

DEPARTMENT OF ENERGY
REDELEGATION ORDER NO. S4-DEL-EE1-2023
TO THE ASSISTANT SECRETARY
FOR ENERGY EFFICIENCY AND RENEWABLE ENERGY

1. REDELEGATION. Under the authority vested in me as Under Secretary for Science (and Innovation) 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 Assistant Secretary for Energy Efficiency and Renewable Energy 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 Assistant Secretary for Energy Efficiency and Renewable Energy's assigned programs and organizational elements as the Assistant Secretary for Energy Efficiency and Renewable Energy may deem to be necessary or appropriate.
 - A. In exercising this authority, or as redelegated pursuant thereto, the Assistant Secretary for Energy Efficiency and Renewable Energy 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 assigned Heads of Departmental Field Elements and 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 be redelegated only to the Heads of Departmental Field Elements.
 - 1.2 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 Assistant Secretary for Energy Efficiency and Renewable Energy. 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 Energy Efficiency and Renewable Energy.

- 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 may not be redelegated below the position of Principal Deputy Assistant Secretary 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 In light of the policy process set forth in the Memorandum on the Rulemaking Process issued to all Departmental Elements by the Deputy Secretary on September 14, 2010, approve and issue all rulemaking and rule-related documents regarding energy efficiency and renewable energy as required or authorized by applicable law. This authority does not include the authority to issue subpoenas, test notices, or other enforcement-related documents. This authority may be redelegated.
- 1.5 Under section 656 of the Department of Energy Organization Act (42 U.S.C. 7266), periodically publish a list of certain Executive Agency Conservation Officers. This authority may not be redelegated.
- 1.6 Under 10 C.F.R. 451.2, serve as the Deciding Official for the Renewable Energy Production Incentive Program, as described in 10 C.F.R. Part 451. This authority may not be redelegated beyond the Manager of the Golden Field Office. In

exercising the authority in this paragraph, the delegate(s) shall be governed by the rules and procedures established in 10 C.F.R. Part 451.

- 1.7 Under the Energy Policy Act of 2005:
 - A. Under section 822 (added by Pub.L. 117-58, 42 U.S.C. 16166), execute all activities necessary to develop, issue and adjust, as necessary, clean hydrogen production qualifications.
 - B. Pursuant to section 1007 (42 U.S.C. 7256(g)), as amended by section 3118 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 Public Law 111-383, approve the award of Other Transaction Agreements and perform the other functions of the Secretary as set forth in 42 U.S.C. 7256(g)(9). This authority may be exercised only by an officer of the Department who has been appointed by the President by and with the advice and consent of the Senate, and with the concurrence of the Department's Senior Procurement Executive, on a transaction-by-transaction basis.
- 1.8 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 Assistant Secretary for Energy Efficiency and Renewable Energy. 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 in section 1605(c) to publish in the Federal Register a detailed written justification for each waiver as to why the provision is being waived. This authority shall not be redelegated below the position of Principal Deputy Assistant Secretary.
- 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 the Infrastructure Investment and Jobs Act, execute all activities necessary to carry out under section 40207(c) (Public Law 117-58; 42 U.S.C. 18741(c)) a Battery Manufacturing and Recycling Grant Program, in coordination with the Office of Manufacturing and Energy Supply Chains.

- 1.11 Under the Energy information and Security Act of 2007 (Public Law 110-140), under subsection (k) of section 641 (42 U.S.C. 17231(k)), execute all activities necessary to carry out an electric drive vehicle battery second-life applications and recycling program.
- 1.12 Under the Energy Act of 2020 (Public Law 116-260, Div. Z), in coordination with other offices so authorized:
 - A. Execute all activities necessary to carry out under section 7002(g) (30 U.S.C. 1606(g)) a program of research, development, demonstration, and commercialization-- (A) to develop alternatives to critical materials that do not occur in significant abundance in the United States; (B) to promote the efficient production, use, and recycling of critical materials, with special consideration for domestic critical materials, throughout the supply chain; (C) to ensure the long-term, secure, and sustainable supply of critical materials; and (D) to prioritize work in areas that the private sector by itself is not likely to undertake due to financial or technical limitations.
 - B. Execute all activities necessary to support under section 7002(h) (30 U.S.C. 1606(h)) construction of a Critical Materials Supply Chain Research Facility.
 - C. Execute all activities necessary to carry out under section 7002(i) (30 U.S.C. 1606(i)), in coordination with the Department of the Interior, and in consultation with the Director of the National Science Foundation, a Critical Materials Information Portal to collect, catalogue, disseminate, and archive information on critical materials.
- 1.13 Under section 34 of the National Institute of Standards and Technology Act (Pub. L. 113-235, 15 U.S.C. § 278s), execute all activities necessary to carry out under section 34(e) (15 U.S.C. 15 U.S.C. § 278s(e)) to establish and support Manufacturing USA Institutes.
- 1.14 Under the CHIPS and Science Act of 2022 (Public Law 117-262), establish policies under section 10263(a)(1) (42 U.S.C. § 18972) to promote the domestic production of technologies developed by the Manufacturing USA Network, in consultation with the Secretary of Commerce.
2. RESCISSION. Redelelegation Order No. S4-DEL-EE1-2022 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 Science (and Innovation) from exercising any of the authority delegated by this Order.
- 3.3 Nothing in this Order shall be construed 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 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 Assistant Secretary for Energy Efficiency and Renewable Energy 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.



Geraldine Richmond
Under Secretary for Science
(and Innovation)