

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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MEMORANDUM

November 2, 2021

To: Members of the Committee on Oversight and Reform

Fr: Chairwoman Carolyn B. Maloney

Re: Notice of Intent to Issue Subpoenas to Fossil Fuel Entities

This memorandum provides notice to Committee Members that, for all the reasons stated below, I plan to issue subpoenas to ExxonMobil, Chevron Corporation, BP America, Shell Oil Company, the American Petroleum Institute, and the U.S. Chamber of Commerce. The Committee is investigating the fossil fuel industry's long-running campaign to spread disinformation about the role of fossil fuels in contributing to the climate crisis. This investigation is critical to informing legislative efforts to address these troubling business practices and to respond to the dire problem of climate change. The six entities have failed to produce key documents the Committee needs, despite the Committee's efforts to obtain this information voluntarily.

I. BACKGROUND

In recent years, the global climate crisis has become increasingly dire, and its deadly impact on Americans has increased. The world experienced 19 of the warmest years on record between 2000 and 2020.¹ In each of the last six years, the United States has faced more than ten weather and climate disasters costing over \$1 billion each. There were 22 reported billion-dollar climate disasters across the country in 2020.²

As climate change has worsened, the oil and gas industry has earned enormous profits. BP, Shell, Chevron, and ExxonMobil reported a total of nearly \$2 trillion in profits between 1990 and 2019.³ Public reporting indicates that ExxonMobil and its allies in the fossil fuel

¹ National Aeronautics and Space Administration, *Global Temperature* (online at <https://climate.nasa.gov/vital-signs/global-temperature/>) (accessed July 20, 2021).

² National Oceanic and Atmospheric Administration, *Billion-Dollar Weather and Climate Disasters: Overview* (online at www.ncdc.noaa.gov/billions/) (accessed July 23, 2021).

³ *Revealed: Big Oil's Profits Since 1990 Total Nearly \$2tn*, The Guardian (Feb. 12, 2020) (online at www.theguardian.com/business/2020/feb/12/revealed-big-oil-profits-since-1990-total-nearly-2tn-bp-shell-chevron-exxon).

industry have worked to prevent serious action on global warming by generating doubt about the documented dangers of fossil fuels and misrepresenting the scale of the industry's efforts to reduce emissions and develop alternative energy technologies.⁴

Earlier this year, then-senior lobbyist for ExxonMobil Keith McCoy was recorded discussing efforts by ExxonMobil and the fossil fuel industry to spread climate disinformation to block action needed to address climate change.⁵ His statements raised additional questions about the industry's ongoing efforts at climate disinformation and preventing meaningful climate action, as well as ExxonMobil's operations and the dangerous emissions and pollution the company generates.

On July 26, 2021, the Committee requested Mr. McCoy's appearance at a transcribed interview.⁶ On August 6, 2021, the Committee wrote to Mr. McCoy's then employer, ExxonMobil, seeking documents and communications to and from Mr. McCoy regarding climate change and related matters.⁷

On September 16, 2021, the Committee launched a broader investigation with letters to ExxonMobil, Chevron, BP America, Shell Oil Company, the American Petroleum Institute, and the U.S. Chamber of Commerce seeking documents related to the entities' roles in contributing to climate change, their marketing and lobbying efforts on climate change, and the funding of third parties to spread climate disinformation. The letters set a due date of September 30, 2021, for production of these documents. The letters also requested testimony from the top executives at these six entities on October 28, 2021, four weeks after the documents were due.⁸

⁴ *Big Oil Is the New Big Tobacco. Congress Must Use Its Power to Investigate*, The Guardian (Jan. 20, 2020) (online at www.theguardian.com/commentisfree/2020/jan/20/big-oil-congress-climate-change); *Doubt over Climate Science Is a Product with an Industry Behind It*, The Guardian (Mar. 5, 2015) (online at www.theguardian.com/environment/planet-oz/2015/mar/05/doubt-over-climate-science-is-a-product-with-an-industry-behind-it); Union of Concerned Scientists, *The Climate Deception Dossiers: Internal Fossil Fuel Industry Memos Reveal Decades of Corporate Disinformation* (July 2015) (online at www.ucsusa.org/sites/default/files/attach/2015/07/The-Climate-Deception-Dossiers.pdf).

⁵ *Revealed: ExxonMobil's Lobbying War on Climate Change Legislation*, Channel 4 News (June 30, 2021) (online at www.channel4.com/news/revealed-exxonmobils-lobbying-war-on-climate-change-legislation); *ExxonMobil Lobbyist Reveals Company's Involvement with "Forever Chemicals"*, Channel 4 News (July 1, 2021) (online at www.channel4.com/news/exxonmobil-lobbyist-reveals-companys-involvement-with-forever-chemicals); *Inside Exxon's Playbook: How America's Biggest Oil Company Continues to Oppose Action on Climate Change*, Unearthed (June 30, 2021) (online at <https://unearthed.greenpeace.org/2021/06/30/exxon-climate-change-undercover/>).

⁶ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Ro Khanna, Subcommittee on Environment, to Mr. Keith McCoy, Senior Director, Federal Relations, ExxonMobil (July 26, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-07-26.CBM%20Khanna%20to%20McCoy-ExxonMobil%20re%20Interview%20Invitation.pdf>).

⁷ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Ro Khanna, Subcommittee on Environment, to Mr. Darren Woods, Chief Executive Officer, ExxonMobil (Aug. 6, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-08-06.CBM%20Khanna%20to%20Woods-ExxonMobil%20re%20McCoy%20Communications.pdf>).

⁸ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Ro Khanna, Subcommittee on Environment, to Mr. Darren Woods, Chief Executive Officer, ExxonMobil (Sept. 16,

In advance of the due date, to facilitate the production of documents, Committee staff identified for each of the six entities categories of priority documents and key custodians whose communications were particularly important to be produced quickly. In response, all six entities indicated that they would not meet the Committee's deadline, even for the limited set of priority documents.

The six entities subsequently made limited document productions to the Committee, largely comprised of publicly available materials, such as press clippings, regulatory filings, and pages from the entities' own websites. These productions did not include a substantial portion of the documents and communications requested by the Committee, even for the priority categories of documents and key custodians identified by Committee staff.

On October 21, 2021, the Committee sent additional letters to all six entities, warning that the failure to produce key documents was obstructing the Committee's investigation. The letters explained:

These materials were due three weeks ago, but your company has failed to meaningfully comply with the Committee's requests, delaying and obstructing this critical investigation. We write today to urge you to fully comply with the Committee's requests without further delay.⁹

2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-09-16.CBM%20Khanna%20to%20Woods-ExxonMobil%20re%20Disinformation%20FINAL%20PDF%20v2.pdf>); Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Ro Khanna, Subcommittee on Environment, to Mr. Michael K. Wirth, Chief Executive Officer, Chevron Corporation (Sept. 16, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-09-16.CBM%20Khanna%20to%20Wirth-Chevron%20re%20Disinformation%20FINAL%20v2.pdf>); Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Ro Khanna, Subcommittee on Environment, to Mr. David Lawler, Chief Executive Officer, BP America Inc. (Sept. 16, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-09-16.CBM%20Khanna%20to%20Lawler-BP%20re%20Disinformation%20FINAL%20PDF%20v2.pdf>); Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Ro Khanna, Subcommittee on Environment, to Ms. Gretchen Watkins, President, Shell Oil Company (Sept. 16, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-09-16.CBM%20Khanna%20to%20Watkins-Shell%20re%20Disinformation%20FINAL%20PDF%20v2.pdf>); Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Ro Khanna, Subcommittee on Environment, to Mr. Mike Sommers, President, American Petroleum Institute (Sept. 16, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-09-16.CBM%20Khanna%20to%20Sommers-API%20re%20Disinformation%20FINAL%20PDF%20v2.pdf>); Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Ro Khanna, Subcommittee on Environment, to Ms. Suzanne Clark, President and Chief Executive Officer, U.S. Chamber of Commerce (Sept. 16, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-09-16.CBM%20Khanna%20to%20Clark-Chamber%20of%20Commerce%20re%20Disinformation%20V2.pdf>).

⁹ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Ro Khanna, Subcommittee on Environment, to Mr. Darren Woods, Chief Executive Officer, ExxonMobil (Oct. 21, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-10-21.CBM%20Khanna%20to%20Woods-ExxonMobil%20re%20Document%20Request%20Follow-up.pdf>); Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Ro Khanna, Subcommittee on Environment, to Mr. Michael K. Wirth, Chief Executive Officer, Chevron Corporation (Oct. 21,

As an accommodation, the Committee granted all six companies an extension on their productions until October 25, 2021. However, the Committee warned that if the entities failed to meet that deadline, “the Committee will be forced to consider additional steps to obtain compliance.” The letters also highlighted the importance of producing these documents in advance of the Committee’s October 28, 2021, hearing and explained that, “in light of your company’s failure to produce documents in a timely manner, we will call you back to testify again as needed to address documents produced after the Committee’s deadline.”¹⁰

Following these warning letters, none of the entities produced a substantial portion of key documents prior to the October 25 deadline or the October 28 hearing. To date, none of the entities has substantially complied with the Committee’s requests:

- **ExxonMobil:** In response to the Committee’s September 16, 2021, request letter, ExxonMobil produced 3,108 pages of documents.¹¹ ExxonMobil’s production consisted almost entirely of publicly available documents, including ExxonMobil’s regulatory filings, lobbying disclosures, blog posts, investor slide decks and call transcripts, and various corporate citizenship and sustainability reports. ExxonMobil did not produce the internal communications among senior executives sought by the Committee and, aside from certain public records of corporate donations, ExxonMobil did not produce the requested detailed information regarding funding to third parties.

2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-10-21.CBM%20Khanna%20to%20Wirth-Chevron%20re%20Document%20Request%20Follow-up.pdf>); Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Ro Khanna, Subcommittee on Environment, to Mr. David Lawler, Chief Executive Officer, BP America Inc. (Oct. 21, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-10-21.CBM%20Khanna%20to%20Lawler-BP%20America%20re%20Document%20Request%20Follow-up.pdf>); Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Ro Khanna, Subcommittee on Environment, to Ms. Gretchen Watkins, President, Shell Oil Company (Oct. 21, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-10-21.CBM%20Khanna%20to%20Watkins-Shell%20re%20Document%20Request%20Follow-up.pdf>); Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Ro Khanna, Subcommittee on Environment, to Mr. Mike Sommers, President, American Petroleum Institute (Oct. 21, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-10-21.CBM%20Khanna%20to%20Sommers-API%20re%20Document%20Request%20Follow-up.pdf>); Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Ro Khanna, Subcommittee on Environment, to Ms. Suzanne Clark, President and Chief Executive Officer, U.S. Chamber of Commerce (Oct. 21, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-10-21.CBM%20Khanna%20to%20Clark-Chamber%20of%20Commerce%20re%20Document%20Request%20Follow-up.pdf>).

¹⁰ *Id.*

¹¹ There is little doubt that Exxon could have made more significant document productions in response to the Committee’s September 16, 2021, requests. In response to the Committee’s separate August 6, 2021, request for documents related to Mr. McCoy, ExxonMobil produced 126,823 pages. Those documents were produced before the Committee launched its broader investigation and invited the CEO of ExxonMobil and other fossil fuel entities to testify. Compared to those earlier productions, Exxon has produced roughly 1/40th the number of pages in response to the Committee’s September 16, 2021, request.

- **Chevron:** Chevron produced 4,562 pages of documents in response to the Committee's September 16, 2021, request letter. The produced materials included many publicly available documents, including Chevron's annual reports, public filings, blog posts, comments to federal agencies, press releases, and advertisements on social media sites. Chevron produced a small number of emails involving senior executives and outside parties, including the federal government, but did not produce internal communications among executives. Aside from a chart showing overall advertising expenses at the corporate level, Chevron did not produce detailed information regarding funding to third parties as requested by the Committee. Rather than producing board materials as requested, Chevron unilaterally chose to place 8,848 pages of board materials, many of them heavily redacted, into an electronic reading room from which the Committee is unable to copy or save any documents or information.
- **BP America:** BP America produced 17,326 pages of documents in response to the Committee's September 16, 2021, request letter. The produced materials include many publicly available documents, such as annual and sustainability reports. Although BP provided a limited set of email communications, it failed to produce a complete set of such communications or other priority documents, such as board materials. BP produced certain materials related to its advertising campaign but did not disclose information regarding funding to third parties.
- **Shell Oil Company:** Shell produced 5,933 pages of documents in response to the Committee's September 16, 2021, request letter. The produced materials include many publicly available documents, including letters to shareholders, public reports, press releases, and regulatory filings. Aside from a list of advertising expenses at the corporate level and certain materials related to advertisement campaigns, Shell did not produce detailed information regarding funding to third parties as requested by the Committee. Shell also failed to provide board materials and email communications of its senior executives.
- **American Petroleum Institute (API):** API produced 8,399 pages of documents in response to the Committee's September 16, 2021, request letter. The produced materials consisted almost entirely of publicly available documents, including 1,500 pages from API's own websites and blog posts, more than 4,000 pages of an API email newsletter with industry news clips, and publicly available annual reports by the coalition of oil and gas companies headed by API. API did not produce the internal communications, detailed information regarding funding to third parties, or board materials requested by the Committee.
- **U.S. Chamber of Commerce:** The Chamber produced 1,175 pages of documents in response to the Committee's September 16, 2021, request letter. The productions consisted almost entirely of publicly available documents, including reports and blog posts, advocacy letters to Congress, the Chamber's newsletter, and blast emails to its membership lists. The Chamber did not

produce the communications involving senior executives, detailed information regarding funding to third parties, or board materials requested by the Committee.

On October 28, 2021, the Committee held a hearing on “Fueling the Climate Crisis: Exposing Big Oil’s Disinformation Campaign,” in which executives from the six fossil fuel entities appeared. During the hearing, the fossil fuel industry conceded that climate change is real, that burning fossil fuels contributes to climate change, and that climate change must be addressed urgently. However, the executives refused to take responsibility for the industry’s past climate disinformation efforts and refused to commit to stop funding efforts to block emissions reductions or other climate action.¹²

At the close of the hearing, given this troubling testimony and the failure of the six entities to produce a substantial portion of the key documents this Committee needs, I notified the Ranking Member and Members of the Committee of my intent to issue subpoenas to the fossil fuel entities represented at the hearing. I explained that I did not take this step lightly and had tried hard to obtain this information voluntarily. I also explained the urgency of the Committee’s investigation, noting:

[W]e are at “code red” for climate, and I am committed to doing everything I can to help rescue this planet for our children. We need to get to the bottom of the oil industry’s disinformation campaign. And with these subpoenas, we will.¹³

II. NEED FOR A SUBPOENA

Despite repeated effort by the Committee and staff to obtain the documents necessary for the investigation, the six entities have failed to substantially comply with the Committee’s September 16, 2021, document requests. As a result, subpoenas are now necessary.

I am attaching a copy of the subpoenas, a draft of which I also provided to the Ranking Member on October 28, 2021, as part of our consultation process. Consistent with the Committee’s previous efforts to facilitate production in this investigation, I have narrowed the subpoenas to include only certain priority documents. Separate from these subpoenas, the Committee will also continue to seek additional documents and information identified in the Committee’s September 16, 2021, letters, as well as other documents and information that the Committee may determine are necessary as the investigation continues.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under

¹² Committee on Oversight and Reform, *Press Release: At Historic Hearing, Fossil Fuel Executives Admit Climate Crisis Is an “Urgent” Threat* (Oct. 28, 2021) (online at <https://oversight.house.gov/news/press-releases/at-historic-hearing-fossil-fuel-executives-admit-climate-crisis-is-an-urgent>).

¹³ Committee on Oversight and Reform, *Hearing on Fueling the Climate Crisis: Exposing Big Oil’s Disinformation Campaign to Prevent Climate Action* (Oct. 28, 2021) (online at <https://oversight.house.gov/legislation/hearings/fueling-the-climate-crisis-exposing-big-oil-s-disinformation-campaign-to>).

House Rule X.¹⁴ The Supreme Court has made clear that Congress has broad authority to inquire about a wide array of topics that could be the subject of legislation and appropriations:

The power of inquiry has been employed by Congress throughout our history, over the whole range of the national interests concerning which Congress might legislate or decide upon due investigation not to legislate; it has similarly been utilized in determining what to appropriate from the national purse, or whether to appropriate. The scope of the power of inquiry, in short, is as penetrating and farreaching [sic] as the potential power to enact and appropriate under the Constitution.¹⁵

Combating the climate crisis and addressing troubling business practices that lead to disinformation on this issue are clearly subjects “on which legislation could be had.”¹⁶ Congress’s intent to legislate in these areas is amply demonstrated by the wide variety of legislative proposals to reduce greenhouse gas emissions caused by the burning of fossil fuels, mitigate the impact of climate change, increase corporate transparency around climate change, and address business practices that may lead to climate disinformation.¹⁷ The information

¹⁴ House rule X, clause 4(c)(2).

¹⁵ *Barenblatt v. U.S.*, 360 U.S. 109, 111 (1959). See also *Trump v. Mazars USA, LLP*, 591 U.S. __ (2020) (“This ‘power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function.’ Without information, Congress would be shooting in the dark, unable to legislate ‘wisely or effectively.’ The congressional power to obtain information is ‘broad’ and ‘indispensable.’ It encompasses inquiries into the administration of existing laws, studies of proposed laws, and ‘surveys of defects in our social, economic or political system for the purpose of enabling the Congress to remedy them.’”) (citations omitted).

¹⁶ *McGrain v. Daugherty*, 273 U.S. 135, 177 (1927).

¹⁷ See, e.g., H.R. 5376 (establishing a methane fee for certain petroleum and natural gas facilities and funding for electric vehicles and zero-emission, heavy-duty vehicles; setting oil and gas leasing fees and assessing extracted oil and gas resource royalties; and establishing numerous clean energy and fuel efficiency programs at the Department of Energy and the Environmental Protection Agency); H.R. 2184 (limiting or repealing certain fossil fuel oil and gas subsidies in the tax code); H.R. 1517 (increasing various onshore royalty and rental rates for new oil, gas, and coal leases and increasing inspection fees and penalties on oil and gas operators); H.R. 4309 (directing the Department of Energy and the Environmental Protection Agency to establish a goal to reduce greenhouse gas emissions to at least 100% below 2005 levels by 2050); H.R. 4153 (directing the Department of Energy to make significant investments in energy innovation and infrastructure, including carbon capture, advanced nuclear, renewables, efficiency, and storage, and establishing a technology-neutral clean energy standard that would reduce CO₂ emissions 80% by 2050); H.R. 3959 (directing the Department of Energy to establish a goal to reduce greenhouse gas emissions to at least 70% below 2005 levels by 2030); H.R. 1512 (establishing an interim goal to reduce greenhouse gas emissions to at least 50% below 2005 levels by 2030, as well as a national goal to achieve net-zero greenhouse gas emissions by 2050; directing each federal agency to develop a plan to achieve the goals; and establishing a variety of requirements, programs, and incentives to reduce or eliminate greenhouse gas emissions); H.R. 2102 (limiting or eliminating certain fossil fuel oil and gas subsidies for oil companies); H.R. 2644 (authorizing the Department of Housing and Urban Development to provide funding to states, local governments, or Native American nations to carry out various climate- and pollution-remediation projects, including projects to clean up pollution, climate adaptation measures, or conservation projects on family farms); H.R. 794 (directing the President to declare a national emergency with respect to climate change); H.R. 2307 (imposing a fee on fossil fuel producers and importers for the carbon content of fuels, including crude oil, natural gas, coal, or other products derived from those fuels that emit greenhouse gases into the atmosphere); H.R. 2820 (authorizing the Secretary of Agriculture to develop a program to reduce barriers to entry for farmers, ranchers, and private forest landowners to be credited for greenhouse gas reductions or sequestration in certain land-use voluntary markets, and for other purposes). Congress is also considering legislation to increase transparency and address disinformation related to

uncovered in this investigation may inform these and other proposals and may lead to additional legislative proposals on these issues.

The Committee is also actively considering legislative proposals related to climate change.¹⁸ Among the Committee's priorities this Congress are efforts to electrify federal agency vehicle fleets to reduce emissions from fossil fuels;¹⁹ to ensure that the federal government delivers resources directly to frontline communities disproportionately impacted by the climate crisis;²⁰ and to build climate change preparedness, mitigation, and resilience into all aspects of federal government operations.²¹ Last Congress, the Committee released a Climate Change Agenda aimed at utilizing the federal government's unique position in the fight against climate change by making important reforms in the pursuit of greener and more efficient policies, programs, and processes.²²

To support and advance these and other legislative efforts, the Committee needs to gather relevant information, including from the six fossil fuel entities, about the industry's efforts to obscure its own role in causing climate change, create public confusion regarding the causes and existence of climate change, and block meaningful climate action. Among other examples, internal communications about the role of the fossil fuel industry in causing, mitigating, or responding to climate change, as well as documents relating to fossil fuel companies' plans to reduce greenhouse gas emissions, may enable Congress to more effectively tailor legislative solutions to reduce greenhouse gas emissions; board of directors materials about climate change may assist Congress in crafting legislation to improve corporate governance and increase board responsiveness to shareholder concerns and proposals related to the climate crisis; and information about the funding of third-party groups may assist Congress in crafting robust transparency legislation. The fossil fuel entities' refusal to voluntarily produce key documents necessary for the Committee's investigation has hampered the Committee's ability to gather this information and advance these and other legislative efforts.

climate change. *See, e.g.*, H.R. 2570 (directing the Securities and Exchange Commission to require public companies to disclose information annually regarding climate change-related risks, direct and indirect greenhouse gas emissions, and strategies to mitigate climate risks and fossil fuel exposure); H.R. 1506 (requiring disclosure of greenhouse gas emissions by companies seeking or holding leases to conduct fossil fuel drilling on public land).

¹⁸ The Committee is considering these legislative proposals pursuant to the Committee's jurisdiction in House rule X, clause 1(n).

¹⁹ Committee on Oversight and Reform, *Press Release: Oversight Committee Approves Legislation to Electrify Government Vehicle Fleets, Tackle Climate Change* (Sept. 2, 2021) (online at <https://oversight.house.gov/news/press-releases/oversight-committee-approves-legislation-to-electrify-government-vehicle-fleets>).

²⁰ *Id.*; *see also* Committee on Oversight and Reform, *Hearing on Building Back with Justice: Environmental Justice Is Central to the American Jobs Plan* (July 21, 2021) (online at <https://oversight.house.gov/legislation/hearings/building-back-with-justice-environmental-justice-is-central-to-the-american>).

²¹ *See, e.g.*, H.R. 5477.

²² Committee on Oversight and Reform, *COR Climate Change Agenda* (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/COR%20Climate%20Change%20Agenda%20One%20Pager%20Updated.pdf>).

I have consulted with the Ranking Member regarding these subpoenas, including inviting him to support the Committee in seeking compliance with the Committee's requests, sharing draft subpoenas, and describing the basis for these subpoenas during the Committee's hearing last week. On October 27, 2021, Subcommittee on Environment Chairman Khanna and I wrote to Ranking Member Comer and Subcommittee on Environment Ranking Member Norman. After addressing concerns previously raised by the Ranking Members,²³ we invited them "to join us in demanding that these six entities comply with the Committee's requests." We further stated that "conducting this important investigation on a bipartisan basis would put the Committee in a strong position to gather important evidence that is needed for Congress to advance efforts to address the climate crisis."²⁴

Unfortunately, Ranking Member Comer has not agreed to join the Committee's efforts to seek compliance from the fossil fuel entities. Instead, he and other Committee Republicans have made clear that they oppose the Committee's investigation into climate disinformation. At the hearing last Thursday, the Ranking Member objected to the Committee's proposed subpoenas before he had even reviewed them, and he reiterated his opposition yesterday.

Having consulted with the Ranking Member and notified the Committee of the basis for these subpoenas, I do not plan to consider these subpoenas at a business meeting. When Republican Committee chairmen held the gavel from 2011 to 2018, they never held a vote on any of their more than 150 subpoenas. My predecessor, Chairman Elijah E. Cummings, tried a different approach, explaining at the Committee's organizational meeting in 2019 that he hoped to hold votes on subpoenas when possible. However, Chairman Cummings was clear that this was a two-way street. He warned Republican Members "not to reflexively oppose any and every subpoena" for political reasons, and he stated, "If that happens, we will revisit this policy."²⁵ In light of the reflexive opposition to this investigation from Committee Republicans, it is clear that further consideration of the subpoenas at a Committee meeting would not serve any purpose. For all these reasons, I plan to proceed with issuing these subpoenas.

²³ In particular, we confirmed that we have sought to run this investigation in a manner that reflects comity between the Committee's majority and minority, including with respect to information sharing. We also explained that the Committee's requests related to climate disinformation and lobbying activity did not in any way impact the ability of fossil fuel companies to continue lobbying or conduct other constitutionally protected activity. Indeed, Committee Republicans have conducted many investigations related to lobbying. *See, e.g.*, Letter from Ranking Member Jim Jordan, Committee on Oversight and Reform, and Ranking Member Mark Meadows, Subcommittee on Government Operations, to Mr. Lanny J. Davis (Feb. 21, 2019) (seeking "[a]ll documents and communications related to Michael Cohen's lobbying and/or consulting agreements"). Congress has also legislated in this area, including in the Lobbying Disclosure Act of 1995, which states that "responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decisionmaking process in both the legislative and executive branches of the Federal Government." Pub. L. 104-65. Moreover, as a result of the prioritization discussed above, the Committee's subpoenas do not include demands specifically focused on lobbying activity, although related material of course would not be excluded if responsive to other, broader categories in the subpoenas.

²⁴ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Ro Khanna, Subcommittee on Environment, to Ranking Member James Comer, Committee on Oversight and Reform, and Ranking Member Ralph Norman, Subcommittee on Environment (Oct. 27, 2021).

²⁵ Committee on Oversight and Reform, Organizational Meeting, 116th Cong. (Jan. 29, 2019).