

DEPARTMENT OF ENERGY
DELEGATION ORDER NO. S4-DEL-LP1-2021-2
TO THE DIRECTOR, LOAN PROGRAMS OFFICE

1. DELEGATION. Under the authority vested in me as Under Secretary for Science (and Energy) 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, Loan Programs Office 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, Loan Programs Office's assigned programs and organizational elements as the Director, Loan Programs Office may deem to be necessary or appropriate.
 - A. In exercising this authority, or as redelegated pursuant thereto, the Director, Loan Programs Office 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 Serve as the Contracting Officer to enter into, administer, and terminate:
 - A. Loan guarantees and loan guarantee agreements and all related nonprocurement documents associated with loan guarantees issued pursuant to Title XVII of the Energy Policy Act of 2005, as amended (42 U.S.C. 16511-16514) ("Title XVII") (such agreements and documents, collectively, "Title XVII Loan Guarantee Agreements").

- B. Loan guarantees and loan guarantee agreements and all related nonprocurement documents associated with loan guarantees issued pursuant to Title XXVI of the Energy Policy Act of 1992, as amended (25 U.S.C. 3502(c)) (“TELGP”) (such agreements and documents, collectively “TELGP Loan Guarantee Agreements” and, together with Title XVII Loan Guarantee Agreements, “Loan Guarantee Agreements”).
- C. Loan agreements and related nonprocurement documents associated with loans issued pursuant to section 136(d) of the Energy Independence and Security Act, 42 U.S.C. 17013(d) (the “ATVM Statute”) (such agreements and documents, collectively “ATVM Loan Agreements”).
- D. Term sheets and conditional commitments related to Loan Guarantee Agreements and ATVM Loan Agreements (the “Conditional Commitments”), except that this authority shall not include the right to terminate a Conditional Commitment pursuant to the authority that is expressly reserved to the Secretary under 10 CFR Part 609.2, but shall include the right otherwise to terminate Conditional Commitments in accordance with their terms.
- E. The foregoing authority (under subparagraphs A through D above) to administer Loan Guarantee Agreements, ATVM Loan Agreements and Conditional Commitments shall include, without limitation, the authority to:
 - 1. Extend the date by which an offer of a Conditional Commitment must be accepted;
 - 2. Extend the expiration date of a Conditional Commitment;
 - 3. Enter into amendments to, or waivers and consents respecting the provisions of, Loan Guarantee Agreements, ATVM Loan Agreements, and Conditional Commitments, including in connection with the work out or restructuring plan approved in accordance with the clause below (4);
 - 4. Authorize and implement work-out or restructuring plans for loan and loan guarantee transactions under Title XVII, TELGP, and the ATVM Statute;
 - 5. After consultation with the Chief Financial Officer of the Department of Energy, authorize write-offs for loan and loan guarantee transactions under Title XVII, TELGP, and the ATVM

Statute, upon the recommendation of the Director, Portfolio Management Division of the Loan Programs Office; and

6. Subject to available budget authority, authorize additional loans or loan guarantees to borrowers party to an existing Loan Guarantee Agreement or ATVM Loan Agreement for the project(s) financed by such agreements and in an aggregate amount not to exceed the lesser of:

- (A) Ten percent (10%) of the aggregate principal amount of the original loan or, in the case of a loan guarantee, the guaranteed portion of the original loan; or

- (B) \$50,000,000.

- 1.3 The foregoing authority under Paragraph 1.2 shall be exercised only after the Secretary, the Under Secretary for Science (and Energy), or his/her delegate has:

- A. With respect to a Loan Guarantee Agreement or ATVM Loan Agreement, granted final approval of such agreement; or
- B. With respect to a Conditional Commitment, granted approval of such Conditional Commitment.

2. RESCISSION. Delegation Order No. S4-DEL-LP1-2021 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.

- 3.2 Nothing in this Order precludes the Secretary or the Under Secretary for Science (and Energy) from exercising any of the authority delegated by this Order.

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

4. AUTHORITY TO REDELEGATE.

- 4.1 The Director may redelegate this authority, including to the Chief Operating Officer of the Loan Programs Office; provided that the Director may not further delegate this authority, in whole or in part, below the Director of the Loan Guarantee Origination Division, the Director of the Advanced Technology Vehicle

Manufacturing Program Division or the Director, Portfolio Management Division; provided further that the Director may not further delegate any of the following (collectively, the “non-redelegable authority”): the authority to approve work out or restructuring plans for loan or loan guarantee transactions; the authority to authorize write-offs for loans or loan guarantee transactions; or the authority to authorize additional loans or loan guarantees. The Director shall provide notice to the Credit Review Board and the Secretary of the Department of Energy of any actions taken pursuant to such non-redelegable authority.

- 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 Order is effective 04/23/21.



Kathleen Hogan
Acting Under Secretary
for Science (and Energy)