

Calendar No. 214

104TH CONGRESS
1ST SESSION

S. 929

[Report No. 104-164]

A BILL

To abolish the Department of Commerce.

OCTOBER 20 (legislative day, OCTOBER 18), 1995
Reported with an amendment

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[Report No. 104-164]

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

OCTOBER 20 (legislative day, OCTOBER 18), 1995

Reported by Mr. STEVENS, with an amendment

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

 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.

TITLE I—ABOLISHMENT OF DEPARTMENT OF COMMERCE

- Sec. 101. Reestablishment of Department as Commerce Programs Resolution Agency.
- Sec. 102. Functions.
- Sec. 103. Deputy Administrator.
- Sec. 104. Continuation of service of department officers.
- Sec. 105. Reorganization.
- Sec. 106. Abolishment of Commerce Programs Resolution Agency.
- Sec. 107. GAO report.
- Sec. 108. Conforming amendments.
- Sec. 109. Effective date.

TITLE II—DISPOSITION OF PARTICULAR PROGRAMS, FUNCTIONS, AND AGENCIES OF DEPARTMENT OF COMMERCE

- Sec. 201. Economic development.
- Sec. 202. Export control functions.
- Sec. 203. National security functions.
- Sec. 204. International trade functions.
- Sec. 205. Patent and Trademark Office.
- Sec. 206. Technology Administration.
- Sec. 207. Reorganization of the Bureau of the Census.
- Sec. 208. Reorganization of the Bureau of Economic Analysis.
- Sec. 209. Terminated functions of NTIA.
- Sec. 210. Transfer of spectrum management functions.
- Sec. 211. National Oceanic and Atmospheric Administration.
- Sec. 212. Miscellaneous abolishments.
- Sec. 213. Effective date.
- Sec. 214. Sense of Congress regarding user fees.

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. References.
- Sec. 302. Exercise of authorities.
- Sec. 303. Savings provisions.
- Sec. 304. Transfer of assets.
- 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) perform such functions as may be delegated
 11 by the Administrator.

12 **SEC. 104. CONTINUATION OF SERVICE OF DEPARTMENT OF**
 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 earlier of—

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

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

24 (b) CONTINUATION OF SERVICE OF OTHER OFFI-
 25 CERS.—An individual serving on the effective date speci-

1 filed in section 109(a) as an officer of the Department of
 2 Commerce other than the Secretary of Commerce may
 3 continue to serve and act in an equivalent capacity in the
 4 Agency until the earlier of—

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

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

12 (c) COMPENSATION FOR CONTINUED SERVICE.—Any
 13 person—

14 (1) who serves as the Administrator under sub-
 15 section (a), or

16 (2) who serves under subsection (b),

17 after the effective date specified in section 109(a) and be-
 18 fore the first appointment of a person as Administrator
 19 shall continue to be compensated for so serving at the rate
 20 at which such person was compensated before that effec-
 21 tive date.

22 **SEC. 105. REORGANIZATION.**

23 The Administrator may allocate or reallocate any
 24 function of the Agency pursuant to this Act among the
 25 officers of the Agency, and may establish, consolidate,

1 alter, or discontinue in the Commerce Programs Resolu-
2 tion Agency any organizational entities that were entities
3 of the Department of Commerce, as the Administrator
4 considers necessary or appropriate.

5 **SEC. 106. ABOLISHMENT OF COMMERCE PROGRAMS RESO-**
6 **LUTION AGENCY.**

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

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

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

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

1 **SEC. 107. GAO REPORT.**

2 Not later than 180 days after the date of enactment
3 of this Act, the Comptroller General of the United States
4 shall submit to the Congress a report that shall include
5 recommendations for the most efficient means of achiev-
6 ing, in accordance with this Act—

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

9 (2) the termination or transfer or other con-
10 tinuation of the functions of the Department of
11 Commerce.

12 **SEC. 108. CONFORMING AMENDMENTS.**

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

16 (b) **EXECUTIVE DEPARTMENTS.**—Section 101 of title
17 5, United States Code, is amended by striking the follow-
18 ing item:

19 “The Department of Commerce.”

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

23 “Secretary of Commerce.”

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

26 (1) by striking the following item:

1 “Under Secretary of Commerce, Under Sec-
2 retary of Commerce for Economic Affairs, Under
3 Secretary of Commerce for Export Administration
4 and Under Secretary of Commerce for Travel and
5 Tourism.”;

6 (2) by striking the following item:

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

11 (3) by striking the following item:

12 “Under Secretary of Commerce for Tech-
13 nology.”.

14 (e) COMPENSATION FOR POSITIONS AT LEVEL IV.—

15 Section 5315 of title 5, United States Code, is amended—

16 (1) by striking the following items:

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

18 (2) by striking the following item:

19 “General Counsel of the Department of Com-
20 merce.”;

21 (3) by striking the following item:

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

1 (4) by striking the following item:

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

4 (5) by striking the following item:

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

7 (6) by striking the following item:

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

10 (7) by striking the following item:

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

13 (f) COMPENSATION FOR POSITIONS AT LEVEL V.—

14 Section 5316 of title 5, United States Code, is amended—

15 (1) by striking the following item:

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

18 (2) by striking the following item:

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

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

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

25 (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 DEFENSE.—

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. App.
3 2414(a)), and the Department of Commerce, on the
4 day before the effective date specified in section
5 109(a), under the Export Administration Act of
6 1979 are transferred to the Secretary of Defense.

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

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

19 (c) ENFORCEMENT.—

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

1 ~~2412(c), (d), and (e))~~ are transferred to the Sec-
2 retary of the 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. App. 2407), and under all
20 other provisions of that Act to the extent that such provi-
21 sions apply to section 8, are transferred to the Attorney
22 General.

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

1 (1) ~~TERMINATION OF OFFICE.~~—The Office of
2 Foreign Availability established under section 5(f)(6)
3 of the Export Administration Act of 1979 (50
4 U.S.C. App. 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 of the Export Administration
2 Act of 1979 (50 U.S.C. App. 2414(a)) is amended
3 by striking subsection (a) and inserting the follow-
4 ing: “(a) [Reserved].”

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

7 **SEC. 203. NATIONAL SECURITY FUNCTIONS.**

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

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

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

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

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

1 (c) APPOINTMENT OF COMMITTEES OF INDUSTRY
2 REPRESENTATIVES.—The President should appoint com-
3 mittees composed of representatives of appropriate indus-
4 tries to advise the National Security Council with respect
5 to those matters affecting industry addressed by the Sec-
6 retary of Commerce to the National Security Council be-
7 fore the effective date specified in section 109(a).

8 **SEC. 204. INTERNATIONAL TRADE FUNCTIONS.**

9 (a) TARIFF ACT OF 1930; URUGUAY ROUND AGREE-
10 MENTS ACT.—

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

21 (2) CONFORMING AMENDMENT.—Section
22 771(1) of the Tariff Act of 1930 (19 U.S.C.
23 1677(1)) is amended by striking “Secretary of Com-
24 merce” and inserting “United States Trade Rep-
25 resentative”.

1 (b) FOREIGN TRADE ZONES BOARD.—Subsection (b)
2 of the first section of the Act of June 18, 1934 (commonly
3 known as the “Foreign Trade Zones Act”) (48 Stat. 999,
4 chapter 590; 19 U.S.C. 81a(b)) is amended by striking
5 “Secretary of Commerce, who shall be chairman and execu-
6 tive officer of the Board, the Secretary of the Treasury”
7 and inserting “Secretary of the Treasury, who shall be
8 chairman and executive officer of the Board, the United
9 States Trade Representative”.

10 (c) UNITED STATES AND FOREIGN COMMERCIAL
11 SERVICE.—

12 (1) RENAMING AND ABOLITION OF CERTAIN
13 FUNCTIONS.—The United States and Foreign Com-
14 mercial Service shall, upon the effective date speci-
15 fied in section 109(a), be known as the “United
16 States Foreign Commercial Service” (hereafter in
17 this subsection referred to as the “Commercial Serv-
18 ice”). All operations of the Commercial Service in
19 the United States (other than those performed at
20 the headquarters office referred to in section
21 2301(c) of the Export Enhancement Act of 1988
22 (15 U.S.C. 4721(c)) with respect to the foreign op-
23 erations of the Commercial Service) are abolished.

24 (2) TRANSFER TO USTR.—The Commercial
25 Service and its functions are transferred to the

1 United States Trade Representative. All functions
2 performed immediately before the effective date
3 specified in section 109(a) by the Secretary of Com-
4 merce or the Department of Commerce with respect
5 to the Commercial Service are transferred to the
6 United States Trade Representative.

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

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

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

1 ual was compensated immediately before the effec-
2 tive date specified in section 109(a).

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

10 ~~(d) EXPORT PROMOTION PROGRAMS.—~~

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

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

1 representative under such program to pay for such serv-
2 ices.

3 ~~(e) TRADE INFORMATION.—All functions of the Sec-~~
4 retary of Commerce under the International Investment
5 and Trade in Services Survey Act (22 U.S.C. 3101 et seq.)
6 are transferred to the Secretary of the Treasury.

7 ~~(f) INTERNATIONAL ECONOMIC POLICY.—All func-~~
8 tions performed by the Assistant Secretary of Commerce
9 for International Economic Policy and the Office of Inter-
10 national Economic Policy of the Department of Commerce
11 immediately before the effective date specified in section
12 109(a) are abolished.

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

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

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

1 effective date specified in section 109(a), and
2 not specified in paragraphs (2) through (4), are
3 transferred to the United States Trade Rep-
4 resentative.

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

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

1 (D) All functions related to monitoring
2 quota utilization and enforcement, and actions
3 to address the circumvention of quotas, as de-
4 scribed in the statement of administrative ac-
5 tion accompanying the Uruguay Round Agree-
6 ments (as defined in section 2 of the Uruguay
7 Round Agreements Act (19 U.S.C. 3501)), are
8 transferred to the Secretary of the Treasury.

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

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

14 (i) OTHER TRADE FUNCTIONS.—

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

23 (2) EXPORT TRADING COMPANIES.—(A) The
24 functions of the Secretary of Commerce under the
25 Export Trading Company Act of 1982 (15 U.S.C.

1 4001 through 4003), and the Office of Export Trade
2 established under section 104 of that Act, are abol-
3 ished.

4 (B) The functions of the Secretary of Com-
5 merce under title III of the Act of October 8, 1982
6 (15 U.S.C. 4011 et seq.), are transferred to the Sec-
7 retary of the Treasury.

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

11 (ii) The section heading for section 301 of the
12 Export Trading Company Act of 1982 (15 U.S.C.
13 4011), is amended by striking “COMMERCE” and in-
14 serting “TREASURY”.

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

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

25 (k) GIFTS AND BEQUESTS.—

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

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

23 (3) ~~INVESTMENT.~~—The Secretary of the Treas-
24 ury may invest and reinvest in securities of the
25 United States or in securities guaranteed as to prin-

1 cipal and interest by the United States any moneys
2 contained in the fund provided for in subsection (a).
3 Income accruing from such securities, and from any
4 other property held by the Secretary of State, the
5 Secretary of the Treasury, or the United States
6 Trade Representative pursuant to subsection (a),
7 shall be deposited to the credit of the fund, and shall
8 be disbursed upon order of the Secretary of State,
9 the Secretary of the Treasury, or the United States
10 Trade Representative.

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

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

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

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

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

1 ~~(2) all functions which, immediately before such~~
2 ~~date, are functions of the Secretary of Commerce~~
3 ~~under title 35, United States Code, or any other~~
4 ~~provision of law with respect to the functions of the~~
5 ~~Patent and Trademark Office, are transferred to the~~
6 ~~Attorney General.~~

7 ~~(b) FUNDING.—~~

8 ~~(1) COSTS PAID FROM FEES.—All costs of the~~
9 ~~activities of the Patent and Trademark Office shall~~
10 ~~be paid from fees paid to the Office under title 35,~~
11 ~~United States Code, the Act of July 5, 1946 (com-~~
12 ~~monly known as the “Trademark Act of 1946”) (60~~
13 ~~Stat. 427 et seq., chapter 540; 15 U.S.C. 1051 et~~
14 ~~seq.); section 10101 of the Omnibus Budget Rec-~~
15 ~~onciliation Act of 1990 (35 U.S.C. 41 note), or other~~
16 ~~provision of law.~~

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

22 ~~(B) Section 10101(b)(2)(B) of the Omnibus~~
23 ~~Budget Reconciliation Act of 1990 (35 U.S.C. 41~~
24 ~~note) is amended by striking “to the extent provided~~

1 in appropriation Acts” and inserting “without ap-
2 propriation”.

3 (c) ADJUSTMENT OF FEES.—Section 41(f) of title
4 31, United States Code, is amended to read as follows:

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

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

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

24 (f) TECHNICAL AND CONFORMING AMENDMENTS.—

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

3 **“§ 1. Establishment**

4 “The Patent and Trademark Office is an agency of
5 the United States within the Department of Justice, where
6 records, books, drawings, specifications, and other papers
7 and things pertaining to patents and trademark registra-
8 tions shall be kept and preserved, except as otherwise pro-
9 vided by law.”.

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

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

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

17 “Commissioner of Patents, Department of
18 Commerce.”

19 and inserting

20 “Commissioner of Patents and Trademarks.”.

21 **SEC. 206. TECHNOLOGY ADMINISTRATION.**

22 (a) TECHNOLOGY ADMINISTRATION.—

23 (1) GENERAL RULE.—Except as otherwise pro-
24 vided in this section, the Technology Administration

1 shall be terminated on the effective date specified in
2 section 213(a).

3 ~~(2) OFFICE OF TECHNOLOGY POLICY.—The Of-~~
4 ~~ice of Technology Policy is hereby terminated.~~

5 ~~(b) NATIONAL INSTITUTE OF STANDARDS AND~~
6 ~~TECHNOLOGY.—~~

7 ~~(1) GENERAL RULE.—Except as otherwise pro-~~
8 ~~vided in this subsection, the National Institute of~~
9 ~~Standards and Technology (in this subsection re-~~
10 ~~ferred to as the “Institute”) shall be transferred to~~
11 ~~the National Science Foundation.~~

12 ~~(2) FUNCTIONS OF DIRECTOR.—Except as oth-~~
13 ~~erwise provided in this subsection, upon the transfer~~
14 ~~under paragraph (1), the Director of the Institute~~
15 ~~shall perform all functions relating to the Institute~~
16 ~~that, immediately before the effective date specified~~
17 ~~in section 213(a), were functions of the Secretary of~~
18 ~~Commerce or the Under Secretary of Commerce for~~
19 ~~Technology, including the administration of section~~
20 ~~17 of the Stevenson-Wydler Technology Innovation~~
21 ~~Act of 1980 (15 U.S.C. 3711a).~~

22 ~~(3) LABORATORIES.—(A) The laboratories of~~
23 ~~the Institute shall be transferred to the Commerce~~
24 ~~Programs Resolution Agency.~~

1 ~~(B)~~ The Commerce Programs Resolution Agen-
2 cy shall attempt to sell the property of the labora-
3 tories of the Institute, within 18 months after the
4 effective date specified in section 213(a), to a private
5 sector entity intending to perform substantially the
6 same functions as were performed by the labora-
7 tories of the Institute immediately before such effec-
8 tive date.

9 ~~(C)~~ If no offer to purchase property under sub-
10 paragraph ~~(B)~~ is received within the 18-month pe-
11 riod described in such subparagraph, the Commerce
12 Programs Resolution Agency shall submit a report
13 to the Congress containing recommendations on the
14 appropriate disposition of the property and functions
15 of the laboratories of the Institute.

16 ~~(c)~~ NATIONAL TECHNICAL INFORMATION SERV-
17 ICE.—

18 ~~(1)~~ SALE OF PROPERTY.—The Commerce Pro-
19 grams Resolution Agency shall attempt to sell the
20 property of the National Technical Information
21 Service, within 18 months after the effective date
22 specified in section 213(a), to a private sector entity
23 intending to perform substantially the same func-
24 tions as were performed by the National Technical

1 Information Service immediately before such effective date.
2

3 ~~(2) RECOMMENDATIONS.—If no offer to purchase property under paragraph (1) is received within the 18-month period described in such paragraph,~~
4 ~~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 National Technical Information Service.~~
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11 ~~(3) FUNDING.—No Federal funds may be appropriated for the National Technical Information Service for any fiscal year after fiscal year 1995.~~
12
13

14 ~~(d) AMENDMENTS.—~~

15 ~~(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—~~
16
17
18

19 ~~(A) in section 2—~~

20 ~~(i) in subsection (b)—~~

21 ~~(I) by striking paragraph (1);~~

22 ~~and~~

23 ~~(II) by redesignating paragraphs~~
24 ~~(2) through (11) as paragraphs (1)~~
25 ~~through (10), respectively; and~~

1 (ii) in subsection (d), by striking “,
2 including the programs established under
3 sections 25, 26, and 28 of this Act”;

4 (B) in section 10, by striking “Advanced”
5 in both the section heading and subsection (a),
6 and inserting in lieu thereof “Standards and”;
7 and

8 (C) by striking sections 24, 25, 26, and
9 28.

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

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

17 (B) in section 4, by striking paragraphs
18 (1), (4), and (13) and redesignating paragraphs
19 (2), (3), (5), (6), (7), (8), (9), (10), (11), and
20 (12) as paragraphs (1) through (10), respec-
21 tively;

22 (C) by striking sections 5, 6, 7, 8, 9, and
23 10;

24 (D) in section 11—

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

4 (ii) in subsection (d)—

5 (I) in paragraph (2), by striking
6 “and the Federal Laboratory Consor-
7 tium for Technology Transfer”; and

8 (II) in paragraph (3), by striking
9 “and refer such requests” and all
10 that follows through “available to the
11 Service”; and

12 (iii) by striking subsection (e); and

13 (E) in section 17—

14 (i) in subsection (c)—

15 (I) in paragraph (1), by striking
16 “Subject to paragraph (2), separate”
17 and inserting “Separate”;

18 (II) by striking paragraph (2);
19 and

20 (III) by redesignating paragraph
21 (3) as paragraph (2); and

22 (ii) in subsection (f), by inserting “ad-
23 ministrative” after “funds to carry out”.

1 **SEC. 207. REORGANIZATION OF THE BUREAU OF THE**
2 **CENSUS.**

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

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

7 (2) all functions which, immediately before such
8 date, are functions of the Secretary of Commerce
9 under title 13, United States Code, shall be trans-
10 ferred to the Secretary of the Treasury.

11 (b) **INTERIM SERVICE.**—The individual serving as the
12 Director of the Census immediately before the reorganiza-
13 tion under this section takes effect may continue serving
14 in that capacity until a successor has taken office. Com-
15 pensation for any service under this subsection shall be
16 at the rate at which such individual was compensated im-
17 mediately before the effective date of the reorganization.

18 (c) **SENSE OF THE CONGRESS.**—It is the sense of the
19 Congress that the Bureau of the Census should—

20 (1) make appropriate use of any authority af-
21 forded to it by the Census Address List Improve-
22 ment Act of 1994 (Public Law 103–430; 108 Stat.
23 4393), and take measures to ensure the timely im-
24 plementation of such Act; and

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

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

3 (1) TRANSFER OF THE BUREAU TO THE DE-
4 PARTMENT OF THE TREASURY.—(A) Section 2 of
5 title 13, United States Code, is amended by striking
6 “is continued as” and all that follows through the
7 period and inserting “is an agency within, and under
8 the jurisdiction of, the Department of the Treas-
9 ury.”.

10 (B) Section 12 of the Act of February 14, 1903
11 (32 Stat. 830, chapter 552; 15 U.S.C. 1511) is
12 amended by striking subsection (e) and redesignat-
13 ing subsections (f) and (g) as subsections (e) and
14 (f), respectively.

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

19 (3) REFERENCES IN TITLE 13, UNITED STATES
20 CODE, TO THE DEPARTMENT OF COMMERCE.—Title
21 13, United States Code, is amended in sections 4,
22 9(a), 23(b), 24(c), 44, 103, 132, 211, 213(b)(2),
23 221, 222, 223, 224, 225(a), and 241 by striking
24 “Department of Commerce” each place it appears
25 and inserting “Department of the Treasury”.

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

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

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

10 (i) by striking “Secretary of the Treasury”
11 each place it appears and inserting “Secretary”;
12 and

13 (ii) by striking “Secretary of Commerce”
14 and inserting “Secretary”.

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

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

19 (II) by striking “Secretary of Commerce”
20 and inserting “Secretary”.

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

1 ~~(5) COMPENSATION FOR THE POSITION OF DI-~~
2 ~~RECTOR OF THE CENSUS.—Section 5315 of title 5,~~
3 ~~United States Code, as amended by paragraph (7)~~
4 ~~of section 108(e), is further amended by inserting~~
5 ~~(in lieu of the item struck by such paragraph) the~~
6 ~~following new item:~~

7 ~~“Director of the Census, Department of the~~
8 ~~Treasury.”.~~

9 ~~(6) CONFIDENTIALITY.—Section 9 of title 13,~~
10 ~~United States Code, is amended by adding at the~~
11 ~~end the following new subsection:~~

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

21 ~~“(2) Paragraph (1) shall not apply with respect to~~
22 ~~any disclosure made to the Secretary.”.~~

23 ~~(e) RULE OF CONSTRUCTION.—For purposes of title~~
24 ~~III, the reorganization of the Bureau of the Census under~~

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

3 **SEC. 208. REORGANIZATION OF THE BUREAU OF ECO-**
4 **NOMIC ANALYSIS.**

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

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

9 (2) all functions which, immediately before such
10 date, are functions of the Secretary of Commerce
11 with respect to the Bureau of Economic Analysis
12 shall be transferred to the Chairman of the Board
13 of Governors of the Federal Reserve System.

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

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

1 (1) the availability of any private sector re-
2 sources that may be capable of performing any or all
3 of the functions of the Bureau of Economic Analy-
4 sis, and the feasibility of having any such functions
5 so performed; and

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

13 (d) **RULE OF CONSTRUCTION.**—For purposes of title
14 III, the reorganization of the Bureau of Economic Analy-
15 sis under this section shall be treated as if it involved a
16 transfer of functions from one office to another.

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

18 The following provisions of law are repealed:

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

23 (2) Subpart B of part IV of title III of the
24 Communications Act of 1934 (47 U.S.C. 394 et

1 seq.); relating to the Endowment for Children's
2 Educational Television.

3 (3) Subpart C of part IV of title III of the
4 Communications Act of 1934 (47 U.S.C. 395 et
5 seq.); relating to telecommunications demonstration
6 grants.

7 **SEC. 210. TRANSFER OF SPECTRUM MANAGEMENT FUNC-**
8 **TIONS.**

9 There are transferred to the Chairman of the Federal
10 Communications Commission all functions of the Sec-
11 retary of Commerce, the Assistant Secretary of Commerce
12 for Communications and Information, and the National
13 Telecommunications and Information Administration
14 under parts A and B of the National Telecommunication
15 and Information Administration Organization Act.

16 **SEC. 211. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
17 **ISTRATION.**

18 (a) **TERMINATION OF AUTHORITY TO MAKE FISH-**
19 **ERIES GRANTS.**—No financial assistance may be provided
20 under any of the following laws, except to the extent the
21 provision of that assistance is a contractual obligation of
22 the United States on the day before the effective date of
23 this section:

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

4 (2) Section 1 of the Act entitled “An Act to au-
5 thorize addition of certain donated lands to the Ev-
6 erglades National Park”, approved September 2,
7 1960 (16 U.S.C. 753a).

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

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

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

19 (6) The Interjurisdictional Fisheries Act of
20 1986 (16 U.S.C. 4101 et seq.).

21 (7) Provisions of the Fish and Wildlife Act of
22 1956 and the Department of Commerce Appropria-
23 tion Act of 1994 that authorize assistance to State
24 for a cooperative State and Federal partnership to
25 provide a continuing source of fisheries statistics to

1 support fisheries management in the States' terri-
2 torial waters and the United States exclusive eco-
3 nomic zone.

4 (8) Provisions of the Fish and Wildlife Act of
5 1956 and the Department of Commerce Appropria-
6 tion Act of 1994 that authorize assistance to States
7 for a cooperative program that engages State and
8 Federal agencies in the coordinated collection, man-
9 agement, and dissemination of fishery-independent
10 information on marine fisheries in support of State
11 territorial waters and the United States exclusive
12 economic zone fisheries management programs.

13 (9) Provisions of the Act of May 11, 1938, pop-
14 ularly known as the "Mitchell Act" (52 Stat. 345 et
15 seq., chapter 193; 16 U.S.C. 755 et seq.), and the
16 Department of Commerce Appropriation Act of 1994
17 that authorize assistance to State fisheries agencies
18 in the Pacific Northwest to protect and enhance
19 salmon and steelhead resources in the region.

20 (10) Provisions of the Pacific Salmon Treaty
21 Act of 1985 (16 U.S.C. 3631 et seq.) and the De-
22 partment of Commerce Appropriation Act of 1994
23 that authorize assistance to States in fulfilling re-
24 sponsibilities under the Pacific Salmon Treaty by
25 providing administrative, management, and applied

1 research support to the States to meet the needs of
2 the Pacific Salmon Commission and international
3 commitments under the treaty.

4 (11) Provisions of titles I and II of the Marine
5 Mammal Protection Act of 1972 (16 U.S.C. 1371–
6 1384) and the Department of Commerce Appropria-
7 tion Act of 1994 which authorize assistance to State
8 agencies for the collection and analysis of informa-
9 tion on marine mammals that occur in the State wa-
10 ters and interact with State managed fisheries.

11 (12) 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—

15 (A) authorize assistance to States to assist
16 in fulfilling Federal responsibilities under the
17 Pacific Salmon Treaty by restoring Southeast
18 Alaska salmon harvests limited by the treaty
19 and by restoring salmon stocks as quickly as
20 possible; and

21 (B) help implement a 1989 “Understand-
22 ing between the United States and Canadian
23 Sections of the Pacific Salmon Commission
24 Concerning Joint Enhancement of
25 Transboundary River Salmon Stocks”.

1 (b) TERMINATION OF FISHERIES TRADE PROMOTION
2 PROGRAM.—Section 211 of the Salmon and Steelhead
3 Conservation and Enhancement Act of 1980 (15 U.S.C.
4 1511b) is repealed.

5 (c) CONFORMING AMENDMENT TO TERMINATE
6 FISHERIES PROMOTION AND DEVELOPMENT TRANSFERS
7 AND FUNDS.—

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

13 (2) REVERSION.—Amounts remaining, on the
14 effective date of this section, in the funds established
15 under section 2(b) of the Act of August 11, 1939,
16 as in effect on the day before the date of enactment
17 of this Act, that are not required for the provision
18 of financial assistance that is not otherwise termi-
19 nated by this section shall revert to the general fund
20 of the Treasury.

21 (d) TERMINATION OF AUTHORITY TO GUARANTEE
22 OBLIGATIONS FOR FISHING VESSEL AND FISHING FACIL-
23 ITY CONSTRUCTION, ETC.—No new guarantee of an obli-
24 gation or commitment to guarantee an obligation under
25 title XI of the Merchant Marine Act, 1936 (46 App.

1 U.S.C. 1271 et seq.) may be made under authority that
2 was vested in the Secretary of Commerce on the day be-
3 fore the effective date of this section (relating to obliga-
4 tions for fishing vessels or fishing facilities), except to the
5 extent the making of such a guarantee was a contractual
6 obligation of the United States on the day before that ef-
7 fective date.

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

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

22 (g) TERMINATION OF MISCELLANEOUS RESEARCH
23 FUNCTIONS.—The following functions, as vested in per-
24 sonnel of the National Oceanic and Atmospheric Adminis-

1 tration on the day before the effective date of this section,
2 are terminated:

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

5 (2) All functions relating to estuarine and
6 coastal assessment research.

7 ~~(h) TERMINATION OF NOAA CORPS.—~~

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

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

22 (3) ~~REPORT.—~~If no offer to purchase assets
23 under paragraph (2) is received within the 18-month
24 period described in such paragraph, the Commerce
25 Programs Resolution Agency shall submit a report

1 to the Congress containing recommendations on the
2 appropriate disposition of the assets and functions of
3 the National Oceanic and Atmospheric Administra-
4 tion Corps.

5 (i) DISPOSAL OF NOAA FLEET.—The Secretary of
6 the Interior—

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

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

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

16 (j) OFFICE OF OCEANIC AND ATMOSPHERIC RE-
17 SEARCH.—

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

21 (2) WEATHER RESEARCH.—Functions relating
22 to weather research of the Office of Oceanic and At-
23 mospheric Research shall be transferred to the Na-
24 tional Weather Service.

1 (3) LABORATORIES.—(A) The laboratories of
2 the Office of Oceanic and Atmospheric Research
3 shall be transferred to the Commerce Programs Res-
4 olution Agency.

5 (B) The Commerce Programs Resolution Agen-
6 cy shall attempt to sell the property of the labora-
7 tories of the Office of Oceanic and Atmospheric Re-
8 search, within 18 months after the effective date
9 specified in section 213(a), to a private sector entity
10 intending to perform substantially the same func-
11 tions as were performed by the laboratories of the
12 Office of Oceanic and Atmospheric Research imme-
13 diately before such effective date.

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

23 (k) NAUTICAL AND AERONAUTICAL CHARTING.—

24 (1) IN GENERAL.—The nautical and aeronauti-
25 cal charting functions of the National Oceanic and

1 Atmospheric Administration shall be transferred to
2 the Defense Mapping Agency.

3 ~~(2) DEFENSE MAPPING AGENCY.—~~The Defense
4 Mapping Agency shall terminate any functions
5 transferred to it under paragraph (1) that are per-
6 formed by the private sector.

7 ~~(f) NESDIS.—~~

8 ~~(1) NATIONAL ENVIRONMENTAL SATELLITE,~~
9 ~~DATA, AND INFORMATION SYSTEM DATA CENTERS.—~~

10 ~~(A) The National Environmental Satellite, Data,~~
11 ~~and Information System Data Centers shall be~~
12 ~~transferred to the Commerce Programs Resolution~~
13 ~~Agency.~~

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

24 ~~(C) If no offer to purchase property under sub-~~
25 ~~paragraph (B) is received within the 18-month pe-~~

1 riod described in such subparagraph, the Commerce
2 Programs Resolution Agency shall submit a report
3 to the Congress containing recommendations on the
4 appropriate disposition of the property and functions
5 of the National Environmental Satellite, Data, and
6 Information System Data Centers.

7 (2) WEATHER SATELLITES.—Functions related
8 to weather satellites of the National Environmental
9 Satellite, Data, and Information System shall be
10 transferred to the National Weather Service.

11 (m) NATIONAL WEATHER SERVICE.—

12 (1) IN GENERAL.—The National Weather Serv-
13 ice is hereby transferred to the Department of the
14 Interior.

15 (2) TERMINATION OF SERVICES.—(A) The Na-
16 tional Weather Service shall terminate its specialized
17 agricultural, Marine Radiifax, and forestry weather
18 services, and its Regional Climate Centers.

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

22 (n) NATIONAL MARINE FISHERIES SERVICE.—

23 (1) TRANSFER OF ENFORCEMENT FUNC-
24 TIONS.—There are transferred to the Secretary of
25 Transportation all functions relating to law enforce-

1 ment that on the day before the effective date of this
2 section were authorized to be performed by the Na-
3 tional Marine Fisheries Service.

4 (2) TRANSFER OF SCIENCE FUNCTIONS.—There
5 are transferred to the Director of the United States
6 Fish and Wildlife Service all functions relating to
7 science that on the day before the effective date of
8 this section were authorized to be performed by the
9 National Marine Fisheries Service.

10 (3) TRANSFER OF SEAFOOD INSPECTION FUNC-
11 TIONS.—There are transferred to the Secretary of
12 Agriculture all functions relating to seafood inspec-
13 tion that on the day before the effective date of this
14 section were authorized to be performed by the Na-
15 tional Marine Fisheries Service.

16 (6) NATIONAL OCEAN SERVICE.—

17 (1) TRANSFER OF GEODESY FUNCTIONS.—
18 There are transferred to the Director of the United
19 States Geological Survey all functions relating to ge-
20 odesy that on the day before the effective date of
21 this section were authorized to be performed by the
22 National Ocean Service.

23 (2) TRANSFER OF MARINE AND ESTUARINE
24 SANCTUARY FUNCTIONS.—There are transferred to
25 the Secretary of the Interior all functions relating to

1 marine and estuarine sanctuaries that on the day
2 before the effective date of this section were author-
3 ized to be performed by the National Ocean Service.

4 ~~(p)~~ ENVIRONMENTAL RESEARCH LABORATORIES.—

5 (1) TRANSFER.—The environmental research
6 laboratories of the National Oceanic and Atmos-
7 pheric Administration (other than laboratories of the
8 Office of Oceanic and Atmospheric Research, re-
9 ferred to in subsection (j)) shall be transferred to
10 the Commerce Programs Resolution Agency.

11 (2) DISPOSAL.—The Commerce Programs Res-
12 olution Agency shall attempt to sell the property of
13 the laboratories transferred under paragraph (1),
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 laboratories before such effective
18 date.

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

1 **SEC. 212. MISCELLANEOUS ABOLISHMENTS.**

2 The following agencies and programs of the Depart-
3 ment of Commerce are abolished, and the functions of
4 those agencies or programs are abolished except to the ex-
5 tent otherwise provided in this Act:

6 (1) The Economic Development Administration.

7 (2) The Minority Business Development Admin-
8 istration.

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

11 (4) The National Telecommunications and In-
12 formation Administration.

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

16 (6) The Manufacturing Extension Programs
17 under sections 25 and 26 of the National Institute
18 of Standards and Technology Act (15 U.S.C. 278k
19 and 278l).

20 **SEC. 213. EFFECTIVE DATE.**

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

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

1 (1) Section 201.

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

3 (3) Section 212.

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

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

10 **TITLE III—MISCELLANEOUS**
11 **PROVISIONS**

12 **SEC. 301. REFERENCES.**

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

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

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

1 **SEC. 302. EXERCISE OF AUTHORITIES.**

2 Except as otherwise provided by law, a Federal offi-
3 cial to whom a function is transferred by this Act may,
4 for purposes of performing the function, exercise all au-
5 thorities under any other provision of law that were avail-
6 able with respect to the performance of that function to
7 the official responsible for the performance of the function
8 immediately before the effective date of the transfer of the
9 function under this Act.

10 **SEC. 303. SAVINGS PROVISIONS.**

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

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

21 (2) that are in effect on the effective date of
22 such transfer (or become effective after such date
23 pursuant to their terms as in effect on such effective
24 date),

25 shall continue in effect according to their terms until
26 modified, terminated, superseded, set aside, or revoked in

1 accordance with law by the President, any other author-
2 ized official, a court of competent jurisdiction, or operation
3 of law.

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

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

1 (d) NONABATEMENT OF ACTIONS.—No suit, action,
2 or other proceeding commenced by or against the Depart-
3 ment of Commerce or the Secretary of Commerce, or by
4 or against any individual in the official capacity of such
5 individual as an officer or employee of an office trans-
6 ferred by this Act, shall abate by reason of the enactment
7 of this Act.

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

16 **SEC. 304. TRANSFER OF ASSETS.**

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

1 directs for use in connection with the functions trans-
2 ferred.

3 **SEC. 305. DELEGATION AND ASSIGNMENT.**

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

16 **SEC. 306. AUTHORITY OF ADMINISTRATOR WITH RESPECT**
17 **TO FUNCTIONS TRANSFERRED.**

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

21 (b) INCIDENTAL TRANSFERS.—The Administrator,
22 at such time or times as the Administrator shall provide,
23 may make such determinations as may be necessary with
24 regard to the functions transferred by this Act, and to
25 make such additional incidental dispositions of personnel,

1 assets, liabilities, grants, contracts, property, records, and
2 unexpended balances of appropriations, authorizations, al-
3 locations, and other funds held, used, arising from, avail-
4 able to, or to be made available in connection with such
5 functions, as may be necessary to carry out the provisions
6 of this Act. The Administrator shall provide for the termi-
7 nation of the affairs of all entities terminated by this Act
8 and for such further measures and dispositions as may
9 be necessary to effectuate the purposes of this Act.

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

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

16 **SEC. 308. CERTAIN VESTING OF FUNCTIONS CONSIDERED**
17 **TRANSFERS.**

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

22 **SEC. 309. DEFINITIONS.**

23 For purposes of this Act, the following definitions
24 apply:

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

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

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

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

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

17 **SEC. 310. LIMITATION ON ANNUAL EXPENDITURES FOR**
18 **CONTINUED FUNCTIONS.**

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

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Commerce Department*
 3 *Termination and Government Reorganization Act of 1995”.*

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—GENERAL PROVISIONS

Sec. 101. Findings.

Sec. 102. Purposes.

Sec. 103. Definitions.

TITLE II—UNITED STATES TRADE ADMINISTRATION

Subtitle A—Establishment

Sec. 201. Establishment of the Administration.

Sec. 202. Functions of the USTR.

Subtitle B—Officers

Sec. 211. Deputy Administrator of the United States Trade Administration.

Sec. 212. Deputy United States Trade Representatives.

Sec. 213. Assistant Administrators.

Sec. 214. Director General of the Commercial Service.

Sec. 215. General Counsel.

Sec. 216. Inspector General.

Sec. 217. Chief Financial Officer.

Subtitle C—Transfers to the Administration

Sec. 221. Office of the United States Trade Representative.

Sec. 222. Transfers from the Department of Commerce.

Sec. 223. Transfer of the Export-Import Bank.

Sec. 224. Overseas Private Investment Corporation.

Sec. 225. Trade and Development Agency.

Sec. 226. Miscellaneous export promotion related functions.

Subtitle D—Termination Provisions

Sec. 231. Terminations of administrative units of the Department of Commerce.

Sec. 232. Termination of the Department of Commerce.

Subtitle E—Administrative Provisions

Sec. 241. Personnel provisions.

Sec. 242. Delegation and assignment.

Sec. 243. Succession.

Sec. 244. Reorganization.

Sec. 245. Rules.

Sec. 246. Contracts, grants, and cooperative agreements.

- Sec. 247. Use of facilities.*
Sec. 248. Gifts and bequests.
Sec. 249. Working Capital Fund.
Sec. 250. Seal of Administration.

Subtitle F—Related Agencies

- Sec. 251. Interagency Trade Organization.*
Sec. 252. National Security Council.
Sec. 253. International Monetary Fund.
Sec. 254. General Services Administration.
Sec. 255. Department of Labor.

Subtitle G—Conforming Amendments

- Sec. 261. Amendments to general provisions.*
Sec. 262. Repeals.
Sec. 263. Conforming amendments relating to Executive Schedule positions.

*TITLE III—ESTABLISHMENT OF NATIONAL OCEANIC AND
 ATMOSPHERIC ADMINISTRATION AS AN INDEPENDENT AGENCY*

Subtitle A—Establishment of Administration

- Sec. 301. Short title.*
Sec. 302. Findings and purposes.
Sec. 303. Definitions.
Sec. 304. Establishment.
Sec. 305. Officers.
*Sec. 306. Transfer of the National Oceanic and Atmospheric Administration from
 the Department of Commerce.*

Subtitle B—Streamlining Provisions

- Sec. 311. Personnel reductions.*
Sec. 312. Transfer of aeronautical charting.
Sec. 313. Regulatory streamlining.
Sec. 314. Reduction in NOAA fleet.
Sec. 315. Reduction of reporting requirements.
Sec. 316. Laboratory consolidation study.

Subtitle C—Administrative Provisions

- Sec. 321. Rules.*
Sec. 322. Delegation.
Sec. 323. Personnel and services.
Sec. 324. Contracts.
Sec. 325. Use of facilities.
Sec. 326. Service charges.
Sec. 327. Acquisition and maintenance of property.
Sec. 328. Facilities at remote locations.
Sec. 329. Copyrights and patents.
Sec. 330. Gifts and bequests.
Sec. 331. Transfers of funds from other Federal agencies.
Sec. 332. Seal of Administration.
Sec. 333. Status of Administration under certain laws.
Sec. 334. Assistant Administrators as Executive Schedule positions.
Sec. 335. Coordination of environmental policy.

TITLE IV—ESTABLISHMENT OF THE OFFICE OF PATENTS,
TRADEMARKS, AND STANDARDS

Subtitle A—Establishment

- Sec. 401. Definitions.*
- Sec. 402. Establishment of the Office of Patents, Trademarks, and Standards.*
- Sec. 403. Functions.*
- Sec. 404. Transfers to the Office.*
- Sec. 405. Additional officers.*

Subtitle B—Administrative Provisions

- Sec. 411. Rules.*
- Sec. 412. Delegation.*
- Sec. 413. Personnel and services.*
- Sec. 414. Contracts.*
- Sec. 415. Copyrights and patents.*
- Sec. 416. Gifts and bequests.*
- Sec. 417. Transfers of funds from other Federal agencies.*
- Sec. 418. Seal of Office.*
- Sec. 419. Status of Office under certain laws.*

Subtitle C—Conforming Amendments

- Sec. 421. Patent and Trademark Office.*
- Sec. 422. National Institute of Standards and Technology.*
- Sec. 423. Federal laboratories under the Stevenson-Wydler Technology Innovation Act of 1980.*

TITLE V—GOVERNMENT 2000 COMMISSION

- Sec. 501. Short title and purposes.*
- Sec. 502. The Commission.*
- Sec. 503. Legislative recommendations.*
- Sec. 504. Definition.*
- Sec. 505. Department and agency cooperation.*
- Sec. 506. Procedures for making recommendations.*
- Sec. 507. Congressional consideration of reform proposal.*
- Sec. 508. Implementation.*
- Sec. 509. Distribution of assets.*

TITLE VI—TRANSITIONAL, SAVINGS, AND CONFORMING PROVISIONS

- Sec. 601. Additional transfers.*
- Sec. 602. Transfer and allocations of appropriations and personnel.*
- Sec. 603. Incidental transfers.*
- Sec. 604. Effect on personnel.*
- Sec. 605. Savings provisions.*
- Sec. 606. Severability.*
- Sec. 607. Reference.*
- Sec. 608. Transition.*
- Sec. 609. Additional conforming amendments.*

TITLE VII—MISCELLANEOUS

- Sec. 701. Effective date.*
- Sec. 702. Interim appointments.*

Sec. 703. Management of property by General Services Administration.

Sec. 704. Buy out authority for Department of Commerce.

Sec. 705. Reports by the Office of Management and Budget.

Sec. 706. Personnel and funding reductions resulting from reorganization.

Sec. 707. Authorization of appropriations.

1 **TITLE I—GENERAL PROVISIONS**

2 **SEC. 101. FINDINGS.**

3 *The Congress finds that—*

4 *(1) the Federal Government’s organization struc-*
5 *ture is characterized by huge, hierarchical bureauc-*
6 *racies with wholesale duplication, overlap, and frag-*
7 *mentation in functions and spending;*

8 *(2) the Department of Commerce is a microcosm*
9 *of this obsolete, dysfunctional structure, resembling a*
10 *loosely knitted “holding company” of agencies pursu-*
11 *ing unrelated missions, with no single mission or*
12 *function as an exclusive province, and responsibility*
13 *for its functions shared with over 70 other Federal en-*
14 *tities;*

15 *(3) the Department of Commerce directly serves*
16 *only a small number of favored American firms and*
17 *industries and adds insufficient value to justify its*
18 *continued existence as it is presently structured;*

19 *(4) principal international economic goals of the*
20 *United States are to—*

21 *(A) maintain United States leadership in*
22 *international trade liberalization and expansion*
23 *efforts;*

1 (B) reinvigorate the ability of the United
2 States economy to compete in international mar-
3 kets and respond flexibly to changes in inter-
4 national competition; and

5 (C) expand United States participation in
6 international trade through aggressive promotion
7 and marketing of American products and serv-
8 ices;

9 (5) the economy of the United States is so inex-
10 tricably linked with the international economic sys-
11 tem that all domestic economic sectors are influenced
12 by the dynamics of global trade and investment;

13 (6) the expansion of United States participation
14 in international trade will advance the general wel-
15 fare of the people of the United States by improving
16 the competitiveness of American businesses, increasing
17 demand for American products and services, creating
18 jobs, and increasing the gross national product;

19 (7) the Federal Government can enhance the ca-
20 pability of United States businesses to compete in for-
21 eign markets by acting to—

22 (A) reduce trade barriers to sales and in-
23 vestments by such businesses;

24 (B) promote American goods and services in
25 foreign countries and encourage aggressive par-

1 *participation by the private sector in the inter-*
2 *national marketplace; and*

3 *(C) foster and maintain an international*
4 *trade system that establishes open, transparent,*
5 *and fair trade rules;*

6 *(8) the present organizational structure of the*
7 *Department of Commerce and other Government*
8 *international trade functions is too diffuse and leads*
9 *to inconsistent, conflicting, and duplicative policies*
10 *and actions, which impede United States trade inter-*
11 *ests, create trade opportunities for international com-*
12 *petitors, and weaken the overall leadership of the*
13 *United States in international trade matters; and*

14 *(9) the consolidation and streamlining of Gov-*
15 *ernment functions relating to international trade, in-*
16 *cluding functions relating to policymaking, inter-*
17 *national negotiation, technical analysis, export pro-*
18 *motion, trade finance, and trade law administration,*
19 *into a United States Trade Administration will pro-*
20 *vide the needed elevation and coordination of Govern-*
21 *ment activity in international trade and will advance*
22 *a decisive and unified trade policy that vigorously*
23 *promotes United States trade interests.*

24 **SEC. 102. PURPOSES.**

25 *The purposes of this Act are to—*

1 (1) *eliminate the Department of Commerce and*
2 *restructure its functions to put an end to wholesale*
3 *duplication and fragmentation, and bring coherence*
4 *to the Federal Government’s management of its im-*
5 *portant missions;*

6 (2) *eliminate unnecessary layers of bureaucracy*
7 *affecting trade, oceanic and atmospheric, standards,*
8 *technology, statistics, and intellectual property protec-*
9 *tion activities of the Federal Government;*

10 (3) *establish streamlined organization structures*
11 *for the performance of statistics, intellectual property,*
12 *standards, technology, and natural resource functions*
13 *under the Department of Commerce; and*

14 (4) *enhance Federal Government trade-related*
15 *activities by establishing a single, consolidated orga-*
16 *nization structure dedicated to the formulation of a*
17 *decisive and unified policy that vigorously promotes*
18 *American trade interests.*

19 **SEC. 103. DEFINITIONS.**

20 *For purposes of this Act, unless otherwise provided or*
21 *indicated by the context—*

22 (1) *the term “Administration” means the United*
23 *States Trade Administration;*

24 (2) *the term “administrative and support func-*
25 *tions” means legal functions, investigative functions,*

1 *budget preparation and analysis functions, adminis-*
2 *trative functions, public information functions, and*
3 *congressional relations functions carried out by a*
4 *Federal agency, and such other support services as*
5 *may be determined by the head of such agency;*

6 (3) *the term “Federal agency” has the meaning*
7 *given to the term “agency” by section 551(1) of title*
8 *5, United States Code;*

9 (4) *the term “function” means any duty, obliga-*
10 *tion, power, authority, responsibility, right, privilege,*
11 *activity, or program;*

12 (5) *the term “office” includes any office, admin-*
13 *istration, agency, institute, unit, organizational en-*
14 *tity, or component thereof; and*

15 (6) *the term “USTR” means the United States*
16 *Trade Representative as provided for under section*
17 *201.*

18 **TITLE II—UNITED STATES**
19 **TRADE ADMINISTRATION**
20 **Subtitle A—Establishment**

21 **SEC. 201. ESTABLISHMENT OF THE ADMINISTRATION.**

22 (a) *IN GENERAL.*—*There is established the United*
23 *States Trade Administration which shall be an independent*
24 *establishment in the executive branch of Government as de-*
25 *fin ed under section 104 of title 5, United States Code. The*

1 *USTR shall be the Administrator of the United States*
2 *Trade Administration and shall be appointed by the Presi-*
3 *dent, by and with the advice and consent of the Senate.*

4 (b) *AMBASSADOR STATUS.*—*The USTR shall have the*
5 *rank and status of Ambassador and shall represent the*
6 *United States in all trade negotiations conducted by the*
7 *Administration.*

8 (c) *SUCCESSOR TO DEPARTMENT OF COMMERCE.*—*The*
9 *Administration shall be deemed the successor to the Depart-*
10 *ment of Commerce for purposes of protocol.*

11 ***SEC. 202. FUNCTIONS OF THE USTR.***

12 (a) *IN GENERAL.*—*In addition to the functions trans-*
13 *ferred to the USTR by this Act, such other functions as the*
14 *President may assign or delegate to the USTR, and such*
15 *other functions as the USTR may, after the effective date*
16 *of this Act, be required to carry out by law, the USTR*
17 *shall—*

18 (1) *serve as the principal adviser to the Presi-*
19 *dent on international trade policy and advise the*
20 *President on the impact of other policies of the United*
21 *States Government on international trade;*

22 (2) *exercise primary responsibility, with the ad-*
23 *vice of the interagency organization established under*
24 *section 242 of the Trade Expansion Act of 1962, for*
25 *developing and implementing international trade pol-*

1 *icy, including commodity matters and, to the extent*
2 *related to international trade policy, direct invest-*
3 *ment matters and, in exercising such responsibility,*
4 *advance and implement the goals described in section*
5 *102 as the primary mandate of the Administration;*

6 *(3) exercise lead responsibility for the conduct of,*
7 *and shall be the chief representative of the United*
8 *States for, international trade negotiations, including*
9 *commodity matters, intellectual property rights, serv-*
10 *ices, and direct investment negotiations in which the*
11 *United States participates;*

12 *(4) act as principal spokesman of the President*
13 *on international trade;*

14 *(5) with the advice of the interagency organiza-*
15 *tion established under section 242 of the Trade Ex-*
16 *pansion Act of 1962, issue policy guidance to other*
17 *Federal agencies on international trade, commodity,*
18 *and direct investment functions to the extent nec-*
19 *essary to assure the coordination of international*
20 *trade policy;*

21 *(6) have general operational responsibility for*
22 *major nonagricultural international trade functions*
23 *under Reorganization Plan No. 3 of 1979;*

1 (7) exercise lead responsibility for the establish-
2 ment of a national export strategy, including policies
3 designed to implement such strategy;

4 (8) seek and promote new opportunities for
5 United States products and services to compete in the
6 world marketplace;

7 (9) enforce and administer the laws of the
8 United States relating to trade;

9 (10) monitor compliance with international
10 trade agreements;

11 (11) report directly to the Congress—

12 (A) on the administration of, and matters
13 pertaining to, the trade agreements program
14 under the Omnibus Trade and Competitiveness
15 Act of 1988, the Trade Act of 1974, the Trade
16 Expansion Act of 1962, and section 350 of the
17 Tariff Act of 1930; and

18 (B) with respect to other important issues
19 pertaining to international trade;

20 (12) keep each official adviser to the United
21 States delegations to international conferences, meet-
22 ings, and negotiation sessions relating to trade agree-
23 ments who is appointed from the Committee on Fi-
24 nance of the Senate or the Committee on Ways and
25 Means of the House of Representatives under section

1 *161 of the Trade Act of 1974 currently informed on*
2 *United States negotiating objectives with respect to*
3 *trade agreements, the status of negotiations in*
4 *progress with respect to such agreements, and the na-*
5 *ture of any changes in domestic law or the adminis-*
6 *tration thereof which the USTR may recommend to*
7 *Congress to carry out any trade agreement;*

8 *(13) consult and cooperate with State and local*
9 *governments and other interested parties on inter-*
10 *national trade matters of interest to such governments*
11 *and parties, and to the extent related to international*
12 *trade matters, on investment matters, and, when ap-*
13 *propriate, hold informal public hearings; and*

14 *(14) serve as the principal adviser to the Presi-*
15 *dent on government policies that may affect the abil-*
16 *ity of American industry and services to compete in*
17 *international markets.*

18 *(b) INTERAGENCY ORGANIZATION.—The USTR shall*
19 *be the Chairman pro tempore of the interagency organiza-*
20 *tion established under section 242 of the Trade Expansion*
21 *Act of 1962.*

22 *(c) NATIONAL SECURITY COUNCIL.—The USTR shall*
23 *be a member of the National Security Council.*

24 *(d) AGRICULTURE.—(1) The USTR shall consult with*
25 *the Secretary of Agriculture or the designee of the Secretary*

1 *of Agriculture on all matters that potentially involve inter-*
2 *national trade in agricultural products.*

3 (2) *If an international meeting for negotiation or con-*
4 *sultation includes discussion of international trade in agri-*
5 *cultural products, the USTR or the designee of the USTR*
6 *shall be Chairman of the United States delegation to such*
7 *meeting and the Secretary of Agriculture or the designee*
8 *of such Secretary shall be Vice Chairman. The provisions*
9 *of this paragraph shall not limit the authority of the USTR*
10 *under subsection (g) to assign responsibility for the conduct*
11 *of, or participation in, any trade negotiation or meeting*
12 *to the Secretary of Agriculture.*

13 (e) *TRADE PROMOTION.—The USTR shall be Chair-*
14 *man of the Trade Promotion Coordinating Committee es-*
15 *tablished under section 2312 of the Export Enhancement*
16 *Act of 1988 (15 U.S.C. 4727).*

17 (f) *NATIONAL ECONOMIC COUNCIL.—The USTR shall*
18 *be a member of the National Economic Council established*
19 *under Executive Order No. 12835, issued January 25, 1993.*

20 (g) *INTERNATIONAL TRADE NEGOTIATIONS.—Except*
21 *where expressly prohibited by law, the USTR, at the request*
22 *or with the concurrence of the head of any other Federal*
23 *agency, may assign the responsibility for conducting or*
24 *participating in any specific international trade negotia-*
25 *tion or meeting to the head of such agency whenever the*

1 *USTR determines that the subject matter of such inter-*
2 *national trade negotiation is related to the functions car-*
3 *ried out by such agency.*

4 ***Subtitle B—Officers***

5 ***SEC. 211. DEPUTY ADMINISTRATOR OF THE UNITED STATES*** 6 ***TRADE ADMINISTRATION.***

7 (a) *ESTABLISHMENT.*—*There shall be in the Adminis-*
8 *tration the Deputy Administrator of the United States*
9 *Trade Administration, who shall be appointed by the Presi-*
10 *dent, by and with the advice and consent of the Senate.*

11 (b) *ABSENCE, DISABILITY, OR VACANCY OF USTR.*—
12 *The Deputy Administrator of the United States Trade Ad-*
13 *ministration shall act for and exercise the functions of the*
14 *USTR during the absence or disability of the USTR or in*
15 *the event the office of the USTR becomes vacant. The Dep-*
16 *uty Administrator of the United States Trade Administra-*
17 *tion shall act for and exercise the functions of the USTR*
18 *until the absence or disability of the USTR no longer exists*
19 *or a successor to the USTR has been appointed by the Presi-*
20 *dent and confirmed by the Senate.*

21 (c) *FUNCTIONS OF DEPUTY ADMINISTRATOR OF THE*
22 *UNITED STATES TRADE ADMINISTRATION.*—*The Deputy*
23 *Administrator of the United States Trade Administration*
24 *shall exercise all functions, under the direction of the*
25 *USTR, transferred to or established in the Administration,*

1 *except those functions exercised by the Deputy United States*
2 *Trade Representatives, the Inspector General, and the Gen-*
3 *eral Counsel of the Administration, as provided by this Act.*

4 **SEC. 212. DEPUTY UNITED STATES TRADE REPRESENTA-**
5 **TIVES.**

6 (a) *ESTABLISHMENT.*—*There shall be in the Adminis-*
7 *tration 2 Deputy United States Trade Representatives, who*
8 *shall be appointed by the President, by and with the advice*
9 *and consent of the Senate. The Deputy United States Trade*
10 *Representatives shall exercise all functions under the direc-*
11 *tion of the USTR, and shall include—*

12 (1) *the Deputy United States Trade Representa-*
13 *tive for Negotiations; and*

14 (2) *the Deputy United States Trade Representa-*
15 *tive to the World Trade Organization.*

16 (b) *FUNCTIONS OF DEPUTY UNITED STATES TRADE*
17 *REPRESENTATIVES.*—(1) *The Deputy United States Trade*
18 *Representative for Negotiations shall exercise all functions*
19 *transferred under section 221 and shall have the rank and*
20 *status of Ambassador.*

21 (2) *The Deputy United States Trade Representative to*
22 *the World Trade Organization shall exercise all functions*
23 *relating to representation to the World Trade Organization*
24 *and shall have the rank and status of Ambassador.*

1 **SEC. 213. ASSISTANT ADMINISTRATORS.**

2 (a) *ESTABLISHMENT.*—*There shall be in the Adminis-*
3 *tration 3 Assistant Administrators, who shall be appointed*
4 *by the President, by and with the advice and consent of*
5 *the Senate. The Assistant Administrators shall exercise all*
6 *functions under the direction of the Deputy Administrator*
7 *of the United States Trade Administration and include—*

8 (1) *the Assistant Administrator for Export Ad-*
9 *ministration;*

10 (2) *the Assistant Administrator for Import Ad-*
11 *ministration; and*

12 (3) *the Assistant Administrator for Trade and*
13 *Policy Analysis.*

14 (b) *FUNCTIONS OF ASSISTANT ADMINISTRATORS.*—(1)
15 *The Assistant Administrator for Export Administration*
16 *shall exercise all functions transferred under section*
17 *222(3)(C).*

18 (2) *The Assistant Administrator for Import Adminis-*
19 *tration shall exercise all functions transferred under section*
20 *222(3)(D).*

21 (3) *The Assistant Administrator for Trade and Policy*
22 *Analysis shall exercise all functions transferred under sec-*
23 *tion 222(3)(B) and all functions relating to the National*
24 *Trade Data Bank included in the transfer of functions of*
25 *the Secretary of Commerce to the USTR under section*
26 *222(1).*

1 **SEC. 214. DIRECTOR GENERAL OF THE COMMERCIAL SERV-**
2 **ICE.**

3 (a) *ESTABLISHMENT.*—*There shall be a Director Gen-*
4 *eral of the Commercial Service, who shall be appointed by*
5 *the President, by and with the advice and consent of the*
6 *Senate.*

7 (b) *FUNCTIONS.*—*The Director General of the Com-*
8 *mmercial Service shall exercise, under the direction of the*
9 *USTR, all functions transferred under section 222 (3)(A)*
10 *and (4).*

11 (c) *COMMERCIAL SERVICE.*—(1) *The United States*
12 *and Foreign Commercial Service shall be known as the*
13 *Commercial Service of the United States Trade Administra-*
14 *tion.*

15 (2) *The Commercial Service and its functions are*
16 *transferred to the Administration. All functions performed*
17 *by the Secretary of Commerce or the Department of Com-*
18 *merce with respect to the Commercial Service are trans-*
19 *ferred to the Administration.*

20 **SEC. 215. GENERAL COUNSEL.**

21 *There shall be in the Administration a General Coun-*
22 *sel, who shall be appointed by the President, by and with*
23 *the advice and consent of the Senate. The General Counsel*
24 *shall provide legal assistance to the USTR concerning the*
25 *activities, programs, and policies of the Administration.*

1 **SEC. 216. INSPECTOR GENERAL.**

2 *There shall be in the Administration an Inspector Gen-*
3 *eral who shall be appointed in accordance with the Inspec-*
4 *tor General Act of 1978, as amended by section 261(b) of*
5 *this Act.*

6 **SEC. 217. CHIEF FINANCIAL OFFICER.**

7 *There shall be in the Administration a Chief Financial*
8 *Officer who shall be appointed in accordance with section*
9 *901 of title 31, United States Code, as amended by section*
10 *261(e) of this Act. The Chief Financial Officer shall perform*
11 *all functions prescribed by the Deputy Administrator of the*
12 *United States Trade Administration, under the direction*
13 *of the Deputy Administrator.*

14 ***Subtitle C—Transfers to the***
15 ***Administration***

16 **SEC. 221. OFFICE OF THE UNITED STATES TRADE REP-**
17 **RESENTATIVE.**

18 *There are transferred to the USTR and the Adminis-*
19 *tration all functions of the United States Trade Representa-*
20 *tive and the Office of the United States Trade Representa-*
21 *tive in the Executive Office of the President and all func-*
22 *tions of any officer or employee of such Office.*

1 **SEC. 222. TRANSFERS FROM THE DEPARTMENT OF COM-**
2 **MERCE.**

3 *Except for functions transferred by titles III and IV,*
4 *there are transferred to the USTR and the Administra-*
5 *tion—*

6 *(1) all functions of the Secretary of Commerce;*

7 *(2) all functions of the Department of Commerce;*

8 *and*

9 *(3) all functions of, and all functions performed*
10 *under the direction of, the following officers and em-*
11 *ployees of the Department of Commerce:*

12 *(A) The Under Secretary of Commerce for*
13 *International Trade, and the Director General of*
14 *the United States and Foreign Commercial Serv-*
15 *ice, relating to all functions performed by the*
16 *Service.*

17 *(B) The Assistant Secretary of Commerce*
18 *for International Economic Policy and the As-*
19 *stant Secretary of Commerce for Trade Devel-*
20 *opment.*

21 *(C) The Under Secretary for Export Ad-*
22 *ministration of the Department of Commerce.*

23 *(D) The Assistant Secretary for Import Ad-*
24 *ministration of the Department of Commerce.*

25 *(E) The Under Secretary for National Tele-*
26 *communications and Information Administra-*

1 *tion relating to telecommunications policy anal-*
2 *ysis in support of international trade policy and*
3 *negotiations; and*

4 *(4) such functions relating to the promotion of*
5 *tourism in the United States under the International*
6 *Travel Act of 1961 (22 U.S.C. 2121 through 2129)*
7 *(before the repeal of such Act by this Act) that are*
8 *designated for transfer by the Director General of the*
9 *Commercial Service.*

10 **SEC. 223. TRANSFER OF THE EXPORT-IMPORT BANK.**

11 *(a) IN GENERAL.—(1) There are transferred to the*
12 *USTR all functions of the Secretary of Commerce relating*
13 *to the Export-Import Bank of the United States.*

14 *(2) The Export-Import Bank of the United States is*
15 *transferred to the Administration.*

16 *(b) EX OFFICIO MEMBER OF EXPORT-IMPORT BANK*
17 *BOARD OF DIRECTORS.—The Director General of the Com-*
18 *mmercial Service shall serve as an ex officio nonvoting mem-*
19 *ber of the Board of Directors of the Export-Import Bank.*

20 *(c) AMENDMENTS TO RELATED BANKING AND TRADE*
21 *ACTS.—Section 2301(h) of the Omnibus Trade and Com-*
22 *petitiveness Act of 1988 (15 U.S.C. 4721(h)) is amended*
23 *to read as follows:*

24 *“(h) ASSISTANCE TO EXPORT-IMPORT BANK.—The*
25 *Commercial Service shall provide such services as the Direc-*

1 *tor General of the Commercial Service of the United States*
 2 *Trade Administration determines necessary to assist the*
 3 *Export-Import Bank of the United States to carry out the*
 4 *lending, loan guarantee, insurance, and other activities of*
 5 *the Bank.”.*

6 **SEC. 224. OVERSEAS PRIVATE INVESTMENT CORPORATION.**

7 *(a) IN GENERAL.—There are transferred to the USTR*
 8 *all functions of the Director of the United States Inter-*
 9 *national Development Cooperation Agency relating to the*
 10 *Overseas Private Investment Corporation.*

11 *(b) EX OFFICIO MEMBER OF OVERSEAS PRIVATE IN-*
 12 *VESTMENT CORPORATION BOARD OF DIRECTORS.—The Di-*
 13 *rector General of the Commercial Service shall serve as an*
 14 *ex officio nonvoting member of the Board of Directors of*
 15 *the Overseas Private Investment Corporation.*

16 **SEC. 225. TRADE AND DEVELOPMENT AGENCY.**

17 *There are transferred to the USTR all functions of the*
 18 *Director of the Trade and Development Agency. There are*
 19 *transferred to the Administration all functions of the Trade*
 20 *and Development Agency.*

21 **SEC. 226. MISCELLANEOUS EXPORT PROMOTION RELATED**
 22 **FUNCTIONS.**

23 *(a) IN GENERAL.—There are transferred to the Admin-*
 24 *istration all nonagricultural export promotion related func-*
 25 *tions, including trade missions and trade assistance pro-*

1 *grams, performed by each agency with representation on*
2 *the Trade Promotion Coordinating Committee under sec-*
3 *tion 2312 of the Export Enhancement Act of 1988 (15*
4 *U.S.C. 4727).*

5 (b) *DETERMINATION RELATING TO FUNCTIONS.*—*The*
6 *Director of the Office of Management and Budget shall*
7 *make any necessary determination relating to functions*
8 *transferred under this section in accordance with section*
9 *603.*

10 ***Subtitle D—Termination Provisions***

11 ***SEC. 231. TERMINATIONS OF ADMINISTRATIVE UNITS OF***

12 ***THE DEPARTMENT OF COMMERCE.***

13 (a) *ECONOMIC DEVELOPMENT ADMINISTRATION.*—(1)
14 *The Economic Development Administration of the Depart-*
15 *ment of Commerce is terminated. The Public Works and*
16 *Economic Development Act of 1965 (42 U.S.C. 3121 et seq.)*
17 *is repealed.*

18 (2) *There are transferred to the Secretary of the Treas-*
19 *ury the loans, notes, bonds, debentures, securities, and other*
20 *financial obligations owned by the Department of Com-*
21 *merce under the Public Works and Economic Development*
22 *Act of 1965, together with all assets or other rights (includ-*
23 *ing security interests) incident thereto, and all liabilities*
24 *related thereto. There are assigned to the Secretary of the*
25 *Treasury the functions, powers, and abilities vested in or*

1 *delegated to the Secretary of Commerce or the Department*
2 *of Commerce to manage, service, collect, sell, dispose of, or*
3 *otherwise realize proceeds on obligations owed to the De-*
4 *partment of Commerce under authority of such Act with*
5 *respect to any loans, obligations, or guarantees made or is-*
6 *ssued by the Department of Commerce pursuant to such Act.*

7 *(3) No later than 18 months after the date of the enact-*
8 *ment of this Act, the Comptroller General shall conduct an*
9 *audit of all grants made or issued by the Department of*
10 *Commerce under the Public Works and Economic Develop-*
11 *ment Act of 1965 in fiscal year 1995 and all loans, obliga-*
12 *tions, and guarantees and shall transmit to Congress a re-*
13 *port on the results of such audit.*

14 *(b) UNITED STATES TRAVEL AND TOURISM ADMINIS-*
15 *TRATION.—The United States Travel and Tourism Admin-*
16 *istration of the Department of Commerce is terminated.*

17 *(c) NATIONAL TELECOMMUNICATIONS AND INFORMA-*
18 *TION ADMINISTRATION.—The National Telecommuni-*
19 *cations and Information Administration of the Department*
20 *of Commerce is terminated, except certain telecommuni-*
21 *cation, domestic policy, and standards and laboratory func-*
22 *tions are transferred as provided under sections 222(3)(E),*
23 *254, and 404(a)(4).*

1 (d) *OFFICE OF CHIEF ECONOMIST.*—The Office of
2 *Chief Economist of the Department of Commerce is termi-*
3 *nated.*

4 (e) *MINORITY BUSINESS DEVELOPMENT AGENCY.*—
5 *The Minority Business Development Agency of the Depart-*
6 *ment of Commerce is terminated and the functions of the*
7 *agency are transferred to the Small Business Administra-*
8 *tion. This transfer does not include the transfer of any*
9 *funds appropriated to carry out such function.*

10 (f) *NATIONAL TECHNICAL INFORMATION SERVICE.*—
11 (1) *The National Technical Information Service of the De-*
12 *partment of Commerce is terminated.*

13 (2) *During the 18-month period beginning on the effec-*
14 *tive date of this section, the General Services Administra-*
15 *tion shall attempt to sell the property of the National Tech-*
16 *nical Information Service to a private entity intending to*
17 *perform substantially the same functions as were performed*
18 *by the National Technical Information Service immediately*
19 *before such effective date.*

20 (3) *If no offer to purchase property under paragraph*
21 *(2) is received within the 18-month period described in such*
22 *paragraph, the General Services Administration shall sub-*
23 *mit a report to the Congress containing recommendations*
24 *on the appropriate disposition of the property of the Na-*
25 *tional Technical Information Service.*

1 (g) *SPECIFIC PROGRAMS TERMINATED.*—(1) *The Ad-*
2 *vanced Technology Program under section 28 of the Na-*
3 *tional Institute of Standards and Technology Act (15*
4 *U.S.C. 278n) is terminated. Any unobligated budget au-*
5 *thority provided for such program available as of October*
6 *1, 1995 is cancelled on such date.*

7 (2) *The Manufacturing Extension Programs under sec-*
8 *tions 25 and 26 of the National Institute of Standards and*
9 *Technology Act (15 U.S.C. 278k and 278l) is terminated.*
10 *Any unobligated budget authority provided for such pro-*
11 *gram available as of October 1, 1995 is cancelled on such*
12 *date.*

13 (h) *TECHNOLOGY ADMINISTRATION.*—*The Technology*
14 *Administration and the Office of Technology Policy are ter-*
15 *minated.*

16 (i) *ADDITIONAL TRANSFERS.*—(1) *The infrastructure*
17 *grant authorities of the Economic Development Adminis-*
18 *tration are transferred to the Rural Development Adminis-*
19 *tration of the Department of Agriculture. This transfer does*
20 *not include the transfer of any funds appropriated to carry*
21 *out such authorities.*

22 (2) *The defense conversion grant authorities of the Eco-*
23 *nomics Development Administration are transferred to the*
24 *Secretary of Defense. This transfer does not include the*

1 *transfer of any funds appropriated to carry out such au-*
2 *thorities.*

3 (j) *OTHER ADMINISTRATIVE UNITS.*—Any adminis-
4 *tration, bureau, agency, service, office, or other administra-*
5 *tive unit of the Department of Commerce that is not trans-*
6 *ferred or otherwise continued by this Act is terminated.*

7 **SEC. 232. TERMINATION OF THE DEPARTMENT OF COM-**
8 **MERCE.**

9 *The Department of Commerce is terminated.*

10 **Subtitle E—Administrative**
11 **Provisions**

12 **SEC. 241. PERSONNEL PROVISIONS.**

13 (a) *APPOINTMENTS.*—The USTR may appoint and fix
14 *the compensation of such officers and employees, including*
15 *investigators, attorneys, and administrative law judges, as*
16 *may be necessary to carry out the functions of the USTR*
17 *and the Administration. Except as otherwise provided by*
18 *law, such officers and employees shall be appointed in ac-*
19 *cordance with the civil service laws and their compensation*
20 *fixed in accordance with title 5, United States Code.*

21 (b) *POSITIONS ABOVE GS-15.*—(1) *At the request of*
22 *the USTR, the Director of the Office of Personnel Manage-*
23 *ment shall, under section 5108 of title 5, United States*
24 *Code, provide for the establishment in a grade level above*
25 *GS-15 of the General Service, and in the Senior Executive*

1 *Service, of a number of noncareer positions in the Adminis-*
2 *tration equal to 75 percent of the number of positions in*
3 *that grade level which were used primarily for the perform-*
4 *ance of functions and offices transferred by this Act and*
5 *which were assigned and filled on the day before the effective*
6 *date of this Act.*

7 (2) *Appointments to positions provided for under this*
8 *subsection may be made without regard to the provisions*
9 *of section 3324 of title 5, United States Code, if the individ-*
10 *ual appointed in such position is an individual who is*
11 *transferred in connection with the transfer of functions and*
12 *offices under this Act and, on the day before the effective*
13 *date of this Act, holds a position and has duties comparable*
14 *to those of the position to which appointed under this sub-*
15 *section.*

16 (3) *The authority under this subsection with respect*
17 *to any position established at a grade level above GS-15*
18 *shall terminate when the person first appointed to fill such*
19 *position ceases to hold such position.*

20 (4) *For purposes of section 414(a)(3)(A) of the Civil*
21 *Service Reform Act of 1978, an individual appointed under*
22 *this subsection shall be deemed to occupy the same position*
23 *as the individual occupied on the day before the effective*
24 *date of this Act.*

1 (c) *EXPERTS AND CONSULTANTS.*—The USTR may
2 obtain the services of experts and consultants in accordance
3 with section 3109 of title 5, United States Code, and com-
4 pensate such experts and consultants for each day (includ-
5 ing traveltime) at rates not in excess of the maximum rate
6 of pay for a position at a grade level above GS-15 of the
7 General Schedule under section 5332 of such title. The
8 USTR may pay experts and consultants who are serving
9 away from their homes or regular place of business travel
10 expenses and per diem in lieu of subsistence at rates author-
11 ized by sections 5702 and 5703 of such title for persons in
12 Government service employed intermittently.

13 (d) *VOLUNTARY SERVICES.*—(1)(A) The USTR is au-
14 thorized to accept voluntary and uncompensated services
15 without regard to the provisions of section 1342 of title 31,
16 United States Code, if such services will not be used to dis-
17 place Federal employees employed on a full-time, part-time,
18 or seasonal basis.

19 (B) The USTR is authorized to accept volunteer serv-
20 ices in accordance with the provisions of section 3111 of title
21 5, United States Code.

22 (2) The USTR is authorized to provide for incidental
23 expenses, including but not limited to transportation, lodg-
24 ing, and subsistence for individuals who provide voluntary
25 services under subparagraph (A) or (B) of paragraph (1).

1 (3) *An individual who provides voluntary services*
2 *under paragraph (1)(A) shall not be considered a Federal*
3 *employee for any purpose other than for purposes of chapter*
4 *81 of title 5, United States Code, relating to compensation*
5 *for work injuries, and chapter 171 of title 28, United States*
6 *Code, relating to tort claims.*

7 (e) *FOREIGN SERVICE POSITIONS.—In order to assure*
8 *United States representation in trade matters at a level*
9 *commensurate with the level of representation maintained*
10 *by industrial nations which are major trade competitors*
11 *of the United States, the Secretary of State shall classify*
12 *certain positions at Foreign Service posts as commercial*
13 *minister positions and shall assign members of the Foreign*
14 *Service performing functions of the Administration, with*
15 *the concurrence of the USTR, to such positions in nations*
16 *which are major trade competitors of the United States. The*
17 *Secretary of State shall obtain and use the recommenda-*
18 *tions of the USTR with respect to the number of positions*
19 *to be so classified under this subsection.*

20 **SEC. 242. DELEGATION AND ASSIGNMENT.**

21 *Except where otherwise expressly prohibited by law or*
22 *otherwise provided by this Act, the USTR may delegate any*
23 *of the functions transferred to the USTR by this Act and*
24 *any function transferred or granted to the USTR after the*
25 *effective date of this Act to such officers and employees of*

1 *the Administration as the USTR may designate, and may*
2 *authorize successive redelegations of such functions as may*
3 *be necessary or appropriate. No delegation of functions by*
4 *the USTR under this section or under any other provision*
5 *of this Act shall relieve the USTR of responsibility for the*
6 *administration of such functions.*

7 **SEC. 243. SUCCESSION.**

8 (a) *ORDER OF SUCCESSION.*—Subject to the authority
9 *of the President, and except as provided in section 211(b),*
10 *the USTR shall prescribe the order by which officers of the*
11 *Administration who are appointed by the President, by and*
12 *with the advice and consent of the Senate, shall act for,*
13 *and perform the functions of, the USTR or any other officer*
14 *of the Administration appointed by the President, by and*
15 *with the advice and consent of the Senate, during the ab-*
16 *sence or disability of the USTR or such other officer, or*
17 *in the event of a vacancy in the office of the USTR or such*
18 *other officer.*

19 (b) *CONTINUATION.*—Notwithstanding any other pro-
20 *vision of law, and unless the President directs otherwise,*
21 *an individual acting for the USTR or another officer of*
22 *the Administration pursuant to subsection (a) shall con-*
23 *tinue to serve in that capacity until the absence or disabil-*
24 *ity of the USTR or such other officer no longer exists or*

1 *a successor to the USTR or such other officer has been ap-*
2 *pointed by the President and confirmed by the Senate.*

3 **SEC. 244. REORGANIZATION.**

4 *(a) IN GENERAL.—Subject to subsection (b), the USTR*
5 *is authorized to allocate or reallocate functions among the*
6 *officers of the Administration, and to establish, consolidate,*
7 *alter, or discontinue such organizational entities in the Ad-*
8 *ministration as may be necessary or appropriate.*

9 *(b) EXCEPTION.—The USTR may not exercise the au-*
10 *thority under subsection (a) to establish, consolidate, alter,*
11 *or discontinue any organizational entity in the Adminis-*
12 *tration or allocate or reallocate any function of an officer*
13 *or employee of the Administration that is inconsistent with*
14 *any specific provision of this Act.*

15 **SEC. 245. RULES.**

16 *The USTR is authorized to prescribe, in accordance*
17 *with the provisions of chapters 5 and 6 of title 5, United*
18 *States Code, such rules and regulations as the USTR deter-*
19 *mines necessary or appropriate to administer and manage*
20 *the functions of the USTR or the Administration.*

21 **SEC. 246. CONTRACTS, GRANTS, AND COOPERATIVE AGREE-**
22 **MENTS.**

23 *(a) IN GENERAL.—Subject to the provisions of the Fed-*
24 *eral Property and Administrative Services Act of 1949, the*
25 *USTR may make, enter into, and perform such contracts,*

1 *leases, cooperative agreements, grants, or other similar*
2 *transactions with public agencies, private organizations,*
3 *and persons, and make payments (in lump sum or install-*
4 *ments, and by way of advance or reimbursement, and, in*
5 *the case of any grant, with necessary adjustments on ac-*
6 *count of overpayments and underpayments) as the USTR*
7 *considers necessary or appropriate to carry out the func-*
8 *tions of the USTR or the Administration.*

9 **(b) EXCEPTION.**—*Notwithstanding any other provi-*
10 *sion of this Act, the authority to enter into contracts or*
11 *to make payments under this title shall be effective only*
12 *to such extent or in such amounts as are provided in ad-*
13 *vance in appropriation Acts. This subsection does not apply*
14 *with respect to the authority granted under section 248.*

15 **SEC. 247. USE OF FACILITIES.**

16 **(a) USE BY USTR.**—*With their consent, the USTR,*
17 *with or without reimbursement, may use the research, serv-*
18 *ices, equipment, and facilities of—*

19 **(1) an individual;**

20 **(2) any public or private nonprofit agency or or-**
21 *ganization, including any agency or instrumentality*
22 *of the United States or of any State, the District of*
23 *Columbia, the Commonwealth of Puerto Rico, or any*
24 *territory or possession of the United States;*

1 (3) any political subdivision of any State, the
2 District of Columbia, the Commonwealth of Puerto
3 Rico, or any territory or possession of the United
4 States; or

5 (4) any foreign government,
6 in carrying out any function of the USTR or the Adminis-
7 tration.

8 (b) *USE OF USTR FACILITIES.*—The USTR, under
9 terms, at rates, and for periods that the USTR considers
10 to be in the public interest, may permit the use by public
11 and private agencies, corporations, associations or other or-
12 ganizations, or by individuals, of any real property, or any
13 facility, structure or other improvement thereon, under the
14 custody of the USTR. The USTR may require permittees
15 under this section to maintain or recondition, at their own
16 expense, the real property, facilities, structures, and im-
17 provements used by such permittees.

18 **SEC. 248. GIFTS AND BEQUESTS.**

19 (a) *IN GENERAL.*—The USTR is authorized to accept,
20 hold, administer, and utilize gifts and bequests of property,
21 both real and personal, for the purpose of aiding or facili-
22 tating the work of the Administration. Gifts and bequests
23 of money and the proceeds from sales of other property re-
24 ceived as gifts or bequests shall be deposited in the United
25 States Treasury in a separate fund and shall be disbursed

1 *on order of the USTR. Property accepted pursuant to this*
2 *paragraph, and the proceeds thereof, shall be used as nearly*
3 *as possible in accordance with the terms of the gift or be-*
4 *quest.*

5 (b) *TAX TREATMENT.*—*For the purpose of Federal in-*
6 *come, estate, and gift taxes, and State taxes, property ac-*
7 *cepted under subsection (a) shall be considered a gift or be-*
8 *quest to or for use of the United States.*

9 (c) *INVESTMENT.*—*Upon the request of the USTR, the*
10 *Secretary of the Treasury may invest and reinvest in secu-*
11 *rities of the United States or in securities guaranteed as*
12 *to principal and interest by the United States any moneys*
13 *contained in the fund provided for in subsection (a). Income*
14 *accruing from such securities, and from any other property*
15 *held by the USTR pursuant to subsection (a), shall be de-*
16 *posited to the credit of the fund, and shall be disbursed upon*
17 *order of the USTR.*

18 **SEC. 249. WORKING CAPITAL FUND.**

19 (a) *ESTABLISHMENT.*—*The USTR is authorized to es-*
20 *tablish for the Administration a working capital fund, to*
21 *be available without fiscal year limitation, for expenses nec-*
22 *essary for the maintenance and operation of such common*
23 *administrative services as the USTR shall find to be desir-*
24 *able in the interest of economy and efficiency, including—*

1 (1) a central supply service for stationery and
2 other supplies and equipment for which adequate
3 stocks may be maintained to meet in whole or in part
4 the requirements of the Administration and its com-
5 ponents;

6 (2) central messenger, mail, and telephone serv-
7 ice and other communications services;

8 (3) office space, central services for document re-
9 production and for graphics and visual aids;

10 (4) a central library service; and

11 (5) such other services as may be approved by
12 the Director of the Office of Management and Budget.

13 (b) OPERATION OF FUND.—The capital of the fund
14 shall consist of any appropriations made for the purpose
15 of providing working capital and the fair and reasonable
16 value of such stocks of supplies, equipment, and other assets
17 and inventories on order as the USTR may transfer to the
18 fund, less the related liabilities and unpaid obligations. The
19 fund shall be reimbursed in advance from available funds
20 of agencies and offices in the Administration, or from other
21 sources, for supplies and services at rates which will ap-
22 proximate the expense of operation, including the accrual
23 of annual leave and the depreciation of equipment. The
24 fund shall also be credited with receipts from sale or ex-
25 change of property and receipts in payment for loss or dam-

1 *age to property owned by the fund. There shall be covered*
 2 *into the United States Treasury as miscellaneous receipts*
 3 *any surplus of the fund (all assets, liabilities, and prior*
 4 *losses considered) above the amounts transferred or appro-*
 5 *priated to establish and maintain the fund. There shall be*
 6 *transferred to the fund the stocks of supplies, equipment,*
 7 *other assets, liabilities, and unpaid obligations relating to*
 8 *those services which the USTR determines will be per-*
 9 *formed.*

10 **SEC. 250. SEAL OF ADMINISTRATION.**

11 *The USTR shall cause a seal of office to be made for*
 12 *the Administration of such design as the USTR shall ap-*
 13 *prove. Judicial notice shall be taken of such seal.*

14 ***Subtitle F—Related Agencies***

15 **SEC. 251. INTERAGENCY TRADE ORGANIZATION.**

16 *Section 242(a)(3) of the Trade Expansion Act of 1962*
 17 *(19 U.S.C. 1872(a)(3)) is amended to read as follows:*

18 *“(3)(A) The interagency organization established*
 19 *under subsection (a) shall be composed of—*

20 *“(i) the United States Trade Representative,*
 21 *who shall be Chairman,*

22 *“(ii) the Secretary of Agriculture,*

23 *“(iii) the Secretary of the Treasury,*

24 *“(iv) the Secretary of Labor,*

25 *“(v) the Secretary of State, and*

1 “(vi) the representatives of such other de-
2 partments and agencies as the United States
3 Trade Representative shall designate.

4 “(B) The United States Trade Representative
5 may invite representatives from other agencies, as ap-
6 propriate, to attend particular meetings if subject
7 matters of specific functional interest to such agencies
8 are under consideration. It shall meet at such times
9 and with respect to such matters as the President or
10 the Chairman shall direct.”.

11 **SEC. 252. NATIONAL SECURITY COUNCIL.**

12 The fourth paragraph of section 101(a) of the National
13 Security Act of 1947 (50 U.S.C. 402(a)) is amended—

14 (1) by redesignating clauses (5), (6), and (7) as
15 clauses (6), (7), and (8), respectively; and

16 (2) by inserting after clause (4) the following
17 new clause:

18 “(5) the United States Trade Representative;”.

19 **SEC. 253. INTERNATIONAL MONETARY FUND.**

20 Section 3 of the Bretton Woods Agreement Act is
21 amended by adding at the end thereof the following new
22 subsection:

23 “(e) The United States executive director of the Fund
24 shall consult with the United States Trade Representative

1 *with respect to matters under consideration by the Fund*
2 *which relate to trade.”.*

3 **SEC. 254. GENERAL SERVICES ADMINISTRATION.**

4 *There are transferred to the General Services Adminis-*
5 *tration functions relating to the management of Federal use*
6 *of radio frequency spectrum in accordance with Executive*
7 *Order No. 12046, issued pursuant to section 305 of the*
8 *Communications Act of 1934 (47 U.S.C. 305), exercised by*
9 *the National Telecommunications Information Administra-*
10 *tion of the Department of Commerce.*

11 **SEC. 255. DEPARTMENT OF LABOR.**

12 *(a) TRANSFER OF FUNCTIONS.—All functions of the*
13 *Secretary of Commerce relating to the Bureau of the Census*
14 *and the Bureau of Economic Analysis of the Department*
15 *of Commerce are transferred to the Secretary of Labor.*

16 *(b) TRANSFER OF BUREAUS.—The Bureau of the Cen-*
17 *sus and the Bureau of Economic Analysis of the Depart-*
18 *ment of Commerce are transferred to the Department of*
19 *Labor.*

20 *(c) CONSOLIDATION WITH THE BUREAU OF LABOR*
21 *STATISTICS.—The Secretary of Labor shall consolidate the*
22 *Bureaus transferred under subsection (b) with the Bureau*
23 *of Labor Statistics within the Department of Labor.*

24 *(d) REFERENCES TO SECRETARY.—Section (1)(2) of*
25 *title 13, United States Code, is amended by striking out*

1 “Secretary of Commerce” and inserting in lieu thereof “Sec-
2 retary of Labor”.

3 (e) *REFERENCES TO DEPARTMENT.*—Section 2 of title
4 13, United States Code, is amended by striking out “De-
5 partment of Commerce” and inserting in lieu thereof “De-
6 partment of Labor”.

7 (f) *GENERAL REFERENCES TO SECRETARY AND DE-*
8 *PARTMENT.*—The provisions of title 13, United States Code,
9 are further amended—

10 (1) by striking out “Secretary of Commerce” in
11 each place such term appears and insert in lieu there-
12 of “Secretary of Labor”; and

13 (2) by striking out “Department of Commerce”
14 each place such term appears and inserting in lieu
15 thereof “Department of Labor”.

16 **Subtitle G—Conforming** 17 **Amendments**

18 **SEC. 261. AMENDMENTS TO GENERAL PROVISIONS.**

19 (a) *PRESIDENTIAL SUCCESSION.*—Section 19(d)(1) of
20 title 3, United States Code, is amended by striking out
21 “Secretary of Commerce,” and inserting in lieu thereof “the
22 United States Trade Representative,”.

23 (b) *INSPECTOR GENERAL.*—The Inspector General Act
24 of 1978 is amended—

25 (1) in subsection 9(a)(1)—

1 (A) by striking out subparagraph (B);

2 (B) by redesignating subparagraphs (C)
3 through (L) as subparagraphs (B) through (K),
4 respectively; and

5 (C) by inserting before subparagraph (M)
6 the following:

7 “(L) of the United States Trade Representative,
8 all functions of the Inspector General of the Depart-
9 ment of Commerce and the Office of the Inspector
10 General of the Department of Commerce relating to
11 the functions transferred to the United States Trade
12 Representative by section 232 of the Commerce De-
13 partment Termination and Government Reorganiza-
14 tion Act of 1995;” and

15 (2) in section 11—

16 (A) by striking out “Commerce,” each place
17 it appears;

18 (B) in paragraph (1) by inserting “the
19 United States Trade Representative” after “the
20 Attorney General;” and

21 (C) in paragraph (2) by inserting “United
22 States Trade Administration” after “Treasury;”.

23 (c) AMENDMENT TO THE TRADE ACT OF 1974.—(1)
24 Chapter 4 of title I of the Trade Act of 1974 is amended
25 to read as follows:

1 **“CHAPTER 4—REPRESENTATION IN TRADE**
 2 **NEGOTIATIONS**

3 **“SEC. 141. FUNCTIONS OF THE UNITED STATES TRADE REP-**
 4 **RESENTATIVE.**

5 *“The United States Trade Representative of the United*
 6 *States Trade Administration as established under section*
 7 *201 of the Commerce Department Termination and Govern-*
 8 *ment Reorganization Act of 1995 shall perform such rep-*
 9 *resentation, trade negotiation, and other functions as pro-*
 10 *vided under such Act.”.*

11 *(2) The table of contents in the first section of the*
 12 *Trade Act of 1974 is amended by striking out the items*
 13 *relating to chapter 4 and section 141 and inserting in lieu*
 14 *thereof the following:*

“CHAPTER 4—REPRESENTATION IN TRADE NEGOTIATIONS

“Sec. 141. Functions of the United States Trade Representative.”.

15 *(d) FOREIGN SERVICE PERSONNEL.—The Foreign*
 16 *Service Act of 1980 is amended by striking out paragraph*
 17 *(3) of section 202(a) (22 U.S.C. 3922(a)) and inserting in*
 18 *lieu thereof the following:*

19 *“(3) The United States Trade Representative of*
 20 *the United States Trade Administration may utilize*
 21 *the Foreign Service personnel system in accordance*
 22 *with this Act—*

23 *“(A) with respect to the personnel perform-*
 24 *ing functions—*

1 “(i) which were transferred to the De-
2 partment of Commerce from the Depart-
3 ment of State by Reorganization Plan No.
4 3 of 1979; and

5 “(ii) which were subsequently trans-
6 ferred to the United States Trade Represent-
7 ative by section 232 of the Commerce De-
8 partment Termination and Government Re-
9 organization Act of 1995; and

10 “(B) with respect to other personnel of the
11 United States Trade Administration to the ex-
12 tent the President determines to be necessary in
13 order to enable the United States Trade Admin-
14 istration to carry out functions which require
15 service abroad.”.

16 (e) *CHIEF FINANCIAL OFFICERS.*—Section 901(b)(1)
17 of title 31, United States Code, is amended by adding at
18 the end thereof the following:

19 “(Q) The United States Trade Administra-
20 tion.”.

21 **SEC. 262. REPEALS.**

22 (a) *ESTABLISHMENT OF DEPARTMENT OF COM-*
23 *MERCE.*—(1) The first section of the Act entitled “An Act
24 to establish the Department of Commerce and Labor”, ap-
25 proved February 14, 1903 (15 U.S.C. 1501), is repealed.

1 (2) *The first section of the Act entitled “An Act to cre-*
2 *ate a Department of Labor”, approved March 4, 1913 (15*
3 *U.S.C. 1501), is amended by striking out beginning with*
4 *“and the Department of Commerce and Labor” through*
5 *“accordingly”.*

6 (b) *UNDER SECRETARY OF COMMERCE.—Sections 1*
7 *and 2 of the Act of June 5, 1939 (15 U.S.C. 1502 and 1503;*
8 *53 Stat. 808) relating to the Under Secretary of Commerce*
9 *is repealed.*

10 (c) *UNDER SECRETARY OF COMMERCE FOR ECONOMIC*
11 *AFFAIRS.—Subsection (a) of the first section of the Act enti-*
12 *tled “An Act to authorize an Under Secretary of Commerce*
13 *for Economic Affairs”, approved June 16, 1982 (96 Stat.*
14 *115; 15 U.S.C. 1503a), is repealed.*

15 (d) *ASSISTANT SECRETARY OF COMMERCE.—The Act*
16 *entitled “An Act to provide for the appointment of one addi-*
17 *tional Assistant Secretary of Commerce, and for other pur-*
18 *poses”, approved July 15, 1947 (15 U.S.C. 1505), is re-*
19 *pealed.*

20 (e) *ADDITIONAL ASSISTANT SECRETARIES OF COM-*
21 *MERCE.—(1) The first sentence of section 304 of the Depart-*
22 *ment of Commerce Appropriation Act, 1955 (15 U.S.C.*
23 *1506), is repealed.*

1 (2) *The Act entitled “An Act to authorize an addi-*
2 *tional Assistant Secretary of Commerce”, approved Feb-*
3 *ruary 16, 1962 (15 U.S.C. 1507), is repealed.*

4 (3) *Subsection (a) of section 9 of the Maritime Appro-*
5 *priation Authorization Act for Fiscal Year 1978 (15 U.S.C.*
6 *1507b), is repealed.*

7 (4) *Section 407(b) of Public Law 99–659 (15 U.S.C.*
8 *1507c; 100 Stat. 3739) is repealed.*

9 (f) *GENERAL COUNSEL OF DEPARTMENT OF COM-*
10 *MERCE.—(1) The first section of the Act of March 18, 1904*
11 *(33 Stat. 135, chapter 716; 15 U.S.C. 1508), is amended*
12 *by striking out the paragraph relating to the Office of the*
13 *Solicitor of the Department of Commerce and Labor.*

14 (2) *Section 2 of the Act of July 17, 1952 (66 Stat.*
15 *758, chapter 932; 15 U.S.C. 1508), is repealed.*

16 (g) *DESIGNATION OF ASSISTANT SECRETARIES FOR*
17 *ROUTINE DUTIES.—Chapter 129 of title III of the Act of*
18 *May 21, 1945 (15 U.S.C. 1509; 59 Stat. 188) is repealed.*

19 (h) *BUREAUS IN DEPARTMENT OF COMMERCE.—(1)*
20 *Sections 4 and 12 of the Act entitled “An Act to Establish*
21 *the Department of Commerce and Labor”, approved Feb-*
22 *ruary 14, 1903 (15 U.S.C. 1511 and 1516), are repealed.*

23 (2) *The first section of the Act of August 23, 1912 (37*
24 *Stat. 407, chapter 350; 15 U.S.C. 1511), is amended by*

1 *striking out the paragraph relating to the Bureau of For-*
2 *eign and Domestic Commerce.*

3 (3) *The first section of the Act of January 5, 1923 (42*
4 *Stat. 1109, chapter 23; 15 U.S.C. 1511), is repealed.*

5 (4) *The first section of the Act of May 27, 1936 (49*
6 *Stat. 1380, chapter 463; 15 U.S.C. 1511), is repealed.*

7 (i) *ANNUAL REPORTS.*—*Section 8 of the Act entitled*
8 *“An Act to establish the Department of Commerce and*
9 *Labor”, approved February 14, 1903 (15 U.S.C. 1519), is*
10 *repealed.*

11 (j) *WORKING CAPITAL FUND.*—*Title III of the Act en-*
12 *titled “An Act making appropriations for the Departments*
13 *of State, Justice, and Commerce for the fiscal year ending*
14 *June 30, 1945, and for other purposes”, approved June 28,*
15 *1944 (15 U.S.C. 1521), is amended by striking out the*
16 *paragraph relating to the working capital fund of the De-*
17 *partment of Commerce.*

18 (k) *GIFTS, TAX STATUS, AND INVESTMENT.*—*Sections*
19 *1, 2, and 3 of Public Law 88–611 (15 U.S.C. 1522, 1523,*
20 *and 1524) are repealed.*

21 (l) *INTERNATIONAL TRAVEL AND TOURISM.*—*The*
22 *International Travel Act of 1961 (22 U.S.C. 2121 through*
23 *2129) is repealed.*

1 **SEC. 263. CONFORMING AMENDMENTS RELATING TO EXEC-**
2 **UTIVE SCHEDULE POSITIONS.**

3 (a) *POSITIONS AT LEVEL I.*—Section 5312 of title 5,
4 *United States Code*, is amended—

5 (1) by striking out the item relating to the Sec-
6 *retary of Commerce*; and

7 (2) by amending the item relating to the *United*
8 *States Trade Representative* to read as follows: “*The*
9 *United States Trade Representative of the United*
10 *States Trade Administration.*”.

11 (b) *POSITIONS AT LEVEL II.*—(1) *The position of Dep-*
12 *uty Secretary of the Department of Commerce established*
13 *under section 2(b) of Reorganization Plan No. 3 of 1979*
14 *at level II of the Executive Schedule (by reference to section*
15 *5313 of title 5, United States Code) is terminated.*

16 (2) *Section 5313 of title 5, United States Code, is*
17 *amended by adding at the end thereof the following:*

18 “*Deputy Administrator of the United States*
19 *Trade Administration.*”

20 “*Deputy United States Trade Representatives,*
21 *United States Trade Administration (2).*”.

22 (c) *POSITIONS AT LEVEL III.*—Section 5314 of title
23 *5, United States Code*, is amended—

24 (1) by striking out the item relating to the
25 *Under Secretary of Commerce, Under Secretary of*
26 *Commerce for Economic Affairs, Under Secretary of*

1 *Commerce for Export Administration, and Under*
2 *Secretary of Commerce for Travel and Tourism;*

3 (2) *by striking out the item relating to the*
4 *Under Secretary of Commerce for Oceans and Atmos-*
5 *phere, the incumbent of which also serves as the Ad-*
6 *ministrator of the National Oceanic and Atmospheric*
7 *Administration;*

8 (3) *by striking out the item relating to the*
9 *Under Secretary of Commerce for Technology; and*

10 (4) *by adding at the end thereof the following:*

11 “Assistant Administrators, United States Trade
12 Administration (4).

13 “Administrator of the National Oceanic and At-
14 mospheric Administration.

15 “Director of the Office of Patents, Trademarks,
16 and Standards.

17 “Director General of the Commercial Service,
18 United States Trade Administration.”.

19 (d) *POSITIONS AT LEVEL IV.—Section 5315 of title 5,*
20 *United States Code, is amended—*

21 (1) *by striking out the item relating to Assistant*
22 *Secretaries of Commerce (11);*

23 (2) *by striking out the item relating to the Gen-*
24 *eral Counsel of the Department of Commerce;*

1 (3) by striking out the item relating to the As-
2 sistant Secretary of Commerce for Oceans and Atmos-
3 phere, the incumbent of which also serves as Deputy
4 Administrator of the National Oceanic and Atmos-
5 pheric Administration;

6 (4) by striking out the item relating to the Direc-
7 tor, National Institute of Standards and Technology,
8 Department of Commerce;

9 (5) by striking out the item relating to the As-
10 sistant Secretary of Commerce and Director General
11 of the United States and Foreign Commercial Service;

12 (6) by striking out the item relating to the In-
13 spector General, Department of Commerce;

14 (7) by striking out the item relating to the Direc-
15 tor, Bureau of the Census, Department of Commerce;

16 (8) by striking out the item relating to the Chief
17 Financial Officer, Department of Commerce; and

18 (9) by adding at the end thereof the following:

19 “General Counsel, United States Trade Adminis-
20 tration.

21 “Inspector General, United States Trade Admin-
22 istration.

23 “Chief Financial Officer, United States Trade
24 Administration.

1 *“Deputy Administrator, National Oceanic and*
2 *Atmospheric Administration.*

3 *“Director of the Bureau of the Census, Depart-*
4 *ment of the Treasury.*

5 *“Commissioner of Patents and Trademarks, Of-*
6 *fice of Patents, Trademarks, and Standards.*

7 *“Director of the National Institute of Standards*
8 *and Technology, Office of Patents, Trademarks, and*
9 *Standards.”.*

10 (e) *POSITIONS AT LEVEL V.—Section 5316 of title 5,*
11 *United States Code, is amended—*

12 (1) *by striking out the item relating to the Com-*
13 *missioner of Patents, Department of Commerce;*

14 (2) *by striking out the item relating to the Direc-*
15 *tor, United States Travel Service, Department of*
16 *Commerce;*

17 (3) *by striking out the item relating to the Na-*
18 *tional Export Expansion Coordinator, Department of*
19 *Commerce; and*

20 (4) *by adding at the end thereof the following:*

21 *“General Counsel, Office of Patents, Trademarks,*
22 *and Standards.*

23 *“Inspector General, Office of Patents, Trade-*
24 *marks, and Standards.*

1 “Chief Financial Officer, Office of Patents,
2 Trademarks, and Standards.”.

3 **TITLE III—ESTABLISHMENT OF**
4 **NATIONAL OCEANIC AND AT-**
5 **MOSPHERIC ADMINISTRA-**
6 **TION AS AN INDEPENDENT**
7 **AGENCY**

8 **Subtitle A—Establishment of**
9 **Administration**

10 **SEC. 301. SHORT TITLE.**

11 This title may be cited as the “National Oceanic and
12 Atmospheric Administration Act of 1995”.

13 **SEC. 302. FINDINGS AND PURPOSES.**

14 (a) *FINDINGS.*—The Congress finds that the establish-
15 ment of an independent agency for ocean, coastal, and at-
16 mospheric programs will—

17 (1) provide a focus for ocean, coastal, and atmos-
18 pheric activities;

19 (2) facilitate the development of a single agency
20 and a unified means for research concerning ocean,
21 coastal, and atmospheric programs; and

22 (3) aid in the establishment of a coherent pro-
23 gram to promote understanding, assessment, develop-
24 ment, management, conservation, and protection of
25 ocean, coastal, and atmospheric environments.

1 (b) *PURPOSES.*—*The purposes of this title are to estab-*
2 *lish the National Oceanic and Atmospheric Administration*
3 *as an independent agency and to streamline and improve*
4 *the efficiency of the operations of the Administration.*

5 **SEC. 303. DEFINITIONS.**

6 *For the purposes of this title—*

7 (1) *the term “Administration” means the Na-*
8 *tional Oceanic and Atmospheric Administration es-*
9 *tablished under section 304; and*

10 (2) *the term “Administrator” means the Admin-*
11 *istrator of the National Oceanic and Atmospheric Ad-*
12 *ministration.*

13 **SEC. 304. ESTABLISHMENT.**

14 *There is established the National Oceanic and Atmos-*
15 *pheric Administration which shall be an independent estab-*
16 *lishment in the executive branch of Government as defined*
17 *under section 104 of title 5, United States Code. The Ad-*
18 *ministration shall succeed the National Oceanic and Atmos-*
19 *pheric Administration of the Department of Commerce in*
20 *existence on the day before the effective date of this Act.*

21 **SEC. 305. OFFICERS.**

22 (a) *ADMINISTRATOR.*—*The Administration shall be*
23 *administered by an Administrator, who shall be appointed*
24 *by the President, by and with the advice and consent of*
25 *the Senate. The Administrator shall carry out all functions*

1 transferred to the Administrator by this Act and shall have
2 authority and control over all personnel, programs, and ac-
3 tivities of the Administration.

4 (b) *DEPUTY ADMINISTRATOR.*—There shall be in the
5 Administration a Deputy Administrator, who shall be ap-
6 pointed by the President, by and with the advice and con-
7 sent of the Senate. The Deputy Administrator shall perform
8 such functions as the Administrator shall prescribe. The
9 Deputy Administrator shall act for and perform the func-
10 tions of the Administrator during the absence or disability
11 of the Administrator, or in the event of a vacancy in the
12 office of the Administrator.

13 (c) *ASSISTANT ADMINISTRATORS.*—There shall be in
14 the Administration not less than 3 and not more than 5
15 Assistant Administrators, who shall be appointed by the
16 Administrator. The Assistant Administrators shall perform
17 such functions as the Administrator shall prescribe.

18 (d) *GENERAL COUNSEL.*—There shall be in the Admin-
19 istration a General Counsel, who shall be appointed by the
20 Administrator. The General Counsel shall be the chief legal
21 officer for all legal matters arising from the conduct of the
22 functions of the Administration.

23 (e) *CHIEF SCIENTIST.*—The Chief Scientist of the Ad-
24 ministration shall be appointed in accordance with section
25 2(d) of Reorganization Plan No. 4 of 1970.

1 (f) *DIRECTOR OF NATIONAL SEA GRANT COLLEGE*
2 *PROGRAM.*—(1) *There shall be in the Administration a Di-*
3 *rector of the national sea grant college program, who shall*
4 *be appointed by the Administrator and who shall be a*
5 *qualified individual who has knowledge or expertise in*
6 *fields relating to ocean and coastal resources and appro-*
7 *priate administrative experience. The Director of the na-*
8 *tional sea grant college program shall be appointed without*
9 *regard to the provisions of title 5, United States Code, gov-*
10 *erning appointments in the competitive service, and shall*
11 *be compensated at a rate not in excess of the maximum*
12 *rate for a position above GS-15 of the General Schedule.*

13 (2) *The Director of the national sea grant college pro-*
14 *gram shall administer the national sea grant college pro-*
15 *gram subject to the supervision of the Administrator and*
16 *in accordance with functions prescribed by law or by the*
17 *Administrator.*

18 (g) *INSPECTOR GENERAL.*—(1) *There shall be in the*
19 *Administration an Inspector General who shall be ap-*
20 *pointed in accordance with the Inspector General Act of*
21 *1978, as amended by this subsection.*

22 (2) *Section 11 of the Inspector General Act of 1978*
23 *(as amended by this Act) is further amended—*

1 (A) in paragraph (1) by inserting “, or the Ad-
2 ministrators of the National Oceanic and Atmospheric
3 Administration” before “; as the case”; and

4 (B) in paragraph (2) by inserting “, or the Na-
5 tional Oceanic and Atmospheric Administration,” be-
6 fore “; as the case”.

7 (h) CHIEF FINANCIAL OFFICER.—(1) There shall be in
8 the Administration a Chief Financial Officer who shall be
9 appointed in accordance with section 901 of title 31, United
10 States Code, as amended by paragraph (2).

11 (2) Section 901(b)(2) of title 31, United States Code,
12 is amended by adding at the end thereof the following:

13 “(H) The National Oceanic and Atmos-
14 pheric Administration.”.

15 (i) COMMISSIONED OFFICER CORPS.—(1) There shall
16 be in the Administration a Commissioned Officer Corps,
17 which shall be the Commissioned Officer Corps of the Na-
18 tional Oceanic and Atmospheric Administration established
19 by Reorganization Plan No. 4 of 1970. Members of the
20 Corps, including those appointed after the effective date of
21 this Act, shall be entitled to all rights, privileges, and bene-
22 fits available under any law to commissioned officers of the
23 Commissioned Officer Corps of the National Oceanic and
24 Atmospheric Administration of the Department of Com-
25 merce on the day before the effective date of this Act.

1 (2) *All laws and regulations applicable to commis-*
2 *sioned officers of the National Oceanic and Atmospheric Ad-*
3 *ministration of the Department of Commerce on the day*
4 *before the effective date of this Act shall be applicable to*
5 *commissioned officers of the Administration.*

6 **SEC. 306. TRANSFER OF THE NATIONAL OCEANIC AND AT-**
7 **MOSPHERIC ADMINISTRATION FROM THE DE-**
8 **PARTMENT OF COMMERCE.**

9 (a) *TRANSFER.*—*The National Oceanic and Atmos-*
10 *pheric Administration of the Department of Commerce is*
11 *transferred to the Administration.*

12 (b) *COMMERCE FUNCTIONS.*—*All functions of the Sec-*
13 *retary of Commerce or the Department of Commerce with*
14 *respect to or being administered through the National Oce-*
15 *anic and Atmospheric Administration of the Department*
16 *of Commerce or the Administrator of such Administration*
17 *on the day before the effective date of this Act are trans-*
18 *ferred to the Administrator appointed under section 305(a).*

19 (c) *NOAA FUNCTIONS.*—*All functions of the National*
20 *Oceanic and Atmospheric Administration of the Depart-*
21 *ment of Commerce or the Administrator of such Adminis-*
22 *tration are transferred to the Administrator appointed*
23 *under section 305(a).*

1 **Subtitle B—Streamlining**
2 **Provisions**

3 **SEC. 311. PERSONNEL REDUCTIONS.**

4 (a) *FULL-TIME EQUIVALENT POSITIONS.*—

5 (1) *REDUCTIONS.*—No later than September 30,
6 1999, the Administrator shall take such action as nec-
7 essary to reduce the number of full-time equivalent
8 positions of the National Oceanic and Atmospheric
9 Administration to ensure that the total number of
10 such positions in the Administration shall be no more
11 than the number described under paragraph (2).

12 (2) *NUMBER OF POSITIONS.*—The number re-
13 ferred to under paragraph (1) is 2,318 less than the
14 number of full-time equivalent positions in the Na-
15 tional Oceanic and Atmospheric Administration on
16 September 30, 1993.

17 (b) *AUTHORIZED NUMBER OF COMMISSIONED OFFI-*
18 *CERS.*—

19 (1) *IN GENERAL.*—The National Oceanic and At-
20 mospheric Administration is authorized an end-of-
21 year personnel strength for commissioned officers on
22 the active list of—

23 (A) 383 as of September 30, 1996;

24 (B) 345 as of September 30, 1997;

25 (C) 311 as of September 30, 1998; and

1 (D) 285 as of September 30, 1999.

2 (2) CONFORMING AMENDMENTS.—

3 (A) The first sentence under the subheading
4 “OPERATIONS, RESEARCH, AND FACILITIES”
5 under the heading “NATIONAL OCEANIC AND
6 ATMOSPHERIC ADMINISTRATION” under
7 title II of the Departments of Commerce, Justice,
8 and State, the Judiciary, and Related Agencies
9 Appropriations Act, 1995 (Public Law 103–317;
10 108 Stat. 1741) is amended by striking out “not
11 to exceed 439 commissioned officers on the active
12 list;” and inserting in lieu thereof: “not to exceed
13 the number of commissioned officers on the active
14 list provided for by section 303 of the Commerce
15 Department Termination and Government Reor-
16 ganization Act of 1995;”.

17 (B) Section 8(b) of the Coast and Geodetic
18 Survey Commissioned Officers’ Act of 1948 (33
19 U.S.C. 853g(b)) is amended by striking “four
20 percent” and inserting in lieu thereof “ten per-
21 cent”.

22 (3) VOLUNTARY SEPARATIONS AND RETIRE-
23 MENTS.—(A) To ease the transition into the civilian
24 work force of members of the National Oceanic and
25 Atmospheric Administration Commissioned Officer

1 *Corps (hereinafter referred to as the “Corps”), and to*
2 *facilitate the reduction of active duty officers—*

3 *(i) section 1174a of title 10, United States*
4 *Code, shall apply to the members of the Corps in*
5 *the same manner and to the same extent as that*
6 *provision applies to members of the Armed*
7 *Forces; and*

8 *(ii) section 4403, other than subsection (f),*
9 *of the Defense Authorization Act for fiscal year*
10 *1993 (10 U.S.C. 1293 note) shall apply to mem-*
11 *bers of the Corps in the same manner and to the*
12 *same extent as that provision applies to members*
13 *of the Armed Forces, subject to the availability*
14 *of appropriations, and at the discretion of the*
15 *Administrator.*

16 *(B) The Administrator shall implement subpara-*
17 *graph (A) (i) and (ii) with respect to members of the*
18 *Corps together with other applicable provisions of law*
19 *relating to separation or retirement of Corps person-*
20 *nel.*

21 **SEC. 312. TRANSFER OF AERONAUTICAL CHARTING.**

22 *The following functions are transferred from the Na-*
23 *tional Oceanic and Atmospheric Administration to the Fed-*
24 *eral Aviation Administration:*

1 (1) *The functions vested in the Secretary of Com-*
2 *merce by sections 1 and 2 of the Act of August 6,*
3 *1947 (33 U.S.C. 883a and 883b) relating to aero-*
4 *nautical surveys for the purpose of aeronautical*
5 *charting, and the compilation, printing, and distribu-*
6 *tion of aeronautical charts.*

7 (2) *The functions vested in the Secretary of Com-*
8 *merce by section 1307 of title 44, United States Code,*
9 *relating to establishment of prices at which aeronauti-*
10 *cal charts and related products may be sold.*

11 (3) *Any part of the functions of the Secretary of*
12 *Commerce and the Department of Commerce as are*
13 *incidental to or necessary for the performance by, or*
14 *under, the Administrator of the Federal Aviation Ad-*
15 *ministration of the functions transferred by this sec-*
16 *tion or that relate primarily to those functions.*

17 (b) *EFFECTIVE DATE.*—*The transfers made by this sec-*
18 *tion shall be effective on October 1, 1995.*

19 **SEC. 313. REGULATORY STREAMLINING.**

20 *The Administrator is directed to review all regulations*
21 *that were issued by the Administrator before January 1,*
22 *1995—*

23 (1) *to determine whether those regulations con-*
24 *tinue to be necessary to discharge the functions as-*

1 *signed to, or delegated to, the National Oceanic and*
2 *Atmospheric Administration;*

3 (2) *to identify and eliminate redundant and ob-*
4 *solete regulations; and*

5 (3) *to achieve a 45 percent reduction in the Na-*
6 *tional Oceanic and Atmospheric Administration's vol-*
7 *ume of regulations by December 31, 1997, to the ex-*
8 *tent that such reduction is not inconsistent with its*
9 *statutory obligations.*

10 **SEC. 314. REDUCTION IN NOAA FLEET.**

11 *No later than March 1, 1996, the Secretary of Com-*
12 *merce shall submit to the Committee on Commerce, Science,*
13 *and Transportation of the Senate and the Committee on*
14 *Resources of the House of Representatives a revised fleet*
15 *modernization plan reflecting the budget constraints facing*
16 *the National Oceanic and Atmospheric Administration as*
17 *a whole. The plan shall provide for—*

18 (1) *reducing the current fleet size by at least 50*
19 *percent over the 10-year period following the date of*
20 *the enactment of this Act, including a decommission-*
21 *ing of 6 existing vessels by the end of fiscal year 1998;*

22 (2) *reducing the cost of construction contained*
23 *in the original plan submitted in 1993 by 50 percent;*

24 (3) *chartering and contracting out, where fea-*
25 *sible and economically advantageous, with vessels of*

1 *the United States, including fishing vessels, for activi-*
2 *ties now conducted by the Administration; and*

3 *(4) selling vessels that are decommissioned where*
4 *feasible.*

5 **SEC. 315. REDUCTION OF REPORTING REQUIREMENTS.**

6 *The Administrator is directed to review all relevant*
7 *statutory reporting requirements to determine whether such*
8 *reporting requirements continue to be necessary to inform*
9 *the Congress of problems or progress in discharging the*
10 *functions assigned to, or delegated to, the National Oceanic*
11 *and Atmospheric Administration. No later than March 31,*
12 *1996, the Administrator shall recommend legislation to*
13 *eliminate no less than 50 percent of the statutory reporting*
14 *requirements in effect on January 1, 1995.*

15 **SEC. 316. LABORATORY CONSOLIDATION STUDY.**

16 *No later than March 1, 1996, the Administrator shall*
17 *develop a laboratory consolidation plan for the current lab-*
18 *oratories, including a proposed implementation schedule for*
19 *consolidation, and transmit a copy of the plan to the appro-*
20 *priate committees of the Congress on or before that date.*
21 *The plan shall consider—*

22 *(1) the age and physical condition of the facility,*
23 *and the costs associated with keeping the facility*
24 *functioning;*

1 (2) *the relationship of research performed at the*
2 *facility to core National Oceanic and Atmospheric*
3 *Administration missions and legislative mandates;*
4 *and*

5 (3) *the geographic proximity of other Federal,*
6 *State, or private sector facilities that carry out simi-*
7 *lar research functions.*

8 ***Subtitle C—Administrative***
9 ***Provisions***

10 ***SEC. 321. RULES.***

11 *In the performance of the functions of the Adminis-*
12 *trator and the Administration, the Administrator is au-*
13 *thorized to make, promulgate, issue, rescind, and amend*
14 *rules and regulations. The promulgation of such rules and*
15 *regulations—*

16 (1) *shall be governed by the provisions of chapter*
17 *5 of title 5, United States Code; and*

18 (2) *shall be after notice and opportunity for full*
19 *participation by relevant Federal agencies, State*
20 *agencies, local governments, regional organizations,*
21 *authorities, councils, and other interested public and*
22 *private parties.*

23 ***SEC. 322. DELEGATION.***

24 *Except as otherwise provided in this Act, the Adminis-*
25 *trator may delegate any function to such officers and em-*

1 *ployees of the Administration as the Administrator may*
2 *designate, and may authorize such successive redelegations*
3 *of such functions in the Administration as may be nec-*
4 *essary or appropriate. No delegation of functions by the Ad-*
5 *ministrator under this section or under any other provision*
6 *of this Act shall relieve the Administrator of responsibility*
7 *for the administration of such functions.*

8 **SEC. 323. PERSONNEL AND SERVICES.**

9 (a) *APPOINTMENTS.*—*In the performance of the func-*
10 *tions of the Administrator and in addition to the officers*
11 *provided for by section 305, the Administrator is authorized*
12 *to appoint, transfer, and fix the compensation of such offi-*
13 *cers and employees, including attorneys, as may be nec-*
14 *essary to carry out the functions of the Administrator and*
15 *the Administration. Except as otherwise provided by law,*
16 *such officers and employees shall be appointed in accord-*
17 *ance with the civil service laws and compensated in accord-*
18 *ance with title 5, United States Code.*

19 (b) *EXPERTS AND CONSULTANTS.*—*The Administrator*
20 *is authorized to obtain the services of experts and consult-*
21 *ants in accordance with section 3109 of title 5, United*
22 *States Code.*

23 (c) *TRANSPORTATION EXPENSES.*—*The Administrator*
24 *is authorized to pay transportation expenses, and per diem*

1 *in lieu of subsistence expenses, in accordance with chapter*
2 *57 of title 5, United States Code.*

3 (d) *DETAIL OF EMPLOYEES AND OFFICERS.*—*The Ad-*
4 *ministrator is authorized to utilize, on a reimbursable*
5 *basis, the services of personnel of any Federal agency.*

6 (e) *VOLUNTARY SERVICES.*—(1)(A) *The Administrator*
7 *is authorized to accept voluntary and uncompensated serv-*
8 *ices without regard to the provisions of section 1342 of title*
9 *31, United States Code, if such services will not be used*
10 *to displace Federal employees employed on a full-time, part-*
11 *time, or seasonal basis.*

12 (B) *The Administrator is authorized to accept volun-*
13 *teer service in accordance with the provisions of section*
14 *3111 of title 5, United States Code.*

15 (2) *The Administrator is authorized to provide for in-*
16 *cidental expenses, including but not limited to transpor-*
17 *tation, lodging, and subsistence for such volunteers.*

18 (3) *An individual who provides voluntary services*
19 *under paragraph (1)(A) of this subsection shall not be con-*
20 *sidered a Federal employee for any purpose other than for*
21 *purposes of chapter 81 of title 5, United States Code, relat-*
22 *ing to compensation for work injuries, and chapter 171 of*
23 *title 28, United States Code, relating to tort claims.*

1 **SEC. 324. CONTRACTS.**

2 *The Administrator is authorized, without regard to the*
3 *provisions of section 3324 of title 31, United States Code,*
4 *to enter into and perform such contracts, leases, cooperative*
5 *agreements, or other transactions as may be necessary to*
6 *carry out the functions of the Administrator and the Ad-*
7 *ministration. The Administrator may enter into such con-*
8 *tracts, leases, agreements, and transactions with any Fed-*
9 *eral agency or any instrumentality of the United States,*
10 *or with any State, territory, or possession, or with any po-*
11 *litical subdivision thereof, or with any person, firm, asso-*
12 *ciation, corporation, or educational institution, on such*
13 *terms and conditions as the Administrator may consider*
14 *appropriate. The authority of the Administrator to enter*
15 *into contracts and leases under this section shall be to such*
16 *extent or in such amounts as are provided in appropriation*
17 *Acts.*

18 **SEC. 325. USE OF FACILITIES.**

19 *With their consent, the Administrator may, with or*
20 *without reimbursement, use the services, equipment, person-*
21 *nel, and facilities of Federal agencies and other public and*
22 *private agencies, and may cooperate with other public and*
23 *private agencies and instrumentalities in the use of services,*
24 *equipment, personnel, and facilities. The head of each Fed-*
25 *eral agency shall cooperate fully with the Administrator in*
26 *making the services, equipment, personnel, and facilities of*

1 *the Federal agency available to the Administrator. The head*
2 *of a Federal agency is authorized, notwithstanding any*
3 *other provision of law, to transfer to or to receive from the*
4 *Administration, without reimbursement, supplies and*
5 *equipment other than administrative supplies or equip-*
6 *ment.*

7 **SEC. 326. SERVICE CHARGES.**

8 (a) *IN GENERAL.*—*The Administrator may establish*
9 *reasonable fees and commissions with respect to applica-*
10 *tions, documents, awards, loans, grants, research data, serv-*
11 *ices, and assistance and may change and abolish such fees*
12 *and commissions. Prior to establishing, changing, or abol-*
13 *ishing any schedule of fees or commissions under this sec-*
14 *tion, the Administrator may submit such schedule to the*
15 *Congress.*

16 (b) *REQUIREMENT OF DEPOSIT.*—*The Administrator*
17 *is authorized to require a deposit before the Administrator*
18 *provides any item, information, service, or assistance for*
19 *which a fee or commission is required under this section.*

20 (c) *DEPOSIT.*—*Moneys received under this section*
21 *shall be deposited with the Treasury in a special account*
22 *for use by the Administrator and are authorized to be ap-*
23 *propriated and made available until expended.*

1 (d) *CONSIDERATION IN ESTABLISHMENT OF FEES.*—
2 *In establishing reasonable fees or commissions under this*
3 *section, the Administrator may take into consideration—*

4 (1) *the actual costs which will be incurred in*
5 *providing items, information, services, or assistance;*

6 (2) *the efficiency of the Government in providing*
7 *such items, information, services, or assistance;*

8 (3) *the portion of the cost that will be incurred*
9 *in providing such items, information, services, or as-*
10 *sistance which may be attributed to benefits for the*
11 *general public interest rather than to exclusive bene-*
12 *fits for the applicant;*

13 (4) *any public service which occurs through the*
14 *provision of such items, information, services, or as-*
15 *sistance; and*

16 (5) *such other factors as the Administrator con-*
17 *siders relevant.*

18 (e) *REFUND.*—*In any case in which the Administrator*
19 *determines that any person has made a payment which is*
20 *not required under this section or has made a payment*
21 *which is in excess of the amount required under this section,*
22 *the Administrator, upon application or otherwise, may*
23 *cause a refund to be made from applicable funds.*

24 **SEC. 327. ACQUISITION AND MAINTENANCE OF PROPERTY.**

25 (a) *IN GENERAL.*—*The Administrator is authorized—*

1 (1) to acquire (by purchase, lease, condemnation,
2 or otherwise), construct, improve, repair, operate, and
3 maintain—

4 (A) laboratories;

5 (B) research and testing sites and facilities;

6 (C) quarters and related accommodations
7 for employees and dependents of employees of the
8 Administration; and

9 (D) such other real and personal property
10 (including patents) or any interest therein with-
11 in and outside the continental United States,

12 as the Administrator considers necessary;

13 (2) to lease to others such real and personal
14 property; and

15 (3) to provide by contract or otherwise for eating
16 facilities and other necessary facilities for the welfare
17 of employees of the Administration at its installations
18 and to purchase and maintain equipment therefore.

19 (b) TITLE TO PROPERTY.—Title to any property or
20 interest therein acquired pursuant to this section shall be
21 in the United States.

22 (c) LIMITATION OF AUTHORITY.—The authority grant-
23 ed by subsection (a) of this section shall be available only
24 with respect to facilities that cannot readily be reassigned
25 from similar Federal activities and are not otherwise avail-

1 *able for assignment to the Administration by the Adminis-*
2 *trator of General Services.*

3 (d) *AVAILABILITY OF FUNDS.—The authority of the*
4 *Administrator to enter into contracts and leases under this*
5 *section shall be to such extent or in such amounts as are*
6 *provided in appropriation Acts.*

7 **SEC. 328. FACILITIES AT REMOTE LOCATIONS.**

8 (a) *IN GENERAL.—The Administrator is authorized to*
9 *provide, construct, or maintain for employees and their de-*
10 *pendents stationed at remote locations as necessary and*
11 *when not otherwise available at such remote locations—*

12 (1) *emergency medical services and supplies;*

13 (2) *food and other subsistence supplies;*

14 (3) *meeting facilities;*

15 (4) *audiovisual equipment, accessories, and sup-*
16 *plies for recreation and training;*

17 (5) *reimbursement for food, clothing, medicine,*
18 *and other supplies furnished by such employees in*
19 *emergencies for the temporary relief of distressed per-*
20 *sons;*

21 (6) *living and working quarters and facilities;*
22 *and*

23 (7) *transportation for school-age dependents of*
24 *employees to the nearest appropriate educational fa-*
25 *cilities.*

1 (b) *MEDICAL TREATMENT AND SERVICES.*—The fur-
2 nishing of medical treatment under paragraph (1) of sub-
3 section (a) and the furnishing of services and supplies
4 under paragraphs (2) and (3) of such subsection shall be
5 at prices reflecting reasonable value as determined by the
6 Administrator.

7 (c) *DEPOSIT OF FUNDS.*—Proceeds derived from reim-
8 bursements under this section shall be deposited in the
9 Treasury and may be withdrawn by the Administrator to
10 pay directly the cost of work or services provided under this
11 section, to repay or make advances to appropriations of
12 funds which do or will bear all or a part of such cost, or
13 to refund excess sums when necessary, except that such pay-
14 ments may be credited to a service or working capital fund
15 otherwise established by law, and used under the law gov-
16 erning such funds if the fund is available for use by the
17 Administrator for performing the work or services for which
18 payment is received.

19 **SEC. 329. COPYRIGHTS AND PATENTS.**

20 The Administrator is authorized to acquire any of the
21 following described rights if the property acquired thereby
22 is for use in, or is useful to, the performance of functions
23 of the Administrator or the Administration:

24 (1) *Copyrights, patents, and applications for*
25 *patents, designs, processes, specifications, and data.*

1 (2) Licenses under copyrights, patents, and ap-
2 plications for patents.

3 (3) Releases, before an action is brought, for past
4 infringement of patents of copyrights.

5 **SEC. 330. GIFTS AND BEQUESTS.**

6 The Administrator is authorized to accept, hold, ad-
7 minister and utilize gifts, donations, or bequests of prop-
8 erty, real or personal, tangible or intangible, and contribu-
9 tions of money for purposes of aiding or facilitating the
10 work of the Administrator or the Administration. For the
11 purposes of Federal income, estate, and gift taxes, and State
12 taxes, property accepted under this subsection shall be con-
13 sidered a gift or bequest to the United States.

14 **SEC. 331. TRANSFERS OF FUNDS FROM OTHER FEDERAL**
15 **AGENCIES.**

16 Consistent with sections 1535 and 1536 of title 31,
17 United States Code, the Administrator is authorized to ac-
18 cept transfers from other Federal agencies of funds which
19 are available to carry out functions transferred by this Act
20 to the Administrator or functions assigned by law to the
21 Administrator after the date of enactment of this Act.

22 **SEC. 332. SEAL OF ADMINISTRATION.**

23 The Administrator shall cause a seal of office to be
24 made for the Administration of such design as the Adminis-

1 *trator shall approve. Judicial notice shall be taken of such*
2 *seal.*

3 **SEC. 333. STATUS OF ADMINISTRATION UNDER CERTAIN**
4 **LAWS.**

5 *For purposes of section 552b of title 5, United States*
6 *Code, the Administration is an agency.*

7 **SEC. 334. ASSISTANT ADMINISTRATORS AS EXECUTIVE**
8 **SCHEDULE POSITIONS.**

9 *Section 5316 of title 5, United States Code (as amend-*
10 *ed by this Act) is further amended—*

11 *(1) by striking out the items relating to the As-*
12 *stant Administrator for Coastal Zone Management,*
13 *National Oceanic and Atmospheric Administration;*
14 *the Assistant Administrator for Fisheries, National*
15 *Oceanic and Atmospheric Administration; and the*
16 *Assistant Administrators, National Oceanic and At-*
17 *mospheric Administration; and*

18 *(2) by adding at the end thereof the following:*

19 *“Assistant Administrators, National Oceanic*
20 *and Atmospheric Administration.”.*

21 **SEC. 335. COORDINATION OF ENVIRONMENTAL POLICY.**

22 *The Administration shall consult and coordinate envi-*
23 *ronmental policy with the Council on Environmental Qual-*
24 *ity of the Executive Office of the President.*

1 **TITLE IV—ESTABLISHMENT OF**
2 **THE OFFICE OF PATENTS,**
3 **TRADEMARKS, AND STAND-**
4 **ARDS**

5 **Subtitle A—Establishment**

6 **SEC. 401. DEFINITIONS.**

7 *For purposes of this title—*

8 *(1) the term “Director” means the Director of the*
9 *Office of Patents, Trademarks, and Standards; and*

10 *(2) the term “Office” means the Office of Pat-*
11 *ents, Trademarks, and Standards.*

12 **SEC. 402. ESTABLISHMENT OF THE OFFICE OF PATENTS,**
13 **TRADEMARKS, AND STANDARDS.**

14 *There is established the Office of Patents, Trademarks,*
15 *and Standards which shall be an independent establishment*
16 *in the executive branch of Government as defined under sec-*
17 *tion 104 of title 5, United States Code. There shall be a*
18 *Director of the Office of Patents, Trademarks, and Stand-*
19 *ards who shall administer the Office and shall be appointed*
20 *by the President, by and with the advice and consent of*
21 *the Senate.*

22 **SEC. 403. FUNCTIONS.**

23 *The Director shall perform all functions transferred*
24 *under section 404 and such other functions as the President*
25 *may assign or delegate.*

1 **SEC. 404. TRANSFERS TO THE OFFICE.**

2 (a) *TRANSFER OF FUNCTIONS.*—There are transferred
3 to the Director all functions of, and all functions performed
4 under the direction of, the following officers and employees
5 of the Department of Commerce:

6 (1) *The Director of the National Institute of*
7 *Standards and Technology.*

8 (2) *The Assistant Secretary and Commissioner of*
9 *Patents and Trademarks.*

10 (3) *The Under Secretary for Technology relating*
11 *to functions performed by the Office of Technology*
12 *Policy relating to the Baldrige Quality Award.*

13 (4) *The Secretary of Commerce and Assistant*
14 *Secretary for Communications and Information with*
15 *respect to only those functions of the National Tele-*
16 *communications and Information Administration re-*
17 *lating to telecommunication standards and labora-*
18 *tories.*

19 (b) *TRANSFER OF OFFICES.*—(1) *The Patent and*
20 *Trademark Office of the Department of Commerce is trans-*
21 *ferred to the Office. The Patent and Trademark Office of*
22 *the Office of Patents, Trademarks, and Standards shall be*
23 *administered through the Commissioner of the Patent and*
24 *Trademark Office.*

25 (2) *The National Institute of Standards and Tech-*
26 *nology of the Department of Commerce is transferred to the*

1 *Office. The National Institute of Standards and Technology*
2 *shall be administered through the Director of the National*
3 *Institute of Standards and Technology.*

4 **SEC. 405. ADDITIONAL OFFICERS.**

5 (a) *GENERAL COUNSEL.*—*There shall be in the Office*
6 *a General Counsel, who shall be appointed by the President,*
7 *by and with the advice and consent of the Senate. The Gen-*
8 *eral Counsel shall provide legal assistance to the Director*
9 *concerning the activities, programs, and policies of the Of-*
10 *fice.*

11 (b) *INSPECTOR GENERAL.*—(1) *There shall be in the*
12 *Office an Inspector General who shall be appointed in ac-*
13 *cordance with the Inspector General Act of 1978, as amend-*
14 *ed by this subsection.*

15 (2) *Section 11 of the Inspector General Act of 1978*
16 *(as amended by this Act) is further amended—*

17 (A) *in paragraph (1) by inserting “the Director*
18 *of the Office of Patents, Trademarks, and Standards”*
19 *after “the Chief Executive Officer of the Corporation*
20 *for National and Community Service;”;* and

21 (B) *in paragraph (2) by inserting “the Office of*
22 *Patents, Trademarks, and Standards,” after “the Cor-*
23 *poration for National and Community Service,”.*

24 (c) *CHIEF FINANCIAL OFFICER.*—(1) *There shall be in*
25 *the Office a Chief Financial Officer who shall be appointed*

1 *in accordance with section 901 of title 31, United States*
2 *Code, as amended by this subsection.*

3 *(2) Section 901(b) of title 31, United States Code, (as*
4 *amended by this Act) is further amended in paragraph (2)*
5 *by adding at the end thereof the following:*

6 *“(I) The Office of Patents, Trademarks, and*
7 *Standards.”.*

8 ***Subtitle B—Administrative***
9 ***Provisions***

10 ***SEC. 411. RULES.***

11 *In the performance of the functions of the Director and*
12 *the Office, the Director is authorized to make, promulgate,*
13 *issue, rescind, and amend rules and regulations. The pro-*
14 *mulgation of such rules and regulations—*

15 *(1) shall be governed by the provisions of chapter*
16 *5 of title 5, United States Code; and*

17 *(2) shall be after notice and opportunity for full*
18 *participation by relevant Federal agencies, State*
19 *agencies, local governments, regional organizations,*
20 *authorities, councils, and other interested public and*
21 *private parties.*

22 ***SEC. 412. DELEGATION.***

23 *Except as otherwise provided in this Act, the Director*
24 *may delegate any function to such officers and employees*
25 *of the Office as the Director may designate, and may au-*

1 *thorize such successive redelegations of such functions in the*
2 *Office as may be necessary or appropriate. No delegation*
3 *of functions by the Director under this section or under any*
4 *other provision of this Act shall relieve the Director of re-*
5 *sponsibility for the administration of such functions.*

6 **SEC. 413. PERSONNEL AND SERVICES.**

7 (a) *APPOINTMENTS.*—*In the performance of the func-*
8 *tions of the Director and in addition to the officers provided*
9 *for under subtitle A, the Director is authorized to appoint,*
10 *transfer, and fix the compensation of such officers and em-*
11 *ployees, including attorneys, as may be necessary to carry*
12 *out the functions of the Director and the Office. Except as*
13 *otherwise provided by law, such officers and employees shall*
14 *be appointed in accordance with the civil service laws and*
15 *compensated in accordance with title 5, United States Code.*

16 (b) *EXPERTS AND CONSULTANTS.*—*The Director is au-*
17 *thorized to obtain the services of experts and consultants*
18 *in accordance with section 3109 of title 5, United States*
19 *Code.*

20 (c) *TRANSPORTATION EXPENSES.*—*The Director is au-*
21 *thorized to pay transportation expenses, and per diem in*
22 *lieu of subsistence expenses, in accordance with chapter 57*
23 *of title 5, United States Code.*

1 (d) *DETAIL OF EMPLOYEES AND OFFICERS.*—The Di-
2 rector is authorized to utilize, on a reimbursable basis, the
3 services of personnel of any Federal agency.

4 (e) *VOLUNTARY SERVICES.*—(1)(A) The Director is au-
5 thorized to accept voluntary and uncompensated services
6 without regard to the provisions of section 1342 of title 31,
7 United States Code, if such services will not be used to dis-
8 place Federal employees employed on a full-time, part-time,
9 or seasonal basis.

10 (B) The Director is authorized to accept volunteer serv-
11 ice in accordance with the provisions of section 3111 of title
12 5, United States Code.

13 (2) The Director is authorized to provide for incidental
14 expenses, including but not limited to transportation, lodg-
15 ing, and subsistence for such volunteers.

16 (3) An individual who provides voluntary services
17 under paragraph (1)(A) of this subsection shall not be con-
18 sidered a Federal employee for any purpose other than for
19 purposes of chapter 81 of title 5, United States Code, relat-
20 ing to compensation for work injuries, and chapter 171 of
21 title 28, United States Code, relating to tort claims.

22 **SEC. 414. CONTRACTS.**

23 The Director is authorized, without regard to the pro-
24 visions of section 3324 of title 31, United States Code, to
25 enter into and perform such contracts, leases, cooperative

1 *agreements, or other transactions as may be necessary to*
2 *carry out the functions of the Director and the Office. The*
3 *Director may enter into such contracts, leases, agreements,*
4 *and transactions with any Federal agency or any instru-*
5 *mentality of the United States, or with any State, territory,*
6 *or possession, or with any political subdivision thereof, or*
7 *with any person, firm, association, corporation, or edu-*
8 *cational institution, on such terms and conditions as the*
9 *Director may consider appropriate. The authority of the*
10 *Director to enter into contracts and leases under this section*
11 *shall be to such extent or in such amounts as are provided*
12 *in appropriation Acts.*

13 **SEC. 415. COPYRIGHTS AND PATENTS.**

14 *The Director is authorized to acquire any of the follow-*
15 *ing described rights if the property acquired thereby is for*
16 *use in, or is useful to, the performance of functions of the*
17 *Director or the Office:*

18 *(1) Copyrights, patents, and applications for*
19 *patents, designs, processes, specifications, and data.*

20 *(2) Licenses under copyrights, patents, and ap-*
21 *plications for patents.*

22 *(3) Releases, before an action is brought, for past*
23 *infringement of patents of copyrights.*

1 **SEC. 416. GIFTS AND BEQUESTS.**

2 *The Director is authorized to accept, hold, administer*
3 *and utilize gifts, donations, or bequests of property, real or*
4 *personal, tangible or intangible, and contributions of money*
5 *for purposes of aiding or facilitating the work of the Direc-*
6 *tor or the Office. For the purposes of Federal income, estate,*
7 *and gift taxes, and State taxes, property accepted under*
8 *this subsection shall be considered a gift or bequest to the*
9 *United States.*

10 **SEC. 417. TRANSFERS OF FUNDS FROM OTHER FEDERAL**
11 **AGENCIES.**

12 *The Director is authorized to accept transfers from*
13 *other Federal agencies of funds which are available to carry*
14 *out functions transferred by this Act to the Director or func-*
15 *tions assigned by law to the Director after the date of enact-*
16 *ment of this Act.*

17 **SEC. 418. SEAL OF OFFICE.**

18 *The Director shall cause a seal of office to be made*
19 *for the Office of such design as the Director shall approve.*
20 *Judicial notice shall be taken of such seal.*

21 **SEC. 419. STATUS OF OFFICE UNDER CERTAIN LAWS.**

22 *For purposes of section 552b of title 5, United States*
23 *Code, the Office is an agency.*

1 **Subtitle C—Conforming**
2 **Amendments**

3 **SEC. 421. PATENT AND TRADEMARK OFFICE.**

4 (a) *ESTABLISHMENT.*—Section 1 of title 35, United
5 States Code, is amended by striking out “Department of
6 Commerce” and inserting in lieu thereof “Office of Patents,
7 Trademarks, and Standards”.

8 (b) *REFERENCE TO ASSISTANT SECRETARY OF COM-*
9 *MERCE.*—Section 3 of title 35, United States Code, is
10 amended by striking out subsection (d).

11 (c) *GENERAL REFERENCES TO SECRETARY AND DE-*
12 *PARTMENT.*—(1) Except as provided under paragraph (2),
13 the provisions of title 35, United States Code, are further
14 amended—

15 (A) by striking out “Secretary of Commerce”
16 each place such term appears and insert in lieu there-
17 of “Commissioner of Patents and Trademarks”; and

18 (B) by striking out “Department of Commerce”
19 each place such term appears and inserting in lieu
20 thereof “Office of Patents, Trademarks and Stand-
21 ards”.

22 (2)(A) Section 3(a) of title 35, United States Code, is
23 amended in the fourth sentence by striking out “The Sec-
24 retary of Commerce, upon the nomination of the Commis-
25 sioner” and inserting in lieu thereof “The Commissioner”.

1 (B) Section 6(a) of title 35, United States Code, is
2 amended—

3 (i) in the first sentence by striking out “, under
4 the direction of the Secretary of Commerce,”; and

5 (ii) in the second sentence by striking out “, sub-
6 ject to the approval of the Secretary of Commerce,”.

7 (C) Section 31 of title 35, United States Code, is
8 amended by striking out “, subject to the approval of the
9 Secretary of Commerce,”.

10 **SEC. 422. NATIONAL INSTITUTE OF STANDARDS AND TECH-**
11 **NOLOGY.**

12 The National Institute of Standards and Technology
13 Act (15 U.S.C. 271 et seq.) is amended—

14 (1) in section 2—

15 (A) in subsection (a) by striking out “De-
16 partment of Commerce” and inserting in lieu
17 thereof “Office of Patents, Trademarks, and
18 Standards”;

19 (B) in subsection (b) by striking out “The
20 Secretary of Commerce (hereafter in this Act re-
21 ferred to as the ‘Secretary’)” and inserting in
22 lieu thereof “The Director of the Office of Pat-
23 ents, Trademarks, and Standards”;

1 (C) in subsection (d) by striking out “, in-
2 cluding the programs under sections 25, 26, and
3 28 of this Act”;

4 (D) by striking out “Department of Com-
5 merce” each place such term appears and insert-
6 ing in lieu thereof “Office of Patents, Trade-
7 marks, and Standards”; and

8 (E) by striking out “Secretary of Com-
9 merce” each place such term appears and insert-
10 ing in lieu thereof “Director of the Office of Pat-
11 ents, Trademarks, and Standards”;

12 (2) in section 10 by striking out “Advanced” in
13 both the section heading and subsection (a), and in-
14 serting in lieu thereof “Standards and”; and

15 (3) by striking out sections 24, 25, 26, and 28.

16 **SEC. 423. FEDERAL LABORATORIES UNDER THE STEVEN-**
17 **SON-WYDLER TECHNOLOGY INNOVATION ACT**
18 **OF 1980.**

19 The Stevenson-Wydler Technology Innovation Act of
20 1980 (15 U.S.C. 3701 et seq.) is amended—

21 (1) in section 3 by striking out paragraph (2)
22 and redesignating paragraphs (3) through (5) as
23 paragraphs (2) through (4), respectively;

24 (2) in section 4 by striking out paragraphs (1),
25 (2), (3), (4), and (13) and redesignating paragraphs

1 (5), (6), (7), (8), (9), (10), (11), and (12) as para-
2 graphs (1) through (8), respectively;

3 (3) by striking out sections 5, 6, 7, 8, 9, and 10;

4 (4) in section 11—

5 (A) in subsection (c)(3) by striking out “,
6 the Federal Laboratory Consortium for Tech-
7 nology Transfer,”; and

8 (B) by striking out subsections (d), (e), and
9 (g); and

10 (5) in section 17—

11 (A) by striking “Secretary” each place it
12 appears and inserting “Director of the Office of
13 Patents, Trademarks, and Standards”;

14 (B) in subsection (c)—

15 (i) in paragraph (1) by striking out
16 “Subject to paragraph (2), separate” and
17 inserting in lieu thereof “Separate”;

18 (ii) by striking out paragraph (2); and

19 (iii) by redesignating paragraph (3) as
20 paragraph (2); and

21 (C) in subsection (f) by inserting “adminis-
22 trative” after “funds to carry out”.

1 **TITLE V—GOVERNMENT 2000**
2 **COMMISSION**

3 **SEC. 501. SHORT TITLE AND PURPOSES.**

4 (a) *SHORT TITLE.*—This title may be cited as the
5 “Government 2000 Act”.

6 (b) *PURPOSES.*—

7 (1) *IN GENERAL.*—The purpose of this title is to
8 reduce the costs and increase the effectiveness of the
9 Federal Government by reorganizing departments and
10 agencies, consolidating redundant activities, stream-
11 lining operations, and decentralizing service delivery
12 in a manner that promotes economy, efficiency, and
13 accountability in Government programs. This title is
14 intended to result in a smaller Federal workforce, but
15 one provided with a better organizational environ-
16 ment in which to work, including the more effective
17 use of modern technology, in order to provide better
18 service to the public. There shall be appropriate
19 venues for the representation of constituency interests
20 in the policy formulation and service delivery process.

21 (2) *SPECIFIC GOALS.*—This title is intended to
22 achieve the following goals for improvements in the
23 performance of the Federal Government by fiscal year
24 2003:

1 (A) *An immediate reduction in the number*
2 *of cabinet departments to no more than 10.*

3 (B) *A reduction in the costs of administra-*
4 *tion by 35 percent.*

5 (C) *A ten-fold improvement in timely deliv-*
6 *ery of services to the public.*

7 (D) *A compound annual improvement in*
8 *productivity of 6 percent.*

9 (E) *Responsiveness and customer-service*
10 *levels comparable to those achieved in the private*
11 *sector.*

12 **SEC. 502. THE COMMISSION.**

13 (a) *ESTABLISHMENT.*—*There is established an inde-*
14 *pendent commission to be known as the Government 2000*
15 *Commission (hereafter in this title referred to as the “Com-*
16 *mission”).*

17 (b) *DUTIES.*—

18 (1) *EXAMINATION AND RECOMMENDATIONS.*—*The*
19 *Commission shall—*

20 (A) *examine the issues related to the organi-*
21 *zation and operations of the departments and*
22 *agencies of the Federal Government; and*

23 (B) *develop recommendations to reduce the*
24 *costs, streamline the operations, and improve the*

1 *performance, responsiveness, and accountability*
2 *of Federal departments, agencies, and programs.*

3 (2) *LEGISLATIVE PROPOSAL.*—*The recommenda-*
4 *tions of the Commission shall be encompassed in a*
5 *single legislative proposal which implements a com-*
6 *prehensive reorganization plan for the executive*
7 *branch, and which makes other institutional and*
8 *operational changes to the Federal Government, con-*
9 *sistent with the purposes stated in section 501 and the*
10 *requirements of section 503.*

11 (c) *APPOINTMENT.*—

12 (1) *COMPOSITION.*—

13 (A) *The Commission shall be composed of 9*
14 *members.*

15 (B)(i) *Two members shall be appointed by*
16 *the President.*

17 (ii) *Two members shall be appointed by the*
18 *Majority Leader of the Senate.*

19 (iii) *One member shall be appointed by the*
20 *Minority Leader of the Senate.*

21 (iv) *Two members shall be appointed by the*
22 *Speaker of the House of Representatives.*

23 (v) *One member shall be appointed by the*
24 *Minority Leader of the House of Representatives.*

1 (vi) *One member shall be appointed by the*
2 *President, in concurrence with the Majority*
3 *Leader of the Senate and the Speaker of the*
4 *House of Representatives. That member shall be*
5 *the Chairman of the Commission.*

6 (2) *MEMBERSHIP.*—*A member of the Commis-*
7 *sion may be any citizen of the United States, includ-*
8 *ing any elected or appointed public official, career*
9 *civil servant, or private citizen.*

10 (3) *CONFLICT OF INTERESTS.*—*For purposes of*
11 *the provisions of chapter 11 of part I of title 18,*
12 *United States Code, a member of the Commission (to*
13 *whom such provisions would not otherwise apply ex-*
14 *cept for this paragraph) shall be a special Govern-*
15 *ment employee.*

16 (4) *DATE OF APPOINTMENTS.*—*All members of*
17 *the Commission, except the Chairman, shall be ap-*
18 *pointed no later than 25 calendar days after enact-*
19 *ment of this title. The Chairman shall be appointed*
20 *no later than 40 calendar days after enactment of this*
21 *title.*

22 (d) *TERMS.*—*Each member shall serve until the termi-*
23 *nation of the Commission.*

1 (e) *VACANCIES.*—A vacancy on the Commission shall
2 be filled in the same manner as was the original appoint-
3 ment.

4 (f) *MEETINGS.*—The Commission shall meet as nec-
5 essary to carry out its responsibilities. The Commission
6 may conduct meetings outside the District of Columbia
7 when necessary.

8 (g) *PAY AND TRAVEL EXPENSES.*—

9 (1) *PAY.*—(A) Except for an individual who is
10 Chairman of the Commission and is otherwise a Fed-
11 eral officer or employee, the chairman shall be paid
12 at a rate equal to the daily equivalent of the mini-
13 mum annual rate of basic pay payable for level III
14 of the Executive Schedule under section 5314 of title
15 5, United States Code, for each day (including travel-
16 time) during which the Chairman is engaged in the
17 performance of duties vested in the Commission.

18 (B) Except for the Chairman, who shall be paid
19 as provided under subparagraph (A), each member of
20 the Commission who is not a Federal officer or em-
21 ployee shall be paid at a rate equal to the daily
22 equivalent of the minimum annual rate of basic pay
23 payable for level IV of the Executive Schedule under
24 section 5315 of title 5, United States Code, for each
25 day (including traveltime) during which the member

1 *is engaged in the performance of duties vested in the*
2 *Commission.*

3 (2) *TRAVEL.*—*Members of the Commission shall*
4 *receive travel expenses, including per diem in lieu of*
5 *subsistence, in accordance with sections 5702 and*
6 *5703 of title 5, United States Code.*

7 (h) *DIRECTOR.*—

8 (1) *APPOINTMENT.*—*The Commission shall by an*
9 *affirmative vote of at least 5 members appoint a Di-*
10 *rector of the Commission.*

11 (2) *PAY.*—*The Director shall be paid at the rate*
12 *of basic pay payable for level IV of the Executive*
13 *Schedule under section 5315 of title 5, United States*
14 *Code.*

15 (i) *STAFF.*—

16 (1) *APPOINTMENT.*—*The Director may, with the*
17 *approval of the Commission, appoint and fix the pay*
18 *of employees of the Commission without regard to the*
19 *provisions of title 5, United States Code, governing*
20 *appointment in the competitive service, and any*
21 *Commission employee may be paid without regard to*
22 *the provisions of chapter 51 and subchapter III of*
23 *chapter 53 of that title relating to classification and*
24 *General Schedule pay rates, except that a Commission*
25 *employee may not receive pay in excess of the annual*

1 *rate of basic pay payable for level V of the Executive*
2 *Schedule under section 5316 of title 5, United State*
3 *Code.*

4 (2) *DETAIL.—(A) Upon request of the Director,*
5 *the head of any Federal department or agency may*
6 *detail any of the personnel of the department or agen-*
7 *cy to the Commission to assist the Commission in*
8 *carrying out its duties under this title.*

9 (B) *Upon request of the Director, a Member of*
10 *Congress or an officer who is the head of an office of*
11 *the Senate or House of Representatives may detail an*
12 *employee of the office or committee of which such*
13 *Member or officer is the head to the Commission to*
14 *assist the Commission in carrying out its duties*
15 *under this title.*

16 (C) *Any Federal Government employee may be*
17 *detailed to the Commission with or without reim-*
18 *bursement, and such detail shall be without interrup-*
19 *tion or loss of civil service status or privilege.*

20 (j) *SUPPORT.—*

21 (1) *SUPPORT SERVICES.—The Office of Manage-*
22 *ment and Budget shall provide support services to the*
23 *Commission.*

24 (2) *ASSISTANCE.—The Comptroller General of*
25 *the United States may provide assistance, including*

1 *the detailing of employees, to the Commission in ac-*
2 *cordance with an agreement entered into with the*
3 *Commission.*

4 *(k) OTHER AUTHORITY.—The Commission may pro-*
5 *cure by contract, to the extent funds are available, the tem-*
6 *porary or intermittent services of experts or consultants*
7 *pursuant to section 3109 of title 5, United States Code. The*
8 *Commission shall give public notice of any such contract*
9 *before entering into such contract.*

10 *(l) APPLICATION OF FEDERAL ADVISORY COMMITTEE*
11 *ACT.—The Commission shall be subject to the provisions of*
12 *the Federal Advisory Committee Act (5 U.S.C. App.).*

13 *(m) AUTHORIZATION OF APPROPRIATIONS.—There are*
14 *authorized to be appropriated to the Commission*
15 *\$5,000,000 for fiscal year 1996 to carry out its responsibil-*
16 *ities under this title.*

17 *(n) TERMINATION.—The Commission shall terminate*
18 *no later than October 31, 1996.*

19 **SEC. 503. LEGISLATIVE RECOMMENDATIONS.**

20 *(a) REORGANIZATION PLAN.—The Commission shall*
21 *develop and recommend a plan for reorganization of Fed-*
22 *eral departments and agencies, consistent with the following*
23 *provisions:*

24 *(1) EXECUTIVE DEPARTMENTS.—*

1 (A) *There shall be no more than 10 depart-*
2 *ments, which shall have responsibility for the de-*
3 *velopment of, and ensuring the proper execution*
4 *of, governmental and program policy.*

5 (B) *There shall be a reduction in the layers*
6 *of organizational hierarchy and in the con-*
7 *centration of employees in staff and overhead*
8 *functions within departments and agencies to*
9 *achieve a substantial reduction in the total num-*
10 *ber of mid-level supervisory and staff positions,*
11 *administrative positions, and political employ-*
12 *ees.*

13 (2) *PROGRAM OPERATING UNITS.—*

14 (A) *There shall be an adequate number of*
15 *agencies and subdepartment bureaus, offices, di-*
16 *visions, and other operating units having pri-*
17 *mary responsibility for program administration*
18 *and service delivery, as distinguished from pol-*
19 *icy development.*

20 (B) *The reorganization plan shall provide*
21 *for a substantial net reduction in the number of*
22 *program operating units, and in the total ad-*
23 *ministrative costs of the functions performed by*
24 *such units. The reduction shall be achieved*
25 *through the consolidation, integration, and*

1 *reengineering of similar and related functions*
2 *and work activities throughout the Government.*

3 *(C) The Commission shall consider, and rec-*
4 *ommend where appropriate, the consolidation of pro-*
5 *gram administration and service delivery functions*
6 *into operating units that are independent of individ-*
7 *ual executive departments, to maximize the coordina-*
8 *tion of services to particular segments of the public*
9 *and to the public generally.*

10 (3) *LOCAL OFFICES.—*

11 (A) *There shall be an appropriate field of-*
12 *fice structure for Federal departments and agen-*
13 *cies in order to improve service delivery and re-*
14 *sponsiveness while reducing costs.*

15 (B) *Among the alternatives considered by*
16 *the Commission shall be consolidation where ap-*
17 *propriate of regional and field offices of various*
18 *departments and agencies that provide related*
19 *services into a system of local offices providing*
20 *one-stop services.*

21 (4) *CENTRALIZED ADMINISTRATION.—The Com-*
22 *mission shall consider whether substantial cost sav-*
23 *ings and improved performance would result from the*
24 *centralization within one organization of primary re-*
25 *sponsibility for particular government-wide adminis-*

1 *trative functions, and make appropriate recommenda-*
2 *tions in that regard.*

3 *(b) STRUCTURAL ARRANGEMENTS.—*

4 *(1) RECOMMENDATIONS.—The Commission shall*
5 *recommend structural arrangements of responsibility*
6 *and authority between and within the various depart-*
7 *ments, agencies, and program operating units in*
8 *order to maximize accountability for performance.*

9 *(2) ACCOUNTABILITY.—Such arrangements shall*
10 *seek to clarify appropriate accountability for policy*
11 *development and for program administration and*
12 *service delivery.*

13 *(3) CONSIDERATIONS.—Among the alternatives*
14 *considered by the Commission shall be whether the*
15 *heads of program operating units described under*
16 *paragraph (a)(2) should be non-political, non-career*
17 *appointments hired for a fixed term under an em-*
18 *ployment contract with specific, measurable program*
19 *performance goals.*

20 *(c) TRANSITION PLAN.—The Commission shall rec-*
21 *ommend a plan for transition from the existing organiza-*
22 *tion of the executive branch to the proposed reorganization*
23 *plan, to minimize any disruption in program performance*
24 *and service and to maintain managerial accountability.*

1 **SEC. 504. DEFINITION.**

2 *For purposes of this title the term “agency” means*
3 *each authority of the Federal Government, including all de-*
4 *partments, independent agencies, Government-sponsored*
5 *enterprises, and Government corporations, except the legis-*
6 *lative branch, judicial branch, the governments of the terri-*
7 *ories or possessions of the United States, or the District*
8 *of Columbia.*

9 **SEC. 505. DEPARTMENT AND AGENCY COOPERATION.**

10 *All Federal agencies and employees of all agencies shall*
11 *cooperate fully with all requests for information from the*
12 *Commission and shall respond to any such request for infor-*
13 *mation within 30 calendar days or such other time agreed*
14 *upon by the requesting and requested parties.*

15 **SEC. 506. PROCEDURES FOR MAKING RECOMMENDATIONS.**

16 *(a) SUBMISSION OF RECOMMENDATIONS.—No later*
17 *than June 1, 1996, the Commission shall submit to the Con-*
18 *gress—*

19 *(1) a single legislative proposal to implement its*
20 *recommendations developed pursuant to section 503 of*
21 *this title, along with an explanation of the reasons for*
22 *such recommendations; or*

23 *(2) a message that the Commission was unable*
24 *to agree on such a proposal.*

1 (b) *COMMISSION VOTES.*—No legislative proposal may
2 be submitted by the Commission without the affirmative
3 vote of at least 6 members.

4 **SEC. 507. CONGRESSIONAL CONSIDERATION OF REFORM**
5 **PROPOSAL.**

6 (a) *DEFINITIONS.*—For purposes of this section—

7 (1) the term “implementation bill” means only
8 a bill which is introduced as provided under sub-
9 section (b), and contains the proposed legislation sub-
10 mitted by the Commission under section 506 without
11 modification.

12 (2) the term “calendar day of session” means a
13 calendar day other than one on which either House
14 is not in session because of an adjournment of more
15 than three days to a date certain.

16 (b) *INTRODUCTION, REFERRAL, AND REPORT OR DIS-*
17 *CHARGE.*—

18 (1) *INTRODUCTION.*—On the first calendar day
19 of session on which both Houses are in session, on or
20 immediately following the date on which a proposal
21 is submitted to the Congress under section 506(a)(1),
22 an implementation bill shall be introduced—

23 (A) in the Senate by the Majority Leader of
24 the Senate, for himself and the Minority Leader
25 of the Senate, or by Members of the Senate des-

1 *igned by the Majority Leader and Minority*
2 *Leader of the Senate; and*

3 *(B) in the House of Representatives by the*
4 *Majority Leader of the House of Representatives,*
5 *for himself and the Minority Leader of the House*
6 *of Representatives, or by Members of the House*
7 *of Representatives designated by the Majority*
8 *Leader and Minority Leader of the House of*
9 *Representatives.*

10 *(2) REFERRAL.—The implementation bill intro-*
11 *duced in the Senate under paragraph (1) shall be re-*
12 *ferred concurrently to the Committee on Govern-*
13 *mental Affairs of the Senate, and other committees*
14 *with jurisdiction. The implementation bill introduced*
15 *in the House of Representatives shall be referred con-*
16 *currently to the Committee on Government Reform*
17 *and Oversight of the House of Representatives, and*
18 *other committees with jurisdiction. A committee to*
19 *which an implementation bill is referred under this*
20 *paragraph may report such bill to the respective*
21 *House with amendments proposed to be adopted. No*
22 *such amendment may be proposed unless such pro-*
23 *posed amendment is germane to such bill.*

24 *(3) REPORT OR DISCHARGE.—If any committee*
25 *to which an implementation bill is referred has not*

1 *reported such bill by the end of the 30th calendar day*
2 *of session after the date of the introduction of such*
3 *bill, such committee shall be immediately discharged*
4 *from further consideration of such bill, and upon*
5 *being reported or discharged from all committees,*
6 *such bill shall be placed on the appropriate calendar*
7 *of the House involved.*

8 *(c) SENATE CONSIDERATION.—*

9 *(1) IN GENERAL.—On or after the second cal-*
10 *endar day of session after the date on which an im-*
11 *plementation bill is placed on the Senate calendar*
12 *under subsection (b)(3), it is in order (even if a pre-*
13 *vious motion to the same effect has been disagreed to)*
14 *for any Senator to make a privileged motion to pro-*
15 *ceed to the consideration of the implementation bill*
16 *(but only on the day after the calendar day of session*
17 *on which such Senator announces on the floor of the*
18 *Senate an intention to make such a motion). This*
19 *motion is subject to debate which shall be confined to*
20 *2 hours, to be equally divided. All points of order*
21 *against the implementation bill (and against consid-*
22 *eration of the implementation bill) other than points*
23 *of order under Senate Rule 15, 16, or for failure to*
24 *comply with requirements of this section are waived.*
25 *The motion is not subject to a motion to postpone. A*

1 *motion to reconsider the vote by which the motion to*
2 *proceed is agreed to or disagreed to shall not be in*
3 *order. If a motion to proceed to the consideration of*
4 *the implementation bill is agreed to, the Senate shall*
5 *immediately proceed to consideration of the imple-*
6 *mentation bill.*

7 (2) *DEBATE.—In the Senate, no amendment*
8 *which is not germane shall be in order. A motion to*
9 *postpone or a motion to recommit the implementation*
10 *bill is not in order. A motion to reconsider the vote*
11 *by which the implementation bill is agreed to or dis-*
12 *agreed to is not in order.*

13 (3) *MOTION TO SUSPEND OR WAIVE APPLICA-*
14 *TION.—No motion to suspend or waive the applica-*
15 *tion of this subsection shall be in order, except by*
16 *unanimous consent.*

17 (4) *APPEALS FROM CHAIR.—Appeals from the*
18 *decisions of the Chair relating to the application of*
19 *the rules of the Senate to the procedure relating to an*
20 *implementation bill shall be subject to debate confined*
21 *to 1 hour, to be equally divided.*

22 (5) *FINAL PASSAGE.—Immediately following the*
23 *conclusion of the debate on an implementation bill*
24 *and a single quorum call at the conclusion of the de-*
25 *bate if requested in accordance with the rules of the*

1 *Senate, the vote on final passage of the implementa-*
2 *tion bill shall occur.*

3 *(d) CONSIDERATION IN THE HOUSE OF REPRESENTA-*
4 *TIVES.—*

5 *(1) IN GENERAL.—At any time on or after the*
6 *second session day after the date on which each com-*
7 *mittee of the House of Representatives to which an*
8 *implementation bill is referred has reported that bill,*
9 *or has been discharged under subsection (b)(3) from*
10 *further consideration of that bill, the Speaker may,*
11 *pursuant to clause 1(b) of rule XIII, declare the*
12 *House resolved into the Committee of the Whole house*
13 *on the State of the Union for the consideration of that*
14 *bill. All points of order against the bill, the consider-*
15 *ation of the bill, and provisions of the bill shall be*
16 *waived, and the first reading of the bill shall be dis-*
17 *pensated with. After general debate, which shall be con-*
18 *fined to 10 hours, to be equally divided and controlled*
19 *by the Majority Leader and the Minority Leader, the*
20 *bill shall be considered for amendment by title under*
21 *the five-minute rule and each title shall be considered*
22 *as having been read.*

23 *(2) AMENDMENTS.—Each amendment shall be*
24 *considered as having been read, shall not be subject to*
25 *a demand for a division of the question in the House*

1 *or in the Committee of the Whole, and shall be debat-*
2 *able for not to exceed 30 minutes, equally divided and*
3 *controlled by the proponent and a Member opposed*
4 *thereto, except that the time for consideration, includ-*
5 *ing debate and disposition, of all amendments to the*
6 *bill shall not exceed 20 hours.*

7 (3) *FINAL PASSAGE.*—*At the conclusion of the*
8 *consideration of the bill, the Committee shall rise and*
9 *report to the House with such amendments as may*
10 *have been agreed to, and the previous question shall*
11 *be considered as ordered on the bill and amendments*
12 *thereto to final passage without intervening motion*
13 *except one motion to recommit.*

14 (e) *CONFERENCE.*—

15 (1) *APPOINTMENT OF CONFEREES.*—*In the Sen-*
16 *ate, a motion to elect or authorize the appointment of*
17 *conferees shall not be debatable.*

18 (2) *CONFERENCE REPORT.*—*No later than 20*
19 *calendar days of session after the appointment of con-*
20 *ferrees, the conferees shall report to the respective*
21 *Houses.*

22 (f) *RULES OF THE SENATE AND HOUSE.*—*This section*
23 *is enacted by Congress—*

24 (1) *as an exercise of the rulemaking power of the*
25 *Senate and House of Representatives, respectively,*

1 and as such it is deemed a part of the rules of each
2 House, respectively, but applicable only with respect
3 to the procedure to be followed in that House in the
4 case of an implementation bill described in subsection
5 (a), and it supersedes other rules only to the extent
6 that it is inconsistent with such rules; and

7 (2) with full recognition of the constitutional
8 right of either House to change the rules (so far as re-
9 lating to the procedure of that House) at any time,
10 in the same manner, and to the same extent as in the
11 case of any other rule of that House.

12 **SEC. 508. IMPLEMENTATION.**

13 (a) *RESPONSIBILITY FOR IMPLEMENTATION.*—The Di-
14 rector of the Office of Management and Budget shall have
15 primary responsibility for implementation of the Commis-
16 sion's recommendations and the Act enacted under section
17 507 (unless such Act provides otherwise). The Director of
18 the Office of Management and Budget shall notify and pro-
19 vide direction to heads of affected departments, agencies,
20 and programs. The head of an affected department, agency,
21 or program shall be responsible for implementation and
22 shall proceed with the recommendations provided under
23 subsection (b).

24 (b) *DEPARTMENTS AND AGENCIES.*—After the enact-
25 ment of an Act under section 507, each affected Federal de-

1 *partment and agency as a part of its annual budget request*
2 *shall transmit to the appropriate committees of Congress*
3 *its schedule for implementation of the provisions of the Act.*

4 *(c) GAO OVERSIGHT.—The Comptroller General shall*
5 *have oversight responsibility over the implementation of the*
6 *Commission’s recommendations and the Act enacted under*
7 *section 507. The Comptroller General shall periodically re-*
8 *port to the Congress and the President regarding the accom-*
9 *plishment, the costs, the timetable, and effectiveness of the*
10 *implementation*

11 **SEC. 509. DISTRIBUTION OF ASSETS.**

12 *Any proceeds from the sale of assets of any department*
13 *or agency resulting from the enactment of an Act under*
14 *section 507 shall be—*

15 *(1) applied to reduce the Federal deficit; and*

16 *(2) deposited in the Treasury and treated as gen-*
17 *eral receipts.*

18 **TITLE VI—TRANSITIONAL, SAV-**
19 **INGS, AND CONFORMING PRO-**
20 **VISIONS**

21 **SEC. 601. ADDITIONAL TRANSFERS.**

22 *Any function of the Secretary of Commerce or the De-*
23 *partment of Commerce which—*

24 *(1) is not transferred by titles II, III, or IV of*
25 *this Act; and*

1 dental dispositions of personnel, assets, liabilities, grants,
2 contracts, property, records, and unexpended balances of
3 appropriations, authorizations, allocations, and other funds
4 held, used, arising from, available to, or to be made avail-
5 able in connection with such functions and offices, as may
6 be necessary to carry out the provisions of this Act. The
7 Director shall provide for the termination of the affairs of
8 all entities terminated by this Act and for such further
9 measures and dispositions as may be necessary to effectuate
10 the purposes of this Act.

11 (b) *TRANSFERS RELATING TO SENIOR EXECUTIVE*
12 *SERVICE.*—After consultation with the Director of the Office
13 of Personnel Management, the Director of the Office of Man-
14 agement and Budget is authorized, at such times as the Di-
15 rector of the Office of Management and Budget may pro-
16 vide, to make such determinations as may be necessary with
17 regard to the transfer of positions within the Senior Execu-
18 tive Service in connection with the functions and offices
19 transferred by this Act.

20 **SEC. 604. EFFECT ON PERSONNEL.**

21 (a) *IN GENERAL.*—Except as otherwise provided by
22 this Act, the transfer pursuant to this Act of full-time per-
23 sonnel (except special Government employees) and part-
24 time personnel holding permanent positions shall not cause
25 any such employee to be separated or reduced in grade or

1 *compensation for one year after the date of transfer of such*
2 *employee under this Act.*

3 (b) *EXECUTIVE SCHEDULE POSITIONS.*—*Except as*
4 *otherwise provided by this Act, any person who, on the day*
5 *preceding the effective date of this Act, held a position com-*
6 *pensated in accordance with the Executive Schedule pre-*
7 *scribed in chapter 53 of title 5, United States Code, and*
8 *who, without a break in service, is appointed in a Federal*
9 *agency to which functions are transferred by this Act to*
10 *a position having duties comparable to the duties performed*
11 *immediately preceding such appointment shall continue to*
12 *be compensated in such new position at not less than the*
13 *rate provided for such previous position, for the duration*
14 *of the service of such person in such new position.*

15 (c) *TERMINATION OF CERTAIN POSITIONS.*—*Except for*
16 *members of the Foreign Service and the Commissioned Offi-*
17 *cer Corps of the National Oceanic and Atmospheric Admin-*
18 *istration, positions whose incumbents are appointed by the*
19 *President, by and with the advice and consent of the Senate,*
20 *the functions of which are transferred by this Act, shall ter-*
21 *minate on the effective date of this Act.*

22 **SEC. 605. SAVINGS PROVISIONS.**

23 (a) *CONTINUING EFFECT OF LEGAL DOCUMENTS.*—*All*
24 *orders, determinations, rules, regulations, permits, agree-*

1 *ments, grants, contracts, certificates, licenses, registrations,*
2 *privileges, and other administrative actions—*

3 *(1) which have been issued, made, granted, or al-*
4 *lowed to become effective by the President, any Fed-*
5 *eral agency or official thereof, or by a court of com-*
6 *petent jurisdiction, in the performance of functions*
7 *which are transferred under this Act, and*

8 *(2) which are in effect at the time this Act takes*
9 *effect, or were final before the effective date of this Act*
10 *and are to become effective on or after the effective*
11 *date of this Act,*

12 *shall continue in effect according to their terms until modi-*
13 *fied, terminated, superseded, set aside, or revoked in accord-*
14 *ance with law by the President, the head of the Federal*
15 *agency to which such functions are transferred under this*
16 *Act or other authorized official, a court of competent juris-*
17 *diction, or by operation of law.*

18 *(b) PROCEEDINGS NOT AFFECTED.—(1) The provi-*
19 *sions of this Act shall not affect any proceedings, including*
20 *notices of proposed rulemaking, or any application for any*
21 *license, permit, certificate, or financial assistance pending*
22 *on the effective date of this Act before the Department of*
23 *Commerce or the Office of the United States Trade Rep-*
24 *resentative, or any office thereof with respect to functions*
25 *transferred by this Act, but such proceedings or applica-*

1 *tions, to the extent that they relate to functions transferred,*
2 *shall be continued. Orders shall be issued in such proceed-*
3 *ings, appeals shall be taken therefrom, and payments shall*
4 *be made under such orders, as if this Act had not been en-*
5 *acted, and orders issued in any such proceedings shall con-*
6 *tinue in effect until modified, terminated, superseded, or*
7 *revoked by the head of the Federal agency to which such*
8 *functions are transferred by this Act, by a court of com-*
9 *petent jurisdiction, or by operation of law. Nothing in this*
10 *subsection prohibits the discontinuance or modification of*
11 *any such proceeding under the same terms and conditions*
12 *and to the same extent that such proceeding could have been*
13 *discontinued or modified if this Act had not been enacted.*

14 (2) *The Secretary of Commerce, the United States*
15 *Trade Representative, and the head of each Federal agency*
16 *to which functions are transferred by this Act are author-*
17 *ized to issue regulations providing for the orderly transfer*
18 *of proceedings continued under paragraph (1).*

19 (c) *ADMINISTRATIVE ACTIONS RELATING TO PROMUL-*
20 *GATION OF RULES.*—*Any administrative action relating to*
21 *the preparation or promulgation of a regulation by a Fed-*
22 *eral agency relating to a function transferred under this*
23 *Act may be continued by the Federal agency to which such*
24 *function is transferred with the same effect as if this Act*
25 *had not been enacted.*

1 (d) *SUITS NOT AFFECTED.*—*Except as provided in*
2 *subsection (e)—*

3 (1) *the provisions of this Act do not affect ac-*
4 *tions commenced prior to the effective date of this Act,*
5 *and*

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

9 (e) *NONABATEMENT OF ACTIONS.*—*No action or other*
10 *proceeding commenced by or against any officer in his offi-*
11 *cial capacity as an officer of the Department of Commerce*
12 *or the Office of United States Trade Representative with*
13 *respect to functions transferred by this Act shall abate by*
14 *reason of the enactment of this Act. No cause of action by*
15 *or against the Department of Commerce or the Office of*
16 *United States Trade Representative with respect to func-*
17 *tions transferred by this Act, or by or against any officer*
18 *thereof in his official capacity, shall abate by reason of the*
19 *enactment of this Act. Causes of action and actions with*
20 *respect to a function or office transferred by this Act, or*
21 *other proceedings may be asserted by or against the United*
22 *States or an official of the Federal agency to which such*
23 *function or office is transferred by this Act, as may be ap-*
24 *propriate, and, in an action pending when this Act takes*
25 *effect, the court may at any time, on its own motion or*

1 *that of any party, enter an order which will give effect to*
2 *the provisions of this subsection.*

3 *(f) FEDERAL OFFICIAL AS PARTY IN ACTION.—If, be-*
4 *fore the date on which this Act takes effect, the Department*
5 *of Commerce or the Office of the United States Trade Rep-*
6 *resentative, or any officer thereof in his official capacity,*
7 *is a party to an action, and under this Act any function*
8 *of such Department, Office, or officer is transferred to a*
9 *Federal agency, then such action shall be continued with*
10 *the head of such agency substituted or added as a party.*

11 *(g) JUDICIAL REVIEW.—Orders and actions of the*
12 *head of a Federal agency in the exercise of functions trans-*
13 *ferred to the head of such agency by this Act shall be subject*
14 *to judicial review to the same extent and in the same man-*
15 *ner as if such orders and actions had been by the Depart-*
16 *ment of Commerce or the Office of the United States Trade*
17 *Representative, or any office or officer thereof, in the exer-*
18 *cise of such functions immediately preceding their transfer.*
19 *Any statutory requirements relating to notice, hearings, ac-*
20 *tion upon the record, or administrative review that apply*
21 *to any function transferred by this Act shall apply to the*
22 *exercise of such function by the head of the Federal agency*
23 *to which such function is transferred by this Act.*

1 **SEC. 606. SEVERABILITY.**

2 *If a provision of this Act or its application to any*
3 *person or circumstance is held invalid, neither the remain-*
4 *der of this Act nor the application of the provision to other*
5 *persons or circumstances shall be affected.*

6 **SEC. 607. REFERENCE.**

7 *With respect to any functions transferred by this Act*
8 *and exercised after the effective date of this Act, reference*
9 *in any other Federal law to—*

10 *(1) the Secretary of Commerce or the United*
11 *States Trade Representative; or*

12 *(2) the Department of Commerce or the Office of*
13 *the United States Trade Representative or any officer*
14 *or office thereof,*

15 *shall be considered to refer to the head of the Federal agency*
16 *to whom such functions were transferred by this Act.*

17 **SEC. 608. TRANSITION.**

18 *With the consent of the Secretary of Commerce or the*
19 *United States Trade Representative, as the case may be,*
20 *the head of each Federal agency to which functions or offices*
21 *are transferred by this Act is authorized to utilize—*

22 *(1) the services of such officers, employees, and*
23 *other personnel of the Department of Commerce or the*
24 *Office of the United States Trade Representative, as*
25 *the case may be, with respect to functions or offices*
26 *transferred to that agency by this Act; and*

1 (2) funds appropriated to such functions or of-
2 fices for such period of time as may reasonably be
3 needed to facilitate the orderly implementation of this
4 Act.

5 **SEC. 609. ADDITIONAL CONFORMING AMENDMENTS.**

6 (a) *IN GENERAL.*—After consultation with the appro-
7 priate committees of the Congress and the Director of the
8 Office of Management and Budget, the head of each agency
9 to which functions were transferred under this Act shall
10 prepare and submit to the Congress recommended legisla-
11 tion containing technical and conforming amendments to
12 reflect the changes made by this Act.

13 (b) *SUBMISSION.*—No later than 6 months after the ef-
14 fective date of this title, each such agency head shall submit
15 the recommended legislation referred to under subsection
16 (a).

17 **TITLE VII—MISCELLANEOUS**

18 **SEC. 701. EFFECTIVE DATE.**

19 (a) *IN GENERAL.*—This Act shall take effect 180 days
20 after the date of enactment, except that—

21 (1) section 608 shall take effect on the date of en-
22 actment; and

23 (2) at any time after the date of enactment of
24 this Act—

1 (A) the officers provided for in titles II, III,
2 and IV of this Act may be nominated and ap-
3 pointed, as provided in such titles; and

4 (B) the Secretary of Commerce, the United
5 States Trade Representative, and the head of
6 each Federal agency to which functions are
7 transferred by this Act may promulgate regula-
8 tions under section 605(b)(2).

9 (b) *INTERIM COMPENSATION AND EXPENSES.*—Funds
10 available to the Department of Commerce or the Office of
11 the United States Trade Representative (or any official or
12 component thereof), with respect to the functions transferred
13 by this Act, may be used, with approval of the Director
14 of the Office of Management and Budget, to pay the com-
15 pensation and expenses of an officer appointed under sub-
16 section (a)(2)(A) who will carry out such functions until
17 funds for that purpose are otherwise available.

18 **SEC. 702. INTERIM APPOINTMENTS.**

19 (a) *IN GENERAL.*—If one or more officers required by
20 this Act to be appointed by and with the advice and consent
21 of the Senate have not entered upon office on the effective
22 date of this Act and notwithstanding any other provision
23 of law, the President may designate any officer who was
24 appointed by and with the advice and consent of the Senate,
25 and who was such an officer on the day before the effective

1 *date of this Act, to act in the office until it is filled as pro-*
2 *vided by this Act.*

3 (b) *COMPENSATION.*—*Any officer acting in an office*
4 *pursuant to subsection (a) shall receive compensation at the*
5 *rate prescribed by this Act for such office.*

6 **SEC. 703. MANAGEMENT OF PROPERTY BY GENERAL SERV-**
7 **ICES ADMINISTRATION.**

8 *Subject to title VI, the General Services Administra-*
9 *tion shall perform transfer management functions of all*
10 *Federal real property, including Federal buildings and*
11 *physical facilities, of the Department of Commerce.*

12 **SEC. 704. BUY OUT AUTHORITY FOR DEPARTMENT OF COM-**
13 **MERCE.**

14 *The Department of Commerce may, for such officers*
15 *and employees as it deems appropriate, authorize a pay-*
16 *ment to officers and employees who voluntarily separate on*
17 *or before September 30, 1996, whether by retirement or res-*
18 *ignation. Such payment shall be paid in accordance with*
19 *the provisions of section 5597(d) of title 5, United States*
20 *Code.*

21 **SEC. 705. REPORTS BY THE OFFICE OF MANAGEMENT AND**
22 **BUDGET.**

23 *No later than 180 days after the date of the enactment*
24 *of this Act, the Office of Management and Budget shall sub-*

1 *mit in writing to the Congress a determination of the fea-*
2 *sibility and potential savings resulting from—*

3 *(1)(A) the consolidation of the Export-Import*
4 *Bank and the Overseas Private Investment Corpora-*
5 *tion; and*

6 *(B) the consolidation of the Boards of Directors*
7 *of the Export-Import Bank and the Overseas Private*
8 *Investment Corporation;*

9 *(2) the further consolidation of the functions*
10 *transferred from the Trade and Development Agency*
11 *to the United States Trade Administration with the*
12 *consolidations under paragraph (1);*

13 *(3)(A) the privatization of seafood inspection*
14 *services, weather services, data processing and dis-*
15 *semination, charting, marine navigation services, and*
16 *other potentially commercial functions of the National*
17 *Oceanic and Atmospheric Administration, including*
18 *those performed by the National Oceanic and Atmos-*
19 *pheric Administration Corps and the National Oce-*
20 *anic and Atmospheric Administration fleet;*

21 *(B) the streamlining and elimination of levels of*
22 *hierarchy of the National Oceanic and Atmospheric*
23 *Administration organization structure; and*

24 *(C) the consolidation of similar environmental*
25 *research functions performed by the National Oceanic*

1 *and Atmospheric Administration, the Environmental*
2 *Protection Agency, and other natural resources agen-*
3 *cies in the Federal Government; and*

4 (4) *the further consolidation of statistical func-*
5 *tions throughout the Government into a single agency.*

6 **SEC. 706. PERSONNEL AND FUNDING REDUCTIONS RESULT-**
7 **ING FROM REORGANIZATION.**

8 (a) *IN GENERAL.*—(1) *The Office of Management and*
9 *Budget, in consultation with the USTR and the head of*
10 *each Federal agency affected by the provisions of this Act,*
11 *shall take such actions as necessary to provide that the total*
12 *funding of all functions transferred or terminated from the*
13 *Department of Commerce under this Act—*

14 (A) *in the first fiscal year following the fiscal*
15 *year in which this Act takes effect shall be equal to*
16 *no more than 90 percent of the amount of total fund-*
17 *ing for the Department of Commerce in fiscal year*
18 *1995; and*

19 (B) *in the second fiscal year following the fiscal*
20 *year in which this Act takes effect shall be equal to*
21 *no more than 65 percent of the amount of total fund-*
22 *ing for the Department of Commerce in fiscal year*
23 *1995.*

24 (2) *For purposes of subparagraphs (A) and (B) of*
25 *paragraph (1), the sum of savings resulting from termi-*

1 *nations of Department of Commerce functions and admin-*
2 *istrative savings achieved under this Act shall be at least*
3 *10 percent under subparagraph (A) and 35 percent under*
4 *subparagraph (B) of the fiscal year 1995 appropriation to*
5 *the Department of Commerce.*

6 **(b) AUTHORIZATION OF APPROPRIATIONS.**—*There are*
7 *authorized to be appropriated such sums as are necessary*
8 *for all personnel and nonpersonnel costs associated with*
9 *any programmatic termination made under this Act and*
10 *the amendments made by this Act. These sums shall be paid*
11 *in accordance with existing personnel laws. Terminations*
12 *are contingent upon the appropriation of such funds as are*
13 *necessary to carry out such terminations.*

14 **(c) IMPLEMENTATION PLAN.**—*(1) No later than 90*
15 *days after the date of the enactment of this Act, the Office*
16 *of Management and Budget shall submit a report to the*
17 *Congress on a plan that—*

18 **(A)** *provides for the implementation of the fund-*
19 *ing reductions required under subsection (a); and*

20 **(B)** *makes legislative recommendations for addi-*
21 *tional authority necessary or useful in implementing*
22 *such funding reductions.*

23 **(2)** *In preparing the report, the Office of Management*
24 *and Budget shall consult with the USTR and the head of*
25 *each Federal agency affected by the provisions of this Act.*

1 **SEC. 707. AUTHORIZATION OF APPROPRIATIONS.**

2 *There are authorized to be appropriated such sums as*
3 *may be necessary to carry out the provisions of this Act.*
4 *Amounts appropriated under this section shall be available*
5 *until expended.*

S 929 RS—2

S 929 RS—3

S 929 RS—4

S 929 RS—5

S 929 RS—6

S 929 RS—7

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