

**Congress of the United States**  
**Washington, DC 20515**

January 31, 2025

Ingrid C. Kolb  
Acting Secretary  
U.S. Department of Energy  
1000 Independence Ave., SW  
Washington, DC 20585

Acting Secretary Kolb:

We write expressing deep concerns regarding the Department of Energy's (DOE) recent unlawful actions to halt programs that are imperative to the Department's mission of ensuring America's security and prosperity by addressing the nation's energy, environmental, and nuclear challenges through transformative science and technology solutions. The Department's actions to halt these programs will immediately contribute to rising energy costs for families and businesses, and they are a dereliction of the Department's responsibility to carry out duly enacted spending laws.

President Trump's January 20, 2025, Executive Order 14154 seems to direct all agencies to immediately pause the disbursement of any funds appropriated through the Inflation Reduction Act (IRA) or the bipartisan Infrastructure Investment and Jobs Act (IIJA). The President's Executive Order has abruptly frozen funding for an extremely broad array of investments in American communities, causing widespread chaos and confusion for American businesses and communities and threatening to raise energy costs for American families. The Trump administration's memo freezing vast swaths of federal funds, its failed attempt to clarify the scope of the memo, and its subsequent rescission of the memo have created mass chaos and added to the confusion about what investments are currently being blocked. Today, our understanding is that much of the Departmental funding is still frozen. Moreover, the attached Department of Energy's Secretarial Order on January 20, 2025, and the attached follow-up January 27, 2025, memorandum, paused all personnel actions; procurement announcements and actions; funding actions; release of reports, studies, congressional correspondence, and public announcements; Federal Register notices; and actions under the National Environmental Policy Act. Together, these actions halt a vast array of the Department's essential programs—programs American families and businesses are counting on.

These actions will devastate programs that reduce energy consumption and increase affordability. Your administration will be raising energy costs for families and businesses and threatening to kill thousands of jobs. Continuing to freeze these investments—or permanently blocking them—will unravel critical progress the Department has made and cost American households and

businesses dearly. Since 1980, energy efficiency technologies and improvements—made possible by programs like those currently halted by this administration—have saved Americans approximately \$800 billion in energy costs.

Stopping these programs is taking money from the pockets of Americans. For example, the Home Energy Rebates programs, funded by the IRA, has been putting money directly back in the hands of American households. The rebates help consumers save money on select home improvement projects that can lower energy bills by providing up to \$14,000 per household in rebates. It is estimated that these programs will save households up to \$1 billion per year on energy bills and support over 50,000 U.S. jobs. The President’s attempt to freeze the Home Energy Rebates Program means these costs will fall back on American consumers.

In addition to raising energy costs for American families, the President’s Executive Order is illegal. The President may not unilaterally decide to ignore the laws passed by Congress and stop funding for programs just because he disagrees with their goals. The Government Accountability Office, the Department of Justice Office of Legal Counsel (including in an opinion written by future Chief Justice of the Supreme Court William H. Rehnquist), and the Supreme Court of the United States have all disavowed the notion of some “inherent Presidential power to impound,” as some in the Administration, as well as pending Administration nominees, have tried to argue without legal or textual basis.

Not only does the Constitution vest the power of the purse with Congress and provide no power to the President to impound funds, but there have been several bedrock fiscal statutes enacted to protect Congress’ constitutional power of the purse and prevent unlawful executive overreach, including the Antideficiency Act and the Impoundment Control Act of 1974 (ICA). The ICA prohibits any action or inaction that precludes Federal funds from being obligated or spent, either temporarily or permanently, without following the strictly circumscribed requirements of that law.

Given the importance of these programs, the unlawful actions ordered by this Administration, and the dubious actions that have been undertaken by the Department, we request additional information about the Department’s implementation of Executive Order 14154, the referenced Secretarial Order, and other related actions.

Regarding Executive Order 14154, please provide answers to the following questions:

- The Executive Order discusses limitations on “disbursements.” Does this include only payments or is it broader to include obligations and other financial transactions at the Department?
- Please provide a list of obligations already incurred by DOE for which the Executive Order now prohibits liquidating legal liabilities already incurred by the Federal government.
- Does the pause on the disbursement of funds appropriated through IJJA and IRA impact formula and/or discretionary grant programs, i.e. only one or both?

- Does the aforementioned pause impact advance appropriations provided through IJJA?
- What fiscal years from IJJA does the aforementioned pause impact?
- Will DOE notify recipients, those with obligated and awarded funding, impacted by the pause? If so, how will DOE notify impacted recipients?
- Will DOE reimburse non-Federal recipients for invoices submitted for work already performed that predates the Executive Order? What about for ongoing or halted work that has not yet been invoiced? If reimbursements will not be provided in either case, please provide the legal justification for failing to meet the obligations of contracts with non-Federal recipients.
- Does the pause impact payroll disbursements for employees paid through IJJA and IRA?
- Please provide a full list of DOE programs from IJJA and IRA that are impacted by section 7 of the Executive Order, including the requirement for programs to be consistent with section 2 of the Executive Order.
- Please provide the minimum amount of time the aforementioned pause could last.

Regarding the Secretarial Order dated January 20, 2025, please provide answers to the following questions:

- Is ongoing work for operations at the National Labs, facilities, and other DOE sites permitted at this time or are these facilities under review as well? If so, how long will this review last? Will these labs, facilities, and sites be notified of the scope of the review?
- Please provide a list of obligations already incurred by DOE for which the Secretarial Order now prohibits liquidating legal liabilities already incurred by the Federal government.
- Will DOE reimburse non-Federal recipients for invoices submitted for work already performed that predates the Secretarial Order? What about for ongoing or halted work that has not yet been invoiced? If reimbursements will not be provided in either case, please provide the legal justification for failing to meet the obligations of contracts with non-Federal recipients.
- What is the status and scope of the reviews of studies, reports, and announcements?
- What is the guidance on processing internal and external reprogramming actions?
- What is the status of reviewing routine reauthorizations of existing contracts and cooperative agreements?

Additionally, please provide answers to the following questions:

- Have any federal employees been terminated since January 20, 2025? If so, how many and in which organizations?
- Have any federal employees been furloughed since January 20, 2025? If so, how many and in which organizations?
- Have any federal employees been put on administrative leave since January 20, 2025? If so, how many and in which organizations?

- Have any federal employees received notices of future required administrative leave, furloughs, or reductions in force since January 20, 2025? If so, how many and in which organizations?

We ask for your response to our questions no later than February 7, 2025.

Finally, we want to remind you of your oversight obligations under appropriations law. Members of Congress of both parties have worked together to craft provisions instituting common-sense transparency and accountability measures. All executive branch agencies must proactively alert the Appropriations and other appropriate House and Senate Committees when apportionments are not made in required time periods, are approved only with conditions, or may hinder the prudent obligation of apportionments or the execution of a program, project, or activity. Agencies are also required to report all violations of the ICA to Congress. Finally, agencies may not prohibit or prevent any federal employee from having direct communication with any Member, committee, or subcommittee of Congress. All federal employees must be free to communicate directly with Congress, whether Congress has requested that communication or not.

We hope you will work with us—not against us—to lower energy costs and help create good-paying jobs, but we demand that you follow the law as intended.

Sincerely,



Marcy Kaptur  
Ranking Member, Subcommittee on Energy  
and Water Development  
House Committee on Appropriations



Patty Murray  
Ranking Member, Subcommittee on Energy  
and Water Development  
Senate Committee on Appropriations

cc: Christopher Johns, Deputy Chief Financial Officer



## The Secretary of Energy

Washington, DC 20585

January 20, 2025

MEMORANDUM FOR HEADS OF DEPARTMENTAL ELEMENTS

FROM: INGRID C. KOLB  
ACTING SECRETARY

A handwritten signature in blue ink that reads "Ingrid C. Kolb".

SUBJECT: Agency-wide Review of Program and Administrative Activities

As we navigate through this transition period for a new Administration within the Department of Energy (DOE), it is imperative to ensure a deliberate approach to the Administration's programmatic and administrative policies and priorities. To that end, effective immediately and until further notice, prior to any actions or decisions on all herein described activities, a review under varying criteria will be undertaken to ensure all such actions are consistent with current Administration policies and priorities, including budgetary priorities.<sup>1</sup> The broad spectrum of actions include but are not limited to: personnel actions; awarding of grants, loans, funding opportunities, and cost sharing agreements; contracting, procurement announcements, and actions; rulings, decisions or other actions on any applications, enforcement action, or settlements of any contested matter; submissions to the Federal Register for publication; and the publication or announcement of reports, studies, congressional correspondence, and public statements. This includes all studies or reports that are either ongoing, set to be released, are already under review, or have not yet begun.

The reviews are necessary to facilitate a comprehensive review of the Department's ongoing activities and to align these efforts with Congressional authorizations and the Administration's priorities, to ensure that resources are allocated efficiently, and that the Department's initiatives are in line with the statutory mission of DOE and the priorities of the Administration.

As discussed below, a process will be in place for the submission of requests for action by the Secretary (acting) to ensure the important work of the Department continues to serve the American people.

Scope of Actions:

1. **Personnel Actions:** All personnel actions, including appointments, promotions, and transfers, are to be halted. This includes both internal staff movements and external hiring processes, unless expressly and unambiguously authorized with the prior approval of the acting Secretary, after the date of issuance of this order.

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<sup>1</sup> With respect to NNSA, nothing herein is intended to contradict 50 USC Ch. 41 but to be construed broadly consistent with the Secretary's authority thereunder, include §2402(d).

2. **Procurement Announcements and Actions:** Any announcements or awards regarding procurement opportunities and contracts are to be put on hold, other than for routine building operations and supplies for contracts with a value of less than \$100,000. This includes, but is not limited to, requests for proposals (RFPs), requests for quotations (RFQs), and contract negotiations. Such approvals will be made in writing by the Secretary (acting) or the Head of Departmental Element with the prior approval of the Secretary (acting).
3. **Funding Actions:** All funding and financial assistance activities including loans, loan guarantees, grants, cost sharing agreements, funding opportunity announcements, and contracts shall not be announced, approved, finalized, modified, or provided until a review of such takes place to ensure compliance with Congressional authorization and Administration policy. Such approvals will be made in writing by the Secretary (acting) or the program head with the prior approval of the Secretary (acting).
4. **Release of Reports, Studies, Congressional Correspondence, and Public Announcements:** Submission of actions to the Secretary (acting) for approval shall be completed through relevant program heads prior to continuation of development and dissemination of any reports, studies, requests for information (RFIs) or congressional correspondence, including both finalized documents and those in draft form; conducting and scheduling public meetings related to any studies or reports. Relative to studies and reports being conducted by the National Laboratories, approvals must be obtained by the Head of Departmental Element with concurrence by the Administration designee within the Departmental Element. If reports or studies are subject to statutory or other requirements, a request for waiver from the reviews may be made to the Secretary (acting), who may grant the waiver. Submission of actions to the Secretary (acting) for approval shall be completed before publishing any Department social media posts, press releases, or other public announcements including website changes, even if previously scheduled and approved.
5. **Federal Register Notices:** Nothing should be sent to the Federal Register (FR) for publication without written approval of the Secretary (acting) or designee. The Office of the General Counsel is directed to: (i) immediately withdraw all items that have been submitted to the FR but have not yet been published, and (ii) provide the Secretary (acting) by noon on January 23 a list of all items that have been published but have not yet reached the date by which any such item is considered final (including the date such item becomes final).
6. **Actions under the National Environmental Policy Act (NEPA):** NEPA work may continue. However, the Secretary (acting) shall be informed of all NEPA work by January 24, 2025; or if new action is taken, at least 10 days before initiated. The scope of the NEPA reviews shall be reviewed by the Principal Deputy General Counsel or other person as designated by the Secretary (acting). Final Environmental Assessments and Environmental Impact Statements shall be

reviewed and approved by the Principal Deputy General Counsel or other person as designated by the Secretary (acting).

The reviews shall be conducted by all DOE offices, field offices, National Laboratories, and NNSA. There are no exemptions other than for routine building operations and supplies for contracts with a value of less than \$100,000 without prior approval by the Secretary (acting).

#### **Rescinding of Signature Authority.**

To ensure compliance with this Directive, all signature authority for any of the actions provided herein are rescinded. Any actions requiring signature authority should not proceed until explicit authorization is provided in writing by the Secretary (acting) or designee.

The heads or administrators of each of the program, administrative, and support offices, National Laboratory Directors, field offices, and NNSA shall immediately disseminate this memorandum within their respective organizations and ensure full compliance with the directives as applicable.

Further guidance regarding the full resumption of activities, results of the review process, additional changes in DOE priorities, interagency collaboration, and legal compliance guidance will be forthcoming. Your cooperation and understanding are greatly appreciated as we work to enhance the effectiveness and efficiency of the Department.



## Department of Energy

Golden Field Office  
15013 Denver West Parkway  
Golden CO 80401

January 27, 2025

### MEMORANDUM FOR ALL DOE FUNDING AGREEMENTS OR AWARDS

FROM: SARA WILSON  
ACQUISITION DIRECTOR  
ACTING HEAD OF CONTRACTING ACTIVITY  
ENERGY EFFICIENCY & RENEWABLE ENERGY

SUBJECT: Cease all activities associated with DEI and CBP

The President has issued 43 Executive Orders, Presidential Memoranda, and Proclamations, including an Executive Order entitled *Ending Radical and Wasteful Government DEI Programs and Preferencing*. DOE is moving aggressively to implement this Executive Order by directing the suspension of the following activities in any loans, loan guarantees, grants, cost sharing agreements, contracts, contract awards, or any other source of DOE funding:

- diversity, equity, and inclusion (DEI) programs and activities involving or relating to DEI objectives and principles; and
- Community Benefits Plans (CBP); and
- Justice40 requirements, conditions, or principles.

Recipients and subrecipients must cease any activities, including contracted activities, and stop incurring costs associated with DEI and CBP activities effective as of the date of this letter for all DOE grants, cooperative agreements, loans, loan guarantees, cost sharing agreements, or other DOE funding of any kind. Recipients are responsible for communicating and enforcing this direction with all subrecipients and contractors. Costs incurred after the date of this letter will not be reimbursed. This letter will be incorporated into your award with the next modification.

Additional guidance will be forthcoming. Recipients who have DEI and CBP activities in their awards will be contacted by their Grants Officer to initiate award modifications consistent with this Order.