

104TH CONGRESS
1ST SESSION

S. 929

To abolish the Department of Commerce.

IN THE SENATE OF THE UNITED STATES

JUNE 15 (legislative day, JUNE 5), 1995

Mr. ABRAHAM (for himself, Mr. DOLE, Mr. FAIRCLOTH, Mr. NICKLES, Mr. GRAMM, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. TABLE OF CONTENTS.**

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

Sec. 1. Short title.

Sec. 2. Table of contents.

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Agency.

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Sec. 103. Deputy Administrator.

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- Sec. 105. Reorganization.
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- Sec. 108. Conforming amendments.
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TITLE II—DISPOSITION OF PARTICULAR PROGRAMS, FUNCTIONS, AND AGENCIES OF DEPARTMENT OF COMMERCE

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- Sec. 203. National security functions.
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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.
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- Sec. 307. Proposed changes in law.
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- Sec. 309. Definitions.
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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.

1 (b) ADMINISTRATOR.—

2 (1) IN GENERAL.—There shall be at the head
3 of the Agency an Administrator of the Agency, who
4 shall be appointed by the President, by and with the
5 advice and consent of the Senate. The Agency shall
6 be administered under the supervision and direction
7 of the Administrator. The Administrator shall re-
8 ceive compensation at the rate prescribed for level II
9 of the Executive Schedule under section 5313 of title
10 5, United States Code.

11 (2) INITIAL APPOINTMENT OF ADMINIS-
12 TRATOR.—Notwithstanding any other provision of
13 this Act or any other law, the President may, at any
14 time after the date of the enactment of this Act, ap-
15 point an individual to serve as Administrator of the
16 Commerce Programs Resolution Agency (who may
17 be the Secretary of Commerce), as such position is
18 established under paragraph (1). An appointment
19 under this paragraph may not be construed to affect
20 the position of Secretary of Commerce or the au-
21 thority of the Secretary before the effective date
22 specified in section 109(a).

23 (c) DUTIES.—The Administrator shall be responsible
24 for—

1 (1) the administration and wind-up, during the
2 wind-up period, of all functions of the Administrator
3 pursuant to section 102 and the other provisions of
4 this Act;

5 (2) the administration and wind-up, during the
6 wind-up period, of any outstanding obligations of the
7 Federal Government under any programs terminated
8 or repealed by this Act; and

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

13 **SEC. 102. FUNCTIONS.**

14 Except to the extent a function is abolished or vested
15 in another official or agency by this Act, the Administrator
16 shall perform all functions that, immediately before the
17 effective date specified in section 109(a), were functions
18 of the Department of Commerce (or any office of the De-
19 partment) or were authorized to be performed by the Sec-
20 retary of Commerce or any other officer or employee of
21 the Department in the capacity as such officer or em-
22 ployee.

23 **SEC. 103. DEPUTY ADMINISTRATOR.**

24 The Agency shall have a Deputy Administrator, who
25 shall—

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

3 (2) perform such functions as may be delegated
4 by the Administrator.

5 **SEC. 104. CONTINUATION OF SERVICE OF DEPARTMENT OF-**
6 **FIGERS.**

7 (a) CONTINUATION OF SERVICE OF SECRETARY.—

8 The individual serving on the effective date specified in
9 section 109(a) as the Secretary of Commerce may serve
10 and act as Administrator until the earlier of—

11 (1) the date an individual is appointed under
12 this title to the position of Administrator; or

13 (2) the end of the 120-day period provided for
14 in section 3348 of title 5, United States Code (relat-
15 ing to limitations on the period of time a vacancy
16 may be filled temporarily).

17 (b) CONTINUATION OF SERVICE OF OTHER OFFI-

18 CERS.—An individual serving on the effective date speci-
19 fied in section 109(a) as an officer of the Department of
20 Commerce other than the Secretary of Commerce may
21 continue to serve and act in an equivalent capacity in the
22 Agency until the earlier of—

23 (1) the date an individual is appointed under
24 this title to the position of Administrator; or

1 (2) the end of the 120-day period provided for
2 in section 3348 of title 5, United States Code (relat-
3 ing to limitations on the period of time a vacancy
4 may be filled temporarily) with respect to that ap-
5 pointment.

6 (c) COMPENSATION FOR CONTINUED SERVICE.—Any
7 person—

8 (1) who serves as the Administrator under sub-
9 section (a), or

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

16 **SEC. 105. REORGANIZATION.**

17 The Administrator may allocate or reallocate any
18 function of the Agency pursuant to this Act among the
19 officers of the Agency, and may establish, consolidate,
20 alter, or discontinue in the Commerce Programs Resolu-
21 tion Agency any organizational entities that were entities
22 of the Department of Commerce, as the Administrator
23 considers necessary or appropriate.

1 **SEC. 106. ABOLISHMENT OF COMMERCE PROGRAMS RESO-**
2 **LUTION AGENCY.**

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

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

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

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

21 **SEC. 107. GAO REPORT.**

22 Not later than 180 days after the date of enactment
23 of this Act, the Comptroller General of the United States
24 shall submit to the Congress a report that shall include
25 recommendations for the most efficient means of achiev-
26 ing, in accordance with this Act—

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

3 (2) the termination or transfer or other con-
4 tinuation of the functions of the Department of
5 Commerce.

6 **SEC. 108. CONFORMING AMENDMENTS.**

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

10 (b) **EXECUTIVE DEPARTMENTS.**—Section 101 of title
11 5, United States Code, is amended by striking the fol-
12 lowing item:

13 “The Department of Commerce.”.

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

17 “Secretary of Commerce.”.

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

20 (1) by striking the following item:

21 “Under Secretary of Commerce, Under Sec-
22 retary of Commerce for Economic Affairs, Under
23 Secretary of Commerce for Export Administration
24 and Under Secretary of Commerce for Travel and
25 Tourism.”;

1 (2) by striking the following item:

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

6 (3) by striking the following item:

7 “Under Secretary of Commerce for Tech-
8 nology.”.

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

11 (1) by striking the following items:

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

13 (2) by striking the following item:

14 “General Counsel of the Department of Com-
15 merce.”;

16 (3) by striking the following item:

17 “Assistant Secretary of Commerce for Oceans
18 and Atmosphere, the incumbent of which also serves
19 as Deputy Administrator of the National Oceanic
20 and Atmospheric Administration.”;

21 (4) by striking the following item:

22 “Director, National Institute of Standards and
23 Technology, Department of Commerce.”;

24 (5) by striking the following item:

1 “Inspector General, Department of Com-
2 merce.”;

3 (6) by striking the following item:

4 “Chief Financial Officer, Department of Com-
5 merce.”; and

6 (7) by striking the following item:

7 “Director, Bureau of the Census, Department
8 of Commerce.”.

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

11 (1) by striking the following item:

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

14 (2) by striking the following item:

15 “National Export Expansion Coordinator, De-
16 partment of Commerce.”.

17 (g) INSPECTOR GENERAL ACT OF 1978.—The In-
18 spector General Act of 1978 (5 U.S.C. App.) is
19 amended—

20 (1) in section 9(a)(1), by striking subparagraph
21 (B);

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

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

1 **SEC. 109. EFFECTIVE DATE.**

2 (a) IN GENERAL.—Except as provided in subsection
3 (b), this title shall take effect on the date that is 6 months
4 after the date of the enactment of this Act.

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

8 (1) Section 101(b).

9 (2) Section 106(c).

10 (3) Section 107.

11 **TITLE II—DISPOSITION OF PAR-**
12 **TICULAR PROGRAMS, FUNC-**
13 **TIONS, AND AGENCIES OF DE-**
14 **PARTMENT OF COMMERCE**

15 **SEC. 201. ECONOMIC DEVELOPMENT.**

16 (a) TERMINATED FUNCTIONS.—The Public Works
17 and Economic Development Act of 1965 (42 U.S.C. 3121
18 et seq.) is repealed.

19 (b) TRANSFER OF FINANCIAL OBLIGATIONS OWED
20 TO THE DEPARTMENT.—There are transferred to the Sec-
21 retary of the Treasury the loans, notes, bonds, debentures,
22 securities, and other financial obligations owned by the
23 Department of Commerce under the Public Works and
24 Economic Development Act of 1965, together with all as-
25 sets or other rights (including security interests) incident
26 thereto, and all liabilities related thereto. There are as-

1 signed to the Secretary of the Treasury the functions,
 2 powers, and abilities vested in or delegated to the Sec-
 3 retary of Commerce or the Department of Commerce to
 4 manage, service, collect, sell, dispose of, or otherwise real-
 5 ize proceeds on obligations owed to the Department of
 6 Commerce under authority of such Act with respect to any
 7 loans, obligations, or guarantees made or issued by the
 8 Department of Commerce pursuant to such Act.

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

16 **SEC. 202. EXPORT CONTROL FUNCTIONS.**

17 (a) TRANSFER TO SECRETARY OF DEFENSE.—

18 (1) IN GENERAL.—Except as provided in this
 19 section, all functions of the Secretary of Commerce,
 20 the Under Secretary of Commerce for Export Ad-
 21 ministration, the 2 Assistant Secretaries of Com-
 22 merce appointed under section 15(a) of the Export
 23 Administration Act of 1979 (50 U.S.C. App.
 24 2414(a)), and the Department of Commerce, on the
 25 day before the effective date specified in section

1 109(a), under the Export Administration Act of
2 1979 are transferred to the Secretary of Defense.

3 (2) CONSULTATION WITH USTR.—The Sec-
4 retary of Defense shall consult with the United
5 States Trade Representative with respect to any li-
6 censing decision under the Export Administration
7 Act of 1979.

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

15 (c) ENFORCEMENT.—

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

24 (2) TRANSFER OF ENFORCEMENT PER-
25 SONNEL.—Not more than 60 United States special

1 agents of the Bureau of Export Administration of
2 the Department of Commerce who, on the day be-
3 fore the effective date specified in section 109(a),
4 were assigned to perform functions under section
5 12(a) of the Export Administration Act of 1979 may
6 be transferred to the Customs Service to carry out
7 functions transferred by paragraph (1). The Direc-
8 tor of the Office of Management and Budget shall
9 determine the special agents to be transferred under
10 this paragraph.

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

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

21 (1) TERMINATION OF OFFICE.—The Office of
22 Foreign Availability established under section 5(f)(6)
23 of the Export Administration Act of 1979 (50
24 U.S.C. App. 2404(f)(6)) is abolished.

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

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

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

21 (g) TECHNICAL AND CONFORMING AMENDMENTS.—

22 (1) Section 15 of the Export Administration
23 Act of 1979 (50 U.S.C. App. 2414(a)) is amended
24 by striking subsection (a) and inserting the fol-
25 lowing: “(a) [Reserved].”.

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

3 **SEC. 203. NATIONAL SECURITY FUNCTIONS.**

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

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

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

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

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

21 (c) APPOINTMENT OF COMMITTEES OF INDUSTRY
22 REPRESENTATIVES.—The President should appoint com-
23 mittees composed of representatives of appropriate indus-
24 tries to advise the National Security Council with respect
25 to those matters affecting industry addressed by the Sec-

1 retary of Commerce to the National Security Council be-
 2 fore the effective date specified in section 109(a).

3 **SEC. 204. INTERNATIONAL TRADE FUNCTIONS.**

4 (a) TARIFF ACT OF 1930; URUGUAY ROUND AGREE-
 5 MENTS ACT.—

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

16 (2) CONFORMING AMENDMENT.—Section
 17 771(1) of the Tariff Act of 1930 (19 U.S.C.
 18 1677(1)) is amended by striking “Secretary of Com-
 19 merce” and inserting “United States Trade Rep-
 20 resentative”.

21 (b) FOREIGN TRADE ZONES BOARD.—Subsection (b)
 22 of the first section of the Act of June 18, 1934 (commonly
 23 known as the “Foreign Trade Zones Act”) (48 Stat. 999,
 24 chapter 590; 19 U.S.C. 81a(b)) is amended by striking
 25 “Secretary of Commerce, who shall be chairman and exec-

1 utive officer of the Board, the Secretary of the Treasury”
 2 and inserting “Secretary of the Treasury, who shall be
 3 chairman and executive officer of the Board, the United
 4 States Trade Representative”.

5 (c) UNITED STATES AND FOREIGN COMMERCIAL
 6 SERVICE.—

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

19 (2) TRANSFER TO USTR.—The Commercial
 20 Service and its functions are transferred to the
 21 United States Trade Representative. All functions
 22 performed immediately before the effective date
 23 specified in section 109(a) by the Secretary of Com-
 24 merce or the Department of Commerce with respect

1 to the Commercial Service are transferred to the
2 United States Trade Representative.

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

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

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

24 (4) TRANSFER OF COMMERCIAL SERVICE OFFI-
25 CERS.—The transfer to the United States Trade

1 Representative pursuant to this section of any Com-
2 mercial Service Officer serving immediately before
3 the effective date specified in section 109(a) shall
4 not cause such officer to be reduced in rank, grade,
5 or compensation.

6 (d) EXPORT PROMOTION PROGRAMS.—

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

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

24 (e) TRADE INFORMATION.—All functions of the Sec-
25 retary of Commerce under the International Investment

1 and Trade in Services Survey Act (22 U.S.C. 3101 et seq.)
 2 are transferred to the Secretary of the Treasury.

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

9 (g) FUNCTIONS WITH RESPECT TO TEXTILE AGREE-
 10 MENTS.—

11 (1) TRANSFER OF FUNCTIONS.—Notwith-
 12 standing the provisions of Executive Order 11651
 13 and Executive Order 12475 (7 U.S.C. 1854 note),
 14 the functions of the Committee for the Implementa-
 15 tion of Textile Agreements (hereafter in this sub-
 16 section referred to as “CITA”) are transferred as
 17 follows:

18 (A) All functions related to policy formula-
 19 tion for textile and apparel trade, including the
 20 negotiation and implementation of textile and
 21 apparel trade agreements, and all related activi-
 22 ties performed by CITA immediately before the
 23 effective date specified in section 109(a), and
 24 not specified in paragraphs (2) through (4), are

1 transferred to the United States Trade Rep-
2 resentative.

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

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

23 (D) All functions related to monitoring
24 quota utilization and enforcement, and actions
25 to address the circumvention of quotas, as de-

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

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

7 (h) FAIR TRADE IN AUTO PARTS.—All functions of
8 the Secretary of Commerce under the Fair Trade in Auto
9 Parts Act of 1988 (15 U.S.C. 4701 et seq.) are trans-
10 ferred to the International Trade Commission.

11 (i) OTHER TRADE FUNCTIONS.—

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

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

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 et seq.), are transferred to the Sec-
 4 retary of the Treasury.

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

8 (ii) The section heading for section 301 of the
 9 Export Trading Company Act of 1982 (15 U.S.C.
 10 4011), is amended by striking “COMMERCE” and in-
 11 serting “TREASURY”.

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

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

22 (k) GIFTS AND BEQUESTS.—

23 (1) IN GENERAL.—The Secretary of State, the
 24 Secretary of the Treasury, and the United States
 25 Trade Representative are authorized to accept, hold,

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

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

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

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

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

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

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”) (60
10 Stat. 427 et seq., chapter 540; 15 U.S.C. 1051 et
11 seq.), section 10101 of the Omnibus Budget Rec-
12 onciliation Act of 1990 (35 U.S.C. 41 note), or other
13 provision of law.

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

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

24 (c) ADJUSTMENT OF FEES.—Section 41(f) of title
25 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 (15 U.S.C. 3711a).

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 effective date.

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

10 (c) NATIONAL TECHNICAL INFORMATION SERVICE.—

12 (1) SALE OF PROPERTY.—The Commerce Programs Resolution Agency shall attempt to sell the property of the National Technical Information Service, within 18 months after the effective date specified in section 213(a), to a private sector entity intending to perform substantially the same functions as were performed by the National Technical Information Service immediately before such effective date.

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

ommendations on the appropriate disposition of the property and functions of the National Technical Information Service.

(3) FUNDING.—No Federal funds may be appropriated for the National Technical Information Service for any fiscal year after fiscal year 1995.

(d) AMENDMENTS.—

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

(A) in section 2—

(i) in subsection (b)—

(I) by striking paragraph (1);

and

(II) by redesignating paragraphs

(2) through (11) as paragraphs (1)

through (10), respectively; and

(ii) in subsection (d), by striking “,

including the programs established under sections 25, 26, and 28 of this Act”;

(B) in section 10, by striking “Advanced”

in both the section heading and subsection (a),

and inserting in lieu thereof “Standards and”;

and

1 (C) by striking sections 24, 25, 26, and
 2 28.

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

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

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

15 (C) by striking sections 5, 6, 7, 8, 9, and
 16 10;

17 (D) in section 11—

18 (i) in subsection (c)(3), by striking “,
 19 the Federal Laboratory Consortium for
 20 Technology Transfer,”;

21 (ii) in subsection (d)—

22 (I) in paragraph (2), by striking
 23 “and the Federal Laboratory Consor-
 24 tium for Technology Transfer”; and

1 (II) in paragraph (3), by striking
 2 “, and refer such requests” and all
 3 that follows through “available to the
 4 Service”; and
 5 (iii) by striking subsection (e); and
 6 (E) in section 17—
 7 (i) in subsection (c)—
 8 (I) in paragraph (1), by striking
 9 “Subject to paragraph (2), separate”
 10 and inserting “Separate”;
 11 (II) by striking paragraph (2);
 12 and
 13 (III) by redesignating paragraph
 14 (3) as paragraph (2); and
 15 (ii) in subsection (f), by inserting “ad-
 16 ministrative” after “funds to carry out”.

17 **SEC. 207. REORGANIZATION OF THE BUREAU OF THE**
 18 **CENSUS.**

19 (a) IN GENERAL.—Effective as of the date specified
 20 in section 213(a)—
 21 (1) the Bureau of the Census shall be trans-
 22 ferred to the Department of the Treasury; and
 23 (2) all functions which, immediately before such
 24 date, are functions of the Secretary of Commerce

1 under title 13, United States Code, shall be trans-
2 ferred to the Secretary of the Treasury.

3 (b) INTERIM SERVICE.—The individual serving as the
4 Director of the Census immediately before the reorganiza-
5 tion under this section takes effect may continue serving
6 in that capacity until a successor has taken office. Com-
7 pensation for any service under this subsection shall be
8 at the rate at which such individual was compensated im-
9 mediately before the effective date of the reorganization.

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

12 (1) make appropriate use of any authority af-
13 forded to it by the Census Address List Improve-
14 ment Act of 1994 (Public Law 103–430; 108 Stat.
15 4393), and take measures to ensure the timely im-
16 plementation of such Act; and

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

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

21 (1) TRANSFER OF THE BUREAU TO THE DE-
22 PARTMENT OF THE TREASURY.—(A) Section 2 of
23 title 13, United States Code, is amended by striking
24 “is continued as” and all that follows through the
25 period and inserting “is an agency within, and under

1 the jurisdiction of, the Department of the Treas-
2 ury.”.

3 (B) Section 12 of the Act of February 14, 1903
4 (32 Stat. 830, chapter 552; 15 U.S.C. 1511) is
5 amended by striking subsection (e) and redesign-
6 ating subsections (f) and (g) as subsections (e) and
7 (f), respectively.

8 (2) DEFINITION OF SECRETARY.—Section 1(2)
9 of title 13, United States Code, is amended by strik-
10 ing “Secretary of Commerce” and inserting “Sec-
11 retary of the Treasury”.

12 (3) REFERENCES IN TITLE 13, UNITED STATES
13 CODE, TO THE DEPARTMENT OF COMMERCE.—Title
14 13, United States Code, is amended in sections 4,
15 9(a), 23(b), 24(e), 44, 103, 132, 211, 213(b)(2),
16 221, 222, 223, 224, 225(a), and 241 by striking
17 “Department of Commerce” each place it appears
18 and inserting “Department of the Treasury”.

19 (4) PROVISIONS RELATING TO THE SECRETARY
20 OF THE TREASURY.—(A) Section 302 of title 13,
21 United States Code, is amended by striking the last
22 sentence.

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

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

3 (i) by striking “Secretary of the Treasury”
 4 each place it appears and inserting “Secretary”;
 5 and

6 (ii) by striking “Secretary of Commerce”
 7 and inserting “Secretary”.

8 (D)(i) Section 401(a) of title 13, United States
 9 Code, is amended—

10 (I) by striking “Department of Commerce”
 11 and inserting “Federal Reserve System”; and

12 (II) by striking “Secretary of Commerce”
 13 and inserting “Secretary”.

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

19 (5) COMPENSATION FOR THE POSITION OF DI-
 20 RECTOR OF THE CENSUS.—Section 5315 of title 5,
 21 United States Code, as amended by paragraph (7)
 22 of section 108(e), is further amended by inserting
 23 (in lieu of the item struck by such paragraph) the
 24 following new item:

6 “(c)(1) Nothing in subsection (a)(3) shall be consid-
7 ered to permit the disclosure of any matter or information
8 to an officer or employee of the Department of the Treas-
9 ury who is not referred to in subchapter II if, immediately
10 before the date specified in section 213(a) of the Depart-
11 ment of Commerce Dismantling Act, such disclosure (if
12 then made by an officer or employee of the Department
13 of Commerce) would have been impermissible under this
14 section (as then in effect).

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

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

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

3 (2) all functions which, immediately before such
4 date, are functions of the Secretary of Commerce
5 with respect to the Bureau of Economic Analysis
6 shall be transferred to the Chairman of the Board
7 of Governors of the Federal Reserve System.

8 (b) INTERIM SERVICE.—The individual serving as the
9 Director of the Bureau of Economic Analysis immediately
10 before the reorganization under this section takes effect
11 may continue serving in that capacity until a successor
12 has taken office. Compensation for any service under this
13 subsection shall be at the rate at which such individual
14 was compensated immediately before the effective date of
15 the reorganization.

16 (c) REPORTS.—Not later than 18 months after the
17 date of enactment of this Act, the Director of the Bureau
18 of Economic Analysis shall submit to the Congress a writ-
19 ten report on—

20 (1) the availability of any private sector re-
21 sources that may be capable of performing any or all
22 of the functions of the Bureau of Economic Anal-
23 ysis, and the feasibility of having any such functions
24 so performed; and

1 (2) the feasibility of implementing a system
 2 under which fees may be assessed by the Bureau of
 3 Economic Analysis in order to defray the costs of
 4 any services performed by the Bureau of Economic
 5 Analysis, when such services are performed other
 6 than on behalf of the Federal Government or an
 7 agency or instrumentality thereof.

8 (d) RULE OF CONSTRUCTION.—For purposes of title
 9 III, the reorganization of the Bureau of Economic Anal-
 10 ysis under this section shall be treated as if it involved
 11 a transfer of functions from one office to another.

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

13 The following provisions of law are repealed:

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

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

22 (3) Subpart C of part IV of title III of the
 23 Communications Act of 1934 (47 U.S.C. 395 et
 24 seq.), relating to telecommunications demonstration
 25 grants.

1 **SEC. 210. TRANSFER OF SPECTRUM MANAGEMENT FUNC-**
2 **TIONS.**

3 There are transferred to the Chairman of the Federal
4 Communications Commission all functions of the Sec-
5 retary of Commerce, the Assistant Secretary of Commerce
6 for Communications and Information, and the National
7 Telecommunications and Information Administration
8 under parts A and B of the National Telecommunication
9 and Information Administration Organization Act.

10 **SEC. 211. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
11 **ISTRATION.**

12 (a) **TERMINATION OF AUTHORITY TO MAKE FISH-**
13 **ERIES GRANTS.**—No financial assistance may be provided
14 under any of the following laws, except to the extent the
15 provision of that assistance is a contractual obligation of
16 the United States on the day before the effective date of
17 this section:

18 (1) Section 2 of the Act of August 11, 1939,
19 popularly known as the “Saltonstall-Kennedy Act”
20 (53 Stat. 1412, chapter 696; 15 U.S.C. 713c–3).

21 (2) Section 1 of the Act entitled “An Act to au-
22 thorize addition of certain donated lands to the Ev-
23 erglades National Park”, approved September 2,
24 1960 (16 U.S.C. 753a).

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

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

3 (5) Provisions of the Magnuson Fishery Con-
4 servation and Management Act (16 U.S.C. 1801 et
5 seq.) and the Department of Commerce Appropria-
6 tion Act of 1994 that authorize assistance to State
7 fishery agencies to enhance their data collection and
8 analysis systems to respond to coastwise fisheries
9 management needs.

10 (6) The Interjurisdictional Fisheries Act of
11 1986 (16 U.S.C. 4101 et seq.).

12 (7) Provisions of the Fish and Wildlife Act of
13 1956 and the Department of Commerce Appropria-
14 tion Act of 1994 that authorize assistance to State
15 for a cooperative State and Federal partnership to
16 provide a continuing source of fisheries statistics to
17 support fisheries management in the States' terri-
18 torial waters and the United States exclusive eco-
19 nomic zone.

20 (8) Provisions of the Fish and Wildlife Act of
21 1956 and the Department of Commerce Appropria-
22 tion Act of 1994 that authorize assistance to States
23 for a cooperative program that engages State and
24 Federal agencies in the coordinated collection, man-
25 agement, and dissemination of fishery-independent

1 information on marine fisheries in support of State
2 territorial waters and the United States exclusive
3 economic zone fisheries management programs.

4 (9) Provisions of the Act of May 11, 1938, pop-
5 ularly known as the “Mitchell Act” (52 Stat. 345 et
6 seq., chapter 193; 16 U.S.C. 755 et seq.), and the
7 Department of Commerce Appropriation Act of 1994
8 that authorize assistance to State fisheries agencies
9 in the Pacific Northwest to protect and enhance
10 salmon and steelhead resources in the region.

11 (10) Provisions of the Pacific Salmon Treaty
12 Act of 1985 (16 U.S.C. 3631 et seq.) and the De-
13 partment of Commerce Appropriation Act of 1994
14 that authorize assistance to States in fulfilling re-
15 sponsibilities under the Pacific Salmon Treaty by
16 providing administrative, management, and applied
17 research support to the States to meet the needs of
18 the Pacific Salmon Commission and international
19 commitments under the treaty.

20 (11) Provisions of titles I and II of the Marine
21 Mammal Protection Act of 1972 (16 U.S.C. 1371–
22 1384) and the Department of Commerce Appropria-
23 tion Act of 1994 which authorize assistance to State
24 agencies for the collection and analysis of informa-

1 tion on marine mammals that occur in the State wa-
2 ters and interact with State managed fisheries.

3 (12) Provisions of the Pacific Salmon Treaty
4 Act of 1985 (16 U.S.C. 3631 et seq.) and the De-
5 partment of Commerce Appropriation Act of 1994
6 that—

7 (A) authorize assistance to States to assist
8 in fulfilling Federal responsibilities under the
9 Pacific Salmon Treaty by restoring Southeast
10 Alaska salmon harvests limited by the treaty
11 and by restoring salmon stocks as quickly as
12 possible; and

13 (B) help implement a 1989 “Under-
14 standing between the United States and Cana-
15 dian Sections of the Pacific Salmon Commis-
16 sion Concerning Joint Enhancement of
17 Transboundary River Salmon Stocks”.

18 (b) TERMINATION OF FISHERIES TRADE PROMOTION
19 PROGRAM.—Section 211 of the Salmon and Steelhead
20 Conservation and Enhancement Act of 1980 (15 U.S.C.
21 1511b) is repealed.

22 (c) CONFORMING AMENDMENT TO TERMINATE
23 FISHERIES PROMOTION AND DEVELOPMENT TRANSFERS
24 AND FUNDS.—

1 (1) IN GENERAL.—Section 2 of the Act of Au-
 2 gust 11, 1939, popularly known as the “Saltonstall-
 3 Kennedy Act” (53 Stat. 1412, chapter 696; 15
 4 U.S.C. 713c–3) is amended by striking subsection
 5 (b).

6 (2) REVERSION.—Amounts remaining, on the
 7 effective date of this section, in the funds established
 8 under section 2(b) of the Act of August 11, 1939,
 9 as in effect on the day before the date of enactment
 10 of this Act, that are not required for the provision
 11 of financial assistance that is not otherwise termi-
 12 nated by this section shall revert to the general fund
 13 of the Treasury.

14 (d) TERMINATION OF AUTHORITY TO GUARANTEE
 15 OBLIGATIONS FOR FISHING VESSEL AND FISHING FACIL-
 16 ITY CONSTRUCTION, ETC.—No new guarantee of an obli-
 17 gation or commitment to guarantee an obligation under
 18 title XI of the Merchant Marine Act, 1936 (46 App.
 19 U.S.C. 1271 et seq.) may be made under authority that
 20 was vested in the Secretary of Commerce on the day be-
 21 fore the effective date of this section (relating to obliga-
 22 tions for fishing vessels or fishing facilities), except to the
 23 extent the making of such a guarantee was a contractual
 24 obligation of the United States on the day before that ef-
 25 fective date.

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

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

15 (g) TERMINATION OF MISCELLANEOUS RESEARCH
 16 FUNCTIONS.—The following functions, as vested in per-
 17 sonnel of the National Oceanic and Atmospheric Adminis-
 18 tration on the day before the effective date of this section,
 19 are terminated:

20 (1) All observation and prediction functions re-
 21 lating to pollution research.

22 (2) All functions relating to estuarine and
 23 coastal assessment research.

24 (h) TERMINATION OF NOAA CORPS.—

1 (1) TERMINATION.—The National Oceanic and
2 Atmospheric Administration Corps is terminated,
3 and the assets thereof shall be transferred to the
4 Commerce Programs Resolution Agency.

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

15 (3) REPORT.—If no offer to purchase assets
16 under paragraph (2) is received within the 18-month
17 period described in such paragraph, the Commerce
18 Programs Resolution Agency shall submit a report
19 to the Congress containing recommendations on the
20 appropriate disposition of the assets and functions of
21 the National Oceanic and Atmospheric Administra-
22 tion Corps.

23 (i) DISPOSAL OF NOAA FLEET.—The Secretary of
24 the Interior—

1 (1) shall cease modernization of the National
 2 Oceanic and Atmospheric Administration fleet of
 3 vessels and terminate all new construction for that
 4 fleet;

5 (2) shall promptly dispose of all assets com-
 6 prising the National Oceanic and Atmospheric Ad-
 7 ministration fleet; and

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

10 (j) OFFICE OF OCEANIC AND ATMOSPHERIC RE-
 11 SEARCH.—

12 (1) IN GENERAL.—Except as otherwise pro-
 13 vided in paragraph (2) or (3), the Office of Oceanic
 14 and Atmospheric Research shall be terminated.

15 (2) WEATHER RESEARCH.—Functions relating
 16 to weather research of the Office of Oceanic and At-
 17 mospheric Research shall be transferred to the Na-
 18 tional Weather Service.

19 (3) LABORATORIES.—(A) The laboratories of
 20 the Office of Oceanic and Atmospheric Research
 21 shall be transferred to the Commerce Programs Res-
 22 olution Agency.

23 (B) The Commerce Programs Resolution Agen-
 24 cy shall attempt to sell the property of the labora-
 25 tories of the Office of Oceanic and Atmospheric Re-

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

7 (C) If no offer to purchase property under sub-
8 paragraph (B) is received within the 18-month pe-
9 riod described in such subparagraph, the Commerce
10 Programs Resolution Agency shall transfer the re-
11 maining laboratories to the Department of the Inte-
12 rior, which shall submit a report to the Congress
13 containing recommendations on the appropriate dis-
14 position of the property and functions of such lab-
15 oratories.

16 (k) NAUTICAL AND AERONAUTICAL CHARTING.—

17 (1) IN GENERAL.—The nautical and aero-
18 nautical charting functions of the National Oceanic
19 and Atmospheric Administration shall be transferred
20 to the Defense Mapping Agency.

21 (2) DEFENSE MAPPING AGENCY.—The Defense
22 Mapping Agency shall terminate any functions
23 transferred to it under paragraph (1) that are per-
24 formed by the private sector.

25 (l) NESDIS.—

1 (1) NATIONAL ENVIRONMENTAL SATELLITE,
2 DATA, AND INFORMATION SYSTEM DATA CENTERS.—

3 (A) The National Environmental Satellite, Data,
4 and Information System Data Centers shall be
5 transferred to the Commerce Programs Resolution
6 Agency.

7 (B) The Commerce Programs Resolution Agen-
8 cy shall attempt to sell the property of the National
9 Environmental Satellite, Data, and Information Sys-
10 tem Data Centers, within 18 months after the effec-
11 tive date specified in section 213(a), to a private sec-
12 tor entity intending to perform substantially the
13 same functions as were performed by the National
14 Environmental Satellite, Data, and Information Sys-
15 tem Data Centers immediately before such effective
16 date.

17 (C) If no offer to purchase property under sub-
18 paragraph (B) is received within the 18-month pe-
19 riod described in such subparagraph, the Commerce
20 Programs Resolution Agency shall submit a report
21 to the Congress containing recommendations on the
22 appropriate disposition of the property and functions
23 of the National Environmental Satellite, Data, and
24 Information System Data Centers.

1 (2) WEATHER SATELLITES.—Functions related
 2 to weather satellites of the National Environmental
 3 Satellite, Data, and Information System shall be
 4 transferred to the National Weather Service.

5 (m) NATIONAL WEATHER SERVICE.—

6 (1) IN GENERAL.—The National Weather Serv-
 7 ice is hereby transferred to the Department of the
 8 Interior.

9 (2) TERMINATION OF SERVICES.—(A) The Na-
 10 tional Weather Service shall terminate its specialized
 11 agricultural, Marine Radiofax, and forestry weather
 12 services, and its Regional Climate Centers.

13 (B) The National Weather Service may termi-
 14 nate any other specialized weather services not re-
 15 quired by law to be performed.

16 (n) NATIONAL MARINE FISHERIES SERVICE.—

17 (1) TRANSFER OF ENFORCEMENT FUNC-
 18 TIONS.—There are transferred to the Secretary of
 19 Transportation all functions relating to law enforce-
 20 ment that on the day before the effective date of this
 21 section were authorized to be performed by the Na-
 22 tional Marine Fisheries Service.

23 (2) TRANSFER OF SCIENCE FUNCTIONS.—There
 24 are transferred to the Director of the United States
 25 Fish and Wildlife Service all functions relating to

1 science that on the day before the effective date of
 2 this section were authorized to be performed by the
 3 National Marine Fisheries Service.

4 (3) TRANSFER OF SEAFOOD INSPECTION FUNC-
 5 TIONS.—There are transferred to the Secretary of
 6 Agriculture all functions relating to seafood inspec-
 7 tion that on the day before the effective date of this
 8 section were authorized to be performed by the Na-
 9 tional Marine Fisheries Service.

10 (o) NATIONAL OCEAN SERVICE.—

11 (1) TRANSFER OF GEODESY FUNCTIONS.—
 12 There are transferred to the Director of the United
 13 States Geological Survey all functions relating to ge-
 14 odesy that on the day before the effective date of
 15 this section were authorized to be performed by the
 16 National Ocean Service.

17 (2) TRANSFER OF MARINE AND ESTUARINE
 18 SANCTUARY FUNCTIONS.—There are transferred to
 19 the Secretary of the Interior all functions relating to
 20 marine and estuarine sanctuaries that on the day
 21 before the effective date of this section were author-
 22 ized to be performed by the National Ocean Service.

23 (p) ENVIRONMENTAL RESEARCH LABORATORIES.—

24 (1) TRANSFER.—The environmental research
 25 laboratories of the National Oceanic and Atmos-

1 pheric Administration (other than laboratories of the
2 Office of Oceanic and Atmospheric Research, re-
3 ferred to in subsection (j)) shall be transferred to
4 the Commerce Programs Resolution Agency.

5 (2) DISPOSAL.—The Commerce Programs Res-
6 olution Agency shall attempt to sell the property of
7 the laboratories transferred under paragraph (1),
8 within 18 months after the effective date specified in
9 section 213(a), to a private sector entity intending
10 to perform substantially the same functions as were
11 performed by the laboratories before such effective
12 date.

13 (3) REPORT.—If no offer to purchase property
14 under paragraph (2) is received within the 18-month
15 period described in such paragraph, the Commerce
16 Programs Resolution Agency shall submit a report
17 to the Congress containing recommendations on the
18 appropriate disposition of the property and functions
19 of the laboratories transferred under paragraph (1).

20 **SEC. 212. MISCELLANEOUS ABOLISHMENTS.**

21 The following agencies and programs of the Depart-
22 ment of Commerce are abolished, and the functions of
23 those agencies or programs are abolished except to the ex-
24 tent otherwise provided in this Act:

25 (1) The Economic Development Administration.

1 (2) The Minority Business Development Admin-
2 istration.

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

5 (4) The National Telecommunications and In-
6 formation Administration.

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

10 (6) The Manufacturing Extension Programs
11 under sections 25 and 26 of the National Institute
12 of Standards and Technology Act (15 U.S.C. 278k
13 and 278l).

14 **SEC. 213. EFFECTIVE DATE.**

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

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

21 (1) Section 201.

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

23 (3) Section 212.

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

2 It is the sense of the Congress that the head of each
 3 agency that performs a function vested in the agency by
 4 this Act should, wherever feasible, explore and implement
 5 user fees for the provision of services in the performance
 6 of that function, to offset operating costs.

7 **TITLE III—MISCELLANEOUS**
 8 **PROVISIONS**

9 **SEC. 301. REFERENCES.**

10 Any reference in any other Federal law, Executive
 11 order, rule, regulation, or delegation of authority, or any
 12 document of or pertaining to an office from which a func-
 13 tion is transferred by this Act—

14 (1) to the Secretary of Commerce or an officer
 15 of the Department of Commerce, is deemed to refer
 16 to the head of the department or office to which
 17 such function is transferred; or

18 (2) to the Department of Commerce or an
 19 agency in the department of Commerce is deemed to
 20 refer to the department or office to which such func-
 21 tion is transferred.

22 **SEC. 302. EXERCISE OF AUTHORITIES.**

23 Except as otherwise provided by law, a Federal offi-
 24 cial to whom a function is transferred by this Act may,
 25 for purposes of performing the function, exercise all au-
 26 thorities under any other provision of law that were avail-

1 able with respect to the performance of that function to
2 the official responsible for the performance of the function
3 immediately before the effective date of the transfer of the
4 function under this Act.

5 **SEC. 303. SAVINGS PROVISIONS.**

6 (a) **LEGAL DOCUMENTS.**—All orders, determinations,
7 rules, regulations, permits, grants, loans, contracts, agree-
8 ments, certificates, licenses, and privileges—

9 (1) that have been issued, made, granted, or al-
10 lowed to become effective by the President, the Sec-
11 retary of Commerce, any officer or employee of any
12 office transferred by this Act, or any other Govern-
13 ment official, or by a court of competent jurisdic-
14 tion, in the performance of any function that is
15 transferred by this Act, and

16 (2) that are in effect on the effective date of
17 such transfer (or become effective after such date
18 pursuant to their terms as in effect on such effective
19 date),

20 shall continue in effect according to their terms until
21 modified, terminated, superseded, set aside, or revoked in
22 accordance with law by the President, any other author-
23 ized official, a court of competent jurisdiction, or operation
24 of law.

1 (b) PROCEEDINGS.—This Act shall not affect any
2 proceedings or any application for any benefits, service,
3 license, permit, certificate, or financial assistance pending
4 on the date of the enactment of this Act before an office
5 transferred by this Act, but such proceedings and applica-
6 tions shall be continued. Orders shall be issued in such
7 proceedings, appeals shall be taken therefrom, and pay-
8 ments shall be made pursuant to such orders, as if this
9 Act had not been enacted, and orders issued in any such
10 proceeding shall continue in effect until modified, termi-
11 nated, superseded, or revoked by a duly authorized official,
12 by a court of competent jurisdiction, or by operation of
13 law. Nothing in this subsection shall be considered to pro-
14 hibit the discontinuance or modification of any such pro-
15 ceeding under the same terms and conditions and to the
16 same extent that such proceeding could have been discon-
17 tinued or modified if this Act had not been enacted.

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

23 (d) NONABATEMENT OF ACTIONS.—No suit, action,
24 or other proceeding commenced by or against the Depart-
25 ment of Commerce or the Secretary of Commerce, or by

1 or against any individual in the official capacity of such
2 individual as an officer or employee of an office trans-
3 ferred by this Act, shall abate by reason of the enactment
4 of this Act.

5 (e) CONTINUANCE OF SUITS.—If any officer of the
6 Department of Commerce or the Commerce Programs
7 Resolution Agency in the official capacity of such officer
8 is party to a suit with respect to a function of the officer,
9 and under this Act such function is transferred to any
10 other officer or office, then such suit shall be continued
11 with the other officer or the head of such other office, as
12 applicable, substituted or added as a party.

13 **SEC. 304. TRANSFER OF ASSETS.**

14 Except as otherwise provided in this Act, so much
15 of the personnel, property, records, and unexpended bal-
16 ances of appropriations, allocations, and other funds em-
17 ployed, used, held, available, or to be made available in
18 connection with a function transferred to an official or
19 agency by this Act shall be available to the official or the
20 head of that agency, respectively, at such time or times
21 as the Director of the Office of Management and Budget
22 directs for use in connection with the functions trans-
23 ferred.

1 **SEC. 305. DELEGATION AND ASSIGNMENT.**

2 Except as otherwise expressly prohibited by law or
3 otherwise provided in this Act, an official to whom func-
4 tions are transferred under this Act (including the head
5 of any office to which functions are transferred under this
6 Act) may delegate any of the functions so transferred to
7 such officers and employees of the office of the official as
8 the official may designate, and may authorize successive
9 redelegations of such functions as may be necessary or ap-
10 propriate. No delegation of functions under this section
11 or under any other provision of this Act shall relieve the
12 official to whom a function is transferred under this Act
13 of responsibility for the administration of the function.

14 **SEC. 306. AUTHORITY OF ADMINISTRATOR WITH RESPECT**
15 **TO FUNCTIONS TRANSFERRED.**

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

19 (b) INCIDENTAL TRANSFERS.—The Administrator,
20 at such time or times as the Administrator shall provide,
21 may make such determinations as may be necessary with
22 regard to the functions transferred by this Act, and to
23 make such additional incidental dispositions of personnel,
24 assets, liabilities, grants, contracts, property, records, and
25 unexpended balances of appropriations, authorizations, al-
26 locations, and other funds held, used, arising from, avail-

1 able to, or to be made available in connection with such
2 functions, as may be necessary to carry out the provisions
3 of this Act. The Administrator shall provide for the termi-
4 nation of the affairs of all entities terminated by this Act
5 and for such further measures and dispositions as may
6 be necessary to effectuate the purposes of this Act.

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

8 Not later than 1 year after the date of enactment
9 of this Act, the Director of the Office of Management and
10 Budget shall submit to the Congress a description of any
11 changes in Federal law necessary to reflect abolishments,
12 transfers, terminations, and disposals under this Act.

13 **SEC. 308. CERTAIN VESTING OF FUNCTIONS CONSIDERED**
14 **TRANSFERS.**

15 For purposes of this Act, the vesting of a function
16 in a department or office pursuant to reestablishment of
17 an office shall be considered to be the transfer of the func-
18 tion.

19 **SEC. 309. DEFINITIONS.**

20 For purposes of this Act, the following definitions
21 apply:

22 (1) **ADMINISTRATOR.**—The term “Adminis-
23 trator” means the Administrator of the Commerce
24 Programs Resolution Agency.

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

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

6 (4) OFFICE.—The term “office” includes any
7 office, administration, agency, bureau, institute,
8 council, unit, organizational entity, or component
9 thereof.

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

14 **SEC. 310. LIMITATION ON ANNUAL EXPENDITURES FOR**
15 **CONTINUED FUNCTIONS.**

16 The amount expended by the United States each fis-
17 cal year for performance of a function which immediately
18 before the effective date of this section was authorized to
19 be performed by an agency, officer, or employee of the De-
20 partment of Commerce may not exceed 75 percent of the
21 total amount expended by the United States for perform-
22 ance of that function during fiscal year 1994.

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S 929 IS—3

S 929 IS—4

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