

§ 49a. Definitions

For purposes of this chapter—

(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) the term “local workforce development board” means a local workforce development board established under section 3122 of this title;

(3) the term “one-stop delivery system” means a one-stop delivery system described in section 3151(e) of this title;

(4) the term “Secretary” means the Secretary of Labor;

(5) the term “State” means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands; and

(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.

(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.)

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, known as the Wagner-Peyser Act, 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 Section 338 of former title 39 was repealed and reenacted as section 4152 of former Title 39, The Postal Service, by Pub.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 Section 4152 of former title 39 was repealed and reenacted as section 3202 of Title 39, Postal Service, by Pub.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.

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 (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, which provided that the amendments made by 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) would take effect on July 1, 1999, was repealed by Pub. L. 113-128, title V, § 511(a), July 22, 2014, 128 Stat. 1705.

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.

DEFINITIONS OF TERMS IN PUB. L. 113-128

Except as otherwise provided, definitions in section 3 of Pub. L. 113-128, which is classified to section 3102 of this title, apply to this section.

§ 49b. Duties of Secretary**(a) Assistance to State public employment service offices**

The Secretary shall assist in coordinating the State public employment service offices throughout the country and in increasing their usefulness by developing and prescribing minimum standards of efficiency, assisting them in meeting problems peculiar to their localities, promoting uniformity in their administrative and statistical procedure, furnishing and publishing information as to opportunities for employment and other information of value in the operation of the system, and maintaining a system for clearing labor between the States.

(b) Provision of unemployment compensation information

It shall be the duty of the Secretary to assure that unemployment insurance and employment service offices in each State, as appropriate, upon request of a public agency administering or supervising the administration of a State program funded under part A of title IV of the Social Security Act [42 U.S.C. 601 et seq.], of a public agency charged with any duty or responsibility under any program or activity authorized or required under part D of title IV of such Act [42 U.S.C. 651 et seq.], or of a State agency charged with the administration of the supplemental nutrition assistance program in a State under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et

seq.), shall (and, notwithstanding any other provision of law, is authorized to) furnish to such agency making the request, from any data contained in the files of any such office, information with respect to any individual specified in the request as to (1) whether such individual is receiving, has received, or has made application for, unemployment compensation, and the amount of any such compensation being received by such individual, (2) the current (or most recent) home address of such individual, and (3) whether such individual has refused an offer of employment and, if so, a description of the employment so offered and the terms, conditions, and rate of pay therefor.

(c) Public labor exchange services

The Secretary shall—

(1) assist in the coordination and development of a nationwide system of public labor exchange services, provided as part of the one-stop customer service systems of the States;

(2) assist in the development of continuous improvement models for such nationwide system that ensure private sector satisfaction with the system and meet the demands of job-seekers relating to the system, and identify and disseminate information on best practices for such system; and and¹

(3) ensure, for individuals otherwise eligible to receive unemployment compensation, the provision of reemployment services and other activities in which the individuals are required to participate to receive the compensation.²

(4) in coordination with the State agencies and the staff of such agencies, assist in the planning and implementation of activities to enhance the professional development and career advancement opportunities of such staff, in order to strengthen the provision of a broad range of career guidance services, the identification of job openings (including providing intensive outreach to small and medium-sized employers and enhanced employer services), the provision of technical assistance and training to other providers of workforce development activities (including workplace learning advisors) relating to counseling and employment-related services, and the development of new strategies for coordinating counseling and technology.

(d) Colocation of employment service offices and one-stop centers

In order to improve service delivery, avoid duplication of services, and enhance coordination of services, including location of staff to ensure access to services under section 49f(a) of this title statewide in underserved areas, employment service offices in each State shall be collocated with one-stop centers.

(e) Development of national electronic tools

The Secretary, in consultation with States, is authorized to assist the States in the development of national electronic tools that may be used to improve access to workforce information for individuals through—

(1) the one-stop delivery systems established as described in section 3151(e) of this title; and

(2) such other delivery systems as the Secretary determines to be appropriate.

(June 6, 1933, ch. 49, § 3, 48 Stat. 114; Sept. 8, 1950, ch. 933, § 1, 64 Stat. 822; Aug. 3, 1954, ch. 655, § 6(a), 68 Stat. 665; Aug. 1, 1956, ch. 852, § 17(a), 70 Stat. 910; Pub. L. 86-624, § 21(a), July 12, 1960, 74 Stat. 417; Pub. L. 93-198, title II, § 204(c), Dec. 24, 1973, 87 Stat. 783; Pub. L. 94-566, title V, § 508(a), Oct. 20, 1976, 90 Stat. 2689; 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. 99-198, title XV, § 1535(b)(2), Dec. 23, 1985, 99 Stat. 1584; Pub. L. 104-193, title I, § 110(m), Aug. 22, 1996, 110 Stat. 2173; Pub. L. 105-220, title III, §§ 302(a), 310, Aug. 7, 1998, 112 Stat. 1080, 1086; Pub. L. 110-234, title IV, § 4002(b)(1)(A), (B), (2)(Q), May 22, 2008, 122 Stat. 1095-1097; Pub. L. 110-246, § 4(a), title IV, § 4002(b)(1)(A), (B), (2)(Q), June 18, 2008, 122 Stat. 1664, 1857, 1858; Pub. L. 113-128, title III, § 303, July 22, 2014, 128 Stat. 1625.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (b), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A of title IV of the Social Security Act is classified generally to part A (§ 601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. Part D of title IV of such Act is classified generally to part D (§ 651 et seq.) of subchapter IV of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Food and Nutrition Act of 2008, referred to in subsec. (b), is Pub. L. 88-525, Aug. 31, 1964, 78 Stat. 703, which is classified generally to chapter 51 (§ 2011 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 7 and Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-128, § 303(a), substituted “service offices” for “services”.

Subsec. (c)(2). Pub. L. 113-128, § 303(b)(1), substituted “, and identify and disseminate information on best practices for such system; and” for semicolon.

Subsec. (c)(4). Pub. L. 113-128, § 303(b)(2), added par. (4).

Subsecs. (d), (e). Pub. L. 113-128, § 303(c), added subsecs. (d) and (e).

2008—Subsec. (b). Pub. L. 110-246, § 4002(b)(1)(A), (B), (2)(Q), which directed amendment of the “Wagner-Peyser Act” by substituting “supplemental nutrition assistance program” for “food stamp program” wherever appearing and “Food and Nutrition Act of 2008” for “Food Stamp Act of 1977” wherever appearing, was executed by making the substitutions in subsec. (b) of this section, which is section 3 of the Wagner-Peyser Act, to reflect the probable intent of Congress.

1998—Subsec. (a). Pub. L. 105-220, § 302(a)(1), substituted “Secretary” for “United States Employment Service”.

Subsec. (b). Pub. L. 105-220, § 310, substituted “Secretary” for “Secretary of Labor”.

Subsec. (c). Pub. L. 105-220, § 302(a)(2), added subsec. (c).

1996—Subsec. (b). Pub. L. 104-193 substituted “State program funded under part A of title IV” for “State plan approved under part A of title IV”.

¹ So in original.

² So in original. The period probably should be “; and”.

1985—Subsec. (b). Pub. L. 99-198 inserted reference to a State agency charged with the administration of the food stamp program in a State under the Food Stamp Act.

1982—Pub. L. 97-300, amended section generally, substituting provisions which set out functions of the Service and duties of the Secretary of Labor for provisions which had stated the purposes of the Service, including services to veterans and supplying of data for the administration of programs in aid of families with dependent children, and defined “State”.

1976—Subsec. (a). Pub. L. 94-566 provided that the bureau has a further duty to assure that the employment offices in each State, upon request of a public agency administering or supervising the administration of a State plan approved under part A of title IV of the Social Security Act or of a public agency charged with any duty or responsibility under any program or activity authorized or required under part D of title IV of such Act, furnish to such agency making the request, from any data contained in the files of any such employment office, information with respect to any individual specified in the request as to whether such individual is receiving, has received, or has made application for, unemployment compensation, and the amount of any such compensation being received by such individual, the current (or most recent) home address of such individual, and whether such individual has refused an offer of employment and, if so, a description of the employment so offered and terms, conditions, and rate of pay therefor.

1973—Subsec. (a). Pub. L. 93-198, §204(c)(1), struck out function of maintaining a public employment service for the District of Columbia from the functions of the bureau.

Subsec. (b). Pub. L. 93-198, §204(c)(2), included District of Columbia in definition of “State” or “States”.

1960—Subsec. (b). Pub. L. 86-624 struck out “Hawaii, Alaska,” before “Puerto Rico”.

1956—Subsec. (b). Act Aug. 1, 1956, inserted “Guam” after “Puerto Rico”.

1954—Subsec. (a). Act Aug. 3, 1954, inserted provisions relating to employment counseling and placement services for handicapped persons.

1950—Subsec. (b). Act Sept. 8, 1950, included Puerto Rico and Virgin Islands in definition of “State” or “States”.

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 (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 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Amendment by section 4002(b)(1)(A), (B), (2)(Q) of Pub. L. 110-246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as a note under section 1161 of Title 2, The Congress.

EFFECTIVE DATE OF 1998 AMENDMENT

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

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-193 effective July 1, 1997, with transition rules relating to State options to accelerate such date, rules relating to claims, actions, and proceedings commenced before such date, rules relating to closing out of accounts for terminated or substantially modified programs and continuance in office of

Assistant Secretary for Family Support, and provisions relating to termination of entitlement under AFDC program, see section 116 of Pub. L. 104-193, as amended, set out as an Effective Date note under section 601 of Title 42, The Public Health and Welfare.

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.

EFFECTIVE DATE OF 1973 AMENDMENT

Pub. L. 93-198, title VII, §771(b), Dec. 24, 1973, 87 Stat. 836, provided in part that title II of Pub. L. 93-198 [amending this section and section 50 of this title and enacting provisions set out as notes under section 49 of this title and section 8101 of Title 5, Government Organization and Employees], shall take effect on July 1, 1974.

EFFECTIVE DATE OF 1954 AMENDMENT

Act Aug. 3, 1954, ch. 655, §8, 68 Stat. 665, provided that: “The amendments made by this Act [enacting section 107e-1 of Title 20, Education, and amending this section, sections 31 to 41, 42, and 49g of this title, sections 107, 107a, 107b, 107e, and 107f of Title 20, and section 155a of former Title 36, Patriotic Societies and Observances] shall become effective July 1, 1954.”

DEFINITIONS OF TERMS IN PUB. L. 113-128

Except as otherwise provided, definitions in section 3 of Pub. L. 113-128, which is classified to section 3102 of this title, apply to this section.

§ 49c. Acceptance by States; creation of State agencies

In order to obtain the benefits of appropriations apportioned under section 49d of this title, a State shall, pursuant to State statute, accept the provisions of this chapter and, in accordance with such State statute, the Governor shall designate or authorize the creation of a State agency vested with all powers necessary to cooperate with the Secretary under this chapter.

(June 6, 1933, ch. 49, §4, 48 Stat. 114; Pub. L. 105-220, title III, §303, Aug. 7, 1998, 112 Stat. 1081.)

AMENDMENTS

1998—Pub. L. 105-220 substituted “, pursuant to State statute,” for “, through its legislature,” inserted “, in accordance with such State statute, the Governor shall” after “the provisions of this chapter and”, and substituted “Secretary” for “United States Employment Service”.

EFFECTIVE DATE OF 1998 AMENDMENT

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

TRANSFER OF STATE AGENCIES TO THE STATES

Act July 26, 1946, ch. 672, title I, 60 Stat. 684, provided in part: “On November 15, 1946, the Secretary of Labor shall transfer, to the State agency in each State designated under section 4 of the Act of Congress approved June 6, 1933, as amended [this section], as the agency to administer the State-wide system of public employment offices in cooperation with the United States Employment Service under said Act [this chapter], the operation of State and local public employment office facilities and properties which were transferred by such State to the Federal Government in 1942 to promote the national war effort. The Secretary of Labor shall,