



governmentattic.org

"Rummaging in the government's attic"

Description of document: Office of Science and Technology Policy (OSTP) Meeting minutes for the Interagency Working Group for Detecting and Mitigating the Impact of Earth-Bound Near-Earth Objects (DAMIEN), 2016-2017

Requested date: 04-September-2017

Release date: 18-January-2018

Posted date: 15-May-2023

Source of document: Office of Science and Technology Policy
Attn: FOIA Officer
1650 Pennsylvania Ave, NW
Washington, D.C., 20504
Phone: (202) 456-4444
Fax: (202) 395-1224
Email: ostpfoia@ostp.eop.gov (No email attachments)

The governmentattic.org web site ("the site") is a First Amendment free speech web site and is noncommercial and free to the public. The site and materials made available on the site, such as this file, are for reference only. The governmentattic.org web site and its principals have made every effort to make this information as complete and as accurate as possible, however, there may be mistakes and omissions, both typographical and in content. The governmentattic.org web site and its principals shall have neither liability nor responsibility to any person or entity with respect to any loss or damage caused, or alleged to have been caused, directly or indirectly, by the information provided on the governmentattic.org web site or in this file. The public records published on the site were obtained from government agencies using proper legal channels. Each document is identified as to the source. Any concerns about the contents of the site should be directed to the agency originating the document in question. GovernmentAttic.org is not responsible for the contents of documents published on the website.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20502

January 18, 2018

Re: OSTP-FOIA-17-128

This letter responds to a Freedom of Information Act (FOIA) request submitted to the Office of Science and Technology Policy (OSTP) on September 4, 2017.¹ OSTP received this request on September 14, 2017. Specifically, the request sought “a copy of the meeting minutes” for the Interagency Working Group for Detecting and Mitigating the Impact of Earth-bound Near-Earth Objects (DAMIEN), a working group under the National Science and Technology Council (NSTC) Committee for Homeland and National Security (CHNS). The request also sought to implement certain search parameters, which would limit the scope of the request to records created “during the time period calendar year 2015, 2016, and 2017 to date.”

Following receipt of this request, OSTP performed a search of its files and located 6 documents totaling 26 pages. After reviewing the documents, OSTP determined that the information contained in the documents should be released in part with redactions taken pursuant to Exemption 5 of the FOIA.² Attached please find a copy of the responsive records. Below is an explanation of the exemptions claimed and their application to the records subject to this request.

Exemption Five

Exemption Five of the FOIA permits the withholding of “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.”³ Accordingly, Exemption Five traditionally incorporates the civil discovery privileges: the deliberative process privilege, the attorney-client privilege, and the attorney work product privilege, among others.⁴ In this instance, the information being withheld under Exemption Five is protected from disclosure by the deliberative process privilege.

In order to qualify for the deliberative process privilege, the information must meet three requirements. First, it must be internal to the executive branch agencies.⁵ Second, the

¹ 5 U.S.C. § 552.

² 5 U.S.C. § 552(b)(5).

³ *Id.*

⁴ *U.S. v. Weber Aircraft Corp.*, 465 U.S. 792, 800 (1984).

⁵ *See* 5 U.S.C. § 552(b)(5).

information must be pre-decisional, meaning it was prepared prior to an agency decision.⁶ Third, it must constitute a direct part of the deliberative process by offering recommendations or expressing opinions on legal or policy matters.⁷ Furthermore, while factual information is not usually considered deliberative, when the “facts themselves reflect the agency’s deliberative process” it may also qualify for withholding.⁸ Such a situation exists in cases where agency personnel “exercis[e] their judgment” in compiling factual summaries and use discretion to differentiate between significant and non-significant facts.⁹ In this case, the information being withheld includes meeting minutes and summaries of meetings held by an interagency working group and contains suggestions, opinions, and recommendations on proposed policy initiatives and strategies. These records meet the requirements of Exemption Five in that, first, the information was internal to executive branch agencies and their contractors. Second, that the records refer to policy options and strategies for their implementation demonstrate that they were pre-decisional. Finally, because the meeting minutes and summaries were replete with agency personnel’s opinions and recommendations on issues facing the working group the records are also deliberative. Release of this information would chill internal debate and inhibit the free-flow of ideas among federal employees, thereby violating the interests protected by Exemption Five.¹⁰

Accordingly, this completes the processing of the request and OSTP now considers the request closed. Pursuant to the FOIA and OSTP regulations, a requester may submit a written appeal contesting any adverse determination.¹¹ Any appeal related to the processing of this request must either be sent: 1) via e-mail to OSTPFOIA@ostp.eop.gov; or 2) by mail to Chief FOIA Officer, Office of Science and Technology Policy, Eisenhower Executive Office Building, 1650 Pennsylvania Ave., NW., Washington, DC 20504.¹² In the appeal letter, please specify OSTP Control No. 17-128, “the records requested, and the basis for the appeal.”¹³ Any appeal must be sent to the above listed addresses no later than ninety (90) calendar days of the date of this letter.¹⁴

Requesters also have the right to seek dispute resolution services from OSTP’s FOIA Public Liaison or the Office of Government Information Services (OGIS). To employ these services, please contact Andrew Mendoza via telephone at (202) 456-4444 or by way of e-mail at OSTPFOIA@ostp.eop.gov. To contact OGIS, please use any of the following means:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphia Road-OGIS
College Park, MD 20740-6001

⁶ *Mapother v. Dep’t of Justice*, 3 F.3d 1533, 1537 (D.C. Cir. 1993); *Schell v. Health and Human Serv.’s*, 843 F.2d 933, 941 (6th Cir. 1988).

⁷ *Access Reports v. Dep’t of Justice*, 926 F.2d 1192, 1196 (D.C. Cir. 1991).

⁸ *Am. Whitewater Affiliation v. FERC*, 1986 U.S. Dist. LEXIS 17067 (D.D.C. Dec. 1, 1986) (citing *Skelton v. U.S. Postal Serv.*, 678 F.2d 35, 38-39 (5th Cir. 1992)); see also *Mapother*, 3 F.3d at 1538.

⁹ *Montrose Chemical Corp. of California v. Train*, 491 F.2d 63, 67-68 (D.C. Cir. 1974).

¹⁰ *Russell v. Dep’t of the Air Force*, 682 F.2d 1045, 1048 (D.C. Cir. 1982).

¹¹ 5 U.S.C. § 552(a)(6)(A)(i)(III)(aa); 32 C.F.R. § 2402.7(a).

¹² 32 C.F.R. § 2402.7(b).

¹³ *Id.*

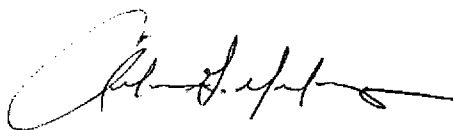
¹⁴ 5 U.S.C. § 552(a)(6)(A)(i)(III)(aa).

E-mail: ogis@nara.gov
Telephone: (202) 741-5770
Fax: (202) 741-5769
Toll-free: 1 (877) 684-6448

Finally, for fee purposes this request was classified as “non-commercial.”¹⁵ As such, fees are assessed for search time exceeding two hours and duplication costs beyond the first 100 pages of copies or its equivalent.¹⁶ No search or duplication fees, however, may be charged “if the agency has failed to comply with any time limit” associated with responding to a request.¹⁷ Accordingly, no fees are due for the processing of this request.

If you have any questions, please do not hesitate to contact me via telephone or by way of e-mail.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew G. Mendoza', with a long horizontal flourish extending to the right.

Andrew G. Mendoza
Legal Counsel and Policy Advisor

¹⁵ 32 C.F.R. § 2402.8(b)(1)(iii).

¹⁶ *Id.* at § 2402.8(b)(1)(iii), (3).

¹⁷ 5 U.S.C. § 552(a)(4)(A)(viii)(I).

For internal use only

March 17, 2016

DAMIEN Kick-off Meeting

In room:

- James Applegate (USGS)
- Tom Breslin (FEMA)
- Amber Charlesworth (State)
- Tod Companion (DHS)
- Kevin Conole (NASA)
- Ben Corbin (STPI)
- Alvin Drew (OSTP)
- Mark Evetts
- Gerald Fraser (NIST)
- Victoria Friedensen (NASA)
- Alistair Funge (SATCOM)
- Ralph Gaume
- Robert Hanrahan (NNSA)
- David Hoppler (State)
- Dana Johnson (State)
- Lindley Johnson (NASA)
- Bhavya Lal (STPI)
- Leviticus Lewis (FEMA)
- Celinda Marsh (OMB)
- Mark Mulholland (NOAA)
- Timothy Newman (USGS)
- Alyssa Picard (STPI)
- Vaughn Standley (NNSA)
- David Turner (State)

On phone:

- Barbara Jennings (DOE, Sandia)
- Jay Falker (NASA)
- Paul Miller (NNSA, LLNL)
- Lindsey Millard (DARPA)

2:04pm start

Alvin Drew:



(b) (5)

Lindley Johnson (NASA, Program Executive/Planetary Defense Officer)

(b) (5)

2:45pm

Bhavya Lal

(b) (5)

3:05pm

Ben Corbin discusses scenarios

(b) (5)

(b) (5)

(b) (5)

For internal use only

(b) (5)

(b) (5)

Alvin Drew: (b) (5)

So start thinking about which subject matter experts each of you want involved, and that they know their agency's concerns. (b) (5)

(b) (5)

(b) (5)

David Applegate: What are the expectations for the working group—would it be in DC, how often?

Alvin Drew: we could do emails, teleconferences...we'll accommodate people who are not in DC. (b) (5)

(b) (5)

For internal use only

(b) (5)



DAMIEN-IWG Kickoff Meeting

March 17 2016, 2:00pm to 4:00 p.m., EOP

Attendees

Commerce/NOAA	Mark Mulholland
Interior/USGS	David (James) Applegate
Interior/USGS	Timothy R. Newman
DHS	Tod Companion
DHS/FEMA	Thomas M. Breslin
DHS/FEMA	Leviticus (L.A.) Lewis
DHS/NOC	Mark Evetts
DOD	Alistair D. Funge
DOD/DARPA	Lindsay Millard
DOE/LLNL	Paul Miller
DOE/NNSA	Robert Hanrahan
DOE/NNSA	Vaughn Standley
DOE/Sandia	Barbara Jennings
EOP/OSTP	Alvin Drew
EOP/OMB	Celinda A. Marsh
NASA	Kevin C. Conole
NASA	John (Jay) Falker
NASA	Victoria P. Friedensen
NASA	Lindley N Johnson
NIST	Gerald Fraser
NSF	Ralph Gaume
State	Amber Charlesworth
State	David Hoppler
State	Dana Johnson
State	David
STPI	Benjamin Corbin
STPI	Bhavya Lal
STPI	Alyssa Picard

Agenda

- Alvin Drew: Group overview and goals
- Lindley Johnson: (b) (5)
- (b) (5)
- Bhavya Lal: Introduction of working group
- Ben Corbin: (b) (5)
- Open for discussion

Alvin Drew: Group Purpose and Goals

(b) (5)

(b) (5)

Lindley Johnson: (b) (5)

(b) (5)

Bhavya Lal: introduces working group and purpose

(b) (5)

(b) (5)

Open for discussion

(b) (5)

The meeting concludes with a discussion of possible next steps.

Alvin Drew identifies the following action items for all participants:

--In preparation for more regular meetings of working sub-groups, agency representatives should **identify subject matter experts** they want involved, and ensure that those individuals know their agencies concerns. Meetings of these groups should be moving ahead within the quarter. These meetings could include teleconferences or other accommodations in order to include individuals not in DC. Names of the

subject matter experts should be given to Alvin Drew.

(b) (5)

Action Items:

Participants should identify subject matter experts they want involved in the smaller working groups moving forward, and provide their names and contact information to Alvin Drew.

For internal use only

May 12, 2016

Lindley Johnson, NASA
Kelly Fast

Bhavya Lal
Ben Corbin
Alyssa Picard

Todd Bridges, Air Force
Paul Miller, LLNL, NNSA
Yousaf Butt, State/OES SAT
Dave Turner, State
Alistair Funge, USSTRATCOM
Alvin Drew, OSTP
LA Lewis, FEMA/DHSV
Vaughn Standley, DOE

Alvin Drew: introduction, goes over deadlines (b) (5)

(b) (5)

For internal use only

(b) (5)

For internal use only

(b) (5)

(b) (5)

For internal use only

(b) (5)

DAMIEN Meeting 6/23/16

- See sign-in list for in person attendees
- Phone attendees:
 - Bhavya Lal, Ben Corbin, Alyssa Picard, Chris Clavin (STPI)
 - Ken Hodgkins (State)
 - Vaughn Stanley (NNSA)
 - David Applegate

Goal of meeting: (b) (5)

(b) (5)

(b) (5)

(b) (5)

Do not distribute

Fred Kennedy, OSTP
Mark O'Holland, NOAA
David Hoppler, State
Alvin Drew, NASA
Ben Corbin, STPI
Bhavya Lal, STPI
Victoria Friedensen, NASA
Lindley Johnson, NASA
Celinda Marsh, OMB
Paul Miller, LLNL
Bill Webster, JPL/on assignment to ODNI
John S, DOD
Jim AI, NSF
Kevin H,
Kelly Fast NASA
Melissa, Presidential Management Fellow
?
Alistair Funge, DOD
Jim Put, NRO
?
?

On phone:
Gerald ?
Weisman NOAA
LA Lewis FEMA
Meredith OSTP
Ken Hodgkins
Amber Charlesworth

(b) (5)

Do not distribute

(b) (5)

Do not distribute

(b) (5)

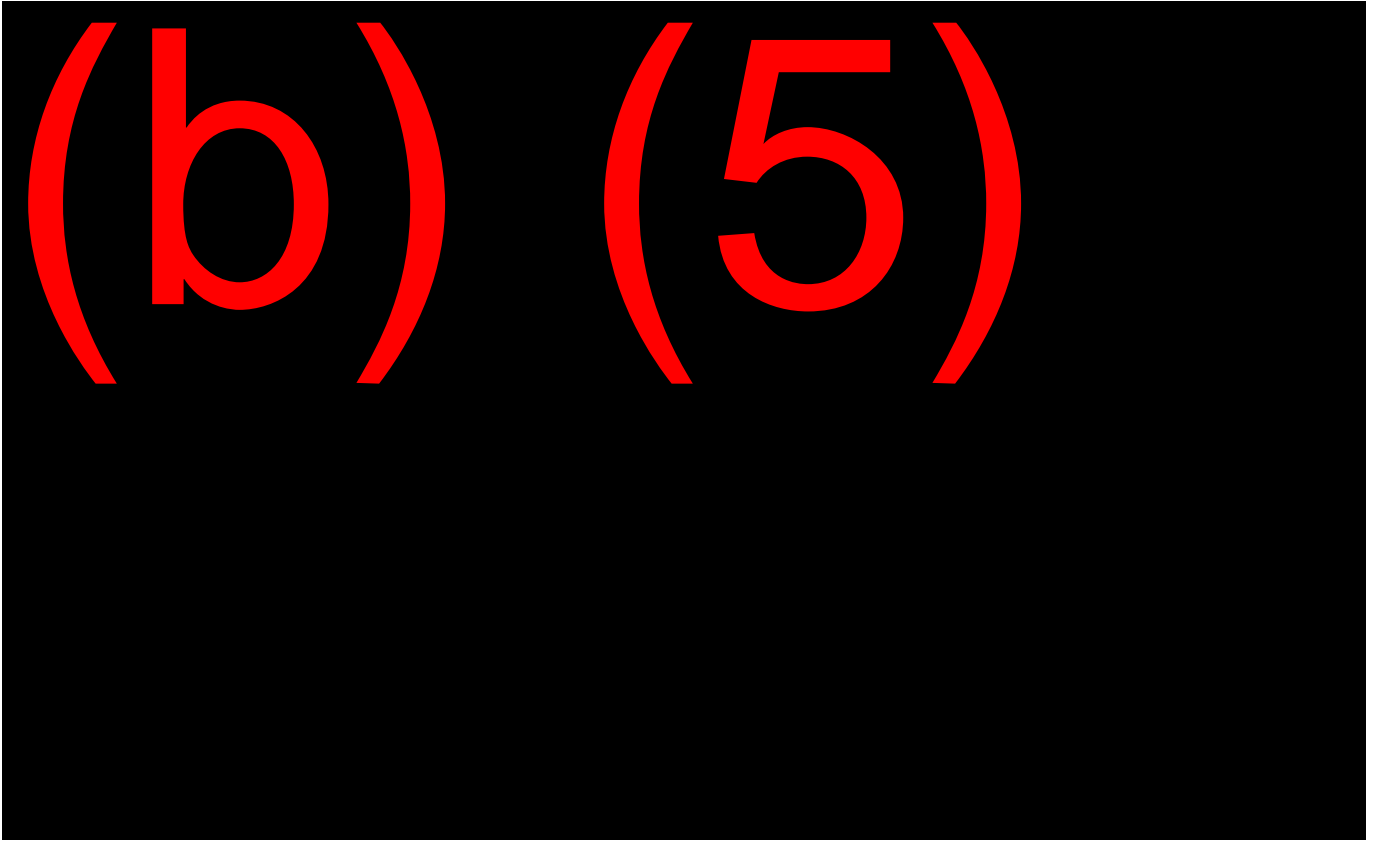
Do not distribute

(b) (5)

Do not distribute

(b) (5)

Do not distribute



**MEETING SUMMARY:
Interagency Working Group for
Detecting and Mitigating the Impacts of Earth-bound Near-Earth Objects (DAMIEN)**

The third meeting of principals for the Interagency Working Group (IWG) on Detecting and Mitigating the Impacts of Earth-bound Near-Earth Objects (DAMIEN) convened at 2:00 pm on September 13, 2017 at the White House Conference Center, Washington, DC.

The IWG co-chairs Lindley Johnson of NASA, and Aaron Miles of OSTP, welcomed the IWG. Both expressed appreciation for the IWG members who have continued to support DAMIEN and welcomed new members. DAMIEN's National Near-Earth Object Preparedness Strategy (hereafter 'the Strategy') was well received after its publication in December 2016.

(b) (5)
[Redacted text block]

(b) (5)
[Redacted text block]

(b) (5)
[Redacted text block]

(b) (5)
[Redacted text block]

(b) (5)
[Redacted text block]

(b) (5) [Redacted text block]

- (b) (5) [Redacted list items]

(b) (5) [Redacted text block]

(b) (5) [Redacted text block]

(b) (5) [Redacted text block]

Respectfully Submitted,
Victoria P. Friedensen
DAMIEN Executive Secretary