

DOC HASTINGS, WA
CHAIRMAN
DON YOUNG, AK
JOHN J. DUNCAN, JR., TN
LOUIE GOHMERT, TX
ROB BISHOP, UT
DOUG LAMBORN, CO
ROBERT J. WITTMAN, VA
PAUL C. BROUN, GA
JOHN FLEMING, LA
MIKE COFFMAN, CO
TOM McCLINTOCK, CA
GLENN THOMPSON, PA
JEFF DENHAM, CA
DAN BENISHEK, MI
DAVID RIVERA, FL
JEFF DUNCAN, SC
SCOTT R. TIPTON, CO
PAUL A. GOSAR, AZ
RAÚL R. LABRADOR, ID
KRISTI L. NOEM, SD
STEVE SOUTHERLAND II, FL
BILL FLORES, TX
ANDY HARRIS, MD
JEFFREY M. LANDRY, LA
CHARLES J. "CHUCK" FLEISCHMANN, TN
JON RUNYAN, NJ
BILL JOHNSON, OH

TODD YOUNG
CHIEF OF STAFF

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

March 14, 2011

EDWARD J. MARKEY, MA
RANKING DEMOCRATIC MEMBER
DALE E. KILDEE, MI
PETER A. DeFAZIO, OR
ENI F.H. FALEOMAVAEGA, AS
FRANK PALLONE, JR., NJ
GRACE F. NAPOLITANO, CA
RUSH D. HOLT, NJ
RAÚL M. GRIJALVA, AZ
MADELEINE Z. BORDALLO, GU
JIM COSTA, CA
DAN BOREN, OK
GREGORIO KILILI CAMACHO SABLÁN, CNMI
MARTIN HEINRICH, NM
BEN RAY LUJÁN, NM
DONNA M. CHRISTENSEN, VI
JOHN P. SARBANES, MD
BETTY SUTTON, OH
NIKI TSONGAS, MA
PEDRO R. PIERLUISI, PR
JOHN GARAMENDI, CA
COLLEEN W. HANABUSA, HI

JEFFREY DUNCAN
DEMOCRATIC STAFF DIRECTOR

David J. Hayes, Deputy Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Thomas Perrelli, Associate Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Messrs. Hayes and Perrelli:

We request information and cooperation regarding the fees, expenses, and incentive payments sought by the Named Plaintiffs and Class Counsel pursuant to the Claims Resolution Act of 2010, which authorized the *Cobell v. Salazar* Settlement Agreement.

Based on public filings and as defendants in this matter, we understand that you may be in a position to provide the Committee on Natural Resources (Committee) with some or all of the materials being sought in the attachment to this letter. These materials and your cooperation with the Committee is important to the Committee's oversight and legislative responsibilities to ensure that the Settlement is fair to individual Indians and to taxpayers. The Committee is also concerned with issues such as "exorbitant fees," "double billing," "lack of documentation," "excessive incentive awards," and request for "novel fees never recoverable in litigation;" all raised in Defendants' Response and Objections to Plaintiffs' Petition for Class Counsel Fees, Expenses and Costs through Settlement and in Defendants' Objections to Class Representatives' Petition for Incentive Awards and Expenses. Additionally, the Committee would like to review whether Named Plaintiffs and Class Counsel provided complete and accurate information to Members of the Committee and the full House of Representatives during House deliberation of legislation to authorize the Settlement Agreement.

The questions and information requested are attached to this letter. We would appreciate complete written responses to be provided to the Committee no later than April 1, 2011.

The staff contacts for this matter are Chris Fluhr, Subcommittee on Indian and Alaska Native Affairs, and Morgan Kim, Office of Oversight and Investigations. Any communication with Mr. Fluhr and Ms. Kim must be made in writing via email to Chris.Fluhr@mail.house.gov or Morgan.Kim@mail.house.gov or fax, at (202) 225-7094, or letter to:

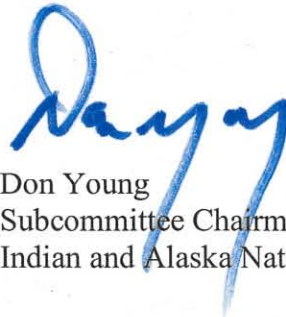
Chairman Doc Hastings
Committee on Natural Resources
U.S. House of Representatives
1324 Longworth HOB
Washington, D.C. 20515

Thank you in advance for your cooperation with the Committee in its review of issues concerning the *Cobell* Settlement Agreement.

Sincerely,



Doc Hastings
Chairman
Natural Resources Committee



Don Young
Subcommittee Chairman
Indian and Alaska Native Affairs

Questions for Defendants

1. To date, how much of the Plaintiffs' costs, expenses, and fees have been reimbursed (in whole or in part) by the government? Please provide an accounting - to the best of your ability - including supporting documentation relating to both the fees, costs, expenses, or other debts sought by the Plaintiffs and the reimbursements provided by the government.

Were any of the costs, expenses, fees, or other debts that are currently being sought by Plaintiffs previously rejected by the District Court? If so, please provide an accounting - to the best of your ability - including supporting documentation relating to the fees, costs, expenses, or other debts sought by the Plaintiffs and previously rejected by the District Court.

2. Has the contingency fee agreement been disclosed to the Department of Justice? To the Department of the Interior? If yes, please describe the details of how the disclosure was made including when the disclosure was made, whether the disclosure was made in writing, and whether copies of the contingency fee agreement were provided to the Department of Justice or the Department of the Interior.

If copies of the contingency fee agreement were provided to the Department of Justice or the Department of Interior, please provide a copy of the contingency fee agreement entered into by the Named Plaintiffs and Class Counsel.

To the Defendants' knowledge, has the contingency fee agreement been disclosed to other class members, the District Court, or any other party?

3. Before the enactment of the Claims Resolution Act of 2010, was the existence of the contingency fee agreement between Plaintiffs and Class Counsel disclosed to the Department of the Interior or the Department of Justice? If yes, when was the disclosure made?
4. Are the Defendants aware of any costs, expenses, and fees sought by the Plaintiffs pertaining to the *Cobell* litigation and settlement that are related to political or lobbying activities? If so, please provide an accounting - to the best of your ability - including supporting documentation relating to Plaintiffs' fees, costs, expenses, or other debts for political or lobbying activities.

5. Are the Defendants aware of any costs, expenses, and fees sought by the Plaintiffs pertaining to the *Cobell* litigation and settlement that are related to the use of public relations firms or media consultants? If so, please provide an accounting - to the best of your ability - including supporting documentation relating to fees, costs, expenses, or other debts related to Plaintiffs' costs, expenses, and fees for public relations firms or media consultants.
6. Are the Defendants aware of any costs, expenses, and fees sought by the Plaintiffs pertaining to the *Cobell* litigation and settlement that are related to overhead and general administration including but not limited to rent, electricity, insurance, internet, supplies, telephones, and administrative salaries? If so, please provide an accounting - to the best of your ability - including supporting documentation relating to fees, costs, expenses, or other debts related to Plaintiffs' costs, expenses, and fees for overhead and general administration.
7. Please identify any other questionable or objectionable charge submitted by the Plaintiffs in connection with the *Cobell* litigation and settlement including but not limited to travel expenses, meals, and personal appearances fees. For each questionable or objectionable charge, please state the basis of the Defendants' objections or concerns.
8. In her statement before the House Committee on Natural Resources on March 10, 2010, Elouise Cobell states that many of the grants she received are in the form of loans and are repayable, and that some entities provided advances that need to be reimbursed. Are the Defendants aware of any grants, loans, advances made to any of the Class Members?
9. Please provide a copy of any agreement for incentive, award or bonus payments relating to the *Cobell* litigation or settlement between any of the Named Plaintiffs and Class Counsel in the Defendants' possession.