FEDERAL GOVERNMENT

INFORMATION HANDBOOK

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

December 31, 1980

PREPARED FOR

U.S. DEPARTMENT OF ENERGY

OAK RIDGE OPERATIONS OFFICE

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BY

POLITECH CORPORATION
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DISCLAIMER

FEDERAL GOVERNMENT

INFORMATION HANDBOOK

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INTRODUCTION

Pursuant to the First War Powers Act of 1941 and the Atomic Energy Acts of 1946 and 1954, as amended, the Corps of Engineers' Manhattan Engineer District (MED) and its successor, the Atomic Energy Commission (AEC), conducted during the 1940's and 1950's a program involving research, development, processing, and production of uranium and thorium. This program also included the storage of radioactive ores and processing residues, e.g. mill tailings. Virtually all of this work was performed by private contractors for the Government on land that was either federally, privately, or institutionally owned. Due to the urgency and magnitude of the early nuclear materials programs and the limited knowledge available regarding the radioactive characteristics of uranium ore and residual material from its processing, many of these sites became contaminated with radioactivity as a result of work done for the Government. At the conclusion of MED/AEC activities, contaminated sites were decontaminated in accordance with existing guidelines for contamination and exposure levels. Since that time, the guidelines for radioactivity contamination have become much more stringent.

In early 1974, the AEC initiated a survey program to identify all formerly utilized sites involved with nuclear materials and to determine their radiological status. All divisions and field offices of the AEC were required to search their files to identify any such former Government-owned or leased sites and facilities that had been used in the research or production activities of the MED and the AEC. In addition, the files were searched for records identifying the radiological conditions at the termination of the MED/AEC activities and the current radiological condition of the sites. This effort identified many sites for which pertinent information was lacking or was insuffient to determine their radiological conditions.

On January 19, 1975, the AEC was abolished and its programmatic responsibilities transferred to the Energy Research and Development Administration (ERDA) which continued the activities of the survey program. Contacts were made with former and current owners and site visits were conducted under the direction of ERDA field offices to determine the need for radiological surveys. Subsequent survey results were published in radiological survey reports that analyzed the significance of the findings with respect to the potential risks to the public health.

Pursuant to the Department of Energy Organization Act of 1977, the functions and authority of ERDA were transferred to the Department Of Energy (DOE). In the DOE, the Assistant Secretary for the Environment (ASEV) was assigned the responsibility for the site-survey program. The results of several site surveys clearly indicated that some remedial action would be needed, not only on the former sites, but also on adjacent or remote properties that had become contaminated from the original processing site. Due to the importance of this effort, the ASEV initiated the Formerly Utilized Sites Remedial Action Program (FUSRAP) and drafted a generic plan to identify all formerly utilized sites and to resolve any site radiological problems. The objectives of the FUSRAP are to:

- o Identify former MED/AEC sites;
- o Characterize their radiological conditions;
- o Decontaminate sites as required and pursuant to authorization and appropriation by Congress;
- o Develop acceptable disposal and stabilization sites in consultation with the affected states;
- o Certify the acceptability of the sites for future use.

Using the generic plan as a guide, in mid-1979 responsibility for the FUSRAP activities was divided between the ASEV and the Assistant Secretary for Energy Technology (now Assistant Secretary for Nuclear Energy [ASNE]). The ASEV is responsible for identifying the sites, characterizing the radiological conditions, determining the need for remedial action at the sites, and ultimately for certifying the post-remedial action radiological condition of the FUSRAP sites. The ASNE is responsible for implementing the required remedial actions, including suitable disposal or stabilization of residual material. The Oak Ridge Operations Office has been delegated with the responsibility for field implementation and program management of the ASNE FUSRAP responsibilities. The Environmental Protection Agency (EPA) is responsible for the promulgation of health and environmental standards which will apply to all residual radioactive materials at the formerly utilized sites. As of this time, 31 sites in 13 states have been identified that require or may require some form of remedial action.

This volume is one of a series produced under contract with the DOE, by POLITECH CORPORATION to develop a legislative and regulatory data base to assist the FUSRAP management in addressing the institutional and socioeconomic issues involved in carrying out the Formerly Utilized Sites Remedial Action Program. This Information Handbook series contains information about all relevant government agencies at the Federal and state levels, the pertinent programs they administer, each affected state legislature, and current Federal and state legislative and regulatory initiatives.

This volume is a compilation of information about the Federal Government. It contains:

- A summary of the organization and responsibilities of agencies within the executive branch of the Federal government which may be relevant to FUSRAP activities;
- A brief summary of relevant Federal statutes and regulations;
- A description of the structure of the U.S. Congress, identification of the officers, relevant committees and committee chairmen;
- A description of the Federal legislative process;
- A summary of legislation enacted and considered in the recently-adjourned 96th Congress;
- A description of the Federal budgetary process;
- A summary of the Carter Administration's comprehensive radioactive waste management program; and
- Excerpts from the text of relevant Federal statutes and regulations.

The loose-leaf format used in these volumes will allow the material to be updated periodicially as the Remedial Action Program progresses.

SECTION 1

RELEVANT FEDERAL AGENCIES AND DEPARTMENTS

This section summarizes the organization and responsibilities of agencies within the executive branch of the Federal government which may be relevant to the Formerly Utilized Sites Remedial Action Program. Five agencies with particular responsibilities for implementing the government's current remedial activities under the FUSRAP, and related programs, are discussed in detail.

These agencies are:

- o Department of Energy;
- o Nuclear Regulatory Commission;
- o Environmental Protection Agency;
- o Interior Department; and
- o Justice Department.

Other agencies with nuclear-related responsibilities are described in brief. Many of the individuals listed under these agencies were appointed to their positions by the current Administration and may be subject to replacement by individuals designated by the incoming Reagan Administration.

<u>Department of Energy</u>
1000 Independence Avenue, S.W.
Washington, D.C. 20585

DOE was created under the Energy Organization Act (P.L. 95-91) and was officially activated on October 1, 1977. The Federal Energy Administration, Federal Power Commission and Energy Research and Development Administration were merged into the new agency, which also assumed many of the energy-related functions of the Departments of Interior, Defense, Commerce, and Housing and Urban Development, and the Interstate Commerce Commission. DOE now has approximately 19,500 employees and a 1980 budget of $11.7 billion.

<u>Functions</u>

DOE's mission is to bring together the federal government's fragmented energy programs and to develop and implement a coherent and effective national energy policy. DOE performs the following regulatory and programmatic functions:

- o Implement programs for research, development, and commercialization in such areas as conservation, solar energy, nuclear energy, nuclear waste management, nuclear weapons research, geothermal, coal, fusion, oil and gas, and synthetic fuels.

- Collect and disseminate information on energy supply and demand.

- Regulate the pricing and allocation of domestic oil and natural gas and implement programs to cause powerplants and major industries to shift from oil to coal and other abundant energy resources.

Organization

The Secretary of DOE is Charles W. Duncan, Jr. On October 1, 1979, Secretary Duncan changed the organizational structure of DOE by eliminating the office of the Assistant Secretary for Energy Technology and transferring its solar functions to the Assistant Secretary for Conservation and Solar Energy, its fossil fuels functions to a new Assistant Secretary for Fossil Energy, and its nuclear-related functions to a new Assistant Secretary for Nuclear Energy. The principal offices of DOE are:

- Conservation and Solar Energy
  Thomas E. Stelson, Assistant Secretary
  (202) 252-9220

Implements programs for improving energy use efficiency and for reducing energy consumption through technology development, grants, and public education.

- Environment
  Ruth C. Clusen, Assistant Secretary
  (202) 252-4700

Reviews environmental impact statements prepared by DOE, assures that DOE programs are consistant with environmental and safety laws, and conducts R & D programs in the areas of public health and the environment. This office is partly responsible for implementing FUSRAP and UMTRAP programs by designating processing sites, preparing safety and environmental reviews and surveys, remedial action priorities, and carrying out related environmental responsibilities.

- Fossil Energy
  George Fumich, Jr., Assistant Secretary
  (202) 252-6660

Conducts R & D programs to develop technologies that will increase domestic production of coal, oil and gas and shale oil.

- <u>Nuclear Energy</u>
  George W. Cunningham, Assistant Secretary
  (301) 353-4501/ (202) 252-6450

Promotes the development of nuclear fission and fusion and nuclear waste management technologies. This office is responsible for implementing the remedial actions and other requirements under UMTRAP and current FUSRAP programs. Relevant officials are Sheldon Meyers, Deputy Assistant Secretary for Nuclear Waste Management (301) 353-5645, and Robert W. Ramsey, Remedial Actions Program Office Manager (301) 353-5272.

- <u>Resource Applications</u>
  Ruth M. Davis, Assistant Secretary
  (202) 633-9222

Manages DOE's five power marketing administrations (Alaska, Bonneville, Southeastern, Southwestern, and Western), promotes the development and commercialization of non-solar technologies, and manages the Strategic Petroleum Reserve.

- <u>Defense Programs</u>
  Duane C. Sewell, Assistant Secretary
  (202) 252-2177

Conducts programs for nuclear weapons R & D and production.

- <u>Energy Information Administration</u>
  Albert H. Linden, Jr., Deputy Administrator
  (202) 633-8477

Collects, publishes and disseminates information on energy reserves, consumption, production, data concerning energy companies, analyses of energy trends and long-range forecasts.

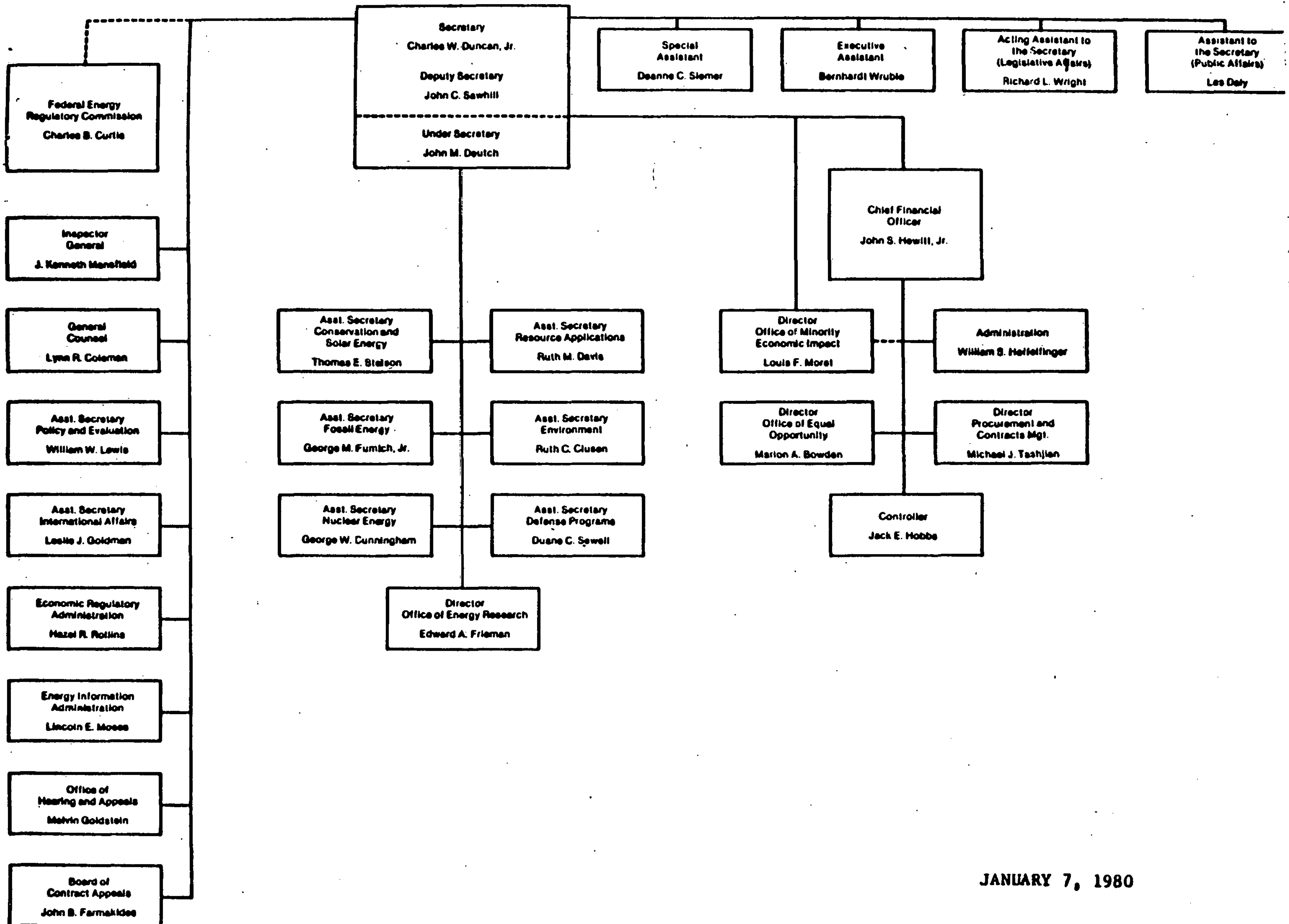
- <u>Economic Regulatory Administration</u>
  Hazel R. Rollins, Administrator
  (202) 653-3310

Regulates the allocation and pricing of crude oil and refined products subject to federal regulation, administers programs to require powerplants and major industries to shift from oil to coal and other alternative energy sources.

- Federal Energy Regulatory Commission
  Charles B. Curtis, Chairman
  (202) 357-8200

Regulates the allocation and pricing of natural gas subject to federal regulation, establishes rates for the transportation of oil by pipeline and for the sale and transmission of electricity by utilities subject to federal jurisdiction.

Department of Energy Organization



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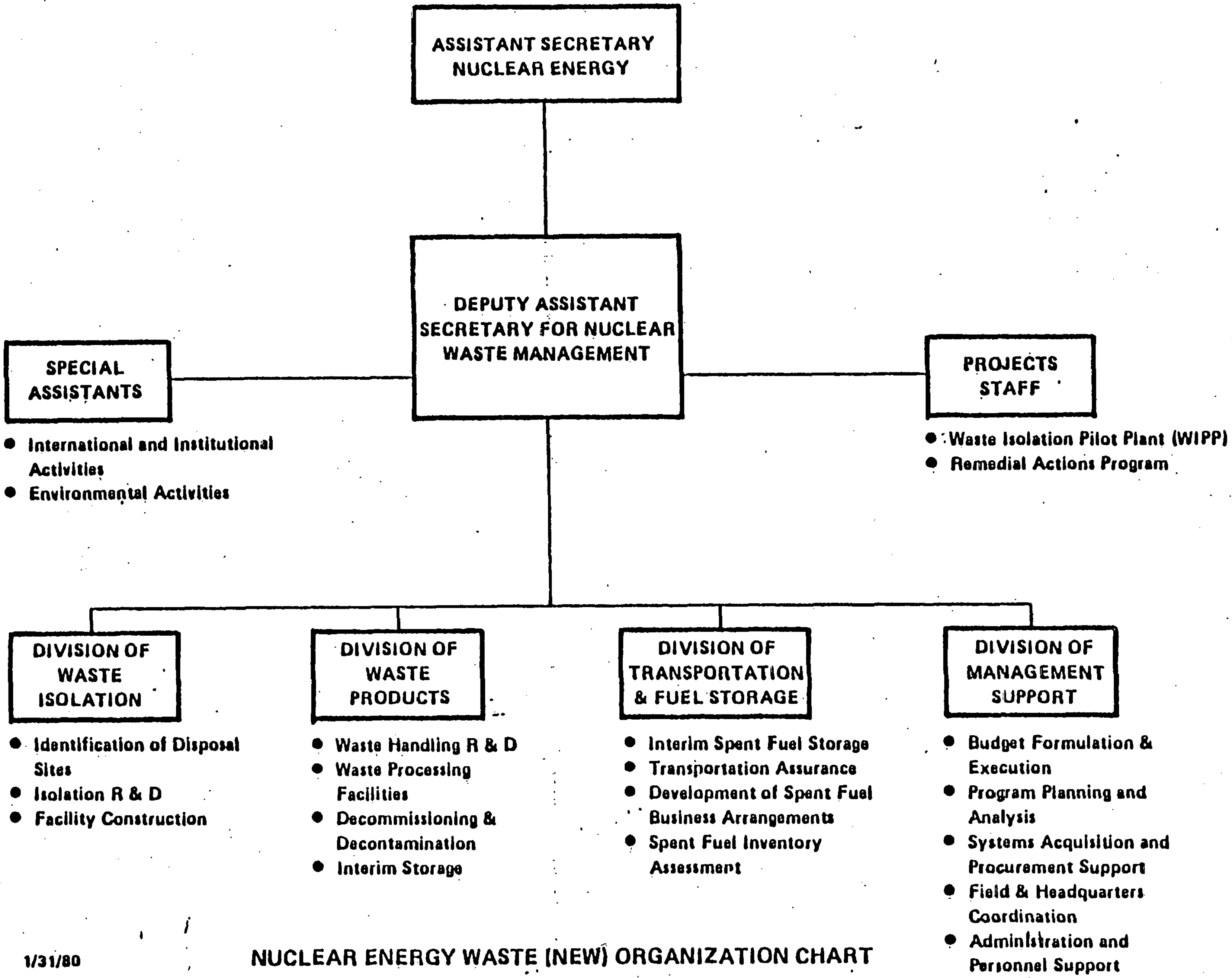

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NUCLEAR ENERGY WASTE (NEW) ORGANIZATION CHART

Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

NRC was created on October 11, 1974, when President Ford signed the Energy Reorganization Act of 1974. This Act abolished the Atomic Energy Commission and assigned its functions to two new federal agencies: NRC (regulatory functions) and the Energy Research and Development Administration (R & D). ERDA was, of course, subsequently incorporated into the DOE.

Functions

NRC performs four basic functions:

- Licensing: NRC reviews and issues licenses for the construction and operation of nuclear powerplants and other uses of nuclear materials, including medical, industrial, educational and research activities. Regulatory authority for some nuclear materials has been transferred to about half the states under NRC's Agreement States Program.

- Inspection and Enforcement: NRC conducts periodic inspections of nuclear plants and other licensees. Enforcement powers include the issuance of violation notices, imposition of fines and the suspension, modification or revocation of licenses.

- Standards Development: NRC establishes regulations, standards and guidelines for the various licensed uses of radioactive materials.

- Regulatory Research: NRC conducts an extensive research program in the areas of safety, safeguards and environmental assessment.

Organization

NRC has approximately 2,800 employees, a budget of about $375 million, and five regional offices: King of Prussia, PA; Atlanta, GA; Glen Ellyn, IL; Arlington, TX; and Walnut Creek, CA.

NRC is headed by a five-member Commission appointed by the President and confirmed by the Senate for five year terms. The current Commissioners are: John F. Ahearne (June 30, 1983), Chairman; Peter A. Bradford (June 30, 1982); Victor Gilinsky (June 30, 1984); Joseph M. Hendrie (June 30, 1981); and one vacancy.

NRC's functions are implemented by five operating offices:

- <u>Office of Nuclear Reactor Regulation</u>
  Harold R. Denton, Director (301) 492-7691

Evaluates applications for permits to build, and licenses to operate, nuclear reactors. Reviews the safety, safeguards, and environmental impacts associated with a proposed facility.

- <u>Office of Nuclear Material Safety and Safeguards</u>
  William J. Dircks, Director (301) 427-4063

Licenses and regulates fuel-cycle facilities, the transportation and handling of nuclear materials, and the safeguarding of nuclear facilities and materials. This office also monitors, tests and recommends improvements in nuclear facility systems that account for special nuclear material and licenses the use of radioisotopes in industry, research and medicine to the extent such licensing has not been assumed by Agreement States.

Included within this office is the Waste Management Division, John B. Martin, Director (301) 427-4069, Dale Smith, Low-Level Waste Licensing Branch Chief (301) 427-4450, and Ross Scarano, Uranium Recovery Licensing Branch Chief (301) 427-4103.

- <u>Office of Nuclear Regulatory Research</u>
  Robert J. Budnitz, Director (301) 427-4341

Conducts research in nuclear reactor safety, safeguards for nuclear materials and facilities, the nuclear fuel cycle, and environmental protection. Confirmatory assessment studies are primarily conducted in DOE's national laboratories and by contractors in over 20 states.

Included within this office is the Safeguards, Fuel Cycle and Environmental Research Division, Frank J. Arsenault, Director (301) 427-4350, and Jared J. Davis, Assistant Director for Waste Management and Environmental Research, and Waste Management Research Branch Chief (Acting) (301) 427-4362.

- <u>Office of Standards Development</u>
  Robert B. Minogue, Director (301) 443-5936

Develops regulations, criteria, guides, standards, and codes defining the siting, design, construction, operation, decommissioning and safeguarding of nuclear reactors and other nuclear facilities, as well as the storage, processing, transportation, safeguarding and use of nuclear materials.

Included within this office is the Siting, Health and Safeguards Standards Division, Karl R. Goller, Director (301) 443-5991, and

Michael A. Parsont, Radiological Health Standards Branch Chief (301) 443-5854.

o <u>Office of Inspection and Enforcement</u>
Victor Stello, Jr., Director (301) 492-7397

Inspects the quality assurance systems of licensees, reactor manufacturers, architect-engineer firms and suppliers of major components for nuclear powerplants. This office also investigates nuclear incidents and accidents and issues appropriate enforcement orders.

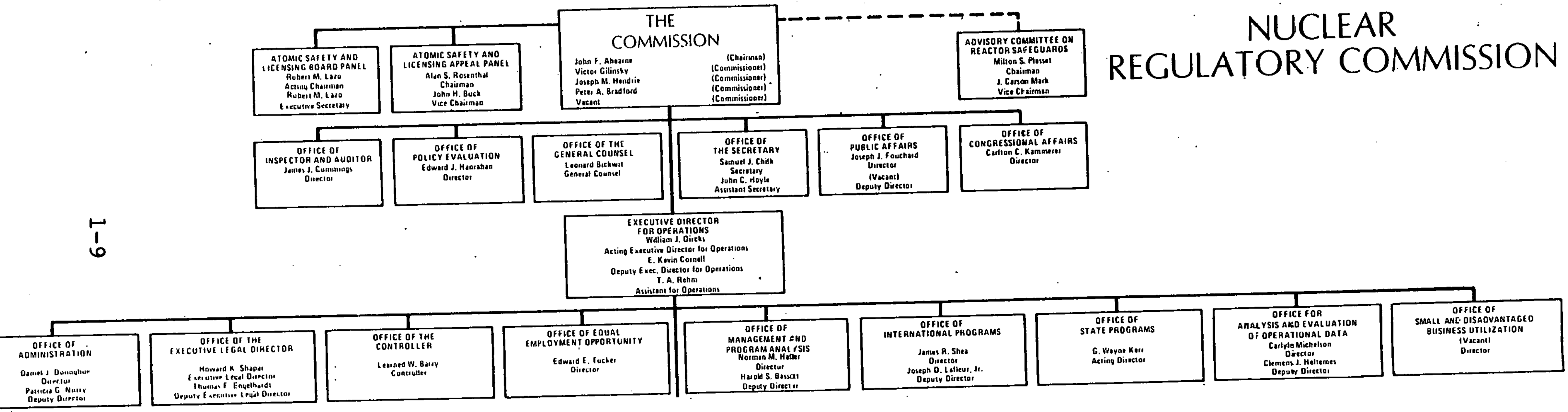
o <u>Independent Licensing Units.</u> In addition to the foregoing programmatic offices, NRC has three independent units for safety and licensing activities:

Advisory Committee on Reactor Safeguards

Atomic Safety and Licensing Board

Atomic Safety and Licensing Appeal Board

NUCLEAR REGULATORY COMMISSION



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Department of the Interior
C Street between 18th and 19th Street, N.W.
Washington, D.C. 20240

The Interior Department was created by Congress in 1849, incorporating the General Land Office, Office of Indian Affairs, Patent Office, and Census Office. The department's charter has been expanded with the creation and integration of numerous new bureaus and offices, including the U.S. Geological Surbey (1879), Bureau of Reclamation (1907), Bureau of Mines (1910) and National Park Service (1916).

Functions

The Interior Department is the principal conservation agency of the federal government, with responsibility for:

- The protection and rational use of public lands and water resources, fish and wildlife, national parks and historical places.
- The assessment of energy and mineral resources.
- The management of Indian reservations and island territories of the U.S.

Organization

The Secretary of the Interior Department is Cecil D. Andrus. The department has five basic organizational units, each headed by an assistant secretary:

- Policy, Budget and Administration
  Larry D. Meierotto (202) 343-6181
- Energy and Minerals
  Joan M. Davenport (202) 343-2186
- Fish and Wildlife and Parks
  Robert L. Herbst (202) 343-4416
- Indian Affairs
  Thomas W Fredericks (Designate) (202) 343-7163
- Land and Water Resources
  Guy R. Martin (202) 343-2191

Interior's principal offices and bureaus are as follows:

- <u>Bureau of Land Management</u>
  Frank Gregg, Director (202) 343-3801

Manages the 470 million acres of public lands, of which approximately 174 million acres are located in the lower 48 states. The BLM governs the exploitation of natural resources on these lands through the sale of offshore oil and gas leases, coal, oil shale and geothermal leases, and grazing and timber rights. Included within this bureau is the office of Lands and Rights-of-Way, D. Dean Bibles, Assistant Director (202) 343-6756.

- <u>Bureau of Mines</u>
  Lindsay D. Norman, Director (Designate) (202) 634-1300

Develops statistical data on mineral production, consumption, exports, imports, stocks and prices and develops and transfuses new mining techniques to industry.

- <u>Office of Surface Mining Reclamation and Enforcement</u>
  Walter N. Heine, Director (202) 343-4006

This office, organized under the Bureau of Mines, was created in response to the Surface Mining Control and Reclamation Act of 1977. The office establishes standards for regulating surface mining and promotes the reclamation of previously mined lands.

- <u>U.S. Geological Survey</u>
  H. William Menard, Director (703) 860-7411

Performs surveys, investigations, and research with respect to the topography, geology and mineral and water resources of the U.S., enforces Interior's regulation of mineral leases, permits and licenses, and disseminates relevant data. The Water Resources Division, Philip Cohen, Chief Hydrologist (703) 860-6921, is apparently assisting implementation of the UMTRAP by providing site-specific hydrological information.

- <u>Bureau of Indian Affairs</u>
  William E. Hallett, Commissioner (202) 343-5116

The BIA governs the purchase, sale, lease or other disposition of trust assets located on the 50 million acres of reservation lands. The bureau also provides the reservations with road maintenance, housing, education and other social services.

o <u>U.S. Fish and Wildlife Service</u>
Lynn A. Greenwalt, Director (202) 343-4717

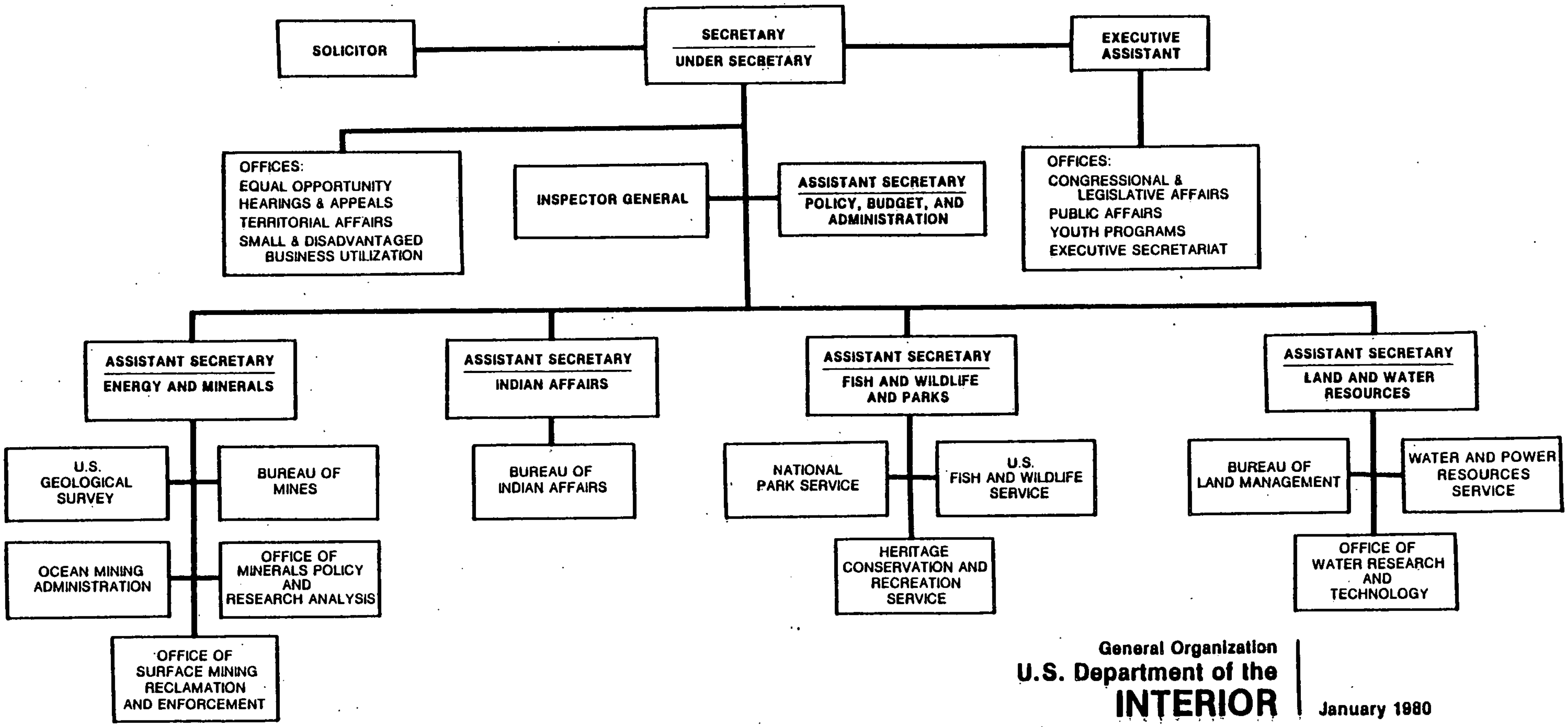
The Service administers 386 national wildlife refuges on 34 million acres, monitors and conducts research on wildlife populations, and studies environmental impacts on fish and wildlife species.

o <u>Heritage Conservation and Recreation Service</u>
Chris T. Delaporte, Director (202) 343-5741

The Service identifies, evaluates and protects the nation's cultural and recreational resources.

o <u>National Park Service</u>
William J. Whalen, Director (202) 343-4621

The Service administers activities on the roughly 300 national park areas.



General Organization
U.S. Department of the
INTERIOR
January 1980

Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

EPA was created under President Nixon's Reorganization Plan No. 3 of 1970 (July 9, 1970), which centralized the federal government's principal environmental activities in a single agency. The reorganization plan transferred to the new agency many of the air and water pollution control and other enviornmental programs of the Departments of Interior, Health, Education and Welfare and Agriculture, the Council on Environmental Quality and the Atomic Energy Commission.

Functions

EPA performs research, regulation and enforcement programs in the following areas:

- Air: implement Clean Air Act (42 U.S.C. Sections 7401, et seq.) and Clean Air Act Amendments of 1977 (P.L. 95-95), by establishing ambient air quality standards and controlling emissions of sulfur dioxide, hydrocarbons, etc.

- Water: implement Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) and 1977 P.L. 95-217), by funding the construction of public waste treatment works and by establishing programs for water quality management, effluent standards and a national permit system for dischargers.

- Solid Waste: implement the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), by controlling land disposal practices and by promoting solid waste management and R&D.

- Pesticides: implement the Federal Insecticide, Fungicide and Rodenticide Act of 1972 (P.L. 92-516), by establishing tolerances for pesticide residues.

- Radiation: implement the Clean Air Act Amendments of 1977, the Uranium Mill Tailings Radiation Control Act of 1978 (P.L. 95-604) and related legislation, by establishing programs for environmental monitoring, risk assessment and the promulgation of standards and criteria.

- Noise: implement the Noise Control Act of 1972 (P.L. 92-574), by regulating noise emissions from major sources.

- Toxic Substances: implement the Toxic Substances Control Act (P.L. 94-469), by controlling the manufacture, processing, distribution, use and disposal of toxic chemicals.

Organization

EPA is headed by Administrator Dougles M. Costle. The agency's principal offices are as follows:

- Office of Environmental Review
  William N. Hedeman, Jr., Director
  (202) 755-0777

Oversees the review of environmental impact statements and the preparation of EIS's required from EPA, and addresses environmental problems created by federal activities.

- Office of Enforcement
  Jeffrey Miller, Assistant Administrator (Acting)
  (202) 755-2500

Oversees all EPA enforcement activities and advises the Administrator on enforcement issues.

- Office of Water and Waste Management
  Eckardt C. Beck, Assistant Administrator
  (202) 755-2800

Monitors, plans, and establishes standards for water pollution control, drinking water, and solid waste management.

- Office of Air, Noise and Radiation
  David G. Hawkins, Assistant Administrator
  (202) 755-2640

Administers EPA's programs for air quality management, automotive pollution and environmental radiation. The Office of Radiation Programs, David M. Rosenbaum, Deputy Assistant Administrator, (703) 557-9710, sets radiation control standards and conducts monitoring programs. Within this office is the Criteria and Standards Division, William A. Mills, Director (703) 557-0704, and the Environmental Analysis Division, Floyd L. Galpin, Director (703) 557-8217.

- Office of Research and Development
  Stephen J. Gage, Assistant Administrator
  (202) 755-2600

Directs and conducts research on pollution sources, health effects, prevention and control methods, environmental sciences, and monitoring systems.

o *Office of Pesticides and Toxic Substances*
Steven D. Jellinek, Assistant Administrator
(202) 755-0310

Administers programs for controlling toxic substances and pesticides.

U.S. ENVIRONMENTAL PROTECTION AGENCY

- ADMINISTRATOR DOUGLAS COSTLE
- DEPUTY ADMINISTRATOR BARBARA BLUM

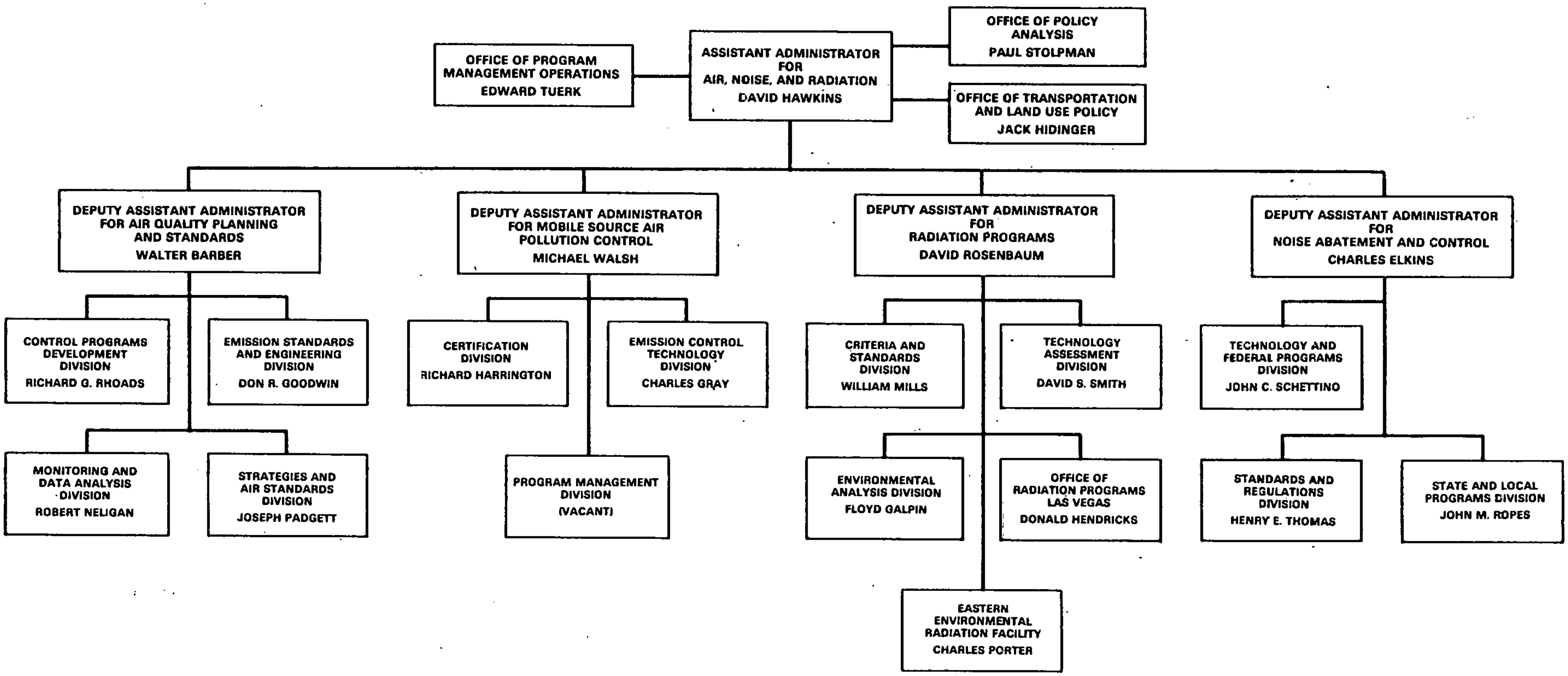
OFFICE OF INSPECTOR GENERAL	INEZ REID
OFFICE OF ADMINISTRATIVE JUDGES	HERBERT PERLMAN
OFFICE OF CIVIL RIGHTS	DORIS THOMPSON
OFFICE OF ENVIRONMENTAL REVIEW	WILLIAM HEDEMAN, JR.
OFFICE OF GENERAL COUNSEL	MICHELE CORASH
OFFICE OF INTERNATIONAL ACTIVITIES	DONALD OAKLEY (ACTING)
OFFICE OF LEGISLATION	CHARLES WARREN
OFFICE OF PUBLIC AWARENESS	JOAN NICHOLSON
OFFICE OF PRESS SERVICES	MARLIN FITZWATER
OFFICE OF REGIONAL LIAISON	VACANT
OFFICE OF INTERGOVERNMENTAL RELATIONS	ALAN MAGAZINE
EXECUTIVE COMMUNICATIONS	MARYLOUISE UHLIG
SCIENCE ADVISORY BOARD	RICHARD DOWD

- ASST. ADMINISTRATOR FOR PLANNING AND MANAGEMENT — WILLIAM DRAYTON
  - OFFICE OF MANAGEMENT AND AGENCY SERVICES — EDWARD HANLEY
  - OFFICE OF PLANNING AND EVALUATION — ROY GAMSE
  - OFFICE OF RESOURCES MANAGEMENT — PAUL ELSTON
- ASST. ADMINISTRATOR FOR ENFORCEMENT — JEFFREY MILLER (ACTING)
  - OFFICE OF GENERAL ENFORCEMENT — RICHARD WILSON
  - OFFICE OF WATER ENFORCEMENT — LEONARD A. MILLER (ACTING)
  - OFFICE OF MOBILE SOURCE AND NOISE ENFORCEMENT — BENJAMIN JACKSON
- ASST. ADMINISTRATOR FOR WATER AND WASTE MANAGEMENT — ECKARDT C. BECK DESIGNATE
  - OFFICE OF WATER PLANNING AND STANDARDS — ALBERT ERICKSON (ACTING)
  - OFFICE OF WATER PROGRAMS OPERATIONS — HENRY LONGEST
  - OFFICE OF DRINKING WATER — VICTOR KIMM
  - OFFICE OF SOLID WASTE — STEFFEN PLEHN
- ASST. ADMINISTRATOR FOR AIR, NOISE, AND RADIATION — DAVID HAWKINS
  - OFFICE OF AIR QUALITY PLANNING AND STANDARDS — WALTER BARBER
  - OFFICE OF MOBILE SOURCE AIR POLLUTION CONTROL — MICHAEL WALSH
  - OFFICE OF NOISE ABATEMENT AND CONTROL — CHARLES ELKINS
  - OFFICE OF RADIATION PROGRAMS — DAVID ROSENBAUM
- ASST. ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT — STEPHEN GAGE
  - OFFICE OF MONITORING AND TECHNICAL SUPPORT — COURTNEY RIORDAN
  - OFFICE OF ENVIRONMENTAL ENGINEERING & TECHNOLOGY — STEVEN REZNEK
  - OFFICE OF ENVIRONMENTAL PROCESSES & EFFECTS RESEARCH — ALAN HIRSCH
  - OFFICE OF HEALTH RESEARCH — VILMA HUNT
- ASST. ADMINISTRATOR FOR TOXIC SUBSTANCES — STEVEN JELLINEK
  - OFFICE OF PESTICIDE PROGRAMS — EDWIN JOHNSON
  - OFFICE OF CHEMICAL CONTROL — JOHN DEKANY
  - OFFICE OF TESTING AND EVALUATION — WARREN MUIR
  - PROGRAM INTEGRATION AND INFORMATION — MARILYN BRACKEN

REGIONAL OFFICES

- REGION I BOSTON — WILLIAM R. ADAMS
- REGION II NEW YORK — RICHARD T. DEWLING (ACTING)
- REGION III PHILADELPHIA — JACK J. SCHRAMM
- REGION IV ATLANTA — REBECCA HANMER
- REGION V CHICAGO — JOHN McGUIRE
- REGION VI DALLAS — ADLENE HARRISON
- REGION VII KANSAS CITY — KATHLEEN Q. CAMIN
- REGION VIII DENVER — RODGER WILLIAMS
- REGION IX SAN FRANCISCO — PAUL DeFALCO
- REGION X SEATTLE — DONALD DuBOIS

OFFICE OF AIR, NOISE, AND RADIATION



U.S. Department of Justice
Tenth Street and Construction Avenue, N.W.
Washington, D.C. 20530

The Justice Department was originally organized in 1789, with an Attorney General and a single clerk. The Department of Justice was not formally created until 1870 under legislation which authorized the Attorney General to supervise the U.S. Attorneys and other officers of the federal courts. The jurisdiction of the department was gradually expanded to incorporate the F.B.I. (1924), the Immigration and Naturalization Service (1940), the Civil Rights Division (1957), the Drug Enforcement Administration (1968), and other offices and divisions.

Functions

As the nation's principal legal arm, the Justice Department performs a myriad of law enforcement functions and represents the federal government in criminal and civil litigation. Among its functions are:

- Litigation to prevent or remedy discriminatory practices, antitrust violations, tax fraud, organized crime, environmental violations, etc. (Civil Division, Antitrust Division, etc.)
- Supervision of 51 federal correctional institutions (Federal Bureau of Prisons).
- Immigration and naturalization (INS).
- Issuance of legal opinions on issues presented by federal agencies (Office of Legal Counsel).
- Issuance of paroles to federal prisoners (U.S. Parole Commission), and advice to the President concerning pardons (Pardon Attorney).
- Investigation of violations of federal laws (FBI).
- Enforcement of federal drug laws (DEA).
- Funding of state and local programs to improve their criminal justice systems (LEAA).
- Representation of the U.S. in litigation before the Supreme Court (Solicitor General).

Organization

The Justice Department is headed by the Attorney General, currently Benjamin R. Civiletti. As indicated by the above listing, Justice's functions are performed by numerous divisions, bureaus, and offices. Of these, only the Land and Natural Resources Division is directly involved in implementation of federal remedial action programs.

- Land and Natural Resources Division
  James W. Moorman, Assistant Attorney General
  (202) 633-2701

This division represents the U.S. in suits involving federal lands and resources, including navigable waterways, outer continental shelf land and resources, and the coastal fisheries zone. In addition, the division represents the U.S. in suits to acquire land by condemnation and to protect the rights of Indians.

In its protective capacities, the Division also enforces environmental laws designed to abate air and water pollution and hazardous wastes. As such, the Division has been delegated responsibility for carrying out the Attorney General's functions under P.L. 95-604, specifically, studying the relationship between federal and state authority for carrying out remedial actions.

Other Relevant Federal Agencies

The following briefly describes other federal agencies that conduct programs affecting the nuclear energy industry:

- Council on Environmental Quality promulgates procedures for the preparation of environmental impact statements.
- National Bureau of Standards performs research and maintains systems of measurement.
- Department of Defense conducts nuclear weapons programs.
- Federal Emergency Management Agency performs off-site emergency planning and responses involving the release of radioactivity, and trains state and local officials.
- General Accounting Office performs studies of nuclear-related and other issues for Congress.
- Occupational Health and Safety Administration regulates safety and health in private industry and sets standards for radiation exposure.
- National Science Foundation supports research on nuclear-related and other issues.
- Office of Management and Budget coordinates and reviews federal agency budget requests and makes appropriate recommendations to the President.
- State Department conducts programs regulating the export of nuclear materials.
- Transportation Department regulates the transportation of nuclear materials.
- Postal Service regulates shipments of radioactive materials by mail.

SECTION 2

RELEVANT FEDERAL STATUTES
AND REGULATIONS

The departments and agencies described in Section 1 are charged with implementing the federal government's remedial action programs under UMTRAP and the currently authorized scope of FUSRAP. These and related departments and agencies implement a host of federal statutes and regulations that may be petinent to radioactive waste management.

Statutes:

- Atomic Energy Act of 1954 (PL 83-703, 68 Stat. 919) sets out the basic federal authority to promote, develop and regulate the nuclear power industry and the various elements of the nuclear fuel cycle including the movement of nuclear materials through the transportation system.

- Energy Reorganization Act of 1974 (PL 93-438; 88 Stat. 1233; 42 USC 5801 et seq.) divides the former Atomic Energy Commission into the Nuclear Regulatory Commission, charged with regulating the nuclear industry, and the Energy Research and Development Administration, charged with developing the nuclear industry.

- Judicial Review of Orders of the Atomic Energy Commission (PL 89-554; 80 Stat. 621; 28 USC 2341 et seq.) sets out the judicial review of commission orders.

- Records and review (Section 2112 of Title 28 of USC as amended by PL 85-791) sets out the time and manner for filing proceedings in courts of appeal.

- Patent ability of inventions and grant of patents (35 USC 181, 188; 66 Stat. 805, 808) sets out Atomic Energy Commission patent requirements.

- Explosives and Combustibles (18 USC 39, Secs 831-835) sets out the duties of the Interstate Commerce Commission in regulating the transportation of hazardous materials including radioactive materials. These authorities were transferred to the Department of Transportation in later legislation (see below).

- Hazardous Materials Transportation Act of 1974 (PL 93-633, 88 Stat. 2156) requires Transportation Department's Office of Hazardous Materials Regulation to promulgate regulations governing the transportation of hazardous materials including radioactive materials. Prohibits transport on passenger aircraft of nuclear materials except medical materials.

- Federal Aviation Act of 1958 (49 USC 1421-1430, 1472[6]) gives the Federal Aviation Administration authority to regulate air transport of nuclear materials.

- National Environmental Policy Act of 1969 (PL 91-190, 83 Stat. 852, 42 USC 4321) requires environmental assessments of major federal government actions.

- Federal Water Pollution Control Act Amendments of 1972 (Pl 92-500, 86 Stat. 816, 33 USC 1251) makes it unlawful to discharge any high-level radioactive waste into navigable waters. Defines radioactive materials as a pollutant subject to regulation under the Act.

- Foreign Assistance Act of 1961 (Secs 669 and 670 as added by PL 94-329 [90 Stat. 729] and PL 95-92 [91 Stat. 614] conditions foreign assistance funding on the agreement to abide by certain criteria in transferring nuclear enrichment and reprocessing technologies to other nations.

- Clean Air Act of 1977 (PL 95-95, 91 Stat. 685, Sec. 122) requires Environmental Protection Agency to regulate emissions of radioactive materials in consultation with the Nuclear Regulatory Commission. EPA prescribes the standards while NRC implements and enforces them.

- Department of Energy Organization Act of 1977 (PL 95-91, 91 Stat. 565, 42 USC 7101) The Energy Research and Development Administration and its nuclear responsibilities are folded into the Energy Department. DOE is given the responsibility of managing existing U.S. Government facilities for the treatment of nuclear wastes. None of NRC's authorities were changed.

- Nuclear Non-Proliferation Act of 1978 (PL 95-242, 92 Stat. 120, 22 USC 3201) establishes tough controls on the export of nuclear materials, processes and components.

- Uranium Mill Tailings Radiation Control Act of 1978 (PL 95-604) establishes a joint federal-state program to remove the radiation hazard posed by existing uranium mill tailings sites.

- Price-Anderson Act of 1957 (PL Law 85-256), an amendment to the Atomic Energy Act of 1954, sets a maximum liability limit for damages arising from nuclear incidents. The NRC may prescribe the amounts of liability insurance licensees and their contractors must maintain. If actual damages are higher than the insurance prescribed, the NRC will indemnify the licensees. The NRC may collect a fee of no less than $100 per year for each person that it indemnifies.

Regulations

- Nuclear Regulatory Commission:

  10 CFR Part 71 - Packaging of radioactive material for transport. This part establishes requirements for the preparation of licensed material for transportation. It outlines license applications, package standards and operating procedures.

  10 CFR Part 73 - Physical protection of plants and special materials. This part prescribes security measures for the protection of special nuclear material at fixed sites and in transit. Security measures include mechanical and electronic alarms, guards, and standard operating procedures.

- Department of Energy:

  10 CFR 871.4 - Air Transportation of Plutonium.

- Environmental Protection Agency:

  40 CFR 20 - Certification of Facilities. This part requires certification by the EPA that the facility is in compliance with all regulations of the Federal Government concerning water and air pollution.

  40 CFR 121 - State certification of activities requiring a federal license or permit.

  40 CFR 190 - Environmental Radiation Protection Standards for Nuclear Power Operations.

(Proposed Regulations)

45 Fed. Reg. 27370 (April 22, 1980)	Proposed environmental standards for the cleanup of open lands and buildings contaminated with residual radioactive materials from inactive unranium processing sites.
45 Fed. Reg. 27366 (April 22, 1980)	Interim standards for cleaning of open lands and buildings contaminated with residual radioactive materials from inactive uranium processing sites.

o Department of Transportation:

49 CFR 171 -	General Information, Regulations and Definitions for Hazardous Waste. CFR 40 Part 20 - This part prescribes the DOT requirements governing the transportation of hazardous material in commerce. Any unintentional release of hazardous material during the course of transportation must be reported to the Associate Director for Hazardous Materials Regulation, DOT.
49 CFR 172 -	Hazardous Materials Table and Communications Regulations. This part lists and classifies those materials which DOT has designated as hazardous materials for purposes of transportation. Requirements for shipping papers, package marking and placarding for transport vehicles are prescribed in this part.
49 CFR 173 -	Requirements for Shipments and Packagings. This part defines hazardous materials and prescribes preparation and packaging requirements for all modes of transportation.
49 CFR 174 -	Carriage by Rail. This part prescribes standards for operating trains that carry hazardous material. This section includes, but is not limited to: requirements for shipping papers, reporting incidents, and maintainence of rolling stock.

49 CFR 175 - Carriage by Aircraft. This part prescribes procedures for operators of air carriers in transporting hazardous material. Specific procedures are set out for maintaining shipping papers, reporting incidents and handling cargo.

49 CFR 176 - Carriage by Vessel. This part is applicable to water carriers. Topics covered in this part include: dangerous cargo manifest, general handling and stowage, segregation requirements, hazardous cargo vehicles on ferries, special requirements for barges, and detailed requirements for radioactive materials.

49 CFR 177 - Carriage by Public Highway. The purpose of this part is to minimize dangers to life and property incident to the transportation of hazardous materials by motor vehicles. Covered under this part are: shipping papers, placarding of vehicles, loading, unloading and stowage, container specifications, and procedures in response to accidents.

49 CFR 178 - Shipping Container Specifications. This part prescribes the manufacturing and testing specifications for packaging and containers used for the transportation of hazardous materials in commerce.

49 CFR 392 - Driving of Motor Vehicles. This part prescribes standards for motor carriers in the operation and maintenance of their vehicle. Physical requirement for drivers of motor vehicles and duties of drivers are outlined. This is a general section applicable to motor vehicle transportation of any material.

49 CFR 394 - Reporting of Accidents. This part establishes duties of motor carriers to make reports and keep records of accidents which occur during their operations. These are general rules with no specific provisions for accidents involving radioactive material. Procedures for accident reports involving radioactive materials are set out in 49 CFR 177.

49 CFR 397 - Driving and Parking Rules. This part prescribes rules governing the attendance and surveillance of motor vehi--les containing hazardous materials when the vehicle is parked. Vehicles transporting hazardous materials are prohibited from operating on routes which go through or near heavily populated areas unless there is no practicable alternative.

SECTION 3

U.S. CONGRESS

"All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." U.S. Constitution, Article I, Section 1.

This section describes the structure of Congress, committees with jurisdiction over nuclear waste issues, the legislative process, and the formulation of the federal budget. The processes by which bills become law and budget estimates become funded programs are complex and often misunderstood. Legislation often provides only the general contours of programs which are then given definition through the budget or through substantive amendments. The administration of federal programs may be significantly affected by the legislative and budgetary processes.

The general election last November produced a Republican landslide that will dramatically alter the balance of political power in the Senate and House of Representatives. When the 97th Congress convenes next January, Republicans will constitute the majority party in the Senate for the first time since 1952. Democrats will continue to control the House but by a much slimmer majority, as the Republicans gained 33 seats and will hold more House seats than during any Congress since 1956.

The following describes the Senate and House of Representatives and their committees, as presently constituted. The 97th Congress' new leadership and committee chairmen are indicated by brackets. Because the leadership of the respective parties has not yet completed committee assignments, changes in committee membership are indicated by asterisks denoting members who will not return next January by reason of defeat, retirement or pursuit of another office. Staff members, particularly in the Senate, will also change as committee chairmanships and committee compositions change.

SENATE

Membership

Democrats:	58	[46]
Republicans:	41	[53]
Independents:	1	[1]

Leadership

President of the Senate:	Walter F. Mondale [George Bush] Vice President of the United States
President Pro Tempore:	Warren D. Magnuson (D-WA) [Strom Thurmond (R-SC)]
Majority Leader:	Robert C. Byrd (D-WV) [Howard Baker, Jr. (R-TN)]
Majority Whip:	Alan Cranston (D-CA) [Ted Stevens (R-AK)]
Minority Leader:	Howard H. Baker (R-TN)] [Robert C. Byrd (D-WV)]
Minority Whip:	Ted Stevens (R-AK) [Alan Cranston (D-CA)]

Senate Committees With Jurisdiction Over Nuclear Waste Issues

o Energy and Natural Resources Committee
3106 Dirksen Office Building
(202) 224-4971

Jurisdiction

Federal energy policy and regulation, energy R&D, solar energy, nonmilitary development of nuclear energy, oil, gas and coal production and distribution, hydroelectric power, the extraction of minerals from public lands and the Outer Continental Shelf, mining education and research, and annual authorizing legislation for the programs of DOE.

The Energy Committee has jurisdication over many radioactive waste issues. For example, the committee was referred and reported out the "Uranium Mill Tailings Radiation Control Act of 1978 (P.L. 95-604).

Committee Members

MAJORITY MEMBERS
Henry M. Jackson (D-WA)
Chairman
*Frank Church (D-ID)
J. Bennett Johnston (D-LA)
Dale Bumpers (D-AR)
Wendell Ford (D-KY)
*John Durkin (D-NH)
Howard Metzenbaum (D-OH)
Spark Matsunaga (D-HI)
John Melcher (D-MT)
Paul E. Tsongas (D-MA)
Bill Bradley (D-NJ)

MINORITY MEMBERS
Mark O. Hatfield (R-OR)
James A. McClure (R-ID)
[Chairman]
Lowell P. Weicker (R-CN)
Pete Domenici (R-NM)
Ted Stevens (R-AK)
*Henry Bellmon (R-OK)
Malcolm Wallop (R-WY)

Principal Staffers

Dr. Daniel A. Dreyfus	Staff Director and Special Counsel
D. Michael Harvey	Chief Counsel
Steven Hickok	Minority Staff Director

Subcommittees

Subcommittee on Energy Research and Development
Subcommittee on Energy Conservation and Development
Subcommittee on Energy Regulation
Subcommittee on Parks, Recreation and Renewable Resources
Subcommittee on Energy Resources and Materials Production

The Subcommittee on Energy Research and Development, S-402 Capitol, Washington, D.C. 20510 (202) 224-4431, has jurisdiction over nuclear and non-nuclear energy R&D, nuclear fuel cycle policy, including uranium resources, and mining education and research and reclamation. The subcommittee consists of the following members:

MAJORITY MEMBERS
*Frank Church (D-ID)
Chairman
Spark Matsunaga (D-HI)
J. Bennett Johnston (D-LA)
Dale Bumpers (D-AR)
*John Durkin (D-NH)
John Melcher (D-MT)
Paul E. Tsongas (D-MA)

MINORITY MEMBERS
James McClure (R-ID)
Mark O. Hatfield (R-OR)
Pete Domenici (R-NM)
Ted Stevens (R-AK)

o Environmental and Public Works Committee
4204 Dirksen Office Building
Washington, D.C. 20510
(202) 224-6176

Jurisdiction

Federal environmental policy and R&D, solid waste disposal and recycling, environmental effects of toxic substances other than pesticides, air, water and noise pollution, the nomilitary environmental regulation and control of nuclear energy, and related issues.

Committee Members

MAJORITY MEMBERS	MINORITY MEMBERS
Jennings Randolph (D-WV) Chairman	Robert Stafford (R-VT) [Chairman]
*Mike Gravel (D-AK)	Howard H. Baker (R-TN)
Lloyd Bentsen (D-TX)	Pete V. Domenici (R-NM)
Quentin N. Burdick (D-ND)	John H. Chafee (R-RI)
*John C. Culver (D-IA)	Alan K. Simpson (R-WY)
Gary W. Hart (D-CO)	Larry Pressler (R-SD)
Daniel Moynihan (D-NY)	
George J. Mitchell (D-ME)	

Principal Staffers

John W. Yago, Jr.	Staff Director
Phillip T. Cummings	Counsel
Paul Leventhal	Prof. Staff Member (Nuclear Regulation)
Keith Glaser	Prof. Staff Member (Nuclear Regulation)

Subcommittees

Subcommittee on Environmental Pollution
Subcommittee on Water Resources
Subcommittee on Transportion
Subcommittee on Regional and Community Development
Subcommittee on Resource Protection
Subcommittee on Nuclear Regulation

Nuclear waste management falls within the jurisdiction of the Subcommittee on Nuclear Regulation, which has the same address and telephone number as the full committee. The members of the subcommittee are:

MAJORITY MEMBERS	MINORITY MEMBERS
Gary Hart (D-CO Chairman	Alan Simpson (R-WY)
Jennings Randolph (D-WV)	Howard Baker (R-TN)
*John Culver (D-IA)	Pete Domenici (R-NM)
Daniel P. Moynihan (D-NY)	

Other Relevant Senate Committees

o Appropriations Committee, Russell Office Building, Washington, D.C. 20510 (202) 224-7282, appropriates funds for all federal agencies and their programs, including nuclear waste management programs. The committee's Chairman is Warren G. Magnuson (D-WA) [Mark O. Hatfield (R-OR)] and its principal staffer is Warren Featherston Reid, Assistant to the Chairman.

o Budget Committee, 208 Carroll Arms Annex, Washington, D.C., 20510 (202) 224-0642, studies and reports the effects on budget outlays of enacted and proposed legislation. The committee's Chairman is Ernest F. Hollings (D-SC) [Pete V. Domenici (R-NM)] and its principal staffer is John T. McEvoy, Staff Director.

o Commerce, Science and Transportation Committee, 5202 Dirksen Office Building, Washington, D.C. 20510 (202) 224-5115, has jurisdiction over bills relating to the transportation of nuclear waste. The committee's Chairman is Howard W. Cannon (D-NV) [Bob Packwood (R-OR)] and its principal staffer is Aubrey Sarvis, Staff Director and Chief Counsel.

o Governmental Affairs, 3308 Dirksen Office Building, Washington, D.C. 20510 (202) 224-4751, has jurisdiction over U.S. nuclear export policy and the reorganization of federal agencies. The committee's Chairman is Abraham A. Ribicoff (D-CN) [William V. Roth, Jr. (R-DE)] and its principal staffer is Richard A. Wegman, Staff Director and Chief Counsel.

HOUSE OF REPRESENTATIVES

Membership

Democrats:	274	[242]
Republicans:	159	[192]
Independents:	0	[1]
Vacancies:	2	[0]

Leadership

Speaker:	Thomas P. O'Neill, Jr. (D-MA)
Majority Leader:	Jim Wright (D-TX)
Majority Whip:	*John Brademas (D-IN)

Minority Leader: John Rhodes (R-AZ)

Minority Whip: Robert H. Michel (R-IL)

House Committees With Jurisdication Over Nuclear Waste Issues

- o Interstate and Foreign Commerce*
  2125 Rayburn Office Building
  Washington, D.C. 21515
  (202) 225-2927

Jurisdiction

Regulation of interstate oil compacts, oil and natural gas (except on public lands), nuclear energy and nuclear facilities, the interstate transmission of electric power, special oversight with respect to all laws, programs, and government activities affecting nuclear energy, and jurisdiction over other activities and resources in the flow of interstate commerce.

Committee Members

MAJORITY MEMBERS
*Harley O. Staggers (D-WV)
Chairman
John D. Dingell (D-MI)
[Chairman]
*Lionel Van Deerlin (D-CA)
*John M. Murphy (D-NY)
*D.E. Satterfield, III (D-VA)
*Bob Eckardt (D-TX)
*Richardson Preyer (D-NC)
James H. Scheuer (D-NY)
Richard L. Ottinger (D-NY)
Henry A. Waxman (D-CA)
Timothy E. Wirth (D-CO)
Philip R. Sharp (D-IN)
James Florio (D-NJ)
A. Toby Moffett (D-CN)
Jim Santini (D-NV)
*Andrew Maquire (D-NJ)
Edward J. Markey (D-MA)
Thomas A. Luken (D-OH)
Doug Walgren (D-PA)
Albert Gore (D-TN)
Barbara A. Mikulski (D-MO)
Ronald M. Mottl (D-OH)
Phil Gramm (D-TX)

MINORITY MEMBERS
James T. Broyhill (R-NC)
*Samuel L. Devine (R-OH)
*Tim Lee Carter (R-KY)
Clarence J. Brown (R-OH)
James M. Collins (R-TX)
Norman F. Lent (R-NY)
Edward R. Madigan (R-IL)
Carlos J. Moorhead (R-CA)
Matthew J. Rinaldo (R-NJ)
*Dave Stockman (R-MI)
Marc L. Marks (R-PA)
Tom Corcoran (R-IL)
Gary Lee (R-NY)
Tom Loeffler (R-TX)
William E. Dannemeyer (R-CA)

* Committee will be renamed Energy and Commerce after January 1981

Allen Byron Swift (D-WA)
Mickey Leland (D-TX)
Richard C. Shelby (D-AL)
Robert T. Matsui (D-CA)

Principal Staffers

Kenneth J. Painter	Chief Clerk/Staff Director
Elizabeth Harrison	Counsel
Mike Kitzmiller	Prof. Staff Member (Energy)
Lewis E. Berry	Minority Counsel

Subcommittees

Subcommittee on Communications
Subcommittee on Consumer Protection and Finance
Subcommittee on Energy and Power
Subcommittee on Health and the Environment
Subcommittee on Oversight and Investigations
Subcommittee on Transportation and Commerce

Jurisdiction over nuclear energy and special oversight with respect to activities affecting nuclear energy is vested in the Subcommittee on Energy and Power, 3217 House Office Building Annex II, Washington, D.C. 20515, (202) 225-1031. Members of the subcommittee are:

MAJORITY MEMBERS
John D. Dingell (D-MI) Chairman
Richard L. Ottinger (D-NY)
Philip R. Sharp (D-IN)
A. Toby Moffett (D-CN)
*D.E. Satterfield, III (D-VA)
Timothy E. Wirth (D-CO)
Edward J. Markey (D-MA)
Phil Gramm (D-TX)
Allen Byron Swift (D-WA)
Richard C. Shelby (D-AL)
*Andrew Maguire (D-NJ)
Albert Gore, Jr. (D-TN)
Mickey Leland (D-TX)

MINORITY MEMBERS
Clarence J. Brown (R-OH)
Carlos J. Moorhead (R-CA)
James M. Collins (R-KY)
*Dave Stockman (R-MI)
Tom Corcoran (R-IL)
Thomas G. Loeffler (R-TX)

o Interior and Insular Affairs Committee
1234 Longworth Office Building
Washington, D.C. 20515
(202) 225-2761

Jurisdiction

Water, land and mineral resource in the public domain, the regulation of the nuclear energy industry, including nuclear R&D, special oversight with respect to all programs affecting non-military nuclear energy and R&D, including the disposal of nuclear waste.

Committee Members

MAJORITY MEMBERS	MINORITY MEMBERS
Morris K. Udall (D-AZ) Chairman	Don H. Clausen (R-CA)
Philip Burton (D-CA)	Manual Lujan, Jr. (R-NM)
Robert W. Kastenmeier (D-WI)	*Keith G. Sebelius (R-KS)
Abraham Kazen, Jr. (D-TX)	Don Young (R-AK)
Jonathan B. Bingham (D-NY)	*Steven D. Symms (R-ID)
John F. Seiberling (D-OH)	*James P. (Jim) Johnson (R-CO)
Harold Runnels (D-NM)	Robert J. Lagomarsino (R-CA)
A.B. Won Pat (D-GU)	Dan Marriott (R-UT)
*Bob Eckhardt (D-TX)	Ron Marlenee (R-MT)
Jim Santini (D-NV)	Mickey Edwards (R-OK)
James Weaver (D-OR)	Richard Cheney (R-WY)
*Bob Carr (D-MI)	Charles Pashayan, Jr. (R-CA)
George Miller (D-CA)	Robert Whittaker (R-KS)
James J. Florio (D-NJ)	Douglas Bereuter (R-NE)
*Dawson Mathis (D-GA)	Melvin Evans (R-VI)
Philip R. Sharp (D-IN)	
Edward J. Markey (D-MA)	
*Peter H. Kostmayer (D-PA)	
Baltasar Corrada (D-PR)	
Austin J. Murphy (D-PA)	
Nick Joe Rahall, II (D-WV)	
Bruce F. Vento (D-MN)	
Jerry Huckaby (D-LA)	
*Lamar Gudger (D-NC)	
James J. Howard (D-NJ)	
Jerry M. Patterson (D-CA)	
Ray Kogovsek (D-CO)	
Pat Williams (D-MT)	

Principal Staffers

Charles Conklin	Staff Director
Robert Reveles	Associate Staff Director
Henry R. Myers	Science Advisor (Nuclear Energy)
Gary Ellsworth	Minority Counsel

Subcommittees

Subcommittee on Energy and the Environment
Subcommittee on Public Lands
Subcommittee on Pacific Affairs
Subcommittee on Mines and Mining
Subcommittee on National Parks and Insular Affairs
Subcommittee on Oversight, Special Investigations
Subcommittee on Water and Power Resources

The Subcommittee on Energy and the Environment has jurisdiction over nuclear energy, including the disposal of nuclear waste. The subcommittee members are:

MAJORITY MEMBERS	MINORITY MEMBERS
Morris K. Udall (D-AZ) Chairman	*Steven D. Symms (R-ID)
Jonathan B. Bingham (D-NY)	Manuel Lujan, Jr. (R-NM)
*Bob Eckhardt (D-TX)	Dan Marriott (R-UT)
James Weaver (D-OR)	Ron Marlenee (R-MT)
Bob Carr (D-MI)	Mickey Edwards (R-OK)
Dawson Mathis (D-GA)	Richard B. Cheney (R-WY)
Philip Sharp (D-IN)	Douglas Bereuter (R-NE)
Edward J. Markey (D-MA)	Melvin Evans (R-VI)
*Peter H. Kostmayer (D-PA)	Don H. Clausen (R-CA)
Austin J. Murphy (D-PA)	
Nick Joe Rahall, II (D-WV)	
Bruce F. Vento (D-MN)	
Jerry Huckaby (D-LA)	
James J. Howard (D-NJ)	
Baltasar Corrada (D-PR)	

Other Relevant House Committees

o Appropriations Committee, H-218 Capitol, Washington, D.C. 20515 (202) 225-2771, appropriates funds for all federal agencies and their programs, including nuclear waste management programs. The committee's Chairman is Jamie L. Whitten (D-MS) and its principal staffer is Keithe Mainland, Clerk and Staff Director.

o Budget Committee, 214 House Office Building Annex I, Washington, D.C. 20515 (202) 225-7200, studies and reports the effects on budget outlays of enacted and proposed legislation. The committee's Chairman is *Robert N. Giaimo (D-CN), and its principal staffer is Mace Broide, Executive Director.

o Science and Technology Committee, 2321 Rayburn Office Building, Washington, D.C. 20515 (202) 225-6371, has jurisdiction over bills authorizing federal nuclear R&D programs, including nuclear waste disposal R&D programs. The committee's Chairman is Don Fuqua (D-FL), and its principal staffer is Harold A. Gould, Executive Director.

o Government Operations Committee, 2157 Rayburn Office Building, Washington, DC. 20515 (202) 225-5051, has jurisdiction over bills to establish federal programs for monitoring and managing nuclear waste. The committee's Chairman is Jack Brooks (D-TX), and its principal staffer is William M. Jones, General Counsel.

THE LEGISLATIVE PROCESS

The Senate is composed of 100 members - two from each state - who are elected to 6 year terms. One-third of the total membership is elected every two years. The House of Representatives is composed of 435 members, who are elected to 2 year terms. The populations of members' districts vary in size, and some states (e.g. Delaware) are represented by only one member, 2 U.S.C. Section 2c. The process by which these members translate the interests of their constituents into legislation is described in the following.

Forms of Legislation

- Bill: The most common form of legislation is the bill, which may be permanent or temporary, public or private, general or special. Bills may originate in either house with the important exception of revenue and general appropriation bills, which must originate in the House of Representatives under Article I, Section 7 of the Constitution. The Senate may propose or concur with amendments to such bills.

- Joint Resolution: Joint resolutions may originate in either house. They largely differ from bills in form, not substance, and are often used interchangeably.

- Concurrent Resolution: Concurrent resolutions need not be introduced simultaneously in both houses, but must be agreed to by both houses. Concurrent resolutions often address the administrative operations of both houses or may express the opinions or positions of the houses with respect to particular issues.

- Simple Resolution: A simple resolution addresses the operations of either house alone.

Introduction Of Legislation

In the House of Representatives, any member may introduce a bill by placing it in the clerk's "hopper" at any time while the House is in session. Public bills may be cosponsoreed by up to 25 members.

In the Senate, a Senator introduces a bill by rising and stating that he is introducing the measure. The bill is sent by page to the Secretary where the bill is read by title unless a Senator raises an objection, in which case introduction is postponed until the next legislative day. A Senate bill may have an unlimited number of co-sponsors.

After introduction, the bill is assigned a legislative number by the Clerk (e.g. H.R. 1000, or S. 1000) and referred to an appropriate committee by the Speaker of the House or the President of the Senate. Selection of the appropriate committee is governed by the rules of the houses, which assign particular committees jurisdiction over particular issues. A single bill which addresses a multitude of issues may be referred to several committees, each of which exercises jurisdiction over specific subject matter. The House rules provide over 200 categories of measures to be referred among the committees, and the Senate rules provide over 175 such categories.

Committee membership is generally divided between Republicans and Democrats in proportion to their total membership in the house. A member may serve as chairman of only one committee with legislative jurisdiction. Members of the House may serve on no more than two legislative committees; Senators are limited to three legislative committees. Members may serve without limitation on select committees, joint committees, and committees with housekeeping functions.

Functions Of Committees

After a bill has been referred to a committee, its chairman may refer the measure to an appropriate subcommittee. For example, in the current 96th Congress the Nuclear Waste Policy Act (S. 2189) was referred to the Senate Energy and Natural Resources Committee, which then referred the bill to its Subcommittee on Energy Regulation.

Copies of bills are immediately furnished to affected federal agencies, which may submit comments on the proposed measures. Thus, in the case of the Nuclear Waste Policy Act, comments were received from DOE, OMB, NRC, EPA, the Federal Energy Regulatory Commission, and the Council of Economic Advisors.

Subcommittee Hearings

Depending upon the importance of a bill and the legislative priorities of the subcommittee chairman, hearings may be held. At such hearings, testimony is typically given by officials of affected agencies, interest groups, members, and other interested parties. Witnesses usually submit written statements and limit their oral testimony to a summary of their written statements. Subcommittee members often ask witnesses questions about specific issues raised by their testimony. This testimony is usually printed and becomes part of the bill's legislative history.

Subcommittee Mark-Up

After hearings are completed, the subcommittee may conduct a "mark-up" session, at which the members propose and discuss possible changes in the bill. The subcommittee staff redrafts the bill to conform to the consensus of the members, and at the conclusion of deliberation, the subcommittee votes on the bill. It may report the bill favorably to the full committee, with or without amendment, or unfavorably, or suggest that the measure be "tabled".

Full Committee Mark-Up

At meetings of the full committee, the subcommittee submits its report on the bill. The measure is discussed and further amendments may be proposed. Then the committee usually votes on whether to report the bill favorably, with or without amendment, or to table it. Because tabling normally forecloses further action, committees rarely report a bill unfavorably or without recommendation.

Reported Bills

If the committee votes to report the bill favorably, one of the committee members is designated to prepare the committee report. The report usually contains a general description of the scope and purpose of the bill and a detailed section-by-section analysis. Committee amendments are explained and the report must indicate whether the bill provides new budget authority or new or increased expenditures. Each report must also state how the bill would impact the economy and how much the bill would cost to implement.

The committee report must be filed within 7 days after the committee has requested its clerk to report the bill. With the exception of emergency measures, bills are not usually considered until at least three days after the filing of the committee report.

Placing The Bill Before the House

In the House of Representatives, a favorably reported bill is placed on one of the two principal business calendars. Most bills are placed on the Union Calendar, which contains all revenue and appropriation measures and "bills of a public character directly or indirectly appropriating money or property." The remaining public bills and resolutions are placed on the House Calendar. Private bills, such as immigration bills for individuals, are referred to the Private Calendar.

Noncontroversial measures pending on either of these calendars may, at a member's request, be placed on the Consent Calendar. On the first and third Mondays of each month, bills on the Consent Calendar are called. If three or more members object, a bill will be removed from this calendar and returned to one of the two business calendars. If an objection is not raised and the bill is not "passed over" by request, it is passed by unanimous consent without debate.

Obtaining a Rule

Bills pending on the House and Union Calendars are then usually referred to the Committee on Rules, which has jurisdiction over the order of business in the House. Because of this authority, the Rules Committee has great influence over the course of legislation. It is not unusual for important bills to be effectively killed by the Rules Committee. Besides authorizing consideration by the full House, the Rules Committee may also set limits on debate and on the types of amendments which may be offered on the floor.

When a "rule" has been reported to the House and is not considered immediately, it is referred to the calendar, and if not called up for consideration by the Rules Committee member who made the report, any member of the Rules Committee may, within 7 legislative days, call it up as a matter of privilege. Similarly, a member of the standing committee which reported the bill may, within 7 legislative days, move for consideration of the bill.

Motion to Discharge Committee

If a rule has not been adopted for a bill, the measure may be placed before the House by means of a Motion to Discharge. This motion may be made to discharge either a standing committee or the Rules Committee from further consideration of the measure, where the bill has remained bottled up in committee without action. The motion must be signed by a majority of the members and may then be heard and voted on the second and fourth Mondays of each month. If the motion prevails, the bill itself is immediately put to a vote.

Motion to Suspend the Rules

On the first and third Mondays and Tuesdays of each month, the Speaker recognizes motions to suspend the rules of the House and consider a measure. The motion must be seconded by a majority of the members and is then debated and voted. Two-thirds of a quorum of the members must approve the motion.

Calendar Wednesday

Each Wednesday, the standing committees are recognized in alphabetical order for the purpose of calling up measures reported by the committees and pending on either of the business calendars. Debate is limited to two hours and the measure may be passed by a simple majority of the members present.

Privileged Matters

Privileges matters (e.g., reports from the Rules Committee, conference reports, revenue and appropriation bills, and Presidential vetoes) may, by motion, be called up at almost any time for immediate consideration.

Voting By The House

The normal quorum for action by the full House is 218 members. Because of absences and the need to expedite consideration by the House, the rules provide for a quorum of 100 where the House has resolved itself into the Committee of the Whole House on the State of the Union, popularly known as the "Committee of the Whole." All measures on the Union Calendar must first be considered by the Committee of the Whole.

After adoption of a resolution that the House resolve itself into the Committee of the Whole, a rule reported by the Rules Committee will usually provide the guidelines for the length of debate. The debate period is divided equally between the majority and minority and time is normally allocated to the members by the chairman and ranking minority member of the standing committee that reported the measure.

Debate is followed by the "second reading of the bill," section by section, at which time amendments may be offered to individual sections. Each amendment is voted by the Committee of the Whole.

The Committee of the Whole has four methods of voting. The voice vote, as the name suggests, is an oral statement of "Aye" or "No" by the members, with the Chair determining the outcome of the vote. If the result is unclear, a division may be demanded requiring the members to stand up to indicate their approval or opposition.

If the House is not resolved into the Committee of the Whole, a fifth method of voting may be employed. One-fifth of the members present may demand an ordering of the yeas and nays, requiring the individual members to respond aye or no as the roll is called. *

The House then votes on amendments reported by the Committee of the Whole in the sequence in which they were reported, followed by a vote on the entire bill as amended. If the bill is passed, a pro forma motion to reconsider it is automatically made and laid upon the table (i.e., action is postponed) to forestall such a motion at a later date. This procedure provides finality because passage is not final and conclusive until the House has had an opportunity for reconsideration.

Senate Action

After a bill has passed the House, the enrolling clerk prepares an engrossed copy of the bill, incorporating any floor amendments. Upon receipt of the engrossed bill, the President of the Senate refers it to the appropriate standing committee. As described above, Senate and House committee procedures are substantially the same.

Senate consideration of a reported bill differs significantly from House procedures. The Senator reporting the bill usually announces orally that he is submitting the report and then may ask unanimous consent for immediate consideration of the bill. If no objection is raised, the bill may be passed with little or no debate by a majority vote, with or without amendment from the floor. If an objection is raised, the bill is referred to the Calendar of Business, the only business calendar in the Senate.

At the conclusion of the morning business for each legislative day, the Senate takes up the Calendar of Business in the order in which bills appear on the calendar. On any day but Monday, a Senator (often the Majority Leader) may move to take up a bill out of its regular order on the calendar. Debate is not subject to time limitations and may continue until the President of the Senate halts consideration, at which time the bill reverts to the Calendar of Business.

The Majority Leader then decides when the measure will be called up again on a motion to consider the bill. This motion is debatable and may be subject to "filibuster" by opponents of the bill. A filibuster may be broken if 16 Senators sign a motion to limit debate. This motion must be carried by three-fifths of the total membership (60 Senators).

Each bill before the Senate is subject to amendment from the floor. Amendments are considered separately and, except for general appropriation bills, need not be germane to the subject matter of the bill. "Riders" to appropriation bills must be approved, on motion, by a two-thirds vote. After voting on amendments is completed, the Senate votes on the bill as amended. The vote is usually taken viva voce, although a yea-and-nay vote

* When a quorum is not present in the House or the Committee of the Whole, quorum calls and roll calls must be made by electronic device. In 1974, changes in the House rules have limited the circumstances under which potentially dilatory quorum calls may be requested.

may be demanded by one-fifth of the Senators present.

Before a passed bill is forwarded to the House, a Senator who voted for the prevailing side or abstained from voting may move within two days for reconsideration. If passed without a record vote, any Senator may move for reconsideration. Such motions are usually tabled, thereby finalizing the Senate's action. If, however, the motion to reconsider is adopted, the Senate votes to either affirm or reverse its action.

Conference Committee

Appointment of a Conference

When the Senate amends a House-passed bill, it returns to the House of Representatives, where the amended bill may be adopted by unanimous consent - if the amendments are minor or noncontroversial. If the amendments are substantial or controversial, the Speaker appoints conferees to a conference committee.

In appointing conferees, the Speaker generally follows the recommendations of the chairman of the standing committee that reported the bill, and conferees are usually selected from that committee. The Speaker fixes the number of conferees. Seven conferees are frequently appointed - five from the majority and two from the minority - although the number may be greater on important bills.

Senate conferees are appointed by the Presiding Officer. Both political parties may be represented, but the Senate committee need not be as large as the House committee.

Authority of the Conference

The conference committee is sometimes referred to as the "third House of Congress" because of the great influence which conferees exercise over legislation. Consideration by the conferees is limited to issues in disagreement. New matter must be germane to such issues and the conference committee may not strike out or amend portions of the bill which were not amended by the Senate. Where a Senate amendment revises an amount or figure in the House bill, the conferees are limited to the range between the two numbers. Conferees may change language previously approved by both Houses only where such authority is conferred by joint resolution of both houses.

Conferees may effectively re-write a bill where there is disagreement to an amendment in the nature of a substitute to the measure. The conferees may agree to a germane substitute but may not adopt language representing additional topics or issues not committeed to the conference committee. An amendment by the

Senate to a general appropriation bill which would violate the House's rules if the amendment had originated in the House, or an amendment by the Senate providing in appropriation for other than a general appropriation bill, may not be agreed to by the House conferees unless the House specifically authorizes its conferees to agree to such an amendment.

Action by the Conference Committee

Meetings of the conferees are usually open to the public and are customarily held on the Senate side of the Capitol. Although the conferees meet as a single committee, they actually operate as two separate committees. Each house's conferees vote separately and act by majority vite, and for this reason the number of conferees is immaterial.

The raison d'etre of the conference committee is, of course, compromise. When the conferees, by majority vote of each group, have reached complete agreement, or agree to some but not all amendments, a conference report is prepared with an explanatory statement of the conferees' actions.

If the conferees are unable to reach agreement on certain amendments, these may be considered separately by the respective houses. If unable to reach any agreement whatsoever, new conferees may be appointed or the houses may instruct the conferees as to the position they are to take.

The conference report is considered first by the body which had agreed to the conference requested by the other, i.e., normally the body which first passed the bill. The report is not subject to amendment and must be accepted or rejected in its entirety. If the body which initially considers the report decides to reject it, the report may be recommitted, by majority vote, to the conferees. A report which contains language which is beyond the scope of the differences between the two houses is subject to a point of order, placing the language before the body de novo.

Presidential Action

When a bill has been agreed to in identical form by both bodies - without amendment by the Senate, by House concurrence in Senate amendments, or by agreement by both bodies to the conference report - the bill is "enrolled," or prepared in final form, for presentation to the President.

If the President approves the bill, he signs it and usually writes the work "approved" and the date. A bill may become law without the President's signature if he does not return the bill with his objections within 10 days (Sundays excepted). However, if Congress has adjourned, thereby preventing the bill's return, the bill does not become law and is considered as having been "pocket vetoed."

The Constitution provides that, if the President disapproves a bill, "he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it." Vetoed bills are always privileged and are usually voted on at once. A motion to take a vetoed bill from the table is always in order. If two-thirds of the members vote in the affirmative, the President's veto is overridden and the measure is sent with the President's objections to the other body. If passed by a two-thirds vote by the other body, the bill becomes law.

SECTION 5

LESIGLATION DURING THE 96th CONGRESS

The 97th Congress that convenes in January will follow a biennium during which nuclear energy issues were an important subject of legislative interest. Prompted largely by the incident at Three Mile Island, members of the 96th Congress introduced numerous bills to suspend or terminate the granting of licenses for the construction or operation of nuclear power plants and to impose stringent standards on the operators of nuclear power plants.

A second major subject of legislative proposals was the management of high and low level nuclear wastes. Among the bills introduced were proposals to establish demonstration waste repositories, to provide formal procedures for state participation in siting decisions, to authorize regional disposal sites, to establish specifications for repositories, and to provide for the licensing of waste disposal facilities.

Of the dozens of nuclear-related measures introduced during the 96th Congress, only a handful have been enacted into law. Initiatives to phase out nuclear power have categorically failed; successful measures have generally perpetuated existing programs and agencies or adopted a reasoned approach to mitigating the potential risks associated with nuclear energy. Specifically, the following measures of relevance to radioactive waste management have been enactd into law:

- P.L. 96-69. Fiscal year 1980 appropriations for energy and water development, including funding for DOE and NRC.
- P.L. 96-367. Fiscal year 1981 appropriations for energy and water development, including funding for DOE and NRC.
- P.L. 96-12. Authorization for appointment of Presidential commission to investigate the Three Mile Island incident.
- H.Res. 624, S.Res 397. The House and Senate, respectively, rejected resolutions to overturn President Carter's limited reorganization of NRC. The President's plan to enhance the power of the Commission's Chairman was therefore implemented on October 1, 1980.
- P.L. 96-295. Authorization of fiscal year 1980 appropriations for NRC.
- P.L. 96-368. Authorization for a high-level radioactive waste management demonstration project at the Western New York Service Center in West Valley, New York.

o <u>S. 1480, H.R. 7020.</u> This measure, creating a "superfind" to pay for damages caused by the discharges of hazardous materials, was passed by the House (9/23/80) and Senate (11/24/80) and is now awaiting the approval of President Carter, who has indicated his strong support.

As initially introduced, this measure would have required companies that discharge hazardous materials to contribute to a four billion dollar fund for compensating parties damaged by the release of such materials. The bills were primarily aimed at the oil and chemical industries, but the Senate version would have covered substances listed in Section 112 of the Clean Air Act (including radionuclides generally).

The version that eventually passed both chambers provides for a $1.6 billion fuperfund and excludes from its coverage permitted releases and those covered by the Price-Anderson Act. Still included, however, would be releases at uranium mill sites, off-site mill tailings, specified transportation activities, away-from-reactor spent fuel storage facilities and waste disposal sites.

SECTION 6

THE FEDERAL BUDGETARY PROCESS

The development and implementation of the Government's annual budget is a complex process involving all federal agencies, the OMB, and numerous Congressional committees. The following provides a summary of the significant steps in the budgetary process. *

Development of the President's Annual Budget Request

Each spring, the staff of the Office of Management and Budget (OMB), in cooperation with the staffs of the Treasury Department and Council of Economic Advisors, reviews obligations and outlays during the second half of the fiscal year in progress. These existing programs provide a basis for the planning of programs for the upcoming fiscal year. OMB also considers the state of the economy, revenue projections, changes in tax policy, and potential program development for the succeeding fiscal year.

OMB requests the agencies to provide information on their programs, future plans and other relevant data. Issue-papers are developed to provide analyses of program objectives and alternative mechanisms for achieving those objectives. OMB then discusses each agency's programs with responsible agency offi cials with a view towards eliminating unsuccessful or marginal programs and streamlining programs for which funding should be continued.

SPRING PLANNING REVIEW

May-June

BUDGET PLANNING TARGETS

OMB's preliminary investigation results in its Spring Planning Review in the late spring. Estimates are prepared indicating the probable range of outlays for each major program and agency for the forthcoming budget. The Director of OMB reviews these estimates and discusses programmatic changes with agency heads. OMB's recommendations are forwarded to the President, together with economic projections prepared jointly by the Council of Economic Advisors, Treasury Department and OMB. The President then prepares budget planning targest, which are provided to the agencies to govern the preparation of their budgets.

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* Approximately three-quarters of the total federal budget is mandatory. That is, outlays for veterans benefits, social security, general revenue sharing and similar programs are largely set by law and are not redily subject to budgetary manipulation. By contrast, the budget and programs of DOE are subject to annual authorizing legislation.

June

BUDGET ESTIMATES

June-August

During the summer, agencies prepare budget estimates, which are based on their assigned planning targets and the advice of OMB. At the field station level, budget estimates are developed from personnel requirements, work-load, operational costs and other pertinent financial considerations. These estimates are then reviewed at the regional and departmental levels.

Agency budget submissions are transmitted to OMB in September. The submissions usually provide for the continuation of programs already funded for the fiscal year beginning in October, as well as programs for which additional authorizing legislation is required. The submissions also request supplemental funds for the current fiscal year with respect to programs which have experienced unanticipated increases in funding requirements.

REVISED BUDGET ESTIMATES

During September and October, OMB conducts hearings at which agency representatives and OMB examiners discuss each agency's budget submissions. The examiners prepare recommendations for the Director's Review, which reconciles the agencies' budget requests with the President's policy objectives. The Director prepares recommendations for the President, who then notifies agency heads of the amounts which will be recommended to Congress for each agency's programs for the next fiscal year.

December

In December, each agency revised its initial budget estimates to conform with the President's budget allowances. The revised budget estimates are included in the printed budget document which the President submits to Congress in January, within 15 days after Congress convenes.

The Congressional Budget Process

The Congressional budget process was substantially altered by the Congressional Budget and Impoundment Control Act of 1974 (P.L. 93-244). This Act created a new Budget Committee in each House and a new Congressional Budget Office and shifted the fiscal year from July 1 through June 30 to October 1 through September 30. The Act also established a specific timetable for Congressional budget actions.

CURRENT SERVICES ESTIMATE

November

Congress begins its examination of the budget in November - two months prior to receipt of the President's budget request - when Congress receives the President's "current services" estimates. These estimates show amounts necessary to continue existing programs at their current operating levels during the fiscal year and are used by the

Congress as a means of later evaluating the President's budget request.

BUDGET HEARINGS

January-March

After receipt of the President's budget request in January, Administration officials normally describe the budget's policy objectives before the House and Senate Budget Committees and Appropriations Committees. Addiional hearings are held through March to receive the views of agency representatives, Congressmen and Senators, and representatives of private organizations and the general public.

BUDGET RECOMMENDATIONS

MARCH 15

By March 15, the House and Senate Budget Committees receive the recommendations of all other Congressional committees regarding the appropriate level of total budget outlays, total new budget authority, the public debt, the deficit, and federal revenues. These reports and the April 1 fiscal policy report from the Congressional Budget Office provide the basis for preparation of the first concurrent resolution on the budget which, under the Act, must be adopted by May 15.

FIRST CONCURRENT RESOLUTION MAY 15

The first concurrent resolution establishes new budget authority and outlay targets for the budget as a whole and for each major functional category, as well as targets for the public debt, revenues and the deficit.

HEARINGS AND MARK-UP

June-August

After Congress has approved the first concurrent resolution, it begins work on individual spending and revenue bills. The conference report accompanying the resolution parcels out estimated allocations of the budget otal to the Appropriations Committees and other committees receiving allocations. These committees and their subcommittees then conduct hearings on the specific programs included in the budget request.

Appropriations measures are considered first by the House of Representatives. Subcommittees of the House Appropriations Committee are briefed by agency representatives, who submit detailed justifications for the budget request. After the subcommittees have completed their "mark-up", or amendment of the proposed budget, the full Appropriations Committee may make further amendments, after which the bill is reported to the full House.

Following passage by the House, the bill is referred to the Senate, where the process of Appropriations Committee mark-up and full Senate action is again completed. Differences between the bills as passed are reconciled by a conference committee composed of members of the

House and Senate. The report of the conference committee's must then be approved by the full House and Senate. The measure is finally presented to the President for his approval or veto. If appropriation action is not completed by September 30, or if a Presidential veto is not overridden, then existing programs are often continued by means of a "continuing resolution" until an appropriation bill is approved.

SECOND CONCURRENT RESOLUTION

September 15

Congress must, under the Budget and Impoundment Control Act of 1974, complete action on all bills providing new budget authority by the 7th day after Labor Day. By September 15, Congress must also complete action on a second concurrent resolution, setting ceilings for budget authority and floors for revenue. This resolution may also revise targets previously set by the first concur rent resolution and may direct the Appropriate and other relevant committees to recommend legislative changes necessary to conform with the resolution's spending ceilings and revenue floors.

Changes recommended by the various committees are reported in a reconciliation bill, if enacted legislation is affected, or in a reconciliation resolution, if the legislation has not yet been enacted into law. Under the Act, Congressional action on reconciliation measures must be completed by September 25.

During the Congressional budget process, agencies may determine that exigencies require that original estimates must be revised to provide more or less funding for particular programs. To this end, agencies may request Congress to provide "budget amendments" revising budget estimates on which Congress has not completed action, or to enact "supplementals" adding funds to amounts already appropriated. Congress cannot, however, exceed the ceilings established by the concurrent resolutions.

Apportionment by OMB

Pursuant to the Antideficiency Act 31 U.S.C. Section 665, OMB is directed to apportion appropriated funds to Executive agencies. Apportionment involves dividing the total funds available to an agency into specific amounts available for portions of the year or for particular programs. Agencies are prohibited by law from exceeding apportioned amounts unless "deficiency apportionments" are granted by OMB.

Agencies must submit requests for initial apportionments to OMB by August 21 or within 10 days after enactment of a new budget authority measure, whichever is later. OMB must respond to these requests by September 10 or within 30 days after enactment of a new budget authority measure, whichever is later.

Apportionment is also the means by which appropriated funds may be withheld. Funds may be temporarily "deferred," until released by OMB in order "to provide for contingencies" under the Antideficiency Act or for other reasons under the Congressional Budget and Impoundment Control Act. Funds may also be withheld pending Congressional action on a Presidential proposal to "rescind" or cancel funding for particular programs.

SECTION 7

THE ADMINISTRATION'S COMPREHENSIVE RADIOACTIVE WASTE MANAGEMENT PROGRAM

On February 12, 1980, President Carter established the nation's first comprehensive radioactive waste management program. The program's central objective is the safe storage and disposal of all radioactive wastes from both civilan and military activities. The following describes the key elements of the President's program.

State and Local Government Participation

The President created a State Planning Council, composed of state and local government officials, to make recommendations to the President and DOE on nuclear waste management issues, including:

- o Procedural mechanisms for reviewing specific waste management plans and for consulting with affected state and local governments.
- o Development of nuclear waste management plans and advice on implementing regulations and standards.
- o Advice on the siting and licensing of storage and disposal facilities.

The President's plan calls for the selection of the first full scale repository about 1985, with actual operation scheduled to begin in the mid-1990's. To this end, the plan directs the following near term actions:

- o Research and development programs will study rock and waste form properties and interactions and locate potential repository sites.
- o One or more sites will be selected from four or five potentially suitable repositories for further intensive study.
- o Several high level waste repositories will be opened and sited regionally to the extent permitted by health and safety considerations.

Interim Storage of Defense and Commercial High Level Wastes

Prior to the construction and operation of permanent disposal facilities, the plan directs the following interim actions:

- o Defense wastes will be maintained safely.

- o Research and development programs will develope methods for processing, packaging and transfering defense wastes to permanent repositories.

- o Legislation will be offered to provide a limited amount of interim government storage for commercial spent fuel.

Low Level Waste

DOE and NRC will assist the states in establishing interim storage facilites for low level wastes, with a view towards the establishment of regional disposal sites. Related actions to be taken by DOE include:

- o The review, by 1981, or alternative low level waste disposal techniques.

- o An acceleration of research and development programs for low level waste disposal.

- o The continuation of existing programs for the development of land burial technologies.

- o Emphasis on the hydrologic characteristics of proposed disposal sites.

Uranium Mill Tailings

DOE, EPA, NRC and other affected agencies will implement the Uranium Mill Tailings Radiation Control Act of 1978.

Decontamination and Decommissioning (D&D)

DOE and NRC will implement site-specific programs for the long term control of existing sites and facilities and take the following actions:

- o DOE and NRC will prepare a nationwide plan for the D&D of surplus facilities owned by DOE and other federal agencies.

- o DOE will develop designs for the construction of new facilities, with the aim of facilitating their eventual decommissioning.

- o D&D specifications will be included in the inital design for facilites and sufficient funding will be provided.

Transportation

To improve the existing transportation system for nuclear wastes, the President's plan directs the following:

- DOE is testing the performance of current and future waste packaging systems.

- The Department of Transportation will increase its attention to nuclear waste issues.

- DOT and NRC are working with the states to strengthen their capabilities to respond to transportation emergencies arising from the transportation of nuclear wastes.

- DOT will develop, by 1982, a data bank on shipment statistics and accident experience.

Legislative and Regulatory Actions

To improve the government's system of regulating nuclear waste, the following legislation and regulations will be initiated:

- Legislation will be offered to extend NRC's authority to include the storage of spent fuel and the disposal of transuranic and non-defense low level waste generated at future government facilities.

- Legislation will be offered to continue permanently the operations of the State Planning Council and to authorize the states to enter into regional organizations or compacts for operations of disposal sites.

- EPA will accelerate its schedule for developing general standards and numerical criteria for nuclear waste management activities.

- Memoranda of Understanding will be implemented, coordinating the activities of EPA and NRC, DOE and Interior, and DOT and NRC. DOE will play the lead role in coordinating the activities of all affectd federal agencies and the government's relationship with the states.

- NRC will complete its formal proceeding to determine whether wastes from nuclear reactors can be disposed of safely.

Other Activities

President Carter's comprehensive plan also contains the following elements:

- A comprehensive National Plan for Nuclear Waste Management will be prepared biennially, beginning in 1981.
- Implementation of the plan will include full disclosure to, and participation by, the public and the technical community.
- Cooperative belateral and multilateral efforts with other nations will be pursued to advance the government's technical capabilities and understanding of nuclear waste management issues.
- Current budget outlays for federal nuclear waste management programs are: $511 million for FY 1979; $597 million for FY 1980; and $739 million for FY 1981.

THE STATE PLANNING COUNCIL

Pursuant to President Carter's Executive Order creating the State Planning Council, its members are:

Hon. Richard W. Riley, Chairman
Governor, South Carolina

Hon. Paul R. Hess, Vice Chairman
State Senator, Kansas

Hon. John N. Dalton
Governor, Virginia

Hon. Joh V. Evans
Governor, Idaho

Hon. Ella T. Grasso
Governor, Connecticut

Hon. Harry Hughes
Governor, Maryland

Hon. Bruce King
Governor, New Mexico

Hon. Robert List
Governor, Nevada

Hon. Dixy Lee Ray
Governor, Washington

Hon. Stanley Fink
Speaker of the Assembly, New York

Hon. Gordon O. Voss
State Representative, Minnesota

Hon. Ernest N. Morial
Mayor, New Orleans, Louisiana

Ms. Mary Louise Symon
County Board Chairman, Madison, Wisconsin

Chairman Peter MacDonald
Navajo Nation, Arizona

Hon. Charles W. Duncan, Jr.
Secretary, Department of Energy

Hon. Douglas M. Costle
Administrator, Environmental Protection Agency

Hon. Cecil D. Andrus
Secretary, Department of the Interior

Hon. Neil E. Goldsmith
Secretary, Department of Transportation

The State Planning Council has convened two meetings, on February 24, 1980 and April 19-20, 1980. In accordance with President Carter's comprehensive plan, the State Planning Council has assigned early, priority attention to the management of low level radioactive wastes and has addressed various research options relating to the management of these wastes. The Council has also considered draft legislation which would implement the President's proposal to make the Council a permanent entity.

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APPENDIX

Public Law 95-91
95th Congress

An Act

To establish a Department of Energy in the executive branch by the reorganization of energy functions within the Federal Government in order to secure effective management to assure a coordinated national energy policy, and for other purposes.

Aug. 4, 1977
[S. 826]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Energy Organization Act".

Department of Energy Organization Act. 42 USC 7101 note.

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TITLE VII—TRANSITIONAL, SAVINGS, AND CONFORMING PROVISIONS

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TITLE VIII—ENERGY PLANNING

Sec. 801. National energy policy plan.
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TITLE IX—EFFECTIVE DATE AND INTERIM APPOINTMENTS

Sec. 901. Effective date.
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TITLE X—SUNSET PROVISIONS

Sec. 1001. Submission of comprehensive review.
1002. Contents of review.

DEFINITIONS

SEC. 2. (a) As used in this Act, unless otherwise provided or indicated by the context, the term the "Department" means the Department of Energy or any component thereof, including the Federal Energy Regulatory Commission. 42 USC 7101.

(b) As used in this Act (1) reference to "function" includes reference to any duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be; and (2) reference to "perform", when used in relation to functions, includes the undertaking, fulfillment, or execution of any duty or obligation; and the exercise of power, authority, rights, and privileges.

(c) As used in this Act, "Federal lease" means an agreement which, for any consideration, including but not limited to, bonuses, rents, or royalties conferred and covenants to be observed, authorizes a person to explore for, or develop, or produce (or to do any or all of these) oil and gas, coal, oil shale, tar sands, and geothermal resources on lands or interests in lands under Federal jurisdiction.

TITLE I—DECLARATION OF FINDINGS AND PURPOSES

FINDINGS

SEC. 101. The Congress of the United States finds that— 42 USC 7111.

(1) the United States faces an increasing shortage of nonrenewable energy resources;

(2) this energy shortage and our increasing dependence on foreign energy supplies present a serious threat to the national security of the United States and to the health, safety and welfare of its citizens;

(3) a strong national energy program is needed to meet the present and future energy needs of the Nation consistent with overall national economic, environmental and social goals;

(4) responsibility for energy policy, regulation, and research, development and demonstration is fragmented in many departments and agencies and thus does not allow for the comprehensive, centralized focus necessary for effective coordination of energy supply and conservation programs; and

(5) formulation and implementation of a national energy program require the integration of major Federal energy functions into a single department in the executive branch.

PURPOSES

SEC. 102. The Congress therefore declares that the establishment of a Department of Energy is in the public interest and will promote the general welfare by assuring coordinated and effective administration of Federal energy policy and programs. It is the purpose of this Act— 42 USC 7112.

(1) to establish a Department of Energy in the executive branch;

(2) to achieve, through the Department, effective management of energy functions of the Federal Government, including consultation with the heads of other Federal departments and agencies in order to encourage them to establish and observe policies consistent with a coordinated energy policy, and to promote maximum possible energy conservation measures in connection with the activities within their respective jurisdictions;

(3) to provide for a mechanism through which a coordinated national energy policy can be formulated and implemented to deal with the short-, mid- and long-term energy problems of the Nation; and to develop plans and programs for dealing with domestic energy production and import shortages;

(4) to create and implement a comprehensive energy conservation strategy that will receive the highest priority in the national energy program;

(5) to carry out the planning, coordination, support, and management of a balanced and comprehensive energy research and development program, including—

(A) assessing the requirements for energy research and development;

(B) developing priorities necessary to meet those requirements;

(C) undertaking programs for the optimal development of the various forms of energy production and conservation; and

(D) disseminating information resulting from such programs, including disseminating information on the commercial feasibility and use of energy from fossil, nuclear, solar, geothermal, and other energy technologies;

(6) to place major emphasis on the development and commercial use of solar, geothermal, recycling and other technologies utilizing renewable energy resources;

(7) to continue and improve the effectiveness and objectivity of a central energy data collection and analysis program within the Department;

(8) to facilitate establishment of an effective strategy for distributing and allocating fuels in periods of short supply and to provide for the administration of a national energy supply reserve;

(9) to promote the interests of consumers through the provision of an adequate and reliable supply of energy at the lowest reasonable cost;

(10) to establish and implement through the Department, in coordination with the Secretaries of State, Treasury, and Defense, policies regarding international energy issues that have a direct impact on research, development, utilization, supply, and conservation of energy in the United States and to undertake activities involving the integration of domestic and foreign policy relating to energy, including provision of independent technical advice to the President on international negotiations involving energy resources, energy technologies, or nuclear weapons issues, except that the Secretary of State shall continue to exercise primary authority for the conduct of foreign policy relating to energy and nuclear nonproliferation, pursuant to policy guidelines established by the President;

(11) to provide for the cooperation of Federal, State, and local governments in the development and implementation of national energy policies and programs;

(12) to foster and assure competition among parties engaged in the supply of energy and fuels;

(13) to assure incorporation of national environmental protection goals in the formulation and implementation of energy programs, and to advance the goals of restoring, protecting, and enhancing environmental quality, and assuring public health and safety;

(14) to assure, to the maximum extent practicable, that the productive capacity of private enterprise shall be utilized in the development and achievement of the policies and purposes of this Act;

(15) to provide for, encourage, and assist public participation in the development and enforcement of national energy programs;

(16) to create an awareness of, and responsibility for, the fuel and energy needs of rural and urban residents as such needs pertain to home heating and cooling, transportation, agricultural production, electrical generation, conservation, and research and development;

(17) to foster insofar as possible the continued good health of the Nation's small business firms, public utility districts, municipal utilities, and private cooperatives involved in energy production, transportation, research, development, demonstration, marketing, and merchandising; and

(18) to provide for the administration of the functions of the Energy Research and Development Administration related to nuclear weapons and national security which are transferred to the Department by this Act.

RELATIONSHIP WITH STATES

SEC. 103. Whenever any proposed action by the Department conflicts with the energy plan of any State, the Department shall give due consideration to the needs of such State, and where practicable, shall attempt to resolve such conflict through consultations with appropriate State officials. Nothing in this Act shall affect the authority of any State over matters exclusively within its jurisdiction. 42 USC 7113.

TITLE II—ESTABLISHMENT OF THE DEPARTMENT

ESTABLISHMENT

SEC. 201. There is hereby established at the seat of government an executive department to be known as the Department of Energy. There shall be at the head of the Department a Secretary of Energy (hereinafter in this Act referred to as the "Secretary"), who shall be appointed by the President by and with the advice and consent of the Senate. The Department shall be administered, in accordance with the provisions of this Act, under the supervision and direction of the Secretary.

42 USC 7131.

Secretary of Energy, appointment and confirmation.

PRINCIPAL OFFICERS

SEC. 202. (a) There shall be in the Department a Deputy Secretary, 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 II of the Executive Schedule under section 5313 of title 5, United States Code. The Deputy Secretary shall act for and exercise the functions of the Secretary during the absence or disability of the Secretary or in the event the office of Secretary becomes vacant. The Secretary shall designate the order in which the Under Secretary and other officials shall act for and perform the functions of the Secretary during the absence or disability of both the Secretary and Deputy Secretary or in the event of vacancies in both of those offices.

Deputy Secretary, appointment and confirmation.
42 USC 7132.

(b) There shall be in the Department an Under Secretary and a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such

Under Secretary and General Counsel, appointment and confirmation.

functions and duties as the Secretary shall prescribe. The Under Secretary shall bear primary responsibility for energy conservation. The Under Secretary shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code, and the General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

ASSISTANT SECRETARIES

Appointment and confirmation.
42 USC 7133.

SEC. 203. (a) There shall be in the Department eight Assistant Secretaries, each of whom shall be appointed by the President, by and with the advice and consent of the Senate; who shall be compensated at the rate provided for at level IV of the Executive Schedule under section 5315 of title 5, United States Code; and who shall perform, in accordance with applicable law, such of the functions transferred or delegated to, or vested in, the Secretary as he shall prescribe in accordance with the provisions of this Act. The functions which the Secretary shall assign to the Assistant Secretaries include, but are not limited to, the following:

Functions.

(1) Energy resource applications, including functions dealing with management of all forms of energy production and utilization, including fuel supply, electric power supply, enriched uranium production, energy technology programs, and the management of energy resource leasing procedures on Federal lands.

(2) Energy research and development functions, including the responsibility for policy and management of research and development for all aspects of—

(A) solar energy resources;
(B) geothermal energy resources;
(C) recycling energy resources;
(D) the fuel cycle for fossil energy resources; and
(E) the fuel cycle for nuclear energy resources.

(3) Environmental responsibilities and functions, including advising the Secretary with respect to the conformance of the Department's activities to environmental protection laws and principles, and conducting a comprehensive program of research and development on the environmental effects of energy technologies and programs.

(4) International programs and international policy functions, including those functions which assist in carrying out the international energy purposes described in section 102 of this Act.

(5) National security functions, including those transferred to the Department from the Energy Research and Development Administration which relate to management and implementation of the nuclear weapons program and other national security functions involving nuclear weapons research and development.

(6) Intergovernmental policies and relations, including responsibilities for assuring that national energy policies are reflective of and responsible to the needs of State and local governments, and for assuring that other components of the Department coordinate their activities with State and local governments, where appropriate, and develop intergovernmental communications with State and local governments.

(7) Competition and consumer affairs, including responsibilities for the promotion of competition in the energy industry and for the protection of the consuming public in the energy policymaking

processes, and assisting the Secretary in the formulation and analysis of policies, rules, and regulations relating to competition and consumer affairs.

(8) Nuclear waste management responsibilities, including—

(A) the establishment of control over existing Government facilities for the treatment and storage of nuclear wastes, including all containers, casks, buildings, vehicles, equipment, and all other materials associated with such facilities;

(B) the establishment of control over all existing nuclear waste in the possession or control of the Government and all commercial nuclear waste presently stored on other than the site of a licensed nuclear power electric generating facility, except that nothing in this paragraph shall alter or effect title to such waste;

(C) the establishment of temporary and permanent facilities for storage, management, and ultimate disposal of nuclear wastes;

(D) the establishment of facilities for the treatment of nuclear wastes;

(E) the establishment of programs for the treatment, management, storage, and disposal of nuclear wastes;

(F) the establishment of fees or user charges for nuclear waste treatment or storage facilities, including fees to be charged Government agencies; and

(G) the promulgation of such rules and regulations to implement the authority described in this paragraph,

except that nothing in this section shall be construed as granting to the Department regulatory functions presently within the Nuclear Regulatory Commission, or any additional functions than those already conferred by law.

(9) Energy conservation functions, including the development of comprehensive energy conservation strategies for the Nation, the planning and implementation of major research and demonstration programs for the development of technologies and processes to reduce total energy consumption, the administration of voluntary and mandatory energy conservation programs, and the dissemination to the public of all available information on energy conservation programs and measures.

(10) Power marketing functions, including responsibility for marketing and transmission of Federal power.

(11) Public and congressional relations functions, including responsibilities for providing a continuing liaison between the Department and the Congress and the Department and the public.

Responsibilities, identification.

(b) At the time the name of any individual is submitted for confirmation to the position of Assistant Secretary, the President shall identify with particularity the function or functions described in subsection (a) (or any portion thereof) for which such individual will be responsible.

FEDERAL ENERGY REGULATORY COMMISSION

42 USC 7134.

SEC. 204. There shall be within the Department, a Federal Energy Regulatory Commission established by title IV of this Act (hereinafter referred to in this Act as the "Commission"). The Chairman shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code. The other members of the Commission shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code. The Chairman and members of the Commission shall be individuals who, by demonstrated ability, background, training, or experience, are specially qualified to assess fairly the needs and concerns of all interests affected by Federal energy policy.

ENERGY INFORMATION ADMINISTRATION

Establishment. 42 USC 7135.

SEC. 205. (a)(1) There shall be within the Department an Energy Information 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 the rate provided for in level IV of the Executive Schedule under section 5315 of title 5, United States Code. The Administrator shall be a person who, by reason of professional background and experience, is specially qualified to manage an energy information system.

(2) The Administrator shall be responsible for carrying out a central, comprehensive, and unified energy data and information program which will collect, evaluate, assemble, analyze, and disseminate data and information which is relevant to energy resource reserves, energy production, demand, and technology, and related economic and statistical information, or which is relevant to the adequacy of energy resources to meet demands in the near and longer term future for the Nation's economic and social needs.

(b) The Secretary shall delegate to the Administrator (which delegation may be on a nonexclusive basis as the Secretary may determine may be necessary to assure the faithful execution of his authorities and responsibilities under law) the functions vested in him by law relating to gathering, analysis, and dissemination of energy information (as defined in section 11 of the Energy Supply and Environmental Coordination Act of 1974) and the Administrator may act in the name of the Secretary for the purpose of obtaining enforcement of such delegated functions.

15 USC 796.

(c) In addition to, and not in limitation of the functions delegated to the Administrator pursuant to other subsections of this section, there shall be vested in the Administrator, and he shall perform, the functions assigned to the Director of the Office of Energy Information and Analysis under part B of the Federal Energy Administration Act of 1974, and the provisions of sections 53(d) and 59 thereof shall be applicable to the Administrator in the performance of any function under this Act.

15 USC 790, 790b, 790h.

(d) The Administrator shall not be required to obtain the approval of any other officer or employee of the Department in connection with the collection or analysis of any information; nor shall the Administrator be required, prior to publication, to obtain the approval of any other officer or employee of the United States with respect to the substance of any statistical or forecasting technical reports which he has prepared in accordance with law.

Annual audit.

(e) The Energy Information Administration shall be subject to an annual professional audit review of performance as described in section 55 of part B of the Federal Energy Administration Act of 1974.

15 USC 790d.

(f) The Administrator shall, upon request, promptly provide any information or analysis in his possession pursuant to this section to any other administration, commission, or office within the Department which such administration, commission, or office determines relates to the functions of such administration, commission, or office.

Information, availability to public.

(g) Information collected by the Energy Information Administration shall be cataloged and, upon request, any such information shall be promptly made available to the public in a form and manner easily adaptable for public use, except that this subsection shall not require disclosure of matters exempted from mandatory disclosure by section 552(b) of title 5, United States Code. The provisions of section 11(d) of the Energy Supply and Environmental Coordination Act of 1974, and section 17 of the Federal Nonnuclear Energy Research and Development Act of 1974, shall continue to apply to any information obtained by the Administrator under such provisions.

15 USC 796.

42 USC 5916.

Major energy-producing companies, identification and designation.

(h)(1)(A) In addition to the acquisition, collection, analysis, and dissemination of energy information pursuant to this section, the Administrator shall identify and designate "major energy-producing companies" which alone or with their affiliates are involved in one or more lines of commerce in the energy industry so that the energy information collected from such major energy-producing companies shall provide a statistically accurate profile of each line of commerce in the energy industry in the United States.

(B) In fulfilling the requirements of this subsection the Administrator shall—

(i) utilize, to the maximum extent practicable, consistent with the faithful execution of his responsibilities under this Act, reliable statistical sampling techniques; and

(ii) otherwise give priority to the minimization of the reporting of energy information by small business.

Financial report, format.

(2) The Administrator shall develop and make effective for use during the second full calendar year following the date of enactment of this Act the format for an energy-producing company financial report. Such report shall be designed to allow comparison on a uniform and standardized basis among energy-producing companies and shall permit for the energy-related activities of such companies—

(A) an evaluation of company revenues, profits, cash flow, and investments in total, for the energy-related lines of commerce in which such company is engaged and for all significant energy-related functions within such company;

(B) an analysis of the competitive structure of sectors and functional groupings within the energy industry;

(C) the segregation of energy information, including financial information, describing company operations by energy source and geographic area;

(D) the determination of costs associated with exploration, development, production, processing, transportation, and marketing and other significant energy-related functions within such company; and

(E) such other analyses or evaluations as the Administrator finds is necessary to achieve the purposes of this Act.

Accounting practices, development. 42 USC 6201 note.

(3) The Administrator shall consult with the Chairman of the Securities and Exchange Commission with respect to the development of accounting practices required by the Energy Policy and Conservation Act to be followed by persons engaged in whole or in part in the production of crude oil and natural gas and shall endeavor to assure that the energy-producing company financial report described in paragraph (2) of this subsection, to the extent practicable and consistent with the purposes and provisions of this Act, is consistent with such accounting practices where applicable.

Annual financial report.

(4) The Administrator shall require each major energy-producing company to file with the Administrator an energy-producing company

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financial report on at least an annual basis and may request energy information described in such report on a quarterly basis if he determines that such quarterly report of information will substantially assist in achieving the purposes of this Act.

(5) A summary of information gathered pursuant to this section, accompanied by such analysis as the Administrator deems appropriate, shall be included in the annual report of the Department required by subsection (a) of section 657 of this Act.

Definitions.

(6) As used in this subsection the term—

(A) "energy-producing company" means a person engaged in:

(i) ownership or control of mineral fuel resources or nonmineral energy resources;

(ii) exploration for, or development of, mineral fuel resources;

(iii) extraction of mineral fuel or nonmineral energy resources;

(iv) refining, milling, or otherwise processing mineral fuels or nonmineral energy resources;

(v) storage of mineral fuels or nonmineral energy resources;

(vi) the generation, transmission, or storage of electrical energy;

(vii) transportation of mineral fuels or nonmineral energy resources by any means whatever; or

(viii) wholesale or retail distribution of mineral fuels, nonmineral energy resources or electrical energy;

(B) "energy industry" means all energy-producing companies; and

(C) "person" has the meaning as set forth in section 11 of the Energy Supply and Environmental Coordination Act of 1974.

(7) The provisions of section 1905 of title 18, United States Code, shall apply in accordance with its terms to any information obtained by the Administration pursuant to this subsection.

ECONOMIC REGULATORY ADMINISTRATION

42 USC 7136.

SEC. 206. (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, United States Code. 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 title IV, the Secretary shall utilize the Economic Regulatory Administration to administer such functions as he may consider appropriate.

COMPTROLLER GENERAL FUNCTIONS

42 USC 7137.
15 USC 771.

SEC. 207. The functions of the Comptroller General of the United States under section 12 of the Federal Energy Administration Act of 1974 shall apply with respect to the monitoring and evaluation of all functions and activities of the Department under this Act or any r Act administered by the Department.

OFFICE OF INSPECTOR GENERAL

Inspector General, appointment and confirmation.
42 USC 7138.

SEC. 208. (a)(1) There shall be within the Department an Office of Inspector General to be headed by an Inspector General, who shall be appointed by the President, by and with the advice and consent of the Senate, solely on the basis of integrity and demonstrated ability and without regard to political affiliation. The Inspector General shall report to, and be under the general supervision of, the Secretary or, to the extent such authority is delegated, the Deputy Secretary, but shall not be under the control of, or subject to supervision by, any other officer of the Department.

Deputy Inspector General, appointment and confirmation.

(2) There shall also be in the Office a Deputy Inspector General who shall be appointed by the President, by and with the advice and consent of the Senate, solely on the basis of integrity and demonstrated ability and without regard to political affiliation. The Deputy shall assist the Inspector General in the administration of the Office and shall, during the absence or temporary incapacity of the Inspector General, or during a vacancy in that Office, act as Inspector General.

(3) The Inspector General or the Deputy may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

Assistant Inspector General for Audits and Assistant Inspector General for Investigations, appointment.

(4) The Inspector General shall, in accordance with applicable laws and regulations governing the civil service, appoint an Assistant Inspector General for Audits and an Assistant Inspector General for Investigations.

(5) The Inspector General shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and the Deputy Inspector General shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

Duties and responsibilities.

(b) It shall be the duty and responsibility of the Inspector General—

(1) to supervise, coordinate, and provide policy direction for auditing and investigative activities relating to the promotion of economy and efficiency in the administration of, or the prevention or detection of fraud or abuse in, programs and operations of the Department;

(2) to recommend policies for, and to conduct, supervise, or coordinate other activities carried out or financed by the Department for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations;

(3) to recommend policies for, and to conduct, supervise, or coordinate relationships between the Department and other Federal agencies, State and local governmental agencies, and nongovernmental entities with respect to (A) all matters relating to the promotion of economy and efficiency in the administration of, or the prevention and detection of fraud and abuse in, programs and operations administered or financed by the Department, and (B) the identification and prosecution of participants in such fraud or abuse;

(4) to keep the Secretary and the Congress fully and currently informed, by means of the reports required by subsection (c) and otherwise, concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations administered or financed by the Department, to recommend corrective action concerning such problems, abuses, and deficiencies, and to report on the progress made in implementing such corrective action; and

(5) to seek to coordinate his actions with the actions of the Comptroller General of the United States with a view to avoiding duplication.

Report to Secretary of Energy, Federal Energy Regulatory Commission, and Congress.

(c) The Inspector General shall, not later than March 31 of each year, submit a report to the Secretary, to the Federal Energy Regulatory Commission, and to the Congress summarizing the activities of the Office during the preceding calendar year. Such report shall include, but need not be limited to—

(1) an identification and description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Department disclosed by such activities;

(2) a description of recommendations for corrective action made by the Office with respect to significant problems, abuses, or deficiencies identified and described under paragraph (1);

(3) an evaluation of progress made in implementing recommendations described in the report or, where appropriate, in previous reports; and

(4) a summary of matters referred to prosecutive authorities and the extent to which prosecutions and convictions have resulted.

(d) The Inspector General shall report immediately to the Secretary, to the Federal Energy Regulatory Commission as appropriate, and, within thirty days thereafter, to the appropriate committees or subcommittees of the Congress whenever the Office becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of the Department. The Deputy and Assistant Inspectors General shall have particular responsibility for informing the Inspector General of such problems, abuses, or deficiencies.

Additional investigations and reports.

(e) The Inspector General (1) may make such additional investigations and reports relating to the administration of the programs and operations of the Department as are, in the judgment of the Inspector General, necessary or desirable, and (2) shall provide such additional information or documents as may be requested by either House of Congress or, with respect to matters within their jurisdiction, by any committee or subcommittee thereof.

(f) Notwithstanding any other provision of law, the reports, information, or documents required by or under this section shall be transmitted to the Secretary, to the Federal Energy Regulatory Commission, if applicable, and to the Congress, or committees or subcommittees thereof, by the Inspector General without further clearance or approval. The Inspector General shall, insofar as feasible, provide copies of the reports required under subsection (c) to the Secretary and the Commission, if applicable, sufficiently in advance of the due date for the submission to Congress to provide a reasonable opportunity for comments of the Secretary and the Commission to be appended to the reports when submitted to Congress.

Additional authority.

(g) In addition to the authority otherwise provided by this section, the Inspector General, in carrying out the provisions of this section, is authorized—

(1) to have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material available to the Department which relate to programs and operations with respect to which the Inspector General has responsibilities under this section;

(2) to require by subpena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by this section, which subpena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court; and

(3) to have direct and prompt access to the Secretary when necessary for any purpose pertaining to the performance of functions under this section.

OFFICE OF ENERGY RESEARCH

Director. 42 USC 7139.

SEC. 209. (a) There shall be within the Department an Office of Energy Research 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, United States Code.

Duties and responsibilities.

(b) 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 multipurpose 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 relating to basic and applied research, including but not limited to supervision or support of research activities carried out by any of the Assistant Secretaries designated by section 203 of this Act, as the Secretary considers advantageous.

LEASING LIAISON COMMITTEE

Establishment. 42 USC 7140.

SEC. 210. There is hereby established a Leasing Liaison Committee which shall be composed of an equal number of members appointed by the Secretary and the Secretary of the Interior.

TITLE III—TRANSFERS OF FUNCTIONS

GENERAL TRANSFERS

Federal Energy Administration and Energy Research and Development Administration. 42 USC 7151.

SEC. 301. (a) Except as otherwise provided in this Act, there are hereby transferred to, and vested in, the Secretary all of the functions vested by law in the Administrator of the Federal Energy Administration or the Federal Energy Administration, the Administrator of the Energy Research and Development Administration or the Energy Research and Development Administration; and the functions vested by law in the officers and components of either such Administration.

Federal Power Commission.

(b) Except as provided in title IV, there are hereby transferred to, and vested in, the Secretary the function of the Federal Power Commission, or of the members, officers, or components thereof. The Secretary may exercise any power described in section 402(a)(2) to the extent the Secretary determines such power to be necessary to the exercise of any function within his jurisdiction pursuant to the preceding sentence.

TRANSFERS FROM THE DEPARTMENT OF THE INTERIOR

42 USC 7152.

16 USC 825s.

SEC. 302. (a)(1) There are hereby transferred to, and vested in, the Secretary all functions of the Secretary of the Interior under section 5 of the Flood Control Act of 1944, and all other functions of the Secretary of the Interior, and officers and components of the Department of the Interior, with respect to—

(A) the Southeastern Power Administration;

(B) the Southwestern Power Administration;

(C) the Alaska Power Administration;

(D) the Bonneville Power Administration including but not limited to the authority contained in the Bonneville Project Act of 1937 and the Federal Columbia River Transmission System Act;

16 USC 832.

16 USC 838 note.

(E) the power marketing functions of the Bureau of Reclamation, including the construction, operation, and maintenance of transmission lines and attendant facilities; and

(F) the transmission and disposition of the electric power and energy generated at Falcon Dam and Amistad Dam, international storage reservoir projects on the Rio Grande, pursuant to the Act of June 18, 1954, as amended by the Act of December 23, 1963.

68 Stat. 255.

77 Stat. 475.

(2) The Southeastern Power Administration, the Southwestern Power Administration, the Bonneville Power Administration, and the Alaska Power Administration shall be preserved as separate and distinct organizational entities within the Department. Each such entity shall be headed by an Administrator appointed by the Secretary. The functions transferred to the Secretary in paragraphs (1)(A), (1)(B), (1)(C), and (1)(D) shall be exercised by the Secretary, acting by and through such Administrators. Each such Administrator shall maintain his principal office at a place located in the region served by his respective Federal power marketing entity.

(3) The functions transferred in paragraphs (1)(E) and (1)(F) of this subsection shall be exercised by the Secretary, acting by and through a separate and distinct Administration within the Department which shall be headed by an Administrator appointed by the Secretary. The Administrator shall establish and shall maintain such regional offices as necessary to facilitate the performance of such functions. Neither the transfer of functions effected by paragraph (1)(E) of this subsection nor any changes in cost allocation or project evaluation standards shall be deemed to authorize the reallocation of joint costs of multipurpose facilities theretofore allocated unless and to the extent that such change is hereafter approved by Congress.

Federal leases.

43 USC 1331 note.

30 USC 181 note, 351 note.

(b) There are hereby transferred to, and vested in, the Secretary the functions of the Secretary of the Interior to promulgate regulations under the Outer Continental Shelf Lands Act, the Mineral Lands Leasing Act, the Mineral Leasing Act for Acquired Lands, the Geothermal Steam Act of 1970, and the Energy Policy and Conservation Act, which relate to the—

30 USC 1001 note.

42 USC 6201 note.

(1) fostering of competition for Federal leases (including, but not limited to, prohibition on bidding for development rights by certain types of joint ventures);

(2) implementation of alternative bidding systems authorized for the award of Federal leases;

(3) establishment of diligence requirements for operations conducted on Federal leases (including, but not limited to, procedures relating to the granting or ordering by the Secretary of the Interior of suspension of operations or production as they relate to such requirements);

(4) setting rates of production for Federal leases; and

(5) specifying the procedures, terms, and conditions for the acquisition and disposition of Federal royalty interests taken in kind.

Production rates.

(c) There are hereby transferred to, and vested in, the Secretary all the functions of the Secretary of the Interior to establish production rates for all Federal leases.

(d) There are hereby transferred to, and vested in, the Secretary those functions of the Secretary of the Interior, the Department of the Interior, and officers and components of that Department under the Act of May 15, 1910, and other authorities, exercised by the Bureau of Mines, but limited to—

30 USC 1, 3, 5–7.

(1) fuel supply and demand analysis and data gathering;

(2) research and development relating to increased efficiency of production technology of solid fuel minerals, other than research relating to mine health and safety and research relating to the environmental and leasing consequences of solid fuel mining (which shall remain in the Department of the Interior); and

(3) coal preparation and analysis.

ADMINISTRATION OF LEASING TRANSFERS

Federal leasing of mineral resources.

42 USC 7153.

SEC. 303. (a) The Secretary of the Interior shall retain any authorities not transferred under section 302(b) of this Act and shall be solely responsible for the issuance and supervision of Federal leases and the enforcement of all regulations applicable to the leasing of mineral resources, including but not limited to lease terms and conditions and production rates. No regulation promulgated by the Secretary shall restrict or limit any authority retained by the Secretary of the Interior under section 302(b) of this Act with respect to the issuance or supervision of Federal leases. Nothing in section 302(b) of this Act shall be construed to affect Indian lands and resources or to transfer any functions of the Secretary of the Interior concerning such lands and resources.

Indian lands.

Regulations.

(b) In exercising the authority under section 302(b) of this Act to promulgate regulations, the Secretary shall consult with the Secretary of the Interior during the preparation of such regulations and shall afford the Secretary of the Interior not less than thirty days, prior to the date on which the Department first publishes or otherwise prescribes regulations, to comment on the content and effect of such regulations.

Terms and conditions, disapproval.

(c)(1) The Secretary of the Interior shall afford the Secretary not less than thirty days, prior to the date on which the Department of the Interior first publishes or otherwise prescribes the terms and conditions on which a Federal lease will be issued, to disapprove any term or condition of such lease which relates to any matter with respect to which the Secretary has authority to promulgate regulations under section 302(b) of this Act. No such term or condition may be included in such a lease if it is disapproved by the Secretary. The Secretary and the Secretary of the Interior may by agreement define circumstances under which a reasonable opportunity of less than thirty days may be afforded the Secretary to disapprove such terms and conditions.

(2) Where the Secretary disapproves any lease, term, or condition under paragraph (1) of this subsection he shall furnish the Secretary of the Interior with a detailed written statement of the reasons for his disapproval, and of the alternatives which would be acceptable to him.

Environmental impact statements.
42 USC 4332.

(d) The Department of the Interior shall be the lead agency for the purpose of preparation of an environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969 for any action with respect to the Federal leases taken under the authority of this section, unless the action involves only matters within the exclusive authority of the Secretary.

TRANSFERS FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Energy conservation standards for new buildings.
42 USC 7154.
42 USC 6833.

SEC. 304. (a) There is hereby transferred to, and vested in, the Secretary the functions vested in the Secretary of Housing and Urban Development pursuant to section 304 of the Energy Conservation Standards for New Buildings Act of 1976, to develop and promulgate energy conservation standards for new buildings. The Secretary of Housing and Urban Development shall provide the Secretary with any necessary technical assistance in the development of such standards.

42 USC 6831 note.

All other responsibilities, pursuant to title III of the Energy Conservation and Production Act, shall remain with the Secretary of Housing and Urban Development, except that the Secretary shall be kept fully and currently informed of the implementation of the promulgated standards.

(b) There is hereby transferred to, and vested in, the Secretary the functions vested in the Secretary of Housing and Urban Development pursuant to section 509 of the Housing and Urban Development Act of 1970.

12 USC 1701z–8.

COORDINATION WITH THE DEPARTMENT OF TRANSPORTATION

15 USC 2002.

SEC. 305. Section 502 of the Motor Vehicle Information and Cost Savings Act is amended at the end thereof by adding the following new subsections:

Average fuel economy standards.

"(g) The Secretary shall consult with the Secretary of Energy in carrying out his responsibilities under this section. The Secretary shall, before issuing any notice proposing under subsection (a), (b), (d), or (f) of this section, to establish, reduce, or amend an average fuel economy standard, provide the Secretary of Energy with a period of not less than ten days from the receipt of the notice during which the Secretary of Energy may, upon concluding that the proposed standard would adversely affect the conservation goals set by the Secretary of Energy, provide written comments to the Secretary concerning the impacts of the proposed standard upon those goals. To the extent that the Secretary does not revise the proposed standard to take into account any comments by the Secretary of Energy regarding the level of the proposed standard, the Secretary shall include the unaccommodated comments in the notice.

Notice.

"(h) The Secretary shall, before taking action on any final standard under this section or any modification of or exemption from such standard, notify the Secretary of Energy and provide such Secretary with a reasonable period of time to comment thereon.".

TRANSFER FROM THE INTERSTATE COMMERCE COMMISSION

Transportation of oil by pipeline.
42 USC 7155.
49 USC prec. 1 note.

SEC. 306. Except as provided in title IV, there are hereby transferred to the Secretary such functions set forth in the Interstate Commerce Act and vested by law in the Interstate Commerce Commission or the Chairman and members thereof as relate to transportation of oil by pipeline.

TRANSFERS FROM THE DEPARTMENT OF THE NAVY

certain naval petroleum reserves.
42 USC 7156.
10 USC 7421.

SEC. 307. There are hereby transferred to and vested in the Secretary all functions vested by chapter 641 of title 10, United States Code, in the Secretary of the Navy as they relate to the administration of and jurisdiction over—

(1) Naval Petroleum Reserve Numbered 1 (Elk Hills), located in Kern County, California, established by Executive order of the President, dated September 2, 1912;

(2) Naval Petroleum Reserve Numbered 2 (Buena Vista), located in Kern County, California, established by Executive order of the President, dated December 13, 1912;

(3) Naval Petroleum Reserve Numbered 3 (Teapot Dome), located in Wyoming, established by Executive order of the President, dated April 30, 1915;

(4) Oil Shale Reserve Numbered 1, located in Colorado, established by Executive order of the President, dated December 6, 1916, as amended by Executive order dated June 12, 1919;

(5) Oil Shale Reserve Numbered 2, located in Utah, established by Executive order of the President, dated December 6, 1916; and

(6) Oil Shale Reserve Numbered 3, located in Colorado, established by Executive order of the President, dated September 27, 1924.

In the administration of any of the functions transferred to, and vested in, the Secretary by this section the Secretary shall take into consideration the requirements of national security.

TRANSFERS FROM THE DEPARTMENT OF COMMERCE

Industrial energy conservation programs.
42 USC 7157.

SEC. 308. There are hereby transferred to, and vested in, the Secretary all functions of the Secretary of Commerce, the Department of Commerce, and officers and components of that Department, as relate to or are utilized by the Office of Energy Programs, but limited to industrial energy conservation programs.

NAVAL REACTOR AND MILITARY APPLICATION PROGRAMS

42 USC 7158.
42 USC 2035.

SEC. 309. (a) The Division of Naval Reactors established pursuant to section 25 of the Atomic Energy Act of 1954, and responsible for research, design, development, health, and safety matters pertaining to naval nuclear propulsion plants and assigned civilian power reactor programs is transferred to the Department under the Assistant Secretary to whom the Secretary has assigned the function listed in section 203(a)(2)(E), and such organizational unit shall be deemed to be an organizational unit established by this Act.

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42 USC 2035. (b) The Division of Military Application, established by section 25 of the Atomic Energy Act of 1954, and the functions of the Energy Research and Development Administration with respect to the Military Liaison Committee, established by section 27 of the Atomic Energy Act of 1954, are transferred to the Department under the Assistant Secretary to whom the Secretary has assigned those functions listed in section 203(a)(5), and such organizational units shall be deemed to be organizational units established by this Act. 42 USC 2037.

TRANSFER TO THE DEPARTMENT OF TRANSPORTATION

Van pooling and carpooling. 42 USC 7159.

SEC. 310. Notwithstanding section 301(a), there are hereby transferred to, and vested in, the Secretary of Transportation all of the functions vested in the Administrator of the Federal Energy Administration by section 381(b)(1)(B) of the Energy Policy and Conservation Act. 42 USC 6361.

TITLE IV—FEDERAL ENERGY REGULATORY COMMISSION

APPOINTMENT AND ADMINISTRATION

Establishment. 42 USC 7171.

SEC. 401. (a) There is hereby established within the Department an independent regulatory commission to be known as the Federal Energy Regulatory Commission.

Members.

(b) The Commission shall be composed of five members appointed by the President, by and with the advice and consent of the Senate. One of the members shall be designated by the President as Chairman. Members shall hold office for a term of four years and may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office. The terms of the members first taking office shall expire (as designated by the President at the time of appointment), two at the end of two years, two at the end of three years, and one at the end of four years. Not more than three members of the Commission shall be members of the same political party. Any Commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A Commissioner may continue to serve after the expiration of his term until his successor has taken office, except that he may not so continue to serve for more than one year after the date on which his term would otherwise expire under this subsection. Members of the Commission shall not engage in any other business, vocation, or employment while serving on the Commission.

(c) The Chairman shall be responsible on behalf of the Commission for the executive and administrative operation of the Commission, including functions of the Commission with respect to (1) the appointment and employment of hearing examiners in accordance with the provisions of title 5, United States Code, (2) the selection, appointment, and fixing of the compensation of such personnel as he deems necessary, including an executive director, (3) the supervision of personnel employed by or assigned to the Commission, except that each member of the Commission may select and supervise personnel for his personal staff, (4) the distribution of business among personnel and among administrative units of the Commission, and (5) the procurement of services of experts and consultants in accordance with section 3109 of title 5, United States Code. The Secretary shall provide to the Commission such support and facilities as the Commission determines it needs to carry out its functions.

(d) In the performance of their functions, the members, employees, or other personnel of the Commission shall not be responsible to or subject to the supervision or direction of any officer, employee, or agent of any other part of the Department.

Acting Chairman, designation. Quorum.

(e) The Chairman of the Commission may designate any other member of the Commission as Acting Chairman to act in the place and stead of the Chairman during his absence. The Chairman (or the Acting Chairman in the absence of the Chairman) shall preside at all sessions of the Commission and a quorum for the transaction of business shall consist of at least three members present. Each member of the Commission, including the Chairman, shall have one vote. Actions of the Commission shall be determined by a majority vote of the members present. The Commission shall have an official seal which shall be judicially noticed. Seal.

Rules.

(f) The Commission is authorized to establish such procedural and administrative rules as are necessary to the exercise of its functions. Until changed by the Commission, any procedural and administrative rules applicable to particular functions over which the Commission has jurisdiction shall continue in effect with respect to such particular functions.

Hearings.

(g) In carrying out any of its functions, the Commission shall have the powers authorized by the law under which such function is exercised to hold hearings, sign and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate. The Commission may, by one or more of its members or by such agents as it may designate, conduct any hearing or other inquiry necessary or appropriate to its functions, except that nothing in this subsection shall be deemed to supersede the provisions of section 556 of title 5, United States Code relating to hearing examiners.

(h) The principal office of the Commission shall be in or near the District of Columbia, where its general sessions shall be held, but the Commission may sit anywhere in the United States.

(i) For the purpose of section 552b of title 5, United States Code, the Commission shall be deemed to be an agency. Except as provided in section 518 of title 28, United States Code, relating to litigation before the Supreme Court, attorneys designated by the Chairman of the Commission may appear for, and represent the Commission in, any civil action brought in connection with any function carried out by the Commission pursuant to this Act or as otherwise authorized by law.

Appropriation authorization.

(j) In each annual authorization and appropriation request under this Act, the Secretary shall identify the portion thereof intended for the support of the Commission and include a statement by the Commission (1) showing the amount requested by the Commission in its budgetary presentation to the Secretary and the Office of Management and Budget and (2) an assessment of the budgetary needs of the Commission. Whenever the Commission submits to the Secretary, the President, or the Office of Management and Budget, any legislative recommendation or testimony, or comments on legislation, prepared for submission to Congress, the Commission shall concurrently transmit a copy thereof to the appropriate committees of Congress.

Legislative recommendations, copies to congressional committees.

JURISDICTION OF THE COMMISSION

Transfer of functions. 42 USC 7172.

SEC. 402. (a)(1) There are hereby transferred to, and vested in, the Commission the following functions of the Federal Power Commission or of any member of the Commission or any officer or component of the Commission:

(A) the investigation, issuance, transfer, renewal, revocation, and enforcement of licenses and permits for the construction, operation, and maintenance of dams, water conduits, reservoirs, powerhouses, transmission lines, or other works for the development and improvement of navigation and for the development and utilization of power across, along, from, or in navigable waters under part I of the Federal Power Act; 16 USC 792.

(B) the establishment, review, and enforcement of rates and charges for the transmission or sale of electric energy, including determinations on construction work in progress, under part II of the Federal Power Act, and the interconnection, under section 202(b), of such Act, of facilities for the generation, transmission, and sale of electric energy (other than emergency interconnection); 16 USC 824. 16 USC 824a.

(C) the establishment, review, and enforcement of rates and charges for the transportation and sale of natural gas by a producer or gatherer or by a natural gas pipeline or natural gas company under sections 1, 4, 5, and 6 of the Natural Gas Act; 15 USC 717, 717c, 717d, 717e.

(D) the issuance of a certificate of public convenience and necessity, including abandonment of facilities or services, and the establishment of physical connections under section 7 of the Natural Gas Act; 15 USC 717f.

(E) the establishment, review, and enforcement of curtailments, other than the establishment and review of priorities for such curtailments, under the Natural Gas Act; and 15 USC 717w.

(F) the regulation of mergers and securities acquisition under the Federal Power Act and Natural Gas Act. 16 USC 791a.

(2) The Commission may exercise any power under the following sections to the extent the Commission determines such power to be necessary to the exercise of any function within the jurisdiction of the Commission:

(A) sections 4, 301, 302, 306 through 309, and 312 through 316 of the Federal Power Act; and 16 USC 797, 825, 825a, 825e–825h, 825k–825o.

(B) sections 8, 9, 13 through 17, 20, and 21 of the Natural Gas Act. 15 USC 717g, 717h, 717l–717p, 717s, 717t.

(b) There are hereby transferred to, and vested in, the Commission all functions and authority of the Interstate Commerce Commission or any officer or component of such Commission where the regulatory function establishes rates or charges for the transportation of oil by pipeline or establishes the valuation of any such pipeline.

(c)(1) Pursuant to the procedures specified in section 404 and except as provided in paragraph (2), the Commission shall have jurisdiction to consider any proposal by the Secretary to amend the regulation required to be issued under section 4(a) of the Emergency Petroleum Allocation Act of 1973 which is required by section 8 or 12 of such Act to be transmitted by the President to, and reviewed by, each House of Congress, under section 551 of the Energy Policy and Conservation Act. 15 USC 753. 15 USC 757, 760a. 42 USC 6421.

(2) In the event that the President determines that an emergency situation of overriding national importance exists and requires the expeditious promulgation of a rule described in paragraph (1), the President may direct the Secretary to assume sole jurisdiction over the promulgation of such rule, and such rule shall be transmitted by the President to, and reviewed by, each House of Congress under section 8 or 12 of the Emergency Petroleum Allocation Act of 1973, and section 551 of the Energy Policy and Conservation Act.

(d) The Commission shall have jurisdiction to hear and determine any other matter arising under any other function of the Secretary— Hearing.

(1) involving any agency determination required by law to be made on the record after an opportunity for an agency hearing; or

(2) involving any other agency determination which the Secretary determines shall be made on the record after an opportunity for an agency hearing,

except that nothing in this subsection shall require that functions under sections 105 and 106 of the Energy Policy and Conservation Act shall be within the jurisdiction of the Commission unless the Secretary assigns such a function to the Commission. 42 USC 6213, 6214.

(e) In addition to the other provisions of this section, the Commission shall have jurisdiction over any other matter which the Secretary may assign to the Commission after public notice, or which are required to be referred to the Commission pursuant to section 404 of this Act. Notice.

(f) No function described in this section which regulates the exports or imports of natural gas or electricity shall be within the jurisdiction of the Commission unless the Secretary assigns such a function to the Commission. Limitation.

(g) The decision of the Commission involving any function within its jurisdiction, other than action by it on a matter referred to it pursuant to section 404, shall be final agency action within the meaning of section 704 of title 5, United States Code, and shall not be subject to further review by the Secretary or any officer or employee of the Department. Review, limitation.

(h) The Commission is authorized to prescribe rules, regulations, and statements of policy of general applicability with respect to any function under the jurisdiction of the Commission pursuant to section 402. Rules, regulations, and statements of policy.

INITIATION OF RULEMAKING PROCEEDINGS BEFORE COMMISSION

SEC. 403. (a) The Secretary and the Commission are authorized to propose rules, regulations, and statements of policy of general applicability with respect to any function within the jurisdiction of the Commission under section 402 of this Act. 42 USC 7173.

(b) The Commission shall have exclusive jurisdiction with respect to any proposal made under subsection (a), and shall consider and take final action on any proposal made by the Secretary under such subsection in an expeditious manner in accordance with such reasonable time limits as may be set by the Secretary for the completion of action by the Commission on any such proposal.

(c) Any function described in section 402 of this Act which relates to the establishment of rates and charges under the Federal Power Act or the Natural Gas Act, may be conducted by rulemaking procedures. Except as provided in subsection (d), the procedures in such a rulemaking proceeding shall assure full consideration of the issues and an opportunity for interested persons to present their views. 16 USC 791a. 15 USC 717w.

(d) With respect to any rule or regulation promulgated by the Commission to establish rates and charges for the first sale of natural gas by a producer or gatherer to a natural gas pipeline under the Natural Gas Act, the Commission may afford any interested person a reasonable opportunity to submit written questions with respect to disputed issues of fact to other interested persons participating in the rulemaking proceedings. The Commission may establish a reasonable time for both the submission of questions and responses thereto. Written questions and responses.

REFERRAL OF OTHER RULEMAKING PROCEEDINGS TO COMMISSION

42 USC 7174.

SEC. 404. (a) Except as provided in section 403, whenever the Secretary proposes to prescribe rules, regulations, and statements of policy of general applicability in the exercise of any function which is transferred to the Secretary under section 301 or 306 of this Act, he shall notify the Commission of the proposed action. If the Commission, in its discretion, determines within such period as the Secretary may prescribe, that the proposed action may significantly affect any function within the jurisdiction of the Commission pursuant to section 402(a)(1), (b), and (c)(1), the Secretary shall immediately refer the matter to the Commission, which shall provide an opportunity for public comment.

Public comment.

(b) Following such opportunity for public comment the Commission, after consultation with the Secretary, shall either—

(1) concur in adoption of the rule or statement as proposed by the Secretary;

(2) concur in adoption of the rule or statement only with such changes as it may recommend; or

(3) recommend that the rule or statement not be adopted.

The Commission shall promptly publish its recommendations, adopted under this subsection, along with an explanation of the reason for its actions and an analysis of the major comments, criticisms, and alternatives offered during the comment period.

Recommendations, publication.

(c) Following publication of the Commission's recommendations the Secretary shall have the option of—

(1) issuing a final rule or statement in the form initially proposed by the Secretary if the Commission has concurred in such rule pursuant to subsection (b)(1);

(2) issuing a final rule or statement in amended form so that the rule conforms in all respects with the changes proposed by the Commission if the Commission has concurred in such rule or statement pursuant to subsection (b)(2); or

(3) ordering that the rule shall not be issued.

The action taken by the Secretary pursuant to this subsection shall constitute a final agency action for purposes of section 704 of title 5, United States Code.

RIGHT OF SECRETARY TO INTERVENE IN COMMISSION PROCEEDINGS

42 USC 7175.

SEC. 405. The Secretary may as a matter of right intervene or otherwise participate in any proceeding before the Commission. The Secretary shall comply with rules of procedure of general applicability governing the timing of intervention or participation in such proceeding or activity and, upon intervening or participating therein, shall comply with rules of procedure of general applicability governing the conduct thereof. The intervention or participation of the Secretary in any proceeding or activity shall not affect the obligation of the Commission to assure procedure fairness to all participants.

REORGANIZATION

42 USC 7176.
5 USC 901.

SEC. 406. For the purposes of chapter 9 of title 5, United States Code, the Commission shall be deemed to be an independent regulatory agency.

ACCESS TO INFORMATION

42 USC 7177.

SEC. 407. (a) The Secretary, each officer of the Department, and each Federal agency shall provide to the Commission, upon request, such existing information in the possession of the Department or other Federal agency as the Commission determines is necessary to carry out its responsibilities under this Act.

(b) The Secretary, in formulating the information to be requested in the reports or investigations under section 304 and section 311 of the Federal Power Act and section 10 and section 11 of the Natural Gas Act, shall include in such reports and investigations such specific information as requested by the Federal Energy Regulatory Commission and copies of all reports, information, results of investigations and data under said sections shall be furnished by the Secretary to the Federal Energy Regulatory Commission.

16 USC 825c, 825j.
15 USC 717i, 717j.

TITLE V—ADMINISTRATIVE PROCEDURES AND JUDICIAL REVIEW

PROCEDURES

42 USC 7191.
5 USC 551.

SEC. 501. (a)(1) Subject to the other requirements of this title, the provisions of subchapter II of chapter 5 of title 5, United States Code, shall apply in accordance with its terms to any rule or regulation, or any order having the applicability and effect of a rule (as defined in section 551(4) of title 5, United States Code), issued pursuant to authority vested by law in, or transferred or delegated to, the Secretary, or required by this Act or any other Act to be carried out by any other officer, employee, or component of the Department, other than the Commission, including any such rule, regulation, or order of a State, or local government agency or officer thereof, issued pursuant to authority delegated by the Secretary in accordance with this title. If any provision of any Act, the functions of which are transferred, vested, or delegated pursuant to this Act, provides administrative procedure requirements in addition to the requirements provided in this title, such additional requirements shall also apply to actions under that provision.

(2) Notwithstanding paragraph (1), this title shall apply to the Commission to the same extent this title applies to the Secretary in the exercise of any of the Commission's functions under section 402(c)(1) or which the Secretary has assigned under section 402(e).

(b)(1) In addition to the requirements of subsection (a) of this section, notice of any proposed rule, regulation, or order described in subsection (a) shall be given by publication of such proposed rule, regulation, or order in the Federal Register. Such publication shall be accompanied by a statement of the research, analysis, and other available information in support of, the need for, and the probable effect of, any such proposed rule, regulation, or order. Other effective means of publicity shall be utilized as may be reasonably calculated to notify concerned or affected persons of the nature and probable effect of any such proposed rule, regulation, or order. In each case, a minimum of thirty days following such publication shall be provided for an opportunity to comment prior to promulgation of any such rule, regulation, or order.

Publication in Federal Register.

Statement.

Minimum comment period.

(2) Public notice of all rules, regulations, or orders described in subsection (a) which are promulgated by officers of a State or local government agency pursuant to a delegation under this Act shall be

Notice.

provided by publication of such proposed rules, regulations, or orders in at least two newspapers of statewide circulation. If such publication is not practicable, notice of any such rule, regulation, or order shall be given by such other means as the officer promulgating such rule, regulation, or order determines will reasonably assure wide public notice.

Rulemaking procedure, certain exceptions, prohibition.

(3) For the purposes of this title, the exception from the requirements of section 553 of title 5, United States Code, provided by subsection (a)(2) of such section with respect to public property, loans, grants, or contracts shall not be available.

(c)(1) If the Secretary determines, on his own initiative or in response to any showing made pursuant to paragraph (2) (with respect to a proposed rule, regulation, or order described in subsection (a)) that no substantial issue of fact or law exists and that such rule, regulation, or order is unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses, such proposed rule, regulation, or order may be promulgated in accordance with section 553 of title 5, United States Code. If the Secretary determines that a substantial issue of fact or law exists or that such rule, regulation, or order is likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses, an opportunity for oral presentation of views, data, and arguments shall be provided.

Oral presentations.

(2) Any person, who would be adversely affected by the implementation of any proposed rule, regulation, or order who desires an opportunity for oral presentation of views, data, and arguments, may submit material supporting the existence of such substantial issues or such impact.

Transcript.

(3) A transcript shall be kept of any oral presentation with respect to a rule, regulation, or order described in subsection (a).

Explanation.

(d) Following the notice and comment period, including any oral presentation required by this subsection, the Secretary may promulgate a rule if the rule is accompanied by an explanation responding to the major comments, criticisms, and alternatives offered during the comment period.

Waiver.

(e) The requirements of subsections (b), (c), and (d) of this section may be waived where strict compliance is found by the Secretary to be likely to cause serious harm or injury to the public health, safety, or welfare, and such finding is set out in detail in such rule, regulation, or order. In the event the requirements of this section are waived, the requirements shall be satisfied within a reasonable period of time subsequent to the promulgation of such rule, regulation, or order.

Hearing.

(f)(1) With respect to any rule, regulation, or order described in subsection (a), the effects of which, except for indirect effects of an inconsequential nature, are confined to—

(A) a single unit of local government or the residents thereof;

(B) a single geographic area within a State or the residents thereof; or

(C) a single State or the residents thereof;

the Secretary shall, in any case where appropriate, afford an opportunity for a hearing or the oral presentation of views, and provide procedures for the holding of such hearing or oral presentation within the boundaries of the unit of local government, geographic area, or State described in paragraphs (A) through (C) of this paragraph as the case may be.

Definitions.

(2) For the purposes of this subsection—

(A) the term "unit of local government" means a county, municipality, town, township, village, or other unit of general government below the State level; and

(B) the term "geographic area within a State" means a special purpose district or other region recognized for governmental purposes within such State which is not a unit of local government.

(3) Nothing in this subsection shall be construed as requiring a hearing or an oral presentation of views where none is required by this section or other provision of law.

(g) Where authorized by any law vested, transferred, or delegated pursuant to this Act, the Secretary may, by rule, prescribe procedures for State or local government agencies authorized by the Secretary to carry out such functions as may be permitted under applicable law. Such procedures shall apply to such agencies in lieu of this section, and shall require that prior to taking any action, such agencies shall take steps reasonably calculated to provide notice to persons who may be affected by the action, and shall afford an opportunity for presentation of views (including oral presentation of views where practicable) within a reasonable time before taking the action.

Notice.

JUDICIAL REVIEW

SEC. 502. (a) Judicial review of agency action taken under any law the functions of which are vested by law in, or transferred or delegated to the Secretary, the Commission or any officer, employee, or component of the Department shall, notwithstanding such vesting, transfer, or delegation, be made in the manner specified in or for such law.

42 USC 7192.

(b) Notwithstanding the amount in controversy, the district courts of the United States shall have exclusive original jurisdiction of all other cases or controversies arising exclusively under this Act, or under rules, regulations, or orders issued exclusively thereunder, other than any actions taken to implement or enforce any rule, regulation, or order by any officer of a State or local government agency under this Act, except that nothing in this section affects the power of any court of competent jurisdiction to consider, hear, and determine in any proceeding before it any issue raised by way of defense (other than a defense based on the unconstitutionality of this Act or the validity of action taken by any agency under this Act). If in any such proceeding an issue by way of defense is raised based on the unconstitutionality of this Act or the validity of agency action under this Act, the case shall be subject to removal by either party to a district court of the United States in accordance with the applicable provisions of chapter 89 of title 28, United States Code. Cases or controversies arising under any rule, regulation, or order of any officer of a State or local government agency may be heard in either (A) any appropriate State court, or (B) without regard to the amount in controversy, the district courts of the United States.

Jurisdiction.

Removal.

28 USC 1441.

(c) Subject to the provisions of section 401(i) of this Act, and notwithstanding any other law, the litigation of the Department shall be subject to the supervision of the Attorney General pursuant to chapter 31 of title 28, United States Code. The Attorney General may authorize any attorney of the Department to conduct any civil litigation of the Department in any Federal court except the Supreme Court.

Litigation, supervision by Attorney General.
28 USC 501.

REMEDIAL ORDERS

Violations.
42 USC 7193.
15 USC 751 note.
"Person."

SEC. 503. (a) If upon investigation the Secretary or his authorized representative believes that a person has violated any regulation, rule, or order described in section 501(a) promulgated pursuant to the Emergency Petroleum Allocation Act of 1973, he may issue a remedial order to the person. Each remedial order shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of such rule, regulation, or order alleged to have been violated. For purposes of this section "person" includes any individual, association, company, corporation, partnership, or other entity however organized.

Final order, appeal, prohibition.

(b) If within thirty days after the receipt of the remedial order issued by the Secretary, the person fails to notify the Secretary that he intends to contest the remedial order, the remedial order shall become effective and shall be deemed a final order of the Secretary and not subject to review by any court or agency.

Contestation, notice.
Stay.
Hearing.
Cross examination.
Final order. Enforcement and review.

(c) If within thirty days after the receipt of the remedial order issued by the Secretary, the person notifies the Secretary that he intends to contest a remedial order issued under subsection (a) of this section, the Secretary shall immediately advise the Commission of such notification. Upon such notice, the Commission shall stay the effect of the remedial order, unless the Commission finds the public interest requires immediate compliance with such remedial order. The Commission shall, upon request, afford an opportunity for a hearing, including, at a minimum, the submission of briefs, oral or documentary evidence, and oral arguments. To the extent that the Commission in its discretion determines that such is required for a full and true disclosure of the facts, the Commission shall afford the right of cross examination. The Commission shall thereafter issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's remedial order, or directing other appropriate relief, and such order shall, for the purpose of judicial review, constitute a final agency action, except that enforcement and other judicial review of such action shall be the responsibility of the Secretary.

Time limits.

(d) The Secretary may set reasonable time limits for the Commission to complete action on a proceeding referred to it pursuant to this section.

(e) Nothing in this section shall be construed to effect any procedural action taken by the Secretary prior to or incident to initial issuance of a remedial order which is the subject of the hearing provided in this section, but such procedures shall be reviewable in the hearing.

Savings provision.

(f) The provisions of this section shall be applicable only with respect to proceedings initiated by a notice of probable violation issued after the effective date of this Act.

REQUESTS FOR ADJUSTMENTS

42 USC 7194.
15 USC 761 note.
15 USC 791 note.
42 USC 6201 note.

SEC. 504. (a) The Secretary or any officer designated by him shall provide for the making of such adjustments to any rule, regulation or order described in section 501(a) issued under the Federal Energy Administration Act, the Emergency Petroleum Allocation Act of 1973, the Energy Supply and Environmental Coordination Act of 1974, or the Energy Policy and Conservation Act, consistent with the other purposes of the relevant Act, as may be necessary to prevent special hardship, inequity, or unfair distribution of burdens, and shall by rule, establish procedures which are available to any person for the purpose of seeking an interpretation, modification, or recission of, exception to, or exemption from, such rule, regulation or order. The Secretary or any such officer shall additionally insure that each decision on any application or petition requesting an adjustment shall specify the standards of hardship, inequity, or unfair distribution of burden by which any disposition was made, and the specific application of such standards to the facts contained in any such application or petition.

Denial, judicial review.

(b)(1) If any person is aggrieved or adversely affected by a denial of a request for adjustment under subsection (a) such person may request a review of such denial by the Commission and may obtain judicial review in accordance with this title when such a denial becomes final.

Hearing.

(2) The Commission shall, by rule, establish appropriate procedures, including a hearing when requested, for review of a denial. Action by the Commission under this section shall be considered final agency action within the meaning of section 704 of title 5, United States Code, and shall not be subject to further review by the Secretary or any officer or employee of the Department. Litigation involving judicial review of such action shall be the responsibility of the Secretary.

REVIEW AND EFFECT

Report to Congress.
42 USC 7195.
Contents.

SEC. 505. Within one year after the effective date of this Act, the Secretary shall submit a report to Congress concerning the actions taken to implement section 501. The report shall include a discussion of the adequacy of such section from the standpoint of the Department and the public, including a summary of any comments obtained by the Secretary from the public about such section and implementing regulations, and such recommendations as the Secretary deems appropriate concerning the procedures required by such section.

TITLE VI—ADMINISTRATIVE PROVISIONS

PART A—CONFLICT OF INTEREST PROVISIONS

DEFINITIONS

Supervisory employees.
42 USC 7211.
5 USC 5332 note.
5 USC 5312–5316.

SEC. 601. (a) For the purposes of this title, the following officers or employees of the Department are supervisory employees:

(1) an individual holding a position in the Department at GS–16, GS–17, or GS–18 of the General Schedule or at level I, II, III, IV, or V of the Executive Schedule, or who is in a position at a comparable or higher level on any other Federal pay scale, or who holds a position pursuant to subsection (b) or (d) of section 621, or who is an expert or consultant employed pursuant to section 3109 of title 5, United States Code, for more than ninety days in any calendar year and receives compensation at an annual rate equal to or in excess of the minimum rate prescribed for individuals at GS–16 of the General Schedule;

(2) the Director or Deputy Director of any State, regional, district, local, or other field office maintained pursuant to section 650 of this Act;

(3) an employee or officer who has primary responsibility for the award, review, modification, or termination of any grant,

contract, award, or fund transfer within the authority of tl Secretary; and

(4) any other employee or officer who, in the judgment of tl Secretary, exercises sufficient decisionmaking or regulatoı authority so that the provisions of this title should apply to suc individual.

"Energy concern."

(b) For purposes of this title the term "energy concern" includes-

(1) any person significantly engaged in the business of develoļ ing, extracting, producing, refining, transporting by pipeline, cor verting into synthetic fuel, distributing, or selling minerals fc use as an energy source, or in the generation or transmission o energy from such minerals or from wastes or renewable resources

(2) any person holding an interest in property from which coa natural gas, crude oil, nuclear material or a renewable resource i commercially produced or obtained;

(3) any person significantly engaged in the business of pro ducing, generating, transmitting, distributing, or selling electri power;

(4) any person significantly engaged in development, produc tion, processing, sale, or distribution of nuclear materials, facili ties, or technology;

(5) any person—

(A) significantly engaged in the business of conducting research, development, or demonstration related to an activity described in paragraph (1), (2), (3), or (4); or

(B) significantly engaged in conducting such research, development, or demonstration with financial assistance under any Act the functions of which are vested in or delegated or transferred to the Secretary or the Department.

List of energy concerns, publication.

(c) (1) The Secretary shall prepare and periodically publish a list of persons which the Secretary has determined to be energy concerns as defined by subsection (b). The absence of any particular energy concern from such list shall not exempt any officer or employee from the requirements of sections 602 through 606 of this Act.

(2) At the request of any officer or employee of the Department the Secretary shall determine whether any person is an energy concern as defined by subsection (b).

Energy concerns, knowledge of interest or positions.

(d) For the purposes of sections 602(a), 603(a), 605(a), and 606 an individual shall be deemed to have known of or knowingly committed a described act or to have known of or knowingly held a described interest, status, or position if the employee knew or should have known of such act, interest, status, or position. For the purposes of section 602(a) an officer or employee shall be deemed to have known of or knowingly held an interest in an energy concern if such interest is sold or otherwise transferred to his spouse or dependent while such officer or employee is, or within six months prior to the date on which such officer or employee becomes, an officer or employee of the Department. The placing of an interest under a trust by an individual shall not satisfy the requirement of section 602 or waive the requirements of section 603 as to such interest unless none of the interests placed under such trust by such individual consists of known financial interests in any energy concern.

DIVESTITURE OF ENERGY HOLDINGS BY SUPERVISORY OFFICIALS

42 USC 7212.

SEC. 602. (a) No supervisory employee shall knowingly receive compensation from, or hold any official relation with, any energy concern, or own stocks or bonds of any energy concern, or have any pecuniary interest therein.

Transferred personnel, compliance. Notice.

(b) Personnel transferred to the Department pursuant to section 701 of this Act shall have six months to comply with the provisions of subsection (a) with respect to prohibited property holdings. Any person transferred pursuant to section 701 of this Act shall notify the Secretary or his designee of all known circumstances which would be violative of the restrictions set forth in subsection (a) not later than thirty days after the date of such transfer, as determined by the United States Civil Service Commission.

Waiver.

(c) Where exceptional hardship would result, or where the interest is a pension, insurance or other similarly vested interest, the Secretary is authorized to waive the requirements of this section for such period as he may prescribe with respect to any supervisory employee covered. Such waiver shall:

Publication in Federal Register.

(1) be published in the Federal Register;

(2) contain a finding by the Secretary that exceptional hardship would result or that there is such a vested interest; and

(3) state the period of the waiver and indicate the actions taken to minimize or eliminate the conflict of interest during such period.

(d) Any supervisory employee who continues to receive income from any energy concern, or continues to own property directly or indirectly in any such concern shall disclose such income or ownership pursuant to section 603.

DISCLOSURE OF ENERGY ASSETS

Report. 42 USC 7213.

SEC. 603. (a) Each individual who at any time during the calendar year serves as an officer or employee of the Department shall disclose to the Secretary—

(1) the amount of income and the identity of the source of income knowingly received by such individual, his spouse, or dependent from any energy concern, and

(2) the identity and value of interest knowingly held in any such concern

during such calendar year. Such report shall be filed not later than thirty days after commencing service in the Department and on May 15 following each such calendar year. Each report under this subsection shall be in such form and manner as the Secretary shall, by rule, prescribe.

(b) The Secretary shall—

(1) act, within ninety days after the effective date of this Act, by rule to establish the methods by which the requirement to file written statements specified in subsection (a) will be monitored and enforced, including appropriate provisions for the filing by such officers and employees of such statements, for the recording by the reviewing official of any action taken to eliminate any potential conflict, and for the signing of such statement by the reviewing official; and

(2) include, as part of the report made pursuant to section 657, a report with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

Exempt positions.

(c) In the rules prescribed in subsection (b), the Secretary shall identify specific positions, or classes thereof, within the Department which are of a nonregulatory or nonpolicymaking nature at or below GS-12 of the General Schedule and shall exempt such positions and 5 USC 5332 note.

the individuals occupying those positions from the requirements of this section.

(d) Each individual required to file a report under this section who during any calendar year ceases to be an officer or employee of the Department shall file a report covering that portion of such year beginning on January 1 and ending on the date on which he ceases to be such an officer or employee, and such report shall be filed with the Secretary not later than thirty days after such date.

Extension.

(e) The Secretary may grant one or more reasonable extensions of time for filing any such report under this section but the total of such extensions shall not exceed ninety days.

REPORT ON PRIOR EMPLOYMENT

42 USC 7214.

SEC. 604. (a) Within sixty days of becoming a supervisory employee of the department, each supervisory employee shall file with the Secretary, in such form and manner as the Secretary shall prescribe, a report identifying any energy concern which paid the reporting individual compensation in excess of $2,500 in any of the previous five calendar years. The individual shall include in the report—

Contents.

(1) the name and address of each source of such compensation;

(2) the period during which the reporting individual was receiving such compensation from each such source;

(3) the title of each position or relationship the reporting individual held with each compensating source; and

(4) a brief description of the duties performed or services rendered by the reporting individual in each such position.

Exceptions.

(b) Subsection (a) shall not require any individual to include in such report any information which is considered confidential as a result of a privileged relationship, recognized by law, between such individual and any person; nor shall it require an individual to report any information with respect to any person for whom services were provided by any firm or association of which such individual was a member, partner, or employee unless such individual was directly involved in the provision of such services.

POSTEMPLOYMENT PROHIBITIONS AND REPORTING REQUIREMENTS

42 USC 7215.

SEC. 605. (a)(1) Except as provided in paragraph (2) or (3), no supervisory employee shall, within one year after his employment with the Department has ceased, knowingly—

(A) make any appearance or attendance before, or

(B) make any written or oral communication to, and with the intent to influence the action of;

the Department if such appearance or communication relates to any particular matter which is pending before the Department.

Exceptions.

(2) Paragraph (1) shall not apply to any appearance, attendance, or communication made, during any part of such year that such individual is employed by, and is on behalf of, the United States; nor shall it apply to an appearance or communication by the former supervisory employee where such appearance or communication is made in response to a subpena, or concerns any matter of an exclusively personal and individual nature such as pension benefits.

National interest exception. Publication in Federal Register

(3) Paragraph (1) shall not prohibit a former supervisory employee with outstanding scientific or technological qualifications from making any appearance, attendance, or written or oral communication in connection with a particular matter in a scientific or technological field if the Secretary or the Commission, as the case may be, makes a certification in writing, published in the Federal Register, that the national interest would be served by such action or appearance by such former supervisory employee.

Report.

(b)(1) Each former supervisory employee of the Department shall file with the Secretary, in such form and manner as the Secretary shall prescribe, not later than May 15 of the first and second calendar years following the first full year in which such person ceased to be an officer or employee of the Department, a report describing any employment with any energy concern during the period to which such report relates, including any employment as a consultant, agent, attorney, or otherwise, except that the requirements of this subsection shall not apply to any former supervisory employee who, at the time such employment with the Department ceases, has any contract, promise, or other agreement with respect to future employment with any energy concern, if (A) the former supervisory employee describes such agreement in any report filed within thirty days after the individual ceases to be an employee of the Department, and (B) the former supervisory employee amends the report by May 15 of either of the next two years during which he has accepted employment with another energy concern.

Contents.

(2) Each report filed pursuant to paragraph (1) of this subsection shall contain the name and address of the person filing the report, the name and address of the energy concern with which he holds or will hold employment during any portion of the period covered by the report, a brief description of his responsibilities for the energy concern, the dates of his employment, and such other pertinent information as the Secretary may require.

PARTICIPATION PROHIBITIONS

42 USC 7216.

SEC. 606. (a) For a period of one year after terminating any employment with any energy concern, no supervisory employee shall knowingly participate in any Department proceeding in which his former employer is substantially, directly, or materially involved, other than in a rulemaking proceeding which has a substantial effect on numerous energy concerns.

(b) For a period of one year after commencing service in the Department, no supervisory employee shall knowingly participate in any Department proceeding for which, within the previous five years, he had direct responsibility, or in which he participated substantially or personally, while in the employment of any energy concern.

Waiver.

(c) Whenever the Secretary makes a written finding as to a particular supervisory employee that the application of a particular restriction or requirement imposed by subsection (a) or (b) in a particular circumstance would work an exceptional hardship upon such supervisory employee or would be contrary to the national interest, the Secretary may waive in writing such restriction or requirement as to such supervisory employee. Any waiver made by the Secretary of a restriction imposed under subsection (b) shall also be filed with any record of the Department proceeding as to which the waiver for purposes of participation is granted. No such waiver shall in any instance constitute a waiver of the requirements of section 207 of title 18, United States Code.

PROCEDURES APPLICABLE TO REPORTS

Reports, availability to public. 42 USC 7217.

SEC. 607. (a)(1) Except as provided in this section, the Secretary shall make each report filed with him under section 603, 604, or 605 available to the public within thirty days after the receipt of such report, and shall provide a copy of any such report to any person upon written request.

Fee.

(2) The Secretary may require any person receiving a copy of any report to pay a reasonable fee in any amount which the Secretary finds necessary to recover the cost of reproduction or mailing of such report, excluding any salary of any employee involved in such reproduction or mailing. The Secretary may furnish a copy of any such report without charge, or at a reduced charge, if he determines that waiver or reduction of the fee is in the public interest because furnishing the information primarily benefits the public.

(3) Any report received by the Secretary shall be held in his custody and made available to the public for a period of six years after receipt by the Secretary of such report. After such six-year period, the Secretary shall destroy any such report.

Audit.

(b) The Civil Service Commission shall, under such regulations as are prescribed by the Commission, conduct, on a random basis, a sufficient number of audits of the reports filed pursuant to sections 603, 604, and 605, as deemed necessary and appropriate in order to monitor the accuracy and completeness of such reports.

Findings and waivers file, availability to public.

(c) The Secretary shall maintain a file containing all findings and waivers made by him pursuant to section 602(c), 603(c), 605(a), or 606(c) and all such findings and waivers shall be available for public inspection and copying at all times during regular working hours in accordance with the procedures of this section.

SANCTIONS

42 USC 7218.

SEC. 608. (a) Any individual who is subject to, and knowingly violates, section 603 shall be fined not more than $2,500 or imprisoned not more than one year, or both.

(b) Any individual who violates section 602, 603, 604, 605, or 606 shall be subject to a civil penalty, assessed by the Secretary in accordance with applicable law or by any district court of the United States, not to exceed $10,000 for each violation.

(c) Notwithstanding any penalty imposed under subsection (a), any violation of section 605(a) shall be taken into consideration in deciding the outcome of any Department proceeding in connection with which the prohibited appearance, attendance, communication, or submission was made.

(d) Nothing in this title shall be deemed to limit the operation of section 207 or section 208 of title 18, United States Code. Nor shall any waiver issued pursuant to section 602(c) constitute a waiver of the requirements of such provision.

PART B—PERSONNEL PROVISIONS

OFFICERS AND EMPLOYEES

42 USC 7231.

SEC. 621. (a) In the performance of his functions the Secretary is authorized to appoint and fix the compensation of such officers and employees, including attorneys, as may be necessary to carry out such functions. Except as otherwise provided in this section, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(b)(1) Subject to the limitations provided in paragraph (2) and to the extent the Secretary deems such action necessary to the discharge of his functions, he may appoint not more than three hundred eleven of the scientific, engineering, professional, and administrative personnel of the department without regard to the civil service laws, and may fix the compensation of such personnel not in excess of the maximum rate payable for GS-18 of the General Schedule under section 5332 of title 5, United States Code. 5 USC 5332 note.

(2) The Secretary's authority under this subsection to appoint an individual to such a position without regard to the civil service laws shall cease—

(A) when a person appointed, within four years after the effective date of this Act, to fill such position under paragraph (1) leaves such position, or

(B) on the day which is four years after such effective date, whichever is later.

(c)(1) Subject to the provisions of chapter 51 of title 5, United States Code, but notwithstanding the last two sentences of section 5108(a) of such title, the Secretary may place at GS-16, GS-17, and GS-18, not to exceed one hundred seventy-eight positions of the positions subject to the limitation of the first sentence of section 5108(a) of such title. 5 USC 5101.

(2) Appointments under this subsection may be made without regard to the provisions of sections 3324 of title 5, United States Code, relating to the approval by the Civil Service Commission of appointments under GS-16, GS-17, and GS-18 if the individual placed in such position is an individual who is transferred in connection with a transfer of functions under this Act and who, immediately before the effective date of this Act, held a position and duties comparable to those of such position.

(3) The Secretary's authority under this subsection with respect to any position shall cease when the person first appointed to fill such position leaves such position.

(d) In addition to the number of positions which may be placed at GS-16, GS-17, and GS-18 under section 5108 of title 5, United States Code, under existing law, or under this Act and to the extent the Secretary deems such action necessary to the discharge of his functions, he may appoint not more than two hundred of the scientific, engineering, professional, and administrative personnel without regard to the civil service laws and may fix the compensation of such personnel not in excess of the maximum rate payable for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(e) For the purposes of determining the maximum aggregate number of positions which may be placed at GS-16, GS-17, or GS-18 under section 5108(a) of title 5, United States Code, 63 percent of the positions established under subsections (b) and (c) shall be deemed GS-16 positions, 25 percent of such positions shall be deemed GS-17 positions, and 12 percent of such positions shall be deemed GS-18.

SENIOR POSITIONS

SEC. 622. In addition to those positions created by title II of this Act, there shall be within the Department fourteen additional officers in positions authorized by section 5316 of title 5, United States Code, who shall be appointed by the Secretary and who shall perform such functions as the Secretary shall prescribe from time to time. 42 USC 7232. Ante, p. 569.

EXPERTS AND CONSULTANTS

42 USC 7233. SEC. 623. The Secretary may obtain services as authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily rate prescribed for grade GS-18 of the General Schedule under section
5 USC 5332 note. 5332 of title 5, United States Code, for persons in Government service employed intermittently.

ADVISORY COMMITTEES

Establishment. 42 USC 7234. 5 USC app. I. SEC. 624. (a) The Secretary is authorized to establish in accordance with the Federal Advisory Committee Act such advisory committees as he may deem appropriate to assist in the performance of his functions. Members of such advisory committees, other than full-time employees of the Federal Government, while attending meetings of such committees or while otherwise serving at the request of the Secretary while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.

Meetings. 15 USC 776. (b) Section 17 of the Federal Energy Administration Act of 1974 shall be applicable to advisory committees chartered by the Secretary, or transferred to the Secretary or the Department under this Act, except that where an advisory committee advises the Secretary on matters pertaining to research and development, the Secretary may determine that such meeting shall be closed because it involves research and development matters and comes within the exemption of section 552b(c) (4) of title 5, United States Code.

ARMED SERVICES PERSONNEL

42 USC 7235. SEC. 625. (a) The Secretary is authorized to provide for participation of Armed Forces personnel in carrying out functions authorized to be performed, on the date of enactment of this Act, in the Energy Research and Development Administration and under chapter 641 of
10 USC 7421 *et seq.* title 10, United States Code. Members of the Armed Forces may be detailed for service in the Department by the Secretary concerned (as such term is defined in section 101 of such title) pursuant to cooperative agreements with the Secretary.

(b) The detail of any personnel to the Department under this section shall in no way affect status, office, rank, or grade which officers or enlisted men may occupy or hold or any emolument, perquisite, right, privilege, or benefit incident to, or arising out of, such status, office, rank, or grade. Any member so detailed shall not be charged against any statutory or other limitation or strengths applicable to the Armed Forces, but shall be charged to such limitations as may be applicable to the Department. A member so detailed shall not be subject to direction or control by his armed force, or any officer thereof, directly or indirectly, with respect to the responsibilities exercised in the position to which detailed.

PART C—GENERAL ADMINISTRATIVE PROVISIONS

GENERAL AUTHORITY

42 USC 7251. SEC. 641. To the extent necessary or appropriate to perform any function transferred by this Act, the Secretary or any officer or employee of the Department may exercise, in carrying out the function so transferred, any authority or part thereof available by law, including appropriation Acts, to the official or agency from which such function was transferred.

DELEGATION

SEC. 642. Except as otherwise expressly prohibited by law, and except as otherwise provided in this Act, the Secretary may delegate any of his functions to such officers and employees of the Department as he may designate, and may authorize such successive redelegations of such functions within the Department as he may deem to be necessary or appropriate. 42 USC 7252.

REORGANIZATION

SEC. 643. The Secretary is authorized to establish, alter, consolidate or discontinue such organizational units or components within the Department as he may deem to be necessary or appropriate. Such authority shall not extend to the abolition of organizational units or components established by this Act, or to the transfer of functions vested by this Act in any organizational unit or component. 42 USC 7253.

RULES

SEC. 644. The Secretary is authorized to prescribe such procedural and administrative rules and regulations as he may deem necessary or appropriate to administer and manage the functions now or hereafter vested in him. 42 USC 7254.

SUBPENA

SEC. 645. For the purpose of carrying out the provisions of this Act, the Secretary, or his duly authorized agent or agents, shall have the same powers and authorities as the Federal Trade Commission under section 9 of the Federal Trade Commission Act with respect to all functions vested in, or transferred or delegated to, the Secretary or such agents by this Act. 42 USC 7255. 15 USC 49.

CONTRACTS

SEC. 646. (a) The Secretary is authorized to enter into and perform such contracts, leases, cooperative agreements, or other similar transactions with public agencies and private organizations and persons, and to make such payments (in lump sum or installments, and by way of advance or reimbursement) as he may deem to be necessary or appropriate to carry out functions now or hereafter vested in the Secretary. 42 USC 7256.

(b) Notwithstanding any other provision of this title, no authority to enter into contracts or to make payments under this title shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

ACQUISITION AND MAINTENANCE OF PROPERTY

SEC. 647. The Secretary is authorized to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain laboratories, research and testing sites and facilities, quarters and related accommodations for employees and dependents of employees of the Department, personal property (including patents), or any interest therein, as the Secretary deems necessary; and to provide by contract or otherwise for eating facilities and other necessary facilities for the health and welfare of employees of the Department at its installations and purchase and maintain equipment therefor. 42 USC 7257.

FACILITIES CONSTRUCTION

42 USC 7258.

SEC. 648. (a) As necessary and when not otherwise available, the Secretary is authorized to provide for, construct, or maintain the following for employees and their dependents stationed at remote locations:

(1) Emergency medical services and supplies;
(2) Food and other subsistence supplies;
(3) Messing facilities;
(4) Audio-visual equipment, accessories, and supplies for recreation and training;

Reimbursement.

(5) Reimbursement for food, clothing, medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons;
(6) Living and working quarters and facilities; and

Educational transportation.

(7) Transportation of schoolage dependents of employees to the nearest appropriate educational facilities.

Reasonable prices.

(b) The furnishing of medical treatment under paragraph (1) of subsection (a) and the furnishing of services and supplies under paragraphs (2) and (3) of subsection (a) shall be at prices reflecting reasonable value as determined by the Secretary.

Reimbursement proceeds, use.

(c) Proceeds from reimbursements under this section shall be deposited in the Treasury and may be withdrawn by the Secretary to pay directly the cost of such work or services, to repay or make advances to appropriations of funds which will initially bear all or a part of such cost, or to refund excess sums when necessary. Such payments may be credited to a working capital fund otherwise established by law, including the fund established pursuant to section 653 of this Act, and used under the law governing such fund, if the fund is available for use by the Department for performing the work or services for which payment is received.

USE OF FACILITIES

U.S. and foreign government facilities.
42 USC 7259.

SEC. 649. (a) With their consent, the Secretary and the Federal Energy Regulatory Commission may, with or without reimbursement, use the research, equipment, and facilities of any agency or instrumentality of the United States or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, or of any political subdivision thereof, or of any foreign government, in carrying out any function now or hereafter vested in the Secretary or the Commission.

(b) In carrying out his functions, the Secretary, under such terms, at such rates, and for such periods not exceeding five years, as he may deem to be in the public interest, is authorized to permit the use by public and private agencies, corporations, associations, or other organizations or by individuals of any real property, or any facility, structure, or other improvement thereon, under the custody of the Secretary for Department purposes. The Secretary may require permittees under this section to recondition and maintain, at their own expense, the real property, facilities, structures, and improvements involved to a satisfactory standard. This section shall not apply to excess property as defined in 3(e) of the Federal Property and Administrative Services Act of 1949.

40 USC 472.
Reimbursement proceeds, use.

(c) Proceeds from reimbursements under this section shall be deposited in the Treasury and may be withdrawn by the Secretary or the head of the agency or instrumentality of the United States involved, as the case may be, to pay directly the costs of the equipment, or facilities provided, to repay or make advances to appropriations or funds which do or will initially bear all or a part of such costs, or to refund excess sums when necessary, except that such proceeds may be credited to a working capital fund otherwise established by law, including the fund established pursuant to section 653 of this Act, and used under the law governing such fund, if the fund is available for use for providing the equipment or facilities involved.

FIELD OFFICES

SEC. 650. The Secretary is authorized to establish, alter, consolidate or discontinue and to maintain such State, regional, district, local or other field offices as he may deem to be necessary to carry out functions vested in him. 42 USC 7260.

COPYRIGHTS

SEC. 651. The Secretary is authorized to acquire any of the following described rights if the property acquired thereby is for use by or for, or useful to, the Department: 42 USC 7261.

(1) copyrights, patents, and applications for patents, designs, processes, and manufacturing data;
(2) licenses under copyrights, patents, and applications for patents; and
(3) releases, before suit is brought, for past infringement of patents or copyrights.

GIFTS AND BEQUESTS

SEC. 652. The Secretary is authorized to accept, hold, administer, and utilize gifts, bequests, and devises of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be disbursed upon the order of the Secretary. Property accepted pursuant to this section, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift, bequest, or devise. For the purposes of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift, bequest, or devise to the United States. 42 USC 7262.

CAPITAL FUND

SEC. 653. The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interests of economy and efficiency, including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central messenger, mail, telephone, and other communications services; office space, central services for document reproduction, and for graphics and visual aids; and a central library service. The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized) and the fair and reasonable value of such stocks

Establishment.
42 USC 7263.

Contents.

of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such funds shall be reimbursed in advance from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus found in the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain said fund. There shall be transferred to the fund the stocks of supplies, equipment, other assets, liabilities, and unpaid obligations relating to the services which he determines will be performed through the fund. Appropriations to the fund, in such amounts as may be necessary to provide additional working capital, are authorized.

Transfers.

SEAL OF DEPARTMENT

42 USC 7264.

SEC. 654. The Secretary shall cause a seal of office to be made for the Department of such design as he shall approve and judicial notice shall be taken of such seal.

REGIONAL ENERGY ADVISORY BOARDS

Establishment. 42 USC 7265.

SEC. 655. (a) The Governors of the various States may establish Regional Energy Advisory Boards for their regions with such membership as they may determine.

Observers.

(b) Representatives of the Secretary, the Secretary of Commerce, the Secretary of the Interior, the Chairman of the Council on Environmental Quality, the Commandant of the Coast Guard and the Administrator of the Environmental Protection Agency shall be entitled to participate as observers in the deliberations of any Board established pursuant to subsection (a) of this section. The Federal Cochairman of the Appalachian Regional Commission or any regional commission under title V of the Public Works and Economic Development Act shall be entitled to participate as an observer in the deliberations of any such Board which contains one or more States which are members of such Commission.

42 USC 3181.

Recommendations.

(c) Each Board established pursuant to subsection (a) may make such recommendations as it determines to be appropriate to programs of the Department having a direct effect on the region.

(d) If any Regional Advisory Board makes specific recommendations pursuant to subsection (c), the Secretary shall, if such recommendations are not adopted in the implementation of the program, notify the Board in writing of his reasons for not adopting such recommendations.

DESIGNATION OF CONSERVATION OFFICERS

42 USC 7266.

SEC. 656. The Secretary of Defense, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Secretary of Agriculture, the Secretary of the Interior, the United States Postal Service, and the Administrator of General Services shall each designate one Assistant Secretary or

Assistant Administrator, as the case may be, as the principal conservation officer of such Department or of the Administration. Such designated principal conservation officer shall be principally responsible for planning and implementation of energy conservation programs by such Department or Administration and principally responsible for coordination with the Department of Energy with respect to energy matters. Each agency, Department or Administration required to designate a principal conservation officer pursuant to this section shall periodically inform the Secretary of the identity of such conservation officer, and the Secretary shall periodically publish a list identifying such officers.

List, publication.

ANNUAL REPORT

Report to President for transmittal to Congress. 42 USC 7267. Contents.

SEC. 657. The Secretary shall, as soon as practicable after the end of each fiscal year, commencing with the first complete fiscal year following the effective date of this Act, make a report to the President for submission to the Congress on the activities of the Department during the preceding fiscal year. Such report shall include a statement of the Secretary's goals, priorities, and plans for the Department, together with an assessment of the progress made toward the attainment of those goals, the effective and efficient management of the Department, and progress made in coordination of its functions with other departments and agencies of the Federal Government. In addition, such report shall include the information required by section 15 of the Federal Energy Administration Act of 1974, section 307 of the Energy Reorganization Act of 1974, and section 15 of the Federal Nonnuclear Energy Research and Development Act of 1974, and shall include:

15 USC 774. 42 USC 5877. 42 USC 5914.

Energy needs.

(1) projected energy needs of the United States to meet the requirements of the general welfare of the people of the United States and the commercial and industrial life of the Nation, including a comprehensive summary of data pertaining to all fuel and energy needs of residents of the United States residing in—

(A) areas outside standard metropolitan statistical areas; and

(B) areas within such areas which are unincorporated or are specified by the Bureau of the Census, Department of Commerce, as rural areas;

Energy supply.

(2) an estimate of (A) the domestic and foreign energy supply on which the United States will be expected to rely to meet such needs in an economic manner with due regard for the protection of the environment, the conservation of natural resources, and the implementation of foreign policy objectives, and (B) the quantities of energy expected to be provided by different sources (including petroleum, natural and synthetic gases, coal, uranium, hydroelectric, solar, and other means) and the expected means of obtaining such quantities;

Trends.

(3) current and foreseeable trends in the price, quality, management, and utilization of energy resources and the effects of those trends on the social, environmental, economic, and other requirements of the Nation;

Research and Development.

(4) a summary of research and development efforts funded by the Federal Government to develop new technologies, to forestall energy shortages, to reduce waste, to foster recycling, to encour-

age conservation practices, and to increase efficiency; and further such summary shall include a description of the activities the Department is performing in support of environmental, social, economic and institutional, biomedical, physical and safety research, development, demonstration, and monitoring activities necessary to guarantee that technological programs, funded by the Department, are undertaken in a manner consistent with and capable of maintaining or improving the quality of the environment and of mitigating any undesirable environmental and safety impacts;

(5) a review and appraisal of the adequacy and appropriateness of technologies, procedures, and practices (including competitive and regulatory practices) employed by Federal/State, and local governments and nongovernmental entities to achieve the purposes of this Act;

Recommendations.

(6) a summary of cooperative and voluntary efforts that have been mobilized to promote conservation and recycling, together with plans for such efforts in the succeeding fiscal year, and recommendations for changes in laws and regulations needed to encourage more conservation and recycling by all segments of the Nation's populace;

(7) a summary of substantive measures taken by the Department to stimulate and encourage the development of new manpower resources through the Nation's colleges and universities and to involve these institutions in the execution of the Department's research and development programs; and

Foreign entities operating in the U.S., activity summary.

(8) to the extent practicable, a summary of activities in the United States by companies or persons which are foreign owned or controlled and which own or control United States energy sources and supplies, including the magnitude of annual foreign direct investment in the energy sector in the United States and exports of energy resources from the United States by foreign owned or controlled business entities or persons, and such other related matters as the Secretary may deem appropriate.

LEASING REPORT

Submittal to Congress. 42 USC 7268.

SEC. 658. The Secretary of the Interior shall submit to the Congress not later than one year after the date of enactment of this Act, a report on the organization of the leasing operations of the Federal Government, together with any recommendations for reorganizing such functions may deem necessary or appropriate.

TRANSFER OF FUNDS

42 USC 7269.

SEC. 659. The Secretary, when authorized in an appropriation Act, in any fiscal year, may transfer funds from one appropriation to another within the Department, except that no appropriation shall be either increased or decreased pursuant to this section by more than 5 per centum of the appropriation for such fiscal year.

AUTHORIZATION OF APPROPRIATIONS

42 USC 7270.

SEC. 660. Appropriations to carry out the provisions of this Act shall be subject to annual authorization.

TITLE VII—TRANSITIONAL, SAVINGS, AND CONFORMING PROVISIONS

TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL

SEC. 701. (a) Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions transferred by this Act, subject to section 202 of the Budget and Accounting Procedure Act of 1950, are hereby transferred to the Secretary for appropriate allocation. Unexpended funds transferred pursuant to this subsection shall only be used for the purposes for which the funds were originally authorized and appropriated. 42 USC 7291. 31 USC 581c.

(b) Positions expressly specified by statute or reorganization plan to carry out function transferred by this Act, personnel occupying those positions on the effective date of this Act, and personnel authorized to receive compensation in such positions at the rate prescribed for offices and positions at level I, II, III, IV, or V of the executive schedule (5 U.S.C. 5312–5316) on the effective date of this Act, shall be subject to the provisions of section 703 of this Act.

EFFECT ON PERSONNEL

SEC. 702. (a) Except as otherwise provided in this Act, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions pursuant to this title shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of enactment of this Act, except that full-time temporary personnel employed at the Energy Research Centers of the Energy Research and Development Administration upon the establishment of the Department who are determined by the Department to be performing continuing functions may at the employee's option be converted to permanent full-time status within one hundred and twenty days following their transfer to the Department. The employment levels of full-time permanent personnel authorized for the Department by other law or administrative action shall be increased by the number of employees who exercise the option to be so converted. 42 USC 7292.

(b) Any person who, on the effective date of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department to a position having duties comparable to those performed immediately preceding his appointment shall continue to be compensated in his new position at not less than the rate provided for his previous position, for the duration of his service in the new position. 5 USC 5301.

(c) Employees transferred to the Department holding reemployment rights acquired under section 28 of the Federal Energy Administration Act of 1974 or any other provision of law or regulation may exercise such rights only within one hundred twenty days from the effective date of this Act or within two years of acquiring such rights, whichever is later. Reemployment rights may only be exercised at the request of the employee. 15 USC 786.

AGENCY TERMINATIONS

42 USC 7293. SEC. 703. Except as otherwise provided in this Act, whenever all of the functions vested by law in any agency, commission, or other body, or any component thereof, have been terminated or transferred from that agency, commission, or other body, or component by this Act, the agency, commission, or other body, or component, shall terminate. If an agency, commission, or other body, or any component thereof, terminates pursuant to the preceding sentence, each position and office therein which was expressly authorized by law, or the incumbent of which was authorized to receive compensation at the rates prescribed for an office or position at level II, III, IV, or V of the Executive Schedule (5 U.S.C. 5313-5316), shall terminate.

INCIDENTAL TRANSFERS

42 USC 7294. SEC. 704. The Director of the Office of Management and Budget, in consultation with the Secretary and the Commission, is authorized and directed to make such determinations as may be necessary with regard to the transfer of functions which relate to or are utilized by an agency, commission or other body, or component thereof affected by this Act, to make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be made available in connection with the functions transferred by this Act, as he may deem necessary to accomplish the purposes of this Act.

SAVINGS PROVISIONS

42 USC 7295. SEC. 705. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act to the Department or the Commission after the date of enactment of this Act, and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, the Federal Energy Regulatory Commission, or other authorized officials, a court of competent jurisdiction, or by operation of law.

(b)(1) The provisions of this Act shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending at the time this Act takes effect before any department, agency, commission, or component thereof, functions of which are transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Secretary and the Commission are authorized to promulgate regulations providing for the orderly transfer of such proceedings to the Department or the Commission. Regulations.

(c) Except as provided in subsection (e)—

(1) the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect, and,

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act.

(e) If, before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act any function of such department, agency, or officer is transferred to the Secretary or any other official, then such suit shall be continued with the Secretary or other official, as the case may be, substituted.

SEPARABILITY

SEC. 706. If any provision of this Act or the application thereof to any person or circumstance is held invalid, neither the remainder of this Act nor the application of such provision to other persons or circumstances shall be affected thereby. 42 USC 7296.

REFERENCE

SEC. 707. With respect to any functions transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department, commission, or agency or any officer or office the functions of which are so transferred shall be deemed to refer to the Secretary, the Federal Energy Regulatory Commission, or other official or component of the Department in which this Act vests such functions. 42 USC 7297.

PRESIDENTIAL AUTHORITY

SEC. 708. Except as provided in title IV, nothing contained in this Act shall be construed to limit, curtail, abolish, or terminate any function of, or authority available to, the President which he had immediately before the effective date of this Act; or to limit, curtail, abolish, or terminate his authority to delegate, redelegate, or terminate any delegation of functions. 42 USC 7298.

AMENDMENTS

SEC. 709. (a) The Federal Energy Administration Act of 1974 is amended: 15 USC 761 note.

(1) by repealing sections 4, 9, 28, and 30; Repeals. 15 USC 763, 768, 786, 761 note.

(2) in section 7— 15 USC 766.

(A) by striking out subsections (a) and (b) and redesignating subsection (c) as subsection (a);

15 USC 766. (B) by striking out subsections (d), (e), (f), (g), and (h);

(C) by striking out "(i)(1)" and by striking out subparagraphs (A), (B), (C), (E), and (F) of subsection (i)(1) and redesignating subparagraph (D) of such subsection as subsection (b);

(D) by striking out, in the matter redesignated as subsection (b), "the rules, regulations, or orders described in paragraph (A)" and inserting in lieu thereof "any rule or regulation, or any order having the applicability and effect of a rule as defined in section 551(4) of title 5, United States Code, pursuant to this Act";

(E) by striking out, in such subsection, "paragraph (2) of this subsection" and inserting in lieu thereof "subsection (c)";

(F) by redesignating paragraph (2)(A) of subsection (i) as subsection (c) and by striking out subparagraph (B) of subsection (i)(2); and

(G) by striking out paragraph (3) of subsection (i) and by striking out subsections (j) and (k);

15 USC 790a. (3) in section 52(a)—

(A) by striking out "and" at the end of paragraph (2);

(B) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(C) by adding after such paragraph (3) the following new paragraph:

15 USC 717w. 16 USC 791a. "(4) the States to the extent required by the Natural Gas Act and the Federal Power Act."; and

15 USC 790d. (4) in section 55(b)—

(A) by striking out "seven" and inserting in lieu thereof "six";

(B) by inserting "and" after "Federal Trade Commission:"; and

(C) by striking out "one shall be designated by the Chairman of the Federal Power Commission; and".

Repeal. 42 USC 5818. (b) The Energy Reorganization Act of 1974 is amended by repealing section 108.

Repeal. 42 USC 2036. (c)(1) The Atomic Energy Act of 1954 is amended by repealing section 26.

42 USC 2201 note. (2) Section 161(d) of the Atomic Energy Act of 1954 shall not apply to functions transferred by this Act.

12 USC 1701z-8. (d) In section 509 (c)(6) and (e) of title 5 of the Housing and Urban Development Act of 1970, add "the Secretary of Housing and Urban Development," to those individuals and agencies with whom the Secretary of the Department of Energy must consult.

(e) The Energy Conservation Standards for New Buildings Act of 1976 is amended as follows:

42 USC 6833. (1) in section 304(c), by inserting "the Secretary of Housing and Urban Development," after "the Administrator,"; and

42 USC 6839. (2) in section 310, by inserting "Secretary of Housing and Urban Development," after "the Administrator,".

Loans, criteria. (f) The Rural Electrification Act of 1936 is amended by adding a new section 16 to title I thereof to read as follows:

7 USC 916. "Sec. 16. In order to insure coordination of electric generation and transmission financing under this Act with the national energy policy, the Administrator in making or guaranteeing loans for the construction, operation, or enlargement of generating plants or electric transmission lines or systems, shall consider such general criteria consistent with the provisions of this Act as may be published by the Secretary of Energy.".

(g) Section 19(d)(1) of title 3, United States Code, is amended by inserting immediately before the period at the end thereof the following: ", Secretary of Energy".

ADMINISTRATIVE AMENDMENTS

Sec. 710. (a) Section 101 of title 5, United States Code is amended by adding at the end thereof the following:

"The Department of Energy.".

(b) Subsection (a) of section 5108 of title 5, United States Code, is amended by striking out "an aggregate of 2,754" and inserting in lieu thereof "an aggregate of 3,243".

(c) Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

"(14) Secretary of Energy.".

(d) Paragraph (22) of section 5313 of title 5, United States Code, is amended to read as follows:

"(22) Deputy Secretary of Energy.".

(e) Section 5314 of title 5, United States Code, is amended by striking out, in paragraph (21), "Federal Power Commission" and by inserting in lieu thereof "Federal Energy Regulatory Commission", and by amending paragraph (60) to read as follows:

"(60) Under Secretary, Department of Energy".

(f) Section 5315 of title 5, United States Code, is amended by striking out, in paragraph (60), "Federal Power Commission" and inserting in lieu thereof "Federal Energy Regulatory Commission", by striking out paragraph 102, and by adding at the end of the section the following:

"(114) Assistant Secretaries of Energy (8).

"(115) General Counsel of the Department of Energy.

"(116) Administrator, Economic Regulatory Administration, Department of Energy.

"(117) Administrator, Energy Information Administration, Department of Energy.

"(118) Inspector General, Department of Energy.

"(119) Director, Office of Energy Research, Department of Energy.".

(g) Paragraphs (135) and (136) of section 5316 of title 5, United States Code, are amended to read as follows:

"(135) Deputy Inspector General, Department of Energy.

"(136) Additional Officers, Department of Energy (14).".

TRANSITION

Sec. 711. With the consent of the appropriate department or agency head concerned, the Secretary is authorized to utilize the services of such officers, employees, and other personnel of the departments and agencies from which functions have been transferred to the Secretary for such period of time as may reasonably be needed to facilitate the orderly transfer of functions under this Act. 42 USC 7299.

CIVIL SERVICE COMMISSION REPORT

Sec. 712. The Civil Service Commission shall, as soon as practicable but not later than one year after the effective date of this Act, prepare Transmittal to Congress. 42 USC 7300.

Contents.

and transmit to the Congress a report on the effects on employees of the reorganization under this Act, which shall include—

(1) an identification of any position within the Department or elsewhere in the executive branch, which it considers unnecessary due to consolidation of functions under this Act;

(2) a statement of the number of employees entitled to pay savings by reason of the reorganization under this Act;

(3) a statement of the number of employees who are voluntarily or involuntarily separated by reason of such reorganization;

(4) an estimate of the personnel costs associated with such reorganization;

(5) the effects of such reorganization on labor management relations; and

(6) such legislative and administrative recommendations for improvements in personnel management within the Department as the Commission considers necessary.

ENVIRONMENTAL IMPACT STATEMENTS

42 USC 7301.

SEC. 713. The transfer of functions under titles III and IV of this Act shall not affect the validity of any draft environmental impact statement published before the effective date of this Act.

TITLE VIII—ENERGY PLANNING

NATIONAL ENERGY POLICY PLAN

42 USC 7321.

SEC. 801. (a) The President shall—

(1) prepare and submit to the Congress a proposed National Energy Policy Plan (hereinafter in this title referred to as a "proposed Plan") as provided in subsection (b);

(2) seek the active participation by regional, State, and local agencies and instrumentalities and the private sector through public hearings in cities and rural communities and other appropriate means to insure that the views and proposals of all segments of the economy are taken into account in the formulation and review of such proposed Plan;

(3) include within the proposed Plan a comprehensive summary of data pertaining to all fuel and energy needs of persons residing in—

(A) areas outside standard metropolitan statistical areas; and

(B) areas within standard metropolitan statistical areas which are unincorporated or are specified by the Bureau of the Census, Department of Commerce, as rural areas.

Biennial transmittal to Congress. Contents.

(b) Not later than April 1, 1979, and biennially thereafter, the President shall transmit to the Congress the proposed Plan. Such proposed Plan shall—

(1) consider and establish energy production, utilization, and conservation objectives, for periods of five and ten years, necessary to satisfy projected energy needs of the United States to meet the requirements of the general welfare of the people of the United States and the commercial and industrial life of the Nation, paying particular attention to the needs for full employment, price stability, energy security, economic growth, environmental protection, nuclear non-proliferation, special regional needs, and the efficient utilization of public and private resources;

(2) identify the strategies that should be followed and the resources that should be committed to achieve such objectives, forecasting the level of production and investment necessary in each of the significant energy supply sectors and the level of conservation and investment necessary in each consuming sector, and outlining the appropriate policies and actions of the Federal Government that will maximize the private production and investment necessary in each of the significant energy supply sectors consistent with applicable Federal, State, and local environmental laws, standards, and requirements; and

(3) recommend legislative and administrative actions necessary and desirable to achieve the objectives of such proposed Plan, including legislative recommendations with respect to taxes or tax incentives, Federal funding, regulatory actions, antitrust policy, foreign policy, and international trade.

Report to Congress.

(c) The President shall submit to the Congress with the proposed Plan a report which shall include—

(1) whatever data and analysis are necessary to support the objectives, resource needs, and policy recommendations contained in such proposed Plan;

(2) an estimate of the domestic and foreign energy supplies on which the United States will be expected to rely to meet projected energy needs in an economic manner consistent with the need to protect the environment, conserve natural resources, and implement foreign policy objectives;

(3) an evaluation of current and foreseeable trends in the price, quality, management, and utilization of energy resources and the effects of those trends on the social, environmental, economic, and other requirements of the Nation;

(4) a summary of research and development efforts funded by the Federal Government to forestall energy shortages, to reduce waste, to foster recycling, to encourage conservation practices, and to otherwise protect environmental quality, including recommendations for developing technologies to accomplish such purposes; and

(5) a review and appraisal of the adequacy and appropriateness of technologies, procedures, and practices (including competitive and regulatory practices) employed by Federal, State, and local governments and nongovernmental entities to achieve the purposes of the Plan.

Consultation.

(d) The President shall insure that consumers, small businesses, and a wide range of other interests, including those of individual citizens who have no financial interest in the energy industry, are consulted in the development of the Plan.

CONGRESSIONAL REVIEW

Plan, referral to congressional committees. 42 USC 7322. Report to Congress.

SEC. 802. (a) Each proposed Plan shall be referred to the appropriate committees in the Senate and the House of Representatives.

(b) Each such committee shall review the proposed Plan and, if it deems appropriate and necessary, report to the Senate or the House of Representatives legislation regarding such Plan which may contain such alternatives to, modifications of, or additions to the proposed Plan submitted by the President as the committee deems appropriate.

TITLE IX—EFFECTIVE DATE AND INTERIM APPOINTMENTS

EFFECTIVE DATE

Publication in Federal Register. Regulations. 42 USC 7341.

SEC. 901. The provisions of this Act shall take effect one hundred and twenty days after the Secretary first takes office, or on such earlier date as the President may prescribe and publish in the Federal Register, except that at any time after the date of enactment of this Act, (1) any of the officers provided for in title II and title IV of this Act may be nominated and appointed, as provided in those titles, and (2) the Secretary and the Commission may promulgate regulations pursuant to section 705(b)(2) of this Act at any time after the date of enactment of this Act. Funds available to any department or agency (or any official or component thereof), functions of which are transferred to the Secretary or the Commission by this Act, may with the approval of the Director of the Office of Management and Budget, be used to pay the compensation and expenses of any officer appointed pursuant to this subsection until such time as funds for that purpose are otherwise available.

INTERIM APPOINTMENTS

42 USC 7342.

SEC. 902. In the event that one or more officers required by this Act to be appointed by and with the advice and consent of the Senate shall not have entered upon office on the effective date of this Act, the President may designate any officer, whose appointment was required to be made, by and with the advice and consent of the Senate, and who was such an officer immediately prior to the effective date of the Act, to act in such office until the office is filled as provided in this Act. While so acting such persons shall receive compensation at the rates provided by this Act for the respective offices in which they act.

TITLE X—SUNSET PROVISIONS

SUBMISSION OF COMPREHENSIVE REVIEW

Submittal to Congress. 42 USC 7351.

SEC. 1001. Not later than January 15, 1982, the President shall prepare and submit to the Congress a comprehensive review of each program of the Department. Each such review shall be made available to the committee or committees of the Senate and House of Representatives having jurisdiction with respect to the annual authorization of funds, pursuant to section 660, for such programs for the fiscal year beginning October 1, 1982.

CONTENTS OF REVIEW

42 USC 7352.

SEC. 1002. Each comprehensive review prepared for submission under section 1001 shall include—

(1) the name of the component of the Department responsible for administering the program;

(2) an identification of the objectives intended for the program and the problem or need which the program was intended to address;

(3) an identification of any other programs having similar or potentially conflicting or duplicative objectives;

(4) an assessment of alternative methods of achieving the purposes of the program;

(5) a justification for the authorization of new budget authority, and an explanation of the manner in which it conforms to and integrates with other efforts;

(6) an assessment of the degree to which the original objectives of the program have been achieved, expressed in terms of the performance, impact, or accomplishments of the program and of the problem or need which it was intended to address, and employing the procedures or methods of analysis appropriate to the type or character of the program;

(7) a statement of the performance and accomplishments of the program in each of the previous four completed fiscal years and of the budgetary costs incurred in the operation of the program;

(8) a statement of the number and types of beneficiaries or persons served by the program;

(9) an assessment of the effect of the program on the national economy, including, but not limited to, the effects on competition, economic stability, employment, unemployment, productivity, and price inflation, including costs to consumers and to businesses;

(10) an assessment of the impact of the program on the Nation's health and safety;

(11) an assessment of the degree to which the overall administration of the program, as expressed in the rules, regulations, orders, standards, criteria, and decisions of the officers executing the program, are believed to meet the objectives of the Congress in establishing the program;

(12) a projection of the anticipated needs for accomplishing the objectives of the program, including an estimate if applicable of the date on which, and the conditions under which, the program may fulfill such objectives;

(13) an analysis of the services which could be provided and performance which could be achieved if the program were continued at a level less than, equal to, or greater than the existing level; and

(14) recommendations for necessary transitional requirements in the event that funding for such program is discontinued, including proposals for such executives or legislative action as may be necessary to prevent such discontinuation from being unduly disruptive.

Approved August 4, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-346, pt. I (Comm. on Government Operations) and No. 95-346, pt. II (Comm. on Post Office and Civil Service), both parts accompanying H.R. 6804, and 95-539 (Comm. of Conference).

SENATE REPORTS: No. 95-164 (Comm. on Governmental Affairs) and No. 95-367 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 18, considered and passed Senate.

June 2, H.R. 6804 considered in House.

June 3, considered and passed House, amended, in lieu of H.R. 6804.

Aug. 2, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 32:

Aug. 4, Presidential statement.