

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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May 3, 2024

The Honorable Tom Cole
Chairman
Committee on Appropriations
H-307 The Capitol
Washington, D.C. 20515

Dear Chairman Cole:

We write to request that the Committee on Appropriations leverage the power of the purse to compel the executive branch to fully respond to congressional oversight requests for documents and information. Specifically, the appropriations bills for Fiscal Year 2025 must include language to strategically reduce or withhold funding from agencies who fail to cooperate with congressional investigations.

Throughout the 118th Congress, the Biden Administration has been reluctant to fully respond to legitimate oversight requests. Agency heads appointed by President Biden, and at times, the White House itself, have repeatedly defied congressional authority to conduct oversight over the operations of the executive branch and how the Administration is carrying out its duties under the law. The Constitution provides that the government may only draw funds from the treasury “in Consequence of Appropriations made by Law...”¹ It is well past time for Congress to leverage its authority by using the power of the purse to compel compliance with oversight requests.

In the 118th Congress, the Committee on Oversight and Accountability has been met with reluctance, recalcitrance, and outright obstruction by the Biden Administration. Instead of accommodating legitimate requests from Congress pursuant to its oversight authority, the Biden Administration has met these requests with delay or refusal to comply.

The appropriations bills for Fiscal Year 2025 must signal to the Administration that its behavior will no longer be tolerated. And they can do that by clearly mandating that failure to comply with congressional oversight requests for documents and information will result in a loss or reduction of funding at a given agency to gain compliance. Examples, listed by Committee on Appropriations subcommittee, include:

¹ U.S. Constitution, Article I, §9.

Agriculture, Rural Development, and Food and Drug Administration

In March 2023, the Committee requested the U.S. Food and Drug Administration (FDA) provide documents and communications related to the FDA's response to the infant formula crisis. Despite numerous requests, the FDA has only provided the Committee 632 pages of documents, the vast majority of which had already been made publicly available.

In March 2023, the Committee requested documents and communications from the FDA regarding its failure to effectively define and administer tobacco and nicotine regulatory programs, creating industry uncertainty and raising the risk of unsafe products reaching the marketplace. Despite several requests and accommodations by the Committee, the FDA has still refused to provide any internal communications and often provided documents previously released under the Freedom of Information Act (FOIA) requests.

In April 2024, the Committee requested documents, communications and a briefing from the U.S. Department of Agriculture (USDA) on the formulation of alcohol guidelines for the 2025 Dietary Guidelines for Americans. The USDA has thus far refused to provide any documents and communications.

Labor, Health and Human Services, and Education

In April 2024, the Committee requested documents, communications and a briefing from HHS on the formulation of alcohol guidelines for the 2025 Dietary Guidelines for Americans. HHS has thus far refused to provide any documents and communications.

Commerce, Justice, and Science

In November 2023, the Committee requested information related to the Department of Commerce (DoC) 90-day firearm export license pause. Despite the Committee's offers to negotiate accommodations, the DoC failed to provide responsive documents forcing the Committee to issue a subpoena. The DoC has still not fully complied with the Committee's requests pursuant to the subpoena.

In February 2024, the Committee issued a subpoena to the U.S. Department of Justice (DOJ) for documents and information related to President Biden's retention and sharing of classified information prior to becoming President. Among other items, the subpoena required DOJ to provide to the Committee the audio recordings of Special Counsel Robert K. Hur's interviews with President Biden regarding the Special Counsel's investigation of President Biden's handling of classified materials. To date, DOJ has refused to provide the recordings.

State and Foreign Operations

In August 2023, the Committee requested documents and communications related to the U.S. contributions, voluntary contributions, and earmarked funds delivered to the United

Nations for the purposes of serving the environmental, social, and governance agenda. The State Department provided a briefing to Committee staff but has been dilatory in responding to follow-up questions. The State Department has not provided any documents despite several requests by the Committee and offers to discuss accommodations.

In August 2023, the Committee requested the DOJ clarify the legal status of environmental nonprofits' ties to foreign governments and U.S. adversaries under the Foreign Agents Registration Act (FARA) due to extensive ties of these organizations to the Biden Administration. The Department has provided no responsive documents and after multiple requests from Committee staff, the DOJ finally provided a response on October 3, 2023, stating it could not "confirm or deny what if any documents, communications, or investigative steps the Department has taken with respect to the entities referenced..."

In September 2023, the Committee requested documents and communications related to the Coordinator for Afghan Relocation Efforts (CARE) program. The Committee has encountered difficult and unnecessary delay tactics by U.S. Department of State. The Department of State has produced heavily redacted documents and has still not confirmed whether it has provided all responsive contracts and attachments. The Department of State has still not provided outstanding documents and information vital to the Committee's oversight of the funding and spending structures of the CARE program.

In October 2023, the Committee requested documents and communications related to the State Department's efforts to conceal nuclear negotiations with Iran from Congress and regarding concerns that members of the negotiating team had compromising ties to the Iranian regime. The State Department has provided only heavily redacted or wholly unresponsive documents despite the Committee's offer of accommodation.

In February 2024, the Committee requested documents and communications related to the decision to renew funding of the United Nation's Relief and Works Agency (UNRWA) after reports of UNRWA staff involvement in the October 7, 2023, Hamas terrorist attack against Israel. The State Department has not provided any responsive documents nor a timeline for response despite the Committee's multiple requests and offers to discuss accommodations.

Financial Services and General Government

In February 2023, the Committee requested documents and communications related to the Special Presidential Envoy for Climate Office's purpose, authority, organization, relationships with outside groups, and relationship with Chinese officials. Only after the Committee threatened compulsory process in a subsequent letter sent in April 2023 did the State Department produce some documents, though most of these documents had been made publicly available through the FOIA process. Additional letters sent in January 2024, and February 2024, narrowing the requests have only resulted in nonresponsive document productions.

In June 2023, the Committee requested documents and communications from the Securities and Exchange Commission (SEC) related to environmental, social, and governance and climate-related measures that significantly impact U.S. businesses. The SEC has been consistently dilatory in its responses, providing documents which were often publicly available. The SEC only provided limited responsive documents after significant pressure from the Committee and discussion of certain documents during transcribed interviews.

In August 2023, the Committee wrote to the Chair of the Federal Acquisition Regulatory Council (FAR Council) requesting a briefing and documents related to a proposed rule on Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk. The Council initially refused to provide a briefing. The Council eventually provide a briefing following a subsequent letter sent in September 2023, however, the Council has yet to be fully responsive to Committee requests.

In August 2023, the Committee first requested the National Archives and Records Administration (NARA) produce—pursuant to the Presidential Records Act—documents and communications produced during the Obama-Biden Administration. These records are of particular importance to the Committee’s ongoing investigation of President Biden’s participation in his family’s influence peddling schemes while he served as Vice President. The Committee sent two letters to NARA in August and an additional letter to NARA in September requesting Vice Presidential records.

In August 2023, and then on a rolling basis, NARA produced documents responsive to the Committee’s requests to the White House, which is required under the Presidential Records Act. Also beginning in August 2023, the White House has refused to allow NARA to produce thousands of documents responsive to the Committee’s requests, including thousands of pages of email communications and a targeted request regarding then-Vice President Biden’s actions in Ukraine in December 2015. The White House, instead, has produced junk email to the Committee and claimed it has cooperated in good faith.

Energy and Water Development

In April 2023, the Committee wrote the Department of Energy (DOE) seeking information on the Biden Administration’s decision to empty the Strategic Petroleum Reserve to historically low levels. Despite the Committee narrowing the scope of the DOE production to just White House documents and communications, the DOE has declined to provide responsive information.

In September 2023, the Committee requested documents and communications related to DOE activities on a Southeast electric vehicle road trip intended to showcase the Biden Administration’s radical green agenda. The DOE refused to answer additional questions on the purpose, scope, and itinerary of the road trip. The DOE has provided limited responsive documents.

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Interior and Environment

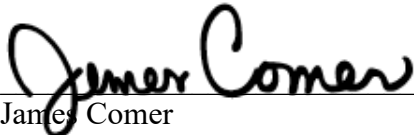
In April 2023, the Committee requested documents and communications from the Environmental Protection Agency (EPA) related to the negative impact the EPA's proposed rule on methane emissions would have on consumers and regarding concerns about enabling third-party activist groups to oversee the implementation of the rule. Despite numerous requests and accommodations, the EPA has continued to delay and obfuscate productions of relevant material providing fewer than 100 pages of internal communications, the vast majority of which were duplicative.

Defense

In December 2023, the Committee sent a letter to the Department of Defense (DoD) asking for documents and information regarding the safety, performance, and budgeting issues with the Osprey program. DoD has only produced documents which were previously made publicly available through the FOIA process or that have been heavily redacted. Despite Committee accommodations, the DoD has not completed document production, nor have they given a timeline for when documents will be produced.

Thank you for your attention to this important matter.

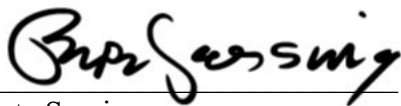
Sincerely,



James Comer
Chairman
Committee on Oversight and Accountability



Glenn Grothman
Chairman
Subcommittee on National Security,
the Border, and Foreign Affairs



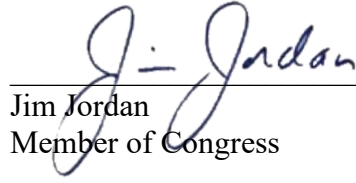
Pete Sessions
Chairman
Subcommittee on Government Operations
and the Federal Workforce



Nancy Mace
Chairwoman
Subcommittee on Cybersecurity,
Information Technology, and
Government Innovation



Pat Fallon
Chairman
Subcommittee on Economic Growth,
Energy Policy, and Regulatory Affairs



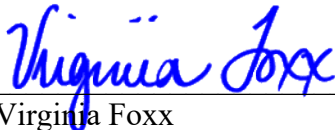
Jim Jordan
Member of Congress



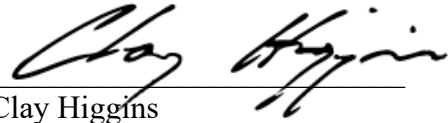
Michael Turner
Member of Congress



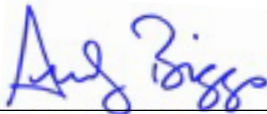
Paul A. Gosar, D.D.S.
Member of Congress



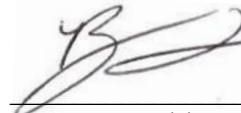
Virginia Foxx
Member of Congress



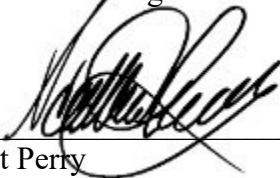
Clay Higgins
Member of Congress



Andy Biggs
Member of Congress



Byron Donalds
Member of Congress



Scott Perry
Member of Congress




William R. Timmons, IV
Member of Congress



Tim Burchett
Member of Congress



Marjorie Taylor Greene
Member of Congress



Lauren Boebert
Member of Congress



Russell Fry
Member of Congress

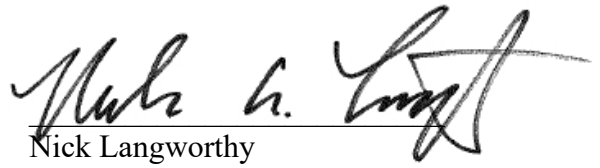
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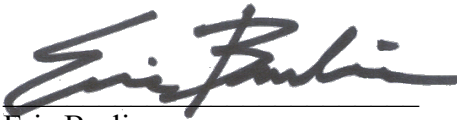
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Anna Paulina Luna
Member of Congress



Nick Langworthy
Member of Congress



Eric Burlison
Member of Congress



Michael Waltz
Member of Congress

cc: The Honorable Jamie B. Raskin, Ranking Member
Committee on Oversight and Accountability

The Honorable Robert Garcia, Ranking Member
Subcommittee on National Security, the Border, and Foreign Affairs

The Honorable Kweisi Mfume, Ranking Member
Subcommittee on Government Operations and the Federal Workforce

The Honorable Gerald Connolly, Ranking Member
Subcommittee on Cybersecurity, Information Technology, and Government Innovation

The Honorable Cori Bush, Rankin Member
Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs