

104TH CONGRESS
1ST SESSION

H. R. 2521

To establish a Federal Statistical Service.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 24, 1995

Mr. HORN (for himself, Mr. CLINGER, Mr. PETRI, Mrs. JOHNSON of Connecticut, Mr. CHRYSLER, Mr. EHLERS, Mr. FALEOMAVAEGA, Mr. HOBSON, Mr. KNOLLENBERG, Mr. LEACH, Mr. ROGERS, and Mr. DAVIS) introduced the following bill; which was referred to the Committee on Government Reform and Oversight, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a Federal Statistical Service.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Statistical Consolidation Act of 1995”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS

- Sec. 101. Findings.
- Sec. 102. Sense of the Congress.
- Sec. 103. Definitions.

TITLE II—ESTABLISHMENT OF THE FEDERAL STATISTICAL SERVICE

- Sec. 201. Establishment.
- Sec. 202. Principal officers.
- Sec. 203. Federal Council on Statistical Policy.

TITLE III—TRANSFERS OF FUNCTIONS AND OFFICES

- Sec. 301. Transfer of the Bureau of the Census.
- Sec. 302. Transfer of the Bureau of Economic Analysis.
- Sec. 303. Transfer of the Bureau of Labor Statistics.
- Sec. 304. Transfer date.

TITLE IV—ADMINISTRATIVE PROVISIONS

Subtitle A—Personnel Provisions

- Sec. 401. Officers and employees.
- Sec. 402. Experts and consultants.
- Sec. 403. Acceptance of voluntary services.

Subtitle B—General Administrative Provisions

- Sec. 411. General authority.
- Sec. 412. Delegation.
- Sec. 413. Reorganization.
- Sec. 414. Contracts.
- Sec. 415. Regulations.
- Sec. 416. Seal.
- Sec. 417. Annual report.

TITLE V—TRANSITIONAL, SAVINGS, AND CONFORMING PROVISIONS

- Sec. 501. Transfer and allocation of appropriations and personnel.
- Sec. 502. Incidental transfers.
- Sec. 503. Savings provisions.
- Sec. 504. References.
- Sec. 505. Proposed changes in law.
- Sec. 506. Transition.
- Sec. 507. Interim appointments.

1 **TITLE I—GENERAL PROVISIONS**

2 **SEC. 101. FINDINGS.**

3 The Congress, recognizing the importance of statis-
4 tical information in the development of national priorities

1 and policies and in the administration of public programs,
2 hereby finds and declares that—

3 (1) improved coordination and planning among
4 the statistical programs of the Government is nec-
5 essary to strengthen and improve the quality and
6 utility of Federal statistics and to reduce duplication
7 and waste in information collected for statistical
8 purposes;

9 (2) while the demand for statistical information
10 has grown substantially over the past 30 years, the
11 lack of coordinated planning within the decentralized
12 Federal statistical system has limited the usefulness
13 of statistics in defining problems and determining
14 national policies to deal with complex social and eco-
15 nomic issues;

16 (3) a Governmentwide statistical policy needs to
17 be established to ensure that data available from
18 Federal statistical programs are responsive to the in-
19 formation needs of the President and the Congress
20 in developing national policies, and that necessary
21 statistical information is collected with the smallest
22 practical imposition of reporting burden on individ-
23 uals, businesses, and public entities;

24 (4) a central statistical policy and coordination
25 office is necessary to develop and implement a Fed-

1 eral statistical policy, to establish priorities for Fed-
2 eral statistical programs, to oversee and evaluate the
3 statistical programs of the Government, and to en-
4 sure that data collected for statistical purposes by
5 the Government are collected and reported in ac-
6 cordance with established standards; and

7 (5) it is conducive and integral to sound policy
8 that the heads of major statistical agencies within a
9 department or agency of the Government have direct
10 access to the head of such department or agency.

11 **SEC. 102. SENSE OF THE CONGRESS.**

12 (a) CHIEF STATISTICIAN.—It is the sense of the Con-
13 gress that—

14 (1) a more centralized statistical system is inte-
15 gral to efficiency;

16 (2) with increased efficiency comes better inte-
17 gration of research, methodology, survey design, and
18 taking advantage of economies of scale;

19 (3) the Chief Statistician must have the author-
20 ity, personnel, and other resources necessary to
21 carry out the duties of that office effectively, includ-
22 ing duties relating to statistical forms clearance;

23 (4) statistical forms clearance at the Office of
24 Management and Budget should be better distin-
25 guished from regulatory forms clearance; and

1 (5) recognizing that the Chief Statistician has
2 numerous responsibilities with respect to statistical
3 policy and coordination, the Chief Statistician should
4 have a direct reporting relationship with the Direc-
5 tor of the Office of Management and Budget.

6 (b) CONFIDENTIALITY.—It is the sense of the Con-
7 gress that—

8 (1) Government entities (including the Federal
9 Council on Statistical Policy and the Interagency
10 Council on Statistical Policy) and private entities
11 should examine the efficacy of replacing the individ-
12 ual confidentiality provisions of statistical agencies
13 with a single, uniform standard that guarantees con-
14 fidentiality across the affected agencies; and

15 (2) those entities should also examine the shar-
16 ing of confidential data for statistical purposes with-
17 in the Federal Statistical Service and special ar-
18 rangements to permit the sharing of confidential
19 data for statistical purposes with State agencies co-
20 operating with Federal agencies in statistical pro-
21 grams.

22 (c) DECENNIAL CENSUSES.—It is the sense of the
23 Congress that the budget and functions of the Bureau of
24 the Census relating to any decennial census of population

1 should be segregated from the other budget and functions
2 of the Bureau of the Census.

3 **SEC. 103. DEFINITIONS.**

4 As used in this Act, unless otherwise provided or indi-
5 cated by the context:

6 (1) The term “Service” means the Federal Sta-
7 tistical Service.

8 (2) The term “Administrator” means the Ad-
9 ministrator of the Federal Statistical Service.

10 (3) The term “Deputy Administrator” means
11 the Deputy Administrator of the Federal Statistical
12 Service.

13 (4) The term “function” includes any duty, ob-
14 ligation, power, authority, responsibility, right, privi-
15 lege, activity, or program.

16 (5) The term “office” includes any office, bu-
17 reau, institute, council, unit, or organizational en-
18 tity, or any component thereof.

19 (6) The term “Council” means the Federal
20 Council on Statistical Policy under section 203.

21 (7) The term “census of population” has the
22 meaning given such term by section 141(g) of title
23 13, United States Code.

1 (8) The term “Chief Statistician” means the
2 Chief Statistician of the Office of Management and
3 Budget.

4 **TITLE II—ESTABLISHMENT OF**
5 **THE FEDERAL STATISTICAL**
6 **SERVICE**

7 **SEC. 201. ESTABLISHMENT.**

8 The Federal Statistical Service is hereby established
9 as an independent establishment in the executive branch
10 of the Government.

11 **SEC. 202. PRINCIPAL OFFICERS.**

12 (a) ADMINISTRATOR.—(1) There shall be at the head
13 of the Service an Administrator of the Federal Statistical
14 Service, who shall be appointed, from among individuals
15 nominated for that purpose by the Federal Council on Sta-
16 tistical Policy who are experienced in the collection and
17 utilization of statistical data or survey research, by the
18 President, by and with the advice and consent of the Sen-
19 ate.

20 (2) The Service, including all functions and offices
21 transferred to it under this Act, shall be administered, in
22 accordance with the provisions of this Act, under the su-
23 pervision and direction of the Administrator.

1 (3) The Administrator shall receive basic pay at the
2 rate payable for level II of the Executive Schedule under
3 section 5313 of title 5, United States Code.

4 (b) DEPUTY ADMINISTRATOR.—(1) There shall be in
5 the Service a Deputy Administrator of the Federal Statis-
6 tical Service who shall be appointed, from among individ-
7 uals nominated for that purpose by the Federal Council
8 on Statistical Policy who are experienced in the collection
9 and utilization of statistical data or survey research, by
10 the President, by and with the advice and consent of the
11 Senate.

12 (2) During the absence or disability of the Adminis-
13 trator, or in the event of a vacancy in the office of the
14 Administrator, the Deputy Administrator shall act as Ad-
15 ministrator. The Deputy Administrator shall perform such
16 other duties and exercise such powers as the Adminis-
17 trator may from time to time prescribe.

18 (3) The Deputy Administrator shall receive basic pay
19 at the rate payable for level III of the Executive Schedule
20 under section 5314 of title 5, United States Code.

21 (c) BUREAU DIRECTORS.—(1) There shall be in the
22 Service—

23 (A) a Director of the Census who shall, on the
24 transfer of functions and offices under title III,
25 serve as the head of the Bureau of the Census;

1 (B) a Director of the Bureau of Economic
2 Analysis who shall, on the transfer of functions and
3 offices under title III, serve as the head of the Bu-
4 reau of Economic Analysis; and

5 (C) a Director of the Bureau of Labor Statis-
6 tics who shall, on the transfer of functions and of-
7 fices under title III, serve as the head of the Bureau
8 of Labor Statistics.

9 (2) Each of the Directors shall be appointed by the
10 President, by and with the advice and consent of the Sen-
11 ate.

12 (3) The Director of the Bureau of Labor Statistics
13 appointed after the date of the enactment of this section
14 shall receive basic pay at the rate payable for level IV of
15 the Executive Schedule under section 5315 of title 5,
16 United States Code. The Director of the Census shall re-
17 ceive basic pay at the rate payable for level IV of the Exec-
18 utive Schedule under section 5315 of such title.

19 (4)(A) The position of Director of the Bureau of Eco-
20 nomic Analysis shall be a Senior Executive Service posi-
21 tion.

22 (B) For purposes of this paragraph, the term “Senior
23 Executive Service position” shall have the meaning given
24 to it by section 3132(a) of title 5, United States Code.

1 (5) The term of office for each Director shall be as
2 specified in otherwise applicable provisions of law, except
3 that, notwithstanding section 21 of title 13, United States
4 Code, the term of the Director of the Census shall be 4
5 years.

6 (d) GENERAL COUNSEL.—There shall be in the Serv-
7 ice a General Counsel who shall administer the Office of
8 General Counsel of the Federal Statistical Service. The
9 General Counsel shall be appointed by the President, by
10 and with the advice and consent of the Senate. The Gen-
11 eral Counsel shall receive basic pay at the rate payable
12 for level IV of the Executive Schedule under section 5315
13 of title 5, United States Code.

14 (e) INSPECTOR GENERAL.—There shall be in the
15 Service an Inspector General appointed in accordance with
16 the Inspector General Act of 1978. The Inspector General
17 shall receive basic pay at the rate payable for level IV of
18 the Executive Schedule under section 5315 of title 5,
19 United States Code.

20 **SEC. 203. FEDERAL COUNCIL ON STATISTICAL POLICY.**

21 (a) ESTABLISHMENT.—There shall be in the Service
22 a Federal Council on Statistical Policy.

23 (b) COMPOSITION.—The Council shall be composed
24 of 9 members as follows:

1 (1) The Administrator of the Federal Statistical
2 Service.

3 (2) The Director of the Census.

4 (3) The Director of the Bureau of Labor Statis-
5 tics.

6 (4) The Director of the Bureau of Economic
7 Analysis.

8 (5) The Chief Statistician of the Office of Man-
9 agement and Budget.

10 (6) 2 members appointed by the Majority Lead-
11 er of the Senate from among individuals who—

12 (A) are not officers or employees of the
13 Government; and

14 (B) are especially qualified to serve on the
15 Council by virtue of experience relating to one
16 or more of the bureaus referred to in title III.

17 (7) 2 members appointed by the Speaker of the
18 House of Representatives from among individuals
19 who—

20 (A) are not officers or employees of the
21 Government; and

22 (B) are especially qualified to serve on the
23 Council by virtue of experience relating to one
24 or more of the bureaus referred to in title III.

1 (c) TERMS.—(1) Each member under subsection
2 (b)(6) shall be appointed for a term of 5 years, except
3 that, of the members first appointed—

4 (A) 1 shall be appointed for a term of 5 years;
5 and

6 (B) 1 shall be appointed for a term of 3 years.

7 (2) Each member under subsection (b)(7) shall be ap-
8 pointed for a term of 5 years, except that, of the members
9 first appointed—

10 (A) 1 shall be appointed for a term of 5 years;
11 and

12 (B) 1 shall be appointed for a term of 2 years.

13 (d) FUNCTIONS.—(1) The Council shall—

14 (A) make any nominations required under sec-
15 tion 202(a)(1);

16 (B) serve as an advisory body to the Chief Stat-
17 istician on confidentiality issues, such as those relat-
18 ing to—

19 (i) the collection or sharing of data for sta-
20 tistical purposes among Federal agencies; and

21 (ii) the sharing of data, for statistical pur-
22 poses, by States and political subdivisions with
23 the Federal Government; and

24 (C) establish a Governmentwide statistical pol-
25 icy as described in section 101(3).

1 (2) The Council shall study and, not later than 18
2 months after the date of the enactment of this Act, submit
3 to the Congress a written report relating to procedures
4 for the release of major economic and social indicators by
5 the Federal Government.

6 (3) The Council shall study and, not later than 12
7 months after the date of the enactment of this Act, submit
8 to the Congress a written report relating to—

9 (A) whether or not the functions of the Bureau
10 of the Census relating to decennial censuses of popu-
11 lation could be delineated from the other functions
12 of the Bureau; and

13 (B) if so, recommendations on how such a de-
14 lineation of functions might be achieved.

15 (4) The Council shall study and, not later than 12
16 months after the date of the enactment of this Act, submit
17 to the Congress a written report relating to—

18 (A) as appropriate, making the field offices of
19 the Bureau of the Census part of the field offices of
20 the Bureau of Labor Statistics; and

21 (B) any savings anticipated as a result of the
22 implementation of subparagraph (A).

23 (e) COMPENSATION.—Members of the Council under
24 subsection (b)(6) shall be entitled to receive the daily
25 equivalent of the rate of basic pay for level IV of the Exec-

1 utive Schedule under section 5315 of title 5, United States
2 Code, for each day (including travel time) during which
3 they are engaged in the actual performance of duties vest-
4 ed in the Council.

5 (f) CHAIRMAN.—The Chairman of the Council shall
6 be elected by and from the members for a term of 1 year.

7 **TITLE III—TRANSFERS OF** 8 **FUNCTIONS AND OFFICES**

9 **SEC. 301. TRANSFER OF THE BUREAU OF THE CENSUS.**

10 There is transferred to the Service the Bureau of the
11 Census of the Department of Commerce, along with all
12 of its functions and offices.

13 **SEC. 302. TRANSFER OF THE BUREAU OF ECONOMIC ANAL-** 14 **YSIS.**

15 There is transferred to the Service the Bureau of
16 Economic Analysis of the Department of Commerce, along
17 with all of its functions and offices.

18 **SEC. 303. TRANSFER OF THE BUREAU OF LABOR STATIS-** 19 **TICS.**

20 There is transferred to the Service the Bureau of
21 Labor Statistics of the Department of Labor, along with
22 all of its functions and offices.

1 **SEC. 304. TRANSFER DATE.**

2 The transfers of functions and offices under this title
3 shall be effective 180 days after the date of the enactment
4 of this Act.

5 **TITLE IV—ADMINISTRATIVE**
6 **PROVISIONS**

7 **Subtitle A—Personnel Provisions**

8 **SEC. 401. OFFICERS AND EMPLOYEES.**

9 (a) The Administrator may appoint and fix the com-
10 pensation of such officers and employees as may be nec-
11 essary to carry out the functions of the Administrator and
12 the Service. Except as otherwise provided by law, such of-
13 ficers and employees shall be appointed in accordance with
14 the civil service laws and their compensation shall be fixed
15 in accordance with title 5, United States Code.

16 **SEC. 402. EXPERTS AND CONSULTANTS.**

17 The Administrator may as provided in appropriation
18 Acts obtain the services of experts and consultants in ac-
19 cordance with section 3109 of title 5, United States Code,
20 and may compensate such experts and consultants at rates
21 not to exceed the daily rate prescribed for level IV of the
22 Executive Schedule under section 5315 of title 5, United
23 States Code.

24 **SEC. 403. ACCEPTANCE OF VOLUNTARY SERVICES.**

25 (a) IN GENERAL.—Notwithstanding section 1342 of
26 title 31, United States Code, the Administrator may ac-

1 cept, subject to regulations issued by the Office of Person-
2 nel Management, voluntary services if such services—

3 (1) are to be uncompensated; and

4 (2) will not be used to displace any employee.

5 (b) TREATMENT.—Any individual who provides vol-
6 untary services under this section shall not be considered
7 a Federal employee for any purpose other than for pur-
8 poses of chapter 81 of title 5, United States Code (relating
9 to compensation for injury) and sections 2671 through
10 2680 of title 28, United States Code (relating to tort
11 claims).

12 **Subtitle B—General Administrative** 13 **Provisions**

14 **SEC. 411. GENERAL AUTHORITY.**

15 In carrying out any function transferred by this Act,
16 the Administrator, or any officer or employee of the Serv-
17 ice, may exercise any authority available by law with re-
18 spect to such function to the official or agency from which
19 such function is transferred, and the actions of the Admin-
20 istrator in exercising such authority shall have the same
21 force and effect as when exercised by such official or
22 agency.

23 **SEC. 412. DELEGATION.**

24 Except as otherwise provided in this Act, the Admin-
25 istrator may delegate any function to such officers and

1 employees of the Service as the Administrator may des-
2 ignate, and may authorize such successive redelegations
3 of such functions within the Service as may be necessary
4 or appropriate. No delegation of functions by the Adminis-
5 trator under this section or under any other provision of
6 this Act shall relieve the Administrator of responsibility
7 for the administration of such functions.

8 **SEC. 413. REORGANIZATION.**

9 The Administrator is authorized to allocate or reallo-
10 cate functions among the officers of the Service, and to
11 establish, consolidate, alter, or abolish such offices or posi-
12 tions within the Service as may be necessary or appro-
13 priate.

14 **SEC. 414. CONTRACTS.**

15 (a) **IN GENERAL.**—Subject to the Federal Property
16 and Administrative Services Act of 1949 and other appli-
17 cable Federal law, the Administrator may make, enter
18 into, and perform such contracts, grants, leases, coopera-
19 tive agreements, and other similar transactions with Fed-
20 eral or other public agencies (including State and local
21 governments) and private organizations and persons, and
22 to make such payments, by way of advance or reimburse-
23 ment, as the Administrator may determine necessary or
24 appropriate to carry out functions of the Administrator
25 or the Service.

1 (b) APPROPRIATION AUTHORITY REQUIRED.—No
2 authority to enter into contracts or to make payments
3 under this Act shall be effective except to such extent or
4 in such amounts as are provided in advance under appro-
5 priation Acts.

6 **SEC. 415. REGULATIONS.**

7 The Administrator may prescribe such rules and reg-
8 ulations as the Administrator considers necessary or ap-
9 propriate to administer and manage the functions of the
10 Administrator or the Service, in accordance with chapter
11 5 of title 5, United States Code.

12 **SEC. 416. SEAL.**

13 The Administrator shall cause a seal of office to be
14 made for the Service of such design as the Administrator
15 shall approve. Judicial notice shall be taken of such seal.

16 **SEC. 417. ANNUAL REPORT.**

17 The Administrator, in conjunction with the Council,
18 shall, as soon as practicable after the close of each fiscal
19 year, make a single, comprehensive report to the President
20 for transmission to the Congress on the activities of the
21 Service during such fiscal year.

1 **TITLE V—TRANSITIONAL, SAV-**
2 **INGS, AND CONFORMING**
3 **PROVISIONS**

4 **SEC. 501. TRANSFER AND ALLOCATION OF APPROPRIA-**
5 **TIONS AND PERSONNEL.**

6 Except as otherwise provided in this Act, the person-
7 nel employed in connection with, and the assets, liabilities,
8 contracts, property, records, and unexpended balance of
9 appropriations, authorizations, allocations, and other
10 funds employed, held, used, arising from, available to, or
11 to be made available in connection with, the functions and
12 offices, or portions thereof, transferred by this Act, subject
13 to section 1531 of title 31, United States Code, shall be
14 transferred to the Administrator for appropriate alloca-
15 tion. Unexpended funds transferred pursuant to this sub-
16 section shall be used only for the purposes for which the
17 funds were originally authorized and appropriated.

18 **SEC. 502. INCIDENTAL TRANSFERS.**

19 (a) IN GENERAL.—The Director of the Office of
20 Management and Budget, in conjunction with the Admin-
21 istrator, shall make such determinations as may be nec-
22 essary with regard to the functions, offices, or portions
23 thereof transferred by this Act, and make such additional
24 incidental dispositions of personnel, assets, liabilities,
25 grants, contracts, property, records, and unexpended bal-

1 ances of appropriations, authorizations, allocations, and
2 other funds held, used, arising from, available to, or to
3 be made available in connection with such functions, of-
4 fices, or portions thereof, as may be necessary to carry
5 out this Act. The Director shall provide for the termi-
6 nation of the affairs of all entities terminated by this Act
7 and, in conjunction with the Administrator, for such fur-
8 ther measures and dispositions as may be necessary to ef-
9 fectuate the purposes of this Act.

10 (b) ALLOCATION OF SES POSITIONS.—After con-
11 sultation with the Director of the Office of Personnel Man-
12 agement, the Director of the Office of Management and
13 Budget is authorized to make such determinations as may
14 be necessary with regard to the transfer of positions with-
15 in the Senior Executive Service in connection with func-
16 tions and offices transferred by this Act.

17 **SEC. 503. SAVINGS PROVISIONS.**

18 (a) CONTINUITY OF LEGAL FORCE AND EFFECT.—
19 All orders, determinations, rules, regulations, permits,
20 grants, contracts, certificates, licenses, privileges, and any
21 other similar action—

22 (1) which have been issued, made, granted, or
23 allowed to become effective by the President, by any
24 Federal department or agency or official thereof, or
25 by a court of competent jurisdiction, in the perform-

1 ance of functions which are transferred under this
2 Act to the Administrator or the Service; and

3 (2) which are in effect at the time of such
4 transfer,

5 shall continue in effect according to their terms until
6 modified, terminated, superseded, set aside, or revoked by
7 the President, the Administrator, or the authorized offi-
8 cial, a court of competent jurisdiction, or by operation of
9 law.

10 (b) PENDING PROCEEDINGS.—(1) This Act shall not
11 affect any proceedings, including notices of proposed rule-
12 making, pending on the date of the transfer of functions
13 and offices under title III before any department, agency,
14 commission, or component thereof, functions of which are
15 transferred by this Act. Such proceedings, to the extent
16 that they relate to functions so transferred, shall be con-
17 tinued, except as provided in paragraph (3).

18 (2) Orders may be issued in such proceedings, ap-
19 peals may be taken therefrom, and payments may be made
20 pursuant to such orders, as if this Act had not been en-
21 acted. Orders issued in any such proceedings shall con-
22 tinue in effect until modified, terminated, superseded, or
23 revoked by the Administrator, by a court of competent ju-
24 risdiction, or by operation of law.

1 (3) Nothing in this subsection shall be considered to
2 prohibit the discontinuance or modification of any such
3 proceeding under the same terms and conditions and to
4 the same extent that such proceeding could have been dis-
5 continued or modified if this Act had not been enacted.

6 (4) The Administrator may prescribe regulations pro-
7 viding for the orderly transfer of proceedings continued
8 under this subsection to the Service.

9 (c) NO EFFECT ON JUDICIAL PROCEEDINGS.—Ex-
10 cept as provided in subsection (e)—

11 (1) the transfer of functions and offices under
12 title III shall not affect suits commenced prior to the
13 date of such transfer; and

14 (2) in all such suits, proceedings shall be had,
15 appeals taken, and judgments rendered in the same
16 manner and effect as if this Act had not been en-
17 acted.

18 (d) NON-ABATEMENT OF PROCEEDINGS.—No suit,
19 action, or other proceeding commenced by or against any
20 officer in the official capacity of such individual as an offi-
21 cer of any department or agency, functions of which are
22 transferred by this Act, shall abate by reason of the enact-
23 ment of this Act. No cause of action by or against any
24 department or agency, functions of which are transferred
25 by this Act, or by or against any officer thereof in the

1 official capacity of such officer shall abate by reason of
2 the enactment of this Act.

3 (e) CONTINUATION OF PROCEEDING WITH SUBSTI-
4 TUTION OF PARTIES.—If, before the date of the transfer
5 of functions and offices under title III, any department
6 or agency, or officer thereof in the official capacity of such
7 officer, is a party to a suit, and under this Act any func-
8 tion of such department, agency, or officer is transferred
9 to the Administrator or any other official of the Service,
10 then such suit shall be continued with the Administrator
11 or other appropriate official of the Service substituted or
12 added as a party.

13 (f) REVIEWABILITY OF ORDERS AND ACTIONS
14 UNDER TRANSFERRED FUNCTIONS.—Orders and actions
15 of the Administrator in the exercise of functions trans-
16 ferred under this Act shall be subject to judicial review
17 to the same extent and in the same manner as if such
18 orders and actions had been by the agency or office, or
19 part thereof, exercising such functions immediately pre-
20 ceding their transfer. Any statutory requirements relating
21 to notice, hearings, action upon the record, or administra-
22 tive review that apply to any function transferred by this
23 Act shall apply to the exercise of such function by the Ad-
24 ministrator.

1 **SEC. 504. REFERENCES.**

2 With respect to any function transferred by this Act
3 and exercised on or after the date of such transfer, any
4 reference in any other Federal law to any department,
5 commission, or agency or any officer or office the func-
6 tions of which so transferred shall be deemed to refer to
7 the Administrator, other official, or component of the
8 Service to which this Act transfers such functions.

9 **SEC. 505. PROPOSED CHANGES IN LAW.**

10 Not later than 90 days after the date of the enact-
11 ment of this Act, the President shall submit to the Con-
12 gress a description of any changes in Federal law nec-
13 essary to reflect any transfers or other measures under
14 this Act.

15 **SEC. 506. TRANSITION.**

16 (a) USE OF FUNDS.—Funds available to any depart-
17 ment or agency (or any official or component thereof), the
18 functions or offices of which are transferred to the Admin-
19 istrator or the Service by this Act, may, with the approval
20 of the Director of the Office of Management and Budget,
21 be used to pay the compensation and expenses of any offi-
22 cer appointed pursuant to this Act and other transitional
23 and planning expenses associated with the establishment
24 of the Service or transfer of functions or offices thereto
25 until such time as funds for such purposes are otherwise
26 available.

1 (b) USE OF PERSONNEL.—With the consent of the
2 appropriate department or agency head concerned, the Ad-
3 ministrator may utilize the services of such officers, em-
4 ployees, and other personnel of the departments and agen-
5 cies from which functions or offices have been transferred
6 to the Administrator or the Service, for such period of
7 time as may reasonably be needed to facilitate the orderly
8 implementation of this Act.

9 **SEC. 507. INTERIM APPOINTMENTS.**

10 (a) AUTHORITY TO APPOINT.—Notwithstanding any
11 other provision of law, in the event that one or more offi-
12 cers required by this Act to be appointed by and with the
13 advice and consent of the Senate shall not have entered
14 upon office on the date of the transfer of functions and
15 offices under title III, the President may designate an offi-
16 cer in the executive branch to act in such office for 120
17 days or until the office is filled as provided in this Act,
18 whichever occurs first.

19 (b) COMPENSATION.—Any officer acting in an office
20 in the Department pursuant to the provisions of sub-
21 section (a) shall receive compensation at the rate pre-
22 scribed for such office under this Act.

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