

107TH CONGRESS
1ST SESSION

H. R. 375

To dismantle the Department of Commerce.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2001

Mr. ROYCE (for himself, Mr. PITTS, and Mr. ROHRABACHER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Financial Services, International Relations, Armed Services, Ways and Means, Government Reform, the Judiciary, Science, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To dismantle 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 Elimination 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. Definitions.
- Sec. 102. Abolishment of Department of Commerce.
- Sec. 103. Resolution and termination of Department functions.
- Sec. 104. Responsibilities of the Director of the Office of Management and Budget.
- Sec. 105. Personnel.
- Sec. 106. Plans and reports.
- Sec. 107. General Accounting Office audit and access to records.
- Sec. 108. Conforming amendments.
- Sec. 109. Privatization framework.
- Sec. 110. Priority placement programs for Federal employees affected by a reduction in force attributable to this Act.
- Sec. 111. Funding reductions for transferred functions.

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

- Sec. 201. Economic development.
- Sec. 202. Technology Administration.
- Sec. 203. Reorganization of the Bureau of the Census and the Bureau of Economic Analysis.
- Sec. 204. Terminated functions of National Telecommunications and Information Administration.
- Sec. 205. Terminations and transfers.
- Sec. 206. National Oceanic and Atmospheric Administration.
- Sec. 207. Patent and Trademark Office.
- Sec. 208. Miscellaneous terminations; moratorium on program activities.
- Sec. 209. Effective date.

TITLE III—ESTABLISHMENT OF UNITED STATES TRADE ADMINISTRATION

Subtitle A—General Provisions

- Sec. 301. Definitions.

Subtitle B—United States Trade Administration

CHAPTER 1—ESTABLISHMENT

- Sec. 311. Establishment of the United States Trade Administration.
- Sec. 312. Functions of the Trade Representative.

CHAPTER 2—OFFICERS

- Sec. 321. Deputy United States Trade Representatives.
- Sec. 322. Assistant Administrators.
- Sec. 323. General Counsel.
- Sec. 324. Inspector General.
- Sec. 325. Chief Financial Officer.

CHAPTER 3—TRANSFERS TO THE TRADE ADMINISTRATION

- Sec. 331. Office of the United States Trade Representative.
- Sec. 332. Transfers from the Department of Commerce.
- Sec. 333. Trade and Development Agency.

- Sec. 334. Export-Import Bank.
- Sec. 335. Overseas Private Investment Corporation.
- Sec. 336. Consolidation of export promotion and financing activities.
- Sec. 337. Functions related to textile agreements.

CHAPTER 4—ADMINISTRATIVE PROVISIONS

- Sec. 341. Personnel provisions.
- Sec. 342. Delegation and assignment.
- Sec. 343. Succession.
- Sec. 344. Reorganization.
- Sec. 345. Rules.
- Sec. 346. Funds transfer.
- Sec. 347. Contracts, grants, and cooperative agreements.
- Sec. 348. Use of facilities.
- Sec. 349. Gifts and bequests.
- Sec. 350. Working capital fund.
- Sec. 351. Service charges.
- Sec. 352. Seal of office.

CHAPTER 5—RELATED AGENCIES

- Sec. 361. Interagency trade organization.
- Sec. 362. National Security Council.
- Sec. 363. International Monetary Fund.

CHAPTER 6—CONFORMING AMENDMENTS

- Sec. 371. Amendments to general provisions.
- Sec. 372. Repeals.
- Sec. 373. Conforming amendments relating to Executive Schedule positions.

CHAPTER 7—MISCELLANEOUS

- Sec. 381. Effective date.
- Sec. 382. Interim appointments.
- Sec. 383. Funding reductions resulting from reorganization.

TITLE IV—STATISTICAL CONSOLIDATION

Subtitle A—General Provisions

- Sec. 401. Findings.
- Sec. 402. Sense of Congress.
- Sec. 403. Definitions.

Subtitle B—Establishment of the Federal Statistical Service

- Sec. 411. Establishment.
- Sec. 412. Principal officers.
- Sec. 413. Federal Council on Statistical Policy.

Subtitle C—Transfers of Functions and Offices

- Sec. 421. Transfer of the Bureau of Labor Statistics.
- Sec. 422. Transfer date.

Subtitle D—Administrative Provisions

Sec. 431. Officers and employees.
 Sec. 432. Experts and consultants.
 Sec. 433. Acceptance of voluntary services.
 Sec. 434. General authority.
 Sec. 435. Delegation.
 Sec. 436. Reorganization.
 Sec. 437. Contracts.
 Sec. 438. Regulations.
 Sec. 439. Seal.
 Sec. 440. Annual report.

Subtitle E—Miscellaneous

Sec. 441. Incidental transfers.
 Sec. 442. References.
 Sec. 443. Proposed changes in law.
 Sec. 444. Transition.
 Sec. 445. Interim appointments.
 Sec. 446. Conforming amendments.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. References.
 Sec. 502. Exercise of authorities.
 Sec. 503. Savings provisions.
 Sec. 504. Transfer of assets.
 Sec. 505. Delegation and assignment.
 Sec. 506. Authority of Director of the Office of Management and Budget with respect to functions transferred.
 Sec. 507. Certain vesting of functions considered transfers.
 Sec. 508. Availability of existing funds.
 Sec. 509. Definitions.
 Sec. 510. Conforming amendments.

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

3 **SEC. 101. DEFINITIONS.**

4 For purposes of this title, the following definitions
 5 apply:

6 (1) DEPARTMENT.—The term “Department”
 7 means the Department of Commerce.

8 (2) DIRECTOR.—The term “Director” means
 9 the Director of the Office of Management and Budg-
 10 et.

(3) OFFICE.—The term “Office” means the Office of Management and Budget.

3 SEC. 102. ABOLISHMENT OF DEPARTMENT OF COMMERCE.

(a) ABOLISHMENT OF DEPARTMENT.—Effective on the applicable date specified in subsection (c), the Department of Commerce is abolished.

(b) TRANSFER OF DEPARTMENT FUNCTIONS TO OFFICE OF MANAGEMENT AND BUDGET.—Except as otherwise provided in this Act, all functions that on the day before the applicable date specified in subsection (c) are authorized to be performed by the Secretary of Commerce, any other officer or employee of the Department acting in that capacity, or any agency or office of the Department, are transferred to the Director effective on that date.

16 (c) ABOLISHMENT DATE.—The date of abolishment
17 of the Department is the earlier of—

18 (1) the last day of the 6-month period begin-
19 ning on the date of enactment of this Act; or

20 (2) September 30, 2001.

21 SEC. 103. RESOLUTION AND TERMINATION OF DEPART-
22 MENT FUNCTIONS.

(a) RESOLUTION OF FUNCTIONS.—During the period beginning on the date of enactment of this Act and ending on the date specified in subsection (c)—

1 (1) the disposition and resolution of functions
2 of the Department shall be completed in accordance
3 with this Act; and

4 (2) the Director shall resolve all functions that
5 are transferred to the Director under section 102(b)
6 and are not otherwise continued under this Act.

7 (b) TERMINATION OF FUNCTIONS.—All functions
8 that are transferred to the Director under section 102(b)
9 that are not otherwise continued by this Act shall termi-
10 nate on the date specified in subsection (c).

11 (c) FUNCTIONS TERMINATION DATE.—The date of
12 termination of functions referred to in subsections (a) and
13 (b) is the last day of the 3-year period beginning on the
14 date of enactment of this Act.

15 **SEC. 104. RESPONSIBILITIES OF THE DIRECTOR OF THE OF-**
16 **FICE OF MANAGEMENT AND BUDGET.**

17 (a) IN GENERAL.—The Director shall be responsible
18 for the implementation of this title, including—

19 (1) the administration, during the period speci-
20 fied in section 103(c), of all functions transferred to
21 the Director under section 102(b);

22 (2) the administration, during the period speci-
23 fied in section 103(a), of any outstanding obligations
24 of the Federal Government under any programs ter-
25 minated by this Act; and

1 (3) taking any other action that may be nec-
2 essary to complete any outstanding affairs of the
3 Department before the end of the period specified in
4 section 103(a).

5 (b) DELEGATION OF FUNCTIONS.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), the Director may, to the extent that the
8 Director determines that such delegation is appro-
9 priate to carry out this title, delegate to any officer
10 of the Office or to any other Federal department or
11 agency head the performance of the functions of the
12 Director under this title.

13 (2) EXCEPTION.—The Director may not dele-
14 gate the planning and reporting responsibilities
15 under section 106.

16 (c) TRANSFER OF ASSETS AND PERSONNEL.—In
17 connection with any delegation of functions under sub-
18 section (b), the Director may transfer, within the Office
19 or to the department or agency concerned, such assets,
20 funds, personnel, records, and other property relating to
21 the delegated function as the Director determines to be
22 appropriate.

23 (d) AUTHORITIES OF THE DIRECTOR.—For purposes
24 of performing the functions of the Director under this
25 title, the Director may—

1 (1) enter into contracts;

2 (2) employ experts and consultants in accord-
3 ance with section 3109 of title 5, United States
4 Code, at rates for individuals not to exceed the per
5 diem rate equivalent to the rate for level IV of the
6 Executive Schedule; and

7 (3) utilize, on a reimbursable basis, the services,
8 facilities, and personnel of other Federal agencies.

9 **SEC. 105. PERSONNEL.**

10 Effective on the date specified in section 102(c), there
11 is transferred to the Office any individual who—

12 (1) on the day before that date, was an officer
13 or employee of the Department; and

14 (2) in the capacity as an officer or employee of
15 the Department, performed functions that are trans-
16 ferred to the Director under section 102(b).

17 **SEC. 106. PLANS AND REPORTS.**

18 (a) INITIAL IMPLEMENTATION PLAN.—

19 (1) IN GENERAL.—Not later than 90 days after
20 the date of enactment of this Act, the Director shall
21 submit a report to Congress and the President that
22 specifies actions that have been taken and actions
23 that have not been taken but are necessary—

1 (A) to resolve the programs and functions
2 terminated in this Act on the date of enactment
3 of this Act; and

4 (B) to implement the additional transfers
5 and other program dispositions provided for in
6 this Act.

7 (2) CONTENTS.—The report in paragraph (1)
8 shall include—

9 (A) recommendations for any legislation
10 necessary for the implementation of the
11 abolishments, transfers, terminations, and other
12 dispositions of programs and functions under
13 this Act; and

14 (B) a description of actions planned and
15 taken to comply with limitations imposed by
16 this Act on spending for continued functions.

17 (b) ANNUAL STATUS REPORTS.—At the end of the
18 first full fiscal year following the date of enactment of this
19 Act and at the end of each of the 2 following fiscal years,
20 the Director shall submit a report, through the President,
21 to Congress that—

22 (1) specifies the status and progress of actions
23 taken to implement this Act and to wind up the af-
24 fairs of the Department of Commerce by the func-
25 tions termination date specified in section 103(c);

1 (2) includes any recommendations for legisla-
2 tion that the Director considers appropriate; and

3 (3) describes actions taken to comply with limi-
4 tations imposed by this Act on spending for contin-
5 ued functions.

6 (c) GAO REPORTS.—Not later than 60 days after the
7 issuance of a report under subsection (a) or (b), the Comp-
8 troller General of the United States shall submit to Con-
9 gress a report that—

10 (1) evaluates the report; and

11 (2) includes any recommendations the Comp-
12 troller General considers appropriate.

13 **SEC. 107. GENERAL ACCOUNTING OFFICE AUDIT AND AC-**
14 **CESS TO RECORDS.**

15 (a) AUDIT OF PERSONS PERFORMING FUNCTIONS
16 PURSUANT TO THIS ACT.—All agencies, corporations, or-
17 ganizations, and other persons of any description that,
18 under the authority of the United States, perform any
19 function or activity covered under this Act shall be subject
20 to an audit by the Comptroller General of the United
21 States with respect to that function or activity.

22 (b) AUDIT OF PERSONS PROVIDING CERTAIN GOODS
23 OR SERVICES.—All persons and organizations that, by
24 contract, grant, or otherwise, provide goods or services to,
25 or receive financial assistance from, any agency or other

1 person performing functions or activities covered under
2 this Act shall be subject to an audit by the Comptroller
3 General of the United States with respect to the provision
4 of such goods or services or the receipt of such financial
5 assistance.

6 (c) PROVISIONS APPLICABLE TO AUDITS UNDER
7 THIS SECTION.—

8 (1) NATURE AND SCOPE OF AUDIT.—The
9 Comptroller General of the United States shall de-
10 termine the nature, scope, terms, and conditions of
11 audits conducted under this section.

12 (2) COORDINATION WITH OTHER PROVISIONS
13 OF LAW.—The authority of the Comptroller General
14 of the United States under this section shall be in
15 addition to any audit authority available to the
16 Comptroller General under any other provision of
17 law (including any other provision of this Act).

18 (3) RIGHTS OF ACCESS, EXAMINATION, AND
19 COPYING.—The Comptroller General of the United
20 States, and any duly authorized representative of the
21 Comptroller General, shall have access to, and the
22 right to examine and copy, all records and other re-
23 corded information in any form, and to examine any
24 property within the possession or control of any
25 agency or person that—

1 (A) is subject to audit under this section;
2 and

3 (B) the Comptroller General considers rel-
4 evant to an audit conducted under this section.

5 (4) ENFORCEMENT OF RIGHT OF ACCESS.—The
6 right of access of the Comptroller General of the
7 United States to information under this section shall
8 be enforceable under section 716 of title 31, United
9 States Code.

10 (5) MAINTENANCE OF CONFIDENTIAL
11 RECORDS.—Section 716(e) of title 31, United States
12 Code, shall apply to information obtained by the
13 Comptroller General under this section.

14 **SEC. 108. CONFORMING AMENDMENTS.**

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

18 (b) EXECUTIVE DEPARTMENTS.—Section 101 of title
19 5, United States Code, is amended by striking the fol-
20 lowing item:

21 “The Department of Commerce.”.

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

25 “Secretary of Commerce.”.

1 (d) COMPENSATION FOR POSITIONS AT LEVEL III.—

2 Section 5314 of title 5, United States Code, is amended—

3 (1) by striking the following item:

4 “Under Secretary of Commerce, Under Sec-
5 retary of Commerce for Economic Affairs, Under
6 Secretary of Commerce for Export Administration
7 and Under Secretary of Commerce for Travel and
8 Tourism.”;

9 (2) by striking the following item:

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

14 (3) by striking the following item:

15 “Under Secretary of Commerce for Tech-
16 nology.”.

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

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

19 (1) by striking the following item:

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

21 (2) by striking the following item:

22 “General Counsel of the Department of Com-
23 merce.”;

24 (3) by striking the following item:

1 “Assistant Secretary of Commerce for Oceans
2 and Atmosphere, the incumbent of which also serves
3 as Deputy Administrator of the National Oceanic
4 and Atmospheric Administration.”;

5 (4) by striking the following item:

6 “Director, National Institute of Standards and
7 Technology, Department of Commerce.”;

8 (5) by striking the following item:

9 “Inspector General, Department of Com-
10 merce.”;

11 (6) by striking the following item:

12 “Chief Financial Officer, Department of Com-
13 merce.”;

14 (7) by striking the item relating to the Director
15 of the Bureau of the Census and inserting “Director
16 of the Census, Federal Statistical Service”; and

17 (8) by striking the following item:

18 “Chief Information Officer, Department of
19 Commerce.”.

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

22 (1) by striking the following item:

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

25 (2) by striking the following item:

1 “National Export Expansion Coordinator, De-
2 partment of Commerce.”.

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

6 (1) in section 9(a)(1)—

7 (A) by striking subparagraph (B); and

8 (B) by redesignating subparagraphs (C)
9 through (W) as subparagraphs (B) through
10 (V), respectively;

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

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

14 (h) EFFECTIVE DATE.—The amendments made by
15 this section shall be effective on the applicable date speci-
16 fied in section 102(c).

17 **SEC. 109. PRIVATIZATION FRAMEWORK.**

18 (a) IN GENERAL.—

19 (1) PRIVATIZATION.—Not later than 18 months
20 after a function designated for privatization under
21 title II is transferred to the Office, the Director shall
22 privatize that function. The Director shall pursue
23 such forms of privatization arrangements as the Di-
24 rector considers appropriate to best serve the inter-
25 ests of the United States.

1 (2) REPORT.—If, by the date specified in para-
2 graph (1), the Director is unable to privatize a func-
3 tion, the Director shall submit a report that states
4 that inability to Congress, together with rec-
5 ommendations concerning the appropriate disposi-
6 tion of the function involved and the assets of the
7 function.

8 (b) ROLE OF THE FEDERAL GOVERNMENT.—No pri-
9 vatization arrangement made under subsection (a) shall
10 include any role for, or accountability to, the Federal Gov-
11 ernment unless the role or accountability is necessary to
12 ensure the continued accomplishment of a specific Federal
13 objective. The Federal role should be the minimum role
14 necessary to accomplish Federal objectives.

15 (c) ASSETS.—In privatizing a function, the Director
16 shall take any action necessary—

17 (1) to preserve the value of the assets of a func-
18 tion during the period during which the Office holds
19 such assets; and

20 (2) to continue the performance of the function
21 to the extent necessary—

22 (A) to preserve the value of the assets; or

23 (B) to accomplish core Federal objectives

24 (as that term is defined by the Director).

1 **SEC. 110. PRIORITY PLACEMENT PROGRAMS FOR FEDERAL**
2 **EMPLOYEES AFFECTED BY A REDUCTION IN**
3 **FORCE ATTRIBUTABLE TO THIS ACT.**

4 (a) IN GENERAL.—Subchapter I of chapter 33 of title
5 5, United States Code, is amended by inserting after sec-
6 tion 3329 the following:

7 **“§ 3329a. Priority placement programs for employees**
8 **affected by a reduction in force attrib-**
9 **utable to the Department of Commerce**
10 **Elimination Act**

11 “(a)(1) For the purpose of this section, the term ‘af-
12 fected agency’—

13 “(A) except as provided in subparagraph (B),
14 means an Executive agency to which personnel are
15 transferred in connection with a transfer of function
16 under the Department of Commerce Elimination
17 Act, and

18 “(B) with respect to employees of the Depart-
19 ment of Commerce in general administration, the In-
20 spector General’s office, or the General Counsel’s of-
21 fice, or who provided overhead support to other com-
22 ponents of the Department on a reimbursable basis,
23 means all agencies to which functions of those em-
24 ployees are transferred under the Department of
25 Commerce Elimination Act.

1 “(2) This section applies with respect to any reduc-
2 tion in force that—

3 “(A) occurs within 12 months after the date of
4 enactment of this section; and

5 “(B) is due to—

6 “(i) the termination of any function of the
7 Department of Commerce; or

8 “(ii) the agency’s having excess personnel
9 as a result of a transfer of function described
10 in paragraph (1), as determined by—

11 “(I) the Director of the Office of
12 Management and Budget, in the case of a
13 function transferred to the Office of Man-
14 agement and Budget; or

15 “(II) the head of the agency, in the
16 case of any function transferred to an
17 agency other than the Office of Manage-
18 ment and Budget.

19 “(b) As soon as practicable after the date of enact-
20 ment of this section, each affected agency shall establish
21 an agencywide priority placement program to facilitate
22 employment placement for employees who, due to a reduc-
23 tion in force described in subsection (a)(2)—

24 “(1) are scheduled to be separated from service;
25 or

1 “(2) are separated from service.

2 “(c)(1) Each agencywide priority placement program
3 shall include provisions under which a vacant position
4 shall not be filled by the appointment or transfer of any
5 individual from outside of that agency if—

6 “(A) an individual described in paragraph (2)
7 who is qualified for the position is available for the
8 position at the time of the occurrence of the va-
9 cancy; and

10 “(B) the position—

11 “(i) is at the same grade (or pay level) or
12 not more than 1 grade (or pay level) below that
13 of the position last held by such individual be-
14 fore placement in the new position; and

15 “(ii) is within the same commuting area as
16 the individual’s last-held position (as referred to
17 in clause (i)) or residence.

18 “(2) For purposes of an agencywide priority place-
19 ment program, an individual shall be considered to be de-
20 scribed in this paragraph if the most recent performance
21 evaluation of the individual was at least fully successful
22 (or the equivalent), and such individual is either—

23 “(A) an employee of the agency who is sched-
24 uled to be separated, as described in subsection
25 (b)(1); or

1 “(B) an individual who became a former em-
2 ployee of the agency as a result of a separation, as
3 described in subsection (b)(2).

4 “(d)(1) Nothing in this section shall affect any pri-
5 ority placement program of the Department of Defense
6 that is in operation as of the date of enactment of this
7 section.

8 “(2) Nothing in this section shall impair any place-
9 ment program within an agency subject to a reduction in
10 force resulting from a cause other than the Department
11 of Commerce Elimination Act.

12 “(e) An individual shall cease to be eligible to partici-
13 pate in a program under this section on the earlier of—

14 “(1) the conclusion of the 12-month period be-
15 ginning on the date on which the individual first be-
16 came eligible to participate under subsection (c)(2);
17 or

18 “(2) the date on which the individual declines
19 a bona fide offer (or if the individual does not act
20 on the offer, the last date on which the individual
21 could accept the offer) from the affected agency of
22 a position described in subsection (c)(1)(B).”.

23 (b) CONFORMING AMENDMENT.—The chapter anal-
24 ysis for chapter 33 of title 5, United States Code, is

1 amended by inserting after the item relating to section
 2 3329 the following:

“3329a. Priority placement programs for employees affected by a reduction in
 force attributable to the Department of Commerce Elimination
 Act.”.

3 **SEC. 111. FUNDING REDUCTIONS FOR TRANSFERRED**
 4 **FUNCTIONS.**

5 (a) FUNDING REDUCTIONS.—Except as provided in
 6 subsection (b), the total amount authorized to be appro-
 7 priated by the United States for accounts related to the
 8 performance of functions transferred under this Act to the
 9 Director or to the Office from the Department, or any of
 10 its officers or components, shall not exceed—

11 (1) for the first fiscal year that begins after the
 12 date specified in section 102(c), 75 percent of the
 13 total amount appropriated to the Department for
 14 the performance of those functions for fiscal year
 15 2001; and

16 (2) for the second fiscal year that begins after
 17 the date specified in section 102(c) and for each fis-
 18 cal year thereafter, 65 percent of the total amount
 19 appropriated to the Department for the performance
 20 of those functions for fiscal year 2001.

21 (b) EXCEPTION.—Subsection (a) shall not apply to
 22 obligations or expenditures incurred as a direct con-
 23 sequence of the termination, transfer, or other disposition

1 of functions described in subsection (a) pursuant to this
2 Act.

3 (c) RULE OF CONSTRUCTION.—This section shall su-
4 persede any other provision of law that does not
5 explicitly—

6 (1) refer to this section; and

7 (2) create an exemption from this section.

8 (d) RESPONSIBILITIES OF THE DIRECTOR.—The Di-
9 rector shall—

10 (1) ensure compliance with the requirements of
11 this section; and

12 (2) include in each report under subsections (a)
13 and (b) of section 106 a description of actions taken
14 to comply with the requirements referred to in para-
15 graph (1).

16 **TITLE II—DISPOSITION OF PRO-** 17 **GRAMS, FUNCTIONS, AND** 18 **AGENCIES OF DEPARTMENT** 19 **OF COMMERCE**

20 **SEC. 201. ECONOMIC DEVELOPMENT.**

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

24 (b) TRANSFER OF FINANCIAL OBLIGATIONS OWED
25 TO THE DEPARTMENT.—There are transferred to the Sec-

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

17 (c) AUDIT.—Not later than 18 months after the date
 18 of enactment of this Act, the Comptroller General shall—

19 (1) conduct an audit of all grants made or
 20 issued by the Department of Commerce under the
 21 Public Works and Economic Development Act of
 22 1965 in fiscal year 2001 and all loans, obligations,
 23 and guarantees; and

24 (2) transmit to Congress a report on the results
 25 of the audit referred to in paragraph (1).

1 **SEC. 202. TECHNOLOGY ADMINISTRATION.**

2 (a) TECHNOLOGY ADMINISTRATION.—

3 (1) GENERAL RULE.—Except as otherwise pro-
4 vided in this section, the Technology Administration
5 of the Department of Commerce is terminated.

6 (2) OFFICE OF TECHNOLOGY POLICY.—The Of-
7 fice of Technology Policy of the Department of Com-
8 merce is terminated.

9 (b) NATIONAL INSTITUTE OF STANDARDS AND
10 TECHNOLOGY.—

11 (1) REDESIGNATION.—The National Institute
12 of Standards and Technology of the Department of
13 Commerce is hereby redesignated as the National
14 Bureau of Standards, and all references to the Na-
15 tional Institute of Standards and Technology in
16 Federal law or regulations are deemed to be ref-
17 erences to the National Bureau of Standards.

18 (2) GENERAL RULE.—The National Bureau of
19 Standards (in this subsection referred to as the
20 “Bureau”) is transferred from the Department of
21 Commerce to the National Oceanic and Atmospheric
22 Administration established in section 206.

23 (3) FUNCTIONS OF DIRECTOR.—Except as oth-
24 erwise provided in this section or section 208, upon
25 the transfer under paragraph (2), the Director of
26 the Bureau shall perform all functions relating to

1 the Bureau that, immediately before the effective
2 date specified in section 209(a), were functions of
3 the Secretary of Commerce or the Under Secretary
4 of Commerce for Technology.

5 (c) NATIONAL TECHNICAL INFORMATION SERV-
6 ICE.—

7 (1) PRIVATIZATION.—All functions of the Na-
8 tional Technical Information Service of the Depart-
9 ment of Commerce are transferred to the Director of
10 the Office of Management and Budget for privatiza-
11 tion in accordance with section 109 by the date spec-
12 ified in subsection (a) of that section.

13 (2) TRANSFER TO NATIONAL OCEANIC AND AT-
14 MOSPHERIC ADMINISTRATION.—If, by the date speci-
15 fied in section 109(a), an appropriate arrangement
16 for the privatization of functions of the National
17 Technical Information Service under paragraph (1)
18 has not been made, the National Technical Informa-
19 tion Service shall be transferred to the National
20 Oceanic and Atmospheric Administration established
21 in section 206.

22 (3) GOVERNMENT CORPORATION.—If, by the
23 date specified in section 109(a), an appropriate ar-
24 rangement for the privatization of functions of the
25 National Technical Information Service under para-

1 graph (1) has not been made, the Director of the
2 Office of Management and Budget shall, not later
3 than 180 days after the date specified in section
4 109(a), submit to Congress recommended legislation
5 to establish the National Technical Information
6 Service as a wholly owned Government corporation.
7 The recommended legislation shall provide for the
8 corporation to perform substantially the same func-
9 tions that, as of the date of enactment of this Act,
10 are performed by the National Technical Informa-
11 tion Service.

12 (4) FUNDING.—No funds are authorized to be
13 appropriated for the National Technical Information
14 Service or any successor corporation established pur-
15 suant to recommended legislation under paragraph
16 (3).

17 (d) AMENDMENTS.—

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

22 (A) in section 2(b), by striking paragraph
23 (1) and redesignating paragraphs (2) through
24 (13) as paragraphs (1) through (12), respec-
25 tively;

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

4 (C) in section 10—

5 (i) in the section heading, by striking
 6 “Advanced” and inserting “Standards
 7 and”; and

8 (ii) in subsection (a), by striking “Ad-
 9 vanced” and inserting “Standards and”;
 10 and

11 (D) by striking sections 24, 25, 26, and
 12 28.

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

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

20 (B) in section 4, by striking paragraphs
 21 (1), (4), and (13) and redesignating paragraphs
 22 (2), (3), (5), (6), (7), (8), (9), (10), (11), and
 23 (12) as paragraphs (1) through (10), respec-
 24 tively;

25 (C) by striking sections 5 through 10;

1 (D) in section 11—

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

5 (ii) in subsection (d)—

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

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

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

14 (E) in section 17—

15 (i) in subsection (c)—

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

19 (II) by striking paragraph (2)
20 and redesignating paragraph (3) as
21 paragraph (2);

22 (ii) in subsection (f), by striking
23 “funds to carry out” and inserting “funds
24 only to pay the salary of the Director of

1 the Office of Quality Programs, who shall
 2 be responsible for carrying out”; and

3 (iii) by adding at the end the fol-
 4 lowing new subsection:

5 “(h) VOLUNTARY AND UNCOMPENSATED SERV-
 6 ICES.—The Director of the Office of Quality Programs
 7 may accept voluntary and uncompensated services not-
 8 withstanding the provisions of section 1342 of title 31,
 9 United States Code.”.

10 (3) MISCELLANEOUS AMENDMENTS.—Section 3
 11 of Public Law 94–168 (15 U.S.C. 205b) is
 12 amended—

13 (A) by striking paragraph (2);

14 (B) by redesignating paragraphs (3) and
 15 (4) as paragraphs (2) and (3), respectively; and

16 (C) in paragraph (3), as redesignated by
 17 subparagraph (B) of this paragraph, by striking
 18 “in nonbusiness activities”.

19 **SEC. 203. REORGANIZATION OF THE BUREAU OF THE CEN-**
 20 **SUS AND THE BUREAU OF ECONOMIC ANAL-**
 21 **YSIS.**

22 (a) TRANSFER OF FUNCTIONS.—All functions of the
 23 Secretary of Commerce relating to the Bureau of the Cen-
 24 sus and the Bureau of Economic Analysis of the Depart-

1 ment of Commerce are transferred to the Federal Statis-
2 tical Service established under title IV.

3 (b) TRANSFER OF BUREAUS.—The Bureau of the
4 Census and Bureau of Economic Analysis of the Depart-
5 ment of Commerce are transferred to the Federal Statis-
6 tical Service established under title IV.

7 (c) REFERENCES TO SECRETARY.—Section 1(2) of
8 the title 13, United States Code, is amended by striking
9 “Secretary of Commerce” and inserting “Administrator of
10 the Federal Statistical Service”.

11 (d) REFERENCES TO DEPARTMENT.—Section 2 of
12 title 13, United States Code, is amended by striking “De-
13 partment of Commerce” and inserting “Federal Statistical
14 Service”.

15 (e) GENERAL REFERENCES TO SECRETARY AND DE-
16 PARTMENT.—Title 13, United States Code, is further
17 amended—

18 (1) by striking “Secretary of Commerce” each
19 place it appears and inserting “Administrator of the
20 Federal Statistical Service”; and

21 (2) by striking “Department of Commerce”
22 each place it appears and inserting “Federal Statis-
23 tical Service”.

1 **SEC. 204. TERMINATED FUNCTIONS OF NATIONAL TELE-**
2 **COMMUNICATIONS AND INFORMATION AD-**
3 **MINISTRATION.**

4 (a) REPEALS.—The following provisions of law are
5 repealed:

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

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

14 (3) Subpart C of part IV of title III of the
15 Communications Act of 1934 (47 U.S.C. 395), relat-
16 ing to Telecommunications Demonstration grants.

17 (b) DISPOSAL OF NATIONAL TELECOMMUNICATIONS
18 AND INFORMATION ADMINISTRATION LABORATORIES.—

19 (1) PRIVATIZATION.—All laboratories of the
20 National Telecommunications and Information Ad-
21 ministration are transferred to the Director of the
22 Office of Management and Budget for privatization
23 in accordance with section 109 by the date specified
24 in subsection (a) of that section.

25 (2) TRANSFER TO NATIONAL OCEANIC AND AT-
26 MOSPHERIC ADMINISTRATION.—If an appropriate

1 arrangement for the privatization of functions of the
2 laboratories of the National Telecommunications and
3 Information Administration under paragraph (1) has
4 not been made by the date specified in section
5 109(a), the laboratories of the National Tele-
6 communications and Information Administration
7 shall be transferred as of the end of such period to
8 the National Oceanic and Atmospheric Administra-
9 tion established in section 206.

10 (3) TRANSFER OF FUNCTIONS.—The functions
11 of the National Telecommunications and Informa-
12 tion Administration concerning research and anal-
13 ysis of the electromagnetic spectrum described in
14 section 5112(b) of the Omnibus Trade and Competi-
15 tiveness Act of 1988 (15 U.S.C. 1532) are trans-
16 ferred to the Director of the National Bureau of
17 Standards.

18 (c) TRANSFER OF NATIONAL TELECOMMUNICATIONS
19 AND INFORMATION ADMINISTRATION FUNCTIONS.—

20 (1) TRANSFER TO FEDERAL COMMUNICATIONS
21 COMMISSION.—Except as provided in subsection
22 (b)(2), the functions of the National Telecommuni-
23 cations and Information Administration, and of the
24 Secretary of Commerce and the Assistant Secretary
25 for Communications and Information of the Depart-

1 ment of Commerce with respect to the National
2 Telecommunications and Information Administra-
3 tion, are transferred to the Federal Communications
4 Commission. The functions transferred by this para-
5 graph shall be placed in an organizational compo-
6 nent that is independent from all Federal Commu-
7 nications Commission functions directly related to
8 the negotiation of trade agreements. Such functions
9 shall be supervised by an individual whose principal
10 professional expertise is in the area of telecommuni-
11 cations. The position to which such individual is ap-
12 pointed shall be graded at a level sufficiently high to
13 attract a highly qualified individual, while ensuring
14 autonomy in the conduct of such functions from all
15 activities and influences associated with trade nego-
16 tiations.

17 (2) REFERENCES.—References in any provision
18 of law (including the National Telecommunications
19 and Information Administration Organization Act)
20 to the Secretary of Commerce or the Assistant Sec-
21 retary for Communications and Information of the
22 Department of Commerce—

23 (A) with respect to a function vested pur-
24 suant to this section in the Federal Commu-

1 nications Commission shall be deemed to refer
2 to the United States Trade Representative; and

3 (B) with respect to a function vested pur-
4 suant to this section in the Director of the Na-
5 tional Bureau of Standards shall be deemed to
6 refer to the Director of the National Bureau of
7 Standards.

8 (3) TERMINATION OF NTIA.—Effective on the
9 applicable date specified in section 102(c), the Na-
10 tional Telecommunications and Information Admin-
11 istration is abolished.

12 **SEC. 205. TERMINATIONS AND TRANSFERS.**

13 (a) TERMINATION OF MISCELLANEOUS RESEARCH
14 PROGRAMS AND ACCOUNTS.—

15 (1) IN GENERAL.—No funds may be appro-
16 priated for any fiscal year for the following pro-
17 grams and accounts of the National Oceanic and At-
18 mospheric Administration:

19 (A) The National Undersea Research Pro-
20 gram.

21 (B) The Fleet Modernization Program.

22 (C) The Charleston, South Carolina, Spe-
23 cial Management Plan.

24 (D) Chesapeake Bay Observation Buoys
25 (as of September 30, 2001).

1 (E) Federal/State Weather Modification
2 Grants.

3 (F) The Southeast Storm Research Ac-
4 count.

5 (G) The Southeast United States Carib-
6 bean Fisheries Oceanographic Coordinated In-
7 vestigations Program.

8 (H) National Institute for Environmental
9 Renewal.

10 (I) The Lake Champlain Study.

11 (J) The Maine Marine Research Center.

12 (K) The South Carolina Cooperative Geo-
13 detic Survey Account.

14 (L) Pacific Island Technical Assistance.

15 (M) Sea Grant Oyster Disease Account.

16 (O) National Weather Service non-Federal,
17 non-wildfire Weather Service.

18 (P) National Weather Service Regional Cli-
19 mate Centers.

20 (Q) National Weather Service Samoa
21 Weather Forecast Office Repair and Upgrade
22 Account.

23 (R) Dissemination of Weather Charts (Ma-
24 rine Facsimile Service).

1 (S) The Climate and Global Change Ac-
2 count.

3 (T) The Global Learning and Observations
4 to Benefit the Environment Program.

5 (U) Mussel watch.

6 (2) REPEALS.—The following provisions of law
7 are repealed:

8 (A) The Ocean Thermal Conversion Act of
9 1980 (42 U.S.C. 9101 et seq.).

10 (B) Title IV of the Marine Protection, Re-
11 search, and Sanctuaries Act of 1972 (16 U.S.C.
12 1447 et seq.).

13 (C) Title V of the Marine Protection, Re-
14 search, and Sanctuaries Act of 1972 (33 U.S.C.
15 2801 et seq.).

16 (D) The Great Lakes Fish and Wildlife
17 Tissue Bank Act (16 U.S.C. 943 et seq.).

18 (E) Section 208(c) of the National Sea
19 Grant College Program Act (33 U.S.C.
20 1127(c)).

21 (F) Section 305 of the Coastal Zone Man-
22 agement Act of 1972 (16 U.S.C. 1454) is re-
23 pealed effective October 1, 2002.

24 (G) The NOAA Fleet Modernization Act
25 (33 U.S.C. 891 et seq.).

1 (H) Public Law 85–342 (72 Stat. 35; 16
2 U.S.C. 778 et seq.), relating to fish research
3 and experimentation.

4 (I) The first section of the Act of August
5 8, 1956 (70 Stat. 1126, chapter 1039; 16
6 U.S.C. 760d), relating to grants for commercial
7 fishing education.

8 (J) Public Law 86–359 (16 U.S.C. 760e et
9 seq.), relating to the study of migratory marine
10 gamefish.

11 (b) AERONAUTICAL MAPPING AND CHARTING.—

12 (1) IN GENERAL.—The aeronautical mapping
13 and charting functions of the National Oceanic and
14 Atmospheric Administration are transferred to the
15 Transportation Administrative Services Center at
16 the Department of Transportation.

17 (2) TERMINATION OF CERTAIN FUNCTIONS.—
18 The Transportation Administrative Services Center
19 shall terminate any functions transferred under
20 paragraph (1) that are performed by the private sec-
21 tor or obtain by contract from the private sector
22 those activities that are commercial in nature and
23 necessary to carry out inherently governmental func-
24 tions.

1 (3) FUNCTIONS REQUESTED BY FEDERAL AVIA-
2 TION ADMINISTRATION.—

3 (A) IN GENERAL.—Notwithstanding para-
4 graph (2), the Director of the Transportation
5 Administrative Services Center (referred to in
6 this paragraph as the “Director”) shall carry
7 out such aeronautical charting functions as may
8 be requested by the Administrator of the Fed-
9 eral Aviation Administration.

10 (B) AERONAUTICAL MAPPING.—In car-
11 rying out aeronautical mapping functions re-
12 quested by the Administrator under subpara-
13 graph (A), the Director shall in such manner
14 and including such information as the Adminis-
15 trator determines is necessary for, or will pro-
16 mote, the safe and efficient movement of air-
17 craft in air commerce—

18 (i) publish and distribute to the public
19 and to the Administrator any aeronautical
20 charts requested by the Administrator; and

21 (ii) provide to the Administrator such
22 other air traffic control products and serv-
23 ices as may be requested by the Adminis-
24 trator.

25 (4) CONTINUING APPLICABILITY.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), the requirements of section
3 1307 of title 44, United States Code, shall con-
4 tinue to apply with respect to all aeronautical
5 products created or published by the Director in
6 carrying out the functions transferred to the
7 Director under this paragraph.

8 (B) EXCEPTIONS.—The prices for products
9 referred to in subparagraph (A) shall be estab-
10 lished jointly by the Director and the Secretary
11 of Transportation on an annual basis.

12 (c) TRANSFER OF MAPPING, CHARTING, AND GEOD-
13 ESY FUNCTIONS TO THE ARMY CORPS OF ENGINEERS.—

14 (1) IN GENERAL.—Except as provided in sub-
15 section (b), there are transferred to the Army Corps
16 of Engineers the functions relating to mapping,
17 charting, and geodesy authorized under the Act of
18 August 7, 1947 (61 Stat. 787, chapter 504; 33
19 U.S.C. 883a).

20 (2) TERMINATION OF CERTAIN FUNCTIONS.—
21 The Secretary of the Army, acting through the Chief
22 of Engineers of Army Corps of Engineers, shall ter-
23 minate any functions transferred under paragraph
24 (1) that are performed by the private sector or ob-
25 tain by contract from the private sector those func-

1 tions that are commercial in nature and are nec-
2 essary to carry out inherently governmental func-
3 tions.

4 (d) NATIONAL ENVIRONMENTAL SATELLITE, DATA,
5 AND INFORMATION.—There are transferred to the Na-
6 tional Oceanic and Atmospheric Administration estab-
7 lished in section 206 all functions and assets of the Na-
8 tional Oceanic and Atmospheric Administration that on
9 the date immediately before the effective date of this sec-
10 tion are authorized to be performed by the National Envi-
11 ronmental Satellite, Data, and Information System.

12 (e) OCEANIC AND ATMOSPHERIC ADMINISTRA-
13 TION.—There are transferred to the National Oceanic and
14 Atmospheric Administration established in section 206 all
15 functions and assets of the National Oceanic and Atmos-
16 pheric Administration (including global programs) that on
17 the date immediately before the effective date of this sec-
18 tion were authorized to be performed by the Office of Oce-
19 anic and Atmospheric Research.

20 (f) NATIONAL WEATHER SERVICE.—

21 (1) IN GENERAL.—There are transferred to the
22 National Oceanic and Atmospheric Administration
23 established in section 206 all functions and assets of
24 the National Oceanic and Atmospheric Administra-
25 tion that on the date immediately before the effec-

1 tive date of this section are authorized to be per-
2 formed by the National Weather Service.

3 (2) DUTIES.—Except as provided in paragraph
4 (3), to protect life and property and enhance the na-
5 tional economy, the Administrator of Oceans and At-
6 mosphere, through the National Weather Service,
7 shall be responsible for the following:

8 (A) Forecasts. (The Administrator shall
9 serve as the sole and official sources of weather
10 and flood warnings for the Federal Govern-
11 ment.)

12 (B) The issuance of storm warnings.

13 (C) The collection, exchange, and distribu-
14 tion of meteorological, hydrological, climatic,
15 and oceanographic data and information.

16 (D) The preparation of hydro-meteorolog-
17 ical guidance and core forecast information.

18 (3) LIMITATIONS ON COMPETITION.—The Na-
19 tional Weather Service may not compete, or assist
20 other entities in competing, with the private sector
21 to provide a service in any case in which that service
22 is provided by a private sector commercial enterprise
23 or a private sector commercial enterprise is able to
24 provide that service, unless—

1 (A) the Administrator of Oceans and At-
2 mosphere finds that private sector commercial
3 enterprises are unwilling or unable to provide
4 the service; and

5 (B) the Administrator of Oceans and At-
6 mosphere finds that the service provides vital
7 weather warnings and forecasts for the protec-
8 tion of lives and property of the general public.

9 (4) ORGANIC ACT AMENDMENTS.—The Act en-
10 titled “An Act to increase the efficiency and reduce
11 the expenses of the Signal Corps of the Army, and
12 to transfer the Weather Bureau to the Department
13 of Agriculture”, approved October 1, 1890 (26 Stat.
14 653, chapter 1266) is amended—

15 (A) by striking section 3 (15 U.S.C. 313);
16 and

17 (B) in section 9 (15 U.S.C. 317), by strik-
18 ing “Department of” and all that follows there-
19 after and inserting “National Oceanic and At-
20 mospheric Administration.”.

21 (5) REPEAL.—Sections 706 and 707 of the
22 Weather Service Modernization Act (15 U.S.C. 313
23 note) are repealed.

1 (6) CONFORMING AMENDMENTS.—The Weather
2 Service Modernization Act (15 U.S.C. 313 note) is
3 amended—

4 (A) in section 702, by striking paragraph
5 (3) and redesignating paragraphs (4) through
6 (10) as paragraphs (3) through (9), respec-
7 tively; and

8 (B) in section 703—

9 (i) by striking “(a) NATIONAL IMPLE-
10 MENTATION PLAN.—”;

11 (ii) by striking paragraph (3) and re-
12 designating paragraphs (4) through (6) as
13 paragraphs (3) through (5), respectively;
14 and

15 (iii) by striking subsections (b) and
16 (c).

17 (g) TERMINATION OF THE NATIONAL OCEANIC AND
18 ATMOSPHERIC ADMINISTRATION CORPS OF COMMIS-
19 SIONED OFFICERS.—

20 (1) NUMBER OF OFFICERS.—Notwithstanding
21 section 8 of the Act of June 3, 1948 (62 Stat. 298,
22 chapter 390; 33 U.S.C. 853g), no funding may be
23 provided for a commissioned officer of the National
24 Oceanic and Atmospheric Administration Corps
25 after fiscal year 1997 and no individual may serve

1 as such a commissioned officer after fiscal year
2 1997.

3 (2) SEPARATION PAY.—

4 (A) IN GENERAL.—Commissioned officers
5 may be separated from the active list of the Na-
6 tional Oceanic and Atmospheric Administration.
7 Any officer so separated because of paragraph
8 (1) shall, subject to subparagraph (B) and the
9 availability of appropriations, be eligible for sep-
10 aration pay under section 9 of the Act of June
11 3, 1948 (62 Stat. 299, chapter 390; 33 U.S.C.
12 853h) to the same extent as if such officer had
13 been separated under section 8 of such Act (62
14 Stat. 298, chapter 390; 33 U.S.C. 853g).

15 (B) TRANSFEREES.—Any officer who,
16 under paragraph (4), transfers to another of
17 the uniformed services or becomes employed in
18 a civil service position shall not be eligible for
19 separation pay under this paragraph.

20 (C) REPAYMENT.—

21 (i) IN GENERAL.—Any officer who re-
22 ceives separation pay under this paragraph
23 shall be required to repay the amount re-
24 ceived if, within 1 year after the date of
25 the separation on which the payment is

1 based, such officer is reemployed in a civil
2 service position in the National Oceanic
3 and Atmospheric Administration, the du-
4 ties of which position would formerly have
5 been performed by a commissioned officer,
6 as determined by the Administrator of
7 Oceans and Atmosphere.

8 (ii) LUMP SUM.—A repayment under
9 this subparagraph shall be made in a lump
10 sum or in such installments as the Admin-
11 istrator may specify.

12 (D) REPAYMENTS.—

13 (i) IN GENERAL.—In the case of any
14 officer who makes a repayment under sub-
15 paragraph (C)—

16 (I) the National Oceanic and At-
17 mospheric Administration shall pay
18 into the Civil Service Retirement and
19 Disability Fund, on such officer's be-
20 half, any deposit required under sec-
21 tion 8422(e)(1) of title 5, United
22 States Code, with respect to any prior
23 service performed by that individual
24 as such an officer; and

1 (II) if the amount paid under
 2 subclause (I) is less than the amount
 3 of the repayment under subparagraph
 4 (C), the National Oceanic and Atmos-
 5 pheric Administration shall pay into
 6 the Government Securities Investment
 7 Fund (established under section
 8 8438(b)(1)(A) of title 5, United
 9 States Code), on such individual's be-
 10 half, an amount equal to the dif-
 11 ference.

12 (ii) APPLICABILITY.—The provisions
 13 of paragraph (5)(C)(iv) shall apply with re-
 14 spect to any contribution to the Thrift
 15 Savings Plan made under clause (ii).

16 (3) PRIORITY PLACEMENT PROGRAM.—A pri-
 17 ority placement program similar to the programs de-
 18 scribed in section 3329a of title 5, United States
 19 Code (as added by section 110 of this Act) shall be
 20 established by the National Oceanic and Atmos-
 21 pheric Administration to assist commissioned offi-
 22 cers who are separated from the active list of the
 23 National Oceanic and Atmospheric Administration
 24 because of paragraph (1).

25 (4) TRANSFER.—

1 (A) TRANSFERS TO ARMED FORCES.—Sub-
2 ject to the approval of the Secretary of Defense
3 and under terms and conditions specified by the
4 Secretary, commissioned officers subject to
5 paragraph (1) may transfer to the Armed
6 Forces under section 716 of title 10, United
7 States Code.

8 (B) TRANSFERS TO UNITED STATES COAST
9 GUARD.—Subject to the approval of the Sec-
10 retary of Transportation and under terms and
11 conditions specified by the Secretary, commis-
12 sioned officers subject to paragraph (1) may
13 transfer to the United States Coast Guard
14 under section 716 of title 10, United States
15 Code.

16 (C) TRANSFERS TO NATIONAL OCEANIC
17 AND ATMOSPHERIC ADMINISTRATION.—Subject
18 to the approval of the Administrator of Oceans
19 and Atmosphere and under terms and condi-
20 tions specified by that Administrator, commis-
21 sioned officers subject to paragraph (1) may be
22 employed by the National Oceanic and Atmos-
23 pheric Administration as members of the civil
24 service.

25 (5) RETIREMENT PROVISIONS.—

1 (A) IN GENERAL.—For commissioned offi-
2 cers who transfer under paragraph (4)(A) to
3 the Armed Forces, the National Oceanic and
4 Atmospheric Administration shall pay into the
5 Department of Defense Military Retirement
6 Fund an amount, to be calculated by the Sec-
7 retary of Defense in consultation with the Sec-
8 retary of the Treasury, equal to the actuarial
9 present value of any retired or retainer pay they
10 will draw upon retirement, including full credit
11 for service in the National Oceanic and Atmos-
12 pheric Administration (referred to in this title
13 as the “NOAA Corps”).

14 (B) OTHER TRANSFERS.—For commis-
15 sioned officers who transfer under paragraph
16 (4)(B) to the United States Coast Guard, full
17 credit for service in the NOAA Corps shall be
18 given for purposes of any annuity or other simi-
19 lar benefit under the retirement system for
20 members of the United States Coast Guard, en-
21 titlement to which is based on the separation of
22 such officer.

23 (C) PAYMENT TO CERTAIN COMMISSIONED
24 OFFICERS WHO TRANSFER TO CIVIL SERVICE
25 POSITIONS.—(i) For a commissioned officer

1 who becomes employed in a civil service position
2 pursuant to paragraph (4)(C) and thereupon
3 becomes subject to the Federal Employees' Re-
4 tirement System, the National Oceanic and At-
5 mospheric Administration shall pay, on such of-
6 ficer's behalf—

7 (I) into the Civil Service Retirement
8 and Disability Fund, the amounts required
9 under clause (ii); and

10 (II) into the Government Securities
11 Investment Fund, the amount required
12 under clause (iii).

13 (ii)(I) The amount required under this
14 subclause is the amount of any deposit required
15 under section 8422(e)(1) of title 5, United
16 States Code, with respect to any prior service
17 performed by the individual as a commissioned
18 officer of the National Oceanic and Atmos-
19 pheric Administration.

20 (II) To determine the amount required
21 under this subclause, first determine, for each
22 year of service with respect to which the deposit
23 under subclause (I) relates, the product of the
24 normal-cost percentage for such year (as deter-
25 mined under the last sentence of this subclause)

1 multiplied by basic pay received by the indi-
2 vidual for any such service performed in such
3 year. Second, take the sum of the amounts de-
4 termined for the respective years under the first
5 sentence. Finally, subtract from such sum the
6 amount of the deposit under subclause (I). For
7 purposes of the first sentence, the normal-cost
8 percentage for any year shall be as determined
9 for such year under the provisions of section
10 8423(a)(1) of title 5, United States Code, ex-
11 cept that, in the case of any year before the
12 first year for which any normal-cost percentage
13 was determined under such provisions, the nor-
14 mal-cost percentage for such first year shall be
15 used.

16 (iii) The amount required under this clause
17 is the amount by which the separation pay to
18 which the officer would have been entitled
19 under the second sentence of paragraph (2)(A)
20 (assuming the conditions for receiving such sep-
21 aration pay have been met) exceeds the amount
22 of the deposit under clause (ii)(I), if at all.

23 (iv)(I) Any contribution made under this
24 subparagraph to the Thrift Savings Plan shall
25 not be subject to any otherwise applicable limi-

1 tation on contributions contained in the Inter-
2 nal Revenue Code of 1986, and shall not be
3 taken into account in applying any such limita-
4 tion to other contributions or benefits under the
5 Thrift Savings Plan, with respect to the year in
6 which the contribution is made.

7 (II) A plan referred to in subclause (I)
8 shall not be treated as failing to meet any non-
9 discrimination requirement by reason of the
10 making of such contribution.

11 (6) REPEALS.—

12 (A) IN GENERAL.—The following provi-
13 sions of law are repealed:

14 (i) The Coast and Geodetic Survey
15 Commissioned Officers' Act of 1948 (33
16 U.S.C. 853a–853o, 853p–853u).

17 (ii) Section 5 of the Act of February
18 16, 1929 (45 Stat. 1187, chapter 221; 33
19 U.S.C. 852a).

20 (iii) The Act of January 19, 1942 (56
21 Stat. 6, chapter 6).

22 (iv) Section 9(c) of Public Law 87–
23 649 (76 Stat. 495).

1 (v) Section 16 of the Act of May 22,
2 1917 (40 Stat. 87, chapter 20; 33 U.S.C.
3 854).

4 (vi) The Act of December 3, 1942 (56
5 Stat. 1038, chapter 670).

6 (vii) Sections 1 through 5 of Public
7 Law 91–621 (33 U.S.C. 857–1 through
8 857–5).

9 (viii) Section 3 of the Act of August
10 10, 1956 (70A Stat. 619, chapter 1041; 33
11 U.S.C. 857a).

12 (ix) Section 11 of the Act of May 18,
13 1920 (41 Stat. 603, chapter 190; 33
14 U.S.C. 864).

15 (x) The Act of July 22, 1947 (61
16 Stat. 400, chapter 286; 33 U.S.C. 873 and
17 874).

18 (xi) The Act of August 3, 1956 (70
19 Stat. 988, chapter 932; 33 U.S.C. 875 and
20 876).

21 (B) RULE OF CONSTRUCTION.—No repeal
22 under this subparagraph shall affect any annu-
23 ity or other similar benefit payable, under any
24 provision of law so repealed, based on the sepa-
25 ration of any individual from the NOAA Corps

1 on or before September 30, 2002. Any author-
2 ity exercised by the Secretary of Commerce or
3 the designee of the Secretary with respect to
4 any such benefits shall be exercised by the Ad-
5 ministrator of Oceans and Atmosphere, and any
6 authorization of appropriations relating to those
7 benefits, which is in effect as of September 30,
8 2002, shall be considered to have remained in
9 effect.

10 (C) EFFECTIVE DATE OF REPEALS.—The
11 effective date of the repeals under subpara-
12 graph (A) shall be October 1, 2002.

13 (D) APPLICABILITY OF RETIREMENT
14 LAWS.—

15 (i) IN GENERAL.—All laws relating to
16 the retirement of commissioned officers of
17 the Navy shall apply to commissioned offi-
18 cers of the former Commissioned Officers
19 Corps of the National Oceanic and Atmos-
20 pheric Administration and its predecessors.

21 (ii) ACTIVE MILITARY SERVICE.—Ac-
22 tive service of officers of the former Com-
23 missioned Officers Corps of the National
24 Oceanic and Atmospheric Administration
25 and its predecessors who have retired from

1 the Commissioned Officers Corps shall be
2 deemed to be active military service in the
3 United States Navy for purposes of all
4 rights, privileges, immunities, and benefits
5 provided to retired commissioned officers
6 of the Navy by the laws and regulations of
7 the United States and any agency thereof.
8 In the Administration of those laws (in-
9 cluding regulations) with respect to retired
10 officers of the former Commissioned Offi-
11 cers Corps of the National Oceanic and At-
12 mospheric Administration and its prede-
13 cessors, the authority of the Secretary of
14 the Navy shall be exercised by the Admin-
15 istrator of Oceans and Atmosphere.

16 (iii) ITS PREDECESSORS DEFINED.—
17 For purposes of this subparagraph, the
18 term “its predecessors” means the former
19 Commissioned Officers Corps of the Envi-
20 ronmental Science Services Administration
21 and the former Commissioned Officers
22 Corps of the Coast and Geodetic Survey.

23 (7) CREDITABILITY OF NATIONAL OCEANIC AND
24 ATMOSPHERIC ADMINISTRATION SERVICE FOR PUR-
25 POSES RELATING TO REDUCTIONS IN FORCE.—A

1 commissioned officer who is separated from the ac-
2 tive list of the National Oceanic and Atmospheric
3 Administration or its successor by reason of para-
4 graph (1) shall, for purposes of any subsequent re-
5 duction in force, receive credit for any period of
6 service performed as such an officer before separa-
7 tion from such list to the same extent and in the
8 same manner as if the period had been a period of
9 active service in the Armed Forces.

10 (8) ABOLITION.—Effective September 30,
11 2002, the Office of the National Oceanic and Atmos-
12 pheric Administration Corps of Operations or its
13 successor and the Commissioned Personnel Center
14 are abolished.

15 (h) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-
16 ISTRATION FLEET.—

17 (1) SERVICE CONTRACTS.—Notwithstanding
18 any other provision of law, the Administrator of
19 Oceans and Atmosphere shall enter into contracts,
20 including multiyear contracts, subject to paragraph
21 (3), for the use of vessels to conduct oceanographic
22 research and fisheries research, monitoring, enforce-
23 ment, and management, and to acquire other data
24 necessary to carry out the missions of the National
25 Oceanic and Atmospheric Administration. The Ad-

1 administrator of Oceans and Atmosphere shall enter
2 into these contracts unless—

3 (A) the cost of the contract is more than
4 the cost (including the cost of vessel operation,
5 maintenance, and all personnel) to the National
6 Oceanic and Atmospheric Administration of ob-
7 taining those services on vessels of the National
8 Oceanic and Atmospheric Administration;

9 (B) the contract is for a period greater
10 than 7 years; or

11 (C) the data is acquired through a vessel
12 agreement pursuant to paragraph (4).

13 (2) VESSELS.—The Administrator of Oceans
14 and Atmosphere may not enter into any contract for
15 the construction, lease-purchase, upgrade, or service
16 life extension of any vessel.

17 (3) MULTIYEAR CONTRACTS.—

18 (A) IN GENERAL.—Subject to subpara-
19 graphs (B) and (C), and notwithstanding sec-
20 tion 1341 of title 31, United States Code, and
21 section 11 of title 41, United States Code, the
22 Administrator of Oceans and Atmosphere may
23 acquire data under multiyear contracts.

24 (B) REQUIRED FINDINGS.—The Adminis-
25 trator of Oceans and Atmosphere may not enter

1 into a contract pursuant to this paragraph un-
2 less the Administrator finds, with respect to
3 that contract, that there is a reasonable expect-
4 tation that throughout the contemplated con-
5 tract period the Administrator will request from
6 Congress funding for the contract at the level
7 required to avoid the termination of that con-
8 tract.

9 (C) REQUIRED PROVISIONS.—The Admin-
10 istrator of Oceans and Atmosphere may not
11 enter into a contract under this paragraph un-
12 less the contract includes—

13 (i) a provision under which the obliga-
14 tion of the United States to make pay-
15 ments under the contract for any fiscal
16 year is subject to the availability of appro-
17 priations provided in advance for those
18 payments;

19 (ii) a provision that specifies the term
20 of effectiveness of the contract; and

21 (iii) appropriate provisions under
22 which, in case of any termination of the
23 contract before the end of the term speci-
24 fied pursuant to clause (ii), the United

1 States shall only be liable for the lesser
2 of—

3 (I) an amount specified in the
4 contract for such a termination; or

5 (II) amounts that were appro-
6 priated before the date of the termi-
7 nation for the performance of the con-
8 tract or for procurement of the type
9 of acquisition covered by the contract
10 and are unobligated on the date of the
11 termination.

12 (4) VESSEL AGREEMENTS.—The Administrator
13 of Oceans and Atmosphere—

14 (A) shall, if appropriate, use excess capac-
15 ity of University National Oceanographic Lab-
16 oratory System vessels; and

17 (B) may enter into memoranda of agree-
18 ment with the operators of the vessels referred
19 to in subparagraph (A) to carry out the require-
20 ment under that subparagraph.

21 (5) TRANSFER OF EXCESS VESSELS.—The Ad-
22 ministrator of Oceans and Atmosphere shall transfer
23 any vessel that weighs more than 1,500 gross tons
24 that are excess to the needs of the National Oceanic
25 and Atmospheric Administration to the National De-

1 fense Reserve Fleet. Notwithstanding any other pro-
2 vision of law, these vessels may be scrapped in ac-
3 cordance with section 510(i) of the Merchant Marine
4 Act, 1936 (46 U.S.C. App. 1160(i)).

5 (i) NATIONAL MARINE FISHERIES SERVICE.—There
6 are transferred to the National Oceanic and Atmospheric
7 Administration all functions that on the day before the
8 effective date of this section are authorized by law to be
9 performed by the National Marine Fisheries Service.

10 (j) NATIONAL OCEAN SERVICE.—Except as otherwise
11 provided in this Act, there are transferred to the National
12 Oceanic and Atmospheric Administration established
13 under section 206 all functions and assets of the National
14 Oceanic and Atmospheric Administration that on the date
15 immediately before the effective date of this section are
16 authorized to be performed by the National Ocean Service
17 (including the Coastal Ocean Program).

18 (k) TRANSFER OF COASTAL NONPOINT POLLUTION
19 CONTROL FUNCTIONS.—There are transferred to the Ad-
20 ministrator of the Environmental Protection Agency the
21 functions under section 6217 of the Omnibus Budget Rec-
22 onciliation Act of 1990 (16 U.S.C. 1455b) that on the day
23 before the effective date of this section are vested in the
24 Secretary of Commerce.

1 **SEC. 206. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
2 **ISTRATION.**

3 (a) ESTABLISHMENT.—

4 (1) IN GENERAL.—There is established as an
5 independent agency in the executive branch the Na-
6 tional Oceanic and Atmospheric Administration (in
7 this section referred to as “NOAA”). NOAA, and all
8 functions and offices transferred to NOAA under
9 this Act, shall be administered under the supervision
10 and direction of an Administrator of Oceans and At-
11 mosphere.

12 (2) ADMINISTRATOR OF OCEANS AND ATMOS-
13 PHERE.—The Administrator of Oceans and Atmos-
14 phere shall—

15 (A) be appointed by the President, by and
16 with the advice and consent of the Senate; and

17 (B) receive basic pay at the rate payable
18 for level II of the Executive Schedule under sec-
19 tion 5313 of title 5, United States Code.

20 (3) FUNCTIONS.—The Administrator of Oceans
21 and Atmosphere shall perform the functions per-
22 formed by the Administrator of the National Oce-
23 anic and Atmospheric Administration, except as oth-
24 erwise provided in this Act.

1 (b) PRINCIPAL OFFICER.—There shall be in NOAA,
2 on the transfer of functions and offices under this Act,
3 a Director of the National Bureau of Standards, who—

4 (1) shall be appointed by the President, by and
5 with the advice and consent of the Senate; and

6 (2) shall receive basic pay at the rate payable
7 for level IV of the Executive Schedule under section
8 5315 of title 5, United States Code.

9 (c) ADDITIONAL OFFICERS.—

10 (1) IN GENERAL.—There shall be in NOAA—

11 (A) a Chief Financial Officer, to be ap-
12 pointed by the President, by and with the ad-
13 vice and consent of the Senate;

14 (B) a Chief of External Affairs, to be ap-
15 pointed by the President, by and with the ad-
16 vice and consent of the Senate;

17 (C) a General Counsel, to be appointed by
18 the President, by and with the advice and con-
19 sent of the Senate; and

20 (D) an Inspector General, to be appointed
21 in accordance with the Inspector General Act of
22 1978 (5 U.S.C. App.).

23 (2) COMPENSATION.—Each Officer appointed
24 under this subsection shall receive basic pay at the

1 rate payable for level IV of the Executive Schedule
2 under section 5315 of title 5, United States Code.

3 (d) TRANSFER OF FUNCTIONS AND OFFICES.—Ex-
4 cept as otherwise provided in this Act, there are trans-
5 ferred to NOAA—

6 (1) the functions and offices of the National
7 Oceanic and Atmospheric Administration, as pro-
8 vided in section 205;

9 (2) the National Bureau of Standards, along
10 with its functions and offices, as provided in section
11 202; and

12 (3) the Office of Space Commerce, along with
13 its functions and offices.

14 (e) ELIMINATION OF POSITIONS.—The Adminis-
15 trator of Oceans and Atmosphere may eliminate positions
16 that are no longer necessary because of the termination
17 of functions under this section and sections 202 and 205.

18 (f) AGENCY TERMINATIONS.—

19 (1) TERMINATIONS.—

20 (A) IN GENERAL.—On the date specified
21 in section 209(a), the following shall terminate:

22 (i) The Office of the Deputy Adminis-
23 trator and Assistant Secretary of the Na-
24 tional Oceanic and Atmospheric Adminis-
25 tration.

1 (ii) The Office of the Deputy Under
2 Secretary of the National Oceanic and At-
3 mospheric Administration.

4 (iii) The Office of the Chief Scientist
5 of the National Oceanic and Atmospheric
6 Administration.

7 (iv) The position of Deputy Assistant
8 Secretary for Oceans and Atmosphere.

9 (v) The position of Deputy Assistant
10 Secretary for International Affairs.

11 (vi) Any office of the National Oee-
12 anic and Atmospheric Administration or
13 the National Bureau of Standards whose
14 primary purpose is to perform high per-
15 formance computing communications, leg-
16 islative, personnel, public relations, budget,
17 constituent, intergovernmental, inter-
18 national, policy and strategic planning,
19 sustainable development, administrative, fi-
20 nancial, educational, legal and coordination
21 functions.

22 (vii) The position of Associate Direc-
23 tor of the National Institute of Standards
24 and Technology.

1 (B) REQUIREMENT.—The functions re-
 2 ferred to in subparagraph (A)(vi) shall be per-
 3 formed only by officers described in subsection
 4 (c).

5 (2) TERMINATION OF EXECUTIVE SCHEDULE
 6 POSITIONS.—Each position that, before the effective
 7 date of this section, was expressly authorized by law,
 8 or the incumbent of which is authorized to receive
 9 compensation at the rate prescribed for levels I
 10 through V of the Executive Schedule under sections
 11 5312 through 5315 of title 5, United States Code,
 12 in an office terminated pursuant to this section and
 13 sections 202 and 205 shall also terminate.

14 **SEC. 207. PATENT AND TRADEMARK OFFICE.**

15 (a) TRANSFER TO DEPARTMENT OF JUSTICE.—
 16 There are transferred to the Department of Justice the
 17 United States Patent and Trademark Office and all func-
 18 tions authorized by law to be carried out by that office.

19 (b) CONFORMING AMENDMENTS TO TITLE 35,
 20 UNITED STATES CODE.—Title 35, United States Code, is
 21 amended as follows:

22 (1) Section 1(a) is amended in the first sen-
 23 tence by striking “Commerce” and inserting “Jus-
 24 tice”.

25 (2) Section 2 is amended—

1 (A) in subsection (a), in the matter pre-
2 ceding paragraph (1), by striking “Secretary of
3 Commerce” and inserting “Attorney General”;
4 and

5 (B) in paragraphs (8) and (12)(A) of sub-
6 section (b), by striking “Secretary of Com-
7 merce” and inserting “Attorney General”.

8 (3) Section 3 is amended—

9 (A) in subsection (a)—

10 (i) in the subsection heading, by strik-
11 ing “UNDER SECRETARY AND”; and

12 (ii) in paragraph (1), by striking
13 “Under Secretary of Commerce for Intel-
14 lectual Property and”;

15 (B) in subsection (b)—

16 (i) in paragraph (1)—

17 (I) in the paragraph heading, by
18 striking “DEPUTY UNDER SECRETARY
19 AND”;

20 (II) by striking “Secretary of
21 Commerce” the first place it appears
22 and inserting “Attorney General”;
23 and

1 (III) by striking “Deputy Under
2 Secretary of Commerce for Intellec-
3 tual Property and”;

4 (ii) in paragraph (2)(A), by striking
5 “Secretary of Commerce” and inserting
6 “Attorney General”;

7 (iii) in paragraph (2)(B)—

8 (I) by striking “Secretary of
9 Commerce” and inserting “Attorney
10 General”; and

11 (II) by striking “Secretary” each
12 subsequent place it appears and in-
13 serting “Attorney General”; and

14 (iv) in paragraph (2)(C), by striking
15 “Secretary” and inserting “Attorney Gen-
16 eral”; and

17 (C) in subsection (e)(2), by striking “Sec-
18 retary of Commerce” each place it appears and
19 inserting “Attorney General”.

20 (4) Section 5 is amended—

21 (A) by striking “Secretary of Commerce”
22 each place it appears and inserting “Attorney
23 General”; and

24 (B) in subsection (a)(2), by striking “Sec-
25 retary” and inserting “Attorney General”.

1 (5) Sections 11 and 13 are each amended by
2 striking “Secretary of Commerce” and inserting
3 “Attorney General”.

4 (6) Section 42(e) is amended by striking “Sec-
5 retary of Commerce” and inserting “Attorney Gen-
6 eral”.

7 (7) Sections 181 and 188 are each amended by
8 striking “Secretary of Commerce” and inserting
9 “Attorney General”.

10 (8) Section 202(b)(1) is amended—

11 (A) by striking “Secretary of Commerce”
12 each place it appears and inserting “Attorney
13 General”; and

14 (B) by striking “Secretary” in the last sen-
15 tence and inserting “Attorney General”.

16 (9) Sections 206, 207(b), and 208 are each
17 amended by striking “Secretary of Commerce” and
18 inserting “Attorney General”.

19 (c) OTHER CONFORMING AMENDMENTS.—

20 (1) Section 45 of the Act of July 5, 1946 (com-
21 monly referred to as the “Trademark Act of 1946”)
22 is amended in the definition of “Director”, by strik-
23 ing “Under Secretary of Commerce for Intellectual
24 Property and”.

1 (2) Section 5314 of title 5, United States Code,
2 is amended by striking “Under Secretary of Com-
3 merce for Intellectual Property and”.

4 (3) Section 5315 of title 5, United States Code,
5 is amended by striking “Deputy Under Secretary of
6 Commerce for Intellectual Property and”.

7 (4) Sections 1295(a)(4)(B) and 1744 of title
8 28, United States Code, are each amended by strik-
9 ing “Deputy Under Secretary of Commerce for In-
10 tellectual Property and”.

11 **SEC. 208. MISCELLANEOUS TERMINATIONS; MORATORIUM**
12 **ON PROGRAM ACTIVITIES.**

13 (a) **TERMINATIONS.**—The following agencies and pro-
14 grams of the Department of Commerce are terminated:

15 (1) The Minority Business Development Admin-
16 istration.

17 (2) The programs and activities of the National
18 Telecommunications and Information Administration
19 referred to in section 204(a).

20 (3) The Advanced Technology Program under
21 section 28 of the National Institute of Standards
22 and Technology Act (15 U.S.C. 278n), as in effect
23 on the day before the effective date of section
24 202(d).

1 (4) The Manufacturing Extension Programs
2 under sections 25 and 26 of the National Institute
3 of Standards and Technology Act (15 U.S.C. 278k
4 and 278l), as in effect on the day before the effective
5 date of section 202(d).

6 (5) The National Institute of Standards and
7 Technology METRIC Program.

8 (6) The Economics and Statistics Administra-
9 tion.

10 (b) MORATORIUM ON PROGRAM ACTIVITIES.—The
11 authority to make grants, enter into contracts, provide as-
12 sistance, incur obligations, or provide commitments (in-
13 cluding any enlargement of existing obligations or commit-
14 ments, except if required by law) with respect to the agen-
15 cies and programs described in subsection (a) is termi-
16 nated effective on the date of enactment of this Act.

17 **SEC. 209. EFFECTIVE DATE.**

18 (a) IN GENERAL.—Except as provided in subsection
19 (b), this title shall take effect on the date specified in sec-
20 tion 102(c).

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

24 (1) Section 201.

1 (2) Section 205(g), except as otherwise pro-
2 vided in that section.

3 (3) Section 208(b).

4 (4) This section.

5 **TITLE III—ESTABLISHMENT OF**
6 **UNITED STATES TRADE AD-**
7 **MINISTRATION**

8 **Subtitle A—General Provisions**

9 **SEC. 301. DEFINITIONS.**

10 In this title:

11 (1) **FEDERAL AGENCY.**—The term “Federal
12 agency” has the meaning given to the term “agen-
13 cy” in section 551(1) of title 5, United States Code.

14 (2) **TRADE ADMINISTRATION.**—The term
15 “Trade Administration” means the United States
16 Trade Administration established by section 311 of
17 this Act.

18 (3) **TRADE REPRESENTATIVE.**—The term
19 “Trade Representative” means the United States
20 Trade Representative provided for under section 311
21 of this Act.

**Subtitle B—United States Trade
Administration**

CHAPTER 1—ESTABLISHMENT

**SEC. 311. ESTABLISHMENT OF THE UNITED STATES TRADE
ADMINISTRATION.**

(a) IN GENERAL.—The United States Trade Administration is established in the executive branch of Government as an independent establishment as defined in section 104 of title 5, United States Code. The United States Trade Representative shall be the head of the Trade Administration and shall be appointed by the President, by and with the advice and consent of the Senate.

(b) AMBASSADOR STATUS.—The Trade Representative shall have the rank of Ambassador Extraordinary and Plenipotentiary and shall represent the United States in all trade negotiations conducted by the Trade Administration.

(c) CONTINUED SERVICE OF CURRENT TRADE REPRESENTATIVE.—The individual serving as the United States Trade Representative on the date immediately preceding the effective date of this title may continue to serve as Trade Representative under this section until such time as the Trade Representative is appointed pursuant to subsection (a).

1 (d) SUCCESSOR TO THE DEPARTMENT OF COM-
2 MERCE.—The Trade Administration shall be the successor
3 to the Department of Commerce for purposes of protocol.

4 **SEC. 312. FUNCTIONS OF THE TRADE REPRESENTATIVE.**

5 (a) IN GENERAL.—In addition to the functions trans-
6 ferred to the Trade Representative by this title, such other
7 functions as the President may assign or delegate to the
8 Trade Representative, and such other functions as the
9 Trade Representative may, after the effective date of this
10 title, be required to carry out by law, the Trade Represent-
11 ative shall—

12 (1) serve as the principal advisor to the Presi-
13 dent on international trade policy and advise the
14 President on the impact of other policies of the
15 United States Government on international trade;

16 (2) exercise primary responsibility, with the ad-
17 vice of the interagency organization established
18 under section 242 of the Trade Expansion Act of
19 1962 (19 U.S.C. 1872), for developing and imple-
20 menting international trade policy, including com-
21 modity matters and, to the extent related to inter-
22 national trade policy, direct investment matters and,
23 in exercising such responsibility, advance and imple-
24 ment, as the primary mandate of the Trade Admin-
25 istration, the goals of the United States to—

1 (A) maintain United States leadership in
2 international trade liberalization and expansion
3 efforts;

4 (B) reinvigorate the ability of the United
5 States economy to compete in international
6 markets and to respond flexibly to changes in
7 international competition; and

8 (C) expand United States participation in
9 international trade through aggressive pro-
10 motion and marketing of goods and services
11 that are products of the United States;

12 (3) exercise lead responsibility for the conduct
13 of international trade negotiations, including nego-
14 tiations relating to commodity matters and, to the
15 extent that such negotiations are related to inter-
16 national trade, direct investment negotiations;

17 (4) exercise lead responsibility for the establish-
18 ment of a national export strategy, including policies
19 designed to implement such strategy;

20 (5) with the advice of the interagency organiza-
21 tion established under section 242 of the Trade Ex-
22 pansion Act of 1962, issue policy guidance to other
23 Federal agencies on international trade, commodity,
24 and direct investment functions to the extent nec-

1 essary to assure the coordination of international
2 trade policy;

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

6 (7) assist small businesses in developing export
7 markets;

8 (8) enforce the laws of the United States relat-
9 ing to trade;

10 (9) analyze economic trends and developments;

11 (10) report directly to 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, section 350 of the Tar-
17 iff Act of 1930, and any other law relating to
18 trade agreements; and

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

21 (11) keep each official adviser to the United
22 States delegations to international conferences,
23 meetings, and negotiation sessions relating to trade
24 agreements who is appointed from the Committee on
25 Finance of the Senate or the Committee on Ways

1 and Means of the House of Representatives under
2 section 161 of the Trade Act of 1974 (19 U.S.C.
3 2211) currently informed on United States negoti-
4 ating objectives with respect to—

5 (A) trade agreements;

6 (B) the status of negotiations in progress
7 with respect to such agreements; and

8 (C) the nature of any changes in domestic
9 law or the administration thereof that the
10 Trade Representative may recommend to Con-
11 gress to carry out any trade agreement;

12 (12) consult and cooperate with State and local
13 governments and other interested parties on inter-
14 national trade matters of interest to such govern-
15 ments and parties, and to the extent related to inter-
16 national trade matters, on investment matters, and,
17 when appropriate, hold informal public hearings to
18 carry out this paragraph;

19 (13) serve as the principal advisor to the Presi-
20 dent on Government policies designed to contribute
21 to enhancing the ability of United States industry
22 and services to compete in international markets;

23 (14) develop recommendations for national
24 strategies and specific policies intended to enhance

1 the productivity and international competitiveness of
2 United States industries;

3 (15) serve as the principal advisor to the Presi-
4 dent in identifying and assessing the consequences
5 of any Government policies that adversely affect, or
6 have the potential to adversely affect, the inter-
7 national competitiveness of United States industries
8 and services;

9 (16) promote cooperation between business,
10 labor, and Government to improve industrial per-
11 formance and the ability of United States industries
12 to compete in international markets and to facilitate
13 consultation and communication between the Gov-
14 ernment and the private sector about domestic in-
15 dustrial performance and prospects and the perform-
16 ance and prospects of foreign competitors; and

17 (17) monitor and enforce foreign government
18 compliance with international trade agreements to
19 protect United States interests.

20 (b) INTERAGENCY ORGANIZATION.—The Trade Rep-
21 resentative shall be the chairperson of the interagency or-
22 ganization established under section 242 of the Trade Ex-
23 pansion Act of 1962.

1 (c) NATIONAL SECURITY COUNCIL.—The Trade Rep-
2 resentative shall be a member of the National Security
3 Council.

4 (d) ADVISORY COUNCIL.—The Trade Representative
5 shall be Deputy Chairman of the National Advisory Coun-
6 cil on International Monetary and Financial Policies es-
7 tablished under Executive Order No. 11269, issued Feb-
8 ruary 14, 1966.

9 (e) AGRICULTURE.—

10 (1) CONSULTATIONS.—The Trade Representa-
11 tive shall consult with the Secretary of Agriculture
12 or the designee of the Secretary of Agriculture on all
13 matters that potentially involve international trade
14 in agricultural products.

15 (2) UNITED STATES DELEGATION.—If an inter-
16 national meeting for negotiation or consultation in-
17 cludes discussion of international trade in agricul-
18 tural products, the Trade Representative or the des-
19 ignee of the Trade Representative shall be Chairman
20 of the United States delegation to such meeting and
21 the Secretary of Agriculture or the designee of such
22 Secretary shall be Vice Chairman. The provisions of
23 this paragraph shall not limit the authority of the
24 Trade Representative under subsection (h) to assign
25 to the Secretary of Agriculture responsibility for the

1 conduct of, or participation in, any trade negotiation
2 or meeting.

3 (f) TRADE PROMOTION.—The Trade Representative
4 shall be the chairperson of the Trade Promotion Coordi-
5 nating Committee established under section 2312 of the
6 Export Enhancement Act of 1988 (15 U.S.C. 4727).

7 (g) NATIONAL ECONOMIC COUNCIL.—The Trade
8 Representative shall be a member of the National Eco-
9 nomic Council established under Executive Order No.
10 12835, issued January 25, 1993.

11 (h) INTERNATIONAL TRADE NEGOTIATIONS.—Ex-
12 cept where expressly prohibited by law, the Trade Rep-
13 resentative, at the request or with the concurrence of the
14 head of any other Federal agency, may assign the respon-
15 sibility for conducting or participating in any specific
16 international trade negotiation or meeting to the head of
17 such agency whenever the Trade Representative deter-
18 mines that the subject matter of such international trade
19 negotiation is related to the functions carried out by such
20 agency.

21 **CHAPTER 2—OFFICERS**

22 **SEC. 321. DEPUTY UNITED STATES TRADE REPRESENTA-** 23 **TIVES.**

24 (a) ESTABLISHMENT.—There shall be in the Trade
25 Administration 3 Deputy United States Trade Represent-

1 atives, who shall be appointed by the President, by and
 2 with the advice and consent of the Senate. The Deputy
 3 United States Trade Representatives shall exercise all
 4 functions under the direction of the Trade Representative,
 5 and shall include—

6 (1) the Deputy United States Trade Represent-
 7 ative for Negotiations (referred to in this title as the
 8 “Deputy Trade Representative for Negotiations”);

9 (2) the Deputy United States Trade Represent-
 10 ative to the World Trade Organization (referred to
 11 in this title as the “Deputy Trade Representative to
 12 the WTO”); and

13 (3) the Deputy United States Trade Represent-
 14 ative for Administration (referred to in this title as
 15 the “Deputy Trade Representative for Administra-
 16 tion”).

17 (b) FUNCTIONS OF DEPUTY TRADE REPRESENTA-
 18 TIVES.—

19 (1) DEPUTY TRADE REPRESENTATIVE FOR NE-
 20 GOTIATIONS.—The Deputy Trade Representative for
 21 Negotiations shall exercise all functions transferred
 22 under section 331 relating to trade negotiations and
 23 such other functions as the Trade Representative
 24 may direct and shall have the rank and status of
 25 Ambassador.

1 (2) DEPUTY TRADE REPRESENTATIVE TO THE
2 WTO.—The Deputy Trade Representative to the
3 WTO shall exercise all functions relating to rep-
4 resentation to the World Trade Organization and
5 shall have the rank and status of Ambassador.

6 (3) DEPUTY TRADE REPRESENTATIVE FOR AD-
7 MINISTRATION.—

8 (A) ABSENCE, DISABILITY, OR VACANCY
9 OF TRADE REPRESENTATIVE.—The Deputy
10 Trade Representative for Administration shall
11 act for and exercise the functions of the Trade
12 Representative during the absence or disability
13 of the Trade Representative or in the event the
14 office of the Trade Representative becomes va-
15 cant. The Deputy Trade Representative for Ad-
16 ministration shall act for and exercise the func-
17 tions of the Trade Representative until the ab-
18 sence or disability of the Trade Representative
19 no longer exists or a successor to the Trade
20 Representative has been appointed by the Presi-
21 dent and confirmed by the Senate.

22 (B) FUNCTIONS.—The Deputy Trade Rep-
23 resentative for Administration shall exercise all
24 functions, under the direction of the Trade
25 Representative, transferred to or established in

1 the Trade Administration, except those func-
2 tions exercised by the Deputy United States
3 Trade Representatives described in paragraphs
4 (1) and (2), the Assistant Administrator for
5 Export Promotion, the Inspector General of the
6 Trade Administration, and the General Counsel
7 of the Trade Administration.

8 **SEC. 322. ASSISTANT ADMINISTRATORS.**

9 (a) ESTABLISHMENT.—There shall be in the Trade
10 Administration 4 Assistant Administrators, who shall be
11 appointed by the President, by and with the advice and
12 consent of the Senate. The Assistant Administrators shall
13 exercise all functions under the direction of the Deputy
14 Trade Representative for Administration and include—

15 (1) the Assistant Administrator for Export Ad-
16 ministration;

17 (2) the Assistant Administrator for Import Ad-
18 ministration;

19 (3) the Assistant Administrator for Trade and
20 Policy Analysis; and

21 (4) the Assistant Administrator for Export Pro-
22 motion.

23 (b) FUNCTIONS OF ASSISTANT ADMINISTRATORS.—

24 (1) EXPORT ADMINISTRATION.—The Assistant
25 Administrator for Export Administration shall exer-

1 cise all functions transferred under section
2 332(1)(C).

3 (2) IMPORT ADMINISTRATION.—The Assistant
4 Administrator for Import Administration shall exer-
5 cise all functions transferred under section
6 332(1)(D).

7 (3) TRADE AND POLICY ANALYSIS.—The Assist-
8 ant Administrator for Trade and Policy Analysis
9 shall exercise all functions transferred under section
10 332(1)(B) and all functions transferred under sec-
11 tion 332(2).

12 (4) EXPORT PROMOTION.—The Assistant Ad-
13 ministrator for Export Promotion shall exercise all
14 functions transferred under sections 332(1)(A)(ii)
15 and 333, and shall have the rank and status of Am-
16 bassador.

17 **SEC. 323. GENERAL COUNSEL.**

18 There shall be in the Trade Administration a General
19 Counsel, who shall be appointed by the President, by and
20 with the advice and consent of the Senate. The General
21 Counsel shall provide legal assistance to the Trade Rep-
22 resentative concerning the activities, programs, and poli-
23 cies of the Trade Administration.

1 **SEC. 324. INSPECTOR GENERAL.**

2 There shall be in the Trade Administration an In-
3 spector General who shall be appointed in accordance with
4 the Inspector General Act of 1978, as amended by section
5 371(a) of this Act.

6 **SEC. 325. CHIEF FINANCIAL OFFICER.**

7 There shall be in the Trade Administration a Chief
8 Financial Officer who shall be appointed in accordance
9 with section 901 of title 31, United States Code, as
10 amended by section 371(e) of this Act. The Chief Finan-
11 cial Officer shall perform all functions prescribed by the
12 Deputy Trade Representative for Administration, under
13 the direction of the Deputy Trade Representative.

14 **CHAPTER 3—TRANSFERS TO THE TRADE**
15 **ADMINISTRATION**

16 **SEC. 331. OFFICE OF THE UNITED STATES TRADE REP-**
17 **RESENTATIVE.**

18 (a) ABOLISHMENT OF OFFICE OF THE USTR.—Ef-
19 fective on the applicable date specified in section 102(c),
20 the Office of the United States Trade Representative es-
21 tablished by section 141 of the Trade Act of 1974 (19
22 U.S.C. 141) as in effect on the day before the applicable
23 date specified in section 102(c) is abolished.

24 (b) TRANSFER OF FUNCTIONS.—Except as otherwise
25 provided in this Act, all functions that on the day before
26 the applicable date specified in section 102(c) are author-

1 ized to be performed by the United States Trade Rep-
2 resentative, any other officer or employee of the Office of
3 the United States Trade Representative acting in that ca-
4 pacity, or any agency or office of the Office of the United
5 States Trade Representative, are transferred to the Trade
6 Administration established under this title effective on
7 that date.

8 (c) DETERMINATION OF CERTAIN FUNCTIONS.—If
9 necessary, the Office of Management and Budget shall
10 make any determination of the functions that are trans-
11 ferred under this title.

12 **SEC. 332. TRANSFERS FROM THE DEPARTMENT OF COM-**
13 **MERCE.**

14 There are transferred to the Trade Administration
15 the following functions:

16 (1) All functions of, and all functions performed
17 under the direction of, the following officers and em-
18 ployees of the Department of Commerce:

19 (A)(i) The Under Secretary of Commerce
20 for International Trade.

21 (ii) The Assistant Secretary of Commerce
22 and Director General of the United States and
23 Foreign Commercial Service, relating to all
24 functions exercised by the Service.

1 (B) The Assistant Secretary of Commerce
 2 for Market Access and Compliance and the As-
 3 sistant Secretary of Commerce for Trade Devel-
 4 opment.

5 (C) The Under Secretary of Commerce for
 6 Export Administration.

7 (D) The Assistant Secretary of Commerce
 8 for Import Administration.

9 (2) All functions of the Secretary of Commerce
 10 relating to the National Trade Data Bank.

11 (3) All functions of the Secretary of Commerce
 12 under the Tariff Act of 1930, the Uruguay Round
 13 Agreements Act, the Trade Act of 1974, and other
 14 Acts relating to international trade for which re-
 15 sponsibility is not otherwise assigned under this
 16 title.

17 **SEC. 333. TRADE AND DEVELOPMENT AGENCY.**

18 There are transferred to the Assistant Administrator
 19 for Export Promotion all functions of the Trade and De-
 20 velopment Agency and all functions of the Director of the
 21 Trade and Development Agency.

22 **SEC. 334. EXPORT-IMPORT BANK.**

23 (a) IN GENERAL.—

24 (1) TRANSFER OF FUNCTIONS.—There are
 25 transferred to the Trade Representative all functions

1 of the Secretary of Commerce relating to the Ex-
2 port-Import Bank of the United States.

3 (2) CONFORMING AMENDMENT.—Section
4 3(c)(1) of the Export-Import Bank Act of 1945 (12
5 U.S.C. 635a(c)(1)) is amended to read as follows:

6 “(c)(1) There shall be a Board of Directors of the
7 Bank consisting of the United States Trade Representa-
8 tive (who shall serve as Chairman), the President of the
9 Export-Import Bank of the United States (who shall serve
10 as Vice Chairman), the first Vice President, and 2 addi-
11 tional persons appointed by the President of the United
12 States, by and with the advice and consent of the Sen-
13 ate.”.

14 (b) EX OFFICIO MEMBER OF EXPORT-IMPORT BANK
15 BOARD OF DIRECTORS.—The Assistant Administrator for
16 Export Promotion shall serve as an ex officio nonvoting
17 member of the Board of Directors of the Export-Import
18 Bank.

19 (c) AMENDMENTS TO RELATED BANKING AND
20 TRADE ACTS.—Section 2301 of the Omnibus Trade and
21 Competitiveness Act of 1988 (15 U.S.C. 4721) is
22 amended—

23 (1) in subsection (a)—

24 (A) by amending paragraph (1) to read as
25 follows:

1 “(1) IN GENERAL.—The United States and
2 Foreign Commercial Service is established in the
3 United States Trade Administration.”;

4 (B) in paragraph (2)—

5 (i) by striking “Assistant Secretary of
6 Commerce and Director General of the
7 Commercial Service” the first place it ap-
8 pears and inserting “Assistant Adminis-
9 trator for Export Promotion in the Trade
10 Administration”; and

11 (ii) by striking “Assistant Secretary
12 of Commerce and Director General of the
13 Commercial Service” the second place it
14 appears and inserting “Assistant Adminis-
15 trator for Export Promotion”; and

16 (C) in paragraph (3) by striking “Sec-
17 retary” and inserting “Trade Representative”;

18 (2) by striking “Secretary” each place it ap-
19 pears (other than in the phrase “Secretary of
20 State”) and inserting “Trade Representative”;

21 (3) in subsection (e) in the last sentence by
22 striking “Department of Commerce” and inserting
23 “United States Trade Administration”;

24 (4) in subsection (f)—

1 (A) by striking “the Trade and Develop-
2 ment Program,”; and

3 (B) by striking “Assistant Secretary of
4 Commerce and Director General of the Com-
5 mercial Service” and inserting “Assistant Ad-
6 ministrator for Export Promotion in the Trade
7 Administration”;

8 (5) in subsection (g) by striking “Department
9 of Commerce” and inserting “United States Trade
10 Administration”;

11 (6) by amending subsection (h) to read as fol-
12 lows:

13 “(h) ASSISTANCE TO EXPORT-IMPORT BANK.—The
14 Commercial Service shall provide such services as the As-
15 sistant Administrator for Export Promotion of the United
16 States Trade Administration determines necessary to as-
17 sist the Export-Import Bank of the United States to carry
18 out the lending, loan guarantee, insurance, and other ac-
19 tivities of the Bank.”; and

20 (7) in subsection (j) by striking paragraph (1)
21 and inserting the following:

22 “(1) the term ‘Trade Representative’ means the
23 United States Trade Representative;”.

1 (d) TPCC.—Section 2312(d)(1) of the Export En-
2 hancement Act of 1988 (15 U.S.C. 4727(d)(1)) is
3 amended—

4 (1) by striking subparagraphs (A) and (J) and
5 redesignating the remaining subparagraphs accord-
6 ingly; and

7 (2) in subparagraph (F), as so redesignated, by
8 striking “Office of the United States Trade Rep-
9 resentative” and inserting “United States Trade Ad-
10 ministration”.

11 **SEC. 335. OVERSEAS PRIVATE INVESTMENT CORPORATION.**

12 (a) BOARD OF DIRECTORS.—The second and third
13 sentences of section 233(b) of the Foreign Assistance Act
14 of 1961 (22 U.S.C. 2193(b)) are amended to read as fol-
15 lows: “The United States Trade Representative shall be
16 the Chairman of the Board. The Administrator of the
17 Agency for International Development (who shall serve as
18 Vice Chairman) shall serve on the Board.”.

19 (b) EX OFFICIO MEMBER OF OVERSEAS PRIVATE IN-
20 VESTMENT CORPORATION BOARD OF DIRECTORS.—The
21 Assistant Administrator for Export Promotion of the
22 United States Trade Administration shall serve as an ex
23 officio nonvoting member of the Board of Directors of the
24 Overseas Private Investment Corporation.

1 **SEC. 336. CONSOLIDATION OF EXPORT PROMOTION AND FI-**
2 **NANCING ACTIVITIES.**

3 (a) SUBMISSION OF PLAN.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of enactment of this Act, the Presi-
6 dent shall transmit to Congress a comprehensive
7 plan—

8 (A) to consolidate Federal nonagricultural
9 export promotion activities and export financing
10 activities; and

11 (B) to transfer those functions to the
12 Trade Administration.

13 (2) CONTENTS OF PLAN.—The plan under
14 paragraph (1) shall provide for—

15 (A) the elimination of overlap and duplica-
16 tion among all Federal nonagricultural export
17 promotion activities and export financing activi-
18 ties;

19 (B) a unified budget for all Federal non-
20 agricultural export promotion activities which
21 eliminates funding for overlapping and duplica-
22 tive activities identified under subparagraph
23 (A); and

24 (C) a long-term agenda for developing bet-
25 ter cooperation between local, State, and Fed-
26 eral programs and activities designed to stimu-

1 late or assist United States businesses in ex-
2 porting nonagricultural goods or services that
3 are products of the United States, including
4 sharing of facilities, costs, and export market
5 research data.

6 (b) PLAN ELEMENTS.—The plan under subsection
7 (a) shall—

8 (1) place all Federal nonagricultural export pro-
9 motion activities and export financing activities with-
10 in the Trade Administration;

11 (2) achieve an overall 25 percent reduction in
12 the amount of funding for all Federal non-
13 agricultural export promotion activities by not later
14 than 2 years after the date of enactment of this Act;

15 (3) identify any function of the Department of
16 Commerce or of any other Federal department not
17 transferred to the Trade Administration by this title,
18 which should be transferred to the Trade Adminis-
19 tration in order to ensure United States competitive-
20 ness in international trade; and

21 (4) assess the feasibility and potential savings
22 resulting from—

23 (A) the consolidation of the Export-Import
24 Bank of the United States and the Overseas
25 Private Investment Corporation;

1 (B) the consolidation of the Boards of Di-
2 rectors of the Export-Import Bank and the
3 Overseas Private Investment Corporation; and

4 (C) the consolidation of the Trade and De-
5 velopment Agency with the consolidations de-
6 scribed in subparagraphs (A) and (B).

7 (c) DEFINITION.—As used in this section, the term
8 “Federal nonagricultural export promotion activities”
9 means all programs or activities of any department or
10 agency of the Federal Government (including trade mis-
11 sions, and departments and agencies with representatives
12 on the Trade Promotion Coordinating Committee estab-
13 lished under section 2312 of the Export Enhancement Act
14 of 1988 (15 U.S.C. 4727)), that are designed to stimulate
15 or assist United States businesses in exporting non-
16 agricultural goods or services that are products of the
17 United States.

18 **SEC. 337. FUNCTIONS RELATED TO TEXTILE AGREEMENTS.**

19 (a) FUNCTIONS OF CITA.—

20 (1) IN GENERAL.—Subject to paragraph (2),
21 those functions delegated to the Committee for the
22 Implementation of Textile Agreements established
23 under Executive Order No. 11651 (7 U.S.C. 1854
24 note) (in this subsection referred to as “CITA”) are
25 transferred to the Trade Administration.

1 (2) OTHER FUNCTIONS.—Those functions dele-
 2 gated to CITA that relate to the assessment of the
 3 impact of textile imports on domestic industry are
 4 transferred to the International Trade Commission.
 5 Not later than 60 days after receiving a request for
 6 an investigation relating to such assessment, the
 7 International Trade Commission shall make a deter-
 8 mination pursuant to the request and advise the
 9 President of the determination.

10 (b) ABOLITION OF CITA.—CITA is abolished.

11 **CHAPTER 4—ADMINISTRATIVE** 12 **PROVISIONS**

13 **SEC. 341. PERSONNEL PROVISIONS.**

14 (a) APPOINTMENTS.—The Trade Representative may
 15 appoint and fix the compensation of such officers and em-
 16 ployees, including investigators, attorneys, and adminis-
 17 trative law judges, as may be necessary to carry out the
 18 functions of the Trade Representative and the Trade Ad-
 19 ministration. Except as otherwise provided by law, such
 20 officers and employees shall be appointed in accordance
 21 with the civil service laws and their compensation fixed
 22 in accordance with title 5, United States Code.

23 (b) POSITIONS ABOVE GS–15.—

24 (1) IN GENERAL.—At the request of the Trade
 25 Representative, the Director of the Office of Per-

1 sonnel Management shall, under section 5108 of title
2 5, United States Code, provide for the establishment
3 in a grade level above GS–15 of the General Sched-
4 ule, and in the Senior Executive Service, of a num-
5 ber of positions in the Trade Administration equal
6 to the number of positions in that grade level
7 which—

8 (A) were used primarily for the perform-
9 ance of functions and offices transferred by this
10 title; and

11 (B) were assigned and filled on the day be-
12 fore the effective date of this title.

13 (2) APPOINTMENTS.—Appointments to posi-
14 tions provided for under this subsection may be
15 made without regard to the provisions of section
16 3324 of title 5, United States Code, if the individual
17 appointed to such position is an individual who is
18 transferred in connection with the transfer of func-
19 tions and offices pursuant to this title and, on the
20 day before the effective date of this title, holds a
21 position and has duties comparable to those of the
22 position to which appointed pursuant to this sub-
23 section.

24 (3) TERMINATION OF AUTHORITY.—The au-
25 thority under this subsection with respect to any po-

1 sition established at a grade level above GS–15 shall
2 terminate when the person first appointed to fill
3 such position ceases to hold such position.

4 (4) EXCEPTION TO EXECUTIVE POSITION LIM-
5 TATION.—For purposes of section 414(a)(3)(A) of
6 the Civil Service Reform Act of 1978, an individual
7 appointed under this subsection shall be deemed to
8 occupy the same position as the individual occupied
9 on the day before the effective date of this title.

10 (c) EXPERTS AND CONSULTANTS.—The Trade Rep-
11 resentative may obtain the services of experts and consult-
12 ants in accordance with section 3109 of title 5, United
13 States Code, and compensate such experts and consultants
14 for each day (including traveltime) at rates not in excess
15 of the maximum rate of pay for a position above GS–15
16 of the General Schedule under section 5108 of such title.
17 The Trade Representative may pay experts and consult-
18 ants who are serving away from their homes or regular
19 place of business travel expenses and per diem in lieu of
20 subsistence at rates authorized by sections 5702 and 5703
21 of such title for persons in Government service employed
22 intermittently.

23 (d) VOLUNTARY SERVICES.—

24 (1) IN GENERAL.—

1 (A) VOLUNTARY SERVICES UNDER TITLE

2 31.—The Trade Representative is authorized to
3 accept voluntary and uncompensated services
4 without regard to the provisions of section 1342
5 of title 31, United States Code, if such services
6 will not be used to displace Federal employees
7 employed on a full-time, part-time, or seasonal
8 basis.

9 (B) VOLUNTARY SERVICES UNDER TITLE

10 5.—The Trade Representative is authorized to
11 accept volunteer service in accordance with the
12 provisions of section 3111 of title 5, United
13 States Code.

14 (2) PAYMENT OF EXPENSES.—The Trade Rep-
15 resentative is authorized to provide for incidental ex-
16 penses, including transportation, lodging, and sub-
17 sistence for individuals who provide voluntary serv-
18 ices under subparagraph (A) or (B) of paragraph
19 (1).

20 (3) LIMITATION.—An individual who provides
21 voluntary services under paragraph (1)(A) shall not
22 be considered a Federal employee for any purpose
23 other than for purposes of chapter 81 of title 5,
24 United States Code, relating to compensation for
25 work injuries, and chapter 171 and section 1346(b)

1 of title 28, United States Code, relating to tort
2 claims.

3 **SEC. 342. DELEGATION AND ASSIGNMENT.**

4 Except as otherwise expressly prohibited by law or
5 otherwise provided by this title, the Trade Representative
6 may delegate any of the functions transferred to the Trade
7 Representative by this title and any function transferred
8 or granted to the Trade Representative after the effective
9 date of this title to such officers and employees of the
10 Trade Administration as the Trade Representative may
11 designate, and may authorize successive redelegations of
12 such functions as may be necessary or appropriate. No
13 delegation of functions by the Trade Representative under
14 this section or under any other provision of this title shall
15 relieve the Trade Representative of responsibility for the
16 administration of such functions.

17 **SEC. 343. SUCCESSION.**

18 (a) ORDER OF SUCCESSION.—Subject to the author-
19 ity of the President, and except as provided in section
20 321(b), the Trade Representative shall prescribe the order
21 by which officers of the Trade Administration who are ap-
22 pointed by the President, by and with the advice and con-
23 sent of the Senate, shall act for, and perform the functions
24 of, the Trade Representative or any other officer of the
25 Trade Administration appointed by the President, by and

1 with the advice and consent of the Senate, during the ab-
2 sence or disability of the Trade Representative or such
3 other officer, or in the event of a vacancy in the office
4 of the Trade Representative or such other officer.

5 (b) CONTINUATION.—Notwithstanding any other pro-
6 vision of law, and unless the President directs otherwise,
7 an individual acting for the Trade Representative or an-
8 other officer of the Trade Administration pursuant to sub-
9 section (a) shall continue to serve in that capacity until
10 the absence or disability of the Trade Representative or
11 such other officer no longer exists or a successor to the
12 Trade Representative or such other officer has been ap-
13 pointed by the President and confirmed by the Senate.

14 **SEC. 344. REORGANIZATION.**

15 (a) IN GENERAL.—Subject to subsection (b), the
16 Trade Representative is authorized to allocate or reallo-
17 cate functions among the officers of the Trade Adminis-
18 tration, and to establish, consolidate, alter, or discontinue
19 such organizational entities in the Trade Administration
20 as may be necessary or appropriate.

21 (b) EXCEPTION.—The Trade Representative may not
22 exercise the authority under subsection (a) to establish,
23 consolidate, alter, or discontinue any organizational entity
24 in the Trade Administration or allocate or reallocate any
25 function of an officer or employee of the Trade Adminis-

1 tration that is inconsistent with any specific provision of
2 this title.

3 **SEC. 345. RULES.**

4 The Trade Representative is authorized to prescribe,
5 in accordance with the provisions of chapters 5 and 6 of
6 title 5, United States Code, such rules and regulations as
7 the Trade Representative determines necessary or appro-
8 priate to administer and manage the functions of the
9 Trade Representative or the Trade Administration.

10 **SEC. 346. FUNDS TRANSFER.**

11 The Trade Representative may, when authorized in
12 an appropriation Act in any fiscal year, transfer funds
13 from one appropriation to another within the Trade Ad-
14 ministration, except that—

15 (1) no appropriation for any fiscal year shall be
16 either increased or decreased by more than 10 per-
17 cent; and

18 (2) no such transfer shall result in increasing
19 any such appropriation above the amount authorized
20 to be appropriated for that purpose.

21 **SEC. 347. CONTRACTS, GRANTS, AND COOPERATIVE AGREE-**
22 **MENTS.**

23 (a) IN GENERAL.—Subject to the provisions of the
24 Federal Property and Administrative Services Act of
25 1949, the Trade Representative may make, enter into, and

1 perform such contracts, leases, cooperative agreements,
2 grants, or other similar transactions with public agencies,
3 private organizations, and persons, and make payments
4 (in lump sum or installments, and by way of advance or
5 reimbursement, and, in the case of any grant, with nec-
6 essary adjustments on account of overpayments and un-
7 derpayments) as the Trade Representative considers nec-
8 essary or appropriate to carry out the functions of the
9 Trade Representative or the Trade Administration.

10 (b) EXCEPTION.—Notwithstanding any other provi-
11 sion of this title, the authority to enter into contracts or
12 to make payments under this chapter shall be effective
13 only to such extent, or in such amounts, as are provided
14 in advance in appropriation Acts. This subsection does not
15 apply with respect to the authority granted under section
16 349.

17 **SEC. 348. USE OF FACILITIES.**

18 (a) USE BY TRADE REPRESENTATIVE.—In carrying
19 out any function of the Trade Representative or the Trade
20 Administration, the Trade Representative, with or without
21 reimbursement, may use the research, services, equipment,
22 and facilities of—

- 23 (1) an individual;
- 24 (2) any public or private nonprofit agency or
- 25 organization, including any agency or instrumen-

1 tality of the United States or of any State, the Dis-
2 trict of Columbia, the Commonwealth of Puerto
3 Rico, or any territory or possession of the United
4 States;

5 (3) any political subdivision of any State, the
6 District of Columbia, the Commonwealth of Puerto
7 Rico, or any territory or possession of the United
8 States; or

9 (4) any foreign government.

10 (b) **USE OF TRADE REPRESENTATIVE FACILITIES.**—

11 The Trade Representative, under terms, at rates, and for
12 periods that the Trade Representative considers to be in
13 the public interest, may permit the use by public and pri-
14 vate agencies, corporations, associations or other organiza-
15 tions, or individuals, of any real property, or any facility,
16 structure or other improvement thereon, under the cus-
17 tody of the Trade Representative. The Trade Representa-
18 tive may require permittees under this section to maintain
19 or recondition, at their own expense, the real property, fa-
20 cilities, structures, and improvements used by such per-
21 mittees.

22 **SEC. 349. GIFTS AND BEQUESTS.**

23 (a) **IN GENERAL.**—The Trade Representative is au-
24 thorized to accept, hold, administer, and utilize gifts and
25 bequests of property, both real and personal, for the pur-

1 pose of aiding or facilitating the work of the Trade Admin-
2 istration. Gifts and bequests of money and the proceeds
3 from sales of other property received as gifts or bequests
4 shall be deposited in the United States Treasury in a sepa-
5 rate fund and shall be disbursed on order of the Trade
6 Representative. Property accepted pursuant to this sub-
7 section, and the proceeds thereof, shall be used as nearly
8 as possible in accordance with the terms of the gift or be-
9 quest.

10 (b) TAX TREATMENT.—For the purpose of Federal
11 income, estate, and gift taxes, and State taxes, property
12 accepted under subsection (a) shall be considered a gift
13 or bequest to or for the use of the United States.

14 (c) INVESTMENT.—

15 (1) IN GENERAL.—Upon the request of the
16 Trade Representative, the Secretary of the Treasury
17 may invest and reinvest in securities of the United
18 States or in securities guaranteed as to principal
19 and interest by the United States any moneys con-
20 tained in the fund provided for in subsection (a).

21 (2) TREATMENT OF INCOME.—Income accruing
22 from the securities referred to in paragraph (1), and
23 from any other property held by the Trade Rep-
24 resentative pursuant to subsection (a), shall—

1 (A) be deposited to the credit of the fund;
2 and
3 (B) be disbursed upon order of the Trade
4 Representative.

5 **SEC. 350. WORKING CAPITAL FUND.**

6 (a) ESTABLISHMENT.—The Trade Representative is
7 authorized to establish for the Trade Administration a
8 working capital fund, to be available without fiscal year
9 limitation, for expenses necessary for the maintenance and
10 operation of such common administrative services as the
11 Trade Representative finds to be desirable in the interest
12 of economy and efficiency, including—

13 (1) a central supply service for stationery and
14 other supplies and equipment for which adequate
15 stocks may be maintained to meet in whole or in
16 part the requirements of the Trade Administration
17 and its components;

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

20 (3) office space and central services for docu-
21 ment reproduction and for graphics and visual aids;

22 (4) a central library service; and

23 (5) such other services as may be approved by
24 the Director of the Office of Management and
25 Budget.

1 (b) OPERATION OF FUND.—

2 (1) IN GENERAL.—The capital of the fund shall
3 consist of any appropriations made for the purpose
4 of providing working capital and the fair and reason-
5 able value of such stocks of supplies, equipment, and
6 other assets and inventories on order as the Trade
7 Representative may transfer to the fund, less the re-
8 lated liabilities and unpaid obligations.

9 (2) ADVANCE REIMBURSEMENTS.—The fund
10 shall be reimbursed in advance from available funds
11 of agencies and offices in the Trade Administration,
12 or from other sources, for supplies and services at
13 rates which will approximate the expense of oper-
14 ation, including the accrual of annual leave and the
15 depreciation of equipment.

16 (3) OTHER CREDITS.—In addition to the cred-
17 its made under paragraph (1), the fund shall be
18 credited with receipts from sale or exchange of prop-
19 erty and receipts in payment for loss or damage to
20 property owned by the fund.

21 (4) SURPLUS.—There shall be covered into the
22 United States Treasury as miscellaneous receipts
23 any surplus of the fund (all assets, liabilities, and
24 prior losses considered) above the amounts trans-

1 ferred or appropriated to establish and maintain the
2 fund.

3 (5) TRANSFERS TO FUND.—There shall be
4 transferred to the fund the stocks of supplies, equip-
5 ment, other assets, liabilities, and unpaid obligations
6 relating to those services which the Trade Rep-
7 resentative determines will be performed.

8 **SEC. 351. SERVICE CHARGES.**

9 (a) AUTHORITY.—Notwithstanding any other provi-
10 sion of law, the Trade Representative may establish rea-
11 sonable fees and commissions with respect to applications,
12 documents, awards, loans, grants, research data, services,
13 and assistance administered by the Trade Administration.
14 The Trade Representative may change and abolish such
15 fees and commissions. Before establishing, changing, or
16 abolishing any schedule of fees or commissions under this
17 section, the Trade Representative may submit such sched-
18 ule to Congress.

19 (b) DEPOSITS.—The Trade Representative is author-
20 ized to require a deposit before the Trade Representative
21 provides any item, information, service, or assistance for
22 which a fee or commission is required under this section.

23 (c) DEPOSIT OF MONEYS.—Moneys received under
24 this section shall be deposited in the Treasury in a special
25 account for use by the Trade Representative and are au-

1 thorized to be appropriated and made available until ex-
2 pended.

3 (d) FACTORS IN ESTABLISHING FEES AND COMMIS-
4 SIONS.—In establishing reasonable fees or commissions
5 under this section, the Trade Representative may take into
6 account—

7 (1) the actual costs which will be incurred in
8 providing the items, information, services, or assist-
9 ance concerned;

10 (2) the efficiency of the Government in pro-
11 viding such items, information, services, or assist-
12 ance;

13 (3) the portion of the cost that will be incurred
14 in providing such items, information, services, or as-
15 sistance which may be attributed to benefits for the
16 general public rather than exclusively for the person
17 to whom the items, information, services, or assist-
18 ance is provided;

19 (4) any public service which occurs through the
20 provision of such items, information, services, or as-
21 sistance; and

22 (5) such other factors as the Trade Representa-
23 tive considers appropriate.

24 (e) REFUNDS OF EXCESS PAYMENTS.—In any case
25 in which the Trade Representative determines that any

1 person has made a payment which is not required under
 2 this section or has made a payment which is in excess of
 3 the amount required under this section, the Trade Rep-
 4 resentative, upon application or otherwise, may cause a
 5 refund to be made from applicable funds.

6 **SEC. 352. SEAL OF OFFICE.**

7 The Trade Representative shall cause a seal of office
 8 to be made for the Trade Administration of such design
 9 as the Trade Representative shall approve. Judicial notice
 10 shall be taken of such seal.

11 **CHAPTER 5—RELATED AGENCIES**

12 **SEC. 361. INTERAGENCY TRADE ORGANIZATION.**

13 Section 242(a)(3) of the Trade Expansion Act of
 14 1962 (19 U.S.C. 1872(a)(3)) is amended to read as fol-
 15 lows:

16 “(3)(A) The interagency organization under
 17 subsection (a) shall be composed of—

18 “(i) the United States Trade Representa-
 19 tive, who shall be the chairperson,

20 “(ii) the Secretary of Agriculture,

21 “(iii) the Secretary of the Treasury,

22 “(iv) the Secretary of Labor,

23 “(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
6 appropriate, to attend particular meetings if subject
7 matters of specific functional interest to such agen-
8 cies are under consideration. It shall meet at such
9 times and with respect to such matters as the Presi-
10 dent or the chairperson shall direct.”.

11 **SEC. 362. NATIONAL SECURITY COUNCIL.**

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

15 (1) by redesignating paragraphs (5), (6), and
16 (7) as paragraphs (6), (7), and (8), respectively; and
17 (2) by inserting after paragraph (4) the fol-
18 lowing new paragraph:

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

20 **SEC. 363. INTERNATIONAL MONETARY FUND.**

21 Section 3 of the Bretton Woods Agreement Act (22
22 U.S.C. 286a) is amended by adding at the end the fol-
23 lowing new subsection:

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

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

3 **CHAPTER 6—CONFORMING AMENDMENTS**

4 **SEC. 371. AMENDMENTS TO GENERAL PROVISIONS.**

5 (a) INSPECTOR GENERAL.—The Inspector General
 6 Act of 1978 (5 U.S.C. App. 1 et seq.) is amended—

7 (1) in section 9(a)(1) by adding after subpara-
 8 graph (W) the following:

9 “(X) of the United States Trade Rep-
 10 resentative, all functions of the Inspector Gen-
 11 eral of the Department of Commerce and the
 12 Office of the Inspector General of the Depart-
 13 ment of Commerce relating to the functions
 14 transferred to the United States Trade Rep-
 15 resentative by section 332 of the Department of
 16 Commerce Elimination Act; and”;

17 (2) in section 11—

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

21 (B) in paragraph (2) by inserting “the
 22 United States Trade Administration,” after
 23 “Treasury;”.

24 (b) AMENDMENT TO THE TRADE ACT OF 1974.—

1 (1) TRADE NEGOTIATIONS.—Chapter 4 of title
2 I of the Trade Act of 1974 (19 U.S.C. 2171) is
3 amended to read as follows:

4 **“CHAPTER 4—ADMINISTRATION OF**
5 **TRADE AGREEMENTS, REPRESENTA-**
6 **TION IN TRADE NEGOTIATIONS, AND**
7 **OTHER TRADE MATTERS**

8 **“SEC. 141. FUNCTIONS OF THE UNITED STATES TRADE REP-**
9 **RESENTATIVE.**

10 “The United States Trade Representative provided
11 for under section 311 of the Department of Commerce
12 Elimination Act shall—

13 “(1) be the chief representative of the United
14 States for each trade negotiation under this title or
15 chapter 1 of title III of this Act, or subtitle A of
16 title I of the Omnibus Trade and Competitiveness
17 Act of 1988, or any other provision of law relating
18 to international trade negotiations;

19 “(2) be responsible for the administration of
20 trade agreement programs under this Act, the Omni-
21 bus Trade and Competitiveness Act of 1988, the
22 Trade Expansion Act of 1962, section 350 of the
23 Tariff Act of 1930, and any other provision of law
24 relating to trade agreement programs;

1 “(3) advise the President and Congress with re-
 2 spect to nontariff barriers to international trade,
 3 international commodity agreements, and other mat-
 4 ters which are related to trade agreement programs;
 5 and

6 “(4) be responsible for making reports to the
 7 President and Congress with respect to the matters
 8 set forth in paragraphs (1) and (2).”.

9 (2) TABLE OF CONTENTS.—Title I of the table
 10 of contents of the Trade Act of 1974 is amended by
 11 striking the items relating to chapter 4 and section
 12 141 and inserting the following:

“CHAPTER 4—ADMINISTRATION OF TRADE AGREEMENTS, REPRESENTATION
 IN TRADE NEGOTIATIONS, AND OTHER TRADE MATTERS

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

13 (d) FOREIGN SERVICE PERSONNEL.—Section 202(a)
 14 of the Foreign Service Act of 1980 (22 U.S.C. 3922(a))
 15 is amended by striking paragraph (3) and inserting the
 16 following:

17 “(3) The United States Trade Representative
 18 may utilize the Foreign Service personnel system in
 19 accordance with this Act—

20 “(A) with respect to the personnel per-
 21 forming functions—

22 “(i) which were transferred to the De-
 23 partment of Commerce from the Depart-

1 ment of State by Reorganization Plan No.
2 3 of 1979; and

3 “(ii) which were subsequently trans-
4 ferred to the United States Trade Rep-
5 resentative by section 332 of the Depart-
6 ment of Commerce Elimination Act; and

7 “(B) with respect to other personnel of the
8 United States Trade Administration to the ex-
9 tent the President determines to be necessary in
10 order to enable the United States Trade Ad-
11 ministration to carry out functions which re-
12 quire service abroad.”.

13 (e) CHIEF FINANCIAL OFFICERS.—Section
14 901(b)(1)(B) of title 31, United States Code, is amended
15 to read as follows:

16 “(B) The United States Trade Administra-
17 tion.”.

18 **SEC. 372. REPEALS.**

19 (a) DEPARTMENT OF COMMERCE.—The first section
20 of the Act entitled “An Act to establish the Department
21 of Commerce and Labor”, approved February 14, 1903
22 (15 U.S.C. 1501), is repealed.

23 (b) UNDER SECRETARY; ASSISTANT SECRETARIES;
24 OTHER POSITIONS.—

1 (1) Subsection (a) of the first section of the Act
2 entitled “An Act to authorize an Under Secretary of
3 Commerce for Economic Affairs”, approved June
4 16, 1982 (96 Stat. 115; 15 U.S.C. 1503a), is re-
5 pealed.

6 (2) The Act entitled “An Act to provide for the
7 appointment of one additional Assistant Secretary of
8 Commerce, and for other purposes”, approved July
9 15, 1947 (15 U.S.C. 1505), is repealed.

10 (3) The first sentence of section 304 of the De-
11 partment of Commerce Appropriation Act, 1955 (15
12 U.S.C. 1506) is repealed.

13 (4) The Act entitled “An Act to authorize an
14 additional Assistant Secretary of Commerce”, ap-
15 proved February 16, 1962 (15 U.S.C. 1507), is re-
16 pealed.

17 (5) Subsection (a) of section 9 of the Maritime
18 Appropriation Authorization Act for Fiscal Year
19 1978 (15 U.S.C. 1507b) is repealed.

20 (6)(A) The first section of the Act of March 18,
21 1904 (33 Stat. 135, chapter 716; 15 U.S.C. 1508),
22 is repealed.

23 (B) Section 2 of the Act of July 17, 1952 (66
24 Stat. 758, chapter 932; 15 U.S.C. 1508), is re-
25 pealed.

1 (c) BUREAUS IN DEPARTMENT.—

2 (1) Sections 4 and 12 of the Act entitled “An
3 Act to Establish the Department of Commerce and
4 Labor”, approved February 14, 1903 (15 U.S.C.
5 1511), are repealed.

6 (2) The first section of the Act of January 5,
7 1923 (42 Stat. 1109, chapter 23; 15 U.S.C. 1511),
8 is repealed.

9 (3) The first section of the Act of May 27,
10 1936 (49 Stat. 1380, chapter 463; 15 U.S.C. 1511),
11 is repealed.

12 (d) ANNUAL REPORTS.—Section 8 of the Act entitled
13 “An Act to Establish the Department of Commerce and
14 Labor”, approved February 14, 1903 (15 U.S.C. 1519),
15 is repealed.

16 (e) WORKING CAPITAL FUND.—Title III of the Act
17 entitled “An Act making appropriations for the Depart-
18 ments of State, Justice, and Commerce for the fiscal year
19 ending June 30, 1945, and for other purposes”, approved
20 June 28, 1944 (15 U.S.C. 1521), is amended by striking
21 the paragraph relating to the working capital fund of the
22 Department of Commerce.

23 (f) GIFTS, BEQUESTS, INVESTMENTS.—Sections 1, 2,
24 and 3 of Public Law 88–611 (15 U.S.C. 1522, 1523, and
25 1524) are repealed.

1 **SEC. 373. CONFORMING AMENDMENTS RELATING TO EXEC-**
2 **UTIVE SCHEDULE POSITIONS.**

3 (a) POSITIONS AT LEVEL II.—Section 5313 of title
4 5, United States Code, is amended by adding at the end
5 the following:

6 “Deputy United States Trade Representatives
7 (3).”.

8 (b) POSITIONS AT LEVEL III.—Section 5314 of title
9 5, United States Code, is amended by striking the item
10 relating to Deputy United States Trade Representatives
11 and inserting the following:

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

14 (c) POSITIONS AT LEVEL IV.—Section 5315 of title
15 5, United States Code, is amended by adding at the end
16 the following:

17 “General Counsel, United States Trade Admin-
18 istration.

19 “Inspector General, United States Trade Ad-
20 ministration.

21 “Chief Financial Officer, United States Trade
22 Administration.”.

23 **CHAPTER 7—MISCELLANEOUS**

24 **SEC. 381. EFFECTIVE DATE.**

25 (a) IN GENERAL.—This title shall take effect on the
26 effective date specified in section 102(c), except that—

1 (1) section 336 shall take effect on the date of
2 enactment of this Act; and

3 (2) at any time after the date of enactment of
4 this Act, the officers provided for in chapter 2 may
5 be nominated and appointed, as provided in such
6 chapter.

7 (b) INTERIM COMPENSATION AND EXPENSES.—
8 Funds available to the Department of Commerce or the
9 Office of the United States Trade Representative (or any
10 official or component thereof), with respect to the func-
11 tions transferred by this title, may be used, with approval
12 of the Director of the Office of Management and Budget,
13 to pay the compensation and expenses of an officer ap-
14 pointed under subsection (a) who will carry out such func-
15 tions until funds for that purpose are otherwise available.

16 **SEC. 382. INTERIM APPOINTMENTS.**

17 (a) IN GENERAL.—If one or more officers required
18 by this title to be appointed by and with the advice and
19 consent of the Senate have not taken office on the effective
20 date of this title and notwithstanding any other provision
21 of law, the President may designate any officer who was
22 appointed by and with the advice and consent of the Sen-
23 ate, and who was such an officer on the day before the
24 effective date of this title, to act in the office until it is
25 filled as provided by this title.

1 (b) COMPENSATION.—Any officer acting in an office
2 pursuant to subsection (a) shall receive compensation at
3 the rate prescribed by this title for such office.

4 **SEC. 383. FUNDING REDUCTIONS RESULTING FROM REOR-**
5 **GANIZATION.**

6 (a) FUNDING REDUCTIONS.—Notwithstanding the
7 transfer of functions under this title, and except as pro-
8 vided in subsection (b), the total amount appropriated by
9 the United States in performing all functions vested in the
10 Trade Representative and the Trade Administration pur-
11 suant to this title shall not exceed—

12 (1) for the first fiscal year that begins after the
13 date specified in section 102(c), 75 percent of the
14 total amount appropriated in fiscal year 2001 for
15 the performance of all those functions; and

16 (2) for the second fiscal year that begins after
17 the date specified in section 102(c) and for each fis-
18 cal year thereafter, 65 percent of the total amount
19 appropriated in fiscal year 2001 for the performance
20 of all those functions.

21 (b) EXCEPTION.—Subsection (a) shall not apply to
22 obligations or expenditures incurred as a direct con-
23 sequence of the termination, transfer, or other disposition
24 of functions described in subsection (a) pursuant to this
25 Act.

1 (c) RULE OF CONSTRUCTION.—This section shall su-
 2 persede any other provision of law that does not—

3 (1) explicitly refer to this section, and

4 (2) create an exemption from this section.

5 (d) RESPONSIBILITY OF TRADE REPRESENTATIVE.—

6 The Trade Representative, in consultation with the Direc-
 7 tor of the Office of Management and Budget, shall make
 8 such modifications in programs as are necessary to carry
 9 out the reductions in appropriations set forth in para-
 10 graphs (1) and (2) of subsection (a).

11 (e) RESPONSIBILITIES OF THE DIRECTOR OF THE

12 OFFICE OF MANAGEMENT AND BUDGET.—The Director

13 of the Office of Management and Budget shall include in

14 each report under subsections (a) and (b) of section 106

15 a description of the actions taken to comply with the re-

16 quirements of this section.

17 **TITLE IV—STATISTICAL**

18 **CONSOLIDATION**

19 **Subtitle A—General Provisions**

20 **SEC. 401. FINDINGS.**

21 Congress, recognizing the importance of statistical in-

22 formation in the development of national priorities and

23 policies and in the administration of public programs,

24 finds that—

1 (1) improved coordination and planning among
2 the statistical programs of the Federal Government
3 is necessary—

4 (A) to strengthen and improve the quality
5 and utility of Federal statistics; and

6 (B) to reduce duplication and waste in in-
7 formation collected for statistical purposes;

8 (2) while the demand for statistical information
9 has grown substantially over the 30-year period pre-
10 ceding the date of enactment of this Act, the lack
11 of coordinated planning within the decentralized
12 Federal statistical system has limited the usefulness
13 of statistics in defining problems and determining
14 national policies to deal with complex social and eco-
15 nomic issues;

16 (3) the establishment of a unified statistical
17 policy for the Federal Government to ensure that—

18 (A) data available from Federal statistical
19 programs are responsive to the information
20 needs of the President and Congress in devel-
21 oping national policies; and

22 (B) necessary statistical information is col-
23 lected with the least reporting burden imposed
24 on individuals, businesses, and public entities;

1 (4) a central statistical policy and coordination
2 office is necessary—

3 (A) to develop and implement a Federal
4 statistical policy;

5 (B) to establish priorities for Federal sta-
6 tistical programs;

7 (C) to oversee and evaluate the statistical
8 programs of the Government; and

9 (D) to ensure that data collected for statis-
10 tical purposes by the Government are collected
11 and reported in accordance with established
12 standards; and

13 (5) it is conducive and integral to a sound Fed-
14 eral policy that the heads of major statistical agen-
15 cies within a Federal department or agency have di-
16 rect access to the head of such department or
17 agency.

18 **SEC. 402. SENSE OF CONGRESS.**

19 (a) CHIEF STATISTICIAN.—It is the sense of Con-
20 gress that—

21 (1) a more centralized statistical system is inte-
22 gral to efficiency;

23 (2) with increased efficiency comes better inte-
24 gration of research, methodology, survey design, and
25 taking advantage of economies of scale;

1 (3) the Chief Statistician should have the au-
2 thority, personnel, and other resources necessary to
3 carry out the duties of that office effectively, includ-
4 ing duties relating to statistical forms clearance;

5 (4) statistical forms clearance at the Office of
6 Management and Budget should be better distin-
7 guished from regulatory forms clearance; and

8 (5) recognizing that the Chief Statistician has
9 numerous responsibilities with respect to statistical
10 policy and coordination, the Chief Statistician should
11 have a direct reporting relationship with the Direc-
12 tor of the Office of Management and Budget.

13 (b) CONFIDENTIALITY.—It is the sense of Congress
14 that—

15 (1) entities of the Federal Government (includ-
16 ing the Federal Council on Statistical Policy and the
17 Interagency Council on Statistical Policy) and pri-
18 vate entities should examine the efficacy of replacing
19 the individual confidentiality provisions of statistical
20 agencies with a single, uniform standard that guar-
21 antees confidentiality across the affected agencies;
22 and

23 (2) those entities should also examine the shar-
24 ing of confidential data for statistical purposes with-
25 in the Federal Statistical Service and special ar-

1 rangements to permit the sharing of confidential
2 data for statistical purposes with State agencies co-
3 operating with Federal agencies in statistical pro-
4 grams.

5 (c) DECENNIAL CENSUSES.—It is the sense of Con-
6 gress that the budget and functions of the Bureau of the
7 Census relating to any decennial census of population
8 should be segregated from the other budget and functions
9 of the Bureau of the Census.

10 **SEC. 403. DEFINITIONS.**

11 In this title:

12 (1) ADMINISTRATOR.—The term “Adminis-
13 trator” means the Administrator of the Federal Sta-
14 tistical Service.

15 (2) CENSUS OF POPULATION.—The term “cen-
16 sus of population” has the meaning given such term
17 by section 141(g) of title 13, United States Code.

18 (3) CHIEF STATISTICIAN.—The term “Chief
19 Statistician” means the Chief Statistician of the Of-
20 fice of Management and Budget.

21 (4) COUNCIL.—The term “Council” means the
22 Federal Council on Statistical Policy under section
23 413.

1 (5) DEPUTY ADMINISTRATOR.—The term
2 “Deputy Administrator” means the Deputy Admin-
3 istrator of the Federal Statistical Service.

4 (6) FEDERAL AGENCY.—The term “Federal
5 agency” has the meaning provided the term “agen-
6 cy” in section 551(1) of title 5, United States Code.

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

10 (8) OFFICE.—The term “office” includes any
11 office, bureau, institute, council, unit, or organiza-
12 tional entity, or any component thereof.

13 (9) SERVICE.—The term “Service” means the
14 Federal Statistical Service.

15 **Subtitle B—Establishment of the** 16 **Federal Statistical Service**

17 **SEC. 411. ESTABLISHMENT.**

18 The Federal Statistical Service is established as an
19 independent establishment, as that term is defined in sec-
20 tion 104 of title 5, United States Code, in the executive
21 branch of the Federal Government.

22 **SEC. 412. PRINCIPAL OFFICERS.**

23 (a) ADMINISTRATOR.—

24 (1) IN GENERAL.—There shall be at the head
25 of the Service an Administrator of the Federal Sta-

1 tistical Service, who shall be appointed, from among
2 individuals nominated for that purpose by the Fed-
3 eral Council on Statistical Policy who are experi-
4 enced in the collection and utilization of statistical
5 data or survey research, by the President, by and
6 with the advice and consent of the Senate.

7 (2) ADMINISTRATION.—The Service, including
8 all functions and offices transferred to the Service
9 under this title, shall be administered, in accordance
10 with the provisions of this title, under the super-
11 vision and direction of the Administrator.

12 (3) COMPENSATION OF ADMINISTRATOR.—The
13 Administrator shall receive basic pay at the rate
14 payable for level II of the Executive Schedule under
15 section 5313 of title 5, United States Code.

16 (b) DEPUTY ADMINISTRATOR.—

17 (1) IN GENERAL.—There shall be in the Service
18 a Deputy Administrator of the Federal Statistical
19 Service who shall be appointed, from among individ-
20 uals nominated for that purpose by the Federal
21 Council on Statistical Policy who are experienced in
22 the collection and utilization of statistical data or
23 survey research, by the President, by and with the
24 advice and consent of the Senate.

1 (2) DUTIES OF DEPUTY ADMINISTRATOR.—

2 During the absence or disability of the Adminis-
3 trator, or in the event of a vacancy in the office of
4 the Administrator, the Deputy Administrator shall
5 act as Administrator. The Deputy Administrator
6 shall perform such other duties and exercise such
7 powers as the Administrator may from time to time
8 prescribe.

9 (3) COMPENSATION OF DEPUTY ADMINIS-
10 TRATOR.—The Deputy Administrator shall receive
11 basic pay at the rate payable for level III of the Ex-
12 ecutive Schedule under section 5314 of title 5,
13 United States Code.

14 (c) BUREAU DIRECTORS.—

15 (1) IN GENERAL.—There shall be in the
16 Service—

17 (A) a Director of the Census who shall, on
18 the transfer of functions and offices under sec-
19 tion 203, serve as the head of the Bureau of
20 the Census; and

21 (B) a Director of the Bureau of Economic
22 Analysis who shall, on the transfer of functions
23 and offices under section 203, serve as the head
24 of the Bureau of Economic Analysis; and

1 (C) a Director of the Bureau of Labor Sta-
2 tistics who shall, on the transfer of functions
3 and offices under subtitle C, serve as the head
4 of the Bureau of Labor Statistics.

5 (2) APPOINTMENT.—Each of the Directors re-
6 ferred to in paragraph (1) shall be appointed by the
7 President, by and with the advice and consent of the
8 Senate.

9 (3) COMPENSATION OF DIRECTOR OF BUREAU
10 OF ECONOMIC ANALYSIS.—

11 (A) IN GENERAL.—The position of Direc-
12 tor of the Bureau of Economic Analysis shall be
13 a Senior Executive Service position.

14 (B) SENIOR EXECUTIVE SERVICE DE-
15 FINED.—For purposes of this paragraph, the
16 term “Senior Executive Service position” shall
17 have the same meaning as in section 3132(a) of
18 title 5, United States Code.

19 (4) TERMS.—The term of office for each Direc-
20 tor referred to in paragraph (1) shall be as specified
21 in the predecessor under the applicable provision of
22 law in effect on the day before the date of enactment
23 of this Act, except that, notwithstanding section 21
24 of title 13, United States Code, the term of the Di-
25 rector of the Census shall be 4 years.

1 (d) GENERAL COUNSEL.—There shall be in the Serv-
 2 ice a General Counsel who shall administer the Office of
 3 General Counsel of the Federal Statistical Service. The
 4 General Counsel shall be appointed by the President, by
 5 and with the advice and consent of the Senate.

6 (e) INSPECTOR GENERAL.—There shall be in the
 7 Service an Inspector General appointed in accordance with
 8 the Inspector General Act of 1978 (5 U.S.C. App.).

9 **SEC. 413. FEDERAL COUNCIL ON STATISTICAL POLICY.**

10 (a) ESTABLISHMENT.—A Federal Council on Statis-
 11 tical Policy shall advise the Service.

12 (b) COMPOSITION.—The Council shall be composed
 13 of 9 members as follows:

14 (1) The Administrator of the Federal Statistical
 15 Service.

16 (2) The Director of the Census.

17 (3) The Director of the Bureau of Labor Statis-
 18 tics.

19 (4) The Director of the Bureau of Economic
 20 Analysis.

21 (5) The Chief Statistician of the Office of Man-
 22 agement and Budget.

23 (6) Two members appointed by the Majority
 24 Leader of the Senate from among individuals who—

1 (A) are not officers or employees of the
2 Government; and

3 (B) are especially qualified to serve on the
4 Council by virtue of experience relating to 1 or
5 more of the bureaus referred to in title III.

6 (7) Two members appointed by the Speaker of
7 the House of Representatives from among individ-
8 uals who—

9 (A) are not officers or employees of the
10 Government; and

11 (B) are especially qualified to serve on the
12 Council by virtue of experience relating to 1 or
13 more of the bureaus referred to in section 203
14 or subtitle C.

15 (c) TERMS.—

16 (1) IN GENERAL.—Each member under sub-
17 section (b)(6) shall be appointed for a term of 5
18 years, except that, of the members first appointed—

19 (A) 1 shall be appointed for a term of 5
20 years; and

21 (B) 1 shall be appointed for a term of 3
22 years.

23 (2) STAGGERED TERMS.—Each member under
24 subsection (b)(7) shall be appointed for a term of 5
25 years, except that, of the members first appointed—

1 (A) 1 shall be appointed for a term of 5
2 years; and

3 (B) 1 shall be appointed for a term of 2
4 years.

5 (d) FUNCTIONS.—

6 (1) IN GENERAL.—The Council shall—

7 (A) make any nominations required under
8 section 412(a)(1);

9 (B) serve as an advisory body to the Chief
10 Statistician on confidentiality issues, such as
11 those relating to—

12 (i) the collection or sharing of data
13 for statistical purposes among Federal
14 agencies; and

15 (ii) the sharing of data, for statistical
16 purposes, by States and political subdivi-
17 sions with the Federal Government; and

18 (C) establish a statistical policy as de-
19 scribed in section 401(3).

20 (2) STUDY AND REPORT AS PROCEDURES.—

21 (A) STUDY.—The Council shall study pro-
22 cedures for the release of major economic and
23 social indicators by the Federal Government.

24 (B) REPORT.—Not later than 18 months
25 after the date of enactment of this Act, the

1 Council shall submit to Congress a report on
2 the findings of the study under subparagraph
3 (A).

4 (3) STUDY OF FUNCTIONS.—

5 (A) STUDY.—The Council shall study—

6 (i) whether or not the functions of the
7 Bureau of the Census relating to decennial
8 censuses of population could be delineated
9 from the other functions of the Bureau;
10 and

11 (ii) if the functions referred to in
12 clause (i) could be delineated from other
13 functions of the Bureau, recommendations
14 on how such a delineation of functions
15 might be achieved.

16 (B) REPORT.—Not later than 12 months
17 after the date of enactment of this Act, the
18 Council shall submit to Congress a report on
19 the findings of the study conducted under sub-
20 paragraph (A).

21 (4) STUDY AND REPORT ON FIELD OFFICES.—

22 (A) STUDY.—The Council shall study—

23 (i) making as appropriate, the field
24 offices of the Bureau of the Census part of

1 the field offices of the Bureau of Labor
2 Statistics; and

3 (ii) any savings anticipated as a result
4 of the implementation of clause (i).

5 (B) REPORT.—Not later than 12 months
6 after the date of enactment of this Act, the
7 Council shall submit to Congress a report on
8 the findings of the study conducted under sub-
9 paragraph (A).

10 (e) COMPENSATION.—Members of the Council under
11 subsection (b)(6) shall be entitled to receive the daily
12 equivalent of the rate of basic pay for level IV of the Exec-
13 utive Schedule under section 5315 of title 5, United States
14 Code, for each day (including travel time) during which
15 they are engaged in the actual performance of duties vest-
16 ed in the Council.

17 (f) CHAIRPERSON.—The Chairperson of the Council
18 shall be elected by and from the members for a term of
19 1 year.

1 **Subtitle C—Transfers of Functions**
2 **and Offices**

3 **SEC. 421. TRANSFER OF THE BUREAU OF LABOR STATIS-**
4 **TICS.**

5 There is transferred to the Service the Bureau of
6 Labor Statistics of the Department of Labor, along with
7 all of its functions and offices.

8 **SEC. 422. TRANSFER DATE.**

9 The transfers of functions and offices under this title
10 shall be effective on the date specified in section 102(c).

11 **Subtitle D—Administrative**
12 **Provisions**

13 **SEC. 431. OFFICERS AND EMPLOYEES.**

14 The Administrator may appoint and fix the com-
15 pensation of such officers and employees as may be nec-
16 essary to carry out the functions of the Administrator and
17 the Service. Except as otherwise provided by law, such of-
18 ficers and employees shall be appointed in accordance with
19 the civil service laws and their compensation shall be fixed
20 in accordance with title 5, United States Code.

21 **SEC. 432. EXPERTS AND CONSULTANTS.**

22 The Administrator, as may be provided in appropria-
23 tion Acts, may obtain the services of experts and consult-
24 ants in accordance with section 3109 of title 5, United
25 States Code, and may compensate such experts and con-

1 sultants at rates not to exceed the daily rate prescribed
2 for level IV of the Executive Schedule under section 5315
3 of title 5, United States Code.

4 **SEC. 433. ACCEPTANCE OF VOLUNTARY SERVICES.**

5 (a) IN GENERAL.—Notwithstanding section 1342 of
6 title 31, United States Code, the Administrator may ac-
7 cept, subject to regulations issued by the Office of Per-
8 sonnel Management, voluntary services if such services—

9 (1) are to be uncompensated; and

10 (2) are not used to displace any employee.

11 (b) TREATMENT.—Any individual who provides vol-
12 untary services under this section shall not be considered
13 a Federal employee for any purpose other than for pur-
14 poses of chapter 81 of title 5, United States Code (relating
15 to compensation for injury) and sections 2671 through
16 2680 of title 28, United States Code (relating to tort
17 claims).

18 **SEC. 434. GENERAL AUTHORITY.**

19 In carrying out any function transferred by this Act,
20 the Administrator, or any officer or employee of the Serv-
21 ice, may exercise any authority available by law with re-
22 spect to such function to the official or agency from which
23 such function is transferred, and the actions of the Admin-
24 istrator in exercising such authority shall have the same

1 force and effect as when exercised by such official or
2 agency.

3 **SEC. 435. DELEGATION.**

4 Except as otherwise provided in this title, the Admin-
5 istrator may delegate any function to such officers and
6 employees of the Service as the Administrator may des-
7 ignate, and may authorize such successive redelegations
8 of such functions within the Service as may be necessary
9 or appropriate. No delegation of functions by the Adminis-
10 trator under this section or under any other provision of
11 this title shall relieve the Administrator of responsibility
12 for the administration of such functions.

13 **SEC. 436. REORGANIZATION.**

14 The Administrator may allocate or reallocate func-
15 tions among the officers of the Service, and to establish,
16 consolidate, alter, or abolish such offices or positions with-
17 in the Service as may be necessary or appropriate.

18 **SEC. 437. CONTRACTS.**

19 (a) IN GENERAL.—Subject to the Federal Property
20 and Administrative Services Act of 1949 and other appli-
21 cable Federal law, the Administrator may make, enter
22 into, and perform such contracts, grants, leases, coopera-
23 tive agreements, and other similar transactions with Fed-
24 eral or other public agencies (including State and local
25 governments) and private organizations and persons, and

1 to make such payments, by way of advance or reimburse-
2 ment, as the Administrator may determine necessary or
3 appropriate to carry out functions of the Administrator
4 or the Service.

5 (b) APPROPRIATION AUTHORITY REQUIRED.—No
6 authority to enter into contracts or to make payments
7 under this title shall be effective except to such extent or
8 in such amounts as are provided in advance under appro-
9 priation Acts.

10 **SEC. 438. REGULATIONS.**

11 The Administrator may prescribe such rules and reg-
12 ulations as the Administrator considers necessary or ap-
13 propriate to administer and manage the functions of the
14 Administrator or the Service, in accordance with chapter
15 5 of title 5, United States Code.

16 **SEC. 439. SEAL.**

17 The Administrator shall cause a seal of office to be
18 made for the Service of such design as the Administrator
19 shall approve. Judicial notice shall be taken of such seal.

20 **SEC. 440. ANNUAL REPORT.**

21 The Administrator, in consultation with the Council,
22 shall, as soon as practicable after the close of each fiscal
23 year, make a single, comprehensive report to the President
24 for transmission to Congress on the activities of the Serv-
25 ice during such fiscal year.

1 **Subtitle E—Miscellaneous**

2 **SEC. 441. INCIDENTAL TRANSFERS.**

3 The Director of the Office of Management and Budg-
4 et, in consultation with the Administrator, shall make such
5 determinations as may be necessary with regard to the
6 functions, offices, or portions thereof transferred by this
7 title, and make such additional incidental dispositions of
8 personnel, assets, liabilities, grants, contracts, property,
9 records, and unexpended balances of appropriations, au-
10 thorizations, allocations, and other funds held, used, aris-
11 ing from, available to, or to be made available in connec-
12 tion with such functions, offices, or portions thereof, as
13 may be necessary to carry out this title. The Director shall
14 provide for the termination of the affairs of all entities
15 terminated by this title and, in consultation with the Ad-
16 ministrator, for such further measures and dispositions as
17 may be necessary to effectuate the purposes of this title.

18 **SEC. 442. REFERENCES.**

19 With respect to any function transferred by this title
20 and exercised on or after the date of such transfer, any
21 reference in any other Federal law to any department,
22 commission, or agency or any officer or office the func-
23 tions of which so transferred shall be deemed to refer to
24 the Administrator, other official, or component of the
25 Service to which this title transfers such functions.

1 **SEC. 443. PROPOSED CHANGES IN LAW.**

2 Not later than 90 days after the date of enactment
3 of this Act, the President shall submit to Congress a de-
4 scription of any changes in Federal law necessary to re-
5 flect any transfers or other measures under this title.

6 **SEC. 444. TRANSITION.**

7 (a) USE OF FUNDS.—Funds available to any depart-
8 ment or agency (or any official or component thereof), the
9 functions or offices of which are transferred to the Admin-
10 istrator or the Service by this title, may, with the approval
11 of the Director of the Office of Management and Budget,
12 be used to pay the compensation and expenses of any offi-
13 cer appointed pursuant to this title and other transitional
14 and planning expenses associated with the establishment
15 of the Service or transfer of functions or offices thereto
16 until such time as funds for such purposes are otherwise
17 available.

18 (b) USE OF PERSONNEL.—With the consent of the
19 appropriate department or agency head concerned, the Ad-
20 ministrator may utilize the services of such officers, em-
21 ployees, and other personnel of the departments and agen-
22 cies from which functions or offices have been transferred
23 to the Administrator or the Service, for such period of
24 time as may reasonably be needed to facilitate the orderly
25 implementation of this title.

1 **SEC. 445. INTERIM APPOINTMENTS.**

2 (a) **AUTHORITY TO APPOINT.**—Notwithstanding any
3 other provision of law, in the event that 1 or more officers
4 required by this title to be appointed by and with the ad-
5 vice and consent of the Senate shall not have entered upon
6 office on the date of the transfer of functions and offices
7 under section 203 or subtitle C, the President may des-
8 ignate an officer in the executive branch to act in such
9 office for 120 days or until the office is filled as provided
10 in this title, whichever occurs first.

11 (b) **COMPENSATION.**—Any officer acting in an office
12 in the Department pursuant to the provisions of sub-
13 section (a) shall receive compensation at the rate pre-
14 scribed for such office under this title.

15 **SEC. 446. CONFORMING AMENDMENTS.**

16 (a) **DIRECTOR, BUREAU OF LABOR STATISTICS.**—
17 Section 5315 of title 5, United States Code, as amended
18 by this Act, is further amended by adding at the end the
19 following new item:

20 “Director, Bureau of Labor Statistics.”.

21 (b) **GENERAL COUNSEL; INSPECTOR GENERAL.**—
22 Section 5315 of title 5, United States Code, as amended
23 by subsection (a), is further amended by adding at the
24 end the following new items:

25 “General Counsel, Bureau of Labor Statistics.

1 “Inspector General, Bureau of Labor Statis-
2 tics.”.

3 (c) BUREAU DIRECTORS.—Section 5315 of title 5,
4 United States Code, as amended by subsection (b), is fur-
5 ther amended—

6 (1) by striking “The Commissioner of Labor
7 Statistics, Department of Labor”; and

8 (2) by inserting after the item relating to the
9 Director of the Census, the following new items:

10 “Director of the Bureau of Labor Statistics,
11 Federal Statistical Service.

12 “Director of the Bureau of Economic Analysis,
13 Federal Statistical Service.”.

14 (d) DEPUTY ADMINISTRATOR.—Section 5314 of title
15 5, United States Code, is amended by adding at the end
16 the following new item:

17 “Deputy Administrator, Federal Statistical
18 Service.”.

19 (e) ADMINISTRATOR.—Section 5313 of title 5, United
20 States Code, is amended by adding at the end the fol-
21 lowing new item:

22 “Administrator, Federal Statistical Service.”.

1 **TITLE V—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 501. REFERENCES.**

4 Any reference in any other Federal law, Executive
5 order, rule, regulation, or delegation of authority, or any
6 document of or pertaining to a department or office from
7 which a function is transferred by this Act—

8 (1) to the head of such department or office is
9 deemed to refer to the head of the department or of-
10 fice to which such function is transferred; or

11 (2) to such department or office is deemed to
12 refer to the department or office to which such func-
13 tion is transferred.

14 **SEC. 502. EXERCISE OF AUTHORITIES.**

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

1 **SEC. 503. SAVINGS PROVISIONS.**

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

5 (1) that have been issued, made, granted, or al-
6 lowed to become effective by the President, the Sec-
7 retary of Commerce, the United States Trade Rep-
8 resentative, any officer or employee of any office
9 transferred by this Act, or any other Government of-
10 ficial, or by a court of competent jurisdiction, in the
11 performance of any function that is transferred by
12 this Act; and

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

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

22 (b) **PROCEEDINGS.**—This Act shall not affect any
23 proceedings or any application for any benefits, service,
24 license, permit, certificate, or financial assistance pending
25 on the date of enactment of this Act before an office trans-
26 ferred by this Act, but such proceedings and applications

1 shall be continued. Orders shall be issued in such pro-
2 ceedings, appeals shall be taken therefrom, and payments
3 shall be made pursuant to such orders, as if this Act had
4 not been enacted, and orders issued in any such pro-
5 ceeding shall continue in effect until modified, terminated,
6 superseded, or revoked by a duly authorized official, by
7 a court of competent jurisdiction, or by operation of law.
8 Nothing in this subsection shall be considered to prohibit
9 the discontinuance or modification of any such proceeding
10 under the same terms and conditions and to the same ex-
11 tent that such proceeding could have been discontinued
12 or modified if this Act had not been enacted.

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

18 (d) NONABATEMENT OF ACTIONS.—No suit, action,
19 or other proceeding commenced by or against the Depart-
20 ment of Commerce or the Secretary of Commerce, or by
21 or against any individual in the official capacity of such
22 individual as an officer or employee of an office trans-
23 ferred by this Act, shall abate by reason of the enactment
24 of this Act.

1 (e) CONTINUANCE OF SUITS.—If any Government of-
2 ficer in the official capacity of such officer is party to a
3 suit with respect to a function of the officer, and under
4 this Act such function is transferred to any other officer
5 or office, then such suit shall be continued with the other
6 officer or the head of such other office, as applicable, sub-
7 stituted or added as a party.

8 (f) ADMINISTRATIVE PROCEDURE AND JUDICIAL RE-
9 VIEW.—Except as otherwise provided by this Act, any
10 statutory requirements relating to notice, hearings, action
11 upon the record, or administrative or judicial review that
12 apply to any function transferred by this Act shall apply
13 to the exercise of such function by the head of the Federal
14 agency, and other officers of the agency, to which such
15 function is transferred by this Act.

16 **SEC. 504. 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. 505. 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. 506. AUTHORITY OF DIRECTOR OF THE OFFICE OF**
17 **MANAGEMENT AND BUDGET WITH RESPECT**
18 **TO FUNCTIONS TRANSFERRED.**

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

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

1 additional incidental dispositions of personnel, assets, li-
2 abilities, grants, contracts, property, records, and unex-
3 pended balances of appropriations, authorizations, alloca-
4 tions, and other funds held, used, arising from, available
5 to, or to be made available in connection with such func-
6 tions, as may be necessary to carry out the provisions of
7 this Act. The Director shall provide for the termination
8 of the affairs of all entities terminated by this Act and
9 for such further measures and dispositions as may be nec-
10 essary to effectuate the purposes of this Act.

11 **SEC. 507. CERTAIN VESTING OF FUNCTIONS CONSIDERED**
12 **TRANSFERS.**

13 For purposes of this Act, the vesting of a function
14 in a department or office pursuant to reestablishment of
15 an office shall be considered to be the transfer of the
16 function.

17 **SEC. 508. AVAILABILITY OF EXISTING FUNDS.**

18 Existing appropriations and funds available for the
19 performance of functions, programs, and activities termi-
20 nated pursuant to this Act shall remain available, for the
21 duration of their period of availability, for necessary ex-
22 penses in connection with the termination and resolution
23 of such functions, programs, and activities.

24 **SEC. 509. DEFINITIONS.**

25 For purposes of this Act—

1 (1) the term “function” includes any duty, obli-
2 gation, power, authority, responsibility, right, privi-
3 lege, activity, or program; and

4 (2) the term “office” includes any office, ad-
5 ministration, agency, bureau, institute, council, unit,
6 organizational entity, or component thereof.

7 **SEC. 510. CONFORMING AMENDMENTS.**

8 Section 11 of the Inspector General Act of 1978 (5
9 U.S.C. App.) is amended—

10 (1) in paragraph (1), by striking “or the Com-
11 missioner of the Social Security Administration;”
12 and inserting “the Commissioner of the Social Secu-
13 rity Administration; the Administrator of the Na-
14 tional Oceanic and Atmospheric Administration; or
15 the Administrator of the Federal Statistical Serv-
16 ice;”; and

17 (2) in paragraph (2), by striking “or the Social
18 Security Administration” and inserting “the Na-
19 tional Oceanic and Atmospheric Administration, the
20 Federal Statistical Service, or the Social Security
21 Administration”.

○