

TRANSFER OF FUNCTIONS

Federal Energy Administration terminated and functions vested by law in Administrator thereof transferred to Secretary of Energy (unless otherwise specifically provided) by sections 7151(a) and 7293 of Title 42, The Public Health and Welfare.

§ 774. Reports and recommendations**(a) Administrator's initial submittal to President and Congress**

Not later than one year after the effective date of this chapter, the Administrator shall submit a report to the President and Congress which will provide a complete and independent analysis of actual oil and gas reserves and resources in the United States and its Outer Continental Shelf, as well as of the existing productive capacity and the extent to which such capacity could be increased for crude oil and each major petroleum product each year for the next ten years through full utilization of available technology and capacity. The report shall also contain the Administration's recommendations for improving the utilization and effectiveness of Federal energy data and its manner of collection. The data collection and analysis portion of this report shall be prepared by the Federal Trade Commission for the Administration. Unless specifically prohibited by law, all Federal agencies shall make available estimates, statistics, data and other information in their files which, in the judgment of the Commission or Administration, are necessary for the purposes of this subsection.

(b) Administrator's annual report to Congress; contents

The Administrator shall prepare and submit directly to the Congress and the President every year after May 7, 1974, a report which shall include—

- (1) a review and analysis of the major actions taken by the Administrator;
- (2) an analysis of the impact these actions have had on the Nation's civilian requirements for energy supplies for materials and commodities;
- (3) a projection of the energy supply for the midterm and long term for each of the major types of fuel and the potential size and impact of any anticipated shortages, including recommendations for measures to—
 - (A) minimize deficiencies of energy supplies in relation to needs;
 - (B) maintain the health and safety of citizens;
 - (C) maintain production and employment at the highest feasible level;
 - (D) equitably share the burden of shortages among individuals and business firms; and
 - (E) minimize any distortion of voluntary choices of individuals and firms;
- (4) a summary listing of all recipients of funds and the amount thereof within the preceding period;
- (5) a summary listing of information-gathering activities conducted under section 772 of this title; and
- (6) an analysis of the energy needs of the United States and the methods by which such

needs can be met, including both tax and nontax proposals and energy conservation strategies.

In the first annual report submitted after August 14, 1976, the Administrator shall include in such report with respect to the analysis referred to in paragraph (6) a specific discussion of the utility and relative benefits of employing a Btu tax as a means for obtaining national energy goals.

(c) Citizen fuel use; summer guidelines

Not later than thirty days after the effective date of this chapter, the Administrator shall issue preliminary summer guidelines for citizen fuel use.

(d) Administrator's interim reports to Congress

The Administrator shall provide interim reports to the Congress from time to time and when requested by committees of Congress.

(e) Energy needs analysis; time for submission; contents; continuation of analysis after termination of Administration

The analysis referred to in subsection (b)(6) of this section shall include, for each of the next five fiscal years following the year in which the annual report is submitted and for the tenth fiscal year following such year—

- (1) the effect of various conservation programs on such energy needs;
- (2) the alternate methods of meeting the energy needs identified in such annual report and of—
 - (A) the relative capital and other economic costs of each such method;
 - (B) the relative environmental, national security, and balance-of-trade risks of each such method;
 - (C) the other relevant advantages and disadvantages of each such method; and
- (3) recommendations for the best method or methods of meeting the energy needs identified in such annual report and for legislation needed to meet those needs.

Notwithstanding the termination of this chapter, the President shall designate an appropriate Federal agency to conduct the analysis specified in subsection (b)(6) of this section.

(Pub. L. 93-275, § 15, May 7, 1974, 88 Stat. 108; Pub. L. 94-385, title I, § 109(a)-(c), Aug. 14, 1976, 90 Stat. 1130.)

REFERENCES IN TEXT

For effective date of this chapter, referred to in subsecs. (a) and (c), see Effective and Termination Dates note set out under section 761 of this title.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-385, § 109(a), redesignated subsec. (b) as (a) and struck out former subsec. (a) relating to submission of a report by the President to Congress with recommendations for disposition, continuation, or reorganization of Energy Administration and organization of the Federal Government for the management of energy and natural resources policies and programs.

Subsec. (b). Pub. L. 94-385, § 109(a)(2), (b), redesignated subsec. (c) as (b) and added par. (6) and provisions requiring Administrator to include in report a discussion on benefits of employing a utility and Btu tax as a

means for obtaining national energy goals. Former subsec. (b) redesignated (a).

Subsecs. (c) to (e), Pub. L. 94-385, §109(a)(2), (c), redesignated subsecs. (c) to (e) as (b) to (d), respectively, and added new subsec. (e).

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§ 775. Sex discrimination; enforcement; other legal remedies

No individual shall on the grounds of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity carried on or receiving Federal assistance under this chapter. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.]. However, this remedy is not exclusive and will not prejudice or remove any other legal remedies available to any individual alleging discrimination.

(Pub. L. 93-275, §16, May 7, 1974, 88 Stat. 109.)

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in text, is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to subchapter V (§2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

§ 776. Repealed. Pub. L. 105-28, §2(b)(2), July 18, 1997, 111 Stat. 245

Section, Pub. L. 93-275, §17, May 7, 1974, 88 Stat. 110, related to composition and manner of meeting of boards, task forces, commissions, committees, or similar groups not composed entirely of full-time Government employees, established or utilized by Administrator.

§ 777. Economic analysis of proposed actions

(a) Scope of analysis

In carrying out the provisions of this chapter, the Administrator shall, to the greatest extent practicable, insure that the potential economic impacts of proposed regulatory and other actions are evaluated and considered, including but not limited to an analysis of the effect of such actions on—

- (1) the fiscal integrity of State and local governments;
 - (2) vital industrial sectors of the economy;
 - (3) employment, by industrial and trade sectors, as well as on a national, regional, State, and local basis;
 - (4) the economic vitality of regional, State, and local areas;
 - (5) the availability and price of consumer goods and services;
 - (6) the gross national product;
 - (7) low and middle income families as defined by the Bureau of Labor Statistics;
 - (8) competition in all sectors of industry;
- and

(9) small business.

(b) Conservation measures

The Administrator shall develop analyses of the economic impact of various conservation measures on States or significant sectors thereof, considering the impact on both energy for fuel and energy as feed stock for industry.

(c) Explicit analyses; interagency cooperation; other review and cause of action provisions

Such analyses shall, wherever possible, be made explicit, and to the extent possible, other Federal agencies and agencies of State and local governments which have special knowledge and expertise relevant to the impact of proposed regulatory or other actions shall be consulted in making the analyses and all Federal agencies are authorized and directed to cooperate with the Administrator in preparing such analyses: *Provided*, That the Administrator's actions pursuant to this section shall not create any right of review or cause of action except as would otherwise exist under other provisions of law.

(d) Monitoring economic impact of energy actions; report and recommendations to Congress

The Administrator, together with the Secretaries of Labor and Commerce, shall monitor the economic impact of any energy actions taken by the Administrator, and shall provide the Congress with an annual report on the impact of the energy shortage and the Administrator's actions on employment and the economy. Such report shall contain recommendations as to whether additional Federal programs of employment and economic assistance should be put into effect to minimize the impact of the energy shortage and any actions taken.

(e) Industrial or regional discrimination; equal bearing of costs and burdens of meeting energy shortages

The Administrator shall formulate and implement regulatory and other actions in a manner (1) which does not unduly discriminate against any industry or any region of the United States; and (2) designed to insure that, to the greatest extent possible, the costs and burdens of meeting energy shortages shall be borne equally by every sector and segment of the country and of the economy.

(Pub. L. 93-275, §18, May 7, 1974, 88 Stat. 110; Pub. L. 94-385, title I, §109(d), Aug. 14, 1976, 90 Stat. 1130.)

AMENDMENTS

1976—Subsec. (d), Pub. L. 94-385 substituted “an annual report” for “a report every six months”.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (d) of this section relating to providing an annual report to Congress on the impact of the energy shortage and the Administrator's actions on employment and the economy, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 84 of House Document No. 103-7.

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