

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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March 15, 2016

The Honorable Kathryn D. Sullivan
Administrator
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
1401 Constitution Avenue NW
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). On February 22, 2016, the Committee sent NOAA a letter requesting that NOAA expand its efforts to identify potentially responsive documents and communications subject to the subpoena issued by the Committee, as well as to provide information regarding the agency's adherence to the Data Quality Act. NOAA has not provided any response to the letter despite a due date of February 29, 2016. I write today to reiterate the requests contained in that letter and also to clarify misconceptions about the letter that have appeared in media reports.

Some media and third party groups have suggested that the Committee's February 22, 2016, letter is "asking for essentially every single email ever sent by any climate research scientist at NOAA."¹ This is a mischaracterization of the letter's intent and reveals a fundamental misunderstanding of the oversight process. I requested that additional search terms be used so that NOAA lawyers and subject matter experts have a larger pool of potentially responsive documents from which to make determinations about responsiveness. These additional terms were necessary because the search terms selected by NOAA officials appear to be narrow, and may not accurately capture the breadth and scope of documents responsive to the Committee's October 13, 2015, subpoena. The Committee does *not* desire or expect to receive every NOAA email that contains a requested search word, only those that contain such words and are responsive to the Committee's subpoena. Additionally, the Committee continues to prioritize communications from non-scientists, an accommodation offered by the Committee in my letter dated December 1, 2015.

¹Phil Plait, Lamar Smith: Still Fishing with Dynamite, Slate, available at:http://www.slate.com/blogs/bad_astronomy/2016/03/07/lamar_smith_broadens_his_attacks_on_noaa_scientists.html.

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The Committee's February 22, 2016, letter also requested documents regarding NOAA's adherence to OMB guidelines established under the Data Quality Act. Unfortunately, no documents responsive to this request were provided by the February 29 deadline, nor has NOAA provided the Committee with a time frame for production of any responsive documents.

The Committee continues to offer reasonable accommodations to NOAA to address concerns the agency has with assisting the Committee in its oversight interests. The Committee is reviewing the production provided on March 14 – just two days before your scheduled appearance before the Subcommittee on Environment. According to NOAA's letter dated March 11, 2016, but received by committee staff on March 15, 2016, this latest production is responsive to my letter dated December 1, 2015. **We remain concerned that by responding only to the December 1, 2015, letter and ignoring my letter dated February 22, 2016, requesting that additional search terms be used on a broader group of NOAA employees, NOAA is failing to capture the entire universe of responsive documents.** Please provide assurances that NOAA is indeed using the expanded search terms as requested on February 22, 2016. NOAA is not permitted to self-limit the scope of this Committee's investigation, but instead must be in a position to certify compliance with the duly issued congressional subpoena dated October 13, 2015.

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.

Sincerely,



Lamar Smith
Chairman

cc: The Honorable Eddie Bernice Johnson, Ranking Minority Member