

THE WHITE HOUSE

WASHINGTON

July 21, 2008

Dear Chairman Boxer:

I write in response to your letter to the President, dated July 8, 2008, on behalf of the Committee on Environment and Public Works. Your letter seeks production of certain draft materials and potential responses related to a draft analysis prepared at the Environmental Protection Agency (EPA) on the subject of greenhouse gas emissions. We understand that the Committee is particularly interested in the information contained in a draft greenhouse gas endangerment analysis referred to in your letter's first paragraph.

Your letter, by its very terms, calls for pre-decisional and deliberative materials, as well as communications of White House advisors and Executive Branch officials. For these reasons, the request plainly implicates well-established separation of powers concerns and Executive Branch confidentiality interests. Notwithstanding such concerns, we are committed to working with you and the Committee in an effort to accommodate legitimate Congressional interests, and we are seeking ways to do so without impairment of the Executive Branch's deliberative processes.

As you may be aware, a member of my staff, responding to your letter, had a conversation with the Committee's Staff Director this past Friday in which they discussed the possibility of accommodating the Committee interests expressed in your letter in a manner that balances Congressional interests and Executive Branch prerogatives. Specifically, in that Friday conversation we proposed to make the draft analysis document available for review at a mutually agreeable place and for a time sufficient to enable the Committee to obtain a genuine understanding of the draft analysis presented therein. As part of this accommodation, we believe that it is appropriate for Committee staff to take reasonable notes on the document. Further, as discussed with the Committee's Staff Director, we also would have no objection to any public discussion of the contents of the document itself after the Committee's review.

We very much hope that the accommodations we have offered may satisfy the Committee's interests. Please call me at (202) 456-2632, or Emmet T. Flood, at (202) 456-1019, to discuss this matter further.

Sincerely



Fred F. Fielding
Counsel to the President

The Honorable Barbara Boxer
United States Senate
Washington, DC 20510

cc: The Honorable James Inhofe