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December 2, 2009

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The Honorable Steven Chu
Secretary
Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585

Dear Secretary Chu:

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 employees and researchers supported by the Department of Energy (DOE), the National Nuclear Security Administration (NNSA) and/or Lawrence Livermore National Laboratory (LLNL) figure prominently in the emails, especially LLNL scientist Dr. Benjamin Santer and DOE-funded scientist Dr. Phil Jones of the University of East Anglia, who appears to be at the center of the email collection. Some of the emails raise concerns about researchers' efforts to evade or circumvent the Freedom of Information Act (FOIA), and DOE's compliance with FOIA in responses to such requests. The discussions among researchers reflected in the emails also raise questions concerning the integrity of some of the DOE-funded research at issue in the emails and the researchers' adherence to federal data sharing guidelines, policy, and oversight.

Accordingly, we write to seek records and information relating to DOE 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, 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 DOE, NNSA, and LLNL FOIA 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 DOE, NNSA and/or LLNL by Mr. Stephen McIntyre relating to climate change research, data, modeling or related matters, including FOIA requests referenced in emails sent by Dr. Benjamin D. Santer of LLNL to other LLNL personnel.
 - a. What procedures were followed in responding to these requests?
 - b. Provide copies of any FOIA requests submitted to DOE, NNSA, and/or LLNL 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 withheld, (i) identify what was withheld and the legal basis under FOIA for withholding; and (ii) provide those documents or information.
 - d. 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 DOE, NNSA and/or LLNL 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 DOE's data sharing policies and procedures to ensure compliance with those policies.
 - a. Describe DOE's oversight of LLNL's data sharing and identify officials responsible for adherence to those policies.
5. Describe DOE's climate science grant funding procedures and oversight of such funding.

- a. What DOE policies and data sharing obligations attach to this funding?
6. Describe the nature and amount of all funding provided by DOE in whole or part to Dr. Phil Jones, the University of East Anglia Climatic Research Unit (CRU), and other researchers at that institution, including funding for climate change related research and assessments.
7. Describe DOE's climate science grant funding procedures and oversight of such funding.
 - a. What DOE policies and data sharing obligations attached to this funding?
8. What oversight, if any, has been conducted by DOE, NNSA, and LLNL relating to the work of Dr. Phil Jones and any other grantees associated with CRU?
9. How has DOE 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"?


If DOE withholds any documents or information in response to this letter, please provide a Vaughan 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