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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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CHAIRMAN

February 9, 2007

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The Honorable Fred Fielding
Counsel to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Mr. Fielding:

We received a letter from your predecessor dated February 1, 2007, regarding the request of the Committee on Energy and Commerce for information, documentation, and potential testimony from the Honorable Allan Hubbard, Director of the National Economic Council (NEC). It is our understanding that your office is currently reviewing this request, and the Committee would appreciate its most expeditious review.

Since the information and documentation we seek was used to support the President's assertions during his State of the Union Address, the Committee assumes this data is readily available for the benefit of its Members as well. The deadline set forth in our initial inquiry of February 1, 2007, has passed. Please advise us in writing at your earliest convenience, but no later than Wednesday, February 14, 2007, when the Administration will satisfy the Committee's request.

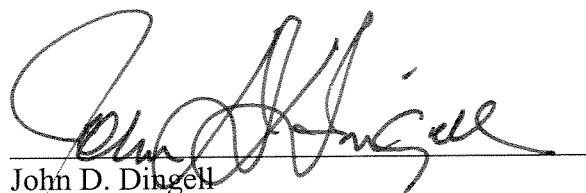
Your letter also stated that Mr. Hubbard must decline any invitation to testify before the Committee "in keeping with a longstanding policy of the Executive Branch that members of the President's personal staff should decline requests to testify before congressional committees." Although the Committee had not formally invited Mr. Hubbard to testify, it did request that he contact Committee staff regarding his availability to appear at some point in the future. We note, as of today, the Committee has received no communication directly from Mr. Hubbard on this matter. Attached for your reference is a formal letter inviting Mr. Hubbard to testify before the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce on Thursday, February 28, 2007.

Moreover, we are puzzled by your assertion that the Executive Branch has a longstanding policy preventing assistants to the President from testifying before Congressional committees. During the past three decades alone, assistants to the President have appeared before Congress on more than 45 occasions, including 9 instances by the Honorable Thomas Ridge, Assistant to President Bush for Homeland Security. We note that at least three assistants to the President have testified before Congressional committees in recent years specifically regarding global climate change. Numerous other employees of the Executive Office of the President have presented testimony since its creation in 1939, including counsels to the President. The practice of presidential advisors appearing before Congress has been well documented and is vital to its legislative and oversight functions under Article 1 of the Constitution.

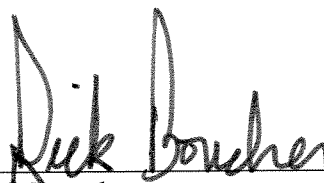
The Committee invites Mr. Hubbard to appear and present testimony regarding policy initiatives of great national importance. The invitation is noncompulsory, at this time, and it is not connected to any allegation of impropriety or wrongdoing, as many of the examples referenced above have been. It is vital for the benefit of its Members and the public that the Committee's official record reflect the President's recommendations and any rationale available in support of them. The Committee believes the testimony of Mr. Hubbard will uniquely illuminate its record on these matters and has therefore requested his presence.

It is our desire to work cooperatively with the President on the issues of energy independence and global climate change during the next two years. The Committee seeks to identify policies upon which we can agree. When the Committee requests substantive information on these matters, however, it would be most useful to its efforts for the Administration to respond in a cooperative and timely fashion. If you have any questions, please contact Jonathan Cordone, Deputy Chief Counsel to the Committee, at (202) 225-2927.

Sincerely,



John D. Dingell
Chairman



Rick Boucher
Chairman
Subcommittee on Energy and Air Quality

The Honorable Fred Fielding
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Attachment

cc: The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable J. Dennis Hastert, Ranking Member
Committee on Energy and Commerce