

104TH CONGRESS
1ST SESSION

H. R. 1756

To abolish the Department of Commerce.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 1995

Mr. CHRYSLER (for himself, Mr. BROWNBACK, Mr. KASICH, Mr. LIVINGSTON, Mr. SOLOMON, Mr. CRANE, Mr. BOEHNER, Mr. PAXON, Mr. PARKER, Mr. METCALF, Mr. COOLEY, Mrs. CHENOWETH, Mr. NEUMANN, Mr. SCARBOROUGH, Mrs. MYRICK, Mr. KNOLLENBERG, Mr. GUTKNECHT, Mr. LAHOOD, Mr. SANFORD, Mr. GRAHAM, Mr. WELDON of Florida, Mr. HILLEARY, Mr. JONES, Mr. ENSIGN, Mr. CHRISTENSEN, Mr. WELLER, Mr. KLUG, Mr. NETHERCUTT, Mr. MCINTOSH, Mr. STEARNS, Mr. SMITH of Michigan, Mr. RADANOVICH, Mr. SALMON, Mr. CHABOT, Mr. FOX of Pennsylvania, Mr. LARGENT, Mr. BONO, Mr. TIAHART, Mr. CREMEANS, Mr. MILLER of Florida, Mr. HAYWORTH, Mr. HUTCHINSON, Mr. WICKER, Mr. HASTINGS of Washington, Mr. FUNDERBURK, Mr. FRISA, Mr. THORNBERRY, Mrs. WALDHOLTZ, Mr. NORWOOD, Mrs. SEASTRAND, Mr. BASS, Mr. EWING, Mr. SHADEGG, Mr. HOEKSTRA, Mr. CAMP, Mr. LINDER, Mr. UPTON, Mr. WHITE, Mr. RIGGS, Mr. TATE, and Mrs. SMITH of Washington) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, Banking and Financial Services, International Relations, National Security, Agriculture, Ways and Means, Government Reform and Oversight, the Judiciary, Science, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To abolish the Department of Commerce.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Department of Com-
3 merce Dismantling Act”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—ABOLISHMENT OF DEPARTMENT OF COMMERCE

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TITLE II—DISPOSITION OF PARTICULAR PROGRAMS, FUNCTIONS,
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- Sec. 202. Export control functions.
- Sec. 203. National security functions.
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- Sec. 211. National Oceanic and Atmospheric Administration.
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TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. References.
- Sec. 302. Exercise of authorities.
- Sec. 303. Savings provisions.
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- Sec. 305. Delegation and assignment.
- Sec. 306. Authority of Administrator with respect to functions transferred.
- Sec. 307. Proposed changes in law.
- Sec. 308. Certain vesting of functions considered transfers.
- Sec. 309. Definitions.
- Sec. 310. Limitation on annual expenditures for continued functions.

1 **TITLE I—ABOLISHMENT OF**
2 **DEPARTMENT OF COMMERCE**

3 **SEC. 101. REESTABLISHMENT OF DEPARTMENT AS COM-**
4 **MERCE PROGRAMS RESOLUTION AGENCY.**

5 (a) REESTABLISHMENT.—The Department of Com-
6 merce is hereby redesignated as the Commerce Programs
7 Resolution Agency, which shall be an independent agency
8 in the executive branch of the Government.

9 (b) ADMINISTRATOR.—

10 (1) IN GENERAL.—There shall be at the head
11 of the Agency an Administrator of the Agency, who
12 shall be appointed by the President, by and with the
13 advice and consent of the Senate. The Agency shall
14 be administered under the supervision and direction
15 of the Administrator. The Administrator shall re-
16 ceive compensation at the rate prescribed for level II
17 of the Executive Schedule under section 5313 of title
18 5, United States Code.

19 (2) INITIAL APPOINTMENT OF ADMINIS-
20 TRATOR.—Notwithstanding any other provision of
21 this Act or any other law, the President may, at any
22 time after the date of the enactment of this Act, ap-
23 point an individual to serve as Administrator of the
24 Commerce Programs Resolution Agency (who may
25 be the Secretary of Commerce), as such position is

1 established under paragraph (1). An appointment
2 under this paragraph may not be construed to affect
3 the position of Secretary of Commerce or the au-
4 thority of the Secretary before the effective date
5 specified in section 109(a).

6 (c) DUTIES.—The Administrator shall be responsible
7 for—

8 (1) the administration and wind-up, during the
9 wind-up period, of all functions of the Administrator
10 pursuant to section 102 and the other provisions of
11 this Act;

12 (2) the administration and wind-up, during the
13 wind-up period, of any outstanding obligations of the
14 Federal Government under any programs terminated
15 or repealed by this Act; and

16 (3) taking such other actions as may be nec-
17 essary, before the termination date specified in sec-
18 tion 106(d), to wind up any outstanding affairs of
19 the Department of Commerce.

20 **SEC. 102. FUNCTIONS.**

21 Except to the extent a function is abolished or vested
22 in another official or agency by this Act, the Administrator
23 shall perform all functions that, immediately before the
24 effective date specified in section 109(a), were functions
25 of the Department of Commerce (or any office of the De-

1 partment) or were authorized to be performed by the Sec-
2 retary of Commerce or any other officer or employee of
3 the Department in the capacity as such officer or em-
4 ployee.

5 **SEC. 103. DEPUTY ADMINISTRATOR.**

6 The Agency shall have a Deputy Administrator, who
7 shall—

8 (1) be appointed by and report to the Adminis-
9 trator; and

10 (2) shall perform such functions as may be del-
11 egated by the Administrator.

12 **SEC. 104. CONTINUATION OF SERVICE OF DEPARTMENT**
13 **OFFICERS.**

14 (a) CONTINUATION OF SERVICE OF SECRETARY.—

15 The individual serving on the effective date specified in
16 section 109(a) as the Secretary of Commerce may serve
17 and act as Administrator until the date an individual is
18 appointed under this title to the position of Administrator,
19 or until the end of the 120-day period provided for in sec-
20 tion 3348 of title 5, United States Code (relating to limita-
21 tions on the period of time a vacancy may be filled tempo-
22 rarily), whichever is earlier.

23 (b) CONTINUATION OF SERVICE OF OTHER OFFI-

24 CERS.—An individual serving on the effective date speci-
25 fied in section 109(a) as an officer of the Department of

1 Commerce other than the Secretary of Commerce may
2 continue to serve and act in an equivalent capacity in the
3 Agency until the date an individual is appointed under this
4 title to the position of Administrator, or until the end of
5 the 120-day period provided for in section 3348 of title
6 5, United States Code (relating to limitations on the pe-
7 riod of time a vacancy may be filled temporarily) with re-
8 spect to that appointment, whichever is earlier.

9 (c) COMPENSATION FOR CONTINUED SERVICE.—Any
10 person—

11 (1) who serves as the Administrator under sub-
12 section (a), or

13 (2) who serves under subsection (b),
14 after the effective date specified in section 109(a) and be-
15 fore the first appointment of a person as Administrator
16 shall continue to be compensated for so serving at the rate
17 at which such person was compensated before such effec-
18 tive date.

19 **SEC. 105. REORGANIZATION.**

20 The Administrator may allocate or reallocate any
21 function of the Agency pursuant to this Act among the
22 officers of the Agency, and may establish, consolidate,
23 alter, or discontinue in the Commerce Programs Resolu-
24 tion Agency any organizational entities that were entities

1 of the Department of Commerce, as the Administrator
2 considers necessary or appropriate.

3 **SEC. 106. ABOLISHMENT OF COMMERCE PROGRAMS RESO-**
4 **LUTION AGENCY.**

5 (a) IN GENERAL.—Effective on the termination date
6 specified in subsection (d), the Commerce Programs Reso-
7 lution Agency is abolished.

8 (b) ABOLITION OF FUNCTIONS.—Except for func-
9 tions transferred or otherwise continued by this Act, all
10 functions that, immediately before the termination date
11 specified in subsection (d), were functions of the Com-
12 merce Programs Resolution Agency are abolished effective
13 on that termination date.

14 (c) PLAN FOR WINDING UP AFFAIRS.—Not later
15 than the effective date specified in section 109(a), the
16 President shall submit to the Congress a plan for winding
17 up the affairs of the Agency in accordance with this Act
18 and by not later than the termination date specified in
19 subsection (d).

20 (d) TERMINATION DATE.—The termination date
21 under this subsection is the date that is 3 years after the
22 date of the enactment of this Act.

23 **SEC. 107. GAO REPORT.**

24 Not later than 180 days after the date of enactment
25 of this Act, the Comptroller General of the United States

1 shall submit to the Congress a report which shall include
2 recommendations for the most efficient means of achiev-
3 ing, in accordance with this Act—

4 (1) the complete abolishment of the Depart-
5 ment of Commerce; and

6 (2) the termination or transfer or other con-
7 tinuation of the functions of the Department of
8 Commerce.

9 **SEC. 108. CONFORMING AMENDMENTS.**

10 (a) **PRESIDENTIAL SUCCESSION.**—Section 19(d)(1)
11 of title 3, United States Code, is amended by striking
12 “Secretary of Commerce,”.

13 (b) **EXECUTIVE DEPARTMENTS.**—Section 101 of title
14 5, United States Code, is amended by striking the follow-
15 ing item:

16 “The Department of Commerce.”.

17 (c) **SECRETARY’S COMPENSATION.**—Section 5312 of
18 title 5, United States Code, is amended by striking the
19 following item:

20 “Secretary of Commerce.”.

21 (d) **COMPENSATION FOR POSITIONS AT LEVEL III.**—
22 Section 5314 of title 5, United States Code, is amended—

23 (1) by striking the following item:

24 “Under Secretary of Commerce, Under Sec-
25 retary of Commerce for Economic Affairs, Under

1 Secretary of Commerce for Export Administration
2 and Under Secretary of Commerce for Travel and
3 Tourism.”;

4 (2) by striking the following item:

5 “Under Secretary of Commerce for Oceans and
6 Atmosphere, the incumbent of which also serves as
7 Administrator of the National Oceanic and Atmos-
8 pheric Administration.”; and

9 (3) by striking the following item:

10 “Under Secretary of Commerce for Tech-
11 nology.”.

12 (e) COMPENSATION FOR POSITIONS AT LEVEL IV.—
13 Section 5315 of title 5, United States Code, is amended—

14 (1) by striking the following items:

15 “Assistant Secretaries of Commerce (11).”;

16 (2) by striking the following item:

17 “General Counsel of the Department of Com-
18 merce.”;

19 (3) by striking the following item:

20 “Associate Secretary of Commerce for Oceans
21 and Atmosphere, the incumbent of which also serves
22 as Deputy Administrator of the National Oceanic
23 and Atmospheric Administration.”;

24 (4) by striking the following item:

1 “Director, National Institute of Standards and
2 Technology, Department of Commerce.”;

3 (5) by striking the following item:

4 “Inspector General, Department of Com-
5 merce.”;

6 (6) by striking the following item:

7 “Chief Financial Officer, Department of Com-
8 merce.”; and

9 (7) by striking the following item:

10 “Director, Bureau of the Census, Department
11 of Commerce.”.

12 (f) COMPENSATION FOR POSITIONS AT LEVEL V.—
13 Section 5316 of title 5, United States Code, is amended—

14 (1) by striking the following item:

15 “Director, United States Travel Service, De-
16 partment of Commerce.”; and

17 (2) by striking the following item:

18 “National Export Expansion Coordinator, De-
19 partment of Commerce.”.

20 (g) INSPECTOR GENERAL ACT OF 1978.—The In-
21 specter General Act of 1978 (5 U.S.C. App.) is amend-
22 ed—

23 (1) in section 9(a)(1), by striking subparagraph
24 (B);

1 (2) in section 11(1), by striking “Commerce,”;

2 and

3 (3) in section 11(2), by striking “Commerce,”;

4 **SEC. 109. EFFECTIVE DATE.**

5 (a) IN GENERAL.—Except as provided in subsection

6 (b), this title shall take effect on the date that is 6 months

7 after the date of the enactment of this Act.

8 (b) PROVISIONS EFFECTIVE ON DATE OF ENACT-

9 MENT.—The following provisions of this title shall take ef-

10 fect on the date of the enactment of this Act:

11 (1) Section 101(b).

12 (2) Section 106(c).

13 (3) Section 107.

14 **TITLE II—DISPOSITION OF PAR-**
15 **TICULAR PROGRAMS, FUNC-**
16 **TIONS, AND AGENCIES OF DE-**
17 **PARTMENT OF COMMERCE**

18 **SEC. 201. ECONOMIC DEVELOPMENT.**

19 (a) TERMINATED FUNCTIONS.—The Public Works

20 and Economic Development Act of 1965 (42 U.S.C. 3121

21 et seq.) is repealed.

22 (b) TRANSFER OF FINANCIAL OBLIGATIONS OWED

23 TO THE DEPARTMENT.—There are transferred to the Sec-

24 retary of the Treasury the loans, notes, bonds, debentures,

25 securities, and other financial obligations owned by the

1 Department of Commerce under the Public Works and
2 Economic Development Act of 1965, together with all as-
3 sets or other rights (including security interests) incident
4 thereto, and all liabilities related thereto. There are as-
5 signed to the Secretary of the Treasury the functions,
6 powers, and abilities vested in or delegated to the Sec-
7 retary of Commerce or the Department of Commerce to
8 manage, service, collect, sell, dispose of, or otherwise real-
9 ize proceeds on obligations owed to the Department of
10 Commerce under authority of such Act with respect to any
11 loans, obligations, or guarantees made or issued by the
12 Department of Commerce pursuant to such Act.

13 (c) AUDIT.—Not later than 18 months after the date
14 of the enactment of this Act, the Comptroller General shall
15 conduct an audit of all grants made or issued by the De-
16 partment of Commerce under the Public Works and Eco-
17 nomic Development Act of 1965 in fiscal year 1995 and
18 all loans, obligations, and guarantees and shall transmit
19 to Congress a report on the results of such audit.

20 **SEC. 202. EXPORT CONTROL FUNCTIONS.**

21 (a) TRANSFER TO SECRETARY OF STATE.—

22 (1) IN GENERAL.—Except as provided in this
23 section, all functions of the Secretary of Commerce,
24 the Under Secretary of Commerce for Export Ad-
25 ministration, the 2 Assistant Secretaries of Com-

1 merce appointed under section 15(a) of the Export
2 Administration Act of 1979 (50 U.S.C. 2414(a)),
3 and the Department of Commerce, on the day before
4 the effective date specified in section 109(a), under
5 the Export Administration Act of 1979 are trans-
6 ferred to the Secretary of State.

7 (2) CONSULTATION WITH USTR.—The Sec-
8 retary of State shall consult with the United States
9 Trade Representative with respect to licensing deci-
10 sions under the Export Administration Act of 1979.

11 (b) SHORT SUPPLY CONTROLS.—All functions of the
12 Secretary of Commerce, on the day before the effective
13 date specified in section 109(a), under section 7 of the
14 Export Administration Act of 1979 (50 U.S.C. 2406), and
15 under all other provisions of that Act to the extent that
16 such provisions apply to section 7, are transferred to the
17 President.

18 (c) ENFORCEMENT.—

19 (1) GENERAL TRANSFER.—All functions of the
20 Secretary of Commerce and the Department of Com-
21 merce, on the day before the effective date specified
22 in section 109(a), under sections 11(c), 12, and 13
23 (c), (d), and (e) of the Export Administration Act of
24 1979 (50 U.S.C. App. 2410(c), 2411, and 2412 (c),

1 (d), and (e)) are transferred to the Secretary of the
2 Treasury.

3 (2) TRANSFER OF ENFORCEMENT PERSON-
4 NEL.—Not more than 60 United States special
5 agents of the Bureau of Export Administration of
6 the Department of Commerce who, on the day be-
7 fore the effective date specified in section 109(a),
8 were assigned to perform functions under section
9 12(a) of the Export Administration Act of 1979 may
10 be transferred to the Customs Service to carry out
11 functions transferred by paragraph (1). The Direc-
12 tor of the Office of Management and Budget shall
13 determine the special agents to be transferred under
14 this paragraph.

15 (d) ANTI-BOYCOTT COMPLIANCE.—All functions of
16 the Secretary of Commerce and the Department of Com-
17 merce, on the day before the effective date specified in
18 section 109(a), under section 8 of the Export Administra-
19 tion Act of 1979 (50 U.S.C. 2407), and under all other
20 provisions of that Act to the extent that such provisions
21 apply to section 8, are transferred to the Attorney Gen-
22 eral.

23 (e) TERMINATION OF OFFICE OF FOREIGN AVAIL-
24 ABILITY; APPOINTMENT OF INDUSTRIES BOARD.—

1 (1) TERMINATION OF OFFICE.—(A) The Office
2 of Foreign Availability established under section
3 5(f)(6) of the Export Administration Act of 1979
4 (50 U.S.C. 2404(f)(6)) is abolished.

5 (2) CONFORMING AMENDMENT.—Section 5(f)
6 of the Export Administration Act of 1979 (50
7 U.S.C. App. 2404(f)) is amended by striking para-
8 graph (6).

9 (3) APPOINTMENT OF INDUSTRIES BOARD.—
10 The President shall appoint an industries board,
11 composed of representatives of industries affected by
12 matters relating to foreign availability under the Ex-
13 port Administration Act of 1979, to advise the Sec-
14 retary of State with respect to such matters, except
15 that no Federal funds may be made available to the
16 industries board to carry out its functions.

17 (f) BUYING POWER MAINTENANCE ACCOUNT.—The
18 authority of the Secretary of Commerce under section 108
19 of title I of Public Law 100–202 (101 Stat. 1329–7) to
20 establish a Buying Power Maintenance account is trans-
21 ferred to the Secretary of State for purposes of carrying
22 out functions under the Export Administration Act of
23 1979 that are transferred to the Secretary of State under
24 this section.

25 (g) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) Section 15(a) of the Export Administration
2 Act of 1979 (50 U.S.C. 2414(a)) is repealed.

3 (2) The Office of the Under Secretary of Com-
4 merce for Export Administration is abolished.

5 **SEC. 203. NATIONAL SECURITY FUNCTIONS.**

6 (a) TRANSFER OF FUNCTIONS.—Functions of the
7 Secretary of Commerce immediately before the effective
8 date specified in section 109(a)—

9 (1) under section 232 of the Trade Expansion
10 Act of 1962 (19 U.S.C. 1862) are transferred to the
11 International Trade Commission;

12 (2) under section 309 of the Defense Produc-
13 tion Act of 1950 (50 U.S.C. App. 2099) are trans-
14 ferred to the Secretary of Defense; and

15 (3) under section 722 of the Defense Produc-
16 tion Act of 1950 (50 U.S.C. App. 2171) are trans-
17 ferred to the Secretary of the Treasury.

18 (b) NATIONAL DEFENSE TECHNOLOGY AND INDUS-
19 TRIAL BASE COUNCIL.—Section 2502(b) of title 10, Unit-
20 ed States Code, is amended by striking paragraph (3) and
21 redesignating paragraphs (4) and (5) as paragraphs (3)
22 and (4), respectively.

23 (c) APPOINTMENT OF COMMITTEES OF INDUSTRY
24 REPRESENTATIVES.—The President should appoint com-
25 mittees composed of representatives of appropriate indus-

1 tries to advise the National Security Council with respect
2 to those matters affecting industry addressed by the Sec-
3 retary of Commerce to the National Security Council be-
4 fore the effective date specified in section 109(a).

5 **SEC. 204. INTERNATIONAL TRADE FUNCTIONS.**

6 (a) TARIFF ACT OF 1930; URUGUAY ROUND AGREE-
7 MENTS ACT.—

8 (1) TRANSFER TO UNITED STATES TRADE REP-
9 RESENTATIVE.—All functions of the International
10 Trade Administration of the Department of Com-
11 merce, immediately before the effective date speci-
12 fied in section 109(a), under titles III and VII of the
13 Tariff Act of 1930, and all functions of the admin-
14 istering authority or the Secretary of Commerce
15 under the Uruguay Round Agreements Act, are
16 transferred to the United States Trade Representa-
17 tive.

18 (2) CONFORMING AMENDMENT.—Section
19 771(1) of the Tariff Act of 1930 (19 U.S.C.
20 1677(1)) is amended by striking “Secretary of Com-
21 merce” and inserting “United States Trade Rep-
22 resentative”.

23 (b) FOREIGN TRADE ZONES BOARD.—Subsection (b)
24 of the first section of the Act of June 18, 1934 (commonly
25 known as the “Foreign Trade Zones Act”) (19 U.S.C.

1 81a(b)) is amended by striking “Secretary of Commerce,
2 who shall be chairman and executive officer of the Board,
3 the Secretary of the Treasury” and inserting “Secretary
4 of the Treasury, who shall be chairman and executive offi-
5 cer of the Board, the United States Trade Representa-
6 tive”.

7 (c) UNITED STATES AND FOREIGN COMMERCIAL
8 SERVICE.—

9 (1) RENAMING AND ABOLITION OF CERTAIN
10 FUNCTIONS.—The United States and Foreign Com-
11 mercial Service shall, upon the effective date speci-
12 fied in section 109(a), be known as the “United
13 States Foreign Commercial Service” (hereafter in
14 this subsection referred to as the “Commercial Serv-
15 ice”). All operations of the Commercial Service in
16 the United States (other than those performed at
17 the headquarters office referred to in section
18 2301(c) of the Export Enhancement Act of 1988
19 (15 U.S.C. 4721(c))) with respect to the foreign op-
20 erations of the Commercial Service) are abolished.

21 (2) TRANSFER TO USTR.—The Commercial
22 Service and its functions are transferred to the Unit-
23 ed States Trade Representative. All functions per-
24 formed immediately before the effective date speci-
25 fied in section 109(a) by the Secretary of Commerce

1 or the Department of Commerce with respect to the
2 Commercial Service are transferred to the United
3 States Trade Representative.

4 (3) DIRECTOR GENERAL.—(A) The head of the
5 Commercial Service shall, as of the effective date
6 specified in section 109(a), be the Director General
7 of the United States Foreign Commercial Service.

8 (B) Section 5315 of title 5, United States Code,
9 is amended by striking “Assistant Secretary of Com-
10 merce and Director General of the United States
11 and Foreign Commercial Service” and inserting “Di-
12 rector General of the United States Foreign Com-
13 mercial Service.”.

14 (C) The individual serving as Assistant Sec-
15 retary of Commerce and Director General of the
16 United States and Foreign Commercial Service im-
17 mediately before the effective date specified in sec-
18 tion 109(a) may serve as the Director General of the
19 United States Foreign Commercial Service on and
20 after such effective date until a successor has taken
21 office. Compensation for any service under this sub-
22 paragraph shall be at the rate at which the individ-
23 ual was compensated immediately before the effec-
24 tive date specified in section 109(a).

1 (4) TRANSFER OF COMMERCIAL SERVICE OFFI-
2 CERS.—The transfer to the United States Trade
3 Representative pursuant to this section of any Com-
4 mercial Service Officer serving immediately before
5 the effective date specified in section 109(a) shall
6 not cause such officer to be reduced in rank, grade,
7 or compensation.

8 (d) EXPORT PROMOTION PROGRAMS.—

9 (1) TRANSFER.—All export promotion pro-
10 grams (as defined in section 201(d) of the Export
11 Administration Amendments Act of 1985 (15 U.S.C.
12 4051(d))) carried out by the Secretary of Commerce
13 or the Department of Commerce immediately before
14 the effective date specified in section 109(a) are
15 transferred to the United States Trade Representa-
16 tive.

17 (2) PRIVATE FUNDING.—With respect to any
18 program transferred under paragraph (1), no funds
19 made available to the United States Trade Rep-
20 resentative may be used in carrying out such pro-
21 gram, but the United States Trade Representative
22 may require the persons to whom services are pro-
23 vided by the Office of the United States Trade Rep-
24 resentative under such program to pay for such serv-
25 ices.

1 (e) TRADE INFORMATION.—All functions of the Sec-
2 retary of Commerce under the International Investment
3 and Trade in Services Survey Act (22 U.S.C. 3101 and
4 following) are transferred to the Secretary of the Treas-
5 ury.

6 (f) INTERNATIONAL ECONOMIC POLICY.—All func-
7 tions performed by the Assistant Secretary of Commerce
8 for International Economic Policy and the Office of Inter-
9 national Economic Policy of the Department of Commerce
10 immediately before the effective date specified in section
11 109(a) are abolished.

12 (g) FUNCTIONS WITH RESPECT TO TEXTILE AGREE-
13 MENTS.—

14 (1) TRANSFER OF FUNCTIONS.—Notwithstand-
15 ing the provisions of Executive Order 11651 and
16 Executive Order 12475 (7 U.S.C. 1854 note), the
17 functions of the Committee for the Implementation
18 of Textile Agreements (hereafter in this subsection
19 referred to as “CITA”) are transferred as follows:

20 (A) All functions related to policy formula-
21 tion for textile and apparel trade, including the
22 negotiation and implementation of textile and
23 apparel trade agreements, and all related activi-
24 ties performed by CITA immediately before the
25 effective date specified in section 109(a), and

1 not specified in paragraphs (2) through (4), are
2 transferred to the United States Trade Rep-
3 resentative.

4 (B) All functions related to economic anal-
5 ysis of textile and apparel trade patterns, deter-
6 mination of serious damage, or actual threat
7 thereof, to domestic United States industry and
8 related safeguards matters, including the tran-
9 sitional safeguard provisions under Article 6 of
10 the Agreement on Textiles and Clothing re-
11 ferred to in section 101(d)(4) of the Uruguay
12 Round Agreements Act (19 U.S.C. 3511(d)(4)),
13 and analysis of the impact of foreign tariff and
14 nontariff barriers on textile and apparel trade,
15 and all related activities performed by CITA
16 immediately before the effective date specified
17 in section 109(a), are transferred to the Inter-
18 national Trade Commission.

19 (C) All functions related to the promotion
20 and foreign market expansion of United States
21 textile and apparel production are transferred
22 to the United States Foreign Commercial Serv-
23 ice.

24 (D) All functions related to monitoring
25 quota utilization and enforcement, and actions

1 to address the circumvention of quotas, as de-
2 scribed in the statement of administrative ac-
3 tion accompanying the Uruguay Round Agree-
4 ments (as defined in section 2 of the Uruguay
5 Round Agreements Act (19 U.S.C. 3501)), are
6 transferred to the Secretary of the Treasury.

7 (2) ABOLITION OF CITA.—CITA is abolished.

8 (h) FAIR TRADE IN AUTO PARTS.—All functions of
9 the Secretary of Commerce under the Fair Trade in Auto
10 Parts Act of 1988 (15 U.S.C. 4701 and following) are
11 transferred to the International Trade Commission.

12 (i) OTHER TRADE FUNCTIONS.—

13 (1) INTERAGENCY TRADE ORGANIZATION.—The
14 President shall provide for the direct participation
15 by representatives of industry on the Interagency
16 Trade Organization established under section 242 of
17 the Trade Expansion Act of 1962 (19 U.S.C. 1872),
18 to carry out appropriate functions of the Secretary
19 of Commerce as a member of such organization be-
20 fore the effective date specified in section 109(a).

21 (2) EXPORT TRADING COMPANIES.—(A) The
22 functions of the Secretary of Commerce under the
23 Export Trading Company Act of 1982 (15 U.S.C.
24 4001–4003), and the Office of Export Trade estab-
25 lished under section 104 of that Act, are abolished.

1 (B) The functions of the Secretary of Com-
2 merce under title III of the Act of October 8, 1982
3 (15 U.S.C. 4011 and following), are transferred to
4 the Secretary of the Treasury.

5 (C) CONFORMING AMENDMENTS.—(i) The Ex-
6 port Trading Company Act of 1982 (15 U.S.C.
7 4001–4003) is repealed.

8 (ii) The section heading for section 301 of the
9 Act of October 8, 1982 (15 U.S.C. 4011), is amend-
10 ed by striking “COMMERCE” and inserting “TREAS-
11 URY”.

12 (iii) Section 311(7) of the Act of October 8,
13 1982 (15 U.S.C. 4021), is amended by striking
14 “Commerce” and inserting “Treasury”.

15 (j) APPOINTMENT OF INDUSTRIES BOARDS.—The
16 President shall appoint industries boards, composed of
17 representatives of industries in the private sector, to ad-
18 vise the Secretary of the Treasury and the United States
19 Trade Representative with respect to functions transferred
20 to them under this section.

21 (k) GIFTS AND BEQUESTS.—

22 (1) IN GENERAL.—The Secretary of State, the
23 Secretary of the Treasury, and the United States
24 Trade Representative are authorized to accept, hold,
25 administer, and utilize gifts and bequests of prop-

1 erty, both real and personal, for the purpose of aid-
2 ing or facilitating the performance of functions
3 transferred to them under this section and section
4 202. Gifts and bequests of money and the proceeds
5 from sales of other property received as gifts or be-
6 quests shall be deposited in the United States Treas-
7 ury in a separate fund and shall be disbursed on
8 order of the Secretary of State, the Secretary of the
9 Treasury, or the United States Trade Representa-
10 tive. Property accepted pursuant to this paragraph,
11 and the proceeds thereof, shall be used as nearly as
12 possible in accordance with the terms of the gift or
13 bequest.

14 (2) TAX TREATMENT.—For the purpose of Fed-
15 eral income, estate, and gift taxes, and State taxes,
16 property accepted under subsection (a) shall be con-
17 sidered a gift or bequest to or for use of the United
18 States.

19 (3) INVESTMENT.—The Secretary of the Treas-
20 ury may invest and reinvest in securities of the
21 United States or in securities guaranteed as to prin-
22 cipal and interest by the United States any moneys
23 contained in the fund provided for in subsection (a).
24 Income accruing from such securities, and from any
25 other property held by the Secretary of State, the

1 Secretary of the Treasury, or the United States
2 Trade Representative pursuant to subsection (a),
3 shall be deposited to the credit of the fund, and shall
4 be disbursed upon order of the Secretary of State,
5 the Secretary of the Treasury, or the United States
6 Trade Representative.

7 (l) INFORMATION SHARING.—It is the sense of the
8 Congress that any department or agency of the United
9 States that compiles information on international econom-
10 ics or trade make that information available to other de-
11 partments and agencies performing functions relating to
12 international trade.

13 (m) TRADE ADJUSTMENT ASSISTANCE FOR
14 FIRMS.—Chapter 3 of title II of the Trade Act of 1974
15 (19 U.S.C. 2341 and following) and the items relating to
16 such chapter in the table of contents for that Act, are re-
17 pealed.

18 **SEC. 205. PATENT AND TRADEMARK OFFICE.**

19 (a) TRANSFER TO DEPARTMENT OF JUSTICE.—Ef-
20 fective as of the date specified in section 109(a)—

21 (1) the Patent and Trademark Office shall be
22 transferred to the Department of Justice; and

23 (2) all functions which, immediately before such
24 date, are functions of the Secretary of Commerce
25 under title 35, United States Code, or any other

1 provision of law with respect to the functions of the
2 Patent and Trademark Office, are transferred to the
3 Attorney General.

4 (b) FUNDING.—

5 (1) COSTS PAID FROM FEES.—All costs of the
6 activities of the Patent and Trademark Office shall
7 be paid from fees paid to the Office under title 35,
8 United States Code, the Act of July 5, 1946 (com-
9 monly known as the “Trademark Act of 1946”) (15
10 U.S.C. 1051 and following), section 10101 of the
11 Omnibus Budget Reconciliation Act of 1990 (35
12 U.S.C. 41 note), or other provision of law.

13 (2) FUNDS AVAILABLE WITHOUT APPROPRIA-
14 TION.—(A) Section 42(c) of title 35, United States
15 Code, is amended by striking “to carry out, to the
16 extent provided in appropriation Acts,” and insert-
17 ing “, without appropriation, to carry out”.

18 (B) Section 10101(b)(2)(B) of the Omnibus
19 Budget Reconciliation Act of 1990 (35 U.S.C. 41
20 note) is amended by striking “to the extent provided
21 in appropriation Acts” and inserting “without ap-
22 propriation”.

23 (c) ADJUSTMENT OF FEES.—Section 41(f) of title
24 31, United States Code, is amended to read as follows:

1 “(f) The Commissioner may adjust the fees estab-
2 lished under this section on October 1 of each year to
3 cover the estimated cost to the activities of the Office.”.

4 (d) SERVICE OF INCUMBENTS.—Those individuals
5 serving as Commissioner of Patents and Trademarks,
6 Deputy Commissioner of Patents and Trademarks, Assist-
7 ant Commissioner of Patents, and Assistant Commis-
8 sioner of Trademarks, immediately before the effective
9 date specified in section 109(a), may continue in such of-
10 fice on and after such effective date until a successor has
11 taken office. Compensation for any service under this sub-
12 section shall be at the rate at which the individual was
13 compensated immediately before the effective date speci-
14 fied in section 109(a).

15 (e) RULE OF CONSTRUCTION.—For purposes of title
16 III, the transfer of the Patent and Trademark Office to
17 the Department of Justice under this section shall be
18 treated as if it involved a transfer of functions from one
19 office to another.

20 (f) TECHNICAL AND CONFORMING AMENDMENTS.—

21 (1) Section 1 of title 35, United States Code,
22 is amended to read as follows:

23 **“§ 1. Establishment**

24 “The Patent and Trademark Office is an agency of
25 the United States within the Department of Justice, where

1 records, books, drawings, specifications, and other papers
2 and things pertaining to patents and trademark registra-
3 tions shall be kept and preserved, except as otherwise pro-
4 vided by law.”.

5 (2) Title 35, United States Code, is amended by
6 striking “Secretary of Commerce” each place it ap-
7 pears and inserting “Attorney General”.

8 (3) Section 3 of title 35, United States Code,
9 is amended by striking subsection (d).

10 (4) Section 5316 of title 5, United States Code,
11 is amended by striking

12 “Commissioner of Patents, Department of
13 Commerce.”

14 and inserting

15 “Commissioner of Patents and Trademarks.”.

16 **SEC. 206. TECHNOLOGY ADMINISTRATION.**

17 (a) TECHNOLOGY ADMINISTRATION.—

18 (1) GENERAL RULE.—Except as otherwise pro-
19 vided in this section, the Technology Administration
20 shall be terminated on the effective date specified in
21 section 213(a).

22 (2) OFFICE OF TECHNOLOGY POLICY.—The Of-
23 fice of Technology Policy is hereby terminated.

24 (b) NATIONAL INSTITUTE OF STANDARDS AND
25 TECHNOLOGY.—

1 (1) GENERAL RULE.—Except as otherwise pro-
2 vided in this subsection, the National Institute of
3 Standards and Technology (in this subsection re-
4 ferred to as the “Institute”) shall be transferred to
5 the National Science Foundation.

6 (2) FUNCTIONS OF DIRECTOR.—Except as oth-
7 erwise provided in this subsection, upon the transfer
8 under paragraph (1), the Director of the Institute
9 shall perform all functions relating to the Institute
10 that, immediately before the effective date specified
11 in section 213(a), were functions of the Secretary of
12 Commerce or the Under Secretary of Commerce for
13 Technology, including the administration of section
14 17 of the Stevenson-Wydler Technology Innovation
15 Act of 1980.

16 (3) LABORATORIES.—(A) The laboratories of
17 the Institute shall be transferred to the Commerce
18 Programs Resolution Agency.

19 (B) The Commerce Programs Resolution Agen-
20 cy shall attempt to sell the property of the labora-
21 tories of the Institute, within 18 months after the
22 effective date specified in section 213(a), to a private
23 sector entity intending to perform substantially the
24 same functions as were performed by the labora-

1 tories of the Institute immediately before such effec-
2 tive date.

3 (C) If no offer to purchase property under sub-
4 paragraph (B) is received within the 18-month pe-
5 riod described in such subparagraph, the Commerce
6 Programs Resolution Agency shall submit a report
7 to the Congress containing recommendations on the
8 appropriate disposition of the property and functions
9 of the laboratories of the Institute.

10 (c) NATIONAL TECHNICAL INFORMATION SERV-
11 ICE.—

12 (1) SALE OF PROPERTY.—The Commerce Pro-
13 grams Resolution Agency shall attempt to sell the
14 property of the National Technical Information
15 Service, within 18 months after the effective date
16 specified in section 213(a), to a private sector entity
17 intending to perform substantially the same func-
18 tions as were performed by the National Technical
19 Information Service immediately before such effec-
20 tive date.

21 (2) RECOMMENDATIONS.—If no offer to pur-
22 chase property under paragraph (1) is received with-
23 in the 18-month period described in such paragraph,
24 the Commerce Programs Resolution Agency shall
25 submit a report to the Congress containing rec-

1 ommendations on the appropriate disposition of the
2 property and functions of the National Technical In-
3 formation Service.

4 (3) FUNDING.—No Federal funds may be ap-
5 propriated for the National Technical Information
6 Service for any fiscal year after fiscal year 1995.

7 (d) AMENDMENTS.—

8 (1) NATIONAL INSTITUTE OF STANDARDS AND
9 TECHNOLOGY ACT.—The National Institute of
10 Standards and Technology Act (15 U.S.C. 271 et
11 seq.) is amended—

12 (A) in section 2(b), by striking paragraph
13 (1) and redesignating paragraphs (2) through
14 (11) as paragraphs (1) through (10), respec-
15 tively;

16 (B) in section 2(d), by striking “, including
17 the programs established under sections 25, 26,
18 and 28 of this Act”;

19 (C) in section 10, by striking “Advanced”
20 in both the section heading and subsection (a),
21 and inserting in lieu thereof “Standards and”;
22 and

23 (D) by striking sections 24, 25, 26, and
24 28.

1 (2) STEVENSON-WYDLER TECHNOLOGY INNOVA-
2 TION ACT OF 1980.—The Stevenson-Wydler Tech-
3 nology Innovation Act of 1980 (15 U.S.C. 3701 et
4 seq.) is amended—

5 (A) in section 3, by striking paragraph (2)
6 and redesignating paragraphs (3) through (5)
7 as paragraphs (2) through (4), respectively;

8 (B) in section 4, by striking paragraphs
9 (1), (4), and (13) and redesignating paragraphs
10 (2), (3), (5), (6), (7), (8), (9), (10), (11), and
11 (12) as paragraphs (1) through (10), respec-
12 tively;

13 (C) by striking sections 5, 6, 7, 8, 9, and
14 10;

15 (D) in section 11—

16 (i) by striking “, the Federal Labora-
17 tory Consortium for Technology Transfer,”
18 in subsection (c)(3);

19 (ii) by striking “and the Federal Lab-
20 oratory Consortium for Technology Trans-
21 fer” in subsection (d)(2);

22 (iii) by striking “, and refer such re-
23 quests” and all that follows through “avail-
24 able to the Service” in subsection (d)(3);
25 and

- 1 (iv) by striking subsection (e); and
2 (E) in section 17—
3 (i) by striking “Subject to paragraph
4 (2), separate” and inserting in lieu thereof
5 “Separate” in subsection (c)(1);
6 (ii) by striking paragraph (2) of sub-
7 section (c);
8 (iii) by redesignating paragraph (3) of
9 subsection (c) as paragraph (2); and
10 (iv) by inserting “administrative”
11 after “funds to carry out” in subsection
12 (f).

13 **SEC. 207. REORGANIZATION OF THE BUREAU OF THE**
14 **CENSUS.**

15 (a) IN GENERAL.—Effective as of the date specified
16 in section 213(a)—

17 (1) the Bureau of the Census shall be trans-
18 ferred to the Department of the Treasury; and

19 (2) all functions which, immediately before such
20 date, are functions of the Secretary of Commerce
21 under title 13, United States Code, shall be trans-
22 ferred to the Secretary of the Treasury.

23 (b) INTERIM SERVICE.—The individual serving as the
24 Director of the Census immediately before the reorganiza-
25 tion under this section takes effect may continue serving

1 in that capacity until a successor has taken office. Com-
2 pensation for any service under this subsection shall be
3 at the rate at which such individual was compensated im-
4 mediately before the effective date of the reorganization.

5 (c) SENSE OF THE CONGRESS.—It is the sense of the
6 Congress that the Bureau of the Census should—

7 (1) make appropriate use of any authority af-
8 forded to it by the Census Address List Improve-
9 ment Act of 1994 (Public Law 103–430; 108 Stat.
10 4393), and take measures to ensure the timely im-
11 plementation of such Act; and

12 (2) streamline census questionnaires to promote
13 savings in the collection and tabulation of data.

14 (d) AMENDMENTS.—Effective as of the date specified
15 in section 213(a)—

16 (1) TRANSFER OF THE BUREAU TO THE DE-
17 PARTMENT OF THE TREASURY.—(A) Section 2 of
18 title 13, United States Code, is amended by striking
19 “is continued as” through the period and inserting
20 “is an agency within, and under the jurisdiction of,
21 the Department of the Treasury.”.

22 (B) Subsection (e) of section 12 of the Act of
23 February 14, 1903 (15 U.S.C. 1511(e)) is repealed.

24 (2) DEFINITION OF SECRETARY.—Title 13,
25 United States Code, is amended in section 1(2) by

1 striking “Secretary of Commerce” and inserting
2 “Secretary of the Treasury”.

3 (3) REFERENCES IN TITLE 13, UNITED STATES
4 CODE, TO THE DEPARTMENT OF COMMERCE.—Title
5 13, United States Code, is amended in sections 4,
6 9(a), 23(b), 24(e), 44, 103, 132, 211, 213(b)(2),
7 221, 222, 223, 224, 225(a), and 241 by striking
8 “Department of Commerce” each place it appears
9 and inserting “Department of the Treasury”.

10 (4) PROVISIONS RELATING TO THE SECRETARY
11 OF THE TREASURY.—(A) Section 302 of title 13,
12 United States Code, is amended by striking the last
13 sentence thereof.

14 (B) Section 303 of title 13, United States Code,
15 and the item relating to such section in the analysis
16 for chapter 9 of such title are repealed.

17 (C) Section 304(a) of title 13, United States
18 Code, is amended—

19 (i) by striking “Secretary of the Treasury”
20 each place it appears and inserting “Secretary”;
21 and

22 (ii) by striking “Secretary of Commerce”
23 and inserting “Secretary”.

1 (D)(i) Section 401(a) of title 13, United States
2 Code, is amended by striking “Secretary of Com-
3 merce” and inserting “Secretary”.

4 (ii) Section 8(e) of the Foreign Direct Invest-
5 ment and International Financial Data Improve-
6 ments Act of 1990 (22 U.S.C. 3144(e)) is amended
7 by striking “Secretary of Commerce” and inserting
8 “Secretary of the Treasury”.

9 (iii) Section 401(a) of title 13, United States
10 Code, is amended by striking “Department of Com-
11 merce” and inserting “Federal Reserve System”.

12 (5) COMPENSATION FOR THE POSITION OF DI-
13 RECTOR OF THE CENSUS.—Section 5315 of title 5,
14 United States Code, as amended by paragraph (7)
15 of section 108(e), is further amended by inserting
16 (in lieu of the item struck by such paragraph) the
17 following new item:

18 “Director of the Census, Department of the
19 Treasury.”.

20 (6) CONFIDENTIALITY.—Section 9 of title 13,
21 United States Code, is amended by adding at the
22 end the following:

23 “(c)(1) Nothing in subsection (a)(3) shall be consid-
24 ered to permit the disclosure of any matter or information
25 to an officer or employee of the Department of the Treas-

1 ury who is not referred to in subchapter II if, immediately
2 before the date specified in section 213(a) of the Depart-
3 ment of Commerce Dismantling Act, such disclosure (if
4 then made by an officer or employee of the Department
5 of Commerce) would have been impermissible under this
6 section (as then in effect).

7 “(2) Paragraph (1) shall not apply with respect to
8 any disclosure made to the Secretary.”.

9 (e) **RULE OF CONSTRUCTION.**—For purposes of title
10 III, the reorganization of the Bureau of the Census under
11 this section shall be treated as if it involved a transfer
12 of functions from one office to another.

13 **SEC. 208. REORGANIZATION OF THE BUREAU OF ECO-**
14 **NOMIC ANALYSIS.**

15 (a) **IN GENERAL.**—Effective as of the date specified
16 in section 213(a)—

17 (1) the Bureau of Economic Analysis shall be
18 transferred to the Federal Reserve System; and

19 (2) all functions which, immediately before such
20 date, are functions of the Secretary of Commerce
21 with respect to the Bureau of Economic Analysis
22 shall be transferred to the Chairman of the Board
23 of Governors of the Federal Reserve System.

24 (b) **INTERIM SERVICE.**—The individual serving as the
25 Director of the Bureau of Economic Analysis immediately

1 before the reorganization under this section takes effect
2 may continue serving in that capacity until a successor
3 has taken office. Compensation for any service under this
4 subsection shall be at the rate at which such individual
5 was compensated immediately before the effective date of
6 the reorganization.

7 (c) REPORTS.—Not later than 18 months after the
8 date of the enactment of this Act, the Director of the Bu-
9 reau of Economic Analysis shall submit to the Congress
10 a written report on—

11 (1) the availability of any private sector re-
12 sources that may be capable of performing any or all
13 of the functions of the Bureau of Economic Analy-
14 sis, and the feasibility of having any such functions
15 so performed; and

16 (2) the feasibility of implementing a system
17 under which fees may be assessed by the Bureau of
18 Economic Analysis in order to defray the costs of
19 any services performed by the Bureau of Economic
20 Analysis, when such services are performed other
21 than on behalf of the Federal Government or an
22 agency or instrumentality thereof.

23 (d) RULE OF CONSTRUCTION.—For purposes of title
24 III, the reorganization of the Bureau of Economic Analy-

1 sis under this section shall be treated as if it involved a
2 transfer of functions from one office to another.

3 **SEC. 209. TERMINATED FUNCTIONS OF NTIA.**

4 The following provisions of law are repealed:

5 (1) Subpart A of part IV of title III of the
6 Communications Act of 1934 (47 U.S.C. 390 et
7 seq.), relating to assistance for public telecommuni-
8 cations facilities.

9 (2) Subpart B of part IV of title III of the
10 Communications Act of 1934 (47 U.S.C. 394 et
11 seq.), relating to the Endowment for Children's
12 Educational Television.

13 (3) Subpart C of part IV of title III of the
14 Communications Act of 1934 (47 U.S.C. 395 et
15 seq.), relating to Telecommunications Demonstration
16 grants.

17 **SEC. 210. TRANSFER OF SPECTRUM MANAGEMENT FUNC-**
18 **TIONS.**

19 There are transferred to the Chairman of the Federal
20 Communications Commission all functions of the Sec-
21 retary of Commerce, the Assistant Secretary of Commerce
22 for Communications and Information, and the National
23 Telecommunications and Information Administration
24 under parts A and B of the National Telecommunication
25 and Information Administration Organization Act.

1 **SEC. 211. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
2 **ISTRATION.**

3 (a) TERMINATION OF AUTHORITY TO MAKE FISH-
4 ERIES GRANTS.—No financial assistance may be provided
5 under any of the following laws, except to the extent the
6 provision of that assistance is a contractual obligation of
7 the United States on the day before the effective date of
8 this section:

9 (1) Section 2 of the Act of August 11, 1939
10 (15 U.S.C. 713c-3), popularly known as the
11 “Saltonstall-Kennedy Act”.

12 (2) Section 1 of the Act of September 2, 1960
13 (16 U.S.C. 753a).

14 (3) The Antarctic Marine Living Resources
15 Convention Act of 1984 (16 U.S.C. 2431 et seq.).

16 (4) The Anadromous Fish Conservation Act (16
17 U.S.C. 757a et seq.).

18 (5) Provisions of the Magnuson Fishery Con-
19 servation and Management Act (16 U.S.C. 1801 et
20 seq.) and the Department of Commerce Appropria-
21 tion Act of 1994 that authorize assistance to State
22 fishery agencies to enhance their data collection and
23 analysis systems to respond to coastwise fisheries
24 management needs.

25 (6) The Interjurisdictional Fisheries Act of
26 1986 (16 U.S.C. 4101 et seq.).

1 (7) Provisions of the Fish and Wildlife Act of
2 1956 and the Department of Commerce Appropria-
3 tion Act of 1994 that authorize assistance to State
4 for a cooperative State and Federal partnership to
5 provide a continuing source of fisheries statistics to
6 support fisheries management in the States' terri-
7 torial waters and the United States exclusive eco-
8 nomic zone.

9 (8) Provisions of the Fish and Wildlife Act of
10 1956 and the Department of Commerce Appropria-
11 tion Act of 1994 that authorize assistance to States
12 for a cooperative program which engages State and
13 Federal agencies in the coordinated collection, man-
14 agement, and dissemination of fishery-independent
15 information on marine fisheries in support of State
16 territorial waters and the United States exclusive
17 economic zone fisheries management programs.

18 (9) Provisions of the Act of May 11, 1938 (16
19 U.S.C. 756-757), popularly known as the Mitchell
20 Act, and the Department of Commerce Appropria-
21 tion Act of 1994 that authorize assistance to State
22 fisheries agencies in the Pacific Northwest to protect
23 and enhance salmon and steelhead resources in the
24 region.

1 (10) Provisions of the Pacific Salmon Treaty
2 Act of 1985 (16 U.S.C. 3631–3644) and the De-
3 partment of Commerce Appropriation Act of 1994
4 that authorize assistance to States in fulfilling re-
5 sponsibilities under the Pacific Salmon Treaty by
6 providing administrative, management, and applied
7 research support to the States to meet the needs of
8 the Pacific Salmon Commission and international
9 commitments under the treaty.

10 (11) Provisions of the Marine Mammal Protec-
11 tion Act of 1972 (16 U.S.C. 1371–1384) and the
12 Department of Commerce Appropriation Act of 1994
13 which authorize assistance to State agencies for the
14 collection and analysis of information on marine
15 mammals that occur in the State waters and inter-
16 act with State managed fisheries.

17 (12) Provisions of the Pacific Salmon Treaty
18 Act of 1985 (16 U.S.C. 3631–3644) and the De-
19 partment of Commerce Appropriation Act of 1994
20 that—

21 (A) authorize assistance to States to assist
22 in fulfilling Federal responsibilities under the
23 Pacific Salmon Treaty by restoring Southeast
24 Alaska salmon harvests limited by the treaty

1 and by restoring salmon stocks as quickly as
2 possible; and

3 (B) help implement a 1989 “Understand-
4 ing between the United States and Canadian
5 Sections of the Pacific Salmon Commission
6 Concerning Joint Enhancement of
7 Transboundary River Salmon Stocks”.

8 (b) TERMINATION OF FISHERIES TRADE PROMOTION
9 PROGRAM.—Section 211 of the Act of December 22, 1989
10 (15 U.S.C. 1511b) is repealed.

11 (c) CONFORMING AMENDMENT TO TERMINATE FISH-
12 ERIES PROMOTION AND DEVELOPMENT TRANSFERS AND
13 FUNDS.—Section 2(b) of the Act of August 11, 1939 (15
14 U.S.C. 713c-3), popularly known as the “Saltonstall-Ken-
15 nedy Act”, is repealed. Amounts remaining, on the effec-
16 tive date of this section, in the funds established under
17 that section that are not required for the provision of fi-
18 nancial assistance that is not otherwise terminated by this
19 section shall revert to the general fund of the Treasury.

20 (d) TERMINATION OF AUTHORITY TO GUARANTEE
21 OBLIGATIONS FOR FISHING VESSEL AND FISHING FACIL-
22 ITY CONSTRUCTION, ETC.—No new guarantee of an obli-
23 gation or commitment to guarantee an obligation under
24 title XI of the Merchant Marine Act, 1936 (46 App.
25 U.S.C. 1271 et seq.) may be made under authority that

1 was vested in the Secretary of Commerce on the day be-
2 fore the effective date of this section (relating to obliga-
3 tions for fishing vessels or fishing facilities), except to the
4 extent the making of such a guarantee was a contractual
5 obligation of the United States on the day before that ef-
6 fective date.

7 (e) TERMINATION OF COMPENSATION UNDER FISHERMEN'S PROTECTIVE ACT OF 1967.—No compensation
8 ERMEN'S PROTECTIVE ACT OF 1967.—No compensation
9 may be paid under section 10 of the Fishermen's Protec-
10 tive Act of 1967 (22 U.S.C. 1980), relating to compensa-
11 tion for damage, loss, or destruction of fishing vessels or
12 fishing gear, except to the extent the compensation was
13 awarded before the effective date of this section.

14 (f) TERMINATION OF COMPENSATION TO FISHERMEN
15 UNDER OUTER CONTINENTAL SHELF LANDS ACT
16 AMENDMENTS OF 1978.—No compensation may be paid
17 under title IV of the Outer Continental Shelf Lands Act
18 Amendments of 1978 (43 U.S.C. 1841 et seq.), except to
19 the extent the compensation was awarded before the effec-
20 tive date of this section.

21 (g) TERMINATION OF MISCELLANEOUS RESEARCH
22 FUNCTIONS.—The following functions, as vested in per-
23 sonnel of the National Oceanic and Atmospheric Adminis-
24 tration on the day before the effective date of this section,
25 are terminated:

1 (1) All observation and prediction functions re-
2 relating to pollution research.

3 (2) All functions relating to estuarine and
4 coastal assessment research.

5 (h) TERMINATION OF NOAA CORPS.—

6 (1) TERMINATION.—The National Oceanic and
7 Atmospheric Administration Corps is terminated,
8 and the assets thereof shall be transferred to the
9 Commerce Programs Resolution Agency.

10 (2) DISPOSITION OF ASSETS.—The Adminis-
11 trator of the Commerce Programs Resolution Agen-
12 cy shall attempt to sell the assets of the National
13 Oceanic and Atmospheric Administration Corps,
14 within 18 months after the effective date specified in
15 section 213(a), to a private sector entity intending
16 to perform substantially the same functions as were
17 performed by the National Oceanic and Atmospheric
18 Administration Corps immediately before such effec-
19 tive date.

20 (3) REPORT.—If no offer to purchase assets
21 under paragraph (2) is received within the 18-month
22 period described in such paragraph, the Commerce
23 Programs Resolution Agency shall submit a report
24 to the Congress containing recommendations on the
25 appropriate disposition of the assets and functions of

1 the National Oceanic and Atmospheric Administra-
2 tion Corps.

3 (i) DISPOSAL OF NOAA FLEET.—The Secretary of
4 the Interior—

5 (1) shall cease modernization of the National
6 Oceanic and Atmospheric Administration fleet of
7 vessels and terminate all new construction for that
8 fleet;

9 (2) shall promptly dispose of all assets compris-
10 ing the National Oceanic and Atmospheric Adminis-
11 tration fleet; and

12 (3) may not purchase any vessels for the Na-
13 tional Oceanic and Atmospheric Administration.

14 (j) OFFICE OF OCEANIC AND ATMOSPHERIC RE-
15 SEARCH.—(1) Except as otherwise provided in paragraph
16 (2) or (3), the Office of Oceanic and Atmospheric Re-
17 search shall be terminated.

18 (2) Functions relating to weather research of the Of-
19 fice of Oceanic and Atmospheric Research shall be trans-
20 ferred to the National Weather Service.

21 (3)(A) The laboratories of the Office of Oceanic and
22 Atmospheric Research shall be transferred to the Com-
23 merce Programs Resolution Agency.

24 (B) The Commerce Programs Resolution Agency
25 shall attempt to sell the property of the laboratories of

1 the Office of Oceanic and Atmospheric Research, within
2 18 months after the effective date specified in section
3 213(a), to a private sector entity intending to perform
4 substantially the same functions as were performed by the
5 laboratories of the Office of Oceanic and Atmospheric Re-
6 search immediately before such effective date.

7 (C) If no offer to purchase property under subpara-
8 graph (B) is received within the 18-month period de-
9 scribed in such subparagraph, the Commerce Programs
10 Resolution Agency shall transfer the remaining labora-
11 tories to the Department of the Interior, which shall sub-
12 mit a report to the Congress containing recommendations
13 on the appropriate disposition of the property and func-
14 tions of such laboratories.

15 (k) NAUTICAL AND AERONAUTICAL CHARTING.—(1)
16 The nautical and aeronautical charting functions of the
17 National Oceanic and Atmospheric Administration shall
18 be transferred to the Defense Mapping Agency.

19 (2) The Defense Mapping Agency shall terminate any
20 functions transferred to it under paragraph (1) that are
21 performed by the private sector.

22 (l) NESDIS.—(1)(A) The National Environmental
23 Satellite, Data, and Information System Data Centers
24 shall be transferred to the Commerce Programs Resolu-
25 tion Agency.

1 (B) The Commerce Programs Resolution Agency
2 shall attempt to sell the property of the National Environ-
3 mental Satellite, Data, and Information System Data Cen-
4 ters, within 18 months after the effective date specified
5 in section 213(a), to a private sector entity intending to
6 perform substantially the same functions as were per-
7 formed by the National Environmental Satellite, Data,
8 and Information System Data Centers immediately before
9 such effective date.

10 (C) If no offer to purchase property under subpara-
11 graph (B) is received within the 18-month period de-
12 scribed in such subparagraph, the Commerce Programs
13 Resolution Agency shall submit a report to the Congress
14 containing recommendations on the appropriate disposi-
15 tion of the property and functions of the National Envi-
16 ronmental Satellite, Data, and Information System Data
17 Centers.

18 (2) Functions related to weather satellites of the Na-
19 tional Environmental Satellite, Data, and Information
20 System shall be transferred to the National Weather Serv-
21 ice.

22 (m) NATIONAL WEATHER SERVICE.—(1) The Na-
23 tional Weather Service is hereby transferred to the De-
24 partment of the Interior.

1 (2)(A) The National Weather Service shall terminate
2 its specialized agricultural, Marine Radiofax, and forestry
3 weather services, and its Regional Climate Centers.

4 (B) The National Weather Service may terminate any
5 other specialized weather services not required by law to
6 be performed.

7 (n) NATIONAL MARINE FISHERIES SERVICE.—

8 (1) TRANSFER OF ENFORCEMENT FUNC-
9 TIONS.—There are transferred to the Secretary of
10 Transportation all functions relating to law enforce-
11 ment that on the day before the effective date of this
12 section were authorized to be performed by the Na-
13 tional Marine Fisheries Service.

14 (2) TRANSFER OF SCIENCE FUNCTIONS.—
15 There are transferred to the Director of the United
16 States Fish and Wildlife Service all functions relat-
17 ing to science that on the day before the effective
18 date of this section were authorized to be performed
19 by the National Marine Fisheries Service.

20 (3) TRANSFER OF SEAFOOD INSPECTION FUNC-
21 TIONS.—There are transferred to the Secretary of
22 Agriculture all functions relating to seafood inspec-
23 tion that on the day before the effective date of this
24 section were authorized to be performed by the Na-
25 tional Marine Fisheries Service.

1 (o) NATIONAL OCEAN SERVICE.—

2 (1) TRANSFER OF GEODESY FUNCTIONS.—

3 There are transferred to the Director of the United
4 States Geological Survey all functions relating to ge-
5 odesy that on the day before the effective date of
6 this section were authorized to be performed by the
7 National Ocean Service.

8 (2) TRANSFER OF MARINE AND ESTUARINE

9 SANCTUARY FUNCTIONS.—There are transferred to
10 the Secretary of the Interior all functions relating to
11 marine and estuarine sanctuaries that on the day
12 before the effective date of this section were author-
13 ized to be performed by the National Ocean Service.

14 (p) ENVIRONMENTAL RESEARCH LABORATORIES.—

15 (1) TRANSFER.—The environmental research
16 laboratories of the National Oceanic and Atmos-
17 pheric Administration (other than laboratories of the
18 Office of Oceanic and Atmospheric Research, re-
19 ferred to in subsection (j)) shall be transferred to
20 the Commerce Programs Resolution Agency.

21 (2) DISPOSAL.—The Commerce Programs Res-
22 olution Agency shall attempt to sell the property of
23 the laboratories transferred under paragraph (1),
24 within 18 months after the effective date specified in
25 section 213(a), to a private sector entity intending

1 to perform substantially the same functions as were
2 performed by the laboratories before such effective
3 date.

4 (3) REPORT.—If no offer to purchase property
5 under paragraph (2) is received within the 18-month
6 period described in such paragraph, the Commerce
7 Programs Resolution Agency shall submit a report
8 to the Congress containing recommendations on the
9 appropriate disposition of the property and functions
10 of the laboratories transferred under paragraph (1).

11 **SEC. 212. MISCELLANEOUS ABOLISHMENTS.**

12 The following agencies and programs of the Depart-
13 ment of Commerce are abolished, and the functions of
14 those agencies or programs are abolished except to the ex-
15 tent otherwise provided in this Act:

16 (1) The Economic Development Administration.

17 (2) The Minority Business Development Admin-
18 istration.

19 (3) The United States Travel and Tourism Ad-
20 ministration.

21 (4) The National Telecommunications and In-
22 formation Administration.

23 (5) The Advanced Technology Program under
24 section 28 of the National Institute of Standards
25 and Technology Act (15 U.S.C. 278n).

1 (6) The Manufacturing Extension Programs
2 under sections 25 and 26 of the National Institute
3 of Standards and Technology Act (15 U.S.C. 278k
4 and 278l).

5 **SEC. 213. EFFECTIVE DATE.**

6 (a) IN GENERAL.—Except as provided in subsection
7 (b), this title shall take effect on the effective date speci-
8 fied in section 109(a).

9 (b) PROVISIONS EFFECTIVE ON DATE OF ENACT-
10 MENT.—The following provisions of this title shall take ef-
11 fect on the date of the enactment of this Act:

12 (1) Section 201.

13 (2) Section 206 (a)(2) and (d).

14 (3) Section 212.

15 **SEC. 214. SENSE OF CONGRESS REGARDING USER FEES.**

16 It is the sense of the Congress that the head of each
17 agency that performs a function vested in the agency by
18 this Act should, wherever feasible, explore and implement
19 user fees for the provision of services in the performance
20 of that function, to offset operating costs.

21 **TITLE III—MISCELLANEOUS**
22 **PROVISIONS**

23 **SEC. 301. REFERENCES.**

24 Any reference in any other Federal law, Executive
25 order, rule, regulation, or delegation of authority, or any

1 document of or pertaining to an office from which a func-
2 tion is transferred by this Act—

3 (1) to the Secretary of Commerce or an officer
4 of the Department of Commerce, is deemed to refer
5 to the head of the department or office to which
6 such function is transferred; or

7 (2) to the Department of Commerce or an
8 agency in the Department of Commerce is deemed
9 to refer to the department or office to which such
10 function is transferred.

11 **SEC. 302. EXERCISE OF AUTHORITIES.**

12 Except as otherwise provided by law, a Federal offi-
13 cial to whom a function is transferred by this Act may,
14 for purposes of performing the function, exercise all au-
15 thorities under any other provision of law that were avail-
16 able with respect to the performance of that function to
17 the official responsible for the performance of the function
18 immediately before the effective date of the transfer of the
19 function under this Act.

20 **SEC. 303. SAVINGS PROVISIONS.**

21 (a) LEGAL DOCUMENTS.—All orders, determinations,
22 rules, regulations, permits, grants, loans, contracts, agree-
23 ments, certificates, licenses, and privileges—

24 (1) that have been issued, made, granted, or al-
25 lowed to become effective by the President, the Sec-

1 retary of Commerce, any officer or employee of any
2 office transferred by this Act, or any other Govern-
3 ment official, or by a court of competent jurisdic-
4 tion, in the performance of any function that is
5 transferred by this Act, and

6 (2) that are in effect on the effective date of
7 such transfer (or become effective after such date
8 pursuant to their terms as in effect on such effective
9 date),

10 shall continue in effect according to their terms until
11 modified, terminated, superseded, set aside, or revoked in
12 accordance with law by the President, any other author-
13 ized official, a court of competent jurisdiction, or operation
14 of law.

15 (b) PROCEEDINGS.—This Act shall not affect any
16 proceedings or any application for any benefits, service,
17 license, permit, certificate, or financial assistance pending
18 on the date of the enactment of this Act before an office
19 transferred by this Act, but such proceedings and applica-
20 tions shall be continued. Orders shall be issued in such
21 proceedings, appeals shall be taken therefrom, and pay-
22 ments shall be made pursuant to such orders, as if this
23 Act had not been enacted, and orders issued in any such
24 proceeding shall continue in effect until modified, termi-
25 nated, superseded, or revoked by a duly authorized official,

1 by a court of competent jurisdiction, or by operation of
2 law. Nothing in this subsection shall be considered to pro-
3 hibit the discontinuance or modification of any such pro-
4 ceeding under the same terms and conditions and to the
5 same extent that such proceeding could have been discon-
6 tinued or modified if this Act had not been enacted.

7 (c) SUITS.—This Act shall not affect suits com-
8 menced before the date of the enactment of this Act, and
9 in all such suits, proceeding shall be had, appeals taken,
10 and judgments rendered in the same manner and with the
11 same effect as if this Act had not been enacted.

12 (d) NONABATEMENT OF ACTIONS.—No suit, action,
13 or other proceeding commenced by or against the Depart-
14 ment of Commerce or the Secretary of Commerce, or by
15 or against any individual in the official capacity of such
16 individual as an officer or employee of an office trans-
17 ferred by this Act, shall abate by reason of the enactment
18 of this Act.

19 (e) CONTINUANCE OF SUITS.—If any officer of the
20 Department of Commerce or the Commerce Programs
21 Resolution Agency in the official capacity of such officer
22 is party to a suit with respect to a function of the officer,
23 and under this Act such function is transferred to any
24 other officer or office, then such suit shall be continued

1 with the other officer or the head of such other office, as
2 applicable, substituted or added as a party.

3 **SEC. 304. TRANSFER OF ASSETS.**

4 Except as otherwise provided in this Act, so much
5 of the personnel, property, records, and unexpended bal-
6 ances of appropriations, allocations, and other funds em-
7 ployed, used, held, available, or to be made available in
8 connection with a function transferred to an official or
9 agency by this Act shall be available to the official or the
10 head of that agency, respectively, at such time or times
11 as the Director of the Office of Management and Budget
12 directs for use in connection with the functions trans-
13 ferred.

14 **SEC. 305. DELEGATION AND ASSIGNMENT.**

15 Except as otherwise expressly prohibited by law or
16 otherwise provided in this Act, an official to whom func-
17 tions are transferred under this Act (including the head
18 of any office to which functions are transferred under this
19 Act) may delegate any of the functions so transferred to
20 such officers and employees of the office of the official as
21 the official may designate, and may authorize successive
22 redelegations of such functions as may be necessary or ap-
23 propriate. No delegation of functions under this section
24 or under any other provision of this Act shall relieve the

1 official to whom a function is transferred under this Act
2 of responsibility for the administration of the function.

3 **SEC. 306. AUTHORITY OF ADMINISTRATOR WITH RESPECT**
4 **TO FUNCTIONS TRANSFERRED.**

5 (a) DETERMINATIONS.—If necessary, the Adminis-
6 trator shall make any determination of the functions that
7 are transferred under this Act.

8 (b) INCIDENTAL TRANSFERS.—The Administrator,
9 at such time or times as the Administrator shall provide,
10 may make such determinations as may be necessary with
11 regard to the functions transferred by this Act, and to
12 make such additional incidental dispositions of personnel,
13 assets, liabilities, grants, contracts, property, records, and
14 unexpended balances of appropriations, authorizations, al-
15 locations, and other funds held, used, arising from, avail-
16 able to, or to be made available in connection with such
17 functions, as may be necessary to carry out the provisions
18 of this Act. The Administrator shall provide for the termi-
19 nation of the affairs of all entities terminated by this Act
20 and for such further measures and dispositions as may
21 be necessary to effectuate the purposes of this Act.

22 **SEC. 307. PROPOSED CHANGES IN LAW.**

23 Not later than one year after the date of the enact-
24 ment of this Act, the Director of the Office of Manage-
25 ment and Budget shall submit to the Congress a descrip-

1 tion of any changes in Federal law necessary to reflect
2 abolishments, transfers, terminations, and disposals under
3 this Act.

4 **SEC. 308. CERTAIN VESTING OF FUNCTIONS CONSIDERED**
5 **TRANSFERS.**

6 For purposes of this Act, the vesting of a function
7 in a department or office pursuant to reestablishment of
8 an office shall be considered to be the transfer of the
9 function.

10 **SEC. 309. DEFINITIONS.**

11 For purposes of this Act, the following definitions
12 apply:

13 (1) ADMINISTRATOR.—The term “Adminis-
14 trator” means the Administrator of the Commerce
15 Programs Resolution Agency.

16 (2) AGENCY.—The term “Agency” means the
17 Commerce Programs Resolution Agency.

18 (3) FUNCTION.—The term “function” includes
19 any duty, obligation, power, authority, responsibility,
20 right, privilege, activity, or program.

21 (4) OFFICE.—The term “office” includes any
22 office, administration, agency, bureau, institute,
23 council, unit, organizational entity, or component
24 thereof.

1 (5) WIND-UP PERIOD.—The term “wind-up pe-
2 riod” means the period beginning on the effective
3 date specified in section 109(a) and ending on the
4 termination date specified in section 106(d).

5 **SEC. 310. LIMITATION ON ANNUAL EXPENDITURES FOR**
6 **CONTINUED FUNCTIONS.**

7 The amount expended by the United States each fis-
8 cal year for performance of a function which immediately
9 before the effective date of this section was authorized to
10 be performed by an agency, officer, or employee of the De-
11 partment of Commerce may not exceed 75 percent of the
12 total amount expended by the United States for perform-
13 ance of that function during fiscal year 1994.

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