

105TH CONGRESS
1ST SESSION

S. 1316

To dismantle the Department of Commerce.

IN THE SENATE OF THE UNITED STATES

OCTOBER 24, 1997

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

A BILL

To dismantle the Department of Commerce.

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

Sec. 1. Short title.

Sec. 2. Table of contents.

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Sec. 102. Abolishment of Department of Commerce.

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

3 **SEC. 101. DEFINITIONS.**

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

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

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

11 (3) OFFICE.—The term “Office” means the Of-
12 fice of Management and Budget.

13 **SEC. 102. ABOLISHMENT OF DEPARTMENT OF COMMERCE.**

14 (a) ABOLISHMENT OF DEPARTMENT.—Effective on
15 the applicable date specified in subsection (c), the Depart-
16 ment of Commerce is abolished.

17 (b) TRANSFER OF DEPARTMENT FUNCTIONS TO OF-
18 FICE OF MANAGEMENT AND BUDGET.—Except as other-
19 wise provided in this Act, all functions that on the day
20 before the applicable date specified in subsection (c) are
21 authorized to be performed by the Secretary of Commerce,
22 any other officer or employee of the Department acting
23 in that capacity, or any agency or office of the Depart-
24 ment, are transferred to the Director effective on that
25 date.

1 (c) ABOLISHMENT DATE.—The date of abolishment
2 of the Department is the earlier of—

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

5 (2) September 30, 1998.

6 **SEC. 103. RESOLUTION AND TERMINATION OF DEPART-**
7 **MENT FUNCTIONS.**

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

11 (1) the disposition and resolution of functions
12 of the Department shall be completed in accordance
13 with this Act; and

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

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

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

1 **SEC. 104. RESPONSIBILITIES OF THE DIRECTOR OF THE OF-**
2 **FICE OF MANAGEMENT AND BUDGET.**

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

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

8 (2) the administration, during the period speci-
9 fied in section 103(a), of any outstanding obligations
10 of the Federal Government under any programs ter-
11 minated by this Act; and

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

16 (b) DELEGATION OF FUNCTIONS.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), the Director may, to the extent that the
19 Director determines that such delegation is appro-
20 priate to carry out this title, delegate to any officer
21 of the Office or to any other Federal department or
22 agency head the performance of the functions of the
23 Director under this title.

24 (2) EXCEPTION.—The Director may not dele-
25 gate the planning and reporting responsibilities
26 under section 106.

1 (c) TRANSFER OF ASSETS AND PERSONNEL.—In
2 connection with any delegation of functions under sub-
3 section (b), the Director may transfer, within the Office
4 or to the department or agency concerned, such assets,
5 funds, personnel, records, and other property relating to
6 the delegated function as the Director determines to be
7 appropriate.

8 (d) AUTHORITIES OF THE DIRECTOR.—For purposes
9 of performing the functions of the Director under this
10 title, the Director may—

11 (1) enter into contracts;

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

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

19 **SEC. 105. PERSONNEL.**

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

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

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

4 **SEC. 106. PLANS AND REPORTS.**

5 (a) INITIAL IMPLEMENTATION PLAN.—

6 (1) IN GENERAL.—Not later than 90 days after
7 the date of enactment of this Act, the Director shall
8 submit a report to Congress and the President that
9 specifies actions that have been taken and actions
10 that have not been taken but are necessary—

11 (A) to resolve the programs and functions
12 terminated in this Act on the date of enactment
13 of this Act; and

14 (B) to implement the additional transfers
15 and other program dispositions provided for in
16 this Act.

17 (2) CONTENTS.—The report in paragraph (1)
18 shall include—

19 (A) recommendations for any legislation
20 necessary for the implementation of the
21 abolishments, transfers, terminations, and other
22 dispositions of programs and functions under
23 this Act; and

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

4 (b) ANNUAL STATUS REPORTS.—At the end of the
5 first full fiscal year following the date of enactment of this
6 Act and at the end of each of the 2 following fiscal years,
7 the Director shall submit a report, through the President,
8 to Congress that—

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

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

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

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

22 (1) evaluates the report; and

23 (2) includes any recommendations the Comp-
24 troller General considers appropriate.

1 **SEC. 107. GENERAL ACCOUNTING OFFICE AUDIT AND AC-**
2 **CESS TO RECORDS.**

3 (a) **AUDIT OF PERSONS PERFORMING FUNCTIONS**
4 **PURSUANT TO THIS ACT.**—All agencies, corporations, or-
5 ganizations, and other persons of any description that,
6 under the authority of the United States, perform any
7 function or activity covered under this Act shall be subject
8 to an audit by the Comptroller General of the United
9 States with respect to that function or activity.

10 (b) **AUDIT OF PERSONS PROVIDING CERTAIN GOODS**
11 **OR SERVICES.**—All persons and organizations that, by
12 contract, grant, or otherwise, provide goods or services to,
13 or receive financial assistance from, any agency or other
14 person performing functions or activities covered under
15 this Act shall be subject to an audit by the Comptroller
16 General of the United States with respect to the provision
17 of such goods or services or the receipt of such financial
18 assistance.

19 (c) **PROVISIONS APPLICABLE TO AUDITS UNDER**
20 **THIS SECTION.**—

21 (1) **NATURE AND SCOPE OF AUDIT.**—The
22 Comptroller General of the United States shall de-
23 termine the nature, scope, terms, and conditions of
24 audits conducted under this section.

25 (2) **COORDINATION WITH OTHER PROVISIONS**
26 **OF LAW.**—The authority of the Comptroller General

1 of the United States under this section shall be in
2 addition to any audit authority available to the
3 Comptroller General under any other provision of
4 law (including any other provision of this Act).

5 (3) RIGHTS OF ACCESS, EXAMINATION, AND
6 COPYING.—The Comptroller General of the United
7 States, and any duly authorized representative of the
8 Comptroller General, shall have access to, and the
9 right to examine and copy, all records and other re-
10 corded information in any form, and to examine any
11 property within the possession or control of any
12 agency or person that—

13 (A) is subject to audit under this section;
14 and

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

17 (4) ENFORCEMENT OF RIGHT OF ACCESS.—The
18 right of access of the Comptroller General of the
19 United States to information under this section shall
20 be enforceable under section 716 of title 31, United
21 States Code.

22 (5) MAINTENANCE OF CONFIDENTIAL
23 RECORDS.—Section 716(e) of title 31, United States
24 Code, shall apply to information obtained by the
25 Comptroller General under this section.

1 **SEC. 108. CONFORMING AMENDMENTS.**

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

5 (b) **EXECUTIVE DEPARTMENTS.**—Section 101 of title
6 5, United States Code, is amended by striking the follow-
7 ing item:

8 “The Department of Commerce.”.

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

12 “Secretary of Commerce.”.

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

15 (1) by striking the following item:

16 “Under Secretary of Commerce, Under Sec-
17 retary of Commerce for Economic Affairs, Under
18 Secretary of Commerce for Export Administration
19 and Under Secretary of Commerce for Travel and
20 Tourism.”;

21 (2) by striking the following item:

22 “Under Secretary of Commerce for Oceans and
23 Atmosphere, the incumbent of which also serves as
24 Administrator of the National Oceanic and Atmos-
25 pheric Administration.”; and

26 (3) by striking the following item:

1 “Under Secretary of Commerce for Tech-
2 nology.”.

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

5 (1) by striking the following item:

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

7 (2) by striking the following item:

8 “General Counsel of the Department of Com-
9 merce.”;

10 (3) by striking the following item:

11 “Assistant Secretary of Commerce for Oceans
12 and Atmosphere, the incumbent of which also serves
13 as Deputy Administrator of the National Oceanic
14 and Atmospheric Administration.”;

15 (4) by striking the following item:

16 “Director, National Institute of Standards and
17 Technology, Department of Commerce.”;

18 (5) by striking the following item:

19 “Inspector General, Department of Com-
20 merce.”;

21 (6) by striking the following item:

22 “Chief Financial Officer, Department of Com-
23 merce.”;

1 (7) by striking the item relating to the Director
2 of the Bureau of the Census and inserting “Director
3 of the Census, Federal Statistical Service”; and

4 (8) by striking the following item:

5 “Chief Information Officer, Department of
6 Commerce.”.

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

9 (1) by striking the following item:

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

12 (2) by striking the following item:

13 “National Export Expansion Coordinator, De-
14 partment of Commerce.”.

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

18 (1) in section 9(a)(1)—

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

20 (B) by redesignating subparagraphs (C)
21 through (W) as subparagraphs (B) through
22 (V), respectively;

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

24 and

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

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

4 **SEC. 109. PRIVATIZATION FRAMEWORK.**

5 (a) IN GENERAL.—

6 (1) PRIVATIZATION.—Not later than 18 months
7 after a function designated for privatization under
8 title II is transferred to the Office, the Director shall
9 privatize that function. The Director shall pursue
10 such forms of privatization arrangements as the Di-
11 rector considers appropriate to best serve the inter-
12 ests of the United States.

13 (2) REPORT.—If, by the date specified in para-
14 graph (1), the Director is unable to privatize a func-
15 tion, the Director shall submit a report that states
16 that inability to Congress, together with rec-
17 ommendations concerning the appropriate disposi-
18 tion of the function involved and the assets of the
19 function.

20 (b) ROLE OF THE FEDERAL GOVERNMENT.—No pri-
21 vatization arrangement made under subsection (a) shall
22 include any role for, or accountability to, the Federal Gov-
23 ernment unless the role or accountability is necessary to
24 ensure the continued accomplishment of a specific Federal

1 objective. The Federal role should be the minimum role
2 necessary to accomplish Federal objectives.

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

5 (1) to preserve the value of the assets of a func-
6 tion during the period during which the Office holds
7 such assets; and

8 (2) to continue the performance of the function
9 to the extent necessary—

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

11 (B) to accomplish core Federal objectives

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

13 **SEC. 110. PRIORITY PLACEMENT PROGRAMS FOR FEDERAL**
14 **EMPLOYEES AFFECTED BY A REDUCTION IN**
15 **FORCE ATTRIBUTABLE TO THIS ACT.**

16 (a) IN GENERAL.—Subchapter I of chapter 33 of title
17 5, United States Code, is amended by inserting after sec-
18 tion 3329 the following:

19 **“§ 3329a. Priority placement programs for employees**
20 **affected by a reduction in force attrib-**
21 **utable to the Department of Commerce**
22 **Dismantling Act**

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

1 “(A) except as provided in subparagraph (B),
2 means an Executive agency to which personnel are
3 transferred in connection with a transfer of function
4 under the Department of Commerce Dismantling
5 Act, and

6 “(B) with respect to employees of the Depart-
7 ment of Commerce in general administration, the In-
8 spector General’s office, or the General Counsel’s of-
9 fice, or who provided overhead support to other com-
10 ponents of the Department on a reimbursable basis,
11 means all agencies to which functions of those em-
12 ployees are transferred under the Department of
13 Commerce Dismantling Act.

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

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

18 “(B) is due to—

19 “(i) the termination of any function of the
20 Department of Commerce; or

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

24 “(I) the Director of the Office of
25 Management and Budget, in the case of a

1 function transferred to the Office of Man-
2 agement and Budget; or

3 “(II) the head of the agency, in the
4 case of any function transferred to an
5 agency other than the Office of Manage-
6 ment and Budget.

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

12 “(1) are scheduled to be separated from service;
13 or

14 “(2) are separated from service.

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

19 “(A) an individual described in paragraph (2)
20 who is qualified for the position is available for the
21 position at the time of the occurrence of the va-
22 cancy; and

23 “(B) the position—

24 “(i) is at the same grade (or pay level) or
25 not more than 1 grade (or pay level) below that

1 of the position last held by such individual be-
2 fore placement in the new position; and

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

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

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

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

17 “(d)(1) Nothing in this section shall affect any prior-
18 ity placement program of the Department of Defense that
19 is in operation as of the date of enactment of this section.

20 “(2) Nothing in this section shall impair any place-
21 ment program within an agency subject to a reduction in
22 force resulting from a cause other than the Department
23 of Commerce Dismantling Act.

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

1 the performance of those functions for fiscal year
2 1997; and

3 (2) for the second fiscal year that begins after
4 the date specified in section 102(c) and for each fis-
5 cal year thereafter, 65 percent of the total amount
6 appropriated to the Department for the performance
7 of those functions for fiscal year 1997.

8 (b) EXCEPTION.—Subsection (a) shall not apply to
9 obligations or expenditures incurred as a direct con-
10 sequence of the termination, transfer, or other disposition
11 of functions described in subsection (a) pursuant to this
12 Act.

13 (c) RULE OF CONSTRUCTION.—This section shall su-
14 percede any other provision of law that does not explic-
15 itly—

16 (1) refer to this section; and

17 (2) create an exemption from this section.

18 (d) RESPONSIBILITIES OF THE DIRECTOR.—The Di-
19 rector shall—

20 (1) ensure compliance with the requirements of
21 this section; and

22 (2) include in each report under subsections (a)
23 and (b) of section 106 a description of actions taken
24 to comply with the requirements referred to in para-
25 graph (1).

1 **TITLE II—DISPOSITION OF PRO-**
2 **GRAMS, FUNCTIONS, AND**
3 **AGENCIES OF DEPARTMENT**
4 **OF COMMERCE**

5 **SEC. 201. ECONOMIC DEVELOPMENT.**

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

9 (b) **TRANSFER OF FINANCIAL OBLIGATIONS OWED**
10 **TO THE DEPARTMENT.**—There are transferred to the Sec-
11 retary of the Treasury the loans, notes, bonds, debentures,
12 securities, and other financial obligations owned by the
13 Department of Commerce under the Public Works and
14 Economic Development Act of 1965, together with all as-
15 sets or other rights (including security interests) incident
16 thereto, and all liabilities related thereto. There are as-
17 signed to the Secretary of the Treasury the functions,
18 powers, and abilities vested in or delegated to the Sec-
19 retary of Commerce or the Department of Commerce to
20 manage, service, collect, sell, dispose of, or otherwise real-
21 ize proceeds on obligations owed to the Department of
22 Commerce under authority of such Act with respect to any
23 loans, obligations, or guarantees made or issued by the
24 Department of Commerce pursuant to such Act.

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

3 (1) conduct an audit of all grants made or is-
4 sued by the Department of Commerce under the
5 Public Works and Economic Development Act of
6 1965 in fiscal year 1997 and all loans, obligations,
7 and guarantees; and

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

10 **SEC. 202. TECHNOLOGY ADMINISTRATION.**

11 (a) TECHNOLOGY ADMINISTRATION.—

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

15 (2) OFFICE OF TECHNOLOGY POLICY.—The Of-
16 fice of Technology Policy of the Department of Com-
17 merce is terminated.

18 (b) NATIONAL INSTITUTE OF STANDARDS AND
19 TECHNOLOGY.—

20 (1) REDESIGNATION.—The National Institute
21 of Standards and Technology of the Department of
22 Commerce is hereby redesignated as the National
23 Bureau of Standards, and all references to the Na-
24 tional Institute of Standards and Technology in

1 Federal law or regulations are deemed to be ref-
2 erences to the National Bureau of Standards.

3 (2) GENERAL RULE.—The National Bureau of
4 Standards (in this subsection referred to as the
5 “Bureau”) is transferred from the Department of
6 Commerce to the National Oceanic and Atmospheric
7 Administration, established in section 206.

8 (3) FUNCTIONS OF DIRECTOR.—Except as oth-
9 erwise provided in this section or section 207, upon
10 the transfer under paragraph (2), the Director of
11 the Bureau shall perform all functions relating to
12 the Bureau that, immediately before the effective
13 date specified in section 208(a), were functions of
14 the Secretary of Commerce or the Under Secretary
15 of Commerce for Technology.

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

18 (1) PRIVATIZATION.—All functions of the Na-
19 tional Technical Information Service of the Depart-
20 ment of Commerce are transferred to the Director of
21 the Office of Management and Budget for privatiza-
22 tion in accordance with section 109 by the date spec-
23 ified in subsection (a) of that section.

24 (2) TRANSFER TO NATIONAL OCEANIC AND AT-
25 MOSPHERIC ADMINISTRATION.—If, by the date speci-

1 fied in section 109(a), an appropriate arrangement
2 for the privatization of functions of the National
3 Technical Information Service under paragraph (1)
4 has not been made, the National Technical Informa-
5 tion Service shall be transferred to the National
6 Oceanic and Atmospheric Administration established
7 in section 206.

8 (3) GOVERNMENT CORPORATION.—If, by the
9 date specified in section 109(a), an appropriate ar-
10 rangement for the privatization of functions of the
11 National Technical Information Service under para-
12 graph (1) has not been made, the Director of the
13 Office of Management and Budget shall, not later
14 than 180 days after the date specified in section
15 109(a), submit to Congress recommended legislation
16 to establish the National Technical Information
17 Service as a wholly owned Government corporation.
18 The recommended legislation shall provide for the
19 corporation to perform substantially the same func-
20 tions that, as of the date of enactment of this Act,
21 are performed by the National Technical Informa-
22 tion Service.

23 (4) FUNDING.—No funds are authorized to be
24 appropriated for the National Technical Information
25 Service or any successor corporation established pur-

1 suant to recommended legislation under paragraph
2 (3).

3 (d) AMENDMENTS.—

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

8 (A) in section 2(b), by striking paragraph
9 (1) and redesignating paragraphs (2) through
10 (11) as paragraphs (1) through (10), respec-
11 tively;

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

15 (C) in section 10—

16 (i) in the section heading, by striking
17 “Advanced” and inserting “Standards
18 and”; and

19 (ii) in subsection (a), by striking “Ad-
20 vanced” and inserting “Standards and”;
21 and

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

24 (2) STEVENSON-WYDLER TECHNOLOGY INNOVA-
25 TION ACT OF 1980.—The Stevenson-Wydler Tech-

1 nology Innovation Act of 1980 (15 U.S.C. 3701 et
2 seq.) is amended—

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

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

11 (C) by striking sections 5 through 10;

12 (D) in section 11—

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

16 (ii) in subsection (d)—

17 (I) in paragraph (2), by striking
18 “and the Federal Laboratory Consor-
19 tium for Technology Transfer”; and

20 (II) in paragraph (3), by striking
21 “, and refer such requests” and all
22 that follows through “available to the
23 Service”; and

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

25 (E) in section 17—

1 (i) in subsection (c)—

2 (I) in paragraph (1), by striking
3 “Subject to paragraph (2), separate”
4 and inserting “Separate”; and

5 (II) by striking paragraph (2)
6 and redesignating paragraph (3) as
7 paragraph (2);

8 (ii) in subsection (f), by striking
9 “funds to carry out” and inserting “funds
10 only to pay the salary of the Director of
11 the Office of Quality Programs, who shall
12 be responsible for carrying out”; and

13 (iii) by adding at the end the follow-
14 ing new subsection:

15 “(h) VOLUNTARY AND UNCOMPENSATED SERV-
16 ICES.—The Director of the Office of Quality Programs
17 may accept voluntary and uncompensated services not-
18 withstanding the provisions of section 1342 of title 31,
19 United States Code.”.

20 (3) MISCELLANEOUS AMENDMENTS.—Section 3
21 of Public Law 94–168 (15 U.S.C. 205b) is amend-
22 ed—

23 (A) by striking paragraph (2);

24 (B) by redesignating paragraphs (3) and
25 (4) as paragraphs (2) and (3), respectively; and

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

4 **SEC. 203. REORGANIZATION OF THE BUREAU OF THE CEN-**
5 **SUS AND THE BUREAU OF ECONOMIC ANALY-**
6 **SIS.**

7 (a) **TRANSFER OF FUNCTIONS.**—All functions of the
8 Secretary of Commerce relating to the Bureau of the Cen-
9 sus and the Bureau of Economic Analysis of the Depart-
10 ment of Commerce are transferred to the Federal Statis-
11 tical Service established under title V.

12 (b) **TRANSFER OF BUREAUS.**—The Bureau of the
13 Census and Bureau of Economic Analysis of the Depart-
14 ment of Commerce are transferred to the Federal Statis-
15 tical Service established under title V.

16 (c) **REFERENCES TO SECRETARY.**—Section 1(2) of
17 the title 13, United States Code, is amended by striking
18 “Secretary of Commerce” and inserting “Administrator of
19 the Federal Statistical Service”.

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

1 (e) GENERAL REFERENCES TO SECRETARY AND DE-
2 PARTMENT.—Title 13, United States Code, is further
3 amended—

4 (1) by striking “Secretary of Commerce” each
5 place it appears and inserting “Administrator of the
6 Federal Statistical Service”; and

7 (2) by striking “Department of Commerce”
8 each place it appears and inserting “Federal Statis-
9 tical Service”.

10 **SEC. 204. TERMINATED FUNCTIONS OF NATIONAL TELE-**
11 **COMMUNICATIONS AND INFORMATION AD-**
12 **MINISTRATION.**

13 (a) REPEALS.—The following provisions of law are
14 repealed:

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

19 (2) Subpart B of part IV of title III of the
20 Communications Act of 1934 (47 U.S.C. 394), relat-
21 ing to the Endowment for Children’s Educational
22 Television.

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

1 (b) DISPOSAL OF NATIONAL TELECOMMUNICATIONS
2 AND INFORMATION ADMINISTRATION LABORATORIES.—

3 (1) PRIVATIZATION.—All laboratories of the
4 National Telecommunications and Information Ad-
5 ministration are transferred to the Director of the
6 Office of Management and Budget for privatization
7 in accordance with section 109 by the date specified
8 in subsection (a) of that section.

9 (2) TRANSFER TO NATIONAL OCEANIC AND AT-
10 MOSPHERIC ADMINISTRATION.—If an appropriate
11 arrangement for the privatization of functions of the
12 laboratories of the National Telecommunications and
13 Information Administration under paragraph (1) has
14 not been made by the date specified in section
15 109(a), the laboratories of the National Tele-
16 communications and Information Administration
17 shall be transferred as of the end of such period to
18 the National Oceanic and Atmospheric Administra-
19 tion established in section 206.

20 (3) TRANSFER OF FUNCTIONS.—The functions
21 of the National Telecommunications and Informa-
22 tion Administration concerning research and analy-
23 sis of the electromagnetic spectrum described in sec-
24 tion 5112(b) of the Omnibus Trade and Competi-
25 tiveness Act of 1988 (15 U.S.C. 1532) are trans-

1 ferred to the Director of the National Bureau of
2 Standards.

3 (c) TRANSFER OF NATIONAL TELECOMMUNICATIONS
4 AND INFORMATION ADMINISTRATION FUNCTIONS.—

5 (1) TRANSFER TO FEDERAL COMMUNICATIONS
6 COMMISSION.—Except as provided in subsection
7 (b)(2), the functions of the National Telecommuni-
8 cations and Information Administration, and of the
9 Secretary of Commerce and the Assistant Secretary
10 for Communications and Information of the Depart-
11 ment of Commerce with respect to the National
12 Telecommunications and Information Administra-
13 tion, are transferred to the Federal Communications
14 Commission. The functions transferred by this para-
15 graph shall be placed in an organizational compo-
16 nent that is independent from all Federal Commu-
17 nications Commission functions directly related to
18 the negotiation of trade agreements. Such functions
19 shall be supervised by an individual whose principal
20 professional expertise is in the area of telecommuni-
21 cations. The position to which such individual is ap-
22 pointed shall be graded at a level sufficiently high to
23 attract a highly qualified individual, while ensuring
24 autonomy in the conduct of such functions from all

1 activities and influences associated with trade nego-
2 tiations.

3 (2) REFERENCES.—References in any provision
4 of law (including the National Telecommunications
5 and Information Administration Organization Act)
6 to the Secretary of Commerce or the Assistant Sec-
7 retary for Communications and Information of the
8 Department of Commerce—

9 (A) with respect to a function vested pur-
10 suant to this section in the Federal Commu-
11 nications Commission shall be deemed to refer
12 to the United States Trade Representative; and

13 (B) with respect to a function vested pur-
14 suant to this section in the Director of the Na-
15 tional Bureau of Standards shall be deemed to
16 refer to the Director of the National Bureau of
17 Standards.

18 (3) TERMINATION OF NTIA.—Effective on the
19 applicable date specified in section 102(c), the Na-
20 tional Telecommunications and Information Admin-
21 istration is abolished.

22 **SEC. 205. TERMINATIONS AND TRANSFERS.**

23 (a) TERMINATION OF MISCELLANEOUS RESEARCH
24 PROGRAMS AND ACCOUNTS.—

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

5 (A) The National Undersea Research Pro-
6 gram.

7 (B) The Fleet Modernization Program.

8 (C) The Charleston, South Carolina, Spe-
9 cial Management Plan.

10 (D) Chesapeake Bay Observation Buoys
11 (as of September 30, 1996).

12 (E) Federal/State Weather Modification
13 Grants.

14 (F) The Southeast Storm Research Ac-
15 count.

16 (G) The Southeast United States Carib-
17 bean Fisheries Oceanographic Coordinated In-
18 vestigations Program.

19 (H) National Institute for Environmental
20 Renewal.

21 (I) The Lake Champlain Study.

22 (J) The Maine Marine Research Center.

23 (K) The South Carolina Cooperative Geo-
24 detic Survey Account.

25 (L) Pacific Island Technical Assistance.

1 (M) Sea Grant Oyster Disease Account.

2 (N) National Weather Service non-Federal,
3 non-wildfire Weather Service.

4 (O) National Weather Service Regional
5 Climate Centers.

6 (P) National Weather Service Samoa
7 Weather Forecast Office Repair and Upgrade
8 Account.

9 (Q) Dissemination of Weather Charts (Ma-
10 rine Facsimile Service).

11 (R) The Climate and Global Change Ac-
12 count.

13 (S) The Global Learning and Observations
14 to Benefit the Environment Program.

15 (T) Mussel watch.

16 (2) REPEALS.—The following provisions of law
17 are repealed:

18 (A) The Ocean Thermal Conversion Act of
19 1980 (42 U.S.C. 9101 et seq.).

20 (B) Title IV of the Marine Protection, Re-
21 search, and Sanctuaries Act of 1972 (16 U.S.C.
22 1447 et seq.).

23 (C) Title V of the Marine Protection, Re-
24 search, and Sanctuaries Act of 1972 (33 U.S.C.
25 2801 et seq.).

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

3 (E) Section 208(c) of the National Sea
4 Grant College Program Act (33 U.S.C.
5 1127(c)).

6 (F) Section 305 of the Coastal Zone Man-
7 agement Act of 1972 (16 U.S.C. 1454) is re-
8 pealed effective October 1, 2000.

9 (G) The NOAA Fleet Modernization Act
10 (33 U.S.C. 891 et seq.).

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

14 (I) The first section of the Act of August
15 8, 1956 (70 Stat. 1126, chapter 1039; 16
16 U.S.C. 760d), relating to grants for commercial
17 fishing education.

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

21 (b) AERONAUTICAL MAPPING AND CHARTING.—

22 (1) IN GENERAL.—The aeronautical mapping
23 and charting functions of the National Oceanic and
24 Atmospheric Administration are transferred to the

1 Transportation Administrative Services Center at
2 the Department of Transportation.

3 (2) TERMINATION OF CERTAIN FUNCTIONS.—

4 The Transportation Administrative Services Center
5 shall terminate any functions transferred under
6 paragraph (1) that are performed by the private sec-
7 tor or obtain by contract from the private sector
8 those activities that are commercial in nature and
9 necessary to carry out inherently governmental func-
10 tions.

11 (3) FUNCTIONS REQUESTED BY FEDERAL AVIA-
12 TION ADMINISTRATION.—

13 (A) IN GENERAL.—Notwithstanding para-
14 graph (2), the Director of the Transportation
15 Administrative Services Center (referred to in
16 this paragraph as the “Director”) shall carry
17 out such aeronautical charting functions as may
18 be requested by the Administrator of the Fed-
19 eral Aviation Administration.

20 (B) AERONAUTICAL MAPPING.—In carry-
21 ing out aeronautical mapping functions re-
22 quested by the Administrator under subpara-
23 graph (A), the Director shall in such manner
24 and including such information as the Adminis-
25 trator determines is necessary for, or will pro-

1 mote, the safe and efficient movement of air-
2 craft in air commerce—

3 (i) publish and distribute to the public
4 and to the Administrator any aeronautical
5 charts requested by the Administrator; and

6 (ii) provide to the Administrator such
7 other air traffic control products and serv-
8 ices as may be requested by the Adminis-
9 trator.

10 (4) CONTINUING APPLICABILITY.—

11 (A) IN GENERAL.—Except as provided in
12 subparagraph (B), the requirements of section
13 1307 of title 44, United States Code, shall con-
14 tinue to apply with respect to all aeronautical
15 products created or published by the Director in
16 carrying out the functions transferred to the
17 Director under this paragraph.

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

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

24 (1) IN GENERAL.—Except as provided in sub-
25 section (b), there are transferred to the Army Corps

1 of Engineers the functions relating to mapping,
2 charting, and geodesy authorized under the Act of
3 August 7, 1947 (61 Stat. 787, chapter 504; 33
4 U.S.C. 883a).

5 (2) TERMINATION OF CERTAIN FUNCTIONS.—

6 The Secretary of the Army, acting through the Chief
7 of Engineers of Army Corps of Engineers, shall ter-
8minate any functions transferred under paragraph
9 (1) that are performed by the private sector or ob-
10tain by contract from the private sector those func-
11tions that are commercial in nature and are nec-
12essary to carry out inherently governmental func-
13tions.

14 (d) NATIONAL ENVIRONMENTAL SATELLITE, DATA,
15 AND INFORMATION.—There are transferred to the Na-
16tional Oceanic and Atmospheric Administration estab-
17lished in section 206 all functions and assets of the Na-
18tional Oceanic and Atmospheric Administration that on
19the date immediately before the effective date of this sec-
20tion are authorized to be performed by the National Envi-
21ronmental Satellite, Data, and Information System.

22 (e) OCEANIC AND ATMOSPHERIC ADMINISTRA-
23TION.—There are transferred to the National Oceanic and
24Atmospheric Administration established in section 206 all
25functions and assets of the National Oceanic and Atmos-

1 pheric Administration (including global programs) that on
2 the date immediately before the effective date of this sec-
3 tion were authorized to be performed by the Office of Oce-
4 anic and Atmospheric Research.

5 (f) NATIONAL WEATHER SERVICE.—

6 (1) IN GENERAL.—There are transferred to the
7 National Oceanic and Atmospheric Administration
8 established in section 206 all functions and assets of
9 the National Oceanic and Atmospheric Administra-
10 tion that on the date immediately before the effec-
11 tive date of this section are authorized to be per-
12 formed by the National Weather Service.

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

18 (A) Forecasts. (The Administrator shall
19 serve as the sole and official sources of weather
20 and flood warnings for the Federal Govern-
21 ment.)

22 (B) The issuance of storm warnings.

23 (C) The collection, exchange, and distribu-
24 tion of meteorological, hydrological, climatic,
25 and oceanographic data and information.

1 (D) The preparation of hydro-meteorologi-
2 cal guidance and core forecast information.

3 (3) LIMITATIONS ON COMPETITION.—The Na-
4 tional Weather Service may not compete, or assist
5 other entities in competing, with the private sector
6 to provide a service in any case in which that service
7 is provided by a private sector commercial enterprise
8 or a private sector commercial enterprise is able to
9 provide that service, unless—

10 (A) the Administrator of Oceans and At-
11 mosphere finds that private sector commercial
12 enterprises are unwilling or unable to provide
13 the service; and

14 (B) the Administrator of Oceans and At-
15 mosphere finds that the service provides vital
16 weather warnings and forecasts for the protec-
17 tion of lives and property of the general public.

18 (4) ORGANIC ACT AMENDMENTS.—The Act en-
19 titled “An Act to increase the efficiency and reduce
20 the expenses of the Signal Corps of the Army, and
21 to transfer the Weather Bureau to the Department
22 of Agriculture”, approved October 1, 1890 (26 Stat.
23 653, chapter 1266) is amended—

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

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

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

8 (6) CONFORMING AMENDMENTS.—The Weather
9 Service Modernization Act (15 U.S.C. 313 note) is
10 amended—

11 (A) in section 702, by striking paragraph
12 (3) and redesignating paragraphs (4) through
13 (10) as paragraphs (3) through (9), respec-
14 tively; and

15 (B) in section 703—

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

18 (ii) by striking paragraph (3) and re-
19 designating paragraphs (4) through (6) as
20 paragraphs (3) through (5), respectively;
21 and

22 (iii) by striking subsections (b) and
23 (c).

1 (g) TERMINATION OF THE NATIONAL OCEANIC AND
2 ATMOSPHERIC ADMINISTRATION CORPS OF COMMIS-
3 SIONED OFFICERS.—

4 (1) NUMBER OF OFFICERS.—Notwithstanding
5 section 8 of the Act of June 3, 1948 (62 Stat. 298,
6 chapter 390; 33 U.S.C. 853g), no funding may be
7 provided for a commissioned officer of the National
8 Oceanic and Atmospheric Administration Corps
9 after fiscal year 1997 and no individual may serve
10 as such a commissioned officer after fiscal year
11 1997.

12 (2) SEPARATION PAY.—

13 (A) IN GENERAL.—Commissioned officers
14 may be separated from the active list of the Na-
15 tional Oceanic and Atmospheric Administration.
16 Any officer so separated because of paragraph
17 (1) shall, subject to subparagraph (B) and the
18 availability of appropriations, be eligible for sep-
19 aration pay under section 9 of the Act of June
20 3, 1948 (62 Stat. 299, chapter 390; 33 U.S.C.
21 853h) to the same extent as if such officer had
22 been separated under section 8 of such Act (62
23 Stat. 298, chapter 390; 33 U.S.C. 853g).

24 (B) TRANSFEREES.—Any officer who,
25 under paragraph (4), transfers to another of

1 the uniformed services or becomes employed in
2 a civil service position shall not be eligible for
3 separation pay under this paragraph.

4 (C) REPAYMENT.—

5 (i) IN GENERAL.—Any officer who re-
6 ceives separation pay under this paragraph
7 shall be required to repay the amount re-
8 ceived if, within 1 year after the date of
9 the separation on which the payment is
10 based, such officer is reemployed in a civil
11 service position in the National Oceanic
12 and Atmospheric Administration, the du-
13 ties of which position would formerly have
14 been performed by a commissioned officer,
15 as determined by the Administrator of
16 Oceans and Atmosphere.

17 (ii) LUMP SUM.—A repayment under
18 this subparagraph shall be made in a lump
19 sum or in such installments as the Admin-
20 istrator may specify.

21 (D) REPAYMENTS.—

22 (i) IN GENERAL.—In the case of any
23 officer who makes a repayment under sub-
24 paragraph (C)—

1 (I) the National Oceanic and At-
2 mospheric Administration shall pay
3 into the Civil Service Retirement and
4 Disability Fund, on such officer's be-
5 half, any deposit required under sec-
6 tion 8422(e)(1) of title 5, United
7 States Code, with respect to any prior
8 service performed by that individual
9 as such an officer; and

10 (II) if the amount paid under
11 subclause (I) is less than the amount
12 of the repayment under subparagraph
13 (C), the National Oceanic and Atmos-
14 pheric Administration shall pay into
15 the Government Securities Investment
16 Fund (established under section
17 8438(b)(1)(A) of title 5, United
18 States Code), on such individual's be-
19 half, an amount equal to the dif-
20 ference.

21 (ii) APPLICABILITY.—The provisions
22 of paragraph (5)(C)(iv) shall apply with re-
23 spect to any contribution to the Thrift
24 Savings Plan made under clause (ii).

1 (3) PRIORITY PLACEMENT PROGRAM.—A prior-
2 ity placement program similar to the programs de-
3 scribed in section 3329a of title 5, United States
4 Code (as added by section 110 of this Act) shall be
5 established by the National Oceanic and Atmos-
6 pheric Administration to assist commissioned offi-
7 cers who are separated from the active list of the
8 National Oceanic and Atmospheric Administration
9 because of paragraph (1).

10 (4) TRANSFER.—

11 (A) TRANSFERS TO ARMED FORCES.—Sub-
12 ject to the approval of the Secretary of Defense
13 and under terms and conditions specified by the
14 Secretary, commissioned officers subject to
15 paragraph (1) may transfer to the Armed
16 Forces under section 716 of title 10, United
17 States Code.

18 (B) TRANSFERS TO UNITED STATES COAST
19 GUARD.—Subject to the approval of the Sec-
20 retary of Transportation and under terms and
21 conditions specified by the Secretary, commis-
22 sioned officers subject to paragraph (1) may
23 transfer to the United States Coast Guard
24 under section 716 of title 10, United States
25 Code.

1 (C) TRANSFERS TO NATIONAL OCEANIC
2 AND ATMOSPHERIC ADMINISTRATION.—Subject
3 to the approval of the Administrator of Oceans
4 and Atmosphere and under terms and condi-
5 tions specified by that Administrator, commis-
6 sioned officers subject to paragraph (1) may be
7 employed by the National Oceanic and Atmos-
8 pheric Administration as members of the civil
9 service.

10 (5) RETIREMENT PROVISIONS.—

11 (A) IN GENERAL.—For commissioned offi-
12 cers who transfer under paragraph (4)(A) to
13 the Armed Forces, the National Oceanic and
14 Atmospheric Administration shall pay into the
15 Department of Defense Military Retirement
16 Fund an amount, to be calculated by the Sec-
17 retary of Defense in consultation with the Sec-
18 retary of the Treasury, equal to the actuarial
19 present value of any retired or retainer pay they
20 will draw upon retirement, including full credit
21 for service in the National Oceanic and Atmos-
22 pheric Administration (referred to in this title
23 as the “NOAA Corps”). Any payment under
24 this subparagraph shall, for purposes of para-

1 graph (2) of section 206(g), be considered to be
2 an expenditure described in such paragraph.

3 (B) OTHER TRANSFERS.—For commis-
4 sioned officers who transfer under paragraph
5 (4)(B) to the United States Coast Guard, full
6 credit for service in the NOAA Corps shall be
7 given for purposes of any annuity or other simi-
8 lar benefit under the retirement system for
9 members of the United States Coast Guard, en-
10 titlement to which is based on the separation of
11 such officer.

12 (C) PAYMENT TO CERTAIN COMMISSIONED
13 OFFICERS WHO TRANSFER TO CIVIL SERVICE
14 POSITIONS.—(i) For a commissioned officer
15 who becomes employed in a civil service position
16 pursuant to paragraph (4)(C) and thereupon
17 becomes subject to the Federal Employees' Re-
18 tirement System, the National Oceanic and At-
19 mospheric Administration shall pay, on such of-
20 ficer's behalf—

21 (I) into the Civil Service Retirement
22 and Disability Fund, the amounts required
23 under clause (ii); and

1 (II) into the Government Securities
2 Investment Fund, the amount required
3 under clause (iii).

4 (ii)(I) The amount required under this
5 subclause is the amount of any deposit required
6 under section 8422(e)(1) of title 5, United
7 States Code, with respect to any prior service
8 performed by the individual as a commissioned
9 officer of the National Oceanic and Atmos-
10 pheric Administration.

11 (II) To determine the amount required
12 under this subclause, first determine, for each
13 year of service with respect to which the deposit
14 under subclause (I) relates, the product of the
15 normal-cost percentage for such year (as deter-
16 mined under the last sentence of this subclause)
17 multiplied by basic pay received by the individ-
18 ual for any such service performed in such year.
19 Second, take the sum of the amounts deter-
20 mined for the respective years under the first
21 sentence. Finally, subtract from such sum the
22 amount of the deposit under subclause (I). For
23 purposes of the first sentence, the normal-cost
24 percentage for any year shall be as determined
25 for such year under the provisions of section

1 8423(a)(1) of title 5, United States Code, ex-
2 cept that, in the case of any year before the
3 first year for which any normal-cost percentage
4 was determined under such provisions, the nor-
5 mal-cost percentage for such first year shall be
6 used.

7 (iii) The amount required under this clause
8 is the amount by which the separation pay to
9 which the officer would have been entitled
10 under the second sentence of paragraph (2)(A)
11 (assuming the conditions for receiving such sep-
12 aration pay have been met) exceeds the amount
13 of the deposit under clause (ii)(I), if at all.

14 (iv)(I) Any contribution made under this
15 subparagraph to the Thrift Savings Plan shall
16 not be subject to any otherwise applicable limi-
17 tation on contributions contained in the Inter-
18 nal Revenue Code of 1986, and shall not be
19 taken into account in applying any such limita-
20 tion to other contributions or benefits under the
21 Thrift Savings Plan, with respect to the year in
22 which the contribution is made.

23 (II) A plan referred to in subclause (I)
24 shall not be treated as failing to meet any non-

1 discrimination requirement by reason of the
2 making of such contribution.

3 (6) REPEALS.—

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

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

9 (ii) Section 5 of the Act of February
10 16, 1929 (45 Stat. 1187, chapter 221; 33
11 U.S.C. 852a).

12 (iii) The Act of January 19, 1942 (56
13 Stat. 6, chapter 6).

14 (iv) Section 9(c) of Public Law 87–
15 649 (76 Stat. 495).

16 (v) Section 16 of the Act of May 22,
17 1917 (40 Stat. 87, chapter 20; 33 U.S.C.
18 854).

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

21 (vii) Sections 1 through 5 of Public
22 Law 91–621 (33 U.S.C. 857–1 through
23 857–5).

1 (viii) Section 3 of the Act of August
2 10, 1956 (70A Stat. 619, chapter 1041; 33
3 U.S.C. 857a).

4 (ix) Section 11 of the Act of May 18,
5 1920 (41 Stat. 603, chapter 190; 33
6 U.S.C. 864).

7 (x) The Act of July 22, 1947 (61
8 Stat. 400, chapter 286; 33 U.S.C. 873 and
9 874).

10 (xi) The Act of August 3, 1956 (70
11 Stat. 988, chapter 932; 33 U.S.C. 875 and
12 876).

13 (B) RULE OF CONSTRUCTION.—No repeal
14 under this subparagraph shall affect any annu-
15 ity or other similar benefit payable, under any
16 provision of law so repealed, based on the sepa-
17 ration of any individual from the NOAA Corps
18 on or before September 30, 2000. Any author-
19 ity exercised by the Secretary of Commerce or
20 the designee of the Secretary with respect to
21 any such benefits shall be exercised by the Ad-
22 ministrator of Oceans and Atmosphere, and any
23 authorization of appropriations relating to those
24 benefits, which is in effect as of September 30,

1 2000, shall be considered to have remained in
2 effect.

3 (C) EFFECTIVE DATE OF REPEALS.—The
4 effective date of the repeals under subpara-
5 graph (A) shall be October 1, 2000.

6 (D) APPLICABILITY OF RETIREMENT
7 LAWS.—

8 (i) IN GENERAL.—All laws relating to
9 the retirement of commissioned officers of
10 the Navy shall apply to commissioned offi-
11 cers of the former Commissioned Officers
12 Corps of the National Oceanic and Atmos-
13 pheric Administration and its predecessors.

14 (ii) ACTIVE MILITARY SERVICE.—Ac-
15 tive service of officers of the former Com-
16 missioned Officers Corps of the National
17 Oceanic and Atmospheric Administration
18 and its predecessors who have retired from
19 the Commissioned Officers Corps shall be
20 deemed to be active military service in the
21 United States Navy for purposes of all
22 rights, privileges, immunities, and benefits
23 provided to retired commissioned officers
24 of the Navy by the laws and regulations of
25 the United States and any agency thereof.

1 In the Administration of those laws (in-
2 cluding regulations) with respect to retired
3 officers of the former Commissioned Offi-
4 cers Corps of the National Oceanic and At-
5 mospheric Administration and its prede-
6 cessors, the authority of the Secretary of
7 the Navy shall be exercised by the Admin-
8 istrator of Oceans and Atmosphere.

9 (iii) ITS PREDECESSORS DEFINED.—

10 For purposes of this subparagraph, the
11 term “its predecessors” means the former
12 Commissioned Officers Corps of the Envi-
13 ronmental Science Services Administration
14 and the former Commissioned Officers
15 Corps of the Coast and Geodetic Survey.

16 (7) CREDITABILITY OF NATIONAL OCEANIC AND
17 ATMOSPHERIC ADMINISTRATION SERVICE FOR PUR-
18 POSES RELATING TO REDUCTIONS IN FORCE.—A
19 commissioned officer who is separated from the ac-
20 tive list of the National Oceanic and Atmospheric
21 Administration or its successor by reason of para-
22 graph (1) shall, for purposes of any subsequent re-
23 duction in force, receive credit for any period of
24 service performed as such an officer before separa-
25 tion from such list to the same extent and in the

1 same manner as if the period had been a period of
2 active service in the Armed Forces.

3 (8) ABOLITION.—Effective September 30,
4 2000, the Office of the National Oceanic and Atmos-
5 pheric Administration Corps of Operations or its
6 successor and the Commissioned Personnel Center
7 are abolished.

8 (g) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-
9 ISTRATION FLEET.—

10 (1) SERVICE CONTRACTS.—Notwithstanding
11 any other provision of law, the Administrator of
12 Oceans and Atmosphere shall enter into contracts,
13 including multiyear contracts, subject to paragraph
14 (3), for the use of vessels to conduct oceanographic
15 research and fisheries research, monitoring, enforce-
16 ment, and management, and to acquire other data
17 necessary to carry out the missions of the National
18 Oceanic and Atmospheric Administration. The Ad-
19 ministrator of Oceans and Atmosphere shall enter
20 into these contracts unless—

21 (A) the cost of the contract is more than
22 the cost (including the cost of vessel operation,
23 maintenance, and all personnel) to the National
24 Oceanic and Atmospheric Administration of ob-

1 taining those services on vessels of the National
2 Oceanic and Atmospheric Administration;

3 (B) the contract is for a period greater
4 than 7 years; or

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

7 (2) VESSELS.—The Administrator of Oceans
8 and Atmosphere may not enter into any contract for
9 the construction, lease-purchase, upgrade, or service
10 life extension of any vessel.

11 (3) MULTIYEAR CONTRACTS.—

12 (A) IN GENERAL.—Subject to subpara-
13 graphs (B) and (C), and notwithstanding sec-
14 tion 1341 of title 31, United States Code, and
15 section 11 of title 41, United States Code, the
16 Administrator of Oceans and Atmosphere may
17 acquire data under multiyear contracts.

18 (B) REQUIRED FINDINGS.—The Adminis-
19 trator of Oceans and Atmosphere may not enter
20 into a contract pursuant to this paragraph un-
21 less the Administrator finds, with respect to
22 that contract, that there is a reasonable expec-
23 tation that throughout the contemplated con-
24 tract period the Administrator will request from
25 Congress funding for the contract at the level

1 required to avoid the termination of that con-
2 tract.

3 (C) REQUIRED PROVISIONS.—The Admin-
4 istrator of Oceans and Atmosphere may not
5 enter into a contract under this paragraph un-
6 less the contract includes—

7 (i) a provision under which the obliga-
8 tion of the United States to make pay-
9 ments under the contract for any fiscal
10 year is subject to the availability of appro-
11 priations provided in advance for those
12 payments;

13 (ii) a provision that specifies the term
14 of effectiveness of the contract; and

15 (iii) appropriate provisions under
16 which, in case of any termination of the
17 contract before the end of the term speci-
18 fied pursuant to clause (ii), the United
19 States shall only be liable for the lesser
20 of—

21 (I) an amount specified in the
22 contract for such a termination; or

23 (II) amounts that were appro-
24 priated before the date of the termi-
25 nation for the performance of the con-

1 tract or for procurement of the type
2 of acquisition covered by the contract
3 and are unobligated on the date of the
4 termination.

5 (4) VESSEL AGREEMENTS.—The Administrator
6 of Oceans and Atmosphere—

7 (A) shall, if appropriate, use excess capac-
8 ity of University National Oceanographic Lab-
9 oratory System vessels; and

10 (B) may enter into memoranda of agree-
11 ment with the operators of the vessels referred
12 to in subparagraph (A) to carry out the require-
13 ment under that subparagraph.

14 (5) TRANSFER OF EXCESS VESSELS.—The Ad-
15 ministrator of Oceans and Atmosphere shall transfer
16 any vessel that weighs more than 1,500 gross tons
17 that are excess to the needs of the National Oceanic
18 and Atmospheric Administration to the National De-
19 fense Reserve Fleet. Notwithstanding any other pro-
20 vision of law, these vessels may be scrapped in ac-
21 cordance with section 510(i) of the Merchant Marine
22 Act, 1936 (46 U.S.C. App. 1160(i)).

23 (i) NATIONAL MARINE FISHERIES SERVICE.—There
24 are transferred to the National Oceanic and Atmospheric
25 Administration all functions that on the day before the

1 effective date of this section are authorized by law to be
2 performed by the National Marine Fisheries Service.

3 (h) NATIONAL OCEAN SERVICE.—Except as other-
4 wise provided in this Act, there are transferred to the Na-
5 tional Oceanic and Atmospheric Administration estab-
6 lished under section 206 all functions and assets of the
7 National Oceanic and Atmospheric Administration that on
8 the date immediately before the effective date of this sec-
9 tion are authorized to be performed by the National Ocean
10 Service (including the Coastal Ocean Program).

11 (k) TRANSFER OF COASTAL NONPOINT POLLUTION
12 CONTROL FUNCTIONS.—There are transferred to the Ad-
13 ministrator of the Environmental Protection Agency the
14 functions under section 6217 of the Omnibus Budget Rec-
15 onciliation Act of 1990 (16 U.S.C. 1455b) that on the day
16 before the effective date of this section are vested in the
17 Secretary of Commerce.

18 **SEC. 206. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
19 **ISTRATION.**

20 (a) ESTABLISHMENT.—

21 (1) IN GENERAL.—There is established as an
22 independent agency in the executive branch the Na-
23 tional Oceanic and Atmospheric Administration (in
24 this section referred to as “NOAA”). NOAA, and all
25 functions and offices transferred to NOAA under

1 this Act, shall be administered under the supervision
2 and direction of an Administrator of Oceans and At-
3 mosphere.

4 (2) ADMINISTRATOR OF OCEANS AND ATMOS-
5 PHERE.—The Administrator of Oceans and Atmos-
6 phere shall—

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

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

12 (3) FUNCTIONS.—The Administrator of Oceans
13 and Atmosphere shall perform the functions per-
14 formed by the Administrator of the National Oce-
15 anic and Atmospheric Administration, except as oth-
16 erwise provided in this Act.

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

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

22 (2) shall receive basic pay at the rate payable
23 for level IV of the Executive Schedule under section
24 5315 of title 5, United States Code.

25 (c) ADDITIONAL OFFICERS.—

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

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

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

8 (C) a General Counsel, to be appointed by
9 the President, by and with the advice and con-
10 sent of the Senate; and

11 (D) an Inspector General, to be appointed
12 in accordance with the Inspector General Act of
13 1978 (5 U.S.C. App.).

14 (2) COMPENSATION.—Each Officer appointed
15 under this subsection shall receive basic pay at the
16 rate payable for level IV of the Executive Schedule
17 under section 5315 of title 5, United States Code.

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

21 (1) the functions and offices of the National
22 Oceanic and Atmospheric Administration, as pro-
23 vided in section 205;

1 (2) the National Bureau of Standards, along
2 with its functions and offices, as provided in section
3 202; and

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

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

10 (f) AGENCY TERMINATIONS.—

11 (1) TERMINATIONS.—

12 (A) IN GENERAL.—On the date specified
13 in section 208(a), the following shall terminate:

14 (i) The Office of the Deputy Adminis-
15 trator and Assistant Secretary of the Na-
16 tional Oceanic and Atmospheric Adminis-
17 tration.

18 (ii) The Office of the Deputy Under
19 Secretary of the National Oceanic and At-
20 mospheric Administration.

21 (iii) The Office of the Chief Scientist
22 of the National Oceanic and Atmospheric
23 Administration.

24 (iv) The position of Deputy Assistant
25 Secretary for Oceans and Atmosphere.

1 (v) The position of Deputy Assistant
2 Secretary for International Affairs.

3 (vi) Any office of the National Ocea-
4 nic and Atmospheric Administration or
5 the National Bureau of Standards whose
6 primary purpose is to perform high per-
7 formance computing communications, leg-
8 islative, personnel, public relations, budget,
9 constituent, intergovernmental, inter-
10 national, policy and strategic planning,
11 sustainable development, administrative, fi-
12 nancial, educational, legal and coordination
13 functions.

14 (vii) The position of Associate Direc-
15 tor of the National Institute of Standards
16 and Technology.

17 (B) REQUIREMENT.—The functions re-
18 ferred to in subparagraph (A)(vi) shall be per-
19 formed only by officers described in subsection
20 (c).

21 (2) TERMINATION OF EXECUTIVE SCHEDULE
22 POSITIONS.—Each position that, before the effective
23 date of this section, was expressly authorized by law,
24 or the incumbent of which is authorized to receive
25 compensation at the rate prescribed for levels I

1 through V of the Executive Schedule under sections
2 5312 through 5315 of title 5, United States Code,
3 in an office terminated pursuant to this section and
4 sections 202 and 205 shall also terminate.

5 **SEC. 207. MISCELLANEOUS TERMINATIONS; MORATORIUM**
6 **ON PROGRAM ACTIVITIES.**

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

9 (1) The Minority Business Development Admin-
10 istration.

11 (2) The programs and activities of the National
12 Telecommunications and Information Administration
13 referred to in section 204(a).

14 (3) The Advanced Technology Program under
15 section 28 of the National Institute of Standards
16 and Technology Act (15 U.S.C. 278n), as in effect
17 on the day before the effective date of section
18 202(d).

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

24 (5) The National Institute of Standards and
25 Technology METRIC Program.

1 (6) The Economics and Statistics Administra-
2 tion.

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

10 **SEC. 208. EFFECTIVE DATE.**

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

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

17 (1) Section 201.

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

20 (3) Section 207(b).

21 (4) This section.

1 **TITLE III—ESTABLISHMENT OF**
2 **UNITED STATES TRADE AD-**
3 **MINISTRATION**

4 **Subtitle A—General Provisions**

5 **SEC. 301. DEFINITIONS.**

6 In this title:

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

10 (2) **TRADE ADMINISTRATION.**—The term
11 “Trade Administration” means the United States
12 Trade Administration established by section 311 of
13 this Act.

14 (3) **TRADE REPRESENTATIVE.**—The term
15 “Trade Representative” means the United States
16 Trade Representative provided for under section 311
17 of this Act.

18 **Subtitle B—United States Trade**
19 **Administration**

20 **CHAPTER 1—ESTABLISHMENT**

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

23 (a) **IN GENERAL.**—The Trade Administration is es-
24 tablished in the executive branch of Government as an
25 independent establishment as defined in section 104 of

1 title 5, United States Code. The Trade Representative
2 shall be the head of the Trade Administration and shall
3 be appointed by the President, by and with the advice and
4 consent of the Senate.

5 (b) **AMBASSADOR STATUS.**—The Trade Representa-
6 tive shall have the rank of Ambassador Extraordinary and
7 Plenipotentiary and shall represent the United States in
8 all trade negotiations conducted by the Trade Administra-
9 tion.

10 (c) **CONTINUED SERVICE OF CURRENT TRADE REP-**
11 **RESENTATIVE.**—The individual serving as Trade Rep-
12 resentative on the date immediately preceding the effective
13 date of this title may continue to serve as Trade Rep-
14 resentative under this section until such time as the Trade
15 Representative is appointed pursuant to subsection (a).

16 (d) **SUCCESSOR TO THE DEPARTMENT OF COM-**
17 **MERCE.**—The Trade Administration shall be the successor
18 to the Department of Commerce for purposes of protocol.

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

20 (a) **IN GENERAL.**—In addition to the functions trans-
21 ferred to the Trade Representative by this title, such other
22 functions as the President may assign or delegate to the
23 Trade Representative, and such other functions as the
24 Trade Representative may, after the effective date of this

1 title, be required to carry out by law, the Trade Represent-
2 ative shall—

3 (1) serve as the principal advisor to the Presi-
4 dent on international trade policy and advise the
5 President on the impact of other policies of the
6 United States Government on international trade;

7 (2) exercise primary responsibility, with the ad-
8 vice of the interagency organization established
9 under section 242 of the Trade Expansion Act of
10 1962 (19 U.S.C. 1872), for developing and imple-
11 menting international trade policy, including com-
12 modity matters and, to the extent related to inter-
13 national trade policy, direct investment matters and,
14 in exercising such responsibility, advance and imple-
15 ment, as the primary mandate of the Trade Admin-
16 istration, the goals of the United States to—

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

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

24 (C) expand United States participation in
25 international trade through aggressive pro-

1 motion and marketing of goods and services
2 that are products of the United States;

3 (3) exercise lead responsibility for the conduct
4 of international trade negotiations, including nego-
5 tiations relating to commodity matters and, to the
6 extent that such negotiations are related to inter-
7 national trade, direct investment negotiations;

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

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

18 (6) seek and promote new opportunities for
19 United States products and services to compete in
20 the world marketplace;

21 (7) assist small businesses in developing export
22 markets;

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

25 (9) analyze economic trends and developments;

1 (10) report directly to Congress—

2 (A) on the administration of, and matters
3 pertaining to, the trade agreements program
4 under the Omnibus Trade and Competitiveness
5 Act of 1988, the Trade Act of 1974, the Trade
6 Expansion Act of 1962, section 350 of the Tar-
7 iff Act of 1930, and any other law relating to
8 trade agreements; and

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

11 (11) keep each official adviser to the United
12 States delegations to international conferences,
13 meetings, and negotiation sessions relating to trade
14 agreements who is appointed from the Committee on
15 Finance of the Senate or the Committee on Ways
16 and Means of the House of Representatives under
17 section 161 of the Trade Act of 1974 (19 U.S.C.
18 2211) currently informed on United States negotiat-
19 ing objectives with respect to—

20 (A) trade agreements;

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

23 (C) the nature of any changes in domestic
24 law or the administration thereof that the

1 Trade Representative may recommend to Con-
2 gress to carry out any trade agreement;

3 (12) consult and cooperate with State and local
4 governments and other interested parties on inter-
5 national trade matters of interest to such govern-
6 ments and parties, and to the extent related to inter-
7 national trade matters, on investment matters, and,
8 when appropriate, hold informal public hearings;

9 (13) serve as the principal advisor to the Presi-
10 dent on Government policies designed to contribute
11 to enhancing the ability of United States industry
12 and services to compete in international markets;

13 (14) develop recommendations for national
14 strategies and specific policies intended to enhance
15 the productivity and international competitiveness of
16 United States industries;

17 (15) serve as the principal advisor to the Presi-
18 dent in identifying and assessing the consequences
19 of any Government policies that adversely affect, or
20 have the potential to adversely affect, the inter-
21 national competitiveness of United States industries
22 and services;

23 (16) promote cooperation between business,
24 labor, and Government to improve industrial per-
25 formance and the ability of United States industries

1 to compete in international markets and to facilitate
2 consultation and communication between the Gov-
3 ernment and the private sector about domestic in-
4 dustrial performance and prospects and the perform-
5 ance and prospects of foreign competitors; and

6 (17) monitor and enforce foreign government
7 compliance with international trade agreements to
8 protect United States interests.

9 (b) INTERAGENCY ORGANIZATION.—The Trade Rep-
10 resentative shall be the chairperson of the interagency or-
11 ganization established under section 242 of the Trade Ex-
12 pansion Act of 1962.

13 (c) NATIONAL SECURITY COUNCIL.—The Trade Rep-
14 resentative shall be a member of the National Security
15 Council.

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

21 (e) AGRICULTURE.—

22 (1) CONSULTATIONS.—The Trade Representa-
23 tive shall consult with the Secretary of Agriculture
24 or the designee of the Secretary of Agriculture on all

1 matters that potentially involve international trade
2 in agricultural products.

3 (2) UNITED STATES DELEGATION.—If an inter-
4 national meeting for negotiation or consultation in-
5 cludes discussion of international trade in agricul-
6 tural products, the Trade Representative or the des-
7 ignee of the Trade Representative shall be Chairman
8 of the United States delegation to such meeting and
9 the Secretary of Agriculture or the designee of such
10 Secretary shall be Vice Chairman. The provisions of
11 this paragraph shall not limit the authority of the
12 Trade Representative under subsection (h) to assign
13 to the Secretary of Agriculture responsibility for the
14 conduct of, or participation in, any trade negotiation
15 or meeting.

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

20 (g) NATIONAL ECONOMIC COUNCIL.—The Trade
21 Representative shall be a member of the National Eco-
22 nomic Council established under Executive Order No.
23 12835, issued January 25, 1993.

24 (h) INTERNATIONAL TRADE NEGOTIATIONS.—Ex-
25 cept where expressly prohibited by law, the Trade Rep-

1 representative, at the request or with the concurrence of the
2 head of any other Federal agency, may assign the respon-
3 sibility for conducting or participating in any specific
4 international trade negotiation or meeting to the head of
5 such agency whenever the Trade Representative deter-
6 mines that the subject matter of such international trade
7 negotiation is related to the functions carried out by such
8 agency.

9 **CHAPTER 2—OFFICERS**

10 **SEC. 321. DEPUTY UNITED STATES TRADE REPRESENTA-** 11 **TIVES.**

12 (a) ESTABLISHMENT.—There shall be in the Trade
13 Administration 3 Deputy United States Trade Represent-
14 atives, who shall be appointed by the President, by and
15 with the advice and consent of the Senate. The Deputy
16 United States Trade Representatives shall exercise all
17 functions under the direction of the Trade Representative,
18 and shall include—

19 (1) the Deputy United States Trade Represent-
20 ative for Negotiations (referred to in this title as the
21 “Deputy Trade Representative for Negotiations”);

22 (2) the Deputy United States Trade Represent-
23 ative to the World Trade Organization (referred to
24 in this title as the “Deputy Trade Representative to
25 the WTO”); and

1 (3) the Deputy United States Trade Represent-
2 ative for Administration (referred to in this title as
3 the “Deputy Trade Representative for Administra-
4 tion”).

5 (b) FUNCTIONS OF DEPUTY TRADE REPRESENTA-
6 TIVES.—

7 (1) DEPUTY TRADE REPRESENTATIVE FOR NE-
8 GOTIATIONS.—The Deputy Trade Representative for
9 Negotiations shall exercise all functions transferred
10 under section 331 relating to trade negotiations and
11 such other functions as the Trade Representative
12 may direct and shall have the rank and status of
13 Ambassador.

14 (2) DEPUTY TRADE REPRESENTATIVE TO THE
15 WTO.—The Deputy Trade Representative to the
16 WTO shall exercise all functions relating to rep-
17 resentation to the World Trade Organization and
18 shall have the rank and status of Ambassador.

19 (3) DEPUTY TRADE REPRESENTATIVE FOR AD-
20 MINISTRATION.—

21 (A) ABSENCE, DISABILITY, OR VACANCY
22 OF TRADE REPRESENTATIVE.—The Deputy
23 Trade Representative for Administration shall
24 act for and exercise the functions of the Trade
25 Representative during the absence or disability

1 of the Trade Representative or in the event the
2 office of the Trade Representative becomes va-
3 cant. The Deputy Administrator shall act for
4 and exercise the functions of the Trade Rep-
5 resentative until the absence or disability of the
6 Trade Representative no longer exists or a suc-
7 cessor to the Trade Representative has been ap-
8 pointed by the President and confirmed by the
9 Senate.

10 (B) FUNCTIONS.—The Deputy Trade Rep-
11 resentative for Administration shall exercise all
12 functions, under the direction of the Trade
13 Representative, transferred to or established in
14 the Trade Administration, except those func-
15 tions exercised by the Deputy United States
16 Trade Representatives described in paragraphs
17 (1) and (2), the Assistant Administrator for
18 Export Promotion, the Inspector General of the
19 Trade Administration, and the General Counsel
20 of the Trade Administration.

21 **SEC. 322. ASSISTANT ADMINISTRATORS.**

22 (a) ESTABLISHMENT.—There shall be in the Trade
23 Administration 4 Assistant Administrators, who shall be
24 appointed by the President, by and with the advice and
25 consent of the Senate. The Assistant Administrators shall

1 exercise all functions under the direction of the Deputy
2 Trade Representative for Administration and include—

3 (1) the Assistant Administrator for Export Ad-
4 ministration;

5 (2) the Assistant Administrator for Import Ad-
6 ministration;

7 (3) the Assistant Administrator for Trade and
8 Policy Analysis; and

9 (4) the Assistant Administrator for Export Pro-
10 motion.

11 (b) FUNCTIONS OF ASSISTANT ADMINISTRATORS.—

12 (1) EXPORT ADMINISTRATION.—The Assistant
13 Administrator for Export Administration shall exer-
14 cise all functions transferred under section
15 332(1)(C).

16 (2) IMPORT ADMINISTRATION.—The Assistant
17 Administrator for Import Administration shall exer-
18 cise all functions transferred under section
19 332(1)(D).

20 (3) TRADE AND POLICY ANALYSIS.—The Assist-
21 ant Administrator for Trade and Policy Analysis
22 shall exercise all functions transferred under section
23 332(1)(B) and all functions transferred under sec-
24 tion 332(2).

1 (4) EXPORT PROMOTION.—The Assistant Ad-
2 ministrators for Export Promotion shall exercise all
3 functions transferred under sections 332(1)(A)(ii)
4 and 333, and shall have the rank and status of Am-
5 bassador.

6 **SEC. 323. GENERAL COUNSEL.**

7 There shall be in the Trade Administration a General
8 Counsel, who shall be appointed by the President, by and
9 with the advice and consent of the Senate. The General
10 Counsel shall provide legal assistance to the Trade Rep-
11 resentative concerning the activities, programs, and poli-
12 cies of the Trade Administration.

13 **SEC. 324. INSPECTOR GENERAL.**

14 There shall be in the Trade Administration an In-
15 spector General who shall be appointed in accordance with
16 the Inspector General Act of 1978, as amended by section
17 371(a) of this Act.

18 **SEC. 325. CHIEF FINANCIAL OFFICER.**

19 There shall be in the Trade Administration a Chief
20 Financial Officer who shall be appointed in accordance
21 with section 901 of title 31, United States Code, as
22 amended by section 371(e) of this Act. The Chief Finan-
23 cial Officer shall perform all functions prescribed by the
24 Deputy Trade Representative for Administration, under
25 the direction of the Deputy Trade Representative.

1 **CHAPTER 3—TRANSFERS TO THE TRADE**
2 **ADMINISTRATION**

3 **SEC. 331. OFFICE OF THE UNITED STATES TRADE REP-**
4 **RESENTATIVE.**

5 (a) **ABOLISHMENT OF OFFICE OF THE USTR.**—Ef-
6 fective on the applicable date specified in section 102(c),
7 the Office of the United States Trade Representative es-
8 tablished by section 141 of the Trade Act of 1974 (19
9 U.S.C. 141) as in effect on the day before the applicable
10 date specified in section 102(c) is abolished.

11 (b) **TRANSFER OF FUNCTIONS.**—Except as otherwise
12 provided in this Act, all functions that on the day before
13 the applicable date specified in section 102(c) are author-
14 ized to be performed by the United States Trade Rep-
15 resentative, any other officer or employee of the Office of
16 the United States Trade Representative acting in that ca-
17 pacity, or any agency or office of the Office of the United
18 States Trade Representative, are transferred to the Trade
19 Administration established under this title effective on
20 that date.

21 (c) **DETERMINATION OF CERTAIN FUNCTIONS.**—If
22 necessary, the Office of Management and Budget shall
23 make any determination of the functions that are trans-
24 ferred under this title.

1 **SEC. 332. TRANSFERS FROM THE DEPARTMENT OF COM-**
2 **MERCE.**

3 There are transferred to the Trade Administration
4 the following functions:

5 (1) All functions of, and all functions performed
6 under the direction of, the following officers and em-
7 ployees of the Department of Commerce:

8 (A)(i) The Under Secretary of Commerce
9 for International Trade.

10 (ii) The Director General of the United
11 States and Foreign Commercial Service, relat-
12 ing to all functions exercised by the Service.

13 (B) The Assistant Secretary of Commerce
14 for International Economic Policy and the As-
15 sistant Secretary of Commerce for Trade Devel-
16 opment.

17 (C) The Under Secretary of Commerce for
18 Export Administration.

19 (D) The Assistant Secretary of Commerce
20 for Import Administration.

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

23 (3) All functions of the Secretary of Commerce
24 under the Tariff Act of 1930, the Uruguay Round
25 Agreements Act, the Trade Act of 1974, and other
26 Acts relating to international trade for which re-

1 sponsibility is not otherwise assigned under this
2 title.

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

4 There are transferred to the Assistant Administrator
5 for Export Promotion all functions of the Trade and De-
6 velopment Agency and all functions of the Director of the
7 Trade and Development Agency.

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

9 (a) IN GENERAL.—

10 (1) TRANSFER OF FUNCTIONS.—There are
11 transferred to the Trade Representative all functions
12 of the Secretary of Commerce relating to the Ex-
13 port-Import Bank of the United States.

14 (2) CONFORMING AMENDMENT.—Section
15 3(c)(1) of the Export-Import Bank Act of 1945 (12
16 U.S.C. 635a(c)(1)) is amended to read as follows:

17 “(c)(1) There shall be a Board of Directors of the
18 Bank consisting of the United States Trade Representa-
19 tive (who shall serve as Chairman), the President of the
20 Export-Import Bank of the United States (who shall serve
21 as Vice Chairman), the first Vice President, and 2 addi-
22 tional persons appointed by the President of the United
23 States, by and with the advice and consent of the Sen-
24 ate.”.

1 (b) EX OFFICIO MEMBER OF EXPORT-IMPORT BANK
2 BOARD OF DIRECTORS.—The Assistant Administrator for
3 Export Promotion shall serve as an ex officio nonvoting
4 member of the Board of Directors of the Export-Import
5 Bank.

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

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

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

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

1 (b) EX OFFICIO MEMBER OF OVERSEAS PRIVATE IN-
2 VESTMENT CORPORATION BOARD OF DIRECTORS.—The
3 Assistant Administrator for Export Promotion of the
4 United States Trade Administration shall serve as an ex
5 officio nonvoting member of the Board of Directors of the
6 Overseas Private Investment Corporation.

7 **SEC. 336. CONSOLIDATION OF EXPORT PROMOTION AND FI-**
8 **NANCING ACTIVITIES.**

9 (a) SUBMISSION OF PLAN.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of enactment of this Act, the Presi-
12 dent shall transmit to Congress a comprehensive
13 plan—

14 (A) to consolidate Federal nonagricultural
15 export promotion activities and export financing
16 activities; and

17 (B) to transfer those functions to the
18 Trade Administration.

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

21 (A) the elimination of overlap and duplica-
22 tion among all Federal nonagricultural export
23 promotion activities and export financing activi-
24 ties;

1 (B) a unified budget for all Federal non-
2 agricultural export promotion activities which
3 eliminates funding for overlapping and duplica-
4 tive activities identified under subparagraph
5 (A); and

6 (C) a long-term agenda for developing bet-
7 ter cooperation between local, State, and Fed-
8 eral programs and activities designed to stimu-
9 late or assist United States businesses in ex-
10 porting nonagricultural goods or services that
11 are products of the United States, including
12 sharing of facilities, costs, and export market
13 research data.

14 (b) PLAN ELEMENTS.—The plan under subsection
15 (a) shall—

16 (1) place all Federal nonagricultural export pro-
17 motion activities and export financing activities with-
18 in the Trade Administration;

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

23 (3) identify any function of the Department of
24 Commerce or of any other Federal department not
25 transferred to the Trade Administration by this title,

1 which should be transferred to the Trade Adminis-
2 tration in order to ensure United States competitive-
3 ness in international trade; and

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

6 (A) the consolidation of the Export-Import
7 Bank of the United States and the Overseas
8 Private Investment Corporation;

9 (B) the consolidation of the Boards of Di-
10 rectors of the Export-Import Bank and the
11 Overseas Private Investment Corporation; and

12 (C) the consolidation of the Trade and De-
13 velopment Agency with the consolidations de-
14 scribed in subparagraphs (A) and (B).

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

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

2 (a) **FUNCTIONS OF CITA.—**

3 (1) **IN GENERAL.—**Subject to paragraph (2),
4 those functions delegated to the Committee for the
5 Implementation of Textile Agreements established
6 under Executive Order No. 11651 (7 U.S.C. 1854
7 note) (in this subsection referred to as “CITA”) are
8 transferred to the Trade Administration.

9 (2) **OTHER FUNCTIONS.—**Those functions dele-
10 gated to CITA that relate to the assessment of the
11 impact of textile imports on domestic industry are
12 transferred to the International Trade Commission.
13 The International Trade Commission shall make a
14 determination and advise the President of the deter-
15 mination not later than 60 days after receiving a re-
16 quest for an investigation.

17 (b) **ABOLITION OF CITA.—**CITA is abolished.

18 **CHAPTER 4—ADMINISTRATIVE**
19 **PROVISIONS**

20 **SEC. 341. PERSONNEL PROVISIONS.**

21 (a) **APPOINTMENTS.—**The Trade Representative may
22 appoint and fix the compensation of such officers and em-
23 ployees, including investigators, attorneys, and adminis-
24 trative law judges, as may be necessary to carry out the
25 functions of the Trade Representative and the Trade Ad-
26 ministration. Except as otherwise provided by law, such

1 officers and employees shall be appointed in accordance
2 with the civil service laws and their compensation fixed
3 in accordance with title 5, United States Code.

4 (b) POSITIONS ABOVE GS-15.—

5 (1) IN GENERAL.—At the request of the Trade
6 Representative, the Director of the Office of Person-
7 nel Management shall, under section 5108 of title 5,
8 United States Code, provide for the establishment in
9 a grade level above GS-15 of the General Schedule,
10 and in the Senior Executive Service, of a number of
11 positions in the Trade Administration equal to the
12 number of positions in that grade level which—

13 (A) were used primarily for the perform-
14 ance of functions and offices transferred by this
15 title; and

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

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

1 position and has duties comparable to those of the po-
2 sition to which appointed pursuant to this sub-
3 section.

4 (3) TERMINATION OF AUTHORITY.—The au-
5 thority under this subsection with respect to any po-
6 sition established at a grade level above GS–15 shall
7 terminate when the person first appointed to fill
8 such position ceases to hold such position.

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

15 (c) EXPERTS AND CONSULTANTS.—The Trade Rep-
16 resentative may obtain the services of experts and consult-
17 ants in accordance with section 3109 of title 5, United
18 States Code, and compensate such experts and consultants
19 for each day (including traveltime) at rates not in excess
20 of the maximum rate of pay for a position above GS–15
21 of the General Schedule under section 5332 of such title.
22 The Trade Representative may pay experts and consult-
23 ants who are serving away from their homes or regular
24 place of business travel expenses and per diem in lieu of
25 subsistence at rates authorized by sections 5702 and 5703

1 of such title for persons in Government service employed
2 intermittently.

3 (d) VOLUNTARY SERVICES.—

4 (1) IN GENERAL.—

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

13 (B) VOLUNTARY SERVICES UNDER TITLE
14 5.—The Trade Representative is authorized to
15 accept volunteer service in accordance with the
16 provisions of section 3111 of title 5, United
17 States Code.

18 (2) PAYMENT OF EXPENSES.—The Trade Rep-
19 resentative is authorized to provide for incidental ex-
20 penses, including transportation, lodging, and sub-
21 sistence for individuals who provide voluntary serv-
22 ices under subparagraph (A) or (B) of paragraph
23 (1).

24 (3) LIMITATION.—An individual who provides
25 voluntary services under paragraph (1)(A) shall not

1 be considered a Federal employee for any purpose
2 other than for purposes of chapter 81 of title 5,
3 United States Code, relating to compensation for
4 work injuries, and chapter 171 of title 28, United
5 States Code, relating to tort claims.

6 **SEC. 342. DELEGATION AND ASSIGNMENT.**

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

20 **SEC. 343. SUCCESSION.**

21 (a) ORDER OF SUCCESSION.—Subject to the author-
22 ity of the President, and except as provided in section
23 321(b), the Trade Representative shall prescribe the order
24 by which officers of the Trade Administration who are ap-
25 pointed by the President, by and with the advice and con-

1 sent of the Senate, shall act for, and perform the functions
2 of, the Trade Representative or any other officer of the
3 Trade Administration appointed by the President, by and
4 with the advice and consent of the Senate, during the ab-
5 sence or disability of the Trade Representative or such
6 other officer, or in the event of a vacancy in the office
7 of the Trade Representative or such other officer.

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

17 **SEC. 344. REORGANIZATION.**

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

24 (b) EXCEPTION.—The Trade Representative may not
25 exercise the authority under subsection (a) to establish,

1 consolidate, alter, or discontinue any organizational entity
2 in the Trade Administration or allocate or reallocate any
3 function of an officer or employee of the Trade Adminis-
4 tration that is inconsistent with any specific provision of
5 this title.

6 **SEC. 345. RULES.**

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

13 **SEC. 346. FUNDS TRANSFER.**

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

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

21 (2) no such transfer shall result in increasing
22 any such appropriation above the amount authorized
23 to be appropriated for that purpose.

1 **SEC. 347. CONTRACTS, GRANTS, AND COOPERATIVE AGREE-**
2 **MENTS.**

3 (a) IN GENERAL.—Subject to the provisions of the
4 Federal Property and Administrative Services Act of
5 1949, the Trade Representative may make, enter into, and
6 perform such contracts, leases, cooperative agreements,
7 grants, or other similar transactions with public agencies,
8 private organizations, and persons, and make payments
9 (in lump sum or installments, and by way of advance or
10 reimbursement, and, in the case of any grant, with nec-
11 essary adjustments on account of overpayments and un-
12 derpayments) as the Trade Representative considers nec-
13 essary or appropriate to carry out the functions of the
14 Trade Representative or the Trade Administration.

15 (b) EXCEPTION.—Notwithstanding any other provi-
16 sion of this title, the authority to enter into contracts or
17 to make payments under this chapter shall be effective
18 only to such extent, or in such amounts, as are provided
19 in advance in appropriation Acts. This subsection does not
20 apply with respect to the authority granted under section
21 349.

22 **SEC. 348. USE OF FACILITIES.**

23 (a) USE BY TRADE REPRESENTATIVE.—In carrying
24 out any function of the Trade Representative or the Trade
25 Administration, the Trade Representative, with or without

1 reimbursement, may use the research, services, equipment,
2 and facilities of—

3 (1) an individual;

4 (2) any public or private nonprofit agency or
5 organization, including any agency or instrumental-
6 ity of the United States or of any State, the District
7 of Columbia, the Commonwealth of Puerto Rico, or
8 any territory or possession of the United States;

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

13 (4) any foreign government.

14 (b) USE OF TRADE REPRESENTATIVE FACILITIES.—

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

1 **SEC. 349. GIFTS AND BEQUESTS.**

2 (a) IN GENERAL.—The Trade Representative is au-
3 thorized to accept, hold, administer, and utilize gifts and
4 bequests of property, both real and personal, for the pur-
5 pose of aiding or facilitating the work of the Trade Admin-
6 istration. Gifts and bequests of money and the proceeds
7 from sales of other property received as gifts or bequests
8 shall be deposited in the United States Treasury in a sepa-
9 rate fund and shall be disbursed on order of the Trade
10 Representative. Property accepted pursuant to this sub-
11 section, and the proceeds thereof, shall be used as nearly
12 as possible in accordance with the terms of the gift or be-
13 quest.

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

18 (c) INVESTMENT.—

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

25 (2) TREATMENT OF INCOME.—Income accruing
26 from the securities referred to in paragraph (1), and

1 from any other property held by the Trade Rep-
2 resentative pursuant to subsection (a), shall—

3 (A) be deposited to the credit of the fund;

4 and

5 (B) be disbursed upon order of the Trade
6 Representative.

7 **SEC. 350. WORKING CAPITAL FUND.**

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

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

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

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

24 (4) a central library service; and

1 (5) such other services as may be approved by
2 the Director of the Office of Management and Budg-
3 et.

4 (b) OPERATION OF FUND.—

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

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

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

24 (4) SURPLUS.—There shall be covered into the
25 United States Treasury as miscellaneous receipts

1 any surplus of the fund (all assets, liabilities, and
2 prior losses considered) above the amounts trans-
3 ferred or appropriated to establish and maintain the
4 fund.

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

10 **SEC. 351. SERVICE CHARGES.**

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

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

1 (c) DEPOSIT OF MONEYS.—Moneys received under
2 this section shall be deposited in the Treasury in a special
3 account for use by the Trade Representative and are au-
4 thorized to be appropriated and made available until ex-
5 pended.

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

10 (1) the actual costs which will be incurred in
11 providing the items, information, services, or assist-
12 ance concerned;

13 (2) the efficiency of the Government in provid-
14 ing such items, information, services, or assistance;

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

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

24 (5) such other factors as the Trade Representa-
25 tive considers appropriate.

1 (e) REFUNDS OF EXCESS PAYMENTS.—In any case
 2 in which the Trade Representative determines that any
 3 person has made a payment which is not required under
 4 this section or has made a payment which is in excess of
 5 the amount required under this section, the Trade Rep-
 6 resentative, upon application or otherwise, may cause a
 7 refund to be made from applicable funds.

8 **SEC. 352. SEAL OF OFFICE.**

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

13 **CHAPTER 5—RELATED AGENCIES**

14 **SEC. 361. INTERAGENCY TRADE ORGANIZATION.**

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

18 “(3)(A) The interagency organization estab-
 19 lished under subsection (a) shall be composed of—

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

22 “(ii) the Secretary of Agriculture,

23 “(iii) the Secretary of the Treasury,

24 “(iv) the Secretary of Labor,

25 “(v) the Secretary of State, and

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

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

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

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

15 (1) by redesignating paragraphs (5), (6), and
16 (7) as paragraphs (6), (7), and (8), respectively; and

17 (2) by inserting after paragraph (4) the follow-
18 ing new paragraph:

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

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

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

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

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

3 **CHAPTER 6—CONFORMING AMENDMENTS**

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

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

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

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

17 (2) in section 11—

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

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

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

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

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

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

10 “The United States Trade Representative, estab-
11 lished under section 311 of the Department of Commerce
12 Dismantling Act, shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 “(B) The Trade Administration.”.

17 **SEC. 372. REPEALS.**

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

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

24 (1) Subsection (a) of the first section of the Act
25 entitled “An Act to authorize an Under Secretary of

1 Commerce for Economic Affairs”, approved June
2 16, 1982 (96 Stat. 115; 15 U.S.C. 1503a), is re-
3 pealed.

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

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

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

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

18 (6)(A) The first section of the Act of March 18,
19 1904 (33 Stat. 135, chapter 716; 15 U.S.C. 1508),
20 is repealed.

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

24 (c) BUREAUS IN DEPARTMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 **CHAPTER 7—MISCELLANEOUS**

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

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

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

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

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

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

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

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

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

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

12 (1) for the first fiscal year that begins after the
13 date specified in section 102(c), 75 percent of the
14 total amount appropriated in fiscal year 1998 for
15 the performance of all those functions; and

16 (2) for the second fiscal year that begins after
17 the date specified in section 102(c) and for each fis-
18 cal year thereafter, 65 percent of the total amount
19 appropriated in fiscal year 1998 for the performance
20 of all those functions.

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

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

3 (1) explicitly refer to this section, and

4 (2) create an exemption from this section.

5 (d) RESPONSIBILITY OF TRADE REPRESENTATIVE.—

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

11 (e) RESPONSIBILITIES OF THE DIRECTOR OF THE

12 OFFICE OF MANAGEMENT AND BUDGET.—The Director

13 of the Office of Management and Budget shall include in

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

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

16 quirements of this section.

17 **Title IV—ESTABLISHMENT OF**
 18 **THE OFFICE OF PATENTS,**
 19 **TRADEMARKS, AND STAND-**
 20 **ARDS**

21 **Subtitle A—Establishment**

22 **SEC. 401. DEFINITIONS.**

23 For purposes of this title—

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

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

5 (3) The Under Secretary for Technology relat-
6 ing to functions performed by the Office of Tech-
7 nology Policy relating to the Baldrige Quality
8 Award.

9 (4) The Secretary of Commerce and Assistant
10 Secretary for Communications and Information with
11 respect to only those functions of the National Tele-
12 communications and Information Administration re-
13 lating to telecommunication standards and labora-
14 tories.

15 (b) TRANSFER OF OFFICES.—

16 (1) The Patent and Trademark Office of the
17 Department of Commerce is transferred to the Of-
18 fice. The Patent and Trademark Office of the Office
19 of Patents, Trademarks, and Standards shall be ad-
20 ministered through the Commissioner of the Patent
21 and Trademark Office.

22 (2) The National Institute of Standards and
23 Technology of the Department of Commerce is
24 transferred to the Office. The National Institute of
25 Standards and Technology shall be administered

1 through the Director of the National Institute of
2 Standards and Technology.

3 **SEC. 405. ADDITIONAL OFFICERS.**

4 (a) GENERAL COUNSEL.—There shall be in the Of-
5 fice a General Counsel, who shall be appointed by the
6 President, by and with the advice and consent of the Sen-
7 ate. The General Counsel shall provide legal assistance to
8 the Director concerning the activities, programs, and poli-
9 cies of the Office.

10 (b) INSPECTOR GENERAL.—

11 (1) There shall be in the Office an Inspector
12 General who shall be appointed in accordance with
13 the Inspector General Act of 1978, as amended by
14 this subsection.

15 (2) Section 11 of the Inspector General Act of
16 1978 (as amended by this Act) is further amend-
17 ed—

18 (A) in paragraph (1) by inserting “the Di-
19 rector of the Office of Patents, Trademarks,
20 and Standards” after “the Chief Executive Of-
21 ficer of the Corporation for National and Com-
22 munity Service;”; and

23 (B) in paragraph (2) by inserting “the Of-
24 fice of Patents, Trademarks, and Standards,”

1 after “the Corporation for National and Com-
2 munity Service,”.

3 (c) CHIEF FINANCIAL OFFICER.—

4 (1) There shall be in the Office a Chief Finan-
5 cial Officer who shall be appointed in accordance
6 with section 901 of title 31, United States Code, as
7 amended by this subsection.

8 (2) Section 901(b) of title 31, United States
9 Code, (as amended by this Act) is further amended
10 in paragraph (2) by adding at the end thereof the
11 following: “(I) The Office of Patents, Trademarks,
12 and Standards.”.

13 **Subtitle B—Administrative** 14 **Provisions**

15 **SEC. 411. RULES.**

16 In the performance of the functions of the Director
17 and the Office, the Director is authorized to make, pro-
18 mulgate, issue, rescind, and amend rules and regulations.

19 The promulgation of such rules and regulations—

20 (1) Shall be governed by the provisions of chap-
21 ter 5 of title 5, United States Code; and

22 (2) shall be after notice and opportunity for full
23 participation by relevant Federal agencies, State
24 agencies, local governments, regional organizations,

1 authorities, councils, and other interested public and
2 private parties.

3 **SEC. 412. DELEGATION.**

4 Except as otherwise provided in this Act, the Director
5 may delegate any function to such officers and employees
6 of the Office as the Director may designate, and may au-
7 thorize such successive redelegations of such functions in
8 the Office as may be necessary or appropriate. No delega-
9 tion of functions by the Director under this section or
10 under any other provision of this Act shall relieve the Di-
11 rector of responsibility for the administration of such func-
12 tions.

13 **SEC. 413. PERSONNEL AND SERVICES.**

14 (a) APPOINTMENTS.—In the performance of the
15 functions of the Director and in addition to the officers
16 provided for under subtitle A, the Director is authorized
17 to appoint, transfer, and fix the compensation of such offi-
18 cers and employees, including attorneys, as may be nec-
19 essary to carry out the functions of the Director and the
20 Office. Except as otherwise provided by law, such officers
21 and employees shall be appointed in accordance with the
22 civil service laws and compensated in accordance with title
23 5, United States Code.

24 (b) EXPERTS AND CONSULTANTS.—The Director is
25 authorized to obtain the services of experts and consult-

1 ants in accordance with section 3109 of title 5, United
2 States Code.

3 (c) TRANSPORTATION EXPENSES.—The Director is
4 authorized to pay transportation expenses, and per diem
5 in lieu of subsistence expenses, in accordance with chapter
6 57 of title 5, United States Code.

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

10 (e) VOLUNTARY SERVICES.—

11 (1)(A) The Director is authorized to accept vol-
12 untary and uncompensated services without regard
13 to the provisions of section 1342 of title 31, United
14 States Code, if such services will not be used to dis-
15 place Federal employees employed on a full-time,
16 part-time, or seasonal basis.

17 (B) The Director is authorized to accept volun-
18 teer service in accordance with the provisions of sec-
19 tion 3111 of title 5, United States Code.

20 (2) The Director is authorized to provide for in-
21 cidental expenses, including but not limited to trans-
22 portation, lodging, and subsistence for such volun-
23 teers.

24 (3) An individual who provides voluntary serv-
25 ices under paragraph (1)(A) of this subsection shall

1 not be considered a Federal employee for any pur-
2 pose other than for purposes of chapter 81 of title
3 5, United States Code, relating to compensation for
4 work injuries, and chapter 171 of title 28, United
5 States Code, relating to tort claims.

6 **SEC. 414. CONTRACTS.**

7 The Director is authorized, without regard to the pro-
8 visions of section 3324 of title 31, United States Code,
9 to enter into and perform such contracts, leases, coopera-
10 tive agreements, or other transactions as may be necessary
11 to carry out the functions of the Director and the Office.
12 The Director may enter into such contracts, leases, agree-
13 ments, and transactions with any Federal agency or any
14 instrumentality of the United States, or with any State,
15 territory, or possession, or with any political subdivision
16 thereof, or with any person, firm, association, corporation,
17 or educational institution, on such terms and conditions
18 as the Director may consider appropriate. The authority
19 of the Director to enter into contracts and leases under
20 this section shall be to such extent or in such amounts
21 as are provided in appropriation Acts.

22 **SEC. 415. COPYRIGHTS AND PATENTS.**

23 The Director is authorized to acquire any of the fol-
24 lowing described rights if the property acquired thereby

1 is for use in, or is useful to, the performance of functions
2 of the Director or the Office:

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

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

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

9 **SEC. 416. GIFTS AND BEQUESTS.**

10 The Director is authorized to accept, hold, administer
11 and utilize gifts, donations, or bequests of property, real
12 or personal, tangible or intangible, and contributions of
13 money for purposes of aiding or facilitating the work of
14 the Director or the Office. For the purposes of Federal
15 income, estate, and gift taxes, and State taxes, property
16 accepted under this subsection shall be considered a gift
17 or bequest to the United States.

18 **SEC. 417. TRANSFERS OF FUNDS FROM OTHER FEDERAL**
19 **AGENCIES.**

20 The Director is authorized to accept transfers from
21 other Federal agencies of funds which are available to
22 carry out functions transferred by this Act to the Director
23 or functions assigned by law to the Director after the date
24 of enactment of this Act.

1 **SEC. 418. SEAL OF OFFICE.**

2 The Director shall cause a seal of office to be made
3 for the Office of such design as the Director shall approve.
4 Judicial notice shall be taken of such seal.

5 **SEC. 419. STATUS OF OFFICE UNDER CERTAIN LAWS.**

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

8 **Subtitle C—Conforming**
9 **Amendments**

10 **SEC. 421. PATENT AND TRADEMARK OFFICE.**

11 (a) ESTABLISHMENT.—Section 1 of title 35, United
12 State Code, is amended by striking out “Department of
13 Commerce” and inserting in lieu thereof “Office of Pat-
14 ents, Trademarks, and Standards”.

15 (b) REFERENCE TO ASSISTANT SECRETARY OF COM-
16 MERCE.—Section 3 of title 35, United States Code, is
17 amended by striking out subsection (d).

18 (c) GENERAL REFERENCES TO SECRETARY AND DE-
19 PARTMENT.—

20 (1) Except as provided under paragraph (2),
21 the provisions of title 35, United States Code, are
22 further amended—

23 (A) by striking out “Secretary of Com-
24 merce” each place such term appears and insert
25 in lieu thereof “Commissioner of Patents and
26 Trademarks”; and

1 (B) by striking out “Department of Com-
2 merce” each place such term appears and in-
3 serting in lieu thereof “Office of Patents,
4 Trademarks and Standards”.

5 (2)(A) Section 3(a) of title 35, United States
6 Code, is amended in the fourth sentence by striking
7 out “The Secretary of Commerce, upon the nomina-
8 tion of the Commissioner” and inserting in lieu
9 thereof “The Commissioner”.

10 (B) Section 6(a) of title 35, United States
11 Code, is amended—

12 (i) in the first sentence by striking out “,
13 under the direction of the Secretary of Com-
14 merce,”; and

15 (ii) in the second sentence by striking out
16 “, subject to the approval of the Secretary of
17 Commerce,”.

18 (C) Section 31 of title 35, United States Code,
19 is amended by striking out “, subject to the approval
20 of the Secretary of Commerce,”.

1 **TITLE V—STATISTICAL**
2 **CONSOLIDATION**
3 **Subtitle A—General Provisions**

4 **SEC. 501. FINDINGS.**

5 Congress, recognizing the importance of statistical in-
6 formation in the development of national priorities and
7 policies and in the administration of public programs,
8 finds that—

9 (1) improved coordination and planning among
10 the statistical programs of the Federal Government
11 is necessary—

12 (A) to strengthen and improve the quality
13 and utility of Federal statistics; and

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

16 (2) while the demand for statistical information
17 has grown substantially over the 30-year period pre-
18 ceding the date of enactment of this Act, the lack
19 of coordinated planning within the decentralized
20 Federal statistical system has limited the usefulness
21 of statistics in defining problems and determining
22 national policies to deal with complex social and eco-
23 nomic issues;

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

1 (A) data available from Federal statistical
2 programs are responsive to the information
3 needs of the President and Congress in develop-
4 ing national policies; and

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

8 (4) a central statistical policy and coordination
9 office is necessary—

10 (A) to develop and implement a Federal
11 statistical policy;

12 (B) to establish priorities for Federal sta-
13 tistical programs;

14 (C) to oversee and evaluate the statistical
15 programs of the Government; and

16 (D) to ensure that data collected for statis-
17 tical purposes by the Government are collected
18 and reported in accordance with established
19 standards; and

20 (5) it is conducive and integral to a sound Fed-
21 eral policy that the heads of major statistical agen-
22 cies within a Federal department or agency have di-
23 rect access to the head of such department or agen-
24 cy.

1 **SEC. 502. SENSE OF CONGRESS.**

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

4 (1) a more centralized statistical system is inte-
5 gral to efficiency;

6 (2) with increased efficiency comes better inte-
7 gration of research, methodology, survey design, and
8 taking advantage of economies of scale;

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

13 (4) statistical forms clearance at the Office of
14 Management and Budget should be better distin-
15 guished from regulatory forms clearance; and

16 (5) recognizing that the Chief Statistician has
17 numerous responsibilities with respect to statistical
18 policy and coordination, the Chief Statistician should
19 have a direct reporting relationship with the Direc-
20 tor of the Office of Management and Budget.

21 (b) CONFIDENTIALITY.—It is the sense of Congress
22 that—

23 (1) entities of the Federal Government (includ-
24 ing the Federal Council on Statistical Policy and the
25 Interagency Council on Statistical Policy) and pri-
26 vate entities should examine the efficacy of replacing

1 the individual confidentiality provisions of statistical
2 agencies with a single, uniform standard that guar-
3 antees confidentiality across the affected agencies;
4 and

5 (2) those entities should also examine the shar-
6 ing of confidential data for statistical purposes with-
7 in the Federal Statistical Service and special ar-
8 rangements to permit the sharing of confidential
9 data for statistical purposes with State agencies co-
10 operating with Federal agencies in statistical pro-
11 grams.

12 (c) DECENNIAL CENSUSES.—It is the sense of Con-
13 gress that the budget and functions of the Bureau of the
14 Census relating to any decennial census of population
15 should be segregated from the other budget and functions
16 of the Bureau of the Census.

17 **SEC. 503. DEFINITIONS.**

18 In this title:

19 (1) ADMINISTRATOR.—The term “Adminis-
20 trator” means the Administrator of the Federal Sta-
21 tistical Service.

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

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

4 (4) COUNCIL.—The term “Council” means the
5 Federal Council on Statistical Policy under section
6 513.

7 (5) DEPUTY ADMINISTRATOR.—The term
8 “Deputy Administrator” means the Deputy Admin-
9 istrator of the Federal Statistical Service.

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

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

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

19 (9) SERVICE.—The term “Service” means the
20 Federal Statistical Service.

21 **Subtitle B—Establishment of the** 22 **Federal Statistical Service**

23 **SEC. 511. ESTABLISHMENT.**

24 The Federal Statistical Service is established as an
25 independent establishment, as that term is defined in sec-

1 tion 104 of title 5, United States Code, in the executive
2 branch of the Federal Government.

3 **SEC. 512. PRINCIPAL OFFICERS.**

4 (a) ADMINISTRATOR.—

5 (1) IN GENERAL.—There shall be at the head
6 of the Service an Administrator of the Federal Sta-
7 tistical Service, who shall be appointed, from among
8 individuals nominated for that purpose by the Fed-
9 eral Council on Statistical Policy who are experi-
10 enced in the collection and utilization of statistical
11 data or survey research, by the President, by and
12 with the advice and consent of the Senate.

13 (2) ADMINISTRATION.—The Service, including
14 all functions and offices transferred to the Service
15 under this title, shall be administered, in accordance
16 with the provisions of this title, under the super-
17 vision and direction of the Administrator.

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

22 (b) DEPUTY ADMINISTRATOR.—

23 (1) IN GENERAL.—There shall be in the Service
24 a Deputy Administrator of the Federal Statistical
25 Service who shall be appointed, from among individ-

1 uals nominated for that purpose by the Federal
2 Council on Statistical Policy who are experienced in
3 the collection and utilization of statistical data or
4 survey research, by the President, by and with the
5 advice and consent of the Senate.

6 (2) DUTIES OF DEPUTY ADMINISTRATOR.—

7 During the absence or disability of the Adminis-
8 trator, or in the event of a vacancy in the office of
9 the Administrator, the Deputy Administrator shall
10 act as Administrator. The Deputy Administrator
11 shall perform such other duties and exercise such
12 powers as the Administrator may from time to time
13 prescribe.

14 (3) COMPENSATION OF DEPUTY ADMINIS-

15 TRATOR.—The Deputy Administrator shall receive
16 basic pay at the rate payable for level III of the Ex-
17 ecutive Schedule under section 5314 of title 5, Unit-
18 ed States Code.

19 (c) BUREAU DIRECTORS.—

20 (1) IN GENERAL.—There shall be in the Serv-
21 ice—

22 (A) a Director of the Census who shall, on
23 the transfer of functions and offices under sec-
24 tion 203, serve as the head of the Bureau of
25 the Census; and

1 (B) a Director of the Bureau of Economic
2 Analysis who shall, on the transfer of functions
3 and offices under section 203, serve as the head
4 of the Bureau of Economic Analysis; and

5 (C) a Director of the Bureau of Labor Sta-
6 tistics who shall, on the transfer of functions
7 and offices under subtitle C, serve as the head
8 of the Bureau of Labor Statistics.

9 (2) APPOINTMENT.—Each of the Directors re-
10 ferred to in paragraph (1) shall be appointed by the
11 President, by and with the advice and consent of the
12 Senate.

13 (4) COMPENSATION OF DIRECTOR OF BUREAU
14 OF ECONOMIC ANALYSIS.—

15 (A) IN GENERAL.—The position of Direc-
16 tor of the Bureau of Economic Analysis shall be
17 a Senior Executive Service position.

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

23 (5) TERMS.—The term of office for each Direc-
24 tor referred to in paragraph (1) shall be as specified
25 in the predecessor under the applicable provision of

1 law in effect on the day before the date of enactment
2 of this Act, except that, notwithstanding section 21
3 of title 13, United States Code, the term of the Di-
4 rector of the Census shall be 4 years.

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

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

13 **SEC. 513. FEDERAL COUNCIL ON STATISTICAL POLICY.**

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

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

18 (1) The Administrator of the Federal Statistical
19 Service.

20 (2) The Director of the Census.

21 (3) The Director of the Bureau of Labor Statis-
22 tics.

23 (4) The Director of the Bureau of Economic
24 Analysis.

1 (5) The Chief Statistician of the Office of Man-
2 agement and Budget.

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

5 (A) are not officers or employees of the
6 Government; and

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

10 (7) Two members appointed by the Speaker of
11 the House of Representatives from among individ-
12 uals who—

13 (A) are not officers or employees of the
14 Government; and

15 (B) are especially qualified to serve on the
16 Council by virtue of experience relating to 1 or
17 more of the bureaus referred to in section 203
18 or subtitle C.

19 (c) TERMS.—

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

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

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

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

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

8 (B) 1 shall be appointed for a term of 2
9 years.

10 (d) FUNCTIONS.—

11 (1) IN GENERAL.—The Council shall—

12 (A) make any nominations required under
13 section 512(a)(1);

14 (B) serve as an advisory body to the Chief
15 Statistician on confidentiality issues, such as
16 those relating to—

17 (i) the collection or sharing of data
18 for statistical purposes among Federal
19 agencies; and

20 (ii) the sharing of data, for statistical
21 purposes, by States and political subdivi-
22 sions with the Federal Government; and

23 (C) establish a statistical policy as de-
24 scribed in section 501(3).

25 (2) STUDY AND REPORT AS PROCEDURES.—

1 (A) STUDY.—The Council shall study pro-
2 cedures for the release of major economic and
3 social indicators by the Federal Government.

4 (B) REPORT.—Not later than 18 months
5 after the date of enactment of this Act, the
6 Council shall submit to Congress a report on
7 the findings of the study under subparagraph
8 (A).

9 (3) STUDY OF FUNCTIONS.—

10 (A) STUDY.—The Council shall study—

11 (i) whether or not the functions of the
12 Bureau of the Census relating to decennial
13 censuses of population could be delineated
14 from the other functions of the Bureau;
15 and

16 (ii) if the functions referred to in
17 clause (i) could be delineated from other
18 functions of the Bureau, recommendations
19 on how such a delineation of functions
20 might be achieved.

21 (B) REPORT.—Not later than 12 months
22 after the date of enactment of this Act, the
23 Council shall submit to Congress a report on
24 the findings of the study conducted under sub-
25 paragraph (A).

1 (4) STUDY AND REPORT ON FIELD OFFICES.—

2 (A) STUDY.—The Council shall study—

3 (i) making as appropriate, the field
4 offices of the Bureau of the Census part of
5 the field offices of the Bureau of Labor
6 Statistics; and

7 (ii) any savings anticipated as a result
8 of the implementation of clause (i).

9 (B) REPORT.—Not later than 12 months
10 after the date of enactment of this Act, the
11 Council shall submit to Congress a report on
12 the findings of the study conducted under sub-
13 paragraph (A).

14 (e) COMPENSATION.—Members of the Council under
15 subsection (b)(6) shall be entitled to receive the daily
16 equivalent of the rate of basic pay for level IV of the Exec-
17 utive Schedule under section 5315 of title 5, United States
18 Code, for each day (including travel time) during which
19 they are engaged in the actual performance of duties vest-
20 ed in the Council.

21 (f) CHAIRPERSON.—The Chairperson of the Council
22 shall be elected by and from the members for a term of
23 1 year.

1 **Subtitle C—Transfers of Functions**
2 **and Offices**

3 **SEC. 521. TRANSFER OF THE BUREAU OF LABOR STATIS-**
4 **TICS.**

5 There is transferred to the Service the Bureau of
6 Labor Statistics of the Department of Labor, along with
7 all of its functions and offices.

8 **SEC. 522. TRANSFER DATE.**

9 The transfers of functions and offices under this title
10 shall be effective on the date specified in section 102(e).

11 **Subtitle D—Administrative**
12 **Provisions**

13 **SEC. 531. OFFICERS AND EMPLOYEES.**

14 The Administrator may appoint and fix the com-
15 pensation of such officers and employees as may be nec-
16 essary to carry out the functions of the Administrator and
17 the Service. Except as otherwise provided by law, such of-
18 ficers and employees shall be appointed in accordance with
19 the civil service laws and their compensation shall be fixed
20 in accordance with title 5, United States Code.

21 **SEC. 532. EXPERTS AND CONSULTANTS.**

22 The Administrator, as may be provided in appropria-
23 tion Acts, obtain the services of experts and consultants
24 in accordance with section 3109 of title 5, United States
25 Code, and may compensate such experts and consultants

1 at rates not to exceed the daily rate prescribed for level
2 IV of the Executive Schedule under section 5315 of title
3 5, United States Code.

4 **SEC. 533. ACCEPTANCE OF VOLUNTARY SERVICES.**

5 (a) IN GENERAL.—Notwithstanding section 1342 of
6 title 31, United States Code, the Administrator may ac-
7 cept, subject to regulations issued by the Office of Person-
8 nel Management, voluntary services if such services—

9 (1) are to be uncompensated; and

10 (2) are not used to displace any employee.

11 (b) TREATMENT.—Any individual who provides vol-
12 untary services under this section shall not be considered
13 a Federal employee for any purpose other than for pur-
14 poses of chapter 81 of title 5, United States Code (relating
15 to compensation for injury) and sections 2671 through
16 2680 of title 28, United States Code (relating to tort
17 claims).

18 **SEC. 534. GENERAL AUTHORITY.**

19 In carrying out any function transferred by this Act,
20 the Administrator, or any officer or employee of the Serv-
21 ice, may exercise any authority available by law with re-
22 spect to such function to the official or agency from which
23 such function is transferred, and the actions of the Admin-
24 istrator in exercising such authority shall have the same

1 force and effect as when exercised by such official or agen-
2 cy.

3 **SEC. 535. DELEGATION.**

4 Except as otherwise provided in this title, the Admin-
5 istrator may delegate any function to such officers and
6 employees of the Service as the Administrator may des-
7 ignate, and may authorize such successive redelegations
8 of such functions within the Service as may be necessary
9 or appropriate. No delegation of functions by the Adminis-
10 trator under this section or under any other provision of
11 this title shall relieve the Administrator of responsibility
12 for the Administration of such functions.

13 **SEC. 536. REORGANIZATION.**

14 The Administrator may allocate or reallocate func-
15 tions among the officers of the Service, and to establish,
16 consolidate, alter, or abolish such offices or positions with-
17 in the Service as may be necessary or appropriate.

18 **SEC. 537. CONTRACTS.**

19 (a) IN GENERAL.—Subject to the Federal Property
20 and Administrative Services Act of 1949 and other appli-
21 cable Federal law, the Administrator may make, enter
22 into, and perform such contracts, grants, leases, coopera-
23 tive agreements, and other similar transactions with Fed-
24 eral or other public agencies (including State and local
25 governments) and private organizations and persons, and

1 to make such payments, by way of advance or reimburse-
2 ment, as the Administrator may determine necessary or
3 appropriate to carry out functions of the Administrator
4 or the Service.

5 (b) APPROPRIATION AUTHORITY REQUIRED.—No
6 authority to enter into contracts or to make payments
7 under this title shall be effective except to such extent or
8 in such amounts as are provided in advance under appro-
9 priation Acts.

10 **SEC. 538. REGULATIONS.**

11 The Administrator may prescribe such rules and reg-
12 ulations as the Administrator considers necessary or ap-
13 propriate to administer and manage the functions of the
14 Administrator or the Service, in accordance with chapter
15 5 of title 5, United States Code.

16 **SEC. 539. SEAL.**

17 The Administrator shall cause a seal of office to be
18 made for the Service of such design as the Administrator
19 shall approve. Judicial notice shall be taken of such seal.

20 **SEC. 540. ANNUAL REPORT.**

21 The Administrator, in consultation with the Council,
22 shall, as soon as practicable after the close of each fiscal
23 year, make a single, comprehensive report to the President
24 for transmission to Congress on the activities of the Serv-
25 ice during such fiscal year.

1 **Subtitle E—Miscellaneous**

2 **SEC. 541. INCIDENTAL TRANSFERS.**

3 The Director of the Office of Management and Budg-
4 et, in consultation with the Administrator, shall make such
5 determinations as may be necessary with regard to the
6 functions, offices, or portions thereof transferred by this
7 title, and make such additional incidental dispositions of
8 personnel, assets, liabilities, grants, contracts, property,
9 records, and unexpended balances of appropriations, au-
10 thorizations, allocations, and other funds held, used, aris-
11 ing from, available to, or to be made available in connec-
12 tion with such functions, offices, or portions thereof, as
13 may be necessary to carry out this title. The Director shall
14 provide for the termination of the affairs of all entities
15 terminated by this title and, in consultation with the Ad-
16 ministrator, for such further measures and dispositions as
17 may be necessary to effectuate the purposes of this title.

18 **SEC. 542. REFERENCES.**

19 With respect to any function transferred by this title
20 and exercised on or after the date of such transfer, any
21 reference in any other Federal law to any department,
22 commission, or agency or any officer or office the func-
23 tions of which so transferred shall be deemed to refer to
24 the Administrator, other official, or component of the
25 Service to which this title transfers such functions.

1 **SEC. 543. PROPOSED CHANGES IN LAW.**

2 Not later than 90 days after the date of enactment
3 of this Act, the President shall submit to Congress a de-
4 scription of any changes in Federal law necessary to re-
5 flect any transfers or other measures under this title.

6 **SEC. 544. TRANSITION.**

7 (a) **USE OF FUNDS.**—Funds available to any depart-
8 ment or agency (or any official or component thereof), the
9 functions or offices of which are transferred to the Admin-
10 istrator or the Service by this title, may, with the approval
11 of the Director of the Office of Management and Budget,
12 be used to pay the compensation and expenses of any offi-
13 cer appointed pursuant to this title and other transitional
14 and planning expenses associated with the establishment
15 of the Service or transfer of functions or offices thereto
16 until such time as funds for such purposes are otherwise
17 available.

18 (b) **USE OF PERSONNEL.**—With the consent of the
19 appropriate department or agency head concerned, the Ad-
20 ministrator may utilize the services of such officers, em-
21 ployees, and other personnel of the departments and agen-
22 cies from which functions or offices have been transferred
23 to the Administrator or the Service, for such period of
24 time as may reasonably be needed to facilitate the orderly
25 implementation of this title.

1 **SEC. 545. INTERIM APPOINTMENTS.**

2 (a) **AUTHORITY TO APPOINT.**—Notwithstanding any
3 other provision of law, in the event that 1 or more officers
4 required by this title to be appointed by and with the ad-
5 vice and consent of the Senate shall not have entered upon
6 office on the date of the transfer of functions and offices
7 under section 203 or subtitle C, the President may des-
8 ignate an officer in the executive branch to act in such
9 office for 120 days or until the office is filled as provided
10 in this title, whichever occurs first.

11 (b) **COMPENSATION.**—Any officer acting in an office
12 in the Department pursuant to the provisions of sub-
13 section (a) shall receive compensation at the rate pre-
14 scribed for such office under this title.

15 **SEC. 546. CONFORMING AMENDMENTS.**

16 (a) **DIRECTOR, BUREAU OF LABOR STATISTICS.**—
17 Section 5315 of title 5, United States Code, as amended
18 by this Act, is further amended by adding at the end the
19 following new item:

20 “Director, Bureau of Labor Statistics.”

21 (b) **GENERAL COUNSEL; INSPECTOR GENERAL.**—
22 Section 5315 of title 5, United States Code, as amended
23 by subsection (a), is further amended by adding at the
24 end the following new items:

25 “General Counsel, Bureau of Labor Statistics.

1 “Inspector General, Bureau of Labor Statis-
2 tics.”.

3 (c) BUREAU DIRECTORS.—Section 5315 of title 5,
4 United States Code, as amended by subsection (b), is fur-
5 ther amended—

6 (1) by striking “The Commissioner of Labor
7 Statistics, Department of Labor”; and

8 (2) by inserting after the item relating to the
9 Director of the Census, the following new items:

10 “Director of the Bureau of Labor Statistics,
11 Federal Statistical Service.

12 “Director of the Bureau of Economic Analysis,
13 Federal Statistical Service.”.

14 (d) DEPUTY ADMINISTRATOR.—Section 5314 of title
15 5, United States Code, is amended by adding at the end
16 the following new item:

17 “Deputy Administrator, Federal Statistical
18 Service.”.

19 (e) ADMINISTRATOR.—Section 5313 of title 5, United
20 States Code, is amended by adding at the end the follow-
21 ing new item:

22 “Administrator, Federal Statistical Service.”.

1 **TITLE VI—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 601. REFERENCES.**

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

8 (1) to the head of such department or office is
9 deemed to refer to the head of the department or of-
10 fice to which such function is transferred; or

11 (2) to such department or office is deemed to
12 refer to the department or office to which such func-
13 tion is transferred.

14 **SEC. 602. EXERCISE OF AUTHORITIES.**

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

1 **SEC. 603. SAVINGS PROVISIONS.**

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

5 (1) that have been issued, made, granted, or al-
6 lowed to become effective by the President, the Sec-
7 retary of Commerce, the United States Trade Rep-
8 resentative, any officer or employee of any office
9 transferred by this Act, or any other Government of-
10 ficial, or by a court of competent jurisdiction, in the
11 performance of any function that is transferred by
12 this Act; and

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

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

22 (b) **PROCEEDINGS.**—This Act shall not affect any
23 proceedings or any application for any benefits, service,
24 license, permit, certificate, or financial assistance pending
25 on the date of enactment of this Act before an office trans-
26 ferred by this Act, but such proceedings and applications

1 shall be continued. Orders shall be issued in such proceed-
2 ings, appeals shall be taken therefrom, and payments shall
3 be made pursuant to such orders, as if this Act had not
4 been enacted, and orders issued in any such proceeding
5 shall continue in effect until modified, terminated, super-
6 seded, or revoked by a duly authorized official, by a court
7 of competent jurisdiction, or by operation of law. Nothing
8 in this subsection shall be considered to prohibit the dis-
9 continuance or modification of any such proceeding under
10 the same terms and conditions and to the same extent that
11 such proceeding could have been discontinued or modified
12 if this Act had not been enacted.

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

18 (d) NONABATEMENT OF ACTIONS.—No suit, action,
19 or other proceeding commenced by or against the Depart-
20 ment of Commerce or the Secretary of Commerce, or by
21 or against any individual in the official capacity of such
22 individual as an officer or employee of an office trans-
23 ferred by this Act, shall abate by reason of the enactment
24 of this Act.

1 (e) CONTINUANCE OF SUITS.—If any Government of-
2 ficer in the official capacity of such officer is party to a
3 suit with respect to a function of the officer, and under
4 this Act such function is transferred to any other officer
5 or office, then such suit shall be continued with the other
6 officer or the head of such other office, as applicable, sub-
7 stituted or added as a party.

8 (f) ADMINISTRATIVE PROCEDURE AND JUDICIAL RE-
9 VIEW.—Except as otherwise provided by this Act, any
10 statutory requirements relating to notice, hearings, action
11 upon the record, or administrative or judicial review that
12 apply to any function transferred by this Act shall apply
13 to the exercise of such function by the head of the Federal
14 agency, and other officers of the agency, to which such
15 function is transferred by this Act.

16 **SEC. 604. TRANSFER OF ASSETS.**

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

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

3 **SEC. 605. DELEGATION AND ASSIGNMENT.**

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

16 **SEC. 606. AUTHORITY OF DIRECTOR OF THE OFFICE OF**
17 **MANAGEMENT AND BUDGET WITH RESPECT**
18 **TO FUNCTIONS TRANSFERRED.**

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

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

1 additional incidental dispositions of personnel, assets, li-
2 abilities, grants, contracts, property, records, and unex-
3 pended balances of appropriations, authorizations, alloca-
4 tions, and other funds held, used, arising from, available
5 to, or to be made available in connection with such func-
6 tions, as may be necessary to carry out the provisions of
7 this Act. The Director shall provide for the termination
8 of the affairs of all entities terminated by this Act and
9 for such further measures and dispositions as may be nec-
10 essary to effectuate the purposes of this Act.

11 **SEC. 607. CERTAIN VESTING OF FUNCTIONS CONSIDERED**
12 **TRANSFERS.**

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

17 **SEC. 608. AVAILABILITY OF EXISTING FUNDS.**

18 Existing appropriations and funds available for the
19 performance of functions, programs, and activities termi-
20 nated pursuant to this Act shall remain available, for the
21 duration of their period of availability, for necessary ex-
22 penses in connection with the termination and resolution
23 of such functions, programs, and activities.

24 **SEC. 609. DEFINITIONS.**

25 For purposes of this Act—

1 (1) the term “function” includes any duty, obli-
2 gation, power, authority, responsibility, right, privi-
3 lege, activity, or program; and

4 (2) the term ‘office’ includes any office, admin-
5 istration, agency, bureau, institute, council, unit, or-
6 ganizational entity, or component thereof.

7 **SEC. 610. CONFORMING AMENDMENTS.**

8 Section 11 of the Inspector General Act of 1978 (5
9 U.S.C. App.) is amended—

10 (1) in paragraph (1), by striking “or the Com-
11 missioner of the Social Security Administration;”
12 and inserting “the Commissioner of the Social Secu-
13 rity Administration; the Administrator of the Na-
14 tional Oceanic and Atmospheric Administration; or
15 the Administrator of the Federal Statistical Serv-
16 ice;”; and

17 (2) in paragraph (2), by striking “or the Social
18 Security Administration” and inserting “the Na-
19 tional Oceanic and Atmospheric Administration, the
20 Federal Statistical Service, or the Social Security
21 Administration”.

○