

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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September 12, 2019

The Honorable Neil Jacobs, Ph.D.
Assistant Secretary of Commerce for Environmental Observation and Prediction and
Acting Under Secretary of Commerce for Oceans and Atmosphere
National Oceanic and Atmospheric Administration
1401 Constitution Ave. NW, Room 5128
Washington, DC 20230

Dear Acting Under Secretary Jacobs,

We are writing to request information related to the National Oceanic and Atmospheric Administration's (NOAA) involvement in the actions surrounding claims that Hurricane Dorian would impact Alabama. Sources for the New York Times reported that President Trump's acting chief of staff, Mick Mulvaney, was pressed to direct Secretary of Commerce Wilbur Ross to have NOAA issue the September 6, 2019 statement rebuking the National Weather Service (NWS) Birmingham Office's September 1 tweet.¹ That September 1 tweet from the NWS Birmingham Office² correctly stated that there would be no impacts from Hurricane Dorian to the State of Alabama, and was necessitated by the issuance of a tweet by the President which inaccurately indicated that Alabama would most likely be hit by Hurricane Dorian.³

You are aware that weather forecasts must be made with the best available science and without political interference. As reaffirmed by the Department of Commerce Inspector General,⁴ "NWS must maintain standards of scientific integrity in the creation and dissemination of weather forecasts and data, particularly in times of severe life-threatening weather and national emergency when the public must have confidence in the weather forecasts and data that are disseminated."

¹ Peter Baker, Lisa Friedman, and Christopher Flavelle, "White House Pressed Agency to Repudiate Weather Forecasters Who Contradicted Trump," *New York Times*, September 11, 2019, accessed here: <https://www.nytimes.com/2019/09/11/us/politics/trump-alabama-noaa.html>

² September 1, 2019 Tweet by @NWSBirmingham: "Alabama will NOT see any impacts from #Dorian. We repeat, no impact from Hurricane #Dorian will be felt across Alabama. The system will remain too far east."

³ September 1, 2019 Tweet by @realDonaldTrump: "In addition to Florida – South Carolina, North Carolina, Georgia, and Alabama, will most likely be hit (much) harder than anticipated. Looking like one of the largest hurricanes ever. Already category 5. BE CAREFUL! GOD BLESS EVERYONE!"

⁴ Memorandum from Inspector General Peggy E. Gustafson to Dr. Neil Jacobs U.S. Department of Commerce Office of Inspector General, September 7, 2019, accessed here: <https://science.house.gov/imo/media/doc/Memorandum%20from%20the%20Inspector%20General.pdf>

In your Senate confirmation hearing in 2017, you stated that you would support NOAA's Administrative Order on Scientific Integrity and would do your "absolute best to ensure this team of 12,000 professionals have the resources and leadership needed to produce transparent, objective and defensible science, so that decisions based on this weather and climate information can be made with confidence."⁵ NOAA's September 6 statement seems inconsistent with the Agency's scientific integrity policy and your personal commitments to support scientific integrity.

Attached is our September 11, 2019 letter to Secretary Ross, in which we outline our broader concerns about NOAA's actions surrounding claims that Hurricane Dorian would impact Alabama.⁶

Please provide answers to the following questions no later than September 20, 2019:

1. Did a representative of the Executive Office of the President (EOP) or the Department of Commerce direct a NOAA representative to send the September 1, 2019 agency-wide directive? If so, who issued the direction?
2. Did a representative of the EOP or Commerce suggest specific language to NOAA to include in the September 1 agency-wide directive? If so, please share all earlier drafts of the statement.
3. What NOAA officials were involved with drafting the September 6, 2019 public statement from NOAA regarding NWS Birmingham's tweet?
4. Did a representative of the EOP or Commerce direct or otherwise suggest a NOAA representative to send the September 6 public statement? If so, who issued the direction?
5. Were any Commerce and/or EOP officials involved in drafting the September 6 statement? Please share all earlier drafts of the statement.
6. Did you consult with any NOAA Associate Administrators or other officials within NOAA about the September 6 statement prior to its release?
7. Did any Commerce officials issue any threats (employment related or otherwise) to NOAA officials related to the September 6 statement and/or the NOAA/NWS response to Hurricane Dorian?
8. Did any EOP officials issue any threats to or attempt to exert undue influence on NOAA officials related to the September 6 statement and/or the NOAA/NWS response to Hurricane Dorian?

Please also provide the following materials to the Committee no later than September 20, 2019.

1. All documents (including comments, notes, emails, legal or other memoranda, telephone logs, letters, text messages, meeting minutes and calendars, slides and presentations) that relate to the formulation and issuance of the September 6 public statement from NOAA, including tweets.

⁵ <https://www.govinfo.gov/content/pkg/CHRG-115shrg37226/pdf/CHRG-115shrg37226.pdf>

⁶ Letter from Chairwomen Eddie Bernice Johnson and Mikie Sherrill to Secretary Wilbur Ross, September 11, 2019, linked here and attached:

<https://science.house.gov/imo/media/doc/9.11.19%20Letter%20to%20Secretary%20Ross%20.pdf>

2. A record of phone calls, teleconferences and meetings held between NOAA and Commerce and/or EOP for the duration of September 1-September 11, 2019.
3. Any personal notes of phone calls, teleconferences, and meetings relevant to the issue made by NOAA participants.
4. Please provide copies of all written communications between Commerce officials and NOAA from September 1 through September 12 that in any way relate to the President's tweet about Hurricane Dorian on September 1 at 7:51 am, the NWS Birmingham tweet on September 1 at 8:11 am, the September 4 Oval Office briefing on Hurricane Dorian, and/or the September 6 public statement from NOAA regarding the NWS Birmingham's tweet.
5. Please provide copies of all written communications between NOAA and NWS from September 1 through September 11 related to the President's tweet about Hurricane Dorian on September 1 at 7:51 am, the NWS Birmingham tweet on September 1 at 8:11 am, the September 4 Oval Office briefing on Hurricane Dorian, the September 6 public statement from NOAA regarding the NWS Birmingham's tweet, and/or the September 9 address by National Weather Service Director Louis Uccellini to a meeting of the National Weather Association.

Pursuant to Rule X of the U.S. House of Representatives, the Committee on Science, Space, and Technology is delegated full legislative and oversight jurisdiction over the National Weather Service as well as oversight jurisdiction over all laws, programs, and Government activities relating to nonmilitary research and development."^[1]

Please produce two sets of the requested records in a searchable electronic format. One set should be delivered to the Majority Staff of the Science Committee in Room 2321 of the Rayburn House Office Building and one set should be delivered to the Minority Staff in Room 394 of the Ford House Office Building. We request that you provide the requested records as soon as possible, but no later than 5:00 PM on September 20.

Thank you for your attention to these matters. Please contact Janie Thompson at 202-225-6375 with any questions.

Sincerely,


EDDIE BERNICE JOHNSON
Chairwoman

Committee on Science, Space, and Technology



LIZZIE FLETCHER

Chair

Subcommittee on Environment



MIKIE SHERRILL

Chairwoman

Subcommittee on Investigations and Oversight

^[1] Rule X, Organization of Committees, U.S. House of Representatives