

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.

§ 49g. State plans

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 Secretary of Education, a State plan in accordance with section 3112 or 3113 of this title.

(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.)

Editorial Notes

AMENDMENTS

2014—Pub. L. 113-128 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (d) relating to submission, required content, and approval of State plans.

1998—Subsec. (a). Pub. L. 105-220, § 306(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Any State desiring to receive the benefits of this chapter shall, by the agency designated to cooperate with the United States Employment Service, submit to the Secretary of Labor detailed plans for carrying out the provisions of this chapter within such State.”

Subsec. (b). Pub. L. 105-220, § 306(2), (3), redesignated subsec. (d) as (b) and struck out former subsec. (b) which contained certain requirements for plan preparation at State and national levels.

Subsec. (c). Pub. L. 105-220, § 306(2), (4), added subsec. (c) and struck out former subsec. (c) which read as follows: “The Governor of the State shall be afforded the opportunity to review and transmit to the Secretary proposed modifications of such plans submitted.”

Subsec. (d). Pub. L. 105-220, § 306(5), (6), redesignated subsec. (e) as (d) and substituted “such detailed plans” for “such plans”. Former subsec. (d) redesignated (b).

Subsec. (e). Pub. L. 105-220, § 306(5), redesignated subsec. (e) as (d).

1982—Pub. L. 97-300, § 601(d)(1), substituted “Secretary of Labor” for “Director” wherever appearing.

Subsec. (a). Pub. L. 97-300, § 601(d)(2), designated provisions relating to the submission of a plan to the Secretary by any State desiring to receive benefits under certain sections of this chapter as subsec. (a).

Subsecs. (b), (c). Pub. L. 97-300, § 601(d)(5), added subsecs. (b) and (c).

Subsec. (d). Pub. L. 97-300, § 601(d)(3), designated provisions relating to the inclusion in State plans of provision for handicapped persons employment opportunities and coordination with State agencies similarly concerned as subsec. (d).

Subsec. (e). Pub. L. 97-300, § 601(d)(4), designated provisions relating to approval and notice by the Secretary of the State plans as subsec. (e).

1954—Act Aug. 3, 1954, inserted provisions relating to promotion and development of employment opportunities and for job counseling and placement of handicapped persons.

Statutory Notes and Related Subsidiaries

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

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 1954 AMENDMENT

Amendment by act Aug. 3, 1954, effective July 1, 1954, see section 8 of act Aug. 3, 1954, set out as a note under section 49b 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.

§ 49h. Fiscal controls and accounting procedures**(a) Audit**

(1) Each State shall establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds paid to the recipient under this chapter. The Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, shall establish guidance for the proper performance of audits. Such guidance shall include a review of fiscal controls and fund accounting procedures established by States under this section.

(2) At least once every two years, the State shall prepare or have prepared an independent financial and compliance audit of funds received under this chapter.

(3) Each audit shall be conducted in accordance with applicable auditing standards set forth in the financial and compliance element of the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions issued by the Comptroller General of the United States.

(b) Evaluations by Comptroller General

(1) The Comptroller General of the United States shall evaluate the expenditures by States of funds received under this chapter in order to assure that expenditures are consistent with the provisions of this chapter and to determine the effectiveness of the State in accomplishing the purposes of this chapter. The Comptroller General shall conduct evaluations whenever determined necessary and shall periodically report to the Congress on the findings of such evaluations.

(2) Nothing in this chapter shall be deemed to relieve the Inspector General of the Department of Labor of his responsibilities under the Inspector General Act.

(3) For the purpose of evaluating and reviewing programs established or provided for by this chapter, the Comptroller General shall have access to and the right to copy any books, accounts, records, correspondence, or other documents pertinent to such programs that are in the possession, custody, or control of the State.

(c) Repayment of funds by State

Each State shall repay to the United States amounts found not to have been expended in accordance with this chapter. No such finding shall be made except after notice and opportunity for a fair hearing. The Secretary may offset such amounts against any other amount to which the recipient is or may be entitled under this chapter.

(June 6, 1933, ch. 49, § 9, 48 Stat. 116; Pub. L. 97-300, title VI, § 601(e), formerly title V, § 501(e), Oct. 13, 1982, 96 Stat. 1396; renumbered title VI, § 601(e), Pub. L. 100-628, title VII, § 712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248.)

Editorial Notes

REFERENCES IN TEXT

The Inspector General Act, referred to in subsec. (b)(2), probably means the Inspector General Act of 1978, Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1982—Pub. L. 97-300 amended section generally, substituting provisions requiring the States to prepare accounting procedures under Federal guidance, to submit to biennial audit with evaluation of expenditures by the Comptroller General and providing for repayment of improperly expended funds, for provisions requiring reports on expenditures to the Secretary under his regulations and giving him authority to revoke State certification.

Statutory Notes and Related Subsidiaries

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.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which a report required under subsec. (b)(1) of this section is listed on page 8), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

§ 49i. Recordkeeping and accountability**(a) Records**

Each State shall keep records that are sufficient to permit the preparation of reports required by this chapter and to permit the tracing of funds to a level of expenditure adequate to insure that the funds have not been spent unlawfully.

(b) Investigations

(1) The Secretary may investigate such facts, conditions, practices, or other matters which the Secretary finds necessary to determine whether any State receiving funds under this chapter or any official of such State has violated any provision of this chapter.

(2)(A) In order to evaluate compliance with the provisions of this chapter, the Secretary

shall conduct investigations of the use of funds received by States under this chapter.

(B) In order to insure compliance with the provisions of this chapter, the Comptroller General of the United States may conduct investigations of the use of funds received under this chapter by any State.

(3) In conducting any investigation under this chapter, the Secretary or the Comptroller General of the United States may not request new compilation of information not readily available to such State.

(c) Reports

Each State receiving funds under this chapter shall—

(1) make such reports concerning its operations and expenditures in such form and containing such information as shall be prescribed by the Secretary, and

(2) establish and maintain a management information system in accordance with guidelines established by the Secretary designed to facilitate the compilation and analysis of programmatic and financial data necessary for reporting, monitoring, and evaluating purposes.

(June 6, 1933, ch. 49, § 10, 48 Stat. 116; Pub. L. 97-300, title VI, § 601(f), formerly title V, § 501(f), Oct. 13, 1982, 96 Stat. 1396; renumbered title VI, § 601(f), Pub. L. 100-628, title VII, § 712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248.)

Editorial Notes

AMENDMENTS

1982—Pub. L. 97-300 amended section generally, substituting provisions relating to State maintenance of records and investigations by the Secretary and Comptroller General for provisions which limited expenditures in States prior to adoption of State systems to the current fiscal year and two fiscal years thereafter.

Statutory Notes and Related Subsidiaries

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.

§ 49j. Notice of strikes and lockouts to applicants

In carrying out the provisions of this chapter the Secretary is authorized and directed to provide for the giving of notice of strikes or lockouts to applicants before they are referred to employment.

(June 6, 1933, ch. 49, § 11, 48 Stat. 116; Pub. L. 97-300, title VI, § 601(g), formerly title V, § 501(g), Oct. 13, 1982, 96 Stat. 1397; renumbered title VI, § 601(g), Pub. L. 100-628, title VII, § 712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248; Pub. L. 105-220, title III, § 307, Aug. 7, 1998, 112 Stat. 1082.)

Editorial Notes

AMENDMENTS

1998—Pub. L. 105-220, § 307(2), which directed the substitution of “Secretary” for “Director”, was executed by making the substitution for “director” to reflect the probable intent of Congress.