

**TITLE 29 - LABOR**  
**CHAPTER 30 - WORKFORCE INVESTMENT SYSTEMS**  
**SUBCHAPTER V - ADMINISTRATION**

**§ 2939. Administrative provisions**

**(a) In general**

The Secretary may, in accordance with chapter 5 of title 5, prescribe rules and regulations to carry out this chapter only to the extent necessary to administer and ensure compliance with the requirements of this chapter. Such rules and regulations may include provisions making adjustments authorized by section 6504 of title 31. All such rules and regulations shall be published in the Federal Register at least 30 days prior to their effective dates. Copies of each such rule or regulation shall be transmitted to the appropriate committees of Congress on the date of such publication and shall contain, with respect to each material provision of such rule or regulation, a citation to the particular substantive section of law that is the basis for the provision.

**(b) Acquisition of certain property and services**

The Secretary is authorized, in carrying out this chapter, to accept, purchase, or lease in the name of the Department of Labor, and employ or dispose of in furtherance of the purposes of this chapter, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31.

**(c) Authority to enter into certain agreements and to make certain expenditures**

The Secretary may make such grants, enter into such contracts or agreements, establish such procedures, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend such funds under this chapter, as may be necessary to carry out this chapter, including making expenditures for construction, repairs, and capital improvements, and including making necessary adjustments in payments on account of over-payments or underpayments.

**(d) Annual report**

The Secretary shall prepare and submit to Congress an annual report regarding the programs and activities carried out under this chapter. The Secretary shall include in such report—

- (1) a summary of the achievements, failures, and problems of the programs and activities in meeting the objectives of this chapter;
- (2) a summary of major findings from research, evaluations, pilot projects, and experiments conducted under this chapter in the fiscal year prior to the submission of the report;
- (3) recommendations for modifications in the programs and activities based on analysis of such findings; and
- (4) such other recommendations for legislative or administrative action as the Secretary determines to be appropriate.

**(e) Utilization of services and facilities**

The Secretary is authorized, in carrying out this chapter, under the same procedures as are applicable under subsection (c) of this section or to the extent permitted by law other than this chapter, to accept and use the services and facilities of departments, agencies, and establishments of the United States. The Secretary is also authorized, in carrying out this chapter, to accept and use the services and facilities of the agencies of any State or political subdivision of a State, with the consent of the State or political subdivision.

**(f) Obligational authority**

Notwithstanding any other provision of this chapter, the Secretary shall have no authority to enter into contracts, grant agreements, or other financial assistance agreements under this chapter except to such extent and in such amounts as are provided in advance in appropriations Acts.

**(g) Program year**

**(1) In general**

**(A) Program year**

Except as provided in subparagraph (B) and section 2918a of this title, appropriations for any fiscal year for programs and activities carried out 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.

**(B) Youth activities**

The Secretary may make available for obligation, beginning April 1 of any fiscal year, funds appropriated for such fiscal year to carry out youth activities under subchapter II of this chapter.

**(2) Availability**

Funds obligated for any program year for a program or activity carried out under this chapter may be expended by each State receiving such funds during that program year and the 2 succeeding program years. Funds obligated for any program year for a program or activity carried out under section 2916 or 2917 of this title shall remain available until expended. Funds received by local areas from States under this chapter during a program year may be expended during that program year and the succeeding program year. No amount of the funds described in this paragraph shall be deobligated on account of a rate of expenditure that is consistent with a State plan, an operating plan described in section 2891 of this title, or a plan, grant agreement, contract, application, or other agreement described in subchapter IV of this chapter, as appropriate.

**(h) Enforcement of Military Selective Service Act**

The Secretary shall ensure that each individual participating in any program or activity established under this chapter, or receiving any assistance or benefit under this chapter, has not violated section 3 of the Military Selective Service Act (50 App. U.S.C. 453) by not presenting and submitting to registration as required pursuant to such section. The Director of the Selective Service System shall cooperate with the Secretary to enable the Secretary to carry out this subsection.

**(i) Waivers and special rules**

**(1) Existing waivers**

With respect to a State that has been granted a waiver under the provisions relating to training and employment services of the Department of Labor in title I of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998 (Public Law 105-78; 111 Stat. 1467), the authority provided under such waiver shall continue in effect and apply, and include a waiver of the related provisions of subchapter II of this chapter and this subchapter, for the duration of the initial waiver.

**(2) Special rule regarding designated areas**

A State that has enacted, not later than December 31, 1997, a State law providing for the designation of service delivery areas for the delivery of workforce investment activities, may use such areas as local areas under this chapter, notwithstanding section 2831 of this title.

**(3) Special rule regarding sanctions**

A State that enacts, not later than December 31, 1997, a State law providing for the sanctioning of such service delivery areas for failure to meet performance measures for workforce investment activities, may use the State law to sanction local areas for failure to meet State performance measures under this chapter.

**(4) General waivers of statutory or regulatory requirements****(A) General authority**

Notwithstanding any other provision of law, the Secretary may waive for a State, or a local area in a State, pursuant to a request submitted by the Governor of the State (in consultation with appropriate local elected officials) that meets the requirements of subparagraph (B)—

- (i) any of the statutory or regulatory requirements of subchapter II of this chapter or this subchapter (except for requirements relating to wage and labor standards, including nondisplacement protections, worker rights, participation and protection of workers and participants, grievance procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility of providers or participants, the establishment and functions of local areas and local boards, and procedures for review and approval of plans); and
- (ii) any of the statutory or regulatory requirements of sections 49g through 49i of this title (excluding requirements relating to the provision of services to unemployment insurance claimants and veterans, and requirements relating to universal access to basic labor exchange services without cost to jobseekers).

**(B) Requests**

A Governor requesting a waiver under subparagraph (A) shall submit a plan to the Secretary to improve the statewide workforce investment system that—

- (i) identifies the statutory or regulatory requirements that are requested to be waived and the goals that the State or local area in the State, as appropriate, intends to achieve as a result of the waiver;
- (ii) describes the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers;
- (iii) describes the goals of the waiver and the expected programmatic outcomes if the request is granted;
- (iv) describes the individuals impacted by the waiver; and
- (v) describes the process used to monitor the progress in implementing such a waiver, and the process by which notice and an opportunity to comment on such request has been provided to the local board.

**(C) Conditions**

Not later than 90 days after the date of the original submission of a request for a waiver under subparagraph (A), the Secretary shall provide a waiver under this paragraph if and only to the extent that—

- (i) the Secretary determines that the requirements requested to be waived impede the ability of the State or local area, as appropriate, to implement the plan described in subparagraph (B); and
- (ii) the State has executed a memorandum of understanding with the Secretary requiring such State to meet, or ensure that the local area meets, agreed-upon outcomes and to implement other appropriate measures to ensure accountability.

(Pub. L. 105–220, title I, § 189, Aug. 7, 1998, 112 Stat. 1051; Pub. L. 105–277, div. A, § 101(f) [title VIII, § 401(13)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–411; Pub. L. 109–281, § 2(c), Sept. 22, 2006, 120 Stat. 1181.)

**References in Text**

Title I of the Departments of Labor, Health and Human Services, and Education, and related Agencies Appropriations Act, 1998, referred to in subsec. (i)(1), is title I of Pub. L. 105–78, Nov. 13, 1997, 111 Stat. 1467.

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 3, 2007 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

## **Codification**

In subsec. (a), “section 6504 of title 31” substituted for “section 204 of the Intergovernmental Cooperation Act of 1968” on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

## **Prior Provisions**

Provisions similar to this section were contained in sections 1504, 1571, and 1579 to 1581 of this title prior to repeal by Pub. L. 105–220.

## **Amendments**

2006—Subsec. (g)(1)(A). Pub. L. 109–281 inserted “and section 2918a of this title” after “Except as provided in subparagraph (B)”.

1998—Subsec. (i)(1). Pub. L. 105–277 substituted “1998 (Public Law 105–78; 111 Stat. 1467)” for “1997 (Public Law 104–208; 110 Stat. 3009–234)”. The substitution was made to reflect the probable intent of Congress, in the absence of closing quotation marks designating the provisions to be inserted.

## **Effective Date of 2006 Amendment**

Amendment by Pub. L. 109–281 effective Sept. 22, 2006, see section 2(f) of Pub. L. 109–281, set out as a note under section 1701u of Title 12, Banks and Banking.