

OPENING STATEMENT
Ranking Member Don Beyer (D-VA)
of the Subcommittee on Oversight

House Committee on Science, Space, and Technology
Subcommittees on Oversight and Energy
“Examining Misconduct and Intimidation of Scientists by Senior DOE Officials”
September 21, 2016

Thank you Chairmen Loudermilk and Weber for holding today’s hearing and thank you to the witnesses for testifying.

In February of this year, the Science Committee began investigating the Department of Energy’s intent to stop funding the Low Dose Radiation Research Program and the related personnel action that resulted in the removal of the long-time Program Manager, Dr. Noelle Metting.

As a businessman, former Ambassador, and someone who has been involved in the transition of federal agencies after Presidential elections, I know what good and bad management looks like. I also represent many federal employees and they often call my office when they see evidence of mismanagement or are treated poorly or unfairly themselves.

From everything I know, it seems to me that in this instance the Department of Energy was a bit over-zealous in the removal of Dr. Metting and badly mishandled this case.

This all stems from a briefing in October 2014 requested by a Majority staff member. I would like to note that Democratic Committee staff members were not present nor were they invited to the meeting, so we cannot attest first-hand as to what occurred during the briefing in question. We can only rely on the accounts given during the formal transcribed interviews from two of the four DOE officials that *were* present.

On that note, I am disappointed that yet another investigation by the Committee’s Majority appears incomplete. To my knowledge, the Committee’s Majority never formally interviewed Dr. Metting or the other DOE staff member present during the October incident. Moreover, Dr. Weatherwax, who is also testifying today, was not even present for the meeting or post-meeting discussion that resulted in the removal of Dr. Metting.

While I do not believe Dr. Metting’s actions at the briefing should be characterized as those of a whistleblower, I do strongly support the right of Federal employees to petition their government and speak openly about their work without fear of retaliation. As a Federal employee, Dr. Metting should have felt unbridled in her answers to and interactions with Congressional staff.

I would strongly recommend that the Department take a closer look at how they handle situations like the one before us today. On that point, the scientific integrity policy that the Department released in 2012 could certainly use a second look and potentially an update. The policy leaves gray areas that create confusion and misunderstanding. Relative to other Executive Branch agencies, DOE’s scientific integrity policy is not nearly as robust. Agencies like the Department

of Interior, NASA, and NOAA have led the way in this effort. Given the quality and quantity of innovative scientific research at the Department, I would expect more leadership from DOE on this front.

I also look forward to learning more about the future of the Low Dose Radiation Research Program today. I would urge the Department to be more clear with Congress about their intentions and rationale for changes in research priorities going forward. There has been a general lack of communication from DOE on these particular research activities involving low dose radiation research. I hope we can avoid similar occurrences in the future. The clearer the communication from the start the faster we can work together to settle our differences.

Before I conclude I would like to add that I find this half-hearted investigation especially ironic given that the Committee's Majority has engaged in clear intimidation of government scientists that are conducting climate change research at NOAA, including issuing a subpoena to NOAA Administrator and former astronaut Dr. Kathryn Sullivan for the emails of scientists all because the Majority disagreed with the results of a twice peer-reviewed scientific study. I would point out that I do not believe the Majority has ever produced a shred of evidence that would have justified that subpoena, although they made numerous unsubstantiated allegations of scientific misconduct by NOAA's scientists.

I think we can all agree that all scientists, whether in government, academia, or the private sector should be free of undue influence, be it politics or profit. Our policy decisions should be guided by our research and our world-leading scientists. When they speak loudly and in unison, we should listen. Unfortunately, I don't think that is always the case in Congress or on this Committee, but we'll save that conversation for another day.

Lastly, this incident highlights the necessity of basic due process requirements, appeals, and federal employee protections, as well as the right of federal employees to have the right to union representation. If my colleagues in the Majority are sincere about their concern for federal employees, I would encourage them to keep this hearing in mind next time Congress considers legislation intended to erode due process and collective bargaining rights for federal employees.

Thank you Mr. Chairman. I yield back.