

EXHIBIT A

On Issues of Concern About the Governance and Direction of the Climate Change Science Program

To: U. S. Climate Change Science Program agency principals

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From: Rick Piltz

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In the notification I sent to Climate Change Science Program principals on March 2, 2005, that I had resigned my position as Senior Associate in the CCSP Office, I did not discuss in any detail my reasons for leaving the program. I had previously discussed a number of issues and concerns with the CCSP Director and the CCSP Office Director. Further reflection and subsequent developments have persuaded me that it is important that I more fully identify these issues and offer my perspective on them to you, drawing on my years of experience working for the U.S. Global Change Research Program / Climate Change Science Program.

As you no doubt agree, the USGCRP/CCSP has been an extraordinary program, dealing with issues of fundamental scientific and societal significance. I have always tried to work for the best interests of the program, to communicate the value of the scientific research it supports, to strengthen its ability to carry out the mission of science in service to society, and to protect its credibility and integrity. The viewpoint I put forward is driven by my concern for the program, its role and its future, and by the need for climate research and assessment findings to be communicated and used effectively so as to help society and policymakers address the problem of climate change.

I know that you must have the same sense of pride that I feel for having been engaged in the work of supporting research and assessments to address climate change issues and concerns. It is because of this commitment to honest communication of climate change issues that I could no longer work under the politicization of the CCSP that is undermining what most of you are working so hard to accomplish. I hope that you will not ignore what I hope to convey to you.

I believe there is a set of interrelated problems with the current policies and direction of the program that bears on your own leadership responsibilities as a principals group -- as essentially the board of directors of the program. I believe the overarching problem is that the administration -- acting primarily through key positions in the Executive Office of the President, and to some extent the State Department, and aligning itself with some of its key allies -- does not want and has acted to impede forthright communication of the state of climate science and its implications for society. I know I am not alone in believing that the administration's political and policy commitments have had a deleterious effect on some essential aspects of the USGCRP/CCSP.

The problem is manifested especially at the points at which the key scientifically based assessments of climate change touch on the arenas of policymaking and research planning. The administration will not accept and use appropriately the findings and conclusions of the national and international climate assessments, and it hinders and even prevents the climate science program from doing so. In 14 years – 10 years working with the program and, before that, with the House Science Committee – I have seen the program and its leadership go through a lot of changes. Each administration has a policy position on climate change. But I have not seen a situation like the one that has developed under this administration during the past four years, in which politicization by the White House has fed back directly into the science program in such a way as to undermine the credibility and integrity of the program in its relationship to the research community, to program managers, to policymakers, and to the public interest.

This politicization is manifested in how the high-level CCSP governance process works, especially in the relationship between administration political officials and agency program managers; in how climate science is expressed in program reports; and in how the program’s “decision support,” assessment, and communication functions are being framed and developed. There are numerous examples, and some indications that the situation may have worsened since the November 2004 election. I will focus on just a few of them that have been particularly significant in shaping my own view of the program, its direction and leadership, and thus in influencing my decision to object and resign.

National Assessment

A flagrant and fundamental example of the politicization of the CCSP has been the treatment under this administration of the U.S. National Assessment of the Potential Consequences of Climate Variability and Change. The National Assessment is the most substantial scientifically based climate change assessment project in the history of the program to date, and the program’s pioneering experiment in modes of stakeholder engagement and societal relevance. The administration decided early-on to essentially send the National Assessment into a black hole, insofar as the White House has required the CCSP to systematically delete any substantive reference or use of it in program planning documents and reports to Congress – i.e., it has been censored out of the CCSP Strategic Plan, the annual editions of *Our Changing Planet*, and substantive internal discussion.

I think it is widely understood in the program and in the scientific community that the reasons for this are essentially politically driven, not scientific – although the administration has contributed to some confusion about the matter. And I believe that a number of the subsequent issues on which the program has gone off the right track and allowed political considerations to undermine scientific integrity can be traced back to the program leadership’s failure to respond to the attack on the National Assessment.

The National Assessment was built on a solid foundation of research supported by the USGCRP and went through an extensive four-stage expert and public review. It entrained the contributions of a distinguished National Assessment Synthesis Team and of hundreds of other scientists and produced a set of reports that to this day remains the most comprehensive and authoritative scientifically based assessment of the potential consequences of climate change for the United States. It was a primary basis for Chapter 6 on “Impacts and Adaptation” of the *U.S. Climate Action Report 2002*, which was submitted by the U.S. Government pursuant to the national reporting requirements of the Framework Convention on Climate Change, after having been approved by all relevant agencies. In spite of this being the most complete and most widely reviewed position statement on climate change by this administration, the *U.S. Climate Action Report 2002* was almost never mentioned after it was issued and for some reason does not appear to be viewed by the administration or the CCSP as an official acceptance of National Assessment findings. The National Assessment can certainly be subjected to critique and is worthy of a serious

discussion of “lessons learned”, in which the CCSP should participate, but as a pioneering effort it was a major accomplishment, of which I believe the program can justifiably be proud.

In its reviews of both the November 2002 discussion draft of the CCSP Strategic Plan and the revised version finally issued in July 2003, the National Research Council was highly 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. Recall that the report of the NRC special committee to review the Strategic Plan 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. 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....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. The plan also does not include areas of research relevant to regional-scale assessments identified as a result of the National Assessment....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....

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. (National Research Council of the National Academies, *Implementing Climate and Global Change Research: A Review of the Final U.S. Climate Change Science Program Strategic Plan*, 2004, pp. 13, 14, 29-30).

Although the OSTP Director has referred to the Academy as the “gold standard” of scientific advice to the government, the administration has stonewalled on this issue and the CCSP leadership has offered no response to the NRC critique.

The process of suppressing references to the National Assessment in USGCRP/CCSP publications began as early as mid-2001. During the same period that the President gave a speech to the effect that the potential impacts of climate change are a serious issue that needs to be addressed, and announced a Climate Change Research Initiative purportedly intended to accelerate the development of scientific information to support decisionmaking, I was directed by an official at the Office of Science and Technology Policy (who is now the OSTP Associate Director for Technology), via a phone call from a staff intermediary, to delete all reference to the National Assessment from the FY 2002 edition of *Our Changing Planet* (OCP2002), the first annual report to Congress of the program under this administration.

A draft of OCP2002 that had gone through final review and clearance by USGCRP agency principals by the end of May 2001 contained a single page describing the National Assessment project, without any substantive discussion of findings. Two months later, in the draft that went for clearance by the Executive Office of the President level, the acknowledgement of the existence of the National Assessment had disappeared. This issue was never taken up by the USGCRP principals, but the White House political signal had been sent. The high-level suppression of reference to a major USGCRP-supported project was a first in my six years of experience with the program to that time, and in the experience to that point of managing and editing six editions of the annual report. OSTP did not put its review comments in writing as part of the program record, thus also establishing a precedent for unattributed Executive Office interventions in the review and clearance of text of USGCRP/CCSP publications.

The suppression of all but the most fleeting and uninformative references to the National Assessment has continued throughout all subsequent CCSP publications, including most significantly the CCSP Strategic Plan and its accompanying "Vision" document, the OCP2003 and OCP2004-2005 reports to Congress, internal documents related to CCSP budget and planning, and documents pertaining to the development of the current prospective CCSP "synthesis and assessment" reports. In any review draft of any of these documents that contained even the briefest discussion of the National Assessment, either the Council on Environmental Quality or an unattributed reviewer (but clearly either from CEQ or OSTP) would call for the text to be deleted.

Little such direct intervention, on this and various related matters, has even been necessary, however, because report authors and editors in the agencies and the CCSP Office quickly adapted to engaging in a kind of anticipatory self-censorship on this and various other matters seen as politically sensitive under this administration. The inducing of anticipatory self-censorship in career professionals at an early stage of the administration, so that a result can be achieved without requiring much direct intervention or censorship, has been one of the deleterious influences of the administration on the CCSP.

The administration, without ever clarifying the issue forthrightly (at least not on the record), has allowed a perception to persist in some quarters that the suppression of the National Assessment was pursuant to the requirements of a legal agreement. This has provided a convenient basis on which CCSP leaders have rationalized a kind of evasiveness on the subject.

This was evident, for example, in the principals meeting in the CCSP Office conference room on August 21, 2003, at which there was an extended discussion about preparing for CCSP presentations at the National Research Council the following week to the special committee that was reviewing the revised CCSP Strategic Plan. The meeting was chaired by the NASA principal in the absence of the CCSP Director. On the subject of "where do we anticipate critical questions?" a key issue was, where is the National Assessment, why is it still absent from the revised plan?

The discussion at the meeting basically turned to trying to figure out how to finesse this issue, i.e., along the lines of, we're continuing to do important climate change assessments...we've taken ideas from the National Assessment...the National Assessment is not the only assessment...and so forth. It seemed to me rather like creating a cover story. I intervened and said, the members of the NRC committee may let you get by with this, but everyone in the room is going to know that if you give a presentation like what you've just described, you're being evasive. The CCSP Office Director stated that the CCSP Director had been given to understand that there is a legal agreement under which the National Assessment cannot be cited. He said, I don't think we can get into that with the Academy because none of us has seen any documentation, it's never been discussed with us, we don't know what is in it. The NASA principal said, I don't want to get into these legal issues, we're not conversant. If they ask about it we'll just say we'll get back to you on it. And the meeting moved on.

Why this real or purported ignorance? I have read the court records for the two lawsuits that were filed and then settled. In a nutshell, I believe the implication that there is a legal necessity for the suppression of the National Assessment is a misrepresentation designed to cover a political agreement by the White House to deep-six the National Assessment in conjunction with settling a politically-driven lawsuit first filed in October 2000 by Competitive Enterprise Institute et al (including Senator Inhofe). In the court record on this lawsuit, which mainly alleged a number of violations of the Federal Advisory Committee Act, there is a one-page document that says the lawsuit is withdrawn. There is a joint stipulation in connection with dropping the lawsuit, which repeats some boilerplate from an OSTP memorandum to the effect that the National Assessment “does not and will not serve as or as the basis for any policies, positions or rules of the Federal Government of the United States, but that it constituted a submission by a non-governmental body and would be considered by policymakers as such.” A memorandum from the then-Acting Director of OSTP clarified for the record that the National Assessment was produced by an advisory committee under the Federal Advisory Committee Act – and as such, didn’t represent U.S. Government policy or regulations. There does not appear to be any documentation in the legal record stipulating, in exchange for dropping the lawsuit, that the USGCRP/CCSP is not allowed to cite or use the National Assessment in science program planning and reporting documents, e.g., in the strategic plan or reports to Congress or others on science program activity. There may have been a secret political agreement with the White House that the National Assessment would not be used by the administration, but such an agreement would, in my judgment, be a form of political corruption of the governance of the CCSP.

The National Assessment is an advisory committee report by a distinguished panel of experts – not a policy or regulatory document. But neither is any of the other material cited in the bibliography of the CCSP Strategic Plan, or any of the research and assessment studies referred to in the *Our Changing Planet* annual reports to Congress and other program documents – all the IPCC assessment reports, Academy reports, highlights of scientific research, and so forth. It’s all scientific information – cited for the purpose of developing priorities for a scientific research and assessment agenda.

The second lawsuit, filed in 2003 by the Competitive Enterprise Institute, attempted to use the Federal Data Quality Act (FDQA) to have the National Assessment documents deleted from the USGCRP Web site – “byte burning” is one term I have heard used to describe this approach. The lawsuit was dismissed with prejudice. From my understanding of its main contention, it was basically without merit. The court record provides no basis that I can see for a claim that the National Assessment can’t be used in the manner that the Academy has called for. Nonetheless, OSTP required the adding of a misleadingly-worded disclaimer on the National Assessment page on the program Web site. The administration has stonewalled a call by members of the science community (sent as a letter to the CCSP Director) to correct the errors.

Thus, while the lawsuits were dropped, the administration accommodated the groups and individuals who had brought them by giving them politically what they could not achieve with bogus legal challenges. The administration has acted as though politicians and lawyers who want to label the National Assessment as “junk science” have more credibility than the Academy, and more than the outstanding individuals who served on the National Assessment Synthesis Team, and the many scientific experts who authored the other volumes of the assessment reports. Allowing misrepresentation and slander of the National Assessment to go uncorrected and unchallenged reflects poorly on the CCSP and its leadership. It sends a chilling message to the research and assessment community about how their expertise, contributions, and good faith are valued, and could be seen as a betrayal of certain colleagues who played leading roles in both building the USGCRP and coordinating the National Assessment. In my judgment the program has never really recovered from this blow to its credibility and integrity.

This is not water under the bridge, as the CCSP leadership seems to prefer, but an issue still needing to be confronted. A proposal for a major NRC study on lessons learned from climate and global change assessments, drafted in response to a request from the CCSP in the spring of 2004, could and should be an opportunity, among other things, to generate the kind of honest and useful discussion of lessons learned from the National Assessment that the CCSP has demonstrated itself unwilling or unable to conduct on its own. That would be just one component of a study with multiple components, looking both retrospectively and proactively at climate change assessments, but presumably it should be a significant component.

However, discussion of the proposed study among CCSP principals at a meeting on August 31, 2004, clearly indicated what seems to me to be a desire to avoid exactly that. I found this discussion troubling. The NASA principal, after first indicating a reluctance to address this meeting agenda item at all, led off by stating his concern that the proposed study would re-open the controversy about the National Assessment. He said, I don't think we want to go back to that. Then the State Department principal said, essentially, no, we don't want to re-open that. And it went around the table and several principals basically reinforced that position. I was especially taken aback when the EPA principal, who has guided his own program strongly in the direction of assessments of potential consequences of global change, stated a position, in effect, that the NRC study should not be designed to do anything that could be construed as evaluating the National Assessment. The comments of several of the participants seemed clearly tactical, designed to steer clear of trouble on an issue that is politically sensitive to the administration. Nobody would step up and make a direct, principled statement about the National Assessment. A basic thrust of the discussion seemed to be, we've been there, we've done that, why re-open it, we've had that discussion. I thought at the time: Where? When? In fact the CCSP has never had that discussion — not on the record. And a year after the CCSP first requested the NRC prepare a proposal for a lessons learned study, no study had been green-lighted.

The Synthesis Reports

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 assessment priorities — among other things, on priorities that the recent GAO report points out are missing from the current set of prospective CCSP synthesis reports. It could have led to a different approach to evolving the discourse between scientists and users of information — “stakeholders” — a freer relationship and one less constrained by administration gatekeepers concerned with controlling the flow of communications.

The 21 prospective synthesis reports address a number of interesting and significant scientific issues — each is potentially valuable — but taken together they do not add up to a coherent product that would effectively inform society and policymakers responsible for dealing with the climate change problem. The great effort that will be expended over a period of years by a large number of scientific expert authors and reviewers in producing these reports will, in effect, “run out the clock” on 8 years of this administration without even coming close to making good on the program's promise in 2002 to move into a new “period of comparative analysis of response strategies” (see *Our Changing Planet* FY 2003, p.3).

There are other problems with the prospective CCSP synthesis reports. First, the guidelines for final review and clearance of the reports do not guarantee the scientific independence of the reports and open an avenue for political interference. The critical review comments on the draft guidelines from a year ago are posted at the URL <<http://www.climatescience.gov/Library/sap/guidelines-comments/default.htm>>. I note in particular the extensive comments from Susan Solomon, a reviewer at NOAA who also currently serves as Co-Chair of IPCC Working Group I. Her comments bearing on the credibility and integrity of the process for producing and reviewing the synthesis reports include:

[T]he authors must have independence in their work if the reports are to be credible. Agencies, CCSP principals, OSTP, or others should not have oversight, and they certainly should not have a right of final review. Many people can and should participate in providing written review comments, but any oversight mechanisms should involve only distinguished scientists. Agencies should not have authority for appointing authors. Reports will only be credible if a distinguished scientific committee is convened to choose the authors....

Scientific judgment should be the guiding force and final arbiter in the responses to the review process. Senior distinguished review editors are a helpful role used in IPCC. These individuals must be scientists of very strong reputation, and they should be asked to evaluate whether the authors have responded appropriately to the reviews. Putting agency persons in that role would not be credible.

Any feedback to the author teams from e.g., the agencies, the CCSP principals, OSTP, or others must be written down (not verbal) and made fully public. No anonymous or informal feedback should be permitted from any of these sources, and this should be stated.

These and other critical points were raised very strongly at an NRC committee meeting in the spring of 2004.

Second, putting the synthesis reports under the most rigorous requirements of the Data and Information Quality Act was, in my judgment, a decision driven at least in part by the political sensitivity of the administration to forthright discussion of climate science. The Data and Information Quality Act creates additional avenues for mischief through intervention by outside parties with vested interests — see, e.g., "Truth and Science Betrayed: The Case Against the Information Quality Act," by Thomas McGarity (University of Texas School of Law) et al.

After a long period of time went by — more than 16 months after the release of the CCSP Strategic Plan — the final guidelines for the synthesis reports were posted on climatescience.gov in December, without fanfare. At the CCSP principals meeting on December 1, 2004, the CCSP Director announced that they were ready to post. He said the process of finalizing the guidelines had “consumed a tremendous amount of time,” working with lawyers and so forth, and that the decision to publish the reports as government documents had added complexity to “a very daunting process.” It had been clear for some time that the final form of the guidelines was being negotiated at a political level within the administration, and my understanding is that the particulars of this negotiation were not shared with the CCSP agency representatives. There was essentially no discussion in the meeting about the thorny issues that required more than 16 months to resolve after the release of the CCSP Strategic Plan, or of how they were resolved. There was no acknowledgement or discussion of how the final guidelines pretty much stonewall the critics on the issue of lead author independence.

The guidelines say:

The National Science and Technology Council (NSTC) will be responsible for final review and approval of the synthesis and assessment products....

Once the CCSP Interagency Committee has determined that the synthesis and assessment report has been prepared in conformance with these guidelines and the Data Quality Act, the Committee will submit it to NSTC for final review and approval. Approval will require the concurrence of all members of the Committee on Environment and Natural Resources. Comments generated during the NSTC review will be addressed by the CCSP Interagency Committee.

Once NSTC approval has been obtained and the product is finalized, the lead agency(ies) will produce and release the completed product....

What is the reality today behind the NSTC (formally chaired by the President, or delegated to the OSTP Director) and CENR? On the NSTC home page <http://www.ostp.gov/NSTC/html/NSTC_Home.html>, the calendar of NSTC-related meetings has not been updated for 5 months (and in any case contains no reference to CCSP meetings), the NSTC documents listing does not include the CCSP reports to Congress OCP2003 and OCP2004-2005, and on the NSTC home page there is no reference to the activities or even the existence of the CENR. A link on the CCSP Web page embedded in the text on the synthesis report guidelines (not reachable from the OSTP and NSTC home pages) <<http://www.ostp.gov/NSTC/html/committee/NSTCCENRCommitteeLeadership.htm>> lists as CENR leadership the NOAA Administrator, the OSTP Associate Director for Science, and a “vacant” position for an EPA representative, but does not otherwise indicate the members of the CENR who must unanimously clear CCSP synthesis reports.

The OSTP Web site also lists only a draft charter for the CENR, a document that is neither dated nor signed – suggesting that the CENR does not even have a valid charter. It is not at all clear from this information that the CENR is a real, functioning entity, with a membership, that engages as a committee in any activity or produces anything other than, at some time in the future, controlling final approvals of prospective CCSP scientist-drafted synthesis reports. The research community and climate assessment information users might well wonder about this arrangement, which appears to send scientific reports into something of a black box of administration internal processes.

The extent to which administration politicals and other officials will, in practice, intervene in finalizing particular reports, and how, once draft reports have run the complex bureaucratic and review gauntlet to get to the final review and approval stage, is not clear. Many of the reports address scientific and technical issues that are not really proximate to what I think of as decision support, and as such may not be particularly sensitive politically. Regardless, I believe the science community has a right to be concerned about the integrity of the process. These actions occur in the context of a widespread distrust of the political leadership of this administration in the scientific community — for exactly the reason that the administration has come to be perceived as not keeping politics out of science. Under the current administration, the OSTP Director from the outset set a tone of speaking evasively about the state of the science on climate change. That, and his subsequent response to reports documenting the administration’s politically-driven interference with scientific integrity in a number of areas, have contributed to the atmosphere of mistrust. The issue of CCSP documents, and the role of OSTP jurisdiction over them, will be viewed in the context of this larger pattern, and the CCSP will likely be saddled to some extent with the administration’s overall reputation.

The administration chose to require that all of the CCSP synthesis reports be government documents rather than, for at least most of them, following a more straightforward path of asking independent scientists to write them and let the chips fall where they may. I believe this is not the best approach and that it has led the CCSP into a set of problems that could and should have been avoided. I don’t know who or what was behind the decision to subject the reports to these provisions. The CCSP Director has offered the rationale that reports that are vetted and cleared by the government are more likely to have buy-in from high-level policymakers — that the reports will be taken more seriously as “decision support resources” than would reports from independent teams of authors. Perhaps there is an implication that it was easier for the administration to dismiss the National Assessment because it was authored by a FACA-chartered team and thus was “unofficial” or something like that (although the rationale in making the original choice was to ensure the independence and credibility of the reports).

In any case, I believe this perspective is fundamentally flawed. At least in the case of this administration, it seems clear that high-level policymakers will take up any source on the scientific assessment of climate change that they perceive as congenial to their policy predilections and will discount or ignore any source that states implications and draws conclusions that might be taken to imply the need for a reconsideration of policy – regardless of where the material comes from.

Thus, for example, this administration has, in a number of ways, through its actions (or inaction), played down the IPCC assessments, which are extraordinarily well-vetted and with policymaker summaries signed off line-by-line by government representatives, as well as other major scientifically based assessments supported by the CCSP participating agencies. At the same time, in defending against a climate change-related lawsuit filed by Friends of the Earth et al. against the Export-Import Bank and the Overseas Private Investment Corporation, to whom did the Justice Department turn for developing a science brief? Not to the CCSP, which the administration supposedly regards as its vehicle for developing policy-relevant “decision support” material. Not to Mike MacCracken, a scientist who has been closely involved with the USGCRP, as well as the IPCC and other major assessments – he wrote the science affidavit for the plaintiffs, summarizing the results of the IPCC and National assessments and relating them to the situations faced by the plaintiffs in the four key cities. Instead of turning to sources with broad credibility and acceptance in the scientific community, the U.S. Government submitted a brief by David Legates, an associate professor not involved in the CCSP, whose main claim to fame appears to be as a global warming “skeptic”, and who writes about his particular personal points of opposition to the more widely-authored and thoroughly-vetted assessments. (The relevant documents are posted at <www.climatelawsuit.org>. Also see “Global Warming Skeptic Argues U.S. Position in Suit,” *Science*, 22 April 2005, p. 482.) Was this brief, submitted as part of the U.S. Government’s case, peer-reviewed via the CCSP or anyone else? Were the CCSP principals consulted on the choice of Prof. Legates to represent the government on the science in this lawsuit? With whom did the Justice Department consult in making this choice? Doesn’t this episode, four years after the announcement of the President’s Climate Change Research Initiative and almost two years after the release of the CCSP Strategic Plan, seriously undercut the argument that decision-support resources need to be government publications in order to get buy-in from the administration?

Direct involvement of administration politicals in science program governance

The NRC review of the CCSP Strategic Plan warned:

Involving high-level political leaders in CCSP management helps to provide the program with resources that it requires, but also allows the possibility that the program’s priorities or scientific results could be influenced by political considerations. Either the reality or perception of such influences could discredit the program unless independent evaluations of the program and its products are conducted on a regular basis. (*Implementing Climate and Global Change Research: A Review of the Final U.S. Climate Change Science Program Strategic Plan*, 2004, p. 21)

The NRC review referred explicitly to potential problems given the high-level political oversight in the administration’s new management structure for the CCSP, i.e., under the Secretaries of Commerce and Energy and various subcabinet officials. In fact, CCSP governance has been politicized almost since the start of this administration four years ago. Especially starting in the spring of 2002, there were certain changes in CCSP governance from the practice of the previous administration that I saw as particularly problematic.

I will focus here on the immediate problems and leave aside the ouster, at a USGCRP principals meeting in April 2002, of Margaret Leinen, who had been chairing the USGCRP collegially and leading its strategic planning effort, by OSTP Director Marburger and NOAA Administrator Lautenbacher, in an

unceremonious, ungracious, and unappreciative performance that must have left a bad taste with anyone present who knew and cared about the program.

In a nutshell, political officials from the White House Council on Environmental Quality and the State Department who are not career science program managers, and whose job is essentially to advance the administration's position on climate change politics and policy, have participated directly in the governance of the science program. CCSP publications require their review and signoff. Their involvement sends a political signal to CCSP agency representatives and career science managers.

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. The CEQ Chief of Staff removed his name from the masthead of CCSP publications as of the last edition of *Our Changing Planet*, published in 2004, and designated a new CEQ liaison to the CCSP principals committee. However, he remains engaged with the program and CEQ continues to play an important role as a White House agent in CCSP governance. Here are a few brief examples:

(1) 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.

(2) Then, in the final review of the revised CCSP Strategic Plan (the Final Technical Review draft dated June 2, 2003), CEQ made about 450 comments throughout the document, with an especially strong focus on the introductory and framing chapters and the chapters on Atmospheric Composition, Climate Variability and Change, Ecosystems, Human Contributions and Responses, and Decision Support Resources. Many, if not most, of these comments fell into some systematic patterns, including alteration of science-related text, generally either to downgrade the significance of certain issues of concern or to downgrade accomplishments of previous scientific work by creating an enhanced sense of scientific uncertainty, and attempts to substitute CEQ's judgment for that of science program management about research priorities and ways of expressing the payoffs from research. For example, the CEQ comments tended to alter or delete references to potential public health impacts, the importance of focusing research at the regional level, the relevance of social science involvement, the potential for major changes (e.g., in the Arctic), and the value and significance of climate models and their projections. The CEQ comments altered definitions of science terms, for which the program had generally used approved IPCC and AMS language.

Several of the CEQ comments were simply incorrect. My main conclusion from a careful review was that the overall effect of the comments was a cumulative one — that to incorporate the bulk of the CEQ comments would have the overall effect of weakening and slanting the document, in how it discussed the scientific issues, presented the current state of science, and portrayed the research program and its priorities. The extensive CEQ mark-up shifted the tone away from what the scientists and program

managers who drafted the document had put forward after a long and taxing good-faith effort. This thus became another White House policy-driven intervention that would have a negative effect on the quality and credibility of the document. I believe the CEQ mark-up was never shared with or vetted by CCSP agency principals or agency science program managers.

In late June 2003 the CEQ comments were rolled into a 130-page compilation of collated comments on all the chapters of the plan from all the participating agencies and were to be addressed by multiple staff “editors” of individual chapters. I wrote a memo to the CCSP Director and CCSP Office Director making all the above points and arguing that, in this case, the usual procedure of revising on a comment-by-comment, chapter-by-chapter basis would balkanize and mask the nature of the problem, which instead needed to be confronted directly at the program leadership level. In the end, in the published Strategic Plan, most of the more problematic CEQ comments were not adopted — some were, and the damage to the document was significantly limited. I give the CCSP Director a good deal of credit for pushing back on this matter.

(3) 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.

(4) 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.

Also, under this administration, the State Department CCSP principal, Harlan Watson, is a political, the administration’s senior climate treaty negotiator. His job consists, among other things, of politically justifying the administration’s position vis-à-vis the Kyoto Protocol and other ongoing issues under the Framework Convention on Climate Change, at the same time that he participates in the governance of the science program and in the review and clearance of text of science program documents. Under the previous administration, the State Department representative, at least during the years that I was with the program, was a career science technocrat whose limited participation consisted primarily of facilitating the relationship between the USGCRP and the IPCC process.

Instead of promoting and communicating the conclusions of the IPCC assessment reports — which are generally recognized as the most authoritative and comprehensive scientific assessments of climate change — and using them to inform policymaking or building on them explicitly in strategic research planning, this administration has avoided forthright public communication about the IPCC at every turn. Just one example of this that came my way pertained to the FY 2003 *Our Changing Planet*. The draft for

final review by CCSP agency principals contained a set of boxes that summarized “Key Research Findings and Scientific Uncertainties in Reports by the IPCC and National Research Council,” drawing primarily on the IPCC Third Assessment Report (TAR) of Working Group I and to a much lesser extent Working Group II (which had been published the previous year), along with material from the NRC June 2001 report on climate change key questions. The material balanced findings and uncertainties throughout. The CCSP Director and all but one of the other agency representatives cleared the report with this text in it.

However, in an October 4, 2002, memo with his review comments the State Department principal said: “I strongly recommend deleting the boxes...The wording in each appears to have drawn primarily from the summaries of the IPCC TAR Summaries for Policymakers (SPM) and do not include an appropriate recognition of the underlying uncertainties and the tentative nature of some of the assertions....” (This after the U.S. Government along with the other parties to the Framework Convention had agreed to the SPM line-by-line, and after the NRC had reported to the White House its basic endorsement of the IPCC TAR as an admirable summary of research activities that accurately reflected the current thinking of the scientific community.) The boxes were deleted and OCP2003 made essentially no reference to the IPCC. To my knowledge this memo was not shared with other CCSP principals, who did not question the disappearance of the IPCC from the report. I found this troubling, and regarded it as basically a policy-driven, or policy-sensitive, intervention to censor the substantive presentation in a science program document.

USGCRP/CCSP-supported research had played an essential role in the IPCC assessment, and U.S. scientists had played a major role as co-chairs, authors, and reviewers. In contrast, after the IPCC Second Assessment Report was published, the FY 1997 edition of *Our Changing Planet* contained 6-7 pages on the assessment, including a concise extract quoting the key conclusions and clear statements about the importance of the IPCC assessments and the integral role of the USGCRP in supporting the IPCC process.

The administration has also been reluctant and evasive about embracing the Arctic Climate Impact Assessment (ACIA) and communicating and using its findings. ACIA was a major project, commissioned by the U.S. Government along with the other parties to the Arctic Council, funded by CCSP-participating agencies, and chaired by the long-time former chair of the USGCRP interagency committee, with substantial participation of U.S.-based authors and reviewers. Yet the administration has ducked and shortchanged ACIA in a number of ways. The ACIA Overview report was published in late 2004. Publication of the ACIA foundation report has been moving slowly, in large part because the administration has not provided the promised continuation of funding through the University of Alaska to complete the task. ACIA is identified as a key near-term product in the Ecosystems chapter of the CCSP Strategic Plan. Yet hundreds of copies of the report, purchased and earmarked for distribution to Members of Congress and others, have sat for months in boxes in the CCSP Office with no action to put them forward. Why? What roles have CEQ, OSTP, the State Department CCSP principal, and the CCSP Director played in setting the tone on this? Are the CCSP agency principals aware that distribution of the report by the CCSP has been suppressed for this long? If not for political reasons, why is the administration not supporting the continuation of the ACIA effort that had been promised?

Our Changing Planet

I worked on nine editions of *Our Changing Planet*, starting with OCP1997. Each was a complex project that presented its own unique problems in the review and clearance process. I will not dwell on this experience here except to raise a few points about the publication of the OCP FY2004-FY2005 edition, the resulting media coverage, the response of the program leadership, and how I viewed the potential implications for OCP2006.

CEQ held up the publication of OCP2004-2005 for a fairly extended period after the report had been cleared by everyone else. The delay stemmed from their finding that, buried deep in the appendix to the report, a brief reference in the EPA program description to a couple of planned EPA-supported assessment reports related to climate change issues had not been scrubbed. The text in question was very similar to text that had appeared in the same location in the previous OCP without incident. Apparently on this occasion CEQ was exercised that EPA was scheduled to publish scientifically based assessment reports, not shaped by the White House, during the fall of 2004. CEQ delayed the release of OCP until it could be re-vetted in terms of potential public relations pitfalls for the re-election campaign.

Clearly the administration was not happy about the press coverage in connection with the release of OCP2004-2005 in September 2004. However, in teeing up the production of OCP2006, I believed the CCSP leadership's approach should have been one of, first, fully defending the appropriateness of the content of that report, and second, conveying a clear message that OCP contributors and CCSP reviewers were not to be manipulated or distracted by the flap over the press coverage or by other political considerations, but rather were to put forward the best, most timely and significant highlights of recent CCSP-supported research they could offer, in particular with an eye to calling attention to issues that will be of greatest relevance, interest, and concern to the targeted Congressional audience. That would conform to the spirit as well as the letter of the reporting mandate in the Global Change Research Act.

That is not what happened. Instead, in talking about the production of OCP2006 at the CCSP principals meeting on December 1, 2004, the CCSP Director spoke about the political sensitivity of the contents of the report, and how material in the report might be interpreted. He recalled the flurry of press activity that followed the release of OCP2004-2005, from the point of view of complaining about the story in the *New York Times*, i.e., asserting that the reporter had decided to play "gotcha". This was the third or fourth time I had heard him make this point in a meeting, including an earlier talk he had given at a meeting of the Human Dimensions committee at the Academy. There was no acknowledgement of how the administration's relationship to climate science and climate policy might have contributed to how the press, including a number of editorials around the country, approached this material. It was just blame the media.

The CCSP Director said, "We have to assume there are people out there who will look through everything [in OCP2006] looking to play 'gotcha'." So, he said, he needed to advise the CCSP principals that, in drafting, editing, and reviewing OCP2006, everyone should keep in mind the need to not put out anything that could be misinterpreted. "This report will be aggressively reviewed, word by word." I suggested that the CCSP should not be seen as being evasive or failing to include strong research and assessment developments that have been supported by the program, and that the letter of transmittal to Congress, over the signatures of political appointees, was the appropriate vehicle for conveying the administration's position on climate change and the science program, i.e., that the body of the report should be left to the science technocracy, with administration political sensitivities confined to the transmittal letter. "We need to be careful with the text throughout," was his reply.

The CCSP Director's repeated "gotcha" discourse appeared clearly designed to sensitize agency principals, report contributors, the CCSP Office, and reviewers to – what? – make sure that nothing gets published in OCP that could lead the press or other readers to the conclusion that the administration is acknowledging a stronger scientific basis for observed and projected anthropogenic climate change and potential adverse impacts, such that the perceived lack of a strong administration policy on climate change might be further questioned? In any case, I believe this discourse gave the appearance of policing by an administration appointee using criteria other than the most straightforward presentation by science program management professionals, drawing on the research they have supported, while suggesting that the media is the problem rather than the administration itself. I found this troubling and took it as an

indicator that the CCSP's situation vis-à-vis White House politicization was probably deteriorating still further.

It will be interesting to see what OCP2006 contains when it finally comes out, relative to what I saw in the first draft material that was developed from contributions by the CCSP interagency working group co-chairs. What roles will administration politicals play in shaping how science and the science program activity are presented in the report? Those who are associated with producing and clearing this and other future CCSP publications should be aware that this process will be watchdogged and evaluated.

Conclusion

I believe the current CCSP Director and most of the agency principals have attempted to provide sound program management, act as a moderating influence in a political context of hard-liners and ideologues, and in general develop and represent a research and assessment program that will maintain and be worthy of credibility and legitimacy with the leadership of the scientific research community. However, I believe the CCSP Director is caught between trying to perform these functions while at the same time serving as part of the administration's team of political appointees, supporting and implementing decisions driven by the need for White House approval. The two roles appear to conflict at key points. I admire his professionalism, his exemplary personal decency, his concern for the public interest, and what he has tried to accomplish under difficult circumstances. But I believe this administration has sometimes exploited its moderates for their good reputations and credibility while politically undermining their best efforts, requiring them at times to become public advocates on behalf of questionable compromises and incorrect policies, and to speak evasively on behalf of the administration even at the expense of the best interests of their programs.

I believe a number of CCSP managers, members of the research community, and other observers of the program share at least some of my concerns about what is happening, and I expect they could add valuable observations from their own vantage points. At the same time, I am disappointed by the degree of acquiescence I have witnessed among CCSP agency representatives, and have not been seeing the kind of leadership that would inspire my confidence that the current problems will be aired and addressed effectively. Since it appears very likely that what I see as the politicization of key program decisionmaking, by an administration that must be called into question on these issues, is not going to change significantly in the near (or foreseeable) future, I decided that continuing to sacrifice the ability to speak freely and publicly in order to attempt to limit damage and win minor victories on the inside was no longer the most appropriate thing for me to be doing. Making that kind of trade-off only works well for me if I feel well-represented by what the leadership is saying and doing.

At this point, I believe I can better attempt to serve the public interest by playing an independent role. I hope to contribute on an ongoing basis to public understanding of the problems of what happens when scientific information and scientific assessments of climate change are misrepresented and misused in the arenas of politics, policymaking, advocacy groups, and media coverage. Beyond that, I hope to contribute to developing means by which the currently dysfunctional relationships between climate science and these other arenas can be made more fruitful. To do that, I think, requires beginning with an honest description and clear diagnosis of the current situation.

EXHIBIT B

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

COMPETITIVE ENTERPRISE INSTITUTE)
1001 Connecticut Avenue, N.W., Suite 1250)
Washington, D.C. 20036)

CONSUMER ALERT)
1001 Connecticut Avenue, N.W., Suite 1128)
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REPRESENTATIVE JO ANN EMERSON)
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HEARTLAND INSTITUTE)
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SENATOR JAMES M. INHOFE)
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C.A. No. 00- 02383 (RMU)

REPRESENTATIVE JOSEPH KNOLLENBERG)
2349 Rayburn House Office Building)
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60 PLUS ASSOCIATION)
1655 North Fort Meyer Drive, Suite 355)
Arlington, VA 22209)

DAVID E. WOJICK, Ph.D., P.E.)
391 Flickertail Lane)
Star Tannery, VA 22654)

Plaintiffs,)

vs.)

WILLIAM JEFFERSON CLINTON)
As Chairman,)
National Science and Technology Council)
Old Executive (Eisenhower) Office Building)
17th Street and Pennsylvania Avenue, N.W.)
Washington, DC 20502)

NEAL F. LANE)
Director,)
White House Office of Science)
and Technology Policy)
Old Executive (Eisenhower) Office Building)
17th Street and Pennsylvania Avenue, N.W.)
Washington, D.C. 20502)
)
Defendants.)

COMPLAINT FOR DECLARATIVE RELIEF

Plaintiffs Competitive Enterprise Institute (CEI), Consumer Alert, Representative Jo Ann Emerson, Heartland Institute, Senator James Inhofe, Representative Joseph Knollenberg, 60 Plus Association and David Wojick, Ph.D., P.E., allege:

Parties

1. Plaintiff CEI is a public policy institute dedicated in significant portion to educating the public on the science, economics and policies surrounding the theory of catastrophic “global warming.” Through its participation in the Cooler Heads Coalition Plaintiff requested to participate in the process at issue as a reviewer, which request was denied. Plaintiff resides and is incorporated in the District of Columbia.
2. Plaintiff Consumer Alert is a public policy institute dedicated in significant portion to educating the public on the science, economics and policies surrounding the theory of catastrophic “global warming.” Through its participation in the Cooler Heads Coalition Plaintiff requested to participate in the process at issue as a reviewer, which request was denied. Plaintiff resides and is incorporated in the District of Columbia.

3. Plaintiff Emerson is a United States Representative, for the 8th District of the State of Missouri in the United States Congress, in which lawmaking and oversight capacity she also serves on the Committee on Appropriations establishing and overseeing appropriate use of federal resources, and having taken a particular and active interest in the Federal Government's expenditures in relation to the theory of catastrophic "global warming", including authoring a spending limitation specifically addressing the report at issue in this matter. Plaintiff performs these official functions in and working out of her congressional office in Washington, D.C.
4. Plaintiff Heartland Institute ("Heartland") is a public policy institute dedicated in significant part, through its own activities and participation in the Cooler Heads Coalition, to educating the public on the science, economics and policies surrounding the theory of catastrophic "global warming." Through that Coalition Plaintiff requested to participate in the process at issue as a reviewer, which request was denied. Plaintiff resides and is incorporated in the State of Illinois.
5. Plaintiff Inhofe is a United States Senator representing the State of Oklahoma in the United States Senate, in which lawmaking and oversight capacity he also serves on the Committee on Environment and Public Works, establishing and providing oversight for the nation's environment policies and regulators. On that Committee Senator Inhofe also serves as Chairman of the Subcommittee on Clean Air, Wetlands, Private Property and Nuclear Safety, which is that panel to which any National Assessment as that at issue in this matter is particularly directed as the principal locus of origin for whatever legislation may arise out of or as a result

of any such Assessment. Plaintiff performs these official functions in and working out of his Senate office in Washington, D.C.

6. Plaintiff Knollenberg is a United States Representative, for the 11th District of the State of Michigan in the United States Congress, in which lawmaking and oversight capacity he also serves on the Committee on Appropriations establishing and overseeing appropriate use of federal resources, and having taken a particular and active interest in the Federal Government's expenditures in relation to the theory of catastrophic "global warming", including authoring the "Knollenberg Provision", a spending limitation on such activities. Plaintiff performs these official functions in and working out of his congressional office in Washington, D.C.
7. Plaintiff 60 Plus Association ("60 Plus") is a public policy organization dedicated to advocating the interests of senior citizens including, through its own activities and participation in the Cooler Heads Coalition, educating the public on the science, economics and policies surrounding the theory of catastrophic "global warming." Through that Coalition Plaintiff requested to participate in the process at issue as a reviewer, which request was denied. Plaintiff resides and is incorporated in the State of Virginia.
8. Plaintiff David E. Wojick, Ph.D., P.E., is a professional journalist and policy analyst specializing in climate change science and policy, in both capacities performing detailed analysis and commentary on the document and process at issue in this matter, including as an official technical reviewer. Plaintiff resides in the State of Virginia.

9. Defendant William Jefferson Clinton is a citizen of the State of New York residing in Washington, D.C., who serves as Chairman of the National Science and Technology Council (“NSTC”), operating under the White House Office of Science and Technology Policy (“OSTP”) and which has under its authority the Committee on Environment and Natural Resources (“CENR”). Collectively and pursuant to statutory authority, under the direction of Defendant Clinton these Executive offices combined to direct the National Science Foundation (“NSF”) to charter a “National Assessment on Climate Change Synthesis Team” (“NAST”) as a Federal Advisory Committee under the Federal Advisory Committee Act, directing an effort statutorily dedicated in part to studying the state of the science and its uncertainties surrounding the theory of “global warming” or “climate change,” and implementing portions of the Global Change Research Act of 1990 (“GCRA”)(15 U.S.C. 2921 *et seq.*), for the purpose of producing a National Assessment on Climate Change (“NACC”). As such Defendant is ultimately responsible for the production of the document and process at issue in this matter.
10. Defendant Lane serves as Director of the White House Office of Science and Technology Policy (“OSTP”), which has under its authority the National Science and Technology Council (“NSTC”), which oversees the Committee on Environment and Natural Resources (“CENR”). Collectively and pursuant to statutory authority, under Defendant’s leadership these Executive offices have combined to charter a “National Assessment on Climate Change Synthesis Team” (“NAST”) as a Federal Advisory Committee under the Federal Advisory Committee Act, directing an effort statutorily dedicated in part to studying the

state of the science and its uncertainties surrounding the theory of “global warming” or “climate change,” and implementing portions of the Global Change Research Act of 1990 (“GCRA”)(15 U.S.C. 2921 *et seq.*), for the purpose of producing a National Assessment on Climate Change (“NACC”). As such, Defendant played a determinative role in the process and production of the document and at issue in this matter.

Jurisdiction and Venue

11. Paragraphs 1 through 10 are incorporated herein.
12. Jurisdiction over this matter is proper under 28 U.S.C. 1331, as Plaintiffs assert claims arising under the laws of the United States.
13. Venue is proper in this district pursuant to the provisions of 28 U.S.C. 1391(e)(3) as this is a civil action in which the Defendant is an agency or employee of the United States acting in its official capacity, Plaintiffs reside in the district and no real property is involved.

Count One – Violations of FACA

14. Paragraphs 1 through 13 are incorporated herein.
15. Pursuant to 5 U.S.C. App. Section 10, the Federal Advisory Committee Act (“FACA”), and toward producing a “National Assessment on Climate Change” (“Assessment”), Defendants have chartered, and on more than one occasion renewed the charter for, a “National Assessment on Climate Change Synthesis Team” as a Federal Advisory Committee, at the request of the National Science and Technology Council (“NSTC”), the Committee on Environment and Natural Resources (“CENR”) and the Office of Science and Technology Policy. By so

doing Defendants thereby acknowledged that FACA governs their proceedings and subjected the process to such applicable rules as set forth in the statute.

16. FACA is a “sunshine” statute enacted to promote openness and accountability, requiring public accessibility to the process and information via, *inter alia*, open meetings, formal requirements to close meetings, and participation by a designated federal official as a requirement for all meetings. See, *e.g.*, *Association of American Physicians and Surgeons, Inc. v. Hillary Rodham Clinton, et al.*, 997 F.2d 898 (DDC 1994); see also *Public Citizen v. United States Department of Justice*, 491 U.S. 440 (1989).
17. In pursuit of its goals of openness and accountability, FACA also requires that “[d]etailed minutes of each meeting of the advisory committee shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued or approved by the advisory committee.” 5 U.S.C. App. 10(c). The docket pertaining to the matter at issue is housed by and within the National Science Foundation (NSF).

a) Proceeding Without the Required Accountable Official

18. In pursuit of its goals of openness and accountability, FACA provides in pertinent part that “[t]here shall be designated an officer or employee of the Federal Government to chair or attend each meeting of each advisory committee....No advisory committee shall conduct any meeting in the absence of that officer or employee.” 5 U.S.C. App. 10(e).

19. It is well established that the requirement “there shall be designated” a DFO clearly intends that an officially designated federal officer shall serve the prescribed function as a condition precedent to any meeting officially taking place, not merely that there be “a federal employee” among the attendees at any given meeting.
20. Dr. Robert W. Corell, Assistant Director of the Office for Geosciences, National Science Foundation, at all times relevant to the actions complained of herein served in the capacity as Designated Federal Officer for the matter in question.
21. According to the official docket for the process at issue Dr. Corell is not listed as attending any portion of the April 1999, June 1999 or July 1999 meetings of the NAST. Additionally, the documents showing registration indicate Dr. Corell registered to attend only for the first of four meeting days. Dr. Corell is listed in similar documents as attending “all or part” of the August and November 1998 NAST meetings.
22. Thus, Defendants thus conducted approximately half of NAST’s FACA work to date in the absence of the Designated Federal Officer statutorily required to provide accountability.
23. On or about May 12, 2000, June 14, 2000 and August 11, 2000, through their Cooler Heads Coalition Plaintiffs CEI, Consumer Alert, Heartland and 60 Plus notified Defendants (via NAST) of this statutory violation and requested that Defendants undertake steps to remedy such violation or otherwise address those infractions which have already occurred, in addition to refraining from

- recommitting the above acts and/or omissions, for reasons including those cited, herein. (See, *e.g.*, Attachment A, Plaintiffs' Official NAST Comments).
24. Additionally, Plaintiff Wojick, attending the June 1999 and July 1999 NAST meetings, on both occasions requested copies of the draft reports and supporting documents then being considered, but was told by contracted personnel running the meetings each time that in the absence of Dr. Corell that those materials would not be provided without Dr. Corell's consent, despite FACA expressly providing for such availability.
25. For those reasons, on or about April 1999, and continuing to the present, Defendants through NAST have wrongfully and unlawfully been in violation of the Federal Advisory Committee Act, 5 U.S.C App. @ 10(e), for unlawfully conducting the NAST process through holding, and producing a product from, meetings conducted in whole or in part in the absence of a Designated Federal Officer, including but not necessarily limited to advisory committee meetings occurring in April 1999, June 1999, and July 1999.
26. By continuing with production of such an unlawful and, as it only partially addresses that which Congress mandated (see Count Two, *infra*), inexplicably hurried product Defendants knowingly remain in violation of FACA at present and in releasing any further product purporting to be that of a legitimate and lawful FACA process pursuant to the Global Change Research Act of 1990.
27. Wherefore, Plaintiffs demand judgment against Defendants that any document purporting to represent a "draft" or "final" "National Assessment on Climate Change" is unlawful and not permissible for any official purposes.

b) Unlawfully Closed Meetings

28. Paragraphs 1 through 27 are incorporated herein.
29. Also in pursuit of its goals of openness and accountability, FACA requires that “[e]ach advisory committee meeting shall be open to the public” (5 U.S.C. App. 10(a)(1)), and “[I]nterested persons shall be permitted to attend, appear before, or file statements with any advisory committee... (5 U.S.C. App. 10(a)(3)), except: “...where the President, or the head of the agency to which the advisory committee reports, determines that such portion of such meeting may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code. Any such determination shall be in writing and shall contain the reasons for such determination. If such a determination is made, the advisory committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of title 5, United States Code.” 5 U.S.C. App. 10(d).¹
30. According to the official docket, instead of complying with the requirement of obtaining written permission to close any such meeting from “the President, or the head of the agency to which the advisory committee reports” (here, NSF), the very Designated Federal Officer required by Congress and assigned in the instant matter in part to ensure compliance with applicable laws, and ensure some accountability, took it upon himself to partially close NAST’s August 1998, November 1998 and April 1999 meetings, each time inserting in the docket a letter asserting that on his directive portions of each meeting would be closed.

¹ 5 U.S.C. 552(b)(c) sets forth ten circumstances under which an agency may properly close a meeting which otherwise must be open pursuant to Title 5, and through incorporation by reference Title 5 Appendix.

31. It was precisely the avoidance of such actions that Congress sought in enacting the requirement that any such person seeking to close a meeting or portions thereof obtain permission from a superior not directly involved in the process, “the President, or the head of the agency to which the advisory committee reports.” See, *e.g.*, *Nader v. Dunlop*, 370 F.Supp. 177 (DDC 1973); *Washington Legal Foundation v. American Bar Association Standing Committee*, 648 F.Supp. 1353 (DDC 1986).
32. Thus, according to the official docket for the process at issue, on or about August 1998, and continuing to the present, Defendants have wrongfully and unlawfully been in violation of FACA, 5 U.S.C App. @ 10(d), and the Administrative Procedure Act, 5 U.S.C. 552(b), as applicable, for unlawfully closing advisory committee meetings, in August 1998, November 1998, and April 1999.
33. On or about May 12, 2000, and at other times between that date and the present, Plaintiffs CEI, Consumer Alert, Heartland and 60 Plus informed Defendants, via NAST, of such violations and requested that Defendant remedy these violations and refrain from committing the above acts and/or omissions, for reasons including those cited, herein. (See, *e.g.*, Attachment A).
34. On or about June 14, 2000 Plaintiffs CEI, Consumer Alert, Heartland and 60 Plus, and on August 11, 2000, Plaintiffs CEI, Consumer Alert, Emerson and Knollenberg repeated this information provided to Defendants and requested Defendants extend the public comment period for the document at issue until the violations of law complained of, herein, were remedied, in order to facilitate substantive review and comment, and avert the appearance of politics

impermissibly infecting a purportedly scientific process. The August 11, 2000 submission served as these parties' joint formal comments to Defendant on the draft document in question. (See Attachment A).

35. Wherefore, Plaintiffs demand judgment against Defendants that any document purporting to represent a “draft” or “final” “National Assessment on Climate Change” is unlawful and not permissible for any official purposes.

Count Two - Violation of USGCRA of 1990

36. Paragraphs 1 through 35 are incorporated herein.
37. Pursuant to and/or under the auspices of the Global Change Research Act of 1990, 15 U.S.C. 2921, *et seq.*, Defendants through NAST are assigned the responsibility of producing an Assessment, as that which is at issue in this Complaint purports to be, as follows:

“On a periodic basis (not less frequently than every 4 years), the Council, through the Committee, shall prepare and submit to the President and the Congress an assessment which –

- (1) integrates, evaluates, and interprets the findings of the [USGCR] Program and discusses the scientific uncertainties associated with such findings;
- (2) analyzes the effects of global change on the natural environment, agriculture, energy production and use, land and water resources, transportation, human health and welfare, human social systems, and biological diversity; and
- (3) analyzes current trends in global change both human-induced (sic) and natural, and projects major trends for the subsequent 25 to 100 years.” (15 U.S.C. 2934).

38. That 1990 requirement notwithstanding, the document at issue in this Complaint, the “First National Assessment on Climate Change,” is a recent undertaking, is incomplete, and is nonetheless inexplicably being rushed, as described herein.

39. The statutorily established timetable for producing an Assessment no later than 1994, 1998, and 2002 notwithstanding, and with the 10th anniversary of this mandate having arrived with Defendants having to date failed to produce any such required report until the present rush to release the product in question, this process has been denigrated to an apparent hurry to release an incomplete product which also steps outside of its statutory authority and the body's expertise, in October 2000.
40. Defendants' surge to release a partial, and partially unauthorized, report also comes despite requests of lawmakers and outside interests concerned with the issues at hand, to withhold releasing a report admittedly failing to address all of those required areas, yet including work outside the scope of the authority granted by 15 U.S.C. 2936 and lacking particular required scientific foundations which have yet to be completed, in violation of several laws and public policy.

a) Failure to Report on Issue Areas Required by Congress

41. Specifically, and as set forth, *infra*, this Assessment expressly does not attempt to provide that which Congress directed -- in the affirmative, not in the alternative -- "shall" be included in any such report. Specifically, despite that they "shall" produce a report comprehensively addressing the enumerated subject areas, Defendants' "Draft First National Assessment on Climate Change" admitted that the report only partly addressed that which Congress required by 15 U.S.C. 2936 be included in any report. In so doing Defendants also effectively, if inexplicably, intimate that the current document is being hurried; to wit "[t]his first Assessment could not[sic] attempt to be comprehensive... Future assessments should consider

other potentially important issues, such as Energy, Transportation, Urban Areas and Wildlife.” (See <http://www.gcric.org/nationalassessment/overvpdf/01Intro.pdf>).

42. Those excluded areas are nonetheless specifically enumerated as required by 15 U.S.C. 2936 to be covered in any Assessment.

b) Work on Areas Outside NAST’s Scope of Authority

43. Moreover, according to the official docket for the process at issue, on or about January 8, 1998, and continuing to the present, Defendants, through the White House OSTP, directed NAST to wrongfully and unlawfully expend and oversee the expenditure of specifically dedicated federal resources on the pursuit of questions outside the scope of the applicable statutory authority, 15 U.S.C. 2936, for the purpose of inclusion in its “National Assessment”. This occurred through a January 8, 1998 letter from Dr. John H. Gibbons, then-Director of OSTP/ Assistant to the President for Science and Technology, to Dr. Robert Corell, the then-NAST DFO.

44. Specifically, and in violation of GRCA, on behalf of Defendants Mr. Gibbons requested NAST report on the following areas outside the scope of the authority provided by GCRA of 1990, in pertinent part:

“What natural resource planning and management options make most sense in the face of future uncertainty?...How can we improve criteria for land acquisition?”

45. There is absolutely no authority in 15 U.S.C. 2936 to pursue such non-scientific issue areas. Such request merely represents an attempt to misuse a purportedly scientific mandate and panel to obtain unauthorized, not-requested and non-

scientific policy recommendations in the context of a report that Defendants desired would provide some guise of justification for achieving the desired policy ends.

46. Upon reviewing the document which Defendants produced and released in “draft” form on June 12, 2000, Plaintiffs allege that it incorporates such extra-legal opinions and conclusions and is replete with references to or work in pursuit of these matters outside the scope of Defendants’ authority under 15 U.S.C. 2936, inappropriately representing the expenditure of funds specifically dedicated for enumerated issue areas and scientific purposes instead to efforts which are fairly characterized as “political,” certainly not appropriate for a “scientific” panel, and unquestionably outside the scope of NAST’s statutorily authorized mission.
47. All evidence available to Plaintiffs also indicates that the product that Defendants are in the process of releasing as “final” contains the same unauthorized policy conclusions and recommendations as those found in the draft “Assessment”.
48. Exacerbating this circumstance and as detailed in Count Three, *infra*, Defendants are proceeding without having even completed let alone considered the required underlying science. (See Attachment B hereto, “‘Attachment 1,’ Neal Lane June 30, 2000 letter to Science Committee Chairman James Sensenbrenner”).
49. On or about May 12, 2000, and at other times between that date and the present, Plaintiffs CEI, Consumer Alert, Heartland and 60 Plus requested (through NSF) that Defendants refrain from committing the above acts and/or omissions, for reasons including those cited, herein (see, *e.g.*, Attachment A).

50. On or about June 14, 2000 Plaintiffs CEI, Consumer Alert, Heartland and 60 Plus, and on August 11, 2000, Plaintiffs CEI, Consumer Alert, Emerson and Knollenberg requested Defendants, via NAST, extend the public comment period for the document at issue until the violations of law complained of, herein, were remedied, in order to facilitate substantive review and comment, and avert the further appearance of politics impermissibly infecting a purportedly scientific process, particularly in a purportedly “final” document. The August 11, 2000 submission served as the joint formal comments to Defendants on the draft document in question submitted by those parties. (See Attachment A).
51. Wherefore, given the violations alleged in both (a) and (b) of Count Two, Plaintiffs demand judgment against Defendants that any document purporting to represent a “draft” or “final” “National Assessment on Climate Change” is unlawful and not permissible for any official purposes.

Count Three – Violation of Public Law 106-74

52. Paragraphs 1 through 51 are incorporated herein.
53. Plaintiff Emerson successfully promoted Congress’s attaching a restriction prohibiting relevant Executive and Independent agencies from expending appropriated monies upon the matter at issue, consistent with the plain requirements of the GCRA of 1990, through language in the conference report accompanying Public Law 106-74, prohibiting release in the absence of NAST satisfying certain conditions precedent, as follow:

“None of the funds made available in this Act may be used to publish or issue an assessment required under section 106 of the Global Change Research Act of 1990 unless (1) the supporting research has been subjected to peer review and, if not otherwise publicly available, posted electronically for public comment prior to

use in the assessment; and (2) the draft assessment has been published in the Federal Register for a 60 day public comment period.”²

54. Defendants did not perform the conditions precedent cited in that language, and instead have produced and continue to produce an incomplete report knowingly and expressly in advance of the completion of, and therefore without the benefit of, the supporting science which not only is substantively required, but which Congress mandated be performed and subject to peer review prior to releasing any such assessment.³

55. Concerned that Defendants’ activities indicated a failure to comply with these conditions consistent with GCRA of 1990 and emphasizing the specific direction that Congress provided Defendants in Public Law 106-74, on or about June 9, 2000 Plaintiffs Emerson and Knollenberg, and on or about June 7, June 28, and July 20 2000, Chairman James Sensenbrenner of the U.S. House of Representatives’ Committee on Science, and Chairman Ken Calvert of that Committee’s Subcommittee on Energy and Environment, reminded Defendants (via OSTP/NAST) of these conditions precedent, noting Defendants’ apparent

² House Report 106-379, the conference report accompanying H.R. 2684, Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Pub.L. 106-74), p. 137. This is “evergreen” language given that these conditions precedent clearly establish congressional interest not in activities of any fiscal year but in the process and ultimate product, making clear that certain illusory avenues Defendants have sought to create to avoid first conducting the underlying science are not in fact available.

³ Despite that Defendants “shall” produce a report comprehensively addressing the enumerated subject areas, Defendants’ “Draft First National Assessment on Climate Change” admits that “[t]his first Assessment could not attempt to be comprehensive... Future assessments should consider other potentially important issues, such as Energy, Transportation, Urban Areas and Wildlife.” See <http://www.gcrio.org/nationalassessment/overvpdf/01Intro.pdf>).

failure to comply with such conditions and seeking assurance that such circumstances would be remedied.⁴

56. Also pursuant to GCRA of 1990 and specific direction provided Defendants by Congress in Public Law 106-74, all of those cited parties made clear to Defendants their concern that Defendants should withhold their anticipated (October) release of the document at issue in this matter, informing Defendants that such measured proceeding would facilitate consideration and inclusion of the relevant, requisite scientific work presumably underlying the document's conclusions – the “regional and sectoral analyses,” given that the document's two principal analyses are “Regions,” and “Sectors” – such science which Defendants admit are expected to be complete imminently though not in time to facilitate an October document release. (See Attachment B).

57. On or about June 30, 2000 Defendants, via OSTP/NAST, drafted a response to Chairman Sensenbrenner, evasively failing to specifically address the concerns raised by these Members, and with which evasions Chairmen Sensenbrenner and Calvert specifically took issue and/or disputed in the July 20, 2000 letter,

⁴ June 7, 2000 Letter from Chairman of the House of Representatives' Committee on Science, James Sensenbrenner, to Neal Lane on June 7, 2000, citing the conditions precedent and requesting Defendants “confirm that such a public review process also includes the regional and sectoral analyses mentioned in your testimony and that are used for the Synthesis Report. We request this because it is our understanding that the statutory authority for these regional and sectoral analyses and accompanying reports is the same as the statutory authority for the Synthesis Report – namely, section 106 of the Global Change Research Act of 1990.” As that letter initially identified, and a subsequent June 28, 2000 letter from Chairman Sensenbrenner to Mr. Lane affirmed, notwithstanding certain evasions and evasive responses Defendants' process clearly failed to meet this condition precedent of completing the applicable science prior to releasing a report under the auspices of the FACA-chartered body.

reiterating their request for compliance with the law's requirements. This request, too, was to no avail.

58. Given Defendants' failure to publish the relevant information in the Federal Register as required, their apparent refusal to wait for completion of the underlying science, their response to the relevant oversight chairmen, and statements made at subsequent public meetings arising from the matter at issue, Plaintiffs reasonably believe Defendants have ignored or rejected the requests of Plaintiffs and the relevant oversight Chairmen and are proceeding apace in order to produce some document in time for the apparently desired October 2000 release in continuing violation of Public Law 104-76 and GCRA of 1990 (15 U.S.C. 2936).
59. Defendants do so through knowingly and admittedly continuing a process of issuing a "final" Assessment without having complied with Congress's direction as to an open and universally and easily accessible process or completed, received or incorporated the underlying science styled as "regional and sectoral analyses,"⁵ while also admitting that the requisite scientific foundation will be completed any month, making an October release substantively inexplicable.
60. Therefore, on or about June 9, 2000, and continuing until present and in spite of being informed of legal and procedural deficiencies by Plaintiffs and substantive deficiencies in violation of Congress's intent by Plaintiffs Emerson and Knollenberg and relevant oversight chairmen in the U.S. House of Representatives, Defendants have wrongfully and unlawfully released a formal

work from this process, including a “draft” form to national media outlets on or about June 9, 2000, available for limited public review and comment on June 12, 2000, and presently preparing to release in its “final” though clearly incomplete form, and without the benefit of the relevant supporting science.

61. Wherefore, Plaintiffs demand judgment against Defendants that any document purporting to represent a “draft” or “final” “National Assessment on Climate Change” is unlawful and not permissible for any official purposes.

Intended Uses for Defendants’ Assessment

62. These factors detailed, *supra*, comments made by participating scientists to press outlets (*see, e.g.*, June 12, 2000 *New York Times*), comments of federal scientists asked by the U.S. Department of Energy to review the document and obtained under the Freedom of Information Act (5 U.S.C. 552 *et seq.*) by Plaintiffs CEI, Consumer Alert, Heartland and 60 Plus (see Plaintiffs’ NAST Comments, Attachment A, pp. 5-6) and other actions, circumstances and factors as cited herein, make clear that considerations and purposes other than those set forth in relevant statutory mandates and warranted as a matter of public policy played a formative role in the timing and content of the document at issue.

63. Congress directed this already-delayed Assessment serve as a report to the Executive Branch for purposes of establishing Executive policies to the extent permissible and negotiating U.S. commitments with foreign nations. As such, it is

⁵ See Attachment B. This despite that the two principal sections of Defendants’ assessment are “Regions,” and “Sections.” (see <http://www.gcrio.org/nationalassessment/overvpdf/1Intro.pdf>).

- highly inappropriate to utilize a knowingly incomplete, yet unlawfully expanded, report lacking the required underlying science.
64. Nonetheless, Defendants plan to participate in the Sixth Conference of the Parties (“COP-6”) of the United Nations Framework Convention on Climate Change (“UNFCCC”), negotiations in the Hague, Netherlands, November 13-24, 2000, presumably using this flawed and unlawful product as a basis for negotiations and U.S. commitments. Defendants cannot characterize this Assessment as indispensable or even necessary as all proceedings to date have occurred without one such Assessment having been produced.
65. Congress also directed this already-delayed Assessment serve as a report to Congress, which by most estimates will have adjourned *sine die* by the time Defendants release their final product in October, and will remain out of session until the following January. Defendants are already on record as asserting via OSTP and NAST that the underlying science -- the regional and sectoral analyses -- should be complete by “Winter TBD”, and thus could be considered and incorporated in the Assessment as Congress intended (see Attachment B), and still be presented to a sitting Congress at effectively the same date.
66. This is true because Congress when out of session or in its final days of the current (106th) Congress of course can not do anything with the hurried, partial product which according to Defendants’ own correspondence will likely have the benefit of the required science by the time the next Congress convenes, a mere three months off. Despite this clear inability to excuse forcing an incomplete,

October release, Defendants insist any postponement even of a few weeks is simply beyond consideration.

WHEREFORE, as a result of Defendants' acts and in the absence of this Court requiring Defendants remedy them and/or declaring any product of such actions unlawful, Plaintiffs have sustained and will continue to sustain injury in that all Plaintiffs will have been denied participation and access to information to which they are entitled under FACA. Barring a declaration that Defendants' actions are unlawful, permitting Plaintiffs to pursue their right to address Defendants' findings on the basis of a complete record, having all required issues addressed and ensuring compliance with Congress's express and implicit intentions:

- Plaintiffs CEI, Consumer Alert, Heartland, 60 Plus and Wojick will not have the congressionally prescribed opportunity to reasonably participate in a lawful process pursuant to Congress's express requirements;
- Plaintiffs CEI, Consumer Alert, Heartland, 60 Plus and Wojick will not have the congressionally prescribed opportunity to reasonably review, understand and comment on a lawfully produced product, and the required basis for that product;
- Plaintiffs will not have the statutorily prescribed opportunity to utilize or work within the context of a lawfully produced product for several years to come, given that this product took approximately 10 years to emerge and as the first such report would serve as the official government position on the relevant topics for a likely period of at least four years, if accepted as lawfully produced;

- Such essentially un rebutted unlawful product will then serve not only as the formal and purportedly consensus “government science” recommendation to congressional policymakers, but as the United States’ position in international *fora* in which the Executive Branch claims to Congress it continues to negotiate binding treaty obligations on this precise subject matter including the Sixth Conference of the Parties (“COP-6”) of the United Nations Framework Convention on Climate Change (“UNFCCC”), negotiations in the Hague, Netherlands, November 13-24, 2000. Such improper commitments cannot be undone easily, if at all.

- Plaintiffs Emerson, Knollenberg and Inhofe will have their legal interest in maintaining the effectiveness of their votes diminished and thus are specifically harmed by the Executive nullifying their votes, indeed having authored and led Congress, to pass the respective funding restrictions on permissible Executive activities in the context of the theory of “global warming.” Congress cannot “unring the bell” of such a flawed, unlawfully produced Assessment, except by the means it has already effected through Public Law 106-74 and which restriction Defendants have ignored. As such, Plaintiffs have been deprived of their rights as elected Members to establish policies, most notably those parameters of permissible activities upon or toward which the Executive may apply appropriated funds. Plaintiffs are thus disadvantaged in their position as policymakers, required to produce policy on the basis of an unlawfully produced, fatally flawed document produced more for some short-term effect other than the longer term, policy purpose which Congress intended;

- Plaintiff Wojick has been and will have been denied the right as a technical reviewer to be provided the underlying science and other information directed by Congress to be made available as part of a lawful process to produce the Assessment.

WHEREFORE, Plaintiffs demand judgment for:

1. Declarative relief that Defendants' actions described herein are unlawful under the Federal Advisory Committee Act, the U.S. Global Change Act of 1990, and Public Law 106-74, as pertinent;
2. Specific declaration of the following actions as unlawful and thus not representing or legitimately serving as or in any formal, official, or legitimate work product:
 - A) Defendants producing or any party utilizing the product of any Synthesis Team meeting which the Designated Federal Officer did not attend in full, or the product of that portion developed during any meeting the Designated Federal Officer did not attend, in part, in violation of the Federal Advisory Committee Act;
 - B) Defendants producing or any party utilizing the product of any Synthesis Team meeting which was closed, in any part, not in compliance with the Federal Advisory Committee Act and Administrative Procedure Act;
 - C) Defendants producing or any party utilizing any draft or final "National Assessment on Climate Change" or any document representing the same conclusions and/or opinions as the document so styled as of this date, for any purpose, until such time as those violations of the Federal Advisory Committee Act enumerated herein are remedied to the satisfaction of this or another Court;

- D) Any party dedicating further effort or expense toward or on the basis of such Assessment(s) until the violations of the Federal Advisory Committee Act and Global Change Research Act enumerated herein are remedied to the satisfaction of this or another Court; and
- E) Any party releasing any document under such auspices addressing those issues not specifically authorized by the Global Change Research Act of 1990, which provides Defendant the authority under which it claims to release this report, including but not limited to those areas requested of the NAST, USGCRP or related body in the January 8, 1999 letter from John H. Gibbons to Dr. Robert F. Corell, and appended hereto.
3. Costs of this action and other just relief.

Christopher C. Horner
D.C. Bar No. 440107
Sam Kazman
D.C. Bar No. 946376
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October 3, 2000

August 11, 2000

National Assessment Comments
Office of the U.S. Global Change Research Program
400 Virginia Avenue, SW
Suite 750
Washington, DC 20024

BY ELECTRONIC MAIL – to: napubcmt@usgcrp.gov

**RE: Comments – Submitted August 11, 2000
 Date and Matter Reviewed – Overview Document,
 First Draft National Assessment on Climate Change**

Dear Sir or Madam,

On behalf of the undersigned members of the Cooler Heads Coalition and additional parties who also associate themselves with these general comments, as indicated below, I respectfully request you include this submission in the formal record and/or docket for the first Draft National Assessment on Climate Change (“National Assessment”).

The undersigned have several concerns with the National Assessment released for comment on June 12, 2000. They are principally legal (FACA, GCRA of 1990), and otherwise procedural (as reflected in June 7, June 28 and July 20 letters from the Chairmen of the House of Representatives Committee on Science, and the Subcommittee on Energy and Environment, and comments of reviewers from DOE National Laboratories).

Legal Concerns

FACA Violations

As you are aware the NACC Synthesis Team is a Federal Advisory Committee chartered by the National Science Foundation (NSF) under FACA, at the request of the National Science and Technology Council (NSTC), Committee on Environment and Natural Resources (CERN) and the Office of Science and Technology Policy (OSTP). Given this, and as some of the undersigned informed you in correspondence dated May 12, 2000 and June 14, 2000 we believe the following represent violations of the Federal Advisory Committee Act, 5 U.S.C. App. 10, such that publication of any final Assessment purportedly pursuant to FACA would be unlawful:

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- * The record reflects that no Designated Federal Officer (DFO) attended the April 1999, June 1999, July 1999 meetings, in violation of 5 U.S.C. App. @10(e). Additionally, it appears the DFO's presence at those portions of the August 1998 and November 1998 meetings, the Minutes for which cite the DFO as attending "all or part," is a legitimate issue of concern (Id.). See particularly that requirement that "No advisory committee shall conduct any meeting in the absence of that officer or employee." It appears no advisory committee meetings, at least during those times when they lacked such an officer, actually "took place." This of course calls into question any product of work so purportedly undertaken.
- Apparently portions of the August 1998, November 1998 and April 1999 meetings were closed unlawfully. Those documents in the record as of the inspection by a Cooler Heads representative in May did not rise to the level required under the law to lawfully close any meeting or portion thereof. As you are aware there is a requirement under FACA that documents be kept contemporaneously with their production. On this basis it is fair to say that any such meetings and products thereof may not be considered toward the draft Assessment or any further product under the auspices of a FACA chartered committee.
- Significant work performed prior to the FACA charter being obtained appears to have been incorporated into the process as if it were developed under FACA.
- There was no certification of the meeting Minutes as accurate by the "chairman of the advisory committee," per 5 U.S.C. App. @10(c), until the recently released August 1999 Minutes. We note that a statement, though unsatisfactory, claiming to certify the accuracy of the records was as of May, 2000 included in those Minutes prior to the August 1999 meeting. That which is provided is not what the law requires.

Critically, the instant case does not resemble the standard context of FACA violations, whereby the issue is whether FACA's protections should have been invoked. Instead, we are presented with a situation where responsible officials understood FACA governs, sought and renewed a FACA charter, then increasingly ignored the law's requirements. Given this, the FACA violations were prejudicial to a material degree to the process and necessitate effecting a remedy prior to publication of the final Assessment.

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Apparent USGCRA Violations

These apparent violations arise particularly out of work requested by the White House in a January 8, 1998 correspondence from Dr. John H. Gibbons, Assistant to the President for Science and Technology. That letter requested work upon the following questions representing areas outside the scope of NAST's authority as set forth in pertinent part at 15 U.S.C. Sections 2922, 2932, 2934, and 2936:

- "What coping options exist that can build resilience to current environmental stresses, and also possibly lessen the impacts of climate change? How can we simultaneously build resilience and flexibility for the various sectors considering both the short and long term implications?
- What natural resource planning and management options make most sense in the face of future uncertainty?
- What choices are available for improving our ability to adapt to climate change and variability and what are the consequences of those choices? How can we improve contingency planning? How can we improve criteria for land acquisition?"

This despite the statutory mandate for the National Assessment's content, found at 15 U.S.C. 2936 and fairly characterized as 1) findings, state of the science and uncertainties, 2) effects, and 3) trends. Due to the length and content of the document and the short time allotted, arising from the clearly political "urgency" this process manifests (a problem expressed by DOE reviewers, as well (see, *infra*), we were unable to go through the Assessment line-by-line. Still, it is fair to cite that the Assessment deviates from its statutory mandate, at the request of a political appointee, in the following ways:

- the document immediately launches into discussion of responses and adaptation;
- the Table of Contents sets the tone for ignorance of the statutory mission, nowhere listing any discussion of uncertainties, and the Executive Summary avoids addressing this major task;
- when uncertainties are alluded to, it is in the "give us more money" vein, as opposed to an expression of the unknown and its importance, or even that there are unknowns;
- regional and sectoral analyses were excluded in the haste to issue a draft which could be completed by the November federal elections.

Incredibly, the Overview document immediately recharacterizes its mission, excluding the statutory mandate in lieu of reciting its own "short list of questions"; this is an admission that the NAST took a grant of authority and spent specifically dedicated money as it (and the White House) saw fit.

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Much other language in the Overview is arguably the result of the requested extra-legal work performed at the request of the White House. We believe that any work addressing such White House requests represents an inappropriate expenditure of resources dedicated to pursuing the National Assessment, on activities outside the scope of the USGCRP's statutory authority as set forth in the USGCRA of 1990, and may be declared unlawful if included in the final Assessment. Like the scientists from the National Laboratories asked by DOE to comment on the Draft, given more time we would provide a line-by-line analysis of these violations, but prior requests for an extension of the comment period have to date been denied. The sheer volume and complexity of this draft document, purportedly issued at the time it was for the purpose of eliciting detailed and substantive comment from interested parties, makes such an analysis highly improbable in the time allowed.

The necessity of identifying and so quantifying any such work also militates in favor of a longer period for public inspection and comment. To the extent that NACC content runs afoul of parameters set forth for using appropriated funds, the same assessment applies.

Policy and Process Considerations

Congressional Conditions Precedent to Release Ignored

For reasons cited, *supra*, the extension of the comment period which certain of the undersigned previously requested certainly appears reasonable and, indeed, lacking any substantive reasons in opposition. It would provide NAST time to perform the regional and sectoral analyses that, according to the Congress, are conditions precedent to the release of any National Assessment (even a draft). Indeed, correspondence to relevant NAST/USGCRP officials from the Chairmen of the House of Representatives' Committee on Science and subcommittee on Energy and Environment, dated June 7, June 28, and July 20, 2000, make clear these conditions existed and were not satisfied. These concerns are particularly but in no way solely about the significant number of regional and sectoral analyses upon which any draft Assessment would purportedly be based, although it was issued in advance of the analyses being performed (or "complete"). Those concerns, among others, appear to have been ignored, and were ratified by your release of the draft Assessment on Monday, June 12, 2000. This confirms the appearance, fostered by other evidence, including but not limited to the content of the April and August 1998 meeting minutes, that NAST to some extent actually began with its conclusions, and spent its resources seeking to justify such results. We incorporate by reference the objections stated therein in these comments.

Further, with the 106th Congress expected to adjourn *sine die* at the latest by some time in October, legislative action in response to this first Assessment certainly cannot be the

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goal of a planned October release. Lacking statutory authority to address the theory of catastrophic man-made “global warming” through regulations, the Executive Branch also does not appear to be hindered in pursuing rulemakings by granting the requested extension. Even in instances where reasonable minds may disagree on the issue of authority, the typical availability of emergency or interim rulemaking authority eviscerates any possible arguments that any (authorized) regulations are unduly delayed to the detriment of the public or the process. In short, there appears to be neither anything hinging on the date of this report’s release in final form in October, nor any detriment from a relatively brief delay.

Commenting Parties Rushed, Not Given Adequate Time for Substantive Review

Conversely, there appear to be numerous justifications for extending the comment period. We do remain cognizant that the United States Global Change Research Act was enacted in 1990, yet no substantive, formal action was underway pursuant to the Federal Advisory Committee Act (FACA) until 1998. This despite tremendous resources apparently being expended in pursuit of this draft Assessment prior to invoking FACA, which work we believe is easily established as having been incorporated in the recently released product. Once the Committee was chartered, as reflected in Dr. John Gibbons’ communication of January 8, 1998 to the first DFO Dr. Robert Corell, a sense of urgency was communicated to the panel by political officials. Further, statements in the record and major media outlets, including but in no way limited to those from certain anonymous if purportedly well placed sources, indicate a perception among involved scientists that political pressures drove the timing and even content of this draft document.

This sense of urgency is reflected in, among other places, comments the Cooler Heads Coalition obtained via the Freedom of Information Act, by reviewing parties from the National Laboratories asked by the Department of Energy to comment on the Draft. In addition to an emphasis on speed overnight mail as opposed to deliberation, the report’s emphasis on gloom and doom (“possible calamities”) to the detriment of the positive, and rampant criticism of the reliance on two, limited models for the pronouncements made, these comments are exemplified by but in no way limited to:

- 1) DOE reflecting the (but for political considerations) inexplicable “tight deadline” (John Houghton, 12/02/99 e-mail), “urgent request” and “rigorous timetable”, and 6 days to initially review and comment upon a lengthy scientific document (John Houghton letter to reviewers, 12/02/99);

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- 2) **“This review was constrained to be performed within a day and a half. This is not an adequate amount of time to perform the quality of review that should be performed on this size document”** (Ronald N. Kickert, 12/08/99); **“I...understand that there were substantial time and resource limitations (Ed: 10 years???) ...that lead to this product being what it is”** (Robert S. Turner); **“During this time, I did not have time to review the two Foundation Document Chapters”** (Kickert, 12/20/99); **“Given the deadline I have been given for these comments, I have not been able to read this chapter in its entirety”** (William T. Pennell).
- 3) “substantial work to do on the report before it is released” (John Houghton e-mail, 12/13/99), **“UNFORTUNATELY, THIS DOCUMENT IS NOT READY FOR RELEASE WITHOUT MAJOR CHANGES”** (CAPS and bold in original)(Jae Edmonds), “This is not ready to go!” (William M. Putman)

Given the alarming nature of such implications that politics drove the timing, and thus indirectly at a minimum the content, it strikes us that NAST would welcome the opportunity to demonstrate, particularly to involved communities and its funding and oversight panels in Congress that, numerous signals to the contrary, there is no motivation to produce biased “science” or influence elections through production and release of any National Assessment documents.

Finally, the nature of the totality of the apparent violations detailed, *supra*, themselves manifest the inherent unfairness of and extreme manifestation of bias in offering interested parties sixty days to comment on that which is purportedly the work of several years, but in reality nearly a decade. Additionally, making the determinative meeting minutes publicly available on the late date they were inserted into the docket (appx. 6/9/00) heightens the clear picture that inadequate time was offered such parties, with the intent to prejudice their ability to address the draft Assessment just as reviewing scientists claim their ability was prejudiced. This inadequacy, given the context provided, *supra*, only exacerbates the foul odor of politics infecting the scientific process.

Conclusion

That which are outlined above represent serious violations that we believe must in all fairness be remedied, and impressions or signals given that must be evidenced as not accurate, prior to issuing a first National Assessment in final form. We thus strongly criticize NAST/USGCRP refusing all prior requests for extension of the period for comment sufficient to provide the public the opportunity to try and work around these deficiencies, while hopefully NAST would seek to remedy them prior to any attempt to

publish a final version. We would view a failure to provide such an expansion as leaving the product unlawful in numerous ways and fatally flawed for any serious use.

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Sincerely,
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On behalf of the undersigned Cooler Heads
Members and Other Undersigned Parties:

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Attachment 1**Master Calendar**

Regional Analyses	Projected Completion	Sponsor Agency
Pacific NW	November 99	DOC/NOAA*
Alaska	February	DOI*
Mid-Atlantic	March	EPA*
Great Lakes	July	EPA
Southwest and Colorado	July	DOI**
Metro East Coast	Summer TBD	NSF**
Southeast	Summer TBD	NASA
New England	Summer TBD	NSF
Southern Great Plains	Summer TBD	USDA
Central Great Plains	September	DOE
Rocky Mountains/Great Basin	Fall TBD	DOI
California	Winter TBD	NSF
Native Homelands	Winter TBD	NASA
Pacific Islands	Winter TBD	NSF
Gulf Coast	Winter TBD	EPA
Northern Great Plains	TBD	NASA
Sectoral Analyses		
Human Health (Summary)	April	EPA*
Human Health (foundation)	Summer TBD	EPA**
Water Resources	Summer TBD	DOI**
Agriculture	Summer TBD	USDA
Coastal/Marines	Summer TBD	DOC/NOAA
Forests (articles)	Fall	USDA
Synthesis Report	Fall 2000 TBD	NSF**

*Published

**Open for public comment

EXHIBIT C

X-Originating-IP: [63.44.253.54]
From: "Rick Piltz" <rpiltz@msn.com>
To: <mleinen@nsf.gov>, <rmoos@usgcrp.gov>
Cc: "rpiltz_1" <rpiltz@usgcrp.gov>
Subject: Problem with review of OCP2002
Date: Mon, 23 Jul 2001 08:15:16 -0400
X-Mailer: MSN Explorer 6.10.0016.1619
X-OriginalArrivalTime: 23 Jul 2001 12:13:56.0930 (UTC) FILETIME=[F2874220:01C11370]

Margaret and Richard--

For the record, before I leave this morning for a week of annual leave, I need to bring to your attention a significant editorial change in OCP2002 being called for by the Executive Office. I believe this is something that cannot be dealt with routinely by USGCRP Office staff, but rather calls for consideration by SGCR-level leadership.

Late Friday afternoon I received a one-page set of revisions to the SGCR-approved draft of OCP, which has been at OSTP since you transmitted it on May 31. The one-pager came as an attachment to an e-mail from Peter Backlund, which I forwarded to Richard before leaving the office. The material was not attributed to any individual, though I was given to understand, as we had been expecting, that it came from Richard Russell. It clearly cannot be attributed either to Rosina Bierbaum or to Peter.

Peter had led us to expect that Russell's input would consist of "a few minor changes" that were called for prior to the report going to OMB for their LRM process. I don't have the one-pager with me here at home, but essentially it was made up of three things:

1. A short paragraph to go on page 1 referring to the U.S. Climate Change Research Initiative and stating that it would affect the USGCRP budget in FY 2003.
2. About 5 concise text revisions with the effect of softening statements about climate change. For example, if I recall correctly, in one bullet item describing a research finding on ecological impacts, we are directed to delete a second sentence that states that this finding "adds to a growing body of evidence" on the impacts of climate change. In my judgment, some of the changes are probably legitimate, while some (such as the example just given) are arguable and don't improve the text, but the net result leaves the overall report largely unscathed.
3. More problematically, we are directed to delete the entire section on the National Assessment, replacing it with a short bullet item in the section on Climate Variability and Change stating that an (unnamed) advisory committee produced an (unnamed) assessment that was sent to Congress. Thus, any real description of the USGCRP connection to a national assessment process would disappear.

No rationale for this change (or any of the others) is given in the unsigned one-pager. In my recollection this is the first time in either the SGCR-level or the EOP-level review process that the USGCRP Office has been given changes to make in OCP without any justification being provided. In the past, even when OSTP has called for far more detailed revisions to SGCR-approved text, it has always been done with a clear intent to improve the document either substantively or stylistically. To my recollection the EOP review has never directed that an entire SGCR-approved section of the report be summarily deleted.

I was essentially alone in the office late Friday so was unable to consult on what to do with this. Following the guidance I had received from Richard -- to incorporate the expected minor edits from OSTP and prepare the revised report to be transmitted to OMB on Monday -- I made a revised document, including the deletion of the National Assessment section, and left it for Nick Sundt to finish some final formatting and creation of a read-only PDF file to give to Richard today.

I am troubled by this procedure. Essentially the SGCR-approved draft of OCP has been altered significantly -- I think it's fair to say that -- on the basis of an unsigned comment sheet, transmitted without further comment by an OSTP staffer, to a staff member of the USGCRP Office, without any direct interaction among individuals at the management level.

The National Assessment section as drafted for OCP2002 is not substantively controversial in any way. Some previous editions of OCP actually summarized conclusions from assessments (OCP1997 had several pages on principal conclusions of the IPCC Second Assessment Report) or identified key issues raised in assessments (OCP1999 had several pages on key impacts issues in various regional assessments being developed for the National Assessment). This year, to steer carefully around controversy, the National Assessment section was limited to slightly more than a single page, which basically just identified the assessment as a significant USGCRP-supported project that is part of a stream of assessment activity, described its key components and procedures, and indicated its availability in published and Web-posted formats -- without any discussion of findings. It could hardly be described more neutrally, but apparently this is not considered sufficient.

I inquired of Peter, by phone, as to what had been said to him about this alteration of the report. He said (in confidence, and I'm sharing this only with you) that Russell had told him the issue has to do with the lawsuit on the National Assessment. "They" are moving to try to settle the lawsuit. Apparently a quid pro quo might be that, in return for the plaintiffs dropping the suit, the White House will make a statement to the effect that the President is taking input from all sources -- thereby, and we'll have to see the actual statement when it comes out, disavowing the National Assessment either explicitly, or at least implicitly, as not having any particular status with the administration, i.e., that it does not represent an official position (stating the obvious, one might say) -- which is what the lawsuit calls for. In this context, Peter says, "they" (in the administration) think that bringing up the National Assessment for further discussion in OCP would be "too in their face" at this sensitive time, i.e., it would irritate the plaintiffs.

Be that as it may -- I have no comment on the lawsuit dealings per se, except to wonder whether the seriousness with which the administration seems to be treating it is because the suit is actually strong enough that it couldn't just be defeated, or because the administration regards the plaintiffs as basically allies, with whom it would like to mend fences and not be crosswise with over something that they all would like to disown. I expect that is basically the case. Peter's comment was that "they don't want to have people coming at them from the right" at this point on climate issues.

Well, managing relations with stakeholders is what politicals do. However, if the description of a scientific assessment activity were to be deleted from the USGCRP annual report on the basis of nothing more than oblique staff-to-staff phone conversation references to short-term tactical calculations by political appointees, with no reason being given to the SGCR as to why this very noticeable alteration of the report is necessary and appropriate, what implications might it have for future interventions into the description of scientific findings or programs? What implications might it have for the future status of the national assessment component of the USGCRP? And what implications might it have for collegial

relationships within the SGCR, particularly with agencies that have been supportive of and committed to the national assessment process?

I believe that, to send the altered document forward to OMB in the form I created on Friday, without an SGCR-level inquiry into the reason for deleting the section on the National Assessment, particularly given the rather stealthy procedure by which this is being done, could set a bad precedent. I recognize the very complex and sensitive situation facing the USGCRP leadership in the current context and am fully supportive of your efforts. But, at the very least, I need to raise this issue with you, and not just take off, leaving you with the version of OCP that has been created as a result of the events on Friday.

I will be leaving town about 9:00 this morning, returning Friday evening. Richard has three phone numbers where I can be reached while I'm away, if I can be of any further assistance.

--Rick

EXHIBIT D

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

COMPETITIVE ENTERPRISE INSTITUTE,)
et al.)
)
Plaintiffs,)
)
v.)
)
GEORGE W. BUSH, in his Capacity as)
Chairman of the National Science and)
Technology Council,)
et al.)
)
Defendants.)

C.A. No. 00-02383 (RU)

JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE

Pursuant to Fed.R.Civ.P 41(a), the parties jointly stipulate to the dismissal of plaintiffs'

Complaint without prejudice.

Respectfully submitted,

STUART E. SCHIFFER
Assistant Attorney General

ROSCOE C. HOWARD, JR.
United States Attorney

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ANNE L. WEISMANN
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Washington, D.C. 20530
Tel: (202) 514-4020

Counsel for Plaintiffs

Counsel for Defendants

Dated: September 12, 2001

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

COMPETITIVE ENTERPRISE INSTITUTE,)
et al.)

Plaintiffs,)

v.)

C.A. No. 00-02383 (RU)

GEORGE W. BUSH, in his Capacity as)
Chairman of the National Science and)
Technology Council,)
et al.)

Defendants.)

**MEMORANDUM IN SUPPORT OF JOINT STIPULATION TO DISMISS
PLAINTIFFS' COMPLAINT WITHOUT PREJUDICE**

In light of very recent events and pursuant to FRCP 41(a) the Parties jointly stipulate to dismiss Plaintiffs' Complaint without prejudice.

Events precipitating this Stipulation include Plaintiffs receiving a correspondence from the White House Office of Science and Technology Policy dated September 6, 2001. This correspondence asserts to Plaintiffs' satisfaction that the document at issue in this matter, the National Assessment on Climate Change, does not and will not serve as or as the basis for any policies, positions or rules of the Federal Government of the United States, but that it constituted a submission by a non-governmental body and would be considered by policymakers as such.

Further contributing to this Stipulation, on September 6, 2001, Plaintiffs obtained the August 31, 2001 submission by Defendant George W. Bush, through the United States Department of State, to the United Nations' Intergovernmental Panel on Climate

Change (“IPCC”). This document, “Comments” from the “Final Government Review” of the “IPCC Third Assessment Report, Synthesis Report,” satisfied Plaintiffs that the National Assessment indeed does not serve as the position of the Federal Government of the United States as to the science of the theory of climate change or global warming, or the basis for any such position or any policy, at present and given all facts known to Plaintiffs.

As such Plaintiffs agree to withdraw their Complaint pursuant to the attached Joint Stipulation to Dismiss Plaintiffs’ Complaint Without Prejudice.

Respectfully submitted,

Christopher C. Horner
D.C. Bar No. 440107
1001 Connecticut Avenue, N.W.
Suite 1250
Washington, D.C. 20036
(202) 331-1010
Attorney for Plaintiffs

Gail Walker
VA Bar No. 23590
United States Department of Justice
Civil Division
901 E Street, N.W.
Room 1086
Washington, D.C. 20530
Attorney for Defendants

Dated: September 11, 2000.

EXHIBIT E

CEI Competitive Enterprise Institute

Office Of Science And Technology Policy Director Rosina Bierbaum's Letter On The Status Of The National Assessment Of Climate Change

News Release

by [CEI Staff](#)

September 6, 2001

September 6, 2001

Christopher C. Horner
Competitive Enterprise Institute
1001 Connecticut Avenue, NW
Suite 1250
Washington, DC 20036

Dear Mr. Horner:

The purpose of this letter is to explain the status of the national assessment of climate change sponsored by the U.S. Global Change Research Program and to explain how the Administration is developing its policies on global climate change.

The national assessment, titled *Climate Change Impacts on the United States: The Potential Consequences of Climate Variability and Change*, consists of an overview document of about 150 pages and a foundation document of about 600 pages. These documents were the product of the National Assessment Synthesis Team, an advisory committee chartered under the Federal Advisory Committee Act. As such, they are not policy positions or official statements of the U.S. government. Rather, they were produced by the scientific community and offered to the government for its consideration.

The formulation of a comprehensive policy addressing global climate change is an important priority for this Administration. Towards this end, the President has constituted a Cabinet-level working group to study this issue and assist in the development of such comprehensive policy. Among other things, this working group is conducting an extensive review of climate change science and technology, has commissioned and received a report from the U.S. National Academy of Sciences on climate change science questions and uncertainties, and is carefully examining how best to address the challenge of climate change. The efforts of this working group will form the basis of government decision-making on the important issue of global climate change.

Sincerely,

Rosina Bierbaum
Acting Director
Office of Science and Technology Policy

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<http://www.cei.org/>

EXHIBIT F



Myron Ebell <mebell@cei.org>
06/03/2002 05:08:05 PM

Record Type: Record

To: Phil Cooney/CEQ/EOP@EOP

cc:

Subject: Phil, thanks for calling and

Dear Phil,

Thanks for calling and asking for our help. I know you're in crisis mode, but from our end it is a most welcome change from the Administration's SOP, which is to tell conservatives to stop bothering them and to shut up. So it's nice to know we're needed once in a while. I want to help you cool things down, but after consulting with the team, I think that what we can do is limited until there is an official statement from the Administration repudiating the report to the UNFCCC and disavowing large parts of it.

As I said, we made the decision this morning to do as much as we could to deflect criticism by blaming EPA for freelancing. It seems to me that the folks at EPA are the obvious fall guys, and we would only hope that the fall guy (or gal) should be as high up as possible. I have done several interviews and have stressed that the president needs to get everyone rowing in the same direction. Perhaps tomorrow we will call for Whitman to be fired. I know that that doesn't sound like much help, but it seems to me 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 that they are serving the president's best interests by pushing this rubbish.

The references to the National Assessment in the report are most hurtful to us because we dropped our lawsuit last September 6th after receiving a written assurance that the National Assessment did not represent "policy positions or official statements of the U. S. government." The previous communication from the U. S. government to the UNFCCC was a detailed criticism of the IPCC's Third Assessment Report that reflected that agreement and also implied a disavowal of the National Assessment. So the new transmittal to the UNCCC looks to us much like it looks to the New York Times.

So I'm willing and ready to help, but it won't be possible to do much without some sort of backtracking from the Administration. Unless that occurs, then you have handed an awful lot of ammunition to Jim Jeffords, and the only way we will be able to fight him and all his allies in the Congress is to get much more strident and noisy. Even if the Administration does move quickly to get back on the right side of the issue, it may be too late to save our side in the Senate from being squashed. 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. I don't know whether we have the resources to clean up this one.

Best,
Myron.

EXHIBIT G



EXXONSECRETS.ORG

Documenting Exxon-Mobil's funding of climate change skeptics.

[List Organizations](#)

[Launch Flash Application](#)



Search ExxonSecrets.org using Google

Search:

FACTSHEET: Competitive Enterprise Institute, CEI

DETAILS

1001 Connecticut Avenue, NW Suite 1250 Washington, DC 20036
 Phone: 202-547-1010
 Fax: 202-546-7757

Founded in 1984, CEI is a Washington-based conservative think tank "whose research on public policy reflects the principles of free enterprise, individual liberty and limited government." CEI is at the center of the global warming misinformation campaign.

CEI has tackled tough and contentious scientific issues such as global warming, carbon dioxide and fuel-economy standards, most recently expanding into the politics of food. It has become the go-to think tank in the fight against excessive federal government regulations, supporters say. (Beyond the Theories: Think Tank Debunks Popular Myths; Audrey Hudson, May 18, 2004, Washington Times) The organization mixes free-market ideas with the antiregulation and environmental movements, but unlike most institutes that are content just to think and speak, the CEI does not shy away from forcing action through the courts or the legislative process. CEI, among many other statements denying the seriousness of global warming, has argued that climate change would create a "milder, greener, more prosperous world" and that "Kyoto was a power grab based on deception and fear" (R. Brunet, "It Just Ain't So, Say These Reputable Scientists" Alberta Report, 10 November, v.24(48) 1997 p20-21). In addition to leading the campaign to convince the public that global warming is uncertain, CEI has weighed in on pesticide risk and endocrine disrupting chemicals - both of which pose no threat to human health, in CEI's view - and has supported regulatory "takings" measures. CEI supports eventual elimination of the Superfund and has advocated the complete privatization of the Endangered Species Act, arguing that species protection would meet the level of "demand," based on how much citizens are willing to pay for habitat preservation (CLEAR fact sheet). CEI has a long anti-environmental pedigree. CEI is a member of the State Policy Network and the Cooler Heads Coalition. CEI was a sponsor of the first Wise Use conference in 1988 and has had membership in the Get Government Off Our Backs coalition, the wise use umbrella group. CEI is also a network member of The Heritage Foundation, Alliance for America, and the anti-Endangered Species Act group, Grassroots ESA Coalition. CEI was also a co-sponsor of the 1998 NY State Property Rights Conference. With more than a \$3 million annual budget, CEI is supported by both conservative foundations and corporate funding. Known corporate funders in addition to ExxonMobil include the American Petroleum Institute, Cigna Corporation, Dow Chemical, EBCO Corp, General Motors, and IBM. One of CEI's prominent funders is conservative Richard Scaife who has provided money through the Carthage and Sara Scaife Foundations. CEI is also heavily supported by the various Koch brother foundations. (http://www.disinfopedia.org/wiki.phtml?title=Competitive_Enterprise_Institute)

KEY QUOTES

"As the United Nations prepared for an international conference in Kyoto, Japan to craft an international treaty to suppress the use of fossil fuel energy, CEI's work demonstrated why people have more to fear from global warming policies than from global warming itself."

Source: [CEI 1997 Annual Report](#)

"Although global warming has been described as the greatest threat facing mankind, the policies designed to address global warming actually pose a greater threat. The Kyoto Protocol and similar domestic schemes to ration carbon-based energy use would do little to slow carbon dioxide emissions, but would have enormous costs. These costs would eventually fall most heavily on the poorest nations in the world. Luckily, predictions of the extent of future warming are based on implausible scientific and economic assumptions, and the negative impacts of predicted warming have been vastly exaggerated. In the unlikely event that global warming turns out to be a problem, the correct approach is not energy rationing, but rather long-term technological transformation and building resiliency in societies by increasing wealth. CEI has been a leader in the fight against the global warming scare."

Source: [CEI website - global warming](#)

KEY DEEDS

3 October, 2000

Filed a lawsuit against President Clinton for expanding the scope of, and increasing spending for, a report on climate change by the U.S. Global Change Research Program.

Source: ["Lawmakers, Groups Sue Over National Assessment on Climate Change," Greenwire, 10/5/2000](#)

Filed a second lawsuit against the U.S. government in August of 2003. Citing the recently enacted Data Quality Act, CEI demanded that the report on climate change called the National Assessment not be disseminated by the government. The Bush administration settled the lawsuit by adding a disclaimer to the web site where the report is available, stating that it has not been reviewed under the Data Quality Act.

Source: ["Earth Last," The American Prospect, 5/7/04](#)

The Cooler Heads Coalition, a subgroup of the National Consumer Coalition focused on global warming, is a project of CEI run by Myron Ebell. Members includes many groups such as the 60 Plus Association, Frontiers of Freedom, Atlas Economic Research Foundation and CFACT, among others.

Source: [CEI website - events](#)

24 October, 2006

Amicus in Supreme Court CO2 case IN THE SUPREME COURT OF THE UNITED STATES COMMONWEALTH OF MASSACHUSETTS, et al., Petitioners, v. U.S. ENVIRONMENTAL PROTECTION AGENCY, et al., Respondents. On Writ of

Certiorari to the United States Court of Appeals for the District of Columbia Circuit
AMICI CURIAE BRIEF OF CLIMATOLOGISTS AND SCIENTISTS SALLIE
BALIUNAS, JOHN R. CHRISTY, CHRIS DE FREITAS, DAVID LEGATES,
ANTHONY LUPO, PATRICK MICHAELS, JOEL SCHWARTZ, AND ROY W.
SPENCER IN SUPPORT OF RESPONDENTS SAM KAZMAN* HANS BADER
CHRISTOPHER C. HORNER COMPETITIVE ENTERPRISE INSTITUTE 1001
Connecticut Ave., NW, #1250 Washington, D.C. 20036 (202) 331-2265 *Counsel of
Record

Source: [Amicus brief written by Competitive Enterprise Institute](#)

DEEDS

4 June, 2002

Advised Bush to distance himself from EPA report which stated, for the first time from a US government agency, that climate change is real. And Bush did so.

Source: [C Horner, Washington Times 04 June 2002.](#)

2 August, 2002

Wrote to President Bush discouraging him from attending the August 2002 UN Summit on Sustainable Development. Bush did not attend.

Source: ["Corporate-funded Lobbyists Aimed to Sabotage Johannesburg Summit," Africa News, 8/19/2002](#)

14 May, 2004

Warning that the \$125 million film fails to employ sound science to back up its depictions, the conservative Competitive Enterprise Institute has sent reporters a listing of global-warming skeptics who can be counted on to dispute the film's premise.

Source: ["Disaster Flick Unleashes a Blizzard of Spin," Scripps Howard News, May 14 2004](#)

10 February, 2005

From the website: The Kyoto Protocol will enter into force internationally on February 16th without the participation of the United States or Australia. Myron Ebell, Christopher Horner, and other experts will discuss the prospects for implementing the Kyoto Protocol, what new international agreements and efforts may follow Kyoto, and what this means for future U.S. climate policies. Panelists include: Sen. James M. Inhofe (R-Okla.), Chairman of the Senate Environment and Public Works Committee Dr. Harlan L. Watson, Senior Climate Negotiator and Special Representative at the U.S. Department of State William O'Keefe, CEO of the George C. Marshall Institute Myron Ebell, Director of Global Warming Policy at the Competitive Enterprise Institute Christopher C. Horner, Counsel to the Cooler Heads Coalition Jeff Kueter, Moderator, President of the George C. Marshall Institute Light refreshments

Source: [CEI website - events](#)

13 April, 2004

Soso Whaley is an adjunct fellow at the Competitive Enterprise Institute, a nonprofit

organization dedicated to the principles of free enterprise and limited government that labels "Super Size Me" a "splashy effort." Funded by grants from companies like Exxon, General Motors, Texaco, Amoco and Shell Oil, the CEI is also currently investigating the liberal approach to protecting the environment and questioning the validity of the science behind some global warming studies.

Source: "[McDonalds Fuels Films Battle](#)," UPI, April 13, 2004

FUNDING

Competitive Enterprise Institute has received \$2,005,000 from ExxonMobil since 1998.

1998

\$85,000 ExxonMobil Corporate Giving

Source: [ExxonMobil 1998 grants list](#)

2000

\$230,000 ExxonMobil Foundation

general support

Source: [ExxonMobil Foundation 2000 IRS 990](#)

2001

\$280,000 ExxonMobil Foundation

Source: [ExxonMobil 2001 Annual Report](#)

2002

\$205,000 ExxonMobil Foundation

50K congressional briefing program, 140K general operating support, 60K legal activities

Source: [ExxonMobil 2002 Annual Report](#)

2002

\$200,000 ExxonMobil Corporate Giving

140K general operating support, 60K for legal activities.

Source: [ExxonMobil 2002 Annual Report](#)

2003

\$25,000 ExxonMobil Corporate Giving

Annual Dinner

Source: [ExxonMobil 2003 Corporate Giving Report](#)

2003

\$440,000 ExxonMobil Foundation

General Operating Support

Source: [ExxonMobil 2003 Corporate Giving Report](#)

2004

\$90,000 ExxonMobil Foundation

General Operating Support

Source: [Exxon Giving Report 2004](#)

2004

\$90,000 ExxonMobil Foundation

Global Climate Change

Source: [Exxon Giving Report 2004](#)

2004

\$90000 ExxonMobil Foundation

Global Climate Change Outreach

Source: [Exxon Giving Report 2004](#)

2005

\$90,000 ExxonMobil Foundation

General Operating Support

Source: [ExxonMobil 2005 DIMENSIONS Report \(Corporate Giving\)](#)

2005

\$180,000 ExxonMobil Corporate Giving

General Operating Support

Source: [ExxonMobil 2005 DIMENSIONS Report \(Corporate Giving\)](#)

KEY PEOPLE

Ronald Bailey

Adjunct Analyst

Source: [CEI website, 3/04](#)

Michael Fumento

former Warren T. Brooks Fellow in Environmental Journalism

Source: [CEI website, 3/04](#)

Fred L. Smith Jr.

President and Founder

Source: [CEI website, 3/04](#)

Myron Ebell

Director of Energy and Global Warming Policy

Source: [CEI website, 3/04](#)

Christopher C. Horner

Counsel, Cooler Heads Coalition and Senior Fellow

Source: [CEI website, 3/04](#)

William O'Keefe

Board of Directors Member, CEO(GMI), President of Solutions Consulting Inc.

Source: [CEI website, 3/04](#)

Frances Smith

Board of Directors member

Source: [CEI website](#), 3/04

Iain Murray

Senior Fellow

Source: [CEI website](#), 3/04

Marlo Lewis Jr.

Senior Fellow

Source: [CEI website](#), 3/04

Roger Bate

Adjunct Fellow

Source: [CEI website](#), 3/04

John Christy

Contributing Writer

Source: [CEI website](#), 3/04

Sen. James Inhofe

Co-plaintiff in lawsuit

Source: "Earth Last," [The American Prospect](#), 5/7/04

Sallie Baliunas

Scientific Expert

Source: [CEI website](#), various

Steven Milloy

Adjunct Analyst

Source: [CEI Website](#) 5-2006

Chris DeFreitas

Scientist Lobbyist

Source: [Amicus brief written by Competitive Enterprise Institute](#)

Bjorn Lomborg

Awarded Julian Simon Award 2003

Source: [Bjorn gets Julian Simon Award from CEI](#)

PEOPLE

Ben Lieberman

Adjunct Analyst

Source: [CEI website](#), 3/04

Angela Logomasini

Director of Risk and Environmental Policy

Source: [CEI website, 3/04](#)

Henry Miller

Hoover Institution Research Fellow

Source: [CEI website, 3/04](#)

Joel Schwartz

Adjunct Analyst

Source: [CEI website, 3/04](#)

James M. Sheehan

Adjunct Analyst

Source: [CEI website, 3/04](#)

Robert J. Smith

Adjunct Scholar

Source: [CEI website, 3/04](#)

William Dunn

Board of Directors member

Source: [CEI website, 3/04](#)

Michael S. Greve

Adjunct Scholar/Board of Directors member

Source: [CEI website, 3/04](#)

Leonard Liggio

Board of Directors member

Source: [CEI website, 3/04](#)

Jody Clarke

Vice President for Communications

Source: [CEI website, 3/04](#)

Gregory Conko

Director of Food Safety Policy

Source: [CEI website, 3/04](#)

Robert L. Bradley Jr.

Julian Simon Award Recipient

Source: [CEI website, 3/04](#)

Sam Kazman

CEI General Counsel

Source: [CEI website, 3/04](#)

Solveig Singleton

Senior Policy Analyst

Source: [CEI website](#), 3/04

Donald J. Boudreaux

Adjunct Scholar

Source: [CEI website](#), 3/04

James Bovard

Adjunct Analyst

Source: [CEI website](#), 3/04

Clyde Wayne Crews Jr.

Vice President for Policy, Director of Technology Studies

Source: [CEI website](#), 3/04

Christopher Culp

Senior Fellow in Financial Regulation

Source: [CEI website](#), 3/04

Julie DeFalco

Adjunct Analyst

Source: [CEI website](#), 3/04

James V. DeLong

Adjunct Scholar

Source: [CEI website](#), 3/04

Dana Joel Gattuso

Adjunct Scholar

Source: [CEI website](#), 3/04

James L. Gattuso

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Source: [CEI website](#), 3/04

C.S. Prakash

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Source: [CEI website](#), 3/04

Jessica Melugin

Adjunct Scholar

Source: [CEI website](#), 3/04

Cassandra C. Moore

Adjunct Analyst

Source: [CEI website](#), 3/04

Robert Nelson

Senior Fellow

Source: [CEI website](#), 3/04

Jonathan H. Adler

former Director of Environmental Studies

Source: [EWG Clean Air Policy Background Analysis 2/12/1997](#)

Jack Kemp

former Distinguished Fellow

Source: [CEI website, 3/04](#)

Paul Georgia

Environmental Policy Analyst

Source: [CEI website, 3/04](#)

David R. Legates

Adjunct Scholar

Source: [CEI website, 3/04](#)

Neil Hrab

former Warren T. Brookes Journalism Fellow, CEI Staff

Source: [CEI website, 3/04](#)

Soso Whaley

worked on debunking "super-size me"

Source: ["McDonalds Fuels Films Battle," UPI, April 13, 2004](#)

Hans Bader

Counsel for Special Projects

Source: [CEI Website 5-2006](#)

John Berlau

Fellow in Economic Policy

Source: [CEI Website 5-2006](#)

Timothy Carney

2005 Warren T. Brookes Journalism Fellow

Source: [CEI Website 5-2006](#)

Christine Hall

Director of Communications

Source: [CEI Website 5-2006](#)

Brooke Oberwetter

Source: [CEI Website 5-2006](#)

Ivan Osorio

Editorial Director

Source: [CEI Website 5-2006](#)

Isaac Post

Regulatory Policy Analyst
Source: [CEI Website 5-2006](#)

Doug Bandow

2005 Bastiat Scholar in Free Enterprise
Source: [CEI Website 5-2006](#)

Patrick Cox

Adjunct Scholar
Source: [CEI Website 5-2006](#)

Bradley Jansen

Adjunct Analyst
Source: [CEI Website 5-2006](#)

Stan Leibowitz

Adjunct Scholar
Source: [CEI Website 5-2006](#)

George Pielar

Adjunct Fellow
Source: [CEI Website 5-2006](#)

James Plummer

Adjunct Analyst
Source: [CEI Website 5-2006](#)

Stephen B. Pociask

Adjunct Analyst
Source: [CEI Website 5-2006](#)

Richard Tren

Adjunct Fellow
Source: [CEI Website 5-2006](#)

Patrick J. Michaels

CEI Expert
Source: [CEI Website \(2006\)](#)

SOURCES

ExxonMobil 2001 Annual Report

ExxonMobil 2001 Annual Report
http://www2.exxonmobil.com/corporate/newsroom/publications/c_ar_01/index.html

ExxonMobil 2002 Annual Report

ExxonMobil 2002 Annual Report

http://www.exxonmobil.com/corporate/Newsroom/Publications/Corp_P_AnnualReport2002.asp

ExxonMobil Foundation 2000 IRS 990

ExxonMobil Foundation 2000 IRS 990

ExxonMobil 1998 grants list

ExxonMobil 1998 grants list (no longer on site)

C Horner, Washington Times 04 June 2002.

C Horner, Washington Times 04 June 2002.

CEI website, 3/04

<http://www.cei.org/>

"Corporate-funded Lobbyists Aimed to Sabotage Johannesburg Summit," Africa News, 8/19/2002

"Lawmakers, Groups Sue Over National Assessment on Climate Change," Greenwire, 10/5/2000

EWG Clean Air Policy Background Analysis 2/12/1997

CEI 1997 Annual Report

The Competitive Enterprise Institute's Annual Report for 1997

"Earth Last," The American Prospect, 5/7/04

article by Chris Mooney

<http://www.prospect.org/web/page.ww?section=root&name=ViewPrint&articleId=7603>

ExxonMobil 2003 Corporate Giving Report

http://www.exxonmobil.com/Corporate/files/corporate/giving_report.pdf

"Disaster Flick Unleashes a Blizzard of Spin," Scripps Howard News, May 14 2004

Disaster Flick Unleashes a Blizzard of Spin: Joan Lowy

http://www.shns.com/shns/g_index2.cfm

"McDonalds Fuels Films Battle," UPI, April 13, 2004

McDonalds Fuels Films Battle; Julia Watson

<http://www.upi.com/>

CEI website, various

<http://www.cei.org/>

CEI website - global warming

CEI website on global warming

<http://www.cei.org/sections/subsection.cfm?section=3>

Exxon Giving Report 2004

Exxon's published report on annual giving

http://www.exxonmobil.com/corporate/files/corporate/giving04_publicpolicy.pdf

CEI website - events

<http://www.cei.org/dyn/events.cfm?archive=2005>

CEI Website 5-2006

CEI Website

<http://www.cei.org/>

ExxonMobil 2005 DIMENSIONS Report (Corporate Giving)

XOM Foundation and Corporation donations in 2005 to worldwide organizations.

CEI Website (2006)

http://www.cei.org/dyn/view_expert.cfm?expert=101

Amicus brief written by Competitive Enterprise Institute

IN THE SUPREME COURT OF THE UNITED STATES COMMONWEALTH OF MASSACHUSETTS, et al., Petitioners, v. U.S. ENVIRONMENTAL PROTECTION AGENCY, et al., Respondents. On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit AMICI CURIAE BRIEF OF CLIMATOLOGISTS AND SCIENTISTS SALLIE BALIUNAS, JOHN R. CHRISTY, CHRIS DE FREITAS, DAVID LEGATES, ANTHONY LUPO, PATRICK MICHAELS, JOEL SCHWARTZ, AND ROY W. SPENCER IN SUPPORT OF RESPONDENTS SAM KAZMAN* HANS BADER CHRISTOPHER C. HORNER COMPETITIVE ENTERPRISE INSTITUTE 1001 Connecticut Ave., NW, #1250 Washington, D.C. 20036 (202) 331-2265 *Counsel of Record

<http://www.cei.org/pdf/5572.pdf>

Bjorn gets Julian Simon Award from CEI

photo of Lomborg receiving award from Fred Smith of CEI and widow of Julian Simon

<http://www.cei.org/2003dinner/pages/CEI012.htm>



EXHIBIT H

CEI Competitive Enterprise Institute

CEI's Petition To EPA To Cease Dissemination Of Climate Action Report

Regulatory Comments and Testimony

by [Christopher C. Horner](#)

June 4, 2002

June 4, 2002

Administrator Christie Todd Whitman
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

**Re: Petition under Federal Data Quality Act
To Prohibit Further Dissemination of "Climate Action Report 2002"**

Dear Administrator Whitman,

For the reasons detailed herein, to the extent that the United States Environmental Protection Agency ("EPA") or any subdivision, branch, agency or office thereof cites, refers or links to, or otherwise disseminates the "Climate Action Report 2002" ("CAR") (<http://www.epa.gov/globalwarming/publications/car/index.html> or), a product of, *inter alia*, EPA, it is in violation of the Federal Data Quality Act ("FDQA"). **This is because CAR cites, relies on, and further disseminates data failing to meet FDQA's requirements (see esp. CAR "Chapter 6"), presently applicable to EPA (see 67 FR 370).** Specifically, CAR disseminates the first National Assessment on Climate Change ("National Assessment" or "NACC") (<http://www.usgcrp.gov/usgcrp/nacc/default.htm>), which is unacceptable under FDQA.

This petition formally requests that EPA immediately remove all electronic dissemination and cease other dissemination of the CAR.

Specifically, and as detailed below, FDQA prohibits – **and therefore, EPA must cease** -- dissemination of CAR given its reliance upon and dissemination of the findings of the National Assessment (NACC) on the basis of that document's failure to satisfy the data quality requirements of "**objectivity**" (whether the

disseminated information is presented in an *accurate, clear, complete* and *unbiased* manner and is as a matter of substance *accurate, reliable* and *unbiased*), and “**utility**” (the *usefulness* of the information to the *intended users* (per the US Global Change Act of 1990, these are Congress and the Executive Branch). See 67 FR 370. As the statutorily designated steering document for policymaking, NACC qualifies as “influential scientific or statistical information”, therefore it must meet a “reproducibility” standard, setting forth transparency regarding data and methods of analysis, “as a quality standard above and beyond some peer review quality standards.”

The reasons, as detailed, *infra*, include NACC’s and therefore CAR’s inappropriate use of computer models and data. Further, in developing the published version of NACC which CAR further disseminates, the US Global Change Research Program (USGCRP) also failed to perform the necessary science underlying regional and sectoral analyses that, as Congress notified USGCRP at the time, was a condition precedent to the release of any National Assessment (even a draft). FDQA ratifies those objections, and is violated by continued dissemination of this product by any federal agency.

Additional rationale necessitating a prohibition on further CAR/NACC dissemination is provided by an extensive record obtained through the Freedom of Information Act (FOIA), that the purported internal “peer review” of the draft NACC did not in fact occur (this record also ratifies the inappropriate use of computer models, as also detailed). As the obtained documents demonstrate, commenting parties expressly informed USGCRP that they were rushed and as such were not given adequate time for substantive review or comment. USGCRP published and continues to disseminate the product nonetheless, as do all agencies such as EPA which reference, cite, link or otherwise disseminate NACC.

All of these failings ensure that dissemination of NACC/CAR violates FDQA’s requirement, manifested in OMB’s Guidelines and as necessarily manifested by EPA final guidelines, that data disseminated by Federal Agencies meet standards of quality as measured by specific tests for objectivity, utility and integrity.

As you are also aware and as reaffirmed by OMB in its FDQA Final Guidance, though EPA is only now developing agency-specific guidelines and mechanisms, for complaints invoking OMB’s Guidelines in the interim EPA should already have in place requisite administrative mechanisms for applying OMB’s standards.

I. FDQA Coverage of USGCRP, therefore its Product the NACC, and CAR

However and by whatever government agency NACC, and therefore CAR, are disseminated they are inescapably covered by FDQA when disseminated by a Federal Agency. First, it is noteworthy that, whatever the status of the governmental office produced NACC, as directed by the Executive Office of the

President (EOP), the United States Global Change Research Program (USGCRP), producer of the National Assessment on Climate Change (NACC or Assessment) is subject to the Federal Data Quality Act (FDQA). FDQA covers the same entities as the Paperwork Reduction Act (44 U.S.C. Sections 3501 *et seq.*; see esp. 44 U.S.C. 3502(1)).

By statute the President serves as Chairman of the National Science and Technology Council (“NSTC”), operating under the White House Office of Science and Technology Policy (“OSTP”), and which has under its authority the Committee on Environment and Natural Resources (“CENR”) (15 U.S.C. 2932 (originally “Committee on Earth and Environmental Sciences”)). All of these offices are therefore EOP entities, subject to PWRA, thus FDQA.

Per 15 U.S.C. 2934 the President, as Chairman of the Council, shall develop and implement through CENR a US Global Change Research Program. The Program shall advise the President and Congress, through the NACC, on relevant considerations for climate policy. Though the composite USGCRP is an “interagency” effort staffed in great part by seconded employees from federal agencies, it remains under the direction of the President and is therefore a “covered agency” pursuant to 44 U.S.C. 3502(1).

Collectively and pursuant to statutory authority, under the direction of these Executive offices the USGCRP directed an effort statutorily dedicated in part to studying the state of the science and its uncertainties surrounding the theory of “global warming” or “climate change,” producing a National Assessment on Climate Change (“NACC”). **Though originally produced prior to FDQA, the data asserted by the NACC (issued in final in December 2000; see <http://www.usgcrp.gov/usgcrp/nacc/default.htm>), as current or continued dissemination is subject to the requirements of the Federal Data Quality Act. That ineffective argument is not available as regards the CAR.**

II. Development of NACC

The Assessment was produced as follows:

1. Pursuant to and/or under the auspices of the Global Change Research Act of 1990, 15 U.S.C. 2921, *et seq.*, USGCRP is assigned the responsibility of producing a scientific assessment, particularly that which is at issue in this Petition, as follows:

“On a periodic basis (not less frequently than every 4 years), the Council, through the Committee, shall prepare and submit to the President and the Congress an assessment which –

- (1) integrates, evaluates, and interprets the findings of the [USGCR] Program and discusses the scientific uncertainties associated with such findings;

- (2) analyzes the effects of global change on the natural environment, agriculture, energy production and use, land and water resources, transportation, human health and welfare, human social systems, and biological diversity; and
- (3) analyzes current trends in global change both human-induced (sic) and natural, and projects major trends for the subsequent 25 to 100 years.” (15 U.S.C. 2934).

2. The document at issue in this Petition, the “First National Assessment on Climate Change,” disseminates data rising to the requisite FDQA levels of “quality”, as described herein.
3. USGCRP’s surge to release a flawed, partial, and partially unauthorized, report came despite requests of lawmakers and outside interests concerned with the issues at hand, to withhold releasing a such a document lacking particular required scientific foundations, in violation of several laws and public policy.

III. The Assessment violates the requirements of the FDQA in the following ways:

1. NACC Relies Upon and Promotes Improper Use of Computer Model Data

For the following reasons, NACC violates FDQA’s “objectivity” and “utility” requirements. As “influential scientific or statistical information”, NACC also fails for these reasons its “reproducibility” standard, setting forth transparency regarding data and methods of analysis, “a quality standard above and beyond some peer review quality standards.”

First, on behalf of this petition, Patrick Michaels, Professor of Environmental Sciences at University of Virginia, excerpts from his review of the NACC dated and submitted to USGCRP August 11, 2000, detailing concerns noted above that place the NACC in violation of FDQA. Where appropriate, additional *explanatory text* is included. **USGCRP made no apparent alterations of the original text in response to these comments, therefore the comments apply to NACC as disseminated.**

“August 11, 2000...”

“The essential problem with the USNA [*elsewhere cited in this Petition as the NACC*] is that it is based largely on two climate models, neither one of which, when compared with the 10-year smoothed behavior of the lower 48 states (a very lenient comparison), reduces the residual variance below the raw variance of the data. The one that generates the most lurid warming scenarios—the Canadian Climate Centre (CCC) Model—produces much larger errors than are inherent in the natural noise of the data. That is a simple test of whether or not a model is valid...and both of those models fail. All implied effects, including the

large temperature rise, are therefore based upon a multiple scientific failure. The USNA's continued use of those models and that approach is a willful choice to disregard the most fundamental of scientific rules. (And that they did not find and eliminate such an egregious error is testimony to grave bias). For that reason alone, the USNA should be withdrawn from the public sphere until it becomes scientifically based."

Explanatory text: *The basic rule of science is that hypotheses must be verified by observed data before they can be regarded as facts. Science that does not do this is "junk science", and at minimum is precisely what the FDQA is designed to bar from the policymaking process.*

The two climate models used in the NACC make predictions of U.S. climate change based upon human alterations of the atmosphere. Those alterations have been going on for well over 100 years. Do the changes those models "predicted" for U.S. climate in the last century resemble what actually occurred?

This can be determined by comparison of observed U.S. annual temperature departures from the 20th century average with those generated by both of these models. It is traditional to use moving averages of the data to smooth out year-to-year changes that cannot be anticipated by any climate model. This review used 10-year running averages to minimize interannual noise.

The predicted-minus-observed values for both models versus were then compared to the result that would obtain if one simply predicted the average temperature for the 20th century from year to year. In fact, both models did worse than that base case. Statistically speaking, that means that both models perform worse for the last 100 years than a table of random numbers applied to ten-year running mean U.S. temperatures.

There was no discernible alteration of the NACC text in response to this fatal flaw. However, the NACC Synthesis Team, co-chaired by Thomas Karl, Director of the National Climatic Data Center, took the result so seriously that they commissioned an independent replication of this test, only more inclusive, using 1-year, 5-year, 10-year and 25-year running means of the U.S. annual temperature. This analysis verified that in fact both models performed no better than a table of random numbers applied to the U.S. Climate Data. Mr. Karl was kind enough to send the results to this reviewer.

"...the problem of model selection. As shown in Figure 9.3 of the Third Assessment of the United Nations Intergovernmental Panel on Climate Change, the behavior of virtually every General Circulation Climate model (GCM) is the production of a linear warming, despite assumptions of exponential increases in greenhouse forcing. In fact, only one (out of, by my count, 26) GCMs produces a substantially exponential warming—the CCC model [one of the two used in the NACC]. Others may bend up a little, though not substantially, in the policy-relevant time frame. The USNA specifically chose the outlier with regard to the mathematical form of the output. No graduate student would be allowed to submit a thesis to his or her

committee with such arrogant bias, and no national committee should be allowed to submit such a report to the American people.

Even worse, the CCC and Hadley data were decadal smoothed and then (!) subject to a parabolic fit, as the caption for the USNA's Figure 6 makes clear. That makes the CCC even appear warmer because of the very high last decadal average.

One of the two models chosen for use in the USNA, the Canadian Climate Center (CCC) model, predicts the most extreme temperature and precipitation changes of all the models considered for inclusion. The CCC model forecasts the average temperature in the United States to rise 8.1°F (4.5°C) by the year 2100, more than twice the rise of 3.6°F (2.0°C) forecast by the U.K. model (the second model used in the USNA). Compare this with what has actually occurred during the past century. The CCC model predicted a warming of 2.7°F (1.5°C) in the United States over the course of the twentieth century, but the observations show that the increase was about 0.25°F (0.14°C) (Hansen, J.E., et al., 1999: GISS analysis of surface temperature change. *Journal of Geophysical Research*, **104**, 30,997–31,022), or about 10 times less than the forecast [Hansen has since revised this to 0.5°C, which makes the prediction three times greater than what has been observed].... The CCC forecast of precipitation changes across the United States is equally extreme. Of all the models reviewed for inclusion in the USNA, the CCC model predicted more than twice the precipitation change than the second most extreme model, which interestingly, was the U.K. model [the other model used in the NACC]. The U.K. model itself forecast twice the change of the average of the remaining, unselected models. Therefore, along with the fact that GCMs in general cannot accurately forecast climate change at regional levels, the GCMs selected as the basis for the USNA conclusions do not even fairly represent the collection of available climate models.

Why deliberately select such an inappropriate model as the CCC? [Thomas Karl, co-Chair of the NACC synthesis team replied that] the reason the USNA chose the CCC model is that it provides diurnal temperatures; this is a remarkable criterion given its base performance....”

“The USNA's high-end scenarios are driven by a model that 1) doesn't work over the United States; 2) is at functional variance with virtually every other climate model. It is simply impossible to reconcile this skewed choice with the rather esoteric desire to include diurnal temperatures...”

Explanatory text: *It is clear that the NACC chose two extreme models out of a field of literally dozens that were available. This violates the FDQA requirements for “objectivity” detailed in the third paragraph of this Petition.*

Second, Dr. Michaels is clearly not alone in his assessment. Consider the comments of government reviewers, all received and possessed by USGCRP. For example, that styled “**Improper use of climate**

models", by William T. Pennell of Northwest National Laboratory, submitted through DOE (John Houghton) to Melissa Taylor at USGCRP:

"Although it is mentioned in several places, greater emphasis needs to be placed on the limitations that the climate change scenarios used in this assessment have on its results. First, except for some unidentified exceptions, only two models are used. Second, nearly every impact of importance is driven by what is liable to happen to the climate on the regional to local scale, but it is well known that current global-scale models have limited ability to simulate climate effects as this degree of spatial resolution. We have to use them, but I think we need to be candid about their limitations. Let's take the West [cites example]...Every time we show maps that indicate detail beyond the resolution of the models we are misleading the reader."

USGCRP received other comments by governmental "peer reviewers" affirming these modeling data transgressions:

"Also, the reliance on predictions from only two climate models is dangerous". Steven J. Ghan, Staff Scientist, Atmospheric Sciences and Global Change, Pacific Northwest Laboratory.

"This report relies too much on the projections from only two climate models. Projections from other models should also be used in the assessment to more broadly sample the range of predicted responses." Steven J. Ghan Staff Scientist, Atmospheric Sciences and Global Change, Pacific Northwest Laboratory.

"Comments on National Assessment. 1. The most critical shortcomings of the assessment are the attempt to extrapolate global-scale projections down to regional and sub-regional scales and to use two models which provide divergent projections for key climatic elements." Mitchell Baer, US Department of Energy, Washington, DC.

"General comments: Bias of individual authors is evident. Climate variability not addressed...Why were the Hadley and Canadian GCMs used? Unanswered questions. Are these GCM's [sic] sufficiently accurate to make regional projections? Nope". Reviewer Stan Wullschlegler (12/17/99).

William T. Pennell, Manager, Atmospheric Sciences and Global Change, Pacific Northwest Laboratory, cites the that "only two models are used" as a "limitation" on the product.

The final NACC currently disseminated by Commerce/NOAA shows these admonitions went unheeded.

Stated simply, the climate models upon which NACC relies have struck out. Strike one: they can't

simulate the current climate. Strike two: they predict greater and more rapid warming in the atmosphere than at the surface. The opposite is happening (see e.g., http://www.ghcc.msfc.nasa.gov/MSU/hl_sat_accuracy.html). Strike three: they predict amplified warming at the poles, which are cooling instead (see e.g., <http://www.washingtonpost.com/wp-dyn/articles/A40974-2002Jan13.html>). On top of this demonstrable lack of utility for their purported purpose, NACC knowingly misuses them.

2. Failure to Perform Requisite Scientific Review Violates FDQA

USGCRP's development of NACC drew congressional attention to particular shortcomings. Specifically, leaders in the United States House of Representatives repeatedly attempted to ensure USGCRP and its subsidiary bodies follow the scientific method regarding particular matters, specifically the regional and sectoral analyses. Indeed the concerns had become so acute that these leaders successfully promoted a restriction prohibiting relevant agencies from expending appropriated monies upon the matter at issue, consistent with the plain requirements of the GCRA of 1990, through language in the conference report accompanying Public Law 106-74:

“None of the funds made available in this Act may be used to publish or issue an assessment required under section 106 of the Global Change Research Act of 1990 unless (1) the supporting research has been subjected to peer review and, if not otherwise publicly available, posted electronically for public comment prior to use in the assessment; and (2) the draft assessment has been published in the Federal Register for a 60 day public comment period.”^[1]

USGCRP did not perform the conditions precedent for valid science as cited in that language. Instead USGCRP produced and now disseminates a NACC knowingly and expressly without the benefit of the supporting science which not only is substantively required but which Congress rightly insisted be performed and subject to peer review prior to releasing any such assessment.

These attempts to rectify certain NACC shortcomings were made in advance of USGCRP producing the NACC, but were never rectified. These failures justify Petitioners' request that USGCRP cease present and future NACC dissemination unless and until its violations of FDQA are corrected. In addition to NACC violating FDQA's "objectivity" and "utility" requirements, as "influential scientific or statistical information", NACC also fails its "reproducibility" standard, setting forth transparency regarding data and methods of analysis. Per OMB, this represents "a quality standard above and beyond some peer review quality standards."^[2]

Given USGCRP's refusal to wait for completion of the underlying science and their response to the

relevant oversight chairmen, it is manifest that USGCRP ignored or rejected these lawmakers' requests, including by the relevant oversight Chairmen and produced a deeply flawed Assessment, knowingly and admittedly issuing a "final" Assessment without having complied with Congress's direction to incorporate the underlying science styled as "regional and sectoral analyses,"^[3] while also admitting that the requisite scientific foundation would be completed imminently. For these same reasons dissemination presently violates FDQA.

3. NACC Not in Fact Peer Reviewed, Commenting Parties Make Clear

Finally, NACC suffers from having received no authentic peer review, in violation of FDQA's "objectivity" and "utility" requirements. As "influential scientific or statistical information", for these reasons NACC also fails the "reproducibility" standard, setting forth transparency regarding data and methods of analysis, "a quality standard above and beyond some peer review quality standards."

Once an advisory committee was chartered pursuant to the Federal Advisory Committee Act (FACA) in 1998, Dr. John Gibbons' communication of January 8, 1998 to the first Designated Federal Officer (DFO) Dr. Robert Corell indicates a sense of urgency was communicated to the panel by political officials. Further, statements in the record and major media outlets, including but in no way limited to those from certain anonymous if purportedly well placed sources, indicate a perception among involved scientists that political pressures drove the timing and even content of this draft document. This is manifested by the lack of opportunity to comment for parties whose comment was formally requested as part of a "peer review" of NACC.

This sense of urgency is reflected in, among other places, comments the Cooler Heads Coalition obtained via the Freedom of Information Act, made by parties from the National Laboratories asked by the Department of Energy to comment on the Draft. In addition to an emphasis on speed as opposed to deliberation, the report's emphasis on "possible calamities" to the detriment of balancing comments which were widely offered, and rampant criticism of the reliance on only two significantly divergent models for the pronouncements made, these comments are exemplified by the following samples from well over a dozen such complaints accessed through FOIA, **also received by and in the possession of USGCRP:**

- 1) "This review was constrained to be performed within a day and a half. This is not an adequate amount of time to perform the quality of review that should be performed on this size document" (Ronald N. Kickert, 12/08/99);
- 2) "During this time, I did not have time to review the two Foundation Document Chapters" (Kickert, 12/20/99);

- 3) "Given the deadline I have been given for these comments, I have not been able to read this chapter in its entirety" (William T. Pennell);
- 4) "**UNFORTUNATELY, THIS DOCUMENT IS NOT READY FOR RELEASE WITHOUT MAJOR CHANGES**" (CAPS and bold in original)(Jae Edmonds);
- 5) "This is not ready to go!" (William M. Putman).

These comments reflect an alarming implication of timing over substance, and of a product whose final content appears predetermined. Patrick Michaels' comments, and the absence of apparent change in response to his alarming findings, reinforces this troubling reality. Notably, the product was released and continues to be disseminated without offering an actual peer review or otherwise addressing the concerns expressed.

In conclusion, the National Assessment on Climate Change, and therefore the Climate Action Report 2002 fails to meet FDQA and/or OMB guidelines regarding Data Quality. **As a consequence, EPA must immediately cease electronic and other dissemination of the "Climate Action Report 2002", which relies in part on, cites, and further disseminates (see esp. "Chapter 6"), the unacceptable data provided by the National Assessment on climate Change, as defined by OMB and described, *supra*.**

I look forward to your timely response to this Petition.

Sincerely,

Christopher C. Horner
Counsel

[1] House Report 106-379, the conference report accompanying H.R. 2684, Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Pub.L. 106-74), p. 137.

[2] Attachments "B" establish the record of Congress, detailing for USGCRP its more obvious scientific failures which now lead to NACC now violating FDQA, noting USGCRP's apparent failure to comply with such conditions and seeking assurance that such circumstances would be remedied.

USGCRP via OSTP drafted a response to House Science Committee Chairman Sensenbrenner, evasively failing to specifically address the concerns raised by these Members. Chairmen Sensenbrenner and Calvert specifically took issue and/or disputed these non-responses in the July 20, 2000 letter, reiterating their request for compliance with the law's requirements. Nonetheless, the failings persist.

[3] See Attachments "B". This despite that the two principal NACC sections are "Regions," and "Sections." (see

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EXHIBIT I

George C. Marshall INSTITUTE

FAX COVER SHEET

To: Phil Corey

Fax: _____

From: Bill Keys

Date: _____

Number of pages INCLUDING this cover sheet: _____

Additional Messages: _____

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George C. Marshall INSTITUTE

June 12, 2002

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Mr. Andrew Card
White House Chief of Staff
The White House
1600 Pennsylvania Avenue
Washington, D.C.

Dear Andy:

I am writing about the recently released national assessment, which seems completely inconsistent with the President's policy and expressed views on the subject. I suspect that you have had your fill of feedback about the report. It is not my intent to pile on with more criticism. Instead, I want to offer some observations that you might find useful.

Although there are always many explanations when something like this happens, I would like to believe that it was primarily a case of a bureaucracy run amok and a review process that got short shrift because people were stretched thin and focused on other priorities. However, recent statements by Mr. Fleischer have added to the confusion and raise the question of whether policy is still being driven by the best available science.

The EPA report and his comments do not reflect the actual state of climate science. Mr. Fleischer's quotes from the National Academy report were unfortunate because they do not reflect the actual substance of that report. Indeed, the two sentences that he cited from the Executive Summary are contradictory. Last December, the Marshall Institute released a report that addressed the current state of knowledge and the deficiencies in the most recent report of the Intergovernmental Panel on Climate Change. Jim Schlesinger co-chaired the work group that produced that report. Although I sent you a copy at the time, I am including another copy because it may prove helpful in dealing with the current situation.

I do not intend to go into detail about the findings in the Marshall report but simply want to make two observations about the science. First, according to the prevailing theory about human induced global warming, increased greenhouse gases in the atmosphere, such as CO₂ produced by human activities, trap heat from the earth's surface, which then warms the atmosphere, which then in turn warms the earth's surface. For this theory to be an explanation of recent warming, the lower atmosphere would have to show a clear warming trend. It has not. Satellite data since 1979, and weather balloon data prior to that, do not show a warming trend in the atmosphere. Without a warmer atmosphere to radiate heat back to earth, there cannot be a significant human impact on surface temperatures.

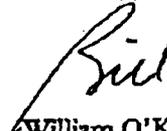
Second, proxy data from ice cores going back more than one hundred thousand years do not reveal a pattern that is consistent with the theory that increases in carbon dioxide lead to an increase in surface temperature.

The President's policy is scientifically sound but it needs public support to withstand both domestic and international pressure to rejoin the Kyoto club. Currently, the public's priorities do not put environmental issues and especially climate change in its top tier. That could be a justification for not allocating more resources to managing and coordinating the climate issue. However, for environmental advocates and their allies, this issue is the top priority and, as you have seen, they will try to exploit any opportunity to put the Administration on the defensive and to promote wrong-headed policy.

Since the public's priorities do not now support a rush to judgment about climate change, the Administration has the time for focused research, objective analysis and assessment, and most importantly, for promoting a better public understanding of the climate system and human influence on it. Clearly, accomplishing those objectives will require better inter-agency coordination, a strong commitment to clear and consistent objectives, and clarity in communications. The Clinton Administration had a climate task force that was chaired by a senior person on the White House staff. As a result of that system, everyone was on the same page, with the same message, even though they were reading from the wrong book.

I hope that you will urge the President to seriously consider recreating such a task force. As you know, I am prepared and willing to help any way that I can.

Sincerely,


William O'Keefe
President

P.S. You are doing a great job.

EXHIBIT J



EXXONSECRETS.ORG

Documenting Exxon-Mobil's funding of climate change skeptics.

[List Organizations](#)

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FACTSHEET: William O'Keefe

DETAILS

President, George C. Marshall Institute.

Adjunct Scholar, Competitive Enterprise Institute. Member, CEI Board of Directors. Registered lobbyist, ExxonMobil Corporation President and Founder, Solutions Consulting. President Emeritus, Global Climate Coalition. President, Solutions Consulting, Inc. Former Senior Vice President, Jellinek, Schwartz and Conolly, Inc. Chief Administrative Officer, Center for Naval Analyses.

According to federal lobbying records, O'Keefe was a paid lobbyist for ExxonMobil, 2001-2005 on the issues of environment and climate change, with contacts with the White House and the Office of Management and Budget. He writes frequently about climate change in his presidential role at the George C. Marshall Institute.

O'Keefe has a long history of involvement with the fossil fuel industry. O'Keefe also served as Executive Vice President and CEO of the American Petroleum Institute, a position he held until 2000.

KEY QUOTES

1 June, 2001

"The President said what most people familiar with this issue already knew: Kyoto is flawed and will not work."

Source: [George C Marshall Institute website](#)

QUOTES

17 December, 2001

"We have no capacity to influence Mother Nature, and if it turns out that the majority of warming is the result of natural variability, ... policy actions that adversely affect the economy will do so without the benefit of improving the climate."

Source: ["The Scientific Certainties Of Climate Change Doubtful," CMR 12/17/01](#)

6 January, 2004

"The current climate change debate isn't about action or inaction. It is about whether proposed actions are consistent with our state of knowledge and other important societal priorities. Our nation should not be frightened into adopting unknown and unproven technologies until they can contribute to healthy economic growth and until we better understand the impact of human activities on our climate system."

Source: ["Climate debate isn't about action, it's about knowledge," Atlanta Journal-Constitution 1/6/04](#)

22 March, 2004

"Every independent and credible analysis has concluded that it would have adverse economic impacts on most nations." "The range for the United States varies from about a 1 percent to almost a 4 percent reduction in GDP." That would translate into something between \$130 billion and \$500 billion annually, or \$2,000 to \$5,000 per family -- figures that seem high. A 4 percent reduction for a family making \$50,000 a year would be about \$2,000. A 1 percent reduction would cost about \$500 a year, or about \$40 a month. "The reason for a large negative impact is simple." "Forced reductions in CO2 emissions involve suppressing energy use. While energy efficiency continues to improve, it is an objective reality that growing economies require more energy, not less."

Source: ["The Costs of Climate Change" UPI, March 22, 2004](#)

3 June, 2004

"Until we have a better theoretical understanding of these processes and better measurement data, efforts to build and use more complex models will simply squander scarce resources and perpetuate the conflict we have witnessed over the past decade."

Source: ["The Challenge of Making Climate Science Policy Relevant"](#)

3 June, 2004

"It should be self evident that until we better understand natural variability, feedbacks, climate sensitivity, cloud formation, water vapor, solar variability, and ocean currents, we cannot adequately understand the extent of human influence or the appropriate actions to mitigate it."

Source: ["The Challenge of Making Climate Science Policy Relevant"](#)

KEY DEEDS

4 April, 2002

O'Keefe was a guest on NPR's "Morning Edition," contributing to a discussion about IPCC Chairman Robert Watson, who called for regulations of the fossil fuel industries. O'Keefe argued that Watson's conclusions were not scientifically justified. The same program mentioned that ExxonMobil had written to the White House, criticizing Watson and requesting that he be replaced.

Source: [Transcript, "US government decides not to back current head of Intergovernmental Panel on Climate Change," Morning Edition, 4/4/02](#)

9 June, 2000

Appeared on an NBC Nightly News report on the Clinton Administration's "National Analysis of the Long Term Consequences of Global Warming." O'Keefe said of the report "Everybody who has read the full document comes to the same conclusion. That it is a document that is designed to scare, not to enlighten, to mislead, not inform. And that's unfortunate."

Source: [Transcript, NBC Nightly News 6/9/00](#)

ORGANIZATIONS

Competitive Enterprise Institute

Source: CEI website, 3/04

George C. Marshall Institute

Source: George Marshall Institute website 5/06

American Petroleum Institute

Source: "Earth Last," The American Prospect, 5/7/04

Global Climate Coalition

Source: George Marshall Institute website 4/04

United for Jobs

Source: United for Jobs June 30, 2004

ExxonMobil Corporation

Source: House of Representatives, Office of the Clerk, Lobbying Disclosure Registration

SOURCES

CEI website, 3/04

<http://www.cei.org/>

George Marshall Institute website 4/04

<http://www.marshall.org/>

"Earth Last," The American Prospect, 5/7/04

article by Chris Mooney

[http://www.prospect.org/web/page.wv?
section=root&name=ViewPrint&articleId=7603](http://www.prospect.org/web/page.wv?section=root&name=ViewPrint&articleId=7603)

Transcript, "US government decides not to back current head of Intergovernmental Panel on Climate Change," Morning Edition, 4/4/02

Transcript, NBC Nightly News 6/9/00

"The Scientific Certainties Of Climate Change Doubtful," CMR 12/17/01

"Climate debate isn't about action, it's about knowledge," Atlanta Journal-Constitution 1/6/04

<http://www.marshall.org/article.php?id=186>

"The Costs of Climate Change" UPI, March 22, 2004

The Costs of Climate Change: Dan Whipple

<http://www.upi.com/>

George C Marshall Institute website

"Candor about Kyoto" - Op-Ed by William O'Keefe, June 1 2001.

<http://www.marshall.org/article.php?id=26>

United for Jobs June 30, 2004

essay "Climate Change Trojan Horse" attacking McCain Lieberman Climate Stewardship Act

<http://www.unitedforjobs2004.org/ufj/wrapper.jsp?PID=8040-5&CID=8040-063004A>

House of Representatives, Office of the Clerk, Lobbying Disclosure Registration

2005 Lobbying registration for O'Keefe lobbying for Exxon

http://clerk.house.gov/pd/houseID.html?reg_id=34946

"The Challenge of Making Climate Science Policy Relevant"

Remarks by William O'Keefe at the EPA Science Forum 2004.

<http://www.marshall.org/pdf/materials/227.pdf>

George Marshall Institute website 5/06

<http://www.marshall.org/>

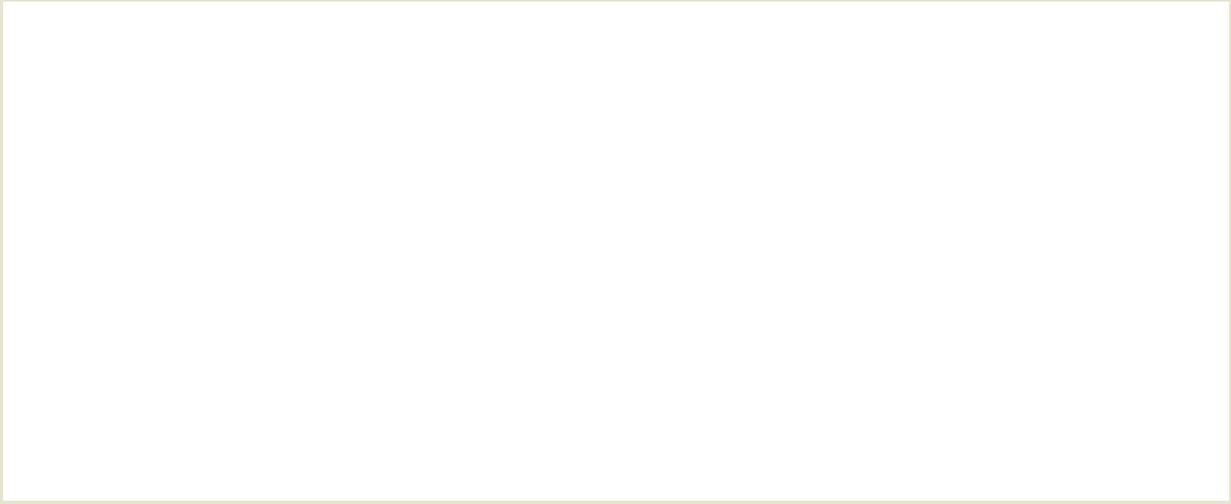


EXHIBIT K



EXXONSECRETS.ORG

Documenting Exxon-Mobil's funding of climate change skeptics.

[List Organizations](#)

[Launch Flash Application](#)



Search ExxonSecrets.org using Google

Search:

FACTSHEET: George C. Marshall Institute, GMI

DETAILS

1625 K Street, NW, Suite 1050 Washington, DC 20006
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Founded in 1984, The George Marshall Institute primarily focused on defense issues, advocating funding for Reagan's Strategic Defense Initiative and Star Wars. GMI has since branched out and is one of the leading think tanks trying to debunk climate change.

GMI works on a range of issues, including civic environmentalism, climate change, national defense, bioterrorism, and missile defense. GMI publishes papers and holds "roundtables." Many of these roundtables have featured climate change skeptics such as Roger Bate, Willie Soon, Margo Thorning, and GMI's own Sallie Baliunas. In 1989, the Marshall Institute released a report arguing that "cyclical variations in the intensity of the sun would offset any climate change associated with elevated greenhouse gases." Although it was refuted by the IPCC, the report was used by the Bush Sr. Administration to argue for a more lenient climate change policy. GMI has since published numerous reports and articles attacking the Kyoto protocol and undermining the climate science. GMI is a former member of the Cooler Heads Coalition. GMI used to restrict its funding sources to private foundations and individual donors to avoid conflict of interest, but in the late nineties, then GMI President Jeffrey Salmon wrote, "when the Institute turned its attention to the science of global warming, it decided it would appeal successfully to industry for financial support." This fall, the Institute received its first-ever grant from a corporate foundation-- the Exxon Education Foundation. (<http://web.archive.org/web/20020913050409/http://www.marshall.org/funding.htm>) According to Media Transparency.org, the Institute received \$5,757,803 since 1985 from conservative foundations including the Castle Rock Foundation (Coors), Earhart Foundation, John M. Olin Foundation, the Sarah Scaife Foundation, Lynde and Harry Bradley Foundation, and the Carthage Foundation.

KEY QUOTES

"Wise, effective climate policy flows from a sound scientific foundation and a clear understanding of what science does and does not tell us about human influence and about courses of action to manage risk. Many of the temperature data and computer models used to predict climate change are themselves uncertain. Reducing these many uncertainties requires a significant shift in the way climate change research is carried out in the U.S. and elsewhere."

Source: [George Marshall Institute website 4/04](#)

KEY DEEDS

12 April, 2004

Sponsored a "Washington Roundtable on Science and Public Policy" at which Dr. David Legates gave a presentation entitled "Global Warming and the Hydrological Cycle." Legates argued that climate change is unlikely to cause increased extreme weather.

Source: ["Global Warming and the Hydrological Cycle," David Legates 4/12/04](#)

FUNDING

George C. Marshall Institute has received \$630,000 from ExxonMobil since 1998.

1999

\$50,000 ExxonMobil Foundation

'support for science and public policy education programs'

Source: [ExxonMobil Foundation 1999 IRS 990](#)

2000

\$50,000 ExxonMobil Foundation

general support

Source: [ExxonMobil Foundation 2000 IRS 990](#)

2001

\$60,000 ExxonMobil Foundation

'climate change work'

Source: [ExxonMobil 2001 Annual Report](#)

2002

\$80,000 ExxonMobil Foundation

'global climate change program'

Source: [ExxonMobil 2002 Annual Report](#)

2002

\$10,000 ExxonMobil Corporate Giving

Awards Dinner

Source: [ExxonMobil 2002 Annual Report](#)

2003

\$95,000 ExxonMobil Foundation

Global Climate Change Program

Source: [ExxonMobil 2003 Corporate Giving Report](#)

2004

\$25,000 Exxon Corporation

Awards Dinner -- Climate Change Activities

Source: [Exxon Giving Report 2004](#)

2004
\$145,000 ExxonMobil Foundation
Climate Change
Source: [Exxon Giving Report 2004](#)

2005
\$90,000 ExxonMobil Foundation
General Operating Support
Source: [ExxonMobil 2005 DIMENSIONS Report \(Corporate Giving\)](#)

2005
\$25,000 ExxonMobil Corporate Giving
Awards Dinner and General Operating Support
Source: [ExxonMobil 2005 DIMENSIONS Report \(Corporate Giving\)](#)

KEY PEOPLE

Sallie Baliunas

Senior Scientist; Science Advisory Board Member
Source: [George Marshall Institute website 5/06](#)

Frederick Seitz

Chairman Emeritus, Board of Directors
Source: [George Marshall Institute website 5/06](#)

Robert Jastrow

Chairman Emeritus, Board of Directors
Source: [George Marshall Institute website 5/06](#)

William O'Keefe

Chief Executive Officer
Source: [George Marshall Institute website 5/06](#)

Bruce Ames

Member, Board of Directors
Source: [George Marshall Institute website 5/06](#)

Willie Soon

Senior Scientist
Source: [George Marshall Institute website 5/06](#)

Margo Thorning

Roundtable Speaker
Source: [George Marshall Institute website 5/06](#)

Ross McKittrick

Expert

Source: [George Marshall Institute website 5/06](#)

David R. Legates

Expert

Source: [George Marshall Institute website 5/06](#)

Sherwood Idso

Expert

Source: [George Marshall Institute website 5/06](#)

Craig Idso

Expert

Source: [George Marshall Institute website 5/06](#)

James R. Schlesinger

Expert

Source: [George Marshall Institute website 5/06](#)

Howard Kleinberg

Research Analyst

Source: [George Marshall Institute website 5/06](#)

PEOPLE

Jeff Kueter

President

Source: [George Marshall Institute website 5/06](#)

Patrick J. Michaels

Author

Source: [Marshall Institute Webpage \(2006\)](#)

Thomas L. Clancy Jr.

Member, Board of Directors

Source: [George Marshall Institute website 5/06](#)

William Happer

Chairman of the Board of Directors

Source: [George Marshall Institute website 5/06](#)

Willis M. Hawkins

Former member of the Board of Directors (deceased)

Source: [George Marshall Institute website 5/06](#)

Bernadine Healy

Member, Board of Directors

Source: [George Marshall Institute website 5/06](#)

John H. Moore

Member, Board of Directors

Source: [George Marshall Institute website 5/06](#)

Robert Sproull

Member, Board of Directors

Source: [George Marshall Institute website 5/06](#)

Chauncey Starr

Member, Board of Directors

Source: [George Marshall Institute website 5/06](#)

Lynn Wallis

Vice President of Operations

Source: [George Marshall Institute website 5/06](#)

Mark Herlong

Program Director

Source: [George Marshall Institute website 5/06](#)

Roger Bate

Former Roundtable Speaker

Source: [George Marshall Institute website 5/06](#)

Henry Miller

Roundtable Speaker

Source: [George Marshall Institute website 5/06](#)

Michael Gough

Roundtable Speaker

Source: [George Marshall Institute website 5/06](#)

Stephen McIntyre

Expert

Source: [George Marshall Institute website 5/06](#)

Jeffrey Marsh

Expert

Source: [George Marshall Institute website 5/06](#)

W. David Montgomery

Expert

Source: [George Marshall Institute website 5/06](#)

Michael E. Canes

Expert

Source: [George Marshall Institute website 5/06](#)

Leonard Bernstein

Expert

Source: [George Marshall Institute website 5/06](#)

Jeffrey Salmon

Expert

Source: [George Marshall Institute website 5/06](#)

Kirill Ya. Kondratyev

Expert

Source: [George Marshall Institute website 5/06](#)

Eric S. Posmentier

Expert

Source: [George Marshall Institute website 5/06](#)

Gregory Canavan

Scientific Advisor, Board of Directors

Source: [George Marshall Institute website 5/06](#)

John Christy

Author

Source: [Marshall Institute Website \(2006\)](#)

Roy W. Spencer

Author

Source: [Marshall Institute Website \(2006\)](#)

James O'Brien

Author

Source: [Marshall Institute Website](#)

Richard Lindzen

Author

Source: [Marshall Institute Website \(2006\)](#)

SOURCES

ExxonMobil 2001 Annual Report

ExxonMobil 2001 Annual Report

http://www2.exxonmobil.com/corporate/newsroom/publications/c_ar_01/index.html

ExxonMobil 2002 Annual Report

ExxonMobil 2002 Annual Report

http://www.exxonmobil.com/corporate/Newsroom/Publications/Corp_P_AnnualReport2002.asp

ExxonMobil Foundation 2000 IRS 990

ExxonMobil Foundation 2000 IRS 990

ExxonMobil Foundation 1999 IRS 990

ExxonMobil Foundation 1999 IRS 990

George Marshall Institute website 4/04

<http://www.marshall.org/>

ExxonMobil 2003 Corporate Giving Report

http://www.exxonmobil.com/Corporate/files/corporate/giving_report.pdf

"Global Warming and the Hydrological Cycle," David Legates 4/12/04

<http://www.marshall.org/pdf/materials/207.pdf>

Exxon Giving Report 2004

Exxon's published report on annual giving

http://www.exxonmobil.com/corporate/files/corporate/giving04_publicpolicy.pdf

ExxonMobil 2005 DIMENSIONS Report (Corporate Giving)

XOM Foundation and Corporation donations in 2005 to worldwide organizations.

George Marshall Institute website 5/06

<http://www.marshall.org/>

Marshall Institute Website (2006)

Christy and Spencer authored a report using "satellite microwave data beginning in 1979, which showed little or no warming above the surface."

<http://www.marshall.org/article.php?id=415>

Marshall Institute Website

Report authored by O'Brien discusses climate change's impact on Atlantic hurricanes.

<http://www.marshall.org/article.php?id=364>

Marshall Institute Website (2006)

"Climate Alarm- Where Does It Come From?"

<http://www.marshall.org/article.php?id=264>

Marshall Institute Webpage (2006)

<http://www.marshall.org/article.php?id=145>



EXHIBIT L

31 March 2003 (Total References to NACC: 12)	Chapter 4 (1 ref)	Chapter 7 (3 refs)	Chapter 8 (1 ref)	Chapter 9 (5 refs)	Chapter 11	References (2 refs)
	<p>One of the highest priorities for decision-makers is to determine how climate variations, whether natural or human-induced, alter the frequencies, intensities and locations of extreme events (NRC 1999a, NAST 2000, 2001).</p>	<p>A continuing dialogue with stakeholders, including resource managers, policy makers, and other decision makers, will need to be established and maintained to ensure that desired information is provided in a useful form (NAST, 2000).</p> <p>Current estimates of regional distributions of carbon sources and sinks derived from atmospheric and oceanic data differ from forest inventory and terrestrial ecosystem model estimates, but there is growing confidence that these differences can be reconciled (IPCC, 2000a, 2001a; NAST, 2001).</p> <p>While no one of these models is ideal, as a group they are becoming quite useful for exploring global</p>	<p>Research during the last decade focused on the vulnerability of ecosystems to global change and contributed to assessments of the potential impacts of global change on ecological systems at multiple scales (e.g., NAST, 2000, 2001; IPCC, 2001b).</p>	<p>A broad research agenda for human contributions and responses has been identified in a series of national and international reports, including the assessment reports of the Intergovernmental Panel on Climate Change (IPCC, 2001a,b,c,d), a series of focused reports and monographs from the National Research Council (NRC, 1999a,e, 2001c,e), and the overview and foundation documents produced as part of the National Assessment of the Potential Consequences of Climate Variability and Change (NAST, 2000, 2001).</p> <p>The Intergovernmental Panel on Climate Change (IPCC 2000, 2001a,b,c,d), the National Research Council (1999a, 2001a), and the National Assessment (NAST 2000, 2001) have summarized social science research on these</p>		<p>NAST, 2000: Overview—Climate Change Impacts on the United States: The Potential Consequences of Climate Variability and Change [National Assessment Synthesis Team (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, 154 pp.</p> <p>NAST, 2001: Foundation—Climate Change Impacts on the United States: The Potential Consequences of Climate Variability and Change [National Assessment Synthesis Team (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York,</p>

		<p>change scenarios and bounding potential future CO2 conditions and responses of ecosystems (NAST, 2000; IPCC, 2001a).</p>		<p>drivers in the specific context of climate change, and the International Human Dimensions Programme has contributed to this body of knowledge. For example, the National Assessment pointed to population changes (including an aging population in the U.S. with rapid growth of human settlements, especially in the South, West, and coastal areas) that have profoundly impacted consumption patterns and other drivers of global environmental change.</p> <p>There has been significant progress in analyzing and modeling regional vulnerabilities and possibilities for adaptation, including in the context of multiple stresses. This is true for possible long-term climate change (IPCC, 2001b; NAST 2000, 2001) and especially in the case of how society adapts to seasonal climate variability independent of longer-term change.</p>		<p>NY, USA, 612 pp.</p>
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				Over the past decade, several research and agenda-setting exercises have called for continued and expanded research and development of methods in this area (WAG, 1997; NRC, 1999a,d, 2001c; NAST, 2000, 2001; IPCC, 2001b).		
2 June 2003 (Total Refs to NACC: 8; 4 refs removed)	Chapter 4 (1 ref)	Chapter 7 (3 refs)	Chapter 8 (1 ref removed)	Chapter 9 (2 refs; 3 refs removed)	Chapter 11	References (2 refs)
	One of the highest priorities for decisionmakers is to determine how climate variations, whether natural or human-induced, alter the frequencies, intensities and locations of extreme events (NRC, 1999a; NAST, 2000, 2001).	A continuing dialogue with stakeholders, including resource managers, policymakers, and other decisionmakers, must be established and maintained to ensure that desired information is provided in a useful form (NRC, 1999c; NAST, 2000). Current estimates of regional distributions of carbon sources and sinks derived from atmospheric and oceanic data differ from forest inventory and terrestrial	Research during the last decade focused on the vulnerability of ecosystems to global change and contributed to assessments of the potential effects of global change on ecological systems at multiple scales.	A broad research agenda for human contributions and responses has been identified in a series of 13 national and international reports, including the assessment reports of the Intergovernmental Panel on Climate Change (IPCC, 2001a, b, c, d) and a series of focused reports and monographs 15 from the National Research Council (NRC, 1999a,e, 2001c,e). The IPCC (IPCC, 2000 a,b, 2001a, b, c, d), the NRC (NRC, 1999a, 2001a), and the National Assessment (NAST, 2000, 2001)		NAST, 2000: Overview—Climate Change Impacts on the United States: The Potential Consequences of Climate Variability and Change [National Assessment Synthesis Team (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, 154 pp. NAST, 2001: Foundation—Climate Change Impacts on the United States: The Potential Consequences

		<p>ecosystem model estimates, but there is growing confidence that these differences can be reconciled (IPCC, 2000a, 2001a; NAST, 2001).</p> <p>Several different types of carbon models are available, but most lack complete integration of all components, interactive coupling, ability to portray rare events or abrupt transitions, and/or full validation. While no one of these models is ideal, as a group they are becoming quite useful for exploring global change scenarios and bounding potential future CO2 conditions and responses of ecosystems (NAST, 2000; IPCC, 2001a).</p>		<p>have summarized social science research on these drivers in the specific context of climate change, and the International Human Dimensions Programme has contributed to this body of knowledge. For example, the National Assessment pointed to population changes (including an aging population in the United States with rapid growth of human settlements, especially in the South, West, and coastal areas) that have profoundly impacted consumption patterns and other drivers of global environmental change.</p> <p>There has been significant progress in analyzing and modeling regional vulnerabilities and possibilities for adaptation, including in the context of multiple stresses. Progress has been made in understanding how society adapts to seasonal climate variability and, by extension, how it may adapt to potential longer term climate change (IPCC, 2001b).</p>		<p>of Climate Variability and Change [National Assessment Synthesis Team (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, 612 pp.</p>
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				Over the past 9 decade, several research and agenda-setting exercises have called for continued and expanded 10 research and development of methods in this area (WAG, 1997; NRC, 1999a, d, 2001c; EHP, 11 2001; IPCC, 2001b).		
Agency concurrence draft, 30 June 2003 (7 refs; 1 ref removed)	Chapter 4 (1 ref)	Chapter 7 (3 refs)	Chapter 8	Chapter 9 (1 ref; 1 ref removed)	Chapter 11	References (2 refs)
	(Chapter 4, p 88): One of the highest priorities for decisionmakers is to determine how climate variations, whether natural or human-induced, alter the frequencies, intensities, and locations of extreme events (NRC, 1999a; NAST, 2000, 2001).	(p 138): A continuing dialogue with stakeholders, including resource managers, policymakers, and other decisionmakers, must be established and maintained to ensure that desired information is provided in a useful form (NRC, 1999c; NAST, 2000). (p 139): Current estimates of regional distributions of		(p 181-182): The IPCC (IPCC, 2000 a, 39 b, 2001a, b, c, d), the NRC (NRC, 1999a, 2001a), and studies prepared as contributions to the National Assessment (NAST, 2000, 2001) have summarized social science research on these drivers in the specific context of climate change, and the International Human Dimensions Programme has contributed to this body of knowledge. For example, research has pointed to population changes (including an aging		NAST, 2000: Overview—Climate Change Impacts on the United States: The Potential Consequences of Climate Variability and Change [National Assessment Synthesis Team (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, 154 pp. NAST, 2001:

		<p>carbon sources and sinks derived from atmospheric and oceanic data differ from forest inventory and terrestrial ecosystem model estimates, but there is growing confidence that these differences can be reconciled (IPCC, 2000a, 2001a; NAST, 2001).</p> <p>(p 150): Several different types of carbon models are available, but most lack complete integration of all components, interactive coupling, ability to portray rare events or abrupt transitions, and/or full validation. While no one of these models is ideal, as a group they are becoming quite useful for exploring global change scenarios and bounding potential future CO2 conditions and responses of ecosystems (NAST, 2000; IPCC, 2001a).</p>		<p>population in the United States with rapid growth of human settlements, especially in the South, West, and coastal areas) that have impacted consumption patterns and other drivers of global environmental change.</p>		<p>Foundation—Climate Change Impacts on the United States: The Potential Consequences of Climate Variability and Change [National Assessment Synthesis Team (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, 612 pp.</p>
24 July 2003 pre-pub	Chapter 4 (1 ref)	Chapter 7 (3 refs)	Chapter 8	Chapter 9 (1 ref removed)	Chapter 11 (1 ref added)	References (2 refs removed)

<p>version (5 refs; 1 ref added and 3 refs removed)</p>						
	<p>(p 86): One of the highest priorities for decisionmakers is to determine how climate variations, whether natural or human-induced, alter the frequencies, intensities, and locations of extreme events (NRC, 1999a; NAST, 2000, 2001).</p>	<p>(p 137): A continuing dialogue with stakeholders, including resource managers, policymakers, and other decisionmakers, must be established and maintained to ensure that desired information is provided in a useful form (NRC, 1999c; NAST, 2000).</p> <p>(p 138): Current estimates of regional distributions of carbon sources and sinks derived from atmospheric and oceanic data differ from forest inventory and terrestrial ecosystem model estimates, but there is growing confidence that these differences can be reconciled (IPCC, 2000a, 2001a; NAST, 2001).</p>		<p>The IPCC (IPCC, 2000 a, b, 2001a, b, c, d), the NRC (NRC, 1999a, 2001a), and additional U.S. studies have summarized social science research on these drivers in the specific context of climate change, and the International Human Dimensions Programme has contributed to this body of knowledge. For example, research has pointed to population changes (including an aging population in the United States with rapid growth of human settlements, especially in the South, West, and coastal areas) that have impacted consumption patterns and other drivers of global environmental change.</p>	<p>(p 214): The largest assessment program previously undertaken by the USGCRP was the National Assessment initiated in 1998 that produced overview reports in late 2000 and a series of specialty reports in the period 2001-2003.</p>	

		(p 148): While no one of these models is ideal, as a group they are becoming quite useful for exploring global change scenarios and bounding potential future CO2 conditions and responses of ecosystems (NAST, 2000; IPCC, 2001a).				
September 2003 final printed version (1 ref to NACC; 4 refs removed)	Chapter 4 (1 ref removed)	Chapter 7 (3 refs removed)	Chapter 8	Chapter 9	Chapter 11	References
	"One of the highest priorities for decisionmakers is to determine how climate variations, whether natural or human-induced, alter the frequencies, intensities, and locations of extreme events (NRC, 1999a)."	p 72): "A continuing dialogue with stakeholders, including resource managers, policymakers, and other decisionmakers, must be established and maintained to ensure that desired information is provided in a useful form (NRC, 1999c)." p 73): "Current estimates of regional			111)[UNCHANGED]: "The largest assessment program previously undertaken by the USGCRP was the National Assessment initiated in 1998, which produced overview reports in late 2000 and a series of specialty reports in the period 2001-2003."	

		<p>distributions of carbon sources and sinks derived from atmospheric and oceanic data differ from forest inventory and terrestrial ecosystem model estimates, but there is growing confidence that these differences can be reconciled (IPCC, 2000a, 2001a)."</p> <p>"While no one of these models is ideal, as a group they are becoming quite useful for exploring global change scenarios and bounding potential future CO2 conditions and responses of ecosystems IPCC, 2001a)."</p>				
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