

103^D CONGRESS
1ST SESSION

S. 580

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

IN THE SENATE OF THE UNITED STATES

MARCH 11 (legislative day, MARCH 3), 1993

Mr. ROTH (for himself, Mr. DOLE, Mr. BOREN, Mr. MOYNIHAN, Mr. COHEN, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To enhance the competitiveness of the United States in the global economy through the establishment of a Department of 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,*
- 3 That this Act may be cited as the “Trade Reorganization
- 4 Act of 1993”.

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1 TITLE I—GENERAL PROVISIONS

2 FINDINGS

3 SEC. 101. The Congress finds that—

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

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

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

10 (C) expand United States participation in
11 international trade through aggressive pro-
12 motion and marketing of American products
13 and services;

14 (2) the economy of the United States is so inex-
15 tricably linked with the international economic sys-
16 tem that all domestic economic sectors are influ-
17 enced by the dynamics of global trade and invest-
18 ment;

19 (3) the expansion of United States participation
20 in international trade will improve the general wel-
21 fare of the people of the United States by increasing
22 demand for American products and services, creat-
23 ing jobs, and increasing the gross national product;

24 (4) business, labor, and all levels of government
25 must place the highest priority on developing meth-

1 ods and policies to achieve the goals described in
2 paragraph (1), and the achievement of such goals is
3 dependent on a marked improvement in the capabil-
4 ity of United States businesses to compete in foreign
5 markets;

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

9 (A) reduce political and economic barriers
10 to sales and investments by such businesses;

11 (B) promote American goods and services
12 in foreign countries;

13 (C) encourage aggressive participation by
14 the private sector in the international market-
15 place; and

16 (D) develop policies to enhance productiv-
17 ity and long-term growth;

18 (6) effective and efficient Government action to
19 enhance the capability of United States businesses
20 to compete in foreign markets requires coordination
21 of the development and implementation of Govern-
22 ment policies relating to the international trade in-
23 terests of the United States;

24 (7) the Federal Government can enhance the
25 capability of State governments to expand foreign

1 markets for goods and services produced in such
2 States by—

3 (A) providing information resources suit-
4 able for developing and conducting international
5 export programs in the States;

6 (B) coordinating activities of Federal over-
7 seas trade facilities with State international
8 trade offices;

9 (C) providing practical and technical as-
10 sistance to States developing or conducting
11 international export and investment programs;
12 and

13 (D) taking appropriate actions to promote
14 the availability of such information and assist-
15 ance;

16 (8) effective and efficient Government action
17 with respect to international trade further requires
18 the employment of a corps of personnel consisting of
19 individuals who, like the personnel of the govern-
20 ments of United States trading partners, are highly
21 experienced and educated in international trade op-
22 erations and negotiations;

23 (9) the present organizational structure of Gov-
24 ernment administration of international trade activi-

1 ties is so diffuse that inconsistent and contradictory
2 policies and actions result;

3 (10) such inconsistent and contradictory poli-
4 cies and actions inhibit domestic trade interests, cre-
5 ate trade opportunities for our international com-
6 petitors, and discourage experienced Government
7 personnel from career service in international trade
8 activities;

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

12 (12) improvements in the competitiveness of
13 United States industry, products, and services can
14 be aided by reducing traditional antagonisms among
15 government, industry, labor, and the public;

16 (13) a lack of analytical capability and knowl-
17 edge concerning the competitive position of Amer-
18 ican industries and foreign industries greatly ham-
19 pers or delays the ability of the United States to for-
20 mulate responsible trade policies and policies that
21 affect the international competitiveness of domestic
22 industries;

23 (14) the consolidation of Government functions
24 relating to international trade, including functions
25 relating to technical analysis, policymaking, inter-

1 national negotiation, and operational responsibilities,
2 into a Department of Trade shall provide the needed
3 coordination of Government activity in international
4 trade and will encourage the retention of the highly
5 experienced personnel necessary for such coordina-
6 tion to be effective;

7 (15) the continued prosperity and overall com-
8 petitive posture of the United States calls for a deci-
9 sive and unified trade policy that vigorously pro-
10 motes an equitable international trade environment
11 in which the United States is able to compete fully
12 and fairly;

13 (16) continued United States leadership in the
14 world economy requires the formulation and imple-
15 mentation of a trade policy that is delineated and
16 understood by the rest of the world;

17 (17) establishing a decisive and unified trade
18 policy has become a number one priority of the Unit-
19 ed States;

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

1 Federal agency, and such other support services as
2 may be determined by the head of such agency;

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

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

9 (7) the term “office” includes any office, ad-
10 ministration, agency, institute, unit, organizational
11 entity, or component thereof.

12 TITLE II—DEPARTMENT OF TRADE

13 PART A—ESTABLISHMENT

14 ESTABLISHMENT OF DEPARTMENT

15 SEC. 201. (a) There is established an executive de-
16 partment to be known as the Department of Trade. The
17 Department shall be administered by a Secretary of
18 Trade, who shall be appointed by the President, by and
19 with the advice and consent of the Senate.

20 (b) The Department of Trade shall be deemed the
21 successor to the Department of Commerce for all pur-
22 poses, including protocol.

23 FUNCTIONS OF THE SECRETARY

24 SEC. 202. (a) In addition to the functions transferred
25 to the Secretary by this Act, such other functions as the
26 President may assign or delegate to the Secretary, and

1 such other functions as the Secretary may, after the effec-
2 tive date of this Act, be required to carry out by law, the
3 Secretary shall—

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

8 (2) exercise primary responsibility, with the ad-
9 vice of the interagency organization established
10 under section 242 of the Trade Expansion Act of
11 1962, for developing and implementing international
12 trade policy, including commodity matters and, to
13 the extent related to international trade policy, di-
14 rect investment matters and, in exercising such re-
15 sponsibility, advance and implement the goals de-
16 scribed in section 101(1) as the primary mandate of
17 the Department;

18 (3) exercise lead responsibility for the conduct
19 of international trade negotiations, including nego-
20 tiations relating to commodity matters and, to the
21 extent that such negotiations are related to inter-
22 national trade, direct investment negotiations;

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

1 (5) with the advice of the interagency organiza-
2 tion established under section 242 of the Trade Ex-
3 pansion Act of 1962, issue policy guidance to other
4 Federal agencies on international trade, commodity,
5 and direct investment functions to the extent nec-
6 essary to assure the coordination of international
7 trade policy;

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

11 (7) assist small businesses in developing export
12 markets;

13 (8) support State governments involved in ex-
14 panding foreign markets for goods and services pro-
15 duced in such States;

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

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

21 (11) report directly to the Congress—

22 (A) on the administration of, and matters
23 pertaining to, the trade agreements program
24 under Omnibus Trade and Competitiveness Act
25 of 1988, the Trade Act of 1974, the Trade Ex-

1 pansion Act of 1962, and section 350 of the
2 Tariff Act of 1930; and

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

5 (12) keep each official adviser to the United
6 States delegations to international conferences,
7 meetings, and negotiation sessions relating to trade
8 agreements who is appointed from the Committee on
9 Finance of the Senate or the Committee on Ways
10 and Means of the House of Representatives under
11 section 161 of the Trade Act of 1974 currently in-
12 formed on United States negotiating objectives with
13 respect to trade agreements, the status of negotia-
14 tions in progress with respect to such agreements,
15 and the nature of any changes in domestic law or
16 the administration thereof which the Secretary may
17 recommend to Congress to carry out any trade
18 agreement;

19 (13) consult and cooperate with State and local
20 governments and other interested parties on inter-
21 national trade matters of interest to such govern-
22 ments and parties, and to the extent related to inter-
23 national trade matters, on investment matters, and,
24 when appropriate, hold informal public hearings;

1 (14) serve as the principal advisor to the Presi-
2 dent on government policies designed to contribute
3 to enhancing the ability of American industry and
4 services to compete in international markets;

5 (15) develop recommendations for national
6 strategies and on specific policies intended to en-
7 hance the productivity and international competitive-
8 ness of United States industries;

9 (16) identify and develop recommendations to
10 address problems affecting the economic competitive-
11 ness of the United States;

12 (17) serve as the principal advisor to the Presi-
13 dent in identifying and assessing the consequences
14 of any government policies which adversely affect, or
15 have the potential to adversely affect, the competi-
16 tiveness of United States industries and services;
17 and

18 (18) promote cooperation between business,
19 labor, and government to improve industrial per-
20 formance and the ability of American industries to
21 compete in international markets and to facilitate
22 consultation and communication between the govern-
23 ment and the private sector about domestic indus-
24 trial performance and prospects as well as the per-
25 formance and prospects of foreign competitors.

1 (b) The Secretary shall be the Chairman pro tempore
2 of the interagency organization established under section
3 242 of the Trade Expansion Act of 1962.

4 (c) The Secretary shall be a member of the National
5 Security Council.

6 (d) The Secretary shall be Deputy Chairman of the
7 National Advisory Council on International Monetary and
8 Financial Policies established under Executive Order
9 11269, issued February 14, 1966.

10 (e)(1) The Secretary of Trade shall consult with the
11 Secretary of Agriculture or the designee of the Secretary
12 of Agriculture on all matters which potentially involve
13 international trade in agricultural products.

14 (2) If an international meeting for negotiation or con-
15 sultation includes discussion of international trade in agri-
16 cultural products, the Secretary of Trade or the designee
17 of such Secretary shall be Chairman of the United States
18 delegation to such meeting and the Secretary of Agri-
19 culture or the designee of such Secretary shall be Vice
20 Chairman. The provisions of this paragraph do not limit
21 the authority of the Secretary under subsection (g) to as-
22 sign responsibility for the conduct of, or participation in,
23 any trade negotiation or meeting to the Secretary of Agri-
24 culture.

1 (f) The Secretary shall be Chairman of the Trade
2 Promotion Coordinating Committee established by the
3 President on May 23, 1990.

4 (g) Except where expressly prohibited by law, the
5 Secretary, at the request or with the concurrence of the
6 head of any other Federal agency, may assign the respon-
7 sibility for conducting or participating in any specific
8 international trade negotiation or meeting to the head of
9 such agency whenever the Secretary determines that the
10 subject matter of such international trade negotiation is
11 related to the functions carried out by such agency.

12 PART B—OFFICES AND BUREAUS

13 OFFICE OF THE TRADE REPRESENTATIVE

14 SEC. 211. There is established in the Office of the
15 Secretary the Office of the Trade Representative. The Sec-
16 retary, through the Office of the Trade Representatives,
17 shall perform all functions (other than administrative and
18 support functions) transferred to the Secretary by section
19 231.

20 BUREAU OF EXPORT PROMOTION

21 SEC. 212. (a) There is established within the Depart-
22 ment, the Bureau of Export Promotion. The Bureau of
23 Export Promotion shall be administered by the Under Sec-
24 retary of the Bureau of Export Promotion who shall be
25 appointed by the President, by and with the advice and
26 consent of the Senate. The Secretary, through the Under

1 Secretary of the Bureau of Export Promotion, shall per-
2 form all functions (other than administrative and support
3 functions) transferred to the Secretary under sections
4 232(3)(A), 233, 234, and 235. The Bureau of Export Pro-
5 motion shall be the Government's lead organization re-
6 sponsible for implementing and devising United States
7 trade promotion and financing efforts.

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

10 (A) United States and Foreign Commercial
11 Service;

12 (B) Export-Import Bank of the United States;
13 and

14 (C) Overseas Private Investment Corporation.

15 (2)(A)(i) The United States and Foreign Commercial
16 Service shall be administered by an Assistant Secretary,
17 who shall serve as Director General of the United States
18 and Foreign Commercial Service, and who shall be ap-
19 pointed by the President, by and with the advice and con-
20 sent of the Senate.

21 (ii) There is established the Trade and Development
22 Agency and the United States Travel and Tourism Admin-
23 istration within the United States and Foreign Commer-
24 cial Service. The Trade and Development Agency shall be
25 administered by a Director and the United States Travel

1 and Tourism Administration shall be administered by a
2 Director. Both Directors shall be appointed by the Presi-
3 dent with the advice and consent of the Senate.

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

9 (C) The Overseas Private Investment Corporation es-
10 tablished under paragraph (1)(C) shall be administered by
11 a President and a Board of Directors as provided under
12 section 233 of the Foreign Assistance Act of 1961 (22
13 U.S.C. 2193) as amended by section 234 of this Act.

14 BUREAU OF TRADE POLICY AND ANALYSIS

15 SEC. 213. (a) There is established within the Depart-
16 ment, the Bureau of Trade Policy and Analysis. The Bu-
17 reau of Trade Policy and Analysis shall be administered
18 by the Under Secretary of the Bureau of Trade Policy and
19 Analysis who shall be appointed by the President, by and
20 with the advice and consent of the Senate. The Secretary
21 through the Under Secretary of the Bureau of Trade Pol-
22 icy and Analysis shall perform all functions (other than
23 administrative and support functions) transferred to the
24 Secretary under section 232(3)(B). The Under Secretary
25 for Trade Policy and Analysis shall advise the Secretary
26 of Trade on international trade and economic policy and

1 provide assistance to the Secretary in multilateral and bi-
2 lateral trade negotiations.

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

5 (A) Office of International Economic Policy;

6 (B) Office of Business Analysis; and

7 (C) Office of Economic Analysis.

8 (2) Each component of the Bureau of Trade Policy
9 and Analysis established under paragraph (1) (A), (B),
10 and (C) shall be administered by an Assistant Secretary
11 who shall be appointed by the President, by and with the
12 advice and consent of the Senate.

13 BUREAU OF TRADE ADMINISTRATION

14 SEC. 214. (a) There is established within the Depart-
15 ment, the Bureau of Trade Administration. The Bureau
16 of Trade Administration shall be administered by the
17 Under Secretary of the Bureau of Trade Administration
18 who shall be appointed by the President, by and with the
19 advice and consent of the Senate. The Secretary through
20 the Under Secretary of the Bureau of Trade Administra-
21 tion shall perform all functions (other than administrative
22 and support functions) transferred to the Secretary under
23 section 232(3)(C). The Bureau of Trade Administration
24 shall be responsible for overseeing and enforcing all trade
25 laws and agreements of which the United States is a
26 party.

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

3 (A) Export Administration; and

4 (B) Import Administration.

5 (2) Each administration established under paragraph

6 (1) (A) and (B) shall be administered by an Assistant Sec-

7 retary who shall be appointed by the President, by and

8 with the consent of the Senate.

9 PART C—OFFICERS

10 DEPUTY SECRETARY

11 SEC. 221. (a) There shall be in the Department a

12 Deputy Secretary of Trade, who shall be appointed by the

13 President, by and with the advice and consent of the

14 Senate.

15 (b) The Deputy Secretary shall act for and exercise

16 the functions of the Secretary during the absence or dis-

17 ability of the Secretary or in the event the office of Sec-

18 retary becomes vacant. The Deputy Secretary shall act for

19 and exercise the functions of the Secretary until the ab-

20 sence or disability of the Secretary no longer exists or a

21 successor to the Secretary has been appointed by the

22 President and confirmed by the Senate.

23 TRADE REPRESENTATIVE

24 SEC. 222. There shall be in the Department a Trade

25 Representative, who shall be appointed by the President,

26 by and with the advice and consent of the Senate. The

1 Trade Representative shall have the rank and status of
2 Ambassador and shall represent the United States in all
3 trade negotiations on behalf of the Secretary of Trade.

4 UNDER SECRETARIES

5 SEC. 223. (a) There shall be in the Department three
6 Under Secretaries of Trade, who shall be appointed by the
7 President, by and with the advice and consent of the Sen-
8 ate.

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

11 ASSISTANT SECRETARIES

12 SEC. 224. (a) There shall be in the Department six
13 Assistant Secretaries of Trade, who shall be appointed by
14 the President, by and with the advice and consent of the
15 Senate.

16 (b) Each Assistant Secretary of Trade shall perform
17 such functions as the Secretary may prescribe.±

18 GENERAL COUNSEL

19 SEC. 225. There shall be in the Department a Gen-
20 eral Counsel, who shall be appointed by the President, by
21 and with the advice and consent of the Senate. The Gen-
22 eral Counsel shall provide legal assistance to the Secretary
23 concerning the activities, programs, and policies of the
24 Department.

1 INSPECTOR GENERAL

2 SEC. 226. There shall be in the Department an In-
3 spector General who shall be appointed in accordance with
4 the Inspector General Act of 1978, as amended by section
5 271(h) of this Act.

6 REPRESENTATIVE TO THE GENERAL AGREEMENT ON
7 TARIFFS AND TRADE

8 SEC. 227. There shall be in the Department a Perma-
9 nent Representative to the General Agreement on Tariffs
10 and Trade, who shall be appointed by the President, by
11 and with the advice and consent of the Senate, and who
12 shall have the rank and status of Ambassador Extraor-
13 dinary and Plenipotentiary.

14 PART D—TRANSFERS TO THE DEPARTMENT
15 OFFICE OF THE UNITED STATES TRADE
16 REPRESENTATIVE

17 SEC. 231. There are transferred to the Secretary all
18 functions of the United States Trade Representative and
19 the Office of the United States Trade Representative in
20 the Executive Office of the President and all functions of
21 any officer or employee of such Office.

22 TRANSFERS FROM THE DEPARTMENT OF COMMERCE

23 SEC. 232. Except for functions transferred by titles
24 III, IV, V, and VI, there are transferred to the Sec-
25 retary—

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

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

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

6 (A) the Under Secretary of Commerce for
7 International Trade, the Director General of
8 the United States and Foreign Commercial
9 Services, the Under Secretary of Commerce for
10 Travel and Tourism and the Assistant Sec-
11 retary of Commerce for Tourism Marketing;

12 (B) the Under Secretary of Commerce for
13 Economic Affairs, the Assistant Secretary of
14 Commerce for International Economic Policy,
15 the Assistant Secretary of Commerce for Trade
16 Development, the Director of the Bureau of
17 Economic Analysis of the Department of Com-
18 merce, and the Chief Economist of the Depart-
19 ment of Commerce; and

20 (C) the Under Secretary for Export Ad-
21 ministration of the Department of Commerce
22 and the Assistant Secretary for Import Admin-
23 istration of the Department of Commerce.

1 TRANSFER OF THE EXPORT-IMPORT BANK

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

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

7 (b) Section 3(b) of the Export-Import Bank Act of
8 1945 (12 U.S.C. 635a(b)) is amended to read as follows:

9 “(b) There shall be a President of the Export-Import
10 Bank of the United States who shall be appointed by the
11 President, by and with the advice and consent of the Sen-
12 ate, and shall serve as chief executive officer of the Bank.
13 There shall be a First Vice President of the Bank, who
14 shall be appointed by the President of the United States,
15 by and with the advice and consent of the Senate, who
16 shall serve as President of the Bank during the absence
17 or disability of or in the event of a vacancy in the Office
18 of the President of the Bank, and who shall at other times
19 perform such functions as the President of the Bank may
20 from time to time prescribe.”.

21 (c) Section 3(c)(1) of the Export-Import Bank Act
22 of 1945 (12 U.S.C. 635a(c)(1)) is amended to read as fol-
23 lows:

24 “(c)(1) There shall be a Board of Directors of the
25 Bank consisting of the Under Secretary of the Bureau of

1 Export Promotion of the Department of Trade (who shall
2 serve as Chairman), the President of the Export-Import
3 Bank of the United States (who shall serve as Vice Chair-
4 man), the President of the Overseas Private Investment
5 Corporation, and the Director General of the United
6 States and Foreign Commercial Service.”.

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

10 “(h) ASSISTANCE TO EXPORT-IMPORT BANK.—The
11 Commercial Service shall provide, at its district offices in
12 the United States, such services as the Under Secretary
13 of Trade for Export Promotion determines necessary to
14 assist the Export-Import Bank of the United States to
15 carry out the lending, loan guarantee, insurance, and
16 other activities of the Bank.”.

17 OVERSEAS PRIVATE INVESTMENT CORPORATION

18 SEC. 234. (a) There are transferred to the Secretary
19 all functions of the Director of the United States Inter-
20 national Development Cooperation Agency relating to the
21 Overseas Private Investment Corporation.

22 (b) The second and third sentences of section 233(b)
23 of the Foreign Assistance Act of 1961 (22 U.S.C.
24 2193(b)) are amended to read as follows: “The Under Sec-
25 retary of the Bureau of Export Promotion of the Depart-
26 ment of Trade shall be the Chairman of the Board. The

1 Administrator of the Agency for International Develop-
2 ment, the President of the Overseas Private Investment
3 Corporation (who shall serve as Vice Chairman), and the
4 Director General of the United States Foreign and Com-
5 mercial Service shall serve on the Board.”.

6 TRADE AND DEVELOPMENT AGENCY

7 SEC. 235. There are transferred to the Secretary all
8 functions of the Director of the United States Inter-
9 national Development Agency relating to the Trade and
10 Development Agency. There are transferred to the De-
11 partment all functions of the Trade and Development Pro-
12 gram.

13 BUREAU OF PRIVATE ENTERPRISE

14 SEC. 236. There are transferred to the United States
15 and Foreign Commercial Service all functions of the Bu-
16 reau of Private Enterprise of the Agency for International
17 Development.

18 PART E—ADMINISTRATIVE PROVISIONS

19 PERSONNEL PROVISIONS

20 SEC. 241. (a) The Secretary may appoint and fix the
21 compensation of such officers and employees, including in-
22 vestigators, attorneys, and administrative law judges, as
23 may be necessary to carry out the functions of the Sec-
24 retary and the Department. Except as otherwise provided
25 by law, such officers and employees shall be appointed in

1 accordance with the civil service laws and their compensa-
2 tion fixed in accordance with title 5, United States Code.

3 (b)(1) At the request of the Secretary, the Director
4 of the Office of Personnel Management shall, under sec-
5 tion 5108 of title 5, United States Code, provide for the
6 establishment in a grade level above GS-15 of the General
7 Service, and in the Senior Executive Service, of a number
8 of positions in the Department equal to the number of
9 positions in that grade level which were used primarily for
10 the performance of functions and offices transferred by
11 this Act and which were assigned and filled on the day
12 before the effective date of this Act.

13 (2) Appointments to positions provided for under this
14 subsection may be made without regard to the provisions
15 of section 3324 of title 5, United States Code, if the indi-
16 vidual appointed in such position is an individual who is
17 transferred in connection with the transfer of functions
18 and offices under this Act and, on the day before the effec-
19 tive date of this Act, holds a position and has duties com-
20 parable to those of the position to which appointed under
21 this subsection.

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

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

6 (c) The Secretary may obtain the services of experts
7 and consultants in accordance with section 3109 of title
8 5, United States Code, and compensate such experts and
9 consultants for each day (including traveltime) at rates
10 not in excess of the maximum rate of pay for a position
11 at a grade level above GS-15 of the General Schedule
12 under section 5332 of such title. The Secretary may pay
13 experts and consultants who are serving away from their
14 homes or regular place of business travel expenses and per
15 diem in lieu of subsistence at rates authorized by sections
16 5702 and 5703 of such title for persons in Government
17 service employed intermittently.

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

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

4 (2) The Secretary is authorized to provide for inci-
5 dental expenses, including but not limited to transpor-
6 tation, lodging, and subsistence for individuals who pro-
7 vide voluntary services under subparagraph (A) or (B) of
8 paragraph (1).

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

15 (e) In order to assure United States representation
16 in trade matters at a level commensurate with the level
17 of representation maintained by industrial nations which
18 are major trade competitors of the United States, the Sec-
19 retary of State shall classify certain positions at Foreign
20 Service posts as commercial minister positions and shall
21 assign members of the Foreign Service performing func-
22 tions of the Department of Trade, with the concurrence
23 of the Secretary of Trade, to such positions in nations
24 which are major trade competitors of the United States.
25 The Secretary of State shall obtain and use the rec-

1 ommendations of the Secretary of Trade with respect to
2 the number of positions to be so classified under this sub-
3 section.

4 DELEGATION AND ASSIGNMENT

5 SEC. 242. Except where otherwise expressly prohib-
6 ited by law or otherwise provided by this Act, the Sec-
7 retary may delegate any of the functions transferred to
8 the Secretary by this Act and any function transferred or
9 granted to the Secretary after the effective date of this
10 Act to such officers and employees of the Department as
11 the Secretary may designate, and may authorize succes-
12 sive redelegations of such functions as may be necessary
13 or appropriate. No delegation of functions by the Sec-
14 retary under this section or under any other provision of
15 this Act shall relieve the Secretary of responsibility for the
16 administration of such functions.

17 SUCCESSION

18 SEC. 243. (a) Subject to the authority of the Presi-
19 dent, and except as provided in section 221(b), the Sec-
20 retary shall prescribe the order by which officers of the
21 Department who are appointed by the President, by and
22 with the advice and consent of the Senate, shall act for,
23 and perform the functions of, the Secretary or any other
24 officer of the Department appointed by the President, by
25 and with the advice and consent of the Senate, during the
26 absence or disability of the Secretary or such other officer,

1 or in the event of a vacancy in the office of the Secretary
2 or such other officer.

3 (b) Notwithstanding any other provision of law, and
4 unless the President directs otherwise, an individual acting
5 for the Secretary or another officer of the Department
6 pursuant to subsection (a) shall continue to serve in that
7 capacity until the absence or disability of the Secretary
8 or such other officer no longer exists or a successor to
9 the Secretary or such other officer has been appointed by
10 the President and confirmed by the Senate.

11 REORGANIZATION

12 SEC. 244. (a) Subject to subsections (b) and (c), the
13 Secretary is authorized to allocate or reallocate functions
14 among the officers of the Department, and to establish,
15 consolidate, alter, or discontinue such organizational enti-
16 ties in the Department as may be necessary or appro-
17 priate.

18 (b) Except as provided in subsection (c), the Sec-
19 retary may establish, consolidate, alter, or discontinue any
20 organizational entity in the Department or allocate or re-
21 allocate any function of an officer or employee of the De-
22 partment upon the expiration of a period of sixty days
23 after the receipt by the Committee on Finance and the
24 Committee on Governmental Affairs of the Senate and the
25 Committee on Government Operations and the Committee
26 on Ways and Means of the House of Representatives of

1 notice by the Secretary containing a full and complete
2 statement of the action proposed to be taken pursuant to
3 this section and the facts and circumstances relied upon
4 in support of such proposed action.

5 RULES

6 SEC. 245. The Secretary is authorized to prescribe,
7 in accordance with the provisions of chapters 5 and 6 of
8 title 5, United States Code, such rules and regulations as
9 the Secretary determines necessary or appropriate to ad-
10 minister and manage the functions of the Secretary or the
11 Department.

12 WORKING CAPITAL FUND

13 SEC. 246. (a) The Secretary is authorized to establish
14 for the Department a working capital fund, to be available
15 without fiscal year limitation, for expenses necessary for
16 the maintenance and operation of such common adminis-
17 trative services as the Secretary shall find to be desirable
18 in the interest of economy and efficiency, including—

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

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

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

3 (4) a central library service; and

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

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

1 liabilities, and unpaid obligations relating to those services
2 which the Secretary determines will be performed.

3 FUNDS TRANSFER

4 SEC. 247. The Secretary may, when authorized in an
5 appropriation Act in any fiscal year, transfer funds from
6 one appropriation to another within the Department, ex-
7 cept that no appropriation for any fiscal year shall be ei-
8 ther increased or decreased by more than 10 per centum
9 and no such transfer shall result in increasing any such
10 appropriation above the amount authorized to be appro-
11 priated therefore.

12 CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS

13 SEC. 248. (a) Subject to the provisions of the Federal
14 Property and Administrative Services Act of 1949, the
15 Secretary may make, enter into, and perform such con-
16 tracts, leases, cooperative agreements, grants, or other
17 similar transactions with public agencies, private organiza-
18 tions, and persons, and make payments (in lump sum or
19 installments, and by way of advance or reimbursement,
20 and, in the case of any grant, with necessary adjustments
21 on account of overpayments and underpayments) as the
22 Secretary considers necessary or appropriate to carry out
23 the functions of the Secretary or the Department.

24 (b) Notwithstanding any other provision of this Act,
25 the authority to enter into contracts or to make payments
26 under this title shall be effective only to such extent or

1 in such amounts as are provided in advance in appropria-
2 tion Acts. This subsection does not apply with respect to
3 the authority granted under section 252.

4 PUBLICATIONS

5 SEC. 249. Subject to such procedures of the Director
6 of the Office of Management and Budget may prescribe,
7 the Secretary may disseminate in the form of reports or
8 publications such information as the Secretary considers
9 appropriate.

10 USE OF FACILITIES

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

14 (1) an individual;

15 (2) any public or private nonprofit agency or
16 organization, including any agency or instrumental-
17 ity of the United States or of any State, the District
18 of Columbia, the Commonwealth of Puerto Rico, or
19 any territory or possession of the United States;

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

24 (4) any foreign government,

25 in carrying out any function of the Secretary or the
26 Department.

1 (b) The Secretary, under terms, at rates, and for pe-
2 riods that the Secretary considers to be in the public inter-
3 est, may permit the use by public and private agencies,
4 corporations, associations or other organizations, or by in-
5 dividuals, of any real property, or any facility, structure
6 or other improvement thereon, under the custody of the
7 Secretary. The Secretary may require permittees under
8 this section to maintain or recondition, at their own ex-
9 pense, the real property, facilities, structures, and im-
10 provements used by such permittees.

11 FIELD OFFICES

12 SEC. 251. (a) Subject to subsection (b), the Secretary
13 may establish, alter, consolidate, maintain, or discontinue
14 State, regional, district, local, or other field offices as the
15 Secretary finds necessary or appropriate to perform any
16 function of the Secretary or the Department.

17 (b) The Secretary may establish, alter, consolidate,
18 maintain, or discontinue State, regional, district, local, or
19 other field offices under subsection (a) upon the expiration
20 of a period of sixty days after the receipt by the Commit-
21 tee on Finance and the Committee on Governmental Af-
22 fairs of the Senate and the Committee on Government Op-
23 erations and the Committee on Ways and Means of the
24 House of Representatives of notice by the Secretary con-
25 taining a full and complete statement of the action pro-
26 posed to be taken pursuant to this section and the facts

1 and circumstances relied upon in support of such proposed
2 action.

3 (c) Within one year after the effective date of this
4 Act, the Secretary and the Administrator of the Small
5 Business Administration shall prepare and transmit to the
6 President and to Congress a joint report containing
7 recommendations for improving the competitiveness of
8 United States business through—

9 (1) enhanced cooperation between the Small
10 Business Administration and the United States and
11 Foreign Commercial Service;

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

15 (3) increased efforts to assist small- and me-
16 dium-size firms to enter the export market through
17 the facilities of the United States and Foreign Com-
18 mercial Service; and

19 (4) consolidation of the Small Business Admin-
20 istration within the United States and Foreign Com-
21 mercial Service or the Department of Trade.

22 GIFTS AND BEQUESTS

23 SEC. 252. (a) The Secretary is authorized to accept,
24 hold, administer, and utilize gifts and bequests of prop-
25 erty, both real and personal, for the purpose of aiding or
26 facilitating the work of the Department. Gifts and be-

1 quests of money and the proceeds from sales of other prop-
2 erty received as gifts or bequests shall be deposited in the
3 United States Treasury in a separate fund and shall be
4 disbursed on order of the Secretary. Property accepted
5 pursuant to this paragraph, and the proceeds thereof,
6 shall be used as nearly as possible in accordance with the
7 terms of the gift or bequest.

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

12 (c) Upon the request of the Secretary, the Secretary
13 of the Treasury may invest and reinvest in securities of
14 the United States or in securities guaranteed as to prin-
15 cipal and interest by the United States any moneys con-
16 tained in the fund provided for in subsection (a). Income
17 accruing from such securities, and from any other prop-
18 erty held by the Secretary pursuant to subsection (a), shall
19 be deposited to the credit of the fund, and shall be dis-
20 bursed upon order of the Secretary.

21 SEAL OF DEPARTMENT

22 SEC. 253. The Secretary shall cause a seal of office
23 to be made for the Department of such design as the Sec-
24 retary shall approve. Judicial notice shall be taken of such
25 seal.

1 ANNUAL REPORT

2 SEC. 254. The Secretary shall, as soon as practicable
3 after the end of each fiscal year, prepare and transmit
4 a written report to the President for transmission to the
5 Congress on the activities of the Department during such
6 fiscal year.

7 PROFESSIONAL TRADE SERVICE CORPS

8 SEC. 255. Within 180 days after the effective date
9 of this Act, the Secretary shall prepare and transmit to
10 the President and the Congress a report containing rec-
11 ommendations for the establishment of a Professional
12 Trade Service Corps designed to attract and retain highly
13 qualified, experienced, and motivated professionals to ad-
14 minister the trade policies and activities of the United
15 States. The system shall contain provisions for—

16 (1) the advancement and retention of personnel
17 on a competitive basis;

18 (2) the designation of senior positions in such
19 Federal agencies in order that personnel employed in
20 such agencies may advance in careers relating to
21 international trade; and

22 (3) the transfer of personnel between the sys-
23 tem and the Foreign Service personnel system in
24 order that personnel employed in such systems may
25 be employed in foreign and domestic service.

1 NATIONAL TRADE DATA BANK

2 SEC. 256. Within 180 days after the effective date
3 of this Act, the Secretary shall prepare and transmit to
4 the President and the Congress a report containing rec-
5 ommendations for enhancing the Government's foreign
6 trade and economic data collection and dissemination ac-
7 tivities. The report shall include—

8 (1) recommendations for increasing the capacity
9 of the National Trade Data Bank established by the
10 Omnibus Trade and Competitiveness Act of 1988;

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

14 (3) recommendations on including within the
15 National Trade Data Bank economic information
16 collected by United States intelligence agencies; and

17 (4) suggestions for the overall improvement and
18 coordination of the United States Government's
19 trade and economic data collection and dissemina-
20 tion activities.

21 PART F—RELATED AGENCIES

22 INTERAGENCY TRADE ORGANIZATION

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

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

3 “(i) the Secretary of Trade, who shall be
4 Chairman,

5 “(ii) the Secretary of Agriculture,

6 “(iii) the Secretary of the Treasury,

7 “(iv) the Secretary of Labor,

8 “(v) the Secretary of State, and

9 “(vi) the representatives of such other de-
10 partments and agencies as the Secretary of
11 Trade shall designate.

12 “(B) The Secretary of Trade may invite rep-
13 resentatives from other agencies, as appropriate, to
14 attend particular meetings if subject matters of spe-
15 cific functional interest to such agencies are under
16 consideration. It shall meet at such times and with
17 respect to such matters as the President or the
18 Chairman shall direct.”.

19 NATIONAL SECURITY COUNCIL

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

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

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

1 “(5) the Secretary of Trade;”.

2 INTERNATIONAL MONETARY FUND

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

6 “(e) The United States executive director of the Fund
7 shall consult with the Secretary of Trade with respect to
8 matters under consideration by the Fund which relate to
9 trade.”.

10 PART G—CONFORMING PROVISIONS

11 AMENDMENTS

12 SEC. 271. (a) Section 19(d)(1) of title 3, United
13 States Code, is amended by striking out “Secretary of
14 Commerce,” and inserting in lieu thereof “Secretary of
15 Trade,”.

16 (b) Section 101 of title 5, United States Code, is
17 amended by striking out the item relating to the Depart-
18 ment of Commerce and inserting in lieu thereof the follow-
19 ing:

20 “The Department of Trade.”.

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

22 (1) by striking out the items relating to the
23 Secretary of Commerce and the United States Trade
24 Representative; and

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

26 “Secretary of Trade.”.

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

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

6 “Deputy Secretary, Department of Trade.”.

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

8 (1) by striking out the item relating to the
9 Under Secretary of Commerce, the Under Secretary
10 of Commerce for Economic Affairs, and the Under
11 Secretary of Commerce for Travel and Tourism;

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

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

15 “Under Secretaries of Trade (3).

16 “Deputy Secretary of Trade.

17 “Chief Trade Negotiator, Department of Trade.

18 “Permanent Representative to the General
19 Agreement on Tariffs and Trade, Department of
20 Trade.”.

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

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

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

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

2 “Assistant Secretaries of Trade (6).

3 “General Counsel, Department of Trade.

4 “President of the Export-Import Bank of the
5 United States.

6 “President of the Overseas Private Investment
7 Corporation.”.

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

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

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

14 (3) by striking out the item relating to the Di-
15 rector, United States Travel Service, Department of
16 Commerce;

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

19 (5) by striking out the item relating to the Di-
20 rector, National Bureau of Standards, Department
21 of Commerce; and

22 (6) by adding at the end thereof the following:

23 “Inspector General, Department of Trade.”.

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

25 (1) in subsection 9(a)(1)—

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

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

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

7 “(H) of the Department of Trade, all functions
8 of the Inspector General of the Department of Com-
9 merce and the Office of the Inspector General of the
10 Department of Commerce relating to the functions
11 transferred to the Secretary of Trade by section 232
12 of the Trade Reorganization Act of 1992;”;

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

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

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

19 **“CHAPTER 4—REPRESENTATION IN**
20 **TRADE NEGOTIATIONS**

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

22 “The Secretary of Trade shall—

23 “(1) be the chief representative of the United
24 States for each trade negotiation under this title or
25 chapter 1 of title III of this Act, or subtitle A of

1 title I of the Omnibus Trade and Competitiveness
2 Act of 1988;

3 “(2) report directly to the President and the
4 Congress, and be responsible to the President and
5 the Congress for the administration of trade agree-
6 ments programs under this Act, the Omnibus Trade
7 and Competitiveness Act of 1988, the Trade Expan-
8 sion Act of 1962, and section 350 of the Tariff Act
9 of 1930;

10 “(3) advise the President and Congress with re-
11 spect to nontariff barriers to international trade,
12 international commodity agreements, and other mat-
13 ters which are related to the trade agreements pro-
14 grams; and

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

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

“CHAPTER 4—REPRESENTATION IN TRADE NEGOTIATIONS

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

22 (j) The Foreign Service Act of 1980 is amended by
23 striking out paragraph (3) of section 202(a) (22 U.S.C.
24 3922(a)) and inserting in lieu thereof the following:

1 “(3) The Secretary of Trade may utilize the
2 Foreign Service personnel system in accordance with
3 this Act—

4 “(A) with respect to the personnel per-
5 forming functions—

6 “(i) which were transferred to the De-
7 partment of Commerce from the Depart-
8 ment of State by Reorganization Plan No.
9 3 of 1979; and

10 “(ii) which were subsequently trans-
11 ferred to the Secretary of Trade by section
12 232 of the Trade Reorganization Act of
13 1992; and

14 “(B) with respect to other personnel of the
15 Department of Trade to the extent the Presi-
16 dent determines to be necessary in order to en-
17 able the Department of Trade to carry out
18 functions which require service abroad.”.

19 (k)(1) Section 201 of the International Travel Act of
20 1961 (22 U.S.C. 2122) is amended by striking out “Com-
21 merce” and inserting in lieu thereof “Trade”.

22 (2) Section 202(a)(13) of such Act (22 U.S.C.
23 2123(a)(13)) is amended by striking out “Commerce” and
24 inserting in lieu thereof “Trade”.

1 Labor”, approved February 14, 1903 (15 U.S.C. 1501),
2 is repealed.

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

8 (b) Subsection (a) of the first section of the Act enti-
9 tled “An Act to authorize an Under Secretary of Com-
10 merce for Economic Affairs”, approved June 16, 1982 (96
11 Stat. 115; 15 U.S.C. 1503a), is repealed.

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

16 (d) The first sentence of section 304 of the Depart-
17 ment of Commerce Appropriation Act, 1955 (15 U.S.C.
18 1506), is repealed.

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

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

1 (g)(1) The first section of the Act of March 18, 1904
2 (33 Stat. 135, chapter 716; 15 U.S.C. 1508), is amended
3 by striking out the paragraph relating to the Office of the
4 Solicitor of the Department of Commerce and Labor.

5 (2) Section 2 of the Act of July 17, 1952 (66 Stat.
6 758, chapter 932; 15 U.S.C. 1508), is repealed.

7 (h)(1) Sections 4 and 12 of the Act entitled “An Act
8 to Establish the Department of Commerce and Labor”,
9 approved February 14, 1903 (15 U.S.C. 1511), are re-
10 pealed.

11 (2) The first section of the Act of August 23, 1912
12 (37 Stat. 407, chapter 350; 15 U.S.C. 1511), is amended
13 by striking out the paragraph relating to the Bureau of
14 Foreign and Domestic Commerce.

15 (3) The first section of the Act of January 5, 1923
16 (42 Stat. 1109, chapter 23; 15 U.S.C. 1511), is repealed.

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

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

22 (j) Title III of the Act entitled “An Act making ap-
23 propriations for the Departments of State, Justice, and
24 Commerce for the fiscal year ending June 30, 1945, and
25 for other purposes”, approved June 28, 1944 (15 U.S.C.

1 1521), is amended by striking out the paragraph relating
2 to the working capital fund of the Department of
3 Commerce.

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

6 TITLE III—ESTABLISHMENT OF TECHNOLOGY
7 ADMINISTRATION AS INDEPENDENT AGENCY

8 PART A—ESTABLISHMENT OF TECHNOLOGY

9 ADMINISTRATION

10 SHORT TITLE

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

13 FINDINGS

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

16 (1) provide a focus for technological innovation
17 for industrial and commercial purposes;

18 (2) facilitate the development of a single agency
19 and a unified means for research and development
20 to enhance the United States competitive position in
21 the global economy; and

22 (3) aid in the establishment of a coherent pro-
23 gram to promote civilian research and development
24 and the commercialization of new technologies.

25 DEFINITIONS

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

1 (1) all functions performed by the National
2 Institute of Standards and Technology of the De-
3 partment of Commerce and the Director of the Na-
4 tional Institute of Standards and Technology of the
5 Department of Commerce;

6 (2) all functions performed by the National
7 Technical Information Service of the Department of
8 Commerce and the Director of the National Tech-
9 nical Information Service of the Department of
10 Commerce;

11 (3) all functions performed by the National
12 Telecommunications and Information Administration
13 of the Department of Commerce and the Assistant
14 Secretary for Communications and Information of
15 the Department of Commerce; and

16 (4) all functions performed by the Patent and
17 Trademark Office of the Department of Commerce
18 and the Assistant Secretary and Commissioner of
19 Patents and Trademarks of the Department of
20 Commerce.

21 (c) There is established in the Administration the
22 National Institute of Standards and Technology. The Na-
23 tional Institute of Standards and Technology shall be ad-
24 ministered by the Director of the National Institute of
25 Standards and Technology appointed by the President, by

1 and with the consent of the Senate. The Director shall
2 perform all functions (other than administrative and sup-
3 port functions) transferred to the Administrator under
4 subsection (a)(1).

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

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

22 (f) There is established in the Administration the
23 Patent and Trademark Office. The Patent and Trademark
24 Office shall be administered by the Commissioner for Pat-
25 ents and Trademarks appointed by the President, by and

1 with the advice and consent of the Senate. The Adminis-
2 trator through the Commissioner for Patents and Trade-
3 marks, shall perform all functions (other than administra-
4 tive and support functions) transferred to the Adminis-
5 trator under subsection (a)(4).

6 FUNCTIONS OF THE ADMINISTRATOR

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

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

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

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

22 (4) accelerate technology transfer by collecting,
23 condensing, interpreting, synthesizing, adding value,
24 and diffusing to industry innovative technology, re-
25 search advancements, and ideas for technology,

1 products, and manufacturing processes that are de-
2 veloped throughout the world;

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

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

11 CONFORMING AMENDMENTS

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

15 (1) in section 5313 by adding at the end there-
16 of:

17 “Administrator of the Technology Administra-
18 tion.”;

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

22 “Director of the National Technical Informa-
23 tion Service of the Technology Administration.

24 “Director of the National Telecommunications
25 Institute of the Technology Administration.

1 “Commissioner of the Patent and Trademark
2 Office of the Technology Administration.

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

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

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

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

16 “(1) ‘Administration’ means the Technology
17 Administration.

18 “(2) ‘Administrator’ means the Administrator
19 of the Technology Administration.”;

20 (2) in section 5—

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

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

1 (C) redesignating subsections (c), (d), and
2 (e) as subsections (a), (b), and (c), respectively.

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

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

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

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

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

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

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

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

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.

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

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

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

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

19 CONTRACTS

20 SEC. 324. The Administrator is authorized, without
21 regard to the provisions of section 3324 of title 31, United
22 States Code, to enter into and perform such contracts,
23 leases, cooperative agreements, or other transactions as
24 may be necessary to carry out the functions of the Admin-
25 istrator and the Administration. The Administrator may
26 enter into such contracts, leases, agreements, and trans-

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

1

2 SEC. 326. (a) Notwithstanding any other provision
3 of law, the Administrator may establish reasonable fees
4 and commissions with respect to applications, documents,
5 awards, loans, grants, research data, services, and assist-
6 ance and may change and abolish such fees and commis-
7 sions. Prior to establishing, changing, or abolishing any
8 schedule of fees or commissions under this section, the Ad-
9 ministrator may submit such schedule to the Congress.

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

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

18 (d) In establishing reasonable fees or commissions
19 under this section, the Administrator may take into con-
20 sideration—

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

23 (2) the efficiency of the Government in provid-
24 ing 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 perform-
17 ance of functions of the Administrator or the Administra-
18 tion:

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 1992”.

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 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

1

2 SEC. 416. (a) Notwithstanding any other provision
3 of law, the Administrator may establish reasonable fees
4 and commissions with respect to applications, documents,
5 awards, loans, grants, research data, services, and assist-
6 ance and may change and abolish such fees and commis-
7 sions. Prior to establishing, changing, or abolishing any
8 schedule of fees or commissions under this section, the Ad-
9 ministrator may submit such schedule to the Congress.

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

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

18 (d) In establishing reasonable fees or commissions
19 under this section, the Administrator may take into con-
20 sideration—

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

23 (2) the efficiency of the Government in provid-
24 ing 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 perform-
17 ance of functions of the Administrator or the Administra-
18 tion:

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. 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.

10 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.

16 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 (2) There are transferred to the Administrator of the
2 Small Business Administration all functions of the Minor-
3 ity Business Development Agency of the Department of
4 Commerce and the Director of such Agency.

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

8 ADMINISTRATIVE PROVISIONS RELATING TO THE
9 MINORITY BUSINESS DEVELOPMENT AGENCY

10 SEC. 502. (a) The Minority Business Development
11 Agency shall be a separate identifiable unit in the Small
12 Business Administration.

13 (b) The Administrator of the Small Business Admin-
14 istration, through the Director of the Minority Business
15 Development Agency, shall perform all functions (other
16 than administrative and support functions) transferred to
17 such Administrator by section 501.

18 CONFORMING AMENDMENTS RELATING TO THE MINORITY
19 BUSINESS DEVELOPMENT AGENCY

20 SEC. 503. (a) Section 5316 of title 5, United States
21 Code (as amended by this Act) is further amended by in-
22 serting after the item relating to the Associate Adminis-
23 trators of the Small Business Administration the follow-
24 ing:

25 “Director, Minority Business Development
26 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
15 501 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. 511. (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 512(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 512(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 512(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. 512. (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 of the United States Code, at rates not to exceed
18 \$100 per day for individuals unless otherwise specified in
19 an appropriation 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; and

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

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

23 REPORT TO THE PRESIDENT AND CONGRESS

24 SEC. 513. Within 180 days after the effective date
25 of this Act, the Secretary of Labor shall prepare and

1 transmit to the President and the Congress a report con-
2 taining recommendations for streamlining or integrating
3 the Bureau of the Census and the Bureau of Labor Statis-
4 tics within the Department of Labor in order to improve
5 the efficiency and effectiveness of the Government's statis-
6 tical collection activities.

7 CONFORMING AMENDMENTS RELATING TO THE BUREAU
8 OF THE CENSUS

9 SEC. 514. (a) Section 5314 of title 5, United States
10 Code (as amended by this Act) is further amended by add-
11 ing at the end thereof the following:

12 "Director of the Census."

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

19 TITLE VI—TRANSITIONAL, SAVINGS, AND
20 CONFORMING PROVISIONS

21 ADDITIONAL TRANSFERS

22 SEC. 601. Any function of the Secretary of Commerce
23 or the Department of Commerce which—

24 (1) is not transferred by titles II, III, IV, or V
25 of this Act; and

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

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

19 EFFECT ON PERSONNEL

20 SEC. 604. (a) Except as otherwise provided by this
21 Act, the transfer pursuant to this Act of full-time person-
22 nel (except special Government employees) and part-time
23 personnel holding permanent positions shall not cause any
24 such employee to be separated or reduced in grade or com-
25 pensation for one year after the date of transfer of such
26 employee under this Act.

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

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

17 SAVINGS PROVISIONS

18 SEC. 605. (a) All orders, determinations, rules, regu-
19 lations, permits, agreements, grants, contracts, certifi-
20 cates, licenses, registrations, privileges, and other adminis-
21 trative actions—

22 (1) which have been issued, made, granted, or
23 allowed to become effective by the President, any
24 Federal agency or official thereof, or by a court of
25 competent jurisdiction, in the performance of func-
26 tions which are transferred under this Act, and

1 (2) which are in effect at the time this Act
2 takes effect, or were final before the effective date
3 of this Act and are to become effective on or after
4 the effective date of this Act,
5 shall continue in effect according to their terms until
6 modified, terminated, superseded, set aside, or revoked in
7 accordance with law by the President, the head of the Fed-
8 eral agency to which such functions are transferred under
9 this Act or other authorized official, a court of competent
10 jurisdiction, or by operation of law.

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

1 ferred by this Act, by a court of competent jurisdiction,
2 or by operation of law. Nothing in this subsection pro-
3 hibits the discontinuance or modification of any such pro-
4 ceeding under the same terms and conditions and to the
5 same extent that such proceeding could have been discon-
6 tinued or modified if this Act had not been enacted.

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

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

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

16 (2) in all such actions, proceedings shall be had,
17 appeals taken, and judgments rendered in the same
18 manner and effect as if this Act had not been en-
19 acted.

20 (d) No action or other proceeding commenced by or
21 against any officer in his official capacity as an officer
22 of the Department of Commerce or the Office of United
23 States Trade Representative with respect to functions
24 transferred by this Act shall abate by reason of the enact-
25 ment of this Act. No cause of action by or against the

1 Department of Commerce or the Office of United States
2 Trade Representative with respect to functions transferred
3 by this Act, or by or against any officer thereof in his
4 official capacity, shall abate by reason of the enactment
5 of this Act. Causes of action and actions with respect to
6 a function or office transferred by this Act, or other pro-
7 ceedings may be asserted by or against the United States
8 or an official of the Federal agency to which such function
9 or office is transferred by this Act, as may be appropriate,
10 and, in an action pending when this Act takes effect, the
11 court may at any time, on its own motion or that of any
12 party, enter an order which will give effect to the provi-
13 sions of this subsection.

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

22 (f) Orders and actions of the head of a Federal agen-
23 cy in the exercise of functions transferred to the head of
24 such agency by this Act shall be subject to judicial review
25 to the same extent and in the same manner as if such

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

10 SEPARABILITY

11 SEC. 606. If a provision of this Act or its application
12 to any person or circumstance is held invalid, neither the
13 remainder of this Act nor the application of the provision
14 to other persons or circumstances shall be affected.

15 REFERENCE

16 SEC. 607. With respect to any functions transferred
17 by this Act and exercised after the effective date of this
18 Act, reference in any other Federal law to—

19 (1) the Secretary of Commerce or the United
20 States Trade Representative; or

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

24 shall be considered to refer to the head of the Federal
25 agency to whom such functions were transferred by this
26 Act.

TRANSITION

1
2 SEC. 608. With the consent of the Secretary of Com-
3 merce or the United States Trade Representative, as the
4 case may be, the head of each Federal agency to which
5 functions or offices are transferred by this Act is author-
6 ized to utilize—

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

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

ADDITIONAL CONFORMING AMENDMENTS

16
17 SEC. 609. (a) After consultation with the appropriate
18 committees of the Congress and the Director of the Office
19 of Management and Budget, the head of each agency to
20 which functions were transferred under this Act shall pre-
21 pare and submit to the Congress recommended legislation
22 containing technical and conforming amendments to re-
23 flect the changes made by this Act.

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

1 TERMINATION OF THE DEPARTMENT OF COMMERCE

2 SEC. 610. The Department of Commerce is termi-
3 nated.

4 TITLE VII—MISCELLANEOUS

5 EFFECTIVE DATE

6 SEC. 701. (a) This Act shall take effect 120 days
7 after the date of enactment, except that—

8 (1) section 608 shall take effect on the date of
9 enactment; and

10 (2) at any time after the date of enactment of
11 this Act—

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

16 (B) the Secretary of Commerce, the United
17 States Trade Representative, and the head of
18 each Federal agency to which functions are
19 transferred by this Act may promulgate regula-
20 tions under section 605(b)(2).

21 (b) Funds available to the Department of Commerce
22 or the Office of the United States Trade Representative
23 (or any official or component thereof), with respect to the
24 functions transferred by this Act, may be used, with ap-
25 proval of the Director of the Office of Management and

1 Budget, to pay the compensation and expenses of an offi-
2 cer appointed under subsection (a)(2)(A) who will carry
3 out such functions until funds for that purpose are other-
4 wise available.

5 INTERIM APPOINTMENTS

6 SEC. 702. (a) If one or more officers required by this
7 Act to be appointed by and with the advice and consent
8 of the Senate have not entered upon office on the effective
9 date of this Act and notwithstanding any other provision
10 of law, the President may designate any officer who was
11 appointed by and with the advice and consent of the Sen-
12 ate, and who was such an officer on the day before the
13 effective date of this Act, to act in the office until it is
14 filled as provided by this Act.

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

18 PERSONNEL AND FUNDING REDUCTIONS RESULTING
19 FROM REORGANIZATION

20 SEC. 703. No later than 180 days after the date of
21 the enactment of this Act, the Office of Management and
22 Budget shall conduct a study and submit a report to the
23 President and the Congress on personnel and funding re-
24 ductions which should be implemented consistent with the
25 provisions of this Act to reduce duplicative or unnecessary
26 functions. In preparing the report, the Office of Manage-

1 ment and Budget shall consult with the Secretary of
2 Trade and the head of each Federal agency affected by
3 the provisions of this Act and develop a plan for the imple-
4 mentation of such reductions beginning 1 year after the
5 effective date of this Act.

6 AUTHORIZATION OF APPROPRIATIONS

7 SEC. 704. There are authorized to be appropriated
8 such sums as may be necessary to carry out the provisions
9 of this Act. Amounts appropriated under this section shall
10 be available until expended.

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