

(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

This chapter, referred to in subsecs. (a) to (c), (d)(1), (2), (e), (f), (g)(1)(A), (2), (h), and (i)(2), (3), was in the original “this title” meaning title I of Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 939, which enacted this chapter, repealed sections 1501 to 1505, 1511 to 1583, 1592 to 1735, 1737 to 1791h, 1792 to 1792b, 2301 to 2314 of this title, section 211 of former Title 40, Appendix, Public Buildings, Property, and Works, sections 11421, 11441 to 11447, 11449, 11450, 11461 to 11466, 11471, and 11472 of Title 42, The Public Health and Welfare, and sections 42101 to 42106 of Title 49, Transportation, enacted provisions set out as notes under sections 1501, 2301, and 2940 of this title and section 11421 of Title 42, and repealed provisions set out as notes under sections 801 and 2301 of this title and section 1255a of Title 8, Aliens and Nationality. For complete classification of title I to the Code, see Tables.

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.

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.

§ 2940. References

(a) References to Comprehensive Employment and Training Act

Except as otherwise specified, a reference in a Federal law (other than a reference in a provision amended by the Reading Excellence Act) to a provision of the Comprehensive Employment and Training Act—

(1) effective on August 7, 1998, shall be deemed to refer to the corresponding provision of the Job Training Partnership Act or of the Workforce Investment Act of 1998; and

(2) effective on July 1, 2000, shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998.

(b) References to Job Training Partnership Act

Except as otherwise specified, a reference in a Federal law (other than a reference in this Act or a reference in a provision amended by the Reading Excellence Act) to a provision of the Job Training Partnership Act—

(1) effective on August 7, 1998, shall be deemed to refer to that provision or the corresponding provision of the Workforce Investment Act of 1998; and

(2) effective on July 1, 2000, shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998.

(Pub. L. 105-220, title I, §190, Aug. 7, 1998, 112 Stat. 1054; Pub. L. 105-277, div. A, §101(f) [title VIII, §405(h)(1)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-435.)

REFERENCES IN TEXT

The Comprehensive Employment and Training Act, referred to in subsec. (a), is Pub. L. 93-203, Dec. 28, 1973, 87 Stat. 839, as amended, which was classified generally to chapter 17 (§801 et seq.) of this title, and was repealed by section 184(a)(1) of the Job Training Partnership Act, Pub. L. 97-300, title I, Oct. 13, 1982, 96 Stat. 1357.

The Reading Excellence Act, referred to in text, is section 101(f) [title VIII] of Pub. L. 105-277, div. A, Oct. 21, 1998, 112 Stat. 2681-337, 2681-391. The provisions of title VIII of section 101(f) appear at 112 Stat. 2681-391 to 2681-435. For complete classification of this Act to the Code, see Tables.

The Job Training Partnership Act, referred to in subsecs. (a)(1) and (b), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, which was classified generally to chapter 19 (§1501 et seq.) of this title, prior to repeal by Pub. L. 105-220, title I, §199(b)(2), (c)(2)(B), Aug. 7, 1998, 112 Stat. 1059. For complete classification of this Act to the Code, see Tables.

The Workforce Investment Act of 1998, referred to in text, is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

This Act, referred to in subsec. (b), is the Workforce Investment Act of 1998. See note above.

AMENDMENTS

1998—Pub. L. 105-277 amended section catchline and text generally. Prior to amendment, text read as fol-

lows: “Effective on August 7, 1998, all references in any other provision of law (other than section 665 of title 18) to the Comprehensive Employment and Training Act, or to the Job Training Partnership Act, as the case may be, shall be deemed to refer to the ‘Workforce Investment Act of 1998.’”

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-277, div. A, §101(f) [title VIII, §405(h)(2)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-435, provided that: “The amendment made by paragraph (1) [amending this section] shall take effect as if included in the Workforce Investment Act of 1998 [Pub. L. 105-220].”

PREPARATION OF LEGISLATION TO MAKE TECHNICAL AND CONFORMING AMENDMENTS

Pub. L. 105-220, title I, §199A, Aug. 7, 1998, 112 Stat. 1059, as amended by Pub. L. 105-277, div. A, §101(f) [title VIII, §405(h)(3)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-435, provided that:

“(a) PREPARATION.—After consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget, the Secretary shall prepare recommended legislation containing technical and conforming amendments to reflect the changes made by this subtitle [subtitle F (§§199, 199A) of title I of Pub. L. 105-220, repealing sections 1501 to 1505, 1511 to 1583, 1592 to 1735, 1737, 1751 to 1791h, 1792 to 1792b, and 2301 to 2314 of this title, section 211 of former Title 40, Appendix, Public Buildings, Property, and Works, sections 11421, 11441 to 11447, 11449, 11450, 11461 to 11466, 11471, and 11472 of Title 42, The Public Health and Welfare, and sections 42101 to 42106 of Title 49, Transportation, enacting provisions set out as notes under sections 1501 and 2301 of this title and section 11421 of Title 42, and repealing provisions set out as notes under sections 1501 and 2301 of this title and section 1255a of Title 8, Aliens and Nationality].

“(b) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of enactment of this Act [Aug. 7, 1998], the Secretary shall submit to Congress the recommended legislation referred to under subsection (a).”

§ 2941. State legislative authority

(a) Authority of State legislature

Nothing in this chapter shall be interpreted to preclude the enactment of State legislation providing for the implementation, consistent with the provisions of this chapter, of the activities assisted under this chapter. Any funds received by a State under this chapter shall be subject to appropriation by the State legislature, consistent with the terms and conditions required under this chapter.

(b) Interstate compacts and cooperative agreements

In the event that compliance with provisions of this chapter would be enhanced by compacts and cooperative agreements between States, the consent of Congress is given to States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary.

(Pub. L. 105-220, title I, §191, Aug. 7, 1998, 112 Stat. 1054.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title” meaning title I of Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 939, which enacted this chapter, repealed sections 1501 to 1505, 1511 to 1583, 1592 to 1735, 1737 to 1791h, 1792 to 1792b, 2301 to 2314 of this title, section 211 of former Title 40, Appendix, Public Buildings, Prop-

erty, and Works, sections 11421, 11441 to 11447, 11449, 11450, 11461 to 11466, 11471, and 11472 of Title 42, The Public Health and Welfare, and sections 42101 to 42106 of Title 49, Transportation, enacted provisions set out as notes under sections 1501, 2301, and 2940 of this title and section 11421 of Title 42, and repealed provisions set out as notes under sections 801 and 2301 of this title and section 1255a of Title 8, Aliens and Nationality. For complete classification of title I to the Code, see Tables.

PRIOR PROVISIONS

Provisions similar to this section were contained in sections 1536 and 1537 of this title prior to repeal by Pub. L. 105-220.

§ 2942. Workforce flexibility plans

(a) Plans

A State may submit to the Secretary, and the Secretary may approve, a workforce flexibility plan under which the State is authorized to waive, in accordance with the plan—

(1) any of the statutory or regulatory requirements applicable under this chapter to local areas, pursuant to applications for such waivers from the local areas, except for requirements relating to the basic purposes of this chapter, wage and labor standards, grievance procedures and judicial review, non-discrimination, eligibility of participants, allocation of funds to local areas, establishment and functions of local areas and local boards, review and approval of local plans, and worker rights, participation, and protection;

(2) any of the statutory or regulatory requirements applicable under sections 49g through 49i of this title to the State, except for requirements relating to the provision of services to unemployment insurance claimants and veterans, and to universal access to basic labor exchange services without cost to jobseekers; and

(3) any of the statutory or regulatory requirements applicable under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) to State agencies on aging with respect to activities carried out using funds allotted under section 506(a)(3)¹ of such Act (42 U.S.C. 3056d(a)(3)), except for requirements relating to the basic purposes of such Act, wage and labor standards, eligibility of participants in the activities, and standards for agreements.

(b) Content of plans

A workforce flexibility plan implemented by a State under subsection (a) of this section shall include descriptions of—

(1)(A) the process by which local areas in the State may submit and obtain approval by the State of applications for waivers of requirements applicable under this chapter; and

(B) the requirements described in subparagraph (A) that are likely to be waived by the State under the plan;

(2) the requirements applicable under sections 49g through 49i of this title that are proposed to be waived, if any;

(3) the requirements applicable under the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.] that are proposed to be waived, if any;

¹ See References in Text note below.