

Mary Kendall
Acting Inspector General
U.S. Department of the Interior
1849 C Street, NW – Mail Stop 4428
Washington, DC 20240

Dear Ms. Kendall:

On July 20, 2010, we requested the Office of Inspector General to conduct an investigation into whether senior officials of the U.S. Department of the Interior (DOI), in an effort to help justify their decision to impose a 6-month moratorium on deepwater drilling in the Gulf of Mexico, misrepresented that the moratorium was reviewed and supported by a group of scientists and industry experts. In a brief 8-page report, issued on November 8, 2010, the Office of Inspector General (OIG) concluded that although the White House edited the original DOI draft Executive Summary leading to the "implication" that the moratorium recommendation had been peer reviewed by experts, the OIG's report nonetheless stated that it was not the intention of DOI officials to create that "implication." The OIG's report neither attaches nor provides detailed excerpts of draft documents or communications that would allow this Committee and the public to reach an independent conclusion based on the documents versus credibility determinations - of DOI officials interviewed - that were made by the OIG.

Because the OIG's report inadequately discusses the actual documents, drafts and communications surrounding this important issue and lacks transparency overall, the Committee requests the underlying documents, drafts and communications reviewed by the OIG in reaching its conclusion and issuing its Report of Investigation – Federal Moratorium on Deepwater Drilling Case No. PI-PI-10-0562-I.

We request the following items:

A. Documents and Items to be Produced

Any and all documents, referring, relating, or pertaining, directly or indirectly, to:

- a. The Report of Investigation – Federal Moratorium on Deepwater Drilling, including but not limited to emails or other communication regarding the Executive Summary or any portion of the draft report “Increased Safety Measures for Energy Development on the Outer Continental Shelf;”
- b. Drafts, revisions, excerpts, inserts, deletions, or other alterations or modifications of the Executive Summary or any portion of the draft report “Increased Safety Measures for Energy Development on the Outer Continental Shelf;”
- c. Witnesses or individuals interviewed or sought to be interviewed, whether formally or informally, in connection with the Report of Investigation – Federal Moratorium on Deepwater Drilling, including but not limited to interview transcripts, notes, summaries, letters, or other communications;
- d. Individuals or entities including their titles and telephone and mailing contact information receiving any version, in whole or in part, of the draft report pertaining to the Increased Safety Measures for Energy Development on the Outer Continental Shelf and the dates on which draft reports were received; and
- e. A moratorium on drilling including but not limited to communications.

B. 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, recorded notes, letters, notices, confirmations, receipts, checks, envelopes, presentations, pamphlets, brochures, interoffice and intra office communications, electronic mails (e-mails), notations of any type of conversation, telephone call, voice mail, phone mail, meeting or other communication, diaries, analyses, summaries, messages, correspondence, circulars, opinions, 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 electronic, mechanical, and electric records or representations of any kind, 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.
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 face-to-face, in a meeting, by telephone, mail, e-mail, discussions, releases, personal delivery, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this document request. The singular includes the plural. The masculine includes the feminine.

4. The term "draft report" means any version, adaption, portion, version, change, variation, or iteration of the report pertaining to the moratorium (also known as the 30-day report) or safety measures for energy development on the outer continental shelf including but not limited to any proposed, contemplated, recommended, or distributed outlines, inserts, deletions, modifications, alterations, attachments, appendices, visual aids, summaries, or synopses.
5. As used herein, "referring" or "relating" means and includes "constituting," "pertaining," "evidencing," "reflecting," "describing," or "having anything to do with," and in each instance, directly or indirectly. These terms mean, without limitation, any reference or relationship which either (a) provides information with respect to the subject of the inquiry, or (b) might lead to individuals who, or documents which, might possess or contain information with respect to the subject of the inquiry.

C. Instructions

1. In complying with this document request, you are required to produce all responsive documents, materials, or items that are in your possession, custody, or control, whether held by you or your past or present agents, employees, representatives, subsidiaries, affiliates, divisions, partnerships, and departments acting on your behalf. You are also required to 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. No records, documents, data or information called for by this request shall 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 document request has been, or is also known by any other name than that herein denoted, the document request shall be read also to include them under that alternative identification.
3. Each document produced shall be produced in a form that renders that document capable of being printed or copied.
4. Documents produced in response to this document request shall be produced together with copies of file labels, dividers, envelopes, or identifying markers with which they were associated when this document request was served. Documents produced to this document request shall also identify to which paragraph from the document request such documents are responsive. Moreover, please include with your response, an index identifying each record and label (preferably by bates stamping) the documents. The Committee prefers, if possible, to receive all documents in electronic format.
5. It shall not be a basis for refusal to produce documents that any other person or entity also possesses documents that are non-identical or identical copies of the same document.
6. If any of the document requested information is available in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, memory stick, or

computer back-up tape), state the form in which it is available and provide sufficient detail to allow the information to be copied to a readable format. If the information requested is stored in a computer, indicate whether you have an existing program that will print the records in a readable form.

7. If compliance with the document 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.
8. In the event that a document is withheld, in whole or in part, based on a claim of privilege, provide the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter of the document; (d) the date, author and recipient; and (e) the relationship of the author and recipient to each other. Claims of privileges are considered under Committee on Natural Resources Rule 4(h) and, similar to all common-law privileges, are ultimately up to the discretion of each Committee.
9. If any document responsive to this document request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipient) and explain the circumstances by which the document ceased to be in your possession, custody, or control.
10. If a date or other descriptive detail set forth in this document 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.
11. 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 location or discovery subsequent thereto.
12. Send all responsive documents and records to:

Morgan Kim or Tim Charters
Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515

We expect a complete written response to be provided to the Committee no later than May 13, 2011.

If you perceive a problem providing the information in that timeframe, or have any questions about this request, please feel free to contact Morgan Kim or Tim Charters of the Committee staff.

Thank you in advance for your cooperation with the Committee in its review of this matter. Your continued attention to this important matter is appreciated.

Sincerely,



Doc Hastings
Chairman
Natural Resources Committee



Doug Lamborn
Subcommittee Chairman
Energy and Mineral Resources