

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.

(June 6, 1933, ch. 49, § 6, as added Pub. L. 97-300, title VI, § 601(c), formerly title V, § 501(c), Oct. 13, 1982, 96 Stat. 1393; renumbered title VI, § 601(c), Pub. L. 100-628, title VII, § 712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248; amended Pub. L. 105-220, title III, § 310, Aug. 7, 1998, 112 Stat. 1086; Pub. L. 113-128, title III, § 304, July 22, 2014, 128 Stat. 1626.)

AMENDMENT OF SECTION

Pub. L. 113-128, title III, § 304, title V, § 506, July 22, 2014, 128 Stat. 1626, 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) in subsection (a), by striking "amounts appropriated pursuant to section 49d of this title" and inserting "funds appropriated and (except for Guam) certified under section 49d of this title and made available for allotments under this section"; and

(2) in subsection (b)(1):

(A) in the matter preceding subparagraph (A), by inserting "after making the allotments required by subsection (a)," before "the Secretary" and by striking "sums" and all that follows through "this title" and inserting "funds described in subsection (a)";

(B) in each of subparagraphs (A) and (B), by striking "sums" and inserting "remainder"; and

(C) by adding at the end "For purposes of this paragraph, the term 'State' does not include Guam or the Virgin Islands."

See 2014 Amendment notes below.

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

2014—Subsec. (a). Pub. L. 113-128, § 304(1), substituted "funds appropriated and (except for Guam) certified under section 49d of this title and made available for allotments under this section" for "amounts appropriated pursuant to section 49d of this title".

Subsec. (b)(1). Pub. L. 113-128, § 304(2), in introductory provisions, inserted "after making the allotments required by subsection (a)," before "the Secretary" and substituted "funds described in subsection (a)" for "sums appropriated and certified pursuant to section 49d of this title"; in subpars. (A) and (B), substituted "remainder" for "sums"; and, in concluding provisions, inserted "For purposes of this paragraph, the term 'State' does not include Guam or the Virgin Islands." at end.

1998—Subsec. (b)(1). Pub. L. 105-220 substituted "Secretary" for "Secretary of Labor" in concluding provisions.

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

Amendment by Pub. L. 105-220 effective July 1, 1999, see section 311 of Pub. L. 105-220, set out as a note under section 49a of this title.

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).

(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) shall be provided, consistent with the other requirements of this chapter, as part of the one-stop delivery system established by the State.

(June 6, 1933, ch. 49, § 7, as added Pub. L. 97-300, title VI, § 601(c), formerly title V, § 501(c), Oct. 13, 1982, 96 Stat. 1394; renumbered title VI, § 601(c), Pub. L. 100-628, title VII, § 712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248; amended Pub. L. 101-392, § 5(b), Sept. 25, 1990, 104 Stat. 759; Pub. L. 105-220, title III, §§ 305, 310, Aug. 7, 1998, 112 Stat. 1081, 1086; Pub. L. 113-128, title III, § 305, July 22, 2014, 128 Stat. 1626.)

AMENDMENT OF SECTION

Pub. L. 113-128, title III, § 305, title V, § 506, July 22, 2014, 128 Stat. 1626, 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) in subsection (a):

(A) in paragraph (1), by inserting “, including unemployment insurance claimants,” after “seekers”; and

(B) in paragraph (3):

(i) in subparagraph (F), by inserting “, including making eligibility assessments,” after “system”; and

(ii) by striking “and” at the end of subparagraph (E), substituting “; and” for the period at the end of subparagraph (F), and inserting after subparagraph (F) the following:

“(G) providing unemployment insurance claimants with referrals to, and application assistance for, training and education resources and programs, including Federal Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.), educational assistance under chapter 30 of title 38 (commonly referred to as the Montgomery GI Bill), and chapter 33 of that title (Post-9/11 Veterans Educational Assistance), student assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), State student higher education assistance, and training and education programs provided under titles I and II of the Workforce Innovation and Opportunity Act, and title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).”;

(2) in subsection (b):

(A) in paragraph (1), by striking “performance standards established by the Secretary” and inserting “the performance accountability measures that are based on indicators described in section 116(b)(2)(A)(i) of the Workforce Innovation and Opportunity Act”;

(B) in paragraph (2), by inserting “offices” after “employment service”; and

(C) in paragraph (3), by inserting “, and models for enhancing professional development and career advancement opportunities of State agency staff, as described in section 49b(c)(4) of this title” after “subsection (a)”;

(3) in subsections (c)(2) and (d), by striking “the Workforce Investment Act of 1998” and inserting “the Workforce Innovation and Opportunity Act”; and

(4) in subsection (e), by striking “labor employment statistics” and inserting “workforce and labor market information”.

See 2014 Amendment notes below.

REFERENCES IN TEXT

The Workforce Investment Act of 1998, referred to in subsecs. (c)(2) and (d), 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.

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

2014—Subsec. (a)(1). Pub. L. 113–128, §305(a), inserted “, including unemployment insurance claimants,” after “seekers”.

Subsec. (a)(3)(F). Pub. L. 113–128, §305(b)(2)(A), inserted “, including making eligibility assessments,” after “system”.

Subsec. (a)(3)(G). Pub. L. 113–128, §305(b)(1), (2)(B), (3), added subpar. (G).

Subsec. (b)(1). Pub. L. 113–128, §305(c)(1), substituted “the performance accountability measures that are based on indicators described in section 116(b)(2)(A)(i) of the Workforce Innovation and Opportunity Act” for “performance standards established by the Secretary”.

Subsec. (b)(2). Pub. L. 113–128, §305(c)(2), inserted “offices” after “employment service”.

Subsec. (b)(3). Pub. L. 113–128, §305(c)(3), inserted “, and models for enhancing professional development and career advancement opportunities of State agency staff, as described in section 49b(c)(4) of this title” after “subsection (a)”.

Subsecs. (c)(2), (d). Pub. L. 113–128, §305(d), substituted “the Workforce Innovation and Opportunity Act” for “the Workforce Investment Act of 1998”.

Subsec. (e). Pub. L. 113–128, §305(e), substituted “workforce and labor market information” for “labor employment statistics”.

1998—Subsec. (b)(2). Pub. L. 105–220, §305(1), substituted “local workforce investment board” for “private industry council”.

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:

“(A) The Carl D. Perkins Vocational and Applied Technology Education Act.

“(B) Section 123, title II, and title III of the Job Training Partnership Act.”

Subsec. (d). Pub. L. 105–220, §310, substituted “Secretary or with” for “Secretary of Labor or with”.

Pub. L. 105–220, §305(3), substituted “Secretary or any State” for “United States Employment Service or any State” and “Workforce Investment Act of 1998” for “Job Training Partnership Act”.

Subsec. (e). Pub. L. 105–220, §305(4), added subsec. (e).

1990—Subsecs. (c), (d). Pub. L. 101–392 added subsec. (c) and redesignated former subsec. (c) as (d).

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

Amendment by Pub. L. 105–220 effective July 1, 1999, see section 311 of Pub. L. 105–220, set out as a note under section 49a of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–392 effective July 1, 1991, see section 702(a) of Pub. L. 101–392, set out as an Effective Date note under section 3423a of Title 20, Education.

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.

§ 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.

(June 6, 1933, ch. 49, §8, 48 Stat. 115; Aug. 3, 1954, ch. 655, §6(b), 68 Stat. 665; Pub. L. 97–300, title VI, §601(d), formerly title V, §501(d), Oct. 13, 1982, 96 Stat. 1395; renumbered title VI, §601(d), Pub. L. 100–628, title VII, §712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248; Pub. L. 105–220, title III, §306, Aug. 7, 1998, 112 Stat. 1081; Pub. L. 113–128, title III, §306, July 22, 2014, 128 Stat. 1627.)

AMENDMENT OF SECTION

Pub. L. 113–128, title III, §306, title V, §506, July 22, 2014, 128 Stat. 1627, 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 to read as follows: “Any State desiring to receive assistance under section 49e of this title shall prepare and submit to, and have approved by, the Secretary and the