

**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

September 20, 2007

Vice Admiral Conrad C. Lautenbacher, Jr.  
Under Secretary of Commerce for Oceans and Atmosphere  
National Oceanic and Atmospheric Administration  
U.S. Department of Commerce  
1401 Constitution Ave., N.W.  
Washington, D.C. 20230

Attention: Eric Webster

Dear Under Secretary Lautenbacher:

On July 19, 2007, you testified at a joint hearing of the Committee on Science and Technology's Subcommittee on Energy and Environment and the Subcommittee on Investigations and Oversight, entitled "*Tracking the Storm at the National Hurricane Center.*" The purpose of the hearing was to address recent events at the National Oceanic and Atmospheric Administration's (NOAA) Tropical Prediction Center/National Hurricane Center (TPC/NHC) surrounding the controversial removal of Mr. X. William (Bill) Proenza from his position as Director of TPC.

The hearing covered a wide range of issues, including the uniqueness of the apparent opposition of rank-and-file staff to their manager, Mr. Proenza. For example, Representative Lincoln Diaz-Balart (R-FL) asked, in part:

*"Have you all ever been in a situation where half of the staff publicly manifest itself against a supervisor publicly and even with the press?"*

While Dr. James Turner, Deputy Director of the National Institute of Standards and Technology, indicated that he had not encountered such a situation during his 30 years in the Federal Government, you did not have a chance to respond. In addition, Rep. Diaz-Balart asked Mr. Turner:

*"Dr. Turner, in your years of being a supervisor, if something like that would have happened would you have thought it would have been responsible to not act and try to find out what's going on and kind of ignored the situation and not try to come up with a way to try to figure out what's wrong or what was going on?"*

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In fact, we understand that a similar staff protest may have occurred under your watch, involving Gen. John (Jack) Kelly, former Director of the National Weather Service (NWS). Despite strong protests from several staff members, you allegedly took no action against Gen. Kelly. Instead, he was promoted from Director of NWS to Deputy Undersecretary for Oceans and Environment. The Committees now seek information to reconcile the apparent disparate treatment of Mr. Proenza and Gen. Kelly.

Accordingly, under Rules X and XI of the Rules of the House of Representatives, we request that you provide to the Committee on Energy and Commerce and the Committee on Science and Technology's Subcommittee on Investigations and Oversight, within two weeks of the date of this letter, any and all records relating to:

1. The review, inquiry, or investigation into staff complaints against Gen. Kelly;
2. Staff complaints and anonymous letters relating to Gen. Kelly;
3. The referral of the matter to the Office of Inspector General (OIG);
4. Documents and e-mails that include options, recommendations, next steps, solutions, or talking points to address complaints against Gen. Kelly;
5. Disciplining or counseling provided to Gen. Kelly based on staff complaints; and
6. The personnel file of Gen. Kelly (excluding records relating to benefits, insurance, travel, time, and attendance) covering his tenure as Assistant Administrator and Director of NWS.

Your search for records and the production to the Committees should be limited to all records since 2000. In addition, we ask that you list and describe any and all staff protests (where three or more employees asserted a joint complaint against a superior) at NOAA since your appointment as Administrator, and explain the steps taken to address the complaints.

In responding to this request for records, please be advised that the terms "records" and "relating to" are defined in the attachment to this letter. In addition, when complying with this request, we expect that you will search the relevant files within all of the appropriate offices of NOAA. Finally, no records, documents, data, or information called for by this request shall be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.

Thank you in advance for your cooperation in this important matter. If you have any questions, please contact us or have your staff contact Steven C. Rangel of the Committee on Energy and Commerce staff at (202) 226-2424 or James Paul of the Committee on Science and Technology staff at (202) 226-3639.

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Sincerely,



John D. Dingell  
Chairman  
Committee on Energy and Commerce



Bart Gordon  
Chairman  
Committee on Science and Technology



Bart Stupak  
Chairman  
Subcommittee on Oversight and Investigations  
Committee on Energy and Commerce



Brad Miller  
Chairman  
Subcommittee on Investigations and Oversight  
Committee on Science and Technology

Attachment

cc: The Honorable Joe Barton, Ranking Member  
Committee on Energy and Commerce

The Honorable Ralph Hall, Ranking Member  
Committee on Science and Technology

The Honorable Ed Whitfield, Ranking Member  
Subcommittee on Oversight and Investigations  
Committee on Energy and Commerce

The Honorable F. James Sensenbrenner, Jr., Ranking Member  
Subcommittee on Investigations and Oversight  
Committee on Science and Technology

## ATTACHMENT

1. The term "records" is to be construed in the broadest sense and shall mean any written or graphic material, however produced or reproduced, of any kind or description, consisting of the original and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) and drafts and both sides thereof, whether printed or recorded electronically or magnetically or stored in any type of data bank, including, but not limited to, the following: correspondence, memoranda, records, summaries of personal conversations or interviews, minutes or records of meetings or conferences, opinions or reports of consultants, projections, statistical statements, drafts, contracts, agreements, purchase orders, invoices, confirmations, telegraphs, telexes, agendas, books, notes, pamphlets, periodicals, reports, studies, evaluations, opinions, logs, diaries, desk calendars, appointment books, tape recordings, video recordings, e-mails, voice mails, computer tapes, or other computer stored matter, magnetic tapes, microfilm, microfiche, punch cards, all other records kept by electronic, photographic, or mechanical means, charts, photographs, notebooks, drawings, plans, inter-office communications, intra-office and intra-departmental communications, transcripts, checks and canceled checks, bank statements, ledgers, books, records or statements of accounts, and papers and things similar to any of the foregoing, however denominated.
2. The terms "relating," or "relate" as to any given subject means anything that constitutes, contains, embodies, identifies, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.