

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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<http://science.house.gov>

December 18<sup>th</sup>, 2025

The Honorable Chris Wright  
Secretary  
Department of Energy  
1000 Independence Ave., SW  
Washington, DC, 20585

Dear Secretary Wright,

We write to condemn your illegal decision to eliminate the Office of Clean Energy Demonstrations (OCED). Illegal is a strong word, and it should not be used lightly. But how else are we to describe a situation in which an executive branch agency blatantly defies an explicit command from Congress by wiping out an office created by law – and unambiguously enshrined by name in statute – a mere four years ago? In 2021, Congress enacted a law to create OCED. Evidently you disagree with that law. That is your right. What is not your right is to violate it, disregard it, and pretend that it does not apply to you. When the Department of Energy (DOE) eliminated OCED in its reorganization, it did more than jeopardize multi-billion dollar demonstration programs and risk long-term setbacks in the deployment of innovative energy technologies that are crucial for the nation’s energy future. DOE broke the law – brazenly, shamelessly broke the law – and violated the separation of powers that stands at the heart of our constitutional system. Every day that this defiance continues is a travesty. The only way for DOE to stop offending our constitutional order is to reverse course immediately, reconstitute OCED, and restore the rightful authorities that were assigned to it by Congress.

As Members of the Committee on Science, Space, and Technology (“the Committee”), including the Ranking Members of the full Committee and the Subcommittee on Energy, we have monitored OCED closely since its creation. The story of OCED does not begin in some long-ago era with motivations lost to history. It was only four years ago that the 117<sup>th</sup> Congress enacted H.R. 3684, the Infrastructure Investment and Jobs Act (IIJA).<sup>1</sup> We had the opportunity to vote for that wide-ranging and bipartisan legislation and were proud to do so for a host of reasons. One of those reasons was the creation of OCED. Section 41201 of Title XII of the IIJA was entitled

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<sup>1</sup> <https://www.congress.gov/bill/117th-congress/house-bill/3684>.

“Office of Clean Energy Demonstrations.”<sup>2</sup> According to Section 41201 (codified at 42 USC 18861)<sup>3</sup>:

“The Secretary [of Energy], in coordination with the heads of relevant program offices of the Department [of Energy], shall establish a program to conduct project management and oversight of covered projects, including by –

- 1) conducting evaluations of proposals for covered projects before the selection of a covered project for funding;
- 2) conducting independent oversight of the execution of a covered project after funding has been awarded for that covered project; and
- 3) ensuring a balanced portfolio of investments in covered projects.”

After authorizing and mandating the establishment of OCED, Section 41201 proceeded to direct that the Secretary of Energy “shall appoint a head of the program” and defined the standing duties of the program in terms of evaluating proposals, developing independent cost estimates, making funding recommendations, overseeing project execution, conducting ongoing project reviews, and assessing lessons learned from project oversight.<sup>4</sup>

Further down in the legislative text, in Title III (entitled “Energy and Water Development and Related Agencies”) of Division J (entitled “Appropriations”), the IIJA imposed additional statutory requirements on the Department of Energy. In a subsection entitled “Office of Clean Energy Demonstrations,” Congress appropriated \$21.456 billion for OCED and enacted the following into law:<sup>5</sup>

“For an additional amount for “Office of Clean Energy Demonstrations”, \$21,456,000,000, to remain available until expended: *Provided*, That the Office of Clean Energy Demonstrations, as authorized by section 41201 of division D of this Act, shall conduct administrative and project management responsibilities for the demonstration projects provided for under this heading in this Act: *Provided Further*, That the Office of Clean Energy Demonstrations shall consult and coordinate with technology-specific program offices to ensure alignment of technology goals and avoid unnecessary duplication...” [italics in original]

The remainder of the subsection provided a lengthy and detailed list of the specific programs to be implemented through OCED’s appropriated funds, including (among many others) \$2.477 billion for OCED to carry out the Advanced Reactor Demonstration Program, \$2.537 billion for OCED to carry out the Carbon Capture Demonstration Projects Program, and \$8 billion for OCED to carry out the Regional Clean Hydrogen Hubs Program.<sup>6</sup>

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<sup>2</sup> <https://www.congress.gov/117/plaws/publ58/PLAW-117publ58.pdf>.

<sup>3</sup> [https://uscode.house.gov/view.xhtml?req=\(title:42%20section:18861%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:42%20section:18861%20edition:prelim)).

<sup>4</sup> <https://www.congress.gov/117/plaws/publ58/PLAW-117publ58.pdf>.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

The establishment of OCED in the IIJA is a textbook example of an explicit statutory mandate, without administrative discretion. By enacting these statutory requirements into law, Congress told DOE exactly what it wanted to happen and what would be required by law. The language of the statutory text could not be more clear-cut. The Secretary of Energy *shall* establish OCED. The Secretary *shall* appoint a leader of OCED. OCED *shall* “conduct project management and oversight of covered projects,” including “independent oversight of the execution of a covered project after funding has been awarded for that covered project.” OCED *shall* “conduct administrative and project management responsibilities for the demonstration projects provided for under this heading in this Act...” The meaning of this statutory text is as obvious now as it was four years ago. Congress decreed that DOE must establish an Office of Clean Energy Demonstrations; that OCED expressly must oversee the distribution of \$21.456 billion worth of appropriated funds towards a specific list of energy-related demonstration projects; and that OCED expressly must administer, manage, and oversee the projects on behalf of DOE after funds had been awarded. That was the law as it was enacted in 2021, and that is the law as it stands today.

It is worth remembering why Congress created OCED, for it was not a random or careless decision. In the years preceding OCED’s creation, Congress witnessed the existing technology offices within DOE repeatedly struggle to manage large-scale energy demonstration projects, particularly projects related to nuclear technologies and carbon capture and storage technologies. The track records of these offices in managing large demonstration projects were extremely poor. The Government Accountability Office (GAO) similarly documented procedural weaknesses in DOE’s management and oversight of large demonstration projects related to nuclear reactor technologies<sup>7</sup> and carbon capture and storage technologies<sup>8</sup> that heightened the risks of project failure. Congress created a separate OCED, distinct from the existing technology offices, in response to these facts and findings so that the Department could cultivate the unique skill sets and expertise required to provide high-quality, technology-independent management for the large, commercially focused energy demonstration projects funded in the IIJA. OCED was a mechanism for good governance, sound project management, minimization of financial risk to the taxpayer, and maximization of the odds of success for projects meant to demonstrate the viability of critical new energy technologies.

But DOE’s elimination of OCED has thwarted the will of Congress. And trying to get a straight answer out of the Department about OCED’s fate has become a theater of the absurd.

Perhaps not surprisingly given the legally indefensible nature of the decision, DOE’s attempts to explain and defend its elimination of OCED have ranged from nonexistent to nonsensical. DOE’s initial strategy, as evidenced in both public statements and a December 2<sup>nd</sup> staff briefing for bipartisan Science Committee staff, appeared to be to say as little as possible about OCED in the hope that Congress would quietly accept its dissolution. When DOE announced its department-wide reorganization, OCED was conspicuously missing from the new Organizational Chart.<sup>9</sup> Given the Trump Administration’s relentless targeting of the office, its staff, and its portfolio

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<sup>7</sup> <https://www.gao.gov/products/gao-22-105394>.

<sup>8</sup> <https://www.gao.gov/products/gao-22-105111>.

<sup>9</sup> <https://www.energy.gov/sites/default/files/2025-11/Organization-Chart-11.20.2025-2.pdf>.

throughout 2025, it was immediately apparent that OCED had likely been eliminated.<sup>10</sup> But DOE did not acknowledge the elimination of OCED at all during its November 20<sup>th</sup> reorganization announcement or in the days thereafter.<sup>11</sup> In the December 2<sup>nd</sup> staff briefing for the Committee, DOE officials did not dispute the characterization of OCED as being eliminated, declined to provide specific legal justification for OCED’s elimination when questioned about it, and hardly mentioned the office at all except to make clear that its statutory responsibilities would be scattered throughout the Department. DOE officials did confirm that OCED’s statutory functions would henceforth be executed by the other offices to which its various projects had been dispersed in the reorganization. Indeed, DOE officials even provided formal briefing slides to Committee staff, entitled “Briefing on DOE Realignment,” which detailed specific examples of these shifting statutory responsibilities, including:

- OCED’s “Industrial Emissions” and “Hydrogen Hubs” functions would be “realigned” into the Office of Critical Minerals and Energy Innovation;
- OCED’s “Advanced Reactors” functions would be realigned into the Office of Nuclear Energy;
- OCED’s “Energy Storage” functions would be realigned into the Office of Electricity;
- OCED’s “DAC Hubs,” “Mine Lands,” and “Carbon Capture” functions would be realigned into the Hydrocarbons & Geothermal Energy Office; and
- OCED’s “Upgrading Grid” functions would be realigned into the Office of Energy Dominance Financing.

As a substantive matter, these actions fly in the face of congressional intent and restore precisely the situation that Congress sought to address by creating OCED in the first place. We believe the risk of project failures and taxpayer losses related to large-scale energy demonstration projects under DOE’s purview will increase substantially as a result. As a legal matter, given the direct statutory authorization of OCED and its portfolio in the IIJA, these actions are untenable. After the briefing, DOE failed to even respond to a follow-up request from Committee staff for the Department’s legal justification in support of them before the issue was raised by multiple Committee Members in a hearing the following week.

But DOE must have quickly realized that this position could not be legally sustained. And so the Department’s talking points soon shifted, even if its underlying actions did not. On December 10<sup>th</sup>, Under Secretary for Science Dario Gil testified before the Science Committee.<sup>12</sup> During his testimony, Dr. Gil offered a new assertion in response to direct questioning about OCED by Representative Bonamici and Representative Friedman: namely, that OCED is *not* being eliminated, but rather is being merged into another unnamed office. According to Dr. Gil:

“It is my understanding, on OCED as an example, that that will, you know, continue, that is not being eliminated, it will be integrated into a different office.”

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<sup>10</sup> <https://www.eenews.net/articles/details-emerge-around-surge-of-doe-departures/>.

<sup>11</sup> <https://www.energy.gov/articles/energy-department-announces-organizational-realignment-strengthen-efficiency-and-unleash>.

<sup>12</sup> [https://science.house.gov/hearings?ContentRecord\\_id=7ACE4016-CE04-4BCF-AF83-3CC45A800C8A](https://science.house.gov/hearings?ContentRecord_id=7ACE4016-CE04-4BCF-AF83-3CC45A800C8A).

“I was able to check on that. OCED is not going to be eliminated. . . . I don’t know all the details on the communication around that, but I can just tell you, like, that’s one of the things I was able to check and it’s just not going to be eliminated.”

When asked by Committee staff to explain this change in position after the hearing, DOE provided the following statement, which it stressed had been approved by the Office of the General Counsel: “*OCED was established by section 41201 of the IJA. The Department intends to fully comply [with] the statutory requirements of this section. Accordingly, there is no plan to abolish OCED under the realignment. OCED will exist within another program.*” But despite immediate requests by staff for additional clarification based on this statement, DOE has provided no further information about the status of OCED. DOE simply did not respond to the requests at all. DOE has not even disclosed to the Committee the identity of the program where OCED will allegedly be integrated.

The absurdity of this situation is obvious. At first, DOE made no effort to deny that OCED was eliminated and indeed was fully prepared to highlight the different ways in which the office’s functions were being dispersed throughout the Department. Now, DOE claims that OCED will continue to exist in some form or fashion “within another program,” but it fails to provide any information beyond that. In the absence of compelling evidence, we have every reason to believe that OCED has been eliminated, despite DOE’s claims to the contrary. The Department’s scramble to find some way to legally defend its actions has turned OCED’s existence into a malleable talking point. This farce is no way to run a government.

Nor has DOE bothered to justify the actions that it does concede have taken place. According to the Department’s contradictory statements, OCED will be made a subordinate component of another program office, even as its statutory responsibilities are admittedly shifted elsewhere. If this is accurate, it still defies the explicit statutory text of the IJA. DOE’s defense, such as it is, relies upon the notion that OCED can be marginalized at will so long as other offices continue to carry out the statutory functions originally assigned to OCED in the IJA. But that is not the law. When Congress enacted the IJA, it did not create these new statutory responsibilities in a vacuum; it specifically assigned those responsibilities, by name and in statute, to OCED. There is no getting around that fact, as much as DOE might wish to do so.

Article I of the Constitution of the United States grants the power to legislate exclusively to Congress.<sup>13</sup> It is one of the most fundamental elements of our constitutional framework: Congress makes the laws. Congress created OCED by law. The office was authorized explicitly by law. It was assigned statutory functions by law. It received funds to administer by law. It was granted management and oversight responsibilities by law. The existence of the office is, quite simply, a requirement of law. Secretary Wright, you may lead the Department of Energy, but you are bound to uphold the law in your position just like every other employee of the executive branch. We do not doubt that you genuinely believe OCED should not exist. You are entitled to your opinion. But your opinion does not matter, because it is not your decision to make. If you truly find the law to be that repugnant, you can make your case to Congress to change the law by

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<sup>13</sup> <https://constitution.congress.gov/constitution/article-1/>.

normal legislative means. Or you can resign your position, run for Congress, and work as an elected member of the legislative branch to change the law yourself. Either way, until that happens, it is your sworn duty to abide by the Constitution and respect the separation of powers at the heart of our system of government. You and the entire Department of Energy must stop breaking the law immediately. While the damage cannot easily be reversed, the first step to right this wrong is to reconstitute OCED and reassign its programmatic and statutory responsibilities back to the office where Congress directed them. We demand that DOE complete the following actions:

1. Reconstitute OCED as a separate office, consistent with statutory directives under the Infrastructure Investment and Jobs Act;
2. Return all programmatic responsibilities to OCED that were assigned to the office by statute under the Infrastructure Investment and Jobs Act; and
3. Restore staffing levels to OCED that are sufficient to enable the office to carry out its statutory functions under the Infrastructure Investment and Jobs Act.

Additionally, we are troubled by the slapdash legal reasoning apparently being used to justify these decisions. We request that the Department of Energy provide to the Committee the legal analysis that it undertook regarding the elimination of OCED and the realignment of its functions before the agency reorganization was finalized. We also request that the Department disclose to the Committee the number and position descriptions of staff for what it considered to be OCED as of Under Secretary Gil's testimony on December 10<sup>th</sup>, 2025. DOE should provide this legal analysis and information, including all relevant documents, memoranda, citations, and justifications, to the Committee no later than 5:00 PM on Friday, January 16<sup>th</sup>, 2026.

DOE must respect the Article I powers of Congress by reviving OCED. That is what the law demands. And while the law may not matter to you, it means a great deal to us. We will continue to fight for it until your brazen transgression against the rule of law is undone, and all that remains of this entire misbegotten episode is a cautionary tale about what happens when the executive branch forgets its place in our constitutional system.

Pursuant to Rule X of the House of Representatives, the Committee on Science, Space, and Technology "shall review and study on a continuing basis laws, programs, and Government activities relating to nonmilitary research and development."<sup>14</sup> The Committee possesses jurisdiction over "all energy research, development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories, as well as the commercial application of energy technologies."<sup>15</sup>

If you have any questions regarding this letter, please contact Adam Rosenberg or Josh Schneider with the Committee's Minority staff at (202) 225-6375. Thank you for your attention to this important matter.

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<sup>14</sup> [119 First Session House Rules](#).

<sup>15</sup> *Id.*

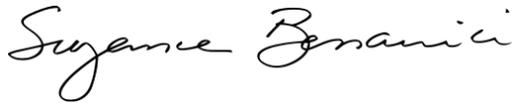
Sincerely,



Zoe Lofgren  
Ranking Member  
Committee on Science, Space, and Technology



Deborah Ross  
Ranking Member  
Subcommittee on Energy



Suzanne Bonamici  
Member  
Committee on Science, Space,  
and Technology

CC: Chairman Brian Babin  
Committee on Science, Space, and Technology

Chairman Randy Weber  
Subcommittee on Energy