

Congress of the United States
House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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April 17, 2026

Dr. Marcia McNutt
President
The National Academies of Sciences,
Engineering, and Medicine
500 Fifth St., NW
Washington, D.C. 20001

Dear Dr. McNutt,

Established in 1863 by an Act of Congress, the National Academies of Sciences, Engineering, and Medicine (NASEM) has provided scientific advice to our government for over 160 years.¹ The credibility of that advice is contingent upon its objectivity and integrity. Congress has long relied on NASEM precisely because it is expected to operate free from political influence, financial entanglements, or institutional bias. It is expected to adhere to the highest standards of transparency, balance, and scientific rigor when informing federal policy. When those standards are compromised—or appear to be compromised—the value of NASEM’s advice to policymakers and the public is correspondingly diminished. The NASEM Committee on Anthropogenic Greenhouse Gases and U.S. Climate: Evidence and Impacts (“the Greenhouse Gases Committee”) presents issues that warrant our Committee’s review and consideration.

In 2009, the U.S. Environmental Protection Agency (EPA) issued the Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act (“Endangerment Finding”).² This determination concluded that the combined atmospheric concentrations of six greenhouse gases (GHGs) are reasonably anticipated to endanger public health and welfare.³ The Endangerment Finding subsequently served as the legal foundation for

¹ *Process*, Nat’l Acads. of Scis., Eng’g, & Med. (last accessed February 12, 2026), <https://www.nationalacademies.org/process>.

² *Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act*, U.S. ENV’T PROT. AGENCY (Dec. 15, 2009), <https://www.epa.gov/climate-change/endangerment-and-cause-or-contribute-findings-greenhouse-gases-under-section-202a>.

³ *Id.*

the EPA to regulate new motor vehicle emissions under Section 202(a)(1) of the Clean Air Act (CAA).⁴ Observing the downstream effects of this conclusion more than a decade later, the EPA in August 2025 proposed to rescind the 2009 Endangerment Finding and all resulting GHG emission standards for new motor vehicles and engines for model years 2012 to 2027, citing the \$1 trillion annual cost of emissions regulations.⁵

Only a week after EPA's announcement, NASEM assembled the Greenhouse Gases Committee to "review the latest scientific evidence on whether greenhouse gas emissions are reasonably anticipated to endanger public health and welfare."⁶ NASEM was frank about the reactionary purpose of this Committee: "the impetus for this report was a notice of proposed rulemaking issued in August 2025 by the [EPA] indicating its intention to rescind the 2009 Finding on Endangerment."⁷ Less than a month later, the Greenhouse Gases Committee issued its "fast-track[ed]" report entitled *Effects of Human-Caused Greenhouse Gas Emissions on U.S. Climate, Health, and Welfare*, concluding that the "EPA's 2009 finding that the human-caused emissions of greenhouse gases threaten human health and welfare was accurate, has stood the test of time, and is now reinforced by even stronger evidence."⁸ In addition to the markedly compressed timeline of the report's publication, questions also surround the Greenhouse Gases Committee's composition, objectivity, and funding.

NASEM has a unique relationship with the federal government. Its original charter directs the Academy to "whenever called upon by any department of the government, investigate, examine, experiment, and report upon any subject of science, or art, the actual expense of such investigations, examinations, experiments, and reports to be paid from appropriations [...]."⁹ The original charter was amended in 1884 by Congress to allow it to "receive bequests and donations and hold the same in trust, to be applied by the said Academy in aid of scientific investigations and according to the will of donors."¹⁰ It was once again amended in 1997 to specifically exclude it from the Federal Advisory Committee Act (FACA) following the court case *Animal Legal Defense Fund Inc. v. Shalala*. That court case found that NASEM was subject to FACA when providing advice to federal agencies, thereby requiring compliance

⁴ *Id.*

⁵ *EPA Releases Proposal to Rescind Obama-Era Endangerment Finding*, U.S. ENV'T PROT. AGENCY (July 29, 2025), <https://www.epa.gov/newsreleases/epa-releases-proposal-rescind-obama-era-endangerment-finding-regulations-paved-way>.

⁶ *Anthropogenic Greenhouse Gases and US Climate: Evidence and Impacts*, NAT'L ACADEMIES (last accessed Sept. 29, 2025), <https://www.nationalacademies.org/our-work/anthropogenic-greenhouse-gases-and-us-climate-evidence-and-impacts#sectionWebFriendly>.

⁷ *Id.*

⁸ *Id.*; NAT'L ACADEMIES, *EFFECTS OF HUMAN-CAUSED GREENHOUSE GAS EMISSIONS ON U.S. CLIMATE, HEALTH, AND WELFARE 1* (2025), <https://doi.org/10.17226/29239>.

⁹ 36 U.S.C. § 1503.

¹⁰ 36 U.S.C. § 15304.

with FACA's transparency, balance, and public accountability provisions.¹¹ Rather than bringing NASEM fully into compliance with FACA, Congress responded by enacting a statutory exemption, allowing NASEM to continue advising the federal government while operating outside many of the procedural safeguards that apply to other federal advisory committees.¹²

While the 1997 amendment enacted certain requirements for NASEM activities under 5 U.S.C. § 1014, those provisions fall short of the transparency, accountability, and procedural safeguards mandated by FACA. FACA generally requires advisory committees to be formally chartered, provide advance public notice of meetings, conduct meetings that are open to the public, maintain accessible records and materials, ensure balanced committee membership, and disclose and manage conflicts of interest, all subject to congressional oversight and judicial enforcement.¹³

In contrast, § 1014 relies largely on internal NASEM policies and does not require public notice or open meetings, guarantee public access to deliberations or underlying materials, impose FACA's balance and independence requirements, or provide comparable mechanisms for external oversight or enforcement.¹⁴ This statutory loophole enables NASEM to accept private funding and conduct work not explicitly directed by the federal government while producing reports that nonetheless carry the authority and influence of government-sponsored advice, thereby circumventing the transparency and accountability standards Congress deemed necessary under FACA and raising serious concerns regarding independence and objectivity.

Concerns have also been raised about NASEM's potentially compromised objectivity beyond the Greenhouse Gases Committee. NASEM co-published the climate science chapter of the Federal Judicial Center's *Reference Manual on Scientific Evidence*—a guide used by federal judges to evaluate scientific testimony—which was recently retracted after an analysis revealed that a significant portion of the chapter was authored by Michael Burger, executive director of Columbia's Sabin Center for Climate Change Law and of counsel at Sher Edling, a firm actively prosecuting climate liability suits against fossil fuel companies, without any disclosure of his identity or conflicts of interest.¹⁵ This episode reflects the same institutional failure to identify and manage conflicts of interest that now casts doubt on the Greenhouse Gases Committee's independence.

¹¹ *Animal Legal Def. Fund, Inc. v. Shalala*, 104 F.3d 424 (D.C. Cir. 1997).

¹² *See supra* note 10.

¹³ 5 U.S.C. § 1001.

¹⁴ 5 U.S.C. § 1014.

¹⁵ *A Judicial Climate Science Scandal*, WALL STREET JOURNAL (Mar. 13, 2026), <https://www.wsj.com/opinion/federal-judicial-center-climate-manual-michael-burger-jessica-wentz-marcia-mcnutt>.

Further, the Greenhouse Gases Committee’s opaque funding compounds these concerns. Public sources reveal that the Committee is funded by NASEM’s Arthur L. Day Fund as well as the Ralph J. Cicerone and Carol M. Cicerone Endowment for NASEM Missions.¹⁶ However, the Cicerone Endowment’s funding is shrouded in mystery, comprised of “[c]ontributions from private sources.”¹⁷ Such obscurity effectively means that private donors who are partial to the preservation of the Endangerment Finding could have sponsored the Committee, in turn influencing its findings, and cloaking special interest priorities under the veil of unbiased scientific advice. More troubling, NASEM’s policy on independence from sponsors is ineffective in preventing this phenomenon, as it allows service on the Committee even if a member is closely affiliated with a sponsor.¹⁸ This contradicts NASEM’s guiding principle that “[t]ransparency about our current . . . work is essential to maintaining our credibility.”¹⁹ This dark money funding outside of Congress’s purview compromises the Greenhouse Gases Committee’s objectivity and potentially raises additional conflicts of interest questions.

Finally, NASEM’s policy regarding committee member bias is likely insufficient. Its policies on committee composition and balance require that “[c]onsideration should be given to whether the committee membership can be objective and open-minded in addressing the issues before it.”²⁰ While “strongly held views or biases” or close associations with groups that have previously taken a strong position do not preclude membership, the member must be “open to new learning.”²¹ With an absence of mechanisms for disqualification, mitigation, disclosure, or enforcement, NASEM’s policy empowers Greenhouse Gases Committee members to “review” the science on which they built their careers and present their supposed unbiased report “findings” to the EPA with the imprimatur of the U.S. government.²²

To better understand the effectiveness of NASEM’s above-referenced policies and the extent to which the Greenhouse Gases Committee’s opaque funding influenced its findings, we ask that you retain all relevant business records and respond to the following questions, in numbered order, by May 1, 2026. Further, please see the attachment to this letter, which provides guidance on document production.

¹⁶ *Anthropogenic Greenhouse Gases and US Climate: Evidence and Impacts*, NAT’L ACADEMIES (last accessed Sept. 29, 2025), <https://www.nationalacademies.org/our-work/anthropogenic-greenhouse-gases-and-us-climate-evidence-and-impacts#sectionSponsors>.

¹⁷ *See Report of the Treasurer: For the Year Ended December 31, 2022*, NAT’L ACADEMIES (last accessed Sept. 29, 2025), <https://nap.nationalacademies.org/read/27135/chapter/4#13>.

¹⁸ *See supra* note 12.

¹⁹ *Principles and Practices that Guide Our Work*, NAT’L ACADEMIES (last accessed Sept. 29, 2025), <https://www.nationalacademies.org/about/principles-and-practices-that-guide-our-work>.

²⁰ *Id.*

²¹ *Id.*

²² *See id;* *supra* note 1; *supra* note 8 (stating that the Greenhouse Gases Committee is an “advisory” committee to the EPA).

1. All documents and communications between NASEM staff or members and federal officials, career or political appointees, regarding the EPA's Proposed Rule "Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards."
2. All documents and communications between NASEM staff or members and federal officials, career or political appointees, regarding the Department of Energy's Report "A Critical Review of Impacts of Greenhouse Gas Emissions on the U.S. Climate."
3. All documents and communications between NASEM and its private donors related to its study "Anthropogenic Greenhouse Gases and US Climate: Evidence and Impacts."
4. All documents detailing NASEM's process for deciding to provide resources and inform the EPA's rulemaking process.
5. All communications between or among NASEM staff or members related to the EPA's Endangerment Finding or the "Anthropogenic Greenhouse Gases and US Climate: Evidence and Impacts" study.
6. All documents detailing the sources of NASEM funding for the fast-tracked review.
7. All documents and records detailing NASEM's funding sources, both federal and private, by year for the calendar years 2022, 2023, and 2024, including but not limited to any donation publicly labeled as "anonymous."
8. All documents and communications related to NASEM's considerations and determinations of potential conflicts of interest of the members of the Committee on Anthropogenic Greenhouse Gases and US Climate: Evidence and Impacts, including but not limited to the minutes from the committee's closed virtual meetings held on August 20 and 25-26, 2025.
9. The Greenhouse Gases Committee's report states as its "Overarching Conclusion" that "EPA's 2009 finding that the human-caused emissions of greenhouse gases threaten human health and welfare was accurate, has stood the test of time, and is now reinforced

by even stronger evidence.”²³ However, one of NASEM’s guiding principles is that it “will not undertake work that ... would be viewed as advocacy for [a] specific policy.”²⁴ Did NASEM consider whether the initiation of the Greenhouse Gases Committee report would violate this principle?

- a. Please provide all relevant records and documentation related to this consideration.

10. NASEM’s balance and composition policy states that “[c]onsideration be given to whether there is an appropriate range of perspectives on the issues to be addressed by the committee.”²⁵ How was this requirement implemented in the assembly of the Greenhouse Gases Committee?

- a. What is the range of scientific perspectives with respect to the continuing debate on anthropogenic climate change currently represented on the Greenhouse Gases Committee?

11. NASEM’s second governing principle of transparency states that “[d]ocumenting the state of knowledge is core to the scientific process. Transparency about our current and past work is essential to maintaining our credibility”²⁶ Have any private donors to the Arthur L. Day Fund, Cicerone Endowment, or any other donor to NASEM earmarked their funds for sponsorship of the Greenhouse Gases Committee?

- a. If so, who are those private sources?
- b. If so, are those private sources disclosed to Committee members?
- c. If so, how does NASEM ensure that these donors do not influence these Committee members?

12. Please provide a summary of changes made to NASEM’s policies governing (1) conflicts of interest management, (2) public comment on committee member nominations, and (3) the peer review process — including how each policy has evolved over time and the circumstances or dates of any significant revisions.

13. What is NASEM’s process for self-initiating studies, and how, if at all, has that process changed over time?

²³ NAT’L ACADEMIES, EFFECTS OF HUMAN-CAUSED GREENHOUSE GAS EMISSIONS ON U.S. CLIMATE, HEALTH, AND WELFARE 1 (2025), <https://doi.org/10.17226/29239>.

²⁴ See *supra* note 20.

²⁵ See *supra* note 12.

²⁶ *Id.*

14. Please provide data on the number of studies initiated internally by NASEM versus those directed by U.S. government tasking, broken down by fiscal year for the past ten years.
 - a. In your response, provide a cost comparison between externally directed studies (i.e., government-tasked) and internally directed studies funded by private donors, including average and total costs per category.
15. Please provide the annual amounts received from endowments versus congressional appropriations for each of the past ten fiscal years.
16. What policies and procedures does NASEM employ to identify and mitigate conflicts of interest arising from committee members' affiliations with advocacy organizations, trade associations, or politically active foundations — and how are those affiliations disclosed to the public?

We appreciate your attention to this important matter and look forward to working collaboratively to ensure the full objectivity, transparency, impartiality, and credibility of NASEM's work. The Committee has long benefited from the advice provided by NASEM, and our intent is to ensure that Congress, the Executive Branch, and the American people continue to benefit from it in the future. If you have any questions, please contact Michael Piquero of the Committee's majority staff at (202) 225-6371.

Sincerely,



Brian Babin
Chairman
House Committee on Science, Space,
and Technology



Rich McCormick
Chairman
Subcommittee on
Investigations and Oversight
House Committee on Science, Space,
and Technology

A handwritten signature in blue ink that reads "C. Scott Franklin". The signature is written in a cursive, flowing style.

Scott Franklin
Chairman
Subcommittee on
Environment
House Committee on Science, Space,
and Technology

cc: Zoe Lofgren, Ranking Member, House Committee on Science, Space, and Technology;
Emelia Sykes, Ranking Member, Subcommittee on Investigations and Oversight, House
Committee on Science, Space, and Technology; Gabe Amo, Ranking Member, Subcommittee on
Environment, House Committee on Science, Space, and Technology

Attachment A: Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents, in unredacted form, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data, or information should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
2. If any entity, organization, or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of a single-page Tagged Image File ("TIF") or PDF files.
 - (b) Document numbers in the load file should match document Bates numbers and TIF or PDF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent that more than one CD, hard drive, memory stick, thumb drive, box, or folder is produced, each CD, hard drive, memory stick, thumb drive, box, or folder should contain an index describing its contents.
7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.

10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production. Failure to provide an explanation constitutes a waiver of any objections to the subpoena.
12. If a document is withheld based on privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. In complying with this request, be apprised that the U.S. House of Representatives and the Committee on Science, Space, and Technology do not recognize: any of the purported non-disclosure privileges associated with the common law including, but not limited to, the deliberative process privilege, the attorney-client privilege, and attorney work product protections; any purported privileges such as privileges over law-enforcement sensitive disclosures; or protections from disclosure under the Freedom of Information Act; or any purported contractual privileges, such as non-disclosure agreements.
14. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject, and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
15. If a date or other descriptive detail outlined in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
16. Unless otherwise specified, the time period covered by this request is from January 1, 2010, to the present.
17. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
18. All documents shall be Bates-stamped sequentially and produced sequentially.
19. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee on Science, Space, and Technology, production sets shall be delivered to the Majority Staff in Room 2321 of the Rayburn House Office Building and the Minority Staff in Room 324 of the Ford House

Office Building. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

20. When representing a witness or entity before the Committee in response to a document request, request for transcribed interview, or subpoena from the Committee, or in connection with testimony before the Committee at a hearing, counsel for the witness or entity must promptly submit to the Committee a notice of appearance specifying the following: (a) counsel's name, firm or organization, and contact information; and (b) each client represented by the counsel in connection with the proceeding. Submission of a notice of appearance constitutes acknowledgement that counsel is authorized to accept service of process by the Committee on behalf of such client(s), and that counsel is bound by and agrees to comply with all applicable House and Committee rules and regulations.

Schedule Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business, or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.