

112TH CONGRESS  
1ST SESSION

# S. 1116

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

MAY 26, 2011

Mr. BURR (for himself, Mr. WICKER, Mr. COCHRAN, Mr. INHOFE, Mr. LEE, Mr. MCCAIN, Mr. COATS, and Mr. THUNE) 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”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 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.  
 Sec. 412. Administrative Efficiency Initiative.

#### 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

1 (B) the exercise of any power, authority,  
2 right, or privilege.

3 (5) PERSONNEL.—The term “personnel” means  
4 officers and employees.

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

7 **TITLE I—ESTABLISHMENT OF**  
8 **DEPARTMENT**

9 **SEC. 101. ESTABLISHMENT.**

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

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

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

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

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

24 (c) SECRETARY.—The head of the Department shall  
25 be the Secretary of Commerce and the Workforce, who

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

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

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

7 (a) DEPUTY SECRETARY.—

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

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

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

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

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

24 (1) the Office of Public Liaison and Special As-  
25 sistance;

1           (2) the Office of Legislation and Intergovern-  
2           mental Affairs;

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

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

5           (c) GENERAL COUNSEL.—

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

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

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

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

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

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

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

4           (2) a Community and Public Affairs Director,  
5           who shall be the head of the Office of Community  
6           and Public Affairs.

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

10           (1) a Chief of Staff;

11           (2) a Chief Financial Officer; and

12           (3) a Chief Information Officer.

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

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

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

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

22           (1) the Administrative Review Board;

23           (2) the Benefits Review Board;

24           (3) the Occupational Safety and Health Admin-  
25           istration;

1 (4) the Office of Workers Compensation Pro-  
2 grams;

3 (5) the Wage and Hour Division;

4 (6) the Employee Benefits and Security Admin-  
5 istration;

6 (7) the Mine Safety and Health Administration;

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

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

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

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

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

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

19 **SEC. 105. SMALL BUSINESS ADMINISTRATION.**

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

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



1       (c) DEPUTY UNDER SECRETARY.—There shall be in  
2 the Small Business Administration a Deputy Under Sec-  
3 retary of Small Business, who shall be appointed by the  
4 President, by and with the advice and consent of the Sen-  
5 ate.

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

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

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

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

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

21               (1) the Bureau of the Census; and

22               (2) the Bureau of Economic Analysis.

23       (d) OFFICERS.—The Secretary, after consultation  
24 with the Under Secretary for Economic Affairs and Statis-

1 ties, shall appoint, in the Office of Economic Affairs and  
2 Statistics—

3 (1) a Chief Economist;

4 (2) a Director of the Bureau of the Census,  
5 who shall be the head of the Bureau of the Census;  
6 and

7 (3) a Director of the Bureau of Economic Anal-  
8 ysis, who shall be the head of the Bureau of Eco-  
9 nomic Analysis.

10 **SEC. 107. NATIONAL INSTITUTE OF STANDARDS AND TECH-**  
11 **NOLOGY.**

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

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

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

23 **SEC. 108. INTERNATIONAL TRADE ADMINISTRATION.**

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

1 (b) UNDER SECRETARY.—The head of the Inter-  
2 national Trade Administration shall be the Under Sec-  
3 retary for International Trade, who shall be appointed by  
4 the President, by and with the advice and consent of the  
5 Senate.

6 (c) ASSISTANT SECRETARIES.—The President shall  
7 appoint, by and with the advice and consent of the Senate,  
8 4 Assistant Secretaries in the International Trade Admin-  
9 istration, including—

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

12 (2) an Assistant Secretary for Import Adminis-  
13 tration;

14 (3) an Assistant Secretary for Trade Pro-  
15 motion; and

16 (4) an Assistant Secretary for Manufacturing  
17 and Services.

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

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

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

24 (b) UNDER SECRETARY.—The head of the Bureau of  
25 Industry and Security shall be the Under Secretary for

1 Industry and Security, who shall be appointed by the  
2 President, by and with the advice and consent of the Sen-  
3 ate.

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

8 (1) an Assistant Secretary for Export Adminis-  
9 tration; and

10 (2) an Assistant Secretary for Manufacturing  
11 Services.

12 **SEC. 110. OTHER OFFICES.**

13 (a) ECONOMIC DEVELOPMENT AND TRAINING AD-  
14 MINISTRATION.—

15 (1) ESTABLISHMENT.—There shall be in the  
16 Department the Economic Development and Train-  
17 ing Administration.

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

24 (b) COMMUNICATIONS AND INFORMATION ADMINIS-  
25 TRATION.—

1           (1) ESTABLISHMENT.—There shall be in the  
2 Department the Communications and Information  
3 Administration.

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

10 **SEC. 111. INSPECTOR GENERAL.**

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

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

15           Subject to this Act, each officer of the Department  
16 shall perform the functions specified by law for the office  
17 of the official or prescribed by the Secretary.

18                           **TITLE II—TRANSFER OF**  
19                           **FUNCTIONS**

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

21           (a) IN GENERAL.—Except as otherwise specifically  
22 provided in this title—

23                   (1) all functions of the Department of Com-  
24 merce and the Department of Labor are transferred  
25 to the Department; and

1           (2) all functions of the Secretary of Commerce  
2           and the Secretary of Labor are transferred to the  
3           Secretary.

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

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

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

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

1 and the Office of Congressional and Legislative Affairs of  
2 the Small Business Administration.

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

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

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

18 (1) the Office of Public Affairs of the Depart-  
19 ment of Commerce;

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

23 (3) the Office of Communications and Public  
24 Liaison and the Office of Faith Based and Neigh-

1       borhood Partnerships of the Small Business Admin-  
2       istration.

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

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

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

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

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



1           (n) SMALL BUSINESS ADMINISTRATION.—There are  
2 transferred to the Under Secretary of Small Business, the  
3 Deputy Under Secretary of Small Business, the Assistant  
4 Secretaries of the Small Business Administration, and the  
5 Small Business Administration of the Department all  
6 functions of the Administrator of Small Business, the  
7 Deputy Administrator of Small Business, the Associate  
8 Administrators of the Small Business Administration, and  
9 the Small Business Administration, respectively.

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

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

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

1       (r) BUREAU OF INDUSTRY AND SECURITY.—There  
2 are transferred to the Under Secretary of Industry and  
3 Security of the Department all functions of the Bureau  
4 of Industry and Security of the Department of Commerce.

5       (s) ECONOMIC DEVELOPMENT AND TRAINING AD-  
6 MINISTRATION.—There are transferred to the Economic  
7 Development and Training Administration of the Depart-  
8 ment all functions of the Economic Development Adminis-  
9 tration of the Department of Commerce and the Employ-  
10 ment and Training Administration of the Department of  
11 Labor.

12 **SEC. 202. TRANSFER OF FUNCTIONS TO DEPARTMENT OF**  
13 **THE INTERIOR.**

14       (a) IN GENERAL.—There are transferred to the Sec-  
15 retary of the Interior all functions of the National Oceanic  
16 and Atmospheric Administration.

17       (b) NATIONAL MARINE FISHERIES SERVICE.—There  
18 are transferred to the United States Fish and Wildlife  
19 Service all functions of the National Marine Fisheries  
20 Service of the National Oceanic and Atmospheric Adminis-  
21 tration.

1 **SEC. 203. TRANSFER OF FUNCTIONS TO BUREAU OF INTER-**  
 2 **NATIONAL LABOR AFFAIRS.**

3 There are transferred to the International Trade Ad-  
 4 ministration all functions of the Bureau of International  
 5 Labor Affairs.

6 **TITLE III—ADMINISTRATIVE**  
 7 **PROVISIONS**

8 **Subtitle A—Personnel Provisions**

9 **SEC. 311. OFFICERS AND EMPLOYEES.**

10 The Secretary may appoint and fix the compensation  
 11 of such officers and employees, including attorneys, as the  
 12 Secretary determines necessary to carry out the functions  
 13 of the Department in accordance with chapters 33 and  
 14 53 of title 5, United States Code.

15 **SEC. 312. EXPERTS AND CONSULTANTS.**

16 The Secretary may obtain services authorized by sec-  
 17 tion 3109 of title 5, United States Code, at rates not to  
 18 exceed the daily rate prescribed for grade GS-18 of the  
 19 General Schedule under section 5332 of title 5, United  
 20 States Code, for persons employed intermittently in Gov-  
 21 ernment service.

22 **SEC. 313. ADVISORY COMMITTEES.**

23 (a) IN GENERAL.—The Secretary may establish in  
 24 accordance with the Federal Advisory Committee Act (5  
 25 U.S.C. App.) such advisory committees as the Secretary

1 determines necessary to assist in the performance of the  
2 duties of the Secretary.

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

## 12 **Subtitle B—General Administrative** 13 **Provisions**

### 14 **SEC. 321. GENERAL AUTHORITY.**

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

### 21 **SEC. 322. DELEGATION.**

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

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

3           (2) authorize successive redelegations of func-  
4           tions within the Department.

5 **SEC. 323. REORGANIZATION.**

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

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

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

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

16 **SEC. 324. RULES.**

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

21 **SEC. 325. SUBPOENA.**

22          For the purpose of carrying out this Act, the Sec-  
23          retary (or a designee) shall have the same powers and au-  
24          thorities as the Federal Trade Commission under section  
25          9 of the Federal Trade Commission Act (15 U.S.C. 49)

1 with respect to all functions vested in, or transferred or  
2 delegated to, the Secretary by this Act.

3 **SEC. 326. CONTRACTS.**

4 (a) IN GENERAL.—The Secretary may enter into and  
5 perform such contracts, leases, cooperative agreements, or  
6 other similar transactions with public agencies, private or-  
7 ganizations, and individuals, and make such payments (in  
8 lump sum or installments, and by way of advance or reim-  
9 bursement), as the Secretary determines to be appropriate  
10 to carry out the functions under this Act.

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

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

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

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

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

2           (d) TERMS OF LEASE.—

3           (1) IN GENERAL.—A lease entered into under  
4 subsection (c) shall be for a term of not more than  
5 10 years, except that the Secretary may enter into  
6 a lease that includes an option to renew for a term  
7 of more than 10 years if the Secretary determines  
8 that entering into such a lease will promote the na-  
9 tional security or be in the public interest.

10          (2) CONSIDERATION.—

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

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

21          (e) ENVIRONMENTAL CONCERNS.—

22           (1) IN GENERAL.—Subject to paragraph (2),  
23 before entering into a lease under subsection (c), the  
24 Secretary shall consult with, and obtain the concu-  
25 rrence of, the appropriate State official (with respect

1 to property located on a site that is not listed on the  
2 National Priorities List) to determine whether the  
3 environmental conditions of the property are such  
4 that leasing the property, and the terms and condi-  
5 tions of the lease agreement, are consistent with  
6 safety and the protection of public health and the  
7 environment.

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

17 (f) RENTALS.—

18 (1) RETENTION.—

19 (A) IN GENERAL.—To the extent provided  
20 in advance in appropriations Acts, the Sec-  
21 retary may retain and use money received by  
22 the Secretary directly from a lease entered into  
23 under subsection (c) in any amount the Sec-  
24 retary considers to be necessary to cover the ad-  
25 ministrative expenses of the lease, the mainte-



1 nance and repair of the leased property, or en-  
2 vironmental restoration activities at the facility  
3 at which the leased property is located.

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

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

11 **SEC. 327. FACILITIES CONSTRUCTION.**

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

16 (1) Emergency medical services and supplies.

17 (2) Food and other subsistence supplies.

18 (3) Messing facilities.

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

21 (5) Reimbursement for food, clothing, medicine,  
22 and other supplies furnished by those employees in  
23 emergencies for the temporary relief of distressed in-  
24 dividuals.

25 (6) Living and working quarters and facilities.

1           (7) Transportation of school-aged dependents of  
2 employees to the nearest appropriate educational fa-  
3 cilities.

4           (b) PRICING.—The furnishing of medical treatment  
5 under subsection (a)(1) and the furnishing of services and  
6 supplies under paragraphs (2) and (3) of subsection (a)  
7 shall be at prices reflecting reasonable value, as deter-  
8 mined by the Secretary.

9           (c) TREATMENT.—

10           (1) IN GENERAL.—Proceeds from reimburse-  
11 ments under this section—

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

13                   (B) may be withdrawn by the Secretary—

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

16                           (ii) to repay or make advances to ap-  
17 propriations of funds that will initially bear  
18 all or a part of that cost; or

19                           (iii) to refund excess sums when nec-  
20 essary.

21           (2) CREDITING TO FUNDS.—A payment by the  
22 Secretary under paragraph (1)(B) may be credited  
23 to a working capital fund otherwise established by  
24 law, including the fund established pursuant to sec-  
25 tion 331, and used under the law governing the

1 fund, if the fund is available for use by the Depart-  
2 ment for performing the work or services for which  
3 payment is received.

4 **SEC. 328. USE OF FACILITIES.**

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

13 (b) USE OF PROPERTY.—

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

23 (2) RECONDITIONING AND MAINTENANCE.—

24 The Secretary may require any individual or entity  
25 to which a permit is provided under this subsection

1 to recondition and maintain, at the expense of the  
2 individual or entity, the real property, facilities,  
3 structures, and improvements involved to a satisfac-  
4 tory standard.

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

8 (c) PROCEEDS.—

9 (1) IN GENERAL.—Except as provided in para-  
10 graph (2), the proceeds from reimbursements under  
11 this section—

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

13 (B) may be withdrawn by the Secretary or  
14 the head of the another appropriate Federal de-  
15 partment or agency—

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

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

21 (iii) to refund excess sums as nec-  
22 essary.

23 (2) EXCEPTION.—The proceeds described in  
24 paragraph (1) may be credited to a working capital  
25 fund otherwise established by law (including the

1 fund established pursuant to section 331) and used  
2 in accordance the laws governing that fund, if the  
3 fund is available for use for providing the equipment  
4 or facilities involved.

5 **SEC. 329. FIELD OFFICES.**

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

10 **SEC. 330. COPYRIGHTS.**

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

14 (1) Copyrights, patents, and applications for  
15 patents, designs, processes, and manufacturing data.

16 (2) Licenses under copyrights, patents, and ap-  
17 plications for patents.

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

20 **SEC. 331. CAPITAL FUND.**

21 (a) ESTABLISHMENT.—The Secretary may establish  
22 a working capital fund, to be available without fiscal year  
23 limitation, for expenses necessary for the maintenance and  
24 operation of such common administrative services as the

1 Secretary determines to be appropriate in the interests of  
2 economy and efficiency, including services such as—

3 (1) a central supply service for stationery and  
4 other supplies and equipment for which adequate  
5 stocks may be maintained to meet in whole or in  
6 part the requirements of the Department;

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

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

11 (4) a central library service.

12 (b) TRANSFERS.—The capital of the fund shall con-  
13 sist of—

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

16 (2) the fair and reasonable value of such stocks  
17 of supplies, equipment, and other assets and inven-  
18 tories on order as the Secretary may transfer to the  
19 fund, less the related liabilities and unpaid obliga-  
20 tions.

21 (c) REIMBURSEMENT.—Amounts in the fund shall be  
22 reimbursed in advance from available funds of agencies  
23 and offices in the Department, or from other sources, for  
24 supplies and services at rates that approximate the ex-

1 pense of operation, including the accrual of annual leave  
2 and the depreciation of equipment.

3 (d) CREDITS.—The fund shall be credited with re-  
4 ceipts—

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

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

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

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

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

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

18 **SEC. 333. ANNUAL REPORT.**

19 As soon as practicable after the end of each fiscal  
20 year commencing with the first complete fiscal year fol-  
21 lowing the date of enactment of this Act, the Secretary  
22 shall submit to the President, for inclusion in a report to  
23 Congress, a report on the activities of the Department  
24 during the preceding fiscal year.

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

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

6 (b) EXCEPTION.—No appropriation shall be in-  
 7 creased or decreased pursuant to this section by more than  
 8 5 percent of the appropriation for the applicable fiscal  
 9 year.

10 **TITLE IV—TRANSITIONAL, SAV-**  
 11 **INGS, AND CONFORMING**  
 12 **PROVISIONS**

13 **SEC. 401. TRANSFER AND ALLOCATIONS OF APPROPRIA-**  
 14 **TIONS AND PERSONNEL.**

15 (a) IN GENERAL.—Except as otherwise provided in  
 16 this Act, the personnel employed in connection with, and  
 17 the assets, liabilities, contracts, property, records, and un-  
 18 expended balance of appropriations authorizations, alloca-  
 19 tions, and other funds employed, held, used, arising from,  
 20 available to, or to be made available in connection with  
 21 the functions transferred by this Act, subject to section  
 22 1531 of title 31, United States Code, are transferred to  
 23 the Secretary for appropriate allocation.

24 (b) USE OF UNEXPENDED FUNDS.—Unexpended  
 25 funds transferred pursuant to subsection (a) shall only be



1 used for the purposes for which the funds were originally  
2 authorized and appropriated.

3 (c) SPECIFIC POSITIONS.—Positions expressly speci-  
4 fied by statute or reorganization plan to carry out func-  
5 tions transferred by this Act, personnel occupying those  
6 positions on the effective date of this Act, and personnel  
7 authorized to receive compensation in those positions at  
8 the rate prescribed for offices and positions at level I, II,  
9 III, IV, or V of the Executive Schedule under subchapter  
10 II of chapter 53 of title 5, United States Code, on the  
11 effective date of this Act, shall be subject to section 403.

12 **SEC. 402. EFFECT ON PERSONNEL.**

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

20 (b) COMPENSATION.—Any person who, on the effec-  
21 tive date of this Act, holds a position compensated in ac-  
22 cordance with the Executive Schedule prescribed in chap-  
23 ter 53 of title 5, United States Code, and who, without  
24 a break in service, is appointed in the Department to a  
25 position having duties comparable to the duties performed

1 immediately preceding the appointment shall continue to  
2 be compensated in the new position at not less than the  
3 rate provided for the previous position, for the duration  
4 of service in the new position.

5 (c) REEMPLOYMENT RIGHTS.—

6 (1) IN GENERAL.—An employee transferred to  
7 the Department who holds reemployment rights ac-  
8 quired under any provision of law or regulation may  
9 exercise those rights only during the latter of—

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

12 (B) the 2-year period beginning on the  
13 date on which the employee acquired the reem-  
14 ployment rights.

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

17 **SEC. 403. AGENCY TERMINATIONS.**

18 (a) IN GENERAL.—Except as otherwise provided in  
19 this Act, whenever all of the functions vested by law in  
20 any agency, commission, or other body, or any component  
21 of an agency, commission, or other body, have been termi-  
22 nated or transferred from that agency, commission, or  
23 other body, or component by this Act, the agency, commis-  
24 sion, or other body, or component, shall terminate.

1 (b) TERMINATION OF POSITIONS AND OFFICES.—If  
2 an agency, commission, or other body, or any component  
3 of an agency, commission, or other body, terminates pur-  
4 suant to subsection (a), each position and office within  
5 the agency, commission, or other body, or component, that  
6 was expressly authorized by law, or the incumbent of  
7 which was authorized to receive compensation at the rates  
8 prescribed for an office or position at level II, III, IV, or  
9 V of the Executive Schedule under subchapter II of chap-  
10 ter 53 of title 5, United States Code, shall terminate.

11 **SEC. 404. INCIDENTAL TRANSFERS.**

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

1 **SEC. 405. SAVINGS PROVISIONS.**

2 (a) **ORDERS TO REMAIN IN EFFECT.—**

3 (1) **IN GENERAL.—**All orders, determinations,  
4 rules, regulations, permits, contracts, certificates, li-  
5 censes, and privileges described in paragraph (2)  
6 shall continue in effect according to their respective  
7 terms until modified, terminated, superseded, set  
8 aside, or revoked in accordance with law by the  
9 President, the Secretary, or other authorized offi-  
10 cials, a court of competent jurisdiction, or by oper-  
11 ation of law.

12 (2) **SPECIFICATION.—**Paragraph (1) applies to  
13 all orders, determinations, rules, regulations, per-  
14 mits, contracts, certificates, licenses, and privileges  
15 that—

16 (A) have been issued, made, granted, or al-  
17 lowed to become effective by the President, any  
18 Federal department or agency, official of a Fed-  
19 eral department or agency, or by a court of  
20 competent jurisdiction, in the performance of  
21 functions that are transferred under this Act to  
22 the Department after the date of enactment of  
23 this Act; and

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

26 (b) **PENDING PROCEEDINGS.—**

1           (1) IN GENERAL.—This Act shall not affect any  
2           proceedings or any application for any license, per-  
3           mit, certificate, or financial assistance pending be-  
4           fore any department, agency, commission, or compo-  
5           nent of a department, agency, or commission, func-  
6           tions of which are transferred by this Act on the  
7           date on which this Act takes effect.

8           (2) CONTINUATION.—

9           (A) IN GENERAL.—To the extent that pro-  
10          ceedings and applications described in para-  
11          graph (1) relate to functions transferred by this  
12          Act—

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

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

19          (B) EFFECT.—Orders issued in any pro-  
20          ceeding continued under this paragraph shall  
21          continue in effect until modified, terminated,  
22          superseded, or revoked by—

23                 (i) a duly authorized official;

24                 (ii) a court of competent jurisdiction;

25                 or

1 (iii) operation of law.

2 (C) DISCONTINUANCE OR MODIFICA-  
3 TION.—Nothing in this subsection prohibits the  
4 discontinuance or modification of any pro-  
5 ceeding described in paragraph (1) under the  
6 same terms and conditions and to the same ex-  
7 tent that the proceeding could have been dis-  
8 continued or modified if this Act had not been  
9 enacted.

10 (3) RULEMAKING.—The Secretary may promul-  
11 gate regulations providing for the orderly transfer of  
12 proceedings described in paragraph (1) to the De-  
13 partment.

14 (c) PENDING SUITS.—

15 (1) IN GENERAL.—Except as provided in para-  
16 graph (3)—

17 (A) this Act shall not affect suits com-  
18 menced prior to the effective date of this Act;  
19 and

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

1           (2) SUITS BY AND AGAINST OFFICERS IN OFFI-  
2           CIAL CAPACITY AND DEPARTMENTS AND AGEN-  
3           CIES.—

4           (A) OFFICES.—No suit, action, or other  
5           proceeding commenced by or against any officer  
6           in the official capacity of the officer as an offi-  
7           cer of any department or agency, functions of  
8           which are transferred by this Act, shall abate  
9           by reason of the enactment of this Act.

10          (B) DEPARTMENTS AND AGENCIES.—No  
11          cause of action by or against any department or  
12          agency, functions of which are transferred by  
13          this Act, or by or against any officer of a de-  
14          partment or agency in the official capacity of  
15          the officer, shall abate by reason of the enact-  
16          ment of this Act.

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

1 **SEC. 406. REFERENCE.**

2 With respect to any functions transferred by this Act  
3 and exercised after the effective date of this Act, reference  
4 in any other Federal law to any department, commission,  
5 or agency or any officer or office the functions of which  
6 are so transferred shall be deemed to refer to the Sec-  
7 retary or other official or component of the Department  
8 in which this Act vests those functions.

9 **SEC. 407. PRESIDENTIAL AUTHORITY.**

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

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

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

17 **SEC. 408. TRANSITION.**

18 With the consent of the appropriate department or  
19 agency head concerned, the Secretary may use the services  
20 of the officers, employees, and other personnel of the de-  
21 partments and agencies from which functions have been  
22 transferred to the Secretary for such period of time as  
23 may reasonably be needed to facilitate the orderly transfer  
24 of functions under this Act.



1 **SEC. 409. ADMINISTRATIVE AMENDMENTS.**

2 (a) EXECUTIVE DEPARTMENTS.—Section 101 of title  
3 5, United States Code, is amended—

4 (1) by striking “The Department of Com-  
5 merce.” and inserting “The Department of Com-  
6 merce and the Workforce.”; and

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

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

10 (1) by striking “Secretary of Commerce.” and  
11 inserting “Secretary of Commerce and the Work-  
12 force.”; and

13 (2) by striking “Secretary of Labor.” and in-  
14 serting “Undersecretary of Labor, Department of  
15 Commerce and the Workforce.”.

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

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

22 (1) by striking “Under Secretary of Commerce,  
23 Under Secretary of Commerce for Economic Affairs,  
24 Under Secretary of Commerce for Export Adminis-  
25 tration, and Under Secretary of Commerce for Trav-  
26 el and Tourism.” and inserting the following:

1 “Under Secretary for International Trade, Depart-  
2 ment of Commerce and the Workforce.”

3 “Under Secretary for Economic Affairs and Statis-  
4 tics, Department of Commerce and the Workforce.”

5 “Under Secretary for Industry and Security, De-  
6 partment of Commerce and the Workforce.”;

7 (2) by striking “Administrator of the Small  
8 Business Administration.” and inserting “Under  
9 Secretary of Small Business, Department of Com-  
10 merce and the Workforce.”;

11 (3) by striking “Under Secretary of Commerce  
12 for Oceans and Atmosphere, the incumbent of which  
13 also serves as Administrator of the National Oceanic  
14 and Atmospheric Administration.” and inserting  
15 “Administrator of the National Oceanic and Atmos-  
16 pheric Administration, Department of the Interior.”;  
17 and

18 (4) by striking “Under Secretary of Commerce  
19 for Intellectual Property and Director of the United  
20 States Patent and Trademark Office.” and inserting  
21 “Under Secretary for Intellectual Property, Depart-  
22 ment of Commerce and the Workforce.”.

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

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

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

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

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

13          (5) by striking “Deputy Administrator of the  
14          Small Business Administration.” and inserting  
15          “Deputy Under Secretary of Small Business, De-  
16          partment of Commerce and the Workforce.”;

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

19          (7) by striking “Assistant Secretary of Labor  
20          for Mine Safety and Health.” and inserting “Assist-  
21          ant Secretary for Mine Safety and Health, Depart-  
22          ment of Commerce and the Workforce.”;

23          (8) by striking “Chief Counsel for Advocacy,  
24          Small Business Administration.” and inserting

1 “Chief Counsel for Small Business Advocacy, De-  
2 partment of Commerce and the Workforce.”;

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

6 (10) by striking “Director, Bureau of the Cen-  
7 sus, Department of Commerce.” and inserting “Di-  
8 rector of the Bureau of the Census, Department of  
9 Commerce and the Workforce.”;

10 (11) by striking “Chief Financial Officer, De-  
11 partment of Commerce.” and inserting “Chief Fi-  
12 nancial Officer, Department of Commerce and the  
13 Workforce.”;

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

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

18 (14) by striking “Chief Information Officer,  
19 Department of Commerce.” and inserting “Chief In-  
20 formation Officer, Department of Commerce and the  
21 Workforce.”;

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

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

1           (17) by striking “Deputy Under Secretary of  
2           Commerce for Intellectual Property and Deputy Di-  
3           rector of the United States Patent and Trademark  
4           Office.”.

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

7           (1) by striking “Associate Administrators of the  
8           Small Business Administration (4).” and inserting  
9           “Assistant Secretaries of Small Business, Depart-  
10          ment of Commerce and the Workforce (4).”;

11          (2) by striking “Manpower Administrator, De-  
12          partment of Labor.” and inserting “Workforce Ad-  
13          ministrator, Department of Commerce and the  
14          Workforce.”;

15          (3) by striking “Director, United States Travel  
16          Service, Department of Commerce” and inserting  
17          “Director of the United States Travel Service, De-  
18          partment of Commerce and the Workforce.”;

19          (4) by striking “Administrator, Wage and Hour  
20          and Public Contracts Division, Department of  
21          Labor.”; and

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

1 **SEC. 410. DIRECTOR OF OFFICE OF PERSONNEL MANAGE-**  
2 **MENT REPORT.**

3 As soon as practicable but not later than 1 year after  
4 the effective date of this Act, the Director of Office of  
5 Personnel Management shall prepare and submit to Con-  
6 gress a report on the effects on employees of the reorga-  
7 nization under this Act, which shall include—

8 (1) an identification of any position within the  
9 Department or elsewhere in the Executive branch  
10 that the Director considers unnecessary due to con-  
11 solidation of functions under this Act;

12 (2) a statement of the number of employees en-  
13 titled to pay savings by reason of the reorganization  
14 under this Act;

15 (3) a statement of the number of employees  
16 who are voluntarily or involuntarily separated by  
17 reason of the reorganization;

18 (4) an estimate of the personnel costs associ-  
19 ated with the reorganization;

20 (5) the effects of the reorganization on labor  
21 management relations; and

22 (6) such legislative and administrative rec-  
23 ommendations for improvements in personnel man-  
24 agement within the Department as the Director con-  
25 siders necessary.

1 **SEC. 411. INVESTIGATIONS AND REPORTS ON DUPLICATIVE**  
2 **PROGRAMS AND ACTIVITIES.**

3 The Secretary shall—

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

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

12 **SEC. 412. ADMINISTRATIVE EFFICIENCY INITIATIVE.**

13 Not later than 30 days after the date of enactment  
14 of this Act, the President shall issue an Executive order  
15 that provides for administrative costs savings across the  
16 Federal Government, including savings achieved by—

17 (1) reducing travel and relocation costs, includ-  
18 ing through the use of technologies such as webinars  
19 and videoconferencing;

20 (2) eliminating unnecessary printing and copy-  
21 ing costs;

22 (3) reducing the need to contract for profes-  
23 sional and technical services, and, in cases in which  
24 such services are necessary, buying less, paying  
25 lower rates, and acquiring services using fixed-price  
26 arrangements; and

1 (4) reducing spending on supplies and materials  
2 by decreasing the overall amount purchased and  
3 purchasing more efficiently.

## 4 **TITLE V—EFFECTIVE DATE AND** 5 **INTERIM APPOINTMENTS**

### 6 **SEC. 501. EFFECTIVE DATE.**

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

10 (1) 120 days after the Secretary first takes of-  
11 fice; or

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

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

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

19 (2) the Secretary may promulgate regulations  
20 pursuant to section 405.

21 (c) USE OF FUNDS.—Funds available to any depart-  
22 ment or agency (or any official or component of a depart-  
23 ment of agency) functions of which are transferred to the  
24 Secretary by this Act, may with the approval of the Direc-  
25 tor of the Office of Management and Budget, be used to



1 pay the compensation and expenses of any officer ap-  
 2 pointed pursuant to subsection (b) until such time as  
 3 funds for that purpose are otherwise available.

4 **SEC. 502. INTERIM APPOINTMENTS.**

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

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

18 **TITLE VI—ELIMINATION AND**  
 19 **REDUCTION OF PROGRAMS**

20 **SEC. 601. ELIMINATION OF PROGRAMS.**

21 (a) INTERNATIONAL LABOR COMPARISON PRO-  
 22 GRAM.—The International Labor Comparisons program of  
 23 the Bureau of Labor Statistics shall be terminated on the  
 24 date of enactment of this Act.

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

8           (c) TRANSITIONAL JOBS DEMONSTRATION.—The  
9 Enhanced Transitional Jobs Demonstration program car-  
10 ried out under section 171 of the Workforce Investment  
11 Act of 1998 (29 U.S.C. 2916) shall be terminated on the  
12 date of enactment of this Act.

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

16           (e) BALDRIDGE PERFORMANCE EXCELLENCE PRO-  
17 GRAM.—

18               (1) IN GENERAL.—The Baldrige Performance  
19 Excellence Program shall be terminated on the date of  
20 the enactment of this Act.

21               (2) AWARD.—The Stevenson-Wydler Tech-  
22 nology Innovation Act of 1980 (15 U.S.C. 3701 et  
23 seq.) is amended by striking section 17 (15 U.S.C.  
24 3711a) (relating to the Malcolm Baldrige National  
25 Quality Award).

1           (f) EMERGENCY STEEL GUARANTEED LOAN PRO-  
2 GRAM.—Section 101 of Public Law 106–51 (15 U.S.C.  
3 1841 note) is repealed.

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

7                   (1) the Current Industrial Reports function;

8                   (2) the Federal Financial Statistics Program;

9                   (3) the Foreign Research and Analysis Pro-  
10 gram’s international focus; and

11                   (4) the production of the Statistical Abstract.

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