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N.I.I. (National Information Infrastructure) - N.I.I. Fellows

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call Wed. AM

Fellows Amer. Ass'n for Advancement of Science
Sloan

Use IPA as much as possible = states, municipalities, universities,
many/most non-profit organizations.

- problem will be private sector.
- Advisory committees?
- WH is only agency w/ volunteer authority.

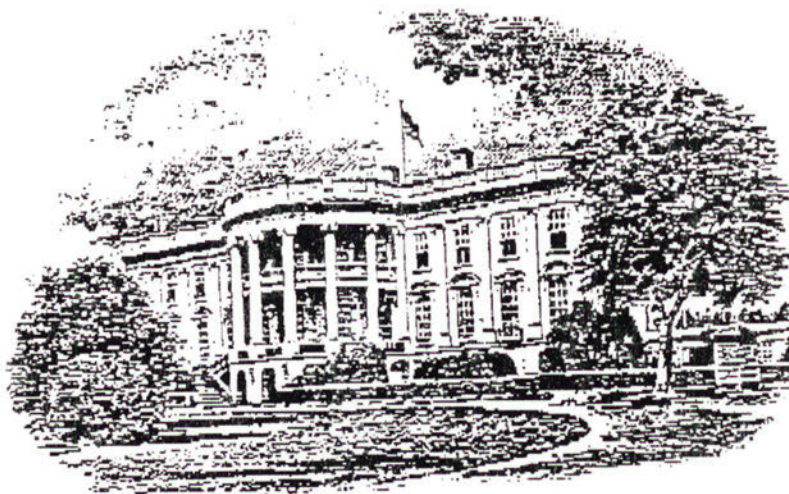
BN = no problem telling her "no" absent statute

- WH can accept volunteer services - we have to do conflict analysis 1st, etc.
- cannot send those volunteers to other agencies

- other agencies can use any other authority they may have to accept fellows.

6/29/91 - Cohen
wants to pursue
legislation -
they want to
have NIH fellow
program.

Bruce Reed?



FAX TRANSMISSION

The National Economic Council
The White House

To: Kathi Whalen

Phone: 7903 FAX: 456-1647

From: **ELIZABETH COHEN**

Phone: 202-**456-6491** FAX: 202-456-2223
456-2801

Date: 12/1

Time: FUT

Pages to follow: 7



UNITED STATES DEPARTMENT OF COMMERCE
The Office of the Under Secretary
for Technology
Washington, D.C. 20230
November 24, 1993

TECHNOLOGY ANALYSIS GROUP
CIVILIAN INDUSTRIAL TECHNOLOGIES COMMITTEE
PARTNERSHIP for a NEW GENERATION of VEHICLES

HCHB, Room 4841; Washington, DC 20230
202-482-4844; FAX 202-482-4362
e-mail: cgravatt@enh.nist.gov

TO:

Name

ELIZABETH COHEN

Organization

NEC @ WH

FAX Number

456-2223

Voice Number

FROM: Cary Gravatt

MESSAGE INFO ON IE³ FELLOWS PRGM.

① OVERVIEW DESC

② ACTUAL AGREEMENT IEEE + TA(DOC)

FOR M. SMITH

IEEE-USA EXECUTIVE FELLOWS PROGRAM

The IEEE-USA Executive Fellows Program was founded in 1991. It is a companion to the IEEE-USA Congressional Fellows Program which was founded in 1973. Both programs share the common goal of placing qualified IEEE-USA members as Fellows in positions to provide advice and technical expertise to government policy-makers.

The Executive Fellows Program began with a request by the then Deputy Secretary of Commerce, Mr. Thomas Murrin, to IEEE-USA for Fellows to assist the first Under Secretary of Commerce for Technology, Dr. Robert M. White, in the areas of manufacturing and technology commercialization. In response, the IEEE-USA's Competitiveness Committee founded the program with support from the IEEE-USA Legislative Initiative. The first two Fellows, Dr. Marc A. Brodsky and Mr. Malcolm Smith, were recruited from IBM and Hewlett-Packard respectively to serve one year Fellowships working for Dr. White in the Department of Commerce's newly-created Technology Administration. Their Fellowships were subsequently renewed through 1992 with Mr. Smith continuing through May 1993.

In 1992, the Alfred P. Sloan Foundation lent its support to an IEEE-USA effort to put the Executive Fellows program on a continuing basis. Discussions were held with the Department of Commerce confirming the interest of the Technology Administration in having new IEEE-USA Executive Fellows placed. Ads soliciting applications were placed in various IEEE publications including the August 1993 issue of *IEEE Spectrum* soliciting applications by September 30th. Applications will be reviewed and interviews held during late October 1993 to permit selection as soon as possible to allow candidates to make the necessary moving arrangements.

A target date of January 3, 1994 has been set for the start of this second round of Fellowship appointments. It is expected that the Fellows will work on the personal staff of the newly confirmed Under Secretary for Technology, Dr. Mary Good. Dr. Good is a former professor at Louisiana State University and Vice President, Technology Development for Allied-Signal. She has served in numerous governmental roles including an appointment to the National Science Board. More detailed background on Dr. Good is available in *Who's Who*. Specific details of the Executive Fellows' assignments and responsibilities at the Department of Commerce remain to be worked out with Dr. Good.

The former IEEE-USA Executive Fellows have agreed to make themselves available for contacts by applicants seeking background information. They can be reached as follows:

Marc T. Brodsky - (914) 681-5532 (thru August)
Malcolm Smith - (703) 836-7664 (home/office)

IEEE-United States Activities
1828 L Street, N.W., Suite 1202
Washington, DC 20036-5104
(O) 202-785-0017 (F) 202-785-0835

AGREEMENT BETWEEN
THE INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS, INC.
AND
THE TECHNOLOGY ADMINISTRATION

The Technology Administration, hereinafter referred to as TA, agrees to supervise and administer on behalf of the Institute of Electrical and Electronics Engineers, Inc., hereinafter referred to as the Sponsor, a Technology Administration Fellowship, hereinafter referred to as the TA Fellow. The parties agree as follows:

Article 1. Statement of Work

The objective of this program is to develop a comprehensive position on a National Critical Technology. This includes technical issues, competitiveness factors, industry structure, and current private sector and government investments. The goal is to identify opportunities for action that will strengthen the U.S. position in this technology.

Article 2. Program Details

2.1 The Program described in Article 1 shall be conducted during the period commencing on or about January 1, 1991 and ending on or about December 31, 1991, subject to extension by mutual agreement of the parties hereto, and to the provisions of sections 2.3 and 4.

2.2 TA shall be the supervising agency, both administrative and programmatic, for the TA Fellow. The Under Secretary for Technology shall serve as TA Supervisor.

2.3 The activities of the TA Fellow shall be reviewed at least quarterly by both parties of this Agreement and more frequently if deemed advisable by either party. Such review shall precede approval of the work program for each succeeding period. The Sponsor's Staff Director for Professional Activities shall represent the Sponsor in these reviews.

2.4 Malcolm Smith shall serve as TA Fellow for the Program described herein.

2.5 While it shall be the privilege and responsibility of the Sponsor to select the TA Fellows, they shall also be acceptable to TA.

2.6 TA will provide, at no cost to Sponsor, office facilities, secretarial and other staff support through the Office of the Under Secretary for Technology, including access to appropriate government data which would facilitate the work of the TA Fellow. Travel approved by TA would be at no cost to Sponsor.

2.7 The purpose of this Agreement is to permit the TA Fellow to perform scientific study research consistent with the provisions of 20 U.S.C. 91. The TA Fellow will have responsibilities and support customary to a Special Assistant to the Under Secretary for Technology. At the direction of the Under Secretary the TA Fellow will attend meetings involving the full range of issues in which TA is involved, and will be encouraged to fully share the results of study research within the Technology Administration. The TA Fellow will be encouraged to draw on information resources both within and outside the Department relevant to his area of scientific study research, including working with private sector organizations and their members who possess special expertise, including the Sponsor.

2.8 Special equipment and instruments obtained by the Sponsor from sources external to TA and provided by the Sponsor to TA for use in connection with the Program covered by this Agreement will be returned to the Sponsor at the Sponsor's expense and risk as soon as practicable after termination of this Agreement. The Sponsor agrees to assume full responsibility for maintenance of such equipment and instruments and agrees to hold TA free from liability for any loss thereof or damage thereto.

2.9 Remuneration to the TA Fellow for salary, relocation costs, living expenses, medical insurance and all other personnel benefits including Social Security, and personal travel and related expenditures shall be the responsibility of the Sponsor.

2.10 Security and Standards of Conduct Requirements. TA Fellows will not be subject to the formal appointment requirements and procedures applicable to employees of the Government but will be subject to the requirements set forth below:

2.10.1 TA Fellows must meet the security clearance requirements specified in DAO 207-3, "Security Requirements for Research Associates, Guest Workers, and Trainees."

2.10.2 TA Fellows will, insofar as practicable and consistent with their status and activity, be required to conform to the usual administrative requirements and rules of conduct generally applicable to the activities to which they are assigned and to the Department employees with whom they are most closely associated. In this regard, Department regulations on Employee Responsibilities and Conduct, 15 CFR Part 0, are made part of this Agreement. In particular, TA Fellows shall not engage in outside activity, including business activity, that is incompatible with the policies and interests of the Department. In addition, TA Fellows shall pursue their activities at TA on the work schedule that applies to TA employees.

Article 3. Publication. Work completed by TA Fellows shall be made available to the public under the same conditions as work performed by TA employees. In no event, however, shall the name of the Sponsor or any of its trademarks and tradenames be used in TA publications without its prior written consent.

Article 4. Termination. The Sponsor and TA each have the right to terminate this Agreement, or the association with any individual TA Fellow, upon 60 days notice in writing to the other party.

Article 5. Disputes

5.1 Settlement. Any dispute arising under this Agreement which is not disposed of by agreement of the parties shall be submitted jointly to the signatories of this Agreement. A joint decision of the signatories or their designees shall be the disposition of such dispute.

5.2 If the signatories are unable to jointly resolve a dispute within a reasonable period of time after submission of the dispute for resolution, the matter shall be submitted to the Under Secretary for Technology for resolution.

5.3 Continuation of Work. Pending the resolution of any dispute or claim pursuant to this Article, the parties agree that performance of all obligations shall be pursued diligently in accordance with the direction of the TA signatory.

Article 6. Liability

6.1 Property. The U.S Government shall not be responsible for damages to any property of the Sponsor provided to TA or acquired by TA pursuant to this Agreement.

6.2 Indemnification.

6.2.1 TA Fellows are not employees of TA. The Sponsor and the TA Fellow agree to indemnify and hold harmless the U.S. Government for any loss, claim, damage, or liability of any kind involving the TA Fellow arising in connection with this Agreement, except to the extent that such loss, claim, damage or liability arises from the negligence of TA or its employees. TA shall be solely responsible for the payment of all claims for the loss of property, personal injury or death, or otherwise arising out of any negligent act or omission of its employees in connection with the performance of work under this Agreement.

6.2.2 The Sponsor holds the U.S. Government harmless and indemnifies the Government for all liabilities, demands, damages, expenses and losses arising out of the use by the Sponsor, or any party acting on its behalf or under its authorization, of TA's

research and technical developments or out of any use, sale or other disposition by the Sponsor or others acting on its behalf or with its authorization, of products made by the use of TA's technical developments. This provision shall survive termination of this Agreement.

6.3 Force Majeure. Neither party shall be liable for any unforeseeable event beyond its reasonable control not caused by the fault or negligence of such party, which causes such party to be unable to perform its obligations under this Agreement (and which it has been unable to overcome by the exercise of due diligence), including, but not limited to, flood, drought, earthquake, storm, fire, pestilence, lightning and other natural catastrophes, epidemic, war, riot, civic disturbance or disobedience, strikes, labor dispute, or failure, threat of failure, or sabotage of the TA facilities, or any order or injunction made by a court or public agency. In the event of the occurrence of such a force majeure event, the party unable to perform shall promptly notify the other party. It shall further use its best efforts to resume performance as quickly as possible and shall suspend performance only for such period of time as is necessary as a result of the force majeure event.

Article 7. Miscellaneous

7.1 No Benefits. No member of, or delegate to the United States Congress, or resident commissioner, shall be admitted to any share or part of this Agreement, nor to any benefit that may arise therefrom; but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.

7.2 Governing Law. The construction validity, performance and effect of this Agreement for all purposes shall be governed by the laws applicable to the Government of the United States.

7.3 Entire Agreement. This Agreement constitutes the entire agreement between the parties concerning the subject matter hereof and supersedes any prior understanding or written or oral agreement relative to said matter.

7.4 Headings. Titles and headings of the Sections and Subsections of this Agreement are for the convenience of references only and do not form a part of this Agreement and shall in no way affect the interpretation thereof.

7.5 Amendments. If either party desires a modification in this Agreement, the parties shall, upon reasonable notice of the proposed modification by the party desiring the change, confer in good faith to determine the desirability of such modification. Such modification shall not be effective until a written

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amendment is signed by all the parties hereto by their representatives duly authorized to execute such amendment.

7.6 Assignment. Neither this Agreement nor any rights or obligations of any party hereunder shall be assigned or otherwise transferred by either party without the prior written consent of the other party except that the Sponsor may assign this Agreement to the successors or assignees of a substantial portion of the Sponsor's business interest to which this Agreement directly pertains.

7.7 Notices. All notices pertaining to or required by this Agreement shall be in writing and shall be directed to the signator(s).

7.8 Independent Contractors. The relationship of the parties to this Agreement is that of independent contractors and not as agents of each other or as joint venturers or partners. TA shall maintain sole and exclusive control over its personnel and operations.

7.9 Use of Name or Endorsements. (a) The TA Fellow or Sponsor shall not use the name of TA or the Department of Commerce on any product or service which is directly or indirectly related to this Agreement without the prior approval of TA. (b) By entering into this Agreement TA does not directly or indirectly endorse any product or service provided, or to be provided, by the Sponsor its successors, assignees, or licensees. The Sponsor shall not in any way imply that this Agreement is an endorsement of any such product or service.

Article 8. Effective Date. This Agreement shall enter into force as of the date of the last signature of the parties.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives as follows:

Signed For the Sponsor:

Date:

Signed By the TA Fellow:

Date:

For TA:

Date:

Thomas W. Barth
Associate General Manager
(Title)
Michael Smith
Technology Fellow
(Title)
R. W. [Signature]
Under Secretary

JUNE 3, 1991.

Presidential Documents

Executive Order 12835 of January 25, 1993

Establishment of the National Economic Council

By the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, including sections 105, 107, and 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. *Establishment.* There is established the National Economic Council ("the Council").

Sec. 2. *Membership.* The Council shall comprise the:

- (a) President, who shall serve as Chairman of the Council;
- (b) Vice President;
- (c) Secretary of State;
- (d) Secretary of the Treasury;
- (e) Secretary of Agriculture;
- (f) Secretary of Commerce;
- (g) Secretary of Labor;
- (h) Secretary of Housing and Urban Development;
- (i) Secretary of Transportation;
- (j) Secretary of Energy;
- (k) Administrator of the Environmental Protection Agency;
- (l) Chair of the Council of Economic Advisers;
- (m) Director of the Office of Management and Budget;
- (n) United States Trade Representative;
- (o) Assistant to the President for Economic Policy;
- (p) Assistant to the President for Domestic Policy;
- (q) National Security Adviser;
- (r) Assistant to the President for Science and Technology Policy;
and
- (s) Such other officials of executive departments and agencies as the President may, from time to time, designate.

Sec. 3. *Meetings of the Council.* The President, or upon his direction, the Assistant to the President for Economic Policy ("the Assistant"), may convene meetings of the Council. The President shall preside over the meetings of the Council, provided that in his absence the Vice President, and in his absence the Assistant, will preside.

Sec. 4. *Functions.* (a) The principal functions of the Council are: (1) to coordinate the economic policy-making process with respect to domestic and international economic issues; (2) to coordinate economic policy advice to the President; (3) to ensure that economic policy decisions and programs are consistent with the President's stated goals, and to ensure that those goals are being effectively pursued; and (4) to monitor implementation of the President's economic policy agenda. The Assistant may take such actions, including drafting a Charter, as may be necessary or appropriate to implement such functions.

(b) All executive departments and agencies, whether or not represented on the Council, shall coordinate economic policy through the Council.

(c) In performing the foregoing functions, the Assistant will, when appropriate, work in conjunction with the Assistant to the President for Domestic Policy and the Assistant to the President for National Security.

(d) The Secretary of the Treasury will continue to be the senior economic official in the executive branch and the President's chief economic spokesperson. The Director of the Office of Management and Budget, as the President's principal budget spokesperson, will continue to be the senior budget official in the executive branch. The Council of Economic Advisers will continue its traditional analytic, forecasting and advisory functions.

Sec. 5. Administration. (a) The Council may function through established or ad hoc committees, task forces or interagency groups.

(b) The Council shall have a staff to be headed by the Assistant to the President for Economic Policy. The Council shall have such staff and other assistance as may be necessary to carry out the provisions of this order.

(c) All executive departments and agencies shall cooperate with the Council and provide such assistance, information, and advice to the Council as the Council may request, to the extent permitted by law.

William Clinton

THE WHITE HOUSE,
January 25, 1993.

[FR Doc. 93-2102
Filed 1-25-93; 2:07 pm]
Billing code 3195-01-M

Editorial note: For the President's remarks on the establishment of this economic council see issue 4 of the *Weekly Compilation of Presidential Documents*.

National Telecommunications and Information Administration

[Docket No. 930940-3240]

The National Information Infrastructure: Agenda for Action**AGENCY:** National Telecommunications and Information Administration, DOC.**ACTION:** Administration policy statement.

SUMMARY: On September 15, 1993, the Administration released an "Agenda for Action" for the National Information Infrastructure. The Agenda for Action describes the role of the government in promoting the development of the telecommunications and information infrastructure by the private sector, and in ensuring that all Americans have access to this infrastructure. This infrastructure will connect the nation's businesses, residences, schools, health care facilities and public information providers through advanced, interactive, high-speed networks.

DATES: Comments may be filed at any time.

ADDRESSES: Comments may be sent to: NTIA NII Office, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., room 4898, Washington, DC 20230. Comments may also be sent electronically by Internet Email to nii@ntia.doc.gov.

FOR FURTHER INFORMATION CONTACT: NTIA NII Office, (202) 273-3366 or (202) 482-1551.

Authority: 47 U.S.C. 901 *et seq.*

SUPPLEMENTARY INFORMATION:**The National Information Infrastructure: Agenda for Action***Table of Contents*

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Tab A—The National Information Infrastructure: Agenda for Action**Executive Summary**

All Americans have a stake in the construction of an advanced National Information Infrastructure (NII), a seamless web of communications networks, computers, databases, and consumer electronics that will put vast amounts of information at users' fingertips. Development of the NII can help unleash an information revolution that will change forever the way people live, work, and interact with each other:

- People could live almost anywhere they wanted, without foregoing

opportunities for useful and fulfilling employment, by "telecommuting" to their offices through an electronic highway;

- The best schools, teachers, and courses would be available to all students, without regard to geography, distance, resources, or disability;
- Services that improve America's health care system and respond to other important social needs could be available on-line, without waiting in line, when and where you needed them.

Private sector firms are already developing and deploying that infrastructure today. Nevertheless, there remain essential roles for government in this process. Carefully crafted government action will complement and enhance the efforts of the private sector and assure the growth of an information infrastructure available to all Americans at reasonable cost. In developing our policy initiatives in this area, the Administration will work in close partnership with business, labor, academia, the public, Congress, and state and local government. Our efforts will be guided by the following principles and objectives:

- Promote private sector investment, through appropriate tax and regulatory policies.
- Extend the "universal service" concept to ensure that information resources are available to all at affordable prices. Because information means empowerment—and employment—the government has a duty to ensure that all Americans have access to the resources and job creation potential of the Information Age.
- Act as a catalyst to promote technological innovation and new applications. Commit important government research programs and grants to help the private sector develop and demonstrate technologies needed for the NII, and develop the applications and services that will maximize its value to users.

- Promote seamless, interactive, user-driven operation of the NII. As the NII evolves into a "network of networks," government will ensure that users can transfer information across networks easily and efficiently. To increase the likelihood that the NII will be both interactive and, to a large extent, user-driven, government must reform regulations and policies that may inadvertently hamper the development of interactive applications.

- Ensure information security and network reliability. The NII must be trustworthy and secure, protecting the privacy of its users. Government action will also ensure that the overall system remains reliable, quickly repairable in

the event of a failure and, perhaps most importantly, easy to use.

- Improve management of the radio frequency spectrum, an increasingly critical resource.

- Protect intellectual property rights. The Administration will investigate how to strengthen domestic copyright laws and international intellectual property treaties to prevent piracy and to protect the integrity of intellectual property.

- Coordinate with other levels of government and with other nations. Because information crosses state, regional, and national boundaries, coordination is critical to avoid needless obstacles and prevent unfair policies that handicap U.S. industry.

- Provide access to government information and improve government procurement. The Administration will seek to ensure that Federal agencies, in concert with state and local governments, use the NII to expand the information available to the public, ensuring that the immense reservoir of government information is available to the public easily and equitably. Additionally, Federal procurement policies for telecommunications and information services and equipment will be designed to promote important technical developments for the NII and to provide attractive incentives for the private sector to contribute to NII development.

The time for action is now. Every day brings news of change: new technologies, like hand-held computerized assistants; new ventures and mergers combining businesses that not long ago seemed discrete and insular; new legal decisions that challenge the separation of computer, cable, and telephone companies. These changes promise substantial benefits for the American people, but only if government understands fully their implications and begins working with the private sector and other interested parties to shape the evolution of the communications infrastructure.

The benefits of the NII for the nation are immense. An advanced information infrastructure will enable U.S. firms to compete and win in the global economy, generating good jobs for the American people and economic growth for the nation. As importantly, the NII can transform the lives of the American people—ameliorating the constraints of geography, disability, and economic status—giving all Americans a fair opportunity to go as far as their talents and ambitions will take them.

Tab B—The National Information Infrastructure: the Administration's Agenda for Action

Version 1.0

I. The Promise of the NII

Imagine you had a device that combined a telephone, a TV, a camcorder, and a personal computer. No matter where you went or what time it was, your child could see you and talk to you, you could watch a replay of your team's last game, you could browse the latest additions to the library, or you could find the best prices in town on groceries, furniture, clothes—whatever you needed.

Imagine further the dramatic changes in your life if:

- The best schools, teachers, and courses were available to all students, without regard to geography, distance, resources, or disability;
- The vast resources of art, literature, and science were available everywhere, not just in large institutions or big-city libraries and museums;
- Services that improve America's health care system and respond to other important social needs were available on-line, without waiting in line, when and where you needed them;
- You could live in many places without foregoing opportunities for useful and fulfilling employment, by "telecommuting" to your office through an electronic highway instead of by automobile, bus or train;
- Small manufacturers could get orders from all over the world electronically—with detailed specifications—in a form that the machines could use to produce the necessary items;
- You could see the latest movies, play the hottest video games, or bank and shop from the comfort of your home whenever you chose;
- You could obtain government information directly or through local organizations like libraries, apply for and receive government benefits electronically, and get in touch with government officials easily; and
- Individual government agencies, businesses and other entities all could exchange information electronically—reducing paperwork and improving service.

Information is one of the nation's most critical economic resources, for service industries as well as manufacturing, for economic as well as national security. By one estimate, two-thirds of U.S. workers are in information-related jobs, and the rest are in industries that rely heavily on information. In an era of global markets

and global competition, the technologies to create, manipulate, manage and use information are of strategic importance for the United States. Those technologies will help U.S. businesses remain competitive and create challenging, high-paying jobs. They also will fuel economic growth which, in turn, will generate a steadily-increasing standard of living for all Americans.

That is why the Administration has launched the National Information Infrastructure initiative. We are committed to working with business, labor, academia, public interest groups, Congress, and state and local governments to ensure the development of a national information infrastructure (NII) that enables all Americans to access information and communicate with each other using voice, data, image or video at anytime, anywhere. By encouraging private sector investment in the NII's development, and through government programs to improve access to essential services, we will promote U.S. competitiveness, job creation and solutions to pressing social problems.

II. What Is the NII?

The phrase "information infrastructure" has an expansive meaning. The NII includes more than just the physical facilities used to transmit, store, process, and display voice, data, and images. It encompasses:

- A wide range and ever-expanding range of equipment including cameras, scanners, keyboards, telephones, fax machines, computers, switches, compact disks, video and audio tape, cable, wire, satellites, optical fiber transmission lines, microwave nets, switches, televisions, monitors, printers, and much more.

The NII will integrate and interconnect these physical components in a technologically neutral manner so that no one industry will be favored over any other. Most importantly, the NII requires building foundations for living in the Information Age and for making these technological advances useful to the public, business, libraries, and other nongovernmental entities. That is why, beyond the physical components of the infrastructure, the value of the National Information Infrastructure to users and the nation will depend in large part on the quality of its other elements:

- The information itself, which may be in the form of video programming, scientific or business data bases, images, sound recordings, library archives, and other media. Vast quantities of that information exist today in government agencies and even more valuable information is produced every day in

our laboratories, studios, publishing houses, and elsewhere.

- Applications and software that allow users to access, manipulate, organize, and digest the proliferating mass of information that the NII's facilities will put at their fingertips.
- The network standards and transmission codes that facilitate interconnection and interoperability between networks, and ensure the privacy of persons and the security of the information carried, as well as the security and reliability of the networks.
- The people—largely in the private sector—who create the information, develop applications and services, construct the facilities, and train others to tap its potential. Many of these people will be vendors, operators, and service providers working for private industry.

Every component of the information infrastructure must be developed and integrated if America is to capture the promise of the Information Age.

The Administration's NII initiative will promote and support full development of each component. Regulatory and economic policies will be adopted that encourage private firms to create jobs and invest in the applications and physical facilities that comprise the infrastructure. The Federal government will assist industry, labor, academia, and state and local governments in developing the information resources and applications needed to maximize the potential of those underlying facilities. Moreover, and perhaps most importantly, the NII initiative will help educate and train our people so that they are prepared not only to contribute to the further growth of the NII, but also to understand and enjoy fully the services and capabilities that it will make available.

III. Need for Government Action To Complement Private Sector Leadership

The foregoing discussion of the transforming potential of the NII should not obscure a fundamental fact—the private sector is already developing and deploying such an infrastructure today. The United States communications system—the conduit through which most information is accessed or distributed—is second to none in speed, capacity, and reliability. Each year the information resources, both hardware and software, available to most Americans are substantially more extensive and more powerful than the previous year.

The private sector will lead the deployment of the NII. In recent years, U.S. companies have invested more than \$50 billion annually in

telecommunications infrastructure—and that figure does not account for the vast investments made by firms in related industries, such as computers. In contrast, the Administration's ambitious agenda for investment in critical NII projects (including computing) amounts to \$1–2 billion annually. Nonetheless, while the private sector role in NII development will predominate, the government has an essential role to play. In particular, carefully crafted government action can complement and enhance the benefits of these private sector initiatives. Accordingly, the Administration's NII initiative will be guided by the following nine principles and goals, which are discussed in more detail below:

(1) Promote private sector investment, through tax and regulatory policies that encourage innovation and promote long-term investment, as well as wise procurement of services.

(2) Extend the "universal service" concept to ensure that information resources are available to all at affordable prices. Because information means empowerment, the government has a duty to ensure that all Americans have access to the resources of the Information Age.

(3) Act as catalyst to promote technological innovation and new applications. Commit important government research programs and grants to help the private sector develop and demonstrate technologies needed for the NII.

(4) Promote seamless, interactive, user-driven operation of the NII. As the NII evolves into a "network of networks," government will ensure that users can transfer information across networks easily and efficiently.

(5) Ensure information security and network reliability. The NII must be trustworthy and secure, protecting the privacy of its users. Government action will also aim to ensure that the overall system remains reliable, quickly repairable in the event of a failure and, perhaps most importantly, easy to use.

(6) Improve management of the radio frequency spectrum, an increasingly critical resource.

(7) Protect intellectual property rights. The Administration will investigate how to strengthen domestic copyright laws and international intellectual property treaties to prevent piracy and to protect the integrity of intellectual property.

(8) Coordinate with other levels of government and with other nations. Because information crosses state, regional, and national boundaries, coordination is important to avoid unnecessary obstacles and to prevent

unfair policies that handicap U.S. industry.

(9) Provide access to government information and improve government procurement. As described in the National Performance Review, the Administration will seek to ensure that Federal agencies, in concert with state and local governments, use the NII to expand the information available to the public, so that the immense reservoir of government information is available to the public easily and equitably. Additionally, Federal procurement policies for telecommunications and information services and equipment will be designed to promote important technical developments for the NII and to provide attractive incentives for the private sector to contribute to NII development.

The time for action is now. Every day brings news of change: new technologies, like hand-held computerized assistants; new ventures and mergers combining businesses that not long ago seemed discrete and insular; new legal decisions that challenge the separation of computer, cable and telephones. These changes promise substantial benefits for the American people, but only if government understands fully the implications of these changes and to work with the private sector and other interested parties to shape the evolution of the communications infrastructure.

IV. Managing Change/ Forging Partnerships

We will help to build a partnership of business, labor, academia, the public, and government that is committed to deployment of an advanced, rapid, powerful infrastructure accessible and accountable to all Americans.

Forging this partnership will require extensive inter-governmental coordination to ensure that Administration, Congressional, state and local government policy regarding the NII is consistent, coherent, and timely. It also requires the development of strong working alliances among industry groups and between government and the businesses responsible for creating and operating the NII. Finally, close cooperation will be needed between government, users, service providers, and public interest groups to ensure that the NII develops in a way that benefits the American people.

Specifically, the Administration will:

(1) Establish an interagency Information Infrastructure Task Force.

The President has convened a Federal inter-agency "Information Infrastructure Task Force" (IITF) that will work with

Congress and the private sector to propose the policies and initiatives needed to accelerate deployment of a National Information Infrastructure. Activities of the IITF include coordinating government efforts in NII applications, linking government applications to the private sector, resolving outstanding disputes, and implementing Administration policies. Chaired by Secretary of Commerce Ron Brown and composed of highlevel Federal agency representatives, the IITF's three committees focus on telecommunications policy, information policy, and applications.

(2) Establish a private sector Advisory Council on the National Information Infrastructure.

To facilitate meaningful private sector participation in the IITF's deliberations, the President will sign an Executive Order creating the "United States Advisory Council on the National Information Infrastructure" to advise the IITF on matters relating to the development of the NII. The Council will consist of 25 members, who will be named by the Secretary of Commerce by December 1993. Nominations will be solicited from a variety of NII constituencies and interested parties. The IITF and its committees also will use other mechanisms to solicit public comment to ensure that it hears the views of all interested parties.

(3) Strengthen and streamline Federal communications and information policy-making agencies.

In order to implement the ambitious agenda outlined in this document, the federal agencies most directly responsible for the evolution of the NII (such as NTIA, the Office of Information and Regulatory Affairs at OMB, and the FCC) must be properly structured and adequately staffed to address many new and difficult policy issues. The Administration intends to ensure that these agencies have the intellectual and material resources they need. In addition, in accord with the Vice President's National Performance Review, these agencies will make the organizational and procedural changes needed to most effectively contribute to the NII initiative.

V. Principles and Goals for Government Action

The Task Force currently is undertaking a wide-ranging examination of all issues relevant to the timely development and growth of the National Information Infrastructure. Specific principles and goals in areas where government action is warranted have already been identified and work has begun on the following matters:

1. Promote Private Sector Investment

One of the most effective ways to promote investments in our nation's information infrastructure is to introduce or further expand competition in communications and information markets. Vibrant competition in these markets will spur economic growth, create new businesses and benefit U.S. consumers.

To realize this vision, however, policy changes will be necessary:

Action: Passage of communications reform legislation. The Administration will work with Congress to pass legislation by the end of 1994 that will increase competition and ensure universal access in communications markets—particularly those, such as the cable television and local telephone markets, that have been dominated by monopolies. Such legislation will explicitly promote private sector infrastructure investment—both by companies already in the market and those seeking entry.

Action: Revision of tax policies. Tax policies are important determinants of the amount of private sector investment in the NII. The President has signed into law tax incentives for private sector investment in R&D and new business formation, including a three-year extension of the R&D credit and a targeted capital gains reduction for investments in small businesses. Both of these tax incentives will help spur the private sector investment needed to develop the NII.

2. Extend the "Universal Service" Concept to Ensure That Information Resources Are Available to All at Affordable Prices

The Communications Act of 1934 articulated in general terms a national goal of "Universal Service" for telephones—widespread availability of a basic communications service at affordable rates. A major objective in developing the NII will be to extend the Universal Service concept to the information needs of the American people in the 21st century. As a matter of fundamental fairness, this nation cannot accept a division of our people among telecommunications or information "haves" and "have-nots." The Administration is committed to developing a broad, modern concept of Universal Service—one that would emphasize giving all Americans who desire it easy, affordable access to advanced communications and information services, regardless of income, disability, or location.

Devising and attaining a new goal for expanded Universal Service is

consistent with efforts to spur infrastructure development by increasing competition in communications and information markets. As noted above, competition can make low-cost, high-quality services and equipment widely available. Policies promoting greater competition in combination with targeted support for disadvantaged users or especially high-cost or rural areas would advance both rapid infrastructure modernization and expanded Universal Service.

Action: Develop a New Concept of Universal Service. To gather information on the best characteristics of an expanded concept of Universal Service, the Commerce Department's National Telecommunications and Information Administration (NTIA) will hold a series of public hearings on Universal Service and the NII, beginning by December 1993. The Administration will make a special effort to hear from public interest groups. Building on the knowledge gained from these activities, the IITF will work with the Advisory Council on the National Information Infrastructure, as well as with state regulatory commissions, to determine how the Universal Service concept should be applied in the 21st century.

3. Promote Technological Innovation and New Applications

Government regulatory, antitrust, tax, and intellectual property policies all affect the level and timing of new offerings in services and equipment—including the technology base that generates innovations for the marketplace. But technological innovations ultimately depend upon purposeful investment in research and development, by both the private sector and government. R&D investment helps firms to create better products and services at lower costs.

As noted in the Administration's February 22, 1993 technology policy statement: "We are moving to accelerate the development of technologies critical for long-term growth but not receiving adequate support from private firms, either because the returns are too distant or because the level of funding required is too great for individual firms to bear." Government research support already has helped create basic information technologies in computing, networking and electronics. We will support further NII-related research and technology development through research partnerships and other mechanisms to accelerate technologies where market mechanisms do not adequately reflect the nation's return on investment. In particular, these government research and funding programs will focus on the

development of beneficial public applications in the fields of education, health care, manufacturing, and provision of government services.

Action: Continue the High-Performance Computing and Communications Program. Established by the High-Performance Computing Act of 1991, the HPCC Program funds R&D designed to create more powerful computers, faster computer networks, and more sophisticated software. In addition, the HPCC Program is providing scientists and engineers with the tools and training they need to solve "Grand Challenges," research problems—like designing new drugs—that cannot be solved without the most powerful computers. The Administration has requested \$1 billion for the HPCC Program in fiscal year 1994, and is in the process of forming a "High-Performance Computing Advisory Committee," to provide private sector input on the Program.

We have also requested an additional \$96 million in the FY 1994 budget to create a new component of the HPCC Program—Information Infrastructure Technologies and Applications (IITA). The Administration is working with Congress to obtain authorization to fund this effort, which will develop and apply high-performance computing and high-speed networking technologies for use in the fields of health care, education, libraries, manufacturing, and provision of government information.

Action: Implement the NII Pilot Projects Program. In its FY 94 budget, the Administration has requested funding from the Congress for NII networking pilot and demonstration projects. Under NTIA's direction, this pilot program will provide matching grants to state and local governments, health care providers, school districts, libraries, universities, and other non-profit entities. The grants will be awarded after a competitive merit review process and will be used to fund projects to connect institutions to existing networks, enhance communications networks that are currently operational, and permit users to interconnect among different networks. Funded projects will demonstrate the potential of the NII and provide tangible benefits to their communities. Equally important, they will help leverage the resources and creativity of the private sector to devise new applications and uses of the NII. The successes of these pilot projects will create an iterative process that will generate more innovative approaches each year.

Action: Inventory NII Applications Projects. Many insights can be gained by

sharing information about how government can effectively use the NII. By the end of January 1994, the IITF will complete an inventory of current and planned government activities and will widely disseminate the results through electronic and printed means. An electronic forum is being established to encourage government and private sector contributions and comments about government applications projects.

4. Promote Seamless, Interactive, User-Driven Operation

Because the NII will be a network of networks, information must be transferable over the disparate networks easily, accurately, and without compromising the content of the messages. Moreover, the NII will be of maximum value to users if it is sufficiently "open" and interactive so that users can develop new services and applications or exchange information among themselves, without waiting for services to be offered by the firms that operate the NII. In this way, users will develop new "electronic communities" and share knowledge and experiences that can improve the way that they learn, work, play, and participate in the American democracy.

To assure interoperability and openness of the many components of an efficient, high-capacity NII, standards for voice, video, data, and multi-media services must be developed. Those standards also must be compatible with the large installed base of communications technologies, and flexible and adaptable enough to meet user needs at affordable costs. The United States has long relied on a consensus-based, voluntary standards-setting process in communications. Particularly in the area of information and communications technology, where product cycles are often measured in months, not years, the standards process is critical and has not always worked to speed technological innovation and serve end-users well. Government can catalyze this industry-driven process by participating more actively in private-sector standards-writing bodies and by working with industry to address strategic technical barriers to interoperability and adoption of new technologies.

To increase the likelihood that the NII will be both interactive and, to a large extent, user-driven, government also must reform regulations and policies that may inadvertently hamper the development of interactive applications. For example, government regulations concerning the lack of reimbursement of health care procedures may deter the

growth of distance medicine applications.

Action: Review and clarify the standards process to speed NII applications.

By October 15, 1993 the Commerce Department's National Institute for Standards and Technology (NIST) will establish a panel and work with other appropriate agencies to review the government's involvement in establishing network requirements and standards with domestic and international partners. The panel, with input from the private sector and other levels of government, will consider the role of the government in the standards process and will identify opportunities for accelerating the deployment of the NII.

Action: Review and reform government regulations that impede development of interactive services and applications. The Administration will work closely with the private sector, as well as state and local governments, to identify government policies and regulations that may hinder the growth of interactive services and applications. The IITF will determine how those regulations should be changed.

5. Ensure Information Security and Network Reliability

The trustworthiness and security of communications channels and networks are essential to the success of the NII. Users must be assured that information transmitted over the infrastructure will go when and where it is intended to go. Electronic information systems can create new vulnerabilities. For example, electronic files can be broken into and copied from remote locations, and cellular phone conversations can be monitored easily. Yet these same systems, if properly designed, can offer greater security than less advanced communications channels.

Through the use of information systems, gathering, sending, and receiving a wide variety of personal information is now simple, quick, and relatively inexpensive. The use of information technologies to access, modify, revise, repackaging, and resell information can benefit individuals, but unauthorized use can encroach on their privacy. While media reports often emphasize the role of modern information technology in invading privacy, technology advances and enhanced management oversight also offer the opportunity for privacy protection. This protection is especially important to businesses that increasingly transmit sensitive proprietary data through electronic means. In a climate of tough global

competitiveness to gain market advantage, the confidentiality of this information can spell the difference between business success or failure.

In addition, it is essential that the Federal government work with the communications industry to reduce the vulnerability of the nation's information infrastructure. The NII must be designed and managed in a way that minimizes the impact of accident or sabotage. The system must also continue to function in the event of attack or catastrophic natural disaster.

Action: Review privacy concerns of the NII. The IITF has developed a work plan to investigate what policies are necessary to ensure individual privacy, while recognizing the legitimate societal needs for information, including those of law enforcement. The IITF has also developed a work plan to investigate how the government will ensure that the infrastructure's operations are compatible with the legitimate privacy interests of its users.

Action: Review of encryption technology. In April, the President announced a thorough review of Federal policies on encryption technology. In addition, Federal agencies are working with industry to develop new technologies that protect the privacy of citizens, while enabling law enforcement agencies to continue to use court-authorized wiretaps to fight terrorism, drug rings, organized crime, and corruption. Federal agencies are working with industry to develop encryption hardware and software that can be used for this application.

Action: Work with industry to increase network reliability. The National Communications System brings together 23 Federal agencies with industry to reduce the vulnerability of the nation's telecommunications systems to accident, sabotage, natural disaster, or military attack. And the Federal Communications Commission has an industry and user Network Reliability Council to advise it on ensuring the reliability of the nation's commercial telecommunications networks. These efforts are increasingly important as the threat posed by terrorism and computing hacking grows. The NCS will continue its work and will coordinate with the IITF. In addition, the National Security Telecommunications Advisory Committee, which advises the President in coordination with the NCS, as well as the FCC's Network Reliability Council, will coordinate with and complement the work of the Advisory Council on the National Information Infrastructure.

6. Improve Management of the Radio Frequency Spectrum

Many of the dramatic changes expected from the development of the information infrastructure will grow out of advances in wireless technologies. The ability to access the resources of the NII at any time, from anywhere in the country, will be constrained, however, if there is inadequate spectrum available.

To ensure that spectrum scarcity does not impede the development of the NII, the Administration places a high priority on streamlining its procedures for the allocation and use of this valuable resource.

Action: Streamline allocation and use of spectrum. The Administration is working with Congress to fully implement the spectrum management provisions of the Omnibus Budget and Reconciliation Act of 1993, to streamline government use of spectrum and to get spectrum to the public efficiently. These provisions will provide greater flexibility in spectrum allocation, including increased sharing of spectrum between private sector and government users, increased flexibility in technical and service standards, and increased choices for licensees in employing their assigned spectrum.

Action: Promote market principles in spectrum distribution. Further, the Administration will continue to support policies that place a greater reliance on market principles in distributing spectrum, particularly in the assignment process, as a superior way to apportion this scarce resource among the widely differing wireless services that will be a part of the NII. At the same time, the Administration will develop policies to ensure that entrepreneurs and small, rural, minority- and women-owned businesses are able to participate in spectrum auctions.

7. Protect Intellectual Property Rights

Development of an advanced information infrastructure will create unprecedented market opportunities and new challenges for our world-preeminent media and information industries. The broad public interest in promoting the dissemination of information to our citizens must be balanced with the need to ensure the integrity of intellectual property rights and copyrights in information and entertainment products. This protection is crucial if these products—whether in the form of text, images, computer programs, databases, video or sound recordings, or multimedia formats—are to move in commerce using the full capability of the NII.

Action: Examine the adequacy of copyright laws. The IITF will investigate

how to strengthen domestic copyright laws and international intellectual property treaties to prevent piracy and to protect the integrity of intellectual property. To ensure broad access to information via the NII, the IITF will study how traditional concepts of fair use should apply with respect to new media and new works.

Action: Explore ways to identify and reimburse copyright owners. The IITF will explore the need for standards for the identification of copyright ownership of information products in electronic systems (e.g., electronic headers, labels or signature techniques). The Task Force will also evaluate the need to develop an efficient system for the identification, licensing, and use of work, and for the payment of royalties for copyrighted products delivered or made available over electronic information systems.

8. Coordinate With Other Levels of Governmental and With Other Bodies

Domestic: Many of the firms that will likely participate in the NII are now subject to regulation by Federal, state, and local government agencies. If the information infrastructure is to develop quickly and coherently, there must be close coordination among the various government entities, particularly with respect to regulatory policy. It is crucial that all government bodies—particularly Congress, the FCC, the Administration, and state and local governments—work cooperatively to forge regulatory principles that will promote deployment of the NII.

Action: Seek ways to improve coordination with state and local officials. The IITF will meet with state and local officials to discuss policy issues related to development of the NII. The Task Force will also seek input from the private sector and non-federal agencies as it devises proposals for regulatory reform. The Administration is committed to working closely with state and local governments in developing its telecommunications policies.

International: The NII also will develop in the context of evolving global networks. Because customers typically demand that U.S. communications providers offer services on a global basis, it is critical that the infrastructure within this country can meet international, as well as domestic, requirements.

Action: Open up overseas markets. The Administration has shown its willingness to work directly on behalf of U.S. firms to ensure that they have an equal opportunity to export telecommunications-related goods and

services to potential overseas customers. For example, the Commerce Department is developing new export control policies governing computers and telecommunications equipment manufactured by U.S. firms. These changes will remove export restrictions on many of these products and permit U.S. manufacturers to enter new markets not previously available to them. The Administration will continue to work to open overseas markets for U.S. services and products.

Action: Eliminate barriers caused by incompatible standards. Equally important is the need to avoid trade barriers raised by incompatible U.S. and foreign standards or—more subtly—between the methods used to test conformance to standards. Through its participation in international standards committees, the Administration is working to eliminate or avert such barriers.

Action: Examine international and U.S. trade regulations. The IITF will coordinate the Administration's examination of policy issues related to the delivery of telecommunications services to and from the U.S., including claims by some U.S. companies that regulatory practices in foreign countries—including denial of market access for U.S. carriers and the imposition of excessive charges for completing calls from the United States—are harming the competitiveness of the industry and the costs charged to U.S. customers for service. The IITF also will reexamine U.S. regulation of international telecommunications services.

9. Provide Access to Government Information and Improve Government Procurement

Thomas Jefferson said that information is the currency of democracy. Federal agencies are among the most prolific collectors and generators of information that is useful and valuable to citizens and business. Improvement of the nation's information infrastructure provides a tremendous opportunity to improve the delivery of government information to the taxpayers who paid for its collection; to provide it equitably, at a fair price, as efficiently as possible.

The Federal government is improving every step of the process of information collection, manipulation, and dissemination. The Administration is funding research programs that will improve the software used for browsing, searching, describing, organizing, and managing information. But it is committed as well to applying those tools to the distribution of information

that can be useful to the public in their various roles as teachers, researchers, business people, consumers, etc.

The key questions that must be addressed are: What information does the public want? What information is in electronic form? By what means can it be distributed? How can all Americans have access to it? A secondary question is: How can government itself improve through better information management?

Action: Improve the accessibility of government information. IITF working groups will carefully consider the problems associated with making government information broadly accessible to the public electronically. Additionally, several inter-agency efforts have been started to ensure that the right information is stored and available. Finally, to help the public find government information, an inter-agency project has been formed to develop a virtual card catalogue that will indicate the availability of government information in whatever form it takes.

Action: Upgrade the infrastructure for the delivery of government information. The Federal government has already taken a number of steps to promote wider distribution of its public reports. Legislation has been enacted to improve electronic dissemination of government documents by the Government Printing Office. A number of Federal agencies have moved aggressively to convert their public information into electronic form and disseminate it over the Internet, where it will be available to many more people than have previously had access to such information. In the future, substantial improvements will be made to "FedWorld," an electronic bulletin board established by the Department of Commerce's National Technical Information Service (NTIS), which links the public with more than 100 Federal bulletin boards and information centers. These improvements will enhance FedWorld's ability to distribute to the public scientific, technical, and business-related information generated by the U.S. Government and other sources. Finally, a conference will be held in the Fall of 1993 to begin teaching Federal employees how they can use these distribution mechanisms.

Action: Enhance citizen access to government information. In June 1993, OMB prescribed new policies pertaining to the acquisition, use, and distribution of government information by Federal agencies. Among other things, the policies mandate that, in distributing information to the public, Federal agencies should recoup only those costs

associated with the dissemination of that information, not with its creation or collection. Moreover, a number of inter-agency efforts are under way to afford greater public access to government information. One project seeks to turn thousands of local and field offices of various Federal agencies into Interactive Citizen Participation Centers, at which citizens can communicate with the public affairs departments of all Federal agencies.

Action: Strengthen inter-agency coordination through the use of electronic mail. To implement the National Performance Review's recommendation on expanded use of electronic mail within the Federal government, an inter-agency coordinating body has been established to incorporate electronic mail into the daily work environment of Federal workers. The group is also sponsoring three pilot projects to expand connectivity that will build a body of experience that other Federal agencies can draw on when they begin to use electronic mail.

Action: Reform the Federal procurement process to make government a leading-edge technology adopter. The Federal government is the largest single buyer of high technology products. The government has played a key role in developing emerging markets for advanced technologies of military significance; it can be similarly effective for civilian technologies. The Administration will implement the procurement policy reforms set forth in the National Performance Review report.

VI. America's Destiny is Linked to Our Information Infrastructure

The principles and goals outlined in this document provide a blueprint for government action on the NII. Applying them will ensure that government provides constructive assistance to U.S. industry, labor, academia and private citizens as they develop, deploy and use the infrastructure.

The potential benefits for the nation are immense. The NII will enable U.S. firms to compete and win in the global economy, generating good jobs for the American people and economic growth for the nation. As importantly, the NII promises to transform the lives of the American people. It can ameliorate the constraints of geography and economic status, and give all Americans a fair opportunity to go as far as their talents and ambitions will take them.

Tab C—Benefits and Applications of the National Information Infrastructure

The development of the National Information Infrastructure is not an end in itself; it is a means by which the United States can achieve a broad range of economic and social goals. Although the NII is not a "silver bullet" for all of the problems we face, it can make an important contribution to our most pressing economic and social challenges.

This infrastructure can be used by all Americans, not just by scientists and engineers. As entrepreneurs, factory workers, doctors, teachers, federal employees, and citizens, Americans can harness this technology to:

- Create jobs, spur growth, and foster U.S. technological leadership;
- Reduce health care costs while increasing the quality of service in underserved areas;
- Deliver higher-quality, lower-cost government services;
- Prepare our children for the fast-paced workplace of the 21st century; and
- Build a more open and participatory democracy at all levels of government.

This is not a far-fetched prediction. As shown below, our current information infrastructure is already making a difference in the lives of ordinary Americans, and we have just begun to tap its potential.

Economic Benefits

The National Information Infrastructure will help create high-wage jobs, stimulate economic growth, enable new products and services, and strengthen America's technological leadership. Whole new industries will be created, and the infrastructure will be used in ways we can only begin to imagine. Below are some of the potential benefits to the U.S. economy:

1. Increased Economic Growth and Productivity

• The Computer Systems Policy Project estimates that the NII will "create as much as \$300 billion annually in new sales across a range of industries."

• The Economic Strategy Institute concluded that accelerated deployment of the NII would increase GDP by \$194-\$321 billion to GNP by the year 2007, and increase productivity by 20 to 40 percent.

2. Job Creation

Although there are no definitive estimates for the total number of U.S. jobs the deployment of the NII will create, it is clear that it has the potential

to create hundreds of thousands of jobs. For example:

- Industry experts believe that the Personal Communications Services industry, a new family of wireless services, could create as many as 300,000 jobs in the next 10-15 years. The development of this industry will be accelerated by the Emerging Telecommunications Technology Act, which was signed by President Clinton as part of the budget package.

3. Technological Leadership

The NII will serve as the driver for a wide variety of technologies, such as semiconductors, high-speed networking, advanced displays, software, and human/computer interfaces such as speech recognition.

This technology will be used to create exciting new products and services, strengthening U.S. leadership in the electronics and information technology sector. For example, experts envision the production of powerful computers that will be held in the palm of our hand, "as mobile as a watch and as personal as a wallet, * * *. [they] will recognize speech, navigate streets, take notes, keep schedules, collect mail, manage money, open the door and start the car, among other computer functions we cannot imagine today."

4. Regional, State, and Local Economic Development

In today's knowledge-based, global economy in which capital and technology are increasingly mobile, the quality of America's information infrastructure will help determine whether companies invest here or overseas. States and regions increasingly recognize that development of their information infrastructure is key to creating jobs and attracting new businesses:

- In May 1993, Governor Jim Hunt announced the creation of the North Carolina Information Highway, a network of fiber optics and advanced switches capable of transmitting the entire 33-volume Encyclopedia Britannica in 4.7 seconds. This network, which will be deployed in cooperation with BellSouth, GTE, and Carolina Telephone, is a key element of North Carolina's economic development strategy.

- In California's Silicon Valley, academics, business executives, government officials, and private citizens are working together to build an "advanced information infrastructure and the collective ability to use it." A non-profit organization, Smart Valley Inc., will help develop the information infrastructure and its applications.

Many business applications are envisioned, including desktop videoconferencing, rapid delivery of parts designs to fabrication shops, design of chips on remote supercomputers, electronic commerce, and telecommuting.

- The Council of Great Lakes Governors has developed a regional telecommunications initiative, which includes creating an open data network as a first step towards creation of a Great Lakes Information Highway, promoting access in rural areas, developing a set of telecommunications service goals and a time table for achieving them, and developing a computerized inventory of each state's advanced telecommunications infrastructure.

5. Electronic Commerce

Electronic commerce (e.g., on-line parts catalogues, multi-media mail, electronic payment, brokering services, collaborative engineering) can dramatically reduce the time required to design, manufacture, and market new products. "Time to market" is a critical success factor in today's global marketplace. Electronic commerce will also strengthen the relationships between manufacturer, suppliers, and joint developers. In today's marketplace, it is not unusual to have 12 or more companies collaborating to develop and manufacture new products.

Health Care

The NII can help solve America's health care crisis. The Clinton Administration is committed to health care reform that will ensure that Americans will never again lose their health care coverage and that controls skyrocketing health care costs. The costs of doing nothing are prohibitive:

- Since 1980, our nation's health care costs have quadrupled. Between 1980 and 1992, health expenditures shot up from 9 percent to 14 percent of GDP; under current policies, they will hit 19 percent by the year 2000. Health care cost increases will eat up more than half of the new federal revenue expected over the next four years.

- Twenty-five cents out of every dollar on a hospital bill goes to administrative costs and does not buy any patient care. The number of health care administrators is increasing four times faster than the number of doctors.

These problems will not be solved without comprehensive health care reform. Better use of information technology and the development of health care applications for the NII, however, can make an important contribution to reform. Experts estimate that telecommunications applications

could reduce health care costs by \$36 to \$100 billion each year while improving quality and increasing access. Below are some of the existing and potential applications:

1. Telemedicine

By using telemedicine, doctors and other care givers can consult with specialists thousands of miles away; continually upgrade their education and skills; and share medical records and x-rays.

Example: In Texas, over 70 hospitals, primarily in rural areas, have been forced to close since 1984. The Texas Telemedicine Project in Austin, Texas offers interactive video consultation to primary care physicians in rural hospitals as a way of alleviating the shortage of specialists in rural areas. This trial is increasing the quality of care in rural areas and providing at least 14 percent savings by cutting patient transfer costs and provider travel.

2. Unified Electronic Claims

More than 4 billion health care claims are submitted annually from health care providers to reimbursement organizations such as insurance companies, Medicare, Medicaid, and HMOs. Moreover, there are 1,500 different insurance companies in the United States using many different claims forms. The administrative costs of the U.S. health care system could be dramatically reduced by moving towards standardized electronic submission and processing of claims.

3. Personal Health Information Systems

The United States can use computers and networks to promote self care and prevention by making health care information available 24 hours a day in a form that aids decision making. Most people do not have the tools necessary to become an active and informed participant in their own health care. As a result, far too many people (estimates range from 50 to 80 percent) entering the health care system do not really need a physician's care. Many improperly use the system by, for example, using the emergency room for a cold or back strain. Many of those who end up with serious health problems enter the health care system too late, and thus require more extensive and costly therapy. Michael McDonald, chairman of the Communications and Computer Applications in Public Health (CCAPH), estimates that even if personal health information systems were used only 25 to 35 percent of the time, \$40 to \$60 billion could be saved.

Example: InterPractice Systems, a joint venture of Harvard Community

Health Plan in Boston and Electronic Data Systems, has placed terminals in the homes of heavy users of health care, such as the elderly, pregnant women, and families with young children. Based on a patient's symptoms and their medical history, an electronic advice system makes recommendations to HCHP's members about using self care, talking with a doctor, or scheduling an appointment. In one instance, "an 11-year old who regularly played with the terminal heard his father complain one day of chest pains and turned to the system for help; it diagnosed the symptoms as a probable heart attack. The diagnosis was correct."

4. Computer-Based Patient Records

The Institute of Medicine has concluded that Computer-Based Patient Records are critical to improving the quality and reducing the cost of health care. Currently:

- 11 percent of laboratory tests must be re-ordered because of lost results;
- 30 percent of the time, the treatment ordered is not documented at all;
- 40 percent of the time a diagnosis isn't recorded; and
- 30 percent of the time a medical record is completely unavailable during patient visits.

Civic Networking Technology in the Public Interest

The benefits of the NII extend far beyond economic growth. As the Center for Civic Networking observed,

"A country that works smarter; enjoys efficient, less costly government, guided by a well-informed citizenry; that produces high quality jobs and educated citizens to fill them; that paves a road away from poverty; that promotes life-long learning, public life and the cultural life of our communities. This is the promise of the National Information Infrastructure."

The NII could be used to create an "electronic commons" and promote the public interest in the following ways:

1. Community Access Networks

Grass-roots networks are springing up all over the country, providing citizens with a wide range of information services. The National Information Infrastructure should expand a citizen's capacity for action in local institutions, as it must honor regional differences and the cultural diversity of America's heritage.

Example: The Heartland FreeNet in Peoria, Illinois provides a wide range of community information to the citizens of Central Illinois 24 hours a day. Topics covered include 113 areas of social services; a year long community

calendar; the American Red Cross; current listings from the Illinois Job Service; resources for local businesses; and local government information. Experts in all fields from law to the Red Cross to chemical dependency volunteer their time and expertise to answer questions anonymously asked by the public.

Example: The Big Sky Telegraph began operation in 1988 as an electronic bulletin board system linking Montana's 114 one-room schools to each other and to Western Montana College. Today, the Big Sky Telegraph enables the formation of "virtual communities"—linking schools, libraries, county extension services, women's centers, and hospitals. Montana's high-school students learning Russian can now communicate with Russian students, and science students are participating in a course on "chaos theory" offered by MIT.

2. Dissemination of Government Information

The free flow of information between the government and the public is essential to a democratic society. Improvements in the National Information Infrastructure provide a tremendous opportunity to improve the delivery of government information to the taxpayers who paid for its collection; to provide it equitably, at a fair price, as equitably as possible.

Example: Some of the most powerful examples of the power inherent in information collection and dissemination come from the experience of Federal agencies. For example, the Emergency Planning and Community Right-to-Know Act of 1986 established a Toxic Release Inventory (TRI), which required industries to report their estimated total releases of toxic chemicals to the environment. The Environmental Protection Agency has used a variety of means for making the data available to the public, including a collaborative effort involving the agency, the nonprofit community, and philanthropy. This effort involved making the TRI available through an online service called RTK NET (the Right-to-Know Computer Network), operated by OMB Watch and Unison Institute. As a result of the TRI program, EPA and industry developed the "33/50" program, in which CEOs set a goal of reducing their pollution by 33 percent by 1992 and 50 percent by 1995. Because of RTK NET's success, EPA is seeking to expand the information available on the service.

3. Universal Access

The NII must be used to bring Americans together, as opposed to allowing a further polarization between information "haves" and "have nots."

Example: As part of a recent cable franchise negotiation, fiber optic cable was deployed in Harlem, where 40 percent of the residents live below the poverty line. New York City is exploring the use of interactive video conferencing between community rooms in housing projects and government offices, schools, and New York corporations. These facilities could be used to teach parenting to teenage mothers, and promote mentoring programs between inner city youth and employees of New York corporations.

Research

One of the central objectives of the High Performance Computing and Communications Initiative (HPCCI) is to increase the productivity of the research community and enable scientists and engineers to tackle "Grand Challenges," such as forecasting the weather, building more energy-efficient cars, designing life-saving drugs, and understanding how galaxies are formed.

As a result of advances in computing and networking technologies promoted by the HPCCI, America's scientists and engineers (and their colleagues and peers around the world) are able to solve fundamental problems that would have been impossible to solve in the past. U.S. researchers will continue to benefit from the HPCCI and the emerging National Information Infrastructure. Below are just a few of the ways in which this technology is being used by U.S. researchers:

1. Solving Grand Challenges

As a result of investments in high performance computers, software, and high-speed networks, researchers have access to more and more computational resources. As a result, scientists and engineers have been able to more accurately model the Earth's climate; design and simulate next-generation aircraft (the High Speed Civil Transport); improve detection of breast cancer by turning two-dimensional MRI images into three-dimensional views; and enhance the recovery of oil and gas from America's existing reservoirs.

2. Enabling Remote Access to Scientific Instruments

Because of advancements in networks and visualization software, scientists can control and share remote electron microscopes, radio telescopes, and other scientific instruments.

3. Supporting Scientific Collaboration

The Internet has allowed scientists in the United States and around the world to access databases, share documents, and communicate with colleagues. For example, one computer language was developed by 60 people in industry, government and academia over a period of 3 years with only two days of face-to-face meetings. Instead, project participants sent 3,000 e-mail messages to each other, dramatically reducing the time required to develop the language. As scientific research becomes increasingly complex and interdisciplinary, scientists see the need to develop "collaboratories," centers without walls in which "the nations' researchers can perform their research without regard to geographical location—interacting with colleagues, access instrumentation, sharing data and computational resources, [and] accessing information in digital libraries."

Life-Long Learning

Increasingly, what we learn depends on what we learn. Americans must be well-educated and well-trained if we are to compete internationally and enjoy a healthy democracy. The magnitude of the challenge we face is well-known:

- 25 percent of students nation-wide no longer complete high-school, a figure which rises to 57 percent in some large cities.
- Currently, 90 million adults in the United States do not have the literacy skills they need to function in our increasingly complex society.

The Clinton Administration has set ambitious national goals for lifelong learning. The "Goals 2000: Educate America Act" would make six education goals part of national policy: 90 percent high school graduation rate; U.S. dominance in math and science; total adult literacy; safe and drug-free schools; increased competency in challenging subjects; and having every child enter school "ready to learn." Secretary of Labor Robert Reich also has emphasized the need to move towards "new work." New work requires problem-solving as opposed to rote repetition, upgrading worker skills, and empowering front-line workers to continuously improve products and services. All of the Administration's policy initiatives (national skill standards, school-to-work transition, training for displaced workers) are aimed at promoting the transition towards high-wage, higher-value "new work."

Although technology alone cannot fix what is wrong with America's education

and training system, the NII can help. Studies have shown that computer-based instruction is cost-effective, enabling 30 percent more learning in 40% less time at 30% less cost. *Fortune* recently reported that:

"From Harlem to Honolulu, electronic networks are sparking the kind of excitement not seen in America's classrooms since the space race * * *. In scores of programs and pilot projects, networks are changing the way teachers teach and students learn."

The United States has just begun to exploit the educational applications of computers and networks. Students and teachers can use the NII to promote collaborative learning between students, teachers, and experts; access on-line "digital libraries"; and take "virtual" field trips to museums and science exhibits without leaving the classroom.

Example: Headquartered in Cambridge, Massachusetts and funded by the National Science Foundation, the Global Laboratory Project links students from over 101 schools in 27 states and 17 foreign countries, including Japan, Saudi Arabia, Russia and Argentina. All over the world, students establish environmental monitoring stations to study climate change, monitor pollutants such as pesticides and heavy metals, and measure ultraviolet radiation. Students share their data over the Global Lab telecommunications network with each other and with scientists to make comparisons, conduct analyses, and gain a global perspective on environmental problems.

Example: In Texas, the Texas Education Network (TENET) now serves over 25,000 educators, and is making the resources of the Internet available to classrooms. One Texas educator from a small school district described the impact it was having on the learning experiences of children:

"The smaller districts can now access NASA, leave messages for the astronauts, browse around in libraries larger than ever they will ever be able to visit, discuss the Superconducting Supercollider project with the physicist in charge, discuss world ecology with students in countries around the world, read world and national news that appears in newspapers that are not available in their small towns, work on projects as equals and collaborators with those in urban areas, and change the way they feel about the size of their world. This will create students that we could not create otherwise. This is a new education and instruction."

As computers become more powerful and less expensive, students may eventually carry hand-held, computer-based "intelligent tutors," or learn in elaborate simulated environments. One expert predicted the following educational use of virtual reality:

"Imagine a biology student entering an immersive virtual laboratory environment that includes simulated molecules. The learner can pick up two molecules and attempt to fit them together, exploring docking sites. In addition to the three-dimensional images in the head-mounted display, the gesture gloves on his hands press back to provide feedback to his sense of touch. Alternatively, the student can expand a molecule to the size of a large building and fly around in it, examining the internal structure."

Creating a Government That Works Better & Costs Less

Vice President Gore's *National Performance Review* (NPR) provides a bold vision of a federal government which is effective, efficient and responsive. Moving from red tape to results will require sweeping changes: emphasizing accountability for achieving results as opposed to following rules; putting customers first; empowering employees; and reengineering how government agencies do their work. As part of this vision, the NPR emphasizes the importance of information technology as a tool for reinventing government:

"With computers and telecommunications, we need not do things as we have in the past. We can design a customer-driven electronic government that operates in ways that, 10 years ago, the most visionary planner could not have imagined."

The NPR has identified a number of ways in which "electronic government" can improve the quality of government services while cutting costs, some of which are described below:

1. Develop a Nationwide System to Deliver Government Benefits Electronically

The government can cut costs through "electronic benefits transfer" for programs such as federal retirement, social security, unemployment insurance, AFDC, and food stamps. For example, 3 billion Food Stamps are printed and distributed to over 10 million households. Estimates suggest that \$1 billion could be saved over five years once electronic benefits for food stamps is fully implemented.

2. Develop Integrated Electronic Access to Government Information and Services

Currently, citizen access to federal government information is uncoordinated and not customer-friendly. Electronic kiosks and computer bulletin boards can result in quick response, complete information, and an end to telephone tag.

Example: Info/California is a network of kiosks in places like libraries and

shopping malls. Californians can use these touch-screen computers to renew vehicle registration, register for employment openings, and get information on 90 different subjects, such as applying for student loans or resolving tenant-landlord disputes. These kiosks have reduced the cost of job-match services from \$150 to \$40 per person.

3. Establish a National Law Enforcement/Public Safety Network

Whether responding to natural or technological disasters, or performing search and rescue or interdiction activities, federal, state, and local law enforcement and public safety workers must be able to communicate with each other effectively, efficiently, and securely. Currently, federal, state and local law enforcement agencies have radio systems which cannot communicate with each other because they occupy different parts of the spectrum.

4. Demonstrate and Provide Government-wide Electronic Mail

Government-wide e-mail can provide rapid communications among individuals and groups, break down barriers to information flows between and within agencies, allow better management of complex interagency projects, and permit more communication between government officials and the public.

Tab D—The Information Infrastructure Task Force

Mission

While the private sector will build and run virtually all of the National Information Infrastructure (NII), the President and the Vice President have stated clearly that the Federal government has a key leadership role to play in its development. Accordingly, the White House formed the Information Infrastructure Task Force (IITF) to articulate and implement the Administration's vision for the NII. The task force consists of high-level representatives of the Federal agencies that play a major role in the development and application of information technologies. Working together with the private sector, the participating agencies will develop comprehensive telecommunications and information policies that best meet the needs of both the agencies and the country. By helping build consensus on thorny policy issues, the IITF will enable agencies to make and implement policy more quickly and effectively.

A high-level Advisory Council on the National Information Infrastructure has been established by Executive Order to provide advice to the IITF. It will consist of representatives of the many different stakeholders in the NII, including industry, labor, academia, public interest groups, and state and local governments. The Secretary of Commerce will appoint the 25 members of the advisory committee.

The IITF is working closely with the High Performance Computing, Communications, and Information Technology (HPCCIT) Subcommittee of the Federal Coordinating Council for Science, Engineering, and Technology (FCCSET), which is chaired by the White House Office of Science and Technology Policy. The HPCCIT Subcommittee provides technical advice to the IITF and coordinates Federal research activities that support development of the National Information Infrastructure.

Membership

All the key agencies involved in telecommunications and information policy are represented on the task force. The task force operates under the aegis of the White House Office of Science and Technology Policy and the National Economic Council. Ron Brown, the Secretary of Commerce, chairs the IITF, and much of the staff work for the task force will be done by the National Telecommunications and Information Administration (NTIA) of the Department of Commerce.

Structure

To date, three committees of the IITF have been established:

(1) Telecommunications Policy Committee, which will formulate a consistent Administration position on key telecommunications issues, is chaired by Larry Irving, head of the National Telecommunications and Information Administration of the Department of Commerce. Recently, the Committee created: The Working Group on Universal Service, which will work to ensure that all Americans have access to and can enjoy the benefits of the National Information Infrastructure.

(2) Information Policy Committee, which is addressing critical information policy issues that must be addressed if the National Information Infrastructure is to be fully deployed and utilized. Sally Katzen, head of the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB), chairs the Committee. The Committee has created three working groups:

The Working Group on Intellectual Property Rights, to develop proposals for protecting copyrights and other IPR in an electronic world. Bruce Lehman, head of the Patent and Trademark Office of the Department of Commerce, chairs this group. The Working Group on Privacy, to design Administration policies to protect individual privacy despite the rapid increase in the collection, storage, and dissemination of personal data in electronic form. It is chaired by Pat Faley, Acting Director of the Office of Consumer Affairs, Department of Health and Human Services.

The Working Group on Government Information focuses on ways to promote dissemination of government data in electronic form. Bruce McConnell, OMB's Office of Information and Regulatory Affairs, chairs this group.

(3) Applications Committee, which coordinates Administration efforts to develop, demonstrate, and promote applications of information technology in manufacturing, education, health care, government services, libraries, and other areas. This group works closely with the High Performance Computing and Communications Program, which is funding development of new applications technologies, to determine how Administration policies can best promote the deployment of such technologies. Arati Prabhakar, Director of the National Institute of Standards and Technology, chairs the Committee. This Committee is responsible for implementing many of the recommendations of the Vice President's National Performance Review that pertain to information technology. So far, the Committee has created one working group: The Working Group on Government Information Technology Services (GITS) will coordinate efforts to improve the application of information technology by Federal agencies.

Tab E—United States Advisory Council on the National Information Infrastructure

- The President will sign an Executive Order creating the "United States Advisory Council on the National Information Infrastructure" to facilitate private sector input to the Information Infrastructure Task Force. The IITF, which is chaired by the Secretary of Commerce, will work with Congress and the private sector to propose the policies and initiatives needed to accelerate deployment of the NII.

- The Council will consist of not more than 25 senior-level individuals to

be named by the Secretary of Commerce this year. A chair and/or vice chair will be appointed by the Secretary from among the Council members.

- Nominations will be solicited from a variety of NII constituencies and interest groups. The IITF and its committees also will use other mechanisms to solicit public input to ensure that it hears the views of all interested parties.

- The Council will be broadly representative of the key constituencies impacted by the NII, including business, labor, academia, public interest groups, and state and local governments.

- The Council shall advise the IITF on matters related to the development of the NII, such as: the appropriate roles of the private and public sectors in NII development; a vision for the evolution of the NII and its public and commercial applications; the impact of current and proposed regulatory regimes on the evolution of the NII; privacy, security, and copyright issues; national strategies for maximizing interconnection and interoperability of communications networks; and universal access.

- The Council is expected to invite experts to submit information to the Council and form subcommittees of the Council to review specific issues.

- The Department of Commerce will act as "secretariat" for the Council, providing administrative services, facilities, staff and other support services.

- The Council will exist for two years unless its charter is extended.

- The Council will be separate from, and complementary to, the High Performance Computing Advisory Committee, which will be established to provide private sector input on the High Performance Computing and Communications Initiative.

Tab F—Administration NII Accomplishments

During its first seven months, the Clinton-Gore Administration has taken major steps to make its vision of the National Information Infrastructure a reality:

1. Freeing Up Spectrum To Create Information "Skyways"

- The President recently signed the Emerging Telecommunications Technology Act, which directs the Secretary of Commerce to transfer, over a ten-year period, at least 200 MHz of spectrum now used by federal agencies to the FCC for subsequent licensing to the private sector. It allows the FCC to use competitive bidding to grant new license assignments for spectrum.

- This will create high-tech jobs and accelerate the development of new wireless industries such as Personal Communications Services. The entire cellular industry, which has created 100,000 jobs, was created by licensing only 50 MHz of spectrum.

2. Reinventing Government

- The Administration is committed to using "electronic government" to ensure that the federal government works better and costs less.

- As part of the National Performance Review, the Vice President has identified a number of concrete ways to use information technology to cut costs and improve services, such as electronic benefits transfer; access to government information and services through electronic "kiosks"; a national law enforcement/public safety network; and electronic procurement.

3. Investing In Technology

The President's FY 1994 budget includes:

- \$1.1 billion for the High-Performance Computing and Communications Initiative, including a new \$100 million program to develop applications in areas such as education, manufacturing, health, and digital libraries. The House has passed legislation which would authorize these new programs; Senate action is expected in the fall of 1993.

- \$50 million for NTIA grants to demonstrate the applications of the NII for non-profit institutions such as schools, hospitals, and libraries.

- \$40 million for research by the Department of Energy's National Labs on the information infrastructure.

The ARPA-led Technology Reinvestment Project (TRP), funded at \$472 million in FY 1993, has generated almost 3,000 proposals from the private sector, requesting a total of \$8.5 billion. Many of these proposals are for technology development for the National Information Infrastructure and its applications in health care, manufacturing, electronic commerce, and education and training. The President recently endorsed increasing the funding of the TRP to \$600 million for FY 1994.

4. Making Government Information More Available To Citizens

- The Office of Management and Budget issued a new policy in June (OMB Circular A-130) to encourage agencies to increase citizen access to public information.

- Also in June, the President and Vice President announced that the White House would be accessible to the public

via electronic mail. The Administration is using on-line information services and the Internet to make available speeches, press briefings, executive orders, and a summary of the budget.

5. Creating the Right Environment for Private Sector Investment in the National Information Infrastructure

- The President has signed into law tax incentives for private sector investment in R&D and new business formation, including a three-year extension of the R&D credit and a targeted capital gains reduction for investments in small businesses. Both of these tax incentives will help spur the private sector investment needed to develop the National Information Infrastructure.

Larry Irving,

Assistant Secretary for Communications and Information.

[FR Doc. 93-23029 Filed 9-16-93; 8:45 am]

BILLING CODE 3510-60-P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment of a New Export Visa Arrangement for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Oman

September 15, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing export visa requirements.

EFFECTIVE DATE: October 1, 1993.

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Governments of the United States and the Sultanate of Oman reached agreement, effected by exchange of notes dated May 29, 1993 and July 14, 1993, to establish an export visa arrangement for certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Oman and exported from Oman on and after October 1, 1993.

LEGI-SLATE Report for the Federal Register Wed, December 1, 1993 9:40am (EST)

Search of Federal Register Announcements after 01/01/93 to Find 5...

In FR vol. 58, 1993
AND With reference to 'NATIONAL ECONOMIC COUNCIL.'

L-S ID No.: 447288 (102 lines)
PAGE: 58 FR 6189 NO. 16 01/27/93
DOCKET: Executive Order 12835 of January 25, 1993
CAPTION: Establishment of the National Economic Council

-----No. 2 of 5-----
L-S ID No.: 454645 (62 lines)
PAGE: 58 FR 21321 NO. 74 04/20/93
DOCKET: Notice 93-031
CAPTION: Advisory Committee on the Redesign of the Space Station;
Establishment and Meeting

-----No. 3 of 5-----
L-S ID No.: 469071 (1391 lines)
PAGE: 58 FR 49025 NO. 181 09/21/93
DOCKET: No. 930940-3240
CAPTION: The National Information Infrastructure: Agenda for Action

-----No. 4 of 5-----
L-S ID No.: 470427 (145 lines)
PAGE: 58 FR 51753 NO. 190 10/04/93
DOCKET: Executive Order 12870 of September 30, 1993
CAPTION: Trade Promotion Coordinating Committee

-----No. 5 of 5-----
L-S ID No.: 474116 (84 lines)
PAGE: 58 FR 59343 NO. 215 11/09/93
DOCKET: Executive Order 12878 of November 5, 1993
CAPTION: Bipartisan Commission on Entitlement Reform

Do you wish to store these F-R references in a LEGI-SLATE
FILE for future reference? ('Y/N')

x. 6491

x 6567

n

x. 2801

→ she gets salary & benefits

WAF Fellow → Elizabeth Cohen NEC / NII Fellows
Comm. Ass'n for Advancement of Science (AAAS)

Society =

Congressional VP has approved a concept for N.I.I. Fellows - they
Fellowship would live them wherever they can put them
w/ permission in industry - NIST, Commerce / WH.

- co. pays her
benefits, etc.

- have no funds

Commerce / NIST have used Tech. Transfer Act

- NIST = Organic Act.

- Mike Rubin - serving in advisory capac. ≠
supervisory.

OSTP = ask
Wally

AAAS Sloan Fellows

- required to take leaves of absence

November 23, 1993

MEMORANDUM FOR BETH NOLAN
ASSOCIATE COUNSEL TO THE PRESIDENT

FROM: KATHLEEN WHALEN
SPECIAL COUNSEL TO THE PRESIDENT

SUBJECT: Use of Volunteers, Fellows, or Detailees by the
Council of Economic Advisors

This responds to the questions raised by Scott Gould, White House Fellow, regarding the use of volunteers, fellows, or detailees by the Council of Economic Advisors (CEA).

Acceptance of Voluntary Personal Services

Because CEA employees are appointed pursuant to Title 5 of the United States Code, it is not eligible to accept personal services provided without compensation (with the exception of services provided by students). This includes individuals who are paid by a source other than the Federal government, unless the individual provides services to the Federal government pursuant to an Intergovernmental Personnel Act (IPA) detail as described below. 5 U.S.C. §§ 3371-3376.

Fellows

With regard to fellowships, we would need more information regarding the types of fellowships, including information about the arrangements and the sponsoring organization. CEA would be best able to respond to Mr. Gould's question regarding the use of fellows for CEA programs.

Intergovernmental Personnel Act Detail

As an executive branch agency, CEA may accept personal services provided pursuant to an IPA detail. The IPA allows assignment of employees from state or local governments or other organizations to a federal agency. "Other organization" is defined as "a nonprofit organization which has as one of its principal functions the offering of professional advisory, research, educational, or development services, to governments." 5 U.S.C. § 3372(b)(4). "Other organizations" must be certified by the Office of Personnel Management (OPM). 5 C.F.R. § 334.103(a).

According to the Federal Personnel Manual, "The goal of the IPA is to facilitate the movement of employees for short periods of time when this movement can serve a sound public purpose." FPM ch. 334 1-2(c).

The assignment of an employee from a state or local government or other organization to a Federal agency may be either intermittent, part-time or full-time. FPM ch. 334 1-4(a). Assignments can be made for up to two years, and extended up to four years. 5 C.F.R. § 334.104(a). An assigned employee may either be appointed to a Federal agency, or "deemed on detail." 5 U.S.C. § 3374 (a). Thus, it appears that an employee of a state or local government or other organization could initially be detailed to a Federal agency on an intermittent or part-time basis, for up to two years.

An employee on assignment to an executive agency is subject to the following provisions regarding ethical and other conduct of Federal employees:

- (1) Title 18 (Sections 203, 205, 208, 209, 602, 603, 606, 643, 654, 1905, 1913);
- (2) Title 31 § 638(a) (misuse of government vehicles);
- (3) Executive Order 12731, Prescribing Standards of Ethical Conduct for Government Officers and Employees;
- (4) The Ethics in Government Act of 1978;
- (5) Part 735 of the OPM's governmentwide regulations (superseded by the new Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635);
- (6) the particular standards of conduct regulations of the Federal agency to which the employee is assigned; and
- (7) any special statutory requirements relating to employee conduct.

FPM ch. 334 1-8 (a), (b).

Before an assignment is made, the federal agency, the state or local government or the other organization, and the assigned employee must sign a written agreement recording the obligations and responsibilities of the parties. 5 C.F.R. § 334.106. The specific content of the agreement may vary according to the assignment. The agency should either use Optional Form 69 (OF 69) (latest revision) or its own form. FPM ch. 334 2-1(b)(3)(a). If OF 69 is not used, the agency must provide, among other things, information regarding the "applicability of Federal conflict-of-interest laws." FPM ch. 334 2-1(b)(3)(a).

Detailed employees are not entitled to pay from the federal agency, "except to the extent that the pay received from the state or local government (or "other organization") is less than the appropriate rate of pay which the duties warrant under the applicable pay provisions." 5 U.S.C. § 3374 (c). However, the federal agency may reimburse the employee's organization for all, part or none of the employee's pay during the assignment period. 5 U.S.C. § 3374 (c).

Employees on detail do not have to be reported by the agency on SF 113-A (Monthly Report of Federal Civilian Employment). FPM 334 2-3(a)(4).¹

¹ Note: Employees who have received federal appointments for more than 30 days do have to be reported on SF 113-A. FPM ch. 334 2-3(a)(5).

November 23, 1993

MEMORANDUM FOR BETH NOLAN
ASSOCIATE COUNSEL TO THE PRESIDENT

FROM: KATHLEEN M. WHALEN
SPECIAL COUNSEL TO THE PRESIDENT

SUBJECT: Use of Volunteers, Consultants, Fellows, or
Detailees by the Council of Economic Advisors

This responds to the questions raised by Scott Gould, White House Fellow, regarding the use of volunteers, consultants, fellows, or detailees by the Council of Economic Advisors (CEA).

Volunteers

Because CEA employees are appointed pursuant to Title 5 of the United States Code, CEA generally is not eligible to accept personal services provided without compensation by the Federal Government. However, exceptions permit acceptance of volunteer services provided by students and pursuant to an Intergovernmental Personnel Act (IPA) detail, as described below. 5 U.S.C. §§ 3371-3376.

Consultants

Executive Branch agencies, when authorized by an appropriation or other statute, may procure by contract the services or experts or consultants for up to one year. 5 U.S.C. § 3109. An informal opinion of the Office of Legal Counsel interpreted the statute to prohibit using an appropriation to hire employees to perform the same functions as are performed by regular employees. 3 Op. O.L.C. 78 (1979). Therefore, in order to use the services of consultants, CEA must be authorized by an appropriation or other statute, and the consultant must perform functions which differ from those of regular employees.

Fellows

With regard to fellowships, we would need more information regarding the types of fellowships, including information about the arrangements and the sponsoring organization. As we discussed, CEA would be best able to respond to Mr. Gould's question regarding the use of fellows for CEA programs.

Intergovernmental Personnel Act Detail

As an Executive Branch agency, CEA may accept personal services provided pursuant to an IPA detail. The IPA allows assignment of employees from state or local governments or other organizations to a federal agency. "Other organization" is defined as "a nonprofit organization which has as one of its principal functions the offering of professional advisory, research, educational, or development services, to governments." 5 U.S.C. § 3372(b)(4). "Other organizations" must be certified by the Office of Personnel Management (OPM). 5 C.F.R. § 334.103(a).¹

According to the Federal Personnel Manual, "The goal of the IPA is to facilitate the movement of employees for short periods of time when this movement can serve a sound public purpose." FPM ch. 334 1-2(c).

The assignment of an employee from a state or local government or other organization to a Federal agency may be either intermittent, part-time or full-time. FPM ch. 334 1-4(a). Assignments can be made for up to two years, and extended up to four years. 5 C.F.R. § 334.104(a). An assigned employee may either be appointed to a Federal agency, or "deemed on detail." 5 U.S.C. § 3374 (a). Employees on detail do not have to be reported by the agency on its Monthly Report of Federal Civilian Employment (SF 113-A). FPM 334 2-3(a)(4).²

An employee on assignment to an executive agency is subject to the following provisions regarding ethical and other conduct of Federal employees:

- (1) Title 18 (Sections 203, 205, 208, 209, 602, 603, 606, 643, 654, 1905, 1913);
- (2) Title 31 § 638(a) (misuse of government vehicles);
- (3) Executive Order 12731, Prescribing Standards of Ethical Conduct for Government Officers and Employees;
- (4) The Ethics in Government Act of 1978;
- (5) The Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635;
- (6) supplemental regulations, if any; and
- (7) any special statutory requirements relating to employee conduct.

¹We have a list of the "other organizations" that OPM has certified which we can make available to CEA if it decides to pursue IPA details with eligible organizations.

² Note: Employees who have received federal appointments for more than 30 days do have to be reported on SF 113-A. FPM ch. 334 2-3(a)(5).

FPM ch. 334 1-8 (a), (b).

Before an assignment is made, the federal agency, the state or local government or the other organization, and the assigned employee must sign a written agreement recording the obligations and responsibilities of the parties. 5 C.F.R. § 334.106. The specific content of the agreement may vary according to the assignment. The agency should either use Optional Form 69 (OF 69) or its own form. FPM ch. 334 2-1(b)(3)(a). If OF 69 is not used, the agency must provide, among other things, information regarding the "applicability of Federal conflict-of-interest laws." FPM ch. 334 2-1(b)(3)(a).

Detailed employees are not entitled to pay from the federal agency, "except to the extent that the pay received from the state or local government [or "other organization"] is less than the appropriate rate of pay which the duties warrant under the applicable pay provisions." 5 U.S.C. § 3374 (c). However, the federal agency may reimburse the employee's organization for all, part or none of the employee's pay during the assignment period. 5 U.S.C. § 3374 (c).

THE WHITE HOUSE

WASHINGTON

November 23, 1993

MEMORANDUM FOR SCOTT GOULD
WHITE HOUSE FELLOW

FROM: KATHLEEN M. WHALEN
SPECIAL COUNSEL TO THE PRESIDENT

SUBJECT: Fellows to the Council of Economic Advisors

This confirms that individuals detailed under the Intergovernmental Personnel Act (IPA) may be denominated "fellows" or any other term which is appropriate under the circumstances. You have already received a copy of a memorandum outlining the IPA and its implementation that I prepared for Beth Nolan in response to your memorandum of November 4, 1993.

Also, you inquired hypothetically whether an individual employed by Princeton University could be detailed to the Council of Economic Advisors (CEA) under the IPA to perform research regarding economic and public policy issues which will be relied upon by CEA to propose public policy rules. As you described it, the individual would work at CEA and be under the direction of CEA staff. Under those circumstances, provided that the appropriate authorizations and agreements are obtained, the individual could be detailed to the CEA under the IPA and denominated a "fellow." Additionally, as a detailee under the IPA, the "fellow" would be subject to the conflict of interest statutes and regulations as outlined in my memorandum to Ms. Nolan.

If you have any further questions, please call me (x. 7903).

cc: Thomas O'Donnell

Can we use our volunteers
- OSTP uses clinical volunteers (here)

Mura 1:30

Vol = pd. or unpaid

Tom O'Donnell

- is he an atty.

Watkins = list of types of personnel

Jennifer O'Connor

Mary Beck

- purpose of this is

comp. OSTP/CEA

OSTP

Follows =

no paperwork, under a str. from many good.

COMSCI Fellow program = run by commerce

↳ all fed. govt. EEs

↳ perks like lab tours, etc.

↳ OSTP has some of these.

commitment toward working w/ private sector

Others = AAAS (govt.-wide program).

amer. ass. advancement of Science

- OSTP does not have auth. to accept volunteers, but they are doing that.

- AAAS pays ^{into} health plan/living expenses

- discontinue salary + benefits from their private sector ER.

- univ. etc. wd. be allowed to be on sabbatical

- have reported them as being here but not counting as FTEs.

James Mad. =
graduate

✓ 3 1023 (already have)

✓ 3 1533 - Com Sci.

✓ Fiscal Fed. / 22 54801

~~Simon K. Fairley Fellowship~~

~~James Madison Mem. Sch.~~

✓ WH Journals = Pres. Comm. on WH Fellowships

5, ap. 2 5 14, ut, EON 12774

Higher Educ. Resources + Assistance

✓ Rott C Byrd knows. 20 3 1070d-33

~~3 3 105~~

3 3 105 assis. + sources for Pres / procure experts / consultants

✓ 3 112 details from Exec. B. EEO

✓ 22 3 2501a = Peace Corps / Voluntary services

agencies may provide services to state dept. to further its purpose which is diplom. security

:

LEVEL 1 - 9 OF 68 DOCUMENTS

Public Papers of the Presidents

Appointment of Norman Sisisky as a Member of the Board of
Trustees of the James Madison Memorial Fellowship
Foundation

26 Weekly Comp. Pres. Doc. 984

LENGTH: 126 words

The President today announced his intention to appoint Norman Sisisky to serve in an advisory capacity as a member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for the remainder of the term expiring October 3, 1990. He would succeed James R. Olin. He will also be appointed for a term expiring October 3, 1996.

Mr. Sisisky is presently serving his ...

June 20, 1990

Press Alt-H for Help or Alt-Q to Quit.

ments, for the purpose of developing and coordinating policies and procedures affecting Federal Government use of the electromagnetic spectrum for telecommunications purposes;

(6) compile, evaluate, publish, and otherwise disseminate general scientific and technical data resulting from the performance of the functions specified in this section or from other sources when such data are important to science, engineering, or industry, or to the general public, and are not available elsewhere; and

(7) undertake such other activities similar to those specified in this subsection as the Secretary of Commerce determines appropriate.

(Pub.L. 100-418, Title V, § 5112(b), Aug. 23, 1988, 102 Stat. 1430.)

HISTORICAL AND STATUTORY NOTES

Legislative History

For legislative history and purpose of Pub.L. 100-418, see 1988 U.S. Code Cong. and Adm. News, p. 1547.

LIBRARY REFERENCES

Telecommunications § 1 et seq.
United States § 33, 40, 71.

C.J.S. Telegraphs, Telephones, Radio, and Television § 74 et seq.
C.J.S. United States §§ 33, 38 et seq., 95.

§ 1533. Commerce, Science, and Technology Fellowship Program

There is established within the Department of Commerce a Commerce, Science, and Technology Fellowship Program with the stated purpose of providing a select group of employees of the executive branch of the Government with the opportunity of learning how the legislative branch and other parts of the executive branch function through work experiences of up to one year. The Secretary of Commerce shall report to the Congress within six months after August 23, 1988, on the Department of Commerce's plans for implementing such Program by March 31, 1989.

(Pub.L. 100-418, Title V, § 5163(d), Aug. 23, 1988, 102 Stat. 1451.)

HISTORICAL AND STATUTORY NOTES

Legislative History

For legislative history and purpose of Pub.L. 100-418, see 1988 U.S. Code Cong. and Adm. News, p. 1547.

§ 1534. Assessment of fees for access to environmental data

(a) Basis of assessment

Except as otherwise provided in this section, the Secretary is authorized to assess fees, based on fair market value, for access to environmental data and information and products derived therefrom collected and/or archived by the National Oceanic and Atmospheric Administration.

(b) Eligible recipients; waiver of fees in cases of foreign governments and international organizations

(1) The Secretary shall provide data, information, and products described in subsection (a) of this section to Federal, State, and local government agencies, to universities, and to other nonprofit institutions at the cost of reproduction and transmission, if such data, information, and products are to be used for research and not for commercial purposes.

(2) The Secretary shall waive the assessment of fees under subsection (a) of this section as necessary to continue to provide data, information, or products to foreign governments and international organizations on a basis of exchanging such data, information, and products or as otherwise provided by international agreement.

(3) The Secretary shall waive the assessment of fees authorized by subsection (a) as necessary to continue to provide weather warnings, watches, and similar products

Codification of Presidential Proclamations and Executive Orders

[Sec. 1 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 2. The head of any agency in the Executive Branch having an established merit system in the excepted service may appoint in such service any person who is certified by the Director of the Peace Corps as having served satisfactorily as a Volunteer or Volunteer Leader under the Peace Corps Act and who passes such examination as such agency head may prescribe.

SEC. 3. Certificates of satisfactory service for the purposes of this Order shall be issued only to persons who have completed a full term of service (approximately two years) under the Peace Corps Act: *Provided*, That such certificates may be issued to persons who have completed a lesser period of satisfactory service if, in the judgment of the Director of the Peace Corps, (1) their service was of sufficient duration to demonstrate their capability to complete satisfactorily a full term, and (2) their failure to complete a full term was due to circumstances beyond their control.

SEC. 4. Any appointment under this Order shall be effected within a period of one year after completion of the appointee's service under the Peace Corps Act: *Provided*, That such period may be extended to not more than three years in the case of persons who, following such service, are engaged in military service, in the pursuit of studies at a recognized institution of higher learning, or in other activities which, in the view of the appointing authority, warrant an extension of such period.

SEC. 5. Any law, Executive Order, or regulation which would disqualify an applicant for appointment in the competitive service or in the excepted service concerned shall also disqualify an applicant for appointment under this Order.

Executive Order 11183—Establishing the President's Commission on White House Fellowships

SOURCE: The provisions of Executive Order 11183 of Oct. 3, 1964, appear at 29 FR 13633, 3 CFR, 1964-1965 Comp., p. 256, unless otherwise noted.

WHEREAS it is in the national interest that our future leaders in all walks of life have opportunities to observe at firsthand the important and challenging tasks of American Government; and

WHEREAS participation in Government service early in their careers will help persons with high qualifications to become well-informed and public-spirited citizens; and

WHEREAS it is appropriate that public recognition be given to persons of exceptional promise who are willing to devote their time to increasing their understanding of the public business:

[Preamble amended by EO 12012 of Oct. 3, 1977, 42 FR 54249, 3 CFR, 1977 Comp., p. 146]

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of Commission.* (a) There is hereby established the President's Commission on White House Fellowships, hereinafter referred to as the Commission. The Commission shall consist of such outstanding citizens from the fields of public affairs, education, the sciences, the professions, other fields of private endeavor, and the Government service, as the President may from time to time appoint. One

f Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

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Establishing the President's Commission on White House Fellowships

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Chapter 5—Federal Civilian Personnel

of the members shall be designated by the President to serve as Chair-
man of the Commission.

(b) Members of the Commission shall serve at the pleasure of the
President. Federal officials shall receive no additional compensation by
reason of their service on the Commission. Members appointed to the
Commission from private life shall serve without compensation.

[Sec. 1 amended by EO 11410 of May 6, 1968, 33 FR 6911, 3 CFR, 1966-1970 Comp., p.
725]

SEC. 2. *Functions of the Commission.* (a) The Commission shall pre-
scribe such standards and procedures as may be necessary to enable it
to recommend annually a group of outstanding persons from among
whom the President may select White House Fellows. Following publi-
cation of these standards and procedures, the Commission may accept
(1) applications from individuals, including regular members of the
Armed Forces of the United States, and (2) nominations from sponsor-
ing individuals or organizations for consideration in its recommenda-
tions.

(b) The standards and procedures to be prescribed by the Commis-
sion shall be so drawn as to limit the selection of White House Fellows
to persons who—

(1) Have demonstrated unusual ability, high moral character, out-
standing motivation, and a broad capacity for leadership;

(2) Are presently early in their chosen careers and show exceptional
promise of future development;

(3) Are dedicated to the institutions of the United States and the
values of American civilization; and

(4) Are not, on the date on which they apply or at any time between
the date of application and the beginning of service as a White House
Fellow, employed in, or receiving any salary or wage as compensation
for, the performance of a Federal function under authority of law or
Executive act; except that, this exclusion shall not apply to regular
members of the Army, Navy, Air Force, Marine Corps or Coast
Guard, nor shall it apply to a "special Government employee" as de-
fined in Section 202 of Title 18 of the United States Code, nor shall it
apply to an independent contractor or employee thereof.

(c) White House Fellows shall be recommended by the Commission
and selected by the President without discrimination on the basis of sex,
race, color, creed, national origin, age or political affiliation.

[Sec. 2 amended by EO 11648 of Feb. 16, 1972, 37 FR 3623, 3 CFR, 1971-1975 Comp., p.
673; EO 11946 of Oct. 25, 1976, 41 FR 47219, 3 CFR, 1976 Comp., p. 158; EO 12012 of
Oct. 3, 1977, 42 FR 54249, 3 CFR, 1977 Comp., p. 146]

SEC. 3. *White House Fellows.* White House Fellows will be appointed
to serve for a period to be set by the Commission, provided that such a
period shall not exceed 365 days. Extensions of appointments may be
granted by the Commission at any time after appointments are made,
but such extensions shall not exceed 90 days. White House Fellows will
begin their appointments on September 1 of the year in which they are
selected, and shall be assigned to serve on the White House staff, in the
Executive Office of the President, in the Office of the Vice President,
in the offices of members of the Cabinet, or in the offices of such other
Executive Branch officials as shall, from time to time, be designated by
the President and the Commission.

Codification of Presidential Proclamations and Executive Orders

[Sec. 3 amended by EO 11946 of Oct. 25, 1976, 41 FR 47219, 3 CFR, 1976 Comp., p. 158; EO 12653 of Sept. 29, 1988, 53 FR 38705, 3 CFR, 1988 Comp., p. 583]

SEC. 4. *Executive Agencies.* (a) Each executive agency as defined in section 105 of title 5 of the United States Code shall extend fullest cooperation to the White House Fellows Program and attempt to maximize the Program's benefits to the individual Fellow, the Department or Agency, and the Federal Government.

(b) The Office of Personnel Management shall provide the Commission with administrative services, staff support, and travel expenses as authorized by law.

[Sec. 4 amended by EO 11648 of Feb. 16, 1972, 37 FR 3623, 3 CFR, 1971-1975 Comp., p. 673; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

EDITORIAL NOTE: The President's Commission on White House Fellowships was continued until Sept. 30, 1989, by Executive Order 12610 of Sept. 30, 1987, 52 FR 36901, 3 CFR, 1987 Comp., p. 250. Executive Order 12610 also provides that, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Commission, except that of reporting annually to Congress, shall be performed by the Director of the Office of Personnel Management in accordance with guidelines and procedures established by the Administrator of General Services.

Executive Order 11203—Permitting certain qualified employees of the Treasury Department to be given career appointment

SOURCE: The provisions of Executive Order 11203 of Mar. 12, 1965, appear at 30 FR 3417, 3 CFR, 1964-1965 Comp., p. 287, unless otherwise noted.

By virtue of the authority vested in me by Section 2 of the Civil Service Act (22 Stat. 403) and Section 1753 of the Revised Statutes of the United States (5 U.S.C. 631) and as President of the United States, it is hereby ordered as follows:

SECTION 1. Any employee of the Treasury Department serving under an appointment under Schedule B of the Civil Service Rules in a position concerned with the protection of the life and safety of the President, members of his immediate family, or other persons for whom similar protective services are provided by law (which responsibility is hereinafter referred to as the protective function) may have his appointment converted to a career appointment if:

(1) he has completed at least three years of full-time continuous service in a position concerned with the protective function;

(2) the Secretary of the Treasury, or his designee, recommends the conversion of the employee's appointment within 90 days after the employee meets the service requirements of this section, or within 90 days after the date of this Order, whichever is later;

(3) he shall have passed a competitive examination appropriate for the position he is occupying or meets noncompetitive examination standards the Office of Personnel Management prescribes for his position; and

(4) he meets all other requirements prescribed by the Office pursuant to Section 5 of this Order.

[Sec. 1 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 2. For the purposes of Section 1—

Per Stuart Bender:

Outside consultant

Expenses
↓

If pmt = procurement.

If does a contract, keep

below \$200 = if above

need a sole source justif.

- Conflict scrub even though not EE.
- Non-disclosure stmt.

Invitational travel = Brian Foucart x 2500

Contract person - Dale Helme
x. 3314

(spoke w/ SB + reccom. I called)

if comp. = CO sign

std lang. = org. conf. / non-
disc. of info.

Govt. cannot accept pers. services, so must
be a report of some sort (= threshold).
- need a deliverable.

He could do it in his own

- Agmt. - no comp from Govt.
- there will be a deliverable -
 - non-disclosure
 - conflict of int. analysis

counsel to appear in court on behalf of the military authorities in habeas corpus cases. 1871, 13 Op. Atty. Gen. 580, 583.

Under the provision of Act June 22, 1870, c. 150, § 17, 16 Stat. 164, incorporated into this section, the head of the Navy Department was not at liberty to employ counsel to conduct proceedings before a naval court-martial but had to call upon the Department of Justice to furnish an officer for the service. 1871, 13 Op. Atty. Gen. 514. See, also, 1872, 14 Op. Atty. Gen. 13.

7. Fees for unauthorized services

Special counsel in Indian matters, employed by Secretary of Interior, could not recover fees from the United States. *Eslick v. U. S.*, 1916, 51 Ct. Cl. 266.

of publicity experts; restrictions

to be used to pay a publicity expert unless for that purpose.

Stat. 416.

and Revision Notes

Revised Statutes and Statutes at Large

Oct. 22, 1913, ch. 32, § 1 (last par. under "Interstate Commerce Commission"), 38 Stat. 212.

Explanatory Notes

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Library References

C.J.S. United States § 123.

of detective agencies; restrictions

the Pinkerton Detective Agency, or be employed by the Government of the District of Columbia.

Stat. 416.

and Revision Notes

Revised Statutes and Statutes at Large

Mar. 3, 1893, ch. 208 (5th par. under "Public Buildings"), 27 Stat. 591.

Explanatory Notes

style of this title as outlined in the preface to the report.

form
the

Library References

United States § 36.

C.J.S. United States §§ 36, 37, 62 to 64.

Notes of Decisions

1. Character of services to be performed

The prohibition in this section is applicable to contracts or agreements with detective agencies as well as to contracts with individual employees of such agencies and precludes the employment of a detective agency or its employees regardless of the character of the services to be performed and, even though the services

are not to be of a detective or investigative nature, therefore, a low bid for furnishing maintenance, security and guard services to a military installation submitted by a concern which is in fact a detective agency is subject to the prohibition and must be rejected. 1959, 38 Comp. Gen. 881.

§ 3109. Employment of experts and consultants; temporary or intermittent

(a) For the purpose of this section—

(1) "agency" has the meaning given it by section 5721 of this title; and

(2) "appropriation" includes funds made available by statute under section 849 of title 31.

(b) When authorized by an appropriation or other statute, the head of an agency may procure by contract the temporary (not in excess of 1 year) or intermittent services of experts or consultants or an organization thereof, including stenographic reporting services. Services procured under this section are without regard to—

(1) the provisions of this title governing appointment in the competitive service;

(2) chapter 51 and subchapter III of chapter 53 of this title; and

(3) section 5 of title 41, except in the case of stenographic reporting services by an organization.

However, an agency subject to chapter 51 and subchapter III of chapter 53 of this title may pay a rate for services under this section in excess of the daily equivalent of the highest rate payable under section 5332 of this title only when specifically authorized by the appropriation or other statute authorizing the procurement of the services.

Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 416.

Historical and Revision Notes

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 55a	Aug. 2, 1946, ch. 744, § 15, 60 Stat. 810.

Explanatory Notes

In subsection (a), the definitions of "agency" and "appropriation" are added on authority of the Act of Aug. 2, 1946, ch. 744, § 18, 60 Stat. 811.

In subsection (b), the words "the provisions of this title governing appointment in the competitive service" are substituted for "the civil-service laws". The words "chapter 51 and subchapter III of chapter 53 of this title" are substituted for the reference to the classification

laws which originally meant the Classification Act of 1923, as amended. Exception from the Classification Act of 1949 is based on sections 202(27), and 1106(a) of the Act of Oct. 28, 1949, ch. 782, 63 Stat. 956, 972.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Cross References

Community Relations Service, Department of Commerce, authority of Director to procure services as authorized by this section at \$75 per diem limitation, see section 2000g of Title 42, The Public Health and Welfare.

Education professions development grants and contracts, see section 1091f of Title 20, Education.

Employment of experts or consultants by Director of Administrative Office of United States Courts, see note set out under section 602 of Title 28, Judiciary and Judicial Procedure.

General Accounting Office authorized to credit accounts of special disbursing agent of Saint Elizabeths Hospital with certain amounts, notwithstanding this section, see section 168 of Title 24, Hospitals, Asylums, and Cemeteries.

International Health Research Act of 1960, application of section to, see sections 2102, 2103 of Title 22, Foreign Relations and Intercourse; section 2427 of Title 42, The Public Health and Welfare.

Travel expenses of consultants or experts, see section 5703 of this title.

Notes of Decisions**Evidence 2****Temporary legal services 1****1. Temporary legal services**

Government agency was vested with authority to secure temporary or intermittent services of attorney by contract or appointment and authorized it to enter into independent contractor relationship with attorney as distinguished from employment status. *Boyle v. U. S.*, 1962, 309 F.2d 399, 159 Ct.Cl. 230.

2. Evidence

In action by temporary appointee against the Secretary of the Army and

others for mandatory injunction commanding reinstatement of temporary appointee to position as astronomer in Army Map Service, evidence established that appointing officer accorded to temporary appointee all procedural prerogatives required to be extended in case of temporary appointees, and that valid regulations of the Civil Service Commission authorized separation of temporary appointee from the service. *Kameny v. Brucker*, 1960, 282 F.2d 823, 108 U.S.App. D.C. 340, certiorari dismissed 81 S.Ct. 802, 365 U.S. 843, 5 L.Ed.2d 809.

§ 3110. Employment of relatives; restrictions

(a) For the purpose of this section—

(1) "agency" means—

(A) an Executive agency;

(B) an office, agency, or other establishment in the legislative branch;

GOVERNMENT ORGANIZATION

and purpose of Pub.L.
ode Cong. and Adm.

CROSS REFERENCES

tant as not barred by
323 of this title.

WEST'S FEDERAL PRACTICE MANUAL

e § 94 et seq. Substitution of hearing officers, see § 108.
51. Waiver, see § 117.

ADMINISTRATIVE LAW

of administrative law

NOTES OF DECISIONS

nel Management 11

inserted by Congress
appropriation acts, Sec-
d to deviate from the
) of Title 33 of quali-
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ing cases. Director,
ation Programs, U.S.
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Management grant-
s for appointment as
time in Advice Divi-
counsel and their con-
fidential in nature and
at bar, such evidence
Office's decisions in
lity for appointment,
r not supported by
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200, affirmed 711
142.

and not say that rejec-
management of memo-
ative law judges urg-
Division experience
erience for purpose
pointment as admin-
e of Office's experi-
erious. Friedman
5 F.Supp. 200, af-
App.D.C. 142.

ative law judge's su-
intervals about for-
s productivity, and
earnestly" request-
judge to take steps
supervisors' request-
judge to account
administrative law judge
ents did not consti-

tute constitutional violation or violation of Ad-
ministrative Procedure Act, sections 551 et seq.
and 701 et seq. of this title, to extent that this
chapter recognizes qualified right of decisional
independence of administrative law judge. Cho-
callo v. Bureau of Hearings and Appeals, SSA,
D.C.Pa.1982, 548 F.Supp. 1349, affirmed 716
F.2d 889, certiorari denied 104 S.Ct. 426, 464 U.S.
983, 78 L.Ed.2d 360.

8. Disqualification

Although director of Bureau of Hearings and
Appeals did recommend removal action be taken
against former administrative law judge, where
final judicial decision affirmed removal action,
indicating that action was not without justification
or legitimate foundation, director did not act in
violation of former administrative law judge's
clearly established statutory or constitutional
rights. Chocallo v. Bureau of Hearings and Ap-
peals, SSA, D.C.Pa.1982, 548 F.Supp. 1349, af-
firmed 716 F.2d 889, certiorari denied 104 S.Ct.
426, 464 U.S. 983, 78 L.Ed.2d 360.

9. Promotion

Where director of Bureau of Hearings and Ap-
peals communicated to former administrative law
judge the basis for her nonpromotion was disci-
pline related, director believed that promotion was
inconsistent with proposed discipline, director had
authority to recommend adverse action for actions
of administrative law judge which were deliberate
impediments to execution of delegated authority,
although director erred in not processing former
administrative law judge's promotion or grade
increase, former administrative law judge's statu-
tory right to promotion was not so clear that
director's withholding of it rose to level of bad
faith in violation of former administrative law
judge's constitutional and statutory rights. Cho-
callo v. Bureau of Hearings and Appeals, SSA,
D.C.Pa.1982, 548 F.Supp. 1349, affirmed 716
F.2d 889, certiorari denied 104 S.Ct. 426, 464 U.S.
983, 78 L.Ed.2d 360.

10. Discharge

Allegations that certain agency employees had
conspired to impede administrative law judge in
performance of his duties were insufficient to
support Merit Systems Protection Board's juris-
diction over grievances in light of failure to show
that actions of agency employees caused an invol-

GOVERNMENT ORGANIZATION

untary change in administrative law judge's status
so as to effect his "removal." Matter of Doyle,
MSPB 1984, 24 M.S.P.R. 409.

11. Power of Office of Personnel Management

Office of Personnel Management must be free
to define and revise criteria to govern eligibility
for administrative law judge service. Friedman v.
Devine, D.C.D.C.1983, 565 F.Supp. 200, affirmed
711 F.2d 420, 229 U.S.App.D.C. 142.

§ 3106. Employment of attorneys; restrictions

NOTES OF DECISIONS

Agency cooperation 8
Foreign courts 9

5. Power and duties of Attorney General

The broad plenary authority of the Attorney
General, as chief litigation officer for the United
States, embraces all aspects of litigation, including
subpoena enforcement, settlement authority, and
prosecutorial discretion, to be eroded only by
other Acts of Congress, and the Executive's con-
stitutional command to faithfully execute the laws.
1982 (Counsel-Inf.Op.) 6 O.L.C. 47.

8. Agency cooperation

So long as the Justice Department retains con-
trol over the conduct of the litigation, even an

12. Review

Decisions of Office of Personnel Management
finding applicant ineligible to take final examina-
tion required for certification of eligibility for
appointment as administrative law judge could not
be overturned unless they were arbitrary, capri-
cious, or not supported by substantial evidence.
Friedman v. Devine, D.C.D.C.1983, 565 F.Supp.
200, affirmed 711 F.2d 420, 229 U.S.App.D.C.
142

extensive role for attorneys of other agencies, and
the use of appropriations from such other agen-
cies, seem consistent with the purposes of this
section. 1979 (Counsel-Inf.Op.) 3 Op.O.L.C. 104.

9. Foreign courts

The Attorney General's authority and responsi-
bility to conduct litigation extends to litigation in
foreign courts, including litigation affecting for-
eign relations of the United States, and litigated
proceedings before the International Court of Jus-
tice are thus within his supervisory power. 1980
(Counsel-Inf. OP.) 4A Op.O.L.C. 11 (text of opin-
ion appears on p. 233 of this volume).

§ 3108. Employment of detective agencies; restrictions

CROSS REFERENCES

Superseding of section for District of Columbia
government employees, see D.C.Code 1981,
§ 1-633.2.

NOTES OF DECISIONS

Character of services to be performed 1
Purpose 1/2
Similar organizations 2
Standing 3

1/2. Purpose

This section was intended to prohibit employ-
ment by the government of detective agency as it
was constituted in 1892, and the prohibition does
not extend only to government use of detectives
during labor disputes. U.S. ex rel. Weinberger v.
Equifax, Inc., C.A.Fla.1977, 557 F.2d 456, rehear-
ing denied 561 F.2d 831, certiorari denied 98 S.Ct.
768, 434 U.S. 1035, 54 L.Ed.2d 782, rehearing
denied 98 S.Ct. 1477, 435 U.S. 918, 55 L.Ed.2d
511.

2. Similar organizations

An organization is not "similar" to organization
referred to in this section unless it offers for hire

mercenary, quasi-military forces as strikebreakers
and armed guards. U.S. ex rel. Weinberger v.
Equifax, Inc., C.A.Fla.1977, 557 F.2d 456, rehear-
ing denied 561 F.2d 831, certiorari denied 98 S.Ct.
768, 434 U.S. 1035, 54 L.Ed.2d 782, rehearing
denied 98 S.Ct. 1477, 435 U.S. 918, 55 L.Ed.2d
511

3. Standing

Plaintiff who alleged no injury in fact lacked
standing to seek declaratory judgment that gov-
ernment employment of credit reporting company
to provide information on prospective government
employees violated this section. U.S. ex rel.
Weinberger v. Equifax, Inc., C.A.Fla.1977, 557
F.2d 456, rehearing denied 561 F.2d 831, certiorari
denied 98 S.Ct. 768, 434 U.S. 1035, 54 L.Ed.2d
782, rehearing denied 98 S.Ct. 1477, 435 U.S. 918,
55 L.Ed.2d 511.

§ 3109. Employment of experts and consultants; temporary or intermittent

(a) For the purpose of this section—

- (1) "agency" has the meaning given it by section 5721 of this title; and
- (2) "appropriation" includes funds made available by statute under section 9104 of title 31.

[See main volume for text of (b)]

(c) Positions in the Senior Executive Service or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service may not be filled under the authority of subsection (b) of this section.

(d) The Office of Personnel Management shall prescribe regulations necessary for the administration of this section. Such regulations shall include—

(1) criteria governing the circumstances in which it is appropriate to employ an expert or consultant under the provisions of this section;

(2) criteria for setting the pay of experts and consultants under this section; and

(3) provisions to ensure compliance with such regulations.

(e) Each agency shall report to the Office of Personnel Management on an annual basis with respect to—

(1) the number of days each expert or consultant employed by the agency during the period was so employed; and

(2) the total amount paid by the agency to each expert and consultant for such work during the period.

(As amended Pub.L. 95-454, Title IV, § 402(b), Oct. 13, 1978, 92 Stat. 1160; Pub.L. 97-258, § 3(a)(4), Sept. 13, 1982, 96 Stat. 1063; Pub.L. 100-325, § 2(b), May 30, 1988, 102 Stat. 581; Pub.L. 102-378, § 2(8), Oct. 2, 1992, 106 Stat. 1347.)

HISTORICAL AND STATUTORY NOTES

1992 Amendments

Subsecs. (d), (e). Pub.L. 102-378, § 2(8), added subsecs. (d) and (e).

1988 Amendment

Subsec. (c). Pub.L. 100-325 inserted "or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service" after "Service".

1982 Amendment

Subsec. (a)(2). Pub.L. 97-258, § 3(a)(4), substituted "9104" for "849".

1978 Amendment

Subsec. (c). Pub.L. 95-454 added subsec. (c).

Effective Date of 1992 Amendments

Amendment by Pub.L. 102-378 effective Oct. 2, 1992, see section 9(a) of Pub.L. 102-378, set out as a note under section 6303 of this title.

Effective Date of 1978 Amendment

Amendment by Pub.L. 95-454 effective 9 months after Oct. 13, 1978, and congressional review of provisions of sections 401 through 412 of Pub.L. 95-454, see section 415 of Pub.L. 95-454, set out as a note under section 3131 of this title.

Appropriations Relating to Labor, Health and Human Services, and Education; Public Disclosure of Consulting Service through Procurement Contract

Pub.L. 102-394, Title V, § 501, Oct. 6, 1992, 106 Stat. 1825, provided that: "The expenditure of any appropriation under this Act [Pub.L. 102-394, Oct. 6, 1992, 106 Stat. 1792, the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1993, for distribution of this Act to the Code, see Tables] or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109 [this section], shall be

limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law."

Appropriations Relating to Energy and Water Development; Public Disclosure of Consulting Service through Procurement Contract

Pub.L. 102-377, Title V, § 504, Oct. 2, 1992, 106 Stat. 1342, provided that: "The expenditure of any appropriation under this Act [Pub. L. 102-377, Oct. 2, 1992, 106 Stat. 1315, for distribution of which, see Tables] or subsequent Energy and Water Development Appropriations Acts for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code [this section], hereafter shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law."

Availability of Appropriations for Services

Pub.L. 102-394, Title V, § 503, Oct. 6, 1992, 106 Stat. 1825, provided that: "Appropriations contained in this Act [Pub.L. 102-394, Oct. 6, 1992, 106 Stat. 1792, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1993, for distribution of this Act to the Code, see Tables] or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 [this section] but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376 [section 5376 of this title]."

Legislative History

For legislative history and purpose of Pub.L. 95-454, see 1978 U.S. Code Cong. and Adm. News, p. 2723. See, also, Pub.L. 97-258, 1982

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GOVERNMENT ORGANIZATION

the Senior Executive Service or the Federal Bureau of Investigation Administration Senior Executive Service may not be authority of subsection (b) of this section.

Personnel Management shall prescribe regulations necessary for of this section. Such regulations shall include—

governing the circumstances in which it is appropriate to employ consultant under the provisions of this section;

for setting the pay of experts and consultants under this section;

to ensure compliance with such regulations.

shall report to the Office of Personnel Management on an annual to—

ber of days each expert or consultant employed by the agency had so employed; and

amount paid by the agency to each expert and consultant for the period.

95-454, Title IV, § 402(b), Oct. 13, 1978, 92 Stat. 1160; Pub.L. 97-258, § 2, Oct. 2, 1992, 106 Stat. 1347.)

HISTORICAL AND STATUTORY NOTES

Pub.L. 102-378, § 2(8), add-

100-325 inserted "or the investigation and Drug Enforcement Senior Executive Ser-

97-258, § 3(a)(4), sub-

95-454 added subsec. (c).

Amendments

102-378 effective Oct. 2, Pub.L. 102-378, set out 5303 of this title.

Amendment

Pub.L. 95-454 effective 9 1978, and congressional sections 401 through 412 section 415 of Pub.L. under section 3131 of

to Labor, Health and Education; Public Dis-SERVICE through Procure-

V, § 501, Oct. 6, 1992, that: "The expenditure under this Act [Pub.L. 6 Stat. 1792, the Department and Human Services, and Agencies Appropriations of this Act to the Code, Departments of Labor, ces, and Education, and Appropriations Acts for any procurement contract, 9 [this section], shall be

limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law."

Appropriations Relating to Energy and Water Development; Public Disclosure of Consulting Service through Procurement Contract

Pub.L. 102-377, Title V, § 504, Oct. 2, 1992, 106 Stat. 1342, provided that: "The expenditure of any appropriation under this Act [Pub. L. 102-377, Oct. 2, 1992, 106 Stat. 1315, for distribution of which, see Tables] or subsequent Energy and Water Development Appropriations Acts for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code [this section], hereafter shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law."

Availability of Appropriations for Services

Pub.L. 102-394, Title V, § 503, Oct. 6, 1992, 106 Stat. 1825, provided that: "Appropriations contained in this Act [Pub.L. 102-394, Oct. 6, 1992, 106 Stat. 1792, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1993, for distribution of this Act to the Code, see Tables] or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 [this section] but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376 [section 5376 of this title]."

Legislative History

For legislative history and purpose of Pub.L. 95-454, see 1978 U.S. Code Cong. and Adm. News, p. 2723. See, also, Pub.L. 97-258, 1982

GOVERNMENT ORGANIZATION

U.S. Code Cong. and Adm. News, p. 1895; Pub.L. 100-325, 1988 U.S. Code Cong. and Adm. News, p. 634.

CROSS REFERENCES

Archivist of the United States, authority to obtain services of experts and consultants, see section 2105 of Title 44, Public Printing and Documents.

Arctic Research Commission, authority to procure temporary and intermittent services, see section 4105 of Title 15, Commerce and Trade.

Commercial Motor Vehicle Safety Regulatory Review Panel, authority to procure temporary and

intermittent services, see section 2508 of Title 49, Transportation.

National Critical Materials Council, authority to obtain services of experts and consultants, see section 1807 of Title 30, Mineral Lands and Mining.

Procurement of services of experts and consultants by Comptroller General, see section 731 of Title 31, Money and Finance.

NOTES OF DECISIONS

Services included 3

1. Temporary legal services

When agency contracts under this section with consultant, such as private law firm, on independent contractor basis, it is required to follow formal contracting procedures and to otherwise comply with applicable provisions governing procurements and recording of obligations. 1981, 61 Comp.Gen. 69.

3. Services included

District court had power to appoint technical advisor to assist in calculating damages for loss of earning capacity of infant injured at birth by

medical malpractice of naval obstetrician. Reilly v. U.S., D.R.I.1988, 682 F.Supp. 150.

Temporary or intermittent experts and consultants may be retained by agencies when authorized by an appropriation or other statute, but an appropriation may not be used to hire employees to perform the same functions as are performed by regular employees. 1979 (Counsel-Inf. Op.) 3 Op.O.L.C. 78.

This section would appear to encompass the paying of a consultant from funds appropriated to the White House Office to assist a nominee to a regulatory agency in his confirmation hearing and to prepare the individual to assume his position, if appointed. 1978 (Counsel-Inf. Op.) 2 Op.O.L.C. 376.

§ 3110. Employment of relatives; restrictions

[See main volume for text of (a) to (c)]

(d) The Office of Personnel Management may prescribe regulations authorizing the temporary employment, in the event of emergencies resulting from natural disasters or similar unforeseen events or circumstances, of individuals whose employment would otherwise be prohibited by this section.

[See main volume for text of (e)]

(As amended Pub.L. 95-454, Title IX, § 906(a)(2), Oct. 13, 1978, 92 Stat. 1224.)

HISTORICAL AND STATUTORY NOTES

1978 Amendment

Subsec. (d). Pub.L. 95-454 substituted "Office of Personnel Management" for "Civil Service Commission".

Effective Date of 1978 Amendment

Amendment by Pub.L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub.L.

95-454, set out as a note under section 1101 of this title.

Legislative History

For legislative history and purpose of Pub.L. 95-454, see 1978 U.S. Code Cong. and Adm. News, p. 2723.

CROSS REFERENCES

Superseding of certain provisions for District of Columbia government employees, see D.C. Code 1981, § 1-633.2.

NOTES OF DECISIONS

Advocating 3

Constitutionality 1

Defenses 4

Persons entitled to maintain action 2

2. Persons entitled to maintain action

Only recourse of career civil servant at Federal Communications Commission against her transfer under antinepotism provisions this section was appeal to internal management or to political process; civil servant did not have standing to challenge transfer in federal district court. Cutts

Codification of Presidential Proclamations and Executive Orders

[Sec. 1 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 2. The head of any agency in the Executive Branch having an established merit system in the excepted service may appoint in such service any person who is certified by the Director of the Peace Corps as having served satisfactorily as a Volunteer or Volunteer Leader under the Peace Corps Act and who passes such examination as such agency head may prescribe.

SEC. 3. Certificates of satisfactory service for the purposes of this Order shall be issued only to persons who have completed a full term of service (approximately two years) under the Peace Corps Act: *Provided*, That such certificates may be issued to persons who have completed a lesser period of satisfactory service if, in the judgment of the Director of the Peace Corps, (1) their service was of sufficient duration to demonstrate their capability to complete satisfactorily a full term, and (2) their failure to complete a full term was due to circumstances beyond their control.

SEC. 4. Any appointment under this Order shall be effected within a period of one year after completion of the appointee's service under the Peace Corps Act: *Provided*, That such period may be extended to not more than three years in the case of persons who, following such service, are engaged in military service, in the pursuit of studies at a recognized institution of higher learning, or in other activities which, in the view of the appointing authority, warrant an extension of such period.

SEC. 5. Any law, Executive Order, or regulation which would disqualify an applicant for appointment in the competitive service or in the excepted service concerned shall also disqualify an applicant for appointment under this Order.

Executive Order 11183—Establishing the President's Commission on White House Fellowships

SOURCE: The provisions of Executive Order 11183 of Oct. 3, 1964, appear at 29 FR 13633, 3 CFR, 1964-1965 Comp., p. 256, unless otherwise noted.

WHEREAS it is in the national interest that our future leaders in all walks of life have opportunities to observe at firsthand the important and challenging tasks of American Government; and

WHEREAS participation in Government service early in their careers will help persons with high qualifications to become well-informed and public-spirited citizens; and

WHEREAS it is appropriate that public recognition be given to persons of exceptional promise who are willing to devote their time to increasing their understanding of the public business:

[Preamble amended by EO 12012 of Oct. 3, 1977, 42 FR 54249, 3 CFR, 1977 Comp., p. 146]

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of Commission.* (a) There is hereby established the President's Commission on White House Fellowships, hereinafter referred to as the Commission. The Commission shall consist of such outstanding citizens from the fields of public affairs, education, the sciences, the professions, other fields of private endeavor, and the Government service, as the President may from time to time appoint. One

44 FR 1055, 3 CFR, 1978 Comp., p. 264]

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Chapter 5—Federal Civilian Personnel

of the members shall be designated by the President to serve as Chair-
 man of the Commission.

(b) Members of the Commission shall serve at the pleasure of the
 President. Federal officials shall receive no additional compensation by
 reason of their service on the Commission. Members appointed to the
 Commission from private life shall serve without compensation.

[Sec. 1 amended by EO 11410 of May 6, 1968, 33 FR 6911, 3 CFR, 1966-1970 Comp., p.
 725]

SEC. 2. *Functions of the Commission.* (a) The Commission shall pre-
 scribe such standards and procedures as may be necessary to enable it
 to recommend annually a group of outstanding persons from among
 whom the President may select White House Fellows. Following publi-
 cation of these standards and procedures, the Commission may accept
 (1) applications from individuals, including regular members of the
 Armed Forces of the United States, and (2) nominations from sponsor-
 ing individuals or organizations for consideration in its recommenda-
 tions.

(b) The standards and procedures to be prescribed by the Commis-
 sion shall be so drawn as to limit the selection of White House Fellows
 to persons who—

(1) Have demonstrated unusual ability, high moral character, out-
 standing motivation, and a broad capacity for leadership;

(2) Are presently early in their chosen careers and show exceptional
 promise of future development;

(3) Are dedicated to the institutions of the United States and the
 values of American civilization; and

(4) Are not, on the date on which they apply or at any time between
 the date of application and the beginning of service as a White House
 Fellow, employed in, or receiving any salary or wage as compensation
 for, the performance of a Federal function under authority of law or
 Executive act; except that, this exclusion shall not apply to regular
 members of the Army, Navy, Air Force, Marine Corps or Coast
 Guard, nor shall it apply to a "special Government employee" as de-
 fined in Section 202 of Title 18 of the United States Code, nor shall it
 apply to an independent contractor or employee thereof.

(c) White House Fellows shall be recommended by the Commission
 and selected by the President without discrimination on the basis of sex,
 race, color, creed, national origin, age or political affiliation.

[Sec. 2 amended by EO 11648 of Feb. 16, 1972, 37 FR 3623, 3 CFR, 1971-1975 Comp., p.
 673; EO 11946 of Oct. 25, 1976, 41 FR 47219, 3 CFR, 1976 Comp., p. 158; EO 12012 of
 Oct. 3, 1977, 42 FR 54249, 3 CFR, 1977 Comp., p. 146]

SEC. 3. *White House Fellows.* White House Fellows will be appointed
 to serve for a period to be set by the Commission, provided that such a
 period shall not exceed 365 days. Extensions of appointments may be
 granted by the Commission at any time after appointments are made,
 but such extensions shall not exceed 90 days. White House Fellows will
 begin their appointments on September 1 of the year in which they are
 selected, and shall be assigned to serve on the White House staff, in the
 Executive Office of the President, in the Office of the Vice President,
 in the offices of members of the Cabinet, or in the offices of such other
 Executive Branch officials as shall, from time to time, be designated by
 the President and the Commission.

Codification of Presidential Proclamations and Executive Orders

[Sec. 3 amended by EO 11946 of Oct. 25, 1976, 41 FR 47219, 3 CFR, 1976 Comp., p. 153; EO 12653 of Sept. 29, 1988, 53 FR 38705, 3 CFR, 1988 Comp., p. 583]

SEC. 4. Executive Agencies. (a) Each executive agency as defined in section 105 of title 5 of the United States Code shall extend fullest cooperation to the White House Fellows Program and attempt to maximize the Program's benefits to the individual Fellow, the Department or Agency, and the Federal Government.

(b) The Office of Personnel Management shall provide the Commission with administrative services, staff support, and travel expenses as authorized by law.

[Sec. 4 amended by EO 11648 of Feb. 16, 1972, 37 FR 3623, 3 CFR, 1971-1975 Comp., p. 673; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

EDITORIAL NOTE: The President's Commission on White House Fellowships was continued until Sept. 30, 1989, by Executive Order 12610 of Sept. 30, 1987, 52 FR 36901, 3 CFR, 1987 Comp., p. 250. Executive Order 12610 also provides that, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Commission, except that of reporting annually to Congress, shall be performed by the Director of the Office of Personnel Management in accordance with guidelines and procedures established by the Administrator of General Services.

Executive Order 11203—Permitting certain qualified employees of the Treasury Department to be given career appointment

SOURCE: The provisions of Executive Order 11203 of Mar. 12, 1965, appear at 30 FR 3417, 3 CFR, 1964-1965 Comp., p. 287, unless otherwise noted.

By virtue of the authority vested in me by Section 2 of the Civil Service Act (22 Stat. 403) and Section 1753 of the Revised Statutes of the United States (5 U.S.C. 631) and as President of the United States, it is hereby ordered as follows:

SECTION 1. Any employee of the Treasury Department serving under an appointment under Schedule B of the Civil Service Rules in a position concerned with the protection of the life and safety of the President, members of his immediate family, or other persons for whom similar protective services are provided by law (which responsibility is hereinafter referred to as the protective function) may have his appointment converted to a career appointment if:

(1) he has completed at least three years of full-time continuous service in a position concerned with the protective function;

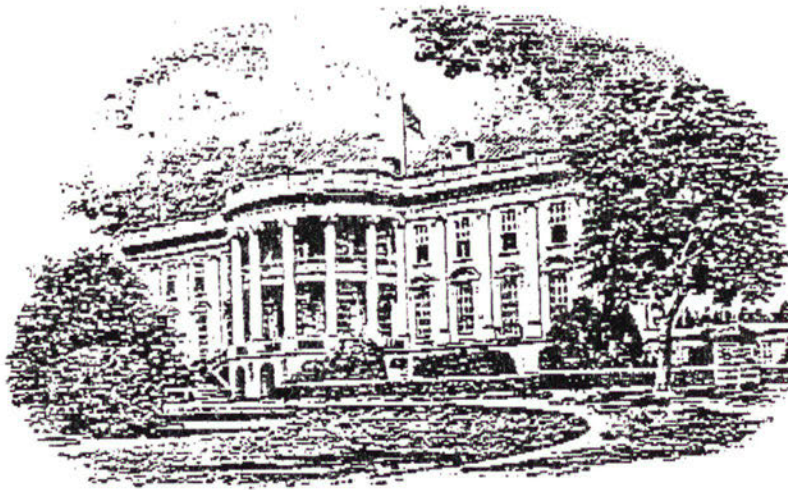
(2) the Secretary of the Treasury, or his designee, recommends the conversion of the employee's appointment within 90 days after the employee meets the service requirements of this section, or within 90 days after the date of this Order, whichever is later;

(3) he shall have passed a competitive examination appropriate for the position he is occupying or meets noncompetitive examination standards the Office of Personnel Management prescribes for his position; and

(4) he meets all other requirements prescribed by the Office pursuant to Section 5 of this Order.

[Sec. 1 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 2. For the purposes of Section 1—



FAX TRANSMISSION

**The National Economic Council
The White House**

(213) 939-9825
11/24 - back later to morrow

To: Kathi Whalen

Phone: 7903 FAX: 456-1647

From: **ELIZABETH COHEN**

Phone: 202-**456-6491** FAX: 202-456-2223
456-2801

Date: 11/23/93

Time: _____

Pages to follow: ~~7~~ 17

THE WHITE HOUSE
WASHINGTON

October 18, 1993

MEMORANDUM FOR THE VICE PRESIDENT

FROM: Tom Kalil (National Economic Council)
SUBJECT: Using the "Bully Pulpit" to promote the NII

Although fiscal constraints will limit the ability of the Administration to make major new investments, leadership can be a powerful (and inexpensive) tool for promoting the Administration's vision of the National Information Infrastructure.

Below are a few concrete proposals. If you think these are worthwhile, we can develop them further and begin to discuss them with relevant agencies and outside groups.

1. Establishing National Goals:

The NII is such an all-encompassing and amorphous concept that many believe it is critical to set some national goals -- an equivalent of a "Man on the Moon."

One such goal might be providing all schools with some level of access to the Internet by a date certain (e.g. 1996). *Fortune* recently reported that:

"From Harlem to Honolulu, electronic networks are sparking the kind of excitement not seen in America's classrooms since the space race."

Access to the Internet, combined with digital libraries, improvements in "user friendliness", and teacher training, could accelerate progress towards the six national education goals.

2. NII Fellows:

The development of the NII and its applications will require an unprecedented level of collaboration between all sectors of American society (government, industry, academia, public interest, etc.) Current examples of NII collaborative activities include Smart Valley, the Cross-Industry Working Team, standards-setting, and policy projects of groups such as the Council on Competitiveness.

-2-

Most of the individuals participating in these projects also have full-time jobs, which can make progress slow and uneven.

The Administration could encourage companies, universities and other institutions to provide 1-2 year sabbaticals to "NII Fellows" -- professionals who would have the freedom to participate in a wide range of collaborative activities such as those mentioned above.

3. State Information Infrastructure Trust Funds:

Some states use any "overearnings" from local telephone companies to finance telecommunications projects with a public interest dimension -- such as distance learning.

The Administration could encourage representatives of the relevant stakeholders (e.g. states, telephone companies, consumer advocates) to draft model legislation for consideration by all 50 states.

4. States as "Laboratories of Democracy" for the NII

There is a vast array of NII-related activity going on at the state and local level. If each of the states would take responsibility for providing information on-line about their activities, the federal government could learn from the states and states could learn from each other.

5. Pilot projects in the District of Columbia:

Ideally, you should not have to travel 3,000 miles to Cupertino to see how this technology can be applied to solving community and local government needs. The White House could support local grassroots projects such as Cap Access, a Washington, D.C.-based Freenet. ARPA is already considering networking local schools in Southeast D.C.

TRANSMITTAL SHEET

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (NIST)
OFFICE OF CONGRESSIONAL AND LEGISLATIVE AFFAIRS

PANAFAX # (301) 926-2569
Bldg. 101, Room A1111

Date: November 23, 1993

To: Dr. Elizabeth Cohen

Agency: C/O NEC

SUBJECT: Per our conversation

From: Michael R. Rubin

cc. Kathi Whalen

Agency/Division: Deputy Chief Counsel for NIST

Contact Number: 301 975-2803

Number of Pages Including Cover Sheet: 14

Special Instructions: If you need any additional information, please contact me at the above number. Thank you.

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LAWS OF 99th CONG.—2nd SESS.

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"(7) encourage and assist the creation of centers and other joint initiatives by State or local governments, regional organizations, private businesses, institutions of higher education, nonprofit organizations, or Federal laboratories to encourage technology transfer, to stimulate innovation, and to promote an appropriate climate for investment in technology-related industries;

"(8) propose and encourage cooperative research involving appropriate Federal entities, State or local governments, regional organizations, colleges or universities, nonprofit organizations, or private industry to promote the common use of resources, to improve training programs and curricula, to stimulate interest in high technology careers, and to encourage the effective dissemination of technology skills within the wider community;"

15 USC 3705

(6) The heading of section 6 of such Act is amended to read as follows:

"SEC. 6. COOPERATIVE RESEARCH CENTERS."

(7) Section 6(a) of such Act is amended by striking out "Centers for Industrial Technology" and inserting in lieu thereof "Cooperative Research Centers".

(8) Section 6(b)(1) of such Act is amended by striking out "basic and applied".

(9) Section 6(e) of such Act is amended to read as follows:

35 USC 200 et
seq.

"(e) **RESEARCH AND DEVELOPMENT UTILIZATION.**—In the promotion of technology from research and development efforts by Centers under this section, chapter 18 of title 35, United States Code, shall apply to the extent not inconsistent with this section."

15 USC 3701

(10) Section 6(f) of such Act is repealed.

(11) The heading of section 8 of such Act is amended by striking out "CENTERS FOR INDUSTRIAL TECHNOLOGY" and inserting in lieu thereof "COOPERATIVE RESEARCH CENTERS".

(12) Section 8(a) of such Act is amended by striking out "Centers for Industrial Technology" and inserting in lieu thereof "Cooperative Research Centers".

15 USC 3714

(13) Section 19 of such Act (as redesignated by section 2 of this Act) is amended by striking out "pursuant to this Act" and inserting in lieu thereof "pursuant to the provisions of this Act (other than sections 12, 13, and 14)".

(c) **RELATED CONFORMING AMENDMENT.**—Section 210 of title 35, United States Code, is amended by adding at the end thereof the following new subsection:

Ante. p. 1785.

"(e) The provisions of the Stevenson-Wydler Technology Innovation Act of 1980, as amended by the Federal Technology Transfer Act of 1986, shall take precedence over the provisions of this chapter to the extent that they permit or require a disposition of rights in subject inventions which is inconsistent with this chapter."

15 USC 3703

(d) **ADDITIONAL DEFINITIONS.**—Section 4 of such Act (as amended by subsection (b)(2) of this section) is further amended by adding at the end thereof the following new paragraphs:

"(3) 'Federal agency' means any executive agency as defined in section 105 of title 5, United States Code, and the military departments as defined in section 102 of such title.

"(4) 'Invention' means any invention or discovery which is or may be patentable or otherwise protected under title 35, United States Code, or any novel variety of plant which is or may be

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TECHNOLOGY TRANSFER ACT

P.L. 99-502
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protectable under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.).

"(10) 'Made' when used in conjunction with any invention means the conception or first actual reduction to practice of such invention.

"(11) 'Small business firm' means a small business concern as defined in section 2 of Public Law 85-536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration.

"(12) 'Training technology' means computer software and related materials which are developed by a Federal agency to train employees of such agency, including but not limited to software for computer-based instructional systems and for interactive video disc systems."

(e) REDESIGNATION OF SECTIONS TO REFLECT CHANGES MADE BY PRECEDING PROVISIONS.—(1) Such Act (as amended by the preceding provisions of this Act) is further amended by redesignating sections 11 through 19 as sections 10 through 18, respectively.

(2XA) Section 5(d) of such Act is amended by inserting "(as then in effect)" after "sections 5, 6, 8, 11, 12, and 13 of this Act".

(B) Section 8(a) of such Act is amended by striking out the last sentence.

(C) Section 9(d) of such Act is amended by striking out "or 13" and inserting in lieu thereof "10, 14, or 15".

(3) Section 13(a)(1) of such Act (as redesignated by paragraph (1) of this subsection) is amended by striking out "section 12" in the matter preceding subparagraph (A) and inserting in lieu thereof "section 11".

(4) Section 18 of such Act (as redesignated by paragraph (1) of this subsection) is amended by striking out "sections 12, 13, and 14" and inserting in lieu thereof "sections 11, 12, and 13".

(f) CLARIFICATION OF FINDINGS AND PURPOSES.—(1) The second sentence of section 2(10) of such Act (15 U.S.C. 3701(10)) is amended by inserting ", which include inventions, computer software, and training technologies," immediately after "developments".

(2) Section 3(3) of such Act (15 U.S.C. 3702(3)) is amended by inserting ", including inventions, software, and training technologies," immediately after "developments".

Approved October 20, 1986.

LEGISLATIVE HISTORY—H.R. 3773:

HOUSE REPORTS: No. 99-415 (Comm. on Science and Technology) and No. 99-953 (Comm. of Conference).

SENATE REPORTS: No. 99-223 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 131 (1985): Dec. 9, considered and passed House.
Vol. 132 (1986): Aug. 9, considered and passed Senate, amended.
Oct. 3, Senate agreed to conference report.
Oct. 7, House agreed to conference report.

TRANSMITTAL SHEET

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (NIST)

OFFICE OF CONGRESSIONAL AND LEGISLATIVE AFFAIRS

PANAFAX # (301) 926-2569
Bldg. 101, Room A1111

Date: November 23, 1993

To: Dr. Elizabeth Cohen

Kathi Whalen

Agency: C/O NEG

SUBJECT: Per our conversation

From: Michael R. Rubin

Agency/Division: Deputy Chief Counsel for NIST

Contact Number: 301 975-2803

Number of Pages Including Cover Sheet: 14

Special Instructions: If you need any additional information, please contact me at the above number. Thank you.

PUBLIC LAW 99-502 [H.R. 3773]; October 20, 1986

FEDERAL TECHNOLOGY TRANSFER ACT OF 1986

*For Legislative History of Act see Report for P.L. 99-502
in Legislative History Section, post.*

An Act to amend the Stevenson-Wydler Technology Innovation Act of 1980 to promote technology transfer by authorizing Government-operated laboratories to enter into cooperative research agreements and by establishing a Federal Laboratory Consortium for Technology Transfer within the National Bureau of Standards, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Technology Transfer Act of 1986".

SEC. 2. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

The Stevenson-Wydler Technology Innovation Act of 1980 is amended by redesignating sections 12 through 16 as sections 16 through 19, and by inserting immediately after section 11 the following:

"SEC. 12. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

"(a) GENERAL AUTHORITY.—Each Federal agency may permit the director of any of its Government-operated Federal laboratories—

"(1) to enter into cooperative research and development agreements on behalf of such agency (subject to subsection (c) of this section) with other Federal agencies; units of State or local government; industrial organizations (including corporations, partnerships, and limited partnerships, and industrial development organizations); public and private foundations; nonprofit organizations (including universities); or other persons (including licensees of inventions owned by the Federal agency); and

"(2) to negotiate licensing agreements under section 207 of title 35, United States Code, or under other authorities for Government-owned inventions made at the laboratory and other inventions of Federal employees that may be voluntarily assigned to the Government.

"(b) ENUMERATED AUTHORITY.—Under agreements entered into pursuant to subsection (a)(1), a Government-operated Federal laboratory may (subject to subsection (c) of this section)—

"(1) accept, retain, and use funds, personnel, services, and property from collaborating parties and provide personnel, services, and property to collaborating parties;

"(2) grant or agree to grant in advance, to a collaborating party, patent licenses or assignments, or options thereto, in any invention made in whole or in part by a Federal employee under the agreement, retaining a nonexclusive, nontransferrable, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the Government and such other rights as the Federal laboratory deems appropriate; and

Federal
Technology
Transfer Act of
1986.
Commerce and
trade.
Government
organization and
employees.
15 USC 3701
note.
15 USC 3701
note.
15 USC
3711-3714.
15 USC 3710a.

State and local
governments.
Business and
industry.
Schools and
colleges.

Patents and
trademarks.

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"(3) waive, subject to reservation by the Government of a nonexclusive, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the Government, in advance, in whole or in part, any right of ownership which the Federal Government may have to any subject invention made under the agreement by a collaborating party or employee of a collaborating party; and

"(4) to the extent consistent with any applicable agency requirements and standards of conduct, permit employees or former employees of the laboratory to participate in efforts to commercialize inventions they made while in the service of the United States.

Regulations.

"(c) **CONTRACT CONSIDERATIONS.**—(1) A Federal agency may issue regulations on suitable procedures for implementing the provisions of this section; however, implementation of this section shall not be delayed until issuance of such regulations.

"(2) The agency in permitting a Federal laboratory to enter into agreements under this section shall be guided by the purposes of this Act.

"(3)(A) Any agency using the authority given it under subsection (a) shall review employee standards of conduct for resolving potential conflicts of interest to make sure they adequately establish guidelines for situations likely to arise through the use of this authority; including but not limited to cases where present or former employees or their partners negotiate licenses or assignments of titles to inventions or negotiate cooperative research and development agreements with Federal agencies (including the agency with which the employee involved is or was formerly employed).

"(B) If, in implementing subparagraph (A), an agency is unable to resolve potential conflicts of interest within its current statutory framework; it shall propose necessary statutory changes to be forwarded to its authorizing committees in Congress.

"(4) The laboratory director in deciding what cooperative research and development agreements to enter into shall—

Small business.

"(A) give special consideration to small business firms, and consortia involving small business firms; and

Business and
industry.
International
agreements.

"(B) give preference to business units located in the United States which agree that products embodying inventions made under the cooperative research and development agreement or produced through the use of such inventions will be manufactured substantially in the United States and, in the case of any industrial organization or other person subject to the control of a foreign company or government, as appropriate, take into consideration whether or not such foreign government permits United States agencies, organizations, or other persons to enter into cooperative research and development agreements and licensing agreements.

"(5)(A) If the head of the agency or his designee desires an opportunity to disapprove or require the modification of any such agreement, the agreement shall provide a 30-day period within which such action must be taken beginning on the date the agreement is presented to him or her by the head of the laboratory concerned.

"(B) In any case in which the head of an agency or his designee disapproves or requires the modification of an agreement presented under this section, the head of the agency or such designee shall

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transmit a written explanation of such disapproval or modification to the head of the laboratory concerned.

"(6) Each agency shall maintain a record of all agreements entered into under this section.

Records.

"(d) DEFINITION.—As used in this section—

"(1) the term 'cooperative research and development agreement' means any agreement between one or more Federal laboratories and one or more non-Federal parties under which the Government, through its laboratories, provides personnel, services, facilities, equipment, or other resources with or without reimbursement (but not funds to non-Federal parties) and the non-Federal parties provide funds, personnel, services, facilities, equipment, or other resources toward the conduct of specified research or development efforts which are consistent with the missions of the laboratory; except that such term does not include a procurement contract or cooperative agreement as those terms are used in sections 6303, 6304, and 6305 of title 21, United States Code; and

"(2) the term 'laboratory' means a facility or group of facilities owned, leased, or otherwise used by a Federal agency, a substantial purpose of which is the performance of research, development, or engineering by employees of the Federal Government.

"(e) DETERMINATION OF LABORATORY MISSIONS.—For purposes of this section, an agency shall make separate determinations of the mission or missions of each of its laboratories.

"(f) RELATIONSHIP TO OTHER LAWS.—Nothing in this section is intended to limit or diminish existing authorities of any agency."

SEC. 3. ESTABLISHMENT OF FEDERAL LABORATORY CONSORTIUM FOR TECHNOLOGY TRANSFER.

Section 11 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710) is amended—

Pub. p. 1791.

- (1) by redesignating subsection (a) as subsection (f); and
- (2) by inserting after subsection (d) the following:

"(e) ESTABLISHMENT OF FEDERAL LABORATORY CONSORTIUM FOR TECHNOLOGY TRANSFER.—(1) There is hereby established the Federal Laboratory Consortium for Technology Transfer (hereinafter referred to as the 'Consortium') which, in cooperation with Federal Laboratories and the private sector, shall—

"(A) develop and (with the consent of the Federal laboratory concerned) administer techniques, training courses, and materials concerning technology transfer to increase the awareness of Federal laboratory employees regarding the commercial potential of laboratory technology and innovations;

"(B) furnish advice and assistance requested by Federal agencies and laboratories for use in their technology transfer programs (including the planning of seminars for small business and other industry);

"(C) provide a clearinghouse for requests, received at the laboratory level, for technical assistance from States and units of local governments, businesses, industrial development organizations, not-for-profit organizations including universities, Federal agencies and laboratories, and other persons, and—

"(i) to the extent that such requests can be responded to with published information available to the National Tech-

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nical Information Service, refer such requests to that Service, and

"(ii) otherwise refer these requests to the appropriate Federal laboratories and agencies;

"(D) facilitate communication and coordination between Offices of Research and Technology Applications of Federal laboratories;

"(E) utilize (with the consent of the agency involved) the expertise and services of the National Science Foundation, the Department of Commerce, the National Aeronautics and Space Administration, and other Federal agencies, as necessary;

"(F) with the consent of any Federal laboratory, facilitate the use by such laboratory of appropriate technology transfer mechanisms such as personnel exchanges and computer-based systems;

"(G) with the consent of any Federal laboratory, assist such laboratory to establish programs using technical volunteers to provide technical assistance to communities related to such laboratory;

"(H) facilitate communication and cooperation between Offices of Research and Technology Applications of Federal laboratories and regional, State, and local technology transfer organizations;

"(I) when requested, assist colleges or universities, businesses, nonprofit organizations, State or local governments, or regional organizations to establish programs to stimulate research and to encourage technology transfer in such areas as technology program development, curriculum design, long-term research planning, personnel needs projections, and productivity assessments; and

"(J) seek advice in each Federal laboratory consortium region from representatives of State and local governments, large and small business, universities, and other appropriate persons on the effectiveness of the program (and any such advice shall be provided at no expense to the Government).

"(2) The membership of the Consortium shall consist of the Federal laboratories described in clause (1) of subsection (b) and such other laboratories as may choose to join the Consortium. The representatives to the Consortium shall include a senior staff member of each Federal laboratory which is a member of the Consortium and a representative appointed from each Federal agency with one or more member laboratories.

"(3) The representatives to the Consortium shall elect a Chairman of the Consortium.

"(4) The Director of the National Bureau of Standards shall provide the Consortium, on a reimbursable basis, with administrative services, such as office space, personnel, and support services of the Bureau, as requested by the Consortium and approved by such Director.

"(5) Each Federal laboratory or agency shall transfer technology directly to users or representatives of users, and shall not transfer technology directly to the Consortium. Each Federal laboratory shall conduct and transfer technology only in accordance with the practices and policies of the Federal agency which owns, leases, or otherwise uses such Federal laboratory.

"(6) Not later than one year after the date of the enactment of this subsection, and every year thereafter, the Chairman of the Consor-

Reports

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tium shall submit a report to the President, to the appropriate authorization and appropriation committees of both Houses of the Congress, and to each agency with respect to which a transfer of funding is made (for the fiscal year or years involved) under paragraph (7), concerning the activities of the Consortium and the expenditures made by it under this subsection during the year for which the report is made.

"(7)(A) Subject to subparagraph (B), an amount equal to 0.005 percent of that portion of the research and development budget of each Federal agency that is to be utilized by the laboratories of such agency for a fiscal year referred to in subparagraph (B)(ii) shall be transferred by such agency to the National Bureau of Standards at the beginning of the fiscal year involved. Amounts so transferred shall be provided by the Bureau to the Consortium for the purpose of carrying out activities of the Consortium under this subsection.

"(B) A transfer shall be made by any Federal agency under subparagraph (A), for any fiscal year, only if—

"(i) the amount so transferred by that agency (as determined under such subparagraph) would exceed \$10,000; and

"(ii) such transfer is made with respect to the fiscal year 1987, 1988, 1989, 1990, or 1991.

"(C) The heads of Federal agencies and their designees, and the directors of Federal laboratories, may provide such additional support for operations of the Consortium as they deem appropriate.

"(8)(A) The Consortium shall use 5 percent of the funds provided in paragraph (7)(A) to establish demonstration projects in technology transfer. To carry out such projects, the Consortium may arrange for grants or awards to, or enter into agreements with, nonprofit State, local, or private organizations or entities whose primary purposes are to facilitate cooperative research between the Federal laboratories and organizations not associated with the Federal laboratories, to transfer technology from the Federal laboratories, and to advance State and local economic activity.

"(B) The demonstration projects established under subparagraph (A) shall serve as model programs. Such projects shall be designed to develop programs and mechanisms for technology transfer from the Federal laboratories which may be utilized by the States and which will enhance Federal, State, and local programs for the transfer of technology.

"(C) Application for such grants, awards, or agreements shall be in such form and contain such information as the Consortium or its designee shall specify.

"(D) Any person who receives or utilizes any proceeds of a grant or award made, or agreement entered into, under this paragraph shall keep such records as the Consortium or its designee shall determine are necessary and appropriate to facilitate effective audit and evaluation, including records which fully disclose the amount and disposition of such proceeds and the total cost of the project in connection with which such proceeds were used."

Records.

SEC. 4. UTILIZATION OF FEDERAL TECHNOLOGY.

(a) RESPONSIBILITY FOR TECHNOLOGY TRANSFER.—Section 11(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(a)) is amended—

- (1) by inserting "(1)" after "Policy.—"; and
- (2) by adding at the end thereof the following new paragraphs:

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(2) Technology transfer, consistent with mission responsibilities, is a responsibility of each laboratory science and engineering professional.

"(3) Each laboratory director shall ensure that efforts to transfer technology are considered positively in laboratory job descriptions, employee promotion policies, and evaluation of the job performance of scientists and engineers in the laboratory."

(b) RESEARCH AND TECHNOLOGY APPLICATIONS OFFICES.—(1) Section 11(b) of such Act (15 U.S.C. 3710(b)) is amended—

(A) by striking out "a total annual budget exceeding \$20,000,000 shall provide at least one professional individual full-time" and inserting in lieu thereof "200 or more full-time equivalent scientific, engineering, and related technical positions shall provide one or more full-time equivalent positions";

(B) by inserting immediately before the next to last sentence the following new sentence: "Furthermore, individuals filling positions in an Office of Research and Technology Applications shall be included in the overall laboratory/agency management development program so as to ensure that highly competent technical managers are full participants in the technology transfer process."

(C) by striking out "requirements set forth in (1) and/or (2) of this subsection" in the next to last sentence and inserting in lieu thereof "requirement set forth in clause (2) of the preceding sentence"; and

(D) by striking out "either requirement (1) or (2)" in the last sentence and inserting in lieu thereof "such requirement".

(2) Section 11(c) of such Act (15 U.S.C. 3710(c)) is amended—

(A) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) to prepare application assessments for selected research and development projects in which that laboratory is engaged and which in the opinion of the laboratory may have potential commercial applications";

(B) by striking out "the Center for the Utilization of Federal Technology" in paragraph (3) and inserting in lieu thereof "the National Technical Information Service, the Federal Laboratory Consortium for Technology Transfer," and by striking out "and" after the semicolon;

(C) by striking out "in response to requests from State and local government officials," in paragraph (4) and inserting in lieu thereof "to State and local government officials; and"; and

(D) by inserting immediately after paragraph (4) the following new paragraph:

"(5) to participate, where feasible, in regional, State, and local programs designed to facilitate or stimulate the transfer of technology for the benefit of the region, State, or local jurisdiction in which the Federal laboratory is located."

(c) DISSEMINATION OF TECHNICAL INFORMATION.—Section 11(d) of such Act (15 U.S.C. 3710(d)) is amended—

(1) by striking out "(d)" and all that follows down through "shall—" and inserting in lieu thereof the following:

(d) DISSEMINATION OF TECHNICAL INFORMATION.—The National Technical Information Service shall—

(2) by striking out paragraph (2);

(3) by striking out "existing" in paragraph (3), and redesignating such paragraph as paragraph (2);

State and local
governments.

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(4) by striking out paragraph (4) and inserting in lieu thereof the following:

"(3) receive requests for technical assistance from State and local governments, respond to such requests with published information available to the Service, and refer such requests to the Federal Laboratory Consortium for Technology Transfer to the extent that such requests require a response involving more than the published information available to the Service:"

State and local governments.

(5) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively; and

(6) by striking out "(c)(4)" in paragraph (4) as so redesignated and inserting in lieu thereof "(c)(3)".

(d) AGENCY REPORTING.—Section 11(f) of such Act (15 U.S.C. 3710(e)) (as redesignated by section 2(1) of this Act) is amended—

Reports.

(1) by striking out "prepare biennially a report summarizing the activities" in the first sentence and inserting in lieu thereof "report annually to the Congress, as part of the agency's annual budget submission, on the activities"; and

(2) by striking out the second sentence.

SEC. 3. FUNCTIONS OF THE SECRETARY OF COMMERCE.

15 USC 3710.

Section 11 of the Stevenson-Wydler Technology Innovation Act of 1980 (as amended by the preceding provisions of this Act) is further amended by adding at the end thereof the following new subsection:

"(g) FUNCTIONS OF THE SECRETARY.—(1) The Secretary, in consultation with other Federal agencies, may—

"(A) make available to interested agencies the expertise of the Department of Commerce regarding the commercial potential of inventions and methods and options for commercialization which are available to the Federal laboratories, including research and development limited partnerships;

"(B) develop and disseminate to appropriate agency and laboratory personnel model provisions for use on a voluntary basis in cooperative research and development arrangements; and

"(C) furnish advice and assistance, upon request, to Federal agencies concerning their cooperative research and development programs and projects.

"(2) Two years after the date of the enactment of this subsection and every two years thereafter, the Secretary shall submit a summary report to the President and the Congress on the use by the agencies and the Secretary of the authorities specified in this Act. Other Federal agencies shall cooperate in the report's preparation.

Reports.

"(3) Not later than one year after the date of the enactment of the Federal Technology Transfer Act of 1986, the Secretary shall submit to the President and the Congress a report regarding—

Reports.

"(A) any copyright provisions or other types of barriers which tend to restrict or limit the transfer of federally funded computer software to the private sector and to State and local governments, and agencies of such State and local governments; and

Copyrights.
State and local governments.

"(B) the feasibility and cost of compiling and maintaining a current and comprehensive inventory of all federally funded training software."

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SEC. 6. REWARDS FOR SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL OF FEDERAL AGENCIES.

The Stevenson-Wydler Technology Innovation Act of 1980 (as amended by the preceding provisions of this Act) is further amended by inserting after section 12 the following new section:

15 USC 3710b.

SEC. 12. REWARDS FOR SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL OF FEDERAL AGENCIES.

"The head of each Federal agency that is making expenditures at a rate of more than \$50,000,000 per fiscal year for research and development in its Government-operated laboratories shall use the appropriate statutory authority to develop and implement a cash awards program to reward its scientific, engineering, and technical personnel for—

"(1) inventions, innovations, or other outstanding scientific or technological contributions of value to the United States due to commercial application or due to contributions to missions of the Federal agency or the Federal government, or

"(2) exemplary activities that promote the domestic transfer of science and technology development within the Federal Government and result in utilization of such science and technology by American industry or business, universities, State or local governments, or other non-Federal parties."

SEC. 7. DISTRIBUTION OF ROYALTIES RECEIVED BY FEDERAL AGENCIES.

The Stevenson-Wydler Technology Innovation Act of 1980 (as amended by the preceding provisions of this Act) is further amended by inserting after section 13 the following new section:

15 USC 3710c.

SEC. 14. DISTRIBUTION OF ROYALTIES RECEIVED BY FEDERAL AGENCIES.

"(a) IN GENERAL.—(1) Except as provided in paragraphs (2) and (4), any royalties or other income received by a Federal agency from the licensing or assignment of inventions under agreements entered into under section 12, and inventions of Government-operated Federal laboratories licensed under section 207 of title 35, United States Code, or under any other provision of law, shall be retained by the agency whose laboratory produced the invention and shall be disposed of as follows:

"(Axi) The head of the agency or his designee shall pay at least 15 percent of the royalties or other income the agency receives on account of any invention to the inventor (or co-inventors) if the inventor (or each such co-inventor) was an employee of the agency at the time the invention was made. This clause shall take effect on the date of the enactment of this section unless the agency publishes a notice in the Federal Register within 90 days of such date indicating its election to file a Notice of Proposed Rulemaking pursuant to clause (ii).

Effective date.
Federal
Register.
publication.

Regulations.

"(iii) An agency may promulgate, in accordance with section 553 of title 5, United States Code, regulations providing for an alternative program for sharing royalties with inventors who were employed by the agency at the time the invention was made and whose names appear on licensed inventions. Such regulations must—

"(i) guarantee a fixed minimum payment to each such inventor, each year that the agency receives royalties from that inventor's invention;

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"(II) provide a percentage royalty share to each such inventor, each year that the agency receives royalties from that inventor's invention in excess of a threshold amount;

"(III) provide that total payments to all such inventors shall exceed 15 percent of total agency royalties in any given fiscal year; and

"(IV) provide appropriate incentives from royalties for those laboratory employees who contribute substantially to the technical development of a licensed invention between the time of the filing of the patent application and the licensing of the invention.

"(iii) An agency that has published its intention to promulgate regulations under clause (ii) may elect not to pay inventors under clause (i) until the expiration of two years after the date of the enactment of this Act or until the date of the promulgation of such regulations, whichever is earlier. If an agency makes such an election and after two years the regulations have not been promulgated, the agency shall make payments (in accordance with clause (ii)) of at least 15 percent of the royalties involved, retroactive to the date of the enactment of this Act. If promulgation of the regulations occurs within two years after the date of the enactment of this Act, payments shall be made in accordance with such regulations, retroactive to the date of the enactment of this Act. The agency shall retain its royalties until the inventor's portion is paid under either clause (i) or (ii). Such royalties shall not be transferred to the agency's Government-operated laboratories under subparagraph (B) and shall not revert to the Treasury pursuant to paragraph (2) as a result of any delay caused by rulemaking under this subparagraph.

Regulations.

"(B) The balance of the royalties or other income shall be transferred by the agency to its Government-operated laboratories, with the majority share of the royalties or other income from any invention going to the laboratory where the invention occurred; and the funds so transferred to any such laboratory may be used or obligated by that laboratory during the fiscal year in which they are received or during the succeeding fiscal year—

"(i) for payment of expenses incidental to the administration and licensing of inventions by that laboratory or by the agency with respect to inventions which occurred at that laboratory, including the fees or other costs for the services of other agencies, persons, or organizations for invention management and licensing services;

"(ii) to reward scientific, engineering, and technical employees of that laboratory;

"(iii) to further scientific exchange among the Government-operated laboratories of the agency; or

"(iv) for education and training of employees consistent with the research and development mission and objectives of the agency, and for other activities that increase the licensing potential for transfer of the technology of the Government-operated laboratories of the agency.

Any of such funds not so used or obligated by the end of the fiscal year succeeding the fiscal year in which they are received shall be paid into the Treasury of the United States.

"(2) If, after payments to inventors under paragraph (1), the royalties received by an agency in any fiscal year exceed 5 percent of the budget of the Government-operated laboratories of the agency for that year, 75 percent of such excess shall be paid to the Treasury

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Wages.

of the United States and the remaining 25 percent may be used or obligated for the purposes described in clauses (i) through (iv) of paragraph (1)(B) during that fiscal year or the succeeding fiscal year. Any funds not so used or obligated shall be paid into the Treasury of the United States.

"(3) Any payment made to an employee under this section shall be in addition to the regular pay of the employee and to any other awards made to the employee, and shall not affect the entitlement of the employee to any regular pay, annuity, or award to which he is otherwise entitled or for which he is otherwise eligible or limit the amount thereof. Any payment made to an inventor as such shall continue after the inventor leaves the laboratory or agency. Payments made under this section shall not exceed \$100,000 per year to any one person, unless the President approves a larger award (with the excess over \$100,000 being treated as a Presidential award under section 4504 of title 5, United States Code).

"(4) A Federal agency receiving royalties or other income as a result of invention management services performed for another Federal agency or laboratory under section 207 of title 35, United States Code, shall retain such royalties or income to the extent required to offset the payment of royalties to inventors under clause (i) of paragraph (1)(A), costs and expenses incurred under clause (i) of paragraph (1)(B), and the cost of foreign patenting and maintenance for such invention performed at the request of the other agency or laboratory. All royalties and other income remaining after payment of the royalties, costs, and expenses described in the preceding sentence shall be transferred to the agency for which the services were performed, for distribution in accordance with clauses (i) through (iv) of paragraph (1)(B).

"(b) CERTAIN ASSIGNMENTS.—If the invention involved was one assigned to the Federal agency—

"(1) by a contractor, grantee, or participant in a cooperative agreement with the agency, or

"(2) by an employee of the agency who was not working in the laboratory at the time the invention was made, the agency unit that was involved in such assignment shall be considered to be a laboratory for purposes of this section.

"(c) REPORTS.—(1) In making their annual budget submissions Federal agencies shall submit to the appropriate authorization and appropriation committees of both Houses of the Congress, summaries of the amount of royalties or other income received and expenditures made (including inventor awards) under this section.

"(2) The Comptroller General, five years after the date of the enactment of this section, shall review the effectiveness of the various royalty-sharing programs established under this section and report to the appropriate committees of the House of Representatives and the Senate, in a timely manner, his findings, conclusions, and recommendations for improvements in such programs."

SEC. 8. EMPLOYEE ACTIVITIES.

The Stevenson-Wydler Technology Innovation Act of 1980 (as amended by the preceding provisions of this Act) is further amended by inserting after section 4 the following new section:

SEC. 15. EMPLOYEE ACTIVITIES.

"(a) IN GENERAL.—If a Federal agency which has the right of ownership to an invention under this Act does not intend to file for

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trademarks.
Business and
industry.
15 USC 3710d.

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a patent application or otherwise to promote commercialization of such invention, the agency shall allow the inventor, if the inventor is a Government employee or former employee who made the invention during the course of employment with the Government, to retain title to the invention (subject to reservation by the Government of a nonexclusive, nontransferrable, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the Government). In addition, the agency may condition the inventor's right to title on the timely filing of a patent application in cases when the Government determines that it has or may have a need to practice the invention.

"(b) DEFINITION.—For purposes of this section, Federal employees include 'special Government employees' as defined in section 202 of title 18, United States Code.

"(c) RELATIONSHIP TO OTHER LAWS.—Nothing in this section is intended to limit or diminish existing authorities of any agency."

SEC. 9. MISCELLANEOUS AND CONFORMING AMENDMENTS.

(a) REPEAL OF NATIONAL INDUSTRIAL TECHNOLOGY BOARD.—Section 10 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 2709) is repealed.

(b) CHANGES IN TERMINOLOGY OR ADMINISTRATIVE STRUCTURE.—(1) Section 3(2) of the Stevenson-Wydler Technology Innovation Act of 1980 is amended by striking out "centers for industrial technology" and inserting in lieu thereof "cooperative research centers":

15 USC 2702.

15 USC 2702.

(2) Section 4 of such Act is amended—

(A) by striking out "Industrial Technology" in paragraph (1) and inserting in lieu thereof "Productivity, Technology, and Innovation";

(B) by striking out "Director" means the Director of the Office of Industrial Technology" in paragraph (3) and inserting in lieu thereof "Assistant Secretary" means the Assistant Secretary for Productivity, Technology, and Innovation";

(C) by striking out "Centers for Industrial Technology" in paragraph (4) and inserting in lieu thereof "Cooperative Research Centers";

(D) by striking out paragraph (6), and redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively; and

(E) by striking out "owned and funded" in paragraph (6) as so redesignated and inserting in lieu thereof "owned, leased, or otherwise used by a Federal agency and funded".

15 USC 2704.

(3) Section 5(a) of such Act is amended by striking out "Industrial Technology" and inserting in lieu thereof "Productivity, Technology, and Innovation".

(4) Section 5(b) of such Act is amended by striking out "DIRECTOR" and inserting in lieu thereof "ASSISTANT SECRETARY", and by striking out "a Director of the Office" and all that follows and inserting in lieu thereof "an Assistant Secretary for Productivity, Technology, and Innovation".

(5) Section 5(c) of such Act is amended—

(A) by striking out "the Director" each place it appears and inserting in lieu thereof "the Assistant Secretary";

(B) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(C) by inserting immediately after paragraph (6) the following new paragraphs: