

# Jimmy Carter Demands Energy Czardom From Congress

Jimmy Carter sent to Congress March 1 legislation to establish a Department of Energy which will function as an extra-constitutional superagency to carry out the zero-growth energy programs put forward by Carter and the Administration's energy czar James Schlesinger. If passed by the House of Representatives and the Senate, Carter's bill will put Schlesinger — leading spokesman of the concept of "limited nuclear warfare" — in charge of the cabinet-level Department.

"This legislation is a major step in my Administration's program for a comprehensive reorganization of the Executive Branch," Carter announced in his message to Congress (see below). "Nowhere is the need for reorganization and consolidation greater than in energy policy."

Schlesinger, once established as Energy Department Secretary, will gain nearly total control over electrical power generation. Schlesinger will control regional marketing functions for electric power as well as the rate of public land leasing and energy production on federal lands. With Security and Exchange authority to regulate utility mergers rounding out the package, Schlesinger can phase out the bulk of high-technology energy generation and other so-called "soft energies."

The new "conservation-oriented" superagency will entirely eliminate the Federal Power Commission, the Federal Energy Administration, and the Energy

Research and Development Administration. At the same time, it will usurp key functions from the Interior Department. The consolidation will permit Schlesinger to weed out pro-nuclear energy bureaucrats and scientists.

Schlesinger has hired 750 so-called managers, doing so outside of ordinary U.S. Civil Service rules, grades, tests, and appointment lists, the *Baltimore Sun* reports. The legislation also leaves to Schlesinger rather than Congress the deployment of five out of eight assistant secretaries in the new department.

Schlesinger's first assignment, Carter said at a Feb. 23 press conference, will be commandeering Interior Secretary Cecil Andrus' "admittedly superficial studies" on alleged natural gas withholding of largely independent Gulf Coast natural gas producers. Schlesinger will then use his allegedly more detailed studies to shift blame away from his energy sabotage by targeting independent oil companies for largely trumped-up withholding charges.

The Energy Department is only the first stage in Carter's reorganization plans, a spokesman for Common Cause said recently. "After we get an Energy Department, we will make a big push for a Department of the Environment," he said, adding that Common Cause has started a major lobbying effort to insure passage of the energy legislation.

## Proposed Legislation To Create New Cabinet Department Of Energy

### *Message From The President Of The United States*

(H. DOC. No. 95-91)

*To the Congress of the United States*

I hereby transmit to the Congress proposed legislation which will create a new Cabinet Department of Energy.

This legislation is a major step in my Administration's program for a comprehensive reorganization of the Executive Branch.

Nowhere is the need for reorganization and consolidation greater than in energy policy. All but two of the Executive Branch's Cabinet departments now have

some responsibility for energy policy, but no agency, anywhere in the Federal Government, has the broad authority needed to deal with our energy problems in a comprehensive way.

The legislation I am submitting today will bring immediate order to this fragmented system:

— It will abolish the Federal Energy Administration, the Energy Research and Development Administration, and the Federal Power Commission, thereby eliminating three agencies whose missions overlap and

sometimes conflict, and whose specialized perspectives have impeded progress toward a unified energy policy.

- It will allow us, for the first time, to match our overall energy policies and needs. This is particularly important if we are to make use of renewable energy sources such as solar power.
- It will enable us to move more quickly toward effective energy policies and needs. This is particularly important if we are to make use of renewable energy sources such as solar power.
- It will enable us to move more quickly toward effective energy conservation by combining conservation programs which are now split between FEA and ERDA. And, to make certain that we will see results, the legislation creates an Assistant Secretary for Conservation, who will be personally responsible for seeing that the conservation program is carried out.
- It will place under one roof the powers to regulate fuels and fuel distribution systems, powers which are now shared by the FEA and the FPC along with the Securities and Exchange Commission and the Interstate Commerce Commission. An institutional structure built on the premise that fossil fuels are abundant and cheap no longer serves well in an era of fuel scarcity.

As this winter has shown us, uncoordinated regulatory policies can have serious impacts on our economic and social well-being. This reorganization can help us bring currently fragmented policies into a structure capable of both developing and implementing an over-all national energy plan. At the same time, we must guard the quasi-judicial aspects of the regulatory process against improper influence. The legislation meets this concern by establishing a Board of Hearings and Appeals within the Department which is free from the control of the Secretary of Energy.

In addition to abolishing the FEA, ERDA, and the FPC, the legislation submitted today will transfer into the new Department several significant energy-related authorities and programs which now belong to other departments. These include the building thermal efficiency standards from Housing and Urban Development, the voluntary industrial compliance program from Commerce, and the Navy petroleum and oil shale reserves from Defense. The legislation provides for consultation between the Energy Department and the Department of Transportation on auto fuel efficiency standards, and establishes a role for the Energy Secretary in the REA loan program at Agriculture. Where it is appropriate, these departments will still carry out the program, but the new Energy Department will give them the policy guidance needed to bring unity and rational order to our energy program.

Finally, this legislation transfers certain parts of the Interior Department — those concerning fuel data collection and analysis, and coal mine research and development — into the new Department. Coal mine health and safety research will not be transferred. This will leave the Department of Interior still in charge of

leasing energy resources under Federal control. We are leaving those functions in Interior because we believe that the responsibility for multiple-use of public lands, and for their environmental protection, belongs in one department — Interior — that can reflect a broad spectrum of concern. The Energy Department, however, will set long-term production goals and will have policy control over economic aspects of the leases. This will help us foster competition within the energy industries and encourage production of leased resources as expeditiously as possible.

This reorganization will also bring together our energy data gathering and analysis capabilities. More than twenty executive departments and agencies now operate more than 250 energy data programs. The FEA, ERDA, FPC and the Interior Department's Bureau of Mines together have more than 100 such programs. This fragmentation is not only uneconomical and frustrating: it can also have serious consequences. We have seen in recent weeks that, under our present system, we have no single source of information about where natural gas shortages were greatest and where supplies were still available to help make up those shortages. Consolidating these major data programs in an Energy Information Administration within the new department will now give us the ability to compile information which is complete, accurate and believable.

There are many things this legislation does not try to do. I believe that health, safety and environmental regulation relating to energy — unlike economic regulation — should not be brought into the new Energy Department. Because public concerns about the safety of nuclear power are so serious, we must have a strong independent voice to ensure that safety does not yield to energy supply pressures. Therefore, the Nuclear Regulatory Commission will remain as an independent body. For similar reasons, the Environmental Protection Agency should remain independent to voice environmental concern.

Even with a new Department of Energy, problems of interdepartmental coordination will remain, since virtually all government activity affects energy to some extent. Establishing this department, however, will give us one government body with sufficient scope and authority to do the massive job that remains to be done. Thus this legislation will abolish the Energy Resources Council. I intend to establish by Executive Order a non-statutory interdepartmental coordinating body, with the Secretary of Energy as its chairman to manage government-wide concerns involving energy.

This legislation contains no new substantive authorities. Instead, by eliminating three agencies and uniting a variety of existing energy authorities, the legislation I am submitting today will help reorganize the Executive Branch in a rational, orderly way. It is long over-due. I hope to work with the Congress to achieve our initial goal of a realistic and effective energy policy.

Jimmy Carter.  
THE WHITE HOUSE, March 1, 1977.