

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

ADAM TOMLINSON, REPUBLICAN STAFF DIRECTOR
DAN DUDIS, DEMOCRATIC STAFF DIRECTOR

January 31, 2025

The Honorable Lee M. Zeldin
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Zeldin:

We write concerning troubling reports that the Environmental Protection Agency (EPA) is attempting to claw back funds that have already been obligated to grant recipients. We believe that this is contrary to federal law.

On January 30, 2025, *Politico's E&E News* reported that the EPA had sent letters two days prior to recipients of funding through the Solar for All program informing them that their grants had been paused until further notice.¹ EPA's letter went on to explain that it was pausing "all funding actions related to" climate and infrastructure laws enacted during the Biden Administration, citing President Donald J. Trump's "Unleashing American Energy" Executive Order. Many of us have also been contacted by grantees in our states reporting that they no longer have access to the grant money that has been obligated to them.

During your confirmation before the Senate Environment and Public Works Committee, you were asked:

"Several statutes give effect to Congress's constitutional power of the purse, reflecting its responsibility to provide appropriations to federal agencies, and its prerogative to place limitations on the availability of those appropriations, specifically, their availability as to purpose, amount, and time. Among these, the Antideficiency Act prohibits agencies from spending in advance, or in excess, of an appropriation. There is also a statutory framework for the execution – that is, the obligation and expenditure – of appropriations, as well as procedures for use when the President or executive branch disagrees with the policy embodied in an appropriation and therefore does not wish to obligate available funds. Do you believe that the president or executive branch can ignore congressional appropriation decisions and instructions?"

You responded: "If confirmed, I pledge to respect all of Congress's duly enacted statutes."

You were further asked:

¹ Jean Chemnick, "EPA cuts off IRA solar money that's under contract," *PoliticoPro EnergyWire* (Jan. 30, 2025), <https://subscriber.politicopro.com/article/eenews/2025/01/30/epa-cuts-off-ira-solar-money-thats-under-contract-ew-00201321>.

Do you pledge to respect congressional appropriation decisions and instructions and resist any efforts within the executive branch to circumvent them?

You responded: “Particularly as a former Member of Congress, I appreciate and respect the Congressional funding process. I commit to fully following the law.”

Federal law and regulations require that obligated funds be provided to grantees absent proof of misuse of funds.² We further note that the Solar for All program furthers several goals, all of which are part of EPA’s core mission, which you support. It is designed to help reduce carbon pollution, air pollutants, and household energy costs by financing community and rooftop solar in low-income communities. It will further help drive American manufacturing, boosting the economy and creating jobs. Even President Trump’s Department of Energy continues to acknowledge that “[i]nvesting in energy innovations creates well-paying jobs, drives economic growth, and makes our industries more competitive,” and that the “growing global market for renewable energy technologies and innovations is projected to be worth at least \$23 trillion by 2030.”³

Accordingly, in order to assist in our understanding of EPA’s actions, please respond to the following questions:

1. On what legal grounds did EPA pause already-obligated grants to grantees under the Solar for All program? Please cite to specific statutory or regulatory authority. We note that any executive orders do not qualify as such statutory or regulatory authority, as they are neither statutes nor regulations, and all potentially relevant executive orders clearly state in any case that they “shall be implemented consistent with applicable law,” thereby clearly acknowledging that they cannot supersede or contravene statutory authority.
2. When do you intend to lift the pause on the already-obligated funding under this program?
3. As many of our offices have also received reports of other EPA grant programs that seem to have been “paused” or where obligated funds may have been cut off, please provide us a list of all EPA grant and other programs that are currently paused. Please further note whether this pause applies only to future grant-making, to post-award but pre-obligation grants, and/or to already obligated grants.
4. For each of these programs, when do you intend to lift the pause(s)?

We are cognizant that EPA’s initial decision to pause funding appears to have been taken before you had been confirmed as EPA Administrator. Perhaps you intend to reverse this pause immediately in accordance with applicable law. If not, however, please provide your detailed responses as soon as possible.

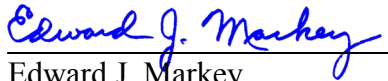
² See, 31 U.S.C. § 1501; 2 C.F.R. 200.305(b)(6) (“Payments for allowable costs must not be withheld at any time during the period of performance.”).

³ U.S. Department of Energy, *Job Creation and Economic Growth* (accessed Jan. 30, 2025), <https://www.energy.gov/eere/job-creation-and-economic-growth>.

Sincerely,



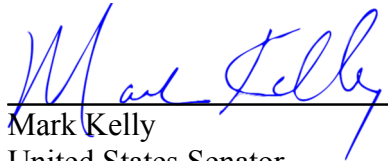
United States Senator
Ranking Member
Committee on Environment
and Public Works



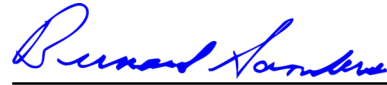
Edward J. Markey
United States Senator



Lisa Blunt Rochester
United States Senator



Mark Kelly
United States Senator



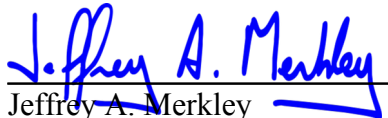
Bernard Sanders
United States Senator



Adam B. Schiff
United States Senator



Alex Padilla
United States Senator



Jeffrey A. Merkley
United States Senator



Angela Alsobrooks
United States Senator

cc: Sen. Shelley Moore Capito
Chairman, Senate Committee on Environment and Public Works