

United States Senate

WASHINGTON, DC 20510

February 5, 2025

Christopher A. Wright
Secretary, Department of Energy
1000 Independence Ave., SW
Washington, DC 20585

Dear Secretary Wright:

During your confirmation hearing two weeks ago, we asked you whether, if the White House tried to tell you to terminate a program authorized by Congress, you would follow the law. You answered, under oath, that you would “follow the laws and statutes.” Senator Hirono asked you a similar question about paying prevailing wages as required by the Infrastructure Law. You again said you “will follow the laws and statutes.” Senator Padilla asked you a third question about suppressing research. Again, you replied that you would “follow the laws and statutes of our country.”

Only five days later these hypothetical questions became real when President Trump issued an executive order directing each department head to “terminate, to the maximum extent allowed by law, all DEI, DEIA, and ‘environmental justice’ offices and positions; all ‘equity action plans,’ ‘equity’ actions, initiatives, or programs, ‘equity-related’ grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees.”

As Secretary of Energy, you will oversee the Office of Energy Justice and Equity, formerly known as the Office of Economic Impact and Diversity, and originally enacted as the Office of Minority Economic Impact. By whatever name, the office was established, not by executive or secretarial order, but by section 211 of the Department of Energy Organization Act.

Section 211 gives the Office “the duty and responsibility to advise the Secretary on the effect of energy policies, regulations, and other actions of the Department and its components on minorities and minority business enterprises and on ways to ensure that minorities are afforded an opportunity to participate fully in the energy programs of the Department.” The Act directs the Office to conduct research on the effects of national energy programs, policies and regulations on minorities, to provide management and technical assistance to minority

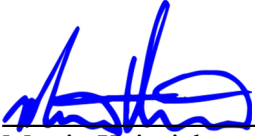
educational institutions and minority business enterprises to enable them to participate in the activities of the Department, and to provide loans to minority business enterprises.

To be sure, section 643 of the Organization Act gives the Secretary of Energy a certain measure of authority “to establish, alter, consolidate or discontinue such organizational units or components with the Department as he may deem to be necessary or appropriate.” But that authority is limited. It does “not extend to the abolition of organizational units or components,” like the Office of Minority Economic Impact, that were established by the Department of Energy Organization Act.

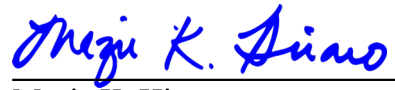
You repeatedly assured the Committee on Energy and Natural Resources that you “will follow the law.” The law in this case is clear. Congress has expressly established an office within the Department of Energy to ensure “that minorities are afforded an opportunity to participate fully in the energy programs of the Department.” The law is equally clear that the Secretary’s authority to “discontinue” organizational units within the Department does “not extend to the abolition of organizational units,” like the renamed Office of Energy Justice and Equity, that were established by the Department of Energy Organization Act. We believe that even the President’s executive order is clear in directing department heads to terminate environmental justice offices only to the “extent allowed by law.” In this case, the law does not allow the Secretary of Energy to terminate the Office of Energy Justice and Equity. Only Congress has that power.

Can you reassure us that you stand by your sworn testimony, that you “will follow the law,” and that you will not terminate the Office of Energy Justice and Equity? If the answer is “yes”, when will you reinstate the employees that have been placed on administrative leave? If these employees are not reinstated, how will the Department fulfill the mission of the Office of Minority Economic Impact?

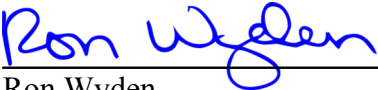
Sincerely,



Martin Heinrich
Ranking Member
Committee on Energy &
Natural Resources



Mazie K. Hirono
United States Senator



Ron Wyden
United States Senator



Alex Padilla
United States Senator