

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON SCIENCE AND TECHNOLOGY

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August 6, 2007

The Honorable Carlos M. Gutierrez
Secretary
Department of Commerce
Herbert Hoover Building
14th Street and Constitution Avenue, NW
Washington, D.C. 20230

Dear Mr. Secretary:

In recent weeks, the National Oceanic and Atmospheric Administration (NOAA) has taken several controversial steps at the Tropical Prediction Center (TPC),¹ ostensibly due to management failures by the Center's director, X. William Proenza.² On June 26, 2007, Admiral Conrad Lautenbacher, Jr., Under Secretary for Oceans and Atmosphere, asked Dr. Jim Turner, deputy director of the National Institute of Standards and Technology, to lead an "operational assessment team"³ (hereafter referred to as "the team") to review the Center's management and operations. It arrived at the TPC on July 2 and submitted its report to Admiral Lautenbacher on July 13, 2007. In a joint hearing July 19 before the Subcommittees on Energy and Environment and Investigations and Oversight, Dr. Turner testified concerning the contents of his report and the findings and recommendations communicated to Admiral Lautenbacher. An "action plan," based on that report, was submitted to Admiral Lautenbacher earlier this week.

The Subcommittees have reason to question some statements in that report central to the recommendation that Mr. Proenza be removed as TPC Director, and the thoroughness and purpose of the assessment. We believe that it should not be relied upon. First, in documents provided to the Subcommittees after the hearing, it appears that NOAA management had already decided to remove Mr. Proenza before the team was formed. Second, it appears that there was either no attempt or no time for the

¹ The "Tropical Prediction Center includes the National Hurricane Center and provides forecasts of the movement and strength of tropical weather systems and issues watches and warnings for the U.S. and surrounding areas." (<http://www.ncep.noaa.gov/>; accessed July 10, 2007)

² Mr. Proenza testified on July 19 that he had received a phone call from his supervisor stating that his public comments about funding cuts for the joint hurricane testbed and the QuikScat satellite have upset "NOAA, DOC, OMB, the White House." Preliminary transcript of July 19 hearing, p. 38.

³ "Operational Assessment of Tropical Prediction Center," Memorandum from Conrad Lautenbacher to James Turner, July 26, 2007.

team to obtain a full understanding from all parties involved of certain incidents. For example, in sworn testimony taken at the hearing, Admiral Lautenbacher made the following statement:

"Specifically, the team advised that, based on their firsthand observations, 'the continued presence of Director Proenza at the TPC will interfere with the ability of the Assessment Team to complete its work.' Moreover, it was the 'unanimous opinion of the Assessment Team that Mr. Proenza's actions during the assessment have not only failed to calm his staff, but have actually resulted in a level of anxiety and disruption that threatens the TPC's ability to fulfill its mission' to protect the American public.

"The team cited incidents where Mr. Proenza questioned a senior forecaster at his workstation about his interview, approached other staff to ask for their support before they spoke with the Team, and conducted media interviews on the operations floor while hurricane specialists were attempting to perform their regular duties." (emphasis added)⁴

Dr. Turner, in his meeting with Committee staff on July 18, indicated that this last action by Mr. Proenza was particularly significant to the team, so much so that the members felt forced to take Mr. Proenza away from these interviews and chastise him for such inappropriate actions. These interviews, the team said in its report, were at odds with Mr. Proenza's statements in his interview with the team the previous day where he "asserted that he wanted the assessment 'to be least disruptive as possible to our operations' and 'to be low-key'."⁵ However, Dr. Turner's characterization is at odds with testimony from Mr. Proenza at the July 19 hearing during questioning by Chairman Lampson:

"Chairman LAMPSON: We have the review team's report, and I want to ask you about a few things about it - that are in it. Page 3 of the report indicates you asserted to the review team that you didn't want anyone going to the media about the assessment. Is that true?

"Mr. PROENZA: That is correct. We were in the midst of the hurricane season. I wanted to have a minimal exposure to what was going on in the Hurricane Center.

"Chairman LAMPSON: The report goes on to say, 'Nevertheless, he held media interviews on the forecast operations floor about the assessment while the hurricane specialists were performing their duties analyzing tropical activity.' Is that true?

"Mr. PROENZA: That is correct again. Essentially those interviews were set up by NOAA Public Affairs. A NOAA Public Affairs person came

⁴ Preliminary transcript of July 19 hearing, pp. 120-121.

⁵ Report from the Tropical Prediction Center Assessment Team, July 13, 2007, p. 3.

down with the team in addition to our NOAA public affairs. They coordinated on all of my interviews for the day and I just simply conducted the interviews I was instructed to conduct.

"Chairman LAMPSON: And you just answered my next question, did you arrange those interviews. Who - and who arranged them? Would you tell me again?

"Mr. PROENZA: The NOAA public affairs people there. There was two of them, a Dennis Feltgen, who is normally the NOAA public affairs person for the Hurricane Center, and the person that came down with the team, Greg Romano, who is also a NOAA public affairs person.

"Chairman LAMPSON: ... So you didn't want the media there and you did not arrange those media, correct?

"Mr. PROENZA: That is correct, sir."⁶

Also, a *Miami Herald* story published on July 3 cited Mr. Proenza's unwillingness to talk to a reporter. Mr. Proenza confirmed "the surprise inspection, but - in a departure from his usual practice - he said little else."⁷

The Subcommittees are therefore confronted with conflicting testimony regarding a central reason why the team recommended Mr. Proenza's immediate removal from the Center and an apparent failure of the team to collect all the facts concerning this incident. Additionally, the report refers to complaints from an NHC staffer that it was difficult to work with the media in the room, but information received by our staffs indicates that during hurricane season, media representatives are frequently in the Center, complete with cameras, to record the work of the forecasters and broadcast it across the nation. To clarify the circumstances behind the media interviews that day and the general media policy, we are requesting meetings with Dr. Turner, Mr. Romano, Anson Franklin, NOAA's director of communications, and Mr. Feltgen to discuss this matter.

We are also requesting that the Department produce the following records (as defined in the attachment to this letter) concerning the involvement of Mr. Franklin, Mr. Romano and Mr. Feltgen in activities at the TPC relating to the visit of the assessment team:

1. All records relating to the decision to assign Mr. Romano, NOAA Office of Communications, to support of the operational assessment team;
2. All records relating to Mr. Romano's preparation for and participation in the activities of the team following his assignment; specifically to include any notes he may have produced at any time;

⁶ July 19 transcript, pp. 31-33. The spelling of Mr. Feltgen's name in the transcript was incorrect and is corrected here.

⁷ "Pressure Builds for Storm Chief," *the Miami Herald*, July 3, 2007.

3. All records that relate to any communication concerning the TPC initiated by or received by Mr. Romano to or from any representatives or employees of any media organization during the period June 1, 2007 to July 13, 2007; specifically to include any notes he may have produced;
4. All records concerning to the activities of Mr. Feltgen, NOAA Office of Communications, related to Mr. Proenza or in support of the operational assessment team between June 1, 2007 and July 13, 2007, including any communications with any representatives or employees of any media organization;
5. All records that relate to any communication initiated by or received by any other employee of the Department of Commerce (DOC), NOAA or any other person authorized to represent those two organizations to or from any representatives or employees of any media organization during the period June 1, 2007 to July 13, 2007, that concern the controversy at the Tropical Prediction Center;
6. All records relating to any communications between or among Mr. Feltgen, Mr. Romano and Mr. Franklin concerning the TPC, Mr. Proenza or the assessment team between June 26, 2007, and July 13, 2007.
7. Records describing requests for access and approval of access for persons entering the Tropical Prediction Center facility on July 2 and July 3, 2007; and
8. All records relating to the "unanimous" conclusion of the assessment team that the media interviews referred to in the report "actually resulted in a level of anxiety and disruption that threatens the TPC's ability to fulfill its mission."

The Subcommittees are also interested in the factual basis for other comments, conclusions and recommendations presented in the Turner report. It is clear from the report that the TPC had numerous long-standing organizational, management and technical problems which Mr. Proenza was expected to address, but which pointed to significant failings at much higher levels within the Department.⁸ It also questioned the "rushed appointment" of Mr. Proenza,⁹ which came after a personal telephone call to Mr. Proenza – who had not even applied for the job – from Admiral Lautenbacher. This certainly indicates that other actors share responsibility for the situation at the Center. The Subcommittees are interested in the information that led the team to these conclusions, and whether Mr. Proenza was put into an existing difficult situation without

⁸ For example, the report states that "The lack of effective supervisory oversight from NOAA, NWS, NCEP and TPC management has contributed significantly to long-standing problems at the center, as well as the disruption over the past six months." "Report from the Tropical Prediction Center Assessment Team,"

p. 6.

⁹ *Ibid.*

any support from his management. Therefore, we are also requesting relevant records relating to the activities of the operational assessment team, as well as the preparation and delivery of its report as described below.

9. All records relating to the decision to select Dr. James Turner to lead a team to appraise the situation at the Tropical Prediction Center;
10. All records relating to any communications between Admiral Lautenbacher and Dr. Turner concerning the work of the operational assessment team for the Tropical Prediction Center of the National Center for Environmental Prediction (NCEP);
11. All records relating to any communications to the team that the White House was unhappy with Mr. Proenza's public statements or his job performance.
12. All records relating to the qualifications for and service on this team of the following persons:
 - Mathew Heyman, Chief of Staff, NIST;
 - Kathleen A. Kelly, Director, Office of Satellite Operations, NOAA;
 - Alexis Gutierrez, Foreign Affairs Specialist, NOAA; and
 - John K. Guenther, Senior Counsel, Employment and Labor Law Division, Office of the General Counsel for Administration, DOC
13. All records related to the preparation for and conduct of briefings or other preparatory meetings, at NOAA Headquarters or in any other location, for Dr. Turner and any or all of the persons named in item 12 that were provided by any or all of the following persons:
 - Admiral Conrad Lautenbacher, Administrator, NOAA;
 - General John Kelly, Deputy Administrator, NOAA;
 - Scott Rayder, Chief of Staff, NOAA;
 - Eric Webster, Director of Legislative Affairs, NOAA;
 - Mary Glackin, Director (Acting), National Weather Service, NOAA;
 - Louis Uccellini, Director, National Centers for Environmental Prediction, NOAA;
 - Eduardo Ribas, Director, Workforce Management Office, NOAA;
 - Steve Gallagher, Chief, Office of Budget, NOAA;
 - John Sullivan, general counsel, DOC
 - Brian DiGiacomo, chief, general law division, DOC
 - Any other NOAA or DOC employee; and
 - Any person providing legal- or employee relations-related information of any type

14. All records related to the preparation for and conduct of assessment team interviews, by any or all members of the team, with any or all of the persons named in Item 13;
15. Any other records produced by, presented to or obtained by the team during the period June 26, 2007, to July 13, 2007.
16. All records relating to any other communication between or among members of the assessment team and any DOC and NOAA officials, including, but not limited to, Deputy Secretary David Sampson, Admiral Lautenbacher, John Kelly, Scott Rayder, Mary Glackin, Eduardo Ribas, Brian DiGiacomo, John Sullivan and Louis Uccellini concerning the removal of TPC Director Proenza from his position, either temporarily or permanently.
17. Any records relating to the preparation and delivery of the report of the operational assessment team, whether created by the team itself or any other employee of NOAA, NIST or the DOC, or any other person affiliated with any of those entities, during the period June 26, 2007, to July 13, 2007.

Two copies of the records requested in Items 1-8 should be delivered to the Committee offices in Room B-374 Rayburn House Office Building by 5 p.m. on Friday, August 10, 2007. Arrangements for the requested interviews should also be completed by that date.

Delivery of two copies of the records requested in Items 9-17 should be made to the Committee offices by Friday, August 17, 2007.

If your staff has any questions or needs additional information, please contact Dr. Dan Pearson, Investigations and Oversight staff director at (202) 225-4494; Dr. Jean Fruci, Energy and Environment staff director, at (202) 226-0697, or James Paul, professional staff member at (202) 226-3639.

Thank you for your assistance in this matter.

Sincerely,



NICK LAMPSON
Chairman
Subcommittee on Energy and
and Environment



BRAD MILLER
Chairman
Subcommittee on Investigations
and Oversight

Hon. Carlos M. Gutierrez
August 6, 2007
Page 7

Cc: Rep. Bob Inglis
Ranking Member
Subcommittee on Energy and
Environment

Rep. F. James Sensenbrenner, Jr.
Ranking Member
Subcommittee on Investigations and
Oversight