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United States Senate

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The Honorable Jennifer M. Granholm
Secretary
United States Department of Energy
1000 Independence Ave., SW
Washington, DC 20585

Dear Secretary Granholm,

The Department of Energy (DOE) forecasts that the clean energy revolution will generate significant economic opportunities and high-paying, good-quality jobs in the coming years. I share in the Biden administration's belief that these benefits should be accessible to *all* Americans — especially those underserved by prior federal investments and initiatives. I write with recommendations for the DOE to ensure underserved communities, especially currently and formerly incarcerated individuals, benefit from the clean energy economy.

President Biden made a historic commitment in the Justice40 Initiative to direct 40 percent of the overall benefits of federal investments to disadvantaged communities.¹ Incarcerated and formerly incarcerated individuals are prime examples of these communities. In fact, the Administration's guidance identifies workforce development for formerly incarcerated individuals as an example of a covered program under the Justice40 Initiative.² President Biden has also called for a whole-of-government approach to reverse structural inequities and invest in currently and formerly incarcerated populations. DOE should coordinate with the Department of Justice, specifically the Bureau of Prisons and the Department of Labor, on programming and financing to fulfill the President's vision and achieve these goals.

The Biden administration has specifically prioritized energy equity in the Justice40 Initiative and related programs. Executive Order 14008 calls on agencies to create economic opportunities and jobs for underserved communities through clean energy investments. Recognizing DOE's central role in the Administration's priorities, Executive Order 14096 further calls on federal

¹ Exec. Order No. 14008, 86 Fed. Reg. 19 (2021).

² M-21-28: Interim Implementation Guidance for the Justice40 Initiative, Office of Management and Budget (July 20 2021), <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>.

agencies to facilitate an “equitable transition of the workforce as part of a clean energy future” by engaging with underserved and overburdened communities, such as those impacted by mass incarceration.³

Concurrently, the Administration has prioritized restorative justice.⁴ Executive Order 14074, for instance, directs DOE to coordinate with other agencies on programs, policies, and activities relating to rehabilitation and reentry.⁵ The order specifically calls for educational opportunities and job training for currently incarcerated individuals and for removing barriers to securing employment and occupational licenses upon release.

Broadening the pipeline from incarceration to good-quality clean energy jobs — namely, jobs that are safe, high paying, and include benefits like healthcare — is therefore well within the Administration’s priorities for DOE. I write with observations of the energy sector and with recommendations for DOE to pursue energy equity and resiliency for populations underserved by federal investments, especially currently and formerly incarcerated people. DOE should take steps, alone and in concert with other agencies, to expand clean energy job opportunities for formerly incarcerated individuals and provide educational opportunities for currently incarcerated individuals. These efforts would help level structural barriers to second-chance employment in the energy sector.

Despite historic climate investments and the Administration’s Justice40 goals, clean energy jobs are largely inaccessible to formerly incarcerated individuals. According to DOE’s own analysis, the energy sector under-employs formerly incarcerated workers.⁶ Those who do work in the energy sector disproportionately have jobs in the coal, natural gas, and oil industry. For example, the proportion of formerly incarcerated coal electric generation workers is 4.6 times greater than that of formerly incarcerated solar generation workers.⁷ This imbalance is greater for formerly incarcerated workers than for other sub-populations based on race, gender, or age.

Disparities in clean energy employment are the result of structural inequities in the energy sector. For example, nearly 14,000 laws and regulations are in place across the country that prevent or restrict people with criminal records from obtaining professional licenses that are required to work in the energy sector.⁸ Background-check policies and stigmas against second-

³ Exec. Order No. 14096, 88 Fed. Reg. 25251 (2023).

⁴ Michael Crowley, *Biden’s Budget Steps up Spending for Criminal Justice Reform*, Brennan Center for Justice (June 25, 2021), <https://www.brennancenter.org/our-work/analysis-opinion/bidens-budget-steps-spending-criminal-justice-reform>.

⁵ Exec. Order No. 14074, 87 Fed. Reg. 32945 (2022).

⁶ DOE/OP-0020: *United States Energy & Employment Report*, U.S. Department of Energy (June 2023), <https://www.energy.gov/sites/default/files/2023-06/2023%20USEER%20REPORT-v2.pdf>.

⁷ *Id.*

⁸ Tara García Mathewson, *Licensing Barriers Keep People with Criminal Records from Education and Training*, Washington Post (Aug. 6, 2023), <https://www.washingtonpost.com/education/2023/07/28/licensing-barriers-employment-formerly-incarcerated/>.

chance hiring are additional obstacles that many formerly incarcerated individuals face when seeking energy jobs.⁹ Currently incarcerated individuals are similarly held back by a lack of energy-related vocational training and educational opportunities that prepare them for employment after release.¹⁰

If returning citizens have access to the same clean energy opportunities as other Americans, evidence suggests that recidivism rates will decline and environmental health will improve in communities impacted by mass incarceration.¹¹ Broadening participation in the clean energy sector will also unleash the untapped potential of formerly incarcerated individuals to propel the clean energy revolution forward as highly qualified electricians, manufacturers, and construction workers.¹²

Achieving energy equity requires us to generate quality jobs for populations historically neglected by government investment. It also requires us to expand renewables in the communities most severely impacted by pollution from fossil fuels. As the Administration's executive orders demonstrate, incarcerated and formerly incarcerated populations offer a barometer to measure progress toward these goals. The gap between formerly incarcerated workers employed in renewables versus fossil fuels, though, demonstrates that we have not yet succeeded.

DOE has a critical role to play in supporting the Administration's twin priorities of restorative justice and clean energy deployment through deeper engagement with populations impacted by incarceration. DOE can improve outcomes by expanding its programming for, and increasing investments in, currently and formerly incarcerated individuals. I commend DOE on its existing programming for formerly incarcerated individuals. For example, DOE Office of Energy Justice and Equity's *Second Chance Hiring in Energy* panel convened stakeholders to highlight the business case for second-chance hiring and discuss policies to overcome employment barriers in the energy sector.¹³ These messages are important ones to promote. But panel discussions alone cannot achieve real-world progress in second-chance hiring. The agency should reevaluate its existing programming to ensure it delivers real-world improvements in access to clean energy jobs.

⁹ *Creating A Green Workforce: Community-Based Solutions for a Diverse Green Jobs Sector*, Environmental Justice Leadership Forum (Dec. 2020), https://www.weact.org/wp-content/uploads/2020/12/FINAL-2_Green-Jobs-Report_Full-Report-Full-View.pdf.

¹⁰ Lois Davis, *Higher Education Programs in Prison: What We Know Now and What We Should Focus On Going Forward*, RAND Corporation (2019), <https://doi.org/10.7249/PE342>.

¹¹ Kristina Zagame, *A Guide to Solar Jobs for the Previously Incarcerated*, EcoWatch, (Nov. 16 2022), <https://www.ecowatch.com/solar-jobs-for-formerly-incarcerated.html>.

¹² Ben Cumming, *Unlocking the Potential of Justice-Impacted Talent*, MIT Sloan Management Review, 64(3), 1-3, (2023).

¹³ *Second Chance Hiring in Energy* [webinar], Office of Energy Justice and Equity, U.S. Department of Energy (Sept. 28 2023), <https://www.energy.gov/justice/events/second-chance-hiring-energy>.

I encourage DOE to develop programming that builds bridges between currently and formerly incarcerated individuals, energy employers, labor unions, community-based organizations, correctional institutions, and communities impacted by mass incarceration. This includes guidance that educates energy employers on the benefits of second-chance hiring, including incentives like the Work Opportunity Tax Credit, as well as formerly incarcerated individuals' unique qualifications such as reliability and resiliency. I welcome DOE's feedback on the resources it requires to improve the outcomes of clean energy programming for currently and formerly incarcerated individuals.

In addition to programming, I urge DOE to invest more in currently and formerly incarcerated populations. For example, DOE should finance workforce development, apprenticeship, and educational opportunities for these populations. I also encourage DOE to direct funding toward organizations that support second-chance hiring in the clean energy sector. These investments could include grants for second-chance energy employers. Finally, I encourage DOE to dedicate more full-time equivalents toward the agency's work in energy justice. I welcome DOE's recommendations for additional investments to broaden currently and formerly incarcerated individuals' access to jobs in clean energy.

Despite DOE's unique capacity to shape the clean energy revolution, it cannot build a more equitable clean energy future alone. Interagency collaborations should focus on delivering real-world outcomes that include healthier environments, quality clean energy jobs, and other economic benefits for communities impacted by mass incarceration. I encourage DOE to collaborate closely with the Department of Justice, the Department of Labor, and other agencies to expand opportunities for currently and formerly incarcerated individuals. Specifically, a memorandum of understanding (MOU) with the Department of Justice would build sustainable models of engagement, programming, and investments geared toward second-chance hiring in the clean energy sector. This MOU should include a data sharing agreement for statistics on incarcerated populations and the reentry process to help DOE develop workforce development programs and build connections between returning citizens and second-chance energy employers.

In summary, I commend DOE's recent programming for formerly incarcerated individuals but write with the following questions to ensure the Biden administration's visions of energy equity and environmental justice are being fulfilled. I respectfully request a written response by March 22, 2024.

1. Please describe how energy justice for currently and formerly incarcerated individuals is reflected in DOE's Justice40 framework.
 - a. How do DOE's Justice40 Implementation Plan and Stakeholder Engagement Plan explicitly and implicitly encourage agency support of currently and formerly incarcerated populations?

- d. What resources does DOE require to expand clean energy programming for currently and formerly incarcerated people?
4. Please describe DOE's investments in currently and formerly incarcerated individuals.
 - a. How much funding has DOE awarded to projects that benefit currently and formerly incarcerated individuals, and communities impacted by mass incarceration, through Inflation Reduction Act and Bipartisan Infrastructure Law funding opportunity announcements?
 - b. How many full-time equivalents are dedicated to supporting recruitment and hiring of formerly incarcerated individuals in the clean energy sector, or to working with the organizations that do reentry work and jobs training for formerly incarcerated individuals?
 - c. How does DOE evaluate commitment to currently and formerly incarcerated individuals in funding application Community Benefit Plans?
 5. Please describe DOE's coordination with other agencies regarding programming for currently and formerly incarcerated individuals.
 - a. With what other agencies does DOE have or have planned memoranda of understanding regarding:
 - i. Clean energy workforce development generally?
 - ii. Clean energy programming for currently and formerly incarcerated individuals?
 - b. As a member of the Federal Interagency Alternatives and Reentry Committee, what steps is DOE taking to further the Administration's goal of enhancing the reentry process for returning citizens?

When future generations look back at our implementation of the clean energy transition, they will view as one of our greatest successes the equitable access to opportunities that we delivered for the American people. I thank you for DOE's efforts to ensure that currently and formerly incarcerated individuals are included.

Sincerely,



Edward J. Markey
United States Senator