

113TH CONGRESS
1ST SESSION

S. 106

To provide for the establishment, on-going validation, and use of an official set of data on the historical temperature record, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 23 (legislative day, JANUARY 3), 2013

Mr. VITTER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide for the establishment, on-going validation, and use of an official set of data on the historical temperature record, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Access to His-
5 torical Records Act”.

6 **SEC. 2. OFFICIAL DATASET ON HISTORICAL TEMPERATURE**
7 **RECORD.**

8 (a) ESTABLISHMENT OF OFFICIAL DATASET BY
9 NASA.—The Administrator of the National Aeronautics

1 and Space Administration shall establish an official
2 dataset on the historical temperature record.

3 (b) REQUIREMENTS FOR DATASET.—

4 (1) USE OF RAW DATA.—In establishing the
5 dataset required by this section, the Administrator
6 shall use the raw data relating to temperature col-
7 lected by each applicable station and vessel and
8 shall, for that purpose, reexamine applicable records
9 collected by such stations and vessels and accurately
10 quantify the statistical uncertainty (including esti-
11 mates of random and bias errors) of each tempera-
12 ture observation and any subsequent products based
13 on such observation.

14 (2) CLEAR AND FULL IDENTIFICATION OF GAPS
15 IN DATA.—In establishing the dataset, the Adminis-
16 trator shall clearly and fully identify each gap that
17 exists in temperature station data and temperature
18 reading data.

19 (3) FILL-IN DATA.—If in establishing the
20 dataset the Administrator supplies or fills in data to
21 address a gap in temperature station data or tem-
22 perature reading data, or for any other reason, the
23 Administrator shall—

24 (A) clearly and fully identify the data so
25 supplied or filled in as fill-in data; and

1 (B) clearly and fully explain the rationale
2 for supplying or filling in such data.

3 (c) PANEL ON USE OF DATA FOR ESTABLISHMENT
4 OF DATASET.—

5 (1) IN GENERAL.—The Administrator shall es-
6 tablish a panel to assist the Administrator in the es-
7 tablishment of the dataset required by this section.

8 (2) MEMBERS.—The panel shall consist of
9 seven individuals appointed by the Administrator
10 from among individuals in the private sector with ac-
11 knowledged expertise in meteorology and statistics
12 who—

13 (A) do not have a significant financial in-
14 terest in taking a position on the matter of
15 global climate change; and

16 (B) have not received funding from any de-
17 partment, agency, or entity of the Federal Gov-
18 ernment for activities relating to global climate
19 research within the past five years.

20 (3) DUTIES.—The panel shall assist the Admin-
21 istrator in establishing the dataset required by this
22 section by—

23 (A) determining which land surface, sea
24 surface, and satellite records shall be used in
25 the establishment of the dataset;

1 (B) establishing standards and criteria for
2 determining confidence levels for the interpola-
3 tion and extrapolation of historical average
4 global temperatures over successive 25-year pe-
5 riods in the past; and

6 (C) establishing a rationale for an average
7 historical global temperature and a means of
8 analysis for assessing the accuracy of such av-
9 erage.

10 (d) INDEPENDENT VERIFICATION AND VALIDATION
11 OF DATASET.—

12 (1) IN GENERAL.—Not less often than once
13 every three years, the Administrator shall enter into
14 a contract with an appropriate entity that is inde-
15 pendent of the Federal Government to perform a
16 verification and validation of the dataset established
17 under this section.

18 (2) APPROPRIATE ENTITIES.—An entity with
19 which the Administrator enters into a contract
20 under this subsection shall be an entity with per-
21 sonnel having the skills and expertise appropriate for
22 the verification or validation (as the case may be) of
23 the dataset, including the following:

24 (A) For the verification, personnel with
25 skills and expertise relating to computer pro-

1 gramming and computer software development
2 (including error handling).

3 (B) For the validation, personnel with ex-
4 pertise in statistics and meteorology.

5 (3) RESPONSIBILITIES.—In carrying out the
6 verification or validation of the dataset under a con-
7 tract under this subsection, an entity shall carry out
8 such activities with respect to the dataset as the Ad-
9 ministrator shall specify in the contract, including a
10 review of any data interpolation codes for purposes
11 of identifying and eliminating bias.

12 (4) PUBLICATION.—Any algorithms used, and
13 any determinations made, in the verification and val-
14 idation of the dataset pursuant to this subsection
15 shall be made available to the public.

16 **SEC. 3. USE OF DATASET IN GLOBAL CLIMATE RESEARCH.**

17 (a) USE AS SOLE SOURCE OF DATA.—Upon the com-
18 pletion of the establishment of the dataset on the historical
19 temperature record required by section 2, any person or
20 entity engaged in global climate research that is funded
21 in whole or in part with funds from the Federal Govern-
22 ment shall use the dataset as the source of data on the
23 historical temperature record.

24 (b) USE AMONG MULTIPLE SOURCES OF DATA.—In
25 publishing any findings or hypothesis on global climate

1 change, any person or entity engaged in global climate re-
2 search that is funded in whole or in part with funds from
3 the Federal Government shall use the dataset described
4 in subsection (a) as the primary source, or at least one
5 of the primary sources, for historical global temperatures
6 if such person or entity elects to consider multiple sources
7 of such data.

8 **SEC. 4. PUBLIC RELEASE OF TEMPERATURE STATION**
9 **DATA.**

10 (a) **RELEASE OF RAW DATA REQUIRED.**—The Sec-
11 retary of Commerce shall provide for the immediate re-
12 lease to the public, in unadjusted form, of all raw tempera-
13 ture station data from cooperative observers and auto-
14 mated stations collected by the National Climatic Data
15 Center as of the date of the enactment of this Act. The
16 data shall be released to the public in a digital electronic
17 format.

18 (b) **RELEASE OF CERTAIN ANALYSES.**—The Sec-
19 retary shall provide for the immediate release to the public
20 of an analysis of the differences between the raw tempera-
21 ture datasets and the final temperature datasets collected
22 and administered by the National Climatic Data Center
23 as of the date of the enactment of this Act. The analysis
24 shall be released to the public in digital numerical tabular
25 form and in graphical form. One such graph shall show

1 the raw temperature dataset line overlain with the final
2 temperature dataset line over time.

3 **SEC. 5. ACCURACY OF DATA PROCESSING AND DATA AD-**
4 **JUSTMENT.**

5 (a) DATA PROCESSING.—

6 (1) RELEASE TO PUBLIC.—The applicable Fed-
7 eral official shall publish on the Internet website of
8 the agency concerned that is available to the public
9 any coding or other algorithm used by such official
10 in processing data for purposes of complying with
11 the requirements of section 2 or 4, as the case may
12 be, together with a notice of the availability of the
13 review and correction of such coding or algorithm
14 for quality, objectivity, utility, and integrity by such
15 agency pursuant to the administrative mechanisms
16 applicable to such agency under section
17 515(b)(2)(B) of the Information Quality Act.

18 (2) REVIEW.—Any request for the correction of
19 coding or other algorithm under paragraph (1) shall
20 be processed in accordance with the guidelines of the
21 Information Quality Act applicable to the agency
22 concerned not later than 30 days after receipt of
23 such request by such agency.

24 (b) DATA ADJUSTMENT.—

1 (1) METHODS TO COMPLY WITH INFORMATION
2 QUALITY ACT.—The applicable Federal official may
3 not use a method for the adjustment of data for
4 purposes of complying with the requirements of sec-
5 tion 2 or 4, as the case may be, unless such official
6 ensures and certifies that such method complies with
7 the guidelines of the Information Quality Act, in-
8 cluding, but not limited to, requirements as follows:

9 (A) To make available to the public (in-
10 cluding through the Internet website of the
11 agency concerned that is available to the public)
12 the computer coding and a detailed explanation
13 of the processes used in such adjustment of
14 data.

15 (B) To make available to the public (in-
16 cluding through such Internet website) all peer
17 review comments relating to the data being ad-
18 justed and the processes and algorithms used in
19 such adjustment of data.

20 (C) To make available to the public (in-
21 cluding through such Internet website) a de-
22 scription of any previous changes in the data
23 being adjusted and of the effect of such changes
24 on trends, averages, and other statistical cat-
25 egories of such data.

1 (D) To cite all applicable studies, reports,
2 and peer reviewed papers using the data being
3 adjusted or any earlier iterations of such data.

4 (E) To use in such adjustment of data
5 only data and adjustment processes and algo-
6 rithms that are non-proprietary in nature.

7 (F) To require that any agents and con-
8 tractors relied upon in such adjustment of data
9 are subject to section 552 of title 5, United
10 States Code (commonly referred to as the
11 “Freedom of Information Act”), regarding their
12 activities in such adjustment of data.

13 (2) AVAILABILITY UPON REQUEST.—Not later
14 than 10 days after the date of receipt of a request
15 therefor, the applicable Federal official shall make
16 available the certification with respect to a method
17 for the adjustment of data under paragraph (1), to-
18 gether with a description of such method sufficient
19 to permit independent replication of the adjustment
20 made by such method.

21 (c) DEFINITIONS.—In this section:

22 (1) The term “applicable Federal official”
23 means the following:

1 (A) The Administrator of the National
2 Aeronautics and Space Administration for pur-
3 poses of actions under section 2.

4 (B) The Secretary of Commerce for pur-
5 poses of actions under section 4.

6 (2) The term “Information Quality Act” means
7 section 515 of the Treasury and General Govern-
8 ment Appropriations Act, 2001 (as enacted into law
9 by the Consolidated Appropriations Act, 2001 (Pub-
10 lic Law 106–554; 114 Stat. 2763A–153)).

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