<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>§ 49</td>
<td>United States Employment Service established</td>
<td>2</td>
</tr>
<tr>
<td>§ 49a</td>
<td>Definitions</td>
<td>4</td>
</tr>
<tr>
<td>§ 49b</td>
<td>Duties of Secretary</td>
<td>5</td>
</tr>
<tr>
<td>§ 49c</td>
<td>Acceptance by States; creation of State agencies</td>
<td>7</td>
</tr>
<tr>
<td>§ 49c–1</td>
<td>Transfer to States of property used by United States Employment Service</td>
<td>8</td>
</tr>
<tr>
<td>§ 49c–2</td>
<td>Omitted</td>
<td>8</td>
</tr>
<tr>
<td>§ 49c–4</td>
<td>Transferred</td>
<td>9</td>
</tr>
<tr>
<td>§ 49c–5</td>
<td>Omitted</td>
<td>9</td>
</tr>
<tr>
<td>§ 49d</td>
<td>Appropriations; certification for payment to States</td>
<td>9</td>
</tr>
<tr>
<td>§ 49d–1</td>
<td>Omitted</td>
<td>11</td>
</tr>
<tr>
<td>§ 49e</td>
<td>Allotment of funds</td>
<td>11</td>
</tr>
<tr>
<td>§ 49f</td>
<td>Percentage disposition of allotted funds</td>
<td>12</td>
</tr>
<tr>
<td>§ 49g</td>
<td>State plans</td>
<td>14</td>
</tr>
<tr>
<td>§ 49h</td>
<td>Fiscal controls and accounting procedures</td>
<td>15</td>
</tr>
<tr>
<td>§ 49i</td>
<td>Recordkeeping and accountability</td>
<td>16</td>
</tr>
<tr>
<td>§ 49j</td>
<td>Notice of strikes and lockouts to applicants</td>
<td>17</td>
</tr>
<tr>
<td>§ 49k</td>
<td>Rules and regulations</td>
<td>18</td>
</tr>
<tr>
<td>§ 49l</td>
<td>Miscellaneous operating authorities</td>
<td>18</td>
</tr>
<tr>
<td>§ 49l–1</td>
<td>Authorization of appropriations</td>
<td>19</td>
</tr>
<tr>
<td>§ 49l–2</td>
<td>Employment statistics</td>
<td>19</td>
</tr>
<tr>
<td>§§ 49m, 49n</td>
<td>Omitted</td>
<td>24</td>
</tr>
</tbody>
</table>
TITLE 29—LABOR

Chap. ...Sec.
1. Labor Statistics ...1
2. Women’s Bureau ...11
2A. Children’s Bureau [Transferred] ...18
3. National Trade Unions [Repealed] ...21
4. Vocational Rehabilitation of Persons Injured in Industry [Repealed or Omitted] ...31
4A. Employment Stabilization [Omitted or Repealed] ...48
4B. Federal Employment Service ...49
4C. Apprentice Labor ...50
5. Labor Disputes; Mediation and Injunctive Relief ...51
6. Jurisdiction of Courts in Matters Affecting Employer and Employee ...101
7. Labor-Management Relations ...141
8. Fair Labor Standards ...201
9. Portal-to-Portal Pay ...251
10. Disclosure of Welfare and Pension Plans [Repealed] ...301
11. Labor-Management Reporting and Disclosure Procedure ...401
12. Department of Labor ...551
13. Exemplary Rehabilitation Certificates [Repealed] ...601
14. Age Discrimination in Employment ...621
15. Occupational Safety and Health ...651
16. Vocational Rehabilitation and Other Rehabilitation Services ...701
17. Comprehensive Employment and Training Programs [Repealed] ...801
18. Employee Retirement Income Security Program ...1001
19. Job Training Partnership [Repealed, Transferred, or Omitted] ...1501
20. Migrant and Seasonal Agricultural Worker Protection ...1801
21. Helen Keller National Center for Youths and Adults Who Are Deaf-Blind ...1901
22. Employee Polygraph Protection ...2001
23. Worker Adjustment and Retraining Notification ...2101
24. Technology Related Assistance for Individuals With Disabilities [Repealed] ...2201
25. Displaced Homemakers Self-Sufficiency Assistance [Repealed] ...2301
26. National Center for the Workplace [Repealed] ...2401
27. Women in Apprenticeship and Nontraditional Occupations ...2501
28. Family and Medical Leave ...2601
29. Workers Technology Skill Development ...2701
30. Workforce Investment Systems ...2801
31. Assistive Technology for Individuals With Disabilities ...3001
CHAPTER 4B—FEDERAL EMPLOYMENT SERVICE

Sec.
49. United States Employment Service established.
49a. Definitions.
49b. Duties of Secretary.
49c. Acceptance by States; creation of State agencies.
49c–1. Transfer to States of property used by United States Employment Service.
49c–2 to 49c–5. Omitted, Repealed, or Transferred.
49d. Appropriations; certification for payment to States.
49d–1. Omitted.
49e. Allotment of funds.
49f. Percentage disposition of allotted funds.
49g. State plans.
49h. Fiscal controls and accounting procedures.
49i. Recordkeeping and accountability.
49j. Notice of strikes and lockouts to applicants.
49k. Rules and regulations.
49l. Miscellaneous operating authorities.
49m, 49n. Omitted.

§ 49. United States Employment Service established

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


Amendments

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 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


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.”


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.
Section 2 of act July 3, 1948, 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 [sections 1351 to 1355 of 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).”

§ 49a. Definitions

For purposes of this chapter—

1. the term “chief elected official” has the same meaning given that term under the Workforce Investment Act of 1998;

2. the term “local workforce investment board” means a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 [29 U.S.C. 2832];

3. the term “one-stop delivery system” means a one-stop delivery system described in section 134(c) of the Workforce Investment Act of 1998 [29 U.S.C. 2864 (c)];

4. the term “Secretary” means the Secretary of Labor; and

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


**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, as amended, 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**


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”.

§ 49b. Duties of Secretary

(a) Assistance to State public employment services

The Secretary shall assist in coordinating the State public employment services 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 jobseekers relating to the system; and
(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.

TITLE 29 - Section 49c - Acceptance by States; creation of State agencies

NB: This unofficial compilation of the U.S. Code is current as of Jan. 7, 2011 (see http://www.law.cornell.edu/uscode/uscprint.html).

§ 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.

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

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.


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.

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 Department 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.


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.


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.


Effective Date of 1998 Amendment

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
Section 543(c) of Pub. L. 86–778 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 amounts appropriated pursuant to section 49d of this title 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, the Secretary shall allot the remainder of the sums appropriated and certified pursuant to section 49d of this title for each fiscal year among the States as follows:

(A) two-thirds of such sums 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 sums 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.

(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.

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

Effective Date of 1998 Amendment

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.

§ 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 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; and

(F) administering the work test for the State unemployment compensation system and providing job finding and placement services for unemployment insurance claimants.

(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 performance standards established by the Secretary, 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 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) of this section.

(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 Investment Act of 1998.

(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 Investment Act of 1998, or private nonprofit organization.

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

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


**References in Text**


**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**


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:


“(B) Section 123, title II, and title III of the Job Training Partnership Act.”
§ 49g. State plans

(a) Submission to Secretary

Any State desiring to receive assistance under this chapter shall submit to the Secretary, as part of the State plan submitted under section 2822 of this title, detailed plans for carrying out the provisions of this chapter within such State.

(b) Contents of plans

Such plans shall include provision for the promotion and development of employment opportunities for handicapped persons and for job counseling and placement of such persons, and for the designation of at least one person in each State or Federal employment office, whose duties shall include the effectuation of such purposes. In those States where a State board, department, or agency exists which is charged with the administration of State laws for vocational rehabilitation of physically handicapped persons, such plans shall include provision for cooperation between such board, department, or agency and the agency designated to cooperate with the United States Employment Service under this chapter.

(c) Information on coordination of workforce investment activities and one-stop delivery system development

The part of the State plan described in subsection (a) of this section shall include the information described in paragraphs (8) and (14) of section 2822 (b) of this title.

(d) Approval by Secretary

If such detailed plans are in conformity with the provisions of this chapter and reasonably appropriate and adequate to carry out its purposes, they shall be approved by the Secretary and due notice of such approval shall be given to the State agency.

Amendments

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. (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. (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).


Effective Date of 1998 Amendment


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


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.

§ 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 disbursal 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.


References in Text


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, semianual, 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.
Each State shall keep records that are sufficient to permit the preparation of reports required 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.


### 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.


### 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.
§ 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.


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


§ 49l. Miscellaneous operating authorities

(a) 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.

(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.


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
§ 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 reimbursable 1 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.

Footnotes

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


§ 49l–2. Employment statistics

(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 employment statistics system of employment statistics 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) of this section; 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 policymaking;
  (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**

The employment statistics system described in subsection (a) of this section shall be planned, administered, overseen, and evaluated through a cooperative governance structure involving the Federal Government and States.

(2) **Duties**

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

(A) Assign responsibilities within the Department of Labor for elements of the employment statistics system described in subsection (a) of this section to ensure that all statistical and administrative data collected is consistent with appropriate Bureau of Labor Statistics standards and definitions.

(B) Actively seek the cooperation 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) Eliminate gaps and duplication in statistical undertakings, with the systemization of wage surveys as an early priority.

(D) In collaboration with the Bureau of Labor Statistics and States, develop and maintain the elements of the employment statistics system described in subsection (a) of this section, 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) of this section.

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

(i) such data and information are timely;

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

(iii) States and localities are fully involved in the development and continuous improvement of the system at all levels, including ensuring the provision, to such States and localities, of budget information necessary for carrying out their responsibilities under subsection (e) of this section.

(c) **Annual plan**

The Secretary, working through the Bureau of Labor Statistics, and in cooperation with the States, and with the assistance of other appropriate Federal agencies, shall prepare an annual plan which shall be the mechanism for achieving cooperative management of the nationwide employment statistics system described in subsection (a) of this section and the statewide employment statistics systems that comprise the nationwide system. The plan shall—

(1) describe the steps the Secretary has taken in the preceding year and will take in the following 5 years to carry out the duties described in subsection (b)(2) of this section;
(2) include a report on the results of an annual consumer satisfaction review concerning the performance of the system, including the performance of the system in addressing the needs of Congress, States, localities, employers, jobseekers, and other consumers;
(3) evaluate the performance of the system and recommend needed improvements, taking into consideration the results of the consumer satisfaction review, with particular attention to the improvements needed at the State and local levels;
(4) justify the budget request for annual appropriations by describing priorities for the fiscal year succeeding the fiscal year in which the plan is developed and priorities for the 5 subsequent fiscal years for the system;
(5) describe current (as of the date of the submission of the plan) spending and spending needs to carry out activities under this section, including the costs to States and localities of meeting the requirements of subsection (e)(2) of this section; and
(6) describe the involvement of States in the development of the plan, through formal consultations conducted by the Secretary in cooperation with representatives of the Governors of every State, and with representatives of local workforce investment boards, pursuant to a process established by the Secretary in cooperation with the States.

(d) Coordination with the States

The Secretary, working through the Bureau of Labor Statistics, and in cooperation with the States, shall—
(1) develop the annual plan described in subsection (c) of this section and address other employment statistics issues by holding formal consultations, at least once each quarter (beginning with the calendar quarter in which the Workforce Investment Act of 1998 is enacted) on the products and administration of the nationwide employment statistics system; and
(2) hold the consultations with representatives from each of the 10 Federal regions of the Department of Labor, elected (pursuant to a process established by the Secretary) by and from the State employment statistics directors affiliated with the State agencies that perform the duties described in subsection (e)(2) of this section.

(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 employment statistics system described in subsection (a) of this section that comprise a statewide employment statistics system and for the State’s participation in the development of the annual plan; 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 employment statistics system;
(B) consult with State educational agencies and local educational agencies concerning the provision of employment statistics 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) of this section;
(D) maintain and continuously improve the statewide employment statistics 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 employment statistics 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;

(H) participate in the development of the annual plan described in subsection (c) of this section; and

(I) utilize the quarterly records described in section 136(f)(2) of the Workforce Investment Act of 1998 [29 U.S.C. 2871 (f)(2)] 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 such sums as may be necessary for each of the fiscal years 1999 through 2004.

(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.

Footnotes

1 See References in Text note below.


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.


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

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”.

Effective Date of 1998 Amendments
Pub. L. 105–332, § 101(f) [title VIII, § 403(a)(1)], struck out “of this section” after “statistical purposes”.

Effective Date
Section effective July 1, 1999, see section 311 of Pub. L. 105–220, 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:

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:

July 26, 1946, ch. 672, title I, 60 Stat. 685.