

Science Committee Chairman Sherwood Boehlert delivered the following statement in opposition to the Miller amendment:

“I’m going to take some time to lay out my position on this amendment because it raises an important issue that is too often subject to demagoguery.

“I think it’s fair to say that no one in this Congress has been more vocal than I have been about the need for federal agencies – and the Congress, for that matter – to encourage open scientific communication. I have strenuously objected when agencies or Congressional committees have appeared to unfairly constrain or intimidate scientists.

“So I’m not denying that such situations occur. In the case of NOAA, the agency has frankly developed an unfortunate reputation as a place where scientists are not always able to communicate freely and fully with the general public on sensitive topics. That said, it’s been a little difficult to pin down specific, clear-cut cases in which scientists have been muzzled. One gets more of a sense that scientists are ‘walking on egg shells’ when discussing issues like climate change. There seems to be a problem with the atmosphere at NOAA.

“At the same time, NOAA scientists have continued without constraint to conduct their research and participate in scientific conferences. And NOAA has had what is generally viewed as a model policy governing communications. Finally, Admiral Lautenbacher has issued very clear statements urging open communications, and no one has accused him of personally trying to shut down communication.

“So what we have is an agency that clearly has some problems, where scientists clearly sometimes feel constrained, for whatever reasons, but where the problem seems to originate with discrete steps taken by mid-level and some more senior officials in particular instances and worries that other steps might be taken in the future.

“This is a situation that cries out for remedy, but it hardly cries out for legislation. In fact, the last thing needed to create a more settled atmosphere at NOAA is a legalistic regime that would send everyone to their lawyers each time there’s a question or misunderstanding about exactly how to communicate with the public or what to do when a scientist is talking about policy, as opposed to ‘pure’ science.

“What’s needed instead is more active engagement on the communication issue at the top level of NOAA, and Mr. Ehlers and I have sent a letter to Admiral Lautenbacher outlining the steps we think need to be taken, and we’ll make that public today. This follows up on a letter that I sent to the Admiral back in April. These communications issues are subtle, and each one is a little different, and they need to be handled through oversight, not legislation.

“I’d add that that strategy seems to be working at NASA. When NASA had a problem, Mr. Gordon and I worked very effectively with NASA, mostly behind the scenes, to get the situation straightened out. That doesn’t mean there will never again be an issue there – oversight has to be done on a continuing basis – but no one has argued that the situation at NASA hasn’t vastly improved – to the credit of Administrator Griffin and Deputy Administrator Dale, as well as to us.

“So I don’t think legislating in this area is a good idea, in general. But let me outline my specific concerns about this amendment.

“First, this amendment would sidetrack this bill by sending it to the Government Reform Committee. Needless to say, this language is rather controversial in that Committee, or they already would have acted on the bill on which this amendment is based, which has been sitting in that Committee for most of this Congress.

“I’d also point out that this bill also still needs to go through the Resources Committee, perhaps not the ideal venue to debate this subject.

“Second, for the reasons I’ve already described, I don’t think this is a problem that is best solved by legislation.

“Third, the language of the amendment doesn’t even address the issues that have been raised at NOAA. The amendment language is based on a bill that was drafted largely in response to allegations about science issues related to human health. No one at NOAA has been accused of (quote) ‘tampering’ with scientific research or (quote) ‘censoring’ findings – a vague term, in any event – or disseminating information known to be false. Yet those are the formal offenses created by this amendment.

“So this amendment would have the perverse effect of forcing anyone with a complaint about communications at NOAA to try to describe the problem in the terms used in this amendment. That would hardly help resolve these issues.”

“The amendment also deals with advisory bodies – again, using language designed to apply to different panels than the ones NOAA has. The NOAA advisory bodies tend to be, in part, policy bodies, not purely scientific ones. We’re not talking primarily about an advisory panel to determine, say, a safe blood level for lead.

“And I won’t even get into the peer review guideline issues raised by the amendment, which is an entirely separate complex issue that shouldn’t be fought out on this bill for one agency.

“So I strongly oppose this amendment. It would kill this Organic Act while only making worse the problems at NOAA that its sponsor claims to want to resolve. It is based on a bill drafted by and for another Committee that didn’t have the NOAA situation in mind when it was drafting.

“I think we should swiftly and soundly defeat this amendment, pass this bill, and continue to monitor NOAA’s communication policies as part of our oversight responsibilities.”