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CHAPTER 12—DEPARTMENT OF LABOR

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§ 551. Establishment of Department; Secretary; seal

There shall be an executive department in the Government to be called the Department of Labor, with a Secretary of Labor, who shall be the head thereof, to be appointed by the President, by and with the advice and consent of the Senate, and whose tenure of office shall be like that of the heads of the other executive departments. The provisions of title 4 of the Revised Statutes, including all amendments thereto, shall be applicable to said department. The purpose of the Department of Labor shall be to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment. 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.

(Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; Mar. 4, 1925, ch. 549, § 4, 43 Stat. 1301.)
§ 552. Deputy Secretary; appointment; duties

There is established in the Department of Labor the office of Deputy Secretary of Labor, which shall be filled by appointment by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall perform such duties as may be prescribed by the Secretary of Labor or required by law. The Deputy Secretary shall

(1) in case of the death, resignation, or removal from office of the Secretary, perform the duties of the Secretary until a successor is appointed, and

(2) in case of the absence or sickness of the Secretary, perform the duties of the Secretary until such absence or sickness shall terminate.

Amendments


Transfer of Functions

For transfer of functions of other officers, employees, and agencies of Department of Labor, with certain exceptions, to Secretary of Labor, with power to delegate, see Reorg. Plan No. 6, of 1950, §§ 1, 2, 15 F.R. 3174, 64 Stat. 1263, set out in the Appendix to Title 5, Government Organization and Employees.

References in Other Laws

Section 2(a)(4) of Pub. L. 99–619 provided that: “Any reference to the Under Secretary of Labor in any law, rule, regulation, certificate, directive, or other document in force on the date of enactment of this Act [Nov. 6, 1986] shall be deemed to refer and apply to the Deputy Secretary of Labor.”

Present Incumbent

Section 2(f)(1) of Pub. L. 99–619 provided that: “The incumbent in the position of Under Secretary of Labor on the date of enactment of this Act [Nov. 6, 1986] may serve as Deputy Secretary of Labor at the pleasure of the President after such date and the amendments made by subsection (a)(2) [amending section 5313 of Title 5, Government Organization and Employees] shall apply to such incumbent.”

Order of Succession

For order of succession during any period when both Secretary and Deputy Secretary of Labor are unable to perform functions and duties of office of Secretary, see Ex. Ord. No. 13245, Dec. 18, 2001, 66 F.R. 66268, set out as a note under section 3345 of Title 5, Government Organization and Employees.

§ 553. Assistant Secretaries; appointment; duties

There are established in the Department of Labor nine offices of Assistant Secretary of Labor, which shall be filled by appointment by the President, by and with the advice and consent of the Senate. Each of the Assistant Secretaries of Labor shall perform such duties as may be prescribed by the Secretary of Labor or required by law. One of such Assistant Secretaries shall be an Assistant Secretary of Labor for Occupational Safety and Health.


Codification

Provisions of this section which prescribed the basic annual compensation of the Assistant Secretaries were omitted to conform to the provisions of the Executive Schedule. See section 5315 of Title 5, Government Organization and Employees.

Section was formerly classified to section 611b of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 1, 1966, 80 Stat. 378.

Amendments

1986—Pub. L. 99–619 substituted “nine offices” for “five offices”.

1970—Pub. L. 91–596 increased the number of Assistant Secretaries of Labor from four to five and inserted provision that one of such Assistant Secretaries be an Assistant Secretary of Labor for Occupational Safety and Health.

1961—Pub. L. 87–137 increased the number of Assistant Secretaries of Labor from three to four.

Effective Date of 1970 Amendment

Amendment by Pub. L. 91–596 effective 120 days after Dec. 29, 1970 see section 34 of Pub. L. 91–596, set out as an Effective Date note under section 651 of this title.
§ 554. Assistants to Secretary

There shall be in the Department of Labor not more than two assistants to the Secretary, who shall be appointed by the President and shall perform such duties as may be prescribed by the Secretary of Labor or required by law.

(Mar. 4, 1927, ch. 498, 44 Stat. 1415.)

Codification

Section was formerly classified to section 613a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 1, 1966, 80 Stat. 378.

Transfer of Functions

For transfer of functions of other officers, employees, and agencies of Department of Labor, with certain exceptions, to Secretary of Labor, with power to delegate, see Reorg. Plan No. 6, of 1950, §§ 1, 2, 15 F.R. 3174, 64 Stat. 1263, set out in the Appendix to Title 5, Government Organization and Employees.

§ 555. Solicitor

There shall be a solicitor for the Department of Labor.

(Mar. 18, 1904, ch. 716, § 1, 33 Stat. 135; Mar. 4, 1913, ch. 141, § 7, 37 Stat. 738; Ex. Ord. No. 6166, § 7, June 10, 1933.)

Codification

The words “of the Department of Justice” were omitted from text on authority of section 7 of Ex. Ord. No. 6166, which transferred the Solicitor for the Department of Labor from the Department of Justice to the Department of Labor.

Section was formerly classified to section 613b of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 1, 1966, 80 Stat. 378.

Transfer of Functions

For transfer of functions of other officers, employees, and agencies of Department of Labor, with certain exceptions, to Secretary of Labor, with power to delegate, see Reorg. Plan No. 6, of 1950, §§ 1, 2, 15 F.R. 3174, 64 Stat. 1263, set out in the Appendix to Title 5, Government Organization and Employees.
Compensation of Solicitor

Compensation of solicitor, see section 5315 of Title 5, Government Organization and Employees.

§ 556. Chief clerk; other employees

There shall be in said department a chief clerk and such other clerical assistants, inspectors, and special agents as may from time to time be provided for by Congress.

(Mar. 4, 1913, ch. 141, § 2, 37 Stat. 736; Ex. Ord. No. 6166, § 4, June 10, 1933.)

Codification

The words “a disbursing clerk” were omitted from text on authority of Ex. Ord. No. 6166, which transferred all functions relating to the disbursement of moneys of the United States to the Treasury Department. See section 3321 of Title 31, Money and Finance.

Section was formerly classified to section 615 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 1, 1966, 80 Stat. 378.

Transfer of Functions

For transfer of functions of other officers, employees, and agencies of Department of Labor, with certain exceptions, to Secretary of Labor, with power to delegate, see Reorg. Plan No. 6, of 1950, §§ 1, 2, 15 F.R. 3174, 64 Stat. 1263, set out in the Appendix to Title 5, Government Organization and Employees.

§ 557. Bureaus and offices in Department

The following-named offices, bureaus, divisions, and branches of the public service, and all that pertains to the same, shall be under the jurisdiction and supervision of the Department of Labor:

1. Bureau of Employees’ Compensation.
4. Division of Public Contracts.
5. Employees’ Compensation Appeals Board.
7. Wage and Hour Division.
8. Women’s Bureau.

§ 557a. Mine Safety and Health Administration

There is established in the Department of Labor a Mine Safety and Health Administration to be headed by an Assistant Secretary of Labor for Mine Safety and Health appointed by the President, by and with the advice and consent of the Senate. The Secretary, acting through the Assistant Secretary for Mine Safety and Health, shall have authority to appoint, subject to the civil service laws, such officers and employees as he may deem necessary for the administration of this Act,
§ 557b. Office of disability employment policy

Beginning in fiscal year 2001, there is established in the Department of Labor an office of disability employment policy which shall, under the overall direction of the Secretary, provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities. Such office shall be headed by an Assistant Secretary.


§ 558. Library, records, etc., of Department

The Secretary of Labor shall have charge in the buildings or premises occupied by or appropriated to the Department of Labor, of the library, furniture, fixtures, records, and other property pertaining to it or acquired for use in its business. He shall be allowed to expend for periodicals and the purposes of the library and for rental of appropriate quarters for the accommodation of the Department of Labor within the District of Columbia, and for all other incidental expenses, such sums as Congress may provide from time to time.

(Mar. 4, 1913, ch. 141, § 6, 37 Stat. 738.)

Codification

Section was formerly classified to section 617 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 1, 1966, 80 Stat. 378.
Transfer of Functions
For transfer of functions of other officers, employees, and agencies of Department of Labor, with certain exceptions, to Secretary of Labor, with power to delegate, see Reorg. Plan No. 6, of 1950, §§ 1, 2, 15 F.R. 3174, 64 Stat. 1263, set out in the Appendix to Title 5, Government Organization and Employees.

§ 559. Rented quarters
Where any office, bureau, or branch of the public service transferred to the Department of Labor by this Act is occupying rented buildings or premises, it may continue to do so until other suitable quarters are provided for its use.

(Mar. 4, 1913, ch. 141, § 6, 37 Stat. 738.)

References in Text
This Act, referred to in text, is act Mar. 4, 1913, ch. 141, 37 Stat. 736, as amended, which is classified principally to sections 2, 551, and 555 to 562 of this title. For complete classification of this Act to the Code, see Tables.

Codification
Section was formerly classified to section 618 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 1, 1966, 80 Stat. 378.

Transfer of Functions
For transfer of functions of other officers, employees, and agencies of Department of Labor, with certain exceptions, to Secretary of Labor, with power to delegate, see Reorg. Plan No. 6, of 1950, §§ 1, 2, 15 F.R. 3174, 64 Stat. 1263, set out in the Appendix to Title 5, Government Organization and Employees.

§ 560. Reports and investigations
The Secretary of Labor shall annually, at the close of each fiscal year, prepare and submit to Congress the financial statements of the Department that have been audited. He shall also, from time to time, make such special investigations and reports as he may be required to do by the President, or by Congress, or which he himself may deem necessary.


Codification
Section was formerly classified to section 620 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 1, 1966, 80 Stat. 378.

Amendments
1995—Pub. L. 104–66 in first sentence substituted “prepare and submit to Congress the financial statements of the Department that have been audited” for “make a report in writing to Congress, giving an account of all moneys received and disbursed by him and his department and describing the work done by the department”.

Termination of Reporting Requirements
For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannuall, or other regular periodic report listed in House Document No. 103–7 (in which a report required under this section is listed on page 124), see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.
§ 561. Records and papers and furniture transferred to Department

The official records and papers on file in and pertaining exclusively to the business of any bureau, office, department, or branch of the public service in this Act transferred to the Department of Labor, together with the furniture in use in such bureau, office, department, or branch of the public service, are transferred to the Department of Labor.

(Mar. 4, 1913, ch. 141, § 5, 37 Stat. 737.)

References in Text

This Act, referred to in text, is act Mar. 4, 1913, ch. 141, 37 Stat. 736, as amended, which is classified principally to sections 2, 551, and 555 to 562 of this title. For complete classification of this Act to the Code, see Tables.

Codification

Section was formerly classified to section 621 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 1, 1966, 80 Stat. 378.

§ 562. Laws operative

All laws prescribing the work and defining the duties of the several bureaus, offices, departments, or branches of the public service by this Act transferred to and made a part of the Department of Labor shall, so far as the same are not in conflict with the provisions of this Act, remain in full force and effect, to be executed under the direction of the Secretary of Labor.

(Mar. 4, 1913, ch. 141, § 6, 37 Stat. 738.)

References in Text

This Act, referred to in text, is act Mar. 4, 1913, ch. 141, 37 Stat. 736, as amended, which is classified principally to sections 2, 551, and 555 to 562 of this title. For complete classification of this Act to the Code, see Tables.

Codification

Section was formerly classified to section 622 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 1, 1966, 80 Stat. 378.

Transfer of Functions

For transfer of functions of other officers, employees, and agencies of Department of Labor, with certain exceptions, to Secretary of Labor, with power to delegate, see Reorg. Plan No. 6, of 1950, §§ 1, 2, 15 F.R. 3174, 64 Stat. 1263, set out in the Appendix to Title 5, Government Organization and Employees.

§ 563. Working capital fund; establishment; availability; capitalization; reimbursement

There is established a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of

(1) a central reproduction service;
(2) a central visual exhibit service;
(3) a central supply service for supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department;
(4) a central tabulating service;
(5) telephone, mail and messenger services;
(6) a central accounting and payroll service; and
(7) a central laborers’ service: Provided, That any stocks of supplies and equipment on hand or
on order shall be used to capitalize such fund: Provided further, That such fund shall be reimbursed
in advance from funds available to bureaus, offices, and agencies for which such centralized
services are performed at rates which will return in full all expenses of operation, including
reserves for accrued annual leave and depreciation of equipment: Provided further, That within the
Working Capital Fund, there is established an Investment in Reinvention Fund (IRF), which shall
be available to invest in projects of the Department designed to produce measurable improvements
in agency efficiency and significant taxpayer savings. Notwithstanding any other provision of law,
the Secretary of Labor may retain up to $3,900,000 of the unobligated balances in the Department’s
annual Salaries and Expenses accounts as of September 30, 1995, and transfer those amounts to
the IRF to provide the initial capital for the IRF, to remain available until expended, to make
loans to agencies of the Department for projects designed to enhance productivity and generate
cost savings. Such loans shall be repaid to the IRF no later than September 30 of the fiscal year
following the fiscal year in which the project is completed. Such repayments shall be deposited in
the IRF, to be available without further appropriation action: Provided further, That the Secretary
of Labor may transfer annually an amount not to exceed $3,000,000 from unobligated balances
in the Department’s salaries and expenses accounts, to the unobligated balance of the Working
Capital Fund, to be merged with such Fund and used for the acquisition of capital equipment and
the improvement of financial management, information technology and other support systems, and
to remain available until expended: Provided further, That the unobligated balance of the Fund
shall not exceed $20,000,000.." 1

Footnotes
1 So in original.

1997, 111 Stat. 1476.)

Codification
Section was formerly classified to section 622a of Title 5 prior to the general revision and enactment of Title 5,

Amendments
1997—Pub. L. 105–78 struck out period at end and inserted ": Provided further, That the Secretary of Labor may
transfer annually an amount not to exceed $3,000,000 from unobligated balances in the Department’s salaries and
expenses accounts, to the unobligated balance of the Working Capital Fund, to be merged with such Fund and used
for the acquisition of capital equipment and the improvement of financial management, information technology and
other support systems, and to remain available until expended: Provided further, That the unobligated balance of the
Fund shall not exceed $20,000,000.” after “appropriation action”.

1996—Pub. L. 104–134 inserted before period at end “: Provided further, That within the Working Capital Fund,
there is established an Investment in Reinvention Fund (IRF), which shall be available to invest in projects of the
Department designed to produce measurable improvements in agency efficiency and significant taxpayer savings.
Notwithstanding any other provision of law, the Secretary of Labor may retain up to $3,900,000 of the unobligated
balances in the Department’s annual Salaries and Expenses accounts as of September 30, 1995, and transfer those
amounts to the IRF to provide the initial capital for the IRF, to remain available until expended, to make loans to
agencies of the Department for projects designed to enhance productivity and generate cost savings. Such loans shall
be repaid to the IRF no later than September 30 of the fiscal year following the fiscal year in which the project is
completed. Such repayments shall be deposited in the IRF, to be available without further appropriation action.”
§ 563a. Working capital fund; comprehensive program of centralized services

There is appropriated for expenses necessary during the fiscal year ending September 30, 1994, and each fiscal year thereafter, for the maintenance and operation of a comprehensive program of centralized services which the Secretary of Labor may prescribe and deem appropriate and advantageous to provide on a reimbursable basis under the provisions of sections 1535 and 1536 of title 31 (subject to prior notice to OMB) in the national office and field: Provided, That such fund shall be reimbursed in advance from funds available to agencies, bureaus, and offices for which such centralized services are performed at rates which will return in full cost of operations including services obtained through cooperative administrative services units under sections 1535 and 1536 of title 31, including reserves for accrued annual leave, worker’s compensation, depreciation of capitalized equipment, and amortization of ADP software and systems (either acquired or donated): Provided further, That funds received for services rendered to any entity or person for use of Departmental facilities, including associated utilities and security services, shall be credited to and merged with this fund.


Codification
Section is based on paragraph under headings “Departmental Management” and “working capital fund” of Department of Labor Appropriations Act, 1994.

“Sections 1535 and 1536 of title 31” was substituted in text for “the Economy Act” on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

§ 564. Working capital fund; availability for personnel functions in regional administrative offices

The Working Capital Fund of the Department of Labor shall be available on and after March 5, 1970, for expenses necessary for personnel functions in regional administrative offices.


Section, Pub. L. 100–418, title VI, § 6306(b), Aug. 23, 1988, 102 Stat. 1541, related to study and report respecting failure to provide internationally recognized worker rights.

§ 566. Employee drug and alcohol abuse assistance programs

(a) Establishment
The Secretary of Labor shall establish a program through which the Secretary shall provide grants to, or enter into contracts with, employers to enable such employers to develop employee drug and alcohol abuse assistance programs.

(b) Applications
Employers desiring to receive a grant or contract under this section shall submit to the Secretary of Labor, an application, in such form and containing such information as the Secretary may require.
§ 567. Labor-management dispute settlement expenses

Appropriations in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts available for salaries and expenses shall be available for supplies, services, and rental of conference space within the District of Columbia, as the Secretary of Labor shall deem necessary for settlement of labor-management disputes.


Prior Provisions

Provisions similar to those in this section were contained in the following prior appropriation acts:


§ 568. Acceptance of donations by Secretary

The Secretary of Labor is authorized to accept, in the name of the Department of Labor, and employ or dispose of in furtherance of authorized activities of the Department of Labor, during the fiscal year ending September 30, 1995, and each fiscal year thereafter, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.


Prior Provisions

Provisions similar to those in this section were contained in the following prior appropriation acts: