

§ 7135a. Delegation by Secretary of Energy of energy research, etc., functions to Administrator of Energy Information Administration; prohibition against required delegation; utilization of capabilities by Secretary

Notwithstanding any other provision of law, the Secretary of Energy shall not be required to delegate to the Administrator of the Energy Information Administration any energy research, development, and demonstration function vested in the Secretary, pursuant to the Atomic Energy Act [42 U.S.C. 2011 et seq.], the Federal Nonnuclear Energy Research and Development Act [42 U.S.C. 5901 et seq.], the Geothermal Research, Development and Demonstration Act,¹ the Electric and Hybrid Vehicle Research, Development and Demonstration Act [15 U.S.C. 2501 et seq.], the Solar Heating and Cooling Demonstration Act [42 U.S.C. 5501 et seq.], the Solar Energy Research, Development and Demonstration Act,¹ and the Energy Reorganization Act [42 U.S.C. 5801 et seq.]. Additionally, the Secretary may utilize the capabilities of the Energy Information Administration as he deems appropriate for the conduct of such programs.

(Pub. L. 95-238, title I, §104(b), Feb. 25, 1978, 92 Stat. 53.)

Editorial Notes

REFERENCES IN TEXT

The Atomic Energy Act, referred to in text, probably means the Atomic Energy Act of 1954, act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, §1, 68 Stat. 919, which is classified principally to chapter 23 (§2011 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of this title and Tables.

The Federal Nonnuclear Energy Research and Development Act, referred to in text, probably means the Federal Nonnuclear Energy Research and Development Act of 1974, Pub. L. 93-577, Dec. 31, 1974, 88 Stat. 1878, which is classified generally to chapter 74 (§5901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5901 of this title and Tables.

The Geothermal Research, Development, and Demonstration Act, referred to in text, probably means the Geothermal Energy, Research, Development, and Demonstration Act of 1974, Pub. L. 93-410, Sept. 3, 1974, 88 Stat. 1079, which was classified generally to chapter 24 (§1101 et seq.) of Title 30, Mineral Lands and Mining, prior to repeal by Pub. L. 116-260, div. Z, title III, §3002(i)(3), Dec. 27, 2020, 134 Stat. 2495.

The Electric and Hybrid Vehicle Research, Development and Demonstration Act, referred to in text, probably means the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, Pub. L. 94-413, Sept. 17, 1976, 90 Stat. 1260, which is classified principally to chapter 52 (§2501 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of Title 15 and Tables.

The Solar Heating and Cooling Demonstration Act, referred to in text, probably means the Solar Heating and Cooling Demonstration Act of 1974, Pub. L. 93-409, Sept. 3, 1974, 88 Stat. 1069, which is classified generally to subchapter I (§5501 et seq.) of chapter 71 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5501 of this title and Tables.

The Solar Energy Research, Development, and Demonstration Act, referred to in text, probably means the

Solar Energy Research, Development, and Demonstration Act of 1974, Pub. L. 93-473, Oct. 26, 1974, 88 Stat. 1431, which was classified generally to subchapter II (§5551 et seq.) of chapter 71 of this title, prior to repeal by Pub. L. 116-260, div. Z, title III, §3006(e)(1), Dec. 27, 2020, 134 Stat. 2513.

The Energy Reorganization Act, referred to in text, probably means the Energy Reorganization Act of 1974, Pub. L. 93-438, Oct. 11, 1974, 88 Stat. 1233, which is classified principally to chapter 73 (§5801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

CODIFICATION

Section was enacted as part of the Department of Energy Act of 1978—Civilian Applications, and not as part of the Department of Energy Organization Act which comprises this chapter.

§ 7136. Economic Regulatory Administration; appointment of Administrator; compensation; qualifications; functions

(a) There shall be within the Department an Economic Regulatory Administration to be headed by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at a rate provided for level IV of the Executive Schedule under section 5315 of title 5. Such Administrator shall be, by demonstrated ability, background, training, or experience, an individual who is specially qualified to assess fairly the needs and concerns of all interests affected by Federal energy policy. The Secretary shall by rule provide for a separation of regulatory and enforcement functions assigned to, or vested in, the Administration.

(b) Consistent with the provisions of subchapter IV, the Secretary shall utilize the Economic Regulatory Administration to administer such functions as he may consider appropriate.

(Pub. L. 95-91, title II, §206, Aug. 4, 1977, 91 Stat. 574.)

§ 7137. Functions of Comptroller General

The functions of the Comptroller General of the United States under section 771 of title 15 shall apply with respect to the monitoring and evaluation of all functions and activities of the Department under this chapter or any other Act administered by the Department.

(Pub. L. 95-91, title II, §207, Aug. 4, 1977, 91 Stat. 574.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 95-91, Aug. 4, 1977, 91 Stat. 565, known as the Department of Energy Organization Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 7101 of this title and Tables.

§ 7138. Repealed. Pub. L. 100-504, title I, § 102(e)(1)(A), Oct. 18, 1988, 102 Stat. 2517

Section, Pub. L. 95-91, title II, §208, Aug. 4, 1977, 91 Stat. 575; Pub. L. 96-226, title II, §202, Apr. 3, 1980, 94 Stat. 315; Pub. L. 97-375, title II, §205, Dec. 21, 1982, 96 Stat. 1823, related to the Office of Inspector General in

¹ See References in Text note below.

the Department of Energy, providing for (a) appointment and confirmation of Inspector General and Deputy Inspector General, removal, assistants, and compensation; (b) duties and responsibilities of Inspector General; (c) semiannual reports to Secretary and Congress; (d) report on problems, abuses, or deficiencies relating to administration of Department programs and operations; (e) additional investigations and reports; (f) transmittal of reports, information, or documents without clearance or approval; (g) additional authority of Inspector General; (h) auditing requirements; (i) avoidance of duplication and coordination and cooperation with activities of Comptroller General; and (j) report of violations of Federal criminal law to Attorney General. See section 9 of Pub. L. 95-452, Inspector General Act of 1978, as amended, formerly set out in the Appendix to Title 5, Government Organization and Employees, as restated in 5 U.S.C. 422.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective 180 days after Oct. 18, 1988, see section 113 of Pub. L. 100-504, set out as an Effective and Termination Dates of 1988 Amendments note under section 5315 of Title 5, Government Organization and Employees.

§ 7139. Office of Science; establishment; appointment of Director; compensation; duties

(a) Establishment

There shall be within the Department an Office of Science to be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5.

(b) Duties and responsibilities of Director

It shall be the duty and responsibility of the Director—

- (1) to advise the Secretary with respect to the physical research program transferred to the Department from the Energy Research and Development Administration;
- (2) to monitor the Department's energy research and development programs in order to advise the Secretary with respect to any undesirable duplication or gaps in such programs;
- (3) to advise the Secretary with respect to the well-being and management of the multi-purpose laboratories under the jurisdiction of the Department, excluding laboratories that constitute part of the nuclear weapons complex;
- (4) to advise the Secretary with respect to education and training activities required for effective short- and long-term basic and applied research activities of the Department;
- (5) to advise the Secretary with respect to grants and other forms of financial assistance required for effective short- and long-term basic and applied research activities of the Department; and
- (6) to carry out such additional duties assigned to the Office by the Secretary.

(c) Mission

The mission of the Office of Science shall be the delivery of scientific discoveries, capabilities, and major scientific tools to transform the understanding of nature and to advance the energy, economic, and national security of the United States.

(d) User facilities

The Director shall carry out the construction, operation, and maintenance of user facilities to support the mission described in subsection (c). As practicable, these facilities shall serve the needs of the Department, industry, the academic community, and other relevant entities for the purposes of advancing the missions of the Department, improving the competitiveness of the United States, protecting public health and safety, and addressing other national priorities including emergencies.

(e) Coordination

(1) In general

The Secretary—

(A) shall ensure the coordination of the Office of Science with the other activities of the Department, including the transfer of knowledge, capabilities, and relevant technologies from basic research programs of the Department to applied research and development programs of the Department for the purpose of enabling development of mission-relevant technologies;

(B) shall support joint activities among the programs of the Department;

(C) shall coordinate with other relevant Federal agencies operating under existing authorizations relating to subjects relating to the mission described in subsection (c) in supporting advancements in related research areas as appropriate; and

(D) may form partnerships to enhance the utilization of and ensure access to user facilities by other Federal agencies.

(2) Office of Science

The Director—

(A) shall ensure the coordination of programs and activities carried out by the Office of Science; and

(B) shall direct all programs which have not recently completed a future planning roadmap consistent with the funding of such programs authorized under the Research and Development, Competition, and Innovation Act to complete such a roadmap.

(Pub. L. 95-91, title II, §209, Aug. 4, 1977, 91 Stat. 577; Pub. L. 105-245, title III, §309(a), Oct. 7, 1998, 112 Stat. 1853; Pub. L. 109-58, title X, §1006(c)(4), Aug. 8, 2005, 119 Stat. 932; Pub. L. 115-246, title III, §302, Sept. 28, 2018, 132 Stat. 3140; Pub. L. 117-167, div. B, title I, §10101, Aug. 9, 2022, 136 Stat. 1408.)

Editorial Notes

REFERENCES IN TEXT

The Research and Development, Competition, and Innovation Act, referred to in subsec. (e)(2)(B), is div. B of Pub. L. 117-167, Aug. 9, 2022, 136 Stat. 1399, which enacted chapter 163 (§18901 et seq.) of this title and enacted, amended, and repealed numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 18901 of this title and Tables.

AMENDMENTS

2022—Subsecs. (d), (e). Pub. L. 117-167 added subsecs. (d) and (e).

2018—Subsec. (c). Pub. L. 115-246 added subsec. (c).