UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

COMPETITIVE ENTERPRISE INSTITUTE 1001 Connecticut Avenue, N.W., Suite 1250 Washington, D.C. 20036	)	
Plaintiff,	)	C.A. No. 03-
vs.	)	
GEORGE WALKER BUSH As Chairman, National Science and Technology Council Old Executive (Eisenhower) Office Building 17th Street and Pennsylvania Avenue, N.W. Washington, DC 20502	)	
JOHN MARBURGER 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

1. This is an action seeking to apply the Federal Data Quality Act (FDQA)(enacted as Section 515(a) of the FY '01 Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-554) to the "National Assessment on Climate Change" for that document's dissemination of data from demonstrably inaccurate computer models, and dissemination of historical temperature data that it modified to inaccurately omit the occurrence of recognized climatic periods. This Act prohibits Defendant from disseminating

data failing to meet its standards. In addition or alternately, this action seeks to have the document declared in violation of the authority under which it was produced, the United States Global Change Research Act of 1990 (USGCRA)(15 U.S.C. 2921 *et seq*.).

Plaintiff Competitive Enterprise Institute (CEI) alleges:

Parties

2. 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." Plaintiff was lead plaintiff in related litigation, *CEI et al. v. Clinton (Bush),* United States District Court for the District of Columbia (CV 00-02383), which Plaintiff withdrew without prejudice upon receiving a written assurance from Defendants that the underlying conclusions at issue in this matter were "not policy positions or official statements of the U.S. government". Plaintiff also was one of two parties to submit comments during development of Defendant OSTP's "Data Quality Act Guidelines" relevant to the instant matter and a petitioner pursuant to these Guidelines for correction of the data at issue in this matter pursuant to the Federal Data Quality Act. Plaintiff resides and is incorporated as a non-profit corporation in the District of Columbia.
3. Plaintiff is thereby an "affected person" under the Federal Data Quality Act, as defined by the Office of Management and Budget's Final Guidelines.
4. Defendant George Walker Bush is a citizen of the State of Texas residing in Washington, D.C., who as President of the United States serves as Chairman of the National Science and Technology Council ("Council", or "NSTC")(Executive

Order 12881, November 23, 1993), has responsibility and authority for the functions of a Federal Coordinating Council on Science, Engineering and Technology (Reorg. Plan No. 1 of 1977, and Executive Order 12039) and thereby is responsible for the document at issue in this Complaint as follows.

a. NSTC, operating under and as a component of the White House Office of Science and Technology Policy ("OSTP") has authority for the Federal Coordinating Council on Science, Engineering and Technology pursuant to Executive Order 12881, and thereby, by statute, the Committee on Environment and Natural Resources ("Committee")(15 U.S.C. 2932).

b. Collectively and pursuant to the statutory prescription of the United States Global Change Research Act, these Executive offices -- "the Council, through the Committee" -- were specifically charged with authority and responsibility through a U.S. Global Change Research Program (USGCRP) to "prepare and submit to the President and the Congress… an assessment which (1) integrates, evaluates and interprets the findings of the [United State Global Change Research Program] and discusses the uncertainties associated with such findings." 15 U.S.C. 2936

c. Responsibility for the Council rests with the President pursuant to Reorg. Plan No. 1 of 1977, and Executive Order 12039. The Committee charged with producing this Assessment on behalf of the Council, and President, is statutorily comprised exclusively of

specified federal governmental entities, and "such other [high ranking officials of] agencies and departments of the United States as the President or the Chairman of the Council considers appropriate," and not any non-governmental entity or outside third party. 15 U.S.C. 2932

5. Defendant Marburger serves as Director of the White House Office of Science and Technology Policy ("OSTP"), which has under its authority the same National Science and Technology Council, which oversees the same Committee on Environment and Natural Resources. Defendant Marburger also chairs the Federal Coordinating Council for Science, Engineering and Technology pursuant to Executive Order 12039. Collectively and pursuant to statutory authority, under Defendant's leadership these Executive offices have combined to implement the Global Change Research Act of 1990 ("GCRA")(15 U.S.C. 2921 *et seq*.), for the purpose of producing and disseminating a National Assessment on Climate Change ("NACC") and thereby Defendant Marburger is responsible for the document at issue in this Complaint as follows.

    a. The Director of OSTP administers the NSTC, and its Committee and therefore OSTP holds immediate responsibility for the distribution of documents resulting from the USGCRP. As such OSTP is the appropriate agency to consider Information Quality Act petitions relative to the dissemination of the "National Assessment" on Climate Change, also pursuant to Reorg. Plan No. 1 of 1977 and Section 5 of Executive Order No. 12039.

b. OSTP thereby maintains ultimate and exclusive statutory authority and responsibility for producing such a "National Assessment on Climate Change."

c. Beginning January 1998 OSTP initiated production of the National Assessment on Climate Change.

d. Three months subsequent to OSTP initiating production of the National Assessment and to develop assistance toward completing the statutory mandate, in April 1998 a "National Assessment Synthesis Team" ("NAST") first met, to ultimately produce a "Synthesis Report" for contribution to the National Assessment.

e. In November 2000, OSTP transmitted a document "***Climate Change Impacts on the United States: The Potential Consequences of Climate Variability and Change***", released as the National Assessment prescribed by the USGCRA of 1990, to the President and Congress, purporting to satisfy OSTP's specifically delegated authority and responsibility to "prepare and submit to the President and Congress" such an Assessment.

6. Because this document was "prepare[d] and submit[ted] to the President and Congress [as] an assessment" by OSTP pursuant to 15 U.S.C. 2936, both Defendants are ultimately responsible for any document purporting to be the statutorily prescribed document at issue in this matter.

Jurisdiction and Venue

7. Paragraphs 1 through 6 are incorporated herein.

8. Jurisdiction over this matter is proper under 28 U.S.C. 1331, as Plaintiff asserts claims arising under the laws of the United States.
9. 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, Plaintiff resides in the district and no real property is involved.

Statement of the Facts

10. Paragraphs 1 through 9 are incorporated herein.
11. By the Federal Data Quality Act Congress directed the White House Office of Management and Budget (OMB) to issue, by 30 September 2001, government-wide guidelines that "provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies."
12. Pursuant to this charge OMB promulgated "government-wide" Interim Final Guidelines for agency compliance with FDQA requirements (66 FR 49718), finalized by OMB's 3 January 2002 Final Guidance (67 FR 369).
13. These guidelines establish binding parameters for covered offices in producing their own implementing guidelines and thereby control, such that other offices' guidelines must be consistent with OMB's. See *e.g.,* OSTP's FDQA Guidelines, Background, I(4), Administrative Corrections Mechanism IIIA(1).
14. Pursuant to the FDQA, information disseminated by offices of the federal government of the United States must meet particular standards for, *inter alia*, "objectivity" and "utility". 67 FR 370

15. The White House Office of Science and Technology Policy is a covered office under FDQA, and the appropriate office responsible for these purposes for the document at issue in this matter, the "National Assessment".
16. Authority and responsibility for producing a National Assessment on Climate Change are assigned by statute and Executive Order to OSTP (USGCRA of 1990 (15 U.S.C. 2921 *et seq*.), Reorg. Plan No. 1 of 1977, and Executive Order 12039).
17. This framework and the USGCRA of 1990 calling for such an Assessment does not allocate, or permit transfer of, ultimate authority or responsibility for production of any document purporting to be that "Assessment" described in and funded by the USGCRA to a governmental or non-governmental third party outside of the Council, Committee and President.
18. Beginning in December 2000 Defendants have disseminated and continued to publish this National Assessment via the internet, through www.USGCRP.gov.
19. This Assessment disseminates data that has been altered to in effect erase from the historical record two critical and widely demonstrated climatic periods in order to provide an appearance of aberrant 20th Century climate. Specifically, the underlying data for Defendants' representation of the past millennium's climate is a partial recreation that contains very large error bands. These large error bands are necessary due to the proxies employed to develop the data, are requisite to any accurate representation of the data, and accommodate the established cold period ending around 1900, called the "Little Ice Age," and an equivalent warm era, the "Medieval Warm Period" peaking around 900 years ago.

20. Defendants, however, removed these error bands when disseminating the data thereby presenting an unsupportable and inaccurate portrayal of data recreating past climate (*e.g.*, Assessment pages 22, 544 Tables "c").
21. This altered data also serves as the basis for Defendant's assumptions of this critical climatic period in assessing overall past present and future global climate.
22. Most among the thousands of refereed scientific papers extant on the past millennium's climate find evidence for these periods. This is knowledge so common that it is rare that a month passes without yet another study finding local evidence (pollen deposits, corals or tree rings) for either or both periods, yet Defendants' Assessment erases them from the historical record.
23. This Assessment also disseminates and is largely based upon data produced by two computer models hypothesizing predictions or scenarios of future climate change, on the basis of those models' design and the assumptions the modelers incorporate. These models' projections are reiterated and relied upon throughout the document.
24. Each of these two models selected attest to the reliability of the other, *e.g.*, in their directly opposite predictions or scenarios for precipitation in nine of the eighteen regions they project. For example, North Dakota would turn either into a swamp or into a desert, depending on which model one accepts.
25. Defendants, through National Assessment Synthesis Team (NAST) co-chair Thomas Karl, were informed prior to publishing the National Assessment that the models used to produce the data at issue in this matter were incapable of simulating ten-year averaged temperature changes (1991-2000, 1990-1999, 1989-

1998, *etc*…back to 1900-1909 -- the time when humans began to subtly change the composition of the earth's atmosphere) over the United States. In fact, this test to validate Defendants' chosen models demonstrated that they performed no better at predicting climate than a table of random numbers.

26. Having been informed of this fact the Defendants' Synthesis Team replicated the test seeking to validate the models, not just at 10 year-intervals, but at scales ranging from 1 to 25 years. At the larger time scales, they found the models applicable to global temperatures. But over the U.S., upon which the Assessment focuses, the NAST replicated the test results invalidating the models. In NAST's tests the models actually performed worse than random numbers.
27. The two selected models were chosen from the extremes of the available suite of dozens of climate models, and were proven invalid with Defendant's active knowledge prior to dissemination of the data at issue in this matter.
28. The Hadley Centre for Climate Prediction and Research, which produced one of the models used in the National Assessment, acknowledged at the time that Defendants selected this model that its model's data were not useful for the purpose Defendants are utilizing it. Specifically, Hadley stated this on its website, "in areas where coasts and mountains have significant effect on weather [and this will be true for most parts of the world], scenarios based on global models will fail to capture the regional detail needed for vulnerability assessments at a national level." http://www.met-office.gov.uk/research/hadleycentre/
29. Regardless, the National Assessment was produced relying on these two invalidated models, is presently being disseminated by Defendants and, as a

result, is being used for purposes ranging from the substantive justification for litigation to incorporation in a report submitted to the United Nations by the United States pursuant to the UN Framework Convention on Climate Change.

30. As a product of OSTP disseminated by the federal government, the National Assessment or any document purporting to be such product is therefore, barring exemption, a covered document under FDQA.
31. On 31 January 2002 Plaintiff CEI submitted a request to OSTP, pursuant to FDQA and OMB's "government-wide Guidelines", seeking OSTP cease dissemination of the National Assessment because the document violates FDQA's requirements of "objectivity" and utility". Further, as the statutorily designated steering document for Executive and congressional "climate" policymaking, NACC qualifies as "influential scientific or statistical information" and 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." OMB Government-wide Guidelines (67 FR 370)
32. With Defendant having never responded to this Request, on 20 February 2003, Plaintiff CEI again filed a Request for Correction ("Initial Request"), pursuant to FDQA, OMB's Guidelines and OSTP's own Guidelines for implementing FDQA.
33. On 21 April 2003 OSTP denied CEI's Request for Correction, in a letter from Kathie L. Olsen, Ph.D. This response, Defendant's "Initial Determination," rejected Plaintiff's initial Request on a jurisdictional or procedural argument.
34. Defendant denied Plaintiff's Initial Request on the basis that "the National Assessment [NACC], as a FACA committee document [sic], does not meet the

Guidelines' definition of 'information' subject to correction." Additionally and apparently in support of this denial, OSTP incorrectly asserted that it "has not adopted the contents of the National Assessment as its own, or otherwise expressly relied upon it."

35. In fact, Defendant OSTP had submitted the Assessment to the President and Congress as the Assessment required pursuant to 15 U.S.C. 2936.
36. Despite this, and also by that latter statement, to deny Plaintiff's Request OSTP invokes a provision of its Guidelines exempting from FDQA coverage "information originated by, and attributed to, non-agency sources, provided that OSTP does not expressly rely upon it [such as] non-U.S. government information reported and duly attributed in materials prepared and disseminated by OSTP; hyperlinks on OSTP's web site to information that others disseminate; and reports of advisory committees and international organizations published on agency's [sic] website". OSTP Guidelines V. "Information," (2)(b)
37. By this assertion that the National Assessment is in fact not OSTP's product at all despite the USGCRA, Reorg. Plan No. 1 of 1977, and Executive Order 12039.
38. Defendants thereby disregard that any National Assessment is by definition an OSTP product, and also that it thereby cannot be the product of some third party.
39. In fact, given these authorities the most Defendants can lawfully claim to have delegated, and still assert that the document at issue is a National Assessment, is certain functions to a FACA committee, the product of which is incorporated in Defendants' Assessment.

40. As a result of OSTP's claim, Defendants necessarily argue either that they delegated authority and responsibility for producing the National Assessment to another entity (a FACA committee), for which delegation there is no authority in the law, or that the document purporting to be the National Assessment is in fact not, and may not be permissibly described as being, such a product pursuant to the USGCRA of 1990 (15 U.S.C. 2936) (the latter is Plaintiff's Count Two).
41. In fact, neither the statute nor OMB Guidelines exempt or allow for the exemption of data or documents published by a covered office (here, OSTP) on the basis that a document incorporates information produced by other parties, *e.g.*, a committee chartered under the Federal Advisory Committee Act. The National Assessment, which by statute cannot be produced by a third party such as a FACA committee but may incorporate FACA committee data, is therefore covered "information".
42. On 5 May 2003, Plaintiff CEI filed a Request for Reconsideration with Defendants appealing OSTP's rejection of Plaintiff's Request.
43. Defendant OSTP asserts in its Guidelines its intention to answer Plaintiff's Appeal in 60 days, a period that expired on 2 July 2003.
44. In the intervening month correspondence by Plaintiff has failed to produce a substantive response by Defendants.
45. By refusing to respond to Plaintiff's Appeal Defendant has thereby constructively rejected it.
46. Defendant's ongoing claims cited to deny Plaintiff's Request are made despite acknowledging in its Initial Determination that the USGCRA, Reorganization Plan No. 1 of 1977, and Executive Order 12039 expressly assign authority and

responsibility for the National Assessment with OSTP. Phrased alternately, Defendant OSTP acknowledges that any document purporting to be an assessment pursuant to 15 U.S.C. 2936 and so submitted to the President and Congress is an OSTP product.

Count One – Violations of the Federal Data Quality Act

a) Defendants Unlawfully Refuse to Apply FDQA to National Assessment

47. Paragraphs 1 through 46 are incorporated herein.
48. By these actions, Defendants have unlawfully refused to apply the Federal Data Quality Act to the document styled as the National Assessment on Climate Change, produced by Defendants pursuant to the United States Global Change Research Act of 1990.
49. As a matter of law, if the document at issue is in fact an Assessment pursuant to 15 U.S.C. 2936 then it is not a third-party product, and Defendants may not permissibly invoke the latter claim as a defense against, *inter alia*, coverage under FDQA.
50. Regardless that the USGCRA of 1990 makes clear that any National Assessment is the product of Defendants, by act of transmitting such document to Congress and the Executive also pursuant to 15 U.S.C. 2936, Defendant OSTP did "rely upon" that which it inaccurately claims is a third-party product, defeating its rationale for denying FDQA coverage of the product pursuant to OMB's and OSTP's implementing Guidelines.
51. In addition to misstating the status and ownership of the National Assessment, if Defendant's claim is permitted to stand that the document, prescribed by

USGCRA as prepared and submitted by Defendant, is in fact not its own product, it establishes that Congress and OMB intended FDQA to permit an otherwise covered agency to relieve itself of FDQA's statutory requirements for data integrity, and even responsibility under another statute (*e.g.*, USGCRA of 1990), by claiming it delegated to a third party authority and responsibility for even products specifically assigned to it by law.

52. As a result of these actions, Plaintiff has exhausted all administrative remedies.
53. Wherefore, Plaintiff demands judgment against Defendants that the document purporting to represent a "National Assessment on Climate Change" is subject to the requirements of the Federal Data Quality Act.

b) <u>Defendants' "National Assessment" Violates FDQA</u>

54. Paragraphs 1 through 53 are incorporated herein.
55. FDQA requires data disseminated by covered agencies of the federal government, including Defendant OSTP, meet particular requirements of, *inter alia*, "objectivity" and "utility". OMB Final Guidelines 67 FR 369
56. FDQA also requires that "influential scientific data" such as the document prescribed in USGCRA (15 U.S.C. 2936), must meet the heightened "reproducibility" standard, establishing transparency requirements for data and methods of analysis, "a quality standard above and beyond some peer review quality standards."
57. The National Assessment produced pursuant to 15 U.S.C. 2936 violates FDQA for reasons including, *inter alia*, that efforts to validate the computer models upon which Defendants' document expressly and largely rely demonstrated, with

Defendants' knowledge and in advance of disseminating the document, to be less reliable in their ability to project climate than a table of random numbers ("utility" and "objectivity" requirements).

58. Defendants also violate FDQA's "utility" requirement by inaccurately recreating historical temperature data by impermissibly eliminating large error bars from the data's representation, eliminating recognized historical climatic periods.
59. That Defendants' Assessment further violates FDQA's "utility" requirement is proven by documents obtained through the Freedom of Information Act (FOIA) demonstrating that scientists from the national laboratories who were asked to comment on the document made abundantly clear that it was not peer reviewed and also was not scientifically sound.
60. Through Plaintiff Defendants had advance knowledge of such fatal flaws prior to producing the National Assessment, further enforcing that it violates FDQA's "objectivity" requirement.
61. These same weaknesses set forth in Plaintiff's Initial Request also provide that the National Assessment fails FDQA's applicable requirements for "influential scientific information."
62. Defendants refuse to address Plaintiff's claims on the merits.
63. Plaintiff has exhausted its administrative remedies in this matter.
64. Wherefore, Plaintiff demands judgment against Defendants that the document purporting to represent a "National Assessment on Climate Change" fails to satisfy the requirements of the Federal Data Quality Act, is invalid and that Defendants must cease therefore dissemination of its National Assessment.

Count Two – Defendants' "National Assessment" Violates the

United States Global Change Research Act

65. Paragraphs 1 through 64 are incorporated herein.

66. Pursuant to and/or under the auspices of the Global Change Research Act of 1990, 15 U.S.C. 2921, *et seq*., Reorganization Plan No. 1 of 1977 and Executive Order 12039, Defendants 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-inducted (sic) and natural, and projects major trends for the subsequent 25 to 100 years." (15 U.S.C. 2936).

67. USGCRA and Reorganization Plan No. 1 of 1977, and Executive Order 12039 make clear that any document purporting to be that prescribed herein is the product of Defendants.

68. Defendants style the document "***Climate Change Impacts on the United States: The Potential Consequences of Climate Variability and Change***" or National Assessment as the Assessment prescribed in that USGCRA provision.

69. Defendant OSTP denied Plaintiff CEI's Initial Request for Correction pursuant to the FDQA, and constructively denied Plaintiff's Appeal, on the basis that OSTP did not in fact prepare the document but that a third party actually produced it.

This attempt to evade FDQA's requirements is not only without merit but it is unlawful.

70. CEI has repeatedly informed Defendants in writing that this document does not satisfy the substantive requirements of USGCRA for its failure to address the statutorily enumerated areas required in order to serve as such a document, for example, the Assessment failed to address the required areas of transportation and energy production and use, such failures which the Assessment acknowledges on its very first textual page (Foundation document, page 2).
71. Through their rejection of Plaintiff's Request, Defendants assert the document fails to conform to procedural requirements of USGCRA and other relevant law by claiming that it was produced by a third party.
72. Defendants therefore acknowledge failing to date to perform a National Assessment as prescribed, implicitly also admitting to submitting, disseminating and otherwise supporting dissemination of their National Assessment with an inaccurate claim that it is a valid Assessment
73. Defendants are therefore unlawfully disseminating their "National Assessment".
74. Plaintiff has exhausted its administrative remedies in this matter.
75. Wherefore, Plaintiff demands judgment against Defendants that any the document currently styled as "***Climate Change Impacts on the United States: The Potential Consequences of Climate Variability and Change***", is unlawful and not permissible for any official purposes and any continued dissemination must carry such an acknowledgement.

WHEREFORE, as a result of Defendants' acts and in the absence of this Court requiring Defendants remedy them or declaring any product of such actions unlawful, Plaintiff has sustained and will continue to sustain injury in that Plaintiff is denied its opportunity to obtain relief pursuant to the Federal Data Quality Act and will also be subjected to relying upon impermissible data which also serves as the basis for U.S. government policy and international commitments with direct and indirect professional and financial impacts on Plaintiff. Barring a requirement by this Court that Defendants correct this Assessment or a declaration by this Court that Defendants' evasion of FDQA or claim of third-party production of the Assessment is unlawful, the following will likely result:

- Plaintiff has been and will be denied government climate change information meeting the standards for objectivity, quality, utility and integrity established by the FDQA and its implementing guidelines. Such information is necessary to CEI in its extensive analytical and educational efforts on this issue;
- Plaintiff's education and other information-disseminating activities regarding climate change are being hindered by a government report that does not meet the standards of the FDQA and its implementing regulations. In failing to meet these standards, the report presents a misleading portrayal of climate change and of the state of climate change science. The misleading nature of that portrayal would be remedied by a judicial finding of its invalidity under the FDQA and its implementing regulations.
- Plaintiff 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 will continue to serve as the official government position on the relevant topics if accepted as lawfully produced;

• Plaintiff's education and information-disseminating activities regarding climate change are being hindered by a document which purports to be the Defendants' National Assessment, but which in fact was produced in violation of the statute authorizing it. Given that this document took approximately ten years to develop and is intended, cited and widely viewed as the federal government's official position on this issue, it has a significant and long-lasting impact on both CEI's climate-change activities and on the general debate over this issue. A judicial finding that the report was illegally produced would alleviate both this impact and the report's effect on CEI's activities.

• Such unlawful product and the data at issue in this matter will then serve not only as the formal and purportedly consensus "government science" and policy guidance document, but as the United States' position in international *fora* in which the Executive Branch continues to participate toward negotiating binding treaty obligations on this precise subject matter. These *fora* include the Ninth Conference of the Parties ("COP-9") of the United Nations Framework Convention on Climate Change ("UNFCCC"), negotiations in Milan, Italy, December 2003. The contents of the National Assessment have already been once incorporated in a related May 2002 document submitted to the United Nations and purporting, pursuant to the UNFCCC, to represent "policies" of the United States.

WHEREFORE, Plaintiff demands judgment for:

1. Declarative relief that Defendants' actions described herein are unlawful under the Federal Data Quality Act;
2. Additionally or alternatively, declarative relief that Defendants' actions described herein are unlawful under the U.S. Global Change Act of 1990;
3. Declarative relief that "***Climate Change Impacts on the United States: The Potential Consequences of Climate Variability and Change***", does not satisfy the requirements for a "National Assessment" pursuant to 15 U.S.C. 2936 and therefore may not be formally styled, maintained and/or disseminated as such;
4. 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 publicly maintaining or disseminating the document currently purporting to be the National Assessment on Climate Change;
   B) Defendants publicly maintaining or disseminating, in addressing claims under the Federal Data Quality Act regarding the National Assessment on Climate Change and/or that prescribed pursuant to 15 U.S.C. 2936, that one or the other permissibly delegated authority and/or responsibility for that document to a non-governmental entity;
   C) Defendants publicly maintaining and/or disseminating the National Assessment unless and 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
5. Costs of this action and other just relief.

Respectfully submitted,

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6 August 2003