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Description of document: Office of Science and Technology Policy (OSTP) Meeting minutes for Space Weather Operations Research and Mitigation (SWORM) Task Force, 2016-2017

Requested date: 02-September-2017

Release date: 04-October-2017

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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)

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

October 4, 2017

Re: OSTP-FOIA-17-111

This letter responds to a Freedom of Information Act (FOIA) request submitted to the Office of Science and Technology Policy (OSTP) on September 2, 2017.¹ Specifically, the request sought:

1. “[A] copy of the Subcommittee Charter for . . . SWORM: Space Weather Operations, Research and Mitigation”; and
2. “[A] copy of the meeting minutes for each meeting of the SWORM subcommittee held during the calendar years 2015, 2016, and 2017.”

Following receipt of this request, OSTP performed a search of its files and located six records, totaling 30 pages. Of these six documents, one is being released in full. The remaining five documents are being released in part, with redactions taken pursuant to Exemptions Five and Six of the FOIA.² Below is an explanation as to the specific redaction claimed and its application to the responsive records. Attached please find a copy of the responsive documents.

FOIA 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),(b)(6).

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 protects portions of the meeting minutes that summarize the Subcommittee’s internal analysis on how to proceed on pending legal and policy matters. These withholdings contain the meeting attendees’ discussions, personal opinions, and recommendations on those pending matters. Moreover, this information is internal to the federal government and does not represent the Subcommittee’s final decisions or determinations. Release of this information would chill communications within the SWORM Subcommittee and infringe upon its deliberative process, thereby violating the interests protected by Exemption Five.¹⁰

FOIA Exemption Six

Exemption Six of the FOIA protects the privacy interests of individuals.¹¹ It permits an agency to protect information within “personal and medical files and similar files” if disclosure “would constitute a clearly unwarranted invasion of personal privacy.”¹² To determine whether information may be withheld under Exemption Six, an agency must undertake a three-step analysis. First, the agency must determine whether a protectable privacy interest would be compromised by the disclosure of the record.¹³ If no privacy interest is identified, the information may not be withheld pursuant to the exemption.¹⁴ Second, the agency must determine whether the release of the document would further the public interest by shedding light on the operations and activities of the government.¹⁵ In cases where no public interest exists “even a modest privacy interest,” will outweigh it every time.¹⁶ Finally, the agency must balance the identified privacy interests against the public interest in disclosure.¹⁷ In this case, direct telephone lines, e-mail addresses, and meeting locations are being withheld. Individuals, including OSTP employees, have a protectable privacy interest in maintaining the confidentiality of their direct lines, email addresses, and meeting locations as their release would potentially subject them to harassing contact from the public. Additionally, the release of this information does not shed light on the operations of the federal government. Accordingly, the privacy interests inherent in the withheld information outweighs the public interest in release and the information may be withheld pursuant to Exemption Six.¹⁸

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 *Id.*

¹² *Id.*

¹³ See *Multi AG Media LLC v. Dep’t of Agric.*, 515 F.3d 1224, 1229 (D.C. Cir. 2008).

¹⁴ *Id.*

¹⁵ See *id.*

¹⁶ *Nat’l Ass’n of Retired Fed. Employees v. Horner*, 879 F.2d 873, 879 (D.C. Cir. 1989).

¹⁷ *Dep’t of Defense v. Fed. Labor Relations Auth.*, 510 U.S. 487, 497 (1994).

¹⁸ *Id.*

As this completes the processing of your request, OSTP now considers the request closed. Pursuant to the FOIA and OSTP regulations, requesters may submit a written appeal contesting any adverse determination.¹⁹ Any appeal related to the processing of your 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 20504.²⁰ In the appeal letter, please specify OSTP Control No. 17-111, "the records requested, and the basis for the appeal."²¹ Any appeal must be sent to one of the above listed addresses no later than ninety (90) calendar days of the date of this letter.²²

Finally, you 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. If you would prefer to contact OGIS, you may do so in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphia Road-OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Telephone: (202) 741-5770
Fax: (202) 741-5769
Toll-free: 1 (877) 684-6448

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

Sincerely,



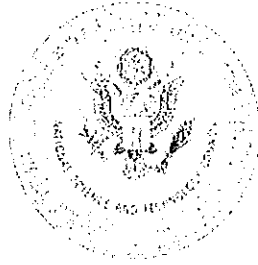
Andrew G. Mendoza
Legal Counsel and Policy Advisor

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

²⁰ 32 C.F.R. § 2402.7(b).

²¹ *Id.*

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



CHARTER
of the
SUBCOMMITTEE on SPACE WEATHER OPERATIONS, RESEARCH, AND MITIGATION
of the
COMMITTEE ON ENVIRONMENT, NATURAL RESOURCES, AND SUSTAINABILITY
NATIONAL SCIENCE AND TECHNOLOGY COUNCIL

A. Official Designation

The Subcommittee on Space Weather Operations, Research, and Mitigation is hereby established by action of the National Science and Technology Council (NSTC), Committee on Environment, Natural Resources, and Sustainability (CENRS).

B. Purpose and Scope

The Subcommittee will serve as the interagency body that seeks to coordinate Federal Government departments and agencies to meet the goals and objectives specified in the *National Space Weather Strategy* (Strategy) (October 2015) and the activities defined in the *National Space Weather Action Plan* (Action Plan) (October 2015).

The Subcommittee will also provide space-weather focused input into the National Planning Frameworks called for by the Presidential Policy Directive 8 (PPD-8): *National Preparedness* (2011) and National critical infrastructure resilience initiatives outlined in PPD-21: *Critical Infrastructure Security and Resilience* (2013).

C. Functions

The Subcommittee, in coordination with other relevant Subcommittees in CENRS, the Committee on Homeland and National Security, and the Committee on Science will:

1. Coordinate and oversee the implementation of the activities, timelines, and milestones identified in the Action Plan. The Subcommittee will review the progress of implementation annually, or as needed.
2. Coordinate with OMB to develop annual multi-department and agency investment strategies and priorities that advance the implementation of the Action Plan.
3. Coordinate Federal and non-Federal stakeholder collaborations to improve understanding, observing systems and networks, and data management activities related to space weather.
4. Work with other NSTC bodies to coordinate international cooperation in space weather, including strategic communications; the exchange of data, information, models, and research personnel; joint research; preparedness planning, and exercises; and creating new programs.

5. Provide scientific and technical information to senior policymakers to enhance preparedness before, during, and after space weather events.
6. Review, evaluate, and update the Strategy and Action Plan every three years, or as needed.

The Subcommittee may establish working groups, as necessary, to carry out these functions.

D. Membership

The following NSTC departments and agencies are represented on the Subcommittee:

Department of State
 Department of Defense
 Department of the Interior¹
 Department of Commerce²(Co-chair)
 Department of Transportation
 Department of Energy
 Department of Homeland Security (Co-chair)
 National Aeronautics and Space Administration
 National Science Foundation

The Subcommittee shall coordinate directly with other relevant offices of the Executive Office of the President and the NSTC, as needed. Cooperating departments and agencies shall include other Executive branch organizations, departments, and agencies as the Co-chairs may designate, including but not limited to the Federal Communications Commission, the Federal Energy Regulatory Commission, and the Nuclear Regulatory Commission.

The following offices of the Executive Office of the President shall also be represented on the Subcommittee:

Office of Science and Technology Policy (Co-chair)
 National Security Council
 Office of Management and Budget

E. Private Sector Interface

The Subcommittee may seek advice from members of the President's Council of Advisors on Science and Technology (PCAST) or other Presidential Advisory Councils and will recommend to the CENRS, or the Assistant to the President for Science and Technology, through the OSTP Liaison to the Subcommittee, the nature of additional non-Federal and private-sector advice needed to accomplish its mission. The Subcommittee may also interact with and receive *ad hoc* advice from the PPD-21 Critical Infrastructure Partnership Advisory Councils (CIPAC) as well as from various non-Federal and private-sector groups as consistent with the Federal Advisory Committee Act (FACA).³

¹ Specifically but not exclusively to include: United States Geological Survey.

² Specifically but not exclusively to include: National Oceanic and Atmospheric Administration.

³ The Federal Advisory Committee Act, 5 U.S.C. App., as amended, does not explicitly define "private sector", but the phrase is generally understood to include individuals or entities outside the Federal government such as, but not limited to, the following: non-Federal sources, academia, State, local or tribal governments, individual citizens, the public, non-governmental organizations, industry associations, and international bodies.

F. Termination Date

Unless renewed by the Co-chairs of the CENRS prior to its expiration, the Subcommittee shall terminate no later than March 15, 2017.

G. Determination

I hereby determine that the formation of the Subcommittee on Space Weather Operations, Research, and Development is in the public interest in connection with the performance of duties imposed on the Executive branch by law, and that such duties can best be performed through the advice and counsel of such a group.

Approved:



Tamara Dickinson
Co-chair of the CENRS, and
Principal Assistant Director for Environment and Energy
Office of Science and Technology Policy
Executive Office of the President

10/27/16

Date



Kathryn Sullivan
Co-chair of the CENRS, and
Under Secretary of Commerce for Oceans and Atmosphere and
Administrator of the National Oceanic and Atmospheric Administration
Department of Commerce

10-25-16

Date



Thomas Burke
Co-chair of the CENRS, and
Deputy Assistant Administrator for Research and Development and
Science Advisor
Environmental Protection Agency

OCT 24, 2016

Date

Meeting Minutes of the Space Weather Operations Research and Mitigation Task Force

23 May 2016, 1:30 p.m. to 3:30 p.m., Eisenhower Executive Office Building, (b) (6)

Agenda

1:30 Welcome and Introductions

(b) (5)

3:30 Close and Next Actions

Handouts

▪ Agenda

(b) (5)

I. Welcome and Introductions:

Space Weather Operations Research and Mitigation (SWORM) Co-Chair, Tammy Dickinson (OSTP) called the meeting to order at 1:30 p.m., and introduced the other Co-Chairs, Louis Uccellini (NOAA) and Caitlin Durkovich (DHS). She welcomed the Principals and other attendees, thanking them for their support. (b) (5)

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B. (b) (5)

[Redacted text block]

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B. (b) (5)

V. Presentation: Upcoming Events:

B. (b) (5)

VI. Adjournment: The meeting adjourned at 3:30 p.m.

VII. Future Meetings:

(b) (5)
Specific dates and times are being determined. Meetings will be conducted in the Eisenhower Executive Office Building whenever possible.

2016
2 August (tentative) TBD, October TBD, December

VIII. Contact Information

SWORM Leadership

Tamara Dickinson	Co-Chair	(b) (6)	(b) (6)
Caitlin Durkovich	Co-Chair	(b) (6)	(b) (6)
Louis Uccellini	Co-Chair	(b) (6)	(b) (6)
William Murtagh	OSTP Liaison	(b) (6)	(b) (6)

Executive Secretary

Michael Bonadonna (b) (6) (b) (6)

IX. Summary of Action Items

#	Action	Lead	Due
(b) (5)			

#	Action	Lead	Due
(b) (5)			

Meeting Minutes of the Space Weather Operations Research and Mitigation Task Force

2 August 2016, 1:00 p.m. to 3:00 p.m., Eisenhower Executive Office Building, (b) (6)

Agenda

1:00 Welcome and Introductions

(b) (5)

Handouts

(b) (5)

3:00 Close and Next Actions

I. Welcome and Introductions:

Space Weather Operations Research and Mitigation (SWORM) Co-Chair, Tammy Dickinson (OSTP) called the meeting to order at 1:05 p.m., and introduced the other Co-Chairs, Louis Uccellini (NOAA) and Caitlin Durkovich (DHS). She welcomed the Principals and other attendees for making time to attend during the busy summer season. (b) (6)

C. Durkovich echoed T. Dickinson's sentiment and stated that DHS appreciated the support and flexibility being provided by the EOP.

L. Uccellini also thanked the SWORM members for their efforts.

(b) (5) (b) (5)

II. Status on actions from previous SWORM meeting:

Bill Murtagh (OSTP) provided a status update on previous actions. (b) (5)

(b) (5)

(b) (5)

B. (b) (5)

Following his initial comments, each Goal Coordinator briefed the status of their SWAP actions. (b) (5)

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T. (b) (5)

VI. Upcoming Events:

T. Dickinson described initial planning for a one-year SWORM roll-out Anniversary event. The South Court Auditorium has been reserved for the afternoon on October 24, 2016. T. Dickinson polled the SWORM Principals for their thoughts on conducting the event. (b) (5)

OSTP will consider this feedback and announce their decision on the anniversary event in the near future.

VII. Adjournment: The meeting adjourned at 3:00 p.m.

VIII. Future Meetings:

(b) (5) Specific dates and times are being determined. Meetings will be conducted in the Eisenhower Executive Office Building whenever possible.

(b) (5)

IX. Contact Information

SWORM Leadership

Tamara Dickinson	Co-Chair	(b) (6)	(b) (6)
Caitlin Durkovich	Co-Chair	(b) (6)	(b) (6)
Louis Uccellini	Co-Chair	(b) (6)	(b) (6)
William Murtagh	OSTP Liaison	(b) (6)	(b) (6)

Executive Secretary

Michael Bonadonna	OFCM	(b) (6)	(b) (6)
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X. Summary of Action Items

#	Action	Lead	Status	Due
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(b) (5)

#	Action	Lead	Status	Due
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(b) (5)

**Meeting Minutes of the
Space Weather Operations Research and Mitigation Subcommittee**

26 October 2016, 2:00 p.m. to 4:00 p.m., Eisenhower Executive Office Building, (b) (6)

Agenda

2:00 Welcome and Introductions

(b) (5)

Handouts

(b) (5)

4:00 Close

I. Welcome and Introductions:

Space Weather Operations Research and Mitigation (SWORM) Co-Chair, Tammy Dickinson (OSTP) called the meeting to order at 2:05 p.m. (b) (5)

(b) (5)

After J. Holdren departed, T. Dickinson welcomed the SWORM SC members and introduced the other Co-Chairs, Louis Uccellini (NOAA) and Caitlin Durkovich (DHS) (b) (5)

(b) (5)

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(b) (5)

(b) (5)

III. Status on actions from previous SWORM meeting:

B. Murtagh provided a status update on previous actions. (b) (5)

(b) (5)

(b) (5)

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(b) (5)

VI. Closing Remarks:

Since this was the last SWORM meeting B. Murtagh would be attending as an OSTP staff member, the Cochairs took the opportunity to thank him for his hard work and dedication to the SWORM initiative over the past two years. Bill will be returning to his previous position at NOAA SWPC as the Space Weather Program Coordinator and will continue to support the SWORM Subcommittee.

VII. Adjournment: The meeting adjourned at 4:00 p.m.

VIII. Future Meetings:

(b) (5)
Specific dates and times are being determined. Meetings will be conducted in the Eisenhower Executive Office Building whenever possible.

(b) (5)

IX. Contact Information

SWORM Leadership

Tamara Dickinson	Co-Chair
Caitlin Durkovich	Co-Chair
Louis Uccellini	Co-Chair
William Murtagh	OSTP Liaison

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Executive Secretary

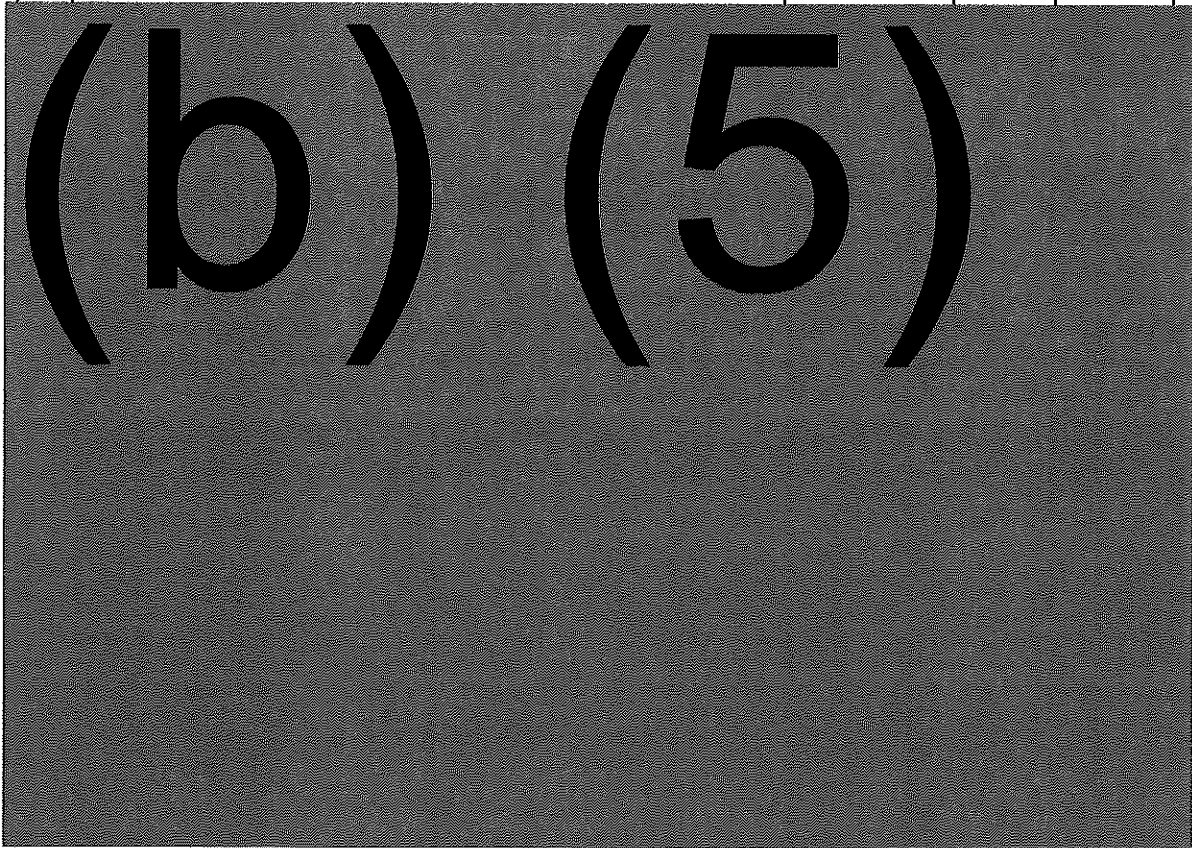
Michael Bonadonna OFCM

██████████	██
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X. Summary of Action Items

Actions closed prior to the meeting are maintained by the Executive Secretary

#	Action	Lead	Status	Due
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**Meeting Minutes of the
Space Weather Operations Research and Mitigation Subcommittee**

6 January 2017, 1:00 p.m. to 3:00 p.m., Eisenhower Executive Office Building, (b) (6)

Agenda

1:00 Welcome and Introductions

(b) (5)

4:00 Close

Handouts

(b) (5)

I. Welcome and Introductions:

Space Weather Operations Research and Mitigation (SWORM) Co-Chair, Tammy Dickinson (OSTP) called the meeting to order at 1:05 p.m. The SWORM Co-chairs T. Dickinson, Caitlin Durkovich (DHS), and Louis Uccellini (NOAA) welcomed the SWORM Principals and Members and congratulated them on their accomplishments during this Administration. The Co-Chairs informed the Subcommittee that T. Dickinson and C. Durkovich would be stepping down with the change of Administration and that L. Uccellini would remain in his current position. Both T. Dickinson and C. Durkovich express their deep gratitude to the members of the SWORM activity for their effort over the past few years.

(b) (5)

(b) (5)

IV. Update on Ongoing Activities:

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

V. Upcoming Meetings and Next Actions:

B. Murtagh mentioned that the American Meteorological Society's (AMS) 14th annual conference on space weather, scheduled for Jan 21-26, 2017 will include a session on moving the SWAP forward.

The Space Weather Enterprise Forum (SWEF) is being planned for June 27, 2017 at the NTSB Conference Center at L'Enfant Plaza, Washington, DC. (b) (5)

There will be a UN/US Workshop on the International Space Weather Initiative held at Boston College July 31-Aug 4, 2017.

VI. Closing Remarks:

(b) (5)

VII. Adjournment: The meeting adjourned at 3:00 p.m.

VIII. Future Meetings:

(b) (5). Specific dates and times are being determined. Meetings will be conducted in the Eisenhower Executive Office Building whenever possible.

(b) (5)

IX. Contact Information

SWORM Leadership

Tamara Dickinson	Co-Chair	[Redacted]	[Redacted]
Caitlin Durkovich	Co-Chair	[Redacted]	[Redacted]
Louis Uccellini	Co-Chair	[Redacted]	[Redacted]

Program Coordinator

William Murtagh	NOAA	[Redacted]	[Redacted]
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Executive Secretary

Michael Bonadonna	OFCM	[Redacted]	[Redacted]
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X. Summary of Action Items

Actions closed prior to the meeting are maintained by the Executive Secretary

#	Action	Lead	Status	Due
(b) (5)				

Meeting Minutes of the Space Weather Operations Research and Mitigation Subcommittee

25 May 2017, 1:00 p.m. to 3:00 p.m., Eisenhower Executive Office Building, (b) (6)

Agenda

1:00 Welcome and Introductions

(b) (5)

3:00 Close

Handouts

(b) (5)

I. Welcome and Introductions:

Space Weather Operations Research and Mitigation (SWORM) Executive Secretary (ExecSec), Michael Bonandonna, called the room to order and conducted roll call. The SWORM Co-chairs Rachel Leonard (OSTP), Robert Kolasky (DHS), and Louis Uccellini (NOAA) welcomed the SWORM Principals and Members (b) (5)

(b) (5)

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III. Update on Ongoing Activities:

- (b) (5)

(b) (5)

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IV. Upcoming Meetings and Next Actions:

- The national Space Weather Partnership (NSWP) in support of the SWORM activity will host the annual Space Weather Enterprise Forum (SWEF) on June 27, 2017 in Washington, DC at the National Transportation Safety Board Conference Center. B. Murtagh will lead a session reviewing the National Space Weather Strategy, Action Plan, Executive Order, and SWORM status. Many SWORM members will be giving presentations
- The Energy Infrastructure Security Summit will be held on July 24 and 25, 2017, in Washington, DC at the United States Capitol Building. A SWORM update will be presented and several SWORM members will speak.
- The UN/US Workshop on the International Space Weather Initiative will be held on July 31- August 4, 2017 at Boston College. The Space Weather Strategy and Action Plan will be presented, and over 100 nations will be present. A SWORM update will be presented and several SWORM members will speak.

V. Closing Remarks:

The SWORM Cochairs thanked the members for participating in the meeting and continuing to provide a consistent effort through the Administration transitional period. (b) (5)

VI. Adjournment: The meeting adjourned at 3:00 p.m.

VII. Future Meetings:

(b) (5). Specific dates and times are being determined. Meetings will be conducted in the Eisenhower Executive Office Building whenever possible.

(b) (5)

VIII. Contact Information

SWORM Leadership

Rachel Leonard	Co-Chair	(b) (6)	(b) (6)
Robert Kolassky	Co-Chair	(b) (6)	(b) (6)
Louis Uccellini	Co-Chair	(b) (6)	(b) (6)

Program Coordinator

William Murtagh	NOAA	(b) (6)	(b) (6)
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Executive Secretary

Michael Bonadonna	OFCM	(b) (6)	(b) (6)
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IX. Summary of Action Items

The ExecSec Actions maintains a complete list of actions closed prior to the meeting

#	Action	Lead	Status	Due
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(b) (5)