

JOE MANCHIN III, West Virginia, *Chairman*
RON WYDEN, Oregon
MARIA CANTWELL, Washington
BERNARD SANDERS, Vermont
MARTIN HEINRICH, New Mexico
MAZIE HIRONO, Hawaii
ANGUS S. KING, JR., Maine
CATHERINE CORTEZ MASTO, Nevada
JOHN W. HICKENLOOPER, Colorado
ALEX PADILLA, California

United States Senate

COMMITTEE ON ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510-6150

JOHN BARRASSO, Wyoming
JAMES E. RISCH, Idaho
MIKE LEE, Utah
STEVE DAINES, Montana
LISA MURKOWSKI, Alaska
JOHN HOEVEN, North Dakota
BILL CASSIDY, Louisiana
CINDY HYDE-SMITH, Mississippi
JOSH HAWLEY, Missouri

RENAE BLACK, MAJORITY STAFF DIRECTOR
SAM E. FOWLER, MAJORITY CHIEF COUNSEL

RICHARD M. RUSSELL, MINORITY STAFF DIRECTOR
JUSTIN J. MEMMOTT, MINORITY CHIEF COUNSEL

November 8, 2023

Ms. Susan Beard
Designated Agency Ethics Official
U.S. Department of Energy
1000 Independence Ave., SW
Washington, D.C. 20585

Dear Ms. Beard,

I write with deep concern regarding potential conflicts of interest within the Department of Energy's (DOE) Loan Programs Office (LPO). These concerns encompass both the involvement of LPO Director Jigar Shah in specific loan decisions and his relationships with external organizations, particularly Cleantech Leaders Roundtable.

I am troubled by the discrepancies between Mr. Shah's October 19, 2023 testimony before the Senate Committee on Energy and Natural Resources¹ and accounts presented in the Wall Street Journal regarding his influence in the LPO's loan-making processes.² The Wall Street Journal's depiction of Mr. Shah's proactive role, especially in the case of Li-Cycle Holdings and the significant loan facilitated under his watch, starkly contrasts his self-described minimal involvement.

Furthermore, a recent report has highlighted a concerning relationship between the LPO and Cleantech Leaders Roundtable, a trade association founded by Mr. Shah. Mr. Shah's apparent close collaboration with this organization has included his participation as a guest speaker for "at least 10 of the organization's closed-door events and receptions, which cost up to \$250-a-person to attend."³

The potential for conflicts of interest, especially in light of a \$3 billion loan approval for Sunnova, a company who shares a board member with Cleantech Leaders Roundtable,⁴ cannot be overlooked. The board member in question, Anne Slaughter Andrew, is the spouse of the former Chair of the Democratic National Committee, Joe Andrew. Such intertwining of personal, political, and professional relationships raises further questions about the impartiality of loan approvals and the susceptibility of the process to undue political influence.

Mr. Shah, in his close collaboration with the Cleantech Leaders Roundtable, also appears to be in clear violation of the Biden Ethics Pledge's Revolving Door Ban. Upon Mr. Shah's appointment, he was required to certify that:

¹ [Full Committee Hearing to Examine the Department of Energy's Decision-Making Pro... \(senate.gov\)](#)

² [Joe Biden's \\$400 Billion Man - WSJ](#)

³ [Biden's Energy Loan Czar Founded a Trade Association. Now It's Selling Access to Him. \(freebeacon.com\)](#)

⁴ Id.

“[He] will not for a period of 2 years from the date of [his] appointment participate in any particular matter involving specific parties that is directly and substantially related to [his] former employer or former clients, including regulations and contracts.”⁵

As the Designated Agency Ethics Official, your oversight is paramount in ensuring that the DOE operates with the highest ethical standards. Given the severity of these issues, I am requesting the following:

1. An official ethics review of Mr. Shah’s relationship with Cleantech Leaders Roundtable, as well as other external organizations Mr. Shah has engaged with in his official capacity.
2. A thorough examination and assessment of Mr. Shah’s adherence to the Biden Ethics Pledge, including any actions taken by Mr. Shah that may conflict with the pledge’s stipulations. This should cover an evaluation of Mr. Shah’s recusal protocols and decisions, especially pertaining to matters that could directly benefit his former trade association and its members within the two-year timeframe outlined by the pledge. Please provide documentation on how these protocols have been enforced and any violations that have been identified and addressed.
3. Detailed information on all communications, events, and collaborations between the LPO (including Mr. Shah) and Cleantech Leaders Roundtable, and documentation of any potential influence on loan decisions.
4. A comprehensive overview of DOE’s internal reviews or assessments concerning these potential conflicts of interest, including findings and actions taken.
5. Clarification on whether Mr. Shah has faced any recusal concerning dealings with Cleantech Leaders Roundtable or related entities during his tenure at DOE.
6. A full report on any internal complaints or concerns within the DOE regarding the LPO’s relationship with Cleantech Leaders Roundtable and the subsequent responses to such complaints.
7. A detailed description of all ethics guidance provided to Mr. Shah related to his employment at DOE.
8. A detailed description of all ethics guidance your office provided to Mr. Shah related to his involvement with the Cleantech Leaders Roundtable.

⁵ [Executive Order on Ethics Commitments by Executive Branch Personnel | The White House](#)

I urge you to address these issues with the urgency and seriousness they warrant. I expect a comprehensive response to these concerns and requests no later than November 21, 2023.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "John Barrasso". The signature is written in a cursive style with a large, looping initial "J".

John Barrasso, M.D.
Ranking Member