

May 23, 2022

The Honorable Joseph R. Biden  
President of the United States  
The White House  
1600 Pennsylvania Ave., N.W.  
Washington, DC 20500

Dear President Biden,

We stand in solidarity with the people of Ukraine. We applaud your administration's resolve in the face of the continued Russian aggression in Ukraine and your steadfast support for our allies in Europe.

As part of the U.S. response to the Russian invasion, you have agreed with the President of the European Commission, Ursula von der Leyen, to establish a Task Force on Energy Security ("Task Force").<sup>1</sup> This Task Force is a matter of interest to the public, including to citizens concerned with the potentially grave and irreversible climate impacts of the Task Force's decisions and those concerned with the influence of the gas industry over government policy. It is also of particular interest to citizens who reside near proposed U.S. gas export projects that may be built as a result of the Task Force's "plans to establish a framework to accelerate diversification of gas supply, including additional LNG supplies."<sup>2</sup> Further, many of those pending projects are in environmental justice communities that are already overburdened by pollution and its effects.

In light of its public importance, and in light of your stated commitments to climate and environmental justice, we are disappointed that the Task Force's operations have to date been shrouded in secrecy. According to the only information publicly released, the Task Force has met three times as of April 29, and includes unnamed "industry participants."<sup>3</sup> This appears to violate the open meetings law known as the Federal Advisory Committee Act.

The Task Force clearly meets the definition of an advisory committee under the terms of the Act: It was established by the President to provide advice and recommendations on how the US can contribute to achieving the energy security goals agreed with the European Commission, and it includes non-governmental members.

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<sup>1</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2022/03/25/joint-statement-between-the-united-states-and-the-european-commission-on-european-energy-security>

<sup>2</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/29/joint-statement-between-the-united-states-and-the-european-commission-on-european-energy-security-2/>

<sup>3</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/29/joint-statement-between-the-united-states-and-the-european-commission-on-european-energy-security-2>

Unfortunately, the previous administration often turned over public policy matters to private interests. For example, it created and operated a committee to advise the Department of Interior on mining royalties in connection with leases on federal and Indian lands, that included industry insiders and campaign donors but excluded organizations with interest in environmental and energy resource governance.<sup>4</sup> This Task Force also harkens back to another notoriously secretive energy task force that was set up by Vice President Cheney and extensively advised by industry interests.<sup>5</sup> We urge you not to follow in their footsteps.

Therefore, to improve public trust in the operations of this Task Force, and more generally in the administration's energy policies, we request that the Task Force promptly complies with the requirements of the Federal Advisory Committee Act. This includes ensuring that:

- (1) The membership of the Task Force be fairly balanced in terms of the points of view represented<sup>6</sup>;
- (2) All Task Force meetings be open to the public, with adequate advance notice of each meeting published in the Federal Register<sup>7</sup>;
- (3) All interested persons be allowed to attend, appear before, or file statements with the Task Force<sup>8</sup>;
- (4) Detailed minutes of each meeting be kept<sup>9</sup>; and
- (5) All records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agendas, and other documents made available to or prepared for or by the Task Force be made available to the public.<sup>10</sup>

Thank you in advance.

Sincerely,

Zorka Milin

Senior Advisor

Global Witness

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<sup>4</sup> *Western Organization of Resource Councils v. Bernhardt*, 412 F. Supp. 2d 1227, 1243 (D. Mont. 2019).

<sup>5</sup> <https://www.nrdc.org/resources/cheney-energy-task-force>

<sup>6</sup> 5 U.S.C.A. App. 2 §5(b)(2)

<sup>7</sup> 5 U.S.C.A. App. 2 §10(a)(2)

<sup>8</sup> 5 U.S.C.A. App. 2 §10(a)(3)

<sup>9</sup> 5 U.S.C.A. App. 2 §10(c)

<sup>10</sup> 5 U.S.C.A. App. 2 §10(b)