

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641
June 19, 2019

Ms. Lisa B. Nelson
Chief Executive Officer
American Legislative Exchange Council
2900 Crystal Drive, 6th Floor
Arlington, VA 22202

Dear Ms. Nelson:

Pursuant to Rules X and XI of the U.S. House of Representatives, we are writing to better understand American Legislative Exchange Council potential involvement in a covert lobbying and social media campaign to support the Trump Administration's efforts to weaken fuel economy standards and the regulation of carbon pollution from passenger cars and light trucks.¹ We also seek to assess your potential involvement in the development of the rule jointly proposed by the National Highway Traffic Safety Administration (NHTSA) and the Environmental Protection Agency (EPA), titled "Safer Affordable Fuel-Efficient Vehicles Rule For Model Years 2021-2026 Passenger Cars and Light Trucks" (SAFE Vehicles Rule). We further seek to determine whether, and to what extent, the lobbying and social media efforts were coordinated with NHTSA, EPA, or the Executive Office of the President (EOP).

This Committee is responsible for oversight of NHTSA and EPA, including implementation of fuel economy standards and the Clean Air Act. The Trump Administration's proposal, if finalized, would harm public health and welfare by increasing tailpipe emissions of air pollutants.² Moreover, the purported safety benefits of the rule have been significantly called into question.³

¹ See *The Oil Industry's Covert Campaign to Rewrite American Car Emissions Rules*, New York Times (Dec. 13, 2018).

² See, e.g., "Shifting Gears: The Federal Government's Reversal on California's Clean Air Act Waiver," Ann E. Carlson, et al., AMERICAN CONSTITUTION SOCIETY (February 2019); see also *Coming Soon: Legal Brawl Over Calif. Standards*, ClimateWire (Feb. 28, 2019).

³ See, e.g., "Comments on the Preliminary Regulatory Impact Analysis of the Proposed Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Year 2021 – 2026 Passenger Cars and Light Trucks," R.M. Van Auken (October 2018).

The proposed SAFE Vehicles Rule would also add more than seven billion additional tons of carbon into the atmosphere during this century, and would increase U.S. petroleum consumption by 500,000 barrels per day.⁴ Americans may cumulatively spend up to an estimated \$236 billion in extra fuel costs by 2035.⁵ The oil industry thus stands to profit significantly from the proposed rollback.

Therefore, the Committee is conducting oversight of the proposed SAFE Vehicles Rule and the disturbing, secret lobbying and social media campaign that reportedly occurred leading up to its release.⁶ To assist the Committee in its investigation of these issues, we request a written response to the following:

1. Describe all communication between American Legislative Exchange Council and any current or former employee⁷ of NHTSA,⁸ EPA or the EOP relating to the proposed SAFE Vehicles Rule, to include any lobbying and social media efforts relating thereto.
2. Describe the American Legislative Exchange Council's involvement, whether directly or indirectly (including, but not limited to, Energy4US), in any lobbying and social media efforts relating to the proposed SAFE Vehicles Rule (including, but not limited to, those described in the footnoted *New York Times* article).⁹
3. Describe all communication with former EPA Administrator Scott Pruitt relating to the proposed SAFE Vehicles Rule at the June 2017 board meeting of the American Fuel and Petrochemical Manufacturers.
4. Please identify the number of comments submitted by or through Energy4US to the rulemaking docket(s) for the proposed SAFE Vehicles Rule.

To further assist the Committee in its investigation, we request the following documents:

⁴ National Highway Traffic Safety Administration and Environmental Protection Agency, *The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks*, 83 Fed. Reg. 42,986, 42,995 (Aug. 24, 2018).

⁵ *Trump is freezing Obama's fuel economy standards. Here's what that could do.* Vox (Aug. 2, 2018) (www.vox.com/energy-and-environment/2018/5/3/17314000/trump-epa-cars-trucks-fuel-economy-cape-standards).

⁶ See *supra* note 1.

⁷ Requests relating to former employees are limited to when any such individual was employed at NHTSA, EPA or the EOP.

⁸ All references to NHTSA herein include within their scope the U.S. Department of Transportation Office of the Secretary and Office of the General Counsel.

⁹ See *supra* note 1.

Ms. Lisa B. Nelson

June 19, 2019

Page 3

1. All documents exchanged and communications between American Legislative Exchange Council and any current or former employee at NHTSA, EPA or the EOP relating to the proposed SAFE Vehicles Rule, to include any lobbying and social media efforts relating thereto.
2. All documents exchanged and communications between Energy4US and any current or former employee at NHTSA, EPA or the EOP relating to the proposed SAFE Vehicles Rule.
3. All documents exchanged and communications relating to the proposed SAFE Vehicles Rule at the June 2017 board meeting of the American Fuel and Petrochemical Manufacturers.
4. A list of all meetings between any employee of American Legislative Exchange Council and any current or former employee at NHTSA, EPA or the EOP relating to the proposed SAFE Vehicles Rule. For each meeting, provide a list of all attendees, including name, title and organizational affiliations. Provide all documents exchanged or discussed at each such meeting.

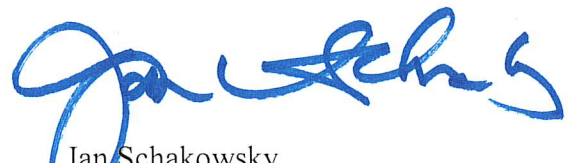
Please provide written responses to the questions and the requested documents by July 3, 2019.

An attachment to this letter provides additional information about how to respond to the Committee's request. If you have any questions, please contact Lisa Goldman or Dustin Maghamfar with the Committee staff at (202) 225-2927. We appreciate your cooperation and look forward to your timely response.

Sincerely,



Frank Pallone, Jr.
Chairman



Jan Schakowsky
Chair
Subcommittee on Consumer
Protection and Commerce



Paul D. Tonko
Chairman
Subcommittee on Environment
and Climate Change

Ms. Lisa B. Nelson

June 19, 2019

Page 4

Enclosure

cc: The Honorable Greg Walden, Ranking Member, Committee on Energy and Commerce
The Honorable Cathy McMorris Rodgers, Ranking Member, Subcommittee on Consumer
Protection and Commerce
The Honorable John Shimkus, Ranking Member, Subcommittee on Environment and
Climate Change