

Congress of the United States
House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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May 15, 2024

The Honorable Brenda Mallory
Chair
Council on Environmental Quality
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Chair Mallory:

On March 10, 2023, the House Science, Space, and Technology Committee (Committee) requested that the Council on Environmental Quality (CEQ) provide all communications between itself and the Science Based Target Initiative (SBTi) or its member organizations.¹ This was a critical step in the Committee's ongoing investigation into the Federal Acquisition Regulatory (FAR) Council's proposed rule on Green House Gas Emissions (GHG). CEQ produced over 500 documents in December and gave no indication that any other documents existed.² However, in subsequent public comments, you and your office accused the Committee of releasing limited information. This indicated to us that CEQ may have withheld documents, given that the Committee released all the relevant information we had available.³ On February 14, 2024, the Committee sent a letter asking for clarification.⁴ You still have not responded to this request. Despite your silence, the Committee's suspicions were recently confirmed when we received documents from an outside source proving CEQ did indeed withhold documents from the

¹ Letter from Frank Lucas, Jay Obernolte, Brian Babin, and Max Miller, House Comm. on Science, Space, and Tech. to Brenda Mallory, Dir., Council on Env't Quality (Mar. 10, 2023), <https://republicans-science.house.gov/cache/files/2/b/2b20da8d-c61b-434b-8940-a75e2f3ff72f/6320CE269D227135EB2B0DBEFB53E7C9.2023-03-10-letter-to-ceq-on-far-council-proposed-emissions-rule.pdf>.

² Letter from Brenda Mallory, Dir., Council on Env't Quality to Frank Lucas, Chairman, House Comm. on Science, Space, and Tech. (Dec. 5, 2023) (on file with the Committee).

³ See *Exposing President Biden's Plan to Dismantle the Snake River Dams and the Negative Impacts to the United States: Hearing Before the Subcomm. on Energy, Climate, and Grid Sec. of the H. Comm. on Energy and Comm., 118th Cong. (2024)*, <https://energycommerce.house.gov/events/energy-climate-and-grid-security-subcommittee-hearing-exposing-president-biden-s-plan-to-dismantle-the-snake-river-dams-and-the-negative-impacts-to-the-united-states> (responding to Representative Obernolte's request for clarification, Chair Mallory remarked that the Committee only released information concerning a "narrow" set of stakeholders while CEQ considered a "broad" swath of stakeholders); see also Emma Dumain, *House Republicans claim CEQ misconduct on climate rule*, POLITICO (Jan. 23, 2024), <https://subscriber.politicopro.com/article/eenews/2024/01/23/house-republicans-claim-ceq-misconduct-on-climate-rule-00137109>.

⁴ Letter from Frank Lucas and Jay Obernolte, House Comm. on Science, Space, and Tech. to Brenda Mallory, Dir. Council on Env't Quality (Feb. 14, 2024), <https://republicans-science.house.gov/cache/files/e/6/e61bedbf-6e90-4d91-a4e9-7586519e59fe/7FD2115D1F7EF9E57439FBFF8C2BCB6B.2014.02.14-fl-and-jo-to-ceq-cdpsbti-fd-.pdf>.

Committee. We are again requesting that you **immediately** hand over **all** documents requested by the Committee in its March 10, 2023, letter and cease all further attempts to obstruct and delay the Committee's investigation.

On January 22, 2024, the Committee released preliminary findings of its nearly ten-month investigation into the selection of SBTi by the FAR Council as the standard-setter and validator of greenhouse gas emission reduction targets.⁵ The FAR Council, through the rulemaking process, seeks to mandate that all major contractors set emission reduction targets and then have those targets validated by SBTi.⁶ This would grant quasi-regulatory authority to a foreign entity, headquartered in the United Kingdom with zero U.S. nationals serving on its board.⁷ The FAR Council's proposal also calls for federal contractors to disclose their greenhouse gas emissions on the Carbon Disclosure Project's (CDP) public database.⁸ The Committee's investigation found strong evidence that CEQ played a central role in developing the proposed rule by encouraging the selection of CDP and SBTi. In several instances, the Committee found that CEQ often worked with CDP and SBTi behind the scenes to coordinate their message to the rest of the FAR Council.⁹

The Committee's investigation also found conflicts of interest or the appearance of conflicts of interest existed at CEQ.¹⁰ At least one senior CEQ official who was spearheading the effort to ensure CDP and SBTi's selection had previously worked in a senior role at CDP.¹¹ This is compounded by the fact both CDP and SBTi received large donations from the New Venture Fund, which in combination with its sister organizations spent nearly \$1.2 billion on progressive causes in 2020.¹²

The new documents that the Committee reviewed show previously unseen communications between CEQ officials and CDP/SBTi. Many of these documents provide further evidence CEQ lacked impartiality and was working from the very beginning to ensure that both CDP and SBTi would be written into the proposed rule. The withheld communications are not minor in nature: one email, from a senior CDP official, congratulated a CEQ employee for pulling off a "coup" after the proposed rule was published.¹³ The Committee can only surmise this was in reference to having CDP and SBTi written into the proposed rule.

⁵ See Press release, House Comm. on Science, Space, and Tech., Science Comm. Finds Evidence of Inappropriate Influence in Biden Admin. Contracting Rulemaking (Jan. 22, 2024), <https://science.house.gov/press-releases?ID=B88A5C8F-2308-4BC1-B4B3-FA1E3714809C>.

⁶ Exec. Order No. 14,030, 86 Fed. Reg. 27,967 (May 20, 2021).

⁷ See *Certification of Incorporation of a Private Limited Company: Science Based Targets Initiative LTD*, Gov.UK (Jun. 26, 2023), <https://find-and-update.company-information.service.gov.uk/company/14960097/filing-history>; *SBTi Board of Trustees, SCIENCE BASED TARGETS*, <https://sciencebasedtargets.org/about-us/the-board> (last visited May 13, 2024).

⁸ FAR: Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk, 87 Fed. Reg. 68,312 (Nov. 14, 2022) (to be codified at FAR pts. 1, 4, 9, 23, 52).

⁹ Memorandum from the Subcomm. on Investigations and Oversight Majority Staff to Majority Members, House. Comm. on Science, Space, and Tech. (Jan. 22, 2023), <https://republicans-science.house.gov/cache/files/b/b/bb0ddd8c-2b7e-4be7-81e4-261f901bd95a/C18AD4E38DEBA4CB5ABCFA63398547EE.sbti-maj-member-memo-w-exhibits-and-red-fd.pdf>.

¹⁰ *Id.*

¹¹ *Id.* at 5.

¹² *Id.* at 4. See also Kenneth P. Vogel & Shane Goldmacher, *Democrats Decried Dark Money. Then They Won With It in 2020*, N.Y. TIMES (Aug. 21, 2022), <https://www.nytimes.com/2022/01/29/us/politics/democrats-dark-money-donors.html>.

¹³ Correspondence on file with the Committee.

The Committee requests CEQ immediately produce all documents and communications it withheld and fully comply with the Committee's March 10, 2023, request for documents. If you have any questions, please contact Dario Camacho on the Committee's Majority staff at (202) 225-6371. Thank you for your time and consideration regarding this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Frank Lucas". The signature is stylized and cursive.

Frank Lucas
Chairman
House Committee on Science,
Space, and Technology