

Congress of the United States
Washington, DC 20515

July 6, 2020

The Honorable Wilbur L. Ross
Secretary
U.S. Department of Commerce
1401 Constitution Ave. NW
Washington, D.C. 20230

Dear Mr. Ross:

As the Chair and Ranking Member of the committees of jurisdiction over the National Oceanic and Atmospheric Administration (NOAA) we write to join the Department of Commerce Inspector General (IG) Peggy Gustafson in strongly urging the Department of Commerce to cease obstructing the IG's release of its pending report on alleged political interference in NOAA's communication of critical information about Hurricane Dorian in September 2019. We fully agree with Ms. Gustafson's July 1, 2020, memorandum to you on this matter and support her demands that you stop impeding the release of the full IG evaluation.¹

We have expressed our concerns on this subject and requested pertinent documents, communications, and records of communications. Some relevant documents were released by NOAA in response to a Freedom of Information Act request.² Dr. Neil Jacobs, the Assistant Secretary for Environmental Observation and Prediction, performing the duties of Under Secretary of Commerce for Oceans and Atmosphere, met with members of our staffs later in the fall of 2019 to provide more information in what we hoped represented a sign of good faith on his part to cooperate.

Members of our staffs again spoke with Dr. Jacobs by conference call on June 30, 2020 to discuss his rebuttal to a report by the National Academy of Public Administration assessing allegations of scientific misconduct performed on behalf of NOAA.³ Both Dr. Jacobs' written comments to this report and his discussion with our staffs marked a notable shift in tone which we found combative. His comments are a clear indication that Dr. Jacobs took little to no accountability in the events in question, contrary to what was relayed in the fall 2019 meetings. Taken in context with Ms. Gustafson's memorandum, we see a pattern of obfuscation by your Department.

According to Ms. Gustafson's memorandum, the Department of Commerce has "delayed, thwarted, and effectively estopped" publication of the IG evaluation in question, primarily by

¹ "Information Memorandum for Secretary Ross," from IG Peggy E. Gustafson, July 1, 2020.

² FOIA Online, DOC-NOAA-2019-002194 and DOC-NOAA-2019-002196

³ National Academy of Public Administration, "An Independent Assessment of Allegations of Scientific Misconduct Filed Under the National Oceanic and Atmospheric Administration Scientific Integrity Policy," March 2020

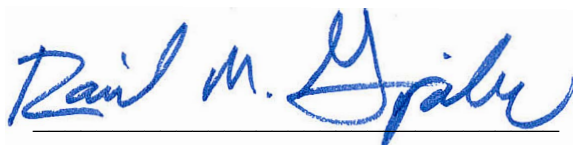
making broad assertions of privilege without specifying what information in the evaluation Commerce believes to be privileged from public release. We agree with Ms. Gustafson that Commerce's efforts in this regard appear to be a bad faith attempt to prevent the critical findings of the report from seeing the light of day. We also agree that such obstruction is in direct violation of the IG Act, which gives the IG full authority to independently oversee Commerce programs and operations, without interference.⁴

We join Ms. Gustafson in calling on Commerce to provide her office, no later than July 9, 2020, "formal privilege markings—that are precise and unambiguous and include the privilege being claimed—to the report and its appendixes," or to "confirm that the Department seeks no privilege redactions and consequently acknowledges that the report will be posted without redaction."

In light of the protracted discussions that already appear to have occurred between Commerce and the IG on this issue, should Commerce not provide such information in a good faith manner by the specified date, we believe the IG will be fully within her authority to release the report without further delay, in whatever form she deems necessary and appropriate.

If you have any questions, please contact our staff. Thank you for your attention to this important matter.

Sincerely,



Raúl M. Grijalva
Chair
House Committee on Natural Resources



Maria Cantwell
Ranking Member
Senate Committee on Commerce, Science,
and Transportation

Cc: Inspector General Peggy E. Gustafson

⁴ See IG Act, §§ 2(1), 3(a).