

on request of the State agency, also provide for the transfer and assignment to such State, without reimbursement therefor, of any other public employment office facilities and properties within such State, including records, files, and office equipment: *Provided*, That as a condition to such transfer and assignment of Federal properties, the Secretary may require the recipient State to waive any claim which may then exist or thereafter arise out of the use made by the Federal Government of, or for the loss of or damage to, property and facilities transferred to the Federal Government as hereinabove described."

**§ 49c-1. Transfer to States of property used by United States Employment Service**

For the purpose of assisting the State employment services established and maintained in accordance with the terms of this chapter, the Secretary of Labor is authorized without payment of compensation to transfer and assign to the States in which it is located all property, including records, files, and office equipment, used by the United States Employment Service in its administrative and local employment offices in the respective States, except the records, files, and property used in the Veterans' Service and in the Farm Placement Service maintained under this chapter, as soon as such States establish and maintain systems of public employment offices, in accordance with the terms of sections 49c, 49d, and 49g of this title and the regulations promulgated thereunder.

(Aug. 11, 1939, ch. 693, 53 Stat. 1409; Ex. Ord. No. 9247, Sept. 17, 1942, 7 F.R. 7379; Ex. Ord. No. 9617, Sept. 19, 1945, 10 F.R. 11929; June 16, 1948, ch. 472, title I, 62 Stat. 446; 1949 Reorg. Plan No. 2, § 1, eff. Aug. 20, 1949, 14 F.R. 5225, 63 Stat. 1065.)

CODIFICATION

This section was not enacted as part of the Wagner-Peyser Act which comprises this chapter.

TRANSFER OF FUNCTIONS

For history of transfer of functions of United States Employment Service to Secretary of Labor, see note set out under section 49 of this title.

**§ 49c-2. Omitted**

CODIFICATION

Section, act July 26, 1946, ch. 672, title I, 60 Stat. 684, 685, which authorized transfer to and retention in State system of public employment offices of Federal employees, was from the Department of Labor Act, 1947, and was not repeated in subsequent appropriation acts.

**§ 49c-3. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 653**

Section, act July 26, 1946, ch. 672, title I, 60 Stat. 685, provided for refund of retirement deductions and interest to members of Social Security Boards returning to State employment.

**§ 49c-4. Transferred**

CODIFICATION

Section, Pub. L. 88-136, title I, Oct. 11, 1963, 77 Stat. 226, which related to personnel standards, was transferred to section 49n of this title and subsequently omitted from the Code.

**§ 49c-5. Omitted**

CODIFICATION

Section, act July 8, 1947, ch. 210, title I, 61 Stat. 263, which related to a joint budget, was from the Depart-

ment of Labor Appropriation Act, 1948, and was not repeated in subsequent appropriation acts. Similar provisions were contained in act July 26, 1946, ch. 672, title I, § 101, 60 Stat. 686.

**§ 49d. Appropriations; certification for payment to States**

**(a) Authorization of appropriations**

There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts from time to time as the Congress may deem necessary to carry out the purposes of this chapter.

**(b) Certification for payment to States**

The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State which—

(1) except in the case of Guam, has an unemployment compensation law approved by the Secretary under the Federal Unemployment Tax Act [26 U.S.C. 3301 et seq.] and is found to be in compliance with section 503 of title 42,

(2) is found to have coordinated the public employment services with the provision of unemployment insurance claimant services, and

(3) is found to be in compliance with this chapter,

such amounts as the Secretary determines to be necessary for allotment in accordance with section 49e of this title.

**(c) Availability of appropriations**

(1) Beginning with fiscal year 1985 and thereafter appropriations for any fiscal year for programs and activities assisted or conducted under this chapter shall be available for obligation only on the basis of a program year. The program year shall begin on July 1 in the fiscal year for which the appropriation is made.

(2) Funds obligated for any program year may be expended by the State during that program year and the two succeeding program years and no amount shall be deobligated on account of a rate of expenditure which is consistent with the program plan.

(June 6, 1933, ch. 49, § 5, 48 Stat. 114; May 10, 1935, ch. 102, 49 Stat. 216; June 29, 1938, ch. 816, 52 Stat. 1244; Sept. 8, 1950, ch. 933, § 2, 64 Stat. 822; Aug. 1, 1956, ch. 852, § 17(b), 70 Stat. 910; Pub. L. 86-778, title V, § 543(c), Sept. 13, 1960, 74 Stat. 987; Pub. L. 94-566, title I, § 116(c), Oct. 20, 1976, 90 Stat. 2672; Pub. L. 97-35, title VII, § 702, Aug. 13, 1981, 95 Stat. 521; Pub. L. 97-300, title VI, § 601(b), formerly title V, § 501(b), Oct. 13, 1982, 96 Stat. 1392; renumbered title VI, § 601(b), Pub. L. 100-628, title VII, § 712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248; Pub. L. 105-220, title III, § 304, Aug. 7, 1998, 112 Stat. 1081.)

REFERENCES IN TEXT

The Federal Unemployment Tax Act, referred to in subsec. (b)(1), is act Aug. 16, 1954, ch. 736, §§ 3301 to 3311, 68A Stat. 454, as amended, which is classified generally to chapter 23 (§ 3301 et seq.) of Title 26, Internal Revenue Code. For complete classification of this Act to the Code, see section 3311 of Title 26 and Tables.

AMENDMENTS

1998—Subsec. (c)(3). Pub. L. 105-220 struck out par. (3) which read as follows:

“(3)(A) Appropriations for fiscal year 1984 shall be available both to fund activities for the period between October 1, 1983, and July 1, 1984, and for the program year beginning July 1, 1984.

“(B) There are authorized to be appropriated such additional sums as may be necessary to carry out the provisions of this paragraph for the transition to program year funding.”

1982—Subsec. (b). Pub. L. 97-300 added subsec. (b). Former subsec. (b), which related to certification of compliance by the Secretary to the Secretary of the Treasury with regard to the Federal Unemployment Tax Act by State programs and payment of monies for the operation of the State systems, was struck out.

Subsec. (c). Pub. L. 97-300 added subsec. (c).

1981—Subsec. (b). Pub. L. 97-35 inserted provisions authorizing appropriations for fiscal year beginning Oct. 1, 1981, and definition of “proper and efficient administration of its public employment offices”.

1976—Subsec. (b). Pub. L. 94-566 substituted “Guam” for “Guam and the Virgin Islands”.

1960—Subsec. (b). Pub. L. 86-778 substituted “Guam and the Virgin Islands” for “Puerto Rico, Guam, and the Virgin Islands”.

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

1950—Subsec. (a). Act, Sept. 8, 1950, struck out apportionment formula and requirement that States match the funds granted them.

1938—Subsec. (a). Act June 29, 1938, substituted “The annual appropriation under this chapter shall designate the amount to” for “Seventy-five per centum of the amounts appropriated under this chapter shall”, at beginning of second sentence, and “the said amount among the several States” for “said 75 per centum of amounts appropriated after January 1, 1935, under this chapter” in proviso.

1935—Subsec. (a). Act May 10, 1935, inserted proviso.

#### 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 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 1976 AMENDMENT

Amendment by Pub. L. 94-566 effective on later of Oct. 1, 1976, or day after day on which Secretary of Labor approves under section 3304(a) of Title 26, Internal Revenue Code, an unemployment compensation law submitted to him by Virgin Islands for approval, see section 116(f)(1) of Pub. L. 94-566, set out as a note under section 3304 of Title 26.

#### EFFECTIVE DATE OF 1960 AMENDMENT

Pub. L. 86-778, title V, §543(c), Sept. 13, 1960, 74 Stat. 987, provided that the amendment made by that section is effective on and after Jan. 1, 1961.

#### SUSPENSION OF STATE APPROPRIATION REQUIREMENTS UNTIL JULY 1, 1952

Act Sept. 6, 1950, ch. 896, Ch. V, title I, 64 Stat. 643, provided in part that: “No State shall be required to make any appropriation as provided in section 5(a) of said Act of June 6, 1933 [subsec. (a) of this section], prior to July 1, 1952.”

Similar provisions suspending the requirement until July 1, 1950 were contained in acts June 16, 1948, ch. 472, title I, 62 Stat. 445; June 29, 1949, ch. 275, title II, 63 Stat. 284.

### § 49d-1. Omitted

#### CODIFICATION

Section, act June 16, 1937, ch. 359, title IV, 50 Stat. 302, provided for reapportionment of unexpended appropriations.

### § 49e. Allotment of funds

(a) From the funds appropriated and (except for Guam) certified under section 49d of this title and made available for allotments under this section for each fiscal year, the Secretary shall first allot to Guam and the Virgin Islands an amount which, in relation to the total amount available for the fiscal year, is equal to the allotment percentage which each received of amounts available under this chapter in fiscal year 1983.

(b)(1) Subject to paragraphs (2), (3), and (4) of this subsection, after making the allotments required by subsection (a), the Secretary shall allot the remainder of the funds described in subsection (a) for each fiscal year among the States as follows:

(A) two-thirds of such remainder shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State as compared to the total number of such individuals in all States; and

(B) one-third of such remainder shall be allotted on the basis of the relative number of unemployed individuals in each State as compared to the total number of such individuals in all States.

For purposes of this paragraph, the number of individuals in the civilian labor force and the number of unemployed individuals shall be based on data for the most recent calendar year available, as determined by the Secretary. For purposes of this paragraph, the term “State” does not include Guam or the Virgin Islands.

(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.