

portation, 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 L. 105–220, Aug. 7, 1998, 112 Stat. 939, which enacted this chapter, repealed sections 1501 to 1505, 1511 to 1583, 1592 to 1735, 1737 to 1791h, 1792 to 1792b, 2301 to 2314 of this title, section 211 of former Title 40, Appendix, Public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, 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provisions set out as notes under sections 1501, 2301, and 2940 of this title and section 11421 of Title 42, and repealed provisions set out as notes under sections 801 and 2301 of this title and section 1255a of Title 8, Aliens and Nationality.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.

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;

(4) the outcomes to be achieved by the waivers described in paragraphs (1) through (3); and

(5) other measures to be taken to ensure appropriate accountability for Federal funds in connection with the waivers.

(c) Periods

The Secretary may approve a workforce flexibility plan for a period of not more than 5 years.

(d) Opportunity for public comments

Prior to submitting a workforce flexibility plan to the Secretary for approval, the State shall provide to all interested parties and to the general public adequate notice and a reasonable opportunity for comment on the waiver requests proposed to be implemented pursuant to such plan.

(Pub. L. 105–220, title I, §192, Aug. 7, 1998, 112 Stat. 1054; Pub. L. 105–277, div. A, §101(f) [title VIII, §401(14)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–411.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1) and (b)(1)(A), 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,

¹ See References in Text note below.

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.

The Older Americans Act of 1965, referred to in subsecs. (a)(3) and (b)(3), is Pub. L. 89–73, July 14, 1965, 79 Stat. 218, which is classified generally to chapter 35 (§3001 et seq.) of Title 42, The Public Health and Welfare. Section 506 of the Act, which is classified to section 3056d of Title 42, was amended generally by Pub. L. 109–365, title V, §501, Oct. 17, 2006, 120 Stat. 2563, and provisions formerly appearing in subsec. (a)(3) of that section are now contained in subsec. (e). For complete classification of this Act to the Code, see Short Title note set out under section 3001 of Title 42 and Tables.

AMENDMENTS

1998—Subsec. (a)(2). Pub. L. 105–277 struck out comma before “to the State, except”.

Subsec. (a)(3). Pub. L. 105–277 substituted “) to” for “), to”.

WORKFORCE FLEXIBILITY PARTNERSHIP DEMONSTRATION PROGRAM

Pub. L. 105–78, title I, Nov. 13, 1997, 111 Stat. 1469, provided in part: “That the Secretary of Labor shall establish a workforce flexibility (work-flex) partnership demonstration program under which the Secretary shall authorize not more than six States, of which at least three States shall each have populations not in excess of 3,500,000, with a preference given to those States that have been designated Ed-Flex Partnership States under section 311(e) of Public Law 103–227 [20 U.S.C. 5891(e)], to waive any statutory or regulatory requirement applicable to service delivery areas or substate areas within the State under titles I–III of the Job Training Partnership Act [former 29 U.S.C. 1511 et seq., 1601 et seq., 1651 et seq.] (except for requirements relating to wage and labor standards, grievance procedures and judicial review, nondiscrimination, allotment of funds, and eligibility), and any of the statutory or regulatory requirements of sections 8–10 of the Wagner-Peyser Act [29 U.S.C. 49g–49i] (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 job seekers), for a duration not to exceed the waiver period authorized under section 311(e) of Public Law 103–227, pursuant to a plan submitted by such States and approved by the Secretary for the provision of workforce employment and training activities in the States, which includes a description of the process by which service delivery areas and substate areas may apply for and have waivers approved by the State, the requirements of the Wagner-Peyser Act [29 U.S.C. 49 et seq.] to be waived, the outcomes to be achieved and other measures to be taken to ensure appropriate accountability for Federal funds.”

[References to a provision of the Job Training Partnership Act, effective Aug. 7, 1998, are deemed to refer to that provision or the corresponding provision of the Workforce Investment Act of 1998, Pub. L. 105–220, Aug. 7, 1998, 112 Stat. 936, and effective July 1, 2000, are deemed to refer to the corresponding provision of the Workforce Investment Act of 1998, see section 2940(b) of this title. For complete classification of the Workforce Investment Act of 1998 to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.]

Similar provisions were contained in the following prior appropriations act:

Pub. L. 104–208, div. A, title I, §101(e) [title I], Sept. 30, 1996, 110 Stat. 3009–233, 3009–234.

§ 2943. Transfer of Federal equity in State employment security real property to the States

(a) Transfer of Federal equity

Notwithstanding any other provision of law, any Federal equity acquired in real property through grants to States awarded under title III of the Social Security Act (42 U.S.C. 501 et seq.) or under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) is transferred to the States that used the grants for the acquisition of such equity. The portion of any real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under this Act, the Wagner-Peyser Act (29 U.S.C. 49 et seq.), or title III of the Social Security Act (42 U.S.C. 501 et seq.). Any disposition of such real property shall be carried out in accordance with the procedures prescribed by the Secretary and the portion of the proceeds from the disposition of such real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under this Act, the Wagner-Peyser Act, or title III of the Social Security Act.

(b) Limitation on use

A State shall not use funds awarded under this Act, the Wagner-Peyser Act [29 U.S.C. 49 et seq.], or title III of the Social Security Act [42 U.S.C. 501 et seq.] to amortize the costs of real property that is purchased by any State on or after February 15, 2007.

(Pub. L. 105–220, title I, §193, Aug. 7, 1998, 112 Stat. 1055; Pub. L. 109–289, div. B, title II, §20610, as added Pub. L. 110–5, §2, Feb. 15, 2007, 121 Stat. 30.)

REFERENCES IN TEXT

The Social Security Act, referred to in text, is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Title III of the Act is classified generally to subchapter III (§501 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Wagner-Peyser Act, referred to in text, is act June 6, 1933, ch. 49, 48 Stat. 113, which is classified generally to chapter 4B (§49 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 49 of this title and Tables.

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

AMENDMENTS

2007—Pub. L. 110–5 added Pub. L. 109–289, §20610. See 2006 Amendment note below.

2006—Pub. L. 109–289, §20610, as added by Pub. L. 110–5, amended section catchline and text generally. Prior to amendment, text related to use of State real property for a one-stop service delivery system.

§ 2944. Continuation of State activities and policies

(a) In general

Notwithstanding any other provision of this chapter, the Secretary may not deny approval of a State plan for a covered State, or an application of a covered State for financial assistance,