

NRDC / MoveOn.Org False Advertisement Speech

Mr./Madam President, I have to admit that I don't read the New York Times cover to cover each day. But, from time to time items in that paper do catch my attention. For instance, when a group runs a full page advertisement one cannot help but at least glance at the ad. A couple of weeks ago one such advertisement caught my attention. It was a full page advertisement placed in the New York Times by two special interest groups, the Natural Resources Defense Council (NRDC) and Moveon.org. These two special interest groups are especially vocal and especially devoted solely to disparaging the environmental record of the Bush Administration. I have an enlarged version of the advertisement that ran in the New York Times. (Chart 1). As you can see, it states in large print "First Arsenic, Now Mercury." It has pictures of President Bush along side a power plant billowing with smoke. The ad makes such claims as the President's policies are the source for mercury contamination in fish and that the President is simply following the wishes of industry contributors. The ad makes direct statements such as, "So why is President Bush trying to weaken controls on mercury pollution?"

Mr./Madam President, I am Chairman of the Environment and Public Works Committee, so this ad was of particular interest to me for at least a couple of reasons. To anyone reading this advertisement, the reader would naturally assume that there must be some already existing controls on mercury emissions from power plants because the ad explicitly claims that President Bush is trying to weaken those controls. This claim is completely false. I believe this chart demonstrates that. (Chart 2). The NRDC's lobbying claim is that the President is weakening controls on mercury emissions from power plants. The facts, however, are very different. On December 15, 2003, this President proposed the first ever controls on mercury emissions from utilities. The Clinton Administration had eight years to propose such controls and did not. In nearly 3,000 days as EPA Administrator, how many mercury regulations on power plants did former EPA Administrator Carol Browner issue? Zero. Instead, in the last month of the eighth year of the Clinton Administration, Carol Browner deftly handed a regulatory lemon to the Bush Administration that she was unwilling to impose during the Clinton Administration. What a courageous move. I am very proud that President Bush and his EPA Administrator, Mike Leavitt, have shown leadership where President Clinton and Carol Browner fumbled and failed. In fact,

Administrator Leavitt testified before the Environment and Public Works Committee's Clean Air Subcommittee in a hearing on April 1, 2004. In questioning, the Administrator ably drew the line between fact and fiction regarding the President's proposals regulating mercury from power plants. I want to read to you one of his quotes. The Administrator explained, "One fiction is that the EPA does not view mercury as a toxin. The fact is mercury is a toxin and it needs to be reduced. Another fiction is that somehow the agency is seeking the Administration to roll back standards. The fact is there has never been a standard, this will be the first time that we will have regulated mercury from power plants in our Nation's history and we want to do it right." Mr./Madam President, why shouldn't we propose the right mercury rule based on sound science? There are no existing control standards for utility mercury emissions, so how can President Bush weaken a control standard for mercury that doesn't exist? That simply doesn't make any sense. NRDC has been a prominent national special interest group for many years. So why would the NRDC run such an ad that is completely false? I believe the answer to that question leads me to the second reason this ad was particularly interesting to me.

I had this advertisement enlarged to highlight one particular part. If you will notice the perforated block on the end of the full page ad circled in red. (Chart 3). I especially wanted to highlight this portion of the ad pictured on this chart because this block is the reason why this ad ran. This perforated block is a contribution form. This contribution form states, “Yes, I want to join the Natural Resources Defense Council and help thwart President Bush’s plan to weaken controls on toxic mercury.” And, Mr./Madam President, here is the most important part, “Here is my tax-deductible gift of \$(blank).” The form further states to “make your check payable to NRDC and mail it to the NRDC Mercury Campaign.” I believe that it is bad enough to run a false advertisement, but to solicit charitable contributions based on that false advertising is especially troubling.

The New York Times is widely distributed in my home state of Oklahoma as it is throughout the rest of the country. It would be very disturbing to learn that based on a false ad, people are scared into contributing. For the past several years, my home state of Oklahoma has rated in the top 25 percent of states for charitable contributions per gross income. It would greatly trouble me if even one of those contributors was misled by any charitable solicitation. The Council

for Better Business Bureaus, a national organization, compiles a Wise Giving Alliance report authorizing a seal of approval to charities that meet the organization's standards. One of the standards the Council has established to measure charities deals with the solicitations by those charities. Part C of those standards states the following:

“1. Solicitations and informational materials, distributed by any means, shall be accurate, truthful and not misleading, both in whole and in part.” And

“2. Soliciting organizations shall substantiate on request that solicitations and informational materials, distributed by any means, are accurate, truthful and not misleading, in whole and in part.”

The NRDC, describing itself as a charity, should substantiate this false advertisement. The President has proposed the first controls on mercury emissions from power plants. The Better Business Bureau should hold NRDC accountable for their purposefully misleading statements. However, NRDC's irresponsibility is sanctionable in other manners as well.

Solicitations by charitable organizations are regulated in part by federal statutes and caselaw. However, the solicitation of charitable contributions is mainly regulated by individual state law, and

violations of solicitation statutes can be prosecuted under state law. Solicitation by charitable organizations is strictly regulated against fraud and misleading advertising under Oklahoma statutes. Oklahoma state law reads in relevant part, “Any person [or organization] who attempts to solicit any contribution as a charitable organization by means of knowingly false or misleading advertisement shall lose its status as a tax-exempt organization and upon conviction by guilty of a felony.” This criminal liability extends to all officers and agents of the charity involved in the solicitation. We take this very seriously in Oklahoma, and at least 40 other states have just as strict statutes against soliciting contributions by misleading advertising. Arguably this ad by NRDC may be unlawful in as many as forty other states that also have charitable solicitation statutes. This advertisement by the NRDC and MoveOn.org explicitly states that the President is weakening mercury controls while they are trying to swindle contributions from people all across the country that may see this advertisement. I don’t know what else this ad represents but specifically NRDC, which describes itself as a charitable organization on its website, soliciting contributions by making knowingly false statements to cheat people out of contributions. Mr./Madam President, in Oklahoma that could make you a felon.

Mr./Madam President, the most shocking part of all of this is not even that NRDC is running a completely false ad, or that NRDC is running a completely false ad simply to fleece people for contributions. The most shocking part is that the American taxpayer subsidizes the NRDC hundreds of thousands of dollars each year to conduct this type of activity. Public IRS records for the last several years demonstrate that NRDC regularly receives thousands of federal grant dollars every year. In 2002, the NRDC received more than half a million dollars in government grants. In 2003, NRDC was additionally awarded more than half a million dollars again in government grants. And the cycle continues year after year. While it is true that NRDC receives funds from other contributors, no matter how you audit it, NRDC's funds are fungible and obtained for one purpose allowing NRDC to engage in other purposes.

The Environment and Public Works Committee has oversight jurisdiction over several federal agencies. I believe that my Committee has the obligation to ensure that federal funds allocated to these agencies are used responsibly. One agency in particular under the jurisdiction of the Committee is the Environmental Protection

Agency. The Committee has the responsibility to ensure American taxpayers their money is going toward accomplishing the EPA's mission of protection human health and the environment. On March 3, my Committee held its first hearing into the manner in which EPA allocates grants each year. The EPA is a granting agency allocating more than half its \$8 billion annual budget in grants to state, local, and tribal governments, educational institution, non-profits organizations, and a variety of other recipients. I announced at that hearing that the Committee was going to take its oversight responsibilities seriously in regards to grants management, and I intend to take this responsibility seriously until real changes are made in grants management. The Committee heard testimony of problems with grants management, and I am confident that we will begin to make real changes with the leadership of the Bush Administration and Administrator Leavitt. However, the NRDC, for example, has made it a matter of doing business to apply for federal grant awards that I believe help subsidize it to run ads such as this one. It costs more than \$110,000 per day to run a full page ad in the New York Times. NRDC and MoveOn.org are spending thousands of dollars to purposely misrepresent the Bush environmental record and scare people into contributing based on those false representations.

I am announcing that I am sending letters today to the two largest judicial jurisdictions in Oklahoma and requesting those district attorneys to investigate the legality of this advertisement in Oklahoma. I am also sending a letter to the Better Business Bureau requesting that organization to more carefully consider this false advertisement in their rating of NRDC in awarding their Wise Giving Alliance seal and request that it formally request NRDC to substantiate its baseless claim. Mr./Madam President, I ask unanimous consent that all three letters be placed in the record.

A couple of years ago, I read a series of articles in the Sacramento Bee highlighting the facade of many environmental groups. The articles made the point that today's environmental groups like NRDC are more about their own prosperity than environmental protection. I still have those articles in my office, and I thought one particular quote was especially befitting. The author wrote of environmental groups, "Competition for money and members is keen. Litigation is blood sport. Crises, real or not, is a commodity, and slogans and sound bites masquerade as scientific fact." That quote was written in 2001. It is still true in 2004. But it's not something

new. That quote captures the way NRDC and its cohorts have been doing business for years. They should be responsible. They should be truthful. This type of activity goes beyond what NRDC does with federal grant dollars, but I intend to explore what NRDC and groups like it are also publishing and the extent of rampant false claims made by these groups that the American taxpayer helps to fund each year.

Thank you, Mr./Madam President, and I suggest the absence of a quorum.