



October 29, 2024

Via EMAIL: FOIA@noaa.gov

National Oceanic and Atmospheric Administration
Public Reference Facility (SOU1000)
1315 East-West Highway (SSMC3)
Room 9719
Silver Spring, Maryland 20910

Freedom of Information Act Request: Communications Related to DEIA

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's X page has over 296,000 followers, and the X page of our Founder and President has over 764,000 followers.

I. Records Request

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, AFL requests the following:

- A. All communications with the White House and the Executive Office of the President¹ and individuals involved in forming the Biden-Harris Administration's "Scientific Integrity Fast-Track Action Committee" (Committee) related to diversity, equity, inclusion, and accessibility (DEIA)

¹ Communications with the White House and the Executive Office of the President include any email to and from a domain ending in "eop.gov."

611 Pennsylvania Ave SE #231
Washington, DC 20003

320 South Madison Avenue
Monroe, Georgia 30655

from the custodians listed in Part II.² The relevant time period for this request is from January 20, 2021, to present.

- B. All communications with the White House and the Executive Office of the President regarding the Committee's findings from the custodians listed in Part 2. The relevant time frame for this request is from January 1, 2022, to present.
- C. All records and communications regarding, referring to, or relating to National Oceanic and Atmospheric Administration (NOAA) policies in place that favor some grant recipients or contractors over others based on social disadvantage, equity, race, minority status, or religion. The relevant time frame for this request is from January 20, 2021, to present.
- D. All records and communications between custodians listed in Part II and any staff working for the Executive Office of the President relating to the assessment and/or implementation of the Committee's findings from their January 2022 report.³

II. Custodians

- A. Dr. Richard W. Spinrad, Administrator
- B. Jainey Bavishi, Deputy NOAA Administrator
- C. Dr. Sarah Kapnick, Chief Scientist
- D. Walker Smith, General Counsel
- E. Cynthia Decker, Member, Scientific Integrity Fast-Track Action Committee
- F. Craig McLean, Member, Scientific Integrity Fast-Track Action Committee

III. Fee Waiver

AFL requests a waiver of all search and duplication fees associated with this request under 5 U.S.C. § 552(a)(4)(A)(iii) and 15 C.F.R. § 4.11(l). First, AFL is a qualified non-commercial public education and news media requester. Our officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. In this case, AFL will make your records and your responses publicly available for the benefit of

² See U.S. SENATE COMM. ON COMMERCE, SCI., & TRANSP., 118TH CONG., REPORT ON D.E.I. DIVISION. EXTREMISM. IDEOLOGY.: HOW THE BIDEN-HARRIS NSF POLITICIZED SCIENCE (2024), <https://perma.cc/Z7LC-UW9F>; see also, EXEC. [OFF.] OF THE PRESIDENT, SCI. INTEGRITY FAST-TRACK ACTION COMM. OF THE NAT'L SCI. & TECH.COUNCIL, REPORT ON PROTECTING THE INTREGRITY OF GOVERNMENT SCIENCE (2022), <https://perma.cc/PHL8-CEVX>.

³ See EXEC. [OFF.] OF THE PRESIDENT, SCI. INTEGRITY FAST-TRACK ACTION COMM. OF THE NAT'L SCI. & TECH.COUNCIL, REPORT ON PROTECTING THE INTEGRITY OF GOVERNMENT (2022), <https://perma.cc/PHL8-CEVX>.

citizens, scholars, and others, and the public's understanding of your policies and practices will be enhanced through AFL's analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose, and releasing the requested information is not in AFL's financial interest.

IV. Conclusion

Processing should strictly comply with the processing guidance in the Attorney General's Memorandum on Freedom of Information Act Guidelines.⁴ If you have any questions about our request or believe further discussions regarding search and processing would facilitate the more efficient production of requested records, please contact me at FOIA@aflegal.org. To accelerate your release of responsive records, AFL welcomes production on an agreed-upon rolling basis. Please provide responsive records in an electronic format via email. Alternatively, please provide responsive records in native or PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

Sincerely,

/s/ Rachel Jag
America First Legal Foundation

⁴ U.S. DEP'T JUST. (Mar. 15, 2022), <https://perma.cc/698A-FABV>.