

FOR IMMEDIATE RELEASE

JULY 30, 1976

Office of the White House Press Secretary

THE WHITE HOUSE

## EXECUTIVE ORDER

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PERFORMANCE BY THE FEDERAL ENERGY OFFICE OF  
ENERGY FUNCTIONS OF THE FEDERAL ENERGY ADMINISTRATION

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the Energy Policy and Conservation Act (89 Stat. 871, 42 U.S.C. 6201 et seq.), the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 et seq.), the Energy Supply and Environmental Coordination Act of 1974 (88 Stat. 246, 15 U.S.C. 791 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), the Energy Reorganization Act of 1974 (88 Stat. 1233, 42 U.S.C. 5801 et seq.), Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), Section 301 of Title 5 of the United States Code, and Section 3301 of Title 5 of the United States Code, and consistent with the provisions of 5 CFR 351.301, and as President of the United States of America, it is hereby ordered as follows:

Section 1. There is hereby established in the Executive Office of the President a Federal Energy Office, which shall be under the immediate supervision and direction of an Administrator of the Federal Energy Office, hereinafter referred to as the Administrator, who shall be appointed by the President. The Administrator shall be compensated at the rate now or hereafter prescribed by law for level II of the Executive Schedule.

Sec. 2. Within the framework of the Energy Resources Council, the Administrator shall advise the President with respect to the establishment and integration of domestic and foreign policies relating to the production, conservation, use, control, distribution, and allocation of energy and with respect to all other energy matters, and shall perform such other functions as may be delegated to him pursuant to law.

Sec. 3. There shall be in the Federal Energy Office the following officers each of whom shall be appointed by the President and each of whom shall receive compensation at the rate now or hereafter prescribed by law for that level of the Executive Schedule indicated: Two deputy administrators (level III); six assistant administrators (level IV); a general counsel (level IV); and a director of intergovernmental, regional and special relations (level V).

Sec. 4. The Administrator is hereby designated, pursuant to section 14 of the Energy Supply and Environmental Coordination Act of 1974, as the Federal Energy Administrator for purposes of the Energy Supply and Environmental Coordination Act of 1974, and section 119 of the Clean Air Act, as amended (42 U.S.C. 1857).

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Sec. 5. The Federal Energy Office established by this order is designated the agency to carry out all functions vested in the Administrator of the Federal Energy Administration under the Energy Policy and Conservation Act.

Sec. 6. There is hereby delegated to the Administrator all the authority that was delegated to the Administrator of the Federal Energy Administration pursuant to Executive Order No. 11790 of June 25, 1974 and Executive Order No. 11912 of April 13, 1976.

Sec. 7. The Administrator is designated a member of the Energy Resources Council established by the Energy Reorganization Act of 1974 and Executive Order No. 11814 of October 11, 1974, as amended, and shall perform the functions assigned by the President and by the Chairman of the Council, who is the Secretary of Commerce, to the Administrator of the Federal Energy Administration.

Sec. 8. The Administrator shall exercise the functions of the Administrator of the Federal Energy Administration under Proclamation No. 3279, as amended.

Sec. 9. (a) All orders, rules, regulations, rulings, interpretations, or other directives issued or pending, all rule making, judicial or administrative proceedings commenced or pending, all voluntary agreements, plans of action, and all other actions commenced or taken by, under the authority of or ratified by the Administrator of the Federal Energy Administration prior to the effective date of this order that would be valid under the authority delegated or transferred by this order, are hereby continued, confirmed, ratified and made effective under this order and shall remain in full force and effect, unless or until altered, amended, or revoked by the Administrator or by such competent authority as he may specify.

(b) All personnel, property, records, contracts, obligations, cooperative agreements, rights, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available, in connection with functions of the Administrator of the Federal Energy Administration are hereby transferred to the Federal Energy Office.

(c) The Administrator is authorized to exercise the authority of the President under the Defense Production Act of 1950, as amended, to establish not more than eight positions and to appoint individuals to such positions compensated at the rate now or hereafter prescribed by law for level V of the Executive Schedule.

(d) All individuals who, immediately prior to the effective date of this order, are serving in or have been nominated to positions under the Federal Energy Administration Act of 1974, which correspond to the positions established in the Federal Energy Office by sections 1 and 3 of this order are, on the effective date of this order, appointed to the positions established in the Federal Energy Office by sections 1 and 3 of this order.

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(e) All individuals appointed to and serving in positions in grades GS-16, 17 and 18 pursuant to the Federal Energy Administration Act of 1974, which appointments have been approved as to classification and qualifications by the Civil Service Commission, shall be continued in such grade unless any such position is determined by the Civil Service Commission to involve responsibilities substantially less than those responsibilities involved when originally established pursuant to the Federal Energy Administration Act of 1974. Continuation in such grades shall also be subject to allotment by the Civil Service Commission of available positions in grades GS-16, 17 and 18. The Civil Service Commission shall discharge its responsibilities with respect to the allotment of positions in grades GS-16, 17 and 18 by providing, consistent with law, the efficiency of the Civil Service, and the provisions of this order, for the allotment of sufficient positions in grades GS-16, 17 and 18 to carry out the first sentence of this subsection (e) and to provide for such additional positions as the Administrator and the Civil Service Commission deem necessary.

(f) Nothing in the order shall affect rights to reemployment under the provisions of section 5(a)(1)(B) of the Emergency Petroleum Allocation Act of 1973, as amended, or section 212(g) of the Economic Stabilization Act of 1970, as amended. Any employee transferred pursuant to subsection (b) of this section having a right to reemployment under the provisions of section 28 of the Federal Energy Administration Act of 1974 shall retain that right during the period of his employment with the Federal Energy Office established by this order. Any employee of the Federal government appointed, without a break in service of one or more work days, to any position in the Federal Energy Office established by this order shall have the rights of reemployment provided by subpart B of Part 352 of title 5 of the Code of Federal Regulations.

Sec. 10. The Administrator shall, before promulgating proposed rules, regulations, or policies affecting the quality of the environment, provide a period of not less than five working days from receipt of notice of the proposed action during which the Administrator of the Environmental Protection Agency may provide written comments concerning the impact of such rules, regulations, or policies on the quality of the environment. Such comments shall be published along with public notice of the proposed action. The review required by this section may be waived for a period of 14 days if there is an emergency situation which, in the judgment of the Administrator, requires immediate action.

Sec. 11. The Administrator of General Services shall provide, on a reimbursable basis, such administrative support as may be needed by the Federal Energy Office. All departments and agencies of the Executive branch shall, to the extent permitted by law, provide assistance and information to the Administrator of the Federal Energy Office.

Sec. 12. This order shall become effective on July 31, 1976.

GERALD R. FORD

THE WHITE HOUSE,  
July 30, 1976.

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