



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-254-3600

July 1, 2014

Mr. Patrick Williams
c/o Jeff Ruch
PEER
2000 P Street, N.W., Suite 240
Washington, D.C. 20036

Re: OSC File No. DI-13-3684

Dear Mr. Williams:

The Office of Special Counsel (OSC) has completed its review of the information you referred to the Disclosure Unit. You alleged that employees at the Department of the Interior, Bureau of Reclamation (BOR), Mid-Pacific Regional Office (MPRO), Sacramento, California, are engaging in conduct that may constitute a violation of law, rule, or regulation, gross mismanagement, and an abuse of authority.

Upon receipt, the Special Counsel reviews the agency report to determine whether it contains all of the information required by statute and that the findings of the head of the agency appear to be reasonable. 5 U.S.C. § 1213(e)(2). The Special Counsel will determine that the agency's investigative findings and conclusions appear reasonable if they are credible, consistent, and complete based upon the facts in the disclosure, the agency report, and the comments offered by the whistleblower under 5 U.S.C. § 1213(e)(1).

You alleged that the MPRO is not in compliance with the requirements of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), 25 U.S.C. § 3001, *et. seq.*, and 43 C.F.R. Part 10—Native American Graves Protection and Repatriation Regulations. Specifically, you alleged that MPRO failed to properly catalogue and accession NAGPRA-related items; failed to properly document loans of funerary objects; and failed to notify Native American tribes of NAGPRA-controlled artifacts. You also alleged that MPRO officials improperly removed NAGPRA records from the Interior Collection Management System (ICMS).

Based on this information, OSC has concluded that there is a substantial likelihood that the information you provided to OSC discloses a violation of law, rule, or regulation, an abuse of authority and gross mismanagement. Accordingly, we are referring this information to the Secretary of the Interior for an investigation of your allegations under 5 U.S.C. § 1213. With your consent, we identified you as the source of the information on these allegations.

Mr. Patrick Williams

Page 2


We have provided the Secretary 60 days to conduct an investigation of your allegations and to report back to OSC. You should be aware, however, that these matters may take somewhat longer and agencies may request an extension of the reporting date. Upon receipt, the Special Counsel reviews the agency report to determine whether it contains all of the information required by statute and that the findings of the head of the agency appear to be reasonable. 5 U.S.C. § 1213(e)(2). The Special Counsel will determine that the agency's investigative findings and conclusions appear reasonable if they are credible, consistent, and complete based upon the facts in the disclosure, the agency report, and your comments offered under 5 U.S.C. § 1213(e)(1).

We emphasize that until the agency's final report is forwarded to the President and Congress, this remains an open matter under investigation. Thus, we request that all information and correspondence related to this matter be kept confidential until you receive notification that the matter has been closed.

After we have reviewed the report, unless it is classified or otherwise not releasable by law, we will send you a copy and give you an opportunity to comment, if you wish. The report and your comments will be transmitted to the President and the appropriate congressional oversight committees, and will be maintained by OSC in a public file.

If you wish to discuss this matter, please contact me at (202) 254-3669.

Sincerely,


Tracy L. Biggs
Attorney, Disclosure Unit