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Description of document: Department of Energy (DOE) Agency Reorganization Plan, 2025

Requested date: March 2025

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Source of document: Freedom of Information Act Request
Headquarters
FOIA Officer
United States Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585
FOIA.gov

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Department of Energy
Washington, DC 20585

Via email

Re: HQ-2025-02506-F

This is a final response to the request for information that you sent to U.S. Department of the Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. You requested the following:

I request the following records: a copy of the Agency Reorganization Plan submitted to OMB by the Department of Energy in February or March 2025 as required by Executive Order 14210 of February 11, 2025, Implementing the President's Department of Government Efficiency Workforce Optimization Initiative.

Your request was assigned to DOE's Office of the Chief Human Capital Officer (HC). The search started on April 8, 2025, which is the cutoff date for responsive records. HC has completed its search and identified two (2) documents responsive to your request. The documents are being released to you as described in the accompanying index.

Upon review, DOE has determined that certain information should be withheld from the document pursuant to Exemption 5 of the FOIA, 5 U.S.C. § 552 (b)(5).

Exemption 5 protects from mandatory disclosure "inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency." 5 U.S.C. § 552 (b)(5). Exemption 5 incorporates the deliberative process privilege which protects recommendations, advice, and opinions that are part of the process by which agency decisions and policies are formulated. The information withheld under Exemption 5 consists of inter/intra-agency pre-decisional, deliberative information.

Some of the information withheld under Exemption 5 has been deemed pre-decisional and deliberative in nature. The information is both pre-decisional because it was developed before the agency adopted a final position, and deliberative, in that it reflects the opinions of individuals who were consulted as part of a decision-making process that will lead to the agency's final policy decision about these matters. The DOE may consider these preliminary views as part of the process that will lead to the agency's final decision about these matters. The information does not represent a final agency position, and its release would compromise the deliberative process by which the government makes its decisions. Therefore, portions of the documents are



being withheld under Exemption 5 of the FOIA as pre-decisional material that is part of the agency's deliberative process.

In addition, these documents contain communications involving DOE attorneys and are being withheld under the attorney-client communications privilege. The information in these documents includes confidential communication between DOE attorneys and the staff of the program office to which they provide legal advice. Thus, documents are being withheld in part under Exemption 5 of the FOIA.

With respect to the discretionary disclosure of deliberative information, as well as attorney-client communications, the quality of agency decisions would be adversely affected if frank, written discussion of policy matters were inhibited by the knowledge that the content of such discussion might be made public. For this reason, DOE has determined that discretionary disclosure of the deliberative material and attorney-client communications are not in the public interest because foreseeable harm would result from such disclosure.

This satisfies the standard set forth at 5 U.S.C. § 552(a)(8)(A) that agencies shall withhold information under FOIA "only if (I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption...; or (II) disclosure is prohibited by law...". 5 U.S.C. § 552(a)(8)(A) also provides that whenever full disclosure of a record is not possible, agencies shall "consider whether partial disclosure of information is possible...and (II) take reasonable steps necessary to segregate and release nonexempt information." Therefore, we have determined that, in certain instances, a partial disclosure is proper.

Pursuant to 10 C.F.R. § 1004.7(c)(2), I am the individual responsible for the determination to withhold the information described above. The FOIA requires that "any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt." 5 U.S.C. § 552(b). As a result, a redacted version of the documents is being released to you in accordance with 10 C.F.R. §1004.7(c)(3).

This determination, as well as the adequacy of the search, may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to Director, Office of Hearings and Appeals, HG-1, L'Enfant Plaza, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line (this is the preferred method by the Office of Hearings and Appeals). The appeal must contain all of the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either: 1) in the district where you reside; 2) where you have your principal place of business; 3) where DOE's records are situated; or 4) in the District of Columbia.

You may contact DOE's FOIA Public Liaison, Todd Burns at foia-central@hq.doe.gov, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information

for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

The FOIA provides for the assessment of fees for the processing of requests. *See* 5 U.S.C. § 552(a)(4)(A)(i); *see also* 10 C.F.R. § 1004.9(a). In your request you agreed to pay up to \$50.00 for the processing of your request. In our April 10, 2025, letter, you were informed your request was placed in the “other” category for fee purposes. Requesters in this category are entitled to two (2) free hours of search time and are provided 100 pages at no cost. DOE’s processing costs did not exceed \$15.00, the minimum amount at which DOE assesses fees. Thus, no fees will be charged for processing your request.

If you have any questions about the processing of your request, you may contact Cara Hall at cara.hall@hq.doe.gov or foia-central@hq.doe.gov.

I appreciate the opportunity to assist you with this matter.

Sincerely,

**TODD
BURNS**

Digitally signed by
TODD BURNS
Date: 2026.01.28
15:35:49 -05'00'

Todd Burns
Assistant General Counsel for
Finance and Information Law



DOE ARRP Phase 1 Submission
**U.S. DEPARTMENT
of ENERGY**



**U.S. DEPARTMENT
of ENERGY**

PRE-DECISIONAL

Agency RIF and Reorganization Planning (ARRP) Phase 1

U.S. Department of Energy (DOE)

March 2025

Department of Energy ARRP Phase 1

OPM Requirement

Each agency will submit a Phase 1 ARRP to OMB and OPM for review and approval **no later than March 13, 2025**. Phase 1 ARRPs shall focus on initial agency cuts and reductions. Each Phase 1 ARRP should identify:

1. **A list of agency subcomponents or offices that provide direct services to citizens. Such subcomponents or offices should be included in ARRPs to improve services to citizens while eliminating costs and reducing the size of the federal government. But for service delivery subcomponents or offices, implementation shall not begin until certified by OMB and OPM as resulting in a positive effect on the delivery of such services.**

Department of Energy (DOE) offices provide specific services to key partners and beneficiaries with both direct and indirect impacts on citizens and stakeholders, including national, economic, energy, and environmental security. For example:

S2: The Office of the Deputy Secretary (S2) encompasses the Departmental organizations engaged in energy programs, environmental cleanup and remediation of contaminated sites, and other critical functions including personnel and physical safety/security, informing national security through intelligence and counterintelligence, oversight and policy development necessary for the overall operation of the Department.

- S2 consists of 21 subcomponents. Of these subcomponents, 184 subsidiary organizations provide direct services to citizens. Direct services to citizens include providing public energy data, environmental cleanup of contaminated sites, a forum for dispute resolution, public information dissemination, and resources for American businesses.

S3: The Office of the Under Secretary for Infrastructure (S3) advances energy technologies, enhances energy security, and modernizes the U.S. energy infrastructure. Most operate by providing funding, technical assistance, and policy support.

- S3 consists of 8 subcomponents and the Power Marketing Administrations (Bonneville Power Administration, Southeastern Power Administration, Southwestern Power Administration, and Western Area Power Administration). Of these subcomponents, 21 subsidiary organizations provide direct services to citizens. Direct services to citizens include administering grants to states for home weatherization, offering information and assistance during energy emergencies, enhancing grid resilience and reliability, and providing technical assistance and administering grants to Indian tribes for energy development. Additionally, the Power Marketing Administrations (PMAs) operate electric systems and sell the electrical output of federally owned and operated hydroelectric dams in 34 states.

S4: The Office of the Under Secretary for Science and Innovation (S4) oversees a broad portfolio of research and development activities, fostering partnerships with universities, national laboratories, and industry to advance cutting-edge technologies. The following offices within S4 provide direct services to citizens:

- S4 consists of 7 subcomponents. Of these subcomponents, 78 subsidiary organizations provide direct services to citizens. Direct services to citizens include targeted energy

programs in the Arctic, funding to state and local governments for energy initiatives, and long-term advancements to nuclear energy technologies. This also includes the oversight of 17 National Laboratories which provide various services to the public including public access to research facilities. These program offices benefit the public through advancing technologies to assure American energy dominance and national, economic, and energy security. S4 also provides access to artificial intelligence (AI) and high-performance super-computing capabilities to solve complex scientific problems, accelerate scientific discovery, and enhance national security.

S5: National Nuclear Security Administration (NNSA) is responsible for enhancing national security through the military application of nuclear science. NNSA maintains and enhances the safety, security, and effectiveness of the U.S. nuclear weapons stockpile; works to reduce the global danger from weapons of mass destruction; provides the U.S. Navy with safe and militarily effective nuclear propulsion; and responds to nuclear and radiological emergencies in the United States and abroad.

2. **Any statutes that establish the agency, or subcomponents of the agency, as statutorily required entities. Agency leadership must confirm statutes have not been interpreted in a way that expands requirements beyond what the statute actually requires. Instead, statutes should be interpreted to cover only what functions they explicitly require.**

Appendix 1¹ lists the statutory requirements with a direct line to the statutory functions. Statute interpretation has been limited to the specific statutory authority and has not been expanded. The listed statutes contain explicit requirements.

Whereas the listed statutes authorize general Departmental and Secretarial authorities, subsequent considerations such as line management, organizational design, and any related regulatory determinations are left to Secretarial discretion. Accordingly, DOE will consider such optimization in developing and implementing Phase 2 of the ARRP.

See **Appendix 1: DOE Statutorily Required Functions**

3. **All agency components and employees performing functions not mandated by statute or regulation who are not typically designated as essential during a lapse in appropriations (because the functions performed by such employees do not fall under an exception to the ADA) using the Agency Contingency Plans submitted to OMB in 2019 referenced above.**

The determination of essential personnel during lapse of appropriations is based on the minimum number of staff required to prevent loss of life and property when the Department is shutting down agency operations. However, during such a lapse, DOE prioritizes a phased approach to ensure the continuation of critical operations in compliance with funding restrictions. Beyond any initial funding flexibilities, all but the essential personnel in the Department are prohibited from fulfilling their statutorily mandated functions. While the core group of essential personnel required to remain during a lapse are extremely minimal, such limited capabilities are neither intended nor capable of sustaining ongoing government operations.

The following mission support functions within Departmental Elements ensure successful mission execution but are not in and of themselves statutorily mandated: resource management

¹ Appendix 1- DOE Statutorily Required Functions

and workforce development; budget; communications and external affairs; and technical and administrative support. See **Section 6** for additional detail.

4. Whether the agency or any of its subcomponents should be eliminated or consolidated; and which specific subcomponents or functions, if any, should be expanded to deliver on the President's priorities.

In alignment with the President's energy priorities, and consistent with the DOE Secretary's order to unleash American energy dominance by prioritizing energy abundance, innovation, infrastructure development, affordability, security, and modernization, the Agency is in the process of making critical restructuring and reorganization determinations as to the elimination, consolidation, and/or expansion of various portfolios. This may include, but would not be limited to, consolidating certain organizations, sub-units, or functions within the existing S2, S3, and S4 organizational designs, as well as ongoing personnel-related actions. Any future reorganization will be in alignment with the President's Executive Orders, development of the Secretary's priorities and strategic objectives, line management reporting structures, and anticipated administration priorities, as reflected in the FY 2026 President's Budget Request.

5. The specific tools the agency intends to use to achieve efficiencies, including, as to each, the number of FTEs reduced and any potential savings or costs associated with such actions in Fiscal Years 2025, 2026 and 2027:

- a. Continuation of the current hiring freeze;
- b. Regular attrition (e.g., retirement, movement between agencies and the private sector);
- c. Attrition through enhanced policies governing employee performance and conduct;
- d. Attrition through the termination or non-renewal of term or limited positions or reemployed annuitants;
- e. Attrition achieved by RIFs. For purposes of the Phase 1 ARRP, the agency should include the following information:
 - i. The competitive areas and organizational components that the agency has targeted or will target for initial RIFs, and
 - ii. The agency's target for reductions in FTE positions via RIFs.

In an effort to achieve operational efficiency, the Agency has already undertaken several key actions with the following results:

- 1,217 employees separated as a result of the Deferred Resignation Program (*DRP*),
- 71 DEI employees who have been placed on administrative leave and will be prioritized in RIF implementation, and
- 555 probationary employees terminated (may be reinstated due to court order issued March 13, 2025)

Additionally, the following tools may be utilized to achieve further efficiencies:

- **VERA/VSIP Request:** The agency may request approval for VERA and VSIP Department-wide, with approximately 1,640 eligible employees.

- **Management of Temporary/Term Positions and Reemployed Annuitants:** A strategic review of temporary and term positions as well as reemployed annuitant appointments will be conducted to identify opportunities for termination or non-renewal.
- **Retention Incentive Reviews:** A comprehensive review of retention incentives is underway, with agreements terminated or not extended where appropriate. This includes a review of group incentive programs for cybersecurity personnel.
- **Enhancement of Performance and Conduct Policies:** The agency plans to drive further attrition through actively enhanced performance and conduct policies. Performance data has been submitted to OPM to aid in developing government-wide performance metrics for evaluating the federal workforce. Additionally, the agency enhanced policies for SES employees to ensure greater accountability, restructuring the Executive Review Board (ERB) to comply with the relevant Executive Order.
- **Continuation of Hiring Freeze:** The agency will maintain its current hiring freeze with limited approval to fill critical positions in alignment with Administration priorities.
- **Management of Regular Attrition:** Normal attrition, including retirements, resignations, and transfers, will be leveraged to decrease the workforce size. The most recent attrition rate for DOE prior to 1/20/2025 was 7.5% per year.
- **RIF Implementation:** The agency may conduct targeted RIFs to accomplish its new organizational structure to better meet the Administration's strategic priorities.

6. A list by job position of all positions categorized as essential for purposes of exclusion from large-scale RIFs, including the number per each job position and total by agency and subcomponent.

DOE has defined essential positions for the purposes of exclusion from large-scale RIFs as:

The topline numbers:

- Current DOE Positions: 17,536 (Based on encumbered positions as well as funded and non-funded vacancies)
- Current DOE Onboard Headcount: 15,994 (includes 1,288 DOE staff on administrative leave due to Deferred Resignation Program and DEI; excludes the 555 Probationary Terminations)
- Total Essential Positions: 9,004
 - Essential Organizations include: Office of Cybersecurity, Energy Security and Emergency Response, Office of Environmental, Health, Safety, and Security, Office of Environmental Management, Office of Intelligence and Counterintelligence, National Nuclear Security Administration, Bonneville Power Administration, Southeastern Power Administration, Southwestern Power Administration, and Western Area Power Administration.
- Breakdown of Essential Positions by Portfolio:
 - S2: 1,252 of 4,295 total positions
 - S3: 5,280 of 6,799 total positions
 - Power Marketing Administrations (PMAs): 4,650 of 5,176 total positions.
 - Remaining S3 Organizations: 630 of 1,623 total positions.
 - S4: 1,565 of 3,424 total positions
 - S5: 2,472 of 3,018 total positions

Note: The Office of the Inspector General (IG) and the Secretary of Energy Advisory Board (SEAB) are excluded from this data due to their independent nature.

7. The agency's suggested plan for congressional engagement to gather input and agreement on major restructuring efforts and the movement of fundings between accounts, as applicable, including compliance with any congressional notification requirements.

DOE's Office of Congressional & Intergovernmental Affairs (CI), together with the Office of Chief Financial Officer (CFO), and Office of the Chief Human Capital Officer (HC), and other relevant departmental elements, will coordinate on communicating DOE's restructuring plans while considering the advice of the Office of General Counsel (GC) regarding the Secretary's statutory authorities. DOE will engage with the Department's Congressional Committees of jurisdiction and ensure compliance with any notification requirements. Key committees may include:

- Senate Energy & Water Development Subcommittee on Appropriations
- Senate Energy & Natural Resources Committee
- Senate Armed Services Committee
- House Energy & Water Development Subcommittee on Appropriations
- House Energy & Commerce Committee
- House Science, Space, and Technology Committee
- House Armed Services Committee

8. The agency's timetable and plan for implementing each part of its Phase 1 ARRP.

As DOE continues to refine the scope of the Phase 2 ARRP, it will further specify deliverables, actions, goals, and milestones and monitor progress in alignment with agency policy and administration priorities as well as collective bargaining agreements. Over the next month, such efforts will proceed in accordance with the ongoing Secretarial review of the Department to ensure alignment with administration priorities, while anticipating the confirmation of senior leaders to conduct comprehensive program reviews. Thus, DOE will continue executing toward the development of the detailed ARRP to be submitted in accordance with Phase 2.

Concurrently, DOE will continue to review the data gathered by the program offices, including the statutory authorities included in the submission of the Phase 1 report (see **Appendix 1**), gather and analyze additional data, and explore strategic options for each organizational unit and subunit in the context of overarching personnel considerations. Subsequently, ongoing efforts will proceed in synergy with related Executive Orders and OPM memos influencing strategic HR management decisions. For instance, while developing the detailed timetable and plan for the Phase 2 ARRP, DOE will continue to implement initiatives advancing employees' return to the office, instilling merit-based principles, categorizing policy positions, and optimizing collective bargaining agreements in tandem with insights gleaned from related government efficiency initiatives and the ongoing Secretarial review, including both Federal and contractor FTEs.

**Appendix 1, consisting of twelve
(12) pages, is being withheld in full
under Exemption b5**