

HENRY A. WAXMAN, CALIFORNIA
CHAIRMAN

JOHN D. DINGELL, MICHIGAN
CHAIRMAN EMERITUS
EDWARD J. MARKEY, MASSACHUSETTS
RICK BOUCHER, VIRGINIA
FRANK PALLONE, Jr., NEW JERSEY
BART GORDON, TENNESSEE
BOBBY L. RUSH, ILLINOIS
ANNA G. ESHOO, CALIFORNIA
BART STUPAK, MICHIGAN
ELIOT L. ENGEL, NEW YORK
GENE GREEN, TEXAS
DIANA DEGETTE, COLORADO
VICE CHAIRMAN
LOIS CAPPS, CALIFORNIA
MIKE DOYLE, PENNSYLVANIA
JANE HARMAN, CALIFORNIA
JAN SCHAKOWSKY, ILLINOIS
CHARLES A. GONZALEZ, TEXAS
JAY INSLEE, WASHINGTON
TAMMY BALDWIN, WISCONSIN
MIKE ROSS, ARKANSAS
ANTHONY D. WEINER, NEW YORK
JIM MATHESON, UTAH
G.K. BUTTERFIELD, NORTH CAROLINA
CHARLIE MELANCON, LOUISIANA
JOHN BARROW, GEORGIA
BARON P. HILL, INDIANA
DORIS O. MATSUI, CALIFORNIA
DONNA CHRISTENSEN, VIRGIN ISLANDS
KATHY CASTOR, FLORIDA
JOHN SARBANES, MARYLAND
CHRISTOPHER MURPHY, CONNECTICUT
ZACHARY T. SPACE, OHIO
JERRY MCNERNEY, CALIFORNIA
BETTY SUTTON, OHIO
BRUCE BRALEY, IOWA
PETER WELCH, VERMONT

ONE HUNDRED ELEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6115

MAJORITY (202) 225-2927
FACSIMILE (202) 225-2525
MINORITY (202) 225-3641

energycommerce.house.gov

December 2, 2009

JOE BARTON, TEXAS
RANKING MEMBER

ROY BLUNT, MISSOURI
DEPUTY RANKING MEMBER
RALPH M. HALL, TEXAS
FRED UPTON, MICHIGAN
CLIFF STEARNS, FLORIDA
NATHAN DEAL, GEORGIA
ED WHITFIELD, KENTUCKY
JOHN SHIMKUS, ILLINOIS
JOHN B. SHADEGG, ARIZONA
STEVE BUYER, INDIANA
GEORGE RADANOVICH, CALIFORNIA
JOSEPH R. PITTS, PENNSYLVANIA
MARY BONO MACK, CALIFORNIA
GREG WALDEN, OREGON
LEE TERRY, NEBRASKA
MIKE ROGERS, MICHIGAN
SUE WILKINS MYRICK, NORTH CAROLINA
JOHN SULLIVAN, OKLAHOMA
TIM MURPHY, PENNSYLVANIA
MICHAEL C. BURGESS, TEXAS
MARSHA BLACKBURN, TENNESSEE
PHIL GINGREY, GEORGIA
STEVE SCALISE, LOUISIANA

The Honorable Gary Locke
Secretary
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, DC 20230

Dear Secretary Locke:

The public posting in mid-November of thousands of climate-science related emails among an influential group of researchers, including U.S. federal government employees and contractors, has been widely reported in the news media. The emails raise a number of serious questions concerning the transparency and integrity of U.S.-supported climate research going back more than ten years and relate directly to Committee on Energy and Commerce investigations into data sharing, transparency, and the reliability of climate change assessments.

We note that some employees and researchers with the National Oceanic and Atmospheric Administration (NOAA) figure prominently in the emails. Some of the emails raise concerns about researchers' responsiveness to Freedom of Information Act (FOIA) requests, and NOAA's compliance with FOIA in response to such requests. The emails also raise questions concerning the integrity of some of federally-funded research and the researchers' adherence to federal data sharing guidelines, policy, and oversight. Moreover, the emails raise questions about concerted attempts to suppress or discourage alternative or critical scientific views from peer-reviewed literature and influential climate science assessments.

Accordingly, we write to seek records and information relating to NOAA's compliance with FOIA obligations as well as agency and researcher adherence to federal data-sharing policies. We also request information regarding the federal funding behind the global warming research at issue in these emails. The research relates to production and reliability of temperature data and modeling relied upon by the United Nations Intergovernmental Panel on Climate Change (IPCC), and in turn by U.S. officials and policymakers. The datasets reportedly also serve as an important metric for verifying climate modeling results used to estimate man-made contributions to global warming.

Given the upcoming UN conference on climate change, you certainly would agree that answers to the following questions and requests for information are urgently needed. We therefore

request a full response to these questions no later than December 16, 2009. If you are unable to respond in full by that deadline, please provide a written response no later than December 16, 2009, providing any answers available at that time, and detailing what steps you will take to answer the questions in full.

1. Explain and provide copies of Department of Commerce and NOAA procedures for collecting requested FOIA information, ensuring the information is complete and responsive, and for closing out the request.
2. We understand that one or more FOIA requests have been submitted to NOAA by Mr. Stephen McIntyre relating to climate change research, data, modeling or related matters, including FOIA requests referenced in emails sent by Thomas R. Karl, Director of NOAA's National Climatic Data Center, to other researchers.
 - a. What procedures were followed in responding to these requests?
 - b. Provide copies of any FOIA requests submitted to NOAA by Stephen McIntyre, and provide copies of all documents and records provided to Mr. McIntyre in response to such FOIA requests.
 - c. If any FOIA-requested documents or records were withheld, (i) identify what was withheld and the legal basis under FOIA for withholding; and (ii) provide those documents or information.
 - d. Provide copies of any other FOIA requests submitted to NOAA relating to the National Climatic Data Center or work by agency researchers for the United Nations IPCC and provide copies of responsive documents or material collected by NOAA or the Department of Commerce.
 - e. Provide all documents, including but not limited to emails, conference call logs, and calendar entries, relating to the above FOIA requests.
3. Provide copies of any additional FOIA requests that have been submitted to NOAA relating to modeled and observed temperature trends relating to climate change assessments, and provide copies of all documents and records provided in response to such FOIA and/or follow-up requests.
4. Identify and provide copies of NOAA's data sharing policies and procedures to ensure compliance with those policies.
 - a. Describe NOAA's oversight data sharing and identify officials by name and title responsible for adherence to those policies.
5. Describe NOAA's climate science grant funding procedures and oversight of such funding.
 - a. What NOAA policies and data sharing obligations attach to this funding?

6. How has NOAA responded to recommendations in the September 2007 Government Accountability Office report entitled "Climate Change Research: Agencies Have Data-Sharing Policies but Could Do More to Enhance the Availability of Data from Federally Funded Research"?
7. We understand that the Department of Commerce and NOAA were the lead agencies responsible for the U.S. Climate Change Science Program synthesis and assessment report, *Temperature Trends in the Lower Atmosphere: Steps for Reconciling Differences*, which included several authors referenced in the aforementioned emails. We understand further that Dr. Roger Pielke, Sr. was the appointed Convening Lead Author, pursuant to the Federal Advisory Committee Act, of a chapter of that report from September 2004 until August 2005. However, as referenced in emails and contemporaneous news reports, Dr. Pielke resigned, alleging his scientific views and perspective were systematically excluded by Dr. Karl, and that a substitute chapter was prepared with the support of Dr. Karl by a British researcher, without Dr. Pielke's knowledge.
 - a. Provide all records, including but not limited to emails, relating to (i) preparation and content of the aforementioned report, (ii) the presentation of dissenting views to the National Research Council review panel regarding the report, (iii) preparation of Dr. Pielke's chapter, including the preparation of the substitute chapter, and (iv) discussion of review comments and responses to those comments.

If the Department of Commerce or NOAA withholds any documents or information in response to this letter, please provide a Vaughn Index or log of the withheld items. The index should list the applicable question number, a description of the withheld item (including date of the item), the nature of the privilege or legal basis for the withholding, and a legal citation for the withholding claim.

Should you have any questions, please have your staff contact the Minority Committee Staff at (202) 225-3641.

Sincerely,



Joe Barton
Ranking Member



Greg Walden
Ranking Member
Subcommittee on Oversight and Investigations

cc: The Honorable Henry A. Waxman, Chairman

The Honorable Bart Stupak, Chairman
Subcommittee on Oversight and Investigations