

105TH CONGRESS
1ST SESSION

H. R. 1319

To abolish the Department of Commerce.

IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 1997

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

A BILL

To abolish the Department of Commerce.

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—ABOLISHMENT OF DEPARTMENT OF COMMERCE

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

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

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

TITLE III—MISCELLANEOUS PROVISIONS

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

- 1 **TITLE I—ABOLISHMENT OF**
- 2 **DEPARTMENT OF COMMERCE**
- 3 **SEC. 101. REESTABLISHMENT OF DEPARTMENT AS COM-**
- 4 **MERCE PROGRAMS RESOLUTION AGENCY.**
- 5 (a) REESTABLISHMENT.—The Department of Com-
- 6 merce is hereby redesignated as the Commerce Programs

1 Resolution Agency, which shall be an independent agency
2 in the executive branch of the Government.

3 (b) ADMINISTRATOR.—

4 (1) IN GENERAL.—There shall be at the head
5 of the Agency an Administrator of the Agency, who
6 shall be appointed by the President, by and with the
7 advice and consent of the Senate. The Agency shall
8 be administered under the supervision and direction
9 of the Administrator. The Administrator shall re-
10 ceive compensation at the rate prescribed for level II
11 of the Executive Schedule under section 5313 of title
12 5, United States Code.

13 (2) INITIAL APPOINTMENT OF ADMINIS-
14 TRATOR.—Notwithstanding any other provision of
15 this Act or any other law, the President may, at any
16 time after the date of the enactment of this Act, ap-
17 point an individual to serve as Administrator of the
18 Commerce Programs Resolution Agency (who may
19 be the Secretary of Commerce), as such position is
20 established under paragraph (1). An appointment
21 under this paragraph may not be construed to affect
22 the position of Secretary of Commerce or the au-
23 thority of the Secretary before the effective date
24 specified in section 109(a).

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

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

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

11 (3) taking such other actions as may be nec-
12 essary, before the termination date specified in sec-
13 tion 106(d), to wind up any outstanding affairs of
14 the Department of Commerce.

15 **SEC. 102. FUNCTIONS.**

16 Except to the extent a function is abolished or vested
17 in another official or agency by this Act, the Administrator
18 shall perform all functions that, immediately before the
19 effective date specified in section 109(a), were functions
20 of the Department of Commerce (or any office of the De-
21 partment) or were authorized to be performed by the Sec-
22 retary of Commerce or any other officer or employee of
23 the Department in the capacity as such officer or em-
24 ployee.

1 **SEC. 103. DEPUTY ADMINISTRATOR.**

2 The Agency shall have a Deputy Administrator, who
3 shall—

4 (1) be appointed by and report to the Adminis-
5 trator; and

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

8 **SEC. 104. CONTINUATION OF SERVICE OF DEPARTMENT**
9 **OFFICERS.**

10 (a) CONTINUATION OF SERVICE OF SECRETARY.—

11 The individual serving on the effective date specified in
12 section 109(a) as the Secretary of Commerce may serve
13 and act as Administrator until the date an individual is
14 appointed under this title to the position of Administrator,
15 or until the end of the 120-day period provided for in sec-
16 tion 3348 of title 5, United States Code (relating to limita-
17 tions on the period of time a vacancy may be filled tempo-
18 rarily), whichever is earlier.

19 (b) CONTINUATION OF SERVICE OF OTHER OFFI-
20 CERS.—An individual serving on the effective date speci-
21 fied in section 109(a) as an officer of the Department of
22 Commerce other than the Secretary of Commerce may
23 continue to serve and act in an equivalent capacity in the
24 Agency until the date an individual is appointed under this
25 title to the position of Administrator, or until the end of
26 the 120-day period provided for in section 3348 of title

1 5, United States Code (relating to limitations on the pe-
2 riod of time a vacancy may be filled temporarily) with re-
3 spect to that appointment, whichever is earlier.

4 (c) COMPENSATION FOR CONTINUED SERVICE.—Any
5 person—

6 (1) who serves as the Administrator under sub-
7 section (a), or

8 (2) who serves under subsection (b),
9 after the effective date specified in section 109(a) and be-
10 fore the first appointment of a person as Administrator
11 shall continue to be compensated for so serving at the rate
12 at which such person was compensated before such effec-
13 tive date.

14 **SEC. 105. REORGANIZATION.**

15 The Administrator may allocate or reallocate any
16 function of the Agency pursuant to this Act among the
17 officers of the Agency, and may establish, consolidate,
18 alter, or discontinue in the Commerce Programs Resolu-
19 tion Agency any organizational entities that were entities
20 of the Department of Commerce, as the Administrator
21 considers necessary or appropriate.

1 **SEC. 106. ABOLISHMENT OF COMMERCE PROGRAMS RESO-**
2 **LUTION AGENCY.**

3 (a) IN GENERAL.—Effective on the termination date
4 specified in subsection (d), the Commerce Programs Reso-
5 lution Agency is abolished.

6 (b) ABOLITION OF FUNCTIONS.—Except for func-
7 tions transferred or otherwise continued by this Act, all
8 functions that, immediately before the termination date
9 specified in subsection (d), were functions of the Com-
10 merce Programs Resolution Agency are abolished effective
11 on that termination date.

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

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

21 **SEC. 107. GAO REPORT.**

22 Not later than 180 days after the date of enactment
23 of this Act, the Comptroller General of the United States
24 shall submit to the Congress a report which shall include
25 recommendations for the most efficient means of achiev-
26 ing, in accordance with this Act—

1 (1) the complete abolishment of the Depart-
2 ment of Commerce; and

3 (2) the termination or transfer or other con-
4 tinuation of the functions of the Department of
5 Commerce.

6 **SEC. 108. CONFORMING AMENDMENTS.**

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

10 (b) **EXECUTIVE DEPARTMENTS.**—Section 101 of title
11 5, United States Code, is amended by striking the follow-
12 ing item:

13 “The Department of Commerce.”.

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

17 “Secretary of Commerce.”.

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

20 (1) by striking the following item:

21 “Under Secretary of Commerce, Under Sec-
22 retary of Commerce for Economic Affairs, Under
23 Secretary of Commerce for Export Administration
24 and Under Secretary of Commerce for Travel and
25 Tourism.”;

1 (2) by striking the following item:

2 “Under Secretary of Commerce for Oceans and
3 Atmosphere, the incumbent of which also serves as
4 Administrator of the National Oceanic and Atmos-
5 pheric Administration.”; and

6 (3) by striking the following item:

7 “Under Secretary of Commerce for Tech-
8 nology.”.

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

11 (1) by striking the following items:

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

13 (2) by striking the following item:

14 “General Counsel of the Department of Com-
15 merce.”;

16 (3) by striking the following item:

17 “Associate Secretary of Commerce for Oceans
18 and Atmosphere, the incumbent of which also serves
19 as Deputy Administrator of the National Oceanic
20 and Atmospheric Administration.”;

21 (4) by striking the following item:

22 “Director, National Institute of Standards and
23 Technology, Department of Commerce.”;

24 (5) by striking the following item:

1 “Inspector General, Department of Com-
2 merce.”;

3 (6) by striking the following item:

4 “Chief Financial Officer, Department of Com-
5 merce.”; and

6 (7) by striking the following item:

7 “Director, Bureau of the Census, Department
8 of Commerce.”.

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

11 (1) by striking the following item:

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

14 (2) by striking the following item:

15 “National Export Expansion Coordinator, De-
16 partment of Commerce.”.

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

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

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

24 (3) in section 11(2), by striking “Commerce,”;

1 **SEC. 109. EFFECTIVE DATE.**

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

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

8 (1) Section 101(b).

9 (2) Section 106(c).

10 (3) Section 107.

11 **TITLE II—DISPOSITION OF PAR-**
12 **TICULAR PROGRAMS, FUNC-**
13 **TIONS, AND AGENCIES OF DE-**
14 **PARTMENT OF COMMERCE**

15 **SEC. 201. ECONOMIC DEVELOPMENT.**

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

19 (b) TRANSFER OF FINANCIAL OBLIGATIONS OWED
20 TO THE DEPARTMENT.—There are transferred to the Sec-
21 retary of the Treasury the loans, notes, bonds, debentures,
22 securities, and other financial obligations owned by the
23 Department of Commerce under the Public Works and
24 Economic Development Act of 1965, together with all as-
25 sets or other rights (including security interests) incident
26 thereto, and all liabilities related thereto. There are as-

1 signed to the Secretary of the Treasury the functions,
2 powers, and abilities vested in or delegated to the Sec-
3 retary of Commerce or the Department of Commerce to
4 manage, service, collect, sell, dispose of, or otherwise real-
5 ize proceeds on obligations owed to the Department of
6 Commerce under authority of such Act with respect to any
7 loans, obligations, or guarantees made or issued by the
8 Department of Commerce pursuant to such Act.

9 (c) AUDIT.—Not later than 18 months after the date
10 of the enactment of this Act, the Comptroller General shall
11 conduct an audit of all grants made or issued by the De-
12 partment of Commerce under the Public Works and Eco-
13 nomic Development Act of 1965 in fiscal year 1995 and
14 all loans, obligations, and guarantees and shall transmit
15 to Congress a report on the results of such audit.

16 **SEC. 202. EXPORT CONTROL FUNCTIONS.**

17 (a) TRANSFER TO SECRETARY OF STATE.—

18 (1) IN GENERAL.—Except as provided in this
19 section, all functions of the Secretary of Commerce,
20 the Under Secretary of Commerce for Export Ad-
21 ministration, the 2 Assistant Secretaries of Com-
22 merce appointed under section 15(a) of the Export
23 Administration Act of 1979 (50 U.S.C. 2414(a)),
24 and the Department of Commerce, on the day before
25 the effective date specified in section 109(a), under

1 the Export Administration Act of 1979 are trans-
2 ferred to the Secretary of State.

3 (2) CONSULTATION WITH USTR.—The Sec-
4 retary of State shall consult with the United States
5 Trade Representative with respect to licensing deci-
6 sions under the Export Administration Act of 1979.

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

14 (c) ENFORCEMENT.—

15 (1) GENERAL TRANSFER.—All functions of the
16 Secretary of Commerce and the Department of Com-
17 merce, on the day before the effective date specified
18 in section 109(a), under sections 11(c), 12, and 13
19 (c), (d), and (e) of the Export Administration Act of
20 1979 (50 U.S.C. App. 2410(c), 2411, and 2412 (c),
21 (d), and (e)) are transferred to the Secretary of the
22 Treasury.

23 (2) TRANSFER OF ENFORCEMENT PERSON-
24 NEL.—Not more than 60 United States special
25 agents of the Bureau of Export Administration of

1 the Department of Commerce who, on the day be-
2 fore the effective date specified in section 109(a),
3 were assigned to perform functions under section
4 12(a) of the Export Administration Act of 1979 may
5 be transferred to the Customs Service to carry out
6 functions transferred by paragraph (1). The Direc-
7 tor of the Office of Management and Budget shall
8 determine the special agents to be transferred under
9 this paragraph.

10 (d) ANTI-BOYCOTT COMPLIANCE.—All functions of
11 the Secretary of Commerce and the Department of Com-
12 merce, on the day before the effective date specified in
13 section 109(a), under section 8 of the Export Administra-
14 tion Act of 1979 (50 U.S.C. 2407), and under all other
15 provisions of that Act to the extent that such provisions
16 apply to section 8, are transferred to the Attorney Gen-
17 eral.

18 (e) TERMINATION OF OFFICE OF FOREIGN AVAIL-
19 ABILITY; APPOINTMENT OF INDUSTRIES BOARD.—

20 (1) TERMINATION OF OFFICE.—(A) The Office
21 of Foreign Availability established under section
22 5(f)(6) of the Export Administration Act of 1979
23 (50 U.S.C. 2404(f)(6)) is abolished.

24 (2) CONFORMING AMENDMENT.—Section 5(f)
25 of the Export Administration Act of 1979 (50

1 U.S.C. App. 2404(f)) is amended by striking para-
2 graph (6).

3 (3) APPOINTMENT OF INDUSTRIES BOARD.—

4 The President shall appoint an industries board,
5 composed of representatives of industries affected by
6 matters relating to foreign availability under the Ex-
7 port Administration Act of 1979, to advise the Sec-
8 retary of State with respect to such matters, except
9 that no Federal funds may be made available to the
10 industries board to carry out its functions.

11 (f) BUYING POWER MAINTENANCE ACCOUNT.—The
12 authority of the Secretary of Commerce under section 108
13 of title I of Public Law 100–202 (101 Stat. 1329–7) to
14 establish a Buying Power Maintenance account is trans-
15 ferred to the Secretary of State for purposes of carrying
16 out functions under the Export Administration Act of
17 1979 that are transferred to the Secretary of State under
18 this section.

19 (g) TECHNICAL AND CONFORMING AMENDMENTS.—

20 (1) Section 15(a) of the Export Administration
21 Act of 1979 (50 U.S.C. 2414(a)) is repealed.

22 (2) The Office of the Under Secretary of Com-
23 merce for Export Administration is abolished.

1 **SEC. 203. NATIONAL SECURITY FUNCTIONS.**

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

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

8 (2) under section 309 of the Defense Produc-
9 tion Act of 1950 (50 U.S.C. App. 2099) are trans-
10 ferred to the Secretary of Defense; and

11 (3) under section 722 of the Defense Produc-
12 tion Act of 1950 (50 U.S.C. App. 2171) are trans-
13 ferred to the Secretary of the Treasury.

14 (b) NATIONAL DEFENSE TECHNOLOGY AND INDUS-
15 TRIAL BASE COUNCIL.—Section 2502(b) of title 10, Unit-
16 ed States Code, is amended by striking paragraph (3) and
17 redesignating paragraphs (4) and (5) as paragraphs (3)
18 and (4), respectively.

19 (c) APPOINTMENT OF COMMITTEES OF INDUSTRY
20 REPRESENTATIVES.—The President should appoint com-
21 mittees composed of representatives of appropriate indus-
22 tries to advise the National Security Council with respect
23 to those matters affecting industry addressed by the Sec-
24 retary of Commerce to the National Security Council be-
25 fore the effective date specified in section 109(a).

1 **SEC. 204. INTERNATIONAL TRADE FUNCTIONS.**

2 (a) TARIFF ACT OF 1930; URUGUAY ROUND AGREE-
3 MENTS ACT.—

4 (1) TRANSFER TO UNITED STATES TRADE REP-
5 RESENTATIVE.—All functions of the International
6 Trade Administration of the Department of Com-
7 merce, immediately before the effective date speci-
8 fied in section 109(a), under titles III and VII of the
9 Tariff Act of 1930, and all functions of the admin-
10 istering authority and the Secretary of Commerce
11 under the Uruguay Round Agreements Act (19
12 U.S.C. 3501 and following), are transferred to the
13 United States Trade Representative.

14 (2) CONFORMING AMENDMENT.—Section
15 771(1) of the Tariff Act of 1930 (19 U.S.C.
16 1677(1)) is amended by striking “Secretary of Com-
17 merce” and inserting “United States Trade Rep-
18 resentative”.

19 (b) FOREIGN TRADE ZONES BOARD.—Subsection (b)
20 of the first section of the Act of June 18, 1934 (commonly
21 referred to as the “Foreign Trade Zones Act”) (19 U.S.C.
22 81a(b)) is amended by striking “Secretary of Commerce,
23 who shall be chairman and executive officer of the Board,
24 the Secretary of the Treasury” and inserting “Secretary
25 of the Treasury, who shall be chairman and executive offi-

1 cer of the Board, the United States Trade Representa-
2 tive”.

3 (c) UNITED STATES AND FOREIGN COMMERCIAL
4 SERVICE.—

5 (1) RENAMING AND ABOLITION OF CERTAIN
6 FUNCTIONS.—The United States and Foreign Com-
7 mercial Service shall, upon the effective date speci-
8 fied in section 109(a), be known as the “United
9 States Foreign Commercial Service” (hereafter in
10 this subsection referred to as the “Commercial Serv-
11 ice”). All operations of the Commercial Service in
12 the United States (other than those performed at
13 the headquarters office referred to in section
14 2301(c) of the Export Enhancement Act of 1988
15 (15 U.S.C. 4721(c))) with respect to the foreign op-
16 erations of the Commercial Service) are abolished.

17 (2) TRANSFER TO USTR.—The Commercial
18 Service and its functions are transferred to the Unit-
19 ed States Trade Representative. All functions per-
20 formed immediately before the effective date speci-
21 fied in section 109(a) by the Secretary of Commerce
22 or the Department of Commerce with respect to the
23 Commercial Service are transferred to the United
24 States Trade Representative.

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

5 (B) Section 5315 of title 5, United States Code,
6 is amended by striking “Assistant Secretary of Com-
7 merce and Director General of the United States
8 and Foreign Commercial Service” and inserting “Di-
9 rector General of the United States Foreign Com-
10 mercial Service.”.

11 (C) The individual serving as Assistant Sec-
12 retary of Commerce and Director General of the
13 United States and Foreign Commercial Service im-
14 mediately before the effective date specified in sec-
15 tion 109(a) may serve as the Director General of the
16 United States Foreign Commercial Service on and
17 after such effective date until a successor has taken
18 office. Compensation for any service under this sub-
19 paragraph shall be at the rate at which the individ-
20 ual was compensated immediately before the effec-
21 tive date specified in section 109(a).

22 (4) TRANSFER OF COMMERCIAL SERVICE OFFI-
23 CERS.—The transfer to the United States Trade
24 Representative pursuant to this section of any Com-
25 mercial Service Officer serving immediately before

1 the effective date specified in section 109(a) shall
2 not cause such officer to be reduced in rank, grade,
3 or compensation.

4 (d) EXPORT PROMOTION PROGRAMS.—

5 (1) TRANSFER.—All export promotion pro-
6 grams (as defined in section 201(d) of the Export
7 Administration Amendments Act of 1985 (15 U.S.C.
8 4051(d))) carried out by the Secretary of Commerce
9 or the Department of Commerce immediately before
10 the effective date specified in section 109(a) are
11 transferred to the United States Trade Representa-
12 tive.

13 (2) PRIVATE FUNDING.—With respect to any
14 program transferred under paragraph (1), no funds
15 made available to the United States Trade Rep-
16 resentative may be used in carrying out such pro-
17 gram, but the United States Trade Representative
18 may require the persons to whom services are pro-
19 vided by the Office of the United States Trade Rep-
20 resentative under such program to pay for such serv-
21 ices.

22 (e) TRADE INFORMATION.—All functions of the Sec-
23 retary of Commerce under the International Investment
24 and Trade in Services Survey Act (22 U.S.C. 3101 and

1 following) are transferred to the Secretary of the Treas-
2 ury.

3 (f) INTERNATIONAL ECONOMIC POLICY.—All func-
4 tions performed by the Assistant Secretary of Commerce
5 for International Economic Policy and the Office of Inter-
6 national Economic Policy of the Department of Commerce
7 immediately before the effective date specified in section
8 109(a) are abolished.

9 (g) FUNCTIONS WITH RESPECT TO TEXTILE AGREE-
10 MENTS.—

11 (1) TRANSFER OF FUNCTIONS.—Notwithstand-
12 ing the provisions of Executive Order 11651 and
13 Executive Order 12475 (7 U.S.C. 1854 note), the
14 functions of the Committee for the Implementation
15 of Textile Agreements (hereafter in this subsection
16 referred to as “CITA”) are transferred as follows:

17 (A) All functions related to policy formula-
18 tion for textile and apparel trade, including the
19 negotiation and implementation of textile and
20 apparel trade agreements, and all related activi-
21 ties performed by CITA immediately before the
22 effective date specified in section 109(a), and
23 not specified in subparagraphs (B) through
24 (D), are transferred to the United States Trade
25 Representative.

1 (B) All functions related to economic anal-
2 ysis of textile and apparel trade patterns, deter-
3 mination of serious damage, or actual threat
4 thereof, to domestic United States industry and
5 related safeguards matters, including the tran-
6 sitional safeguard provisions under Article 6 of
7 the Agreement on Textiles and Clothing re-
8 ferred to in section 101(d)(4) of the Uruguay
9 Round Agreements Act (19 U.S.C. 3511(d)(4)),
10 and analysis of the impact of foreign tariff and
11 nontariff barriers on textile and apparel trade,
12 and all related activities performed by CITA
13 immediately before the effective date specified
14 in section 109(a), are transferred to the Inter-
15 national Trade Commission.

16 (C) All functions related to the promotion
17 and foreign market expansion of United States
18 textile and apparel production are transferred
19 to the United States Foreign Commercial Serv-
20 ice.

21 (D) All functions related to monitoring
22 quota utilization and enforcement, and actions
23 to address the circumvention of quotas, as de-
24 scribed in the statement of administrative ac-
25 tion accompanying the Uruguay Round Agree-

1 ments (as defined in section 2 of the Uruguay
2 Round Agreements Act (19 U.S.C. 3501)), are
3 transferred to the Secretary of the Treasury.

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

5 (h) FAIR TRADE IN AUTO PARTS.—All functions of
6 the Secretary of Commerce under the Fair Trade in Auto
7 Parts Act of 1988 (15 U.S.C. 4701 and following) are
8 transferred to the International Trade Commission.

9 (i) OTHER TRADE FUNCTIONS.—

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

18 (2) EXPORT TRADING COMPANIES.—(A) The
19 functions of the Secretary of Commerce under the
20 Export Trading Company Act of 1982 (15 U.S.C.
21 4001–4003), and the Office of Export Trade estab-
22 lished under section 104 of that Act, are abolished.

23 (B) The functions of the Secretary of Com-
24 merce under title III of the Act of October 8, 1982

1 (15 U.S.C. 4011 and following), are transferred to
2 the Secretary of the Treasury.

3 (C) CONFORMING AMENDMENTS.—(i) The Ex-
4 port Trading Company Act of 1982 (15 U.S.C.
5 4001–4003) is repealed.

6 (ii) The section heading for section 301 of the
7 Act of October 8, 1982 (15 U.S.C. 4011), is amend-
8 ed by striking “COMMERCE” and inserting “TREAS-
9 URY”.

10 (iii) Section 311(7) of the Act of October 8,
11 1982 (15 U.S.C. 4021(7)), is amended by striking
12 “Commerce” and inserting “Treasury”.

13 (j) APPOINTMENT OF INDUSTRIES BOARDS.—The
14 President shall appoint industries boards, composed of
15 representatives of industries in the private sector, to ad-
16 vise the Secretary of the Treasury and the United States
17 Trade Representative with respect to functions transferred
18 to them under this section.

19 (k) GIFTS AND BEQUESTS.—

20 (1) IN GENERAL.—The Secretary of State, the
21 Secretary of the Treasury, and the United States
22 Trade Representative are authorized to accept, hold,
23 administer, and utilize gifts and bequests of prop-
24 erty, both real and personal, for the purpose of aid-
25 ing or facilitating the performance of functions

1 transferred to them under this section and section
2 202. Gifts and bequests of money and the proceeds
3 from sales of other property received as gifts or be-
4 quests shall be deposited in the United States Treas-
5 ury in a separate fund and shall be disbursed on
6 order of the Secretary of State, the Secretary of the
7 Treasury, or the United States Trade Representa-
8 tive. Property accepted pursuant to this paragraph,
9 and the proceeds thereof, shall be used as nearly as
10 possible in accordance with the terms of the gift or
11 bequest.

12 (2) TAX TREATMENT.—For the purpose of Fed-
13 eral income, estate, and gift taxes, and State taxes,
14 property accepted under subsection (a) shall be con-
15 sidered a gift or bequest to or for use of the United
16 States.

17 (3) INVESTMENT.—The Secretary of the Treas-
18 ury may invest and reinvest in securities of the
19 United States or in securities guaranteed as to prin-
20 cipal and interest by the United States any moneys
21 contained in the fund provided for in subsection (a).
22 Income accruing from such securities, and from any
23 other property held by the Secretary of State, the
24 Secretary of the Treasury, or the United States
25 Trade Representative pursuant to subsection (a),

1 shall be deposited to the credit of the fund, and shall
2 be disbursed upon order of the Secretary of State,
3 the Secretary of the Treasury, or the United States
4 Trade Representative.

5 (l) INFORMATION SHARING.—It is the sense of the
6 Congress that any department or agency of the United
7 States that compiles information on international econom-
8 ics or trade make that information available to other de-
9 partments and agencies performing functions relating to
10 international trade.

11 (m) TRADE ADJUSTMENT ASSISTANCE FOR
12 FIRMS.—Chapter 3 of title II of the Trade Act of 1974
13 (19 U.S.C. 2341 and following) and the items relating to
14 such chapter in the table of contents for that Act, are re-
15 pealed.

16 **SEC. 205. PATENT AND TRADEMARK OFFICE.**

17 (a) TRANSFER TO DEPARTMENT OF JUSTICE.—Ef-
18 fective as of the date specified in section 109(a)—

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

21 (2) all functions which, immediately before such
22 date, are functions of the Secretary of Commerce
23 under title 35, United States Code, the Act of July
24 5, 1946 (commonly referred to as the “Trademark
25 Act of 1946”) (15 U.S.C. 1051 and following), or

1 any other provision of law with respect to the func-
2 tions of the Patent and Trademark Office, are trans-
3 ferred to the Attorney General.

4 (b) ADJUSTMENT OF FEES.—Section 41(f) of title
5 31, United States Code, is amended to read as follows:

6 “(f) The Commissioner may adjust the fees estab-
7 lished under this section on October 1 of each year to
8 cover the estimated cost of the activities of the Office.”.

9 (c) SERVICE OF INCUMBENTS.—Those individuals
10 serving as Commissioner of Patents and Trademarks,
11 Deputy Commissioner of Patents and Trademarks, Assist-
12 ant Commissioner of Patents, and Assistant Commis-
13 sioner of Trademarks, immediately before the effective
14 date specified in section 109(a), may continue in such of-
15 fice on and after such effective date until a successor has
16 taken office. Compensation for any service under this sub-
17 section shall be at the rate at which the individual was
18 compensated immediately before the effective date speci-
19 fied in section 109(a).

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

25 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

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

3 **“§ 1. Establishment**

4 “The Patent and Trademark Office is an agency of
5 the United States within the Department of Justice, where
6 records, books, drawings, specifications, and other papers
7 and things pertaining to patents and trademark registra-
8 tions shall be kept and preserved, except as otherwise pro-
9 vided by law.”.

10 (2) Title 35, United States Code, is amended by
11 striking “Secretary of Commerce” each place it ap-
12 pears and inserting “Attorney General”.

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

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

17 “Commissioner of Patents, Department of
18 Commerce.”

19 and inserting

20 “Commissioner of Patents and Trademarks.”.

21 **SEC. 206. TECHNOLOGY ADMINISTRATION.**

22 (a) TECHNOLOGY ADMINISTRATION.—

23 (1) GENERAL RULE.—Except as otherwise pro-
24 vided in this section, the Technology Administration

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

3 (2) OFFICE OF TECHNOLOGY POLICY.—The Of-
4 fice of Technology Policy is hereby terminated.

5 (b) NATIONAL INSTITUTE OF STANDARDS AND
6 TECHNOLOGY.—

7 (1) GENERAL RULE.—Except as otherwise pro-
8 vided in this subsection, the National Institute of
9 Standards and Technology (in this subsection re-
10 ferred to as the “Institute”) shall be transferred to
11 the National Science Foundation.

12 (2) FUNCTIONS OF DIRECTOR.—Except as oth-
13 erwise provided in this subsection, upon the transfer
14 under paragraph (1), the Director of the Institute
15 shall perform all functions relating to the Institute
16 that, immediately before the effective date specified
17 in section 213(a), were functions of the Secretary of
18 Commerce or the Under Secretary of Commerce for
19 Technology, including the administration of section
20 17 of the Stevenson-Wydler Technology Innovation
21 Act of 1980.

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

1 (B) The Commerce Programs Resolution Agen-
2 cy shall attempt to sell the property of the labora-
3 tories of the Institute, within 18 months after the
4 effective date specified in section 213(a), to a private
5 sector entity intending to perform substantially the
6 same functions as were performed by the labora-
7 tories of the Institute immediately before such effec-
8 tive date.

9 (C) If no offer to purchase property under sub-
10 paragraph (B) is received within the 18-month pe-
11 riod described in such subparagraph, the Commerce
12 Programs Resolution Agency shall submit a report
13 to the Congress containing recommendations on the
14 appropriate disposition of the property and functions
15 of the laboratories of the Institute.

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

18 (1) SALE OF PROPERTY.—The Commerce Pro-
19 grams Resolution Agency shall attempt to sell the
20 property of the National Technical Information
21 Service, within 18 months after the effective date
22 specified in section 213(a), to a private sector entity
23 intending to perform substantially the same func-
24 tions as were performed by the National Technical

1 Information Service immediately before such effective date.

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

11 (3) FUNDING.—No Federal funds may be appropriated for the National Technical Information Service for any fiscal year after fiscal year 1997.

14 (d) AMENDMENTS.—

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

19 (A) in section 2(b), by striking paragraph (1) and redesignating paragraphs (2) through (11) as paragraphs (1) through (10), respectively;

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

1 (C) in section 10, by striking “Advanced”
2 in both the section heading and subsection (a),
3 and inserting in lieu thereof “Standards and”;
4 and

5 (D) by striking sections 24, 25, 26, and
6 28.

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

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

14 (B) in section 4, by striking paragraphs
15 (1), (4), and (13) and redesignating paragraphs
16 (2), (3), (5), (6), (7), (8), (9), (10), (11), and
17 (12) as paragraphs (1) through (10), respec-
18 tively;

19 (C) by striking sections 5, 6, 7, 8, 9, and
20 10;

21 (D) in section 11—

22 (i) by striking “, the Federal Labora-
23 tory Consortium for Technology Transfer,”
24 in subsection (c)(3);

(ii) by striking “and the Federal Laboratory Consortium for Technology Transfer” in subsection (d)(2);

(iii) by striking “, and refer such requests” and all that follows through “available to the Service” in subsection (d)(3); and

(iv) by striking subsection (e); and
(E) in section 17—

(i) by striking “Subject to paragraph (2), separate” and inserting in lieu thereof “Separate” in subsection (c)(1);

(ii) by striking paragraph (2) of subsection (c);

(iii) by redesignating paragraph (3) of subsection (c) as paragraph (2); and

(iv) by inserting “administrative” after “funds to carry out” in subsection (f).

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

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

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

1 (2) all functions which, immediately before such
2 date, are functions of the Secretary of Commerce
3 under title 13, United States Code, shall be trans-
4 ferred to the Secretary of the Treasury.

5 (b) INTERIM SERVICE.—The individual serving as the
6 Director of the Census immediately before the reorganiza-
7 tion under this section takes effect may continue serving
8 in that capacity until a successor has taken office. Com-
9 pensation for any service under this subsection shall be
10 at the rate at which such individual was compensated im-
11 mediately before the effective date of the reorganization.

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

14 (1) make appropriate use of any authority af-
15 forded to it by the Census Address List Improve-
16 ment Act of 1994 (Public Law 103–430; 108 Stat.
17 4393), and take measures to ensure the timely im-
18 plementation of such Act; and

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

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

23 (1) TRANSFER OF THE BUREAU TO THE DE-
24 PARTMENT OF THE TREASURY.—(A) Section 2 of
25 title 13, United States Code, is amended by striking

1 “is continued as” through the period and inserting
2 “is an agency within, and under the jurisdiction of,
3 the Department of the Treasury.”.

4 (B) Subsection (e) of section 12 of the Act of
5 February 14, 1903 (15 U.S.C. 1511(e)) is repealed.

6 (2) DEFINITION OF SECRETARY.—Title 13,
7 United States Code, is amended in section 1(2) by
8 striking “Secretary of Commerce” and inserting
9 “Secretary of the Treasury”.

10 (3) REFERENCES IN TITLE 13, UNITED STATES
11 CODE, TO THE DEPARTMENT OF COMMERCE.—Title
12 13, United States Code, is amended in sections 4,
13 9(a), 23(b), 24(e), 44, 103, 132, 211, 213(b)(2),
14 221, 222, 223, 224, 225(a), and 241 by striking
15 “Department of Commerce” each place it appears
16 and inserting “Department of the Treasury”.

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

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

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

1 (i) by striking “Secretary of the Treasury”
2 each place it appears and inserting “Secretary”;
3 and

4 (ii) by striking “Secretary of Commerce”
5 and inserting “Secretary”.

6 (D)(i) Section 401(a) of title 13, United States
7 Code, is amended by striking “Secretary of Com-
8 merce” and inserting “Secretary”.

9 (ii) Section 8(e) of the Foreign Direct Invest-
10 ment and International Financial Data Improve-
11 ments Act of 1990 (22 U.S.C. 3144(e)) is amended
12 by striking “Secretary of Commerce” and inserting
13 “Secretary of the Treasury”.

14 (iii) Section 401(a) of title 13, United States
15 Code, is amended by striking “Department of Com-
16 merce” and inserting “Federal Reserve System”.

17 (5) COMPENSATION FOR THE POSITION OF DI-
18 RECTOR OF THE CENSUS.—Section 5315 of title 5,
19 United States Code, as amended by paragraph (7)
20 of section 108(e), is further amended by inserting
21 (in lieu of the item struck by such paragraph) the
22 following new item:

23 “Director of the Census, Department of the
24 Treasury.”.

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

4 “(c)(1) Nothing in subsection (a)(3) shall be consid-
 5 ered to permit the disclosure of any matter or information
 6 to an officer or employee of the Department of the Treas-
 7 ury who is not referred to in subchapter II if, immediately
 8 before the date specified in section 213(a) of the Depart-
 9 ment of Commerce Dismantling Act, such disclosure (if
 10 then made by an officer or employee of the Department
 11 of Commerce) would have been impermissible under this
 12 section (as then in effect).

13 “(2) Paragraph (1) shall not apply with respect to
 14 any disclosure made to the Secretary.”.

15 (e) RULE OF CONSTRUCTION.—For purposes of title
 16 III, the reorganization of the Bureau of the Census under
 17 this section shall be treated as if it involved a transfer
 18 of functions from one office to another.

19 **SEC. 208. REORGANIZATION OF THE BUREAU OF ECO-**
 20 **NOMIC ANALYSIS.**

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

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

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

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

14 (c) REPORTS.—Not later than 18 months after the
15 date of the enactment of this Act, the Director of the Bu-
16 reau of Economic Analysis shall submit to the Congress
17 a written report on—

18 (1) the availability of any private sector re-
19 sources that may be capable of performing any or all
20 of the functions of the Bureau of Economic Analy-
21 sis, and the feasibility of having any such functions
22 so performed; and

23 (2) the feasibility of implementing a system
24 under which fees may be assessed by the Bureau of
25 Economic Analysis in order to defray the costs of

1 any services performed by the Bureau of Economic
2 Analysis, when such services are performed other
3 than on behalf of the Federal Government or an
4 agency or instrumentality thereof.

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

9 **SEC. 209. TERMINATED FUNCTIONS OF NTIA.**

10 The following provisions of law are repealed:

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

15 (2) Subpart B of part IV of title III of the
16 Communications Act of 1934 (47 U.S.C. 394 et
17 seq.), relating to the Endowment for Children's
18 Educational Television.

19 (3) Subpart C of part IV of title III of the
20 Communications Act of 1934 (47 U.S.C. 395 et
21 seq.), relating to Telecommunications Demonstration
22 grants.

1 **SEC. 210. TRANSFER OF SPECTRUM MANAGEMENT FUNC-**
2 **TIONS.**

3 There are transferred to the Chairman of the Federal
4 Communications Commission all functions of the Sec-
5 retary of Commerce, the Assistant Secretary of Commerce
6 for Communications and Information, and the National
7 Telecommunications and Information Administration
8 under parts A and B of the National Telecommunication
9 and Information Administration Organization Act.

10 **SEC. 211. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
11 **ISTRATION.**

12 (a) **TERMINATION OF AUTHORITY TO MAKE FISH-**
13 **ERIES GRANTS.**—No financial assistance may be provided
14 under any of the following laws, except to the extent the
15 provision of that assistance is a contractual obligation of
16 the United States on the day before the effective date of
17 this section:

18 (1) Section 2 of the Act of August 11, 1939
19 (15 U.S.C. 713c–3), popularly known as the
20 “Saltonstall-Kennedy Act”.

21 (2) Section 1 of the Act of September 2, 1960
22 (16 U.S.C. 753a).

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

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

1 (5) Provisions of the Magnuson-Stevens Fishery
2 Conservation and Management Act (16 U.S.C. 1801
3 et seq.) and the Department of Commerce Approp-
4 riation Act of 1994 that authorize assistance to
5 State fishery agencies to enhance their data collec-
6 tion and analysis systems to respond to coastwise
7 fisheries management needs.

8 (6) The Interjurisdictional Fisheries Act of
9 1986 (16 U.S.C. 4101 et seq.).

10 (7) Provisions of the Fish and Wildlife Act of
11 1956 (16 U.S.C. 742a) and the Department of Com-
12 merce Appropriation Act of 1994 that authorize as-
13 sistance to States for a cooperative State and Fed-
14 eral partnership to provide a continuing source of
15 fisheries statistics to support fisheries management
16 in the States' territorial waters and the United
17 States exclusive economic zone.

18 (8) Provisions of the Fish and Wildlife Act of
19 1956 (16 U.S.C. 742a) and the Department of Com-
20 merce Appropriation Act of 1994 that authorize as-
21 sistance to States for a cooperative program which
22 engages State and Federal agencies in the coordi-
23 nated collection, management, and dissemination of
24 fishery-independent information on marine fisheries
25 in support of State territorial waters and the United

1 States exclusive economic zone fisheries management
2 programs.

3 (9) Provisions of the Act of May 11, 1938 (16
4 U.S.C. 756–757), popularly known as the Mitchell
5 Act, and the Department of Commerce Appropria-
6 tion Act of 1994 that authorize assistance to State
7 fisheries agencies in the Pacific Northwest to protect
8 and enhance salmon and steelhead resources in the
9 region.

10 (10) Provisions of the Pacific Salmon Treaty
11 Act of 1985 (16 U.S.C. 3631–3644) and the De-
12 partment of Commerce Appropriation Act of 1994
13 that authorize assistance to States in fulfilling re-
14 sponsibilities under the Pacific Salmon Treaty by
15 providing administrative, management, and applied
16 research support to the States to meet the needs of
17 the Pacific Salmon Commission and international
18 commitments under the treaty.

19 (11) Provisions of the Marine Mammal Protec-
20 tion Act of 1972 (16 U.S.C. 1371–1384) and the
21 Department of Commerce Appropriation Act of 1994
22 which authorize assistance to State agencies for the
23 collection and analysis of information on marine
24 mammals that occur in the State waters and inter-
25 act with State managed fisheries.

1 (12) Provisions of the Pacific Salmon Treaty
2 Act of 1985 (16 U.S.C. 3631–3644) and the De-
3 partment of Commerce Appropriation Act of 1994
4 that—

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

11 (B) help implement a 1989 “Understand-
12 ing between the United States and Canadian
13 Sections of the Pacific Salmon Commission
14 Concerning Joint Enhancement of
15 Transboundary River Salmon Stocks”.

16 (b) TERMINATION OF FISHERIES TRADE PROMOTION
17 PROGRAM.—Section 211 of the Act of December 22, 1989
18 (15 U.S.C. 1511b) is repealed.

19 (c) CONFORMING AMENDMENT TO TERMINATE FISH-
20 ERIES PROMOTION AND DEVELOPMENT TRANSFERS AND
21 FUNDS.—Section 2(b) of the Act of August 11, 1939 (15
22 U.S.C. 713c–3), popularly known as the “Saltonstall-Ken-
23 nedy Act”, is repealed. Amounts remaining, on the effec-
24 tive date of this section, in the funds established under
25 that section that are not required for the provision of fi-

1 nancial assistance that is not otherwise terminated by this
2 section shall revert to the general fund of the Treasury.

3 (d) TERMINATION OF AUTHORITY TO GUARANTEE
4 OBLIGATIONS FOR FISHING VESSEL AND FISHING FACIL-
5 ITY CONSTRUCTION, ETC.—No new guarantee of an obli-
6 gation or commitment to guarantee an obligation under
7 title XI of the Merchant Marine Act, 1936 (46 App.
8 U.S.C. 1271 et seq.) may be made under authority that
9 was vested in the Secretary of Commerce on the day be-
10 fore the effective date of this section (relating to obliga-
11 tions for fishing vessels or fishing facilities), except to the
12 extent the making of such a guarantee was a contractual
13 obligation of the United States on the day before that ef-
14 fective date.

15 (e) TERMINATION OF COMPENSATION UNDER FISH-
16 ERMEN’S PROTECTIVE ACT OF 1967.—No compensation
17 may be paid under section 10 of the Fishermen’s Protec-
18 tive Act of 1967 (22 U.S.C. 1980), relating to compensa-
19 tion for damage, loss, or destruction of fishing vessels or
20 fishing gear, except to the extent the compensation was
21 awarded before the effective date of this section.

22 (f) TERMINATION OF COMPENSATION TO FISHERMEN
23 UNDER OUTER CONTINENTAL SHELF LANDS ACT
24 AMENDMENTS OF 1978.—No compensation may be paid
25 under title IV of the Outer Continental Shelf Lands Act

1 Amendments of 1978 (43 U.S.C. 1841 et seq.), except to
2 the extent the compensation was awarded before the effec-
3 tive date of this section.

4 (g) TERMINATION OF MISCELLANEOUS RESEARCH
5 FUNCTIONS.—The following functions, as vested in per-
6 sonnel of the National Oceanic and Atmospheric Adminis-
7 tration on the day before the effective date of this section,
8 are terminated:

9 (1) All observation and prediction functions re-
10 lating to pollution research.

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

13 (h) TERMINATION OF NOAA CORPS.—

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

18 (2) DISPOSITION OF ASSETS.—The Adminis-
19 trator of the Commerce Programs Resolution Agen-
20 cy shall attempt to sell the assets of the National
21 Oceanic and Atmospheric Administration Corps,
22 within 18 months after the effective date specified in
23 section 213(a), to a private sector entity intending
24 to perform substantially the same functions as were
25 performed by the National Oceanic and Atmospheric

1 Administration Corps immediately before such effective date.

3 (3) REPORT.—If no offer to purchase assets
4 under paragraph (2) is received within the 18-month
5 period described in such paragraph, the Commerce
6 Programs Resolution Agency shall submit a report
7 to the Congress containing recommendations on the
8 appropriate disposition of the assets and functions of
9 the National Oceanic and Atmospheric Administration
10 Corps.

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

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

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

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

22 (j) OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH.—
23

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

4 (2) WEATHER RESEARCH.—Functions relating
5 to weather research of the Office of Oceanic and At-
6 mospheric Research shall be transferred to the Na-
7 tional Weather Service.

8 (3) OFFICE OF OCEANIC AND ATMOSPHERIC RE-
9 SEARCH.—(A) The laboratories of the Office of Oce-
10 anic and Atmospheric Research shall be transferred
11 to the Commerce Programs Resolution Agency.

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

21 (C) If no offer to purchase property under sub-
22 paragraph (B) is received within the 18-month pe-
23 riod described in such subparagraph, the Commerce
24 Programs Resolution Agency shall transfer the re-
25 maining laboratories to the Department of the Inte-

1 rior, which shall submit a report to the Congress
2 containing recommendations on the appropriate dis-
3 position of the property and functions of such lab-
4 oratories.

5 (k) NAUTICAL AND AERONAUTICAL CHARTING.—

6 (1) TRANSFER.—The nautical and aeronautical
7 charting functions of the National Oceanic and At-
8 mospheric Administration shall be transferred to the
9 Defense Mapping Agency.

10 (2) TERMINATION.—The Defense Mapping
11 Agency shall terminate any functions transferred to
12 it under paragraph (1) that are performed by the
13 private sector.

14 (l) NESDIS.—

15 (1) TRANSFER.—(A) The National Environ-
16 mental Satellite, Data, and Information System
17 Data Centers shall be transferred to the Commerce
18 Programs Resolution Agency.

19 (B) The Commerce Programs Resolution Agen-
20 cy shall attempt to sell the property of the National
21 Environmental Satellite, Data, and Information Sys-
22 tem Data Centers, within 18 months after the effec-
23 tive date specified in section 213(a), to a private sec-
24 tor entity intending to perform substantially the
25 same functions as were performed by the National

1 Environmental Satellite, Data, and Information Sys-
2 tem Data Centers immediately before such effective
3 date.

4 (C) If no offer to purchase property under sub-
5 paragraph (B) is received within the 18-month pe-
6 riod described in such subparagraph, the Commerce
7 Programs Resolution Agency shall submit a report
8 to the Congress containing recommendations on the
9 appropriate disposition of the property and functions
10 of the National Environmental Satellite, Data, and
11 Information System Data Centers.

12 (2) WEATHER SATELLITE FUNCTIONS.—Func-
13 tions related to weather satellites of the National
14 Environmental Satellite, Data, and Information Sys-
15 tem shall be transferred to the National Weather
16 Service.

17 (m) NATIONAL WEATHER SERVICE.—

18 (1) TRANSFER.—The National Weather Service
19 is hereby transferred to the Department of the Inte-
20 rior.

21 (2) TERMINATION OF FUNCTIONS.—(A) The
22 National Weather Service shall terminate its special-
23 ized agricultural, Marine Radiofax, and forestry
24 weather services, and its Regional Climate Centers.

1 (B) The National Weather Service may termi-
2 nate any other specialized weather services not re-
3 quired by law to be performed.

4 (n) NATIONAL MARINE FISHERIES SERVICE.—

5 (1) TRANSFER OF ENFORCEMENT FUNC-
6 TIONS.—There are transferred to the Secretary of
7 Transportation all functions relating to law enforce-
8 ment that on the day before the effective date of this
9 section were authorized to be performed by the Na-
10 tional Marine Fisheries Service.

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

17 (3) TRANSFER OF SEAFOOD INSPECTION FUNC-
18 TIONS.—There are transferred to the Secretary of
19 Agriculture all functions relating to seafood inspec-
20 tion that on the day before the effective date of this
21 section were authorized to be performed by the Na-
22 tional Marine Fisheries Service.

23 (o) NATIONAL OCEAN SERVICE.—

24 (1) TRANSFER OF GEODESY FUNCTIONS.—
25 There are transferred to the Director of the United

1 States Geological Survey all functions relating to ge-
2 odesy that on the day before the effective date of
3 this section were authorized to be performed by the
4 National Ocean Service.

5 (2) TRANSFER OF MARINE AND ESTUARINE
6 SANCTUARY FUNCTIONS.—There are transferred to
7 the Secretary of the Interior all functions relating to
8 marine and estuarine sanctuaries that on the day
9 before the effective date of this section were author-
10 ized to be performed by the National Ocean Service.

11 (p) ENVIRONMENTAL RESEARCH LABORATORIES.—

12 (1) TRANSFER.—The environmental research
13 laboratories of the National Oceanic and Atmos-
14 pheric Administration (other than laboratories of the
15 Office of Oceanic and Atmospheric Research, re-
16 ferred to in subsection (j)) shall be transferred to
17 the Commerce Programs Resolution Agency.

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

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

8 **SEC. 212. MISCELLANEOUS ABOLISHMENTS.**

9 The following agencies and programs of the Depart-
10 ment of Commerce are abolished, and the functions of
11 those agencies or programs are abolished except to the ex-
12 tent otherwise provided in this Act:

13 (1) The Economic Development Administration.

14 (2) The Minority Business Development Admin-
15 istration.

16 (3) The United States Travel and Tourism Ad-
17 ministration.

18 (4) The National Telecommunications and In-
19 formation Administration.

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

23 (6) The Manufacturing Extension Programs
24 under sections 25 and 26 of the National Institute

1 of Standards and Technology Act (15 U.S.C. 278k
2 and 278l).

3 **SEC. 213. EFFECTIVE DATE.**

4 (a) IN GENERAL.—Except as provided in subsection
5 (b), this title shall take effect on the effective date speci-
6 fied in section 109(a).

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

10 (1) Section 201.

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

12 (3) Section 212.

13 **SEC. 214. SENSE OF CONGRESS REGARDING USER FEES.**

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

19 **TITLE III—MISCELLANEOUS**
20 **PROVISIONS**

21 **SEC. 301. REFERENCES.**

22 Any reference in any other Federal law, Executive
23 order, rule, regulation, or delegation of authority, or any
24 document of or pertaining to an office from which a func-
25 tion is transferred by this Act—

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

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

9 **SEC. 302. EXERCISE OF AUTHORITIES.**

10 Except as otherwise provided by law, a Federal offi-
11 cial to whom a function is transferred by this Act may,
12 for purposes of performing the function, exercise all au-
13 thorities under any other provision of law that were avail-
14 able with respect to the performance of that function to
15 the official responsible for the performance of the function
16 immediately before the effective date of the transfer of the
17 function under this Act.

18 **SEC. 303. SAVINGS PROVISIONS.**

19 (a) **LEGAL DOCUMENTS.**—All orders, determinations,
20 rules, regulations, permits, grants, loans, contracts, agree-
21 ments, certificates, licenses, and privileges—

22 (1) that have been issued, made, granted, or al-
23 lowed to become effective by the President, the Sec-
24 retary of Commerce, any officer or employee of any
25 office transferred by this Act, or any other Govern-

1 ment official, or by a court of competent jurisdic-
2 tion, in the performance of any function that is
3 transferred by this Act, and

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

8 shall continue in effect according to their terms until
9 modified, terminated, superseded, set aside, or revoked in
10 accordance with law by the President, any other author-
11 ized official, a court of competent jurisdiction, or operation
12 of law.

13 (b) PROCEEDINGS.—This Act shall not affect any
14 proceedings or any application for any benefits, service,
15 license, permit, certificate, or financial assistance pending
16 on the date of the enactment of this Act before an office
17 transferred by this Act, but such proceedings and applica-
18 tions shall be continued. Orders shall be issued in such
19 proceedings, appeals shall be taken therefrom, and pay-
20 ments shall be made pursuant to such orders, as if this
21 Act had not been enacted, and orders issued in any such
22 proceeding shall continue in effect until modified, termi-
23 nated, superseded, or revoked by a duly authorized official,
24 by a court of competent jurisdiction, or by operation of
25 law. Nothing in this subsection shall be considered to pro-

1 hibit the discontinuance or modification of any such pro-
2 ceeding under the same terms and conditions and to the
3 same extent that such proceeding could have been discon-
4 tinued or modified if this Act had not been enacted.

5 (c) SUITS.—This Act shall not affect suits com-
6 menced before the date of the enactment of this Act, and
7 in all such suits, proceeding shall be had, appeals taken,
8 and judgments rendered in the same manner and with the
9 same effect as if this Act had not been enacted.

10 (d) NONABATEMENT OF ACTIONS.—No suit, action,
11 or other proceeding commenced by or against the Depart-
12 ment of Commerce or the Secretary of Commerce, or by
13 or against any individual in the official capacity of such
14 individual as an officer or employee of an office trans-
15 ferred by this Act, shall abate by reason of the enactment
16 of this Act.

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

1 **SEC. 304. TRANSFER OF ASSETS.**

2 Except as otherwise provided in this Act, so much
3 of the personnel, property, records, and unexpended bal-
4 ances of appropriations, allocations, and other funds em-
5 ployed, used, held, available, or to be made available in
6 connection with a function transferred to an official or
7 agency by this Act shall be available to the official or the
8 head of that agency, respectively, at such time or times
9 as the Director of the Office of Management and Budget
10 directs for use in connection with the functions trans-
11 ferred.

12 **SEC. 305. DELEGATION AND ASSIGNMENT.**

13 Except as otherwise expressly prohibited by law or
14 otherwise provided in this Act, an official to whom func-
15 tions are transferred under this Act (including the head
16 of any office to which functions are transferred under this
17 Act) may delegate any of the functions so transferred to
18 such officers and employees of the office of the official as
19 the official may designate, and may authorize successive
20 redelegations of such functions as may be necessary or ap-
21 propriate. No delegation of functions under this section
22 or under any other provision of this Act shall relieve the
23 official to whom a function is transferred under this Act
24 of responsibility for the administration of the function.

1 **SEC. 306. AUTHORITY OF ADMINISTRATOR WITH RESPECT**
2 **TO FUNCTIONS TRANSFERRED.**

3 (a) DETERMINATIONS.—If necessary, the Adminis-
4 trator shall make any determination of the functions that
5 are transferred under this Act.

6 (b) INCIDENTAL TRANSFERS.—The Administrator,
7 at such time or times as the Administrator shall provide,
8 may make such determinations as may be necessary with
9 regard to the functions transferred by this Act, and to
10 make such additional incidental dispositions of personnel,
11 assets, liabilities, grants, contracts, property, records, and
12 unexpended balances of appropriations, authorizations, al-
13 locations, and other funds held, used, arising from, avail-
14 able to, or to be made available in connection with such
15 functions, as may be necessary to carry out the provisions
16 of this Act. The Administrator shall provide for the termi-
17 nation of the affairs of all entities terminated by this Act
18 and for such further measures and dispositions as may
19 be necessary to effectuate the purposes of this Act.

20 **SEC. 307. PROPOSED CHANGES IN LAW.**

21 Not later than one year after the date of the enact-
22 ment of this Act, the Director of the Office of Manage-
23 ment and Budget shall submit to the Congress a descrip-
24 tion of any changes in Federal law necessary to reflect
25 abolishments, transfers, terminations, and disposals under
26 this Act.

1 **SEC. 308. CERTAIN VESTING OF FUNCTIONS CONSIDERED**
2 **TRANSFERS.**

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

7 **SEC. 309. DEFINITIONS.**

8 For purposes of this Act, the following definitions
9 apply:

10 (1) ADMINISTRATOR.—The term “Adminis-
11 trator” means the Administrator of the Commerce
12 Programs Resolution Agency.

13 (2) AGENCY.—The term “Agency” means the
14 Commerce Programs Resolution Agency.

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

18 (4) OFFICE.—The term “office” includes any
19 office, administration, agency, bureau, institute,
20 council, unit, organizational entity, or component
21 thereof.

22 (5) WIND-UP PERIOD.—The term “wind-up pe-
23 riod” means the period beginning on the effective
24 date specified in section 109(a) and ending on the
25 termination date specified in section 106(d).

1 **SEC. 310. LIMITATION ON ANNUAL EXPENDITURES FOR**
2 **CONTINUED FUNCTIONS.**

3 The amount expended by the United States each fis-
4 cal year for performance of a function which immediately
5 before the effective date of this section was authorized to
6 be performed by an agency, officer, or employee of the De-
7 partment of Commerce may not exceed 75 percent of the
8 total amount expended by the United States for perform-
9 ance of that function during fiscal year 1994.

○