

**ALLEGATIONS OF POLITICAL INTERFERENCE WITH
GOVERNMENT CLIMATE CHANGE SCIENCE**

HEARING

BEFORE THE

**COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM**

HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

MARCH 19, 2007

Serial No. 110-21

Printed for the use of the Committee on Oversight and Government Reform



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CONTENTS

	Page
Hearing held on March 19, 2007	1
Statement of:	
Connaughton, James L., chairman, White House Council on Environmental Quality	369
Cooney, Philip, former chief of staff of the White House Council on Environmental Quality; James Hansen, Director, NASA Goddard Institute for Space Studies; and George Deutsch, former NASA Public Affairs Officer	248
Cooney, Philip	248
Deutsch, George	318
Hansen, James	304
Spencer, Roy, University of Alabama, Huntsville	416
Letters, statements, etc., submitted for the record by:	
Connaughton, James L., chairman, White House Council on Environmental Quality, prepared statement of	372
Cooney, Philip, former chief of staff of the White House Council on Environmental Quality, prepared statement of	251
Deutsch, George, former NASA Public Affairs Officer, prepared statement of	320
Hansen, James, Director, NASA Goddard Institute for Space Studies, prepared statement of	306
Issa, Hon. Darrell E., a Representative in Congress from the State of California, exhibits and supplemental minority memorandum	192
Spencer, Roy, University of Alabama, Huntsville:	
Prepared statement of	418
Prepared statement of Roger Pielke, Jr.	437
Waxman, Chairman Henry A., a Representative in Congress from the State of California, prepared statement of	4

ALLEGATIONS OF POLITICAL INTERFERENCE WITH GOVERNMENT CLIMATE CHANGE SCIENCE

MONDAY, MARCH 19, 2007

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC.

The committee met, pursuant to notice, at 10 a.m., in room 2154, Rayburn House Office Building, Hon. Henry A. Waxman (chairman of the committee) presiding.

Present: Representatives Waxman, Watson, Yarmuth, Norton, Van Hollen, Welch, Shays, Souder, Cannon, and Issa.

Staff present: Phil Schiliro, chief of staff; Phil Barnett, staff director and chief counsel; Kristin Amerling, general counsel; Karen Lightfoot, communications director and senior policy advisor; Greg Dotson, chief environmental counsel; Alexandra Teitz, senior environmental counsel; Jeff Baran, counsel; Early Green, chief clerk; Teresa Coufal, deputy clerk; Matt Siegler, special assistant; Caren Auchman, press assistant; Zhongrui "JR" Deng, chief information officer; Rob Cobbs, staff assistant; David Marin, minority staff director; Larry Halloran, minority deputy staff director; Jennifer Safavian, minority chief counsel for oversight and investigations; Keith Ausbrook, minority general counsel; A. Brooke Bennett, minority counsel; Kristina Husar, minority professional staff member; Larry Brady, minority senior investigator and policy advisor; Patrick Lyden, minority parliamentarian and member services coordinator; Brian McNicoll, minority communications director; Benjamin Chance, minority clerk; and Ali Ahmad, minority staff assistant and online communications coordinator.

Chairman WAXMAN. Meeting of the committee will come to order. Today the committee continues its investigation into whether the nonpartisan work of climate change scientists was distorted by political interference from the Bush administration. Since our first hearing on January 30th, we have received over eight boxes of documents from the White House Council on Environmental Quality.

The document production is not yet complete, but some of the information the committee has already obtained is disturbing. It suggests that there may have been a concerted effort, directed by the White House, to mislead the public about the dangers of global climate change.

It is too early in this investigation to draw firm conclusions about the White House's conduct. But today's hearing will help us learn

more about those efforts and provide guidance on whether further investigation is warranted.

There is a saying in Washington that personnel is policy. The White House appointed an oil industry lobbyist, not a scientist or climate change expert, as chief of staff at the Council on Environmental Quality.

We will hear from that former lobbyist, Phil Cooney, today. The documents we have received indicate he was able to exert tremendous influence on the direction of Federal climate change policy and science.

One of the key responsibilities given to Mr. Cooney and his staff at CEQ was the review of government publications about climate change.

Mr. Cooney and his staff made hundreds of separate edits to the government's strategic plan for climate change research. These changes injected doubt in place of certainty, minimized the dangers of climate change, and diminished the human role in causing the planet to warm.

Other key government reports, including an EPA report on the environment and an annual report to Congress on the changing planet were subject to similar edits and distortions.

In preparation for this hearing, the majority staff prepared a memorandum for members analyzing the changes made by Mr. Cooney and his staff to these government climate change reports. And I ask that this memorandum and the CEQ documents it cites be made part of the hearing record. I also ask that Mr. Cooney's deposition be made part of the hearing record as well.

Another facet of the White House campaign involved controlling what Federal scientists could say to the public and the media about their work. NASA scientist James Hansen is one of the Nation's most esteemed experts on climate change. George Deutsch is a young and inexperienced former NASA public affairs officer who was tasked with managing the public statements of Dr. Hansen and other NASA scientists. Today we will hear from both of them about their experiences.

There is even evidence in the documents we have obtained that the White House edited an op-ed written by former EPA Administrator Christine Todd Whitman to ensure that it followed the White House line about climate change.

Our goal in this investigation is to understand what role the White House actually played. It would be a serious abuse if senior White House officials deliberately tried to defuse calls for action by ensuring that the public heard a distorted message about the risks of climate change.

In addressing climate change, science should drive policy. The public and Congress need access to the best possible science to inform the policy debate about how to protect the planet from irreversible changes. If the administration turned its principle upside down with raw political pressure, it would put our country on a dangerous course. Today's hearing should bring us closer to understanding whether that is suspicion or fact.

I look forward to the testimony of the witnesses and thank them for their cooperation. I want to recognize members for opening statements and to recognize Mr. Issa first.

[NOTE.—The CEQ Documents may be viewed in the committee's office.]

[The prepared statement of Chairman Henry A. Waxman follows:]

**Statement of Rep. Henry A. Waxman
Chairman, Committee on Oversight and Government Reform
Hearing on Political Interference with Science:
Global Warming, Part II
March 19, 2007**

Today, the Committee continues its investigation into whether the nonpartisan work of climate change scientists was distorted by political interference from the Bush Administration.

Since our first hearing on January 30, we have received over eight boxes of documents from the White House Council on Environmental Quality. The document production is not yet complete. But some of the information the Committee has already obtained is disturbing. It suggests there may have been a concerted effort directed by the White House to mislead the public about the dangers of global climate change.

It is too early in this investigation to draw firm conclusions about the White House's conduct. But today's hearing will help us learn more about those efforts and provide guidance on whether further investigation is warranted.

There is a saying in Washington that “personnel is policy.” The White House appointed an oil industry lobbyist — not a scientist or climate change expert — as chief of staff at the Council on Environmental Quality. We will hear from that former lobbyist, Phil Cooney, today. The documents we have received indicate he was able to exert tremendous influence on the direction of federal climate change policy and science.

One of the key responsibilities given to Mr. Cooney and his staff at CEQ was the review of government publications about climate change. Mr. Cooney and his staff made hundreds of separate edits to the government’s “strategic plan” for climate change research. These changes injected doubt in place of certainty ... minimized the dangers of climate change ... and diminished the human role in causing the planet to warm.

Other key government reports — including an EPA report on the environment and an annual report to Congress on the changing planet — were subject to similar edits and distortions.

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If the Administration turned this principle upside down with raw political pressure, it put our country on a dangerous course. Today's hearing should bring us closer to understanding whether that is suspicion or fact.

I look forward to the testimony of the witnesses and thank them for their cooperation.

HENRY A. WAXMAN, CALIFORNIA
CHAIRMAN

TOM DAVIS, VIRGINIA
RANKING MINORITY MEMBER

ONE HUNDRED TENTH CONGRESS
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MEMORANDUM

March 19, 2007

To: Democratic Members of the Committee on Oversight and Government Reform
Fr: Oversight and Government Reform Committee Majority Staff
Re: Full Committee Hearing on Political Interference with Science: Global Warming, Part II

This memo supplements the March 14, 2007, majority staff memo on the full committee hearing entitled, "Political Interference with Science: Global Warming, Part II." As discussed in the March 14 memo, the hearing will examine evidence and examples of political interference with the work of government climate change scientists under the current Administration.

This supplemental memo provides an update on developments in the Committee's investigation since the last hearing. The supplemental memo is based primarily on two new sources of information: (1) documents provided to the Committee by the White House Council on Environmental Quality (CEQ) and (2) the Committee's deposition of Philip Cooney, the former Chief of Staff of CEQ, on March 12, 2007. CEQ has been providing some documents to the Committee on a weekly basis. CEQ has not yet completed its document production to the Committee.

The CEQ documents appear to portray a systematic White House effort to minimize the significance of climate change. The documents show that Mr. Cooney and other CEQ officials made at least 181 edits to the Administration's *Strategic Plan of the Climate Change Science Program* to exaggerate or emphasize scientific uncertainties. They also made at least 113 edits to the plan to deemphasize or diminish the importance of the human role in global warming. Other Administration documents that were heavily edited by Mr. Cooney and CEQ include EPA's *Report on the Environment* and the annual report to Congress entitled *Our Changing Planet*.

Other CEQ documents provide evidence that the White House played an active role in deciding when federal climate change scientists could answer media questions about their work.

I. CEQ EDITS TO GLOBAL WARMING REPORTS

The CEQ documents and the deposition of Mr. Cooney reveal that Mr. Cooney and other CEQ officials made extensive edits to at least three important Administration documents addressing global warming: (1) the *Strategic Plan for the Climate Change Science Program*, (2) EPA's *Report on the Environment*, and (3) the fiscal year 2003 edition of *Our Changing Planet*, an annual report to Congress.

A. Strategic Plan of the Climate Change Science Program

In July 2003, the Administration released a document entitled *Strategic Plan for the Climate Change Science Program* to guide research into the effects of climate change. The importance of the *Strategic Plan* was described by the National Research Council:

The issues addressed by the U.S. Climate Change Science Program (CCSP) are among the most crucial of those facing humankind in the twenty-first century. ... [S]etting new strategic directions for the CCSP is particularly important. This new program must complement the research of the last decade, which focused on building an understanding of the Earth system, with research to explicitly support decision making. To do so, it will be necessary to continue research into the physical, chemical, and biological aspects of climate and associated global changes, and to add research that will enable decision makers to understand the potential impacts ahead and make choices among possible response strategies.¹

The Committee has obtained numerous drafts of the *Strategic Plan*. These drafts have been extensively edited by CEQ, primarily by Mr. Cooney. The edits have the effect of exaggerating or emphasizing scientific uncertainties, deemphasizing the human role in global warming, inserting references to the possible benefits of climate change, removing references to taking action to combat global warming based on the science, and removing references to the *National Assessment of the Potential Consequences of Climate Variability and Change*.

In four rounds of CEQ edits to the *Strategic Plan*, Mr. Cooney and Brian Hannegan of CEQ made at least 181 edits that had the effect of exaggerating or emphasizing scientific uncertainties related to global warming.² Dozens of these edits were reflected in the final version of the *Strategic Plan*. For example:

- The October 21, 2002, draft read: "Warming temperatures will also affect Arctic land areas."³ Mr. Cooney replaced the certainty of "will" with the uncertainty of "may."

¹ National Research Council, *Implementing Climate and Global Change Research: A Review of the Final U.S. Climate Change Science Program Strategic Plan* (2004).

² These drafts are dated October 28, 2002, May 30, 2003, June 2, 2003, and June 16, 2003.

³ Draft of *Strategic Plan for the Climate Change Science Program* at 20 (Oct. 21, 2002) (Bates # 791).

With his edit, the sentence read: “Warming temperatures may also affect Arctic land areas.”⁴

- The May 28, 2003, draft read: “recent warming has been linked to longer growing seasons..., grass species decline, changes in aquatic diversity, and coral bleaching.”⁵ Mr. Cooney inserted the words “indicated as potentially,” so that the sentence read: “recent warming has been indicated as potentially linked to growing seasons..., grass species decline, changes in aquatic diversity, and coral bleaching.”⁶ This edit introduces a sense of uncertainty that is not present in the original draft prepared by government scientists.
- The June 5, 2003, draft read: “Climate modeling capabilities have improved dramatically in recent years and can be expected to continue to do so. As a result, scientists are now able to model Earth system processes and the coupling of those processes on a regional and global scale with increasing precision and reliability.”⁷ CEQ eliminated these sentences from the draft.⁸

In the four rounds of CEQ edits to the *Strategic Plan*, Mr. Cooney and Brian Hannegan of CEQ also made at least 113 edits that deemphasized or diminished the importance of the human role in global warming. Dozens of these changes were reflected in the final version of the *Strategic Plan*. For example:

- The October 21, 2002, draft read: “Moreover, model simulations that incorporate a full suite of natural and anthropogenic forcings have demonstrated that the observed changes over the past century are consistent with a significant contribution from human activity.”⁹ Mr. Cooney replaced “demonstrated” with “indicated” and inserted a “likely.” These edits had the effect of minimizing the human contribution to global warming. The resulting sentence read: “Moreover, model simulations that incorporate a full suite of natural and anthropogenic forcings have indicated that the observed changes over the past century are likely consistent with a significant contribution from human activity.”¹⁰

⁴ *Id.*

⁵ Draft of *Strategic Plan for the Climate Change Science Program* at 8-5 (May 28, 2003) (Bates # 798).

⁶ *Id.*

⁷ Draft of *Strategic Plan for the Climate Change Science Program* at 294 (June 5, 2003) (Bates # 363).

⁸ *Id.*

⁹ Draft of *Strategic Plan for the Climate Change Science Program* at 63 (Oct. 21, 2002) (Bates # 791).

¹⁰ *Id.*

- The June 2, 2003, draft defined “mitigation” to mean “an intervention to reduce the causes or effects of human-induced change in climate.”¹¹ CEQ’s edits eliminated the phrase “human-induced” from this definition.¹²

CEQ also inserted references to the possible benefits of climate change. For example, the June 2, 2003, draft read: “Identify ecological systems susceptible to abrupt environmental changes with potentially severe impacts on goods and services.”¹³ This statement expressed clear concerns about the economic effects of global warming. CEQ replaced “severe” with “significant (positive or negative).” As a result, the draft stated: “Identify ecological systems susceptible to abrupt environmental changes with potentially significant (positive or negative) impacts on goods and services.”¹⁴ Unlike the original statement, this revised statement did not seem to raise the same concerns about the economic effects of global warming.

In addition, CEQ removed references to taking action to combat global warming based on the science. For instance, the June 16, 2003, edits removed five references to “decision-relevant” or “policy-relevant” information.¹⁵ In a document listing all of the edits that CEQ made on that date, CEQ commented: “payoff is improved understanding, not enabling of actions.”¹⁶

Finally, CEQ successfully removed nine references to the *National Assessment of the Potential Consequences of Climate Change* from various drafts of the *Strategic Plan*. At the last climate change hearing, Rick Piltz, formerly a Senior Associate at the Climate Change Science Program, testified that the *National Assessment*, which was released in 2000, is “the most comprehensive and authoritative scientifically based assessment of the potential consequences of climate change for the United States.”¹⁷ According to the National Academy of Sciences, the *National Assessment* represents “the current standard for comprehensive regional and sectoral analyses of the potential impacts of climate change for the United States.”¹⁸

Mr. Cooney was asked about the deletions of the references to the *National Assessment* in his deposition. Mr. Cooney testified that he thought that a legal settlement agreement between

¹¹ Draft of *Strategic Plan for the Climate Change Science Program* at 3 (June 2, 2003) (Bates # 363).

¹² *Id.*

¹³ Draft of *Strategic Plan for the Climate Change Science Program* at 168 (June 2, 2003) (Bates # 363).

¹⁴ *Id.*

¹⁵ Draft of *Strategic Plan for the Climate Change Science Program* (June 2, 2003 and June 5, 2003) (Bates # 363).

¹⁶ *Id.*

¹⁷ House Committee on Oversight and Government Reform, *Hearings on Political Interference with Science: Global Warming* (Jan. 30, 2007).

¹⁸ National Research Council, *Analysis of Global Change Assessments: Lessons Learned* (Feb. 2007).

the Bush Administration and the oil industry funded Competitive Enterprise Institute prohibited the Administration from mentioning the *National Assessment* in the *Strategic Plan*.¹⁹ However, he also testified that he did not speak with the Department of Justice about the meaning of the settlement agreement and did not “really know what it absolutely requires and absolutely doesn’t.”²⁰

In his deposition, Mr. Cooney also stated that CEQ’s edits were merely recommended changes that could be accepted or rejected by Dr. James Mahoney, the Director of the Climate Change Science Program. According to the CEQ documents, however, Mr. Cooney signed a “concurrence sheet” before the release of the final document. This concurrence sheet stated that Mr. Cooney “approved” the *Strategic Plan*.²¹

B. Report on the Environment

The Committee has also obtained new information regarding CEQ’s edits to EPA’s *Report on the Environment*. This report was released in draft form by EPA in June 2003 for public comment. The report was supposed to be EPA’s “first-ever national picture of the U.S. environment.”²² The goal of the report was to describe “what EPA knows — and doesn’t know — about the current state of the environment at the national level, and how the environment is changing.”²³

CEQ has provided the Committee with copies of Mr. Cooney’s handwritten edits to a draft of the EPA report.²⁴ In these edits, Mr. Cooney deleted uncontroversial statements about the knowledge of climate change. For example, he deleted the statement, “Climate change has global consequences for human health and the environment.” Additionally, he deleted a sentence that quoted from the National Academy of Sciences:

The NRC [National Research Council] concluded that “Greenhouse gases are accumulating in the atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise.”

Mr. Cooney replaced this sentence with a sentence that leaves the reader wondering about the significance of human activities:

¹⁹ Committee on Oversight and Government Reform, *Deposition of Philip Cooney* at 97 (Mar. 12, 2007).

²⁰ *Id.* at 103, 101.

²¹ *Id.* at 57, 61, 73, 74, 82, 132, 146 151-152, 156-157; Bates # 1484.

²² Environmental Protection Agency, *Draft Report on the Environment* (June 2003).

²³ *Id.*

²⁴ Environmental Protection Agency, *Draft Report on the Environment*, Global Issues Section (Apr. 11, 2003).

Some activities emit greenhouse gases and other substances that directly or indirectly may affect the balance of incoming and outgoing radiation, thereby potentially affecting climate on regional and global scales.²⁵

Mr. Cooney also deleted any reference to average surface temperature reconstructions, which indicate that temperatures have been rising over the past 1000 years. Moreover, he included a reference to a study funded by the American Petroleum Institute that disputes the judgment of the National Academy of Sciences and the Intergovernmental Panel on Climate Change.²⁶

CEQ produced a copy of a cover sheet that accompanied a set of Mr. Cooney's edits to the draft EPA report. On this cover sheet, Mr. Cooney wrote, "These changes must be made."²⁷ During his deposition, Mr. Cooney confirmed that he wrote this comment and acknowledged that "the language is mandatory."²⁸ He further testified: "If they want to publish, they need to respond, to engage our comments. And so it was my way of getting Alan Hecht [an EPA employee detailed to work at CEQ] something to go back to the Agency with and say, you have got to engage their comments."²⁹

The Committee has also been provided a copy of a June 2003 EPA memo, in which EPA staff described three options for responding to CEQ's extensive edits to the *Report on the Environment* from which the EPA Administrator could choose. Option 1 was for the EPA Administrator to accept the CEQ and OMB edits. While EPA staff noted this was the "easiest" course of action, they also cautioned that "EPA will take responsibility and severe criticism from the science and environmental community for poorly representing the science."³⁰ According to the EPA staff, the edited report "undercuts" the National Research Council and the Intergovernmental Panel on Climate Change.³¹ EPA staff further warned that the edited report "provides specific text to attack" and creates the "potential to extend the period of criticism."³²

The second option that EPA staff outlined for the EPA Administrator was to remove the climate change section entirely from the *Report on the Environment*. The benefits of this approach, according to EPA staff, were that it would provide "little content for attacks on EPA's

²⁵ *Id.*

²⁶ *Id.*

²⁷ Cover Sheet (undated) (WH 6, EPA Draft Report on the Environment).

²⁸ House Committee on Oversight and Government Reform, *Deposition of Philip Cooney* at 159-160 (Mar. 12, 2007).

²⁹ *Id.* at 160.

³⁰ Environmental Protection Agency, *Summary Issues Surrounding Presentation of Climate Change: EPA's Draft Report on the Environment* (undated) (WH 22, EPA Draft Report on the Environment).

³¹ *Id.*

³² *Id.*

science” and it “may be the only way to meet both WH and EPA needs.”³³ EPA staff expressed concern that “EPA will take criticism for omitting climate change” from the report.³⁴

The third option for the EPA Administrator was to refuse to accept the White House’s “no further changes” direction and try to reach compromise.³⁵ EPA staff seemed to prefer this approach, stating that it was the “only approach that could produce a credible climate change section” in the *Report on the Environment*.³⁶ However, they warned, this course of action could “antagonize the White House” and “it is likely not feasible to negotiate agreeable text.”³⁷

In the end, EPA Administrator Whitman took the second option and deleted the discussion of climate change when the *Report on the Environment* was released in draft form for public comment. During his deposition, Mr. Cooney testified that he believed that CEQ Chairman Connaughton personally met with then-EPA Administrator Whitman to resolve the disagreements between CEQ and EPA regarding the edits. According to Mr. Cooney, “Governor Whitman made the decision to remove the 5-page summary on climate change science.”³⁸

EPA never issued a final version of the *Report on the Environment*.

C. Our Changing Planet

A third climate change document edited by Mr. Cooney and CEQ is the fiscal year 2003 edition of *Our Changing Planet*, an annual report to Congress. The *Our Changing Planet* report was the Administration’s primary communication to Congress about the status of the U.S. Climate Change Science Program. This document provided the basis for congressional oversight and budget planning.

The Committee has obtained a November 4, 2002, memorandum from Dr. Mahoney and Dr. Richard Moss of the Climate Change Science Program to Mr. Cooney. The subject line of this memorandum reads: “Response to CEQ Review Comments on FY 2003 ‘Our Changing Planet.’”³⁹ In the memorandum, Dr. Mahoney and Dr. Ross explain:

We have accepted and included in the final text about 80 percent of the approximately 110 revisions proposed by CEQ to “Our Changing Planet.” ... These revisions have been

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ House Committee on Oversight and Government Reform, *Deposition of Philip Cooney* at 140 (Mar. 12, 2007).

³⁹ Memorandum from Jim Mahoney and Richard Moss, Climate Change Science Program, to Phil Cooney, Council on Environmental Quality (Nov. 4, 2002) (Bates # 799).

incorporated verbatim except for a few minor instances of editing for syntax and stylistic consistency. However, we have concerns about some of the proposed revisions.⁴⁰

The memorandum then discusses a number of problematic edits. For example, the initial draft read: “Reducing the scientific uncertainty in global climate models could ... provide information essential to projecting the impacts of climate change on ecosystems.”⁴¹ Mr. Cooney changed the statement to: “Reducing the scientific uncertainty in global climate models could ... in the long run provide information on the potential impacts of climate change on ecosystems.”⁴² This edit made climate models seem less useful than they are and climate change less certain than it is. It also implied that global climate models would not provide useful information for a long period of time. Dr. Mahoney and Dr. Ross responded to this edit by stating: “Not just ‘in the long run.’ Research is already providing meaningful information on potential impacts of climate change on ecosystems.”⁴³ The phrase “in the long run” appeared in the final text of the report.

In another case, Dr. Mahoney and Dr. Ross wrote: “The proposed deletion would produce a less accurate and less balanced summary of the key research issues as identified by the NRC [National Research Council].”⁴⁴ Yet the deleted paragraph does not appear in the final version of *Our Changing Planet*. In several other cases, Mr. Cooney wrote “no” in the margin next to the alternative wording provided by Dr. Mahoney and Dr. Ross.

II. CEQ SCREENING AND MONITORING PRESS CONTACTS WITH SCIENTISTS

The Committee has also obtained information indicating that CEQ staff in the White House screened and monitored press contacts with government climate scientists.

In a June 11, 2005, email, an environmental reporter requested an interview with a NOAA scientist “about how climate change science has become politicized.”⁴⁵ In a second June 11, 2005, email, the scientist responded that the reporter would need to ask the NOAA press coordinator.⁴⁶

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.* (underlining added).

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ Email to V. Ramaswamy, National Oceanic and Atmospheric Administration (June 11, 2005).

⁴⁶ Email from V. Ramaswamy, National Oceanic and Atmospheric Administration (June 11, 2005).

Two days later, in a June 13, 2005, email, a NOAA press officer wrote to Michele St. Martin of CEQ. The press officer expressed concern that the reporter “may fish for the answers she’s looking for,” but noted that the NOAA scientist “knows his boundaries.”⁴⁷ He then asked for White House instructions by the end of the day. A follow-up email from the NOAA press officer stated, “if we have CEQ approval to go ahead, then that would be good.”⁴⁸

In another June 13, 2005, email, the NOAA press officer reported that “CEQ and OSTP [the White House Office of Science and Technology Policy] have given the green light for the interview.”⁴⁹ In this email, which was sent to a second NOAA public affairs officer, the press officer stated that Ms. St. Martin “wants me to monitor the call and report back to her when it’s done.”⁵⁰

These emails occurred a few days after Mr. Cooney left CEQ. During his deposition, Mr. Cooney confirmed that CEQ was directly involved in screening press requests to interview government scientists. He testified: “Our communications people would render a view as to whether someone should give an interview or not or who it should be.”⁵¹ He also testified: “I was — may have been involved.”⁵²

However, Mr. Cooney said that he did not recall being aware of Ms. St. Martin telling NOAA to monitor press calls and report back to CEQ.⁵³

⁴⁷ Email from Kent Laborde, National Oceanic and Atmospheric Administration, to Michele St. Martin, Council on Environmental Quality, and Jordan St. John, National Oceanic and Atmospheric Administration (June 13, 2005).

⁴⁸ Email from Kent Laborde, National Oceanic and Atmospheric Administration (June 13, 2005).

⁴⁹ Email from Kent Laborde, National Oceanic and Atmospheric Administration, to Jana Goldman, National Oceanic and Atmospheric Administration (June 13, 2005).

⁵⁰ *Id.*

⁵¹ House Committee on Oversight and Government Reform, Deposition of Philip Cooney at 162 (Mar. 12, 2007).

⁵² *Id.* at 161.

⁵³ *Id.* at 163

1 RPTS SCOTT
2 DCMN SECKMAN
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5 EXECUTIVE SESSION
6 COMMITTEE ON OVERSIGHT AND
7 GOVERNMENT REFORM,
8 U.S. HOUSE OF REPRESENTATIVES,
9 WASHINGTON, D.C.

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14 INTERVIEW OF: PHILIP COONEY

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Monday, March 12, 2007

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Washington, D.C.

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The deposition in the above matter was held at B-372
Rayburn House Office Building commencing at 1:10 p.m.

25

1 Appearances:

2

3

4

5 For Philip Cooney:

6

7 MARK H. TUOHEY

8 Vinson & Elkins LLP

9 The Willard Office Building

10 1455 Pennsylvania Avenue NW, Suite 600

11 Washington, D.C. 20004-1008

12

13 For Committee on Oversight and Government Reform:

14

15 JEFF BARAN, COUNSEL

16 GREGORY DOTSON, COUNSEL

17 MICHAEL GORDON, COUNSEL

18 ALEXANDRA TEITZ, ESQ., COUNSEL

19 ERIC JONES, ESQ., COUNSEL

20 JENNIFER SAFAVIAN, MINORITY CHIEF COUNSEL

21 A. BROOKE BENNETT, MINORITY COUNSEL

22 KRISTINA M. HUSAR, MINORITY PROFESSIONAL STAFF MEMBER

23

24

25

1 Mr. Dotson. Good afternoon, Mr. Cooney.
2 On behalf of the Committee on Oversight and Government
3 Reform, I thank you for being here today. This proceeding is
4 known as a "deposition." This deposition is part of the
5 committee's investigation into allegations of political
6 interference with government climate change work. The person
7 transcribing this proceeding is a House reporter and Notary
8 Public -- well, not a Notary Public -- authorized to
9 administer oaths. The Notary Public has arrived and will now
10 place you under oath.

11 [Witness sworn.]

12 Mr. Dotson. My name is Greg Dotson. I have been
13 designated as majority counsel for the deposition. I am
14 accompanied by Jeff Baran, and he is also designated as
15 majority counsel for the deposition. There are several other
16 majority staffers here who will now identify themselves.

17 Mr. Gordon. Michael Gordon.

18 Ms. Teitz. Alexandra Teitz.

19 Mr. Jones. Eric Jones.

20 Mr. Dotson. Would minority counsel please identify
21 themselves for the record?

22 Ms. Safavian. Jennifer Safavian.

23 Ms. Bennett. Brooke Bennett.

24 Ms. Husar. Kristina Husar.

25 Mr. Dotson. Before beginning with the questioning, I

1 would like to go over some standard instructions and
2 explanations regarding the deposition.

3 Mr. Cooney, because you have been placed under oath,
4 your testimony here today has the same force and effect as if
5 you were testifying before the committee. If you knowingly
6 provide false testimony, you could be subject to criminal
7 prosecution for perjury -- making false statements -- or
8 other related offenses. Do you understand this?

9 The Witness. I do.

10 Mr. Dotson. Is there any reason you are unable to
11 provide truthful answers to today's deposition?

12 The Witness. No.

13 Mr. Dotson. Under the committee's rules, you are
14 allowed to have an attorney present to advise you.

15 For the record, do you have an attorney, who represents
16 you, appearing with you today?

17 The Witness. I do.

18 Mr. Dotson. Would counsel for Mr. Cooney please
19 identify yourself for the record?

20 Mr. Tuohey. Yes. My name is Mark Tuohey. I am a
21 partner with Vinson & Elkins in Washington, D.C., and I
22 represent Mr. Cooney. Thank you.

23 Mr. Dotson. The deposition will proceed as follows:

24 I will ask you questions regarding the subject matter of
25 the committee's investigation for up to 1 hour. When I am

1 finished, minority counsel has the opportunity to ask you
2 questions for up to 1 hour. Additional rounds of questioning
3 alternating between the majority and the minority counsel may
4 then follow until the deposition is completed.

5 The reporter will be taking down everything you say, and
6 we will make a written record of the deposition. You need to
7 give verbal, audible answers because the reporter cannot
8 record nods or gestures.

9 Also, in order for the record to be clear, please wait
10 until I finish each question before you begin your answer,
11 and I will wait until you finish your response before asking
12 you the next question. Do you understand?

13 The Witness. Yes.

14 Mr. Dotson. If you don't hear a question or don't
15 understand a question, please say so, and we will repeat or
16 rephrase it. If I ask you about conversations or events in
17 the past and you are unable to recall the exact words or
18 details, you should testify to the substance of such
19 conversations or events to the best of your recollection. If
20 you recall only a part of a conversation or of an event, you
21 should give us your best recollection of those events or
22 parts of conversations that you do recall.

23 Do you understand?

24 The Witness. I do.

25 Mr. Dotson. This is a congressional proceeding, and as

1 such, it is different in many respects from a civil or from a
2 criminal proceeding. The rules of evidence that apply in
3 judicial proceedings, such as the rules against hearsay and
4 speculation, are not applicable in congressional proceedings.
5 Generally, the committee is entitled to obtain the
6 information it needs to fulfill its oversight and legislative
7 responsibilities unless the information is protected by a
8 constitutional privilege such as the right against
9 self-incrimination.

10 Mr. Cooney, do you have any questions before we begin
11 the deposition?

12 The Witness. I do not.

13 Mr. Tuohey. Counsel, I do have a point, if I may.

14 It is my understanding that counsel for the Council of
15 Environmental Quality has requested that he be present, and
16 it is my understanding he will not be permitted to be
17 present. I am not going to argue the merits of that.

18 My position is that I think it would be appropriate for
19 counsel to be here because of the privilege issues, but that
20 is your call. However, I did receive -- and I will give you
21 a copy -- this morning of a letter from Dinah Bear, General
22 Counsel of the Council of Environmental Quality, which in sum
23 and substance -- and I am happy to read it if you want me
24 to -- but in sum and substance, it asks that I raise
25 objections where and if necessary to protect either the

1 deliberative process privilege or the executive privilege,
2 and I will do so if I deem it imperative, because Mr. Cooney
3 is not in a position to waive the privilege. It may not be
4 necessary, but I will give you a copy of the letter for the
5 record, and I will raise objections and advise Mr. Cooney
6 appropriately if the privilege issue is implicated in any way
7 that I think it needs to be addressed.

8

9 [Exhibit No. 1
10 was marked for identification.]

11

12 Mr. Tuohey. That is the only point I wanted to make.

13 The only other point I wanted to make was that -- and I
14 made a statement earlier -- I think, in fairness and out of
15 respect for you, Mr. Cooney has a 6:05 flight back to Dallas
16 tonight, so because the understanding was this was to be a
17 3-hour interview, give or take, not exact, we intend to have
18 him take that flight, so I just want to -- I think you are
19 smart in having rounds of an hour, and I think we probably
20 will be finished long before that, but I just want to let you
21 know he has a flight at 6:05 tonight back to Dallas.

22 Ms. Safavian. Two points on what Mr. Tuohey just
23 raised: one on agent's counsel being present. I have a
24 letter that I want to have be part of the record from
25 Mr. Davis where he also asks that agency counsel be present

1 during this deposition, and I have copies that I am happy to
2 pass out to everyone.

3 Mr. Cooney, if you would like a copy.

4 [Exhibit No. 2
5 was marked for identification.]
6

7 The Witness. Thank you.

8 Ms. Safavian. Sure.

9 I wanted to make that point and put it on the record.

10 Also, with regard to the timing of this, I understand
11 that there is obviously time limitations because the witness
12 needs to catch a flight, and we are going to do rounds, so I
13 suggest perhaps, right now, that we start off with 1 hour
14 each and see what time it is and see how much more we both
15 have to do before we decide how to split the rest of the time
16 up because I understand 4:00, give or take a little bit, is
17 what you are saying.

18 Mr. Tuohey. I'm not going to pull the curtain down like
19 we have to be out of here by 4:30.

20 Ms. Safavian. Sure, and we may be done. So why don't
21 we start with that, 1-hour rounds, and then, before we start
22 our next round, we'll determine how much more time we have,
23 that the witness has, and we will divide that up equally.

24 Mr. Dotson. On a couple points, first, on the issue of
25 CEQ, CEQ, as you know, is not invited to this deposition, and

1 since this is a deposition, pursuant to the House Rules, they
2 are actually prohibited from attending under the committee
3 rules. However, Ted Boling, the Deputy General Counsel for
4 CEQ, is waiting in the room outside this door, and he is
5 available should any issues arise for which you would like to
6 consult with him in order to ensure that, to the maximum
7 extent possible, you are able to answer questions.

8 Mr. Tuohey. Okay. Fine.

9 Ms. Safavian. And just to be clear, the committee
10 rules, while they do state that, Greg, there were discussions
11 at the markup of the committee rules where it was explained
12 where there could be exceptions made to that, that it is not
13 a fast and steady rule, so I just want to make sure that that
14 is on the record also.

15 Mr. Dotson. With regard to the 1-hour rounds, I think
16 we do need to get started. We have a lot of material to
17 cover, and I think -- I agree that we'll say that we will
18 proceed in 1-hour rounds, and then we can agree to modify it
19 as appropriate.

20 Ms. Safavian. Well, certainly, if he has to leave at
21 4:30, I don't want to lose part of my time if he has to leave
22 to catch a flight. So, if we each only get an hour and a
23 half or an hour, 45 --

24 Mr. Dotson. If we haven't covered the material by the
25 time, we could continue on a subsequent day, so that is an

1 option as well.

2 Ms. Safavian. Of course.

3 Mr. Tuohey. One other point if I may.

4 There is going to be some reference in response to your
5 questions, questions that I anticipate you will be asking,
6 with respect to documents, in particular, documents of the
7 EPA report and several reports issued by various branches of
8 the Executive Branch of the Government, which I am sure you
9 have copies of -- I have glossies of those reports here if
10 need be -- so that the witness can be responsive to your
11 questions, he has made a chart, a copy of which I will show
12 you here, of different pages in the EPA report which are
13 particularly of interest and, I know, are as to the nature of
14 your questions, and he may refer to this chart from time to
15 time in his testimony, and I just want to let you know. They
16 are simply pages and paragraphs.

17 The Witness. References to pages in the
18 National Academy of Sciences' Report of June 2001.

19 Mr. Tuohey. So he will make that clear. We will make
20 it very clear what he is referring to. Okay. Thank you.

21 Mr. Dotson. Okay. Great.

22

23

EXAMINATION

24

BY MR. DOTSON:

25

Q Mr. Cooney, would you please state your full name

1 for the record.

2 A Philip Andrew Cooney.

3 Q What is your home address?

4 A 1325 Regency Court, Southlake, which is one word,
5 Texas, 76092.

6 Q Where are you currently employed?

7 A ExxonMobil Corporation.

8 Q What is your current position?

9 A My title is Corporate Issues Manager.

10 Q Where did you work before ExxonMobil?

11 A From June 2001 through, I think it was, June 10th,
12 2005, I worked at the White House Council on Environmental
13 Quality as the Chief of Staff, and just to be clear, I
14 believe I began on June 25th of 2001.

15 Q What were your responsibilities as Chief of Staff?

16 A Well, I will try to be concise here.

17 I had broad managerial responsibilities for the
18 preparation of budget, the implementation of budgets, hiring,
19 firing, a whole host of managerial responsibilities within
20 the Agency, but the Agency's mission really is to guide the
21 Federal Government in its compliance with the National
22 Environmental Policy Act, and it is also to serve the
23 President's Policy Development Coordination Office within the
24 White House on Energy, Environmental and Natural Resource
25 Policies, and we had -- you know, I had a staff -- maybe

1 there were 22 full-time staff, something like that, but on
2 occasion, at different times through the administration,
3 there were various interagency task forces where detailees
4 from agencies would come to the White House CEQ to work on
5 discrete matters. We had a NEPA task force that was looking
6 at reforming and improving the NEPA Program. We had a task
7 force on oceans policy and working with the Oceans Commission
8 to develop policies for the administration with respect to
9 oceans, really a huge subject area. Those are examples of
10 the types of task forces that we had at the White House. We
11 also had, you know, detailees at different points from
12 different agencies working on different reports or efforts.

13 Mr. Tuohey. The question is about your
14 responsibilities, not the whole of the Agency.

15 The Witness. Well, in a way, because I was Chief of
16 Staff, I did sort of look across the Agency, but you know,
17 every day was different. I had a lot of managerial
18 responsibility. One essential element of my job was to be
19 sure that priority issues reached the chairman's attention
20 and that our office assignments were made appropriately for
21 reviewing Federal legislation, Federal testimony through the
22 OMB review process, reviewing documents from the staff
23 secretary's office in the White House. If the President were
24 going to give a speech or issue a policy statement or issue a
25 policy book or a fact sheet, you know, all the White House

1 office generally reviewed those. So we would -- you know, I
2 would make sure that our office was -- that someone was
3 reviewing it, things like the Council of Economic Advisors.
4 The economic report of the President comes out annually.
5 That goes to all White House offices for review and
6 clearance, so I would make sure that one or two or three
7 people were reviewing it but primarily managerial. And
8 really, we had different emphases on different issues
9 throughout the 4 years, which would consume varying amounts
10 of my time. That is the best description I can give of my
11 responsibilities.

12 EXAMINATION

13 BY MR. DOTSON:

14 Q Where did you work before working at the Council on
15 Environmental Quality?

16 A I worked at the American Petroleum Institute from
17 January 1986 through, you know, June 2001 when I took the
18 position at the White House, Council on Environmental
19 Quality.

20 Q What positions did you hold there?

21 A My initial position was Junior Attorney, and that
22 was a position that I took after having worked for an
23 administrative law judge at the Department of Labor on a
24 whole host of issues -- black lung and longshoremen's
25 benefits, things like that. So, when I took this job, it was

1 in a different area with the trade association, and I really
2 didn't know what I was getting into necessarily, but I went
3 through the ranks of the Office of General Counsel there, and
4 we had about 20 lawyers in the Office of General Counsel at
5 the American Petroleum Institute, and I was a junior
6 attorney. Then I was a senior attorney, and that was
7 probably for my first 13 years there. I just worked in the
8 Office of General Counsel on a whole host of
9 regulatory/legislative issues. I cannot remember the exact
10 year, but at one point, there was a transition in API's
11 leadership. We got a new president, and there was a
12 reorganization, and I went, and I had the title of Counsel to
13 the Executive Vice President of the American Petroleum
14 Institute, but I was working on a lot of organizational
15 transitional issues maybe for a year and a half. And then,
16 in my last year, I was what they call the team leader of the
17 Climate Team at the American Petroleum Institute. And the
18 way we were organized was that, on priority issues,
19 multidisciplinary teams within the API, were assembled to
20 work on priority issues, you know, for the member companies,
21 and those teams would have scientists, economists, lobbyists,
22 communicators, press people, a team leader sort of steering
23 things, but they were advocacy teams, multidisciplinary teams
24 that were assembled to work on issues.

25 Q As team leader of the Climate Team, what were your

1 responsibilities?

2 A Well, to implement a program of advocacy for the
3 member oil companies. To the extent that they had a
4 consensus position on climate change issues, we, the team,
5 worked in different advocacy realms to advance those
6 positions, so we would undertake media outreach. We would
7 have lobbyists who would come up on the Hill. As you must
8 know, there were a whole host of hearings surrounding the
9 Kyoto Protocol at that time, and we had people cover those
10 hearings, that sort of thing really.

11 Q For the record, I am going to ask you about your
12 educational background.

13 A Yes.

14 Q Please state from where and when you earned your
15 undergraduate degrees.

16 A My undergraduate degree was earned from the
17 University of Richmond in 1981.

18 Q And what was your degree?

19 A I had a double major in Economics and Political
20 Science.

21 Q Were college-level science courses required as part
22 of these degrees?

23 A Yes, they were.

24 Q And what college-level science courses did you
25 take?

1 A Well --

2 Mr. Tuohey. Just, in general, if you remember.

3 The Witness. I believe it was physics that I took to
4 meet the requirement for the Liberal Arts degree, but I don't
5 really remember.

6

7 BY MR. DOTSON:

8 Q Have you taken any postgraduate-level science
9 courses?

10 A Well, I went -- I have a law degree --

11 Q I am going to ask you in a moment about that.

12 A Okay. So, in some cases, law courses cover
13 scientific issues, but no, I didn't take scientific courses,
14 per se, postgraduate.

15 Q You did not take postgraduate-level science
16 courses?

17 A No, but I took legal classes, obviously, that had
18 the elements --

19 Mr. Tuohey. So the answer is, no, you did not, okay?

20 The Witness. Okay. No. Okay. No.

21

22 BY MR. DOTSON:

23 Q Please state the institution from which you earned
24 a law degree and the year in which you received it.

25 A Villanova University, 1984.

1 Q Did you have an area of focus in your study of law?

2 A Not really. No, not really.

3 Q Please state the institution from which you earned
4 an advanced legal degree and the year in which you received
5 it.

6 A In 1989, I received a Master's in Legal Taxation
7 from Georgetown University.

8 Q Now I am going to ask you about your employment at
9 the American Petroleum Institute. So the record is clear, we
10 will sometimes refer to the American Petroleum Institute as
11 "API."

12 Is it accurate that, in the last position you held at
13 API, you were the API staff member, the lead API staff member
14 on the issue of climate change?

15 A I was the team leader. But API had a president and
16 other senior officials who were of higher rank than I who
17 spoke to the climate change advocacy issues.

18 Q Please describe your responsibilities in this
19 position.

20 A Again, it was to coordinate the work of a
21 multidisciplinary team on advocacy on climate change.

22 Q What were your duties comprised of on a day-to-day
23 basis?

24 A You know, there are elements of my job that I
25 remember, you know, public policy jobs.

1 Mr. Tuohey. Just give him your best recollection,
2 period. Just give him your answers.

3 The Witness. Well, on some days, we would attend a
4 hearing, and we would write up a report of the hearing, and
5 we would send it out to the members for their information.
6 On some days, we would go -- we had planned to go and meet
7 with an editorial board of a major newspaper and give
8 positions -- give the industry's positions, particularly
9 about the Kyoto Protocol, which was very controversial at the
10 time. The team would meet sometimes. You know, we would
11 communicate and put together a "to do" list that people were
12 going to do, and someone was going to draft a letter to the
13 editor on behalf of the institute, responding to some
14 editorial or column somewhere. Sometimes we would prepare
15 talking points or deliver third-party studies to committees
16 on the Hill about, say, the economic impacts of the Kyoto
17 Protocol. The lobbyists would make visits. They would plan
18 visits. They would divide responsibilities. It was just
19 general day-to-day advocacy work, and I coordinated our
20 team's implementation of those efforts.

21

22 BY MR. DOTSON:

23 Q Is it accurate to say that your job was to help
24 ensure that any governmental actions taken relating to
25 climate change were consistent with the goals of the American

1 Petroleum Institute?

2 A Yes.

3 Q Was climate change an important issue for API?

4 A It was.

5 Mr. Dotson. I would like to turn to our first document.

6 I will ask the reporter to -- I would like to ask the

7 reporter to mark the document.

8 Ms. Safavian. Do you want to mark that 3 since these

9 are 1 and 2?

10 Mr. Dotson. Ah, yes.

11 [Exhibit No. 3

12 was marked for identification.]

13

14 BY MR. DOTSON:

15 Q Exhibit 3 is an API document dated October 26th,
16 1999. It is a fax from you and David Deal of API to numerous
17 representatives of other trade associations; is that correct?

18 Mr. Tuohey. Take a look, and read it on both pages,
19 first, starting down here.

20 Do you recall the question?

21 The Witness. I don't recall the question.

22 Mr. Tuohey. Just read back the question or say it
23 again, Greg.

24

25 BY MR. DOTSON:

1 Q Exhibit 3 is an API document dated October 26th,
2 1999. It is a fax from you and David Deal of API to numerous
3 representatives of other trade associations; is that correct?

4 A Yes.

5 Q In this fax, you are inviting other trade
6 association representatives to a meeting at the API on
7 November 30th, 1999, to discuss a petition filed at EPA,
8 seeking to regulate carbon dioxide and other greenhouse
9 gases; is that correct?

10 A I am sorry. I was reading while you were speaking.
11 What is the question again?

12 Q The question is that, in this fax, you are inviting
13 other trade association representatives to a meeting at the
14 API on November 30th, 1999, to discuss a petition filed at
15 EPA, seeking to regulate carbon dioxide and other greenhouse
16 gases; is that correct?

17 A That is correct.

18 Q Did this meeting occur?

19 A In all likelihood, it occurred. If five people
20 couldn't make it, we might have rescheduled it. This is
21 something that happened 8 years ago, so I don't want to --

22 Mr. Tuohey. Do you know whether it occurred, yes or no?

23 The Witness. Certainly, an organizational meeting
24 occurred at API. I don't know if it happened on that exact
25 date. I don't know if it came off or not.

1

2

BY MR. DOTSON:

3

Q And you don't know if all of the attendees on that list attended?

4

5

A I don't know.

6

Q Do you know who did attend? Do you have a recollection of who definitely attended?

7

8

A No, I don't. I remember a big meeting room. We got a big meeting room because there were a lot of people, and I remember we hosted a meeting, but I do not remember faces and names around the room.

9

10

11

12

Q If you were to assign a rough number to the number of attendees, what would it be?

13

14

Mr. Tuohey. If you are able to recall. If you aren't, you aren't, and say so.

15

16

The Witness. Let me just pick a number, and it is arbitrary, and it is based upon -- just if I am picking a rough number like your question asked, I would say 20.

17

18

19

20

BY MR. DOTSON:

21

Q And do you recall any specific attendees at the meeting?

22

23

A I just don't have the strength of recollection to see faces around the room. There were meetings about this topic, but I do not remember one from the other or who. I

24

25

1 just don't remember a face in the room.

2 Q In your mind, what was the purpose of this meeting?

3 Mr. Tuohey. "This meeting" meaning the October 26
4 meeting? Excuse me, the November 30th? Do you remember a
5 meeting on November 30th, that day?

6 The Witness. Well, as I said, I don't remember that it
7 specifically occurred that day.

8 Mr. Dotson. But he recalls the existence of a meeting,
9 whether or not it was precisely on that date.

10 Mr. Tuohey. Yes, he said there were a number of
11 meetings on the issue.

12 The Witness. Sort of a preliminary meeting. In this
13 memorandum, I state our view that this is a development of
14 potential importance in the climate change area, and I think
15 what we were trying to gauge -- and I really am speculating,
16 so maybe I should stop.

17 Mr. Tuohey. Then don't speculate.

18 The Witness. I will not speculate.

19

20 BY MR. DOTSON:

21 Q You have no recollection of what the purpose of
22 this meeting was?

23 A It was to -- my recollection is as follows: It was
24 to share and collect the judgments of how other people
25 reviewed the importance of this petition.

1 Q I believe the fax talks about the potential of
2 responding on a joint or on an individual basis.

3 Was there a discussion about responding on a joint or on
4 an individual basis?

5 A I don't recall anything specifically. I think our
6 initial objective was to see if people cared. Did people see
7 this as an important development on the policy of global
8 climate change? So I do not recall whether we got to the
9 next steps or anything like that.

10 Q Did you think it was an important development?

11 A I did.

12 Q Was it part of your job as an employee of API to
13 organize a response of the other trade associations to this
14 development?

15 A Not necessarily and not so literally. My job at
16 the API was to reflect the policy guidance that I received
17 from my members on things, and so I didn't have an
18 independent -- so I didn't necessarily have an independent,
19 immediate responsibility to respond. I had to know what my
20 members thought.

21 Q Do you recall if organizing this meeting was your
22 idea, or did someone at API direct you to do it?

23 A I do not recall.

24 Q Okay. We are finished with that exhibit.

25 A I was --

1 Mr. Tuohey. You've answered the question, Phil.

2 Excuse me a second.

3 Mr. Dotson. I will ask the reporter to mark this
4 exhibit.

5 [Exhibit No. 4
6 was marked for identification.]

7

8 BY MR. DOTSON:

9 Q Exhibit 4 is a document summarizing an agenda item
10 for a meeting of the API Climate Change Steering Group; is
11 that correct?

12 Mr. Tuohey. Let him take a look at the document if you
13 are going to ask him about the substance of it.

14 Mr. Dotson. I am.

15 The Witness. November 10th.

16 Mr. Tuohey. Finished?

17 The Witness. I am finished.

18 Mr. Tuohey. What was your question?

19

20 BY MR. DOTSON:

21 Q This is an API document summarizing an agenda item
22 for the meeting of the API Climate Change Steering Group; is
23 that correct?

24 A It appears to be what you describe.

25 Q The committee has reason to believe that you

1 prepared this document. Did you prepare this document?

2 A I don't -- I don't recall preparing it.

3 Q Would you have been the API staff member to have
4 prepared this document for a November 10th, 1999, meeting?

5 A It would have been likely, but as you know, the
6 Assistant General Counsel, David Deal, was on that initial
7 invitation, and I just can't really recall who held the pen
8 to draft up this action item issue paper, whether I wrote it
9 or whether someone else wrote it. I don't -- I don't
10 remember writing it.

11 Q Whether or not you wrote this document, you would
12 have reviewed this document and approved it; is that correct?

13 A I would have approved it to send out to our members
14 along with an agenda.

15 Q And you would have presented this at the meeting;
16 is that correct?

17 A Not necessarily. David Deal could have presented
18 it to the members. I do not recall who presented it.

19 Q Are there other API staff who could have presented
20 it?

21 A Well, we had a legal office, and we had lawyers
22 assigned to work -- assigned to provide time to the Climate
23 Team, and so this is primarily a legal proceeding, so someone
24 in the Office of General Counsel could very well have managed
25 this element of the agenda.

1 Q Ultimately, the preparation and review and approval
2 of this document was your responsibility?

3 Mr. Tuohey. Is that a question or a statement?

4 Mr. Dotson. That is a question.

5

6 BY MR. DOTSON:

7 Q Is that correct?

8 A Ultimately -- just say the statement again.

9 Q Ultimately, the preparation, review and approval of
10 this document was your responsibility; is that correct?

11 A Yes, I believe so.

12 Q As you can see at the bottom of this document,
13 there is a line that reads "Recommendation: Endorse plan to
14 coordinate joint industry response."

15 Was that your recommendation at the time?

16 A I think it was, but I do not specifically recall.

17 This is --

18 Q Is there another person whose recommendation it
19 could have been?

20 A Well, the team met once a week, and the team would
21 often come to conclusions for preferred courses of action,
22 and so --

23 Q You would have approved of this recommendation even
24 if you hadn't initially created the recommendation; is that
25 correct?

1 A I would have approved its being sent to the member
2 companies as part of an agenda for the meeting, and I likely
3 endorsed the plan, but I don't specifically recall.

4 Q According to this exhibit, one aspect of a joint
5 industry response would be to demonstrate, quote, "industry's
6 unity and resolve opposing the petition," unquote.

7 Why would API want to demonstrate that?

8 Mr. Tuohey. If you know.

9 The Witness. Because we did not -- we did not generally
10 support an expansive view of EPA's jurisdiction under the
11 Clean Air Act, and this clearly would have broadened it
12 substantially and may have brought harmful policies to the
13 country. We thought the Kyoto Protocol was a harmful policy.

14

15 BY MR. DOTSON:

16 Q Who attended this API Climate Change Steering Group
17 meeting?

18 A I do not recall.

19 Q Do you recall what the outcome of discussion was on
20 this agenda item?

21 A I do not recall the outcome of the discussion. I
22 can say that a joint effort did unfold to oppose the
23 petition.

24 Q For the record, did API believe that carbon dioxide
25 was a pollutant under the Clean Air Act?

1 Mr. Tuohey. If you recall.

2 The Witness. I think it was -- I don't think API had a
3 preexisting petition. I think the petition --

4

5 BY MR. DOTSON:

6 Q Do you mean "position"?

7 A Oh, excuse me. The position on whether carbon
8 dioxide was covered by the Clean Air Act. I think we were in
9 the midst of formulating a position in response to the
10 petition that had been filed. I don't know that we had
11 thought hard about the question before the petition was
12 filed.

13 Q As a lawyer, did you believe that carbon dioxide
14 was a pollutant under the Clean Air Act?

15 A I didn't have an opinion because my role was as the
16 team leader. And we had a lawyer on the team, and the lawyer
17 was supposed to make the hard legal analysis of whether it
18 was or was not. I was the team leader coordinating advocacy
19 in a general sense.

20 Mr. Dotson. Okay. We are finished with that exhibit.
21 Okay. I will ask the reporter to mark this exhibit.

22 [Exhibit No. 5
23 was marked for identification.]

24

25 BY MR. DOTSON:

1 Q Exhibit 5 is a letter to Fred Smith of the
2 Competitive Enterprise Institute, or CEI, from the API; is
3 that correct?

4 Mr. Tuohey. Can I just clarify the question?

5 It is unsigned. Do you mean, is it a draft, or is it a
6 copy of a letter that was sent? There is no signature on it.

7 Mr. Dotson. There is no signature on it. There is no
8 signature on the letter.

9 The Witness. Or letterhead.

10 Mr. Dotson. That is true.

11 Mr. Tuohey. Are you asking whether he wrote this
12 letter? Because, if you are not, I'm not sure -- you had
13 better ask him if he is familiar with it. I don't know
14 whether he knows what this is.

15 Mr. Dotson. I will let him review the letter first.

16 Mr. Tuohey. Okay. Sure.

17 The Witness. I have reviewed the letter. What is your
18 question?

19

20 BY MR. DOTSON:

21 Q We believe that this is a letter to Fred Smith of
22 the Competitive Enterprise Institute, or CEI, from the API;
23 is that correct?

24 A It appears to be, but it IS unsigned, and there is
25 no letterhead, so I really can't speak to its authenticity.

1 Q The committee has reason to believe that you
2 drafted this letter. Did you draft this letter?

3 A I do not recall drafting this letter, and what I
4 would say in addition is that I did not go to Buenos Aires,
5 so I wouldn't have hoped to run into this CEI contingent at
6 that time.

7 Q Did you ever draft letters for Bill O'Keefe in your
8 position at API?

9 A I did. I did.

10 Q Do you believe that you drafted this letter for
11 Bill O'Keefe at API?

12 A I do not know.

13 Q Did Bill O'Keefe attend Buenos Aires in that year?

14 A I believe -- I remember he went to Kyoto. I just
15 can't remember if he went to Buenos Aires. I think he did,
16 but I don't specifically remember. It was 1998, so it was a
17 long time ago.

18 Q Is this letter typical of the kind of letter that
19 you would draft for Bill O'Keefe?

20 A I did a lot of miscellaneous letters, and this
21 could have been typical of one that I would have written for
22 him.

23 Q Would it have been typical for API to have provided
24 \$10,000 to CEI so that CEI could attend a United Nations
25 conference on climate change?

1 A Well, you know, I really can't speak to what was
2 typical at that time. I was counsel to Bill O'Keefe, but
3 we -- at the time that I was serving, I was working on a lot
4 of projects. We cut our staff from 600 to 300. We changed
5 offices. We did a lot of things that were organizational.
6 We had an early retirement program I remember working on. I
7 worked on a lot of miscellaneous aspects of a major
8 reorganization at API during the transition to Red Cavaney as
9 the president, and so I was counsel to Bill O'Keefe. But I
10 was working on a lot of organizational issues. I did work
11 from time to time on little things for Bill that would relate
12 to climate, but I worked on a whole host of random
13 organizational issues. I was an assistant to a senior
14 executive, and he had a big portfolio of things. There was a
15 separate Climate Program, a team at that time, and I was not
16 on the team. I don't know what the program was. I don't
17 believe I had joined that team in 1998. So there was climate
18 change activity at API and a program and, perhaps, funding
19 for CEI, but I did a lot of miscellaneous things when I was
20 counsel to the executive vice president, to Bill O'Keefe, and
21 I was not -- there were people who were integral in working
22 on climate change all the time, and I really was not at that
23 time. I would come in contact with it and do little things,
24 but there were a lot of people working hard on the issue.
25 Mr. Tuohey. Excuse me.

1

2

BY MR. DOTSON:

3

4

Q More generally, was it typical for API to fund think tanks or advocacy groups to do work on climate change?

5

A Yes, API did that.

6

7

Q And how much money would you estimate API provided to these groups in any given year?

8

Mr. Tuohey. For climate change?

9

10

BY MR. DOTSON:

11

Q For climate change.

12

13

A I really do not recall specifically whether the budget was for grant funding for third-party groups. I just don't not recall specifically.

14

15

Q Do you recall any specific groups that received funding?

16

17

A I do.

18

Q Would you list them for us?

19

20

A There was funding to the Heartland Institute. There was funding to Reason Organization. There was funding to the CEI, the Competitive Enterprise Institute. There was funding to the Acton Institute. Oh, there was funding to the American Council on Capital Formation.

21

22

23

24

Q What did API hope to accomplish by providing funding to these groups?

25

1 A The promotion of free market principles. That was
2 the essential philosophy of those groups.

3 Q Was there any climate change specific goal that API
4 hoped to achieve by funding these groups?

5 A These groups were opposed publicly to the Kyoto
6 Protocol, and from time to time, they would analyze or write
7 about the negative impacts of the Kyoto Protocol and would
8 advocate against it, testify before Congress.

9 Q Okay. We are done with that exhibit.

10 Can you tell me who Russell Jones is?

11 A I can. He is -- well, I think now he is a senior
12 economist at the American Petroleum Institute. He is --
13 that's who he is.

14 Q When you were last in the position you held at API,
15 what was your relationship to Russell Jones?

16 A Russell had preceded me as the team leader -
17 Climate Team, and when I became the team leader, because they
18 rotated these things, he served as one of the economists on
19 the team, but we had several economists on the team.

20 Mr. Dotson. Okay. I will ask the reporter to mark this
21 exhibit.

22 [Exhibit No. 6
23 was marked for identification.]

24

25 Mr. Tuohey. Take your time and read it.

1

2

BY MR. DOTSON:

3

Q Exhibit 6 is an internal API document prepared during API's budget review in 1999; is that correct?

5

Mr. Tuohey. Let him take a look at the document.

6

Review it.

7

The Witness. What year is it? 1999, you said?

8

9

BY MR. DOTSON:

10

Q 1999.

11

A And it is a budget?

12

Q It is an internal API document prepared during API's budget review in 1999.

14

A Okay.

15

Mr. Tuohey. Is there a question pending, Greg, on this?

16

What is the question?

17

Mr. Dotson. I am asking him if that is correct.

18

Mr. Tuohey. Oh, if that is correct?

19

Mr. Dotson. Yes.

20

Mr. Tuohey. Okay. I take it your question is asking

21

him whether he knows whether that's the case as opposed to

22

reading the document and asking if that is what it sounds

23

like. I mean, there is no foundation if he is familiar with

24

the document. Are you going to ask him whether he has ever

25

seen it, or whether he knows what it is?

1 Mr. Dotson. We will be talking about that, yes.

2 Mr. Tuohey. Okay. Okay.

3 The Witness. Okay. What's your question? I'm sorry.

4

5 BY MR. DOTSON:

6 Q Is that an API internal document prepared during
7 API's budget review in 1999?

8 Mr. Tuohey. Do you know what it is?

9 The Witness. Well, it is talking about the proposed
10 2000 program budget of \$3.8 million, so it seems to be
11 getting into -- I mean, I don't -- it appears to be that, and
12 reading it, it rings bells.

13

14 BY MR. DOTSON:

15 Q It seems familiar to you?

16 A It seems familiar to me now that I look at it. I
17 haven't thought of it since, but it is familiar.

18 Q Nothing in the document makes you have doubts about
19 its authenticity; is that correct?

20 A That is correct.

21 Q The committee has reason to believe that Russell
22 Jones prepared this document and that you reviewed it.

23 Have you seen this document before?

24 A I believe I have seen the document before. I do
25 not recall who reviewed or approved it.

1 Q Can you recall under what circumstance you saw the
2 document?

3 A Under what circumstance I saw it?

4 Q What situation you were in.

5 A Well, there is a budget preparation process on
6 individual issues that occurs at API, and I just don't
7 remember at what point in the process this document was
8 developed, but it appears to have been developed during that
9 process.

10 Q Okay. I would like to direct your attention to the
11 first page, to text beginning on the seventh line of the
12 document. It reads, "Climate is at the center of industry's
13 business interests. Policies limiting carbon emissions
14 reduce petroleum product use. That is why it is API's
15 highest priority issue and defined as 'strategic.'"

16 API was concerned about the issue of climate change
17 because they did not want this country or other countries to
18 reduce petroleum product use; is that correct?

19 A Someone wrote that reason on this sheet. API had a
20 number of policy concerns relating to climate that went
21 beyond the narrow potential of reduced petroleum use. I
22 think that there was a genuine and well-founded and consensus
23 view among the membership that the Kyoto Protocol would have
24 been harmful for the American economy and the world economy
25 and was bad public policy and that we, as an industry, along

1 with other industries and other voices in society should step
2 up and oppose harmful public policies, but I don't deny that
3 there was a parochial interest to the industry based upon
4 these words that are on this sheet.

5 Q So it is accurate to say that the industry did not
6 want to reduce carbon emissions, one of the reasons being
7 that they did not want to reduce petroleum product use?

8 Mr. Tuohey. Are you asking him whether he agrees with
9 that statement?

10 Mr. Dotson. Yes.

11 Mr. Tuohey. Do you agree with that statement?

12 The Witness. I'm sorry. I don't mean to overthink, but
13 I don't think that they wanted to risk a reduced reliance on
14 petroleum based upon provisional science, emerging science or
15 based upon harmful public policies. So it is just a broader
16 concern than merely less petroleum use.

17

18 BY MR. DOTSON:

19 Q So, to summarize, I believe what you are saying is
20 they did not believe the science yet justified reducing
21 petroleum product use?

22 Mr. Tuohey. Is that what you're saying or not?

23 The Witness. I think there was a concern that the
24 science was not sufficiently well understood to justify
25 legally mandated reductions in energy use.

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BY MR. DOTSON:

Q In going back to your previous statements, when you worked on climate change, you were working to represent API's position, correct?

A Correct.

Q And so your efforts would be reflected in -- or the goals of your efforts would be reflected in these kinds of concerns; is that correct?

Mr. Tuohey. In which kinds of concerns?

Mr. Dotson. Concerns about reduced petroleum product use.

BY MR. DOTSON:

Q That was a concern of your member companies, and therefore, it was your concern since you were head of the Climate Team; is that correct?

A Yes.

Mr. Tuohey. Excuse me a second.

Mr. Dotson. I will just note for the record that counsel is -- that Mr. Cooney's counsel is consulting with him.

Mr. Tuohey. Yes, I am advising him, not consulting him. He is not consulting with me. I am advising him.

1 BY MR. DOTSON:

2 Q You have mentioned several times that API was very
3 concerned about the Kyoto Protocol, and part of your job was
4 to oppose the Kyoto Protocol; is that correct?

5 A Yes.

6 Q Can I ask you to turn to Page 3 of the document in
7 front of you?

8 On this page, it envisioned a \$2 million external
9 expenditure program on climate that is discussed. At the
10 bottom of the page, it says that \$100,000 could be provided
11 for climate science and science uncertainty research.

12 Please describe what API envisioned accomplishing with
13 these funds.

14 Mr. Tuohey. Do you understand the question?

15 The Witness. Could you ask the question again?

16

17 BY MR. DOTSON:

18 Q Under the last bullet of the page, Strategy 3.

19 A Yes.

20 Q It discusses an expenditure of \$100,000 for climate
21 science and science uncertainty research, and I am asking
22 what API envisioned accomplishing with these funds.

23 A I don't really recall. It cites the National
24 Environmental Policy Institute and the CATO Institute, and I
25 do not recall what they were doing on those -- on that set of

1 issues that would have warranted a contribution.

2 Q Are those organizations typically thought of as
3 scientific institutes?

4 A I can't really speak to how they are characterized.

5 Q Do you --

6 A In general, people have different views of them.

7 Q Do you think that this \$100,000 would be used for
8 hard research or for more advocacy work on the issue of
9 research?

10 Mr. Tuohey. If you know.

11 The Witness. I don't know.

12

13 BY MR. DOTSON:

14 Q ON the last two lines of the page, \$100,000 is
15 described as being provided for health research to address
16 vector-borne disease claims. Please describe what API
17 envisioned accomplishing with these funds.

18 A I do not recall. I do not recall.

19 Q At this time, you may recall that the issue of
20 vector-borne disease and its connection with climate change
21 was something that was being debated in the media within
22 Congress elsewhere. Does that help refresh your memory at
23 all about what these funds could have been used for?

24 A I just don't remember specifically.

25 Q Could you make a general statement of what you

1 think they might have been used for?

2 Mr. Tuohey. I mean, that calls for speculation. He
3 said he doesn't know.

4 Mr. Dotson. Well, speculation is not an objection that
5 applies in this proceeding.

6 Mr. Tuohey. Well, I'm not sure I agree with that
7 statement at all. If it calls for speculation, I am not
8 going to let him speculate.

9 Mr. Dotson. Well, what I am asking him is based on his
10 experience at API. He has a very clear understanding of what
11 API was doing on a day-to-day basis. He is familiar with
12 these issues. We certainly see that in his edits of EPA
13 reports, of Climate Change Science Program reports. This is
14 not an abstract issue.

15

16 BY MR. DOTSON:

17 Q This is an issue that you have demonstrated
18 familiarity with in the documents we have reviewed, and I am
19 guessing that you can make a general statement about what you
20 think API would be funding with \$100,000 in vector-borne
21 research in connection with climate.

22 Mr. Tuohey. That is a fair question, and if he is able
23 to answer it, he can.

24 Can you answer it?

25 The Witness. What I remember when I became the team

1 leader was that we had funded Carnegie Mellon for several
2 years, and I think it was Granger Morgan at Carnegie Mellon
3 for several years, and it was sort of a -- it was not a
4 standing grant, but we had confidence in their research, and
5 I would merely add that Granger Morgan and his views on
6 climate change science and health impacts varied over the
7 years. They were not constant, but I recall that we had
8 funded Carnegie Mellon, and I sort of inherited that. I was
9 sort of told when I was team leader that that is something we
10 fund, and so it is in the budget there, and I don't really --
11 you know, we had scientists on the Multidisciplinary Team.
12 So we had people who had the relationship with Carnegie
13 Mellon who knew what it was about, but I didn't really ever
14 get involved. I don't believe I ever met Mr. Morgan. He
15 didn't come and report to me on the work he was doing at
16 Carnegie Mellon. We had a Multidisciplinary Team. The
17 scientists on the team may have met with Carnegie Mellon and
18 understood, but I was running, as you can see, a fairly broad
19 program, and I really was not directly involved with the
20 knowledge of the work that was being funded there.

21 Mr. Dotson. Okay. We are done with that document, with
22 that exhibit, and that is the end of the first hour.

23 EXAMINATION

24 BY MS. SAFAVIAN:

25 Q Mr. Cooney, just to reintroduce myself, my name is

1 Jennifer Safavian. I would like to take you back a little
2 bit with how we started with when you started at CEQ.

3 Were you the first Chief of Staff at CEQ under the
4 Bush administration? You said you started on June 25th. Do
5 I have that right?

6 A I did. I started on June 25th and, the chairman
7 began, I think, a week or two before I had. We had carried
8 over, though, the Clinton administration Chief of Staff,
9 Judy -- I cannot remember her last name -- but she stayed and
10 acted and continued to serve as Chief of Staff of the council
11 through May, I believe, so we had some holdovers at CEQ from
12 the prior administration. Ian Bowles was another person who
13 was held over from the administration and continued to work
14 at CEQ for several months under the new administration.

15 Q So you were Chairman Connaughton's first chief of
16 staff?

17 A I was Chairman Connaughton's first chief of staff,
18 yes.

19 Q Okay. Great.

20 I know you kind of already generally described what your
21 job responsibilities were, but who directed you? Who told
22 you what your job responsibilities were going to be?

23 A Well, Mr. Connaughton was my boss, and he was the
24 chairman.

25 Q So the two of you together kind of determined what

1 your role and responsibilities and duties would include?

2 A It became that way, but initially, I did what the
3 chairman asked me to do, and I was assigned work by the
4 chairman, and I -- you know, it was a new job. I wanted the
5 chairman to be happy. I was his chief of staff, and I was
6 trying to be very attuned to exactly what he wanted in terms
7 of setting up the office, having issues covered. You know, I
8 was very linked to him in the initial few months. He later
9 gained confidence in me to prepare budgets and things like
10 that, and I did that, and I did not consult with him until it
11 was at the end of the process, so -- but at the beginning, we
12 worked very closely, and I was assigned work by the chairman.

13 Q Okay. Can you explain to me, when you first
14 started, how -- because you mentioned earlier that part of
15 your role or CEQ's responsibility was the policy, the
16 President's climate change policy. So, when you first
17 started and even throughout your tenure there, how did you
18 know what the President's climate change policy was?

19 A Well, fortunately, for me, particularly, the
20 President gave a major speech on the climate change policy in
21 the Rose Garden with his Cabinet-level review group with
22 which he had been meeting for several months to devise a
23 policy, and he gave the policy speech on June 11th, 2001, and
24 in conjunction -- so that is on the White House Web site.
25 And in conjunction with giving the speech, the administration

1 issued a very broad policy book.

2 Mr. Tuohey. Let the record reflect the witness is
3 holding a copy of the Climate Change Review Initial Report of
4 the President, June 11th, 2001, which is a public document.
5 I assume counsel has it.

6 The Witness. And this issue of climate change was
7 obviously a huge priority for the new administration in the
8 spring of 2001. The President assembled a Cabinet-level
9 review. I think there were ten Cabinet Secretaries. I think
10 they met seven or eight times and had economists and
11 scientists and other people brief them as they considered
12 policy.

13

14 BY MS. SAFAVIAN:

15 Q But you were not involved in that process because
16 you hadn't started yet?

17 A No, I had not started yet. That is exactly right.

18 So, when I came in -- and I would just add additionally
19 that assembled at CEQ was one of these interagency ad hoc
20 teams, maybe 15 people, from the different Federal agencies
21 who were advising on the President's policy speech that he
22 gave on June 11th and were helping to prepare and vet the
23 elements of this policy book that he issued on June 11th.
24 They went back to their agencies, you know, right before I
25 arrived, but when I arrived, this was on my desk. Here is

1 the President's policy, and --

2 Mr. Tuohey. You don't need it. I mean, if you want to
3 refer to it --

4 The Witness. There is one thing I would refer to
5 because I think it is relevant, and I would just offer it
6 about -- and that is that Chapter 3 of the policy book talked
7 about advancing the science of climate change, and it
8 reflected in great detail the findings of a National Academy
9 of Sciences' Report that the President's Cabinet-level review
10 committee had requested, which was delivered to the
11 President, you know, I think at the end of May or early June,
12 but if you read Chapter 3 of the policy book, it describes
13 and itemizes very specifically -- maybe there are 50 specific
14 quotes from the National Academy of Sciences, itemizing
15 priority research areas and fundamental -- in the words of
16 the National Academy of Sciences, fundamental scientific
17 uncertainties relating to climate change, and the President
18 embraced those findings in this policy book, and as you will
19 see, had many specific quotes from the National Academy
20 Report, and he committed to address those uncertainties that
21 were identified in that report in June 2001, and again, this
22 all preceded my coming, but when I came, the table was fairly
23 well set as to the President's policy on science, and his
24 priorities on climate change science were pretty well set.
25

1 BY MS. SAFAVIAN:

2 Q So, to familiarize yourself with what the
3 President's policy was, you referred to the climate change
4 review --

5 A Yes, the initial review report and the speech that
6 he gave in the Rose Garden where he spoke at length of the
7 climate change science.

8 Q And the National Academy of Sciences' 2001 Report?

9 A Yes.

10 Q So, through your tenure at CEQ, those documents
11 that we just mentioned, were those ones you continued to rely
12 on and go back to, or did other reports come out? Did things
13 change? If you could, kind of, you know, educate us on that.

14 A Some things changed and evolved because there is
15 always new scientific information emerging, but I would say
16 that these documents and the policies set forth in these
17 documents were foundational to the administration.

18 Q So no large, substantive changes to those
19 documents?

20 A No.

21 Q Okay.

22 A These were foundational guidance for our work in
23 the White House policy shop to make sure that all future
24 efforts of the administration that we were called upon to
25 review were aligned with the President's stated priorities.

1 Q Okay.

2 Mr. Tuohey. Let the record reflect the witness has also
3 referred to a second document, which is the Climate Change
4 Science of the National Academy of Sciences. That is the
5 second document he has referred to together with the Climate
6 Change Review. Thank you.

7 BY MS. SAFAVIAN:

8 Q Okay. Can you explain to me -- because I've got to
9 tell you that I have had a little trouble understanding CEQ
10 and all of the different entities or agencies that the
11 President relies on for his climate change policy and the
12 science.

13 Is there some way you could kind of walk me through who
14 everybody was, where CEQ fit in that, and if it is helpful at
15 all -- and I don't know if it is -- I have got this chart,
16 this diagram --

17 A Yes.

18 Q -- which you can refer to, and maybe it will help
19 you answer all of the questions, but if it doesn't, feel free
20 to ignore it, and I can pass that out.

21 Mr. Tuohey. Let the record further reflect that the
22 diagram of the document presented to the witness is a chart
23 entitled Office of the President with subdivision
24 designations for the Committee on Climate Change Science and
25 Technology and other related working groups in the Climate

1 Change Science Program.

2 Ms. Safavian. And, if we could, we will go ahead and
3 mark that as Exhibit 7.

4 [Exhibit No. 7
5 was marked for identification.]

6

7 BY MS. SAFAVIAN:

8 Q So that is a broad question I am asking you, but
9 I'm trying to understand maybe where CEQ fits within the
10 administration when it comes to the President's climate
11 change policy and these other organizations.

12 A Well, CEQ, after the President issued his June 11th
13 policy, was assigned a major responsibility to address the
14 issue of greenhouse gas mitigation. If you read the
15 President's policy of June 11th, it talked a lot about
16 scientific initiatives. It talked a lot about technology
17 initiatives. It talked a lot about certain principles for
18 reducing greenhouse gas emissions, but it was not specific on
19 a roadmap for reducing greenhouse gas emissions in the
20 United States, and when Mr. Connaughton came in, he was named
21 the Coordinator, the Continuing Coordinator, for the
22 Cabinet-level review process, and everyone recognized -- I
23 don't know -- that there was an additional element of
24 policymaking that needed to be developed within the
25 administration, and that was "what is our route to reducing

1 greenhouse gas emissions"? Chairman Connaughton led that
2 effort with Cabinet members and supported by his staff a
3 policymaking effort that culminated in the President on
4 February 14th, 2002, delivering his second major speech on
5 global climate change, and that was the speech in which he
6 articulated a national goal for the American economy to
7 reduce the greenhouse gas intensity by 18 percent within a
8 decade, and if that --

9 Q Let me say, just with regard to that, who all -- I
10 mean, CEQ was obviously involved in that, and then you said
11 there were how many other agencies or departments?

12 A The Cabinet-level review that the President had
13 convened in the spring of 2001 remained in place, and Jim
14 Connaughton, the chairman of CEQ, was the policy coordinator
15 for this element of remaining policymaking, and so what he
16 would do would be to go and visit individual Cabinet
17 Secretaries and solicit their input on emerging ideas,
18 policymaking that we were undertaking, to reduce -- to have a
19 plan to reduce greenhouse gas emissions, and it was very
20 labor-intensive on his part, and it was -- you know, it was a
21 huge effort.

22 After that, on February 25th, after the President gave
23 his speech on February 14th, which was another big policy
24 book articulating the 18-percent greenhouse gas reduction
25 intensity goal, but it also laid out a whole host of

1 mechanisms for achieving that national goal, so it had a lot
2 of policymaking in the policy book as well on mitigation.

3 I believe, on February 25th, Chairman Connaughton issued
4 this organizational chart to the members of the Cabinet-level
5 review. There is a cover memorandum which is not here today,
6 but it was approved at a Cabinet-level meeting, I believe, at
7 the end of January 2002, that this would be the
8 organizational chart for managing climate change policy
9 within the administration, and Chairman Connaughton issued
10 this organizational chart at the end of February 2002, and at
11 the top, it still has the "Office of the President" and sort
12 of a placeholder for the Cabinet-level review which had been
13 coordinated by different offices, but then it set out, you
14 know --

15 Mr. Tuohey. The chart speaks for itself.

16 The Witness. Yes, the chart speaks for itself. I think
17 it does anyway, but CEQ, obviously, is represented in a
18 number of the boxes with leadership positions, and --

19

20 BY MS. SAFAVIAN:

21 Q Yes, I do see that, but I don't see CEQ listed in
22 each box.

23 A They are not. CEQ, importantly, was listed on the
24 top box, the Committee on Climate Change Science and
25 Technology Integration. The CEQ chairman participates on

1 that along with Cabinet Secretaries, and then the Interagency
2 Working Group on Climate Change Science and Technology also
3 had deputy and undersecretary level people in various Cabinet
4 departments with CEQ also represented in that group, and that
5 group was really the higher level working group that would
6 guide the implementation of the Climate Change Science
7 Program and the Climate Change Technology Programs that the
8 President had announced on June 11th, 2001.

9 Q So, to get it to be the President's policy, it
10 would kind of work its way -- after this was initiated, this
11 chart, it would work its way up through the chart so that the
12 Committee on Climate Change Science and Technology
13 Integration were really the core group of people who would
14 make those decisions?

15 A You know, I would say that 90 percent of the work
16 was done, actually, at the Deputy Secretary level. Although,
17 when it comes to a whole host of reports about climate
18 change, whether it is the Our Changing Planet Report or the
19 10-year Strategic Plan, those documents were signed by the
20 Secretaries of Energy, Commerce and the President's White
21 House Science Advisor, and so, you know, they were
22 transmitted to Congress with a cover letter from the
23 Secretary and the President's Science Advisor.

24 Q Okay. You referenced the February 25th, 2002,
25 policy or you stated that that was like the President's next

1 large policy initiative.

2 A Yes.

3 Q What was that called, do you remember?

4 A I have that policy book right here as well, and it
5 is available on the White House Web site, both the
6 President's speech that he gave at NOAA that day and his
7 policy book entitled, U.S. Climate Change Strategy, a New
8 Approach, and it was issued February 14th, 2002, but it is a
9 speech in which we issued a lot of elements of mitigation
10 policy to achieve the President's national goal of reducing
11 greenhouse gas intensity of the American economy by 18
12 percent by 2012.

13 Q Okay. Can you tell me, when it came to large
14 documents -- like you mentioned the strategic plan, the
15 10-year Strategic Plan or Our Changing Planet or the draft
16 report on the environment by EPA; when we're talking about
17 those major documents, can you tell us, if you know, what the
18 process was as far as the review, like, you know, the
19 timeline or the -- explain for us how that came to be
20 developed, and then, who would review it? When did CEQ get
21 involved? Do you understand what I'm asking? I just want to
22 know from you if you would explain to us -- and we can start
23 with the strategic plan because it may be different for each
24 one if that is a good one to start with.

25 A Yes.

1 Q For the strategic plan, can you kind of explain?
2 Now that was CCSP's 10-year plan.

3 A Yes.

4 Q So I know they've got their own box here and their
5 own people within that box.

6 A Yes.

7 Q So maybe -- I will just let you, actually, tell me.
8 Do you know how that started and how that came to be?

9 A I think -- you know, I do not recall specifically,
10 but Dr. Mahoney probably announced it to the blue box, the
11 interagency core group, that he was probably going to
12 undertake a 10-year strategic plan.

13 Mr. Tuohey. Let me just interrupt for a second.

14 We are talking about the strategic plan -- let the
15 record reflect that we are talking about the strategic plan
16 for the U.S. Climate Change Science Program, a report by the
17 Climate Change Science Program, CCSP referred to by Counsel,
18 and the Subcommittee on Global Change and Research. That is
19 the plan that is being referred to, and the date is July of
20 2003.

21 The Witness. Correct.

22 Mr. Tuohey. Okay. Your question, Counsel, is for the
23 witness to explain what process was used to review this plan
24 or to come up with this plan?

25 Ms. Safavian. Right, because we have seen many

1 versions, draft versions, of this plan --

2 The Witness. Yes.

3 Ms. Safavian. -- with several, you know, different
4 dates.

5 The Witness. Right.

6

7 BY MS. SAFAVIAN:

8 Q So I am curious. How does it get to that stage?
9 How does it get to you also? I want to go back. You
10 mentioned the blue box, and I have seen that referred to, and
11 I didn't know what that meant before --

12 A Right.

13 Q -- but now, based on Exhibit 7, you are saying the
14 blue-shaded box on this?

15 A Yes. It became within the administration known as
16 the "blue box," and it is a box that met every 6 weeks or 2
17 months to go through a whole host of issues related to global
18 climate change.

19 Mr. Tuohey. Let the record reflect again that, on
20 Exhibit Number 7, the blue box is referred to as the
21 Interagency Working Group on Climate Change Science and
22 Technology. That is the box with a number of organizations
23 referred to therein.

24 Is that what you're talking about? Is that what you're
25 talking about?

1 The Witness. Yes.

2 Mr. Tuohey. Okay. Thank you.

3 Thank you, Counsel.

4 Ms. Safavian. Sure.

5 The Witness. On the 10-year Strategic Plan, I think
6 that there was -- I recall, you know, a very elaborate
7 process of review, particularly of public review. The plan
8 was -- elements of the draft plan were posted on a Web site
9 in November of 2002, and a major international workshop was
10 held in December of 2002 here in Washington, D.C., at which
11 1,300 scientists from 36 countries attended to provide
12 comments on our draft, so it was a very transparent process.

13 Also, the draft plan was sent to the National Academy of
14 Sciences for its review, and they issued their opinion of the
15 draft in February of 2003. So, through the spring of 2003, I
16 think that the office and Dr. Mahoney and his people were
17 working very hard to respond to the guidance that they had
18 requested and received from the National Academy of Sciences
19 and the 1,300 public comments that were offered at this
20 workshop; 1,300 participants participated in this workshop,
21 but there was a huge volume of comments on the draft
22 strategic plan, public comments.

23 There was then a narrower level of review that took
24 place sometime later in the spring of 2003, that Dr. Mahoney
25 initiated, which preceded what we called the "formal OMB

1 review." When OMB takes a document, it is generally at its
2 final stage. They circulate it out to any agency affected,
3 really, by the contents of the document. So, in this case,
4 it was probably sent out to 17 agencies for their formal
5 review and comments on the plan, and at the same time, was
6 sent to probably 5 separate White House offices and other
7 White House staff, but it was sent out very broadly by OMB
8 for comment. OMB collected the comments from all of these
9 individuals and, from what I understand, gave a synthesized
10 summary of all of the comments that had been received in
11 interagency review to Dr. Mahoney, who was the Assistant
12 Secretary of Commerce for Oceans and Atmosphere and in charge
13 of the Climate Change Science Program, and Dr. Mahoney took
14 those comments, and he either accepted changes or did not
15 accept changes, but he made the final resolution on the
16 content of the plan with the benefit of the comments that he
17 had received from the agencies and the White House offices,
18 and in the case of the strategic plan, actually, because it
19 was a very high-profile document and one had not been done in
20 a long time even though the statute called for it, he
21 required of the agencies that they formally sign a
22 concurrence sheet in the final report before it was issued in
23 July of 2003, and you know, I have been reviewing the
24 documents that you have in your possession that CEQ has given
25 you, and I see that I formally concurred for CEQ on the

1 issuance of the final report in July 2003, but CEQ, along
2 with a host of affected Federal agencies and other White
3 House offices, provided comments sort of throughout the
4 process. It was like a year-long process from beginning to
5 end -- the public workshops, the public comments, the
6 National Academy of Sciences' review, and then another round
7 of internal reviews before it was finally published -- but
8 that was our process.

9

10 BY MS. SAFAVIAN:

11 Q So were you responsible at CEQ for reviewing this
12 document?

13 A I shared responsibility with Bryan Hannegan, who
14 joined our staff in the spring of 2003. He, himself, was a
15 Ph.D. I think he has his Ph.D. in Atmospheric Chemistry or
16 something like that, but he is, you know, a climate scientist
17 in every sense, and he and I both commented on the strategic
18 plan, and we coordinated our comments back to OMB.

19 Q So, when you say the two of you worked on it and
20 you coordinated your comments, did you put them together and
21 send them off or did yours go up on your own and his went up
22 under his name?

23 A In some cases, I see that he sent up individual
24 comments, and I sent up individual comments at different
25 stages in the process, but at other stages, you will see

1 joint typed comments that synthesized both of our comments,
2 and I think -- my recollection is that he kindly typed them
3 and prepared them. He took my comments and his and made them
4 into one and gave them back to the agency, to the OMB.

5 Q And when did CEQ or you and Mr. Hannegan first get
6 involved with the strategic plan? At what stage did you
7 first receive it to provide your comments?

8 A I can't really remember the exact dates. In the
9 spring of 2003.

10 Q So it was after the public comments?

11 A Yes. There were a whole round -- there was a whole
12 round of interagency review after the public workshop and the
13 National Academy of Sciences review. There were a couple of
14 drafts that evolved in the spring of 2003 on which we both
15 worked. What I am trying to recall is whether CEQ commented
16 on the initial draft strategic plan in the fall of 2002, and
17 I cannot remember if we did or not.

18 Q You can't remember what the first draft was that
19 you saw of it?

20 A Yes, I don't exactly remember.

21 Q How quickly did the National Academy of Sciences
22 get back their comments?

23 A They got them back pretty quickly if our -- if the
24 draft plan was posted on the Web site in November of 2002 and
25 the National Academy of Sciences -- I think they gave a

1 recommendation -- they gave their feedback on the draft in
2 February 2003, and then --

3 Q I'm sorry. Were they specific details, I mean
4 comments, or was it just a general recommendation? I mean,
5 can you just explain?

6 A Oh, no. It was quite detailed from the National
7 Academy of Sciences. You know, as I recall, they
8 commented -- the document, itself, was very long, and they
9 commented on many dimensions and aspects of the draft plan,
10 and you know, I think that the program tried very hard to
11 respond to the National Academy of Sciences' feedback, and in
12 the end, the National Academy of Sciences welcomed the final
13 plan that was issued in July of 2003. They supported the
14 final plan, so they took a review of the final plan as well
15 and essentially endorsed it.

16 Q And, after, you said OMB would send around -- when
17 it got closer to the final version of this plan, they would
18 send it back around to everybody who was affected by it for
19 comments.

20 A Yes.

21 Q Then those comments were sent back to OMB or to
22 Dr. Mahoney?

23 A They were sent back to OMB, and then, I think, OMB
24 transmitted them to Dr. Mahoney for his final review and the
25 decision as to whether to include comments or to not include

1 comments.

2 Q So the final say on whether a comment was going to
3 be included or an edit was going to be made was
4 Dr. Mahoney's?

5 A It was because he was the Director of the Climate
6 Change Science Program in this bottom organizational box that
7 I am holding up. You know, it is the same organizational
8 chart that we've been talking about, but he was the Director
9 of the program. He, himself, of course, is an eminent
10 scientist, and he had the final decision-making on the
11 content of the plan.

12 Now, as I said, in this case, he did ask every agency
13 for a formal concurrence, and I assume, because the plan was
14 issued, that he got the formal concurrence from every agency.
15 He got it from our agency.

16 Q And would that be every agency listed in this box,
17 the Climate Change Science Program box on Exhibit 7?

18 A You know, I think it would be -- I think it would
19 be even more agencies than that --

20 Q Oh.

21 A -- because, really, the 10-year Strategic Plan
22 establishes research priorities for a whole host of agencies
23 and subagencies, and so, I think -- I believe that it was a
24 broader review than just these agencies in this box. I think
25 a lot of agencies were affected by this plan and would have

1 reviewed it.

2 Q Okay. Keeping with the strategic plan, I think
3 what I would like to show you right now, this is Exhibit 8.

4 [Exhibit No. 8
5 was marked for identification.]
6

7 BY MS. SAFAVIAN:

8 Q Mr. Cooney, what this is -- as you can see from the
9 cover of it, it is a memo from Rick Piltz, dated June 1st,
10 2005, to the U.S. Climate Change Science Program agency
11 principals.

12 A Yes.

13 Q Let me just start by asking you: Have you ever
14 seen this document before?

15 A I think I have. I think I read it once.

16 Q Okay. Was that because it was sent to you
17 initially? Because I do not see your name on here, so --

18 A No, it was not sent to me.

19 Mr. Tuohey. Do you want to ask him when he first saw
20 it?

21 Ms. Safavian. Sure.
22

23 BY MS. SAFAVIAN:

24 Q When did you first see it?

25 A It was in the summer of 2005. I think it was on a

1 Web site or something.

2 Q We are not going to go over this whole thing, so
3 I'm not going to ask you to read the whole thing, but if you
4 would start with, on Page 10, I'm just going to look at a few
5 of the paragraphs, and we will go over just a couple of the
6 paragraphs, and it is starting on Page 10, the second
7 paragraph. Are you there?

8 A Yes.

9 Q Okay. It starts with, "the Executive Office of the
10 President." Do you see that?

11 A Yes.

12 Q Okay. I mean, if you want, why don't you go ahead
13 and just read that paragraph real quick.

14 A Okay: Starting in 2002 --

15 Mr. Tuohey. To yourself.

16 The Witness. Do you want me to read all of the
17 paragraphs or just that one paragraph?

18

19 BY MS. SAFAVIAN:

20 Q We will just do it paragraph by paragraph.

21 A Yes.

22 Q So, with regard to this first paragraph --

23 A Yes.

24 Q -- first of all, do you know who Rick Piltz is or
25 was at the time?

1 A I do. We were in many meetings together or in a
2 number of meetings.

3 Mr. Tuohey. They asked who he was, not what you did
4 with him. Who was he?

5

6 BY MS. SAFAVIAN:

7 Q Do you know who he was back in this time of June of
8 2005?

9 A He had resigned from Federal service by then.

10 Q And before he resigned, where was he?

11 A He was in the Climate Change Science Program
12 Office.

13 Q As what?

14 A I don't really know what his exact title was, but I
15 know that he had principal -- I understood he had principal
16 responsibility for preparing the annual budget report, Our
17 Changing Planet.

18 Q And do you know beyond that what his
19 responsibilities included?

20 A I don't.

21 Q Okay. Do you know who he reported to?

22 A I believe he reported to Richard Moss, who was the
23 director of the office, and Richard Moss, in turn, reported
24 to Dr. Mahoney. The office reported to Dr. Mahoney.

25 Q Okay. Back to this first paragraph that I asked

1 you to read, it says in here that it is referring to you,
2 that you were placed at the table at CCSP principal meetings
3 as the CEQ liaison.

4 Were you at such meetings? I'm not even sure what he
5 means by "principals meetings." Do you know what he is
6 referring to?

7 Mr. Tuohey. Read the first sentence of that document.
8 Read the first sentence of that paragraph. Yes.

9 The Witness. The Executive Office -

10 Mr. Tuohey. No, to yourself. Read it to yourself, and
11 then answer the question.

12 The Witness. Okay.

13 Mr. Tuohey. Your question, Counsel, was what was this
14 table at which CCSP principals met?

15 Ms. Safavian. Right.

16

17 BY MS. SAFAVIAN:

18 Q I am curious, Mr. Cooney, first of all, what he is
19 referring to when Mr. Piltz says, "CCSP principals meetings."

20 A I do. There were -- from the agencies, I would say
21 every 2 months, there was -- I mean, this is my recollection.
22 There was a meeting of principals to discuss the Science
23 Program at the Climate Change Science Program Office on
24 Pennsylvania Avenue.

25 Q And would these include the members -- again,

1 referring back to the chart, the org chart, the principals
2 are the ones from the members of these different departments?

3 A Yes. People would come from those departments, and
4 they would also come from, you know, White House offices.

5 Q And so were you present at these meetings?

6 A I was at a few.

7 Q But not routinely?

8 A I think, when Bryan Hannegan joined our staff in, I
9 think it was, the spring of 2003, he began to routinely
10 attend those meetings, and I did not anymore.

11 Q Why is that?

12 A Well, he had a great interest, first of all, and
13 he, himself, you know, had a very strong background on
14 climate change science, so it was natural for him to be
15 interested and to want to attend those meetings, and I was
16 glad to be -- I was glad that he attended.

17 Q Could you say how many times you actually attended
18 these types of meetings?

19 A I don't really recall the exact number, but
20 maybe -- I just don't recall the exact number, but they were
21 occasional, and sometimes I would go and sometimes I would
22 not. I don't really remember.

23 Q And continuing on with that paragraph, he,
24 Mr. Piltz, says in here that the CEQ Chief of Staff, meaning
25 you, removed your name from the masthead of CCSP publications

1 as of the last edition of Our Changing Planet and designated
2 a new CEQ liaison to the principals committee.

3 A That just goes to the inside cover, but here is an
4 Our Changing Planet Report and who is named from the agencies
5 on the inside cover, and since Bryan Hannegan was attending
6 the meetings, his name went on the inside cover of the report
7 because he was the one who was attending the meetings and
8 really working in a detailed way with the program by that
9 point.

10 Q You said he started attending those meetings in
11 2003, right?

12 A Yes.

13 Q And this report was published in 2004 according to
14 Mr. Piltz?

15 A I guess, but you prepared the budget for 2004 and
16 2003, so I am not exactly sure of the chronology, but Our
17 Changing Planet is a budgetary -- it a supplement to the
18 submission of the administration's budget for climate change
19 research.

20 Q Then he goes on to say, "However, he," meaning
21 you -- again, this is reporting back to Mr. Piltz' memo --
22 "remains engaged with the program, and CEQ continues to play
23 an important role as a White House agent in CCSP governance."

24 Is that an accurate description of CEQ's role of CCSP?

25 A I think it is his opinion.

1 Q Well, what was CEQ's role with CCSP? How did the
2 two of you interrelate?

3 A The primary role of CEQ in these meetings was in
4 ensuring that the budget implications of what was being
5 planned were understood and accurate and agreed to. OMB was
6 there, so we wanted to be sending up accurate budgets to
7 Capitol Hill that accurately reflected the program.

8 Also, we would deal with, you know, just very ordinary
9 types of management issues like, when do we think we're going
10 to be able to publish the Our Changing Planet Report. One
11 year, for example, they combined reports because we were
12 preparing the 10-year Strategic Plan, so we submitted a
13 2-year report, but they were decisions like that -- managing
14 the development and the scheduling of products, and when are
15 we going to have the workshop.

16 Another agenda item I remember was should we bring in
17 the National Academy of Sciences to formally review the
18 10-year plan. Everyone agreed that we should. Those kinds
19 of questions would come up at these meetings.

20 Q Okay. If you will, take a look at the next
21 paragraph of Mr. Piltz' memo, starting with number 1, that
22 paragraph, please.

23 A Page 10?

24 Q Yes, we're still on Page 10. If you will, just
25 read that quickly to yourself.

1 A Okay.

2 Mr. Tuohey. While he is reading that, Counsel, are you
3 going to show him this memo dated October 28th or not?

4 Ms. Safavian. I will.

5 Mr. Tuohey. Okay. Have you read it?

6 The Witness. What is your question?

7 Ms. Safavian. I haven't asked you one yet. I just
8 wanted to give you a chance to read it.

9 Mr. Tuohey. Have you read it?

10 The Witness. Yes.

11 Ms. Safavian. Let me at the same time pass out what I
12 guess is Number 9, Exhibit 9.

13 [Exhibit No. 9
14 was marked for identification.]

15

16 BY MS. SAFAVIAN:

17 Q Mr. Cooney, the Exhibit 9 that I just handed you
18 has a fax cover sheet that is from you to Erin -- help me
19 pronounce her name.

20 A Wuchte.

21 Q Wuchte at OMB?

22 A Yes.

23 Q It says that you have attached CEQ's comments on
24 the strategic plan. Would you just take a very quick look at
25 this, and tell me, is this your handwriting that we see on

1 this document?

2 A It is.

3 Q And does this refresh your recollection that you
4 had seen a draft of the strategic plan --

5 A Yes.

6 Q -- earlier than, I think, you originally had
7 thought you had?

8 A Yes. Yes. It reflects that I reviewed it before
9 the draft was released in November.

10 Q And do you know --

11 Mr. Tuohey. November of what year?

12 The Witness. 2002.

13 Mr. Tuohey. All right.

14

15 BY MS. SAFAVIAN:

16 Q And do you know what version this would have been?

17 In other words, is this the initial plan that was being
18 passed around to everybody? Was this before the public
19 comments? Do you have any idea what version this is?

20 Because I know there are many versions of this.

21 A It says on the cover letter CEQ's comments on a
22 draft. The formal draft was posted on the Web site at the
23 end of November 2002, so it would have been a month before
24 the formal draft was posted for the public workshop we had.
25 The formal drafts were published on Web sites for reviewers

1 in November 2002, and the workshop was in December 2002.

2 Q Okay.

3 A So what I am puzzling over is why I sent my
4 comments to Erin Wuchte at OMB. I don't know if OMB had a
5 process at that time for review. I don't know if this was an
6 interagency, a formal interagency, review that was occurring
7 at that time.

8 Q Well, if you will turn to the next page, we have
9 this double -- or your copy is --

10 A Yes.

11 Q It looks like it was sent to you --

12 A Okay.

13 Q -- from Dr. Mahoney.

14 A Okay. It was sent to, yes, the three White House
15 offices. Yes.

16 Q So does this help --

17 A Yeah.

18 Q -- you understand --

19 A Okay.

20 Q -- why you were receiving this at this point?

21 A Yes, it does. Maybe Erin Wuchte was collecting
22 comments for all three White House offices. I just couldn't
23 figure out why I sent the comments to her, but --

24 Q As we kind of just flip through this, you know, you
25 do have edits on many of the pages here. I mean some pages

1 have more edits than others, and we can go through a couple
2 of those. I am not going to go through every edit in this
3 document or we would be here until tomorrow, but going back
4 to Mr. Piltz' memo, you know, he is claiming that you had
5 about 200 text changes, and a lot of them related to the
6 questions of climate science and that you were altering the
7 draft as it had been developed by the Federal Science Program
8 professionals, and I am just reading from his memo.

9 He is also saying, "Taken in the aggregate, the changes
10 had a cumulative effect of shifting the tone and content of
11 an already quite cautiously worded draft to create an
12 enhanced sense of scientific uncertainty about climate change
13 and its implications."

14 Mr. Cooney --

15 Mr. Tuohey. You were reading from Subparagraph 1 on
16 Page 10 --

17 Ms. Safavian. Yes.

18 Mr. Tuohey. -- of Exhibit Number 9?

19 Ms. Safavian. 8.

20 Mr. Tuohey. 9.

21 Ms. Safavian. 8.

22 Mr. Tuohey. No. It's Number 9.

23 Ms. Safavian. This is 8.

24 Mr. Tuohey. I'm reading from Document Number 9.

25 Ms. Safavian. This is 8.

1 Mr. Tuohey. I apologize. I had this marked as
2 Exhibit 8.

3 Ms. Safavian. Yes.

4 Mr. Tuohey. Exhibit 8, Page 10, Subparagraph 1.
5 Thank you. I apologize. That is what you're reading from?

6 Ms. Safavian. Correct.

7 Mr. Tuohey. Okay.

8 Ms. Safavian. I am reading just from that.

9

10 BY MS. SAFAVIAN:

11 Q So, Mr. Cooney, my question to you is:

12 Is that accurate? Was that your intention when you were
13 reviewing this draft which is Exhibit 9?

14 A No.

15 Q What was your intention when you were reviewing
16 this draft?

17 A It was to engage Dr. Mahoney as he requested our
18 comments, to engage him in our view of the draft with the
19 hope that he might consider our view. In many cases, I was
20 trying to align the draft with the President's own reliance
21 on the National Academy of Sciences' Report in June of 2001
22 and with the specific uncertainties that were identified in
23 that report and with many of the uncertainties that were
24 itemized in the policy book that was issued on June 11th,
25 2001.

1 Q Just, so I'm clear, are you trying to say that you
2 were reviewing this with an eye towards ensuring that it
3 conformed to the National Academy of Sciences' Report and the
4 President's Climate Change -- I forget the name of it.

5 A Yes.

6 Mr. Tuohey. Climate Change Strategy.

7 The Witness. I learned -- you know, not every comment
8 ties back to the National Academy. Some are just my own
9 thoughts and questions of Dr. Mahoney, but they were offered
10 in good faith, and I don't know how he resolved them. He
11 resolved them in one way or another.

12

13 BY MS. SAFAVIAN:

14 Q So you do not know -- when you sent these comments
15 off, you do not know in the end what happened with your edits
16 or with your suggestions?

17 A I did not -- I do not recall sort of tracking it
18 all the way through to see whether it was reflected in the
19 final draft that they had the workshops on.

20 Q Did Dr. Mahoney or anyone from OMB come back to you
21 and question any of your edits or ask you to further explain
22 them?

23 A Dr. Mahoney and I would talk on occasion, and so --
24 but I don't specifically recall a conversation where he
25 called me about these comments, but we would talk.

1 Q But your edits, these comments, Dr. Mahoney could
2 have taken or not?

3 A Correct.

4 Q Going back to Mr. Piltz' memo, he is trying to say
5 that what you were trying to do and what others were trying
6 to do is emphasize scientific uncertainties. Is that what
7 you were trying to do with your edits in this document?

8 A Well, what Mr. Piltz has written are his opinions.
9 I wasn't --

10 Mr. Tuohey. The question was were you trying to
11 emphasize scientific uncertainty.

12 The Witness. Only to the extent that it had been
13 emphasized by the National Academy of Sciences, itself.

14

15 BY MS. SAFAVIAN:

16 Q And then towards the end of this paragraph,
17 Mr. Piltz says, to his knowledge, "this CEQ markup," this
18 document that we are talking about, "was not shared with or
19 vetted by CCSP principals or CCSP agency science program
20 managers." Is that your understanding?

21 A I don't know whether it was. If you look at the
22 cover letter, Dr. Mahoney is asking for the views of a few
23 offices, and he is not sending it out. He doesn't appear to
24 be sending it out for a wider review, so --

25 Q But even though your cover letter to this is going

1 to OMB, it is your understanding that these edits went to
2 CCSP or went to Dr. Mahoney?

3 A They went back to Dr. Mahoney because he is the one
4 who had requested them. Yes.

5 Q I think maybe we might look at just a couple of
6 your edits in Exhibit 9.

7 A Okay.

8 Q If you'll look on what, I guess, is at the bottom
9 -- numbered Page 4; it is really the first page.

10 Mr. Tuohey. The page numbered 4 or the fourth page?

11 Ms. Safavian. It says "Page Number 4" on the bottom,
12 but it is not the fourth page. It is the first page of what
13 looks like the plan.

14 Mr. Tuohey. Right.

15

16 BY MS. SAFAVIAN:

17 Q If you will look on the bottom off to the side, you
18 say, "The NRC elaborated on this point," and you've got in
19 brackets, "see A, next page," and it looks like on the next
20 page you've got something that looks like "A insert."

21 Can you explain this to us, please?

22 A Yes. I thought it was important that when the
23 program talked about the connection between the observed
24 warming in this century and human activities that it fully
25 cover what the National Academy had said on it, and you know,

1 there is one sentence in this draft that I thought was very
2 important. The insert that I was offering was a very
3 important element of the National Academy's Report, which
4 said that a causal connection between the observed warming in
5 this century and human activities cannot be unequivocally
6 established because we don't understand with enough
7 confidence the range of natural variability in climate, and
8 if we are going to have a 10-year strategic research plan, I
9 thought it important to have the full view of the National
10 Academy on that critical point if we are going to be setting
11 the tone for the program for the next 10 years, and I think
12 it -- I will leave it at that.

13 Q Okay, and so this insert -- this is directly from
14 the National Academy of Sciences' Report?

15 A It is direct. Yes, it a direct copy from the
16 National Academy of Sciences, and it is under the caption, as
17 you can see, of, The Effect of Human Activities. That is
18 where they take on -- they purport to take on specifically
19 the linkage between observed warming and human activities,
20 and I thought it was important that the plan reflect their
21 full view on that point.

22 Q And do you know whether or not this was
23 incorporated into the strategic plan?

24 A I don't.

25 Q If you then will flip to what is labeled at the

1 bottom, Page 20 --

2 A Okay.

3 Q -- do you see that?

4 A Yes.

5 Q There is in the middle of the page a paragraph
6 where you have cross-outs starting on line 17.
7 Do you see that?

8 A Yes.

9 Q If you will, just take a quick look at that because
10 I would like you to explain --

11 Mr. Tuohey. Would you like him to read the sentence he
12 crossed out?

13 Ms. Safavian. Yes, and then, of course, his comments on
14 the side so he can explain that.

15 Mr. Tuohey. Go on.

16 The Witness. Okay.

17 Mr. Tuohey. Have you read it?

18 The Witness. I've read it.

19 Mr. Tuohey. Jennifer, is there a question?

20 Ms. Safavian. Yes.

21 Mr. Tuohey. Okay.

22

23 BY MS. SAFAVIAN:

24 Q Could you explain why you crossed out these couple
25 sentences and your comments on the side there?

1 A Yes. If you read the sentences that remain in the
2 paragraph that were not crossed out and the next section,
3 which identifies five specific research needs with respect to
4 the impact of climate change in the Arctic, they speak to the
5 need for fundamental scientific research before we can speak
6 definitively to impacts that will occur. So, if you read
7 that whole paragraph and read the research needs, the
8 language that remains is what you would expect in a research
9 plan. These are the fundamental things -- ice thickness,
10 reducing the uncertainties, and the current understanding of
11 the relationships between climate and Arctic hydrology is
12 critical for evaluating potential impacts of climate change,
13 for example. I'm just reading the language that was left.
14 There were fundamental, basic research needs that needed to
15 be undertaken before you could speak definitively to impacts,
16 but they began the sentences by saying there will be
17 significant shifts that will have significant impacts on
18 native populations. They spoke to impacts that they then
19 subsequently said they really needed to study before they
20 could understand, and it just seemed to me they were
21 concluding in an unequivocal way what the localized impacts
22 would be before they had done the fundamental research that
23 they identified as appropriate to understanding what the
24 impacts would be.

25 Q But -- and please correct me if I'm wrong here.

1 Was this written by scientists who had been studying
2 this issue, this matter, and were they not aware at that time
3 of what the current impact was?

4 A I did not think they were aware because they
5 identified these basic research needs as being needed to be
6 undertaken before they could understand localized impacts. I
7 don't -- to your question, I don't know who drafted the
8 paragraph.

9 Q And do you know whether or not this edit of yours
10 or this suggestion about removing this -- was that taken into
11 account in the final version of the strategic plan?

12 A I don't know.

13 Q Before I run out of time, which I have just a few
14 minutes left --

15 Mr. Tuohey. Excuse me.

16 Ms. Safavian. Sure.

17 Mr. Dotson. Just for the record, Mr. Cooney conferred
18 with his counsel.

19

20 BY MS. SAFAVIAN:

21 Q If you would turn to what is numbered Page 115 of
22 that document.

23 A Yes.

24 Q I am interested in -- you have got the word
25 "potential" twice in two different locations on that page in

1 two different paragraphs. Can you explain why you wanted to
2 add the word "potential"?

3 Mr. Tuohey. And let the record reflect on that question
4 that the word "potential" is inserted a number of times
5 throughout the report, so his answer here will apply to all
6 of them. Go ahead.

7 Ms. Safavian. We will see if he agrees with that.

8 Mr. Tuohey. Yes. Should we take them one at a time?

9 Ms. Safavian. Sure.

10 Mr. Tuohey. Take the first one.

11 The Witness. There is, in this area, a difference
12 between observed changes and changes that are projected on a
13 localized level from models, and the National Academy of
14 Sciences' Report, for example, said that any connection
15 between human health and global climate change is a study in
16 its infancy, that much remains to be understood about it. It
17 had a lot of language about the limitations of models,
18 particularly in their ability to reliably inform policymakers
19 about localized impacts, and so, when discussions of future
20 localized impacts occur, I think that there is a lot in the
21 National Academy of Sciences' June 2001 Report that would
22 counsel caution. These are from modeled projections which
23 are imperfect, the National Academy told us particularly on a
24 regionalized and localized scale, particularly with respect
25 to human health impacts, and that would have been a reason I

1 would have inserted the word "potential."
2

3

BY MS. SAFAVIAN:

4 Q Okay. How about in the second sentence, the same
5 thing?

6 A That would apply for both.

7 Q Okay. So that is just going back to your
8 understanding of what the National Academy of Sciences'
9 Report stated?

10 A Yes.

11 Q And your counsel mentioned that you did use the
12 word "potential" or "potentially" throughout this draft.

13 A Yes.

14 Q Without going to each one of them, are you able to
15 explain to us why you kept throwing in that word? Does it go
16 back to the National Academy of Sciences, your explanation
17 that you just gave us?

18 A No, I can't say it does with respect to each
19 change, but there was a hesitation there, and Dr. Mahoney in
20 many cases overruled me. I know that materials have been
21 sent up to the CEQ in the past several weeks which I was able
22 to review on Thursday and Friday. In some cases, they would
23 provide markups back to the Agency of changes that had been
24 accepted and not accepted, and in many cases, he did not
25 accept my changes, and he had the final word.

1 Mr. Tuohey. That wasn't the question. The question
2 was, did you have the same mindset or thought process in
3 putting "potential" in throughout the report?

4 The Witness. I would say I probably came to it with
5 that view, and it was from a cumulative understanding of what
6 the National Academy of Sciences had told us.

7 Ms. Safavian. Okay. Thank you. My time is up.

8 Mr. Tuohey. And I will say that counsel for the
9 majority has been generous on that one. I understand we will
10 take that into account.

11 Mr. Dotson. Well, can I suggest that we take a 5-minute
12 break if that is something that would be of interest to you,
13 Mr. Cooney?

14 The Witness. Thank you.

15 Mr. Tuohey. Thank you.

16 Mr. Dotson. Great.

17 [Recess.]

18 Mr. Baran. Back on the record.

19 We are going to go in half-an-hour rounds.

20 Mr. Tuohey. Okay.

21 EXAMINATION

22 BY MR. BARAN:

23 Q My name is Jeff Baran. Let's dive right in given
24 the time constraints.

25 Mr. Cooney, are you familiar with the National

1 Assessment for the Potential Consequence of the Climate
2 Variability and Change?

3 A Yes.

4 Q Can you tell us briefly how the National Assessment
5 was prepared?

6 A It was prepared, I think, by a Federal advisory
7 committee predominantly in the late 1990s. Although,
8 portions of the National Assessment continued to come out
9 through 2003.

10 Q In your view, what was the purpose of the National
11 Assessment?

12 A Well, its stated view was to comply with the legal
13 requirement under the Global Change Research Act. To provide
14 a National Assessment, the way it was organized, it purported
15 to describe and predict the regional impacts of global
16 climate change in various regions of the United States and in
17 several sectors like agriculture, health and some other
18 sectors.

19 Q Where were you employed when you first learned that
20 the National Assessment was being developed?

21 A At the American Petroleum Institute.

22 Q Was API interested in the National Assessment?

23 A Yes.

24 Q Why?

25 A Because of a concern that it had been designed and

1 was being developed with a political objective that appeared
2 to go beyond what science could tell us reliably about
3 regional impacts of global climate change.

4 Q Did API monitor action on the National Assessment?

5 A API provided public comment on drafts of the
6 National Assessment. Our economists and scientists provided
7 individual, line-by-line comments on certain sections of the
8 National Assessment. We also provided thematic comments on
9 the National Assessment, public comments to the Government.

10 Q Did API take any other actions based on the fact
11 that the National Assessment was being developed?

12 A I recall that there was once sort of a public
13 hearing on the National Assessment, and we participated in
14 that public hearing.

15 Q Was the development of the National Assessment
16 something that you were professionally focused on?

17 A Yes, because the Climate Team was focused on it as
18 it was being developed, and as solicitations for public
19 comment emerged, we did comment. Also, the press was
20 reporting on it. The New York Times was reporting on it.
21 The Wall Street journal was reporting on its development. It
22 was a prominent development relating to climate change that
23 was emerging in the late 1990s.

24 Q What was your specific role at API with regard to
25 the National Assessment?

1 A It was to be sure that our Multidisciplinary Team
2 was performing in such a way as to advocate effectively our
3 concerns about the National Assessment.

4 Q In 1999, Congress enacted as part of the FY 2000
5 appropriations cycle language that addressed the National
6 Assessment. Did you work on this language as part of your
7 employment?

8 A I do not remember if I worked on the language.

9 Q Would you have been the staff member there to work
10 on the language?

11 A Not necessarily. As I said, we had lawyers and we
12 had lobbyists -- people who covered Capitol Hill -- who may
13 have drafted language for the team. I just don't remember
14 who -- I do not remember if API even drafted the language. I
15 don't really recall, but it wouldn't necessarily have been my
16 role to do so.

17 Q The National Assessment has been described as,
18 quote, "the most comprehensive and authoritative
19 scientifically based assessment of potential consequences of
20 climate change for the United States," end quote.

21 Do you think this is an accurate description?

22 A Let me just look at something if I may. I want to
23 look at the 10-year Strategic Plan, which I believe has --
24 well, Page 111 of the 10-year Strategic Plan says that the
25 largest assessment program previously undertaken by the

1 USGCRP was the National Assessment initiated in 1998, which
2 produced an overview of reports in late 2000 and a series of
3 specialty reports in the period 2001 to 2003." So the
4 10-year plan refers to it.

5 Q Well, that is slightly different from my question.
6 Let me repeat my question.

7 The National Assessment has been described as the most
8 comprehensive and authoritative scientifically based
9 assessment of potential consequences of climate change for
10 the United States. Do you, personally, think this is an
11 accurate description?

12 Mr. Tuohey. May I just ask a question? Can you cite
13 the source of that comment?

14 Mr. Baran. I believe Rick Piltz gave that quote.

15 Mr. Tuohey. Okay. Thank you.

16 Mr. Baran. Yes.

17 The Witness. It is the only National Assessment, so to
18 say that it is the most authoritative, the Act, the Global
19 Change Research Act, requires a National Assessment be
20 prepared every 4 years, and one was not. The act was enacted
21 in 1990, and the first National Assessment, most of it, was
22 published in November 2000. So, to say it is the most
23 authoritative, it is the only assessment that was performed.
24 The Clinton administration did not do a National Assessment
25 until -- and publish it until 2000.

1

2

BY MR. BARAN:

3

Q Do you think the National Assessment was based on solid science?

4

5

A My view is really a derivative view, and it derives from a lot of the commentary that Federal scientists, themselves, offered as part of the Federal advisory committee proceedings that were developing the National Assessment, and they are part of the record, and I have some of those citations with me, but Joel Scheraga and Mike Slimak at EPA, in a Wall Street Journal article, called it alarmist. Kevin Trenberth at the National Center for Atmospheric Research severely criticized the selection of the models that they used in the National Assessment and the premise of the National Assessment that models were sufficiently reliable to predict impacts of climate change at the local level because the IPCC and a whole host of other authorities had said in the second report in 1995, in their special report on local impacts in 1998 and in their third assessment report in 2001 that the models are incapable of reliably predicting impacts at the local level. A symptom of the model's unreliability was the fact that the two models used in the National Assessment contradicted each other repeatedly on basic things like precipitation. In various regions of the country, one model would say precipitation will be greater. In the same

25

1 regions, the other model would say precipitation will be much
2 lower, and the fact that they were contradictory was
3 symptomatic of the inability of models to reliably project
4 regional impacts at a localized level. Yet, that was the
5 foundation for the regional reports, and you will find a
6 whole host of Federal scientists who complained and
7 criticized the foundation, this foundation of the National
8 Assessment, this element of the foundation of the National
9 Assessment. They were very critical of it. In the
10 New York Times' article that Andy Revkin wrote in July of
11 2000, he cited a Federal scientist who said this was all
12 being rushed out and driven by the election, a Federal
13 scientist who, himself, purported to -- you know, who was
14 very concerned about climate change and the serious threat
15 that it poses.

16 So I have given you a very basic sampling of the fact
17 that this was very controversial during its development,
18 severely criticized by Members of Congress. In fact, Members
19 of Congress initiated litigation against the administration's
20 publication of the National Assessment, sitting Members of
21 Congress. Congresswoman Emerson, Congressman Knollenberg,
22 Senator Inhofe, and various other groups initiated this
23 litigation, so it was very controversial. My own view is
24 derivative, though. I didn't have an independent view.

25 Q Is it fair, based on the views of the scientists

1 that you were basing your own view on, that you had concerns
2 about the substance of the National Assessment?

3 A Yes.

4 Q On October 5th, 2000, the Competitive Enterprise
5 Institute, or CEI, announced a lawsuit against the
6 administration regarding the National Assessment, claiming
7 that it had been unlawfully produced. Were you aware of this
8 lawsuit at the time it was filed?

9 A I was.

10 Q Did you or any other API employee communicate with
11 CEI regarding this lawsuit prior to its initiation?

12 A I do not recall.

13 Q Was API engaged in any way with the decision to
14 file this lawsuit or with the development of this lawsuit?

15 A I just don't recall.

16 Q Did API have any financial relationship with CEI at
17 the time the lawsuit was filed?

18 A What do you mean by "financial relationship"?

19 Q It could be any financial relationship.

20 Was API, for example, funding CEI in any respect?

21 A Yes.

22 Q Can you describe the relationship, the extent of
23 the funding?

24 Mr. Tuohey. Meaning beyond what he has done? He has
25 talked about it. Do you want him to go beyond that?

1 The Witness. I do not recall how much money we were
2 providing at that time.

3

4 BY MR. BARAN:

5 Q Did you communicate with CEI regarding this lawsuit
6 after the lawsuit had been initiated?

7 A Probably.

8 Q Do you recall the nature of your communications?

9 A No.

10 Q You have no recollection at all of any specific --
11 Mr. Tuohey. Do you mean -- let me understand because I
12 think there may be a disconnect here.

13 We all know there were memos back -- there was a
14 conversation of a memo. Do you mean any time afterwards, of
15 the filing of the lawsuit? I mean, the discussions with
16 Ebell, you're going to get to that. Let's just jump ahead
17 here. Do you include that? Your question was after the
18 lawsuit was filed --

19 Mr. Baran. I'll rephrase my question.

20 Mr. Tuohey. Okay.

21

22 BY MR. BARAN:

23 Q During the pendency of the lawsuit but after it was
24 filed, do you recall having any communications with CEI?

25 A Not specifically.

1 Q Okay. Do you believe any API funding supported the
2 CEI litigation?

3 A It could have. I don't know. The litigation
4 included a number of, from my recollection, other free
5 enterprise, nongovernmental organizations and also Members of
6 Congress, and I think they were all coplaintiffs, and I don't
7 know who was -- how it was being paid for.

8 Q Would it surprise you if API had funded this
9 litigation?

10 A It wouldn't surprise me that API funded CEI. We
11 did. Whether our funds that we gave -- they had a lot of
12 funders. Whether they were traceable specifically to the
13 litigation, you know, I don't know. We were a funder of CEI.

14 Q CEI's lawsuit was settled with the administration
15 on September 12th, 2001. Were you involved with the
16 administration's response to or defense of this lawsuit?

17 A Rosina Bierbaum wrote a letter, I believe, dated
18 September -- well, I have it here. It is right here, so -- I
19 thought this would come up. She dated a letter
20 September 6th, 2001, to Chris Horner, and I did not have
21 anything to do -- I do not recall being involved with her
22 development of that letter.

23 Q Okay. I understand the letter, but were you
24 involved in any way with the administration's response to or
25 defense of this lawsuit?

1 A I vaguely remember, at one point, White House
2 counsel asked me about it, and I don't really remember what I
3 said or what I thought. It was right after I got there.

4 Q Do you remember who you spoke with about this?

5 A Yes.

6 Q Who was it?

7 A His name was Noel Francisco.

8 Q What is your understanding of how this case was
9 resolved?

10 Mr. Tuohey. Excuse me a second. Let me interrupt you
11 for a second.

12 I promised you I would check, and I have. There is a
13 flight that leaves Reagan at 7:30. I am willing to have him
14 take that flight. We can keep going for another couple of
15 hours, okay?

16 Mr. Baran. That would be great.

17 Ms. Safavian. That is a problem for me.

18 Mr. Dotson. Well, you have until 5:30.

19 Ms. Safavian. You'd better make it 5:20 so I can get my
20 keys, get to the garage and run out.

21 Mr. Tuohey. Can we resolve this in a way that
22 accomplishes both? Because we can't come back, and I am
23 willing to extend this until 6:00. It leaves at 7:30. I
24 think we can go until 6:20, 6:15.

25 Ms. Safavian. If you will let me take all my time up

1 front, and then you all end with the time, that might work.

2 Mr. Dotson. Yes. You'll get a copy of the deposition.
3 That would be agreeable. We'll finish this half-hour round.
4 We'll move to you to use your balance of time, and then we
5 will take the rest of it.

6 Ms. Safavian. Does that work for you?

7 Mr. Tuohey. Say that again. Sorry.

8 Ms. Safavian. I said, I am fine with that as long as I
9 can use all my time up front, and then they will end.

10 Mr. Tuohey. Fine. We're okay with that. Yes.

11 Mr. Baran. That's agreeable to everyone?

12 We want to make it clear, however, that that may or may
13 not end our needs in terms of the deposition, but we
14 certainly will get a lot further along.

15 Mr. Tuohey. I don't want to get into that because I'm
16 telling you there will be no more depositions. You can't
17 compel it. You know you can't compel it, and we had an
18 agreement.

19 Mr. Dotson. I think where we're moving now is everyone
20 is in good faith, and we're moving in the same direction.

21 Mr. Tuohey. I want to help you guys. I've said that
22 from the beginning, but I can't keep having things change on
23 me. I'm willing to do this, so I'll make arrangements.

24 Go ahead. I'm willing to help you out. Keep talking,
25 and I'll just keep going.

1

2

BY MR. BARAN:

3

Q Let me repeat the last question.

4

What is your understanding of how this case was
resolved?

5

6

A I understand that the OSTP Acting Director, Rosina
Bierbaum, wrote the letter that she did on September 6th and
that the plaintiffs, in exchange, in reliance on that letter,
dismissed -- or dropped the lawsuit, did not pursue it any
further.

10

11

12

BY MR. BARAN:

13

Q What is your understanding of the commitment made
by the administration with respect to the National
Assessment?

14

15

16

A That it would not be relied upon for policymaking,
that, as Ms. Bierbaum's letter says, the June 2001 report of
the National Academy of Sciences on climate change and the
climate change Cabinet-level review which existed in 2001,
quote, "will form the basis of Government decision-making on
the important issue of global climate change."

20

21

22

So, Ms. Bierbaum, who had been in the Clinton
administration and remained in the Bush administration, said
that we will be relying upon the June 2001 report of the
National Academy of Sciences for policymaking, and we will

23

24

25

1 not be relying on the National Assessment for policymaking.

2 Q Was that your understanding when you worked in the
3 White House?

4 A That was my understanding.

5 Q Under the settlement agreement, did you believe
6 that the administration had agreed to refrain from mentioning
7 the National Assessment in all government reports and
8 publications?

9 A No, because, in the Climate Action Report that was
10 released in June 2002, which was a submission from the State
11 Department to the United Nations under the frame of
12 conventional climate change, Chapter 6 of that report
13 summarized information from the National Assessment in that
14 report. Also, in July of 2002, the administration -- I
15 coordinated with the Agriculture Department to release the
16 agriculture sector report of the National Assessment, so the
17 National Assessment was still emergent in some reports in an
18 informational sense, but it was not being used for
19 policymaking and relied upon for policymaking pursuant to the
20 legal agreement.

21 Mr. Tuohey. Let the record reflect the witness was
22 holding a document called the Potential Consequences of
23 Climate Variability and Change, a report for the U.S. Global
24 Change Research Program in 2002. Thank you.

25

1 BY MR. BARAN:

2 Q Did you believe that the administration was legally
3 prohibited from mentioning the National Assessment in the
4 Climate Change Science Program Strategic Plan?

5 A I thought that was part of the legal agreement that
6 we should not -- that the 10-year plan was a policy document
7 and that this was a forward-looking 10-year Strategic Plan,
8 obviously called for under the statute, and we were issuing
9 it in July of 2003 which was supposed to take us through
10 2013, and so it is a forward-looking document, and it was a
11 policy document in that it was -- and for that reason, it was
12 inappropriate to be citing to the National Assessment.

13 Q So, in your view, any mention of the National
14 Assessment in the strategic plan violated the settlement
15 agreement?

16 A I was concerned that it did.

17 Q Did you believe that the administration was legally
18 prohibited from mentioning the National Assessment in Our
19 Changing Planet?

20 A Yes, because that is a policy document as well of
21 the administration. Certain policy positions are put
22 forward.

23 Q Did you or anyone at the White House direct the
24 Climate Change Science Program to delete references to the
25 National Assessment from the strategic plan or Our Changing

1 Planet?

2 A Well, you used the word "direct," and what I did in
3 reviewing --

4 Mr. Tuohey. Answer "yes" or "no" first, and then
5 explain. Did you direct anyone?

6 The Witness. I did not direct anyone. I made comments
7 in interagency review processes, recommending that references
8 to the National Assessment be deleted, but as I have pointed
9 out, I was overruled on that point by Dr. Mahoney, and the
10 final plan in which I formally concurred does refer to the
11 National Assessment.

12

13 BY MR. BARAN:

14 Q Who decided to make the comments, or as you refer
15 to them, recommendations, in this regard to the strategic
16 plan? Was that your decision?

17 Mr. Tuohey. I am just going to ask. Do you mean the
18 comments attributed to him in the document?

19 Mr. Baran. I originally asked whether he or anyone at
20 the White House directed the Climate Change Science Program
21 to delete references to the National Assessment from the
22 strategic plan or Our Changing Planet. He responded by
23 saying it wasn't a direction, and now I am asking who decided
24 to make the recommendation.

25 Mr. Tuohey. Any recommendations or the ones that are

1 noted in here? I am just asking you to clarify. That's all.
2 Any recommendation whatsoever?

3 Mr. Baran. Well, deleted references to the National
4 Assessment.

5 Mr. Tuohey. Okay.

6 The Witness. In reviewing documents over the past 4
7 days, I see places where I recommended that references to the
8 National Assessment in the 10-year Strategic Plan be deleted.

9

10 BY MR. BARAN:

11 Q Did anyone tell you to make that recommendation?

12 A No.

13 Q Did you consult the Department of Justice to
14 determine if that was an appropriate course of action?

15 A I did not.

16 Mr. Baran. Okay. I will ask the reporter to mark the
17 next exhibit.

18 [Exhibit No. 10
19 was marked for identification.]

20

21 BY MR. BARAN:

22 Q Exhibit 10 is a stipulation dated September 12th,
23 2001, and a memorandum in support of the stipulation; is that
24 correct?

25 A I don't know. Let me look at it.

1 Q Sure.

2 Mr. Tuohey. What was your question?

3 Mr. Baran. Exhibit 10 is a stipulation dated
4 September 12th, 2001, and a memorandum in support of the
5 stipulation; is that correct?

6 Mr. Tuohey. The document speaks for itself.

7 You can answer yes. You can answer yes.

8 Mr. Baran. Well, please don't direct the witness how to
9 answer.

10 Mr. Tuohey. Well, it's a legal question. You're asking
11 him what the document is. It's a legal document. It speaks
12 for itself.

13 Mr. Baran. I'm asking him whether that's correct.

14 Mr. Tuohey. And I'm advising him he can answer yes.
15 I'm advising him he can answer yes. It's a legal document.
16 He is not familiar with it.

17 Mr. Baran. Excuse me. It is not appropriate for you to
18 advise him on how to answer specific questions.

19 Mr. Tuohey. Then don't ask him a question where the
20 document speaks for itself.

21 Mr. Baran. This is a deposition. I will ask the
22 questions. He is going to answer them.

23 Mr. Tuohey. He can answer the question. Go ahead.

24 Don't read this. That's not part of it. Read the first
25 two pages.

1 The Witness. This document is entitled Joint
2 Stipulation of Dismissal without Prejudice.

3

4 BY MR. BARAN:

5 Q The stipulation dismisses CEI's lawsuit against the
6 administration regarding the National Assessment. Have you
7 seen this stipulation and memorandum before?

8 A I do not recall. I might have, but I do not
9 recall.

10 Q Did you communicate with anyone about the contents
11 of this stipulation or memorandum prior to its execution by
12 the court?

13 A I do not recall.

14 Q Is it your assessment as a lawyer that mentioning
15 the National Assessment in a government publication is
16 inconsistent with the terms of this stipulation?

17 Mr. Tuohey. If you know. If you can answer the
18 question.

19 The Witness. I just don't have a legal judgment on this
20 document. I just don't. I don't really recognize it. I
21 don't really know what it absolutely requires and absolutely
22 doesn't. I don't have a view.

23

24 BY MR. BARAN:

25 Q When you were making edits to the strategic plan

1 and the edits involved the National Assessment, you were
2 basing your edits on what understanding of this settlement?

3 A I made them based upon an understanding that the
4 lawsuit had been withdrawn because the administration had
5 communicated that it would not rely on the National
6 Assessment for policy purposes.

7 Q Do you know where your understanding of this
8 agreement came from?

9 A Let me say that I don't want to answer the question
10 directly. Well, the direct answer is, no, but there is --
11 when the administration issued the Climate Action Report in
12 2002, in June of 2002, CEI and a lot of its colitigants
13 asserted that the administration had violated its agreement
14 on the National Assessment by including information on the
15 National Assessment in Chapter 6, and so I knew that they
16 were asserting that their agreement had been violated, so
17 that might have -- yes, I just don't know what I relied on.
18 I just walked around with the knowledge that there had been a
19 settlement agreement that we wouldn't use this for policy
20 purposes.

21 Q Okay, but just to clarify, you are not sure whether
22 or not you actually read the settlement agreement or spoke
23 with the White House Counsel or spoke with the Department of
24 Justice about it?

25 A About this agreement right here?

1 Q Yes.

2 A I did not speak to the Justice Department about it.
3 I do not recall. I just think -- I really think it went to
4 OSTP, and they handled it with White House counsel. I don't
5 think I had any meaningful role in how this was resolved in
6 2001, September 2001.

7 Q Do you think that deleting references to the
8 National Assessment in the strategic plan and in Our Changing
9 Planet increased or decreased public and congressional
10 awareness of the threat posed by global warming?

11 Mr. Tuohey. Do you understand the question?

12 The Witness. Sort of.

13 Mr. Tuohey. Then restate the question, please.

14 Mr. Baran. Let me repeat it first, and then if I need
15 to restate it, I will.

16

17 BY MR. BARAN:

18 Q Do you think deleting references to the National
19 Assessment in the strategic plan and in Our Changing Planet
20 increased or decreased public and congressional awareness of
21 the threat posed by global warming?

22 A My own view is that the deletions, if you'll look
23 at them, were immaterial and that the documents -- the
24 strategic plan and the Our Changing Planet Report reinforced
25 the seriousness with which the administration addressed

1 global climate change, global climate change science research
2 priorities, so I don't think it diminished concern. I think
3 those documents reflected a serious concern on the part of
4 the administration and commitment to responsibly address
5 climate change.

6 Q Just to close out this section of questioning, it
7 is your view that the deletions to the references to the
8 National Assessment in the strategic plan and in Our Changing
9 Planet had no effect on the document's ability to communicate
10 the threat of global warming?

11 A The deletions were to citations to the National
12 Assessment. They weren't to paragraphs from the National
13 Assessment. They were deletions to citations, three little
14 words, "see National Assessment," and so, when you delete a
15 formal citation, I don't think that that is cutting
16 materially into the meaning of the overall report.

17 Mr. Baran. Thank you. I think I have gone a little
18 over my time, so I am going to turn it over to the minority.

19 Mr. Dotson. Can I just discuss a housekeeping matter?

20 It is now 4:16. We have approximately 2 hours left of
21 questioning. We took a half an hour, so you have a half hour
22 coming, which leaves approximately an hour and 45 minutes
23 that we are going to split, I mean at least 45 minutes that
24 we are going to split -- an hour and a half that we're going
25 to split.

1 Mr. Baran. So you'll have a half an hour plus an
2 additional 45 minutes -- that will frontload you -- and then
3 after that, we'll have 45 minutes.

4 Mr. Tuohey. I don't think you're talking about an hour
5 and a half. He has got to leave here at 6:30 for a 7:30
6 flight, so maybe 6:40, 6:45, but no more than that.

7 You've got to check bags; 6:30 to be safe. So I think
8 you've got an hour and 15 minutes.

9 Mr. Baran. Two hours and 10 minutes then?

10 Mr. Tuohey. Yes, 2 hours and 10 minutes. Yes, I'm
11 sorry. Just around 6:30. I mean, I want to be sure about
12 traffic and stuff. We'll try to plan on that. We'll be
13 all right.

14 Ms. Safavian. So what do I have?

15 Mr. Dotson. So you have -- if you take --

16 Mr. Baran. So you have 30 minutes followed by an
17 additional 45 minutes, and then we'll have 45 minutes.

18 Mr. Tuohey. Let me just say, 7:30 -- I don't want you
19 panicking while you're testifying here, so let's say -- you
20 have to check a bag?

21 The Witness. Yes.

22 Mr. Tuohey. And you have to get a new ticket issued.
23 We'd better say, to be safe, 20 after.

24 Mr. Dotson. Okay. I think that still works, 2 hours.
25 That still works for us.

1 Mr. Baran. So, to be clear, Jennifer, you now have 1
2 hour and 15 minutes.

3 Ms. Safavian. So I have until about 5:30?

4 Mr. Baran. That's correct, and then we'll have
5 45 minutes after that, and he'll still get out of here on
6 time.

7 Ms. Safavian. What I might do is I might save 10
8 minutes of it so that I can make it out on time.

9 Mr. Tuohey. You may need it.

10 Ms. Safavian. I may not, but if I need it, I will have
11 Brooke finish our final round with the last 10 minutes.
12 Okay. Sorry.

13 EXAMINATION

14 BY MS. SAFAVIAN:

15 Q A quick question for you.

16 Can you tell me what the National Academy of Sciences'
17 2001 Report says about the ability of models to predict
18 regional changes? Do you know?

19 A There are a number of citations in the National
20 Academy Report about -- sorry.

21 Well, at Page 19, for example, there is a sentence on
22 the regional scale, and in the longer term, there is much
23 more uncertainty, and that is all in a discussion about the
24 National Assessment. There is that definitive statement.

25 Q That there is uncertainty?

1 A Uncertainty particularly at the regional scale and
2 in the longer term. On Page 21, it says, "Whereas all models
3 project global warming and global increases in precipitation,
4 the sign of the precipitation projections varies among models
5 for regions. The range of models' sensitivities and the
6 challenge of projecting the sign of the precipitation changes
7 for some regions represent a substantial limitation in
8 assessing climate impacts."

9 So that is a pretty direct quote. It says the models
10 are contradictory on the basic question of whether there will
11 be more precipitation or less precipitation in a certain
12 region, and that severely handicaps the understanding of what
13 regional consequences might be from global climate change.

14 Q Okay. I just want to finish up with where I
15 stopped with my last round of questioning, looking at Rick
16 Piltz' memo. Do you still have that in front of you?

17 Mr. Tuohey. No. We've got it over here. It should be
18 over here.

19

20 BY MS. SAFAVIAN:

21 Q And we were on Page 10.

22 A Okay.

23 Q We had already pretty much gone over the October
24 28th, 2002 draft version of the strategic plan.

25 A Yeah.

1 Q I'm not going to go over that any further, but if
2 you'll look at the next paragraph which starts with the
3 Number 2.

4 A Yes.

5 Q He's saying that, in the final review of the
6 revised strategic plan dated June 2nd, 2003, CEQ made about
7 450 comments throughout the document, and you can feel free
8 to read this paragraph if you want.

9 Mr. Tuohey. Do you want him to read the paragraph to
10 himself?

11 Ms. Safavian. Yes, please.

12 Mr. Tuohey. Okay.

13 The Witness. Okay. Okay.

14

15 BY MS. SAFAVIAN:

16 Q And I don't have this version, so I can't give it
17 to you to show you, but here is my question, and see if you
18 can do this just by reading what was in this paragraph.

19 Do you recall or do you have a recollection of making
20 edits to this -- you know, to this degree for this draft for
21 your final review of this plan?

22 Mr. Tuohey. This is the June 2nd draft?

23 Ms. Safavian. Yes, of 2003.

24 The Witness. I believe, at this point, that Bryan
25 Hannegan and I were both making comments and that they were

1 combined in one document, and we split up the chapters and
2 made different comments.

3

4 BY MS. SAFAVIAN:

5 Q So what Mr. Piltz has in this paragraph sounds
6 familiar to you as some of the comments or edits you made?

7 A They are really his characterizations, his
8 opinions, of the impact of our comments. I don't really
9 agree with a lot of the way he characterizes our comments.

10 Q Did you intend to alter and delete references to
11 the potential public health impacts?

12 A Well, if you'll go again to the National Academy of
13 Sciences at Page 20, you know, I was guided by what they
14 said, which is that, quote, "much of the United States
15 appears to be protected against many different health
16 outcomes related to climate change by a strong public health
17 system, relatively high levels of public awareness and a high
18 standard of living." It goes on to say, "The understanding
19 of the relationships between weather/climate and human health
20 is in its infancy, and therefore, the health consequences of
21 climate change are poorly understood."

22 On that basis, I would make a recommendation in my
23 comments on proposals that I thought risked overstating human
24 health impacts, because the National Academy had told us that
25 it is a study in its infancy, and the impacts are poorly

1 understood.

2 Q And did Mr. Hannegan agree with you on that?

3 A I do not remember specifically.

4 Q But did you end up sending back one document that
5 had both of your comments included in it, or did you each
6 send up your own edits?

7 A What I think I recall from having reviewed the
8 documents in the past 4 days is that there was a joint set of
9 comments, CEQ, that reflected both his and my views, and I
10 think he typed it, and then we sent it back. I could be
11 mistaken, but I think that is what he did.

12 Q And you think that that is regarding this draft?

13 A Yes, because he was there by then.

14 Mr. Tuohey. Do we have a copy of this draft?

15 Ms. Safavian. I do not. Do you have a copy of it?

16 Mr. Tuohey. Does counsel for the majority have a copy
17 of the June 2nd, 2003 draft?

18 Mr. Dotson. This is, Our Changing Planet?

19 Mr. Tuohey. No, of our strategic plan. We have the
20 copy here that you presented from October 2002, and if there
21 are going to be questions about the June 2, 2003 draft, it
22 would be helpful to have that draft in front of us.

23 Ms. Safavian. My questions are more general.

24 Mr. Tuohey. Yes, I know they are.

25 Mr. Dotson. Should we enter this?

1 Ms. Safavian. Why don't you just put it in so he has it
2 in case he --

3 Mr. Dotson. Can we make it an exhibit?

4 Ms. Safavian. If you want.

5 Mr. Tuohey. No objection from us.

6 Ms. Safavian. Yes. Exhibit 11. That's fine.

7 [Exhibit No. 11
8 was marked for identification.]

9

10 The Witness. So this here appears to be -- again, this
11 is not joint comments. These appear to be handwritten
12 individual comments. I don't know if they are --

13

14 BY MS. SAFAVIAN:

15 Q Is it your handwriting?

16 A Well, I just looked at a page that I believe is
17 Mr. Hannegan's.

18 Q Ah, okay. So maybe they do encompass both of your
19 comments.

20 A I think these are Mr. Hannegan's handwriting, and I
21 am looking just at these couple pages right here.

22 Q Do you see any that is your handwriting?

23 A We sort of write alike, but so far, I see
24 Mr. Hannegan's handwriting, and you will see, of course, that
25 99.9 percent of the document has no comments on it.

1 Q I do see that, yes. There are a lot of blank
2 pages.

3 A So what I have seen so far are Mr. Hannegan's --
4 appear to be Mr. Hannegan's comments, Dr. Hannegan. I do not
5 see any of my comments at this point.

6 Q You do recall reviewing this draft version of the
7 plan and making comments?

8 A Not necessarily. I don't know. You know, I think
9 we reviewed versions together in the spring of 2003, but
10 these comments that I am now looking at as this exhibit
11 appear to be his comments.

12 Q And would either you or Mr. Hannegan -- I know you
13 said maybe he compiled both sets of comments?

14 A Yes.

15 Q Where did you all send those edits or comments to?

16 A I think, in this case, they would have gone back to
17 OMB because we were back to the formal interagency review
18 process that OMB facilitates at the end of -- toward the end
19 of the documents.

20 Q And, when you would send it to OMB, did you just
21 send it to OMB or did you also send it to Dr. Mahoney?

22 A I don't really remember. It would be ordinary to
23 just send them back to OMB.

24 Q Okay.

25 A They were compiling comments of all of the

1 agencies.

2 Q Okay. Then referring back to Mr. Piltz' memo, at
3 the top of Page 11, he says that he believes that this
4 markup, CEQ's markup of this, was never shared with or vetted
5 by CCSP agency principals or agency science program managers.

6 Is that your understanding?

7 A I'm sorry. Which paragraph are you looking at?

8 Q At the very top of Page 11?

9 A In late June, CEQ comments --

10 Mr. Tuohey. The question is whether the statement is
11 made that comments here -- forget about that for a minute --
12 whether comments here were not shared with CCSP.

13 Is that your understanding?

14 The Witness. Yes, because it would have gone to OMB.
15 OMB was compiling all of the agencies' comments. The CCSP,
16 themselves, were commenting.

17

18 BY MS. SAFAVIAN:

19 Q Okay. So they sent their comments to OMB?

20 A Yes, everyone. OMB is collecting everyone's
21 comments at the end of a process, and then OMB distills what
22 it has and sends it to Dr. Mahoney for his final
23 decision-making.

24 Q But even though OMB compiles everything, they still
25 send it back to CCSP, Dr. Mahoney, who has the final review

1 and edit and whatever. He is the final say on --

2 A That is my understanding.

3 Q Okay.

4 A Yes, and he said so in written letters to the
5 Senate in July of 2005. He answered written questions from
6 the Senate and described this whole process.

7 Mr. Tuohey. Well, just as a point of clarification, let
8 me ask, if I may: Counsel just asked a question of whether
9 CCSP or its representatives saw these comments. You first
10 said no, and then you said Dr. Mahoney saw them.

11 Did they or did they not see the comments?

12 The Witness. Well, Dr. Mahoney was the head of CCSP.

13 Mr. Tuohey. Right.

14 The Witness. So --

15 Mr. Tuohey. In that capacity, did he see the comments?

16 The Witness. He saw the comments, and he was the
17 director, in that lower box, of our organizational chart, so
18 they went back to him.

19

20 BY MS. SAFAVIAN:

21 Q Right. So they did, though, go back to CCSP, and
22 it was vetted in a sense?

23 A Maybe it didn't go back to staff, but it went back
24 to Dr. Mahoney as the director of the program.

25 Q Okay. Then if you'll go -- looking on Page 11 of

1 Mr. Piltz' memo, look at Number 3, the paragraph that starts
2 with Number 3. If you can, just quickly read that.

3 Mr. Tuohey. Do you mean on page -- oh, Page 11, next
4 page, Page 11.

5 Ms. Safavian. Yes.

6 Mr. Tuohey. Thank you.

7 The Witness. Yes, I see that paragraph.

8

9 BY MS. SAFAVIAN:

10 Q And you have already had a lengthy discussion about
11 the National Assessment and the lawsuit and the settlement.

12 Did you play a lead role in any of that?

13 A In the settlement of the National Assessment
14 litigation?

15 Q Yes.

16 A I did not play a lead role. I did not -- I did not
17 play a lead role.

18 Mr. Tuohey. A lead role in what?

19 The Witness. In the settlement of the National
20 Assessment.

21 Mr. Tuohey. Is that what your question was?

22 Ms. Safavian. Yes.

23

24 BY MS. SAFAVIAN:

25 Q Did you play a lead role in enforcing the

1 suppression of the National Assessment --

2 A That is his --

3 Q -- of the --

4 A That is his description. I have just spoken to
5 edits that I made on the 10-year Strategic Plan where I
6 recommended the deletion of references to the National
7 Assessment in a policy document as being inconsistent with
8 the legal resolution of the case.

9 Mr. Tuohey. Would you read the question back.

10 Listen to the question.

11 I thought your question was, did you play a lead role,
12 quote, in enforcing the suppression of the National
13 Assessment?

14 Ms. Safavian. That is the question.

15

16 BY MS. SAFAVIAN:

17 Q Did you or didn't you?

18 A No, I don't agree with --

19 Q I mean, I understand what you said before. When
20 you were reviewing documents, you would cross off -- and I
21 have seen this where you've crossed out the National
22 Assessment, reference to the National Assessment because of
23 the settlement that was not to be used for policy decisions;
24 correct?

25 A Yes.

1 Q Did you inform others? Did you require others in
2 some -- I will use the word "suppression" because that is the
3 word that Mr. Piltz uses, but were you openly out there in
4 trying to prevent other people from referring to the National
5 Assessment?

6 A No. In fact, the record shows that, when we were
7 dealing with documents that were not of a policy nature like
8 the Climate Action Report of June 2002, Chapter 6 of it
9 relied on portions and a summary of the National Assessment.
10 Also, I held up this document from July 2002, the agriculture
11 report of the National Assessment which the U.S. Department
12 of Agriculture people coordinated the release, told the White
13 House they were going to release it, and they released it.

14 Beyond that, I would say that the National Assessment
15 remained on a government Web site throughout this time
16 period, www.nacc.usgcrp.gov, something like that, but it was
17 always available.

18 Q Okay. Further within that same paragraph, he
19 writes, "Public disclosure of the CEQ Chief of Staff's
20 communications with the Competitive Enterprise Institute
21 suggests joint political strategizing," and this is not --

22 A He is speaking about an e-mail that received a
23 lot --

24 Mr. Tuohey. Let her ask the question.

25 The Witness. Oh, I'm sorry. I'm sorry.

1 Mr. Tuohey. There is no question.

2 Ms. Safavian. Well, you're actually getting to where I
3 was going because I was going to say I don't want to discuss
4 the lawsuit that was already brought up by the majority
5 counsel, regarding CEI's lawsuit, but what I do want to ask
6 you about, because I think he was referring to this document
7 -- and let me show you.

8 This will be Exhibit 12.

9 [Exhibit No. 12
10 was marked for identification.]

11

12 Mr. Tuohey. Do you want him to read it, counsel?

13 Ms. Safavian. Yes, please.

14

15 BY MS. SAFAVIAN:

16 Q Have you finished reading?

17 A Yes.

18 Q Okay. Mr. Cooney, this appears to be an e-mail
19 addressed to you from Myron Ebell at CEI. Can you tell us
20 who Myron Ebell was or is?

21 A I guess he was a longtime employee at CEI who has
22 worked on climate change policy.

23 Q First of all, have you seen this before?

24 A Yes, I have.

25 Q Okay. Did you receive it?

1 A I did receive it as an e-mail.

2 Q As an e-mail, and it starts with, "Dear Phil,
3 thanks for calling and asking for our help."

4 Can you explain that to us?

5 A I did not ask for his help. Actually, we had, I
6 would say, an active disagreement. I did call him earlier in
7 the day and asked him to read the Climate Action Report
8 before making a judgment about it, before merely accepting
9 what The New York Times and everyone else was saying that day
10 about it. He had already begun to be very critical, and
11 there were a lot of voices that day. I mean, the media on
12 both sides were taking up this issue of this Climate Action
13 Report. If you go back and look, it was very controversial,
14 but you know, CEI particularly was outraged, furious about
15 the report, and I told him that it was my view that the
16 report in the New York Times was incorrect. It didn't
17 characterize the Climate Action Report properly. I told him
18 further that I had participated in and was confident in the
19 interagency process that developed the Climate Action Report,
20 and so I was asking him to read the report before he
21 criticized it.

22 Q What was so controversial about the Climate Action
23 Report?

24 A It was controversial because Chapter 6 of the
25 report, which spoke to climate change impacts, relied, in

1 part, on summaries of materials from the National Assessment,
2 and obviously, the conservative groups in CEI had very strong
3 feelings about the National Assessment and were very critical
4 of the administration for including material in this report
5 to the United Nations that relied on information from the
6 National Assessment.

7 Q What was the purpose of the Climate Action Report?

8 A That is a very good question.

9 The Climate Action Report, as I understood it, working
10 with the State Department, which really had the lead on it,
11 is, every 4 years, under the United Nations' framework
12 convention on climate change, countries are supposed to or
13 are expected to or are obliged to submit what they call a
14 "national communication" to the convention that describes a
15 whole host of statistics relating to population, geography,
16 greenhouse gas emissions in a country. One of the
17 requirements also is that you address impacts of climate
18 change, and we made the decision -- these reports are a
19 snapshot in time, and the information we had on impacts was
20 from the National Assessment, and we had some caveats in the
21 report about the uncertainties of regional projections of
22 climate change, but we did include -- the administration
23 included information from the National Assessment in the
24 report.

25 Q And when did the Climate Action Report come out?

1 A Well, it was filed like at the end of May 2002, but
2 The New York Times ran a front-page story on this date of
3 June 3rd, 2002, and that is when a lot of the media on both
4 sides, conservative and liberal media, if you will allow
5 those terms, in the United States were very focused on
6 commenting on this report.

7 Q And so this came out after the settlement was
8 reached with CEI on the National Assessment, the use of the
9 National Assessment; is that correct?

10 A Yes.

11 Q So why was this permitted -- why was this report,
12 the Climate Action Report --

13 A I did not see it as a policy document.

14 Q Did you review it? Were you involved in any way
15 with the Climate Action Report?

16 A I was.

17 Q Okay. What was your involvement?

18 A I was sort of the CEQ representative for the
19 interagency review of the document. As I said, the EPA and
20 the State Department, if you look at the document, it is
21 filed by the State Department with the framework convention,
22 but I was involved in --

23 Q So you may have added --

24 A -- reviewing the report.

25 Q -- suggestions to it?

1 A Yes.

2 Q And you saw the reference to National Assessment in
3 it, and yet, you didn't delete that?

4 A No, I did not because I saw the report not as a
5 policy report but as meeting a legal obligation that we file
6 a national communication that had the following elements in
7 it, and one element was impacts, and that was the information
8 that was available to the U.S. Government at that time. The
9 Bush administration had not undertaken a different
10 assessment, and so the judgment was made to use the
11 information that had been developed in the National
12 Assessment and to try to caution -- to put in language that
13 cautioned about the limitations of regional impacts but to
14 include it so that we would be in legal compliance under the
15 framework convention, which is a ratified treaty of the
16 United States, with our reporting requirements, and so it was
17 a reporting document; it wasn't a policy document.

18 Q Okay. I understand.

19 So you called Myron Ebell on June 3rd?

20 A Yes.

21 Q I'm sorry. Was that because he had previously
22 contacted you or because of the New York Times' piece?

23 A I cannot remember except I heard that he was taking
24 a very high profile and criticizing the filing of the Climate
25 Action Report, and I wanted to explain to him -- actually, I

1 wanted to ask him to read the report before rendering
2 judgment on it.

3 Q How long would you -- do you recall how long your
4 conversation was with him?

5 A It was 5 minutes. It was not agreeable.

6 Q It was not agreeable?

7 A We were in a disagreement. He was furious, and I
8 was asking him to read the report.

9 Q So he had not read the report when you had talked
10 to him?

11 A Well, that was my view that he could not have read
12 the report if -- that was my view that it was unlikely he had
13 read the report. It was a big, thick report, as you can see,
14 that they mobilized very quickly to be very critical of the
15 report, but I was not confident that they had read it
16 thoroughly.

17 Q So they had already put out like a press release or
18 something?

19 A I cannot remember. Something like that.

20 Q But you already knew at that time that they were
21 critical of this?

22 A Yes. I mean, I just don't want to speculate on how
23 I knew, but I just -- because I can't really remember, but
24 you all have been in situations in your jobs, you know, where
25 people say, "Downtown's upset about something," or "So-and-So

1 doesn't like this thing." I don't really remember, but I
2 understood that they were quite angry about the Climate
3 Action Report.

4 Q And did you ask him or CEI for any help or
5 assistance?

6 A I asked him to read the report because I thought,
7 if he read the report, he might -- his expressed opinion
8 might be better informed.

9 Q But you didn't ask for CEI to do anything for the
10 administration?

11 A No. No. In fact, if you look at all of this
12 report -- this e-mail -- in context, all he does is --
13 really, "before this one little disaster, we could all lock
14 arms with this administration" --

15 Mr. Tuohey. Just answer the question.

16 The Witness. He was very mad, and he was not going to
17 do anything to be helpful. In fact, he said he was going to
18 call for Governor Whitman to be fired the next day. He was
19 going to continue to be very critical of the administration
20 for this report.

21

22 BY MS. SAFAVIAN:

23 Q Further down in the e-mail, he talks about the
24 references to the National Assessment, and he considers it to
25 be very hurtful. I guess, based on that, it looks like he

1 did view that as being the policy or the Climate Action
2 Report as putting forth policy.

3 A Yes.

4 Q After you got this e-mail and you read it, did you
5 have any further follow-up conversations with Mr. Ebell?

6 A No, not that I recall.

7 Q Did you e-mail him back and respond or anything?

8 A No, I did not e-mail him back. That would have
9 been disclosed in the Freedom of Information Act. I searched
10 it and produced this document. I did not write him back.

11 Q Did you think it was important at the time -- this
12 is going back several years -- you know, recognizing that he
13 put in here, "thanks for calling and asking for our help," if
14 you hadn't asked him for anything, did you feel it was
15 necessary to correct that?

16 A I did not feel it necessary to correct that
17 because, at that moment in time, I was pretty well done with
18 him. We were in an argument, and I was not going to continue
19 to engage with him.

20 Q And what did CEI do, if anything, about the Climate
21 Action Report?

22 A They filed Data Quality Petitions under a newly
23 enacted law at four separate agencies -- at the EPA, the
24 Commerce Department, the State Department and with the White
25 House Office of Science and Technology Policy -- and I

1 participated in the decision, in the coordinated decision, by
2 all of those agencies to deny CEI's Data Quality Petitions.
3 They wanted all references to the Climate Action Report
4 pulled off of Web sites at those respective agencies, and in
5 working with counsel from all of those agencies, you know,
6 you wanted the responses to be consistent and rationales to
7 be consistent, but there was a process in which I
8 participated which resulted in CEI's Data Quality Petitions
9 being denied, and it was only -- well, I will just leave it
10 at that. That is something, though, that Senator Lieberman
11 had written to Jim Connaughton about this whole e-mail thing
12 that I had received from CEI, and other people had asked
13 about what this meant. The Attorney General of Connecticut,
14 the Attorney General of Maine, Senator Lieberman, and the
15 White House did respond to Senator Lieberman. Their
16 response, you know, was not up on the Web site, but they
17 responded, and they described my active role in denying -- in
18 the coordinating process to deny CEI's Data Quality Petitions
19 on this report. So the opposite -- I can say in a very
20 general sense that what was thought to have occurred and
21 reported to have occurred between CEI and I, some conspiracy,
22 that the exact opposite was the case.

23 Q And is that documented? You said you were able to
24 respond to --

25 A It is all documented, all of the lawyers who

1 participated in all of the deliberations to turn down those
2 Data Quality Petitions. I was in the room and participated
3 in the meetings and was very comfortable with turning them
4 down, and Jim Connaughton said so in his letter back to
5 Senator Lieberman.

6 Q What was your involvement in reviewing Our Changing
7 Planet?

8 A You know, I think it was just ordinary. I think
9 the Our Changing Planet Report would come through the OMB
10 process to -- as I said, you know, it's the OMB process, 17
11 affected agencies. The Our Changing Planet Report is called
12 for -- its preparation is called for in the Global Change
13 Research Act, but you know, I want to take one step sideways
14 for 10 seconds. The Global Change Research Act -- you know,
15 I do have it here, and you all have it, too, because it was
16 sent out as part of the documents last week, but Section 102
17 gives CEQ a role in all of the interagency process regarding
18 the preparation of documents under the Act, including the Our
19 Changing Planet Report, including the 10-year Strategic Plan,
20 and it says that a high-ranking official from each of these
21 agencies is supposed to be the one who is reviewing these
22 documents and coordinating them and reporting them, and I was
23 the high-ranking official at that agency, and so --

24 Q You were tasked --

25 A And so to get to your question --

1 Q -- with this issue --

2 A Yes. I got on the review list as the CEQ
3 representative who reviewed the Our Changing Planet Report
4 when OMB would send it out for interagency review, and I
5 think -- you know, there were a lot of people on those
6 reviews, 50, 60 people. I was one.

7 Q And was anybody else at CEQ also involved in
8 reviewing that, like Mr. Hannegan?

9 A Yes. Mr. Hannegan, after he came, really, really
10 in large part took over the whole science portfolio. He took
11 over a lot of the work on climate change. You know, we were
12 drafting voluntary emissions reporting guidelines. At DOE,
13 that was a huge project. He worked on that. He worked on
14 the science stuff. He had the background and the interest,
15 and he was a very competent person, and he took over a lot of
16 the climate change work when he came to the council.

17 Q And when did he -- I'm sorry. Tell me again. When
18 did he --

19 A I think it was in the spring of 2003. I don't
20 remember the exact date.

21 Q Of 2003?

22 A I believe so.

23 Q So was Our Changing Planet sort of like the
24 strategic plan in that there are many drafts of it?

25 A Not as many as the strategic plan. The strategic

1 plan was really a very important document because it set the
2 tone of the administration's research priorities for a
3 10-year period, and a lot of people were invested in it, and
4 we included the National Academy of Sciences in its formal
5 review, and we had the big international workshop, so the
6 review process on the 10-year Strategic Plan was a lot more
7 elaborate than the review process on the annual Our Changing
8 Planet Report. The Our Changing Planet Report was just
9 routinely transmitted and sent to and accepted by Congress.
10 It is a report that accompanies our submission of the budget,
11 and we were requesting between \$1.6 billion and \$2 billion a
12 year for climate change research, and it itemized what
13 agencies would be doing what work under our budget. It is a
14 budget report.

15 Q And it was prepared by CCSP?

16 A It was initially drafted -- Mr. Piltz testified at
17 the hearing in January that he was the person who drafted the
18 Our Changing Planet Report. I didn't really know who drafted
19 it, but he said he drafted it, and then it would be sent to
20 OMB for interagency review, and I would comment along with
21 many others.

22 Q So did you deal with Dr. Mahoney again with regard
23 to your comments on this?

24 A I don't remember specifically, but I would just say
25 that Dr. Mahoney and I had a very cordial and respectful

1 working relationship, and if he had a question about it or
2 about a recommendation I had made, he would pick up the phone
3 or I would do the same, but he held the pen at the end of the
4 process, and he said so in his statements to Congress.

5 [Exhibit No. 13
6 was marked for identification.]

7

8 BY MS. SAFAVIAN:

9 Q Let me just show you a document on this matter, and
10 if you will, just take a quick look through this. I am not
11 going to ask you about everything in here, but it's just to
12 refresh your recollection about this document.

13 A Yes.

14 Q Are these your edits, your handwriting edits, on
15 these pages that we see?

16 A They are. You know, it is my handwriting, but I am
17 not sure what I did with this document when I wrote on it. I
18 may have -- I don't know if I sent it back to Dr. Mahoney or
19 whether I called him and said, you know, after a day or two
20 thinking about it and said, you know, "I have got one or two
21 big comments on this." I do not remember formally sending
22 this back to him.

23 Q You don't?

24 A No.

25 Q Because it looks like --

1 A I may have called him or I may have said -- I may
2 have thought about it overnight and said, "Gee, maybe I'm
3 making a mountain out of a molehill. I've just got two
4 things that really matter to me. They're trying to publish
5 this report. They're trying to have this public workshop."
6 So I might have called him and said, you know, "What's this
7 point on a 'certain page'?" I do not remember sending this
8 back with my hard, you know, written comments. These might
9 have been just my notes to myself, and I may have called him.

10 Q So you have no recollection of either sending this
11 back or having any conversation with Dr. Mahoney? Because,
12 as to some of your comments on the side, it looks like
13 they're proposing a revision to your initial comment, and
14 sometimes --

15 A Yes.

16 Q -- you have on the side "no" or "okay" --

17 A Yes.

18 Q -- or you know, "take that out" or whatever.

19 Do you recall having direct conversations with
20 Dr. Mahoney about, you know, their suggestions and whether
21 you agreed with them or didn't agree with them?

22 A I just don't remember specifically. It is
23 November 2002, so that was just -- I just don't remember a
24 day where we talked about this.

25 Q Let me ask you this, though.

1 Dr. Mahoney is sending this back to you with a revision
2 of your initial comment. Would you have been in a position
3 to either send this back or to call him and say, "Sorry,
4 Dr. Mahoney. No, you cannot change my comment"?

5 A He was of a much higher rank than I in the
6 administration. He was the Senate-confirmed Assistant
7 Secretary of the Department of Commerce, and so it would -- I
8 understood he had a higher rank, and it was he. Not only
9 that, he had responsibility as the Director of the Climate
10 Change Science Program Office to have the final word on
11 content. So, you know, I could have said, "Why not"? I
12 could have argued, but he always had the final judgment and
13 decision.

14 Q So you couldn't demand that he take one of your
15 comments if he did not want to?

16 A No.

17 Q Okay. Did you ever meet -- you said earlier you
18 met Mr. Piltz because you were in some meetings with him.

19 A Yes. I would see him at meetings, yes. So I might
20 say "hi" to him, and he would say "hi" to me.

21 Q Did Mr. Piltz ever directly confront you about his
22 concerns that he has put in this memo that we have been
23 talking about? Did he ever address this with you?

24 A No. No. It was -- it is puzzling to me that we
25 did participate in a number of meetings together, and I now

1 understand he had strong views about my role, but he didn't
2 speak to me about it.

3 Q Did Dr. Mahoney or anybody else on his behalf,
4 perhaps, ever address any of these issues with you?

5 A Rick Piltz' issues?

6 Q Yes.

7 A No. Dr. Mahoney just -- he just did his job. We
8 talked about -- we talked occasionally. We talked things
9 through, and it was very respectful.

10 Q I would like to talk about the --

11 A He didn't tell me Mr. Piltz had a problem. I did
12 not know that.

13 Q You did not know that until you later saw a copy of
14 his memo?

15 A Yes, and a lot of other things.

16 Q I would like to talk now about the EPA's draft
17 report on the environment.

18 A Yes.

19 Q Can you tell me what was your role, if any, with
20 regard to that report?

21 A Well, again, I was a reviewer. Although, that was
22 a big report, and there were a lot of dimensions to the
23 report -- air quality, water quality, Federal land,
24 Super Fund cleanups. It was a big, enormous report, so a lot
25 of people reviewed it.

1 Q Within CEQ?

2 A Within the -- throughout the Federal Government.
3 Thirty agencies participated in the interagency review on
4 that, something like that. A lot of people participated in
5 the review because it was about environmental indicators, and
6 so I -- but I did comment on a very short, I think it was, 4-
7 or 5-page climate section that they had drafted.

8 Q I'm sorry. Just so I understand, your only role in
9 reviewing that document was the short section on climate
10 change?

11 A Not really, because I do recall at some point
12 looking at some of the air quality chapters although there
13 were people in CEQ who were experts about air quality, so
14 they would have reviewed it, but I do remember looking at
15 other elements of the report and looking at it in its
16 totality because it was an important report on environmental
17 indicators, but narrowly, I did look at the climate change --
18 well, the 5-page summary that they had drafted for inclusion
19 in the report on global climate change.

20 Q So who else besides yourself at CEQ -- I mean how
21 many other people at CEQ looked at this report also?

22 A A lot. I would say a number of people. In fact,
23 we had at that time a detailee from EPA named Alan Hecht who
24 was really -- he was at CEQ, but he was working with EPA on
25 the development and -- the interagency development and review

1 of the state of the environment report, and CEQ, itself, had
2 for many years under the authority that it has under NEPA --
3 issued a report on environmental indicators, but in this
4 case, an agreement was made that EPA would undertake an
5 effort like that, and so we had a detailee at CEQ, Alan
6 Hecht, who really managed this, and he would walk the draft
7 around to different people in CEQ and get comments, collect
8 them and send them back to the Agency.

9 Q So would you have given him your comments?

10 A Yes.

11 Q And how many do you recall? How many drafts? Do
12 you recall how many versions of this report you would have
13 looked at?

14 A You know, it was -- in this case, there were a lot
15 of different drafts. It was not -- its development really
16 was not smooth in the interagency process, not only on the
17 climate change issue, but in general, it was not really
18 smooth, so there were a number of drafts.

19 Q And do you recall -- and I don't have the document,
20 so this is only what your recollection is.

21 Do you recall what type of edits or suggestions, maybe
22 the themes, that you would have made comments on or edited to
23 this report? Do you recall any of them?

24 A Yes, I do recall some of the edits that I
25 suggested.

1 Q What are the ones that you recall?

2 A I recall -- God, there are so many reports.

3 Q I know.

4 A I recall there was this opening, Global Climate
5 Changes Implications, Global Implications for Human Health
6 and the Environment or something. It was the opening
7 statement, and I thought -- is that correct or --

8 Ms. Bennett. Go ahead. I don't recall off the top of
9 my head.

10 The Witness. Well, it seemed a sweeping statement, to
11 me, relative to what the National Academy of Sciences has
12 said about how poorly understood any impacts on human health
13 would be. I also recommended an insertion to what was a new
14 report, the report by Soon and Baliunas, on proxy data the
15 past 1,000 years and what it said about the temperature
16 record for the past 1,000 years, and I recommended a citation
17 to that report which had come out in the spring of 2003 and
18 was a federally funded report -- although, API, I understood,
19 contributed a minimal amount -- but as a new report, it had
20 gained a lot of attention, and it was prepared by Willy Soon
21 and Sally Baliunas, who are both scientists at the Harvard
22 Smithsonian Center for Astrophysics, and I thought it was
23 material because it spoke to the question of whether the
24 20th Century was, in fact, the warmest in the past
25 millennium. It was new. It was current, and I recommended

1 it be inserted, so I realized that that has been
2 controversial in Mr. Piltz' view. So I looked at a couple of
3 the comments that I had made on drafts. There were different
4 drafts, though, that evolved, and I think there was a view.
5 There was an experience that EPA was not very receptive to
6 comments and recommendations that other agencies were making
7 on its drafts. I think there was frustration. I think there
8 was a view -- if you look at documents that were sent up to
9 the committee that I reviewed last week that were sent to the
10 Council of Economic Advisors, the Office of Science and
11 Technology Policy, the Office of Management and Budget, the
12 Department of Energy, they were all concerned and stated
13 their concern that the EPA 5-page draft on climate change
14 lacked balance, and that was the view that we shared, so
15 there was back and forth on that element of the report.

16 Q "Back and forth" meaning you were involved in that,
17 or do you mean "back and forth" among the different agencies?

18 A I gave my comments to Alan Hecht, who was the
19 detailee, and he said -- you know, he really took the
20 comments back to EPA, and then we'd get a new draft a month
21 later, and we would say, "Why haven't any of our comments
22 been addressed"? So there was some frustration, I think, but
23 Alan was the interface between the Environmental Protection
24 Agency and our office and a lot of other agencies. He was
25 the sort of the detailee guy who was pulling this report

1 together, leading it, leading its development in being pulled
2 together. So, in CEQ, a number of us gave comments to Alan,
3 and he took them back to EPA for their consideration.

4 Q Did you have any conversations with anyone at EPA
5 about your edits or suggestions?

6 A With EPA?

7 Q Yes.

8 A Well, Alan himself was an EPA employee, and he was
9 detailed at the White House, so I only spoke to him. I
10 didn't speak to anyone at the EPA, you know, to my
11 recollection.

12 Ms. Safavian. Okay. Let me show you this document
13 which is Exhibit 14.

14 [Exhibit No. 14
15 was marked for identification.]

16

17 BY MS. SAFAVIAN:

18 Q And I will just ask you to take a quicker view of
19 it.

20 A I have seen this portion of it. I haven't seen the
21 third page.

22 Q Well, I'm only going to focus on the first two
23 pages. So you have seen this before, and when did you see
24 it?

25 A I do not remember. After -- you know, after the

1 State of the Environment Report was released, I believe, in
2 June 2003, there was a lot of media attention about the fact
3 that there was not a climate chapter in the report. I think
4 I saw this memoranda, but it was only after the report was
5 issued, and --

6 Mr. Dotson. Can I interrupt and ask a question?

7 This document, this exhibit, is different than the memo
8 that we received from CEQ in the same matter. I was just
9 wondering. I am just trying to figure out where this came
10 from. It seems to have come from a textbook, but that was in
11 the last tranche of documents that we received in the -- take
12 your time. I was just wondering if we should include that
13 along with the --

14 Ms. Safavian. Not until I've had a chance to review it.

15

16 BY MS. SAFAVIAN:

17 Q Okay. I'm sorry. You said you were saying that
18 you --

19 A That I became aware of this memorandum after the
20 report was released and the media covered the report.

21 Q Did you know prior to seeing this that there was
22 some concern on EPA's part about CEQ and OMB's edits and
23 comments to the report?

24 A You know, I recall Alan Hecht saying, "We're
25 getting some pushback from EPA, but I'll handle it," but he

1 was the front -- he was the interface, and he -- I remember
2 his saying something like that, you know, and so --

3 Q But you don't recall beyond that any other
4 controversy about the White House's edits to the report?

5 A I recall that there was a resolution process at the
6 end of the process for disagreements, and that was between
7 Governor Whitman and Chairman Connaughton, and I understood
8 that Governor Whitman made the decision to remove the 5-page
9 summary on climate change science and, instead, decided to
10 insert a reference, a Web site reference, to the 10-year
11 Strategic Plan and to the USGCRP Web site for the Our
12 Changing Planet Report.

13 I might just say further that Dr. Marburger, the White
14 House Science Advisor, issued a public statement on this in
15 2004 in response to a report from the Union of Concerned
16 Scientists about this whole issue, and he has taken it upon
17 himself to explain the White House Science Office's view of
18 this issue, and so I don't know if you have his statement,
19 but it is an important it's consistent.

20 Q You mentioned that you knew that there was a
21 dialogue between Mr. Connaughton and Christine Todd Whitman.

22 Do you know when that occurred?

23 A I don't.

24 Q Were you present during the meeting?

25 A I was not.

1 Q Okay. How do you even know about it then?

2 A I can't really remember.

3 Q Do you think it was something Mr. Connaughton would
4 have informed you about?

5 A He may have come into my office and said, you know,
6 "They're going to publish this report next week. We really -
7 we had a good conversation, and we have a path forward," or
8 something. I shouldn't even say things like that. I don't
9 remember anything that he said. I don't know how I knew that
10 they had a conversation, but his office was right next to
11 mine, so he might have told me that he had spoken to her.

12 Q Well, then, how do you know that it was Ms. Whitman
13 who made the decision to just remove those 5 pages and make
14 other references?

15 A You know, I could be incorrect on this point, but I
16 believe that the EPA public statements in the media after the
17 report was published said that the EPA has decided to remove
18 the climate change 5-page summary in favor of a reference to
19 the strategic plan, which came out, as you know, a month
20 later and was a much fuller exposition of the science of
21 climate change and what we were going to be addressing than
22 the 5-page summary that the EPA had developed was.

23 Sorry for the long answer.

24 Q That's okay.

25 So, beyond, maybe, what you read in the press, do you

1 recall having any further recollection of anybody else
2 discussing this matter with you, the concerns that EPA may
3 have had about the White House's edits to their report?

4 A No. I would just volunteer something, I guess, I
5 have already said. My lawyer doesn't want me to volunteer
6 anything, but we were sort of mystified that, as we commented
7 on various drafts, that the comments didn't seem to be --
8 they were not addressed, and so a lot of people were saying,
9 you know, "Why isn't the EPA responding to the comments it's
10 receiving on the report on a whole range of issues"?

11 Q Do you mean referring just to CEQ's comments or --

12 A Everybody's. Everybody's. All of the other
13 agencies were.

14 Q They had the same complaint?

15 A Yes. You know, the natural resource agencies in
16 the Department of the Interior collect a lot of data on
17 western lands and grazing and endangered species and things
18 like that, and there was, I think, a level of concern among a
19 number of agencies that the EPA was not being responsive to
20 input that it was receiving, but Alan Hecht, again, is the
21 interface at our office.

22 Ms. Safavian. At this time, what I am going to do is I
23 think I will hold and reserve our remaining 13, 14 minutes,
24 and at the end, if you all would just save that time, Brooke
25 may have a few follow-up questions just to wrap things up.

1 Mr. Baran. Sure.

2 Ms. Safavian. Does that work? I think we have about 13
3 minutes; is that right? So, if you will, just save those 13
4 minutes.

5 I apologize, Mr. Cooney, but I do have to leave now.
6 Thank you very much for being here today and answering our
7 questions.

8 The Witness. Thank you.

9 Mr. Dotson. Can we take one moment for the reporters to
10 switch?

11 [Recess.]

12

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1 RPTS BINGHAM

2 DCMN HERZFELD

3 [5:18 p.m.]

4 Mr. Baran. I am Jeff Baran, and I will be doing the
5 next set of questioning.

6 EXAMINATION

7 BY MR. BARAN:

8 Q I would like to return to Exhibit Number 9.
9 Exhibit Number 9 is an October 28, 2002, fax cover sheet
10 attached to a number of pages from the October 21, 2002,
11 draft of the strategic plan. You prepared this fax, correct?

12 A Yes. My writing on the cover sheet.

13 Q There are a number of handwritten edits and
14 comments to this draft. Did you personally make these edits
15 and comments?

16 A Yes. I haven't looked at every page, but I expect
17 I did.

18 Q Take a moment to review it.

19 Mr. Tuohey. Your question is comprehensive, all the
20 changes?

21 Mr. Baran. Yes.

22 The Witness. Okay. These appear to be all of my
23 comments, yes.

24 Mr. Baran. We are done with that document.

25 I will ask the reporter to mark this exhibit Exhibit 15.

1 May 30, 2003, fax cover sheet attached to a two-page document
2 and a number of pages from the May 28, 2003, draft of the
3 strategic plan.

4 [Exhibit No. 15
5 was marked for identification.]

6 BY MR. BARAN:

7 Q You prepared this fax, correct?

8 A Yes. That is my handwriting on the cover letter.

9 Q The fax sheet refers to red flags. What did you
10 mean by "red flags"?

11 A Well, that was Dr. Mahoney's term when he sent out
12 these drafts to Mr. Connaughton, Dr. Marburger and others.
13 He called it a red-flag review. And it was, you know, an
14 informal process for reviewing the draft at that time.

15 Q Did a red flag signify that it was an edit of
16 significance, particular significance?

17 Mr. Tuohey. If you know.

18 The Witness. It was -- it was his term. I guess if you
19 put -- if you hand-wrote the words "red flag," it is like can
20 we talk about this one? You know, the other stuff may have
21 been editorial, but if you put "red flag," it would imply
22 let's talk about this one.

23 Q So if there were topics that you had serious
24 concerns about, you would red flag those?

25 A Well, it was a red-flag review. Sometimes you

1 would write the word "red flag" and imply -- I guess it would
2 imply that you're serious about the comment, and you want to
3 talk about it.

4 Q When you used the term "red flag," did you expect
5 that that edit would be accepted?

6 A No, because Dr. Mahoney made all final decisions.
7 I was just --

8 Q So when you did your editing at CEQ, did you
9 generally use the term "red flag" in this way?

10 A My editing at CEQ at large? I don't understand
11 your question.

12 Q Let me rephrase the question. With respect to the
13 strategic plan, when you used the term "red flag," did you
14 use it in the way you just described?

15 A Again, I would say that the terminology "red flag
16 review" was in the caption line of what Dr. Mahoney sent out.
17 But, yes, I generally describe that I -- if I was
18 red-flagging something, I thought it was an important issue.

19 Q In your experience, when you raised a red flag,
20 would your concern be addressed by Dr. Mahoney?

21 A I generally didn't do a reconciliation between
22 whether I had made a comment and whether it was accepted.

23 Q The next two pages of the document are comments by
24 chapter. The top of the page says, "Comments from Bryan
25 Hannegan (CEQ)." Is this a list of Bryan Hannegan's edits?

1 A I assume so.

2 Q Take a look at the edits for a moment. Do those
3 look like edits that Bryan Hannegan would make?

4 A Some do. I wouldn't make a comment like -- I don't
5 think I would make a comment like, "Thawing permafrost may
6 not necessarily lead to emissions of methane," because I
7 don't know anything about that. So he would more likely have
8 made that comment than I.

9 Q On the remaining pages there are a number of
10 handwritten comments and edits to this draft. Take a moment
11 to review those. Are all of these edits and comments yours?

12 A Yes. These comments appear to be my comments.

13 Q Thank you. We are finished with that exhibit.

14 Mr. Baran. I ask the reporter to mark this exhibit
15 Exhibit 16.

16 [Exhibit No. 16
17 was marked for identification.]

18 BY MR. BARAN:

19 Q Exhibit 16 is a June 2nd, 2003, fax cover sheet
20 attached to a number of pages from the May 29th, 2003, draft
21 of the strategic plan. You prepared this fax, correct?

22 A You said from a May 29th, 2003 --

23 Q Draft of the strategic plan.

24 A These are my comments.

25 Q So, you prepared that fax?

1 A Um-hum. Yes.

2 Mr. Tuohey. You have to answer yes or no.

3 The Witness. Yes.

4 BY MR. BARAN:

5 Q And the handwritten edits and comments on that
6 draft were yours?

7 A Yes.

8 Q Thank you. We are done with that exhibit.

9 Mr. Baran. I will ask the reporter to mark this
10 exhibit.

11 [Exhibit No. 17
12 was marked for identification.]

13 BY MR. BARAN:

14 Q Exhibit 17 is a list of CEQ edits and comments to
15 the strategic plan. It is dated June 16th, 2003; is that
16 correct?

17 A Yes.

18 Q Are these your edits and comments?

19 A The document itself says BH and PC, so they appear
20 to be both of our comments integrated into one document.

21 Q At several points in the document, there are
22 comments that have an explanation associated with them. For
23 example, on this first page, when you see the reference to
24 page 6, line 38 to 40, there is an edit there followed by, in
25 brackets, "Explanation," and then an explanation is given.

1 Mr. Tuohey. The one that says, "Let's be judged by our
2 products."

3 Mr. Baran. Correct.

4 BY MR. BARAN:

5 Q Can you tell us whether explanations like those
6 were yours?

7 A I can't.

8 Q Let's look at the next page, page 22, the reference
9 to page 22, line 44 to 45. See, there is an explanation
10 there: "Explanation: Wasn't it all 'internal' processes in
11 the historic record? What was the source of any 'external'
12 forcing?"

13 Do you know if that was your explanation in edit?

14 A I do not.

15 Q Let's turn to next page, the reference to page 27,
16 line 39 to 41. There is an explanation there: "Legal
17 considerations preclude mentioning the National Assessment."

18 Do you know whether that is your edit and comment?

19 A I really do not know whether it is mine.

20 Q So you just don't have a recollection of whether
21 any specific edit or comment on this list was yours or Bryan
22 Hannegan's?

23 A If I went one by one, he, obviously, is a trained
24 scientist and would give comments that I would recognize as
25 his if they were very inherently scientific.

1 Q Do you have a sense with this round of edits how
2 many edits you made in comparison to how many edits Bryan
3 Hannegan made?

4 A I don't recall.

5 Mr. Baran. I think we are done with that exhibit.

6 I ask the reporter to mark this exhibit Exhibit 18.

7 [Exhibit No. 18

8 was marked for identification.]

9 BY MR. BARAN:

10 Q Exhibit 18 is a number of pages from the Agency's
11 concurrence draft of the strategic plan. There are a number
12 of handwritten edits to this draft. Did you personally make
13 these edits?

14 Mr. Tuohey. Take your time.

15 The Witness. Actually I would say that, yes, I
16 recognize this as my handwriting. And on page 216, this
17 appears to be where I make a recommendation to delete a
18 reference to the National Assessment. As I pointed out
19 before, that was a recommendation that was not accepted by
20 Dr. Mahoney as the final report. Page 111 contains this
21 sentence.

22 BY MR. BARAN:

23 Q But these were your edits?

24 A I believe so.

25 Q Thank you. We are done with that exhibit.

1 Mr. Baran. I will ask the reporter to mark this
2 exhibit.

3 [Exhibit No. 19
4 was marked for identification.]

5 BY MR. BARAN:

6 Q Exhibit 19 is a June 5, 2003, fax cover sheet
7 attached to a number of pages from the June 4, 2003, draft of
8 the executive summary of the strategic plan. You prepared
9 this fax, correct?

10 A Yes.

11 Q There are a number of handwritten edits and
12 comments to this draft. Please take a moment to look at the
13 document. Are all of these edits and comments yours?

14 A They are.

15 Q Thank you. We are finished with that exhibit.

16 Mr. Baran. I ask the reporter to mark this exhibit.

17 [Exhibit No. 20
18 was marked for identification.]

19 BY MR. BARAN:

20 Q Exhibit 20 has a number of pages from the June 5th,
21 2003, draft of the executive summary of the strategic plan.
22 There are a number of handwritten edits to this draft. Did
23 you personally make these edits?

24 A This is my handwriting. You refer to them as
25 edits, though, and these are recommendations. That was not

1 in a final --

2 Q Suggested.

3 A Suggested.

4 Mr. Tuohey. And that would be true for all of the
5 documents you have shown him today with regard to the
6 strategic plan.

7 BY MR. BARAN:

8 Q Is that your view in each case?

9 A That's true. They were recommendations, comments.
10 A lot of them were posed as questions, in fact.

11 Mr. Baran. We are done with that document.

12 I will ask the reporter to mark this exhibit.

13 [Exhibit No. 21
14 was marked for identification.]

15 BY MR. BARAN:

16 Q Exhibit 21 is a July 3rd, 2003, e-mail attached to
17 a number of pages of a July 24th, '03, draft of the Climate
18 Change Science Program revision document.

19 Mr. Tuohey. Do you know what this is? Look at the
20 third page.

21 The Witness. Yes. I guess, this is this --

22 Mr. Baran. I haven't asked a question yet.

23 BY MR. BARAN:

24 Q In the upper right-hand corner of the e-mail, there
25 is a note which reads, "Discussed with Jim Mahoney 7/9/03."

1 He will consider these suggested final edits. PC."

2 Did you write this note?

3 A Yes. It is my writing.

4 Q Describe the conversation with Dr. Mahoney to which
5 this note refers.

6 A I really don't have any specific recollection of
7 the conversation.

8 Q There are a number of handwritten edits to this
9 draft. Did you personally make these edits?

10 Mr. Tuohey. Take your time. Go through the draft. It
11 is a lengthy document.

12 The Witness. They appear to be my edits, except on this
13 one page where I really can't see what the comment is. It
14 just doesn't copy here.

15 Mr. Tuohey. Jeff, that page there is no number, but it
16 is the page that --

17 The Witness. Just can't see what the comment is.

18 Ms. Bennett. -- starts with "Global carbon cycle."

19 Mr. Tuohey. "Global carbon cycle" is in the upper
20 left-hand corner.

21 BY MR. BARAN:

22 Q I believe the comment reads, "Sequestration
23 opportunities or alternative responsibilities options."
24 Sure, maybe mine is a little bit better.

25 A Yes. That would be correct.

1 Q We are through with that document.
2 Exhibit 22.

3 [Exhibit No. 22
4 was marked for identification.]

5 BY MR. BARAN:

6 Q Exhibit 22 is a fax cover sheet attached to a
7 number of pages from the June 20, 2003, draft of the Climate
8 Change Science Program's vision document. You prepared this
9 fax, correct?

10 A Yes.

11 Q There are a number of handwritten edits and
12 comments to this draft. And can you tell us whether these
13 edits and comments are yours?

14 Mr. Tuohey. While he is looking at that, I assume that
15 this was a document produced by the CEQ?

16 Mr. Baran. That's correct.

17 Mr. Tuohey. Okay.

18 The Witness. This appears to be my handwriting. These
19 would reflect comments. But there is -- there are a number
20 of things going on. This is comments, but also you have
21 comments, "Leave," "Good," and so they seem to reflect a
22 reconciliation or discussion of comments as well as initial
23 comments.

24 Mr. Tuohey. And is that your language, your writing?

25 The Witness. It looks like my writing, sort of.

1 BY MR. BARAN:

2 Q Just to clarify, the base comments are the ones
3 that are yours; is that correct?

4 A Well, distinguishing the base from the
5 reconciliation comments --

6 Mr. Tuohey. He first asked about the base comments.
7 The base comments are yours?

8 The Witness. You can't tell what are the base versus
9 the reconciliation comments, so it is just a little bit
10 confusing. Like there's "good" in this margin. I don't know
11 whether it is good because I was satisfied with the way they
12 were going to handle it, or I thought it was a good comment.
13 I just don't know.

14 BY MR. BARAN:

15 Q Just to be clear, was it all your handwriting, or
16 did it look like one set of comments was done by you, and
17 another set of comments, the reconciliation, was done by
18 someone else?

19 Mr. Tuohey. Some of it is hard to see, hard to read.

20 The Witness. It is my judgment that they are both
21 probably my handwriting, but I don't -- there are words I
22 look at that don't necessarily look like my handwriting.

23 BY MR. BARAN:

24 Q Fair enough. Thank you.

25 Mr. Baran. I ask the reporter to mark this exhibit.

1 [Exhibit No. 23
2 was marked for identification.]

3 BY MR. BARAN:

4 Q Exhibit 23 is the approval form for the strategic
5 plan for the Climate Change Science Program. Your signature
6 appears on the form, and there is a checkmark next to, "I
7 approve of the attached report." You did sign this form,
8 correct?

9 A I did.

10 Q If you refused to clear the strategic plan, would
11 it have been issued?

12 A It is -- I expect it would have. I don't think --
13 you know, this was unusual to have a concurrence form. I
14 think Dr. Mahoney wanted an assurance that every agency that
15 had worked on this project for a year, through multiple
16 drafts, had an affirmative signature with his office that
17 they endorsed the plan.

18 And I can't really answer your question, if I had said
19 no, would it have been -- not have gone. I think he was
20 looking for this, for assurance, and everyone gave him the
21 assurance, and everyone had a lot of confidence in him. And
22 I gave him the assurance, and I concurred. I can't really
23 speak to what the consequence would have been if I had not.
24 I doubt though that it would have stopped the publication of
25 the report, because Dr. Mahoney had control over final edits

1 and final approval of the report.

2 Q So your sense is that this strategic plan could
3 have been issued without White House approval?

4 Mr. Tuohey. You're equating his signature with White
5 House approval?

6 Mr. Baran. Yes.

7 The Witness. Approval connotes something that looks
8 like this, some hard-edged, tangible "we approve."

9 Never really got to that on these reports. In this case
10 I think Dr. Mahoney was looking for assurance that everybody
11 was on board. It was an important report to the
12 administration. And I think he was confident that he would
13 get a 100 percent response rate that everyone agreed to the
14 report. Even though everyone's comments weren't accepted,
15 and he rejected a lot of comments, he wanted to know that
16 everyone concurred in the report as a team effort across the
17 administration. He had made the final judgments, but he
18 wanted everyone's concurrence.

19 But generally with these documents, there wasn't a hard
20 approval. The comment process was respectful and iterative,
21 often in the form of questions, and so we didn't get to
22 legalistic hard approvals.

23 BY MR. BARAN:

24 Q Let me ask this: Do you believe that the Climate
25 Change Science Program thought they could release the

1 strategic plan without your signature on that form?

2 A I think they think -- I think they could have
3 released it without my signature. I think they might have
4 taken half a day to appeal to the Chairman and say, your guy
5 has a problem with this, I would like to discuss it with you,
6 but everyone else supports it. But again, it is a very
7 hypothetical question. I concurred in the report.

8 Mr. Tuohey. That wasn't the question.

9 The Witness. I am sorry. I am sorry. I just -- I
10 don't know the answer to your question.

11 I don't think -- I think that the report would have been
12 published. It was the culmination of a very public,
13 year-long effort.

14 BY MR. BARAN:

15 Q Just not to belabor it, but just to make sure you
16 understood my question, do you think that the CCSP folks had
17 the same understanding that you did?

18 A CCSP folks were not distinguishable from
19 Dr. Mahoney. Dr. Mahoney ran the CCSP, and he had the most
20 important understanding. And I think that he felt that he
21 had authority to publish the report.

22 Q Okay. We are done with that exhibit.

23 Mr. Baran. I ask the reporter to mark this exhibit.

24 Exhibit is 24 marked.

25 [Exhibit No. 24

1 was marked for identification.]

2 BY MR. BARAN:

3 Q Exhibit 24 is a copy, a sheet of paper that was
4 attached to your edits to EPA's draft report on the
5 environment.

6 Do you recognize the document; is that correct?

7 A Which month of comments? There were -- it was a
8 cover sheet to which set of comments? There were a number of
9 sets of comments.

10 Q Let me rephrase the question. Do you recognize
11 this exhibit to be a copy of a sheet of paper attached to a
12 set of comments to the draft report on the environment?

13 A I recognize that as my handwriting. And I
14 recognize the response back is from Alan Hecht.

15 Q And Alan Hecht was the --

16 A EPA.

17 Q Detailee --

18 A Detailee at CEQ who was coordinating our feedback
19 on this report.

20 Q The exhibit reads, that top comment, "Alan, these
21 changes must be made. Thanks. Phil."

22 Is that your comment?

23 A That was my comment.

24 Q And as the Chief of Staff of the White House CEQ,
25 you were given an order here, weren't you?

1 A No. I mean, the language is mandatory, but the
2 comment process within the executive branch is very collegial
3 and respectful. And I wouldn't read it as an order. I think
4 my recollection is that I wrote this comment after we had
5 received back from EPA a few additional drafts that did not
6 reflect that they had considered comments that had been
7 provided by our Agency. Yet we were receiving at the same
8 time a message from EPA, through Alan Hecht, that Governor
9 Whitman wanted to publish the report soon, that she wants to
10 publish, you know, soon; I can't remember the exact time, but
11 within a certain time frame. And my recollection is that I
12 wrote this sort of in response to that pressure. If they
13 want to publish, they need to respond, to engage in our
14 comments.

15 And so it was my way of getting Alan Hecht something to
16 go back to the Agency with and say, you have got to engage
17 their comments. You can't just continue to disregard them.
18 But it was -- it wasn't -- it just was not an order. It was
19 not an order, which was your question.

20 Q Do you expect that Alan Hecht took this comment to
21 EPA and told them that the changes you made had to be made?

22 Mr. Tuohey. If you know. If you know.

23 The Witness. I don't know. I really don't know how he
24 used it.

25 BY MR. BARAN:

1 Q Did you have a discussion with Alan Hecht about
2 this note so that you knew he had the same understanding of
3 the note that you did?

4 A I don't recall. Alan and I would talk
5 occasionally, and he would -- he was very confident as a
6 capable interface in leading this project and in getting our
7 comments back to the EPA. And so I just don't have a
8 specific recollection of a conversation, but we would talk.
9 He would say, getting pushback, or, I have got it under
10 control.

11 Q We are done with that exhibit.

12 The committee has learned that executive branch agencies
13 would sometimes contact CEQ regarding specific press requests
14 to interview specific scientists. Please explain how this
15 practice was established.

16 A I don't know enough about it really.

17 Q Were you involved in this process of signing off on
18 specific requests by media to interview government
19 scientists?

20 A I was -- may have been involved. What happened was
21 communications people who handle press calls all the time
22 know each other. They meet. They go to lunch. And if a
23 call came in to an agency, and they weren't quite sure what
24 to do about it, sometimes they would ask their own
25 management, how do we handle this? Or a call would come in

1 to both the White House and an agency, and we would say, who
2 is going to return the call? And so communications people
3 would figure out how to respond to media requests.

4 Sometimes they came both to the White House and the
5 agency, and so they coordinated. And on occasion, although I
6 don't have any specific recollection of a conversation, our
7 communications office person could come into my office and
8 say, I got a call from the NOAA guy, I got a call from this
9 guy, I handled it this way. They may have talked to me about
10 it. It was -- communications people had their own network,
11 and they handled media and --

12 Q Could CEQ approve or disapprove press requests?

13 A I think that is too hard a word, approve or
14 disapprove. Our communications people would render a view as
15 to whether someone should give an interview or not or who it
16 should be. In the White House, you know, that is what they
17 did, communicating with various communications offices. But,
18 again, it was iterative. It wasn't in our nature to be
19 giving sharp orders really. It was, who is going to handle
20 the call? How are we doing to handle this? And
21 communications people did that among themselves generally.
22 If they wanted to interview the Chairman, then they would
23 talk to the Chairman about it.

24 Q The committee has learned that in 2005 the National
25 Oceanic -- NOAA contacted Michele St. Martin at CEQ about a

1 pending media request to interview a NOAA scientist. Can you
2 explain how Ms. St. Martin would have assessed and responded
3 to this request?

4 A I just don't know enough about that specific
5 request. She, like me, got 150 e-mails a day, 25 calls. I
6 don't know how she would have handled that request.

7 Q Ms. St. Martin told NOAA to monitor the press calls
8 and report back to CEQ. Were you aware of this practice?

9 A No, not that I recall.

10 Q So you never gave an instruction to Ms. St. Martin
11 or anyone else to have agencies report back on press calls,
12 press interviews with government scientists?

13 A Not that I recall.

14 Q On August 28, 2003, EPA denied a petition to
15 regulate greenhouse gas emissions from motor vehicles. Are
16 you familiar with this decision?

17 A I am.

18 Q Did you monitor this Agency action while serving as
19 the CEQ Chief of Staff?

20 A No. I spoke to our general counsel when this was
21 emerging for decisionmaking, a very early point, and said
22 that I was uncomfortable -- because I had taken such a
23 position in opposing the petition in my prior job, I was
24 uncomfortable having anything to do with EPA's
25 decisionmaking. And she said to me, as I recall, well, there

1 is no formal bar to your participation, but you can
2 voluntarily recuse yourself from all decisionmaking on the
3 petition. And I did.

4 Q So you were concerned that it would give the
5 appearance of impropriety or conflict of interest if you were
6 involved?

7 A Yes. It made me feel uncomfortable to be involved.
8 And I thought it improper because I had taken such a public
9 advocacy position against the petition before I joined
10 government.

11 Q Were there any other matters while you were at CEQ
12 on which you recused yourself?

13 A Yes.

14 Q Can you describe those for us?

15 A To the best of my ability, after the election in
16 2004, I had pretty well reached a conclusion that I was ready
17 to look for work outside of government, and I interviewed
18 with some law and lobbying firms, and there are formal
19 recusals in place with our general counsel for any matters
20 that -- in which they were implicated.

21 But through the spring of '05, as it became increasingly
22 clear to me that I was going to be leaving, and I really did
23 not know where I was going to go, I was sort of struggling
24 with it every night. And I had another opportunity inside
25 the administration that I was also considering. I backed off

1 quite a bit on policymaking. The Asia Pacific Partnership,
2 for example, was being developed in the spring of 2005, and I
3 made it clear to my colleague, Ken Peal, and to others that I
4 felt uncomfortable; the knowledge that I would be leaving the
5 administration soon, I didn't want to be deeply involved in
6 the development of that initiative. And I do recall sending
7 e-mails to colleagues and EOP notifying them that I had
8 formal recusals in place, so not to bring to my attention
9 priority matters on energy and environmental issues.

10 I was continuing to manage the Agency budget, hiring,
11 firing, and making sure that all documents coming in were
12 being responded to, but I was backing away from an active
13 policy role. And I was very affirmative about it and
14 consulted very closely with our general counsel about those
15 matters.

16 Q Was there a formal recusal form for the EPA
17 petition to regulate greenhouse gases?

18 A There is no formal form, but my practice was -- it
19 was I informally recused myself, and I did not work on the
20 decisionmaking. There were meetings that were called. And I
21 did not participate in the decisionmaking on that.

22 Q But in all other cases there were formal recusals?

23 A Well, when it came to potential future employment,
24 I would file a formal recusal. But in this case, it was a
25 practice that I had discussed with our general counsel, and

1 she understood that I was not going to be involved, and my
2 colleagues understood that I was not going to be involved.

3 Q Do you know how many formal recusals were filed by
4 you?

5 A I believe I filed four formal recusals during my
6 time at the White House. Two were with respect to law firms.
7 One was with respect to another company, and one was with
8 respect to ExxonMobil.

9 Mr. Baran. Okay. My questioning time is up.

10 Ms. Bennett. The Minority would like to take the last
11 13 minutes of questions.

12 EXAMINATION

13 BY MS. BENNETT:

14 Q Just to repeat, I am Brooke Bennett, Minority
15 counsel. I had a just a couple of questions for you.

16 Going back to Exhibit 23, and, if I recall correctly, I
17 believe it was -- the Majority counsel's question was
18 something along the lines of if you had refused to clear the
19 report, would the report not have been issued? Could you
20 just read through the options that are presented on this form
21 and let me know whether or not there is one that specifically
22 asks for an option, provides you an option to refuse the
23 report?

24 A That is a very good question. There is not an
25 option for refusing concurrence.

1 Q I just wanted to clarify that.

2 Also going back to Exhibit 22, and I just want to be
3 double clear on this because, looking at the handwriting, if
4 you could just have another quick look at some of the
5 documents or some of the comments on there and let me give
6 you a copy --

7 Mr. Tuohey. To be specific, do you include the front
8 page?

9 Ms. Bennett. I will.

10 BY MS. BENNETT:

11 Q The copy that was provided to you by Majority
12 counsel is a bit light.

13 Ms. Bennett. So with your agreement would you mind if I
14 give him the same one that we had prepared? But it is
15 slightly darker, so you can see the comments slightly better.

16 Mr. Tuohey. What page?

17 Ms. Bennett. If you go, for example, to page 14.

18 Mr. Tuohey. Page 14.

19 BY MS. BENNETT:

20 Q And look at the word "good" on page 14. If you
21 look on page 15 --

22 Mr. Tuohey. "Good" on 14.

23 BY MS. BENNETT:

24 Q Do you mind just double-checking that and make sure
25 it is or is not your handwriting? And you can probably

1 compare it to 15.
2 Mr. Tuohey. "Good" 15.
3 The Witness. They both look like my handwriting.
4 BY MS. BENNETT:
5 Q They both look like your handwriting?
6 A If I was writing fast.
7 Q And at the bottom of page 18, also that "good"?
8 A Yes.
9 Q All right. I just wanted to double-check.
10 Mr. Baran. For the record, let's switch these documents
11 so we have the better copy for the record.
12 Mr. Tuohey. Fine.
13 Mr. Baran. We will mark this 22.
14 Mr. Tuohey. Makes sense.
15 BY MS. BENNETT:
16 Q If you go back to Exhibit 20, I was just curious if
17 maybe you could explain something to me.
18 Mr. Tuohey. Exhibit 20.
19 BY MS. BENNETT:
20 Q On top of Exhibit 20 --
21 Mr. Tuohey. This is the science plan.
22 BY MS. BENNETT:
23 Q CCSP strategic plan. And the first page is listed
24 the executive summary, and it is final technical review,
25 dated 5 June, 2003. I was curious as to why "strategic" is

1 scratched out and it says "science." Do you recall?

2 A I don't recall.

3 Q Also going back to Exhibit 17, can you tell me
4 whose handwriting is on the top of Exhibit 17? Where it
5 says -- Exhibit 17 is the CEQ review and comment of science
6 plan for the CCSP, and it is a list of edits, those edits
7 down on the panel. And at the top it says, "6/16/03. BH
8 plus PC." Do you know --

9 A That looks like Bryan Hannegan's handwriting to me.

10 Q That is not your handwriting, you don't believe?

11 A No.

12 Q Something you mentioned a moment ago talking about
13 the point at which you started backing away from policy
14 decisions, making policy decisions. What was the time frame
15 again that you gave on that, to the best of your
16 recollection?

17 A Well, it was in the spring 2005. I had interviewed
18 with one law firm, I think it was in December 2004 after the
19 election. And so I was concerned about being involved in
20 policymaking.

21 You know the formal recusal was only with respect to
22 matters concerning that law firm that were pending that would
23 happen to come before me. So the formal recusal was over any
24 material matter in which that law firm or a client of that
25 firm was involved. But still, I had a general and increasing

1 unease about continuing to be deeply involved in policy when
2 I knew that I was -- that I was planning to leave. I didn't
3 don't know what the heck I was going to do, but I was
4 planning to take a next step with my career.

5 Q Okay. That is fine. One last question for you
6 actually, and going back to the organizational chart that we
7 had distributed toward the very beginning, and I am going to
8 have to the dig to find it here. It is Exhibit 7, which is
9 an organizational chart that discusses the climate change
10 activity.

11 With regard to the Climate Change Science Program, the
12 person who was responsible for the final product, after a
13 fashion, in terms of putting it together and taking in the
14 Agency comments, et cetera, that was who?

15 A That was Dr. Mahoney, the Assistant Secretary of
16 Science for Oceans and Atmosphere.

17 Q Who had the same role for Our Changing Planet?

18 A Doctor Mahoney again, because the Our Changing
19 Planet was a product of the Climate Change Science Program.
20 So any program -- any product of the program, Dr. Mahoney is
21 the director of the program, and he had defined it.

22 Q What about the Climate Action Report?

23 A Climate Action Report, which was the report filed
24 with the United Nations in June 2002, was filed by the State
25 Department, if you look at the inside cover of that report,

1 and that makes sense because it is a treaty obligation to
2 file the report, and the State Department filed that report.

3 Q And the Draft Report on the Environment?

4 A EPA had the final decision because it was their
5 product.

6 Q Okay. And -- but CEQ didn't have any final say on
7 any of these documents?

8 A No. We had a role in ordinary interagency review
9 comments, and we participated along with all the other
10 agencies, White House offices.

11 Q So when, for example -- and I don't have it in
12 front of me, I apologize -- but when there would be an e-mail
13 or a draft distributed by Dr. Mahoney to the CCSP, it was an
14 entire group of different agencies, 30 or -- I think
15 previously you said there was 30 or so different agencies who
16 were involved in --

17 A Potentially.

18 Q -- some of this draftmaking? And so the comments
19 would be coming from all the other agencies back into
20 Dr. Mahoney?

21 A Yes. Initially when drafts were initiated, they
22 get a lot of stuff from all the agencies, and then the CCSP
23 office would put it together. But when it went through OMB
24 review again, it would be sent out to all those same agencies
25 again for final, you know, review and comment.

1 Q Okay. And then what -- just out of curiosity, what
2 role did the Office of Science and Technology Policy play?
3 Were they part of this interagency?

4 A They played a very, very prominent role. Kathie
5 Olson was a Senate-confirmed Director for science -- the
6 Office of Science and Technology Policy. She was the
7 representative to the blue box, if you will. But she was a
8 valued colleague, Ph.D. scientist, and she had a very active
9 role. All of OSTP did, Dr. Marburger and other OSTP
10 personnel.

11 Q And then the other -- I notice going back to
12 Exhibit 23, which is the comments needed, which is the
13 National Science and Technology concurrent sheet, could you
14 tell us the --

15 A Yes.

16 Q The National Science and Technology Council as
17 well?

18 Mr. Tuohey. What is your question?

19 BY MS. BENNETT:

20 Q Why would this role -- why would this concurrent
21 sheet be sent to the National Science and Technology Council?
22 Do you know? Do you know what their role was?

23 A I used to know all this stuff, and I don't know. I
24 don't know exactly. It is a high-level committee. It had
25 existed in the prior administration on this formally

1 constituted -- and why it is captioned NSTC, I just can't
2 remember exactly why they were different from other groups.

3 Q But this was another --

4 A High-level group.

5 Q Nonetheless, the bottom line is that the final
6 product rested with Dr. Mahoney in terms of collecting all
7 the finalized --

8 A Yes.

9 Q All right.

10 Ms. Bennett. I don't have any more questions.

11 Mr. Dotson. Well, thank you so much for your
12 flexibility --

13 Mr. Tuohey. Thank you.

14 Mr. Dotson. -- and participating in these depositions.
15 And this concludes the deposition.

16 [Whereupon, at 6:10 p.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Mr. ISSA. Thank you, Mr. Chairman. And I also would ask that the exhibits that go with Mr. Cooney's deposition be entered into the record.

Chairman WAXMAN. Without objection, the documents that I requested and the documents you requested will be part of the record.

Mr. ISSA. Thank you. And I also would like to ask that the Supplemental Minority Memorandum be entered into the record.

Chairman WAXMAN. Without objection.

[The information referred to follows:]

192



**Testimony of
James L. Connaughton
Chairman, White House Council on Environmental Quality**

**Before the United States House of Representatives
Committee on Oversight and Government Reform**

March 19, 2007

Attachments



CHAIRMAN

EXECUTIVE OFFICE OF THE PRESIDENT
 COUNCIL ON ENVIRONMENTAL QUALITY
 WASHINGTON, D.C. 20503

Lieberman

October 9, 2003

Senator Joseph I. Lieberman
 United States Senate
 Committee on Governmental Affairs
 Washington, DC 20003

Dear Senator Lieberman,

The Chief of Staff has asked me to respond to your September 24, 2003 letter to him concerning the Administration's denial of a petition by the Competitive Enterprise Institute ("CEI") asking the White House Office of Science and Technology Policy ("OSTP") to withdraw the "*National Assessment of the Potential Consequences of Climate Variability and Change*" on the ground that its dissemination violates the Data Quality Act ("DQA"). I wish to reassure you that there is no foundation for the allegations that CEI conceived a "collusive plan" with a member of the Bush Administration to bring a lawsuit seeking to invalidate the very decision we ourselves made. If we had agreed with CEI's legal position, we simply would have granted its petition. We did not. We denied CEI's petition on the ground that the document in question was the product of an advisory committee chartered under the Federal Advisory Committee Act and therefore was not subject to the DQA.

Enclosed for your information are copies of OSTP's administrative denial of CEI's petition and other related correspondence (Attachment 1). CEI has sought judicial review of our decision. *Competitive Enterprise Institute v. George Walker Bush and John Marburger*, United States District Court of the District of Columbia, (August 6, 2003). We are defending our position in court.

I hope to allay your concerns concerning the role of the Council on Environmental Quality's ("CEQ") Chief of Staff in this matter. CEQ's Chief of Staff participated actively in the process coordinating interagency review that led to OSTP's April 21, 2003 decision to deny the petition. The June 3, 2002 e-mail to him from a CEI staff member concerned the May 28, 2002 release of the 264-page *Climate Action Report*, not the DQA petition. In fact, the e-mail was transmitted before any Administration knowledge of or response to CEI's February 20, 2003 DQA petition on the *National Assessment*. The e-mail was an unsolicited response to a June 3, 2002 conversation that the CEQ Chief of Staff had with the CEI staff member seeking to defuse CEI's strong negative reaction to the *Climate Action Report* in light of certain mischaracterizations of its content in a news account that day.

That lone objective is confirmed by the content of the e-mail in which the CEI staff member first wrote "Thanks for calling and asking for our help. . . I want to help you cool things down," but then plainly indicated that he would do neither. The e-mail explicitly refused

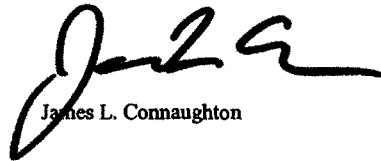
support and demanded "an official statement from the Administration repudiating the report to the UNFCCC and disavowing large parts of it." The CEI staff member also stated that "our only leverage to push you in the right direction is to drive a wedge between the President and those in the Administration who think they are serving the President's best interest by pushing this rubbish." This e-mail reflects an active disagreement between the CEI staff member and CEQ's Chief of Staff. There is no evidence of a conspiratorial objective to seek CEI's initiation of litigation against the Administration fourteen months later, in August 2003.

The June 3, 2002 e-mail and CEI's June 7, 2002 letter to President Bush were provided over a year ago in response to a Freedom of Information Act request from Greenpeace, and are enclosed (Attachment 2). Additional e-mails from CEI to CEQ, which were also provided to Greenpeace in CEQ's final response on March 28, 2003, are also enclosed (Attachment 3). These documents were, of course, also recently provided to the Massachusetts, Connecticut and Maine Attorneys General under the Freedom of Information Act. The CEI staff member who sent the June 3, 2002 e-mail to the CEQ Chief of Staff has only sent one additional e-mail to him, on a topic not covered by any prior requests under the Freedom of Information Act. It is also enclosed (Attachment 4). CEQ's Chief of Staff has never sent CEI any e-mails or written communications.

People of goodwill can hold differing views regarding the optimal range of policies to address this complex issue. However, President Bush strongly shares the concerns voiced when you and 94 of your colleagues adopted Senate Resolution 98 in July 1997 to reject the conceptual framework of the Kyoto Protocol and particularly its exemption of 134 developing countries from any emissions reduction obligations. The framework would result in the export of American manufacturing capacity and jobs -- and the greenhouse gases associated with them -- to countries that Kyoto exempted. Neither the prior Administration, nor the Senate, has ever called for the ratification of the Kyoto Protocol. We can and are pursuing a more sensible strategy of domestic action and international partnerships that will produce the meaningful results that a growing American economy can provide, particularly in accelerating investments in advanced technology research and deployment.

Please call me if I can be of any further assistance in this matter.

Sincerely,



James L. Connaughton

Enclosures

Statement of the Honorable John H. Marburger, III
On Scientific Integrity in the Bush Administration
April 2, 2004

President Bush believes policies should be made with the best and most complete information possible, and expects his Administration to conduct its business with integrity and in a way that fulfills that belief. I can attest from my personal experience and direct knowledge that this Administration is implementing the President's policy of strongly supporting science and applying the highest scientific standards in decision-making.

The Administration's strong commitment to science is evidenced by impressive increases devoted to Federal research and development (R&D) budgets. With the President's FY 2005 budget request, total R&D investment during this Administration's first term will have increased 44 percent, to a record \$132 billion in FY 2005, as compared to \$91 billion in FY 2001. President Bush's FY 2005 budget request commits 13.5 percent of total discretionary outlays to R&D – the highest level in 37 years.

In addition to enabling a strong foundation of scientific research through unprecedented Federal funding, this Administration also believes in tapping the best scientific minds—both inside and outside the government—for policy input and advice. My office establishes interagency working groups under the aegis of the National Science and Technology Council for this purpose. In addition, this Administration has sought independent advice, most often through the National Academies, on many issues. Recent National Academies reviews of air pollution policy, fuel economy standards, the use of human tests for pesticide toxicity, and planned or ongoing reviews on dioxin and perchlorate in the environment are examples. The Administration's climate change program is based on a National Academies report that was requested by the Administration in the spring of 2001, and the National Academies continues to review our programs and strategic research planning in this field. The frequency of such referrals, and the high degree to which their advice has been incorporated into the policies of this Administration, is consistent with a desire to strengthen technical input into decision-making.

Climate change has proven to be a contentious science-related issue. President Bush clearly acknowledged the role of human activity in increased atmospheric concentrations of greenhouse gases in June 2001, stating “concentration of greenhouse gases, especially CO₂, have increased substantially since the beginning of the industrial revolution. And the National Academy of Sciences indicates that the increase is due in large part to human activity.” That speech launched programs to accelerate climate change science and technology to address remaining uncertainties in the science, develop adaptation and mitigation mechanisms, and invest in clean energy technologies to reduce the projected growth in global greenhouse gas emissions. In 2004, the U.S. will spend approximately \$4 billion in climate change science and technology research.

The President created the new U.S. Climate Change Science Program (CCSP) to refocus a disorganized interagency activity into a cohesive program, oriented at resolving key uncertainties and enhancing decision making capabilities. The Strategy was heartily endorsed

by the National Academies in its recent review. Their report, *Implementing Climate and Global Change Research – A Review of the Final U.S. Climate Change Science Program Strategic Plan*, stated “In fact, the approaches taken by the CCSP to receive and respond to comments from a large and broad group of scientists and stakeholders, including a two-stage independent review of the plan, set a high standard for government research programs ... Advancing science on all fronts identified by the program will be of vital importance to the Nation.”

In this Administration, science strongly informs policy. It is important to remember, however, that even when the science is clear – and often it is not – it is but one input into the policy process.

Regulatory decisions provide the trigger for some of the most contentious policy debates. Science can play an important role in these policy decisions, and this Administration has sought to strengthen, not undermine, this role. In fact, the Office of Management and Budget (OMB) has for the first time hired toxicologists, environmental engineers, and public health scientists to review regulations and help agencies strengthen their scientific peer review processes. This increased attention to science in the regulatory process is providing a more solid foundation for regulatory decisions. As several recent examples demonstrate, emerging scientific data has prompted swift action by the Bush Administration to protect public health, strongly guided by advanced scientific knowledge:

- On May 23, 2003 the Environmental Protection Agency (EPA) proposed a new regulation to reduce by 90 percent the amount of pollution from off-road diesel engines used in mining, agriculture, and construction. This proposed rule stemmed from collaboration between EPA and OMB. Recent scientific data from the Harvard School of Public Health indicates that diesel engine exhaust is linked to the development of cardiopulmonary problems and also aggravates respiratory health problems in children and the elderly.
- On July 11, 2003 the Food and Drug Administration required that food labels for consumers contain new information on trans-fat content in addition to existing information on saturated fat content. This rule, requested by the White House via a public OMB letter, responded to emerging scientific data indicating that intake of trans-fats (found in margarine and other foods) is linked to coronary heart disease.
- On December 29, 2003, the Department of Transportation requested public comment on ideas for potential reform of the CAFE program. Several potential reform ideas contained in that request for comment come directly from a 2002 National Academies report on the effectiveness of the current CAFE program.

Regarding the document that was released on February 18, 2004 by the Union of Concerned Scientists (UCS), I believe the UCS accusations are wrong and misleading. The accusations in the document are inaccurate, and certainly do not justify the sweeping conclusions of either the document or the accompanying statement. I believe the document has methodological flaws that undermine its own conclusions, not the least of which is the failure to consider publicly available information or to seek and reflect responses or explanations from responsible

government officials. Unfortunately, these flaws are not necessarily obvious to those who are unfamiliar with the issues, and the misleading, incomplete, and even personal accusations made in the document concern me deeply. It is my hope that the detailed response I submit today will allay the concerns of the scientists who signed the UCS statement.

I can say from personal experience that the accusation of a litmus test that must be met before someone can serve on an advisory panel is preposterous. After all, President Bush sought me out to be his Science Advisor – the highest-ranking S&T official in the federal government – and I am a lifelong Democrat.

I have discussed the issue of advisory committees with the agencies mentioned in the UCS document and am satisfied with the processes they have in place to manage this important function. I can say that many of the cited instances involved panel members whose terms had expired and some were serving as much as five years past their termination dates. Some changes were associated with new issue areas for the panels or with an overall goal of achieving scientific diversity on the panels. Other candidates may have been rejected for any number of reasons – this is ordinary for any Administration.

My office is involved in recommending candidates for the President's Council of Advisors on Science and Technology, the President's Information Technology Advisory Committee, and the nominating panel for the President's Committee on the National Medal of Science. I have intimate knowledge of the selection process for these committees. This process results in the selection of qualified individuals who represent a wide range of expertise and experience – the right balance to yield quality advice for the President on critical S&T issues.

The UCS document also includes a highly unfortunate and totally unjustified personal attack on a Senate-confirmed official in my office. I strongly recommended the appointment of that individual after evaluating the needs of the office and deciding that it required talents and experience that differed from previous incumbents. The attack appears to be based on a lack of understanding of the function of my office and the qualities that are required to perform them properly. Given the ease with which this ignorance could have been rectified, it is inexcusable.

I hope this response will correct errors, distortions, and misunderstandings in the Union of Concerned Scientists' document. The bottom line is that we have a strong and healthy science enterprise in this country of which I am proud to be a part.

Response to the Union of Concerned Scientists' February 2004 Document

I. THE UCS' CLAIM OF "SUPPRESSION AND DISTORTION OF RESEARCH FINDINGS AT FEDERAL AGENCIES"

The UCS' claims on "Distorting and Suppressing Climate Change Research"

- The UCS document claims that "the Bush administration has consistently sought to undermine the public's understanding of the view held by the vast majority of climate scientists that human-caused emissions of carbon dioxide and other heat-trapping gases are making a discernible contribution to global warming."

This statement is not true. In his June 11, 2001, Rose Garden speech on climate change, the President stated that the "[c]oncentration of greenhouse gases, especially CO₂, have increased substantially since the beginning of the Industrial Revolution. And the National Academy of Sciences indicate that the increase is due in large part to human activity ... While scientific uncertainties remain, we can now begin to address the factors that contribute to climate change." In this speech, the President cited the National Academy's Climate Change Science report that was initiated at the Administration's request, and launched a major, prioritized scientific effort to improve our understanding of global climate change.

Moreover, the President's Climate Change Science Program (CCSP) has developed its plans through an open and transparent process. In the development of its Strategic Plan, released in July 2003, the CCSP incorporated comments and advice from hundreds of scientists both from the U.S. and around the world. The CCSP Strategic Plan received a strong endorsement from the National Academy of Sciences in a February 2004 review, which commended the work of the CCSP.

- The UCS claims that the "Bush administration blatantly tampered with the integrity of scientific analysis at a Federal agency when, in June 2003, the White House tried to make a series of changes to the EPA's draft Report on the Environment."

This statement is false. In fact, the Administrator of the EPA decided not to include a short summary on climate change. An ordinary review process indicated that the complexity of climate change science was not adequately addressed in EPA's draft document. Instead, the final EPA report referred readers to the far more expansive and complete exposition of climate change knowledge, the Climate Change Science Program (CCSP) Strategic Plan.¹ The Administration chose, appropriately, to present information in a single, more expansive and far more complete format. This choice of presentation format did not influence the quality or integrity of the scientific analysis or its dissemination.

¹ The 205-page CCSP Strategic Plan was released by Secretaries Evans and Abraham on July 24, 2003. The EPA *Report on the Environment* was released on June 23, 2003. The draft EPA report had contained a four-page segment on climate change.

- The UCS quotes an unnamed EPA scientist as saying that the Administration “does not even invite the EPA into the discussion” on climate change issues, and cites a previous Clinton Administration OSTP official, Dr. Rosina Bierbaum, as claiming that the Administration excluded OSTP scientists from the climate change discussions.

These accusations are wrong. The EPA, in fact, is a key participant in the development and implementation of climate change policy in the Bush Administration. The EPA participates in the development of Administration policy on climate change through the cabinet-level Committee on Climate Science and Technology Integration, which was created in February 2002. The EPA is also a member of subsidiary bodies, such as the Interagency Working Group on Climate Change Science and Technology, the Climate Change Science Program and the Climate Change Technology Program. (A table illustrating the Bush Administration’s climate change program’s organization can be found on page 9 of the CCSP Strategic Plan (2003)). Moreover, the EPA is a co-chair of the National Science and Technology Council’s Committee on Environment and Natural Resources (CENR). CENR has oversight of and responsibility for the Subcommittee on Global Change Research. (This subcommittee holds the same membership and is functionally the same entity as the Climate Change Science Program, noted above.)

Dr. Bierbaum’s claim refers to cabinet-level discussions that led to the development of the Administration’s climate change organization described above. The cabinet-level discussions referenced by Dr. Bierbaum included numerous, respected Federal career scientists including Dr. David Evans, former Assistant Administrator for Oceanic and Atmospheric Research at NOAA, Dr. Ari Patrinos, Associate Director of the Office of Biological and Environmental Research at the Department of Energy, and Dr. Dan Albritton, Director of the Aeronomy Laboratory of Oceanic and Atmospheric Research at NOAA. Starting with these early discussions, the Bush Administration’s climate change organization has fully involved climate change experts from throughout the Federal government.

As already noted, subsequent to its initial internal discussions, the Administration submitted the draft CCSP Strategic Plan to some of the Nation’s most qualified scientists at the National Academy of Sciences for review. The Academy made numerous recommendations, which the CCSP incorporated. The CCSP then resubmitted its plans to the Academy for further review, and just recently, the NAS returned a highly favorable review. The Administration developed the climate change science strategic plan through an open, back-and-forth process.

- The UCS claims that the Administration refused the request of the Natural Resources Conservation Service (NRCS) in USDA to reprint a brochure on carbon sequestration prepared several years ago and claims that this was censorship of government information.

This accusation is false. The USDA’s NRCS decided not to republish the brochure for appropriate reasons. The brochure had received extensive comments from within the Department that the brochure was outdated and did not reflect significant recent decisions by USDA to address greenhouse gases. For example, in June 2003, Secretary Veneman announced that for the first time, USDA would give consideration to greenhouse gas reductions and carbon sequestration in setting priorities for conservation programs. In addition, USDA is developing new accounting rules and guidelines so that farmers and landowners can register greenhouse gas

reductions and carbon sequestration activities with the Department of Energy. The Department of Energy released its accounting guidelines for greenhouse gas reporting in December 2003, and it is expected to release technical guidelines in early summer 2004. USDA is working with DOE to develop the guidelines for agriculture. The technical guidelines should include more specific information as to how farmers and ranchers could report and register greenhouse gas reductions. Once the new guidelines are available, USDA will reprint this brochure including information on how farmers can use the new guidelines.

Furthermore, there are still approximately 37,000 existing brochures available for distribution. The document is posted on the Soil and Water Conservation Society web-site: http://www.swcs.org/docs/carbon_brochure.pdf. Links to the document are found on the NRCS website: <http://www.nrcs.usda.gov/news/releases/2000/000424.html>.

The UCS' claims on "Censoring Information on Air Quality"

- The UCS claims that the Administration was withholding the publication of an EPA report on children's health and the environment in order to avoid the issue of mercury emissions by coal-fired power plants. The UCS also claims that the Administration suppressed and sought to manipulate government information about mercury contained in the EPA report.

This is not true. The interagency review of the EPA report on children's health and the environment occurred independently of the Administration's deliberations on mercury emissions from power plants. The interagency review process is the standard operating procedure for reports that include areas of scientific and policy importance to multiple agencies. As such, the report was reviewed by a number of scientists and analysts across Federal agencies. During this review, other agencies expressed concerns about the report. OSTP worked collaboratively with EPA staff on addressing interagency comments to make certain that the proposed indicators had a robust scientific basis and were presented in an understandable manner.

The report contained a statement that 8% of women of child-bearing age had at least 5.8 ppb of mercury in their blood in 1999-2000 and therefore children born to these women are at some increased risk. This information was available well before the EPA report both in raw form through the CDC and in an interagency analysis (CDC's Morbidity and Mortality Weekly Review, 2001) that indicated that approximately 10% of women of child-bearing age had blood mercury levels above the EPA reference dose, as opposed to the 8% level noted in EPA's report. The updated analysis in EPA's report and later published in the scientific literature (Journal of the American Medical Association, 2003) included an additional year of data and found the level to be 8%. These updated risk levels were used by the Administration in the preparation of its two regulatory proposals to reduce mercury emissions from coal-fired power plants.²

The final report was released in February 2003, as soon as the interagency review process was completed.

² The proposed regulations include a Maximum Achievable Control Technology standard which would result in a 29% reduction by 2009, and a two-phase cap and trade program which will result in a 68% reduction when fully implemented.

- The UCS states that “the new rules the EPA has finally proposed for regulating power plants’ mercury emissions were discovered to have no fewer than 12 paragraphs lifted, sometimes verbatim, from a legal document prepared by industry lawyers.”

The UCS’ implication that industry is writing government regulations is wrong. The reference here is to a preamble of a proposed EPA rule to control (for the first time) mercury emissions from power plants. The text in question is in the preamble, not the proposed rule itself. The preamble is intended to engage the public and encourage comments, including both assenting and dissenting viewpoints. All agencies, including EPA, openly seek public comment during rulemaking proceedings in order to obtain useful information and advice that is accepted or rejected or used in part.

Such direct use of submitted memoranda should not have occurred. However, the text at issue was taken from memoranda that were publicly presented to an advisory group made up of environmental activists, State officials, and industry representatives. These documents are openly available in the public docket. The UCS’ allegations are based on text that had nothing to do with the integrity of the science used by EPA.³

- The UCS states that the EPA has suppressed research on air pollution; specifically that the EPA evaluated a proposed measure by Senators Carper, Gregg and Chafee to regulate carbon dioxide in addition to sulfur dioxide, nitrogen oxides, and mercury, but withheld most of the results.

This accusation is false. EPA did, in fact, provide full information to the Senators. S. 843 was introduced by Senators Carper, Gregg, and Chafee on April 9, 2003. EPA submitted a cost analysis of the legislation to the Senators in July 2003, and submitted a cost and benefits analysis in October 2003. The Energy Information Administration (EIA) has also analyzed and compared the costs of S. 843 and S. 485 (the Administration’s Clear Skies proposal), and provided the analysis to Congress in September 2003.

The leaking of a draft EPA analysis was improper and unfortunate. The report underwent a standard interagency pre-release clearance process, and an intent to release always existed. Furthermore, these types of analyses have long been available and released by the Administration once completed. In fact, EPA had also analyzed a very similar bill Senator Carper introduced in 2002 and provided it to Congress in November 2002.

³ The background of this rulemaking and the text in question is as follows. On January 30, 2004, the EPA published a notice of proposed rulemaking to regulate mercury emissions from power plants. The language at issue, which appears in two places in the proposal’s preamble, was derived from two memoranda submitted by a law firm early in the rulemaking process (March and September, 2002). In the first instance, a section of one memorandum discusses the statutory framework of Section 112 of the Clean Air Act. Administration staff largely copied this discussion into portions of its own discussion, entitled “What is the Statutory Authority for the Proposed Section 112 Rule?” The law firm had used this discussion to argue for a regime of “system-wide compliance,” but EPA rejected that argument and did not propose such a regime. In the second instance, another memorandum argued that EPA should allow “subcategorization” within existing coal-fired units under the Maximum Achievable Control Technology (MACT) regime. This discussion did not deal with any scientific issues but explained how different types of coal are typically classified. EPA largely copied several paragraphs from this document into the preamble’s discussion of subcategorization.

The UCS' claims on "Distorting Scientific Knowledge on Reproductive Health Issues"

- The UCS claims that the Administration distorted the U.S. Centers for Disease Control and Prevention's (CDC's) science-based performance measures to test whether abstinence-only programs were proving effective, and attempted to obscure the lack of efficacy of such programs.

This accusation is false. The UCS mischaracterizes the program, its performance measures, and the reasons behind changes that were made to those performance measures. There were no CDC science-based performance measures associated with this program. Currently, the Federal government funds abstinence-only education programs through the Health Resources and Services Administration, not CDC. The program was never designed as a scientific study, and so even if the original performance measures had been kept, little or no scientifically useable data would be obtained. However, other independent evaluation efforts are underway that *are* intended to address questions of the effectiveness of abstinence only programs.

- The UCS claims that a CDC condom fact sheet posted on its web site was removed and replaced with a document that emphasizes condom failure rates and the effectiveness of abstinence.

This accusation is a distortion of the facts. The CDC routinely takes information off its website and replaces it with more up-to-date information. Recently updated topics include anthrax, West Nile Virus, and other health issues for which new information had become available. The condom fact sheet was removed from the website for scientific review and was subsequently updated to reflect the results of a condom effectiveness review conducted by the National Institutes of Health, as well as new research from other academic institutions. The condom information sheet was re-posted with the new information.

The "Programs That Work" website was also removed because the programs it listed were limited. CDC is exploring new and appropriate means to identify and characterize interventions that have scientifically credible evidence of effectiveness. In addition, CDC is currently working on a new initiative that is aimed at better addressing the needs of schools and communities by providing assistance in selecting health education curricula based on the best evidence available.

- The UCS alleges that information suggesting a link between abortion and breast cancer was posted on the National Cancer Institute (NCI) website despite substantial scientific study refuting the connection, and only revised after a public outcry.

This claim distorts the facts. The NCI fact sheet "Abortion and Breast Cancer" has been revised several times since it was first written in 1994. NCI temporarily removed the fact sheet from the website when it became clear that there was conflicting information in the published literature. In order to clarify the issue, in February 2003 a workshop of over 100 of the world's leading experts who study pregnancy and breast cancer risk was convened. Workshop participants reviewed existing population-based, clinical, and animal studies on the relationship between pregnancy and breast cancer risk, including studies of induced and spontaneous abortions. They concluded that having an abortion or miscarriage does not increase a woman's subsequent risk of developing breast cancer. A summary of their findings, titled *Summary Report: Early*

Reproductive Events and Breast Cancer Workshop, can be found at <http://cancer.gov/cancerinfo/ere-workshop-report>. A revised fact sheet was posted on the NCI website shortly after the workshop reflecting the findings.

The UCS' claims on "Suppressing Analysis on Airborne Bacteria"

- The UCS claims that a former Agricultural Research Service (ARS) scientist at Ames, Iowa, Dr. James Zahn, was prohibited on no fewer than 11 occasions from publicizing his research on the potential hazards to human health posed by airborne bacteria resulting from farm wastes.

This accusation is not true. Dr. Zahn did not have any scientific data or expertise in the scientific area in question. Dr. Zahn's assigned research project, as part of the Swine Odor and Manure Management Research Unit, dealt with the chemical constituency of volatiles from swine manure and ways to abate odors. In the course of this research, Dr. Zahn observed incidentally that when dust was collected from a hog feeding operation, some of the "dust" emitted from these facilities contained traces of antibiotic resistant bacteria. The recorded data were severely limited in scope and quantity, and did not represent a scientific study of human health threats.

In February 2002, Dr. Zahn was invited to speak at the Adair (Iowa) County Board of Health meeting in Greenfield, Iowa. Permission was initially granted by ARS management for Dr. Zahn to speak because it was thought that he was being invited to speak on his primary area of scientific expertise and government work, management of odors from hog operations. Permission for Dr. Zahn to speak representing the ARS at the meeting was withdrawn when it was learned that Dr. Zahn was expected to speak on health risks of hog confinement operations, an area in which Dr. Zahn did not have any scientific data or expertise.

The accusation of "no fewer than 11 occasions" of ARS denials to Dr. Zahn for him to present or publicize his research is not accurate. He was approved to report on his preliminary observations of dust borne antibiotic resistant bacteria at the 2001 meeting of the American Society of Animal Science and at a 2001 National Pork Board Symposium. He also was approved on numerous occasions to present and publish his research on volatiles and odors from swine manure. However, on five occasions he was not authorized to discuss the public health ramifications of his observations on the spread of resistant bacteria, because he had no data or expertise with respect to public health. Three of these occasions were local Iowa public community meetings; two others were professional scientific meetings.

- The UCS also claims that the USDA has issued a directive to staff scientists to seek prior approval before publishing any research or speaking publicly on "sensitive issues."

This is not true. USDA-ARS headquarters has had a long-standing, routine practice (at least 20 years) that has spanned several Administrations to require review of research reports of high-visibility topics (called the "List of Sensitive Issues"). ARS headquarters review, when required, do not censor, or otherwise deny publication of, the research findings, but may aid in the interpretation and communication of the results, including providing advance alert to others. The purpose of this review is to keep ARS Headquarters officials informed before publication and in an otherwise timely way of new developments on cutting-edge research, controversial subjects,

or other matters of potential special interest to the Secretary's Office, Office of Communications, USDA agency heads (particularly those other agencies in USDA that depend on ARS for the scientific basis for policy development and program operations), scientific collaborators, the news media, and/or the general public. This practice deals with research reporting only and does not relate to the initial research priority setting process or to determining which studies will be undertaken. To the contrary, the "special issues" are mostly high-priority items and receive considerable research attention.

The UCS' claims on "Misrepresenting Evidence on Iraq's Aluminum Tubes"

- The UCS claims that the Administration was aware of disagreement among experts on the purpose of aluminum tubes that Iraq attempted to acquire and that the Administration knowingly disregarded scientific analysis of intelligence data.

Director of Central Intelligence George Tenet addressed this issue directly in his February 5, 2004, speech at Georgetown University:

"Regarding prohibited aluminum tubes -- a debate laid out extensively in the [National Intelligence] Estimate, and one that experts still argue over -- were they for uranium enrichment or conventional weapons? We have additional data to collect and more sources to question. Moreover, none of the tubes found in Iraq so far match the high-specification tubes Baghdad sought and may never have received the amounts needed. Our aggressive interdiction efforts may have prevented Iraq from receiving all but a few of these prohibited items.

"My provisional bottom line today: Saddam did not have a nuclear weapon; he still wanted one; and Iraq intended to reconstitute a nuclear program at some point. But we have not yet found clear evidence that the dual-use items Iraq sought were for nuclear reconstitution. We do not yet know if any reconstitution efforts had begun, but we may have overestimated the progress Saddam was making."

The UCS' claims on "Manipulation of Science Regarding the Endangered Species Act"

- The UCS claims that the Administration is attempting to weaken the Endangered Species Act.

This accusation is false. The current listing situation results from Fish and Wildlife Service (FWS) practices in place *before the Bush Administration took office*. The FWS listing budget is currently consumed by court-ordered listings and critical habitat designations. These court orders result from pre-2001 FWS decisions to list endangered species but not to designate associated critical habitat as required by the Act as well as to ignore pending petitions to list species. This practice resulted in a flood of litigation forcing FWS to act on petitions that had been languishing for years as well as to designate critical habitat for already listed species. Fulfilling the resulting court mandates expends all of FWS's listing budget (the Administration has taken steps to redirect additional funds to this budget account, and the President's FY05 Budget requests an increase of more than 50 percent). With respect to the critical habitat designations, officials from both the current and prior administrations have said that these

lawsuits prevent FWS from taking higher priority actions such as listing new species.⁴ Moreover, without regard to the current court-driven budgetary situation, the number of new species listed as endangered during a particular time period varies over time for numerous reasons, and as such is not an appropriate measure of the success of the Act.

This Administration is committed to working in partnership with States, local governments, tribes, landowners, conservation groups, and others to conserve species through voluntary agreements and grant programs in addition to ESA procedures. For FY 2005, the President's proposed budget includes more than \$260 million in the Interior Department budget alone for cooperative conservation programs for endangered species and other wildlife. The President created the new Landowner Incentive Program and the Private Stewardship Initiative grant programs to help private landowners conserve endangered species habitat on their property. In early March 2004, for example, Secretary Norton announced \$25.8 million in cost-share grants to help private landowners conserve and restore the habitat of endangered species and other at-risk plants and animals. These grants are going to support projects in 40 states and the Virgin Islands.

Because the large majority of threatened and endangered species depend on habitat on private lands, this Administration believes it is vitally important that the Federal government provide incentives for landowners to engage in conservation efforts. The incentive programs implemented during this Administration have shown returns in the form of voluntary contributions of time and effort by landowners. These contributions provide far more to species conservation than the government could ever compel through regulatory action. This Administration is focusing on enhancing and restoring habitats of threatened and candidate species populations – thus keeping them off the list by preventing these species from becoming threatened in the first place.

⁴ “In 25 years of implementing the ESA, we have found that designation of official critical habitat provides little additional protection to most listed species, while it consumes significant amounts of scarce conservation resources.” Jamie Rappaport Clark, Director, U.S. Fish and Wildlife Service during the Clinton Administration, before the Senate Environment and Public Works Subcommittee on Fisheries, Wildlife, and Drinking Water. May 27, 1999.

“These lawsuits [forcing the Service to designate critical habitat] necessitate the diversion of scarce Federal resources from imperiled but unlisted species which do not yet benefit from the protections of the ESA.” Jamie Rappaport Clark, Senate Testimony, May 27, 1999.

“Struggling to keep up with these court orders, the Fish and Wildlife Service has diverted its best scientists and much of its budget for the Endangered Species Act away from more important tasks like evaluating candidates for listing and providing other protections for species on the brink of extinction.” former Interior Secretary Bruce Babbitt, *New York Times* op-ed, April 15, 2001.

“The best alternative is to amend the Endangered Species Act, giving biologists the unequivocal discretion to prepare maps when the scientific surveys are complete. Only then can we make meaningful judgments about what habitat should receive protection.” Bruce Babbitt, *New York Times*, April 15, 2001.

- The UCS claims that the FWS inappropriately established a new “SWAT” team to swiftly revise an earlier 2000 Biological Opinion on the Missouri River rather than allow that opinion to take effect in 2003.

The UCS distorted the facts. The UCS failed to mention several vital facts and mischaracterized subsequent events. First, after its issuance, the terms and conditions of the 2000 Biological Opinion were in effect already. Pursuant to that Biological Opinion, a spring rise in water levels was to occur every three years if reservoir levels were sufficiently high. Due to the prevailing and serious drought conditions, a 2003 water rise would not have occurred under the 2000 Biological Opinion.

Second, the development of an amended Biological Opinion was triggered by the Corps noting new information⁵ and submitting new proposed updates to its Master Water Control Manual for the Missouri River. As such, the subsequent consultation process with FWS was mandatory, not discretionary.

Third, FWS’s swift action derived from court mandates imposed on the Corps. Due to various court orders the Corps had an obligation to ensure finalization of its Master Manual and compliance with the Endangered Species Act by Spring 2004. To meet that requirement, the Corp requested consultations with FWS under Section 7 of the ESA in Fall 2003 regarding its proposed management of the river system. In order to allow the Corps time to implement FWS’s recommendations by Spring 2004, the FWS had to accelerate the consultations. This resulted in the FWS having 45 days, rather than the usual 135 days, to complete the 2003 amended Biological Opinion. To meet this accelerated timeframe, a team of 15 Fish and Wildlife Service experts (including 7 from the 2000 team) with a collective 300 years of experience was assembled.

Fourth, the 2003 amended Biological Opinion on the Corps’ new management proposal determined that jeopardy still existed for one of the three species that were in jeopardy under the 2000 Biological Opinion (the pallid sturgeon), and included specific biological and habitat development targets that must be met to protect all three species. The 2003 amended Biological Opinion thus presented a new reasonable and prudent alternative that includes a number of steps the Corps must take, which not only built on measures recommended in a National Academy of Sciences’ review of the 2000 Biological Opinion, but also included the vast majority of the measures included in the 2000 Biological Opinion.

Finally, it is important to note that this team operated independently and reached a consensus biological opinion based upon the best and latest scientific information available. In fact, in an unsolicited and unprecedented action, the two career Federal officials leading the process noted in their cover memorandum transmitting the 2003 amended Biological Opinion, that the 2003 amended Biological Opinion process followed a mandate to go “where the science leads us.”

⁵ Among this new information was that, since the 2000 Biological Opinion, two of the endangered species population levels had improved significantly: Piping plover numbers had increase 460 percent within the Missouri River basin since 1997, with pair counts now exceeding recovery goals; and the least terns’ estimated population of 12,000 exceeded the recovery goal by 5,000 terns, although the goal of 2,100 terns for the Missouri River itself had not been met.

They noted they had not been contacted by their superiors, and that they were unhindered in pursuing a project with “only one focus: the pursuit of science and the well-being of the species.”⁶

The UCS’ claims on “Manipulating the Scientific Process on Forest Management”

- The UCS claims that the USDA manipulated the scientific process on forest management, and used a “Review Team” made up primarily of non-scientists to “overrule” an existing forest management plan.

This claim is false. This case actually highlights how aggressive the Administration has been in using input from the scientific community to inform its forest management decisions. The UCS claim demonstrates a lack of understanding of the NEPA processes used to update the Sierra Nevada Forest Plan Amendment (SNFPA) Record of Decision. In fact, the Forest Service received over 200 appeals of the SNFPA and had to review and respond to them. To address these appeals, the Regional Forester (Region Five – California) established the five-person Review Team to evaluate any needed changes to the SNFPA Record of Decision. One scientist provided scientific support to this team. Once the Review Team completed its work, a Draft Supplemental EIS (DSEIS) was completed. This was developed using an interdisciplinary team of 31 people, which included four individuals with PhDs and nine additional individuals with master’s degrees in scientific fields.

A Science Consistency Review (SCR) was conducted to assess the DSEIS from a scientific perspective. The Forest Service uses the SCR process infrequently and only when the additional level of thoroughness is judged necessary to ensure that decisions are consistent with the best available science. Controversy is not a consideration in the SCR process. The SCR is accomplished by judging whether scientific information of appropriate content, rigor, and applicability has been considered, evaluated, and synthesized in the draft documents that underlie and implement land management decisions. This SCR included 13 members, with 11 being scientists, nine external to the Forest Service and seven of these external to the government, including those from universities, the Nature Conservancy, and an independent firm. The results of the SCR were provided to a group of Forest Service professionals (including those experienced in NEPA, science, writing, and resource management) who prepared the final NEPA documents.

It would be highly unusual for all SCR comments to be reflected in the final NEPA documents, since these are prepared in the face of significant scientific uncertainty and a diversity of values. Nevertheless, the draft documents, the science consistency review, the response to the science consistency review, the responses to public comments, and the final SEIS are all available on the web so that scientific information used and the process that utilized this information is transparent. How uncertainty and risk are handled in the decision have both scientific and policy elements. In addition, a paper discussing the risk and uncertainty issues around the decision was developed by four additional university scientists. These documents are all available at <http://www.fs.fed.us/r5/snfpa/>.

⁶ Memorandum to the Assistant Secretary for Fish, Wildlife and Parks, from the Directors of the Great Lakes-Big Rivers Region and the Southwest Region (December 17, 2003).

The UCS' claims on "OMB Rulemaking on 'Peer Review'"

- The UCS claims that OMB has proposed a "rulemaking" on peer review that would centralize control of review of scientific information within the Administration, prohibit most scientists who receive funding from government agencies from serving as peer reviewers and "have dramatic effects" upon the promulgation of new government regulations, "even though OMB fails to identify any inherent flaws in the review processes now being used at these agencies."

This UCS claim is wrong on many levels. First, OMB did not propose a new government-wide rule, but rather proposed a new Bulletin or guidance document under the Information Quality Act (IQA) and other authorities. To improve its proposed peer review Bulletin, OMB established a 90-day public comment period, which ended December 15, 2003. OMB received 187 public comments, all of which are available on OMB's web site. OMB also sought broad input on its proposal by commissioning an open workshop at the National Academy of Sciences to discuss its draft. OMB is now in the process of revising the Bulletin based on the comments received. It should be noted that while such entities as the National Academy of Sciences, the American Association for the Advancement of Science, the Association of American Medical Colleges, the Federation of American Scientists, the American Chemistry Council, the Center for Regulatory Effectiveness, and the National Resources Defense Council all submitted comments, the Union of Concerned Scientists did not.

Second, the proposed Bulletin did not prohibit most scientists who receive funding from government agencies from serving as peer reviewers, nor would it exclude those who are most qualified. While the draft Bulletin cites government research funds as one factor that agencies should consider when determining which scientists should be selected, the listed factors are those "relevant to" the decision, not criteria that automatically exclude participation. Moreover, the proposed Bulletin noted in a variety of places that concerns also exist about potential conflicts of interest for those affiliated with the regulated community. OMB specifically asked for comments on how members of peer review panels should be selected, and will address these comments in crafting the final bulletin.

Third, OMB explained the reasons for its proposal: OMB was (1) responding to a new statutory requirement (the IQA) to improve the quality of information produced by agencies; (2) seeking to improve the Federal government's practice of peer review so that it is applied consistently across the Executive Branch to ensure the highest quality scientific information possible; and (3) seeking greater transparency of the peer review process.

Fourth, the proposed OMB Bulletin's peer review requirements should not slow down agency regulatory proceedings. A well-conducted peer review process can accelerate the rulemaking process by reducing controversy and protecting any resultant rules against legal and political attack. When done in an open, transparent manner, independent peer review improves both the quality of science disseminated and the public's confidence in the integrity of science.

Finally, the UCS description of the proposed Bulletin concludes with a quote from the Pharmaceutical Research Manufacturers of America (PhRMA) that implies that PhRMA thinks the Bulletin would contribute little value and lead to obstruction and delay. This quote is taken

completely out of context. The PhRMA letter *applauds* OMB for its proposed Bulletin, and discusses how OMB's proposed procedures are already being effectively incorporated into many of FDA's regulatory activities. It concludes that the terms of OMB's proposed Bulletin, especially its exemption for adjudications, is good policy. The quoted sentence is used to articulate why OMB should not change the proposed Bulletin's exemption for adjudications.

II. THE UCS' CLAIM OF "UNDERMINING THE QUALITY AND INTEGRITY OF THE APPOINTMENT PROCESS"

Suggestions of a political litmus test for membership on technical advisory panels are contradicted by numerous cases of Democrats appointed to panels at all levels, including Presidentially appointed panels such as the President's Information Technology Advisory Council, the National Science Board, and the nominating panel for the President's Committee on the National Medal of Science.

It is unfortunate that the Union of Concerned Scientists would attack specific individuals who have agreed to serve their country. Every individual who serves on one of these committees undergoes extensive review, background checks, and is recognized by peers for their contributions and expertise. Panels are viewed from a broad perspective to ensure diversity; this may include gender, ethnicity, professional affiliations, geographical location, and perspectives.

To put this issue in perspective, note that this Administration has over 600 scientific advisory committees. HHS alone has 258 advisory committees. The UCS accusations involve instances explained below, representing rare events among a large number of panels.

The UCS' claims on "Industry Influence on Lead Poisoning Prevention Panel"

- The UCS claims that industry influence on the lead poisoning prevention panel led to interference with an action to toughen the lead poisoning standard. The UCS also takes issue with the HHS Office of the Secretary appointing individuals for the Advisory Committee, rather than making the appointments at a lower level.

This claim distorts deliberations on the complex issue of lead poisoning. First, there was no link between appointments and consideration of toughening the guidelines. The appointments were made in October 2002 and the subcommittee workgroup was not considering the lead poisoning guidelines at that time. In October 2003, a subcommittee workgroup of the Childhood Lead Advisory Committee reported its review of scientific evidence to determine whether there was sufficient evidence of adverse health effects on children with blood lead levels less than 10 micrograms per deciliter of blood.⁷ The workgroup had ongoing discussions with CDC about its work, which indicated that while there are adverse health effects in children at blood lead levels less than 10 micrograms, the possibility of confounding by other factors leaves some uncertainty as to the size of the effect. These discussions led to the conclusion that more emphasis needed to be placed on primary prevention. This conclusion was reached for a variety of reasons, including: (1) there are no clinical interventions (treatments) to reduce blood lead levels that are

⁷ In 1991, the federal standard for lead poisoning was set at 10 micrograms per deciliter of blood.

in the range of 1-10 micrograms;⁸ (2) it is extremely hard to classify sources of exposure for lead poisoning at blood lead levels below 10 micrograms;⁹ (3) error rates in lab testing make it extremely difficult to classify a blood lead level below 10 micrograms;¹⁰ and (4) there is no evidence of a threshold below which adverse effects are not experienced. Thus, there was a renewed emphasis on preventing children's exposure to lead in the first place while continuing the critical work of identifying and intervening on behalf of children with higher blood lead levels.

For all of these reasons CDC concluded that it did not make sense to change the guidelines. CDC advised that studies provide a strong rationale to emphasize preventing exposure of children to lead. The two essential elements are focusing on systematic reduction of lead paint in housing and restricting or eliminating non-essential uses of lead paint in toys, eating and drinking utensils, cosmetics, etc. Eleven of the twelve Advisory Committee members were receptive to CDC's recommended approach.

Regarding the suggestion that two appointees had ties to the industry, every candidate is put through a rigorous ethics process that includes a conflicts of interest analysis. All of the appointments on the Childhood Lead Advisory Committee were cleared through this process.

Regarding the issue of appointment of advisory committee members, the members in question replaced outgoing members who had served several terms and others had permissibly served beyond the expiration of their present terms. Therefore, it was part of the normal advisory committee process to identify new members.

Under the HHS General Administration Manual, the Secretary of HHS is required to approve the appointment of Federal Advisory Committee members except those members who are appointed by the President. CDC and the Office of the Secretary worked to find a balanced slate of individuals to serve on the Childhood Lead Advisory Committee who would reflect a diverse set of opinions, including those from industry, and produce a comprehensive and thoughtful discussion in service of the public's health.

⁸ There are no clinical interventions to reduce blood lead levels that are in the range of 1-10 micrograms. No drugs or other methods have been identified that either lower the blood lead levels for children to the levels in the range under discussion (1-10 micrograms) or reduce the risk for adverse developmental effects. Should a child have an elevated blood lead level, a lead inspection would be conducted to determine the source of lead including looking at paint, soil, and house dust. Should these sources result in negative readings, other sources would then be reviewed with the ultimate goal of removing as much of the source as possible. For a blood lead level of 45 micrograms or higher, chelation therapy would be used to reduce, as much as possible, the lead level in the blood and tissue. At a level of 15-45 micrograms, the course of action would be to remove external sources of lead such as lead paint. At a level below 15 micrograms, the course of action would be to educate parents or caregivers about hazards and how to reduce access to hazards. But there are no good methods to intervene and bring a blood lead level of, for example, 8 micrograms down to 4 micrograms.

⁹ Sources of exposure for lead poisoning are very difficult to determine at a blood lead level below 10 micrograms. The higher the blood lead level, the easier it is to find the source or sources during a lead inspection. But at blood lead levels below 10 micrograms, the source or sources can be virtually impossible to determine because multiple sources can contribute and each source is additive.

¹⁰ As with all lab tests, there is a certain amount of random error that is unavoidable. In blood lead testing, the typical error rate is + or - 2 micrograms. At a very high blood lead level, this error rate is not of great consequence but at a low blood lead level, the error rate is too great to ensure that children are properly classified.

The UCS' claims on "Political Litmus Tests on Workplace Safety"

- The UCS claims that "circumstances strongly indicate a politically motivated intervention" for dismissing 3 experts on ergonomics from a narrowly focused peer review panel at the National Institute for Occupational Safety and Health (NIOSH), implying that at least 2 were removed because of their support for a workplace ergonomics standard. Another prospective member of the study section charged publicly that someone from Secretary Thompson's staff, while vetting her nomination, had asked politically motivated questions such as whether she would be an advocate on ergonomic issues.

The claim of politically motivated intervention is not true. In contrast to the NIH, where emphasis panels, peer review groups, and study sections do not come under the purview of Secretarial oversight, CDC's study sections are appropriately under the review of the Office of the Secretary. Agencies typically review many individuals to serve on advisory panels and they may be rejected for a variety of reasons. In this instance, one of the scientists that the UCS mentions was actually selected to be appointed to the committee.

The UCS' claims on "Non-Scientist in Senior Advisory Role to the President"

- The UCS asserts that Richard M. Russell is not qualified by his experience to serve in a senior scientific capacity as a Deputy Director of OSTP.

The notion that Richard Russell's policy experience is insufficient for him to lead the Technology Policy division at OSTP is one of the most offensive statements contained in the UCS document. Mr. Russell's policy experience is as strong, if not stronger, than many of his predecessors. He has worked in both the U.S. House of Representatives and in the United States Senate and for two Committees of the House of Representatives. Most recently, Richard Russell served on the House Science Committee. He not only was a professional staff member, as the report states, but was also Staff Director of the Technology Subcommittee and then Deputy Chief of Staff for the full Committee.

Senior positions within OSTP are defined by the Director, who, in this Administration, has significantly reorganized the office to strengthen coordination with other relevant policy offices and congressional committees. Mr. Russell possesses superior qualifications for the functions he performs in this organization.

The American Association of Engineering Societies (AAES), the umbrella organization for Engineering Societies which represents over one million engineers, endorsed Mr. Russell's candidacy. In a letter to the Chairman and Ranking Member of the Senate Committee on Commerce, Science, and Transportation's Subcommittee on Science, Technology, and Space the Chairman of AAES wrote: "Mr. Russell's experience on Capitol Hill and his strong understanding of Federal science and technology policy make him well suited to lead the Technology Division of OSTP... We are very pleased with Mr. Russell's nomination, because his professional accomplishments indicate that he appreciates the important role Federal research policy can play in the economic and national security of our Nation." The Senate concurred with AAES' assessment and confirmed Mr. Russell by unanimous consent.

The UCS' claims on "Underqualified Candidates in Health Advisory Roles"

- The UCS claims that the Administration's candidates for health advisory roles "have so lacked qualifications or held such extreme views that they have caused a public outcry." Two cases cited are the appointment of Dr. W. David Hager to the U.S. Food and Drug Administration's (FDA) Reproductive Health Advisory Committee, and the appointment of Dr. Joseph McIlhaney to the Presidential Advisory Council on HIV/AIDS.

This accusation is offensive and wrong. Both the individuals cited by the UCS are in fact well qualified. Their CV's are widely available and it is not necessary to repeat them here.

The UCS' claims on Litmus Tests for Scientific Appointees

- The UCS asserts that a political litmus test was the reason why Dr. William Miller was denied an appointment on the National Institute for Drug Abuse (NIDA) advisory panel.

This claim is false. The HHS Office of the Secretary recommended that Dr. Miller be considered for this panel and NIDA did not concur. The decision by NIDA/NIH was not based on any conversations with any members of the Secretary's Office.

- The UCS document suggests that a nominee to the Army Science Board was rejected because he had contributed to the presidential campaign of Senator John McCain.

This contention is without support. Nominees for standing membership are approved at several levels within the Army and the Office of the Secretary of Defense, and some may be turned down during this process for various reasons. Some may later be reevaluated and included, depending on the current composition of the Board (with a goal to achieve a wide variety of expertise and balance between experienced Board members and new voices). Mr. Howard, the individual identified by the UCS, has expertise relevant to defense issues, and his technical advice has been sought on Army Science Board, Air Force Science Advisory Board, and Defense Science Board studies as a consultant during the current Administration.

The UCS' claims on Dismissal of Nuclear Weapons and Arms Control Panels

- The UCS document suggests that the Nuclear Weapons and Arms Control Panels of the National Nuclear Security Administration (NNSA) were "summarily abolished."

This contention distorts the facts. The NNSA Advisory Committee was established in June 2001, not by Congress, but by the Department of Energy to advise the NNSA Administrator on a wide range of issues affecting the newly established NNSA, including technology, policy, and operations, not just science. As is the case with most advisory committees, the NNSA committee was established for a period not to exceed two years. The charter expired in June of 2003 and was not renewed. The committee had fulfilled its mission. The expiration of the Advisory Committee's charter does not preclude the NNSA Administrator from initiating other advisory groups when warranted. NNSA gets input from the U.S. Strategic Command Strategic Advisory Group, the Defense Science Board, the Secretary of Energy Advisory Board, and the National

Academy of Sciences. The NNSA has always had ample independent oversight and analysis requested by DOE or Congress. The Advisory Committee had no oversight responsibilities.

- The UCS document claims that the arms control panel that advised the State Department on technical matters was dismissed, and that a promised new committee to take its place has not been formed.

The Arms Control and Nonproliferation Advisory Group had reached the end of its two-year charter (as set forth in the Federal Advisory Committee Act (5 U.S.C. Appendix 2)), as is the case with most advisory committees. In order to be reconstituted, the charter and composition was examined for any required revision (cf. Section 14 of FACA).

The Arms Control and Nonproliferation Advisory Group has been reauthorized by Under Secretary of State for Management Grant Green as of November 2003. The specific membership is currently under consideration.

III. THE UCS' CLAIMS OF "AN UNPRECEDENTED PATTERN OF BEHAVIOR"

The UCS' claims on "Disseminating Research from Federal Agencies"

Part III closes the UCS "investigation" and contains two sections – one on "Disseminating Research from Federal Agencies" and one on "Irregularities in Appointments to Scientific Advisory Panels." Here, the UCS does not provide a single instance of an actual suppression of agency research or an appointment irregularity occurring. Both sections consist entirely of quotations from various individuals and one organization.

Individual opinions are not actual events with facts that can be determined. With no context, one must assume these opinions are based upon the type of misinformation presented throughout the UCS document.

The stated opinions do not reflect the views of many outstanding scientists who have worked with this Administration. In particular, the National Academy of Sciences has been closely involved in various aspects of the Bush Administration's science policies. The Academy of Sciences has graciously accepted numerous requests to conduct research program reviews, and have gained first-hand knowledge of the Administration's commitment to independent scientific advice, a commitment that extends to all areas of science under Federal support. The most prominent example is the National Academy's review of the Climate Change Science Program's recently released Strategic Plan. If there has ever been an area of contention about this Administration's commitment to science, climate change science is it. Yet the Academy says about the Strategic Plan that:

"The Strategic Plan for the U.S. Climate Change Science Program articulates a guiding vision, is appropriately ambitious, and is broad in scope. It encompasses activities related to areas of long-standing importance, together with new or enhanced cross-disciplinary efforts. It appropriately plans for close integration with the complementary Climate Change Technology Program. The CCSP has responded constructively to the National

Academies review and other community input in revising the strategic plan. In fact, the approaches taken by the CCSP to receive and respond to comments from a large and broad group of scientists and stakeholders, including a two-stage independent review of the plan, set a high standard for government research programs. As a result, the revised strategic plan is much improved over its November 2002 draft, and now includes the elements of a strategic management framework that could permit it to effectively guide research on climate and associated global changes over the next decades ... Advancing science on all fronts identified by the program will be of vital importance to the nation.”



UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary of Commerce
for Oceans and Atmosphere
Washington, D.C. 20230

JUL 14 2005

The Honorable Frank R. Lautenberg
United States Senate
SH-324 Hart Senate Office Building
Washington, DC 20510

The Honorable Harry Reid
United States Senate
SH-528 Hart Senate Office Building
Washington, DC 20510

Dear Senator Reid and Senator Lautenberg:

I am writing in response to your letter of June 29, in which you request that we retract two reports of the Climate Change Science Program (CCSP), the *2003 Strategic Plan for the U.S. Climate Change Science Program*, and *Our Changing Planet: The Fiscal Year 2003 U.S. Global Change Research Program*, as well as any other climate change reports to Congress that may have incorporated editorial suggestions by Philip A. Cooney, the former Chief of Staff of the White House Council on Environmental Quality.

Respectfully, we believe that it is our responsibility to decline your request, for the reasons outlined below.

The process of reviewing and proposing editorial revisions to the draft documents is well established, and was followed in the preparation of these reports. All CCSP planning and program report documents undergo a well established review process that involves all thirteen of the federal agencies participating in CCSP (DOC/NOAA, EPA, DOE, NSF, NASA, USDA, DOI, State, AID, DOD, Smithsonian, DOT AND HHS), as well as three or more elements within the Executive Office of the President (OSTP, CEQ and OMB, and occasionally other elements).¹ Each CCSP document begins as a draft that is circulated to the sixteen (or more) agencies or offices mentioned above. Representatives of all sixteen entities – both scientific and non-scientific personnel – are invited to comment on the draft document by means of individual responses to the CCSP Office. The CCSP Office Director (coordinates the day-to-day operations of the interagency CCSP Office) and his immediate technical staff (Ph.D. – level scientists), as well as the CCSP Director (Senate-confirmed appointee who supervises the entire CCSP program and products) and his immediate technical staff (also Ph.D. – level scientists) are

¹ Please note that the principal scientific findings products (the *Scientific Synthesis and Assessment Products*) being produced by CCSP under the *Strategic Plan* mentioned above employ a specific, elaborate and transparent process to assure the scientific integrity of the reported findings. This process is described later in this letter.



responsible for considering all suggested editorial comments, and for final decisions about the text contained in the published document. It is common that many of the proposed editorial comments are not adopted, or are only partially adopted, by the CCSP senior technical management. In the end, the CCSP Director is responsible for the scientific integrity of these CCSP planning and program report documents.

The *CCSP Strategic Plan* is the centerpiece document guiding the overall conduct of the CCSP activities. It received unusually intensive scientific review – and was praised by the National Research Council. The comments in your letter of June 29 pertain to the editorial process used in the development of the *Discussion Draft* version of the *Strategic Plan*, published in November 2002. Subsequent to the dissemination of the *Discussion Draft*, CCSP:

1. Conducted a major international workshop in December 2002 with approximately 1,300 climate scientist participants whose inputs were used to revise the *Discussion Draft*.
2. Invited written comments from experts and interested public stakeholders, resulting in more than 900 pages of useful comments.
3. Requested and received detailed critique by a special committee of scientific experts convened by the National Academies' National Research Council (NRC).
4. Prepared the final version of the *Strategic Plan*, published in July 2003. This is the document-of-record for the *CCSP Strategic Plan*, and is one of the most widely reviewed government science planning documents to appear in many years.
5. CCSP also requested that the NRC review the final version of the *Strategic Plan*, and the NRC's final report, issued in February 2004, praised the scope and scientific integrity of the plan:

The Strategic Plan for the U.S. Climate Change Science Program articulates a guiding vision, is appropriately ambitious, and is broad in scope. It encompasses activities related to areas of long-standing importance, together with new or enhanced cross-disciplinary efforts. It appropriately plans for close integration with the complementary Climate Change Technology Program. The CCSP has responded constructively to the National Academies review and other community input in revising the strategic plan. In fact, the approaches taken by the CCSP to receive and respond to comments from a large and broad group of scientists and stakeholders, including a two-stage independent review of the plan, set a high standard for government research programs. As a result, the revised strategic plan is much improved over its November 2002 draft, and now includes the elements of a strategic management framework that could permit it to effectively guide research on climate and associated global changes over the next decades. Advancing science on all fronts identified by the program will be of vital importance to the nation.²

² NRC 2004 – *Implementing Climate and Global Change Research: A Review of the Final U.S. Climate Change Science Program Strategic Plan*. (Washington, DC, The National Academies Press). <http://www.nap.edu>

In view of the importance of the final version of the Strategic Plan (as published in July 2003), and in view of the intensive and positive pre- and post-publication scientific review that it received, it would be very disruptive and inappropriate to retract this document, thereby restricting its use as the guiding document for the major science and assessment updates that CCSP is currently producing.

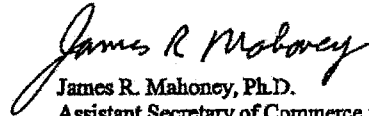
The *Our Changing Planet* documents are an annual series of program report documents required by the Global Change Research Act of 1990. As program updates conveying budget information for the entire program as well as budget details for each of the thirteen participating agencies, it is appropriate to have both scientific and non-scientific personnel review these documents. CCSP certainly has an obligation to assure that these documents are accurate, and we believe that this obligation is consistently met by all the recent documents in this series. We believe that it would be inappropriate and counterproductive to retract these documents also, thereby removing from the public record the most significant primary source of annual updates about program direction, priorities and budgets.

In accordance with its Strategic Plan, CCSP is producing a series of Scientific Synthesis and Assessment Products, which are all being produced with an intensive commitment to scientific peer review, transparency and public involvement. This series of twenty-one documents, to be published at various dates between late 2005 and 2007, will convey a highly important series of key findings about climate change. We commend these documents to your attention. Information about their areas of coverage, the guidelines for their production, and the schedule for their publication can be found in *CCSP Strategic Plan* (including any updates that may be published) and on the CCSP web site; www.climate-science.gov/library/sap/default.htm. The following important steps are being followed in the process of completing these products:

1. Each product is identified and described in the July 2003 *CCSP Strategic Plan* and tracked on the CCSP web site as stated above.
2. Detailed guidelines for the preparation of these products were developed with extensive public input. The final version of the guidelines appears on the CCSP website.
3. All of the products will be prepared consistent with the requirements of the Information Quality Act.
4. All of the products will be drafted by expert groups in conformance with the provisions of the Federal Advisory Committee Act.
5. Each product will receive intensive scientific peer review, as well as general public review.
6. CCSP has initiated a new contract with the NRC that provides for the NRC to provide continuing analysis and advice on the conduct of the CCSP program including the preparation of the CCSP scientific products. The NRC advisory reports will all be public documents, and will provide the Congress and all interested stakeholders with independent reviews of CCSP performance.

We welcome continuing dialogue with you and your staff regarding progress with the CCSP program. We are pleased to provide you and/or your staff with ongoing information and updates on the progress and status of the CCSP activities, or responses to questions you may have.

With best regards,



James R. Mahoney, Ph.D.
Assistant Secretary of Commerce for
Oceans and Atmosphere, and
Director, Climate Change Science
Program



UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary of Commerce
for Oceans and Atmosphere
Washington, D.C. 20230

JUL 29 2005

The Honorable James M. Inhofe
United States Senate
722 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Inhofe,

I am writing in response to your letter of July 19, 2005, regarding the questions surrounding Mr. Rick Piltz and his involvement with the U.S. Climate Change Science Program (CCSP). As you know, CCSP was announced by President Bush in 2002 to integrate federal research on global change and climate change, as sponsored by 13 federal departments and agencies (the National Science Foundation, the Department of Commerce, the Department of Energy, the Environmental Protection Agency, the National Aeronautics and Space Administration, the Department of State, the Department of Interior, the Department of Agriculture, the Department of Health and Human Services, the Department of Transportation, the Department of Defense, U.S. Agency for International Development, and the Smithsonian Institution) in liaison with the Council on Environmental Quality (CEQ), the Office of Science and Technology Policy (OSTP), and the Office of Management and Budget (OMB). The goal of the program is to develop the best and most useful climate science information to support decision making through an open and transparent process.

The agencies participating in CCSP, fund and supervise an interagency office—the Climate Change Science Program Office (CCSPO)—that fosters program development and coordination by coordinating research and observation, implementing communications activities, and providing Secretariat support for the CCSP Director and the CCSP Principals (an interagency governing body for CCSP incorporating a senior representative from each of the 13 CCSP agencies, CEQ, OSTP, and OMB).

My responses to your questions appear in bold below.

1. Please provide a thorough description of Mr. Piltz's academic and professional background including formal education, degrees held, scientific credentials, awards, and previous positions held both in and outside of government service.

Mr. Piltz worked as a contract employee, referred to as a "term" employee, for a number of years for the University Corporation for Atmospheric Research (UCAR). This organization provided the staff services of Mr. Piltz, and others, to CCSPO by means of an agreement between NASA and UCAR. Mr. Piltz's functional title was Senior Associate. While we desire to comply fully with your requests, we believe it would be more appropriate to contact Mr. Piltz's former employer, UCAR, for his

THE DEPUTY ADMINISTRATOR



academic and professional information. (UCAR Point of Contact: R. Gene Martin, Director, Joint Office for Scientific Support, UCAR; Phone: 303 497-8682; Email: gmartin@ucar.edu)

2. Please describe the circumstances surrounding Mr. Piltz's departure including, but not limited to, whether Mr. Piltz was asked to resign from his position or whether he stepped down of his own accord.

As a result of information that had reached me regarding a number of complaints Mr. Piltz had been expressing to his colleagues at CCSP, I scheduled a meeting with him and requested that the CCSP Director and the CCSP principal representative of DOE attend the meeting as well. This meeting took place on February 22, 2005. During this meeting, I suggested he consider resigning or we might decide to terminate him if his pattern of complaints could not be resolved. I also suggested, at the end of the meeting, he consider his options and get back to me in the next few days. On February 28, 2005, Mr. Piltz submitted a letter of resignation from his position.

3. Please describe the nature of the documents Mr. Piltz accuses the White House Council on Environmental Quality (CEQ), and specifically Mr. Philip Cooney, of having altered. Were these public policy reports, summaries of research findings, budget documents, policy-oriented documents, or scientific studies?

Mr. Piltz has commented about two reports: a draft of the 10-year Strategic Plan for the Climate Change Science Program, and a draft of the Program's annual report to Congress, *Our Changing Planet*. Both final reports, by law, must be submitted to Congress. The Strategic Plan describes priority scientific questions to be addressed by the CCSP over the coming years. *Our Changing Planet* is a program report describing highlights of recent research activities and plans for future research to be conducted with funds included in the President's annual budget request.

4. Please describe the process by which these documents are reviewed. Is it customary or extraordinary for other executive branch agencies and/or CEQ to review and edit documents of the type in question?

The referenced reports were produced through a customary interagency review process. The thirteen CCSP agencies, CEQ, OMB, and OSTP reviewed the drafts, provided comments, and suggested editorial revisions. The comments and suggested revisions were considered by CCSP scientific staff working under my supervision or by me, and revised drafts were prepared. These drafts were again circulated for final clearance and release. As Director of the CCSP, I have had final authority over the editorial process and the approved content of all CCSP reports disseminated since 2002.

5. Approximately how many edits were made by Mr. Cooney? To the best of your knowledge, did any specific edits made by CEQ misrepresent or misstate scientific facts or data? If any edits contained specific errors, were these errors contained in the final document, or corrected as part of the inter-agency process?

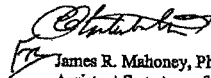
Mr. Cooney proposed many specific edits, as did others involved in the interagency review process for the two reports. These proposed edits ranged from corrections of grammatical errors to suggestions for insertions or deletions of text. To the best of my knowledge, the edits proposed by CEQ did not misstate any specific scientific fact, but some of the proposed edits challenged the degree of confidence to be attached to various scientific statements. As is the case for all reports produced through the CCSF interagency process, some of the proposed edits were accepted and others were modified or rejected. In my capacity as CCSF Director, I approved the final versions of the drafts. To the best of my knowledge, no errors were contained in the two reports.

6. Did Mr. Piltz undergo an exit review at the Department of Commerce or CCSP prior to his departure? If so, please describe the Department's exit procedure, who conducted this review, and the questions asked. To the best of your knowledge, did Mr. Piltz remove any internal documents, drafts of documents, computers, computer disks, related computer equipment, or other departmental materials from CCSP?

Mr. Piltz did not have an exit interview through CCSP, but we understand he completed a form at the request of UCAR upon the termination of his employment with that organization. During his tenure as a member of the professional staff of the office for the program, Mr. Piltz had access to many program documents. I have no direct knowledge as to whether Mr. Piltz removed internal documents, drafts, computer disks, or other related materials. However, I note that subsequent to his departure from the office, he provided samples of confidential documents to the public.

If you need further clarification on these issues or have any other questions concerning the Climate Change Science Program, I would be happy to meet with you or your staff.

With best regards,



James R. Mahoney, Ph.D.
Assistant Secretary of Commerce for
Oceans and Atmosphere, and
Director, Climate Change Science Program

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20502

November 16, 2006

The Honorable Joseph I. Lieberman
Committee on Homeland Security and Governmental Affairs
706 Hart Senate Office Building
Washington, DC 20510

Dear Senator Lieberman:

This letter responds to your June 13, 2006, letter to me expressing your concerns with media reports regarding scientific openness in Federal departments and agencies.

Your letter cited four reported instances, from 2002-2006, of scientific censorship on climate change issues at four agencies, and stated that such allegations across four agencies "raises the possibility that negative signals regarding scientific openness, particularly on climate change, might be traveling from a central source of authority to multiple Executive Branch departments." Accordingly, you asked me to determine whether any official or unofficial guidance on scientific openness has been issued from the Executive Office of the President, and to investigate (if no such guidance has been issued) why suppression of climate scientist findings seem to be occurring simultaneously across more than one government agency.

I agree with you fully that the "ability to communicate freely is integral to the process of scientific discovery that has helped build our great nation." I have not found any evidence to support your concerns regarding "negative signals" from a "central source." In fact, numerous positive signals have been sent from my office and others, clarifying the Administration's view that the communication of scientific findings should be timely, complete, and accurate.

The President's actions in the area of scientific research and development (R&D) speak directly to the value this Administration places on scientific discovery. In the current fiscal year, President Bush is requesting a record \$137 billion in federal funding for R&D, a 50 percent increase since he took office in 2001.

Support for climate change research and technology has also been strong. The latest Federal Climate Change Expenditures Report to Congress documents that the President's FY 2007 Budget proposes over \$6.5 billion for climate change programs and activities, both domestic and international. That is a 12 percent increase over this year's \$5.8 billion ongoing effort and 24 percent over the FY 2005 total of \$5.3 billion.

Moreover, the recent American Competitiveness Initiative, announced by the President in his State of the Union Address, proposes a comprehensive approach to strengthening America's scientific and technological enterprise, including a commitment to double the funding of key

The Honorable Joseph I. Lieberman
November 16, 2006
Page 2

agencies that fund basic R&D in the physical and engineering sciences. The President's budget decisions signal unprecedented support for science, and the President expects results from this taxpayer investment—results that are communicated clearly and accurately.

I can assure you that no “central source” has issued official or unofficial guidance, or any other “negative signals,” to Federal departments and agencies to suppress scientific results on climate change or any other scientific matter. Upon investigation, such allegations are generally found to derive from lower level employees not effectively articulating the Administration's position on matters of scientific openness. The high level policy officials in these agencies are as disturbed as I am when such stories appear, and, when an actual problem is found to exist, have been quick to apply appropriate remedies. Government scientists conduct thousands of scientific experiments and freely discuss their results with their scientific colleagues and with the media. The four instances over five years that you cite reveal neither a trend nor a submission to a central command.

These conclusions are supported by my review of the specific incidents cited in your letter, as follows:

First, the 2002 allegation that the Administration altered the scientific analysis of an EPA Report on the Environment is false. I communicated this publicly in 2004, stating that:

“[T]he Administrator of the EPA decided not to include a short summary on climate change. An ordinary review process indicated that the complexity of climate change science was not adequately addressed in EPA's draft document. Instead, the final EPA report referred readers to the far more expansive and complete exposition of climate change knowledge, the Climate Change Science Program (CCSP) Strategic Plan. The Administration chose, appropriately, to present information in a single, more expansive and far more complete format. This choice of presentation format did not influence the quality or integrity of the scientific analysis or its dissemination.”

Second, in the NASA case, miscommunication by lower level public affairs employees led to misunderstanding. Administrator Griffin responded swiftly and appropriately to clarify NASA policies regarding scientific openness and communication with the press. Indeed, the scientist at issue has since publicly commented frequently and freely, appearing prominently in a recent Discovery Channel documentary and expressing his scientific opinions without any hesitation or adverse consequences.

Third, with regard to NOAA, at the time of your letter several allegations had been cited in the media. NOAA Administrator Admiral Lautenbacher investigated the allegations with no significant findings. Admiral Lautenbacher also issued a clarification to all NOAA employees

The Honorable Joseph I. Lieberman
November 16, 2006
Page 3

similar to Dr. Griffins' (enclosed), and the Department of Commerce is developing a Department-wide policy similar to the NASA policy. Since the time of your letter, another story has appeared in *Nature*, and in an Associated Press story based on the *Nature* article, alleging suppression of a NOAA report on the relationship between climate change and hurricanes. This instance actually involved a draft two-page Frequently Asked Questions document that was attempting to explain the state of science to the public. It had not yet been published for a variety of reasons, none of which included suppression of science. The draft document has now been posted on the NOAA website, and Admiral Lautenbacher has circulated another email to all NOAA employees (also enclosed). Moreover, while the AP headline noted White House involvement, both the *Nature* article and the AP's own story made clear the matter was wholly internal to NOAA. AP subsequently corrected the mistaken and misleading headline. Stories have also since appeared regarding documents obtained and released by Representative Waxman, but the email records in those documents do not represent an attempt by NOAA employees to suppress science. OSTP was mentioned in one email – affirming that a media request for an interview be granted. Science agencies do occasionally notify our press office of media requests, and my office may help coordinate the most helpful media response.

Lastly, my office has contacted the U.S. Forest Service and, while aware of a media story, the Service is not aware of any actual employee complaints. In this instance it appears the media story is incorrect or that the person making such remarks to the reporter was incorrect or misquoted.

Despite the limited substance to the allegations you cited, I believe that even the perception that there is a more serious problem merits action aimed at clarifying the Administration's position that scientific findings should be communicated clearly, accurately, and completely. As noted above, to the extent a pattern exists, federal scientist complaints seem to result from a lack of clear and complete communication throughout an entire agency on the principles of scientific openness. Therefore, soon after the initial NOAA and NASA stories appeared, I urged Administrators Lautenbacher and Griffin to issue clear policy guidance throughout NOAA and NASA. Both agencies responded favorably as described above.

Subsequently, on March 10, 2006, I called all the principal science officials of the Federal government's departments and agencies together. At this meeting, I referred to the NASA policy, which was in development at the time, and we discussed the issues involved. I urged all in attendance to ensure that similar policies are issued within their respective agencies. After the release of the NASA policy, I re-stated my call to develop these policies in a subsequent letter to these same officials, to which the NASA policy was attached. I also raised this issue with the departments and agencies' deputy-secretary level policy officials at the June 7, 2006, Committee on Science meeting of the interagency National Science and Technology Council. To date, in addition to NASA, the Department of Defense has issued a clarifying policy, and more are

The Honorable Joseph I. Lieberman
November 16, 2006
Page 4

expected in the coming months as departments and agencies, including NSF, HHS, and EPA, review existing policies or consider establishing new ones.

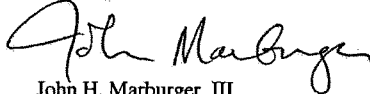
In addition, each year the Director of the Office of Management and Budget and I submit to the heads of all Federal departments and agencies a memorandum on the Administration's R&D priorities for the coming fiscal year. This memo is widely circulated and posted on OSTP's web site. This year's memo (also enclosed) includes a statement on scientific openness:

"This Administration values science as a basis for effective action in its service to the public, and regards the timely, complete and accurate communication of scientific information an important part of that service. It is also essential for agencies to be aware of and coordinate within their organizations, and with other appropriate offices, the disclosure of information likely to have high public interest or impact on markets, regulatory affairs, or public health and safety. Accordingly, agencies have already been asked to develop, revise or re-emphasize policies related to scientific openness and to ensure that employees and management understand their rights and obligations under these policies. All federal employees, including scientists, are obliged to distinguish their personal views from the official positions of their agencies, and procedures should be in place to ensure that such distinctions are clearly drawn."

In all these efforts, I have received nothing but whole-hearted and enthusiastic support and encouragement from all offices within the Executive Office of the President. I can find no evidence of "negative signals." The White House has, on the contrary, sent positive guidance to ensure that government scientists do not face inappropriate censorship on any scientific matter, including climate change issues. I will continue to act vigorously to effectuate the Administration's principles of scientific openness.

Finally, it has recently come to my attention that the Inspector General Offices of the Department of Commerce and NASA have opened investigations into scientific openness at NOAA and NASA. I look forward to the results of these inquiries.

Sincerely,



John H. Marburger, III
Director

Enclosures



PEOPLE

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Statement on Scientific Openness

02.04.08



I want to make sure that NASA employees hear directly from me on how I view the issue of scientific openness and the role of public affairs within the agency.

Image left: Administrator Michael Griffin. Photo credit: NASA/Renee Bouchard.

First, NASA has always been, is, and will continue to be committed to open scientific and technical inquiry and dialogue with the public. The basis for this principle is codified in the Space Act of 1958, which requires NASA to "provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof."

Second, the job of the Office of Public Affairs, at every level in NASA, is to convey the work done at NASA to our stakeholders in an intelligible way. It is not the job of public affairs officers to alter, filter or adjust engineering or scientific material produced by NASA's technical staff. To ensure timely release of information, there must be cooperation and coordination between our scientific and engineering community and our public affairs officers.

Third, we have identified a number of areas in which clarification and improvements to the standard operating procedures of the Office of Public Affairs can and will be made. The revised policy, when complete, will be disseminated throughout the agency.

I want to encourage employees to discuss this issue and bring their concerns to management so we can work together to ensure that NASA's policies and procedures appropriately support our commitment to openness.

Mike Griffin
NASA Administrator

Find this article at:
http://www.nasa.gov/about/highlights/griffin_science.html



Message From the Under Secretary

October 3, 2006

Dear Colleagues,

Many of you have probably seen the latest reports concerning a document on Atlantic hurricanes and climate. I do not make it a practice to comment on every mischaracterization and falsehood in media reports. However, reports that deal with the agency's scientific integrity strike directly at NOAA's mission and everything the agency does. Therefore, I believe strongly that we must confront them directly and correct them quickly.

Without the foundation of sound science, every decision, policy, and action at the agency can be called into question. Unfortunately, the mere perception of scientific stifling has the same damaging effect. As someone who believes wholeheartedly in NOAA's mission, its people and its work, I will continue to do everything in my power to ensure that NOAA stands for scientific integrity. As I've stated previously, peer-reviewed science speaks for itself and doesn't need me or anyone else to interpret or modify the results. For those of you who know me personally, you realize that I encourage and actively pursue vigorous debate on all topics, particularly including science related to NOAA's mission.

The latest round of news reports focus on an information sheet that was being prepared for this year's hurricane season rollout. The information sheet detailed the current state of the science on the recent increase in hurricane activity. There is currently a healthy debate in the scientific community inside and outside NOAA about whether recent increases are the result of natural cycles, climate change, or other circumstances. The information sheet was prepared and reviewed in a highly collaborative fashion by nearly 50 scientists across the entire spectrum of the debate and aimed to highlight this debate in an easy-to-understand public document.

Media reports have alleged that the document was blocked because it made a reference to work by NOAA scientists that found climate change may have an impact on increased hurricane activity. This charge is inaccurate. The information sheet summarized existing scientific research and findings and contained no new science. In fact, all the studies cited for the information sheet are publicly available on the NOAA website, making the charge that they would somehow now be suppressed all the more unfounded.

The information sheet in question has been posted on our website (PDF document: <http://hurricanes.noaa.gov/pdf/hurricanes-and-climate-change-09-2006.pdf>). I urge you to read the document so you can judge for yourself. As I tried to make clear to the media, my hope was that this process would be an exercise in scientists with different views coming together to answer important questions. While I fear an official science policy issued by the agency might have the effect of stifling this important debate, I completely support making the public aware of the state of the science. We have established a process for encouraging further scientific debate and developing similar information sheets and we look forward to others coming out in the near future.

I reiterate my call to you to let me know personally if you ever feel like NOAA or DOC processes are not supporting the free flow of your or your colleagues' scientific research. Scientific integrity is critical to NOAA's credibility.

Sincerely,



Conrad C. Lautenbacher, Jr.
Vice Admiral, U.S. Navy (Ret.)
Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator

This message was generated for the Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator by the NOAA Information Technology Center/Financial and Administrative Computing Division



Executive Office of the President
Office of Management and Budget



Executive Office of the President
Office of Science and Technology Policy

June 23, 2006

M-06-17

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: JOHN H. MARBURGER, III *John Marburger*
DIRECTOR, OFFICE OF SCIENCE AND TECHNOLOGY POLICY

ROB PORTMAN *Rob Portman*
DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: FY 2008 Administration Research and Development Budget Priorities

This memo highlights the Administration's research and development (R&D) priorities and emphasizes improving management and performance to maintain excellence and leadership in science and technology. The memo highlights the President's American Competitiveness Initiative, provides general guidance for setting priorities among R&D programs, identifies interagency R&D efforts that should receive special focus in agency budget requests, and reiterates the R&D Investment Criteria that agencies should use to improve investment decisions for and management of their R&D programs. These updated R&D budget priorities reflect an extensive, continuous process of consultation with the President's Council of Advisors on Science and Technology (PCAST) and collaboration within the interagency National Science and Technology Council (NSTC).

Presidential Priority: The American Competitiveness Initiative

To build on America's unparalleled economic success and to remain a leader in science and technology, President Bush has proposed the American Competitiveness Initiative. The centerpiece of the American Competitiveness Initiative is the President's strong commitment to double investment over ten years in key Federal agencies that support basic research in the physical sciences and engineering that has potentially high impact on economic competitiveness. President Bush plans to double investment by the National Science Foundation, the Department of Energy's Office of Science, and the Department of Commerce's National Institute of Standards and Technology core activities. To achieve this doubling within ten years, overall annual increases for these three agencies will average roughly seven percent. Specific allocations will be based on research priorities and opportunities. In addition to the doubling effort at these three agencies, similarly high-impact basic and applied research of the Department of Defense should be a significant priority.

General R&D Program Guidance

The combination of finite resources, the commitment to the American Competitiveness Initiative, and a multitude of new research opportunities requires careful attention to funding priorities and wise choices by agency managers. As has been reiterated previously in these annual memos, agencies must rigorously evaluate existing programs and, wherever possible, consider them for modification, redirection, reduction or termination, in keeping with national needs and priorities. They must justify new programs with rigorous analysis demonstrating their merit, quality, importance and consistency with national priorities. Agencies may propose new, high-priority activities, but these requests should identify potential offsets by elimination or reductions in less effective or lower priority programs or programs where Federal involvement is no longer needed or appropriate.

In general, the Administration favors Federal R&D investments that:

- advance fundamental scientific discovery to improve future quality of life;
- support high-leverage basic research to spur technological innovation, economic competitiveness and new job growth;
- align with the efforts of the Academic Competitiveness Council and the National Math Panel to enable superior performance in science, mathematics and engineering education;
- enable potentially high-payoff activities that require a Federal presence to attain long-term national goals, including national security, energy security; and a next generation air transportation system;
- sustain specifically authorized agency missions and support the missions of other agencies through stewardship of user facilities;
- enhance the health of our Nation's people to reduce the burden of illness and increase productivity;
- ensure a scientifically literate population and a supply of qualified technical personnel commensurate with national need;
- strengthen our ability to understand and respond to global environmental issues and natural disasters through better observation, data, analysis, models, and basic and social science research;
- maximize the efficiency and effectiveness of the science and technology (S&T) enterprise through expansion of competitive, merit-based peer-review processes and phase-out of programs that are only marginally productive or are not important to an agency's mission; and
- encourage interdisciplinary research efforts that foster advancement, collaboration and innovation on complex scientific frontiers and strengthen international partnerships that accelerate the progress of science across borders.

Agencies are expected to conduct programs in accordance with the highest standards of ethical and scientific integrity, and to have clear guidelines on issues such as scientific misconduct, conflict of interest, protection of privacy, and the treatment of human subjects. Agency participation in coordination of relevant standards through NSTC is expected, following the example of the U.S. Federal Policy for the Protection of Human Subjects, known as the Common Rule.

This Administration values science as a basis for effective action in its service to the public, and regards the timely, complete and accurate communication of scientific information an important part of that service. It is also essential for agencies to be aware of and coordinate within their organizations, and with other appropriate offices, the disclosure of information likely to have

high public interest or impact on markets, regulatory affairs, or public health and safety. Accordingly, agencies have already been asked to develop, revise or re-emphasize policies related to scientific openness and to ensure that employees and management understand their rights and obligations under these policies. All federal employees, including scientists, are obliged to distinguish their personal views from the official positions of their agencies, and procedures should be in place to ensure that such distinctions are clearly drawn.

Agencies should maximize the coordination and planning of their R&D programs through the NSTC. Two areas requiring special agency attention and focus through the NSTC are Federal scientific collections and R&D assessment.

- Agencies should assess the priorities for and stewardship of Federal scientific collections, which play an important role in public health and safety, homeland security, trade and economic development, medical research, and environmental monitoring. Agencies should develop a coordinated strategic plan to identify, maintain and use Federal collections and to further collections research.
- Determining the effectiveness of Federal science policy requires an understanding of the complex linkages between R&D investments and economic and other variables that lead to innovation, competitiveness, and societal benefits. An interagency process has been established and is now encouraged to promote and coordinate individual agency and collaborative actions needed to develop “new science of science policy” for better assessing the impact of R&D investments, defining appropriate metrics for measuring this impact, understanding the effect of the globalization of science and technology, and improving the basis for national science policy decisions.

Interagency R&D Priorities

While some priority R&D areas fall mainly within the purview of a single agency, such as the President’s space exploration vision at the National Aeronautics and Space Administration, other areas require strong interagency coordination. The following interagency R&D priorities should receive special focus in agency budget requests. Agencies that receive funding for these activities should be prepared to participate in applicable interagency coordination groups to produce: 1) a clear and concise definition of program activities and priorities within the overall priority area; 2) an inventory of the programs in the baseline budget; 3) agency trade-offs that will provide the resources to help produce a coordinated, cross-agency program with greater impact than that of the individual activities; and 4) an interagency implementation plan.

Homeland Security

Almost four years have passed since the publication of the President’s *National Strategy for Homeland Security* which identified the Nation’s S&T enterprise as a key asset in our efforts to secure the homeland. All parts of that S&T enterprise, both public and private, have answered the call for the development of “new technologies for analysis, information sharing, detection of attacks, and countering chemical, biological, radiological, and nuclear weapons.” Despite the significant achievements over the past four years, many challenges remain to mitigate vulnerabilities.

Agencies should place increased emphasis on R&D efforts that support:

- quick and cost-effective sampling and decontamination methodologies and tools for remediation of biological and chemical incidents;
- the development of integrated predictive modeling capability for emerging and/or intentionally released infectious diseases of plants, animals and humans, as well as for chemical, radiological or nuclear incidents, and the collection of data to support these models;
- the exploitation of recent advances in biotechnology to develop novel detection systems and broad spectrum treatments to counter the threat of engineered biological weapons;
- the development of novel countermeasures against the natural or intentional introduction of agricultural threats, including R&D on new methods for detection, prevention, and characterization of high-consequence agents in the food and water supply;
- transformational capabilities for stand-off detection of special nuclear material and conventional explosives;
- biometric recognition of individuals for border security, homeland security, and law enforcement purposes in a rapid, interoperable, and privacy-protective manner; and
- recognizing and expediting safe cargo entering the country legally, while securing the borders against other entries.

Energy Security

In his 2006 State of the Union address, President Bush launched the Advanced Energy Initiative (AEI) to take new, bold steps toward the goal of reliable, affordable and clean energy for all Americans. Agencies should seek ways to support the AEI through fundamental research targeting scientific and technical breakthroughs in two vital areas: diversifying energy sources for American homes and businesses; and increased vehicle efficiency and acceleration of the development of domestic, renewable alternatives to gasoline and diesel fuels. Power diversification possibilities include advanced clean coal and carbon sequestration processes, new semiconducting materials that more efficiently convert sunlight directly to electricity, wind energy dynamics, and clean and safe nuclear energy. Numerous opportunities for alternative fuels range from bio-based transportation fuels such as ethanol, to advanced battery technologies to extend the range of hybrid vehicles and make possible “plug-in” hybrids and electric cars, to hydrogen as promoted through the President’s Hydrogen Fuel Initiative.

Advanced Networking and High-End Computing

Under the Networking and Information Technology R&D (NITRD) program, agencies should continue to emphasize their investments in high-end computing. In addition, agencies should give priority to R&D in advanced networking technologies and cyber security. Advanced networking activities should target research on hardware, software, and tools (including large-scale testbeds) for the design of secure, reliable, and scalable data communication networks for high-speed transmission of extremely large data sets. Advanced networking research conducted by agencies with large investments in high-end computing facilities should emphasize enhancing the utility and the scientific impact of such facilities. In the area of cyber security, agency plans must be consistent with the 2006 *Federal Plan for Cyber Security and Information Assurance R&D*; should address any mission-relevant gaps identified in the Federal Plan; and should emphasize coordination, leveraging the efforts of all agencies and, where appropriate, use of coordinated multi-agency investments. Agencies supporting R&D in these and other on-going components of the NITRD program are expected to participate in interagency planning through the NSTC to help prioritize future investments.

National Nanotechnology Initiative

Continued Federal investment in the agency programs that make up the National Nanotechnology Initiative (NNI) facilitates breakthroughs and maintains U.S. competitiveness in this field. The NNI should support both basic and applied research in nanoscience, develop instrumentation and methods for nanoscale characterization and metrology, and disseminate new technical capabilities, including those to help industry advance nanofabrication and nanomanufacturing. Because research at the nanoscale offers natural bridges to interdisciplinary collaboration, especially at the intersection of the life and physical sciences, the Administration encourages novel approaches to accelerating interdisciplinary and interagency collaborations. Activities such as joint programs utilizing shared resources or leveraging complementary assets, as well as support for interdisciplinary activities at centers and user facilities should receive higher relative priority. To ensure that nanoscience research leads to the responsible development of beneficial applications, high priority should be given to research on societal implications, human health, and environmental issues related to nanotechnology and agencies should develop, where applicable, cross-agency approaches to the funding and execution of this research.

Understanding Complex Biological Systems

Agencies should target investments toward the development of a deeper understanding of complex biological systems, which will require collaborations among physical, computational, behavioral, social, and biological scientists and engineers who will, among other things, need to develop the data management tools and platforms necessary to facilitate this research. Access to new biotechnological tools and increasing amounts of genetic sequence data will open new avenues for research into the functional implications of gene expression. At the same time, rapidly developing methods and capabilities within the behavioral and social sciences are enhancing our knowledge of organisms and larger systems and providing greater insight into the relationship between biological, physiological and cultural influences on human behavior and decision-making. Continued research at both the cellular/sub-cellular and the organism/community levels has the potential to have significant impact on national security and homeland security, health, environmental management, and education. In particular, this research is relevant to the prevention and treatment of infectious disease, and to inherently complex issues such as obesity, which should remain a priority area for interagency research coordination.

Environment

The Administration's environmental research initiatives are critical for achieving sustained economic growth while ensuring a healthy environment.

Global earth observations support research in a wide range of sciences important for society. The *U.S. Strategic Plan for an Integrated Earth Observations System* provides guidance for agencies contributing to these efforts and establishes six Near Term Opportunities that serve as the focal point of U.S. R&D activities. Agencies are encouraged to align their R&D programs in this area with the recommendations in the U.S. Group on Earth Observations' annual report, *Development of the U.S. Integrated Earth Observations System: Progress and Recommendations for the Way Forward*.

Investments in global climate change science and technology continue to improve our understanding of climate variability and change, provide the basis for sound long-term climate policy decision-making by helping to reduce uncertainty in climate projections, and enable the development of new technologies. Agencies should continue to support the goals of the 2003 *Strategic Plan for the U.S. Climate Change Science Program* and continue to work together to develop the Synthesis and Assessment Reports called for in that report.

Agencies are encouraged to continue implementing activities outlined in the Administration's 2004 U.S. Ocean Action Plan, to continue to participate in the development of an Ocean Research Priorities Plan and Implementation Strategy and to begin aligning their budgets to match the emerging priorities that will be finalized this year, and to integrate U.S. ocean observing efforts into the Global Earth Observation System of Systems.

U.S. and global supplies of fresh water continue to be critical to human health and economic prosperity. Agencies, through the NSTC process, are developing a coordinated, multi-year plan to improve research aimed at understanding the processes that control water availability and quality, and to improve collection and availability of the data needed to ensure an adequate water supply for the future. Agencies should participate in the finalization of this plan and in its subsequent implementation.

Research and Development Investment Criteria

The President's Management Agenda directs agencies to use the R&D investment criteria to improve investment decisions for and management of their R&D programs. Under this initiative, three primary criteria apply to all R&D programs: relevance; quality; and performance.

Industry-relevant applied R&D must meet additional criteria. The specific activities that programs should undertake to demonstrate fulfillment of the R&D investment criteria are described in a previous year's memorandum, which is available at:

<http://www.whitehouse.gov/omb/memoranda/m03-15.pdf>

Many of these specific activities have been incorporated into the Program Assessment Rating Tool (PART) that has been tailored for R&D programs. Agencies should use the criteria as broad guidelines that apply at all levels of Federally funded R&D efforts, and they should use the PART as the instrument to periodically evaluate fulfillment of the criteria at the program level.

The R&D criteria have benefited from years of working with agencies, other stakeholders, and experts in assessment, to build on the best of existing R&D planning and assessment practices. The R&D investment criteria continue to:

- Provide tools for programs, agencies, and policy makers to select, plan, and manage R&D programs effectively, to increase the productivity of the Federal R&D portfolio and the return on taxpayer investment;
- Help convey the Administration's expectations for proper program management;
- Set standards for information to be monitored and provided in program plans and budget justifications; and
- Ultimately improve public understanding of the potential benefits and effectiveness of the Federal investment in R&D.



Council on Environmental Quality



Office of Science & Technology Policy

February 7, 2007

An Open Letter on the President's Position on Climate Change

Following last Friday's release of a new report by the U.N. Intergovernmental Panel on Climate Change, a number of media reports perpetuated inaccuracies that the President's concern about climate change is new. In fact, climate change has been a top priority since the President's first year in office.

Beginning in June 2001, President Bush has consistently acknowledged climate change is occurring and humans are contributing to the problem. Consider the following statements by the President:

- "First, we know the surface temperature of the earth is warming...There is a natural greenhouse effect that contributes to warming...And the National Academy of Sciences indicates that the increase is due in large part to human activity." – June 11, 2001
- "My Administration is committed to cutting our Nation's greenhouse gas intensity...by 18 percent over the next 10 years. This will set America on a path to slow the growth of our greenhouse gas emissions and, as science justifies, stop and then reverse the growth of emissions." – February 14, 2002
- "America is on the verge of technological breakthroughs that will enable us to live our lives less dependent on oil...they will help us to confront the serious challenge of global climate change." – January 23, 2007

President Bush committed the United States to continued leadership on the issue and since 2001 has dedicated nearly \$29 billion to advance climate-related science, technology, international assistance, and incentive programs. This is far more than any other nation. Since 2002, the Administration has spent more than \$9 billion of this amount on climate change research and, under his direction, agencies developed a 10-year strategic research plan for climate science that was endorsed by the National Academy of Sciences. Further, federally funded scientists have conducted an abundance of research, published their findings in peer reviewed papers and journals and talked with colleagues, policymakers, and media around the world about their findings.

The President is firmly committed to taking sensible action on climate change that will, as the President said in 2002, "harness the power of markets, the creativity of entrepreneurs, and draw

upon the best scientific research.” He also has set ambitious goals. In 2002, he announced plans to cut our Nation’s greenhouse gas intensity -- how much we emit per unit of economic activity -- by 18 percent by 2012.

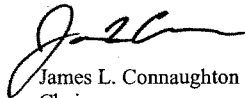
Between 2003 and 2006, the President committed nearly \$3 billion annually—more than any other country in the world – to climate change technology research and deployment programs. His administration is carrying out dozens of federal programs, including partnerships, consumer information campaigns, incentives, and mandatory regulations. These programs are directed at developing and deploying cleaner, more efficient energy technologies, conservation, biological sequestration, geological sequestration and adaptation. The U.S. is also the global leader in promoting the production and use of biofuels – consuming more than any other nation last year – and commercial deployment of highly efficient advanced coal technology – moving forward with a multi-billion dollar private sector commitment to build nine projects in nine states, qualifying for a billion dollars in new tax incentives, with more on the way this year.

Our unparalleled financial commitment and responsible policies are working, and we are on track to meet the President’s goal. Our emissions performance since 2000 is among the best in the world. According to the International Energy Agency, from 2000-2004, as our population increased and our economy grew by nearly 10%, U.S. carbon dioxide emissions increased by only 1.7%. During the same period, European Union carbon dioxide emissions grew by 5%, with lower economic growth.

Internationally, the President is working closely with his G-8 counterparts and other key world leaders to address the serious, long-term challenge of global climate change, recognizing that energy security, clean energy, and climate change go hand in hand and must be tackled in an integrated manner. Since 2001, the U.S. has established 15 bilateral climate partnerships with countries and regional organizations. In addition, there are multiple multilateral climate change initiatives. Among the most notable efforts is the recently established Asia-Pacific Partnership on Clean Development and Climate, which is a proactive approach to engage developing countries like India and China, which do not have targets under the Kyoto protocol.

This year the President once again made clear in his State of the Union Address his commitment to confronting climate change. The policies he has in place, coupled with his bold energy initiative to cut gasoline consumption by 20% in 10 years, will continue to yield results. The President has been, and will continue to be, an international leader on climate change by, in his words, “advancing new technologies that will enable us to do two things – strengthen our economy, and at the same time, be better stewards of the environment.”

Sincerely,



James L. Connaughton
Chairman
Council on Environmental Quality



John H. Marburger, III
Director
Office of Science Technology Policy

**COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM**

OVERSIGHT HEARING

“Political Interference with Science: Global Warming, Part II”

Monday, March 19, 2007; 10:00 a.m.

2154 Rayburn House Office Building

Supplemental Minority Memorandum

This is the second hearing of the House Committee on Oversight and Government Reform addressing claims of Political Interference with Science with a focus on Global Warming.

In advance of this hearing, Committee Staff deposed Phil Cooney, former Chief of Staff for the White House’s Council on Environmental Quality. The transcript for this deposition is expected to be admitted into the hearing record today and will also be released publicly.

The Minority Staff has reviewed a draft Supplemental Memo [hereinafter “Majority Supplemental Memo”] which the Majority staff plan to release at the start of the hearing. Minority Staff is concerned that the Majority Supplemental Memo ignores important facts relating to alleged editing by Cooney and others at CEQ and, thus, have prepared this memo to shed some light on certain areas which are particularly pertinent.

The Majority Supplemental Memo fails to state that the Director of the Climate Change Science Program (CCSP) had the final authority over the content of CCSP reports.

The Majority Supplemental Memo reports the number and nature of edits made to Federal agency reports by Cooney and Dr. Bryan Hannegan, who served first as Assistant Director for Energy and Transportation and then as the Chief of Staff for CEQ.¹ The Majority Supplemental Memo also implies that the suggested edits of Cooney and Hannegan on these reports, including on reports prepared by the CCSP were inappropriate in their nature and that somehow the suggested edits were more persuasive and more likely to be incorporated in the final version of the respective documents.

The CCSP Director, government scientist Dr. James Mahoney,² was ultimately responsible for all written products that were produced by the CCSP. He also made the final determination of whether to accept suggested edits to the various CCSP reports submitted by agencies.

Mahoney stated, “As Director of the CCSP, I have had final authority over the editorial process and the approved content of all CCSP reports disseminated since 2002.”³ Further, Mahoney stated “As is the case for all reports produced through the CCSP interagency process, some of the proposed edits were accepted and others were modified or rejected. In my capacity as CCSP Director, I approved the final versions of the drafts.”⁴ Further, Cooney testified during his deposition that Mahoney had the final discretion over the content of all CCSP documents.⁵

Thus, it is unclear how this fundamental fact—that Mahoney -- a government scientist -- was ultimately in charge of CCSP documents—was omitted from the Majority Supplemental Memo and why, instead, the Majority Supplemental Memo seems to imply CEQ somehow had a disproportionate influence on the content of final CCSP documents (among others).

¹ Modified Organizational Chart for the White House’s Council on Environmental Quality (on file with Committee Staff).

² Dr. Mahoney, a scientist, is also the Assistant Secretary for Oceans and Atmosphere at the U.S. Department of Commerce.

³ Letter to Senator James Inhofe from Dr. James Mahoney, Director, Climate Change Science Program, Jul. 22, 2005 [hereinafter “Inhofe Letter”], 2. In a previous letter, Mahoney also stated, “In the end, the CCSP Director is responsible for the scientific integrity of these CCSP planning and program report documents.” Letter to Senator Frank Lautenberg and Senator Harry Reid from Dr. James Mahoney, Director, Climate Change Science Program, Jul. 14, 2005 2.

⁴ Inhofe Letter at 3.

⁵ Deposition of Phil Cooney, former Chief of Staff for the White House’s Council on Environmental Quality, Mar. 12, 2007 [hereinafter “Cooney Deposition”] 61. “[Mahoney], himself, of course, is an eminent scientist, and he had the final decision-making on the content of the [CCSP’s 10-year Strategic Plan]”. *Id.*

The Majority Supplemental Memo fails to state CEQ was one of numerous Federal agencies reviewing documents.

CEQ's review of documents produced by Federal agencies (including by CCSP and the U.S. Environmental Protection Agency (EPA)) was part of the regular interagency review process. Nearly thirty agencies in addition to CEQ participated in this review process which was coordinated through the White House's Office of Management and Budget (OMB).⁶

Thus, again, it is unclear how the fundamental fact—that many agencies in addition to CEQ were also submitting edits to Mahoney—was omitted from the Majority Supplemental Memo and why, instead, the Majority Supplemental Memo seems to imply CEQ somehow had a disproportionate influence on the content of final CCSP documents (among others).

The Majority Supplemental Memo is misleading when it states CEQ was editing scientific reports prepared by government scientists. The Majority Supplemental Memo states CEQ was editing documents prepared by government scientists.⁷ This is an incorrect statement as it pertains to the CCSP Report "Our Changing Planet."

It was established during this Committee's January 30, 2007 hearing that Rick Piltz, the editor of "Our Changing Planet" was not a scientist.⁸ Further, Mr. Piltz stated "I would compile and edit into accessible language the contribution of about 90 scientists and science program managers in the Federal agencies and labs."⁹ Mr. Piltz also admitted he engaged in "some editorial selection."¹⁰

Further, Our Changing Planet and the CCSP Strategic Plan were intended as policy statements and not scientific documents. Thus, assertions or implications in the Majority Supplemental Memo that Cooney was editing "scientific" documents prepared by government scientists are wholly inaccurate.

⁶ Cooney Deposition at 56-57. "When OMB takes a document, it is generally at its final stage. They circulate it out to any agency affected, really, by the contents of the document. So, in this case, it was probably sent out to 17 agencies for their formal review and comments on the [CCSP Strategic Plan] and at the same time, was sent to probably 5 separate White House offices and other White House staff, but it was sent out very broadly by OMB for comment." *Id.*

⁷ Majority Supplemental Memo at 2.

⁸ *Hearing on Political Interference with Science: Global Warming before the House Oversight and Government Reform Committee*, Jan. 30, 2007 [hereinafter "OGR Hearing Part I"], Tr. at 132 (statements by Rep. Christopher Shays and Mr. Rick Piltz, CCSP, Senior Associate).

⁹ OGR Hearing Part I at Tr. 77.

¹⁰ *Id.* at Tr. 135 (*Piltz stating*, "Yes, I engaged in some editorial selection, as I say, but everything I did was in collaboration with the scientists, was reviewed, revised, edited and approved by the career science people before it could go forward.").

The Majority Supplemental Memo excludes portions of Cooney’s deposition testimony which leads to mischaracterizations of Cooney’s testimony. In one instance, the Majority Supplemental Memo inappropriately excluded portions of Cooney’s deposition testimony, changing the meaning and tone of Cooney’s statements.

The Majority Supplemental Memo inaccurately represents Cooney’s requests for suggested edits to be made to the EPA Draft Report on the Environment. The Majority Supplemental Memo stated: “CEQ produced a copy of a cover sheet that accompanied Mr. Cooney’s edits to the Draft Report. On this cover sheet, Mr. Cooney wrote, ‘These changes must be made.’”¹¹ The Majority Supplemental Memo continues stating, “[d]uring his deposition, Mr. Cooney confirmed that he wrote this comment and acknowledged that ‘the language is mandatory.’”¹²

The Majority Supplemental Memo continues stating “[Cooney] further testified: ‘If they want to publish [EPA’s Draft Report on the Environment], they [EPA] need to respond, to engage our comments. And so it was my way of getting Alan Hecht [an EPA employee detailed to work at CEQ] something to go back to [EPA] with and say, you have got to engage their comments.’”¹³

This passage gives the impression that Cooney was issuing orders to EPA detailees and that these orders were mandatory and non-negotiable. In fact, this is an incorrect representation of Cooney’s deposition testimony mainly because Majority Staff elected to omit key portions of that deposition testimony.

In fact, Cooney expressly states he had not issued an order and he describes a “collegial” and “respectful” relationship between the CEQ and EPA staffs as detailed in full below:

Q [Majority Counsel]: The exhibit reads ... “Alan, these changes must be made. Thanks. Phil.” Is that your comment?

A [Cooney]: That was my comment.

Q: And as the Chief of Staff of the White House CEQ, you were giving an order here, weren’t you?

¹¹ Majority Supplemental Memo at 5.

¹² *Id.* citing Cooney Deposition at 159-60.

¹³ *Id.* citing Cooney Deposition at 160.

A: No. I mean the language is mandatory, but the comment process within the executive branch is very collegial and respectful. And, I wouldn't read it as an order. I think my recollection is that I wrote this comment after we had received back from EPA a few additional drafts that did not reflect that they had considered comments that had been provided by our Agency. Yet we were receiving at the same time a message from EPA, through Alan Hecht, that Governor Whitman wanted to publish the report soon ... I can't remember the exact time, but within a certain time frame.

And my recollection is that I wrote this sort of in response to that pressure. If they want to publish they need to respond, to engage in our comments. And so it was my way of getting Alan Hecht something to go back to the Agency with and say, you have got to engage their comments. You can't just continue to disregard them. But it was -- it wasn't -- it just was not an order. It was not an order, which was your question.

Q: Do you expect that Alan Hecht took this comment to EPA and told them that the changes you made had to be made?

...

A: I don't know. I really don't know how he used it.¹⁴

Thus, the implication through selective quoting in the Majority Supplemental Memo, that Cooney was harshly giving orders is misleading, as demonstrated by the above passage.

The Majority Supplemental Memo mischaracterizes the purpose of the Concurrence Sheet for the CCSP Strategic Plan.

The Majority Supplemental Memo states:

Although Mr. Cooney contended in his deposition testimony that CEQ's edits were merely recommended changes that could be accepted or rejected by Dr. James Mahoney, Director of the Climate Change Science Program, Mr. Cooney signed a "concurrence sheet" in which he "approved" the Strategic Plan.¹⁵

¹⁴ Cooney Deposition at 159-60.

¹⁵ Majority Supplemental Memo, 4 (*referencing* Cooney Deposition at 57, 61, 73, 74, 82, 132, 146 151-152, 156-157; Concurrence Sheet to Jim Mahoney, Director, CCSP, from Phil Cooney, Chief of Staff, CEQ, Jul. 19, 2003, Bates # 1484 [hereinafter "Cooney Concurrence Sheet"]).

It appears that the Majority Staff is implying that the CCSP Strategic Plan could not have been published without Cooney's concurrence. This is misleading and is contradicted by the documents and Cooney's testimony:

Q [Minority Counsel]: Going back to Exhibit 23 [the Concurrence Sheet], and, if I recall correctly ... Majority counsel's question was something along the lines of if you had refused to clear the [CCSP Strategic Plan], would [it] have been issued?

Could you just read through the options that are presented on this form [the Concurrence Sheet] and let me know whether or not there is one that specifically ... provides for an option to refuse the report?

A [Cooney]: That is a very good question. There is not an option for refusing concurrence.¹⁶

Thus, if indeed the Majority Staff were trying to imply that the publishing of the CCSP Strategic Plan would not have proceeded without concurrence from CEQ, this is inaccurate based upon Cooney's own testimony and the options provided on the Concurrence Sheet itself.¹⁷

The Majority Supplemental Memo fails to state CEQ relied upon the best available science.

In 2001, the President requested the National Research Council (NRC) of the National Academy of Sciences (NAS) to prepare a report responding to certain questions regarding the state of climate change science and areas that were a priority for research funding.¹⁸

¹⁶ Cooney Deposition at 166.

¹⁷ Cooney Concurrence Sheet.

¹⁸ National Academy of Sciences, *Climate Change Science: An Analysis of Some Key Questions (2001)*, National Academies Press, Jun. 2001 [hereinafter "NRC Report"]. NRC is the preeminent scientific research organization in the United States, and NAS is the preeminent scientific body in the United States.

In the performance of his job, Cooney relied upon the NRC Report along with the President's 2001 and 2002 policy statements.¹⁹ Specifically, Cooney testified that, "[t]hese documents [the NRC Report and the President's policy statements] were foundational to the administration and ... these were foundational guidance for our work in the White House policy shop to make sure that all future efforts of the [Bush] [A]dministration that we were called upon to review were aligned with the President's stated priorities."²⁰ Further, Cooney testified that he carefully ensured his comments were consistent with these documents.²¹

However, the Majority Supplemental Memo did not mention the importance of these documents to Cooney in the performance of his job or the objective reliability of the NRC Report. The Majority Supplemental Memo should have acknowledged that Cooney testified under oath that he heavily depended on the NRC Report and its objectivity²² which was widely recognized as the best available science at the time. This would have lent inherent credibility to the suggested edits Cooney made to various drafts of Federal agency reports.

The Majority Supplemental Memo misrepresents that CEQ's comments created scientific uncertainty in the final documents.

Throughout the Majority Supplemental Memo, Majority Staff make categorical statements about the nature of the suggested edits made by Cooney and other CEQ staff. Based upon the complexity and volume of the thousands of pages of CEQ documents received by Committee Staff from CEQ pursuant to request letters by Chairman Henry A. Waxman and Ranking Member Tom Davis, Minority Staff believe it is impossible and improper to make a generalization of the nature of CEQ's suggested edits because:

- the number of suggested edits of an alleged particular type is not dispositive of an overall effect of the suggested edits;
- each suggested edit must be analyzed individually and in the context of the sentence and section in which it is made, and Majority Staff have failed to do this; and,
- the individual suggested edits presented by Majority Staff in the Majority Supplemental Memo cannot be presented as representative because each suggested edit is different.

¹⁹ White House, *Climate Change Initial Report*, Jun. 11, 2001, available at <http://www.whitehouse.gov/news/releases/2001/06/climatechange.pdf> [last visited Mar. 16, 2007]; White House, *Global Climate Change Policy Book*, Feb. 14, 2002, available at <http://www.whitehouse.gov/news/releases/2002/02/climatechange.html> [last visited Mar. 16, 2007].

²⁰ Cooney Deposition at 47.

²¹ *Id.*

²² *Id.*

Therefore, Minority Staff believes the only way to assess each suggested edit made by CEQ Staff to the various Federal agency reports is through individual analysis of the nature and context of the individual suggested edit as well as in which draft the suggested edit comment was made and whether it was ultimately accepted in the final document.

For example, if individual suggested edits can be taken as representative of a “type” of suggested edits made by CEQ, the examples provided in the Majority Supplemental Memo do not rise to the level of, for example, exaggeration of uncertainties.

The Majority Supplemental Memo states “[t]he October 21, 2002 draft read: ‘Warming temperatures will also affect Arctic land areas’” and that Cooney “replaced the certainty of “will” with the uncertainty of “may.” With his edit, the sentence read: “Warming temperatures may also affect Arctic land areas.”²³

This does not represent any exaggeration of uncertainty because the original sentence was an overstatement of the science and not representative of the state of science or certainty at that time. This is because no aspect of climate change science has been proved—least of all future impacts—thus the statement in that an impact **will** occur was entirely misleading and misrepresentative. In fact, it appears in this instance, Cooney’s comment was accurate, irrespective of whether it was ultimately accepted by Mahoney.

Similarly, the Majority Supplemental Memo is internally inconsistent when it says that adding “potential” when discussing impacts of climate change was inappropriate. The Majority Supplemental Memo states Cooney inappropriately added “potential” to the following sentence: ‘Reducing the scientific uncertainty in global climate models could... in the long run provide information on the potential impacts of climate change on ecosystems.’²⁴

The Majority Supplemental Memo quotes Mahoney’s response as “‘Not just ‘in the long run.’ Research is already providing meaningful information on potential impacts of climate change on ecosystems.’”²⁵ Ironically, the very comment the Majority Supplemental Memo indicated Cooney inappropriately made (i.e., adding uncertainty by adding the word “potential”) was adopted by Mahoney in his response, therefore, disproving the Majority Staff’s notion that adding “potential” before impacts was in appropriate.

²³ Majority Supplemental Memo at 2.

²⁴ *Id.* (**emphasis** in the original).

²⁵ *Id.*, 7-8. (**emphasis** added)

Conclusion

The foregoing is a representation of concerns Minority Staff have about the accuracy and the fair representations made by Majority Staff in their Majority Supplemental Memo. Specifically, Majority Staff appear to have not accurately represented Cooney's deposition testimony, have omitted critical facts, including that the ultimate responsibility for certain documents rested not with Cooney or any other individual at CEQ, and in certain instances have drawn conclusions which do not follow based upon the facts provided or which are internally inconsistent.

Mr. ISSA. Thank you, Mr. Chairman. I am glad to have the opportunity to continue today with the committee's inquiry into political interference with science. As you know, this investigation began under Chairman Davis. And it is good to see that some projects have carried over to the new Congress.

I want to take a moment to point out the title of today's hearing is political interference with science: global warming. I am glad the chairman has made clear from the onset that this investigation is related to process and not the substance of global change science.

Today we are not attempting to establish which scientific facts are correct or which policies are better. I commend you for this approach. As you know, this committee has done its job to conduct oversight in an independent and bipartisan way in the past, and I hope we will continue to in the future.

But even though this hearing isn't about substance, let me be clear from the beginning. Climate change is an important issue and deserves our level-headed attention.

I believe that climate change is happening. I believe global mean temperatures have increased over the past century, and I believe that carbon dioxide is a contributing factor.

It wasn't very long ago that scientists were unable to make this statement with certainty because we simply didn't have a sufficient body of knowledge, and it is important to acknowledge that American ingenuity, know-how, and resources make up the foundation of the ever-expanding body of knowledge of climate change.

Climate change is too important an issue not to continue backing the research in the billions of dollars that we have done so on a bipartisan basis in the past.

And it is essential that policymakers have the absolute best available science to support policy decisions that will impact future generations of Americans and citizens around the world. But, again, we are looking at this as a process issue.

So let's turn to the allegation that the Bush administration has silenced scientists and rewritten the science.

Dr. Roger Pikey, Jr., testified at our last hearing that the Bush administration probably hasn't done itself any favors with the term "hypercontrolling strategies" for the management of information.

I would probably agree.

Yet it remains the prerogative of the Bush administration—as with every administration before it and likely after it—to establish policies to ensure that whatever is coming out of Federal agencies is consistent and coordinated.

Submitting to those rules is in fact—is a fact of life every Federal employee enjoys or chafes at.

I am concerned that many scientists are increasingly engaging in political advocacy and that some issues of science have become increasingly partisan as some politicians sense that there is a political gain to be found on issues like stem cell, teaching evolution, and climate change. I hope we will keep our observations in mind during these hearings and the investigation into allegations of silencing and editing by the Bush administration and Mr. Cooney.

I look forward to this hearing and to our witnesses and especially I look forward to hearing from NASA scientist, Dr. James Hansen.

Doctor Hansen, we recognize that you are the preeminent climate change scientist and one of the leading researchers on these issues. We value your contribution to science and the understanding of global climate change. I want to hear about your experience—I want to hear about your experiences with the politicalization of science.

However, I also plan to discuss with you your efforts to politicize science.

Mr. Chairman I recognize that I have gone over my intended 5 minutes so I will put the rest of my opening statement in for the record because I see we have a lot of Members here. I will yield back.

Chairman WAXMAN. Thank you. Without objection, your statement and all the opening statements from members of the committee will be permitted to go into the record in their entirety.

I would recognize Members if they feel that they want to make an oral presentation. Without objection, we will limit it to 3 minutes so we can get on to our panels.

Any Member here—Mr. Yarmuth, do you have an opening statement?

Mr. YARMUTH. Thank you, Mr. Chairman. Just a brief one. I appreciate that we are renewing these hearings, because in the first hearing we had what we saw was evidence of a clear and disturbing trend in this administration, which is that in many instances commitment to ideology and philosophy and maybe even corporate interests always seems to trump truth.

And that is something that should disturb all of us, and I hope that this hearing brings us closer to understanding that we need, in all of our government operations, to have transparency and truth, and that those who would put these other interests ahead of the search for truth are doing this country a great disservice. So I thank you once again, Mr. Chairman, and I look forward to hearing the witnesses.

Chairman WAXMAN. Thank you very much.

Mr. Cannon, do you wish to make an opening statement?

Mr. CANNON. Thank you, Mr. Chairman, I will submit my statement for the record.

Chairman WAXMAN. Mr. Welch.

Mr. WELCH. Thank you, Mr. Chairman for convening the hearing. The questions before the committee are clear. Are the American people entitled to the benefits of sound scientific research to solve the challenges before us? And is it acceptable for any administration—in this case the administration of George Bush—to alter scientific conclusions by allowing political appointees to edit and alter the independent conclusions of independent scientists?

We heard, Mr. Chairman, to our dismay 2 months ago, evidence that the Bush administration, through political appointees, have systematically and relentlessly interfered with independent scientific conclusions, altering them to conform with the political views of their supporters.

Dr. Griffo the Union of Concerned Scientists testified that at least 150 Federal climate scientists personally experienced at least one incident of political interference during the past 5 years and received reports of at least 435 specific incidents overall. That in-

terference is unacceptable. That interference must end. While political interference in science may serve the interest of the American Petroleum Institute and others who peddle the notion that climate change is a political argument, not a scientific fact, it underestimates the American people. Politically motivated suppression of science is not only irresponsible, but highlights a careless and reckless disregard for the public that we serve.

The country knows that the climate change is real, urgent, and requires immediate action. Science must be our friend to help us address global warming directly. Moreover, in facing directly the issue of climate change, we can have a pro-growth, pro-high-tech, pro-environment economy that will benefit all the people of this country.

The Bush administration attack on sound science is a loser's game. The job of this Congress and this committee is to restore the full confidence to our scientific community that we need and value their work. They are our partners in facing the problems that confront us. Thank you, Mr. Chairman.

Chairman WAXMAN. Thank you.

Mr. Welch. Mr. Souder, do you wish to make an opening comment? Mr. Souder. OK, thanks. Ms. Watson.

Ms. WATSON. Thank you, very much, Mr. Chairman, for today's hearing. And while I am happy we are holding our second hearing of the year on this issue, I am appalled at the fact that the administration interfered with studies in key departments within our bureaucracy, one of which is NASA, who depends on accurate and concise scientific studies to protect the lives of our astronauts.

The administration announced in 2002 that reducing green house gas emissions and increasing spending on climate research to reduce emissions 18 percent by 2012 was a top priority. But their actions have not matched that pledge.

Funds have been redirected for these purposes to spend on nuclear power and other nonrenewable programs that do not reduce emissions. In addition, this allegation of political interference with the work of government scientists is an additional example of how this administration is not taking this threat of global warming seriously.

Global warming is occurring at a rapid pace today, and the consensus of the world's scientific community is that it will accelerate during the 21st century. Global warming and our related energy policies also raise national security concerns.

One such concern is the prospect of international destabilization caused by the consequences of global warming, such as the loss of land area or the loss of water resources. Mr. Chairman, we must start again to create adequate climate change research and development that can help our world in the future.

Political interference on this critical issue is unacceptable. And we are here today to investigate and resolve these allegations. Again, thank you for this hearing.

Chairman WAXMAN. Thank you very much Ms. Watson.

We are pleased to have three witnesses for our first panel, and I want to welcome them to our hearing today. Philip Cooney was chief of staff of the White House Council on Environmental Quality from 2001 until 2005. Before that he worked at the American Pe-

troleum Institute for 15 years. He is now a corporate issue manager at ExxonMobil.

Dr. James Hansen is the director of NASA's Goddard Institute for Space Studies. He has held this position since 1981. Dr. Hansen is one of the Nation's most esteemed climate scientists.

George Deutsch was a NASA public affairs officer until February 2006.

We thank you for your presence. It is the practice of this committee to ask all witnesses that appear before us to take an oath. So if you would please rise and hold up your right hands.

[Witnesses sworn.]

Chairman WAXMAN. The record will indicate that each of the witnesses answered in the affirmative.

Mr. Cooney, why don't we start with you. Your opening statement will be in the record in its entirety and we would like to ask you, if you would, to summarize it or present it to us in around 5 minutes.

STATEMENTS OF PHILIP COONEY, FORMER CHIEF OF STAFF OF THE WHITE HOUSE COUNCIL ON ENVIRONMENTAL QUALITY; JAMES HANSEN, DIRECTOR, NASA GODDARD INSTITUTE FOR SPACE STUDIES; AND GEORGE DEUTSCH, FORMER NASA PUBLIC AFFAIRS OFFICER

STATEMENT OF PHILIP A. COONEY

Mr. COONEY. Thank you, Mr. Chairman and members of the committee. Thank you for inviting me to appear before you today. I recognize the important work of this committee to ensure that our government is operating efficiently and properly in performing its valuable work on behalf of the American people.

I want to assure you of my full cooperation.

Today, more than anything else, I hope to convey to the committee that I held myself to a high standard of integrity in the performance of my duties in the administration.

I would like to highlight several points.

Point No. 1, my reviews of Federal budgetary and research planning documents of climate change were guided by the President's stated strategy on research priorities as set forth in his June 11, 2001 speech and chapter 3 of the Policy Book that accompanied it. I joined the White House staff 2 weeks later.

The President's policy itself was guided by a National Academy of Sciences report that his Cabinet-level Committee on Climate Change had specifically requested, entitled "Climate Change Science: An Analysis of Some Key Questions."

That report concluded—and I would like to emphasize this point, "making progress in reducing the large uncertainties in projections of future climate will require addressing a number of fundamental scientific questions relating to the buildup of greenhouse gases in the atmosphere and the behavior of the climate system."

The National Academy of Sciences report itemized those uncertainties and questions which later guided the administration's prioritization of federally sponsored research.

Let me be clear, as this committee addresses my reviews of specific climate change policy documents, that a number of my specific

comments were verbatim quotations from the National Academy of Sciences report.

My second point is that the documents that I reviewed as part of a well-established interagency review process were not a platform for the presentation of original scientific research. Mr. Piltz, who clarified that he is not a scientist, described his role before this committee as that of, “an editor of summaries received from agencies as they related to budget and planning reports.”

The White House Office of Management and Budget then subjected Mr. Piltz’ drafts to formal interagency review and comment by many others, including multiple Federal agencies themselves and the relevant White House offices, including mine.

OMB’s review was then subjected to a final review and approval by Dr. James Mahoney, who served as the Assistant Secretary of Commerce for Oceans and Atmosphere, and was director of the Climate Change Science Program. Dr. Mahoney testified before Congress about this process in July 2005 and confirmed that he had the final word on the final content on all of these documents.

Dr. Mahoney’s written responses to Senate questions describe that process and stated further that, “the edits by CEQ did not misstate any scientific fact. Moreover, many comments, including mine, were not incorporated in final reports.”

The Council’s role in these reviews and that of other White House offices was routine and well established.

The annual budget report, *Our Changing Planet*, was reviewed by my predecessors in the Clinton administration. That is because these were Federal research and policy and budget reports of the executive branch and not scientific research per se.

In fact, the transmittal letters to Congress for both the strategic plan and the annual budget reports were signed by the Secretaries of Energy and Commerce and the director of the White House Office of Science and Technology Policy, reflecting their inherent policy nature.

To summarize, I had the authority and responsibility to make recommendations on the documents in question under an established interagency review process. I did so, using my best judgment, based on the administration’s stated research priorities, as informed by the National Academy of Sciences. Of course I understand that my judgment and the administration’s stated goals are properly open to review.

I want to make equally clear, however, that I participated in the established review processes in order to align executive branch reports with administration policies.

My third and final point is that within a month after my departure in June 2005, all three branches of our government considered climate change science in the course of their decisionmaking and acknowledged remaining uncertainties in our understanding.

There has been on an ongoing basis, active consideration both of the scientific certainties and uncertainties in decisionmaking on climate change at the highest levels of the Federal Government. For example on July 15, 2005, the U.S. Court of Appeals for the District of Columbia Circuit upheld EPA’s decision not to regulate carbon dioxide under the Clean Air Act, relying in part on the same

uncertainties noted in the National Academy of Sciences report that the administration had requested in June 2001.

My point is that the comments and recommendations that I offered in reviewing executive branch policy documents on climate change were consistent with the views and exploration of scientific knowledge that many others in all three branches of our government were undertaking.

My most important point is that I offered my comments in good faith reliance on what I understood to be authoritative and current views of the state of scientific knowledge, and for no other purpose.

Thank you again for the opportunity to appear before the committee. I look forward to your questions and helping the committee complete its important work.

Chairman WAXMAN. Thank you, Mr. Cooney.

Mr. COONEY. Thank you.

[The prepared statement of Mr. Cooney follows:]

**Hearing of the
Committee on Oversight and Government Reform
United States House of Representatives**

Statement of Philip A. Cooney

**Rayburn House Office Building
March 19, 2007**

**Statement of Philip A. Cooney
before the
House Committee on Oversight and Government Reform
March 19, 2007**

Mr. Chairman, Ranking Member Davis and Members of the Committee:

Thank you for inviting me to appear before you today. I welcome the opportunity to respond to your questions concerning the conduct of my duties in my prior job as Chief of Staff of the White House Council on Environmental Quality ("CEQ"). I recognize the important work of this committee to ensure that our government is operating efficiently and properly in performing its valuable work on behalf the American people. I want to assure you of my cooperation toward your achieving that end.

I have read many of the same media reports you have concerning my work at the Council. I hope to shed light today on the established interagency processes surrounding the development of various Executive Branch reports on important budgetary and research challenges facing our society -- including those concerning global climate change. I will try to respond fully to your questions surrounding my participation in those processes and my recollection of the factors that motivated my actions.

Today, more than anything else, I hope to convey to the committee that I held myself to a high standard of integrity in the performance of my duties in the Administration, consistent with my conscience and personal values of honor and public service. In each day that I served over four years, I worked very hard to advance the Administration's stated goals and policies. I believed that those policies were grounded strongly in rationality and rooted in a commitment to serving the best interests of the American people.

The Committee has reviewed tens of thousands of pages of documents in its investigation, many of which have been publicly released pursuant to the Freedom of Information Act petitions that were filed both during and after my service. From that review, it is clear that the volume of material that I handled in my job was enormous. I do not think it would be an exaggeration to say that I received 200 e-mails on many days and that I may have sent 75. On many evenings, I brought home draft testimony and other documents to review. But as you and members of your staffs know well, that is the nature of government service; it comes with long hours and many responsibilities, even as it presents the honor to serve one's fellow citizens and country.

I tried to do the best job that I could during my four years of service in the Administration. To the extent that I am able, I hope to provide you with more complete information to aid your understanding of specific communications or projects.

I would like to highlight four points:

1. My reviews of federal budgetary and research planning documents on climate change were guided by the President's stated strategy and research priorities, as set forth in his June 11, 2001 speech on the subject and Chapter 3 of the Policy Book that accompanied it. (Enclosed; also at <http://www.whitehouse.gov/news/releases/2001/06/climatechange.pdf>.) I joined the White House staff two weeks later. The President's policy itself was guided by a National Academy of Sciences ("NAS") report that his cabinet-level committee on climate change had specifically requested at that time, which was completed and presented in early June 2001, entitled "Climate Change Science: An Analysis of Some Key Questions." That report concluded, among other things, in the Summary at page 5 -- and I would like to emphasize this point:

"Making progress in reducing the large uncertainties in projections of future climate will require addressing a number of fundamental scientific questions relating to the buildup of greenhouse gases in the atmosphere and the behavior of the climate system."

The NAS Report itemized those uncertainties and questions which later guided the Administration's prioritization of federally-sponsored research to improve our scientific understanding and better inform policymakers. Let me make clear as this committee addresses my reviews of climate change policy documents that a number of my specific interagency review comments were verbatim quotes from the NAS study above -- a fact some critics do not recognize.

2. The documents that I reviewed as part of a well-established interagency review process were not a platform for the presentation of original scientific research. Mr. Piltz, who appeared before your committee in January, described his role as that of an "editor" of summaries received from agencies as they related to various budget and planning reports, and clarified that he himself is not a scientist. The White House Office of Management and Budget ("OMB") then subjected Mr. Piltz' drafts to formal, interagency review and comment by many others, including the multiple federal agencies themselves, and relevant White House offices, including mine. OMB's review was then subjected to a final review and approval by Dr. Mahoney, who served as the Assistant Secretary of Commerce for Oceans and Atmosphere, and the Director of the Climate Change Science Program.

Dr. Mahoney testified before Congress about this process in July 2005 and confirmed that he had the final word on the final content of these documents. Attached are Dr. Mahoney's written responses to Senate questions describing that process and stating **"...the edits by CEQ did not misstate any scientific fact."** Moreover, many comments, including mine, were not incorporated in final reports, as Mr. Piltz stated in January and in an interview he gave in June 2005.

As to the specific documents referred to by Mr. Piltz, the National Academy of Sciences welcomed the Administration's Ten-year Strategic Climate Change Research Plan:

The Strategic Plan for the U.S. Climate Change Science Program articulates a guiding vision, is appropriately ambitious, and is broad in scope. It encompasses activities related to areas of longstanding importance, together with new or enhanced cross-disciplinary efforts. It appropriately plans for close integration with the complementary Climate Change Technology Program. The CCSP has responded constructively to the National Academies review and other community input in revising the strategic plan. In fact, the approaches taken by the CCSP to receive and respond to comments from a large and broad group of scientists and stakeholders, including a two-stage independent review of the plan set a high standard for government research programs. As a result, the revised strategic plan is much improved over its November 2002 draft, and now includes the elements of a strategic management framework that could permit it to effectively guide research on climate and associated global changes over the next decade. Advancing science on all fronts identified by the program will be of vital importance to the nation.

The Administration's annual budget reports on federally-sponsored climate research were similarly not controversial -- they were routinely transmitted to and accepted by Congress. The Council's role in these reviews, and that of other White House offices, was routine and well-established. The annual budget report *Our Changing Planet*, was reviewed by my predecessors in the Clinton Administration, as the inside covers of the reports in the late-1990s show. That is because these were federal research policy and budget reports of the Executive Branch that were prepared pursuant to section 107 of the Global Change Research Act of 1990, and not scientific research per se. In fact, section 107 calls for these reports to include "a summary of the achievements of the [United States Global Change Research] Program during the period covered by the report and of priorities for future global change research" and "expenditures required by each agency or department for carrying out its portion of the Program...." The transmittal letters to Congress for both the Strategic Plan and the annual budget reports were thus signed by the Secretaries of Energy and Commerce, and the Director of the White House Office of Science and Technology Policy, reflecting their inherent policy nature.

Importantly, section 102(b)(13) of the Global Change Research Act specifically names the Council on Environmental Quality to the "Committee on Earth and Environmental Sciences", charged with "increasing the overall effectiveness and productivity of Federal global change research efforts." It further calls for representation by "high ranking officials of their agency or department...."

To summarize, I had the authority and responsibility to review the documents in question, under an established interagency review process, and did so using my best judgment, based on the Administration's stated research priorities, as informed by the National Academy of Sciences. Of course, I understand that my

judgment and the Administration's stated goals are properly open to review. I want to make equally clear, however, that I participated in the established review processes with integrity, seeking merely to align Executive Branch reports with Administration policies.

As an aside, I would say that I am disappointed and puzzled that in our many meetings, Mr. Piltz never indicated to me -- or anyone else at the Council -- any concerns or reservations about my role or positions.

3. My work at the White House Council on Environmental Quality was solely to promote the public policies of President Bush and his Administration. In addition, the breadth of my managerial responsibilities as the agency's chief of staff, and many other aspects of my job, simply did not involve any connection to the interests of my former employer, the American Petroleum Institute. A prime example would be my discovery and resolution of credit card fraud in my first months at the Council.

My background in industry, however, did prepare me to press 12 major industries and the membership of the Business Roundtable to pledge publicly to reduce greenhouse gas emissions through 2012 under the President's Climate VISION initiative, which was launched in February 2003. This was a substantially more constructive level of engagement between major American industries and the federal government than the standoff that preceded it, resulting largely from the Kyoto Protocol.

I also led the interagency development of the President's July 2004 "Methane to Markets Partnership," under which the United States and 13 other countries, including China, Russia, Mexico, Brazil and India, have committed to joint efforts to reduce methane emissions in underground coal, petroleum and landfill waste operations. This represented an important first agreement -- between the United States and major developing and developed countries -- to cooperate to reduce this greenhouse gas, while also improving energy security and worker safety. The stated goal of the Partnership is to reduce 50 million tons of carbon-equivalent emissions annually by 2015 -- equal to eliminating emissions from 50 500-megawatt coal-fired power plants OR 33 million cars.

4. Within the month after my departure in June 2005, all three branches of our government considered climate change science -- and acknowledged remaining uncertainties in our understanding. There has been -- on an ongoing basis -- active consideration both of scientific certainties and uncertainties in decisionmaking on climate change at the highest levels of the federal government, including and particularly around the time that I left my former position. On June 22, 2005, the full Senate considered and defeated legislation for a mandatory, national cap and trade system for greenhouse gases.

A review of the Senate's deliberations shows that the state of scientific knowledge was actively debated. On July 15, 2005, the U. S. Court of Appeals for the D.C. Circuit upheld EPA's decision *not* to regulate carbon dioxide under the Clean Air Act, relying in part on the same uncertainties noted in National Academy of Sciences report that the Administration had requested in June 2001. And finally, the leaders at the G-8 Summit in Gleneagles, Scotland on July 8, 2005 issued a communique in which they agreed, in part: "While uncertainties remain in our understanding of climate science, we know enough to act now to put ourselves on a path to slow and, as the science justifies, stop and then reverse the growth of greenhouse gases."

My point is that the comments and recommendations that I offered in reviewing Executive Branch policy documents on climate change were consistent with the views and exploration of scientific knowledge that many others in all three branches of our government were undertaking. My most important point is that I offered my comments in good faith reliance on what I understood to be the most authoritative and current views of the state of scientific knowledge.

Thank you again for the opportunity to appear before the committee. I look forward to your questions and to helping the committee complete its important work.

(3/16/07)

EXHIBIT 1

PHILIP A. COONEY**EMPLOYMENT****Executive Office of the President
White House Council on Environmental Quality, Chief of Staff, (June 2001 – June 2005)**

Responsible for managing 24-person White House agency, and adjunct White House Task Forces, tasked by law with advising the President on environmental, energy and natural resource policies. CEQ facilitates the development and implementation of Administration policies, in coordination with White House policy councils, and resolves policy conflicts within the Executive Branch. Top Secret security clearance.

American Petroleum Institute, (January 1986 – June 2001)

Series of positions including Attorney, Senior Attorney, Special Counsel to Executive Vice President and Team Leader of Global Climate Policy Program.

United States Department of Labor, Office of Administrative Law Judges, (August 1984 – January 1986)

Clerkship supporting federal administrative law judges in adjudication of benefits claims under various federal labor laws.

EDUCATION

Georgetown University Law Center, Master of Legal Taxation, 1989
(concentration in employee pension and welfare benefits).

Villanova University School of Law, J. D., 1984

University of Richmond, B. A., magna cum laude, 1981. Double major:
Economics-Politics; elected to Phi Beta Kappa.

BAR MEMBERSHIPS

Admitted to bars of Pennsylvania, District of Columbia, and United States Courts of Appeal for the Third and Fifth Circuits and the District of Columbia.

EXHIBIT 2

CLIMATE CHANGE REVIEW
INITIAL REPORT



JUNE 11, 2001

Introduction

Three months ago, the President directed a Cabinet-level review of U.S. climate change policy. Members of the Cabinet, the Vice President, and senior White House staff have been meeting to examine the science, technologies, current U.S. efforts, and a wide range of innovative options for addressing concentrations of greenhouse gases in the atmosphere.

During that time, the Cabinet-level climate change working group has held regular and intensive sessions and has heard from many experts representing a wide range of views. To obtain the most recent information and a balanced view of what we know and do not know about the science of climate change, the working group requested a report from the National Academy of Sciences. The report outlines areas supported by the science and significant gaps in our knowledge of climate change.

The following material contains the initial findings of the working group: summaries of current U.S. actions, an analysis of the Kyoto Protocol, and proposals to advance the science, advance technologies, and create partnerships in the Western Hemisphere and throughout the world to address climate change.

The President has directed the Cabinet-level climate change working group to press forward and develop innovative approaches in accordance with several basic principles. These approaches should: (1) be consistent with the long-term goal of stabilizing greenhouse gas concentrations in the atmosphere; (2) be measured, as we learn more from science and build on it; (3) be flexible to adjust to new information and take advantage of new technology; (4) ensure continued economic growth and prosperity; (5) pursue market-based incentives and spur technological innovation; and (6) be based on global participation, including developing countries.

The Cabinet-level climate change working group will continue its review consistent with these principles.

Table of Contents

Current United States Actions to Address Climate Change	Tab 1
Analysis of the Kyoto Protocol	Tab 2
Advancing the Science of Climate Change	Tab 3
Advancing Technology to Address Climate Change	Tab 4
Promoting Cooperation in the Western Hemisphere and the World	Tab 5

CURRENT U.S. ACTIONS TO ADDRESS CLIMATE CHANGE

"The earth's well-being is also an issue important to America – and it's an issue that should be important to every nation and in every part of the world. My Administration is committed to a leadership role on the issue of climate change. We recognize our responsibility and we will meet it, at home, in our hemisphere, and in the world."

--President George W. Bush

Executive Summary

The United States government is currently pursuing a broad range of strategies to reduce emissions of greenhouse gases in the major greenhouse gas emitting sectors of our economy:

- **Electricity** -- Federal programs promote greenhouse gas reductions through the development of cleaner, more efficient technologies for electricity generation and transmission. The government is also supporting the development of renewable resources, such as solar energy, wind power, geothermal energy, hydropower, bio-energy, and hydrogen.
- **Transportation** -- The United States is currently promoting the development of fuel-efficient motor vehicles and trucks, researching options for producing cleaner fuels, and implementing programs to reduce the number of vehicle miles traveled.
- **Industry** -- The United States is implementing many partnership programs with industry to reduce emissions of carbon dioxide (CO₂) and other greenhouse gases, to promote source reduction and recycling, and to increase the use of combined heat and power.
- **Buildings** -- Federal voluntary partnership programs promote energy efficiency in the nation's commercial, residential, and government buildings (including schools) by offering technical assistance as well as the labeling of efficient products, efficient new homes, and efficient office buildings.
- **Agriculture and Forestry** -- The Federal government is implementing conservation programs that have the benefit of sequestering carbon in soils and off-setting agricultural emissions of greenhouse gases.
- **The Federal Government** -- The Federal Government has taken steps to reduce greenhouse gas emissions from energy use in Federal buildings and in the Federal transportation fleet.
- **The National Energy Policy** -- The National Energy Policy includes new recommendations to promote energy efficiency, conservation, increased use of natural gas and renewable energy, and the new construction of nuclear capacity.

United States government climate change programs are achieving real results, helping to reduce greenhouse gas emissions by 66 million metric tons of carbon equivalent in 2000. United States carbon intensity – the amount of CO₂ emitted per unit of GDP – declined 15% from 1990 to 1999.

In addition, **businesses, state and local governments, and non-governmental organizations are addressing global climate change** – by improving the measurement and reporting of greenhouse gas emission reductions; through voluntary reductions, including emissions trading; and actions to sequester carbon through tree planting and forest preservation, restoration and management.

The Federal Government

The U.S. government is currently pursuing a broad range of strategies to reduce emissions of greenhouse gases, including:

- Voluntary public-private partnership programs that promote energy efficiency and the broader use of renewable energy;
- Research and development (R&D) investments and tax incentives to increase energy efficiency and the broader use of renewable energy;
- Appliance standards that increase the minimum level of efficiency of products on the market;
- Financial incentives such as grants to states and localities; and
- Programs to reduce greenhouse gas emissions from Federal buildings and transportation fleets.

These programs are achieving real reductions in greenhouse gas emissions – the U.S. government estimates that its existing climate change programs reduced emissions by 66 million metric tons of carbon equivalent (MMTCE) in 2000¹, approximately 2.7% of total emissions. The amount of CO₂ emitted per unit of GDP declined 15% from 1990 to 1999.²

The following sections highlight **illustrative** programs in the major greenhouse gas emitting sectors of the economy: the electric power industry (32% of total U.S. greenhouse gas emissions); transportation (27%); other industry (21%); residential and commercial buildings (13%); and agriculture and forestry (net 7%) (unlike other sectors of the economy, agricultural and forestry activities can actively remove carbon dioxide from the atmosphere).³

Electricity

Federal programs promote greenhouse gas reductions through the development of cleaner, more efficient technologies for electricity generation and transmission. For example, the Environmental Protection Agency/Department of Energy *Combined Heat and Power Challenge*

¹ Office of Management and Budget, based on estimates from Federal agencies including the Environmental Protection Agency and Department of Energy.

² Energy Information Agency, *Emissions of Greenhouse Gases in the U.S. 1999* (October 31, 2000) Report SAI/DOE-0573 (99).

³ USEPA #236-R-01-001, *Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-1999* (January 2001).

program has the goal of doubling U.S. combined heat and power capacity by 2010 by providing technical assistance and addressing regulatory issues where possible.

The Federal government is also supporting renewable resources such as solar energy, wind power, geothermal energy, hydropower, bio-energy, and hydrogen. For example, the Department of Energy supports the development of a wide range of solar and renewable energy technology, seeking to improve their reliability, expand their applicability, and reduce their costs. These activities have been very successful in bringing down technology costs. The cost of producing photo-voltaic modules has decreased 50 percent since 1991, and the cost of wind power has decreased 85 percent since 1980. Commercial success has been achieved for both of these areas in certain applications.

Transportation

The U.S. is currently promoting the development of fuel-efficient motor vehicles and trucks, researching options for producing cleaner fuels, and implementing programs to reduce the number of vehicle miles traveled. For example, through the *Partnership for a New Generation of Vehicles (PNGV)* program, the research has directly led to the commercial introduction of new hybrid vehicles and soon hydrogen as well. Commercialization of such vehicles could cut fuel use and carbon emissions for individual vehicles significantly and could lay the foundation for large, long-term fuel and carbon benefits. If 10% of the on-road vehicle fleet utilized PNGV technologies, the aggregate emission reductions could be approximately 20 million metric tons of carbon equivalent per year. The program is being extended to sport utility vehicles and other light trucks which, because of their lower baseline fuel economies, have the potential for even greater overall fuel and carbon savings per vehicle.

Industry

The U.S. government is implementing many partnership programs with industry to reduce emissions of carbon dioxide (CO₂) and other greenhouse gases, to promote source reduction and recycling, and to increase the use of combined heat and power. For example, current voluntary partnerships directed toward eliminating market barriers to the profitable collection and use of methane that otherwise would be released to the atmosphere are expected to hold methane emissions at or below 1990 levels through 2010. Since the launch of EPA's *Voluntary Aluminum Industrial Partnership* in 1995, the program's membership has grown to include 22 of the nation's 23 aluminum smelters, representing 94% of U.S. production capacity. As of 2000, program partners cumulatively achieved a 45% reduction in perfluorocarbon (a high global warming potential gas) emissions from 1990 levels.⁴

Commercial and Residential Buildings

Partnership programs promote energy efficiency in the nation's commercial, residential, and government buildings (including schools) by offering technical assistance as well as the labeling of efficient products, efficient new homes, and efficient office buildings. As one example, the

⁴ *The Power of Partnerships: Energy Star and Other Voluntary Programs*. 2000 Annual Report of the Climate Protection Partnerships Division, U.S. EPA, Summer 2001.

EPA/DOE *Energy Star* program collaborates with a wide range of building owners and users -- retailers, real estate investors, small businesses, governments and schools. Each partner commits to improve the energy performance of its facilities and the most efficient buildings are awarded the *Energy Star* label. More than 16% of the U.S. commercial, public, and industrial building market is enrolled in *Energy Star*. Nationwide, *Energy Star* has eliminated the need for over 10,000 megawatts of peak generating capacity -- equivalent to 20 large (50 MW) power plants.⁵

Agriculture and Forestry

The Federal government is conducting research into methods to reduce emissions of methane and nitrous oxide from agriculture, and is implementing conservation programs that have the benefit of sequestering carbon in soils and forests. For example, USDA's *Conservation Reserve Program* (CRP) has taken over 36 million acres of environmentally sensitive crop land out of production. CRP provides long-term environmental benefits, including the offset of up to 12 MMTCE each year.⁶

The Federal Government

The Federal Government has taken steps to reduce greenhouse gas emissions from energy use in Federal buildings and in the Federal transportation fleet by:

- Requiring all Federal agencies to take steps to cut greenhouse gas emissions from energy use in buildings by 30% below 1990 levels by 2010.
- Directing Federal agencies in Washington, D.C. to offer to their employees up to \$65 per month in transit and van pool benefits.
- Requiring Federal agencies to implement strategies to reduce their fleet's annual petroleum consumption by 20% relative to 1999 consumption levels and to use alternative fuels a majority of the time.

Businesses, States and Communities, and Non-Governmental Organizations

Businesses, states and local governments, and non-governmental organizations are also moving forward to address global climate change -- through programs to improve the measurement and reporting of emission reductions; through voluntary programs, including emissions trading programs; and through sequestration programs. For example:

- Under the *Voluntary Reporting of Greenhouse Gases* program, provided by Section 1605(b) of the Energy Policy Act of 1992, more than 200 companies voluntarily reported to the Department of Energy their voluntary measures to reduce, avoid or sequester greenhouse gas emissions, principally carbon dioxide.⁷ These companies undertook 1,715 projects and

⁵ *The Power of Partnerships: Energy Star and Other Voluntary Programs*, 2000 Annual Report of the Climate Protection Partnerships Division, U.S. EPA, Summer 2001.

⁶ Marlen Eve, Ron Follett, and Kieth Paustian. "Carbon Storage in Agricultural Soils of the United States: Estimating Emissions and Sequestration." U.S. Government Presentation at UNFCCC SBSTA13. Lyon, France. 2000.

⁷ 1999 report, issued January 19, 2001

achieved greenhouse gas emission reductions and carbon sequestration equivalent to 61.5 MMTCE, or about 3.4 percent of 1999 total U.S. greenhouse gas emissions.⁸

- Electric Utilities: Several companies have committed to reducing greenhouse gas emissions. Measures include:
 - ✓ Improved generation efficiency (seasonal use of natural gas, hydroelectric turbine replacements, expanded capacity, shortened outage schedules at nuclear plants);
 - ✓ Improved pipeline, transmission and distribution equipment efficiencies (including reducing leaks);
 - ✓ Increased use of renewables (wind, biomass and solar);
 - ✓ Improved home and office energy efficiencies (low-income weatherization, home energy audits, inefficient refrigerator and freezer removal and recycling, installation of advanced energy management systems, planting trees, and retrofitting energy efficient lighting in company buildings); and
 - ✓ Investments in more efficient technologies (programs to install geothermal heat pumps, commercialize emerging energy efficient and renewable energy technologies, accelerate introduction of electric vehicles into the marketplace, and enhance carbon sequestration).
- Oil and Gas: Some oil and gas companies have added greenhouse gas reductions to their list of corporate priorities. One company intends to reduce its greenhouse gases by 10% by 2002 (over 1990 levels), and another company is seeking to reduce by 10% by 2010. To do this, the company is adopting an internal system of company-wide emissions trading to meet its goal in the most cost-effective way possible. Significant gains can be made from such measures as reducing flaring and leaking.
- Auto Manufacturers: Auto manufacturers have announced production plans for hybrid gas and electric vehicles in 2003 or 2004 and have pledged to increase their sport utility vehicles' fuel economy by 25% by 2005.
- Chemicals: A chemicals trade association supports voluntary programs and its members' actions to improve energy efficiency and reduce greenhouse gases. For example, one company says it will reduce its greenhouse gas emissions by 65% (by 2010, over 1990 levels). It already has cut its global emissions by 45% by making major process-change investments (reducing nitrous oxides), by holding energy consumption flat even with tremendous production growth (with powerhouse and process efficiencies), and increased use of renewable energy. Another company is working to reduce energy use by 20% per unit of production by 2005.
- Non-Governmental Organizations: Several non-governmental organizations and coalitions have initiated partnership programs with large global corporations to reduce emissions of greenhouse gases, and promote the use of energy conservation, renewable energy sources, and efficient technologies. Non-governmental organizations also are working with companies to support forestry projects that sequester carbon through tree planting and forest preservation, restoration and management.

⁸ DOE/EIA-0608 (1999), *Annual Report of the Voluntary Reporting of Greenhouse Gases*, February 12, 2001.

- States. More than 25 states have initiated state-based action plans to reduce greenhouse gas emissions. Some states are using market-based mechanisms to achieve reductions. For example, the State of New Jersey has established a 3.5% statewide reduction goal and is developing voluntary agreements with various businesses.

The National Energy Policy

The National Energy Policy includes numerous recommendations to promote energy efficiency and conservation and to reduce emissions of greenhouse gases through the use of alternative, renewable, and cleaner forms of energy.⁹ These recommendations include:

Efficiency and Conservation Measures

- **Tax incentives and other initiatives to promote the use of combined heat and power.**

The NEPD Group recommended that the President direct the Secretary of the Treasury to work with Congress to encourage increased energy efficiency through combined heat and power (CHP) projects by shortening the depreciation life for CHP projects or providing an investment tax credit.

The NEPD Group also recommended that the President direct the Administrator of the Environmental Protection Agency (EPA) to work with local and state governments to promote the use of well-designed CHP and other clean power generation at brownfields sites, consistent with the local communities' interests. EPA will also work to clarify liability issues if they are raised at a particular site.

The NEPD Group recommended that the President direct the EPA Administrator to promote CHP through flexibility in environmental permitting.

- **Reviewing and providing recommendations on establishing CAFE standards as well as other market-based approaches to increase the national average fuel economy of new motor vehicles.**

The NEPD Group recommended that the President direct the Secretary of Transportation to:

- ✓ Review and provide recommendations on establishing Corporate Average Fuel Economy (CAFE) standards with due consideration of the National Academy of Sciences study to be released in July 2001. Responsibly crafted CAFE standards should increase efficiency without negatively impacting the U.S. automotive industry. The determination of future fuel economy standards must therefore be addressed analytically and based on sound science.

⁹ *National Energy Policy: Report of the National Energy Policy Development Group*, May 2001.

- ✓ Consider passenger safety, economic concerns, and disparate impact on the U.S. versus foreign fleets of automobiles.
- ✓ Look at other market-based approaches to increasing the national average fuel economy of new motor vehicles.

➤ **Directing all agencies to use technological advances to better protect our environment.**

The Administration remains committed to investing in Intelligent Transportation Systems (ITS) and encourages the private sector to invest in ITS applications. This Department of Transportation (DOT) program funds the development of improved transportation infrastructure that will reduce congestion, such as traveler information/navigation systems, freeway management, and electronic toll collection. ITS applications reduce fuel associated with travel.

The Administration remains committed to the DOT's fuel-cell-powered transit bus program, authored by the Transportation Equity Act for the 21st Century (TEA-21). This program demonstrates the viability of fuel-cell power plants for transit bus applications.

The Administration remains committed to the Clean Buses program. TEA-21 establishes a new clean fuel formula grant program, which provides an opportunity to accelerate the introduction of advanced bus propulsion technologies into the mainstream of the nation's transit fleet.

➤ **Promoting energy efficiency, including expanding the *Energy Star* program.**

The NEPD Group recommended that the President direct the Secretary of Energy to conduct a review of current funding and historic performance of energy efficiency research and development programs in light of the recommendations of this report. In addition, the NEPD Group recommended that the President direct the Office of Science and Technology Policy and the President's Council of Advisors on Science and Technology to review and make recommendations on using the nation's energy resources more efficiently.

The NEPD Group recommended that the President direct the Secretary of Energy to promote greater energy efficiency:

- ✓ Expand the *Energy Star* program beyond office buildings to include schools, retail buildings, health care facilities, and homes.
- ✓ Extend the *Energy Star* labeling program to additional products, appliances, and services.
- ✓ Strengthen Department of Energy public education programs relating to energy efficiency.

The NEPD Group recommended that the President direct the EPA Administrator to develop and implement a strategy to increase public awareness of the sizable savings that energy efficiency offers to homeowners across the country.

The NEPD Group recommended that the President direct the Secretary of Energy to establish a national priority for improving energy efficiency. The priority would be to improve the

energy intensity of the U.S. economy as measured by the amount of energy required for each dollar of economic productivity. This increased efficiency should be pursued through the combined efforts of industry, consumers, and federal, state, and local governments.

➤ **Conserving energy at federal facilities.**

The NEPD Group recommended that the President direct heads of executive departments and agencies to take appropriate actions to conserve energy use at their facilities to the maximum extent consistent with the effective discharge of public responsibilities.

➤ **Improving and expanding appliance standards.**

The NEPD Group recommended that the President direct the Secretary of Energy to improve the energy efficiency of appliances:

- ✓ Support the appliance standards program for covered products, setting higher standards where technologically feasible and economically justified.
- ✓ Expand the scope of the appliance standards program, setting standards for additional appliances where technologically feasible and economically justified.

➤ **Promoting congestion mitigation technologies.**

The NEPD Group recommended that the President direct the Secretary of Transportation to review and promote congestion mitigation technologies and strategies and work with Congress on legislation to implement these strategies.

➤ **Reducing demand for transportation fuels by establishing a ground freight management program.**

The NEPD Group recommended that the President direct the EPA and DOT to develop ways to reduce demand for petroleum transportation fuels. These agencies will work with the trucking industry to establish a program to reduce emissions and fuel consumption from long-haul trucks at truck stops by implementing alternatives to idling, such as electrification and auxiliary power units at truck stops along interstate highways. EPA and DOT will develop partnership agreements with trucking fleets, truck stops, and manufacturers of idle-reducing technologies (*e.g.*, portable auxiliary packs, electrification) to install and use low-emission-idling technologies.

Alternative, Renewable, and Clean Forms of Energy

➤ **Increasing America's use of renewable and alternative energy**

The NEPD Group recommended that the President direct the Secretaries of the Interior and Energy to re-evaluate access limitations to federal lands in order to increase renewable energy production, such as biomass, wind, geothermal, and solar.

The NEPD Group supported the increase of \$39.2 million in the FY 2002 budget amendment for the Department of Energy's Energy Supply account that would provide increased support for research and development of renewable energy resources.

The NEPD Group recommended that the President direct the Secretary of Energy to **conduct a review of current funding and historic performance of renewable energy and alternative energy research and development programs**. Based on this review, the Secretary of Energy is then directed to propose appropriate funding of those research and development programs that are performance-based and are modeled as public-private partnerships.

The NEPD Group recommended that the President direct the Secretary of the Treasury to work with Congress to **develop legislation to provide for a temporary income tax credit available for the purchase of new hybrid or fuel-cell vehicles** between 2002 and 2007.

The NEPD Group recommended that the President direct the Secretary of the Treasury to work with Congress on legislation to **expand the section 29 tax credit to make it available for new landfill methane projects**. The credit could be tiered, depending on whether a landfill is already required by federal law to collect and flare its methane emissions due to local air pollution concerns.

The NEPD Group recommended that the President direct the Secretary of the Interior to determine ways to **reduce the delays in geothermal lease processing** as part of the permitting review process.

The NEPD Group recommended that the President direct the Secretary of the Treasury to work with Congress on legislation to **extend and expand tax credits for electricity produced using wind and biomass**. The President's budget request extends the present 1.7 cents per kilowatt hour tax credit for electricity produced from wind and biomass; expands eligible biomass sources to include forest-related sources, agricultural sources, and certain urban sources; and allows a credit for electricity produced from biomass co-fired with coal.

The NEPD Group recommended that the President direct the Secretary of the Treasury to work with Congress on legislation to **provide a new 15 percent tax credit for residential solar energy property**, up to a maximum credit of \$2,000.

The NEPD Group recommended that the President direct the Secretary of the Treasury to work with Congress to **continue the ethanol excise tax exemption**

The NEPD Group recommended that the President direct the Secretary of Energy to develop next-generation technology—including hydrogen and fusion:

- ✓ Develop an education campaign that communicates the benefits of alternative forms of energy, including hydrogen and fusion.

- ✓ Focus research and development efforts on integrating current programs regarding hydrogen, fuel cells, and distributed energy.
- ✓ Support legislation reauthorizing the Hydrogen Energy Act.

➤ **Promoting new construction of nuclear capacity that could significantly reduce future greenhouse gas emissions.**

The NEPD Group recommended that the President support the expansion of nuclear energy in the United States as a major component of our national energy policy. Following are specific components of the recommendation:

- ✓ Encourage the Nuclear Regulatory Commission (NRC) to ensure that safety and environmental protection are high priorities as they prepare to evaluate and expedite applications for licensing new advanced-technology nuclear reactors.
- ✓ Encourage the NRC to facilitate efforts by utilities to expand nuclear energy generation in the United States by upgrading existing nuclear plants safely.
- ✓ Encourage the NRC to relicense existing nuclear plants that meet or exceed safety standards.
- ✓ Direct the Secretary of Energy and the Administrator of the Environmental Protection Agency to assess the potential of nuclear energy to improve air quality.
- ✓ Increase resources as necessary for nuclear safety enforcement in light of the potential increase in generation.
- ✓ Use the best science to provide a deep geologic repository for nuclear waste.
- ✓ Support legislation clarifying that qualified funds set aside by plant owners for eventual decommissioning will not be taxed as part of the transaction.
- ✓ Support legislation to extend the Price-Anderson Act.

➤ **Market-based three pollutant strategy**

The NEPD Group recommended that the President direct the EPA Administrator to work with Congress to propose legislation that would establish a flexible, market-based program to significantly reduce and cap emissions of sulfur dioxide, nitrogen oxides, and mercury from electric power generators. Such a program (with appropriate measures to address local concerns) would provide significant public health benefits, including ancillary carbon benefits, even as we increase electricity supplies.

- ✓ Establish mandatory reduction targets for emissions of three main pollutants: sulfur dioxide, nitrogen oxides, and mercury.
- ✓ Phase in reductions over a reasonable period of time, similar to the successful acid rain reduction program established by the 1990 amendments to the Clean Air Act.
- ✓ Provide regulatory certainty to allow utilities to make modifications to their plants without fear of new litigation.

- ✓ Provide market-based incentives, such as emissions trading credits to help achieve the required reductions.

➤ **Increasing research in clean coal technologies.**

The NEPD recommended that the President direct the Department of Energy to continue to develop advanced clean coal technology:

- ✓ Investing \$2 billion over 10 years to fund research in clean coal technologies.
- ✓ Supporting a permanent extension of the existing research and development tax credit.
- ✓ Directing federal agencies to explore regulatory approaches that will encourage advancements in environmental technology.

An Analysis of the Kyoto Protocol

"The Kyoto Protocol was fatally flawed in fundamental ways. But the process used to bring nations together to discuss our joint response to climate change is an important one."

– President George W. Bush

The Kyoto Protocol is fundamentally flawed The Kyoto Protocol fails to establish a long-term goal based on science, poses serious and unnecessary risks to the U.S. and world economies, and is ineffective in addressing climate change because it excludes major parts of the world.

The Kyoto Protocol is ineffective in addressing climate change because it excludes developing countries. The Kyoto Protocol's emission reduction requirements apply only to industrialized countries. Developing countries can continue business as usual under the Kyoto Protocol, despite their rapidly growing emissions:

- Current data indicate that developing countries' net emissions (including emissions and uptake from land use activities) have already exceeded those of the developed world.¹⁰
- Moreover, annual developing country emissions of CO₂ will double between 1990 and 2010 – an increase that represents over twice as many tons as all of the reductions the United States would be required to take under the Kyoto Protocol.¹¹

The Kyoto Protocol's targets are not based on science. Its targets and timetables were arrived at arbitrarily as a result of political negotiations, and are not related to any specific scientific information or long-term objective.

The Kyoto Protocol targets are precipitous. Under the Kyoto Protocol, the emission reduction target for the United States is 7% from 1990 levels for each year from 2008-2012. However, the figure of 7% is misleading, because it does not take into account growth in emissions between 1990 and 2012. The actual reduction from the U.S. current emissions trajectory for this period is over 30%.¹² In other words, meeting its target would require the United States to reduce its output of greenhouse emissions by one third in less than seven years. This would require U.S. firms to retire large amounts of capital stock prematurely, imposing substantial and unnecessary costs on the U.S. economy. The Kyoto Protocol also does not allow countries to count legitimate mitigation activities. In fact, it restricts the use of carbon sequestration as a means of achieving its objectives. Moreover, it does not address substances that impact climate change, such as black carbon and tropospheric ozone, reductions of which would also have significant health benefits.

¹⁰ IPCC Special Report on Emission Scenarios, International Energy Agency data (www.iea.org) and Land-use data from Oak Ridge Laboratory Carbon Dioxide Information Analysis Center (cdiac.esd.ornl.gov).

¹¹ [International Energy Outlook 2001](http://www.eia.doe.gov/oiaf/ieo), Energy Information Administration (www.eia.doe.gov/oiaf/ieo)

¹² United States submission to the UNFCCC, 2001

The Kyoto Protocol risks significantly harming the U.S. and global economies. The Kyoto Protocol would require the United States to meet its target no matter what the cost, which could be substantial:

- Most models suggest a reduction in U.S. GDP of 1% to 2% by 2010 as a result of Kyoto without emissions trading.¹³ A 2% reduction is comparable to the impact of the oil shock of the 1970s.
- A U.S. Department of Energy model suggests a reduction of as much as 4%¹⁴ in GDP under a scenario in which the United States does not establish implementing regulations before 2005 and does not engage in emissions trading. Under such a scenario, the U.S. economy could be transformed from one of strong growth to recession, with potentially significant repercussions for the global economy.

Other major industrial countries also have very stringent targets. The difficulties many countries will have in meeting their targets raises serious questions about the viability of the Kyoto Protocol framework.

The Kyoto Protocol would leave the United States dangerously dependent on other countries to meet its emission targets. Under the Kyoto Protocol's emissions trading system, countries are allowed to buy and sell part of their emissions allowances. Most economic models indicate that achieving reductions through emissions trading with other countries may cost about half of what it would cost to achieve the same reductions domestically under the Kyoto Protocol.¹⁵ Many analysts have pointed to trading as the only way that the United States could meet its Kyoto target. Yet few countries will have many excess tons to sell other than Russia and several other Eastern European countries that negotiated targets well above their expected emissions during the period 2008-2012. There is no guarantee that these allowances would be available:

- In order to sell allowances, countries must meet measuring and monitoring requirements. Some countries with excess emissions are far from meeting these requirements now, and it is likely that the United States and other countries would not know until at least 2007 whether they could meet their requirements. This creates enormous uncertainty about the cost of meeting the Kyoto Protocol until well after the United States has assumed its obligations.
- Even if these countries met their requirements and were allowed to sell their emission allowances, U.S. purchases of allowances would amount to many billions of dollars of financial transfers annually – without achieving any meaningful greenhouse gas emission reductions or climate benefit.

¹³ Energy Modeling Forum results reported in IPCC Working Group III Third Assessment Report, Ch. 18, p. 70 (Final Government Distribution version)

¹⁴ Impacts of the Kyoto Protocol on U.S. Energy Markets and Economic Activity, US Energy Information Administration, 2000

¹⁵ Energy Modeling Forum results reported in IPCC Working Group III Third Assessment Report, Ch. 18, p. 70 (Final Government Distribution version)

ADVANCING THE SCIENCE OF CLIMATE CHANGE

"MY CABINET-LEVEL WORKING GROUP HAS MET REGULARLY FOR THE LAST TEN WEEKS TO REVIEW THE MOST RECENT, MOST ACCURATE, AND MOST COMPREHENSIVE SCIENCE. THEY HAVE HEARD FROM SCIENTISTS OFFERING A WIDE SPECTRUM OF VIEWS; THEY HAVE REVIEWED THE FACTS, AND THEY HAVE LISTENED TO MANY THEORIES AND SUPPOSITIONS. THE WORKING GROUP ASKED THE HIGHLY RESPECTED NATIONAL ACADEMY OF SCIENCES TO PROVIDE US THE MOST UP-TO-DATE INFORMATION ABOUT WHAT IS KNOWN – AND WHAT IS NOT KNOWN – ON THE SCIENCE OF CLIMATE CHANGE... THE UNITED STATES [WILL] HELP LEAD THE WAY BY ADVANCING THE SCIENCE ON CLIMATE CHANGE."

-- PRESIDENT

GEORGE W. BUSH

Executive Summary

The United States leads the world in climate change research, spending more than the 15 nations of the European Union and Japan combined. Over the past decade, the United States has invested nearly \$18 billion in such research and has increased our understanding of changes in climate, human links to these changes, and possible consequences.

To have the most up-to-date information of what is known and unknown about the science of climate change, the Cabinet-level climate change working group requested a report from the National Academy of Sciences (NAS). **The NAS report identified substantial uncertainty in critical areas**, such as:

- The feedbacks in the climate system that determine the magnitude and rate of temperature increases;
- The future usage of fossil fuels and the future emissions of methane;
- How much carbon is sequestered by oceans and other sinks and how much remains in the atmosphere;
- The details of regional climate change resulting from global climate change;
- The nature and causes of the natural variability of climate, its interactions with forced changes, and the direct and indirect effects of aerosols.

The National Academy of Sciences concluded, "[m]aking progress in reducing the large uncertainties in projections of future climate will require addressing a number of fundamental scientific questions relating to the buildup of greenhouse gases in the atmosphere and the behavior of the climate system."

To ensure that policies are shaped, and continue to be shaped, by the best science, President Bush will work aggressively to advance the science of climate change. **Today, the President is announcing the U.S. Climate Change Research Initiative**, which:

- Directs the Secretary of Commerce, **working with other agencies, to set priorities for additional investments in climate change research, to review such investments, and to maximize coordination among federal agencies;**
- Fully funds all priority research areas **that the Secretary of Commerce's**

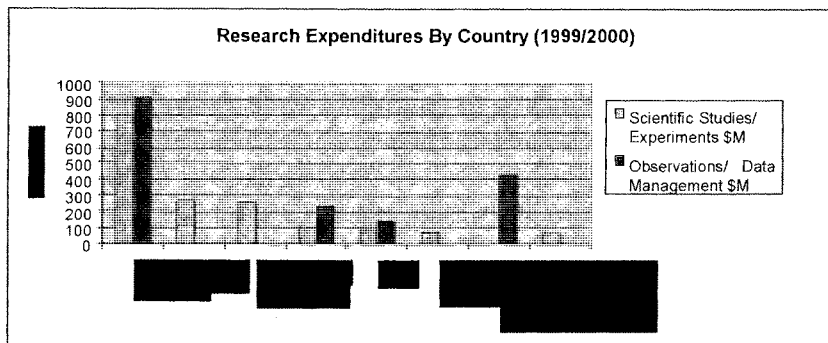
review finds are underfunded or need to be accelerated relative to other research;

- **Challenges the major greenhouse gas emitting countries to increase significantly their investments** in high priority areas of climate change research;
- **Provides up to \$25 million**, and calls on other developed countries to provide matching funds, to help build climate observation systems in developing countries; and
- **Proposes a joint venture** with the EU, Japan and others to develop state-of-the-art climate modeling to help us better predict the causes and consequences of climate change.

U.S. Climate Research to Date

U.S. Global Change Research Program

The United States leads the world in climate change research, spending approximately \$1.6 billion annually. The United States is responsible for half of the world's annual climate change research expenditures, three times more than the next largest contributor and larger than the contributions of Japan and all 15 nations of the European Union combined.



Source: IGFA National Updates " (IGFA, 2000), NASA, European Space Agency, National Space Development Agency of Japan, Centre National d'Etudes Spatiales

The U.S. Global Change Research Program (USGCRP) is a national research program that coordinates most of the federal government's research on climate change. Definition of the program began under the Reagan Administration; the program became a presidential initiative under President George Bush, and was codified by Congress in the Global Change Research Act of 1990.

Since its establishment in 1990, USGCRP has spent approximately \$18 billion. The President's fiscal year 2002 budget requests \$1.6 billion for USGCRP. One half of this investment is devoted to climate change science and the other half to associated satellite systems. During its first decade, USGCRP research activities have identified a series of global scale changes, including ozone depletion, climate change, and land cover change. USGCRP has also explored and categorized likely human links to these changes, improved forecasts of the El Nino-Southern

Oscillation, and increased understanding of other climate changes. The USGCRP has also developed and deployed a series of remote sensing satellites that could form the basis of a global environmental observing system, and has developed models to analyze the climate process and produce scenarios of potential future climate change and possible consequences.

The USGCRP currently conducts research and observations in the following areas: Understanding the Earth's Climate System; Composition and Chemistry of the Atmosphere; Global Water Cycle; Carbon Cycle Science; Biology and Biochemistry of Ecosystems; Human Dimensions of Global Change; and Paleoenvironment/Paleoclimate (analysis of prehistoric changes in climate). Ten federal agencies participate in the USGCRP and their respective roles are described in Annex I.

Key Gaps in Science of Climate Change

Despite the United States' intensive investment in climate change science over the past decade, numerous gaps remain in our understanding of climate change. The National Academy of Sciences identified in its report, *Climate Change Science: An Analysis of Some Key Questions (June 2001)*, critical uncertainties about the science of climate change. At the most fundamental level, the report indicated the need to better understand the causes of warming. The National Academy of Sciences stated, "Greenhouse gases are accumulating in Earth's atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise. Temperatures are, in fact, rising. The changes observed over the last several decades are likely mostly due to human activities, but we cannot rule out that some significant part of these changes are also a reflection of natural variability."

The National Academy of Sciences report goes on to identify a range of specific areas of scientific uncertainty that require additional study and research. These gaps include:

- **How much carbon is sequestered by oceans and terrestrial sinks and how much remains in the atmosphere is uncertain:**
 - ✓ "How land contributes, by location and processes, to exchanges of carbon with the atmosphere is still highly uncertain. . . ." (p. 11)
 - ✓ "These estimates [of future carbon dioxide climate forcings] . . . are only approximate because of uncertainty about how efficiently the ocean and terrestrial biosphere will sequester atmospheric CO₂." (p. 13)
 - ✓ "How much of the carbon from future use of fossil fuels will be seen as increases in carbon dioxide in the atmosphere will depend on what fractions are taken up by land and by the oceans. The exchanges with land occur on various time scales, out to centuries for soil decomposition in high latitudes, and they are sensitive to climate change. Their projection into the future is highly problematic." (p. 18)
- **The feedbacks in the climate system that determine the magnitude and rate of temperature increases are uncertain:**

- ✓ “Because there is considerable uncertainty in current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols, current estimates of the magnitude of future warming should be regarded as tentative and subject to future adjustments (either upward or downward).” (p. 1)
- ✓ “Much of the difference in predictions of global warming by various climate models is attributable to the fact that each model represents these [feedback] processes in its own particular way. These uncertainties will remain until a more fundamental understanding of the processes that control atmospheric relative humidity and clouds is achieved.” (p. 4)
- **The direct and indirect effects of aerosols are uncertain:**
 - ✓ “The greatest uncertainty about the aerosol climate forcing—indeed, the largest of all the uncertainties about global climate forcings—is probably the indirect effect of aerosols on clouds.” (p. 14)
 - ✓ “The great uncertainty about this indirect aerosol climate forcing presents a severe handicap both for the interpretation of past climate change and for future assessments of climate changes.” (p. 14)
 - ✓ “Climate forcing by anthropogenic aerosols is a large source of uncertainty about future climate change.” (p. 13)
 - ✓ “Because of the scientific uncertainties associated with the sources and composition of carbonaceous aerosols, projections of future impacts on climate are difficult.” (p. 12)
- **The details and impacts of regional climate change resulting from global climate change are uncertain:**
 - ✓ “On the regional scale and in the longer term, there is much more uncertainty” with respect to effects on agriculture and forestry. (p. 19)
 - ✓ “The Northern Hemisphere as a whole experienced a slight cooling from 1946-75, and the cooling during that period was quite marked over the eastern United States. The cause of this hiatus in the warming is still under debate.” (p. 16)
 - ✓ “Health outcomes in response to climate change are the subject of intense debate. . . . The understanding of the relationships between weather/climate and human health is in its infancy and therefore the health consequences of climate change are poorly understood. The costs, benefits, and availability of resources for adaptation are also uncertain.” (p. 20)
 - ✓ “Changes in storm frequency and intensity are one of the more uncertain elements of future climate change prediction.” (p. 20)
- **The nature and causes of the natural variability of climate and its interactions with forced changes are uncertain:**
 - ✓ “Because of the large and still uncertain level of natural variability inherent in the climate record and the uncertainties in the time histories of the various forcing agents (and particularly aerosols), a causal linkage between the buildup of greenhouse gases in

the atmosphere and the observed climate changes during the 20th century cannot be unequivocally established.” (p. 17)

- ✓ The value of indirect effect of ozone changes induced by solar ultraviolet irradiance variations “remains highly uncertain.” (p. 14)

➤ **The future usage of fossil fuels and the future emissions of methane are uncertain:**

- ✓ “With a better understanding of the sources and sinks of methane, it may be possible to encourage practices . . . that lead to a decrease in atmospheric methane and significantly reduce future climate change.” (p. 13)
- ✓ “There is no definitive scientific basis for choosing among several possible explanations for these variations in the rates of change of global methane contributions, making it very difficult to predict its future atmospheric concentrations.” (p. 11)

In response to these gaps in our knowledge, **the National Academy of Sciences study also recommends, “research that couples physical, chemical biological and human systems; an improved capability of integrating scientific knowledge, including its uncertainty, into effective decision support systems, and an ability to conduct research at the regional or sectoral level that promotes analysis of the response of human and natural systems to multiple stresses.”**

The NAS report also indicates that to advance the understanding of climate change, it will be necessary to have “a global observing system in support of long term climate monitoring and prediction [and] concentration on large-scale modeling through increased, dedicated supercomputing and human resources.” In addition to the recent National Academy of Sciences report, the USGCRP has updated its ten-year plan and submitted it to the National Research Council (NRC) for review. High priority areas for further research are identified in numerous recent reports and documents, such as: *“Global Environmental Change: Research Pathways for the Next Decade” (NRC 1998)*, *“Capacity of US Climate Modeling to Support Climate Change Assessment Activities” (NRC, 1998)*, *“Adequacy of Climate Observing Systems” (NRC, 1999)*, and others.

Advancing the Science

The National Academy of Sciences report states that an “effective strategy for advancing the understanding of climate change will also require...efforts to ensure that climate research is supported and managed to assure innovation, effectiveness and efficiency.” Over the decade of the USGCRP, interagency management of the program has weakened. The National Research Council in its report, *“Global Environmental Change: Research Pathways for the Next Decade” (NRC 1998)*, identified the problem, and the USGCRP draft ten-year plan has proposed changes to the management structure. Such issues merit careful and high-level review, in consultation with the Congress.

Therefore, to advance the science of climate change and focus efforts on the many key areas of uncertainty, President Bush will:

- **Direct the Secretary of Commerce, working with other agencies, to set priorities for additional investments in climate change research**, to review such investments, and to maximize coordination among federal agencies.
- **Fully fund all priority research areas** that the review finds are underfunded or need to be accelerated relative to other research. Such areas could include the carbon cycle, climate modeling, and global water cycle.

The United States is making significant investments in the science of climate change and is pledging to accelerate its own research. Climate change is a global problem, however, and other nations must continue to advance the state of scientific knowledge.

The National Research Council, the US Global Change Research Program, and the World Meteorological Organization have all identified the building of a global observing system to monitor climate as being crucial to improving our understanding of the science of climate change. This system must include developing countries that have limited resources to make the necessary measurements.

The United States, Europe, and Japan each have significant climate modeling capabilities. The United States leads the world in the basic science of climate modeling, and Europe and Japan have built dedicated centers for climate modeling with a clearly defined mission.

Therefore, to enhance research, build a global climate observation system, and improve climate modeling, President Bush will:

- **Challenge the major greenhouse gas emitting countries** to increase significantly their investments in high priority areas of climate change research.
- **Provide up to \$25 million to help build climate observation systems in developing countries** throughout the world, and call upon other developed countries to provide matching funds for such an investment.
- **Propose a joint venture** with the European Union, Japan and others to develop state-of-the-art climate modeling to help us better predict the causes and consequences of climate change.

Annex I

Agency Roles in the USGCRP

US Department of Agriculture: USDA-sponsored research focuses on understanding terrestrial systems and the effects of global change (including water balance, atmospheric deposition, vegetative quality, and UV-B radiation) on food, fiber, and forestry production in agricultural, forest, and range ecosystems. USDA estimates changes in carbon stocks on forests and agricultural lands and greenhouse gas emissions from agricultural sources, and performs research on how agricultural and forestry activities such as afforestation, changes in tillage practices, and bioenergy can contribute to a reduction in greenhouse gases.

Department of Commerce/National Oceanic and Atmospheric Administration (NOAA): NOAA's ground, ocean, and satellite observations, with an emphasis on oceanic and atmospheric dynamics, circulation, and chemistry, are an important part of the U.S. research program. They have resulted in improvements in climate modeling, prediction, and information management capabilities. NOAA also sponsors a wide range of studies on ocean-land-atmosphere interactions, the global hydrological cycle, and the role of global transfers of carbon dioxide among the atmosphere, ocean and terrestrial biosphere in climate change; the projection and assessment of variability across multiple timescales and the study of the relationship between the natural climate system and society and the development of methodologies for applying climate information to problems of social and economic consequences.

Department of Defense: The Department of Defense continues a history of participation in the USGCRP through sponsored research that concurrently satisfies national security requirements and stated goals of the USGCRP.

Department of Energy: Research supported by DOE's Office of Biological and Environmental Research (BER) addresses the effects of energy production and use on the global Earth system, primarily through studies of climate response. It includes research in climate modeling, atmospheric chemistry and transport, atmospheric properties and processes affecting the Earth's radiation balance and sources and sinks of energy-related greenhouse gases (primarily CO₂). It also includes research on the consequences of atmospheric and climatic changes on ecological systems and resources, critical data needs for the detection and attribution of climate change, tools and methods needed to conduct scientific assessments of climate change, and education and training of scientists and researchers in global change.

National Institutes of Health: Four NIH institutes support research on the health effects of UV and near-UV radiation. Their main objectives include increased understanding of the effects of UV and near-UV radiation exposure on target organs (e.g., eyes, skin, immune system) and of the molecular changes that lead to these effects, and the development of strategies to prevent the initiation or promotion of disease before it is clinically defined. National Institutes of Environmental Health Sciences (NIEHS) supports research on the health effects of chlorofluorocarbon replacement chemicals, including studies on the metabolism and toxicity of hydrochlorofluorocarbons and halogenated hydrocarbons.

Department of the Interior/U.S. Geological Survey (USGS): Research at USGS examines terrestrial and marine processes and the natural history of global change, including the interactions between climate and the hydrologic system. Studies seek to understand the character of past and present environments and the geological, biological, hydrological, and geochemical processes involved in environmental change.

Environmental Protection Agency: EPA's Global Change Research Program is an assessment-oriented program with primary emphasis on understanding the potential consequences of climate variability and change on human health, ecosystems, and socio-economic systems in the United States. This entails: (1) improving the scientific basis for evaluating effects of global change in the context of other stresses and human dimensions (as humans are catalysts of and respond to global change); (2) conducting assessments of the risks and opportunities presented by global change; and (3) assessing adaptation options to improve society's ability to effectively respond to the risks and opportunities presented by global change as they emerge.

National Aeronautics and Space Administration: NASA research efforts in global change involve space-based studies of the Earth as an integrated system, including research and satellite programs studying atmospheric chemistry and ozone; ocean surface winds, tropical precipitation and the global hydrological cycle and climate variability cycle; and the global carbon cycle, ocean biological productivity and land surface vegetation and ecosystems. The space-based activity complements ongoing ground-based research programs in the observation, understanding, and modeling of radiation, climate dynamics, and hydrology and water resources; ecosystem dynamics and biogeochemical cycles; atmospheric chemistry; and the processing, archiving, retrieval, dissemination, and use of global change data. The focus is Earth system science, which involves interdisciplinary research and coupled modeling. Development of algorithms for retrieval of the information content of space-based observations is carried out as part of the flight mission.

National Science Foundation: NSF global change research programs support research and related activities to advance the fundamental understanding of dynamic physical, biological, and socio-economic systems and the interactions among them. The programs encourage interdisciplinary activities with particular focus on Earth system processes and the consequences of change. NSF programs facilitate data acquisition and information management activities necessary for fundamental research on global change, promote the enhancement of models designed to improve our understanding of Earth system processes and interactions, and develop advanced analytic methods to facilitate basic research. NSF also supports fundamental research on the general processes used by organizations to identify and evaluate policies for mitigation, adaptation, and other responses to the challenge of varying environmental conditions.

Smithsonian Institution: The Smithsonian Institution program strives to improve knowledge of the natural processes involved in global climate change, to provide a long-term repository of climate-relevant research materials for present and future studies, and to bring this knowledge to various audiences, ranging from scholarly to lay public. The unique contribution of the Smithsonian Institution is a long-term perspective – e.g., undertaking investigations that may require extended study before producing useful results and conducting observations on

sufficiently long (e.g. decadal) time-scales to resolve human-caused modification of natural variability.

Source: FY2001 edition of "Our Changing Planet" (the USGCRP annual report)

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Advancing Technology to Address Climate Change

"America is a leader in technology and innovation. We all believe technology offers great promise to significantly reduce emissions. So we are creating the 'National Climate Change Technology Initiative.'"

– President George W. Bush

Executive Summary

New technologies hold the promise of increasing our supply of energy more efficiently and more cleanly. Technology has also played and will continue to play an important role in reducing greenhouse gas emissions and controlling costs. Because greenhouse gas emissions come from many sectors of the economy, a wide variety of technologies will be needed. A portfolio of technologies to address climate change could include energy efficient technologies; lower carbon-emitting technologies; carbon capture, storage and sequestration technologies; and new technological discoveries yet to be made.

To advance the technology across each of these areas, President Bush will create the **National Climate Change Technology Initiative**. The President is charging the Secretaries of Commerce and Energy, working with other agencies, to:

- **Evaluate the current state of U.S. climate change technology research and development** and make recommendations for improvements.
- **Provide guidance on strengthening basic research** at universities and national laboratories, including the development of the advanced mitigation technologies that offer the greatest promise for low-cost reductions of greenhouse gas emissions.
- **Develop opportunities to enhance private-public partnerships** in applied research and development to expedite innovative and cost-effective approaches to reduce greenhouse gas emissions.
- **Make recommendations for funding demonstration projects** for cutting-edge technologies.
- **Develop improved technologies for measuring and monitoring** gross and net greenhouse gas emissions.

The National Climate Change Technology Initiative also will enhance coordination across federal agencies, and among the federal government, universities, and the private sector.

The Importance of Technology to Mitigate Climate Change

Technology will continue to play an important role in reducing greenhouse gas emissions and controlling costs. The long-term objective of the 1992 Framework Convention on Climate Change – to stabilize greenhouse gas concentrations in the atmosphere – can be addressed in two ways. First, by reducing emissions of greenhouse gases. Because greenhouse gases are emitted so broadly across society, no single technology appears to be sufficient to stabilize the increasing atmospheric greenhouse gas concentrations. Rather, **a portfolio of technologies aimed at improving energy efficiency, and increasing the use of low carbon fuels will help to reduce greenhouse gas emissions and ultimately to stabilize concentrations.**

Second, greenhouse gas concentrations can be addressed by means of capturing and sequestering gases, either at the source or after they have been released into the atmosphere. Limited carbon capture is occurring today, using currently available technologies. **Continued research and development is needed to explore advanced chemical and biological mechanisms to remove carbon dioxide from the atmosphere.**

General Investment Criteria

The Presidents of the National Academy of Sciences, National Academy of Engineering, and the Institute of Medicine have provided some general principles for government investment in technology. In “Preparing for the 21st Century: Science and Technology Policy in a New Era” (October 23, 1997), the Presidents of the Academies offered criteria for such investment, including:

- Direct government investments in science and technology should be focused on long-range, broadly useful research in basic technology and science, both of which produce benefits far in excess of what private sector entities can capture for themselves.
- The federal government should cooperate with the private sector so that the United States maintains a position of leadership in those technologies that promise to have a major and continuing impact on broad areas of industrial and economic performance.
- But the government need not invest in fields in which the private sector already has programs of development in place. Private firms have the primary responsibility for product development, but federal and state governments play an important role in enhancing the civilian technology base and its adoption through their economic, regulatory, and trade policies, their support for research and development, and their own procurement of technology.
- Maintaining U.S. leadership in science and technology despite budget constraints will require discipline in the allocation of resources for federal investments. Within the general constraints determined by national priorities, the selection of individual projects must reflect the highest standards of the scientific and technical community.

Assessing the Current State of U.S. Climate Change Technology Research

The U.S. government has funded research to develop several technologies that mitigate climate change. In general, these technologies are aimed at: increasing energy efficiency to reduce the amount of energy consumed for goods produced in the economy; creating opportunities to switch to fuels and products that emit relatively lower amounts of greenhouse gases; enhancing carbon removal and storage in terrestrial, ocean, and geological sinks; and exploring innovative concepts along unconventional paths to discover new ways to reduce greenhouse gas emissions, such as advanced biotechnology concepts.

In order to advance climate change technology research, President Bush will:

- **Charge the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the Secretary of Energy to evaluate the current state of U.S. climate change technology research and development and make recommendations for improvements.**

Strengthening Basic Climate Change Technology Research

The development of certain climate change mitigation technologies may be impractical for the private sector. Such technologies have some unique characteristics, including instances where the:

- Benefits are too widely spread for any one company to recover its investment at a profit;
- Cost or risk is too great for any individual company to bear alone; or
- Potential benefits are too far in the future to pass the threshold of private investment criteria.

Yet these advanced concepts may have the greatest potential to reduce greenhouse gas emissions at very low cost. For example, **technological advances in areas such as biotechnology offer the potential for dramatic innovations in many areas.** An important technology is the development of bioreactors that can harness the potential of microbial communities, such as photosynthetic bacteria, to produce clean fuels such as hydrogen. These bioreactors can exploit our increasing understanding of the biochemical pathways of microbial communities. While these biotechnologies are currently producing higher value products, like pharmaceuticals, significant new scientific research will be required for the direct production of fuels.

Similarly, **scientists have begun work on promising new technologies for the cost-effective capture and sequestration of carbon in terrestrial and marine ecosystems.** These opportunities may provide other environmental benefits as well, such as improved soil quality, better retention of moisture and nutrients, and reduced soil erosion. Researchers at the Department of Energy, for example, are studying “mineral carbonization,” a technique for turning gaseous CO₂ into an environmentally-benign mineral that could be used to refill mine pits in land reclamation efforts.

Research and development efforts to date show promise for several options. However, many options are still emerging concepts both in the United States and internationally. Estimates of their potential for mitigating climate change are large, but highly uncertain. Markets for these or other technologies will be developed if buyers have some assurance about the quantity and quality of the product they are purchasing. In addition, there are many scientific and technological challenges regarding costs, environmental impacts, and public acceptability that must be resolved before these climate mitigation technologies can reach their potential. How and how much to invest in these areas are questions that must be answered to ensure that we as a society can harness our technological resources and capabilities and find the most cost-effective and environmentally sound solutions to the risks posed by increasing atmospheric concentrations of greenhouse gases.

Therefore, President Bush has directed that the National Climate Change Technology Initiative will:

- **Provide guidance on strengthening basic research** at universities and national laboratories, including the development of the advanced mitigation technologies that offer the greatest promise for low-cost reductions of greenhouse gas emissions.

Enhancing Private-Public Partnerships

It is important to effectively use the technologies that are and will soon become available. For example, technologies designed to increase energy efficiency, such as industrial applications of combined heat and power (CHP), enable both the local generation of electricity and the efficient use of the byproduct heat. When the quantities of the heat and power produced are well matched to the requirements of an industrial plant or facility, total efficiency of the fuel utilization can reach 90 percent, avoiding significant emissions of CO₂.

Similarly, the United States can achieve significant reductions of energy consumption and the related emissions of greenhouse gases through building systems with integrated electronic sensors, “smart” windows, and computers to monitor, maintain, and manage building operations. Also, one of the most challenging and important elements of a comprehensive strategy to address long-term greenhouse gas emission reductions is to improve the efficiency of our transportation fleet. The development of higher efficiency, hybrid passenger vehicles is an important first step.

In addition to energy efficiency, there are opportunities to increase the use of fuels that emit fewer greenhouse gases. For example, increased use of biomass residues and development of herbaceous crops, like native American prairie switchgrass, can mitigate greenhouse gases from coal-fired power plants and reduce air toxic emissions. Similarly, biomass can be converted into simple chemicals and plastic substitutes from which a new chemical industry can be formed.

Currently, the Federal government has established partners in the private sector to advance these technologies. It is critical to enhance this role and ensure that partnerships with industry are directed toward the most mutually beneficial outcomes.

Therefore, President Bush has directed that the National Climate Change Technology Initiative will:

- **Develop opportunities to enhance private-public partnerships** in applied research and development to expedite innovative and cost-effective approaches to reduce greenhouse gas emissions.

Promoting Cutting Edge Technology

Cutting-edge technologies hold the promise of helping to reduce emissions of greenhouse gases. For instance, geothermal power plants have a proven record of performance for producing reliable base-load power with minimal environmental effects. However, substantial known resources have not been tapped. Advanced technology is being developed to make more geothermal resources economical over a larger portion of the country. In response to the electricity shortages in the West, a demonstration of the economic and environmental benefits of the next generation of geothermal power plant technology, such as improved condensers and heat exchangers, will spur new development. As much as 100 to 300 megawatts of additional geothermal power to replace combustion-fired facilities will become available at new and existing plants within the next two years.

Fuel cells, a product of America's space program, hold great promise for reducing emissions. As noted in the National Energy Policy, the first generation fuel cells for stationary power applications entered commercial markets in 1995 and the second generation is currently in the demonstration phase. Innovative demonstration projects will reduce the high cost of this technology and offer a great potential to meet our energy needs.

Therefore, President Bush has directed that the National Climate Change Technology Initiative will:

- **Make recommendations for funding demonstration projects** for cutting-edge technologies.

Technology for Measuring and Monitoring Gross and Net Emissions

A fundamental challenge in attracting private sector investment to land-based greenhouse gas emission reduction or carbon sequestration projects is the ability to accurately quantify the net changes. Private sector investors are reluctant to participate in projects without reliable and credible quantification of the uncertainties associated with different land management practices. Cost effective measurement systems will not only increase the attractiveness of agricultural greenhouse gas projects to investors, but can also provide valuable information to individual farmers and ranchers in optimizing the use of fuel, fertilizers and other substances.

Significant advances in the science of remote sensing, coupled with land-based measurements, create new opportunities to monitor and verify greenhouse gas emissions. New and improved sensors that can be mounted on earth observing satellites and high altitude aircraft can deliver a unique capability to regularly monitor greenhouse gases with high accuracy, including carbon dioxide, methane, and ozone. This effort requires collaboration between the federal government and the private sector.

Therefore, President Bush has directed that the National Climate Change Technology Initiative will:

- **Develop improved technologies for measuring and monitoring** gross and net greenhouse gas emissions.

PROMOTING COOPERATION IN THE WESTERN HEMISPHERE AND BEYOND

"CLIMATE CHANGE -- WITH ITS POTENTIAL TO IMPACT EVERY CORNER OF THE WORLD -- IS AN ISSUE THAT MUST BE ADDRESSED BY THE WORLD. EVEN WITH THE BEST SCIENCE, EVEN WITH THE BEST TECHNOLOGY, WE ALL KNOW THE UNITED STATES CANNOT SOLVE THIS GLOBAL PROBLEM ALONE. WE ARE BUILDING PARTNERSHIPS WITHIN THE WESTERN HEMISPHERE AND WITH OTHER LIKE-MINDED COUNTRIES."

-- PRESIDENT GEORGE W. BUSH

Executive Summary

Climate change is a global issue that requires a truly global solution. Even with the best science and the most innovative technology, neither the United States nor any other country can solve this problem alone.

That is why **President Bush is directing the Secretary of State, working closely with other agencies, to consult with nations in the hemisphere and throughout the world and identify areas for enhanced cooperation. Specifically, the Secretary of State will:**

- **Build on the recently signed CONCAUSA declaration with Central America**, which calls for "intensified cooperative efforts" on climate change.
- **Strengthen and expand scientific research within the Western Hemisphere**, exploring opportunities presented by the Inter-American Institute for Global Change Research and other potential institutional linkages.
- **Revitalize U.S. efforts to assist developing countries to acquire the tools and expertise needed to measure and monitor emissions**, and to identify and act on priority emissions of both CO₂ and non-CO₂ gases.
- **Promote the export of climate-friendly, clean energy technology**, building on recommendations of the President's National Energy Policy.
- **Promote sustainable forest conservation and land use in the developing world.**

A Global Problem

Climate change is a global issue that requires a global solution, embracing developed and developing countries alike. The major greenhouse gas emitting nations include not only industrialized countries such as the United States and Germany, but also developing countries such as China, India, and Indonesia.

Major Emitting Countries

NATION	Total Emissions (Millions of tonnes C per Year)	% of Global Total	Cumulative % of Global Total
1995 Global Total	6,173	100%	100%
United States of America	1,407	23%*	23%
China	871	14%	37%
Russian Federation	496	8%	45%
Japan	308	5%	50%
India	248	4%	54%
Germany	228	4%	58%
United Kingdom	148	2%	60%
Ukraine	120	2%	62%
Canada	119	2%	64%
Italy	112	2%	66%
Republic of Korea	102	2%	67%
Mexico	98	2%	69%
France	93	2%	70%
Poland	92	1%	72%
South Africa	83	1%	73%
Indonesia	81	1%	75%

* Note: When all greenhouse gas emissions are included, the U.S. total is less than 20%.
Source: Oak Ridge National Laboratories, U.S. Department of Energy

Partnerships for Climate Solutions

The United States has partnered on climate change issues through myriad activities with countries throughout the world. For example, through the U.S. Country Studies Program, we have helped 56 countries put together greenhouse gas inventories and action plans in the last eight years. We have worked with countries in Latin America, Asia and Africa to promote land use and forest conservation practices that promote carbon sequestration and other sustainable development goals. Through the Technology Cooperation and Agreement Pilot Project and other clean energy initiatives, the United States has worked with countries throughout the world to identify priority areas for adapting clean technologies in power supply and other sectors. And we have worked throughout the world on projects to reduce air pollution and emissions from non-CO₂ greenhouse gases.

President Bush intends to build on and strengthen our cooperation with countries in these and other areas. Thus, he has directed the Secretary of State, working closely with other agencies, to consult with our international partners and identify areas for cooperation in the Western Hemisphere and beyond.

Partnering in the Western Hemisphere

The Western Hemisphere offers exceptional opportunities for climate change in both the short and long term. The strong commitment to open democratic processes, market economies and sensible environmental solutions, as well as the growing economic ties in the region, provide a strong basis for increased cooperation on climate change.

Expanded CONCAUSA Declaration

As a first step, on June 7, 2001, the Secretary of State signed a Joint Declaration with seven Central American countries that reaffirms and broadens our joint efforts on sustainable development. The Declaration emphasizes “the need for intensified cooperative efforts to address climate change,” citing as priority areas for action:

- Scientific research;
- Estimating and monitoring greenhouse gases;
- Investing in forestry conservation;
- Enhancing energy efficiency;
- Promoting environmental technologies;
- Enhancing capacity to adapt to climate change; and
- Collaborating to better understand regional impacts of climate change.

An action plan will be developed based on the declaration, with details to be completed by the time of the U.N. General Assembly meeting in September of this year.

Strengthening Scientific Research in the Western Hemisphere

Countries in the Western Hemisphere have a strong history of cooperation on scientific issues, but the climate challenge demands more. Therefore, the Secretary of State in cooperation with other agencies will seek ways to:

- **Strengthen cooperation on the development and application of regional climate models** to better understand climate “hot-spots” such as the Caribbean monsoon region, the Amazon basin, the influence of the mountains from Alaska to Chile on regional climate, and the El Nino and La Nina phenomena.
- **Support enhanced observations, research, modeling, and application** through institutions such as the Inter-American Institute for Global Change Research and other countries.

Increasing Cooperation Globally

Monitoring, Measurement and Mitigation Assistance

In order for countries to reduce their greenhouse gas emissions, they need basic information about their emissions, which can help prioritize mitigation efforts. Countries’ ability to perform these vital tasks has been uneven to date. For example, it has been nearly ten years since the U.N. Framework Convention on Climate Change was established in 1992, yet only one-third of developing countries have submitted information on their emissions. Through the U.S. Country Studies Program, the United States has in the past been a leader in helping developing countries with the tools they need to measure and monitor their emissions, and to identify and act on priority emissions. Therefore, the Department of State, the Environmental Protection Agency and other agencies will:

- **Consider how to build on and substantially strengthen current efforts to cooperate with countries on the crucial tasks of emissions monitoring, measurement and mitigation.** These efforts will have an increased emphasis on effective mitigation of priority sources of CO2 and non-CO2 emissions.

Climate-friendly Technology

Energy use in developing countries is expected to account for three-quarters of the increase in global energy use between now and 2050, and our ability to effectively disseminate and adapt appropriate technologies is key to the climate change effort. Therefore, the United States will:

- **Explore ways of helping countries in the Western Hemisphere and throughout the world build the technical and policy foundations for a cleaner energy future.** This effort will build on the recommendations of the President's National Energy Policy, and will be guided by the strategic plan of the Clean Energy Technology Exports Working Group, a Federal interagency task force chaired by USAID and the Departments of Commerce and Energy.

Land Use and Forest Conservation

Substantial opportunities exist for early and significant reductions in greenhouse gas emissions through effective sequestration efforts in Latin America and elsewhere, with substantial benefits to biodiversity and conservation. Therefore, the United States will:

- **Work with others to promote sustainable forest conservation and land use, including through the Tropical Forest Conservation Act (which facilitates debt swaps with other countries to protect globally and regionally important tropical forests) and the establishment of a process of standardizing methodologies for measuring greenhouse gas reductions from sequestration projects.**

EXHIBIT 3



UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary of Commerce
for Oceans and Atmosphere
Washington, D.C. 20230

JUL 14 2005

The Honorable Frank R. Lautenberg
United States Senate
SH-324 Hart Senate Office Building
Washington, DC 20510

The Honorable Harry Reid
United States Senate
SH-528 Hart Senate Office Building
Washington, DC 20510

Dear Senator Reid and Senator Lautenberg:

I am writing in response to your letter of June 29, in which you request that we retract two reports of the Climate Change Science Program (CCSP), the *2003 Strategic Plan for the U.S. Climate Change Science Program*, and *Our Changing Planet: The Fiscal Year 2003 U.S. Global Change Research Program*, as well as any other climate change reports to Congress that may have incorporated editorial suggestions by Philip A. Cooney, the former Chief of Staff of the White House Council on Environmental Quality.

Respectfully, we believe that it is our responsibility to decline your request, for the reasons outlined below.

The process of reviewing and proposing editorial revisions to the draft documents is well established, and was followed in the preparation of these reports. All CCSP planning and program report documents undergo a well established review process that involves all thirteen of the federal agencies participating in CCSP (DOC/NOAA, EPA, DOE, NSF, NASA, USDA, DOI, State, AID, DOD, Smithsonian, DOT AND HHS), as well as three or more elements within the Executive Office of the President (OSTP, CEQ and OMB, and occasionally other elements).¹ Each CCSP document begins as a draft that is circulated to the sixteen (or more) agencies or offices mentioned above. Representatives of all sixteen entities – both scientific and non-scientific personnel – are invited to comment on the draft document by means of individual responses to the CCSP Office. The CCSP Office Director (coordinates the day-to-day operations of the interagency CCSP Office) and his immediate technical staff (Ph.D. – level scientists), as well as the CCSP Director (Senate-confirmed appointee who supervises the entire CCSP program and products) and his immediate technical staff (also Ph.D. – level scientists) are

¹ Please note that the principal scientific findings products (the *Scientific Synthesis and Assessment Products*) being produced by CCSP under the *Strategic Plan* mentioned above employ a specific, elaborate and transparent process to assure the scientific integrity of the reported findings. This process is described later in this letter.



responsible for considering all suggested editorial comments, and for final decisions about the text contained in the published document. It is common that many of the proposed editorial comments are not adopted, or are only partially adopted, by the CCSP senior technical management. In the end, the CCSP Director is responsible for the scientific integrity of these CCSP planning and program report documents.

The *CCSP Strategic Plan* is the centerpiece document guiding the overall conduct of the CCSP activities. It received unusually intensive scientific review – and was praised by the National Research Council. The comments in your letter of June 29 pertain to the editorial process used in the development of the *Discussion Draft* version of the *Strategic Plan*, published in November 2002. Subsequent to the dissemination of the *Discussion Draft*, CCSP:

1. Conducted a major international workshop in December 2002 with approximately 1,300 climate scientist participants whose inputs were used to revise the *Discussion Draft*.
2. Invited written comments from experts and interested public stakeholders, resulting in more than 900 pages of useful comments.
3. Requested and received detailed critique by a special committee of scientific experts convened by the National Academies' National Research Council (NRC).
4. Prepared the final version of the *Strategic Plan*, published in July 2003. This is the document-of-record for the *CCSP Strategic Plan*, and is one of the most widely reviewed government science planning documents to appear in many years.
5. CCSP also requested that the NRC review the final version of the *Strategic Plan*, and the NRC's final report, issued in February 2004, praised the scope and scientific integrity of the plan:

The Strategic Plan for the U.S. Climate Change Science Program articulates a guiding vision, is appropriately ambitious, and is broad in scope. It encompasses activities related to areas of long-standing importance, together with new or enhanced cross-disciplinary efforts. It appropriately plans for close integration with the complementary Climate Change Technology Program. The CCSP has responded constructively to the National Academies review and other community input in revising the strategic plan. In fact, the approaches taken by the CCSP to receive and respond to comments from a large and broad group of scientists and stakeholders, including a two-stage independent review of the plan, set a high standard for government research programs. As a result, the revised strategic plan is much improved over its November 2002 draft, and now includes the elements of a strategic management framework that could permit it to effectively guide research on climate and associated global changes over the next decades. Advancing science on all fronts identified by the program will be of vital importance to the nation.²

² NRC 2004 – *Implementing Climate and Global Change Research: A Review of the Final U.S. Climate Change Science Program Strategic Plan*. (Washington, DC, The National Academies Press). <http://www.nap.edu>

In view of the importance of the final version of the Strategic Plan (as published in July 2003), and in view of the intensive and positive pre- and post-publication scientific review that it received, it would be very disruptive and inappropriate to retract this document, thereby restricting its use as the guiding document for the major science and assessment updates that CCSP is currently producing.

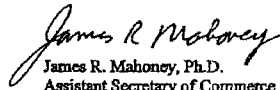
The *Our Changing Planet* documents are an annual series of program report documents required by the Global Change Research Act of 1990. As program updates conveying budget information for the entire program as well as budget details for each of the thirteen participating agencies, it is appropriate to have both scientific and non-scientific personnel review these documents. CCSP certainly has an obligation to assure that these documents are accurate, and we believe that this obligation is consistently met by all the recent documents in this series. We believe that it would be inappropriate and counterproductive to retract these documents also, thereby removing from the public record the most significant primary source of annual updates about program direction, priorities and budgets.

In accordance with its Strategic Plan, CCSP is producing a series of Scientific Synthesis and Assessment Products, which are all being produced with an intensive commitment to scientific peer review, transparency and public involvement. This series of twenty-one documents, to be published at various dates between late 2005 and 2007, will convey a highly important series of key findings about climate change. We commend these documents to your attention. Information about their areas of coverage, the guidelines for their production, and the schedule for their publication can be found in *CCSP Strategic Plan* (including any updates that may be published) and on the CCSP web site; www.climate-science.gov/Library/sap/default.htm. The following important steps are being followed in the process of completing these products:

1. Each product is identified and described in the July 2003 *CCSP Strategic Plan* and tracked on the CCSP web site as stated above.
2. Detailed guidelines for the preparation of these products were developed with extensive public input. The final version of the guidelines appears on the CCSP website.
3. All of the products will be prepared consistent with the requirements of the Information Quality Act.
4. All of the products will be drafted by expert groups in conformance with the provisions of the Federal Advisory Committee Act.
5. Each product will receive intensive scientific peer review, as well as general public review.
6. CCSP has initiated a new contract with the NRC that provides for the NRC to provide continuing analysis and advice on the conduct of the CCSP program including the preparation of the CCSP scientific products. The NRC advisory reports will all be public documents, and will provide the Congress and all interested stakeholders with independent reviews of CCSP performance.

We welcome continuing dialogue with you and your staff regarding progress with the CCSP program. We are pleased to provide you and/or your staff with ongoing information and updates on the progress and status of the CCSP activities, or responses to questions you may have.

With best regards,



James R. Mahoney, Ph.D.
Assistant Secretary of Commerce for
Oceans and Atmosphere, and
Director, Climate Change Science
Program

EXHIBIT 4



UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary of Commerce
for Oceans and Atmosphere

WASHINGTON, D.C. 20540

JUL 29 2005

The Honorable James M. Inhofe
United States Senate
722 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Inhofe,

I am writing in response to your letter of July 19, 2005, regarding the questions surrounding Mr. Rick Piltz and his involvement with the U.S. Climate Change Science Program (CCSP). As you know, CCSP was announced by President Bush in 2002 to integrate federal research on global change and climate change, as sponsored by 13 federal departments and agencies (the National Science Foundation, the Department of Commerce, the Department of Energy, the Environmental Protection Agency, the National Aeronautics and Space Administration, the Department of State, the Department of Interior, the Department of Agriculture, the Department of Health and Human Services, the Department of Transportation, the Department of Defense, U.S. Agency for International Development, and the Smithsonian Institution) in liaison with the Council on Environmental Quality (CEQ), the Office of Science and Technology Policy (OSTP), and the Office of Management and Budget (OMB). The goal of the program is to develop the best and most useful climate science information to support decision making through an open and transparent process.

The agencies participating in CCSP fund and supervise an interagency office -- the Climate Change Science Program Office (CCSPO) -- that fosters program development and coordination by coordinating research and observation, implementing communications activities, and providing Secretariat support for the CCSP Director and the CCSP Principals (an interagency governing body for CCSP incorporating a senior representative from each of the 13 CCSP agencies, CEQ, OSTP, and OMB).

My responses to your questions appear in bold below.

- 1) Please provide a thorough description of Mr. Piltz's academic and professional background including formal education, degrees held, scientific credentials, awards, and previous positions held both in and outside of government service.

Mr. Piltz worked as a contract employee, referred to as a "term" employee, for a number of years for the University Corporation for Atmospheric Research (UCAR). This organization provided the staff services of Mr. Piltz, and others, to CCSPO by means of an agreement between NASA and UCAR. Mr. Piltz's functional title was Senior Associate. While we desire to comply fully with your requests, we believe it would be more appropriate to contact Mr. Piltz's former employer, UCAR, for his



academic and professional information. (UCAR Point of Contact: R. Gene Martin, Director, Joint Office for Scientific Support, UCAR; Phone: 303 497-8682; Email: gmartin@ucar.edu)

2. Please describe the circumstances surrounding Mr. Piltz's departure including, but not limited to, whether Mr. Piltz was asked to resign from his position or whether he stepped down of his own accord.

As a result of information that had reached me regarding a number of complaints Mr. Piltz had been expressing to his colleagues at CCSPO, I scheduled a meeting with him and requested that the CCSPO Director and the CCSP principal representative of DOE attend the meeting as well. This meeting took place on February 22, 2005. During this meeting, I suggested he consider resigning or we might decide to terminate him if his pattern of complaints could not be resolved. I also suggested, at the end of the meeting, he consider his options and get back to me in the next few days. On February 28, 2005, Mr. Piltz submitted a letter of resignation from his position.

3. Please describe the nature of the documents Mr. Piltz accuses the White House Counsel on Environmental Quality (CEQ), and specifically Mr. Philip Cooney, of having altered. Were these public policy reports, summaries of research findings, budget documents, policy-oriented documents, or scientific studies?

Mr. Piltz has commented about two reports: a draft of the 10-year Strategic Plan for the Climate Change Science Program, and a draft of the Program's annual report to Congress, *Our Changing Planet*. Both final reports, by law, must be submitted to Congress. The Strategic Plan describes priority scientific questions to be addressed by the CCSP over the coming years. *Our Changing Planet* is a program report describing highlights of recent research activities and plans for future research to be conducted with funds included in the President's annual budget request.

4. Please describe the process by which these documents are reviewed. Is it customary or extraordinary for other executive branch agencies and/or CEQ to review and edit documents of the type in question?

The referenced reports were produced through a customary interagency review process. The thirteen CCSP agencies, CEQ, OMB, and OSTP reviewed the drafts, provided comments, and suggested editorial revisions. The comments and suggested revisions were considered by CCSPO scientific staff working under my supervision or by me, and revised drafts were prepared. These drafts were again circulated for final clearance and release. As Director of the CCSP, I have had final authority over the editorial process and the approved content of all CCSP reports disseminated since 2002.

5. Approximately how many edits were made by Mr. Cooney? To the best of your knowledge, did any specific edits made by CEQ misrepresent or misstate scientific facts of data? If any edits contained specific errors, were these errors contained in the final document, or corrected as part of the inter-agency process?

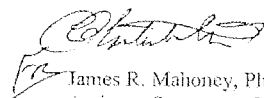
Mr. Cooney proposed many specific edits, as did others involved in the interagency review process for the two reports. These proposed edits ranged from corrections of grammatical errors to suggestions for insertions or deletions of text. To the best of my knowledge, the edits proposed by CEQ did not misstate any specific scientific fact, but some of the proposed edits challenged the degree of confidence to be attached to various scientific statements. As is the case for all reports produced through the CCSP interagency process, some of the proposed edits were accepted and others were modified or rejected. In my capacity as CCSP Director, I approved the final versions of the drafts. To the best of my knowledge, no errors were contained in the two reports.

6. Did Mr. Piltz undergo an exit review at the Department of Commerce or CCSP prior to his departure? If so, please describe the Department's exit procedure, who conducted this review, and the questions asked. To the best of your knowledge, did Mr. Piltz remove any internal documents, drafts of documents, computers, computer disks, related computer equipment, or other departmental materials from CCSP?

Mr. Piltz did not have an exit interview through CCSP, but we understand he completed a form at the request of UCAR upon the termination of his employment with that organization. During his tenure as a member of the professional staff of the office for the program, Mr. Piltz had access to many program documents. I have no direct knowledge as to whether Mr. Piltz removed internal documents, drafts, computer disks, or other related materials. However, I note that subsequent to his departure from the office, he provided samples of confidential documents to the public.

If you need further clarification on these issues or have any other questions concerning the Climate Change Science Program, I would be happy to meet with you or your staff.

With best regards,



James R. Mahoney, Ph.D.
Assistant Secretary of Commerce for
Oceans and Atmosphere, and
Director, Climate Change Science Program

Chairman WAXMAN. Dr. Hansen.

STATEMENT OF JAMES E. HANSEN

Mr. HANSEN. Thank you. Thank you, Chairman Waxman, for inviting me to testify. I testify today as a private citizen. I have been at a NASA laboratory in New York since I arrived in 1967 as a 25-year-old post doc. And I hope that my observations of changes in the past 40 years are useful to your Committee on Oversight and Government Reform.

In my written statement, I describe a growth of political interference with climate change science. The problem has been worst in the current administration. But it will not be solved by an election. There needs to be reform.

We cannot count on a new administration to give up powers that have accreted. The growth in political interference coincides with a growth in power of the executive branch. It seems to me that this growth of power violates principles upon which our democracy is based, especially separation of powers and checks and balances.

I have no legal expertise but I would like to raise three questions: No. 1, when I testify to you as a government scientist, why does my testimony have to be reviewed, edited, and changed by a bureaucrat in the White House before I can deliver it? Where does this requirement come from? Is not the public, who have paid for the research, are they not being cheated by this political control of scientific testimony?

Second question: Why are public affairs offices staffed by political appointees? Their job, nominally, should be to help scientists present results in a language that the public can understand.

They should not be forcing scientists to parrot propaganda. Indeed during the current administration, NASA scientific press releases have been sent to the White House for editing, as I discuss in my written testimony. If public affairs officers are left under the control of political appointees, it seems to me that inherently they become officers of propaganda.

Point No. 3, the primary way that the executive branch has interfered with climate science is via control of the purse strings. This is very, very effective.

Last February, a year ago, the executive branch slashed the Earth science research and analysis budget. That is the budget that funds NASA Earth science labs such as mine. They slashed it retroactively to the beginning of the fiscal year by about 20 percent. That is a going-out-of-business level of funding.

The budget is an extremely powerful way to interfere with science and bring scientists into line with political positions.

Some people have joked that at about the same time, the White House brought in a science fiction writer for advice on global warming. But this is not a joking matter.

We need more scientific data, not less.

And I am sorry that I don't have time to talk about the science, but if you give me 1 to 2 minutes, I would like to just summarize briefly.

The climate has great inertia because of the massive ocean and ice sheets. And it is hard to notice climate change because chaotic weather fluctuations are so large. But climate is beginning to

change. And it has become clear that there is a dominance of positive feedbacks. For example as ice melts, as forests move poleward, these increase the global warming further. And the upshot of the inertia plus the positive feedbacks is that if we push the climate system hard enough, it can obtain a momentum. It can pass tipping points, such that climate change continues out of our control. That is a condition we do not want to leave for our children.

There are many actions we could take to avoid that, actions that would have other benefits, as I discuss in my written testimony. And these are, of course, my opinions as a private citizen. Thank you.

Chairman WAXMAN. Thank you very much, Dr. Hansen.
[The prepared statement of Mr. Hansen follows:]

306

Political Interference with Government Climate Change Science

Testimony of

James E. Hansen
4273 Durham Road, Kintnersville, PA

to

Committee on Oversight and Government Reform
United States House of Representatives

19 March 2007

Political Interference with Government Climate Change Science

Contents

1. Rationale of Presentation
2. My Experience
 - A. White House Approval and Editing of Congressional Testimony
 - B. Communication Constraints by NASA Office of Public Affairs
 - C. Executive Control of Purse Strings
3. Practical Impact of Political Interference with Climate Change Science
 - A. Communication of Climate Change Threat
 - B. Delay of Action: Potential Economic Benefits Become Costs
 - C. Moral and Legal Burdens
4. Issues and Questions Raised
 - A. Propriety of Filtering Congressional Testimony
 - B. Politicization of Public Affairs Office
 - C. Executive Control of the Purse Strings
5. Summary Implications of Climate Change Science
 - A. Status of Science
 - B. Impact of Political Interference on Quality of Decision Making
 - C. Recommendations to Policy-Makers

1. Rationale of Presentation

I provide this testimony because I believe that my experiences illustrate flaws that have developed in the functioning of our democracy. And I will use part of my presentation to compare the benefits of early actions to defuse the building climate crisis with the dangers of continued business-as-usual fossil fuel emissions.

I claim no expertise in legal matters or politics. My approach is to try to imagine how our forefathers would have viewed our present situation and how they may have dealt with the climate change issue. A well-informed educated public was and is a premise of our democracy; it is easy for me to imagine Benjamin Franklin presenting an objective discussion of climate change that would be thoughtfully received. Another fundamental tenet of our democracy, separation of powers within our government, with checks and balances, is brought into focus by the climate crisis.

2. My Experience

A. White House Approval and Editing of Congressional Testimony

During the past 25 years I have noticed an increase in the degree of political interference with scientific testimony to Congress. My first testimony was to a United States House of Representatives hearing organized by Representative Al Gore in early 1982. I do not recall whether White House approval of that testimony was required, but in any case there were no objections to the content of that testimony¹.

I testified to the United States Senate about climate change at least three times in the period 1984-1988. These testimonies required approval by the White House Office of Management and Budget (OMB). I did not have direct contact with people in OMB, rather NASA Headquarters (usually the NASA Office of Legislative Affairs) was an intermediary between the scientist (me) and OMB. In one case I strongly objected to changes that OMB made to my testimony, because I felt that the changes substantially altered the conclusions of our research and served to reduce concern about possible human-made climate change.

In this case the NASA intermediary in the Office of Legislative Affairs volunteered the information that I had the right to testify as a private citizen and present my testimony with the wording that I preferred. I took advantage of that right, testifying as a private citizen, and never felt any repercussions for doing so.

In 1989, after climate change had become of greater public and political concern, the constraints on communication via congressional testimony became stricter, at least in my experience. When I submitted written testimony to NASA Headquarters in 1989 for presentation to a Senate Committee chaired by Senator Gore, my secretary was instructed by NASA Headquarters to send the original typescript to NASA Headquarters so that they could insert several changes that were required by the White House OMB. When I was informed of this I was angered, intercepted the typescript, and insisted that any changes had to be made in my office. Several acceptable rewordings were negotiated (NASA Headquarters being the

¹ In that testimony I summarized three papers published with colleagues in 1981, the principal paper being one in *Science* (Reference 1) in which we showed that, when Southern Hemisphere data were included, the Earth had warmed by about 0.4°C (0.7°F) over the previous century. The second paper showed that non-CO₂ gases caused a climate forcing almost as large as that of CO₂. The third paper showed that sea level had increased about 12 cm in the preceding 100 years and suggested for the first time, I believe, that thermal expansion of ocean water accounted for a significant fraction of sea level rise.

intermediary between OMB and me), but three changes² that OMB required were unacceptable to me. Unlike the case earlier in the 1980s, I was told by NASA Headquarters that I needed to accept the changes or not testify. I agreed to accept the changes, but I then sent a fax to Senator Gore requesting that he ask me during the hearing about those specific statements, because I wanted to make clear that they were the opinion of the White House OMB, not my opinion. (This exchange was briefly shown in the documentary “An Inconvenient Truth”.)

Review and editing of scientific testimony by the White House OMB seems to now be an accepted practice. The explanation I was given for why budgetary people should be allowed to review and edit scientific testimony was that NASA plans need to be consistent with the Administration’s budget. Discussion with NASA personnel in Legislative Affairs and in Science program offices suggests that people at NASA Headquarters believe that NASA must “play ball” with OMB if it wishes to be treated well in its annual funding. It seems to me that this raises constitutional questions, because it is my understanding that the Constitution provides the power of the purse strings to Congress, not the Executive Branch of our government. I return to this issue in Section 4 below, after discussing in Section 3 the practical impacts of this political interference in climate science.

B. Communication Constraints by NASA Office of Public Affairs

The Office of Public Affairs in science agencies such as NASA exists for the purpose of helping communicate scientific results to the public. During my career I have noticed an increasing politicization of Public Affairs at the Headquarters level, with a notable effect on communication from scientists to the public. I refer not to the professionals in the Public Affairs offices at the NASA science centers, but to Public Affairs at NASA Headquarters, which is in charge overall and is generally headed by a political appointee. Interference with communication of science to the public has been greater during the current Administration than at any time in my career. As I was quoted on the 2006 calendar of the Freedom Forum “In my more than three decades in government, I have never seen anything approaching the degree to which information flow from scientists to the public has been screened and controlled as it has now.”

The effect of the filtering of climate change science during the current Administration has been to make the reality of climate change less certain than the facts indicate and to reduce concern about the relation of climate change to human-made greenhouse gas emissions. For example, one of my staff members submitted a story based on his paper that found the ocean was less effective at removing human-made CO₂ than had previously been estimated. Public Affairs decided that this story should not be provided to the media. Another staff member had to attend

² The three changes were: (1) addition of a caveat after my discussion of expected climate changes due to increasing greenhouse gases that “these changes should be viewed as estimates from evolving climate models and not as reliable predictions”; this change negated much of the testimony, in which I argued, on heuristic grounds with support from models, that global warming would lead to increases in the extremes of the hydrologic cycle, i.e., more intense heat waves and droughts but also heavier rainfalls and floods; (2) addition of a suggestion that the increases of greenhouse gases could be partly or largely due to natural processes; again this was misleading because we were aware that the greenhouse gas increases are primarily of human origin; (3) addition of a statement that “any policy options which should reduce atmospheric CO₂ growth rates should make good economic and environmental sense, independent of concerns about an increasing greenhouse effect; although the meaning of this statement was unclear, it seemed to say that the greenhouse effect (global warming) should not have any effect on policies. Although some other scientists agreed with the White House OMB edits to my testimony (Reference 2), it was supposed to be my testimony.

a 'practice' press conference, in which he was asked whether anything could be done to stem accelerating loss of sea ice. When he suggested "we could reduce emissions of greenhouse gases" he was told sternly "that's unacceptable!", with the explanation that scientists are not allowed to say anything that relates to policy

An important example of political interference with the public's right to know has occurred with press releases relating to global warming science that have gone from NASA Headquarters to the White House for review, approval or disapproval, and editing. That this practice is inappropriate, if not illegal, is indicated by the response from NASA Public Affairs when I made note of this practice in a public talk (Reference 3). The NASA Assistant Administrator for Public Affairs traveled from Headquarters to Goddard Space Flight Center to deliver an oral "dressing down" of the professional writer at Goddard Public Affairs who had informed me about this practice. The writer was admonished to "mind his own business". This dressing down was delivered in front of the writer's boss. Such reprimands and instructions are delivered orally. If NASA Headquarters Public Affairs is queried by media about such abuses, they respond "that's hearsay!", a legal term that seems to frighten the media. My suggestion for getting at the truth is to question the relevant participants under oath, including the then NASA Associate Administrator for Earth Sciences, who surely is aware of who in the White House was receiving and reviewing press releases that related to climate change.

Communication constraints by NASA Headquarters Public Affairs came to light in December 2005, after some of the instructions by Headquarters Public Affairs were written down in memos and e-mails. This occurred shortly after my "Keeling" talk (Reference 4) at the American Geophysical Union meeting in San Francisco and the release within a week thereafter of our (GISS, Goddard Institute for Space Studies) analysis of global temperature, which showed record global temperature in 2005. NASA Headquarters Public Affairs was furious about the media attention, their anger being sparked by a call from the White House objecting to the publicity on global warming. The consternation, expressed during several three-way telecons between Headquarters-GSFC/Greenbelt-GISS/New York, was described by a participant as a "shit-storm". The upshot was a new explicit set of constraints on me, including requirement that any media interviews be approved beforehand and that Headquarters have the "right of first refusal" on all interviews, that I provide my calendar of all planned talks and meetings, and that I obtain prior approval for every posting on the GISS web site.

These orders were delivered orally, as usual, as was a threat of "dire consequences" if I did not comply. However, a new young political appointee at Public Affairs, apparently was not well-schooled in the rules and left a paper trail, including a description of a specific instance in which Public Affairs barred me from speaking to NPR, offering the Associate Administrator in my stead. These indiscretions were perhaps the primary reason for his departure from NASA, rather than the fact that his resume failed to show that he was one course short of the university degree that he claimed. However, he was not acting on his own or affecting communication with the public in a way contrary to the wishes of his bosses. The paper trail that he left showed that the problem starts at the top, the decision to bar me from speaking with NPR being made "on the ninth floor" of Headquarters.

It became clear that the new constraints on my communications were going to be a real impediment when I was forced to take down from our web site our routine posting of updated global temperature analysis. At that time I decided to write down the constraints that I had been placed under and to inform the media. An article appeared in the New York Times by Andy

Revkin, who had the courage to go with a story that had a limited paper trail. To NASA's credit, the Administrator promptly issued an unequivocal statement in support of scientific openness.

However, in no way has the impact of deception of the public about climate change been undone by NASA's forthright decision in favor of scientific openness. There remains a vast gap between what is understood about global warming, by the relevant scientific community, and what is known about global warming by those who need to know, the public and policy-makers. This gap should be of concern to the Committee on Oversight and Government Reform, because it relates in part to ways in which the functioning of our government is departing from the intentions of our forefathers. Of special relevance is the usurpation of congressional prerogatives by the executive branch, especially via increased control of the purse strings.

C. Executive Control of Purse Strings

The American Revolution launched the radical proposition that the commonest of man should have a vote of equal weight to that of the richest, most powerful citizen. Our forefathers devised a remarkable Constitution, with checks and balances, to guard against the return of despotic governance and subversion of the democratic principle for the sake of the powerful few with special interests. They were well aware of the difficulties that would be faced, however, placing their hopes in the presumption of an educated informed citizenry, an honestly informed public.

I have sometimes wondered how our forefathers would view our situation today. On the positive side, as a scientist, I like to imagine how Benjamin Franklin would view the capabilities we have built for scientific investigation. Franklin speculated that an atmospheric "dry fog" produced by a large volcano had reduced the sun's heating of the Earth so as to cause unusually cold weather in the early 1780s, as he noted that the enfeebled solar rays when collected in the focus of a "burning glass" could "scarce kindle brown paper". As brilliant as Franklin's insights may have been, they were only speculation as he lacked the tools for quantitative investigation. No doubt Franklin would marvel at the capabilities provided by earth-encircling satellites and super-computers that he could scarce have imagined.

Yet Franklin, Jefferson and the other revolutionaries must be distraught by recent tendencies in America, specifically increasing power of special interests in our government, concerted efforts to deceive the public, and arbitrary actions of government executives that arise from increasing concentration of authority in a unitary executive, in defiance of the aims of our Constitution's framers. These tendencies have dramatic impact on the global warming story.

Last year, about one month after the media hubbub about NASA Public Affairs' censoring of science, the mission of the National Aeronautics and Space Administration (NASA) was altered surreptitiously by executive action and the budget for Earth Science Research and Analysis was slashed retroactively to the beginning of the fiscal year, thus subverting constitutional division of power. Many people are aware that something bad happened to the NASA Earth Science budget last year, yet the severity of the cuts and their long-term implications are not universally recognized. In part this is because of a stealth budgeting maneuver, which I suspect most members of Congress are not aware of.

When annual budgets for the coming fiscal year are announced, the differences in growth from the previous year, for agencies and their divisions, are typically a few percent. An agency with +3 percent growth may crow happily, in comparison to agencies receiving +1 percent. Small differences are important because every agency has fixed costs (civil service salaries,

buildings, other infrastructure), so new programs or initiatives are strongly dependent upon any budget growth and how that growth compares with inflation.

When the administration announced its fiscal 2007 budget, NASA science was listed as having typical changes of 1 percent or so. However, Earth Science Research and Analysis actually had a staggering reduction of about 20 percent from the 2006 budget that Congress had passed. How could that be accomplished? Simple enough: reduce the 2006 research budget retroactively by 20 percent! One-third of the way into fiscal year 2006, NASA Earth Science was told to go figure out how to live with a 20-percent loss of the current year's funds.

The Earth Science budget was further tightened in 2007 and is almost a going-out-of-business budget. From the taxpayers' point of view it makes no sense. An 80 percent budget must be used mainly to support infrastructure (practically speaking, you cannot fire civil servants; buildings at large facilities such as Goddard Space Flight Center will not be bulldozed to the ground; and the grass at the centers must continue to be cut). But the budget cuts wipe off the books most planned new satellite missions (some may be kept on the books, but only with a date so far in the future that no money needs to be spent now), and support for contractors, young scientists, and students disappears, with dire implications for future capabilities.

Bizarrely, this is happening just when NASA data are yielding spectacular and startling results. Two small satellites that measure the Earth's gravitational field with remarkable precision found that the mass of Greenland is now decreasing by about 150 cubic kilometers of ice per year and West Antarctica by a similar amount. The area on the ice sheets with summer melting has increased markedly, major ice streams (portions of the ice sheet moving most rapidly toward the ocean and discharging icebergs) have increased doubled in flow speed, and the area in the Arctic Ocean with summer sea ice has decreased 20 percent in the last 25 years.

One way to avoid bad news: stop the measurements! Only hitch: the first line of the NASA mission is "to understand and protect our home planet." Maybe that can be changed to "...protect special interests' backside."

I should say that the mission statement *used* to read "to understand and protect our home planet." That part has been deleted—a shocking loss to me, as I had been using that phrase to justify speaking out about the dangers of global warming. The quoted mission statement had been constructed in 2001 and 2002 via an inclusive procedure involving representatives from the NASA Centers and e-mail interactions with NASA employees. In contrast, elimination of the "home planet" phrase occurred with no fanfare in a spending report delivered to Congress in February 2006, the same report that retroactively slashed the Earth Science research budget. In July 2006 I asked dozens of NASA employees and management people (including my boss) if they were aware of the change. Not one of them was. Several expressed concern that such management changes by fiat would have a bad effect on organization morale.

These budgetary goings-on in Washington were noted in editorials of *The Boston Globe*: "Earth to NASA: Help!" (June 15, 2006) and "Don't ask; don't ask" (June 22, 2006), both decrying the near-termination of Earth measurements. Of course, the *Globe* might be considered "liberal media". But it is conservatives and moderates who should be most upset, and I consider myself a moderate conservative. When I was in school we learned that Congress controlled the purse strings; it is in the Constitution. But it does not really seem to work that way, not if the Administration can jerk the science budget around the way they have. It seems more like David Baltimore's "Theory of the Unitary Executive" (the legal theory that the president can do pretty much whatever he wants) is being practiced. My impression is that conservatives and moderates would prefer that the government work as described in the Constitution, and that they prefer to

obtain their information on how the Earth is doing from real observations, not from convenient science fiction (see Reference 5).

3. Practical Impact of Political Interference with Climate Change Science

A. Communication of Climate Change Threat

There is little doubt that the Administration's downplaying of evidence about global warming has had some effect on public perception of the climate change issue. The impact is to confuse the public about the reality of global warming, and about whether that warming can be reliably attributed to human-made greenhouse gases.

However, I believe that the gap between scientific understanding of climate change and public knowledge about the status of that understanding probably is due more to the impact of special interests on public discourse, especially fossil fuel special interests, rather than political interference with climate change science.

I have no knowledge of whether special interests have had a role in political interference with climate change science. Nevertheless, it is my personal opinion that the most fundamental government reform that could be taken to address climate change and government accountability in general would be effective campaign finance reform.

B. Delay of Action: Potential Economic Benefits Become Costs

The effect of leaving the public confused about the reality of human-caused climate change is to delay actions needed to put the nation and the world on an energy pathway that would preserve creation, the planet that civilization developed on. If these actions are taken early, changes can be phased in gradually with great economic benefit to the nation.

Delay, on the other hand, means that changes will need to be made rapidly and thus inefficiently. Less appropriate technologies must be, in effect, "bull-dozed" before they are "worn out", and our industry will not be ready with more appropriate technology. Early action would provide our industry a long-term competitive advantage.

An example is provided by vehicle efficiency. The 30% improvement in automobile and light truck efficiencies proposed by California, if adopted nationally, would result in an annual reduction in oil import requirements of more than \$100 billion dollars, with oil at \$50 per barrel (Reference 6). This is opposed by United States automobile manufacturers and oil companies, who, in my opinion, seem more concerned with their short-term profits than with the best long-term interests of the nation, the planet, and future generations.

C. Moral and Legal Burdens

The most troubling impact of the political interference with climate change science is the potential burden that we leave for our children and grandchildren. The Administration continually points to China, which will soon pass the United States as the largest emitter of CO₂, as a reason for minimalist action by the United States on greenhouse gas emissions.

However, the science unambiguously shows that climate change is driven by cumulative emissions, not current emissions. Cumulative emissions of the United States are more than three times that of any other nation (Reference 7) and will continue to be the largest for decades. Furthermore, rather than negotiating on the terms of the international accord designed to reduce emissions in developed countries and slow the growth of emissions in developing nations, the United States walked away, thus preventing effective implementation.

One consequence is that, as indigenous people must abandon their land to rising seas or shifting climatic zones, they will be well aware of the principal source of the problem. Thus if we continue on this course, failing to effectively address climate change, we will leave a heavy moral burden, and perhaps a legal burden, for our children.

If the science and communication of the science were not interfered with, and if our children were allowed to express a preference, would they choose the current path of our government for energy and climate? I think not. Even with knowledge that fundamental changes will be needed to phase into a different energy course, I am confident they would want the United States to play a leadership role.

4. Issues and Questions Raised

A. Propriety of Filtering Congressional Testimony

What is the basis, what is the rationale, by which Congress allows the Administration to filter, edit and alter scientific testimony of government scientists delivered to Congress? Is this behavior a right that is granted to the Executive branch by the Constitution or authorized by other official instruments?

Presumably there is basis for this practice or it would not be tolerated. However, based on my experiences, discussed in part above, it seems to me that the practice is detrimental to the functioning of our democracy. The taxpayers foot the bill for most of the research by government and academic scientists. Thus the public should not be denied the full benefit of knowledge that derives from that research.

B. Politicization of Public Affairs Office

The problem stems from the fact that Public Affairs offices at the headquarters level of the science agencies are headed by political appointees. The inevitable result is a pressure for science to show the answers that the party in power prefers to see. This is true independent of which party is in power. Any such pressure contradicts the nature of scientific investigation, which relies on unprejudiced evaluation of all alternatives.

The best solution to this problem would be to have the Public Affairs offices professionally staffed, with no political appointees. If this is not possible, they should be renamed as Offices of Propaganda.

C. Executive Control of the Purse Strings

When I came to NASA 40 years ago as a 25 year old post-doc it seemed to me that the NASA approach was to focus on excellence in science and engineering. It was expected that Congress and the White House would provide funding based on merits. Perhaps I was naïve. But I did not get any sense that NASA was working for the White House. There has been a huge change between then and now.

The Executive branch seems to be exercising greater control in the functioning of our government, in ways that our forefathers probably did not imagine and almost certainly would not approve. This includes White House control of testimony to Congress, White House control of information that scientists provide to the public through Public Affairs, and most decidedly through control of the purse strings.

Control of the purse strings is the most powerful of the tools in the hands of the Executive branch. It has a tremendous effect on information that is provided to Congress and to

the public. You may think that a government scientist can easily exercise his right of free speech, to speak as a private citizen as I am today. But how many will do so, when the power of the purse strings is held by the Executive branch? You may think that there are plenty of government scientists who are confident of their ability to get a job elsewhere or would not mind being sent off to pasture. But it is not so simple as that. With the purse strings the Executive branch holds hostage your “children”, your science programs, and your colleagues’ livelihood. It is not easy to face your colleagues when they feel that you are damaging their support.

5. Summary Implications of Climate Change Science

A. Status of Science

Progress in climate science during the past several years has increased our understanding of how sensitive the Earth’s climate is to forcings, such as human-made emission of gases into the atmosphere by burning fossil fuels. This understanding derives especially from the Earth’s history, which shows how the Earth responded to changing forcings in the past (Reference 7).

The data show that the Earth’s climate has considerable inertia, due especially to the massive oceans and ice sheets. Yet the climate can change dramatically on century time scales, and even on decadal and shorter time scales.

The evidence confirms a predominance of positive feedbacks that amplify climate response on short time scales, these feedbacks including increasing atmospheric water vapor and decreasing sea ice cover as the planet becomes warmer. However, the data also indicate the presence of feedbacks on decadal, century and longer time scales. These feedbacks include movement of forests and other vegetation poleward as the climate warms, increased net emission of greenhouse gases from the ocean and biosphere, and decrease in the area and brightness of ice sheets.

The predominance of positive feedbacks, along with the inertia of the oceans and ice sheets, has profound practical implications. It means that if we push the climate system hard enough it can obtain a momentum, it can pass tipping points, such that climate changes continue, out of our control. Unless we begin to slow down the human-made climate forcings, there is the danger that we will create a different planet, one far outside the range that has existed in the course of human history (References 7, 8, 9).

It is because of these climate feedbacks and the inertia of the ocean and ice sheets that the global warming problem differs fundamentally from the problem of conventional air pollution (Reference 12). By the time that the public can clearly see the existence of climate change, there is momentum in the system for a great deal of additional change. As a result we are probably already very near, if not beyond, the dangerous level of interference with atmospheric composition. I have discussed the possibility of drawing down atmospheric CO₂ by burning biofuels in power plants and capturing and sequestering the CO₂ (Reference 13). However, by far the most effective actions at this time would be to slow current emissions to the atmosphere, while better understanding and improved technologies are developed.

B. Impact of Political Interference on Quality of Decision Making

Political interference in transmittal of information about climate change science to the public has deleterious effects on the quality of decision making. Science cannot make decisions for the public. The public and policy makers must consider all factors in making decisions and

setting policy. But these other factors should not influence the science itself or the presentation of science to the public.

One consequence of political interference is that the public is not yet well-informed about the nature and scale of actions that will be needed to address climate change. This is important because it will take time for the public and their policy makers to thoughtfully consider these matters. As an example of the nature and scale of actions that I believe will be needed to address climate change, I list in the following section some specific recommendations that I discussed at a recent presentation in Washington (Reference 13).

C. Recommendations to Policy-Makers

1. Moratorium on new coal-fired power plants until the technology for CO₂ capture and sequestration is available. The reason for this is that about a quarter of CO₂ emissions will remain in the air “forever”, i.e., more than 500 years. As a result, I expect that it will be realized within the next decade or so, that all power plants without sequestration must be “bull-dozed” before mid-century. Thus it makes sense to give high priority to energy efficiency and renewable energies in the near-term.

2. A gradually but surely increasing price on carbon emissions is needed to drive energy efficiency improvements and innovative technologies. The results will include high-tech high-pay jobs, technologies that will increase our exports and improve our balance of payments, improved energy independence and national security. It will require a strong leader to level with the public that a tax on carbon emissions is needed. If this is introduced along with technology investments, the public should be provided options that will reduce their carbon emissions and limit their taxes. The government should avoid trying to specify the technology “winners”.

3. Energy efficiency standards are needed in addition to a price on carbon emissions. Architects and engineers agree that the technology exists now for new and renovated buildings to produce 50 percent less CO₂ than existing buildings, and emissions can be further reduced in the future. National adoption of the proposed California vehicle efficiency standards would make a huge reduction in our oil and energy needs, as discussed above. Barriers to efficiency, such as the fact that utilities make greater profits if they sell more energy, rather than if they encourage efficiency, need to be removed.

4. Congress should request the National Academy of Sciences to carry out a study on the stability of ice sheets, which is likely to be a driver in determining what level of global warming constitutes “dangerous” interference with the climate system (Reference 11). The United Nations Intergovernmental Panel on Climate Change already provides periodic reports of the science, at about 6-year intervals, but the problem is too urgent and important for the country to rely solely on such assessments. The National Academy of Sciences was established by Abraham Lincoln in part with just such “Service to the Nation” in mind.

5. Congress needs to address the following threats to American democracy: (1) the public’s right to unfiltered information, including congressional testimony free of political interference, and Public Affairs (public information) offices that are staffed by professionals not by political appointees, (2) the absence of effective campaign finance reform.

As long as these threats to democracy are not addressed it will be difficult to deal with human-made climate change successfully. The Committee on Government Oversight and Reform seems an appropriate place to raise these issues.

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Chairman WAXMAN. Mr. Deutsch.

STATEMENT OF GEORGE C. DEUTSCH III

Mr. DEUTSCH. Thank you, Mr. Chairman. My name is Deutsch. I am 25 years old. I live in Nederland, TX. Until February 2006 I was a public affairs officer at NASA.

I would like to begin by thanking the committee, and specifically Chairman Waxman for allowing me the opportunity to testify. I believe most people would agree that NASA is a place of wonder and excitement. As a young man from a small southeast Texas town near the Johnson Space Center, I saw the opportunity to join the NASA family as a dream come true.

My path to NASA began around June 2004 when I left Texas A&M University, one course shy of graduating, to take a position as an intern in President Bush's reelection campaign and, later, the Inaugural Committee. After the Inauguration I applied for a Presidential appointee position and was offered jobs by NASA and the Department of Labor.

To the best of my recollection, I disclosed on various occasions the fact that I had not completed my degree.

I accepted an entry-level public affairs position at NASA at the age of 23 and after several months I became a public affairs officer in NASA's Science Mission Directorate [SMD]. There I worked in a team with two career civil servants. The most senior civil servant in the group functioned as our team leader. Collectively, it was our duty to facilitate communications between NASA and the public.

Not long after joining SMD, I became aware of Dr. James Hansen, a distinguished and internationally renowned climate scientist. I learned that Dr. Hansen disagreed with what I understood to be NASA's standard practices for responding to media requests. Among those practices were the public affairs officer should listen to interviews as they were being conducted, that superiors can do interviews in someone's stead, and that NASA employees should report interview requests to the Public Affairs Office.

It was my understanding that these practices all existed prior to my joining NASA and that I and other NASA employees were expected to follow them. The purpose of these guidelines was to encourage agency coordination and accurate reporting. Sharing interview requests with NASA headquarters, for example, gives headquarters officials a better grasp of what is going on at NASA centers. These practices weren't unique to one individual or group. They were agencywide.

Dr. Hansen can certainly address these issues himself today, but as I understood it at that time, he found these practices to be cumbersome. This created a level of frustration among my higher-ups at NASA who wanted to know about interviews before they happened.

I have addressed these issues in more detail in my written testimony, but here is one example. On or about December 14, 2005, the Los Angeles Times and ABC News contacted NASA to inquire if the agency was going to release information addressing whether 2005 was the warmest year on record. In response, headquarters granted the Los Angeles Times an interview with Dr. Waleed Abdalati, a veteran NASA climate scientist. In that interview, Dr.

Abdalati stated they could not confirm that 2005 was the warmest year on record. Yet on December 15th, Dr. Hansen appeared on ABC's Good Morning America program and submitted the letter to the Journal of Science, concluding that 2004 tied 1998 as the warmest year on record.

Senior NASA officials conveyed to me that they were unaware of the release of this information being coordinated with headquarters or peer-reviewed. That day NASA headquarters received a deluge of media inquiries on the matter, inquiries headquarters was ill-equipped to handle because no one had been briefed on Dr. Hansen's findings. The same senior NASA officials were, to say the least, upset by this procedural breach.

Press Secretary Dean Acosta asked me to document these events in a memo that was cosigned by a career civil servant Dwayne Brown. Subsequently, several media reports accused national political appointees and others of censoring Dr. Hansen. I can only speak for myself. I never censored Dr. Hansen and I don't think anyone else at NASA did either.

In February 2006, I learned that the New York Times was looking into whether the resume I submitted to NASA incorrectly stated that I had obtained a degree from Texas A&M University in 2003. I had created that resume sometime prior to 2003. At the time the resume was created, it would have been clear that I was referring to an anticipated degree. My mistake was that when it later came time to apply for jobs, I failed to update the resume to convey that I was one course shy of graduating. As I said, to the best of my recollection, I told the hiring officials I spoke to that I did not have my degree. But I recognize and take full responsibility for the fact that I should have updated the resume to better reflect this point. This was an honest mistake.

Rather than see the agency continue to be tarnished in the media, I resigned in February 2006. Later that year I finished my only remaining class and received my Bachelor of Arts degree from Texas A&M University.

Since working at NASA, I have tried my hardest to continue to devote my life to public service. I have done work for a non-partisan/nonprofit United Way agency in Texas dealing with mental health issues, and I hope to launch a call-in mental health radio program in a local Texas radio station.

During my time at NASA, administrator Mike Griffin released a statement on scientific openness in which he said, "It is not the job of public affairs officers to alter, filter, or adjust engineering or of scientific material produced by NASA's technical staff. To ensure the timely release of information there must be cooperation and coordination between our scientific and engineering community and our public affairs officers."

These two sentences capture my feelings exactly. Thank you, Mr. Chairman. I would be happy to answer your questions.

[The prepared statement of Mr. Deutsch follows:]

March 19, 2007, Testimony
House Committee on Oversight and Government Reform
George C. Deutsch III

Thank you, Mr. Chairman. My name is George Deutsch. I am 25 years old, and I currently live in Nederland, Texas. Until February 2006, I was a Public Affairs Officer (PAO) at NASA.

I would like to begin by thanking the Committee, and specifically Chairman Waxman, for allowing me the opportunity to provide testimony today. I would also like to thank the Committee's staff for their graciousness and kindness. It is my sincere hope that my testimony will shed light on my role in NASA's Public Affairs office and on the larger questions the Committee has convened to examine.

I. My Path to NASA

I believe most people would agree that NASA is a place of wonder and excitement, a place where dreams become realities, and a place people love to work. I certainly feel this way. As a young man from a small Southeast Texas town near the Johnson Space Center, I saw the opportunity to join the NASA Family as a dream come true.

The path that led me to NASA began around June 2004. While still an undergraduate student at Texas A&M University (I have since graduated), I was contacted through the student newspaper I worked at by President George W. Bush's reelection campaign and was offered an internship. Though in my final course and final semester, I withdrew from school and accepted the once-in-a-lifetime position. Like many idealistic young college students interested in the way government works, I hoped to contribute to the political process.

Though characterized by long hours, hard work and no pay, the campaign internship was rewarding, allowing me to improve my writing skills and to gain some needed experience. My responsibilities grew over time, and by Election Day I had helped write articles and other materials on behalf of the campaign, a former state governor, a U.S. senator and several U.S. veterans, among others.

Following the campaign, I worked for the Presidential Inaugural Committee as an assistant in the Office of Communications. There, I gained experience in handling media queries and also helped in writing the Inaugural guide book and correspondence on behalf of the Inaugural co-chairs, in addition to other duties.

I then applied for a position as a presidential appointee and was offered jobs by NASA and the Department of Labor. To the best of my recollection, I disclosed on various occasions the fact that I had not completed my college degree.

II. My Work at NASA

I accepted an entry-level Public Affairs position at NASA. At the time, I was 23 years old. In early February 2005, I began my career as a writer/editor in NASA Internal News & Communications (referred to as NASA INC). My responsibilities included internal communications duties, from drafting agency-wide e-mails to statements on behalf of the NASA Administrator or Deputy Administrator. I began searching for a different job within the agency with greater responsibilities, and after several months, I became a Public Affairs Officer in the Science Mission Directorate (SMD).

Around August or September of 2005, I began to work as a PAO in SMD. I worked in a team with two other PAOs: career civil servants Erica Hupp and Dolores Beasley. Ms. Beasley was later replaced by another career civil servant, Dwayne Brown. Collectively, it was our duty to coordinate interviews, handle media queries, draft and edit press releases and otherwise facilitate communications between NASA, SMD and the general public. This was a responsibility the entire team felt privileged to have, and one we took very seriously. And though we would sometimes work on things individually, we tended to function as a group. The most senior member of the group – initially Dolores Beasley and then Dwayne Brown – functioned as the team leader. It was typical for the SMD PAOs to be somewhat familiar with the workload each was carrying and to coordinate with each other throughout the day.

In spite of what I'd achieved in my career at this point, I was still somewhat youthful and inexperienced – and far from perfect. I sent an e-mail to NASA Web designer Flint Wild on October 17, 2005, expressing my personal religious views, views I understood Mr. Wild to share. I think we will all agree that everyone is entitled to their own personal and religious views, but in hindsight, a NASA e-mail was certainly not the best place to share them. Regardless of my personal views, the crux of the e-mail was that I asked Mr. Wild to refer to the big bang theory as a theory in his posting to the NASA Web site, in accordance with "AP style as written in the latest Associated Press Stylebook 2005." I stated that no other changes should be made to the posting. I did not ask that Intelligent Design be inserted. I had sent the e-mail only to Mr. Wild.

At that time, NASA press releases and other written communications did not consistently follow rules of grammar and style. To correct this problem, the leadership of Public Affairs at NASA instructed PAOs to follow the Associated Press Stylebook in all press releases and other written communications.

Not long after joining SMD, I became aware of Dr. James Hansen, the Director of NASA's Goddard Institute for Space Studies (GISS) and a distinguished and internationally renowned climate scientist. I learned that Dr. Hansen disagreed with what I understood to be NASA's standard practices for responding to media requests. Among those practices were that PAOs should listen to interviews as they're being conducted, that superiors can do interviews in someone's stead (known as the "right of first refusal"), and that NASA employees should report interview requests to the Public Affairs office. In fact, one of my duties was to send out a daily e-mail to senior NASA Public Affairs personnel known as "On The Record," in which I detailed the day's media requests. It was my understanding, based on my discussions with career Public Affairs personnel, that these practices had all existed in some form or fashion prior to my joining

NASA, and all were well known to NASA's Public Affairs staff, both at Headquarters and at the respective centers. I did not create these practices, but I understood that I and other NASA employees were expected to follow them, and for good reason.

The reason for such media relations guidelines, to my understanding, was to encourage agency coordination and accurate reporting. Sharing interview requests with NASA Headquarters, for example, creates a level of transparency between the NASA centers and Headquarters, and gives Headquarters officials a better grasp of what's going on at NASA's centers. PAOs may listen to or make audio recordings of interviews in order to protect the integrity of the conversation by making sure a speaker is not misquoted. Similarly, I believe the "right of first refusal" policy was not unique to NASA and is similar to the media policies of many large corporations and organizations. It simply leaves the media decision-making up to the most senior official, who is in the best position to speak on behalf of the agency. At NASA, these practices weren't unique to one individual or group, they were agency wide. In fact, most scientists I worked with who expressed any opinion on the policies found them to be helpful and comforting.

But Dr. Hansen did not share these views. He can certainly address these issues himself today, but as I understood it at the time, he found the policies cumbersome. This created a level of frustration among my higher-ups at NASA, who wanted to know about interviews before they happened instead of afterwards. They expected me and all other PAOs to share our interview requests in advance. They expressed their frustration to me and, collectively, we expressed our frustration to Dr. Hansen's personal press representative, Leslie Nolan-McCarthy.

In December 2005, National Public Radio (NPR) asked for an interview with Dr. Hansen. NASA Press Secretary Dean Acosta decided to offer NPR interviews with senior SMD personnel instead. These ultimately included Dr. Mary Cleave, Dr. Colleen Hartman and Dr. Jack Kaye. NPR declined to interview any of these three scientists. NPR later interviewed Dr. Hansen on different occasions.

On December 14, 2005, the *Los Angeles Times* and ABC News contacted NASA to inquire if the agency was going to release information addressing whether 2005 was the warmest year on record. They had apparently been informed by GISS that NASA would release this information on the following day. To address the inquiries concerning 2005, Headquarters granted the *Los Angeles Times* an interview with Dr. Waleed Abdalati, a veteran NASA climate scientist. In that interview, Dr. Abdalati stated that he could not confirm that 2005 was the warmest year on record. Yet, on December 15, Dr. Hansen submitted a letter to the journal *Science* and conducted an interview with ABC's *Good Morning America* program concluding that 2005 tied 1998 as the warmest year on record. Senior NASA officials – specifically Strategic Communications Director Joe Davis and Press Secretary Dean Acosta – conveyed to me that they were unaware of the release of this information being coordinated with Headquarters or peer reviewed. That day, NASA Headquarters received a deluge of media inquiries on the matter, inquiries Headquarters was ill-equipped to handle because no one had been briefed on Dr. Hansen's findings. The same senior NASA officials were, to say the least, upset by this procedural breach, and Mr. Acosta asked me to document these events in an internal "PAO Point Paper," which was cosigned by career civil servant Dwayne Brown.

Subsequently, several media reports accused NASA political appointees and others of censoring Dr. Hansen. I can only speak for myself and my time at NASA. I never censored Dr. Hansen, and I do not believe others at NASA did either.

III. My Departure from NASA

In February 2006, I learned the *New York Times* was looking into whether the resume I submitted to NASA reflected that I had obtained a degree from Texas A&M University in 2003. I had created that resume sometime prior to 2003, and the resume inaccurately indicated a 2003 degree. At the time the resume was created, it would have been clear to the reader that I was referring to an anticipated degree. My mistake was that when it later came time to apply for political appointee positions, I failed to update the resume itself to convey that I was still one course shy of graduation. As I said earlier, to the best of my recollection, I told the hiring officials I spoke to in the Administration, including at NASA, that I did not have my degree, and it was never a problem. But I certainly recognize and take full responsibility for the fact that I should have updated the resume itself to better reflect this point. This was an honest mistake.

After I learned the *Times* was going to accuse me of submitting an inaccurate resume and trying to impose my religious views on the agency, I was told by my superiors at NASA that the story had become “about you,” that it was “too much,” and that everyone just wanted it to “go away.” Rather than see the agency continue to be tarnished in the media, I resigned on February 7, 2006. In spite of the negative publicity I knew this would result in for me, I felt it was the best move for the agency and its employees, as the issue had become a distraction from all the wonderful work NASA was doing. I feel I made the right decision.

Later that same year, I finished my only remaining class and received my Bachelor of Arts degree from Texas A&M University. Since working at NASA, I have tried my hardest to continue to devote my life to public service, something I truly love and feel committed to. Still, it has been a difficult journey. Since 2006, I have done public relations work for a nonpartisan, nonprofit United Way agency in Texas dealing with mental health issues. I feel that the mental health needs of Americans are under-addressed and that those who suffer are too often stigmatized. Earlier this year, I was fortunate enough to help launch a call-in mental health radio program on a local Texas radio station. The hour-long show features Licensed Professional Counselors and other guests offering free mental health information to listeners.

While the situation that unfolded at NASA was unfortunate, I do not feel it makes me any less capable of helping others or making the world a better place to live.

During my time at NASA, Administrator Mike Griffin released a “Statement on Scientific Openness” in which he said, “It is not the job of Public Affairs Officers to alter, filter or adjust engineering or scientific material produced by NASA’s technical staff. To ensure timely release of information, there must be cooperation and coordination between our scientific and engineering community and our Public Affairs Officers.” These two sentences capture my feelings exactly.

Chairman WAXMAN. Thank you, Mr. Deutsch. I will now proceed to questioning from the members of the panel and two 10-minute rounds controlled by the Chair and the ranking member. I will start off first.

Mr. Cooney, thank you very much for being here. I appreciate you having taken the time last week to sit with the committee staff in a deposition. And that deposition helped clear up a lot of points which will allow us to focus on the major issues today.

It is clear from documents that the committee has received that you played a major role in reviewing and editing scientific reports about climate change. And I want to begin my questioning by asking about your qualifications for editing scientific reports. My understanding is that you are not a scientist, that you are a lawyer by training, with an undergraduate degree in politics and economics; is that correct?

Mr. COONEY. That is correct.

Chairman WAXMAN. And prior to your move to the White House in 2001, you worked for more than 15 years at the American Petroleum Institute; is that correct?

Mr. COONEY. That's correct.

Chairman WAXMAN. The American Petroleum Institute [API], is the primary trade association for the the oil industry, isn't it? And they are essentially lobbyists for the oil industry, aren't they?

Mr. COONEY. That is a fair characterization, yes.

Chairman WAXMAN. My understanding is that your last position with the American Petroleum Institute was as team leader of the climate team. Climate change was a major issue for the Petroleum Institute and they were very concerned about this whole matter from an economic point of view.

While you were at the Petroleum Institute, the Petroleum Institute prepared an internal document entitled "Strategic Issues: Climate Change," and this is exhibit H.

You have seen this document, haven't you, Mr. Cooney?

Mr. COONEY. Exhibit H?

Chairman WAXMAN. Yes.

Mr. COONEY. Yes. I saw this document last week during my deposition.

Chairman WAXMAN. This document was prepared during API's budget review while you were employed there. It discusses why climate change is important to API and the strategies API will use to combat governmental action to address global warming.

According to this document, "Climate is at the center of industry's business interests. Policies limiting carbon emissions reduce petroleum product use. That is why it is API's highest priority issue and defined as strategic."

One of the key strategies used by the Petroleum Institute was to sow doubt about climate change science. Member companies and spokesmen for the Petroleum Institute regularly exaggerated the degrees of scientific uncertainty and downplayed the role of humans in causing climate change. What bothers me is that you seem to bring exactly the same approach inside the White House—and I want to ask you about that.

We received hundreds of edits that you and your staff at the White House Council on Environmental Quality made to Federal

climate change reports. And there seem to be consistent reports to these edits. They exaggerate uncertainties and downplay the contribution that human activities, like burning petroleum products, play in causing climate change.

So when I look at the role you played at the American Petroleum Institute and then the role you played at the White House, they seem virtually identical. In both places you were sowing doubt about the science on global warming.

I would like you to respond to those concerns. Do you have a comment about my observation? Do you think that I am being unfair to you?

Mr. COONEY. I do in some respects, Mr. Chairman. When you characterize the efforts of the American Petroleum Institute, we did have scientists who participated on our multidisciplinary team on climate. We also had economists and press people and lobbyists, of course. Our focus was lobbying on the Kyoto Protocol. But to the extent that our scientists participated in science, often they provided public comments in good faith.

For example, on the prior administration's national assessment, our economists and scientists submitted public comments for the record, trying to comment constructively and improve that process, and they had the background to do so, the scientists and economists who were working on that.

You know, one thing that was brought to my attention in the deposition was the funding for Carnegie Mellon University. They had an esteemed program on studying, from what I understood—I wasn't very acquainted with it—but it was studying the connection between climate change and potential health impacts and funded MIT, I believe—

Chairman WAXMAN. You think I am being unfair to the Petroleum Institute in my characterization?

Mr. COONEY. I think we surely were opposed to the Kyoto Protocol, but I do think in many cases our scientists tried to participate responsibly in some of the public dialog that was going on and to offer legitimate views that weren't merely about sowing uncertainty, as you have described.

Chairman WAXMAN. My staff released an analysis of hundreds of changes that you and your staff made to Federal scientific reports. Where the draft reports said that climate change will cause adverse impacts, you changed the text to say that these changes may occur.

Where the draft reports said that the climate change would damage the environment, you inserted the qualifier, "potentially."

Where the report described adverse economic effects, you modified the text to say that the economic effects could be positive or negative.

Mr. Cooney, aren't the edits you were making exactly the kinds of changes the Petroleum Institute itself would have made to these reports?

Mr. COONEY. Mr. Chairman, the comments that you described—and really these were recommendations on Federal reports, they weren't hard edits—they were offered within the context of an interagency review process with a lot of people providing recommendations to Dr. Mahoney. But you know—

Chairman WAXMAN. Who is Dr. Mahoney?

Mr. COONEY. Dr. Mahoney was at the end of the process and he was the Assistant Secretary at Commerce for Oceans and Atmosphere and the Director of the administration's Climate Change Science Program Office that was ultimately responsible for the publication of the 10-year Strategic Plan and the "Our Changing Planet" report.

Chairman WAXMAN. So you were making recommendations to him?

Mr. COONEY. Within an established interagency process. And the comments that you are describing that I made, you know, my comments of a scientific nature were really derivative. And as I said in my testimony they relied on the major findings of the National Academy of Sciences, according to the report that it released for the President in June 2001. And it talked about many of the localized and regionalized impacts of climate change being very poorly understood and of the inability of climate change models to project impacts at a localized and regional level. And so, for example, the reliance on that type of language would have led to my comments.

In the end, Dr. Mahoney didn't take many of my comments. He rejected a number of my comments. And that is the nature of our process.

Chairman WAXMAN. Mr. Cooney, as I understand it, every time the National Academy of Sciences had certainty, you tried to delete that certainty or change it so that it was uncertain.

Mr. Hansen, you are one of the Nation's leading experts on climate change. What is your view of the changes made by Mr. Cooney and his staff at the White House? Are they consistent with the types of assertions that the oil companies and the Petroleum Institute were making about the lack of scientific certainty about climate change? Or were they simply trying to make sure that scientific edits confirmed what the National Academy of Sciences was saying?

Mr. HANSEN. I think that—I believe that these edits, the nature of these edits is a good part of the reason for why there is a substantial gap between the understanding of global warming by the relevant scientific community and the knowledge of the public and policymakers, because there has been so much doubt cast on our understanding that they think it is still completely up in the air.

Chairman WAXMAN. You think the edits raised doubt where there was a consensus?

Mr. HANSEN. Because they consistently are always of one nature, and that is to raise doubt.

Of course there are many details about climate that remain to be understood. But that doesn't mean that we don't have a broad understanding.

Chairman WAXMAN. In a 1998 document from the Petroleum Institute that is called, "Global Climate Science Communications Action Planning," which I would like to make part of the record as exhibit T—and without objection.

It says, "Victory will be achieved when average citizens understand uncertainties in climate science, recognition of uncertainties becomes part of the conventional wisdom, and media coverage re-

flects balance on climate science in recognition of the validity of viewpoints that challenge the current conventional wisdom.”

So when I compare this Petroleum Institute document with your activities at the White House, Mr. Cooney, I find it is hard to see much of a distinction. The Petroleum Institute is defining victory as sowing doubt in the public about the certainty of climate change science, and that is what your edits to Federal climate change reports appear to do.

Mr. COONEY. Mr. Chairman, I will try to be concise and say if you look at chapter 3 of the policy book that the President issued on June 11, 2001, in conjunction with the speech he gave in the Rose Garden where he spoke at length about climate change science and the findings at the National Academy, there are at least 50 to 75 direct quotations from the National Academy report that he had requested.

And it was part of what he released on June 11th. And that was our foundational document for reviewing these budgetary reports. It had truly nothing to do with my prior employment at the American Petroleum Institute. When I came to the White House, my loyalties—my sole loyalties—were to the President and his administration.

Chairman WAXMAN. Thank you very much. Let me just point out, while my time has expired, that the points where you raised uncertainty were the places where the National Academy of Sciences were fairly certain, and the other parts where they were uncertain I don't think that was affected. We will get into that more, I think, in the questioning.

Mr. COONEY. Mr. Chairman, may I offer one more thing?

Chairman WAXMAN. Certainly.

Mr. COONEY. This document from 1998 from the American Petroleum Institute, I don't really recall the whole story except to say that I was not involved on the climate change issue at the time this document was prepared.

Chairman WAXMAN. Thanks. Well, that document was prepared—

Mr. COONEY. In 1998.

Chairman WAXMAN [continuing.] To express the views of the Petroleum Institute as to what they wanted to do on climate change and that seemed to be consistent when you were there.

The National—the President's speech wasn't made—that you are citing as your blueprint—wasn't given while you were at the White House, but submit that was guiding your policies at the White House.

Mr. COONEY. It was given 2 weeks before I joined the Council on Environmental Quality staff. And so it was the roadmap that was established before I arrived.

Chairman WAXMAN. Thank you. Mr. Issa.

Mr. ISSA. Thank you, Mr. Chairman. Boy, there is a lot to cover here today, and I hope I get through most of it.

Dr. Hansen, let me start with you, because we have been talking about something from the petroleum industry from 1998. But in 2000—you, I understand are the author, the proponent for the alternative scenario theory you argued that the rapid warming in recent decades was driven mainly by noncarbon dioxide greenhouse

gases, basically the chlorofluoro carbons—methane, nitrous oxide and the like. Do you still hold that 2000—year 2000 view of global warming?

Mr. HANSEN. The data in the 2000 paper is very good data, very—we have an accurate knowledge of the forcings by different greenhouse gases. That is one part of the problem which is very well established. We know how much carbon dioxide has increased, how much nitrous oxide and methane chlorofluoro carbons have increased, and the sum of these non-CO₂ gases provide forcing approximately the same as that by CO₂.

Mr. ISSA. OK. So in 2000 and today, you would say that more than half of global warming—but at that time you said that it was not CO₂, but in fact these other gases. Now you would say it is 50/50—

Mr. HANSEN. No, I did not say it is not CO₂. It is a very qualitative paper. If you look at it, the forcing by CO₂ was then about 1.4 watts and the forcing by non-CO₂ gases is comparable. And then there are other factors also—

Mr. ISSA. I appreciate that. And I will let you be the physicist and I will try to be the guy up here that is trying to muddle through a better understanding of both the science but, more importantly, the policy here.

Your quote at the time was that it had not been driven mainly by—it was driven mainly by noncarbon dioxide. So it was getting close to even at that point?

Mr. HANSEN. It is approximately the same, the CO₂ forcing and the non-CO₂ greenhouse gases. I think that what you may be referring to is the fact that I pointed out that the same burning of fossil fuels, that process produces not only carbon dioxide but aerosols, which are small particles in the atmosphere, and those are also cooling. So if you calculate the net effect of those, that reduces the net fossil fuel effect on a temporary basis. But the problem is these small particles have a lifetime of only 5 days, and we are attempting to clean those up because they are air pollution.

Mr. ISSA. Sure. I understand we can cool the environment if we blacken the sky, but that may not be the best way to cool the environment. I am with you on that, Doctor.

But I guess when I look back to some of these arguments going on within science—you don't call them arguments but debates—as late as 2000, you and other scholars were debating, you know, in various papers—you were debating the differences of what was causing what. And to a certain extent, you still are. Is that correct?

Mr. HANSEN. Oh, sure, that is always going on. Yes.

Mr. ISSA. So this isn't settled science.

Mr. HANSEN. There are many aspects of it which are settled and—

Mr. ISSA. What are those aspects that are totally settled? Name one aspect that is totally settled in the science.

Mr. HANSEN. The climate forcing, that which drives the climate change, many parts of that are quantitatively very well settled. And carbon dioxide is the largest forcing, and it is now the fastest growing forcing. And it is going to dominate the future global climate change. That has become very clear.

Mr. ISSA. And I appreciate that because I think that is an area that we should all focus on here a lot today because—Mr. Cooney, I am going to go to you for a second.

Prior to coming to the White House, you worked for the American Petroleum Industry. We have established that. You were in your role, among other things, an attorney; is that correct?

Mr. COONEY. Earlier in my career there, yes.

Mr. ISSA. So your client was the Institute.

Mr. COONEY. Yes. The members of the Institute.

Mr. ISSA. When you came on as—among your other attributes you are an attorney—your client became who when you came to work in Washington for this administration? Who was your client?

Mr. COONEY. The President.

Mr. ISSA. So, very different loyalties between petroleum and the President, right?

Mr. COONEY. Yes.

Mr. ISSA. So when the President talks about switchgrass, when he puts forward budgets that include billions of dollars for various areas of climate study, including roughly a billion dollars for the area that Dr. Hansen is most thoroughly involved in, that is your client, right?

Mr. COONEY. Absolutely, yes.

Mr. ISSA. When the President includes in each of his speeches the need to get unhooked or get rid of the addiction to petroleum, that is your client, right?

Mr. COONEY. Correct.

Mr. ISSA. And you represent that client and would—wouldn't have a conflict there?

Mr. COONEY. My sole loyalty was to the President and advancing the policies of his administration.

Mr. ISSA. I don't see a conflict there. I must tell you that I came from an industry where I produced car alarms, and I have no loyalty to the car alarms nor animosity to the car thieves that exist in Washington today. I have moved on.

And that will be quoted, I am sure.

Dr. Hansen, you have been quoted, speaking of quotes, and correct me if I'm a little off on this, but the way the quote is here it says, "Debating a contrarian leaves the impression that there is still an argument among theorists that science is still uncertain."

You have said that many times, plus or minus a few words.

Mr. HANSEN. Yes.

Mr. ISSA. Does that mean that your opinion among scientists—because this talks about contrarians, not Mr. Cooney, because he wasn't the decisionmaker, as has been shown by the fact that when it bubbled up to somebody with "doctor" in front of their name, most of it got ignored—among scientists, you appeared to believe that the debate about this—any aspect of science being settled, that you think is settled, has a chilling effect on people's understanding. You said so in your opening remarks here today. Is that—you said that the American people were not—were confused by these contrarian opinions. I guess we would be talking about Senator Jimmy Inhofe who says there isn't global warming. You say it is settled science; is that correct?

Mr. HANSEN. I wouldn't state it the way that you just did.

Mr. ISSA. Please rephrase.

Mr. HANSEN. What I refer to is the fact that very often the media, sometimes with pressure from special interests, will present balance. And balance means we have one person describing the science and one person who disputes it, even in cases where the science is 99 percent certain.

And both of them speak in a technical language which to the public often sounds like they are, you know, technical scientists, and they don't understand the language. And so it looks like a 50/50 thing, even when it is not.

Mr. ISSA. OK. Well, you know, having been somebody that is still befuddled about whether Pluto is a planet or not, I share that layman's understanding.

But it appears as though you have become an advocate for limiting that debate to coming up with consensus that certain things are settled, such as CO₂ is a major cause of global warming and no one should be able to dispute that.

Mr. HANSEN. No, that is not true at all. What I am an advocate for is the scientific method. And with the scientific method you present—you look at all sides of a story equally, without prejudice.

Now, what we have in the case of some of these contrarians is simply making negative statements without—without presenting—you know, they act more like lawyers than like scientists. They present all the evidence they can think of for one side of the story, rather than acting like scientists. And that is why I say it is a mistake to get involved with professional contrarians, because they are to confuse the public that is basically—

Mr. ISSA. I appreciate that. Last July 20th, you pulled out of a hearing and it was one in which there was a peer involved. And my understanding from quotes you made at the time was that, one, you were infirmed, but you said you would get out of your sick bed if they were serious about the science.

Mr. HANSEN. Yes, if they want to speak about science seriously, that is a different story. But if they just want to do the contrarian story just for the sake of publicity, then I don't see much point in that.

Mr. ISSA. So today you are on a panel with no contrarians, so that is OK.

Mr. HANSEN. Today we are talking about government reform, and I think that some is needed in this case.

Mr. ISSA. OK. Well, my time is nearly ended, but Mr. Deutsch—is my time over?

Chairman WAXMAN. Yes.

Mr. ISSA. Let me ask one final thing. You are very young. You were 22 years old and plus or minus 3 credits of being a college graduate. Do you think you may have ruffled Dr. Hansen's feathers simply because you were young and inexperienced?

Mr. DEUTSCH. Apparently I did.

Mr. ISSA. Perhaps not skilled in the ways of public affairs.

Mr. DEUTSCH. I can't speak for Dr. Hansen, but I very well may have.

Mr. ISSA. I will hold for the second round. Thank you, Mr. Chairman.

Chairman WAXMAN. Thank you, Mr. Issa. Mr. Welch.

Mr. WELCH. Thank you, Mr. Chairman.

Mr. Cooney, you indicated in your statement that your loyalty was to the President who appointed you, correct?

Mr. COONEY. Correct.

Mr. WELCH. You also indicated that your responsibility was to align executive branch reports with administration policy, correct?

Mr. COONEY. Correct.

Mr. WELCH. And the administration had a pretty clear energy policy during the time of the ongoing energy crisis, which included recovery in the search for new oil and petroleum products, correct?

Mr. COONEY. It included that. There were many other elements.

Mr. WELCH. Well, it included supporting drilling in the Arctic National Wildlife Reserve, correct?

Mr. COONEY. It did. It included extended—

Mr. WELCH. It included drilling offshore, correct?

Mr. COONEY. I don't recall.

Mr. WELCH. It included maintaining royalty relief for the oil companies for the recovery of gulf oil, even as the price of oil increased over \$60 a barrel?

Mr. COONEY. I don't recall that was an element of the National Energy Policy in the spring of 2001—

Chairman WAXMAN. It included tax breaks that Congress gave the oil industry at time when they had \$125 billion in profits, correct?

Mr. COONEY. Congressman, I can say that later in my years in the administration, we opposed oil and tax—excuse me, tax incentives for oil and gas exploration for the oil industry—

Mr. WELCH. Let's get real. Let's get real. ANWR, offshore drilling, tax breaks, all advocated publicly, aggressively, by the Bush administration, passed by a Republican Congress; yes or no?

Mr. COONEY. That was an element—

Mr. CANNON. Would the two of you yield? When you're talking about tax breaks, you're talking about tax breaks that have been in law for a long time, or since then? I'm wondering.

Mr. WELCH. You will have your chance, my good friend.

Mr. COONEY. There were many elements of the policy: the promotion of nuclear energy, the increase of fuel economy, standards for light trucks, a mandate for renewable fuels and the sale of transportation fuels for ethanol which was enacted in 2005. There were many elements to the policy that were not necessarily to the advantage of the oil and gas industry, which were administered policies.

Mr. WELCH. Did that policy of the Bush administration—and you supported the President in his policies—include promoting drilling in ANWR?

Mr. COONEY. Yes, Congressman.

Mr. WELCH. Well, did it include support breaks that were passed by Congress to the oil industry?

Mr. COONEY. I don't recall that being an element.

Mr. WELCH. Let's ask a few specific questions here.

You reviewed the CEQ, and this document is the strategic plan for the Climate Change Science Program which was issued in 2003. The committee has multiple drafts. You've seen them. You have been asked about them in your deposition; and, in fact, at your

deposition, you acknowledged that this was edited at least five times, on October 28, 2002; May 30, 2003; June 2, 2003; June 16, 2003; and once before the final version was released. Is that correct? Yes or no?

Mr. COONEY. That sounds correct.

Mr. WELCH. And when we examined your edits, we found a large number of changes that very clearly had the effect of emphasizing or exaggerating the level of uncertainty surrounding global warming science. In your first round of edits, there were 47 edits that introduced additional uncertainty; in the second round, you made 28 edits that made global warming seem less certain, and in your third round of edits, you made 106 changes that introduced additional uncertainty. That is a total of 181 edits. I want to ask you about these edits.

Take a look at exhibit C. You are ready for this.

When the draft arrived on your desk, lines 40 to 42 read, "recent warming has been linked to longer growing seasons, grass species decline, changes in aquatic diversity, in coral bleaching." You inserted the words "indicated as potentially" introducing a greater level of uncertainty into that report. Right or wrong?

Mr. COONEY. Right. I inserted those words.

Mr. WELCH. And I assume that you referred to some scientific report for introducing this change that contradicted the report of the scientists.

Mr. COONEY. This is not a report of the scientists.

Mr. WELCH. Here's a simple question. You made a change. You had a basis for the change. My question is this: What was the basis of your change?

Mr. COONEY. It was the National Academy of Science's June 2001, report.

Mr. WELCH. And tell us specifically, in that report you are now referring to, where the National Academy said "potentially."

Mr. COONEY. Well, the National Academy identified the uncertainties associated with regional outcomes of climate change as one of the fundamental scientific questions that remained and needed to be studied.

Mr. WELCH. My question is simple. It's an important question. You made a change. You overruled the written report of a scientist in your department.

Mr. COONEY. I didn't overrule it.

Mr. WELCH. Where specifically can you find support to authorize the important scientific conclusion on the issue of climate change?

Mr. COONEY. On page 19 of the report it states, on a regional scale and in the longer term, there is much more uncertainty. At page 21 of the National Academy of Sciences report, it says, "Whereas all models project global warming and global increases in precipitation, the sign of precipitation varies among models for regions. The range of model sensitivities and the challenge of projecting signs of precipitation changes for regions represents a substantial limitation in assessing climate impacts."

Mr. WELCH. Dr. Hansen, does this make the slightest bit of sense?

Mr. HANSEN. I think the connection between warming and longer growing seasons is very straightforward, and I don't see the need for this sort of qualification.

Mr. WELCH. Thank you.

Please turn to exhibit D, Mr. Cooney.

When you received the June 5, 2003, draft, page 294 read, "Climate modeling capabilities have improved dramatically and can be expected to continue to do so. As a result, scientists are now able to model earth system processes in the coupling of those processes on a regional and global scale with increasing precision and reliability."

The CEQ completely, completely deleted these sentences, right?

Mr. COONEY. At which line? I am sorry, Congressman.

Mr. WELCH. Page 294.

Mr. COONEY. Yes, Congressman.

Mr. WELCH. All right. Did you refer to some scientific evidence upon which you would delete the scientific conclusions that were presented by scientists?

Mr. COONEY. I did, Congressman. At page 16 of the National Academy of Sciences report, it says, however, climate models are imperfect. Their simulation skill is limited by uncertainties in their formulation, the limited size of their calculation and their difficulty of interpreting their answers of the exhibit with almost as much complexity as in nature.

Most importantly, at the end of the National Academy of Sciences report, it says that a major limitation of model forecasts for use around the world is the paucity of data available to evaluate the ability of coupled models to simulate important aspects of climate change. In addition, the observing system available today is a composite of observations that neither provide the information nor the continuity and data to support measurements of climate variability. Therefore, above all, it is essential to ensure the existence of long-term observing systems that provides a more definitive observational foundation to evaluate decadal and century scale variability and change.

Mr. WELCH. You heard Dr. Hansen just a moment ago when he said that scientists are different than lawyers?

Mr. COONEY. Yes.

Mr. WELCH. Lawyers find every single possible nuance to create doubt and uncertainty.

Here's the question, all right? What you deleted was a straightforward statement that said climate modeling capabilities have improved dramatically. You have now just read a statement that says they are not perfect and you have now edited that report to undercut the conclusion on climate warming that was reached by our scientists. Yes or no?

Mr. COONEY. No, Congressman, I didn't edit the report. I made recommendations within an established interagency review process, and I believed at the time that I made them that I had a foundation for my comments based in the National Academy of Scientists.

I am not being lawyerly. I am being—

Mr. WELCH. But you did have a foundation, and it was admirable loyalty to the person who had appointed you to a political position.

Here's one of the questions I have as I listen to this. Whether you call it a recommendation or an edit, we will let the people of America decide that. You describe candidly that your job was to align executive reports to administration policy. Administration's policy was pro-oil, pro-drilling, pro-API. It created—as the API report said, its goal was to create uncertainty about the basis of global warming.

How is what the Petroleum Institute was doing—and these edits were encouraging—any different than the work of the so-called scientists during the whole tobacco debate when they were selling doubt about whether there was any link between tobacco and lung cancer?

Mr. COONEY. Congressman, I would say that the most material development was that the President's climate change committee—Cabinet-level committee itself requested our latest knowledge, the most current knowledge on the state of what we know about climate change of the National Academy of Sciences. That report was delivered to the Cabinet in early June 2001, and became the explicit basis for President Bush's stated policies in June 2001.

Chairman WAXMAN. The gentleman's time has expired.

Mr. WELCH. Thank you.

Chairman WAXMAN. Mr. Issa.

Mr. ISSA. Thank you, Mr. Chairman.

Mr. Cooney, I'll ask you the obvious question. In retrospect, do you think it would have been better if a scientist had been in your position doing these edits or maybe a librarian who had not worked at the Petroleum Institute?

Mr. COONEY. Congressman, this—all of this, the review of these reports, the process for the report, is really controlled by the Global Change Research Act of 1990. It calls for the Council on Environmental Quality to be represented on an interagency committee—

Mr. ISSA. I understand.

Mr. COONEY [continuing]. With high-ranking individuals.

Mr. ISSA. I am just asking, in retrospect, would a librarian from East McKeesport been a better choice so that we would not be talking about past profession?

Mr. COONEY. Perhaps.

Mr. ISSA. Well, hopefully, in the future, Members of Congress will not come from individual States with their political bent having served in the legislatures either. But I am not holding my breath on that.

Dr. Hansen, I have a question for you.

We've been focusing up until now on specifics of a report and a handful of edits that were mostly not accepted. Do you feel that you are able to express in a clear way to the public the real dangers of climate change? Yes or no? Keep it as simple as you can.

Mr. HANSEN. I wish it were a simple yes or no.

Mr. ISSA. How about if we do this, since it is not that simple. I did a little quick looking at the stories from January 1, 2006, until today. Would you believe I found 1,400 statements in publications distinctly different that you've done in that period that are available on Google? That doesn't surprise you?

Mr. HANSEN. No, it doesn't surprise me.

Mr. ISSA. Does it surprise you that you're only 40 or so—out of that 1,464, you're only about 40 or so behind Dr. Hale from the shuttle program? And you're only—the two of you together it takes to get up to the administrator of NASA. So would you say that more or less a major story each and every day times two is reasonable access to the media?

Mr. HANSEN. Sure. That is, but this is a story that needs access to the media.

Mr. ISSA. I don't disagree with you. But, you know, in January 2006, you delivered 15 major media interviews; and in your testimony, or, actually, in some of the other material related, you said this was a month after Mr. Deutsch and the administration stifled your ability to speak. So I guess one of the questions is, when do you have time for research?

Mr. HANSEN. Well, my wife will tell you that—about 80 or 90 hours a week. It takes a lot of time. If you're going to spend some time trying to communicate with the public, it does take away from your research time.

Mr. ISSA. But 15 major media events in 1 month, and that was the month after the administration put the hammer down.

Mr. HANSEN. Sure. That is the reason why. As soon as that became public knowledge, then the media came running.

Mr. ISSA. But did the administration stop you from doing those 15 major media events?

Mr. HANSEN. No. The NASA Administrator came out with a very strong statement. To his credit, he said that we were, in fact, allowed to speak to the public.

Mr. ISSA. OK. So, notwithstanding the President, the American Petroleum Institute, Mr. Cooney, the fact is, during this administration, with people such as the NASA Director, you have had significant access—as a matter of fact, you're one of the most easily Googleable human beings on the face of the earth. So the message is getting out, would you say?

Mr. HANSEN. The message is getting out, but there remains a gap in the public understanding of where our knowledge of global climate change is.

Mr. ISSA. Going back to that, this 2000 report, I noted that in 2000 it was called the Alternative Scenario. Now the only reason you call it the Alternative Scenario was you were outside the mainstream, to a certain extent, at least.

Mr. HANSEN. No. Alternative was alternative to business as usual. That's what it means. Business as usual has continued an increase in emissions year after year by larger and larger fossil fuels.

Mr. ISSA. Isn't it true that in 2000 the groups, including the Union of Concerned Scientists, criticized you soundly for publishing the Alternative Scenario—

Mr. HANSEN. Yeah, there was—

Mr. ISSA [continuing]. Because it would confuse the public?

Mr. HANSEN. Because I focused on some of the contributions of the non-CO₂.

Mr. ISSA. You were providing ammunition for the deniers, weren't you?

Mr. HANSEN. No, I was providing science.

Mr. ISSA. Dr. Hansen, when you provide an alternative to what somebody else is doing and add to that body of debate, you are providing alternatives and moving the debate when someone else puts a limiting word, it appears; and I have already written off Mr. Cooney as not a scientist, but I am trying to understand if—in 2000, you did something very, very important, which is you said you have all of those non-CO₂ things that we have been looking at and they have certain effects and CO₂ has certain amounts and here is how we are going to look at it, and you got denounced for it, but you don't consider that a problem, even though they said you were confusing part of the public because it was unsettled.

Mr. HANSEN. Pardon?

Mr. ISSA. You were confusing the public as an unsettled science in 2000; is that right?

Mr. HANSEN. Could you repeat that?

Mr. ISSA. The Union of Concerned Scientists found that you were confusing the public in 2000 by putting forward this Alternative Scenario.

Mr. HANSEN. Well, you would have to ask them. I don't think it was confusing the public.

Mr. ISSA. Dr. Hansen, you know—look, I would like to be with you because you are one of the preeminent scientists, but, in 2000, you were still looking to add to the body, as I am sure you are today—

Mr. HANSEN. Sure we are. We always are.

Mr. ISSA [continuing]. Of science because, until we have all of the body, we won't have all of the potential solutions for the problems.

Mr. HANSEN. That doesn't mean we don't know anything.

Mr. ISSA. Of course. I am not saying that. My opening statement said you are pushing on an open door. I agree with you on CO₂, I agree with you on the greenhouse gas, and I agree with you on the need to change that.

In the last Congress, we had a number of scientists in my subcommittee, and we were able to get what we think was a pretty good assessment. It is about \$350 trillion if we are going to get to zero emissions today. And if research—and do the science. That price goes down, depending on how much time we have.

The concern that I have is I want your science to tell us as accurately on a daily, weekly, monthly basis how much time we have. Because we know we can't spend \$350 trillion to solve this problem, but we know we can't wait forever to solve it. So, in between, we are trying to figure out how to apply efficiently the dollars not to collapse our society and to in fact get to a zero greenhouse gas/also CO₂ emissions. Isn't that a common goal that you share with this President who stated that he wants to get to, in fact, a stable environment and a cleaner one than we have today?

Mr. HANSEN. If you would look at my written testimony, you will see that I have some terrific recommendations. The problem is that our policy now is not going in that direction. We are continuing to increase our emissions. But it is clear that we have to decrease.

Mr. ISSA. I agree. We are doing it.

Mr. HANSEN. The sooner we start on it, the less expensive it will be. In fact, it may be economically beneficial.

Mr. ISSA. How much are we spending on sequestration of CO₂?

Mr. HANSEN. We are spending quite a lot on clean coal.

Mr. ISSA. Is that a step in the right direction as an interim to reduce the emissions?

Mr. HANSEN. Sequestration is an important issue, which it should be.

Mr. ISSA. Second, what are we spending on nuclear?

Mr. HANSEN. We are spending a lot.

Mr. ISSA. Is that important to disposable—

Mr. HANSEN. Those are important, but there are renewables in energy efficiency which have tremendous potential in this. We are spending chicken feed.

Mr. ISSA. Dr. Hansen, that's chicken feed. How much would you spend?

Mr. HANSEN. It is not up to me to determine how much we should spend.

Mr. ISSA. How much, if it is up to you to determine—

Mr. HANSEN. And, again, this is my opinion as a private citizen. It is not—

Mr. ISSA. Dr. Hansen, I understand the disclaimer, but we didn't call you here as a private citizen. You said it was chicken feed. I am following up on that. If \$4, \$5, \$6, \$8, \$10 billion in various pockets of the Federal Government is chicken feed, what do we need to spend in dollars to move this along? Somewhere between \$10 billion and \$350 trillion? Give me a number of an annual amount we should spend.

Mr. HANSEN. It should be at least comparable to what we are spending on nuclear—we are subsidizing fossil fuels and nuclear a lot. We should be spending a lot more on renewables and energy efficiency. We have tremendous potential in energy efficiency.

Mr. ISSA. So if nuclear—

Mr. HANSEN. I don't think we are overspending on the other research. It is very important.

Mr. ISSA. That is a fair answer.

Am I running out of time again?

Chairman WAXMAN. Yup.

Mr. ISSA. Thanks, Dr. Hansen.

Chairman WAXMAN. Thank you, Mr. Issa.

Ms. Watson.

Ms. WATSON. Dr. Hansen, as one of the eminent climate researchers, I want to thank you for being here today.

I don't know the process, but, as I am looking at the exhibits that have been passed out to us, when you present an empirical report is it usual or unusual to have whole lines deleted by someone who is not a scientist?

Mr. HANSEN. Well, I would hope it would be unusual.

Ms. WATSON. All right. It is my understanding that in late 2002 a NASA public affairs official warned that there would be dire consequences if you continued to do press interviews about the threat of global warming. Can you tell me if this is accurate and, if so, what happened?

Mr. HANSEN. Well, it is accurate in the sense that was relayed to me. It was an oral threat that was made to the public affairs person in New York and relayed to me. And as I described in my testimony today, I think—I don't know if they were—can be di-

rectly related to it, but the consequences for our budget were pretty dire.

Ms. WATSON. So you worked at NASA for over 30 years, as I understand, and under several administrations, and was that kind of explicit threat unusual?

Mr. HANSEN. Yeah. It is unusual that they will make such an explicit threat. But, as I again mentioned in my opening remarks, the mechanisms for keeping government scientists in line with policy are pretty powerful, and they don't need to make an explicit threat.

Ms. WATSON. I had a confrontation with somebody from the Department of Commerce when we were in Qatar at the International Conference on Trade, and he made a statement about delusionary and mythical global warming. I talked to him about it afterwards. He was quite curt and rude, and he is no longer with the Department. He is no longer alive. But I found that very—in terms of myself as a policymaker, very insulting.

In December 2005, National Public Radio wanted to interview you about global warming science; and this is, of course, your area of expertise, as I understand. I am very impressed with your resume. But NASA didn't want you to talk to NPR, and they wanted Colleen Hartman to do the interview instead. She was the Deputy Associate Administrator at NASA and one of your superiors. Do you think there would be a difference between what you could offer in an interview on global warming and what she could offer?

Mr. HANSEN. Well, sure, given our experiences. I mean, I have—

Mr. SHAYS. Let me request that you speak closer to the mic.

Mr. HANSEN. I have been doing research on that topic for several decades now, and they explicitly indicated that they wanted to talk about the climate science research that I discussed at the AGU meeting that December.

Ms. WATSON. Were you allowed to do the interview?

Mr. HANSEN. No, I was not allowed to do it because headquarters indicated they preferred that I not be allowed to speak to NPR because it was described as the most liberal media outlet in the country.

Ms. WATSON. Do you think the administration was afraid of having you talk to the press about climate change in your opinion as a private citizen?

Mr. HANSEN. They were reluctant for whatever reasons.

Ms. WATSON. It seems from this hearing that there was an attempt to quiet you. I experienced that myself from someone from this administration, and I don't know how you skew empirical evidence as a scientist. I would feel that there should be a report coming from the editors.

If Mr. Cooney, a non-lawyer—Mr. Cooney, if you were to review this, I would think that, rather than changing words and editing, that you would write a dissenting report, a challenge to the findings of Dr. Hansen, rather than suggesting lines be deleted if you could not find a scientific base to do so.

Thank you so much, Mr. Chairman.

Chairman WAXMAN. Thank you, Ms. Watson.

Mr. COONEY. Congresswoman, I did not comment on any of Dr. Hansen's work. In fact, the record before the committee shows that

I had suggested that he be invited to interagency committees to brief us on the latest science. So I did not directly review his work.

Ms. WATSON. Thank you.

Chairman WAXMAN. Mr. Cannon.

Mr. CANNON. Thank you.

Mr. Cooney, would you mind expanding on what you just said? My understanding is you have been a big promoter of Dr. Hansen in many ways; is that not the case?

Mr. COONEY. I think that is true. In the materials that went up to the committee, you will find in one of the boxes in the past couple of weeks that I had sent an e-mail to Dr. Mahoney who, of course, ran the Climate Change Science Program. It is a one-liner, and you'll find it in the materials. I said, how about if we get Dr. Hansen to brief the Deputy Secretary level committee that met every 2 months on climate change policy, science, technology, mitigation, international negotiations.

But I have always been of the view that Dr. Hansen is very eminent. In fact, Dr. Mahoney did not take me up on my suggestion; and we, at the White House, therefore invited Dr. Hansen to come and provide a briefing when I was there. I attended that briefing, and we appreciated his update. In fact, we were influenced by a lot of what he had to say about the potential of near-term mitigation from methane, which is a potent greenhouse gas.

As a consequence and in reliance on Dr. Hansen, to a large extent, the administration, the President announced in July 2004 the methane-to-markets partnership under which a number of developed and developing countries tackled methane emissions.

Mr. CANNON. Methane is one of those greenhouse gasses that we can do something about. Does it bother you that there is a tendency to be alarmist about the possible causes—and, Dr. Hansen, I would like you to address this as well—the possible causes or the possible effect on the massive inertia, I think you called it, Dr. Hansen, that these feedback mechanisms might cause? There is a tendency to focus on those dramatic potential effects but not so much focus on what we can do to actually solve the probability containing things like methane.

Mr. COONEY. Well, I think that, as Congressman Issa has said, we have a time period within which to act, and we want to act timely, and we want to act cost effectively, and we want to calibrate our actions to emerging technologies.

So, to be concise, you want to get at the low-hanging fruit; and Dr. Hansen told us that the low-hanging fruit was methane emissions. EPA has a tremendous program on methane emissions, a voluntary program, where actually in the U.S. methane emissions is the one greenhouse gas that has been reduced since 1990. My recollection is that we were about 5 percent below the 1990 level in methane emissions because we are capturing methane from coal mines, we are capturing it from oil and gas systems, and we are capturing it from landfills and using it for energy. So EPA's successful program was something that we could take international and help the developing countries embrace as well.

Mr. CANNON. I see Dr. Hansen nodding.

Let me just say, I have one of the biggest pig farms in my district. And, actually, it didn't smell as bad as you might have ex-

pected, but they are now making more money off of capturing the methane than they are off the 1,500,000 pigs or so per year that they produce and sell.

Mr. Shays is saying I've got to be kidding. The fact is, in a very difficult market, they are not making money from the pigs. They are making money on the methane.

So these are the kinds of things—I see Mr. Hansen nodding. You are not reflected in the record as smiling and nodding, Mr. Hansen. It is true there are some things—

Mr. HANSEN. This is a success story, and the administration should be given credit for it.

Mr. CANNON. I just want to say that I would give Mr. Capuano the microphone any day to be talking about being anti-energy or pro-oil or pro-drilling or pro-tax cuts. Because the people that pay these costs are the poor in America way disproportionately; and in an environment where there tends to be an increasing disparity between rich and poor, I want to be on the side of people getting what they need in terms of energy.

I notice, Dr. Hansen, you are very positive about some of these alternatives like methane control on the one hand, like nuclear on the other hand. And, again, the record should show that Mr. Hansen is nodding; and, also, what you are suggesting, we go from chicken feed to more money to alternatives. There are great potentials there and that—in fact, let me give you some time to talk, instead of just nodding, Dr. Hansen.

Your sense is that we have this—and if I can characterize you—a massive inertia in our oceans and ice caps and that forces, feedback forces, have a tendency, over time, to maybe be dramatic. Your concern is to draw people's attention to the potential problem. Don't you think in that regard that finding options for what we can do today to improve the way we affect the atmosphere is important?

Mr. HANSEN. Absolutely. That's the bottom line, and we need to begin to take those actions now. Because if we stay on business as usual another decade, it will be very difficult to avoid the inertia taking over and carrying us to climate changes that we would rather not have.

Mr. CANNON. How much time do I have left?

Chairman WAXMAN. None.

Mr. CANNON. Mr. Deutsch, I am very impressed by you. It sounds to me like you have your resume out there. You had it prepared in anticipation of graduation. If somebody ever raised that as a question in your career, I would be happy to be a recommender for you to straighten them out.

Thank you, Mr. Chairman. I yield back.

Chairman WAXMAN. Thank you. You want to hire him?

Mr. Yarmuth.

Mr. YARMUTH. Thank you, Mr. Chairman.

Mr. Cooney, you stated that—and we have repeated it a number of times—that your primary obligation is to promote the policies of the administration; is that correct?

Mr. COONEY. Essentially correct.

Mr. YARMUTH. Essentially, that you are a spin doctor, is that a fair characterization of what you did?

Mr. COONEY. No, I don't think that's fair.

Mr. YARMUTH. I had to get that in anyway. It sounds to me like a spin doctor.

You said that you were only making recommendations. And you made recommendations to Mr. Mahoney. Is it fair to say that, once you got these documents and passed them on, it had left the realm of science and entered the political process?

Mr. COONEY. Congressman, the documents were inherently of a policy nature. They related to budgets. They related to research priorities. They were not a platform for the presentation of original scientific research. These were documents called for under the Global Change Research Act.

They were sent to 75 people to review under an established process at the Office of Management and Budget, and I was one of 75 who reviewed it, and it came to my office. I did my reviews. You send it back to OMB. OMB would synthesize the comments and, in all likelihood, give them to Dr. Mahoney for a final reconciliation because he was the head of the program.

Mr. YARMUTH. Are you saying you had no more influence on what was in the final report than the other 75? You were in the White House. None of the other 75 in the White House—

Mr. COONEY. The Office of Science and Technology Policy staff participated, the Council of Economic Advisors. The Office of Management and Budget itself reviewed these budgetary policy research reports. A host of people in the White House reviewed them. But all of the agencies reviewed these documents themselves because they affected their budgets and everyone wanted to be comfortable with what was expressed.

Mr. YARMUTH. But you made recommendations; and, according to staff's count, something like 181 of the edits that you made appeared in the final report. Are you saying that you didn't have any disproportionate influence?

Mr. COONEY. I was an active participant. There is no denying that. But if you look at these documents, they were multiple hundreds of pages, and I don't think it is unfair to say that 99 percent of the pages had no comments on them. Where I had a comment, I would make it. But I think it is a fair characterization to say that 99 percent of the drafts that came through I had no comment, no recommendation to make.

Mr. YARMUTH. Let's talk about—you have said on numerous occasions today that you used, as the basis for your editing, the National Academy of Sciences and the National Resource Council documentation; and, in fact, in chapter one of the draft, where it talks about the issue—called the issues for science and society, on the page you did have a footnote and one statement about human activities causing—whether human activities cause climate change or global warming.

The NRC elaborated on this point. C-A, next page. And, in fact, there was a section called, from their report, this is the NRC, the effect of human activities, which talks about how the effect of human activities cannot be unequivocally established; is that correct? So, in fact, you did that there.

Now, if we can, would you turn to exhibit A and—because both in your testimony today and in your deposition, you talked about

this being your guiding document. Will you read the first sentence of the National Academy Report aloud, please?

Mr. COONEY. Greenhouse gasses are accumulating in the earth's atmosphere as a result of human activities causing surface air temperatures and subsurface ocean temperatures to rise.

Mr. YARMUTH. Thank you.

Now turn to exhibit B, and this exhibit is your handwritten edits to the EPA report.

Now on page 3, beginning on line 24, you have deleted a sentence from the EPA text. Will you please read that sentence aloud?

Mr. COONEY. I am looking at line 24 on which page?

Mr. YARMUTH. Page 3.

Mr. COONEY. The NRC concluded that the greenhouse gasses are accumulating in the atmosphere as a result of human activities, causing surface air temperatures and subsurface temperatures to rise.

Mr. YARMUTH. Now you replaced this verbatim quote from the National Academy of Science with your own sentence. This sentence reads, "Some activities among greenhouse gasses and other substances directly or indirectly may affect the balance of incoming and outgoing radiation, thereby potentially affecting climate on regional and global scales."

That sentence does not appear in the Academy's report. So you deleted a direct quote from the Academy's report, which you say is what you relied upon, and replaced it with a sentence that appears designed to obfuscate the simple reality that human activities are warming the planet. Why did you make the change, and why did you not rely on the NRC report in that situation?

Mr. COONEY. Congressman, I recall this document did have a number of drafts, and I do recall the viewing documents that recommended the insertion of a more full quote, the one that you had referenced before from page 17 about the linkage between observed warming in the 20th century and human activities not being unequivocally established because the range of natural variability climate was not sufficiently known.

In this case, I don't recognize the source of the comment that I am inserting here on this draft. I don't know that it is not in the National Academy of Science's report. I just can't say that it is.

As I said, in most cases, nearly all cases, my comments were derivative and in reliance on the National Academy of Science's report; and this may be a quote from that report.

But my concern there was that—in prior drafts, you will see my concern there was that EPA was, in its draft, was not being sufficiently expansive on the question of the connection between human activities and observed warming. It wasn't using the full benefit of what the National Academy had said, and I wanted a broad quote because it's an important question.

The quote on page 17 has the caption the Effect of Human Activities; and it is there where the National Academy is purporting to speak very specifically, not from the summary which is what this sentence is from but very specifically about the linkage between observed warming and human activities. I thought that it was more complete to refer to that quote, and you will find that

I did recommend the insertion of that quote in a number of other drafts.

Mr. YARMUTH. And more supportive of the administration's policies.

Mr. COONEY. Well, Congressman, again, if you look at chapter 3 of the policy book that the President himself released on June 11th, 2 weeks before I got there, the President has 50 quotes from the National Academy of Science's report where he prescribes what his research priorities are going to be.

Chairman WAXMAN. The gentleman's time has expired.

Mr. Souder.

Mr. SOUDER. Thank you, Mr. Chairman.

Dr. Hansen, a lot of people believe that money can influence science. In fact, Mr. Cooney was more or less smeared for his past ties to the Petroleum Institute. You received a quarter million dollars from the Heinz Foundation in 2001. Why shouldn't we believe that influenced your support for John Kerry for President in 2004?

Mr. HANSEN. The award—the Heinz Environment Award is an award that is named for John Heinz, a Republican Senator from Pennsylvania.

Mr. SOUDER. Whose wife is married to John Kerry.

Mr. HANSEN. Yes, that is right.

There is no—as far as I know, there is no political connection to this award. It is an environmental award, and it is not—and you know it is—

Mr. SOUDER. I understand the point you are making. It is not from Theresa Heinz directly or from John Kerry directly. But the point is that when you smear individuals based on associations or indirect associations is what has historically been called McCarthyism and what was done to the first witness on this panel.

Let me ask you a more precise question.

You have said publicly multiple times that you were a consultant on Al Gore's movie *An Inconvenient Truth*. You said that Al Gore has a better understanding of the science of global warming than any politician that you have met. Given your close ties to former Vice President Gore, how do you feel about this statement: He said it's appropriate to have an overrepresentation of factual presentations on how dangerous it is as a predicate for opening up the audience to listen to what solutions are and how it is to be helpful. Do you feel it is OK for politicians to exaggerate the impact of global warming?

Mr. HANSEN. No, we don't need to exaggerate. The reality is serious enough. There is no need for exaggeration.

Mr. SOUDER. I also want to express my concerns that you didn't submit your testimony. You were told, we understand, on February 15th that this hearing was coming. I know you are a busy person. Our committee rules, which are increasingly being violated, were told that you had 2 business days. Our staff was willing to stay in over the weekend, and yet we didn't receive the testimony until Sunday night. It doesn't matter, because there is nothing new in your testimony. But, as a courtesy, it is helpful for us for hearings to prepare.

I am more upset that the chairman has not allowed our Republican witness to speak until the third panel. On a hearing on cen-

sorship, on a hearing of lack of debate, our witness was denied on the first panel where we could have debated this. I believe it makes a mockery of a hearing on censorship to censor the Republican witness.

Now, ironically, Dr. Spencer, who was at NASA for 15 years, who was awarded the Meteorological Society Special Award for developing a global precise record of the earth's temperature from operational polar orbiting satellites, fundamentally advancing our ability to monitor climate—that is the quote from the award—who receives NASA's exceptional achievement medal, has views differing from Dr. Hansen.

He also says, Dr. Spencer, “well aware that any interaction between scientists and the press was to be coordinated through NASA management and public affairs.” And he resigned from NASA under the Clinton administration because of limits on what he could and could not say as a NASA employee because he felt he was being restricted by the Clinton administration.

Now, Dr. Hansen, based on your definitions of censorship, silencing and political interference, whatever you want to call it, that you allege to have occurred under the Bush administration, was Dr. Spencer also being censored by the Clinton administration trying to filter his statements through NASA when he disagreed with the Clinton administration?

Mr. HANSEN. I don't have any knowledge of that. I don't know if he was prevented from speaking to reporters the way that I was. You would have to ask him about that.

Mr. SOUDER. The major point with this—well, I would like to ask, because it would be an interesting comparison, but the majority prohibited us from having him on this panel, not a contrarian, but, in fact, a well-known researcher who was at NASA for many years and has received numerous awards for that.

I think it is appalling that we can't have a discussion and a comparison. We can have allegations—and that's why people think sometimes these things are show hearings. We can have allegations against one administration, but when the press is here and when there is coverage on one but not on the other, in my opinion, it is a set-up, it is appalling, and we have been deteriorating in our process here.

I am very, very disappointed, particularly the questions, to say would—if you altered something from that is a legitimate debate—from a—to put slight—more vague in and say that is what the Petroleum Institute would want you to do would be similar to saying—and a socialist would rather have you not do that that way or a person who's anti-capitalist would rather have you not have it that way, it's an over-simplification. And I just am appalled at the process here and very disappointed.

I yield back.

Chairman WAXMAN. The only thing I can say to the gentleman is that we do have the witness that the Republicans requested here today to testify. We, unfortunately, can't have everybody testify all at once. We have to take them one at a time. But, on this first panel, we have two appointees under the Republican administration sitting on either side of Dr. Hansen.

The odd thing is that Dr. Hansen is one of the world's most esteemed scientists on global warming, and the two people at the table with him wanted to change his comments or stop him from speaking. It is odd, when you look at their qualifications, how little qualifications they have for imposing their views on science over what Dr. Hansen was doing as a government employee.

Mr. SOUDER. As you know, just a few months ago I was a chairman. I do not recall you or the Democrats being willing to accept my definition of who the Democrat witnesses should be.

Chairman WAXMAN. Well, I would point out to the gentleman that there were times when you would even deny our witnesses. We have your witness here, and we are going to hear from that witness on the third panel. I am looking forward to hearing what he has to say. I will be here. I think that other Members will be here as well.

Mr. ISSA. Mr. Chairman, we do—

Mr. SOUDER. Mr. Chairman, I just want to say for the record, you know, that I never did that in my subcommittee, that I have never deprived Democrats of the witnesses on the panel. It may have happened at full committee.

Chairman WAXMAN. I am being informed that it was at the full committee and not at your subcommittee that we were denied witnesses.

At any rate, we don't believe in denying witnesses; and we do have your witnesses here.

Mr. ISSA. I want to thank you for that, after your three witnesses, that our witness will get up in the third panel. Let's just say let's go forward from here, and I am sure what we did to you will never happen back to us and vice versa.

Chairman WAXMAN. I don't think Mr. Cooney, Mr. Deutsch, and Mr. Connaughton are my three witnesses, but they are witnesses that are appropriately here because they worked for this administration and we want to hear from them why we have this odd situation where nonscientists, even—how old were you at the time, Mr. Deutsch?

Mr. DEUTSCH. Twenty-three, twenty-four.

Chairman WAXMAN. And you were telling Mr. Hansen's staff that he couldn't go out and make public statements.

Mr. DEUTSCH. I wouldn't go that far. I did relay information from my higher-ups from NASA about particular instances.

Chairman WAXMAN. Particular instances.

Mr. DEUTSCH. Sure. Particular interviews.

Chairman WAXMAN. That he would not be able to do.

Mr. DEUTSCH. You are speaking to one interview in particular, and that is NPR, and we offered them three very qualified guests.

Chairman WAXMAN. Well, we'll get into that with other Members.

The time now is yielded to the gentlelady from the District of Columbia, Ms. Norton.

Ms. NORTON. Thank you, Mr. Chairman.

I am interested in trying to get at the atmosphere that has created what would normally be a pretty pristine, straightforward atmosphere in the scientific agency. I want to congratulate Mr. Deutsch because, despite his tender years and perhaps his edu-

cation, he was able to speak authoritatively as the spokesman on occasion for the agency. One of those statements, I would like to ask you about.

It relates to an e-mail to a NASA contractor of October 17th. I am going to read part of it. You wanted him to add the word “theory” to Big Bang. I don’t have any problem with that. We talk about evolution as a theory, although I am astounded by the lack of understanding about what the word “scientific” theory means.

In any case, I don’t think anybody would have any problem with that. But you went on to offer further opinions, and I am giving you what you said in that e-mail now. “It is not NASA’s place nor should it be to make a declaration such as this about the existence of the universe that discounts intelligent design by the Creator.

“The other half of the argument that is notably absent from any of these three portal submissions, this is more than a science issue. It is a religious issue. I would hate to think that young people would only be getting one-half of this debate from NASA.”

Mr. DEUTSCH, you then were relaying the notion that, in order to talk about the Big Bang theory, NASA would give or say words—either say words or give some deference to intelligent design.

Mr. DEUTSCH. No, ma’am. It is important to note this e-mail was between me and Mr.—

Ms. NORTON. Excuse me?

Mr. DEUTSCH. I only sent this e-mail to Flint. It was not a statement on national policy or anything like that. It was simply—the bulk of that is my personal opinion, my personal religious views. These I understood Mr. Wild to share. He is a Christian, and so am I, and we had talked about that.

Ms. NORTON. I said, it is not NASA’s place, nor should it be. So if it was your own religious views, why did you cite NASA’s place?

Mr. DEUTSCH. Well, again—

Ms. NORTON. A friend of yours. Is this person that you are e-mailing to a friend of yours?

Mr. DEUTSCH. Yes, ma’am. I’d agree with you that it was—work e-mail is a silly place to put this. I agree with you wholeheartedly. But if you go down to the bottom of the e-mail, you will read the sentence, “Please edit these stories to reflect that the Big Bang is but theory on how the universe began. That is the only change I really want.”

And you will see that is all I was really asking for, that the word “theory” be added to Big Bang, because that was the AP style guidelines of 2005.

Ms. NORTON. This perhaps explains why when you—this kind of personal opinion lurking somewhere, even on e-mails, in correspondence, official correspondence between a representative and a contractor, may explain what you mean when you apparently allege that there was a cultural war in NASA.

You were interviewed last February on a Texas A&M radio program; and apparently referring to the scientists at NASA, you said, “This is an agenda. It is a culture war agenda. They are out to get Republicans. They’re out to get Christians. They’re out to get people who are helping Bush. Anybody they perceive as not sharing their agenda, they’re out to get.” Who are you referring to?

Mr. DEUTSCH. Well, Ms. Norton, I have to say, as you may imagine, I was very emotional, very upset, very distraught about the way things went down.

Ms. NORTON. Do you still believe that?

Mr. DEUTSCH. I wouldn't go that far today. No. I think that I, frankly, said a lot of that stuff out of anger. It was just an emotional time for me, and I wouldn't say all of those things today.

Ms. NORTON. Were you sitting next to Dr. Hansen there—and I am going to allow you to—since you say that is the kind of thing you would not say today, you said, at the same time, he wants to demean the President, he wants to demean the administration, create a false impression the administration is watering down science and lying to the public, and that is patently false. And Dr. Hansen is sitting beside you now. Would you like to say anything to him about such words that were spoken?

Mr. ISSA. Regular order. I don't believe that our rules call for a dialog between witnesses.

Chairman WAXMAN. The gentleman's order is not well taken. It is the gentlelady's time.

Ms. NORTON. I am simply asking, in light of the fact—and I ask the question only because I want to give Mr. Deutsch the opportunity, and he said words like this were uttered as a matter when he was highly emotional. Those words also were uttered in this case naming renowned scientists at NASA. I am not asking you to apologize to him. But rather than simply reading this statement and saying did you say this, because I know you said it, I am asking you, having said something like this in light of your prior statement that these kinds of statements were made as an emotional manner, in light of that, what would you like to say to Dr. Hansen since you happen to be sitting beside him right now?

Mr. DEUTSCH. I think we all agree that he's been critical of the administration. But, beyond that, I would just restate that I wouldn't necessarily make those statements—comments today, no, ma'am.

Ms. NORTON. I appreciate that answer.

I yield back my time.

Chairman WAXMAN. Before you yield it back, may I ask, how was he critical of the administration?

Mr. DEUTSCH. I believe the things—you start with the allegations of censorship and—you know, starting with that I think is a good place.

Chairman WAXMAN. So Dr. Hansen is being critical of the administration by not being pleased with your telling people in his office that he can't go and speak certain places. Is that being unfair to the administration?

Mr. DEUTSCH. He just made several allegations about censorship by political appointees, allegations I don't agree with him on. So I think it is fair to say that is being critical of the administration, sir.

Chairman WAXMAN. Well, if we look at some of the changes Mr. Cooney proposed, they were changes in substance of what the scientists were recommending be in these global warming climate change positions. And, Dr. Hansen, I think your criticism is they were substantive changes; is that correct?

Mr. HANSEN. Yes, that is right.

Chairman WAXMAN. Now if there's substantive changes coming from a political appointee who used to be at the American Petroleum Institute and raises the question in his mind, and I think anybody's mind, Democrat and Republican, that maybe somebody who is not a scientist, who is a lawyer, who used to work for the Petroleum Institute, who is a political appointee is trying to superimpose his views.

Now you, on the other hand, were a public affairs representative at the age of 23; and you were telling Dr. Hansen's staff to tell him that the higher-ups didn't want him to be on National Public Radio; isn't that true?

Mr. DEUTSCH. That is fair.

Chairman WAXMAN. Isn't that interference?

Mr. DEUTSCH. No, I wouldn't go as far to say it was interference. We had taken that request. I took it to the ninth floor and discussed it with the higher-ups. They thought it over and said, hey, you know, we've got three other qualified people, Dr. Colleen Hartman, who was mentioned, Dr. Mary Cleave and Dr. Jack Kaye; and those three were offered.

Chairman WAXMAN. Thank you very much.

Mr. SHAYS, do you want your time now or do you want—

Mr. SHAYS. How many more Members do you have on your side?

OK. I am going to take it now.

I weep that this administration didn't seize this issue and claim it as its own, and this issue being climate changes for real, and mankind has had an impact on it. Are we thinking what this administration could have done about this issue? So I just want to be on record as saying that.

I think there are two inconvenient truths in this world right now, one that unfortunately too many of my Republicans don't want to deal with, and that's what Al Gore talks about, and the other is what others have talked about, about the Islamist threat that too many of my Democratic colleagues don't want to deal with or are in denial. That's what I believe. It's my view.

Having said this, when I listen to these hearings, I get drawn into believing that there are setups here and there are misimpressions galore, and some of them frankly, Mr. Cooney, are the result of having someone with your background and your position. You instantly lose credibility. Not your fault. It's your background. I might have thought twice about taking on that assignment because of that.

But when we had Mr. Piltz here last week, or 2 weeks ago, he was talking as if scientists—his reports were being changed, as if he was a scientist. I still read in the newspaper that he's a scientist. He's not a scientist.

Dr. Hansen, you're a scientist. Now let me ask you about the Academy's report in 2001; not what you believe, not what you're convinced of, not what you think the science says, did the National Academy report from 2001 say conclusively that global warming was for real, case closed?

Mr. HANSEN. I would say yes. By the way, I was an author, one of the authors of that report.

Mr. SHAYS. You're saying yes to what?

Mr. HANSEN. Global warming is real.

Mr. SHAYS. The report in 2001 said that? Not now.

Mr. HANSEN. Sure. We knew that global warming was real in 2001, absolutely.

Mr. SHAYS. You knew it was real. So what did the report say that I could turn to or you could turn to me and say case closed, issued decided?

Mr. HANSEN. We had a sentence which was just referred to, it said: Greenhouse gasses are accumulating in the atmosphere as a result of human activity, causing surface air temperatures and sub-surface ocean temperatures to rise.

It is a very straightforward sentence. It connects cause and effect, increasing greenhouse gasses, increasing global temperature. That's a very strong statement.

Mr. SHAYS. Nothing that says this issue has been decided, there's no question about it, and we need to deal with it.

Mr. HANSEN. The report certainly concludes that we need to deal with it, yes. There are always aspects of the problem which we need to work on more, but this is a very strong statement.

Mr. SHAYS. It's funny, it doesn't strike me as what I would think is a strong statement. What would strike me as a strong statement is to say the issue has been decided, there is no doubt in our minds, this is the issue, it's caused by humans, and we need to get on with it. When I hear that statement, it's saying an issue as of fact as if it's, in my judgment, part of the problem, but not all of the problem.

I am left with the belief that climate change, there's no debate anymore, and people would say it in a much more definitive way.

Mr. Cooney, how would you respond to my question?

Mr. COONEY. Congressman Shays.

Mr. SHAYS. I want you to talk close to the mic. Both of you are not speaking as loud as I would like.

Mr. COONEY. Congressman, I would refer to you the quotation on page 17 which is entitled: The effect of human activities.

Mr. SHAYS. Is this in the 2001?

Mr. COONEY. The June 2001 National Academy Report, and it speaks to the connection to human activities and it says: "because of the large and still uncertain level of natural variability inherent in the climate record and the uncertainties and the time histories of the various forcing agents, particularly aerosols, a causal linkage between the buildup of greenhouse gasses in the atmosphere and the observed climate changes during the 20th Century cannot be unequivocally established."

It goes on to say that—

Mr. SHAYS. Dr. Hansen, is that just designed to confuse people like me or is that designed by—sounds like an Alan Greenspan statement.

Mr. COONEY. Congressman, I had it before me, and I did it at my desk when I was at the White House, it talked about major uncertainties with respect to clouds, aerosols, the natural carbon cycle, the natural water cycle, the difference between temperature record at the surface and in the troposphere that was measured by satellites.

It talked about the lack of a global integrated observation system. A lot of the southern hemisphere was not really routinely observed in a climate sense in a long-term sense in manners and using methodologies that are consistent with the way climate is measured—

Mr. SHAYS. How do you respond to that, Dr. Hansen?

Mr. HANSEN. If you pick out individual phrases or sentences and compare them, you need to really look at the entire report. It was a report which made a very strong statement. The White House had asked for a clarification because they were uncertain as to whether they should accept the IPCC document. There were some people who were questioning the validity, the accuracy of the IPCC report.

I believe that was a primary reason for requesting the National Academy to look at the problem. They came out with quite a clear statement.

Mr. SHAYS. My time has run out. Let me just ask Mr. Cooney just to finish his comment.

Mr. COONEY. Congressman, at page 22 of the report, on the IPCC report, when it spoke to it, it said: Climate projections will always be far from perfect. Confidence limits, probabilistic information with their bases should always be considered. Without them, the IPCC summary for policymakers could give an impression that the science of global warming is settled, even though many uncertainties still remain.

That is language from the National Academy Of Sciences.

Mr. SHAYS. I'll conclude. Dr. Hansen, I'm not a scientist, but when I hear that I am not left with a report that says no, debate is over.

Mr. HANSEN. No, depends on what you mean by debate is over. The fact that greenhouse gasses are increasing and the world is getting warmer and there is a causal connection between them, that debate is over.

Chairman WAXMAN. The gentleman's time has expired.

Mr. Van Hollen.

Mr. VAN HOLLEN. Thank you, Mr. Chairman. Thank you all for your testimony here today. Mr. Deutsch, I'd like to followup a little bit on the questions that were asked of you earlier. As I understand, you were a public affairs officer at NASA.

Mr. DEUTSCH. Yes, sir.

Mr. VAN HOLLEN. And when you arrived at NASA did you have any expertise in the area of global climate change?

Mr. DEUTSCH. No, sir.

Mr. VAN HOLLEN. Would you agree that the American people should have the benefit of the best scientific views within the government with respect to climate change?

Mr. DEUTSCH. Sure.

Mr. VAN HOLLEN. Who ultimately paid your salary there, our salaries, everyone's salaries in public service?

Mr. DEUTSCH. That would be the taxpayers, sir.

Mr. VAN HOLLEN. Would you agree that given that big investment that they make in our scientific investigation that again should have the very best giving them their opinions on this issue?

Mr. DEUTSCH. Sure.

Mr. VAN HOLLEN. Now I want to look at this issue of sort of the political apparatus sort of governing who can say what with respect to the science on global climate change and I want to look through this lens of this NPR interview which you mentioned before. We have a couple e-mails with respect to the back and forth in the political apparatus with respect to how that decision was made. I don't know if we're going to put them on the screens or you have copies of them in front of you.

If you could make sure that the witness has copies of these e-mails from you.

An e-mail request came in from NPR to Dr. Hansen's office, is that right?

Mr. DEUTSCH. Yes, yes. Then they sent it to us.

Mr. VAN HOLLEN. As you said today in your testimony, you then discussed that request for an interview with the "9th floor," as you describe it in this e-mail of December 8th. It's on the second page of your packet at the top. We discussed it on the 9th floor.

And it was decided that we would like you to handle this interview; you, referring to Colleen, right?

Mr. DEUTSCH. Yes, sir. Colleen and also Ms. Cleave and Mr. Kaye were all considered.

Mr. VAN HOLLEN. My question is who was it that you discussed this with on the 9th floor and made the decision it would not be Dr. Hansen?

Mr. DEUTSCH. Specifically that would be Press Secretary Dean Acosta.

Mr. VAN HOLLEN. So the 9th floor was the press secretary.

Mr. DEUTSCH. That 9th floor, that's sort of NASA slang for senior leadership at headquarters; they're all on the 9th floor. The head of public affairs as well.

Mr. VAN HOLLEN. But you meant him specifically in this e-mail?

Mr. DEUTSCH. Yes. Yes, sir.

Mr. VAN HOLLEN. There's another e-mail on the next page that talks about our main concern is "hitting our messages and not getting dragged down into any discussions we shouldn't get into."

What were you worried that Dr. Hansen was going to get into with respect to the science of global climate change?

Mr. DEUTSCH. I wasn't worried about anything. Dr. Hansen would say about the science of global climate change. We had some media practices that we'd been using up to this time that I think even Dr. Hansen would tell you he didn't always follow, and so I think that was a concern that the 9th floor had.

Mr. VAN HOLLEN. It wasn't his immediate—if you go up to the e-mail above that, it says when asked how you're going to describe to Dr. Hansen, why he shouldn't be doing this interview, according to Costa they say right here: Tell them your boss wants to do.

His boss was Colleen, right? They didn't ask to do this. In other words, Costa said go ask them to do it. Isn't that the way it happened?

Mr. DEUTSCH. Yes, sir.

Mr. VAN HOLLEN. So it wasn't that his bosses wanted to do it, it was the top press people said we don't want Dr. Hansen to do this interview, isn't that right?

Mr. DEUTSCH. It was just Dean who said that and again that was because we'd had some practices that he had not always been following as far as reporting the interviews etc., and those were some of his frustrations he relayed to me. We did have a practice known as the right of first refusal in which the senior people could do these interviews.

Mr. VAN HOLLEN. Right. But the decision was made at the top by the press people that he wouldn't be doing that, isn't that right?

Mr. DEUTSCH. In this one case, yes, sir.

Mr. VAN HOLLEN. In fact, one looks like Mary and Colleen are not sure they even want to do it. The point is you made a decision at the top press level that you didn't want Dr. Hansen to be giving this interview because you were concerned about hitting your message and you were concerned Dr. Hansen wasn't going to hit your message, isn't that right?

Mr. DEUTSCH. I can't speak for the former press secretary, you'd have to ask him about that. But that was what was relayed to me, sir.

Mr. VAN HOLLEN. It's your words here, hitting your message. Isn't that right?

Mr. DEUTSCH. Yes, sir.

Mr. VAN HOLLEN. Isn't this the definition of political minding of an expert. In other words, were any of the people you were offering up more of an expert on global climate change than Dr. Hansen?

Mr. DEUTSCH. I don't know as far as their level of expertise. I know the head of NASA's science mission directorate and the second in line are some pretty good people to get offered an interview with, I would say.

Mr. VAN HOLLEN. Dr. Hansen, is there anybody else at NASA, or any of these other individuals they were proposing for the interview, people who had more expertise in the science of global climate change than you?

Mr. HANSEN. Well, I'm not going to denigrate anyone.

Mr. VAN HOLLEN. I'm not asking you to denigrate, I'm talking about in terms of experience.

Mr. HANSEN. In terms of experience, no.

Mr. VAN HOLLEN. As you look at these e-mails and based on your concerns at the time, doesn't this appear to be a perfect example of exactly the concern that you have raised, which is political interference in the ability of scientists who are paid for by funds from taxpayers to be able to present a factual account of global climate change.

Mr. HANSEN. Absolutely. The thing is, this is, however, a very rare case of where you have it on paper. It's going on all the time, but most of the people doing that are more experienced than George was, and they won't make the mistake of putting the thing on paper like that.

I pointed out, for example, that press releases were going to the White House, science press release were going to the White House for editing. But the process, they're careful not to have memos like this that describe the process.

It's very unfortunate. We developed this politicalization of science. As I mentioned in my opening comments, public affairs of-

fices should be staffed by professionals, not by political appointees, otherwise they become offices of propaganda.

Chairman WAXMAN. Thank you, Mr. Van Hollen. Your time has expired.

Mr. Issa.

Mr. ISSA. Thanks, Mr. Chairman. Following up—

Chairman WAXMAN. We're proceeding with the second round.

Mr. ISSA. Mr. Deutsch, maybe I'll start with you. You couldn't seem to come up with an answer to that question of related to anything in the way of disliking the Bush administration or being political for Dr. Hansen. Are you aware that Dr. Hansen has called the Bush press office the office of propaganda, or, "It seems more like Nazi Germany or the Soviet Union than the United States."

Are those the kinds of comments you might have been referring to when you were frustrated. Were you aware of those comments?

Mr. DEUTSCH. Yes, sir, we were aware of those comments, and those are unfortunate.

Mr. ISSA. I appreciate your candor. I'm sorry you didn't come up with those in real-time, because I think that does go to the question of your youthful indiscretions in perhaps, in how you handled the senior scientist. I think you have owned up to maybe not being up to the job.

Dr. Hansen, are those kind of comments appropriate for somebody who's been on the Federal payroll, who's had your science paid for for 3 decades? Are those appropriate things to say about the Bush administration?

Mr. HANSEN. I think that it was—that was in reference to the fact that scientists were being asked to not speak to reporters, to report before—to tell reporters I can't speak to you, I have to get permission, and I have to get someone on the phone with me to listen in on the conversation. That's getting to seem a lot like the old Soviet Union to me.

Mr. ISSA. The reference to Nazi Germany because they want to have somebody who's able to say that the doctor did or didn't say this to a reporter when it later comes out in print, is that Nazi Germany? Nazi Germany, I think, is a pretty strong statement, wouldn't you say?

Mr. HANSEN. I was referring to the constraints on speaking to the media.

Mr. ISSA. Dr. Hansen—

Mr. HANSEN. It violates the constitution, freedom of speech.

Mr. ISSA. Dr. Hansen, first of all, when you work for somebody, the question of when you will speak on behalf of that entity is not a constitutional question, as you and I both know. You were not being asked by public broadcasting because you happened to be a smart guy with a good suit, you were being asked because of your position at NASA.

Now I come back to this again—

Mr. HANSEN. I don't believe that's the case.

Mr. ISSA. You have over 1,400 opportunities that you have availed yourself to, and yet you call it being stifled. I'm thrilled—

Mr. HANSEN. Those cases occurred after the NASA administrator stepped forward and said I should be allowed to speak, not before.

If you look at some of those memos, you will find that they were intent on me not speaking.

Mr. ISSA. Dr. Hansen, you're saying if I went back to 2001, 2002, 2003, 2004, that I would find dramatically less quotes from you?

Mr. HANSEN. In many cases—

Mr. ISSA. Please. Just would I find dramatically less, yes or no.

Mr. HANSEN. You would find less. I don't know how you define dramatically.

Mr. ISSA. 1,400 quotes. Would I find that you were only allowed to speak once, twice, five times, 50 times?

Mr. HANSEN. I'm an American and I exercise my right of free speech. If public affairs people tell me I can't do that and I know that they're violating the constitution, I ignore them.

Mr. ISSA. Dr. Hansen, isn't it true that when you speak, you're speaking on Federal paid time, when you travel, you're being paid by the Federal Government to travel. Isn't that true.

Mr. HANSEN. Not always.

Mr. ISSA. Isn't it normally true?

Mr. HANSEN. Normally it is, yes.

Mr. ISSA. So your employer, and your employer happens to be the American taxpayer, but they're sending you at government expense to these speaking engagements.

Mr. HANSEN. That's exactly the point. I should be able, for the sake of the taxpayers, I should be able to—they should be availed of my expertise. I shouldn't be required to parrot some company line. I should give the best information I have.

Mr. ISSA. Dr. Hansen, it's very clear that you do say what you believe each time you speak.

Let me—do you want to put that up on the board, the demo.

Dr. Hansen, you speak, and you speak everywhere regularly, and you speak on the Federal dollar. I guess my question is do you think that, in fact, the thousands of scientists all over NASA should have that same right to travel places and speak.

Before you answer that let me ask a question because I appreciate public broadcasting, but is every speaking engagement the one that should be appropriately having Dr. Hansen on it. Isn't it true that when you're speaking to the general public often somebody who's a perfectly good speaker, knows a lot less about the science would be equally good to answer the basic questions of climate change?

Mr. HANSEN. Sure. I welcome that. I accept only a very small fraction of the invitations. It's impossible. I would rather do science. That's always been my preference.

Mr. ISSA. Thank you. Mr. Chairman, if I could just close here.

Dr. Hansen, I appreciate the science you do, I appreciate the work you have done for a very long time and I hope you continue doing it. I would only say that I hope that the \$250,000 you took from the Heinz Foundation, the campaigning you did for Senator Kerry for his Presidential race, doesn't influence your chafing at this administration any differently than it might for the next administration and that your effort to get more dollars for climate change is done in a constructive fashion under the rest of this administration and the next.

I yield back.

Chairman WAXMAN. I think the gentleman is smearing Dr. Hansen.

Mr. ISSA. Are you moving—

Chairman WAXMAN. I think you're smearing Dr. Hansen's reputation when you allege that he's an activist Democrat and got that award, the Heinz Award because he's a Democrat.

Mr. ISSA. Mr. Chairman, are you making a motion?

Chairman WAXMAN. I'm not making a motion, I'm making a comment.

Mr. ISSA. Are you recognizing yourself?

Chairman WAXMAN. Well, I will recognize you. I think you're smearing him. Do you want to comment on that?

Mr. ISSA. Yes, Mr. Chairman.

Chairman WAXMAN. I think you're being unfair to him.

Mr. ISSA. Mr. Chairman, I hope that this gentleman's political activism which is well defined is not, in fact, affecting his ability to recognize that this Congress, on a bipartisan basis, has funded a great deal of the research, with over 1,400 appearances in that year, and I have no doubt nearly the same for each of the previous years, that Dr. Hansen, in fact, in his effort to get more money for climate change, which I commend, would recognize that in every administration, he's going to have the same chafing and that it not be chafing more at the Bush administration, which he clearly dislikes.

You don't compare the Bush administration to Nazi Germany, and I'm sure the chairman would agree, that you do not compare anyone to Nazi Germany unless you have real problems beyond just disagreement on policy.

Mr. HANSEN. Could I correct his statement and comment on them? First of all, I am not a Democrat, I'm a registered Independent.

Mr. ISSA. The chairman called you a Democrat, not me.

Mr. HANSEN. Second, the time when I said I was going to vote for John Kerry, I actually said I would prefer to vote for John McCain but he's not on the ballot, and then I explained the reason that I would vote for John Kerry was because of my concern about climate change and the fact that it was not being addressed by the Bush administration. And I thought that Kerry would do a better job with that. It had nothing to do with politics. In fact, I have often said my favorite politician was John Heinz, who was a Republican and who gave equal weight to economic considerations and environmental considerations, and it was a great tragedy when he lost his life in a small plane crash.

The Nazi Germany thing was completely with regard to—had nothing to do with President Bush; it was the constraints on scientists, their ability to speak to the public and to the media. And when you tell scientists that they can't speak, they've got to hang up on the reporter and report this and allow the right of first refusal so someone else can speak for you, it doesn't ring true. It's not the American way. And it was not constitutional.

Chairman WAXMAN. Thank you, both of you. Let me take my time here.

Dr. Hansen, have you had any examples of people working in the public relations office within this administration that wanted to

help you further as leading scientist in this global warming the field the opportunity to talk about the issue?

Mr. HANSEN. Well, you know, there actually are lots of opportunities to speak to the public, and the hard thing is to keep enough time to do science.

Chairman WAXMAN. You didn't think Mr. Deutsch any time was trying to help you get your views out.

Mr. HANSEN. No, they didn't.

Chairman WAXMAN. Let me go on to other things in the time I have. Mr. Cooney, I guess what we're trying to figure is whether what drove the policy and is driving the policy of this administration on global warming and climate change is the science or whether it's something called the politically correct science. And as I look at the edits that you proposed, I think there were—

Mr. CANNON. Mr. Chairman, may I ask.

Chairman WAXMAN. The gentleman is out of order.

Mr. CANNON. Mr. Chairman, did you recognize yourself for additional 5 minutes before the rest of the panel has the chance to question for 5 minutes.

Chairman WAXMAN. No, I did not. I recognized Mr. Issa first for the second round.

You proposed 181 edits to the strategic plan, 113 edits to the other global warming reports, there are 3 reports. I guess what I am trying to find out is whether all of your proposed edits moved in one direction, which was to increase uncertainty in global warming science. Would that be a fair statement or an unfair statement?

Mr. COONEY. I think the fair statement would be that my comments were aligned with the findings of the National Academy of Sciences in June 2001 as emphasized by the President in his policy book in chapter 3 on June 11, 2001.

Chairman WAXMAN. Mr. Cooney, you had a senior position at the White House, but there were officials at the White House who were more senior to you. Your immediate boss was James Connaughton, chairman of the White House Council on Environmental Quality. Was Mr. Connaughton aware of your role in proposed edits for climate change reports?

Mr. COONEY. He knew that they were reviewing reports as they came in ordinarily from OMB for review.

Chairman WAXMAN. Did he personally review your edits?

Mr. COONEY. No, not most.

Mr. ISSA. Mr. Chairman, his boss is behind him and available.

Chairman WAXMAN. Excuse me, I have the time. I didn't interrupt you. I waited until you finished and then I interrupted you.

Did you discuss the edits with him?

Mr. COONEY. No, not ordinarily.

Chairman WAXMAN. Did he give you any instructions about how any of these three documents should be edited?

Mr. COONEY. No. He understood that my objective was to align these communications with the administration's stated policy.

Chairman WAXMAN. And the administration's stated policy was different than what the scientists were saying in those documents.

Mr. COONEY. It wasn't even scientists who were saying it in these documents. It could have been budget people from the agencies who were just drafting up reports, what they wanted to see in

next year's budget. The material was not a platform for the presentation of original scientific research. These were budgeting and—

Chairman WAXMAN. These were statements of science that you changed, recommended changes.

Mr. COONEY. Well, they came from Mr. Pills himself, who was an editor who said he received summaries from agencies.

Chairman WAXMAN. Sounds like yours.

Mr. COONEY. It's not clear they derived to scientists about what I reviewed.

Chairman WAXMAN. Let me go on. Were other officials in the White House besides Mr. Connaughton and others on the CEQ staff with whom you discussed climate changes, in other words, were there other people in the White House, not just people at the CEQ?

Mr. COONEY. Absolutely.

Chairman WAXMAN. Who were the other people at the White House outside of CEQ that you discussed this with?

Mr. COONEY. It really depends upon the issue, but the Office of Science and Technology Policy obviously led by Dr. Marburger; Kathy Olsen was the Senate-confirmed director for science, and she had a leadership role.

Chairman WAXMAN. How about Andrew Card? Did you ever have a conversation with Andrew Card about it?

Mr. COONEY. I did not.

Chairman WAXMAN. How about Karl Rove?

Mr. COONEY. I did not.

Chairman WAXMAN. Kevin O'Donovan? Do you know who he is?

Mr. COONEY. Yes. He was a staff person in the Office of the Vice President, and he and I would speak on occasion. He had the portfolio for energy and natural resources and environment issues, as I understood it.

Chairman WAXMAN. What did you talk to him about?

Mr. COONEY. He was a colleague in the White House. He was a colleague and we would talk occasionally as a lot of us would talk occasionally, pick up the phone, talk about different things. We were all going to a lot of the same meetings in some cases.

Chairman WAXMAN. So you had numerous conversations with him?

Mr. COONEY. Sure. As I did with people in OSTP, OMB, the Council of Economic Advisors. All of the White House offices, really. The domestic policy council.

Chairman WAXMAN. When you talked to Mr. O'Donovan, were they in the Vice President's office or your office?

Mr. COONEY. We usually spoke by phone, really. Our offices are on Lafayette Square in townhouses and his office is obviously in the Eisenhower executive office building.

Chairman WAXMAN. Did the Vice President's office, Mr. O'Donovan or anyone else give you any directions as to what they thought you ought to be doing?

Mr. COONEY. No, not directions. We would compare notes. We would consult as colleagues, but I didn't receive direction from them. It was really, if you look at how internal White House documents are approved, for example, the Office of the Vice President reviews it independently, CEQ, OMB, the Council of Economic Ad-

visors, the Office of Science and Technology Policy, each office independently reviews communications, and so we had an independent role for review, they had an independent role.

Chairman WAXMAN. Did they ever suggest to you that there may be some value in highlighting the uncertainty of some of these global climate change issues?

Mr. COONEY. I don't recall specific conversations. We would talk about matters that were pending. The development of the 10-year strategic plan obviously was occurring in the spring of 2003. They were a reviewing office. We would have had conversations. But I don't remember specifically what was said.

Chairman WAXMAN. Thank you. Mr. Cannon.

Mr. ISSA. Mr. Chairman, I would ask unanimous consent that Mr. Cannon have 10 minutes. It would sort of balance the time.

Chairman WAXMAN. I don't know that it would balance the time. But let's do it. There are more Democrats here.

Mr. ISSA. Thank you, Mr. Chairman.

Chairman WAXMAN. Unless anybody is going to ask for 10 minutes for someone else. Mr. Shays might say he's entitled to more time.

Mr. SHAYS. What is my member suggesting?

Chairman WAXMAN. Mr. Souder might think he should have more time. I think they're complaining that I spoke too much without the timer on. Isn't that right?

Mr. ISSA. Mr. Chairman—

Chairman WAXMAN. When I reacted to what I thought was a bit of a smear.

Mr. ISSA. I was just talking about your 5 minutes you spoke at random, really about 8.

Chairman WAXMAN. I think I have been fair. I have let some Members run over and I think I've tried to be as fair as possible. I don't interrupt people while there's an answer being given.

Mr. ISSA. I appreciate that.

Chairman WAXMAN. The gentleman is recognized for 5 minutes. Mr. Cannon.

Mr. CANNON. Thank you, Mr. Chairman. By the way, I appreciate the fairness. This really has to be about getting information and understanding and not so much wrangling.

Dr. Hansen, in the process here, I'm learning to understand you, I think, a little better, and I actually think you're very straightforward. Mr. Cooney obviously thinks very highly of you and your science.

You indicated here you prefer Senator McCain for President, would have preferred him in 2001. You supported Kerry because of his positions, I believe you indicated, on the environment. But the guy you would really most like to support is Senator Heinz. Seems to me the most important thing in your political life is how people are dealing with this threat to the world that might derive—

Mr. HANSEN. That was one of the two factors. The other one that I pointed out is obviously in spades today and that is the need for campaign finance reform. Senator McCain has made efforts at that, and they haven't, as you know, been fully successful. I think we really need to solve that problem and then we'll have a lot easier time.

Mr. CANNON. That one might be more difficult to solve than global warming. That said, you talked about the government being evil or you talked about Nazi Germany, which I take it you view as meaning that this what you later described as constraints on scientists speaking, I take it you view that constraint as evil.

Mr. HANSEN. Yes. You know, you have heard of our first amendment. This is the United States and we do have freedom of speech here.

Mr. CANNON. Of course, Mr. Issa has pointed out that you have a lot of opportunity to speak, the question is where the burden of your duty with the government should constrain and go through a process as opposed to what you do in the rest of your life.

Now, what I understand here is that your greatest concern here is you don't want constrained the ability of scientists to help bridge—I think you referred to bridging the gap of understanding by the public of how great the threat of climate change is.

Mr. HANSEN. Right.

Mr. CANNON. That's not equivocal on your part.

Mr. HANSEN. As I mentioned, I think the public is not yet fully informed about the dangers.

Mr. CANNON. Any attempt to interfere with your ability to tell the public about that is evil and would be represented by a Nazi Germany-type approach.

Mr. HANSEN. No. I was referring to the constraints on free speech.

Mr. CANNON. That's right, but the free speech you're most concerned about, indicated by your politics and by your other statements, is about climate change.

Mr. HANSEN. There's no politics.

Mr. CANNON. You talked about Mr. McCain and Mr. Kerry and Mr. Heinz all being attractive. Let me finish my question because I want you to respond. You support those people largely because of their position on climate change, with the exception of Mr. McCain who you support also because of his views on funding of politics. Isn't it true that the most motivating factor here is the science of climate change?

Mr. HANSEN. No, no. I have the same rights as all Americans.

Mr. CANNON. We're not talking about your rights, we're talking about what you're characterizing as evil.

Mr. HANSEN. I was characterizing as evil the constraints on free speech. That's all.

Mr. CANNON. On all free speech or just on free speech related to climate change and you?

Mr. HANSEN. Any free speech.

Mr. CANNON. In other words, what I want to know, you view people on the other side of the climate change argument as evil?

Mr. HANSEN. No, no I have never said that.

Mr. CANNON. You did call those people Nazi Germany.

Mr. HANSEN. You have taken out of context a statement about the constraints on free speech. It had nothing to do with personalities.

Mr. CANNON. But it had everything to do with debate.

Mr. HANSEN. Of any particular people.

Mr. CANNON. It had everything to do with the debate on global warming and you've got people today characterizing Mr. Cooney as a bad person because he was hired by API before he went to the CEQ.

Mr. HANSEN. Did I characterize him?

Mr. CANNON. No, you have people in this town doing that.

Mr. HANSEN. Then you should ask them about that.

Mr. CANNON. No, we're not bantying words here. The question is, are you mostly concerned about climate change and your ability to talk about that, and you characterize as people on the other side of the argument as evil because they're confusing the issue as you said earlier.

Mr. HANSEN. I have never done that. I don't know where you get this.

Mr. CANNON. I think I'm quoting you pretty much directly.

Mr. HANSEN. I didn't characterize anybody as evil.

Mr. CANNON. I used the characterization of evil, you used the characterization of Nazi Germany, which most Americans view as equivalent to evil in our society.

Mr. HANSEN. I was referring to the constraints on free speech, not to a person.

Mr. CANNON. The constraints on free speech, not what?

Mr. HANSEN. I was referring to the constraints on free speech, not to a person.

Mr. CANNON. Except that you're blaming the constraints as coming from this administration by way of policy. In fairness, you characterized this as a developing issue over a series of administrations, not just this one, in your earlier statements. But you were characterizing this administration as being like Nazi Germany, and those reflected a view that what is going on is evil. Now you're trying to narrow that evil to the constraints on speech, not to your constraint on speech about climate change.

Mr. HANSEN. I was referring to constraints of free speech of government scientists, which is not confined; not confined to me. I referred specifically to some of my colleagues and in other agencies like NOAA and EPA.

Mr. CANNON. How about other issues other than climate change?

Mr. HANSEN. I don't have—yeah, in fact, I have been told about National Institutes of Health scientists who have felt very constrained on their ability to speak freely. I think this is dangerous in our politics.

Mr. CANNON. If the chairman would just indulge me. We pay—we tax people, we take money out of the pockets of Americans and we give it to scientists, and we ought to, at least, direct where that science goes. The difference between directing where our science goes and what we search and free speech is not a simple thing and is subject to direction by policy.

Thank you, Mr. Chairman. I yield back.

Chairman WAXMAN. Mr. Yarmuth.

Mr. YARMUTH. Thank you, Mr. Chairman. Mr. Cooney, are you familiar with a memo that you sent to Kevin O'Donovan of the Vice President's office of April 23, 2003. I'll try to remind you, the subject the Soon and Baliunas paper on global climate change.

Mr. TUOHEY. Excuse me, Mr. Chairman. We've not seen the memo. We would like to see a copy of it before any answers are given. We were assured we would receive all documents before questions were advanced. Can we see it, please?

Mr. BOLING. Excuse me, Mr. Chairman. As the chairman—

Chairman WAXMAN. Could you identify yourself.

Mr. BOLING. Yes. I'm Edward Boling, deputy general counsel for the Council of Environmental Quality. I would simply notify the chairman that the document in question as referenced in Chairman Connaughton's February 9, 2007 letter to this committee reciting Executive Privilege—Executive Office of the President, excuse me, correct myself, sensitivities with regard to that document. It is an internal document from the council on environmental quality to the Office of the Vice President.

Chairman WAXMAN. This is a document that was requested by this committee, isn't that correct?

Mr. BOLING. Yes, Your Honor. It is one—yes, Mr. Chairman.

Chairman WAXMAN. You can call me Mr. Chairman.

Mr. BOLING. It is one of—not my usual court of practice. It is one of the documents referenced in the chairman's request of CEQ on February—

Chairman WAXMAN. So this document is being withheld based on Executive Privilege, is that what you're asserting?

Mr. BOLING. Mr. Chairman, with all due respect, the document has not been provided to the committee. We have not made any affirmative decision with regard to its withholding. However, it is subject of our ongoing efforts to accommodate this committee's needs, and it has been shown to committee staff as part of that accommodation and its status is part of our ongoing discussions of its status and whether we would provide it to the committee as part of this rolling document production.

Chairman WAXMAN. I thank you for that clarification.

We don't have a document to show you, Mr. Cooney, but the gentleman is recognized to pursue whatever questions he wants to pursue.

Mr. YARMUTH. Thank you, Mr. Chairman. I will proceed to read excerpts of this. This, again, is a memo from you to Kevin O'Donovan of the Vice President's office: The recent paper of Soon-Baliunas contradicts a dogmatic view held by many in the climate science community that the past century was the warmest in the past millennium and signals of human-induced global warming.

Then you say: We plan to begin to refer to this study in administration communications on the science of global climate change. In fact, CEQ just inserted a reference to it in the final draft chapter on global climate contained in EPA's first state of the environment report.

Then you go on to say: It represents an opening to potentially invigorate debate on the actual climate history of the past 1,000 years.

The Soon-Baliunas paper is a public document, is that correct?

Mr. COONEY. Yes, Congressman.

Mr. YARMUTH. It was funded by the API, is that correct?

Mr. COONEY. It was funded by NASA, NOAA, the Air Force, and I understood 5 percent funded by the American Petroleum Institute.

Mr. YARMUTH. So API was a partial funder of this report which you have inserted into—you said you have inserted into this report that we are discussing to invigorate the debate.

Let me continue to discuss the EPA's report on the environment and have you, if you will, turn to exhibit F. Would you say that your role—you have already said earlier that your role was to advance the administration's policies. That was your sole role.

But in terms of handling information and making the edits that you have made, how would you characterize—would you characterize that you were, and forgive me for using this term, trying to reflect a fair and balanced perspective on what the science on climate change is?

Mr. COONEY. I would say that's exactly what my objective was, to be fair and balanced.

Mr. YARMUTH. Thank you. This document, exhibit F, is the EPA's staff report to Christine Todd Whitman. On page 2 of this document it says: The text—these are after your recommended suggestions, edits—the text no longer accurately represents scientific consensus on climate change. A few examples are conclusions of the NRC are discarded, multiple studies indicate recent warming is unusual, the thousand year temperature record is deleted, and emphasis is given to a recent limited analysis, I think there is a word missing, that supports the administration's message. Natural variability is used to mass scientific consensus that most of the increase is likely due to human activity.

Then it goes on to say: Numerous technical details incongruous with the rest of the report on the environment make the section confusing and seem more uncertain rather than presenting balanced conclusions about what scientists do and do not know.

Are you concerned at all that career professionals at EPA thought that these edits actually were so biased that incorporating them would make the report scientifically inaccurate?

Mr. COONEY. Congressman, the memorandum refers to comments not only provided by CEQ but provided also by the Office of Science and Technical Policy, the Office of Management and Budget, the Department of Energy, the Council of Economic Advisors. A lot of offices had concern with not only the way EPA was characterizing climate change in a 4-page summary, we were also concerned, I think, at the same time that the 10-year strategic plan was being developed and there had been a 1,300 person workshop in December 2002 at which scientists from 40 countries came and commented on the 10-year strategic plan.

We thought that was a fuller—Dr. Marburger has spoken to this publicly, and you would get his statement from OSTP, he's the director, but he thought, I think, and he has said in the aftermath that a fuller exposition of the science of climate change was in the 10-year strategic plan and in the end the state of the environment report referred people to the 10-year strategic plan, which was several hundred pages. It was a much more complete exposition of climate change than the 4-page summary that went back and forth between EPA and reviewing agencies.

Mr. YARMUTH. I'll concede that you were only partially culpable for these changes that EPA criticized, but my question was aren't you concerned that the EPA professional staff thought that this report as edited by you and others portrayed a scientifically inaccurate perspective on climate change.

Mr. COONEY. I would say a few things; I'll answer your question, of course, first. Yes, I am disappointed, and it is a concern to me. Second though, we had at the Council on Environmental Quality a detailee from EPA who was handling the coordination of this state of the environment report. His name was Allen Hecht. And he was coordinating comments from throughout the Federal Government and within the CEQ and other White House offices, and he was really the interface between our office and a lot of the commenting offices and the agency itself.

So we had an EPA detailee in our offices at the White House coordinating the development of this report. And I would just say that the development of this report was not really smooth. There were very many—a number of iterations and a lot—I think a lot of people felt that EPA was not sufficiently responsive in the commenting, interagency commenting process to the comments that it was receiving, and it was not just our office, as you made clear.

Mr. YARMUTH. Well, I think, in concluding my time, the important point to make is we're dealing with a process here and whether or not the process used by this administration resulted in information that was useful to the public and was honest and accurate and fair and balanced, and in this particular case, the process resulted in a document which the administrator of the Environmental Protection Agency said was not useful and therefore deleted it, therefore the process apparently, at least my conclusion, the process was fatally flawed in that it ended up producing something that was not useful.

Chairman WAXMAN. The gentleman's time has expired.

Mr. Souder.

Mr. SOUDER. I thank the chairman. Once again, I want to point out that the only Republican witness is isolated and sentenced to the third panel of the wilderness, who actually controlled similar questions of whether you can speak out when your policies disagree with administration with the people who are elected, not unelected, and showed that there are differences within this agency is isolated to the third panel. He disagrees on science, he disagrees and would point out this isn't unique to this administration, but apparently in a hearing where we're debating whether one side has been silenced, it's OK to haul out two Republican witnesses to hound and one who has said he supports Kerry and Gore, did support apparently a dead Republican, and one who he might have voted for if he had actually been on the ballot, but in fact, praised Al Gore, praised John Kerry for whatever reasons. That's OK. We can discriminate, but on a hearing where there's discrimination.

I would like to point out on this Nazi comparison that Dr. Hansen said that part of this, "is staffed by political appointees from the Bush administration; they tried to stop me from doing so. I was not happy with that and I ignored the restrictions."

How do you think Nazi Germany would have reacted to that? Would you admit that statement was an overreaction at a time of emotion?

Mr. HANSEN. Well, I thought—

Mr. SOUDER. Nazi Germany did not allow—

Mr. HANSEN. After making the statement, I did regret the Nazi Germany, so in my revision of that document, which was published, I changed it to the old Soviet Union because of the connotations that come with it.

Mr. SOUDER. Do you think Stalin would have let you ignore those restrictions and not go to a concentration camp? This is ridiculous that you are working—could we put up the video of the picture of him speaking.

Part of our concern here is that the challenge here when you have an elected administration where whether you like it or not, there is still a scientific debate, whether that scientific debate is sometimes funded by organizations that have concerns about one side is another matter.

Could you read what it says under your name there on the television? Can you see that?

Mr. HANSEN. Yeah, it has the organization that I work for, NASA Goddard Institute for Space Studies. I can't read the last word.

Mr. SOUDER. Basically, in your introductions, and when you travel you're always a public citizen, just like we are. I must say, and I want to say this for the record, I have some concerns with the lack of clearance of this administration for documents to an oversight committee, and I'm upset that a question was asked without that document, but I believe the administration should be more forthcoming. I also believe we need to give more flexibility for people to speak. But I also believe there are times when any elected administration has a right to choose and to say there are policy differences, and they don't have to uniformly allow everyone to speak in every case.

Now if there's a pattern of misrepresentation and it was always silence and you didn't have 1,500 chances to do so, it would have been a different challenge, or if, in fact, you'd have followed orders, or in fact, you'd gone to a concentration camp or silenced to Siberia, which you're not. C-SPAN and other agencies are not exactly like Siberia, they are not like a concentration camp. This isn't Nazi Germany, it's not the Soviet Union. That I do think there are debates and there needs to be some caution with that, but I think your overstatements are there.

Furthermore, we have this challenge of Rick Piltz who's not a scientist who testified in front of this committee and he admits his group is an advocacy group addressing the challenge of global climate change, meaning their ideological. It's very hard to separate this issue from people who have a vested interest in one side or another. And while it's clear global warming is occurring, I mean Indiana used to be covered with glaciers, and it's clear it's probably growing at an accelerating rate and humans are challenging and adding to that, I don't think anybody is disputing those, but the particular policy conclusions on how it's done have incredible political overtones. What are we going to do, just shift to China?

How we do it and how precise that science is does have political consequences, and therefore the elected officials do have some rights with which to show some of that debate.

Do you want to respond, Dr. Hansen?

Mr. HANSEN. Sure. I have no problem with that. I do not specify policy or attempt to do that. I do try to make clear the science that's relevant to policy. What our administrator has said is that—and it's impossible in this topic to discuss the topic without having some relevance to policy, but I simply make clear that if it does touch on policy as my personal opinion, I'm not representing the government in that case.

Mr. SOUDER. How would you separate that?

Mr. HANSEN. Pardon?

Mr. SOUDER. How can you possibly separate your personal views on a subject where your professional responsibility is this very subject?

Mr. HANSEN. No, I make clear that—some of the implications of global warming, it has implications for policy. And, for example, one of the things that people need to understand is that about a quarter of the carbon dioxide that we put in the air is going to stay there forever. I mean more than 500 years.

And what that means is we cannot burn all of the fossil fuels without producing a radically different planet, which none of us would like to see, I think, without ice in the Arctic and with much higher sea levels and things.

These things relate to policy because you're going to have to do something about it, and there are different things you can do, you can capture the CO₂ and sequester it. There are different ways to treat this. That's up to the public and policymakers to decide that, but I need to make clear to them that there are such constraints and they're going to have to start to think about that real soon.

Chairman WAXMAN. The gentleman's time has expired.

Mr. SOUDER. Thank the chairman for your indulgence.

Chairman WAXMAN. Mr. Welch.

Mr. WELCH. Thank you, Mr. Chairman.

Mr. Cooney, I would like to ask you about some evidence that the White House edited an op ed piece written by then EPA administrator Christine Todd Whitman to ensure that it followed the White House line on climate change.

In July 2002, there was an ongoing debate about the Kyoto protocols, as you remember. EPA Administrator Whitman wrote a piece for Time Magazine about the Bush administration's record on global warming, defending it more or less.

My understanding is that the CEQ did play an active role in reviewing and editing administrator Whitman's op ed. For example, on July 15, 2002 Sam Thurstrom of the White House Council on Environmental Quality distributed a revised version of the administrator's piece that contained several significant edits. I will direct you to exhibit L.

According to that document Tom Gibson an associate administrator at EPA wrote to Mr. Thurstrom, this is in response to the proposed language to be used by Secretary Whitman: I can't use the 5 million out of work figure for Kyoto. It is based on the EIA report that assumed that no trading would be allowed to imple-

ment the Kyoto protocol. It also is the high end of numbers that were expressed as a range.

So it's pretty clear that in effect, the high level EPA administrator was telling CEQ there was simply no basis to assert that 5 million American jobs would be lost. Of course that was the heart of the administration pushback on Kyoto. This figure is taken directly—Mr. Thurstrom responded that figure, the 5 million was taken directly from the President's 2/14 speech and Jim Connaughton's Senate testimony last week.

Using merely an abstract dollar figure may not be as compelling. My understanding, Mr. Cooney, is you were copied on the e-mail, and when you saw the e-mail, did you tell Mr. Thurstrom that Administrator Whitman's piece should be not required to include an assertion that her own staff regarded as baseless, namely this 5 million job loss figure?

Mr. COONEY. Congressman, I don't recall whether I said anything to Mr. Thurstrom or not. I do recall seeing e-mails over the weekend where Mr. Gibson responded to Mr. Thurstrom and I think was persuaded by what he had written, and I can't remember his exact words but they continue in their e-mail exchange.

Mr. WELCH. Take a look at exhibit M. In that e-mail Mr. Gibson from EPA says that administrator Whitman had made her own edits and struck the reference to the 5 million lost jobs. And if you turn to exhibit N, this e-mail sent 4½ later by Mr. Thurstrom, he put the 5 million lost jobs figure back in the draft.

Now what they offered as evidence or support for this was A, the President said it. I assume you don't believe that if the President says something that is not true, that makes it true because he's President.

Mr. COONEY. I don't believe that.

Mr. WELCH. It appears that your staff kept insisting on the inclusion of an erroneous statement about the economic consequences over the strenuous objection of the EPA.

Mr. COONEY. Strenuous is your words. E-mails tell half a story often. People pick up the phone and call each other. They go back and forth, pick up the phone, they'll solve things. I don't recall how this was solved. I don't remember it being directly involved in how it was solved.

Mr. WELCH. I would agree e-mails tell half the story. What I think tells the rest of the story here, its very clear there was no solid basis for this 5 million job figure.

Mr. COONEY. It was from the energy information administration 1998 study on the impacts of the Kyoto protocol on the United States.

Mr. WELCH. Then you had more current information by your own staff that raised substantial questions about the legitimacy of that figure.

Mr. COONEY. Mr. Gibson questioned the figure, but the figure comes from the independent statistical agency of the Department of Energy, the energy information administration. It is independent, it's not politically driven, and it came out with a study in 1998 documenting—

Mr. WELCH. Did that study assume that there would be trade as was the case under the Kyoto protocols, yes or no.

Mr. COONEY. I don't recall. Mr. Gibson says that it did not assume trading, but I don't recall. I just don't have the depth in the study to recall.

Mr. WELCH. In failing to assume trading, which was inherent in the Kyoto protocol, was it not without any foundation for the conclusion it was pushing?

Mr. COONEY. I understand Mr. Gibson's comment essentially as you're saying, is that the Kyoto protocol had in a written form flexibility mechanisms that might bring down the costs of complying with Kyoto. There is a record now about those flexibility mechanisms, and many of them have not proved efficient at bringing down costs.

Mr. WELCH. Here's where it is frustrating on this side of the table, and it gets back to what my colleague had spoken about before. The American people are entitled to the benefit of the clearest science available, correct?

Mr. COONEY. And economics, from the energy information administration, which is independent.

Chairman WAXMAN. The gentleman's time has expired. Do you want to conclude? Go ahead and conclude.

Mr. WELCH. Well, the conclusion here, Mr. Chairman, is that the science that we were getting was pretty good until it was altered by folks in the press operation that were changing it for political considerations.

Mr. COONEY. The editorial was really about climate change policy, in its whole sense, the President's commitment to reduce greenhouse gas emissions intensity by 18 percent. The predominant, if you look at the Time Magazine op ed by Administrator Whitman, it was not really focused on science so much as it was on mitigation of greenhouse gas emissions.

Chairman WAXMAN. Mr. Shays.

Mr. SHAYS. Thank you. Dr. Hansen, I think that we won't have a world to live in if we continue our neglectful ways, and so I don't disagree one bit with what you believe and how you're expressing it, I just want to state that. Frankly, I don't even know if I would have called you to come before this hearing, but you're here and so I'm going to deal with what you say because I find it puzzling and I find your answers candidly inconsistent. It's not "I got you," I'm just trying to understand.

When Mr. Issa asked you a question you didn't want to say the imagery to Hitler's Germany was inappropriate, with Mr. Souder you did, and now you're saying it's only the Soviet Union.

We have a young man who made a mistake and he said you know, I made a mistake and let me get on with my life. What puzzles me is that you don't even want to admit a mistake when you make them, and you seem to stand up waving the Constitution as if somehow you have no restraints at all. I'm an American, I can say anything I want.

I'd like to just ask you about that. The old media policy rules were drafted in 1987. Under section 1213-103A instructs that all headquarters news releases be issued by the Office of Public Affairs media service division, section 1213 also requires that press releases originating with field installations that is have national sig-

nificance be coordinated with the associate administrator for public affairs. That was done in 1987.

Are you saying that's a policy that shouldn't have existed in 1987, shouldn't have existed in 1992, shouldn't exist in 1998, shouldn't exist in 2002; shouldn't exist?

Mr. HANSEN. I haven't said anything about public affairs press releases. They are handling the public affairs press releases.

Mr. SHAYS. Would you agree that makes sense, that you have that?

Mr. HANSEN. Sure.

Mr. SHAYS. That means your right to speak out is restrained?

It does. You can't speak out any time you want. Would you at least acknowledge that.

Mr. HANSEN. Sure. But do you think that these—

Mr. SHAYS. Hold on. There are certain times when you can speak out and there are other times you can't speak out, correct?

Mr. HANSEN. Probably that is true.

Mr. SHAYS. Not probably. It is true. How many people do you have working at your institute?

Mr. HANSEN. What do you mean?

Mr. SHAYS. How many people do you have working at your institute?

Mr. HANSEN. Approximately 120.

Mr. SHAYS. And you are the Director.

Mr. HANSEN. Yes.

Mr. SHAYS. Do you sometimes edit what they do? Do you sometimes question what they say? Do you?

Mr. HANSEN. Sure that is a scientist's job—

Mr. SHAYS. That is a scientist's job.

Mr. HANSEN. That is the scientific way, but not—

Mr. SHAYS. Does your staff have the right any time they want to just say whatever they want about things related to their work? You know, I just want to say something.

Mr. HANSEN. Within the—

Mr. SHAYS. Before you answer, I want to say to you that this is not a game. You are under oath. I want an honest answer.

Mr. HANSEN. I have been giving you honest answers, and within constraints of what is reasonable, people—I don't try to change what somebody is saying.

Mr. SHAYS. I didn't ask that question. Do they have the right to say anything they want any time they want about issues relating to the institute?

Mr. HANSEN. I have never constrained anyone in that—

Mr. SHAYS. Do they have the right to? So any employee from this point on can speak out, and if anyone comes to me, let me say this to you because you are saying this under oath—if any of your employees say to you they wanted to say something but you said you shouldn't do it or you can't do it, you are under oath saying you have never restrained anything from saying that?

Mr. HANSEN. I have never restrained anybody.

Mr. SHAYS. Let me ask you this. If somebody wanted to issue a release saying that global warming is getting worse and worse and they work for you, could they say that is so?

The answer is yes or no.

Mr. HANSEN. Scientists, sure. They can say anything they can support.

Mr. SHAYS. If someone said that based on my scientific work at this institute, I believe that global warming is not getting worse an issue, speak to someone at their desk at your office, they are allowed to do that?

Mr. HANSEN. Sure, absolutely.

Mr. SHAYS. OK. So, you have no policy whatsoever?

Mr. HANSEN. No constraints on scientific statements.

Mr. SHAYS. Do you think it is logical for a department before you issue a release, to have to submit a release—so let's go back to the first point we had.

You said, in other words, the rules. There are rules. There are rules that you seem to agree with drafted in 1987.

Mr. HANSEN. Yes, but those rules don't include, for example, that they should go to the White House for editing.

Chairman WAXMAN. Gentleman's time has expired. Do you want to conclude, Mr. Shays?

Mr. SHAYS. I would like more time.

Chairman WAXMAN. Wouldn't we all?

Mr. SHAYS. Pardon me? In other words, we can't develop the idea, so it is pointless to go on.

Chairman WAXMAN. Well, that concludes the questioning of this first panel and we thank you very much for being here. And we look forward to further conversations on these issues.

I would like to now call forward Mr. James Connaughton, chairman of the White House Council on Environmental Quality.

I want to welcome you to our hearing. Is it Connaughton or Connaughton?

Mr. CONNAUGHTON. It is Connaughton. I appreciate that, Mr. Chairman. It is the Irish.

Chairman WAXMAN. OK. We welcome you to our hearing today. Your prepared statement will be in the record in its entirety. We would like to ask you if you would to try to limit your oral presentation to around 5 minutes. We will have some leniency on that. It is the policy of this committee to swear in all witnesses, so I would like to ask you to rise and hold up your right hand.

[Witness sworn.]

Chairman WAXMAN. The record will indicate that the witness answered in the affirmative.

Mr. Connaughton—Connaughton—

Mr. CONNAUGHTON. Connaughton.

Chairman WAXMAN. Forgive me. You can call me Waxman.

Please go ahead with your oral presentation.

STATEMENT OF JAMES L. CONNAUGHTON, CHAIRMAN, WHITE HOUSE COUNCIL ON ENVIRONMENTAL QUALITY

Mr. CONNAUGHTON. Thank you very much, Mr. Chairman and members of the committee. It is a pleasure to be back before you yet again after many appearances. I would notice that Jack Marburger, the President's science adviser, was also interested in being part of this discussion as he is the senior scientist overseeing Federal Government policy, and I am sure he would look forward

to working with the committee as we go forward, as you continue this inquiry.

Over the last 6 years this administration has relied on the advice of scientists from 13 government agencies, from the National Academies of Science and, in developing our 10-year strategic plan that you heard about today, from scientists from 36 countries. Now all of this is in an effort to guide Federal climate change science, technology research and policymaking.

As you heard earlier, of particular importance to this hearing is in fact the 2001 National Academy of Sciences report on climate science commissioned by President Bush. That report sets the foundation for what we knew about the climate science at that time and what we still needed to know.

The questions before this committee are not new, including those involving CEQ's role in reviewing documents. With respect to the 2003 climate change science program's 10-year strategic plan, which I am showing you here is about 200 pages long, Dr. James Mahoney, who is a PhD scientist and the top official overseeing that program, informed the Congress several times years ago that he was responsible ultimately for the final content of this report.

To the best of Dr. Mahoney's knowledge, "no errors were contained in the two reports." Dr. Mahoney further affirmed that edits proposed—affirmed that, "edits proposed by CEQ did not misstate any specific scientific fact." Following that, the National Academies of Sciences wrote the plan, "articulates a guiding vision, is appropriately ambitious and is broad in its scope."

Now with respect to the 2003 climate budget summary, also discussed today, and that's called *Our Changing Planet*—that is about 120 pages—most of the edits recommended by CEQ were actually accepted or changed somewhat by the science program officials responsible for the document. Only three were not, and CEQ would have no objection to the fact that they weren't included. Now as to the early two-page drafts on climate in the 2003 draft report on the environment, this one is more than 600 pages long. I don't have the technical appendices here. The relative few agency comments of interest to some on this committee were actually of no importance because the EPA Administrator decided to replace the passage with a reference directing the public to the two much more substantial reports above that came out at the same time. That is these two reports. These are huge, hundreds of pages with the entire scientific community in consensus on the content of these reports.

Now in any event, in my detailed—in my written testimony when you look at the actual comments being proposed by the various offices not just CEQ's, most of them either echoed nearly verbatim, were appropriately reflective of the substance of the 2001 National Academies of Science report on climate science.

Now this is a fact that even a cursory direct comparison or even a Google search revealed, and I did it. I Googled one of the edits just to see what turned up an expression. The edit recommended showed up in numerous science documents, including the National Academy of Sciences.

Finally, the committee's focus on my former chief of staff, Mr. Philip Cooney, who you saw here today is misguided. And actually I find it a little bit ironic. It was Mr. Cooney who is responsible

for inviting Dr. James Hansen to the White House in 2003 to brief me and other senior officials on advances in climate change science. It was a remarkable and important presentation. It was Mr. Cooney who is the driving force behind working to ensure that Federal Government documents and our budgets were actually responsive to the priority research areas that Dr. Hansen himself identified along with his colleagues at the National Academy of Sciences.

Now, it is also Mr. Cooney who, precisely because he is an expert in the energy sector, who zeroed in on Dr. Hansen's very useful policy recommendation about the substantial climate change benefits of aggressively attacking methane emissions and black soot now, something we can do now. And therefore it was Mr. Cooney who became the driving force in creating this international methane-to-market partnership, a 19-nation effort that is going to remove more than 180 million metric tons of CO₂ equivalent emissions from the atmosphere by 2015. Now this is going to come from oil and gas operations, something Mr. Cooney knows something about, and mining, something he also knows something about, landfills and agriculture.

And then it was Mr. Cooney in terms of proactive climate policy to actually make a difference who helped establish the Climate Vision Partnership and who for the first time secured industry emission reduction commitments from 14 major energy intensive industrial sectors, including the Business Round Table.

I just have to say, I live in two worlds, the world of reality and the experience on my job and what I have been hearing a little bit here today. Mr. Cooney is among the most proactive supporters of both the science enterprise and advancing it, but more importantly he was one of the most proactive creators of sensible policies built on the science that are actually going to help us cut our emissions.

The totality of this administration's record is one of unparalleled funding, openness and inclusiveness in confronting the serious challenge of global climate change.

I think the sum of this is I fear that we are sort of losing the forest for the twigs in this discussion. The forest is this massive science enterprise. The forest is the massive technology investments in which the United States is leading the way in attacking global emissions, not just here but abroad. And I hope as the committee continues its inquiry we can begin to lay that information out on the table.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Connaughton follows:]



**Testimony of
James L. Connaughton
Chairman, White House Council on Environmental Quality**

**Before the United States House of Representatives
Committee on Oversight and Government Reform**

March 19, 2007

TABLE OF CONTENTS

Introduction..... 2

The Administration’s Approach to Climate Change Science..... 2

Development of the Administration’s Climate Change Science Program..... 4

Supporting and Advancing Science..... 8

Context for the Oversight and Government Reform Committee’s Inquiry to Date 10

Interagency Review Process on the “Report on the Environment” 13

Conclusion 21

Introduction

Chairman Waxman, Ranking Minority Member Davis, and members of this Committee, thank you for inviting me to testify here today. I will start by describing the Bush Administration's approach to climate change science and the steps this Administration has taken to support and advance this important area of scientific research. I will also provide context for documents that form the basis of this Committee's inquiry. Finally, I will address the specific allegations made regarding the integrity of the inter-agency review that was provided for drafts of an Environmental Protection Agency report known as the *Draft Report on the Environment*.

The Administration's Approach to Climate Change Science

The Bush Administration has devoted approximately \$12 billion to advancing world class climate change science since 2001. Even as we solidify our understanding of many aspects of climate change, this funding enables scientists at home and abroad to further their investigation of some of the most pressing and challenging research questions. Their efforts are significantly advancing our understanding of climate change and informing policymaking at the highest levels. Their peer-reviewed research and other scientific information are widely available to, and disseminated among, experts and the public. Our Federal agency websites provide the public access to tens of thousands of pages related to climate change, including advancements in science. These web-available documents are a reflection of the substantial public and professional work, discourse, lectures, and other communications that take place every day of the year on this important subject.

Over the last six years, this Administration has sought the advice and counsel of scientists from thirteen government agencies and departments, from the authoritative, non-partisan National Academies of Sciences, and in developing a strategic plan received comments from scientists from 36 countries, all in an effort to guide Federal climate change science and technology research and policymaking with the best available scientific advice. That advice and counsel has been reflected in comments on draft documents and in final agency policy and budget documents, as well as reports, speeches, and communications materials developed using the interagency policy review process that has been a routine part of executive branch decision-making in both Democratic and Republican Administrations. The Administration will continue to support and elicit such outside advice and counsel, as well as take full advantage of executive branch expertise and viewpoints to guide policy development from the highly accomplished political and career staff whose job it is to coordinate and participate in such processes. These individuals bring an important diversity of professional experience and skills important to policymaking, including the many scientific disciplines related to the mechanics of the climate system, biology, transportation, chemistry, engineering, economics, energy, agriculture, construction, law, accounting, and communications among others.

Over the last six years, this laudable record of ongoing support, publication, and communication of world-class climate change research, has at times been overshadowed because of misunderstandings, and in some cases misrepresentations, about the deliberative processes of developing and communicating policies related to climate science, and its interface with policy, management, and budgeting. The questions this Committee is examining are not new. Most in fact are several years old. Prior Congresses and Members of both parties have looked at them closely in the context of hearings, letter inquiries and oversight. On those past occasions, as now, the Administration worked cooperatively with Congress to address questions about climate change science, policy, and management. I have attached to this testimony copies of representative documents the Administration previously provided to Congress in response to many of the same matters once again being explored by this Committee. See Attachments. See also July 11, 2002 Testimony of J. Connaughton, G. Hubbard, J. Marburger, and J. Mahoney before the Senate Committee on Commerce, Science and Transportation.

Of particular focus today is the interagency review process concerning several Administration climate change documents, and the role played in reviewing those documents by my former chief of staff, Phil Cooney. Questions surfaced nearly two years ago about proposed changes and edits made by Mr. Cooney to those documents. Dr. James Mahoney, a Ph.D. scientist, who served as Assistant Secretary for Oceans and Atmosphere at the Department of Commerce and the top official overseeing the Climate Change Science Program (CCSP), has responded on several occasions to Congressional inquiries on this matter. The most pertinent for our purposes today is the letter Dr. Mahoney sent responding to Sen. James Inhofe's inquiry (R-Okla.) on July 29, 2005.

In that letter, Dr. Mahoney outlined the interagency process that governed review of documents produced for the CCSP. As he stated:

The referenced reports were produced through a customary interagency review process. The thirteen CCSP agencies, CEQ, OMB, and OSTP reviewed the drafts, provided comments, and suggested editorial revisions. The comments and suggested revisions were considered by CCSP scientific staff working under my supervision or by me, and revised drafts were prepared. These drafts were again circulated for final clearance and release. As Director of the CCSP, I have had final authority over the editorial process and the approved content of all CCSP reports disseminated since 2002.

Dr. Mahoney also stated explicitly that he had reviewed the reports and concluded that the content of those reports was scientifically sound. He further noted that changes and edits suggested by Mr. Cooney were both warranted and factually accurate, and that the final reports contained no errors or misstatements of fact:

Mr. Cooney proposed many specific edits, as did others involved in the interagency review process for the two reports [the 10-year Strategic Plan for the CCSP and *Our Changing Planet*, the CCSP's annual report to Congress]. These

proposed edits ranged from corrections of grammatical errors to suggestions for insertions or deletions of text. To the best of my knowledge, the edits proposed by CEQ did not misstate any specific scientific fact, but some of the proposed edits challenged the degree of confidence to be attached to various scientific statements. As is the case for all reports produced through the CCSP interagency process, some of the proposed edits were accepted and others were modified or rejected. In my capacity as CCSP Director, I approved final versions of the drafts. To the best of my knowledge, no errors were contained in the two reports.

Accordingly, as you carry out your oversight of the strong record of U.S. leadership on climate change science, I thought it would helpful to explain in some detail the Administration's record of managing Federal climate science programs, funding those programs, using research from those programs to guide and inform policymaking—all undertaken with integrity and respect for the scientific process. I will also specifically respond to some of the allegations that emerged during your recent hearing on the climate science process and in the January 30, 2007 Memorandum from Chairman Waxman to the members of the Committee ("Chairman's Memo").

Development of the Administration's Climate Change Science Program

The President has requested, and Congress has provided, substantial funding for climate-related science, technology, observations, international assistance and incentive programs – on the order of \$35 billion since 2001. Private sector investment in science, technology and other activities related to climate is also massive, backed up increasingly in recent years by initiatives at the state and local level. Among other things, Federal programs are helping further reduce scientific uncertainties associated with the causes and effects of climate change; promoting the advancement and deployment of cleaner, more energy efficient, lower carbon technologies; encouraging greater use of renewable and alternative fuels; accelerating turnover of older, less efficient technology through an array of tax incentives; and establishing dozens of international climate partnerships with the world's largest greenhouse gas emitters, designed to create markets, reduce pollution, alleviate poverty, and fuel economic growth in developing countries.

Through a comprehensive suite of mandates, incentives, and partnerships, the President's climate change policies are contributing to meaningful progress in reducing the growth of U.S. greenhouse gas emissions, even as our population grows and our economy continues to expand. While the U.S. was behind the curve through much of the 1990s, since 2000 the U.S. is now outperforming many in the industrialized world in tackling emissions. For example, according to the International Energy Agency (IEA), from 2000 to 2004, U.S. emissions of carbon dioxide from fuel combustion grew by 1.7 percent, during a period when our economy expanded by nearly 10 percent. This percentage increase was lower than that achieved by Japan (2.5 percent), Canada (4.0 percent), the original 15 countries of the European Union (EU 15) (5.4 percent), India (13.5 percent) and China (58.9 percent). IEA data also show that the United States reduced its carbon dioxide intensity (emissions per unit of real GDP, kg CO₂ per 2000

US\$) by 7.2 percent between 2000 and 2004, better, for example, than Canada (5.6 percent), Japan (1.4 percent), or the EU 15 (1.1 percent).

President Bush's commitment to addressing the serious challenge of global climate change began in the earliest days of his Administration. In March 2001, the President convened a Cabinet-level working group, including the Departments of Treasury, State, Agriculture, Commerce, Energy, Interior, and the Environmental Protection Agency to conduct a comprehensive review of climate change science and policy. To help guide that review, the White House asked the National Academies of Sciences (NAS) to convene an expert panel of the National Research Council (NRC) to prepare an authoritative report on the state of climate change science. In a letter to Dr. Bruce Alberts, then president of the NAS, two of the President's senior advisors wrote, "The Administration is conducting a review of U.S. policy on climate change. We seek the Academy's assistance in identifying the areas in the science of climate change where there are the greatest certainties and uncertainties. We would also like your views on whether there are any substantive differences between the IPCC report and the IPCC summaries." The committee reviewed 14 questions subsequently developed by the Administration and NAS in the statement of task for the study and determined "they represent important issues in climate change science and could serve as a useful framework for addressing the [request]." The members of the NRC panel comprised a number of the most accomplished and highly respected scientists from diverse scientific fields critical to our understanding of climate change, including Dr. James Hansen of NASA, Dr. Richard Lindzen of MIT, Dr. Ralph Cicerone of the University of California Irvine, and Thomas Karl of NOAA. The NRC provided its report, *Climate Change Science: An Analysis of Some Key Questions* ("NRC Report"), to the President and the public in June, 2001.

After ten weeks of consultation by the President's Cabinet with outside scientists and policy experts, and following receipt of the NRC Report, on June 11, 2001, President Bush announced to the world in a Rose Garden address that global climate change is "an issue that should be important to every nation in every part of our world." Further, the President stated, "The issue of climate change respects no border. Its effects cannot be reined in by an army nor advanced by any ideology. Climate change, with its potential to impact every corner of the world, is an issue that must be addressed by the world." The President reaffirmed the longstanding obligations of the United States under the UN Framework Convention on Climate Change. And he said the United States would "work within the United Nations framework and elsewhere to develop with our friends and allies and nations throughout the world an effective and science-based response to the issue of global warming."

Accompanying the President's June 2001 speech was a 33-page policy book describing the Bush Administration's initial approach for addressing climate change. The book contained many separate quotations or references to the NRC report. It also contained several chapters highlighting in detail current domestic actions, an analysis of the Kyoto Protocol, scientific research priorities, ways to promote and advance technology, and efforts to address climate change on an international level. And the

policy book included the President's directive to his Cabinet-level working group to "press forward and develop innovative approaches to climate change in accordance with several basic principles," including making new U.S. policies consistent with the long-term goal of stabilizing greenhouse gas concentrations in the atmosphere, a goal articulated by the Framework Convention.

During his speech, the President criticized the Kyoto Protocol, which he said was a "fatally flawed" approach to effectively addressing climate change, principally because the treaty exempted some of the world's largest emitters of greenhouse gases from its requirements. At the time, the Energy Information Administration (EIA) projected that annual developing country emissions of carbon dioxide would double between 1990 and 2010—an increase that represented over twice as many tons as all of the reductions the United States would be required to take under the Kyoto Protocol. (Six years later, the situation is even more pronounced: according to the International Energy Agency, China's emissions alone are projected to exceed those of the U.S. in 2009, and perhaps earlier.) Another major flaw was the severe burden the treaty would have imposed on the U.S. economy. According to a scenario EIA analyzed during the prior Administration, U.S. implementation of the Kyoto Protocol could have reduced U.S. GDP by as much as four percent.

Long before the President's expression of opposition to the Kyoto Protocol, the U.S. Senate voted 95 to 0 in 1997 to approve the Byrd-Hagel resolution. That resolution stated that the United States would not be a signatory to any international climate change treaty that exempted developing country parties (e.g. China, India, South Korea, and Mexico) from the treaty's mandates or that would result in serious harm to the U.S. economy. Because the Kyoto Protocol failed the Byrd-Hagel test, in its remaining three years, the prior Administration never submitted the treaty to the Senate for ratification. As then Vice President Al Gore stated the day Kyoto was finalized, "As we said from the very beginning, we will not submit this agreement for ratification until key developing nations participate in this effort" (<http://www.cnn.com/ALLPOLITICS/1997/12/11/kyoto/>). Had the U.S. ratified Kyoto, it is likely that not only would many energy-intensive U.S. jobs have been lost to other countries that were exempt from the treaty, but the emissions associated with those jobs would have gone overseas too – undermining any claim to producing an actual reduction in emissions. Nevertheless, the President's well-founded opposition to the Kyoto Protocol triggered an avalanche of misinformation about his Administration's climate policies, which continues to this day.

The rejection of Kyoto represented the beginning, not the end, of the Bush Administration's aggressive action in dealing with global climate change. As the President stated in his June 2001 speech, "America's unwillingness to embrace a flawed treaty should not be read by our friends and allies as any abdication of responsibility. To the contrary, my administration is committed to a leadership role on the issue of climate change. We recognize our responsibility and will meet it—at home, in our hemisphere, and in the world."

As noted above, the President based his climate policy on several principles. In addition to reaffirming U.S. obligations under the Framework Convention, he called for policies that are “measured as we learn more from science and build on it; flexible to adjust to new information and take advantage of new technology; balanced to ensure continued economic growth and prosperity; based on market-based incentives to spur technological innovation; and based on global participation, including developing countries.” According to these principles, the President articulated an overarching philosophical framework to guide climate change policy formation. “The policy challenge is to act in a serious and sensible way, given the limits of our knowledge,” he said. “While scientific uncertainties remain, we can begin now to address the factors that contribute to climate change.”

The President articulated his new policy on February 14, 2002, in a major address that reaffirmed the U.S. commitment to the Framework Convention “and its central goal, to stabilize atmospheric greenhouse gas concentrations at a level that will prevent dangerous human interference with the climate.” To meet this objective, the President set a specific near-term goal “to reduce America's greenhouse gas emissions relative to the size of our economy,” and called for cutting U.S. greenhouse gas intensity by 18 percent by 2012. This goal was designed to “set America on a path to slow the growth of greenhouse gas emissions and, as science justifies, to stop and then reverse the growth of emissions.” This ambitious but achievable commitment represented a nearly 30 percent improvement in the projected rate of improvement in emissions intensity at the time (14 percent).

To achieve this goal, the President urged policymakers in his Administration “to move forward on many fronts, looking at every sector of our economy. We will challenge American businesses to further reduce emissions... We will build on these successes with new agreements and greater reductions.” The result was a policy that was appropriately wide-ranging, focusing on, among many other things, billions of dollars in tax incentives for more renewable energy, more efficient energy systems and highly fuel efficient vehicles; creating the highly successful partnerships with industry such as the Climate Leaders and Climate VISION programs; funding to support hydrogen-powered vehicles and fuel cells; promoting advanced coal technology and carbon sequestration; greenhouse gas abatement resulting from new and reformed mandates on Corporate Average Fuel Economy; biological sequestration resulting from a multi-billion dollar increase in farm-bill conservation programs; enhancing the voluntary climate reporting registry under 1605 (b) of the 1992 Energy Policy Act, and promoting and expanding international climate partnerships including tropical forest conservation. Many of these initiatives were summarized in a policy book released the same day. In my testimony before this Committee last summer, I discussed these initiatives and many more that were added since 2002.

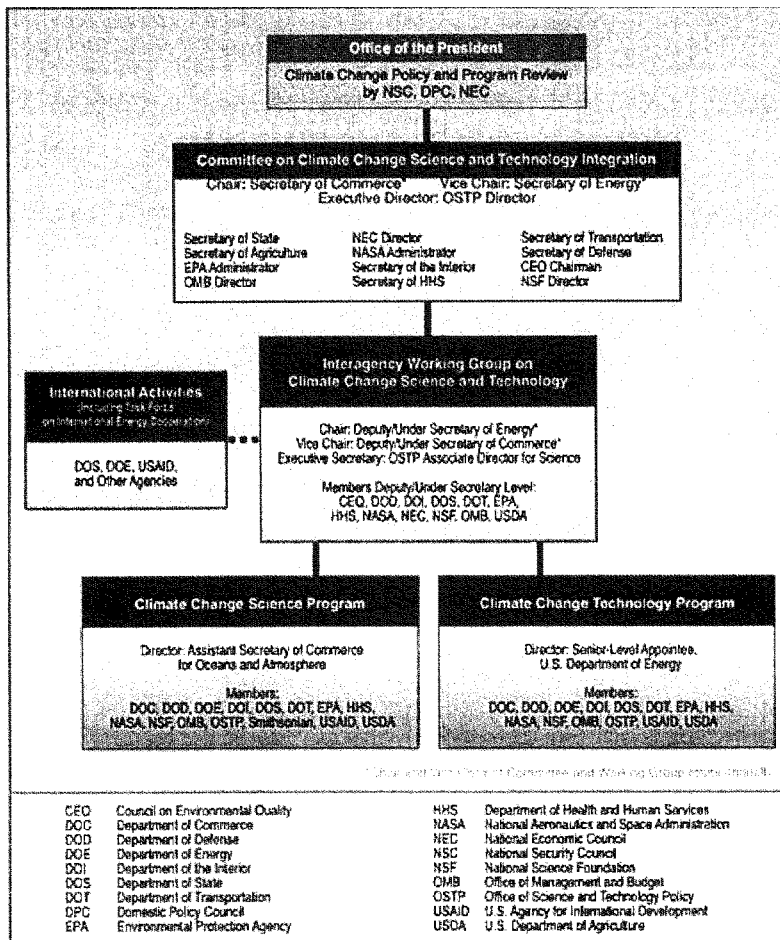
Supporting and Advancing Science

A key component of this policy was to strengthen Federal climate change science programs. Here, too, the President endeavored to follow the advice and recommendations of the NRC. In 1999, the NRC had informed the prior Administration that interagency management of the United States Global Climate Research Program (USGCRP), which was the principal program overseeing management of Federal climate research, had deteriorated in the 1990s. In *Global Environmental Change: Research Pathways for the Next Decade*, the NRC reaffirmed “the achievements and significance of the USGCRP,” but urged that “the Program must now be revitalized, focusing its use of funds more effectively on the principal unanswered scientific questions about global environmental change” (*Id.* at pages 1-2).

In its 2001 report to President Bush, the NRC panel he commissioned restated its concerns about past management of the USGCRP: “A number of NRC reports have concluded that [the USGCRP] is hampered organizationally in its ability to address the major climate problems” (*Climate Change Science: An Analysis of Some Key Questions*, NRC 2001, at page 24 [citations omitted]). The NRC called for a significant reorganization “to ensure that U.S. efforts in climate research are supported and managed so as to ensure innovation, effectiveness and efficiency.” To ensure that climate change policies were being informed by the highest caliber science, and that science was not being inhibited by bureaucracy, the President initiated several management improvements to Federal climate change science programs.

In 2001, the President created the Climate Change Research Initiative (CCRI), which focused on near-term research priorities, including advancing understanding of aerosols, carbon sources and sinks, and climate modeling. The CCRI builds on the USGCRP, with a focus on accelerating progress of the most important issues and uncertainties in climate science, enhancing climate observation systems, and improving the integration of scientific knowledge into policy and management decisions and evaluation of management strategies and choices.

In February 2002, the President established the Climate Change Science Program (CCSP) as a collaborative interagency program, operating under a new cabinet-level management organization. That organization is the Committee on Climate Change Science and Technology Integration (CCSTI), which was designed to improve government-wide management of climate science and climate-related technology research and development. The CCSTI oversees the Federal climate change science and technology programs, which between 2003 and 2006 received combined funding of approximately \$5 billion annually. The management structure places accountability and leadership for the science and technology programs at the highest level in each of the relevant cabinet departments and agencies. Ongoing research continues to be coordinated through the National Science and Technology Council in accordance with the Global Change Research Act of 1990.



The CCSP combines the near-term focus of the CCRI with the breadth of the long-term research elements of the USGCRP. The CCSP Interagency Committee, comprising the Federal government's most senior science managers, provides overall management direction and is responsible for ensuring the development and implementation of an integrated interagency research program. It oversees the program, including setting top-level goals for the program and determining what products will be developed and produced to meet those goals. The CCSP also coordinates with the Climate Change Technology Program (CCTP) to address issues at the intersection of science and technology.

In July 2002, in order to advance the priority research recommendations he received from the NRC, the President directed the CCSP to prepare a 10-year strategic

plan, a first for the program. At every turn, the Administration's process for developing the strategic plan was open, transparent, and included a plethora of views from across the Federal government and the global scientific community. Just four months later, in November 2002, the Administration released a *CCSP Discussion Draft Strategic Plan* for public review, followed a month later by a Climate Change Science Program Workshop, in Washington, D.C., which facilitated extensive discussion and comments on the draft plan. About 1,300 scientists and other participants attended the session, including individuals from 47 states and 36 nations.

Written comments on the *Discussion Draft Strategic Plan* were submitted during a public review period ending in January 2003. The CCSP received comments from hundreds of scientists, interest groups, and other members of the public. In addition, the Administration asked a special committee of the NRC to review the discussion draft plan and reported its detailed recommendations in February 2003. The final *Strategic Plan for the U.S. Climate Change Science Program* was released in July 2003 after consideration of all of the workshop discussions, the full range of written public review comments, and the NRC review of the discussion draft plan, as well as an extensive internal U.S. Government review process. The final product was submitted once more to the NRC for review prior to publication.

In 2004, the NRC praised the Strategic Plan, writing that it "articulates a guiding vision, is appropriately ambitious, and is broad in scope....Advancing science on all fronts identified by the program will be of vital importance to the nation." *Implementing Climate and Global Change Research: A Review of the Final U.S. Climate Change Science Program Strategic Plan*, NRC, 2004, p. 1. The *Strategic Plan* is now guiding research activities sponsored or conducted by the U.S. Government and serves as an important point of reference for activities undertaken in other countries. It will be modified as warranted by the emergence of key findings and important new scientific questions of public interest.

Supported by this Administration's efforts, scientists around the world are continuing to improve their grasp of the causes and impacts of climate change, as well as effective strategies for mitigating and adapting to it. In fact, important science used in the recently announced Fourth Assessment Report by the United Nations Intergovernmental Panel on Climate Change was produced by U.S. scientists funded by the Federal government budgets. A portion of this work recently was synthesized in a process co-chaired by Dr. Susan Solomon, an internationally renowned U.S. scientist working at the National Oceanic and Atmospheric Administration.

Context for the Oversight and Government Reform Committee's Inquiry to Date

As questions over the process of describing science-related information in policy, budget, and communication materials are examined by the Oversight and Government Reform Committee, it is important to have a complete understanding of what the NRC report actually said in 2001 and how the President and his Administration responded.

As noted earlier, in March of 2001, the President commissioned the NRC to conduct a comprehensive survey of the latest climate science. “When we make decisions,” the President said, “we want to make sure we do so on sound science; not what sounds good, but what is real.” This study was instrumental in guiding the Administration’s climate policy formation, and it continues to serve as an important point of reference for climate change research.

In his June 2001 Rose Garden address, the President accepted the NRC report and summarized its basic findings. He began with the fact that the earth is warming and that greenhouse gas emissions from human activities contribute:

First, we know the surface temperature of the earth is warming. It has risen by .6 degrees Celsius over the past 100 years. There was a warming trend from the 1890s to the 1940s. Cooling from the 1940s to the 1970s. And then sharply rising temperatures from the 1970s to today. . . . Concentration of greenhouse gases, especially CO₂, has increased substantially since the beginning of the industrial revolution. And the National Academy of Sciences indicates that the increase is due in large part to human activity.

See, e.g., NRC Report, p. 1-3

In the next passage of his speech, the President also recounted key questions on the effects of climate change identified by the NRC that warranted further scientific study:

Yet, the Academy’s report tells us that we do not know how much effect natural fluctuations in climate may have had on warming. We do not know how much our climate could, or will change in the future. We do not know how fast change will occur, or even how some of our actions could impact it.

For example, our useful efforts to reduce sulfur emissions may have actually increased warming, because sulfate particles reflect sunlight, bouncing it back into space. And finally, no one can say with any certainty what constitutes a dangerous level of warming, and therefore what level must be avoided.

See, e.g., NRC Report, p. 2, 20-21

Based on the NRC findings, the President determined the following: “The policy challenge is to act in a serious and sensible way, given the limits of our knowledge. While scientific uncertainties remain, we can begin now to address the factors that contribute to climate change.” Since that time, the President and senior Administration officials have publicly reiterated the basic points that: (1) the earth is warming, (2) human activities are contributing, and (3) we must focus on sensible efforts to advance research and investment in the technologies that provide the solution.

These passages in the President’s speech drew directly from findings that the NRC panel reported to him in 2001. For example:

Greenhouse gases are accumulating in Earth's atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise. Temperatures are, in fact, rising. The changes observed over the last several decades are likely mostly due to human activities, but we cannot rule out that some significant part of these changes is also a reflection of natural variability.

NRC Report, p. 1

At the time, many commentators zeroed in on the NRC panel “consensus” with respect to the first part about the probability of a human contribution to climate change, without also referencing or taking into account the equally apparent “consensus” on the second component concerning the probability of natural variability. For whatever reason, debates (mainly among non-scientists) about where the “consensus” lies in climate science center on what essentially is an abstraction: whether the science of climate change is unequivocal. But typical of most scientific articles and reports, the NRC report was more thoughtful than that, reflecting both general “consensus” about what is known as well as general “consensus” about what remains to be known -- agreement that some aspects of the science seem settled and that some are not yet settled.

For example, the NRC cautioned against relying on estimates of future warming because of uncertainty about the role of natural variability in the climate system: “Because there is considerable uncertainty in current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols, current estimates of the magnitude of future warming should be regarded as tentative and subject to future adjustments (either upward or downward).” *Id.* at p. 1. Later in the document, the NRC observed: “Because of the large and still uncertain level of natural variability inherent in the climate record and the uncertainties in the time histories of various forcing agents (and particularly aerosols), a causal linkage between the buildup of greenhouse gases in the atmosphere and the observed climate changes in the 20th century cannot be unequivocally established.” *Id.* at p. 17.

In addition, the NRC report specifically discussed the variability in the warming trend in relation to the Northern Hemisphere and potential natural and human influences on that variability: “[T]he rate of warming has not been uniform over the 20th century. Most of it occurred prior to 1940 and during the past few decades. The Northern Hemisphere as a whole experienced a slight cooling from 1946-75, and the cooling during that period was quite marked over the eastern United States.” *Id.* at p. 16. The NRC stated that the “cause of this hiatus in the warming is still under debate” and described three possible explanations: the buildup of sulfate aerosols due to the widespread burning of high sulfur coal during the middle of the century; natural origin attributed to “a remote response to changes in the oceanic circulation at subarctic latitudes in the Atlantic sector, as evidenced by the large local temperature trends over this region”; and variations in solar luminosity or the frequency of major volcanic emissions. *Id.* at p. 16.

The 2001 NRC report further described a number of critical areas of inquiry requiring further study by the research community, including how much carbon is sequestered by oceans and terrestrial sinks and how much remains in the atmosphere, *id.* at p. 11, 13, 18; feedbacks in the climate system that determine the magnitude and rate of temperature increases, *id.* at p. 1, 4; details and impacts of regional climate change resulting from global climate change, *id.* at pages 16, 19, 20; the nature and causes of the natural variability of climate and its interactions with forced changes, *id.* at p. 14, 17; and the future usage of fossil fuels and the future emissions of methane, *id.* at p. 11, 13.

The content and length of the NRC discussion of these topic undercuts any argument that these areas of uncertainty were of limited significance and value in the overall scheme of their report and subsequent policy development and budgeting. These lines of inquiry clearly were important to the identification of priority areas of research funding. Consider the inverse: if all aspects of climate science are settled, why are we spending nearly \$2 billion annually to do more? Further, the discussion of uncertainties also provided helpful context for the report's central conclusions about the scientific importance of climate change and its anthropogenic component. The NRC apparently thought such context was important enough to dedicate several pages of discussion to such context in its 2001 report to the President for consideration when formulating policy. In such an instance, it is reasonable and important to reflect those additional perspectives in subsequent agency documents or other materials summarizing or describing climate science, even if only with a few sentences or phrases. Indeed, omission of any reference to such questions would be the more questionable choice.

Interagency Review Process on the "Report on the Environment"

With this context in mind, the following points respond to specific allegations raised at this Committee's January 30, 2007 hearing. These points correct unfortunate inaccuracies and misconceptions and seek to clarify why certain edits were made to the documents committee staff reviewed.

The central contention from the Chairman's Memo, p. 4, is: "There are many examples in the documents of edits requested by the White House that seem to minimize the impacts of climate change or inject unjustified doubt into the issue." The implication is that officials acted "in ways that impeded public understanding of the threat of climate change." *Id.* at p. 7. The Chairman's Memo primarily focuses on comments from both career and non-career officials participating in the interagency process of reviewing drafts of the *Draft Report on the Environment* produced by the Environmental Protection Agency (EPA) in 2003 in consultation with the Council on Environmental Quality and many other Federal agencies and offices within the Executive Office of the President. According to Chairman's Memo, a preliminary draft of this draft report "contained a discussion of the dangers global warming posed for human health and the environment," *id.* at p. 3, and that "White House and agency officials repeatedly pushed to undermine EPA's scientific conclusions about global warming." *Id.* The Chairman's Memo states that the "release of EPA's conclusions would have put the Administration on record as

recognizing the prevailing scientific consensus on global warming. This would have been a significant milestone in the public debate about global warming” *Id.*

First, as described in detail above, that milestone had already been reached with the NRC’s Report in 2001, the President’s acceptance of that report, and the subsequent Presidential speeches in 2001 and early 2002 on this subject. Second, the draft climate section of the draft report was not intended as a statement of “EPA’s scientific conclusions about global warming.” Indeed, the main document dealt with a myriad of environmental topics other than climate. From the outset, the EPA draft discussion of climate change was limited to a few pages. Third, to the extent there was editorial disagreement among a number of the reviewers over the climate change passage in the draft report, it was rendered moot by the EPA Administrator’s overarching decision to replace what was proving to be a too compressed discussion with a direct reference to two substantial Federal government publications specifically dedicated to the subject of climate change, one of which had recently been published and the other soon to be published. Based on the Administrator’s decision, reached in consultation with me, the final text provides links to pages of discussion of climate change:

The issue of global climate change involves changes in the radiative balance of the Earth—the balance between energy received from the sun and emitted from Earth. This report does not attempt to address the complexities of this issue. For information on the \$1.7 billion annual U.S. Global Climate Research Program and Climate Change Research Initiative, please find *Our Changing Planet: The Fiscal Year 2003 U.S. Global Climate Research Program* (November 2002) at <http://www.usgcrp.gov> and the *Draft Ten-Year Strategic Plan for the Climate Change Science Program* at <http://www.climate-science.gov>.

Draft Report on the Environment, p. 26.

The Chairman’s Memo is replete with assertions that certain edits were made. In fact, none of those suggested were incorporated into the final published document. Far from “impeding” public understanding, the final document pointed the public to two substantial government volumes that most certainly would help to expand it. These two documents, which represented the science, budget and policy input of all the major Federal agencies involved in this issue, including EPA, further reinforced the “milestone” of recognition of prevailing climate change science, established in the President’s June 2001 statement.

With respect, then, to the purely intramural editorial exchange over the *Draft Report on the Environment*, as a general matter, the edits identified in the Chairman’s Memo had a reasonable foundation and were well within the range of reasonable differences of opinion that might be expected in any internal document review process, especially on a matter of this complexity. Moreover, these edits were part of the well-established, time honored interagency review process, in which multiple offices and agencies, including policy and career staff in the Executive Office of the President, provide comments on policy and documents prepared for public release, a process that

includes oversight and approval by senior government scientists of material addressing scientific issues when needed.

Most of the editorial recommendations identified in the Chairman's Memo closely reflected views contained in the 2001 report from the NRC—one of the most authoritative scientific bodies in the world. The Chairman's Memo does not examine whether there was underlying validity to any of the comments before taking issue with them.

For example, the Chairman's Memo questions comments from the Office of Management and Budget that the draft EPA report "needs balance. Global climate change has beneficial effects as well as impacts." This point reasonably reflects information that the NRC included in its 2001 NRC report to the President: "In the near term, agriculture and forestry are likely to benefit from CO₂ fertilization effects and the increased water efficiency of many plants at higher atmospheric CO₂ concentrations." NRC Report, p. 19. The NRC further wrote that "many crop distributions will change, thus requiring significant regional adaptations," and that, "[g]iven their resource base, the [National] Assessment concludes that such changes will be costlier for small farmers than for large corporate farms. However, the combination of the geographic and climatic breadth of the United States, possibly augmented by advances in genetics, increases the nation's robustness to climate change." *Id.* at p. 19.

The Chairman's Memo also takes issue with comments from the White House Office of Science and Technology Policy (OSTP), which "urged deletion of a discussion of the human health and ecological effects of climate change." Yet, here too, OSTP's recommendation of deletion reasonably conformed to the NRC Report:

Health outcomes in response to climate change are the subject of intense debate. . . . Much of the United States appears to be protected against many different adverse health outcomes related to climate change by a strong public health system, relatively high levels of public awareness, and a high standard of living. Children, the elderly, and the poor are considered to be the most vulnerable to adverse health outcomes. The understanding of the relationships between weather/climate and human health is in its infancy and therefore the health consequences of climate change are poorly understood. The costs, benefits, and availability of resources for adaptation are also uncertain.

Id. at p. 20. Particularly in this instance, it seems strange that the Chairman's Memo is taking significant issue with scientists from the President's science office offering comments on expressions of science. Moreover, it was particularly appropriate for scientists from the President's science office to offer comments on a science matter.

The Chairman's Memo cites Department of Energy comments recommending deletion of a discussion of atmospheric carbon concentrations, arguing that it was not a "good indicator of climate change." This is a reasonable reflection of the NRC report, which observed that no consensus existed on the definition of a "safe" level of

greenhouse gas concentrations: “The potential for significant climate-induced impacts raises the question of whether there exists a ‘safe’ level of greenhouse gas concentration. The word ‘safe’ is ambiguous because it depends on both viewpoint and value judgment.” *Id.* at p. 20. According to the NRC, future climate change will depend on several factors, including the “nature of the climate forcing (e.g., the rate and magnitude of changes in greenhouse gases, aerosols) and the sensitivity of the climate system.” “Therefore,” the NRC concluded, “determination of an acceptable concentration of greenhouse gases depends on the ability to determine the sensitivity of the climate system as well as knowledge of the full range of the other forcing factors, and an assessment of the risks and vulnerabilities.” *Id.* at p. 21.

Regarding another set of edits, the Chairman’s Memo states that OMB recommended deleting text from the draft that climate change may “alter regional patterns of climate” and “potentially affect the balance of radiation.” Chairman’s Memo, p. 4. Here too, the Chairman’s Memo implies that such suggestions were unfounded or politically biased. Yet, in light of the fact that potential regional impacts of climate change were poorly understood, the NRC had recommended making the study of the “details of the regional and local climate change consequent to an overall level of global climate change” a top research priority. NRC Report, p. 23.

The Chairman’s Memo also criticized a recommendation to delete the phrase “changes observed over the last several decades are likely mostly the result of human activities.” The Chairman’s Memo omitted the remainder of the same sentence also recommended for deletion: “but it is not possible to rule out that some significant part of these changes is a reflection of natural variability.” In its place, the commenter suggested alternative language: “A causal linkage between the buildup of greenhouse gases in the atmosphere and the observed climate changes during the 20th century cannot be unequivocally established.” As it happens, all of this alternative language comes verbatim from the NRC report. Replacing one formulation from the NRC report with another similar formulation from the NRC report left the substance of the underlying point—that science cannot attribute all of the recent warming to a single factor—unchanged. At most, the substitution created a change in emphasis, a result on which reasonable minds could differ.

The Chairman’s Memo singles out by name my former chief of staff, Mr. Phillip Cooney, beginning with the assertion that Mr. Cooney was a “former oil industry lobbyist, not a scientist.” At the time of the review process, Mr. Cooney was a dedicated employee of the U.S. Government, representing and serving the interests of the American people, the Executive Branch, and the Council on Environmental Quality. Mr. Cooney had long since left employment with the American Petroleum Institute, where he primarily served as a manager and policy development and project coordinator. Mr. Cooney joined CEQ as a highly skilled attorney with years of experience covering a wide variety of policy areas. And as discussed above, the interagency review process included a diversity of agencies and officials from a variety of professional disciplines. The fact Mr. Cooney was not a scientist is no more remarkable than the fact that innumerable other non-scientists worked alongside scientists in the highly multi-disciplinary realm of

environmental and energy policy, including in the development of documents such as the *Draft Report on the Environment*.

An example of the contributions of other non-scientists can be found in the Committee's last hearing on "political influence on government climate change scientists," the premise of which was that Federal climate change science has been "politicized" because non-scientists made changes to climate change documents. The lead witnesses called by the Committee to provide an authoritative voice in support of this premise was Mr. Rick Piltz, a former Federal official working on some of the same climate change documents with Mr. Cooney. Mr. Piltz is not a scientist, let alone a credentialed expert in climate change science. Yet in his role as a former senior associate in the Climate Change Science Program Office, Mr. Piltz had far more day-to-day involvement and influence than Mr. Cooney, not only in the editing, but also in the authoring of many government reports, documents and other materials involving climate science content. By the logic of the hearing's title, Mr. Piltz himself, as a non-scientist, not only was unqualified to be involved with these documents, but could be accused of "politicizing" them. In my view, not only was Mr. Piltz's editorial role wholly appropriate, it was a necessary and important function of his job. No less for Mr. Cooney. That they might have differed only from time to time on language over a relatively few sentences out of the hundreds (probably thousands) of pages that crossed their desks without any change, objection or disagreement from either of them is a testament to the strengths, not flaws of the interagency review process.

Nevertheless, the Chairman's Memo specifically notes that Mr. Cooney inserted a "claim that satellite data disputes [sic] global warming, and he deleted the statement that 'regional patterns may be altered' by climate change." The assertion that Mr. Cooney's edit on satellite data disputes global warming is mistaken. The original draft of the sentence on satellite data read:

Although warming at the surface has been quite pronounced during the past few decades, satellite measurements indicate that the temperature of the lower to mid troposphere (the atmospheric layer extending from the earth's surface up to about 8 km) has exhibited a smaller rise in temperature.

With Mr. Cooney's changes, the sentence would have read:

Although warming at the surface has been quite pronounced during the past few decades, satellite measurements indicate relatively little warming of air temperature in the troposphere (the atmospheric layer extending from the earth's surface up to about 8 km).

By any objective measure, the fundamental point would not have changed and in no way "disputes global warming." Here again, the language Mr. Cooney recommended was taken nearly verbatim from the NRC Report:

Although warming at Earth's surface has been quite pronounced during the past few decades, satellite measurements beginning in 1979 indicate relatively little warming of air temperature in the troposphere.

NRC Report, p. 17. There is no indication that the NRC intended that statement to dispute global warming.

The Chairman's Memo further suggests that calling attention to the temperature data difference was unwarranted or politically motivated, an assertion wholly at odds with the NRC findings:

The committee concurs with the findings of a recent National Research Council report, which concluded that the observed difference between surface and tropospheric temperature trends during the past 20 years is probably real, as well as its cautionary statement to the effect that temperature trends based on such short periods of record, with arbitrary start and end points, are not necessarily indicative of the long-term behavior of the climate system. The finding that surface and troposphere temperature trends have been as different as observed over intervals as long as a decade or two is difficult to reconcile with our current understanding of the processes that control the vertical distribution of temperature in the atmosphere.

Id. at p. 17.

Importantly, since that time, on the recommendation of the NRC and with the full backing of President Bush's climate policy team and climate research program, significant research was undertaken that substantially reconciled the dichotomy (for information on this, see the first of the peer-reviewed Synthesis and Assessment Products released by the CCSP: *Temperature Trends in the Lower Atmosphere: Steps for Understanding and Reconciling Differences*, <http://www.climate-science.gov/library/sap/default.htm>). This advancement in our knowledge was publicly reported in the scientific literature without fanfare or controversy.

Taking another editorial recommendation out of context, the Chairman's Memo states that Mr. Cooney "struck climate change from a discussion of environmental issues that have global consequences." The words "climate change" were deleted from this section because its focus was on the global consequences of ozone depletion, an issue that is related but distinct from climate change. The edit, therefore, made it consistent with the discussion of ozone depletion.

The Chairman's Memo next raises the fact that Mr. Cooney recommended deletion of "a chart depicting historical temperature reconstruction." Yet deleting this chart was reasonably justified considering the concern the 2001 NAS report expressed over the chart's scientific validity and reliability, a concern later more fully investigated by independent researchers and another NRC panel of climate science experts which

reached similar conclusions in 2006. The chart depicted the so-called “hockey stick” graph, which showed relatively stable temperatures over the last 900 years in the Northern Hemisphere, with a sharp increase starting at the beginning of the 20th century to the late 1990s. The implication reached by the authors was that the 1990s were likely the warmest decade over the last 1,000 years. Though the hockey stick graph was featured prominently in the IPCC’s Third Assessment Report, the NRC Report in 2001 questioned its underlying scientific basis:

On the basis of these analyses, [the hockey stick authors] conclude that the 0.6°C (1.1°F) warming of the Northern Hemisphere during the 20th century is likely to have been the largest of any century in the past thousand years. . . . The data become relatively sparse prior to 1600, and are subject to uncertainties related to spatial completeness and interpretation making the results somewhat equivocal, e.g., less than 90% confidence. Achieving greater certainty as to the magnitude of climate variations before that time will require more extensive data and analysis.

NRC Report, p. 16. In 2006, in a study titled *Surface Temperature Reconstructions for the Last 2000 Years* (“NRC Temperature Report”), the NRC re-examined the hockey stick and noted the “debate in the scientific literature” about its validity “continues even as this report goes to press.” The NRC concluded that the central implication presented by the hockey stick was “plausible,” but added a significant caveat:

The substantial uncertainties currently present in the quantitative assessment of large-scale surface temperature changes prior to about A.D. 1600 lower our confidence in this conclusion compared to the high level of confidence we place in the Little Ice Age cooling and 20th century warming. Even less confidence can be placed in the original conclusions by Mann et al. (1999) that ‘the 1990s are likely the warmest decade, and 1998 the warmest year, in at least a millennium’ because the uncertainties inherent in temperature reconstructions for individual years and decades are larger than those for longer time periods, and because not all of the available proxies record temperature information on such short timescales.

NRC Temperature Report, p. 4.

From the written record, it would appear that this proposed deletion was proposed to ensure that the draft report was relying on and presenting the best available science on this particular subject, science that appears to remain in question even today, after rigorous review.

Referring to another document, the Chairman’s Memo, p. 5, claims that Mr. Cooney recommended reference to a peer-reviewed scientific paper by scientists Willie Soon and Sally Baliunas “to rebut the views of the National Academy of Sciences and Intergovernmental Panel on Climate Change and assert that the 20th century is probably not the warmest nor a uniquely extreme climatic period of the last millennium.” Yet, as

discussed above, the NRC in 2001 did not endorse the view that the 1990s were the warmest decade of the last 1,000 years in the Northern Hemisphere.

Moreover, the Chairman's Memo, p. 6, implies that the Soon-Baliunas study was tainted or flawed because it was "funded by the American Petroleum Institute," carrying with it a negative implication about the integrity of the scientists conducting the research. In fact, according to the press release from the Harvard-Smithsonian Center for Atmospheric (http://cfa-www.harvard.edu/press/pr0310.html), almost all of the funding came from NOAA, NASA, and the Air Force Office of Scientific Research, with only a small portion of funding coming from API and other organizations. I believe shared funding is a common practice for research of common interest to the public and private sectors. Both Dr. Soon and Dr. Baliunas are distinguished scientists. After receiving a doctorate in astrophysics from Harvard, Dr. Baliunas served as Deputy Director of Mount Wilson Observatory. She has received numerous awards for her work, including the Newton-Lacy-Pierce Prize of the American Astronomical Society and the Bok Prize from Harvard University. She has written over 200 scientific research articles. In 1991, *Discover* magazine profiled her as one of America's outstanding women scientists. Dr. Soon is an astrophysicist at the Solar and Stellar Physics Division with Harvard-Smithsonian Center for Astrophysics.

Moving beyond these allegations, the Committee should also be aware of the fact that Mr. Cooney endeavored throughout his time at CEQ to ensure that we stayed current on emerging climate science. For example, Mr. Cooney was instrumental in hiring an outstanding new CEQ Associate Director with a Ph.D. in Earth System Science from the University of California, Irvine coupled with a strong professional background in energy, climate and technology policy. It was Mr. Cooney who, in 2003, recommended that we invite Dr. James Hansen to the White House complex to brief senior officials in the Executive Office of the President on the most recent and important advances in climate change science. I was pleased to personally host his presentation in CEQ's conference room. Building on that presentation, Mr. Cooney was the driving force behind arranging for me to visit the Scripps Institute in California to meet with atmospheric scientists doing cutting edge work on a number of the priority research areas identified by Dr. Hansen and his colleagues in the NRC Report.

Moreover, precisely because of his professional experience in the energy sector, it was Mr. Cooney who rapidly zeroed in on an extremely useful policy recommendation by Dr. Hansen urging the substantial climate, economic, and clean development benefits of aggressively tackling methane emissions and black soot in the near-term, even as we pursue longer term technology strategies for addressing carbon dioxide emissions on a large scale. Mr. Cooney, working closely with EPA, DOE, State and other agencies, was the driving force in creating the international Methane-to-Markets Partnership, which is dedicated to removing 50 million metric tons of carbon-equivalent emissions from the atmosphere by 2015. Also taking advantage of prior expertise, Mr. Cooney was a critical force in the creation of the Department of Energy's Climate VISION program, a public-private partnership that includes 14 energy-intensive industrial sectors and The Business Roundtable. Each sector has committed to contribute to meeting the President's 18

percent intensity reduction goal by establishing specific goals for improving its energy efficiency or greenhouse gas intensity.

Finally, the Chairman's Memo, p. 6, refers to an email stating that "CEQ Chairman James Connaughton was personally involved in the review of the EPA report." This should not be particularly interesting, let alone surprising. This is my job. As CEQ Chairman, I have an institutional responsibility as the President's environmental advisor and a statutory responsibility under the National Environmental Policy Act (NEPA) to "gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective." The *Draft Report on the Environment* was just that, a report on conditions and trends in the quality of the environment both current and prospective. This report was no different than countless other reports in which CEQ has played a leading, supporting, oversight or consultative role since the office was established more than 35 years ago. Drawing a negative inference from my direct involvement or indirect oversight of such environmental reports is akin to suggesting something nefarious about the national security advisor being involved in matters of national security, or the President's science advisor being involved in matters of science.

Conclusion

This Administration has an unparalleled record of supporting, funding, and advancing climate change research. It has time and again consulted the world's most prestigious scientific bodies, and scientists from multiple countries, for advice and recommendations before setting research priorities and strategic thinking on long-term climate change research. Based on those recommendations, the Administration has developed a robust architecture in which Federal climate change research occurs openly, transparently, and productively. That research has played an indispensable part in guiding and shaping the Administration's comprehensive climate change policies and research strategies.

Chairman WAXMAN. Thank you very much, Mr. Connaughton.

Let me go right to this memo. It was a memo written from Mr. Cooney to Kevin O'Donovan in the Vice President's office. We don't have a copy of that memo because it is being withheld from the committee. But we did have a chance to review that memo. And it obviously stirred some concern when we had Mr. Yarmuth, and Mr. Yarmuth pursued a question about it. The memo refers to a paper by Soon Baliunas that was funded in part by the American Petroleum Institute. The paper purports to show that the past century was not the warmest in the last 1,000 years.

My understanding is that the conclusions of the paper had been heavily criticized by the scientific community. The memo to the Vice President's office says, "we plan to begin to refer to this study in administration communications on the science of global climate change. In fact, CEQ just inserted a reference to it in the final draft chapter on global climate change contained in EPA's first state of the environment report."

That is the memo to the Vice President's office from Mr. Cooney. The memo also states that the paper, "represents an opening to potentially reinvigorate debate on the actual climate history of the past 1,000 years."

My concern is that the documents suggest that there was a concerted White House effort to inject uncertainty into the climate change debate. This communication between Mr. Cooney and the Vice President's office seems to reflect exactly this kind of effort.

Did CEQ communicate with the Vice President's office about how to inject the Soon Baliunas report into the Federal climate change reports?

Mr. CONNAUGHTON. Mr. Chairman, I leave aside for the moment the issues related to potential Executive Privilege which we are still working on with the committee. I will limit my remarks to commentary on the Soon—

Chairman WAXMAN. Why don't you limit your remarks to my question? Did the CEQ communicate with the Vice President's office about how to inject this report into the climate changes reports?

Mr. CONNAUGHTON. It is my understanding that CEQ did suggest that the report should be referenced in the new draft environment, state of the environment report, because in fact it was a new and major piece of science. At the same time Dr. Hansen was also introducing some of his new research that was also high interest.

At the same time we were looking at issues related to the difference between surface temperatures and ground level temperatures. So at that time there was a lot of very interesting development to the science and the Soon Baliunas report was very important as well. I found it fascinating. I am not a scientist, so I can't find it conclusive. But I liken the debate over that report—Mr. Chairman, I just want to give an example—

Chairman WAXMAN. No. Excuse me, Mr. Connaughton. I only have a little time. So you thought it was really interesting and worthwhile bringing it in, that was your thought as well as Mr. Cooney's, is that right?

Mr. CONNAUGHTON. I am not speaking to the recommendation it be included. I was made aware of this report and I found it very

interesting. I actually did not have a role at that time in anything having to do with the edits on the documents.

Chairman WAXMAN. And you did later?

Mr. CONNAUGHTON. I did later, yes.

Chairman WAXMAN. And tell us what you did later. What were the circumstances?

Mr. CONNAUGHTON. When the process was not leading to a reconciliation of the comments by the various offices in the White House and from other agencies, I did get on the phone—actually Governor Whitman called me, EPA Administrator Whitman called me. We were talking about a range of things but this is one of the issues that we talked about on how to reconcile the comments.

Chairman WAXMAN. OK, now this memo that was sent to the Vice President's office said this will reinvigorate debate about whether the planet is warming. This sounds to me like a play directly out of the Petroleum Institute playbook. Do you have a comment on that?

Mr. CONNAUGHTON. Actually, sir, it strikes me as a statement of fact. When that report did come out, it actually did receive, as you indicated, a lot of interest by the scientific community as to the essentials of the solar based research that was being conducted and particularly by Dr. Baliunas, who is actually an internationally renowned solar scientist.

Chairman WAXMAN. But that report has since then been strongly criticized by the scientific community and its conclusions have been rejected.

Mr. CONNAUGHTON. That—actually I do not understand that is correct. What I do understand—

Chairman WAXMAN. So is it the position of you and CEQ that is a fairer statement of what we know about climate change than what Dr. Hansen and others were suggesting?

Mr. CONNAUGHTON. No, it is not my position. What I was going to indicate, Mr. Chairman, the debate that surrounded that report is very similar to the active one undergoing right now about the relative contribution of global warming to hurricane and storm intensity and frequency, very active points of scientific debate.

Chairman WAXMAN. Excuse me—

Mr. CONNAUGHTON. And that is part of the variety of viewpoints which we must be incorporating into our process.

Chairman WAXMAN. This memo suggests as well it was active coordination between CEQ and the Vice President's office about how to inject debate and uncertainty into discussions of climate change science. Will you provide this memorandum to our committee?

Mr. CONNAUGHTON. I think that is something for our lawyers to work out, Mr. Chairman.

Chairman WAXMAN. And unless the White House asserts executive privilege it should be provided to our committee.

Mr. CONNAUGHTON. Again that is something I would defer to the counsel for the committee and the Council and the White House.

Chairman WAXMAN. I am requesting—

Mr. CONNAUGHTON. I am not in a position to make that—to take that position personally.

Chairman WAXMAN. I am requesting that CEQ turn over that memo and also to provide other communications between CEQ and the Vice President's office.

Were there other communications?

Mr. CONNAUGHTON. I am not aware of other written communications of this type. They could exist. I do not know.

Chairman WAXMAN. And we would like to see the e-mail communications as well.

Mr. Issa.

Mr. ISSA. Thank you, Mr. Chairman. Mr. Connaughton, I am going to ask a question, and it is probably unfair, but it is just an impression and I want to get it on the record somehow. A number of years ago before I was in Congress, there was a flack under then President Clinton about Speaker Gingrich being forced to go out of the back of Air Force One, and Speaker Gingrich seemed to have a real problem with that.

Dr. Hansen is still here. I am not trying to do this behind his back. But isn't to a certain extent somebody who appears 1,400 times in clips, who is regularly sort of the toast of the town as the Speaker, who is asked to consult to almost anything, including Vice President Gore's movie, isn't the complaint that you are being muzzled a little bit like Newt Gingrich complaining about going out of the back of Air Force One, a plane most of us will never see much less be on?

Mr. CONNAUGHTON. I want to start, as I indicated, having the highest personal regard and professional regard for Dr. Hansen and his work. My son and I were just watching him on TV last night on the History Channel. Congressmen, senior administration officials, highly accomplished senior scientists, we all chafe at having to talk to our public affairs people. But the public affairs people are there for a reason. They are there to organize and be sure that what we are saying is official government policy, is understood, and that the people who might have to then respond to those statements can effectively do so.

This is a process that has been with us for a long, long time, and it works well. Now we all chafe from it. I can understand Dr. Hansen especially chafing if it comes from someone relatively young and inexperienced, but the policy of public affairs is a very important one.

Now I would note that I am not aware of any instance where any scientists in pursuing their science, of any scientist seeking peer review of their science, is in any way controlled, handled or otherwise managed in their scientific work. I mean from what I see all over the world and what people, scientists come and speak their mind, to me they come and speak their mind to you. What we are talking about is a science-policy interface and that has significant implication that requires some level of management.

Mr. ISSA. And if I could followup on that, in the previous panel I think there was a lot of discussion about certainty versus uncertainty. And certainly, your chief of staff was drawn and quartered pretty well for the statement that he was—or a statement claiming that he was creating uncertainty.

Is there any uncertainty about man's influence on the environment at this point from the body of science that you have been part

of putting together? In other words, not the nuances but isn't it—and I will lead you for a second. Isn't it true that this administration has made it very clear that pollutants, whether we call it that or not, including CO₂, reflect a clear danger to our environment?

Mr. CONNAUGHTON. Well, I will put it in the President's words. The Earth is warming. Humans are part of the problem. We need to get on with the solutions, and I need to stick to layman's terms. I am not a scientist. And that was clearly reflected in the National Academy of Sciences report.

Mr. ISSA. So since it is settled science, at least settled Presidential policy as stated by the President, that we are—we do have this problem and we need to be part of the solution, but this question of settled science—and I am just going to ask you one question—isn't it true that it was only this last year that the 2001 understanding of the rise in our oceans has been revised downward, less dramatic than it was thought to be? Isn't there always new information coming in that affects one side or the other of speed and so on?

Mr. CONNAUGHTON. Well, actually I think Dr. Hansen was trying to get to this level of complexity in the answer as well. The top line, there is a lot of agreement around warming and around the fact that humans play a role. A lot of agreement. But as you then delve down into the science, in the National Academy of Sciences report, including the edits recommended by CEQ and others, as well as subsequent documents, the most recent being the IPCC report, which is the international report updating the science, there is a wide range of uncertainties to which we are dedicating nearly \$2 billion a year to attempting to resolve. So there is still a lot of science to be done.

As I indicated in my written testimony, if all the science were settled we wouldn't be spending \$2 billion of taxpayer resources every year on it. This is very important work. One reason for one of the comments is to make sure we are emphasizing the need to go after some of this research because that is what the National Academy of Science has told us we should do.

Mr. ISSA. So I guess I will just finish with one sort of series of questions, there are thousands of scientists that work for the Federal Government at all levels and hundreds, if not thousands of them worked on the Shuttle program over the years. What would have happened if Dr. Hansen's policy that every scientist gets to say anything to the camera any time they want, as long as it is supported by, "their science," that you know what they do, that they should be able to have an interview any time, anywhere, what would have happened each time a Shuttle went down? Can you just give us a little conjecture that, 1,000 scientists working at the various launch facilities, what would have happened if all of them had responded without checking with public affairs just done their on camera interviews those days?

Mr. CONNAUGHTON. You would see the kind of chaos and confusion that this entire discussion is about trying to avoid. So chaos and confusion—in public affairs.

Mr. ISSA. In closing, isn't it clear that when you have dozens or hundreds or thousands of scientists as much as we want to make sure scientists can argue with each other and have that freedom

of expression, that first amendment, so to speak, right that there has to be some reasonable limitation and has been for decades on how many different scientists can talk at a given time and what they can talk about?

Mr. CONNAUGHTON. Clearly scientists are free to pursue their research. They are free to publish and talk about their research. Taxpayer funds that all over the world, that is great. It is when we get into expressions of government policy or the science policy interface where you need some level of management. Otherwise you can fall prey to lots of misinterpretation and misunderstanding about what represents official government policy.

Mr. ISSA. I hope all our scientists all get a ride on Air Force One. Thank you, I yield back.

Mr. YARMUTH [presiding]. Mr. Connaughton, I want to ask about the EPA's draft report on the environment. We talked about it already today. EPA professional staff was deeply concerned about the way the White House handled this report. And if I may, I would like to refer you to exhibit F, which is a memo about the draft report on the environment from the staff of EPA to Administrator Whitman of the EPA. It says that as a result of Mr. Cooney's edits the text, "no longer accurately reflects scientific consensus on climate change." And I read a number of other statements and there are examples of what they meant. The EPA memo says that the White House told the EPA that no further changes may be made.

Did you make the decision that no further changes were to be made?

Mr. CONNAUGHTON. No, I did not. And I would observe, Congressman, that the—I only saw this document for the first time over the weekend. It was not something I saw in my conversation years ago with Governor Whitman. But I would observe a number of the items being complained of were verbatim language from the National Academy of Sciences report. That told me something else is going on. There is a pride of authorship going on between EPA and the other agencies. At the time, by the way, it seemed to me that to the extent there were editorial differences they should be reconciled. They weren't being reconciled. That suggested some back and forth. That is really what Governor Whitman and I ended up talking about, and the solution she came up with I thought was perfection.

Mr. YARMUTH. Is it not true that someone advised Administrator Whitman that no further changes were to be made?

Mr. CONNAUGHTON. The document I saw—again I only saw it for the first time over the weekend—was the handwritten note that says these changes must be made.

Mr. YARMUTH. These changes must be made.

Mr. CONNAUGHTON. But I would note the context of that, Congressman, was important. What was happening is we have a process where agencies provide their input to these documents, and there is a reconciliation process. It doesn't mean all the comments have to be accepted. You just have to have a process where you say I accept it or I reject it and here is why. That wasn't happening on this particular set of issues. Remember, this document was 600 pages long. I showed you just a fraction of it. We are talking about

a small number of edits to a two-page passage in an otherwise massive document. We are just down to the end on this.

So really what was going on—and I thought it was reasonable at the time—was the notion that we needed some reconciliation. It was an issue of whether the comments were in or out. As it happened, by the way, none of the comments being raised to the committee—none of the comments could have possibly confused the public because they didn't make it into the report.

Mr. YARMUTH. That is because EPA found the report to be so inaccurate that it said that if they released it, it would cause great confusion in the public, isn't that correct? At least that is what that memo says.

Mr. CONNAUGHTON. I saw the memo. My personal reflection is it seemed to be a little bit melodramatic. We have a process for reconciling these kind of returns. That wasn't happening, which is why it got elevated. Most of what you are talking about today never got elevated because Dr. Mahoney on these science documents—these science documents include expressions of science—Dr. Mahoney had a very effective process of reconciling comments. Some of them are included. Some are changed. And some of them are excluded. And that process wasn't being applied in this particular instance on the draft environment report. And so we worked it out.

Mr. YARMUTH. Now you mentioned before that some of these, all of these changes were based on NRC but in the EPA—again this memo says that conclusions of the NRC report were deleted. That is one of their complaints, wasn't it?

Mr. CONNAUGHTON. That is—again, we can get into lots of back and forth about the particularized edits. I included that in my written testimony. Others were being asked to be included.

I think one of the things, Congressman, that went to your line of questioning earlier, you had these massive documents, and you have CEQ and other agencies agreeing to 99 percent of them. These have some of the strongest expressions of why we need to take action on climate, the effects of global warming on ecological systems, the research questions on relations of public health. These documents are full of that. And we didn't have any objections to any of that.

What these comments went to were certain expressions of key uncertainties identified by the Academy that were a qualifier to some absolute—more absolute statements that appeared to be in the text. Now the National Academy chose to include those qualifications. It was at least reasonable for reviewers to suggest that some of those qualifications be included as well.

Now ultimately the scientists decided which ones were appropriate, what tone, what weight to give to those. But I do want to underline what was missing in all of the questioning before I came up here was the fact that there was actually massive agreement on, you know, more than 99 percent of these massive documents.

That is where all the positive heavy duty stuff was on climate change. These qualifiers were a little teeny piece of the discussion. So much ado about a very small amount of qualification.

Mr. YARMUTH. Now thank you. You said that earlier you did not make the decision that the White House wasn't going to make any

changes, but in your conversations with Ms. Whitman did she explain to you why she made the decision not to—that she did not make those changes?

Mr. CONNAUGHTON. As you might expect this was an executive level conversation. We don't—we weren't into parsing all the back and forth between the various staffs. But you asked, I just want to be clear, I was perfectly content to just get them in a room, especially get the scientists with them and just reconcile the comments.

She had what I thought was a much better solution. And that was, we had just spent over a year developing this document with 1,300 scientists from around the world. Why not refer the public to that rather than try to collapse this down to a two-page passage on climate in a document that otherwise sort of had a rich abundance of detail on a whole bunch of other issues that were not getting the attention they deserved? So I thought it was a perfect solution. We didn't need to talk a lot. I said, that sounds great to me. Let's just go that way.

Mr. YARMUTH. My time has expired. Mr. Cannon.

Mr. CANNON. Thank you very much. I am having a hard time trying to figure out what this hearing is all about. I think, Mr. Connaughton, your term of “melodramatic” probably fits pretty darn well. You have a 23-year-old young man who was put on the hot seat, and I think acquitted himself quite well. Your former chief of staff—or the chief of staff of the CEQ—I thought did a remarkable job. I don't think there was a single question left unanswered very directly by him. So I am not sure why we had him up and were grilling him to the degree that we did.

And then of course the third person on the panel is the guy who had the real questions. And those questions come down to what I think involved his views were as to good and evil, people in the administration representing something akin to Nazi Germany and people who believe as he believes being good.

I would like to read you a quote by Dr. Hansen from 1998: Injection of environmental and political perspectives in midstream of the science discussion cannot help the process of inquiry. I believe that persons with relevant, scientific expertise should concentrate with pride on cool, objective analysis, providing information to the public and decisionmakers when it is found, but leaving the moral implications—this is again the person who raised the issue of the morality of this administration and comparing it to Nazi Germany—leaving the moral implications for later, common consideration or, at most, for summary inferential discussion.

I am not implying bias on the part of any particular scientist, but the global warming debate has plentiful examples to illustrate my thesis, especially, at least a per capita basis among the most vociferous greenhouse skeptics; i.e., those who challenge the reality or interpretation of global warming. Many of the participants in this debate have ceased to act as scientists as defined above but rather act as if they were lawyers hired to defend a particular perspective. New evidence has no effect on their preordained conclusions this is abhorrent to science and spoils the fun of it.

Now we are not talking about the underlying facts of global warming or climate change here. We are talking about the process by which the administration has operated and the environment in

which it has made decisions about how to get a message out. And with all the claims of big oil and drilling in ANWR and all the other things that will actually make America a much better place, with cheaper energy for the poor, I fail to see where we have made any progress. What we have really done is tied ourselves up with the beliefs of an individual who has been very critical of the administration.

Would you like to comment on that or would you just let my statement stand if you want?

Mr. CONNAUGHTON. I would just like to remark. An important facet of all of this is we need to continue to encourage a wide diversity of viewpoints. The science enterprise is to constantly test the received wisdom, and that goes back and forth.

Now there is a lot of strong agreement on climate change, on the fact it is occurring and that humans are part of it. But there are still many, many lines of inquiry that the scientists are in fact pursuing and they are testing each other on.

The same is true, by the way, in the policy perspective. We take the advice of economists. We take advice of lawyers. We take the advice of policy people. We take the advice of politicians and communications people. This is an extremely complicated issue. It is not the province of any particular professional class.

I actually am pleased at the direction of the National Academy. They pushed us to create a more integrated process for linking science with the technology development process. That did not happen before. We are doing that now.

Those two processes are then working their way much better, really with the urging of Congress as well, into the policy development exercise. It requires a lot of people, providing lots of viewpoints. And then we work to sort it out. That is what our role is, your role and the senior administration officials roles.

Mr. CANNON. I would just point out that probably the most hardest figure in the history of America on environmental issues was the Moses of the West, Brigham Young, who took Mormons to Utah which I represent. And he was very concerned about the environment. And by the way slightly in a religious context, but it seems to me dogma ought to be left to the area of religion, and what we ought to do is look at the science and try to figure out where we are going, because the decisions are huge. The implications of eliminating CO₂, I think Mr. Issa said earlier, \$35 trillion—oh, \$350 trillion, roughly more than about 10 times as much as the total net worth of all of America. These numbers are astounding. So the question is what do we do as humans try to adapt to deal with that situation. And you have been leading the fight on this. You have been dealing with this. You have been in the vortex. Do you have other things you want to say in comment about that?

Mr. CONNAUGHTON. Well, I think we are going back 5 years in history looking at individual edits, individual documents that never made it into most of the reports, at least the ones of concern. So I much prefer the hearing we had last summer, which is actually trying to dig into the detailed solutions to tackling this problem which, by the way, there is strong bipartisan support, whether it is the advancement of way out there technologies like fusion, near-term technologies like hydrogen. The Energy Policy Act passed bi-

partisan in both Houses of Congress going after renewable fuels, going after vehicle fuel—actually the energy bill didn't include vehicle fuel efficiency. But we would like the Congress to consider that, as well as billions of dollars in tax incentives to advance a new generation of coal that would ultimately be zero emission.

These are the solutions. This is what we should be working on. I call this, what is it about yes you don't understand? We have this strong commitment to get on with the solutions. Let's do that.

Mr. CANNON. Sounds to me—I am sorry, Mr. Chairman, my time is up. Thank you. I yield back.

Chairman WAXMAN [presiding]. Thank you. Chair yields himself time to pursue a second round.

Mr. SHAYS. Mr. Chairman, I haven't had a first round yet.

Chairman WAXMAN. Oh, Mr. Shays.

Mr. SHAYS. No problem.

When Kyoto was negotiated, Senate voted 100 to 1 and if there was someone absent it was unanimous, don't come back if you leave out India and China. So the Clinton administration comes back having left out India and China. Whereupon there were only about three to five Members of the Senate who said they supported the treaty.

But given that the President said he was against it and people are finally facing up to the reality of global warming, even though Kyoto left out two of the potentially biggest contributors, every Senator acts like they would have voted for it.

I wish to God this administration had submitted to the Senate the Kyoto Treaty without prejudice. There would have been five Members who would have actually voted for it. It is not unlike the two-thirds of the Congress and three-quarters of the Senate. Some Members now act like they never voted for the war in Iraq.

So, now but the sad thing is, Mr. Connaughton, and we have talked about it more than once, because this administration wanted to appeal to a narrow base that didn't believe in global warming, and so therefore was silent about the need to deal with it early on, you are having to deal with what you are having to deal with, and that is the tragedy of this in my judgment. You have done some amazing bilateral agreements to reduce the impact of global warming. You will get no credit for it because this administration early on wanted to give the impression that they didn't believe in global warming. That is the way I look at it.

And I am sorry that—and then we hire someone who is very capable, did a nice job in his performance before us but represented before the petroleum industry, which is not kind of what you would expect in the position that he was holding.

Wouldn't you agree that, you know, some of what you are having to deal with is just a bad start?

Mr. CONNAUGHTON. Sure. I mean I think, you know, it is also, though, the challenge of leadership. The prior administration did not make explicit the fact that the treaty was not going to work. President Bush did. As indicated in my written testimony, that did earn the—undeservedly earn all the ill will that has been directed at the President and our strategy since then.

That—and it is ironic because actually where I depart from you when you align the President with some of the constituencies, it

was the President in June 2001 following the National Academy of Sciences report said, this is what we know, the Academy has told us about some key uncertainties. But notwithstanding that, we need to take action now to begin to address this important problem. And he set in place a process that I inherited when I came in in June 2001 after that of running the policy that led to the 2002 climate policy strategic plan. It is all the more ironic because the President himself actually—as he should have—took the advice of the Academy and led probably the single most aggressive—

Mr. SHAYS. Other ironies. Al Gore is right about global warming. It is a very real inconvenient truth and it needs to be dealt with. I would love to compare his house with President Bush's house. I would love to compare it.

So you have one who advocates dealing with global warming but doesn't practice it. And you have another, President, who has been frankly quiet about global warming in my judgment and practices dealing with it in his own personal life. That is one of the other huge ironies.

Mr. CONNAUGHTON. There is a wonderful USA Today story about the President's house down in Texas. It is a model of green building and environmental conservation.

Mr. SHAYS. Or when we hear the actors and actresses who complain about Humvees, driving up in long stretch limousines, flying in airplanes that make Humvees look like they get tremendous mileage. The irony in this debate, I hope once we get beyond all this we will start to deal with the reality of what we need to deal with. And I just say to you, I think it hasn't happened because of how we stepped into this debate.

And I am afraid frankly there are some on the religious right—whatever party—that have denied global warming and when it finally happens they are going to say, well, this is the fulfillment of the Bible and the destruction of humanity. I mean, it is just like I hope we wake up, and I hope we act soon. And I encourage you to keep doing the good work you are doing. But I just wish you were more vocal about the good work you are doing.

Mr. ISSA. Will the gentleman yield?

Mr. Shays. Yes.

Mr. ISSA. You mentioned everything except nuclear. Wouldn't you say it was notable that Dr. Hansen was very supportive of nuclear in every round of questioning and yet, to be honest, Al Gore and his movie and all of the activities is a pushback from nuclear pretty consistently? Have you seen that interesting dichotomy that those who want us to deal with global warming have a tendency to be extremely anti-nuclear even though it is zero emissions?

Mr. CONNAUGHTON. There is no question that if you were serious about climate change you have to be serious about nuclear, at least for the next many decades. It is the only baseload zero emissions source we have. It has the smallest environmental footprint of any source we have, and we know how to do it right. We have been doing it right in America for a long time. And the modern plants are even better than the old ones. So I use that as a gauge actually when I deal with people on climate change. If they are not open to a serious discussion of nuclear, I tend to find that their interest in the issue is more rhetorical than real.

Chairman WAXMAN. Gentleman's time has expired, and now the Chair will recognize himself for a second round.

When this administration came in, they rejected Kyoto. Maybe it couldn't have passed. The Senate probably couldn't have. But I didn't hear the administration go back and ask the countries admitting Kyoto to reconvene and see if they could renegotiate a treaty. Fact No. 1.

Second, you pointed out with pride all of the things that this administration has done and is doing. But all the scientists tell us that the emissions of carbon are going up and not down, which means the planet is going to get in a more difficult situation in the direction we are moving.

Now, what appears to some of us is that it looks like the administration's policy was pretty much the petroleum industry's policy, which is let's sort of, let's try to confuse things and suggest that there's not such a big problem of global warming. We'll try to sow some doubt about it. That is what it appears like to many of us.

Now I want to find out whether this was a deliberate White House strategy to sow doubt, or if I am incorrect about it. Did you ever have any communications with anybody in the White House outside of CEQ about the value of emphasizing uncertainty and climate change?

Mr. CONNAUGHTON. I had conversations with people outside of CEQ about the broad range of science, which included uncertainties related to issues such as aerosols, some of the other factors that were in the National Academy of Sciences report. And the answer to that is yes, with scientists as well nonscientists.

Chairman WAXMAN. Who are those people in the White House outside of CEQ?

Mr. CONNAUGHTON. Especially the budgeteers. We were working on the 10-year strategic plan because a lot of—

Chairman WAXMAN. Budgeteers were OMB—exclusively OMB people?

Mr. CONNAUGHTON. As well as the Office of Science and Technology people, including Jack Marburger, because 10-year strategic plan, Mr. Chairman, was all about how are we going to direct our resources toward these key areas of uncertainty that the National Academy of Science has identified. So we had an extensive set of conversations all the way up to the cabinet level on how to get this 10-year research plan going. The National Academy of Sciences hailed this plan as having ambition and vision.

Chairman WAXMAN. Mr. Connaughton, I have only a limited period of time so I want to ask you some very specific questions.

When the White House appeared to edit the climate change science reports, that was highly controversial. And several of the changes made front page headlines. Did you have communications with others in the White House outside of CEQ about the reaction to CEQ's edits and how to manage that reaction?

Mr. CONNAUGHTON. First of all, the controversy was created by media stories, which I think grossly distorted the actual record of our process and the final documents to which scientist—

Chairman WAXMAN. You are not answering my question. I asked you a specific question, and I really want an answer.

Mr. CONNAUGHTON. I need to start with disagreeing—

Chairman WAXMAN. Did you have any conversations with anybody about how to handle the public relations once these reports were—

Mr. CONNAUGHTON. I certainly did. I talked to the White House communicators because this had achieved national and actually international stature—

Chairman WAXMAN. Would you tell us who the communicators were?

Mr. CONNAUGHTON. At the time—I would have to get back to you on that because I don't know exactly when people moved in and out.

Chairman WAXMAN. Did you have any communications with White House Chief of Staff Andrew Card?

Mr. CONNAUGHTON. About?

Chairman WAXMAN. About the global warming reports.

Mr. CONNAUGHTON. I only had a conversation with him after the reports came out.

Chairman WAXMAN. Did you have any conversations with him as you took your job as to how you were going to handle your job?

Mr. CONNAUGHTON. Yes, I did.

Chairman WAXMAN. And when were they?

Mr. CONNAUGHTON. That would have been in the middle of June.

Chairman WAXMAN. June, what year.

Mr. CONNAUGHTON. 2001.

Chairman WAXMAN. OK.

Mr. CONNAUGHTON. That is when I was assigned the portfolio on climate change, on air pollution and a whole range of issues, fuel economy and a whole range of issues on the National Energy Plan.

Chairman WAXMAN. And did he suggest to you some policies you might pursue or what—tell us about the conversation as it relates to global warming, climate change.

Mr. CONNAUGHTON. Mr. Card was happy to have me on board. He said there were specific areas we should get into and we wanted to really focus on the technology. We had been given this strong advice from the National Academy of Sciences. And we wanted to make sure also we were advancing the science in the way the President directed. Mr. Card was reinforcing for me the agenda that the President had already clearly laid out in his policy address.

Chairman WAXMAN. Now after the reports were put out you said you had some communications with him?

Mr. CONNAUGHTON. Yes. He wanted to know because what we had regarded—

Chairman WAXMAN. Could you tell us when that was approximately?

Mr. CONNAUGHTON. I can't recall the specific date.

Chairman WAXMAN. And tell us about that communication.

Mr. CONNAUGHTON. The report—we had scientific sign-off on the report so when it came out and the media began to nit-pick—I guess it leaked. The report had been out for some time. Then someone in the media got ahold of leaked versions of some of these early edits without even, by the way, comparing to see if it made it into the final document. That is what created the media flap. And so there were questions what was in the report, what was it about.

We actually treated this as a routine publication. It was only later sensationalized.

Chairman WAXMAN. This was a direct conversation with Andrew Card?

Mr. CONNAUGHTON. I had one direct conversation with him.

Chairman WAXMAN. On this issue.

Mr. CONNAUGHTON. Yes.

Chairman WAXMAN. The reaction to the report.

Mr. CONNAUGHTON. Right. This was much later after it came out and the leaked edits, the leaked edits emerged.

Chairman WAXMAN. And you don't recall the date of that?

Mr. CONNAUGHTON. No, I don't, sir.

Chairman WAXMAN. OK, did he suggest you do something other than what you were doing?

Mr. CONNAUGHTON. No. We were actually—

Chairman WAXMAN. Or was he just asking questions about what you did?

Mr. CONNAUGHTON. He wanted to know what the report, what the process was, was the process followed. I assured him it had been followed. I assured him the scientists at the end of the process had ultimately reconciled all comments and he was actually—well, I don't want to speak for him.

Chairman WAXMAN. Well, we know that some of the documents we have seen came from the—related to communications with the Vice President's office. Did you talk to anybody in the Vice President's office, including the Vice President or any of his staff, such as Kevin O'Donovan or anyone else in that office?

Mr. CONNAUGHTON. About?

Chairman WAXMAN. About global warming, climate change, the report.

Mr. CONNAUGHTON. Sure. I talked with all of the office of the White House about climate change. It is an issue that has been with us for 6 years. I can't think of a single office, including Office of Public Liaison, in which there hasn't been some interface of one kind or another about climate change, but really focused on the technology initiatives of the President much less so on the science.

Chairman WAXMAN. So you had frequent communications with, was it, Kevin O'Donovan or others in the Vice President's office?

Mr. CONNAUGHTON. We have a very vigorous interagency process that includes participation by the various White House offices as they see fit, as well as all the various agencies. So you can lump in a dozen agencies and six or seven White House offices.

Chairman WAXMAN. We look forward to learning more about those.

Mr. Issa.

Mr. ISSA. Thank you, Mr. Chairman. Where are your offices.

Mr. CONNAUGHTON. On Jackson Place, sir, right in front of the White House, right on Lafayette Square.

Mr. ISSA. Which is really part of now the White House complex area?

Mr. CONNAUGHTON. That's correct, sir.

Mr. ISSA. And when did essentially the oversight of global climate change—when did it move to the White House area? In other words, how long have the offices that are overseeing this part of

science, how long have they been within, you know, what we always think of as the White House, Treasury, Old Executive Office, the various townhouses and of course the White House itself?

Mr. CONNAUGHTON. My office, the Council on Environmental Quality, was created in 1969, so it has been there for almost 30—40 years. The Office of Science and Technology Policy I believe was created a few years later than that. And those are the two primary sort of policy offices as it relates to energy and environment and natural resources and some of those matters.

And then there was the Domestic Policy Council of course, the National Economic Council was created under the Clinton administration and then during the Clinton administration they actually had a sub office specifically focused on climate change where they coordinated all of the climate change efforts across the Clinton administration. We decided to consolidate that within CEQ.

Mr. ISSA. Which is also in the White House complex?

Mr. CONNAUGHTON. Correct.

Mr. ISSA. So it is fair to say that administration after administration, this has been something which has—although it has evolved and it's grown, every administration has thought it important enough to take up this very small amount of space available in and around the White House rather than sending it off to Crystal City or any number of other large Federal buildings a few miles away that certainly other things have been pushed out of.

Mr. CONNAUGHTON. Well, there has been a Catch-22 to the discussion we are having today. This issue is very important. It is Presidentially level important. But that said, we also make clear to do some assignments. So at NOAA, the head of the Climate Science Program that was housed at NOAA, so all of our input went to them and they had the final call on the science documents.

Mr. ISSA. I just want to understand that this is something where you get to say you are coming from the White House, because effectively these buildings are—everyone, everyone except people maybe inside the Beltway, we don't—we know the difference between the Old Executive Office and whether or not you have something in the Roosevelt Room, wing or whatever, but bottom line is you are right there in the White House complex, and this administration has kept it that important.

Let me just followup on a couple of things. When this administration—and I realize you weren't with it in the first days—but you were pretty close. This administration inherited Kyoto. It was dead on arrival at the Senate, is that right?

Mr. CONNAUGHTON. That's correct. It was dead 3 years before that.

Mr. ISSA. So it just hadn't been buried.

Mr. CONNAUGHTON. Actually it had effectively because the prior administration never sent the treaty to the Senate.

Mr. ISSA. So we also—thank you. And we also, this administration also inherited methyl bromide, the Montreal Protocol, which exempted all of the Third World, is that right?

Mr. CONNAUGHTON. It actually put them on a delayed compliance schedule, which they are now beginning to implement.

Mr. ISSA. This is the year in which they are going to actually have to cut down their use. But basically they have been unre-

stricted and, correct me if I'm wrong, methyl bromide basically moved from the United States and Europe to Africa and developing countries in South America who are unrestricted. The flower industry of Holland mostly moved to other countries. So this is something that was done in previous administrations. It sounded good but the bottom line is it didn't change the emissions of this terrible ozone depleting material one bit, did it, outside the United States?

Mr. CONNAUGHTON. Yes, I believe that is—I believe that is true. The issue you always face in these international agreements with global emissions is what is called leakage. If you squeeze the balloon too tight in one place and the other country is not constrained, you actually get an increase in those emissions. That is a fundamental issue in the climate policy debates.

Mr. ISSA. So some of this is what I call unilateral disarmament on emissions. We stopped, but it didn't change one bit the amount of emissions.

Mr. CONNAUGHTON. And Congressman, there is a place for leadership which the United States is demonstrating, but you don't want your leadership to sacrifice your economic objectives to greater emissions somewhere else.

Mr. ISSA. The United States is leading the world. This Congress has funded leading the world in cleaning up coal and other carbon emitters, recognizing without sequestration you are not getting there, that has to be part of it. But isn't it true that China builds basically one coal fired plant every week, week in and week out, for the last couple years and plans to continue doing so and that those tend to be among the dirtiest electric production facilities in the world?

Mr. CONNAUGHTON. Yes. They will build, I am told, 140 in the next 3 years and they are massively industrializing and picking up a lot of the manufacturing and industrial output that would otherwise be occurring in places like the United States and Europe for a variety of reasons.

Mr. ISSA. Then as I yield back, I will simply make the point that this administration has a bigger problem than just good research. We have to get it applied around the world or it won't make a bit of difference in global warming.

Mr. CONNAUGHTON. Mr. Issa, to the point that was raised by the chairman I would sharply disagree. We did reconvene internationally. We just didn't reconvene in Kyoto. We have dozens of bilateral partnerships now. And we have many, many multinational agreements on advancing hydrogen, on advancing global fuels, on advancing methane capture, as I indicated. The list is quite lengthy of real international agreement, the most recent of which is the Asian Pacific Partnership on Clean Development Climate, which includes India and China and South Korea, which comes in third in new emissions for the first time.

So we found a different way to have the international conversation, and this is a foundation we can build on and, by the way, Mr. Chairman, California is going to be a huge beneficiary of that because we are all about opening up markets for good old-fashioned green technologies from California and really getting them into these marketplaces in Asia. That is where the solution lies.

Mr. ISSA. Thank you. I yield back.

Chairman WAXMAN. Mr. Welch.

Mr. WELCH. Thank you, Mr. Chairman. Mr. Connaughton.

Mr. CONNAUGHTON. Connaughton, please.

Mr. WELCH. Mr. Connaughton. Welcome.

Mr. CONNAUGHTON. Thank you.

Mr. WELCH. I would like to ask about, but your decision to hire Phil Cooney as your chief of staff. As you know, Mr. Cooney was a very successful oil industry lobbyist. He had worked for the Petroleum Institute in his job there. Among other things was to stop or delay governmental actions on climate change. They weren't shy about their point of view on that, but that obviously is an agenda inconsistent with the mission of the Environmental Protection Agency.

My question is this, who made the decision to hire Mr. Cooney?

Mr. CONNAUGHTON. I did.

Mr. WELCH. And I assume you were aware of the work he did at the American Petroleum Institute?

Mr. CONNAUGHTON. Yes, I was.

Mr. WELCH. Did you have any concerns about that work and how it would affect the work that he was to do at the environmental agency or was that a reason why he was hired?

Mr. CONNAUGHTON. In my many years in Washington, I have come across a lot of people in the professional world, lawyers, people from the environmental community and other places. Of the many people I intersected with in my professional life, Mr. Cooney is one of the people of highest integrity that I have run across. He is also an outstanding manager. And actually I saw it as a great benefit that he had experience in the energy sector because one of the major tasks I knew I was going to be taking on was the CEQ portion of implementing the National Energy Policy.

So it was actually something Mr. Cooney knew something about. But first and foremost was his commitment to public service, and actually it was an honor for me to have him join me. And I have to say, you know, as much as the tone of this hearing has been what it is, Mr. Cooney is the best in class individual when it comes to integrity, honesty and ethics. And I do greatly regret some of the insinuations that I have heard from some members of this committee about the fact that Mr. Cooney might have been unable to divorce himself from one client and take on the role of public servant. I certainly did. Mr. Welch, I would submit you certainly did when you—at some point in your life when you became elected. We are all capable of serving the institutions in which we are employed.

Mr. WELCH. I haven't heard anybody raise questions about Mr. Cooney or anybody else's integrity. What I understood and I have heard is a fair amount of evidence that the American Petroleum Institute had a clear point of view on climate change and a fair amount of evidence that many of those views on climate change, for one reason or another—conviction or politics, I am not going to make a conclusion—found their way into reports through editing; 181 different edits.

Did you have any concern about what signal would be sent to the American people, really, in hiring a person whose job it was before taking on the new position to basically advocate the American Petroleum Institute's position that climate change was not a problem

and that the right approach on energy policy was to drill in ANWR, to drill more extensively in the coastal waters, and basically to erase, and sow doubt, about the urgency of addressing global warming as a problem?

Mr. CONNAUGHTON. You are making some insinuations in that litany. So let me ask you—this plays against the type that you are suggesting. Mr. Cooney was involved in the National Energy Policy that was advancing mandates for renewable fuels against the interest of the oil companies. Mr. Cooney was involved in some of the energy policy in which the Bush administration, for the first time in over a decade, was implementing new fuel economy standards for vehicles. Mr. Cooney was involved in the National Energy Policy that did not support tax breaks for oil and gas. In fact, the President and his administration were opposed to them and made that very clear in the run-up to the energy bill in 2005.

I could give you any of a number of additional examples where Mr. Cooney was actually working against the interest of the oil and gas industry, and he did it with the highest integrity in the service of the policy agenda that he was being directed to implement by the President of the United States.

Mr. WELCH. Mr. Connaughton, I admire your energy but not your misstatement of the facts.

The White House opposed the fuel standards that you are referring to.

Mr. CONNAUGHTON. Mr. Welch, you couldn't be more wrong. In 2001, in the National Energy Plan, it called for increases in fuel economy standards. It was then that we initiated a process with the National Academy of Sciences to get their recommendation on how we could move forward with new mandatory regulations on fuel economy in the light truck fleet that would not create the safety hazard the National Academy of Science had identified.

We subsequently implemented two regulations covering 7 years of light truck manufacturing for the first time in a decade. During the same period, the President and his administration called on the Congress to legislate, give us the authority to do the same thing with respect to passenger cars, a call on Congress the President most recently reinitiated in his State of the Union address in which he committed the Nation to save 8.5 billion gallons of fuel through new mandatory fuel economy standards if this Congress will give us the authority to do it right rather than do it the way it was provided back to us in the 1970's, which creates a safety penalty and harms drivers.

Mr. WELCH. Were you involved in any one of the 181 changes that were made, the edits that were made, under the supervision of Mr. Cooney?

Mr. CONNAUGHTON. I only had general oversight as that was working its way through the staff process. What typically happens if there's an irreconcilable—

Mr. WELCH. So is the answer yes or no? You have given a few speeches here but not answered too many questions.

Mr. CONNAUGHTON. I think I am doing fine answering questions.

Mr. WELCH. There were 181 different provisions that were edited on the global warming report. Were you involved—that were made

under the supervision of Mr. Cooney. Were you involved in approving those or making those?

Mr. CONNAUGHTON. It was possible that some of those may have been called to my attention. I don't have a specific recollection because it was almost 5 years ago. Nevertheless, I was confident that Dr. James Mahoney, who was the one leading this process, would do a perfectly great job reconciling any comments that he thought might be of concern.

Chairman WAXMAN. Mr. Welch, your time has expired.

Mr. Shays.

Mr. SHAYS. Thank you. I am happy people don't talk about how many times I edited a simple letter, but thank God for a computer.

Is there anything that you would like to put on the record before we get to our next witness?

Mr. CONNAUGHTON. I want to go back to the basics. Thank you, Mr. Shays.

These reports are of worldwide significance, and when they were published they received worldwide acceptance and praise. The 10-Year Strategic Plan, our annual climate action reports, these are full policy and budget documents that contain expressions of the science that the scientific community itself found worthwhile. If there was something fundamentally wrong with any of the edits to the extent they made it into the document, one would have thought that some scientist somewhere would have said, "Hey, on page 85 you got it wrong." That didn't happen.

We are looking in this inquiry at early edits to documents—and documents, you know, before they got into their final stages. And, again, it is—we are all very busy people. This inquiry is a bit odd in that we are not looking at what was in the documents. This is where the real information to the public is being provided. We are looking at internal deliberations and contacts and what makes it all the more ironic is the whole point of the deliberative process is to encourage the diversity of viewpoints whether they are wrong or whether they are completely right. And maybe some of them are wrong and maybe some of them are right. Maybe Mr. Cooney's edits he made, I maybe had a question of. I didn't have to, because the context sorted it out.

So these documents are going to stand the test of time. This is where we should be concentrating our focus, in my view, on the budgets we need to answer these key science questions and the budgets and policies we need to make meaningful, sensible progress attacking greenhouse gas emissions in a way that grows our economy and adds American jobs.

Mr. SHAYS. Mr. Chairman, I appreciate the hearings we are having, and I think they are interesting, and I know we are going to have a lot more. But I hope we start to get beyond the issues of who said what, when, and that this new majority will start to lead and deal with the issues of where we go from here.

I know they are attempting to do that by a special committee under Mr. Markey, because they are concerned that the very chairman of that committee, candidly, has been deleting the opponent—the Dean of the House has been deleting the opponent against the increasing CAFE standards. And while I may have some disappointment with this administration not taking charge and, you

know, picking up the sword and leading us through this, I wish they had—I am sure if they had, I am sure you would have had a nice job doing that, Mr. Connaughton.

I do know this: This is a bipartisan problem. It needs a bipartisan solution, and we need to get beyond the attacks of this administration. And if we start to work in a bipartisan way, we might get some things done.

Mr. CONNAUGHTON. Dr. Jack Marburger was very interested in joining, although the committee at this point in time is not ready to speak with them. I think it would be highly useful, if we are going to get to more e-mails, science statements—I am not aware that the committee has assigned any scientist to actually look at any of this. But I think it would be much more helpful if you had a scientist from the committee sitting down with a scientist with the Office of Science and Technology Policy, and the scientists could find a Science Office to sort through some of this to see how it all shaped up. Again, I think it shaped up right but it is—

Mr. ISSA. So, just asking you quick, for emphasis, two things. I guess we know the culprit here.

Mr. SHAYS. May I say the culprit is that this is sometimes on even when it's off. So if the committee would note this has got a problem.

Mr. ISSA. Two things. One, I think you made a good point that I would hope you would reiterate, that in fact your final report has never been questioned today. The output of this process, including Dr. Hansen's complaints, bears no—no one complained in the final document, including Dr. Hansen, one; and, two, that up until now, the President's attempt to modernize the CAFE standards to dramatically increase the fuel economy that our fleet gets without penalizing safety has not been answered by this Congress yet.

Would you repeat those two to clarify them for the committee?

Mr. CONNAUGHTON. The 10-Year Strategic Plan that has been of highest interest to this committee so far was roundly praised by the National Academy of Sciences after two independent reviews, after they provided it, and it's actually being used as a basis for research priorities, not just in America but around the world.

And, second, the President in his State of the Union declared very specifically he wants to end our addiction to oil. He wants to do it by dramatic increase in mandatory renewable and alternative fuels, and he wants to do it with a significant—I would also call it a dramatic—increase in fuel economy of vehicles across all of the fleet, not just the big ones. All of them, small ones to big.

And we are prepared to work with the Congress to see that legislation turned into law.

I would note, by the way, that it has huge greenhouse benefits, too, and it reduces air toxins substantially at the same time.

Chairman WAXMAN. Before I recognize Mr. Yarmuth, I want to state a couple of facts. One, that suggested changes from CO₂ were not just early draft, they were continuously pushed until the final draft, and, in fact, until the final day of the final draft. And all of those edits were not by scientists. You say you would like scientists to sit down with scientists. Let's see who would have preferred your scientists to have more of a say than your representative from the oil industry, pushing his view of science over your scientists.

And then I do want to point out that the administration has authority to raise CAFE standards for passenger cars today, and you haven't chosen to do so.

Mr. CONNAUGHTON. The National Academy of Sciences said if we do so, we will create a safety penalty that causes more fatalities and more traffic injuries. Certainly we can agree that is not an outcome we want.

Chairman WAXMAN. I think that is a red herring. I don't think the National Academy of Sciences has that view, but certainly the auto industry does.

Mr. CONNAUGHTON. That is not the case at all. The auto industry is not happy about these standards, Mr. Waxman. In fact, I would refer this committee and actually ask, if you would, the committee enter into the record the 2002 National Academy of Science Report on Fuel Economy Standards. You should read for yourself what that says.

Chairman WAXMAN. Mr. Yarmuth.

Mr. YARMUTH. Mr. Connaughton, the reason we are here today is not because we are concerned what came out on the final report. Fortunately because of Christine Todd Whitman, we understand that the edits that were made—that many, both here on this committee and also many in the scientific community, represented cherry-picking of the evidence, that she decided that painted an inaccurate portrait of the situation with regard to climate change.

And I know you called it in your testimony, your prepared testimony, an intramural editorial exchange, but we are concerned here with the process and whether the process is actually fair to science or not.

And we have heard a lot of evidence about cherry-picking. You disagree with some of it, but in fact your own testimony represents, in my opinion—gives an example of where evidence was cherry-picked. You defended in White House edits to delete a discussion of the human health and ecological effects of climate change. In defending that edit, you cited a 2001 National Academy of Sciences report.

And you quote this sentence from that report: "Health outcomes in response to climate change are the subject of intense debate." Clearly they are. But you omitted from that reference the sentence that immediately follows it and that sentence reads, "Climate change has the potential to influence the frequency and transmission of infectious disease, alter heat and cold-related mortality and morbidity, and influence air and water quality. And that same section of the Academy report also says, "Increased tendency toward drought, as projected by some models, is an important concern in every region of the United States. Decreased snow pack and/or earlier season melting are expected in response to warming because the freeze line will be moving to higher elevations." And, finally, "The noted increased rainfall rates have implications for pollution runoff, flood control and changes to plant and animal habitat. Any significant climate change is likely to result in increased costs because the Nation's investment in water supply infrastructure is largely tuned to the current climate."

Would you not concede that a—the sentence that you included as evidence of using the National Academy of Sciences report paints

a slightly different picture than if you included all of that material after that?

Mr. CONNAUGHTON. Actually, Congressman, I became a big fan of including all of the material, which was why the decision was made to go ahead and reference all of it.

What I find in these science debates, especially among nonscientists, is the dangers always come when we try to summarize, when in fact this is a much more complex issue. That is where people end up fighting. They fight over little amounts of space. That's why this was the best solution. I was inspired by Ms. Whitman. I immediately agreed with it. This is a great document. I really recommend you to read it.

I would also recommend you to read the entire NAS report before you reach final judgment. I appreciate the chairman in his opening remarks saying there were suspicions but they're trying to sort out the facts.

I would really appreciate it if you would commit to read the NAS report, because that is what I did in preparing for this hearing, because I wanted to see if these edits were in the realm of the reasonable. You could agree or disagree with them, but were they within the realm of the reasonable to be sorted out by the ultimate scientific reviewer? My judgment is maybe they were. Maybe you will come to a different one. You seem like a reasonable man. But if you will look at the whole report you will see what was trying to happen here.

In addition, again, 99.5 percent already contained all of what you just described. The issue, what was missing by some reviewers—it wasn't just Mr. Cooney—it was the Office of Science and Technology Policy, too. There was missing some qualification to some of these absolute statements that justifies beyond these ongoing science investments we're making.

Reasonable minds could differ over that, but that is what we should be after. But are we in the realm of the reasonable in the deliberative process that's there to call out these different viewpoints? I think so. I am hopeful that the committee will ultimately find that as well.

Mr. YARMUTH. Do you understand why there is some suspicion on this committee when virtually every edit that was suggested tends to minimize the severity of the threat of global warming?

Mr. CONNAUGHTON. I completely understand that, and the dilemma was because the rest of it, all of the affirmative stuff, wasn't objectionable. So you have this issue of—there was a concern that something was being left out, and so the nature of the edits was to reflect on that which was left out, without recognizing that Mr. Cooney and many others read the rest of this and said wow, this is good stuff. It's so important about the temperature trends, and all of the different impacts and the polar area, lots of good stuff in here, without any negative comment by CEQ or anything else. That's really what was going on.

Mr. YARMUTH. I yield back.

Chairman WAXMAN. Mr. Cannon.

Mr. CANNON. Your last answer was really good. Recasting it, you were asked why it was obvious that you raised suspicions with edits, and your answer was that there was so much positive that

there was a tendency to focus on just those things where the certainty wasn't the case. And frankly, in my last round of questioning, I raised the issue of why we are actually having this hearing. And now that we've been through most of it, I've got to say it has been really interesting.

The gentleman just asked you or just suggested that, fortunately, Christine Todd Whitman had intervened, that we came out with a sound report. That is like a vindication of the process. I don't know what more you could say that is more vindicating of what you all did. People can disagree with your beliefs and the policy and a lot of other things, but it seems to me if the point of this hearing was to talk about policy, that it has worked pretty well and I—if you want to comment on that, you have done a pretty good job thus far.

Mr. CONNAUGHTON. The only thing I would add to that is by doing a really smart thing, it ended up being portrayed publicly as an omission from the draft you put in of the environment and, fortunately, pieces of the draft you put in of the environment is great. It deals with all kinds of issues. So the benefit of this report was diminished. And then the benefit of this report was diminished, and it really had nothing to do with the merits of the document. It really had to do with the sensation caused that always happens when people pull back and get a look at some of the deliberative processes without focusing on the final product. We like to focus on the results. The Congress does. We do. Where the results are on a sale—

Mr. CANNON. Let me talk about—Mr. Issa talked earlier about all of the power plants, the coal-fired power plants that are being built in China. And, of course, if we do coal to liquid here in America, the nice thing about that technology is you can actually take the CO₂ stream and sequester it, not only inexpensively, but maybe at a high profit because you can use it to enhance oil production and in other activities or just get rid of it in ways that we are learning are scientifically sound right now.

So it seems to me that the net of this hearing, if anything comes out of it, ought to be to shift away from process and there ought to be a congratulations to the process used and a shift toward what you have been suggesting back and forth through your whole testimony, which is what can we do to actually mitigate the problems that may happen if man-made gasses are actually affecting the temperature of the climate as a whole.

And if you just want to take a few minutes to wrap up on the things we can do, I'd very much appreciate that, because I think that is what we found in this hearing.

Mr. CONNAUGHTON. Clearly we had an opportunity on renewables, especially renewable fuels; that is, the potential that has not been tapped to the extent it can. And that's why, again, we are pleased by the broad bipartisan interest in the State of the Union address as well as the advancement of renewable power.

But coal remains a very important issue. Anything we do short term to mitigate greenhouse gasses is of relatively little consequence unless we figure out the zero emission coal solution. And we have to be very careful about our policies to be sure we keep an investment toward zero emission coal, because if we don't, China—and India in particular—and some other countries, their

missions will far exceed ours starting in about 2008–2009 and it just runs away from us.

So if we are focusing on climate policy, to me, we have to advance this highly efficient zero emission coal agenda which, again, the Congress, working with the administration on a bipartisan basis, is doing. And we have to bring more nuclear on-line as a hedge while we fill in with renewable fuels and we fill in even more with renewable power.

We can get there. It takes some time, but we have to sequence this right. And we can't drive our investment away from coal in America, because if we don't figure it out, it will be decades before China and India and other countries figure it out. So we have an imperative to get it right here first.

Mr. CANNON. And if we get it right here first, and other nations can copy the technology that we produced and have the kinds of wonderful things in life that we have in America without the effect on the environment—

Mr. CONNAUGHTON. And also, again by the way, we are competing less on the world stage for energy resources. So countries like Japan, emerging economies, that don't have access to the same natural resources we do, when we are using our own smarts, that makes other resources available to other countries that don't have it. It is good for the global economies of all, and it will lift billions of people out of poverty over time.

Mr. CANNON. Poverty is the big polluter. If you don't believe that, go to Haiti and take a look at the landscape.

You said something about the Federal opaque and this new chip that has come out that is 40 percent positive, I believe it is funded in large part by DOE. I think that is one of the great stories that is ready to happen. We don't know what it's going to cost yet. It's not commercial—or it is actually commercial, but not really commercial—and of the price that will really make sense. But isn't that a direct result of DOE funding and this administration's initiatives to do those things?

Mr. CONNAUGHTON. In last year's State of the Union address, the President called for significant ramp-up in the research dollars toward some of these advanced solar and wind technologies. My son dragged me to NexTechs in New York, sponsored by Wired Magazine. And they had this nanosolar technology that creates little pyramids on the same panel. That's a great one.

And then DOE is also looking at lower efficiency but much cheaper solar panels, so you could actually make a whole roof out of it but it doesn't cost you very much. So it might not be as efficient as the glass panels, but you get more energy from it because you can spread it out on a bigger surface. Now, that could make it more affordable for the consumer, and we can get to these zero energy or energy gives back home.

Mr. CANNON. I recognize my time is almost gone.

The breakthrough you already have on the table is a chip that will deliver over 40 percent efficiency as opposed to the 15 or 16 percent that we had historically. That is a tripling, almost, of efficiency, which means that the possibility of really using this wildly throughout the world, not in all uses, but supplementing our uses is close.

Mr. CONNAUGHTON. These things come in waves, and I think that is a renaissance in that area and that is very exciting.

Chairman WAXMAN. Thank you very much, Mr. Connaughton. Thank you for being with us.

We are going to continue this investigation. We expect cooperation from your office in giving us all of the information and documents that we feel we are entitled to.

Mr. CONNAUGHTON. You will have our continued cooperation, Mr. Chairman.

Chairman WAXMAN. Thank you very much. Thank you for being here.

Our last witness is Dr. Roy Spencer. He is the principal resident scientist at the University of Alabama in Huntsville. He worked at NASA for more than a decade.

I want to welcome you to the committee. Your prepared statement will be in the record in full. We would like to ask, if you would, to keep your oral statement to no more than 5 minutes.

It's the policy of this committee that we put all witnesses under oath. And so if you would please rise and raise your right hand.

The record will indicate the witness answered in the affirmative. And we look forward to hearing from you.

**STATEMENT OF ROY SPENCER, UNIVERSITY OF ALABAMA,
HUNTSVILLE**

Mr. SPENCER. I am sorry I wasn't here for—

Chairman WAXMAN. There is a button on the base of the mic.

Mr. SPENCER. I am sorry I wasn't here for Jim's testimony. As you can tell, I am not an expert on this. It has been a few years since I have done this. So I am going to read my oral testimony verbatim if you don't mind.

I would like to thank the chairman and members of this committee for the opportunity to provide my perspective on political interference on government-funded science.

I have been performing NASA-funded science research for the last 22 years. Prior to my current position as a principal research scientist at the University of Alabama in Huntsville, I was senior scientist for climate studies at NASA's Marshall Space Flight Center and was an employee of NASA from 1987 until 2001.

During the period of my government employment, NASA had a rule that any interaction between its scientists and the press was to be coordinated through NASA management and Public Affairs. Understandably, NASA managers do not appreciate first learning of their scientists' findings and opinions in the morning newspapers.

There was no secret within NASA at that time that I was skeptical of the size of the human influence on global climate. My views were diametrically opposed to those of Vice President Gore, and I believe that they were considered to be a possible hindrance to NASA getting full congressional funding for Mission to Planet Earth.

So while Dr. Hansen was freely sounding the alarm over what he believed to be dangerous levels of human influence on the climate, I tried to follow the rules. On many occasions, I avoided questioning from the media on the subject and instead directed re-

porters' questions to my director John Christie, who was my co-worker, still is, and a university employee.

Through the management chain, in fact, I was told what I was allowed to say in congressional testimony. My dodging of committee questions regarding my personal opinions on the subject of global warming was considered to be quite humorous by one committee, an exchange which is now part of the Congressional Record.

I want to make it very clear that I am not complaining. I am only relating these things because I was asked to. I was, and still am, totally supportive of NASA's Earth satellite missions, but I understood that my position as a NASA employee was a privilege, not a right, and there were rules that I was expected to abide by.

Partly because of those limits on what I could and couldn't say to the press and Congress, I voluntarily resigned from NASA in the fall of 2001. Even though my research responsibilities to NASA have not changed since resigning, being a university employee gives me much more freedom than government employees have in expressing opinions.

So while you might think that political influence in our climate research program started with the Bush administration, that simply isn't true. It is—it has always existed. You just never heard about it because NASA's climate science program was aligned with Vice President Gore's objectives.

The bias started when the U.S. Climate Research Program was first initiated. The emphasis on studying the problem of global warming presumes that a problem exists. As a result, the funding has always favored the finding of evidence for climate catastrophe rather than for climate stability. This biased approach to the funding of science serves several goals which favor specific political ideology.

First, it grows government science, environmental, and policy programs, which depend upon global warming, remaining as much of a threat as possible. It favors climate researchers who quite naturally have vested interests and careers, theories, and personal incomes, myself included. And it provides justification for environmental lobbying groups whose very existence depends on sustaining public fears of environmental problems.

I am not claiming that global warming science—that the global warming science program isn't needed. It is. We do need to find out how much of our current warmth is human induced and how much of it we might expect in the future.

I am just pointing out that the political interference flows both ways, but not everyone has felt compelled to complain about it.

This concludes my oral testimony.

Chairman WAXMAN. Thank you.

[The prepared statement of Mr. Spencer follows:]

**STATEMENT TO THE COMMITTEE ON OVERSIGHT AND GOVERNMENT
REFORM OF THE UNITED STATES HOUSE OF REPRESENTATIVES**

Roy W. Spencer
Earth System Science Center
The University of Alabama in Huntsville
Huntsville, Alabama 35801

19 March 2007

1. Introduction

I would like to thank the Chairman and the Committee for the opportunity to provide my perspective on the subject of political interference in government-funded science, as well as on the science of global warming.

I have been performing NASA-sponsored research for the last twenty-two years. Prior to my current position as a principal research scientist at the University of Alabama in Huntsville, I was Senior Scientist for Climate Studies at NASA's Marshall Space Flight Center. I am also the U.S. Science Team Leader for the Advanced Microwave Scanning Radiometer-E flying on NASA's Earth-observation satellite Aqua.

2. Political Interference in Government Climate Change Science

During my fifteen years as a NASA employee, I was well aware that any interaction between scientists and the press was to be coordinated through NASA management and public affairs. Understandably, NASA managers do not appreciate first reading of their scientists opinions in the morning newspaper. I understood that my position as a NASA employee was a privilege, not a right, and that there were rules I was expected to abide by. Partly because of those limits on what I could and couldn't say to the press on the subject of global warming, I voluntarily resigned from the government in the fall of 2001.

Some level of political influence on government-funded climate science has always existed, and likely always will exist. The influence began many years ago when the government climate research programs were first established. For instance, I once heard a high-level government official say that his success at helping to formulate the Montreal

Protocol restricting the manufacture of ozone-depleting chemicals was an example of the kind of success that global warming research could achieve to help restrict fossil fuel use. This is clearly a case of political and policy biases driving a scientific research agenda.

On the individual scientist level, if a government scientist wants to issue a press release addressing the theoretical possibility of catastrophic climate change in the future, and entitles it, "*Global Warming to be Much Worse than Previously Thought*", should the scientist's supervisors have the authority to intervene if they believe the title of the press release can not be justified by the research? What if the title reads, "*Global Warming Could Destroy Most of Humanity in the Next Five Years*"? Could managers intervene then? At some point, the agency for which the government scientist works must bear some responsibility for what that scientist, in his official capacity, says to the public and press. Managers can not simply give blanket approval to whatever the scientist wants to say just to avoid the impression of "muzzling the science". This is one reason why agencies like NASA and NOAA need to retain some level of control over how their employees portray their science to the public.

Political influences on climate research have long pervaded the whole system. Both government funding managers and scientists realize that science programs, research funding, and careers depend upon global warming remaining a serious threat. There seems to be an unspoken pressure on climate scientists to find new ways in which mankind might be causing a climate catastrophe -- yet no emphasis at all on finding possible climate stabilizing mechanisms.

Even the climate researchers themselves have biases that influence the direction they take their research. In psychology this is called "confirmation bias" (Klayman and Ha, 1987), and in my experience this is not the exception, but the rule. Researchers tend to be more accepting of data that confirms their preconceived notions or political or societal predilections. After all, what scientist would not want to be the one to discover an impending environmental disaster that awaits humanity...to "save the Earth"? Or, if one believes that modern technology is inherently evil, would not one then want to find sufficient evidence to put the fossil fuel industry out of business? If one has socialistic tendencies, then carbon permit trading provides an excellent mechanism for a redistribution of wealth from the richer countries to the poorer countries.

In my own case, I would rather be the researcher who discovers that global warming will be relatively benign – after all, what sane person could wish catastrophic global warming upon humanity for selfish political or social engineering reasons?

Bias in the expectation of policy outcomes was even shown in this committee’s last hearing on this subject. On January 30, 2007, Rick Piltz, the Director of Climate Science Watch Government Accountability Project, told this committee:

“Climate Science Watch engages in investigation, communication, and reform advocacy aimed at holding public officials accountable for using climate research with integrity and effectiveness in addressing the challenge of global climate change.” (emphasis added)

“Reform advocacy” and the phrase “addressing the challenge of global climate change” clearly presume that climate change is “a challenge” worthy of great worry and strong policy action. But based upon my own experience, it would have been at least as appropriate to have a separate advocacy group “addressing the challenge of unwarranted exaggeration of global climate change”.

There is a way to reduce the impact of such biases in government-funded climate research programs. Years ago, the Department of Defense recognized the dangers of “group-think” and “tunnel-vision” when developing new defense systems. They formally instituted a “Red Team” approach where people are tasked with finding holes in the prevailing wisdom and consensus of how things should work. In my opinion, a Red Team approach to government funding of global warming research, especially in the climate modeling arena, would be very valuable.

So, rather than trying to eliminate political influence on the direction of government-funded research, this committee could help to at least balance those influences. After all, the science doesn’t care what the answer is to the question of how much warming will occur in the future. And in my experience, the taxpayers would welcome a less biased approach to the spending of their money.

This committee now has the unique opportunity to help level the playing field for the scientific minority, and make sure that research programs are not biased by desired political outcomes. If only because scientists are human, political influence and biases will

always exist in scientific research. But this committee can help by making sure that government is not contributing to the problem.

3. The Science of Global Warming

Even though globally averaged temperatures in recent decades have been unusually warm, there is no compelling evidence that they are either unprecedented in the last 1,000 years, or attributable to human greenhouse gas emissions. Given the extreme cost to humanity (especially the poor) that most economists claim will result from the restricting or otherwise penalizing the use of fossil fuels, a guiding principle for accepting claims of catastrophic global warming should be: *Extraordinary claims require extraordinary evidence*. Let us examine whether such extraordinary and compelling evidence exists.

3.1 Current Warmth in Its Historical Context

In June 2006, a National Research Council report (NRC, 2006) requested by congress examined claims that globally averaged temperature are warmer now than anytime in the last 1,000 years. That panel concluded that high confidence could only be given to the statement that we are now the warmest in 400 years – not 1,000 years. We should be thankful for this, since much of the last 400 years was enveloped in the “Little Ice Age” – a period that was particularly harmful to mankind.

Furthermore, actual temperature measurements (not proxies) in Greenland boreholes reveal the Medieval Warm Period (MWP) to be warmer than today (Fig. 1).

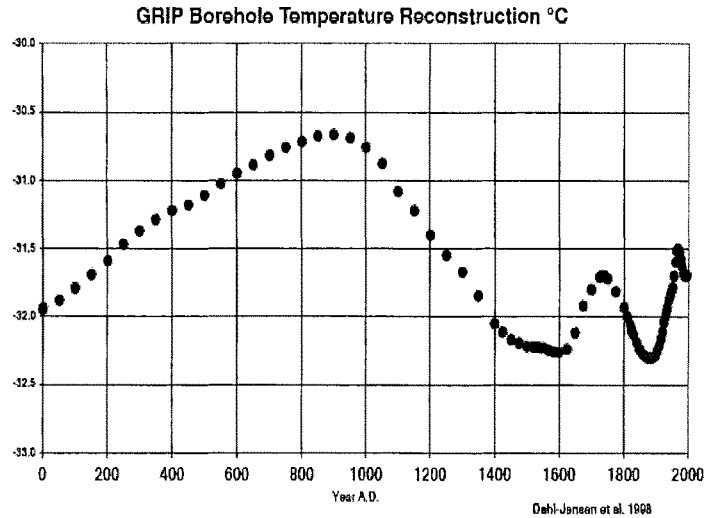


Fig. 1. The GRIP (Greenland) borehole temperature record is not a proxy, but a direct measure of temperature (Dahl-Jensen *et al.* 1998). It shows that current warmth is not unusual in the context of the last 2,000 years. A similar result for the last 1,000 years has also been obtained from borehole temperatures in the Ural Mountains (Demezhko and Shchapov, 2001).

Since the temperature signal tends to get smoothed with depth (age), it can be safely assumed that temperature “spikes” were also superimposed on the MWP warm “dome” seen in Fig. 1. These spikes would make our current warmth seem even less noteworthy by comparison.

In summary, the evidence for today’s global warmth being unusual for interglacial conditions is neither extraordinary nor compelling.

3.2 Attribution of Current Warmth to Mankind

Some have found it effective to use the close relationship between ice core-inferred temperatures and carbon dioxide variations to imply that we will see similar relationships from anthropogenic CO₂ emissions. But this interpretation of ice core data is, at best, controversial. If indeed these measurements are what they are claimed to be (estimates of global temperature and carbon dioxide concentrations), then virtually all of the evidence

points to the temperature changes *leading* the carbon dioxide changes -- not the other way around -- by at least 100 years. The Earth's carbon dioxide budget is still poorly understood, with huge sources and sinks of carbon in the oceans and land, and so it is entirely possible that the carbon dioxide changes were the result of biogeochemical changes resulting from the temperature changes. Since the cause-and-effect relationships in these ice core records appear to be the reverse of what we expect with anthropogenic global warming, I believe that ice cores should not be used to promote any quantitative estimates of how much warming a given amount of extra carbon dioxide will "cause".

Nevertheless, it is indeed possible to construct a *possible* scenario of radiative forcing wherein carbon dioxide causes the warming we have seen over the last few decades (Hansen *et al.*, 2005). But this in no way constitutes extraordinary and compelling evidence that greenhouse gas changes caused the warming -- it is merely one possible explanation. A small decrease in low level cloudiness or a small increase in high level cloudiness -- too small to be reliably measured with current satellite technology -- could also explain our current warmth. Detailed estimation of radiative imbalances from a wide variety of manmade greenhouse gases and aerosols, as in Hansen *et al.*, (2005), are popular activities, but those radiative imbalances are theoretically calculated, not measured. They are still too small to be reliably measured with our satellite systems. What we do know is that substantial natural fluctuations in the Earth's radiation budget do occur which are much more abrupt and larger than those due to manmade greenhouse gases (Wielicki *et al.*, 2002; Chen *et al.*, 2002). It seems that since science can measure atmospheric carbon dioxide changes much more accurately than small variations in global cloud amounts and other natural processes, science then tends to ignore the possibility that recently global warming could be more due to natural causes than manmade ones.

It is often stated (usually with grave concern) that atmospheric carbon dioxide concentrations are higher now than they have been for hundreds of thousands of years (or more). But objectively, one must ask: *so what?* As can be seen in Fig. 2, carbon dioxide concentrations in the atmosphere are extremely low, and even two or three times an extremely small number is still an extremely small number. The fact that carbon dioxide concentrations could "double" in this century might sound scary, but we need to first examine what processes determine Earth's natural greenhouse effect.

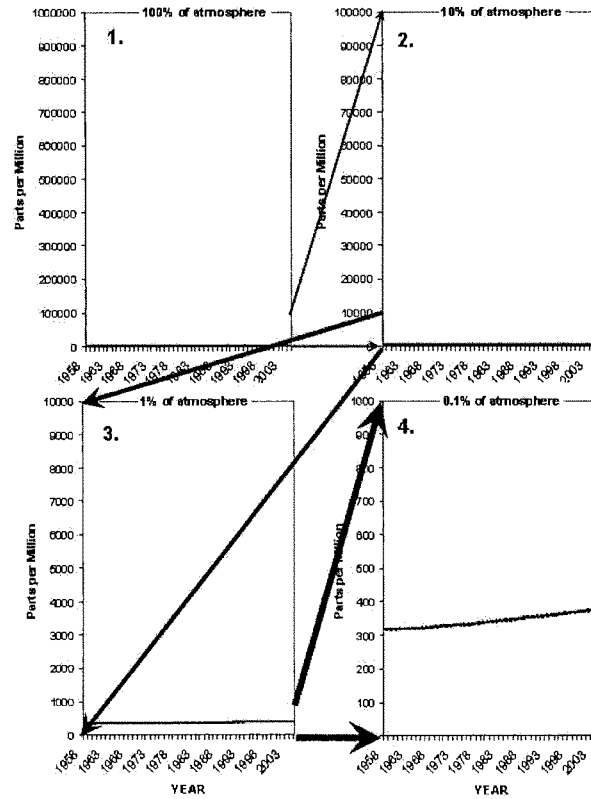


Fig. 2. In absolute terms, the increase in carbon dioxide concentrations since 1958 has been extremely small, as seen in this progressive zoom of CO₂ concentration plots from 100% of the atmosphere (panel 1), to only 0.1% of the atmosphere (panel 4).

3.3 What Causes the Earth's Greenhouse Effect?

To understand what effect anthropogenic greenhouse gas emissions might have on global climate, we must first understand what causes the Earth's natural greenhouse effect. The atmosphere's greenhouse effect is mostly due to water vapor and clouds. Many climate modelers and researchers suggest that there is some sort of 'delicate balance' between the sunlight that the Earth absorbs (energy in), and the greenhouse-influenced infrared radiation that the Earth emits to outer space (energy out), but this 'delicate

balance' view has no observational support, and reflects too simplistic a view of the role of weather in the climate system.

It is grossly misleading to say that the Earth's surface temperature is the "result" of a balance between absorbed sunlight and emitted infrared light, as it confuses cause and effect. Sunlight is what causes (energizes) our weather, but it is the weather that then largely "decides" how much greenhouse effect there will be. Simply put, the greenhouse effect is mostly the *result of* surface temperature-driven weather; it is not the *cause of* weather and surface temperatures.

While such conceptual distinctions are not important if the climate models contain the correct physics, it is our conceptual view that determines what physical processes we decide to include in a climate model. So, it is more than a little ironic that the atmospheric process which likely has the single strongest control over climate is the one that is understood the least: *precipitation*.

It seems that even many climate modelers do not realize that precipitation systems either directly or indirectly determine most of the Earth's greenhouse effect. Changes in precipitation efficiency, while poorly understood, are known to have a controlling effect on climate (Renno *et al.*, 1994). As tropospheric air is continuously recycled through rain and snow systems, precipitation processes remove excess water vapor, and the air flowing out of them contains varying amounts of water vapor and clouds: the dominant contributors to the natural greenhouse effect. For example, the dry air sinking over the world's deserts was dehumidified in precipitation systems. Similarly, the dry air that rapidly cools in wintertime high pressure areas was dehumidified by rain or snow systems. Deep layers of water vapor in the vicinity of precipitation systems might locally enhance greenhouse warming, but this extra heating helps maintain the circulation – *which then removes water vapor*.

And the role of precipitation systems on the Earth energy budget does not end there. The change of tropospheric temperature with height is also under the control of these systems, and that vertical temperature structure affects cloud formation elsewhere. For instance, air sinking in response to the heat release in precipitation systems helps create a temperature inversion on top of the boundary layer, underneath which vast expanses of marine stratus and stratocumulus clouds form. These clouds have strong

cooling effects on the climate system, and any change in them with warming is thus partly controlled by precipitation system changes. Modelers agree that changes in these low-level cloud decks with warming is still an open question; what I am pointing out is that precipitation systems are integral to the maintenance of those cloud decks.

Precipitation systems are indeed nature's "air conditioner". Since weather processes have control over the greenhouse effect, it is reasonable to assume that the relative stability that globally averaged temperatures exhibit over many years is due to natural negative feedbacks in the system which are, quite likely, traceable to precipitation systems. Since climate models have a history of temperature *drift*, it is clear that they have not contained all of the temperature-stabilizing influences that exist in nature. And the stronger those stabilizing influences, the less warming we can expect from anthropogenic greenhouse gas emissions.

3.4 Positive or Negative Feedbacks?

It is certainly true that (1) greenhouse gases warm the lower atmosphere, (2) carbon dioxide is a greenhouse gas, and so (3) increasing carbon dioxide concentrations can be expected to warm the surface. But one must ask: *To what extent?*

Climate modelers know that the direct surface warming effects of even a doubling of carbon dioxide concentrations would be very small – only about 1 deg. F, probably sometime late in this century. The greatest concern, then, centers around the *positive feedbacks* exhibited by climate models which amplify this small warming tendency. But just how realistic are these positive feedbacks? The latest published comparison of the sensitivity of climate models to changes in radiation reveal that *all* climate models tested are more sensitive than our best available radiation budget satellite data suggest (Forster and Taylor, 2006, Fig. 3). Taken at face value, this means that all the models produce too much global warming.

Most researchers who believe in substantial levels of global warming claim that water vapor feedback is surely positive, and strong. They invariably appeal to the fact that a warming tendency from the extra carbon dioxide will cause more water vapor to be evaporated from the surface, thus amplifying the warming. But again we see a lack of understanding of what maintains tropospheric water vapor levels. While abundant amounts of water vapor are being continuously evaporated from the Earth's surface, it is

precipitation systems that determine how much of that water vapor is allowed to remain in the atmosphere -- not the evaporation rate. This, then, is one example of researchers' bias toward an emphasis on *warming* processes (water vapor addition), but not *cooling* processes (water vapor removal). The fact that warmer air masses have more water vapor is simply the result of the greater amounts of solar heating that those air masses were exposed to; it is not evidence for positive water vapor feedback in response to increasing carbon dioxide levels.

I also see widespread bias in the way researchers talk about the Earth's greenhouse effect, *i.e.* that it "keeps the Earth habitably warm". They totally ignore the fact that at least 60% of the surface warming that the greenhouse effect "tries" to cause never happens because of the cooling effects of weather (evaporation, convection, cloud formation, etc.; see Manabe and Strickler, 1964). Thus, it is quantitatively more accurate to say that "the cooling effects of weather keep the Earth habitably cool", than it is to say, "the greenhouse effect keeps the Earth habitably warm". So again, we see a "warm" bias in the way many climate researchers talk about climate change.

3.5 Validation of Climate Models

Climate models are usually validated by comparing their average behavior, such as the monthly average temperature at different locations, to observations of the real climate system. But recently, it has been persuasively argued that meaningful validation of climate models in the context of their *feedbacks* can only be made by comparing the *instantaneous* relationships in climate models and observations (Aries and Rossow, 2003; Stephens, 2005). For instance, daily changes in clouds, radiation, and temperature can be measured by satellites during interannual variations in the climate system. This makes physical sense, since it is at daily time scales where most weather action takes place.

At UAH, we have begun doing just that, and we have documented a negative feedback due to changes in precipitation systems (Spencer *et al.*, 2007, now in peer review for publication). As rain system activity and tropospheric warmth reach peak levels during tropical intraseasonal oscillations (ISOs), we measured an increase in outgoing infrared radiation (Fig. 3) which was traced to a decrease in cirrus cloudiness (Fig. 4). This evidence, at least at the intraseasonal time scale of the ISO, supports Lindzen's

controversial “infrared iris” hypothesis of climate stabilization (Lindzen *et al.*, 2001).

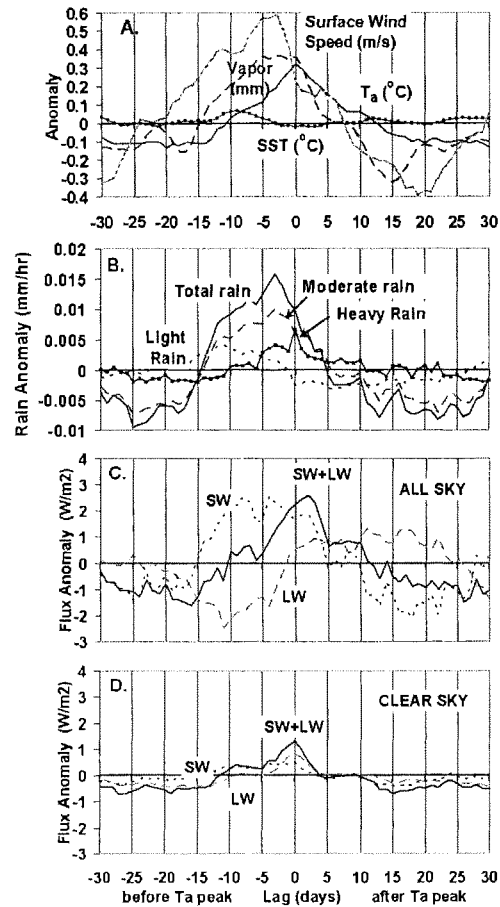


Fig. 3. Composite analysis of satellite-measured daily zonal average oceanic anomalies (20° N to 20° S) associated with 15 tropical intraseasonal oscillations, relative to the date of peak tropospheric temperature (T_a): (a) AMSU T_a , and surface wind speed, integrated water vapor, and SST from the TRMM TMI; (b) TMI rain rate; (c, d): CERES top-of-atmosphere outgoing longwave (LW) and reflected shortwave (SW) fluxes for all-sky and clear sky, respectively.

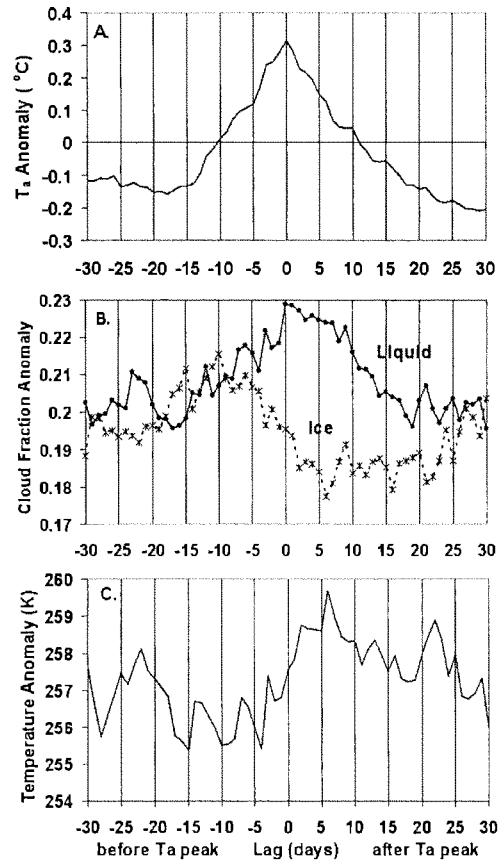


Fig. 4. As in Fig. 3 but for a composite of nine ISO's that had sufficient MODIS data to analyze: (a) tropospheric temperature, (b) MODIS liquid and ice cloud fractions, and (c) cloud top temperature (all clouds). Note that ice (cirroform) cloudiness starts decreasing before peak tropospheric temperatures are reached, which explains the increase in LW radiation in Fig. 3c -- this constitutes a negative feedback on warming. The warming of the cloud tops that remain (seen in c) also constitutes a negative feedback.

4. Conclusion

4.1 Political interference in climate change science

Government agencies and their managers have a long history of requiring employees to coordinate research results with management and public affairs officials before talking to the press. As a NASA employee of fifteen years I accepted this as part of my responsibility to support NASA's mission as a "team player" in support of overarching agency goals, and I believe there are good reasons for maintaining such a practice.

A much bigger political influence problem is the governmental bias towards a specific type of climate research that supports specific political or policy outcomes. This research is almost always biased toward the finding of climate destabilizing mechanisms, rather than climate stabilizing mechanisms. Because it takes a higher level of complexity in any physical system to produce self-regulation and stabilization, such findings do not naturally flow out of the existing research. An active effort, analogous to the Department of Defense "Red Team" approach, could be utilized to alleviate this incquity. Given the immense cost (especially to the poor) of proposed carbon control policies that most economists foresee, it is not helpful for tax dollars to be funneled in a research direction that unfairly favors certain political or policy outcomes.

4.2 Global warming science

I believe that there is good theoretical and observational support for the view that how precipitation systems respond to warming is the largest source of uncertainty in global warming predictions by climate models. There is good reason to believe that the models still do not contain one or more negative feedbacks related to cloud and precipitation changes associated with warming. Therefore, it is imperative that critical tests of model processes with satellite observations be carried out before warming predictions from those models be given much credence. Only through a large dose of either faith or ignorance can one believe current climate models' predictions of global warming.

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 Principal Investigator, Space Shuttle Microwave Precipitation Radiometer, 1985.
 Member, Japanese Marine Observation Satellite (MOS-1) Validation Team, 1978-1990.
 Chairman, Hydrology Subgroup, Earth System Science Geostationary Platform Committee, 1978-1990.
 Executive Committee Member, WetNet - An Earth Science and Applications and Data System Prototype, 1987-1992.
 Member, Science Steering Group for the Tropical Rain Measuring Mission (TRMM), 1986-1989
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 Technical Advisor, World Meteorological Organization Global Precipitation Climatology Project, 1986-1992.

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- DOE Utilization of Satellite Data for Climate Change Analysis (DE-FG02-04ER63841)
- DOT Program for Monitoring and Assessing Climate Variability & Change (DTFH61-99-X-00040)

Chairman WAXMAN. Mr. Issa.

Mr. ISSA. Thank you, Mr. Chairman.

Dr. Spencer, your qualifications—you are a climate scientist; is that correct?

Mr. SPENCER. Well, at my age, none of us were trained as climate scientists. We were trained as meteorologists or atmospheric scientists.

Mr. ISSA. But you are a Ph.D.

Mr. SPENCER. Ph.D. in meteorology.

Mr. ISSA. And if I heard you correctly, what you said, you chafed at the Clinton administration's tendency to like Dr. Hansen's ability to get out and say what he thought and not like what you wanted to say.

Mr. SPENCER. I specifically remember after my congressional testimony where I was asked to not say anything beyond something specific about my work, I asked my management how is it that Jim Hansen gets to say these things to the press and I don't. And they just shrugged their shoulders and said he is not supposed to be able to.

Mr. ISSA. So there was a double standard under the Clinton administration.

Mr. SPENCER. Sure.

Mr. ISSA. Is there a double standard under this administration?

Mr. SPENCER. Double standard in what way?

Mr. ISSA. If you were still here under this administration, do you think you would be more free to talk about things which, let's say, were more aligned with the oil industry?

Mr. SPENCER. No. I don't think so, because there is too much pressure to keep the global warming thing going. I don't want to make it sound like there is no such thing as global warming. You realize from reading my testimony that is not the case. I'm just saying there is a bias that exists. The bias is pervasive, and in Jim Hansen's case he has a lot more political capital than I ever had, since he is Mr. Global Warming. And he—

Mr. ISSA. And before that, he was Mr. Global Cooling.

Mr. SPENCER. Oh, well, I don't know. That goes back before my time, probably.

Mr. ISSA. So what you're saying, there is politics at work. There were politics at work in the last administration, and it's very difficult for scientists to deal with that, both from the administration but also from their peer group when one side or the other is sort of ganging up on the minority.

Mr. SPENCER. That is right.

Mr. ISSA. And this committee is a committee of jurisdiction over a lot of things in government. We can't mandate that people get along and play pretty, but we certainly can set a lot of the rules.

Do you believe this committee should pass legislation that would change any aspect, and if so, what aspect of how the Clinton administration, and, I guess, the Reagan administration, the first President Bush administration, and the second President Bush administration, has had these policies since 1987. What would you change or advise us to change?

Mr. SPENCER. OK, well, I believe in what Roger Pielke, Jr. said in his testimony. I believe it was to this committee on January

30th or 31st. It was pretty flowery and maybe a little difficult to follow, but he basically said you cannot separate politics from science. I agree with that.

[The information referred to follows:]

**STATEMENT TO THE COMMITTEE ON GOVERNMENT REFORM OF
THE UNITED STATES HOUSE OF REPRESENTATIVES**

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30 January 2007

If Congress uses its oversight powers effectively and judiciously, the nation will be stronger and the Congress will be more successful. And that will be regardless of whether it is Republicans or Democrats in control. After three decades in office, I know that good congressional oversight is not easy. But I also know how essential it is to the health of the nation. Congress cannot continue to allow its oversight agenda to be set by partisan considerations, and we must not repeat the mistakes of the past decade.¹

Representative Henry Waxman (D-CA), 2006

Rather than resolving political debate, science often becomes ammunition in partisan squabbling, mobilized selectively by contending sides to bolster their positions. Because science is highly valued as a source of reliable information, disputants look to science to help legitimate their interests. In such cases, the scientific experts on each side of the controversy effectively cancel each other out, and the more powerful political or economic interests prevail, just as they would have without the science.²

Daniel Sarewitz, 2000

Introduction

I thank the Chairman and the Committee for the opportunity to offer testimony this morning on "Political Interference in Science: Global Warming." I am a Professor of Environmental Studies at the University of Colorado and also director of the university's Center for Science and Technology Policy Research.³ My research focuses on the connections of science and decision making. I also have been studying climate change science and policy for about 15 years. A short biography can be found at the end of my written testimony, including links to my publications. My testimony draws on my

¹ 18 September 2006, <http://oversight.house.gov/Documents/20060918165855-55473.pdf>

² D. Sarewitz, 2000. Science and Environmental Policy: An Excess of Objectivity, Chapter in R. Frodeman (ed.), **Earth Matters: The Earth Sciences, Philosophy, and the Claims of Community**, Upper Saddle River, NJ: Prentice Hall, pp. 79-98. <http://www.cspo.org/products/articles/excess.objectivity.html>

³ At the University of Colorado I am affiliated with CIRES, the Cooperative Institute for Research in Environmental Sciences, a joint institute of the University of Colorado and the National Oceanic and Atmospheric Administration (NOAA). The Center that I direct at CIRES has received research funding from a number of other federal research agencies, including NSF and NASA. The views presented here are my own.

forthcoming book, **The Honest Broker: Making Sense of Science in Policy and Politics** (Cambridge University Press, 2007).

My testimony today makes the case that politics and science cannot in practice be separated. Consequently, policies for the production, promotion, and use of information in decision making should be based on the realities of science in politics, and not on the mistaken impression that science and politics can somehow be kept separate.

There is no Bright Line that Separates Science from Politics

The title of this hearing indicates that when politics and science interact it somehow represents interference. In recent years policy makers and scientists alike have reinforced this view when they have suggested that we need to identify a demarcation between science and politics in order to keep them separate. Such suggestions have come from both Republicans and Democrats. For example:

“There should be a clear line between the work of scientists, which is to assemble and analyze the best available evidence, and that of policymakers, which is to decide what the nation’s response to the science should be.”⁴

Representative Henry Waxman (D-CA), 2004

“The issue is where does science end and policy begin,”⁵

David Goldston, chief of staff to Representative Sherwood Boehlert (R-NY), chairman of the House Science Committee, 2006

Many decades of study of the role of science in decision making indicates that efforts to keep separate science and politics are not only doomed to fail, but they are likely to create conditions that are likely to enhance the pathological politicization of science.

Both Mr. Waxman’s various reports in recent years on science and politics and those of the Union of Concerned Scientists (UCS) give a strong impression that the politicization of science refers exclusively to their criticisms of the use of science by the present administration. From another perspective, based on the analysis found in a 2004 book published by the conservative-leaning Hoover Institute at Stanford one might be led to think that the politicization of science is really a problem unique to the political left,⁶ This sorry state of affairs indicates that the issue of the “politicization of science” has itself become politicized.

⁴ H Waxman, 2003. Politics and Science in the Bush Administration, UNITED STATES HOUSE OF REPRESENTATIVES COMMITTEE ON GOVERNMENT REFORM — MINORITY STAFF SPECIAL INVESTIGATIONS DIVISION AUGUST 2003, p. 1.

http://oversight.house.gov/features/politics_and_science/pdfs/pdf_politics_and_science_rep.pdf

⁵ A. Revkin, 2006. Call for Openness at NASA Adds to Reports of Pressure, *The New York Times* 16 February <http://www.nytimes.com/2006/02/16/science/16nasa.htm>

⁶ S Gough (Ed.), *Politicizing Science*, Hoover Institute Press. Stanford <http://www.hoover.org/publications/books/3003781.html>

Issues related to the politicization of science are important to the nation as a whole. In the end what is most important is that the government has the capability to well-use expertise in decision making, because such expertise is absolutely critical to developing, understanding, and implementing policy alternatives in the face of the complex challenges of the modern world. In my written testimony that follows I hope to make these thoughts a bit more concrete.

Politics and Science Have Always Mixed

Here are just a very few examples of political issues that involved science under the past six presidential administrations⁷:

- President Richard Nixon had NASA move the timing of the launch of Apollo 17 in order to better serve his 1972 reelection campaign, against the wishes of NASA scientists and engineers. President Nixon also asked his science advisor to cut all research funding for the Massachusetts Institute of Technology due to a political conflict with its president (his science advisor ignored the request).⁸
- During President Ford's administration the *Los Angeles Times* alleged that the Environmental Protection Agency had falsified data in support of its regulatory position on sulfur oxides. A subsequent investigation by the U.S. Congress found serious issues with EPA's peer review and that some of its epidemiological research provided an unsuitable basis for regulation.⁹
- President Jimmy Carter went against the wishes of his scientific advisors when he committed the United States to drawing 20% of its energy from renewable sources by 2000. President Carter explained that he accepted his advisors technical conclusions that the goal would be impossible, but that he had put forward the proposal for political reasons.¹⁰
- President Ronald Reagan (prior to being elected) questioned the science of evolution, calling it a theory that was being increasingly challenged by scientists. He suggested that if evolution was to be taught in schools, "then I think that also the biblical theory of creation, which is not a theory but the biblical story of creation, should also be taught."¹¹
- The administration of President George H. W. Bush proposed redefining "wetlands" in such a way so as to exclude millions of acres of land from federal

⁷ See also, D. Greenberg, 2001. **Science, Money, and Politics: Political Triumph and Ethical Erosion** (University of Chicago Press).

⁸ http://sciencepolicy.colorado.edu/scienceadvisors/david_transcript.html

⁹ Report on Joint Hearings on the Conduct of the Environmental Protection Agency's "Community Health and Environmental Surveillance System" (CHESS) Studies, Joint Report of the Committee on Science and Technology and the Committee on Interstate and Foreign Commerce, April 9, 1976

¹⁰ F. Press and P. Smith, (in press) Science and Technology in the Carter Presidency, Chapter 6 in R. Pielke, jr. and B. Bklein (eds.) **Presidential Science Advisors: Perspectives and Reflections on Science, Policy, and Politics** (in prep.).

¹¹ Anon. 1980. "Republican Candidate picks Fight with Evolution," *Science* **209**:1214.

protection and open them up for development. The proposal was eventually withdrawn as lacking a scientific basis.¹²

- President Bill Clinton ordered a strike on the Al Shifa pharmaceutical factory in Sudan in 1998 in retaliation for bombings of the U.S. embassies in Kenya and Tanzania. The target of the attack was justified, in part, based on scientific evidence gathered at the factory site. It was later revealed that the scientific evidence had in fact been inconclusive.¹³

If science and politics have always been interrelated, then what, if anything, is different about today?

1. There are an increasing number of important issues which are related to science and technology in some way. Some issues are the result of advances in science and technology (e.g., the ethics of cloning), in others science and technologies are central to their resolution.
2. Policy makers increasingly invoke expertise to justify a course of action that they advocate.
3. Advocacy groups increasingly rely on experts to justify their favored course of action.
4. Congress, at least for the past six years, and perhaps longer has been derelict in its oversight duties, particularly related to issues of science and technology.
5. Many scientists are increasingly engaging in political advocacy.
6. Some issues of science have become increasingly partisan as some politicians sense that there is political gain to be found on issues like stem cells, teaching of evolution, climate change, and so on.
7. The Bush Administration has engaged in hyper-controlling strategies for the management of information.

Science in Policy is Unavoidably Political

The notion that science and politics can be somehow separated in policy making survives in spite of an enormous and sophisticated literature providing evidence to the contrary in the area of Science and Technology Studies. Harvard's Sheila Jasanoff, a leading scholar who has studied the inter-relationship of science and politics, has written:

"Although pleas for maintaining a strict separation between science and politics continue to run like a leitmotif through the policy literature, the artificiality of this position can no longer be doubted. Studies of scientific advising leave in tatters the notion that it is possible, in practice, to restrict the advisory practice to

¹² Pielke, Jr., R. A. (ed.), 2004. Report on the Misuse of Science in the Administrations of George H.W. Bush (1989-1993) and William J. Clinton (1993-2001). By the Students in ENVS 4800, Maymester 2004, University of Colorado, June.

http://sciencepolicy.colorado.edu/admin/publication_files/resource-1935-2004.27.pdf

¹³ Pielke, Jr., R. A. (ed.), 2004. Report on the Misuse of Science in the Administrations of George H.W. Bush (1989-1993) and William J. Clinton (1993-2001). By the Students in ENVS 4800, Maymester 2004, University of Colorado, June.

http://sciencepolicy.colorado.edu/admin/publication_files/resource-1935-2004.27.pdf

technical issues or that the subjective values of scientists are irrelevant to decision making. . . . The notion that scientific advisors can or do limit themselves to addressing purely scientific issues, in particular, seems fundamentally misconceived ... the advisory process seems increasingly important as a locus for negotiating scientific differences that have political weight.”¹⁴

The very language of science in public discussions lends itself to politicization. For instance, The New York Times reported in February, 2006 that scientists at NASA’s Jet Propulsion Laboratory had complained because they had been instructed to use the phrase “climate change” rather than the phrase “global warming.”¹⁵ The reason for this complaint is that the language of climate science has become politicized. A Republican strategy memo recommended use of the phrase “climate change” over “global warming” and environmental groups have long had the opposite preference. Another federal scientist, at NOAA, described how he was instructed by superiors not to use the word “Kyoto” or “climate change.”¹⁶

To cite another example, several years ago the Union of Concerned Scientists, as part of its advocacy campaign on reducing greenhouse gas emissions, recommended the use of the word “harbinger” to describe current climate events that may become more frequent with future global warming.¹⁷ Subsequently scientists at NOAA, the National Center for Atmospheric Research, Harvard Medical Center’s Center for Health and the Global Environment, Stanford, and the Fish and Wildlife Service’s Polar Bear Project began to use the phrase in their public communication in concert with advocacy groups like Greenpeace.¹⁸ The term has also appeared in official government press releases.¹⁹ The use of language to convey political meaning is of course well understood in politics and has gained some greater prominence in recent years through the work of George Lakoff.²⁰ Policy makers and their staff are of course intimately familiar with these dynamics : we have just recently seen them in practice as Republicans and Democrats have battled over framing President Bush’s proposed troop increases in Iraq as a “surge” or as an “escalation.”

If the choice of language to use in discussing matters of science is inherently political then so too is selection of topics to issue press releases and statements made in

¹⁴ S. Jasanoff, 1990. **The Fifth Branch: Science advisors as policy makers**, (Harvard University Press) pp. 230-231, 249.

¹⁵ <http://www.nytimes.com/2006/02/16/science/16nasa.html>

¹⁶ http://www.rockymountainnews.com/drmn/local/article/0,1299,DRMN_15_5205550,00.html

¹⁷ http://www.ucsusa.org/global_warming/science/early-warning-signs-of-global-warming.html The word “harbinger” is suggestive of a linkage between today’s weather events and projected climate change without definitively requiring a specific attribution.

¹⁸ <http://www.projectthinice.org/warming/science.php>

http://sciencepolicy.colorado.edu/prometheus/archives/climate_change/000354harbingers_and_clima.html

¹⁹ <http://www.gsfc.nasa.gov/news-release/releases/2003/h03-340.htm>

²⁰ G. Lakoff, 2004. **Don’t Think of an Elephant: Know your values and frame the debate, the essential guide for progressives** (Chelsea Green Publishing). For instance, at p. 3: “. . . when you are arguing against the other side: Do not use their language. Their language picks out a frame – and it won’t be the frame you want.” See also S. Hilgartner, 2000. **Science on Stage: Expert advice as public drama** (Stanford University Press).

government reports describing science programs, and in the composition of government advisory committees. Consider each in turn:

Choices When Issuing Press Releases and Reports

Scientists in federal agencies author tens of thousands of research papers every year. For only a very small fraction of these do federal agencies issue press releases or media advisories. So some criteria must be applied to determine what press releases are put out by an agency. Consequently, the decision to issue a press release necessarily involves extra-scientific considerations such as the likelihood of making news, which itself can be a function of political conflict. Often the politics involved are not left-right issues but simply casting the agency in a positive public light as a resource in future political battles over agency budgets.

Agencies all must have some procedure for which subjects and which scientists are promoted to the public. Because of the recent controversies involving press access to scientists, NASA and NOAA have developed very different approaches to their media policies. NOAA's policy on public statements by its employees states that the employee speaks for the agency at all times:

“Whether in person, on camera, or over the phone, when speaking to a reporter you represent and speak for the entire agency.”²¹

NASA, by contrast, distinguishes between speaking for the agency and personal views:

“NASA employees who present personal views outside their official area of expertise or responsibility must make clear that they are presenting their individual views – not the views of the Agency – and ask that they be sourced as such.”²²

Every government agency needs some sort of media policy. I suspect that every congressional office and committee also has guidelines for staff interacting with the media. It seems obvious that democracy would be impossible if every government employee sought to interpret or implement laws and policy according to their own personal preferences. And government employment carries with it professional responsibilities, which are proportionately greater the higher ranking the career official. Because the issue of agency media policies are not obvious or straightforward, they are an ideal subject for Congressional oversight, in order to evaluate and to share best practices.

The preparation of government reports has similar characteristics. Under the Climate Change Science Program more than 20 assessments of the state of various aspects of climate science are in various stages of preparation. The various reports are prepared

²¹ http://www.corporateservices.noaa.gov/%7Eames/NAOs/Chap_219/naos_219_6.html

²² http://www.nasa.gov/pdf/145687main_information_policy.pdf

under an exacting set of procedures for drafting, reviewing, and editing.²³ The Federal government has also sought to create guidelines to provide “guidance to agencies ensuring the quality, objectivity, utility, and integrity of information” under what is called the Data Quality Act.²⁴ Such policies represent experiments in the presentation of scientific information to policy makers, and as such they are worth close Congressional oversight. But for the reasons described above, no information management policy can ever hope to eliminate political considerations in the preparation of government reports with scientific content.

Advisory Committee Empanelment

A November, 2004 report of the nation's leading nongovernmental science advisory body – the National Research Council (NRC) -- recommended that presidential nominees to science and technology advisory panels not be asked about their political and policy perspectives. The NRC describes the political and policy views of prospective panelists as “immaterial information” because such perspectives “do not necessarily predict their position on particular policies.”²⁵ This “don't ask, don't tell” approach has been subsequently passed into law under the so-called Durbin Amendment to the FY 2006 Health and Human Services Appropriations Bill.²⁶ The “don't ask, don't tell” approach to politics in advisory committee empanelment is meaningless in practice.

Considerations of politics are unavoidable in the empanelling process. Consider the irony in the fact that the NRC Committee that recommended that political factors not be considered in advisory panels was itself composed of a perfect partisan balance between those committee members who had served Republican administrations and those who had served Democratic administrations. The real question is whether we want to openly confront the reality that extra-scientific factors of course play a role in committee empanelment or we turn a blind eye and allow committee empanelment decisions to play out in the proverbial backrooms of political decision making.

In nearly every other area of politics, advice is put forward with political and policy perspectives at the fore: the Supreme Court, congressional hearing witness lists, the Sept. 11 commission, to name just a few. In no other area where advice is given to the government is it even plausibly considered that politics can or should be ignored. And while science is the practice of developing systematic knowledge, scientists are both human beings and citizens, with values and views, which they often express in public forums.

²³ <http://www.climate-science.gov/Library/sap/sap-guidelines.htm>

²⁴ http://www.whitehouse.gov/omb/inforeg/agency_info_quality_links.htm

²⁵ <http://books.nap.edu/catalog/11152.html>

²⁶ The full text of the Durbin Amendment is:

SEC. 519. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved. (b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading. [Available from <http://thomas.loc.gov>]

Sheila Jasanoff has written that when experts make scientific judgments they do so usually

“in full knowledge that different choices may lead to substantially different policy recommendations. Given this state of affairs, it is almost inevitable that a scientist's personal and political values will influence his reading of particular facts.”²⁷

Whether they are asked explicitly or not during the appointment process, many scientists' views on politics and policy are well known. For instance, thanks to a letter of endorsement we know of 48 Nobel Prize winners who in 2004 supported John Kerry for president. It would be easy to convene an advisory panel of very distinguished scientists who happen to have signed this letter without formally asking them about their political views. Moreover, to evaluate whether a policy focused on keeping political considerations out of the scientific advisory process is working, it would be necessary to have information showing that the composition of particular panels is not biased with respect to panelists' political and policy views, which in turn would require knowing what those views are in the first place. It is a Catch-22.

Finally, science advisory panels never deal purely with science. They are convened to provide guidance either on policy or on scientific information that is directly relevant to policy. Arizona State University's Dan Sarewitz has persuasively argued,

"When an issue is both politically and scientifically contentious, then one's point of view can usually be supported with an array of legitimate facts that seem no less compelling than the facts assembled by those with a different perspective."²⁸

On climate change, even as scientists have come to a robust consensus that human activities have significant effects on the climate, legitimate debate continues on the costs and benefits of proposed alternative policy actions. And evaluation of costs and benefits involves considerations of values and politics. It would be hopelessly naive to think that an advisory committee on climate change could be empanelled without consideration of how the views of its members map onto the existing political debate.

Rather than eliminating considerations of politics in the composition of science advisory panels, a policy of "don't ask, don't tell" just makes it more difficult to see the role played by politics, which will be ever present. More important than the composition of scientific advisory panels is the charge that they are given and the processes they employ to provide useful information to decision makers. The current debate over these panels reinforces the old myth that we can somehow cleanly separate science from politics and then ensure that the science is somehow untainted by the "impurities" of the rest of

²⁷ S. Jasanoff, 1986. *Risk Management and Political Culture: A Comparative Analysis of Science*, (Russell Sage Foundation).

²⁸ D. Sarewitz, 2000. Science and Environmental Policy: An Excess of Objectivity, Chapter in R. Frode man (ed.), *Earth Matters: The Earth Sciences, Philosophy, and the Claims of Community*, Upper Saddle River, NJ: Prentice Hall, pp. 79-98. <http://www.cspo.org/products/articles/excess.objectivity.html>

society. Yet paradoxically, we also want science to be relevant to policy. A better approach would be to focus our attention on developing transparent, accountable and effective processes to manage politics in science -- not to pretend that it doesn't exist.

Scientific Cherry Picking and Mischaracterizations are a Part of Politics

A memorandum providing background to this hearing prepared 26 January 2007 by the majority staff of the House Committee on Government Reform and Oversight illustrates the cherry picking of science (reproduced in Figure 1). Cherry picking literally mean "take the best, leave the rest." The memorandum states, quite correctly, that "a consensus has emerged on the basic science of global warming." It goes on to assert that:

". . . recently published studies have suggested that the impacts [of global warming] include increases in the intensity of hurricanes and tropical storms, increases in wildfires, and loss of wildlife, such as polar bears and walrus."

To support its claim of increasing intensities of hurricanes and tropical storms the memorandum cites three papers.²⁹ What the memorandum does not relate is that authors of each of the three cited studies recently participated with about 120 experts from around the world to prepare a consensus statement under the auspices of the World Meteorological Organization which concluded:

"The possibility that greenhouse gas induced global warming may have already caused a substantial increase in some tropical cyclone indices has been raised (e.g. Mann and Emanuel, 2006), but no consensus has been reached on this issue."³⁰

With respect to two of the three papers cited in the memorandum, referring to possible trends in tropical cyclone intensities, the WMO statement concluded the subject "is still hotly debated" and "for which we can provide no definitive conclusion."³¹ The WMO Statement was also recently endorsed by the Executive Council of the American Meteorological Society.³² The hearing background memorandum is absolutely correct when it asserts that "recently published studies have suggested that the impacts [of global warming] include increases in the intensity of hurricanes and tropical storms." But this selective reporting does not tell the whole story either. Such cherry picking and misrepresentations of science are endemic in political discussions involving science.

²⁹ The papers that it cites are: K. Emanuel, 2005. Increasing destructiveness of tropical cyclones over the past 30 years, *Nature*, 436:686-688. P. J. Webster., G.J. Holland, J.A. Curry, and H.R. Chang, 2005. Changes in Tropical Cyclone Number, Duration, and Intensity in a Warming Environment, *Science*, 309:1844-1846. M. E. Mann and K. A. Emanuel, 2006: Atlantic hurricane trends linked to climate change. *EOS*, 87:233-244.

³⁰ http://sciencepolicy.colorado.edu/prometheus/archives/IWTC_Statement.pdf

³¹ http://sciencepolicy.colorado.edu/prometheus/archives/IWTC_Statement.pdf

³² http://www.wmo.ch/web/arep/press_releases/2006/iwtc_statement.pdf

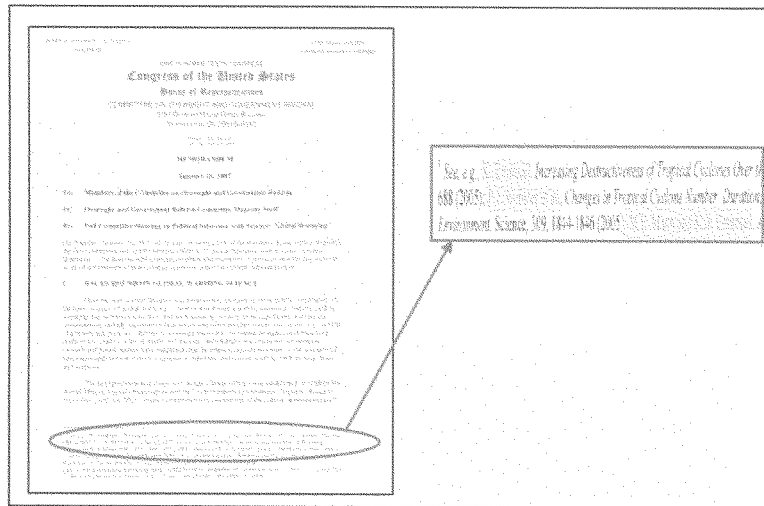


Figure 1. 26 January 2007 Memorandum Re: Full Committee Hearing on Political Interference with Science.

What has occurred in this memorandum is exactly the same sort of thing that we have seen with heavy-handed Bush administration information management strategies which include editing government reports and overbearing management of agency press releases and media contacts with scientists. Inevitably, such ham-handed information management will backfire, because people will notice and demand accountability. This hearing today is good evidence for that.

Scientists Have Contributed to the Politicization of Science

Scientists have not been innocent victims in these political dynamics. Writing in the *National Journal*, Paul Starobin suggests that:

"Inevitably the scientist has been dragged, or has catapulted himself, into the values and political combat that surround science and has emerged, in certain respects, as just another (diminished) partisan."³³

Recent debate over hurricanes and climate change provides a perfect case study of these dynamics and the role that individual scientists play in creating conditions for the pathological politicization of science.

³³ P. Starobin, 2006. Who turned out the enlightenment, *National Journal*, 20-26 July.

In the spring of 2006, a group of scientists were collectively promoted in a press release by a group called TCS - Tech Central Station - which values "the power of free markets, open societies and individual human ingenuity to raise living standards and improve lives." Each of the scientists cited in the TCS press release believes that global warming plays little discernible role in hurricane activity.³⁴ Clearly the scientists were selected by, or joined with, TCS because their scientific perspectives happened to be politically convenient. Late in the summer of 2006, another group of scientists collaborated with an environmental group to promote research suggesting that sea surface temperatures had increased due to global warming.³⁵ Each of these scientists believes that global warming is the primary reason behind increased hurricane activity. These scientists were similarly collected and presented as a group because their scientific perspectives also happened to be politically convenient.

Interest groups have a great deal of power in such situations of scientific diversity, because they can selectively assemble experts on any given topic to basically support any ideological position. That interest groups will cherry-pick among experts comes as no surprise, but what, if any, responsibility do scientists have in such advocacy and what are the implications for the scientific enterprise?

From the perspective of the individual scientist choosing to align with an interest group, it should be recognized that such a decision is political. There is of course nothing wrong with politics. It is how we get the business of society done, and organized interest groups are fundamental to modern democracy. Nonetheless, an observer of this dynamic might be forgiven for thinking that different perspectives on scientific issues are simply a function of political ideologies. We often see how contentious political debates involving science can become, when filtering science through interest groups is the dominant mechanism for connecting science to policy.

Scientists have other options beyond aligning with advocacy groups. Advice can also be provided through government science advisory panels, National Academy committees, and professional societies. When scientists with differing views organize themselves to jointly describe the policy significance of their work (and where they may differ), it can serve to militate against the pathological politicization of science. Unfortunately, many such institutions eschew discussion of the significance of scientific work,³⁶ or emulate the behavior of advocacy groups by selectively presenting a subset of the relevant science or endorsing particular policy alternatives.

One notable effort to place scientific debate into a policy context was led by MIT's Kerry Emanuel, a hurricane-climate expert embroiled in the current debate over hurricanes and global warming. He organized nine of his colleagues from both sides of the debate to

³⁴

http://sciencepolicy.colorado.edu/prometheus/archives/science_policy_general/000747politicization_101.html

³⁵ http://www.net.org/warming/hurricane_briefing.vtml

³⁶ For instance, the Intergovernmental Panel on Climate Change (IPCC) formally states that it does not discuss policy options.

prepare a statement about their debate and its significance for decision making. The statement by the scientists said:

As the Atlantic hurricane season gets underway, the possible influence of climate change on hurricane activity is receiving renewed attention. While the debate on this issue is of considerable scientific and societal interest and concern, it should in no event detract from the main hurricane problem facing the United States: the ever-growing concentration of population and wealth in vulnerable coastal regions.³⁷

With the exception of The New York Times, the statement was been almost completely ignored by the major media and advocacy groups. This is not surprising, as many would rather use scientists for their own narrow purposes, which often depend on the presence of political conflict rather than consensus. Nonetheless, the effort by the hurricane scientists represents responsible leadership seeking to move beyond the exploitation of scientists for political ends.

³⁷ http://wind.mit.edu/~emanuel/Hurricane_threat.htm The WMO consensus statement referenced above also represents such a community effort.

Short Biography

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Roger A. Pielke, Jr. has been on the faculty of the University of Colorado since 2001 and is a Professor in the Environmental Studies Program and a Fellow of the Cooperative Institute for Research in Environmental Sciences (CIRES). At CIRES, Roger serves as the Director of the Center for Science and Technology Policy Research. Roger's current areas of interest include understanding disasters and climate change, the politicization of science, decision making under uncertainty, and policy education for scientists. In 2006 Roger received the Eduard Brückner Prize in Munich, Germany for outstanding achievement in interdisciplinary climate research. Before joining the University of Colorado, from 1993-2001 Roger was a Scientist at the National Center for Atmospheric Research. Roger serves on various editorial boards and advisory committees, and is the author of numerous articles and essays. He is also author, co-author or co-editor of five books. Roger has degrees in mathematics, public policy, and political science, all from the University of Colorado. His most recent book is titled: **The Honest Broker: Making Sense of Science in Policy and Politics** to be published by Cambridge University Press in early 2007.

For more information see:
http://sciencepolicy.colorado.edu/about_us/meet_us/roger_pielke/

Mr. SPENCER. I would say if I changed anything, I would make sure that when science is funded, it does not favor any particular political or policy outcomes. That is what I would like to see changed.

Mr. ISSA. I hope we can do that.

Let me ask one more question.

The analogy I used earlier of former Speaker of the House Newt Gingrich complaining about being put on the back of the plane of Air Force One in the Clinton administration, a plane that most people never get to ride on at all, isn't Dr. Hansen's complaint essentially that he is the most covered environmental person on the planet and yet he feels stifled because he can't do more freely?

Mr. SPENCER. I basically agree. He has gotten to say whatever he has wanted to say about climate change, and the public can rest assured that they have already heard about every potential catastrophic climate scenario that anybody can dream up 10 times over in the media. They haven't missed a darn thing. So when Jim Hansen finally complained about some pressure, my first thinking was well, they finally started asking him to follow the rules.

Mr. ISSA. And last but not least, unfortunately the 600-page findings are no longer here, but you saw them being referred to by Mr. Connaughton. How do you feel about the final product on climate change?

Mr. SPENCER. Which final product? That big thick thing? I didn't read it.

Mr. ISSA. And why not?

I know you are under oath, but honesty is unusual here.

Mr. SPENCER. I spent all of my time trying to go after what I believe to be the largest uncertainty in global climate change, because I think it is important especially for the poor in humanity and I don't—I basically don't spend much of my time trying to understand all different aspects of what the administration is currently interested in in terms of the—

Mr. ISSA. The chairman is helping with the question, but it is the right one to ask. What is the greatest uncertainty right now that you are working on?

Mr. SPENCER. I think the greatest uncertainty, which I am not alone in this but we are in the minority, is that we don't understand the way in which the climate system is naturally controlled by precipitation systems. All the air that you are breathing, all of the air out there in the sky, within a few days it all gets cycled through precipitation systems. Those are the systems that impart upon the air its greenhouse effect, which is mostly water vaporing clouds.

Everyone admits we really don't understand them very well, but when you have people that don't have meteorological training—and I love Jim Hansen, I think he is a fantastic scientist, but he doesn't have formal meteorological training—you'll find that meteorologists are very skeptical about global warming because they understand the complexity of the atmosphere, the almost biological complexity of the atmosphere.

And yet modelers come along and say well, we put some equations in and we put in all the different components and we think this is—that it's telling us the way the atmosphere works. Well,

there are a lot of us, possibly a silent majority of meteorologists, that don't believe we know enough. And I think ultimately getting back to your original question, it all comes down to precipitation sites.

Mr. ISSA. Isn't it true that we also don't understand the ocean and its effects? Recently we learned that every 80 miles you have unique DNA in organisms?

Mr. SPENCER. That's true. But also I want to point out that if global warming is indeed a problem, even though we don't understand it, we should do something about it to the extent it makes sense economically. I like to think I am a pretty good student of basic economics, which I never learned about until about age 35. I am a student of Thomas Sowell and Walter Williams, and I think the part of this whole issue I love more than the science is the economics.

Chairman WAXMAN. The gentleman's time has expired. The Chair recognizes himself.

So it is your view, Dr. Spencer, that this consensus that the view we have heard from the National Academy of Sciences and the international group that has come up with recent conclusions, that they are incorrect. You have a dissenting opinion on this.

Mr. SPENCER. Well, I hear a lot about consensus. You are going to have to tell me which consensus this is.

Chairman WAXMAN. How about the National Academy of Sciences, they have a consensus point of view. Do you disagree with that point of view?

Mr. SPENCER. I don't recall what their consensus happens to be. The consensus I agree with is mankind does have an influence on climate. To me that is pretty obvious.

Chairman WAXMAN. Is the climate getting warmer?

Mr. SPENCER. Yes.

Chairman WAXMAN. Is that caused by man-made pollutants?

Mr. SPENCER. I don't think we have any quantitative idea how much of that warming is due to mankind.

Chairman WAXMAN. Do you think that people that disagree with you are acting more on faith than on science?

Mr. SPENCER. Yes.

Chairman WAXMAN. And what do you mean by that?

Mr. SPENCER. Well, I learned many years ago that there are some things in science which are difficult to answer, some questions that are difficult to answer. And some people—some scientists don't realize to what extent they are going on faith when they make certain pronouncements. And it's only human nature. I mean, I don't fault us for it all. I am saying there is more faith involved in science than most people are led to believe. So those are not keepers of the truth.

Chairman WAXMAN. There is such a thing as a scientific method where they evaluate the evidence and test hypotheses. Do you think those people who try to follow the scientific methods and reach the conclusion that we—

Mr. SPENCER. They haven't followed the scientific method.

Chairman WAXMAN. They have not?

Mr. SPENCER. You cannot put the climate system in the laboratory. There is only one experiment going on. Mankind is carrying

it out. And there is no way to know how much of the effect of the warming we have seen is due to radiated forcing from something like low-level clouds versus mankind.

Chairman WAXMAN. You are definitely outside of the mainstream of these views on global warming and climate change. Would you acknowledge that?

Mr. SPENCER. If there was a vote taken, yeah, I would probably be outside the mainstream. Yes.

Chairman WAXMAN. Now, I want to read something that you wrote.

“Twenty years ago as a Ph.D. Scientist, I intentionally studied the evolution versus intelligent design controversy for about 2 years and finally, despite my previous acceptance of evolutionary theory as fact, I came to the realization that intelligent design as a theory of origins is no more religious and no less scientific than evolutionism.”

Is that a correct statement?

Mr. SPENCER. Yes. I still believe that.

Chairman WAXMAN. So as a scientist, you believe that intelligent design is equal to the doctrine of evolution?

Mr. SPENCER. I consider it to be a better explanation of origins, and origins are something that science basically cannot address. There are no naturalistic explanations yet for the information content of DNA or RNA. There is no explanation for the Big Bang that doesn't have to invoke new physics we've never heard of before, we have never seen. To me, that is as much faith as it is science.

Chairman WAXMAN. And the whole Darwin explanation of evolution, survival of the fittest—

Mr. SPENCER. Even the evolutionists are having big problems with neo-Darwinism. They realize it's not explaining what is going on biologically.

Now, of course, I have a sister that will beat me over the head because she disagrees with me on that. But I still believe that, and there are a lot of scientists that believe that, including evolutionists.

Chairman WAXMAN. So as a scientist, you are out of the mainstream on global warming, and would you say you are out of the mainstream on evolution?

Mr. SPENCER. Yeah, among scientists, sure. I would also like to point out that there were two medical researchers from Australia that were out of the mainstream. They were laughed at for 10 years for believing that stomach ulcers were due to bacteria. In 2005, they were awarded the Nobel Prize. So I don't mind being out of the mainstream.

Chairman WAXMAN. There is no question in scientific history that people who are out of the mainstream later are proved to be correct, but that was based on scientific evidence.

Mr. SPENCER. And statistically I probably agree with you that consensus among scientists usually is more right than wrong.

Chairman WAXMAN. Thank you.

The gentleman from Utah, Mr. Cannon.

Mr. CANNON. Thank you, Mr. Chairman.

You know, I am wondering how we got to the point of discussing intelligent design here except to somehow cast a shadow on the

witness' integrity. I think that he has made casual references to very deep studies, and I would suggest that the majority look at those studies and deal with that issue on its own merits, because I think what we are dealing with here really comes down to the question of should we be asking questions, especially in an environment so complex as the Earth's atmosphere, or should we say there is a mainstream and if you are outside the mainstream, you are not accepting?

The whole point of the scientific method is to ask, yes, and the key is to come up with a good question to ask.

And I think, Dr. Spencer, when you talk about there is only one experiment, that is what is happening around us. There are things we can measure in that environment, right?

Mr. SPENCER. Yes.

Mr. CANNON. And are we doing some of that measuring?

Mr. SPENCER. I am sorry. You are asking about the measurements?

We do the satellite temperatures. John Christie and I were not the only ones, as the chairman is well aware. There is another group in California that is also doing that now, and they get answers very close to us. They get somewhat warmer global temperatures. There is Jim Hansen and others that have a global—

Mr. CANNON. And they are measurements, right?

Mr. SPENCER. All of these measurements have errors. We don't know how big the errors are, but we think we are all in agreement that all of these measurements do show warming. There is still some argument about how much warming there is.

Mr. CANNON. There's an argument about how much warming, about how much that is going to affect the sea level. There are arguments about everything in the whole system, including how good the model is that you use to predict.

You said earlier there is only one experiment, and the model, I think you were going to say, the model is woefully inadequate in dealing with the reality which we are still trying to figure out.

Mr. SPENCER. That is my belief, and here's where we hit faith again. Jim Hansen has faith that he has the important physics that is necessary to show that you—the climate system is going to react from addition of man-made greenhouse gasses. OK.

Now the climate modelers will tell you that the climate models do replicate the basic behavior of the climate system. That is true. I agree with them. They do. The question is, though, how the atmosphere will change from this very small amount of rate enforcing that mankind is causing, less than 1 percent, of the natural greenhouse effect, which weather has control over. We are putting in our own extra 1 percent. How is the system going to respond?

Jim Hansen and some other modelers think the system is going to respond by punishing us, that its going to amplify the little bit of warming from that.

Mr. CANNON. That is a belief you are saying. That is Jim Hansen's belief.

Mr. SPENCER. It's a belief based on the physics that he put in his model, that the physics he put in his model are sufficient to describe how the system is going to react to our addition of greenhouse gasses.

Mr. CANNON. I think it would have been fascinating to have a longer discussion with Dr. Hansen, because I believe you are correct that a large part of what he is doing is justifying his long-standing view that catastrophic bad things are going to happen based upon—what do you call them—the inertia, the massive inertia and these slight changes.

Mr. SPENCER. And I don't mind going on the record saying he may well be right. As a scientist, he may well be right.

Mr. CANNON. Isn't that the point? We have to ask the question, is he right? He has posited an idea and now he has tried to quash the questions because he's drawn a conclusion, and that conclusion has become a conclusion of faith instead of a conclusion of inquiry of science.

Mr. SPENCER. I am sure he doesn't look at it that way, but I do.

Mr. CANNON. I think he was pretty clear about it and what is evil and what is good.

Mr. SPENCER. He has done a good job of showing quantitatively one possible explanation for the warming in the last century, and that increases his confidence because he claims if he combines the effects of volcanoes and aerosols and CO₂ and he tinkers around enough with the model, he can actually get something that looks like the temperature changes over the last century.

So what he has done is come up with one potential explanation for the current global temperatures and how they evolved over the last century.

Mr. CANNON. And that becomes an augmentor of his faith, is what you are saying.

Mr. SPENCER. I wish I could remember the name. There was a lady who worked at NCAR who did some research, some sociological research at NCAR about climate modelers, and what she learned was that they only tend to discuss the big uncertainties among themselves, but when it comes to public consumption the uncertainties are greatly—

Mr. CANNON. Mr. Hansen talked about that when he talked about trying to overcome the gap between what the public understands about the catastrophic possibilities and the science. What he meant there is not that they want people to understand the complexities of the discussion, but he wants them to understand the conclusion that he believes is imminent.

Mr. SPENCER. Yeah. From the people I talked to in the public, I think everyone knows what the consensus view is.

Mr. CANNON. The consensus is out there very loud, and promoted by people who want a conclusion.

I have some technical questions about what is going on with global warming, but I do want to ask one other thing. Mr. Issa, I think, used the expression "gang up." And when scientists come to a conclusion and gang up, that is some of a "thugocracy," you know, when thugs have control.

Chairman WAXMAN. The gentleman's time has expired.

Mr. CANNON. This is the end of the question.

In the first place, it means bad science when people get together and decide who's inside and who is out. And second, it means those who are on the inside continue to get the money. Isn't that the case?

Mr. SPENCER. Generally, yes. But I don't think you are going to change scientists. Scientists are human, too, and they have their own biases and political opinions, as do I. And you are not going to change that, I think, getting back to the original suggestion maybe the committee can try to make sure that different political and policy outcomes are respected, you know, in funding the science.

Mr. CANNON. Thank you. I yield back.

Chairman WAXMAN. Yes.

Mr. Yarmuth.

Mr. YARMUTH. Thank you, Mr. Chairman.

Dr. Spencer, I would like you to either tell me whether you agree or disagree with this statement: When the government speaks on science, it should present an accurate and honest view of the current state of the science.

Mr. SPENCER. That would make sense, yes.

Mr. YARMUTH. And it should, to all extents possible, prevent ideology, dogma, and corporate considerations from influencing its description of the current state of the science?

Mr. SPENCER. I guess, in an ideal world.

Mr. YARMUTH. And while you have some evidence, claim to have some evidence, that such activity took place or such influence on undesirable influence took place under the Clinton administration, you don't have a judgment as to whether it has taken place or has not taken place under the current administration.

Mr. SPENCER. No. I don't really have any judgment, but I wouldn't be surprised. I mean, I don't know whether it has been mentioned in this hearing, but NASA is an executive branch agency, and ultimately our boss is the President. And if something is not agreeing with the President's policy direction, I can see pressure being made. I mean, as a scientist, I wouldn't like it. But then I don't have to be a government employee, do I? So I resigned.

Mr. YARMUTH. I would ask you whether you would consider it a legitimate role for the Congress to—when it suspects that such influence has taken place, that it inquire, investigate whether that is the fact and whether the public is, in fact, getting a fair and honest and accurate description of the state of the science.

Mr. SPENCER. Yeah, as long as the Congress does that fairly.

Mr. YARMUTH. Thank you.

Chairman WAXMAN. Thank you very much, Dr. Spencer. We appreciate your testimony.

That concludes the hearing for today, and we stand adjourned. [Whereupon, at 2:50 p.m., the committee was adjourned.]