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TELEVISION PROGRAM TO "CBS NEWS' FACE THE NATION."



May 30, 2010 Transcript

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TRANSCRIPT

JOHN DICKERSON: Today on FACE THE NATION, Top Kill fails. The oil is still gushing into the Gulf. Now what? The latest effort by BP to stem the flow of oil did not work. What's next? We'll ask Bob Dudley, BP's managing director.

Does the Obama administration need to do more? We'll ask White House environmental advisor Carol Browner and talk with Congressman Ed Markey, Democrat of Massachusetts, who says BP has been dishonest about the amount of oil leaking into the Gulf.

Then we'll get an update on the investigations into the disaster from CBS News investigative correspondent Sharyl Attkisson.

But first, can BP stop the oil on FACE THE NATION.

ANNOUNCER: FACE THE NATION with CBS News chief Washington correspondent Bob Schieffer. And now from Washington, substituting for Bob Schieffer, CBS News political analyst, John Dickerson.

JOHN DICKERSON: Welcome to FACE THE NATION.

Bob Dudley, who is the managing director of BP is with us this morning from Houston. Welcome, Mister Dudley. I want to go right to the Top Kill. It failed. Now, the next effort is to put a containment done (sic) over this. When will you know if that next effort of containment has worked?

BOB DUDLEY (Managing Director, BP): Well, the-- the equipment has already been engineered and fabricated and placed on the seabed near the-- the well in a top kill. That operation has already begun. Because this is being done at five thousand feet with robots, we're going to take our time, do it extremely carefully. We were-- by the end of the week, we should have this in place.

JOHN DICKERSON: The President has said this is a very risky attempt, this containment. And others in the administration keep talking about the risk. What is the risk? Could this blow? Could this get even worse from this effort?

BOB DUDLEY: Well, everything, John, is at risk at five thousand feet because there's no humans down there. And we rely on the-- on the technology to do this. The risk here, though, I think is-- is less. There's more probability of success with this than the Top Kill which was highly complex--injecting of heavy fluids through a system that we built down there.

It actually functioned the way we wanted it to. We were just not able to overcome the flow from the well. This operation will involve taking a very clean cut with a diamond saw by the robots to be able to create a connection over this. And with this, we think we can contain the majority of the oil and gas.

JOHN DICKERSON: So is there disagreement with administration officials then who-- who talk about the risk associated with this? You seem to be suggesting this is-- is quite a bit easier.

BOB DUDLEY: No, there is-- well, there's, of course, risk with this. We sat down yesterday afternoon with officials from the government--Energy Secretary Salazar, Secretary Chu. We went through the program. They've been deeply involved in this, not just yesterday, but this has always been the option that we would move to if the Top Kill didn't-- didn't work.

Again, we're operating at the frontiers of human endeavor at five thousand feet and there-- and there is risk with it. There's no question.

JOHN DICKERSON: In this next attempt, the idea is to minimize the flow of oil, but minimize is different than shut the whole thing off. Are we going to be spending the summer watching oil come out of this-- coming out of the ground here?

BOB DUDLEY: Well, if this containment dome works as we think, it's not a completely pressurized dome. There may be some leakage out of it. But the-- the majority of the fluids, we believe, will take to the surface--

JOHN DICKERSON (overlapping): How much--

BOB DUDLEY: --to be able to collect there. It'll never have a contact with the ocean.

JOHN DICKERSON: How much could leak out though?

BOB DUDLEY: Well, we don't know. I will comment, though, that even if ten percent of the fluid leaks out because of the amount of gas, it's going to look like a lot. Of course, we will show this on television all the time. Success would be full containment.

And over the weeks ahead, we're moving fast to put this on. We've got some other ideas to further refine it to improve the amount of production from it.

JOHN DICKERSON: Everybody talks about the relief wells at the end being the real backstop to-- to closing this down. This might happen in August. What's the-- what if those fail? How do we know those are going to work?

BOB DUDLEY: Well, there's no guarantee those will fail. But-- this is-- this is very known technology now. You can go drill down eighteen thousand feet, hit the other well bore which is only about a foot and then immediately flood the well in a formation with heavy fluids. We've got a second one drilling as well. This is technology that is-- is much more-- more certain. There's always uncertainty drilling these wells. Things can happen as you move down. That's why we have two of them.

JOHN DICKERSON: There's been some talk about bringing supertankers in to help with the cleanup effort. Is that something BP is considering to vacuum off the oil?

BOB DUDLEY (overlapping): We have looked at that. It's a-- we have looked at that. It's an interesting, interesting idea. Those have you-- been used in the-- in the Arabian Sea in the Gulf over there for spills. What we're finding with this oil, it's-- it's light, it's relatively volatile. And with the use of dispersants, it tends to string out a number of miles long but very narrow. And so, as we look at this, it's-- it's not the same concept to be able to work. And-- and our spill responses at the surface now are being very, very effective.

JOHN DICKERSON (overlapping): Let me ask-- let me ask you a final question, Mister Dudley. The President has said several times in his press conference that BP misled the White House about the amount of oil coming out. He said your interests are not in line with the American people. So how can the American people trust what you or any other BP executive is saying?

BOB DUDLEY: Well, the-- the estimates of the well rates have never been BP estimates. They've always been through the Unified Command Center. And the best way to measure those early rates or estimate those early rates were from satellite data--

JOHN DICKERSON (overlapping): But, Mister Dudley the-- the--

BOB DUDLEY: --not BP data.

JOHN DICKERSON: --I'm sorry to interrupt but-- but in the beginning, when some of these larger estimates were coming out, you and others were saying they were alarmists, as if you had certainty and certainty from your own estimates. I'm confused.

BOB DUDLEY: Well, some of those larger estimates of seventy thousand to a hundred thousand barrels a day are-- are alarmist. The-- we're not seeing anything like that.

JOHN DICKERSON (overlapping): That suggests a degree of certainty from you, though?

BOB DUDLEY: I mean that's-- excuse me?

JOHN DICKERSON: That suggests a degree of certainty about exactly what's coming out from you which seems different than saying we never really knew how much was coming out and it-- they weren't our estimates.

BOB DUDLEY: Well, the current estimates by the-- by the government between twelve and nineteen thousand barrels a day. It's a range, so the precision on these estimates has always been low. We have res-- designed the spill response for much, much higher rates. The alarmist figures of seventy thousand to a hundred thousand barrels a day I think were actually damaging the-- the tourism industry--

JOHN DICKERSON (overlapping): Okay, Mister Dudley.

BOB DUDLEY: --in Florida, Alabama, and Mississippi.

JOHN DICKERSON (overlapping): Unfortunately, we're going to have to leave it there. We appreciate you coming on to talk with us this morning.

Carol Browner is the top White House advisor on Energy and Climate Change. Welcome this morning, Miss Browner.

CAROL BROWNER (Assistant to the President, Energy & Climate Change): Thank you.

JOHN DICKERSON: I want to ask you about that-- those initial estimates which were important because you need to know how much is-- oil is coming out to know about the cleanup. Mister Dudley blames the government for those initial estimates. Your response:

CAROL BROWNER: Well, it's important to understand that BP has a financial interest in what those flow rates are. They will ultimately pay a fine based on those rates. That's why we brought in an independent team that did not include BP in the estimates that were made available this week, the twelve thousand to nineteen thousand. That team is going to continue to work. It is hard to do. They have to look at three factors. They have to look at the plume rate, the insertion, and the surface modeling.

JOHN DICKERSON: I'm sorry to interrupt, but did-- did they lie? Or-- or were they the government estimates at the beginning that were being relied on.

CAROL BROWNER: The very, very first estimates came from BP. They had the footage of the plume. The government then did satellite imagery and we realized that those estimates were not accurate.

JOHN DICKERSON: Let me ask you about something else about it-- this next effort. The President's talked about the risk associated with it. Mister Dudley says it's less risky than the Top Kill method that just failed. Are they downplaying the risk here?

CAROL BROWNER: I think what the American people need to know that it is possible we will have oil leaking from this well until August when the relief wells will be finished. I think it's important for the American people to know that we acquired, we directed BP to drill a second relief well to ensure we had redundancy in what will be the permanent closure.

JOHN DICKERSON: How much oil?

CAROL BROWNER: Well, when they cut the riser, our experts are telling us, it may be as much as twenty percent more oil. Once they get the cap on--

JOHN DICKERSON (overlapping): Than we have now?

CAROL BROWNER: Than we have now. And that will be for a period of about four to seven days while they move the cap into place, which has been pre-staged. Two caps have been pre-staged on the ocean floor.

Look, we want people-- you know, all the information we have we want to make available to the American people. They have a right to know and-- and we're going to honor that. So what our experts are saying is that when you cut the riser, the kink may be holding some of the oil in. And so we could see an increase. Our experts are saying as much as twenty percent. Once the cap is on, the question is how snug is that fit? If it's a snug fit, then there could be very, very little oil. If they're not able to get as snug a fit, then there could be more.

But wait, wait, let me just-- what we're doing is we're going to hope for the best and prepare for the worst.

JOHN DICKERSON: What is the worst?

CAROL BROWNER: The worst is that we have oil leaking until August, until these relief wells are done.

JOHN DICKERSON (overlapping): What--

CAROL BROWNER: And we will be prepared for the worst.

JOHN DICKERSON: What if the-- what if the relief wells don't work?

CAROL BROWNER: Well, I think there's every reason to think that they will. But we have a redundancy. We-- we didn't trust just one. We've ordered them to drill a second one. This is technology that has been used for decades. It's used around the world. And so they are making progress. The first one is ahead of schedule. They had slated that to be concluded or finished in mid August; it's about ten days ahead of schedule. Now, it doesn't mean it won't fall behind. It's ahead for the moment.

JOHN DICKERSON: We've seen-- the President mentioned several times in-- instances in which BP wasn't being forthcoming. I think it was the word he used this morning. We now have a disagreement between who inde-- indeed was measuring those first flows of oil. How do you work with somebody you don't trust?

CAROL BROWNER: This is, obviously, a difficult situation. But it's important for people to understand that from the beginning the government has been in charge. We have been directing BP to take important steps. We have a brain trust led by our Secretary of Energy Doctor Chu, who-- in fact, it was that group of people yesterday who looked at the information we had gotten from Top Kill and realized that it was too dangerous to continue to proceed to put pressure down into that well. That things could happen that would make the situation worse.

JOHN DICKERSON (overlapping): So--

CAROL BROWNER: That's why we're moving on.

JOHN DICKERSON: The government told BP to stop.

CAROL BROWNER: We told them that there are very, very grave concerns. Yes, absolutely.

JOHN DICKERSON: And they listened?

CAROL BROWNER: Yes.

JOHN DICKERSON (overlapping): As you said.

CAROL BROWNER: Absolutely.

JOHN DICKERSON: Let me ask you this question. The President said that despite these differences of opinion about the initial estimate flow that he said that, quote, "That didn't change what our response was in the beginning." How can that be so?

CAROL BROWNER: Well, we always planned for the worst from-- from the beginning. We assumed that this could be worse. We started mobilizing immediately. We met with the President the day the rig fell to explain the situation. He stayed engaged. We have to plan for the worst. And we are planning. We are activating for the worst. And we will continue to do that working with the governors and with the parish presidents.

JOHN DICKERSON: In testimony scientists, though, have said, you know, those low estimates there wasn't enough of-- of the planning for the worst. That those initial low estimates were a

problem because, you know, we have these huge lakes of oil under the surface no one can see. And if we'd had an accurate number we would have known, hey, this oil is going somewhere, we got to go look for it. The fact that we didn't know that was a real big problem.

CAROL BROWNER: Well, they're continuing to study the plumes under the sea. We need to get better information about that. We've got NOAA vessels out there studying them. We do need understand that. But in the meantime as the oil comes to the surface I think it's important to understand what resources are out there.

JOHN DICKERSON: Mm-Hm.

CAROL BROWNER: There are the burns which have been hugely successful, more than eighty burns now, where you corral the oil, you actually ignite it, and-- and you volatilize it. There are the skimmers. The skimmers have now removed almost eleven billion I think ma-- more than eleven billion barrels of oil and water. And then there's what you do as it starts to come ashore.

JOHN DICKERSON: We've been talking about worst-case scenarios. The President said that the oil companies didn't have their act together when it came to-- to worst-case scenarios. That's one of the realizations he's made in this disaster. How soon did he make that realization?

CAROL BROWNER: I think fairly early on we all came to realize that there were situations that could unfold that hadn't been adequately thought through. That's why we've suspended all drilling in the gul-- deepwater, deep water drilling in the Gulf of Mexico. That's why there is a commission. And that's why there will be investigations. We cannot resume these activities until we can assure the American people that they are safe. You know, we don't know if this is a technological failure or a human failure--

JOHN DICKERSON: Right.

CAROL BROWNER: --maybe both. Once we understand that we will have to ensure the American people that it can be done safely and if there is an accident that it can be responded to rapidly.

JOHN DICKERSON: So if the President was very quickly realizing that the oil companies had not been straight about the size of the disaster, why then did he also cite as one of the failures not pressing the oil-- BP in this case fast enough on the amount of oil that was coming out. If he'd had this early realization they weren't being straight?

CAROL BROWNER: We were pressing them. I think what the President said on-- in his press conferences that we-- when we look back over the last thirty-five, thirty-eight days we do realize there were some places where we could have moved more aggressively. One of them was asking for all of the data which we needed to do these flows. But it is important for people to understand BP has a vested financial interest in downplaying the size of this. We are on top of it. We have the best minds looking at it. And we're not just looking at a video. We're looking at satellite imagery. We're looking at what's actually being brought up through the risers into the boat that was there. And we will continue to monitor the situation. We want to know and the American people have a right to know how much oil is spilling.

JOHN DICKERSON: In talking to people who have had to deal with other kinds of disasters, they say that there's a moment when everybody has been following the playbook that's in place.

When somebody says, you know what we need an entirely new playbook, that we need to think in an entirely new kind of way here--has that moment happened or/and if so when did it happen?

CAROL BROWNER: Well, I think it's-- it's been happening with each step. The-- the first goal was, obviously, we always knew that relief wells were the long-term solution.

The first thing was could we get this contained quickly? That cofferdam didn't work. The second was could you actually kill the well; so it wasn't leaking, while the relief well was being drilled. And now we've moved to the third.

So at each instance we have been pressing, we have been analyzing, we have been using our best minds. We have a brain trust to give us the best answers to keep adjusting to the reality.

JOHN DICKERSON: Let me-- one question about adjusting to reality. Dispersants are being used. There was argument about a specific toxic one. I want to ask you about all dispersants. There is worry and-- and-- and can you assure us that the use of dispersants isn't saving the beaches but ruining the water column?

CAROL BROWNER: There is monitoring going on. Lisa Jackson at the Environmental Protection Agency is on top of this. People should understand that there is a preset list of authorized dispersants. This was chosen from that. But we are using an amount of dispersant that has never been used before. Jackson has flagged this for the American people. The-- Administrator Jackson has flagged this. She has directed BP to use less of this.

JOHN DICKERSON: So-- so to-- but still to be determined whether this amount is harmful in the end?

CAROL BROWNER: It is being studied. If we have reason to believe that even less should be used, Jackson will issue the appropriate order.

JOHN DICKERSON: Wonderful. Carol Browner--

CAROL BROWNER: Thank you.

JOHN DICKERSON: --thanks so much.

We'll be back in a minute.

(ANNOUNCEMENTS)

JOHN DICKERSON: Joining us now is Congressman Ed Markey, who heads up one of the congressional committees investigating what went wrong in the Gulf. Welcome, Congressman. I want to ask you--

REPRESENTATIVE ED MARKEY (D-Massachusetts; Committee on Energy & Global Warming) (overlapping): Thank you.

JOHN DICKERSON: --about what you heard here about these initial estimates. You pressed BP to get these images, we're now all quite familiar with, out in the public. They delayed. You pressed them because it was important to see how much was coming out so that relief efforts

could be targeted in the right way. Did BP know about how much oil was coming out at the beginning?

REPRESENTATIVE ED MARKEY: BP did. I asked BP to provide me with the documents that related to what they felt in the first week the size of this leak actually was. And I have an internal confidential BP document which says that they believed in the first week that it was one thousand to fourteen thousand barrels per day. But what they said publicly was that it was one thousand barrels per day.

REPRESENTATIVE ED MARKEY: I think if everyone understood right from the get-go that BP felt that it could be upwards of fourteen thousand that that would have changed a lot of perceptions. Because BP was actually promising in that first week or two that they'd be able to handle-- handle this spill in a regularly-- regular way without any great problem.

As the magnitude of the problem became clearer, as individual, independent scientists were able to do their own evaluation, once this film, once this video became public, it was clear now-- the government scientists have confirmed this--that it's somewhere between twelve thousand and nineteen thousand barrels per day.

In other words, confirming with what BP knew in the first week that it was one thousand to fourteen thousand.

JOHN DICKERSON: So that was a month ago at the beginning of this-- more than a month ago. And-- and Miss Browner mentioned that BP has an ongoing financial interest in playing down this or--

REPRESENTATIVE ED MARKEY (overlapping): Mm-Hm.

JOHN DICKERSON: --has on-- in this operation. So give me your assessment of their truthfulness, how straight they're being given their ongoing financial interest.

REPRESENTATIVE ED MARKEY: Yeah. BP has a-- a stake in their own liability here. And that mean-- and by that I mean that the fine which can be imposed upon them is dependent upon how many barrels per day is going out into the Gulf. If it's one thousand barrels per day, it's a relatively low fine. But if it's ten thousand, fifteen thousand, or twenty thousand barrels per day, it could wind up billions of dollars in fines that the BP executives have to pay to the federal government.

So, their focus was not completely on the livability of the Gulf. It was also on the liability of BP. And as a result, they had a stake in lowballing the number right from the very beginning in terms of the amount of oil going out into the Gulf.

JOHN DICKERSON: So you think they lied?

REPRESENTATIVE ED MARKEY: I think that they were either lying or they were incompetent. But either way the consequences for the Gulf of Mexico are catastrophic.

JOHN DICKERSON: When you hear assessments about this Top Kill procedure that failed, given your sense of their veracity, what was your-- they said there was a sixty to seventy percent chance that this effort, that has now failed, might work. What was your thought about that?

REPRESENTATIVE ED MARKEY: My thought right from the beg-- right from the beginning, talking to other scientists, was that the likelihood of success was much lower.

But, again, this is all part of BP's boosterism which always leads to a certain sense of complacency for a period of time which then leads to a continuation of the disaster. They initially said the rig could not sink. They then said that they could clean it up at a magnitude of two hundred and fifty thousand barrels per day. Ten or twenty times what we're now seeing. And none of this has turned out to be accurate. BP has been making it up as they go along the whole way. They have not been prepared. They do not know for sure what the result is going to be of anything which they are doing.

JOHN DICKERSON: So you, obviously, don't have much faith in their new estimates about this next effort?

REPRESENTATIVE ED MARKEY: I have no confidence whatsoever in BP. I think that they do not know what they are doing. They started off talking about golf balls going in as a junk shot. People thought that they would be dependent upon MIT or Caltech instead of the PGA and golf balls. And that was in the first couple of weeks.

So, I don't think that people should really believe what BP is saying in terms of the likelihood of anything that they're doing is going to turn out as they've predicted.

JOHN DICKERSON: Let me get your sense then of an assessment. BP and the government seemed to share which is about these relief wells, the kind of-- the last measure that's going to shut this all off in August, maybe. Carol Browner seemed to think that was a pr-- pretty good chance that was going to work. What's your then assessment of that?

REPRESENTATIVE ED MARKEY: My assessment is that BP only wanted to drill one relief well. But the government, that is, the Obama administration, insisted that BP also drill a second relief well. We cannot afford to have something go wrong with the relief well. We have to have a second one also being drilled simultaneously to make sure that by the time we reach August, we know that this catastrophe has come to an end in terms of the leak, not in terms of the consequences. So--

JOHN DICKERSON: So you're on board with the idea that by August it will-- this will be shut down?

REPRESENTATIVE ED MARKEY: I think that with the second relief well, it doubles the likelihood that we will be successful. And I feel fairly confident that they will be able to pull that off although to be honest there's still is no absolute guarantee.

JOHN DICKERSON: Final question. Speaker Pelosi has suggested the liability cap on BP should be lifted or an oil company should be lifted. Where are you on that position?

REPRESENTATIVE ED MARKEY: Yes. I do not believe that large energy companies should be able to escape, having unlimited liability for the catastrophes which they create. That's something we're going to have to pass in Congress as well as a new innovative energy agenda for wind, solar, all electric vehicles. We have to move to twenty-first century safety technologies as well if the oil industry wants to drill in ultra deepwaters we need ultra safe technologies as well.

JOHN DICKERSON: Quickly, BP-- was this criminal activity do you think?

REPRESENTATIVE ED MARKEY: I think that without question if the word criminal should be used in terms of an environmental crime against our country that what's going on in the Gulf of Mexico is going to qualify, yes.

JOHN DICKERSON: Okay. Congressman Ed Markey, thank you so much.

We'll be back with more on the oil spill in a moment.

(ANNOUNCEMENTS)

JOHN DICKERSON: We are back with CBS News correspondent Sharyl Attkisson who has been following the BP oil spill since day one. What do you make of what you've just heard?

SHARYL ATTKISSON (CBS News Investigative Correspondent): I do wonder if we're going to see a growing rift between this partnership with the administration, the Obama administration, Congress, and BP because this is the first time I heard BP so strongly say, "Hey, the government's to blame for those bad figures." And the government is saying back, of course, that BP is to blame for those bad oil flow estimates.

JOHN DICKERSON: And-- and with the investigation ongoing, we've got reports, we've got hearings going on. What do you think is the biggest question that's going to be coming up?

SHARYL ATTKISSON: My biggest concern in covering all of this is getting accurate information. I still don't have a high degree of confidence that we'll be able to rely on the information that we get either from BP or the government.

And briefly, I just wanted to point to BP announcing Top Kill failing. First, on Friday, when technicians were saying it wasn't working, BP said it's still working. So far so good. And even in announcing the failure, the words they used at BP were "Despite successfully pumping a total of thirty thousand barrels of heavy mud, the operation did not overcome the flow of the well."

I think they're sugarcoating the facts. I think the government is relying very much on what BP has to say in its assessment of things. We'll have to see whether that changes but as a journalist and reporter, I don't have a high degree of confidence that we can trust the information.

JOHN DICKERSON: What about in these investigations--BP has been cooperating supposedly, supplying information? Have they been forthcoming in terms of what they've been handing out to investigators?

SHARYL ATTKISSON: I think there's no way to know for sure. The investigators I have spoken to on Capitol Hill aren't sure. You don't know what they've turned in and what haven't turned over necessarily. Part of the problem with this Pollution Act that gives them a lot of control is you have, in essence, put a company that could very well be a criminal defendant, ultimately, in charge of what could very well prove to be the crime scene. And this is a strange situation.

JOHN DICKERSON: Well, I want to ask you about that criminal activity. Congressman Markey suggested that, you know, if there's ever an instance in which there has been-- environmentally that there has been criminal activity here. Do you see it that way?

SHARYL ATTKISSON: Well, I do know that seven Senators have written a letter asking the attorney general to open a criminal investigation. I think we may see that. So far they're looking at the perspective from BP getting a permit to drill like this, perhaps, under false pretenses because they said, remember, they could take care of any scenario. This would not happen. So - so far the inquiry is looking into whether leading up to this they've misled the government which may not have been doing its proper job in oversight but may have also been misled by BP.

JOHN DICKERSON: Do you think, very quickly, that-- that this criminal push will happen quickly or that it has to kind of wait till this whole cleanup is resolved?

SHARYL ATTKISSON: I think the government initially hoped it would go slowly. I think there will be pressure to open a criminal investigation and announce that sooner rather than later.

JOHN DICKERSON: Okay. Sharyl, thanks so much.

SHARYL ATTKISSON: You're welcome.

JOHN DICKERSON: We'll be right back.

(ANNOUNCEMENTS)

JOHN DICKERSON: That's all the time we have today. Bob Schieffer will be back next week. Thanks for watching us here on FACE THE NATION.

ANNOUNCER: This broadcast was produced by CBS News, which is solely responsible for the selection of today's guests and topics. It originated in Washington, DC.