

113TH CONGRESS  
1ST SESSION

# 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.

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## 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

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## 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. 109. Bureau of Industry and Security.
- 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.
- Sec. 312. Experts and consultants.
- Sec. 313. Advisory committees.

##### Subtitle B—General Administrative Provisions

- Sec. 321. General authority.
- Sec. 322. Delegation.
- Sec. 323. Reorganization.
- Sec. 324. Rules.
- Sec. 325. Subpoena.
- Sec. 326. Contracts.
- Sec. 327. Facilities construction.
- Sec. 328. Use of facilities.
- 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.

Sec. 407. Presidential authority.  
 Sec. 408. Transition.  
 Sec. 409. Administrative amendments.  
 Sec. 410. Director of Office of Personnel Management report.  
 Sec. 411. Investigations and reports on duplicative programs and activities.

#### TITLE V—EFFECTIVE DATE AND INTERIM APPOINTMENTS

Sec. 501. Effective date.  
 Sec. 502. Interim appointments.

#### TITLE VI—ELIMINATION AND REDUCTION OF PROGRAMS

Sec. 601. Elimination of programs.

### 1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ASSETS.**—The term “assets” includes con-  
 4 tracts, facilities, property, records, unobligated or  
 5 unexpended balances of appropriations, and other  
 6 funds or resources (other than personnel).

7 (2) **DEPARTMENT.**—The term “Department”  
 8 means the Department of Commerce and the Work-  
 9 force.

10 (3) **FUNCTION.**—The term “function” includes  
 11 any authority, power, right, privilege, immunity, pro-  
 12 gram, project, activity, duty, and responsibility.

13 (4) **PERFORM.**—The term “perform”, with re-  
 14 spect to a function, includes—

15 (A) the undertaking, fulfillment, or execu-  
 16 tion of any duty or obligation; and

17 (B) the exercise of any power, authority,  
 18 right, or privilege.

1 (5) PERSONNEL.—The term “personnel” means  
2 officers and employees.

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

## 5 **TITLE I—ESTABLISHMENT OF** 6 **DEPARTMENT**

### 7 **SEC. 101. ESTABLISHMENT.**

8 (a) ESTABLISHMENT.—There is established an execu-  
9 tive department to be known as the Department of Com-  
10 merce and the Workforce.

11 (b) MISSION.—The primary mission of the Depart-  
12 ment shall be to advance economic growth and jobs and  
13 opportunities for the people of the United States by—

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

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

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

22 (c) SECRETARY.—The head of the Department shall  
23 be the Secretary of Commerce and the Workforce, who  
24 shall be appointed by the President, by and with the advice  
25 and consent of the Senate.

1 (d) ADMINISTRATION.—The Department shall be ad-  
2 ministered, in accordance with this Act, under the super-  
3 vision and direction of the Secretary.

4 **SEC. 102. OFFICE OF THE SECRETARY.**

5 (a) DEPUTY SECRETARY.—

6 (1) APPOINTMENT.—There shall be in the Of-  
7 fice of the Secretary a Deputy Secretary of Com-  
8 merce and the Workforce, who shall be appointed by  
9 the President, by and with the advice and consent  
10 of the Senate.

11 (2) TEMPORARY ASSUMPTION OF DUTIES OF  
12 SECRETARY.—The Deputy Secretary shall perform  
13 the duties of the Secretary—

14 (A) in case of the death, resignation, or re-  
15 moval from office of the Secretary, until a suc-  
16 cessor is appointed; and

17 (B) in case of the absence or sickness of  
18 the Secretary, until the termination of such ab-  
19 sence or sickness.

20 (b) OFFICES IN THE OFFICE OF THE SECRETARY.—  
21 There shall be in the Office of the Secretary—

22 (1) the Office of Public Liaison and Special As-  
23 sistance;

24 (2) the Office of Legislative and Intergovern-  
25 mental Affairs;

1           (3) the Office of the Executive Secretariat; and

2           (4) the Office of Community and Public Affairs.

3       (c) GENERAL COUNSEL.—

4           (1) APPOINTMENT.—There shall be in the De-  
5       partment a General Counsel, who shall be appointed  
6       by the President, by and with the advice and consent  
7       of the Senate.

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

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

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

16           (2) an Assistant Secretary for Legislative and  
17      Intergovernmental Affairs, who shall be the head of  
18      the Office of Legislative and Intergovernmental Af-  
19      fairs.

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

22           (1) an Executive Secretariat Director, who shall  
23      be the head of the Office of the Executive Secre-  
24      tariat; and

1           (2) a Community and Public Affairs Director,  
2       who shall be the head of the Office of Community  
3       and Public Affairs.

4       (f) OTHER OFFICERS.—To assist the Secretary in the  
5       performance of the functions of the Department, the Sec-  
6       retary shall appoint, as officers of the Department—

7           (1) a Chief of Staff;

8           (2) a Chief Financial Officer; and

9           (3) a Chief Information Officer.

10   **SEC. 103. OFFICE OF THE WORKFORCE.**

11       (a) ESTABLISHMENT.—There shall be in the Depart-  
12       ment an Office of the Workforce.

13       (b) UNDER SECRETARY.—The head of the Office of  
14       the Workforce shall be the Under Secretary of the Work-  
15       force, who shall be appointed by the President, by and  
16       with the advice and consent of the Senate.

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

19           (1) the Administrative Review Board;

20           (2) the Benefits Review Board;

21           (3) the Occupational Safety and Health Admin-  
22       istration;

23           (4) the Office of Workers Compensation Pro-  
24       grams;

25           (5) the Wage and Hour Division;

1           (6) the Employee Benefits and Security Admin-  
2           istration;

3           (7) the Mine Safety and Health Administration;

4           (8) the Office of Labor-Management Standards;

5           (9) the Veterans's Employment and Training  
6           Service; and

7           (10) the Office of Disability Employment Pol-  
8           icy.

9   **SEC. 104. PATENT AND TRADEMARK OFFICE.**

10       (a) ESTABLISHMENT.—There shall be in the Depart-  
11       ment the Patent and Trademark Office.

12       (b) UNDER SECRETARY.—The head of the Patent  
13       and Trademark Office shall be the Under Secretary for  
14       Intellectual Property, who shall be appointed by the Presi-  
15       dent, by and with the advice and consent of the Senate.

16   **SEC. 105. SMALL BUSINESS ADMINISTRATION.**

17       (a) ESTABLISHMENT.—There shall be in the Depart-  
18       ment the Small Business Administration.

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

23       (c) DEPUTY UNDER SECRETARY.—There shall be in  
24       the Small Business Administration a Deputy Under Sec-  
25       retary of Small Business, who shall be appointed by the

1 President, by and with the advice and consent of the Sen-  
 2 ate.

3 (d) ASSISTANT SECRETARIES.—To assist the Under  
 4 Secretary of Small Business in the performance of the du-  
 5 ties of the Small Business Administration, the Under Sec-  
 6 retary of Small Business shall appoint 4 Assistant Secre-  
 7 taries.

8 **SEC. 106. OFFICE OF ECONOMIC AFFAIRS AND STATISTICS.**

9 (a) ESTABLISHMENT.—There shall be in the Depart-  
 10 ment an Office of Economic Affairs and Statistics.

11 (b) UNDER SECRETARY.—The head of the Office of  
 12 Economic Affairs and Statistics shall be the Under Sec-  
 13 retary for Economic Affairs and Statistics, who shall be  
 14 appointed by the President, by and with the advice and  
 15 consent of the Senate.

16 (c) BUREAUS.—There shall be in the Office of Eco-  
 17 nomic Affairs and Statistics—

18 (1) the Bureau of the Census; and

19 (2) the Bureau of Economic Analysis.

20 (d) OFFICERS.—The Secretary, after consultation  
 21 with the Under Secretary for Economic Affairs and Statis-  
 22 tics, shall appoint, in the Office of Economic Affairs and  
 23 Statistics—

24 (1) a Chief Economist;

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

4           (3) a Director of the Bureau of Economic Anal-  
5       ysis, who shall be the head of the Bureau of Eco-  
6       nomic Analysis.

7   **SEC. 107. NATIONAL INSTITUTE OF STANDARDS AND TECH-**  
8                           **NOLOGY.**

9       (a) ESTABLISHMENT.—There shall be in the Depart-  
10   ment the National Institute of Standards and Technology.

11      (b) UNDER SECRETARY.—The head of the National  
12   Institute of Standards and Technology shall be the Under  
13   Secretary for Standards and Technology, who shall be ap-  
14   pointed by the President, by and with the advice and con-  
15   sent of the Senate.

16      (c) NATIONAL TECHNICAL INFORMATION SERV-  
17   ICE.—The National Technical Information Service shall  
18   be a component of the National Institute of Standards and  
19   Technology.

20   **SEC. 108. INTERNATIONAL TRADE ADMINISTRATION.**

21      (a) ESTABLISHMENT.—There shall be in the Depart-  
22   ment the International Trade Administration.

23      (b) UNDER SECRETARY.—The head of the Inter-  
24   national Trade Administration shall be the Under Sec-  
25   retary for International Trade, who shall be appointed by

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

3 (c) ASSISTANT SECRETARIES.—The President shall  
4 appoint, by and with the advice and consent of the Senate,  
5 4 Assistant Secretaries in the International Trade Admin-  
6 istration, including—

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

9 (2) an Assistant Secretary for Import Adminis-  
10 tration;

11 (3) an Assistant Secretary for Trade Pro-  
12 motion; and

13 (4) an Assistant Secretary for Manufacturing  
14 and Services.

15 (d) BUREAU OF INTERNATIONAL LABOR AFFAIRS.—  
16 The Bureau of International Labor Affairs shall be a com-  
17 ponent of the International Trade Administration.

18 **SEC. 109. BUREAU OF INDUSTRY AND SECURITY.**

19 (a) ESTABLISHMENT.—There shall be in the Depart-  
20 ment a Bureau of Industry and Security.

21 (b) UNDER SECRETARY.—The head of the Bureau of  
22 Industry and Security shall be the Under Secretary for  
23 Industry and Security, who shall be appointed by the  
24 President, by and with the advice and consent of the Sen-  
25 ate.

1 (c) ASSISTANT SECRETARIES.—There shall be in the  
 2 Bureau of Industry and Security, who shall each be ap-  
 3 pointed by the President, by and with the advice and con-  
 4 sent of the Senate—

5 (1) an Assistant Secretary for Export Adminis-  
 6 tration; and

7 (2) an Assistant Secretary for Manufacturing  
 8 Services.

9 **SEC. 110. OTHER OFFICES.**

10 (a) ECONOMIC DEVELOPMENT AND TRAINING AD-  
 11 MINISTRATION.—

12 (1) ESTABLISHMENT.—There shall be in the  
 13 Department the Economic Development and Train-  
 14 ing Administration.

15 (2) ASSISTANT SECRETARY.—The head of the  
 16 Economic Development and Training Administration  
 17 shall be the Assistant Secretary for Economic Devel-  
 18 opment and Training, who shall be appointed by the  
 19 President, by and with the advice and consent of the  
 20 Senate.

21 (b) COMMUNICATIONS AND INFORMATION ADMINIS-  
 22 TRATION.—

23 (1) ESTABLISHMENT.—There shall be in the  
 24 Department the Communications and Information  
 25 Administration.

1           (2) ASSISTANT SECRETARY.—The head of the  
 2       Communications and Information Administration  
 3       shall be the Assistant Secretary for Communications  
 4       and Information, who shall be appointed by the  
 5       President, by and with the advice and consent of the  
 6       Senate.

7   **SEC. 111. INSPECTOR GENERAL.**

8       There shall be an Inspector General of the Depart-  
 9       ment, who shall be appointed as provided in section 3(a)  
 10      of the Inspector General Act of 1978 (5 U.S.C. App.).

11   **SEC. 112. PERFORMANCE OF SPECIFIC FUNCTIONS.**

12      Subject to this Act, each officer of the Department  
 13      shall perform the functions specified by law for the office  
 14      of the official or prescribed by the Secretary.

15                   **TITLE II—TRANSFER OF**  
 16                   **FUNCTIONS**

17   **SEC. 201. TRANSFER OF FUNCTIONS TO DEPARTMENT.**

18      (a) IN GENERAL.—Except as otherwise specifically  
 19      provided in this title—

20           (1) all functions of the Department of Com-  
 21      merce and the Department of Labor are transferred  
 22      to the Department; and

23           (2) all functions of the Secretary of Commerce  
 24      and the Secretary of Labor are transferred to the  
 25      Secretary.

1 (b) DEPUTY SECRETARY OF COMMERCE AND THE  
2 WORKFORCE.—There are transferred to the Deputy Sec-  
3 retary of Commerce and the Workforce all functions of  
4 the Deputy Secretary of Commerce and the Deputy Sec-  
5 retary of Labor.

6 (c) GENERAL COUNSEL.—There are transferred to  
7 the General Counsel of the Department all the functions  
8 of the General Counsel of the Department of Commerce,  
9 the Solicitor of Labor, and the General Counsel of the  
10 Small Business Administration.

11 (d) OFFICE OF POLICY.—There are transferred to  
12 the Assistant Secretary for Policy of the Department all  
13 functions of the Office of Policy and Strategic Planning  
14 of the Department of Commerce and the Assistant Sec-  
15 retary for Policy of the Department of Labor.

16 (e) OFFICE OF LEGISLATIVE AND INTERGOVERN-  
17 MENTAL AFFAIRS.—There are transferred to the Assist-  
18 ant Secretary for Legislative and Intergovernmental Af-  
19 fairs of the Department all functions of the Assistant Sec-  
20 retary for Legislative and Intergovernmental Affairs of the  
21 Department of Commerce, the Office of Congressional and  
22 Inter-Governmental Affairs of the Department of Labor,  
23 and the Office of Congressional and Legislative Affairs of  
24 the Small Business Administration.

1       (f) EXECUTIVE SECRETARIAT.—There are trans-  
 2       ferred to the Office of the Executive Secretariat of the  
 3       Department all functions of the Executive Secretariat of  
 4       the Department of Commerce, the Executive Secretariat  
 5       of the Department of Labor, and the Executive Secre-  
 6       tariat of the Small Business Administration.

7       (g) OFFICE OF PUBLIC LIAISON AND SPECIAL AS-  
 8       SISTANCE.—There are transferred to the Office of Public  
 9       Liaison and Special Assistance of the Department all  
 10      functions of the Minority Business Development Agency  
 11      of the Department of Commerce and the Women’s Bureau  
 12      of the Department of Labor.

13      (h) OFFICE OF COMMUNITY AND PUBLIC AFFAIRS.—  
 14      There are transferred to the Office of Community and  
 15      Public Affairs of the Department all functions of—

16           (1) the Office of Public Affairs of the Depart-  
 17      ment of Commerce;

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

21           (3) the Office of Communications and Public  
 22      Liaison and the Office of Faith Based and Neigh-  
 23      borhood Partnerships of the Small Business Admin-  
 24      istration.

1 (i) CHIEF OF STAFF.—There are transferred to the  
2 Chief of Staff of the Department all functions of the Chief  
3 of Staff of the Department of Commerce, the Chief of  
4 Staff of the Department of Labor, and the Chief of Staff  
5 of the Small Business Administration.

6 (j) CHIEF FINANCIAL OFFICER.—There are trans-  
7 ferred to the Chief Financial Officer of the Department  
8 all functions of the Chief Financial Officer and Assistant  
9 Secretary for Administration, the Chief Financial Officer  
10 of the Department of Labor, and the Chief Financial Offi-  
11 cer of the Small Business Administration.

12 (k) CHIEF INFORMATION OFFICER.—There are  
13 transferred to the Chief Information Officer of the De-  
14 partment all functions of the Chief Information Officer of  
15 the Department of Commerce and the Chief Information  
16 Officer of the Small Business Administration.

17 (l) OFFICE OF THE WORKFORCE.—There are trans-  
18 ferred to the Office of the Workforce all functions of the  
19 Department of Labor.

20 (m) PATENT AND TRADEMARK OFFICE.—There are  
21 transferred to the Under Secretary for Intellectual Prop-  
22 erty of the Department all functions of the United States  
23 Patent and Trademark Office.

24 (n) SMALL BUSINESS ADMINISTRATION.—There are  
25 transferred to the Under Secretary of Small Business, the

1 Deputy Under Secretary of Small Business, the Assistant  
 2 Secretaries of the Small Business Administration, and the  
 3 Small Business Administration of the Department all  
 4 functions of the Administrator of Small Business, the  
 5 Deputy Administrator of Small Business, the Associate  
 6 Administrators of the Small Business Administration, and  
 7 the Small Business Administration, respectively.

8 (o) NATIONAL INSTITUTE OF STANDARDS AND  
 9 TECHNOLOGY.—There are transferred to the Under Sec-  
 10 retary for Standards and Technology of the Department  
 11 all functions of the National Institute of Standards and  
 12 Technology of the Department of Commerce.

13 (p) OFFICE OF ECONOMIC AFFAIRS AND STATIS-  
 14 TICS.—There are transferred to the Under Secretary for  
 15 Economic Affairs and Statistics all functions of the Eco-  
 16 nomics and Statistics Administration of the Department  
 17 of Commerce and the Bureau of Labor Statistics of the  
 18 Department of Labor.

19 (q) CHIEF ECONOMIST.—There are transferred to  
 20 the Chief Economist of the Department all functions of  
 21 the Chief Economist of the Department of Commerce and  
 22 the Chief Economist of the Department of Labor.

23 (r) BUREAU OF INDUSTRY AND SECURITY.—There  
 24 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.

1       **TITLE III—ADMINISTRATIVE**  
2                   **PROVISIONS**  
3       **Subtitle A—Personnel Provisions**

4       **SEC. 311. OFFICERS AND EMPLOYEES.**

5           The Secretary may appoint and fix the compensation  
6 of such officers and employees, including attorneys, as the  
7 Secretary determines necessary to carry out the functions  
8 of the Department in accordance with chapters 33 and  
9 53 of title 5, United States Code.

10       **SEC. 312. EXPERTS AND CONSULTANTS.**

11           The Secretary may obtain services authorized by sec-  
12 tion 3109 of title 5, United States Code, at rates not to  
13 exceed the daily rate prescribed for grade GS–15 of the  
14 General Schedule under section 5332 of title 5, United  
15 States Code, for persons employed intermittently in Gov-  
16 ernment service.

17       **SEC. 313. ADVISORY COMMITTEES.**

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

23           (b) TRAVEL EXPENSES.—Members of an advisory  
24 committee established under subsection (a), other than  
25 full-time employees of the Federal Government, may be

1 allowed travel expenses, including per diem in lieu of sub-  
2 sistence, as authorized by section 5703 of title 5, United  
3 States Code, while attending meetings of the advisory  
4 committee or otherwise serving at the request of the Sec-  
5 retary away from the homes or places of business of the  
6 members.

## 7 **Subtitle B—General Administrative** 8 **Provisions**

### 9 **SEC. 321. GENERAL AUTHORITY.**

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

### 16 **SEC. 322. DELEGATION.**

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

20 (1) delegate any functions to officers or employ-  
21 ees of the Department; and

22 (2) authorize successive redelegations of func-  
23 tions within the Department.

1 **SEC. 323. REORGANIZATION.**

2 (a) IN GENERAL.—Subject to subsection (b), the Sec-  
3 retary may establish, alter, consolidate, or discontinue  
4 such organizational units or components within the De-  
5 partment as the Secretary determines to be appropriate.

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

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

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

12 **SEC. 324. RULES.**

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

17 **SEC. 325. SUBPOENA.**

18 For the purpose of carrying out this Act, the Sec-  
19 retary (or a designee) shall have the same powers and au-  
20 thorities as the Federal Trade Commission under section  
21 9 of the Federal Trade Commission Act (15 U.S.C. 49)  
22 with respect to all functions vested in, or transferred or  
23 delegated to, the Secretary by this Act.

24 **SEC. 326. CONTRACTS.**

25 (a) IN GENERAL.—The Secretary may enter into and  
26 perform such contracts, leases, cooperative agreements, or

1 other similar transactions with public agencies, private or-  
2 ganizations, and individuals, and make such payments (in  
3 lump sum or installments, and by way of advance or reim-  
4 bursement), as the Secretary determines to be appropriate  
5 to carry out the functions under this Act.

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

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

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

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

21 (3) is under the control of the Department.

22 (d) TERMS OF LEASE.—

23 (1) IN GENERAL.—A lease entered into under  
24 subsection (c) shall be for a term of not more than  
25 10 years, except that the Secretary may enter into

1 a lease that includes an option to renew for a term  
2 of more than 10 years if the Secretary determines  
3 that entering into such a lease will promote the na-  
4 tional security or be in the public interest.

5 (2) CONSIDERATION.—

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

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

16 (e) ENVIRONMENTAL CONCERNS.—

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

1 safety and the protection of public health and the  
2 environment.

3 (2) FAILURE TO OBTAIN CONCURRENCE.—The  
4 Secretary may enter into a lease under subsection  
5 (c) without obtaining the concurrence of the appro-  
6 priate State official under paragraph (1) if, by the  
7 date that 60 days after the date on which the Sec-  
8 retary requests the concurrence, the appropriate  
9 State official fails to submit to the Secretary a no-  
10 tice of concurrence with, or rejection of, the deter-  
11 mination.

12 (f) RENTALS.—

13 (1) RETENTION.—

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

24 (B) TREATMENT.—Amounts retained  
25 under this subsection shall be retained in a sep-

1           arate account established in the Treasury for  
2           that purpose.

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

6   **SEC. 327. FACILITIES CONSTRUCTION.**

7       (a) IN GENERAL.—As necessary and when not other-  
8       wise available, the Secretary may provide for, construct,  
9       or maintain the following for employees and dependents  
10      stationed at remote locations:

11           (1) Emergency medical services and supplies.

12           (2) Food and other subsistence supplies.

13           (3) Messing facilities.

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

16           (5) Reimbursement for food, clothing, medicine,  
17      and other supplies furnished by those employees in  
18      emergencies for the temporary relief of distressed in-  
19      dividuals.

20           (6) Living and working quarters and facilities.

21           (7) Transportation of school-aged dependents of  
22      employees to the nearest appropriate educational fa-  
23      cilities.

24       (b) PRICING.—The furnishing of medical treatment  
25      under subsection (a)(1) and the furnishing of services and

1 supplies under paragraphs (2) and (3) of subsection (a)  
2 shall be at prices reflecting reasonable value, as deter-  
3 mined by the Secretary.

4 (c) TREATMENT.—

5 (1) IN GENERAL.—Proceeds from reimburse-  
6 ments under this section—

7 (A) shall be deposited in the Treasury; and

8 (B) may be withdrawn by the Secretary—

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

11 (ii) to repay or make advances to ap-  
12 propriations of funds that will initially bear  
13 all or a part of that cost; or

14 (iii) to refund excess sums when nec-  
15 essary.

16 (2) CREDITING TO FUNDS.—A payment by the  
17 Secretary under paragraph (1)(B) may be credited  
18 to a working capital fund otherwise established by  
19 law, including the fund established pursuant to sec-  
20 tion 331, and used under the law governing the  
21 fund, if the fund is available for use by the Depart-  
22 ment for performing the work or services for which  
23 payment is received.

1 **SEC. 328. USE OF FACILITIES.**

2 (a) IN GENERAL.—On the consent of the Federal  
3 Government or the government of any foreign country,  
4 State, the District of Columbia, the Commonwealth of  
5 Puerto Rico, or any territory or possession of the United  
6 States, with or without reimbursement, the Secretary may  
7 use the research, equipment, and facilities of such a gov-  
8 ernment (or political subdivision) in carrying out the func-  
9 tions under this Act.

10 (b) USE OF PROPERTY.—

11 (1) IN GENERAL.—Except as provided in para-  
12 graph (2), in carrying out this Act, the Secretary  
13 may permit the use by public and private individuals  
14 and entities of any real property, facility, structure,  
15 or improvement under the jurisdiction of the Sec-  
16 retary for purposes of the Department, under such  
17 terms and at such rates as the Secretary determines  
18 to be appropriate, for a period of not more than 5  
19 years.

20 (2) RECONDITIONING AND MAINTENANCE.—

21 The Secretary may require any individual or entity  
22 to which a permit is provided under this subsection  
23 to recondition and maintain, at the expense of the  
24 individual or entity, the real property, facilities,  
25 structures, and improvements involved to a satisfac-  
26 tory standard.

1           (3) EXCEPTION.—This subsection shall not  
 2       apply to excess property (as defined in section 102  
 3       of title 40, United States Code).

4       (c) PROCEEDS.—

5           (1) IN GENERAL.—Except as provided in para-  
 6       graph (2), the proceeds from reimbursements under  
 7       this section—

8               (A) shall be deposited in the Treasury; and

9               (B) may be withdrawn by the Secretary or  
 10       the head of the another appropriate Federal de-  
 11       partment or agency—

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

14                   (ii) to repay or make advances to ap-  
 15                   propriations or funds that do or will ini-  
 16                   tially bear all or a part of those costs; or

17                   (iii) to refund excess sums as nec-  
 18                   essary.

19           (2) EXCEPTION.—The proceeds described in  
 20       paragraph (1) may be credited to a working capital  
 21       fund otherwise established by law (including the  
 22       fund established pursuant to section 331) and used  
 23       in accordance the laws governing that fund, if the  
 24       fund is available for use for providing the equipment  
 25       or facilities involved.

1   **SEC. 329. FIELD OFFICES.**

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

6   **SEC. 330. COPYRIGHTS.**

7       The Secretary may acquire any of the following de-  
8   scribed rights if the property so acquired is for use by  
9   or for, or useful to, the Department:

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

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

14           (3) Releases, before suit is brought, for past in-  
15       fringement of patents or copyrights.

16   **SEC. 331. CAPITAL FUND.**

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

23           (1) a central supply service for stationery and  
24       other supplies and equipment for which adequate  
25       stocks may be maintained to meet in whole or in  
26       part the requirements of the Department;

1           (2) central messenger, mail, telephone, and  
2       other communications services;

3           (3) office space and central services for docu-  
4       ment reproduction, graphics, and visual aids; and

5           (4) a central library service.

6       (b) TRANSFERS.—The capital of the fund shall con-  
7       sist of—

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

10          (2) the fair and reasonable value of such stocks  
11       of supplies, equipment, and other assets and inven-  
12       tories on order as the Secretary may transfer to the  
13       fund, less the related liabilities and unpaid obliga-  
14       tions.

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

21       (d) CREDITS.—The fund shall be credited with re-  
22       ceipts—

23           (1) from sale or exchange of property; and

24           (2) in payment for loss or damage to property  
25       owned by the fund.

1 (e) SURPLUS AMOUNTS.—There shall be covered into  
2 the Treasury as miscellaneous receipts any surplus  
3 amounts in the fund (all assets, liabilities, and prior losses  
4 considered), in excess of the amounts transferred or ap-  
5 propriated to establish and maintain the fund.

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

7 (a) IN GENERAL.—The Secretary shall cause a seal  
8 of office to be made for the Department.

9 (b) JUDICIAL NOTICE.—Judicial notice shall be  
10 taken of the seal under this section.

11 **SEC. 333. ANNUAL REPORT.**

12 As soon as practicable after the end of each fiscal  
13 year commencing with the first complete fiscal year fol-  
14 lowing the date of enactment of this Act, the Secretary  
15 shall submit to the President, for inclusion in a report to  
16 Congress, a report on the activities of the Department  
17 during the preceding fiscal year.

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

19 (a) IN GENERAL.—Except as provided in subsection  
20 (b), the Secretary, as authorized in an appropriations Act,  
21 may transfer for any fiscal year funds from 1 appropria-  
22 tion to another within the Department.

23 (b) EXCEPTION.—No appropriation shall be in-  
24 creased or decreased pursuant to this section by more than

1 5 percent of the appropriation for the applicable fiscal  
 2 year.

3 **TITLE IV—TRANSITIONAL, SAV-**  
 4 **INGS, AND CONFORMING**  
 5 **PROVISIONS**

6 **SEC. 401. TRANSFER AND ALLOCATIONS OF APPROPRIA-**  
 7 **TIONS AND PERSONNEL.**

8 (a) IN GENERAL.—Except as otherwise provided in  
 9 this Act, the personnel employed in connection with, and  
 10 the assets, liabilities, contracts, property, records, and un-  
 11 expended balance of appropriations authorizations, alloca-  
 12 tions, and other funds employed, held, used, arising from,  
 13 available to, or to be made available in connection with  
 14 the functions transferred by this Act, subject to section  
 15 1531 of title 31, United States Code, are transferred to  
 16 the Secretary for appropriate allocation.

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

21 (c) SPECIFIC POSITIONS.—Positions expressly speci-  
 22 fied by statute or reorganization plan to carry out func-  
 23 tions transferred by this Act, personnel occupying those  
 24 positions on the effective date of this Act, and personnel  
 25 authorized to receive compensation in those positions at

1 the rate prescribed for offices and positions at level I, II,  
 2 III, IV, or V of the Executive Schedule under subchapter  
 3 II of chapter 53 of title 5, United States Code, on the  
 4 effective date of this Act, shall be subject to section 403.

5 **SEC. 402. EFFECT ON PERSONNEL.**

6 (a) IN GENERAL.—Except as otherwise provided in  
 7 this Act or by the Secretary, the transfer pursuant to this  
 8 title of full-time personnel (except special Government em-  
 9 ployees) and part-time personnel holding permanent posi-  
 10 tions pursuant to this title shall not cause any such em-  
 11 ployee to be separated or reduced in grade or compensa-  
 12 tion for 1 year after the date of enactment of this Act.

13 (b) COMPENSATION.—Any person who, on the effec-  
 14 tive date of this Act, holds a position compensated in ac-  
 15 cordance with the Executive Schedule prescribed in chap-  
 16 ter 53 of title 5, United States Code, and who, without  
 17 a break in service, is appointed in the Department to a  
 18 position having duties comparable to the duties performed  
 19 immediately preceding the appointment shall continue to  
 20 be compensated in the new position at not less than the  
 21 rate provided for the previous position, for the duration  
 22 of service in the new position.

23 (c) REEMPLOYMENT RIGHTS.—

24 (1) IN GENERAL.—An employee transferred to  
 25 the Department who holds reemployment rights ac-

1       quired under any provision of law or regulation may  
 2       exercise those rights only during the latter of—

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

5               (B) the 2-year period beginning on the  
 6       date on which the employee acquired the reem-  
 7       ployment rights.

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

10 **SEC. 403. AGENCY TERMINATIONS.**

11       (a) IN GENERAL.—Except as otherwise provided in  
 12 this Act, whenever all of the functions vested by law in  
 13 any agency, commission, or other body, or any component  
 14 of an agency, commission, or other body, have been termi-  
 15 nated or transferred from that agency, commission, or  
 16 other body, or component by this Act, the agency, commis-  
 17 sion, or other body, or component, shall terminate.

18       (b) TERMINATION OF POSITIONS AND OFFICES.—If  
 19 an agency, commission, or other body, or any component  
 20 of an agency, commission, or other body, terminates pur-  
 21 suant to subsection (a), each position and office within  
 22 the agency, commission, or other body, or component, that  
 23 was expressly authorized by law, or the incumbent of  
 24 which was authorized to receive compensation at the rates  
 25 prescribed for an office or position at level II, III, IV, or

1 V of the Executive Schedule under subchapter II of chap-  
 2 ter 53 of title 5, United States Code, shall terminate.

3 **SEC. 404. INCIDENTAL TRANSFERS.**

4       The Director of the Office of Management and Budg-  
 5 et, in consultation with the Secretary and the Commission,  
 6 shall make such determinations as may be necessary with  
 7 regard to the transfer of functions that relate to or are  
 8 used by an agency, commission or other body, or compo-  
 9 nent of an agency, commission, or other body, affected by  
 10 this Act, to make such additional incidental dispositions  
 11 of personnel, assets, liabilities, contracts, property,  
 12 records, and unexpended balances of appropriations, au-  
 13 thorizations, allocations, and other funds held, used, aris-  
 14 ing from, available to, or to be made available in connec-  
 15 tion with the functions transferred by this Act, as the Di-  
 16 rector considers necessary to accomplish the purposes of  
 17 this Act.

18 **SEC. 405. SAVINGS PROVISIONS.**

19       (a) ORDERS TO REMAIN IN EFFECT.—

20           (1) IN GENERAL.—All orders, determinations,  
 21 rules, regulations, permits, contracts, certificates, li-  
 22 censes, and privileges described in paragraph (2)  
 23 shall continue in effect according to their respective  
 24 terms until modified, terminated, superseded, set  
 25 aside, or revoked in accordance with law by the

1 President, the Secretary, or other authorized offi-  
2 cials, a court of competent jurisdiction, or by oper-  
3 ation of law.

4 (2) SPECIFICATION.—Paragraph (1) applies to  
5 all orders, determinations, rules, regulations, per-  
6 mits, contracts, certificates, licenses, and privileges  
7 that—

8 (A) have been issued, made, granted, or al-  
9 lowed to become effective by the President, any  
10 Federal department or agency, official of a Fed-  
11 eral department or agency, or by a court of  
12 competent jurisdiction, in the performance of  
13 functions that are transferred under this Act to  
14 the Department after the date of enactment of  
15 this Act; and

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

18 (b) PENDING PROCEEDINGS.—

19 (1) IN GENERAL.—This Act shall not affect any  
20 proceedings or any application for any license, per-  
21 mit, certificate, or financial assistance pending be-  
22 fore any department, agency, commission, or compo-  
23 nent of a department, agency, or commission, func-  
24 tions of which are transferred by this Act on the  
25 date on which this Act takes effect.

1 (2) CONTINUATION.—

2 (A) IN GENERAL.—To the extent that pro-  
 3 ceedings and applications described in para-  
 4 graph (1) relate to functions transferred by this  
 5 Act—

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

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

12 (B) EFFECT.—Orders issued in any pro-  
 13 ceeding continued under this paragraph shall  
 14 continue in effect until modified, terminated,  
 15 superseded, or revoked by—

16 (i) a duly authorized official;

17 (ii) a court of competent jurisdiction;

18 or

19 (iii) operation of law.

20 (C) DISCONTINUANCE OR MODIFICA-  
 21 TION.—Nothing in this subsection prohibits the  
 22 discontinuance or modification of any pro-  
 23 ceeding described in paragraph (1) under the  
 24 same terms and conditions and to the same ex-  
 25 tent that the proceeding could have been dis-

1 continued or modified if this Act had not been  
2 enacted.

3 (3) RULEMAKING.—The Secretary may promul-  
4 gate regulations providing for the orderly transfer of  
5 proceedings described in paragraph (1) to the De-  
6 partment.

7 (c) PENDING SUITS.—

8 (1) IN GENERAL.—Except as provided in para-  
9 graph (3)—

10 (A) this Act shall not affect suits com-  
11 menced prior to the effective date of this Act;  
12 and

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

17 (2) SUITS BY AND AGAINST OFFICERS IN OFFI-  
18 CIAL CAPACITY AND DEPARTMENTS AND AGEN-  
19 CIES.—

20 (A) OFFICES.—No suit, action, or other  
21 proceeding commenced by or against any officer  
22 in the official capacity of the officer as an offi-  
23 cer of any department or agency, functions of  
24 which are transferred by this Act, shall abate  
25 by reason of the enactment of this Act.

1 (B) DEPARTMENTS AND AGENCIES.—No  
2 cause of action by or against any department or  
3 agency, functions of which are transferred by  
4 this Act, or by or against any officer of a de-  
5 partment or agency in the official capacity of  
6 the officer, shall abate by reason of the enact-  
7 ment of this Act.

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

16 **SEC. 406. REFERENCE.**

17 With respect to any functions transferred by this Act  
18 and exercised after the effective date of this Act, reference  
19 in any other Federal law to any department, commission,  
20 or agency or any officer or office the functions of which  
21 are so transferred shall be deemed to refer to the Sec-  
22 retary or other official or component of the Department  
23 in which this Act vests those functions.

1 **SEC. 407. PRESIDENTIAL AUTHORITY.**

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

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

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

9 **SEC. 408. TRANSITION.**

10 With the consent of the appropriate department or  
11 agency head concerned, the Secretary may use the services  
12 of the officers, employees, and other personnel of the de-  
13 partments and agencies from which functions have been  
14 transferred to the Secretary for such period of time as  
15 may reasonably be needed to facilitate the orderly transfer  
16 of functions under this Act.

17 **SEC. 409. ADMINISTRATIVE AMENDMENTS.**

18 (a) EXECUTIVE DEPARTMENTS.—Section 101 of title  
19 5, United States Code, is amended—

20 (1) by striking “The Department of Com-  
21 merce.” and inserting “The Department of Com-  
22 merce and the Workforce.”; and

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

24 (b) LEVEL I.—Section 5312 of title 5, United States  
25 Code, is amended—

1           (1) by striking “Secretary of Commerce.” and  
2           inserting “Secretary of Commerce and the Work-  
3           force.”; and

4           (2) by striking “Secretary of Labor.” and in-  
5           serting “Undersecretary of Labor, Department of  
6           Commerce and the Workforce.”.

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

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

13               (1) by striking “Under Secretary of Commerce,  
14               Under Secretary of Commerce for Economic Affairs,  
15               Under Secretary of Commerce for Export Adminis-  
16               tration, and Under Secretary of Commerce for Trav-  
17               el and Tourism.” and inserting the following:

18                       “Under Secretary for International Trade, De-  
19                       partment of Commerce and the Workforce.

20                       “Under Secretary for Economic Affairs and  
21                       Statistics, Department of Commerce and the Work-  
22                       force.

23                       “Under Secretary for Industry and Security,  
24                       Department of Commerce and the Workforce.”;

1           (2) by striking “Administrator of the Small  
2       Business Administration.” and inserting “Under  
3       Secretary of Small Business, Department of Com-  
4       merce and the Workforce.”;

5           (3) by striking “Under Secretary of Commerce  
6       for Oceans and Atmosphere, the incumbent of which  
7       also serves as Administrator of the National Oceanic  
8       and Atmospheric Administration.” and inserting  
9       “Administrator of the National Oceanic and Atmos-  
10      pheric Administration, Department of the Interior.”;  
11      and

12          (4) by striking “Under Secretary of Commerce  
13      for Intellectual Property and Director of the United  
14      States Patent and Trademark Office.” and inserting  
15      “Under Secretary for Intellectual Property, Depart-  
16      ment of Commerce and the Workforce.”.

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

19          (1) by striking “Assistant Secretaries of Com-  
20      merce (11).” and inserting “Assistant Secretaries of  
21      Commerce and the Workforce (10).”;

22          (2) by striking “Assistant Secretaries of Labor  
23      (10), one of whom shall be the Assistant Secretary  
24      of Labor for Veterans’ Employment and Training.”;

1           (3) by striking “General Counsel of the Depart-  
2           ment of Commerce.” and inserting “General Coun-  
3           sel, Department of Commerce and the Workforce.”;

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

8           (5) by striking “Deputy Administrator of the  
9           Small Business Administration.” and inserting  
10          “Deputy Under Secretary of Small Business, De-  
11          partment of Commerce and the Workforce.”;

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

14          (7) by striking “Assistant Secretary of Labor  
15          for Mine Safety and Health.” and inserting “Assist-  
16          ant Secretary for Mine Safety and Health, Depart-  
17          ment of Commerce and the Workforce.”;

18          (8) by striking “Chief Counsel for Advocacy,  
19          Small Business Administration.” and inserting  
20          “Chief Counsel for Small Business Advocacy, De-  
21          partment of Commerce and the Workforce.”;

22          (9) by striking “Assistant Secretary of Com-  
23          merce and Director General of the United States  
24          and Foreign Commercial Service.”;

1           (10) by striking “Director, Bureau of the Cen-  
2           sus, Department of Commerce.” and inserting “Di-  
3           rector of the Bureau of the Census, Department of  
4           Commerce and the Workforce.”;

5           (11) by striking “Chief Financial Officer, De-  
6           partment of Commerce.” and inserting “Chief Fi-  
7           nancial Officer, Department of Commerce and the  
8           Workforce.”;

9           (12) by striking “Chief Financial Officer, De-  
10          partment of Labor.”;

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

13          (14) by striking “Chief Information Officer,  
14          Department of Commerce.” and inserting “Chief In-  
15          formation Officer, Department of Commerce and the  
16          Workforce.”;

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

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

21          (17) by striking “Deputy Under Secretary of  
22          Commerce for Intellectual Property and Deputy Di-  
23          rector of the United States Patent and Trademark  
24          Office.”.

1 (f) LEVEL V.—Section 5316 of title 5, United States  
2 Code, is amended—

3 (1) by striking “Associate Administrators of the  
4 Small Business Administration (4).” and inserting  
5 “Assistant Secretaries of Small Business, Depart-  
6 ment of Commerce and the Workforce (4).”;

7 (2) by striking “Manpower Administrator, De-  
8 partment of Labor.” and inserting “Workforce Ad-  
9 ministrator, Department of Commerce and the  
10 Workforce.”;

11 (3) by striking “Director, United States Travel  
12 Service, Department of Commerce” and inserting  
13 “Director of the United States Travel Service, De-  
14 partment of Commerce and the Workforce.”;

15 (4) by striking “Administrator, Wage and Hour  
16 and Public Contracts Division, Department of  
17 Labor.”; and

18 (5) by striking “National Export Expansion Co-  
19 ordinator, Department of Commerce.”.

20 **SEC. 410. DIRECTOR OF OFFICE OF PERSONNEL MANAGE-**  
21 **MENT REPORT.**

22 As soon as practicable but not later than 1 year after  
23 the effective date of this Act, the Director of Office of  
24 Personnel Management shall prepare and submit to Con-

1 gress a report on the effects on employees of the reorga-  
 2 nization under this Act, which shall include—

3 (1) an identification of any position within the  
 4 Department or elsewhere in the Executive branch  
 5 that the Director considers unnecessary due to con-  
 6 solidation of functions under this Act;

7 (2) a statement of the number of employees en-  
 8 titled to pay savings by reason of the reorganization  
 9 under this Act;

10 (3) a statement of the number of employees  
 11 who are voluntarily or involuntarily separated by  
 12 reason of the reorganization;

13 (4) an estimate of the personnel costs associ-  
 14 ated with the reorganization;

15 (5) the effects of the reorganization on labor  
 16 management relations; and

17 (6) such legislative and administrative rec-  
 18 ommendations for improvements in personnel man-  
 19 agement within the Department as the Director con-  
 20 siders necessary.

21 **SEC. 411. INVESTIGATIONS AND REPORTS ON DUPLICATIVE**  
 22 **PROGRAMS AND ACTIVITIES.**

23 The Secretary shall—

1           (1) conduct routine investigations to identify  
2           programs, offices, and initiatives with duplicative  
3           goals and activities within the Department; and

4           (2) report annually to Congress on the findings  
5           from the investigations (including the cost of such  
6           duplication), including recommendations for consoli-  
7           dation and elimination to reduce duplication and for  
8           specific rescissions.

## 9       **TITLE V—EFFECTIVE DATE AND** 10       **INTERIM APPOINTMENTS**

### 11   **SEC. 501. EFFECTIVE DATE.**

12       (a) IN GENERAL.—Except as provided in subsections  
13   (b), this Act, and the amendments made by this Act shall  
14   take effect on the earlier of—

15           (1) 120 days after the Secretary first takes of-  
16       fice; or

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

19       (b) APPOINTMENTS AND REGULATIONS.—At any  
20   time after the date of enactment of this Act—

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

24           (2) the Secretary may promulgate regulations  
25       pursuant to section 405.

1       (c) USE OF FUNDS.—Funds available to any depart-  
2 ment or agency (or any official or component of a depart-  
3 ment of agency) functions of which are transferred to the  
4 Secretary by this Act, may with the approval of the Direc-  
5 tor of the Office of Management and Budget, be used to  
6 pay the compensation and expenses of any officer ap-  
7 pointed pursuant to subsection (b) until such time as  
8 funds for that purpose are otherwise available.

9   **SEC. 502. INTERIM APPOINTMENTS.**

10       (a) IN GENERAL.—If 1 or more officers required by  
11 this Act to be appointed by and with the advice and con-  
12 sent of the Senate shall not have entered upon office on  
13 the effective date of this Act, the President may designate  
14 any officer, whose appointment was required to be made  
15 by and with the advice and consent of the Senate, and  
16 who was such an officer immediately prior to the effective  
17 date of the Act, to act in the office until the office is filled  
18 as provided in this Act.

19       (b) COMPENSATION.—Any person acting in an office  
20 in accordance with subsection (a) shall receive compensa-  
21 tion at the rates provided by this Act for the respective  
22 office in which the person acts.

1       **TITLE VI—ELIMINATION AND**  
2       **REDUCTION OF PROGRAMS**

3       **SEC. 601. ELIMINATION OF PROGRAMS.**

4           (a) INTERNATIONAL LABOR COMPARISON PRO-  
5       GRAM.—The International Labor Comparisons program of  
6       the Bureau of Labor Statistics shall be terminated on the  
7       date of enactment of this Act.

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

15          (c) TRANSITIONAL JOBS DEMONSTRATION.—The  
16      Enhanced Transitional Jobs Demonstration program car-  
17      ried out under section 171 of the Workforce Investment  
18      Act of 1998 (29 U.S.C. 2916) shall be terminated on the  
19      date of enactment of this Act.

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

23          (e) BALDRIDGE PERFORMANCE EXCELLENCE PRO-  
24      GRAM.—

1           (1) IN GENERAL.—The Baldrige Performance  
2       Excellence Program shall terminated on the date of  
3       the enactment of this Act.

4           (2) AWARD.—The Stevenson-Wydler Tech-  
5       nology Innovation Act of 1980 (15 U.S.C. 3701 et  
6       seq.) is amended by striking section 17 (15 U.S.C.  
7       3711a) (relating to the Malcolm Baldrige National  
8       Quality Award).

9           (f) EMERGENCY STEEL GUARANTEED LOAN PRO-  
10      GRAM.—Section 101 of Public Law 106–51 (15 U.S.C.  
11      1841 note) is repealed.

12          (g) NONCRITICAL FUNCTIONS OF THE CENSUS BU-  
13      REAU.—Beginning on the date of the enactment of this  
14      Act, the Bureau of the Census shall discontinue—

- 15           (1) the Current Industrial Reports function;
- 16           (2) the Federal Financial Statistics Program;
- 17           (3) the Foreign Research and Analysis Pro-  
18      gram’s international focus; and
- 19           (4) the production of the Statistical Abstract.

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