

# Congress of the United States

## House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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March 4, 2024

Dr. William A. LaPlante  
Under Secretary of Defense  
Acquisition and Sustainment  
Department of Defense  
3010 Defense Pentagon,  
Washington D.C. 20301

Dear Dr. LaPlante:

The Department of Defense (DoD), in conjunction with the Federal Acquisition Regulatory Council (FAR Council), proposed a rule over a year ago which mandates that all major contractors disclose their greenhouse gas emissions and set emission reduction targets through a foreign based company.<sup>1</sup> An investigation by this Committee found that DoD ignored national security concerns raised by industry experts and others about both the disclosure of greenhouse gas emissions and the setting of science-based reduction targets with a foreign company.<sup>2</sup> Due to DoD's failure, Congress was forced to step in and include language in the National Defense Authorization Act of 2024 postponing enforcement of this proposed rule through the end of 2024, and outright banning enforcement of this provision for nontraditional defense contractors.<sup>3</sup> As Congress continues to investigate this proposed rule, more information is needed regarding how DoD plans to address the national security concerns raised by experts.

On November 2022, DoD, as a member of the FAR Council, proposed to amend federal acquisition guidelines to require all major government contractors, including military contractors, to disclose their greenhouse gas emissions using the Carbon Disclose Projects' (CDP) disclosure platform.<sup>4</sup> Those same contractors would then have to set greenhouse gas emission reduction targets that must be validated by foreign based company, Science Based Target Initiative (SBTi).<sup>5</sup>

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<sup>1</sup> Federal Acquisition Regulation: Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk, 87 Red. Reg. 218 (proposed on Nov. 14, 2022) (to be codified 48 C.F.R pt. 1,4,9,23,52).

<sup>2</sup> Press Release, House Committee on Science, Space, and Technology Majority Preliminary Findings- SBTi Investigation Staff Memo (Jan. 22, 2024), <https://science.house.gov/press-releases?ID=B88A5C8F-2308-4BC1-B4B3-FA1E3714809C>.

<sup>3</sup> National Defense Authorization Act for Fiscal Year 2024, H.R. 2670, 118<sup>th</sup> Cong. (2024).

<sup>4</sup> Federal Acquisition Regulation: Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk, 87 Red. Reg. 218 (proposed on Nov. 14, 2022) (to be codified 48 C.F.R pt. 1,4,9,23,52).

<sup>5</sup> *Id.*

If finalized, the proposed rule will have major implications for our national security and could impact our mission readiness at a time of heightened global tension.<sup>6</sup> For example, the defense industrial base will have to divert time and resources to quantify and disclose the amount of greenhouse gases generated from production in their own facilities as well as their supply chains. They will have to account for every microchip, motor, propellant, and raw mineral produced. Major contractors will also have to set emission reduction targets to comply with the 2015 Paris agreement, which will require contractors to prioritize greenhouse gas reduction over military effectiveness.<sup>7</sup> For example, contractors may be forced to redesign weapons systems to incorporate green technologies that are less combat-effective but satisfy a politically motivated mandate. This is unacceptable - American servicemembers require the most effective tools available to accomplish their missions.

As soon as the rule was published, DoD received criticism for ignoring blatant national security concerns associated with the proposed rule. The Wall Street Journal Editorial Board notably wrote, “[a]s the U.S. military faces strained budgets and growing threats, climate will be a costly new priority in national defense. The People’s Liberation Army must be dumbfounded by its good luck.”<sup>8</sup>

Multiple national security experts have raised concerns, informing the Committee that the disclosure of greenhouse gas emissions in this manner will pose a threat to national security.<sup>9</sup> Eric Fanning, former Secretary of the Army under the Obama Administration, testified before this Committee stating, “disclosing emissions information that would be published on public databases, as called for in the proposed rule, could very well telegraph sensitive information to foreign surveillance agencies.”<sup>10</sup> Mr. Fanning’s concerns were echoed by Chad Whiteman, Vice President for Environment and Regulatory affairs at the U.S. Chamber of Commerce’s Global Energy Institute who stated, “[b]ecause of the detail in the reporting, in some instances, we think that foreign adversaries would be able to figure out our military capabilities based on the emissions.” He further explained that “[l]ooking at a particular aircraft that has a certain emissions profile and flies certain types of sorties, you can figure out the range of that particular joint command.”<sup>11</sup>

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<sup>6</sup> Israel-Palestinian Conflict, Global Conflict Tracker, Center for Preventative Action (Feb. 9, 2024), <https://www.cfr.org/global-conflict-tracker/conflict/israeli-palestinian-conflict>; Nikita Smagin, United Against America: Russia-Iran Military Cooperation is a Looming Threat, Carnegie Endowment for International Peace, Politika, Feb. 27, 2024, <https://carnegieendowment.org/politika/91825>; What’s Behind China-Taiwan Tensions, BBC News, Jan. 8, 2024, <https://www.bbc.com/news/world-asia-34729538>.

<sup>7</sup> Paris Agreement, United Nations (2015), [https://unfccc.int/files/essential\\_background/convention/application/pdf/english\\_paris\\_agreement.pdf](https://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf).

<sup>8</sup> The Pentagon Marches off to Climate War, Wall Street Journal (Dec. 7, 2022), <https://www.wsj.com/articles/the-pentagon-goes-to-climate-war-biden-administration-green-rule-weapons-contractors-11669835241>.

<sup>9</sup> Jean Chemnick, Climate Rule Faces Delay Over Allegations that it Could Leak Intel to Enemies, ClimateWire, PoliticoPro, Feb. 15, 2024, <https://subscriber.politicopro.com/article/eenews/2024/02/15/climate-rule-faces-delays-over-allegations-that-it-could-leak-intel-to-enemies-00141547>.

<sup>10</sup> Press Release, House Committee on Science, Space, and Technology Majority Preliminary Findings- SBTi Investigation Staff Memo (Jan. 22, 2024), <https://science.house.gov/press-releases?ID=B88A5C8F-2308-4BC1-B4B3-FA1E3714809C>.

<sup>11</sup> Jean Chemnick, Climate Rule Faces Delay Over Allegations that it Could Leak Intel to Enemies, ClimateWire, PoliticoPro, Feb. 15, 2024, <https://subscriber.politicopro.com/article/eenews/2024/02/15/climate-rule-faces-delays-over-allegations-that-it-could-leak-intel-to-enemies-00141547>.

During a briefing with DoD and the FAR Council on December 18, 2023, DoD officials failed to explicitly say if national security issues were raised during the drafting of this proposed rule.<sup>12</sup> Instead, DoD made multiple references to the use of *waivers* to preclude most, if not all, manufacturers from complying with the rule if finalized.<sup>13</sup> If DoD believes waivers will be used often, and regularly, it only validates the national security concerns raised by experts and poses the question of why the rule was proposed in the first place.<sup>14</sup>

To better understand what steps DoD has taken to address the national security concerns raised, and their strategy going forward, please answer the following questions by no later than March 18, 2024.

1. Has DoD performed an analysis of the proposed rule to determine how the rule will affect national security or allow sensitive information to be telegraphed to foreign surveillance agencies? If so, please provide the Committee with this analysis.
2. Has DoD performed an analysis of the proposed rule to determine how the rule could affect national security or lead manufacturers to produce less reliable, less efficient, or less effective weapons and tools. If so, please provide the Committee with this analysis.
3. Were the concerns raised by Mr. Fanning and others considered during the drafting of the proposed rule? Outside of providing waivers, does DoD have a plan to address the concerns that disclosing greenhouse gas emissions could telegraph U.S. military capabilities to foreign intelligence services?
4. What organizations did DoD meet with during the drafting period of the proposed rule? Please provide a list of all organizations, trade associations, or advocacy groups that DoD met with in the process of drafting the proposed regulation.
5. Does DoD believe that reducing greenhouse gas emissions is more important than providing our soldiers with the best equipment and capabilities possible? If the two are in conflict, which does DOD expect a manufacturer to prioritize?
6. President Biden claimed that when he was Vice President the DoD informed him that the greatest “physical threat facing America” was global warming. Considering recent conflicts in the middle east and eastern Europe, does DoD still believe that global warming is the greatest physical threat facing America?<sup>15</sup>

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<sup>12</sup> Press Release, House Committee on Science, Space, and Technology Majority Preliminary Findings- SBTi Investigation Staff Memo (Jan. 22, 2024), <https://science.house.gov/press-releases?ID=B88A5C8F-2308-4BC1-B4B3-FA1E3714809C>.

<sup>13</sup> *Id.*

<sup>14</sup> Press Release, House Committee on Science, Space, and Technology Majority Preliminary Findings- SBTi Investigation Staff Memo (Jan. 22, 2024), <https://science.house.gov/press-releases?ID=B88A5C8F-2308-4BC1-B4B3-FA1E3714809C>.

<sup>15</sup> Thomas Barrabi, Biden Warns Climate Change is “greatest threat” to US Security” This is Not a Joke, Fox News, June 9, 2021, <https://www.foxnews.com/politics/biden-climate-change-greatest-threat-us-security>.

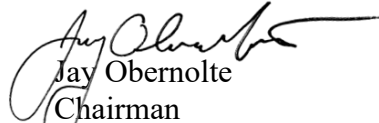
- a. If yes, why does DoD anticipate using waivers for most if not all of its contractors?
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7. One of the methods contractors may use for achieving the emissions reduction targets required by the proposed regulation could be to phase out fossil fuels and replace them with other platforms which use lithium-ion batteries. As you know, most of the minerals required to produce lithium-ion batteries are sourced from China. Does DoD believe that manufacturers should prioritize the phasing out of fossil fuels in military platforms in favor of lithium-ion batteries primarily sourced from Chinese raw materials?

We look forward to hearing your responses to these questions. If you have any concerns, please contact Dario Camacho of the Committee's Majority staff at (202) 225-6371. Thank you for your time and consideration regarding this important matter.

Sincerely,



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



Jay Obernolte  
Chairman  
House Committee on Science,  
Space, and Technology -  
Subcommittee on  
Oversight and Investigations



Max Miller  
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Environment