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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

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August 1, 2013

VIA U.S. MAIL & EMAIL (Faith.Burton@USDOJ.gov)

The Honorable Eric H. Holder, Jr.
The Attorney General
U. S. Department of Justice
Robert F. Kennedy Building
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Attorney General:

I write to inquire about the recently announced plea agreement between the Department of Justice (DOJ) and Halliburton Energy Services Inc. regarding the investigation into the April 20, 2010 oil spill in the Gulf of Mexico. According to DOJ and media sources, Halliburton has agreed to plead guilty to destroying evidence in connection with the Deepwater Horizon disaster.¹ Subject to the court's approval, the company will pay the \$200,000 maximum statutory fine and will be placed on probation for three years.²

I worry that such paltry fines fail to discourage defendants from destroying evidence. If the fines do not adequately deter companies, they may begin routinely destroying unfavorable evidence as an acceptable cost of doing business.

In matters like the Deepwater Horizon disaster, which tragically killed 11 people, devastated our treasured shores, and dramatically disrupted the economy in the region, plea agreements warrant maximum transparency. It is important for the American people to know how effectively the terms of such plea agreements hold accountable those who affirmatively attempted to undermine the investigation into this massive disaster.

With this in mind, please provide responses to the following questions by August 19, 2013:

1. To what extent is DOJ currently pursuing further criminal prosecutions of Halliburton or its managers or employees regarding the Deepwater Horizon disaster?

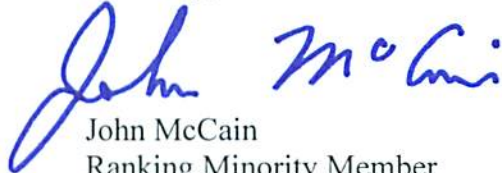
¹ Press Release, Dep't of Justice, Halliburton Agrees to Plead Guilty to Destruction of Evidence in Connection with Deepwater Horizon Tragedy (July 25, 2013), <http://www.justice.gov/opa/pr/2013/July/13-crm-850.html>.

² Steven Mufson, *Halliburton to plead guilty to destroying evidence in BP spill*, WASH. POST, July 25, 2013, http://www.washingtonpost.com/business/economy/halliburton-to-plead-guilty-to-destroying-evidence-in-bp-spill/2013/07/25/bab8f30c-f57b-11e2-aa2e-4088616498b4_print.html.

2. To what extent does the DOJ agreement preclude the possibility of holding specific Halliburton officials, including managers, criminally accountable for ordering the destruction of key evidence or otherwise obstructing justice in connection with the Deepwater Horizon tragedy?
3. Why did DOJ settle this case for such a relatively small fine rather than choose to prosecute Halliburton to the full extent of its culpability in the Deepwater Horizon disaster?
4. Is Halliburton's \$55 million contribution to the National Fish and Wildlife Foundation (NFWF) part of its plea agreement with DOJ?
5. To what extent did DOJ influence Halliburton's decision to contribute \$55 million to the NFWF? If so, what facts led DOJ to believe that the impacted areas along the Gulf Coast would most benefit from Halliburton's voluntary contribution to NFWF rather than from contributions to other civic groups?
6. If DOJ did not influence Halliburton's decision to contribute to the NFWF, when did DOJ learn about Halliburton's intentions? Was it before the final plea agreement was reached?

Thank you for your attention to this matter. If you have any questions or concerns, please have your staff contact Jack Thorlin, Counsel to the Minority, Permanent Subcommittee on Investigations, at 202/224-2224.

Sincerely,



John McCain
Ranking Minority Member
Permanent Subcommittee on Investigations