

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

May 7, 2024

The Honorable Brenda Mallory
Chair
Council on Environmental Quality
730 Jackson Place, N.W.
Washington, D.C. 20503

Dear Chair Mallory:

The House Committee on Natural Resources (Committee) is continuing to seek information from the Council on Environmental Quality (CEQ) regarding the Biden administration's 30 x 30 Initiative, which the administration has sought to rebrand as the "America the Beautiful Challenge Fund" (Challenge).

As you are aware, on March 22, 2024, the Committee sent you a letter¹ (Committee Letter) requesting information, documents, and records critical to our ongoing oversight activity. Since then, CEQ has failed to comply and provide a substantive reply or production responsive to the Committee's requests.

The Committee reiterates its request for documents, as transmitted to CEQ on March 22, 2024. For reference, below are the specific requests from the Committee Letter. We expect to receive the following records, documents, and communications in electronic format as soon as possible, but no later than May 14, 2024.

1. All documents and communications, including but not limited to agreements, memoranda of understanding, emails, and internal communications of which CEQ is aware, between any agencies and NFWF referring or relating to the establishment and operation of the Challenge from January 20, 2021, to the present.
2. All documents and communications, including but not limited to, reprogramming requests made to the House or Senate Committees on Appropriations, referring or relating to the reallocation of discretionary money to the Challenge or a document sufficient to confirm

¹ Letter from Rep. Bruce Westerman, Charmain, H. Comm. on Natural Resources, et al., to Brenda Mallory, Chair, Council on Environmental Quality (Mar. 22, 2024), https://naturalresources.house.gov/uploadedfiles/hnr_to_ceq_on_america_the_beautiful_challenge.pdf.

and describe why no reprogramming requests were submitted to either or both of the Committees.

3. Documents sufficient to describe the source of funding for the Challenge, including but not limited to:
 - a. The amount contributed by each agency;
 - b. Future obligations committed by each agency to the Challenge;
 - c. The accounts from which each funding is sourced; and
 - d. The legal authorities provided in statute to utilize the funds in support of the Challenge.
4. Documents sufficient to describe any additional money the administration has obligated to the Challenge to reach its stated \$1 billion total, including the source of such funds and whether any taxpayer resources have been or will be committed to the Challenge beyond the initial \$440 million.
5. Documents sufficient to describe the operating principles of the Challenge.
6. Documents sufficient to describe under what legal justifications agencies may transfer funds to NFWF to establish the Challenge.
7. Documents sufficient to describe any limitations on how the funds may be expended, including but not limited to:
 - a. Whether funds can be used to fund projects that acquire new land;
 - b. Whether funds can be provided to cover costs of litigants suing the federal government;
 - c. Whether non-governmental organizations under active investigation by Congress are eligible for funding;
 - d. Whether non-governmental organizations with a history of human rights abuses are eligible for funding;
 - e. Whether non-governmental organizations that accept funds from hostile foreign nations are eligible for funding; and
 - f. Whether any funds can be used to shut off or reduce public access to federal lands, particularly for recreational, hunting, fishing, and shooting opportunities.
8. Documents sufficient to describe how the administration plans to provide public transparency for the operations of the Challenge, including, but not limited to, disclosure of:
 - a. Recipients of funds;
 - b. The purpose for which funds were provided; and
 - c. Amount of funds distributed.

9. Documents sufficient to explain the administration's protocols to monitor waste, fraud, and abuse of funding provided under the Challenge.
10. Documents sufficient to describe the criteria by which applications will be reviewed by NFWF.
11. Documents sufficient to describe what percentage and estimated distribution of funding will be available to state, local, and Tribal governments and non-governmental organizations.
12. Documents sufficient to describe why the administration made funds available prior to the completion of the American Conservation and Stewardship Atlas.
13. Documents sufficient to describe how the administration is defining the following terms and baseline metrics to determine whether proposed projects are "consistent with the 30 x 30 Initiative":
 - a. Conservation;
 - b. Restoration;
 - c. 30 percent of lands and waters;
 - d. Equitable access; and
 - e. Underserved communities.
14. Documents sufficient to describe whether any funding provided through the 30 x 30 Initiative was used to establish the American Climate Corps and the statutory authorities the administration used to establish such a Corps.

As you are aware, the Supreme Court has long recognized that Congressional oversight power is broad and far-reaching. *See Barenblatt v. United States*, 360 U.S. 109 (1959). The Supreme Court has also established that Congress has a duty "to look diligently into every affair of government" and "use every means of acquainting itself with the acts and the disposition of the administrative agents of the government." *Doe v. McMillan*, 412 U.S. 306 (1973). Hence, a "legislative inquiry may be as broad, as searching, and as exhaustive as is necessary." *Townsend v. United States*, 95 F.2d 352, 361 (D.C. Cir. 1938). Moreover, under House Rule X, the Committee on Natural Resources has "general oversight" of any matter relating to its jurisdiction, including all matters concerning the Council on Environmental Quality.

Your silence and lack of a response to the Committee Letter suggests that CEQ is deliberately engaging in obstruction to frustrate the oversight power of Congress. This is unacceptable. The American public deserves 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.

The Honorable Brenda Mallory—CEQ

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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 A. Gosar, D.D.S.
Chairman
Subcommittee on Oversight and Investigations

Enclosure