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TODD YOUNG  
CHIEF OF STAFF

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

August 23, 2012

EDWARD J. MARKEY, MA  
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JEFFREY DUNCAN  
DEMOCRATIC STAFF DIRECTOR

Joseph E. Aldy  
Assistant Professor of Public Policy  
John F. Kennedy School of Government  
Taubman 382, Mailbox 57  
79 John F. Kennedy Street  
Cambridge, MA 02138

Dear Mr. Aldy:

On May 27, 2010, the Department of the Interior (“Department”) issued a final report entitled “Increased Safety Measures for Energy Development on the Outer Continental Shelf” (“Drilling Moratorium Report”) that recommended a moratorium on offshore oil and gas drilling. The Executive Summary of the Drilling Moratorium Report incorrectly stated that peer reviewers had supported the moratorium, when in fact they had not. For more than two years, the Committee on Natural Resources (“Committee”) has sought answers about how the moratorium decision was made without any scientific or technical support and the Drilling Moratorium Report was edited to misrepresent the peer reviewers’ work.

It is my understanding based on documents obtained as part of this investigation that you, while serving as Special Assistant to the President for Energy and Environment, were involved in the development, review, and editing of the Drilling Moratorium Report and are likely to have information directly relevant to this inquiry.

An investigation by the Department’s Office of Inspector General (“IG”) in November 2010 “determined that the White House edit of the original DOI draft Executive Summary led to the implication that the moratorium recommendation had been peer reviewed by the experts.” Although Department officials told the IG’s lead investigators that they did not intend to misrepresent the work of the peer reviewers to provide cover for the moratorium decision, the IG was unable to independently verify the truthfulness of the witnesses’ statements. It now appears that the IG’s lead investigators were prevented from obtaining all documents and information they felt necessary to pursue the investigation, including not being allowed to interview you. Our review of a limited number of documents that have been made available to us by the Department and the IG has raised a number of questions that possibly only you, given your role and involvement, would be expected to be able to answer.

The Committee is interested in conducting transcribed interviews with witnesses who were personally involved in the development, review, and editing of the Drilling Moratorium Report, including you. The Committee's majority oversight staff has been unsuccessful in its attempts to contact you by telephone and email concerning this matter. However, representatives from the White House Counsel's Office have contacted the majority staff and confirmed your receipt of these prior communications. This letter formally requests your voluntary cooperation in reaching, no later than the close of business on August 30, 2012, a mutually agreeable time for scheduling this interview to occur by September 7, 2012.

You may be represented by personal counsel at this interview. You would not be placed under oath in an interview; however, you are required by law to be truthful in answering questions from Congress. A witness or his or her personal counsel may raise an objection to a question. If such an objection cannot be resolved in the interview, the witness may be compelled to appear for a hearing. Under Committee rule 4(h), claims of common-law privileges are applicable only at the discretion of the Chairman. Witnesses will be given an opportunity to review at the Committee's offices any interview transcript generated as part of the interview and may be allowed to submit grammatical or typographical changes on a copy of the transcript itself but must submit in writing to the Committee any suggested substantive corrections to the transcript. Any such transcripts are for the official use of the Committee and copies of transcripts are not given to the witnesses. Careful consideration is given to any concerns a witness may raise regarding the public dissemination of any parts of the transcript.

Please contact Byron R. Brown, Senior Counsel for Oversight, Office of Oversight and Investigations, on (202) 225-2761 to make arrangements for the scheduling of this interview.

Thank you for your prompt attention to and cooperation with this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doc Hastings", written in a cursive style.

Doc Hastings  
Chairman

Cc: Kathleen Hartnett, Associate Counsel to the President

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TODD YOUNG  
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**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

September 5, 2012

EDWARD J. MARKEY, MA  
RANKING DEMOCRATIC MEMBER  
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Joseph E. Aldy  
Assistant Professor of Public Policy  
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Taubman 382, Mailbox 57  
79 John F. Kennedy Street  
Cambridge, MA 02138

Dear Mr. Aldy:

On August 23, 2012, a letter was sent to you formally requesting your voluntary cooperation in scheduling, at a mutually agreeable time before September 7, 2012, a transcribed interview with the Committee on Natural Resource's majority oversight staff. The letter, which was sent only after the Committee's majority oversight staff was unsuccessful in its attempts to contact you by telephone and by email, requested a reply by close of business on August 30, 2012.

A response to this request has not yet been received directly from you. Although representatives from the White House Counsel's Office recently contacted Committee staff to confirm receipt of the August 23 letter and informally request that the Committee not pursue an interview with you at this time, they acknowledged they were not serving as your personal counsel and were unable to confirm on your behalf whether you plan to make yourself available voluntarily for a transcribed interview as requested.

This letter provides a final opportunity to establish by September 7, 2012 a mutually agreeable time for a transcribed interview with the Committee's majority oversight staff. Your cooperation is necessary to understand certain actions that are the subject of a long-running oversight investigation into how a May 2010 Department of the Interior ("Department") report entitled "Increased Safety Measures for Energy Development on the Outer Continental Shelf" ("Drilling Moratorium Report") was edited to incorrectly state that peer reviewers had supported a moratorium on offshore oil and gas drilling, when in fact they had not.

The Committee has taken a measured and reasonable approach to pursuing this investigation and seeking information from the Executive Branch. However, the Department's repeated refusal to fully comply with oversight document requests and to make officials available for transcribed interviews necessitated the issuance of a subpoena in April to the Department for documents and the Committee's action in August authorizing subpoenas for

testimony. The Committee now expects to hear from certain Department officials at a hearing on September 13, 2012.

A separate investigation by the Department's Office of Inspector General ("IG") in November 2010 determined that White House staff members were responsible for editing the peer reviewer language in the Drilling Moratorium Report. However, the IG's limited investigation was unable to verify whether the edits were intentionally made to misrepresent the work of the peer reviewers to provide cover for the moratorium decision. Questions have since been raised about the thoroughness and independence of the IG's investigation and whether the IG's lead investigators were unable – or directed not – to obtain all documents or speak to all witnesses they felt necessary.

In 2010, you served as Special Assistant to the President for Energy and Environment, and it appears, based on documents from the IG and the Department, that you were involved in developing the Drilling Moratorium Report and may have knowledge of how the inaccurate and misleading peer review language was added. However, according to these and other documents, the IG's lead investigators were not allowed to interview you.

It is expected that you would be in a unique position to discuss the editing of the Drilling Moratorium Report and to help advance the public's understanding of how the moratorium was imposed and justified in a way that the other witnesses and documents could not. Should you not agree to this interview request, however, a subpoena to compel your appearance at an oversight hearing is possible.

President Obama pledged to conduct the most transparent administration in history. It is expected that current and former government officials will adhere to this pledge and make themselves available to answer questions – in an accountable and transparent manner – about their actions while in public service. This is especially important here, where no one has been held to account or had to publicly explain how the moratorium decision was made without any technical or scientific justification and whether the peer review language was intentionally misrepresented to justify the economically devastating moratorium decision.

Sincerely,



Doc Hastings  
Chairman

Cc: Kathleen Hartnett, Associate Counsel to the President



September 6, 2012

Chairman Doc Hastings  
Committee on Natural Resources  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Hastings:

This letter serves to confirm electronic receipt of your letter dated September 5, 2012. I should note that I accessed and read the electronic version of your letter dated August 23 on September 4, 2012. As my faculty assistant informed your staff on August 21, I have been out of town – I am on paternity leave and I was on vacation with my family – and September 4 was my first day in the office since the electronic version of your letter dated August 23 was transmitted. I should also note that as of the close of business on September 5, I have not received the original version of the August 23 letter in the mail.

I will review the request in your letter and respond to your staff in a timely manner, per your request.

Sincerely,

Joseph E. Aldy  
Assistant Professor of Public Policy

cc: Representative Edward J. Markey, Ranking Member, Committee on Natural Resources  
Kathleen Hartnett, Associate Counsel to the President, The White House  
Robert W. Iuliano, General Counsel, Harvard University

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September 7, 2012

Chairman Doc Hastings  
Committee on Natural Resources  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Hastings:

This letter responds to your letter dated and transmitted electronically on September 5, 2012 by your Senior Counsel Byron Brown.

I appreciate the efforts of the Congress to investigate, understand, and learn lessons from the worst oil spill in U.S. history. As your letter notes, several Department of Interior officials will testify before the Committee on Thursday September 13 regarding a May 2010 Department report related to the oil spill. This will provide you and the Members of the Committee the opportunity to ask questions about the production and editing of the report of individuals involved with its development.

As a practical matter, my schedule will not permit me to travel to Washington within the next week to participate in an interview. As I noted in my letter dated September 6, I did not receive your initial letter until September 4. I am on paternity leave and have several child care obligations next week involving my four-month old son. I also have several work obligations and meetings throughout the week, which are the norm at the start of the semester.

Thus, I respectfully suggest that your staff follow up with me after the September 13 hearing in the event that you or your colleagues have outstanding questions regarding the report at issue.

Sincerely,

Joseph E. Aldy  
Assistant Professor of Public Policy

cc: Representative Edward J. Markey, Ranking Member, Committee on Natural Resources

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