

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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October 23, 2020

The Honorable Dan Brouillette
Secretary of Energy
1000 Independence Avenue SW
Washington, DC 20585

Dear Secretary Brouillette,

We write to address an apparently persistent issue of Department of Energy technical analysis being suppressed, modified, and delayed by headquarters officials. I wrote to you on September 22 to ask for DOE's account of the whereabouts of the National Renewable Energy Laboratory's *Interconnection Seam Study*, which was discussed by the media in an August 2020 *Atlantic* article.¹ As of this writing, the Department has yet to accommodate the briefings I requested in that letter.

The suppression and modification of *Seams* may be the most egregious and highest profile example of political interference in DOE reports, but it is by no means the only example. I am concerned that *Seams* may be part of a pattern over roughly the last two years in which DOE-funded reports on renewable energy, energy efficiency, transportation electrification, and the electricity grid are unduly delayed or modified by senior DOE officials. For example:

- The Geothermal Technologies' Office landmark *GeoVision* study, which explores opportunities and pathways for increasing geothermal deployment, was initiated in 2015.² External reviewers report that the last time they were asked for feedback on the draft was around mid-2018.³ However, *GeoVision* was not released by the Department until March 30, 2019.⁴

¹ <https://www.theatlantic.com/politics/archive/2020/08/how-trump-appointees-short-circuited-grid-modernization/615433/>

² https://www.energy.gov/sites/prod/files/2016/04/f30/Geothermal%20Technologies%20Office%202015%20Annual%20Report_0.pdf

³ <http://www.oureenergypolicy.org/wp-content/uploads/2018/02/GTO-2017-Annual-Report.pdf>

⁴ <https://www.energy.gov/eere/geothermal/geovision>

- The Vehicle Technologies Office *21st Century Truck Partnership Research Blueprint*, which focuses on technological innovation to improve energy efficiency in trucking, was slated for imminent release in August 2018, but it was not released by the Department until February 2019.⁵
- The Building Technologies Office white paper on *Grid-Integrated Efficient Buildings* was slated for imminent release in August 2018 but was not released by the Department until April 2019.⁶
- Lawrence Berkeley National Lab (LBNL)'s paper on *Grid Impacts of Electric Vehicles and Smart Charging in California* was sent to DOE headquarters for review in September 2018, but it was not released by the Department until September 2019.⁷
- LBNL's *Impact of Renewable Energy and other Factors on Observed Wholesale Electricity Market Prices* report, which analyzes the impacts of wind and solar on wholesale electricity markets, was slated for imminent release in late summer 2018. It was not released by the Department until November 2019.⁸
- The Pacific Northwest National Laboratory's *Handbook of Hydrokinetic Regulatory Processes* was slated for release in October 2018, but it was not released by the Department until August 2020.

And I note that the following reports have been completed but are yet to be released by the Department:

- The fifth report in NREL's *Electrification Futures* series, which explores how electricity supply can adapt to future scenarios where more transportation is electrified, was sent to DOE headquarters for review in October 2019.
- LBNL's *Future Electric Utility Regulation report on Renewable Energy Options for Large Utility Customers*, the 12th in a series of reports from LBNL on future electric utility regulation, was sent to headquarters for review in June 2019.
- LBNL's first *Solar-to-Grid* report, which will estimate the market value and reliability contributions of solar power across much of the United States, was sent to DOE headquarters for review in October 2019.
- DOE was directed in Congressional Appropriations language in FY18, FY19 and FY20 to produce a report that models the effects of a hypothetical Zero Emission Energy Credit for low-greenhouse gas electricity generation, but DOE has yet to produce a report.⁹

⁵ <https://www.energy.gov/eere/vehicles/downloads/21st-century-truck-partnership-research-blueprint>

⁶ https://www.energy.gov/sites/prod/files/2019/04/f61/bto-geb_overview-4.15.19.pdf

⁷ <https://ies.lbl.gov/publications/grid-impacts-electric-vehicles-and>

⁸ https://www.energy.gov/sites/prod/files/2019/04/f61/bto-geb_overview-4.15.19.pdf

⁹ FY20 Energy & Water Development Report, page 87: <https://www.congress.gov/116/crpt/hrpt83/CRPT-116hrpt83.pdf>

These papers are largely technical in nature, and such papers typically are able to move through the DOE headquarters review process within just a few weeks. We have seen no evidence that delays of six months or longer can be explained away as a legitimate quality control exercise. I note that there is a time-value of information related to renewable energy, energy efficiency, transportation electrification, and the grid, as new innovations are advancing rapidly across the globe. Substantial delays in DOE reports undermine our ability to understand, implement and export new technologies and threaten our nation’s competitive advantage.

I am also aware of at least one other report mandated by Appropriations Report language to be conducted annually – the U.S. Energy and Employment Report – that DOE has apparently failed to initiate altogether.¹⁰

DOE Process Changes

DOE leadership has implemented process changes that apparently enable this interference in the report review process. We believe these changes contravene the Department’s scientific integrity policy. Last updated in January 2017, the DOE SI policy says that Federal Supervisors at DOE:

“will neither suppress nor alter scientific or technological findings and will not intimidate or coerce federal staff, contractors, recipients of financial assistance awards, or any others, to suppress or alter scientific or technological findings or conclusions.”¹¹

In May 2018, EERE staff received a new direction from political leadership to organize studies and technical papers into “tiers.” Any documents on Tier 1 topics would not be permitted for publication until they had received higher level sign-off by political officials.¹² The Tier 1 list included any comparisons between energy sectors, all reports on grid reliability, and market projections. For the Renewables subprograms, this means that technical studies such as “Current Developments in Retail Rate Design” and “Opportunistic hybrid communications systems for distributed PV coordination” now require approval from Deputy Assistant Secretary David Solan or other political officials.

DOE then further escalated its requirements for political review in the summer of 2018. As of late August, Deputy Assistant Secretaries were no longer allowed to use their discretion “to

FY19 Energy & Water Development Report, page 83: <https://www.govinfo.gov/cothesauruntent/pkg/CRPT-115hrpt697/pdf/CRPT-115hrpt697.pdf>

FY18 Energy & Water Development Report, page 81: <https://www.govinfo.gov/content/pkg/CRPT-115hrpt230/pdf/CRPT-115hrpt230.pdf>

¹⁰ <https://www.congress.gov/116/crpt/hrpt83/CRPT-116hrpt83.pdf>. Page 117. “Energy and Employment Report.— The recommendation provides an additional \$2,000,000 for the Office of Policy to complete a U.S. energy employment report that includes a comprehensive statistical survey to collect data, publish the data, and provide a summary report. The information collected shall include data relating to employment figures and demographics in the U.S. energy sector using methodology approved by the Office of Management and Budget in 2016.”

¹¹ <https://www.energy.gov/downloads/department-energy-scientific-integrity-policy>

¹² See Appendix Item 1

determine what was Tier 1 and what wasn't and what needed to be elevated to [the Assistant Secretary for EERE]." Instead, "all Tier-1 reports need [Assistant Secretary] approval."¹³

EERE Media Policies

The DOE SI Policy also states:

“Media Requests. All federal staff who receive requests from media outlets for interview or comment based on their scientific or technical expertise are free to comment but must notify their organizations' public affairs office.”

But around the same time that EERE expanded political review for reports, it modified its media policy. EERE staff handed down new directions from leadership on June 12, 2018 to change which hands are authorized to interface with the media and to require more layers of approval by political appointees for even low-visibility media engagements.¹⁴ In a June 13 email, a senior EERE official explained:

“Going forward, the front office would like a more streamlined approach for media pitching and media inquiries... any requests for interviews received by the offices will need to be forwarded to the [Deputy Assistant Secretary] Comms lead and the media lead from the EERE communications team. They will be responsible for working with [redacted] and her team to obtain [EERE] front office and [DOE Public Affairs] approval. They will also coordinate all scheduling with the reporter and will staff the EERE employee to be interviewed.”¹⁵

The practical effect of these changes was to chill public communication between EERE researchers and the public and to establish more control for political appointees over program messaging. In any event, the requirement for all interview requests to receive advance approval from EERE leadership and the DOE Office of Public Affairs (PA), which is presumably still in effect as of this letter, defies the plain language of the DOE SI policy on media requests.

Committee requests

With all of the information above in mind, I would like to expand the scope of the briefings we requested on September 22 to include a discussion on the EERE report approval process as a whole and the Department's anticipated timelines for releasing reports prepared by national laboratories that are currently at headquarters for review. If you would like to discuss these requests further, please have your staff contact Janie Thompson of the Committee on Science, Space and Technology staff at 202-225-6375.

¹³ See Appendix Item 2. At the time, the acting Assistant Secretary for EERE was Cathy Tripodi.

¹⁴ See Appendix Items 3 and 4

¹⁵ See Appendix 5.

Sincerely,

A handwritten signature in blue ink that reads "Eddie Bernice Johnson". The signature is written in a cursive, flowing style.

Eddie Bernice Johnson
Chairwoman
Committee on Science, Space, and Technology

cc: Frank Lucas
Ranking Member
Committee on Science, Space and Technology

APPENDIX

Enhanced Review Criteria Definitions

| Criterion | Definition |
|-----------------------------------|--|
| Client/sponsor leadership request | Analysis is requested by client's/sponsor's leadership. For example, for a U.S. Department of Energy (DOE) office, this would include analysis requested by an Assistant Secretary, Principal Deputy or Deputy Assistant Secretary, or Office Director, as well as analysis identified as Tier 1* in EERE study work authorization. Congressional requests also require enhanced review practices. |
| Impact on decisions | Analysis results have potential to significantly impact research, development, and deployment decisions in the public or private sectors, including client/sponsor program direction/investment (primarily program new start or termination), private sector investments and asset portfolios, and accepted energy system operational practices. |
| Policy implications | Analysis assesses policy options reflected in pending legislation or draft regulations, under public discussion, at the local, state, or national level, or could inform international/global policy frameworks. |
| Visibility/ sensitivity | Analysis topic is an issue that is highly visible with client/sponsor, analysis consumers, or stakeholders, or is politically sensitive. This would include content that considers the role of DOE or other federal agencies. |
| Counters prevailing perspectives | Assumptions or methods used in the model/analysis run counter to prevailing practice; or results of the analysis are in conflict with or refute the prevailing perspectives of the peer and/or stakeholder community or directly rebut other published work (including DOE [e.g., EIA] or other federal agency publications that we are aware of). |

Recent updates in blue text

* EERE Tier 1 is expected to include:

- Advocacy for or against existing federal, state, local and/or tribal policies and regulations
- Advocacy for or against (or comparisons to) certain types of energy industries or sectors
- Grid reliability
- Economic models or projections of entire energy sectors (e.g. Wind Vision)
- Major market trends or projections
- Incorporation of public opinions
- Congressionally-mandated reports or outputs from Congressionally mandated committees
- Actual or potential overlap with EIA studies or other reoccurring federal studies focused on energy production, distribution, or energy efficiency

From: [REDACTED] Solar Operations Supervisor
To: [REDACTED] EERE Solar program leads
Cc: [REDACTED] Solar program managers
Subject: FW: Tier 1 Report Guidance
Date: Friday, August 24, 2018 8:11:24 AM

Preliminary response from [REDACTED] below. I will follow up with Leslie next week when she is back.
EERE Deputy Asst. Secretary for Operations

Best,

[REDACTED] Solar Office Solar Operations Supervisor

From: [REDACTED] EERE Deputy Asst. Secretary for Operations
Sent: Friday, August 24, 2018 10:41 AM
To: [REDACTED] Solar Operations Supervisor
Cc: [REDACTED] EERE Senior advisors
Subject: RE: Tier 1 Report Guidance

I am out of the office but [REDACTED] can address on Monday. I was not in the discussion on the reports, but I have not heard of anything reverting back.

My understanding is that all Tier 1 reports require EE-1 approval, and that means that EE-1 and/or Alex need to be briefed and must approve.

From: [REDACTED] Solar Operations Supervisor
Date: Friday, Aug 24, 2018, 9:45 AM
To: [REDACTED] EERE Deputy Asst. Secretary for Operations
Cc: [REDACTED] EERE Senior advisors
Subject: Tier 1 Report Guidance

Hi [REDACTED]

I hope your week is going well.

I am reaching out to follow-up on the Ops Council announcement a few weeks back stating that all Tier 1 approvals need to go to EE-1 and DASs no longer had the authority to use their discretion to determine what was Tier 1 and what wasn't and what needed to be elevated to EE-1. When I asked if our DAS already briefed Daniel did the Tier 1 report have to be re-approved, you stated as long as it is reflected in the system we should be okay, but if it isn't we would need to have our DAS brief EE-1. I don't recall ever seeing written guidance, now I am hearing that the process has reverted back to the original process.

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED] Chief of Staff for Deputy Asst. Secretary for Renewable Power

Sent: Tuesday, June 12, 2018 12:22 PM

To: EERE staff for Renewable Power
[REDACTED]

Cc: [REDACTED]
[REDACTED]

Subject: FW: EERE Comms Review Process Timing

RP Offices –

Per the email below, we will be moving all reviews to earlier in the week for the Tuesday Alex meeting. [REDACTED] EERE staff and I will get back to you shortly about the timeline. I know that this means that we will be preparing all communications materials almost 2 weeks in advance of any release. Please make sure that when we think about any subsequent announcements, we

plan sufficiently for these deadlines. I also do not know if that means that we will hear back on review of materials on Friday, or that we can expect review still on Tuesdays. Hopefully we hear more soon.

Additionally, and this has come through word-of-mouth and not in any directive, but it is now my understanding that **ALL** media pitches – including those that had been approved by PA and tied to solicitations – **must only come out from EERE comms**. Which will mean that all pitches related to announcements of selections or announcements of new solicitations will only come out through EERE comms. It isn't clear then who will be responsible for preparing any pitches, or pitch lists, given that we are being asked that it run out of comms. I hope at some point we have guidance. There also seems to be confusion on whether EERE is supposed to even provide a spokesman to PA, what certain thresholds or materials would require a spokesman, or who is going to schedule these interviews, should there be responses to media pitches. It also isn't clear how media inquiries will be handled by comms either, but please continue to send them to me, **EERE senior staff (names redacted)**

I will let you know as I hear more about this ever changing process.

Best,

[Redacted]

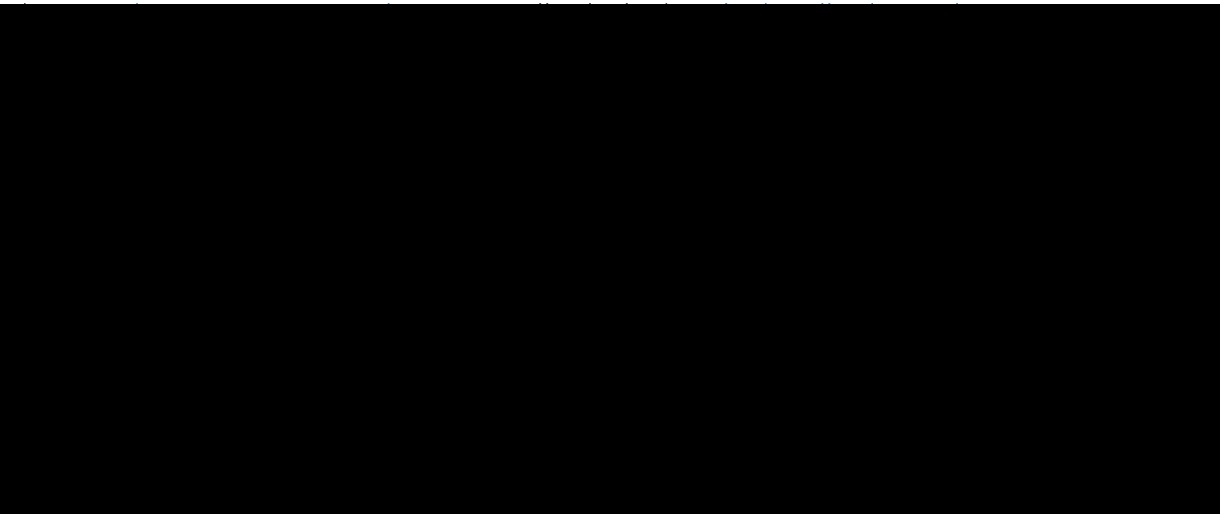
From: EE Internal Communications

Sent: Tuesday, June 12, 2018 11:55 AM

To: **[Redacted]**

EERE Staff and Contractors (names and emails redacted)

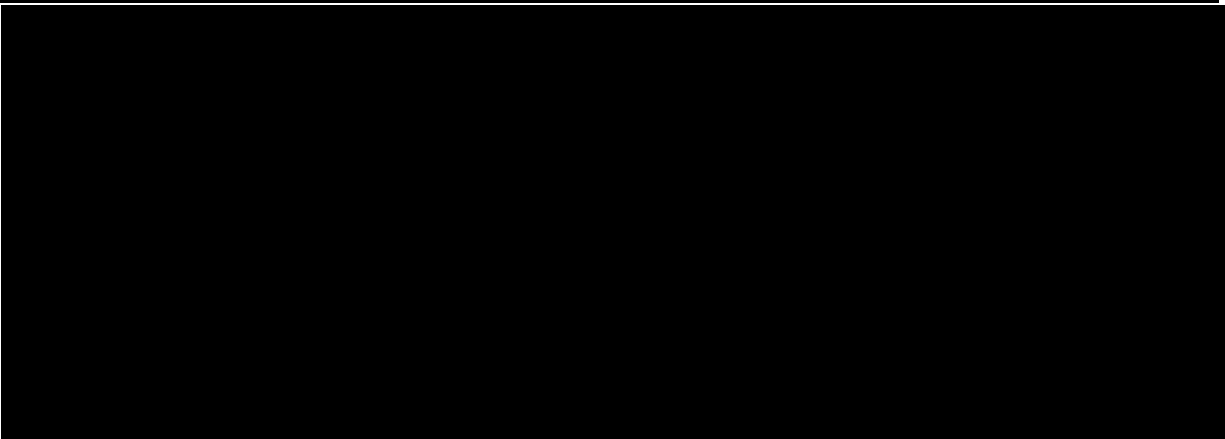
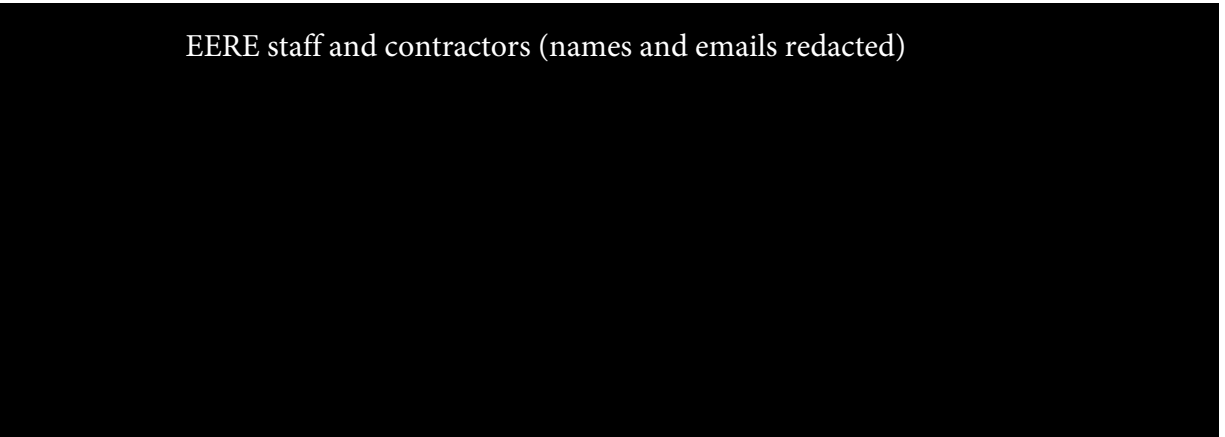
[Redacted]



Cc:



EERE staff and contractors (names and emails redacted)



Subject: EERE Comms Review Process Timing

Good morning,

This is a preliminary email to inform those involved in EERE communications that the Front Office has requested the EERE Communications workflow timeline be adjusted.

All communications materials requiring Front Office review will now be reviewed on Fridays at 10AM. This will impact when materials are sent to Chiefs of Staff and the EERE Comms team.

It will not impact the timing of Policy Calendar submissions.

I will be sending more robust email with further direction, guidance, and an updated EERE Communications Workflow document later today.

Thank you,

- [REDACTED]

[REDACTED]

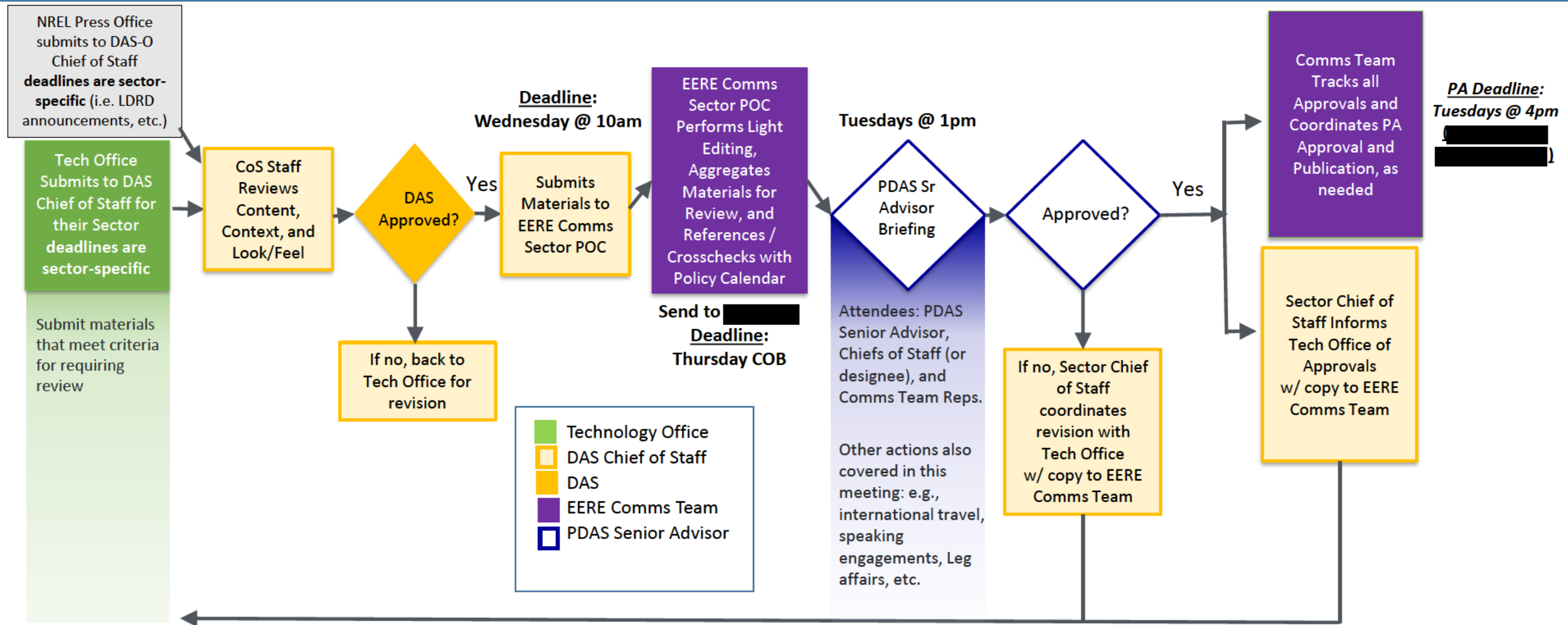
Director of Stakeholder Engagement

Office of Energy Efficiency and Renewable Energy

U.S. Department of Energy

[REDACTED]

Approval Process for Communications Materials



Policy Calendar Inputs
Deadline: Thursdays @ 12pm

Policy Calendar Reviewed and Edited:
Fridays @ 12pm

Policy Calendar Distributed:
Mondays @ 12pm

PA Deadline:
Tuesdays @ 4pm
[Redacted]

- Technology Office
- DAS Chief of Staff
- DAS
- EERE Comms Team
- PDAS Senior Advisor

Attendees: PDAS Senior Advisor, Chiefs of Staff (or designee), and Comms Team Reps.
Other actions also covered in this meeting: e.g., international travel, speaking engagements, Leg affairs, etc.

Send to [Redacted]
Deadline: Thursday COB

If no, back to Tech Office for revision

If no, Sector Chief of Staff coordinates revision with Tech Office w/ copy to EERE Comms Team

Sector Chief of Staff Informs Tech Office of Approvals w/ copy to EERE Comms Team

Comms Team Tracks all Approvals and Coordinates PA Approval and Publication, as needed

NREL Press Office submits to DAS-O Chief of Staff
deadlines are sector-specific (i.e. LDRD announcements, etc.)

Tech Office Submits to DAS Chief of Staff for their Sector
deadlines are sector-specific

Submit materials that meet criteria for requiring review

CoS Staff Reviews Content, Context, and Look/Feel

DAS Approved?

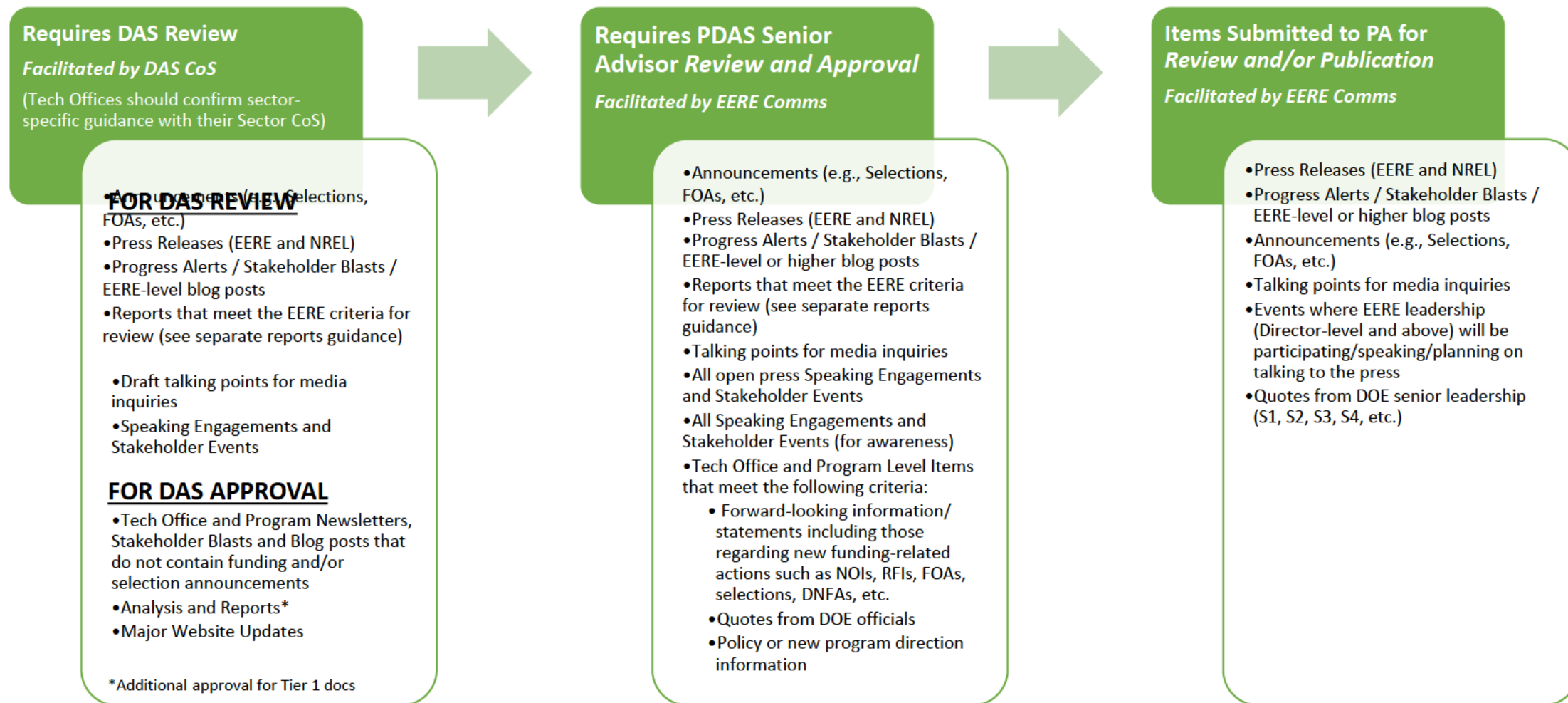
Submits Materials to EERE Comms Sector POC

EERE Comms Sector POC Performs Light Editing, Aggregates Materials for Review, and References / Crosschecks with Policy Calendar

PDAS Sr Advisor Briefing

Approved?

Communications Materials Review Guidance



From: [REDACTED] EERE Deputy Asst Secretary for Operations
To: [REDACTED] EERE Deputy Asst. Secretaries and Technology Office Directors
Cc: [REDACTED] EERE Senior Advisors
Subject: FW: EERE Comms Review Process Timing and Media Inquiries
Date: Wednesday, June 13, 2018 3:33:04 AM
Attachments: [JUNE 2018 UPDATE_FINAL_CommsApprovalProcess_Workflow_and_Review_Levels.optx](#)

DASs and Directors,

I wanted to flag these changes for your attention. The timeline for Comms review has changed to facilitate an earlier EERE front office review but we are also changing our approach to media relations that may have an impact on how your office currently operates.

Going forward, the front office would like a more streamlined approach for media pitching and media inquiries. When the PA transfer is executed, several of our fed media POCs in the EERE Comms team will be moving to PA. We expect PA to play a larger role in EERE media than they do today. As a result, we are also going to consolidate our media activity through our EERE Comms team and DAS Comms leads. All coordination with reporters related to media interviews will now be handled by the EERE Communications team and/or the DAS Comms lead contractor. This means that any requests for interviews received by the offices will need to be forwarded to the DAS Comms lead and the media lead from the EERE communications team. They will be responsible for working with [REDACTED] and her team to obtain EE front office and PA approval. They will also coordinate all scheduling with the reporter and will staff the EERE employee to be interviewed. Additionally, the same individuals will also be responsible for all media pitches going forward. This change will remove all media related activity from the office comms POCs and centralizes this work with the EERE Comms team and the DAS Comms leads (in consultation with DAS COSs). Office Comms POCs will still be contacted to support response development on media inquiries and/or support the development of talking points, but that will be the extent of their involvement on media related activities. Their other activities around press release development, supporting speaking engagements, development of website content, etc should not be impacted by this change in process, with the exception of the timing of the review.

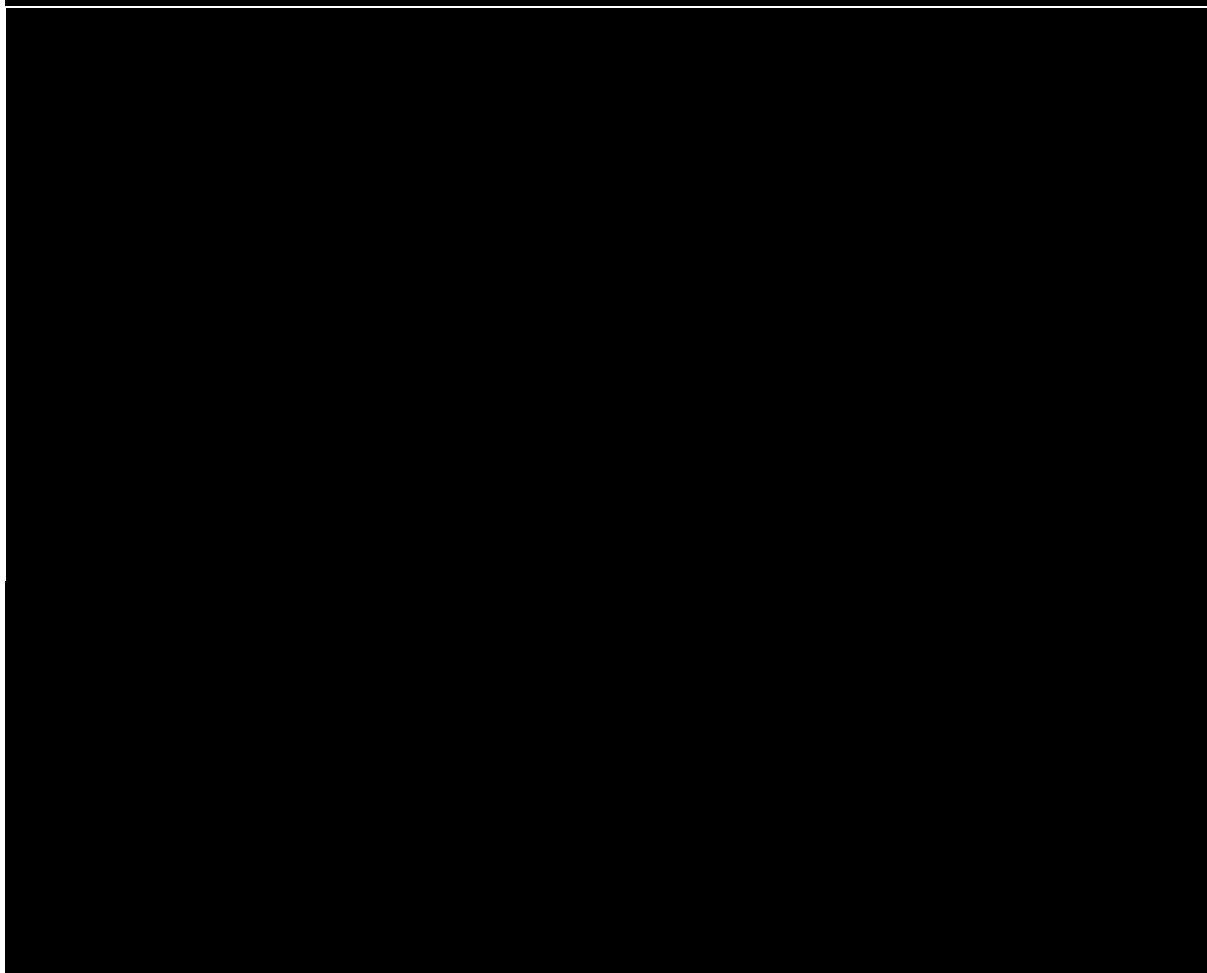
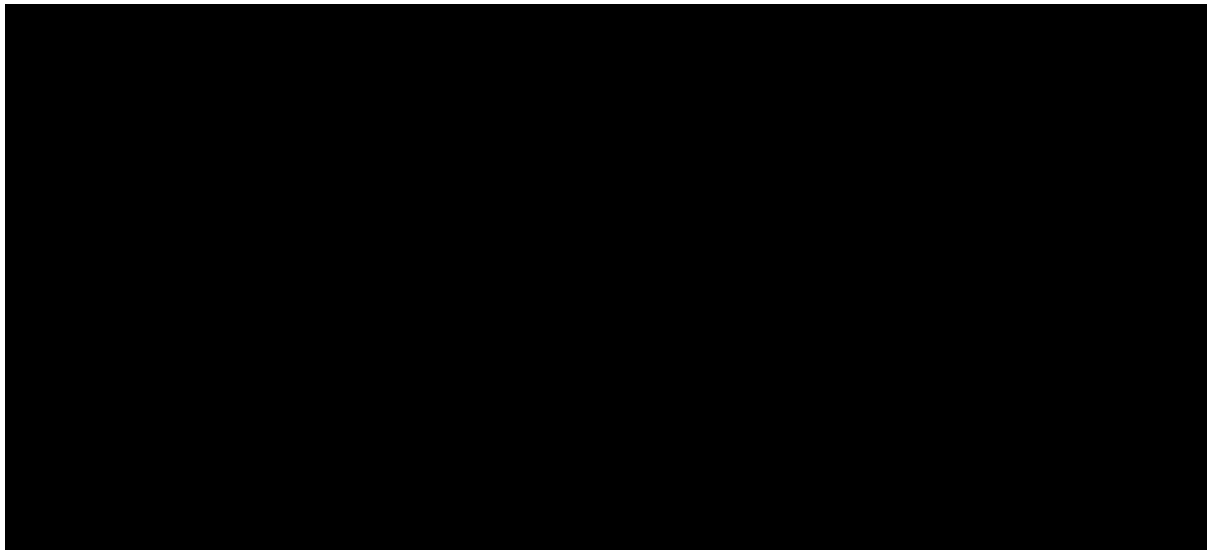
This may be a change for how some offices currently operate, which is why I wanted to flag this separately. [REDACTED] EERE Senior Advisors will be working with the DAS COSs and DAS Comms leads to implement these changes.

Thanks,

[REDACTED]

From: [REDACTED] EERE Senior Advisor
Date: Tuesday, Jun 12, 2018, 8:02 PM
To: EE Internal Communications <[REDACTED]>

[REDACTED]
 EERE Staff and Contractors



Subject: RE: EERE Comms Review Process Timing and Media Inquiries

Updated workflow attached.

From: [Redacted] EERE Senior Advisor

Sent: Tuesday, June 12, 2018 8:01 PM

To: EE Internal Communications <[REDACTED]>

EERE Staff and Contractors

[REDACTED]

Cc: [REDACTED]

EERE Staff and Contractors

[REDACTED]

Subject: EERE Comms Review Process Timing and Media Inquiries

Good evening,

As follow-up to this morning's message, I have provided an updated EERE Communications workflow to reflect the revised timing for Front Office review. With this new timing, all materials for Front Office review must be sent to EERE Communications no later than Wednesdays at 10AM. Final drafts will be compiled by EERE Communications for the Front Office on Thursdays by COB. There will no longer be an opportunity to submit materials for Front Office/PA review outside of this workflow and timing (excluding media inquiries, which can be time sensitive). The timing of when the Policy Calendar is open and closed to submit entries and updates has not changed.

To expedite the Communications review process, I strongly encourage programs to prepare packages of materials for the EERE Communications team. For instance, if an announcement strategy includes a press release, social media, talking points, fact sheet, and Q&A, please send all of these materials to EERE Communications as one package. Please do not send these materials piecemeal for review. In addition, if a funding questionnaire is available for a funding announcement, please include it in the communications package that you are preparing.

The Front Office has also asked that more robust descriptions of announcements are included in the Policy Calendar. Please make sure that entries in the Policy Calendar provide a comprehensive summary of the announcement, including what is being announced and why, if there's an event that it is linked to, if there are any planned press activities for the announcement, etc. Please work with members of the EERE Comms team if you have any questions about what should be included in the Policy Calendar.

Lastly, all media inquiries and media pitching will be conducted solely by EERE Communications. Please work with the Deputy Assistant Secretary Communications Leads and EERE Comms Media team to develop and execute all media strategies and to handle media inquiries.

Thank you in advance for your cooperation as we work together to implement these changes. Please feel free to contact me or **EERE senior staff** with any questions.

- **EERE Senior advisor**

Good morning,

This is a preliminary email to inform those involved in EERE communications that the Front Office has requested the EERE Communications workflow timeline be adjusted.

All communications materials requiring Front Office review will now be reviewed on Fridays at 10AM. This will impact when materials are sent to Chiefs of Staff and the EERE Comms team.

It will not impact the timing of Policy Calendar submissions.

I will be sending more robust email with further direction, guidance, and an updated EERE Communications Workflow document later today.

Thank you,

-- [REDACTED]

[REDACTED]

Director of Stakeholder Engagement
Office of Energy Efficiency and Renewable Energy
U.S. Department of Energy

[REDACTED]