

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371
www.science.house.gov

February 22, 2016

The Honorable Kathryn D. Sullivan
Administrator
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
1401 Constitution Avenue N.W.
Washington, DC 20230

Dear Administrator Sullivan:

The Committee on Science, Space, and Technology is continuing its oversight of the quality and integrity of climate data as generated and analyzed by the National Oceanic and Atmospheric Administration (NOAA). To date, the Committee has received two document productions from NOAA responsive to the October 13, 2015, subpoena. While I appreciate that NOAA has started to comply in part with the Committee's lawfully issued subpoena, I am disappointed with the slow pace and limited scope of the Agency's productions.

On numerous occasions, NOAA has miscommunicated delivery dates of document productions and has seemingly stalled its efforts to comply with the Committee's subpoena. The Agency has also provided a very limited number of documents, totaling only 301 pages, containing many duplicative e-mails, in over two months of searching. It seems unlikely that documents and communications would be so scarce, considering that NOAA officials understood that the Karl study, "is going to be hugely controversial."¹ Additionally, I am concerned that NOAA's implementation of an employee self-search method for responsive documents creates the possibility that documents may be withheld from the Committee's review.

On December 15, 2015, NOAA provided 159 pages of documents to the Committee from the following custodians: Renee Stone, Chief of Staff; Christine Blackburn, Deputy Chief of Staff; and Ciaran Clayton, Director of Communications.² On February 11, 2016, the

¹ Email from Mackenzie Tepel, Government Affairs Specialist, Office of Legislative Affairs, Nat'l Oceanic and Atmospheric Admin. To Hannah Mellman, Government Affairs Specialist, Office of Leg. Affairs, Nat'l Oceanic and Atmospheric Admin. (May 27, 2015, 3:47 p.m. EST)

² Document production from Coby Dolan, Director, Office of Leg. Affairs, Nat'l Oceanic and Atmospheric Admin. To Hon. Lamar Smith, Chairman, Committee on Science, Space, and Technology (received Dec. 15, 2015).

Committee received a second document production of 142 pages of emails from Amanda Hallberg-Greenwell, former Director of the Office of Legislative and Intergovernmental Affairs (OLIA) and Rob Moeller, OLIA Deputy Director.³ According to NOAA staff, these documents were the result of individuals within “the Office of the NOAA Administrator, Office of Communications and External Affairs, Office of Legislative and Intergovernmental Affairs, and the Office of the Chief Information Officer”⁴ self-searching their emails and hard drives for “documents and communications ... referring or relating to the Karl study ...”⁵ More specifically, NOAA staff indicates that employees were directed to search for the following terms: “hiatus,” “haitus,” “global temperature,” and “climate study.”⁶

The search terms selected by NOAA officials appear to be unnecessarily narrow and the Committee fears that they may not accurately capture the breadth and scope of documents responsive to the Committee’s subpoena. Moreover, the speed with which NOAA has conducted these searches and produced documents creates the perception that the Agency is deliberately attempting to impede and hinder the Committee’s oversight. Therefore, I request that NOAA broaden its search for responsive documents to include agency employees in the Office of the Assistant Administrator, NOAA’s Chief Scientist, and the National Environmental Satellite, Data, and Information Service Office, including any and all sub-divisions such as the National Centers for Environmental Information.

In addition to the search terms previously selected by NOAA, please include the following additional terms: “Karl,” “buoy,” “ship,” “Night Marine Air Temperature,” “temperature,” “climate,” “change,” “Paris,” “U.N.” “United Nations,” “clean power plan,” “regulations,” “Environmental Protection Agency (EPA),” “President,” “Obama,” “White House,” and “Council on Environmental Quality (CEQ).” In order to capture all documents responsive to the Committee’s subpoena, please provide any documents responsive to these additional search terms from custodians that have previously been searched.

On January 28, 2016, the Committee received a letter from 325 scientists, engineers, economists, and other scholars raising serious inquiries about the adherence of NOAA to OMB guidelines established under the Data Quality Act with regard to the peer review conducted on the agency’s analysis of climate data.⁷ In light of these concerns, the Committee believes it necessary to ensure that NOAA has adhered to the “quality, objectivity, utility, and integrity of information (including statistical information)” in the peer review of the Karl study.⁸ In order to better understand NOAA’s compliance with the Data Quality Act, the Committee requests the following:

³ Document production from Brian Eiler, Director, Office of Leg. Affairs, Nat’l Oceanic and Atmospheric Admin. To Hon. Lamar Smith, Chairman, H. Comm. on Science, Space, and Technology (received Feb. 10, 2016).

⁴ Email from Brian Eiler, Senior Advisor to the Under Secretary, Nat’l Oceanic and Atmospheric Admin., to H. Comm. on Science, Space, and Technology. (Feb 11, 2016, 6:24 p.m. EST).

⁵ *Id.*

⁶ *Id.*

⁷ Letter from William Happer, et. al., to Hon. Lamar Smith, Chairman, H. Comm. on Science, Space, and Technology, Jan. 28, 2016.

⁸ Information Quality Act, Pub. L. No. 106-544 §515.

The Honorable Kathryn D. Sullivan

February 22, 2016

Page 3

1. All documents and communications referring or relating to the processes and methodologies that NOAA implements to adhere to the Data Quality Act with regard to influential and highly influential scientific assessments.
2. All documents and communications referring or relating to the adherence of the Data Quality Act, including the peer review record, with regard to the Karl, et. al. study.

Please provide all documents to the Committee no later than Monday, February 29, 2016, at 12:00 p.m.

The Committee on Science, Space, and Technology is the principal oversight committee of the National Oceanic and Atmospheric Administration as set forth in House Rule X.

When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2321 of the Rayburn House Office Building and the Minority Staff in Room 394 of the Ford House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

If you have questions about this request, please contact Taylor Jordan or Joseph Brazauskas of the Science, Space, and Technology Committee staff at 202-225-6371. Thank you for your attention to this matter.

Sincerely,



Rep. Lamar Smith
Chairman
Committee on Science, Space,
and Technology

cc: Rep. Eddie Bernice Johnson, Ranking Minority Member, Committee on Science, Space, and Technology