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HEARING ON
ALLEGATIONS OF POLITICAL INTERFERENCE WITH THE WORK OF GOVERNMENT CLIMATE CHANGE SCIENTISTS

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Mr. Chairman, Mr. Ranking Member, and Members of the Committee — I greatly appreciate the opportunity to present testimony at this hearing, which addresses a subject of crucial importance for good policymaking and an informed society. I am currently the Director of Climate Science Watch, a program of the Government Accountability Project in Washington, D.C. The Government Accountability Project, a 29-year-old nonprofit public interest group, is the Nation's leading whistleblower protection organization. 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.

Introduction

From April 1995 until March 2005 I worked in the program coordination office of the multiagency U.S. Government program that supports scientific research on climate and associated global environmental change. The program was originally established as the U.S. Global Change Research Program (USGCRP) under the Global Change Research Act of 1990. In 2002, the Bush Administration established the U.S. Climate Change Science Program (CCSP), incorporating the USGCRP and the President's Climate Change Research Initiative.

The Climate Change Science Program Office, where I worked, supports this research effort by performing interagency coordination, strategic planning, communications, and reporting functions, and serving as the program secretariat. At the time of my resignation from the program office my position was Senior Associate. During the time I worked in the program office I was employed by the University Corporation for Atmospheric Research (UCAR), based in Boulder, Colorado. UCAR is a nonprofit consortium of North American member universities that grant doctoral degrees in the atmospheric and related sciences. I was assigned to work in the program office under a grant from the National Science Foundation to the UCAR Joint Office of Science Support.

I had various responsibilities and worked on many projects during the 10 years I served in the program office. One key ongoing project for which I was responsible involved coordinating the development of and editing the program's annual report to Congress, starting with the Fiscal Year 1997 edition, continuing thereafter, and ending with the completion of a review draft of the Fiscal Year 2006 edition shortly before I resigned from the program. This annual report, titled *Our Changing Planet*, is distributed to all Members of Congress and all Congressional committees and subcommittees with oversight or budget jurisdiction over climate and global change research at the program's participating departments and agencies. The report is also distributed more widely, in print and electronic form, and is one of the principal means by which the program as a government-wide entity is communicated to a broad range of audiences.

I worked directly with the program leadership and with the senior professional staff in the program office. In developing program publications and on other matters, I worked with a large network of career science program managers in the participating agencies. I provided senior advisory and editorial support on a number of aspects of the development of the *Strategic Plan for the U.S. Climate Change Science Program*, issued in July 2003. I also coordinated a review by U.S.-based scientists of the Draft Scientific Report of the international *Arctic Climate Impact Assessment*.

During the 2001-2005 time frame, I came to the conclusion that politicization of climate science communication by the current Administration was undermining the credibility and integrity of the Climate Change Science Program in its relationship to the research community, to program managers, to policymakers, and to the public interest. In March 2005 I left the program office, resigning my position in protest. I drafted a 9,000-word memorandum to the program leadership, entitled "On Issues of Concern About the Governance and Direction of the Climate Change Science Program," in which I explained my concerns.

In the memorandum I discussed a set of interrelated problems with the policies and direction of the program, stemming from what I saw as an overarching problem: that the Administration was acting to impede forthright communication of the state of climate science and its implications for society. I stated my observation that this problem was manifested especially at the points at which scientifically based information relating to climate change was communicated to Congress and to wider audiences and touched on the arenas of societal decisionmaking. Among the key issues that I viewed as particularly significant in the politicization of the program, foremost was the treatment by the current Administration of the National Assessment of the Potential Consequences of Climate Variability and Change ("National Assessment").

The National Assessment

The National Assessment was initiated, carried out, and published between 1997 and 2000, during the time I worked in the program office. The Global Change Research Act of 1990 (Section 106) mandates the USGCRP to produce and submit to the President and the Congress "no less frequently than every 4 years" scientific assessment reports of global change that include the impacts of such change on the environment and on various socioeconomic sectors. To be responsive to this statutory mandate, the program sponsored the National Assessment, which analyzed the potential consequences of climate variability and change for the Nation, in

the context of other societal and environmental stresses. The National Assessment process involved communication between scientists and a variety of "stakeholders," from the public and private sectors and academia. It was intended to initiate a process of interaction and reporting that would be ongoing and developed and improved over time.

A National Assessment Synthesis Team made up of leading scientists and other experts, established as an advisory committee under the Federal Advisory Committee Act, produced a National Assessment report that integrated key findings from regional and sectoral analyses and addressed questions about the implications of climate variability and change for the United States. The report was forwarded to the President and Congress in November 2000. A copy of the published National Assessment Overview document was mailed to every Member of Congress in late November or early December 2000; a copy of the 600-page, in-depth, referenced Foundation document was mailed to every Member in April 2001.

In addition, numerous regional workshop and assessment reports, most of which were developed by university-based teams, focused on significant issues at the regional level across the United States. Five sectoral reports focused on issues that were national in scope and related to the goods and services on which society and the economy depend, including reports on agriculture, water, human health, forests, and coastal areas and marine resources. The regional and sectoral reports were produced and issued by various independent author teams in 1999 and after.

The National Assessment was designed to be of use to Congress and the federal agencies, state and local officials, regional and sectoral planners and resource managers, educators, and the general public. The process of dialogue between experts and stakeholders that was initiated and that helped to identify priority issues reflected this intention that the overall Assessment process should have value for a broad range of information users, as did the wide public distribution of the report in both published form and in electronic form on the Internet. However, planned focused outreach and public education activities following the publication of the Assessment were curtailed by the political opposition of the Bush Administration, which chose to initially ignore and later suppress the Assessment rather than use it to communicate with and educate the public about the issues addressed in the Assessment.

In my judgment, the National Assessment exemplified a vision of a democratic process for societally relevant environmental assessment, based on dialogue between interdisciplinary teams of scientific experts and a wide range of stakeholders and the general public. Through this process, the agenda for ongoing research and assessment would be informed by a better understanding of the concerns of policymakers and the public, and policymakers and the public would learn about issues of climate change and its potential consequences so as to better equip them for making decisions.

In carrying out the National Assessment, the National Assessment Synthesis Team and hundreds of other scientists and other experts produced a set of reports that to this day remains the most comprehensive, scientifically based assessment of the potential consequences of climate change for the United States. No national climate change assessment process or reporting of comparable subject matter and regionally-based, nationwide scope has subsequently been undertaken with

the support of the federal government. The National Assessment was a pioneering experiment in societal relevance for climate change research.

In June 2001, the Committee on the Science of Climate Change of the National Research Council (NRC) issued a report titled *Climate Change Science: An Analysis of Some Key Questions*. The study originated from a White House request in May 2001 to help inform the Administration's review of U.S. climate change policy. The Committee was made up of 11 eminent climate scientists. It was chaired by Ralph J. Cicerone of the University of California, who is today the President of the National Academy of Sciences. The section of the NRC report on "Consequences of Increased Climate Change of Various Magnitudes" began as follows: "The U.S. National Assessment of Climate Change Impacts, augmented by a recent NRC report on climate and health, provides a basis for summarizing the potential consequences of climate change." The remainder of that section of the report is based almost entirely on the findings of the National Assessment. The NRC Committee did not in any way call into question the scientific legitimacy or significance of the National Assessment, but rather drew on it as a core text in this advisory report to the White House.

The Administration's treatment of the National Assessment

Despite the utility of the National Assessment, beginning in 2001, and more aggressively from the second half of 2002 onward, the Administration acted to essentially bury the National Assessment, i.e., by suppressing discussion of it by participating agencies for purposes of research planning by the Climate Change Science Program; suppressing references to it in published program documents including annual program reports to Congress; withdrawing support from the coordinated process of scientist-stakeholder interaction and assessment that had been initiated by the first National Assessment; and making clear that no second National Assessment would be undertaken. The Administration failed to consider and utilize the National Assessment in the *Strategic Plan for the U.S. Climate Change Science Program* issued in July 2003. From my experience, observation, analysis of documentation, and personal communications with others in the program, I believe it is clear that the reasons for this were essentially political, and not based on scientific considerations. I believe this is generally understood within the program.

My first experience of efforts by Administration officials to bury the National Assessment was in July 2001. At that time I was editing and coordinating the review process for the Fiscal Year 2002 edition of the *Our Changing Planet* annual program report. This was the program's first annual report to Congress since the publication of the National Assessment. A draft of the report had been reviewed by all participating agencies in the program and approved for publication by the principal representatives of all of the USGCRP participating agencies. The draft report included a 560-word section titled "National Assessment of the Potential Consequences of Climate Variability and Change," describing the National Assessment and noting its publication and availability.

This draft, dated May 31, 2001, was transmitted to the Executive Office of the President for final review and clearance. Seven weeks later, on July 20, 2001, I was directed by the White House Office of Science and Technology Policy to delete the section of the draft report on the National

Assessment. No documented explanation was provided to the program leadership and the program office as to why this alteration was necessary and appropriate. However, I was given to understand that the directive from OSTP was related to the Administration's intention to settle a lawsuit that had been brought by Competitive Enterprise Institute et al. v. George W. Bush et al., seeking to suppress the distribution of the National Assessment. Specifically, that CEI et al. would withdraw the lawsuit in return for an assurance by Administration officials that the Administration would, in effect, disown the National Assessment. (CEI is an industry-funded policy organization that has aggressively promoted the position of denying that global warming is a significant problem calling for a significant policy response strategy.) I communicated my concerns about this procedure and about what implications this might have for the future status of the National Assessment component of the program to the Chair of the interagency principals committee and the director of the program office. However, to my knowledge, no one raised this issue with OSTP, and the section describing the National Assessment was deleted.

The matter of the deletion of discussion of the National Assessment from program reports was never discussed by the principals committee, but in my judgment and from subsequent experience, a White House political signal was being sent to agency principal representatives to the program and to career science program managers in the agencies, to the effect that the National Assessment was a politically sensitive issue, apart from any question of its scientific merits. This continued even after the Competitive Enterprise Institute lawsuit was dismissed in the fall of 2001.

In late May 2002 the Administration issued the report *U.S. Climate Action Report – 2002: Third National Communication of the United States of America Under the United Nations Framework Convention on Climate Change*. This third Climate Action Report was one of a series of reports required periodically pursuant to U.S. responsibilities under the Framework Convention on Climate Change, the foundational climate treaty. Chapter 6 of the Climate Action Report, "Impacts and Adaptation," drew substantially on the findings of the National Assessment for its discussion of the potential consequences of climate change for the United States. This was appropriate, considering that the National Assessment had recently been published and represented the most systematic, in-depth study of this subject that had been done to that point (and remains so at the present time).

The "Impacts and Adaptation" chapter prompted press coverage, including a prominent story in the *New York Times*, on how the chapter suggested a new acknowledgement by the Administration of the science pointing to the reality of human-induced climate change and a range of likely adverse societal and environmental consequences. This appeared to cause a public relations problem for the Administration. Asked about the report and the press coverage of it, the President replied in a way that distanced himself from it by referring to it as "a report put out by the bureaucracy."

My understanding at that point, which I believe was coming to be more widely shared, both inside and outside the program, was that the Administration was uncomfortable with the mainstream scientifically based communications suggesting the reality of human-induced climate change and the likelihood of adverse consequences. The Administration had adopted a policy on climate change that rejected regulatory limits on emissions of greenhouse gases, and

cited scientific uncertainty about climate change as one of its justifications for the policy. Straightforward acknowledgement of the growing body of climate research and assessment suggesting likely adverse consequences could potentially lead to stronger public support for controls on emissions and could be used to criticize the Administration for not embracing a stronger climate change response strategy. Administration political officials appeared increasingly to take an interest in managing the flow of communications pertaining to climate change in such a way as to minimize the perception that scientifically-based communications might be seen as conflicting with the Administration's political message on climate change policy. It was the concern about this linkage that seemed to underlie much of what I perceived to be the Administration's intervention in managing communications by the Climate Change Science Program.

In this context, for the Administration to have released a U.S. Climate Action Report with a chapter on climate change impacts that identified a range of likely adverse consequences, based on scientific reports including the National Assessment, could rightly be seen as an anomaly and appeared to be seen as a significant political error by Administration allies dedicated to denying the reality of human-induced global warming as a significant problem. On June 3, 2002, Myron Ebell of the Competitive Enterprise Institute sent an e-mail message addressed to Philip Cooney, Chief of Staff at the White House Council on Environmental Quality (CEQ), offering to help manage this "crisis" and help "cool things down." (This document was obtained by a nongovernmental organization via a Freedom of Information Act request). In the e-mail to Cooney, Ebell said: "If it were only this one little disaster we could all lock arms and weather the assault, but this Administration has managed, whether through incompetence or intention, to create one disaster after another and then to expect its allies to clean up the mess." He told Cooney the Administration needed to get back on track with disavowals of the Climate Action Report and the National Assessment.

Immediately prior to taking the position of CEQ Chief of Staff, Cooney had been employed as a lawyer-lobbyist at the American Petroleum Institute (API), the primary trade association for corporations associated with the petroleum industry. He was the climate team leader at API, leading the oil industry's fight against limits on greenhouse gas emissions. CEI also had a close relationship with the oil industry, having reportedly received $2 million in funding between 1998 and 2005 from ExxonMobil.

William O'Keefe, President of the George C. Marshall Institute, faxed to Phil Cooney at CEQ a copy of a letter dated June 12, 2002, that O'Keefe had written to White House Chief of Staff Andrew Card. (This document was obtained by a nongovernmental organization via a Freedom of Information Act request). O'Keefe's letter to Card begins: "I am writing about the recently released national assessment, which seems completely inconsistent with the President's policy and expressed views on the subject." The letter concludes by suggesting that the Administration needed to have a senior person on the White house staff coordinating communications on climate change and making sure everyone was "on the same page, with the same message."

The letter to Card did not indicate that anyone but Card was receiving a copy, so O'Keefe's fax to Cooney was basically a "blind copy." O'Keefe is a former Chief Executive Officer at the American Petroleum Institute, where Cooney was also formerly employed. O'Keefe also was

reportedly a registered lobbyist for ExxonMobil on climate change issues from 2001-2005 The Marshall Institute has been one of the most prominent policy organizations engaged in attempting to debunk global warming. It has reportedly received at least $630,000 in funding from ExxonMobil since 1998.

Shortly thereafter, Cooney began to play a more visible role in Climate Change Science Program governance as the CEQ liaison to the interagency principals committee. He served as a representative of the interest taken by the White House policy apparatus in the science program, and in particular as the agent of CEQ Chairman James Connaughton. Program publications required his editorial review and approval prior to publication and distribution. His edits of program reports, which had been drafted and approved by career science program managers, had the cumulative effect of adding an enhanced sense of scientific uncertainty about global warming and minimizing its likely consequences, and deleted even minor references to the National Assessment. (I discuss Cooney's role further below.)

The absence of all but the most fleeting and uninformative references to the National Assessment continued through all subsequent CCSP publications, including most significantly the CCSP Strategic Plan and its accompanying "Vision" document, both issued in 2003; the *Our Changing Planet* reports to Congress from the Fiscal Year 2003 edition through the current Fiscal Year 2007 edition; internal documents related to program planning; memoranda documenting meetings of the CCSP principals committee; and documents pertaining to the current and prospective set of CCSP "Synthesis and Assessment Products."

In July 2003 the program issued its *Strategic Plan for the Climate Change Science Program*. The document was submitted to Congress under the signatures of Secretary of Energy Spencer Abraham, Secretary of Commerce Donald L. Evans, and Office of Science and Technology Policy Director John H. Marburger. In the plan, the existence of the National Assessment was mentioned only in a single sentence, which did not even include the title of the report. There was no description of the structure, process, scope, purpose, or contents of the National Assessment. The National Assessment did not appear in the bibliography of the plan. No information was given to suggest how copies might be obtained. In effect, mention of the National Assessment had almost completely vanished from the CCSP Strategic Plan.

The lone, one-sentence mention of the National Assessment appeared in the chapter of the Strategic Plan on "Decision Support Resources Development." It seemed revealing, in a chapter that devoted thousands of words to describing how the program was taking steps to elevate the priority of developing "scientifically based resources to aid decisionmaking" as one of the core approaches of the program's strategic plan for research, that there was no acknowledgement of what has been the program's most substantial process and product in that area. The Strategic Plan contained no discussion of the rationale for this conspicuous omission, no intellectual or scientific justification. It was evident to me from from personal communications at the time that the key individuals responsible for producing the Decision Support Resources Development chapter understood that their omission of the National Assessment was not the result of a scientifically based decision, but rather that it was a White House political requirement, enforced by CEQ.

National Research Council's criticism of the CCSP on the National Assessment

The final report of the National Research Council's Committee to Review the U.S. Climate Change Research Program Strategic Plan, issued in February 2004, was critical of the failure of the program to incorporate and build on the National Assessment in its strategic planning for assessment and "decision support" activities. On the subject of the National Assessment's scientific credibility the report said:

> It is especially important that CCSP synthesis and assessment products be independently prepared, or evaluated, by the science community. This will provide a level of credibility that reports produced exclusively within the government sometimes fail to achieve. The only previous centralized assessment effort by the CCSP agencies, the U.S. National Assessment on the Potential Consequences of Climate Variability and Change, followed these credibility assurance guidelines. The National Assessment's Overview and Foundation reports are important contributions to understanding the possible consequences of climate variability and change. (National Research Council, Committee to Review the U.S. Climate Change Science Program Strategic Plan, *Implementing Climate and Global Change Research: A Review of the Final U.S. Climate Change Science Program Strategic Plan* (National Academies Press, 2004, p.13).

On the value of the National Assessment's process of engaging scientists and "stakeholders" in dialogue, the NRC review said:

> The processes of stakeholder engagement and transparent review of the National Assessment reports were exemplary....The strategic plan...should more effectively build upon a growing capability within the U.S. climate and global change research community to interact with potential users of climate and global change science, as was demonstrated in the U.S. National Assessment of the Potential Consequences of Climate Variability and Change (NAST, 2001). The revised plan generally overlooks the insights and relationships that were developed by the National Assessment. For example, the experience developed in assembling and maintaining networks of university researchers and stakeholders in different regions of the country is extraordinarily valuable, as are the networks themselves. These relationships should be supported if the CCSP is going to maintain strong stakeholder involvement. (pp. 13-14)

On the significance of the regional-scale assessments included as part of the National Assessment, the NRC review said:

> The plan also does not include areas of research relevant to regional-scale assessments identified as a result of the National Assessment. The committee reiterates the recommendation from its first report that the CCSP should 'build upon the lessons learned in applied climate studies and stakeholder interaction from prior environmental and climate assessment activities.' This deficiency needs to be remedied quickly so that the program's decision support activities reflect what the scientific community now knows, what it can accomplish, and what users would like to know. (p. 14)

On the Administration's apparent refusal to provide any scientific rationale for the disappearance of any acknowledgement of the National Assessment, the NRC review said:

> For the most part the CCSP's revisions to the strategic plan are quite responsive to comments expressed at the workshop, in written input, and by this committee. One notable exception is the fact that the revised plan does not acknowledge the substantive and procedural contributions of the U.S. National Assessment of the Potential Consequences of Climate Variability and Change (NAST, 2001), a major focus of the Global Change Research Program (GCRP) in the late 1990s. Many participants at the [CCSP] December [2002] workshop criticized how the draft strategic plan treated the National Assessment, as did this committee in its first report. The revised plan does not reflect an attempt to address these concerns, and no rationale for this decision has been provided. (pp. 29-30).

Although OSTP Director John Marburger has referred to the National Academy of Sciences as the "gold standard" of scientific advice to the government, and despite the criticism of the plan for failing to provide any rationale for the disappearance of the National Assessment, Dr. Marburger, CCSP Director James R. Mahoney, and other Administration officials and CCSP leaders offered no response to this criticism of how they treated the National Assessment. No changes were made to the Strategic Plan in response to the NRC's criticism. It appeared to me that a conspiracy of silence was being enforced within the federal government, which had nothing to do with the scientific merits of the National Assessment.

The role of the Council on Environmental Quality

The Administration, without ever clarifying the issue forthrightly, has allowed a perception to persist that the suppression of the National Assessment was required by a legal agreement pursuant to a joint stipulation to dismissal of the 2001 lawsuit filed by the Competitive Enterprise Institute et al. seeking to halt the distribution of the National Assessment. From personal communications with program officials I was given to understand that then-CCSP Director James Mahoney, the Assistant Secretary of Commerce for Oceans and Atmosphere, had been told by the White House that references to the National Assessment had to be pulled out of the Strategic Plan because of a legal agreement. Administration officials have never offered an open explanation of why the terms of that legal settlement, as distinct from a strictly political agreement, would require suppression of the assessment even for purposes of using it as a scientific document or referring to it in program planning for research and future assessments.

I have examined the official court records on the dismissal of the 2001 CEI et al. lawsuit and find no basis for such suppression. A subsequent lawsuit filed by CEI in 2003, which would have required removal of all links to National Assessment documents from a federal government Web site, was dismissed with prejudice and likewise provides no legal basis for the suppression of use of the report. Rather, it appears that, although the CEI lawsuits were dismissed, the Administration decided nevertheless to award what I have termed the global warming denial machine a political victory that they could not have won had their lawsuits gone to trial. Myron Ebell of CEI has been quoted as saying of the National Assessment, "To the degree that it has vanished, we have succeeded." (*Greenwire*, October 3, 2006)

It is my understanding that the direction to the CCSP leadership and the federal agencies to suppress the use of and references to the National Assessment came from Philip Cooney at CEQ, and was transmitted to the CCSP agency principal representatives by CCSP Director Mahoney. Cooney was visible and active in the program because of his attendance at meetings in his role as CEQ liaison, and from personal communication with program leaders it was clear to me that Cooney was involved in matters of program governance in ways that were not as visible. In any case, it was my understanding that Cooney acted as a political operative, i.e., not as an independent decisionmaker but rather as an agent of CEQ Chairman James Connaughton and, by extension, the White House policy and political apparatus. In any case, the White House had directed Mahoney to suppress references to the National Assessment.

One of the CCSP agency principals informed me that a directive to the agencies to refrain from referencing the National Assessment had come from Mahoney's office. Mahoney later confirmed to *Environmental Science & Technology*, a journal of the American Chemical Society, that federal researchers were restricted from referring to the National Assessment (*Environmental Science & Technology Online*, October 12, 2005).

My June 1, 2005, memorandum to CCSP agency principals, "On Issues of Concern About the Governance and Direction of the Climate Change Science Program," included the following about the role of CEQ in CCSP governance. To my knowledge these statements have not been challenged for factual accuracy:

> The Executive Office of the President, starting in 2002, placed the CEQ Chief of Staff, Phil Cooney – a lawyer and former official with the American Petroleum Institute, the main lobbying arm of the oil industry – at the table at CCSP principals meetings as the CEQ liaison. This individual, and CEQ generally, have been especially notable in the administration's commingling of politics and science....
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> In a memorandum dated October 28, 2002, he marked-up the first draft of the CCSP Strategic Plan after it was approved by CCSP agency principals and before it was released for NRC review and public comment. Most of his roughly 200 text changes were incorporated in the review draft. A number of these changes in text relating to questions of climate science altered the content of the draft as it had been developed by federal science program professionals. Taken in the aggregate, the changes had a cumulative effect of shifting the tone and content of an already quite cautiously-worded draft to create an enhanced sense of scientific uncertainty about climate change and its implications. The draft Strategic Plan was legitimately criticized by reviewers who charged that the CCSP had adopted a vocabulary with an exaggerated emphasis on scientific uncertainties. To my knowledge this CEQ mark-up was not shared with or vetted by CCSP principals or CCSP agency science program managers. The process was quintessentially non-transparent and, in my view, a policy-driven political interference in a key science program document
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> It is my understanding that the CEQ Chief of Staff played a lead role as White House agent for enforcing the suppression of the National Assessment and the systematic removal of meaningful references to it from CCSP publications. If this was pushed on the CCSP leadership as ostensibly a legal requirement pursuant to the lawsuit settlement, I am not

aware of any effort by CCSP principals to obtain appropriate clarification and documentation. I believe the CCSP leadership got rolled on this matter by the White House political operation. Further, public disclosure of the CEQ Chief of Staff's communication with the Competitive Enterprise Institute, which filed the lawsuits against the National Assessment, suggests joint political strategizing — an insult to the CCSP leadership and to the climate change research and assessment community, and another indicator of the inappropriateness of CEQ jurisdiction over the science program.

CEQ has also intervened in the final review and clearance of CCSP annual reports. For example, the CEQ Chief of Staff made about 100 revisions to the final draft of the FY 2003 *Our Changing Planet*, some of which substantially changed or deleted text on program activities such as those relating to decision support on mitigation and adaptation options, integration of climate science with comparative analysis of response strategies, ongoing regional assessments of global change consequences, and the relationship between energy-related emissions, climate change, and ecosystem impacts. In general, I believe the Strategic Plan and other CCSP documents have been weakened by a process in which reports are drafted and edited with an anticipatory eye to what will be able to obtain CEQ approval, which appears to be the final step in the White House clearance process.

Unlike the other representatives on the program's principals committee, the great majority of whom were career science program management professionals, CCSP Director Mahoney was a Senate-confirmed Presidential appointee. As Assistant Secretary of Commerce for Oceans and Atmosphere and Deputy Administrator of the National Oceanic and Atmospheric Administration, he held a position different from that of the other principals, as the program's chief executive and a political representative of the Administration. In this role, he would, on some occasions, set policy, or represent policy, regarding program governance on various matters that had been decided by Administration political officials, not by the program principals. The policy of not discussing or citing the National Assessment was one such case. On such a matter, I believe it was well-understood by the agency principals that to challenge the chairman would, in effect, have been to challenge the White House – in particular CEQ.

Looking forward

Building appropriately on the pioneering work of the National Assessment could have had a salutary influence on developing the priorities of the CCSP Strategic Plan and surely would have led the program toward a different overall configuration of follow-up scientific and assessment priorities. It could have led to a different approach to evolving the discourse between scientists and users of information – a freer relationship and one less constrained than is the current process by political gatekeepers concerned with controlling the flow of communications about climate change and its implications for the United States.

Advances in scientific research and assessment in the six years since the first National Assessment report was published, and growing concern about global warming and climate change among policymakers and the public, make a reactivation of the National Assessment process and the production of a second National Assessment report under the Global Change Research Act particularly appropriate, feasible, and necessary at this time.

At the international level, the comprehensive and authoritative Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment Report will be published in 2007. The IPCC Fourth Assessment Report will review and synthesize scientific advances since 2001 in the study of the physical climate system, climate change impacts, and mitigation and adaptation response options. At the national level, since 2001, the U.S. Climate Change Science Program has invested more than $10 billion in scientific research and observing systems to study climate and associated global change. This investment has made possible substantial progress in advancing scientific understanding.

Reports of a steady stream of scientific findings on global climate change, and reports on observed consequences of global warming, have increased the level of interest and concern among policymakers and the public. Debate on appropriate climate change policy and response strategies at the international, national, and state levels has also increased and become more salient in the U.S. public arena. In this context, activating the National Assessment process and producing a second National Assessment report could make a major contribution to the nation's preparedness for addressing the challenge of global warming and climate change.

Conclusions and Recommendations

1. Revitalize the National Climate Change Assessment process

I see the treatment of the 2000 National Assessment, and the abandonment of high-level support for an ongoing process of scientist-stakeholder interaction, as the central climate science scandal of the Bush Administration – the action that has done, and continues to do, the greatest damage in undermining national preparedness in dealing with the challenge of global climate change. Thus, I believe it would be appropriate for the Committee to investigate the Administration's treatment of the 2000 National Assessment, as part of oversight of the White House's political intervention in the U.S. Climate Change Science Program and in particular its assessment and communication activities.

On December 11, 2006, 24 House Members, including Mr. Waxman and Ms. McCollum from this Committee, sent a letter to Dr. William Brennan, Acting Director of the Climate Change Science Program, which said in part:

> The Climate Change Science Program (CCSP) was launched in 2002 to fulfill the duties of the U.S. Global Change Research Program (GCRP) and to coordinate interagency climate change research activities. However, the CCSP has not completely fulfilled the statutory obligations of the GCRP, because it has failed to produce a comprehensive scientific assessment report detailing the effects of climate change on the United States. Climate change has many serious implications for the well being of our country's economy, critical infrastructure, public health, energy security, environmental health and national security. To help Congress shape a well-informed, forward-looking climate change policy, we call on the Bush Administration to comply with the law by producing a policy-relevant climate impacts assessment report at the earliest possible date.

Although it appears that the Administration has no intention of undertaking a new national climate change assessment, I believe the letter points in the right direction for the future.

The essential idea is not to replicate the 2000 National Assessment in its particulars, but rather to move forward with a stronger, coordinated, integrative effort, employing the method of climate scientists and other experts communicating directly with policymakers and other stakeholders, geographical region-by-region, and socioeconomic sector-by-sector, to diagnose vulnerabilities and develop response strategies, without the impediment of political interference with free and open communication. Climate change impacts vary by region and sector, as do response strategy options. Every Member has an interest in the kind of information such an assessment could make available for consideration in developing national policy.

2. Implement the recommendations of the Union of Concerned Scientists – Government Accountability Project report and address additional related issues

I support the recommendations and conclusions of the excellent UCS-GAP report, *Atmosphere of Pressure – Political Interference in Federal Climate Science*. I encouraged and consulted at an early stage on both the UCS survey of federal scientists and the GAP investigative work and believe that the combined efforts of the two organizations have produced significant results. From my experience and understanding of the issues outlined in the report, I believe the report documents a number of the key problems and identifies what needs to be done to address them. I would add the following:

(a) The UCS-GAP report does not substantially address the higher levels in the chain of command that has resulted in political interference with climate science communication, starting with the President. In particular, the report does not focus on the role of the Council on Environmental Quality. CEQ is a White House policy office, not a science office. In my view it was problematic from day one that CEQ officials, whose essential job was to advance the President's policy and political position on global climate change, were at the table participating directly in the governance of the Climate Change Science Program and shaping its communication of climate change research. In my judgment, CEQ should be put back on the policy side of the science-policy fence – as was the case under the previous Administration.

(b) The Government Accountability Project has prepared a critical analysis of the new media policy developed at NASA in 2006 in the wake of publicity surrounding NASA's scandalous attempt to muzzle public communication by Dr. James Hansen, Director of the NASA Goddard Institute of Space Studies. While the NASA media policy appears to be an improvement over the prior situation, GAP's analysis raises concerns and identifies legislative action that the Committee should consider. A statement and memorandum prepared by Tom Devine, Legal Director at GAP, is included with this testimony as an Appendix.

(c) The UCS-GAP report, with its focus on the individual federal agencies, does not substantially address the issue of communication by the Climate Change Science Program as a multiagency entity, nor the communications role of the Climate Change Science Program Office. Congressional oversight should include a focus on CCSP and the CCSP Office as well as the agencies.

In order to ensure the scientific independence and credibility of the program and its products, the CCSP should develop CCSP-wide principles and policies on communications to ensure the scientific independence of climate change science communications.

Currently, there is no procedure under which the CCSP, or the CCSP Office, can communicate on behalf of the federal climate research enterprise as a whole. Media inquiries to the CCSP are channeled to the NOAA Public Affairs Office – an office that, as discussed in the UCS-GAP report, has been politically compromised in its climate science communication by the Department of Commerce and by the Administration political appointees at the head of NOAA. As one key example, in communicating on the scientific question of the relationship between global warming and increased hurricane intensity, NOAA has selectively put forward NOAA meteorologists whose position leads them to either deny or play down the relationship, while steering public attention away from other scientists in the climate research community – at NOAA and other federal laboratories including NASA and DOE, as well as university scientists funded by the National Science Foundation – whose research suggests both an observed and projected linkage between global warming and hurricane intensity. This is not an acceptable state of affairs.

The current procedure needs to be reformulated. Congress, the media, and the public need to be able to receive communications directly from the scientific mainstream of the very large federal investment in scientific research on climate and global environmental change, not filtered through the public and governmental affairs offices of a single agency. One alternative would be to give the Climate Change Science Program Office the resources, staffing with scientific expertise, and freedom from political manipulation, to communicate, and to coordinate communications, on behalf of the full range of research supported by the CCSP participating agencies. The CCSP Office does not currently have the authority, nor the resources, to perform that function. In its review of the CCSP Strategic Plan, the National Research Council said:

> Given the expanded attention to decision support, communication with stakeholders, and interagency coordination, the committee sees a much larger role and responsibility being placed on the CCSP Office. However, that office may not have the human resources necessary to meet the strategic plan objectives. As the provision of decision support is a central goal of the overall plan, failure in this area would represent a serious failure of the overall program.

APPENDIX

GOVERNMENT ACCOUNTABILITY PROJECT STATEMENT ON NASA MEDIA POLICY

January 30, 2007

NASA and other agencies have trumpeted new media policies as proof of their good intentions and new-found respect both for scientific freedom and freedom of speech. Indeed, the policies have appealing rhetoric that can help change bureaucratic attitudes. That matters. Depending on the political cycle, the rhetoric could be sufficient to sustain an open environment within scientific agencies.

Unfortunately, the policies' fine print exposes them as a trap that could be used to fire, or potentially prosecute, almost any scientist if the political environment becomes hostile again. First let's consider what's in them. The Achilles' heel is a loophole that cancels all the new free speech rights if a scientist discloses information in new, pseudo-classified, hybrid secrecy categories. These categories, with new names such as "Sensitive but Unclassified" or "Sensitive Security Information," do not purport to have the national security significance of classified documents. In fact, they are just new names for longstanding categories like "For Official Use Only, " that primarily are secrecy shields of convenience for virtually any information the agency wants to keep off the market of public discourse, either to control timing or avoid embarrassment. Although the SBU or SSI brands can be issued arbitrarily, the potential criminal liability can be even more severe than for genuinely classified information.

Even worse, information can be designated as SBU or SSI after-the-fact. For example, one GAP air marshal client has been fired three years after the fact for disclosing Sensitive Security Information, even though it was not marked as restricted at the time. The whistleblower was challenging a security breakdown, and his dissent was vindicated as the agency quickly canceled a reckless decision when it became public. Depending on the next election results or other factors that should be irrelevant, under NASA's fraudulent media policy reform, every NASA scientist communicating with this committee could be fired several years from now for disclosing Sensitive but Unclassified information.

Not only is the policy disingenuous, it is illegal. It violates the Whistleblower Protection Act on its face, because that law only permits blanket restrictions on public speech if information is properly classified.

Let's also consider what the policy doesn't include. The Anti-Gag Statute, an appropriations rider passed unanimously by Congress for the last 18 years, bans any spending to implement or enforce any nondisclosure policy, form or agreement, unless it also has an addendum with specific congressional language that, in the event of a conflict with the policy, the Whistleblower Protection Act and the Lloyd Lafollette Act protecting safe communications with Congress will supersede any contradictory language and prevail. The NASA media policy does not contain this addendum. Any funds spent to implement and enforce it have been and will be illegal expenditures.

There is no possibility that this was a good faith error. GAP's legal director Tom Devine spent over an hour tutoring the NASA Office of General Counsel lawyer who wrote the phony reform, both on the requirements of the Whistleblower Protection Act and the Anti-Gag Statute. The lawyer reassured GAP that he understood what those laws required. But NASA issued a policy that is a custom fit for violating these fundamental merit system and whistleblower rights for scientific freedom. The illegality is deliberate.

Chairman Waxman, your legislation co-sponsored last Congress by Representative Davis and Representative Platts and marked up unanimously last Congress (H.R. 1317 and H.R. 5112) directly addresses this type of back door scientific repression. It codifies and provides a remedy for the Anti-Gag Statute, and establishes checks and balances on the currently-unrestrained use of pseudo-classification gag orders. The media policy's fine print illustrates why your committee should act immediately to pass this badly needed reform. The committee also should have GAO audit how much money has been spent illegally to implement and enforce the NASA media policy. An April 1, 2006, memorandum GAP prepared on the policy is attached.

For further information, contact:
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MEMORANDUM

To: Climate Scientists
From: Government Accountability Project
Re: Analysis of NASA's Recently Released Media Policy

The Government Accountability Project (GAP) is issuing advisory comments on NASA's new media policy that it released yesterday, March 30. The new policy came in response to public outcry over NASA's suppression of climate science research inconsistent with the Bush administration's political agenda. NASA is touting the development as a free-speech breakthrough for agency scientists.

GAP identified the areas ***in which the new policy is an improvement***:

- NASA Administrator Michael Griffin's reassuring rhetoric is of symbolic value, demonstrating official respect for scientific freedom.

- The new media policy does not cover scientific reports, web postings, or professional dialogue such as at conferences, allowing scientists to share information with their colleagues without going through public affairs political appointees.

- The policy officially recognizes the free speech right for scientists to express their "personal views" when they make clear that their statements are not being made on behalf of NASA.

However, ***in six critical areas the new policy falls short*** of genuine scientific freedom and accountability, and potentially undermines the positive guarantees:

- While recognizing the existence of a "personal views" exception, the policy doesn't announce the circumstances when that right cancels out conflicting restrictions, which are phrased in absolute terms applying to contexts such as "any activities" with significant media potential. This leaves a cloud of uncertainty that translates into a chilling effect for scientists.

- The policy fails to comply with the legally-mandated requirements of the Anti-Gag Statute to explicitly include notice that the Whistleblower Protection Act and Lloyd Lafollette Act (for congressional communications) limit and supersede its restrictions.

- The policy institutionalizes prior restraint censorship through "review and clearance by appropriate officials" for "all NASA employees" involved in "preparing and issuing" public information. This means that scientists can be censored and will need advance permission from the "appropriate" official before anything can be released.

- The policy defies the WPA by requiring prior approval for all whistleblower disclosures that are "Sensitive But Unclassified" (SBU). The legal definition of SBU is broad and vague, to the point that it can be interpreted to sweep in virtually anything. The WPA

only permits that restriction for classified documents or those whose public release is specifically banned by statute.

- The policy bans employees' free speech and WPA rights to make anonymous disclosures, requiring them to work with NASA public affairs "prior to releasing information" or "engaging in any activities or events... that have the potential to generate significant media or public interest or inquiry."

- The policy gives NASA the power to control the timing of all disclosures, which means scientists can be gagged until the information is dated and the need for the public to know about critical scientific findings has passed.

In December of last year, NASA climatologist Dr. James Hansen was threatened with "dire consequences" by a political appointee for statements he made about the consequences of climate change. According to GAP's legal director, Tom Devine, "Under this so-called reform, Dr. Hansen would still be in danger of 'dire consequences' for sharing his research, although that threat is what sparked the new policy in the first place. The new policy violates the Whistleblower Protection Act, the Anti-Gag Statute, and the law protecting communications with Congress, the Lloyd-Lafollette Act. The loopholes are not innocent mistakes or oversights. GAP extensively briefed the agency lawyer on these requirements, who insisted he understood them fully. NASA is intentionally defying the good government anti-secrecy laws."