

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

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WASHINGTON, DC 20515-6301
(202) 225-6371
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February 8, 2011

President Barack Obama
The White House
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500

Dear Mr. President:

It has come to our attention that Ms. Carol Browner has resigned from her position as Director of the White House Office of Energy and Climate Change Policy. Recent media reports now suggest that you may in fact disband the Office of Energy and Climate Change Policy.¹

Ms. Browner and her staff are central figures in many decisions and issues of interest to the House Science, Space, and Technology Committee. In order to permit a complete review of these issues, and to enable the Committee to conduct its oversight obligations under House Rule X, we hereby request that all documents (as defined in the attachment) associated with the White House Office of Energy and Climate Change Policy, particularly those of the Director and Deputy Director, be retained.

The Presidential Records Act requires the President to preserve all Presidential records. Presidential Records are defined as those records relating to the "activities, deliberations, decisions, and policies that reflect the performance of [the President's] constitutional, statutory, or other official or ceremonial duties . . ."² Presidential records encompass 'documentary materials,' which are defined as all "books, correspondence, memorandums, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, and motion pictures, including, but not limited to, audio, audiovisual, or other electronic or mechanical recordings."³

In 2003, a federal judge held the Environmental Protection Agency (EPA), which Ms. Browner headed during the Clinton Administration, in contempt for destroying computer files sought by a legal foundation. On January 19, 2001, the day before the Clinton Administration officially ended, the judge issued a protective order to preserve all documents potentially relevant to a

¹ Darren Samuelson, "Browner Leaves Big Shoes to Fill," *Politico*, January 26, 2011. See also Geof Koss and Margaret Kriz Hobson, "Browner's Sudden Exit has Observers Guessing about Obama's Energy Plans," *CQToday*, January 26, 2011.

² Presidential Records Act, 44 U.S.C. § 2203.

³ Presidential Records Act, 44 U.S.C. § 2201.

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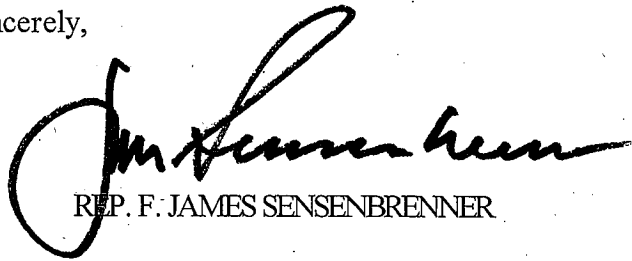
Freedom of Information Act filed by that foundation.⁴ Incredibly, as Ms. Browner herself testified, she instructed a technician to delete her work computer files *that very same day*.

It would be a great disservice to the nation if something similar happened again. As the Committee moves forward with its oversight responsibilities, we look forward to working with the Administration on specific document requests that will further define the scope of our request. If you have any questions, please contact Tom Hammond, Staff Director, Subcommittee on Investigations and Oversight, at (202) 225-6371.

Sincerely,



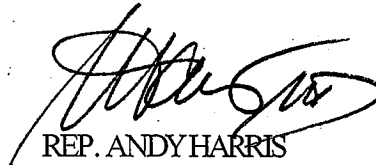
REP. RALPH HALL
Chairman



REP. F. JAMES SENSENBRENNER



REP. PAUL BROUN



REP. ANDY HARRIS

cc: REP. EDDIE BERNICE JOHNSON
Ranking Member
Committee on Science, Space,
and Technology

Attachment

⁴ *Landmark Legal Foundation v. EPA*, 272 F. Supp. 2d 70 (D. D.C. 2003)

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," "relate," or "regarding" 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.