

THE CODE OF THE LAWS OF THE UNITED STATES OF AMERICA TITLE 29 — LABOR

CHAPTER 1. LABOR STATISTICS BUREAU OF LABOR STATISTICS

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BUREAU OF LABOR STATISTICS

§ 1. Design and duties of bureau generally

The general design and duties of the Bureau of Labor Statistics shall be to acquire and diffuse among the people of the United States useful information on subjects connected with labor, in the most general and comprehensive sense of that word, and especially upon its relation to capital, the

hours of labor, the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity. (June 13, 1888, c. 389, § 1, 25 Stat. 182.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

The bracketed words are substituted for "There shall be at the seat of government a Department of Labor, the general design and duties of which shall be . . ." Act Feb. 14, 1903, c. 552, § 4, 32 Stat. 826, placed the Department of Labor in the Department of Commerce and Labor. Act Mar. 18, 1904, c. 716, 33 Stat. 136, changed the name of the Department of Labor to the Bureau of Labor. Act Mar. 4, 1913, c. 141, § 3, 37 Stat. 737, transferred the Bureau of Labor from the Department of Commerce and Labor to the Department of Labor and redesignated the Bureau as the Bureau of Labor Statistics.

Transfer of functions:

1950 REORGANIZATION PLAN No. 6 DEPARTMENT OF LABOR

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 Labor all functions of all other officers of the Department of Labor 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 USCS §§ 551 et seq., 701 et seq., 3105, 3344, 5362, 7521] in hearing examiners employed by the Department of Labor.

Sec. 2. Performance of functions of Secretary. The Secretary of Labor 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 Labor 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. There shall be in the Department of Labor an Administrative Assistant Secretary of Labor, who shall be appointed, with the approval of the President, by the Secretary of Labor under the classified civil service, who shall perform such duties as the Secretary of Labor shall prescribe.

Sec. 4. Incidental transfers. The Secretary of Labor may from time to time effect such transfers within the Department of Labor 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.

CROSS REFERENCES

Establishment of Department of Labor. 29 USCS § 551.

§ 2. Collection, collation, and reports of labor statistics

The Bureau of Labor Statistics, under the direction of the Secretary of

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Labor, shall collect, collate, and report at least once each year, or oftener if necessary, full and complete statistics of the conditions of labor and the products and distribution of the products of the same, and to this end said Secretary shall have power to employ any or either of the bureaus provided for his department and to rearrange such statistical work and to distribute or consolidate the same as may be deemed desirable in the public interests; and said Secretary shall also have authority to call upon other departments of the Government for statistical data and results obtained by them; and said Secretary of Labor may collate, arrange, and publish such statistical information so obtained in such manner as to him may seem wise.

The Bureau of Labor Statistics shall also collect, collate, report, and publish at least once each month full and complete statistics of the volume of and changes in employment, as indicated by the number of persons employed, to total wages paid, and the total hours of employment, in the service of the Federal Government, the States and political subdivisions thereof, and in the following industries and their principal branches: (1) Manufacturing; (2) mining, quarrying, and crude petroleum production; (3) building construction; (4) agriculture and lumbering; (5) transportation, communication, and other public utilities; (6) the retail and wholesale trades; and such other industries as the Secretary of Labor may deem it in the public interest to include. Such statistics shall be reported for all such industries and their principal branches throughout the United States and also by States and/or Federal reserve districts and by such smaller geographical subdivisions as the said Secretary may from time to time prescribe. The said Secretary is authorized to arrange with any Federal, State, or municipal bureau or other governmental agency for the collection of such statistics in such manner as he may deem satisfactory, and may assign special agents of the Department of Labor to any such bureau or agency to assist in such collection.

(Mar. 4, 1913, c. 141, § 4, 37 Stat. 737; July 7, 1930, c. 873, 46 Stat. 1019.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Amendments:

1930. Act July 7, 1930, added the second paragraph.

Transfer of functions:

Transfer of functions of all other officers, employees and agencies of Department of Labor to the Secretary by 1950 Reorg. Plan No. 6, see transfer of functions note to 29 USCS § 1.

INTERPRETIVE NOTES AND DECISIONS

Court will take judicial notice of "Index Numbers of Wholesale Prices" issued by United States Department of Labor. *Mamaroneck v*

New York Interurban Water Co. (1926) 126 Misc 382, 212 NYS 639.

§ 2a. Statistical reports—Collection through local agents—Piece-price basis

The Commissioner of Labor [Statistics] is authorized to collect statistical reports through local special agents paid on piece-price basis. (Feb. 24, 1927, c. 189, Title IV, 44 Stat. 1222.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

The bracketed word "Statistics" was inserted for clarity. This section was a proviso to a bureau of labor statistics appropriation.

Transfer of functions:

Transfer of functions of all other officers, employees, and agencies of Department of Labor to the Secretary by 1950 Reorg. Plan No. 6, see transfer of functions note to 29 USCS § 1.

§ 2b. Studies of productivity and labor costs in industry

The Bureau of Labor Statistics of the United States Department of Labor is authorized and directed to make continuing studies of productivity and labor costs in the manufacturing, mining, transportation, distribution, and other industries.

[For the purpose of making the study, there is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, a sum not to exceed \$100,000 for the first fiscal year.]

(June 7, 1940, c. 267, 54 Stat. 249; Aug. 30, 1954, c. 1076, § 1(27), 68 Stat. 968.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

The second sentence of this section is bracketed, as it is obsolete by reason of execution.

Amendments:

1954, Act Aug. 30, 1954, repealed former last sentence of this section which provided for annual report by the Secretary of Labor of the findings of the Bureau of Labor Statistics on Studies of productivity and labor costs in various industries.

Transfer of functions:

Transfer of functions of all other officers, employees, and agencies of Department of Labor to the Secretary by 1950 Reorg. Plan No. 6, see transfer of functions note to 29 USCS § 1.

§ 3. Commissioner—Appointment and tenure of office—Compensation

The [Bureau of Labor Statistics] shall be under the charge of a [Commissioner of Labor Statistics], who shall be appointed by the President, by and with the advice and consent of the Senate; he shall hold his office for four years, unless sooner removed, and shall receive a salary [of five thousand dollars per annum].

(June 13, 1888, c. 389, § 2, 25 Stat. 182.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES**Explanatory notes:**

The bracketed title "Commissioner of Labor Statistics" is substituted for "Commissioner of Labor", and "Bureau of Labor Statistics" for "Bureau of Labor" on authority of Act Mar. 4, 1913, c. 141, § 3, 37 Stat. 737. See explanatory note to 29 USCS § 1.

Provision for amount of compensation is bracketed as superseded by 5 USCS § 5316(105).

Act June 27, 1884, c. 127, 23 Stat. 60, formerly classified to this section, was replaced by Act June 13, 1888, c. 389, § 2, 25 Stat. 182 [this section], which contains similar provisions.

Act March 18, 1904, c. 716, 33 Stat. 136, changed the name of the Department of Labor to the Bureau of Labor. See explanatory notes to 29 USCS § 1.

Transfer of functions:

Transfer of functions of all other officers, employees, and agencies of Department of Labor to the Secretary by 1950 Reorg. Plan No. 6, see transfer of functions note to 29 USCS § 1.

CROSS REFERENCES

Pay increases for federal employees. 5 USCS §§ 5541 et seq.

§ 4. Duties of commissioner in general

It shall be the duty of the Commissioner of Labor [Statistics] to ascertain the effect of the customs laws, and the effect thereon of the state of the currency, in the United States, on the agricultural industry, especially as to its effect on mortgage indebtedness of farmers. He shall also establish a system of reports by which, at intervals of not less than two years, he can report the general condition, so far as production is concerned, of the leading industries of the country. He is also specially charged to investigate the causes of, and facts relating to, all controversies and disputes between employers and employees as they may occur, and which may tend to interfere with the welfare of the people of the different States. He shall also obtain such information upon the various subjects committed to him as he

may deem desirable from different foreign nations, and what, if any, convict-made goods are imported into this country, and if so from whence. (June 13, 1888, c. 389, § 7, 25 Stat. 183; May 29, 1928, c. 901, § 1(110), (111), 45 Stat. 994.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

References in text:

"Customs laws," referred to in this section, appear generally in Title 19, USCS.

Explanatory notes:

The bracketed title "Commissioner of Labor Statistics" is substituted for "Commissioner of Labor" on authority of Act Mar. 4, 1913, c. 141, § 3, 37 Stat. 737. See explanatory notes to 29 USCS § 1.

Amendments:

1938. Act May 29, 1928, repealed the requirement of reports to Congress on the investigations required by the first and third sentences of this section and is authority for the omission of the words "and report as to" following "ascertain" in the first sentence and "and report thereon to Congress" at the end of the third sentence.

Transfer of functions:

The duty of the Department of Labor to ascertain the cost of producing, in leading countries, articles dutiable in the United States, profits of the manufacturers and producers of such articles, comparative cost of living in such countries, and the effect of trusts on prices and production was transferred to the Bureau of Foreign and Domestic Commerce by Act Aug. 23, 1912, c. 350, § 1, 37 Stat. 407 [15 USCS § 172]. Provisions formerly contained in this section which related to such duty have been omitted.

Transfer of functions of all other officers, employees, and agencies of Department of Labor to the Secretary by 1950 Reorg. Plan No. 6, see transfer of functions note to 29 USCS § 1.

§ 5. Bulletin as to labor conditions

The [Commissioner of Labor Statistics] is hereby authorized to prepare and publish a bulletin of the [Bureau of Labor Statistics], as to the condition of labor in this and other countries, condensations of State and foreign labor reports, facts as to conditions of employment, and such other facts as may be deemed of value to the industrial interests of the country.

(Mar. 2, 1895, c. 177, § 1, 28 Stat. 805.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

The bracketed title "Commissioner of Labor Statistics" is substituted for "Commissioner of Labor", and "Bureau of Labor Statistics" for "Department of Labor" on authority of Acts Mar. 18, 1904, c. 716, 33

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Stat. 136 and Mar. 4, 1913, c. 141, § 3, 37 Stat. 737. See explanatory notes to 29 USCS § 1.

Transfer of functions:

Transfer of functions of all other officers, employees, and agencies of Department of labor to the Secretary by 1950 Reorg. Plan No. 6, see transfer of functions note to 29 USCS § 1.

CROSS REFERENCES

Printing of bulletin for distribution. 44 USCS § 270.

This section is referred to in 44 USCS § 1324.

§ 6. Annual and special reports to President and Congress

The [Commissioner of Labor Statistics] shall annually make a report in writing to the President and Congress, of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the Department. He is also authorized to make special reports on particular subjects whenever required to do so by the President or either House of Congress, or when he shall think the subject in his charge requires it. He shall, on or before the 15th day of December in each year, make a report in detail to Congress of all moneys expended under his direction during the preceding fiscal year.

(June 13, 1888, c. 389, § 8, 25 Stat. 183.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

The bracketed title "Commissioner of Labor Statistics" is substituted for "Commissioner of Labor" on authority of Act Mar. 4, 1913, c. 141, § 3, 37 Stat. 737. See explanatory notes to 29 USCS § 1.

Transfer of functions:

Transfer of functions of all other officers, employees, and agencies of the Department of Labor to the Secretary by 1950 Reorg. Plan No. 6, see transfer of functions note to 29 USCS § 1.

CROSS REFERENCES

Printing of reports. 44 USCS §§ 270, 271, 1325.

Availability of bound copy of Congressional Record for Department of Labor. 44 USCS § 906.

§ 7. Reports of labor statistics in Hawaii

It shall be the duty of the United States [Commissioner of Labor Statistics] to collect, assort, arrange, and present in reports in 1905 and every five years thereafter statistical details relating to all departments of labor in the Territory of Hawaii, especially in relation to the commercial, industrial, social, educational, and sanitary condition of the laboring classes, and to all such other subjects as Congress may by law direct. The said Commis-

sioner is especially charged to ascertain the highest, lowest and average number of employees engaged in the various industries in the Territory, to be classified as to nativity, sex, hours of labor, and conditions of employment, and to report the same to Congress.

(Apr. 30, 1900, c. 339, § 76, 31 Stat. 155; Apr. 8, 1904, c. 948, 33 Stat. 164.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

The bracketed title "Commissioner of Labor Statistics" is substituted for "Commissioner of Labor" on authority of Act Mar. 4, 1913, c. 141, § 3, 37 Stat. 737. See explanatory notes to 29 USCS § 1.

Amendments:

1904. Act Apr. 8, 1904, substituted "reports in 1905 and every five years thereafter" for "annual reports"; and

Omitted the words "at as early a date as possible and as often thereafter as such information may be required," after the word "ascertain" in the second sentence.

Transfer of functions:

Transfer of functions of all other employees, officers, and agencies of Department of Labor to the Secretary by 1950 Reorg. Plan No. 6, see transfer of functions note to 29 USCS § 1.

SPECIAL STATISTICS

§ 9. Special statistical studies upon request—Scope—Cost—Payment

The Department of Labor is authorized, within the discretion of the Secretary of Labor, upon the written request of any person, to make special statistical studies relating to employment, hours of work, wages, and other conditions of employment; to prepare from its records special statistical compilations; and to furnish transcripts of its studies, tables, and other records, upon the payment of the actual cost of such work by the person requesting it.

(Apr. 13, 1934, c. 118, § 1, 48 Stat. 582.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Other provisions:

Extension of Act. This section and §§ 9a and 9b of this title comprised §§ 1-3, respectively, of Act April 13, 1934. Section 4 of that Act provided as follows: "This Act shall cease to be effective one year after the date of its enactment." The Act was temporarily extended by Acts April 11, 1935, c. 59, 49 Stat. 154, and June 15, 1937, c. 349, 50 Stat. 259, and was permanently extended by Act April 15, 1939, c. 71, 53

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Stat. 581, in the following language: "The authorization contained in the Act entitled 'An Act to authorize the Department of Labor to make special statistical studies upon the payment of the cost thereof, and for other purposes,' approved April 13, 1934 (48 Stat. 582), as amended, is hereby extended without limitation as to time."

CODE OF FEDERAL REGULATIONS

29 CFR Part 701.

CROSS REFERENCES

This section is referred to in 29 USCS § 96.

§ 9a. Credit and use of receipts

All moneys hereinafter [hereafter] received by the Department of Labor in payment of the cost of such work shall be deposited to the credit of the appropriation of that bureau, service, office, division, or other agency of the Department of Labor which supervised such work, and may be used, in the discretion of the Secretary of Labor, and notwithstanding any other provision of law, for the ordinary expenses of such agency and/or to secure the special services of persons who are neither officers nor employees of the United States.

(Apr. 13, 1934, c. 118, § 2, 48 Stat. 582.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

The bracketed word "hereafter" is inserted as the word probably intended for "hereinafter."

Other provisions:

Extension of Act. For permanent extension of Act see other provisions note to 29 USCS § 9.

CODE OF FEDERAL REGULATIONS

29 CFR Part 70.

CROSS REFERENCES

Extension of Act. 29 USCS § 9, note.

This section is referred to in 29 USCS § 9b.

§ 9b. Rules and regulations

The Secretary of Labor shall prescribe rules and regulations for the enforcement of this Act [29 USCS §§ 9-9b].

(Apr. 13, 1934, c. 118, § 3, 48 Stat. 582; Aug. 7, 1946, c. 770, 60 Stat. 866.)

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HISTORY; ANCILLARY LAWS AND DIRECTIVES

Amendments:

1946. That part of this section which required a report to Congress was repealed by Act Aug. 7, 1946.

Other provisions:

Extension of Act. For permanent extension of Act see other provisions note to 29 USCS § 9.

CODE OF FEDERAL REGULATIONS

29 CFR Part 70.

CROSS REFERENCES

Extension of Act. 29 USCS § 9, note.