



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.

Washington, D.C. 20240

IN REPLY REFER TO:

L58 (0120)

JAN 20 2004

Honorable Barbara Mikulski
United States Senate
Washington, D.C. 20510

Dear Senator Mikulski:

This responds to your December 12, 2003, letter to Secretary Norton. I would like to thank you for your patience as we prepared the information you requested. My Deputy Director, Donald Murphy, who oversees the United States Park Police (USPP), and my Congressional Affairs Office have worked together in preparing this response.

You expressed concern regarding the treatment of USPP Chief Teresa Chambers. Please let me assure you that neither the National Park Service (NPS) nor the U.S. Department of the Interior (DOI) has begun disciplinary proceedings against any employee who has appropriately alleged in public or before Congress regarding any "staff shortages." Please let me further assure you that the parks and our visitors are being protected by the USPP. I believe it may be helpful for you to know that there has been no disciplinary action taken against the Chief. Rather, there is a proposal for disciplinary action that remains outstanding, and no decision has yet been made on the proposal.

Some of the information regarding the proposed disciplinary action may be subject to the requirements of the Privacy Act, 5 U.S.C. 552a. As you know, the Privacy Act provides that covered information cannot be released without the prior written consent of the individual to whom the information pertains unless disclosure of the information falls within one or more of 12 exceptions. One of these exceptions, 5 U.S.C. 552a (b)(9), authorizes disclosure:

To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee.

The Office of the Solicitor has advised us that we must receive a written request from a committee or subcommittee chair before we can release Privacy Act-protected records to any member of a cognizant Congressional committee. On January 15, 2004, we delivered a package of supporting documents to the Senate Governmental Affairs

Committee, after receiving a letter requesting such documents from Chairman Susan M. Collins. The DOI's Solicitors office has further advised us that, the letter from Chief Chambers' attorneys notwithstanding, 5 U.S.C. 552a (b) states that:

No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains..

I want to assure you that the DOI is affording Chief Chambers due process, in accordance with the Constitution, and the laws of the United States. There can be no action on the proposal until at least 30 days have passed from Chief Chambers's receipt of the proposal. This decision now rests with the Deputy Assistant Secretary for Fish and Wildlife and Parks, Paul Hoffman. Before the decision-maker acts on the proposal, the Chief will have the opportunity to respond to Mr. Murphy's letter both in writing and orally. You may rest assured she will receive full and fair consideration in her case. As you are no doubt aware, the DOI does not wish to compromise either its position in a personnel matter, nor jeopardize the rights of employees in such matters by trying those matters in the press or before Congress.

Thank you for your continued interest in the National Park Service and for giving us the opportunity to respond to you on this matter.

Sincerely,



Fran P. Mainella
Director