

DEPARTMENT OF ENERGY
REDELEGATION ORDER NO. S3-DEL-FM1-2023
TO THE DIRECTOR, OFFICE OF
FEDERAL ENERGY MANAGEMENT PROGRAMS

1. REDELEGATION. Under the authority vested in me as Under Secretary (for Infrastructure) and pursuant to section 642 of the Department of Energy Organization Act (Public Law 95-91, 42 U.S.C. 7252), I delegate to the Director, Office of Federal Energy Management Programs authority to take the following actions:
 - 1.1 Under section 643 of the Department of Energy Organization Act (42 U.S.C. 7253), establish, alter, consolidate, or discontinue such second tier or below organizational units or components within the Director, Office of Federal Energy Management Programs' assigned programs and organizational elements as the Director, Office of Federal Energy Management Programs may deem to be necessary or appropriate.
 - A. In exercising this authority, or as redelegated pursuant thereto, the Director, Office of Federal Energy Management Programs will be limited by approved budgets, staffing level allocations, and Senior Executive Service and other executive resource position allocations. Organizational changes shall not be announced or implemented until appropriate union coordination and other pre-release clearances have been obtained.
 - B. This authority does not include approval of additions, deletions, or transfers of mission and functions of or between Departmental Headquarters or Field Elements, which authority is reserved to the Secretary.
 - C. The authority to alter or consolidate second tier or below organizational elements may be redelegated, in whole or in part consistent with the terms of the Department of Energy Organization Act, to an official or officials one level below the Head of the Departmental Element.
 - D. The authority to establish or discontinue organizational elements at the second tier or below may not be redelegated.
 - 1.2 Under section 646(a) of the DOE Organization Act (Public Law 95-91, 42 U.S.C. 7256(a)), enter and perform such contracts, leases, cooperative agreements, or other similar transactions with public agencies and private organizations and persons, and to make such payments as deemed necessary or appropriate to carry out functions delegated to the Director, Office of Federal Energy Management Programs.

- 1.3 Under section 988 of the Energy Policy Act of 2005 (Public Law 109-58, codified at 42 U.S.C. 16352):
- A. Approve requests for reduction or elimination of the cost sharing requirement for a research and development activity of an applied nature in accordance with section 988(b)(3);
 - B. Approve requests for reduction of the cost sharing requirement for the non-federal share of demonstration and commercial application activities in accordance with section 988(c)(2); and
 - C. Exclude research and development of a basic or fundamental nature from the cost sharing requirements, as described in section 988(b)(2).

These authorities shall not be delegated further and may be exercised only after providing notification to the Office of the Secretary. Furthermore, the approval Authorities delegated in subparagraphs A and B can be exercised only in coordination with the Secretarial Policy Statement entitled, "Application of Cost Share Requirements under Section 988 of Energy Policy Act (EPACT) of 2005, Pub. L. 109-58."

- 1.4 With the concurrence and assistance of the General Counsel, request that GSA authorize the Secretary of Energy to intervene in utility rate proceedings before any Federal or State regulatory bodies to represent the consumer interests of executive agencies of the Federal Government.
- 1.5 Participate in any proceeding before the Federal Energy Regulatory Commission, pursuant to the provisions of section 405 of the Department of Energy Organization Act (42 U.S.C. 7175), or in any proceeding before any Federal or State agency or commission, whenever such participation is related to the exercise of authority delegated to the Director, Office of Federal Energy Management Programs. The exercise of this authority is subject to the concurrence of the General Counsel.
- 1.6 Under section 624 of the Department of Energy Organization Act (42 U.S.C. 7234) and in accordance with the Federal Advisory Committee Act (5 U.S.C. 10, et seq.), nominate, appoint, renew the term of, and terminate the service of members; convene meetings; and make the determination to close all or part of a meeting in accordance with 5 U.S.C. 552b(c) for all committees organized pursuant to the Federal Advisory Committee Act that are administratively supported by an organization reporting to the Director, Office of Federal Energy Management Programs. Pursuant to 18 U.S.C. 208(b)(3), after consultation with the Department's Designated Agency Ethics Official, issue conflict-of-interest waivers for special Government employees serving on a Federal Advisory Committee that is administratively supported by the Office of Federal Energy Management Programs.

- 1.7 Exercise the authority of the Secretary of Energy under sections 1605(b)(1), 1605(b)(2) and 1605(b)(3) of the American Recovery and Reinvestment Act of 2009 (“Recovery Act”)(Public Law 111-5) to waive, after making specific findings, the application of section 1605(a) of the Recovery Act to expenditures within the purview of responsibility of the Director, Office of Federal Energy Management Programs. Section 1605(a) requires that none of the funds appropriated or otherwise made available under the Recovery Act may be used for construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods are produced in the United States. Further, in exercising this authority, a delegate will carry out the responsibility contained section 1605(c) to publish in the Federal Register a detailed written justification for each waiver as to why the provision is being waived.
- 1.8 Under the National Energy Conservation and Policy Act (NECPA) Public Law 95-619, as amended:
 - A. Exercise the authorities of the Secretary of Energy in Title V, Part 3 of NECPA (42 U.S.C. sections 8251-8261) except the authority to report annually to Congress as required by section 548(b) of NECPA.
 - B. Exercise authorities of the Secretary of Energy in Title VIII of NECPA (42 U.S.C. sections 8287-8287c).
- 1.9 Exercise all authorities vested in the Secretary of Energy under the Stevenson-Wydler Technology Innovation Act of 1980 (Public Law 96-480), as amended by section 105(a) of the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Reauthorization Act of 2010 (Public Law 111-358) and section 401(b) of the American Innovation and Competitiveness Act (Public Law 114-329), as set forth in 15 U.S.C. 3719.
- 1.10 Under section 400AA(a)(3)(E) of the Energy Policy and Conservation Act (42 U.S.C. 6374(a)(3)(E)), as amended, exercise the authority of the Secretary to make determinations regarding waivers to agencies in accordance with that section.
2. RESCISSION. Redelelegation Order No. S3-DEL-FM1-2022 is hereby rescinded.
3. LIMITATION.
 - 3.1 In exercising the authority delegated in this Order, a delegate shall be governed by the rules and regulations of the Department of Energy and the policies and procedures prescribed by the Secretary or delegate(s).
 - 3.2 Nothing in this Order precludes the Secretary or the Under Secretary (for Infrastructure) from exercising any of the authority delegated by this Order.

3.3 Nothing in this Order shall be construed as to supersede or otherwise interfere with the authorities provided to the Administrator for Nuclear Security by law or by delegation. Furthermore, nothing herein constitutes authority to exercise authority, direction, or control of an employee of the National Nuclear Security Administration or its contractors.

3.4 Any amendments to this Order shall be made in consultation with the Department of Energy General Counsel.

4. AUTHORITY TO REDELEGATE.

4.1 Except as expressly prohibited by law, regulation, or this Order, the Director, Office of Federal Energy Management Programs may delegate this authority further, in whole or in part.

4.2 Copies of redelegations and any subsequent redelegations shall be provided to the Office of Management, which manages the Secretarial Delegations of Authority system.

5. DURATION AND EFFECTIVE DATE.

5.1 All actions pursuant to any authority delegated prior to this Order or pursuant to any authority delegated by this Order taken prior to and in effect on the date of this Order are ratified and remain in force as if taken under this Order, unless or until rescinded, amended or superseded.

5.2 This Redelegation Order is effective April 10, 2023.



Kathleen Hogan
Acting Under Secretary
(for Infrastructure)