

after such sums as may be necessary to carry out this part.

(Pub. L. 106-398, §1 [div. C, title XXXVI, §3684], as added Pub. L. 108-375, div. C, title XXXI, §3161, Oct. 28, 2004, 118 Stat. 2184.)

**§ 7385s-14. Payment of compensation and benefits from compensation fund**

The compensation and benefits provided under this subchapter, when authorized or approved by the President, shall be paid from the compensation fund established under section 7384e of this title.

(Pub. L. 106-398, §1 [div. C, title XXXVI, §3685], as added Pub. L. 108-375, div. C, title XXXI, §3161, Oct. 28, 2004, 118 Stat. 2185.)

**§ 7385s-15. Office of Ombudsman**

**(a) Establishment**

There is established in the Department of Labor an office to be known as the “Office of the Ombudsman” (in this section referred to as the “Office”).

**(b) Head**

The head of the Office shall be the Ombudsman. The individual serving as Ombudsman shall be either of the following:

- (1) An officer or employee of the Department of Labor designated by the Secretary for purposes of this section from among officers and employees of the Department who have experience and expertise necessary to carry out the duties of the Office specified in subsection (c).
- (2) An individual employed by the Secretary from the private sector from among individuals in the private sector who have experience and expertise necessary to carry out the duties of the Office specified in subsection (c).

**(c) Duties**

The duties of the Office shall be as follows:

- (1) To provide information on the benefits available under this part and part B and on the requirements and procedures applicable to the provision of such benefits.
- (2) To provide guidance and assistance to claimants.
- (3) To make recommendations to the Secretary regarding the location of centers (to be known as “resource centers”) for the acceptance and development of claims for benefits under this part and part B.
- (4) To carry out such other duties with respect to this part and part B as the Secretary shall specify for purposes of this section.

**(d) Independent Office**

The Secretary shall take appropriate actions to ensure the independence of the Office within the Department of Labor, including independence from other officers and employees of the Department engaged in activities relating to the administration of the provisions of this part and part B.

**(e) Annual report**

(1) Not later than July 30 each year, the Ombudsman shall submit to Congress a report on activities under this part and part B.

(2) Each report under paragraph (1) shall set forth the following:

- (A) The number and types of complaints, grievances, and requests for assistance received by the Ombudsman under this part and part B during the preceding year.
- (B) An assessment of the most common difficulties encountered by claimants and potential claimants under this part and part B during the preceding year.

(3) The first report under paragraph (1) shall be the report submitted in 2006.

(4) Not later than 180 days after the submission to Congress of the annual report under paragraph (1), the Secretary shall submit to Congress in writing, and post on the public Internet website of the Department of Labor, a response to the report that—

- (A) includes a statement of whether the Secretary agrees or disagrees with the specific issues raised by the Ombudsman in the report;
- (B) if the Secretary agrees with the Ombudsman on those issues, describes the actions to be taken to correct those issues; and
- (C) if the Secretary does not agree with the Ombudsman on those issues, describes the reasons the Secretary does not agree.

**(f) Outreach**

The Secretary of Labor and the Secretary of Health and Human Services shall each undertake outreach to advise the public of the existence and duties of the Office.

**(g) National Institute for Occupational Safety and Health Ombudsman**

In carrying out the duties of the Ombudsman under this section, the Ombudsman shall work with the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under part B.

(Pub. L. 106-398, §1 [div. C, title XXXVI, §3686], as added Pub. L. 108-375, div. C, title XXXI, §3161, Oct. 28, 2004, 118 Stat. 2185; amended Pub. L. 110-181, div. C, title XXXI, §3116, Jan. 28, 2008, 122 Stat. 578; Pub. L. 111-84, div. C, title XXXI, §3142(a), Oct. 28, 2009, 123 Stat. 2715; Pub. L. 113-291, div. C, title XXXI, §3141(b), Dec. 19, 2014, 128 Stat. 3899; Pub. L. 116-92, div. C, title XXXI, §3134(a), Dec. 20, 2019, 133 Stat. 1958; Pub. L. 116-283, div. C, title XXXI, §3145, Jan. 1, 2021, 134 Stat. 4387.)

**Editorial Notes**

AMENDMENTS

2021—Subsec. (h). Pub. L. 116-283 struck out subsec. (h) which read as follows: “Effective October 28, 2020, this section shall have no further force or effect.”

2019—Subsec. (c)(2) to (4). Pub. L. 116-92, §3134(a)(1), added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

Subsec. (h). Pub. L. 116-92, §3134(a)(2), substituted “2020” for “2019”.

2014—Subsec. (e)(1). Pub. L. 113-291, §3141(b)(1)(A), substituted “July 30” for “February 15”.

Subsec. (e)(4). Pub. L. 113-291, §3141(b)(1)(B), added par. (4).

Subsec. (h). Pub. L. 113-291, §3141(b)(2), substituted “2019” for “2012”.

2009—Subsecs. (c) to (e). Pub. L. 111-84, §3142(a)(1)–(3), inserted “and part B” after “this part” wherever appearing.