

Congress of the United States
Washington, DC 20515

September 22, 2022

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dr. Alondra Nelson
Deputy Assistant to the President and Deputy Director for Science and Society
Office of Science and Technology Policy
Executive Office of the President
Eisenhower Executive Office Building
1650 Pennsylvania Avenue
Washington, D.C. 20504

Dear Mr. President and Deputy Assistant Nelson:

We write to follow up on the concerns expressed in the House Science, Space, and Technology Committee’s (House Science Committee) February 10, 2022 letter¹ regarding the conduct of Dr. Jane Lubchenco, Deputy Director for Climate and Environment at the Office of Science and Technology Policy (OSTP), and to learn more about the Biden Administration’s response to the recent decision of the National Academies of Sciences (NAS) to sanction Dr. Lubchenco as a result of her actions described in that letter.

In that letter, Members of the House Science Committee highlighted Dr. Lubchenco’s reported violations of scientific integrity principles while serving as an editor of an article on marine protected areas, *A global network of marine protected areas for food (Cabral et al.)*, for the Proceedings for the National Academy of Sciences of the United States of America (PNAS).² To summarize, Dr. Lubchenco has a personal relationship with one of the authors of the article for which she served as an editor, and published a related paper with the authors of *Cabral et al.*, creating a conflict of interest. PNAS issued a retraction for *Cabral et al.*, which included a statement from its authors noting that, “changes to our results arising from the data error have cast doubt over the outcome of the peer review process, ultimately leading to the retraction of this paper.”³ As a result of these actions, Members of the House Science Committee asked you to reconsider her leading role in driving federal scientific integrity policy as an author of a report

¹ Letter from Frank Lucas, Ranking Member, House Committee on Science, Space, and Technology, et al., to Joseph R. Biden, Jr., President (Feb. 10, 2022) [hereinafter Ranking Member Lucas Letter].

² *Id.*

³ Cabral et al., *A Global Network of Marine Protected Areas for Food*, 117 PROCEEDINGS OF THE NAT’L ACAD. OF SCI. OF THE U.S. OF AM. 28134 (2020).

published earlier this year on best practices for government scientific integrity and as Deputy Director for Climate and Environment at the OSTP.⁴

As a result of her actions while serving as an editor of *Cabral et al.*, the NAS concluded Dr. Lubchenco violated its code of conduct and barred Dr. Lubchenco from participation in NAS publications and activities for five years.⁵ To our knowledge, such a sanction of this magnitude has never occurred at such a senior level at the White House. As of the date of this letter, we are not aware of any review or corrective action from the Biden Administration as a result of Dr. Lubchenco's actions or the NAS sanctions.

The NAS is a leading scientific organization established to provide unbiased scientific advice to inform public policy and explicitly requires members to abide by its Code of Conduct to preserve the credibility of its advice.⁶ Their policies regarding scientific integrity are not only widely recognized, but also used as a basis for the policies applied to both federal and nonfederal research. It is concerning that the NAS saw fit to sanction Dr. Lubchenco, but the Administration has not acted and begs the question of whether the Administration takes this matter seriously.

Although Dr. Lubchenco stated her regret for her actions,⁷ the Administration continues to move forward implementing the scientific integrity policies she played a key role in developing,⁸ and Dr. Lubchenco continues to lead federal science policy efforts⁹ and represent the United States on the international stage,¹⁰ despite being barred from participating in the activities of a renowned scientific organization.

We are especially concerned about the leadership and culture of the OSTP after former Director Eric Lander resigned¹¹ following a White House investigation that found “credible evidence of violations of the [Executive Office of the President’s] Safe and Respectful Workplace Policy” as well as “bullying” and “disrespectful interactions with staff.”¹² The

⁴ Ranking Member Lucas Letter, *supra* note 1.

⁵ Maxine Joselow, *White House Climate Official Sanctioned by Prestigious Science Body*, WASH. POST, Aug. 16, 2022, <https://www.washingtonpost.com/climate-environment/2022/08/16/white-house-climate-jane-lubchenco/>.

⁶ See NAT'L ACAD. OF SCIENCES, CODE OF CONDUCT (Oct. 21, 2021), *available at* <http://www.nasonline.org/about-nas/code-of-conduct/nas-code-of-conduct.pdf>.

⁷ Joselow, *supra* note 5.

⁸ See e.g., Memorandum to Heads of Executive Branch Departments and Agencies: Next Steps for Protecting Scientific Integrity, Office of Sci. and Tech. Policy (Mar. 25, 2022), *available at* <https://www.whitehouse.gov/wp-content/uploads/2022/03/03-2022-Next-Steps-for-Protecting-Scientific-Integrity.pdf>.

⁹ See, e.g., NAT'L SCI. AND TECH. COUNCIL, OPPORTUNITIES AND ACTIONS FOR OCEAN SCIENCE AND TECHNOLOGY (2022-2028), *available at* <https://www.whitehouse.gov/ostp/news-updates/2022/03/31/white-house-office-of-science-technology-policy-ostp-unveils-vision-for-inclusive-ocean-science-and-technology/>.

¹⁰ See, e.g., Press Release, The White House, Remarks of Dr. Jane Lubchenco at the UN Ocean Conference (June 30, 2022), <https://www.whitehouse.gov/ostp/news-updates/2022/06/30/remarks-of-dr-jane-lubchenco-at-the-un-ocean-conference/>.

¹¹ Alex Thompson, *Biden's Top Science Adviser, Eric Lander, Resigns Amid Reports of Bullying*, POLITICO, Feb. 7, 2022, <https://www.politico.com/news/2022/02/07/eric-lander-resigns-00006545>.

¹² Alex Thompson, *Biden's Top Science Adviser Bullied and Demeaned Subordinates, According to White House Investigation*, POLITICO, <https://www.politico.com/news/2022/02/07/eric-lander-white-house-investigation-00006077>, Feb. 7, 2022.

leadership of the OSTP should be models of behavior for the entire federal research enterprise, not appear to receive special treatment or be held to less strict standards than every other federal employee.

Given our congressional oversight responsibilities over the implementation of federal laws and programs, as well as over the agencies and entities responsible for their execution,¹³ we are investigating the Administration's management of the OSTP and resulting impacts on federal science-based policies.

As such, please provide the following documents and information to our Committees, by no later than October 22, 2022:

1. All documents and communications, from March 19, 2021 to the present, referring or relating to Dr. Jane Lubchenco's involvement or participation in the report, *Protecting the Integrity of Government Science*,¹⁴ her involvement or participation in the Task Force on Scientific Integrity, established by the *Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity*;¹⁵ and her involvement or participation in any other Biden Administration scientific integrity initiatives, programs, or efforts;
2. All documents and communications, from March 19, 2021 to the present, received or transmitted by, or copying Dr. Jane Lubchenco, relating to the report, *Protecting the Integrity of Government Science*,¹⁶ her involvement or participation in the Task Force on Scientific Integrity, established by the *Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity*;¹⁷ and her involvement or participation in any other Biden Administration scientific integrity initiatives, programs, or efforts;
3. All documents and communications, from March 19, 2021 to the present, referring or relating to Dr. Jane Lubchenco's work as the editor of the article published in the PNAS, *A global network of marine protected areas for food*,¹⁸ the retraction of such article, and any sanctions or consequences imposed on Dr. Lubchenco by the NAS.

In order to conduct our oversight efforts and determine whether legislative action is required, we request that the Administration preserve all documents, communications, and data

¹³ See Rules of the House of Representatives for the 117th Congress, Rule X, cl. 2.

¹⁴ NAT'L SCI. AND TECH. COUNCIL, PROTECTING THE INTEGRITY OF GOVERNMENT SCIENCE (Jan. 2022), available at <https://www.whitehouse.gov/ostp/news-updates/2022/01/11/white-house-office-of-science-technology-policy-releases-scientific-integrity-task-force-report/>.

¹⁵ Presidential Memorandum on Restoring Trust in Government through Scientific Integrity and Evidence-Based Policymaking, 85 Fed. Reg. 8845 (Feb. 10, 2021).

¹⁶ NAT'L SCI. AND TECH. COUNCIL, *supra* note 14.

¹⁷ Presidential Memorandum on Restoring Trust in Government through Scientific Integrity and Evidence-Based Policymaking, 85 Fed. Reg. 8845.

¹⁸ Cabral et al. *supra* note 3.

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(“records”) that may be relevant to our investigation of this subject. The term “records” is broad and includes both paper and electronic records. Accordingly, we request that you:

1. Exercise reasonable efforts to notify all current and former employees, contractors, subcontractors, and consultants who may have access to such records that they are to be preserved;
2. Identify and preserve any records which may have been deleted or marked for deletion, but are still recoverable; and
3. If it is the routine practice of any employee or contractor to destroy or otherwise alter such records, either halt such practices or arrange for the preservation of complete and accurate duplicates or copies of such records, suitable for production, if requested.

Thank you for your prompt attention to this matter. If you have any questions about this request, please contact the Minority staff of the House Committee on Science, Space, and Technology at (202) 225-6371.

Sincerely,



Frank Lucas
Ranking Member
Committee on Science, Space,
and Technology



Bruce Westerman
Ranking Member
Committee on Natural Resources

cc: The Honorable Eddie Bernice Johnson, Chair, Committee on Science, Space, and Technology.

The Honorable Raúl Grijalva, Chair, Committee on Natural Resources.