DARRELL E. ISSA, CALIFORNIA
CHAIRMAN

ELIJAH E. CUMMINGS, MARYLAND
RANKING MINORITY MEMBER

ONE HUNDRED THIRTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051

Responding to Committee Document Requests

1. In complying with this request, you are required to 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.

   (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

   BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT,CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,

CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

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 the request was served.

8. When you produce documents, you should identify the paragraph in the Committee's schedule 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 by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.

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 are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.

15. Unless otherwise specified, the time period covered by this request is 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.

Schedule 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 (desktop or mobile device), text message, instant message, MMS or SMS message, 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.

7. The term "employee" means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

Congress of the United States
Washington, DC 20515

November 14, 2013

Mr. Charles Edwards
Deputy Inspector General
U.S. Department of Homeland Security
245 Murray Lane, SW
Washington, D.C. 20528

Dear Mr. Edwards:

Yesterday, the *Washington Post* reported that U.S. Secret Service (USSS) disciplined two senior level agents assigned to the President's detail for sexual misconduct.[1] The *Washington Post* story stated:

> Zamora was allegedly discovered attempting to reenter a woman's room after accidentally leaving behind a bullet from his service weapon. . . . In a follow-up investigation, agency officials also found that Zamora and another supervisor, Timothy Barraclough, had sent sexually suggestive e-mails to a female subordinate, according to those with knowledge of the case.[2]

Ignacio Zamora, Jr. was a GS-15 Assistant to the Special Agent in Charge on the Presidential Protective Detail during the now-infamous visit to Cartagena in April 2012. The behavior described by the *Washington Post* is especially alarming because confidential whistleblowers have told us that Zamora interviewed agents on the ground who engaged in sexual misconduct in the course of the internal investigation of the misconduct that occurred in Cartagena. If true, these allegations raise serious questions both about the integrity of the Secret Service's investigation and the culture of the agency.

A year and a half ago you promised Congress the Office of Inspector General would conduct an independent review of the culture of the USSS.[3] We are writing to inquire about the status of that report. As you know, Congress has raised concerns as to whether the incident in Cartagena is indicative of a cultural problem at USSS. At a May 23, 2012, hearing held by the Senate Homeland Security and Governmental Affairs Committee, Members expressed disbelief that the wrongdoing in Cartagena was a one-time occurrence. Concern over this type of misconduct permeating the culture of the USSS was referenced 64 times at this hearing. Former USSS Director Mark Sullivan, however, repeatedly refuted the idea. He testified:

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[1] Carol D. Leonnig & David Nakamura, *Two Secret Service agents cut from Obama's detail after alleged misconduct*, WASH. POST, Nov. 14, 2013.
[2] *Id.*
[3] *Secret Service on the Line: Restoring Trust and Confidence*: Hearing before the S. Comm. on Homeland Security and Governmental Affairs, 113th Cong. (May 23, 2012) (Testimony of then-Acting Inspector General Charles Edwards).

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> I just believe . . . very strongly that this just is not part of our culture. . . . I'm hoping I can convince you that it isn't a cultural issue. . . . I just do not think that this is just something that is systemic within this organization.[4]

It has now been 18 months since USSS personnel engaged in sexual misconduct in Cartagena. Over the past 18 months, we have received information regarding similar sexual misconduct by USSS personnel in 17 countries. Interaction with prostitutes and foreign nationals jeopardizes the security of the President. It also exposes U.S. government personnel – with access to sensitive security information – to coercion and blackmail. Despite the urgency of the matter, the DHS OIG still has not released its independent review of the culture of the USSS. This delay is of particular concern, given that foreign intelligence services actively use honey trap schemes to "ensnare an unwary target in a compromising sexual encounter that may leave the victim vulnerable to blackmail that might result in espionage."[5]

A serious and robust investigation should have revealed facts within weeks, allowing corrective action to be swiftly implemented with Congressional oversight. It is our understanding that interviews conducted last summer revealed information related to USSS culture to the DHS OIG. Not surprisingly given recent events, the non-public report of investigation (ROI) provided to former Secretary Janet Napolitano on September 26, 2012, revealed a trend of USSS management's complicity in misconduct and disparate treatment of those who engaged in misconduct. In fact, the ROI identified at least 11 agents with knowledge of similar misconduct in the past.

We simply cannot wait any longer to get answers. Please provide responses to the following questions as soon as possible, but by no later than November 22, 2013:

1. Is a draft version of the report complete?

2. When do you expect to release the report publicly?

3. Has a draft version of the report been provided to the USSS and to DHS for review and comment? If so, when?

4. Will the Department's comments be identified in the final report?

5. Have changes to the report been made in response to comments received from the Department?

The jurisdiction of the Subcommittee on Financial and Contracting Oversight is set forth in Senate Rule XXV clause 1(k); Senate Resolution 445 section 101 (108th Congress); and in Senate Resolution 64 (113th Congress). The Committee on Oversight and Government Reform

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[4] *Secret Service on the Line: Restoring Trust and Confidence*: Hearing before the S. Comm. on Homeland Security and Governmental Affairs, 113th Cong. (May 23, 2012) (Testimony of Hon. Mark Sullivan).
[5] Office of Counterintelligence, Defense CI & HUMINT Center, Defense Intelligence Agency, "Glossary" (May 2, 2011).

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 how to respond to this request.

Thank you for your prompt attention to this matter. Please contact Rachel Weaver with Senator Johnson's Subcommittee staff at (202) 224-2186 or Ryan Little with Chairman Chaffetz's staff at (202) 225-7751 with any questions. Please direct official correspondence related to this request to rachel_weaver@hsgac.senate.gov and ryan.little@mail.house.gov.

Sincerely,

Ron Johnson
Ranking Member
Subcommittee on Financial and
Contracting Oversight
Committee on Homeland Security
and Governmental Affairs
U.S. Senate

Jason Chaffetz
Chairman
Subcommittee on National Security
Committee on Oversight and
Government Reform
U.S. House of Representatives

Enclosure

cc: The Honorable Claire McCaskill, Chairman
Subcommittee on Financial & Contracting Oversight
Committee on Homeland Security and Governmental Affairs
U.S. Senate

The Honorable John F. Tierney, Ranking Member
Subcommittee on National Security
Committee on Oversight and Government Reform
U.S. House of Representatives