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Description of document: A copy of each response to a Question for the Record (QFR) provided to Congress by the Federal Maritime Commission (FMC) and its components, 2012-2013

Requested date: 2013

Released date: 07-December-2015

Posted date: 11-January-2016

Source of document: FOIA Request
Secretary (FOIA)
Federal Maritime Commission
800 North Capitol Street, N.W.
Washington, DC 20573
Fax: 202-523-0014
Email: FOIA@fmc.gov

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From: FOIA
Date: Dec 7, 2015 1:52:57 PM
Subject: FMC FOIA 13-011 response
Cc: FOIA

This is in response to your Freedom of Information Act (FOIA) request number 13-011 below, submitted to the Federal Maritime Commission (Commission) narrowed in scope on July 23, 2015 as specified.

The attached documents are responsive to your request and have been redacted as annotated pursuant to the following FOIA exemption:

Information of personal privacy pursuant to FOIA Exemption 6, 5 U.S.C. §552(b)(6)

Administrative appeals should be submitted to the Chairman of the Federal Maritime Commission pursuant to 46 C.F.R. §503.32. Also, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you wish to contact OGIS, you may email them at: ogis@nara.gov or call 1-877-684-6448.

There is no charge for responding to your FOIA request. When corresponding with the Commission regarding this FOIA request, please refer to the assigned FMC FOIA No. provided above. Feel free to contact Linda Hale or me at 202-523-5725 if you have any questions.

Sincerely,

Rachel E. Dickon
Assistant Secretary
Federal Maritime Commission

Nonresponsive

From: Stacey M. Evans

Sent: Thursday, June 20, 2013 2:02 PM

To: Klink, Jason <Jason.Klink@mail.house.gov>

Cc: Waring, Katherine <Katherine.Waring@mail.house.gov>; Mary Thien Hoang <Mhoang@fmcgov.onmicrosoft.com>; Rebecca Fenneman <rfenneman@fmc.gov>; Christine W. Stavropoulos <Cstavropoulos@fmcgov.onmicrosoft.com>

Subject: Re: Questions For The Record - 4/16/13 Coast Guard Budget Hearing

Hi Jason,

Attached are responses from Chairman Cordero to Ranking Member Garamendi's Questions for the Record for the Subcommittee on Coast Guard and Maritime Transportation budget hearing held earlier this year.

Best,

Stacey Evans
Legislative Counsel
Federal Maritime Commission
Office of General Counsel
800 North Capitol Street, NW
Room 1018
Washington, DC 20573
sevans@fmc.gov

Best,

Stacey Evans
Legislative Counsel
Federal Maritime Commission
Office of General Counsel
800 North Capitol Street, NW
Room 1018
Washington, DC 20573
sevans@fmc.gov
(202) 523-5744

On Wed, May 22, 2013 at 10:19 AM, Klink, Jason <Jason.Klink@mail.house.gov> wrote:

Attached are the QFR's from the 4/16 Subcommittee on Coast Guard and Maritime

Transportation hearing “President’s Fiscal Year 2014 Budget Request For Coast Guard and Maritime Transportation Programs”. Please see the attached questions and send your answers back to me (Jason.Klink@mail.house.gov). Feel free to contact me if you have any questions.

Thanks,

Jason Klink
Subcommittee on Coast Guard and Maritime Transportation
507 Ford House Office Building
[\(202\) 226-3552](tel:(202)226-3552)

Nonresponsive

From: Stacey M. Evans
Sent: Friday, September 27, 2013 2:30 PM
To: Klink, Jason <Jason.Klink@mail.house.gov>
Cc: Mary Thien Hoang <Mhoang@fmcgov.onmicrosoft.com>; Rebecca Fenneman <rfenneman@fmc.gov>
Subject: Re: Questions For The Record - 9/10 Coast Guard Hearing

Hi Jason,

Attached are the Chairman's response to the QFRs from the hearing "Maritime Transportation Regulations: Impacts on Safety, Security, Jobs, and the Environment; Part I."

Best,

Stacey Evans
Legislative Counsel
Federal Maritime Commission
Office of General Counsel
800 North Capitol Street, NW
Room 1018
Washington, DC 20573
sevans@fmc.gov
(202) 523-5744

On Wed, Sep 18, 2013 at 10:53 AM, Klink, Jason <Jason.Klink@mail.house.gov> wrote:

Attached are the QFR's from the 9/10 Subcommittee on Coast Guard and Maritime Transportation hearing "Maritime Transportation Regulations: Impacts on Safety, Security, Jobs, and the Environment; Part I". Please see the attached questions and send your answers back to me (Jason.Klink@mail.house.gov). Feel free to contact me if you have any questions.

Thanks,

Jason D. Klink
Subcommittee on Coast Guard & Maritime Transportation
U.S. House of Representatives
507 Ford House Office Building
[\(202\) 226-3552](tel:(202)226-3552)

Nonresponsive

From: Stacey M. Evans
Sent: Saturday, December 07, 2013 2:38 PM
To: Klink, Jason <Jason.Klink@mail.house.gov>
Cc: Vern Hill <Vhill@fmcgov.onmicrosoft.com>; Mary Thien Hoang <Mhoang@fmcgov.onmicrosoft.com>; Tyler J. Wood <twood@fmcgov.onmicrosoft.com>
Subject: Re: Questions For The Record - 10/29 Coast Guard Hearing

Good afternoon Jason,

Attached are the FMC's responses to the QFRs from the 10/29 Subcommittee on Coast Guard and Maritime Transportation hearing "Coast Guard and Maritime Transportation Authorization Issues".

Enjoy your weekend.

Best,

Stacey Evans
Legislative Counsel
Federal Maritime Commission
Office of General Counsel
800 North Capitol Street, NW
Room 1018
Washington, DC 20573
sevans@fmc.gov
(202) 523-5744

On Fri, Nov 22, 2013 at 2:30 PM, Stacey Evans <sevans@fmc.gov> wrote:

Thanks Jason.

Best,

Stacey Evans
Legislative Counsel
Federal Maritime Commission
Office of General Counsel
800 North Capitol Street, NW
Room 1018
Washington, DC 20573
sevans@fmc.gov

(202) 523-5744

On Fri, Nov 22, 2013 at 12:06 PM, Klink, Jason <Jason.Klink@mail.house.gov> wrote:

Attached are the QFR's from the 10/29 Subcommittee on Coast Guard and Maritime Transportation hearing "Coast Guard and Maritime Transportation Authorization Issues". Please see the attached questions and send your answers back to me (Jason.Klink@mail.house.gov). Feel free to contact me if you have any questions.

Thanks,

Jason D. Klink
Subcommittee on Coast Guard & Maritime Transportation
U.S. House of Representatives
507 Ford House Office Building
[\(202\) 226-3552](tel:(202)226-3552)

Nonresponsive

From: Stacey M. Evans
Sent: Friday, September 27, 2013 4:01 PM
To: Gosselin, Geoff <Geoff.Gosselin2@mail.house.gov>
Cc: Rebecca Fenneman <rfenneman@fmc.gov>; Mary Thien Hoang
<Mhoang@fmcgov.onmicrosoft.com>
Subject: Area Representatives Synopsis

Hi Geoff,

Per your request, a short synopsis of the FMC's field offices is attached. Enjoy your weekend!

Best,

Stacey Evans
Legislative Counsel
Federal Maritime Commission
Office of General Counsel
800 North Capitol Street, NW
Room 1018
Washington, DC 20573
sevans@fmc.gov
(202) 523-5744



FEDERAL MARITIME COMMISSION

800 North Capitol Street, N.W.
Washington, D.C. 20573

OFFICE OF THE
GENERAL COUNSEL

Tel. (202) 523-5740
Fax (202) 523-5738

June 7, 2012

The Honorable Darrell Issa, Chairman
Committee on Oversight and Government Reform
House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

RE: Second Production, House Committee on Oversight and Government Reform,
Request of May 9, 2012

Dear Chairman Issa:

Attached herewith in electronic form on CD is a second production of material responsive to the Committee's request dated May 9, 2012. As discussed with Committee staff and in our letter transmitting the initial production to the Committee on May 22, 2012, the Federal Maritime Commission ("Commission" or "FMC") lacks the technology to produce the material in TIFF format without incurring significant additional expense. We have made every effort to produce it in a consistent manner in PDF.

As further discussed with Committee staff, we have attempted to produce the material requested by the Committee within the deadline set by your May 9, 2012 request. We have not been able to collect and organize all such material, however, and therefore will be producing this information on a "rolling" basis, an approach that was approved in our May 14, 2012 conversation with Committee staff. As discussed and agreed with Committee staff, we intend to produce documents on a regular, bi-weekly basis going forward until the production is complete.

As discussed with Committee staff, we have narrowed the scope of communications and documents deemed responsive to Committee Request 2, in order to remove material unrelated to the Committee's interest. This would include, for example, email communications in which the

named individuals [FOIA exemption 6, 5 U.S.C. §552(b)(6)] are copied (and therefore could be read broadly as “relating to”) but that do not relate to the substantive matters outlined in the Committee’s request. This has reduced the size of the current production from approximately 2,800 pages of documents to approximately 1,266.

As further discussed with Committee staff, the FMC’s Inspector General, Mr. Adam Trzeciak, will provide directly to the Committee an audit and accounting he is conducting with regard to the Committee’s Requests numbered 3 and 4 relating, respectively, to agency vehicles and Spector 360 software. Because Mr. Trzeciak will produce reports, we understand that Committee staff does not expect the Commission to duplicate this effort with respect to the Committee’s Requests numbered 3 and 4.

The Commission is additionally segregating material with potential White House equities for review by White House counsel. As such, no documents relating to the Committee’s Request 1(j) (communications with the Executive Office of the President) are included in this production.

We have not withheld any material from production to the Committee or its staff based on any privilege or statutory mandate that the Commission ensure confidentiality. We have redacted, at the request of Senate staff, email correspondence from Senate staff to Commission employees, that was included in a later, unrelated, off-topic string of email correspondence. These redactions are found at FMC 004614-4632. If, however, much of the information we are producing were requested in a legal action or through a Freedom of Information Act request, we would assert privilege and seek to withhold many of the documents. We do not waive the right to assert any of those privileges or objections to the release of this material by producing it to the Committee now. For example, some of the information we have provided cannot be released by the Commission to the public by mandate of the Shipping Act of 1984, 46 U.S.C. 40306. Some of the information may relate to the ocean carriers of foreign countries subject to the controlled carrier provisions of the Shipping Act of 1984, and public release of this information could negatively impact the foreign relations of the United States. Similarly, public release of other information may substantially harm the position of the United States in existing or future litigation. Additionally, the documents provided to the Committee may contain the names or other identifying information of individuals who provided information to the FMC pursuant to an administrative investigation or Fact Finding proceeding, for which the individual sought anonymity. Revealing this information to the public could seriously impair the FMC’s ability to conduct such investigations in the future. For the Committee’s reference, we have marked documents that raise such concerns provided in this production with the generic designation “confidential” in the header and footer. We respectfully request that the Committee consult with the Commission’s Office of the General Counsel prior to any release regardless of designation to ensure the United States is not prejudiced.

Here follow summaries of the responses provided with respect to the Committee’s numbered requests appearing at page 4 of the May 9, 2012 Committee Request.

1. All documents and communications, from July 1, 2009 to the present, between and among Richard A. Lidinsky, Ronald D. Murphy and the following organizations/individuals:
 - a. Natural Resources Defense Council;
 - b. International Brotherhood of Teamsters;
 - c. International Longshoremen's Association;
 - d. International Longshore and Warehouse Union;
 - e. Coalition for Clean & Safe Ports;
 - f. Change to Win;
 - g. Office of the Honorable Antonio Villaraigosa, Mayor of Los Angeles;
 - h. Office of Geraldine Knatz, Executive Director, Port of Los Angeles;
 - i. Office of the Honorable Nancy Pelosi; and
 - j. Executive Office of the President.

RESPONSE:

Communications responsive to the Committee's Request 1 are attached herewith as documents numbered FMC 003367-FMC 004632. Any additional responsive communications and documents will be produced to the Committee as they become available.

2. All documents and communications, from July 1, 2009, to the present, referring or relating to FOIA exemption 6, 5 U.S.C. §552(b)(6) Spector 360 software, FOIA exemption 6, 5 U.S.C. §552(b)(6) the Natural Resources Defense Council FOIA request, the Port of Los Angeles Clean Truck Program, and the Chairman's Inaugural Earth Day Award, between and among Richard A. Lidinsky, Ronald D. Murphy and the following individuals:

FOIA exemption 6, 5
U.S.C. §552(b)(6)

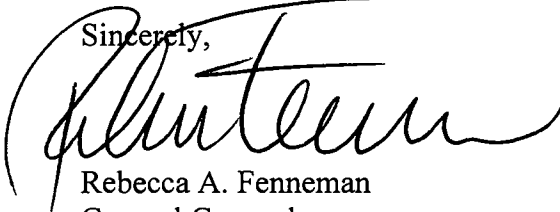
RESPONSE:

Responsive to the Committee's Request 2, attached herewith are documents numbered FMC 003367 – FMC 004632.

Documents responsive to the Committee's Requests numbered 5 and 6 will be forwarded

as soon as possible.

We will continue to work diligently to respond to the Committee's request.

Sincerely,

Rebecca A. Fenneman
General Counsel

Attachments: FMC 003367 FMC 004632 (CD in PDF)

cc (w/attachments): The Honorable Elijah E. Cummings, Ranking Member



FEDERAL MARITIME COMMISSION

800 North Capitol Street, N.W.
Washington, D.C. 20573

OFFICE OF THE
GENERAL COUNSEL

Tel. (202) 523-5740
Fax (202) 523-5738

June 21, 2012

The Honorable Darrell Issa, Chairman
Committee on Oversight and Government Reform
House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

RE: Third Production, House Committee on Oversight and Government Reform,
Request of May 9, 2012

Dear Chairman Issa:

Attached herewith in electronic form on CD is a third production of material responsive to the Committee's request dated May 9, 2012. As discussed with Committee staff and in our letter transmitting the initial production to the Committee on May 22, 2012, the Federal Maritime Commission ("Commission" or "FMC") lacks the technology to produce the material in TIFF format without incurring significant additional expense. We have made every effort to produce it in a consistent manner in PDF.

As further discussed with Committee staff, we have attempted to produce the material requested by the Committee within the deadline set by your May 9, 2012 request. We have not been able to collect and organize all such material, however, and therefore will be producing this information on a "rolling" basis, an approach that was approved in our May 14, 2012 conversation with Committee staff. As discussed and agreed with Committee staff, we intend to produce documents on a regular, bi-weekly basis going forward until the production is complete.

As discussed with Committee staff, we have narrowed the scope of communications and documents deemed responsive to Committee Request 2, in order to remove material unrelated to the Committee's interest. This would include, for example, email communications in which the

named individuals [FOIA exemption 6, 5 U.S.C. §552(b)(6)] are copied (and therefore could be read broadly as “relating to”) but that do not relate to the substantive matters outlined in the Committee’s request. The Commission is additionally segregating material with potential White House equities for review by White House counsel. As such, no documents relating to the Committee’s Request 1(j) (communications with the Executive Office of the President) are included in this production.

Committee staff had requested an indication of the number of the documents we have reviewed for responsiveness. In our efforts to comply with the Committee’s request, to date this Office has manually reviewed approximately 30,000 pages of documents.

We have not withheld any material from production to the Committee or its staff based on any privilege or statutory mandate that the Commission ensure confidentiality.

We reiterate that if this request were made in a legal action or through a Freedom of Information Act request, we would assert privilege and seek to withhold many of the documents. We do not waive the right to assert any of those privileges or objections to the release of this material by producing it to the Committee now. For example, some of the information we have provided cannot be released by the Commission to the public by mandate of the Shipping Act of 1984, 46 U.S.C. 40306. Some of the information may relate to the ocean carriers of foreign countries subject to the controlled carrier provisions of the Shipping Act of 1984, and public release of this information could negatively impact the foreign relations of the United States. Similarly, public release of other information may substantially harm the position of the United States in existing or future litigation. Additionally, the documents provided to the Committee may contain the names or other identifying information of individuals who provided information to the FMC pursuant to an administrative investigation or Fact Finding proceeding, for which the individual sought anonymity. Revealing this information to the public could seriously impair the FMC’s ability to conduct such investigations in the future. For the Committee’s reference, we have marked documents that raise such concerns provided in this production with the generic designation “confidential” in the header and footer. We respectfully request that the Committee consult with the Commission’s Office of the General Counsel prior to any release regardless of designation to ensure the United States is not prejudiced.

In the attached production, pages FMC 004905 – FMC 004910 and FMC 004916 - FMC 004918 are marked confidential. Additionally, we mistakenly failed to mark some of the information contained in our June 7, 2012 production to the Committee; specifically, we consider pages numbered FMC 003644 - FMC 003646 privileged. These documents should have been marked confidential, as they relate to the Commission’s internal deliberative process.

Here follow summaries of the responses provided with respect to the Committee’s numbered requests appearing at page 4 of the May 9, 2012 Committee Request.

1. All documents and communications, from July 1, 2009 to the present, between and among Richard A. Lidinsky, Ronald D. Murphy and the following organizations/individuals:
 - a. Natural Resources Defense Council;
 - b. International Brotherhood of Teamsters;
 - c. International Longshoremen's Association;
 - d. International Longshore and Warehouse Union;
 - e. Coalition for Clean & Safe Ports;
 - f. Change to Win;
 - g. Office of the Honorable Antonio Villaraigosa, Mayor of Los Angeles;
 - h. Office of Geraldine Knatz, Executive Director, Port of Los Angeles;
 - i. Office of the Honorable Nancy Pelosi; and
 - j. Executive Office of the President.

RESPONSE:

Communications responsive to the Committee's Request 1 are attached herewith as documents numbered FMC 004633 - FMC 005003. Any additional responsive communications and documents will be produced to the Committee as they become available.

2. All documents and communications, from July 1, 2009, to the present, referring or relating to FOIA exemption 6, 5 U.S.C. §552(b)(6) Spector 360 software, FOIA exemption 6, 5 U.S.C. §552(b)(6) the Natural Resources Defense Council FOIA request, the Port of Los Angeles Clean Truck Program, and the Chairman's Inaugural Earth Day Award, between and among Richard A. Lidinsky, Ronald D. Murphy and the following individuals:

FOIA exemption 6, 5
U.S.C. §552(b)(6)

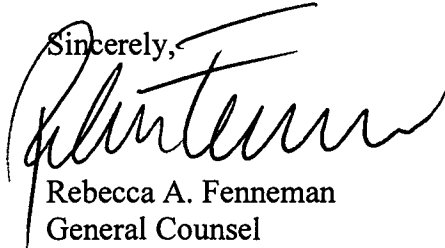
RESPONSE:

Responsive to the Committee's Request 2, attached herewith are documents numbered FMC 004633 - FMC 005003.

Documents responsive to the Committee's Requests numbered 5 and 6 will be forwarded

as soon as possible.

We will continue to work diligently to respond to the Committee's request.

Sincerely,

Rebecca A. Fenneman
General Counsel

Attachments: FMC 004633 – FMC 005003 (CD in PDF)

cc (w/attachments): The Honorable Elijah E. Cummings, Ranking Member



FEDERAL MARITIME COMMISSION

800 North Capitol Street, N.W.
Washington, D.C. 20573

OFFICE OF THE
GENERAL COUNSEL

Tel. (202) 523-5740
Fax (202) 523-5738

July 5, 2012

The Honorable Darrell Issa, Chairman
Committee on Oversight and Government Reform
House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

RE: Fourth Production, House Committee on Oversight and Government Reform,
Request of May 9, 2012

Dear Chairman Issa:

Attached herewith in electronic form on CD is a fourth production of material responsive to the Committee's request dated May 9, 2012. As discussed with Committee staff and in our letter transmitting the initial production to the Committee on May 22, 2012, the Federal Maritime Commission ("Commission" or "FMC") lacks the technology to produce the material in TIFF format without incurring significant additional expense. We have made every effort to produce it in a consistent manner in PDF.

As further discussed with Committee staff, we have attempted to produce the material requested by the Committee within the deadline set by your May 9, 2012 request. We have not been able to collect and organize all such material, however, and therefore will be producing this information on a "rolling" basis, an approach that was approved in our May 14, 2012 conversation with Committee staff. As discussed and agreed with Committee staff, we intend to produce documents on a regular, bi-weekly basis going forward until the production is complete.

As discussed with Committee staff, we have narrowed the scope of communications and documents deemed responsive to Committee Request 2, in order to remove material unrelated to the Committee's interest. This would include, for example, email communications in which the named individuals **FOIA exemption 6, 5 U.S.C. §552(b)(6)** are copied

(and therefore could be read broadly as “relating to”) but that do not relate to the substantive matters outlined in the Committee’s request. The Commission is additionally segregating material with potential White House equities for review by White House counsel. As such, no documents relating to the Committee’s Request 1(j) (communications with the Executive Office of the President) are included in this production.

Committee staff had requested an indication of the number of the documents we have reviewed for responsiveness. In our efforts to comply with the Committee’s request, to date this Office has manually reviewed approximately 34,000 pages of documents.

We have not withheld any material from production to the Committee or its staff based on any privilege or statutory mandate that the Commission ensure confidentiality.

We reiterate that if this request were made in a legal action or through a Freedom of Information Act request, we would assert privilege and seek to withhold many of the documents. We do not waive the right to assert any of those privileges or objections to the release of this material by producing it to the Committee now. For example, some of the information we have provided cannot be released by the Commission to the public by mandate of the Shipping Act of 1984, 46 U.S.C. 40306. Some of the information may relate to the ocean carriers of foreign countries subject to the controlled carrier provisions of the Shipping Act of 1984, and public release of this information could negatively impact the foreign relations of the United States. Similarly, public release of other information may substantially harm the position of the United States in existing or future litigation. Additionally, the documents provided to the Committee may contain the names or other identifying information of individuals who provided information to the FMC pursuant to an administrative investigation or Fact Finding proceeding, for which the individual sought anonymity. Revealing this information to the public could seriously impair the FMC’s ability to conduct such investigations in the future. For the Committee’s reference, we have marked documents that raise such concerns provided in this production with the generic designation “confidential” in the header and footer. We respectfully request that the Committee consult with the Commission’s Office of the General Counsel prior to any release regardless of designation to ensure the United States is not prejudiced.

In the attached production, pages FMC 005010; 005014; 005018 – 005019; 005023; 005027; 005031 – 005032; 005066; 005069 – 005070; 005074 – 005075; 005079 – 005080; 005084 – 005085; 005089 – 005090; 005094, 005098; 005103; 005108; 005113; 005118; 005122 – 005123; 005127 – 005128; 005132 – 005133; 005137 – 005138; 005142 – 005143; and 005215 are marked confidential.

Here follow summaries of the responses provided with respect to the Committee’s numbered requests appearing at page 4 of the May 9, 2012 Committee Request.

1. All documents and communications, from July 1, 2009 to the present, between and among Richard A. Lidinsky, Ronald D. Murphy and the following organizations/individuals:
 - a. Natural Resources Defense Council;
 - b. International Brotherhood of Teamsters;
 - c. International Longshoremen's Association;
 - d. International Longshore and Warehouse Union;
 - e. Coalition for Clean & Safe Ports;
 - f. Change to Win;
 - g. Office of the Honorable Antonio Villaraigosa, Mayor of Los Angeles;
 - h. Office of Geraldine Knatz, Executive Director, Port of Los Angeles;
 - i. Office of the Honorable Nancy Pelosi; and
 - j. Executive Office of the President.

RESPONSE:

Communications responsive to the Committee's Request 1 are attached herewith as documents numbered FMC 005004 – FMC 005215. Any additional responsive communications and documents will be produced to the Committee as they become available.

2. All documents and communications, from July 1, 2009, to the present, referring or relating to FOIA exemption 6, 5 U.S.C. §552(b)(6) Spector 360 software, FOIA exemption 6, 5 U.S.C. §552(b)(6) the Natural Resources Defense Council FOIA request, the Port of Los Angeles Clean Truck Program, and the Chairman's Inaugural Earth Day Award, between and among Richard A. Lidinsky, Ronald D. Murphy and the following individuals:

FOIA exemption 6, 5 U.S.C. §552(b)(6)

RESPONSE:

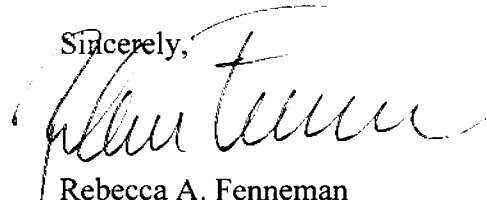
Responsive to the Committee's Request 2, attached herewith are documents numbered

FMC 005004 – FMC 005215.

Documents responsive to the Committee's Requests numbered 5 and 6 will be forwarded as soon as possible.

We will continue to work diligently to respond to the Committee's request.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca A. Fenneman". The signature is written in a cursive style with a large initial "R" and "A".

Rebecca A. Fenneman
General Counsel

Attachments: FMC 005004 – FMC 005215 (CD in PDF)

cc (w/attachments): The Honorable Elijah E. Cummings, Ranking Member



FEDERAL MARITIME COMMISSION

800 North Capitol Street, N.W.
Washington, D.C. 20573

OFFICE OF THE
GENERAL COUNSEL

Tel. (202) 523-5740
Fax (202) 523-5738

August 2, 2012

The Honorable Darrell Issa, Chairman
Committee on Oversight and Government Reform
House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

RE: Supplemental Committee request dated August 1, 2012, House Committee on
Oversight and Government Reform

Dear Chairman Issa:

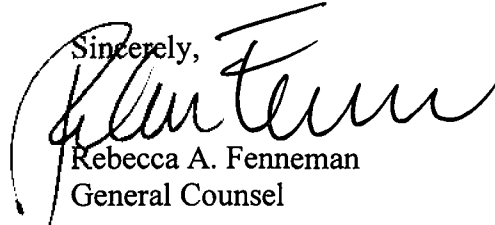
In response to the Committee's Supplemental Request of August 1, 2012 ("Supplemental Request"), transmitted to this Office via e-mail, attached please find in electronic form on CD, copies of "hand-written notes of Commissioner Michael Khouri memorializing a conversation with Chairman Richard Lidinsky in which they discussed issues related to the reorganization of the FMC staff." A copy of the e-mail requesting this material is also included for reference.

As specifically requested, documents responsive to the Supplemental Request have been added as a separate PDF file folder on the CD we deliver to you today in response to the Committee's May 9, 2012 request.

The documents responsive to your request of August 1, 2012 are marked as FMC-MAK-000001-000010.

These documents contain information that is deliberative and pre-decisional. If this request had been made by a private party in a legal action or through a Freedom of Information Act request, we would assert applicable privileges and seek to withhold many of the documents. We do not waive the right to assert any of those privileges or objections to the release of this material by producing it to the Committee now. We respectfully request that the Committee consult with the Commission's Office of the General Counsel prior to any release regardless of

designation to ensure that the interests of the United States and the FMC are not prejudiced.

Sincerely,

Rebecca A. Fenneman
General Counsel

Attachments: FMC-MAK-000001-000010 (CD in PDF);
Supplemental Request of August 1, 2012, E-mail from Brien Beattie to Rebecca
Fenneman

cc (w/attachments): The Honorable Elijah E. Cummings, Ranking Member

Rebecca Fenneman

From: Beattie, Brien [Brien.Beattie@mail.house.gov]
Sent: Wednesday, August 01, 2012 2:20 PM
To: Rebecca Fenneman; Tyler J. Wood
Cc: Skladany, Jon
Subject: House Oversight Committee Document Production

As I discussed with Tyler yesterday on the phone, the Committee requests that the hand-written notes of Commissioner Michael Khouri memorializing a conversation with Chairman Richard Lidinsky in which they discussed issues related to the reorganization of the FMC staff be included in your upcoming document production.

Please feel free to contact us with any questions you have about this request.

Thank you.

Brien A. Beattie
Professional Staff
Committee on Oversight and Government Reform
U.S. House of Representatives
Hon. Darrell Issa, Chairman
(202) 225-5074



FEDERAL MARITIME COMMISSION

800 North Capitol Street, N.W.
Washington, D.C. 20573

OFFICE OF THE
GENERAL COUNSEL

Tel. (202) 523-5740
Fax (202) 523-5738

August 30, 2012

The Honorable Darrell Issa, Chairman
Committee on Oversight and Government Reform
House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

RE: Sixth Production, House Committee on Oversight and Government Reform,
Request of May 9, 2012

Dear Chairman Issa:

Attached herewith in electronic form on CD is a sixth production of material responsive to the Committee's request dated May 9, 2012. As discussed with Committee staff and in our letter transmitting the initial production to the Committee on May 22, 2012, the Federal Maritime Commission ("Commission" or "FMC") lacks the technology to produce the material in TIFF format without incurring significant additional expense. We have made every effort to produce it in a consistent manner in PDF.

As further discussed with Committee staff, we have attempted to produce the material requested by the Committee within the deadline set by your May 9, 2012 request. We have not been able to collect and organize all such material, however, and therefore are producing this information on a "rolling" basis, an approach that was approved in our May 14, 2012 conversation with Committee staff. As discussed and agreed with Committee staff, we intend to produce documents on a regular basis every four weeks going forward until the production is complete.

Committee staff had requested an indication of the number of the documents we have reviewed for responsiveness. In our efforts to comply with the Committee's request, since the date of our last production to you on August 2, 2012 this Office has manually reviewed approximately 16,500 additional pages of documents. This production includes 854 pages; we

have now delivered to you a cumulative total of approximately 7,300 pages.

As discussed with Committee staff, we have narrowed the scope of communications and documents deemed responsive to Committee Request 2, in order to remove material unrelated to the Committee's interest. This would include, for example, email communications in which the named individuals **FOIA exemption 6, 5 U.S.C. §552(b)(6)** are copied (and therefore could be read broadly as "relating to") but that do not relate to the substantive matters outlined in the Committee's request. The Commission is additionally segregating material with potential White House equities for review by White House counsel. As such, no documents relating to the Committee's Request 1(j) (communications with the Executive Office of the President) are included in this production.

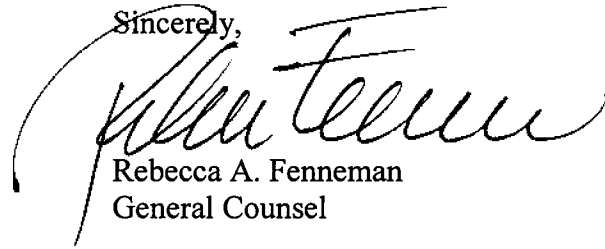
We have not withheld any material from production to the Committee or its staff based on any privilege or statutory mandate that the Commission ensure confidentiality.

We reiterate that if this request were made in a legal action or through a Freedom of Information Act request, we would assert privilege and seek to withhold many of the documents. We do not waive the right to assert any of those privileges or objections to the release of this material by producing it to the Committee now. For example, some of the information we have provided cannot be released by the Commission to the public by mandate of the Shipping Act of 1984, 46 U.S.C. 40306. Some of the information may relate to the ocean carriers of foreign countries subject to the controlled carrier provisions of the Shipping Act of 1984, and public release of this information could negatively impact the foreign relations of the United States. Similarly, public release of other information may substantially harm the position of the United States in existing or future litigation. Additionally, the documents provided to the Committee may contain the names or other identifying information of individuals who provided information to the FMC pursuant to an administrative investigation or Fact Finding proceeding, for which the individual sought anonymity. Revealing this information to the public could seriously impair the FMC's ability to conduct such investigations in the future. There is also personally identifiable information that generally would be protected from public release by the Privacy Act were it requested by a private party. For the Committee's reference, we have marked documents that raise such concerns provided in this production with the generic designation "confidential" in the header and footer. We respectfully request that the Committee consult with the Commission's Office of the General Counsel prior to any release regardless of designation to ensure that the interests of the United States and the FMC are not prejudiced.

In response to the Committee's numbered requests 1, 2 and 4, attached are FMC-006498 – FMC-007351. Additional documents responsive to the Committee's requests numbered 3, 5 and 6 will be forwarded as soon as possible.

We will continue to work diligently to respond to the Committee's request.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca A. Fenneman". The signature is written in a cursive style with a large initial "R" and "F".

Rebecca A. Fenneman
General Counsel

Attachments: FMC 006498 - 007351 (CD in PDF)

cc (w/attachments): The Honorable Elijah E. Cummings, Ranking Member



FEDERAL MARITIME COMMISSION

800 North Capitol Street, N.W.
Washington, D.C. 20573

OFFICE OF THE
GENERAL COUNSEL

Tel. (202) 523-5740
Fax (202) 523-5738

September 27, 2012

The Honorable Darrell Issa, Chairman
Committee on Oversight and Government Reform
House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

RE: Seventh Production, House Committee on Oversight and Government Reform,
Request of May 9, 2012

Dear Chairman Issa:

Attached herewith in electronic form on portable flash drive is a seventh production of material responsive to the Committee's request dated May 9, 2012. This production should appear in TIFF format. If you have any difficulty accessing these materials, please notify me immediately.

As further discussed with Committee staff, we have attempted to produce the material requested by the Committee within the deadline set by your May 9, 2012 request. We have not been able to collect and organize all such material, however, and therefore are producing this information on a "rolling" basis, an approach that was approved in our May 14, 2012 conversation with Committee staff. As discussed and agreed with Committee staff, we intend to produce documents on a regular basis every four weeks going forward until the production is complete.

Committee staff had requested an indication of the number of the documents we have reviewed for responsiveness. In our efforts to comply with the Committee's request, since the date of our last production to you on August 30, 2012 this Office has reviewed approximately 50,000 additional pages of documents. This production includes 566 pages; we have now delivered to you a cumulative total of almost 8000 pages.

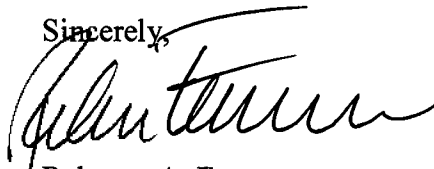
As discussed with Committee staff, we have narrowed the scope of communications and documents deemed responsive to Committee Request 2, in order to remove material unrelated to the Committee's interest. This would include, for example, email communications in which the named individuals FOIA exemption 6, 5 U.S.C. §552(b)(6) are copied (and therefore could be read broadly as "relating to") but that do not relate to the substantive matters outlined in the Committee's request. The Commission is additionally segregating material with potential White House equities for review by White House counsel. As such, no documents relating to the Committee's Request 1(j) (communications with the Executive Office of the President) are included in this production.

We have not withheld any material from production to the Committee or its staff based on any privilege or statutory mandate that the Commission ensure confidentiality. We have, however, redacted a very small amount of personally-identifiable information in this production.

We reiterate that if this request were made in a legal action or through a Freedom of Information Act request, we would assert privilege and seek to withhold many of the documents. We do not waive the right to assert any of those privileges or objections to the release of this material by producing it to the Committee now. For example, some of the information we have provided cannot be released by the Commission to the public by mandate of the Shipping Act of 1984, 46 U.S.C. 40306 or 40502(b)(1). Some of the information may relate to the ocean carriers of foreign countries subject to the controlled carrier provisions of the Shipping Act of 1984, and public release of this information could negatively impact the foreign relations of the United States. Similarly, public release of other information may substantially harm the position of the United States in existing or future litigation. Additionally, the documents provided to the Committee may contain the names or other identifying information of individuals who provided information to the FMC pursuant to an administrative investigation or Fact Finding proceeding, for which the individual sought anonymity. Revealing this information to the public could seriously impair the FMC's ability to conduct such investigations in the future. There is also personally identifiable information that generally would be protected from public release by the Privacy Act were it requested by a private party. For the Committee's reference, we have marked documents that raise such concerns provided in this production with the generic designation "confidential" in the header and footer. We respectfully request that the Committee consult with the Commission's Office of the General Counsel prior to any release regardless of designation to ensure that the interests of the United States and the FMC are not prejudiced.

In response to the Committee's numbered requests 1, 2, 4, 5 and 6 we have provided the additional enclosed documents.

We will continue to work diligently to respond to the Committee's request.

Sincerely,

Rebecca A. Fenneman
General Counsel

Attachments: (FMC007352 to FMC007917 portable flash drive in .tiff)

cc (w/attachments): The Honorable Elijah E. Cummings, Ranking Member



FEDERAL MARITIME COMMISSION

800 North Capitol Street, N.W.
Washington, D.C. 20573

OFFICE OF THE
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October 23, 2012

The Honorable Darrell Issa, Chairman
Committee on Oversight and Government Reform
House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

RE: Eighth Production, House Committee on Oversight and Government Reform,
Request of May 9, 2012

Dear Chairman Issa:

Attached herewith in electronic form on a CD is an eighth production of material responsive to the Committee's request dated May 9, 2012. This production should appear in TIFF and PDF format. If you have any difficulty accessing these materials, please notify me immediately.

As further discussed with Committee staff, we have attempted to produce the material requested by the Committee within the deadline set by your May 9, 2012 request. We have not been able to collect and organize all such material, however, and therefore are producing this information on a "rolling" basis, an approach that was approved in our May 14, 2012 conversation with Committee staff. As discussed and agreed with Committee staff, we intend to produce documents on a regular basis every four weeks going forward until the production is complete. We currently plan to make our next production after the Thanksgiving holiday.

Committee staff had requested an indication of the number of the documents we have reviewed for responsiveness. In our efforts to comply with the Committee's request, we have reviewed roughly 128,600 pages of documents. This production includes approximately 520 pages; we have now delivered to you a cumulative total of almost 8500 pages.

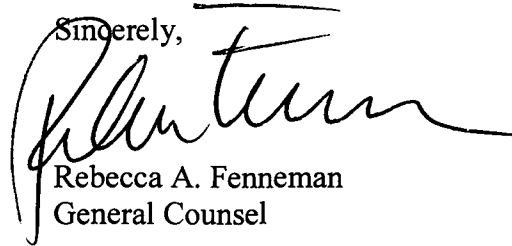
As discussed with Committee staff, we have narrowed the scope of communications and

documents deemed responsive to Committee Request 2, in order to remove material unrelated to the Committee's interest. This would include, for example, email communications in which the named individuals FOIA exemption 6, 5 U.S.C. §552(b)(6) are copied (and therefore could be read broadly as "relating to") but that do not relate to the substantive matters outlined in the Committee's request. The Commission is additionally segregating material with potential White House equities for review by White House counsel. As such, no documents relating to the Committee's Request 1(j) (communications with the Executive Office of the President) are included in this production. We have not withheld any material from production to the Committee or its staff based on any privilege or statutory mandate that the Commission ensure confidentiality.

We reiterate that if this request were made in a legal action or through a Freedom of Information Act request, we would assert privilege and seek to withhold many of the documents. We do not waive the right to assert any of those privileges or objections to the release of this material by producing it to the Committee now. For example, some of the information we have provided cannot be released by the Commission to the public by mandate of the Shipping Act of 1984, 46 U.S.C. 40306 or 40502(b)(1). Some of the information may relate to the ocean carriers of foreign countries subject to the controlled carrier provisions of the Shipping Act of 1984, and public release of this information could negatively impact the foreign relations of the United States. Similarly, public release of other information may substantially harm the position of the United States in existing or future litigation. Additionally, the documents provided to the Committee may contain the names or other identifying information of individuals who provided information to the FMC pursuant to an administrative investigation or Fact Finding proceeding, for which the individual sought anonymity. Revealing this information to the public could seriously impair the FMC's ability to conduct such investigations in the future. There is also personally identifiable information that generally would be protected from public release by the Privacy Act were it requested by a private party. For the Committee's reference, we have marked documents that raise such concerns provided in this production with the generic designation "confidential" in the header and footer. We respectfully request that the Committee consult with the Commission's Office of the General Counsel prior to any release regardless of designation to ensure that the interests of the United States and the FMC are not prejudiced.

We have provided the additional enclosed documents in response to the Committee's request number 4.

We will continue to work diligently to respond to the Committee's request.

Sincerely,

Rebecca A. Fenneman
General Counsel

Attachments: (FMC007918 to FMC008463 on compact disc in .tiff and .pdf format)

cc (w/attachments): The Honorable Elijah E. Cummings, Ranking Member



General Counsel

FEDERAL MARITIME COMMISSION

800 North Capitol Street, N.W.
Washington, D.C. 20573

March 22, 2013

Tel.: (202) 523-5740
Fax: (202) 523-5738

The Honorable Darrell Issa, Chairman
Committee on Oversight and Government Reform
House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

RE: Ninth Production, House Committee on Oversight and Government Reform,
Request of May 9, 2012

Dear Chairman Issa:

Attached herewith in electronic form on a CD is a ninth production of material responsive to the Committee's request dated May 9, 2012. This production should appear in PDF format. If you have any difficulty accessing these materials, please notify me immediately.

Committee staff previously had requested an indication of the number of the documents we have reviewed for responsiveness. In our efforts to comply with the Committee staff's request, we note that we have now reviewed a total of approximately 132,000 pages of communications and documents. This production includes approximately 564 pages; we have now delivered to you a cumulative total of over 9,000 pages of material.

With respect to Committee Request 1(j), this production includes documents and communications relevant to topics identified in the May 9, 2012 letter. As agreed by Committee staff, we have narrowed the scope of communications and documents deemed responsive to Committee Request 2, in order to remove material unrelated to the Committee's interest. This would include, for example, email communications in which the named individuals **FOIA** **FOIA exemption 6, 5 U.S.C. §552(b)(6)** are copied (and therefore could be read broadly as "relating to") but that do not relate to the substantive matters outlined in the Committee's request.

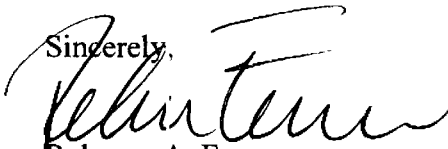
We reiterate that if this request were made in a legal action or through a Freedom of Information Act request, we would assert privilege and seek to withhold many of the documents. We do not waive the right to assert any of those privileges or objections to the release of this material by producing it to the Committee now. For example, some of the information we have provided cannot be released by the Commission to the public by mandate of the Shipping Act of 1984, 46 U.S.C. 40306 or 40502(b)(1). Some of the information may relate to the ocean carriers of foreign countries subject to the controlled carrier provisions of the Shipping Act of 1984, and public release of this information could negatively impact the foreign relations of the United

States. Similarly, public release of other information may substantially harm the position of the United States in existing or future litigation. Additionally, the documents provided to the Committee may contain the names or other identifying information of individuals who provided information to the Federal Maritime Commission (FMC) pursuant to an administrative investigation or Fact Finding proceeding, for which the individual sought anonymity. Revealing this information to the public could seriously impair the FMC's ability to conduct such investigations in the future. There is also personally identifiable information that generally would be protected from public release by the Privacy Act were it requested by a private party. For the Committee's reference, we have marked documents that raise such concerns provided in this production with the generic designation "confidential" in the header and footer. We respectfully request that the Committee consult with the Commission's Office of the General Counsel prior to any release regardless of designation to ensure that the interests of the United States and the FMC are not prejudiced.

The March 8, 2013 letter is the first communication from the Committee indicating any interest in this matter since early August 2012, despite our ambitious schedule and voluminous production over the course of the months of May to October last year, the last of which was delivered to you on October 23, 2012.

As your letter recognizes, this Office worked diligently to produce documents and at an exhausting pace. Your request required a significant number of man hours, a substantial fraction of this Office's time and placed a great strain on our small and already overburdened staff, which until last week, consisted of only seven lawyers and one administrative assistant. These dedicated professionals ensure that all the legal work of the Commission is attended to, which, unlike cabinet agencies, includes the principal representation of the Commission in litigation (two appeals are currently pending), in addition to rulemakings, administrative proceedings (such as FOIA, EEOC and MSPB), and the collateral duties of Designated Agency Ethics Official (and alternate), congressional affairs and international affairs. This production has diverted the limited resources of this Office from other pressing duties, even as significant furloughs loom.

As I was prior to the issuance of your March 8, 2013 letter, I remain very happy to discuss any questions or concerns Committee staff may have with respect to this production.

Sincerely,

Rebecca A. Fenneman,
General Counsel

cc (w/attachments): Hon. Elijah E. Cummings, Ranking Minority Member
Enclosures: FMC008464-FMC009128 [1 CD-ROM]



FEDERAL MARITIME COMMISSION

800 North Capitol Street, N.W.
Washington, D.C. 20573

May 22, 2012

Office of the
General Counsel

Tel.: (202) 523-5740

Fax: (202) 523-5738

The Honorable Darrell Issa, Chairman
Committee on Oversight and Government Reform
House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

RE: First Production, House Committee on Oversight and Government Reform,
Request of May 9, 2012

Dear Chairman Issa:

Attached herewith in electronic form on CD is an initial production of material responsive to the Committee's request dated May 9, 2012. As discussed with Committee staff, the Federal Maritime Commission ("Commission" or "FMC") lacks the technology to produce the material in TIFF format without incurring significant additional expense. We have made every effort to produce it in a consistent manner in PDF.

As further discussed with Committee staff, we have attempted to produce the material requested by the Committee within the deadline set by your May 9, 2012 request. We have not been able to collect and organize all such material, however, and therefore will be producing this information on a "rolling" basis, an approach that your staff approved in our May 14, 2012 conversation.

The FMC's Inspector General, Mr. Adam Trzeciak, has advised us that he will provide responsive documents and material directly to the Committee. Mr. Trzeciak has thus not produced any information to me that might be responsive to your request. We have been advised by Committee staff that this is acceptable.

We have not withheld any material from production to the Committee or its staff based on any privilege or statutory mandate that the Commission ensure confidentiality. If, however, much of the information we are producing were requested in a legal action or through a Freedom of Information Act request, we would assert privilege and seek to withhold many of the documents. We do not waive the right to assert any of those objections to the release of this material by producing it to the Committee now. For example, some of the information we have provided

cannot be released by the Commission to the public by mandate of the Shipping Act of 1984, 46 U.S.C. 40306. Some of the information may relate to the ocean carriers of foreign countries subject to the controlled carrier provisions of the Shipping Act of 1984, and public release of this information could negatively impact the foreign relations of the United States. Similarly, public release of other information may substantially harm the position of the United States in existing or future litigation. Additionally, the documents provided to the Committee may contain the names or other identifying information of individuals who provided information to the FMC pursuant to an administrative investigation or Fact Finding proceeding, for which the individual sought anonymity. Revealing this information to the public could seriously impair the FMC's ability to conduct such investigations in the future. For the Committee's reference, we have marked documents that raise such concerns provided in this production with the designation "confidential" in the header and footer. We respectfully request that the Committee consult with the Commission's Office of the General Counsel prior to any release.

Here follow summaries of the responses provided with respect to the Committee's numbered requests appearing at page 4 of the May 9, 2012 Committee Request.

1. All documents and communications, from July 1, 2009 to the present, between and among Richard A. Lidinsky, Ronald D. Murphy and the following organizations/individuals:
 - a. Natural Resources Defense Council;
 - b. International Brotherhood of Teamsters;
 - c. International Longshoremen's Association;
 - d. International Longshore and Warehouse Union;
 - e. Coalition for Clean & Safe Ports;
 - f. Change to Win;
 - g. Office of the Honorable Antonio Villaraigosa, Mayor of Los Angeles;
 - h. Office of Geraldine Knatz, Executive Director, Port of Los Angeles;
 - i. Office of the Honorable Nancy Pelosi; and
 - j. Executive Office of the President.

RESPONSE:

Documents and communications between FMC Chairman Richard A. Lidinsky, Jr., FMC Managing Director, Ronald D. Murphy and the above-named entities and individuals responsive to this request are attached herewith as documents numbered FMC 001915 - FMC 003287. Additional responsive communications and documents will be produced to the Committee as they becomes available.

2. All documents and communications, from July 1, 2009, to the present, referring or relating to [FOIA exemption 6, 5 U.S.C. §552(b)(6)] Spector 360 software, [FOIA exemption 6, 5 U.S.C. §552(b)(6)] the Natural Resources Defense Council FOIA request, the Port of Los Angeles Clean Truck Program, and the Chairman's Inaugural Earth Day Award, between and among Richard A. Lidinsky, Ronald D. Murphy and the following individuals:

FOIA exemption 6, 5
U.S.C. §552(b)(6)

RESPONSE:

Responsive to the Committee Request 1, attached herewith are documents numbered FMC 000001 – FMC 003287.

FMC officials and employees Richard A. Lidinsky, Jr., Ronald D. Murphy, FOIA exemption 6, 5 U.S.C. §552(b)(6) conducted searches of their files, including electronic mail, for documents and communications responsive to the above request. The Commission's Office of Information Technology is in the process of conducting a search of the electronic files of FOIA exemption 6, 5 U.S.C. §552(b)(6) As with the initial response to the Committee's Request 1, additional responsive material will be produced to the Committee as soon as possible.

3. A complete accounting of the agency's purchase and use of Spector 360 software, including the total amount of agency funds expended, the agency employees subjected to monitoring, the justification for monitoring them, whether the FMC Inspector General requested that the agency stop using Spector 360 to monitor certain employees, and whether the agency immediately complied with that directive.

RESPONSE:

A partial response is attached in documents numbered FMC 001855 - FMC 001914. A complete accounting of the agency's purchase and use of Spector 360 software will be forthcoming as soon as possible.

4. A complete accounting of the agency's procurement of a vehicle for the purpose of transporting commissioners and agency employees, including:
 - a. The year, make and model of the vehicle;
 - b. The total amount spent on the vehicle, including any costs involved in securing garage space for the vehicle;
 - c. The salary of any individual whose job description includes driving the vehicle; and
 - d. All records describing the use of the vehicle, including origins, destinations, frequency of use, and passengers.

RESPONSE:

Attached herewith as documents numbered FMC 003288 - FMC 003366 are complete responses to the Committee's Request 4a., 4b. and 4c. A complete response to the Committee's Request 4d. will be produced to the Committee as soon as possible.

5. A complete accounting of the agency's purchase of any decorative or commemorative items such as paintings, sculptures, works of art, furniture, or coins on behalf of the Office of the Chairman since September 11, 2009, including the total amount spent and method of payment.

RESPONSE:

An accounting of the agency's purchases responsive to the above will be forthcoming in a future production.

6. A complete accounting of the agency's 50th Anniversary Party, including total funds expended and a break-down of funds expended by category.

RESPONSE:

An accounting of the agency's purchases responsive to the above will be forthcoming as soon as possible.

We will continue to work diligently to respond to the Committee's request.

Sincerely,



Rebecca A. Fenneman
General Counsel

Attachments: FMC 000001 - FMC 003366 (CD in pdf)

Cc w/attachments: The Honorable Elijah E. Cummings, Ranking Member