



One Hundred Seventeenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515
www.foreignaffairs.house.gov

The Hon. John F. Kerry
Special Presidential Envoy for Climate
U.S. Department of State
2201 C. St. NW
Washington, DC

September 29, 2022

Dear Former Secretary Kerry,

We are writing in regard to recent reports suggesting that your office is effectively outsourcing official policymaking functions of the U.S. government to progressive environmentalist groups, and/or utilizing them in an unlawful advisory capacity.¹

As has been publicly reported, groups have demanded that the State Department elevate climate change above all national security, great power competition, and human rights considerations, to “*the top of all [foreign policy] decisions*”.² They have also advised the Department that “anyone with a history of blocking climate action must be disqualified from senior international appointments”.³ We request additional clarity regarding your office’s interactions with these groups, your team’s solicitation of their advice, and the Department’s adoption of their recommendations.

Emails reviewed suggest that your office has sent private updates regarding your foreign travel to a small, exclusive cadre of representatives of various non-profit organizations (NGOs), who remain better informed than the American people or the U.S. Congress regarding your whereabouts and policy agenda. The same correspondence shows that your senior staff has asked these NGOs to weigh in on which candidates the United States government should support to fill important leadership positions inside international organizations like the Organization for

¹ Thomas Catenacci, “Environmental groups play key role in Biden admin foreign policy, emails show,” *Fox News*, Sept. 14, 2022 (available online at <https://www.foxnews.com/politics/environmental-groups-play-key-role-biden-admin-foreign-policy-emails-sho>) (accessed 14 Sept. 2022).

² *Id.* (citing March 8, 2021 email from Jake Schmidt, National Resource Defense Council, to Jesse Young) (emphasis added).

³ *Id.* (citing undated email from Alden Meyer to Jesse Young).

Economic Co-operation and Development (OECD). One candidate, whom an NGO representative described in emails as “horrible,” went on to win a leadership seat at the OECD. This complicates both present and future diplomatic engagements: Now that it is publicly known that he was viewed unfavorably by American groups with privileged access to U.S. decisionmakers, our working relationships with the OECD and the official’s host government could be jeopardized.⁴

It is one thing, of course, to occasionally consult with outside groups to fill in knowledge gaps and hear a variety of perspectives. It is quite another to use individuals who have not gone through official vetting to form your shadow cabinet, and/or solicit their advice regularly when they have not been lawfully constituted as a federal advisory committee.⁵ When either of the latter situations transpires, individuals with considerable sway over U.S. foreign policy are not accountable to the American public, and normal transparency into government processes is lost.

Functions that are inherently governmental – like the conduct of foreign relations and the determination of foreign policy – cannot be contracted out to friends and former colleagues of your staff.⁶ Even informal arrangements that do not include financial remuneration would seem to violate the spirit, if not the letter, of this normal contracting rule. Furthermore, elevating outsiders’ perspectives in the reported manner may have the unintended consequence of discounting or making less relevant those innovative policy ideas that have been provided through official Department channels.⁷

It is imperative that you remind all employees and officials within the Department of their legal responsibility to take appropriate measures to collect, retain, and preserve all documents, communications, and other records in accordance with federal law, including the Federal Records Act and related regulations, that are related to House Foreign Affairs Committee members’ series of questions. This includes electronic messages involving official business that are sent using both official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software. **We request that you preserve all information that relates to Office of the Special Presidential Envoy for Climate (SPEC) communication, documents, and other records, created or disseminated from**

⁴ A year after the email exchanges, on or around June 9, 2022, Deputy Secretary of State for Management and Resources Brian McKeon met with Mathias Cormann regarding climate issues. See Office of State Department Spokesperson, Deputy Secretary McKeon’s Meeting with OECD Secretary General Cormann, June 10, 2022, (available online at <https://www.state.gov/deputy-secretary-mckeons-meeting-with-oecd-secretary-general-cormann/>) (accessed 15 Sept. 2022). Was the same exclusive group that considers Cormann to be a “horrible” “bloke” consulted on this meeting as well?

⁵ See, e.g., Federal Advisory Committee Act (FACA) (defining a federal advisory committee as “any committee...utilized by one or more agencies, in the interest of obtaining advice or recommendations...” and establishing strict requirements regarding formation, membership, and operations). 5 U.S.C. Appendix §3(2).

⁶ Federal Acquisition Regulations (FAR), 48 CFR §§ 7.503(a) and 7.503(c)(4) (prohibiting arrangements in which inherently governmental functions are contracted to non-governmental actors).

⁷ See 2 FAM 081 (providing a platform to Department employees – but not outside groups – to submit ideas that offer fresh approaches to diplomatic challenges).

January 2021 to present, exchanged with representatives of, and/or referring or relating to, the following entities and individuals:

- E3G
- Performance Partners
- The People’s Justice Council
- Climate Nexus
- Center for American Progress
- Oxfam America
- National Resources Defense Council (NRDC)
- Global Strategic Communications Council
- Global CCS Institute
- World Resources Institute
- John Podesta, Senior Advisor to the President for Green Energy Innovation and Implementation

Specifically, this request should be construed as an instruction to preserve all documents, communications, and other information, including electronic information and metadata, that is or may be potentially responsive to a future congressional inquiry, request, investigation, or subpoena. For purposes of this request, “preserve” means securing and maintaining the integrity of all relevant documents, communications, and other information, including electronic information and metadata, by taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, mutation, or negligent or reckless handling that could render the information incomplete or inaccessible. This includes preserving all compilations of documents that have already been gathered in response to requests, even if copies of individual documents may still exist elsewhere in the agency.

Sincerely,



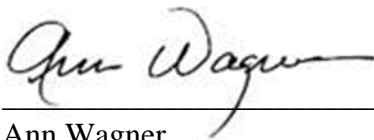
Michael T. McCaul
Ranking Member
House Foreign Affairs Committee



Steve Chabot
Member of Congress
House Foreign Affairs Committee



Scott Perry
Member of Congress
House Foreign Affairs Committee



Ann Wagner
Member of Congress
House Foreign Affairs Committee



Ken Buck
Member of Congress
House Foreign Affairs Committee



Mark E. Green, MD
Member of Congress
House Foreign Affairs Committee



Dan Meuser
Member of Congress
House Foreign Affairs Committee



Christopher H. Smith
Member of Congress
House Foreign Affairs Committee



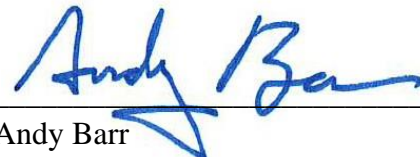
Darrell Issa
Member of Congress
House Foreign Affairs Committee



Brian Mast
Member of Congress
House Foreign Affairs Committee



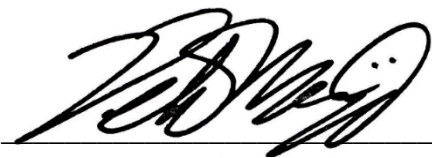
Tim Burchett
Member of Congress
House Foreign Affairs Committee



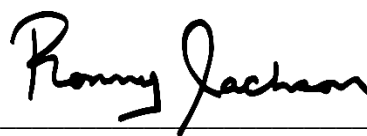
Andy Barr
Member of Congress
House Foreign Affairs Committee



August Pfluger
Member of Congress
House Foreign Affairs Committee



Peter Meijer
Member of Congress
House Foreign Affairs Committee



Ronny L. Jackson
Member of Congress
House Foreign Affairs Committee



Young Kim
Member of Congress
House Foreign Affairs Committee



Maria Salazar
Member of Congress
House Foreign Affairs Committee