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August 9, 2018

The Honorable Rick Perry
Secretary
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585

Dear Secretary Perry:

According to a recent report by the *Wall Street Journal*, in early April 2018, a major donor to President Donald Trump named Franklin L. Haney agreed to pay \$10 million to the President's then-personal attorney Michael Cohen if he successfully helped obtain funding to complete the partially constructed Bellefonte Nuclear Power Plant in Alabama.¹ This revelation raises disturbing questions about the integrity of the Department of Energy's (DOE) loan approval process for funding nuclear power plant construction.

Specifically, according to the media report, "[u]nder the contract, Mr. Haney agreed to pay Mr. Cohen a monthly retainer in addition to the \$10 million success fee if he could help obtain the funding, including approval of the full amount of the project's application under a U.S. Department of Energy loan program," which was said to be for \$5 billion.² Furthermore, "Mr. Cohen made several calls to officials at the Energy Department in the spring to inquire about the loan guarantee process, including what could be done to speed it up."³ This loan application for the Bellefonte Nuclear Power plant is reportedly still pending before DOE.

On April 9, 2018 federal authorities raided Mr. Cohen's home, office, and hotel room, and he is now under criminal investigation, including for illegal lobbying. The agreement between Mr. Haney and Mr. Cohen is reportedly no longer in effect.

¹ Michael Rothfeld, Rebecca Ballhaus & Joe Palazzolo, *Top Trump Donor Agreed to Pay Michael Cohen \$10 Million for Nuclear Project Push*, WALL ST. J. (Aug. 2, 2018), <https://www.wsj.com/articles/top-trump-donor-agreed-to-pay-michael-cohen-10-million-for-nuclear-project-push-sources-say-1533245330>.

² *Id.*

³ *Id.*

Whatever the legal and ethical implications of the so-called “success fee” arrangement between Mr. Haney and Mr. Cohen, serious questions must be answered about the DOE loan approval process for nuclear power plants. To better understand the circumstances of this arrangement and DOE’s involvement, I respectfully request that you respond to the following questions by August 20, 2018:

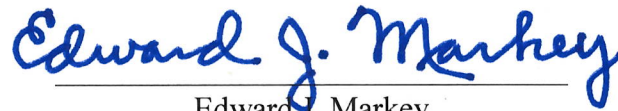
1. Please identify the loan application submitted by Mr. Haney, or his company Nuclear Development LLC, including the date it was submitted, to whom, the amount and nature of funding sought, and its current status. Please provide a copy of the application and any documents generated by DOE staff or reviewers in evaluating it.
2. Please explain the usual and customary process by which DOE approves or disapproves this type of loan application, including how DOE prioritizes the order in which loan applications are evaluated. Please identify DOE personnel responsible for evaluating the loan, the factors they consider, the timeframe for approving or denying the application, and whether any communication with DOE beyond submission of the written application is considered appropriate and how it is handled.
3. Has DOE evaluated the loan application submitted for the Bellefonte Nuclear Power Plant? If so, has DOE reached any final or interim conclusions about the merits or completeness of the application? If not, why not? Please provide copies of any documents evaluating the loan application for the Bellefonte Nuclear Power Plant, including electronic or other correspondence requesting additional information for the loan evaluation.
4. Please identify any oral communications between Michael Cohen and any DOE personnel relating to the loan application for the Bellefonte Nuclear Power Plant, including the date of the communication, DOE personnel involved, and the substance of the communication. Please provide copies of any internal DOE writings memorializing or referring to oral communications from Michael Cohen or anyone acting on his behalf relating to the loan application.
5. Please provide copies of any written communications from Michael Cohen or anyone acting on his behalf relating to the Bellefonte Nuclear Power Plant loan application, and any internal DOE emails, memoranda or other writings relating to those communications.

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6. Please provide copies of any written communications from Michael Cohen or anyone acting on his behalf in relation to any other loan application submitted to DOE.
7. The *Wall Street Journal* reports that, “Mr. Cohen hasn’t communicated with Energy Secretary Rick Perry about Mr. Haney’s project, according to the Energy Department.”⁴ Is that reporting correct?
8. When and how did you first become aware that Michael Cohen had contacted DOE about the Bellefonte Nuclear Power Plant loan application, and what actions, if any, did you take in response?

Thank you in advance for your attention to this matter. If you have any questions, please contact Lindsey Griffith or Andrew Cohen of Senator Markey’s staff at 202-224-2742.

Sincerely,



Edward J. Markey
United States Senator

⁴ *Id.*