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Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
FACSIMILE (202) 225-4784
MINORITY (202) 225-5074
TTY (202) 225-6852

<http://oversight.house.gov>

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June 12, 2007

The Honorable Mary E. Peters
Secretary
U.S. Department of Transportation
400 7th Street, SW
Washington, DC 20590

Dear Madam Secretary:

I have learned that the Department of Transportation has urged members of Congress to oppose efforts by California and other states to reduce greenhouse gas emissions from motor vehicles. Such an effort by the Department appears to be highly inappropriate and would be considered by some to be illegal. I am writing to request your assistance in providing the Oversight Committee with information regarding this matter.

The U.S. Environmental Protection Agency is currently considering a request from the State of California for a waiver under the Clean Air Act to establish state motor vehicle emissions standards for greenhouse gases. Eleven other states have already adopted the California standards. However, the standards cannot be enforced until EPA grants the waiver.

My understanding is that the Department of Transportation and the Bush Administration have not taken an official position on this issue. However, the staff of a member of Congress recently received a voicemail message from Heideh Shahmoradi, special assistant for governmental affairs in the Office of the Secretary of the Department of Transportation, suggesting that the member (1) submit comments to EPA opposing California's request and (2) "reach out to your governor's office for them to submit comments since this would greatly impact auto facilities within your district." The voicemail stated:

Hi ... this is Heideh Shahmoradi out here with the Department of Transportation. I'm not sure if you're aware but EPA is currently considering a petition from the State of California to set its own CO2 standards. We just wanted to let you know that if California were to receive this waiver it could lead to a patchwork of regulations on vehicle emissions which could have significant impacts on the light truck and car industry. EPA is currently receiving the comments and the docket is open until June 15th, however tomorrow the EPA Administrator will decide whether or not to extend that

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deadline. We're gauging to see if your boss would be interested in submitting comments or reaching out to your governor's office for them to submit comments to the docket, since this would greatly impact the auto facilities within your district. ... If you could just call me and see if you guys have any interest, or, if you guys are going, or, would like to submit comments, or need any further information, I could get that to you. ... Thanks a lot, appreciate it, bye-bye.

Ms. Shahmoradi's call raises serious concerns. It is not an appropriate use of federal resources to lobby members of Congress to oppose state efforts to protect the environment. It is especially problematic on an issue that is pending for decision before the Administration and that is supposed to be decided based on an independent assessment of the merits. At the very least, Ms. Shamoradi's call suggests the presence of an improper hidden agenda.

In the past, Republican members of Congress have expressed concerns about the legality of this sort of practice. For example, on April 13, 2000, former Commerce Chairman Billy Tauzin argued on the House floor that the Federal Communications Commission committed "a criminal violation" when it distributed talking points opposing a particular telecommunications bill.¹ Similarly, former Government Reform Subcommittee Chairman David McIntosh wrote to EPA Administrator Carol Browner on March 2, 1995, questioning the legality of EPA's distribution of a fact sheet critical of a piece of regulatory reform legislation.²

I request that you explain the purpose of Ms. Shahmoradi's message, whether similar communications were made to other congressional offices, whether other Department of Transportation employees were involved in such communications, and who at the Department authorized these communications.

In addition, I request that you provide to the Committee on Oversight and Government Reform all documents relating to (1) communications with members of Congress or their staffs regarding the California waiver request or (2) communications with EPA or other federal entities, including the White House, regarding the California waiver request.

Finally, I request that the Department make Ms. Shahmoradi available for a transcribed interview or deposition by Committee staff.

¹ *Statement of Rep. Billy Tauzin*, Congressional Record, H2302 (Apr. 13, 2000).

² U.S. Senate Republican Policy Committee, *Most Ethical Administration – NOT* (Apr. 4, 1995).

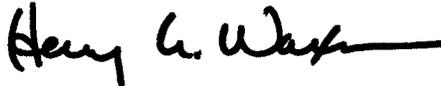
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I ask that you provide the requested documents and make Ms. Shahmoradi available by June 25, 2007.

The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X. An attachment to this letter provides additional information about how to respond to the Committee's request.

If you have any questions concerning this request, please have your staff contact Greg Dotson or Jeff Baran of the Committee staff at 202-225-4407.

Sincerely,

A handwritten signature in black ink that reads "Henry A. Waxman" with a long horizontal stroke extending to the right.

Henry A. Waxman
Chairman

Enclosure

cc: Tom Davis
Ranking Minority Member