H. R. 11510
[Report No. 93-707]

IN THE HOUSE OF REPRESENTATIVES

November 15, 1973
Mr. Holifield (for himself, Mr. Hort, Mr. Price of Illinois, and Mr. Hosmer) introduced the following bill; which was referred to the Committee on Government Operations.

December 7, 1973
Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL
To reorganize and consolidate certain functions of the Federal Government in a new Energy Research and Development Administration and in a Nuclear Energy Commission in order to promote more efficient management of such functions.

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

SHORT TITLE

2. Section 1. This Act may be cited as the “Energy Re-organization Act of 1973”.

DECLARATION OF PURPOSE

3. Sec. 2. The Congress hereby declares that the general welfare and the common defense and security require

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effective action to develop, and increase the efficiency and
reliability of the use of all energy sources, to meet the needs of
present and future generations, to increase the productivity of
the national economy and strengthen its position in regard to
international trade, to make the Nation self-sufficient in
energy, and to advance the goals of restoring, protecting, and
enhancing environmental quality.

(b) The Congress finds that, to best achieve these objec-
tives, improve Government operations, and assure the
coordinated and effective development of all energy sources,
it is necessary to establish an Energy Research and Develop-
ment Administration to bring together and direct Federal
activities relating to research and development on the various
sources of energy, to increase the efficiency and reliability in
the use of energy, and to carry out the performance of other
functions, including military and production activities.

c) The Congress further declares and finds that it is
in the public interest that the licensing and related regula-
tory functions of the Atomic Energy Commission be
separated from the performance of the other functions of the
Commission transferred pursuant to this Act, and that this
separation be effected in an orderly manner assuring ade-
quacy of technical and other resources necessary for the
performance of each.
TITLE I—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

ESTABLISHMENT

Sec. 101. There is hereby established an independent executive agency to be known as the Energy Research and Development Administration (hereinafter in this Act referred to as the "Administration").

OFFICERS

Sec. 102. (a) There shall be at the head of the Administration an Administrator of Energy Research and Development (hereinafter in this Act referred to as the "Administrator"), who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall receive compensation at the rate now or hereafter prescribed for offices and positions at level II of the Executive Schedule (5 U.S.C. 5313). The Administration shall be administered under the supervision and direction of the Administrator, who shall be responsible for the efficient and coordinated management of the Administration.

(b) There shall be in the Administration a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate now or hereafter prescribed for offices and positions at level III of the Executive Schedule (5 U.S.C. 5314).
(e) There shall be in the Administration five Assistant Administrators, one of whom shall be responsible for fossil energy, another for nuclear energy, another for environment, safety, and conservation, another for research and advanced energy, and another for national security. The Assistant Administrators shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate now or hereafter prescribed for offices and positions at level IV of the Executive Schedule (5 U.S.C. 5315).

(d) There shall be in the Administration a General Counsel who shall be appointed by the Administrator and who shall serve at the pleasure of and be removable by the Administrator. The General Counsel shall receive compensation at the rate now or hereafter prescribed for offices and positions at level V of the Executive Schedule (5 U.S.C. 5316).

(e) There shall be in the Administration not more than seven additional officers appointed by the Administrator who shall receive compensation at the rate now or hereafter prescribed for offices and positions at level V of the Executive Schedule (5 U.S.C. 5316). The positions of such officers shall be considered career positions and be subject to subsection 161d of the Atomic Energy Act.
(f) The Division of Military Application transferred to and established in the Administration by section 104(a) of this Act shall be under the direction of a Director of Military Application, who shall be appointed by the Administrator and who shall serve at the pleasure of and be removable by the Administrator and shall be an active commissioned officer of the Armed Forces serving in general or flag officer rank or grade. The functions, qualifications, and compensation of the Director of Military Application shall be the same as those provided under the Atomic Energy Act of 1954, as amended, for the Assistant General Manager for Military Application.

(g) Officers appointed pursuant to this section shall perform such functions as the Administrator shall specify from time to time.

(h) The Deputy Administrator (or in the absence or disability of the Deputy Administrator, or in the event of a vacancy in the office of the Deputy Administrator, an Assistant Administrator, the General Counsel or such other official, determined according to such order as the Administrator shall prescribe) shall act for and perform the functions of the Administrator during any absence or disability of the Administrator or in the event of a vacancy in the office of the Administrator.
SEC. 103. The functions of the Administrator shall in- 
clude, but not be limited to—

(1) exercising central responsibility for policy plan-
ning, coordination, support, and management of research 
and development programs respecting all energy sources; 
including assessing the requirements for research and de-
velopment in regard to various energy sources in relation 
to near-term and long-range needs, policy planning in 
regard to meeting those requirements, undertaking pro-
grams for the optimal development of the various forms 
of energy sources, managing such programs, and dissemi-
nating information resulting therefrom; 

(2) encouraging and conducting research and de-
velopment to demonstrate the commercial feasibility of 
energy sources and utilization technologies; 

(3) undertaking research and development in the 
extractions, conversion, transmission, and utilization 
phases related to the development and use of energy 
from fossil, nuclear, solar, geothermal, and other energy 
sources; 

(4) engaging in and supporting environmental, 
biomedical, physical, and safety research related to the 
development of energy sources and utilization technologies;
(5) ascertaining the existence, progress, and results of other public and private research and development activities relevant to the Administration's mission and correlating its own research and development programs with such public and private activities;

(6) participating in and supporting cooperative research and development projects which may involve contributions by public or private persons or agencies, of financial or other resources to the performance of the work; and

(7) developing, collecting, distributing, and making available for distribution, scientific and technical information concerning the manufacture or development of energy and its efficient extraction, conversion, transmission, and utilization.

TRANSFER OF FUNCTIONS

Sec. 104. (a) There are hereby transferred to—and vested in the Administrator all functions of the Atomic Energy Commission, the Chairman and members of the Commission, and the officers and components of the Commission, except as otherwise provided in this Act. The General Advisory Committee established pursuant to section 26 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2036), the Military Liaison Committee established by section 27 of the Atomic Energy Act of 1954, as amended (42 U.S.C.
the Patent Compensation Board established pursuant to section 157 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2187), and the Division of Military Application established by section 25 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2035), are transferred to the Energy Research and Development Administration and the functions of the Commission with respect thereto are transferred to the Administrator.

(b) There are hereby transferred to and vested in the Administrator such functions of the Secretary of the Interior, the Department of the Interior, and officers and components of such department—

(1) as relate to or are utilized by the Office of Coal Research established pursuant to the Act of July 1, 1960 (74 Stat. 336; 30 U.S.C. 661-668);

(2) as relate to or are utilized in connection with fossil-fuel energy research and development programs and related activities conducted by the Bureau of Mines “energy centers” and synthane plant to provide greater efficiency in the extraction, processing, and utilization of energy resources for the purpose of conserving those resources, developing alternative energy resources such as oil-and-gas secondary and tertiary recovery, oil shale and synthetic fuels, improving methods of managing energy-related wastes and pollutants, and providing technical...
guidance needed to establish and administer national energy policies; and

(3) as relate to or are utilized for underground electric power transmission research.

e) There are hereby transferred to and vested in the Administrator such functions of the National Science Foundation as relate to or are utilized in connection with—

(1) solar heating and cooling development; and

(2) geothermal power development.

d) There are hereby transferred to and vested in the Administrator such functions of the Environmental Protection Agency and the officers and components thereof as relate to or are utilized in connection with—

(1) the development and demonstration of alternative automotive power systems; and

(2) the development and demonstration of precombustion, combustion, and postcombustion technologies to control emissions of pollutants from stationary sources using fossil fuels.

(e) To the extent necessary or appropriate to perform functions and carry out programs transferred by this Act, the Administrator may exercise, in relation to the functions so transferred, any authority or part thereof available by law, including appropriation Acts, to the official or agency from which such functions were transferred.

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TRANSFER OF PERSONNEL AND OTHER MATTERS

SEC. 105. (a) Except as provided in the next sentence, the personnel employed in connection with, and the personnel, positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions and programs transferred by this Act, are, subject to section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581e), correspondingly transferred for appropriate allocation. Personnel positions expressly created by law, personnel occupying those positions on the effective date of this Act, and personnel authorized to receive compensation at the rate prescribed for offices and positions at levels II, III, IV, or V of the Executive Schedule (5 U.S.C. 5313-5316) on the effective date of this Act shall be subject to the provisions of subsection (c) of this section and section 201 of this Act.

(b) Except as provided in subsection (c), transfer of noncontemporary personnel pursuant to this Act shall not cause any such employee to be separated or reduced in grade or compensation for one year after such transfer.

(c) Any person who, on the effective date of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5 of the
United States Code, and who, without a break in service, is appointed in the Administration to a position having duties comparable to those performed immediately preceding his appointment shall continue to be compensated in his new position at not less than the rate provided for his previous position.

ADMINISTRATIVE PROVISIONS

SEC. 106. (a) The Administrator is authorized to prescribe such policies, standards, criteria, procedures, rules, and regulations as he may deem to be necessary or appropriate to perform functions now or hereafter vested in him.

(b) The Administrator shall engage in such policy planning, and perform such program evaluation analyses and other studies, as may be necessary to promote the efficient and coordinated administration of the Administration and properly assess progress toward the achievement of its missions.

(c) Except as otherwise expressly provided by law, the Administrator may delegate any of his functions to such officers and employees of the Administration as he may designate, and may authorize such successive redelegations of such functions as he may deem to be necessary or appropriate.

(d) Except as provided in section 102, the Adminis-
The Administrator may organize the Administration as he may deem to be necessary or appropriate.

(e) The Administrator is authorized to establish, maintain, alter, or discontinue such State, regional, district, local, or other field offices as he may deem to be necessary or appropriate to perform functions now or hereafter vested in him.

(f) The Administrator shall cause a seal of office to be made for the Administration of such device as he shall approve, and judicial notice shall be taken of such seal.

(g) The Administrator is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interests of economy and efficiency. There shall be transferred to the fund the stocks of supplies, equipment, other assets, liabilities, and unpaid obligations relating to the services which he determines will be performed through the fund. Appropriations to the fund, in such amounts as may be necessary to provide additional working capital, are authorized. The working capital fund shall recover, from the appropriations and funds for which services are performed, either in advance or by way of reimbursement, amounts which will approximate the costs incurred, including the accrual of annual leave and the depreciation of
equipment. The fund shall also be credited with receipts from
the sale or exchange of its property, and receipts in payment
for loss or damage to property owned by the fund.

PERSONNEL

SEC. 107. (a) The Administrator is authorized to select,
appoint, employ, and fix the compensation of such officers
and employees, including attorneys, pursuant to section 161d
of the Atomic Energy Act of 1954, as amended (42 U.S.C.
2201(d)) as are necessary to perform the functions now or
hereafter vested in him and to prescribe their functions.

(b) The Administrator is authorized to obtain services
as provided by section 3109 of title 5 of the United States
Code.

(e) The Administrator is authorized to provide for par-
ticipation of military personnel in the performance of his
functions. Members of the Army, the Navy, the Air Force,
or the Marine Corps may be detailed for service in the
Administration by the appropriate military Secretary, pur-
suant to cooperative agreements with the Secretary, for
service in the Administration in positions other than a posi-
tion the occupant of which must be approved by and with
the advice and consent of the Senate.

(d) Appointment, detail, or assignment to, acceptance
of, and service in, any appointive or other position in the Ad-
ministration under this section shall in no way affect the-
status, office, rank, or grade which such officers or enlisted men may occupy or hold, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. A member so appointed, detailed, or assigned shall not be subject to direction or control by his armed force, or any officer thereof, directly or indirectly, with respect to the responsibilities exercised in the position to which appointed, detailed, or assigned.

(c) The Administrator is authorized to pay transportation expenses, and per diem in lieu of subsistence expenses, in accordance with chapter 57 of title 5 of the United States Code for travel between places of recruitment and duty, and while at places of duty, of persons appointed for emergency, temporary, or seasonal services in the field service of the Administration.

POWERS

SEC. 108. (a) The Administrator is authorized to exercise his powers in such manner as to insure the continued conduct of research and development and related activities in areas or fields deemed by the Administrator to be pertinent to the acquisition of an expanded fund of scientific, technical, and practical knowledge in energy matters. To this end, the Administrator is authorized to make arrangements (including contracts, agreements, and loans) for the conduct of research and development activities with private or public
institutions or persons, including participation in joint or co-
operative projects of a research, developmental, or exper-
imental nature; to make payments (in lump sum or install-
ments, and in advance or by way of reimbursement, with
necessary adjustments on account of overpayments or under-
payments); and generally to take such steps as he may deem
necessary or appropriate to perform functions now or here-
after vested in him. Such functions of the Administrator
under this Act as are applicable to the nuclear activities
transferred pursuant to this title shall be subject to the pro-
visions of the Atomic Energy Act of 1954, as amended,
and to other authority applicable to such nuclear activities.
The nonnuclear functions of the Administrator referred to
in sections 103 and 104 of this Act shall be carried out pur-
suant to the provisions of this Act, applicable authority exist-
ing immediately before the effective date of this Act, or on
in accordance with the provisions of chapter 4 of the Atomic

(b) Except for public buildings as defined in the Public
Buildings Act of 1959, as amended, and with respect to
leased space subject to the provisions of Reorganization Plan
Numbered 18 of 1950, the Administrator is authorized to
acquire—(by purchase, lease, condemnation, or otherwise),
construct, improve, repair, operate, and maintain facilities
and real property as the Administrator deems to be nee-
nessary in and outside of the District of Columbia. Such au-
thority shall apply only to facilities required for the main-
tenance and operation of laboratories, research and testing
sites and facilities, quarters, and related accommodations for
employees and dependents of employees of the Administra-
tion, and such other special-purpose real property as the
Administrator deems to be necessary in and outside the Dis-

trict of Columbia. Title to any property or interest therein,
real, personal, or mixed, acquired pursuant to this section,
shall be in the United States.

(e) (1) The Administrator is authorized to provide,
construct, or maintain, as necessary and when not otherwise
available, the following for employees and their dependents
stationed at remote locations:

(A) emergency medical services and supplies;
(B) food and other subsistence supplies;
(C) messing facilities;
(D) audiovisual equipment, accessories, and sup-
plies for recreation and training;
(E) reimbursement for food, clothing, medicine,
and other supplies furnished by such employees in emer-
gencies for the temporary relief of distressed persons;
(F) living and working quarters and facilities; and
(G) transportation for school-age dependents of
employees to the nearest appropriate educational facilities.

(2) The furnishing of medical treatment under subparagraph (A) of paragraph (1) and the furnishing of services and supplies under paragraphs (B) and (C) of paragraph (1) shall be at prices reflecting reasonable value as determined by the Administrator.

(3) Proceeds from reimbursements under this section shall be deposited in the Treasury and may be withdrawn by the Administrator to pay directly the cost of such work or services, to repay or make advances to appropriations or funds which do or will bear all or a part of such cost, or to refund excess sums when necessary; except that such payments may be credited to a service or working capital fund otherwise established by law, and used under the law governing such funds, if the fund is available for use by the Administrator for performing the work or services for which payment is received.

(d) The Administrator is authorized to acquire any of the following described rights if the property acquired thereby is for use in, or is useful to, the performance of functions vested in him:

(1) copyrights, patents, and applications for patents, designs, processes, and manufacturing data;
(2) licenses under copyrights, patents, and applications for patents; and

(3) releases, before suit is brought, for past infringement of patents or copyrights.

(e) With respect to all nonnuclear research and development, including demonstration projects, contracted for, sponsored, or co-sponsored by the Administration pursuant to this Act, the applicable arrangement shall provide that the disposition of patent rights in inventions or discoveries arising out of the work under the arrangement shall be governed by the President's Statement of Government Policy issued on August 23, 1971 (36 F.R. 16887, August 26, 1971) and amended in September 1973 (38 F.R. 28782, September 4, 1973). Provided, That the Administrator in administering such patents shall make a determination, on a case-by-case basis, as to whether a requested license shall be granted on a royalty-free basis or upon a basis of charges designed to recover part or all of the costs of the research and development.

(f) Subject to the provisions of chapter 12 of the Atomic Energy Act (42 U.S.C. 2161-2166), and other applicable law, the Administrator shall disseminate scientific, technical, and practical information acquired pursuant to this title through information programs and other appropriate means, and shall encourage the dissemination of scientific, technical, and prac-
tical information relating to energy so as to enlarge the fund
of such information and to provide that free interchange of
ideas and criticism which is essential to scientific and indus-
trial progress and public understanding.

(g) The Administrator is authorized to accept, hold, ad-
minister, and utilize gifts, and bequests of property, both real
and personal, for the purpose of aiding or facilitating the work
of the Administration. Gifts and bequests of money and pro-
ceeds from sales of other property received as gifts or be-
quests shall be deposited in the Treasury and shall be dis-
bursed upon the order of the Administrator. For the purposes
of Federal income, estate, and gift taxes, property accepted
under this section shall be considered as a gift or bequest to
the United States.

TITLE II—NUCLEAR ENERGY COMMISSION

CHANGE IN NAME

Sec. 201. The Atomic Energy Commission is hereby
renamed the Nuclear Energy Commission and shall continue
to perform the licensing and related regulatory functions of
the Chairman and members of the Commission, the general
counsel, and other officers and components of the Commission,
which functions, officers, components, and personnel are ex-
cepted from the transfer to the Administrator by section
104 (a) of this Act.
LICENSING OF SELECTED ADMINISTRATION FACILITIES

Sec. 202. Notwithstanding the exclusions provided for in section 110a or any other provisions of the Atomic Energy Act of 1954, as amended—(42 U.S.C. 2140 (a)), the Nuclear Energy Commission shall, except as otherwise specifically provided by section 110b of the Atomic Energy Act of 1954, as amended—(42 U.S.C. 2140 (b)), or other law, have licensing authority pursuant to chapters 6, 7, 8, 10, and section 185, of the Atomic Energy Act of 1954, as amended, as to the following facilities of the Administration:

(1) demonstration liquid metal fast breeder reactors when operated as part of the power generation facilities of an electric utility system;

(2) other demonstration nuclear reactors when operated as part of the power generation facilities of an electric utility system, except those in existence, under construction or authorized or appropriated for by the Congress on the date this part becomes effective; or

(3) facilities used primarily for the receipt and storage of high-level radioactive wastes resulting from activities licensed under such Act, except those in existence, under construction, or authorized or appropriated for by the Congress, on the date this Act becomes effective.
RESEARCH

Sec. 203. (a) The Nuclear Energy Commission may engage in or contract for research which the Commission deems necessary for the discharge of its licensing and regulatory functions.

(b) In order to achieve the objectives and carry out the purposes of subsection (a), the Energy Research and Development Administration and all other Federal agencies shall, to the extent practicable—

(1) cooperate with respect to the establishment of priorities for the furnishing of such research services requested by the Nuclear Energy Commission as the Commission deems necessary for the conduct of its functions; and

(2) furnish to the Nuclear Energy Commission, when requested, on a reimbursable basis, through its own facilities or by contract or other arrangement, such research services as the Commission deems necessary for the conduct of its functions.

TITLE III—MISCELLANEOUS AND TRANSITIONAL PROVISIONS

TRANSITIONAL PROVISIONS

Sec. 301. (a) Except as otherwise provided in this Act, whenever all of the functions or programs of an agency, or other body, or any component thereof, affected by this Act, have been transferred from that agency, or other body,
or any component thereof by title I of this Act, the agency, or other body, or component thereof shall lapse. If an agency, or other body, or any component thereof, lapses pursuant to the preceding sentence, each position and office therein which was expressly authorized by law, or the incumbent of which was authorized to receive compensation at the rate prescribed for an office or position at level II, III, IV, or V of the Executive Schedule (5 U.S.C. 5313-5316), shall lapse.

(b) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act, and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, the Administrator, or other authorized officials, a court of competent jurisdiction, or by operation of law.

c) The provisions of this Act shall not affect any proceeding pending, at the time this section takes effect, before any department or agency (or component thereof) func-
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...tions of which are transferred by this Act; but such...ings, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued if this Act had not been enacted.

(d) Except as provided in subsection (f)—

(1) the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect, and,

(2) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

(e) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or
agency, functions of which are transferred by this Act, or
by or against any officer thereof in his official capacity shall
abate by reason of the enactment of this Act. Causes of
actions, suits, actions, or other proceedings may be asserted
by or against the United States or such official as may be
appropriate and, in any litigation pending when this section
takes effect, the court may at any time, on its own motion
or that of any party, enter any order which will give effect
to the provisions of this section.

(f) If, before the date on which this Act takes effect,
any department or agency, or officer thereof in his official
capacity, is a party to a suit, and under this Act any func-
tion of such department, agency, or officer is transferred to
the Administrator, or any other official, then such suit shall
be continued as if this Act had not been enacted, with the
Administrator, or other official, as the case may be, sub-
stituted.

(g) Final orders and actions of any official or component
in the performance of functions transferred by this Act shall
be subject to judicial review to the same extent and in the
same manner as if such orders or actions had been made or
taken by the officer, department, agency, or instrumentality
in the performance of such functions immediately preceding
the effective date of this Act. Any statutory requirements
relating to notices, hearings, action upon the record, or
administrative review that apply to any function transferred
by this Act shall apply to the performance of those functions
by the Administrator, or any officer or component.

(h) With respect to any function transferred by this
Act and performed after the effective date of this Act, refer-
ence in any other law to any department or agency, or
any officer or office, the functions of which are so transferred,
shall be deemed to refer to the Administrator, or other offi-
cials in which this Act vests such functions.

(i) Nothing contained in this Act shall be construed
to limit, curtail, abolish, or terminate any function of the
President which he had immediately before the effective date
of this Act; or to limit, curtail, abolish, or terminate his
authority to perform such function; or to limit, curtail,
abolish, or terminate his authority to delegate, redelegate, or
terminate any delegation of functions.

(j) Any reference in this Act to any provision of law
shall be deemed to include, as appropriate, references thereto
as now or hereafter amended or supplemented.

(k) Except as may be otherwise expressly provided in
this Act, all functions expressly conferred by this Act shall
be in addition to and not in substitution for functions existing
immediately before the effective date of this Act and trans-
ferred by this Act.
INCIDENTAL DISPOSITIONS

SEC. 302. The Director of the Office of Management and Budget is authorized to make such additional incidental dispositions of personnel, personnel positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be made available in connection with functions transferred by this Act, as he may deem necessary or appropriate to accomplish the intent and purpose of this Act.

DEFINITIONS

SEC. 303. As used in this Act—

(1) any reference to "function" or "functions"
    shall be deemed to include references to duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be; and

(2) any reference to "perform" or "performance",
    when used in relation to functions, shall be deemed to include the exercise of power, authority, rights, and privileges.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 304. Except as otherwise provided by law, appropriations made under this Act shall be subject to annual authorization.
COMPTROLLER-GENERAL-AUDIT

Sec. 305. Section 166, "Comptroller-General Audit" of the Atomic Energy Act of 1954, as amended, shall be deemed to be applicable, respectively, to the nuclear and nonnuclear activities under title I and to the activities under title II.

SEPARABILITY

Sec. 306. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

EFFECTIVE DATE AND INTERIM APPOINTMENT

Sec. 307. (a) The provisions of this Act shall take effect one hundred and twenty days after the Administrator first takes office, or on such earlier date as the President may prescribe and publish in the Federal Register; except that any of the officers provided for in title II of this Act may be nominated and appointed, as provided in that title, at any time after the date of enactment of this Act. Funds available to any department or agency (or any official or component thereof), any functions of which are transferred to the Administrator by this Act, may, with the approval of the President, be used to pay the compensation and expenses of any
office appointed pursuant to this subsection until such time as funds for that purpose are otherwise available.

(b) In the event that any officer required by this Act to be appointed by and with the advice and consent of the Senate shall not have entered upon office on the effective date of this Act, the President may designate any officer, whose appointment was required to be made by and with the advice and consent of the Senate and who was such an officer immediately prior to the effective date of this Act, to act in such office until the office is filled as provided in this Act. While so acting, such persons shall receive compensation at the rates provided by this Act for the respective offices in which they act.

SHORT TITLE

SECTION 1. This Act may be cited as the "Energy Reorganization Act of 1973".

DECLARATION OF PURPOSE

Sec. 2. (a) The Congress hereby declares that the general welfare and the common defense and security require effective action to develop, and increase the efficiency and reliability of use of, all energy sources to meet the needs of present and future generations, to increase the productivity of the national economy and strengthen its position in regard to international trade, to make the Nation self-sufficient in energy, to advance the goals of restoring, protecting, and
enhancing environmental quality, and to assure public health and safety.

(b) The Congress finds that, to best achieve these objectives, improve Government operations, and assure the coordinated and effective development of all energy sources, it is necessary to establish an Energy Research and Development Administration to bring together and direct Federal activities relating to research and development on the various sources of energy, to increase the efficiency and reliability in the use of energy, and to carry out the performance of other functions, including the Atomic Energy Commission's military and production activities.

(c) The Congress further declares and finds that it is in the public interest that the licensing and related regulatory functions of the Atomic Energy Commission be separated from the performance of the other functions of the Commission transferred pursuant to this Act, and that this separation be effected in an orderly manner assuring adequacy of technical and other resources necessary for the performance of each.

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OFFICERS

Sec. 102. (a) There shall be at the head of the Administration an Administrator of Energy Research and Development (hereinafter in this Act referred to as the “Administrator”), who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall receive compensation at the rate now or hereafter prescribed for offices and positions at level II of the Executive Schedule (5 U.S.C. 5313). The Administration shall be administered under the supervision and direction of the Administrator, who shall be responsible for the efficient and coordinated management of the Administration.

(b) There shall be in the Administration a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate now or hereafter prescribed for offices and positions at level III of the Executive Schedule (5 U.S.C. 5314).

(c) There shall be in the Administration five Assistant Administrators, one of whom shall be responsible for fossil energy, another for nuclear energy, another for environment, safety, and conservation, another for research and advanced energy systems, and another for national security.
The Assistant Administrators shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate now or hereafter prescribed for offices and positions at level IV of the Executive Schedule (5 U.S.C. 5315).

(d) There shall be in the Administration a General Counsel who shall be appointed by the Administrator and who shall serve at the pleasure of and be removable by the Administrator. The General Counsel shall receive compensation at the rate now or hereafter prescribed for offices and positions at level V of the Executive Schedule (5 U.S.C. 5316).

(e) There shall be in the Administration not more than seven additional officers appointed by the Administrator, who shall receive compensation at the rate now or hereafter prescribed for offices and positions at level V of the Executive Schedule (5 U.S.C. 5316). The positions of such officers shall be considered career positions and be subject to subsection 161d. of the Atomic Energy Act.

(f) The Division of Military Application transferred to and established in the Administration by section 104(a) of this Act shall be under the direction of a Director of Military Application, who shall be appointed by the Administrator and who shall serve at the pleasure of and be removable by the Administrator and shall be an active commissioned officer...
of the Armed Forces serving in general or flag officer rank or grade. The functions, qualifications, and compensation of the Director of Military Application shall be the same as those provided under the Atomic Energy Act of 1954, as amended, for the Assistant General Manager for Military Application.

(g) Officers appointed pursuant to this section shall perform such functions as the Administrator shall specify from time to time.

(h) The Deputy Administrator (or in the absence or disability of the Deputy Administrator, or in the event of a vacancy in the office of the Deputy Administrator, an Assistant Administrator, the General Counsel or such other official, determined according to such order as the Administrator shall prescribe) shall act for and perform the functions of the Administrator during any absence or disability of the Administrator or in the event of a vacancy in the office of the Administrator.

RESPONSIBILITIES OF THE ADMINISTRATOR

Sec. 103. The responsibilities of the Administrator shall include, but not be limited to—

(1) exercising central responsibility for policy planning, coordination, support, and management of research and development programs respecting all energy sources, including assessing the requirements for research and de-
development in regard to various energy sources in relation to near-term and long-range needs, policy planning in regard to meeting those requirements, undertaking programs for the optimal development of the various forms of energy sources, managing such programs, and disseminating information resulting therefrom;

(2) encouraging and conducting research and development to demonstrate the commercial feasibility and practical applications of energy sources and utilization technologies;

(3) undertaking research and development in the extraction, conversion, storage, transmission, and utilization phases related to the development and use of energy from fossil, nuclear, solar, geothermal, and other energy sources;

(4) engaging in and supporting environmental, biomedical, physical, and safety research related to the development of energy sources and utilization technologies;

(5) taking into account the existence, progress, and results of other public and private research and development activities relevant to the Administration's mission in formulating its own research and development programs;

(6) participating in and supporting cooperative research and development projects which may involve
contributions by public or private persons or agencies, of financial or other resources to the performance of the work;

(7) developing, collecting, distributing, and making available for distribution, scientific and technical information concerning the manufacture or development of energy and its efficient extraction, conversion, transmission, and utilization; and

(8) encouraging and conducting research and development for the conservation of energy.

TRANSFER OF FUNCTIONS

Sec. 104. (a) There are hereby transferred to and vested in the Administrator all functions of the Atomic Energy Commission, the Chairman and members of the Commission, and the officers and components of the Commission, except as otherwise provided in this Act.

(b) The General Advisory Committee established pursuant to section 26 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2036), the Patent Compensation Board established pursuant to section 157 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2187), and the Divisions of Military Application and NavalReactors established pursuant to section 25 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2035), are transferred to the Energy Research and Development Administration and the functions of the Commission with respect thereto, and
with respect to relations with the Military Liaison Committee
established by section 27 of the Atomic Energy Act of 1954,
as amended (42 U.S.C. 2037), are transferred to the
Administrator.

(o) There are hereby transferred to and vested in the
Administrator such functions of the Secretary of the Interior,
the Department of the Interior, and officers and components
of such department—

(1) as relate to or are utilized by the Office of Coal
Research established pursuant to the Act of July 1, 1960
(74 Stat. 336; 30 U.S.C. 661-668);

(2) as relate to or are utilized in connection with
fossil fuel energy research and development programs
and related activities conducted by the Bureau of Mines
“energy centers” and synthane plant to provide greater
efficiency in the extraction, processing, and utilization of
energy resources for the purpose of conserving those re-
sources, developing alternative energy resources such as
oil and gas secondary and tertiary recovery, oil shale and
synthetic fuels, improving methods of managing energy-
related wastes and pollutants, and providing technical
guidance needed to establish and administer national
energy policies; and

(3) as relate to or are utilized for underground
electric power transmission research.
(d) There are hereby transferred to and vested in the Administrator such functions of the National Science Foundation as relate to or are utilized in connection with—

1. solar heating and cooling development; and
2. geothermal power development.

(e) There are hereby transferred to and vested in the Administrator such functions of the Environmental Protection Agency and the officers and components thereof as relate to or are utilized in connection with—

1. the development and demonstration of alternative automotive power systems; and
2. the development and demonstration of precombustion, combustion, and postcombustion technologies to control emissions of pollutants from stationary sources using fossil fuels.

(f) To the extent necessary or appropriate to perform functions and carry out programs transferred by this Act, the Administrator may exercise, in relation to the functions so transferred, any authority or part thereof available by law, including appropriation Acts, to the official or agency from which such functions were transferred.

TRANSFER OF PERSONNEL AND OTHER MATTERS

Sec. 105. (a) Except as provided in the next sentence, the personnel employed in connection with, and the personnel positions, assets, liabilities, contracts, property, records,
and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions and programs transferred by this Act, are, subject to section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), correspondingly transferred for appropriate allocation. Personnel positions expressly created by law, personnel occupying those positions on the effective date of this Act, and personnel authorized to receive compensation at the rate prescribed for offices and positions at levels II, III, IV, or V of the Executive Schedule (5 U.S.C. 5313–5316) on the effective date of this Act shall be subject to the provisions of subsection (c) of this section and section 301 of this Act.

(b) Except as provided in subsection (c), transfer of nontemporary personnel pursuant to this Act shall not cause any such employee to be separated or reduced in grade or compensation for one year after such transfer.

(c) Any person who, on the effective date of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5 of the United States Code, and who, without a break in service, is appointed in the Administration to a position having duties comparable to those performed immediately preceding his appointment shall continue to be compensated in his new
position at not less than the rate provided for his previous
position.

ADMINISTRATIVE PROVISIONS

Sec. 106. (a) The Administrator is authorized to pre-
scribe such policies, standards, criteria, procedures, rules,
and regulations as he may deem to be necessary or appro-
priate to perform functions now or hereafter vested in him.

(b) The Administrator shall engage in such policy plan-
ning, and perform such program evaluation analyses and
other studies, as may be necessary to promote the efficient
and coordinated administration of the Administration and
properly assess progress toward the achievement of its
missions.

(c) Except as otherwise expressly provided by law,
the Administrator may delegate any of his functions to such
officers and employees of the Administration as he may des-
ignate, and may authorize such successive redelegations of
such functions as he may deem to be necessary or
appropriate.

(d) Except as provided in section 102 and in section
104(b), the Administrator may organize the Administration
as he may deem to be necessary or appropriate.

(e) The Administrator is authorized to establish, main-
tain, alter, or discontinue such State, regional, district, local,
or other field offices as he may deem to be necessary or
appropriate to perform functions now or hereafter vested in him.

(f) The Administrator shall cause a seal of office to be made for the Administration of such device as he shall approve, and judicial notice shall be taken of such seal.

(g) The Administrator is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interests of economy and efficiency. There shall be transferred to the fund the stocks of supplies, equipment, assets other than real property, liabilities, and unpaid obligations relating to the services which he determines will be performed through the fund. Appropriations to the fund, in such amounts as may be necessary to provide additional working capital, are authorized. The working capital fund shall recover, from the appropriations and funds for which services are performed, either in advance or by way of reimbursement, amounts which will approximate the costs incurred, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from the sale or exchange of its property, and receipts in payment for loss or damage to property owned by the fund.

(h) Each department, agency, and instrumentality of
the executive branch of the Government is authorized to furnish to the Administrator, upon his request, any information or other data which the Administrator deems necessary to carry out his duties under this title.

PERSONNEL AND SERVICES

Sec. 107. (a) The Administrator is authorized to select, appoint, employ, and fix the compensation of such officers and employees, including attorneys, pursuant to section 161d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201(d)) as are necessary to perform the functions now or hereafter vested in him and to prescribe their functions.

(b) The Administrator is authorized to obtain services as provided by section 3109 of title 5 of the United States Code.

(c) The Administrator is authorized to provide for participation of military personnel in the performance of his functions. Members of the Army, the Navy, the Air Force, or the Marine Corps may be detailed for service in the Administration by the appropriate military Secretary, pursuant to cooperative agreements with the Secretary, for service in the Administration in positions other than a position the occupant of which must be approved by and with the advice and consent of the Senate.

(d) Appointment, detail, or assignment to, acceptance of, and service in, any appointive or other position in the Ad-
ministration under this section shall in no way affect the status, office, rank, or grade which such officers or enlisted men may occupy or hold, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. A member so appointed, detailed, or assigned shall not be subject to direction or control by his armed force, or any officer thereof, directly or indirectly, with respect to the responsibilities exercised in the position to which appointed, detailed, or assigned.

(e) The Administrator is authorized to pay transportation expenses, and per diem in lieu of subsistence expenses, in accordance with chapter 57 of title 5 of the United States Code for travel between places of recruitment and duty, and while at places of duty, of persons appointed for emergency, temporary, or seasonal services in the field service of the Administration.

(f) The Administrator is authorized to utilize, on a reimbursable basis, the services of any personnel made available by any department, agency, or instrumentality, including any independent agency, of the Government.

(g) The Administrator is authorized to establish advisory boards, in accordance with the provisions of the Federal Advisory Committee Act (Public Law 92–463), to advise with and make recommendations to the Admin-
istrator on legislation, policies, administration, research, and other matters.

(h) The Administrator is authorized to employ persons who are not citizens of the United States in expert, scientific, technical, or professional capacities whenever he deems it in the public interest.

POWERS

Sec. 108. (a) The Administrator is authorized to exercise his powers in such manner as to insure the continued conduct of research and development and related activities in areas or fields deemed by the Administrator to be pertinent to the acquisition of an expanded fund of scientific, technical, and practical knowledge in energy matters. To this end, the Administrator is authorized to make arrangements (including contracts, agreements, and loans) for the conduct of research and development activities with private or public institutions or persons, including participation in joint or co-operative projects of a research, developmental, or experimental nature; to make payments (in lump sum or installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments); and generally to take such steps as he may deem necessary or appropriate to perform functions now or hereafter vested in him. Such functions of the Administrator under this Act as are applicable to the nuclear activities...
transferred pursuant to this title shall be subject to the pro-
visions of the Atomic Energy Act of 1954, as amended,
and to other authority applicable to such nuclear activities.
The nonnuclear responsibilities and functions of the Admin-
istrator referred to in sections 103 and 104 of this Act shall
be carried out pursuant to the provisions of this Act, appli-
cable authority existing immediately before the effective date
of this Act, or in accordance with the provisions of chapter
4 of the Atomic Energy Act of 1954, as amended (42 U.S.C.
2051-2053).
(b) Except for public buildings as defined in the Public
Buildings Act of 1959, as amended, and with respect to
leased space subject to the provisions of Reorganization Plan
Numbered 18 of 1950, the Administrator is authorized to
acquire (by purchase, lease, condemnation, or otherwise),
construct, improve, repair, operate, and maintain facilities
and real property as the Administrator deems to be nec-
essary in and outside of the District of Columbia. Such
authority shall apply only to facilities required for the
maintenance and operation of laboratories, research and
testing sites and facilities, quarters, and related accommoda-
tions for employees and dependents of employees of the
Administration, and such other special-purpose real property
as the Administrator deems to be necessary in and outside
the District of Columbia. Title to any property or interest
therein, real, personal, or mixed, acquired pursuant to this section, shall be in the United States.

(c)(1) The Administrator is authorized to provide, construct, or maintain, as necessary and when not otherwise available, the following for employees and their dependents stationed at remote locations:

(A) emergency medical services and supplies;
(B) food and other subsistence supplies;
(C) messing facilities;
(D) audiovisual equipment, accessories, and supplies for recreation and training;
(E) reimbursement for food, clothing, medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons;
(F) living and working quarters and facilities; and
(G) transportation for school-age dependents of employees to the nearest appropriate educational facilities.

(2) The furnishing of medical treatment under subparagraph (A) of paragraph (1) and the furnishing of services and supplies under paragraphs (B) and (C) of paragraph (1) shall be at prices reflecting reasonable value as determined by the Administrator.

(3) Proceeds from reimbursements under this section shall be deposited in the Treasury and may be withdrawn.
by the Administrator to pay directly the cost of such work
or services, to repay or make advances to appropriations or
funds which do or will bear all or a part of such cost, or to
refund excess sums when necessary; except that such
payments may be credited to a service or working capital
fund otherwise established by law, and used under the law
governing such funds, if the fund is available for use by the
Administrator for performing the work or services for which
payment is received.

(d) The Administrator is authorized to acquire any of
the following described rights if the property acquired there-
by is for use in, or is useful to, the performance of functions
vested in him:

(1) copyrights, patents, and applications for
   patents, designs, processes, specifications, and data;

(2) licenses under copyrights, patents, and applica-
   tions for patents; and

(3) releases, before suit is brought, for past in-
   fringement of patents or copyrights.

(e) Subject to the provisions of chapter 12 of the Atomic
Energy Act (42 U.S.C. 2161-2166), and other applicable
law, the Administrator shall disseminate scientific, technical,
and practical information acquired pursuant to this title through
information programs and other appropriate means, and shall
encourage the dissemination of scientific, technical, and prac-
tical information relating to energy so as to enlarge the fund of such information and to provide that free interchange of ideas and criticism which is essential to scientific and industrial progress and public understanding.

(f) The Administrator is authorized to accept, hold, administer, and utilize gifts, and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Administration. Gifts and bequests of money and proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury and shall be disbursed upon the order of the Administrator. For the purposes of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift or bequest to the United States.

TITLE II—NUCLEAR ENERGY COMMISSION

CHANGE IN NAME

Sec. 201. The Atomic Energy Commission is hereby renamed the Nuclear Energy Commission and shall continue to perform the licensing and related regulatory functions of the Chairman and members of the Commission, the general counsel, and other officers and components of the Commission, which functions, officers, components, and personnel are excepted from the transfer to the Administrator by section 104(a) of this Act.
LICENSING AND RELATED REGULATORY FUNCTIONS RESPECTING SELECTED ADMINISTRATION FACILITIES

SEC. 202. Notwithstanding the exclusions provided for in section 110a. or any other provisions of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2140(a)), the Nuclear Energy Commission shall, except as otherwise specifically provided by section 110b. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2140(b)), or other law, have licensing and related regulatory authority pursuant to chapters 6, 7, 8, and 10 of the Atomic Energy Act of 1954, as amended, as to the following facilities of the Administration:

(1) demonstration liquid metal fast breeder reactors when operated as part of the power generation facilities of an electric utility system;

(2) other demonstration nuclear reactors when operated as part of the power generation facilities of an electric utility system, except those in existence, under construction or authorized or appropriated for by the Congress on the date this part becomes effective; or

(3) facilities used primarily for the receipt and storage of high-level radioactive wastes resulting from activities licensed under such Act, except those in existence, under construction, or authorized or appropriated for by the Congress, on the date this Act becomes effective.
RESEARCH

Sec. 203. (a) The Nuclear Energy Commission may engage in or contract for research which the Commission deems necessary for the discharge of its licensing and related regulatory functions.

(b) In order to achieve the objectives and carry out the purposes of subsection (a), the Energy Research and Development Administration and every other Federal agency shall—

(1) cooperate with respect to the establishment of priorities for the furnishing of such research services requested by the Nuclear Energy Commission as the Commission deems necessary for the conduct of its functions; and

(2) furnish to the Nuclear Energy Commission, when requested, on a reimbursable basis, through its own facilities or by contract or other arrangement, such research services as the Commission deems necessary for the conduct of its functions.

TITLE III—MISCELLANEOUS AND TRANSITIONAL PROVISIONS

TRANSITIONAL PROVISIONS

Sec. 301. (a) Except as otherwise provided in this Act, whenever all of the functions or programs of an agency, or other body, or any component thereof, affected by this
Act, have been transferred from that agency, or other body, or any component thereof by title I of this Act, the agency, or other body, or component thereof shall lapse. If an agency, or other body, or any component thereof, lapses pursuant to the preceding sentence, each position and office therein which was expressly authorized by law, or the incumbent of which was authorized to receive compensation at the rate prescribed for an office or position at level II, III, IV, or V of the Executive Schedule (5 U.S.C. 5313–5316), shall lapse.

(b) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act, and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, the Administrator, or other authorized officials, a court of competent jurisdiction, or by operation of law.

(c) The provisions of this Act shall not affect any proceeding pending, at the time this section takes effect, before any department or agency (or component thereof) func-
tions of which are transferred by this Act; but such proceed-
ings, to the extent that they relate to functions so trans-
ferred, shall be continued. Orders shall be issued in such
proceedings, appeals shall be taken therefrom, and pay-
ments shall be made pursuant to such orders, as if this Act
had not been enacted; and orders issued in any such pro-
ceedings shall continue in effect until modified, terminated,
superseded, or revoked by a duly authorized official, by a
court of competent jurisdiction, or by operation of law. Noth-
ing in this subsection shall be deemed to prohibit the dis-
continuance or modification of any such proceeding under
the same terms and conditions and to the same extent that
such proceeding could have been discontinued if this Act
had not been enacted.

(d) Except as provided in subsection (f)—

(1) the provisions of this Act shall not affect suits
commenced prior to the date this Act takes effect, and

(2) in all such suits proceedings shall be had, ap-
peals taken, and judgments rendered, in the same man-
ner and effect as if this Act had not been enacted.

(e) No suit, action, or other proceeding commenced by
or against any officer in his official capacity as an officer of
any department or agency, functions of which are transferred
by this Act, shall abate by reason of the enactment of this
Act. No cause of action by or against any department or
agency, functions of which are transferred by this Act, or
by or against any officer thereof in his official capacity shall
abate by reason of the enactment of this Act. Causes of
actions, suits, actions, or other proceedings may be asserted
by or against the United States or such official as may be
appropriate and, in any litigation pending when this section
takes effect, the court may at any time, on its own motion
or that of any party, enter any order which will give effect
to the provisions of this section.

(f) If, before the date on which this Act takes effect,
any department or agency, or officer thereof in his official
capacity, is a party to a suit, and under this Act any func-
tion of such department, agency, or officer is transferred to
the Administrator, or any other official, then such suit shall
be continued as if this Act had not been enacted, with the
Administrator, or other official, as the case may be, sub-
stituted.

(g) Final orders and actions of any official or component
in the performance of functions transferred by this Act shall
be subject to judicial review to the same extent and in the
same manner as if such orders or actions had been made or
taken by the officer, department, agency, or instrumentality
in the performance of such functions immediately preceding
the effective date of this Act. Any statutory requirements
relating to notices, hearings, action upon the record, or
administrative review that apply to any function transferred by this Act shall apply to the performance of those functions by the Administrator, or any officer or component.

(h) With respect to any function transferred by this Act and performed after the effective date of this Act, reference in any other law to any department or agency, or any officer or office, the functions of which are so transferred, shall be deemed to refer to the Administration, the Administrator, or other office or official in which this Act vests such functions.

(i) Nothing contained in this Act shall be construed to limit, curtail, abolish, or terminate any function of the President which he had immediately before the effective date of this Act; or to limit, curtail, abolish, or terminate his authority to perform such function; or to limit, curtail, abolish, or terminate his authority to delegate, redelegate, or terminate any delegation of functions.

(j) Any reference in this Act to any provision of law shall be deemed to include, as appropriate, references thereto as now or hereafter amended or supplemented.

(k) Except as may be otherwise expressly provided in this Act, all functions expressly conferred by this Act shall be in addition to and not in substitution for functions existing immediately before the effective date of this Act and transferred by this Act.
INCIDENTAL DISPOSITIONS

Sec. 302. The Director of the Office of Management and Budget is authorized to make such additional incidental dispositions of personnel, personnel positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be made available in connection with functions transferred by this Act, as he may deem necessary or appropriate to accomplish the intent and purpose of this Act.

DEFINITIONS

Sec. 303. As used in this Act—

(1) any reference to "function" or "functions" shall be deemed to include references to duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be; and

(2) any reference to "perform" or "performance", when used in relation to functions, shall be deemed to include the exercise of power, authority, rights, and privileges.

AUTHORIZATION FOR APPROPRIATIONS

Sec. 304. Except as otherwise provided by law, appropriations made under this Act shall be subject to annual authorization.
COMPTROLLER GENERAL AUDIT

Sec. 305. Section 166. "Comptroller General Audit" of the Atomic Energy Act of 1954, as amended, shall be deemed to be applicable, respectively, to the nuclear and nonnuclear activities under title I and to the activities under title II.

REPORTS

Sec. 306. (a) The Administrator shall, as soon as practicable after the end of each fiscal year, make a report to the President for submission to the Congress on the activities of the Administration during the preceding fiscal year. Such report shall include a statement of the short-range and long-range goals, priorities, and plans of the Administration together with an assessment of the progress made toward the attainment of those objectives and toward the more effective and efficient management of the Administration and the coordination of its functions.

(b) During the first year of operation of the Administration, the Administrator, in collaboration with the Secretary of Defense, shall conduct a thorough review of the desirability and feasibility of transferring to the Department of Defense or other Federal agencies the functions of the Administrator respecting military application and restricted data, and within one year after the Administrator first takes office the Administrator shall make a report to the President, for submission to the Congress, setting forth
his comprehensive analysis, the principal alternatives, and
the specific recommendations of the Administrator and the
Secretary of Defense.

INFORMATION TO COMMITTEES

SEC. 307. The Administrator shall keep the appropriate
congressional committees fully and currently informed with
respect to all of the Administration's activities.

TRANSFER OF FUNDS

SEC. 308. The Administrator, when authorized in an
appropriation Act, may, in any fiscal year, transfer funds
from one appropriation to another within the Administration:
Provided, That no appropriation shall be either increased or
decreased pursuant to this section by more than 5 per centum
of the appropriation for such fiscal year.

CONFORMING AMENDMENTS TO CERTAIN OTHER LAWS

SEC. 309. Subchapter II (relating to Executive Sched-
ule pay rates) of chapter 53 of title 5, United States Code,
is amended as follows:

(1) Section 5313 is amended by striking out "(8)
Chairman, Atomic Energy Commission." and inserting
in lieu thereof "(8) Chairman, Nuclear Energy Com-
mission."

(22) Administrator of Energy Research and
Development."
(2) Section 5314 is amended by striking out "(42) Members, Atomic Energy Commission." and inserting in lieu thereof "(42) Members, Nuclear Energy Commission.", and by adding at the end thereof the following:

"(60) Deputy Administrator, Energy Research and Development Administration."

(3) Section 5315 is amended by striking out paragraph (50), and by adding at the end thereof the following:

"(99) Assistant Administrators, Energy Research and Development Administration (5)."

(4) Section 5316 is amended by striking out paragraphs (29), (69), and (102), by striking out "(62) Director of Regulation, Atomic Energy Commission." and inserting in lieu thereof "(62) Executive Director of Operations, Nuclear Energy Commission.", by striking out "(81) General Counsel of the Atomic Energy Commission." and inserting in lieu thereof "(81) General Counsel of the Nuclear Energy Commission.", and by adding at the end thereof the following:

"(133) General Counsel, Energy Research and Development Administration.

"(134) Additional officers, Energy Research and Development Administration (7)."
SEPARABILITY

Sec. 310. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

EFFECTIVE DATE AND INTERIM APPOINTMENT

Sec. 311. (a) The provisions of this Act shall take effect one hundred and twenty days after the Administrator first takes office, or on such earlier date as the President may prescribe and publish in the Federal Register; except that any of the officers provided for in title II of this Act may be nominated and appointed, as provided in that title, at any time after the date of enactment of this Act. Funds available to any department or agency (or any official or component thereof), any functions of which are transferred to the Administrator by this Act, may, with the approval of the President, be used to pay the compensation and expenses of any officer appointed pursuant to this subsection until such time as funds for that purpose are otherwise available.

(b) In the event that any officer required by this Act to be appointed by and with the advice and consent of the Senate shall not have entered upon office on the effective date of this Act, the President may designate any officer, whose appointment was required to be made by and with the advice
and consent of the Senate and who was such an officer immediately prior to the effective date of this Act, to act in such office until the office is filled as provided in this Act. While so acting, such persons shall receive compensation at the rates provided by this Act for the respective offices in which they act.

TITLE IV—SEX DISCRIMINATION

SEC. 401. No person shall on the ground of sex be excluded from participation in, be denied a license under, be denied the benefits of, or be subjected to discrimination under any program or activity carried on or receiving Federal assistance under any title of this Act. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI or the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee.
A BILL

[Report No. 93-707]

H. R. 11510

39th Congress

Union Calendar No. 314

[By Mr. Holt, Mr. Horton, Mr. Price of
Illinois, and Mr. Hosteman.]

Horn, and ordered to be printed.

Reported with an amendment, committed to the Com-