S. 1836

To merge the Department of Labor, the Department of Commerce, and the Small Business Administration to establish a Department of Commerce and the Workforce, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 17, 2013

Mr. BURR (for himself, Mr. COATS, and Mr. INHOFE) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To merge the Department of Labor, the Department of Commerce, and the Small Business Administration to establish a Department of Commerce and the Workforce, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
4 (a) Short Title.—This Act may be cited as the
5 “Department of Commerce and the Workforce Consolida-
6 tion Act”.
7 (b) Table of Contents.—The table of contents for
8 this Act is as follows:
Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—ESTABLISHMENT OF DEPARTMENT

Sec. 101. Establishment.
Sec. 102. Office of the Secretary.
Sec. 103. Office of the Workforce.
Sec. 104. Patent and Trademark Office.
Sec. 105. Small Business Administration.
Sec. 106. Office of Economic Affairs and Statistics.
Sec. 107. National Institute of Standards and Technology.
Sec. 108. International Trade Administration.
Sec. 110. Other offices.
Sec. 111. Inspector General.
Sec. 112. Performance of specific functions.

TITLE II—TRANSFER OF FUNCTIONS

Sec. 201. Transfer of functions to Department.
Sec. 202. Transfer of functions to Department of the Interior.
Sec. 203. Transfer of functions to Bureau of International Labor Affairs.

TITLE III—ADMINISTRATIVE PROVISIONS

Subtitle A—Personnel Provisions
Sec. 311. Officers and employees.
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Sec. 321. General authority.
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Sec. 329. Field offices.
Sec. 330. Copyrights.
Sec. 331. Capital fund.
Sec. 332. Seal of Department.
Sec. 333. Annual report.
Sec. 334. Transfer of funds.

TITLE IV—TRANSITIONAL, SAVINGS, AND CONFORMING PROVISIONS

Sec. 401. Transfer and allocations of appropriations and personnel.
Sec. 402. Effect on personnel.
Sec. 403. Agency terminations.
Sec. 404. Incidental transfers.
Sec. 405. Savings provisions.
Sec. 406. Reference.
In this Act:

(1) **Assets.**—The term “assets” includes contracts, facilities, property, records, unobligated or unexpended balances of appropriations, and other funds or resources (other than personnel).

(2) **Department.**—The term “Department” means the Department of Commerce and the Workforce.

(3) **Function.**—The term “function” includes any authority, power, right, privilege, immunity, program, project, activity, duty, and responsibility.

(4) **Perform.**—The term “perform”, with respect to a function, includes—

(A) the undertaking, fulfillment, or execution of any duty or obligation; and

(B) the exercise of any power, authority, right, or privilege.
(5) PERSONNEL.—The term “personnel” means officers and employees.

(6) SECRETARY.—The term “Secretary” means the Secretary of Commerce and the Workforce.

TITLE I—ESTABLISHMENT OF DEPARTMENT

SEC. 101. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established an executive department to be known as the Department of Commerce and the Workforce.

(b) MISSION.—The primary mission of the Department shall be to advance economic growth and jobs and opportunities for the people of the United States by—

(1) driving United States competitiveness in the global marketplace;

(2) ensuring a competitive economic climate that is conducive to the development, growth, and expansion of small businesses; and

(3) promoting and developing the safety and welfare of the wage earners, job seekers, and retirees of the United States.

(c) SECRETARY.—The head of the Department shall be the Secretary of Commerce and the Workforce, who shall be appointed by the President, by and with the advice and consent of the Senate.
(d) Administration.—The Department shall be administered, in accordance with this Act, under the supervision and direction of the Secretary.

SEC. 102. OFFICE OF THE SECRETARY.

(a) Deputy Secretary.—

(1) Appointment.—There shall be in the Office of the Secretary a Deputy Secretary of Commerce and the Workforce, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) Temporary Assumption of Duties of Secretary.—The Deputy Secretary shall perform the duties of the Secretary—

(A) in case of the death, resignation, or removal from office of the Secretary, until a successor is appointed; and

(B) in case of the absence or sickness of the Secretary, until the termination of such absence or sickness.

(b) Offices in the Office of the Secretary.—

There shall be in the Office of the Secretary—

(1) the Office of Public Liaison and Special Assistance;

(2) the Office of Legislative and Intergovernmental Affairs;
(3) the Office of the Executive Secretariat; and

(4) the Office of Community and Public Affairs.

(c) GENERAL COUNSEL.—

(1) APPOINTMENT.—There shall be in the Department a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) SOLICITOR.—The Secretary shall appoint, in the Office of the General Counsel, a Solicitor of Commerce and the Workforce.

(d) ASSISTANT SECRETARIES.—The President shall appoint, by and with the advice and consent of the Senate, in the Office of the Secretary—

(1) an Assistant Secretary for Policy, who shall be the head of the Office of Policy; and

(2) an Assistant Secretary for Legislative and Intergovernmental Affairs, who shall be the head of the Office of Legislative and Intergovernmental Affairs.

(e) DIRECTORS.—The Secretary shall appoint, in the Office of the Secretary—

(1) an Executive Secretariat Director, who shall be the head of the Office of the Executive Secretariat; and
(2) a Community and Public Affairs Director, who shall be the head of the Office of Community and Public Affairs.

(f) OTHER OFFICERS.—To assist the Secretary in the performance of the functions of the Department, the Secretary shall appoint, as officers of the Department—

(1) a Chief of Staff;

(2) a Chief Financial Officer; and

(3) a Chief Information Officer.

SEC. 103. OFFICE OF THE WORKFORCE.

(a) ESTABLISHMENT.—There shall be in the Department an Office of the Workforce.

(b) UNDER SECRETARY.—The head of the Office of the Workforce shall be the Under Secretary of the Workforce, who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) BOARDS, ADMINISTRATIONS, AND OFFICES.—There shall be in the Office of the Workforce—

(1) the Administrative Review Board;

(2) the Benefits Review Board;

(3) the Occupational Safety and Health Administration;

(4) the Office of Workers Compensation Programs;

(5) the Wage and Hour Division;
(6) the Employee Benefits and Security Administration;
(7) the Mine Safety and Health Administration;
(8) the Office of Labor-Management Standards;
(9) the Veterans’s Employment and Training Service; and
(10) the Office of Disability Employment Policy.

SEC. 104. PATENT AND TRADEMARK OFFICE.

(a) ESTABLISHMENT.—There shall be in the Department the Patent and Trademark Office.

(b) UNDER SECRETARY.—The head of the Patent and Trademark Office shall be the Under Secretary for Intellectual Property, who shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 105. SMALL BUSINESS ADMINISTRATION.

(a) ESTABLISHMENT.—There shall be in the Department the Small Business Administration.

(b) UNDER SECRETARY.—The head of the Small Business Administration shall be the Under Secretary of Small Business, who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) DEPUTY UNDER SECRETARY.—There shall be in the Small Business Administration a Deputy Under Secretary of Small Business, who shall be appointed by the
President, by and with the advice and consent of the Senate.

(d) ASSISTANT SECRETARIES.—To assist the Under Secretary of Small Business in the performance of the duties of the Small Business Administration, the Under Secretary of Small Business shall appoint 4 Assistant Secretaries.

SEC. 106. OFFICE OF ECONOMIC AFFAIRS AND STATISTICS.

(a) ESTABLISHMENT.—There shall be in the Department an Office of Economic Affairs and Statistics.

(b) UNDER SECRETARY.—The head of the Office of Economic Affairs and Statistics shall be the Under Secretary for Economic Affairs and Statistics, who shall be appointed by the President, by and with the advice and consent of the Senate.

(e) BUREAUS.—There shall be in the Office of Economic Affairs and Statistics—

(1) the Bureau of the Census; and

(2) the Bureau of Economic Analysis.

(d) OFFICERS.—The Secretary, after consultation with the Under Secretary for Economic Affairs and Statistics, shall appoint, in the Office of Economic Affairs and Statistics—

(1) a Chief Economist;
(2) a Director of the Bureau of the Census, who shall be the head of the Bureau of the Census; and

(3) a Director of the Bureau of Economic Analysis, who shall be the head of the Bureau of Economic Analysis.

SEC. 107. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

(a) ESTABLISHMENT.—There shall be in the Department the National Institute of Standards and Technology.

(b) UNDER SECRETARY.—The head of the National Institute of Standards and Technology shall be the Under Secretary for Standards and Technology, who shall be appointed by the President, by and with the advice and consent of the Senate.

(e) NATIONAL TECHNICAL INFORMATION SERVICE.—The National Technical Information Service shall be a component of the National Institute of Standards and Technology.

SEC. 108. INTERNATIONAL TRADE ADMINISTRATION.

(a) ESTABLISHMENT.—There shall be in the Department the International Trade Administration.

(b) UNDER SECRETARY.—The head of the International Trade Administration shall be the Under Secretary for International Trade, who shall be appointed by
the President, by and with the advice and consent of the Senate.

(c) Assistant Secretaries.—The President shall appoint, by and with the advice and consent of the Senate, 4 Assistant Secretaries in the International Trade Administration, including—

(1) an Assistant Secretary for Market Access and Compliance;

(2) an Assistant Secretary for Import Administration;

(3) an Assistant Secretary for Trade Promotion; and

(4) an Assistant Secretary for Manufacturing and Services.

(d) Bureau of International Labor Affairs.—The Bureau of International Labor Affairs shall be a component of the International Trade Administration.

SEC. 109. BUREAU OF INDUSTRY AND SECURITY.

(a) Establishment.—There shall be in the Department a Bureau of Industry and Security.

(b) Under Secretary.—The head of the Bureau of Industry and Security shall be the Under Secretary for Industry and Security, who shall be appointed by the President, by and with the advice and consent of the Senate.
(c) **ASSISTANT SECRETARIES.**—There shall be in the Bureau of Industry and Security, who shall each be appointed by the President, by and with the advice and consent of the Senate—

(1) an Assistant Secretary for Export Administration; and

(2) an Assistant Secretary for Manufacturing Services.

**SEC. 110. OTHER OFFICES.**

(a) **ECONOMIC DEVELOPMENT AND TRAINING ADMINISTRATION.**—

(1) **ESTABLISHMENT.**—There shall be in the Department the Economic Development and Training Administration.

(2) **ASSISTANT SECRETARY.**—The head of the Economic Development and Training Administration shall be the Assistant Secretary for Economic Development and Training, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) **COMMUNICATIONS AND INFORMATION ADMINISTRATION.**—

(1) **ESTABLISHMENT.**—There shall be in the Department the Communications and Information Administration.
(2) Assistant Secretary.—The head of the Communications and Information Administration shall be the Assistant Secretary for Communications and Information, who shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 111. INSPECTOR GENERAL.
There shall be an Inspector General of the Department, who shall be appointed as provided in section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.).

SEC. 112. PERFORMANCE OF SPECIFIC FUNCTIONS.
Subject to this Act, each officer of the Department shall perform the functions specified by law for the office of the official or prescribed by the Secretary.

TITLE II—TRANSFER OF FUNCTIONS

SEC. 201. TRANSFER OF FUNCTIONS TO DEPARTMENT.
(a) In General.—Except as otherwise specifically provided in this title—

(1) all functions of the Department of Commerce and the Department of Labor are transferred to the Department; and

(2) all functions of the Secretary of Commerce and the Secretary of Labor are transferred to the Secretary.
(b) Deputy Secretary of Commerce and the Workforce.—There are transferred to the Deputy Secretary of Commerce and the Workforce all functions of the Deputy Secretary of Commerce and the Deputy Secretary of Labor.

c) General Counsel.—There are transferred to the General Counsel of the Department all the functions of the General Counsel of the Department of Commerce, the Solicitor of Labor, and the General Counsel of the Small Business Administration.

d) Office of Policy.—There are transferred to the Assistant Secretary for Policy of the Department all functions of the Office of Policy and Strategic Planning of the Department of Commerce and the Assistant Secretary for Policy of the Department of Labor.

e) Office of Legislative and Intergovernmental Affairs.—There are transferred to the Assistant Secretary for Legislative and Intergovernmental Affairs of the Department of Commerce, the Office of Congressional and Inter-Governmental Affairs of the Department of Labor, and the Office of Congressional and Legislative Affairs of the Small Business Administration.
(f) Executive Secretariat.—There are transferred to the Office of the Executive Secretariat of the Department all functions of the Executive Secretariat of the Department of Commerce, the Executive Secretariat of the Department of Labor, and the Executive Secretariat of the Small Business Administration.

(g) Office of Public Liaison and Special Assistance.—There are transferred to the Office of Public Liaison and Special Assistance of the Department all functions of the Minority Business Development Agency of the Department of Commerce and the Women’s Bureau of the Department of Labor.

(h) Office of Community and Public Affairs.—There are transferred to the Office of Community and Public Affairs of the Department all functions of—

(1) the Office of Public Affairs of the Department of Commerce;

(2) the Office of Public Affairs and the Center for Faith-based and Neighborhood Partnerships of the Department of Labor; and

(3) the Office of Communications and Public Liaison and the Office of Faith Based and Neighborhood Partnerships of the Small Business Administration.
(i) **Chief of Staff.**—There are transferred to the Chief of Staff of the Department all functions of the Chief of Staff of the Department of Commerce, the Chief of Staff of the Department of Labor, and the Chief of Staff of the Small Business Administration.

(j) **Chief Financial Officer.**—There are transferred to the Chief Financial Officer of the Department all functions of the Chief Financial Officer and Assistant Secretary for Administration, the Chief Financial Officer of the Department of Labor, and the Chief Financial Officer of the Small Business Administration.

(k) **Chief Information Officer.**—There are transferred to the Chief Information Officer of the Department all functions of the Chief Information Officer of the Department of Commerce and the Chief Information Officer of the Small Business Administration.

(l) **Office of the Workforce.**—There are transferred to the Office of the Workforce all functions of the Department of Labor.

(m) **Patent and Trademark Office.**—There are transferred to the Under Secretary for Intellectual Property of the Department all functions of the United States Patent and Trademark Office.

(n) **Small Business Administration.**—There are transferred to the Under Secretary of Small Business, the
Deputy Under Secretary of Small Business, the Assistant
Secretaries of the Small Business Administration, and the
Small Business Administration of the Department all
functions of the Administrator of Small Business, the
Deputy Administrator of Small Business, the Associate
Administrators of the Small Business Administration, and
the Small Business Administration, respectively.

(o) National Institute of Standards and
Technology.—There are transferred to the Under Sec-
retary for Standards and Technology of the Department
all functions of the National Institute of Standards and
Technology of the Department of Commerce.

(p) Office of Economic Affairs and Statis-
tics.—There are transferred to the Under Secretary for
Economic Affairs and Statistics all functions of the Eco-
nomies and Statistics Administration of the Department
of Commerce and the Bureau of Labor Statistics of the
Department of Labor.

(q) Chief Economist.—There are transferred to
the Chief Economist of the Department all functions of
the Chief Economist of the Department of Commerce and
the Chief Economist of the Department of Labor.

(r) Bureau of Industry and Security.—There
are transferred to the Under Secretary of Industry and
1 Security of the Department all functions of the Bureau
2 of Industry and Security of the Department of Commerce.
3 (s) ECONOMIC DEVELOPMENT AND TRAINING AD-
4 MINISTRATION.—There are transferred to the Economic
5 Development and Training Administration of the Depart-
6 ment all functions of the Economic Development Adminis-
7 tration of the Department of Commerce and the Employ-
8 ment and Training Administration of the Department of
9 Labor.

10 SEC. 202. TRANSFER OF FUNCTIONS TO DEPARTMENT OF
11 THE INTERIOR.
12 (a) IN GENERAL.—There are transferred to the Sec-
13 retary of the Interior all functions of the National Oceanic
14 and Atmospheric Administration.
15 (b) NATIONAL MARINE FISHERIES SERVICE.—There
16 are transferred to the United States Fish and Wildlife
17 Service all functions of the National Marine Fisheries
18 Service of the National Oceanic and Atmospheric Adminis-
19 tration.

20 SEC. 203. TRANSFER OF FUNCTIONS TO BUREAU OF INTER-
21 NATIONAL LABOR AFFAIRS.
22 There are transferred to the International Trade Ad-
23 ministration all functions of the Bureau of International
24 Labor Affairs.
TITLE III—ADMINISTRATIVE PROVISIONS

Subtitle A—Personnel Provisions

SEC. 311. OFFICERS AND EMPLOYEES.

The Secretary may appoint and fix the compensation of such officers and employees, including attorneys, as the Secretary determines necessary to carry out the functions of the Department in accordance with chapters 33 and 53 of title 5, United States Code.

SEC. 312. EXPERTS AND CONSULTANTS.

The Secretary may obtain services authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily rate prescribed for grade GS–15 of the General Schedule under section 5332 of title 5, United States Code, for persons employed intermittently in Government service.

SEC. 313. ADVISORY COMMITTEES.

(a) IN GENERAL.—The Secretary may establish in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) such advisory committees as the Secretary determines necessary to assist in the performance of the duties of the Secretary.

(b) TRAVEL EXPENSES.—Members of an advisory committee established under subsection (a), other than full-time employees of the Federal Government, may be
allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, while attending meetings of the advisory committee or otherwise serving at the request of the Secretary away from the homes or places of business of the members.

Subtitle B—General Administrative Provisions

SEC. 321. GENERAL AUTHORITY.

To the extent appropriate to perform any function transferred by this Act, the Secretary or any officer or employee of the Department may exercise, in carrying out the function so transferred, any authority available by law (including appropriations Acts) to the official or agency from which the function was transferred.

SEC. 322. DELEGATION.

Except as otherwise expressly prohibited by law, and except as otherwise provided in this Act, the Secretary may, as the Secretary determines to be appropriate—

(1) delegate any functions to officers or employees of the Department; and

(2) authorize successive redelegations of functions within the Department.
SEC. 323. REORGANIZATION.

(a) In General.—Subject to subsection (b), the Secretary may establish, alter, consolidate, or discontinue such organizational units or components within the Department as the Secretary determines to be appropriate.

(b) Limitations.—The authority of the Secretary under subsection (a) shall not extend to—

(1) the abolition of any organizational unit or component established by this Act; or

(2) the transfer of any function vested by this Act in any organizational unit or component.

SEC. 324. RULES.

The Secretary may promulgate such procedural and administrative regulations as the Secretary determines to be appropriate to administer and manage the functions of the Secretary under this Act.

SEC. 325. SUBPOENA.

For the purpose of carrying out this Act, the Secretary (or a designee) shall have the same powers and authorities as the Federal Trade Commission under section 9 of the Federal Trade Commission Act (15 U.S.C. 49) with respect to all functions vested in, or transferred or delegated to, the Secretary by this Act.

SEC. 326. CONTRACTS.

(a) In General.—The Secretary may enter into and perform such contracts, leases, cooperative agreements, or
other similar transactions with public agencies, private or-

ganizations, and individuals, and make such payments (in

lump sum or installments, and by way of advance or reim-

bursement), as the Secretary determines to be appropriate
to carry out the functions under this Act.

(b) LIMITATION ON AUTHORITY.—Notwithstanding
any other provision of this title, no authority to enter into
contracts or to make payments under this title shall be
effective except to such extent or in such amounts as are
provided in advance in appropriations Acts.

(c) LEASING OF EXCESS DEPARTMENT PROPERTY.—
The Secretary may lease, in accordance with such terms
and conditions the Secretary considers to be appropriate
to promote national security or the public interest, any
acquired real property and related personal property
that—

(1) is located at a facility of the Department to
be closed or reconfigured;

(2) at the time the lease is entered into, is not
needed by the Department; and

(3) is under the control of the Department.

(d) TERMS OF LEASE.—

(1) IN GENERAL.—A lease entered into under
subsection (c) shall be for a term of not more than
10 years, except that the Secretary may enter into
a lease that includes an option to renew for a term
of more than 10 years if the Secretary determines
that entering into such a lease will promote the na-
tional security or be in the public interest.

(2) CONSIDERATION.—

(A) IN GENERAL.—A lease entered into
under subsection (c) may provide for the pay-
ment (in cash or in-kind) by the lessee of con-
sideration in an amount that is less than the
fair market rental value of the leasehold inter-
est.

(B) SERVICES.—Services relating to the
protection and maintenance of the leased prop-
erty may constitute all or part of the consider-
ation under this paragraph.

(e) ENVIRONMENTAL CONCERNS.—

(1) IN GENERAL.—Subject to paragraph (2),
before entering into a lease under subsection (c), the
Secretary shall consult with, and obtain the concur-
rence of, the appropriate State official (with respect
to property located on a site that is not listed on the
National Priorities List) to determine whether the
environmental conditions of the property are such
that leasing the property, and the terms and condi-
tions of the lease agreement, are consistent with
safety and the protection of public health and the
environment.

(2) Failure to obtain concurrence.—The
Secretary may enter into a lease under subsection
(c) without obtaining the concurrence of the appro-
priate State official under paragraph (1) if, by the
date that 60 days after the date on which the Sec-
retary requests the concurrence, the appropriate
State official fails to submit to the Secretary a no-
tice of concurrence with, or rejection of, the deter-
mination.

(f) Rentals.—

(1) Retention.—

(A) In general.—To the extent provided
in advance in appropriations Acts, the Sec-
retary may retain and use money received by
the Secretary directly from a lease entered into
under subsection (c) in any amount the Sec-
retary considers to be necessary to cover the ad-
ministrative expenses of the lease, the mainte-
nance and repair of the leased property, or en-
vironmental restoration activities at the facility
at which the leased property is located.

(B) Treatment.—Amounts retained
under this subsection shall be retained in a sep-
arate account established in the Treasury for that purpose.

(2) REPORT.—The Secretary shall submit to Congress annual reports on the amounts retained and used under this subsection.

SEC. 327. FACILITIES CONSTRUCTION.

(a) IN GENERAL.—As necessary and when not otherwise available, the Secretary may provide for, construct, or maintain the following for employees and dependents stationed at remote locations:

(1) Emergency medical services and supplies.

(2) Food and other subsistence supplies.

(3) Messing facilities.

(4) Audiovisual equipment, accessories, and supplies for recreation and training.

(5) Reimbursement for food, clothing, medicine, and other supplies furnished by those employees in emergencies for the temporary relief of distressed individuals.

(6) Living and working quarters and facilities.

(7) Transportation of school-aged dependents of employees to the nearest appropriate educational facilities.

(b) PRICING.—The furnishing of medical treatment under subsection (a)(1) and the furnishing of services and
supplies under paragraphs (2) and (3) of subsection (a) shall be at prices reflecting reasonable value, as determined by the Secretary.

(c) TREATMENT.—

(1) IN GENERAL.—Proceeds from reimbursements under this section—

(A) shall be deposited in the Treasury; and

(B) may be withdrawn by the Secretary—

(i) to pay directly the cost of work or services;

(ii) to repay or make advances to appropriations of funds that will initially bear all or a part of that cost; or

(iii) to refund excess sums when necessary.

(2) CREDITING TO FUNDS.—A payment by the Secretary under paragraph (1)(B) may be credited to a working capital fund otherwise established by law, including the fund established pursuant to section 331, and used under the law governing the fund, if the fund is available for use by the Department for performing the work or services for which payment is received.
SEC. 328. USE OF FACILITIES.

(a) IN GENERAL.—On the consent of the Federal Government or the government of any foreign country, State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, with or without reimbursement, the Secretary may use the research, equipment, and facilities of such a government (or political subdivision) in carrying out the functions under this Act.

(b) USE OF PROPERTY.—

(1) IN GENERAL.—Except as provided in paragraph (2), in carrying out this Act, the Secretary may permit the use by public and private individuals and entities of any real property, facility, structure, or improvement under the jurisdiction of the Secretary for purposes of the Department, under such terms and at such rates as the Secretary determines to be appropriate, for a period of not more than 5 years.

(2) RECONDITIONING AND MAINTENANCE.—

The Secretary may require any individual or entity to which a permit is provided under this subsection to recondition and maintain, at the expense of the individual or entity, the real property, facilities, structures, and improvements involved to a satisfactory standard.
(3) Exception.—This subsection shall not apply to excess property (as defined in section 102 of title 40, United States Code).

(c) Proceeds.—

(1) In General.—Except as provided in paragraph (2), the proceeds from reimbursements under this section—

(A) shall be deposited in the Treasury; and

(B) may be withdrawn by the Secretary or the head of the another appropriate Federal department or agency—

(i) to pay directly the costs of the equipment and facilities provided;

(ii) to repay or make advances to appropriations or funds that do or will initially bear all or a part of those costs; or

(iii) to refund excess sums as necessary.

(2) Exception.—The proceeds described in paragraph (1) may be credited to a working capital fund otherwise established by law (including the fund established pursuant to section 331) and used in accordance the laws governing that fund, if the fund is available for use for providing the equipment or facilities involved.
SEC. 329. FIELD OFFICES.

The Secretary may establish, alter, consolidate, or discontinue to maintain such State, regional, district, local, or other field offices as the Secretary determines to be necessary to carry out this Act.

SEC. 330. COPYRIGHTS.

The Secretary may acquire any of the following described rights if the property so acquired is for use by or for, or useful to, the Department:

(1) Copyrights, patents, and applications for patents, designs, processes, and manufacturing data.
(2) Licenses under copyrights, patents, and applications for patents.
(3) Releases, before suit is brought, for past infringement of patents or copyrights.

SEC. 331. CAPITAL FUND.

(a) ESTABLISHMENT.—The Secretary may establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as the Secretary determines to be appropriate in the interests of economy and efficiency, including services such as—

(1) a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department;
central messenger, mail, telephone, and other communications services;

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

(4) a central library service.

(b) TRANSFERS.—The capital of the fund shall consist of—

(1) any appropriations made for the purpose of providing capital; and

(2) the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations.

(c) REIMBURSEMENT.—Amounts in the fund shall be reimbursed in advance from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates that approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment.

(d) CREDITS.—The fund shall be credited with receipts—

(1) from sale or exchange of property; and

(2) in payment for loss or damage to property owned by the fund.
(e) **Surplus Amounts.**—There shall be covered into the Treasury as miscellaneous receipts any surplus amounts in the fund (all assets, liabilities, and prior losses considered), in excess of the amounts transferred or appropriated to establish and maintain the fund.

**SEC. 332. SEAL OF DEPARTMENT.**

(a) **In General.**—The Secretary shall cause a seal of office to be made for the Department.

(b) **Judicial Notice.**—Judicial notice shall be taken of the seal under this section.

**SEC. 333. ANNUAL REPORT.**

As soon as practicable after the end of each fiscal year commencing with the first complete fiscal year following the date of enactment of this Act, the Secretary shall submit to the President, for inclusion in a report to Congress, a report on the activities of the Department during the preceding fiscal year.

**SEC. 334. TRANSFER OF FUNDS.**

(a) **In General.**—Except as provided in subsection (b), the Secretary, as authorized in an appropriations Act, may transfer for any fiscal year funds from 1 appropriation to another within the Department.

(b) **Exception.**—No appropriation shall be increased or decreased pursuant to this section by more than
5 percent of the appropriation for the applicable fiscal year.

**TITLE IV—TRANSITIONAL, SAVINGS, AND CONFORMING PROVISIONS**

**SEC. 401. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.**

(a) **IN GENERAL.**—Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions transferred by this Act, subject to section 1531 of title 31, United States Code, are transferred to the Secretary for appropriate allocation.

(b) **USE OF UNEXPENDED FUNDS.**—Unexpended funds transferred pursuant to subsection (a) shall only be used for the purposes for which the funds were originally authorized and appropriated.

(c) **SPECIFIC POSITIONS.**—Positions expressly specified by statute or reorganization plan to carry out functions transferred by this Act, personnel occupying those positions on the effective date of this Act, and personnel authorized to receive compensation in those positions at
the rate prescribed for offices and positions at level I, II, III, IV, or V of the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code, on the effective date of this Act, shall be subject to section 403.

SEC. 402. EFFECT ON PERSONNEL.

(a) In General.—Except as otherwise provided in this Act or by the Secretary, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions pursuant to this title shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of enactment of this Act.

(b) Compensation.—Any person who, on the effective date of this Act, holds a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department to a position having duties comparable to the duties performed immediately preceding the appointment shall continue to be compensated in the new position at not less than the rate provided for the previous position, for the duration of service in the new position.

(e) Reemployment Rights.—

(1) In General.—An employee transferred to the Department who holds reemployment rights ac-
required under any provision of law or regulation may exercise those rights only during the latter of—

(A) the 120-day period beginning on the effective date of this Act; or

(B) the 2-year period beginning on the date on which the employee acquired the reemployment rights.

(2) REQUIREMENT.—Reemployment rights may only be exercised at the request of the employee.

SEC. 403. AGENCY TERMINATIONS.

(a) IN GENERAL.—Except as otherwise provided in this Act, whenever all of the functions vested by law in any agency, commission, or other body, or any component of an agency, commission, or other body, have been terminated or transferred from that agency, commission, or other body, or component by this Act, the agency, commission, or other body, or component, shall terminate.

(b) TERMINATION OF POSITIONS AND OFFICES.—If an agency, commission, or other body, or any component of an agency, commission, or other body, terminates pursuant to subsection (a), each position and office within the agency, commission, or other body, or component, that was expressly authorized by law, or the incumbent of which was authorized to receive compensation at the rates prescribed for an office or position at level II, III, IV, or
V of the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code, shall terminate.

SEC. 404. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, in consultation with the Secretary and the Commission, shall make such determinations as may be necessary with regard to the transfer of functions that relate to or are used by an agency, commission or other body, or component of an agency, commission, or other body, affected by this Act, to make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with the functions transferred by this Act, as the Director considers necessary to accomplish the purposes of this Act.

SEC. 405. SAVINGS PROVISIONS.

(a) Orders To Remain in Effect.—

(1) In general.—All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges described in paragraph (2) shall continue in effect according to their respective terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the
President, the Secretary, or other authorized officials, a court of competent jurisdiction, or by operation of law.

(2) SPECIFICATION.—Paragraph (1) applies to all orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges that—

(A) have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency, official of a Federal department or agency, or by a court of competent jurisdiction, in the performance of functions that are transferred under this Act to the Department after the date of enactment of this Act; and

(B) are in effect on the date on which this Act takes effect.

(b) PENDING PROCEEDINGS.—

(1) IN GENERAL.—This Act shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending before any department, agency, commission, or component of a department, agency, or commission, functions of which are transferred by this Act on the date on which this Act takes effect.
(2) CONTINUATION.—

(A) IN GENERAL.—To the extent that proceedings and applications described in paragraph (1) relate to functions transferred by this Act—

(i) the proceedings and applications shall be continued; and

(ii) orders shall be issued, appeals shall be taken, and payments shall be made pursuant to the orders, as if this Act had not been enacted.

(B) EFFECT.—Orders issued in any proceeding continued under this paragraph shall continue in effect until modified, terminated, superseded, or revoked by—

(i) a duly authorized official;

(ii) a court of competent jurisdiction;

or

(iii) operation of law.

(C) DISCONTINUANCE OR MODIFICATION.—Nothing in this subsection prohibits the discontinuance or modification of any proceeding described in paragraph (1) under the same terms and conditions and to the same extent that the proceeding could have been dis-
continued or modified if this Act had not been enacted.

(3) RULEMAKING.—The Secretary may promulgate regulations providing for the orderly transfer of proceedings described in paragraph (1) to the Department.

(c) PENDING SUITS.—

(1) IN GENERAL.—Except as provided in paragraph (3)—

(A) this Act shall not affect suits commenced prior to the effective date of this Act; and

(B) in all suits described in subparagraph (A), proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(2) SUITS BY AND AGAINST OFFICERS IN OFFICIAL CAPACITY AND DEPARTMENTS AND AGENCIES.—

(A) OFFICES.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of the officer as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act.
(B) DEPARTMENTS AND AGENCIES.—No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer of a department or agency in the official capacity of the officer, shall abate by reason of the enactment of this Act.

(3) TRANSFER.—If, before the effective date of this Act, any department or agency, or officer of a department or agency in the official capacity of the officer, is a party to a suit, and under this Act any function of the department, agency, or officer is transferred to the Secretary or any other official, then the suit shall be continued with the Secretary or other official, as applicable, substituted.

SEC. 406. REFERENCE.

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 deemed to refer to the Secretary or other official or component of the Department in which this Act vests those functions.
SEC. 407. PRESIDENTIAL AUTHORITY.

Except as provided in title IV, nothing in this Act may be construed to limit, curtail, abolish, or terminate—

(1) any function of, or authority available to, the President that the President had immediately before the effective date of this Act; or

(2) the authority of the President to delegate, redelegate, or terminate any delegation of functions.

SEC. 408. TRANSITION.

With the consent of the appropriate department or agency head concerned, the Secretary may use the services of the officers, employees, and other personnel of the departments and agencies from which functions have been transferred to the Secretary for such period of time as may reasonably be needed to facilitate the orderly transfer of functions under this Act.

SEC. 409. ADMINISTRATIVE AMENDMENTS.

(a) EXECUTIVE DEPARTMENTS.—Section 101 of title 5, United States Code, is amended—

(1) by striking “The Department of Commerce.” and inserting “The Department of Commerce and the Workforce.”; and

(2) by striking “The Department of Labor.”.

(b) LEVEL I.—Section 5312 of title 5, United States Code, is amended—
(1) by striking “Secretary of Commerce.” and inserting “Secretary of Commerce and the Workforce.”; and

(2) by striking “Secretary of Labor.” and inserting “Undersecretary of Labor, Department of Commerce and the Workforce.”.

e) LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking “Deputy Secretary of Labor.” and inserting “Deputy Secretary of Commerce and the Workforce.”.

(d) LEVEL III.—Section 5314 of title 5, United States Code, is amended—

(1) by striking “Under Secretary of Commerce, Under Secretary of Commerce for Economic Affairs, Under Secretary of Commerce for Export Administration, and Under Secretary of Commerce for Travel and Tourism.” and inserting the following:

“Under Secretary for International Trade, Department of Commerce and the Workforce.

“Under Secretary for Economic Affairs and Statistics, Department of Commerce and the Workforce.

“Under Secretary for Industry and Security, Department of Commerce and the Workforce.”;
(2) by striking “Administrator of the Small Business Administration.” and inserting “Under Secretary of Small Business, Department of Commerce and the Workforce.”;

(3) by striking “Under Secretary of Commerce for Oceans and Atmosphere, the incumbent of which also serves as Administrator of the National Oceanic and Atmospheric Administration.” and inserting “Administrator of the National Oceanic and Atmospheric Administration, Department of the Interior.”;

and

(4) by striking “Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.” and inserting “Under Secretary for Intellectual Property, Department of Commerce and the Workforce.”.

(c) LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking “Assistant Secretaries of Commerce (11).” and inserting “Assistant Secretaries of Commerce and the Workforce (10).”;

(2) by striking “Assistant Secretaries of Labor (10), one of whom shall be the Assistant Secretary of Labor for Veterans’ Employment and Training.”;
(3) by striking “General Counsel of the Department of Commerce.” and inserting “General Counsel, Department of Commerce and the Workforce.”;

(4) by striking “Solicitor of the Department of Labor.” and inserting “Solicitor of Commerce and the Workforce, Department of Commerce and the Workforce.”;

(5) by striking “Deputy Administrator of the Small Business Administration.” and inserting “Deputy Under Secretary of Small Business, Department of Commerce and the Workforce.”;

(6) by striking “Members, Occupational Safety and Health Review Commission.”;

(7) by striking “Assistant Secretary of Labor for Mine Safety and Health.” and inserting “Assistant Secretary for Mine Safety and Health, Department of Commerce and the Workforce.”;

(8) by striking “Chief Counsel for Advocacy, Small Business Administration.” and inserting “Chief Counsel for Small Business Advocacy, Department of Commerce and the Workforce.”;

(9) by striking “Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.”;
(10) by striking “Director, Bureau of the Census, Department of Commerce.” and inserting “Director of the Bureau of the Census, Department of Commerce and the Workforce.”;

(11) by striking “Chief Financial Officer, Department of Commerce.” and inserting “Chief Financial Officer, Department of Commerce and the Workforce.”;

(12) by striking “Chief Financial Officer, Department of Labor.”;

(13) by striking “The Commissioner of Labor Statistics, Department of Labor.”;

(14) by striking “Chief Information Officer, Department of Commerce.” and inserting “Chief Information Officer, Department of Commerce and the Workforce.”;

(15) by striking “Chief Information Officer, Department of Labor.”;

(16) by striking “Chief Information Officer, Small Business Administration.”; and

(17) by striking “Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.”.
(f) LEVEL V.—Section 5316 of title 5, United States Code, is amended—

(1) by striking "Associate Administrators of the Small Business Administration (4)." and inserting "Assistant Secretaries of Small Business, Department of Commerce and the Workforce (4).";

(2) by striking "Manpower Administrator, Department of Labor." and inserting "Workforce Administrator, Department of Commerce and the Workforce."

(3) by striking "Director, United States Travel Service, Department of Commerce" and inserting "Director of the United States Travel Service, Department of Commerce and the Workforce."

(4) by striking "Administrator, Wage and Hour and Public Contracts Division, Department of Labor."; and

(5) by striking "National Export Expansion Coordinator, Department of Commerce."

SEC. 410. DIRECTOR OF OFFICE OF PERSONNEL MANAGEMENT REPORT.

As soon as practicable but not later than 1 year after the effective date of this Act, the Director of Office of Personnel Management shall prepare and submit to Con-
gress a report on the effects on employees of the reorga-

nization under this Act, which shall include—

(1) an identification of any position within the

Department or elsewhere in the Executive branch

that the Director considers unnecessary due to con-

solidation of functions under this Act;

(2) a statement of the number of employees en-

titled to pay savings by reason of the reorganization

under this Act;

(3) a statement of the number of employees

who are voluntarily or involuntarily separated by

reason of the reorganization;

(4) an estimate of the personnel costs associ-

ated with the reorganization;

(5) the effects of the reorganization on labor

management relations; and

(6) such legislative and administrative rec-

ommendations for improvements in personnel man-

agement within the Department as the Director con-

siders necessary.

SEC. 411. INVESTIGATIONS AND REPORTS ON DUPLICATIVE

PROGRAMS AND ACTIVITIES.

The Secretary shall—
(1) conduct routine investigations to identify programs, offices, and initiatives with duplicative goals and activities within the Department; and

(2) report annually to Congress on the findings from the investigations (including the cost of such duplication), including recommendations for consolidation and elimination to reduce duplication and for specific rescissions.

TITLE V—EFFECTIVE DATE AND INTERIM APPOINTMENTS

SEC. 501. EFFECTIVE DATE.

(a) In General.—Except as provided in subsections (b), this Act, and the amendments made by this Act shall take effect on the earlier of—

(1) 120 days after the Secretary first takes office; or

(2) such date as the President may prescribe and publish in the Federal Register.

(b) Appointments and Regulations.—At any time after the date of enactment of this Act—

(1) any of the officers provided for in titles I and II may be nominated and appointed, as provided in such titles; and

(2) the Secretary may promulgate regulations pursuant to section 405.
(c) USE OF FUNDS.—Funds available to any department or agency (or any official or component of a department of agency) functions of which are transferred to the Secretary by this Act, may with the approval of the Director of the Office of Management and Budget, be used to pay the compensation and expenses of any officer appointed pursuant to subsection (b) until such time as funds for that purpose are otherwise available.

SEC. 502. INTERIM APPOINTMENTS.

(a) IN GENERAL.—If 1 or more officers required by this Act to be appointed by and with the advice and consent of the Senate shall not have 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 advice and consent of the Senate, and who was such an officer immediately prior to the effective date of the Act, to act in the office until the office is filled as provided in this Act.

(b) COMPENSATION.—Any person acting in an office in accordance with subsection (a) shall receive compensation at the rates provided by this Act for the respective office in which the person acts.
TITLE VI—ELIMINATION AND REDUCTION OF PROGRAMS

SEC. 601. ELIMINATION OF PROGRAMS.

(a) INTERNATIONAL LABOR COMPARISON PROGRAM.—The International Labor Comparisons program of the Bureau of Labor Statistics shall be terminated on the date of enactment of this Act.

(b) CAREER PATHWAYS INNOVATION FUND.—The career pathways innovation fund established under the Workforce Investment Act of 1998 (Public Law 105–220) to develop and implement career pathway programs in partnership with employers and other relevant organizations in the community shall be terminated on the date of enactment of this Act.

(e) TRANSITIONAL JOBS DEMONSTRATION.—The Enhanced Transitional Jobs Demonstration program carried out under section 171 of the Workforce Investment Act of 1998 (29 U.S.C. 2916) shall be terminated on the date of enactment of this Act.

(d) PUBLIC TELECOMMUNICATIONS FACILITIES GRANTS.—Part IV of title III of the Communications Act of 1934 (47 U.S.C. 390 et seq.) is repealed.

(e) BALDRIDGE PERFORMANCE EXCELLENCE PROGRAM.—
(1) **IN GENERAL.**—The Baldrige Performance Excellence Program shall terminated on the date of the enactment of this Act.


(f) **EMERGENCY STEEL GUARANTEED LOAN PROGRAM.**—Section 101 of Public Law 106–51 (15 U.S.C. 1841 note) is repealed.

(g) **NONCRITICAL FUNCTIONS OF THE CENSUS BUREAU.**—Beginning on the date of the enactment of this Act, the Bureau of the Census shall discontinue—

(1) the Current Industrial Reports function;

(2) the Federal Financial Statistics Program;

(3) the Foreign Research and Analysis Program’s international focus; and

(4) the production of the Statistical Abstract.