Calendar No. 214

104TH CONGRESS
1ST SESSION

S. 929

[Report No. 104–164]

A BILL

To abolish the Department of Commerce.

OCTOBER 20 (legislative day, OCTOBER 18), 1995

Reported with an amendment

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U.S. GOVERNMENT
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104TH CONGRESS
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[Report No. 104–164]

To abolish the Department of Commerce.

IN THE SENATE OF THE UNITED STATES

JUNE 15 (legislative day, JUNE 5), 1995

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

OCTOBER 20 (legislative day, OCTOBER 18), 1995

Reported by Mr. STEVENS, with an amendment

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

A BILL

To abolish the Department of Commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

~~**SECTION 1. SHORT TITLE.**~~

~~This Act may be cited as the ''Department of Commerce Dismantling Act''.~~

~~**SEC. 2. TABLE OF CONTENTS.**~~

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

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

~~TITLE I—ABOLISHMENT OF DEPARTMENT OF COMMERCE~~

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

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

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

~~TITLE III—MISCELLANEOUS PROVISIONS~~

~~Sec. 301. References.~~
~~Sec. 302. Exercise of authorities.~~
~~Sec. 303. Savings provisions.~~
~~Sec. 304. Transfer of assets.~~
~~Sec. 305. Delegation and assignment.~~
~~Sec. 306. Authority of Administrator with respect to functions transferred.~~
~~Sec. 307. Proposed changes in law.~~
~~Sec. 308. Certain vesting of functions considered transfers.~~
~~Sec. 309. Definitions.~~
~~Sec. 310. Limitation on annual expenditures for continued functions.~~

~~TITLE I—ABOLISHMENT OF DEPARTMENT OF COMMERCE~~

~~SEC. 101. REESTABLISHMENT OF DEPARTMENT AS COMMERCE PROGRAMS RESOLUTION AGENCY.~~

~~(a) REESTABLISHMENT.—The Department of Commerce is hereby redesignated as the Commerce Programs Resolution Agency, which shall be an independent agency in the executive branch of the Government.~~

~~(b) ADMINISTRATOR.—~~

~~(1) IN GENERAL.—There shall be at the head of the Agency an Administrator of the Agency, who shall be appointed by the President, by and with the advice and consent of the Senate. The Agency shall be administered under the supervision and direction of the Administrator. The Administrator shall receive compensation at the rate prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code.~~

~~(2) INITIAL APPOINTMENT OF ADMINISTRATOR.—Notwithstanding any other provision of this Act or any other law, the President may, at any time after the date of the enactment of this Act, appoint an individual to serve as Administrator of the Commerce Programs Resolution Agency (who may be the Secretary of Commerce), as such position is~~

established under paragraph (1). An appointment under this paragraph may not be construed to affect the position of Secretary of Commerce or the authority of the Secretary before the effective date specified in section 109(a).

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

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

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

(3) taking such other actions as may be necessary, before the termination date specified in section 106(d), to wind up any outstanding affairs of the Department of Commerce.

SEC. 102. FUNCTIONS.

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

partment) or were authorized to be performed by the Secretary of Commerce or any other officer or employee of the Department in the capacity as such officer or employee.

SEC. 103. DEPUTY ADMINISTRATOR.

The Agency shall have a Deputy Administrator, who shall—

(1) be appointed by and report to the Administrator; and

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

SEC. 104. CONTINUATION OF SERVICE OF DEPARTMENT OFFICERS.

(a) CONTINUATION OF SERVICE OF SECRETARY.—The individual serving on the effective date specified in section 109(a) as the Secretary of Commerce may serve and act as Administrator until the earlier of—

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

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

(b) CONTINUATION OF SERVICE OF OTHER OFFICERS.—An individual serving on the effective date speci-

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

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

~~(2) the end of the 120-day period provided for in section 3348 of title 5, United States Code (relating to limitations on the period of time a vacancy may be filled temporarily) with respect to that appointment.~~

~~(c) COMPENSATION FOR CONTINUED SERVICE.—Any person—~~

~~(1) who serves as the Administrator under subsection (a), or~~

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

~~after the effective date specified in section 109(a) and before the first appointment of a person as Administrator shall continue to be compensated for so serving at the rate at which such person was compensated before that effective date.~~

~~SEC. 105. REORGANIZATION.~~

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

~~alter, or discontinue in the Commerce Programs Resolution Agency any organizational entities that were entities of the Department of Commerce, as the Administrator considers necessary or appropriate.~~

~~SEC. 106. ABOLISHMENT OF COMMERCE PROGRAMS RESOLUTION AGENCY.~~

~~(a) IN GENERAL.—Effective on the termination date specified in subsection (d), the Commerce Programs Resolution Agency is abolished.~~

~~(b) ABOLITION OF FUNCTIONS.—Except for functions transferred or otherwise continued by this Act, all functions that, immediately before the termination date specified in subsection (d), were functions of the Commerce Programs Resolution Agency are abolished effective on that termination date.~~

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

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

~~SEC. 107. GAO REPORT.~~

~~Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Congress a report that shall include recommendations for the most efficient means of achieving, in accordance with this Act—~~

~~(1) the complete abolishment of the Department of Commerce; and~~

~~(2) the termination or transfer or other continuation of the functions of the Department of Commerce.~~

~~SEC. 108. CONFORMING AMENDMENTS.~~

~~(a) PRESIDENTIAL SUCCESSION.—Section 19(d)(1) of title 3, United States Code, is amended by striking ''Secretary of Commerce,''.~~

~~(b) EXECUTIVE DEPARTMENTS.—Section 101 of title 5, United States Code, is amended by striking the following item:~~

~~''The Department of Commerce.''.~~

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

~~''Secretary of Commerce.''.~~

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

~~(1) by striking the following item:~~

~~''Under Secretary of Commerce, Under Secretary of Commerce for Economic Affairs, Under Secretary of Commerce for Export Administration and Under Secretary of Commerce for Travel and Tourism.'';~~

~~(2) by striking the following item:~~

~~''Under Secretary of Commerce for Oceans and Atmosphere, the incumbent of which also serves as Administrator of the National Oceanic and Atmospheric Administration.'';~~ ~~and~~

~~(3) by striking the following item:~~

~~''Under Secretary of Commerce for Technology.''.~~

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

~~(1) by striking the following items:~~

~~''Assistant Secretaries of Commerce (11).'';~~

~~(2) by striking the following item:~~

~~''General Counsel of the Department of Commerce.'';~~

~~(3) by striking the following item:~~

~~''Assistant Secretary of Commerce for Oceans and Atmosphere, the incumbent of which also serves as Deputy Administrator of the National Oceanic and Atmospheric Administration.'';~~

~~(4) by striking the following item:~~

~~''Director, National Institute of Standards and Technology, Department of Commerce.'';~~

~~(5) by striking the following item:~~

~~''Inspector General, Department of Commerce.'';~~

~~(6) by striking the following item:~~

~~''Chief Financial Officer, Department of Commerce.''; and~~

~~(7) by striking the following item:~~

~~''Director, Bureau of the Census, Department of Commerce.''.~~

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

~~(1) by striking the following item:~~

~~''Director, United States Travel Service, Department of Commerce.''; and~~

~~(2) by striking the following item:~~

~~''National Export Expansion Coordinator, Department of Commerce.''.~~

~~(g) INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—~~

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

~~(2) in section 11(1), by striking ''Commerce,''; and~~

~~(3) in section 11(2), by striking ''Commerce,''.~~

~~SEC. 109. EFFECTIVE DATE.~~

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

~~(b) PROVISIONS EFFECTIVE ON DATE OF ENACTMENT.—The following provisions of this title shall take effect on the date of the enactment of this Act:~~

~~(1) Section 101(b).~~

~~(2) Section 106(c).~~

~~(3) Section 107.~~

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

~~SEC. 201. ECONOMIC DEVELOPMENT.~~

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

~~(b) TRANSFER OF FINANCIAL OBLIGATIONS OWED TO THE DEPARTMENT.—There are transferred to the Secretary of the Treasury the loans, notes, bonds, debentures, securities, and other financial obligations owned by the~~

~~Department of Commerce under the Public Works and Economic Development Act of 1965, together with all assets or other rights (including security interests) incident thereto, and all liabilities related thereto. There are assigned to the Secretary of the Treasury the functions, powers, and abilities vested in or delegated to the Secretary of Commerce or the Department of Commerce to manage, service, collect, sell, dispose of, or otherwise realize proceeds on obligations owed to the Department of Commerce under authority of such Act with respect to any loans, obligations, or guarantees made or issued by the Department of Commerce pursuant to such Act.~~

~~(c) AUDIT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall conduct an audit of all grants made or issued by the Department of Commerce under the Public Works and Economic Development Act of 1965 in fiscal year 1995 and all loans, obligations, and guarantees and shall transmit to Congress a report on the results of such audit.~~

~~SEC. 202. EXPORT CONTROL FUNCTIONS.~~

~~(a) TRANSFER TO SECRETARY OF DEFENSE.—~~

~~(1) IN GENERAL.—Except as provided in this section, all functions of the Secretary of Commerce, the Under Secretary of Commerce for Export Administration, the 2 Assistant Secretaries of Com-~~

~~merce appointed under section 15(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2414(a)), and the Department of Commerce, on the day before the effective date specified in section 109(a), under the Export Administration Act of 1979 are transferred to the Secretary of Defense.~~

~~(2) CONSULTATION WITH USTR.—The Secretary of Defense shall consult with the United States Trade Representative with respect to any licensing decision under the Export Administration Act of 1979.~~

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

~~(c) ENFORCEMENT.—~~

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

~~2412(c), (d), and (e)) are transferred to the Secretary of the Treasury.~~

~~(2) TRANSFER OF ENFORCEMENT PERSONNEL.—Not more than 60 United States special agents of the Bureau of Export Administration of the Department of Commerce who, on the day before the effective date specified in section 109(a), were assigned to perform functions under section 12(a) of the Export Administration Act of 1979 may be transferred to the Customs Service to carry out functions transferred by paragraph (1). The Director of the Office of Management and Budget shall determine the special agents to be transferred under this paragraph.~~

~~(d) ANTI-BOYCOTT COMPLIANCE.—All functions of the Secretary of Commerce and the Department of Commerce, on the day before the effective date specified in section 109(a), under section 8 of the Export Administration Act of 1979 (50 U.S.C. App. 2407), and under all other provisions of that Act to the extent that such provisions apply to section 8, are transferred to the Attorney General.~~

~~(e) TERMINATION OF OFFICE OF FOREIGN AVAILABILITY; APPOINTMENT OF INDUSTRIES BOARD.—~~

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

~~(2) CONFORMING AMENDMENT.—Section 5(f) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(f)) is amended by striking paragraph (6).~~

~~(3) APPOINTMENT OF INDUSTRIES BOARD.—The President shall appoint an industries board, composed of representatives of industries affected by matters relating to foreign availability under the Export Administration Act of 1979, to advise the Secretary of State with respect to such matters, except that no Federal funds may be made available to the industries board to carry out its functions.~~

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

~~(g) TECHNICAL AND CONFORMING AMENDMENTS.—~~

~~(1) Section 15 of the Export Administration Act of 1979 (50 U.S.C. App. 2414(a)) is amended by striking subsection (a) and inserting the following: ''(a) [Reserved].''.~~

~~(2) The Office of the Under Secretary of Commerce for Export Administration is abolished.~~

~~SEC. 203. NATIONAL SECURITY FUNCTIONS.~~

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

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

~~(2) under section 309 of the Defense Production Act of 1950 (50 U.S.C. App. 2099) are transferred to the Secretary of Defense; and~~

~~(3) under section 722 of the Defense Production Act of 1950 (50 U.S.C. App. 2171) are transferred to the Secretary of the Treasury.~~

~~(b) NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE COUNCIL.—Section 2502(b) of title 10, United States Code, is amended by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.~~

~~(c) APPOINTMENT OF COMMITTEES OF INDUSTRY REPRESENTATIVES.—The President should appoint committees composed of representatives of appropriate industries to advise the National Security Council with respect to those matters affecting industry addressed by the Secretary of Commerce to the National Security Council before the effective date specified in section 109(a).~~

~~SEC. 204. INTERNATIONAL TRADE FUNCTIONS.~~

~~(a) TARIFF ACT OF 1930; URUGUAY ROUND AGREEMENTS ACT.—~~

~~(1) TRANSFER TO UNITED STATES TRADE REPRESENTATIVE.—All functions of the International Trade Administration of the Department of Commerce, immediately before the effective date specified in section 109(a), under titles III and VII of the Tariff Act of 1930, and all functions of the administering authority or the Secretary of Commerce under the Uruguay Round Agreements Act, are transferred to the United States Trade Representative.~~

~~(2) CONFORMING AMENDMENT.—Section 771(1) of the Tariff Act of 1930 (19 U.S.C. 1677(1)) is amended by striking ''Secretary of Commerce'' and inserting ''United States Trade Representative''.~~

~~(b) FOREIGN TRADE ZONES BOARD.—Subsection (b) of the first section of the Act of June 18, 1934 (commonly known as the ''Foreign Trade Zones Act'') (48 Stat. 999, chapter 590; 19 U.S.C. 81a(b)) is amended by striking ''Secretary of Commerce, who shall be chairman and executive officer of the Board, the Secretary of the Treasury'' and inserting ''Secretary of the Treasury, who shall be chairman and executive officer of the Board, the United States Trade Representative''.~~

~~(c) UNITED STATES AND FOREIGN COMMERCIAL SERVICE.—~~

~~(1) RENAMING AND ABOLITION OF CERTAIN FUNCTIONS.—The United States and Foreign Commercial Service shall, upon the effective date specified in section 109(a), be known as the ''United States Foreign Commercial Service'' (hereafter in this subsection referred to as the ''Commercial Service''). All operations of the Commercial Service in the United States (other than those performed at the headquarters office referred to in section 2301(c) of the Export Enhancement Act of 1988 (15 U.S.C. 4721(c)) with respect to the foreign operations of the Commercial Service) are abolished.~~

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

~~United States Trade Representative. All functions performed immediately before the effective date specified in section 109(a) by the Secretary of Commerce or the Department of Commerce with respect to the Commercial Service are transferred to the United States Trade Representative.~~

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

~~(B) Section 5315 of title 5, United States Code, is amended by striking ''Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service'' and inserting ''Director General of the United States Foreign Commercial Service.''.~~

~~(C) The individual serving as Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service immediately before the effective date specified in section 109(a) may serve as the Director General of the United States Foreign Commercial Service on and after such effective date until a successor has taken office. Compensation for any service under this subparagraph shall be at the rate at which the individ-~~

~~ual was compensated immediately before the effective date specified in section 109(a).~~

~~(4) TRANSFER OF COMMERCIAL SERVICE OFFICERS.—The transfer to the United States Trade Representative pursuant to this section of any Commercial Service Officer serving immediately before the effective date specified in section 109(a) shall not cause such officer to be reduced in rank, grade, or compensation.~~

~~(d) EXPORT PROMOTION PROGRAMS.—~~

~~(1) TRANSFER.—All export promotion programs (as defined in section 201(d) of the Export Administration Amendments Act of 1985 (15 U.S.C. 4051(d))) carried out by the Secretary of Commerce or the Department of Commerce immediately before the effective date specified in section 109(a) are transferred to the United States Trade Representative.~~

~~(2) PRIVATE FUNDING.—With respect to any program transferred under paragraph (1), no funds made available to the United States Trade Representative may be used in carrying out such program, but the United States Trade Representative may require the persons to whom services are provided by the Office of the United States Trade Rep-~~

~~resentative under such program to pay for such services.~~

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

~~(f) INTERNATIONAL ECONOMIC POLICY.—All functions performed by the Assistant Secretary of Commerce for International Economic Policy and the Office of International Economic Policy of the Department of Commerce immediately before the effective date specified in section 109(a) are abolished.~~

~~(g) FUNCTIONS WITH RESPECT TO TEXTILE AGREEMENTS.—~~

~~(1) TRANSFER OF FUNCTIONS.—Notwithstanding the provisions of Executive Order 11651 and Executive Order 12475 (7 U.S.C. 1854 note), the functions of the Committee for the Implementation of Textile Agreements (hereafter in this subsection referred to as "CITA") are transferred as follows:~~

~~(A) All functions related to policy formulation for textile and apparel trade, including the negotiation and implementation of textile and apparel trade agreements, and all related activities performed by CITA immediately before the~~

~~effective date specified in section 109(a), and not specified in paragraphs (2) through (4), are transferred to the United States Trade Representative.~~

~~(B) All functions related to economic analysis of textile and apparel trade patterns, determination of serious damage, or actual threat thereof, to domestic United States industry and related safeguards matters, including the transitional safeguard provisions under Article 6 of the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)), and analysis of the impact of foreign tariff and nontariff barriers on textile and apparel trade, and all related activities performed by CITA immediately before the effective date specified in section 109(a), are transferred to the United States Trade Representative.~~

~~(C) All functions related to the promotion and foreign market expansion of United States textile and apparel production are transferred to the United States Foreign Commercial Service.~~

~~(D) All functions related to monitoring quota utilization and enforcement, and actions to address the circumvention of quotas, as described in the statement of administrative action accompanying the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)), are transferred to the Secretary of the Treasury.~~

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

~~(h) FAIR TRADE IN AUTO PARTS.—All functions of the Secretary of Commerce under the Fair Trade in Auto Parts Act of 1988 (15 U.S.C. 4701 et seq.) are transferred to the International Trade Commission.~~

~~(i) OTHER TRADE FUNCTIONS.—~~

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

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

~~4001 through 4003), and the Office of Export Trade established under section 104 of that Act, are abolished.~~

~~(B) The functions of the Secretary of Commerce under title III of the Act of October 8, 1982 (15 U.S.C. 4011 et seq.), are transferred to the Secretary of the Treasury.~~

~~(C) CONFORMING AMENDMENTS.—(i) The Export Trading Company Act of 1982 (15 U.S.C. 4001 through 4003) is repealed.~~

~~(ii) The section heading for section 301 of the Export Trading Company Act of 1982 (15 U.S.C. 4011), is amended by striking ''COMMERCE'' and inserting ''TREASURY''.~~

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

~~(j) APPOINTMENT OF INDUSTRIES BOARDS.—The President shall appoint industries boards, composed of representatives of industries in the private sector, to advise the Secretary of the Treasury and the United States Trade Representative with respect to functions transferred to them under this section.~~

~~(k) GIFTS AND BEQUESTS.—~~

~~(1) IN GENERAL.—The Secretary of State, the Secretary of the Treasury, and the United States Trade Representative are authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the performance of functions transferred to them under this section and section 202. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the United States Treasury in a separate fund and shall be disbursed on order of the Secretary of State, the Secretary of the Treasury, or the United States Trade Representative. Property accepted pursuant to this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.~~

~~(2) TAX TREATMENT.—For the purpose of Federal income, estate, and gift taxes, and State taxes, property accepted under subsection (a) shall be considered a gift or bequest to or for use of the United States.~~

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

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

~~(l) INFORMATION SHARING.—It is the sense of the Congress that any department or agency of the United States that compiles information on international economics or trade make that information available to other departments and agencies performing functions relating to international trade.~~

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

~~SEC. 205. PATENT AND TRADEMARK OFFICE.~~

~~(a) TRANSFER TO DEPARTMENT OF JUSTICE.—Effective as of the date specified in section 109(a)—~~

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

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

~~(b) FUNDING.—~~

~~(1) COSTS PAID FROM FEES.—All costs of the activities of the Patent and Trademark Office shall be paid from fees paid to the Office under title 35, United States Code, the Act of July 5, 1946 (commonly known as the ''Trademark Act of 1946'') (60 Stat. 427 et seq., chapter 540; 15 U.S.C. 1051 et seq.), section 10101 of the Omnibus Budget Reconciliation Act of 1990 (35 U.S.C. 41 note), or other provision of law.~~

~~(2) FUNDS AVAILABLE WITHOUT APPROPRIATION.—(A) Section 42(c) of title 35, United States Code, is amended by striking ''to carry out, to the extent provided in appropriation Acts,'' and inserting '', without appropriation, to carry out''.~~

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

~~in appropriation Acts'' and inserting ''without appropriation''.~~

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

~~''(f) The Commissioner may adjust the fees established under this section on October 1 of each year to cover the estimated cost to the activities of the Office.''.~~

~~(d) SERVICE OF INCUMBENTS.—Those individuals serving as Commissioner of Patents and Trademarks, Deputy Commissioner of Patents and Trademarks, Assistant Commissioner of Patents, and Assistant Commissioner of Trademarks, immediately before the effective date specified in section 109(a), may continue in such office on and after such effective date until a successor has taken office. Compensation for any service under this subsection shall be at the rate at which the individual was compensated immediately before the effective date specified in section 109(a).~~

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

~~(f) TECHNICAL AND CONFORMING AMENDMENTS.—~~

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

"§ 1. Establishment

''The Patent and Trademark Office is an agency of the United States within the Department of Justice, where records, books, drawings, specifications, and other papers and things pertaining to patents and trademark registrations shall be kept and preserved, except as otherwise provided by law.''.

(2) Title 35, United States Code, is amended by striking ''Secretary of Commerce'' each place it appears and inserting ''Attorney General''.

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

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

''Commissioner of Patents, Department of Commerce.''

and inserting

''Commissioner of Patents and Trademarks.''.

SEC. 206. TECHNOLOGY ADMINISTRATION.

(a) TECHNOLOGY ADMINISTRATION.—

(1) GENERAL RULE.—Except as otherwise provided in this section, the Technology Administration

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

~~(2) OFFICE OF TECHNOLOGY POLICY.—The Office of Technology Policy is hereby terminated.~~

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

~~(1) GENERAL RULE.—Except as otherwise provided in this subsection, the National Institute of Standards and Technology (in this subsection referred to as the ''Institute'') shall be transferred to the National Science Foundation.~~

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

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

~~(B) The Commerce Programs Resolution Agency shall attempt to sell the property of the laboratories of the Institute, within 18 months after the effective date specified in section 213(a), to a private sector entity intending to perform substantially the same functions as were performed by the laboratories of the Institute immediately before such effective date.~~

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

~~(c) NATIONAL TECHNICAL INFORMATION SERVICE.—~~

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

~~Information Service immediately before such effective date.~~

~~(2) RECOMMENDATIONS.—If no offer to purchase property under paragraph (1) is received within the 18-month period described in such paragraph, the Commerce Programs Resolution Agency shall submit a report to the Congress containing recommendations on the appropriate disposition of the property and functions of the National Technical Information Service.~~

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

~~(d) AMENDMENTS.—~~

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

~~(A) in section 2—~~

~~(i) in subsection (b)—~~

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

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

~~(ii) in subsection (d), by striking ‘‘, including the programs established under sections 25, 26, and 28 of this Act’’;~~

~~(B) in section 10, by striking ‘‘Advanced’’ in both the section heading and subsection (a), and inserting in lieu thereof ‘‘Standards and’’; and~~

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

~~(2) STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended—~~

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

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

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

~~(D) in section 11—~~

~~(i) in subsection (c)(3), by striking ‘‘, the Federal Laboratory Consortium for Technology Transfer,’’;~~

~~(ii) in subsection (d)—~~

~~(I) in paragraph (2), by striking ‘‘and the Federal Laboratory Consortium for Technology Transfer’’; and~~

~~(II) in paragraph (3), by striking ‘‘, and refer such requests’’ and all that follows through ‘‘available to the Service’’; and~~

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

~~(E) in section 17—~~

~~(i) in subsection (c)—~~

~~(I) in paragraph (1), by striking ‘‘Subject to paragraph (2), separate’’ and inserting ‘‘Separate’’;~~

~~(II) by striking paragraph (2); and~~

~~(III) by redesignating paragraph (3) as paragraph (2); and~~

~~(ii) in subsection (f), by inserting ‘‘administrative’’ after ‘‘funds to carry out’’.~~

~~**SEC. 207. REORGANIZATION OF THE BUREAU OF THE CENSUS.**~~

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

~~(1) the Bureau of the Census shall be transferred to the Department of the Treasury; and~~

~~(2) all functions which, immediately before such date, are functions of the Secretary of Commerce under title 13, United States Code, shall be transferred to the Secretary of the Treasury.~~

~~(b) INTERIM SERVICE.—The individual serving as the Director of the Census immediately before the reorganization under this section takes effect may continue serving in that capacity until a successor has taken office. Compensation for any service under this subsection shall be at the rate at which such individual was compensated immediately before the effective date of the reorganization.~~

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

~~(1) make appropriate use of any authority afforded to it by the Census Address List Improvement Act of 1994 (Public Law 103–430; 108 Stat. 4393), and take measures to ensure the timely implementation of such Act; and~~

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

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

~~(1) TRANSFER OF THE BUREAU TO THE DEPARTMENT OF THE TREASURY.—(A) Section 2 of title 13, United States Code, is amended by striking ''is continued as'' and all that follows through the period and inserting ''is an agency within, and under the jurisdiction of, the Department of the Treasury.''.~~

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

~~(2) DEFINITION OF SECRETARY.—Section 1(2) of title 13, United States Code, is amended by striking ''Secretary of Commerce'' and inserting ''Secretary of the Treasury''.~~

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

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

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

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

~~(i) by striking ''Secretary of the Treasury'' each place it appears and inserting ''Secretary''; and~~

~~(ii) by striking ''Secretary of Commerce'' and inserting ''Secretary''.~~

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

~~(I) by striking ''Department of Commerce'' and inserting ''Federal Reserve System''; and~~

~~(II) by striking ''Secretary of Commerce'' and inserting ''Secretary''.~~

~~(ii) Section 8(e) of the Foreign Direct Investment and International Financial Data Improvements Act of 1990 (22 U.S.C. 3144(e)) is amended by striking ''Secretary of Commerce'' and inserting ''Secretary of the Treasury''.~~

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

~~''Director of the Census, Department of the Treasury.''.~~

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

~~''(c)(1) Nothing in subsection (a)(3) shall be considered to permit the disclosure of any matter or information to an officer or employee of the Department of the Treasury who is not referred to in subchapter II if, immediately before the date specified in section 213(a) of the Department of Commerce Dismantling Act, such disclosure (if then made by an officer or employee of the Department of Commerce) would have been impermissible under this section (as then in effect).~~

~~''(2) Paragraph (1) shall not apply with respect to any disclosure made to the Secretary.''.~~

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

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

~~SEC. 208. REORGANIZATION OF THE BUREAU OF ECONOMIC ANALYSIS.~~

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

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

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

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

~~(c) REPORTS.—Not later than 18 months after the date of enactment of this Act, the Director of the Bureau of Economic Analysis shall submit to the Congress a written report on—~~

~~(1) the availability of any private sector resources that may be capable of performing any or all of the functions of the Bureau of Economic Analysis, and the feasibility of having any such functions so performed; and~~

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

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

~~SEC. 209. TERMINATED FUNCTIONS OF NTIA.~~

~~The following provisions of law are repealed:~~

~~(1) Subpart A of part IV of title III of the Communications Act of 1934 (47 U.S.C. 390 et seq.), relating to assistance for public telecommunications facilities.~~

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

~~seq.), relating to the Endowment for Children's Educational Television.~~

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

~~SEC. 210. TRANSFER OF SPECTRUM MANAGEMENT FUNCTIONS.~~

~~There are transferred to the Chairman of the Federal Communications Commission all functions of the Secretary of Commerce, the Assistant Secretary of Commerce for Communications and Information, and the National Telecommunications and Information Administration under parts A and B of the National Telecommunication and Information Administration Organization Act.~~

~~SEC. 211. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.~~

~~(a) TERMINATION OF AUTHORITY TO MAKE FISHERIES GRANTS.—No financial assistance may be provided under any of the following laws, except to the extent the provision of that assistance is a contractual obligation of the United States on the day before the effective date of this section:~~

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

~~(2) Section 1 of the Act entitled ''An Act to authorize addition of certain donated lands to the Everglades National Park'', approved September 2, 1960 (16 U.S.C. 753a).~~

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

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

~~(5) Provisions of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and the Department of Commerce Appropriation Act of 1994 that authorize assistance to State fishery agencies to enhance their data collection and analysis systems to respond to coastwise fisheries management needs.~~

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

~~(7) Provisions of the Fish and Wildlife Act of 1956 and the Department of Commerce Appropriation Act of 1994 that authorize assistance to State for a cooperative State and Federal partnership to provide a continuing source of fisheries statistics to~~

~~support fisheries management in the States' territorial waters and the United States exclusive economic zone.~~

~~(8) Provisions of the Fish and Wildlife Act of 1956 and the Department of Commerce Appropriation Act of 1994 that authorize assistance to States for a cooperative program that engages State and Federal agencies in the coordinated collection, management, and dissemination of fishery-independent information on marine fisheries in support of State territorial waters and the United States exclusive economic zone fisheries management programs.~~

~~(9) Provisions of the Act of May 11, 1938, popularly known as the ''Mitchell Act'' (52 Stat. 345 et seq., chapter 193; 16 U.S.C. 755 et seq.), and the Department of Commerce Appropriation Act of 1994 that authorize assistance to State fisheries agencies in the Pacific Northwest to protect and enhance salmon and steelhead resources in the region.~~

~~(10) Provisions of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3631 et seq.) and the Department of Commerce Appropriation Act of 1994 that authorize assistance to States in fulfilling responsibilities under the Pacific Salmon Treaty by providing administrative, management, and applied~~

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

~~(11) Provisions of titles I and II of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371–1384) and the Department of Commerce Appropriation Act of 1994 which authorize assistance to State agencies for the collection and analysis of information on marine mammals that occur in the State waters and interact with State managed fisheries.~~

~~(12) Provisions of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3631 et seq.) and the Department of Commerce Appropriation Act of 1994 that—~~

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

~~(B) help implement a 1989 ''Understanding between the United States and Canadian Sections of the Pacific Salmon Commission Concerning Joint Enhancement of Transboundary River Salmon Stocks''.~~

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

~~(c) CONFORMING AMENDMENT TO TERMINATE FISHERIES PROMOTION AND DEVELOPMENT TRANSFERS AND FUNDS.—~~

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

~~(2) REVERSION.—Amounts remaining, on the effective date of this section, in the funds established under section 2(b) of the Act of August 11, 1939, as in effect on the day before the date of enactment of this Act, that are not required for the provision of financial assistance that is not otherwise terminated by this section shall revert to the general fund of the Treasury.~~

~~(d) TERMINATION OF AUTHORITY TO GUARANTEE OBLIGATIONS FOR FISHING VESSEL AND FISHING FACILITY CONSTRUCTION, ETC.—No new guarantee of an obligation or commitment to guarantee an obligation under title XI of the Merchant Marine Act, 1936 (46 App.~~

~~U.S.C. 1271 et seq.) may be made under authority that was vested in the Secretary of Commerce on the day before the effective date of this section (relating to obligations for fishing vessels or fishing facilities), except to the extent the making of such a guarantee was a contractual obligation of the United States on the day before that effective date.~~

~~(e) TERMINATION OF COMPENSATION UNDER FISHERMEN'S PROTECTIVE ACT OF 1967.—No compensation may be paid under section 10 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1980), relating to compensation for damage, loss, or destruction of fishing vessels or fishing gear, except to the extent the compensation was awarded before the effective date of this section.~~

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

~~(g) TERMINATION OF MISCELLANEOUS RESEARCH FUNCTIONS.—The following functions, as vested in personnel of the National Oceanic and Atmospheric Adminis-~~

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

~~(1) All observation and prediction functions relating to pollution research.~~

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

~~(h) TERMINATION OF NOAA CORPS.—~~

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

~~(2) DISPOSITION OF ASSETS.—The Administrator of the Commerce Programs Resolution Agency shall attempt to sell the assets of the National Oceanic and Atmospheric Administration Corps, within 18 months after the effective date specified in section 213(a), to a private sector entity intending to perform substantially the same functions as were performed by the National Oceanic and Atmospheric Administration Corps immediately before such effective date.~~

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

~~to the Congress containing recommendations on the appropriate disposition of the assets and functions of the National Oceanic and Atmospheric Administration Corps.~~

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

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

~~(2) shall promptly dispose of all assets comprising the National Oceanic and Atmospheric Administration fleet; and~~

~~(3) may not purchase any vessels for the National Oceanic and Atmospheric Administration.~~

~~(j) OFFICE OF OCEANIC AND ATMOSPHIERIC RESEARCH.—~~

~~(1) IN GENERAL.—Except as otherwise provided in paragraph (2) or (3), the Office of Oceanic and Atmospheric Research shall be terminated.~~

~~(2) WEATHER RESEARCH.—Functions relating to weather research of the Office of Oceanic and Atmospheric Research shall be transferred to the National Weather Service.~~

~~(3) LABORATORIES.—(A) The laboratories of the Office of Oceanic and Atmospheric Research shall be transferred to the Commerce Programs Resolution Agency.~~

~~(B) The Commerce Programs Resolution Agency shall attempt to sell the property of the laboratories of the Office of Oceanic and Atmospheric Research, within 18 months after the effective date specified in section 213(a), to a private sector entity intending to perform substantially the same functions as were performed by the laboratories of the Office of Oceanic and Atmospheric Research immediately before such effective date.~~

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

~~(k) NAUTICAL AND AERONAUTICAL CHARTING.—~~

~~(1) IN GENERAL.—The nautical and aeronautical charting functions of the National Oceanic and~~

~~Atmospheric Administration shall be transferred to the Defense Mapping Agency.~~

~~(2) DEFENSE MAPPING AGENCY.—The Defense Mapping Agency shall terminate any functions transferred to it under paragraph (1) that are performed by the private sector.~~

~~(l) NESDIS.—~~

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

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

~~(B) The Commerce Programs Resolution Agency shall attempt to sell the property of the National Environmental Satellite, Data, and Information System Data Centers, within 18 months after the effective date specified in section 213(a), to a private sector entity intending to perform substantially the same functions as were performed by the National Environmental Satellite, Data, and Information System Data Centers immediately before such effective date.~~

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

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

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

~~(m) NATIONAL WEATHER SERVICE.—~~

~~(1) IN GENERAL.—The National Weather Service is hereby transferred to the Department of the Interior.~~

~~(2) TERMINATION OF SERVICES.—(A) The National Weather Service shall terminate its specialized agricultural, Marine Radiofax, and forestry weather services, and its Regional Climate Centers.~~

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

~~(n) NATIONAL MARINE FISHERIES SERVICE.—~~

~~(1) TRANSFER OF ENFORCEMENT FUNCTIONS.—There are transferred to the Secretary of Transportation all functions relating to law enforce-~~

~~ment that on the day before the effective date of this section were authorized to be performed by the National Marine Fisheries Service.~~

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

~~(3) TRANSFER OF SEAFOOD INSPECTION FUNCTIONS.—There are transferred to the Secretary of Agriculture all functions relating to seafood inspection that on the day before the effective date of this section were authorized to be performed by the National Marine Fisheries Service.~~

~~(o) NATIONAL OCEAN SERVICE.—~~

~~(1) TRANSFER OF GEODESY FUNCTIONS.—There are transferred to the Director of the United States Geological Survey all functions relating to geodesy that on the day before the effective date of this section were authorized to be performed by the National Ocean Service.~~

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

~~marine and estuarine sanctuaries that on the day before the effective date of this section were authorized to be performed by the National Ocean Service.~~

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

~~(1) TRANSFER.—The environmental research laboratories of the National Oceanic and Atmospheric Administration (other than laboratories of the Office of Oceanic and Atmospheric Research, referred to in subsection (j)) shall be transferred to the Commerce Programs Resolution Agency.~~

~~(2) DISPOSAL.—The Commerce Programs Resolution Agency shall attempt to sell the property of the laboratories transferred under paragraph (1), within 18 months after the effective date specified in section 213(a), to a private sector entity intending to perform substantially the same functions as were performed by the laboratories before such effective date.~~

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

~~SEC. 212. MISCELLANEOUS ABOLISHMENTS.~~

~~The following agencies and programs of the Department of Commerce are abolished, and the functions of those agencies or programs are abolished except to the extent otherwise provided in this Act:~~

~~(1) The Economic Development Administration.~~

~~(2) The Minority Business Development Administration.~~

~~(3) The United States Travel and Tourism Administration.~~

~~(4) The National Telecommunications and Information Administration.~~

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

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

~~SEC. 213. EFFECTIVE DATE.~~

~~(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect on the effective date specified in section 109(a).~~

~~(b) PROVISIONS EFFECTIVE ON DATE OF ENACTMENT.—The following provisions of this title shall take effect on the date of the enactment of this Act:~~

~~(1) Section 201.~~

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

~~(3) Section 212.~~

~~SEC. 214. SENSE OF CONGRESS REGARDING USER FEES.~~

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

~~TITLE III—MISCELLANEOUS PROVISIONS~~

~~SEC. 301. REFERENCES.~~

~~Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to an office from which a function is transferred by this Act—~~

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

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

~~SEC. 302. EXERCISE OF AUTHORITIES.~~

~~Except as otherwise provided by law, a Federal official to whom a function is transferred by this Act may, for purposes of performing the function, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this Act.~~

~~SEC. 303. SAVINGS PROVISIONS.~~

~~(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—~~

~~(1) that have been issued, made, granted, or allowed to become effective by the President, the Secretary of Commerce, any officer or employee of any office transferred by this Act, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this Act, and~~

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

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

~~accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law.~~

~~(b) PROCEEDINGS.—This Act shall not affect any proceedings or any application for any benefits, service, license, permit, certificate, or financial assistance pending on the date of the enactment of this Act before an office transferred by this Act, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.~~

~~(c) SUITS.—This Act shall not affect suits commenced before the date of the enactment of this Act, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.~~

~~(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of Commerce or the Secretary of Commerce, or by or against any individual in the official capacity of such individual as an officer or employee of an office transferred by this Act, shall abate by reason of the enactment of this Act.~~

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

~~SEC. 304. TRANSFER OF ASSETS.~~

~~Except as otherwise provided in this Act, so much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with a function transferred to an official or agency by this Act shall be available to the official or the head of that agency, respectively, at such time or times as the Director of the Office of Management and Budget~~

~~directs for use in connection with the functions transferred.~~

~~SEC. 305. DELEGATION AND ASSIGNMENT.~~

~~Except as otherwise expressly prohibited by law or otherwise provided in this Act, an official to whom functions are transferred under this Act (including the head of any office to which functions are transferred under this Act) may delegate any of the functions so transferred to such officers and employees of the office of the official as the official may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions under this section or under any other provision of this Act shall relieve the official to whom a function is transferred under this Act of responsibility for the administration of the function.~~

~~SEC. 306. AUTHORITY OF ADMINISTRATOR WITH RESPECT TO FUNCTIONS TRANSFERRED.~~

~~(a) DETERMINATIONS.—If necessary, the Administrator shall make any determination of the functions that are transferred under this Act.~~

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

~~assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this Act. The Administrator shall provide for the termination of the affairs of all entities terminated by this Act and for such further measures and dispositions as may be necessary to effectuate the purposes of this Act.~~

~~SEC. 307. PROPOSED CHANGES IN LAW.~~

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

~~SEC. 308. CERTAIN VESTING OF FUNCTIONS CONSIDERED TRANSFERS.~~

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

~~SEC. 309. DEFINITIONS.~~

~~For purposes of this Act, the following definitions apply:~~

~~(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Commerce Programs Resolution Agency.~~

~~(2) AGENCY.—The term ''Agency'' means the Commerce Programs Resolution Agency.~~

~~(3) FUNCTION.—The term ''function'' includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.~~

~~(4) OFFICE.—The term ''office'' includes any office, administration, agency, bureau, institute, council, unit, organizational entity, or component thereof.~~

~~(5) WIND-UP PERIOD.—The term ''wind-up period'' means the period beginning on the effective date specified in section 109(a) and ending on the termination date specified in section 106(d).~~

~~SEC. 310. LIMITATION ON ANNUAL EXPENDITURES FOR CONTINUED FUNCTIONS.~~

~~The amount expended by the United States each fiscal year for performance of a function which immediately before the effective date of this section was authorized to be performed by an agency, officer, or employee of the Department of Commerce may not exceed 75 percent of the total amount expended by the United States for performance of that function during fiscal year 1994.~~

1 ***SECTION 1. SHORT TITLE.***

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

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

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

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

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings.
Sec. 102. Purposes.
Sec. 103. Definitions.

TITLE II—UNITED STATES TRADE ADMINISTRATION

Subtitle A—Establishment

Sec. 201. Establishment of the Administration.
Sec. 202. Functions of the USTR.

Subtitle B—Officers

Sec. 211. Deputy Administrator of the United States Trade Administration.
Sec. 212. Deputy United States Trade Representatives.
Sec. 213. Assistant Administrators.
Sec. 214. Director General of the Commercial Service.
Sec. 215. General Counsel.
Sec. 216. Inspector General.
Sec. 217. Chief Financial Officer.

Subtitle C—Transfers to the Administration

Sec. 221. Office of the United States Trade Representative.
Sec. 222. Transfers from the Department of Commerce.
Sec. 223. Transfer of the Export-Import Bank.
Sec. 224. Overseas Private Investment Corporation.
Sec. 225. Trade and Development Agency.
Sec. 226. Miscellaneous export promotion related functions.

Subtitle D—Termination Provisions

Sec. 231. Terminations of administrative units of the Department of Commerce.
Sec. 232. Termination of the Department of Commerce.

Subtitle E—Administrative Provisions

Sec. 241. Personnel provisions.
Sec. 242. Delegation and assignment.
Sec. 243. Succession.
Sec. 244. Reorganization.
Sec. 245. Rules.
Sec. 246. Contracts, grants, and cooperative agreements.

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

Subtitle F—Related Agencies

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

Subtitle G—Conforming Amendments

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

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

Subtitle A—Establishment of Administration

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

Subtitle B—Streamlining Provisions

Sec. 311. Personnel reductions.
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Sec. 322. Delegation.
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Sec. 328. Facilities at remote locations.
Sec. 329. Copyrights and patents.
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Sec. 331. Transfers of funds from other Federal agencies.
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Sec. 333. Status of Administration under certain laws.
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TITLE IV—ESTABLISHMENT OF THE OFFICE OF PATENTS, TRADEMARKS, AND STANDARDS

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Sec. 402. Establishment of the Office of Patents, Trademarks, and Standards.
Sec. 403. Functions.
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Sec. 411. Rules.
Sec. 412. Delegation.
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Sec. 414. Contracts.
Sec. 415. Copyrights and patents.
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Sec. 417. Transfers of funds from other Federal agencies.
Sec. 418. Seal of Office.
Sec. 419. Status of Office under certain laws.

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Sec. 421. Patent and Trademark Office.
Sec. 422. National Institute of Standards and Technology.
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TITLE V—GOVERNMENT 2000 COMMISSION

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TITLE I—GENERAL PROVISIONS

SEC. 101. FINDINGS.

The Congress finds that—

(1) the Federal Government's organization structure is characterized by huge, hierarchical bureaucracies with wholesale duplication, overlap, and fragmentation in functions and spending;

(2) the Department of Commerce is a microcosm of this obsolete, dysfunctional structure, resembling a loosely knitted ''holding company'' of agencies pursuing unrelated missions, with no single mission or function as an exclusive province, and responsibility for its functions shared with over 70 other Federal entities;

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

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

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

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

(C) expand United States participation in international trade through aggressive promotion and marketing of American products and services;

(5) the economy of the United States is so inextricably linked with the international economic system that all domestic economic sectors are influenced by the dynamics of global trade and investment;

(6) the expansion of United States participation in international trade will advance the general welfare of the people of the United States by improving the competitiveness of American businesses, increasing demand for American products and services, creating jobs, and increasing the gross national product;

(7) the Federal Government can enhance the capability of United States businesses to compete in foreign markets by acting to—

(A) reduce trade barriers to sales and investments by such businesses;

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

ticipation by the private sector in the international marketplace; and

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

(8) the present organizational structure of the Department of Commerce and other Government international trade functions is too diffuse and leads to inconsistent, conflicting, and duplicative policies and actions, which impede United States trade interests, create trade opportunities for international competitors, and weaken the overall leadership of the United States in international trade matters; and

(9) the consolidation and streamlining of Government functions relating to international trade, including functions relating to policymaking, international negotiation, technical analysis, export promotion, trade finance, and trade law administration, into a United States Trade Administration will provide the needed elevation and coordination of Government activity in international trade and will advance a decisive and unified trade policy that vigorously promotes United States trade interests.

SEC. 102. PURPOSES.

The purposes of this Act are to—

(1) eliminate the Department of Commerce and restructure its functions to put an end to wholesale duplication and fragmentation, and bring coherence to the Federal Government's management of its important missions;

(2) eliminate unnecessary layers of bureaucracy affecting trade, oceanic and atmospheric, standards, technology, statistics, and intellectual property protection activities of the Federal Government;

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

(4) enhance Federal Government trade-related activities by establishing a single, consolidated organization structure dedicated to the formulation of a decisive and unified policy that vigorously promotes American trade interests.

SEC. 103. DEFINITIONS.

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

(1) the term ''Administration'' means the United States Trade Administration;

(2) the term ''administrative and support functions'' means legal functions, investigative functions,

budget preparation and analysis functions, administrative functions, public information functions, and congressional relations functions carried out by a Federal agency, and such other support services as may be determined by the head of such agency;

(3) the term ''Federal agency'' has the meaning given to the term ''agency'' by section 551(1) of title 5, United States Code;

(4) the term ''function'' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program;

(5) the term ''office'' includes any office, administration, agency, institute, unit, organizational entity, or component thereof; and

(6) the term ''USTR'' means the United States Trade Representative as provided for under section 201.

TITLE II—UNITED STATES TRADE ADMINISTRATION

Subtitle A—Establishment

SEC. 201. ESTABLISHMENT OF THE ADMINISTRATION.

(a) IN GENERAL.—There is established the United States Trade Administration which shall be an independent establishment in the executive branch of Government as defined under section 104 of title 5, United States Code. The

USTR shall be the Administrator of the United States Trade Administration and shall be appointed by the President, by and with the advice and consent of the Senate.

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

(c) SUCCESSOR TO DEPARTMENT OF COMMERCE.—The Administration shall be deemed the successor to the Department of Commerce for purposes of protocol.

SEC. 202. FUNCTIONS OF THE USTR.

(a) IN GENERAL.—In addition to the functions transferred to the USTR by this Act, such other functions as the President may assign or delegate to the USTR, and such other functions as the USTR may, after the effective date of this Act, be required to carry out by law, the USTR shall—

(1) serve as the principal adviser to the President on international trade policy and advise the President on the impact of other policies of the United States Government on international trade;

(2) exercise primary responsibility, with the advice of the interagency organization established under section 242 of the Trade Expansion Act of 1962, for developing and implementing international trade pol-

icy, including commodity matters and, to the extent related to international trade policy, direct investment matters and, in exercising such responsibility, advance and implement the goals described in section 102 as the primary mandate of the Administration;

(3) exercise lead responsibility for the conduct of, and shall be the chief representative of the United States for, international trade negotiations, including commodity matters, intellectual property rights, services, and direct investment negotiations in which the United States participates;

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

(5) with the advice of the interagency organization established under section 242 of the Trade Expansion Act of 1962, issue policy guidance to other Federal agencies on international trade, commodity, and direct investment functions to the extent necessary to assure the coordination of international trade policy;

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

(7) exercise lead responsibility for the establishment of a national export strategy, including policies designed to implement such strategy;

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

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

(10) monitor compliance with international trade agreements;

(11) report directly to the Congress—

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

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

(12) keep each official adviser to the United States delegations to international conferences, meetings, and negotiation sessions relating to trade agreements who is appointed from the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives under section

161 of the Trade Act of 1974 currently informed on United States negotiating objectives with respect to trade agreements, the status of negotiations in progress with respect to such agreements, and the nature of any changes in domestic law or the administration thereof which the USTR may recommend to Congress to carry out any trade agreement;

(13) consult and cooperate with State and local governments and other interested parties on international trade matters of interest to such governments and parties, and to the extent related to international trade matters, on investment matters, and, when appropriate, hold informal public hearings; and

(14) serve as the principal adviser to the President on government policies that may affect the ability of American industry and services to compete in international markets.

(b) INTERAGENCY ORGANIZATION.—The USTR shall be the Chairman pro tempore of the interagency organization established under section 242 of the Trade Expansion Act of 1962.

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

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

of Agriculture on all matters that potentially involve international trade in agricultural products.

(2) If an international meeting for negotiation or consultation includes discussion of international trade in agricultural products, the USTR or the designee of the USTR shall be Chairman of the United States delegation to such meeting and the Secretary of Agriculture or the designee of such Secretary shall be Vice Chairman. The provisions of this paragraph shall not limit the authority of the USTR under subsection (g) to assign responsibility for the conduct of, or participation in, any trade negotiation or meeting to the Secretary of Agriculture.

(e) TRADE PROMOTION.—The USTR shall be Chairman of the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727).

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

(g) INTERNATIONAL TRADE NEGOTIATIONS.—Except where expressly prohibited by law, the USTR, at the request or with the concurrence of the head of any other Federal agency, may assign the responsibility for conducting or participating in any specific international trade negotiation or meeting to the head of such agency whenever the

USTR determines that the subject matter of such international trade negotiation is related to the functions carried out by such agency.

Subtitle B—Officers

SEC. 211. DEPUTY ADMINISTRATOR OF THE UNITED STATES TRADE ADMINISTRATION.

(a) ESTABLISHMENT.—There shall be in the Administration the Deputy Administrator of the United States Trade Administration, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) ABSENCE, DISABILITY, OR VACANCY OF USTR.—The Deputy Administrator of the United States Trade Administration shall act for and exercise the functions of the USTR during the absence or disability of the USTR or in the event the office of the USTR becomes vacant. The Deputy Administrator of the United States Trade Administration shall act for and exercise the functions of the USTR until the absence or disability of the USTR no longer exists or a successor to the USTR has been appointed by the President and confirmed by the Senate.

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

except those functions exercised by the Deputy United States Trade Representatives, the Inspector General, and the General Counsel of the Administration, as provided by this Act.

SEC. 212. DEPUTY UNITED STATES TRADE REPRESENTATIVES.

(a) ESTABLISHMENT.—There shall be in the Administration 2 Deputy United States Trade Representatives, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy United States Trade Representatives shall exercise all functions under the direction of the USTR, and shall include—

(1) the Deputy United States Trade Representative for Negotiations; and

(2) the Deputy United States Trade Representative to the World Trade Organization.

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

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

SEC. 213. ASSISTANT ADMINISTRATORS.

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

(1) the Assistant Administrator for Export Administration;

(2) the Assistant Administrator for Import Administration; and

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

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

(2) The Assistant Administrator for Import Administration shall exercise all functions transferred under section 222(3)(D).

(3) The Assistant Administrator for Trade and Policy Analysis shall exercise all functions transferred under section 222(3)(B) and all functions relating to the National Trade Data Bank included in the transfer of functions of the Secretary of Commerce to the USTR under section 222(1).

SEC. 214. DIRECTOR GENERAL OF THE COMMERCIAL SERVICE.

(a) ESTABLISHMENT.—There shall be a Director General of the Commercial Service, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) FUNCTIONS.—The Director General of the Commercial Service shall exercise, under the direction of the USTR, all functions transferred under section 222 (3)(A) and (4).

(c) COMMERCIAL SERVICE.—(1) The United States and Foreign Commercial Service shall be known as the Commercial Service of the United States Trade Administration.

(2) The Commercial Service and its functions are transferred to the Administration. All functions performed by the Secretary of Commerce or the Department of Commerce with respect to the Commercial Service are transferred to the Administration.

SEC. 215. GENERAL COUNSEL.

There shall be in the Administration a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall provide legal assistance to the USTR concerning the activities, programs, and policies of the Administration.

SEC. 216. INSPECTOR GENERAL.

There shall be in the Administration an Inspector General who shall be appointed in accordance with the Inspector General Act of 1978, as amended by section 261(b) of this Act.

SEC. 217. CHIEF FINANCIAL OFFICER.

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

Subtitle C—Transfers to the Administration

SEC. 221. OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

There are transferred to the USTR and the Administration all functions of the United States Trade Representative and the Office of the United States Trade Representative in the Executive Office of the President and all functions of any officer or employee of such Office.

SEC. 222. TRANSFERS FROM THE DEPARTMENT OF COMMERCE.

Except for functions transferred by titles III and IV, there are transferred to the USTR and the Administration—

(1) all functions of the Secretary of Commerce;

(2) all functions of the Department of Commerce; and

(3) all functions of, and all functions performed under the direction of, the following officers and employees of the Department of Commerce:

(A) The Under Secretary of Commerce for International Trade, and the Director General of the United States and Foreign Commercial Service, relating to all functions performed by the Service.

(B) The Assistant Secretary of Commerce for International Economic Policy and the Assistant Secretary of Commerce for Trade Development.

(C) The Under Secretary for Export Administration of the Department of Commerce.

(D) The Assistant Secretary for Import Administration of the Department of Commerce.

(E) The Under Secretary for National Telecommunications and Information Administra-

tion relating to telecommunications policy analysis in support of international trade policy and negotiations; and

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

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

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

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

(b) EX OFFICIO MEMBER OF EXPORT-IMPORT BANK BOARD OF DIRECTORS.—The Director General of the Commercial Service shall serve as an ex officio nonvoting member of the Board of Directors of the Export-Import Bank.

(c) AMENDMENTS TO RELATED BANKING AND TRADE ACTS.—Section 2301(h) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(h)) is amended to read as follows:

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

tor General of the Commercial Service of the United States Trade Administration determines necessary to assist the Export-Import Bank of the United States to carry out the lending, loan guarantee, insurance, and other activities of the Bank.''.

SEC. 224. OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) IN GENERAL.—There are transferred to the USTR all functions of the Director of the United States International Development Cooperation Agency relating to the Overseas Private Investment Corporation.

(b) EX OFFICIO MEMBER OF OVERSEAS PRIVATE INVESTMENT CORPORATION BOARD OF DIRECTORS.—The Director General of the Commercial Service shall serve as an ex officio nonvoting member of the Board of Directors of the Overseas Private Investment Corporation.

SEC. 225. TRADE AND DEVELOPMENT AGENCY.

There are transferred to the USTR all functions of the Director of the Trade and Development Agency. There are transferred to the Administration all functions of the Trade and Development Agency.

SEC. 226. MISCELLANEOUS EXPORT PROMOTION RELATED FUNCTIONS.

(a) IN GENERAL.—There are transferred to the Administration all nonagricultural export promotion related functions, including trade missions and trade assistance pro-

grams, performed by each agency with representation on the Trade Promotion Coordinating Committee under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727).

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

Subtitle D—Termination Provisions

SEC. 231. TERMINATIONS OF ADMINISTRATIVE UNITS OF THE DEPARTMENT OF COMMERCE.

(a) ECONOMIC DEVELOPMENT ADMINISTRATION.—(1) The Economic Development Administration of the Department of Commerce is terminated. The Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) is repealed.

(2) There are transferred to the Secretary of the Treasury the loans, notes, bonds, debentures, securities, and other financial obligations owned by the Department of Commerce under the Public Works and Economic Development Act of 1965, together with all assets or other rights (including security interests) incident thereto, and all liabilities related thereto. There are assigned to the Secretary of the Treasury the functions, powers, and abilities vested in or

delegated to the Secretary of Commerce or the Department of Commerce to manage, service, collect, sell, dispose of, or otherwise realize proceeds on obligations owed to the Department of Commerce under authority of such Act with respect to any loans, obligations, or guarantees made or issued by the Department of Commerce pursuant to such Act.

(3) No later than 18 months after the date of the enactment of this Act, the Comptroller General shall conduct an audit of all grants made or issued by the Department of Commerce under the Public Works and Economic Development Act of 1965 in fiscal year 1995 and all loans, obligations, and guarantees and shall transmit to Congress a report on the results of such audit.

(b) UNITED STATES TRAVEL AND TOURISM ADMINISTRATION.—The United States Travel and Tourism Administration of the Department of Commerce is terminated.

(c) NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION.—The National Telecommunications and Information Administration of the Department of Commerce is terminated, except certain telecommunication, domestic policy, and standards and laboratory functions are transferred as provided under sections 222(3)(E), 254, and 404(a)(4).

(d) OFFICE OF CHIEF ECONOMIST.—The Office of Chief Economist of the Department of Commerce is terminated.

(e) MINORITY BUSINESS DEVELOPMENT AGENCY.—The Minority Business Development Agency of the Department of Commerce is terminated and the functions of the agency are transferred to the Small Business Administration. This transfer does not include the transfer of any funds appropriated to carry out such function.

(f) NATIONAL TECHNICAL INFORMATION SERVICE.—(1) The National Technical Information Service of the Department of Commerce is terminated.

(2) During the 18-month period beginning on the effective date of this section, the General Services Administration shall attempt to sell the property of the National Technical Information Service to a private entity intending to perform substantially the same functions as were performed by the National Technical Information Service immediately before such effective date.

(3) If no offer to purchase property under paragraph (2) is received within the 18-month period described in such paragraph, the General Services Administration shall submit a report to the Congress containing recommendations on the appropriate disposition of the property of the National Technical Information Service.

(g) SPECIFIC PROGRAMS TERMINATED.—(1) The Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is terminated. Any unobligated budget authority provided for such program available as of October 1, 1995 is cancelled on such date.

(2) The Manufacturing Extension Programs under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l) is terminated. Any unobligated budget authority provided for such program available as of October 1, 1995 is cancelled on such date.

(h) TECHNOLOGY ADMINISTRATION.—The Technology Administration and the Office of Technology Policy are terminated.

(i) ADDITIONAL TRANSFERS.—(1) The infrastructure grant authorities of the Economic Development Administration are transferred to the Rural Development Administration of the Department of Agriculture. This transfer does not include the transfer of any funds appropriated to carry out such authorities.

(2) The defense conversion grant authorities of the Economic Development Administration are transferred to the Secretary of Defense. This transfer does not include the

transfer of any funds appropriated to carry out such authorities.

(j) OTHER ADMINISTRATIVE UNITS.—Any administration, bureau, agency, service, office, or other administrative unit of the Department of Commerce that is not transferred or otherwise continued by this Act is terminated.

SEC. 232. TERMINATION OF THE DEPARTMENT OF COMMERCE.

The Department of Commerce is terminated.

Subtitle E—Administrative Provisions

SEC. 241. PERSONNEL PROVISIONS.

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

(b) POSITIONS ABOVE GS–15.—(1) At the request of the USTR, the Director of the Office of Personnel Management shall, under section 5108 of title 5, United States Code, provide for the establishment in a grade level above GS–15 of the General Service, and in the Senior Executive

Service, of a number of noncareer positions in the Administration equal to 75 percent of the number of positions in that grade level which were used primarily for the performance of functions and offices transferred by this Act and which were assigned and filled on the day before the effective date of this Act.

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

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

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

(c) EXPERTS AND CONSULTANTS.—The USTR may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the maximum rate of pay for a position at a grade level above GS–15 of the General Schedule under section 5332 of such title. The USTR may pay experts and consultants who are serving away from their homes or regular place of business travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

(d) VOLUNTARY SERVICES.—(1)(A) The USTR is authorized to accept voluntary and uncompensated services without regard to the provisions of section 1342 of title 31, United States Code, if such services will not be used to displace Federal employees employed on a full-time, part-time, or seasonal basis.

(B) The USTR is authorized to accept volunteer service in accordance with the provisions of section 3111 of title 5, United States Code.

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

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

(e) FOREIGN SERVICE POSITIONS.—In order to assure United States representation in trade matters at a level commensurate with the level of representation maintained by industrial nations which are major trade competitors of the United States, the Secretary of State shall classify certain positions at Foreign Service posts as commercial minister positions and shall assign members of the Foreign Service performing functions of the Administration, with the concurrence of the USTR, to such positions in nations which are major trade competitors of the United States. The Secretary of State shall obtain and use the recommendations of the USTR with respect to the number of positions to be so classified under this subsection.

SEC. 242. DELEGATION AND ASSIGNMENT.

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

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

SEC. 243. SUCCESSION.

(a) ORDER OF SUCCESSION.—Subject to the authority of the President, and except as provided in section 211(b), the USTR shall prescribe the order by which officers of the Administration who are appointed by the President, by and with the advice and consent of the Senate, shall act for, and perform the functions of, the USTR or any other officer of the Administration appointed by the President, by and with the advice and consent of the Senate, during the absence or disability of the USTR or such other officer, or in the event of a vacancy in the office of the USTR or such other officer.

(b) CONTINUATION.—Notwithstanding any other provision of law, and unless the President directs otherwise, an individual acting for the USTR or another officer of the Administration pursuant to subsection (a) shall continue to serve in that capacity until the absence or disability of the USTR or such other officer no longer exists or

a successor to the USTR or such other officer has been appointed by the President and confirmed by the Senate.

SEC. 244. REORGANIZATION.

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

(b) EXCEPTION.—The USTR may not exercise the authority under subsection (a) to establish, consolidate, alter, or discontinue any organizational entity in the Administration or allocate or reallocate any function of an officer or employee of the Administration that is inconsistent with any specific provision of this Act.

SEC. 245. RULES.

The USTR is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the USTR determines necessary or appropriate to administer and manage the functions of the USTR or the Administration.

SEC. 246. CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—Subject to the provisions of the Federal Property and Administrative Services Act of 1949, the USTR may make, enter into, and perform such contracts,

leases, cooperative agreements, grants, or other similar transactions with public agencies, private organizations, and persons, and make payments (in lump sum or installments, and by way of advance or reimbursement, and, in the case of any grant, with necessary adjustments on account of overpayments and underpayments) as the USTR considers necessary or appropriate to carry out the functions of the USTR or the Administration.

(b) EXCEPTION.—Notwithstanding any other provision of this Act, the authority to enter into contracts or to make payments under this title shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts. This subsection does not apply with respect to the authority granted under section 248.

SEC. 247. USE OF FACILITIES.

(a) USE BY USTR.—With their consent, the USTR, with or without reimbursement, may use the research, services, equipment, and facilities of—

(1) an individual;

(2) any public or private nonprofit agency or organization, including any agency or instrumentality of the United States or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;

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

(4) any foreign government,

in carrying out any function of the USTR or the Administration.

(b) USE OF USTR FACILITIES.—The USTR, under terms, at rates, and for periods that the USTR considers to be in the public interest, may permit the use by public and private agencies, corporations, associations or other organizations, or by individuals, of any real property, or any facility, structure or other improvement thereon, under the custody of the USTR. The USTR may require permittees under this section to maintain or recondition, at their own expense, the real property, facilities, structures, and improvements used by such permittees.

SEC. 248. GIFTS AND BEQUESTS.

(a) IN GENERAL.—The USTR is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Administration. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the United States Treasury in a separate fund and shall be disbursed

on order of the USTR. Property accepted pursuant to this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

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

(c) INVESTMENT.—Upon the request of the USTR, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund provided for in subsection (a). Income accruing from such securities, and from any other property held by the USTR pursuant to subsection (a), shall be deposited to the credit of the fund, and shall be disbursed upon order of the USTR.

SEC. 249. WORKING CAPITAL FUND.

(a) ESTABLISHMENT.—The USTR is authorized to establish for the Administration a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as the USTR shall find to be desirable in the interest of economy and efficiency, including—

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

(2) central messenger, mail, and telephone service and other communications services;

(3) office space, central services for document reproduction and for graphics and visual aids;

(4) a central library service; and

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

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

age to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus of the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain the fund. There shall be transferred to the fund the stocks of supplies, equipment, other assets, liabilities, and unpaid obligations relating to those services which the USTR determines will be performed.

SEC. 250. SEAL OF ADMINISTRATION.

The USTR shall cause a seal of office to be made for the Administration of such design as the USTR shall approve. Judicial notice shall be taken of such seal.

Subtitle F—Related Agencies

SEC. 251. INTERAGENCY TRADE ORGANIZATION.

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

"(3)(A) The interagency organization established under subsection (a) shall be composed of—

"(i) the United States Trade Representative, who shall be Chairman,

"(ii) the Secretary of Agriculture,

"(iii) the Secretary of the Treasury,

"(iv) the Secretary of Labor,

"(v) the Secretary of State, and

"(vi) the representatives of such other departments and agencies as the United States Trade Representative shall designate.

"(B) The United States Trade Representative may invite representatives from other agencies, as appropriate, to attend particular meetings if subject matters of specific functional interest to such agencies are under consideration. It shall meet at such times and with respect to such matters as the President or the Chairman shall direct.".

SEC. 252. NATIONAL SECURITY COUNCIL.

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

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

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

"(5) the United States Trade Representative;".

SEC. 253. INTERNATIONAL MONETARY FUND.

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

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

with respect to matters under consideration by the Fund which relate to trade.''.

SEC. 254. GENERAL SERVICES ADMINISTRATION.

There are transferred to the General Services Administration functions relating to the management of Federal use of radio frequency spectrum in accordance with Executive Order No. 12046, issued pursuant to section 305 of the Communications Act of 1934 (47 U.S.C. 305), exercised by the National Telecommunications Information Administration of the Department of Commerce.

SEC. 255. DEPARTMENT OF LABOR.

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

(b) TRANSFER OF BUREAUS.—The Bureau of the Census and the Bureau of Economic Analysis of the Department of Commerce are transferred to the Department of Labor.

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

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

''Secretary of Commerce'' and inserting in lieu thereof ''Secretary of Labor''.

(e) REFERENCES TO DEPARTMENT.—Section 2 of title 13, United States Code, is amended by striking out ''Department of Commerce'' and inserting in lieu thereof ''Department of Labor''.

(f) GENERAL REFERENCES TO SECRETARY AND DEPARTMENT.—The provisions of title 13, United States Code, are further amended—

(1) by striking out ''Secretary of Commerce'' in each place such term appears and insert in lieu thereof ''Secretary of Labor''; and

(2) by striking out ''Department of Commerce'' each place such term appears and inserting in lieu thereof ''Department of Labor''.

Subtitle G—Conforming Amendments

SEC. 261. AMENDMENTS TO GENERAL PROVISIONS.

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

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

(1) in subsection 9(a)(1)—

(A) by striking out subparagraph (B);

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

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

''(L) of the United States Trade Representative, all functions of the Inspector General of the Department of Commerce and the Office of the Inspector General of the Department of Commerce relating to the functions transferred to the United States Trade Representative by section 232 of the Commerce Department Termination and Government Reorganization Act of 1995;''; and

(2) in section 11—

(A) by striking out ''Commerce,'' each place it appears;

(B) in paragraph (1) by inserting ''the United States Trade Representative'' after ''the Attorney General;''; and

(C) in paragraph (2) by inserting ''United States Trade Administration'' after ''Treasury;''.

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

"CHAPTER 4—REPRESENTATION IN TRADE NEGOTIATIONS

"SEC. 141. FUNCTIONS OF THE UNITED STATES TRADE REPRESENTATIVE.

''The United States Trade Representative of the United States Trade Administration as established under section 201 of the Commerce Department Termination and Government Reorganization Act of 1995 shall perform such representation, trade negotiation, and other functions as provided under such Act.''.

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

''CHAPTER 4—REPRESENTATION IN TRADE NEGOTIATIONS

''Sec. 141. Functions of the United States Trade Representative.''.

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

''(3) The United States Trade Representative of the United States Trade Administration may utilize the Foreign Service personnel system in accordance with this Act—

''(A) with respect to the personnel performing functions—

''(i) which were transferred to the Department of Commerce from the Department of State by Reorganization Plan No. 3 of 1979; and

''(ii) which were subsequently transferred to the United States Trade Representative by section 232 of the Commerce Department Termination and Government Reorganization Act of 1995; and

''(B) with respect to other personnel of the United States Trade Administration to the extent the President determines to be necessary in order to enable the United States Trade Administration to carry out functions which require service abroad.''.

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

''(Q) The United States Trade Administration.''.

SEC. 262. REPEALS.

(a) ESTABLISHMENT OF DEPARTMENT OF COMMERCE.—(1) The first section of the Act entitled ''An Act to establish the Department of Commerce and Labor'', approved February 14, 1903 (15 U.S.C. 1501), is repealed.

(2) The first section of the Act entitled ''An Act to create a Department of Labor'', approved March 4, 1913 (15 U.S.C. 1501), is amended by striking out beginning with ''and the Department of Commerce and Labor'' through ''accordingly''.

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

(c) UNDER SECRETARY OF COMMERCE FOR ECONOMIC AFFAIRS.—Subsection (a) of the first section of the Act entitled ''An Act to authorize an Under Secretary of Commerce for Economic Affairs'', approved June 16, 1982 (96 Stat. 115; 15 U.S.C. 1503a), is repealed.

(d) ASSISTANT SECRETARY OF COMMERCE.—The Act entitled ''An Act to provide for the appointment of one additional Assistant Secretary of Commerce, and for other purposes'', approved July 15, 1947 (15 U.S.C. 1505), is repealed.

(e) ADDITIONAL ASSISTANT SECRETARIES OF COMMERCE.—(1) The first sentence of section 304 of the Department of Commerce Appropriation Act, 1955 (15 U.S.C. 1506), is repealed.

(2) The Act entitled ''An Act to authorize an additional Assistant Secretary of Commerce'', approved February 16, 1962 (15 U.S.C. 1507), is repealed.

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

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

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

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

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

(h) BUREAUS IN DEPARTMENT OF COMMERCE.—(1) Sections 4 and 12 of the Act entitled ''An Act to Establish the Department of Commerce and Labor'', approved February 14, 1903 (15 U.S.C. 1511 and 1516), are repealed.

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

striking out the paragraph relating to the Bureau of Foreign and Domestic Commerce.

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

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

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

(j) WORKING CAPITAL FUND.—Title III of the Act entitled ''An Act making appropriations for the Departments of State, Justice, and Commerce for the fiscal year ending June 30, 1945, and for other purposes'', approved June 28, 1944 (15 U.S.C. 1521), is amended by striking out the paragraph relating to the working capital fund of the Department of Commerce.

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

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

SEC. 263. CONFORMING AMENDMENTS RELATING TO EXECUTIVE SCHEDULE POSITIONS.

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

(1) by striking out the item relating to the Secretary of Commerce; and

(2) by amending the item relating to the United States Trade Representative to read as follows: ''The United States Trade Representative of the United States Trade Administration.''.

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

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

''Deputy Administrator of the United States Trade Administration.

''Deputy United States Trade Representatives, United States Trade Administration (2).''.

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

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

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

(2) by striking out the item relating to the Under Secretary of Commerce for Oceans and Atmosphere, the incumbent of which also serves as the Administrator of the National Oceanic and Atmospheric Administration;

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

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

''Assistant Administrators, United States Trade Administration (4).

''Administrator of the National Oceanic and Atmospheric Administration.

''Director of the Office of Patents, Trademarks, and Standards.

''Director General of the Commercial Service, United States Trade Administration.''.

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

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

(2) by striking out the item relating to the General Counsel of the Department of Commerce;

(3) by striking out the item relating to the Assistant Secretary of Commerce for Oceans and Atmosphere, the incumbent of which also serves as Deputy Administrator of the National Oceanic and Atmospheric Administration;

(4) by striking out the item relating to the Director, National Institute of Standards and Technology, Department of Commerce;

(5) by striking out the item relating to the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service;

(6) by striking out the item relating to the Inspector General, Department of Commerce;

(7) by striking out the item relating to the Director, Bureau of the Census, Department of Commerce;

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

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

''General Counsel, United States Trade Administration.

''Inspector General, United States Trade Administration.

''Chief Financial Officer, United States Trade Administration.

''Deputy Administrator, National Oceanic and Atmospheric Administration.

''Director of the Bureau of the Census, Department of the Treasury.

''Commissioner of Patents and Trademarks, Office of Patents, Trademarks, and Standards.

''Director of the National Institute of Standards and Technology, Office of Patents, Trademarks, and Standards.''.

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

(1) by striking out the item relating to the Commissioner of Patents, Department of Commerce;

(2) by striking out the item relating to the Director, United States Travel Service, Department of Commerce;

(3) by striking out the item relating to the National Export Expansion Coordinator, Department of Commerce; and

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

''General Counsel, Office of Patents, Trademarks, and Standards.

''Inspector General, Office of Patents, Trademarks, and Standards.

''Chief Financial Officer, Office of Patents, Trademarks, and Standards.''.

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

Subtitle A—Establishment of Administration

SEC. 301. SHORT TITLE.

This title may be cited as the ''National Oceanic and Atmospheric Administration Act of 1995''.

SEC. 302. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that the establishment of an independent agency for ocean, coastal, and atmospheric programs will—

(1) provide a focus for ocean, coastal, and atmospheric activities;

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

(3) aid in the establishment of a coherent program to promote understanding, assessment, development, management, conservation, and protection of ocean, coastal, and atmospheric environments.

(b) PURPOSES.—The purposes of this title are to establish the National Oceanic and Atmospheric Administration as an independent agency and to streamline and improve the efficiency of the operations of the Administration.

SEC. 303. DEFINITIONS.

For the purposes of this title—

(1) the term ''Administration'' means the National Oceanic and Atmospheric Administration established under section 304; and

(2) the term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

SEC. 304. ESTABLISHMENT.

There is established the National Oceanic and Atmospheric Administration which shall be an independent establishment in the executive branch of Government as defined under section 104 of title 5, United States Code. The Administration shall succeed the National Oceanic and Atmospheric Administration of the Department of Commerce in existence on the day before the effective date of this Act.

SEC. 305. OFFICERS.

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

transferred to the Administrator by this Act and shall have authority and control over all personnel, programs, and activities of the Administration.

(b) DEPUTY ADMINISTRATOR.—There shall be in the Administration a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Administrator shall perform such functions as the Administrator shall prescribe. The Deputy Administrator shall act for and perform the functions of the Administrator during the absence or disability of the Administrator, or in the event of a vacancy in the office of the Administrator.

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

(d) GENERAL COUNSEL.—There shall be in the Administration a General Counsel, who shall be appointed by the Administrator. The General Counsel shall be the chief legal officer for all legal matters arising from the conduct of the functions of the Administration.

(e) CHIEF SCIENTIST.—The Chief Scientist of the Administration shall be appointed in accordance with section 2(d) of Reorganization Plan No. 4 of 1970.

(f) DIRECTOR OF NATIONAL SEA GRANT COLLEGE PROGRAM.—(1) There shall be in the Administration a Director of the national sea grant college program, who shall be appointed by the Administrator and who shall be a qualified individual who has knowledge or expertise in fields relating to ocean and coastal resources and appropriate administrative experience. The Director of the national sea grant college program shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be compensated at a rate not in excess of the maximum rate for a position above GS–15 of the General Schedule.

(2) The Director of the national sea grant college program shall administer the national sea grant college program subject to the supervision of the Administrator and in accordance with functions prescribed by law or by the Administrator.

(g) INSPECTOR GENERAL.—(1) There shall be in the Administration an Inspector General who shall be appointed in accordance with the Inspector General Act of 1978, as amended by this subsection.

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

(A) in paragraph (1) by inserting ", or the Administrator of the National Oceanic and Atmospheric Administration" before "; as the case"; and

(B) in paragraph (2) by inserting ", or the National Oceanic and Atmospheric Administration," before "; as the case".

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

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

"(H) The National Oceanic and Atmospheric Administration.".

(i) COMMISSIONED OFFICER CORPS.—(1) There shall be in the Administration a Commissioned Officer Corps, which shall be the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration established by Reorganization Plan No. 4 of 1970. Members of the Corps, including those appointed after the effective date of this Act, shall be entitled to all rights, privileges, and benefits available under any law to commissioned officers of the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration of the Department of Commerce on the day before the effective date of this Act.

(2) All laws and regulations applicable to commissioned officers of the National Oceanic and Atmospheric Administration of the Department of Commerce on the day before the effective date of this Act shall be applicable to commissioned officers of the Administration.

SEC. 306. TRANSFER OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FROM THE DEPARTMENT OF COMMERCE.

(a) TRANSFER.—The National Oceanic and Atmospheric Administration of the Department of Commerce is transferred to the Administration.

(b) COMMERCE FUNCTIONS.—All functions of the Secretary of Commerce or the Department of Commerce with respect to or being administered through the National Oceanic and Atmospheric Administration of the Department of Commerce or the Administrator of such Administration on the day before the effective date of this Act are transferred to the Administrator appointed under section 305(a).

(c) NOAA FUNCTIONS.—All functions of the National Oceanic and Atmospheric Administration of the Department of Commerce or the Administrator of such Administration are transferred to the Administrator appointed under section 305(a).

Subtitle B—Streamlining Provisions

SEC. 311. PERSONNEL REDUCTIONS.

(a) FULL-TIME EQUIVALENT POSITIONS.—

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

(2) NUMBER OF POSITIONS.—The number referred to under paragraph (1) is 2,318 less than the number of full-time equivalent positions in the National Oceanic and Atmospheric Administration on September 30, 1993.

(b) AUTHORIZED NUMBER OF COMMISSIONED OFFICERS.—

(1) IN GENERAL.—The National Oceanic and Atmospheric Administration is authorized an end-of-year personnel strength for commissioned officers on the active list of—

(A) 383 as of September 30, 1996;

(B) 345 as of September 30, 1997;

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

(D) 285 as of September 30, 1999.

(2) CONFORMING AMENDMENTS.—

(A) The first sentence under the subheading ''OPERATIONS, RESEARCH, AND FACILITIES'' under the heading ''NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'' under title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 (Public Law 103–317; 108 Stat. 1741) is amended by striking out ''not to exceed 439 commissioned officers on the active list;'' and inserting in lieu thereof: ''not to exceed the number of commissioned officers on the active list provided for by section 303 of the Commerce Department Termination and Government Reorganization Act of 1995;''.

(B) Section 8(b) of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853g(b)) is amended by striking ''four percent'' and inserting in lieu thereof ''ten percent''.

(3) VOLUNTARY SEPARATIONS AND RETIREMENTS.—(A) To ease the transition into the civilian work force of members of the National Oceanic and Atmospheric Administration Commissioned Officer

Corps (hereinafter referred to as the ''Corps''), and to facilitate the reduction of active duty officers—

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

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

(B) The Administrator shall implement subparagraph (A) (i) and (ii) with respect to members of the Corps together with other applicable provisions of law relating to separation or retirement of Corps personnel.

SEC. 312. TRANSFER OF AERONAUTICAL CHARTING.

The following functions are transferred from the National Oceanic and Atmospheric Administration to the Federal Aviation Administration:

(1) The functions vested in the Secretary of Commerce by sections 1 and 2 of the Act of August 6, 1947 (33 U.S.C. 883a and 883b) relating to aeronautical surveys for the purpose of aeronautical charting, and the compilation, printing, and distribution of aeronautical charts.

(2) The functions vested in the Secretary of Commerce by section 1307 of title 44, United States Code, relating to establishment of prices at which aeronautical charts and related products may be sold.

(3) Any part of the functions of the Secretary of Commerce and the Department of Commerce as are incidental to or necessary for the performance by, or under, the Administrator of the Federal Aviation Administration of the functions transferred by this section or that relate primarily to those functions.

(b) EFFECTIVE DATE.—The transfers made by this section shall be effective on October 1, 1995.

SEC. 313. REGULATORY STREAMLINING.

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

(1) to determine whether those regulations continue to be necessary to discharge the functions as-

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

(2) to identify and eliminate redundant and obsolete regulations; and

(3) to achieve a 45 percent reduction in the National Oceanic and Atmospheric Administration's volume of regulations by December 31, 1997, to the extent that such reduction is not inconsistent with its statutory obligations.

SEC. 314. REDUCTION IN NOAA FLEET.

No later than March 1, 1996, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a revised fleet modernization plan reflecting the budget constraints facing the National Oceanic and Atmospheric Administration as a whole. The plan shall provide for—

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

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

(3) chartering and contracting out, where feasible and economically advantageous, with vessels of

the United States, including fishing vessels, for activities now conducted by the Administration; and

(4) selling vessels that are decommissioned where feasible.

SEC. 315. REDUCTION OF REPORTING REQUIREMENTS.

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

SEC. 316. LABORATORY CONSOLIDATION STUDY.

No later than March 1, 1996, the Administrator shall develop a laboratory consolidation plan for the current laboratories, including a proposed implementation schedule for consolidation, and transmit a copy of the plan to the appropriate committees of the Congress on or before that date. The plan shall consider—

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

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

(3) the geographic proximity of other Federal, State, or private sector facilities that carry out similar research functions.

Subtitle C—Administrative Provisions

SEC. 321. RULES.

In the performance of the functions of the Administrator and the Administration, the Administrator is authorized to make, promulgate, issue, rescind, and amend rules and regulations. The promulgation of such rules and regulations—

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

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

SEC. 322. DELEGATION.

Except as otherwise provided in this Act, the Administrator may delegate any function to such officers and em-

ployees of the Administration as the Administrator may designate, and may authorize such successive redelegations of such functions in the Administration as may be necessary or appropriate. No delegation of functions by the Administrator under this section or under any other provision of this Act shall relieve the Administrator of responsibility for the administration of such functions.

SEC. 323. PERSONNEL AND SERVICES.

(a) APPOINTMENTS.—In the performance of the functions of the Administrator and in addition to the officers provided for by section 305, the Administrator is authorized to appoint, transfer, and fix the compensation of such officers and employees, including attorneys, as may be necessary to carry out the functions of the Administrator and the Administration. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and compensated in accordance with title 5, United States Code.

(b) EXPERTS AND CONSULTANTS.—The Administrator is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

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

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

(d) DETAIL OF EMPLOYEES AND OFFICERS.—The Administrator is authorized to utilize, on a reimbursable basis, the services of personnel of any Federal agency.

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

(B) The Administrator is authorized to accept volunteer service in accordance with the provisions of section 3111 of title 5, United States Code.

(2) The Administrator is authorized to provide for incidental expenses, including but not limited to transportation, lodging, and subsistence for such volunteers.

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

SEC. 324. CONTRACTS.

The Administrator is authorized, without regard to the provisions of section 3324 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the functions of the Administrator and the Administration. The Administrator may enter into such contracts, leases, agreements, and transactions with any Federal agency or any instrumentality of the United States, or with any State, territory, or possession, or with any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, on such terms and conditions as the Administrator may consider appropriate. The authority of the Administrator to enter into contracts and leases under this section shall be to such extent or in such amounts as are provided in appropriation Acts.

SEC. 325. USE OF FACILITIES.

With their consent, the Administrator may, with or without reimbursement, use the services, equipment, personnel, and facilities of Federal agencies and other public and private agencies, and may cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities. The head of each Federal agency shall cooperate fully with the Administrator in making the services, equipment, personnel, and facilities of

the Federal agency available to the Administrator. The head of a Federal agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Administration, without reimbursement, supplies and equipment other than administrative supplies or equipment.

SEC. 326. SERVICE CHARGES.

(a) IN GENERAL.—The Administrator may establish reasonable fees and commissions with respect to applications, documents, awards, loans, grants, research data, services, and assistance and may change and abolish such fees and commissions. Prior to establishing, changing, or abolishing any schedule of fees or commissions under this section, the Administrator may submit such schedule to the Congress.

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

(c) DEPOSIT.—Moneys received under this section shall be deposited with the Treasury in a special account for use by the Administrator and are authorized to be appropriated and made available until expended.

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

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

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

(3) the portion of the cost that will be incurred in providing such items, information, services, or assistance which may be attributed to benefits for the general public interest rather than to exclusive benefits for the applicant;

(4) any public service which occurs through the provision of such items, information, services, or assistance; and

(5) such other factors as the Administrator considers relevant.

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

SEC. 327. ACQUISITION AND MAINTENANCE OF PROPERTY.

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

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

(A) laboratories;

(B) research and testing sites and facilities;

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

(D) such other real and personal property (including patents) or any interest therein within and outside the continental United States,

as the Administrator considers necessary;

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

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

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

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

able for assignment to the Administration by the Administrator of General Services.

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

SEC. 328. FACILITIES AT REMOTE LOCATIONS.

(a) IN GENERAL.—The Administrator is authorized to provide, construct, or maintain for employees and their dependents stationed at remote locations as necessary and when not otherwise available at such remote locations—

(1) emergency medical services and supplies;

(2) food and other subsistence supplies;

(3) meeting facilities;

(4) audiovisual equipment, accessories, and supplies for recreation and training;

(5) reimbursement for food, clothing, medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons;

(6) living and working quarters and facilities; and

(7) transportation for school-age dependents of employees to the nearest appropriate educational facilities.

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

(c) DEPOSIT OF FUNDS.—Proceeds derived from reimbursements under this section shall be deposited in the Treasury and may be withdrawn by the Administrator to pay directly the cost of work or services provided under this section, to repay or make advances to appropriations of funds which do or will bear all or a part of such cost, or to refund excess sums when necessary, except that such payments may be credited to a service or working capital fund otherwise established by law, and used under the law governing such funds if the fund is available for use by the Administrator for performing the work or services for which payment is received.

SEC. 329. COPYRIGHTS AND PATENTS.

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

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

(2) Licenses under copyrights, patents, and applications for patents.

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

SEC. 330. GIFTS AND BEQUESTS.

The Administrator is authorized to accept, hold, administer and utilize gifts, donations, or bequests of property, real or personal, tangible or intangible, and contributions of money for purposes of aiding or facilitating the work of the Administrator or the Administration. For the purposes of Federal income, estate, and gift taxes, and State taxes, property accepted under this subsection shall be considered a gift or bequest to the United States.

SEC. 331. TRANSFERS OF FUNDS FROM OTHER FEDERAL AGENCIES.

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

SEC. 332. SEAL OF ADMINISTRATION.

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

trator shall approve. Judicial notice shall be taken of such seal.

SEC. 333. STATUS OF ADMINISTRATION UNDER CERTAIN LAWS.

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

SEC. 334. ASSISTANT ADMINISTRATORS AS EXECUTIVE SCHEDULE POSITIONS.

Section 5316 of title 5, United States Code (as amended by this Act) is further amended—

(1) by striking out the items relating to the Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration; the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration; and the Assistant Administrators, National Oceanic and Atmospheric Administration; and

(2) by adding at the end thereof the following:

''Assistant Administrators, National Oceanic and Atmospheric Administration.''.

SEC. 335. COORDINATION OF ENVIRONMENTAL POLICY.

The Administration shall consult and coordinate environmental policy with the Council on Environmental Quality of the Executive Office of the President.

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

Subtitle A—Establishment

SEC. 401. DEFINITIONS.

For purposes of this title—

(1) the term ''Director'' means the Director of the Office of Patents, Trademarks, and Standards; and

(2) the term ''Office'' means the Office of Patents, Trademarks, and Standards.

SEC. 402. ESTABLISHMENT OF THE OFFICE OF PATENTS, TRADEMARKS, AND STANDARDS.

There is established the Office of Patents, Trademarks, and Standards which shall be an independent establishment in the executive branch of Government as defined under section 104 of title 5, United States Code. There shall be a Director of the Office of Patents, Trademarks, and Standards who shall administer the Office and shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 403. FUNCTIONS.

The Director shall perform all functions transferred under section 404 and such other functions as the President may assign or delegate.

SEC. 404. TRANSFERS TO THE OFFICE.

(a) TRANSFER OF FUNCTIONS.—There are transferred to the Director all functions of, and all functions performed under the direction of, the following officers and employees of the Department of Commerce:

(1) The Director of the National Institute of Standards and Technology.

(2) The Assistant Secretary and Commissioner of Patents and Trademarks.

(3) The Under Secretary for Technology relating to functions performed by the Office of Technology Policy relating to the Baldridge Quality Award.

(4) The Secretary of Commerce and Assistant Secretary for Communications and Information with respect to only those functions of the National Telecommunications and Information Administration relating to telecommunication standards and laboratories.

(b) TRANSFER OF OFFICES.—(1) The Patent and Trademark Office of the Department of Commerce is transferred to the Office. The Patent and Trademark Office of the Office of Patents, Trademarks, and Standards shall be administered through the Commissioner of the Patent and Trademark Office.

(2) The National Institute of Standards and Technology of the Department of Commerce is transferred to the

Office. The National Institute of Standards and Technology shall be administered through the Director of the National Institute of Standards and Technology.

SEC. 405. ADDITIONAL OFFICERS.

(a) GENERAL COUNSEL.—There shall be in the Office a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall provide legal assistance to the Director concerning the activities, programs, and policies of the Office.

(b) INSPECTOR GENERAL.—(1) There shall be in the Office an Inspector General who shall be appointed in accordance with the Inspector General Act of 1978, as amended by this subsection.

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

(A) in paragraph (1) by inserting ''the Director of the Office of Patents, Trademarks, and Standards'' after ''the Chief Executive Officer of the Corporation for National and Community Service;''; and

(B) in paragraph (2) by inserting ''the Office of Patents, Trademarks, and Standards,'' after ''the Corporation for National and Community Service,''.

(c) CHIEF FINANCIAL OFFICER.—(1) There shall be in the Office a Chief Financial Officer who shall be appointed

in accordance with section 901 of title 31, United States Code, as amended by this subsection.

(2) Section 901(b) of title 31, United States Code, (as amended by this Act) is further amended in paragraph (2) by adding at the end thereof the following:

''(I) The Office of Patents, Trademarks, and Standards.''.

Subtitle B—Administrative Provisions

SEC. 411. RULES.

In the performance of the functions of the Director and the Office, the Director is authorized to make, promulgate, issue, rescind, and amend rules and regulations. The promulgation of such rules and regulations—

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

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

SEC. 412. DELEGATION.

Except as otherwise provided in this Act, the Director may delegate any function to such officers and employees of the Office as the Director may designate, and may au-

thorize such successive redelegations of such functions in the Office as may be necessary or appropriate. No delegation of functions by the Director under this section or under any other provision of this Act shall relieve the Director of responsibility for the administration of such functions.

SEC. 413. PERSONNEL AND SERVICES.

(a) APPOINTMENTS.—In the performance of the functions of the Director and in addition to the officers provided for under subtitle A, the Director is authorized to appoint, transfer, and fix the compensation of such officers and employees, including attorneys, as may be necessary to carry out the functions of the Director and the Office. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and compensated in accordance with title 5, United States Code.

(b) EXPERTS AND CONSULTANTS.—The Director is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(c) TRANSPORTATION EXPENSES.—The Director is authorized to pay transportation expenses, and per diem in lieu of subsistence expenses, in accordance with chapter 57 of title 5, United States Code.

(d) DETAIL OF EMPLOYEES AND OFFICERS.—The Director is authorized to utilize, on a reimbursable basis, the services of personnel of any Federal agency.

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

(B) The Director is authorized to accept volunteer service in accordance with the provisions of section 3111 of title 5, United States Code.

(2) The Director is authorized to provide for incidental expenses, including but not limited to transportation, lodging, and subsistence for such volunteers.

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

SEC. 414. CONTRACTS.

The Director is authorized, without regard to the provisions of section 3324 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative

agreements, or other transactions as may be necessary to carry out the functions of the Director and the Office. The Director may enter into such contracts, leases, agreements, and transactions with any Federal agency or any instrumentality of the United States, or with any State, territory, or possession, or with any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, on such terms and conditions as the Director may consider appropriate. The authority of the Director to enter into contracts and leases under this section shall be to such extent or in such amounts as are provided in appropriation Acts.

SEC. 415. COPYRIGHTS AND PATENTS.

The Director is authorized to acquire any of the following described rights if the property acquired thereby is for use in, or is useful to, the performance of functions of the Director or the Office:

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

(2) Licenses under copyrights, patents, and applications for patents.

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

SEC. 416. GIFTS AND BEQUESTS.

The Director is authorized to accept, hold, administer and utilize gifts, donations, or bequests of property, real or personal, tangible or intangible, and contributions of money for purposes of aiding or facilitating the work of the Director or the Office. For the purposes of Federal income, estate, and gift taxes, and State taxes, property accepted under this subsection shall be considered a gift or bequest to the United States.

SEC. 417. TRANSFERS OF FUNDS FROM OTHER FEDERAL AGENCIES.

The Director is authorized to accept transfers from other Federal agencies of funds which are available to carry out functions transferred by this Act to the Director or functions assigned by law to the Director after the date of enactment of this Act.

SEC. 418. SEAL OF OFFICE.

The Director shall cause a seal of office to be made for the Office of such design as the Director shall approve. Judicial notice shall be taken of such seal.

SEC. 419. STATUS OF OFFICE UNDER CERTAIN LAWS.

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

Subtitle C—Conforming Amendments

SEC. 421. PATENT AND TRADEMARK OFFICE.

(a) ESTABLISHMENT.—Section 1 of title 35, United States Code, is amended by striking out ''Department of Commerce'' and inserting in lieu thereof ''Office of Patents, Trademarks, and Standards''.

(b) REFERENCE TO ASSISTANT SECRETARY OF COMMERCE.—Section 3 of title 35, United States Code, is amended by striking out subsection (d).

(c) GENERAL REFERENCES TO SECRETARY AND DEPARTMENT.—(1) Except as provided under paragraph (2), the provisions of title 35, United States Code, are further amended—

(A) by striking out ''Secretary of Commerce'' each place such term appears and insert in lieu thereof ''Commissioner of Patents and Trademarks''; and

(B) by striking out ''Department of Commerce'' each place such term appears and inserting in lieu thereof ''Office of Patents, Trademarks and Standards''.

(2)(A) Section 3(a) of title 35, United States Code, is amended in the fourth sentence by striking out ''The Secretary of Commerce, upon the nomination of the Commissioner'' and inserting in lieu thereof ''The Commissioner''.

(B) Section 6(a) of title 35, United States Code, is amended—

(i) in the first sentence by striking out '', *under the direction of the Secretary of Commerce,''; and*

(ii) in the second sentence by striking out '', *subject to the approval of the Secretary of Commerce,''.*

(C) Section 31 of title 35, United States Code, is amended by striking out '', *subject to the approval of the Secretary of Commerce,''.*

SEC. 422. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) in section 2—

(A) in subsection (a) by striking out ''Department of Commerce'' and inserting in lieu thereof ''Office of Patents, Trademarks, and Standards'';

(B) in subsection (b) by striking out ''The Secretary of Commerce (hereafter in this Act referred to as the 'Secretary')'' and inserting in lieu thereof ''The Director of the Office of Patents, Trademarks, and Standards'';

(C) in subsection (d) by striking out ", including the programs under sections 25, 26, and 28 of this Act";

(D) by striking out "Department of Commerce" each place such term appears and inserting in lieu thereof "Office of Patents, Trademarks, and Standards"; and

(E) by striking out "Secretary of Commerce" each place such term appears and inserting in lieu thereof "Director of the Office of Patents, Trademarks, and Standards";

(2) in section 10 by striking out "Advanced" in both the section heading and subsection (a), and inserting in lieu thereof "Standards and"; and

(3) by striking out sections 24, 25, 26, and 28.

SEC. 423. FEDERAL LABORATORIES UNDER THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended—

(1) in section 3 by striking out paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(2) in section 4 by striking out paragraphs (1), (2), (3), (4), and (13) and redesignating paragraphs

(5), (6), (7), (8), (9), (10), (11), and (12) as paragraphs (1) through (8), respectively;

(3) by striking out sections 5, 6, 7, 8, 9, and 10;

(4) in section 11—

(A) in subsection (c)(3) by striking out ‘‘, the Federal Laboratory Consortium for Technology Transfer,’’; and

(B) by striking out subsections (d), (e), and (g); and

(5) in section 17—

(A) by striking ‘‘Secretary’’ each place it appears and inserting ‘‘Director of the Office of Patents, Trademarks, and Standards’’;

(B) in subsection (c)—

(i) in paragraph (1) by striking out ‘‘Subject to paragraph (2), separate’’ and inserting in lieu thereof ‘‘Separate’’;

(ii) by striking out paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2); and

(C) in subsection (f) by inserting ‘‘administrative’’ after ‘‘funds to carry out’’.

TITLE V—GOVERNMENT 2000 COMMISSION

SEC. 501. SHORT TITLE AND PURPOSES.

(a) SHORT TITLE.—This title may be cited as the ''Government 2000 Act''.

(b) PURPOSES.—

(1) IN GENERAL.—The purpose of this title is to reduce the costs and increase the effectiveness of the Federal Government by reorganizing departments and agencies, consolidating redundant activities, streamlining operations, and decentralizing service delivery in a manner that promotes economy, efficiency, and accountability in Government programs. This title is intended to result in a smaller Federal workforce, but one provided with a better organizational environment in which to work, including the more effective use of modern technology, in order to provide better service to the public. There shall be appropriate venues for the representation of constituency interests in the policy formulation and service delivery process.

(2) SPECIFIC GOALS.—This title is intended to achieve the following goals for improvements in the performance of the Federal Government by fiscal year 2003:

(A) An immediate reduction in the number of cabinet departments to no more than 10.

(B) A reduction in the costs of administration by 35 percent.

(C) A ten-fold improvement in timely delivery of services to the public.

(D) A compound annual improvement in productivity of 6 percent.

(E) Responsiveness and customer-service levels comparable to those achieved in the private sector.

SEC. 502. THE COMMISSION.

(a) ESTABLISHMENT.—There is established an independent commission to be known as the Government 2000 Commission (hereafter in this title referred to as the ''Commission'').

(b) DUTIES.—

(1) EXAMINATION AND RECOMMENDATIONS.—The Commission shall—

(A) examine the issues related to the organization and operations of the departments and agencies of the Federal Government; and

(B) develop recommendations to reduce the costs, streamline the operations, and improve the

performance, responsiveness, and accountability of Federal departments, agencies, and programs.

(2) LEGISLATIVE PROPOSAL.—The recommendations of the Commission shall be encompassed in a single legislative proposal which implements a comprehensive reorganization plan for the executive branch, and which makes other institutional and operational changes to the Federal Government, consistent with the purposes stated in section 501 and the requirements of section 503.

(c) APPOINTMENT.—

(1) COMPOSITION.—

(A) The Commission shall be composed of 9 members.

(B)(i) Two members shall be appointed by the President.

(ii) Two members shall be appointed by the Majority Leader of the Senate.

(iii) One member shall be appointed by the Minority Leader of the Senate.

(iv) Two members shall be appointed by the Speaker of the House of Representatives.

(v) One member shall be appointed by the Minority Leader of the House of Representatives.

(vi) One member shall be appointed by the President, in concurrence with the Majority Leader of the Senate and the Speaker of the House of Representatives. That member shall be the Chairman of the Commission.

(2) MEMBERSHIP.—A member of the Commission may be any citizen of the United States, including any elected or appointed public official, career civil servant, or private citizen.

(3) CONFLICT OF INTERESTS.—For purposes of the provisions of chapter 11 of part I of title 18, United States Code, a member of the Commission (to whom such provisions would not otherwise apply except for this paragraph) shall be a special Government employee.

(4) DATE OF APPOINTMENTS.—All members of the Commission, except the Chairman, shall be appointed no later than 25 calendar days after enactment of this title. The Chairman shall be appointed no later than 40 calendar days after enactment of this title.

(d) TERMS.—Each member shall serve until the termination of the Commission.

(e) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as was the original appointment.

(f) MEETINGS.—The Commission shall meet as necessary to carry out its responsibilities. The Commission may conduct meetings outside the District of Columbia when necessary.

(g) PAY AND TRAVEL EXPENSES.—

(1) PAY.—(A) Except for an individual who is Chairman of the Commission and is otherwise a Federal officer or employee, the chairman shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including traveltime) during which the Chairman is engaged in the performance of duties vested in the Commission.

(B) Except for the Chairman, who shall be paid as provided under subparagraph (A), each member of the Commission who is not a Federal officer or employee shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which the member

is engaged in the performance of duties vested in the Commission.

(2) TRAVEL.—Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(h) DIRECTOR.—

(1) APPOINTMENT.—The Commission shall by an affirmative vote of at least 5 members appoint a Director of the Commission.

(2) PAY.—The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(i) STAFF.—

(1) APPOINTMENT.—The Director may, with the approval of the Commission, appoint and fix the pay of employees of the Commission without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and any Commission employee may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that a Commission employee may not receive pay in excess of the annual

rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United State Code.

(2) DETAIL.—(A) Upon request of the Director, the head of any Federal department or agency may detail any of the personnel of the department or agency to the Commission to assist the Commission in carrying out its duties under this title.

(B) Upon request of the Director, a Member of Congress or an officer who is the head of an office of the Senate or House of Representatives may detail an employee of the office or committee of which such Member or officer is the head to the Commission to assist the Commission in carrying out its duties under this title.

(C) Any Federal Government employee may be detailed to the Commission with or without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(j) SUPPORT.—

(1) SUPPORT SERVICES.—The Office of Management and Budget shall provide support services to the Commission.

(2) ASSISTANCE.—The Comptroller General of the United States may provide assistance, including

the detailing of employees, to the Commission in accordance with an agreement entered into with the Commission.

(k) OTHER AUTHORITY.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code. The Commission shall give public notice of any such contract before entering into such contract.

(l) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Commission shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission $5,000,000 for fiscal year 1996 to carry out its responsibilities under this title.

(n) TERMINATION.—The Commission shall terminate no later than October 31, 1996.

SEC. 503. LEGISLATIVE RECOMMENDATIONS.

(a) REORGANIZATION PLAN.—The Commission shall develop and recommend a plan for reorganization of Federal departments and agencies, consistent with the following provisions:

(1) EXECUTIVE DEPARTMENTS.—

(A) There shall be no more than 10 departments, which shall have responsibility for the development of, and ensuring the proper execution of, governmental and program policy.

(B) There shall be a reduction in the layers of organizational hierarchy and in the concentration of employees in staff and overhead functions within departments and agencies to achieve a substantial reduction in the total number of mid-level supervisory and staff positions, administrative positions, and political employees.

(2) PROGRAM OPERATING UNITS.—

(A) There shall be an adequate number of agencies and subdepartment bureaus, offices, divisions, and other operating units having primary responsibility for program administration and service delivery, as distinguished from policy development.

(B) The reorganization plan shall provide for a substantial net reduction in the number of program operating units, and in the total administrative costs of the functions performed by such units. The reduction shall be achieved through the consolidation, integration, and

reengineering of similar and related functions and work activities throughout the Government.

(C) The Commission shall consider, and recommend where appropriate, the consolidation of program administration and service delivery functions into operating units that are independent of individual executive departments, to maximize the coordination of services to particular segments of the public and to the public generally.

(3) LOCAL OFFICES.—

(A) There shall be an appropriate field office structure for Federal departments and agencies in order to improve service delivery and responsiveness while reducing costs.

(B) Among the alternatives considered by the Commission shall be consolidation where appropriate of regional and field offices of various departments and agencies that provide related services into a system of local offices providing one-stop services.

(4) CENTRALIZED ADMINISTRATION.—The Commission shall consider whether substantial cost savings and improved performance would result from the centralization within one organization of primary responsibility for particular government-wide adminis-

trative functions, and make appropriate recommendations in that regard.

(b) STRUCTURAL ARRANGEMENTS.—

(1) RECOMMENDATIONS.—The Commission shall recommend structural arrangements of responsibility and authority between and within the various departments, agencies, and program operating units in order to maximize accountability for performance.

(2) ACCOUNTABILITY.—Such arrangements shall seek to clarify appropriate accountability for policy development and for program administration and service delivery.

(3) CONSIDERATIONS.—Among the alternatives considered by the Commission shall be whether the heads of program operating units described under paragraph (a)(2) should be non-political, non-career appointments hired for a fixed term under an employment contract with specific, measurable program performance goals.

(c) TRANSITION PLAN.—The Commission shall recommend a plan for transition from the existing organization of the executive branch to the proposed reorganization plan, to minimize any disruption in program performance and service and to maintain managerial accountability.

SEC. 504. DEFINITION.

For purposes of this title the term ''agency'' means each authority of the Federal Government, including all departments, independent agencies, Government-sponsored enterprises, and Government corporations, except the legislative branch, judicial branch, the governments of the territories or possessions of the United States, or the District of Columbia.

SEC. 505. DEPARTMENT AND AGENCY COOPERATION.

All Federal agencies and employees of all agencies shall cooperate fully with all requests for information from the Commission and shall respond to any such request for information within 30 calendar days or such other time agreed upon by the requesting and requested parties.

SEC. 506. PROCEDURES FOR MAKING RECOMMENDATIONS.

(a) SUBMISSION OF RECOMMENDATIONS.—No later than June 1, 1996, the Commission shall submit to the Congress—

(1) a single legislative proposal to implement its recommendations developed pursuant to section 503 of this title, along with an explanation of the reasons for such recommendations; or

(2) a message that the Commission was unable to agree on such a proposal.

(b) COMMISSION VOTES.—No legislative proposal may be submitted by the Commission without the affirmative vote of at least 6 members.

SEC. 507. CONGRESSIONAL CONSIDERATION OF REFORM PROPOSAL.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''implementation bill'' means only a bill which is introduced as provided under subsection (b), and contains the proposed legislation submitted by the Commission under section 506 without modification.

(2) the term ''calendar day of session'' means a calendar day other than one on which either House is not in session because of an adjournment of more than three days to a date certain.

(b) INTRODUCTION, REFERRAL, AND REPORT OR DISCHARGE.—

(1) INTRODUCTION.—On the first calendar day of session on which both Houses are in session, on or immediately following the date on which a proposal is submitted to the Congress under section 506(a)(1), an implementation bill shall be introduced—

(A) in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate des-

ignated by the Majority Leader and Minority Leader of the Senate; and

(B) in the House of Representatives by the Majority Leader of the House of Representatives, for himself and the Minority Leader of the House of Representatives, or by Members of the House of Representatives designated by the Majority Leader and Minority Leader of the House of Representatives.

(2) REFERRAL.—The implementation bill introduced in the Senate under paragraph (1) shall be referred concurrently to the Committee on Governmental Affairs of the Senate, and other committees with jurisdiction. The implementation bill introduced in the House of Representatives shall be referred concurrently to the Committee on Government Reform and Oversight of the House of Representatives, and other committees with jurisdiction. A committee to which an implementation bill is referred under this paragraph may report such bill to the respective House with amendments proposed to be adopted. No such amendment may be proposed unless such proposed amendment is germane to such bill.

(3) REPORT OR DISCHARGE.—If any committee to which an implementation bill is referred has not

reported such bill by the end of the 30th calendar day of session after the date of the introduction of such bill, such committee shall be immediately discharged from further consideration of such bill, and upon being reported or discharged from all committees, such bill shall be placed on the appropriate calendar of the House involved.

(c) SENATE CONSIDERATION.—

(1) IN GENERAL.—On or after the second calendar day of session after the date on which an implementation bill is placed on the Senate calendar under subsection (b)(3), it is in order (even if a previous motion to the same effect has been disagreed to) for any Senator to make a privileged motion to proceed to the consideration of the implementation bill (but only on the day after the calendar day of session on which such Senator announces on the floor of the Senate an intention to make such a motion). This motion is subject to debate which shall be confined to 2 hours, to be equally divided. All points of order against the implementation bill (and against consideration of the implementation bill) other than points of order under Senate Rule 15, 16, or for failure to comply with requirements of this section are waived. The motion is not subject to a motion to postpone. A

motion to reconsider the vote by which the motion to proceed is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the implementation bill is agreed to, the Senate shall immediately proceed to consideration of the implementation bill.

(2) DEBATE.—In the Senate, no amendment which is not germane shall be in order. A motion to postpone or a motion to recommit the implementation bill is not in order. A motion to reconsider the vote by which the implementation bill is agreed to or disagreed to is not in order.

(3) MOTION TO SUSPEND OR WAIVE APPLICATION.—No motion to suspend or waive the application of this subsection shall be in order, except by unanimous consent.

(4) APPEALS FROM CHAIR.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to an implementation bill shall be subject to debate confined to 1 hour, to be equally divided.

(5) FINAL PASSAGE.—Immediately following the conclusion of the debate on an implementation bill and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the

Senate, the vote on final passage of the implementation bill shall occur.

(d) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(1) IN GENERAL.—At any time on or after the second session day after the date on which each committee of the House of Representatives to which an implementation bill is referred has reported that bill, or has been discharged under subsection (b)(3) from further consideration of that bill, the Speaker may, pursuant to clause 1(b) of rule XIII, declare the House resolved into the Committee of the Whole house on the State of the Union for the consideration of that bill. All points of order against the bill, the consideration of the bill, and provisions of the bill shall be waived, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to 10 hours, to be equally divided and controlled by the Majority Leader and the Minority Leader, the bill shall be considered for amendment by title under the five-minute rule and each title shall be considered as having been read.

(2) AMENDMENTS.—Each amendment shall be considered as having been read, shall not be subject to a demand for a division of the question in the House

or in the Committee of the Whole, and shall be debatable for not to exceed 30 minutes, equally divided and controlled by the proponent and a Member opposed thereto, except that the time for consideration, including debate and disposition, of all amendments to the bill shall not exceed 20 hours.

(3) FINAL PASSAGE.—At the conclusion of the consideration of the bill, the Committee shall rise and report to the House with such amendments as may have been agreed to, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

(e) CONFERENCE.—

(1) APPOINTMENT OF CONFEREES.—In the Senate, a motion to elect or authorize the appointment of conferees shall not be debatable.

(2) CONFERENCE REPORT.—No later than 20 calendar days of session after the appointment of conferees, the conferees shall report to the respective Houses.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively,

and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of an implementation bill described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 508. IMPLEMENTATION.

(a) RESPONSIBILITY FOR IMPLEMENTATION.—The Director of the Office of Management and Budget shall have primary responsibility for implementation of the Commission's recommendations and the Act enacted under section 507 (unless such Act provides otherwise). The Director of the Office of Management and Budget shall notify and provide direction to heads of affected departments, agencies, and programs. The head of an affected department, agency, or program shall be responsible for implementation and shall proceed with the recommendations provided under subsection (b).

(b) DEPARTMENTS AND AGENCIES.—After the enactment of an Act under section 507, each affected Federal de-

partment and agency as a part of its annual budget request shall transmit to the appropriate committees of Congress its schedule for implementation of the provisions of the Act.

(c) GAO OVERSIGHT.—The Comptroller General shall have oversight responsibility over the implementation of the Commission's recommendations and the Act enacted under section 507. The Comptroller General shall periodically report to the Congress and the President regarding the accomplishment, the costs, the timetable, and effectiveness of the implementation

SEC. 509. DISTRIBUTION OF ASSETS.

Any proceeds from the sale of assets of any department or agency resulting from the enactment of an Act under section 507 shall be—

(1) applied to reduce the Federal deficit; and

(2) deposited in the Treasury and treated as general receipts.

TITLE VI—TRANSITIONAL, SAVINGS, AND CONFORMING PROVISIONS

SEC. 601. ADDITIONAL TRANSFERS.

Any function of the Secretary of Commerce or the Department of Commerce which—

(1) is not transferred by titles II, III, or IV of this Act; and

(2) is incidental to, necessary for, or primarily related to, the performance of a function transferred by any such title,

is transferred to the head of the Federal agency to which the related function is transferred by such title.

SEC. 602. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions and offices transferred by this Act, subject to section 1531 of title 31, United States Code, shall be transferred to the head of the Federal agency to which such functions or offices are transferred by this Act. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 603. INCIDENTAL TRANSFERS.

(a) IN GENERAL.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions and offices transferred by this Act, and to make such additional inci-

dental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions and offices, as may be necessary to carry out the provisions of this Act. The Director shall provide for the termination of the affairs of all entities terminated by this Act and for such further measures and dispositions as may be necessary to effectuate the purposes of this Act.

(b) TRANSFERS RELATING TO SENIOR EXECUTIVE SERVICE.—After consultation with the Director of the Office of Personnel Management, the Director of the Office of Management and Budget is authorized, at such times as the Director of the Office of Management and Budget may provide, to make such determinations as may be necessary with regard to the transfer of positions within the Senior Executive Service in connection with the functions and offices transferred by this Act.

SEC. 604. EFFECT ON PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided by this Act, the transfer pursuant to this Act of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or

compensation for one year after the date of transfer of such employee under this Act.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided by this Act, any person who, on the day preceding the effective date of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in a Federal agency to which functions are transferred by this Act to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(c) TERMINATION OF CERTAIN POSITIONS.—Except for members of the Foreign Service and the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration, positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this Act, shall terminate on the effective date of this Act.

SEC. 605. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agree-

ments, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act, and

(2) which are in effect at the time this Act takes effect, or were final before the effective date of this Act and are to become effective on or after the effective date of this Act,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the head of the Federal agency to which such functions are transferred under this Act or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—(1) The provisions of this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of this Act before the Department of Commerce or the Office of the United States Trade Representative, or any office thereof with respect to functions transferred by this Act, but such proceedings or applica-

tions, to the extent that they relate to functions transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made under such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the head of the Federal agency to which such functions are transferred by this Act, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Secretary of Commerce, the United States Trade Representative, and the head of each Federal agency to which functions are transferred by this Act are authorized to issue regulations providing for the orderly transfer of proceedings continued under paragraph (1).

(c) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF RULES.—Any administrative action relating to the preparation or promulgation of a regulation by a Federal agency relating to a function transferred under this Act may be continued by the Federal agency to which such function is transferred with the same effect as if this Act had not been enacted.

(d) SUITS NOT AFFECTED.—Except as provided in subsection (e)—

(1) the provisions of this Act do not affect actions commenced prior to the effective date of this Act, and

(2) in all such actions, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(e) NONABATEMENT OF ACTIONS.—No action or other proceeding commenced by or against any officer in his official capacity as an officer of the Department of Commerce or the Office of United States Trade Representative with respect to functions transferred by this Act shall abate by reason of the enactment of this Act. No cause of action by or against the Department of Commerce or the Office of United States Trade Representative with respect to functions transferred by this Act, or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this Act. Causes of action and actions with respect to a function or office transferred by this Act, or other proceedings may be asserted by or against the United States or an official of the Federal agency to which such function or office is transferred by this Act, as may be appropriate, and, in an action pending when this Act takes effect, the court may at any time, on its own motion or

that of any party, enter an order which will give effect to the provisions of this subsection.

(f) FEDERAL OFFICIAL AS PARTY IN ACTION.—If, before the date on which this Act takes effect, the Department of Commerce or the Office of the United States Trade Representative, or any officer thereof in his official capacity, is a party to an action, and under this Act any function of such Department, Office, or officer is transferred to a Federal agency, then such action shall be continued with the head of such agency substituted or added as a party.

(g) JUDICIAL REVIEW.—Orders and actions of the head of a Federal agency in the exercise of functions transferred to the head of such agency by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Department of Commerce or the Office of the United States Trade Representative, or any office or officer thereof, in the exercise of such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the head of the Federal agency to which such function is transferred by this Act.

SEC. 606. SEVERABILITY.

If a provision of this Act or its application to any person or circumstance is held invalid, neither the remainder of this Act nor the application of the provision to other persons or circumstances shall be affected.

SEC. 607. REFERENCE.

With respect to any functions transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to—

(1) the Secretary of Commerce or the United States Trade Representative; or

(2) the Department of Commerce or the Office of the United States Trade Representative or any officer or office thereof,

shall be considered to refer to the head of the Federal agency to whom such functions were transferred by this Act.

SEC. 608. TRANSITION.

With the consent of the Secretary of Commerce or the United States Trade Representative, as the case may be, the head of each Federal agency to which functions or offices are transferred by this Act is authorized to utilize—

(1) the services of such officers, employees, and other personnel of the Department of Commerce or the Office of the United States Trade Representative, as the case may be, with respect to functions or offices transferred to that agency by this Act; and

(2) funds appropriated to such functions or offices for such period of time as may reasonably be needed to facilitate the orderly implementation of this Act.

SEC. 609. ADDITIONAL CONFORMING AMENDMENTS.

(a) IN GENERAL.—After consultation with the appropriate committees of the Congress and the Director of the Office of Management and Budget, the head of each agency to which functions were transferred under this Act shall prepare and submit to the Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this Act.

(b) SUBMISSION.—No later than 6 months after the effective date of this title, each such agency head shall submit the recommended legislation referred to under subsection (a).

TITLE VII—MISCELLANEOUS

SEC. 701. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect 180 days after the date of enactment, except that—

(1) section 608 shall take effect on the date of enactment; and

(2) at any time after the date of enactment of this Act—

(A) the officers provided for in titles II, III, and IV of this Act may be nominated and appointed, as provided in such titles; and

(B) the Secretary of Commerce, the United States Trade Representative, and the head of each Federal agency to which functions are transferred by this Act may promulgate regulations under section 605(b)(2).

(b) INTERIM COMPENSATION AND EXPENSES.—Funds available to the Department of Commerce or the Office of the United States Trade Representative (or any official or component thereof), with respect to the functions transferred by this Act, may be used, with approval of the Director of the Office of Management and Budget, to pay the compensation and expenses of an officer appointed under subsection (a)(2)(A) who will carry out such functions until funds for that purpose are otherwise available.

SEC. 702. INTERIM APPOINTMENTS.

(a) IN GENERAL.—If one or more officers required by this Act to be appointed by and with the advice and consent of the Senate have not entered upon office on the effective date of this Act and notwithstanding any other provision of law, the President may designate any officer who was appointed by and with the advice and consent of the Senate, and who was such an officer on the day before the effective

date of this Act, to act in the office until it is filled as provided by this Act.

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

SEC. 703. MANAGEMENT OF PROPERTY BY GENERAL SERVICES ADMINISTRATION.

Subject to title VI, the General Services Administration shall perform transfer management functions of all Federal real property, including Federal buildings and physical facilities, of the Department of Commerce.

SEC. 704. BUY OUT AUTHORITY FOR DEPARTMENT OF COMMERCE.

The Department of Commerce may, for such officers and employees as it deems appropriate, authorize a payment to officers and employees who voluntarily separate on or before September 30, 1996, whether by retirement or resignation. Such payment shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code.

SEC. 705. REPORTS BY THE OFFICE OF MANAGEMENT AND BUDGET.

No later than 180 days after the date of the enactment of this Act, the Office of Management and Budget shall sub-

mit in writing to the Congress a determination of the feasibility and potential savings resulting from—

(1)(A) the consolidation of the Export-Import Bank and the Overseas Private Investment Corporation; and

(B) the consolidation of the Boards of Directors of the Export-Import Bank and the Overseas Private Investment Corporation;

(2) the further consolidation of the functions transferred from the Trade and Development Agency to the United States Trade Administration with the consolidations under paragraph (1);

(3)(A) the privatization of seafood inspection services, weather services, data processing and dissemination, charting, marine navigation services, and other potentially commercial functions of the National Oceanic and Atmospheric Administration, including those performed by the National Oceanic and Atmospheric Administration Corps and the National Oceanic and Atmospheric Administration fleet;

(B) the streamlining and elimination of levels of hierarchy of the National Oceanic and Atmospheric Administration organization structure; and

(C) the consolidation of similar environmental research functions performed by the National Oceanic

and Atmospheric Administration, the Environmental Protection Agency, and other natural resources agencies in the Federal Government; and

(4) the further consolidation of statistical functions throughout the Government into a single agency.

SEC. 706. PERSONNEL AND FUNDING REDUCTIONS RESULTING FROM REORGANIZATION.

(a) IN GENERAL.—(1) The Office of Management and Budget, in consultation with the USTR and the head of each Federal agency affected by the provisions of this Act, shall take such actions as necessary to provide that the total funding of all functions transferred or terminated from the Department of Commerce under this Act—

(A) in the first fiscal year following the fiscal year in which this Act takes effect shall be equal to no more than 90 percent of the amount of total funding for the Department of Commerce in fiscal year 1995; and

(B) in the second fiscal year following the fiscal year in which this Act takes effect shall be equal to no more than 65 percent of the amount of total funding for the Department of Commerce in fiscal year 1995.

(2) For purposes of subparagraphs (A) and (B) of paragraph (1), the sum of savings resulting from termi-

nations of Department of Commerce functions and administrative savings achieved under this Act shall be at least 10 percent under subparagraph (A) and 35 percent under subparagraph (B) of the fiscal year 1995 appropriation to the Department of Commerce.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for all personnel and nonpersonnel costs associated with any programmatic termination made under this Act and the amendments made by this Act. These sums shall be paid in accordance with existing personnel laws. Terminations are contingent upon the appropriation of such funds as are necessary to carry out such terminations.

(c) IMPLEMENTATION PLAN.—(1) No later than 90 days after the date of the enactment of this Act, the Office of Management and Budget shall submit a report to the Congress on a plan that—

(A) provides for the implementation of the funding reductions required under subsection (a); and

(B) makes legislative recommendations for additional authority necessary or useful in implementing such funding reductions.

(2) In preparing the report, the Office of Management and Budget shall consult with the USTR and the head of each Federal agency affected by the provisions of this Act.

SEC. 707. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Amounts appropriated under this section shall be available until expended.

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