

in, the Secretary of Energy: (1) the functions pertaining to the promotion of health and safety in mines and the mineral industry through research vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania, and at its Spokane Research Center in Washington; (2) the functions pertaining to the conduct of inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines under the minerals and materials science programs at its Pittsburgh Research Center in Pennsylvania, and at its Albany Research Center in Oregon; and (3) the functions pertaining to mineral reclamation industries and the development of methods for the disposal, control, prevention, and reclamation of mineral waste products vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania: *Provided further*, That, if any of the same functions were performed in fiscal year 1995 at locations other than those listed above, such functions shall not be transferred to the Secretary of Energy from those other locations: *Provided further*, That the Director of the Office of Management and Budget, in consultation with the Secretary of Energy and the Secretary of the Interior, is authorized to make such determinations as may be necessary with regard to the transfer of functions which relate to or are used by the Department of the Interior, or component thereof affected by this transfer of functions, and to make such dispositions of personnel, facilities, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be made available in connection with, the functions transferred herein as are deemed necessary to accomplish the purposes of this transfer: *Provided further*, That all reductions in personnel complements resulting from the provisions of this Act [probably means Pub. L. 104-134, title I, §101(c), Apr. 26, 1996, 110 Stat. 1321-156; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, known as the Department of the Interior and Related Agencies Appropriations Act, 1996, see Tables for classification] shall, as to the functions transferred to the Secretary of Energy, be done by the Secretary of the Interior as though these transfers had not taken place but had been required of the Department of the Interior by all other provisions of this Act before the transfers of function became effective: *Provided further*, That the transfers of function to the Secretary of Energy shall become effective on the date specified by the Director of the Office of Management and Budget, but in no event later than 90 days after enactment into law of this Act [Apr. 26, 1996]: *Provided further*, That the reference to 'function' includes, but is not limited to, any duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be."

[Pub. L. 104-208, div. A, title I, §101(e) [title II], Sept. 30, 1996, 110 Stat. 3009-233, 3009-244, provided in part: "That the functions described in clause (1) of the first proviso under the subheading 'mines and minerals' under the heading 'Bureau of Mines' in the text of title I of the Department of the Interior and Related Agencies Appropriations Act, 1996, as enacted by section 101(c) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134) [set out above], are hereby transferred to, and vested in, the Secretary of Health and Human Services, subject to section 1531 of title 31, United States Code".]

Functions vested in, or delegated to, Secretary of Energy and Department of Energy under or with respect to sections 1, 3, and 5 to 7 of this title and other authorities relating to certain fossil energy research and

development transferred to, and vested in, Secretary of the Interior, by section 100 of Pub. L. 97-257, 96 Stat. 841, set out as a note under section 7152 of Title 42, The Public Health and Welfare.

Functions of Secretary of the Interior, Department of the Interior, and officers and components of Department of the Interior under sections 1, 3, and 5 to 7 of this title and other authorities exercised by Bureau of Mines relating to fuel supply and demand analysis and data gathering, research and development relating to increased efficiency of production technology of solid fuel minerals other than research relating to mine health and safety and research relating to the environmental and leasing consequences of solid fuel mining, and coal preparation and analysis transferred to, and vested in, Secretary of Energy as part of the creation of Department of Energy by Pub. L. 95-91, Aug. 4, 1977, 91 Stat. 565. See section 7152(d) of Title 42.

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Bureau of Mines originally created in Department of the Interior. Bureau transferred to Department of Commerce by Ex. Ord. No. 4239, but transferred back to Department of the Interior by Ex. Ord. No. 6611.

#### CROSS REFERENCES

Publications of United States Bureau of Mines, see section 1327 of Title 44, Public Printing and Documents.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3, 5, 6, 7, 8 of this title; title 42 sections 5821, 7152.

### **§ 1a. Transfer of activities, employees, records, etc., from Bureau of Foreign and Domestic Commerce to the United States Bureau of Mines**

There is hereby transferred from the Department of Commerce, Bureau of Foreign and Domestic Commerce, to the Department of the Interior, United States Bureau of Mines, all those activities of the Minerals Division of the Bureau of Foreign and Domestic Commerce concerned with economic and statistical analyses of mineral commodities, domestic and foreign, together with all employees, records, files, equipment, publications, and funds pertaining thereto, effective immediately.

(May 9, 1935, ch. 101, §1, 49 Stat. 205; May 18, 1992, Pub. L. 102-285, §10(b), 106 Stat. 172.)

#### CHANGE OF NAME

"United States Bureau of Mines" substituted in text for "Bureau of Mines" pursuant to section 10(b) of Pub. L. 102-285, set out as a note under section 1 of this title.

#### TRANSFER OF FUNCTIONS

See note set out under section 1 of this title.

### **§ 2. Performance of duties in absence of director**

On and after July 1, 1916, in the absence of the Director of the United States Bureau of Mines the assistant director of said bureau shall perform the duties of the director during the latter's absence, and in the absence of the Director and of the Assistant Director of the United States Bureau of Mines the Secretary of the Interior may designate some officer of said bureau to perform the duties of the director during his absence.