

ever” for “Whenever” in existing provision, and added subsecs. (b) and (c).

TRANSFER OF FUNCTIONS

“Commission” substituted for “Secretary” in subsec. (a) pursuant to section 30(a) of Pub. L. 92-573, which is classified to section 2079(a) of this title and which transferred functions of Secretary of Health, Education, and Welfare under this chapter to Consumer Product Safety Commission.

PREEMPTION

The provisions of this section establishing the extent to which the Poison Prevention Packaging Act of 1970 [15 U.S.C. 1471 et seq.] preempts, limits, or otherwise affects any other Federal, State, or local law, any rule, procedure, or regulation, or any cause of action under State or local law not to be expanded or contracted in scope, or limited, modified or extended in application, by any rule or regulation under the Poison Prevention Packaging Act of 1970, or by reference in any preamble, statement of policy, executive branch statements, or other matter associated with the publication of any such rule or regulation, see section 231 of Pub. L. 110-314, set out as a note under section 2051 of this title.

§ 1477. Enforcement by State Attorneys General

The attorney general of a State, or other authorized State officer, alleging a violation of a standard or rule promulgated under section 1472 of this title that affects or may affect such State or its residents, may bring an action on behalf of the residents of the State in any United States district court for the district in which the defendant is found or transacts business to obtain appropriate injunctive relief. The procedural requirements of section 2073(b) of this title shall apply to any such action.

(Pub. L. 91-601, § 9, as added Pub. L. 110-314, title II, § 218(b)(1), Aug. 14, 2008, 122 Stat. 3062.)

PRIOR PROVISIONS

A prior section 9 of Pub. L. 91-601 was renumbered section 8 and is set out as a note under section 1471 of this title.

CHAPTER 40—DEPARTMENT OF COMMERCE

- Sec. 1501. Establishment of Department; Secretary; seal.
- 1502, 1503. Omitted.
- 1503a. Under Secretary of Commerce for Economic Affairs.
- 1503b. Under Secretary of Commerce for Oceans and Atmosphere; duties; appointment; compensation.
- 1504. Repealed.
- 1505. Additional Assistant Secretary; duties, rank of Assistant Secretaries.
- 1506. Additional Assistant Secretary; appointment; applicability of section 1505.
- 1507. Additional Assistant Secretary; appointment; compensation; duties.
- 1507a. Repealed.
- 1507b. Assistant Secretary of Commerce; appointment; compensation; duties.
- 1507c. Assistant Secretary of Commerce for Oceans and Atmosphere; duties; appointment; compensation.
- 1508. General Counsel.
- 1509. Designation of officer to sign routine papers.
- 1510. Clerical assistants.
- 1511. Bureaus in Department.
- 1511a. Repealed.
- 1511b. United States fishery trade officers.
- 1511c. Estuarine Programs Office.

- Sec. 1511d. Chesapeake Bay Office.
- 1511e. Repealed.
- 1512. Powers and duties of Department.
- 1513. Duties and powers vested in Department.
- 1513a. Cost estimates for National Oceanic and Atmospheric Administration programs included in Department budget justification.
- 1513b. Cost estimates for National Institute of Standards and Technology construction projects included in Department budget justification.
- 1514. Basic authority for performance of certain functions and activities of Department.
- 1515. Records, etc., of bureaus transferred to Department of Commerce.
- 1516. Statistical information.
- 1516a. Statistics relating to social, health, and economic conditions of Americans of Spanish origin or descent.
- 1517. Transfer of statistical or scientific work.
- 1518. Custody of buildings; officers transferred.
- 1519. Annual and special reports.
- 1519a, 1520. Repealed.
- 1521. Working capital fund; establishment; amount; uses; reimbursement.
- 1522. Acceptance of gifts and bequests for purposes of the Department; separate fund; disbursements.
- 1523. Tax status of gifts and bequests of property.
- 1524. Investment and reinvestments of moneys; credit and disbursement of interest.
- 1525. Special studies; special compilations, lists, bulletins, or reports; clearinghouse for technical information; transcripts or copies; cost payments for special work; joint projects; cost apportionment, waiver.
- 1526. Receipts for work or services; deposit in special accounts; availability for payment of costs, repayment or advances to appropriations or funds, refunds, credits to working capital funds; appropriation limitation of annual expenditures from accounts.
- 1527. Fees or charges for services or publications under existing law unaffected.
- 1527a. Economics and Statistics Administration Revolving Fund.
- 1528. Transferred.
- 1529. Relinquishment of legislative jurisdiction over certain lands.
- 1530. Awarding of contracts for performance of commercial activity by National Oceanic and Atmospheric Administration.
- 1531. Buying Power Maintenance accounts for International Trade Administration, Export Administration, and United States Travel and Tourism Administration.
- 1532. Telecommunications; electromagnetic radiation; research, analysis, dissemination of information; other functions of Secretary.
- 1533. Repealed.
- 1534. Assessment of fees for access to environmental data.
- 1535. Repealed.
- 1536. Prohibition against fraudulent use of “Made in America” labels.
- 1537. Needs assessment for data management, archival, and distribution.
- 1538. Notice of reprogramming.
- 1539. Financial assistance.
- 1540. Cooperative agreements.
- 1541. Administrative Law Judges.
- 1542. Establishment of the Ernest F. Hollings Scholarship Program.

§ 1501. Establishment of Department; Secretary; seal

There shall be at the seat of government an executive department to be known as the De-

partment of Commerce, and a Secretary of Commerce, who shall be the head thereof, who shall be appointed by the President, by and with the advice and consent of the Senate, and whose term and tenure of office shall be like that of the heads of the other executive departments; and the provisions of title 4 of the Revised Statutes, including all amendments thereto, shall be applicable to said department. The said Secretary shall cause a seal of office to be made for the said department of such device as the President shall approve, and judicial notice shall be taken of the said seal.

(Feb. 14, 1903, ch. 552, §1, 32 Stat. 825; Feb. 17, 1909, ch. 137, §§1, 2, 35 Stat. 626; Mar. 4, 1909, ch. 297, §1, 35 Stat. 861; Mar. 4, 1913, ch. 141, §1, 37 Stat. 736; Mar. 3, 1917, ch. 163, §1, 39 Stat. 1111; Mar. 4, 1925, ch. 549, §4, 43 Stat. 1301.)

#### REFERENCES IN TEXT

Title 4 of the Revised Statutes, referred to in text, was entitled "Provisions Applicable to All Executive Departments", and consisted of R.S. §§158 to 198. For provisions of the Code derived from such title 4, see sections 101, 301, 303, 304, 503, 2952, 3101, 3106, 3341, 3345 to 3349, 5535, 5536 of Title 5, Government Organization and Employees; section 207 of Title 18, Crimes and Criminal Procedure; sections 514, 520 of Title 28, Judiciary and Judicial Procedure; section 3321 of Title 31, Money and Finance.

#### CODIFICATION

Section was formerly classified to section 591 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378.

#### TRANSFER OF FUNCTIONS

A Department of Labor, under charge of a Commissioner of Labor, was established by act June 13, 1888, ch. 380, 25 Stat. 182, and by section 9 of that act, the Bureau of Labor created under act June 27, 1884, ch. 127, 23 Stat. 60, was to cease on the organization of the Department. The Department of Commerce and Labor, as an Executive Department, with a Secretary of Commerce and Labor as the head thereof, was established by act Feb. 14, 1903, ch. 552, 32 Stat. 825, and by section 4 of that act, the Department of Labor was placed under the jurisdiction and made a part of the Department of Commerce and Labor with various other offices, bureaus, and branches of the public service also transferred to and placed under the jurisdiction of the Department so established. In subsequent appropriation and other acts, the Department of Labor was designated as the Bureau of Labor in that Department. But by act March 4, 1913, ch. 141, 37 Stat. 736, a new executive department was created, to be called "The Department of Labor," with a Secretary of Labor to be the head thereof, and the Department of Commerce and Labor was thereafter to be called the Department of Commerce, and the Secretary thereof to be called the Secretary of Commerce.

Functions of all other officers of Department of Commerce and functions of all agencies and employees of such Department, with a few exceptions, transferred to Secretary of Commerce, with power vested in him to authorize their performance or the performance of any of his functions by any such officers, agencies, and employees by Reorg. Plan No. 5 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263, set out below.

#### DEPUTY SECRETARY OF COMMERCE

For provisions directing the President to appoint a Deputy Secretary of Commerce, by and with the advice and consent of the Senate, with the Deputy Secretary to receive compensation at the rate payable for Level

II of the Executive Schedule and with the Deputy Secretary to perform such duties and exercise such powers as the Secretary may from time to time prescribe, see section 2(b)(1) of 1979 Reorg. Plan No. 3, set out in the Appendix to Title 5, Government Organization and Employees.

Creation of the Office of Deputy Secretary of Commerce by section 2(b)(1) of 1979 Reorg. Plan. No. 3 effective Dec. 7, 1979, see Ex. Ord. 12175, set out as a note under section 2171 of Title 19, Customs Duties.

#### ORDER OF SUCCESSION

For order of succession during any period when both Secretary and Deputy Secretary of Commerce are unable to perform functions and duties of office of Secretary, see Ex. Ord. No. 13242, Dec. 18, 2001, 66 F.R. 66260, set out as a note under section 3345 of Title 5, Government Organization and Employees.

#### REORGANIZATION PLAN NO. 5 OF 1950

Eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263, as amended July 2, 1954, ch. 456, title III, §304, 68 Stat. 430

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949 [see 5 U.S.C. 901 et seq.].

#### DEPARTMENT OF COMMERCE

##### SECTION 1. TRANSFER OF FUNCTIONS TO THE SECRETARY

(a) Except as otherwise provided in subsection (b) of this section, there are hereby transferred to the Secretary of Commerce all functions of all other officers of the Department of Commerce and all functions of all agencies and employees of such Department.

(b) This section shall not apply to the functions vested by the Administrative Procedure Act (60 Stat. 237) [see 5 U.S.C. 551 et seq. and 701 et seq.] in hearing examiners employed by the Department of Commerce, nor to the functions of the Civil Aeronautics Board, of the Inland Waterways Corporation, or of the Advisory Board of the Inland Waterways Corporation.

##### SEC. 2. PERFORMANCE OF FUNCTIONS OF SECRETARY

The Secretary of Commerce may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of Commerce of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

##### SEC. 3. ADMINISTRATIVE ASSISTANT SECRETARY

[Repealed. July 2, 1954, ch. 456, title III, §304, 68 Stat. 430. Section authorized an Administrative Assistant Secretary of Commerce.]

##### SEC. 4. INCIDENTAL TRANSFERS

The Secretary of Commerce may from time to time effect such transfers within the Department of Commerce of any of the records, property, personnel, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of such Department as he may deem necessary in order to carry out the provisions of this reorganization plan.

#### MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 5 of 1950, prepared in accordance with the Reorganization Act of 1949 and providing for reorganizations in the Department of Commerce. My reasons for transmitting this plan are stated in an accompanying general message.

After investigation I have found and hereby declare that each reorganization included in Reorganization

Plan No. 5 of 1950 is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949.

I have found and hereby declare that it is necessary to include in the accompanying reorganization plan, by reason of reorganizations made thereby, provisions for the appointment and compensation of an Administrative Assistant Secretary of Commerce. The rate of compensation fixed for this officer is that which I have found to prevail in respect to comparable officers in the executive branch of the Government.

The taking effect of the reorganizations included in this plan may not in itself result in substantial immediate savings. However, many benefits in improved operations are probable during the next years which will result in a reduction in expenditures as compared with those that would be otherwise necessary. An itemization of these reductions in advance of actual experience under this plan is not practicable.

HARRY S. TRUMAN.

THE WHITE HOUSE, March 13, 1950.

FEDERAL MARITIME BOARD, AND MARITIME FUNCTIONS  
OF SECRETARY OF COMMERCE

Section 307 of Reorg. Plan No. 21 of 1950, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1273, set out in the Appendix to Title 5, Government Organization and Employees, provided that the functions transferred by the provisions of that Plan should not be subject to the provisions of Reorg. Plan No. 5 of 1950, set out above. Said Reorg. Plan No. 21 of 1950 created, within the Department of Commerce, the Federal Maritime Board, and the Maritime Administration, the latter, with a Maritime Administrator at its head. It abolished the United States Maritime Commission, transferring some of its functions and some of the functions of its Chairman to said Federal Maritime Board. It transferred the remainder of the functions of that Commission and its Chairman to the Secretary of Commerce, with power vested in him to authorize their performance by said Maritime Administrator.

EXECUTIVE ORDER No. 13339

Ex. Ord. No. 13339, May 13, 2004, 69 F.R. 28037, as amended by Ex. Ord. No. 13403, §3, May 12, 2006, 71 F.R. 28543, which established in the Department of Commerce a President's Advisory Commission on Asian Americans and Pacific Islanders, was superseded by Ex. Ord. No. 13515, §4(a), Oct. 14, 2009, 74 F.R. 53638, set out below.

EX. ORD. NO. 13515. INCREASING PARTICIPATION OF ASIAN  
AMERICANS AND PACIFIC ISLANDERS IN FEDERAL PROGRAMS

Ex. Ord. No. 13515, Oct. 14, 2009, 74 F.R. 53635, as amended by Ex. Ord. No. 13585, §4, Oct. 7, 2011, 76 F.R. 62282, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. *Policy.* The more than 16 million Asian Americans and Pacific Islanders (AAPIs) across our country have helped build a strong and vibrant America. The AAPI communities represent many ethnicities and languages that span generations, and their shared achievements are an important part of the American experience. They have started businesses and generated jobs, including founding some of our Nation's most successful and innovative enterprises. The AAPI communities have made important contributions to science and technology, culture and the arts, and the professions, including business, law, medicine, education, and politics.

While we acknowledge the many contributions of the AAPI communities to our Nation, we also recognize the challenges still faced by many AAPIs. Of the more than a million AAPI-owned businesses, many firms are small sole-proprietorships that continue to need assistance to access available resources such as business develop-

ment counseling and small business loans. The AAPI community also continues to face barriers to employment and workplace advancement. Specific challenges experienced by AAPI subgroups include lower college-enrollment rates by Pacific Islanders than other ethnic groups and high poverty rates among Hmong Americans, Cambodian Americans, Malaysian Americans, and other individual AAPI communities. Additionally, one in five non-elderly AAPIs lacks health insurance.

The purpose of this order is to establish a President's Advisory Commission on Asian Americans and Pacific Islanders and a White House Initiative on Asian Americans and Pacific Islanders. Each will work to improve the quality of life and opportunities for Asian Americans and Pacific Islanders through increased access to, and participation in, Federal programs in which they may be underserved. In addition, each will work to advance relevant evidence-based research, data collection, and analysis for AAPI populations and subpopulations.

SEC. 2. *President's Advisory Commission on Asian Americans and Pacific Islanders.* There is established in the Department of Education the President's Advisory Commission on Asian Americans and Pacific Islanders (Commission).

(a) *Mission and Function of the Commission.* The Commission shall provide advice to the President, through the Co-Chairs of the Initiative, on: (i) the development, monitoring, and coordination of executive branch efforts to improve the quality of life of AAPIs through increased participation in Federal programs in which such persons may be underserved; (ii) the compilation of research and data related to AAPI populations and subpopulations; (iii) the development, monitoring, and coordination of Federal efforts to improve the economic and community development of AAPI businesses; and (iv) strategies to increase public and private-sector collaboration, and community involvement in improving the health, education, environment, and well-being of AAPIs.

(b) *Membership of the Commission.* The Commission shall consist of not more than 20 members appointed by the President. The Commission shall include members who: (i) have a history of involvement with the AAPI communities; (ii) are from the fields of education, commerce, business, health, human services, housing, environment, arts, agriculture, labor and employment, transportation, justice, veterans affairs, and economic and community development; (iii) are from civic associations representing one or more of the diverse AAPI communities; or (iv) have such other experience as the President deems appropriate. The President shall designate one member of the Commission to serve as Chair, who shall convene regular meetings of the Commission, determine its agenda, and direct its work.

(c) *Administration of the Commission.* The Co-Chairs of the Initiative shall designate an Executive Director for the Commission. The Department of Education shall provide funding and administrative support for the Commission to the extent permitted by law and within existing appropriations. Members of the Commission shall serve without compensation, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701-5707). Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (the "Act"), may apply to the administration of the Commission, any functions of the President under the Act, except that of reporting to the Congress, shall be performed by the Secretary of Education, in accordance with the guidelines issued by the Administrator of General Services.

(d) *Termination Date.* The Commission shall terminate 2 years from the date of this order, unless renewed by the President.

SEC. 3. *White House Initiative on Asian Americans and Pacific Islanders.* There is established the White House Initiative on Asian Americans and Pacific Islanders (Initiative), a Federal interagency working group whose members shall be selected by their respective

agencies. The Secretary of Education and a senior official to be designated by the President from the membership of the Initiative shall serve as Co-Chairs of the Initiative. The Executive Director of the Commission established in section 2 of this order shall also serve as the Executive Director of the Initiative and shall report to the Co-Chairs on Initiative matters.

(a) *Mission and Function of the Initiative.* The Initiative shall work to improve the quality of life of AAPIs through increased participation in Federal programs in which AAPIs may be underserved. The Initiative shall advise the Co-Chairs on the implementation and coordination of Federal programs as they relate to AAPIs across executive departments and agencies.

(b) *Membership of the Initiative.* In addition to the Co-Chairs, the Initiative shall consist of senior officials from the following executive branch departments, agencies, and offices:

- (i) the Department of State;
  - (ii) the Department of the Treasury;
  - (iii) the Department of Defense;
  - (iv) the Department of Justice;
  - (v) the Department of the Interior;
  - (vi) the Department of Agriculture;
  - (vii) the Department of Commerce;
  - (viii) the Department of Labor;
  - (ix) the Department of Housing and Urban Development;
  - (x) the Department of Transportation;
  - (xi) the Department of Energy;
  - (xii) the Department of Education;
  - (xiii) the Department of Health and Human Services;
  - (xiv) the Department of Veterans Affairs;
  - (xv) the Department of Homeland Security;
  - (xvi) the Office of Management and Budget;
  - (xvii) the Environmental Protection Agency;
  - (xviii) the Small Business Administration;
  - (xix) the Office of Personnel Management;
  - (xx) the Social Security Administration;
  - (xxi) the White House Office of Cabinet Affairs;
  - (xxii) the White House Office of Intergovernmental Affairs and Public Engagement;
  - (xxiii) the National Economic Council;
  - (xxiv) the Domestic Policy Council;
  - (xxv) the Office of Science and Technology Policy;
- and
- (xxvi) other executive branch departments, agencies, and offices as the President may, from time to time, designate.

At the direction of the Co-Chairs, the Initiative may establish subgroups consisting exclusively of Initiative members or their designees under this section, as appropriate.

(c) *Administration of the Initiative.* The Department of Education shall provide funding and administrative support for the Initiative to the extent permitted by law and within existing appropriations. The Co-Chairs shall convene regular meetings of the Initiative, determine its agenda, and direct its work.

(d) *Federal Agency Plans and Interagency Plan.* Each executive department and agency designated by the Initiative shall prepare a plan (agency plan) for, and shall document, its efforts to improve the quality of life of Asian Americans and Pacific Islanders through increased participation in Federal programs in which Asian Americans and Pacific Islanders may be underserved. Where appropriate, this agency plan shall address, among other things, the agency's efforts to:

- (i) identify Federal programs in which AAPIs may be underserved and improve the quality of life for AAPIs through increased participation in these programs;
- (ii) identify ways to foster the recruitment, career development, and advancement of AAPIs in the Federal Government;
- (iii) identify high-priority action items for which measurable progress may be achieved within 2 years to improve the health, environment, opportunity, and well-being of AAPIs, and implement those action items;
- (iv) increase public-sector, private-sector, and community involvement in improving the health, environment, opportunity, and well-being of AAPIs;

(v) foster evidence-based research, data-collection, and analysis on AAPI populations and subpopulations, including research and data on public health, environment, education, housing, employment, and other economic indicators of AAPI community well-being; and

(vi) solicit public input from AAPI communities on ways to increase and improve opportunities for public participation in Federal programs considering a number of factors, including language barriers.

Each agency, in its plan, shall provide appropriate measurable objectives and, after the first year, shall provide for the assessment of that agency's performance on the goals set in the previous year's plan. Each agency plan shall be submitted to the Co-Chairs by a date to be established by the Co-Chairs. The Co-Chairs shall review the agency plans and develop for submission to the President a Federal interagency plan to improve the quality of life of AAPIs through increased participation in Federal programs in which such persons may be underserved. Actions described in the Federal interagency plan shall address improving access by AAPIs to Federal programs and fostering advances in relevant research and data.

#### SEC. 4. *General Provisions.*

(a) This order supersedes Executive Order 13125 of June 7, 1999, and Executive Order 13339 of May 13, 2004.

(b) The heads of executive departments and agencies shall assist and provide information to the Commission, consistent with applicable law, as may be necessary to carry out the functions of the Commission. Each executive department and agency shall bear its own expenses of participating in the Commission.

(c) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to an executive department, agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(d) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(e) For purposes of this order, the term "Asian American and Pacific Islander" includes persons within the jurisdiction of the United States having ancestry of any of the original peoples of East Asia, Southeast Asia, or South Asia, or any of the aboriginal, indigenous, or native peoples of Hawaii and other Pacific Islands.

(f) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

#### EXTENSION OF TERM OF COMMISSION ON ASIAN AMERICANS AND PACIFIC ISLANDERS

Term of Commission on Asian Americans and Pacific Islanders extended until Sept. 30, 2013, by Ex. Ord. No. 13585, Sept. 30, 2011, 76 F.R. 62281, set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5.

#### §§ 1502, 1503. Omitted

##### CODIFICATION

Section 1502, act June 5, 1939, ch. 180, §1, 53 Stat. 808, established position of Under Secretary of Commerce. Position abolished by section 2(b)(2) of Reorg. Plan No. 3 of 1979, 44 F.R. 69273, 93 Stat. 1381, set out in the Appendix to Title 5, Government Organization and Employees.

Section 1503, act June 5, 1939, ch. 180, §2, 53 Stat. 808, provided for performance by Under Secretary of Commerce of Secretary's duties on latter's death, absence, etc.

##### UNDER SECRETARY FOR INTERNATIONAL TRADE

The additional office of Under Secretary for International Trade, in the Department of Commerce, was