



UNITED STATES DEPARTMENT OF COMMERCE
The Under Secretary of Commerce
for Oceans and Atmosphere

Washington, D.C. 20230

November 20, 2015

The Honorable Lamar Smith
Chairman
Committee on Science, Space, and Technology
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letters of November 13 and 18, 2015. Please be assured that the Department of Commerce and the National Oceanic and Atmospheric Administration (NOAA) understand and appreciate the Committee's oversight responsibilities, and will continue to work with the Committee to provide necessary information relating to its investigation. Secretary Pritzker has asked me to respond to the letters on her behalf because she currently is out of the country.

NOAA has received and responded to multiple letters from the Committee relating to the study published by Thomas Karl, *et al.* in *Science* (the "Karl study"). NOAA has made a concerted and significant effort to answer the Committee's questions and provide relevant and responsive information, including providing existing scientific data and analysis, as well as two in-person presentations by NOAA scientists who helped author the study, so that the Committee could better understand the study's science and analysis. As NOAA's scientists told Committee staff at their October 19, 2015 briefing, and as we have reiterated several times, NOAA's goal is to put the best available scientific information in the hands of the decision-makers.

NOAA received the Committee's first letter inquiring about the Karl study on July 14, 2015, and then received letters asking for additional information on September 10, 2015, and September 25, 2015. We responded to those letters in a number of ways: providing the Committee with the data it requested; providing citations to peer-reviewed articles that explain the methodology that NOAA scientists use to analyze the data; and explaining how temperature is measured by various means and how such data must be corrected to make it as accurate as possible. Moreover, NOAA took the extraordinary step of having one of the scientists who worked on the Karl study travel to Washington, D.C. to brief Committee staff on June 16, 2015. In response to the inquiries, NOAA repeatedly stated that it was continuing to work with the Committee to provide documents and information it needed to complete its oversight work.

Despite these efforts, on October 13, 2015, the Committee issued a subpoena directed to me, requesting a wide range of documents and communications pertaining to broad areas of scientific study within NOAA. There were no timeframes provided in the subpoena, and it was not limited to particular individuals. Because these requests were extremely broad, NOAA asked Committee staff on several occasions to narrow the scope



of the requests so that NOAA could work effectively to accommodate the Committee's particular oversight needs. To date, Committee staff have declined our requests.

Accordingly, without further direction, and in an attempt to respond to the subpoena, on October 19, 2015, NOAA brought two of the authors of the Karl study, including Dr. Karl himself, to Washington, D.C. to brief Committee staff, placing no limits on the scope of staff questions. This briefing covered a broad range of topics: sources of surface temperature data; how data are used in monitoring and research; why datasets are corrected; an explanation of data from ships and data from buoys, and how and why buoy data are corrected to match ship data; an explanation of Night Marine Air Temperature and how it is used; other data used by NOAA (such as sea ice concentration data); and an explanation of satellite data and bulk atmospheric temperatures and how such data are used. Seven majority staff members attended the briefing. They asked questions throughout the briefing, all of which NOAA scientists responded to candidly and clearly. Thereafter, NOAA provided majority Committee staffers with the PowerPoint presentation that was used at the briefing.

On October 27, we provided a follow-up letter to the Committee, explaining that we had attempted to answer the subpoena requests multiple times. In that letter, we provided in-depth examples of scientific information provided in data sets, letters, and briefings, which respond to the Committee's requests. We also provided the Committee with a group of six additional studies pertinent to its inquiry.

Thereafter, in a continuing attempt to provide information to the Committee, and at the Committee's request, NOAA agreed to permit transcribed interviews with multiple NOAA employees. NOAA worked diligently with Committee staff to schedule these interviews. As Committee staff is aware, Dr. Karl was in Washington, D.C. on business this week, and extended his trip in order to be interviewed by Committee staff on November 19th. However, majority Committee staff declined to meet with him. Accordingly, Dr. Karl met only with minority staff members during the scheduled time. NOAA also offered to make Dr. Richard Spinrad, NOAA's Chief Scientist, available for a transcribed interview on November 23, 2015, and suggested the dates of December 2nd or 3rd for Renee Stone, NOAA's Chief of Staff. Despite numerous attempts by our staff to schedule these interviews, Committee staff has declined to do so.

Had the Committee agreed to proceed with the interview it originally requested with Dr. Karl, he would have explained the origins of the research. By the fall of 2014, various temperature data sets indicated that 2014 was on track to be the warmest year on record. At the same time, NOAA scientists and colleagues were studying new data on ocean surface temperatures, which was produced in late 2013 and accepted for publication in October 2014. In the process of analyzing this data, it also became clear to NOAA scientists that the temperature trends over the past few decades would be substantially larger compared to earlier published calculations. This discovery led NOAA scientists to conclude that there was not a slowdown in global warming during the 21st century as compared to the latter half of the 20th Century.

Dr. Karl's study reflects the essence of the scientific process, which involves continually refining conclusions as new data and information is discovered. Importantly, since the publication of the Karl study, a second study has shown even more warming from 1998 to 2012 as compared to Dr. Karl's study reported in *Science*. See <http://climate.copernicus.eu/resources/data-analysis/average-surface-air-temperature-analysis>.

Despite NOAA's efforts to accommodate the Committee's requests for information and to respond to the subpoena, on November 13, 2015, the Committee sent a letter to Secretary Pritzker, asking that the Secretary "direct NOAA to cooperate fully" because "NOAA has chosen to obstruct and delay the Committee's legitimate oversight activities." For the first time, this letter asked for documents involving, "communications sent and received by NOAA policy, political, communications, and leadership staff, both internally and with others in Executive Branch agencies and external organizations" both before and after publication of the Karl study. The letter asked the Secretary to respond by November 20, 2015.

Without providing the Secretary an opportunity to respond, on November 18, 2015, the Committee sent another letter to the Secretary threatening "the use of compulsory process" against her if she did not provide materials responsive to the Committee's subpoena. The letter also withdrew the Committee's recent request for transcribed interviews.

NOAA remains committed to working with the Committee to accommodate its oversight needs, and believes we have provided information responsive to the Committee's letters and subpoena. NOAA remains willing to make employees available for interview by Committee staff, should it decide to proceed with its original request. NOAA also is willing to discuss the Committee's most recent focus of inquiry, reflected in its November 13 letter, involving policy, political, and leadership staff, as it relates to the subpoena. In short, NOAA is willing to continue to work with the Committee to provide additional information to accommodate the Committee's oversight needs.

As noted, the Committee's recent letters shift from the science behind the Karl study, and instead contend that the study was politically motivated or influenced. It was not. President Obama issued a Presidential Memorandum on Scientific Integrity on March 9, 2009, shortly after he took office. That memorandum recognized the importance of independent, rigorous scientific analysis to quality decision-making and directed all agencies to develop scientific integrity policies and safeguards, which NOAA has done. See NOAA Administrative Order 202-735D. NOAA's scientific integrity policy sets out high standards of protection for the independence of science from political manipulation, and establishes a rigorous process to investigate allegations of misconduct. NOAA scientists are absolutely committed to the integrity and independence of their scientific research and work.

In this case, NOAA has made the data and the analysis available to the Committee, the public, and the scientific community. The Committee has the raw data as well as the methodology that NOAA scientists used to analyze the data. Together these show that

the decision to adjust the data was a scientific one. The article was peer-reviewed and published in a preeminent and independent scientific journal. If the Committee doubts the integrity of the study, it has the tools it needs to commission a competing scientific assessment.

The Committee's November 18 letter also refers to allegations by a whistleblower that the Karl study was rushed to publication. We note that the study was submitted to *Science* for consideration in December 2014, and *Science* made the decision to publish it in June 2015 after a rigorous evaluation and peer review. It is also worth noting that the data upon which the study relies was available publicly as early as July 2014.

Nevertheless, we take any whistleblower allegations seriously and stand ready to work with the Committee, the Inspector General, or the NOAA scientific integrity review process to respond and evaluate these allegations appropriately. To date, NOAA's Scientific Integrity Officer has received no allegations or inquiries on this matter.

Finally, Mr. Chairman, let me assure you that I am not engaged in or associated with any "politically correct agenda." I and the entire NOAA team take seriously the charge to provide the best environmental science and reliable data to the nation and the world. Our work is relied upon every day to drive commerce and to protect public safety and national security. I proudly serve President Obama, as I proudly served President Reagan, President Bush, President Clinton, and President Bush before him. I am a life-long public servant profoundly dedicated to using science to inform decision-making in the best interests of the nation. I have not and will not allow anyone to manipulate the science or coerce the scientists who work for me.

We look forward to continuing to work with the Committee in order to provide the Committee with a better understanding of how NOAA measures, analyzes and reports on the global temperature data.

Sincerely,

A handwritten signature in blue ink, appearing to read 'KDS', with a long horizontal flourish extending to the right.

Kathryn D. Sullivan, Ph.D.
Under Secretary of Commerce for Oceans and
Atmosphere and NOAA Administrator

cc: The Honorable Eddie Bernice Johnson