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A BILL

To establish a Department of International Trade and Industry as an Executive Department of the Government of the United States, and for other purposes.

- 1 Be it enacted by the Senate and House of Representatives
- 2 of the United States of America in Congress assembled, That
- 3 this Act may be cited as the "Department of International
- 4 Trade and Industry Act of 1985".

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TITLE I - FINDINGS; DEFINITIONS

CONGRESSIONAL FINDINGS

SEC. 101. The Congress finds and declares that--

(1) principal national goals of the United States are

to--

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

4 (B) reinvigorate the ability of the United States
5 economy to compete in international markets and to
6 respond flexibly to changes in international competi-
7 tion; and

8 (C) expand United States participation in inter-
9 national trade and investment through aggressive
10 promotion and marketing of American products and
11 services;

12 (2) the expansion of United States participation in
13 international trade will improve the general welfare of the
14 people of the United States by increasing demand for
15 American products and services, creating jobs, and increas-
16 ing the gross national product;

17 (3) the Federal Government can enhance the capability
18 of United States businesses to compete in foreign markets
19 by acting to--

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

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

24 (C) encourage aggressive participation by the
25 private sector in the international marketplace; and

1 (D) develop policies to enhance productivity and
2 long-term growth;

3 (4) effective and efficient Government action to
4 enhance the capability of United States businesses to
5 compete in foreign markets requires coordination of the
6 development and implementation of Government policies
7 relating to the international trade interests of the United
8 States;

9 (5) the Federal Government can enhance the capability
10 of State governments to attract international investment
11 and expand foreign markets for goods and services produced
12 in such States by-

13 (A) providing information resources suitable for
14 developing and conducting international export and
15 investment programs in the States;

16 (B) coordinating activities of Federal overseas
17 trade facilities with State international trade
18 offices;

19 (C) providing practical and technical assistance
20 to States developing or conducting international
21 export and investment programs; and

22 (D) taking appropriate actions to promote the
23 availability of such information and assistance;

24 (6) the consolidation of Government functions relating
25 to international trade, including functions relating to

1 technical analysis, policymaking, international negotia-
2 tion, and operational responsibilities, into a Department
3 of International Trade and Industry will provide the needed
4 coordination of Government activity in international trade
5 and will encourage the retention of the highly experienced
6 personnel necessary for such coordination to be effective;

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

10 (8) the United States requires strong and unified
11 leadership and stronger institutions if it is to meet the
12 growing challenge of foreign competition; and

13 (9) it is, for these reasons, necessary and appropri-
14 ate to consolidate those trade functions that are essential
15 for accomplishing these ends.

16 DEFINITIONS

17 SEC. 102. As used in this Act, unless otherwise
18 provided or indicated by the context--

19 (1) "Department" means the Department of International
20 Trade and Industry;

21 (2) "Secretary" means the Secretary of International
22 Trade and Industry;

23 (3) "function" means any duty, obligation, power,
24 authority, responsibility, right, privilege, activity, or
25 program;

1 (4) "administrative and support functions" means legal
2 functions, investigative functions, budget preparation and
3 analysis functions, administrative functions, public
4 information functions, and congressional relations func-
5 tions carried out by a Federal agency, and such other
6 support services as may be determined by the head of such
7 agency;

8 (5) "executive department" has the meaning given to
9 the term "Executive department" by section 101 of title 5,
10 United States Code;

11 (6) "Federal agency" has the meaning given to the term
12 "agency" by section 551(1) of such title;

13 (7) "office" includes any office, administration,
14 agency, institute, unit, organizational entity, or compo-
15 nent thereof.

16 TITLE II - DEPARTMENT OF INTERNATIONAL

17 TRADE AND INDUSTRY

18 ESTABLISHMENT OF DEPARTMENT

19 SEC. 201. There is established an executive department
20 to be known as the Department of International Trade and
21 Industry. The Department shall be headed by a Secretary of
22 International Trade and Industry who shall be appointed by
23 the President, by and with the advice and consent of the
24 Senate. The Secretary shall be the United States Trade
25 Representative.

FUNCTIONS OF THE SECRETARY

SEC. 202. (a) Consistent with the responsibilities of other officers of the United States, the principal functions of the Secretary shall be to --

(1) exercise primary responsibility, with the advice of the interagency organization established under section 242 of the Trade Expansion Act of 1962, as amended (19 U.S.C. § 1872), for developing, and coordinating the implementation of, international trade policy, including commodity matters and, to the extent they are related to international trade policy, direct investment matters;

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

(3) exercise lead responsibility for the conduct of international trade negotiations, including negotiations relating to commodity matters and, to the extent they are related to international trade, direct investment negotiations;

(4) with the advice of the interagency organization established under section 242 of the Trade Expansion Act of 1962, as amended (19 U.S.C. § 1872), issue policy guidance to other Federal agencies on

1 international trade, commodity and direct investment
2 functions to the extent necessary to assure the
3 coordination of international trade policy;

4 (5) report directly to the Congress--

5 (A) on the administration of, and matters
6 pertaining to, the trade agreements program under
7 the Trade Act of 1974, the Trade Expansion Act of
8 1962, and section 350 of the Tariff Act of 1930;
9 and

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

12 (6) seek and promote new opportunities for
13 American products and services to compete in the world
14 marketplace;

15 (7) enforce the laws of the United States relat-
16 ing to trade;

17 (8) analyze economic trends and developments in
18 order to understand and foster the conditions that
19 enhance productivity and growth; and

20 (9) consult and cooperate with State and local
21 governments and other interested parties on interna-
22 tional trade matters of interest to such governments
23 and parties, and to the extent related to internation-
24 al trade matters, on investment matters, and, when
25 appropriate, hold informal public hearings;

1 (b) The Secretary shall be the Chairman of the Board
2 of Directors of the Overseas Private Investment Corpora-
3 tion. The provisions of section 512(a) of this Act shall
4 not apply to this function. The Director of the United
5 States International Development Cooperation Agency shall
6 be Vice Chairman.

7 (c) The Secretary shall serve as the Chairman pro
8 tempore of the interagency organization established by
9 section 242 of the Trade Expansion Act of 1962, as amended
10 (19 U.S.C. § 1872). The President shall serve as the
11 Chairman, and the Secretary of Agriculture shall serve as
12 the Vice Chairman, of such interagency organization.

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

17 (e) Nothing in this Act is intended to derogate from
18 the responsibility of the Secretary of State for advising
19 the President on foreign policy matters, including the
20 foreign policy aspects of international trade and trade-
21 related matters.

22 DEPUTY SECRETARY

23 SEC. 203. (a) There shall be within the Department a
24 Deputy Secretary of International Trade and Industry, who

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

3 (b) In addition to the function described in subsec-
4 tion (c) of this section, the Deputy Secretary shall
5 perform such duties and exercise such powers as the Secre-
6 tary may from time to time prescribe, and shall act for and
7 exercise the functions of the Secretary during the absence
8 or disability of the Secretary, or in the event the office
9 of Secretary becomes vacant, until the absence or disabili-
10 ty no longer exists or a successor to the Secretary has
11 been appointed.

12 (c) The Deputy Secretary shall be Vice Chairman of the
13 Board of Directors of the Export-Import Bank of the United
14 States.

15 UNDER SECRETARIES

16 SEC. 204. (a) There shall be within the Department
17 three Under Secretaries who shall be appointed by the
18 President, by and with the advice and consent of the
19 Senate.

20 (b) The Under Secretaries shall perform such duties as
21 the Secretary may from time to time prescribe, except that
22 one Under Secretary shall be assigned primary responsibili-
23 ty for managing programs to encourage residents of foreign
24 countries to travel to and within the United States.

1 ASSISTANT SECRETARIES

2 SEC. 205. (a) There shall be within the Department
3 seven Assistant Secretaries who shall be appointed by the
4 President, by and with the advice and consent of the
5 Senate.

6 (b) The Assistant Secretaries shall perform such
7 functions as the Secretary may from time to time prescribe.

8 GENERAL COUNSEL

9 SEC. 206. There shall be within the Department a
10 General Counsel who shall be appointed by the President, by
11 and with the advice and consent of the Senate.

12 INSPECTOR GENERAL

13 SEC. 207. There shall be within the Department an
14 Inspector General who shall be appointed in accordance with
15 the Inspector General Act of 1978, as amended.

16 OTHER SENIOR POSITIONS

17 SEC. 208. (a) There shall be a Permanent Representa-
18 tive to the General Agreement on Tariffs and Trade who
19 shall be appointed by the President, by and with the advice
20 and consent of the Senate, and who shall have the rank and
21 status of Ambassador.

22 (b) There shall be a Chief Negotiator for Textile
23 Matters who shall be appointed by the President, by and
24 with the advice and consent of the Senate, and who shall
25 have the rank and status of Ambassador.

1 (c) There shall be within the Department a Director
2 General of the United States and Foreign Commercial Servic-
3 es who shall be appointed by the President, by and with the
4 advice and consent of the Senate.

5 ADVISOR TO THE PRESIDENT FOR INTERNATIONAL TRADE,
6 ECONOMIC, AND FINANCIAL POLICY

7 SEC. 209. (a) There shall be in the Executive Office
8 of the President an Advisor to the President for Inter-
9 national Trade, Economic, and Financial Policy, who shall
10 be appointed by the President.

11 (b) The Advisor is authorized to employ not in excess
12 of fifteen professional staff members, and such additional
13 secretarial, clerical, and support personnel as may be
14 necessary, to provide support and assistance to the
15 Advisor.

16 (c) Upon the request of the Advisor and with the con-
17 currence of the heads of federal agencies represented on
18 such interagency organization, there may be detailed to the
19 Advisor, on a reimbursable or nonreimbursable basis,
20 officers and employees of such agencies, to provide support
21 and assistance to the Advisor. Not more than ten such

1 officers and employees may be detailed to the Advisor in
2 any fiscal year.

3 TITLE III - TRANSFERS TO THE DEPARTMENT
4 OF INTERNATIONAL TRADE AND INDUSTRY
5 TRANSFERS FROM THE OFFICE OF THE UNITED
6 STATES TRADE REPRESENTATIVE

7 SEC. 301. There are transferred to the Secretary all
8 functions vested in or delegated to (i) the United States
9 Trade Representative, (ii) the Office of the United States
10 Trade Representative, or (iii) any officer or employee of
11 the Office of the United States Trade Representative.

12 TRANSFERS FROM THE DEPARTMENT OF COMMERCE

13 SEC. 302. Except as prescribed in title IV of this
14 Act, there are transferred to the Secretary all functions
15 vested in or delegated to (i) the Secretary of Commerce,
16 (ii) the Office of the Secretary of Commerce, (iii) the
17 Department of Commerce, or (iv) any officer or employee
18 of--

19 (1) the International Trade Administration,
20 including all functions performed by, or under the
21 direction of, the Under Secretary for International
22 Trade, the Deputy Under Secretary for International
23 Trade, the Assistant Secretary for Trade Development,
24 the Assistant Secretary for Trade Administration, the
25 Assistant Secretary for International Economic Policy,

1 and the Director General of the United States and
2 Foreign Commercial Services;

3 (2) the Under Secretary for Economic Affairs,
4 including all functions performed by, or under the
5 direction of, the Under Secretary for Economic Af-
6 fairs, the Assistant Secretary for Productivity,
7 Technology and Innovation, the Director of the Bureau
8 of Economic Analysis, the Director of the National
9 Technical Information Service, and the Chief Econo-
10 mist, but not including functions vested in or dele-
11 gated to the Director of the Bureau of the Census;

12 (3) the National Telecommunications and Informa-
13 tion Administration, including all functions performed
14 by, or under the direction of, the Assistant Secretary
15 for Communications and Information and the heads of
16 the Office of International Affairs, the Office of
17 Telecommunications Application, the Office of Federal
18 Systems and Spectrum Management, and the Institute for
19 Telecommunications Sciences; and

20 (4) the United States Travel and Tourism Adminis-
21 tration, including all functions performed by, or
22 under the direction of, the Under Secretary for Travel
23 and Tourism and the Assistant Secretary for Tourism
24 Marketing.

1 TITLE IV - TRANSFERS FROM THE DEPARTMENT
2 OF COMMERCE

3 SUBTITLE A - ECONOMIC DEVELOPMENT ADMINISTRATION

4 TRANSFER TO THE DEPARTMENT OF AGRICULTURE

5 SEC. 401. All functions vested in or delegated to (i)
6 the Economic Development Administration or any officer or
7 employee of the Economic Development Administration, or
8 (ii) the Secretary of Commerce or any other officer or
9 employee of the Department of Commerce relating to the
10 Economic Development Administration; are transferred to the
11 Secretary of Agriculture.

12 ADMINISTRATIVE PROVISIONS

13 SEC. 402. For a period of not less than one year from
14 the effective date of this Act--

15 (1) the Economic Development Administration shall
16 be a separate, identifiable unit of the Department of
17 Agriculture; and

18 (2) all functions transferred by section 401 of
19 this Act shall be performed by the Secretary of
20 Agriculture through the Economic Development Adminis-
21 tration, except that the Secretary of Agriculture may
22 perform administrative and support functions for the
23 Economic Development Administration and other compo-
24 nents of the Department of Agriculture on a central-
25 ized basis.

1 TECHNICAL PROVISION

2 SEC. 403. As used in this subtitle, the term "func-
3 tion" includes responsibility for performing all acts
4 relating to the furnishing of adjustment assistance under
5 chapters 3 and 4 of Title II of the Trade Act of 1974, as
6 amended (19 U.S.C. § 2341 et seq. and 19 U.S.C. § 2371 et
7 seq.) for projects approved prior to October 1, 1981 but
8 does not include authority to provide additional assistance
9 or to otherwise increase the liability of the United States
10 with respect to such projects.

11 SUBTITLE B - MINORITY BUSINESS DEVELOPMENT AGENCY

12 TRANSFER TO THE DEPARTMENT OF HOUSING

13 AND URBAN DEVELOPMENT [SMALL BUSINESS ADMINISTRATION]

14 SEC. 411. All functions vested in or delegated to (i)
15 the Minority Business Development Agency or any officer or
16 employee of the Minority Business Development Agency, or
17 (ii) the Secretary of Commerce or any other officer or
18 employee of the Department of Commerce relating to the
19 Minority Business Development Agency; are transferred to
20 the Secretary of Housing and Urban Development [Administra-
21 tor of the Small Business Administration].

22 ADMINISTRATIVE PROVISIONS

23 SEC. 412. For a period of not less than one year from
24 the effective date of this Act --

1 (1) the Minority Business Development Agency
2 shall be a separate, identifiable unit of the Depart-
3 ment of Housing and Urban Development [Small Business
4 Administration]; and

5 (2) all functions transferred by section 441 of
6 this Act shall be performed by the Secretary of
7 Housing and Urban Development [Administrator of the
8 Small Business Administration] through the Minority
9 Business Development Agency, except that the Secretary
10 [Administrator] may perform administrative and support
11 functions for the Minority Business Development Agency
12 and other components of the Department of Housing and
13 Urban Development [Small Business Administration] on a
14 centralized basis.

15 SUBTITLE C - NATIONAL BUREAU OF STANDARDS

16 TRANSFER TO THE NATIONAL SCIENCE FOUNDATION

17 SEC. 421. All functions vested in or delegated to (i)
18 the National Bureau of Standards or any officer or employee
19 of the National Bureau of Standards, or (ii) the Secretary
20 of Commerce or any other officer or employee of the Depart-
21 ment of Commerce relating to the National Bureau of
22 Standards; are transferred to the Director of the National
23 Science Foundation.

24 ADMINISTRATIVE PROVISIONS

1 SEC. 422. (a) For a period of not less than one year
2 from the effective date of this Act --

3 (1) the National Bureau of Standards shall be a
4 separate, identifiable unit of the National Science
5 Foundation; and

6 (2) all functions transferred by section 421 of
7 this Act shall be performed by the Director of the
8 National Science Foundation through the National
9 Bureau of Standards, except that the Director of the
10 National Science Foundation may perform administrative
11 and support functions for the National Bureau of
12 Standards and other components of the National Science
13 Foundation on a centralized basis.

14 (b) The functions transferred by section 421 of this
15 Act shall be performed in accordance with policies estab-
16 lished by the National Science Board and under the
17 authority and direction of the Director of the National
18 Science Foundation.

19 TECHNICAL PROVISION

20 SEC. 423. The provisions of "section 14(c) of the
21 National Science Foundation Act of 1950, as amended (42
22 U.S.C. § 1873(c)), relating to the operation of labora-
23 tories and pilot plants, shall not apply to functions
24 transferred by this subtitle.

1 SUBTITLE D - PATENT AND TRADEMARK OFFICE

2 TRANSFER TO THE DEPARTMENT OF JUSTICE

3 SEC. 431. All functions vested in or delegated to (i)
4 the Patent and Trademark Office, or any officer or employee
5 of the Patent and Trademark Office, or (ii) the Secretary
6 of Commerce, or any other officer or employee of the
7 Department of Commerce with respect to the Patent and
8 Trademark Office; are transferred to the Attorney General
9 of the United States.

10 SEC. 432. For a period of not less than one year from
11 the effective date of this Act--

12 (1) the Patent and Trademark Office shall be a
13 separate, identifiable unit of the Department of
14 Justice; and

15 (2) all functions transferred by section 431 of
16 this Act shall be performed by the Attorney General
17 through the Patent and Trademark Office, except that
18 the Attorney General may perform administrative and
19 support functions for the Patent and Trademark Office
20 and other components of the Department of Justice on a
21 centralized basis.

22 SUBTITLE E - BUREAU OF THE CENSUS

23 CONTINUATION

24 SEC. 441. The Bureau of the Census shall be continued
25 as a separate executive agency.

TRANSFER OF FUNCTIONS

SEC. 442. All functions vested in or delegated to (i) the Bureau of the Census or any officer or employee of the Bureau of the Census, or (ii) the Secretary of Commerce or any other officer or employee of the Department of Commerce with respect to the Bureau of the Census; are transferred to the Director thereof.

TECHNICAL PROVISION

SEC. 443. Provisions of law concerning the disclosure of information in the possession of the Bureau of the Census and the provision of information to the Bureau of the Census shall in no way be affected by the provisions of this Act.

SUBTITLE F - NATIONAL OCEANIC AND

ATMOSPHERIC ADMINISTRATION

CONTINUATION

SEC. 451. The National Oceanic and Atmospheric Administration shall be continued as a separate executive agency.

TRANSFER OF FUNCTIONS

SEC. 452. All functions vested in or delegated to (i) the National Oceanic and Atmospheric Administration or any officer or employee of the National Oceanic and Atmospheric Administration, or (ii) the Secretary of Commerce or any other officer or employee of the Department of Commerce

1 with respect to the National Oceanic and Atmospheric
2 Administration; are transferred to the Administrator
3 thereof.

4 TITLE V -- ADMINISTRATIVE PROVISIONS

5 SUBTITLE A - PERSONNEL PROVISIONS

6 OFFICERS AND EMPLOYEES

7 SEC. 501. (a) The Secretary may appoint and fix the
8 compensation of such officers and employees, including
9 investigators, attorneys and administrative law judges, as
10 may be necessary to carry out the functions of the Secre-
11 tary and the Department. Except as otherwise provided by
12 law, those officers and employees shall be appointed in
13 accordance with the civil service laws and their compensa-
14 tion fixed in accordance with title 5, United States Code.

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

1 (2) Appointments to positions in grade levels
2 GS-16, GS-17, and GS-18 provided for under this
3 subsection may be made without regard to the
4 provisions of section 3324 of title 5, United States
5 Code, if the individual appointed in such position is
6 an individual who is transferred in connection with
7 the transfer of functions and offices under this Act
8 and, on the day before the effective date of this Act,
9 held a position and had duties comparable to those of
10 the position to which appointed under this chapter.

11 (3) The authority under this subsection with
12 respect to any position in grade levels GS-16, GS-17,
13 and GS-18 shall terminate when the person first
14 appointed to fill such position ceases to hold such
15 position.

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

21 (c) Within one hundred and eighty days from the
22 effective date of this Act, the Secretary shall prepare and
23 transmit to the President and the Congress a report con-
24 taining recommendations for the establishment of personnel
25 procedures designed to attract and retain highly qualified,

1 experienced, and motivated professionals to administer the
2 trade policies of the United States. The report shall
3 address -

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

6 (2) the establishment of exchange programs for
7 officers and employees of Federal agencies represented
8 on the interagency organization established under
9 section 242 of the Trade Expansion Act of 1962, as
10 amended (19 U.S.C. § 1872); and

11 (3) the designation of senior positions in such
12 Federal agencies in order that personnel employed in
13 such agencies may advance in careers relating to
14 international trade.

15 EXPERTS AND CONSULTANTS

16 SEC. 502. The Secretary may employ experts and
17 consultants in accordance with section 3109 of title 5,
18 United States Code, and compensate those employees for each
19 day (including travel time) at rates not in excess of the
20 daily rate equivalent of the maximum rate of pay for grade
21 GS-18 as provided in section 5332 of title 5, and while
22 such employees are serving away from their homes or regular
23 place of business, to pay their travel expenses and per
24 diem in lieu of subsistence at rates authorized by

1 sections 5702 and 5703 of title 5 for persons in Government
2 service employed intermittently.

3 VOLUNTARY AND UNCOMPENSATED SERVICES

4 SEC. 503. (a)(1) The Secretary is authorized to accept
5 voluntary and uncompensated services without regard to the
6 provisions of section 1342 of title 31, United States Code,
7 if such services will not be used to displace Federal
8 employees employed on a full-time, part-time, or seasonal
9 basis.

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

13 (b) The Secretary is authorized to provide for inci-
14 dental expenses, including but not limited to transporta-
15 tion, lodging, and subsistence for individuals who provide
16 voluntary services under subsection (a).

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

23 SUBTITLE B - GENERAL ADMINISTRATIVE PROVISIONS

24 GENERAL AUTHORITY

1 SEC. 511. To the extent necessary or appropriate to
2 perform a function transferred by this Act, the Secretary,
3 or the head of any Department or agency receiving any
4 function or authority under this Act, may exercise any
5 authority or part thereof available by law (including
6 appropriations Acts) to the official or agency from which
7 the function was transferred.

8 DELEGATION AND ASSIGNMENT

9 SEC. 512. (a) Except where expressly prohibited by
10 this Act or other applicable law, the Secretary may dele-
11 gate any function of the Secretary to officers and employ-
12 ees of the Department whom the Secretary designates, and
13 may authorize successive redelegation of those functions,
14 as appropriate.

15 (b) The Secretary, at the request of the Secretary of
16 Agriculture, shall delegate to the Secretary of Agriculture
17 responsibility for conducting or participating in any
18 specific international trade negotiation or meeting, or
19 portion thereof, which primarily concerns trade in agricul-
20 tural products or agricultural trade matters generally.

21 SEAL

22 SEC. 513. The Secretary shall cause a seal of office
23 to be made for the Department of such design as the Secre-
24 tary shall approve, and judicial notice shall be taken of
25 such seal.

1 REORGANIZATION

2 SEC. 514. Subject to the requirements of applicable
3 law, the Secretary is authorized to allocate or reallocate
4 functions among the officers of the Department, and to
5 establish, consolidate, alter, or discontinue such
6 organizational entities within the Department as may be
7 necessary or appropriate.

8 RULES

9 SEC. 515. The Secretary may make such rules and
10 regulations as may be necessary or appropriate to carry out
11 the functions, powers and duties of the Secretary.

12 WORKING CAPITAL FUND

13 SEC. 516. (a) The Secretary is authorized to establish
14 a working capital fund, to be available without fiscal year
15 limitation, for expenses necessary for the maintenance and
16 operation of such common administrative services as the
17 Secretary shall find to be desirable in the interest of
18 economy and efficiency, including -

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

23 (2) a central messenger, mail, and telephone
24 service 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 additional services as may be approved
5 by the Director, Office of Management and Budget.

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

1 those services which the Secretary determines will be
2 performed.

3 CONTRACTS, GRANTS AND COOPERATIVE AGREEMENTS

4 SEC. 517. (a) Subject to applicable law, the Secretary
5 may make, enter into, and perform those contracts, leases,
6 cooperative agreements, grants, or other similar
7 transactions with public agencies, private organizations,
8 and persons, and make payments (in lump sum or install-
9 ments, and by way of advance or reimbursement, and, in
10 cases of grants, with necessary adjustments on account of
11 overpayments and underpayments) as the Secretary considers
12 necessary or appropriate to carry out the functions of the
13 Secretary or the Department.

14 (b) Except as otherwise provided by law, the authority
15 of the Secretary to enter into contracts or to make pay-
16 ments shall be effective only to the extent or in such
17 amounts as are provided in advance in appropriations Acts.
18 This subsection does not apply with respect to the authori-
19 ty granted to the Secretary under section 523 of this Act.

20 USE OF FACILITIES

21 SEC. 518. (a) With their consent, the Secretary, with
22 or without reimbursement, may use the research, services,
23 equipment, and facilities of -

24 (1) any person, corporation or other private
25 entity or organization;

(2) any public agency; including any agency or instrumentality of the United States and any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States; or any political subdivision thereof; and

(3) any foreign government;

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

9 (b) The Secretary, under terms, at rates, and for
10 periods that the Secretary considers to be in the public
11 interest, may permit the use by public and private agen-
12 cies, corporations, associations or other organizations, or
13 by individuals, of any real property, or any facility,
14 structure or other improvement thereon, under the custody
15 of the Secretary. The Secretary may require permittees
16 under this section to maintain or recondition, at their own
17 expense, such real property, facilities, structures and
18 improvements.

FIELD OFFICES

SEC. 519. The Secretary may establish, alter, consolidate, maintain, or discontinue state, regional, district, local, or other field offices when the Secretary considers it necessary to carry out any function of the Secretary or the Department.

1 TECHNICAL PROVISIONS

2 SEC. 520. The authorities of the Secretary under the
3 preceding sections of this subtitle shall be exercised in
4 accordance with the Federal Property and Administrative
5 Services Act of 1949, as amended, and the Public Buildings
6 Act of 1959, as amended.

7 PUBLICATIONS

8 SEC. 521. Subject to any procedures that the Director,
9 Office of Management and Budget may prescribe, the Secre-
10 tary may disseminate in the form of reports or publications
11 information that the Secretary considers appropriate.

12 FUNDS TRANSFER

13 SEC. 522. The Secretary may, in any fiscal year,
14 transfer funds from one appropriation to another within the
15 Department, except that no appropriation for any fiscal
16 year shall thereby be increased or decreased by more than
17 10 per cent.

18 GIFTS AND BEQUESTS

19 SEC. 523. (a) The Secretary is authorized to accept,
20 hold, administer and utilize gifts and bequests of proper-
21 ty, both real and personal, and gifts of services, for the
22 purpose of aiding or facilitating the work of the Depart-
23 ment. Gifts and bequests of money and the proceeds from
24 sales of other property received as gifts or bequests shall
25 be disbursed on order of the Secretary. Property accepted

1 pursuant to this paragraph, and the proceeds thereof, shall
2 be used as nearly as possible in accordance with the terms
3 of the gift or bequest.

4 (b) For the purpose of Federal income, estate, and
5 gift taxes, and state taxes, property accepted under
6 subsection (a) shall be considered a gift or bequest to, or
7 for use of, the United States.

8 (c) Upon the request of the Secretary, the Secretary
9 of the Treasury may invest and reinvest in securities of
10 the United States or in securities guaranteed as to princi-
11 pal and interest by the United States any gifts and be-
12 quests of money and the proceeds from sales of other
13 property received as gifts or bequests. Income accruing
14 from such securities, and from any other property held by
15 the Secretary pursuant to subsection (a), shall be dis-
16 bursed upon order of the Secretary.

17 SUCCESSIONS

18 SEC. 524. (a) Subject to the authority of the Presi-
19 dent, and subject to section 203(b) of this Act, the
20 Secretary shall prescribe the order by which officers of
21 the Department whose appointment is vested in the Presi-
22 dent, by and with the advice and consent of the Senate,
23 shall act for, and perform the functions of, the Secretary
24 or any other officer so appointed during the absence or

1 disability of the Secretary or other officer, or in the
2 event of a vacancy.

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

9 (c) Nothing in this section shall limit the authority
10 of the President or the Secretary to designate persons to
11 perform the functions of officers when there is a vacancy,
12 absence, or disability.

13 AUTHORIZATION

14 SEC. 525. There are authorized to be appropriated
15 such sums as are necessary to carry out the provisions of
16 this Act, such funds to be available until expended.

17 TITLE VI -- TRANSITIONAL, SAVINGS, AND

18 CONFORMING PROVISIONS

19 ADDITIONAL TRANSFERS

20 SEC. 601. So much of the functions and authorities
21 vested in or delegated to the Secretary of Commerce on the
22 day before the effective date of this Act which are inci-
23 dental to, necessary for, or primarily related to the
24 performance of the functions transferred by subtitles E and

1 F of title IV of this Act are transferred to the
2 appropriate agencies.

3 TRANSFER OF APPROPRIATIONS AND ALLOCATION OF PERSONNEL

4 SEC. 602. (a) Except as provided in section 603 of
5 this Act, the assets, liabilities, contracts, personnel,
6 personnel positions, property, records and unexpended
7 balances of appropriations, authorizations, allocations,
8 and other funds employed, used, held, arising from, avail-
9 able to, or to be made available in connection with any
10 function or authority transferred under this Act, shall,
11 subject to section 1531 of title 31, United States Code, be
12 transferred to the appropriate agency or component, except
13 that no such unexpended balances transferred shall be used
14 for purposes other than those for which the appropriation
15 was originally made. The Director, Office of Management
16 and Budget shall provide for the termination of the affairs
17 of all entities terminated by this Act and for such further
18 measures and dispositions as the Director considers neces-
19 sary to effectuate the purposes of this Act.

20 (b) After consultation with the Director of the Office
21 of Personnel Management, the Director, Office of Management
22 and Budget is authorized, at such times as he may provide,
23 to make such determinations as may be necessary with regard
24 to the transfer of positions within the Senior Executive

1 Service in connection with the functions and offices
2 transferred by this Act.

3 (c) The unexpended balances of prior appropriations
4 provided for activities in the Department of Commerce that
5 are transferred to new appropriation accounts may be merged
6 with funds in the applicable newly established accounts,
7 and thereafter may be accounted for as one fund for the
8 same time period as originally enacted.

9 EFFECT ON PERSONNEL

10 SEC. 603. (a) Except as otherwise provided by this
11 Act, the transfer pursuant to this Act of full-time person-
12 nel (except special Government employees) and part-time
13 personnel holding permanent positions shall not cause any
14 such employee to be separated or reduced in grade or
15 compensation for one year after the date of transfer of
16 such employee under this Act.

17 (b) Any person who, on the day preceding the effective
18 date of this Act, held a position compensated in accordance
19 with the Executive Schedule prescribed in chapter 53 of
20 title 5, United States Code, and who, without a break in
21 service, is appointed in a Federal agency to which func-
22 tions are transferred by this Act to a position having
23 duties comparable to the duties performed immediately
24 preceding such appointment shall continue to be compensated
25 in such new position at not less than the rate provided for

1 such previous position, for the duration of the service of
2 such person in such new position.

3 (c)(1) Except as provided in paragraph (2), positions
4 appointment to which is required to be made by the Presi-
5 dent by and with the advice and consent of the Senate, the
6 functions of which are transferred by this Act, shall
7 terminate on the effective date of this Act.

8 (2) Paragraph (1) shall not apply to-

9 (A) members of the Foreign Service; or

10 (B) the head of the Commissioned Corps of the
11 National Oceanic and Atmospheric Administration.

12 SAVINGS PROVISIONS

13 SEC. 604. (a) All orders, determinations, rules,
14 regulations, permits, contracts, certificates, licenses,
15 and privileges that --

16 (1) have been issued, made, granted, or allowed
17 to become effective by the President, any Federal
18 department or agency or official thereof, or by a
19 court of competent jurisdiction, in the performance of
20 functions which are transferred under this Act; and

21 (2) are in effect when this Act takes effect,
22 shall continue in effect according to their terms
23 until modified, terminated, superseded, set aside, or
24 revoked in accordance with law by the President, the
25 head of the Federal agency to which such functions are

1 transferred by this Act, a court of competent juris-
2 diction, or by operation of law.

3 (b) (1) The provisions of this Act shall not affect a
4 proceeding, including any notice of proposed
5 rulemaking, or any application for any license,
6 permit, certificate, or financial assistance pending
7 on the effective date of this Act before any depart-
8 ment, agency, commission, or component thereof,
9 functions of which are transferred by this Act; but
10 such a proceeding or application, to the extent that
11 it relates to functions transferred, shall be contin-
12 ued. Orders shall be issued in such a proceeding,
13 appeals shall be taken therefrom, and payments shall
14 be made under such orders, as if this Act had not been
15 enacted; and orders issued in such a proceeding shall
16 continue in effect until modified, terminated, super-
17 seded, or revoked by a duly authorized official, by a
18 court of competent jurisdiction, or by operation of
19 law. Nothing in this subsection prohibits the discon-
20 tinuance or modification of such a proceeding under
21 the same terms and conditions and to the same extent
22 that such a proceeding could have been discontinued or
23 modified if this Act had not been enacted.

24 (2) The Secretary of Commerce and the heads of
25 the appropriate agencies may issue regulations

1 providing for the orderly transfer of proceedings
2 continued under paragraph (1).

3 (c) Except as provided in subsection (e) --

4 (1) the provisions of this Act do not affect
5 actions commenced prior to the effective date of this
6 Act, and

7 (2) in such actions, proceedings shall be had,
8 appeals taken, and judgments rendered in the same
9 manner and effect as if this Act had not been enacted.

10 (d) No action or other proceeding commenced by or
11 against any officer in his official capacity as an officer
12 of any department or agency, functions of which are trans-
13 ferred by this Act, shall abate by reason of the enactment
14 of this Act. No cause of action by or against any depart-
15 ment or agency, functions of which are transferred by this
16 Act, or by or against any officer thereof in his official
17 capacity shall abate by reason of the enactment of this
18 Act. The authority to impose sanctions and grant waivers
19 with respect to conflicts of interest occurring before the
20 effective date of this Act, and the requirement to maintain
21 records relating to the consideration of conflicts of
22 interest before the effective date of this Act, do not
23 abate by reason of the enactment of this Act.

24 (e) If, before the effective date of this Act, any
25 department or agency, or officer thereof in his official

capacity, is a party to an action, and under this Act any function of that department, agency, or officer is transferred, then the action shall be continued with the appropriate agency head substituted or added as a party.

(f) Orders and actions of the head of a Federal agency in the exercise of functions transferred to the head of such agency by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the department, agency, commission, or component thereof, from which such functions were transferred by this Act, or any office or officer thereof, in the exercise of such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the head of the Federal agency to which such function is transferred by this Act.

SEPARABILITY

SEC. 605. If a provision of this Act or its application to any person or circumstance is held invalid, neither the remainder of this Act nor the application of the provision to other persons or circumstances shall be affected.

REFERENCE

SEC. 606. With respect to any functions transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department, commission, or agency or any officer or office the functions of which are so transferred shall be considered to refer to the official to whom they were transferred.

PRESIDENTIAL AUTHORITY

SEC. 607. Nothing in this Act limits, curtails, abolishes, or terminates any function of, or authority available to, the President which he had immediately before the effective date of this Act; or limits, curtails, abolishes, or terminates the authority of the President to delegate, redelegate, or terminate any delegation of functions.

CONFORMING AND TECHNICAL AMENDMENTS

SEC. 608. (a) Section 19(d)(1) of title 3, United States Code, is amended by striking ", Secretary of Commerce" and inserting in lieu thereof ", Secretary of International Trade and Industry."

(b) Section 101 of title 5, United States Code, is amended by striking "The Department of Commerce" and inserting in lieu thereof "The Department of International Trade and Industry".

1 (c) Section 5312 of title 5, United States Code, is
2 amended -

3 (1) by striking "Secretary of Commerce" and
4 inserting in lieu thereof "Secretary of International
5 Trade and Industry"; and

6 (2) by striking "United States Trade
7 Representative.".

8 (d) Section 5313 of title 5, United States Code, is
9 amended by inserting the following: "Deputy Secretary,
10 Department of International Trade and Industry.".

11 (e) Section 5314 of title 5, United States Code, is
12 amended -

13 (1) by striking "Under Secretary of Commerce,
14 Under Secretary of Commerce for Economic Affairs, and
15 Under Secretary of Commerce for Travel and Tourism",
16 and inserting in lieu thereof the following:

17 "Under Secretary of International Trade and
18 Industry (3).

19 Permanent Representative to the General Agreement
20 on Tariffs and Trade, Department of International
21 Trade and Industry.";

22 (2) by striking "Deputy United States Trade
23 Representatives (3)."; and

1 (3) by adding at the end thereof "Advisor to the
2 President for International Trade, Economic, and
3 Financial Policy."

4 (f) Section 5315 of title 5, United States Code, is
5 amended -

6 (1) by striking "Assistant Secretaries of Com-
7 merce (8)", and inserting in lieu thereof: "Assistant
8 Secretaries of International Trade and Industry (7)";

9 (2) by striking "General Counsel of the Depart-
10 ment of Commerce", and inserting in lieu thereof

11 ~~"General Counsel of the Department of International~~
12 Trade and Industry"; and

13 (3) by inserting at the end thereof

14 "Director General, United States and Foreign
15 Commercial Services.

16 Commissioner of Patents and Trademarks,
17 Department of Justice."

18 (g) Section 5316 of title 5, United States Code, is
19 amended -

20 (1) by striking "Commissioner of Patents and
21 Trademarks, Department of Commerce.";

22 (2) by striking "Director, Bureau of the Census,
23 Department of Commerce", and inserting in lieu thereof
24 "Director, Bureau of the Census";

1 (3) by striking "Director, National Bureau of
2 Standards, Department of Commerce", and inserting in
3 lieu thereof "Director, National Bureau of Standards,
4 National Science Foundation";

5 (4) by striking "National Export Expansion
6 Coordinator, Department of Commerce."; and

7 (5) by striking "Inspector General, Department of
8 Commerce", and inserting in lieu thereof "Inspector
9 General, Department of International Trade and
10 Industry".

11 (h) Reorganization Plan No. 3 of 1979 (5 U.S.C.
12 App. 1) is amended by striking section 2(b)(1) thereof and
13 by striking "(2)" from the following paragraph.

14 (i) The Inspector General Act of 1978, Pub.L. 95-452,
15 5 U.S.C. App. 3, is amended as follows:

16 (1) In section 2(1), by striking the word "Com-
17 merce", and inserting in lieu thereof "International
18 Trade and Industry"; and

19 (2) In section 11, by striking the word
20 "Commerce" where it appears and inserting in lieu
21 thereof the words "International Trade and Industry".

22 (j) Section 3(c) of the Act of July 31, 1945, c. 341,
23 59 Stat. 527, as amended (12 U.S.C. § 635a(c)) is amended
24 as follows:

1 (1) By striking the first sentence and inserting
2 in lieu thereof the following:

3 "(c) There shall be a Board of Directors of the
4 Bank consisting of the President of the Bank who
5 shall serve as Chairman, the Deputy Secretary of
6 International Trade and Industry, who shall serve
7 as Vice Chairman, the First Vice President of the
8 Bank, and two additional persons appointed by the
9 President of the United States by and with the
10 advice and consent of the Senate."; and

11 ~~(2) By inserting at the end thereof the~~
12 following:

13 "Each Director shall continue to serve until his
14 successor shall have been appointed and shall
15 have qualified; Provided, that each Director who
16 was not Chairman or Vice Chairman of the Board on
17 the day before the effective date of the Depart-
18 ment of International Trade and Industry Act of
19 1985 shall continue to serve until his successor
20 shall have been appointed and shall have
21 qualified, except that in any case in which the
22 appointment of a successor would cause the Board
23 to have more than five members, such member shall
24 serve until his or her resignation shall have
25 been accepted by the President."

1 (k) The first sentence of the Act of March 4, 1913, 32
2 Stat. 825, c. 141 (15 U.S.C. § 1501) is amended by striking
3 out "; and the Department of Commerce and Labor shall
4 hereafter be called the Department of Commerce, and the
5 Secretary thereof shall be called the Secretary of Com-
6 merce, and the Act creating the said Department of Commerce
7 and Labor is hereby amended accordingly".

8 (l) The first section of the Act of March 18, 1904, 33
9 Stat. 135, c. 716 (15 U.S.C. § 1508), is amended by strik-
10 ing out the paragraph relating to the Office of the Solici-
11 tor of the Department of Commerce and Labor.

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

16 (n) Title III of the Act entitled "An Act making
17 appropriations for the Departments of State, Justice, and
18 Commerce for the fiscal year ending June 30, 1945, and for
19 other purposes", approved June 28, 1944 (15 U.S.C. § 1521),
20 is amended by striking out the paragraph relating to the
21 working capital fund of the Department of Commerce.

22 (o) The second sentence of section 242(a) of the Trade
23 Expansion Act of 1962 (19 U.S.C. § 1872(a)) is amended to
24 read as follows: "Such organization shall be composed of
25 the President, who shall be Chairman, the Secretary of

1 International Trade and Industry, who shall be Chairman pro
2 tempore, the Secretary of Agriculture, who shall be
3 Vice-Chairman, the Secretary of Defense, the Secretary of
4 Labor, the Secretary of State, and the Secretary of the
5 Treasury, and the heads of such other departments and
6 agencies and such other officers as the President shall
7 designate."

8 (p) (1) Chapter 4 of Title I of the Trade Act of 1974
9 (19 U.S.C. § 2171) is amended to read as follows:

10 "CHAPTER 4-REPRESENTATION IN TRADE

11 ~~CHAPTER 4-REPRESENTATION IN TRADE~~ NEGOTIATIONS

12 "SEC. 141. FUNCTIONS OF THE SECRETARY OF
13 INTERNATIONAL TRADE AND INDUSTRY.

14 "The Secretary of International Trade and Indus-
15 try shall--

16 "(1) be the chief representative of the United
17 States for each trade negotiation under this title or
18 section 301;

19 "(2) report directly to the President and the
20 Congress, and be responsible to the President and the
21 Congress for the administration of trade agreements
22 programs under this Act, the Trade Expansion Act of
23 1962, and section 350 of the Tariff Act of 1930;

24 "(3) advise the President and Congress with
25 respect to nontariff barriers to international trade,

1 international commodity agreements, and other matters
2 which are related to the trade agreements programs;
3 and

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

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

11 ~~"CHAPTER 4-REPRESENTATION IN TRADE NEGOTIATIONS~~

12 "SEC. 141. Functions of the Secretary of
13 International Trade and Industry.".

14 (q) Section 233 of the Foreign Assistance Act of 1961,
15 as amended (22 U.S.C. § 2193(b)) is amended by striking the
16 second and third sentences and inserting in lieu thereof
17 the following:

18 "The Secretary of International Trade and Industry
19 shall be the Chairman of the Board. The Director of
20 the United States International Development
21 Cooperation Agency shall be Vice Chairman of the
22 Board."

23 (r) The Foreign Service Act of 1980 is amended --

24 (1) In section 202(a)(3) (22 U.S.C.
25 § 3922(a)(3)), by striking the word "Commerce" where

1 it appears on the first line of the paragraph and in
2 subparagraph (B) and inserting in lieu thereof "Inter-
3 national Trade and Industry".

4 (2) In section 2403(c), 94 Stat. 2169, by strik-
5 ing the word "Commerce" each time it appears and
6 inserting in lieu thereof "International Trade and
7 Industry".

8 (s) Section 4(a) of the International Travel Act of
9 1961, as amended (22 U.S.C. § 2124(a)) is amended by
10 striking the last two sentences thereof.

11 (t) Section 303(f) of the International Travel Act of
12 1961 (22 U.S. § 2124b(f)) is amended by striking out "and
13 shall advise the Assistant Secretary for Tourism Marketing
14 with respect to the preparation of the marketing plan under
15 section 202(a)(15)".

16 (u)(1) Section 101(a) of the Public Works and Economic
17 Development Act of 1965 (42 U.S.C. § 3131(a)) is
18 amended by striking out "Secretary of Commerce" and
19 inserting in lieu thereof "Secretary of Agriculture".

20 (2) Section 601(a) of such Act (42 U.S.C.
21 § 3201(a)) is amended to read as follows: "

22 "(a) The Secretary shall administer this Act, and with
23 the assistance of an Administrator for Economic
24 Development, shall coordinate the Federal co-chairmen
25 appointed heretofore or subsequent to this Act. The

1 Administrator for Economic Development shall be
2 appointed by the President, by and with the advice and
3 consent of the Senate, and shall perform such func-
4 tions as the Secretary may prescribe."

5 (v) Section 101(a) of the National Security Act of
6 1947 (50 U.S.C. § 402(a)) is amended by inserting at the
7 end thereof the following: "It is the intent of Congress
8 that the Secretary of International Trade and Industry
9 shall be invited to any meeting of the Council at which
10 trade matters or trade-related matters are considered."

11 REPEALS

12 SEC. 609. The following are repealed:

13 (a) The first section of the Act entitled "An Act to
14 establish the Department of Commerce and Labor", approved
15 February 14, 1903 (15 U.S.C. § 1501);

16 (b) Section (a) of the Act of June 16, 1982, Pub. L.
17 No. 97-195 (15 U.S.C. § 1503a);

18 (c) Act of July 15, 1947, 61 Stat. 326, c. 251 (15
19 U.S.C. § 1505);

20 (d) The first sentence of section 304 of the Act of
21 July 2, 1954, 68 Stat. 430, c. 456 (15 U.S.C. § 1506);

22 (e) Act of February 16, 1962, 76 Stat. 9 (15 U.S.C.
23 § 1507);

24 (f) Section 9(a) of the Act of November 12, 1977, 91
25 Stat. 1360 (15 U.S.C. § 1507b);

1 (g) Section 2 of the Act of July 17, 1952, 66 Stat.
2 758, c. 932 (15 U.S.C. § 1508);

3 (h) Sections 4 and 12 of the Act entitled "An Act to
4 Establish the Department of Commerce and Labor", approved
5 February 14, 1903 (15 U.S.C. § 1511);

6 (i) Section 8 of the Act of February 14, 1903, 32
7 Stat. 829, c. 552; (15 U.S.C. § 1519); and

8 (j) Sections 1, 2, and 3 of the Act of October 2,
9 1964, 78 Stat. 991 (15 U.S.C.A. §§ 1522, 1523 and 1524).

10 TRANSITION

11 ~~SEC. 610.~~ With the consent of the Secretary of
12 Commerce or the United States Trade Representative, as the
13 case may be, the head of each federal agency to which
14 functions are transferred by this Act is authorized to
15 utilize -

16 (1) the services of such officers, employees, and
17 other personnel of the Department of Commerce or the
18 Office of the United States Trade Representative, as
19 the case may be, with respect to functions or offices
20 transferred to that agency by this Act;

21 (2) funds appropriated to such functions or
22 offices for such period of time as may be reasonably
23 needed to facilitate the orderly implementation of
24 this Act.

DEPARTMENT OF COMMERCE; ABOLITION

SEC. 611. The Department of Commerce is abolished.

TITLE VII - EFFECTIVE DATE AND INTERIM APPOINTMENTS

EFFECTIVE DATE

SEC. 701. (a) This Act takes effect 120 days after its enactment, except that section 610 takes effect upon the date of enactment.

(b) Notwithstanding subsection (a) of this section, at any time after this Act becomes law any officer provided for in this Act whose appointment is required to be made by and with the advice and consent of the Senate may be appointed.

(c) Funds available to any department or agency (or any official or component thereof), the functions of which are transferred by this Act, may be used, with the approval of the Director, Office of Management and Budget, to pay the compensation and expenses of an officer appointed under subsection (b) of this subsection until funds for that purpose are otherwise available.

INTERIM APPOINTMENTS

SEC. 702. If one or more officers required by this Act to be appointed by and with the advice and consent of the Senate have not entered upon office on the effective date of this Act, the President may designate any officer whose appointment was required to be made by and with the

1 advice and consent of the Senate, and who was such an
2 officer immediately before the effective date of this Act,
3 to act in the office until it is filled as provided in this
4 Act. While so acting, such an officer shall be compensated
5 at the rate prescribed by this Act for the office in which
6 the officer acts.