

Congress of the United States
House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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January 27, 2023

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

Dear Director Prabhakar:

The Committee on Science, Space, and Technology (Committee) is continuing its investigation of the misconduct of Dr. Jane Lubchenco, Deputy Director for Climate and Environment at the Office of Science and Technology Policy (OSTP). We previously wrote to the President regarding allegations against Dr. Lubchenco but, now the National Academies of Sciences (NAS) has sanctioned Dr. Lubchenco after confirming she violated its code of conduct related to conflicts of interest. As part of its investigation, the Committee is again requesting documents and information related to the actions the Administration took both leading up to, and in response to, the decision of the NAS to sanction Dr. Lubchenco.

In a letter sent on February 10, 2022, the Committee highlighted Dr. Lubchenco's reported conflicts of interest as an editor of an article on marine protected areas for NAS's journal, the *Proceedings for the National Academy of Sciences (PNAS)*.¹ To summarize the breaches of scientific integrity laid out in that letter, Dr. Lubchenco agreed to serve as editor despite being related by marriage to one of the authors, and later published a paper with the same authors that depended on their published data, creating multiple conflicts of interest.²

As outlined in PNAS guidelines, "A competing interest due to personal association arises if you are asked to serve as editor or reviewer of a manuscript whose authors include a person with whom you have a family relationship..." or "...with whom you had an association, such as a thesis advisor (or advisee), postdoctoral mentor (or mentee), or coauthor of a paper, within the last 48 months." Dr. Lubchenco was in violation of both criteria and chose to ignore the clearly stated

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) [https://republicans-science.house.gov/_cache/files/1/1/114fa058-8e99-48a3-b4d1-e75e3b599e11/E6707A995DD6C44A35C41CFEEA11A703.2022-02-10-letter-to-wh-on-lubchenco-scientific-integrity.pdf], see also *A global network of marine protected areas for food (Cabral et al.)*, [<https://doi.org/10.1073/pnas.2117750118>].

² *supra note 1, (letter)*.

policy that she, "...may not serve as editor or reviewer."³ These guidelines are in place to prevent the promotion of bad science and the expenditure of additional federal funds to in order to correct the avoidable error.

Despite these violations existing at the time of her appointment, Dr. Lubchenco has been given a prominent role in the Administration and, ironically, tasked with authoring a report on best practices for government scientific integrity, including potential punishments and sanctions. Given this, the Committee asked the President to reconsider her leading role in developing scientific integrity guidelines, and scientific policy generally for the White House.⁴ The Administration chose to disregard this request and not undertake any review or corrective action.

Only six months after the transmission of the Committee's letter highlighting these allegations, NAS confirmed the allegations and took swift action by barring Dr. Lubchenco from participation in all NAS publications and activities for five years.⁵ To our knowledge, a sanction of this magnitude has never occurred at such a senior level at the White House.

Although Dr. Lubchenco stated her regret for her actions,⁶ the Administration continues to move forward implementing the scientific integrity policies she played a key role in developing.⁷ In her position, Dr. Lubchenco continues to lead federal science policy efforts⁸ and represents the United States on the international stage,⁹ despite being barred from participating in the activities of a renowned scientific organization. Dr. Lubchenco's continued role and recent publications affecting scientific integrity policy across the federal government are inherently hypocritical in light of her own scientific integrity violations, as confirmed by the NAS.

On September 22, 2022, the Committee sent another letter requesting documents and information regarding the extent of Dr. Lubchenco's involvement in the Administration's scientific integrity reports and task force, and the Administration's decision to refuse review of her role or pursue corrective actions despite these confirmed violations.¹⁰ The requested documents are essential to congressional oversight of the Administration's management of the OSTP and

³ Proceeding of the National Academies of Sciences, *PNAS Information for Authors*, PNAS.ORG (Revised Dec. 2022), <https://www.pnas.org/pb-assets/authors/ifora-1670266519740.pdf>.

⁴ *supra note 1, (letter)*.

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 *Id.*

⁷ *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>.

⁸ *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/>.

⁹ *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/>.

¹⁰ Letter from Frank Lucas, Ranking Member, House Committee on Science, Space, and Technology, et al., to Joseph R. Biden, Jr., President, and Alondra Nelson, Deputy Assistant to the President and Deputy Director for Science and Society (Sept. 22, 2022).

resulting impacts on federal science-based policies. Despite a deadline of October 22, 2022, no documents or information have been received to date.¹¹

This pattern of ignoring congressional requests and oversight is alarming, especially in the wake of concerns regarding the leadership and culture of the OSTP after former Director Eric Lander resigned¹² 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.”¹³

The Committee again requests that the Administration produce the following documents, in electronic format, for the time period of March 19, 2021, to the present. We request that you provide the requested documents and information as soon as possible, but no later than 5:00 p.m. on February 10, 2023.

1. All documents and communications referring or relating to Dr. Jane Lubchenco’s involvement or participation in the report, *Protecting the Integrity of Government Science*, her involvement or participation in the Task Force on Scientific Integrity, established by the *Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity*; and her involvement or participation in any other Biden Administration scientific integrity initiatives, programs, or efforts;
2. All documents and communications received or transmitted by, or copying Dr. Jane Lubchenco, relating to the report, *Protecting the Integrity of Government Science*, her involvement or participation in the Task Force on Scientific Integrity, established by the *Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity*; and her involvement or participation in any other Biden Administration scientific integrity initiatives, programs, or efforts;
3. All documents and communications 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*, the retraction of such article, the NAS code of conduct, and any sanctions or consequences imposed on Dr. Lubchenco by the NAS.

¹¹ *Id.*

¹² 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>.

¹³ 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.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Frank Lucas". The signature is fluid and cursive, with the first name "Frank" and last name "Lucas" clearly legible.

Frank Lucas

Chairman

Committee on Science, Space, and Technology

cc: The Honorable Zoe Lofgren, Ranking Member, House Committee on Science, Space and Technology