



September 7, 2019

MEMORANDUM FOR: Dr. Neil Jacobs
Assistant Secretary of Commerce for Environmental Observation
and Prediction, performing the duties of Under Secretary of
Commerce for Oceans and Atmosphere

FROM: Peggy E. Gustafson 
Inspector General

SUBJECT: Request for Information Pursuant to the Inspector General Act of
1978, as Amended

On Sunday, September 1, as Hurricane Dorian approached the southeast coast of the United States, President Donald Trump released a statement on Twitter indicating that “[i]n addition to Florida – South Carolina, North Carolina, Georgia, and Alabama, will most likely be hit (much) harder than anticipated.”¹ Approximately twenty minutes later, the National Weather Service’s (NWS) Birmingham, Alabama office tweeted, apparently in response to the President’s tweet: “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.”²

Over the next several days, President Trump addressed the issue of whether Alabama was a potential area of Hurricane Dorian’s impact in numerous tweets and other communications³, including a press conference in the Oval Office on Wednesday, September 4.⁴ Various media outlets contradicted President Trump’s statement regarding the threat of Hurricane Dorian to Alabama.⁵ On Thursday, September 5, President Trump repeated his claims, in multiple tweets, that Alabama had been at risk of impacts from Hurricane Dorian.⁶

Then, on Friday, September 6, 2019, the National Oceanic and Atmospheric Administration (NOAA) issued a statement, attributable to an unidentified NOAA spokesperson, that supported President Trump’s assertion regarding the threat of Hurricane Dorian to Alabama, and contradicted the Birmingham NWS office’s statement regarding the threat to Alabama. Specifically, the statement indicated that “[f]rom Wednesday, August 28, through Monday,

¹ <https://twitter.com/realdonaldtrump/status/1168174613827899393>.

² <https://twitter.com/NWSBirmingham/status/1168179647667814400> (emphasis in original).

³ E.g., <https://twitter.com/realdonaldtrump/status/1169375550806351872>, <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-briefing-hurricane-dorian/>.

⁴ <https://www.politico.com/story/2019/09/04/donald-trump-sharpie-hurricane-map-1481733>.

⁵ E.g., <https://twitter.com/janicedean/status/1169330909088223236>, <https://www.washingtonpost.com/weather/2019/09/04/president-trump-shows-doctored-hurricane-chart-was-it-cover-up-alabama-twitter-flub/>, <https://www.cnn.com/2019/09/04/politics/donald-trump-hurricane-alabama-map/index.html>.

⁶ E.g., <https://twitter.com/realdonaldtrump/status/1169705282123046913>.

September 2, the information provided by NOAA and the National Hurricane Center to President Trump and the wider public demonstrated that tropical-storm-force winds from Hurricane Dorian could impact Alabama The Birmingham National Weather Service’s Sunday morning tweet spoke in absolute terms that were inconsistent with probabilities from the best forecast products available at the time.”⁷

NWS’s mission to provide weather, water, climate data, forecasts, and warnings for the protection of life and property is a critical component of preserving human life and the economic security of the nation. To carry out that mission, the NWS must maintain standards of scientific integrity in the creation and dissemination of weather forecasts and data, particularly in times of severe life-threatening weather and national emergency when the public must have confidence in the weather forecasts and data that are disseminated.

Recent reports of inconsistent messaging culminating in an unattributed press release surrounding information related to Hurricane Dorian call into question the NWS’s processes, scientific independence, and ability to communicate accurate and timely weather warnings and data to the nation in times of national emergency. NOAA’s scientific integrity policy makes clear that “NOAA is an organization based upon science, scientific research, and providing and using scientific advice for decision-making. NOAA recognizes a clear distinction between the scientific process and the policy decisions made based on the results of science.”⁸ Further, NOAA’s policy defines scientific integrity as “the condition resulting from adherence to professional values and practices when conducting and applying the results of science that ensures objectivity, clarity, and reproducibility, and that provides insulation from bias, fabrication, falsification, plagiarism, interference, censorship, and inadequate procedural and information security.”⁹

In order to assist the Office of Inspector General (OIG) in examining the circumstances surrounding the NOAA statement of September 6, please provide the following documentation by Friday, September 13, 2019:

- All communications, including email and text messages, discussing or referring in any manner to the statement, or any draft or precursor statements on the same or similar topics, issued by NOAA on September 6, 2019.
- A description of all calls, meetings, and any other oral communications regarding or discussing the September 6 statement, including the names and titles of participants, the dates and times of such communications, and any records documenting such calls, meetings, or other oral communications, including but not limited to call logs and calendars.
- All documents discussing or in any manner addressing the applicability of any law, rule, regulation, policy, directive, or other authoritative NOAA document, including the Scientific Integrity Policy, to the September 6 statement.

⁷ <https://www.noaa.gov/news/statement-from-noaa>

⁸ NOAA Administrative Order 202-735D, Scientific Integrity, § 4.01, available at: https://www.corporateservices.noaa.gov/ames/administrative_orders/chapter_202/202-735-D.html.

⁹ *Id.*, § 3.

- Any and all communications between the NWS Birmingham office and NWS or NOAA and/or Departmental leadership, made on or after September 1, 2019.
- The names and titles of any person who drafted, reviewed, or cleared the unattributed statement issued by NOAA on September 6, 2019.

In addition, you may also produce any additional documentation or information deemed relevant to this request for information.

The Inspector General Act of 1978, as amended, guarantees the OIG “timely access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials available” to the Department,¹⁰ and authorizes the Inspector General “to make such investigations and reports relating to the administration of the programs and operations of [the Department] as are, in the judgment of the Inspector General, necessary or desirable[.]”¹¹ Further, you are obligated to cooperate with this request. Department Administrative Order 213-2, § 4.03 states that “[i]t is Department policy that all employees fully cooperate with the OIG,” and that “Departmental officials shall make every effort to assist the OIG in achieving the objective of effective inspections and evaluations.” Similarly, Department Organization Order 10-13, § 4.01 states that “[t]he officers and employees of the Department shall cooperate fully with the officials and employees of the OIG and shall provide such information, assistance, and support without delay as is needed for the OIG to properly carry out the provisions of the [Inspector General] Act [of 1978].”

Consistent with this duty to cooperate, the OIG requests that you immediately identify and preserve all materials in your possession and control that constitute or relate to the information requested above and any other information that could potentially be relevant to the requests above. The requested materials include all documents, records, agreements, drafts, data (including electronic data), correspondence, notes, emails (including emails on a computer or personal digital assistant), whether official or unofficial, that may be relevant to the information requested above. You should also inform the OIG in writing if any personnel have conducted government business or communicated regarding government business on any personal or non-governmental IT equipment or using personal or non-governmental accounts, and, if so, identify in writing that IT equipment or account at this time. This preservation notice applies to all relevant or potentially relevant information located within your office or any other location. Further, this preservation notice applies to all information, including privileged, protected, and confidential information.

To ensure compliance with this request, please take the following steps and ensure that all personnel in possession of potentially responsive material take the following steps:

1. Do not delete, throw out, shred, or otherwise destroy potentially relevant information, or allow deletion to happen by automatic deletion operations.
2. Disable functions such as automatic deletion of email.

¹⁰ 5 U.S.C. App. § 6(a)(1)(A).

¹¹ 5 U.S.C. App. § 6(a)(2).

3. Do not alter documents covered by this preservation notice. If a document relates to ongoing work, please preserve a current version for the preservation notice before moving forward with a separate copy.
4. Maintain potentially relevant electronically stored information (ESI) as described above. You should take steps to ensure the ESI is preserved in the format in which it was initially created (its “native” format) and in such a way to preserve the “metadata” (commonly referred to as “data about data” or internal computer data) embedded in the ESI.
5. Do not transfer any potentially relevant information to a Federal Records Center or any other location.
6. Before any computer or electronic system that contains potentially relevant information is retired or upgraded, take steps to ensure the preservation of relevant material.
7. If there are staffing changes in your office, ensure that potentially relevant material of departing or new employees is preserved.
8. Do not assume that another individual also has the same material and has taken steps to preserve it. You must preserve all material in your possession regardless of whether other people have taken steps to do so.
9. Maintain information subject to this preservation notice in an orderly, readily retrievable manner.

You must maintain all materials subject of this preservation notice until further notice.

If you have any questions or need additional information, please contact me at (202) 482-4661.

cc: Dr. Louis Uccellini, Assistant Administrator for Weather Services and Director, National Weather Service
Benjamin Friedman, Deputy Under Secretary for Operations
Julie Roberts, Deputy Chief of Staff, Director of Communications