

Boling, Edward A.

CEQ 1

From: Boling, Edward A.
Sent: Friday, November 04, 2005 5:08 PM
To: Perhach, William
Cc: Sokul, Stanley S.
Subject: FW: Horner: CEI FOIA Request Re: Global Change Research Act of '90

Have we seen anything like this?

-----Original Message-----

From: Sokul, Stanley S.
Sent: Friday, November 04, 2005 3:42 PM
To: Boling, Edward A.; 'Glenn E Tallia'
Subject: FW: Horner: CEI FOIA Request Re: Global Change Research Act of '90

Ted & Glenn, FYI -- did you get the same?

From: Toomey, Sandra J.
Sent: Friday, November 04, 2005 3:41 PM
To: Sokul, Stanley S.
Cc: Hays, Sharon L.; Burgess-Gregg, Mary; Davis, Tawanna J.; Mielke, Dawn M.
Subject: Horner: CEI FOIA Request Re: Global Change Research Act of '90

Christopher Horner of the Competitive Enterprise Institute faxed the following FOIA today:

'Mindful of the provisions of the U.S. Global Change Research Act of 1990, 15 USC 2921 et seq., and pursuant to the Freedom of Information Act (FOIA), 5 U.S.C., 552 et seq., please provide us within twenty (20) days copies of any "charter", correspondence and/or other written discussion or communication to and/or from and/or by any governmental agency or office **pertaining to the creation of the Committee on Climate Change Science and Technology Integration (CCCSTI) and/or U.S. Climate Change Science Program (CCSP), and/or authorization of any powers or functions within or transfer of any authority or functions thereto.**

CEI also requests Fee Waiver on the basis that CEI is a nonprofit, tax-exempt public interest organization.

Logged into IQ 108022 and assigned to Stan Sokul, with suggested due date of 11/18/05.



Competitive Enterprise Institute

1001 Connecticut Avenue, NW
Suite 1250
Washington, DC 20036
202-331-1010
Fax 202-331-0640
www.cei.org

4 November 2005

Office of Science and Technology Policy
Attn: FOIA Officer
725 17th Street Room 5228
Washington, DC 20502

BY ELECTRONIC MAIL AND FACSIMILE

To Whom it May Concern,

Subject Matter

Mindful of the provisions of the US Global Change Research Act of 1990, 15 USC 2921 *et seq.*, and pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552 *et seq.*, please provide us within twenty (20) days copies of any "charter", correspondence and/or other written discussion or communication to and/or from and/or by any governmental agency or office pertaining to the creation of the Committee on Climate Change Science and Technology Integration (CCCSTI) and/or U.S. Climate Change Science Program (CCSP), and/or authorization of any powers or functions within or transfer of any authority or functions thereto.

We request these documents in the specific context of the following language and close variants thereof appearing throughout numerous government documents:

"New Management Structure: In January 2002, President Bush established a new Cabinet-level management structure, the Committee on Climate Change Science and Technology Integration (CCCSTI), to guide and oversee his Administration's climate change activities. The President directed Energy Secretary Spencer Abraham and Commerce Secretary Donald Evans to lead the CCCSTI. The CCCSTI is chartered to provide recommendations to the President on climate change science and technology and address funding and implementation issues related to the Administration's climate change initiatives."¹

¹ US Climate Change Technology Program, Research and Current Activities, November 2003, http://www.energy.gov/engine/doe/files/dynamic/211200317036_car24nov03.pdf, p.2 (p. 9 of 36 electronic) (emphases added).

We also request these documents in the further specific context of the following and similar language in numerous government documents:

"CCSP retains [sic] USGCRP responsibility for compliance with the requirements of the Global Change Research Act of 1990, including its provisions for annual reporting of findings and short-term plans, periodic assessments, scientific reviews by the National Academy of Sciences/National Research Council, and periodic publication of a 10-year strategic plan for the program."²

Given this, we particularly seek documentation of the "direction" to cabinet secretaries, "creation of" the new management structure, "chartering" the CCCSTI, or otherwise the transfer of any authority to or sharing of any authority and/or function that is statutorily vested³ in the OSTP, USGCRP, the Committee on Environment and Natural Resources⁴, or the Federal Coordinating Council on Science, Engineering, and Technology, be it to CCCSTI, CCSP, the Departments of Energy or Commerce, or other.

This request includes but is not limited to internal or other memoranda, regular or electronic mail, couriered communication, fax, and/or minutes of any meetings to or on behalf of Program employees or contractors, the Programs' members, participants or officials either *in toto* or individually, and/or in any other way the Program(s).

Request for Fee Waiver

We request OSTP waive any fees associated with this request on the basis that CEI is a nonprofit, tax-exempt public interest organization, with formal research, educational and publication functions as part of its mission, and because release of these records will serve the public interest by contributing significantly to the public's understanding of OSTP operations and activities, oversight of government science programs, delegation of governmental functions and/or authorities, and because such a release is not primarily in our organization's commercial interest.

The time period covered by this request is between 1 January 2002 and the date of your receipt of this letter.

Request for Fee Waiver -- Justification

1) Interest in Information/Use for Information/Income Issues

CEI's interest in the documents derives from its efforts to educate the public, scholars and state and federal legislatures on particular matters of governmental operation,

² Press release from the U.S. Climate Change Science Program, dtd 27 June 2005 <http://www.climate-science.gov/Library/pressreleases/pressrelease27jun2005.htm> (emphasis added).

³ U.S. Global Change Research Act of 1990, Public Law 101-606(11/16/90) 104 Stat. 3096-3104. See <http://www.gcrio.org/gcact1990.html>; see also the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6651).

⁴ "Committee on Earth and Environmental Sciences" as est. by Sec. 102 of the USGCR Act of 1990.

including but not limited to climate policy and science and delegation of governmental functions or authorities. CEI is a nonprofit, tax-exempt public interest organization, with formal research, educational and publication functions as part of its mission.

Neither CEI nor any foreseeable party will derive economic benefit from the requested material.

2) Public Benefit/Contribution to Public Understanding

The requested information relates to the operation of government, particularly regarding the controversial areas of climate science and executive delegation of governmental functions or authorities.

The public will benefit through the dissemination of the findings and works produced as a result of the information received. This includes both the general public and the legislatures with which CEI works. A fairly widespread portion of the public at large, as opposed to a narrow spectrum of individuals, will receive this benefit, first through CEI whose professionals are widely published and have an extensive media presence to discuss topical policy matters, then through Congress' and State legislatures' ongoing efforts to the extent their inquiries utilize the information.

No "specialized use" of the documents is anticipated outside of that described herein.

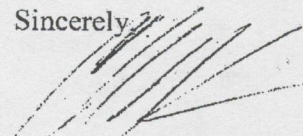
3) Dissemination of Information

CEI publishes that upon which it works via print and electronic media, as well as newsletters to legislators, education professionals and other interested parties. Those activities are in fulfillment of CEI's mission.

The information received will be disseminated through a) membership newsletters, b) opinion pieces published in national and local newspapers and magazines, c) CEI's website which typically receives over 100,000 monthly visitors and nearly 5000,000 page views, d) in-house publications for dissemination, e) as relevant, syndicated radio programs dedicated to discussing public policy and on which CEI professionals including the author of this request make regular appearances, and f) to the extent Congress or States engaged in relevant oversight or related legislative activities find that which is received noteworthy, it will become part of the public record on deliberations of the legislative branches of the Federal and State Governments on the relevant issues.

If our fee waiver request is denied we are willing to pay up to \$150.00.

Sincerely,



Christopher C. Horner, Esq.