

118TH CONGRESS
1ST SESSION

S. 2727

To preclude the Department of Labor from allowing the Deputy Secretary to serve as the Secretary of Labor indefinitely.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6, 2023

Mr. CASSIDY introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To preclude the Department of Labor from allowing the Deputy Secretary to serve as the Secretary of Labor indefinitely.

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.**

4 This Act may be cited as the “Advice and Consent
5 Act”.

6 **SEC. 2. DEPARTMENT OF LABOR VACANCIES.**

7 (a) IN GENERAL.—Section 1 of the Act of April 17,
8 1946 (60 Stat. 91; 29 U.S.C. 552) is amended by adding
9 at the end the following: “Notwithstanding the previous
10 sentence or any other provision of law, if the Deputy Sec-

1 retary is performing the duties of the Secretary due to
2 the death, resignation, or removal of the Secretary and
3 the individual serving in the position of Deputy Secretary
4 has been nominated to the position of Secretary, the Dep-
5 uty Secretary may not perform the duties of the Secretary
6 after the date that is 210 days after the date on which
7 the President submits such nomination to the Senate. If
8 the Deputy Secretary is prohibited from performing the
9 duties of the Secretary under the previous sentence, the
10 President may direct an officer to perform the functions
11 and duties of the Secretary temporarily in an acting ca-
12 pacity in accordance with subchapter III of chapter 33 of
13 title 5, United States Code.”.

14 (b) APPLICABILITY.—In the case of a Deputy Sec-
15 retary of Labor that is performing the duties of the Sec-
16 retary of Labor under the authority under section 1 of
17 the Act of April 17, 1946 (60 Stat. 91; 29 U.S.C. 552)
18 on the day before the date of enactment of this Act and
19 who is prohibited from continuing to perform the duties
20 of the Secretary under the amendment made by this Act,
21 the termination of the authority of the Deputy Secretary
22 to perform the duties of the Secretary shall take effect
23 on the date of enactment of this Act.

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