

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.)

**Editorial Notes**

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”.

**Statutory Notes and Related Subsidiaries**

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, 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 the Act of June 6, 1933, 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”, as amended (48 Stat. 113; 49 Stat. 216) [29 U.S.C. 49 et seq.], 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 the said Act, as soon as such States establish and maintain systems of public employment offices, in accordance with the terms of sections 4, 5, and 8 of the said Act [29 U.S.C. 49c, 49d, 49g] 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.)

**Editorial Notes**

REFERENCES IN TEXT

Act of June 6, 1933, and the said Act, referred to in text, are act June 6, 1933, ch. 49, 48 Stat. 113, known as the Wagner-Peyser Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 49 of this title and Tables.

## CODIFICATION

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

**Statutory Notes and Executive Documents**

## TRANSFER OF FUNCTIONS

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

**§ 49c-2. Omitted****Editorial Notes**

## 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****Editorial Notes**

## 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****Editorial Notes**

## CODIFICATION

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

**Editorial Notes**

## 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