

FOR IMMEDIATE RELEASE

April 13, 1976

Office of the White House Press Secretary

THE WHITE HOUSE

EXECUTIVE ORDER

DELEGATION OF AUTHORITIES RELATING TO ENERGY
POLICY AND CONSERVATION

By virtue of the authority vested in me by the Constitution and the statutes of the United States of America, including the Energy Policy and Conservation Act (Public Law 94-163, 89 Stat. 871, 42 U.S.C. 6201 et seq.), the Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 1901 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), and section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

Section 1. (a) The Administrator of General Services is designated and empowered to perform without approval, ratification, or other action by the President, the functions vested in the President by section 510 of the Motor Vehicle Information and Cost Savings Act, as amended (89 Stat. 915, 15 U.S.C. 2010). In performing these functions, the Administrator of General Services shall consult with the Secretary of Transportation and the Administrator of the Federal Energy Administration.

(b) The Administrator of the Federal Energy Administration, in consultation with the Administrator of General Services and the Administrator of Energy Research and Development, shall coordinate the overall development of the 10-year plan for energy conservation with respect to Government buildings, as provided by section 381(a)(2) of the Energy Policy and Conservation Act (89 Stat. 939, 42 U.S.C. 6361(a)(2)). The Administrator of the Federal Energy Administration shall also consult with the Secretary of Commerce for the development of appropriate standards and technical criteria included in this plan. The heads of those Federal agencies that have the authority to construct, operate, manage, or lease Federal buildings shall prepare plans for buildings under the custody and control of, or leased by, such agencies. The Administrator of the Federal Energy Administration shall submit such plan to the President for his consideration.

Sec. 2. The Secretary of Commerce is designated and empowered to perform without approval, ratification, or other action by the President, the functions vested in the President by section 103 of the Energy Policy and Conservation Act (89 Stat. 877, 42 U.S.C. 6212). In performing each of these functions, the Secretary of Commerce shall consult with appropriate Executive agencies, as set forth in the provisions of section 5(a) of the Export Administration Act of 1969, as amended (50 U.S.C. App. 2404(a)).

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Sec. 3. The Administrator of the Office of Federal Procurement Policy, in the exercise of his statutory responsibility to provide overall direction of procurement policy (41 U.S.C. 405), shall, after consultation with the heads of appropriate agencies, including those responsible for developing energy conservation and efficiency standards, and to the extent he considers appropriate and with due regard to the program activities of the Executive agencies, provide policy guidance governing the application of energy conservation and efficiency standards in the Federal procurement process in accord with section 381(a)(1) of the Energy Policy and Conservation Act (89 Stat. 939, 42 U.S.C. 6361(a)(1)).

Sec. 4. (a) The Administrator of the Federal Energy Administration, in consultation with the heads of appropriate agencies, is hereby authorized and directed to develop for the President's consideration, in accord with section 201 of the Energy Policy and Conservation Act (89 Stat. 890, 42 U.S.C. 6261), the energy conservation and rationing contingency plans prescribed under sections 202 and 203 of the Energy Policy and Conservation Act (89 Stat. 892, 42 U.S.C. 6262 and 6263).

(b) The Administrator of the Federal Energy Administration shall prepare, with the assistance of the heads of appropriate agencies, for the President's consideration, the annual reports provided by section 381(c) of the Energy Policy and Conservation Act (89 Stat. 939, 42 U.S.C. 6361(c)).

Sec. 5. The Secretary of State is hereby delegated the authority vested in the President by Section 252(c)(1)(A)(iii) of the Energy Policy and Conservation Act (89 Stat. 895, 42 U.S.C. 6272(c)(1)(A)(iii)).

Sec. 6. The Administrator of the Federal Energy Administration is designated and empowered to perform without approval, ratification, or other action by the President, the functions vested in the President by:

(a) Section 251 of the Energy Policy and Conservation Act (89 Stat. 894, 42 U.S.C. 6271), except the making of the findings provided by subparagraph (b)(1)(B) thereof; however, in performing these functions, the Administrator shall consult with the Secretary of Commerce with respect to the international allocation of petroleum products which are within the territorial jurisdiction of the United States; and provided that the Secretary of Commerce shall promulgate rules, pursuant to the procedures established by the Export Administration Act of 1969, as amended, to authorize the export of petroleum and petroleum products, as may be necessary for implementation of the obligations of the United States under the International Energy Program, and in accordance with the rules promulgated under Section 251 of the Energy Policy and Conservation Act by the Administrator pursuant to this subsection.

(b) Section 253(c) of the Energy Policy and Conservation Act (89 Stat. 898, 42 U.S.C. 6273);

(c) Section 254(a) of the Energy Policy and Conservation Act (89 Stat. 899, 42 U.S.C. 6274(a)), including the receipt of petitions under section 254(a)(3)(B); provided that, the authority under section 254(a) may be exercised only after consultation with the Secretary of State;

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(d) Section 254(b) of the Energy Policy and Conservation Act (89 Stat. 900, 42 U.S.C. 6274(b)); provided that, in determining whether the transmittal of data would prejudice competition or violate the antitrust laws, the Administrator shall consult with the Attorney General, and in determining whether the transmittal of data would be inconsistent with national security interests, he shall consult with the Secretaries of State and Defense, and the heads of such other agencies as he deems appropriate;

(e) Section 523(a)(2)(A) of the Energy Policy and Conservation Act (89 Stat. 962, 42 U.S.C. 6393(a)(2)(A)), but only to the extent applicable to other functions delegated or assigned by this Order to the Administrator of the Federal Energy Administration.

Sec. 7. (a) The Administrator of General Services is designated and empowered to perform without approval, ratification, or other action by the President, the functions vested in the President by section 101(c) of the Defense Production Act of 1950, as amended (89 Stat. 878, 50 U.S.C. App. 2071(c)).

(b) The Administrator of General Services shall redelegate the functions provided by section 101(c)(1) of the Defense Production Act of 1950, as amended, to the Secretary of Commerce.

(c) The Administrator of General Services shall redelegate the functions provided by section 101(c)(3) of the Defense Production Act of 1950, as amended, to the Secretary of Commerce, who shall redelegate those functions, except the findings that the supplies are scarce and that it is necessary to exercise the authority provided by section 101(c)(1), to the Administrator of the Federal Energy Administration.

(d) The Administrator of General Services shall provide for the overall coordination and direction of the functions provided by section 101(c) of the Defense Production Act of 1950, as amended, in a manner similar to the exercise of functions under sections 101(a) and (b) of that Act; except that, the Administrator shall first obtain the approval of the President if the implementation of any authority under section 101(c) of that Act would result in controlling the general distribution of materials in the civilian market, as that phrase is used in section 101(b) of that Act.

Sec. 8. Nothing in this Order shall be deemed or construed to limit the provisions of Executive Order No. 11790 of June 25, 1974, except that any action taken pursuant to the Defense Production Act of 1950, as amended, requiring the allocation of, or priority performance under contracts or orders relating to, supplies of materials and equipment in order to maximize domestic energy supplies shall be taken in accordance with the provisions of section 7 of this Order rather than Executive Order No. 11790.

Sec. 9. All orders, regulations, circulars or other directives issued and all other action taken prior to the date of this Order that would be valid under the authority delegated by this Order, are hereby confirmed and ratified and shall be deemed to have been issued under this Order.

GERALD R. FORD

THE WHITE HOUSE,
April 13, 1976

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