

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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October 10, 2019

The Honorable Wilbur Ross
Secretary of Commerce
1401 Constitution Ave NW
Washington, DC 20230

Dear Secretary Ross,

I am writing to follow up on a letter I sent to you on September 11 with Chairwoman Mikie Sherrill on the Subcommittee on Investigations and Oversight of the Committee on Science, Space, and Technology (Committee).¹ In that letter, we outlined our concerns about events surrounding President Donald Trump's assertions that Alabama would be "hit (much) harder than anticipated" by Hurricane Dorian.² The letter requested answers to seven questions and documents relating to the Department of Commerce's (Commerce) involvement in events following the President's initial tweet. The Committee has yet to receive any responsive materials.

On October 4, my staff met with Dr. Neil Jacobs, Acting Administrator of the National Oceanic and Atmospheric Administration (NOAA). This briefing was offered by NOAA staff as an initial response to the September 11 letter. At the briefing, a number of details came to light that refine and add to our initial request. While this letter should not suggest that the Committee is no longer interested in the full scope of answers and materials requested on September 11, please prioritize the following items in providing your response.

1. Dr. Jacobs detailed the drafting process of the September 6 statement³ issued by NOAA rebuking the Birmingham National Weather Service's September 1 tweet.⁴ Dr. Jacobs

¹ Letter from Chairwomen Eddie Bernice Johnson and Mikie Sherrill to Secretary of Commerce Wilbur Ross, September 11, 2019, accessed here:

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

² President Donald Trump, "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!" Twitter, September 1, 2019, accessed here:

<https://twitter.com/realdonaldtrump/status/1168174613827899393>

³ "Statement from NOAA," National Oceanic and Atmospheric Administration, September 6, 2019, accessed here:

<https://www.noaa.gov/news/statement-from-noaa>

⁴ NWS Birmingham, "Alabama will NOT see any impacts from #Dorian. We repeat, no impacts from Hurricane #Dorian will be felt across Alabama. The system will remain too far east. #alwx" Twitter, September 1, 2019, accessed here: <https://twitter.com/NWSBirmingham/status/1168179647667814400>

said that Julie Kay Roberts, Michael Walsh Jr., Earl Comstock, Dave Dewhirst were a part of this process. Please make these individuals available for a briefing. A date for the briefing must be agreed upon by October 15, 2019. The briefing must occur by October 25.

2. Dr. Jacobs mentioned that Commerce staff called in during the drafting process to provide feedback on the draft statement. Please provide records of all phone calls and teleconferences between Commerce and NOAA officials on September 6, including participant logs, notes, calendar events, or other documentation.
3. Dr. Jacobs told Committee staff that the September 6 statement was drafted on Mr. Dewhirst's computer. Please provide copies of all drafts of the statement in existence from the predawn hours on September 6 – when Dr. Jacobs was first contacted by Mr. Walsh – until the statement's publication that evening.
4. Please provide 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. Dr. Jacobs indicated that Acting White House Chief of Staff Mick Mulvaney was involved in high-level conversations regarding the September 6 statement, though Dr. Jacobs was not involved in these discussions. Please provide records of all phone calls, teleconferences, and meetings between Commerce and Executive Office of the President officials regarding the drafting and issuance of the September 6 statement, including participant logs, notes, calendar events, emails and attachments, letters, and any other documentation.
6. As you know, the Commerce Office of Inspector General (OIG) requested that NOAA retain all records related to their investigation of Commerce's actions in the aftermath of President Trump's assertions about Hurricane Dorian's anticipated impact.⁵ These documents were due to the OIG by Friday, September 13. At the October 4 meeting with Committee staff, NOAA General Counsel John Luce told Committee staff that NOAA has provided documents to the OIG on a rolling basis and that the first set of documents was delivered by September 20. There is no reason for Commerce to withhold documents from the Committee while cooperating with a virtually identical request from the OIG. Please provide all material that has been turned over to the Department of Commerce Office of the Inspector General (OIG). Please begin sending all responsive documents to the Committee as you make them available to the OIG.

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

⁵ Memorandum from Inspector General Peggy E. Gustafson to Dr. Neil Jacobs, United States 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>

Service as well as oversight jurisdiction over all laws, programs, and Government activities relating to nonmilitary research and development.”⁶

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 October 18.

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 & Technology

Cc:

FRANK LUCAS
Ranking Member
Committee on Science, Space & Technology

⁶ Rule X, Organization of Committees, U.S. House of Representatives