

Congress of the United States

Washington, DC 20515

May 4, 2026

The Honorable Sean Duffy
Secretary
U.S. Department of Transportation
1200 New Jersey Ave SE
Washington, D.C. 20590

The Honorable Russ Vought
Director
Office of Management and Budget
725 17th St. NW
Washington, D.C. 20503

Dear Secretary Duffy and Director Vought:

We write you today regarding concerns over the use of taxpayer funds for wasteful and improper purposes that appear inconsistent with Trump Administration policy. You each have served as an integral part of President Donald Trump’s effort to root out the pernicious influence of radical organizations and their left-wing agendas from the federal government. Among the most troubling areas in which this influence is apparent occurs when federal research funding is directed to agenda-driven or partisan organizations.

When taxpayer funds are used for such purposes, the resulting research, though flawed, can subsequently be used as a basis to drive policy, whether through implementation by federal agencies or through the courts via litigation. In this way, “science” is corrupted to achieve political ends that do not serve the interests of the American people. It is of the utmost importance that policy and decision making are founded on Gold Standard Science rather than agenda-driven research. Pursuant to the directives in Executive Order 14303, Restoring Gold Standard Science, all federal agencies should “ensure that federally funded research is transparent, rigorous, and impactful, and that Federal decisions are informed by the most credible, reliable, and impartial scientific evidence available.”¹ The President highlighted the centrality of this mission to his agenda on his very first day back in office with Executive Order 14151.²

While progress has been historic, in our efforts to support the President’s mission we have seen firsthand that a tremendous amount of work remains, particularly with the many recipients of government funding that stubbornly continue to embrace radical “woke” and special interest-driven agendas. One such area is the National Academies of Science, Engineering, and Medicine (NASEM or the “National Academies”) – a congressionally chartered organization created to provide policymakers with independent, evidence-based analysis.³ The United States has long prided itself on global leadership in the sciences and, given the challenges our nation faces in the world today, this leadership has never been more essential. However, much like many of our “elite” institutions, the National Academies has sadly been the victim of ideological capture, driven by a woke, partisan, and special interest-driven agenda that puts the Left’s preferred narratives ahead of the facts.⁴

¹ United States, Executive Office of President Donald Trump, “Restoring Gold Standard Science,” FR Doc. 2025-09802, May 23, 2025.

² United States, Executive Office of President Donald Trump, “Ending Radical And Wasteful Government DEI Programs And Preferencing,” FR Doc. 2025-01953, January 20, 2025.

³ “National Academies, Sciences, Engineering, Medicine,” National Academies, accessed March 16, 2026, <https://www.nationalacademies.org/>.

⁴ See, for example, the 2020 NASEM COVID-era report on school reopening that included an epilogue about “the epidemic of systemic racism.” Enriqueta C. Bond et. al., *Reopening K-12 Schools During the COVID-19 Pandemic: Prioritizing health, Equity, and Communities*, (Washington, D.C.: National Academies Press, 2020), 77, <https://www.nationalacademies.org/read/25858/chapter/9>. More recently, in advance of the expected (now completed) Trump EPA rescission of the Obama-era greenhouse gas endangerment finding, Marcia McNutt, president of NASEM’s National Academy of

NASEM publishes the *Reference Manual on Scientific Evidence*, intending to help judges evaluate scientific and statistical evidence in litigation.⁵ The current Fourth Edition, published in December 2025, includes a highly politicized chapter on climate science that is clearly intended to sway judges deciding major climate lawsuits.⁶ The *Reference Manual* is published and funded in coordination with several federal agencies, among them the National Science Foundation (NSF), which provides significant grant funding, and the Federal Judicial Center (FJC).^{7 8 9} These collaborative arrangements are subject to statutory duties, grant terms, and other obligations to protect taxpayer dollars. To highlight a few relevant conditions, NSF’s grant recipients are mandated to avoid or disclose any “significant financial interest” that “could directly and significantly affect the design, conduct, or reporting of NSF-funded research or educational activities.”¹⁰ Grantees are also required to “uphold the highest standards for scientific integrity,” such as “transparency” and “protection from inappropriate influence.”¹¹ The *Reference Manual* chapter on climate sciences clearly violates several of these duties and terms.

The Reference Manual’s Climate Science Chapter Violates Gold Standard Science

Most shocking is that there was no fully independent, meaningful peer review from scientists with differing views on climate science. While the NASEM claims the *Reference Manual* underwent “independent review... to ensure that it meets the institutional standards for... objectivity,” the publication’s reviewer list contains zero members representing materially different viewpoints.¹² Indeed, the chapter’s acknowledgements

Sciences, declared that the organization will be conducting a “fast-track review” studying “the latest scientific evidence on whether greenhouse gas emissions endanger public health.” Megan Lowry, “National Academies Launch Fast-Track Review of Latest Evidence for Whether Greenhouse Gas Emissions Endanger Public Health and Welfare,” News Release, August 7, 2025, <https://www.nationalacademies.org/news/national-academies-launch-fast-track-review-of-latest-evidence-for-whether-greenhouse-gas-emissions-endanger-public-health-and-welfare>.

⁵ *Reference Manual on Scientific Evidence: Fourth Edition*, (Washington, D.C.: National Academies, 2025), xiii, <https://www.nationalacademies.org/read/26919/chapter/1#xiii>. (“Reference Manual”).

⁶ Ibid, Chapter on Climate Science.

⁷ NSF is an independent agency reporting to both Congress and the President. 42 U.S.C. §§ 1861, 1862(a)(7), (f), 1863(j), 1875; United States National Science Foundation, “About NSF,” nsf.gov, accessed March 16, 2026, <https://www.nsf.gov/about>; United States National Science Foundation, “Federal Budgeting and Appropriations Process,” nsf.gov, accessed March 16, 2026, <https://www.nsf.gov/about/budget/process>; United States National Science Foundation, *NSF FY 2025 Agency Financial Report*, (United States National Science Foundation, FY 2025), 11, https://nsf-gov-resources.nsf.gov/files/FY-2025-Agency-Financial-Report_0.pdf.

⁸ United States National Science Foundation, “Award Details,” NSF.gov, accessed March 16, 2026, https://www.nsf.gov/awardsearch/show-award/?AWD_ID=2139091; *Reference Manual*, ii, xvii.

⁹ “About,” Federal Judicial Center, accessed March 16, 2026, <https://www.fjc.gov/about>.

¹⁰ United States National Science Foundation, “NSF Proposal and Award Policies and Procedures Guide,” nsf.gov, May 20, 2024, IX-2, VII-1, IX-2 n. 74, https://nsf-gov-resources.nsf.gov/files/nsf24_1.pdf. (“NSF Guide”).

¹¹ Ibid, XI-26.

¹² Reference Manual, x.

highlight the contributions of three people, all employed by Columbia University’s controversial climate science institutions.¹³

Furthermore, there are clear conflicts of interest as the climate science chapter was written by academics funded by the very same groups behind many climate lawsuits, including the for-profit law firm Sher Edling – best known for representing state and local governments in numerous lawsuits against oil and gas companies seeking enormous compensation for damages allegedly caused by climate change.^{14 15 16} Additionally, as mentioned above, it was written by two academics employed at the Columbia University climate centers, also funded by Sher Edling’s climate litigation funders and other highly partisan sources such as the Rockefeller Foundation.¹⁷ The *Reference Manual* also received input from persons associated with the Climate Judiciary Project (CJP), which has the stated goal to develop “a body of law that supports climate action.”^{18 19} One author was supervised by Michael Burger, a Sher Edling attorney actively leading pending climate change cases.²⁰ In fact, the *Reference Manual* authors substantially copied their climate science chapter from an article they co-authored with Mr. Burger.²¹

The *Reference Manual* reportedly “embedded plaintiff-aligned positions on climate causation, attribution, and liability into one of the most authoritative evidentiary resources relied upon by judges nationwide... a sharp break from the Manual’s historic role as a neutral guide.”²² The new climate chapter “treats disputed theories central to ongoing climate litigation as settled fact, endorses probabilistic and event-attribution frameworks explicitly developed for courtroom use, and repeatedly frames skepticism of climate claims as bad faith or strategic manipulation. These positions are advanced without meaningful disclosure of the

¹³ Charles Creitz, “‘Shocking and Inappropriate’: Legal Experts Slam Judges’ Guide over Climate Bias Claims,” *Fox News*, January 29, 2026, <https://www.foxnews.com/politics/shocking-inappropriate-legal-experts-slam-judges-guide-over-climate-bias-claims>.

¹⁴ Reference Manual. ii, xvii (grant from Gordon and Betty Moore Foundation).

¹⁵ Robert Stilson, “Why are ‘Charities’ Funneling Millions into Climate Change Lawfare?” *The Hill*, January 24, 2024, <https://thehill.com/opinion/energy-environment/4422166-why-are-charities-funneling-millions-into-climate-change-lawfare/> (identifying that the Moore Foundation made a large donation to the Collective Action Fund, which has funded Sher Edling’s climate litigation).

¹⁶ “Meet our Team,” Sher Edling LLP, accessed March 16, 2026, <https://www.sheredling.com/>.

¹⁷ Reference Manual, 1563 (Jessica Wentz works at the Sabin Center for Climate Change at Columbia Law School and is identified as a CJP Expert on the CJP website; Radley Horton works at the Columbia Climate School); “Support Us,” Columbia Law School-Columbia Climate School Sabin Center for Climate Change Law, accessed March 16, 2026, <https://climate.law.columbia.edu/content/support-us> (Sabin Center funding sources include the Rockefeller Family Fund); Stilson, “Charities Funneling Millions,” (noting that the Rockefeller Brothers Fund gave a sizable donation to the Collective Action Fund, which funds climate litigation).

¹⁸ See Reference Manual, Ch. 4 (listing, among others, CJP founder Paul Hanle and CJP presenter Ben Santer).

¹⁹ “About,” Climate Judiciary Project, accessed March 13, 2026, <https://cjp.eli.org/about>.

²⁰ “Michael Burger” Sher Edling LLP, accessed March 16, 2026, <https://www.sheredling.com/team/#michael-burger>; see, e.g., *Compl., City & Cty. of Honolulu v. Sunoco LP, al.*, 1CCV-20-0000380 (Hawai’i 1st Cir. Mar. 9, 2020)(Michael Burger was one of the attorneys for plaintiffs); “Our Team,” Columbia Law School Columbia Climate School Sabin center for Climate Change Law, accessed March 16, 2026, <https://climate.law.columbia.edu/directory> (Michael Burger is the executive director of the Sabin Center, where Wentz works).

²¹ Reference Guide, 1588.

²² American Energy Institute, “*Captured Courts*,” n.d., https://americanenergyinstitute.com/docs/aei_captured-courts-report_final.pdf.

authors' and cited experts' direct ties to climate plaintiffs and plaintiff-side law firms."²³ Additionally, NASEM has reportedly received funding from left-wing climate advocacy groups such as the ClimateWorks Foundation and the Soros-backed Tides Foundation. NASEM has also made its own donations to climate change advocacy groups.²⁴

These issues directly contradict NASEM's own promises of integrity, objectivity, and independence from outside influence.²⁵ While the FJC – which, like NASEM, funded the development of the *Reference Manual* – removed the climate science chapter from its online version of the publication after twenty-seven state attorneys general shared their concerns, no similar corrective action has been taken by NASEM.^{26 27 28} Instead, a defiant NASEM President Marcia McNutt told the AGs on February 26, 2026, that “[t]he manual, including the chapter on climate science, will continue to be available on the Academy’s website.”²⁹ As of the date of this letter, the climate science chapter remains available on the NASEM’s website.

Proposed Remedies

A federal agency can suspend NASEM’s access to federal contracts and grants under the Federal Acquisition Regulation (FAR) or the Non-procurement Common Rule (NCR) if the agency finds: (i) “[i]mmediate action is necessary to protect the public interest”; and (ii) there is “adequate evidence” that NASEM’s misconduct is sufficiently “serious or compelling” to affect NASEM’s “present responsibility” as a government contractor or grant recipient.^{30 31 32} NASEM’s failure to uphold the terms of its grant agreements with NSF on conflicts of interest and peer review provides ample basis for such action.

In 2024, the Department of Transportation (DOT) provided \$84 million in contracts or grants to NASEM and is its largest federal contributor.³³ Now that President Trump is back in the White House, there has rightfully been a renewed emphasis on purging wasteful and partisan activities and expenditures. There is no shortage of precedent for corrective action against the NASEM thanks to the work of DOT and the Office of

²³ Ibid.

²⁴ Ibid.

²⁵ “Process,” National Academies, accessed March 13, 2026, <https://www.nationalacademies.org/index.php/process>.

²⁶ McCuskey to Rosenberg, January 29, 2026.

²⁷ See JB McCuskey (@mccuskeyforwv), “West Virginia led the charge calling for the Federal Judicial Center to immediately withdraw an inappropriate new addition to the Reference Manual on Scientific Evidence that deals with ‘climate science.’ We have just received notice that, because of our efforts, the chapter is being removed. This is a win for impartiality in our judiciary and the people of West Virginia. Incredible work from my friend @mikehilgers and all of our @RepublicanAgs!” February 6, 2026, <https://x.com/mccuskeyforwv/status/2019925917884379295>.

²⁸ Austin Knudsen to Marcia McNutt and Neil H. Shubin, February 19, 2026, https://content.govdelivery.com/attachments/MTAG/2026/02/19/file_attachments/3559530/2026-02-19%20AGs%20Ltr%20to%20NAS%20FINAL.pdf.

²⁹ Ibid.

³⁰ 48 C.F.R. Subpart 9.4.

³¹ 2 C.F.R. Part 180.

³² See 2 C.F.R. §§ 180.700(b)–(c), 180.800(d); 48 C.F.R. §§ 9.407-1(b)(1), 9.407-2(c). While a suspension only requires “adequate evidence,” a debarment generally requires a “preponderance of the evidence.” See 2 C.F.R. §§ 180.850(a), 180.605; 48 C.F.R. § 9.406-3(d)(3).

³³ See *Reference Guide*, Ch 2, p.6. <https://www.nationalacademies.org/read/29218/chapter/2#6>

Management & Budget (OMB). In May 2025, the DOT announced the cancellation of seven “woke university grants” amounting to \$54 million.³⁴ Pushed by OMB, other departments have made similar cuts to remove partisan ideological content and otherwise correct the missteps of the prior administration, as illustrated in Trump’s FY 2026 Budget fact sheet.³⁵

We respectfully urge you to investigate whether NASEM should be suspended or debarred from all federal funding under your jurisdiction in light of the substantial violations related to NASEM’s use of NSF grant money to promote and endorse the *Reference Manual*. As long as the *Reference Manual* remains active on NASEM’s website, both the Administration’s policy ensuring Gold Standard Science and its dedication to upholding the integrity of taxpayer funding is in jeopardy and demands immediate investigative action.

Sincerely,



Eric Burlison
Member of Congress



Lauren Boebert
Member of Congress



Troy E. Nehls
Member of Congress



Diana Harshbarger
Member of Congress



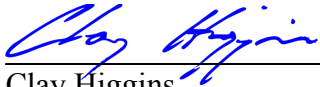
Anna Paulina Luna
Member of Congress



Barry Moore
Member of Congress

³⁴ Sarah Weissman, “Department of Transportation, NEA Cut Federal Grants,” Inside Higher Ed, May 5, 2025, <https://www.insidehighered.com/news/quick-takes/2025/05/05/departments-transportation-nea-cut-federal-grants>.

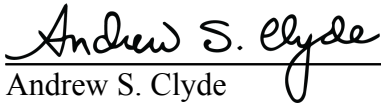
³⁵ The White House, “Cuts to Woke Programs,” accessed March 13, 2026, <https://www.whitehouse.gov/wp-content/uploads/2025/05/Cuts-to-Woke-Programs-Fact-Sheet.pdf>. Notably, it “eliminates \$5.2 billion from NSF, which has funded radical DEI and climate change alarmism. NSF no longer funds speculative research on impacts from extreme climate scenarios and niche social studies.”



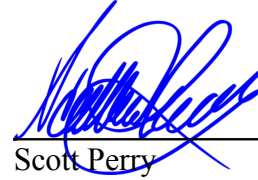
Clay Higgins
Member of Congress



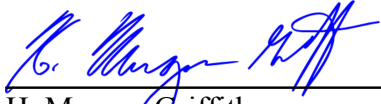
Keith Self
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Andrew S. Clyde
Member of Congress



Scott Perry
Member of Congress



H. Morgan Griffith
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