

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

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

CHAPTER 4A—EMPLOYMENT STABILIZATION

PRIOR PROVISIONS

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

§§ 48, 48a. Omitted

CODIFICATION

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

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

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

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 Repealed.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

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

§§ 48c to 48g. Omitted

CODIFICATION

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

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

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

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

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

NATIONAL RESOURCES PLANNING BOARD

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

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

CHAPTER 4B—FEDERAL EMPLOYMENT SERVICE

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.
49l-1.	Authorization of appropriations.
49l-2.	Employment statistics.
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.

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

AMENDMENT OF SECTION

Pub. L. 113-128, title III, § 301, title V, § 506, July 22, 2014, 128 Stat. 1624, 1703, provided that, effective on the first day of the first full program year after July 22, 2014 [probably July 1, 2015], this section is amended by inserting "service" before "offices". See 2014 Amendment note below.

AMENDMENTS

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

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

EFFECTIVE DATE OF 2014 AMENDMENT

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

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-300 effective Oct. 1, 1983, but with Secretary authorized to use funds appro-

prepared for fiscal 1983 to plan for orderly implementation of amendment, see section 181(i) of Pub. L. 97-300, which was formerly classified to section 1591(i) of this title.

SHORT TITLE

Act June 6, 1933, ch. 49, § 16, formerly § 15, as added by Pub. L. 97-300, title VI, § 601(h), formerly title V, § 501(h), Oct. 13, 1982, 96 Stat. 1397; renumbered title VI, § 601(h), Pub. L. 100-628, title VII, § 712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248; renumbered § 16, Pub. L. 105-220, title III, § 309(1), Aug. 7, 1998, 112 Stat. 1082, provided that: "This Act [enacting this chapter] may be cited as the 'Wagner-Peyser Act'."

TRANSFER OF FUNCTIONS

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

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

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

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

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

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

Reorg. Plan No. I of 1939, § 201, eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1424, set out in the Appendix to Title 5,

Government Organization and Employees, consolidated United States Employment Service in Department of Labor and its functions and personnel, with other offices and agencies, under one agency to be known as Federal Security Agency with a Federal Security Administrator at head thereof.

Section 203 of Reorg. Plan No. I of 1939, provided that functions of United States Employment Service should be consolidated with unemployment compensation functions of Social Security Board and should be administered in Social Security Board in connection with unemployment compensation functions under direction and supervision of Federal Security Administrator.

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

ADMINISTRATION OF MANPOWER IN DISTRICT OF COLUMBIA

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

RECRUITMENT AND DISTRIBUTION OF FARM LABOR

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

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

FARM PLACEMENT SERVICE

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

"(a) The provisions of the Farm Labor Supply Appropriation Act, 1944 (Public Law 229, Seventy-eighth Congress, second session, title I [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 there-

to 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.

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

AMENDMENT OF SECTION

Pub. L. 113-128, title III, § 302, title V, § 506, July 22, 2014, 128 Stat. 1624, 1703, provided that, effective on the first day of the first full program year after July 22, 2014 [probably July 1, 2015], this section is amended as follows:

(1) *by striking paragraph (1) and inserting the following:*

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

(2) *in paragraph (2), by striking "investment board" each place it appears and inserting "development board" and by striking "section 117 of the Workforce Investment Act of 1998" and inserting "section 3122 of this title";*

(3) *in paragraph (3), by striking "134(c)" and inserting "3151(e)" and by striking "the Workforce Investment Act of 1998" and inserting "this title"; and*

(4) *by striking "and" at the end of paragraph (4), substituting "; and" for the period at the end of paragraph (5), and adding at the end the following:*

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

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

See 2014 Amendment notes below.

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.

The Workforce Investment Act of 1998, referred to in par. (1), 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.

AMENDMENTS

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

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

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

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

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

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

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

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

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

EFFECTIVE DATE OF 2014 AMENDMENT

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

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-220, title III, § 311, Aug. 7, 1998, 112 Stat. 1086, provided that: "The amendments made by this subtitle [subtitle A (§§ 301-311) of title III of Pub. L. 105-220, enacting section 49l-2 of this title and amending this section, sections 49b, 49c, 49d, 49e to 49g, 49j, and 49k of this title, and section 655a of Title 42, The Public Health and Welfare] shall take effect on July 1, 1999."

[*Pub. L. 113-128, title V, §§ 506, 511(a), July 22, 2014, 128 Stat. 1703, 1705, provided that, effective on the first day of the first full program year after July 22, 2014 [probably July 1, 2015], section 311 of Pub. L. 105-220, set out above, is repealed.*]

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.