

U.S. 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

October 6, 2011

The Honorable Patrick Gallagher
Director
National Institute of Standards and Technology
U.S. Department of Commerce
100 Bureau Drive
Gaithersburg, MD 20899-1002

Dear Dr. Gallagher:

The Committee on Science, Space, and Technology held a hearing on the August 3rd, 2011 to examine the impacts of the LightSquared network on federal science activities related to the Global Positioning System (GPS). Prior to that hearing, we respectfully requested agencies provide the Committee with a copy of the assessments they submitted to the National Telecommunications and Information Administration (NTIA). Since these assessments were already conducted and transmitted, we did not anticipate any delays in agency compliance. Unfortunately, we still have not received a copy of the National Institute of Standards and Technology's comments to NTIA.

The Federal Communications Commission (FCC) received public comments until July 30, 2011 and accepted responses until August 15, 2011. To our knowledge, your agency never submitted comments to the FCC during this period, nor did the NTIA submit comments on your behalf. Aside from Congress exercising its oversight responsibilities by holding hearings, the American public would not be aware of the potential impacts to federal agencies. While the results of the Technical Working Group (TWG) highlighted the interference issues associated with Lightsquared's proposed network on GPS, the real-world impacts on U.S. activities remained cloaked in secrecy until Congress called attention to them.

While some agencies understood the magnitude of the problem, and readily complied with the Committee's request, your agency did not. This raises several questions about the Administration's commitment to transparency. NTIA has not made agency comments public, and your agency is stonewalling Committee requests. This is not an isolated instance. In a classified briefing prior to the House Armed Services Committee hearing on LightSquared's proposal, media reports indicated that Gen. William Shelton said the White House tried to pressure him to change his testimony to make it more favorable to LightSquared.¹ Furthermore,

¹ Eli Lake, "White House Pressure for a Donor?" The Daily Beast, September 15, 2011

Dr. Gallagher
October 6, 2011
Page two

“according to Washington sources familiar with the complex political wrangling, the White House — to which the NTIA reports in matters of spectrum allocation — is trying to keep discussion and decision making about the issue behind closed doors. ‘Guidance from the White House’ on the issue, which includes the mandate that officials ‘cannot attack LightSquared,’ is how one source characterized the administration’s effort.”²

In a 2010 memo, the director of the Office of Science and Technology Policy wrote to the heads of executive departments and agencies:

“Scientific progress depends upon honest investigation, open discussion, refined understanding, and a firm commitment to evidence. Science, and public trust in science, thrives in an environment that shields scientific data and analyses from inappropriate political influence; political officials should not suppress or alter scientific or technological findings.”³

Additionally, in a March 9, 2009 memorandum to heads of Executive Department and Agencies, the President stated:

“[E]ach agency should make available to the public the scientific or technological findings or conclusions considered or relied on in policy decisions.”⁴

On that same day, the President also stated in a separate memorandum that:

“My Administration is committed to creating an unprecedented level of openness in Government. We will work together to ensure the public trust and establish a system of transparency, public participation, and collaboration. Openness will strengthen our democracy and promote efficiency and effectiveness in Government.”⁵

We need this Administration, and your agency in particular, to be open about the impacts of LightSquared’s network on the GPS signal. Please provide your agency’s assessment of the impacts of the LightSquared proposal that you provided to the National Telecommunications and Information Administration (NTIA). Please make this assessment available immediately, as the Committee has requested this record for two months. If you have any questions about this

² Glen Gibbons, “FCC May Require Further Tests on LightSquared Interference to GPS (or Maybe Not),” Inside GNSS News, September 2, 2011

³ Office of Science and Technology Policy, “Scientific Integrity Memorandum for the Heads of Executive Departments and Agencies,” December 17, 2010.

⁴ The White House, “Memorandum for the Heads of Executive Departments and Agencies: Scientific Integrity,” March 9, 2009.

⁵ The White House, “Memorandum for the Heads of Executive Departments and Agencies: Transparency and Open Government,” March 9, 2009.

Dr. Gallagher
October 6, 2011
Page three

request, please contact Mr. Tom Hammond, Staff Director, Subcommittee on Investigations and Oversight at (202) 225-6371.

Sincerely,



Rep. Ralph M. Hall
Chairman



Rep. Paul Broun, M.D.
Chairman
Subcommittee on Investigations
and Oversight

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

Rep. Donna Edwards
Ranking Member
Subcommittee on Investigations
and Oversight