

To enhance the competitiveness of the United States in the global economy through the establishment of a Department of International Trade as an executive department of the Government, and for other purposes.

AUGUST 6, 1993

Mr. MICA introduced the following bill; which was referred to the Committee on Government Operations

To enhance the competitiveness of the United States in the global economy through the establishment of a Department of International Trade as an executive department of the Government, and for other purposes.

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

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1 TITLE I—GENERAL PROVISIONS

2 FINDINGS

3 SEC. 101. The Congress finds that—

4 (1) principal national goals of the United States
 5 are to—

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

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

13 (C) expand United States participation in
 14 international trade through aggressive pro-
 15 motion and marketing of American products
 16 and services;

1 (2) the economy of the United States is so inex-
2 tricably linked with the international economic sys-
3 tem that all domestic economic sectors are influ-
4 enced by the dynamics of global trade and
5 investment;

6 (3) the expansion of United States participation
7 in international trade will improve the general wel-
8 fare of the people of the United States by increasing
9 demand for American products and services, creat-
10 ing jobs, and increasing the gross national product;

11 (4) business, labor, and all levels of government
12 must place the highest priority on developing meth-
13 ods and policies to achieve the goals described in
14 paragraph (1), and the achievement of such goals is
15 dependent on a marked improvement in the capabil-
16 ity of United States businesses to compete in foreign
17 markets;

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

21 (A) reduce political and economic barriers
22 to sales and investments by such businesses;

23 (B) promote American goods and services
24 in foreign countries;

1 (C) encourage aggressive participation by
2 the private sector in the international market-
3 place; and

4 (D) develop policies to enhance productiv-
5 ity and long-term growth;

6 (6) effective and efficient Government action to
7 enhance the capability of United States businesses
8 to compete in foreign markets requires coordination
9 of the development and implementation of Govern-
10 ment policies relating to the international trade in-
11 terests of the United States;

12 (7) the Federal Government can enhance the
13 capability of State governments to expand foreign
14 markets for goods and services produced in such
15 States by—

16 (A) providing information resources suit-
17 able for developing and conducting international
18 export programs in the States;

19 (B) coordinating activities of Federal over-
20 seas trade facilities with State international
21 trade offices;

22 (C) providing practical and technical as-
23 sistance to States developing or conducting
24 international export and investment programs;
25 and

1 (D) taking appropriate actions to promote
2 the availability of such information and assist-
3 ance;

4 (8) effective and efficient Government action
5 with respect to international trade further requires
6 the employment of a corps of personnel consisting of
7 individuals who, like the personnel of the govern-
8 ments of United States trading partners, are highly
9 experienced and educated in international trade op-
10 erations and negotiations;

11 (9) the present organizational structure of Gov-
12 ernment administration of international trade activi-
13 ties is so diffuse that inconsistent and contradictory
14 policies and actions result;

15 (10) such inconsistent and contradictory poli-
16 cies and actions inhibit domestic trade interests, cre-
17 ate trade opportunities for our international com-
18 petitors, and discourage experienced Government
19 personnel from career service in international trade
20 activities;

21 (11) United States performance in international
22 trade is fundamentally linked to the competitiveness
23 of American industry in the world economy;

24 (12) improvements in the competitiveness of
25 United States industry, products, and services can

1 be aided by reducing traditional antagonisms among
2 government, industry, labor, and the public;

3 (13) a lack of analytical capability and knowl-
4 edge concerning the competitive position of Amer-
5 ican industries and foreign industries greatly ham-
6 pers or delays the ability of the United States to for-
7 mulate responsible trade policies and policies that
8 affect the international competitiveness of domestic
9 industries;

10 (14) the consolidation of Government functions
11 relating to international trade, including functions
12 relating to technical analysis, policymaking, inter-
13 national negotiation, and operational responsibilities,
14 into a Department of Trade shall provide the needed
15 coordination of Government activity in international
16 trade and will encourage the retention of the highly
17 experienced personnel necessary for such coordina-
18 tion to be effective;

19 (15) the continued prosperity and overall com-
20 petitive posture of the United States calls for a deci-
21 sive and unified trade policy that vigorously pro-
22 motes an equitable international trade environment
23 in which the United States is able to compete fully
24 and fairly;

(18) enhancing the process of consultation and advice between the executive branch, the Congress, and the private sector will assist in developing the consensus on and support for the trade policy of the United States;

21 (20) the economic well-being of the American
22 people will be substantially enhanced through the
23 creation of the Department of Trade.

25 SEC. 102. As used in this Act, unless otherwise pro-
26 vided or indicated by the context—

1 (1) the term “Department” means the Depart-
2 ment of Trade;

3 (2) the term “Secretary” means the Secretary
4 of Trade;

5 (3) the term “function” means any duty, obli-
6 gation, power, authority, responsibility, right, privi-
7 lege, activity, or program;

8 (4) the term “administrative and support func-
9 tions” means legal functions, investigative functions,
10 budget preparation and analysis functions, adminis-
11 trative functions, public information functions, and
12 congressional relations functions carried out by a
13 Federal agency, and such other support services as
14 may be determined by the head of such agency;

15 (5) the term “executive department” has the
16 meaning given to the term “Executive department”
17 by section 101 of title 5, United States Code;

18 (6) the term “Federal agency” has the meaning
19 given to the term “agency” by section 551(1) of
20 such title; and

21 (7) the term “office” includes any office, ad-
22 ministration, agency, institute, unit, organizational
23 entity, or component thereof.

1 TITLE II—DEPARTMENT OF TRADE

2 PART A—ESTABLISHMENT

3 ESTABLISHMENT OF DEPARTMENT

4 SEC. 201. (a) There is established an executive de-
5 partment to be known as the Department of Trade. The
6 Department shall be administered by a Secretary of
7 Trade, who shall be appointed by the President, by and
8 with the advice and consent of the Senate.

9 (b) The Department of Trade shall be deemed the
10 successor to the Department of Commerce for all pur-
11 poses, including protocol.

12 FUNCTIONS OF THE SECRETARY

13 SEC. 202. (a) In addition to the functions transferred
14 to the Secretary by this Act, such other functions as the
15 President may assign or delegate to the Secretary, and
16 such other functions as the Secretary may, after the effec-
17 tive date of this Act, be required to carry out by law, the
18 Secretary shall—

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

23 (2) exercise primary responsibility, with the ad-
24 vice of the interagency organization established
25 under section 242 of the Trade Expansion Act of
26 1962, for developing and implementing international

1 trade policy, including commodity matters and, to
2 the extent related to international trade policy, di-
3 rect investment matters and, in exercising such re-
4 sponsibility, advance and implement the goals de-
5 scribed in section 101(1) as the primary mandate of
6 the Department;

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

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

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

22 (6) seek and promote new opportunities for
23 United States products and services to compete in
24 the world marketplace;

1 (7) assist small businesses in developing export
2 markets;

3 (8) support State governments involved in ex-
4 panding foreign markets for goods and services pro-
5 duced in such States;

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

8 (10) analyze economic trends and developments
9 in order to understand and foster the conditions that
10 enhance productivity, growth, and competitiveness;

11 (11) report directly to the Congress—

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

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

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

1 section 161 of the Trade Act of 1974 currently in-
2 formed on United States negotiating objectives with
3 respect to trade agreements, the status of negotia-
4 tions in progress with respect to such agreements,
5 and the nature of any changes in domestic law or
6 the administration thereof which the Secretary may
7 recommend to Congress to carry out any trade
8 agreement;

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

15 (14) serve as the principal advisor to the Presi-
16 dent on government policies designed to contribute
17 to enhancing the ability of American industry and
18 services to compete in international markets;

19 (15) develop recommendations for national
20 strategies and on specific policies intended to en-
21 hance the productivity and international competitive-
22 ness of United States industries;

23 (16) identify and develop recommendations to
24 address problems affecting the economic competitive-
25 ness of the United States;

1 (17) serve as the principal advisor to the Presi-
2 dent in identifying and assessing the consequences
3 of any government policies which adversely affect, or
4 have the potential to adversely affect, the competi-
5 tiveness of United States industries and services;
6 and

7 (18) promote cooperation between business,
8 labor, and government to improve industrial per-
9 formance and the ability of American industries to
10 compete in international markets and to facilitate
11 consultation and communication between the govern-
12 ment and the private sector about domestic indus-
13 trial performance and prospects as well as the per-
14 formance and prospects of foreign competitors.

15 (b) The Secretary shall be the Chairman pro tempore
16 of the interagency organization established under section
17 242 of the Trade Expansion Act of 1962.

18 (c) The Secretary shall be a member of the National
19 Security Council.

20 (d) The Secretary shall be Deputy Chairman of the
21 National Advisory Council on International Monetary and
22 Financial Policies established under Executive Order
23 11269, issued February 14, 1966.

24 (e)(1) The Secretary of Trade shall consult with the
25 Secretary of Agriculture or the designee of the Secretary

1 of Agriculture on all matters which potentially involve
2 international trade in agricultural products.

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

14 (f) The Secretary shall be Chairman of the Trade
15 Promotion Coordinating Committee established by the
16 President on May 23, 1990.

17 (g) Except where expressly prohibited by law, the
18 Secretary, at the request or with the concurrence of the
19 head of any other Federal agency, may assign the respon-
20 sibility for conducting or participating in any specific
21 international trade negotiation or meeting to the head of
22 such agency whenever the Secretary determines that the
23 subject matter of such international trade negotiation is
24 related to the functions carried out by such agency.

1 PART B—OFFICES AND BUREAUS

2 OFFICE OF THE TRADE REPRESENTATIVE

3 SEC. 211. There is established in the Office of the
4 Secretary, the Office of the Trade Representative. The
5 Secretary, through the Office of the Trade Representative,
6 shall perform all functions (other than administrative and
7 support functions) transferred to the Secretary by section
8 231.

9 BUREAU OF EXPORT PROMOTION

10 SEC. 212. (a) There is established within the Depart-
11 ment, the Bureau of Export Promotion. The Bureau of
12 Export Promotion shall be administered by the Under Sec-
13 retary of the Bureau of Export Promotion who shall be
14 appointed by the President, by and with the advice and
15 consent of the Senate. The Secretary, through the Under
16 Secretary of the Bureau of Export Promotion, shall per-
17 form all functions (other than administrative and support
18 functions) transferred to the Secretary under sections
19 232(3)(A), 233, 234, and 235. The Bureau of Export Pro-
20 motion shall be the Government's lead organization re-
21 sponsible for implementing and devising United States
22 trade promotion and financing efforts.

23 (b)(1) There is established within the Bureau of Ex-
24 port Promotion the—

25 (A) United States and Foreign Commercial
26 Service;

1 (B) Export-Import Bank of the United States;
2 and

3 (C) Overseas Private Investment Corporation.

4 (2)(A)(i) The United States and Foreign Commercial
5 Service shall be administered by an Assistant Secretary,
6 who shall serve as Director General of the United States
7 and Foreign Commercial Service, and who shall be ap-
8 pointed by the President, by and with the advice and con-
9 sent of the Senate.

10 (ii) There is established the Trade and Development
11 Agency and the United States Travel and Tourism Admin-
12 istration within the United States and Foreign Commer-
13 cial Service. The Trade and Development Agency shall be
14 administered by a Director and the United States Travel
15 and Tourism Administration shall be administered by a
16 Director. Both Directors shall be appointed by the Presi-
17 dent with the advice and consent of the Senate.

18 (B) The Export-Import Bank established under para-
19 graph (1)(A) shall be administered by a President and a
20 Board of Directors as provided under section 3 of the Ex-
21 port-Import Bank Act of 1945 (12 U.S.C. 635a) as
22 amended by section 233 of this Act.

23 (C) The Overseas Private Investment Corporation es-
24 tablished under paragraph (1)(C) shall be administered by
25 a President and a Board of Directors as provided under

1 section 233 of the Foreign Assistance Act of 1961 (22
2 U.S.C. 2193) as amended by section 234 of this Act.

3 BUREAU OF TRADE POLICY AND ANALYSIS

4 SEC. 213 (a) There is established within the Depart-
5 ment, the Bureau of Trade Policy and Analysis. The Bu-
6 reau of Trade Policy and Analysis shall be administered
7 by the Under Secretary of the Bureau of Trade Policy and
8 Analysis who shall be appointed by the President, by and
9 with the advice and consent of the Senate. The Secretary
10 through the Under Secretary of the Bureau of Trade Pol-
11 icy and Analysis shall perform all functions (other than
12 administrative and support functions) transferred to the
13 Secretary under section 232(3)(B). The Under Secretary
14 for Trade Policy and Analysis shall advise the Secretary
15 of Trade on international trade and economic policy and
16 provide assistance to the Secretary in multilateral and bi-
17 lateral trade negotiations.

18 (b)(1) There is established within the Bureau of
19 Trade Policy and Analysis the—

20 (A) Office of International Economic Policy;

21 (B) Office of Business Analysis; and

22 (C) Office of Economic Analysis.

23 (2) Each component of the Bureau of Trade Policy
24 and Analysis established under paragraph (1) (A), (B),
25 and (C) shall be administered by an Assistant Secretary

1 who shall be appointed by the President, by and with the
2 advice and consent of the Senate.

3 BUREAU OF TRADE ADMINISTRATION

4 SEC. 214. (a) There is established within the Depart-
5 ment, the Bureau of Trade Administration. The Bureau
6 of Trade Administration shall be administered by the
7 Under Secretary of the Bureau of Trade Administration
8 who shall be appointed by the President, by and with the
9 advice and consent of the Senate. The Secretary through
10 the Under Secretary of the Bureau of Trade Administra-
11 tion shall perform all functions (other than administrative
12 and support functions) transferred to the Secretary under
13 section 232(3)(C). The Bureau of Trade Administration
14 shall be responsible for overseeing and enforcing all trade
15 laws and agreements of which the United States is a
16 party.

17 (b)(1) There is established within the Bureau of
18 Trade Administration the—

19 (A) Export Administration; and

20 (B) Import Administration.

21 (2) Each administration established under paragraph
22 (1) (A) and (B) shall be administered by an Assistant Sec-
23 retary who shall be appointed by the President, by and
24 with the consent of the Senate.

1 PART C—OFFICERS

2 DEPUTY SECRETARY

3 SEC. 221. (a) There shall be in the Department a
4 Deputy Secretary of Trade, who shall be appointed by the
5 President, by and with the advice and consent of the
6 Senate.

7 (b) The Deputy Secretary shall act for and exercise
8 the functions of the Secretary during the absence or dis-
9 ability of the Secretary or in the event the office of Sec-
10 retary becomes vacant. The Deputy Secretary shall act for
11 and exercise the functions of the Secretary until the ab-
12 sence or disability of the Secretary no longer exists or a
13 successor to the Secretary has been appointed by the
14 President and confirmed by the Senate.

15 TRADE REPRESENTATIVE

16 SEC. 222. There shall be in the Department a Trade
17 Representative, who shall be appointed by the President,
18 by and with the advice and consent of the Senate. The
19 Trade Representative shall have the rank and status of
20 Ambassador and shall represent the United States in all
21 trade negotiations on behalf of the Secretary of Trade.

22 UNDER SECRETARIES

23 SEC. 223. (a) There shall be in the Department three
24 Under Secretaries of Trade, who shall be appointed by the
25 President, by and with the advice and consent of the Sen-
26 ate.

1 (b) Each Under Secretary of Trade shall perform
2 such functions as the Secretary may prescribe.

3 ASSISTANT SECRETARIES

4 SEC. 224. (a) There shall be in the Department 6
5 Assistant Secretaries of Trade, who shall be appointed by
6 the President, by and with the advice and consent of the
7 Senate.

8 (b) Each Assistant Secretary of Trade shall perform
9 such functions as the Secretary may prescribe.

10 GENERAL COUNSEL

11 SEC. 225. There shall be in the Department a Gen-
12 eral Counsel, who shall be appointed by the President, by
13 and with the advice and consent of the Senate. The Gen-
14 eral Counsel shall provide legal assistance to the Secretary
15 concerning the activities, programs, and policies of the
16 Department.

17 INSPECTOR GENERAL

18 SEC. 226. There shall be in the Department an In-
19 spector General who shall be appointed in accordance with
20 the Inspector General Act of 1978, as amended by section
21 271(h) of this Act.

22 REPRESENTATIVE TO THE GENERAL AGREEMENT ON
23 TARIFFS AND TRADE

24 SEC. 227. There shall be in the Department a Perma-
25 nent Representative to the General Agreement on Tariffs
26 and Trade, who shall be appointed by the President, by

1 and with the advice and consent of the Senate, and who
2 shall have the rank and status of Ambassador Extraor-
3 dinary and Plenipotentiary.

4 PART D—TRANSFERS TO THE DEPARTMENT
5 OFFICE OF THE UNITED STATES TRADE
6 REPRESENTATIVE

7 SEC. 231. There are transferred to the Secretary all
8 functions of the United States Trade Representative and
9 the Office of the United States Trade Representative in
10 the Executive Office of the President and all functions of
11 any officer or employee of such Office.

12 TRANSFERS FROM THE DEPARTMENT OF COMMERCE

13 SEC. 232. Except for functions transferred by titles
14 III, IV, V, and VI, there are transferred to the Sec-
15 retary—

16 (1) all functions of the Secretary of Commerce;

17 (2) all functions of the Department of Com-
18 merce; and

19 (3) all functions of, and all functions performed
20 under the direction of, the following officers and em-
21 ployees of the Department of Commerce:

22 (A) the Under Secretary of Commerce for
23 International Trade, the Director General of
24 the United States and Foreign Commercial
25 Services, the Under Secretary of Commerce for

1 Travel and Tourism and the Assistant Sec-
2 retary of Commerce for Tourism Marketing;

3 (B) the Under Secretary of Commerce for
4 Economic Affairs, the Assistant Secretary of
5 Commerce for International Economic Policy,
6 the Assistant Secretary of Commerce for Trade
7 Development, the Director of the Bureau of
8 Economic Analysis of the Department of Com-
9 merce, and the Chief Economist of the Depart-
10 ment of Commerce; and

11 (C) the Under Secretary for Export Ad-
12 ministration of the Department of Commerce
13 and the Assistant Secretary for Import Admin-
14 istration of the Department of Commerce.

15 TRANSFER OF THE EXPORT-IMPORT BANK

16 SEC. 233. (a)(1) There are transferred to the Sec-
17 retary all functions of the Secretary of Commerce relating
18 to the Export-Import Bank of the United States.

19 (2) The Export-Import Bank of the United States is
20 transferred to the Department of Trade.

21 (b) Section 3(b) of the Export-Import Bank Act of
22 1945 (12 U.S.C. 635a(b)) is amended to read as follows:

23 “(b) There shall be a President of the Export-Import
24 Bank of the United States who shall be appointed by the
25 President, by and with the advice and consent of the Sen-
26 ate, and shall serve as chief executive officer of the Bank.

1 There shall be a First Vice President of the Bank, who
2 shall be appointed by the President of the United States,
3 by and with the advice and consent of the Senate, who
4 shall serve as President of the Bank during the absence
5 or disability of or in the event of a vacancy in the Office
6 of the President of the Bank, and who shall at other times
7 perform such functions as the President of the Bank may
8 from time to time prescribe.”.

9 (c) Section 3(c)(1) of the Export-Import Bank Act
10 of 1945 (12 U.S.C. 635a(c)(1)) is amended to read as
11 follows:

12 “(c)(1) There shall be a Board of Directors of the
13 Bank consisting of the Under Secretary of the Bureau of
14 Export Promotion of the Department of Trade (who shall
15 serve as Chairman), the President of the Export-Import
16 Bank of the United States (who shall serve as Vice Chair-
17 man), the President of the Overseas Private Investment
18 Corporation, and the Director General of the United
19 States and Foreign Commercial Service.”.

20 (d) Section 2301(h) of the Omnibus Trade and Com-
21 petitiveness Act of 1988 (15 U.S.C. 4721(h)) is amended
22 to read as follows:

23 “(h) ASSISTANCE TO EXPORT-IMPORT BANK.—The
24 Commercial Service shall provide, at its district offices in
25 the United States, such services as the Under Secretary

1 of Trade for Export Promotion determines necessary to
2 assist the Export-Import Bank of the United States to
3 carry out the lending, loan guarantee, insurance, and
4 other activities of the Bank.’’.

5 OVERSEAS PRIVATE INVESTMENT CORPORATION

6 SEC. 234. (a) There are transferred to the Secretary
7 all functions of the Director of the United States Inter-
8 national Development Cooperation Agency relating to the
9 Overseas Private Investment Corporation.

10 (b) The second and third sentences of section 233(b)
11 of the Foreign Assistance Act of 1961 (22 U.S.C.
12 2193(b)) are amended to read as follows: ‘‘The Under Sec-
13 retary of the Bureau of Export Promotion of the Depart-
14 ment of Trade shall be the Chairman of the Board. The
15 Administrator of the Agency for International Develop-
16 ment, the President of the Overseas Private Investment
17 Corporation (who shall serve as Vice Chairman), and the
18 Director General of the United States Foreign and Com-
19 mercial Service shall serve on the Board.’’.

20 TRADE AND DEVELOPMENT AGENCY

21 SEC. 235. There are transferred to the Secretary all
22 functions of the Director of the United States Inter-
23 national Development Agency relating to the Trade and
24 Development Agency. There are transferred to the De-
25 partment all functions of the Trade and Development Pro-
26 gram.

1 BUREAU OF PRIVATE ENTERPRISE

2 SEC. 236. There are transferred to the United States
3 and Foreign Commercial Service all functions of the Bu-
4 reau of Private Enterprise of the Agency for International
5 Development.

6 PART E—ADMINISTRATIVE PROVISIONS

7 PERSONNEL PROVISIONS

8 SEC. 241. (a) The Secretary may appoint and fix the
9 compensation of such officers and employees, including in-
10 vestigators, attorneys, and administrative law judges, as
11 may be necessary to carry out the functions of the Sec-
12 retary and the Department. Except as otherwise provided
13 by law, such officers and employees shall be appointed in
14 accordance with the civil service laws and their compensa-
15 tion fixed in accordance with title 5, United States Code.

16 (b)(1) At the request of the Secretary, the Director
17 of the Office of Personnel Management shall, under sec-
18 tion 5108 of title 5, United States Code, provide for the
19 establishment in a grade level above GS–15 of the General
20 Service, and in the Senior Executive Service, of a number
21 of positions in the Department equal to the number of
22 positions in that grade level which were used primarily for
23 the performance of functions and offices transferred by
24 this Act and which were assigned and filled on the day
25 before the effective date of this Act.

1 (2) Appointments to positions provided for under this
2 subsection may be made without regard to the provisions
3 of section 3324 of title 5, United States Code, if the indi-
4 vidual appointed in such position is an individual who is
5 transferred in connection with the transfer of functions
6 and offices under this Act and, on the day before the effec-
7 tive date of this Act, holds a position and has duties com-
8 parable to those of the position to which appointed under
9 this subsection.

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

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

19 (c) The Secretary may obtain the services of experts
20 and consultants in accordance with section 3109 of title
21 5, United States Code, and compensate such experts and
22 consultants for each day (including traveltime) at rates
23 not in excess of the maximum rate of pay for a position
24 at a grade level above GS-15 of the General Schedule
25 under section 5332 of such title. The Secretary may pay

1 experts and consultants who are serving away from their
2 homes or regular place of business travel expenses and per
3 diem in lieu of subsistence at rates authorized by sections
4 5702 and 5703 of such title for persons in Government
5 service employed intermittently.

6 (d)(1)(A) The Secretary is authorized to accept vol-
7 untary and uncompensated services without regard to the
8 provisions of section 1342 of title 31, United States Code,
9 if such services will not be used to displace Federal em-
10 ployees employed on a full-time, part-time, or seasonal
11 basis.

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

15 (2) The Secretary is authorized to provide for inci-
16 dental expenses, including but not limited to transpor-
17 tation, lodging, and subsistence for individuals who pro-
18 vide voluntary services under subparagraph (A) or (B) of
19 paragraph (1).

20 (3) An individual who provides voluntary services
21 under paragraph (1)(A) shall not be considered a Federal
22 employee for any purpose other than for purposes of chap-
23 ter 81 of title 5, United States Code, relating to com-
24 pensation for work injuries, and chapter 171 of title 28,
25 United States Code, relating to tort claims.

1 (e) In order to assure United States representation
2 in trade matters at a level commensurate with the level
3 of representation maintained by industrial nations which
4 are major trade competitors of the United States, the Sec-
5 retary of State shall classify certain positions at Foreign
6 Service posts as commercial minister positions and shall
7 assign members of the Foreign Service performing func-
8 tions of the Department of Trade, with the concurrence
9 of the Secretary of Trade, to such positions in nations
10 which are major trade competitors of the United States.
11 The Secretary of State shall obtain and use the rec-
12 ommendations of the Secretary of Trade with respect to
13 the number of positions to be so classified under this sub-
14 section.

15 DELEGATION AND ASSIGNMENT

16 SEC. 242. Except where otherwise expressly prohib-
17 ited by law or otherwise provided by this Act, the Sec-
18 retary may delegate any of the functions transferred to
19 the Secretary by this Act and any function transferred or
20 granted to the Secretary after the effective date of this
21 Act to such officers and employees of the Department as
22 the Secretary may designate, and may authorize succes-
23 sive redelegations of such functions as may be necessary
24 or appropriate. No delegation of functions by the Sec-
25 retary under this section or under any other provision of

1 this Act shall relieve the Secretary of responsibility for the
2 administration of such functions.

3 SUCCESSION

4 SEC. 243. (a) Subject to the authority of the Presi-
5 dent, and except as provided in section 221(b), the Sec-
6 retary shall prescribe the order by which officers of the
7 Department who are appointed by the President, by and
8 with the advice and consent of the Senate, shall act for,
9 and perform the functions of, the Secretary or any other
10 officer of the Department appointed by the President, by
11 and with the advice and consent of the Senate, during the
12 absence or disability of the Secretary or such other officer,
13 or in the event of a vacancy in the office of the Secretary
14 or such other officer.

15 (b) Notwithstanding any other provision of law, and
16 unless the President directs otherwise, an individual acting
17 for the Secretary or another officer of the Department
18 pursuant to subsection (a) shall continue to serve in that
19 capacity until the absence or disability of the Secretary
20 or such other officer no longer exists or a successor to
21 the Secretary or such other officer has been appointed by
22 the President and confirmed by the Senate.

23 REORGANIZATION

24 SEC. 244. (a) Subject to subsections (b) and (c), the
25 Secretary is authorized to allocate or reallocate functions
26 among the officers of the Department, and to establish,

1 consolidate, alter, or discontinue such organizational
2 entities in the Department as may be necessary or
3 appropriate.

4 (b) Except as provided in subsection (c), the Sec-
5 retary may establish, consolidate, alter, or discontinue any
6 organizational entity in the Department or allocate or re-
7 allocate any function of an officer or employee of the De-
8 partment upon the expiration of a period of sixty days
9 after the receipt by the Committee on Finance and the
10 Committee on Governmental Affairs of the Senate and the
11 Committee on Government Operations and the Committee
12 on Ways and Means of the House of Representatives of
13 notice by the Secretary containing a full and complete
14 statement of the action proposed to be taken pursuant to
15 this section and the facts and circumstances relied upon
16 in support of such proposed action.

17 RULES

18 SEC. 245. The Secretary is authorized to prescribe,
19 in accordance with the provisions of chapters 5 and 6 of
20 title 5, United States Code, such rules and regulations as
21 the Secretary determines necessary or appropriate to ad-
22 minister and manage the functions of the Secretary or the
23 Department.

24 WORKING CAPITAL FUND

25 SEC. 246. (a) The Secretary is authorized to establish
26 for the Department a working capital fund, to be available

1 without fiscal year limitation, for expenses necessary for
2 the maintenance and operation of such common adminis-
3 trative services as the Secretary shall find to be desirable
4 in the interest of economy and efficiency, including—

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

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

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

14 (4) a central library service; and

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

18 (b) The capital of the fund shall consist of any appro-
19 priations made for the purpose of providing working cap-
20 ital and the fair and reasonable value of such stocks of
21 supplies, equipment, and other assets and inventories on
22 order as the Secretary may transfer to the fund, less the
23 related liabilities and unpaid obligations. The fund shall
24 be reimbursed in advance from available funds of agencies
25 and offices in the Department, or from other sources, for

1 supplies and services at rates which will approximate the
2 expense of operation, including the accrual of annual leave
3 and the depreciation of equipment. The fund shall also be
4 credited with receipts from sale or exchange of property
5 and receipts in payment for loss or damage to property
6 owned by the fund. There shall be covered into the United
7 States Treasury as miscellaneous receipts any surplus of
8 the fund (all assets, liabilities, and prior losses considered)
9 above the amounts transferred or appropriated to estab-
10 lish and maintain the fund. There shall be transferred to
11 the fund the stocks of supplies, equipment, other assets,
12 liabilities, and unpaid obligations relating to those services
13 which the Secretary determines will be performed.

14 FUNDS TRANSFER

15 SEC. 247. The Secretary may, when authorized in an
16 appropriation Act in any fiscal year, transfer funds from
17 one appropriation to another within the Department, ex-
18 cept that no appropriation for any fiscal year shall be ei-
19 ther increased or decreased by more than 10 per centum
20 and no such transfer shall result in increasing any such
21 appropriation above the amount authorized to be appro-
22 priated therefore.

23 CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS

24 SEC. 248. (a) Subject to the provisions of the Federal
25 Property and Administrative Services Act of 1949, the
26 Secretary may make, enter into, and perform such con-

1 tracts, leases, cooperative agreements, grants, or other
2 similar transactions with public agencies, private organiza-
3 tions, and persons, and make payments (in lump sum or
4 installments, and by way of advance or reimbursement,
5 and, in the case of any grant, with necessary adjustments
6 on account of overpayments and underpayments) as the
7 Secretary considers necessary or appropriate to carry out
8 the functions of the Secretary or the Department.

9 (b) Notwithstanding any other provision of this Act,
10 the authority to enter into contracts or to make payments
11 under this title shall be effective only to such extent or
12 in such amounts as are provided in advance in appropria-
13 tion Acts. This subsection does not apply with respect to
14 the authority granted under section 252.

15 PUBLICATIONS

16 SEC. 249. Subject to such procedures of the Director
17 of the Office of Management and Budget may prescribe,
18 the Secretary may disseminate in the form of reports or
19 publications such information as the Secretary considers
20 appropriate.

21 USE OF FACILITIES

22 SEC. 250. (a) With their consent, the Secretary, with
23 or without reimbursement, may use the research, services,
24 equipment, and facilities of—

25 (1) an individual;

10 (4) any foreign government,
11 in carrying out any function of the Secretary or the
12 Department.

23 FIELD OFFICES

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1 Secretary finds necessary or appropriate to perform any
2 function of the Secretary or the Department.

3 (b) The Secretary may establish, alter, consolidate,
4 maintain, or discontinue State, regional, district, local, or
5 other field offices under subsection (a) upon the expiration
6 of a period of sixty days after the receipt by the Commit-
7 tee on Finance and the Committee on Governmental Af-
8 fairs of the Senate and the Committee on Government Op-
9 erations and the Committee on Ways and Means of the
10 House of Representatives of notice by the Secretary con-
11 taining a full and complete statement of the action pro-
12 posed to be taken pursuant to this section and the facts
13 and circumstances relied upon in support of such proposed
14 action.

15 (c) Within one year after the effective date of this
16 Act, the Secretary and the Administrator of the Small
17 Business Administration shall prepare and transmit to the
18 President and to Congress a joint report containing rec-
19 ommendations for improving the competitiveness of Unit-
20 ed States business through—

21 (1) enhanced cooperation between the Small
22 Business Administration and the United States and
23 Foreign Commercial Service;

1 (2) the utilization of Small Business Adminis-
2 tration regional offices by the United States and
3 Foreign Commercial Service;

4 (3) increased efforts to assist small- and me-
5 dium-size firms to enter the export market through
6 the facilities of the United States and Foreign Com-
7 mercial Service; and

8 (4) consolidation of the Small Business Admin-
9 istration within the United States and Foreign Com-
10 mercial Service or the Department of Trade.

11 GIFTS AND BEQUESTS

12 SEC. 252. (a) The Secretary is authorized to accept,
13 hold, administer, and utilize gifts and bequests of prop-
14 erty, both real and personal, for the purpose of aiding or
15 facilitating the work of the Department. Gifts and be-
16 quests of money and the proceeds from sales of other prop-
17 erty received as gifts or bequests shall be deposited in the
18 United States Treasury in a separate fund and shall be
19 disbursed on order of the Secretary. Property accepted
20 pursuant to this paragraph, and the proceeds thereof,
21 shall be used as nearly as possible in accordance with the
22 terms of the gift or bequest.

23 (b) For the purpose of Federal income, estate, and
24 gift taxes, and State taxes, property accepted under sub-
25 section (a) shall be considered a gift or bequest to or for
26 use of the United States.

1 (c) Upon the request of the Secretary, the Secretary
2 of the Treasury may invest and reinvest in securities of
3 the United States or in securities guaranteed as to prin-
4 cipal and interest by the United States any moneys con-
5 tained in the fund provided for in subsection (a). Income
6 accruing from such securities, and from any other prop-
7 erty held by the Secretary pursuant to subsection (a), shall
8 be deposited to the credit of the fund, and shall be dis-
9 bursed upon order of the Secretary.

10 SEAL OF DEPARTMENT

11 SEC. 253. The Secretary shall cause a seal of office
12 to be made for the Department of such design as the Sec-
13 retary shall approve. Judicial notice shall be taken of such
14 seal.

15 ANNUAL REPORT

16 SEC. 254. The Secretary shall, as soon as practicable
17 after the end of each fiscal year, prepare and transmit
18 a written report to the President for transmission to the
19 Congress on the activities of the Department during such
20 fiscal year.

21 PROFESSIONAL TRADE SERVICE CORPS

22 SEC. 255. Within 180 days after the effective date
23 of this Act, the Secretary shall prepare and transmit to
24 the President and the Congress a report containing rec-
25 ommendations for the establishment of a Professional
26 Trade Service Corps designed to attract and retain highly

1 qualified, experienced, and motivated professionals to ad-
2 minister the trade policies and activities of the United
3 States. The system shall contain provisions for—

4 (1) the advancement and retention of personnel
5 on a competitive basis;

6 (2) the designation of senior positions in such
7 Federal agencies in order that personnel employed in
8 such agencies may advance in careers relating to
9 international trade; and

10 (3) the transfer of personnel between the sys-
11 tem and the Foreign Service personnel system in
12 order that personnel employed in such systems may
13 be employed in foreign and domestic service.

14 NATIONAL TRADE DATA BANK

15 SEC. 256. Within 180 days after the effective date
16 of this Act, the Secretary shall prepare and transmit to
17 the President and the Congress a report containing rec-
18 ommendations for enhancing the Government's foreign
19 trade and economic data collection and dissemination ac-
20 tivities. The report shall include—

21 (1) recommendations for increasing the capacity
22 of the National Trade Data Bank established by the
23 Omnibus Trade and Competitiveness Act of 1988;

24 (2) findings by the Interagency Trade Data Ad-
25 visory Committee for expanding the National Trade
26 Data Bank consistent with the needs of its users;

1 (3) recommendations on including within the
2 National Trade Data Bank economic information
3 collected by United States intelligence agencies; and
4 (4) suggestions for the overall improvement and
5 coordination of the United States Government's
6 trade and economic data collection and dissemina-
7 tion activities.

8 PART F—RELATED AGENCIES

9 INTERAGENCY TRADE ORGANIZATION

10 SEC. 261. Section 242(a)(3) of the Trade Expansion
11 Act of 1962 (19 U.S.C. 1872(a)(3)) is amended to read
12 as follows:

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

15 “(i) the Secretary of Trade, who shall be
16 Chairman,

17 “(ii) the Secretary of Agriculture,

18 “(iii) the Secretary of the Treasury,

19 “(iv) the Secretary of Labor,

20 “(v) the Secretary of State, and

21 “(vi) the representatives of such other de-
22 partments and agencies as the Secretary of
23 Trade shall designate.

24 “(B) The Secretary of Trade may invite rep-
25 resentatives from other agencies, as appropriate, to

1 attend particular meetings if subject matters of spe-
 2 cific functional interest to such agencies are under
 3 consideration. It shall meet at such times and with
 4 respect to such matters as the President or the
 5 Chairman shall direct.”.

6 NATIONAL SECURITY COUNCIL

7 SEC. 262. The fourth paragraph of section 101(a) of
 8 the National Security Act of 1947 (50 U.S.C. 402(a)) is
 9 amended—

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

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

14 “(5) the Secretary of Trade;”.

15 INTERNATIONAL MONETARY FUND

16 SEC. 263. Section 3 of the Bretton Woods Agreement
 17 Act is amended by adding at the end thereof the following
 18 new subsection:

19 “(e) The United States executive director of the Fund
 20 shall consult with the Secretary of Trade with respect to
 21 matters under consideration by the Fund which relate to
 22 trade.”.

23 PART G—CONFORMING PROVISIONS

24 AMENDMENTS

25 SEC. 271. (a) Section 19(d)(1) of title 3, United
 26 States Code, is amended by striking out “Secretary of

1 Commerce,” and inserting in lieu thereof “Secretary of
2 Trade,”.

3 (b) Section 101 of title 5, United States Code, is
4 amended by striking out the item relating to the Depart-
5 ment of Commerce and inserting in lieu thereof the
6 following:

7 “The Department of Trade.”.

8 (c) Section 5312 of such title is amended—

9 (1) by striking out the items relating to the
10 Secretary of Commerce and the United States Trade
11 Representative; and

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

13 “Secretary of Trade.”.

14 (d)(1) Section 2(b) of Reorganization Plan No. 3 of
15 1979 is amended by striking out paragraph (1) and by
16 striking out “(2)”.

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

19 “Deputy Secretary, Department of Trade.”.

20 (e) Section 5314 of such title is amended—

21 (1) by striking out the item relating to the
22 Under Secretary of Commerce, the Under Secretary
23 of Commerce for Economic Affairs, and the Under
24 Secretary of Commerce for Travel and Tourism;

1 (2) by striking out the item relating to the Dep-
2 uty United States Trade Representatives; and

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

4 “Under Secretaries of Trade (3).

5 “Deputy Secretary of Trade.

6 “Chief Trade Negotiator, Department of Trade.

7 “Permanent Representative to the General
8 Agreement on Tariffs and Trade, Department of
9 Trade.”.

10 (f) Section 5315 of such title is amended—

11 (1) by striking out the item relating to the As-
12 sistant Secretaries of Commerce;

13 (2) by striking out the item relating to the Gen-
14 eral Counsel of the Department of Commerce; and

15 (3) by adding at the end thereof the following:

16 “Assistant Secretaries of Trade (6).

17 “General Counsel, Department of Trade.

18 “President of the Export-Import Bank of the
19 United States.

20 “President of the Overseas Private Investment
21 Corporation.”.

22 (g) Section 5316 of such title is amended—

23 (1) by striking out the item relating to Commis-
24 sioner of Patents, Department of Commerce;

1 (2) by striking out the item relating to the Na-
2 tional Export Expansion Coordinator, Department
3 of Commerce;

4 (3) by striking out the item relating to the Di-
5 rector, United States Travel Service, Department of
6 Commerce;

7 (4) by striking out the item relating to the In-
8 spector General, Department of Commerce;

9 (5) by striking out the item relating to the Di-
10 rector, National Bureau of Standards, Department
11 of Commerce; and

12 (6) by adding at the end thereof the following:
13 “Inspector General, Department of Trade.”.

14 (h) The Inspector General Act of 1978 is amended—

15 (1) in subsection 9(a)(1)—

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

17 (B) by redesignating subparagraphs (C)
18 through (H) as subparagraphs (B) through (G),
19 respectively; and

20 (C) by inserting before subparagraph (I)
21 the following:

22 “(H) of the Department of Trade, all functions
23 of the Inspector General of the Department of Com-
24 merce and the Office of the Inspector General of the
25 Department of Commerce relating to the functions

1 transferred to the Secretary of Trade by section 232
2 of the Trade Reorganization Act of 1992;”;

3 (2) by striking out “Commerce,” each place it
4 appears in section 11; and

5 (3) by inserting “Trade,” after “Interior,” each
6 place it appears in such section.

7 (i)(1) Chapter 4 of title I of the Trade Act of 1974
8 is amended to read as follows:

9 **“CHAPTER 4—REPRESENTATION IN**
10 **TRADE NEGOTIATIONS**

11 **“SEC. 141. FUNCTIONS OF THE SECRETARY OF TRADE.**

12 “The Secretary of Trade 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;

18 “(2) report directly to the President and the
19 Congress, and be responsible to the President and
20 the Congress for the administration of trade agree-
21 ments programs under this Act, the Omnibus Trade
22 and Competitiveness Act of 1988, the Trade Expans-
23 ion Act of 1962, and section 350 of the Tariff Act
24 of 1930;

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 the trade agreements pro-
 5 grams; and

6 “(4) be responsible for making reports to Con-
 7 gress with respect to the matters set forth in clauses
 8 (1) and (2).”.

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

“CHAPTER 4—REPRESENTATION IN TRADE NEGOTIATIONS

“Sec. 141. Functions of the Secretary of Trade.”.

13 (j) The Foreign Service Act of 1980 is amended by
 14 striking out paragraph (3) of section 202(a) (22 U.S.C.
 15 3922(a)) and inserting in lieu thereof the following:

16 “(3) The Secretary of Trade may utilize the
 17 Foreign Service personnel system in accordance with
 18 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-
 23 ment of State by Reorganization Plan No.
 24 3 of 1979; and

1 “(ii) which were subsequently trans-
2 ferred to the Secretary of Trade by section
3 232 of the Trade Reorganization Act of
4 1992; and

5 “(B) with respect to other personnel of the
6 Department of Trade to the extent the Presi-
7 dent determines to be necessary in order to en-
8 able the Department of Trade to carry out
9 functions which require service abroad.”.

10 (k)(1) Section 201 of the International Travel Act of
11 1961 (22 U.S.C. 2122) is amended by striking out “Com-
12 merce” and inserting in lieu thereof “Trade”.

13 (2) Section 202(a)(13) of such Act (22 U.S.C.
14 2123(a)(13)) is amended by striking out “Commerce” and
15 inserting in lieu thereof “Trade”.

16 (3) Section 301 of such Act (22 U.S.C. 2124) is
17 amended to read as follows:

18 “SEC. 301. All duties and responsibilities of the Sec-
19 retary under this Act shall be exercised directly by the
20 Secretary or by the Secretary through the Assistant Sec-
21 retary of Trade for the United States and Foreign Com-
22 mercial Service.”.

23 (4) Section 302(b)(1) of such Act (22 U.S.C.
24 2124a(b)(1)) is amended—

1 (A) by striking out “Commerce” in subpara-
2 graph (A) and inserting in lieu thereof “Trade”;

3 (B) by striking out “Under Secretary” and in-
4 serting in lieu thereof “Assistant Secretary of
5 Trade” in subparagraph (B); and

6 (C) by striking out subparagraph (D) and in-
7 serting in lieu thereof the following:

8 “(D) an individual designated by the Secretary
9 of Trade from the Department of Trade;”.

10 (5) Section 303(f) of such Act (22 U.S.C. 2124b(f))
11 is amended by striking out “and shall advise the Assistant
12 Secretary of Trade for the United States and Foreign
13 Commercial Service with respect to the preparation of the
14 marketing plan under section 202(a)(15)”.

15 REPEALS

16 SEC. 272. (a)(1) The first section of the Act entitled
17 “An Act to establish the Department of Commerce and
18 Labor”, approved February 14, 1903 (15 U.S.C. 1501),
19 is repealed.

20 (2) The first section of the Act entitled “An Act to
21 create a Department of Labor”, approved March 4, 1913
22 (15 U.S.C. 1501), is amended by striking out beginning
23 with “and the Department of Commerce and Labor”
24 through “accordingly”.

25 (b) Subsection (a) of the first section of the Act enti-
26 tled “An Act to authorize an Under Secretary of Com-

1 merce for Economic Affairs”, approved June 16, 1982 (96
2 Stat. 115; 15 U.S.C. 1503a), is repealed.

3 (c) The Act entitled “An Act to provide for the ap-
4 pointment of one additional Assistant Secretary of Com-
5 merce, and for other purposes”, approved July 15, 1947
6 (15 U.S.C. 1505), is repealed.

7 (d) The first sentence of section 304 of the Depart-
8 ment of Commerce Appropriation Act, 1955 (15 U.S.C.
9 1506), is repealed.

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

13 (f) Subsection (a) of section 9 of the Maritime Appro-
14 priation Authorization Act for Fiscal Year 1978 (15
15 U.S.C. 1507b), is repealed.

16 (g)(1) The first section of the Act of March 18, 1904
17 (33 Stat. 135, chapter 716; 15 U.S.C. 1508), is amended
18 by striking out the paragraph relating to the Office of the
19 Solicitor of the Department of Commerce and Labor.

20 (2) Section 2 of the Act of July 17, 1952 (66 Stat.
21 758, chapter 932; 15 U.S.C. 1508), is repealed.

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

1 (2) The first section of the Act of August 23, 1912
2 (37 Stat. 407, chapter 350; 15 U.S.C. 1511), is amended
3 by striking out the paragraph relating to the Bureau of
4 Foreign and Domestic Commerce.

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

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

9 (i) Section 8 of the Act entitled “An Act to establish
10 the Department of Commerce and Labor”, approved Feb-
11 ruary 14, 1903 (15 U.S.C. 1519), is repealed.

12 (j) Title III of the Act entitled “An Act making ap-
13 propriations for the Departments of State, Justice, and
14 Commerce for the fiscal year ending June 30, 1945, and
15 for other purposes”, approved June 28, 1944 (15 U.S.C.
16 1521), is amended by striking out the paragraph relating
17 to the working capital fund of the Department of
18 Commerce.

19 (k) Sections 1, 2, and 3 of Public Law 88–611 (15
20 U.S.C. 1522, 1523, and 1524) are repealed.

1 TITLE III—ESTABLISHMENT OF TECHNOLOGY
2 ADMINISTRATION AS INDEPENDENT AGENCY

3 PART A—ESTABLISHMENT OF TECHNOLOGY

4 ADMINISTRATION

5 SHORT TITLE

6 SEC. 301. This title may be cited as the “Technology
7 Administration Act of 1992”.

8 FINDINGS

9 SEC. 302. The Congress finds that the establishment
10 of an independent agency for technology programs shall—

11 (1) provide a focus for technological innovation
12 for industrial and commercial purposes;

13 (2) facilitate the development of a single agency
14 and a unified means for research and development
15 to enhance the United States competitive position in
16 the global economy; and

17 (3) aid in the establishment of a coherent pro-
18 gram to promote civilian research and development
19 and the commercialization of new technologies.

20 DEFINITIONS

21 SEC. 303. For the purposes of this title—

22 (1) the term “Administration” means the Tech-
23 nology Administration established under section 304;
24 and

25 (2) the term “Administrator” means the Ad-
26 ministrator of the Technology Administration.

1 ESTABLISHMENT

2 SEC. 304. (a) There is established the Technology
3 Administration which shall be an independent establish-
4 ment as defined under section 104 of title 5, United States
5 Code. The Administration shall be administered by the
6 Administrator of the Technology Administration who shall
7 be appointed by the President, by and with the advice and
8 consent of the Senate. The Administration shall be com-
9 posed of—

10 (1) the National Institute of Standards and
11 Technology established under subsection (c);

12 (2) the National Technical Information Service
13 established under subsection (d);

14 (3) the National Telecommunications Institute
15 established under subsection (e); and

16 (4) the Patent and Trademark Office estab-
17 lished under subsection (f).

18 (b) There are transferred to the Administration and
19 the Administrator all functions of the Technology Admin-
20 istration of the Department of Commerce and the Under
21 Secretary for Technology and—

22 (1) all functions performed by the National
23 Institute of Standards and Technology of the De-
24 partment of Commerce and the Director of the Na-

1 tional Institute of Standards and Technology of the
2 Department of Commerce;

3 (2) all functions performed by the National
4 Technical Information Service of the Department of
5 Commerce and the Director of the National Tech-
6 nical Information Service of the Department of
7 Commerce;

8 (3) all functions performed by the National
9 Telecommunications and Information Administration
10 of the Department of Commerce and the Assistant
11 Secretary for Communications and Information of
12 the Department of Commerce; and

13 (4) all functions performed by the Patent and
14 Trademark Office of the Department of Commerce
15 and the Assistant Secretary and Commissioner of
16 Patents and Trademarks of the Department of
17 Commerce.

18 (c) There is established in the Administration the
19 National Institute of Standards and Technology. The Na-
20 tional Institute of Standards and Technology shall be ad-
21 ministered by the Director of the National Institute of
22 Standards and Technology appointed by the President, by
23 and with the consent of the Senate. The Director shall
24 perform all functions (other than administrative and sup-

1 port functions) transferred to the Administrator under
2 subsection (a)(1).

3 (d) There is established the National Technical Infor-
4 mation Service within the Administration. The National
5 Technical Information Service shall be headed by the Di-
6 rector of the National Technical Information Service ap-
7 pointed by the President, by and with the consent of the
8 Senate. The Director of the National Technical Informa-
9 tion Service, shall perform all functions (other than ad-
10 ministrative and support functions) transferred to the Ad-
11 ministrator under subsection (a)(2).

12 (e) There is established in the Administration the
13 National Telecommunications Institute. The National
14 Telecommunications Institute shall be administered by the
15 Director of the National Telecommunications Institute ap-
16 pointed by the President, by and with the consent of the
17 Senate. The Director shall perform all functions (other
18 than administrative and support functions) transferred to
19 the Administrator under subsection (a)(3).

20 (f) There is established in the Administration the
21 Patent and Trademark Office. The Patent and Trademark
22 Office shall be administered by the Commissioner for Pat-
23 ents and Trademarks appointed by the President, by and
24 with the advice and consent of the Senate. The Adminis-
25 trator through the Commissioner for Patents and Trade-

1 marks, shall perform all functions (other than administra-
2 tive and support functions) transferred to the Adminis-
3 trator under subsection (a)(4).

4 FUNCTIONS OF THE ADMINISTRATOR

5 SEC. 305. In addition to the functions transferred
6 under section 304 or functions delegated by the President,
7 the Administrator shall—

8 (1) exercise responsibility, through the Steven-
9 son-Wylder Technology Innovation Act of 1980 (15
10 U.S.C. 3701 et seq.) and other policies, for the Fed-
11 eral Government's role in encouraging technological
12 innovation for industrial and commercial purposes;

13 (2) consult and coordinate technology policy
14 with the Office of Science and Technology Policy of
15 the Executive Office of the President;

16 (3) use Federal resources in a manner consist-
17 ent with the needs and demands of the commercial
18 marketplace to ensure the competitiveness of United
19 States industries;

20 (4) accelerate technology transfer by collecting,
21 condensing, interpreting, synthesizing, adding value,
22 and diffusing to industry innovative technology, re-
23 search advancements, and ideas for technology,
24 products, and manufacturing processes that are de-
25 veloped throughout the world;

1 (5) improve industry manufacturing and com-
2 mercialization capabilities by creating and maintain-
3 ing a distributed national network of expertise in
4 manufacturing skills and commercialization methods;
5 and

6 (6) facilitate the transfer of knowledge to start-
7 up companies and other businesses requesting assist-
8 ance to strengthen manufacturing skills.

9 CONFORMING AMENDMENTS

10 SEC. 306. (a) The provisions of subchapter II of
11 chapter 53 of title 5, United States Code (as amended by
12 section 271 of this Act) are further amended—

13 (1) in section 5313 by adding at the end
14 thereof:

15 “Administrator of the Technology Administra-
16 tion.”;

17 (2) in section 5314 by striking out the item re-
18 lating to the Under Secretary of Commerce for
19 Technology and adding at the end thereof:

20 “Director of the National Technical Informa-
21 tion Service of the Technology Administration.

22 “Director of the National Telecommunications
23 Institute of the Technology Administration.

24 “Commissioner of the Patent and Trademark
25 Office of the Technology Administration.

1 “Director of the National Institute of Stand-
2 ards and Technology of the Technology Administra-
3 tion.”; and

4 (3) in section 5316 by striking out the items re-
5 lating to the Commissioner of Patents, Department
6 of Commerce, the Deputy Commissioner of Patents
7 and Trademarks, the Assistant Commissioner of
8 Patents, and the Assistant Commissioner for
9 Trademarks.

10 (b) The Stevenson-Wydler Technology Innovation Act
11 of 1980 (15 U.S.C. 3701 et seq.) is amended—

12 (1) in section 4 by striking out paragraphs (1)
13 through (3) and inserting in lieu thereof:

14 “(1) ‘Administration’ means the Technology
15 Administration.

16 “(2) ‘Administrator’ means the Administrator
17 of the Technology Administration.”;

18 (2) in section 5—

19 (A) by striking out subsections (a) and (b);

20 (B) in subsection (d) by striking out “sub-
21 section (c)” and inserting in lieu thereof “sub-
22 section (a)”;

23 (C) redesignating subsections (c), (d), and
24 (e) as subsections (a), (b), and (c), respectively;

1 (3) by striking out “Office” each place it ap-
2 pears and inserting “Administration” in each such
3 place;

4 (4) by striking out “Secretary” each place it
5 appears and inserting “Administrator” in each such
6 place;

7 (5) by striking out “and the Under Secretary”
8 each place it appears; and

9 (6) by striking out “Department of Commerce”
10 each place it appears and inserting “Foundation” in
11 each such place.

12 (c) Section 212 of the National Technical Informa-
13 tion Act of 1988 (15 U.S.C. 3704b) is amended—

14 (1) in subsection (a)(1) by striking out “The
15 Secretary of Commerce, acting through the Director
16 of the National Technical Information Service” and
17 inserting in lieu thereof “The Administrator of the
18 Technology Administration”;

19 (2) in subsection (f)(1) by striking out “Sec-
20 retary of Commerce and”; and

21 (3) by striking out “Secretary of Commerce”
22 and “Secretary” each place it appears and inserting
23 “Administrator” in each such place.

1 PART B—ADMINISTRATIVE PROVISIONS

2 RULES

3 SEC. 321. In the performance of the functions of the
4 Administrator and the Administration, the Administrator
5 is authorized to make, promulgate, issue, rescind, and
6 amend rules and regulations. The promulgation of such
7 rules and regulations—

8 (1) shall be governed by the provisions of chap-
9 ter 5 of title 5, United States Code; and

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

15 DELEGATION

16 SEC. 322. Except as otherwise provided in this Act,
17 the Administrator may delegate any function to such offi-
18 cers and employees of the Administration as the Adminis-
19 trator may designate, and may authorize such successive
20 redelegations of such functions in the Administration as
21 may be necessary or appropriate. No delegation of func-
22 tions by the Administrator under this section or under any
23 other provision of this Act shall relieve the Administrator
24 of responsibility for the administration of such functions.

1 PERSONNEL AND SERVICES

2 SEC. 323. (a) In the performance of the functions of
3 the Administrator and in addition to the officers provided
4 for by section 304, the Administrator is authorized to ap-
5 point, transfer, and fix the compensation of such officers
6 and employees, including attorneys, as may be necessary
7 to carry out the functions of the Administrator and the
8 Administration. Except as otherwise provided by law, such
9 officers and employees shall be appointed in accordance
10 with the civil service laws and compensated in accordance
11 with title 5, United States Code.

12 (b) The Administrator is authorized to obtain the
13 services of experts and consultants in accordance with sec-
14 tion 3109 of title 5, United States Code.

15 (c) The Administrator is authorized to pay transpor-
16 tation expenses, and per diem in lieu of subsistence ex-
17 penses, in accordance with chapter 57 of title 5, United
18 States Code.

19 (d) The Administrator is authorized to utilize, on a
20 reimbursable basis, the services of personnel of any Fed-
21 eral agency.

22 (e) The Administrator is authorized to appoint such
23 advisory committees as may be appropriate for purposes
24 of consultation and advice to the Administration in carry-
25 ing out the functions of the Administration.

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

19 CONTRACTS

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1 actions with any Federal agency or any instrumentality
2 of the United States, or with any State, territory, or pos-
3 session, or with any political subdivision thereof, or with
4 any person, firm, association, corporation, or educational
5 institution, on such terms and conditions as the Adminis-
6 trator may consider appropriate. The authority of the Ad-
7 ministrator to enter into contracts and leases under this
8 section shall be to such extent or in such amounts as are
9 provided in appropriation Acts.

10 USE OF FACILITIES

11 SEC. 325. With their consent, the Administrator may,
12 with or without reimbursement, use the services, equip-
13 ment, personnel, and facilities of Federal agencies and
14 other public and private agencies, and may cooperate with
15 other public and private agencies and instrumentalities in
16 the use of services, equipment, personnel, and facilities.
17 The head of each Federal agency shall cooperate fully with
18 the Administrator in making the services, equipment, per-
19 sonnel, and facilities of the Federal agency available to
20 the Administrator. The head of a Federal agency is au-
21 thorized, notwithstanding any other provision of law, to
22 transfer to or to receive from the Administration, without
23 reimbursement, supplies and equipment other than admin-
24 istrative supplies or equipment.

SERVICE CHARGES

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SEC. 326. (a) Notwithstanding any other provision of law, the Administrator may establish reasonable fees and commissions with respect to applications, documents, awards, loans, grants, research data, services, and assistance and may change and abolish such fees and commissions. Prior to establishing, changing, or abolishing any schedule of fees or commissions under this section, the Administrator may submit such schedule to the Congress.

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

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

(d) In establishing reasonable fees or commissions under this section, the Administrator may take into consideration—

- (1) the actual costs which will be incurred in providing items, information, services, or assistance;
- (2) the efficiency of the Government in providing such items, information, services, or assistance;

1 (3) the portion of the cost that will be incurred
2 in providing such items, information, services, or as-
3 sistance which may be attributed to benefits for the
4 general public interest rather than to exclusive bene-
5 fits for the applicant;

6 (4) any public service which occurs through the
7 provision of such items, information, services, or as-
8 sistance; and

9 (5) such other factors as the Administrator con-
10 siders relevant.

11 (e) In any case in which the Administrator deter-
12 mines that any person has made a payment which is not
13 required under this section or has made a payment which
14 is in excess of the amount required under this section, the
15 Administrator, upon application or otherwise, may cause
16 a refund to be made from applicable funds.

17 ACQUISITION AND MAINTENANCE OF PROPERTY

18 SEC. 327. (a) The Administrator is authorized—

19 (1) to acquire (by purchase, lease, condemna-
20 tion, or otherwise), construct, improve, repair, oper-
21 ate, and maintain—

22 (A) laboratories;

23 (B) research and testing sites and facili-
24 ties;

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

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

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

10 (3) to provide by contract or otherwise for eat-
11 ing facilities and other necessary facilities for the
12 welfare of employees of the Administration at its in-
13 stallations and to purchase and maintain equipment
14 therefor.

15 (b) Title to any property or interest therein acquired
16 pursuant to this section shall be in the United States.

17 (c) The authority granted by subsection (a) of this
18 section shall be available only with respect to facilities of
19 a special purpose nature that cannot readily be reassigned
20 from similar Federal activities and are not otherwise avail-
21 able for assignment to the Administration by the Adminis-
22 trator of General Services.

23 (d) The authority of the Administrator to enter into
24 contracts and leases under this section shall be to such

1 extent or in such amounts as are provided in appropriation
2 Acts.

3 FACILITIES AT REMOTE LOCATIONS

4 SEC. 328. (a) The Administrator is authorized to pro-
5 vide, construct, or maintain for employees and their de-
6 pendants stationed at remote locations as necessary and
7 when not otherwise available at such remote locations—

- 8 (1) emergency medical services and supplies;
- 9 (2) food and other subsistence supplies;
- 10 (3) meeting facilities;
- 11 (4) audiovisual equipment, accessories, and sup-
12 plies for recreation and training;
- 13 (5) reimbursement for food, clothing, medicine,
14 and other supplies furnished by such employees in
15 emergencies for the temporary relief of distressed
16 persons;
- 17 (6) living and working quarters and facilities;
- 18 and
- 19 (7) transportation for school-age dependents of
20 employees to the nearest appropriate educational
21 facilities.

22 (b) The furnishing of medical treatment under para-
23 graph (1) of subsection (a) and the furnishing of services
24 and supplies under paragraphs (2) and (3) of such sub-
25 section shall be at prices reflecting reasonable value as de-
26 termined by the Administrator.

1 (c) Proceeds derived from reimbursements under this
2 section shall be deposited in the Treasury and may be
3 withdrawn by the Administrator to pay directly the cost
4 of work or services provided under this section, to repay
5 or make advances to appropriations of funds which do or
6 will bear all or a part of such cost, or to refund excess
7 sums when necessary, except that such payments may be
8 credited to a service or working capital fund otherwise es-
9 tablished by law, and used under the law governing such
10 funds if the fund is available for use by the Administrator
11 for performing the work or services for which payment is
12 received.

13 COPYRIGHTS AND PATENTS

14 SEC. 329. The Administrator is authorized to acquire
15 any of the following described rights if the property ac-
16 quired thereby is for use in, or is useful to, the per-
17 formance of functions of the Administrator or the
18 Administration:

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

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

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

1 GIFTS AND BEQUESTS

2 SEC. 330. The Administrator is authorized to accept,
3 hold, administer and utilize gifts, donations, or bequests
4 of property, real or personal, tangible or intangible, and
5 contributions of money for purposes of aiding or facilitat-
6 ing the work of the Administrator or the Administration.
7 For the purposes of Federal income, estate, and gift taxes,
8 and State taxes, property accepted under this subsection
9 shall be considered a gift or bequest to the United States.

10 TRANSFERS OF FUNDS FROM OTHER FEDERAL AGENCIES

11 SEC. 331. The Administrator is authorized to accept
12 transfers from other Federal agencies of funds which are
13 available to carry out functions transferred by this Act to
14 the Administrator or functions assigned by law to the Ad-
15 ministrator after the date of enactment of this Act.

16 WORKING CAPITAL FUND

17 SEC. 332. (a) The Administrator is authorized to es-
18 tablish for the Administration a working capital fund, to
19 be available without fiscal year limitation, for expenses
20 necessary for the maintenance and operation of such com-
21 mon administrative services as the Administrator shall
22 find to be desirable in the interest of economy and effi-
23 ciency, including such services as—

24 (1) a central supply service for stationery and
25 other supplies and equipment for which adequate
26 stocks may be maintained to meet in whole or in

1 part the requirements of the Administration and its
2 components;

3 (2) central messenger, mail, and telephone serv-
4 ice and other communications service;

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

7 (4) a central library service.

8 (b) The capital of the fund shall consist of any appro-
9 priations made for the purpose of providing working cap-
10 ital and the fair and reasonable value of such stocks of
11 supplies, equipment, and other assets and inventories on
12 order as the Administrator may transfer to the fund, less
13 the related liabilities and unpaid obligations. Such funds
14 shall be reimbursed in advance from available funds of
15 agencies and offices in the Administration, or from other
16 sources, for supplies and services at rates which will ap-
17 proximate the expense of operation, including the accrual
18 of annual leave and the depreciation of equipment. The
19 fund shall also be credited with receipts from sale or ex-
20 change of property and receipts in payment for loss or
21 damage to property owned by the fund. There shall be cov-
22 ered into the United States Treasury as miscellaneous re-
23 ceipts any surplus of the fund (all assets, liabilities, and
24 prior losses considered) above the amounts transferred or
25 appropriated to establish and maintain such fund. There

1 shall be transferred to the fund the stocks of supplies,
2 equipment, other assets, liabilities, and unpaid obligations
3 relating to those services which the Administrator deter-
4 mines will be performed.

5 SEAL OF ADMINISTRATION

6 SEC. 333. The Administrator shall cause a seal of
7 office to be made for the Administration of such design
8 as the Administrator shall approve. Judicial notice shall
9 be taken of such seal.

10 ANNUAL REPORT

11 SEC. 334. (a) As soon as is practicable after the close
12 of each fiscal year, the Administrator shall submit to the
13 President a report on the activities of the Administration
14 during the preceding fiscal year. The President shall
15 transmit each such report to the Speaker of the House
16 of Representatives and the President pro tempore of the
17 Senate not later than December 31 of each year.

18 (b) Each Federal agency shall, without charge, pro-
19 vide the Administrator with such data and information as
20 the Administrator may request to carry out this section.
21 Each Federal agency shall, on a cost reimbursable basis,
22 provide the Administrator with such services and person-
23 nel as the Administrator may request to carry out this
24 section.

25 (c)(1) The Administrator is authorized to include in
26 the report required by subsection (a) for each fiscal year

1 a report on any program or activity carried out by the
2 Administrator during such fiscal year.

3 (2) Notwithstanding any other provision of law, the
4 inclusion by the Administrator in the report required by
5 subsection (a) for any fiscal year of a report on any pro-
6 gram or activity carried out by the Administrator during
7 such fiscal year shall be considered compliance with any
8 requirement established by law or regulation that the Ad-
9 ministrator prepare a report with respect to the adminis-
10 tration of such program or activity during all or part of
11 such fiscal year. If the Administrator includes in the re-
12 port required under subsection (a) for any fiscal year a
13 report on any program or activity, the Administrator shall
14 include in such report all items required to be included
15 in the report with respect to such program or activity re-
16 quired to be prepared by law or regulation.

17 STATUS OF ADMINISTRATION UNDER CERTAIN LAWS

18 SEC. 335. For purposes of section 552b of title 5,
19 United States Code, the Administration is an agency. For
20 purposes of chapter 9 of such title, the Administration is
21 an independent regulatory agency.

1 TITLE IV—ESTABLISHMENT OF NATIONAL OCE-
2 ANIC AND ATMOSPHERIC ADMINISTRATION
3 AS AN INDEPENDENT AGENCY

4 PART A—ESTABLISHMENT OF ADMINISTRATION
5 SHORT TITLE

6 SEC. 401. This title may be cited as the “National
7 Oceanic and Atmospheric Administration Act of 1993”.

8 FINDINGS

9 SEC. 402. The Congress finds that the establishment
10 of an independent agency for ocean, coastal, and atmos-
11 pheric programs will—

12 (1) provide a focus for ocean, coastal, and at-
13 mospheric activities;

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

17 (3) aid in the establishment of a coherent pro-
18 gram to promote understanding, assessment, devel-
19 opment, management, conservation, and protection
20 of ocean, coastal, and atmospheric environments.

21 DEFINITIONS

22 SEC. 403. For the purposes of this title—

23 (1) the term “Administration” means the Na-
24 tional Oceanic and Atmospheric Administration es-
25 tablished under section 404; and

1 (2) the term “Administrator” means the Ad-
2 ministrator of the National Oceanic and Atmos-
3 pheric Administration.

4 ESTABLISHMENT

5 SEC. 404. There is established as an independent es-
6 tablishment of the Government the National Oceanic and
7 Atmospheric Administration. The Administration shall
8 succeed the National Oceanic and Atmospheric Adminis-
9 tration of the Department of Commerce in existence on
10 the day before the effective date of this Act.

11 OFFICERS

12 SEC. 405. (a) The Administration shall be adminis-
13 tered by an Administrator, who shall be appointed by the
14 President, by and with the advice and consent of the Sen-
15 ate. The Administrator shall carry out all functions trans-
16 ferred to the Administrator by this Act and shall have au-
17 thority and control over all personnel, programs, and ac-
18 tivities of the Administration.

19 (b) There shall be in the Administration a Deputy
20 Administrator, who shall be appointed by the President,
21 by and with the advice and consent of the Senate. The
22 Deputy Administrator shall perform such functions as the
23 Administrator shall prescribe. The Deputy Administrator
24 shall act for and perform the functions of the Adminis-
25 trator during the absence or disability of the Adminis-

1 trator, or in the event of a vacancy in the office of the
2 Administrator.

3 (c) There shall be in the Administration an Associate
4 Administrator, who shall be appointed by the President,
5 by and with the advice and consent of the Senate. The
6 Associate Administrator shall perform such functions as
7 the Administrator shall prescribe. The Associate Adminis-
8 trator shall act for and perform the functions of the Ad-
9 ministrator during the absence or disability of the Admin-
10 istrator and the Deputy Administrator or in the event of
11 a vacancy in both of those offices.

12 (d) There shall be in the Administration not less than
13 five and not more than seven Assistant Administrators,
14 who shall be appointed by the President, by and with the
15 advice and consent of the Senate. The Assistant Adminis-
16 trators shall perform such functions as the Administrator
17 shall prescribe. The Administrator shall designate the
18 order in which the Assistant Administrators shall act for
19 and perform the functions of the Administrator during the
20 absence or disability of the Administrator, the Deputy Ad-
21 ministrator, and the Associate Administrator, or in the
22 event of vacancies in all of those offices.

23 (e) There shall be in the Administration a General
24 Counsel, who shall be appointed by the President, by and
25 with the advice and consent of the Senate. The General

1 Counsel shall be the chief legal officer for all legal matters
2 arising from the conduct of the functions of the
3 Administration.

4 (f)(1) There shall be in the Administration a Com-
5 missioned Officer Corps, which shall be the Commissioned
6 Officer Corps of the National Oceanic and Atmospheric
7 Administration established by Reorganization Plan No. 4
8 of 1970. Members of the Corps, including those appointed
9 after the effective date of this Act, shall be entitled to all
10 rights, privileges, and benefits available under any law to
11 commissioned officers of the Commissioned Officer Corps
12 of the National Oceanic and Atmospheric Administration
13 of the Department of Commerce on the day before the
14 effective date of this Act.

15 (2) All laws and regulations applicable to commis-
16 sioned officers of the National Oceanic and Atmospheric
17 Administration of the Department of Commerce on the
18 day before the effective date of this Act shall be applicable
19 to commissioned officers of the Administration.

20 (g) The Secretary of the Navy may detail to the Ad-
21 ministrator, on an additional-duty basis, a Navy flag offi-
22 cer of the rank of rear admiral, who shall serve and be
23 designated as the Naval Deputy to the Administrator. The
24 Naval Deputy shall—

1 (1) act as a liaison between the Administrator
2 and the Secretary of the Navy in order to avoid du-
3 plication of Federal oceanographic activities;

4 (2) act to maintain a close relationship between
5 the Administration and the Navy in research and de-
6 velopment; and

7 (3) ensure that national security considerations
8 are addressed by the Administrator in formulating
9 policies.

10 (h)(1) There shall be in the Administration a Direc-
11 tor of the national sea grant college program, who shall
12 be appointed by the Administrator and who shall be a
13 qualified individual who has knowledge or expertise in
14 fields relating to ocean and coastal resources and appro-
15 priate administrative experience. The Director of the na-
16 tional sea grant college program shall be appointed with-
17 out regard to the provisions of title 5, United States Code,
18 governing appointments in the competitive service, and
19 shall be compensated at a rate not in excess of the maxi-
20 mum rate for a position above GS-15 of the General
21 Schedule.

22 (2) The Director of the national sea grant college pro-
23 gram shall administer the national sea grant college pro-
24 gram subject to the supervision of the Administrator and

1 in accordance with functions prescribed by law or by the
2 Administrator.

3 TRANSFER OF THE NATIONAL OCEANIC AND ATMOS-
4 PHERIC ADMINISTRATION FROM THE DEPARTMENT
5 OF COMMERCE

6 SEC. 406. (a)(1) The National Oceanic and Atmos-
7 pheric Administration of the Department of Commerce is
8 transferred to the Administration.

9 (2) All functions of the Secretary of Commerce or the
10 Department of Commerce with respect to or being admin-
11 istered through the National Oceanic and Atmospheric
12 Administration of the Department of Commerce or the
13 Administrator of such Administration on the day before
14 the effective date of this Act are transferred to the Admin-
15 istrator appointed under section 405(a).

16 (3) All functions of the National Oceanic and Atmos-
17 pheric Administration of the Department of Commerce or
18 the Administrator of such Administration are transferred
19 to the Administrator appointed under section 405(a).

20 PART B—ADMINISTRATIVE PROVISIONS

21 RULES

22 SEC. 411. In the performance of the functions of the
23 Administrator and the Administration, the Administrator
24 is authorized to make, promulgate, issue, rescind, and
25 amend rules and regulations. The promulgation of such
26 rules and regulations—

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

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

8 DELEGATION

9 SEC. 412. Except as otherwise provided in this Act,
10 the Administrator may delegate any function to such offi-
11 cers and employees of the Administration as the Adminis-
12 trator may designate, and may authorize such successive
13 redelegations of such functions in the Administration as
14 may be necessary or appropriate. No delegation of func-
15 tions by the Administrator under this section or under any
16 other provision of this Act shall relieve the Administrator
17 of responsibility for the administration of such functions.

18 PERSONNEL AND SERVICES

19 SEC. 413. (a) In the performance of the functions of
20 the Administrator and in addition to the officers provided
21 for by section 305, the Administrator is authorized to ap-
22 point, transfer, and fix the compensation of such officers
23 and employees, including attorneys, as may be necessary
24 to carry out the functions of the Administrator and the
25 Administration. Except as otherwise provided by law, such
26 officers and employees shall be appointed in accordance

1 with the civil service laws and compensated in accordance
2 with title 5, United States Code.

3 (b) The Administrator is authorized to obtain the
4 services of experts and consultants in accordance with sec-
5 tion 3109 of title 5, United States Code.

6 (c) The Administrator is authorized to pay transpor-
7 tation expenses, and per diem in lieu of subsistence ex-
8 penses, in accordance with chapter 57 of title 5, United
9 States Code.

10 (d) The Administrator is authorized to utilize, on a
11 reimbursable basis, the services of personnel of any Fed-
12 eral agency. With the approval of the President, the Ad-
13 ministrator is authorized to enter into cooperative agree-
14 ments under which members of the Army, Navy, Air
15 Force, and Marine Corps may be detailed by the Secretary
16 of the Army, the Navy, or the Air Force, as the case may
17 be, to assist the Administrator in carrying out the func-
18 tions of the Administrator. Members of the Army, Navy,
19 Air Force, or Marine Corps detailed to carry out functions
20 under this section shall carry out such functions to the
21 same extent as that to which such members might be law-
22 fully assigned in the Department of Defense.

23 (e) The Administrator is authorized to appoint such
24 advisory committees as may be appropriate for purposes

1 of consultation and advice to the Administration in carry-
2 ing out the functions of the Administration.

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

9 (B) The Administrator is authorized to accept volun-
10 teer service in accordance with the provisions of section
11 3111 of title 5, United States Code.

12 (2) The Administrator is authorized to provide for
13 incidental expenses, including but not limited to transpor-
14 tation, lodging, and subsistence for such volunteers.

15 (3) An individual who provides voluntary services
16 under paragraph (1)(A) of this subsection shall not be
17 considered a Federal employee for any purpose other than
18 for purposes of chapter 81 of title 5, United States Code,
19 relating to compensation for work injuries, and chapter
20 171 of title 28, United States Code, relating to tort claims.

21 CONTRACTS

22 SEC. 414. The Administrator is authorized, without
23 regard to the provisions of section 3324 of title 31, United
24 States Code, to enter into and perform such contracts,
25 leases, cooperative agreements, or other transactions as
26 may be necessary to carry out the functions of the Admin-

1 istrator and the Administration. The Administrator may
2 enter into such contracts, leases, agreements, and trans-
3 actions with any Federal agency or any instrumentality
4 of the United States, or with any State, territory, or pos-
5 session, or with any political subdivision thereof, or with
6 any person, firm, association, corporation, or educational
7 institution, on such terms and conditions as the Adminis-
8 trator may consider appropriate. The authority of the Ad-
9 ministrator to enter into contracts and leases under this
10 section shall be to such extent or in such amounts as are
11 provided in appropriation Acts.

12 USE OF FACILITIES

13 SEC. 415. With their consent, the Administrator may,
14 with or without reimbursement, use the services, equip-
15 ment, personnel, and facilities of Federal agencies and
16 other public and private agencies, and may cooperate with
17 other public and private agencies and instrumentalities in
18 the use of services, equipment, personnel, and facilities.
19 The head of each Federal agency shall cooperate fully with
20 the Administrator in making the services, equipment, per-
21 sonnel, and facilities of the Federal agency available to
22 the Administrator. The head of a Federal agency is au-
23 thorized, notwithstanding any other provision of law, to
24 transfer to or to receive from the Administration, without
25 reimbursement, supplies and equipment other than admin-
26 istrative supplies or equipment.

SERVICE CHARGES

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SEC. 416. (a) Notwithstanding any other provision of law, the Administrator may establish reasonable fees and commissions with respect to applications, documents, awards, loans, grants, research data, services, and assistance and may change and abolish such fees and commissions. Prior to establishing, changing, or abolishing any schedule of fees or commissions under this section, the Administrator may submit such schedule to the Congress.

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

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

(d) In establishing reasonable fees or commissions under this section, the Administrator may take into consideration—

- (1) the actual costs which will be incurred in providing items, information, services, or assistance;
- (2) the efficiency of the Government in providing such items, information, services, or assistance;

1 (3) the portion of the cost that will be incurred
2 in providing such items, information, services, or as-
3 sistance which may be attributed to benefits for the
4 general public interest rather than to exclusive bene-
5 fits for the applicant;

6 (4) any public service which occurs through the
7 provision of such items, information, services, or as-
8 sistance; and

9 (5) such other factors as the Administrator con-
10 siders relevant.

11 (e) In any case in which the Administrator deter-
12 mines that any person has made a payment which is not
13 required under this section or has made a payment which
14 is in excess of the amount required under this section, the
15 Administrator, upon application or otherwise, may cause
16 a refund to be made from applicable funds.

17 ACQUISITION AND MAINTENANCE OF PROPERTY

18 SEC. 417. (a) The Administrator is authorized—

19 (1) to acquire (by purchase, lease, condemna-
20 tion, or otherwise) construct, improve, repair, oper-
21 ate, and maintain—

22 (A) laboratories;

23 (B) research and testing sites and facili-
24 ties;

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

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

8 as the Administrator considers necessary;

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

11 (3) to provide by contract or otherwise for eat-
12 ing facilities and other necessary facilities for the
13 welfare of employees of the Administration at its in-
14 stallations and to purchase and maintain equipment
15 therefor.

16 (b) Title to any property or interest therein acquired
17 pursuant to this section shall be in the United States.

18 (c) The authority granted by subsection (a) of this
19 section shall be available only with respect to facilities of
20 a special purpose nature that cannot readily be reassigned
21 from similar Federal activities and are not otherwise avail-
22 able for assignment to the Administration by the Adminis-
23 trator of General Services.

24 (d) The authority of the Administrator to enter into
25 contracts and leases under this section shall be to such

1 extent or in such amounts as are provided in appropriation
2 Acts.

3 FACILITIES AT REMOTE LOCATIONS

4 SEC. 418. (a) The Administrator is authorized to pro-
5 vide, construct, or maintain for employees and their de-
6 pendants stationed at remote locations as necessary and
7 when not otherwise available at such remote locations—

- 8 (1) emergency medical services and supplies;
- 9 (2) food and other subsistence supplies;
- 10 (3) meeting facilities;
- 11 (4) audiovisual equipment, accessories, and sup-
12 plies for recreation and training;
- 13 (5) reimbursement for food, clothing, medicine,
14 and other supplies furnished by such employees in
15 emergencies for the temporary relief of distressed
16 persons;
- 17 (6) living and working quarters and facilities;
- 18 and
- 19 (7) transportation for school-age dependents of
20 employees to the nearest appropriate educational
21 facilities.

22 (b) The furnishing of medical treatment under para-
23 graph (1) of subsection (a) and the furnishing of services
24 and supplies under paragraphs (2) and (3) of such sub-
25 section shall be at prices reflecting reasonable value as de-
26 termined by the Administrator.

1 (c) Proceeds derived from reimbursements under this
2 section shall be deposited in the Treasury and may be
3 withdrawn by the Administrator to pay directly the cost
4 of work or services provided under this section, to repay
5 or make advances to appropriations of funds which do or
6 will bear all or a part of such cost, or to refund excess
7 sums when necessary, except that such payments may be
8 credited to a service or working capital fund otherwise es-
9 tablished by law, and used under the law governing such
10 funds if the fund is available for use by the Administrator
11 for performing the work or services for which payment is
12 received.

13 COPYRIGHTS AND PATENTS

14 SEC. 419. The Administrator is authorized to acquire
15 any of the following described rights if the property ac-
16 quired thereby is for use in, or is useful to, the per-
17 formance of functions of the Administrator or the
18 Administration:

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

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

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

GIFTS AND BEQUESTS

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2 SEC. 420. The Administrator is authorized to accept,
3 hold, administer and utilize gifts, donations, or bequests
4 of property, real or personal, tangible or intangible, and
5 contributions of money for purposes of aiding or facilitat-
6 ing the work of the Administrator or the Administration.
7 For the purposes of Federal income, estate, and gift taxes,
8 and State taxes, property accepted under this subsection
9 shall be considered a gift or bequest to the United States.

TRANSFERS OF FUNDS FROM OTHER FEDERAL AGENCIES

11 SEC. 421. The Administrator is authorized to accept
12 transfers from other Federal agencies of funds which are
13 available to carry out functions transferred by this Act to
14 the Administrator or functions assigned by law to the Ad-
15 ministrator after the date of enactment of this Act.

WORKING CAPITAL FUND

17 SEC. 422. (a) The Administrator is authorized to es-
18 tablish for the Administration a working capital fund, to
19 be available without fiscal year limitation, for expenses
20 necessary for the maintenance and operation of such com-
21 mon administrative services as the Administrator shall
22 find to be desirable in the interest of economy and effi-
23 ciency, including such services as—

24 (1) a central supply service for stationery and
25 other supplies and equipment for which adequate
26 stocks may be maintained to meet in whole or in

1 part the requirements of the Administration and its
2 components;

3 (2) central messenger, mail, and telephone serv-
4 ice and other communications service;

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

7 (4) a central library service.

8 (b) The capital of the fund shall consist of any appro-
9 priations made for the purpose of providing working cap-
10 ital and the fair and reasonable value of such stocks of
11 supplies, equipment, and other assets and inventories on
12 order as the Administrator may transfer to the fund, less
13 the related liabilities and unpaid obligations. Such funds
14 shall be reimbursed in advance from available funds of
15 agencies and offices in the Administration, or from other
16 sources, for supplies and services at rates which will ap-
17 proximate the expense of operation, including the accrual
18 of annual leave and the depreciation of equipment. The
19 fund shall also be credited with receipts from sale or ex-
20 change of property and receipts in payment for loss or
21 damage to property owned by the fund. There shall be cov-
22 ered into the United States Treasury as miscellaneous re-
23 ceipts any surplus of the fund (all assets, liabilities, and
24 prior losses considered) above the amounts transferred or
25 appropriated to establish and maintain such fund. There

1 shall be transferred to the fund the stocks of supplies,
2 equipment, other assets, liabilities, and unpaid obligations
3 relating to those services which the Administrator deter-
4 mines will be performed.

5 SEAL OF ADMINISTRATION

6 SEC. 423. The Administrator shall cause a seal of
7 office to be made for the Administration of such design
8 as the Administrator shall approve. Judicial notice shall
9 be taken of such seal.

10 ANNUAL REPORT

11 SEC. 424. (a) As soon as is practicable after the close
12 of each fiscal year, the Administrator shall submit to the
13 President a report on the activities of the Administration
14 during the preceding fiscal year. The President shall
15 transmit each such report to the Speaker of the House
16 of Representatives and the President pro tempore of the
17 Senate not later than December 31 of each year.

18 (b) Each Federal agency shall, without charge, pro-
19 vide the Administrator with such data and information as
20 the Administrator may request to carry out this section.
21 Each Federal agency shall, on a cost reimbursable basis,
22 provide the Administrator with such services and person-
23 nel as the Administrator may request to carry out this
24 section.

25 (c)(1) The Administrator is authorized to include in
26 the report required by subsection (a) for each fiscal year

1 a report on any program or activity carried out by the
2 Administrator during such fiscal year.

3 (2) Notwithstanding any other provision of law, the
4 inclusion by the Administrator in the report required by
5 subsection (a) for any fiscal year of a report on any pro-
6 gram or activity carried out by the Administrator during
7 such fiscal year shall be considered compliance with any
8 requirement established by law or regulation that the Ad-
9 ministrator prepare a report with respect to the adminis-
10 tration of such program or activity during all or part of
11 such fiscal year. If the Administrator includes in the re-
12 port required under subsection (a) for any fiscal year a
13 report on any program or activity, the Administrator shall
14 include in such report all items required to be included
15 in the report with respect to such program or activity re-
16 quired to be prepared by law or regulation.

17 STATUS OF ADMINISTRATION UNDER CERTAIN LAWS

18 SEC. 425. For purposes of section 552b of title 5,
19 United States Code, the Administration is an agency. For
20 purposes of chapter 9 of such title, the Administration is
21 an independent regulatory agency.

22 SALARY OF ASSISTANT ADMINISTRATORS

23 SEC. 426. Section 5316 of title 5, United States Code
24 (as amended by section 271(g) of this Act), is further
25 amended—

1 (1) by striking out the items relating to the As-
 2 sistant Administrator for Coastal Zone Management,
 3 National Oceanic and Atmospheric Administration,
 4 the Assistant Administrator for Fisheries, National
 5 Oceanic and Atmospheric Administration, and the
 6 Assistant Administrators, National Oceanic and At-
 7 mospheric Administration; and

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

9 “Assistant Administrators, National Oceanic
 10 and Atmospheric Administration.”.

11 COORDINATION OF ENVIRONMENTAL POLICY

12 SEC. 427. The Administration shall consult and co-
 13 ordinate environmental policy with the Council on Envi-
 14 ronmental Quality of the Executive Office of the
 15 President.

16 TITLE V—ESTABLISHMENT OF ECONOMIC DE- 17 VELOPMENT ADMINISTRATION AS AN INDE- 18 PENDENT AGENCY

19 PART A—ESTABLISHMENT OF ECONOMIC

20 DEVELOPMENT ADMINISTRATION

21 SHORT TITLE

22 SEC. 501. This title may be cited as the “Economic
 23 Development Administration Act of 1993”.

24 FINDINGS

25 SEC. 502. The Congress finds that the establishment
 26 of an independent agency for economic development will—

1 (1) provide a focus for economic development
2 activities; and

3 (2) facilitate the development of a single agency
4 and a unified means for research concerning eco-
5 nomic development programs.

6 ESTABLISHMENT

7 SEC. 503. There is established as an independent es-
8 tablishment of the Government the Economic Develop-
9 ment Administration. The Administration shall succeed
10 the Economic Development Administration of the Depart-
11 ment of Commerce in existence on the day before the ef-
12 fective date of this Act.

13 PART B—ADMINISTRATIVE PROVISIONS

14 RULES

15 SEC. 504. In the performance of the functions of the
16 Administrator and the Administration, the Administrator
17 is authorized to make, promulgate, issue, rescind, and
18 amend rules and regulations. The promulgation of such
19 rules and regulations—

20 (1) shall be governed by the provisions of title
21 V, 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,
25 authorities, councils, and other interested public and
26 private parties.

DELEGATION

1
2 SEC. 505. Except as otherwise provided in this Act,
3 the Administrator may delegate any function to such offi-
4 cers and employees of the Administration as the Adminis-
5 trator may designate, and may authorize such successive
6 redelegations of such functions in the Administration as
7 may be necessary or appropriate. No delegation of func-
8 tions by the Administrator under this section or under any
9 other provision of this Act shall relieve the Administrator
10 of responsibility for the administration of such functions.

PERSONNEL AND SERVICES

11
12 SEC. 506. (a) In the performance of the functions of
13 the Administrator and in addition to the officers provided
14 for by section 305, the Administrator is authorized to ap-
15 point, transfer, and fix the compensation of such officers
16 and employees, including attorneys, as may be necessary
17 to carry out the functions of the Administrator and the
18 Administration. Except as otherwise provided by law, such
19 officers and employees shall be appointed in accordance
20 with the civil service laws and compensated in accordance
21 with title 5, United States Code.

22 (b) The Administrator is authorized to obtain the
23 services of experts and consultants in accordance with sec-
24 tion 3109 of title 5, United States Code.

25 (c) The Administrator is authorized to pay transpor-
26 tation expenses, and per diem in lieu of subsistence ex-

1 penses, in accordance with chapter 57 of title 5, United
2 States Code.

3 (d) The Administrator is authorized to utilize, on a
4 reimbursable basis, the services of personnel of any Fed-
5 eral agency. With the approval of the President, the Ad-
6 ministrator is authorized to enter into cooperative agree-
7 ments under which members of the Army, Navy, Air
8 Force, and Marine Corps may be detailed by the Secretary
9 of the Army, the Navy, or the Air Force, as the case may
10 be, to assist the Administrator in carrying out the func-
11 tions of the Administrator. Members of the Army, Navy,
12 Air Force, or Marine Corps detailed to carry out functions
13 under this section shall carry out such functions to the
14 same extent as that to which such members might be law-
15 fully assigned in the Department of Defense.

16 (e) The Administrator is authorized to appoint such
17 advisory committees as may be appropriate for purposes
18 of consultation and advice to the Administration in carry-
19 ing out the functions of the Administration.

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

1 (B) The Administrator is authorized to accept volun-
2 teer service in accordance with the provisions of section
3 3111 of title 5, United States Code.

4 (2) The Administrator is authorized to provide for
5 incidental expenses, including but not limited to transpor-
6 tation, lodging, and subsistence for such volunteers.

7 (3) An individual who provides voluntary services
8 under paragraph (1)(A) of this subsection shall not be
9 considered a Federal employee for any purpose other than
10 for purposes of chapter 81 of title 5, United States Code,
11 relating to compensation for work injuries, and chapter
12 171 of title 28, United States Code, relating to tort claims.

13 CONTRACTS

14 SEC. 507. The Administrator is authorized, without
15 regard to the provisions of section 3324 of title 31, United
16 States Code, to enter into and perform such contracts,
17 leases, cooperative agreements, or other transactions as
18 may be necessary to carry out the functions of the Admin-
19 istrator and the Administration. The Administrator may
20 enter into such contracts, leases, agreements, and trans-
21 actions with any Federal agency or any instrumentality
22 of the United States, or with any State, territory, or pos-
23 session, or with any political subdivision thereof, or with
24 any person, firm, association, corporation, or educational
25 institution, on such terms and conditions as the Adminis-
26 trator may consider appropriate. The authority of the Ad-

1 ministrator to enter into contracts and leases under this
2 section shall be to such extent or in such amounts as are
3 provided in appropriation Acts.

4 USE OF FACILITIES

5 SEC. 508. With their consent, the Administrator may,
6 with or without reimbursement, use the services, equip-
7 ment, personnel, and facilities of Federal agencies and
8 other public and private agencies, and may cooperate with
9 other public and private agencies and instrumentalities in
10 the use of services, equipment, personnel, and facilities.
11 The head of each Federal agency shall cooperate fully with
12 the Administrator in making the services, equipment, per-
13 sonnel, and facilities of the Federal agency available to
14 the Administrator. The head of a Federal agency is au-
15 thorized, notwithstanding any other provision of law, to
16 transfer to or to receive from the Administration, without
17 reimbursement, supplies and equipment other than admin-
18 istrative supplies or equipment.

19 SERVICE CHARGES

20 SEC. 509. (a) Notwithstanding any other provision
21 of law, the Administrator may establish reasonable fees
22 and commissions with respect to applications, documents,
23 awards, loans, grants, research data, services, and assist-
24 ance and may change and abolish such fees and commis-
25 sions. Prior to establishing, changing, or abolishing any

1 schedule of fees or commissions under this section, the Ad-
2 ministrator may submit such schedule to the Congress.

3 (b) The Administrator is authorized to require a de-
4 posit before the Administrator provides any item, informa-
5 tion, service, or assistance for which a fee or commission
6 is required under this section.

7 (c) Moneys received under this section shall be depos-
8 ited with the Treasury in a special account for use by the
9 Administrator and are authorized to be appropriated and
10 made available until expended.

11 (d) In establishing reasonable fees or commissions
12 under this section, the Administrator may take into con-
13 sideration—

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

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

18 (3) the portion of the cost that will be incurred
19 in providing such items, information, services, or as-
20 sistance which may be attributed to benefits for the
21 general public interest rather than to exclusive bene-
22 fits for the applicant;

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

1 (5) such other factors as the Administrator con-
2 siders relevant.

3 (e) In any case in which the Administrator deter-
4 mines that any person has made a payment which is not
5 required under this section or has made a payment which
6 is in excess of the amount required under this section, the
7 Administrator, upon application or otherwise, may cause
8 a refund to be made from applicable funds.

9 ACQUISITION AND MAINTENANCE OF PROPERTY

10 SEC. 510. (a) The Administrator is authorized—

11 (1) to acquire (by purchase, lease, condemna-
12 tion, or otherwise) construct, improve, repair, oper-
13 ate, and maintain—

14 (A) laboratories;

15 (B) research and testing sites and facili-
16 ties;

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

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

24 as the Administrator considers necessary;

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

1 (3) to provide by contract or otherwise for eat-
2 ing facilities and other necessary facilities for the
3 welfare of employees of the Administration at its in-
4 stallations and to purchase and maintain equipment
5 therefor.

6 (b) Title to any property or interest therein acquired
7 pursuant to this section shall be in the United States.

8 (c) The authority granted by subsection (a) of this
9 section shall be available only with respect to facilities of
10 a special purpose nature that cannot readily be reassigned
11 from similar Federal activities and are not otherwise avail-
12 able for assignment to the Administration by the Adminis-
13 trator of General Services.

14 (d) The authority of the Administrator to enter into
15 contracts and leases under this section shall be to such
16 extent or in such amounts as are provided in appropriation
17 Acts.

18 FACILITIES AT REMOTE LOCATIONS

19 SEC. 511. (a) The Administrator is authorized to pro-
20 vide, construct, or maintain for employees and their de-
21 pendents stationed at remote locations as necessary and
22 when not otherwise available at such remote locations—

- 23 (1) emergency medical services and supplies;
24 (2) food and other subsistence supplies;
25 (3) meeting facilities;

1 (4) audiovisual equipment, accessories, and sup-
2 plies for recreation and training;

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

7 (6) living and working quarters and facilities;
8 and

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

12 (b) The furnishing of medical treatment under para-
13 graph (1) of subsection (a) and the furnishing of services
14 and supplies under paragraphs (2) and (3) of such sub-
15 section shall be at prices reflecting reasonable value as de-
16 termined by the Administrator.

17 (c) Proceeds derived from reimbursements under this
18 section shall be deposited in the Treasury and may be
19 withdrawn by the Administrator to pay directly the cost
20 of work or services provided under this section, to repay
21 or make advances to appropriations of funds which do or
22 will bear all or a part of such cost, or to refund excess
23 sums when necessary, except that such payments may be
24 credited to a service or working capital fund otherwise es-
25 tablished by law, and used under the law governing such

1 funds if the fund is available for use by the Administrator
2 for performing the work or services for which payment is
3 received.

4 COPYRIGHTS AND PATENTS

5 SEC. 512. The Administrator is authorized to acquire
6 any of the following described rights if the property ac-
7 quired thereby is for use in, or is useful to, the per-
8 formance of functions of the Administrator or the Ad-
9 ministration:

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

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

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

16 GIFTS AND BEQUESTS

17 SEC. 513. The Administrator is authorized to accept,
18 hold, administer and utilize gifts, donations, or bequests
19 of property, real or personal, tangible or intangible, and
20 contributions of money for purposes of aiding or facilitat-
21 ing the work of the Administrator or the Administration.
22 For the purposes of Federal income, estate, and gift taxes,
23 and State taxes, property accepted under this subsection
24 shall be considered a gift or bequest to the United States.

1 TRANSFERS OF FUNDS FROM OTHER FEDERAL AGENCIES

2 SEC. 514. The Administrator is authorized to accept
3 transfers from other Federal agencies of funds which are
4 available to carry out functions transferred by this Act to
5 the Administrator or functions assigned by law to the Ad-
6 ministrator after the date of enactment of this Act.

7 WORKING CAPITAL FUND

8 SEC. 515. (a) The Administrator is authorized to es-
9 tablish for the Administration a working capital fund, to
10 be available without fiscal year limitation, for expenses
11 necessary for the maintenance and operation of such com-
12 mon administrative services as the Administrator shall
13 find to be desirable in the interest of economy and effi-
14 ciency, including such services as—

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 Administration and its
19 components;

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

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

24 (4) a central library service.

25 (b) The capital of the fund shall consist of any appro-
26 priations made for the purpose of providing working cap-

1 ital and the fair and reasonable value of such stocks of
2 supplies, equipment, and other assets and inventories on
3 order as the Administrator may transfer to the fund, less
4 the related liabilities and unpaid obligations. Such funds
5 shall be reimbursed in advance from available funds of
6 agencies and offices in the Administration, or from other
7 sources, for supplies and services at rates which will ap-
8 proximate the expense of operation, including the accrual
9 of annual leave and the depreciation of equipment. The
10 fund shall also be credited with receipts from sale or ex-
11 change of property and receipts in payment for loss or
12 damage to property owned by the fund. There shall be cov-
13 ered into the United States Treasury as miscellaneous re-
14 cepts any surplus of the fund (all assets, liabilities, and
15 prior losses considered) above the amounts transferred or
16 appropriated to establish and maintain such fund. There
17 shall be transferred to the fund the stocks of supplies,
18 equipment, other assets, liabilities, and unpaid obligations
19 relating to those services which the Administrator deter-
20 mines will be performed.

21 SEAL OF ADMINISTRATION

22 SEC. 516. The Administrator shall cause a seal of
23 office to be made for the Administration of such design
24 as the Administrator shall approve. Judicial notice shall
25 be taken of such seal.

ANNUAL REPORT

1

2 SEC. 517. (a) As soon as is practicable after the close
3 of each fiscal year, the Administrator shall submit to the
4 President a report on the activities of the Administration
5 during the preceding fiscal year. The President shall
6 transmit each such report to the Speaker of the House
7 of Representatives and the President pro tempore of the
8 Senate not later than December 31 of each year.

9 (b) Each Federal agency shall, without charge, pro-
10 vide the Administrator with such data and information as
11 the Administrator may request to carry out this section.
12 Each Federal agency shall, on a cost reimbursable basis,
13 provide the Administrator with such services and person-
14 nel as the Administrator may request to carry out this
15 section.

16 (c)(1) The Administrator is authorized to include in
17 the report required by subsection (a) for each fiscal year
18 a report on any program or activity carried out by the
19 Administrator during such fiscal year.

20 (2) Notwithstanding any other provision of law, the
21 inclusion by the Administrator in the report required by
22 subsection (a) for any fiscal year of a report on any pro-
23 gram or activity carried out by the Administrator during
24 such fiscal year shall be considered compliance with any
25 requirement established by law or regulation that the Ad-

1 administrator prepare a report with respect to the adminis-
2 tration of such program or activity during all or part of
3 such fiscal year. If the Administrator includes in the re-
4 port required under subsection (a) for any fiscal year a
5 report on any program or activity, the Administrator shall
6 include in such report all items required to be included
7 in the report with respect to such program or activity re-
8 quired to be prepared by law or regulation.

9 STATUS OF ADMINISTRATION UNDER CERTAIN LAWS

10 SEC. 518. For purposes of section 552b of title 5,
11 United States Code, the Administration is an agency. For
12 purposes of chapter 9 of such title, the Administration is
13 an independent regulatory agency.

14 TITLE VI—TRANSFERS TO OTHER FEDERAL
15 AGENCIES

16 PART A—MINORITY BUSINESS DEVELOPMENT AGENCY
17 TRANSFERS TO THE SMALL BUSINESS ADMINISTRATION

18 SEC. 601. (a)(1) There are transferred to the Admin-
19 istrator of the Small Business Administration all functions
20 of the Secretary of Commerce or the Department of Com-
21 merce with respect to or being administered through the
22 Minority Business Development Agency of the Depart-
23 ment of Commerce or the Director of such Agency.

24 (2) There are transferred to the Administrator of the
25 Small Business Administration all functions of the Minor-

1 ity Business Development Agency of the Department of
2 Commerce and the Director of such Agency.

3 (b) The Minority Business Development Agency of
4 the Department of Commerce is transferred to the Small
5 Business Administration.

6 ADMINISTRATIVE PROVISIONS RELATING TO THE
7 MINORITY BUSINESS DEVELOPMENT AGENCY

8 SEC. 602. (a) The Minority Business Development
9 Agency shall be a separate identifiable unit in the Small
10 Business Administration.

11 (b) The Administrator of the Small Business Admin-
12 istration, through the Director of the Minority Business
13 Development Agency, shall perform all functions (other
14 than administrative and support functions) transferred to
15 such Administrator by section 601.

16 CONFORMING AMENDMENTS RELATING TO THE MINORITY
17 BUSINESS DEVELOPMENT AGENCY

18 SEC. 603. (a) Section 5316 of title 5, United States
19 Code (as amended by this Act), is further amended by in-
20 serting after the item relating to the Associate Adminis-
21 trators of the Small Business Administration the follow-
22 ing:

23 “Director, Minority Business Development
24 Agency, Small Business Administration.”.

1 (b) Section 9(a)(1)(T) of the Inspector General Act
2 of 1978 (as redesignated by section 271(h)(3) of this Act)
3 is amended to read as follows:

4 “(T) of the Small Business Administra-
5 tion—

6 “(i) the office of that agency referred
7 to as the ‘Office of Audits and Investiga-
8 tions’; and

9 “(ii) all functions of the Inspector
10 General of the Department of Commerce
11 and the Office of the Inspector General of
12 such Department relating to the functions
13 transferred to the Administrator of the
14 Small Business Administration by section
15 601 of the Trade Reorganization Act of
16 1992; and”.

17 PART B—TRANSFER OF THE BUREAU OF THE CENSUS
18 TO THE DEPARTMENT OF LABOR

19 TRANSFERS

20 SEC. 611. (a) All functions of the Secretary of Com-
21 merce being administered through the individual holding
22 the office of Director of the Census on the day before the
23 effective date of this Act are transferred to the Director
24 of the Census appointed under section 21 of title 13, Unit-
25 ed States Code, as amended by section 612(e) of this Act.

1 (b) All functions of the Secretary of Commerce with
2 respect to the Bureau of the Census or the Director of
3 the Census are transferred to the Secretary of Labor.

4 (c) The Bureau of the Census of the Department of
5 Commerce is transferred to the Bureau of the Census of
6 the Department of Labor established by section 3 of title
7 13, United States Code, as amended by section 612(d) of
8 this Act.

9 (d) There are transferred to the Director of the Cen-
10 sus appointed under section 21 of title 13, United States
11 Code (as amended by section 612(e) of this Act) all func-
12 tions of the Inspector General of the Department of Com-
13 merce or of the Office of the Inspector General of the De-
14 partment of Commerce relating to the agency and func-
15 tions transferred by subsections (a), (b), and (c) of this
16 section.

17 ESTABLISHMENT WITHIN THE DEPARTMENT OF LABOR

18 SEC. 612. (a)(1) Section 4 of title 13, United States
19 Code, is repealed.

20 (2) Sections 1, 2, and 3 of such title are redesignated
21 as sections 2, 3, and 4, respectively.

22 (b) Title 13, United States Code, is amended by in-
23 serting before section 2 (as redesignated by subsection
24 (a)(2) of this section) the following new section:

1 **“§ 1. Purpose**

2 “The purpose of this chapter is to establish the Bu-
3 reau of the Census within the Department of Labor due
4 to the importance of the functions of the Bureau in provid-
5 ing statistical information to all agencies of the United
6 States Government and to the people of the United
7 States.”.

8 (c) Section 2 of such title (as redesignated by sub-
9 section (a)(2) of this section), is amended by striking out
10 clause (2) and inserting in lieu thereof the following:

11 “(2) ‘Director’ means the Director of the Cen-
12 sus appointed under section 21 of this title; and”.

13 (d) Section 3 of such title (as redesignated by sub-
14 section (a)(2) of this section), is amended to read as
15 follows:

16 **“§ 3. Establishment**

17 “There is established the Bureau of the Census with-
18 in the Department of Labor. The Bureau shall be adminis-
19 tered by the Director.”.

20 (e) Section 21 of such title is amended to read as
21 follows:

22 **“§ 21. Director of the Census; powers and duties**

23 “(a) The Bureau shall be headed by a Director of
24 the Census, who shall be appointed by the President, by
25 and with the advice and consent of the Senate.

1 “(b) The Director may prescribe such policies, stand-
2 ards, criteria, procedures, rules, and regulations as the Di-
3 rector finds necessary or appropriate to carry out the
4 functions of the Director.

5 “(c) The Director may organize the Bureau as the
6 Director finds necessary or appropriate.

7 “(d) Except as otherwise expressly provided by law,
8 the Director may delegate any of the functions of the Di-
9 rector to such officers and employees of the Bureau as
10 the Director may designate, and may authorize such suc-
11 cessive redelegations of such functions as may be nec-
12 essary or appropriate. A delegation of functions by the Di-
13 rector shall not relieve the Director of responsibility for
14 the administration of such functions.

15 “(e) The Director is authorized to obtain the services
16 of experts and consultants as authorized by section 3109
17 of title 5, United States Code, at rates not to exceed \$100
18 per day for individuals unless otherwise specified in an ap-
19 propriation Act.

20 “(f) The Director is authorized to appoint, without
21 regard to the classification and civil service laws, advisory
22 committees to advise the Director with respect to any
23 function of the Director or the Bureau.

24 “(g) The Director shall consult with interested Fed-
25 eral agencies with a view to obtaining their advice and as-

1 sistance in carrying out the purposes of this title. Each
2 Federal agency is authorized to furnish to the Director,
3 upon request of the Director, any information or other
4 data which the Director finds necessary to carry out his
5 duties.

6 “(h) If authorized by the Director, officers and em-
7 ployees of the Bureau are empowered, while engaged in
8 the performance of their duties, to administer oaths.”.

9 (f) The table of sections for chapter 1 of title 13,
10 United States Code, is amended—

11 (1) by redesignating the items relating to sec-
12 tions 1, 2, and 3 as the items relating to sections
13 2, 3, and 4, respectively;

14 (2) by inserting before the item relating to sec-
15 tion 2 (as redesignated by clause (1) of this sub-
16 section) the following new item:

“1. Purpose.”;

17 and

18 (3) by inserting “powers and” before “duties”
19 in the item relating to section 21.

20 (g) Title 13, United States Code, is amended by
21 striking out “Department of Commerce” each place it ap-
22 pears and inserting in lieu thereof “Department of
23 Labor”.

1 REPORT TO THE PRESIDENT AND CONGRESS

2 SEC. 613. Within 180 days after the effective date
3 of this Act, the Secretary of Labor shall prepare and
4 transmit to the President and the Congress a report con-
5 taining recommendations for streamlining or integrating
6 the Bureau of the Census and the Bureau of Labor Statis-
7 tics within the Department of Labor in order to improve
8 the efficiency and effectiveness of the Government's statis-
9 tical collection activities.

10 CONFORMING AMENDMENTS RELATING TO THE BUREAU
11 OF THE CENSUS

12 SEC. 614. (a) Section 5314 of title 5, United States
13 Code (as amended by this Act), is further amended by
14 adding at the end thereof the following:

15 "Director of the Census."

16 (b) Section 5316 of title 5, United States Code (as
17 amended by this Act), is further amended by striking out
18 the item relating to the Director, Bureau of the Census,
19 Department of Commerce and inserting in lieu thereof
20 "Director of the Bureau of the Census, Department of
21 Labor".

22 TITLE VII—TRANSITIONAL, SAVINGS, AND
23 CONFORMING PROVISIONS

24 ADDITIONAL TRANSFERS

25 SEC. 701. Any function of the Secretary of Commerce
26 or the Department of Commerce which—

SEC. 702. Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions and offices transferred by this Act, subject to section 1531 of title 31, United States Code, shall be transferred to the head of the Federal agency to which such functions or offices are transferred by this Act. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 703. (a) The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations

1 as may be necessary with regard to the functions and of-
2 fices transferred by this Act, and to make such additional
3 incidental dispositions of personnel, assets, liabilities,
4 grants, contracts, property, records, and unexpended bal-
5 ances of appropriations, authorizations, allocations, and
6 other funds held, used, arising from, available to, or to
7 be made available in connection with such functions and
8 offices, as may be necessary to carry out the provisions
9 of this Act. The Director shall provide for the termination
10 of the affairs of all entities terminated by this Act and
11 for such further measures and dispositions as may be nec-
12 essary to effectuate the purposes of this Act.

13 (b) After consultation with the Director of the Office
14 of Personnel Management, the Director of the Office of
15 Management and Budget is authorized, at such times as
16 the Director of the Office of Management and Budget may
17 provide, to make such determinations as may be necessary
18 with regard to the transfer of positions within the Senior
19 Executive Service in connection with the functions and of-
20 fices transferred by this Act.

21 EFFECT ON PERSONNEL

22 SEC. 704. (a) Except as otherwise provided by this
23 Act, the transfer pursuant to this Act of full-time person-
24 nel (except special Government employees) and part-time
25 personnel holding permanent positions shall not cause any
26 such employee to be separated or reduced in grade or com-

1 pensation for one year after the date of transfer of such
2 employee under this Act.

3 (b) Any person who, on the day preceding the effec-
4 tive date of this Act, held a position compensated in ac-
5 cordance with the Executive Schedule prescribed in chap-
6 ter 53 of title 5, United States Code, and who, without
7 a break in service, is appointed in a Federal agency to
8 which functions are transferred by this Act to a position
9 having duties comparable to the duties performed imme-
10 diately preceding such appointment shall continue to be
11 compensated in such new position at not less than the rate
12 provided for such previous position, for the duration of
13 the service of such person in such new position.

14 (c) Except for members of the Foreign Service, posi-
15 tions whose incumbents are appointed by the President,
16 by and with the advice and consent of the Senate, the
17 functions of which are transferred by this Act, shall termi-
18 nate on the effective date of this Act.

19 SAVINGS PROVISIONS

20 SEC. 705. (a) All orders, determinations, rules, regu-
21 lations, permits, agreements, grants, contracts, certifi-
22 cates, licenses, registrations, privileges, and other adminis-
23 trative actions—

24 (1) which have been issued, made, granted, or
25 allowed to become effective by the President, any
26 Federal agency or official thereof, or by a court of

1 competent jurisdiction, in the performance of func-
2 tions which are transferred under this Act, and

3 (2) which are in effect at the time this Act
4 takes effect, or were final before the effective date
5 of this Act and are to become effective on or after
6 the effective date of this Act,

7 shall continue in effect according to their terms until
8 modified, terminated, superseded, set aside, or revoked in
9 accordance with law by the President, the head of the Fed-
10 eral agency to which such functions are transferred under
11 this Act or other authorized official, a court of competent
12 jurisdiction, or by operation of law.

13 (b)(1) The provisions of this Act shall not affect any
14 proceedings, including notices of proposed rule making, or
15 any application for any license, permit, certificate, or fi-
16 nancial assistance pending on the effective date of this Act
17 before the Department of Commerce or the Office of the
18 United States Trade Representative, or any office thereof
19 with respect to functions transferred by this Act; but such
20 proceedings or applications, to the extent that they relate
21 to functions transferred, shall be continued. Orders shall
22 be issued in such proceedings, appeals shall be taken
23 therefrom, and payments shall be made under such orders,
24 as if this Act had not been enacted; and orders issued in
25 any such proceedings shall continue in effect until modi-

1 fied, terminated, superseded, or revoked by the head of
2 the Federal agency to which such functions are trans-
3 ferred by this Act, by a court of competent jurisdiction,
4 or by operation of law. Nothing in this subsection pro-
5 hibits the discontinuance or modification of any such pro-
6 ceeding under the same terms and conditions and to the
7 same extent that such proceeding could have been discon-
8 tinued or modified if this Act had not been enacted.

9 (2) The Secretary of Commerce, the United States
10 Trade Representative, and the head of each Federal agen-
11 cy to which functions are transferred by this Act are au-
12 thorized to issue regulations providing for the orderly
13 transfer of proceedings continued under paragraph (1).

14 (c) Except as provided in subsection (e)—

15 (1) the provisions of this Act do not affect ac-
16 tions commenced prior to the effective date of this
17 Act, and

18 (2) in all such actions, proceedings shall be had,
19 appeals taken, and judgments rendered in the same
20 manner and effect as if this Act had not been
21 enacted.

22 (d) No action or other proceeding commenced by or
23 against any officer in his official capacity as an officer
24 of the Department of Commerce or the Office of United
25 States Trade Representative with respect to functions

1 transferred by this Act shall abate by reason of the enact-
2 ment of this Act. No cause of action by or against the
3 Department of Commerce or the Office of United States
4 Trade Representative with respect to functions transferred
5 by this Act, or by or against any officer thereof in his
6 official capacity, shall abate by reason of the enactment
7 of this Act. Causes of action and actions with respect to
8 a function or office transferred by this Act, or other pro-
9 ceedings may be asserted by or against the United States
10 or an official of the Federal agency to which such function
11 or office is transferred by this Act, as may be appropriate,
12 and, in an action pending when this Act takes effect, the
13 court may at any time, on its own motion or that of any
14 party, enter an order which will give effect to the provi-
15 sions of this subsection.

16 (e) If, before the date on which this Act takes effect,
17 the Department of Commerce or the Office of the United
18 States Trade Representative, or any officer thereof in his
19 official capacity, is a party to an action, and under this
20 Act any function of such Department, Office, or officer
21 is transferred to a Federal agency, then such action shall
22 be continued with the head of such agency substituted or
23 added as a party.

24 (f) Orders and actions of the head of a Federal agen-
25 cy in the exercise of functions transferred to the head of

1 such agency by this Act shall be subject to judicial review
2 to the same extent and in the same manner as if such
3 orders and actions had been by the Department of Com-
4 merce or the Office of the United States Trade Represent-
5 ative, or any office or officer thereof, in the exercise of
6 such functions immediately preceding their transfer. Any
7 statutory requirements relating to notice, hearings, action
8 upon the record, or administrative review that apply to
9 any function transferred by this Act shall apply to the ex-
10 ercise of such function by the head of the Federal agency
11 to which such function is transferred by this Act.

12

SEPARABILITY

13 SEC. 706. If a provision of this Act or its application
14 to any person or circumstance is held invalid, neither the
15 remainder of this Act nor the application of the provision
16 to other persons or circumstances shall be affected.

17

REFERENCE

18 SEC. 707. With respect to any functions transferred
19 by this Act and exercised after the effective date of this
20 Act, reference in any other Federal law to—

21 (1) the Secretary of Commerce or the United
22 States Trade Representative; or

23 (2) the Department of Commerce or the Office
24 of the United States Trade Representative or any of-
25 ficer or office thereof,

1 shall be considered to refer to the head of the Federal
2 agency to whom such functions were transferred by this
3 Act.

4 TRANSITION

5 SEC. 708. With the consent of the Secretary of Com-
6 merce or the United States Trade Representative, as the
7 case may be, the head of each Federal agency to which
8 functions or offices are transferred by this Act is author-
9 ized to utilize—

10 (1) the services of such officers, employees, and
11 other personnel of the Department of Commerce or
12 the Office of the United States Trade Representa-
13 tive, as the case may be, with respect to functions
14 or offices transferred to that agency by this Act; and

15 (2) funds appropriated to such functions or of-
16 fices for such period of time as may reasonably be
17 needed to facilitate the orderly implementation of
18 this Act.

19 ADDITIONAL CONFORMING AMENDMENTS

20 SEC. 709. (a) After consultation with the appropriate
21 committees of the Congress and the Director of the Office
22 of Management and Budget, the head of each agency to
23 which functions were transferred under this Act shall pre-
24 pare and submit to the Congress recommended legislation
25 containing technical and conforming amendments to re-
26 flect the changes made by this Act.

1 (b) No later than 6 months after the effective date
2 of this title, each such agency head shall submit the rec-
3 ommended legislation referred to under subsection (a).

4 TERMINATION OF THE DEPARTMENT OF COMMERCE

5 SEC. 710. The Department of Commerce is
6 terminated.

7 TITLE VIII—MISCELLANEOUS

8 EFFECTIVE DATE

9 SEC. 801. (a) This Act shall take effect 120 days
10 after the date of the enactment of this Act, except that—

11 (1) section 708 shall take effect on such date
12 of enactment; and

13 (2) at any time on or after the date of enact-
14 ment of this Act—

15 (A) the officers provided for in titles II,
16 III, IV, V, and VI of this Act may be nomi-
17 nated and appointed, as provided in such titles;
18 and

19 (B) the Secretary of Commerce, the United
20 States Trade Representative, and the head of
21 each Federal agency to which functions are
22 transferred by this Act may promulgate regula-
23 tions under section 705(b)(2).

24 (b) Funds available to the Department of Commerce
25 or the Office of the United States Trade Representative
26 (or any official or component thereof), with respect to the

1 functions transferred by this Act, may be used, with ap-
2 proval of the Director of the Office of Management and
3 Budget, to pay the compensation and expenses of an offi-
4 cer appointed under subsection (a)(2)(A) who will carry
5 out such functions until funds for that purpose are other-
6 wise available.

7 INTERIM APPOINTMENTS

8 SEC. 802. (a) If one or more officers required by this
9 Act to be appointed by and with the advice and consent
10 of the Senate have not entered upon office on the effective
11 date of this Act and notwithstanding any other provision
12 of law, the President may designate any officer who was
13 appointed by and with the advice and consent of the Sen-
14 ate, and who was such an officer on the day before the
15 effective date of this Act, to act in the office until it is
16 filled as provided by this Act.

17 (b) Any officer acting in an office pursuant to sub-
18 section (a) shall receive compensation at the rate pre-
19 scribed by this Act for such office.

20 PERSONNEL AND FUNDING REDUCTIONS RESULTING
21 FROM REORGANIZATION

22 SEC. 803. No later than 180 days after the date of
23 the enactment of this Act, the Office of Management and
24 Budget shall conduct a study and submit a report to the
25 President and the Congress on personnel and funding re-
26 ductions which should be implemented consistent with the

1 provisions of this Act to reduce duplicative or unnecessary
 2 functions. In preparing the report, the Office of Manage-
 3 ment and Budget shall consult with the Secretary of
 4 Trade and the head of each Federal agency affected by
 5 the provisions of this Act and develop a plan for the imple-
 6 mentation of such reductions beginning 1 year after the
 7 effective date of this Act.

8 AUTHORIZATION OF APPROPRIATIONS

9 SEC. 804. There are authorized to be appropriated
 10 such sums as may be necessary to carry out the provisions
 11 of this Act. Amounts appropriated under this section shall
 12 be available until expended.

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