United States House of Representatives Committee on Energy and Commerce
Subcommittee on Energy
September 16, 2025 Hearing Entitled: ***Appliance and Building Policies: Restoring the American Dream of Home Ownership and Consumer Choice***
Questions for Mr. Jeff Novak, Acting General Counsel and Principal Deputy General Counsel

QUESTIONS FROM REPRESENTATIVE ROBERT LATTA

Q1. Billions of taxpayer funds have been obligated and expended on weatherization over the past four years, including $3.5 billion in the Infrastructure Investment and Jobs Act (IIJA). DOE has not done a full assessment of the broader weatherization program since 2014.

a. What are DOE's plans to conduct a full assessment of the broader weatherization program?

A1A. The Department of Energy's (DOE) Office of State and Community Energy Programs (SCEP) has begun implementing approved evaluation plans for the Weatherization Assistance Program. These comprehensive evaluations, which will be developed in collaboration with the National Laboratory of the Rockies and Oak Ridge National Laboratory, intend to assess the effectiveness of the Weatherization Assistance, Weatherization Readiness, and Enhancement and Innovation programs. The evaluations will consider a broad spectrum of stakeholders, including states, territories, tribes, local agencies, contractors, and Weatherization Training Centers, as well as diverse customer groups such as single-family, multi-family, and manufactured housing across various climate zones.

Key research topics will include the following: income qualification, workforce development, energy savings, quality of installations, and non-energy benefits; incorporating both process and impact evaluations to quantify benefits and identify improvements. Additional evaluation topics will be included as determined necessary.

SCEP anticipates a preliminary report to be delivered to Congress by the end of Fiscal Year (FY) 2026 that will examine readily available data (e.g., estimated energy savings, specific measure estimated Savings to Investment Ratios, breakdowns across multiple dwelling types, types of repairs to address deferrals, outcomes of workforce development awards).

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QUESTIONS FROM REPRESENTATIVE LAUREL LEE

Q1. One of the bills we discussed is Mr. Goldman's H.R. 4758, the Homeowner Energy Freedom Act, which would repeal several provisions from the Inflation Reduction Act, including Section 50131, which incentivizes states to adopt the latest or zero-energy building codes.

a. Can you tell us how the "one-size-fits-all" approach to building codes that Section 50131 takes would impact housing costs?
b. According to data from the DOE, the most recent International Energy Conservation Code (IECC) was developed in 2024 and has been adopted by only one state. Meanwhile, the next most recent code was developed in 2021 and has only been adopted by 15 states. What does the low number of states that have adopted the IECC 2024 or 2021 tell us about the role of regional or state differences in decisions to implement a code?
c. When it comes to consumer choice and affordability in the housing market, what are some of the Administration's priorities at DOE**?**

A1A. Section 50131 incentivizes jurisdictions to adopt building codes that meet or exceed specified energy savings requirements (e.g. the 2021 International Energy Conservation Code, or IECC for residential construction). Compared to its immediate predecessor, the 2018 IECC, incremental construction cost per home for the 2021 IECC is \$2,372, for a single-family home and \$1,316, for an apartment unit, on a national weighted average basis. Upfront cost estimates do not account for utility bill savings resulting from increased energy efficiency.

Q1B. According to data from the DOE, the most recent International Energy Conservation Code (IECC) was developed in 2024 and has been adopted by only one state. Meanwhile, the next most recent code was developed in 2021 and has only been adopted by 15 states. What does the low number of states that have adopted the IECC 2024 or 2021 tell us about the role of regional or state differences in decisions to implement a code?

A1B. The Energy Conservation and Production Act (ECPA), as amended, directs States to certify that they have reviewed their residential building codes with regard to energy efficiency, and determine whether it is appropriate to revise their codes to meet or exceed the updated edition of the IECC. States are directed, under ECPA, to provide DOE related state certifications. 42 U.S.C. § 6833 According to DOE data, as of September 30, 2025, 11 states have enacted a code that meets or exceeds the 2021 IECC.

Q1C. When it comes to consumer choice and affordability in the housing market, what are some of the Administration's priorities at DOE?

A1C. DOE is focused on deregulatory actions to repeal inefficient standards and meet statutory requirements, unlocking cost savings for American consumers through the rollback of unnecessary requirements for a wide range of commercially available products. DOE continues to collaborate with industry and welcomes input from Congress on how to further these objectives.

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QUESTIONS FROM REPRESENTATIVE ERIN HOUCHIN

Q1. Thank you for recently testifying before the House Energy and Commerce Subcommittee on Energy on legislation including my bill, H.R. 5184, the Affordable HOMES Act. The bill would affirm that the Department of Housing and Urban Development (HUD) has regulatory authority over manufactured housing construction standards by rescinding a provision of the Energy Independence and Security Act (EISA) of 2007 that directly contradicts the Manufactured Housing Construction Safety Standards Act of 1974. Will you commit to working with my office, Congress, and HUD on H.R. 5184 to re-establish HUD as the sole regulator of manufactured housing construction standards?

A1. Section 413 of EISA 2007 directs DOE to establish energy conservation standards for manufactured housing. DOE issued such standards via a final rule published in May of 2022 (87 FR 32728). However, DOE extended the compliance date until 60 days after publication of final enforcement procedures for Tier 1 standards and until 180 days after publication on final enforcement procedures for Tier 2 standards (88 FR 34411; 90 FR 28873). DOE then issued a request for information on September 3, 2025, (90 FR 42544), soliciting public input regarding its energy conservation standards for manufactured housing. The public input received is intended to help DOE refine certain aspects of its standards, support technical analysis, and may serve as the basis for restructuring DOE's approach. The September request for information will close on December 2, 2025.

DOE is committed to working with industry and the Federal Government to ensure DOE is unlocking cost-savings to American consumers through the rollback of unnecessary or uncalibrated requirements.

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QUESTIONS FROM REPRESENTATIVE FRANK PALLONE, JR

Q1. The Energy Reorganization Act of 1974 explicitly separated the functions of the Nuclear Regulatory Commission (NRC) and what is now the Department of Energy (DOE). However, DOE has recently started to erode that firewall by detailing DOE staff to the NRC and retaining supervisory authority over some of those staff. Additionally, on July 29, David Taggart was listed as DOE's "Deputy General Counsel for Litigation" on the Department's website. On that day he was also listed as "Chief Counsel" on the Nuclear Regulatory Commission's website, raising concerns that Mr. Taggart was serving in a dual-hatted role contrary to the intent of the law.

a. How many DOE staff are currently on detail to the NRC?
b. Who are their supervisors?
c. What date did Mr. Taggart cease to be a DOE employee?
d. After Mr. Taggart ceased to be a DOE employee, did anyone from DOE continue to act as his supervisor or assign him work?
e. Did Mr. Taggart ever simultaneously perform work for the NRC and DOE?
f. Has your office produced any legal memos or opinions since January 20, 2025 on the separation requirements imposed by the Energy Reorganization Act of 1974 between DOE and NRC?

A1A. DOE's Office of the Chief Human Capital Officer has confirmed that only one DOE employee is currently detailed to the NRC: Mr. Seth Cohen (detailed through July 4, 2026).

Q1B. Who are their supervisors?

A1B. Jeff Novak is Mr. Cohen's DOE supervisor; Matt Pociask, the NRC's General Counsel, supervises Mr. Cohen's work on behalf of the NRC.

Q1C. What date did Mr. Taggart cease to be a DOE employee?

A1C. Mr. Taggart was reassigned to the NRC on July 15, 2025. His last day at DOE was July 14, 2025.

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Q1D. After Mr. Taggart ceased to be a DOE employee, did anyone from DOE continue to act as his supervisor or assign him work?

A1D. Jeff Novak supervised Mr. Taggart between May 27, 2025, and July 14, 2025, while he was employed at DOE. Mr. Taggart did not perform any work on behalf of DOE or otherwise serve under DOE's supervision or management after he joined the NRC.

Q1E. Did Mr. Taggart ever simultaneously perform work for the NRC and DOE?

A1E. No.

Q1F. Has your office produced any legal memos or opinions since January 20, 2025, on the separation requirements imposed by the Energy Reorganization Act of 1974 between DOE and NRC?

A1F. No.

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QUESTIONS FROM REPRESENTATIVE JENNIFER MCCLELLAN

Q1A. With respect to the Weatherization Assistance Program:

a. How many DOE staff were responsible for administering the program prior to January 20, 2025?

A1A. 35.

Q1B. With respect to the Weatherization Assistance Program:

b. How many DOE staff are currently responsible for administering the program?

A1B. 12.

Q1. With respect to the Weatherization Assistance Program:

c. What is DOE's policy on allowing staff to travel to conduct outreach and oversight for the program?

A1C. Mission critical travel is allowable.

Q1D. With respect to the Weatherization Assistance Program:

d. If staff are unable to travel, how do they conduct outreach and oversight?

A1D. In addition to mission critical travel for grant oversight, Federal Project Officers assigned to grants complete regularly scheduled check-ins, virtual program monitoring, review of Grantee submitted quarterly/semiannual performance reporting, review of invoicing (if a Grantee is on invoicing reimbursement), and review of Grantee submitted annual reporting.

Q2A. With respect to FY25 appropriations:

a. Did DOE shift funding appropriated by Congress between programs within the Energy Efficiency and Renewable Energy (EERE) account?

A2A. DOE established two power purchase agreements (PPAs) for the EERE account based on the appropriated funds' respective period of availability: EERE Programs (no-year funding) and EERE Program Direction (two-year funding). DOE did not shift funding appropriated by Congress between these PPAs.

Q2B. With respect to FY25 appropriations:

b. Did DOE reallocate funding away from the Building Technologies Office against Congress's direction?

A2B. DOE established two PPAs for the EERE account based on the appropriated funds' respective period of availability: EERE Programs (no-year funding) and EERE Program Direction (two-year funding). DOE did not shift funding appropriated by Congress between these PPAs.

Q2C. With respect to FY25 appropriations:

c. How much of the funding that Congress appropriated for the Building Technologies Office did the office actually receive?

A2C. The final distribution of funding below the established FY 2025 PPA level is available publicly on DOE's website.[1]

Q2D. With respect to FY25 appropriations:

d. Did any of the remaining funding get allocated to other DOE offices? If so, which offices?

A2D. The final distribution of funding below the established FY 2025 PPA level is available publicly on DOE's website.[2]

Q3. With respect to the Clean Cities and Communities program:

a. Virginia's Clean Cities Coalition is still awaiting notification about their contract for a project period that started on April 1, 2025. Please provide a specific date when DOE will notify Clean Cities Coalitions about their contract status for the project period that began over 5 months ago.

A3A. The Department continues to evaluate its complete portfolio of awards to ensure appropriate resources are allocated efficiently and that the Department's initiatives are in line with the statutory mission of DOE and the policies and priorities of the Administration. The Department of Energy is processing and evaluating all selections

[1] DOE FY 2026 Budget Request Appropriation Detail
[2] DOE FY 2026 Budget Request Appropriation Detail

and awards in accordance with all laws, regulations, and fiscal responsibilities, as efficiently as possible.

Q3. With respect to the Clean Cities and Communities program:

b. Has anyone at DOE ever been instructed to withhold information about the status of grants and contracts, or to provide only vague or generic replies to recipients?

A3B. DOE has not instructed its staff to withhold information about the status of grants and contracts.

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QUESTIONS FROM REPRESENTATIVE PAUL TONKO

Q1. Please provide a timeline of when states should expect to have their plans approved by the Department of Energy (DOE) to allow them to access or spend funding allocated through the State Energy Program, Weatherization Assistance Program, and Weatherization Readiness Fund.

A1. As of September 30, 2025, all 56 Grantees had received their FY 2025 award. For the Weatherization Assistance Program, five of the 56 Grantee awards were conditioned (District of Columbia, Kansas, Mississippi, Puerto Rico, and Texas). For the State Energy Program, nine of the 56 Grantee awards were conditioned (Colorado, Georgia, Kentucky, Massachusetts, Michigan, New Jersey, New York, North Carolina, Wyoming). Several of those Grantees have or will be imminently submitting required documentation to remove those conditions providing them with full access to their funding.

Q2. Please clarify your written testimony for H.R. 1355, which states that this legislation "mandates a new government program."

a. Has the Department administered the Weatherization Readiness Fund for the past several years?
b. Has the Department previously published guidance with program rules to support the implementation of the Weatherization Readiness Fund?

A2A. The U.S. Department of Energy has administered the Weatherization Readiness Fund since Congress initially appropriated funds under H.R. 2471, the Consolidated Appropriations Act, 2022. In that initial year, the Weatherization Assistance Program received $15 million dollars for the Weatherization Readiness Fund, in each subsequent year since 2022, $30 million has been appropriated by Congress for these Funds.

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Q2B. Has the Department previously published guidance with program rules to support the implementation of the Weatherization Readiness Fund?

A2B. The following guidance has been issued since the initial implementation of these funds:

a. Weatherization Program notice 22-6: Weatherization Assistance Program Weatherization Readiness Fund Guidelines
b. Archived and superseded by Weatherization Program Notice 24-9.[3]
c. Weatherization Program notice 24-9: Weatherization Readiness Fund – Implementation - REVISED.[4]

[3] Weatherization Program Notice 24-9: Weatherization Readiness Fund - Implementation - REVISED | Department of Energy

[4] Weatherization Program Notice 24-9: Weatherization Readiness Fund - Implementation - Revised

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QUESTIONS FROM REPRESENTATIVE KIM SCHRIER

Q1. The Direct-Feed Low Activity Waste Facility at the Waste Treatment and Immobilization Plant has taken 23 years of work and $24 billion taxpayer investment to reach a consensus-based, agreed-upon approach to finally start disposing of Hanford's nuclear waste. I'm happy to hear that the Department of Energy has signed the final paperwork necessary to begin hot commissioning at the facility by October 15. Once the hot commissioning phase has been completed, what are the Department's plans with regard to full operations?

A1. The Hanford Site has successfully started up its Low-Activity Waste Facility, a key component of the Waste Treatment and Immobilization Plant that has begun to solidify Hanford tank waste in glass for the first time. This achievement enables the Hanford Site to shift focus to safely operating the plant and to progressing solutions for the Hanford tank waste mission in its entirety.

The Waste Treatment Plant is operating as anticipated. As of November 4, 2025, ten containers have been filled with tank waste immobilized in glass and the first containers have been shipped to the Hanford Integrated Disposal Facility.

With start-up of the Waste Treatment and Immobilization Plant's Low Activity Waste facility complete, the focus now shifts to safely operating the Low Activity Waste facility, advancing the direct-feed high-level waste approach, and accelerating the tank waste mission.

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QUESTIONS FROM REPRESENTATIVE LIZZIE FLETCHER

Q1. On May 30, DOE announced the termination of 24 Office of Clean Energy Demonstration awards totaling $3.7 billion. They include several projects near my district and around the Gulf Coast region, including $330 million for Exxon Mobil's clean hydrogen complex in Baytown, $270 million for Calpine's carbon storage project in Baytown, $99 million for Orsted's clean methanol project east of Houston, and $375 million for Eastman Chemical's plastic recycling project in Longview. During Secretary Wright's budget hearing before this committee earlier this year, his testimony mentioned that each project received an individualized review before they were terminated.

a. Which official had the final sign off on these terminations?
b. Why were these specifics grants selected for review?
c. What process has DOE leadership laid out for selecting grants to review?
d. What is DOE's specific justification for terminating each of these grants?
e. What specific evidence has DOE found to suggest that these projects are not financially sound and economically viable, aligned with national and economic security interests, and consistent with Federal law – the standards outlined the Secretary Wright's Secretarial Memorandum titled "Ensuring Responsibility for Financial Assistance"?
f. What specific legal authority is DOE exercising to terminate these grants?

A1A. As part of DOE's Portfolio Review Process (PRP), program offices were tasked with assessing the entirety of their financial assistance portfolios against a number of criteria including whether a project has achieved the milestones set forth in the terms of the award; whether a project remains technically and economically feasible; and whether, pursuant to 2 C.F.R. 200.340(a)(4), a project continues to effectuate program goals and the Department's priorities. Based on these assessments, program offices develop proposals to retain, modify, or terminate financial assistance awards. Program offices then present their proposals to a cross-functional committee for feedback, with program office leadership then making and implementing the final decisions whether to retain, modify or terminate awards.

Program offices have reviewed more than 2,000 awards against these criteria. The May 2025 Office of Clean Energy Demonstration (OCED) termination notices were part of a tranche of 77 awards reviewed by OCED. Under the PRP Charter, OCED's

Director was responsible for making the ultimate decisions whether to terminate awards or to proceed with awards either as written or subject to modifications.

Q1B. Why were these specifics grants selected for review?

A1B. As indicated above, program offices were tasked with reviewing the entirety of their financial assistance portfolios.

Q1C. What process has DOE leadership laid out for selecting grants to review?

A1C. As indicated above, program offices were tasked with reviewing the entirety of their financial assistance portfolios.

Q1D. What is DOE's specific justification for terminating each of these grants?

A1D. All of these awards were terminated, at least in part, because they failed to effectuate program goals or agency priorities at the time the termination decisions were made. Program goals include ensuring that all projects had achieved the milestones set forth in the terms of the award and that the projects remained technically and economically feasible. Department priorities include ensuring affordable, reliable, and secure energy through targeted investment.

The Exxon Bayton Olefins Plant Carbon Reduction award (executed mid-December 2024 after the election) was for an underlying project presented as a decarbonization effort. A review of the project file indicated that the project aimed to replace low-cost natural gas with high-cost hydrogen. The review also indicated that the project only considered the emissions reduction at the facility and did not include the emissions that would be added from the generation required for delivery to the facility. For all of these reasons, the award was terminated because it failed to effectuate program goals or Department priorities at the time the determination decision was made by the program office. I note that Exxon has withdrawn its appeal from the termination and is working with the program office on close-out of the award.

The Calpine demonstration project award was terminated because the recipient failed to meet its early-stage project milestones to complete Front-End Engineering and Design, develop a permitting plan (in a state currently without Class VI primacy), select transporters, or demonstrate economic viability. The award was also terminated because the carbon capture contemplated by the award no longer effectuated program goals or the Department's priorities.

The Orsted e-Methanol award (executed in December 2024) was terminated because the underlying project—a decarbonization effort to produce uneconomical ethanol for marine fuel at a cost between $800 and $1,600 per metric tonne compared to $300 to $450 per tonne for fossil-based methanol while failing to demonstrate any energy savings—failed to demonstrate economic viability and did not effectuate program goals or Department priorities.

The Eastman Chemical award was terminated because the project, which is not a Polyethylene Terephthalate recycling project but rather a decarbonization project that aimed to replace current electricity supply at the facility with stored renewable electricity, failed to effectuate program goals or the Department's priorities.

Q1E. What specific evidence has DOE found to suggest that these projects are not financially sound and economically viable, aligned with national and economic security interests, and consistent with Federal law – the standards outlined the Secretary Wright's Secretarial Memorandum titled "Ensuring Responsibility for Financial Assistance"?

A1E. Please see response to A1(d).

Q1F. What specific legal authority is DOE exercising to terminate these grants?

A1F. OCED relied on the terms of the award agreements as well as 2 CFR § 200.340(a)(4).