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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510–6175

December 2, 2009

Mr. Thomas R. Karl
Director
NOAA/National Climatic Data Center
Federal Building
151 Patton Avenue
Asheville NC 28801-5001

Re: Materials related to communications with or concerning the University of East Anglia's Climatic Research Unit ("CRU")

Dear Mr. Karl:

The Minority Staff of the United States Senate Committee on Environment and Public Works is conducting an investigation into the disclosure of alleged e-mails and documents from CRU. Your name has surfaced in either the e-mails or the documents. This letter is to notify you that through either the Freedom of Information Act ("FOIA") or other information disclosure laws we may be asking for copies of any documents or records you may have related to communications or other interactions with CRU. Please secure all materials, including those in electronic form.

Please note that there are severe civil and criminal penalties, federal and state, for the destruction of certain materials. For example, provisions of the Federal Record Act (44 U.S.C. Sections 3105, 3106) prohibit the actual, pending or threatened, removal, defacing, alteration or destruction of documents, including documents or records of a Federal Agency. Criminal penalties, including fines or jail time for the unlawful destruction of records or documents, can be found in 18 U.S.C. Section 2071. Many states have similar laws.

Agency/organization official records include records either made or received under Federal law or in connection with the transaction of public business. All official records, regardless of their form, belong to the agency/organization rather than the person or persons who have custody, and they are to remain in the custody of the agency/organization until there is official authorization for disposal. Correspondence designated "personal," "confidential," "private," or "restricted," but which relates to the conduct of public business, is an official record. Records created as a

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result of daily activities, e.g., calendars, appointment books, schedules, logs, diaries, and other records documenting meetings, appointments, telephone calls, trips, visits, and other activities, that contain substantive information relating to official activities not documented elsewhere, are official records and subject to the provisions applicable to official records. While state laws may differ, many have coverage similar to Federal law.

Should you have any questions, please contact EPW Minority Counsel George Sugiyama or Tom Hassenboehler at 202-224-6176.

Respectfully,



Senator James M. Inhofe
Ranking Member
Senate Committee on Environment
and Public Works