

APPENDIX

AUTHORITIES FOR COMMERCE
ECONOMIC INFRASTRUCTURE,
SCIENCE/TECHNOLOGY/INFORMATION,
AND RESOURCE AND ASSET MANAGEMENT
AND STEWARDSHIP ACTIVITIES

AUTHORITIES FOR COMMERCE ECONOMIC INFRASTRUCTURE, SCIENCE/TECHNOLOGY/INFORMATION, AND RESOURCE AND ASSET MANAGEMENT AND STEWARDSHIP ACTIVITIES

The overall mission of the Department of Commerce is set out in its organic statute:

It shall be the province and duty of said Department to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, and fishery industries of the United States; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service hereinafter specified, and with such other powers and duties as may be prescribed by law.
(15 U.S.C. section 1512)

The specific statutory or executive authority applicable to each of the Department's organizational units, major programs, and goals and objectives in the Strategic Plan, are provided and footnoted below.¹

¹ At the risk of some duplication, a "General" category is also provided for some Departmental units, which mentions the major general authorities of the unit. Formatting may differ somewhat by sub-agency, as the Department's units vary substantially in the scope and complexity of their programs and the specificity of their legal authorities.

INTERNATIONAL TRADE ADMINISTRATION (ITA)

I. GENERAL ITA AUTHORITIES FOR ALL GOALS AND OBJECTIVES

The major authorities and functions of the Secretary of Commerce exercised through the International Trade Administration (“ITA”) are: (1) export promotion and commercial representation abroad; (2) trade policy development and monitoring of and compliance with trade agreements; and (3) implementation of trade remedy laws.

A. EXPORT PROMOTION AND COMMERCIAL REPRESENTATION ABROAD

The Department’s export promotion authority has six principal bases: “Organic” authority enacted in 1903, Reorganization Plan No. 3 of 1979, the Export Administration Amendments Act of 1985, the Omnibus Trade and Competitiveness Act of 1988, the Export Enhancement Act of 1992 and the Jobs Through Trade Expansion Act of 1994.

1. “Organic” Authority

The Department’s “organic” legislation, the Act of February 14, 1903 (15 U.S.C. § 1501 et seq.) charges it to “foster, promote, and develop...the foreign and domestic commerce of the United States”. The Secretary relied exclusively upon this broad authority for virtually all export promotion functions until 1980, when Reorganization Plan No. 3 of 1979 became effective.

2. Reorganization Plan No. 3 of 1979

Reorganization Plan No. 3 of 1979 (19 U.S.C. § 2171 note) was implemented by President Carter through Executive Order 12188 on January 2, 1980. Reorganization Plan No. 3 provided the Secretary with -

“general operational responsibility for major nonagricultural international trade functions of the United States government, including export development, commercial representation abroad, the administration of the antidumping and countervailing duty laws, export controls, trade adjustment assistance to firms and communities, research and analysis, and monitoring compliance with international trade agreements to which the United States is a party.”

Reorganization Plan No. 3 also transferred to the Secretary “all trade promotion and commercial functions of the Secretary of State...that are performed in full-time overseas trade promotion and commercial positions;” or “performed in such countries as the President may from time to time prescribe.”

The transfer of State's export promotion authority to Commerce was done in conjunction with the establishment, by Secretarial Order, of the International Trade Administration and, within ITA, U.S. and Foreign Commercial Service (US&FCS). The President's message accompanying Reorganization Plan No. 3 stated that the transfer to Commerce of responsibility for commercial representation abroad -

“would place both domestic and overseas export promotion activities under a single organization,... charged with aggressively expanding U.S. export opportunities. Placing this Foreign Commercial Service in the Commerce Department will allow commercial officers to concentrate on the promotion of U.S. exports as their principal activity.”

3. The Export Administration Amendments Act of 1985

Title III of the Export Administration Amendments Act of 1985 (P.L. 99-64, July 12, 1985) authorized for the first time Congressional appropriations for the Department's export promotion programs. Prior to 1985, these programs were not separately authorized; funding was subject only to the general Departmental appropriation. See 15 U.S.C. § 4051 et seq.

The Act defines “export promotion program” in a manner that includes all ITA's programs except those carried out by Import Administration. The Authorizing Committees are International Relations (House) and Banking (Senate).²

4. The Omnibus Trade and Competitiveness Act of 1988

Section 2301 of the Omnibus Trade and Competitiveness Act of 1988, P.L. 100-418 (August 23, 1988), provided for the establishment by the Secretary of a United States and Foreign Commercial Service, thereby providing a statutory basis for this organization which, since 1980, had existed only by Secretarial Order.³ Section 2301 states: “[t]he Commercial Service shall place primary emphasis on the promotion of exports of goods and services from the United States, particularly by small businesses and medium-sized businesses, and on the protection of United States business interests abroad....” See 15 U.S.C. § 4721.

² Import Administration is not separately authorized. Oversight of Import Administration programs is under the purview of the Committees on Ways and Means (House) and Finance (Senate).

³ The position of Director General of the US&FCS was established in 1982 by Pub. L. No. 97-377. See 19 U.S.C. § 2171 note.

5. The Export Enhancement Act of 1992

(a) The Trade Promotion Coordinating Committee

Section 201 of the Export Enhancement Act of 1992, P.L. 102-429 (October 21, 1992), established the Trade Promotion Coordinating Committee (“TPCC”) by statute (the TPCC was originally established by Presidential Memorandum dated May 23, 1990). The purposes of the TPCC, as set forth in section 201, are -

(i) to provide a unifying framework to coordinate the export promotion and export financing activities of the United States Government; and

(ii) to develop a government-wide strategic plan for carrying out Federal export promotion and export financing programs.

TPCC membership, as established by section 201, includes Commerce (Chair), State, Treasury, Agriculture, Energy, Transportation, USTR, SBA, AID, TDA, OPIC and Eximbank.

President Clinton implemented section 201 through Executive Order 12870, issued September 30, 1993. Executive Order 12870 added the Departments of Defense, Labor and Interior as members, as well as a number of Executive agencies including EPA, USIA, CEA, OMB, and the NEC and NSC.

Both section 201 and the Executive Order require the submission to the Congress of a “Strategic Plan” for Federal trade promotion efforts. The Strategic Plan was prepared and submitted on September 30, 1993. The Trade Promotion Coordinating Committee’s annual National Export Strategy, is prepared pursuant to the 1992 Act. The fourth annual National Export Strategy was submitted to the Congress on September 30, 1996. See 15 U.S.C. § 4727.

(b) Environmental Trade Promotion

Section 204 of the Export Enhancement Act of 1992 (15 U.S.C. § 4730) required the establishment, within the TPCC, of the Environmental Trade Working Group, the purposes of which are -

“(A) to address all issues with respect to the export promotion and export financing of United States environmental technologies, goods, and services; and

“(B) to develop a strategy for expanding United States exports of environmental technologies, goods, and services.”

The Working Group is Chaired by Commerce.

The 1992 Act also authorized a number of additional export promotion functions for the US&FCS, including the Market Development Cooperator Program.

6. The Jobs Through Trade Expansion Act of 1994

The Jobs Through Trade Expansion Act of 1994, P.L. 103-392 (October 22, 1994), further amended the 1988 Act to provide for the establishment of an Environmental Technologies Trade Advisory Committee, and added certain other environmental trade provisions.

B. TRADE AGREEMENTS MONITORING AND COMPLIANCE

Reorganization Plan No. 3 of 1979 contemplated for Commerce the additional role of monitoring the implementation of multilateral trade agreements. The President's message accompanying Reorganization Plan No. 3 stated:

"The Department of Commerce will be responsible for day-to-day implementation of non-agricultural aspects of the MTN agreements....Building implementation of MTN around [Commerce] will assure that the government's institutional memory and expertise on MTN is most effectively devoted to the challenge ahead. When American business needs information or encounters problems in the MTN area, it can turn to the Department of Commerce for knowledgeable assistance."

ITA recently restructured and renamed its International Economic Policy unit to reemphasize its important role in trade agreements monitoring and compliance. Market Access and Compliance ("MAC"), including the newly formed Trade Compliance Center, will now focus more clearly on the implementation of U.S. multilateral, plurilateral and bilateral trade agreements.

C. TRADE REMEDIES LAWS

The Secretary of Commerce has exclusive responsibility within the Executive Branch for administering the Antidumping ("AD") and Countervailing Duty ("CVD") laws. The Secretary, acting through the Import Administration of the ITA, processes petitions from firms that allege they have been harmed by unfair competition from imports (or, on rare occasions, self-initiates investigations), makes preliminary and final determinations about whether such imports were dumped or benefitted from government subsidies, and conducts periodic administrative reviews of final determinations. Merchandise found to be subsidized or dumped is subject to duties as needed to offset the advantage conferred by the unfair practice.

- **Dumping:** The AD law addresses the unfair trade practices of price discrimination among national markets or selling below cost. It provides for the imposition of antidumping duties when the Secretary of Commerce finds that the subject merchandise is being, or is likely to be, sold in the United States at less than normal value (below the price charged for the like product in the producer's home market, or below the cost of production). Before AD duties may be imposed, the International Trade Commission must determine that an industry in the United States is materially injured or threatened with material injury, or that establishment of an industry is materially retarded, by reason of imports of the dumped goods.

- **Subsidization:** The CVD law provides for the imposition of countervailing duties on goods exported to the United States which the Secretary of Commerce has determined have received a bounty or grant provided by a foreign government. Countervailable subsidies may take the form of direct cash grants, tax credits, or the provision on preferential terms of loans, equity, or goods. For WTO members, or countries that have assumed substantially equivalent obligations (most of our trading partners), the International Trade Commission must determine that the imports are causing or threatening to cause material injury to the U.S. industry, or are materially retarding the establishment of an industry, before countervailing duties may be assessed.

The Antidumping and Countervailing Duty Program is authorized by Title VII of the Tariff Act of 1930, as amended, 19 U.S.C. § 1671, et seq.

D. OTHER AUTHORITIES AND FUNCTIONS

1. Export Trading Companies

Title I of the Export Trading Company Act of 1982 (15 U.S.C. §§ 4001 et seq.) directs the Secretary to establish an office to promote the formation of export trade associations and export trading companies. Title III of the Act gives the Secretary authority to issue a certificate of review, providing substantial immunity from the antitrust laws, to any person whose export trade activities and methods of operation will not cause substantial domestic anti-competitive effects. The Attorney General must concur in the issuance of a certificate.

2. Textiles and Apparel

Executive Order 11651, as amended, establishes the Committee for the Implementation of Textile Agreements ("CITA"), chaired by Commerce. CITA supervises the implementation of all bilateral textile trade agreements entered into by the United States under section 204 of the Agricultural Act of 1956 (7 U.S.C. § 1854). Other key CITA members are State, USTR, Labor and Treasury. The bilateral agreements generally limit through quotas the amount of textile and apparel products entering the United States. Commerce implements and monitors the quota system, in consultation with other CITA members.

II. AUTHORITIES FOR SPECIFIC ITA GOALS AND OBJECTIVES

Theme I — Build for the future and promote U.S. competitiveness in the global marketplace, by strengthening and safeguarding the Nation's economic infrastructure.

- A. Implement the President's National Export Strategy in conjunction with the Trade Promotion Coordinating Committee. ⁴
- B. Enforce U.S. trade laws and agreements to promote free and fair trade. ⁵
- C. Strengthen and institutionalize trade advocacy efforts, placing special emphasis on the "Big Emerging Markets". ⁶

Theme 2 — Keep America competitive with cutting-edge science and technology and an unrivaled information base.

- L. Employ ITAs comprehensive industry sector, technical, and country information bases to counsel U.S. firms (especially small and medium-sized firms) on appropriate export strategies and provide up-to-date technical, country, and industry-specific information to the U.S. business community. ⁷

Theme 3 — "Provide effective management and stewardship of our Nation's resource and assets to ensure sustainable economic opportunities."

There are no ITA goals or objectives under Theme 3.

⁴ 15 U.S.C. § 1501 et seq.; Reorganization Plan No. 3 of 1979, 44 Fed. Reg. 69,273 (December 3, 1979 (19 U.S.C.A. § 2171 note); Title III, Export Administration Amendments Act of 1985, P.L. 99-64 (15 U.S.C. § 4051 et seq.); P.L. 102-42, § 202, 203, 205 (15 U.S.C.A. § 4721); P.L. 102-42, § 201 (15 U.S.C. § 4727); Executive Order 12870 (September 30, 1993)

⁵ 15 U.S.C. § 1501 et seq.; Reorganization Plan No. 3 of 1979, 44 Fed. Reg. 69,273 (December 3, 1979) (19 U.S.C.A. § 2171 note); Title III, Export Administration Amendments Act of 1985, P.L. 99-64 (15 U.S.C. § 4051 et seq.); The Antidumping and Countervailing Duty Program is authorized by Title VII of the Tariff Act of 1930, as amended, 19 U.S.C. § 1671, et seq. The Foreign Trade Zones program is authorized by the Foreign Trade Zones Act of 1934, 19 U.S.C. § 81a et seq.

⁶ 15 U.S.C. § 1501 et seq.; Reorganization Plan No. 3 of 1979, 44 Fed. Reg. 69,273 (December 3, 1979 (19 U.S.C.A. § 2171 note); Title III, Export Administration Amendments Act of 1985, P.L. 99-64 (15 U.S.C. § 4051 et seq.); P.L. 102-42, § 201 (15 U.S.C. § 4727); Executive Order 12870 (September 30, 1993)

⁷ 15 U.S.C. § 1501 et seq.; Reorganization Plan No. 3 of 1979, 44 Fed. Reg. 69,273 (December 3, 1979) (19 U.S.C.A. § 2171 note); Title III, Export Administration Amendments Act of 1985, P.L. 99-64 (15 U.S.C. § 4051 et seq.)

BUREAU OF EXPORT ADMINISTRATION (BXA)

Theme 1

D. Restructure export controls for the twenty-first century. ⁸

- Streamline and reform U.S. export controls. ⁹
- Improve export administration awareness. ¹⁰
- Promote export control cooperation with the independent states of the former Soviet Union (FSU), the Baltics, and Central Europe in order to facilitate legitimate trade in high-tech goods and technology, and to help stop the proliferation of nuclear, biological, and chemical weapons, missile delivery systems, and other sensitive items to rogue states and terrorists. ¹¹
- Implement an encryption liberalization plan. ¹²
- Oversee domestic implementation of the Chemical Weapons Convention. ¹³

⁸ Export Administration Act of 1979, as amended (P.L. 96-72, 93 Stat. 503, 50 U.S.C. app. §§ 2401 - 2420); International Emergency Economic Powers Act, as amended (P.L. 95-223, 91 Stat. 1628, 50 U.S.C. §§ 1701 - 1706); E.O. 12002 - Administration of the Export Administration Act of 1969, as amended (42 FR 35623, 3 CFR, 1977 Comp., p. 133); E.O. 12214 - Administration of the Export Administration Act of 1979 (45 FR 29783, 3 CFR, 1980 Comp., p. 256); E.O. 12867 - Termination of Emergency Authority for Certain Export Controls (58 FR 51747, 3 CFR, 1993 Comp., p. 649); E.O. 12924 - Continuation of Export Control Regulations (59 FR 43437, 3 CFR, 1994 Comp., p. 917); Presidential Notices of August 15, 1995 and August 14, 1996 - Continuation of Emergency Regarding Export Control Regulations (E.O. 12924) (60 FR 42767, 3 CFR, 1995 Comp., p. 501, and 61 FR 42527, 3 CFR, 1996 Comp., p. 298); E.O. 12981 - Administration of Export Controls (License Processing) (60 FR 62981, 3 CFR, 1995 Comp., p. 419).

⁹ Note 1 authorities.

¹⁰ Note 1 authorities.

¹¹ Note 1 authorities and the following authorities: Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. §§ 2451 et seq.); Support for East European Democracy (SEED) Act of 1989 (P.L. 101-179, 103 Stat. 1299, 22 U.S.C. §§ 5401 et seq.); Nunn-Lugar (Soviet Nuclear Threat Reduction Act of 1991) (Title II of Pub. L. 102-228, 105 Stat 1693, 22 U.S.C. § 2551 nt.); Former Soviet Union Demilitarization Act of 1992 (Title XIV of Pub. L. 102-484 (National Defense Authorization Act for FY 1993), 106 Stat 2563, 22 U.S.C. §§ 5901-5931); Freedom Support Act (Pub. L. 102-511, 106 Stat. 3321, 22 U.S.C. §§ 5801 et seq.); Foreign Operations Appropriations Act (Sec. 575 of P.L. 103-87, 107 Stat. 931, 22, U.S.C. ___); Cooperative Threat Reduction Act of 1993 (Title XII of Pub. L. 103-160 (National Defense Authorization Act for FY 1994), 107 Stat. 1777, 22 U.S.C. §§ 5951-58).

¹² Note 1 authorities and the following authority: E.O. 13026 (61 FR 58767, 3 CFR, 1996 Comp., p. 228).

¹³ Note 1 authorities and the following authority: legislation to be enacted relating to implementation of the Chemical Weapons Convention.

- E. Maintain a fully effective law enforcement program and protect U.S. national security, foreign policy, non-proliferation of dual-use commodities, counter-terrorism, non-proliferation of chemical weapons, and public safety interests.¹⁴
- Investigate criminal and administrative violations of the Export Administration Act, the International Emergency Economic Powers Act, the Chemical Weapons Convention, the Fastener Quality Act, related statutes and regulations, and impose civil sanctions for those violations.¹⁵
 - Develop and implement measures to prevent export control law violations, including reviews of unlicensed shipments as well as conducting pre-license checks and post-shipment verifications concerning licensed transactions.¹⁶
 - Conduct export enforcement outreach with the U.S. export community. Expand outreach and education programs to train U.S. exporters how to identify and avoid illegal transactions.¹⁷
 - Work cooperatively with foreign governments on enforcement issues related to fully effective export control programs. Provide training and technical assistance to foreign export enforcement officials and increase coordination of enforcement efforts.¹⁸

¹⁴ Note 1 authorities and the following authorities: Nuclear Non-Proliferation Act, § 309(c)(Sec. 309(c) of Pub. L. 95-242, 92 Stat. 141,42 U.S.C. § 2139a); Cuban Democracy Act, §§ 1705-1706 (§§ 1705-1706 of P.L. 102-484, 106 Stat. 2575,22 U.S.C. §§ 6004-6005); Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996, §§ 102, 109 and 114 (§§ 102, 109 and 114 of Pub. L. 104-114, 110 Stat. 785); Missile Technology Controls Policy (Sec. 1701 of Pub. L. 101-510, 104 Stat. 1738, 50 U.S.C. app. § 2402 (note)); Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (Title III of Pub. L. 102-182, 105 Stat. 1245, 22 U.S.C. §§ 5601 et seq.); Nuclear Proliferation Prevention Act (Sec. 826 of Pub. L. 103-236, 108 Stat. 515, 22 U.S.C. § 2799aa); "Tiananmen Square Sanctions" (Title IX of Pub. L. 101-246, 104 Stat. 83, 22 U.S.C. § 2151 (note)); Iraq Sanctions Act of 1990 (Secs. 586-586J of Pub. L. 101-513, 104 Stat. 2047, 50 U.S.C. § 1701 (note)); Iran-Iraq Arms Non-Proliferation Act (Secs. 1601-1608 of Pub. L. 102-484, 106 Stat. 2571,50 U.S.C. § 1701 (note)); Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. §§ 2451 et seq.); Anti-Terrorism and Effective Death Penalty Act, § 321 (Sec. 321 of Pub. L. 104-132, 110 Stat. 1214, 18 U.S.C. §§ 2332b et seq.); Fastener Quality Act, as amended (Pub. L. 101-592, 104 Stat. 2943, 15 U.S.C. §§ 5401 et seq.; legislation to be enacted relating to implementation of the Chemical Weapons Convention; E.O. 12058 - Functions Relating to Nuclear Non-Proliferation (43 FR 20947, 3 CFR, 1978 Comp., p. 179); E.O. 12851 - Administration of Proliferation Sanctions, Middle East Arms Control, and Related Congressional Reporting Responsibilities (58 FR 33181, 3 CFR, 1993 Comp., p. 608); E.O. 12854 - Implementation of the Cuban Democracy Act (58 FR 36587, 3 CFR, 1993 Comp., p. 614); E.O. 12865 - Prohibiting Certain Transactions involving the National Union for the Total Independence of Angola (UNITA) (58 FR 51005, 3 CFR, 1993 Comp., p. 636); E.O. 12918 - Prohibiting Certain Transactions With Respect to Rwanda and Delegating Authority with Respect to Other United Nations Arms Embargoes (59 FR 28205, 3 CFR, 1994 Comp., p. 899); E.O. 12938 - Proliferation of Weapons of Mass Destruction (59 FR 59099, 3 CFR, 1994 Comp., p. 950); E.O. 12959 - Prohibiting Certain Transactions with Respect to Iran (60 FR 24757, 3 CFR, 1995 Comp., p. 356); E.O. 13047 - Prohibiting New Investment in Burma (62 FR 28301); Presidential Memorandum of Sept. 27, 1994 - Delegation of Authorities Under the Iran-Iraq Arms Non-Proliferation Act of 1992 (59 FR 50685, 3 CFR, 1994 Comp., p. 1032).

¹⁵ Notes 1 and 7 authorities.

¹⁶ Notes 1 and 7 authorities.

¹⁷ Notes 1 and 7 authorities.

¹⁸ Notes 1, 4, and 7 authorities.

F. Facilitate transition of defense industries.¹⁹

- Promote U.S. economic security, technological competitiveness, and defense diversification.²⁰
- Promote foreign defense conversion in the Independent States of the Former Soviet Union.²¹
- Enhance the U.S. defense industrial base.²²

Theme 2

M. Restructure export controls for the twenty-first century, and facilitate transition of defense industries.²³

- Ensure that the automated export control system (EAIS) can assist exporters while at the same time provide necessary information to ensure compliance with the U.S. export control regulations.²⁴
- Implement an encryption export liberalization plan.²⁵

¹⁹ Defense Production Act of 1950, as amended (50 U.S.C. app. §§ 2061 et seq.); Strategic and Critical Materials Stockpiling Act, as amended, § 335(Pub. L. 96-41, 50 U.S.C. §§ 98-98h et seq.); Public Health Service Act, as amended by the Safe Drinking Water Act, § 1441 (42 U.S.C. § 300j); Trade Expansion Act of 1962, § 232 (19 U.S.C. § 1862); Tariff Act of 1930, as amended, (§ 339(b)(19 U.S.C. § 1339(b)); National Defense Authorization Act, FY 1989, § 824, as amended by the National Defense Authorization Act, FY 1990 and 1991, § 815 (10 U.S.C. § 2504, redesignated § 2531) (defense memoranda of understanding and related agreements); National Defense Authorization Act, FY 1989, § 825, as amended by the National Defense Authorization Act, FY 1990 and 1991, § 816 (10 U.S.C. § 2505, redesignated § 2532) (offset policy; notification); Selective Service Act of 1948 (Sec. 18, 50 U.S.C. app. § 468; 50 U.S.C. § 82 (procurement of ships and material during war); E.O. 12656 - Assignment of Emergency Preparedness Responsibilities(53 FR 47491, 3 CFR, 1988 Comp., p. 585); E.O. 12742 - National Security Industrial Responsiveness (56 FR 1079, 3 CFR, 1991 Comp., p. 309);E.O. 12919 - National Defense Industrial Resources Preparedness (59 FR 29525, 3 CFR, 1994 Comp., p. 901)

²⁰ Notes 1 and 12 authorities.

²¹ Notes 1, 4 and 12 authorities.

²² Note 12 authorities.

²³ Notes 1, 4 and 12 authorities.

²⁴ Note 1 authorities.

²⁵ Note 1 authorities and the following: E.O. 13026 (61 FR 58767, 3 CFR, 1996 Comp., p. 228).

- Oversee domestic implementation of the Chemical Weapons Convention (CWC) by the business community.²⁶
- Promote foreign defense conversion in the New Independent States.²⁷
- Enhance the U.S. defense industrial base.²⁸
- Promote U.S. economic security, technological competitiveness, and defense diversification.²⁹

ECONOMICS AND STATISTICS ADMINISTRATION (ESA)

Theme I —

- G. Strengthen the public's understanding of the U.S. economy and its competitive position by improving the Gross Domestic Product (GDP) and other national, regional, and international economic accounts data.³⁰
- H. Improve national and local census and survey data through better business practices and public cooperation.³¹

²⁶ Note 1 authorities and the following authority: legislation to be enacted relating to implementation of the Chemical Weapons Convention.

²⁷ Notes 1, 4 and 12 authorities.

²⁸ Note 12 authorities.

²⁹ Notes 1 and 12 authorities.

³⁰ 15 U.S.C. § 171 et seq. (providing for the establishment of the Bureau of Foreign and Domestic Commerce, the predecessor of the Bureau of Economic Analysis (BEA), and defining its functions and responsibilities, including the authority to collect data); 22 U.S.C. § 286f, the Bretton Woods Agreement Act (providing that the President shall make available balance of payments information); Executive Order No. 10033, as amended (providing for the collection of certain balance of payments data and the publication of the U.S. balance of payments accounts); 22 U.S.C. § 3101 et seq, the International Investment and Trade in Services Survey Act (providing that the President shall undertake mandatory surveys of U.S. direct investment abroad, foreign direct investment in the United States, and international services transactions); Executive Order 11961 (assigning to BEA responsibility for conducting the direct investment and international services surveys); 15 U.S.C. § 4908 of the Omnibus Trade and Competitiveness Act of 1988 (directing the Secretary of Commerce to conduct a benchmark survey of international services transactions).

³¹ Title 13 United States Code (establishing the Bureau of the Census and providing for surveys and their confidentiality; Section 401 of Executive Order 12656 (directing the Secretary of Commerce to provide for the collection and reporting on census information and to maintain the capability to perform emergency surveys as required by national emergencies).

Theme II —

- I. Provide Gross Domestic Product (GDP) and related national, regional, and international economic statistics in the most accurate, timely, cost-effective, and easily accessible way possible.³²
- J. Provide products and services of greater value and satisfaction to Census national and local information base customers.³³
- K. Provide information on economic events and the workings of the economy.³⁴

³² 15 U.S.C. 171 et seq. (providing for the establishment of the Bureau of Foreign and Domestic Commerce, the predecessor of the Bureau of Economic Analysis, and defining its functions and responsibilities, including the authority to collect data); 22 U.S.C. 286f, the Bretton Woods Agreement Act (providing that the President shall make available balance of payments information); Executive Order No. 10033, as amended (providing for the collection of certain balance of payments data and the publication of the U.S. balance of payments accounts); 22 U.S.C. 3101 et seq., the International Investment and Trade in Services Survey Act (providing that the President shall undertake mandatory surveys of U.S. direct investment abroad, foreign direct investment in the United States, and international services transactions); Executive Order 11961 and subsequent Departmental delegation (assigning to BEA responsibility for conducting the direct investment and international services surveys); 15 U.S.C. 4908 of the Omnibus Trade and Competitiveness Act of 1988 (directing the Secretary of Commerce to conduct a benchmark survey of international services transactions).

³³ Title 13 United States Code (establishing the Census Bureau and authorizing it to collect economic and demographic data); Section 401 of Executive Order No. 12656 (directing the Secretary of Commerce to provide for the collection and reporting on census information and to maintain the capability to perform emergency surveys as required by national emergencies).

³⁴ 15 U.S.C. § 1501 et seq. and § 1512 (providing the Secretary of Commerce with authority to carry out economic and statistical analysis function and providing the authority to foster, promote, and develop the foreign and domestic commerce of the U.S.); 30 U.S.C. § 1604 (providing that the Secretary of Commerce consult with other members of the Cabinet, including Interior, Defense, CIA and FEMA on ensuring an adequate and stable supply of materials to meet national security, economic well-being and industrial production needs); 15 U.S. § 1527a (establishing the ESA revolving fund for the payment of expenses incurred in the electronic dissemination of data, including the acquisition and public sale of domestic, Federally funded and foreign business, trade and economic information); 15 U.S.C. § 4901 et seq. (providing the Secretary of Commerce with the authority to establish and operate the National Trade Data Bank, a major product line of the ESA revolving fund operation).

ECONOMIC DEVELOPMENT ADMINISTRATION (EDA)

Theme I — Goals and Objectives

- I. Stimulate the creation of private sector jobs through the growth of industry and the retention or expansion of existing businesses in economically distressed areas.³⁵
 - Construct or expand infrastructure facilities that offer substantial employment potential and improve the capacity for economic growth through the establishment, retention or expansion of commercial, industrial, and high-technology enterprises.
 - Overcome specific capital market gaps and encourage greater private sector participation in economic development activities.
- J. Help distressed communities build their capacity to stimulate, maintain, or expand economic growth.³⁶
 - Promote comprehensive, inclusive economic planning in distressed communities to identify economic problems, assess the availability of local and non-local resources, and formulate and implement realistic development strategies.
 - Provide technical assistance to communities to solve specific economic development problems, respond to development opportunities, and build and expand local organizational capacity in distressed areas.
- K. Provide new knowledge, analyses and technical information which serve both to assess economic development problems and to mobilize non-federal resources for their solutions at the local level.³⁷
 - Fund studies and research on emerging and anticipated economic development problems.
 - Provide funds for the establishment of programs in colleges and universities that provide technical assistance to local governments, community-based organizations and small businesses on economic development-related issues.
 - Fund a network of business assistance centers that aid firms and industries affected by import competition by providing technical assistance in diagnosing problems and assessing opportunities.

³⁵ The Economic Development Administration (EDA) administers these programs under the Public Works and Economic Development Act of 1965, as amended, Pub. L. 89-136 (42 U.S.C. 3121 et seq.). (PWEDA).

³⁶ EDA administers these programs under the PWEDA.

³⁷ EDA administers these programs under PWEDA and Chapter 3 of the Trade Act of 1974, as amended, Pub. L. 93-618 (19 U.S.C. 2341 et seq.) (Trade Act).

Theme II —

- N. Help both rural and urban communities incorporate technology as a tool for their economic development.³⁸
- Help distressed communities plan for technology-led economic development.
 - Help distressed communities build infrastructure necessary for technology-based economic development, including business incubators, industrial technology research centers and laboratories, technical skills training centers, and entrepreneurial development centers.
 - Provide technical assistance to communities to develop the networks and linkages necessary for technology-based economic development, including the creation of electronic networks and trade and commerce organizations.

TECHNOLOGY ADMINISTRATION (TA)

Theme I —

- N. Provide technical leadership for the Nation's measurement and standards infrastructure, and assuring the availability of needed measurement capabilities.
- Anticipate and address the most important measurement and standards needs in a timely fashion.³⁹
 - Strengthen the national system of standards, measurement, measurement traceability, and conformity assurance.⁴⁰
 - Provide leadership in harmonizing international measurements and standards to facilitate international trade.⁴¹
- O. Support a nationwide system of manufacturing extension services that will improve the global competitiveness of small manufacturers.
- Develop a fully integrated national manufacturing extension delivery system, fully accessible to all small manufactures, accountable to industry.⁴²

³⁸ EDA administers these programs under PWEDA and the Trade Act.

³⁹ The National Institute of Standards and Technology Act, Section 2, as amended, 15 U.S.C. § 272(b)(1), (6), (12).

⁴⁰ The National Institute of Standards and Technology Act, Section 2, as amended, 15 U.S.C. § 272(b)(2), (10), (13).

⁴¹ The National Institute of Standards and Technology Act, Section 2, as amended, 15 U.S.C. § 272 (b)(9)-(10).

⁴² The National Institute of Standards and Technology Act, Section 25, as amended, 15 U.S.C. § 278k.

- Achieve integration of publicly supported industrial resources, providing consistent delivery of high quality products and services.⁴³
 - Achieve economies of scale to eliminate barriers faced by smaller manufacturing firms and maximize industry investment to achieve a level of operational stability.⁴⁴
- P. Assist U.S. businesses in continuously improving their productivity and efficiency utilizing Malcolm Baldrige National Quality Award framework core values, criteria, and assessment methods.
- Develop, continuously improve, and disseminate evaluation criteria, manage the Baldrige Quality Award, and provide global leadership in promoting quality awareness and performance excellence, and in the learning and sharing of successful practices, principles and strategies.⁴⁵
 - Foster effective partnerships with customers, suppliers, employees, and the public to enhance overall U.S. capability and effectiveness.⁴⁶
 - Lead an expanding national system of state and local quality programs and increase national awareness of the utility of the Baldrige model through the MEP program.⁴⁷
- Q. Stimulate U.S. economic growth by developing high-risk and enabling technologies through industry-driven cost-shared partnerships.
- Partner with industry to develop innovative technologies with strong commercial potential — technologies which will enable novel and/or greatly improved products and services.⁴⁸
 - Promote cooperative R&D ventures to encourage the rapid diffusion of new, enabling technologies throughout industry sectors.⁴⁹

⁴³ The National Institute of Standards and Technology Act, Sections 2, 25, as amended, 15 U.S.C. §§ 278k, 272(b)(1).

⁴⁴ The National Institute of Standards and Technology Act, Section 25, as amended, 15 U.S.C. § 278k(b)(3).

⁴⁵ The Stevenson-Wydler Technology Innovation Act of 1980, as amended, 15 U.S.C. § 3711a(d)(2)(B).

⁴⁶ The Stevenson-Wydler Technology Innovation Act of 1980, as amended, 15 U.S.C. § 3711a.

⁴⁷ The Stevenson-Wydler Technology Innovation Act of 1980, as amended, 15 U.S.C. § 3711a and the National Institute of Standards and Technology Act, Section 25, as amended, 15 U.S.C. § 278k.

⁴⁸ The National Institute of Standards and Technology Act, Section 28, as amended, 15 U.S.C. § 278n and the Stevenson-Wydler Technology Innovation Act of 1980, as amended, 15 U.S.C. § 3701 et seq.

⁴⁹ The National Institute of Standards and Technology Act, Section 28, as amended, 15 U.S.C. § 278n(b)(1) and the Stevenson-Wydler Technology Innovation Act of 1980, as amended, 15 U.S.C. § 3701 et seq.

- Maximize leverage in driving key strategic technologies by focusing on interdependent R&D projects with common, specific technical goals identified by industry.⁵⁰
- R. Coordinate and lead interagency efforts to enhance industry competitiveness in partnership with industry, academia, and the states.
- Coordinate and lead interagency efforts to develop the technology base for next generation automobiles, improve productivity in construction, and enhance U.S. manufacturing competitiveness in partnership with industry.⁵¹
 - Coordinate and lead interagency efforts to strengthen technology partnerships between states and the federal government.⁵²

Theme 2 — (Technology Administration, cont'd)

Through the strategically developed goals and objectives listed below, DOC bureaus serve the needs of all Americans, create job opportunities for American workers, and enhance the competitiveness of United States industry in the global marketplace.

- A. Partner with industry to accelerate the development of cutting-edge technologies.
- Develop the measurement tools for advanced science and technology.⁵³
 - Introduce modern technology to U.S. small and medium-sized manufacturers.⁵⁴
 - Create world-class research facilities for U.S. economic advantage.⁵⁵
 - Open new opportunities for U.S. business and industry by fostering enabling technologies that lead to new, innovative products, services, and industrial processes.⁵⁶

⁵⁰ The National Institute of Standards and Technology Act, Section 28, as amended, 15 U.S.C. § 278n and the Stevenson-Wydler Technology Innovation Act of 1980, as amended, 15 U.S.C. § 3701 et seq.

⁵¹ Presidential Announcement regarding the Clean Car Initiative (also known as the Partnership for a New Generation Vehicle (PNGV)), dated September 29, 1993 and the Stevenson-Wydler Technology Innovation Act, of 1980, as amended, 15 U.S.C. §§ 3704(c).

⁵² The Stevenson-Wydler Technology Innovation Act of 1980, as amended, 15 U.S.C. § 3704(c).

⁵³ The National Institute of Standards and Technology Act, as amended, 15 U.S.C. § 271 et seq. and the Stevenson-Wydler Technology Innovation Act of 1980, as amended, 15 U.S.C. § 3701 et seq.

⁵⁴ The National Institute of Standards and Technology Act, as amended, 15 U.S.C. § 271 et seq. and the Stevenson-Wydler Technology Innovation Act of 1980, as amended, 15 U.S.C. § 3701 et seq.

⁵⁵ The National Institute of Standards and Technology Act, Section 2, as amended, 15 U.S.C. § 272(c)(19).

⁵⁶ The National Institute of Standards and Technology Act, as amended, 15 U.S.C. § 271 et seq. and the Stevenson-Wydler Technology Innovation Act of 1980, as amended, 15 U.S.C. § 3701 et seq.

- B. Collect, preserve, and disseminate government technical, scientific, and business information.
- Play a leadership role in assisting federal agencies with dissemination of their scientific, technical, and business information.⁵⁷
 - Provide services and infrastructure to bring under control scientific, technical, and business-related information, and increase the effectiveness of systems for locating and delivering information in the form required by customers.⁵⁸
- C. Monitor and assess international R&D, barriers faced by U.S. industrial sectors; and develop policy options in partnership with industry, academia, and the states.
- Monitor and assess what competitor nations are doing to support R&D and enhance their industrial competitiveness.⁵⁹
 - Monitor and assess the technological strengths, weaknesses and barriers faced by U.S. industrial sectors, including manufacturing, and translate those assessments into policy options with partners in industry, academia, and the States.⁶⁰

⁵⁷ The Stevenson-Wydler Technology Innovation Act of 1980, as amended, 15 U.S.C. §§ 3704b-2, 3704b(e)(2)-(3), (5), 3710(d)(1), (6) and 15 U.S.C. §§ 1151-1157.

⁵⁸ The Stevenson-Wydler Technology Innovation Act of 1980, as amended, 15 U.S.C. §§ 3704b-2, 3704b(e)(1), (4)-(6), 3710(d)(1), (6) and 15 U.S.C. §§ 1151-1157.

⁵⁹ The Stevenson-Wydler Technology Innovation Act of 1980, as amended, 15 U.S.C. § 3704(c)(5)-(6).

⁶⁰ The Stevenson-Wydler Technology Innovation Act of 1980, as amended, 15 U.S.C. § 3704(c)(2), (7)-(9), (11)-(12).

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION (NTIA)

General Authorities

The activities of NTIA in support of the Department of Commerce's mission are authorized by the National Telecommunications and Information Administration Organization Act of 1992 (47 U.S.C. § 901 et seq.); the Communications Satellite Act of 1962, as amended (47 U.S.C. § 701 et seq.); the Communications Act of 1934, as amended (47 U.S.C. § 151 et seq.); Title III of the Department of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act (set out in Division A, Title I of the Omnibus Consolidated Appropriations Act of 1997, Pub. L. No. 104-208); the Federal Technology Transfer Act of 1986, as amended (15 U.S.C. § 3701 et seq.); the Submarine Cable Act of 1921, as amended (47 U.S.C. § 34 et seq.); and Executive Order 12046.

Theme 1—

- T. Support the development of a National Information Infrastructure (NII) that will be accessible to all Americans.⁶¹
 - Administer the Information Infrastructure Grants program to assist educational, health care and other social services entities in planning and developing the telecommunications and information infrastructure.
 - Improve delivery of communications products and services to the public through Executive Branch policy initiatives in legislative and regulatory forums.
 - Ensure that education and cultural benefits of public broadcasting are widely available, and the use of telecommunications technologies to improve effectiveness of distance learning.
- U. Advocate international telecommunications policies that will help open international markets and promote the interests of the United States.⁶²
 - Improve international competitiveness of U.S. telecommunications industry.

⁶¹ These activities are authorized by the National Telecommunications and Information Administration Organization Act of 1992 (47 U.S.C. § 901 et seq.); the Communications Act of 1934, as amended (47 U.S.C. § 151 et seq.); Title III of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act (set out in Division A, Title I of the Omnibus Consolidated Appropriations Act of 1997, Pub. L. No. 104-208); and Executive Order 12046.

⁶² These activities are authorized by the National Telecommunications and Information Administration Organization Act of 1992 (47 U.S.C. § 901 et seq.); the Communications Satellite Act of 1962, as amended (47 U.S.C. § 701 et seq.); and Executive Order 12046.

- V. Set policies for efficiently and effectively managing the Federal use of the radio spectrum, and prepare for international radio spectrum setting conferences of the ITU. ⁶³
 - Ensure that government needs for vital telecommunications services are met nationally and internationally.
 - Coordinate U.S. preparations for international frequency allocation conferences and lead U.S. delegations to these conferences.

- W. Provide leadership in developing telecommunications policy initiatives in emerging areas of national priority.
 - Implement the President's Global Electronic Commerce initiatives regarding the governance of the Internet domain system, Internet content restrictions, and international privacy.

Theme II —

- G. Support the development of a National Information Infrastructure (NII) that will be accessible to all Americans. ⁶⁴
 - Administer the Information Infrastructure Grants program, which provides grants to assist state and local governments, universities and school systems, hospitals and other health care providers, and other social service entities to purchase equipment, develop new applications and undertake the planning needed to ensure effective development of the telecommunications and information infrastructure.
 - Improve the delivery of communications services and products to the Public, through Executive Branch attention to issues, legislative initiatives, and Federal Communications (FCC) dockets.
 - Improve the international competitiveness of the U.S. telecommunications industry and the ability of U.S. businesses and consumers to have access to high quality, reasonably-priced international services.

⁶³ These activities are authorized by the National Telecommunications and Information Administration Organization Act of 1992 (47 U.S.C. § 901 et seq.); the Communications Satellite Act of 1962, as amended (47 U.S.C. § 701 et seq.); and Executive Order 12046.

⁶⁴ These activities are authorized by the National Telecommunications and Information Administration Organization Act of 1992 (47 U.S.C. § 901 et seq.); the Communications Satellite Act of 1962, as amended (47 U.S.C. § 701 et seq.); the Communications Act of 1934, as amended (47 U.S.C. § 151 et seq.); Title III of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act (set out in Division A, Title I of the Omnibus Consolidated Appropriations Act of 1997, Pub. L. No. 104-208); the Submarine Cable Act of 1921, as amended (47 U.S.C. § 34 et seq.); and Executive Order 12046.

H. Engage in technical research to improve telecommunications system planning, design, and evaluation and to support government and industry efforts in these areas.⁶⁵

- Ensure that all government needs for vital telecommunications services can be satisfied nationally and internationally.
- Ensure that the educational and cultural benefits of public broadcasting are available to as many people as possible; educational entities are able to use a variety of telecommunications technologies to improve the effectiveness of distance learning; minorities and women have increased access and control of public telecommunications; and blind and hearing-impaired persons are able to participate more fully in society through the use of telecommunications.

Theme III —

E. Promote the development of an advanced telecommunications and information infrastructure to efficiently serve the needs of all Americans, create job opportunities for American workers, and enhance the competitiveness of U.S. industry in the global marketplace.⁶⁶

- Set policies for efficiently and effectively managing the federal use of the radio spectrum, and prepare for international radio spectrum-setting conferences of the International Telecommunications Union.
- Support the development of a National Information Infrastructure (NII) that will be accessible to all Americans.
- Promote national policies to increase competition and efficient investment in telecommunications and information industries, enhance consumer welfare and economic and social opportunities for all, and remove impediments to the growth and vitality of these sectors.

⁶⁵ These activities are authorized by the National Telecommunications and Information Administration Organization Act of 1992 (47 U.S.C. § 901 et seq.); the Communications Satellite Act of 1962, as amended (47 U.S.C. § 701 et seq.); the Communications Act of 1934, as amended (47 U.S.C. § 151 et seq.); Title III of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act (set out in Division A, Title I of the Omnibus Consolidated Appropriations Act of 1997, Pub. L. No. 104-208); the Federal Technology Transfer Act of 1986, as amended (15 U.S.C. § 3701 et seq.); the Submarine Cable Act of 1921, as amended (47 U.S.C. § 34 et seq.); and Executive Order 12046.

⁶⁶ These activities are authorized by the National Telecommunications and Information Administration Organization Act of 1992 (47 U.S.C. § 901 et seq.); the Communications Satellite Act of 1962, as amended (47 U.S.C. § 701 et seq.); the Communications Act of 1934, as amended (47 U.S.C. § 151 et seq.); Title III of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act (set out in Division A, Title I of the Omnibus Consolidated Appropriations Act of 1997, Pub. L. No. 104-208); the Federal Technology Transfer Act of 1986, as amended (15 U.S.C. § 3701 et seq.); the Submarine Cable Act of 1921, as amended (47 U.S.C. § 34 et seq.); and Executive Order 12046.

- Administer the Information Infrastructure Grants program which provides grants to assist state and local governments, universities and school systems, hospitals and other health care providers, and other social service entities to purchase equipment, develop new applications and undertake the planning needed to ensure effective development of the telecommunications and information infrastructure.
- Ensure that all government needs for vital telecommunications services can be satisfied nationally and internationally.
- Ensure that the educational and cultural benefits of public broadcasting are available to as many people as possible, educational entities are able to use a variety of telecommunications technologies to improve the effectiveness of distance learning, minorities and women have increased access and control of public telecommunications, and blind and hearing-impaired persons are able to participate more fully in society through the use of telecommunications.
- Support television programming directed toward the development of fundamental intellectual skills.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

Theme I — Goals and Objectives

- X. Promote safe navigation by revolutionizing U.S. marine and air navigation, mapping and surveying; assist commercial shipping in moving increased cargoes safely and efficiently; and provide a precise satellite derived reference system as the basis for the Nation's geographical positioning needs.
 - Build, maintain and deliver a digital nautical charting database to underpin new electronic navigational systems which integrate satellite positioning, tidal heights and currents, radars and sonars, and navigational aids; update nautical surveys of the Nation's coastlines and coastal ocean areas using full-bottom coverage technologies; and provide modern aeronautical navigation information.⁶⁷

⁶⁷ Coast and Geodetic Survey Act, 33 U.S.C. §§ 883a-838k (authorizes the Secretary of Commerce to conduct hydrographic and geodetic control surveys, tide and current observations, and related geophysical measurements and investigations, and to compile, analyze, process and disseminate geophysical and survey data and information, including publication of nautical charts, employment of public vessels, and research, processing and dissemination of ocean satellite data to the maritime community).

- Install measurement and communications systems to provide mariners with real-time observations and forecasts of water level, tides and currents, and weather conditions in major ports. ⁶⁸
 - Transform the obsolete geodetic reference frame into a Global Positioning System-based system of monumented marks and continuously operating reference stations to support the digital revolution in mapping, charting, and surveying. ⁶⁹
- Y. Improve short-term warning and forecast products and services to enhance public safety and the Nation's economic productivity by enhancing the ability to observe, understand, and model the environment, and effectively disseminate products and services to users.
- Complete the modernization and restructuring of the National Weather Service which will continue to improve the timeliness and accuracy of short-range environmental predictions of severe weather, floods, and coastal storms, which have immediate impact on individuals and many sectors of the economy. ⁷⁰
 - Maintain continuous operational satellite coverage of the Nation critical for warnings and forecasts. ⁷¹
 - Strengthen observing and prediction systems through scientific, technological and programmatic advances, and international cooperation. This objective will be achieved in cooperation with the U.S. Weather Research Program (USWRP) by incorporating the scientific and technological advances from the USWRP into service improvements. ⁷²

⁶⁸ Coast and Geodetic Survey Act (33 U.S.C. §§ 883a-838k); and the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture, approved October 1, 1890 (hereinafter "Weather Service Organic Act"), as amended, 15 U.S.C. 312 et seq. (duties of the Secretary of Commerce, including forecasting weather and issuing storm warnings) and the Federal Aviation Act, 49 U.S.C. 44720 (Meteorological activities to be conducted by the Director of the National Weather Services); National Weather Service Modernization Act, Title VII of Public Law 102-567 (provided for NWS Modernization and restructuring certification process).

⁶⁹ Coast and Geodetic Survey Act (33 U.S.C. §§ 883a-838k).

⁷⁰ Weather Service Organic Act, as amended, 15 U.S.C. 312 et seq.; 49 U.S.C. 44720; National Weather Service Modernization Act, Title VII of Public Law 102-567 (provided for NWS Modernization and restructuring certification process).

⁷¹ Weather Service Organic Act, as amended, 15 U.S.C. 312 et seq; Title I of Public Law 102-567 (authorized the NWS to carry out satellite observing systems, including spacecraft procurement, launch, and associated ground station modifications for polar orbiting and geostationary environmental satellite systems, as well as operation of such satellites and land remote-sensing satellites).

⁷² United States Weather Research Program Act (Oct. 29, 1992), Title I of Public Law 102-567, 106 Stat. 4276.

- Improve customer service to the public, emergency managers, the media, and private forecast planners through effective communication and utilization of critical weather data and information necessary for protection of life and property.⁷³

Theme II —

D. Implement seasonal to interannual climate forecasts.

- Deliver useful seasonal to interannual climate forecasts for the U.S. and collaborate in a multinational effort to generate and use similar forecasts.⁷⁴
- Enhance global observing and data systems required to provide data for the initialization and validation of model predictions of seasonal to interannual climate variations.⁷⁵
- Invest in process and modeling research that leads to improved predictability of temperature and rainfall distributions.⁷⁶
- Assess the impacts of climate variability on human activity and economic potential, and improve public education so the climate forecasts are understood and acted upon.⁷⁷

E. Predict and assess decadal to centennial change.

- Characterize the agents and processes that force decadal to centennial climate change.⁷⁸
- Examine the role of the ocean as a reservoir of both heat and carbon dioxide to address a major source of uncertainty in climate models.⁷⁹

⁷³ Weather Service Organic Act, as amended, 15 U.S.C. 312, et seq.; Title I of Public Law 102-567, 106 Stat. 4276 (includes authority to carry out data and information services activities, including climate data services, ocean data services, geophysical data services, and environmental assessment and information services).

⁷⁴ Weather Service Organic Act, as amended, 15 U.S.C. 312 et seq.; the Federal Aviation Act, as amended, 49 U.S.C. 44720; the Department's joint project statute, 15 U.S.C. 1525; the National Climate Program Act, 15 U.S.C. 2904-2908; and the U.S. Global Change Research Act, 15 U.S.C. 2921-2961.

⁷⁵ The National Climate Program Act, 15 U.S.C. 2904-2908; the U.S. Global Change Research Act, 15 U.S.C. 2921-2961; and Title I of Public Law 102-567.

⁷⁶ The National Climate Program Act, 15 U.S.C. 2904-2908; the U.S. Global Change Research Act, 15 U.S.C. 2921-2961; and Title I of Public Law 102-567.

⁷⁷ The National Climate Program Act, 15 U.S.C. 2904-2908; the U.S. Global Change Research Act, 15 U.S.C. 2921-2961; and Title I of Public Law 102-567.

⁷⁸ The National Climate Program Act, 15 U.S.C. 2904-2908; the U.S. Global Change Research Act, 15 U.S.C. 2921-2961.

⁷⁹ The National Climate Program Act, 15 U.S.C. 2904-2908; the U.S. Global Change Research Act, 15 U.S.C. 2921-2961.

- Ensure a long-term climate record by enhancing domestic and international weather networks, observing procedures, and information management systems.⁸⁰
- Guide the rehabilitation of the ozone layer by providing the scientific basis for policy choices associated with ozone-depleting compounds.⁸¹
- Provide the scientific basis for better air quality by improving the understanding of high surface ozone episodes in rural areas and by establishing a monitoring network to detect cleaner air quality.⁸²
- Develop models for the prediction of long-term climate change, carry out scientific assessments, and provide human impacts information.⁸³

Theme III —

- A. Build sustainable fisheries that increase the Nation's wealth and quality of life, support increased fishing industry job opportunities, improve the safety and wholesomeness of seafood resources, and expand recreation opportunities.
- Assess the status of fishery resources, through stock assessments and population dynamics research, to improve the scientific basis for policy decisions, including the elimination of overfishing, the rebuilding of overfished stocks, the conservation of fish habitat, and the minimization of bycatch-related mortality.⁸⁴
 - Advance fishery predictions through research and applications.⁸⁵

⁸⁰ The National Climate Program Act, 15 U.S.C. 2904-2908; the U.S. Global Change Research Act, 15 U.S.C. 2921-2961.

⁸¹ The National Climate Program Act, 15 U.S.C. 2904-2908; the U.S. Global Change Research Act, 15 U.S.C. 2921-2961; and the Clean Air Act, as amended, 42 U.S.C. 7401 et. seq. (the amendments of 1990 require NOAA to provide scientific assessments relating to stratospheric ozone depletion).

⁸² The National Climate Program Act, 15 U.S.C. 2904-2908; the U.S. Global Change Research Act, 15 U.S.C. 2921-2961; and the Clean Air Act, as amended, 42 U.S.C. 7401 et. seq.

⁸³ The National Climate Program Act, 15 U.S.C. 2904-2908; the U.S. Global Change Research Act, 15 U.S.C. 2921-2961

⁸⁴ The Magnuson-Stevens Fishery Conservation and Management Act (the Magnuson-Stevens Act, as amended), 16 U.S.C. 1801 et seq. (the principal authority for managing the nation's marine fisheries, creates a nationwide system of eight regional fishery management councils which develop Fishery Management Plans (FMPs), including fisheries stock assessment and related research and assessment activities).

⁸⁵ The Magnuson-Stevens Act, as amended, 16 U.S.C. 1801 et seq.

- Manage for economic growth and sustainable fisheries by working with Fishery Management Councils, foreign nations and others to develop plans for reducing excessive fishing and capital investment.⁸⁶
 - Ensure adequate compliance with fishery regulations.⁸⁷
 - Provide research and services for fishery-dependent industries to maximize the potential benefits from the Nation's marine resources.⁸⁸
- B. Recover protected species through conserving marine species, recovering those in danger of extinction, and maintaining healthy marine ecosystems upon which they depend.
- Assess the status of, and impacts to, protected species. Information is needed to better focus management actions, limit the scope of restrictions, and promote the recovery of all protected species.⁸⁹
 - Develop and implement conservation and recovery plans for depleted marine mammals and endangered and threatened species. This will be done in part through developing new partnerships with state and private sectors. Technologies and measures will be developed to reduce or avoid detrimental interactions between marine species and human activities.⁹⁰
- C. Sustain healthy coasts to promote more productive and diverse habitats for fish and wildlife, cleaner coastal waters for recreation and the production of seafood, and achieve thriving, sustainable economies for coastal communities based on well-planned development and healthy ecosystems.
- Protect, conserve and restore coastal and all living marine resource habitats and their biodiversity.⁹¹

⁸⁶ The Magnuson-Stevens Act, as amended, 16 U.S.C. 1801 et seq.

⁸⁷ The Magnuson-Stevens Act, as amended, 16 U.S.C. 1801 et seq. (provides authority for the Department to promulgate and enforce fisheries regulations).

⁸⁸ The Magnuson-Stevens Act, as amended, 16 U.S.C. 1801 et seq.

⁸⁹ The Marine Mammal Protection Act of 1972, as amended, 16 U.S.C. 1361 et seq., and the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq. (both statutes give the Department specific responsibilities for the protection and recovery of living marine resources, including threatened or endangered and their habitats).

⁹⁰ The Marine Mammal Protection Act of 1972, as amended, 16 U.S.C. 1361 et seq., and the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq.

⁹¹ The Marine Mammal Protection Act of 1972, as amended, 16 U.S.C. 1361 et seq., and the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq.; and the Coastal Zone Management Act, as amended, 16 U.S.C. 1451 et seq.; the National Marine Sanctuaries Act, as amended, 16 U.S.C. 1431 et seq.; the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.; the Oil Pollution Act, 33 U.S.C. 2701 et seq.; the Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. 9601 et seq.; the Magnuson-Stevens Fishery Conservation and Management Act, as amended, 16 U.S.C. 1801 et seq.; the Fish & Wildlife Coordination Act, as amended, 16 U.S.C. 661 et seq. and the Aquatic Nuisance Prevention and Control Act, as amended, 16 U.S.C. 4701 et seq.

- Promote clean coastal waters to sustain living marine resources and ensure safe recreation, healthy seafood and economic vitality.⁹²
- Foster well-planned and revitalized coastal communities that sustain coastal economies, are compatible with the natural environment, minimize the risks from natural hazards, and provide access to coastal resources for the public's use and enjoyment.⁹³

PATENT AND TRADEMARK OFFICE

Theme I —

- S. Help protect, promote, and expand intellectual property rights systems throughout the U.S. and abroad.⁹⁴
 - Participate in international cooperative arrangements.
 - Cooperate with other government agencies to ensure that intellectual property concerns are adequately addressed.

Theme III —

- D. Grant exclusive rights, for limited times, to inventors for their discoveries, and enhance trademark protection.⁹⁵

⁹² The Coastal Zone Management Act, as amended, 16 U.S.C. 1451 et seq.; the National Marine Sanctuaries Act, as amended, 16 U.S.C. 1431 et seq.; the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.; the Oil Pollution Act, 33 U.S.C. 2701 et seq.; the Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. 9601 et seq.

⁹³ The Coastal Zone Management Act, as amended, 16 U.S.C. 1451 et seq.

⁹⁴ 15 U.S.C. 1511 (placing the Patent and Trademark Office under the jurisdiction and supervision of the Department of Commerce); 35 U.S.C. 6 ("authority to carry on studies, programs, or exchanges of items or services regarding domestic and international patent and trademark law"); Departmental Organization Order 10-14, section 4(l) (Commissioner, when requested, serves as "spokesperson for the Executive Branch on the broad range of domestic and international intellectual property issues confronting the Nation").

⁹⁵ 15 U.S.C. 1051-1127 (containing provisions of the Trademark Act of 1946 that govern the administration of the trademark registration system of the PTO); 35 U.S.C. 1 et seq. (providing authority for administration of patent laws, derived from the Act of July 19, 1952, and subsequent enactments); Department Organization Order 10-14, section 4(l) (Commissioner serves "as focal point within the department and is prepared, when requested by appropriate authority, to serve as spokesperson for the executive Branch on the broad range of domestic and intellectual property issues confronting the Nation").

- Maximize the business contribution of patents.⁹⁶
- Maximize the business contribution of trademarks.

Theme II —

- E Promote awareness of, and provide effective access to, patent and trademark information.⁹⁷
 - Constantly achieve customer satisfaction by understanding and supporting customer needs.^{98 99}
 - Promote the use and accessibility of intellectual property information.¹⁰⁰
 - Develop the highest quality information products and services which deliver information when, where, and in the format needed.

⁹⁶ 15 U.S.C. 1051-1127 (containing provisions of the Trademark Act of 1946 that govern the administration of the trademark registration system of the PTO); 35 U.S.C. 1 et seq. (providing authority for administration of patent laws, derived from the Act of July 19, 1952, and subsequent enactments); 35 U.S.C. 6 (authorizes the Commissioner to carry on studies, programs, or exchanges of items or services regarding domestic and international patent and trademark law); Department Organization Order 10-14, section 4(l) (Commissioner serves “as focal point within the department and is prepared, when requested by appropriate authority, to serve as spokesperson for the Executive Branch on the broad range of domestic and intellectual property issues confronting the Nation”).

⁹⁷ 35 U.S.C. 1 et seq. (providing authority for administration of patent laws, derived from the Act of July 19, 1952, and subsequent enactments); 15 U.S.C. 1051-1127 (providing authority for the administration of trademark laws); 35 U.S.C. 41(l) (2) (providing for deployment of automated search systems of the Office to the public); 44 U.S.C. 1337-1338 (authorizing the PTO to print patents, trademarks, and other matters related to the business of the Office).

⁹⁸ 35 U.S.C. 6 (authorizes the Commissioner to carry on studies, programs, or exchanges of items or services regarding domestic and international patent and trademark law); 35 U.S.C. 351 et seq. (authorizing the PTO to accept applications under the Patent Cooperation Treaty); 35 U.S.C. 376 (authorizing the Commissioner to charge Patent Cooperation Treaty fees).

⁹⁹ 35 U.S.C. 6 (authorizing the Commissioner to carry on studies, programs, or exchanges of items or services regarding domestic and international patent and trademark law); Departmental Organization Order 10-14, section 4(l) (Commissioner, when requested, serves as “spokesperson for the Executive Branch on the broad range of domestic and international intellectual property issues confronting the Nation”).

¹⁰⁰ PTO promotes intellectual property protection by issuing patents and registering trademarks. 15 U.S.C. 1051-1027 and 35 U.S.C. 1 et seq. See also Department Organization Order 10-14, section 4(l) (Commissioner serves “as focal point within the Department and is prepared, when requested by appropriate authority, to serve as spokesperson for the Executive Branch on the broad range of domestic and intellectual property issues confronting the Nation”).

MINORITY BUSINESS DEVELOPMENT ADMINISTRATION (MBDA)

General Authorities

MBDA's programs and activities are authorized by Executive Order 11625 (1971), Executive Order 12432 (1983) and the Agency's appropriations act, which provides funds "for necessary expenses of the Department of Commerce in fostering, promoting and developing minority business enterprise, including the expenses of grants, contracts and other agreements with public or private organizations."

Theme I —

- L. Improve opportunities for minority-owned businesses in major growth industries according to geographic demands.
 - Identify industry sectors offering potential for high growth in geographic service areas, and assess networks of available public and private resources to assist minority-owned businesses to penetrate these industries. ¹⁰¹
 - Match minority-owned businesses with domestic and international opportunities.
 - Coordinate and leverage resources with those of the Federal, State, and local government and private sector purchasers to deliver timely procurement information to minority-owned businesses. ¹⁰²

¹⁰¹ Executive Order 11625, at Section 1, paragraph 4, authorizes the activities of the above statement. It states that the Secretary shall: "Within constraints of law and appropriations therefor, and according to his discretion, provide financial assistance to public and private organizations so that they may render technical and management assistance to minority business enterprises, and defray all or part of the costs of pilot or demonstration projects conducted by public or private agencies or organizations which are designed to overcome the special problems of minority business enterprises or otherwise to further the purposes of this order."

¹⁰² Executive Order 11625, at Section 1, paragraph 2, authorizes the activities of the above two statements. It states that the Secretary shall: "Promote the mobilization of activities and resources of State and local governments, businesses and trade organizations, universities, foundations, professional organizations, and volunteer and other groups towards the growth of minority business enterprises, and facilitate the coordination of the efforts of these groups with those of Federal departments and agencies."

- M. Improve the opportunities for minority-owned businesses to pursue financing.
- Identify and maintain data on regional lending trends.
 - Attain agreements with financial institutions to commit new funds or increase current funding levels available for minority-owned businesses.
 - Implement a system to provide specialized consulting services to minority-owned businesses, to assist in the development and implementation of effective capital formation strategies.

Theme II — Goals and Objectives

- N. Provide nationwide information and management and technical assistance to minority-owned businesses through the Internet.¹⁰³
- Generate, collect, and disseminate research data and information on best practices to minority firms and service providers for minority-owned businesses using data bases on the Internet.
 - Develop interactive systems on the Internet to provide management and technical assistance to minority-owned businesses.

¹⁰³ Executive Order 11625, at Section I, paragraph 4, authorizes the activities outlined in the following two goals and objectives. It states that the Secretary shall: "within the constraints of law and appropriations therefor, and according to his discretion, provide financial assistance to public and private organizations so that they may render technical and management assistance to minority business enterprises, and defray all or part of the costs of pilot or demonstration projects conducted by public or private agencies or organizations which are designed to overcome the special problems of minority business enterprises or otherwise to further the purposes of this order."