

## **BARRY LEE MYERS, NOMINEE FOR NOAA ADMINISTRATOR**

Barry Lee Myers, the former CEO of AccuWeather, was nominated in October 2017 to lead the National Oceanic and Atmospheric Administration (NOAA). His nomination was re-submitted in January 2018 and again in January 2019 after failing to be confirmed in the 115th session of Congress. Myers served as CEO of AccuWeather from 2007 until January 2019 and as a general counsel since 1978.

### **KEY FINDINGS:**

**Myers is the wrong choice for NOAA Administrator. The White House should find someone qualified and without personal and professional conflict to lead this important agency.**

- Barry Myers is Unqualified to be NOAA Administrator
- Barry Myers Favors Policies at Odds with NOAA/NWS's Mandate
- Barry Myers' Personal and Family Financial Interests Present a Serious Conflict to Effective Leadership of NOAA

## **BARRY MYERS IS UNQUALIFIED TO BE NOAA ADMINISTRATOR**

- **Myers Is Not A Meteorologist.** In a 2014 [interview](#), Myers said, "I'm not a meteorologist. My two brothers are. I'm actually a lawyer by profession. I have skills they don't have..." Myers does not hold a scientific degree, something that [E&E News](#) said was "unusual" for NOAA administrators.
- **Opposed by Three Past NOAA Administrators.** "Three former administrators of the agency responsible for the government's vast weather forecasting system have [serious concerns](#) about the businessman President Trump has nominated to be its next leader, and two of them say the nominee has conflicts of interests that should disqualify him, documents and interviews show. It is the first time in the half-century history of the National Oceanic and Atmospheric Administration, or NOAA, that former administrators have voiced such strong opposition, agency veterans say."
- **Myers Appointment to NOAA Opposed By National Weather Service Labor Union.** "Myers's potential appointment is [opposed by the labor union](#) for the National Weather Service, the NWS Employees Organization. Myers and AccuWeather have, at times, butted heads with the Weather Service, opposing certain initiatives that they claimed were unfairly competing with the private sector."
- **Widespread Sexual Harassment under Myers's Watch.** In March 2017, the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP) "found [widespread sexual harassment at AccuWeather](#) (full report [here](#)). Over two dozen witnesses spanning many different departments and in positions ranging from administrative support to senior management described unlawful sexual harassment that occurred at the company. This sexual harassment was so severe and pervasive, that some female employees resigned. Further, [the] investigation confirmed that AccuWeather was aware of the sexual harassment but took no action to correct the unlawful activity." AccuWeather [agreed to pay \\$290,000](#) as part of a settlement to multiple female employees.

## **BARRY MYERS FAVORS POLICIES AT ODDS WITH NOAA/NWS'S MANDATE**

- **Favors Privatization of National Weather Service.** Myers testified in front of Congress in 2013 that the U.S. needed a greater partnership with the private sector in weather forecasting. In 2017, Myers said that the agency had a chance to “unleash” the private sector.
  - **Washington Post: “AccuWeather Has At Times Butted Heads With The Agency, Arguing That It Should Cede Certain Functions To The Private Sector.”** According to the [Washington Post](#), “The prospect of Myers heading NOAA may make some Weather Service employees uncomfortable, however. Over the past two decades, AccuWeather has at times butted heads with the agency, arguing that it should cede certain functions to the private sector.”
- **Tried to Undermine NWS Efforts to Provide Certain Broadcast Weather Services For Free.** According to the [Washington Post](#), “Some private sector and television meteorologists, however, are uncomfortable with this capacity expanding, fearing it’s the first move along a slippery slope towards unfair competition. The concern is that if NWS provides certain broadcast weather services for free, the private sector will lose customers.”
  - **Myers Held “Narrow Interpretation Of The NWS Mission With Respect To The Services It Should Provide.”** Barry Myers, the CEO of AccuWeather, which has long held a [narrow interpretation of the NWS mission](#) with respect to the services it should provide, said activities that would be conducted within the NWS Birmingham television studio are part of the ‘secondary value chain’ and ‘not an NWS activity.’
  - **AccuWeather “Has Long Pressed Congress To Rein In The Activities Of The Weather Service.”** “Still, the repeal generated outcry from the private sector, with AccuWeather Inc. leading the way. The company, which provides information to thousands of subscribers, including The Times-Picayune, has long pressed Congress to rein in the activities of the Weather Service.” [Times-Picayune, 5/6/05]
- **Supported Legislation That Would Have Significantly Reduced NWS Ability To Distribute Information Directly to Public.** In 2005, Myers and his brother Joel, founder of AccuWeather, gave money to then-Sen. Rick Santorum (R-Pa.), who introduced legislation aimed at [curtailing government competition](#) with private weather services. The legislation didn’t receive a single co-sponsor. According to [Politico](#), “Critics of the bill say the legislation reflects an outdated worldview — one that says government data should flow through profit-making middlemen, rather than being released freely to one and all. ‘I think what you see out of Santorum — in particular the weather data thing — is that some private businesses should be anointed to make tons of money off the taxpayers,’ said open-government advocate Carl Malamud. ‘That’s a very 1970s, 1980s mind-set. That’s a pre-Internet mindset.”
- **AccuWeather Owns the Domain For NationalWeatherService.org, Which Sends Visitors to AccuWeather’s Website.** The National Weather Service’s official website is weather.gov. [The Hill, [10/12/17](#)]

## **BARRY MYERS' PERSONAL AND FAMILY FINANCIAL INTERESTS PRESENT SERIOUS CONFLICT TO EFFECTIVE LEADERSHIP OF NOAA**

- **Ethics Concerns Arise from Lobbyist aka “Washington Sherpa” Leading Myers Confirmation Process.** “The relationship between Myers and Fahy raises weighty questions about the [ethics of using private lobbyists](#) to wage confirmation campaigns, particularly lobbyists who stand to gain if the campaign is successful. For example, if Fahy is instrumental in Myers’ confirmation, would Myers be inclined to give Fahy’s clients preferential treatment? Would others at NOAA feel the need to give Fahy information and access because of his ties to the boss? Will companies competing with Fahy’s clients perceive an uneven playing field...?”
- **Divestment in Name Only? Myers Family Retains Control of AccuWeather.** According to financial disclosure forms filed in the Senate, Myers earned more than \$900,000 as CEO and his holdings in AccuWeather were worth up to \$50 million. In an attempt to respond to concerns about his significant financial conflicts and in order to comply with the Office of Government Ethics, Myers [resigned as CEO](#) and sold all his interest in AccuWeather, its subsidiaries and affiliated companies in January 2019. However, he retains significant family connections to the company. In December, FiveThirtyEight [reported](#) that 11 of Myers’ extended family members were current or previous AccuWeather employees, and a few others had close ties to the company.”
- **Business Deal Occurred After Chinese Cyberattack Disabled NOAA’s Satellite Data Dissemination.** Myers pursued a joint venture with Huafeng despite possible national security concerns. “Hackers based in China [breached federal weather systems](#) pertaining to satellites and other critical infrastructure. The attack on web servers led to a satellite data outage, affecting millions of U.S. users of weather information and partners abroad.”
  - Nevertheless, **Myers pursued the deal in order to help his own bottom line**, a [troubling implication](#) for his leadership of NOAA: “In other words, the nominee to lead NOAA is doing business with the country suspected of hacking the agency.”
- **Myers’ Brother Joel Looks to Make Money off NWS Data.** “Its appeal is that it allows portfolio managers to be ahead of everyone else when it comes to weather-related events that can affect their markets....For example, an investment manager could benefit from knowing just five minutes ahead of time that the National Weather Service in Silver Spring, Md., is about to reclassify a Category 3 storm into a more powerful Category 4 storm,” he said. “That could cause a spike in the price of natural gas futures on which the manager could capitalize.” [Investment News, [10/3/05](#)]
  - **Brother Ran Hedge Fund That Shared Same Address as AccuWeather Headquarters.** Weather Prophets Inc. is a hedge fund that was founded in 1993 by AccuWeather founder and President, Joel Myers. The company’s State College location shares the same address as AccuWeather’s global headquarters.

## LOBBYING AND DONATIONS

Barry Myers has donated a total of \$34,600 from 1991-2016, mostly to Republicans. In 2016, Myers donated \$500 to Donald Trump and \$250 to Hillary Clinton.

Barry Lee Myers Donations 1991-2016	
Recipient	Total Amount
Republican Federal Committee of Pennsylvania	\$11,000
Friends of John Peterson	\$7,100
National Republican Congressional Committee	\$7,000
Paterno For Congress	\$2,250
Friends of Glenn Thompson	\$2,000
Friends of Congressman Bill Clinger	\$1,000
Romney For President Inc	\$1,000
Santorum 2006	\$1,000
Scipac	\$500
Friends of Pat Toomey	\$500
Donald J Trump for President, Inc	\$500
Katie McGinty For Senate	\$500
Hillary For America	\$250
<b>TOTAL</b>	<b>\$34,600</b>

[CQ MoneyLine, "Barry Myers," accessed 7/7/17]

AccuWeather has spent more than \$400,000 on lobbying, according to disclosure forms filed in the Senate, from 2004-2017. There was no activity from 2008-2015.