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U.S. House of Representatives

Committee on Natural Resources

Washington, DC 20515

July 31, 2013

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DEMOCRATIC STAFF DIRECTOR

The Honorable Daniel M. Ashe
Director
U.S. Fish & Wildlife Service
1849 C Street, N.W.
Washington, D.C. 20240

Dear Director Ashe:

The Department of the Interior Office of Inspector General (“OIG”) recently issued a Management Advisory¹ regarding the U.S. Fish & Wildlife Service’s (“Service”) inaction on certain whistleblower complaints related to violations of the scientific integrity policy. Concerns have been raised that the Service failed to take timely and appropriate management action against supervisors who may have engaged in scientific misconduct and then retaliated against whistleblowers who reported the misconduct to the OIG. The Committee takes allegations of violations of scientific integrity as well as whistleblower retaliation very seriously and expects to be kept apprised of this issue.

The Committee on Natural Resources has jurisdiction over matters involving the activities, budgets, and practices of the Department of the Interior and the U.S. Fish & Wildlife Service.² In order to better understand the implementation of the Department’s Scientific Integrity Policy, and how the Service is complying with this policy, it is requested that the following information and complete and unredacted copies of the following documents be provided no later than August 14, 2013:

- 1) All documents related to the investigation(s) referenced in the OIG Management Advisory issued on July 11, 2013 related to the Service’s Inaction on Whistleblower Complaints Related to Scientific Integrity Complaints, including, but not limited to internal investigation files and communications.
- 2) All documents contained in the following files, maintained by the Service’s Human Resources or Office of the Solicitor: ESO-S0000328 and ESO-S0000340.

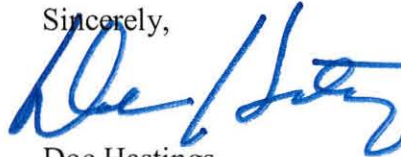
¹ “Management Advisory – Inaction on Whistleblower Complaints Related to Scientific Integrity Complaints,” U.S. Department of the Interior, Office of Inspector General (July 11, 2013).

² Rule 6 for the Committee on Natural Resources, 113th Congress.

- 3) A complete description on what actions, if any, were taken by the Service in response to the investigations, including personnel actions or policy changes.
- 4) A copy of any and all correspondence provided to the Office of the Inspector General from the Service regarding this issue, including any written response to the Management Advisory.

Please have your staff contact Byron Brown or Machalagh Carr at 202-225-2761 in the Office of Oversight and Investigations with any questions.

Sincerely,



Doc Hastings,
Chairman

Enclosure

Responding to Committee Document Requests

A. 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), instant message, 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. 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.

B. 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 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 a written 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 any recipients; and (e) the relationship of the author and recipients to each other. Claims of privileges are considered under Committee on Natural Resources Rule 4(h) and, similar to all common-law privileges, are recognized only at the discretion of the 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 recipients) 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. Production materials should be delivered to:

Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington D.C. 20515