

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

October 17, 2023

The Honorable Brenda Mallory
Chair
Council on Environmental Quality
730 Jackson Place NW
Washington, D.C. 20006

Dear Chair Mallory:

The House Committee on Natural Resources (the “Committee”) is continuing to investigate the process of selecting an international organization, the Science Based Target Initiative (“SBTi”), as the sole arbitrator of emission reduction targets for federal contractors. Specifically, the Committee continues to seek information from the Council on Environmental Quality (“CEQ”) on the selection of SBTi and the outsourcing of government authority to SBTi.

As you are aware, on September 6, 2023, the Committee transmitted a letter requesting more information, documents, and records critical to its investigation (the “Committee Letter”).¹ On September 8, 2023, CEQ staff acknowledged receipt of the Committee Letter. The deadline for the requested information, documents, and records expired on September 27, 2023. As of this writing, the Committee has yet to receive any documents or communications responsive to our requests.

We look forward to continuing working with you and your staff so that the Committee may receive a fully responsive production. For reference, below are the specific requests from the September 6, 2023, letter from the Committee. We expect to receive the following records, documents, and communications, in electronic format, as soon as possible, but no later than October 31, 2023:

1. All documents and communications regarding SBTi, including, but not limited to, all documents and communications regarding the selection of SBTi as the entity responsible for ensuring federal contractor compliance with the FAR-GHG Rule.

¹ Letter from Rep. Bruce Westerman, Chairman of H. Comm. on Natural Resources, and Rep. Paul A. Gosar, Chairman of Subcomm. on Oversight and Investigations, H. Comm. on Natural Resources, to the Honorable Brenda Mallory (Sep. 6, 2023), https://naturalresources.house.gov/uploadedfiles/2023.09.06_hnr_letter_to_ceq_on_sbti.pdf.

2. Describe the process used in selecting SBTi as the sole source provider of emission target validation.
3. A complete copy of any agreements or contracts awarded to SBTi.
4. All documents and communications regarding any agreements or contracts awarded to SBTi.
5. A list of all individuals and nonprofit organizations involved in the selection of SBTi as the entity responsible for ensuring federal contractor compliance with the FAR-GHG Rule.
6. Why didn't CEQ select a government agency to ensure federal contractor compliance with the FAR-GHG Rule?
7. Why didn't CEQ select a U.S. based nonprofit to ensure federal contractor compliance with the FAR-GHG Rule?
8. Why did CEQ select SBTi as the sole source provider of ensuring federal contractor compliance with the FAR-GHG Rule?
9. What other government agencies and/or non-profits were considered to ensure federal contractor compliance with the FAR-GHG Rule?
10. All documents related to compliance and oversight plans related to federal contracting compliance with SBTi, including draft agreements and plans.
11. If the FAR-GHG Rule is adopted, who will conduct oversight of SBTi to ensure they are producing accurate scientific estimates?
12. If the FAR-GHG Rule is adopted, who will conduct oversight of SBTi to ensure that they do not allow donations from foreign entities and/or private actors to influence SBTi's decision making?
13. Since SBTi is not U.S. based, how will you ensure that SBTi is not acting on behalf of a foreign entity and/or private actor?

As a reminder, the Supreme Court has long recognized that Congress has the "broad" and "indispensable" power to conduct oversight, which encompasses inquiries into the administration of existing laws, studies of proposed laws, and "surveys in our social, economic or political system for the purpose of enabling Congress to remedy them." *Watkins v. United States*, 354 U. S. 178, 187, 215 (1957). Moreover, under House Rule X, the Committee on Natural Resources has "general oversight" of any matter relating to its jurisdiction, including environmental, energy, and natural resource policies.

Your non-responsiveness suggests that CEQ is deliberately engaging in obstruction to frustrate the oversight power of Congress. This is unacceptable. The American public deserves

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transparency, and the Committee will use every tool at its disposal to administer effective oversight and fulfill the Committee's responsibility to the American people.

An attachment to this letter provides additional instructions for responding to the requests from the Committee on Natural Resources. Please contact the Majority staff for the Oversight and Investigations Subcommittee at (202) 225-2761 or HNRR.Oversight@mail.house.gov with any questions. We look forward to your cooperation.

Sincerely,



Bruce Westerman
Chairman
Committee on Natural Resources



Paul Gosar, D.D.S.
Chairman
Subcommittee on Oversight & Investigations
Committee on Natural Resources

Enclosure