

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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<https://oversight.house.gov>

October 23, 2024

The Honorable Jennifer Granholm  
Secretary  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, D.C. 20585

Dear Secretary Granholm:

The Committee on Oversight and Accountability is continuing its investigation into the U.S. Department of Energy's (DOE) actions this year to pause—and effectively ban—new permits for the export of Liquefied Natural Gas (LNG) to non-Free Trade Agreement countries. On March 18, 2024, the Committee requested information from DOE regarding this de facto ban and participated in a staff-level briefing with DOE on April 4, 2024, to understand the reasoning behind such an unprecedented action.<sup>1</sup> Despite these requests, recently surfaced information not previously disclosed to the Committee casts significant doubt on whether DOE provided full transparency into the actions leading up to this ban. As such, the Committee demands further information.

In imposing its LNG ban, the Biden-Harris Administration cited a need for an updated study of the potential environmental, economic, energy security, national security, and other impacts of additional LNG exports.<sup>2</sup> The Committee has learned, however, that a draft study may, in fact, have *already* been compiled in 2023 and that DOE failed to provide this relevant information responsive to both the Committee's requests and interested parties seeking disclosure of information under the Freedom of Information Act (FOIA).<sup>3</sup> According to reports, DOE conceded on September 14, 2024, that 97 documents amounting to thousands of pages exist that may be responsive to a targeted FOIA request for "any LNG export study transmitted by the National Energy Technology Lab (NETL) to the DOE's Office of Fossil Energy and Carbon

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<sup>1</sup> See Letter from James Comer, Chairman, H. Comm. on Oversight and Accountability, *et al.*, to Jennifer Granholm, Sec'y, Dep't of Energy (Mar. 18, 2024), available at <https://oversight.house.gov/wp-content/uploads/2024/03/DOE-LNG-Exports.pdf>.

<sup>2</sup> *Statement from President Joe Biden on Decision to Pause Pending Approvals of Liquefied Natural Gas Exports*, The White House (Jan. 26, 2024); *Fact Sheet: Biden-Harris Administration Announces Temporary Pause on Pending Approvals of Liquefied Natural Gas Exports*, The White House (Jan. 26, 2024); Office of Fossil Energy and Carbon Management, *The Temporary Pause on Review of Pending Applications to Export Liquefied Natural Gas*, Dept. of Energy (2024), available at <https://www.energy.gov/sites/default/files/2024-02/The%20Temporary%20Pause%20on%20Review%20of%20Pending%20Applications%20to%20Export%20Liquefied%20Natural%20Gas.pdf>.

<sup>3</sup> Gov't Accountability and Oversight, *Yes, Louisiana, there is a Scandal- "Pause,"* (Sept. 23, 2024), available at <https://govoversight.org/yes-louisiana-there-is-a-scandal-pause/>.

Management between Jan. 1, 2023 and Oct. 31, 2023.”<sup>4</sup> As stated by a key stakeholder, ongoing FOIA litigation “forced a stonewalling DOE to at long last admit that, yes, there is a 2023 study meeting that description, it was sent to the senior political appointees in the Biden-Harris DOE, and has disappeared into the ether.”<sup>5</sup> This is deeply concerning, as it reflects DOE’s utter disregard for necessary public transparency and raises questions about whether DOE was fully forthcoming to this Committee in response to the Committee’s March 18, 2024, request for information. Transparency on this issue is essential. DOE’s action has thrown vital U.S. businesses—companies that invest billions in capital in long-term projects, support tens of thousands of U.S. jobs, and bolster the energy security of our allies—into turmoil as they grapple with uncertainty from politically-motivated federal actions.

DOE has had numerous opportunities to provide thorough and complete transparency to the Committee and the American public on this issue. As mentioned above, on April 4, 2024, DOE provided a staff-level briefing to the Committee regarding the timing, reasoning, and basis for the export ban. The Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs later held a hearing, on April 18, 2024, with Brad Crabtree, Assistant Secretary for DOE’s Office of Fossil Energy and Carbon Management.<sup>6</sup> During this hearing, Assistant Secretary Crabtree’s testimony referenced past studies from both 2014 and 2018,<sup>7</sup> but he never alluded to any such documents, information, or draft study from 2023—which we now know likely exist.<sup>8</sup> Later, on May 23, 2024, you yourself appeared before the full Committee and stated, “[the updated study] will be complete in the first quarter of next year,”<sup>9</sup> but, again, never alluded to any draft studies or information from 2023 held by DOE prior to its issuance of the export ban.

Further, the Committee is aware that on October 18, 2024, DOE provided a response to the aforementioned FOIA request, stating that “DOE did not find a final LNG export study in its search”<sup>10</sup> for responsive documents. The Committee finds this disingenuous. The FOIA request to which DOE responded was not limited to a “final” study but clearly encompassed any draft

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<sup>4</sup> Nick Pope, *Biden-Harris Admin Accused Of Deceiving America On Its Way To Freezing Gas Exports*, THE DAILY CALLER, (Oct. 2, 2024), available at <https://dailycaller.com/2024/10/02/biden-harris-administration-doe-accused-deceiving-america-freezing-gas-exports/>.

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

<sup>6</sup> *Oversight of the Biden Administration’s Pause on Liquefied Natural Gas Exports: Hearing Before the H. Comm. on Oversight and Accountability, Subcomm. on Economic Growth, Energy Policy, and Regulatory Affairs*, 118<sup>th</sup> Cong. (Apr. 18, 2024).

<sup>7</sup> *Oversight of the Biden Administration’s Pause on Liquefied Natural Gas Exports: Hearing Before the H. Comm. on Oversight and Accountability, Subcomm. on Economic Growth, Energy Policy, and Regulatory Affairs*, 118<sup>th</sup> Cong. (Apr. 18, 2024) (written testimony of Brad Crabtree, Assistant Secretary, U.S. Dep’t of Energy Office of Fossil Energy and Carbon Management).

<sup>8</sup> Joint Status Report, *Government Accountability & Oversight v. United States Department of Energy*, No. 24-1829 at 3 (D.D.C filed Sept. 13, 2024) available at <https://govoversight.org/wp-content/uploads/2024/09/9.13.24-JSR.pdf>.

<sup>9</sup> *Oversight of the U.S. Department of Energy: Hearing Before the H. Comm. on Oversight and Accountability*, 118<sup>th</sup> Cong. (May 23, 2024) (statement by The Hon. Jennifer Granholm, Secretary, U.S. Dep’t of Energy).

<sup>10</sup> See Letter from Richard Hayes, FOIA Officer, Office of Public Information, to Joe Thomas, Gov’t Accountability and Oversight (Oct. 18, 2024), available at <https://govoversight.org/wp-content/uploads/2024/10/HQ-2024-02097-F-Final-Response-Letter-Rgh-sig.pdf>.

study.<sup>11</sup> DOE's October 18<sup>th</sup> response, moreover, contradicted its September 14<sup>th</sup> acknowledgement that responsive documents existed.<sup>12</sup> The clear implication is that one or more draft studies do exist, and DOE is attempting to cover that up. The Committee demands that DOE finally provide complete and accurate information related to the Committee's investigation and all relevant studies or drafts thereof that may have been conducted or prepared prior to DOE's January 26, 2024, imposition of the Biden-Harris LNG export ban. Further, we ask that DOE preserve all documents and information responsive to the Committee's requests below and the Committee's requests in its March 18, 2024 letter to DOE.

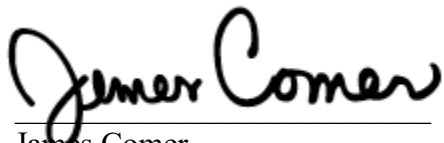
To assist the Committee's oversight of the Biden-Harris Administration's decision to ban new permitting of LNG exports to non-Free Trade Agreement countries, please provide the following documents and information, covering the time period of January 20, 2021 to present, no later than November 6, 2024:

1. All documents and communications between the National Energy Technology Lab and any other DOE component referring or relating to economic, environmental, energy security, national security, or other analysis associated with LNG exports, or the LNG exports pause referenced above, including all drafts.
2. All documents or communications between the National Energy Technology Lab, or any DOE official or component, and the White House referring to or relating to economic, environmental, energy security, national security, or other analysis associated with LNG exports, or the LNG export pause referenced above.

To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Accountability Majority Staff at (202) 225-5074. Attached are instructions for responding to the Committee's request.

The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer  
Chairman  
Committee on Oversight and Accountability



Pat Fallon  
Chairman  
Subcommittee on Economic Growth,  
Energy Policy, and Regulatory Affairs

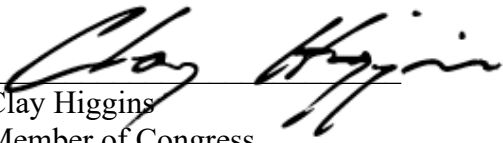
<sup>11</sup> *Id.*; see also supra at n.4.

<sup>12</sup> *Supra.* at n.3.

Secretary Jennifer Granholm

October 23, 2024

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Clay Higgins  
Member of Congress

cc: The Honorable Jamie B. Raskin, Ranking Member  
Committee on Oversight and Accountability

The Honorable Cori Bush, Ranking Member  
Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs