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ONE HUNDRED SEVENTH CONGRESS

U.S. House of Representatives  
 Committee on Energy and Commerce  
 Washington, DC 20515-6115

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April 19, 2001

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DAVID V. MARVENTANO, STAFF DIRECTOR

Mr. Andrew Lundquist  
 U.S. Department of Energy  
 Energy Task Force  
 Forrestal Building  
 1000 Independence Avenue, S.W.  
 Washington, D.C. 20001

Dear Mr. Lundquist:


Over the past few months, your task force has reportedly conducted a number of meetings with the goal of developing an energy policy. It is our understanding that these meetings took place at federal facilities with the participation of both federal employees and private citizens and groups, including political contributors. We further understand that the meetings were conducted entirely in private.

We are concerned that your task force's decision to meet behind closed doors and exclude certain parties from participation in its discussions may violate the letter and the spirit of the Federal Advisory Committee Act (FACA). In order to better understand the task force, and whether it is bound by the FACA, we have enclosed a series of questions relating to the participants, the purpose, the outcome, and the role of federal employees at these meetings. In addition to receiving your responses to these questions, we also would like to receive copies of all documents and records produced or received by the task force in connection with these meetings.

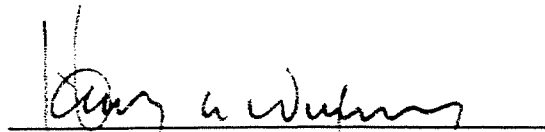
As members of the House committees with primary jurisdiction over federal energy policy and the conduct of the agencies responsible for implementing that policy, we believe the task force must be forthcoming in providing the information we have requested about its operations.

We thank you for your cooperation in this matter and look forward to receiving your responses and the requested material as soon as possible, but in any event by no later than Friday, May 4, 2001.

Sincerely,



JOHN D. DINGELL  
 RANKING MEMBER  
 COMMITTEE ON ENERGY AND COMMERCE



HENRY A. WAXMAN  
 RANKING MEMBER  
 COMMITTEE ON GOVERNMENT REFORM

Enclosure

Mr. Andrew Lundquist

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cc: The Honorable W. J. "Billy" Tauzin, Chairman  
Committee on Energy and Commerce

The Honorable Dan Burton, Chairman  
Committee on Government Reform

**Questions for Andrew Lundquist  
Regarding  
Energy Task Force Meetings**

- (1) It is our understanding that you are directing a task force charged with examining and formulating energy policy.
  - (a) Please provide a complete list of task force members and staff assigned to the task force, identifying the employer of the member or staff. In the case of federal employees, please identify the department or agency for which the member or staff works.
  - (b) Please identify any task force members and staff who are not full-time federal employees. In the case of any member or staff who is a part-time federal employee, identify the hours per week that person works for the federal government and when that person began working for the federal government.
  - (c) Please identify any task force member or staff who, at the time of any task force meeting, was serving as a contractor to, or temporary full time employee of, the federal government while on leave from non-federal employment. For each member or staff identified, please include the name of that person's non-federal employer.
  
- (2) It is our understanding that the task force has conducted a series of "stakeholder meetings" on energy policy and legislation at federal facilities over the past few months.
  - (a) Please provide a list of all task force meetings held, including the date and location of each meeting.
  - (b) Please describe in detail the purpose of these meetings. For each meeting, please explain if the meeting was conducted in order to obtain advice or recommendations about policy or proposed legislation. Please explain whether each meeting had a fixed agenda and/or a defined purpose.
  - (c) Please describe the outcome of each meeting. Please explain to what extent each meeting resulted in the formulation of specific proposals or recommendations. Please specify to what extent the task force incorporated or adopted any suggestions or advice received at each meeting from non-federal "stakeholders", or to what extent it modified its proposals based on input received from non-federal "stakeholders" at the meeting.
  - (d) For each task force meeting that has occurred to date, please provide a complete accounting of all attendees. Please include the name and employer of each attendee as well as the name of all clients represented by each person for the

purpose of any particular task force meeting. Please indicate if any participants received any compensation for their involvement in a meeting or meetings.

(3) The Federal Advisory Committee Act (FACA) defines an advisory committee as

“any committee, board, commission council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof . . . which is . . . established or utilized by one or more agencies, in the interest of obtaining advice or recommendations for . . . one or more agencies or officers of the Federal government . . . .”

The Act requires that the meetings of such advisory committees be noticed in advance, open to the general public, and on the record, except under certain limited circumstances.

- (a) Was advance notice of these task force meetings provided to the general public?
- (b) How many of these task force meetings took place on federal property or involved the attendance of federal personnel?
- (c) Were these meetings open to the general public?
- (d) If these meetings were not open to the general public, why not and under what authority?
- (e) Were any transcripts or detailed minutes of these meetings kept by you or any other attendee or participant?
- (f) If no transcripts or minutes were kept, please explain why not and under what authority?

(4) As stated previously, we have been informed that only certain “stakeholders” were invited to participate in these meetings.

- (a) Was any executive branch agency or any of its personnel responsible in any way for determining who would or would not be invited to participate in these meetings?
- (b) Please provide a detailed explanation of the process by which each non-federal participant in these meetings was determined to be a “stakeholder” in energy policy.
- (c) Please provide a detailed explanation of the process by which the task force decided not to meet with any private citizens or groups.

- (d) Was the governor of any state invited to participate in these meetings? If so, which? If not, why not?
- (e) Were any state public utility commissioners invited to participate in these meetings? If so, which? If not, why not?
- (f) Were any representatives of organized labor invited to participate in these meetings? If so, which? If not, why not?
- (g) Were any representatives of consumer advocacy groups invited to participate in these meetings? If so, which? If not, why not?
- (h) Was the National Federation of Independent Businesses or any other small business representative invited to participate in these meetings? If not, why not?
- (i) Did the Department of Energy notify any Member of Congress about the task force's meetings prior to the first meeting or invite any Member or congressional staff to attend any of the "stakeholder" meetings?