

December 13, 2005

The Honorable Kay Bailey Hutchison
United States Senator
284 Russell Senate Office Building
Washington, DC 20510

Dear Senator Hutchison:

This letter is in response to S. 517, “the Weather Modification Research and Development Policy Authorization Act of 2005,” reported out by the Senate Committee on Commerce, Science and Transportation on November 17, 2005 (Senate Report No. 109-202). While the Administration recognizes the Committee’s interest in weather modification research and development, there is a host of issues -- including liability, foreign policy, and national security concerns -- that arose in the past and should be adequately considered before the U.S. Government undertakes the coordinated national research program this legislation would require.

The Administration respectfully requests that you defer further consideration of the bill pending the outcome of an inter-agency discussion of these issues that the Office of Science and Technology Policy (OSTP) would coordinate – with the Department of Justice on legal issues, with the Department of State on foreign policy implications, with the Departments of Defense and State on national security implications, and with pertinent research agencies to consider the reasons the U.S. Government previously halted its work in this area. At the conclusion of this review, the Administration would report back to you on the results of these discussions so you are fully apprised of all possible issues associated with authorizing a new Federal program on this topic.

Specifically, the Administration believes concerns in the following areas must be better understood:

- *Local Political & Legal Ramifications*
 - Because small scale weather modification (*e.g.*, cloud seeding) may promote rain in one area to the detriment of another, weather modification could result in inter-state (including Indian Tribes) litigation or private citizen litigation against the modification programs.
 - The legal and liability issues pertaining to weather modification, and the potential adverse consequences on life, property, and water resource availability resulting from weather modification activities, must be considered fully before the U.S. Government could take responsibility for this new research program.

- *International and Foreign Policy Implications*
 - Small and large scale (*e.g.*, hurricane) weather modification efforts could benefit the United States to the detriment of other countries (such as Canada or Mexico).
 - Given global weather patterns, whether one country “owns” its weather so as to assert intra-border control with extra-border consequences, must be considered under present international conventions.
 - The manner in which such a program could benefit or harm the present U.S. positions on foreign policy matters, such as global warming/climate change, should also be considered.

- *National Security Implications*
 - The U.S. Government’s previous weather modification programs were part of our Cold War history; restarting them today could promote (possibly hostile) foreign responses.
 - In 1978, the United States became a party to an international treaty banning the use of weather modification for hostile purposes. While modification for peaceful purposes is allowed, whether well-intentioned programs could be considered “hostile” and perceived to violate this ban should be considered.

- *Research Issues*
 - The Department of Commerce’s National Oceanic and Atmospheric Administration’s (NOAA) primary atmospheric and meteorological research focus is on improving weather forecasting, which has proven to save lives and property. NOAA abandoned weather modification activities some time ago in favor of other research areas that more directly relate to the agency’s core mission and responsibilities.
 - Redirecting funding to focus on weather modification can shift funds away from other important programs such as research to improve weather forecasting capabilities for severe weather events and research to better understand climate variability and change.

In addition to discussing these concerns on an interagency basis, and in recognition of your interest in this area, OSTP would be willing to charter a study to address the above issues. This study would be conducted by the Science and Technology Policy Institute (STPI), a federally-chartered research and development center that provides objective, technical advice to OSTP. The study would address the history and current status of weather modification research. Such a study will help us understand the technical position of this field of science, the significance of the issues discussed above, and the field’s historical context.

The Administration requests that you not move forward with your legislative proposal until a better understanding can be developed of the full range of possible implications.

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Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, reading "John Marburger, III". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

John H. Marburger, III
Director

cc: The Honorable Ted Stevens
Co-Chair
Committee on Commerce, Science, and Transportation

The Honorable Daniel K. Inouye
Co-Chair
Committee on Commerce, Science, and Transportation