

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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September 6, 2011

The Honorable Jane Lubchenco
Undersecretary, National Oceanic and Atmospheric Administration
U.S. Department of Commerce
1401 Constitution Avenue N.W.
Washington, DC 20230

Dear Administrator Lubchenco:

Thank you for your recent production of records pertaining to my request dated March 15, 2011. We are in receipt of letters dated June 14, 2011, and July 19, 2011. As we continue to review these productions, it would be helpful to understand the nature of and context of these responses. In order to put the National Oceanic and Atmospheric Administration's (NOAA's) submissions into context, please provide additional information regarding the following items:

- 1) Does NOAA consider the records submitted to the Committee on June 14, 2011 and July 19, 2011 fully responsive to the Committee's request dated March 15, 2011? Does NOAA consider the records it has submitted so far relative to specific individuals fully responsive for those individuals?
- 2) How were these documents retrieved? Were individuals responsible for providing documents responsive to the Committee's request? If so, how were the Committee's intentions communicated to individuals?
 - a. Please provide any and all records (see attachment) associated with the instructions to NOAA staff regarding this request.
 - b. Was NOAA Legislative Affairs the primary office responsible for retrieving documents responsive to the Committee's request? If so, what means of retrieving records did it use? What queries and processes were employed to obtain these records?
 - c. Was NOAA or the Department of Commerce Offices of General Counsel, or Chief Information Officers, involved with retrieving records? If so, what was the nature of this involvement? If not, why not?

- d. Are NOAA or the Department of Commerce Offices of General Counsel involved with responding to Freedom of Information Act requests? What processes and procedures do they have for retrieving documents relative to those requests? How do the processes used to respond to the Committee's request differ from those processes?
 - e. Were calendar items, hand written notes, working files, and all other records defined by the attachment to the Committee's March 15, 2011 letter provided to the Committee?
 - f. If personal email accounts were used to conduct official business by individuals, were those records provided to the Committee? Did NOAA inquire as to whether personal email accounts were used to conduct official business? If so, what was the nature of this inquiry? Please provide any records associated with this inquiry.
- 3) Please provide the following information related to NOAA's six Regional Climate Officers:
- a. The date and official announcements associated with the positions.
 - b. The date and official announcement of the posting for the positions, along with the official title, responsibilities, and duties for the positions.
 - c. The funding line that the positions were originally funded from.
 - d. The funding line that the positions are now funded from.
 - e. Please detail the authority NOAA used to originally create these positions, as well as the authority NOAA now uses to retain the positions.
- 4) Are any documents being withheld from the Committee for any purpose? If so, please provide a Vaughn index that identifies each document withheld, states the statutory exemption claimed, and explains how disclosure of each withheld document would damage the interests protected by the claimed exemption.
- 5) Please provide a schedule for the delivery of documents responsive to the Committee's March 15, 2011 request. It has been more than five months since my original letter and NOAA has yet to fully comply with the Committee's request.

Please provide all records and responses to this request by September 14, 2011. If you have any questions regarding this request please contact Mr. Tom Hammond with the Subcommittee on Investigations and Oversight at (202) 225-6371, or Ms. Tara Rothschild with the Subcommittee on Energy and Environment at (202) 225-8844.

Sincerely,



Rep. Ralph Hall
Chairman

CC: The Honorable Eddie Bernice Johnson
Cameron F. Kerry, General Counsel, U.S. Department of Commerce