

Section 45a, acts Mar. 3, 1931, ch. 404, § 2, 46 Stat. 1489; May 17, 1932, ch. 190, 47 Stat. 158, related to extension of provisions of sections 31 to 44 of this title upon the same terms and conditions as any of the several states.

Section 45b, acts Aug. 14, 1935, ch. 531, title V, § 531, 49 Stat. 633; Aug. 10, 1939, ch. 666, title V, § 508, 53 Stat. 1381, related to an authorization of appropriations for each fiscal year after fiscal year ending June 30, 1937, and appropriations therefor together with apportionment of appropriations to the states and to the Territory of Hawaii.

CHAPTER 4A—EMPLOYMENT STABILIZATION

PRIOR PROVISIONS

A prior chapter 4A, consisting of sections 47 to 47f, act Feb. 23, 1929, ch. 303, §§ 1-7, 45 Stat. 1260, related to vocational rehabilitation of disabled residents of the District of Columbia.

§§ 48, 48a. Omitted

CODIFICATION

Sections 48 to 48g of this title comprised the Employment Stabilization Act of 1931, act Feb. 10, 1931, ch. 117, §§ 1-8, 46 Stat. 1084-1086, which became obsolete upon the abolition of the National Resources Planning Board effective Aug. 31, 1943, by act June 26, 1943, ch. 145, title I, § 1, 57 Stat. 170.

Section 48, act Feb. 10, 1931, ch. 117, § 1, 46 Stat. 1084, related to citation of "Employment Stabilization Act of 1931".

Section 48a, act Feb. 10, 1931, ch. 117, § 2, 46 Stat. 1084; Ex. Ord. No. 6623, Mar. 1, 1934; 1939 Reorg. Plan No. I, §§ 4, 6 eff. July 1, 1939, 4 F.R. 2727, 53 Stat. 1423; 1939 Reorg. Plan No. II, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232, related to definitions of terms used in this chapter.

§ 48b. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 648

Section, act Feb. 10, 1931, ch. 117, § 3, 46 Stat. 1085, Ex. Ord. No. 6623, Mar. 1, 1934; 1939 Reorg. Plan No. I, §§ 4, 6, eff. July 1, 1939, 4 F.R. 2727, 53 Stat. 1423, related to powers and duties of the National Resources Planning Board, which was abolished by act June 26, 1943, ch. 145, title I, § 1, 57 Stat. 170.

§§ 48c to 48g. Omitted

CODIFICATION

Section 48c, act Feb. 10, 1931, ch. 117, § 4, 46 Stat. 1085; Ex. Ord. No. 6623, Mar. 1, 1934; 1939 Reorg. Plan No. I, §§ 4, 6, eff. July 1, 1939, 4 F.R. 2727, 53 Stat. 1423, related to basis of action of the National Resources Planning Board which was abolished. See note below.

Section 48d, act Feb. 10, 1931, ch. 117, § 5, 46 Stat. 1086; Ex. Ord. No. 6623, Mar. 1, 1934; 1939 Reorg. Plan No. I, §§ 4, 6, eff. July 1, 1939, 4 F.R. 2727, 53 Stat. 1423, related to public works emergency appropriations during existence of depression periods.

Section 48e, act Feb. 10, 1931, ch. 117, § 6, 46 Stat. 1086, related to use of emergency appropriations authorized by section 48d of this title.

Section 48f, act Feb. 10, 1931, ch. 117, § 7, 46 Stat. 1086, related to acceleration of emergency construction work.

Section 48g, act Feb. 10, 1931, ch. 117, § 8, 46 Stat. 1086; Ex. Ord. No. 6623, Mar. 1, 1934; 1939 Reorg. Plan No. I, §§ 4, 6, eff. July 1, 1939, 4 F.R. 2727, 53 Stat. 1423, related to advance planning by construction agencies of the government and submission of programs, plans, and estimates to the National Resources Planning Board which was abolished. See note below.

NATIONAL RESOURCES PLANNING BOARD

The National Resources Planning Board was abolished August 31, 1943, by act June 26, 1943, ch. 145, title

I, § 1, 57 Stat. 170, and it was expressly provided that its functions were not to be transferred to any other agency, that the Director should exercise until January 1, 1944, such authority as was necessary to effectuate the discontinuance of the Board, and that the records and files of the Board should be transferred to the national archives.

CHAPTER 4B—FEDERAL EMPLOYMENT SERVICE

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§ 49. United States Employment Service established

In order to promote the establishment and maintenance of a national system of public employment service offices, the United States Employment Service shall be established and maintained within the Department of Labor.

(June 6, 1933, ch. 49, § 1, 48 Stat. 113; Pub. L. 97-300, title VI, § 601(a), formerly title V, § 501(a), Oct. 13, 1982, 96 Stat. 1392; renumbered title VI, § 601(a), Pub. L. 100-628, title VII, § 712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248; Pub. L. 113-128, title III, § 301, July 22, 2014, 128 Stat. 1624.)

AMENDMENTS

2014—Pub. L. 113-128 inserted "service" before "offices".

1982—Pub. L. 97-300 substituted "the United States Employment Service shall be established and maintained within the Department of Labor" for "there is created in the Department of Labor a bureau to be known as the United States Employment Service".

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-300 effective Oct. 1, 1983, but with Secretary authorized to use funds appropriated for fiscal 1983 to plan for orderly implementation of amendment, see section 181(i) of Pub. L. 97-300, which was formerly classified to section 1591(i) of this title.

SHORT TITLE

Act June 6, 1933, ch. 49, § 16, formerly § 15, as added by Pub. L. 97-300, title VI, § 601(h), formerly title V,

§ 501(h), Oct. 13, 1982, 96 Stat. 1397; renumbered title VI, § 601(h), Pub. L. 100-628, title VII, § 712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248; renumbered § 16, Pub. L. 105-220, title III, § 309(1), Aug. 7, 1998, 112 Stat. 1082, provided that: "This Act [enacting this chapter] may be cited as the 'Wagner-Peyser Act'."

TRANSFER OF FUNCTIONS

Functions, powers, and duties of Secretary of Labor under this chapter, insofar as relates to prescription of personnel standards on a merit basis, transferred to Office of Personnel Management, see section 4728(a)(2)(A) of Title 42, The Public Health and Welfare.

Functions of all other officers of Department of Labor and functions of all agencies and employees of that Department were, with exception of functions vested by Administrative Procedure Act (see sections 551 et seq. and 701 et seq. of Title 5, Government Organization and Employees) in hearing examiners employed by such Department, transferred to Secretary of Labor, with power vested in him to authorize their performance or performance of any of his functions by any of those officers, agencies, and employees, by Reorg. Plan No. 6 of 1950, §§ 1, 2, 15 F.R. 3174, 64 Stat. 1263, set out in the Appendix to Title 5.

United States Employment Service transferred to Department of Labor, functions of Federal Security Administrator with respect to employment services, and Bureau of Employment Security transferred to Secretary of Labor by Reorg. Plan No. 2 of 1949, § 1, eff. Aug. 20, 1949, 14 F.R. 5225, 63 Stat. 1065, set out in the Appendix to Title 5.

Section 1 of Reorg. Plan No. 2 of 1949, also provided that functions transferred by this section shall be performed by Secretary of Labor or, subject to his direction and control, by such officers, agencies, and employees of Department of Labor as he shall designate.

Act June 16, 1948, ch. 472, title I, 62 Stat. 446, provided in part that: "Effective July 1, 1948, the United States Employment Service, including its functions under title IV of the Servicemen's Readjustment Act of 1944, is transferred to the Federal Security Agency, and on and after such date the functions of the Secretary of Labor with respect to the United States Employment Service are transferred to the Federal Security Administrator and shall be performed by him or, under his direction and control, by such officers and employees of the Federal Security Agency as he may designate. There are transferred to the Federal Security Agency, for use in connection with the functions transferred by the provisions of this paragraph, the personnel, property, and records of the Department of Labor related to the United States Employment Service, and the balances of such prior appropriations, allocations, and other funds available to the United States Employment Service as the Director of the Bureau of the Budget may determine. The provisions of section 9 of the Reorganization Act of 1945 (Public Law 263, Seventy-ninth Congress) shall apply to the transfer effected by this paragraph in like manner as if such transfer were a reorganization of the agencies and functions concerned under the provisions of that Act."

United States Employment Service and all functions of Social Security Board in Federal Security Agency relating to employment service transferred to War Manpower Commission by Ex. Ord. No. 9247, Sept. 17, 1942, 7 F.R. 7379. That Commission was terminated by Ex. Ord. No. 9617, Sept. 19, 1945, 10 F.R. 11929, and the United States Employment Service transferred to the Department of Labor.

Reorg. Plan No. I of 1939, § 201, eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1424, set out in the Appendix to Title 5, Government Organization and Employees, consolidated United States Employment Service in Department of Labor and its functions and personnel, with other offices and agencies, under one agency to be known as Federal Security Agency with a Federal Security Administrator at head thereof.

Section 203 of Reorg. Plan No. I of 1939, provided that functions of United States Employment Service should

be consolidated with unemployment compensation functions of Social Security Board and should be administered in Social Security Board in connection with unemployment compensation functions under direction and supervision of Federal Security Administrator.

Section 203 of Reorg. Plan No. I of 1939, further, abolished office of Director of United States Employment Service and transferred all functions of that office to Social Security Board, to be exercised by Board, and provided that functions of Secretary of Labor relating to administration of United States Employment Service should be transferred to, and exercised by, Federal Security Administrator.

ADMINISTRATION OF MANPOWER IN DISTRICT OF COLUMBIA

Pub. L. 93-198, title II, § 204(a), Dec. 24, 1973, 87 Stat. 783, provided that: "All functions of the Secretary of Labor (hereafter in this section referred to as the Secretary) under section 3 of the Act [section 49b of this title] entitled 'An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes', approved June 6, 1933 (29 U.S.C. 49-49k), with respect to the maintenance of a public employment service for the District [of Columbia], are transferred [effective July 1, 1974] to the Commissioner [of the District of Columbia established under Reorg. Plan No. 3 of 1967 (now the Mayor)]. After the effective date of this transfer [July 1, 1974], the Secretary shall maintain with the District the same relationship with respect to a public employment service in the District, including the financing of such service, as he has with the States (with respect to a public employment service in the States) generally."

RECRUITMENT AND DISTRIBUTION OF FARM LABOR

Act July 3, 1948, ch. 823, § 1, 62 Stat. 1238, authorized the Federal Security Administrator to recruit foreign workers within the Western Hemisphere and workers in Puerto Rico for temporary agricultural employment in the continental United States and to direct, supervise, coordinate, and provide for the transportation of those workers from such places of recruitment to and between places of employment within the continental United States and return to the places of recruitment not later than June 30, 1949.

Act July 3, 1948, ch. 823, § 2, 62 Stat. 1239, appropriated \$2,500,000, for fiscal year ending June 30, 1949, to carry out the purposes of section 1 of act July 3, 1948.

FARM PLACEMENT SERVICE

Act Apr. 28, 1947, ch. 43, § 2, 61 Stat. 55, provided:

"(a) The provisions of the Farm Labor Supply Appropriation Act, 1944 (Public Law 229, Seventy-eighth Congress, second session, title I [former sections 1351 to 1355 of the former Appendix to Title 50, War and National Defense]), as amended and supplemented, and as extended by this Act, shall not be construed to limit or interfere with any of the functions of the United States Employment Service or State public employment services with respect to maintaining a farm placement service as authorized under the Act of June 6, 1933 (48 Stat. 113) [this chapter].

"(b) The Secretary of Agriculture and the Secretary of Labor shall take such action as may be necessary to assure maximum cooperation between the agricultural extension services of the land-grant colleges and the State public employment agencies in the recruitment and placement of domestic farm labor and in the keeping of such records and information with respect thereto as may be necessary for the proper and efficient administration of the State unemployment compensation laws and of title V of the Servicemen's Readjustment Act of 1944, as amended (58 Stat. 295)."

DEFINITIONS OF TERMS IN PUB. L. 113-128

Except as otherwise provided, definitions in section 3 of Pub. L. 113-128, which is classified to section 3102 of this title, apply to this section.

§ 49a. Definitions

For purposes of this chapter—

(1) the terms “chief elected official”, “institution of higher education”, “one-stop center”, “one-stop partner”, “training services”, “workforce development activity”, and “workplace learning advisor”, have the meaning given the terms in section 3102 of this title;

(2) the term “local workforce development board” means a local workforce development board established under section 3122 of this title;

(3) the term “one-stop delivery system” means a one-stop delivery system described in section 3151(e) of this title;

(4) the term “Secretary” means the Secretary of Labor;

(5) the term “State” means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands; and

(6) the term “employment service office” means a local office of a State agency; and

(7) except in section 49l-2 of this title, the term “State agency”, used without further description, means an agency designated or authorized under section 49c of this title.

(June 6, 1933, ch. 49, § 2, 48 Stat. 114; Pub. L. 97-300, title VI, § 601(a), formerly title V, § 501(a), Oct. 13, 1982, 96 Stat. 1392; renumbered title VI, § 601(a), Pub. L. 100-628, title VII, § 712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248; Pub. L. 105-220, title III, § 301, Aug. 7, 1998, 112 Stat. 1080; Pub. L. 113-128, title III, § 302, July 22, 2014, 128 Stat. 1624.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning act June 6, 1933, ch. 49, 48 Stat. 113, known as the Wagner-Peyser Act, which was classified to this chapter and section 338 of former Title 39, The Postal Service. Section 338 of former title 39 was repealed and reenacted as section 4152 of former Title 39, The Postal Service, by Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 578. Section 4152 of former title 39 was repealed and reenacted as section 3202 of Title 39, Postal Service, by Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 719.

AMENDMENTS

2014—Par. (1). Pub. L. 113-128, § 302(1), added par. (1) and struck out former par. (1) which read as follows: “the term ‘chief elected official’ has the same meaning given that term under the Workforce Investment Act of 1998;”.

Par. (2). Pub. L. 113-128, § 302(2), substituted “development board” for “investment board” in two places and substituted “section 3122 of this title” for “section 117 of the Workforce Investment Act of 1998”.

Par. (3). Pub. L. 113-128, § 302(3), substituted “section 3151(e) of this title” for “section 134(c) of the Workforce Investment Act of 1998”.

Pars. (6), (7). Pub. L. 113-128, § 302(4)–(6), added pars. (6) and (7).

1998—Par. (1). Pub. L. 105-220, § 301(1), struck out “or officials” after “elected official” and substituted “Workforce Investment Act of 1998” for “Job Training Partnership Act”.

Par. (2). Pub. L. 105-220, § 301(2), (4), added par. (2) and struck out former par. (2) which read as follows: “the term ‘private industry council’ has the same meaning given that term under the Job Training Partnership Act;”.

Par. (3). Pub. L. 105-220, § 301(4), added par. (3). Former par. (3) redesignated (4).

Par. (4). Pub. L. 105-220, § 301(2), (3), (5), redesignated par. (3) as (4), substituted “Labor; and” for “Labor;”, and struck out former par. (4) which read as follows: “the term ‘service delivery area’ has the same meaning given that term under the Job Training Partnership Act; and”.

1982—Pub. L. 97-300 amended section generally, substituting provisions relating to definitions for provisions which authorized appointment of personnel and payment of office expenses.

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-220, title III, § 311, Aug. 7, 1998, 112 Stat. 1086, which provided that the amendments made by subtitle A (§§ 301-311) of title III of Pub. L. 105-220 (enacting section 49l-2 of this title and amending this section, sections 49b, 49c, 49d, 49e to 49g, 49j, and 49k of this title, and section 655a of Title 42, The Public Health and Welfare) would take effect on July 1, 1999, was repealed by Pub. L. 113-128, title V, § 511(a), July 22, 2014, 128 Stat. 1705.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-300 effective Oct. 1, 1983, but with Secretary authorized to use funds appropriated for fiscal 1983 to plan for orderly implementation of amendment, see section 181(i) of Pub. L. 97-300, which was formerly classified to section 1591(i) of this title.

DEFINITIONS OF TERMS IN PUB. L. 113-128

Except as otherwise provided, definitions in section 3 of Pub. L. 113-128, which is classified to section 3102 of this title, apply to this section.

§ 49b. Duties of Secretary**(a) Assistance to State public employment service offices**

The Secretary shall assist in coordinating the State public employment service offices throughout the country and in increasing their usefulness by developing and prescribing minimum standards of efficiency, assisting them in meeting problems peculiar to their localities, promoting uniformity in their administrative and statistical procedure, furnishing and publishing information as to opportunities for employment and other information of value in the operation of the system, and maintaining a system for clearing labor between the States.

(b) Provision of unemployment compensation information

It shall be the duty of the Secretary to assure that unemployment insurance and employment service offices in each State, as appropriate, upon request of a public agency administering or supervising the administration of a State program funded under part A of title IV of the Social Security Act [42 U.S.C. 601 et seq.], of a public agency charged with any duty or responsibility under any program or activity authorized or required under part D of title IV of such Act [42 U.S.C. 651 et seq.], or of a State agency charged with the administration of the supplemental nutrition assistance program in a State under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et

seq.), shall (and, notwithstanding any other provision of law, is authorized to) furnish to such agency making the request, from any data contained in the files of any such office, information with respect to any individual specified in the request as to (1) whether such individual is receiving, has received, or has made application for, unemployment compensation, and the amount of any such compensation being received by such individual, (2) the current (or most recent) home address of such individual, and (3) whether such individual has refused an offer of employment and, if so, a description of the employment so offered and the terms, conditions, and rate of pay therefor.

(c) Public labor exchange services

The Secretary shall—

(1) assist in the coordination and development of a nationwide system of public labor exchange services, provided as part of the one-stop customer service systems of the States;

(2) assist in the development of continuous improvement models for such nationwide system that ensure private sector satisfaction with the system and meet the demands of job-seekers relating to the system, and identify and disseminate information on best practices for such system; and and¹

(3) ensure, for individuals otherwise eligible to receive unemployment compensation, the provision of reemployment services and other activities in which the individuals are required to participate to receive the compensation.²

(4) in coordination with the State agencies and the staff of such agencies, assist in the planning and implementation of activities to enhance the professional development and career advancement opportunities of such staff, in order to strengthen the provision of a broad range of career guidance services, the identification of job openings (including providing intensive outreach to small and medium-sized employers and enhanced employer services), the provision of technical assistance and training to other providers of workforce development activities (including workplace learning advisors) relating to counseling and employment-related services, and the development of new strategies for coordinating counseling and technology.

(d) Colocation of employment service offices and one-stop centers

In order to improve service delivery, avoid duplication of services, and enhance coordination of services, including location of staff to ensure access to services under section 49f(a) of this title statewide in underserved areas, employment service offices in each State shall be collocated with one-stop centers.

(e) Development of national electronic tools

The Secretary, in consultation with States, is authorized to assist the States in the development of national electronic tools that may be used to improve access to workforce information for individuals through—

(1) the one-stop delivery systems established as described in section 3151(e) of this title; and

(2) such other delivery systems as the Secretary determines to be appropriate.

(June 6, 1933, ch. 49, § 3, 48 Stat. 114; Sept. 8, 1950, ch. 933, § 1, 64 Stat. 822; Aug. 3, 1954, ch. 655, § 6(a), 68 Stat. 665; Aug. 1, 1956, ch. 852, § 17(a), 70 Stat. 910; Pub. L. 86-624, § 21(a), July 12, 1960, 74 Stat. 417; Pub. L. 93-198, title II, § 204(c), Dec. 24, 1973, 87 Stat. 783; Pub. L. 94-566, title V, § 508(a), Oct. 20, 1976, 90 Stat. 2689; Pub. L. 97-300, title VI, § 601(a), formerly title V, § 501(a), Oct. 13, 1982, 96 Stat. 1392; renumbered title VI, § 601(a), Pub. L. 100-628, title VII, § 712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248; Pub. L. 99-198, title XV, § 1535(b)(2), Dec. 23, 1985, 99 Stat. 1584; Pub. L. 104-193, title I, § 110(m), Aug. 22, 1996, 110 Stat. 2173; Pub. L. 105-220, title III, §§ 302(a), 310, Aug. 7, 1998, 112 Stat. 1080, 1086; Pub. L. 110-234, title IV, § 4002(b)(1)(A), (B), (2)(Q), May 22, 2008, 122 Stat. 1095-1097; Pub. L. 110-246, § 4(a), title IV, § 4002(b)(1)(A), (B), (2)(Q), June 18, 2008, 122 Stat. 1664, 1857, 1858; Pub. L. 113-128, title III, § 303, July 22, 2014, 128 Stat. 1625.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (b), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A of title IV of the Social Security Act is classified generally to part A (§ 601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. Part D of title IV of such Act is classified generally to part D (§ 651 et seq.) of subchapter IV of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Food and Nutrition Act of 2008, referred to in subsec. (b), is Pub. L. 88-525, Aug. 31, 1964, 78 Stat. 703, which is classified generally to chapter 51 (§ 2011 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 7 and Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-128, § 303(a), substituted “service offices” for “services”.

Subsec. (c)(2). Pub. L. 113-128, § 303(b)(1), substituted “, and identify and disseminate information on best practices for such system; and” for semicolon.

Subsec. (c)(4). Pub. L. 113-128, § 303(b)(2), added par. (4).

Subsecs. (d), (e). Pub. L. 113-128, § 303(c), added subsecs. (d) and (e).

2008—Subsec. (b). Pub. L. 110-246, § 4002(b)(1)(A), (B), (2)(Q), which directed amendment of the “Wagner-Peyser Act” by substituting “supplemental nutrition assistance program” for “food stamp program” wherever appearing and “Food and Nutrition Act of 2008” for “Food Stamp Act of 1977” wherever appearing, was executed by making the substitutions in subsec. (b) of this section, which is section 3 of the Wagner-Peyser Act, to reflect the probable intent of Congress.

1998—Subsec. (a). Pub. L. 105-220, § 302(a)(1), substituted “Secretary” for “United States Employment Service”.

Subsec. (b). Pub. L. 105-220, § 310, substituted “Secretary” for “Secretary of Labor”.

Subsec. (c). Pub. L. 105-220, § 302(a)(2), added subsec. (c).

1996—Subsec. (b). Pub. L. 104-193 substituted “State program funded under part A of title IV” for “State plan approved under part A of title IV”.

¹ So in original.

² So in original. The period probably should be “; and”.

1985—Subsec. (b). Pub. L. 99-198 inserted reference to a State agency charged with the administration of the food stamp program in a State under the Food Stamp Act.

1982—Pub. L. 97-300, amended section generally, substituting provisions which set out functions of the Service and duties of the Secretary of Labor for provisions which had stated the purposes of the Service, including services to veterans and supplying of data for the administration of programs in aid of families with dependent children, and defined “State”.

1976—Subsec. (a). Pub. L. 94-566 provided that the bureau has a further duty to assure that the employment offices in each State, upon request of a public agency administering or supervising the administration of a State plan approved under part A of title IV of the Social Security Act or of a public agency charged with any duty or responsibility under any program or activity authorized or required under part D of title IV of such Act, furnish to such agency making the request, from any data contained in the files of any such employment office, information with respect to any individual specified in the request as to whether such individual is receiving, has received, or has made application for, unemployment compensation, and the amount of any such compensation being received by such individual, the current (or most recent) home address of such individual, and whether such individual has refused an offer of employment and, if so, a description of the employment so offered and terms, conditions, and rate of pay therefor.

1973—Subsec. (a). Pub. L. 93-198, §204(c)(1), struck out function of maintaining a public employment service for the District of Columbia from the functions of the bureau.

Subsec. (b). Pub. L. 93-198, §204(c)(2), included District of Columbia in definition of “State” or “States”.

1960—Subsec. (b). Pub. L. 86-624 struck out “Hawaii, Alaska,” before “Puerto Rico”.

1956—Subsec. (b). Act Aug. 1, 1956, inserted “Guam” after “Puerto Rico”.

1954—Subsec. (a). Act Aug. 3, 1954, inserted provisions relating to employment counseling and placement services for handicapped persons.

1950—Subsec. (b). Act Sept. 8, 1950, included Puerto Rico and Virgin Islands in definition of “State” or “States”.

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of this title.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Amendment by section 4002(b)(1)(A), (B), (2)(Q) of Pub. L. 110-246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as a note under section 1161 of Title 2, The Congress.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-220 effective July 1, 1999, see section 311 of Pub. L. 105-220, formerly set out as a note under section 49a of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-193 effective July 1, 1997, with transition rules relating to State options to accelerate such date, rules relating to claims, actions, and proceedings commenced before such date, rules relating to closing out of accounts for terminated or substantially modified programs and continuance in office of

Assistant Secretary for Family Support, and provisions relating to termination of entitlement under AFDC program, see section 116 of Pub. L. 104-193, as amended, set out as an Effective Date note under section 601 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-300 effective Oct. 1, 1983, but with Secretary authorized to use funds appropriated for fiscal 1983 to plan for orderly implementation of amendment, see section 181(i) of Pub. L. 97-300, which was formerly classified to section 1591(i) of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Pub. L. 93-198, title VII, §771(b), Dec. 24, 1973, 87 Stat. 836, provided in part that title II of Pub. L. 93-198 [amending this section and section 50 of this title and enacting provisions set out as notes under section 49 of this title and section 8101 of Title 5, Government Organization and Employees], shall take effect on July 1, 1974.

EFFECTIVE DATE OF 1954 AMENDMENT

Act Aug. 3, 1954, ch. 655, §8, 68 Stat. 665, provided that: “The amendments made by this Act [enacting section 107e-1 of Title 20, Education, and amending this section, sections 31 to 41, 42, and 49g of this title, sections 107, 107a, 107b, 107e, and 107f of Title 20, and section 155a of former Title 36, Patriotic Societies and Observances] shall become effective July 1, 1954.”

DEFINITIONS OF TERMS IN PUB. L. 113-128

Except as otherwise provided, definitions in section 3 of Pub. L. 113-128, which is classified to section 3102 of this title, apply to this section.

§ 49c. Acceptance by States; creation of State agencies

In order to obtain the benefits of appropriations apportioned under section 49d of this title, a State shall, pursuant to State statute, accept the provisions of this chapter and, in accordance with such State statute, the Governor shall designate or authorize the creation of a State agency vested with all powers necessary to cooperate with the Secretary under this chapter.

(June 6, 1933, ch. 49, §4, 48 Stat. 114; Pub. L. 105-220, title III, §303, Aug. 7, 1998, 112 Stat. 1081.)

AMENDMENTS

1998—Pub. L. 105-220 substituted “, pursuant to State statute,” for “, through its legislature,” inserted “, in accordance with such State statute, the Governor shall” after “the provisions of this chapter and”, and substituted “Secretary” for “United States Employment Service”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-220 effective July 1, 1999, see section 311 of Pub. L. 105-220, formerly set out as a note under section 49a of this title.

TRANSFER OF STATE AGENCIES TO THE STATES

Act July 26, 1946, ch. 672, title I, 60 Stat. 684, provided in part: “On November 15, 1946, the Secretary of Labor shall transfer, to the State agency in each State designated under section 4 of the Act of Congress approved June 6, 1933, as amended [this section], as the agency to administer the State-wide system of public employment offices in cooperation with the United States Employment Service under said Act [this chapter], the operation of State and local public employment office facilities and properties which were transferred by such State to the Federal Government in 1942 to promote the national war effort. The Secretary of Labor shall,

on request of the State agency, also provide for the transfer and assignment to such State, without reimbursement therefor, of any other public employment office facilities and properties within such State, including records, files, and office equipment: *Provided*, That as a condition to such transfer and assignment of Federal properties, the Secretary may require the recipient State to waive any claim which may then exist or thereafter arise out of the use made by the Federal Government of, or for the loss of or damage to, property and facilities transferred to the Federal Government as hereinabove described."

§ 49c-1. Transfer to States of property used by United States Employment Service

For the purpose of assisting the State employment services established and maintained in accordance with the terms of this chapter, the Secretary of Labor is authorized without payment of compensation to transfer and assign to the States in which it is located all property, including records, files, and office equipment, used by the United States Employment Service in its administrative and local employment offices in the respective States, except the records, files, and property used in the Veterans' Service and in the Farm Placement Service maintained under this chapter, as soon as such States establish and maintain systems of public employment offices, in accordance with the terms of sections 49c, 49d, and 49g of this title and the regulations promulgated thereunder.

(Aug. 11, 1939, ch. 693, 53 Stat. 1409; Ex. Ord. No. 9247, Sept. 17, 1942, 7 F.R. 7379; Ex. Ord. No. 9617, Sept. 19, 1945, 10 F.R. 11929; June 16, 1948, ch. 472, title I, 62 Stat. 446; 1949 Reorg. Plan No. 2, § 1, eff. Aug. 20, 1949, 14 F.R. 5225, 63 Stat. 1065.)

CODIFICATION

This section was not enacted as part of the Wagner-Peyser Act which comprises this chapter.

TRANSFER OF FUNCTIONS

For history of transfer of functions of United States Employment Service to Secretary of Labor, see note set out under section 49 of this title.

§ 49c-2. Omitted

CODIFICATION

Section, act July 26, 1946, ch. 672, title I, 60 Stat. 684, 685, which authorized transfer to and retention in State system of public employment offices of Federal employees, was from the Department of Labor Act, 1947, and was not repeated in subsequent appropriation acts.

§ 49c-3. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 653

Section, act July 26, 1946, ch. 672, title I, 60 Stat. 685, provided for refund of retirement deductions and interest to members of Social Security Boards returning to State employment.

§ 49c-4. Transferred

CODIFICATION

Section, Pub. L. 88-136, title I, Oct. 11, 1963, 77 Stat. 226, which related to personnel standards, was transferred to section 49n of this title and subsequently omitted from the Code.

§ 49c-5. Omitted

CODIFICATION

Section, act July 8, 1947, ch. 210, title I, 61 Stat. 263, which related to a joint budget, was from the Depart-

ment of Labor Appropriation Act, 1948, and was not repeated in subsequent appropriation acts. Similar provisions were contained in act July 26, 1946, ch. 672, title I, § 101, 60 Stat. 686.

§ 49d. Appropriations; certification for payment to States

(a) Authorization of appropriations

There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts from time to time as the Congress may deem necessary to carry out the purposes of this chapter.

(b) Certification for payment to States

The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State which—

(1) except in the case of Guam, has an unemployment compensation law approved by the Secretary under the Federal Unemployment Tax Act [26 U.S.C. 3301 et seq.] and is found to be in compliance with section 503 of title 42,

(2) is found to have coordinated the public employment services with the provision of unemployment insurance claimant services, and

(3) is found to be in compliance with this chapter,

such amounts as the Secretary determines to be necessary for allotment in accordance with section 49e of this title.

(c) Availability of appropriations

(1) Beginning with fiscal year 1985 and thereafter appropriations for any fiscal year for programs and activities assisted or conducted under this chapter shall be available for obligation only on the basis of a program year. The program year shall begin on July 1 in the fiscal year for which the appropriation is made.

(2) Funds obligated for any program year may be expended by the State during that program year and the two succeeding program years and no amount shall be deobligated on account of a rate of expenditure which is consistent with the program plan.

(June 6, 1933, ch. 49, § 5, 48 Stat. 114; May 10, 1935, ch. 102, 49 Stat. 216; June 29, 1938, ch. 816, 52 Stat. 1244; Sept. 8, 1950, ch. 933, § 2, 64 Stat. 822; Aug. 1, 1956, ch. 852, § 17(b), 70 Stat. 910; Pub. L. 86-778, title V, § 543(c), Sept. 13, 1960, 74 Stat. 987; Pub. L. 94-566, title I, § 116(c), Oct. 20, 1976, 90 Stat. 2672; Pub. L. 97-35, title VII, § 702, Aug. 13, 1981, 95 Stat. 521; Pub. L. 97-300, title VI, § 601(b), formerly title V, § 501(b), Oct. 13, 1982, 96 Stat. 1392; renumbered title VI, § 601(b), Pub. L. 100-628, title VII, § 712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248; Pub. L. 105-220, title III, § 304, Aug. 7, 1998, 112 Stat. 1081.)

REFERENCES IN TEXT

The Federal Unemployment Tax Act, referred to in subsec. (b)(1), is act Aug. 16, 1954, ch. 736, §§ 3301 to 3311, 68A Stat. 454, as amended, which is classified generally to chapter 23 (§ 3301 et seq.) of Title 26, Internal Revenue Code. For complete classification of this Act to the Code, see section 3311 of Title 26 and Tables.

AMENDMENTS

1998—Subsec. (c)(3). Pub. L. 105-220 struck out par. (3) which read as follows:

“(3)(A) Appropriations for fiscal year 1984 shall be available both to fund activities for the period between October 1, 1983, and July 1, 1984, and for the program year beginning July 1, 1984.

“(B) There are authorized to be appropriated such additional sums as may be necessary to carry out the provisions of this paragraph for the transition to program year funding.”

1982—Subsec. (b). Pub. L. 97-300 added subsec. (b). Former subsec. (b), which related to certification of compliance by the Secretary to the Secretary of the Treasury with regard to the Federal Unemployment Tax Act by State programs and payment of monies for the operation of the State systems, was struck out.

Subsec. (c). Pub. L. 97-300 added subsec. (c).

1981—Subsec. (b). Pub. L. 97-35 inserted provisions authorizing appropriations for fiscal year beginning Oct. 1, 1981, and definition of “proper and efficient administration of its public employment offices”.

1976—Subsec. (b). Pub. L. 94-566 substituted “Guam” for “Guam and the Virgin Islands”.

1960—Subsec. (b). Pub. L. 86-778 substituted “Guam and the Virgin Islands” for “Puerto Rico, Guam, and the Virgin Islands”.

1956—Subsec. (b). Act Aug. 1, 1956, inserted “Guam” after “Puerto Rico”.

1950—Subsec. (a). Act, Sept. 8, 1950, struck out apportionment formula and requirement that States match the funds granted them.

1938—Subsec. (a). Act June 29, 1938, substituted “The annual appropriation under this chapter shall designate the amount to” for “Seventy-five per centum of the amounts appropriated under this chapter shall”, at beginning of second sentence, and “the said amount among the several States” for “said 75 per centum of amounts appropriated after January 1, 1935, under this chapter” in proviso.

1935—Subsec. (a). Act May 10, 1935, inserted proviso.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-220 effective July 1, 1999, see section 311 of Pub. L. 105-220, formerly set out as a note under section 49a of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-300 effective Oct. 1, 1983, but with Secretary authorized to use funds appropriated for fiscal 1983 to plan for orderly implementation of amendment, see section 181(i) of Pub. L. 97-300, which was formerly classified to section 1591(i) of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-566 effective on later of Oct. 1, 1976, or day after day on which Secretary of Labor approves under section 3304(a) of Title 26, Internal Revenue Code, an unemployment compensation law submitted to him by Virgin Islands for approval, see section 116(f)(1) of Pub. L. 94-566, set out as a note under section 3304 of Title 26.

EFFECTIVE DATE OF 1960 AMENDMENT

Pub. L. 86-778, title V, §543(c), Sept. 13, 1960, 74 Stat. 987, provided that the amendment made by that section is effective on and after Jan. 1, 1961.

SUSPENSION OF STATE APPROPRIATION REQUIREMENTS UNTIL JULY 1, 1952

Act Sept. 6, 1950, ch. 896, Ch. V, title I, 64 Stat. 643, provided in part that: “No State shall be required to make any appropriation as provided in section 5(a) of said Act of June 6, 1933 [subsec. (a) of this section], prior to July 1, 1952.”

Similar provisions suspending the requirement until July 1, 1950 were contained in acts June 16, 1948, ch. 472, title I, 62 Stat. 445; June 29, 1949, ch. 275, title II, 63 Stat. 284.

§ 49d-1. Omitted

CODIFICATION

Section, act June 16, 1937, ch. 359, title IV, 50 Stat. 302, provided for reapportionment of unexpended appropriations.

§ 49e. Allotment of funds

(a) From the funds appropriated and (except for Guam) certified under section 49d of this title and made available for allotments under this section for each fiscal year, the Secretary shall first allot to Guam and the Virgin Islands an amount which, in relation to the total amount available for the fiscal year, is equal to the allotment percentage which each received of amounts available under this chapter in fiscal year 1983.

(b)(1) Subject to paragraphs (2), (3), and (4) of this subsection, after making the allotments required by subsection (a), the Secretary shall allot the remainder of the funds described in subsection (a) for each fiscal year among the States as follows:

(A) two-thirds of such remainder shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State as compared to the total number of such individuals in all States; and

(B) one-third of such remainder shall be allotted on the basis of the relative number of unemployed individuals in each State as compared to the total number of such individuals in all States.

For purposes of this paragraph, the number of individuals in the civilian labor force and the number of unemployed individuals shall be based on data for the most recent calendar year available, as determined by the Secretary. For purposes of this paragraph, the term “State” does not include Guam or the Virgin Islands.

(2) No State's allotment under this section for any fiscal year shall be less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made. For the purpose of this section, the Secretary shall determine the allotment percentage for each State (including Guam and the Virgin Islands) for fiscal year 1984 which is the percentage that the State received under this chapter for fiscal year 1983 of the total amounts available for payments to all States for such fiscal year. For each succeeding fiscal year, the allotment percentage for each such State shall be the percentage that the State received under this chapter for the preceding fiscal year of the total amounts available for allotments for all States for such fiscal year.

(3) For each fiscal year, no State shall receive a total allotment under paragraphs (1) and (2) which is less than 0.28 percent of the total amount available for allotments for all States.

(4) The Secretary shall reserve such amount, not to exceed 3 percent of the sums available for allotments under this section for each fiscal year, as shall be necessary to assure that each State will have a total allotment under this section sufficient to provide staff and other resources necessary to carry out employment service activities and related administrative and support functions on a statewide basis.

(5) The Secretary shall, not later than March 15 of fiscal year 1983 and each succeeding fiscal year, provide preliminary planning estimates and shall, not later than May 15 of each such fiscal year, provide final planning estimates, showing each State's projected allocation for the following year.

(June 6, 1933, ch. 49, § 6, as added Pub. L. 97-300, title VI, § 601(c), formerly title V, § 501(c), Oct. 13, 1982, 96 Stat. 1393; renumbered title VI, § 601(c), Pub. L. 100-628, title VII, § 712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248; amended Pub. L. 105-220, title III, § 310, Aug. 7, 1998, 112 Stat. 1086; Pub. L. 113-128, title III, § 304, July 22, 2014, 128 Stat. 1626.)

PRIOR PROVISIONS

A prior section 49e, act June 6, 1933, ch. 49, § 6, 48 Stat. 115, related to apportionment of appropriations, and certification to Secretary of the Treasury, prior to repeal by act Sept. 8, 1950, ch. 933, § 3, 64 Stat. 823.

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-128, § 304(1), substituted “funds appropriated and (except for Guam) certified under section 49d of this title and made available for allotments under this section” for “amounts appropriated pursuant to section 49d of this title”.

Subsec. (b)(1). Pub. L. 113-128, § 304(2), in introductory provisions, inserted “after making the allotments required by subsection (a),” before “the Secretary” and substituted “funds described in subsection (a)” for “sums appropriated and certified pursuant to section 49d of this title”; in subpars. (A) and (B), substituted “remainder” for “sums”; and, in concluding provisions, inserted “For purposes of this paragraph, the term ‘State’ does not include Guam or the Virgin Islands.” at end.

1998—Subsec. (b)(1). Pub. L. 105-220 substituted “Secretary” for “Secretary of Labor” in concluding provisions.

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-220 effective July 1, 1998, see section 311 of Pub. L. 105-220, formerly set out as a note under section 49a of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1983, but with Secretary authorized to use funds appropriated for fiscal 1983 to plan for orderly implementation of section, see section 181(i) of Pub. L. 97-300, which was formerly classified to section 1591(i) of this title.

DEFINITIONS OF TERMS IN PUB. L. 113-128

Except as otherwise provided, definitions in section 3 of Pub. L. 113-128, which is classified to section 3102 of this title, apply to this section.

§ 49f. Percentage disposition of allotted funds

(a) Use of 90 percent of funds allotted

Ninety percent of the sums allotted to each State pursuant to section 49e of this title may be used—

- (1) for job search and placement services to job seekers, including unemployment insurance claimants, including counseling, testing,

occupational and labor market information, assessment, and referral to employers;

(2) for appropriate recruitment services and special technical services for employers; and

(3) for any of the following activities:

(A) evaluation of programs;

(B) developing linkages between services funded under this chapter and related Federal or State legislation, including the provision of labor exchange services at education sites;

(C) providing services for workers who have received notice of permanent layoff or impending layoff, or workers in occupations which are experiencing limited demand due to technological change, impact of imports, or plant closures;

(D) developing and providing labor market and occupational information;

(E) developing a management information system and compiling and analyzing reports therefrom;

(F) administering the work test for the State unemployment compensation system, including making eligibility assessments, and providing job finding and placement services for unemployment insurance claimants; and

(G) providing unemployment insurance claimants with referrals to, and application assistance for, training and education resources and programs, including Federal Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.), educational assistance under chapter 30 of title 38 (commonly referred to as the Montgomery GI Bill), and chapter 33 of that title (Post-9/11 Veterans Educational Assistance), student assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) [and 42 U.S.C. 2751 et seq.], State student higher education assistance, and training and education programs provided under titles I and II of the Workforce Innovation and Opportunity Act [29 U.S.C. 3111 et seq., 3271 et seq.], and title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).

(b) Use of 10 percent of funds allotted

Ten percent of the sums allotted to each State pursuant to section 49e of this title shall be reserved for use in accordance with this subsection by the Governor of each such State to provide—

(1) performance incentives for public employment service offices and programs, consistent with the performance accountability measures that are based on indicators described in section 116(b)(2)(A)(i) of the Workforce Innovation and Opportunity Act [29 U.S.C. 3141(b)(2)(A)(i)], taking into account direct or indirect placements (including those resulting from self-directed job search or group job search activities assisted by such offices or programs), wages on entered employment, retention, and other appropriate factors;

(2) services for groups with special needs, carried out pursuant to joint agreements between the employment service offices and the

appropriate local workforce investment board and chief elected official or officials or other public agencies or private nonprofit organizations; and

(3) the extra costs of exemplary models for delivering services of the types described in subsection (a), and models for enhancing professional development and career advancement opportunities of State agency staff, as described in section 49b(c)(4) of this title.

(c) Joint funding

(1) Funds made available to States under this section may be used to provide additional funds under an applicable program if—

(A) such program otherwise meets the requirements of this chapter and the requirements of the applicable program;

(B) such program serves the same individuals that are served under this chapter;

(C) such program provides services in a coordinated manner with services provided under this chapter; and

(D) such funds would be used to supplement, and not supplant, funds provided from non-Federal sources.

(2) For purposes of this subsection, the term “applicable program” means any workforce investment activity carried out under the Workforce Innovation and Opportunity Act.

(d) Performance of services and activities under contract

In addition to the services and activities otherwise authorized by this chapter, the Secretary or any State agency designated under this chapter may perform such other services and activities as shall be specified in contracts for payment or reimbursement of the costs thereof made with the Secretary or with any Federal, State, or local public agency, or administrative entity under the Workforce Innovation and Opportunity Act, or private nonprofit organization.

(e) Provision of services as part of one-stop delivery system

All job search, placement, recruitment, workforce and labor market information, and other labor exchange services authorized under subsection (a) shall be provided, consistent with the other requirements of this chapter, as part of the one-stop delivery system established by the State.

(June 6, 1933, ch. 49, § 7, as added Pub. L. 97-300, title VI, § 601(c), formerly title V, § 501(c), Oct. 13, 1982, 96 Stat. 1394; renumbered title VI, § 601(c), Pub. L. 100-628, title VII, § 712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248; amended Pub. L. 101-392, § 5(b), Sept. 25, 1990, 104 Stat. 759; Pub. L. 105-220, title III, §§ 305, 310, Aug. 7, 1998, 112 Stat. 1081, 1086; Pub. L. 113-128, title III, § 305, July 22, 2014, 128 Stat. 1626.)

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (a)(3)(G), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219. Title IV of the Act is classified generally to subchapter IV (§1070 et seq.) of chapter 28 of Title 20, Education, and part C (§2751 et seq.) of subchapter I of chapter 34 of Title 42, The Public Health and Welfare. Subpart 1 of part A of title IV of the Act is classified generally to

subpart 1 (§1070a et seq.) of part A of subchapter IV of chapter 28 of Title 20. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

The Workforce Innovation and Opportunity Act, referred to in subsecs. (a)(3)(G), (c)(2), and (d), is Pub. L. 113-128, July 22, 2014, 128 Stat. 1425, which enacted chapter 32 (§3101 et seq.) of this title, repealed chapter 30 (§2801 et seq.) of this title and chapter 73 (§9201 et seq.) of Title 20, Education, and made conforming amendments to numerous other sections and notes in the Code. Titles I and II of the Act are classified generally to subchapters I (§3111 et seq.) and II (§3271 et seq.), respectively, of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (a)(3)(G), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355. Title I of the Act is classified generally to subchapter I (§720 et seq.) of chapter 16 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 701 of this title and Tables.

PRIOR PROVISIONS

A prior section 49f, act June 6, 1933, ch. 49, § 7, 48 Stat. 115, related to ascertainment of amounts due to States, and certification to the Secretary of the Treasury, prior to repeal by act Sept. 8, 1950, ch. 933, § 3, 64 Stat. 823.

AMENDMENTS

2014—Subsec. (a)(1). Pub. L. 113-128, §305(a), inserted “, including unemployment insurance claimants,” after “seekers”.

Subsec. (a)(3)(F). Pub. L. 113-128, §305(b)(2)(A), inserted “, including making eligibility assessments,” after “system”.

Subsec. (a)(3)(G). Pub. L. 113-128, §305(b)(1), (2)(B), (3), added subpar. (G).

Subsec. (b)(1). Pub. L. 113-128, §305(c)(1), substituted “the performance accountability measures that are based on indicators described in section 116(b)(2)(A)(i) of the Workforce Innovation and Opportunity Act” for “performance standards established by the Secretary”.

Subsec. (b)(2). Pub. L. 113-128, §305(c)(2), inserted “of-fices” after “employment service”.

Subsec. (b)(3). Pub. L. 113-128, §305(c)(3), inserted “, and models for enhancing professional development and career advancement opportunities of State agency staff, as described in section 49b(c)(4) of this title” after “subsection (a)”.

Subsecs. (c)(2), (d). Pub. L. 113-128, §305(d), substituted “the Workforce Innovation and Opportunity Act” for “the Workforce Investment Act of 1998”.

Subsec. (e). Pub. L. 113-128, §305(e), substituted “workforce and labor market information” for “labor employment statistics”.

1998—Subsec. (b)(2). Pub. L. 105-220, §305(1), substituted “local workforce investment board” for “private industry council”.

Subsec. (c)(2). Pub. L. 105-220, §305(2), substituted “any workforce investment activity carried out under the Workforce Investment Act of 1998.” for “any program under any of the following provisions of law:

“(A) The Carl D. Perkins Vocational and Applied Technology Education Act.

“(B) Section 123, title II, and title III of the Job Training Partnership Act.”

Subsec. (d). Pub. L. 105-220, §310, substituted “Secretary or with” for “Secretary of Labor or with”.

Pub. L. 105-220, §305(3), substituted “Secretary or any State” for “United States Employment Service or any State” and “Workforce Investment Act of 1998” for “Job Training Partnership Act”.

Subsec. (e). Pub. L. 105-220, §305(4), added subsec. (e). 1990—Subsecs. (c), (d). Pub. L. 101-392 added subsec. (c) and redesignated former subsec. (c) as (d).

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014

(July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-220 effective July 1, 1999, see section 311 of Pub. L. 105-220, formerly set out as a note under section 49a of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-392 effective July 1, 1991, see section 702(a) of Pub. L. 101-392, set out as an Effective Date note under section 3423a of Title 20, Education.

EFFECTIVE DATE

Section effective Oct. 1, 1983, but with Secretary authorized to use funds appropriated for fiscal 1983 to plan for orderly implementation of section, see section 181(i) of Pub. L. 97-300, which was formerly classified to section 1591(i) of this title.

DEFINITIONS OF TERMS IN PUB. L. 113-128

Except as otherwise provided, definitions in section 3 of Pub. L. 113-128, which is classified to section 3102 of this title, apply to this section.

§ 49g. State plans

Any State desiring to receive assistance under section 49e of this title shall prepare and submit to, and have approved by, the Secretary and the Secretary of Education, a State plan in accordance with section 3112 or 3113 of this title.

(June 6, 1933, ch. 49, § 8, 48 Stat. 115; Aug. 3, 1954, ch. 655, § 6(b), 68 Stat. 665; Pub. L. 97-300, title VI, § 601(d), formerly title V, § 501(d), Oct. 13, 1982, 96 Stat. 1395; renumbered title VI, § 601(d), Pub. L. 100-628, title VII, § 712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248; Pub. L. 105-220, title III, § 306, Aug. 7, 1998, 112 Stat. 1081; Pub. L. 113-128, title III, § 306, July 22, 2014, 128 Stat. 1627.)

AMENDMENTS

2014—Pub. L. 113-128 amended section generally. Prior to amendment, section consisted of subssecs. (a) to (d) relating to submission, required content, and approval of State plans.

1998—Subsec. (a). Pub. L. 105-220, § 306(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Any State desiring to receive the benefits of this chapter shall, by the agency designated to cooperate with the United States Employment Service, submit to the Secretary of Labor detailed plans for carrying out the provisions of this chapter within such State.”

Subsec. (b). Pub. L. 105-220, § 306(2), (3), redesignated subsec. (d) as (b) and struck out former subsec. (b) which contained certain requirements for plan preparation at State and national levels.

Subsec. (c). Pub. L. 105-220, § 306(2), (4), added subsec. (c) and struck out former subsec. (c) which read as follows: “The Governor of the State shall be afforded the opportunity to review and transmit to the Secretary proposed modifications of such plans submitted.”

Subsec. (d). Pub. L. 105-220, § 306(5), (6), redesignated subsec. (e) as (d) and substituted “such detailed plans” for “such plans”. Former subsec. (d) redesignated (b).

Subsec. (e). Pub. L. 105-220, § 306(5), redesignated subsec. (e) as (d).

1982—Pub. L. 97-300, § 601(d)(1), substituted “Secretary of Labor” for “Director” wherever appearing.

Subsec. (a). Pub. L. 97-300, § 601(d)(2), designated provisions relating to the submission of a plan to the Secretary by any State desiring to receive benefits under certain sections of this chapter as subsec. (a).

Subsecs. (b), (c). Pub. L. 97-300, § 601(d)(5), added subsecs. (b) and (c).

Subsec. (d). Pub. L. 97-300, § 601(d)(3), designated provisions relating to the inclusion in State plans of provision for handicapped persons employment opportunities and coordination with State agencies similarly concerned as subsec. (d).

Subsec. (e). Pub. L. 97-300, § 601(d)(4), designated provisions relating to approval and notice by the Secretary of the State plans as subsec. (e).

1954—Act Aug. 3, 1954, inserted provisions relating to promotion and development of employment opportunities and for job counseling and placement of handicapped persons.

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-220 effective July 1, 1999, see section 311 of Pub. L. 105-220, formerly set out as a note under section 49a of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-300 effective Oct. 1, 1983, but with Secretary authorized to use funds appropriated for fiscal 1983 to plan for orderly implementation of amendment, see section 181(i) of Pub. L. 97-300, which was formerly classified to section 1591(i) of this title.

EFFECTIVE DATE OF 1954 AMENDMENT

Amendment by act Aug. 3, 1954, effective July 1, 1954, see section 8 of act Aug. 3, 1954, set out as a note under section 49b of this title.

DEFINITIONS OF TERMS IN PUB. L. 113-128

Except as otherwise provided, definitions in section 3 of Pub. L. 113-128, which is classified to section 3102 of this title, apply to this section.

§ 49h. Fiscal controls and accounting procedures

(a) Audit

(1) Each State shall establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds paid to the recipient under this chapter. The Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, shall establish guidance for the proper performance of audits. Such guidance shall include a review of fiscal controls and fund accounting procedures established by States under this section.

(2) At least once every two years, the State shall prepare or have prepared an independent financial and compliance audit of funds received under this chapter.

(3) Each audit shall be conducted in accordance with applicable auditing standards set forth in the financial and compliance element of the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions issued by the Comptroller General of the United States.

(b) Evaluations by Comptroller General

(1) The Comptroller General of the United States shall evaluate the expenditures by States of funds received under this chapter in order to assure that expenditures are consistent with the

provisions of this chapter and to determine the effectiveness of the State in accomplishing the purposes of this chapter. The Comptroller General shall conduct evaluations whenever determined necessary and shall periodically report to the Congress on the findings of such evaluations.

(2) Nothing in this chapter shall be deemed to relieve the Inspector General of the Department of Labor of his responsibilities under the Inspector General Act.

(3) For the purpose of evaluating and reviewing programs established or provided for by this chapter, the Comptroller General shall have access to and the right to copy any books, accounts, records, correspondence, or other documents pertinent to such programs that are in the possession, custody, or control of the State.

(c) Repayment of funds by State

Each State shall repay to the United States amounts found not to have been expended in accordance with this chapter. No such finding shall be made except after notice and opportunity for a fair hearing. The Secretary may offset such amounts against any other amount to which the recipient is or may be entitled under this chapter.

(June 6, 1933, ch. 49, § 9, 48 Stat. 116; Pub. L. 97-300, title VI, § 601(e), formerly title V, § 501(e), Oct. 18, 1982, 96 Stat. 1396; renumbered title VI, § 601(e), Pub. L. 100-628, title VII, § 712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248.)

REFERENCES IN TEXT

The Inspector General Act, referred to in subsec. (b)(2), probably means the Inspector General Act of 1978, Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1982—Pub. L. 97-300 amended section generally, substituting provisions requiring the States to prepare accounting procedures under Federal guidance, to submit to biennial audit with evaluation of expenditures by the Comptroller General and providing for repayment of improperly expended funds, for provisions requiring reports on expenditures to the Secretary under his regulations and giving him authority to revoke State certification.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-300 effective Oct. 1, 1983, but with Secretary authorized to use funds appropriated for fiscal 1983 to plan for orderly implementation of amendment, see section 181(i) of Pub. L. 97-300, which was formerly classified to section 1591(i) of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which a report required under subsec. (b)(1) of this section is listed on page 8), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

§ 49i. Recordkeeping and accountability

(a) Records

Each State shall keep records that are sufficient to permit the preparation of reports re-

quired by this chapter and to permit the tracing of funds to a level of expenditure adequate to insure that the funds have not been spent unlawfully.

(b) Investigations

(1) The Secretary may investigate such facts, conditions, practices, or other matters which the Secretary finds necessary to determine whether any State receiving funds under this chapter or any official of such State has violated any provision of this chapter.

(2)(A) In order to evaluate compliance with the provisions of this chapter, the Secretary shall conduct investigations of the use of funds received by States under this chapter.

(B) In order to insure compliance with the provisions of this chapter, the Comptroller General of the United States may conduct investigations of the use of funds received under this chapter by any State.

(3) In conducting any investigation under this chapter, the Secretary or the Comptroller General of the United States may not request new compilation of information not readily available to such State.

(c) Reports

Each State receiving funds under this chapter shall—

(1) make such reports concerning its operations and expenditures in such form and containing such information as shall be prescribed by the Secretary, and

(2) establish and maintain a management information system in accordance with guidelines established by the Secretary designed to facilitate the compilation and analysis of programmatic and financial data necessary for reporting, monitoring, and evaluating purposes.

(June 6, 1933, ch. 49, § 10, 48 Stat. 116; Pub. L. 97-300, title VI, § 601(f), formerly title V, § 501(f), Oct. 13, 1982, 96 Stat. 1396; renumbered title VI, § 601(f), Pub. L. 100-628, title VII, § 712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248.)

AMENDMENTS

1982—Pub. L. 97-300 amended section generally, substituting provisions relating to State maintenance of records and investigations by the Secretary and Comptroller General for provisions which limited expenditures in States prior to adoption of State systems to the current fiscal year and two fiscal years thereafter.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-300 effective Oct. 1, 1983, but with Secretary authorized to use funds appropriated for fiscal 1983 to plan for orderly implementation of amendment, see section 181(i) of Pub. L. 97-300, which was formerly classified to section 1591(i) of this title.

§ 49j. Notice of strikes and lockouts to applicants

In carrying out the provisions of this chapter the Secretary is authorized and directed to provide for the giving of notice of strikes or lockouts to applicants before they are referred to employment.

(June 6, 1933, ch. 49, § 11, 48 Stat. 116; Pub. L. 97-300, title VI, § 601(g), formerly title V, § 501(g), Oct. 13, 1982, 96 Stat. 1397; renumbered title VI, § 601(g), Pub. L. 100-628, title VII, § 712(a)(1), (2),

Nov. 7, 1988, 102 Stat. 3248; Pub. L. 105-220, title III, §307, Aug. 7, 1998, 112 Stat. 1082.)

AMENDMENTS

1998—Pub. L. 105-220, §307(2), which directed the substitution of “Secretary” for “Director”, was executed by making the substitution for “director” to reflect the probable intent of Congress.

Pub. L. 105-220, §307(1), redesignated subsec. (b) as entire section and struck out subsec. (a) which provided for establishment and composition of a Federal Advisory Council, and similar State advisory councils, to work on problems relating to employment.

1982—Subsec. (a). Pub. L. 97-300 inserted provision that nothing in this section should be construed to prohibit the Governor from carrying out functions of the State advisory council through the State job training coordinating council in accordance with section 1532(c) of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-220 effective July 1, 1999, see section 311 of Pub. L. 105-220, formerly set out as a note under section 49a of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-300 effective Oct. 1, 1983, but with Secretary authorized to use funds appropriated for fiscal 1983 to plan for orderly implementation of amendment, see section 181(i) of Pub. L. 97-300, which was formerly classified to section 1591(i) of this title.

§ 49k. Rules and regulations

The Secretary is authorized to make such rules and regulations as may be necessary to carry out the provisions of this chapter.

(June 6, 1933, ch. 49, §12, 48 Stat. 117; Pub. L. 105-220, title III, §308, Aug. 7, 1998, 112 Stat. 1082.)

AMENDMENTS

1998—Pub. L. 105-220, which directed the substitution of “The Secretary” for “The Director, with the approval of the Secretary of Labor,”, was executed by making the substitution for text which read in part “director” rather than “Director”, to reflect the probable intent of Congress.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-220 effective July 1, 1999, see section 311 of Pub. L. 105-220, formerly set out as a note under section 49a of this title.

§ 49l. Miscellaneous operating authorities

(a) The activities carried out pursuant to section 49f of this title shall be subject to the performance accountability measures that are based on indicators described in section 3141(b)(2)(A)(i) of this title.

(b)(1) Nothing in this chapter shall be construed to prohibit the referral of any applicant to private agencies as long as the applicant is not charged a fee.

(2) No funds paid under this chapter may be used by any State for advertising in newspapers for high paying jobs unless such State submits an annual report to the Secretary beginning in December 1984 concerning such advertising and the justifications therefor, and the justification may include that such jobs are part of a State industrial development effort.

(June 6, 1933, ch. 49, §13, as added Pub. L. 97-300, title VI, §601(h), formerly title V, §501(h), Oct.

13, 1982, 96 Stat. 1397; renumbered title VI, §601(h), Pub. L. 100-628, title VII, §712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248; amended Pub. L. 97-404, §5, Dec. 31, 1982, 96 Stat. 2027; Pub. L. 113-128, title III, §307, July 22, 2014, 128 Stat. 1627.)

PRIOR PROVISIONS

A prior section 49l, act June 6, 1933, ch. 49, §13, 48 Stat. 117, relating to mail franking privileges to employment systems, was transferred to section 338 of former Title 39, The Postal Service. Section 338 of former Title 39 was repealed and reenacted as section 4152 of former Title 39, The Postal Service by Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 578. Section 4152 of former Title 39 was repealed and reenacted as section 3202 of Title 39, Postal Service, by Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 719.

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-128 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Secretary is authorized to establish performance standards for activities under this chapter which shall take into account the differences in priorities reflected in State plans.”

1982—Subsec. (b). Pub. L. 97-404 designated existing provisions as par. (1) and added par. (2).

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1983, but with Secretary authorized to use funds appropriated for fiscal 1983 to plan for orderly implementation of section, see section 181(i) of Pub. L. 97-300, which was formerly classified to section 1591(i) of this title.

DEFINITIONS OF TERMS IN PUB. L. 113-128

Except as otherwise provided, definitions in section 3 of Pub. L. 113-128, which is classified to section 3102 of this title, apply to this section.

§ 49l-1. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to enable the Secretary to provide funds through reimburseable¹ agreements with the States to operate statistical programs which are essential for development of estimates of the gross national product and other national statistical series, including those related to employment and unemployment.

(June 6, 1933, ch. 49, §14, as added Pub. L. 97-300, title VI, §601(h), formerly title V, §501(h), Oct. 13, 1982, 96 Stat. 1397; renumbered title VI, §601(h), Pub. L. 100-628, title VII, §712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248.)

EFFECTIVE DATE

Section effective Oct. 1, 1983, but with Secretary authorized to use funds appropriated for fiscal 1983 to plan for orderly implementation of section, see section 181(i) of Pub. L. 97-300, which was formerly classified to section 1591(i) of this title.

¹ So in original. Probably should be “reimbursable”.

§ 491-2. Workforce and labor market information system

(a) System content

(1) In general

The Secretary, in accordance with the provisions of this section, shall oversee the development, maintenance, and continuous improvement of a nationwide workforce and labor market information system that includes—

(A) statistical data from cooperative statistical survey and projection programs and data from administrative reporting systems that, taken together, enumerate, estimate, and project employment opportunities and conditions at national, State, and local levels in a timely manner, including statistics on—

(i) employment and unemployment status of national, State, and local populations, including self-employed, part-time, and seasonal workers;

(ii) industrial distribution of occupations, as well as current and projected employment opportunities, wages, benefits (where data is available), and skill trends by occupation and industry, with particular attention paid to State and local conditions;

(iii) the incidence of, industrial and geographical location of, and number of workers displaced by, permanent layoffs and plant closings; and

(iv) employment and earnings information maintained in a longitudinal manner to be used for research and program evaluation;

(B) information on State and local employment opportunities, and other appropriate statistical data related to labor market dynamics, which—

(i) shall be current and comprehensive;

(ii) shall meet the needs identified through the consultations described in subparagraphs (A) and (B) of subsection (e)(2); and

(iii) shall meet the needs for the information identified in section 134(d);¹

(C) technical standards (which the Secretary shall publish annually) for data and information described in subparagraphs (A) and (B) that, at a minimum, meet the criteria of chapter 35 of title 44;

(D) procedures to ensure compatibility and additivity of the data and information described in subparagraphs (A) and (B) from national, State, and local levels;

(E) procedures to support standardization and aggregation of data from administrative reporting systems described in subparagraph (A) of employment-related programs;

(F) analysis of data and information described in subparagraphs (A) and (B) for uses such as—

(i) national, State, and local policy-making;

(ii) implementation of Federal policies (including allocation formulas);

(iii) program planning and evaluation; and

(iv) researching labor market dynamics;

(G) wide dissemination of such data, information, and analysis in a user-friendly manner and voluntary technical standards for dissemination mechanisms; and

(H) programs of—

(i) training for effective data dissemination;

(ii) research and demonstration; and

(iii) programs and technical assistance.

(2) Information to be confidential

(A) In general

No officer or employee of the Federal Government or agent of the Federal Government may—

(i) use any submission that is furnished for exclusively statistical purposes under the provisions of this section for any purpose other than the statistical purposes for which the submission is furnished;

(ii) make any publication or media transmittal of the data contained in the submission described in clause (i) that permits information concerning individual subjects to be reasonably inferred by either direct or indirect means; or

(iii) permit anyone other than a sworn officer, employee, or agent of any Federal department or agency, or a contractor (including an employee of a contractor) of such department or agency, to examine an individual submission described in clause (i);

without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission.

(B) Immunity from legal process

Any submission (including any data derived from the submission) that is collected and retained by a Federal department or agency, or an officer, employee, agent, or contractor of such a department or agency, for exclusively statistical purposes under this section shall be immune from the legal process and shall not, without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

(C) Rule of construction

Nothing in this section shall be construed to provide immunity from the legal process for such submission (including any data derived from the submission) if the submission is in the possession of any person, agency, or entity other than the Federal Government or an officer, employee, agent, or contractor of the Federal Government, or if the submission is independently collected, retained, or produced for purposes other than the purposes of this chapter.

(b) System responsibilities

(1) In general

(A) Structure

The workforce and labor market information system described in subsection (a) shall

¹ See References in Text note below.

be evaluated and improved by the Secretary, in consultation with the Workforce Information Advisory Council established in subsection (d).

(B) Grants and responsibilities

(i) In general

The Secretary shall carry out the provisions of this section in a timely manner, through grants to or agreements with States.

(ii) Distribution of funds

Using amounts appropriated under subsection (g), the Secretary shall provide funds through those grants and agreements. In distributing the funds (relating to workforce and labor market information funding) for fiscal years 2015 through 2020, the Secretary shall continue to distribute the funds to States in the manner in which the Secretary distributed funds to the States under this section for fiscal years 2004 through 2008.

(2) Duties

The Secretary, with respect to data collection, analysis, and dissemination of workforce and labor market information for the system, shall carry out the following duties:

(A) Assign responsibilities within the Department of Labor for elements of the workforce and labor market information system described in subsection (a) to ensure that the statistical and administrative data collected is consistent with appropriate Bureau of Labor Statistics standards and definitions, and that the information is accessible and understandable to users of such data.

(B) Actively seek the cooperation of heads of other Federal agencies to establish and maintain mechanisms for ensuring complementarity and nonduplication in the development and operation of statistical and administrative data collection activities.

(C) Solicit, receive, and evaluate the recommendations from the Workforce Information Advisory Council established in subsection (d) concerning the evaluation and improvement of the workforce and labor market information system described in subsection (a) and respond in writing to the Council regarding the recommendations.

(D) Eliminate gaps and duplication in statistical undertakings.

(E) Through the Bureau of Labor Statistics and the Employment and Training Administration, and in collaboration with States, develop and maintain the elements of the workforce and labor market information system described in subsection (a), including the development of consistent procedures and definitions for use by the States in collecting the data and information described in subparagraphs (A) and (B) of subsection (a)(1).

(F) Establish procedures for the system to ensure that—

(i) such data and information are timely; and

(ii) paperwork and reporting for the system are reduced to a minimum.

(c) Two-year plan

The Secretary, acting through the Commissioner of Labor Statistics and the Assistant Secretary for Employment and Training, and in consultation with the Workforce Information Advisory Council described in subsection (d) and heads of other appropriate Federal agencies, shall prepare a 2-year plan for the workforce and labor market information system. The plan shall be developed and implemented in a manner that takes into account the activities described in State plans submitted by States under section 3112 or 3113 of this title and shall be submitted to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. The plan shall include—

(1) a description of how the Secretary will work with the States to manage the nationwide workforce and labor market information system described in subsection (a) and the statewide workforce and labor market information systems that comprise the nationwide system;

(2) a description of the steps to be taken in the following 2 years to carry out the duties described in subsection (b)(2);

(3) an evaluation of the performance of the system, with particular attention to the improvements needed at the State and local levels;

(4) a description of the involvement of States in the development of the plan, through consultation by the Secretary with the Workforce Information Advisory Council in accordance with subsection (d); and

(5) a description of the written recommendations received from the Workforce Information Advisory Council established under subsection (d), and the extent to which those recommendations were incorporated into the plan.

(d) Workforce Information Advisory Council

(1) In general

The Secretary, through the Commissioner of Labor Statistics and the Assistant Secretary for Employment and Training, shall formally consult at least twice annually with the Workforce Information Advisory Council established in accordance with paragraph (2). Such consultations shall address the evaluation and improvement of the nationwide workforce and labor market information system described in subsection (a) and the statewide workforce and labor market information systems that comprise the nationwide system and how the Department of Labor and the States will cooperate in the management of such systems. The Council shall provide written recommendations to the Secretary concerning the evaluation and improvement of the nationwide system, including any recommendations regarding the 2-year plan described in subsection (c).

(2) Establishment of Council

(A) Establishment

The Secretary shall establish an advisory council that shall be known as the Workforce Information Advisory Council (referred

to in this section as the “Council”) to participate in the consultations and provide the recommendations described in paragraph (1).

(B) Membership

The Secretary shall appoint the members of the Council, which shall consist of—

(i) 4 members who are representatives of lead State agencies with responsibility for workforce investment activities, or State agencies described in section 49c of this title, who have been nominated by such agencies or by a national organization that represents such agencies;

(ii) 4 members who are representatives of the State workforce and labor market information directors affiliated with the State agencies that perform the duties described in subsection (e)(2), who have been nominated by the directors;

(iii) 1 member who is a representative of providers of training services under section 3152 of this title;

(iv) 1 member who is a representative of economic development entities;

(v) 1 member who is a representative of businesses, who has been nominated by national business organizations or trade associations;

(vi) 1 member who is a representative of labor organizations, who has been nominated by a national labor federation;

(vii) 1 member who is a representative of local workforce development boards, who has been nominated by a national organization representing such boards; and

(viii) 1 member who is a representative of research entities that utilize workforce and labor market information.

(C) Geographic diversity

The Secretary shall ensure that the membership of the Council is geographically diverse and that no 2 of the members appointed under clauses (i), (ii), and (vii) represent the same State.

(D) Period of appointment; vacancies

(i) In general

Each member of the Council shall be appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation in which one-third of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

(ii) Vacancies

Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member’s term until a successor has taken office.

(E) Travel expenses

The members of the Council shall not receive compensation for the performance of services for the Council, but shall be allowed

travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of services for the Council. Notwithstanding section 1342 of title 31, the Secretary may accept the voluntary and uncompensated services of members of the Council.

(F) Permanent Council

Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

(e) State responsibilities

(1) Designation of State agency

In order to receive Federal financial assistance under this section, the Governor of a State shall—

(A) designate a single State agency to be responsible for the management of the portions of the workforce and labor market information system described in subsection (a) that comprise a statewide workforce and labor market information system and for the State’s participation in the development of the plan described in subsection (c); and

(B) establish a process for the oversight of such system.

(2) Duties

In order to receive Federal financial assistance under this section, the State agency shall—

(A) consult with State and local employers, participants, and local workforce investment boards about the labor market relevance of the data to be collected and disseminated through the statewide workforce and labor market information system;

(B) consult with State educational agencies and local educational agencies concerning the provision of workforce and labor market information in order to meet the needs of secondary school and postsecondary school students who seek such information;

(C) collect and disseminate for the system, on behalf of the State and localities in the State, the information and data described in subparagraphs (A) and (B) of subsection (a)(1);

(D) maintain and continuously improve the statewide workforce and labor market information system in accordance with this section;

(E) perform contract and grant responsibilities for data collection, analysis, and dissemination for such system;

(F) conduct such other data collection, analysis, and dissemination activities as will ensure an effective statewide workforce and labor market information system;

(G) actively seek the participation of other State and local agencies in data collection, analysis, and dissemination activities in order to ensure complementarity, compatibility, and usefulness of data; and

(H) utilize the quarterly records described in section 3141(i)(2) of this title to assist the State and other States in measuring State progress on State performance measures.

(3) Rule of construction

Nothing in this section shall be construed as limiting the ability of a State agency to conduct additional data collection, analysis, and dissemination activities with State funds or with Federal funds from sources other than this section.

(f) Nonduplication requirement

None of the functions and activities carried out pursuant to this section shall duplicate the functions and activities carried out under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

(g) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$60,153,000 for fiscal year 2015, \$64,799,000 for fiscal year 2016, \$66,144,000 for fiscal year 2017, \$67,611,000 for fiscal year 2018, \$69,200,000 for fiscal year 2019, and \$70,667,000 for fiscal year 2020.

(h) "Local area" defined

In this section, the term "local area" means the smallest geographical area for which data can be produced with statistical reliability.

(June 6, 1933, ch. 49, § 15, as added Pub. L. 105-220, title III, § 309(2), Aug. 7, 1998, 112 Stat. 1082; amended Pub. L. 105-277, div. A, § 101(f) [title VIII, § 403(a)(1)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-416; Pub. L. 105-332, § 5(b)(1), Oct. 31, 1998, 112 Stat. 3127; Pub. L. 109-270, § 2(g), Aug. 12, 2006, 120 Stat. 747; Pub. L. 113-128, title III, § 308, July 22, 2014, 128 Stat. 1627.)

REFERENCES IN TEXT

Section 134(d), referred to in subsec. (a)(1)(B)(iii), probably means section 134(d) of the Workforce Investment Act of 1998, Pub. L. 105-220, which is classified to section 2864(d) of this title. The Wagner-Peyser Act, of which this section is a part, does not contain a section 134.

Section 14 of the Federal Advisory Committee Act, referred to in subsec. (d)(2)(F), is section 14 of Pub. L. 92-463, which is set out in the Appendix to Title 5, Government Organization and Employees.

The Carl D. Perkins Career and Technical Education Act of 2006, referred to in subsec. (f), is Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, as amended generally by Pub. L. 109-270, § 1(b), Aug. 12, 2006, 120 Stat. 683, which is classified generally to chapter 44 (§ 2301 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of Title 20 and Tables.

PRIOR PROVISIONS

A prior section 15 of act of June 6, 1933, was renumbered section 16, and is set out as a Short Title note under section 49 of this title.

AMENDMENTS

2014—Pub. L. 113-128, § 308(a), substituted "Workforce and labor market information system" for "Employment statistics" in section catchline.

Subsec. (a)(1). Pub. L. 113-128, § 308(b), substituted "workforce and labor market information system" for "employment statistics system of employment statistics" in introductory provisions.

Subsec. (b)(1). Pub. L. 113-128, § 308(c)(1), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: "The employment statistics system described in subsection (a) shall be planned, administered, overseen, and evaluated through a cooperative governance structure involving the Federal Government and States."

Subsec. (b)(2). Pub. L. 113-128, § 308(c)(2), added par. (2) and struck out former par. (2) which described duties to be carried out for the employment statistics system.

Subsec. (c). Pub. L. 113-128, § 308(d), added subsec. (c) and struck out former subsec. (c) which related to preparation of an annual plan to achieve cooperative management of the nationwide and statewide employment statistics systems.

Subsec. (d). Pub. L. 113-128, § 308(e), added subsec. (d) and struck out former subsec. (d) which required coordination with the States in the development of the annual plan.

Subsec. (e). Pub. L. 113-128, § 308(f)(1), substituted "workforce and labor market information" for "employment statistics" wherever appearing.

Subsec. (e)(1)(A). Pub. L. 113-128, § 308(f)(2), substituted "plan described in subsection (c)" for "annual plan".

Subsec. (e)(2)(G), (H). Pub. L. 113-128, § 308(f)(3)(A), (B), (D), inserted "and" at end of subpar. (G), redesignated subpar. (I) as (H), and struck out former subpar. (H) which read as follows: "participate in the development of the annual plan described in subsection (c); and".

Subsec. (e)(2)(I). Pub. L. 113-128, § 308(f)(3)(D), redesignated subpar. (I) as (H).

Pub. L. 113-128, § 308(f)(3)(C), substituted "section 314(i)(2) of this title" for "section 136(f)(2) of the Workforce Investment Act of 1998".

Subsec. (g). Pub. L. 113-128, § 308(g), substituted "\$60,153,000 for fiscal year 2015, \$64,799,000 for fiscal year 2016, \$66,144,000 for fiscal year 2017, \$67,611,000 for fiscal year 2018, \$69,200,000 for fiscal year 2019, and \$70,667,000 for fiscal year 2020" for "such sums as may be necessary for each of the fiscal years 1999 through 2004".

2006—Subsec. (f). Pub. L. 109-270 substituted "Carl D. Perkins Career and Technical Education Act of 2006" for "Carl D. Perkins Vocational and Applied Technology Education Act".

1998—Subsec. (a)(2)(A)(i). Pub. L. 105-332, § 5(b)(1)(A), substituted "under the provisions of this section for any purpose other than the statistical purposes for which" for "under the provisions of this section for any purpose other than the statistical purposes for which".

Pub. L. 105-277, § 101(f) [title VIII, § 403(a)(1)(A)], struck out "of this section" after "statistical purposes".

Subsec. (e)(2)(G). Pub. L. 105-277, § 101(f) [title VIII, § 403(a)(1)(B)], and Pub. L. 105-332, § 5(b)(1)(B), amended subpar. (G) identically, substituting "complementarity" for "complementary".

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of this title.

EFFECTIVE DATE OF 1998 AMENDMENTS

Pub. L. 105-332, § 5(b)(2), Oct. 31, 1998, 112 Stat. 3127, provided that: "The amendments made by paragraph (1) [amending this section] take effect July 2, 1999."

Pub. L. 105-277, div. A, § 101(f) [title VIII, § 403(a)(2)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-416, provided that: "The amendments made by paragraph (1) [amending this section] take effect on July 2, 1999."

EFFECTIVE DATE

Section effective July 1, 1999, see section 311 of Pub. L. 105-220, formerly set out as an Effective Date of 1998 Amendment note under section 49a of this title.

§§ 49m, 49n. Omitted

CODIFICATION

Section 49m, Pub. L. 88-136, title I, Oct. 11, 1963, 77 Stat. 225, relating to payments to States for administrative expenses for their unemployment compensation

law and their public employment offices, was from the Department of Labor Appropriation Act, 1964, and was not repeated in the Department of Labor Appropriation Act of 1965. Similar provisions were contained in the following prior appropriation acts:

Aug. 14, 1962, Pub. L. 87-582, title I, 76 Stat. 363.
 Sept. 22, 1961, Pub. L. 87-290, title I, 75 Stat. 591.
 Sept. 2, 1960, Pub. L. 86-703, title I, 74 Stat. 757.
 Aug. 14, 1959, Pub. L. 86-158, title I, 73 Stat. 341.
 Aug. 1, 1958, Pub. L. 85-580, title I, 72 Stat. 458.
 June 29, 1957, Pub. L. 85-67, title I, 71 Stat. 212.
 June 29, 1956, ch. 477, title I, 70 Stat. 424.
 June 29, 1956, ch. 437, title I, 69 Stat. 398.
 July 2, 1954, ch. 457, title I, 68 Stat. 435.
 July 31, 1953, ch. 296, title I, 67 Stat. 246.
 July 5, 1952, ch. 575, title I, 66 Stat. 369.
 Aug. 31, 1951, ch. 373, title I, 65 Stat. 210.
 Sept. 6, 1950, ch. 896, ch. V, title I, 64 Stat. 643.
 June 29, 1949, ch. 275, title II, 63 Stat. 284.
 June 16, 1948, ch. 472, title I, 62 Stat. 445.

Section 49n, Pub. L. 88-136, title I, Oct. 11, 1963, 77 Stat. 226, relating to personnel standards, was from the Department of Labor Appropriation Act, 1964, and was not repeated in the Department of Labor Appropriation Act of 1965. Similar provisions were contained in the following prior appropriations acts:

Aug. 14, 1962, Pub. L. 87-582, title I, 76 Stat. 363.
 Sept. 22, 1961, Pub. L. 87-290, title I, 75 Stat. 591.
 Sept. 2, 1960, Pub. L. 86-703, title I, 74 Stat. 757.
 Aug. 14, 1959, Pub. L. 86-158, title I, 73 Stat. 341.
 Aug. 1, 1958, Pub. L. 85-580, title I, 72 Stat. 458.
 June 29, 1957, Pub. L. 85-67, title I, 71 Stat. 212.
 June 29, 1956, ch. 477, title I, 70 Stat. 425.
 Aug. 1, 1955, ch. 437, title I, 69 Stat. 398.
 July 2, 1954, ch. 457, title I, 68 Stat. 435.
 July 31, 1953, ch. 296, title I, 67 Stat. 246.
 July 5, 1952, ch. 575, title I, 66 Stat. 359.
 Aug. 31, 1951, ch. 273, title I, 65 Stat. 210.
 Sept. 6, 1950, ch. 896, ch. V, title I, 64 Stat. 644.
 June 29, 1949, ch. 275, title II, 63 Stat. 284.
 June 16, 1948, ch. 472, title I, 62 Stat. 445.
 July 8, 1947, ch. 210, title I, 61 Stat. 263.
 July 26, 1946, ch. 672, title I, 60 Stat. 685.

CHAPTER 4C—APPRENTICE LABOR

- Sec.
 50. Promotion of labor standards of apprenticeship.
 50a. Publication of information; national advisory committees.
 50b. Appointment of employees.

§ 50. Promotion of labor standards of apprenticeship

The Secretary of Labor is authorized and directed to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging the inclusion thereof in contracts of apprenticeship, to bring together employers and labor for the formulation of programs of apprenticeship, to cooperate with State agencies engaged in the formulation and promotion of standards of apprenticeship, and to cooperate with the Secretary of Education in accordance with section 17 of title 20. For the purposes of this chapter the term "State" shall include the District of Columbia.

(Aug. 16, 1937, ch. 663, §1, 50 Stat. 664; 1939 Reorg. Plan No. I, §§ 201, 204, 206, eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1424, 1425; July 12, 1943, ch. 221, title VII, 57 Stat. 518; 1953 Reorg. Plan No. 1, §§5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Pub. L. 93-198, title II, § 204(h), Dec. 24, 1973, 87 Stat.

784; Pub. L. 96-88, title III, §301(a)(1), Oct. 17, 1979, 93 Stat. 677.)

REFERENCES IN TEXT

Section 17 of title 20, referred to in text, was repealed by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 643.

CODIFICATION

Words "with the National Youth Administration" were omitted from text in view of abolition of National Youth Administration by act July 12, 1943.

AMENDMENTS

1973—Pub. L. 93-198 inserted provision that "State" includes the District of Columbia.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-198 effective July 1, 1974, see section 771(b) of Pub. L. 93-198, set out in part as a note under section 49b of this title.

SHORT TITLE

The act of Aug. 16, 1937, ch. 663, 50 Stat. 664, which enacted this chapter, is popularly known as the "National Apprenticeship Act".

TRANSFER OF FUNCTIONS

"Secretary of Education" substituted in text for "Office of Education under the Department of Health, Education, and Welfare", pursuant to section 301(a)(1) of Pub. L. 96-88, which is classified to section 3441(a)(1) of Title 20, Education, and which transferred all functions of Office of Education to Secretary of Education.

Functions of Federal Security Administrator transferred to Secretary of Health, Education, and Welfare and all agencies of Federal Security Agency transferred to Department of Health, Education, and Welfare by section 5 of Reorg. Plan No. 1 of 1953, set out in the Appendix to Title 5, Government Organization and Employees. Federal Security Agency and office of Administrator abolished by section 8 of Reorg. Plan No. 1 of 1953.

Reorg. Plan No. I of 1939, consolidated National Youth Administration and Office of Education, with other agencies, into Federal Security Agency under supervision and direction of Federal Security Administrator.

§ 50a. Publication of information; national advisory committees

The Secretary of Labor may publish information relating to existing and proposed labor standards of apprenticeship, and may appoint national advisory committees to serve without compensation. Such committees shall include representatives of employers, representatives of labor, educators, and officers of other executive departments, with the consent of the head of any such department.

(Aug. 16, 1937, ch. 663, §2, 50 Stat. 665.)

§ 50b. Appointment of employees

The Secretary of Labor is authorized to appoint such employees as he may from time to time find necessary for the administration of this chapter, with regard to existing laws applicable to the appointment and compensation of employees of the United States.

(Aug. 16, 1937, ch. 663, §3, 50 Stat. 665; July 12, 1943, ch. 221, title VII, 57 Stat. 518.)

CODIFICATION

Proviso authorizing employment of certain persons in the division of apprentice training of National Youth