

**U.S. Senate Committee on Energy and Natural Resources**  
**June 8, 2021 Hearing: Pending Nominations**  
**Questions for the Record Submitted to Ms. Shalanda H. Baker**

**Questions from Ranking Member John Barrasso, M.D.**

**Question 1:** Low-income individuals and families and those on fixed incomes typically pay a higher proportion of their income on energy than higher income groups.

- a. Do you agree with that?

**Answer 1a:** Due to the rate design in most jurisdictions, lower-income individuals pay a higher percentage of overall household income to meet energy needs. In some cases, utilities offer special rate plans for low-income households; however, households can face difficulty accessing such programs.

**Question 2:** You have expressed concerns about our economic system. On numerous occasions you have advocated for the “shared ownership” of energy resources. You have also stated:

*“The high-risk, high-reward system of development, rooted in precepts of neoliberalism and infinite growth, has created a planet perched on the precipice of decline and a populace plagued with profound inequality.”*

I find these comments to be concerning.

- a. Do you believe our economic system needs to be substantively transformed?

**Answer 2a:** The statement above refers to project finance, a method of financing infrastructure projects that in some instances can reduce risks for developers while contributing to social and environmental harm where development takes place. The Equator Principles, developed by the World Bank in collaboration with 118 multinational banks in 37 countries (*see [equator-principles.com](http://equator-principles.com)*), aims to remedy this dynamic. The reforms I have argued for in the project finance context relate to changing some aspects of the project finance transaction model to offer communities broader opportunities to access the economic benefits stemming from development.

**Question 3:** If confirmed as Director of the Office of Economic Impact and Diversity, part of your role would be to inspire the next generation of scientists and engineers. Your background, while quite impressive, is focused mainly in legal studies.

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- a. How will you bridge the expertise gap and be a leader for aspiring scientists and engineers?

**Answer 3a:** As an energy scholar, I am immersed in the STEM fields. My work as a scholar, particularly over the last several years, is interdisciplinary in every way. I routinely recruit and mentor students (undergraduate and graduate) from across the science and technology fields, and I collaborate closely with colleagues from the STEM fields. Although I am a lawyer, I hold a Bachelor of Science from the United States Air Force Academy, which is a university that does not award liberal arts degrees. My undergraduate education consisted of a heavy curriculum of math, science, physics, and engineering. I also had the privilege of attending a science and math magnet high school. If confirmed, I would work closely with the broader pipeline that brings diverse, aspiring young students into the STEM fields. I also have a track record of building interdisciplinary teams and, if confirmed, I would build an interdisciplinary team to support the important work of the office.

**Question 4:** Is your book *Revolutionary Power: An Activist's Guide to the Energy Transition*, published earlier this year, an accurate statement of your views?

**Answer 4:** The role of an academic is to critique and to be engaged in debate. My book intervenes in an important debate concerning whether the energy transition can and should be equitable. The book accurately reflects my view that the energy transition should be equitable, which is a cornerstone of the Biden-Harris Administration's climate policy.

- a. In the introduction to *Revolutionary Power*, you seek to “offer a radical reimagining of what might be possible for other aspects of our socioeconomic system when our energy system is just.” (p.7) You also highlight “the power of using the energy system to advance radical social change.” (p.8) If confirmed, how would you work to “advance radical social change”?

**Answer 4a:** If confirmed, I would work to bring clean energy resources to underserved communities, clean energy job opportunities to low-income communities and

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communities of color, and create a pipeline of new businesses within underserved communities. These interventions have the potential to reshape communities in transformative and lasting ways by creating wealth and economic opportunity.

- b. You have written “*Revolutionary Power* aligns with the broader principles of the Green New Deal...” (p.11) Do you support the Green New Deal?

**Answer 4b:** I support the President’s climate and energy agenda, which includes targeting 40 percent of the benefits of climate and clean infrastructure investments to disadvantaged communities and investing in rural communities and communities impacted by the market-based transition to clean energy.

- c. How are the broader principles of the Green New Deal as you describe them in *Revolutionary Power* consistent with the purposes of the Department of Energy as outlined in the Department of Energy Organization Act (42 U.S.C. 7112)?

**Answer 4c:** *Revolutionary Power* does not discuss the Green New Deal at length. The principles discussed in the book—a fairer, cleaner, and more accessible energy system—are aligned with the purposes of the Department of Energy. The enabling legislation provides that “the establishment of the Department of Energy is in the public interest and will promote the general welfare...” Further, Congressional activity to establish such a Department will “promote the interest of consumers through the provision of an adequate and reliable supply of energy at the lowest reasonable cost.” 42 U.S.C. § 7112(9).

- d. In *Revolutionary Power*, you wrote, “No single aspect of the energy system, writ large, has been designed to benefit poor people, people of color, or Indigenous communities.” (p.37) Do you still believe that *not a single aspect* of the energy system has been designed to benefit these stakeholders? If so, please provide the facts that support your view.

**Answer 4d:** The energy system is widely understood to disproportionately create environmental impacts in certain communities. Impacted communities are more often low-income, and comprised of people of color, and Indigenous people. These communities are also more likely to pay a higher proportion of overall household income

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to meet energy needs, and they are also more likely to experience energy insecurity. With respect to resilience and access to energy, these communities are also more likely to experience shutoffs, disconnections, and grid instability. In recognition of these features of the energy system, the Biden-Harris Administration has committed 40% of the benefits of certain Federal investments to these overburdened and underserved populations. If confirmed, I would work hard to remedy the issues outlined above and advance the President's agenda.

- e. At the hearing you agreed with me “wholeheartedly, that lowering energy costs for the lowest income Americans [was] a good thing.” In *Revolutionary Power*, you present a solution to burdensome energy costs: “...tariffs could set a percentage cap on energy expenditures based on a household's overall income. The cap would operate as a ceiling for energy costs for low- to moderate-income households...” and would also “...set a flat minimum payment rate for higher-income customers, who tend to pay a lower percentage of their overall income to meet household energy needs.” (p.153) If confirmed, is this a policy that you would advise the Secretary or others in the administration to seek to implement? Do you have other ideas for keeping energy prices low?

**Answer 4e:** The percentage income payment plan (PIPP) outlined in the above proposal is implemented at the state level. If confirmed as the Director of the Office of Minority Economic Impact, I would not be engaged in state energy regulatory policy. If confirmed, I would work to advance weatherization assistance for hard-to-reach and underserved communities and increase solar adoption in those communities. These initiatives can lower household energy costs, which is also the goal of PIPP programs.

- f. You have been an advocate for transitioning investor-owned utilities to other forms of ownership or control. (p. 54) If you are confirmed, is this a policy you will recommend that DOE or the administration seek to implement?

**Answer 4f:** If confirmed, it will also be my job to ensure that every type of utility—investor-owned utilities, rural electric co-ops, and municipal power providers, have the Federal resources and technical assistance they need to deliver on the President's promise of a 100% carbon pollution-free electricity sector by 2035 and net-zero economy-wide greenhouse gas emissions by 2050.

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**Question 5:** Your prepared testimony states, “If confirmed, I would be honored to help lead the Administration’s transformative Justice40 Initiative.” Please elaborate on the Justice40 Initiative and be specific about what, if confirmed, will be your role in leading it.

**Answer 5:** The Justice40 Initiative is outlined in Section 223 of Executive Order 14008. The initiative provides that 40% of the benefits of certain Federal investments (including investments in clean energy, remediation and reduction of legacy pollution, clean transit, and similar investments) will flow to disadvantaged communities. If confirmed, I would work to implement the Department’s Justice40 program and, as a member of the Interagency Council established pursuant to Executive Order 14008, work closely with the Executive Office of the President to help implement the program across the Federal government.

**Question 6:** If confirmed, you will be responsible for leading the Department’s economic and environmental justice effort, focusing on policies affecting communities here in the United States. President Biden and Secretary Granholm have established lofty goals for electric vehicle and renewable energy consumption. It is well documented that minerals and components used to make these in electric vehicles and renewable energy technologies are sourced using forced and child labor in nations like the Democratic Republic of Congo and China.

- a. Do you believe that individuals supplying our nation’s critical mineral deserve the same human rights and labor protections we have here in the US?

**Answer 6a:** Yes.

- b. If so, what steps will you take to ensure that policies and steps taken to achieve the Department’s goals do not use forced and child labor?

**Answer 6b:** If confirmed, I would support the Secretary’s initiatives to ensure that every aspect of the supply chain is free of human rights and environmental violations.

**Questions from Senator James E. Risch**

**Question 1:** The nation’s nuclear reactors provide about 20 percent of the country’s electricity, and more than half of the carbon free electricity. Do you support the continued operation of the

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nation's existing nuclear plants, and do you support the development and deployment of advanced nuclear reactor designs that are being developed by DOE and its national laboratories?

**Answer 1:** I support the President's clean energy initiatives, which include the use of nuclear energy and the advancement of nuclear technology at the DOE and its national laboratories.

**Question 2:** Hydropower is very important to Idaho, providing the majority of the state's energy needs. Do you believe that hydropower is a clean and renewable resource?

**Answer 2:** Hydropower is an important part of the renewable energy portfolio and should be advanced in a way that minimizes environmental and social impacts, and which takes into account the rapidly changing climate.

**Question 3:** Do you agree that fossil fuels should continue to play a role in the nation's energy mix?

**Answer 3:** I support the President's energy agenda, which calls for a rapid drawdown of greenhouse gas emissions by 2050 and 100% carbon pollution-free electricity by 2035. These changes will not happen overnight, and will require that fossil fuels remain a part of the nation's fuel mix during the transition.

**Question 4:** Do you believe that electric utilities should be required to provide their customers with renewable energy (like wind and solar) – even at a higher cost - if they have more affordable energy sources like natural gas and coal available to them?

**Answer 4:** The cost of electricity from wind and solar has dropped below the cost of fossil fuel electricity in many parts of the nation, and it has reached near parity in many more; however, where the cost of fossil fuels provide the least-cost option, State policymakers would make the proper determination of whether the utility would be required to use renewable energy.

**Question 5:** Do you believe that electric utilities should have the flexibility to choose from a mix of both renewables and fossil fuels when making decisions about how to provide reliable and affordable electricity to their customers?

**Answer 5:** Yes.

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**Question 6:** Do you believe that there should be a national clean energy standard?

**Answer 6:** Yes.

**Questions from Senator Steve Daines**

**Question 1:** Ms. Baker, Montana's rural and tribal areas are often overlooked or ignored when agencies make decisions at the federal level. If confirmed, you will play a key role in ensuring rural and tribal voices are heard at DOE. What are your plans to ensure Montana voices are heard in the federal decision-making process?

**Answer 1:** If confirmed, I would work closely with the Office of Indian Energy and your staff to ensure that rural and tribal voices in your state are incorporated into the federal policymaking process.

**Question 2:** Ms. Baker, I strongly believe that decisions made by federal agencies should have the support of the local community where the actions take place. What actions will you take to ensure that local community members' voices are heard and play a major role in the Department's actions?

**Answer 2:** I have a well-established track record working with communities, as the founder and director of two separate organizations committed to bringing community voices into the energy policymaking process. If confirmed, I would work closely with community stakeholders to ensure a diversity of stakeholders is involved in the policy making process at the Department of Energy.

**Question 3:** Ms. Baker, there are a number of tribes that produce traditional energy, including coal, oil and gas. The right for tribes to decide their own energy future is part of their innate sovereignty. What actions will you take to promote these tribes' decisions even if they are at odds with the President or the Secretary's policy goals?

**Answer 3:** If confirmed, I would support the President's agenda of tribal engagement and honoring the trust responsibility the Federal government has to tribal nations.

**Question 4:** Ms. Baker, traditional energy like coal, oil and gas, as well as carbon free energy such as hydropower and nuclear has resulted in affordable, reliable energy for millions of Americans. Increases in energy prices or decreases in reliability hurt rural, tribal, poor and

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minority groups harder than others. What actions will you take to ensure that energy prices do not rise for Montanans?

**Answer 4:** If confirmed, I would work closely with the Secretary of Energy to evaluate the impacts of proposed Federal energy policy in vulnerable populations. I would also work closely with counterparts across DOE to maximize programs already shown to provide positive impacts and benefits to underserved communities.

**Question 5:** Ms. Baker, should near and long term actual economic impacts have less, the same, or more impact on Department actions than perceived climate impacts?

**Answer 5:** Unfortunately, climate impacts are no longer a perception or future occurrence. The events of the past several years have brought actual economic distress to communities, which in turn has created real costs for local, state, and Federal governments. In 2020, Americans suffered \$95 billion in damages and 262 deaths from 22 weather-related disasters, each costing at least a billion dollars. This marked the sixth year in a row with at least ten billion-dollar weather and climate disaster events.<sup>1</sup> If confirmed, I would support interventions that mitigate the real harm that communities on the front lines of climate change (the Gulf States and California, for example) routinely face.

**Questions from Senator James Lankford**

**Question 1:** A report from the Obama administration in 2010 reinforced the importance of faith-based partnerships. Among the recommendations put forward in the report was to draw more on the local expertise and relationships of faith-based organizations as a way of filling gaps in the provision of essential services. Faith-based organizations are excellent, effective, and efficient at meeting the needs of our most at-risk populations. Do you agree that it is important to continue pursuing ways to engage and expand faith-based partnerships as a way of effectively addressing some of the most critical needs in our country?

**Answer 1:** Yes.

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<sup>1</sup> [Billion-Dollar Weather and Climate Disasters: Overview | National Centers for Environmental Information \(NCEI\) \(noaa.gov\)](https://www.noaa.gov/news/billion-dollar-weather-and-climate-disasters-overview)



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**Question 2:** The Supreme Court has, in multiple decisions, reiterated that religious organizations cannot be discriminated against in the distribution of a public benefit for which they otherwise qualify because of their religious beliefs or identity. Will you commit to ensuring that no policy of your Department will disqualify a religious organization from receiving aid or participating in grant programs simply because of the organization's religious beliefs or because the organization receives statutory protections for religious freedom like those in Title VII and Title IX?

**Answer 2:** Yes.

**Question 3:** An important part of prompting and expanding faith-based partnerships is providing clarity on the legal obligations that will be expected of faith-based organizations when they partner with the government. Title VII of the Civil Rights Act of 1964 protects the ability of religious organizations to hire employees that support its religious beliefs and mission. Do you agree that it is both logical and appropriate that religious organizations should be able to hire employees that support the religious mission and beliefs of the organization? Do you agree that it is inappropriate for the federal government to dictate to a house of worship or a religious organization what tenets of the faith should be observed? Will you commit to ensuring that any nondiscrimination policy implemented by your agency will reinforce the hiring protections that Congress has passed in Title VII for religious organizations?

**Answer 3:** If confirmed, I would follow the law with respect to religious organizations, consistent with Department of Energy policy on discrimination.