HENRY A. WAXMAN, CALIFORNIA
CHAIRMAN

TOM DAVIS, VIRGINIA
RANKING MINORITY MEMBER

ONE HUNDRED TENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5051
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January 30, 2007

Mr. James L. Connaughton
Chairman
Council on Environmental Quality
722 Jackson Place, N.W.
Washington, DC 20503

Dear Mr. Chairman:

We are writing to express our concern over your failure to provide the Committee with the documents we have requested in our inquiry into whether senior Administration officials edited scientific reports and took other actions to minimize the significance of global warming.

Over the past six months, we have had numerous communications with CEQ about this document request. The Committee initially requested that the documents be provided by August 11, 2006.[1] This deadline was extended to October 2, 2006,[2] and subsequently to October 23, 2006.[3] During this process, CEQ has accommodated the Committee's requests for copies of redacted documents that were previously released under the Freedom of Information Act. But with the exception of fewer than ten documents provided to the Committee yesterday evening, CEQ has refused to produce nonpublic documents to the Committee.

To date, we have made considerable concessions to CEQ to ease compliance with the Committee's request. On August 17, 2006, the Committee agreed to limit the timeframe covered

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[1] Letter from Chairman Tom Davis and Rep. Henry A. Waxman to James Connaughton, Chairman, Council on Environmental Quality (July 20, 2006).

[2] Email from Jennifer Safavian, Chief Counsel for Oversight and Investigations, House Government Reform Committee, to Ted Boling and Ashley Cohen, Council on Environmental Quality (Aug. 29, 2006).

[3] Letter from Chairman Tom Davis and Rep. Henry A. Waxman to James Connaughton, Chairman, Council on Environmental Quality (Sept. 20, 2006).

by the request.[4] On August 29, 2006, the Committee agreed to limit the scope of our request to only seven CEQ staff members and officials.[5] On September 20, 2006, we further narrowed the request by eliminating two out of five criteria for documents to be produced from our original July 20, 2006, request.[6] These reductions in scope are significant and have reduced the scope of our request to the minimum necessary to fulfill our oversight responsibilities.

Most recently, the Committee requested that unredacted copies of 39 specific documents be provided by close of business last Thursday, January 25, 2007.[7] These documents were specifically identified by reference number and are easily accessible to CEQ staff. Discussions between our staffs indicate that these documents have already been pulled from their files and are ready to be delivered to the Committee.

In a letter sent yesterday evening, however, you indicated that you would produce only nine of these documents to the Committee.[8] As for the remaining thirty documents, you stated that those documents "include deliberative process materials and communications between CEQ and other agencies, between senior advisors to the President and senior CEQ officials, and information concerning the process of Presidential decisionmaking. These documents include the candid exchange of views in deliberations within the Executive Office of the President (EOP) regarding the development, bases, and articulation of policy. Therefore, releasing such documents could harm the candor and quality of deliberations within the EOP. Moreover, ten of these documents reflect foreign policy deliberations related to the development of Asia-Pacific Partnership on Clean Development and Climate, an international agreement involving the United States and multiple foreign nations, rather than CEQ edits to materials produced by other federal agencies regarding climate change." As a result of that, you offered to make the documents available again for staff review, and to bring the documents to Committee Members to review. This latest offer is still unsatisfactory to the Committee.

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[4] Meeting between House Government Reform Committee staff and Council on Environmental Quality staff (Aug.17, 2006).

[5] Email from Jennifer Safavian, Chief Counsel for Oversight and Investigations, House Government Reform Committee, to Ted Boling and Ashley Cohen, Council on Environmental Quality (Aug. 29, 2006).

[6] Letter from Chairman Tom Davis and Rep. Henry A. Waxman to James Connaughton, Chairman, Council on Environmental Quality (Sept. 20, 2006).

[7] Letter from Chairman Henry A. Waxman and Rep. Tom Davis, Chairman, Council on Environmental Quality (Jan. 22, 2007).

[8] Letter from James Connaughton, Chairman, Council on Environmental Quality, to Chairman Henry A. Waxman and Rep. Tom Davis (Jan. 29, 2007).

The Committee must be able to take custody of the documents in order to make a thorough and complete review. During this review process, we will give due consideration to the concerns you have raised. But unless the President is prepared to assert a constitutional claim of executive privilege, the documents sought by the Committee should be provided without further delay.

As such, we request again the full production of the documents requested in the January 22, 2007, letter by February 9, 2007.

Sincerely,

Henry A. Waxman
Chairman

Tom Davis
Ranking Minority Member