

proval 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

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.

### § 491. 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.

(June 6, 1933, ch. 49, § 13, as added 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; amended Pub. L. 97-404, § 5, Dec. 31, 1982, 96 Stat. 2027; Pub. L. 113-128, title III, § 307, July 22, 2014, 128 Stat. 1627.)

#### AMENDMENT OF SUBSECTION (a)

*Pub. L. 113-128, title III, § 307, 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], subsection (a) of this section is amended to read as follows: “The activities carried out pursuant to section 49f of this title shall be subject to the performance accountability measures that are based on indicators described in section 3141(b)(2)(A)(i) of this title.” See 2014 Amendment note below.*

#### PRIOR PROVISIONS

A prior section 49f, 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 Section 338 of former Title 39 was repealed and reenacted as section 4152 of former Title 39, The Postal Service by Pub.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 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 Section 4152 of former Title 39 was repealed and reenacted as section 3202 of Title 39, Postal Service, by Pub.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

2014—Subsec. (a). Pub. L. 113-128 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “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.”

1982—Subsec. (b). Pub. L. 97-404 designated existing provisions as par. (1) and added par. (2).

#### 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

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.

### § 491-1. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to enable the Secretary to provide funds through reimburseable<sup>1</sup> 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.

(June 6, 1933, ch. 49, § 14, as added 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.)

#### 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.

### § 491-2. 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;

<sup>1</sup> So in original. Probably should be “reimbursable”.