

2012, and also as part of the Consolidated Appropriations Act, 2012, and not as part of the Energy Policy and Conservation Act which comprises this chapter.

PART E—EXPIRATION

**§ 6251. Repealed. Pub. L. 109-58, title III, § 301(a)(3), Aug. 8, 2005, 119 Stat. 683**

Section, Pub. L. 94-163, title I, §191, formerly §171, as added Pub. L. 99-58, title I, §101(a), July 2, 1985, 99 Stat. 102; amended Pub. L. 101-46, §1(1), June 30, 1989, 103 Stat. 132; Pub. L. 101-262, §2(b), Mar. 31, 1990, 104 Stat. 124; Pub. L. 101-360, §2(b), Aug. 10, 1990, 104 Stat. 421; renumbered §181 and amended Pub. L. 101-383, §§2(2), 6(a)(3), Sept. 15, 1990, 104 Stat. 727, 729; Pub. L. 103-406, title I, §102, Oct. 22, 1994, 108 Stat. 4209; Pub. L. 104-306, §1(2), Oct. 14, 1996, 110 Stat. 3810; Pub. L. 105-177, §1(2), June 1, 1998, 112 Stat. 105; Pub. L. 106-64, §1(2), Oct. 5, 1999, 113 Stat. 511; renumbered §191 and amended Pub. L. 106-469, title I, §103(23), title II, §201(a)(2), Nov. 9, 2000, 114 Stat. 2033, 2034; Pub. L. 108-7, div. F, title III, §339(a)(3), Feb. 20, 2003, 117 Stat. 278, provided for the expiration of all authority under this subchapter at midnight Sept. 30, 2008.

SUBCHAPTER II—STANDBY ENERGY AUTHORITIES

PART A—GENERAL EMERGENCY AUTHORITIES

**§§ 6261 to 6264. Repealed. Pub. L. 106-469, title I, § 104(1), Nov. 9, 2000, 114 Stat. 2033**

Section 6261, Pub. L. 94-163, title II, §201, Dec. 22, 1975, 89 Stat. 890; Pub. L. 96-102, title I, §§103(b)(1), (c)(1), 105(a)(1)-(3), (5), Nov. 5, 1979, 93 Stat. 751, 755, 756; H. Res. 549, Mar. 25, 1980, required the President to transmit to Congress energy conservation contingency plans and rationing contingency plans and provided requirements for plans to become effective and for amendment, approval, and implementation of plans.

Section 6262, Pub. L. 94-163, title II, §202, Dec. 22, 1975, 89 Stat. 892; Pub. L. 96-102, title II, §231, Nov. 5, 1979, 93 Stat. 767, provided requirements for energy conservation contingency plans.

Section 6263, Pub. L. 94-163, title II, §203, Dec. 22, 1975, 89 Stat. 892; Pub. L. 96-102, title I, §§103(a), (c)(2), 104, 105(b)(1)-(5), Nov. 5, 1979, 93 Stat. 751, 755, 756, provided requirements for rationing contingency plan, and in subsec. (f) provided that all authority to carry out a plan would expire on same date as authority to issue and enforce rules and orders under the Emergency Petroleum Allocation Act of 1973, 15 U.S.C. 751 et seq.

Section 6264, Pub. L. 94-163, title II, §204, as added Pub. L. 99-58, title I, §104(b), July 2, 1985, 99 Stat. 104, provided that except as provided in section 6263(f) of this title, authority to carry out the provisions of sections 6261 to 6264 of this title and any rule, regulation, or order issued pursuant to such sections expired at midnight, June 30, 1985.

PART B—AUTHORITIES WITH RESPECT TO INTERNATIONAL ENERGY PROGRAM

**§ 6271. International oil allocations**

**(a) Authority of President to prescribe rules for implementation of obligations of United States relating to international allocation of petroleum products; amounts of allocation and prices; petroleum products subject to rule; term of rule**

The President may, by rule, require that persons engaged in producing, transporting, refining, distributing, or storing petroleum products, take such action as he determines to be necessary for implementation of the obligations of

the United States under chapters III and IV of the international energy program insofar as such obligations relate to the international allocation of petroleum products. Allocation under such rule shall be in such amounts and at such prices as are specified in (or determined in a manner prescribed by) such rule. Such rule may apply to any petroleum product owned or controlled by any person described in the first sentence of this subsection who is subject to the jurisdiction of the United States, including any petroleum product destined, directly or indirectly, for import into the United States or any foreign country, or produced in the United States. Subject to subsection (b)(2), such a rule shall remain in effect until amended or rescinded by the President.

**(b) Prerequisites to rule taking effect; time rule may be put into effect or remain in effect**

(1) No rule under subsection (a) may take effect unless the President—

(A) has transmitted such rule to the Congress;

(B) has found that putting such rule into effect is required in order to fulfill obligations of the United States under the international energy program; and

(C) has transmitted such finding to the Congress, together with a statement of the effective date and manner for exercise of such rule.

(2) No rule under subsection (b) may be put into effect or remain in effect after the expiration of 12 months after the date such rule was transmitted to Congress under paragraph (1)(A).

**(c) Consistency of rule with attainment of objectives specified in section 753(b)(1)<sup>1</sup> of title 15; limitation on authority of officers or agencies of United States**

(1) Any rule under this section shall be consistent with the attainment, to the maximum extent practicable, of the objectives specified in section 753(b)(1)<sup>1</sup> of title 15.

(2) No officer or agency of the United States shall have any authority, other than authority under this section, to require that petroleum products be allocated to other countries for the purpose of implementation of the obligations of the United States under the international energy program.

**(d) Nonapplicability of export restrictions under other laws**

Neither section 6212<sup>1</sup> of this title nor section 185(u) of title 30 shall preclude the allocation and export, to other countries in accordance with this section, of petroleum products produced in the United States.

**(e) Prerequisites for effectiveness of rule**

No rule under this section may be put into effect unless—

(1) an international energy supply emergency, as defined in the first sentence of section 6272(k)(1) of this title, is in effect; and

(2) the allocation of available oil referred to in chapter III of the international energy program has been activated pursuant to chapter IV of such program.

<sup>1</sup> See References in Text note below.

(Pub. L. 94-163, title II, §251, Dec. 22, 1975, 89 Stat. 894; Pub. L. 97-229, §2(b)(1), Aug. 3, 1982, 96 Stat. 248; Pub. L. 105-177, §1(3), June 1, 1998, 112 Stat. 105.)

### Editorial Notes

#### REFERENCES IN TEXT

Section 753 of title 15, referred to in subsec. (c), was omitted from the Code pursuant to section 760g of Title 15, Commerce and Trade, which provided for the expiration of the President's authority under that section on Sept. 30, 1981.

Section 6212 of this title, referred to in subsec. (d), was repealed by Pub. L. 114-113, div. O, title I, §101(a), Dec. 18, 2015, 129 Stat. 2987.

#### AMENDMENTS

1998—Subsec. (e)(1). Pub. L. 105-177 substituted reference to section 6272(k)(1) for reference to section 6272(l)(1).

1982—Subsec. (e). Pub. L. 97-229 added subsec. (e).

### § 6272. International voluntary agreements

#### (a) Exclusiveness of section's requirements

Effective 90 days after December 22, 1975, the requirements of this section shall be the sole procedures applicable to—

- (1) the development or carrying out of voluntary agreements and plans of action to implement the international emergency response provisions, and
- (2) the availability of immunity from the antitrust laws with respect to the development or carrying out of such voluntary agreements and plans of action.

#### (b) Prescription by Secretary of standards and procedures for developing and carrying out voluntary agreements and plans of action

The Secretary, with the approval of the Attorney General, after each of them has consulted with the Federal Trade Commission and the Secretary of State, shall prescribe, by rule, standards and procedures by which persons engaged in the business of producing, transporting, refining, distributing, or storing petroleum products may develop and carry out voluntary agreements, and plans of action, which are required to implement the international emergency response provisions.

#### (c) Requirements for standards and procedures

The standards and procedures prescribed under subsection (b) shall include the following requirements:

- (1)(A)(i) Except as provided in clause (ii) or (iii) of this subparagraph, meetings held to develop or carry out a voluntary agreement or plan of action under this subsection shall permit attendance by representatives of committees of Congress and interested persons, including all interested segments of the petroleum industry, consumers, and the public; shall be preceded by timely and adequate notice with identification of the agenda of such meeting to the Attorney General, the Federal Trade Commission, committees of Congress, and (except during an international energy supply emergency with respect to meetings to carry out a voluntary agreement or to develop or carry out a plan of action) the public; and

shall be initiated and chaired by a regular full-time Federal employee.

(ii) Meetings of bodies created by the International Energy Agency established by the international energy program need not be open to interested persons and need not be initiated and chaired by a regular full-time Federal employee.

(iii) The President, in consultation with the Secretary, the Secretary of State, and the Attorney General, may determine that a meeting held to carry out a voluntary agreement or to develop or carry out a plan of action shall not be open to interested persons or that attendance by interested persons may be limited, if the President finds that a wider disclosure would be detrimental to the foreign policy interests of the United States.

(B) No meetings may be held to develop or carry out a voluntary agreement or plan of action under this section unless a regular full-time Federal employee is present.

(2) Interested persons permitted to attend such a meeting shall be afforded an opportunity to present, in writing and orally, data, views, and arguments at such meetings, subject to any reasonable limitations with respect to the manner of presentation of data, views, and arguments as the Secretary may impose.

(3) A full and complete record, and where practicable a verbatim transcript, shall be kept of any meeting held, and a full and complete record shall be kept of any communication (other than in a meeting) made, between or among participants or potential participants, to develop, or carry out a voluntary agreement or a plan of action under this section. Such record or transcript shall be deposited, together with any agreement resulting therefrom, with the Secretary, and shall be available to the Attorney General and the Federal Trade Commission. Such records or transcripts shall be available for public inspection and copying in accordance with section 552 of title 5; except that (A) matter may not be withheld from disclosure under section 552(b) of such title on grounds other than the grounds specified in section 552(b)(1), (b)(3), or so much of (b)(4) as relates to trade secrets; and (B) in the exercise of authority under section 552(b)(1), the President shall consult with the Secretary of State, the Secretary, and the Attorney General with respect to questions relating to the foreign policy interests of the United States.

(4) No provision of this section may be exercised so as to prevent representatives of committees of Congress from attending meetings to which this section applies, or from having access to any transcripts, records, and agreements kept or made under this section. Such access to any transcript that is required to be kept for any meeting shall be provided as soon as practicable (but not later than 14 days) after that meeting.

#### (d) Participation of Attorney General and Federal Trade Commission in development and carrying out of voluntary agreements and plans of action

(1) The Attorney General and the Federal Trade Commission shall participate from the be-