

DEPARTMENT OF COMMERCE

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The Department of Commerce is charged with promoting economic growth, innovation, and competitiveness while providing the data that American businesses need to succeed. Intended to serve with clarity of purpose as the voice of business in any President's Cabinet, the Department of Commerce has suffered from decades of regulatory capture, ideological drift, and lack of focus. One long-standing joke maintains that the department, with its lack of coherence, is a holding company for the parts of the federal government that could not be housed elsewhere. Thus, in the 1990s, calls emerged to abolish the department and either spin off, zero-out, or consolidate its functions among other entities.¹

At the same time, the department has a higher profile now than perhaps ever in its history. It possesses key tools to address decades of poor decision-making in Washington and is central to any plan to reverse the precipitous economic decline sparked by the Biden Administration and to counter Communist China. Both assertions can be equally true, that the department possesses the expertise, programs, and authorities that will be crucial to the success of a conservative presidency *and* that its role in the federal bureaucracy would benefit from streamlining and reform.

Many programs at the Department of Commerce overlap in whole or part with other governmental programs, and consolidating and streamlining these could increase both accountability and return on taxpayer investment. Any exercise in government-wide budgeting and reform should review the department with an eye toward consolidation, elimination, or privatization that examines the efficiency, effectiveness, and underlying philosophy of each individual component. Though

Mandate for Leadership: The Conservative Promise

not an exhaustive set of proposals, the next conservative President should consider whether:

- The International Trade Administration (ITA) and parts of the Bureau of Industry and Security (BIS) should be streamlined and moved to the Office of the U.S. Trade Representative (USTR), along with the Development Finance Corporation; the U.S. Trade and Development Agency; the Export-Import Bank; and other trade-related programs spread across the federal government—as well as considering whether many of these programs should exist within the federal government;
- The Economic Development Administration’s grant programs, which are among a broad set of duplicative and overlapping federal economic development grant programs, should be consolidated with other programs and/or eliminated;
- The Bureau of Economic Analysis and Census Bureau, as well as the Department of Labor’s Bureau of Labor Statistics, should be consolidated into a more manageable, focused, and efficient statistical agency;
- The U.S. Patent and Trademark Office (USPTO) should be made into a performance-based organization under the Office of Management and Budget (OMB);
- Alternatively, the USPTO should be consolidated with the National Institute of Standards and Technology (NIST) in a new U.S. Office of Patents, Trademarks, and Standards, with all non-mission-critical research functions eliminated or moved to other, more focused, federal agencies; and
- The National Oceanographic and Atmospheric Administration (NOAA) should be dismantled and many of its functions eliminated, sent to other agencies, privatized, or placed under the control of states and territories.

Almost every element of the department can be viewed through this lens, but with today’s political reality and multiple competing congressional committee jurisdictions, drastic structural change to the department is neither imminent nor likely. Thus, this chapter largely accepts the baseline of today’s department and proposes a bold, but achievable, set of proposals for an incoming conservative Administration.

Whatever the imperfections of the Department of Commerce, it is blessed with many quality civil servants and strong statutory authorities that, directed properly,

can help ensure U.S. success in 2025 and beyond. With that in mind, this chapter focuses primarily on policy, strategy, and occasionally tactics that are either immediately implementable under strong leadership or are critical to mission success.

OFFICE OF THE SECRETARY

The Office of the Secretary (OS) is somewhat of a misnomer, as very few of the thousands of employees working in the office are dedicated to staffing the secretary and implementing Administration priorities. Rather, OS's budget and full-time equivalents have increasingly been allocated to fulfill financial, human resources, administrative, information technology, contracting, and facilities functions, using outdated and inefficient systems. The Trump Administration began implementing key changes, such as updating financial management tools, but more must be done to digitize and modernize the department's processes to free resources for secretarial and presidential priorities.

The above drain on resources leaves the Secretary of Commerce to rely upon a few dozen direct support staff, supplemented with detailees and indirect funding from each of the bureaus to execute the President's agenda and manage the diverse functions of the department. This structure empowers career staff in each bureau and makes it harder to mandate change. As such, it is vitally important that an incoming Administration fully staff OS with political appointees, send all existing detailees back to their home bureaus on Day One, and replace those detailees with trusted and knowledgeable career staff on an as-needed basis. Department of Commerce leadership should also fight to restore direct funding and additional political appointee positions to OS and its constituent parts involved in implementing and communicating the Commerce Secretary's and President's policy priorities.

Administration, Budget, and Appropriations. Recent practice has been for career staff to serve as gatekeepers between department leadership and external budget and appropriations partners at the OMB and on Capitol Hill. By serving not just as a central point of contact but as the sole staff-level communicators of departmental priorities, these career officials can, have, and will slow down—and even stop—changes in policy, even at the line-office level.

Although the following is true at all agencies, it is particularly important at the Department of Commerce that political leadership be immediately installed at the Office of the Chief Financial Officer (CFO) and Assistant Secretary for Administration (ASA), and that political appointees receive a mandate to communicate with external partners alongside career staff at every stage of the budget and appropriations process. Political appointees must also monitor internal CFO operations down to the operating division level to ensure that funds are not being diverted to programs that do not align with Administration priorities, as has regularly happened in years past.

Mandate for Leadership: The Conservative Promise

Advisory Committees. Due to the nature of the Department of Commerce's portfolio, many of its advisory committees are populated by activists from organizations openly hostile to conservative principles who use the committees to impede conservative policy. Upon entering office, all such committees should be reviewed regarding whether they are required by statute and abolished if they are not. Membership of the remaining committees should be reconstituted to ensure they are sources of genuine expert advice and productive contributions to the policy-making process. Federal Advisory Committee Act (FACA) compliance and awareness of any ways the committees have been written into regulations should be considered.

INTERNATIONAL TRADE ADMINISTRATION

The International Trade Administration is centrally placed to craft and implement U.S. trade policy. Core to ITA's mission is the expansion of trade and investment and the fostering of job creation, innovation, and economic growth, while also providing research and analysis that support USTR's trade negotiations. ITA carries out this mission on behalf of American workers, ranchers, and families.

As discussed elsewhere, historically, conservatives have argued that many federal government trade and investment-oriented functions amount to corporate welfare or protectionism. There is a growing counterargument within the conservative movement contending that, in a world in which managed trade is the norm rather than the exception, and in which authoritarian governments, especially China, continually seek to undermine U.S. interests, the U.S. cannot unilaterally disarm. To do so would harm the cause of free trade in the long term, and, in any event, Congress is not likely to drastically change the composition or authorization of the ITA. Thus, a policy and management agenda that serves conservative priorities is crucial.

In a conservative Administration, the ITA should operate with the following priorities:

- Counter the malign influence of China and other U.S. adversaries;
- Enforce agreements vigorously and defend against trade violations;
- Secure access to critical supply chains and technology; and
- Enable the private sector to drive innovation and remain globally competitive.

It is important to note that a deeply entrenched set of career Senior Executive Service officials have managed the ITA for over a decade. While most are truly non-partisan civil servants, some are not. Political leadership must manage accordingly. Strong political leadership is needed in ITA's policymaking positions from

Department of Commerce

Day One to ensure the bureau is fully implementing Administration policy. An incoming Administration should ensure that Assistant Secretary and Deputy Assistant Secretary positions are staffed by appointees as quickly as possible.

Enforcement and Compliance. Strong enforcement of trade agreements is an indispensable function of the ITA carried out by Enforcement & Compliance (E&C). Free and fair trade is impossible without energetic enforcement of existing agreements and without strong defense against dumping and illegal subsidies.

Many free trade advocates consider antidumping and countervailing duty laws (AD/CVD) to be protectionist and thus antithetical to the conservative free market position. In their view, AD/CVD laws are overused, abused by certain industries, and harmful to American economic competitiveness by increasing costs to downstream industries.

Other conservatives maintain that AD/CVD tariffs are not conventional tariffs, but rather corrective actions meant to address anti-free market activities by other governments—a scalpel, not a hammer. In the short term, this may mean higher costs for U.S. businesses and consumers on a limited number of products from certain offending countries, but those higher prices correct existing price distortions in the marketplace and ultimately ensure the healthy operation of market forces in the long term and a level playing field for U.S. manufacturers.

Whatever the case, improvements to the current system must be made to *both* protect U.S. consumers and companies from improperly applied duties *and* defend against trade-distorting actions by other governments. Procedures governing the day-to-day administration of proceedings, as well as policies driving critical decisions in proceedings, require a fresh look. Ultimately, E&C's mandate is to conduct a rigorous but also fair, objective, and balanced review of the record in each proceeding and to make decisions without bias.

It is exceedingly unlikely that Congress would abolish or limit the activity of E&C. Therefore, the proposals below are made under the assumption that an incoming Administration will operate E&C within its current legal, institutional, and political confines and set a path forward to wield E&C's considerable power to achieve the goals of a conservative Administration. These proposals can be broken into three categories: process, policy, and addressing China.

Process

- Re-establish and expand suspended in-person pandemic-related verifications, particularly regarding the People's Republic of China. Ensure that verifications are rigorous.
- Implement advanced analytics and artificial intelligence to identify opportunities for self-initiation, detect circumvention, and prevent bad actors from gaming the system.

Mandate for Leadership: The Conservative Promise

- Accelerate front-end work on reviews as opposed to constantly pushing against statutory deadlines.
- Work with Customs and Border Protection (CBP) and other relevant agencies to address circumvention and duty evasion, and promote policies that encourage full duty collection to ensure the integrity of AD/CVD and circumvention orders.
- Work with CBP, the Department of Justice, the Department of Treasury, and other relevant agencies to aggressively pursue importers of record and other beneficiaries for unpaid duties, and consider policy changes to reduce uncollected duties in the future.
- Work, pursuant to the above, with interagency partners in AD/CVD cases to either require foreign importers of record (IORs) to make cash deposits far in excess of established duty rates at the time of entry of AD/CVD merchandise, require IORs to register sufficient U.S. assets to ensure timely payment of duties, or otherwise prohibit IORs from importing AD/CVD merchandise.
- Conduct a regulatory capture audit and put guardrails in place to address improper exercise of bureaucratic prerogative.

Policy

- Ensure senior policy and decision-making positions are always held by political appointees.
- Reverse the practice of giving the benefit of the doubt to foreign companies versus U.S. companies in AD/CVD proceedings.
- Establish a policy for addressing companies that invest heavily in the U.S. and thus have large import volumes, exposing them to AD/CVD petitions.
- Establish an effective, fair, and objective process for self-initiation of AD/CVD proceedings when industry lacks the resources or ability to act.

Addressing China

- Revive the China-specific non-market economy unit.
- Provide transparency in the surrogate country list development process.

Department of Commerce

- Develop a new methodology to determine normal values in Chinese anti-dumping cases because—given China’s size, economic might, and state intervention in the economy—there is no comparable surrogate country to use as a proxy for production costs.

In addition to these changes, continued support for steel and aluminum market analysis and import monitoring remains crucial to the U.S. defense industrial base and the health of global manufacturing. Without these functions, it is difficult to address massive subsidization, overcapacity, and dumping by China.

Industry and Analysis. Industry and Analysis (I&A) consists of a team of economists and industry experts that provides important analysis to partners across the government, including the White House and USTR, as well as the public.

As the Department of Commerce’s Committee on Foreign Investments in the United States (CFIUS) lead, I&A performs crucial work to ensure that the proper economic impact/supply chain analysis is brought to national security risk assessments. This analysis is needed for CFIUS to be an effective tool in preventing China and other adversaries from exploiting the U.S.’s open investment climate.

I&A also provides impact assessments and economic modeling for policy options under Administration consideration; plays a critical role in identifying trade barriers and providing industry-specific expertise for USTR during free trade agreement (FTA) negotiations; and does indispensable work ensuring cross-border data flows, particularly with Europe, remain open and relatively unrestricted.

However, outside of these functions, implementation of I&A’s mission as an intellectual engine for U.S. trade and investment policy can often lack energy and focus. For instance, the Top Market Reports that represent a large volume of I&A work do not serve a specific strategic function and could be better replaced by industry competitiveness assessments in critical sectors of the economy.

Strong and capable leadership is needed in I&A to ensure Administration priorities permeate the organization and that staff support Administration priorities. I&A produces a mandatory report to Congress regarding the Miscellaneous Tariff Bill, which focuses solely on U.S. capacity in the goods being considered for tariff exclusions and does not include highly relevant information on capacity among FTA partners and close allies. The resulting final report has thus been used to lobby for tariff reductions on thousands of imports from China without concern for any other factors. This lack of priority given to FTA partners is troubling.

Going forward, I&A should be permanently restructured to perform supply-chain analysis on an ongoing basis for the U.S. government, identifying potential vulnerabilities like those exposed by the pandemic and resulting shortages in everything from semiconductors to baby formula. Furthermore, permanent standing teams should be established and staffed by properly aligned political appointees and trusted career staff to analyze and spur action on the following priority policy issues:

Mandate for Leadership: The Conservative Promise

- Strategic decoupling from China;
- Defense industrial base strength;
- Critical supply chains (e.g., pharmaceuticals, medical devices, food); and
- Emerging technologies (e.g., rare earth minerals, semiconductors, batteries, artificial intelligence, quantum computing).

Global Markets and the U.S. and Foreign Commercial Service. For more than a decade, strategic planning at Global Markets (GM) and the U.S. and Foreign Commercial Service (CS) has been consistently undermined by increased costs associated with overseas staff and flat or reduced budgets. The Trump Administration introduced crucial, long-overdue business practices such as the implementation of software to manage and track workflow, but a further strategic overhaul of resource allocation is needed to set GM and the CS on a firm footing.

Currently, CS manages staff spread over 106 domestic offices in 77 countries around the world. Abroad, several “partner posts” utilize interagency staff and regionally located CS officials to offer services without a permanent physical in-country CS presence. Given the rapidly rising costs imposed by the State Department on CS posts overseas, a drastic expansion of this model is likely needed.

CS resources should be distributed according to the following set of priorities:

- Value in countering the malign influence of adversaries, particularly China;
- Value in fostering U.S. innovation;
- Value in maintaining access to critical supply chains and technology;
- Difficulty for U.S. companies in gaining market access without CS involvement; and
- Potential untapped export market size and likelihood of expansion.

Ultimately, difficult decisions must be made about the value of CS posts and whether individual posts can be justified given current resources and the above criteria. If the State Department deems the diplomatic value of a permanent in-country CS post to be vital to the national interest, then State should bear more of the cost of maintaining that post.

Global Markets should also consolidate and elevate the Advocacy Center and SelectUSA as relatively low-cost tools to drive large-scale export transactions

Department of Commerce

and foreign direct investment (FDI). SelectUSA is a low-cost and effective tool in attracting FDI to the U.S. and to re-shore manufacturing and research and development. In a world in which corruption is rampant, these are among the most effective tools in leveling the playing field for U.S. communities and companies seeking to engage with governments and potential overseas investors.

Given the value placed on senior-level engagement by many governments and companies, this consolidated Office of Trade and Investment Advocacy should be headed by a Deputy Assistant Secretary. The new office should also seek congressional authorization to utilize its FDI-promotion tools to encourage reshoring by U.S. businesses.

BUREAU OF INDUSTRY AND SECURITY

During the past two decades, technology transfer from America and its allies has helped accelerate adversaries' technological and weapons capabilities. This technology transfer on a massive scale has occurred because of adversaries' exploitation of the U.S.'s open economy and education system through both commercial transactions and university and government research programs. Examples include the People's Republic of China's dramatic leaps forward in semiconductor design and fabrication, battery energy storage, nuclear weapons capabilities, artificial intelligence, space and aerospace engineering, and hypersonic weapons deployment.

At the same time, the U.S. has systematically failed to protect critical assets. Rather than promulgate policies to better prevent technology transfer, the U.S. government has either ignored the problem or, worse, from 2008 through 2016 instituted a government-wide "Export Control Reform" process to loosen the Export Administration Regulations (EAR) governing exports of dual-use items to facilitate technology transfer to adversaries, either directly or indirectly through third-country transfers.

Those reforms still present in the Department of Commerce's EAR must be reversed. The United States needs stronger rules to protect technology transfer to adversaries while promoting technology integration and interoperability with allies. Further, U.S. export control regulations should be utilized to prevent theft of personally identifiable information and to encourage U.S. companies to shift production out of China and further diversify their supply chains to better advance U.S. national security interests.

For all the below recommendations, BIS needs to move unilaterally while it works with allies to implement complementary export control policies. Waiting to act until allies are ready to move in lockstep is not an option while America's national security is at risk.

Emerging and Foundational Technologies. The Export Control Reform Act of 2018 (ECRA) gave BIS permanent statutory authority to regulate exports of dual-use items (goods, software, and technology). ECRA also mandated that BIS

Mandate for Leadership: The Conservative Promise

regulate exports of emerging and foundational technologies. Although the scope of such technologies is vast, to date BIS has only controlled just over 40 of these technologies. This does not meet the clear statutory intent of Congress that ECRA be leveraged to ensure that the United States maintains a technological advantage in technologies bearing upon national security interests.

Currently, BIS self-identifies technologies that merit control under the EAR with minimal input from other federal agencies. This mechanism should be improved. BIS should create an open, transparent rulemaking process by which any industry participant, private entity, or branch of the government may, at any time, submit nominations for emerging/foundational technologies for control. Then, on a quarterly basis, BIS should make public such recommendations (while holding the identity of the submitter confidential) for public input, followed by an explanation about its ultimate decision to control or not control the items, its reasons, the level of controls applied (stringent or permissive), and the relevant Export Control Classification Number (ECCN) under the Commerce Control List. Commerce should also institute a mechanism whereby its decisions can be challenged, including on a confidential basis.

Licensing Procedures: Adjudication and Transparency. Currently, if the Departments of Defense, State, Commerce, and Energy disagree on an export license decision, the disagreement may be escalated to the Operating Committee—and subsequently to the Advisory Committee on Export Policy led by BIS's Assistant Secretary for Export Administration. The Assistant Secretary does not need to lead the dispute resolution, and this process should be revised by giving lead authority to BIS's Under Secretary, who is better able to account for diverging views.

Moreover, BIS's authority to overrule other agency votes should be changed. Each agency should have one equal vote and, if a licensing dispute remains unresolved, the final decision should be elevated to the National Security Advisor and the Secretaries of Defense, State, Commerce, and Energy.

Additionally, to improve congressional oversight of BIS's license adjudication process, BIS should provide specific congressional committees with data from the Automated Export System on a quarterly basis. Electronic files should contain U.S. exporter by name; product description (e.g., harmonized system code and ECCN/U. S. Munitions List designation); end user and destination country; and when a license was required, whether the license was granted or denied. *BIS currently denies just 1.2 percent of export licenses.* These data reporting requirements can help Congress better determine whether BIS is adequately protecting national security through appropriate use of export controls or whether additional direction from Congress is required.

Improve End-Use Checks. The integrity of the export control system may be validated only through adequate end-use checks. BIS must deny export licenses to countries that do not permit adequate end-use checks (e.g., China/Russia) by U.S. authorities. BIS should also strengthen the forensic audit capabilities of its

Department of Commerce

Export Enforcement officers through improved and frequent training so they are able to detect export-control violations.

EAR Revisions. The U.S. Government needs a new export control modernization effort to tighten the EAR policies governing licenses to countries of concern, including China and Russia (specifically, revise and/or reverse the 2008 through 2016 policies).

When authoritarian governments explain what they plan to do, believe them unless hard evidence demonstrates otherwise. Case in point: China’s and Russia’s stated civil–military fusion policies demand central government command-and-control style systems in which every private entity serves the interests of the state and is forced to provide technology, services, capacity, and data to the central government and the military. Through this structure, commercial activities are routinely weaponized by authoritarian regimes that repeatedly identify the U.S. as an enemy. Accordingly, U.S. export control policies must be updated to reflect these realities and the associated threats to national security.

Key priorities for EAR modernization for countries of concern should be:

- Eliminating the “specially designed” licensing loophole;
- Redesignating China and Russia to more highly prohibitive export licensing groups (country groups D or E);
- Eliminating license exceptions;
- Broadening foreign direct product rules;
- Reducing the *de minimis* threshold from 25 percent to 10 percent—or 0 percent for critical technologies;
- Tightening the deemed export rules to prevent technology transfer to foreign nationals from countries of concern;
- Tightening the definition of “fundamental research” to address exploitation of the open U.S. university system by authoritarian governments through funding, students and researchers, and recruitment;
- Eliminating license exceptions for sharing technology with controlled entities/countries through standards-setting “activities” and bodies; and
- Improving regulations regarding published information for technology transfers.

Mandate for Leadership: The Conservative Promise

The next few years will prove or disprove the assertion that the U.S. stands on the precipice of a Cold War with China. Many believe that a Cold War has already begun; if so, then strategic decoupling from China is necessary and, fundamentally, any exports of goods, software, and technology to countries of concern, whether directly or indirectly, should be prohibited or controlled in the absence of good cause (e.g., humanitarian and medical aid, food aid).

Entity List and Sanctions. There are currently just over 500 Chinese and over 500 Russian companies on the Department of Commerce’s Entity List, which regulates exports of controlled and uncontrolled items to designated entities. Given China’s Civil–Military Fusion Strategy and Russia’s massive war efforts facilitated by a broad range of the Russian economy, BIS must add more entities to the Entity List and apply a license review “policy of denial” that prohibits exports to these entities.

Entity List parties that violate export controls should be placed on the BIS Denied Persons List (and thereby lose export privileges) and, if the violations are significant enough, they should also be sanctioned by the Department of Treasury.

Data Transfer and Apps Used for Surveillance. Department of Commerce leadership should work across government agencies to address privacy and data concerns arising out of “big tech” from national security and export control perspectives. In particular, they should draft and implement an executive order (EO) based on the International Emergency Economic Powers Act, which expands export control authority beyond ECRA’s scope (goods, software, technology) to regulate and restrict exports of U.S. persons’ data to countries of concern. The EO should establish a framework for the types of personal data subject to export controls and licensing policy by country, and the BIS should implement the EO through regulations.

BIS should additionally designate app providers (such as WeChat and ByteDance/TikTok) known for undermining U.S. national security through data collection, surveillance, and influence operations, to the Entity List. This listing would prevent app users from program updates, which would quickly make these apps non-operational in the United States.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Break Up NOAA. The single biggest Department of Commerce agency outside of decennial census years is the National Oceanic and Atmospheric Administration, which houses the National Weather Service, National Marine Fisheries Service, and other components. NOAA garners \$6.5 billion of the department’s \$12 billion annual operational budget and accounts for more than half of the department’s personnel in non-decadal Census years (2021 figures).

NOAA consists of six main offices:

- The National Weather Service (NWS);

Department of Commerce

- The National Ocean Service (NOS);
- The Oceanic and Atmospheric Research (OAR);
- The National Environmental Satellite, Data and Information Service (NESDIS);
- The National Marine Fisheries Service (NMFS); and
- The Office of Marine and Aviation Operations and NOAA Corps.

Together, these form a colossal operation that has become one of the main drivers of the climate change alarm industry and, as such, is harmful to future U.S. prosperity. This industry's mission emphasis on prediction and management seems designed around the fatal conceit of planning for the unplannable. That is not to say NOAA is useless, but its current organization corrupts its useful functions. It should be broken up and downsized.

NOAA today boasts that it is a provider of environmental information services, a provider of environmental stewardship services, and a leader in applied scientific research. Each of these functions could be provided commercially, likely at lower cost and higher quality.

Focus the NWS on *Commercial Operations*. Each day, Americans rely on weather forecasts and warnings provided by local radio stations and colleges that are produced not by the NWS, but by private companies such as AccuWeather. Studies have found that the forecasts and warnings provided by the private companies are more reliable than those provided by the NWS.²

The NWS provides data the private companies use and should focus on its data-gathering services. Because private companies rely on these data, the NWS should fully commercialize its forecasting operations.

NOAA does not currently utilize commercial partnerships as some other agencies do. Commercialization of weather technologies should be prioritized to ensure that taxpayer dollars are invested in the most cost-efficient technologies for high quality research and weather data. Investing in different sizes of commercial partners will increase competition while ensuring that the government solutions provided by each contract is personalized to the needs of NOAA's weather programs.

The NWS should be a candidate to become a Performance-Based Organization to better enforce organizational focus on core functions such as efficient delivery of accurate, timely, and unbiased data to the public and to the private sector.³

Review the Work of the National Hurricane Center and the National Environmental Satellite Service. The National Hurricane Center and National Environmental Satellite Service data centers provide important public safety and

Mandate for Leadership: The Conservative Promise

business functions as well as academic functions, and are used by forecasting agencies and scientists internationally. Data continuity is an important issue in climate science. Data collected by the department should be presented neutrally, without adjustments intended to support any one side in the climate debate.

Transfer NOS Survey Functions to the U.S. Coast Guard and the U.S. Geological Survey. Survey operations have historically accounted for almost half the NOS budget. These functions could be transferred to the U.S. Coast Guard and U.S. Geological Survey to increase efficiency. NOS' expansion of the National Marine Sanctuaries System should also be reviewed, as discussed below.

Streamline NMFS. Overlap exists between the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. Overly simplified, the NMFS handles saltwater species while the Fish and Wildlife Service focuses on fresh water. The goals of these two agencies should be streamlined.

Harmonize the Magnuson–Stevens Act with the National Marine Sanctuaries Act. Under the auspices of NOS, marine sanctuaries (including no-fishing zones) are being established country-wide, often conflicting with the goals of the Magnuson–Stevens Act fisheries management authorities of NOAA Fisheries, regional fishery management councils, and relevant states.

Withdraw the 30x30 Executive Order and Associated America the Beautiful Initiative. The 30x30 Executive Order and the American the Beautiful Initiative are being used to advance an agenda to close vast areas of the ocean to commercial activities, including fishing, while rapidly advancing offshore wind energy development to the detriment of fisheries and other existing ocean-based industries.

Modify Regulations Implementing the Marine Mammal Protection Act and the Endangered Species Act. These acts are currently being abused at a cost to fisheries and Native American subsistence activities around the U.S.

Allow a NEPA Exemption for Fisheries Actions. All the requirements for robust analysis of the biological, economic, and social impacts of proposed regulatory action in fisheries are contained with the Magnuson–Stevens Act, the guiding Act for fisheries. NEPA overlays these requirements with onerous, redundant, and time-consuming process requirements, which routinely cause unnecessary delays in the promulgation of timely fisheries management actions. The Department of Commerce and the Council on Environmental Quality should collaborate to reduce this redundancy.

Downsize the Office of Oceanic and Atmospheric Research. OAR provides theoretical science, as opposed to the applied science of the National Hurricane Center. OAR is, however, the source of much of NOAA's climate alarmism. The preponderance of its climate-change research should be disbanded. OAR is a large network of research laboratories, an undersea research center, and several joint research institutes with universities. These operations should be reviewed with an aim of consolidation and reduction of bloat.

Break Up the Office of Marine and Aviation Operations and Reassign Its Assets to Other Agencies During This Process. The Office of Marine and Aviation Operations, which provides the ships and planes used by NOAA agencies, should be broken up and its assets reassigned to the General Services Administration or to other agencies.

Use Small Innovation Prizes and Competitions to Encourage High-Quality Research. Lowering the barriers of entry for startups and small businesses will also provide greater innovation without excessive increases in spending. Reaching beyond traditional partnerships for innovative engagement tools that encourage entrepreneurial innovation will allow NOAA's research programs to adapt more quickly to the world's changing needs. Multiple competitions should take place in cities to attract a variety of innovators and investors to propel innovation forward in a way that benefits the needs of NOAA.

Ensure Appointees Agree with Administration Aims. Scientific agencies like NOAA are vulnerable to obstructionism of an Administration's aims if political appointees are not wholly in sync with Administration policy. Particular attention must be paid to appointments in this area.

Elevate the Office of Space Commerce. The Office of Space Commerce is the executive branch advocate on behalf of the U.S. commercial space industry. This office should be the vehicle for a new Administration to set a robust and unified whole-of-government commercial space policy that cements U.S. leadership in one of the most crucial industries of the future. The Office's current mission has been lost owing to its position within NESDIS, which sees no role for itself in advancing the industry and the space economy, including ensuring global competitiveness. OSC is, by law, the Department of Commerce's lead on space policy and must therefore link directly to all the bureaus and other organizations within the department. The Office needs to be returned to OS, within which it existed for the first two decades of its existence. From OS, the Office could serve as a coordinating entity for the whole-of-government commercial space policy desperately needed to secure America's place as the global leader in commercial space operations.

There presently exists no unified U.S. government policy on commercial space operations, with the Federal Communications Commission largely responsible for establishing space policy by default through its regulation of radio spectrum licenses. Now that routine space operations are commercially viable, it is critical that a new Administration establish reasonable government policies that ensure the U.S. will continue to be the flag of choice for commercial space activities. The President should, by executive order, direct the Office of Space Commerce, working with the National Space Council, to establish a whole-of-government policy for licensing and oversight of commercial space operations.

BUREAU OF ECONOMIC ANALYSIS AND THE OFFICE OF THE UNDERSECRETARY FOR ECONOMIC AFFAIRS

The Office of the Under Secretary for Economic Affairs is charged with conducting economic analysis, promoting business and commerce, guiding data-driven decision-making and evidence-building activities, and increasing access to government data while ensuring privacy and confidentiality. The office coordinates economic analysis needs across the Department of Commerce, leads the department's initiatives and programs related to data, data policy, and data management, and provides policy direction and oversight for the Bureau of Economic Analysis (BEA) and the Census Bureau. In addition to the Under Secretary for Economic Affairs, key staff roles in the office include the Chief Economist and the Chief Data Officer.

The office could be an effective tool for a new Administration if it focuses its efforts on supporting the Department's mission to ensure the conditions for economic growth and opportunity—conducting economic analysis and producing data for key departmental policy initiatives, as well as working across agencies to support broader Administration goals. As the office charged with providing policy direction and oversight for BEA and the Census Bureau, new leadership should take an early and active role within both bureaus.

BEA is a federal statistical agency under the Office of the Undersecretary for Economic Affairs. BEA's mission is to promote a better understanding of the U.S. economy by providing timely, relevant, and accurate economic accounts data in an objective manner. BEA is responsible for producing economic indicators such as the U.S. gross domestic product (GDP), state and local GDP estimates, foreign trade and investment statistics, industry data, and consumer spending numbers.

The data produced by BEA are used by government and business decision-makers to understand the state of the nation's economy. A new Administration should ensure that BEA conducts its statistical analysis in a consistent and objective manner, with the Undersecretary for Economic Affairs taking a strong interest in BEA's operations and data products.

A new Administration should also study the feasibility of merging all statistical agencies (Census Bureau, Bureau of Economic Analysis, and the Department of Labor's Bureau of Labor Statistics, etc.) under one bureau to increase efficiency and better coordinate cross-departmental issues.

CENSUS BUREAU

The Census Bureau's core mission is to execute the executive branch's constitutional mandate to conduct a census every 10 years, but its activities have steadily grown and shifted to include the economic census, American Communities Survey, and further functions outside of its core mission.

An incoming conservative Administration should focus on three areas: day-to-day management, the decennial census, and other programs. Each of these will

Department of Commerce

need to be addressed at every stage of the transition and policy implementation process and will require that both committed political appointees and like-minded career employees are immediately put in place to execute a conservative agenda. These will need to be placed both in the Census Bureau and in key department-level managerial positions, such as those in the CFO/ASA's office.

Day-to-Day Management

- **Command and control.** Strong political leadership is needed to increase efficiency and align the Census Bureau's mission with conservative principles. Personnel is key to ensuring that a new Administration can guide preparations for the 2030 census and oversee the continued operation of the Bureau's many surveys. To move bureaucracy on key priorities, appointed staff should be in place at the Bureau as early as feasible after a new President takes office. This will require the Office of Personnel Management to allocate additional political appointee positions to the Census Bureau.
- **Financial management, information technology, and human resources.** The new Administration must immediately conduct a review to identify ways to better control costs and reverse recent failures of investments intended to upgrade the financial management, information technology, and human resources systems of the Census Bureau.
- **Leveraging technology.** The Census Bureau should focus on continuing to incorporate technology into its day-to-day operations, as well as the execution of its surveys, to reduce costs and provide more accurate and timely data to the American public.
- **Prioritizing cybersecurity and protection of confidential information.** Because much of the data collected by the Census Bureau include personal and confidential information, a focus on protecting data and implementing proper data protocols is necessary to ensure compliance with the legal requirements of Title 13.

Decennial Census

- **Fully vet existing planning and budgeting from Day One.** Planning and budgets for the 2030 decennial census will be finalized in fall 2025, including many decisions on how to use, develop, and administer the count. An incoming Administration should immediately audit the lifecycle cost estimate (LCCE) for the 2030 census and conduct a new LCCE if necessary. This will ensure that budget requests are accurate and up-to-date and

Mandate for Leadership: The Conservative Promise

allow the new Administration to understand the decennial process in greater detail.

- **Remove duplicative functions to increase efficiency.** As part of the above review, ensure the decennial operational plan eliminates current duplication among ongoing census operations (annual surveys, etc.) and decennial operations in information technology, human resources, etc. This overlap has been estimated to waste billions of dollars in the years leading up to each decennial census.
- **Review the partnership program.** This program, designed to promote responsiveness to the census by employing trusted voices in various communities, deserves careful scrutiny. A new Administration should work to actively engage with conservative groups and voices to promote response to the decennial census. Promoting response to the decennial census will ensure that the most accurate counts are conducted, leading to a more accurate apportionment of congressional representation and allocation of federal funds. In 2020, lack of conservative participation was one factor in an undercount in some areas of the country, affecting representation of certain states.
- **Add a citizenship question.** Despite finding that the Trump Administration's addition of the citizenship question to the 2020 decennial census violated the Administrative Procedures Act, the Supreme Court held that the Secretary of Commerce does have broad authority to add a citizenship question to the decennial census. Any successful conservative Administration must include a citizenship question in the census. Asking a citizenship question is considered best practice even by the United Nations. By law, the Census Bureau must deliver the decennial census subjects/topics to Congress three years before Census Day (in this case, by April 1, 2027). Questions must be presented to Congress two years before Census Day (April 1, 2028).
- **Review forthcoming changes to race and ethnicity questions.** The current Administration has announced its intent to change data collection methods regarding race and ethnicity by combining the two questions on the decennial questionnaire and increasing the number of available options. A new conservative Administration should take control of this process and thoroughly review any changes. There are concerns among conservatives that the data under Biden Administration proposals could be skewed to bolster progressive political agendas. Government data should be

Department of Commerce

unbiased and trusted—and an incoming conservative Administration should ensure that is the case. This work must be coordinated with the Office of Management and Budget, which governs federal data collection standards via its statistical directives.

- **Reevaluate all decennial census questions.** Determine how best to optimize use of the decennial census to determine whether current or additional questions provide added value in coordination with other departments that utilize the information. Overly intrusive questions or less crucial data should either be moved to another survey or removed from Census programs entirely.

Other Census Programs

- **The American Communities Survey.** After the decennial census, the next biggest statistical survey conducted by the Census Bureau is the American Communities Survey (ACS). As with the decennial census, each question should be carefully reviewed to ensure the data are useful and that the questions are not overly intrusive. There should be collaboration with other departments that use the information collected on these surveys (e.g., the Departments of Labor, Health and Human Services, Homeland Security, etc.) to determine how to optimize the use and collection of particular information.
- **The Economic Census.** This is the official five-year measurement of American business and the economy. The first Economic Census in a new Administration will take place in 2027 and have a major effect on federal spending and policy determinations. This survey collects business data that are a key input for ongoing government statistics such as BEA's GDP reports. As with the decennial census and ACS, it should be carefully examined to ensure the Economic Census is not overly intrusive. Additionally, the Census Bureau should work with other federal agencies to determine when data collection can be supplemented by industry and other federal business indicators.
- **Pulse surveys.** During the government's early response to the COVID-19 pandemic, the Census Bureau began experimental pulse surveys. These were designed to obtain data closer to real-time than typical census surveys. These data could be a useful tool to the Department of Commerce and other partners across government and provide a model for improving data collection techniques or reducing the overall footprint of the Census Bureau.

Mandate for Leadership: The Conservative Promise

- **Supplemental Poverty Measure.** The Census Bureau should review the Supplemental Poverty Measure (SPM) to consider whether it provides an accurate measure for use by the Council of Economic Advisers and others. The findings from this review should also be taken into consideration when constructing the Current Survey and other supplemental surveys, so that the SPM can be better tracked on a trend basis and support better policy decisions over time. This information would be particularly helpful in determining how to combat homelessness in conjunction with Department of Health and Human Services programs.
- **Abolish the National Advisory Committee and reevaluate all other committees.** The Census Bureau National Advisory Committee on Racial, Ethnic, and Other Populations (NAC) was established by the Obama Administration in 2012 and rechartered by the Biden Administration in 2022. The committee is a hotbed for left-wing activists intent upon injecting racial and social-justice theory into the governing philosophy of the Census Bureau. The NAC should immediately be abolished by the incoming Administration. The NAC charter gives the Secretary of Commerce the authority to terminate the committee. Since the Secretary of Commerce established the NAC in 2012 under the FACA, the Secretary is authorized to terminate the NAC. The new Administration should also reevaluate and potentially abolish all non-statutory standing committees within the Census Bureau, including the Census Scientific Advisory Committee.

ECONOMIC DEVELOPMENT ADMINISTRATION

The Economic Development Administration (EDA) is charged with investing in local communities to encourage and enable growth and innovation in the private sector, with particular focus on distressed or underserved areas. Over time, it has also served as a distribution mechanism for emergency relief funds (e.g., Hurricane Maria and COVID-19).

In the Trump Administration, the EDA served an important role for the CARES Act. It successfully disbursed approximately \$1.5 billion in funding beginning in May 2020 and throughout the COVID-19 pandemic. However, this task revealed EDA's shortcomings. On a capability level, EDA lacked the technical and financial systems and skills to disburse these funds in a compliant manner and required external contracts for advisory support to hire the personnel needed to accomplish its goals.

Historically, EDA was a small bureau with an annual budget for \$350 million in Public Works grants annually. EDA's decision-making is decentralized to its six regional offices, which delayed the release of CARES Act funding by months. But more broadly, EDA is an impediment to coordinated campaigns that advance

Department of Commerce

Administration priorities. Rather than implementing the new Department Organization Orders required to put conservative governance in place, it would be more efficient to abolish EDA and reallocate its funding to other overlapping federal grant programs.

If that proves unachievable, as has historically been the case due to political considerations in Congress, EDA would benefit from:

- Consolidation of decision-making to the Assistant Secretary's office to better align funding with conservative political purposes. For example, funding initiatives in rural communities destroyed by the Biden Administration's attack on domestic energy production would be well within the scope of EDA's mission.
- Leveraging of the direct hire authorities established in the Trump Administration for special initiatives or disaster/recovery funding. Leaving these programs to entrenched career employees with their ties to the regional offices will do little to advance the conservative agenda.
- Continuation of disaster funding with better coordinated capabilities and decision-making in accordance with the points above (e.g., maintaining contract vehicles for staff augmentation as needed).
- Building on the initial success of Opportunity Zones, which incentivized over \$75 billion in private sector investment in distressed communities by the end of 2020 with little up-front cost to the taxpayer.

MINORITY BUSINESS DEVELOPMENT AGENCY

The Minority Business Development Agency (MBDA) is the only federal agency solely dedicated to the growth and competitiveness of minority-owned businesses. The Minority Business Development Act of 2021 was signed into law as part of the Bipartisan Infrastructure Investment and Jobs Act. This legislation made MBDA a permanent federal agency, created a Senate-confirmed Under Secretary position, and expanded programs and outreach. The Act:

- Authorizes the creation of regional offices and rural business centers, increasing the number and scope of existing grant programs supporting MBDA business centers;
- Mandates grants to minority serving institutions to cultivate future generations of minority entrepreneurs; and

Mandate for Leadership: The Conservative Promise

- Establishes a Minority Business Advisory Council to advise the Under Secretary on supporting minority-owned businesses.

MBDA was established in 1969 by President Richard Nixon under Executive Order 11458⁴ as the Office of Minority Business Enterprise and the Advisory Council for Minority Business Enterprise. Its purpose was to strengthen and preserve minority business enterprises (MBEs) and to coordinate among MBEs and other groups such as state and local governments and trade associations. For over 50 years, the MBDA operated under executive order without clear congressional authorization, but was regularly recognized and promoted by every subsequent president, including Presidents Ronald Reagan and Donald Trump.⁵

MBDA has the appearance, on its face, of perpetuating racial bias by focusing on minority advancement rather than economic need or other criteria. This is why the Trump Administration proposed eliminating funding for the agency in 2017. Many conservatives ask why the government is funding this activity, which often amounts to business and management consulting services offered by private sector entities. Eventually, the Trump Administration changed course and proposed that MBDA continue to exist as a permanently authorized entity focused on policy rather than offering services. Despite this change, many conservatives understandably see MBDA as problematic on a philosophical level.

Nonetheless, Congress has spoken recently on this issue and is unlikely to change its position in the near term. In 2017, MBEs represented one-third of all U.S.-owned businesses, with almost 9 million employees, generating \$1.7 trillion for the U.S. economy.⁶ As such, a conservative Administration is best served by approaching MBDA as a tool to be leveraged in the fight to deliver economic opportunity to all Americans and to produce an economy centered on equal opportunity, free markets, innovation, and growth.

Conservative leadership at MBDA should focus the organization on:

- Conducting policy analysis on the benefit of free markets, the evils of socialism and Communism, and the destructive effect of taxes and regulations on minority businesses;
- Ensuring MBDA business centers operate efficiently with strict oversight of funding, clear metrics for success, and consequences for poor performance;
- Creating policy-level operational priorities geared toward private sector action over government action with public-private partnerships serving as a necessary middle ground;

Department of Commerce

- Establishing MBDA as a data and research clearinghouse for minority business enterprises and policymakers;
- Coordinating amongst Cabinet agencies, state and local government, and trade associations to best leverage resources and encourage growth and innovation; and
- Evaluating the harmful effects of unfair trade practices on minority-owned businesses and their employees.

U.S. PATENT AND TRADEMARK OFFICE

The U.S. Patent and Trademark Office carries out a core constitutional mandate from Section 8, Article I: “The Congress shall have Power...[t]o promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.” Strong intellectual property (IP) protections form the bedrock of American business and are a key factor in making the U.S. economy the most innovative in the world. As such, a conservative Administration must constantly work to strengthen IP rights and combat the incorrect view that strong IP rights somehow limit innovation.

Political leadership in a new conservative Administration should:

- Support like-minded countries as candidates for leadership in the World Intellectual Property Organization and build strong relationships with international partners to strengthen intellectual property rights.
- Re-examine patent eligibility requirements in Section 101 of the Patent Act⁷ and support internal and/or legislative reforms to enable U.S. leadership in critical and emerging technologies such as quantum computing, 5G, and artificial intelligence.
- Take a balanced approach to the Patent Trial and Appeal Board and prioritize rapid and transparent processing of applications and appeals.
- Work with Administration partners and Congress to find and punish trademark infringers and counterfeiters.
- Oppose efforts to provide intellectual property waivers for cutting-edge technologies, including for COVID-19 vaccines and therapeutics, through the World Trade Organization’s Trade-Related Aspects of Intellectual Property Rights agreement or any other mechanism.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

The National Institute of Standards and Technology is charged with promoting U.S. innovation and competitiveness by “advancing measurement science, standards, and technology.”⁸ NIST carries out cutting edge research, helps industry establish standards and best practices, and is the nation’s foremost authority on measurements. NIST’s atomic clock, for instance, maintains the official time of the United States.

An incoming Administration should evaluate the federal government’s civilian research footprint and consolidate those functions while ensuring that any research conducted with taxpayer dollars serves the national interest in a concrete way in line with conservative principles. Beyond this, an incoming Administration should:

- **Privatize the Hollings Manufacturing Extension Partnership.** The Hollings Manufacturing Extension Partnership (MEP) establishes and manages a network of centers focused on advising small- and medium-sized manufacturers in order to improve processes and thereby strengthen the U.S. industrial base. When Congress created the program, MEP centers were intended to transition to self-sustaining private institutions after using government funds to begin operations, but the prohibition on long-term funding was abolished in 1998. MEP’s business advisory services would be more properly carried out by the private sector. The next Administration should propose legislation to zero out this \$150 million program and fully privatize existing MEP centers.
- **Transfer the Baldrige Performance Excellence Program.** This program’s “process” assists companies in improving management and operations, a function more properly and effectively carried out by the private sector. This program operates at a cost to taxpayers, despite thousands of dollars in fees charged to each participating company or entity and long-term plans to make the program self-sufficient. Maintenance and operation of the program should be entirely handed over to the Baldrige Award Foundation to be run by non-government staff via fees.
- **Increase value to taxpayers.** NIST should reinvigorate the Technology Transfer and ROI (return on investment) initiatives begun under the Trump Administration. These initiatives help speed the process of commercializing science funded by the federal government.
- **Reestablish U.S. dominance in international standards.** NIST should explore ways to incentivize broader U.S. participation in standards-setting bodies and the exclusion of participants from adversaries like China. Standards are set to facilitate trade in countries that utilize those standards: Countries

Department of Commerce

that do not allow open access to their markets should not be setting the standards for markets that do allow open access. The incoming Administration should consider increased government-sponsored participation by private companies and government employees with relevant expertise.

NATIONAL TELECOMMUNICATIONS AND INFORMATION SERVICE

The independent National Telecommunications and Information Service (NTIS) is charged with ensuring that federally funded research and data are accessible to the public. NTIS operates through user fees but is largely obsolete due to modern usage of the internet by federal agencies and researchers. NTIS's functions should be moved to NIST and consolidated with the Tech Transfer and ROI initiatives.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

The National Telecommunications and Information Agency (NTIA) is the executive branch's statutory lead on telecommunications and information policy. It focuses on broadband access, spectrum utilization, and other issues that are crucial to the high-tech economy. For decades, NTIA has suffered from organizational malaise and will require strong and energetic leadership by political appointees to implement conservative policies. The next Administration will face the primary challenge of rapidly deploying 5G without compromising other priorities. Further recommendations include:

- **Support free speech and hold big tech accountable.** Immediately conduct a thorough review of federal policy regarding free speech online and provide policy solutions to address big tech's censorship of speech.
- **Utilize new tools to eliminate threats to national security.** Fully implement the Trump Administration's Information and Communications Technology and Services (ICTS) Executive Order authorities in a way that ensures long-term success and the legal viability of this new national security tool.⁹
- **Expand utilization of federal spectrum.** Begin short term, temporary leasing of government allocated spectrum to ensure optimum utilization while preserving federal agency use rights.
- **Support the commercial space industry.** Advocate for licensing decisions at the Federal Communications Commission that continue to enable U.S. dominance in the commercial space industry.

Mandate for Leadership: The Conservative Promise

- **Defend U.S. interests in international bodies.** Strong representation at the International Telecommunication Union should protect the interests of both private and government users of spectrum. The U.S. has differing needs from many other countries, for instance, because of U.S. government satellites and commercial space industry. NTIA should work with the U.S. delegation to ensure maximum adoption of the U.S. position.
- **Set fresh priorities in broadband grant programs.** Reevaluate broadband grant programs and, when possible, establish Administration priorities in how each grant is structured. First and foremost, widespread deployment of infrastructure is needed for 5G adoption in rural and exurban areas, which will be a key factor in future economic competitiveness for these under-served communities.
- **Review FirstNet.** Evaluate the performance and long-term value proposition of FirstNet in view of modern technologies that will render it obsolete.

CONCLUSION

The above policies, strategies, and tactics will set a new Administration on firm footing that allows the Department of Commerce to assist the President in implementing a bold agenda that delivers economic prosperity and strong national security to the American people. While many of the department's functions fall outside the remit of the federal government, its unique authorities in diverse areas provide critical tools that can and should be brought to bear in implementing a conservative governing philosophy that keeps Americans safe and provides opportunity for all.

AUTHOR'S NOTE: This chapter includes invaluable input from over a dozen alumni of the Department of Commerce and numerous other members of the 2025 Presidential Transition Project. All contributors to this chapter are listed at the front of this volume, but James Rockas, Nazak Nikakhtar, Louis Heinzer, Robert Burkett, Iain Murray, Michael Gonzalez, David Legates, and Kristen Eichamer deserve special recognition. The author alone assumes responsibility for the content of this chapter, and no views expressed herein should be attributed to any other individual.

Department of Commerce

ENDNOTES

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