



The Secretary of Energy
Washington, DC 20585

October 4, 2022

MEMORANDUM FOR MARY SOTOS
DIRECTOR
OFFICE OF FEDERAL ENERGY MANAGEMENT
PROGRAMS

DAVID HOWELL
ACTING DIRECTOR
OFFICE OF MANUFACTURING AND
ENERGY SUPPLY CHAINS

HENRY MCKOY
DIRECTOR
OFFICE OF STATE AND
COMMUNITY ENERGY PROGRAMS

FROM: KATHLEEN HOGAN

A handwritten signature in black ink, appearing to read "K. Hogan", is written over the name "KATHLEEN HOGAN".

SUBJECT: Delegations of Authority

Under the authority vested in the 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 (FEMP); the Director, Office of Manufacturing and Energy Supply Chains (MESC); and the Director, Office of State and Community Energy Programs (SCEP), the authority to take the following actions:

1. 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. App. 2), 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© for all committees organized pursuant to the Federal Advisory Committee Act that are administratively supported by an organization reporting to the Directors of FEMP, MESC, or SCEP. 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 FEMP, MESC, or SCEP.

2. Under section 988 of the Energy Policy Act of 2005:
 - 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 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."

3. 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 Under Secretary for Infrastructure or the Directors of FEMP, MESC, or SCEP. 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.
4. 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.

Except as expressly prohibited by law, regulation, or this delegation, I authorize the Directors of FEMP, MESC, and SCEP to redelegate these activities as appropriate.