

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

H. R. 803

To reform and strengthen the workforce investment system of the Nation to put Americans back to work and make the United States more competitive in the 21st century.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. HARKIN, and Mr. ALEXANDER)

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Workforce Innovation and Opportunity Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

Sec. 3. Definitions.

TITLE I—WORKFORCE DEVELOPMENT ACTIVITIES

Subtitle A—System Alignment

CHAPTER 1—STATE PROVISIONS

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- Sec. 101. State workforce development boards.
- Sec. 102. Unified State plan.
- Sec. 103. Combined State plan.

CHAPTER 2—LOCAL PROVISIONS

- Sec. 106. Workforce development areas.
- Sec. 107. Local workforce development boards.
- Sec. 108. Local plan.

CHAPTER 3—BOARD PROVISIONS

- Sec. 111. Funding of State and local boards.

CHAPTER 4—PERFORMANCE ACCOUNTABILITY

- Sec. 116. Performance accountability system.

Subtitle B—Workforce Investment Activities and Providers

CHAPTER 1—WORKFORCE INVESTMENT ACTIVITIES AND PROVIDERS

- Sec. 121. Establishment of one-stop delivery systems.
- Sec. 122. Identification of eligible providers of training services.
- Sec. 123. Eligible providers of youth workforce investment activities.

CHAPTER 2—YOUTH WORKFORCE INVESTMENT ACTIVITIES

- Sec. 126. General authorization.
- Sec. 127. State allotments.
- Sec. 128. Within State allocations.
- Sec. 129. Use of funds for youth workforce investment activities.

CHAPTER 3—ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES

- Sec. 131. General authorization.
- Sec. 132. State allotments.
- Sec. 133. Within State allocations.
- Sec. 134. Use of funds for employment and training activities.

CHAPTER 4—GENERAL WORKFORCE INVESTMENT PROVISIONS

- Sec. 136. Authorization of appropriations.

Subtitle C—Job Corps

- Sec. 141. Purposes.
- Sec. 142. Definitions.
- Sec. 143. Establishment.
- Sec. 144. Individuals eligible for the Job Corps.
- Sec. 145. Recruitment, screening, selection, and assignment of enrollees.
- Sec. 146. Enrollment.
- Sec. 147. Job Corps centers.
- Sec. 148. Program activities.
- Sec. 149. Counseling and job placement.
- Sec. 150. Support.
- Sec. 151. Operations.
- Sec. 152. Standards of conduct.

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- Sec. 153. Community participation.
- Sec. 154. Workforce councils.
- Sec. 155. Advisory committees.
- Sec. 156. Experimental projects and technical assistance.
- Sec. 157. Application of provisions of Federal law.
- Sec. 158. Special provisions.
- Sec. 159. Management information.
- Sec. 160. General provisions.
- Sec. 161. Job Corps oversight and reporting.
- Sec. 162. Authorization of appropriations.

Subtitle D—National Programs

- Sec. 166. Native American programs.
- Sec. 167. Migrant and seasonal farmworker programs.
- Sec. 168. Technical assistance.
- Sec. 169. Evaluations and research.
- Sec. 170. National dislocated worker grants.
- Sec. 171. YouthBuild program.
- Sec. 172. Authorization of appropriations.

Subtitle E—Administration

- Sec. 181. Requirements and restrictions.
- Sec. 182. Prompt allocation of funds.
- Sec. 183. Monitoring.
- Sec. 184. Fiscal controls; sanctions.
- Sec. 185. Reports; recordkeeping; investigations.
- Sec. 186. Administrative adjudication.
- Sec. 187. Judicial review.
- Sec. 188. Nondiscrimination.
- Sec. 189. Secretarial administrative authorities and responsibilities.
- Sec. 190. Workforce flexibility plans.
- Sec. 191. State legislative authority.
- Sec. 192. Transfer of Federal equity in State employment security agency real property to the States.
- Sec. 193. Continuation of State activities and policies.
- Sec. 194. General program requirements.
- Sec. 195. Restrictions on lobbying activities.

TITLE II—ADULT EDUCATION AND LITERACY

- Sec. 201. Short title.
- Sec. 202. Purpose.
- Sec. 203. Definitions.
- Sec. 204. Home schools.
- Sec. 205. Rule of construction regarding postsecondary transition and concurrent enrollment activities.
- Sec. 206. Authorization of appropriations.

Subtitle A—Federal Provisions

- Sec. 211. Reservation of funds; grants to eligible agencies; allotments.
- Sec. 212. Performance accountability system.

Subtitle B—State Provisions

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- Sec. 221. State administration.
- Sec. 222. State distribution of funds; matching requirement.
- Sec. 223. State leadership activities.
- Sec. 224. State plan.
- Sec. 225. Programs for corrections education and other institutionalized individuals.

Subtitle C—Local Provisions

- Sec. 231. Grants and contracts for eligible providers.
- Sec. 232. Local application.
- Sec. 233. Local administrative cost limits.

Subtitle D—General Provisions

- Sec. 241. Administrative provisions.
- Sec. 242. National leadership activities.
- Sec. 243. Integrated English literacy and civics education.

TITLE III—AMENDMENTS TO THE WAGNER-PEYSER ACT

- Sec. 301. Employment service offices.
- Sec. 302. Definitions.
- Sec. 303. Federal and State employment service offices.
- Sec. 304. Allotment of sums.
- Sec. 305. Use of sums.
- Sec. 306. State plan.
- Sec. 307. Performance measures.
- Sec. 308. Workforce and labor market information system.

TITLE IV—AMENDMENTS TO THE REHABILITATION ACT OF 1973

Subtitle A—Introductory Provisions

- Sec. 401. References.
- Sec. 402. Findings, purpose, policy.
- Sec. 403. Rehabilitation Services Administration.
- Sec. 404. Definitions.
- Sec. 405. Administration of the Act.
- Sec. 406. Reports.
- Sec. 407. Evaluation and information.
- Sec. 408. Carryover.
- Sec. 409. Traditionally underserved populations.

Subtitle B—Vocational Rehabilitation Services

- Sec. 411. Declaration of policy; authorization of appropriations.
- Sec. 412. State plans.
- Sec. 413. Eligibility and individualized plan for employment.
- Sec. 414. Vocational rehabilitation services.
- Sec. 415. State Rehabilitation Council.
- Sec. 416. Evaluation standards and performance indicators.
- Sec. 417. Monitoring and review.
- Sec. 418. Training and services for employers.
- Sec. 419. State allotments.
- Sec. 420. Payments to States.
- Sec. 421. Client assistance program.
- Sec. 422. Pre-employment transition services.

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- Sec. 423. American Indian vocational rehabilitation services.
- Sec. 424. Vocational rehabilitation services client information.

Subtitle C—Research and Training

- Sec. 431. Purpose.
- Sec. 432. Authorization of appropriations.
- Sec. 433. National Institute on Disability, Independent Living, and Rehabilitation Research.
- Sec. 434. Interagency committee.
- Sec. 435. Research and other covered activities.
- Sec. 436. Disability, Independent Living, and Rehabilitation Research Advisory Council.
- Sec. 437. Definition of covered school.

Subtitle D—Professional Development and Special Projects and Demonstration

- Sec. 441. Purpose; training.
- Sec. 442. Demonstration, training, and technical assistance programs.
- Sec. 443. Migrant and seasonal farmworkers; recreational programs.

Subtitle E—National Council on Disability

- Sec. 451. Establishment.
- Sec. 452. Report.
- Sec. 453. Authorization of appropriations.

Subtitle F—Rights and Advocacy

- Sec. 456. Interagency Committee, Board, and Council.
- Sec. 457. Protection and advocacy of individual rights.
- Sec. 458. Limitations on use of subminimum wage.

Subtitle G—Employment Opportunities for Individuals With Disabilities

- Sec. 461. Employment opportunities for individuals with disabilities.

Subtitle H—Independent Living Services and Centers for Independent Living

CHAPTER 1—INDIVIDUALS WITH SIGNIFICANT DISABILITIES

SUBCHAPTER A—GENERAL PROVISIONS

- Sec. 471. Purpose.
- Sec. 472. Administration of the independent living program.
- Sec. 473. Definitions.
- Sec. 474. State plan.
- Sec. 475. Statewide Independent Living Council.
- Sec. 475A. Responsibilities of the Administrator.

SUBCHAPTER B—INDEPENDENT LIVING SERVICES

- Sec. 476. Administration.

SUBCHAPTER C—CENTERS FOR INDEPENDENT LIVING

- Sec. 481. Program authorization.
- Sec. 482. Centers.

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- Sec. 483. Standards and assurances.
 Sec. 484. Authorization of appropriations.

CHAPTER 2—INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS
 WHO ARE BLIND

- Sec. 486. Independent living services for older individuals who are blind.
 Sec. 487. Program of grants.
 Sec. 488. Independent living services for older individuals who are blind author-
 ization of appropriations.

Subtitle I—General Provisions

- Sec. 491. Transfer of functions regarding independent living to Department of
 Health and Human Services, and savings provisions.
 Sec. 492. Table of contents.

TITLE V—GENERAL PROVISIONS

Subtitle A—Workforce Investment

- Sec. 501. Privacy.
 Sec. 502. Buy-American requirements.
 Sec. 503. Transition provisions.
 Sec. 504. Reduction of reporting burdens and requirements.
 Sec. 505. Effective dates.

Subtitle B—Amendments to Other Laws

- Sec. 511. Repeal of the Workforce Investment Act of 1998.
 Sec. 512. Conforming amendments.
 Sec. 513. References.

1 SEC. 2. PURPOSES.

2 The purposes of this Act are the following:

3 (1) To increase, for individuals in the United
 4 States, particularly those individuals with barriers to
 5 employment, access to and opportunities for the em-
 6 ployment, education, training, and support services
 7 they need to succeed in the labor market.

8 (2) To support the alignment of workforce in-
 9 vestment, education, and economic development sys-
 10 tems in support of a comprehensive, accessible, and

1 high-quality workforce development system in the
2 United States.

3 (3) To improve the quality and labor market
4 relevance of workforce investment, education, and
5 economic development efforts to provide America's
6 workers with the skills and credentials necessary to
7 secure and advance in employment with family-sus-
8 taining wages and to provide America's employers
9 with the skilled workers the employers need to suc-
10 ceed in a global economy.

11 (4) To promote improvement in the structure of
12 and delivery of services through the United States
13 workforce development system to better address the
14 employment and skill needs of workers, jobseekers,
15 and employers.

16 (5) To increase the prosperity of workers and
17 employers in the United States, the economic growth
18 of communities, regions, and States, and the global
19 competitiveness of the United States.

20 (6) For purposes of subtitle A and B of title I,
21 to provide workforce investment activities, through
22 statewide and local workforce development systems,
23 that increase the employment, retention, and earn-
24 ings of participants, and increase attainment of rec-
25 ognized postsecondary credentials by participants,

1 and as a result, improve the quality of the work-
2 force, reduce welfare dependency, increase economic
3 self-sufficiency, meet the skill requirements of em-
4 ployers, and enhance the productivity and competi-
5 tiveness of the Nation.

6 **SEC. 3. DEFINITIONS.**

7 In this Act, and the core program provisions that are
8 not in this Act, except as otherwise expressly provided:

9 (1) **ADMINISTRATIVE COSTS.**—The term “ad-
10 ministrative costs” means expenditures incurred by
11 State boards and local boards, direct recipients (in-
12 cluding State grant recipients under subtitle B of
13 title I and recipients of awards under subtitles C
14 and D of title I), local grant recipients, local fiscal
15 agents or local grant subrecipients, and one-stop op-
16 erators in the performance of administrative func-
17 tions and in carrying out activities under title I that
18 are not related to the direct provision of workforce
19 investment services (including services to partici-
20 pants and employers). Such costs include both per-
21 sonnel and nonpersonnel costs and both direct and
22 indirect costs.

23 (2) **ADULT.**—Except as otherwise specified in
24 section 132, the term “adult” means an individual
25 who is age 18 or older.

1 (3) ADULT EDUCATION; ADULT EDUCATION
2 AND LITERACY ACTIVITIES.—The terms “adult edu-
3 cation” and “adult education and literacy activities”
4 have the meanings given the terms in section 203.

5 (4) AREA CAREER AND TECHNICAL EDUCATION
6 SCHOOL.—The term “area career and technical edu-
7 cation school” has the meaning given the term in
8 section 3 of the Carl D. Perkins Career and Tech-
9 nical Education Act of 2006 (20 U.S.C. 2302).

10 (5) BASIC SKILLS DEFICIENT.—The term
11 “basic skills deficient” means, with respect to an in-
12 dividual—

13 (A) who is a youth, that the individual has
14 English reading, writing, or computing skills at
15 or below the 8th grade level on a generally ac-
16 cepted standardized test; or

17 (B) who is a youth or adult, that the indi-
18 vidual is unable to compute or solve problems,
19 or read, write, or speak English, at a level nec-
20 essary to function on the job, in the individual’s
21 family, or in society.

22 (6) CAREER AND TECHNICAL EDUCATION.—The
23 term “career and technical education” has the
24 meaning given the term in section 3 of the Carl D.

1 Perkins Career and Technical Education Act of
2 2006 (20 U.S.C. 2302).

3 (7) CAREER PATHWAY.—The term “career
4 pathway” means a combination of rigorous and
5 high-quality education, training, and other services
6 that—

7 (A) aligns with the skill needs of industries
8 in the economy of the State or regional econ-
9 omy involved;

10 (B) prepares an individual to be successful
11 in any of a full range of secondary or postsec-
12 ondary education options, including apprentice-
13 ships registered under the Act of August 16,
14 1937 (commonly known as the “National Ap-
15 prenticeship Act”; 50 Stat. 664, chapter 663;
16 29 U.S.C. 50 et seq.) (referred to individually
17 in this Act as an “apprenticeship”, except in
18 section 171);

19 (C) includes counseling to support an indi-
20 vidual in achieving the individual’s education
21 and career goals;

22 (D) includes, as appropriate, education of-
23 fered concurrently with and in the same context
24 as workforce preparation activities and training
25 for a specific occupation or occupational cluster;

1 (E) organizes education, training, and
2 other services to meet the particular needs of
3 an individual in a manner that accelerates the
4 educational and career advancement of the indi-
5 vidual to the extent practicable;

6 (F) enables an individual to attain a sec-
7 ondary school diploma or its recognized equiva-
8 lent, and at least 1 recognized postsecondary
9 credential; and

10 (G) helps an individual enter or advance
11 within a specific occupation or occupational
12 cluster.

13 (8) CAREER PLANNING.—The term “career
14 planning” means the provision of a client-centered
15 approach in the delivery of services, designed—

16 (A) to prepare and coordinate comprehen-
17 sive employment plans, such as service strate-
18 gies, for participants to ensure access to nec-
19 essary workforce investment activities and sup-
20 portive services, using, where feasible, com-
21 puter-based technologies; and

22 (B) to provide job, education, and career
23 counseling, as appropriate during program par-
24 ticipation and after job placement.

1 (9) CHIEF ELECTED OFFICIAL.—The term
2 “chief elected official” means—

3 (A) the chief elected executive officer of a
4 unit of general local government in a local area;
5 and

6 (B) in a case in which a local area includes
7 more than 1 unit of general local government,
8 the individuals designated under the agreement
9 described in section 107(c)(1)(B).

10 (10) COMMUNITY-BASED ORGANIZATION.—The
11 term “community-based organization” means a pri-
12 vate nonprofit organization (which may include a
13 faith-based organization), that is representative of a
14 community or a significant segment of a community
15 and that has demonstrated expertise and effective-
16 ness in the field of workforce development.

17 (11) COMPETITIVE INTEGRATED EMPLOY-
18 MENT.—The term “competitive integrated employ-
19 ment” has the meaning given the term in section 7
20 of the Rehabilitation Act of 1973 (29 U.S.C. 705),
21 for individuals with disabilities.

22 (12) CORE PROGRAM.—The term “core pro-
23 grams” means a program authorized under a core
24 program provision.

1 (13) CORE PROGRAM PROVISION.—The term
2 “core program provision” means—

3 (A) chapters 2 and 3 of subtitle B of title
4 I (relating to youth workforce investment activi-
5 ties and adult and dislocated worker employ-
6 ment and training activities);

7 (B) title II (relating to adult education and
8 literacy activities);

9 (C) sections 1 through 13 of the Wagner-
10 Peyser Act (29 U.S.C. 49 et seq.) (relating to
11 employment services); and

12 (D) title I of the Rehabilitation Act of
13 1973 (29 U.S.C. 720 et seq.), other than sec-
14 tion 112 or part C of that title (29 U.S.C. 732,
15 741) (relating to vocational rehabilitation serv-
16 ices).

17 (14) CUSTOMIZED TRAINING.—The term “cus-
18 tomized training” means training—

19 (A) that is designed to meet the specific
20 requirements of an employer (including a group
21 of employers);

22 (B) that is conducted with a commitment
23 by the employer to employ an individual upon
24 successful completion of the training; and

25 (C) for which the employer pays—

1 (i) a significant portion of the cost of
2 training, as determined by the local board
3 involved, taking into account the size of
4 the employer and such other factors as the
5 local board determines to be appropriate,
6 which may include the number of employ-
7 ees participating in training, wage and
8 benefit levels of those employees (at
9 present and anticipated upon completion of
10 the training), relation of the training to
11 the competitiveness of a participant, and
12 other employer-provided training and ad-
13 vancement opportunities; and

14 (ii) in the case of customized training
15 (as defined in subparagraphs (A) and (B))
16 involving an employer located in multiple
17 local areas in the State, a significant por-
18 tion of the cost of the training, as deter-
19 mined by the Governor of the State, taking
20 into account the size of the employer and
21 such other factors as the Governor deter-
22 mines to be appropriate.

23 (15) DISLOCATED WORKER.—The term “dis-
24 located worker” means an individual who—

1 (A)(i) has been terminated or laid off, or
2 who has received a notice of termination or lay-
3 off, from employment;

4 (ii)(I) is eligible for or has exhausted enti-
5 tlement to unemployment compensation; or

6 (II) has been employed for a duration suf-
7 ficient to demonstrate, to the appropriate entity
8 at a one-stop center referred to in section
9 121(e), attachment to the workforce, but is not
10 eligible for unemployment compensation due to
11 insufficient earnings or having performed serv-
12 ices for an employer that were not covered
13 under a State unemployment compensation law;
14 and

15 (iii) is unlikely to return to a previous in-
16 dustry or occupation;

17 (B)(i) has been terminated or laid off, or
18 has received a notice of termination or layoff,
19 from employment as a result of any permanent
20 closure of, or any substantial layoff at, a plant,
21 facility, or enterprise;

22 (ii) is employed at a facility at which the
23 employer has made a general announcement
24 that such facility will close within 180 days; or

1 (iii) for purposes of eligibility to receive
2 services other than training services described
3 in section 134(c)(3), career services described in
4 section 134(c)(2), or supportive services, is em-
5 ployed at a facility at which the employer has
6 made a general announcement that such facility
7 will close;

8 (C) was self-employed (including employ-
9 ment as a farmer, a rancher, or a fisherman)
10 but is unemployed as a result of general eco-
11 nomic conditions in the community in which the
12 individual resides or because of natural disas-
13 ters;

14 (D) is a displaced homemaker; or

15 (E)(i) is the spouse of a member of the
16 Armed Forces on active duty (as defined in sec-
17 tion 101(d)(1) of title 10, United States Code),
18 and who has experienced a loss of employment
19 as a direct result of relocation to accommodate
20 a permanent change in duty station of such
21 member; or

22 (ii) is the spouse of a member of the
23 Armed Forces on active duty and who meets
24 the criteria described in paragraph (16)(B).

1 (16) DISPLACED HOMEMAKER.—The term “dis-
2 placed homemaker” means an individual who has
3 been providing unpaid services to family members in
4 the home and who—

5 (A)(i) has been dependent on the income of
6 another family member but is no longer sup-
7 ported by that income; or

8 (ii) is the dependent spouse of a member
9 of the Armed Forces on active duty (as defined
10 in section 101(d)(1) of title 10, United States
11 Code) and whose family income is significantly
12 reduced because of a deployment (as defined in
13 section 991(b) of title 10, United States Code,
14 or pursuant to paragraph (4) of such section),
15 a call or order to active duty pursuant to a pro-
16 vision of law referred to in section
17 101(a)(13)(B) of title 10, United States Code,
18 a permanent change of station, or the service-
19 connected (as defined in section 101(16) of title
20 38, United States Code) death or disability of
21 the member; and

22 (B) is unemployed or underemployed and
23 is experiencing difficulty in obtaining or up-
24 grading employment.

1 (17) ECONOMIC DEVELOPMENT AGENCY.—The
2 term “economic development agency” includes a
3 local planning or zoning commission or board, a
4 community development agency, or another local
5 agency or institution responsible for regulating, pro-
6 moting, or assisting in local economic development.

7 (18) ELIGIBLE YOUTH.—Except as provided in
8 subtitles C and D of title I, the term “eligible
9 youth” means an in-school youth or out-of-school
10 youth.

11 (19) EMPLOYMENT AND TRAINING ACTIVITY.—
12 The term “employment and training activity” means
13 an activity described in section 134 that is carried
14 out for an adult or dislocated worker.

15 (20) ENGLISH LANGUAGE ACQUISITION PRO-
16 GRAM.—The term “English language acquisition
17 program” has the meaning given the term in section
18 203.

19 (21) ENGLISH LANGUAGE LEARNER.—The term
20 “English language learner” has the meaning given
21 the term in section 203.

22 (22) GOVERNOR.—The term “Governor” means
23 the chief executive of a State or an outlying area.

24 (23) IN-DEMAND INDUSTRY SECTOR OR OCCU-
25 PATION.—

1 (A) IN GENERAL.—The term “in-demand
2 industry sector or occupation” means—

3 (i) an industry sector that has a sub-
4 stantial current or potential impact (in-
5 cluding through jobs that lead to economic
6 self-sufficiency and opportunities for ad-
7 vancement) on the State, regional, or local
8 economy, as appropriate, and that contrib-
9 utes to the growth or stability of other
10 supporting businesses, or the growth of
11 other industry sectors; or

12 (ii) an occupation that currently has
13 or is projected to have a number of posi-
14 tions (including positions that lead to eco-
15 nomic self-sufficiency and opportunities for
16 advancement) in an industry sector so as
17 to have a significant impact on the State,
18 regional, or local economy, as appropriate.

19 (B) DETERMINATION.—The determination
20 of whether an industry sector or occupation is
21 in-demand under this paragraph shall be made
22 by the State board or local board, as appro-
23 priate, using State and regional business and
24 labor market projections, including the use of
25 labor market information.

1 (24) INDIVIDUAL WITH A BARRIER TO EMPLOY-
2 MENT.—The term “individual with a barrier to em-
3 ployment” means a member of 1 or more of the fol-
4 lowing populations:

5 (A) Displaced homemakers.

6 (B) Low-income individuals.

7 (C) Indians, Alaska Natives, and Native
8 Hawaiians, as such terms are defined in section
9 166.

10 (D) Individuals with disabilities, including
11 youth who are individuals with disabilities.

12 (E) Older individuals.

13 (F) Ex-offenders.

14 (G) Homeless individuals (as defined in
15 section 41403(6) of the Violence Against
16 Women Act of 1994 (42 U.S.C. 14043e-2(6))),
17 or homeless children and youths (as defined in
18 section 725(2) of the McKinney-Vento Home-
19 less Assistance Act (42 U.S.C. 11434a(2))).

20 (H) Youth who are in or have aged out of
21 the foster care system.

22 (I) Individuals who are English language
23 learners, individuals who have low levels of lit-
24 eracy, and individuals facing substantial cul-
25 tural barriers.

1 (J) Eligible migrant and seasonal farm-
2 workers, as defined in section 167(i).

3 (K) Individuals within 2 years of exhaust-
4 ing lifetime eligibility under part A of title IV
5 of the Social Security Act (42 U.S.C. 601 et
6 seq.).

7 (L) Single parents (including single preg-
8 nant women).

9 (M) Long-term unemployed individuals.

10 (N) Such other groups as the Governor in-
11 volved determines to have barriers to employ-
12 ment.

13 (25) INDIVIDUAL WITH A DISABILITY.—

14 (A) IN GENERAL.—The term “individual
15 with a disability” means an individual with a
16 disability as defined in section 3 of the Ameri-
17 cans with Disabilities Act of 1990 (42 U.S.C.
18 12102).

19 (B) INDIVIDUALS WITH DISABILITIES.—

20 The term “individuals with disabilities” means
21 more than 1 individual with a disability.

22 (26) INDUSTRY OR SECTOR PARTNERSHIP.—

23 The term “industry or sector partnership” means a
24 workforce collaborative, convened by or acting in

1 partnership with a State board or local board,
2 that—

3 (A) organizes key stakeholders in an indus-
4 try cluster into a working group that focuses on
5 the shared goals and human resources needs of
6 the industry cluster and that includes, at the
7 appropriate stage of development of the part-
8 nership—

9 (i) representatives of multiple busi-
10 nesses or other employers in the industry
11 cluster, including small and medium-sized
12 employers when practicable;

13 (ii) 1 or more representatives of a rec-
14 ognized State labor organization or central
15 labor council, or another labor representa-
16 tive, as appropriate; and

17 (iii) 1 or more representatives of an
18 institution of higher education with, or an-
19 other provider of, education or training
20 programs that support the industry clus-
21 ter; and

22 (B) may include representatives of—

23 (i) State or local government;

24 (ii) State or local economic develop-
25 ment agencies;

- 1 (iii) State boards or local boards, as
2 appropriate;
- 3 (iv) a State workforce agency or other
4 entity providing employment services;
- 5 (v) other State or local agencies;
- 6 (vi) business or trade associations;
- 7 (vii) economic development organiza-
8 tions;
- 9 (viii) nonprofit organizations, commu-
10 nity-based organizations, or intermediaries;
- 11 (ix) philanthropic organizations;
- 12 (x) industry associations; and
- 13 (xi) other organizations, as deter-
14 mined to be necessary by the members
15 comprising the industry or sector partner-
16 ship.

17 (27) IN-SCHOOL YOUTH.—The term “in-school
18 youth” means a youth described in section
19 129(a)(1)(C).

20 (28) INSTITUTION OF HIGHER EDUCATION.—
21 The term “institution of higher education” has the
22 meaning given the term in section 101, and subpara-
23 graphs (A) and (B) of section 102(a)(1), of the
24 Higher Education Act of 1965 (20 U.S.C. 1001,
25 1002(a)(1)).

1 (29) INTEGRATED EDUCATION AND TRAIN-
2 ING.—The term “integrated education and training”
3 has the meaning given the term in section 203.

4 (30) LABOR MARKET AREA.—The term “labor
5 market area” means an economically integrated geo-
6 graphic area within which individuals can reside and
7 find employment within a reasonable distance or can
8 readily change employment without changing their
9 place of residence. Such an area shall be identified
10 in accordance with criteria used by the Bureau of
11 Labor Statistics of the Department of Labor in de-
12 fining such areas or similar criteria established by a
13 Governor.

14 (31) LITERACY.—The term “literacy” has the
15 meaning given the term in section 203.

16 (32) LOCAL AREA.—The term “local area”
17 means a local workforce investment area designated
18 under section 106, subject to sections 106(c)(3)(A),
19 107(c)(4)(B)(i), and 189(i).

20 (33) LOCAL BOARD.—The term “local board”
21 means a local workforce development board estab-
22 lished under section 107, subject to section
23 107(c)(4)(B)(i).

24 (34) LOCAL EDUCATIONAL AGENCY.—The term
25 “local educational agency” has the meaning given

1 the term in section 9101 of the Elementary and Sec-
2 ondary Education Act of 1965 (20 U.S.C. 7801).

3 (35) LOCAL PLAN.—The term “local plan”
4 means a plan submitted under section 108, subject
5 to section 106(c)(3)(B).

6 (36) LOW-INCOME INDIVIDUAL.—

7 (A) IN GENERAL.—The term “low-income
8 individual” means an individual who—

9 (i) receives, or in the past 6 months
10 has received, or is a member of a family
11 that is receiving or in the past 6 months
12 has received, assistance through the sup-
13 plemental nutrition assistance program es-
14 tablished under the Food and Nutrition
15 Act of 2008 (7 U.S.C. 2011 et seq.), the
16 program of block grants to States for tem-
17 porary assistance for needy families pro-
18 gram under part A of title IV of the Social
19 Security Act (42 U.S.C. 601 et seq.), or
20 the supplemental security income program
21 established under title XVI of the Social
22 Security Act (42 U.S.C. 1381 et seq.), or
23 State or local income-based public assist-
24 ance;

1 (ii) is in a family with total family in-
2 come that does not exceed the higher of—

3 (I) the poverty line; or

4 (II) 70 percent of the lower living
5 standard income level;

6 (iii) is a homeless individual (as de-
7 fined in section 41403(6) of the Violence
8 Against Women Act of 1994 (42 U.S.C.
9 14043e-2(6))), or a homeless child or
10 youth (as defined under section 725(2) of
11 the McKinney-Vento Homeless Assistance
12 Act (42 U.S.C. 11434a(2)));

13 (iv) receives or is eligible to receive a
14 free or reduced price lunch under the Rich-
15 ard B. Russell National School Lunch Act
16 (42 U.S.C. 1751 et seq.);

17 (v) is a foster child on behalf of whom
18 State or local government payments are
19 made; or

20 (vi) is an individual with a disability
21 whose own income meets the income re-
22 quirement of clause (ii), but who is a mem-
23 ber of a family whose income does not
24 meet this requirement.

1 (B) LOWER LIVING STANDARD INCOME
2 LEVEL.—The term “lower living standard in-
3 come level” means that income level (adjusted
4 for regional, metropolitan, urban, and rural dif-
5 ferences and family size) determined annually
6 by the Secretary of Labor based on the most re-
7 cent lower living family budget issued by the
8 Secretary.

9 (37) NONTRADITIONAL EMPLOYMENT.—The
10 term “nontraditional employment” refers to occupa-
11 tions or fields of work, for which individuals from
12 the gender involved comprise less than 25 percent of
13 the individuals employed in each such occupation or
14 field of work.

15 (38) OFFENDER.—The term “offender” means
16 an adult or juvenile—

17 (A) who is or has been subject to any stage
18 of the criminal justice process, and for whom
19 services under this Act may be beneficial; or

20 (B) who requires assistance in overcoming
21 artificial barriers to employment resulting from
22 a record of arrest or conviction.

23 (39) OLDER INDIVIDUAL.—The term “older in-
24 dividual” means an individual age 55 or older.

1 (40) ONE-STOP CENTER.—The term “one-stop
2 center” means a site described in section 121(e)(2).

3 (41) ONE-STOP OPERATOR.—The term “one-
4 stop operator” means 1 or more entities designated
5 or certified under section 121(d).

6 (42) ONE-STOP PARTNER.—The term “one-stop
7 partner” means—

8 (A) an entity described in section
9 121(b)(1); and

10 (B) an entity described in section
11 121(b)(2) that is participating, with the ap-
12 proval of the local board and chief elected offi-
13 cial, in the operation of a one-stop delivery sys-
14 tem.

15 (43) ONE-STOP PARTNER PROGRAM.—The term
16 “one-stop partner program” means a program or ac-
17 tivities described in section 121(b) of a one-stop
18 partner.

19 (44) ON-THE-JOB TRAINING.—The term “on-
20 the-job training” means training by an employer
21 that is provided to a paid participant while engaged
22 in productive work in a job that—

23 (A) provides knowledge or skills essential
24 to the full and adequate performance of the job;

1 (B) is made available through a program
2 that provides reimbursement to the employer of
3 up to 50 percent of the wage rate of the partici-
4 pant, except as provided in section
5 134(c)(3)(H), for the extraordinary costs of
6 providing the training and additional super-
7 vision related to the training; and

8 (C) is limited in duration as appropriate to
9 the occupation for which the participant is
10 being trained, taking into account the content
11 of the training, the prior work experience of the
12 participant, and the service strategy of the par-
13 ticipant, as appropriate.

14 (45) OUTLYING AREA.—The term “outlying
15 area” means—

16 (A) American Samoa, Guam, the Common-
17 wealth of the Northern Mariana Islands, and
18 the United States Virgin Islands; and

19 (B) the Republic of Palau, except during
20 any period for which the Secretary of Labor
21 and the Secretary of Education determine that
22 a Compact of Free Association is in effect and
23 contains provisions for training and education
24 assistance prohibiting the assistance provided
25 under this Act.

1 (46) OUT-OF-SCHOOL YOUTH.—The term “out-
2 of-school youth” means a youth described in section
3 129(a)(1)(B).

4 (47) PAY-FOR-PERFORMANCE CONTRACT
5 STRATEGY.—The term “pay-for-performance con-
6 tract strategy” means a procurement strategy that
7 uses pay-for-performance contracts in the provision
8 of training services described in section 134(c)(3) or
9 activities described in section 129(c)(2), and in-
10 cludes—

11 (A) contracts, each of which shall specify a
12 fixed amount that will be paid to an eligible
13 service provider (which may include a local or
14 national community-based organization or inter-
15 mediary, community college, or other training
16 provider, that is eligible under section 122 or
17 123, as appropriate) based on the achievement
18 of specified levels of performance on the pri-
19 mary indicators of performance described in
20 section 116(b)(2)(A) for target populations as
21 identified by the local board (including individ-
22 uals with barriers to employment), within a de-
23 fined timetable, and which may provide for
24 bonus payments to such service provider to ex-
25 pand capacity to provide effective training;

1 (B) a strategy for independently validating
2 the achievement of the performance described
3 in subparagraph (A); and

4 (C) a description of how the State or local
5 area will reallocate funds not paid to a provider
6 because the achievement of the performance de-
7 scribed in subparagraph (A) did not occur, for
8 further activities related to such a procurement
9 strategy, subject to section 189(g)(4).

10 (48) PLANNING REGION.—The term “planning
11 region” means a region described in subparagraph
12 (B) or (C) of section 106(a)(2), subject to section
13 107(c)(4)(B)(i).

14 (49) POVERTY LINE.—The term “poverty line”
15 means the poverty line (as defined by the Office of
16 Management and Budget, and revised annually in
17 accordance with section 673(2) of the Community
18 Services Block Grant Act (42 U.S.C. 9902(2))) ap-
19 plicable to a family of the size involved.

20 (50) PUBLIC ASSISTANCE.—The term “public
21 assistance” means Federal, State, or local govern-
22 ment cash payments for which eligibility is deter-
23 mined by a needs or income test.

24 (51) RAPID RESPONSE ACTIVITY.—The term
25 “rapid response activity” means an activity provided

1 by a State, or by an entity designated by a State,
2 with funds provided by the State under section
3 134(a)(1)(A), in the case of a permanent closure or
4 mass layoff at a plant, facility, or enterprise, or a
5 natural or other disaster, that results in mass job
6 dislocation, in order to assist dislocated workers in
7 obtaining reemployment as soon as possible, with
8 services including—

9 (A) the establishment of onsite contact
10 with employers and employee representatives—

11 (i) immediately after the State is noti-
12 fied of a current or projected permanent
13 closure or mass layoff; or

14 (ii) in the case of a disaster, imme-
15 diately after the State is made aware of
16 mass job dislocation as a result of such
17 disaster;

18 (B) the provision of information on and ac-
19 cess to available employment and training ac-
20 tivities;

21 (C) assistance in establishing a labor-man-
22 agement committee, voluntarily agreed to by
23 labor and management, with the ability to de-
24 vise and implement a strategy for assessing the
25 employment and training needs of dislocated

1 workers and obtaining services to meet such
2 needs;

3 (D) the provision of emergency assistance
4 adapted to the particular closure, layoff, or dis-
5 aster; and

6 (E) the provision of assistance to the local
7 community in developing a coordinated response
8 and in obtaining access to State economic devel-
9 opment assistance.

10 (52) **RECOGNIZED POSTSECONDARY CREDEN-**
11 **TIAL.**—The term “recognized postsecondary creden-
12 tial” means a credential consisting of an industry-
13 recognized certificate or certification, a certificate of
14 completion of an apprenticeship, a license recognized
15 by the State involved or Federal Government, or an
16 associate or baccalaureate degree.

17 (53) **REGION.**—The term “region”, used with-
18 out further description, means a region identified
19 under section 106(a), subject to section
20 107(c)(4)(B)(i) and except as provided in section
21 106(b)(1)(B)(ii).

22 (54) **SCHOOL DROPOUT.**—The term “school
23 dropout” means an individual who is no longer at-
24 tending any school and who has not received a sec-
25 ondary school diploma or its recognized equivalent.

1 (55) SECONDARY SCHOOL.—The term “sec-
2 ondary school” has the meaning given the term in
3 section 9101 of the Elementary and Secondary Edu-
4 cation Act of 1965 (20 U.S.C. 7801).

5 (56) STATE.—The term “State” means each of
6 the several States of the United States, the District
7 of Columbia, and the Commonwealth of Puerto Rico.

8 (57) STATE BOARD.—The term “State board”
9 means a State workforce development board estab-
10 lished under section 101.

11 (58) STATE PLAN.—The term “State plan”,
12 used without further description, means a unified
13 State plan under section 102 or a combined State
14 plan under section 103.

15 (59) SUPPORTIVE SERVICES.—The term “sup-
16 portive services” means services such as transpor-
17 tation, child care, dependent care, housing, and
18 needs-related payments, that are necessary to enable
19 an individual to participate in activities authorized
20 under this Act.

21 (60) TRAINING SERVICES.—The term “training
22 services” means services described in section
23 134(c)(3).

24 (61) UNEMPLOYED INDIVIDUAL.—The term
25 “unemployed individual” means an individual who is

1 without a job and who wants and is available for
2 work. The determination of whether an individual is
3 without a job, for purposes of this paragraph, shall
4 be made in accordance with the criteria used by the
5 Bureau of Labor Statistics of the Department of
6 Labor in defining individuals as unemployed.

7 (62) UNIT OF GENERAL LOCAL GOVERN-
8 MENT.—The term “unit of general local govern-
9 ment” means any general purpose political subdivi-
10 sion of a State that has the power to levy taxes and
11 spend funds, as well as general corporate and police
12 powers.

13 (63) VETERAN; RELATED DEFINITION.—

14 (A) VETERAN.—The term “veteran” has
15 the meaning given the term in section 101 of
16 title 38, United States Code.

17 (B) RECENTLY SEPARATED VETERAN.—

18 The term “recently separated veteran” means
19 any veteran who applies for participation under
20 this Act within 48 months after the discharge
21 or release from active military, naval, or air
22 service.

23 (64) VOCATIONAL REHABILITATION PRO-
24 GRAM.—The term “vocational rehabilitation pro-

1 gram” means a program authorized under a provi-
2 sion covered under paragraph (13)(D).

3 (65) WORKFORCE DEVELOPMENT ACTIVITY.—

4 The term “workforce development activity” means
5 an activity carried out through a workforce develop-
6 ment program.

7 (66) WORKFORCE DEVELOPMENT PROGRAM.—

8 The term “workforce development program” means
9 a program made available through a workforce de-
10 velopment system.

11 (67) WORKFORCE DEVELOPMENT SYSTEM.—

12 The term “workforce development system” means a
13 system that makes available the core programs, the
14 other one-stop partner programs, and any other pro-
15 grams providing employment and training services
16 as identified by a State board or local board.

17 (68) WORKFORCE INVESTMENT ACTIVITY.—The

18 term “workforce investment activity” means an em-
19 ployment and training activity, and a youth work-
20 force investment activity.

21 (69) WORKFORCE PREPARATION ACTIVITIES.—

22 The term “workforce preparation activities” has the
23 meaning given the term in section 203.

24 (70) WORKPLACE LEARNING ADVISOR.—The

25 term “workplace learning advisor” means an indi-

1 vidual employed by an organization who has the
2 knowledge and skills necessary to advise other em-
3 ployees of that organization about the education,
4 skill development, job training, career counseling
5 services, and credentials, including services provided
6 through the workforce development system, required
7 to progress toward career goals of such employees in
8 order to meet employer requirements related to job
9 openings and career advancements that support eco-
10 nomic self-sufficiency.

11 (71) YOUTH WORKFORCE INVESTMENT ACTIV-
12 ITY.—The term “youth workforce investment activ-
13 ity” means an activity described in section 129 that
14 is carried out for eligible youth (or as described in
15 section 129(a)(3)(A)).

16 **TITLE I—WORKFORCE**
17 **DEVELOPMENT ACTIVITIES**
18 **Subtitle A—System Alignment**

19 **CHAPTER 1—STATE PROVISIONS**

20 **SEC. 101. STATE WORKFORCE DEVELOPMENT BOARDS.**

21 (a) IN GENERAL.—The Governor of a State shall es-
22 tablish a State workforce development board to carry out
23 the functions described in subsection (d).

24 (b) MEMBERSHIP.—

1 (1) IN GENERAL.—The State board shall in-
2 clude—

3 (A) the Governor;

4 (B) a member of each chamber of the
5 State legislature (to the extent consistent with
6 State law), appointed by the appropriate pre-
7 siding officers of such chamber; and

8 (C) members appointed by the Governor,
9 of which—

10 (i) a majority shall be representatives
11 of businesses in the State, who—

12 (I) are owners of businesses,
13 chief executives or operating officers
14 of businesses, or other business execu-
15 tives or employers with optimum pol-
16 icymaking or hiring authority, and
17 who, in addition, may be members of
18 a local board described in section
19 107(b)(2)(A)(i);

20 (II) represent businesses (includ-
21 ing small businesses), or organizations
22 representing businesses described in
23 this subclause, that provide employ-
24 ment opportunities that, at a min-
25 imum, include high-quality, work-rel-

1 evant training and development in in-
2 demand industry sectors or occupa-
3 tions in the State; and

4 (III) are appointed from among
5 individuals nominated by State busi-
6 ness organizations and business trade
7 associations;

8 (ii) not less than 20 percent shall be
9 representatives of the workforce within the
10 State, who—

11 (I) shall include representatives
12 of labor organizations, who have been
13 nominated by State labor federations;

14 (II) shall include a representa-
15 tive, who shall be a member of a labor
16 organization or a training director,
17 from a joint labor-management ap-
18 prenticeship program, or if no such
19 joint program exists in the State, such
20 a representative of an apprenticeship
21 program in the State;

22 (III) may include representatives
23 of community-based organizations
24 that have demonstrated experience
25 and expertise in addressing the em-

1 employment, training, or education needs
2 of individuals with barriers to employ-
3 ment, including organizations that
4 serve veterans or that provide or sup-
5 port competitive, integrated employ-
6 ment for individuals with disabilities;
7 and

8 (IV) may include representatives
9 of organizations that have dem-
10 onstrated experience and expertise in
11 addressing the employment, training,
12 or education needs of eligible youth,
13 including representatives of organiza-
14 tions that serve out-of-school youth;
15 and

16 (iii) the balance—

17 (I) shall include representatives
18 of government, who—

19 (aa) shall include the lead
20 State officials with primary re-
21 sponsibility for the core pro-
22 grams; and

23 (bb) shall include chief elect-
24 ed officials (collectively rep-

1 resenting both cities and coun-
2 ties, where appropriate); and

3 (II) may include such other rep-
4 resentatives and officials as the Gov-
5 ernor may designate, such as—

6 (aa) the State agency offi-
7 cials from agencies that are one-
8 stop partners not specified in
9 subclause (I) (including addi-
10 tional one-stop partners whose
11 programs are covered by the
12 State plan, if any);

13 (bb) State agency officials
14 responsible for economic develop-
15 ment or juvenile justice programs
16 in the State;

17 (cc) individuals who rep-
18 resent an Indian tribe or tribal
19 organization, as such terms are
20 defined in section 166(b); and

21 (dd) State agency officials
22 responsible for education pro-
23 grams in the State, including
24 chief executive officers of commu-

1 nity colleges and other institu-
2 tions of higher education.

3 (2) DIVERSE AND DISTINCT REPRESENTA-
4 TION.—The members of the State board shall rep-
5 resent diverse geographic areas of the State, includ-
6 ing urban, rural, and suburban areas.

7 (3) NO REPRESENTATION OF MULTIPLE CAT-
8 EGORIES.—No person shall serve as a member for
9 more than 1 of—

10 (A) the category described in paragraph

11 (1)(C)(i); or

12 (B) 1 category described in a subclause of
13 clause (ii) or (iii) of paragraph (1)(C).

14 (c) CHAIRPERSON.—The Governor shall select a
15 chairperson for the State board from among the represent-
16 atives described in subsection (b)(1)(C)(i).

17 (d) FUNCTIONS.—The State board shall assist the
18 Governor in—

19 (1) the development, implementation, and modi-
20 fication of the State plan;

21 (2) consistent with paragraph (1), the review of
22 statewide policies, of statewide programs, and of rec-
23 ommendations on actions that should be taken by
24 the State to align workforce development programs
25 in the State in a manner that supports a comprehen-

1 sive and streamlined workforce development system
2 in the State, including the review and provision of
3 comments on the State plans, if any, for programs
4 and activities of one-stop partners that are not core
5 programs;

6 (3) the development and continuous improve-
7 ment of the workforce development system in the
8 State, including—

9 (A) the identification of barriers and
10 means for removing barriers to better coordi-
11 nate, align, and avoid duplication among the
12 programs and activities carried out through the
13 system;

14 (B) the development of strategies to sup-
15 port the use of career pathways for the purpose
16 of providing individuals, including low-skilled
17 adults, youth, and individuals with barriers to
18 employment (including individuals with disabil-
19 ities), with workforce investment activities, edu-
20 cation, and supportive services to enter or re-
21 tain employment;

22 (C) the development of strategies for pro-
23 viding effective outreach to and improved access
24 for individuals and employers who could benefit

1 from services provided through the workforce
2 development system;

3 (D) the development and expansion of
4 strategies for meeting the needs of employers,
5 workers, and jobseekers, particularly through
6 industry or sector partnerships related to in-de-
7 mand industry sectors and occupations;

8 (E) the identification of regions, including
9 planning regions, for the purposes of section
10 106(a), and the designation of local areas under
11 section 106, after consultation with local boards
12 and chief elected officials;

13 (F) the development and continuous im-
14 provement of the one-stop delivery system in
15 local areas, including providing assistance to
16 local boards, one-stop operators, one-stop part-
17 ners, and providers with planning and deliv-
18 ering services, including training services and
19 supportive services, to support effective delivery
20 of services to workers, jobseekers, and employ-
21 ers; and

22 (G) the development of strategies to sup-
23 port staff training and awareness across pro-
24 grams supported under the workforce develop-
25 ment system;

1 (4) the development and updating of com-
2 prehensive State performance accountability meas-
3 ures, including State adjusted levels of performance,
4 to assess the effectiveness of the core programs in
5 the State as required under section 116(b);

6 (5) the identification and dissemination of in-
7 formation on best practices, including best practices
8 for—

9 (A) the effective operation of one-stop cen-
10 ters, relating to the use of business outreach,
11 partnerships, and service delivery strategies, in-
12 cluding strategies for serving individuals with
13 barriers to employment;

14 (B) the development of effective local
15 boards, which may include information on fac-
16 tors that contribute to enabling local boards to
17 exceed negotiated local levels of performance,
18 sustain fiscal integrity, and achieve other meas-
19 ures of effectiveness; and

20 (C) effective training programs that re-
21 spond to real-time labor market analysis, that
22 effectively use direct assessment and prior
23 learning assessment to measure an individual's
24 prior knowledge, skills, competencies, and expe-
25 riences, and that evaluate such skills, and com-

1 petencies for adaptability, to support efficient
2 placement into employment or career pathways;

3 (6) the development and review of statewide
4 policies affecting the coordinated provision of serv-
5 ices through the State's one-stop delivery system de-
6 scribed in section 121(e), including the development
7 of—

8 (A) objective criteria and procedures for
9 use by local boards in assessing the effective-
10 ness and continuous improvement of one-stop
11 centers described in such section;

12 (B) guidance for the allocation of one-stop
13 center infrastructure funds under section
14 121(h); and

15 (C) policies relating to the appropriate
16 roles and contributions of entities carrying out
17 one-stop partner programs within the one-stop
18 delivery system, including approaches to facili-
19 tating equitable and efficient cost allocation in
20 such system;

21 (7) the development of strategies for techno-
22 logical improvements to facilitate access to, and im-
23 prove the quality of, services and activities provided
24 through the one-stop delivery system, including such
25 improvements to—

1 (A) enhance digital literacy skills (as de-
2 fined in section 202 of the Museum and Li-
3 brary Services Act (20 U.S.C. 9101); referred
4 to in this Act as “digital literacy skills”);

5 (B) accelerate the acquisition of skills and
6 recognized postsecondary credentials by partici-
7 pants;

8 (C) strengthen the professional develop-
9 ment of providers and workforce professionals;
10 and

11 (D) ensure such technology is accessible to
12 individuals with disabilities and individuals re-
13 siding in remote areas;

14 (8) the development of strategies for aligning
15 technology and data systems across one-stop partner
16 programs to enhance service delivery and improve ef-
17 ficiencies in reporting on performance accountability
18 measures (including the design and implementation
19 of common intake, data collection, case management
20 information, and performance accountability meas-
21 urement and reporting processes and the incorpora-
22 tion of local input into such design and implementa-
23 tion, to improve coordination of services across one-
24 stop partner programs);

1 (9) the development of allocation formulas for
2 the distribution of funds for employment and train-
3 ing activities for adults, and youth workforce invest-
4 ment activities, to local areas as permitted under
5 sections 128(b)(3) and 133(b)(3);

6 (10) the preparation of the annual reports de-
7 scribed in paragraphs (1) and (2) of section 116(d);

8 (11) the development of the statewide workforce
9 and labor market information system described in
10 section 15(e) of the Wagner-Peyser Act (29 U.S.C.
11 491-2(e)); and

12 (12) the development of such other policies as
13 may promote statewide objectives for, and enhance
14 the performance of, the workforce development sys-
15 tem in the State.

16 (e) ALTERNATIVE ENTITY.—

17 (1) IN GENERAL.—For the purposes of com-
18 plying with subsections (a), (b), and (c), a State
19 may use any State entity (including a State council,
20 State workforce development board (within the
21 meaning of the Workforce Investment Act of 1998,
22 as in effect on the day before the date of enactment
23 of this Act), combination of regional workforce de-
24 velopment boards, or similar entity) that—

1 (A) was in existence on the day before the
2 date of enactment of the Workforce Investment
3 Act of 1998;

4 (B) is substantially similar to the State
5 board described in subsections (a) through (c);
6 and

7 (C) includes representatives of business in
8 the State and representatives of labor organiza-
9 tions in the State.

10 (2) REFERENCES.—A reference in this Act, or
11 a core program provision that is not in this Act, to
12 a State board shall be considered to include such an
13 entity.

14 (f) CONFLICT OF INTEREST.—A member of a State
15 board may not—

16 (1) vote on a matter under consideration by the
17 State board—

18 (A) regarding the provision of services by
19 such member (or by an entity that such mem-
20 ber represents); or

21 (B) that would provide direct financial
22 benefit to such member or the immediate family
23 of such member; or

1 (2) engage in any other activity determined by
2 the Governor to constitute a conflict of interest as
3 specified in the State plan.

4 (g) SUNSHINE PROVISION.—The State board shall
5 make available to the public, on a regular basis through
6 electronic means and open meetings, information regard-
7 ing the activities of the State board, including information
8 regarding the State plan, or a modification to the State
9 plan, prior to submission of the plan or modification of
10 the plan, respectively, information regarding membership,
11 and, on request, minutes of formal meetings of the State
12 board.

13 (h) AUTHORITY TO HIRE STAFF.—

14 (1) IN GENERAL.—The State board may hire a
15 director and other staff to assist in carrying out the
16 functions described in subsection (d) using funds
17 available as described in section 129(b)(3) or
18 134(a)(3)(B)(i).

19 (2) QUALIFICATIONS.—The State board shall
20 establish and apply a set of objective qualifications
21 for the position of director, that ensures that the in-
22 dividual selected has the requisite knowledge, skills,
23 and abilities, to meet identified benchmarks and to
24 assist in effectively carrying out the functions of the
25 State board.

1 (3) LIMITATION ON RATE.—The director and
2 staff described in paragraph (1) shall be subject to
3 the limitations on the payment of salary and bo-
4 nuses described in section 194(15).

5 **SEC. 102. UNIFIED STATE PLAN.**

6 (a) PLAN.—For a State to be eligible to receive allot-
7 ments for the core programs, the Governor shall submit
8 to the Secretary of Labor for the approval process de-
9 scribed under subsection (c)(2), a unified State plan. The
10 unified State plan shall outline a 4-year strategy for the
11 core programs of the State and meet the requirements of
12 this section.

13 (b) CONTENTS.—

14 (1) STRATEGIC PLANNING ELEMENTS.—The
15 unified State plan shall include strategic planning
16 elements consisting of a strategic vision and goals
17 for preparing an educated and skilled workforce,
18 that include—

19 (A) an analysis of the economic conditions
20 in the State, including—

21 (i) existing and emerging in-demand
22 industry sectors and occupations; and

23 (ii) the employment needs of employ-
24 ers, including a description of the knowl-

1 edge, skills, and abilities, needed in those
2 industries and occupations;

3 (B) an analysis of the current workforce,
4 employment and unemployment data, labor
5 market trends, and the educational and skill
6 levels of the workforce, including individuals
7 with barriers to employment (including individ-
8 uals with disabilities), in the State;

9 (C) an analysis of the workforce develop-
10 ment activities (including education and train-
11 ing) in the State, including an analysis of the
12 strengths and weaknesses of such activities, and
13 the capacity of State entities to provide such
14 activities, in order to address the identified edu-
15 cation and skill needs of the workforce and the
16 employment needs of employers in the State;

17 (D) a description of the State's strategic
18 vision and goals for preparing an educated and
19 skilled workforce (including preparing youth
20 and individuals with barriers to employment)
21 and for meeting the skilled workforce needs of
22 employers, including goals relating to perform-
23 ance accountability measures based on primary
24 indicators of performance described in section
25 116(b)(2)(A), in order to support economic

1 growth and economic self-sufficiency, and of
2 how the State will assess the overall effective-
3 ness of the workforce investment system in the
4 State; and

5 (E) taking into account analyses described
6 in subparagraphs (A) through (C), a strategy
7 for aligning the core programs, as well as other
8 resources available to the State, to achieve the
9 strategic vision and goals described in subpara-
10 graph (D).

11 (2) OPERATIONAL PLANNING ELEMENTS.—

12 (A) IN GENERAL.—The unified State plan
13 shall include the operational planning elements
14 contained in this paragraph, which shall sup-
15 port the strategy described in paragraph
16 (1)(E), including a description of how the State
17 board will implement the functions under sec-
18 tion 101(d).

19 (B) IMPLEMENTATION OF STATE STRAT-
20 EGY.—The unified State plan shall describe
21 how the lead State agency with responsibility
22 for the administration of a core program will
23 implement the strategy described in paragraph
24 (1)(E), including a description of—

1 (i) the activities that will be funded by
2 the entities carrying out the respective core
3 programs to implement the strategy and
4 how such activities will be aligned across
5 the programs and among the entities ad-
6 ministering the programs, including using
7 co-enrollment and other strategies;

8 (ii) how the activities described in
9 clause (i) will be aligned with activities
10 provided under employment, training, edu-
11 cation, including career and technical edu-
12 cation, and human services programs not
13 covered by the plan, as appropriate, assur-
14 ing coordination of, and avoiding duplica-
15 tion among, the activities referred to in
16 this clause;

17 (iii) how the entities carrying out the
18 respective core programs will coordinate
19 activities and provide comprehensive, high-
20 quality services including supportive serv-
21 ices, to individuals;

22 (iv) how the State's strategy will en-
23 gage the State's community colleges and
24 area career and technical education schools
25 as partners in the workforce development

1 system and enable the State to leverage
2 other Federal, State, and local investments
3 that have enhanced access to workforce de-
4 velopment programs at those institutions;
5 and

6 (v) how the activities described in
7 clause (i) will be coordinated with economic
8 development strategies and activities in the
9 State.

10 (C) STATE OPERATING SYSTEMS AND
11 POLICIES.—The unified State plan shall de-
12 scribe the State operating systems and policies
13 that will support the implementation of the
14 strategy described in paragraph (1)(E), includ-
15 ing a description of—

16 (i) the State board, including the ac-
17 tivities to assist members of the State
18 board and the staff of such board in car-
19 rying out the functions of the State board
20 effectively (but funds for such activities
21 may not be used for long-distance travel
22 expenses for training or development ac-
23 tivities available locally or regionally);

24 (ii)(I) how the respective core pro-
25 grams will be assessed each year, including

1 an assessment of the quality, effectiveness,
2 and improvement of programs (analyzed by
3 local area, or by provider), based on State
4 performance accountability measures de-
5 scribed in section 116(b); and

6 (II) how other one-stop partner pro-
7 grams will be assessed each year;

8 (iii) the results of an assessment of
9 the effectiveness of the core programs and
10 other one-stop partner programs during
11 the preceding 2-year period;

12 (iv) the methods and factors the State
13 will use in distributing funds under the
14 core programs, in accordance with the pro-
15 visions authorizing such distributions;

16 (v)(I) how the lead State agencies
17 with responsibility for the administration
18 of the core programs will align and inte-
19 grate available workforce and education
20 data on core programs, unemployment in-
21 surance programs, and education through
22 postsecondary education;

23 (II) how such agencies will use the
24 workforce development system to assess
25 the progress of participants that are

1 exiting from core programs in entering,
2 persisting in, and completing postsec-
3 ondary education, or entering or remaining
4 in employment; and

5 (III) the privacy safeguards incor-
6 porated in such system, including safe-
7 guards required by section 444 of the Gen-
8 eral Education Provisions Act (20 U.S.C.
9 1232g) and other applicable Federal laws;

10 (vi) how the State will implement the
11 priority of service provisions for veterans
12 in accordance with the requirements of sec-
13 tion 4215 of title 38, United States Code;

14 (vii) how the one-stop delivery system,
15 including one-stop operators and the one-
16 stop partners, will comply with section
17 188, if applicable, and applicable provi-
18 sions of the Americans with Disabilities
19 Act of 1990 (42 U.S.C. 12101 et seq.), re-
20 garding the physical and programmatic ac-
21 cessibility of facilities, programs, services,
22 technology, and materials, for individuals
23 with disabilities, including complying
24 through providing staff training and sup-

1 port for addressing the needs of individuals
2 with disabilities; and

3 (viii) such other operational planning
4 elements as the Secretary of Labor or the
5 Secretary of Education, as appropriate, de-
6 termines to be necessary for effective State
7 operating systems and policies.

8 (D) PROGRAM-SPECIFIC REQUIREMENTS.—

9 The unified State plan shall include—

10 (i) with respect to activities carried
11 out under subtitle B, a description of—

12 (I) State policies or guidance, for
13 the statewide workforce development
14 system and for use of State funds for
15 workforce investment activities;

16 (II) the local areas designated in
17 the State, including the process used
18 for designating local areas, and the
19 process used for identifying any plan-
20 ning regions under section 106(a), in-
21 cluding a description of how the State
22 consulted with the local boards and
23 chief elected officials in determining
24 the planning regions;

1 (III) the appeals process referred
2 to in section 106(b)(5), relating to
3 designation of local areas;

4 (IV) the appeals process referred
5 to in section 121(h)(2)(E), relating to
6 determinations for infrastructure
7 funding; and

8 (V) with respect to youth work-
9 force investment activities authorized
10 in section 129, information identifying
11 the criteria to be used by local boards
12 in awarding grants for youth work-
13 force investment activities and de-
14 scribing how the local boards will take
15 into consideration the ability of the
16 providers to meet performance ac-
17 countability measures based on pri-
18 mary indicators of performance for
19 the youth program as described in
20 section 116(b)(2)(A)(ii) in awarding
21 such grants;

22 (ii) with respect to activities carried
23 out under title II, a description of—

24 (I) how the eligible agency will, if
25 applicable, align content standards for

1 adult education with State-adopted
2 challenging academic content stand-
3 ards, as adopted under section
4 1111(b)(1) of the Elementary and
5 Secondary Education Act of 1965 (20
6 U.S.C. 6311(b)(1));

7 (II) how the State will fund local
8 activities using considerations speci-
9 fied in section 231(e) for—

10 (aa) activities under section
11 231(b);

12 (bb) programs for correc-
13 tions education under section
14 225;

15 (cc) programs for integrated
16 English literacy and civics edu-
17 cation under section 243; and

18 (dd) integrated education
19 and training;

20 (III) how the State will use the
21 funds to carry out activities under
22 section 223;

23 (IV) how the State will use the
24 funds to carry out activities under
25 section 243;

1 (V) how the eligible agency will
2 assess the quality of providers of adult
3 education and literacy activities under
4 title II and take actions to improve
5 such quality, including providing the
6 activities described in section
7 223(a)(1)(B);

8 (iii) with respect to programs carried
9 out under title I of the Rehabilitation Act
10 of 1973 (29 U.S.C. 720 et seq.), other
11 than section 112 or part C of that title (29
12 U.S.C. 732, 741), the information de-
13 scribed in section 101(a) of that Act (29
14 U.S.C. 721(a)); and

15 (iv) information on such additional
16 specific requirements for a program ref-
17 erenced in any of clauses (i) through (iii)
18 or the Wagner-Peyser Act (29 U.S.C. 49
19 et seq.) as the Secretary of Labor deter-
20 mines to be necessary to administer that
21 program but cannot reasonably be applied
22 across all such programs.

23 (E) ASSURANCES.—The unified State plan
24 shall include assurances—

1 (i) that the State has established a
2 policy identifying circumstances that may
3 present a conflict of interest for a State
4 board or local board member, or the entity
5 or class of officials that the member rep-
6 resents, and procedures to resolve such
7 conflicts;

8 (ii) that the State has established a
9 policy to provide to the public (including
10 individuals with disabilities) access to
11 meetings of State boards and local boards,
12 and information regarding activities of
13 State boards and local boards, such as
14 data on board membership and minutes;

15 (iii)(I) that the lead State agencies
16 with responsibility for the administration
17 of core programs reviewed and commented
18 on the appropriate operational planning
19 elements of the unified State plan, and ap-
20 proved the elements as serving the needs of
21 the populations served by such programs;
22 and

23 (II) that the State obtained input into
24 the development of the unified State plan
25 and provided an opportunity for comment

1 on the plan by representatives of local
2 boards and chief elected officials, busi-
3 nesses, labor organizations, institutions of
4 higher education, other primary stake-
5 holders, and the general public and that
6 the unified State plan is available and ac-
7 cessible to the general public;

8 (iv) that the State has established, in
9 accordance with section 116(i), fiscal con-
10 trol and fund accounting procedures that
11 may be necessary to ensure the proper dis-
12 bursement of, and accounting for, funds
13 paid to the State through allotments made
14 for adult, dislocated worker, and youth
15 programs to carry out workforce invest-
16 ment activities under chapters 2 and 3 of
17 subtitle B;

18 (v) that the State has taken appro-
19 priate action to secure compliance with
20 uniform administrative requirements in
21 this Act, including that the State will an-
22 nually monitor local areas to ensure com-
23 pliance and otherwise take appropriate ac-
24 tion to secure compliance with the uniform

1 administrative requirements under section
2 184(a)(3);

3 (vi) that the State has taken the ap-
4 propriate action to be in compliance with
5 section 188, if applicable;

6 (vii) that the Federal funds received
7 to carry out a core program will not be ex-
8 pended for any purpose other than for ac-
9 tivities authorized with respect to such
10 funds under that core program;

11 (viii) that the eligible agency under
12 title II will—

13 (I) expend the funds appro-
14 priated to carry out that title only in
15 a manner consistent with fiscal re-
16 quirements under section 241(a) (re-
17 garding supplement and not supplant
18 provisions); and

19 (II) ensure that there is at least
20 1 eligible provider serving each local
21 area;

22 (ix) that the State will pay an appro-
23 priate share (as defined by the State
24 board) of the costs of carrying out section

1 116, from funds made available through
2 each of the core programs; and

3 (x) regarding such other matters as
4 the Secretary of Labor or the Secretary of
5 Education, as appropriate, determines to
6 be necessary for the administration of the
7 core programs.

8 (3) EXISTING ANALYSIS.—As appropriate, a
9 State may use an existing analysis in order to carry
10 out the requirements of paragraph (1) concerning an
11 analysis.

12 (c) PLAN SUBMISSION AND APPROVAL.—

13 (1) SUBMISSION.—

14 (A) INITIAL PLAN.—The initial unified
15 State plan under this section (after the date of
16 enactment of the Workforce Innovation and Op-
17 portunity Act) shall be submitted to the Sec-
18 retary of Labor not later than 120 days prior
19 to the commencement of the second full pro-
20 gram year after the date of enactment of this
21 Act.

22 (B) SUBSEQUENT PLANS.—Except as pro-
23 vided in subparagraph (A), a unified State plan
24 shall be submitted to the Secretary of Labor
25 not later than 120 days prior to the end of the

1 4-year period covered by the preceding unified
2 State plan.

3 (2) SUBMISSION AND APPROVAL.—

4 (A) SUBMISSION.—In approving a unified
5 State plan under this section, the Secretary
6 shall submit the portion of the unified State
7 plan covering a program or activity to the head
8 of the Federal agency that administers the pro-
9 gram or activity for the approval of such por-
10 tion by such head.

11 (B) APPROVAL.—A unified State plan shall
12 be subject to the approval of both the Secretary
13 of Labor and the Secretary of Education, after
14 approval of the Commissioner of the Rehabilita-
15 tion Services Administration for the portion of
16 the plan described in subsection (b)(2)(D)(iii).
17 The plan shall be considered to be approved at
18 the end of the 90-day period beginning on the
19 day the plan is submitted, unless the Secretary
20 of Labor or the Secretary of Education makes
21 a written determination, during the 90-day pe-
22 riod, that the plan is inconsistent with the pro-
23 visions of this section or the provisions author-
24 izing the core programs, as appropriate.

25 (3) MODIFICATIONS.—

1 (A) MODIFICATIONS.—At the end of the
2 first 2-year period of any 4-year unified State
3 plan, the State board shall review the unified
4 State plan, and the Governor shall submit
5 modifications to the plan to reflect changes in
6 labor market and economic conditions or in
7 other factors affecting the implementation of
8 the unified State plan.

9 (B) APPROVAL.—A modified unified State
10 plan submitted for the review required under
11 subparagraph (A) shall be subject to the ap-
12 proval requirements described in paragraph (2).
13 A Governor may submit a modified unified
14 State plan at such other times as the Governor
15 determines to be appropriate, and such modi-
16 fied unified State plan shall also be subject to
17 the approval requirements described in para-
18 graph (2).

19 (4) EARLY IMPLEMENTERS.—The Secretary of
20 Labor, in conjunction with the Secretary of Edu-
21 cation, shall establish a process for approving and
22 may approve unified State plans that meet the re-
23 quirements of this section and are submitted to
24 cover periods commencing prior to the second full
25 program year described in paragraph (1)(A).

1 **SEC. 103. COMBINED STATE PLAN.**

2 (a) IN GENERAL.—

3 (1) AUTHORITY TO SUBMIT PLAN.—A State
4 may develop and submit to the appropriate Secre-
5 taries a combined State plan for the core programs
6 and 1 or more of the programs and activities de-
7 scribed in paragraph (2) in lieu of submitting 2 or
8 more plans, for the programs and activities and the
9 core programs.

10 (2) PROGRAMS.—The programs and activities
11 referred to in paragraph (1) are as follows:

12 (A) Career and technical education pro-
13 grams authorized under the Carl D. Perkins
14 Career and Technical Education Act of 2006
15 (20 U.S.C. 2301 et seq.).

16 (B) Programs authorized under part A of
17 title IV of the Social Security Act (42 U.S.C.
18 601 et seq.).

19 (C) Programs authorized under section
20 6(d)(4) of the Food and Nutrition Act of 2008
21 (7 U.S.C. 2015(d)(4)).

22 (D) Work programs authorized under sec-
23 tion 6(o) of the Food and Nutrition Act of
24 2008 (7 U.S.C. 2015(o)).

1 (E) Activities authorized under chapter 2
2 of title II of the Trade Act of 1974 (19 U.S.C.
3 2271 et seq.).

4 (F) Activities authorized under chapter 41
5 of title 38, United States Code.

6 (G) Programs authorized under State un-
7 employment compensation laws (in accordance
8 with applicable Federal law).

9 (H) Programs authorized under title V of
10 the Older Americans Act of 1965 (42 U.S.C.
11 3056 et seq.).

12 (I) Employment and training activities car-
13 ried out by the Department of Housing and
14 Urban Development.

15 (J) Employment and training activities
16 carried out under the Community Services
17 Block Grant Act (42 U.S.C. 9901 et seq.).

18 (K) Programs authorized under section
19 212 of the Second Chance Act of 2007 (42
20 U.S.C. 17532).

21 (b) REQUIREMENTS.—

22 (1) IN GENERAL.—The portion of a combined
23 plan covering the core programs shall be subject to
24 the requirements of section 102 (including section
25 102(c)(3)). The portion of such plan covering a pro-

1 gram or activity described in subsection (a)(2) shall
2 be subject to the requirements, if any, applicable to
3 a plan or application for assistance for that program
4 or activity, under the Federal law authorizing the
5 program or activity. At the election of the State, sec-
6 tion 102(c)(3) may apply to that portion.

7 (2) ADDITIONAL SUBMISSION NOT REQUIRED.—
8 A State that submits a combined plan that is ap-
9 proved under subsection (c) shall not be required to
10 submit any other plan or application in order to re-
11 ceive Federal funds to carry out the core programs
12 or the program or activities described in subsection
13 (a)(2) that are covered by the combined plan.

14 (3) COORDINATION.—A combined plan shall in-
15 clude—

16 (A) a description of the methods used for
17 joint planning and coordination of the core pro-
18 grams and the other programs and activities
19 covered by the combined plan; and

20 (B) an assurance that the methods in-
21 cluded an opportunity for the entities respon-
22 sible for planning or administering the core pro-
23 grams and the other programs and activities to
24 review and comment on all portions of the com-
25 bined plan.

1 (c) APPROVAL BY THE APPROPRIATE SECRE-
2 TARIES.—

3 (1) JURISDICTION.—The appropriate Secretary
4 shall have the authority to approve the cor-
5 responding portion of a combined plan as described
6 in subsection (d). On the approval of the appropriate
7 Secretary, that portion of the combined plan, cov-
8 ering a program or activity, shall be implemented by
9 the State pursuant to that portion of the combined
10 plan, and the Federal law authorizing the program
11 or activity.

12 (2) APPROVAL OF CORE PROGRAMS.—No por-
13 tion of the plan relating to a core program shall be
14 implemented until the appropriate Secretary ap-
15 proves the corresponding portions of the plan for all
16 core programs.

17 (3) TIMING OF APPROVAL.—

18 (A) IN GENERAL.—Except as provided in
19 subparagraphs (B) and (C), a portion of the
20 combined State plan covering the core programs
21 or a program or activity described in subsection
22 (a)(2) shall be considered to be approved by the
23 appropriate Secretary at the end of the 90-day
24 period beginning on the day the plan is sub-
25 mitted.

1 (B) PLAN APPROVED BY 3 OR MORE AP-
2 PROPRIATE SECRETARIES.—If an appropriate
3 Secretary other than the Secretary of Labor or
4 the Secretary of Education has authority to ap-
5 prove a portion of a combined plan, that por-
6 tion of the combined plan shall be considered to
7 be approved by the appropriate Secretary at the
8 end of the 120-day period beginning on the day
9 the plan is submitted.

10 (C) DISAPPROVAL.—The portion shall not
11 be considered to be approved if the appropriate
12 Secretary makes a written determination, dur-
13 ing the 90-day period (or the 120-day period,
14 for an appropriate Secretary covered by sub-
15 paragraph (B)), that the portion is not con-
16 sistent with the requirements of the Federal law
17 authorizing or applicable to the program or ac-
18 tivity involved, including the criteria for ap-
19 proval of a plan or application, if any, under
20 such law, or the plan is not consistent with the
21 requirements of this section.

22 (4) SPECIAL RULE.—In paragraph (3), the
23 term “criteria for approval of a plan or application”,
24 with respect to a State and a core program or a pro-
25 gram under the Carl D. Perkins Career and Tech-

1 nical Education Act of 2006 (20 U.S.C. 2301 et
2 seq.), includes a requirement for agreement between
3 the State and the appropriate Secretaries regarding
4 State performance measures or State performance
5 accountability measures, as the case may be, includ-
6 ing levels of performance.

7 (d) APPROPRIATE SECRETARY.—In this section, the
8 term “appropriate Secretary” means—

9 (1) with respect to the portion of a combined
10 plan relating to any of the core programs (including
11 a description, and an assurance concerning that pro-
12 gram, specified in subsection (b)(3)), the Secretary
13 of Labor and the Secretary of Education; and

14 (2) with respect to the portion of a combined
15 plan relating to a program or activity described in
16 subsection (a)(2) (including a description, and an
17 assurance concerning that program or activity, speci-
18 fied in subsection (b)(3)), the head of the Federal
19 agency who exercises plan or application approval
20 authority for the program or activity under the Fed-
21 eral law authorizing the program or activity, or, if
22 there are no planning or application requirements
23 for such program or activity, exercises administra-
24 tive authority over the program or activity under
25 that Federal law.

1 **CHAPTER 2—LOCAL PROVISIONS**

2 **SEC. 106. WORKFORCE DEVELOPMENT AREAS.**

3 (a) **REGIONS.—**

4 (1) **IDENTIFICATION.—**Before the second full
5 program year after the date of enactment of this
6 Act, in order for a State to receive an allotment
7 under section 127(b) or 132(b) and as part of the
8 process for developing the State plan, a State shall
9 identify regions in the State after consultation with
10 the local boards and chief elected officials in the
11 local areas and consistent with the considerations
12 described in subsection (b)(1)(B).

13 (2) **TYPES OF REGIONS.—**For purposes of this
14 Act, the State shall identify—

15 (A) which regions are comprised of 1 local
16 area that is aligned with the region;

17 (B) which regions are comprised of 2 or
18 more local areas that are (collectively) aligned
19 with the region (referred to as planning regions,
20 consistent with section 3); and

21 (C) which, of the regions described in sub-
22 paragraph (B), are interstate areas contained
23 within 2 or more States, and consist of labor
24 market areas, economic development areas, or

1 other appropriate contiguous subareas of those
2 States.

3 (b) LOCAL AREAS.—

4 (1) IN GENERAL.—

5 (A) PROCESS.—Except as provided in sub-
6 section (d), and consistent with paragraphs (2)
7 and (3), in order for a State to receive an allot-
8 ment under section 127(b) or 132(b), the Gov-
9 ernor of the State shall designate local work-
10 force development areas within the State—

11 (i) through consultation with the
12 State board; and

13 (ii) after consultation with chief elect-
14 ed officials and local boards, and after con-
15 sideration of comments received through
16 the public comment process as described in
17 section 102(b)(2)(E)(iii)(II).

18 (B) CONSIDERATIONS.—The Governor
19 shall designate local areas (except for those
20 local areas described in paragraphs (2) and (3))
21 based on considerations consisting of the extent
22 to which the areas—

23 (i) are consistent with labor market
24 areas in the State;

1 (ii) are consistent with regional eco-
2 nomic development areas in the State; and
3 (iii) have available the Federal and
4 non-Federal resources necessary to effec-
5 tively administer activities under subtitle B
6 and other applicable provisions of this Act,
7 including whether the areas have the ap-
8 propriate education and training providers,
9 such as institutions of higher education
10 and area career and technical education
11 schools.

12 (2) INITIAL DESIGNATION.—During the first 2
13 full program years following the date of enactment
14 of this Act, the Governor shall approve a request for
15 initial designation as a local area from any area that
16 was designated as a local area for purposes of the
17 Workforce Investment Act of 1998 for the 2-year pe-
18 riod preceding the date of enactment of this Act,
19 performed successfully, and sustained fiscal integ-
20 rity.

21 (3) SUBSEQUENT DESIGNATION.—After the pe-
22 riod for which a local area is initially designated
23 under paragraph (2), the Governor shall approve a
24 request for subsequent designation as a local area
25 from such local area, if such area—

- 1 (A) performed successfully;
- 2 (B) sustained fiscal integrity; and
- 3 (C) in the case of a local area in a plan-
- 4 ning region, met the requirements described in
- 5 subsection (c)(1).

6 (4) DESIGNATION ON RECOMMENDATION OF

7 STATE BOARD.—The Governor may approve a re-

8 quest from any unit of general local government (in-

9 cluding a combination of such units) for designation

10 of an area as a local area if the State board deter-

11 mines, based on the considerations described in

12 paragraph (1)(B), and recommends to the Governor,

13 that such area should be so designated.

14 (5) APPEALS.—A unit of general local govern-

15 ment (including a combination of such units) or

16 grant recipient that requests but is not granted des-

17 ignation of an area as a local area under paragraph

18 (2) or (3) may submit an appeal to the State board

19 under an appeal process established in the State

20 plan. If the appeal does not result in such a designa-

21 tion, the Secretary of Labor, after receiving a re-

22 quest for review from the unit or grant recipient and

23 on determining that the unit or grant recipient was

24 not accorded procedural rights under the appeals

25 process described in the State plan, as specified in

1 section 102(b)(2)(D)(i)(III), or that the area meets
2 the requirements of paragraph (2) or (3), may re-
3 quire that the area be designated as a local area
4 under such paragraph.

5 (6) REDESIGNATION ASSISTANCE.—On the re-
6 quest of all of the local areas in a planning region,
7 the State shall provide funding from funds made
8 available under sections 128(a) and 133(a)(1) to as-
9 sist the local areas in carrying out activities to facili-
10 tate the redesignation of the local areas to a single
11 local area.

12 (c) REGIONAL COORDINATION.—

13 (1) REGIONAL PLANNING.—The local boards
14 and chief elected officials in each planning region de-
15 scribed in subparagraph (B) or (C) of subsection
16 (a)(2) shall engage in a regional planning process
17 that results in—

18 (A) the preparation of a regional plan, as
19 described in paragraph (2);

20 (B) the establishment of regional service
21 strategies, including use of cooperative service
22 delivery agreements;

23 (C) the development and implementation of
24 sector initiatives for in-demand industry sectors
25 or occupations for the region;

1 (D) the collection and analysis of regional
2 labor market data (in conjunction with the
3 State);

4 (E) the establishment of administrative
5 cost arrangements, including the pooling of
6 funds for administrative costs, as appropriate,
7 for the region;

8 (F) the coordination of transportation and
9 other supportive services, as appropriate, for
10 the region;

11 (G) the coordination of services with re-
12 gional economic development services and pro-
13 viders; and

14 (H) the establishment of an agreement
15 concerning how the planning region will collec-
16 tively negotiate and reach agreement with Gov-
17 ernor on local levels of performance for, and re-
18 port on, the performance accountability meas-
19 ures described in section 116(c), for local areas
20 or the planning region.

21 (2) REGIONAL PLANS.—The State, after con-
22 sultation with local boards and chief elected officials
23 for the planning regions, shall require the local
24 boards and chief elected officials within a planning
25 region to prepare, submit, and obtain approval of a

1 single regional plan that includes a description of
2 the activities described in paragraph (1) and that in-
3 corporates local plans for each of the local areas in
4 the planning region. The State shall provide tech-
5 nical assistance and labor market data, as requested
6 by local areas, to assist with such regional planning
7 and subsequent service delivery efforts.

8 (3) REFERENCES.—In this Act, and the core
9 program provisions that are not in this Act:

10 (A) LOCAL AREA.—Except as provided in
11 section 101(d)(9), this section, paragraph
12 (1)(B) or (4) of section 107(c), or section
13 107(d)(12)(B), or in any text that provides an
14 accompanying provision specifically for a plan-
15 ning region, the term “local area” in a provi-
16 sion includes a reference to a planning region
17 for purposes of implementation of that provi-
18 sion by the corresponding local areas in the re-
19 gion.

20 (B) LOCAL PLAN.—Except as provided in
21 this subsection, the term “local plan” includes
22 a reference to the portion of a regional plan de-
23 veloped with respect to the corresponding local
24 area within the region, and any regionwide pro-

1 vision of that plan that impacts or relates to
2 the local area.

3 (d) SINGLE STATE LOCAL AREAS.—

4 (1) CONTINUATION OF PREVIOUS DESIGNA-
5 TION.—The Governor of any State that was a single
6 State local area for purposes of title I of the Work-
7 force Investment Act of 1998, as in effect on July
8 1, 2013, may designate the State as a single State
9 local area for purposes of this title. In the case of
10 such designation, the Governor shall identify the
11 State as a local area in the State plan.

12 (2) EFFECT ON LOCAL PLAN AND LOCAL FUNC-
13 TIONS.—In any case in which a State is designated
14 as a local area pursuant to this subsection, the local
15 plan prepared under section 108 for the area shall
16 be submitted for approval as part of the State plan.
17 In such a State, the State board shall carry out the
18 functions of a local board, as specified in this Act
19 or the provisions authorizing a core program, but
20 the State shall not be required to meet and report
21 on a set of local performance accountability meas-
22 ures.

23 (e) DEFINITIONS.—For purposes of this section:

24 (1) PERFORMED SUCCESSFULLY.—The term
25 “performed successfully”, used with respect to a

1 local area, means the local area met or exceeded the
2 adjusted levels of performance for primary indicators
3 of performance described in section 116(b)(2)(A)
4 (or, if applicable, core indicators of performance de-
5 scribed in section 136(b)(2)(A) of the Workforce In-
6 vestment Act of 1998, as in effect the day before the
7 date of enactment of this Act) for each of the last
8 2 consecutive years for which data are available pre-
9 ceeding the determination of performance under this
10 paragraph.

11 (2) SUSTAINED FISCAL INTEGRITY.—The term
12 “sustained fiscal integrity”, used with respect to a
13 local area, means that the Secretary has not made
14 a formal determination, during either of the last 2
15 consecutive years preceding the determination re-
16 garding such integrity, that either the grant recipi-
17 ent or the administrative entity of the area
18 misexpended funds provided under subtitle B (or, if
19 applicable, title I of the Workforce Investment Act
20 of 1998 as in effect prior to the effective date of
21 such subtitle B) due to willful disregard of the re-
22 quirements of the provision involved, gross neg-
23 ligence, or failure to comply with accepted standards
24 of administration.

1 **SEC. 107. LOCAL WORKFORCE DEVELOPMENT BOARDS.**

2 (a) ESTABLISHMENT.—Except as provided in sub-
3 section (c)(2)(A), there shall be established, and certified
4 by the Governor of the State, a local workforce develop-
5 ment board in each local area of a State to carry out the
6 functions described in subsection (d) (and any functions
7 specified for the local board under this Act or the provi-
8 sions establishing a core program) for such area.

9 (b) MEMBERSHIP.—

10 (1) STATE CRITERIA.—The Governor, in part-
11 nership with the State board, shall establish criteria
12 for use by chief elected officials in the local areas for
13 appointment of members of the local boards in such
14 local areas in accordance with the requirements of
15 paragraph (2).

16 (2) COMPOSITION.—Such criteria shall require
17 that, at a minimum—

18 (A) a majority of the members of each
19 local board shall be representatives of business
20 in the local area, who—

21 (i) are owners of businesses, chief ex-
22 ecutives or operating officers of businesses,
23 or other business executives or employers
24 with optimum policymaking or hiring au-
25 thority;

1 (ii) represent businesses, including
2 small businesses, or organizations rep-
3 resenting businesses described in this
4 clause, that provide employment opportuni-
5 ties that, at a minimum, include high-qual-
6 ity, work-relevant training and develop-
7 ment in in-demand industry sectors or oc-
8 cupations in the local area; and

9 (iii) are appointed from among indi-
10 viduals nominated by local business organi-
11 zations and business trade associations;

12 (B) not less than 20 percent of the mem-
13 bers of each local board shall be representatives
14 of the workforce within the local area, who—

15 (i) shall include representatives of
16 labor organizations (for a local area in
17 which employees are represented by labor
18 organizations), who have been nominated
19 by local labor federations, or (for a local
20 area in which no employees are represented
21 by such organizations) other representa-
22 tives of employees;

23 (ii) shall include a representative, who
24 shall be a member of a labor organization
25 or a training director, from a joint labor-

1 management apprenticeship program, or if
2 no such joint program exists in the area,
3 such a representative of an apprenticeship
4 program in the area, if such a program ex-
5 ists;

6 (iii) may include representatives of
7 community-based organizations that have
8 demonstrated experience and expertise in
9 addressing the employment needs of indi-
10 viduals with barriers to employment, in-
11 cluding organizations that serve veterans
12 or that provide or support competitive inte-
13 grated employment for individuals with
14 disabilities; and

15 (iv) may include representatives of or-
16 ganizations that have demonstrated experi-
17 ence and expertise in addressing the em-
18 ployment, training, or education needs of
19 eligible youth, including representatives of
20 organizations that serve out-of-school
21 youth;

22 (C) each local board shall include rep-
23 resentatives of entities administering education
24 and training activities in the local area, who—

1 (i) shall include a representative of el-
2 ible providers administering adult edu-
3 cation and literacy activities under title II;

4 (ii) shall include a representative of
5 institutions of higher education providing
6 workforce investment activities (including
7 community colleges);

8 (iii) may include representatives of
9 local educational agencies, and of commu-
10 nity-based organizations with demonstrated
11 experience and expertise in addressing the
12 education or training needs of individuals
13 with barriers to employment;

14 (D) each local board shall include rep-
15 resentatives of governmental and economic and
16 community development entities serving the
17 local area, who—

18 (i) shall include a representative of
19 economic and community development enti-
20 ties;

21 (ii) shall include an appropriate rep-
22 resentative from the State employment
23 service office under the Wagner-Peyser Act
24 (29 U.S.C. 49 et seq.) serving the local
25 area;

1 (iii) shall include an appropriate rep-
2 resentative of the programs carried out
3 under title I of the Rehabilitation Act of
4 1973 (29 U.S.C. 720 et seq.), other than
5 section 112 or part C of that title (29
6 U.S.C. 732, 741), serving the local area;

7 (iv) may include representatives of
8 agencies or entities administering pro-
9 grams serving the local area relating to
10 transportation, housing, and public assist-
11 ance; and

12 (v) may include representatives of
13 philanthropic organizations serving the
14 local area; and

15 (E) each local board may include such
16 other individuals or representatives of entities
17 as the chief elected official in the local area may
18 determine to be appropriate.

19 (3) CHAIRPERSON.—The members of the local
20 board shall elect a chairperson for the local board
21 from among the representatives described in para-
22 graph (2)(A).

23 (4) STANDING COMMITTEES.—

24 (A) IN GENERAL.—The local board may
25 designate and direct the activities of standing

1 committees to provide information and to assist
2 the local board in carrying out activities under
3 this section. Such standing committees shall be
4 chaired by a member of the local board, may in-
5 clude other members of the local board, and
6 shall include other individuals appointed by the
7 local board who are not members of the local
8 board and who the local board determines have
9 appropriate experience and expertise. At a min-
10 imum, the local board may designate each of
11 the following:

12 (i) A standing committee to provide
13 information and assist with operational
14 and other issues relating to the one-stop
15 delivery system, which may include as
16 members representatives of the one-stop
17 partners.

18 (ii) A standing committee to provide
19 information and to assist with planning,
20 operational, and other issues relating to
21 the provision of services to youth, which
22 shall include community-based organiza-
23 tions with a demonstrated record of suc-
24 cess in serving eligible youth.

1 (iii) A standing committee to provide
2 information and to assist with operational
3 and other issues relating to the provision
4 of services to individuals with disabilities,
5 including issues relating to compliance
6 with section 188, if applicable, and applica-
7 ble provisions of the Americans with Dis-
8 abilities Act of 1990 (42 U.S.C. 12101 et
9 seq.) regarding providing programmatic
10 and physical access to the services, pro-
11 grams, and activities of the one-stop deliv-
12 ery system, as well as appropriate training
13 for staff on providing supports for or ac-
14 commodated to, and finding employment
15 opportunities for, individuals with disabili-
16 ties.

17 (B) ADDITIONAL COMMITTEES.—The local
18 board may designate standing committees in
19 addition to the standing committees specified in
20 subparagraph (A).

21 (C) DESIGNATION OF ENTITY.—Nothing in
22 this paragraph shall be construed to prohibit
23 the designation of an existing (as of the date of
24 enactment of this Act) entity, such as an effec-
25 tive youth council, to fulfill the requirements of

1 this paragraph as long as the entity meets the
2 requirements of this paragraph.

3 (5) AUTHORITY OF BOARD MEMBERS.—Mem-
4 bers of the board that represent organizations, agen-
5 cies, or other entities shall be individuals with opti-
6 mum policymaking authority within the organiza-
7 tions, agencies, or entities. The members of the
8 board shall represent diverse geographic areas within
9 the local area.

10 (6) SPECIAL RULE.—If there are multiple eligi-
11 ble providers serving the local area by administering
12 adult education and literacy activities under title II,
13 or multiple institutions of higher education serving
14 the local area by providing workforce investment ac-
15 tivities, each representative on the local board de-
16 scribed in clause (i) or (ii) of paragraph (2)(C), re-
17 spectively, shall be appointed from among individ-
18 uals nominated by local providers representing such
19 providers or institutions, respectively.

20 (c) APPOINTMENT AND CERTIFICATION OF BOARD.—

21 (1) APPOINTMENT OF BOARD MEMBERS AND
22 ASSIGNMENT OF RESPONSIBILITIES.—

23 (A) IN GENERAL.—The chief elected offi-
24 cial in a local area is authorized to appoint the
25 members of the local board for such area, in ac-

1 cordance with the State criteria established
2 under subsection (b).

3 (B) MULTIPLE UNITS OF LOCAL GOVERN-
4 MENT IN AREA.—

5 (i) IN GENERAL.—In a case in which
6 a local area includes more than 1 unit of
7 general local government, the chief elected
8 officials of such units may execute an
9 agreement that specifies the respective
10 roles of the individual chief elected offi-
11 cials—

12 (I) in the appointment of the
13 members of the local board from the
14 individuals nominated or rec-
15 ommended to be such members in ac-
16 cordance with the criteria established
17 under subsection (b); and

18 (II) in carrying out any other re-
19 sponsibilities assigned to such officials
20 under this title.

21 (ii) LACK OF AGREEMENT.—If, after
22 a reasonable effort, the chief elected offi-
23 cials are unable to reach agreement as pro-
24 vided under clause (i), the Governor may
25 appoint the members of the local board

1 from individuals so nominated or rec-
2 ommended.

3 (C) CONCENTRATED EMPLOYMENT PRO-
4 GRAMS.—In the case of an area that was des-
5 ignated as a local area in accordance with sec-
6 tion 116(a)(2)(B) of the Workforce Investment
7 Act of 1998 (as in effect on the day before the
8 date of enactment of this Act), and that re-
9 mains a local area on that date, the governing
10 body of the concentrated employment program
11 involved shall act in consultation with the chief
12 elected official in the local area to appoint
13 members of the local board, in accordance with
14 the State criteria established under subsection
15 (b), and to carry out any other responsibility
16 relating to workforce investment activities as-
17 signed to such official under this Act.

18 (2) CERTIFICATION.—

19 (A) IN GENERAL.—The Governor shall,
20 once every 2 years, certify 1 local board for
21 each local area in the State.

22 (B) CRITERIA.—Such certification shall be
23 based on criteria established under subsection
24 (b), and for a second or subsequent certifi-
25 cation, the extent to which the local board has

1 ensured that workforce investment activities
2 carried out in the local area have enabled the
3 local area to meet the corresponding perform-
4 ance accountability measures and achieve sus-
5 tained fiscal integrity, as defined in section
6 106(e)(2).

7 (C) FAILURE TO ACHIEVE CERTIFI-
8 CATION.—Failure of a local board to achieve
9 certification shall result in appointment and
10 certification of a new local board for the local
11 area pursuant to the process described in para-
12 graph (1) and this paragraph.

13 (3) DECERTIFICATION.—

14 (A) FRAUD, ABUSE, FAILURE TO CARRY
15 OUT FUNCTIONS.—Notwithstanding paragraph
16 (2), the Governor shall have the authority to
17 decertify a local board at any time after pro-
18 viding notice and an opportunity for comment,
19 for—

20 (i) fraud or abuse; or

21 (ii) failure to carry out the functions
22 specified for the local board in subsection
23 (d).

24 (B) NONPERFORMANCE.—Notwithstanding
25 paragraph (2), the Governor may decertify a

1 local board if a local area fails to meet the local
2 performance accountability measures for such
3 local area in accordance with section 116(c) for
4 2 consecutive program years.

5 (C) REORGANIZATION PLAN.—If the Gov-
6 ernor decertifies a local board for a local area
7 under subparagraph (A) or (B), the Governor
8 may require that a new local board be ap-
9 pointed and certified for the local area pursuant
10 to a reorganization plan developed by the Gov-
11 ernor, in consultation with the chief elected offi-
12 cial in the local area and in accordance with the
13 criteria established under subsection (b).

14 (4) SINGLE STATE LOCAL AREA.—

15 (A) STATE BOARD.—Notwithstanding sub-
16 section (b) and paragraphs (1) and (2), if a
17 State described in section 106(d) indicates in
18 the State plan that the State will be treated as
19 a single State local area, for purposes of the ap-
20 plication of this Act or the provisions author-
21 izing a core program, the State board shall
22 carry out any of the functions of a local board
23 under this Act or the provisions authorizing a
24 core program, including the functions described
25 in subsection (d).

1 (B) REFERENCES.—

2 (i) IN GENERAL.—Except as provided
3 in clauses (ii) and (iii), with respect to
4 such a State, a reference in this Act or a
5 core program provision to a local board
6 shall be considered to be a reference to the
7 State board, and a reference in the Act or
8 provision to a local area or region shall be
9 considered to be a reference to the State.

10 (ii) PLANS.—The State board shall
11 prepare a local plan under section 108 for
12 the State, and submit the plan for ap-
13 proval as part of the State plan.

14 (iii) PERFORMANCE ACCOUNTABILITY
15 MEASURES.—The State shall not be re-
16 quired to meet and report on a set of local
17 performance accountability measures.

18 (d) FUNCTIONS OF LOCAL BOARD.—Consistent with
19 section 108, the functions of the local board shall include
20 the following:

21 (1) LOCAL PLAN.—The local board, in partner-
22 ship with the chief elected official for the local area
23 involved, shall develop and submit a local plan to the
24 Governor that meets the requirements in section
25 108. If the local area is part of a planning region

1 that includes other local areas, the local board shall
2 collaborate with the other local boards and chief
3 elected officials from such other local areas in the
4 preparation and submission of a regional plan as de-
5 scribed in section 106(c)(2).

6 (2) WORKFORCE RESEARCH AND REGIONAL
7 LABOR MARKET ANALYSIS.—In order to assist in the
8 development and implementation of the local plan,
9 the local board shall—

10 (A) carry out analyses of the economic
11 conditions in the region, the needed knowledge
12 and skills for the region, the workforce in the
13 region, and workforce development activities
14 (including education and training) in the region
15 described in section 108(b)(1)(D), and regularly
16 update such information;

17 (B) assist the Governor in developing the
18 statewide workforce and labor market informa-
19 tion system described in section 15(e) of the
20 Wagner-Peyser Act (29 U.S.C. 491–2(e)), spe-
21 cifically in the collection, analysis, and utiliza-
22 tion of workforce and labor market information
23 for the region; and

24 (C) conduct such other research, data col-
25 lection, and analysis related to the workforce

1 needs of the regional economy as the board,
2 after receiving input from a wide array of
3 stakeholders, determines to be necessary to
4 carry out its functions.

5 (3) CONVENING, BROKERING, LEVERAGING.—

6 The local board shall convene local workforce devel-
7 opment system stakeholders to assist in the develop-
8 ment of the local plan under section 108 and in
9 identifying non-Federal expertise and resources to
10 leverage support for workforce development activi-
11 ties. The local board, including standing committees,
12 may engage such stakeholders in carrying out the
13 functions described in this subsection.

14 (4) EMPLOYER ENGAGEMENT.—The local board
15 shall lead efforts to engage with a diverse range of
16 employers and with entities in the region involved—

17 (A) to promote business representation
18 (particularly representatives with optimal pol-
19 icymaking or hiring authority from employers
20 whose employment opportunities reflect existing
21 and emerging employment opportunities in the
22 region) on the local board;

23 (B) to develop effective linkages (including
24 the use of intermediaries) with employers in the
25 region to support employer utilization of the

1 local workforce development system and to sup-
2 port local workforce investment activities;

3 (C) to ensure that workforce investment
4 activities meet the needs of employers and sup-
5 port economic growth in the region, by enhanc-
6 ing communication, coordination, and collabora-
7 tion among employers, economic development
8 entities, and service providers; and

9 (D) to develop and implement proven or
10 promising strategies for meeting the employ-
11 ment and skill needs of workers and employers
12 (such as the establishment of industry and sec-
13 tor partnerships), that provide the skilled work-
14 force needed by employers in the region, and
15 that expand employment and career advance-
16 ment opportunities for workforce development
17 system participants in in-demand industry sec-
18 tors or occupations.

19 (5) CAREER PATHWAYS DEVELOPMENT.—The
20 local board, with representatives of secondary and
21 postsecondary education programs, shall lead efforts
22 in the local area to develop and implement career
23 pathways within the local area by aligning the em-
24 ployment, training, education, and supportive serv-

1 ices that are needed by adults and youth, particu-
2 larly individuals with barriers to employment.

3 (6) **PROVEN AND PROMISING PRACTICES.**—The
4 local board shall lead efforts in the local area to—

5 (A) identify and promote proven and prom-
6 ising strategies and initiatives for meeting the
7 needs of employers, and workers and jobseekers
8 (including individuals with barriers to employ-
9 ment) in the local workforce development sys-
10 tem, including providing physical and pro-
11 grammatic accessibility, in accordance with sec-
12 tion 188, if applicable, and applicable provisions
13 of the Americans with Disabilities Act of 1990
14 (42 U.S.C. 12101 et seq.), to the one-stop de-
15 livery system; and

16 (B) identify and disseminate information
17 on proven and promising practices carried out
18 in other local areas for meeting such needs.

19 (7) **TECHNOLOGY.**—The local board shall de-
20 velop strategies for using technology to maximize the
21 accessibility and effectiveness of the local workforce
22 development system for employers, and workers and
23 jobseekers, by—

24 (A) facilitating connections among the in-
25 take and case management information systems

1 of the one-stop partner programs to support a
2 comprehensive workforce development system in
3 the local area;

4 (B) facilitating access to services provided
5 through the one-stop delivery system involved,
6 including facilitating the access in remote areas;

7 (C) identifying strategies for better meet-
8 ing the needs of individuals with barriers to em-
9 ployment, including strategies that augment
10 traditional service delivery, and increase access
11 to services and programs of the one-stop deliv-
12 ery system, such as improving digital literacy
13 skills; and

14 (D) leveraging resources and capacity
15 within the local workforce development system,
16 including resources and capacity for services for
17 individuals with barriers to employment.

18 (8) PROGRAM OVERSIGHT.—The local board, in
19 partnership with the chief elected official for the
20 local area, shall—

21 (A)(i) conduct oversight for local youth
22 workforce investment activities authorized
23 under section 129(c), local employment and
24 training activities authorized under subsections

1 (c) and (d) of section 134, and the one-stop de-
2 livery system in the local area; and

3 (ii) ensure the appropriate use and man-
4 agement of the funds provided under subtitle B
5 for the activities and system described in clause
6 (i); and

7 (B) for workforce development activities,
8 ensure the appropriate use, management, and
9 investment of funds to maximize performance
10 outcomes under section 116.

11 (9) NEGOTIATION OF LOCAL PERFORMANCE AC-
12 COUNTABILITY MEASURES.—The local board, the
13 chief elected official, and the Governor shall nego-
14 tiate and reach agreement on local performance ac-
15 countability measures as described in section 116(e).

16 (10) SELECTION OF OPERATORS AND PRO-
17 VIDERS.—

18 (A) SELECTION OF ONE-STOP OPERA-
19 TORS.—Consistent with section 121(d), the
20 local board, with the agreement of the chief
21 elected official for the local area—

22 (i) shall designate or certify one-stop
23 operators as described in section
24 121(d)(2)(A); and

1 (ii) may terminate for cause the eligi-
2 bility of such operators.

3 (B) SELECTION OF YOUTH PROVIDERS.—

4 Consistent with section 123, the local board—

5 (i) shall identify eligible providers of
6 youth workforce investment activities in
7 the local area by awarding grants or con-
8 tracts on a competitive basis (except as
9 provided in section 123(b)), based on the
10 recommendations of the youth standing
11 committee, if such a committee is estab-
12 lished for the local area under subsection
13 (b)(4); and

14 (ii) may terminate for cause the eligi-
15 bility of such providers.

16 (C) IDENTIFICATION OF ELIGIBLE PRO-
17 VIDERS OF TRAINING SERVICES.—Consistent
18 with section 122, the local board shall identify
19 eligible providers of training services in the
20 local area.

21 (D) IDENTIFICATION OF ELIGIBLE PRO-
22 VIDERS OF CAREER SERVICES.—If the one-stop
23 operator does not provide career services de-
24 scribed in section 134(c)(2) in a local area, the
25 local board shall identify eligible providers of

1 those career services in the local area by award-
2 ing contracts.

3 (E) CONSUMER CHOICE REQUIREMENTS.—

4 Consistent with section 122 and paragraphs (2)
5 and (3) of section 134(c), the local board shall
6 work with the State to ensure there are suffi-
7 cient numbers and types of providers of career
8 services and training services (including eligible
9 providers with expertise in assisting individuals
10 with disabilities and eligible providers with ex-
11 pertise in assisting adults in need of adult edu-
12 cation and literacy activities) serving the local
13 area and providing the services involved in a
14 manner that maximizes consumer choice, as
15 well as providing opportunities that lead to
16 competitive integrated employment for individ-
17 uals with disabilities.

18 (11) COORDINATION WITH EDUCATION PRO-
19 VIDERS.—

20 (A) IN GENERAL.—The local board shall
21 coordinate activities with education and training
22 providers in the local area, including providers
23 of workforce investment activities, providers of
24 adult education and literacy activities under
25 title II, providers of career and technical edu-

1 cation (as defined in section 3 of the Carl D.
2 Perkins Career and Technical Education Act of
3 2006 (20 U.S.C. 2302)) and local agencies ad-
4 ministering plans under title I of the Rehabili-
5 tation Act of 1973 (29 U.S.C. 720 et seq.),
6 other than section 112 or part C of that title
7 (29 U.S.C. 732, 741).

8 (B) APPLICATIONS AND AGREEMENTS.—

9 The coordination described in subparagraph (A)
10 shall include—

11 (i) consistent with section 232—

12 (I) reviewing the applications to
13 provide adult education and literacy
14 activities under title II for the local
15 area, submitted under such section to
16 the eligible agency by eligible pro-
17 viders, to determine whether such ap-
18 plications are consistent with the local
19 plan; and

20 (II) making recommendations to
21 the eligible agency to promote align-
22 ment with such plan; and

23 (ii) replicating cooperative agreements
24 in accordance with subparagraph (B) of
25 section 101(a)(11) of the Rehabilitation

1 Act of 1973 (29 U.S.C. 721(a)(11)), and
2 implementing cooperative agreements in
3 accordance with that section with the local
4 agencies administering plans under title I
5 of that Act (29 U.S.C. 720 et seq.) (other
6 than section 112 or part C of that title (29
7 U.S.C. 732, 741) and subject to section
8 121(f)), with respect to efforts that will en-
9 hance the provision of services to individ-
10 uals with disabilities and other individuals,
11 such as cross training of staff, technical
12 assistance, use and sharing of information,
13 cooperative efforts with employers, and
14 other efforts at cooperation, collaboration,
15 and coordination.

16 (C) COOPERATIVE AGREEMENT.—In this
17 paragraph, the term “cooperative agreement”
18 means an agreement entered into by a State
19 designated agency or State designated unit
20 under subparagraph (A) of section 101(a)(11)
21 of the Rehabilitation Act of 1973.

22 (12) BUDGET AND ADMINISTRATION.—

23 (A) BUDGET.—The local board shall de-
24 velop a budget for the activities of the local
25 board in the local area, consistent with the local

1 plan and the duties of the local board under
2 this section, subject to the approval of the chief
3 elected official.

4 (B) ADMINISTRATION.—

5 (i) GRANT RECIPIENT.—

6 (I) IN GENERAL.—The chief
7 elected official in a local area shall
8 serve as the local grant recipient for,
9 and shall be liable for any misuse of,
10 the grant funds allocated to the local
11 area under sections 128 and 133, un-
12 less the chief elected official reaches
13 an agreement with the Governor for
14 the Governor to act as the local grant
15 recipient and bear such liability.

16 (II) DESIGNATION.—In order to
17 assist in administration of the grant
18 funds, the chief elected official or the
19 Governor, where the Governor serves
20 as the local grant recipient for a local
21 area, may designate an entity to serve
22 as a local grant subrecipient for such
23 funds or as a local fiscal agent. Such
24 designation shall not relieve the chief
25 elected official or the Governor of the

1 liability for any misuse of grant funds
2 as described in subclause (I).

3 (III) DISBURSAL.—The local
4 grant recipient or an entity designated
5 under subclause (II) shall disburse the
6 grant funds for workforce investment
7 activities at the direction of the local
8 board, pursuant to the requirements
9 of this title. The local grant recipient
10 or entity designated under subclause
11 (II) shall disburse the funds imme-
12 diately on receiving such direction
13 from the local board.

14 (ii) GRANTS AND DONATIONS.—The
15 local board may solicit and accept grants
16 and donations from sources other than
17 Federal funds made available under this
18 Act.

19 (iii) TAX-EXEMPT STATUS.—For pur-
20 poses of carrying out duties under this
21 Act, local boards may incorporate, and
22 may operate as entities described in section
23 501(c)(3) of the Internal Revenue Code of
24 1986 that are exempt from taxation under
25 section 501(a) of such Code.

1 (13) ACCESSIBILITY FOR INDIVIDUALS WITH
2 DISABILITIES.—The local board shall annually as-
3 sess the physical and programmatic accessibility, in
4 accordance with section 188, if applicable, and appli-
5 cable provisions of the Americans with Disabilities
6 Act of 1990 (42 U.S.C. 12101 et seq.), of all one-
7 stop centers in the local area.

8 (e) SUNSHINE PROVISION.—The local board shall
9 make available to the public, on a regular basis through
10 electronic means and open meetings, information regard-
11 ing the activities of the local board, including information
12 regarding the local plan prior to submission of the plan,
13 and regarding membership, the designation and certifi-
14 cation of one-stop operators, and the award of grants or
15 contracts to eligible providers of youth workforce invest-
16 ment activities, and on request, minutes of formal meet-
17 ings of the local board.

18 (f) STAFF.—

19 (1) IN GENERAL.—The local board may hire a
20 director and other staff to assist in carrying out the
21 functions described in subsection (d) using funds
22 available under sections 128(b) and 133(b) as de-
23 scribed in section 128(b)(4).

24 (2) QUALIFICATIONS.—The local board shall es-
25 tablish and apply a set of objective qualifications for

1 the position of director, that ensures that the indi-
2 vidual selected has the requisite knowledge, skills,
3 and abilities, to meet identified benchmarks and to
4 assist in effectively carrying out the functions of the
5 local board.

6 (3) LIMITATION ON RATE.—The director and
7 staff described in paragraph (1) shall be subject to
8 the limitations on the payment of salaries and bo-
9 nuses described in section 194(15).

10 (g) LIMITATIONS.—

11 (1) TRAINING SERVICES.—

12 (A) IN GENERAL.—Except as provided in
13 subparagraph (B), no local board may provide
14 training services.

15 (B) WAIVERS OF TRAINING PROHIBI-
16 TION.—The Governor of the State in which a
17 local board is located may, pursuant to a re-
18 quest from the local board, grant a written
19 waiver of the prohibition set forth in subpara-
20 graph (A) (relating to the provision of training
21 services) for a program of training services, if
22 the local board—

23 (i) submits to the Governor a pro-
24 posed request for the waiver that in-
25 cludes—

1 (I) satisfactory evidence that
2 there is an insufficient number of eli-
3 gible providers of such a program of
4 training services to meet local demand
5 in the local area;

6 (II) information demonstrating
7 that the board meets the requirements
8 for an eligible provider of training
9 services under section 122; and

10 (III) information demonstrating
11 that the program of training services
12 prepares participants for an in-de-
13 mand industry sector or occupation in
14 the local area;

15 (ii) makes the proposed request avail-
16 able to eligible providers of training serv-
17 ices and other interested members of the
18 public for a public comment period of not
19 less than 30 days; and

20 (iii) includes, in the final request for
21 the waiver, the evidence and information
22 described in clause (i) and the comments
23 received pursuant to clause (ii).

24 (C) DURATION.—A waiver granted to a
25 local board under subparagraph (B) shall apply

1 for a period that shall not exceed the duration
2 of the local plan. The waiver may be renewed
3 for additional periods under subsequent local
4 plans, not to exceed the durations of such sub-
5 sequent plans, pursuant to requests from the
6 local board, if the board meets the requirements
7 of subparagraph (B) in making the requests.

8 (D) REVOCATION.—The Governor shall
9 have the authority to revoke the waiver during
10 the appropriate period described in subpara-
11 graph (C) if the Governor determines the waiv-
12 er is no longer needed or that the local board
13 involved has engaged in a pattern of inappro-
14 priate referrals to training services operated by
15 the local board.

16 (2) CAREER SERVICES; DESIGNATION OR CER-
17 TIFICATION AS ONE-STOP OPERATORS.—A local
18 board may provide career services described in sec-
19 tion 134(c)(2) through a one-stop delivery system or
20 be designated or certified as a one-stop operator only
21 with the agreement of the chief elected official in the
22 local area and the Governor.

23 (3) LIMITATION ON AUTHORITY.—Nothing in
24 this Act shall be construed to provide a local board
25 with the authority to mandate curricula for schools.

1 (h) CONFLICT OF INTEREST.—A member of a local
2 board, or a member of a standing committee, may not—

3 (1) vote on a matter under consideration by the
4 local board—

5 (A) regarding the provision of services by
6 such member (or by an entity that such mem-
7 ber represents); or

8 (B) that would provide direct financial
9 benefit to such member or the immediate family
10 of such member; or

11 (2) engage in any other activity determined by
12 the Governor to constitute a conflict of interest as
13 specified in the State plan.

14 (i) ALTERNATIVE ENTITY.—

15 (1) IN GENERAL.—For purposes of complying
16 with subsections (a), (b), and (c), a State may use
17 any local entity (including a local council, regional
18 workforce development board, or similar entity)
19 that—

20 (A) is established to serve the local area
21 (or the service delivery area that most closely
22 corresponds to the local area);

23 (B) was in existence on the day before the
24 date of enactment of this Act, pursuant to
25 State law; and

1 (C) includes—

2 (i) representatives of business in the
3 local area; and

4 (ii)(I) representatives of labor organi-
5 zations (for a local area in which employ-
6 ees are represented by labor organiza-
7 tions), nominated by local labor federa-
8 tions; or

9 (II) other representatives of employees
10 in the local area (for a local area in which
11 no employees are represented by such or-
12 ganizations).

13 (2) REFERENCES.—A reference in this Act or a
14 core program provision to a local board, shall include
15 a reference to such an entity.

16 **SEC. 108. LOCAL PLAN.**

17 (a) IN GENERAL.—Each local board shall develop
18 and submit to the Governor a comprehensive 4-year local
19 plan, in partnership with the chief elected official. The
20 local plan shall support the strategy described in the State
21 plan in accordance with section 102(b)(1)(E), and other-
22 wise be consistent with the State plan. If the local area
23 is part of a planning region, the local board shall comply
24 with section 106(c) in the preparation and submission of
25 a regional plan. At the end of the first 2-year period of

1 the 4-year local plan, each local board shall review the
2 local plan and the local board, in partnership with the
3 chief elected official, shall prepare and submit modifica-
4 tions to the local plan to reflect changes in labor market
5 and economic conditions or in other factors affecting the
6 implementation of the local plan.

7 (b) CONTENTS.—The local plan shall include—

8 (1) a description of the strategic planning ele-
9 ments consisting of—

10 (A) an analysis of the regional economic
11 conditions including—

12 (i) existing and emerging in-demand
13 industry sectors and occupations; and

14 (ii) the employment needs of employ-
15 ers in those industry sectors and occupa-
16 tions;

17 (B) an analysis of the knowledge and skills
18 needed to meet the employment needs of the
19 employers in the region, including employment
20 needs in in-demand industry sectors and occu-
21 pations;

22 (C) an analysis of the workforce in the re-
23 gion, including current labor force employment
24 (and unemployment) data, and information on
25 labor market trends, and the educational and

1 skill levels of the workforce in the region, in-
2 cluding individuals with barriers to employment;

3 (D) an analysis of the workforce develop-
4 ment activities (including education and train-
5 ing) in the region, including an analysis of the
6 strengths and weaknesses of such services, and
7 the capacity to provide such services, to address
8 the identified education and skill needs of the
9 workforce and the employment needs of employ-
10 ers in the region;

11 (E) a description of the local board's stra-
12 tegic vision and goals for preparing an educated
13 and skilled workforce (including youth and indi-
14 viduals with barriers to employment), including
15 goals relating to the performance accountability
16 measures based on primary indicators of per-
17 formance described in section 116(b)(2)(A) in
18 order to support regional economic growth and
19 economic self-sufficiency; and

20 (F) taking into account analyses described
21 in subparagraphs (A) through (D), a strategy
22 to work with the entities that carry out the core
23 programs to align resources available to the
24 local area, to achieve the strategic vision and
25 goals described in subparagraph (E);

1 (2) a description of the workforce development
2 system in the local area that identifies the programs
3 that are included in that system and how the local
4 board will work with the entities carrying out core
5 programs and other workforce development pro-
6 grams to support alignment to provide services, in-
7 cluding programs of study authorized under the Carl
8 D. Perkins Career and Technical Education Act of
9 2006 (20 U.S.C. 2301 et seq.), that support the
10 strategy identified in the State plan under section
11 102(b)(1)(E);

12 (3) a description of how the local board, work-
13 ing with the entities carrying out core programs, will
14 expand access to employment, training, education,
15 and supportive services for eligible individuals, par-
16 ticularly eligible individuals with barriers to employ-
17 ment, including how the local board will facilitate
18 the development of career pathways and co-enroll-
19 ment, as appropriate, in core programs;

20 (4) a description of the strategies and services
21 that will be used in the local area—

22 (A) in order to—

23 (i) facilitate engagement of employers,
24 including small employers and employers in

1 in-demand industry sectors and occupa-
2 tions, in workforce development programs;

3 (ii) support a local workforce develop-
4 ment system that meets the needs of busi-
5 nesses in the local area;

6 (iii) better coordinate workforce devel-
7 opment programs and economic develop-
8 ment; and

9 (iv) strengthen linkages between the
10 one-stop delivery system and unemploy-
11 ment insurance programs; and

12 (B) that may include the implementation
13 of initiatives such as incumbent worker training
14 programs, on-the-job training programs, cus-
15 tomized training programs, industry and sector
16 strategies, career pathways initiatives, utiliza-
17 tion of effective business intermediaries, and
18 other business services and strategies, designed
19 to meet the needs of employers in the cor-
20 responding region in support of the strategy de-
21 scribed in paragraph (1)(F);

22 (5) a description of how the local board will co-
23 ordinate workforce investment activities carried out
24 in the local area with economic development activi-
25 ties carried out in the region in which the local area

1 is located (or planning region), and promote entre-
2 preneurial skills training and microenterprise serv-
3 ices;

4 (6) a description of the one-stop delivery system
5 in the local area, including—

6 (A) a description of how the local board
7 will ensure the continuous improvement of eligi-
8 ble providers of services through the system and
9 ensure that such providers meet the employ-
10 ment needs of local employers, and workers and
11 jobseekers;

12 (B) a description of how the local board
13 will facilitate access to services provided
14 through the one-stop delivery system, including
15 in remote areas, through the use of technology
16 and through other means;

17 (C) a description of how entities within the
18 one-stop delivery system, including one-stop op-
19 erators and the one-stop partners, will comply
20 with section 188, if applicable, and applicable
21 provisions of the Americans with Disabilities
22 Act of 1990 (42 U.S.C. 12101 et seq.) regard-
23 ing the physical and programmatic accessibility
24 of facilities, programs and services, technology,
25 and materials for individuals with disabilities,

1 including providing staff training and support
2 for addressing the needs of individuals with dis-
3 abilities; and

4 (D) a description of the roles and resource
5 contributions of the one-stop partners;

6 (7) a description and assessment of the type
7 and availability of adult and dislocated worker em-
8 ployment and training activities in the local area;

9 (8) a description of how the local board will co-
10 ordinate workforce investment activities carried out
11 in the local area with statewide rapid response ac-
12 tivities, as described in section 134(a)(2)(A);

13 (9) a description and assessment of the type
14 and availability of youth workforce investment activi-
15 ties in the local area, including activities for youth
16 who are individuals with disabilities, which descrip-
17 tion and assessment shall include an identification of
18 successful models of such youth workforce invest-
19 ment activities;

20 (10) a description of how the local board will
21 coordinate education and workforce investment ac-
22 tivities carried out in the local area with relevant
23 secondary and postsecondary education programs
24 and activities to coordinate strategies, enhance serv-
25 ices, and avoid duplication of services;

1 (11) a description of how the local board will
2 coordinate workforce investment activities carried
3 out under this title in the local area with the provi-
4 sion of transportation, including public transpor-
5 tation, and other appropriate supportive services in
6 the local area;

7 (12) a description of plans and strategies for,
8 and assurances concerning, maximizing coordination
9 of services provided by the State employment service
10 under the Wagner-Peyser Act (29 U.S.C. 49 et seq.)
11 and services provided in the local area through the
12 one-stop delivery system, to improve service delivery
13 and avoid duplication of services;

14 (13) a description of how the local board will
15 coordinate workforce investment activities carried
16 out under this title in the local area with the provi-
17 sion of adult education and literacy activities under
18 title II in the local area, including a description of
19 how the local board will carry out, consistent with
20 subparagraphs (A) and (B)(i) of section 107(d)(11)
21 and section 232, the review of local applications sub-
22 mitted under title II;

23 (14) a description of the replicated cooperative
24 agreements (as defined in section 107(d)(11)) be-
25 tween the local board or other local entities de-

1 scribed in section 101(a)(11)(B) of the Rehabilita-
2 tion Act of 1973 (29 U.S.C. 721(a)(11)(B)) and the
3 local office of a designated State agency or des-
4 ignated State unit administering programs carried
5 out under title I of such Act (29 U.S.C. 720 et seq.)
6 (other than section 112 or part C of that title (29
7 U.S.C. 732, 741) and subject to section 121(f)) in
8 accordance with section 101(a)(11) of such Act (29
9 U.S.C. 721(a)(11)) with respect to efforts that will
10 enhance the provision of services to individuals with
11 disabilities and to other individuals, such as cross
12 training of staff, technical assistance, use and shar-
13 ing of information, cooperative efforts with employ-
14 ers, and other efforts at cooperation, collaboration,
15 and coordination;

16 (15) an identification of the entity responsible
17 for the disbursement of grant funds described in section
18 107(d)(12)(B)(i)(III), as determined by the chief
19 elected official or the Governor under section
20 107(d)(12)(B)(i);

21 (16) a description of the competitive process to
22 be used to award the subgrants and contracts in the
23 local area for activities carried out under this title;

24 (17) a description of the local levels of perform-
25 ance negotiated with the Governor and chief elected

1 official pursuant to section 116(c), to be used to
2 measure the performance of the local area and to be
3 used by the local board for measuring the perform-
4 ance of the local fiscal agent (where appropriate), el-
5 igible providers under subtitle B, and the one-stop
6 delivery system, in the local area;

7 (18) a description of the actions the local board
8 will take toward becoming or remaining a high-per-
9 forming board, consistent with the factors developed
10 by the State board pursuant to section 101(d)(6);

11 (19) a description of how training services
12 under chapter 3 of subtitle B will be provided in ac-
13 cordance with section 134(e)(3)(G), including, if
14 contracts for the training services will be used, how
15 the use of such contracts will be coordinated with
16 the use of individual training accounts under that
17 chapter and how the local board will ensure in-
18 formed customer choice in the selection of training
19 programs regardless of how the training services are
20 to be provided;

21 (20) a description of the process used by the
22 local board, consistent with subsection (d), to pro-
23 vide an opportunity for public comment, including
24 comment by representatives of businesses and com-
25 ment by representatives of labor organizations, and

1 input into the development of the local plan, prior to
2 submission of the plan;

3 (21) a description of how one-stop centers are
4 implementing and transitioning to an integrated,
5 technology-enabled intake and case management in-
6 formation system for programs carried out under
7 this Act and programs carried out by one-stop part-
8 ners; and

9 (22) such other information as the Governor
10 may require.

11 (c) EXISTING ANALYSIS.—As appropriate, a local
12 area may use an existing analysis in order to carry out
13 the requirements of subsection (b)(1) concerning an anal-
14 ysis.

15 (d) PROCESS.—Prior to the date on which the local
16 board submits a local plan under this section, the local
17 board shall—

18 (1) make available copies of a proposed local
19 plan to the public through electronic and other
20 means, such as public hearings and local news
21 media;

22 (2) allow members of the public, including rep-
23 resentatives of business, representatives of labor or-
24 ganizations, and representatives of education to sub-
25 mit to the local board comments on the proposed

1 local plan, not later than the end of the 30-day pe-
2 riod beginning on the date on which the proposed
3 local plan is made available; and

4 (3) include with the local plan submitted to the
5 Governor under this section any such comments that
6 represent disagreement with the plan.

7 (e) PLAN SUBMISSION AND APPROVAL.—A local plan
8 submitted to the Governor under this section (including
9 a modification to such a local plan) shall be considered
10 to be approved by the Governor at the end of the 90-day
11 period beginning on the day the Governor receives the plan
12 (including such a modification), unless the Governor
13 makes a written determination during the 90-day period
14 that—

15 (1) deficiencies in activities carried out under
16 this subtitle or subtitle B have been identified,
17 through audits conducted under section 184 or oth-
18 erwise, and the local area has not made acceptable
19 progress in implementing corrective measures to ad-
20 dress the deficiencies;

21 (2) the plan does not comply with the applicable
22 provisions of this Act; or

23 (3) the plan does not align with the State plan,
24 including failing to provide for alignment of the core

1 programs to support the strategy identified in the
2 State plan in accordance with section 102(b)(1)(E).

3 **CHAPTER 3—BOARD PROVISIONS**

4 **SEC. 111. FUNDING OF STATE AND LOCAL BOARDS.**

5 (a) STATE BOARDS.—In funding a State board under
6 this subtitle, a State—

7 (1) shall use funds available as described in sec-
8 tion 129(b)(3) or 134(a)(3)(B); and

9 (2) may use non-Federal funds available to the
10 State that the State determines are appropriate and
11 available for that use.

12 (b) LOCAL BOARDS.—In funding a local board under
13 this subtitle, the chief elected official and local board for
14 the local area—

15 (1) shall use funds available as described in sec-
16 tion 128(b)(4); and

17 (2) may use non-Federal funds available to the
18 local area that the chief elected official and local
19 board determine are appropriate and available for
20 that use.

21 **CHAPTER 4—PERFORMANCE**

22 **ACCOUNTABILITY**

23 **SEC. 116. PERFORMANCE ACCOUNTABILITY SYSTEM.**

24 (a) PURPOSE.—The purpose of this section is to es-
25 tablish performance accountability measures that apply

1 across the core programs to assess the effectiveness of
2 States and local areas (for core programs described in sub-
3 title B) in achieving positive outcomes for individuals
4 served by those programs.

5 (b) STATE PERFORMANCE ACCOUNTABILITY MEAS-
6 URES.—

7 (1) IN GENERAL.—For each State, the perform-
8 ance accountability measures for the core programs
9 shall consist of—

10 (A)(i) the primary indicators of perform-
11 ance described in paragraph (2)(A); and

12 (ii) the additional indicators of perform-
13 ance (if any) identified by the State under
14 paragraph (2)(B); and

15 (B) a State adjusted level of performance
16 for each indicator described in subparagraph
17 (A).

18 (2) INDICATORS OF PERFORMANCE.—

19 (A) PRIMARY INDICATORS OF PERFORM-
20 ANCE.—

21 (i) IN GENERAL.—The State primary
22 indicators of performance for activities
23 provided under the adult and dislocated
24 worker programs authorized under chapter
25 3 of subtitle B, the program of adult edu-

1 cation and literacy activities authorized
2 under title II, the employment services
3 program authorized under sections 1
4 through 13 of the Wagner-Peyser Act (29
5 U.S.C. 49 et seq.) (except that subclauses
6 (IV) and (V) shall not apply to such pro-
7 gram), and the program authorized under
8 title I of the Rehabilitation Act of 1973
9 (29 U.S.C. 720 et seq.), other than section
10 112 or part C of that title (29 U.S.C. 732,
11 741), shall consist of—

12 (I) the percentage of program
13 participants who are in unsubsidized
14 employment during the second quarter
15 after exit from the program;

16 (II) the percentage of program
17 participants who are in unsubsidized
18 employment during the fourth quarter
19 after exit from the program;

20 (III) the median earnings of pro-
21 gram participants who are in unsub-
22 sidized employment during the second
23 quarter after exit from the program;

24 (IV) the percentage of program
25 participants who obtain a recognized

1 postsecondary credential, or a sec-
2 ondary school diploma or its recog-
3 nized equivalent (subject to clause
4 (iii)), during participation in or within
5 1 year after exit from the program;

6 (V) the percentage of program
7 participants who, during a program
8 year, are in an education or training
9 program that leads to a recognized
10 postsecondary credential or employ-
11 ment and who are achieving measur-
12 able skill gains toward such a creden-
13 tial or employment; and

14 (VI) the indicators of effective-
15 ness in serving employers established
16 pursuant to clause (iv).

17 (ii) PRIMARY INDICATORS FOR ELIGI-
18 BLE YOUTH.—The primary indicators of
19 performance for the youth program au-
20 thorized under chapter 2 of subtitle B shall
21 consist of—

22 (I) the percentage of program
23 participants who are in education or
24 training activities, or in unsubsidized

1 employment, during the second quar-
2 ter after exit from the program;

3 (II) the percentage of program
4 participants who are in education or
5 training activities, or in unsubsidized
6 employment, during the fourth quar-
7 ter after exit from the program; and

8 (III) the primary indicators of
9 performance described in subclauses
10 (III) through (VI) of subparagraph
11 (A)(i).

12 (iii) INDICATOR RELATING TO CRE-
13 DENTIAL.—For purposes of clause (i)(IV),
14 or clause (ii)(III) with respect to clause
15 (i)(IV), program participants who obtain a
16 secondary school diploma or its recognized
17 equivalent shall be included in the percent-
18 age counted as meeting the criterion under
19 such clause only if such participants, in
20 addition to obtaining such diploma or its
21 recognized equivalent, have obtained or re-
22 tained employment or are in an education
23 or training program leading to a recog-
24 nized postsecondary credential within 1
25 year after exit from the program.

1 (iv) INDICATOR FOR SERVICES TO EM-
2 PLOYERS.—Prior to the commencement of
3 the second full program year after the date
4 of enactment of this Act, for purposes of
5 clauses (i)(VI), or clause (ii)(III) with re-
6 spect to clause (i)(IV), the Secretary of
7 Labor and the Secretary of Education,
8 after consultation with the representatives
9 described in paragraph (4)(B), shall jointly
10 develop and establish, for purposes of this
11 subparagraph, 1 or more primary indica-
12 tors of performance that indicate the effec-
13 tiveness of the core programs in serving
14 employers.

15 (B) ADDITIONAL INDICATORS.—A State
16 may identify in the State plan additional per-
17 formance accountability indicators.

18 (3) LEVELS OF PERFORMANCE.—

19 (A) STATE ADJUSTED LEVELS OF PER-
20 FORMANCE FOR PRIMARY INDICATORS.—

21 (i) IN GENERAL.—For each State sub-
22 mitting a State plan, there shall be estab-
23 lished, in accordance with this subpara-
24 graph, levels of performance for each of
25 the corresponding primary indicators of

1 performance described in paragraph (2) for
2 each of the programs described in clause
3 (ii).

4 (ii) INCLUDED PROGRAMS.—The pro-
5 grams included under clause (i) are—

6 (I) the youth program authorized
7 under chapter 2 of subtitle B;

8 (II) the adult program authorized
9 under chapter 3 of subtitle B;

10 (III) the dislocated worker pro-
11 gram authorized under chapter 3 of
12 subtitle B;

13 (IV) the program of adult edu-
14 cation and literacy activities author-
15 ized under title II;

16 (V) the employment services pro-
17 gram authorized under sections 1
18 through 13 of the Wagner-Peyser Act
19 (29 U.S.C. 49 et seq.); and

20 (VI) the program authorized
21 under title I of the Rehabilitation Act
22 of 1973 (29 U.S.C. 720 et seq.), other
23 than section 112 or part C of that
24 title (29 U.S.C. 732, 741).

1 (iii) IDENTIFICATION IN STATE
2 PLAN.—Each State shall identify, in the
3 State plan, expected levels of performance
4 for each of the corresponding primary indi-
5 cators of performance for each of the pro-
6 grams described in clause (ii) for the first
7 2 program years covered by the State plan.

8 (iv) AGREEMENT ON STATE AD-
9 JUSTED LEVELS OF PERFORMANCE.—

10 (I) FIRST 2 YEARS.—The State
11 shall reach agreement with the Sec-
12 retary of Labor, in conjunction with
13 the Secretary of Education on levels
14 of performance for each indicator de-
15 scribed in clause (iii) for each of the
16 programs described in clause (ii) for
17 each of the first 2 program years cov-
18 ered by the State plan. In reaching
19 the agreement, the State and the Sec-
20 retary of Labor in conjunction with
21 the Secretary of Education shall take
22 into account the levels identified in
23 the State plan under clause (iii) and
24 the factors described in clause (v).
25 The levels agreed to shall be consid-

1 ered to be the State adjusted levels of
2 performance for the State for such
3 program years and shall be incor-
4 porated into the State plan prior to
5 the approval of such plan.

6 (II) T H I R D A N D F O U R T H
7 YEAR.—The State and the Secretary
8 of Labor, in conjunction with the Sec-
9 retary of Education, shall reach agree-
10 ment, prior to the third program year
11 covered by the State plan, on levels of
12 performance for each indicator de-
13 scribed in clause (iii) for each of the
14 programs described in clause (ii) for
15 each of the third and fourth program
16 years covered by the State plan. In
17 reaching the agreement, the State and
18 Secretary of Labor, in conjunction
19 with the Secretary of Education, shall
20 take into account the factors de-
21 scribed in clause (v). The levels
22 agreed to shall be considered to be the
23 State adjusted levels of performance
24 for the State for such program years
25 and shall be incorporated into the

1 State plan as a modification to the
2 plan.

3 (v) FACTORS.—In reaching the agree-
4 ments described in clause (iv), the State
5 and Secretaries shall—

6 (I) take into account how the lev-
7 els involved compare with the State
8 adjusted levels of performance estab-
9 lished for other States;

10 (II) ensure that the levels in-
11 volved are adjusted, using the objec-
12 tive statistical model established by
13 the Secretaries pursuant to clause
14 (viii), based on—

15 (aa) the differences among
16 States in actual economic condi-
17 tions (including differences in un-
18 employment rates and job losses
19 or gains in particular industries);
20 and

21 (bb) the characteristics of
22 participants when the partici-
23 pants entered the program in-
24 volved, including indicators of
25 poor work history, lack of work

1 experience, lack of educational or
2 occupational skills attainment,
3 dislocation from high-wage and
4 high-benefit employment, low lev-
5 els of literacy or English pro-
6 ficiency, disability status, home-
7 lessness, ex-offender status, and
8 welfare dependency;

9 (III) take into account the extent
10 to which the levels involved promote
11 continuous improvement in perform-
12 ance accountability on the perform-
13 ance accountability measures by such
14 State and ensure optimal return on
15 the investment of Federal funds; and

16 (IV) take into account the extent
17 to which the levels involved will assist
18 the State in meeting the goals de-
19 scribed in clause (vi).

20 (vi) GOALS.—In order to promote en-
21 hanced performance outcomes and to facili-
22 tate the process of reaching agreements
23 with the States under clause (iv), the Sec-
24 retary of Labor, in conjunction with the
25 Secretary of Education, shall establish per-

1 performance goals for the core programs, in
2 accordance with the Government Perform-
3 ance and Results Act of 1993 (Public Law
4 103–62; 107 Stat. 285) and the amend-
5 ments made by that Act, and in consulta-
6 tion with States and other appropriate par-
7 ties. Such goals shall be long-term goals
8 for the adjusted levels of performance to be
9 achieved by each of the programs described
10 in clause (ii) regarding the corresponding
11 primary indicators of performance de-
12 scribed in paragraph (2)(A).

13 (vii) REVISIONS BASED ON ECONOMIC
14 CONDITIONS AND INDIVIDUALS SERVED
15 DURING THE PROGRAM YEAR.—The Sec-
16 retary of Labor, in conjunction with the
17 Secretary of Education, shall, in accord-
18 ance with the objective statistical model
19 developed pursuant to clause (viii), revise
20 the State adjusted levels of performance
21 applicable for each of the programs de-
22 scribed in clause (ii), for a program year
23 and a State, to reflect the actual economic
24 conditions and characteristics of partici-
25 pants (as described in clause (v)(II)) in

1 that program during such program year in
2 such State.

3 (viii) STATISTICAL ADJUSTMENT
4 MODEL.—The Secretary of Labor and the
5 Secretary of Education, after consultation
6 with the representatives described in para-
7 graph (4)(B), shall develop and dissemi-
8 nate an objective statistical model that will
9 be used to make the adjustments in the
10 State adjusted levels of performance for
11 actual economic conditions and characteris-
12 tics of participants under clauses (v) and
13 (vii).

14 (B) LEVELS OF PERFORMANCE FOR ADDI-
15 TIONAL INDICATORS.—The State may identify,
16 in the State plan, State levels of performance
17 for each of the additional indicators identified
18 under paragraph (2)(B). Such levels shall be
19 considered to be State adjusted levels of per-
20 formance for purposes of this section.

21 (4) DEFINITIONS OF INDICATORS OF PERFORM-
22 ANCE.—

23 (A) IN GENERAL.—In order to ensure na-
24 tionwide comparability of performance data, the
25 Secretary of Labor and the Secretary of Edu-

1 cation, after consultation with representatives
2 described in subparagraph (B), shall issue defi-
3 nitions for the indicators described in para-
4 graph (2).

5 (B) REPRESENTATIVES.—The representa-
6 tives referred to in subparagraph (A) are rep-
7 resentatives of States and political subdivisions,
8 business and industry, employees, eligible pro-
9 viders of activities carried out through the core
10 programs, educators, researchers, participants,
11 the lead State agency officials with responsi-
12 bility for the programs carried out through the
13 core programs, individuals with expertise in
14 serving individuals with barriers to employment,
15 and other interested parties.

16 (c) LOCAL PERFORMANCE ACCOUNTABILITY MEAS-
17 URES FOR SUBTITLE B.—

18 (1) IN GENERAL.—For each local area in a
19 State designated under section 106, the local per-
20 formance accountability measures for each of the
21 programs described in subclauses (I) through (III)
22 of subsection (b)(3)(A)(ii) shall consist of—

23 (A)(i) the primary indicators of perform-
24 ance described in subsection (b)(2)(A) that are
25 applicable to such programs; and

1 (ii) additional indicators of performance, if
2 any, identified by the State for such programs
3 under subsection (b)(2)(B); and

4 (B) the local level of performance for each
5 indicator described in subparagraph (A).

6 (2) LOCAL LEVEL OF PERFORMANCE.—The
7 local board, the chief elected official, and the Gov-
8 ernor shall negotiate and reach agreement on local
9 levels of performance based on the State adjusted
10 levels of performance established under subsection
11 (b)(3)(A).

12 (3) ADJUSTMENT FACTORS.—In negotiating the
13 local levels of performance, the local board, the chief
14 elected official, and the Governor shall make adjust-
15 ments for the expected economic conditions and the
16 expected characteristics of participants to be served
17 in the local area, using the statistical adjustment
18 model developed pursuant to subsection
19 (b)(3)(A)(viii). In addition, the negotiated local lev-
20 els of performance applicable to a program year
21 shall be revised to reflect the actual economic condi-
22 tions experienced and the characteristics of the pop-
23 ulations served in the local area during such pro-
24 gram year using the statistical adjustment model.

25 (d) PERFORMANCE REPORTS.—

1 (1) IN GENERAL.—Not later than 12 months
2 after the date of enactment of this Act, the Sec-
3 retary of Labor, in conjunction with the Secretary of
4 Education, shall develop a template for performance
5 reports that shall be used by States, local boards,
6 and eligible providers of training services under sec-
7 tion 122 to report on outcomes achieved by the core
8 programs. In developing such templates, the Sec-
9 retary of Labor, in conjunction with the Secretary of
10 Education, will take into account the need to maxi-
11 mize the value of the templates for workers, job-
12 seekers, employers, local elected officials, State offi-
13 cials, Federal policymakers, and other key stake-
14 holders.

15 (2) CONTENTS OF STATE PERFORMANCE RE-
16 PORTS.—The performance report for a State shall
17 include, subject to paragraph (5)(C)—

18 (A) information specifying the levels of
19 performance achieved with respect to the pri-
20 mary indicators of performance described in
21 subsection (b)(2)(A) for each of the programs
22 described in subsection (b)(3)(A)(ii) and the
23 State adjusted levels of performance with re-
24 spect to such indicators for each program;

1 (B) information specifying the levels of
2 performance achieved with respect to the pri-
3 mary indicators of performance described in
4 subsection (b)(2)(A) for each of the programs
5 described in subsection (b)(3)(A)(ii) with re-
6 spect to individuals with barriers to employ-
7 ment, disaggregated by each subpopulation of
8 such individuals, and by race, ethnicity, sex,
9 and age;

10 (C) the total number of participants served
11 by each of the programs described in subsection
12 (b)(3)(A)(ii);

13 (D) the number of participants who re-
14 ceived career and training services, respectively,
15 during the most recent program year and the 3
16 preceding program years, and the amount of
17 funds spent on each type of service;

18 (E) the number of participants who exited
19 from career and training services, respectively,
20 during the most recent program year and the 3
21 preceding program years;

22 (F) the average cost per participant of
23 those participants who received career and
24 training services, respectively, during the most

1 recent program year and the 3 preceding pro-
2 gram years;

3 (G) the percentage of participants in a
4 program authorized under this subtitle who re-
5 ceived training services and obtained unsub-
6 sidized employment in a field related to the
7 training received;

8 (H) the number of individuals with bar-
9 riers to employment served by each of the pro-
10 grams described in subsection (b)(3)(A)(ii),
11 disaggregated by each subpopulation of such in-
12 dividuals;

13 (I) the number of participants who are en-
14 rolled in more than 1 of the programs described
15 in subsection (b)(3)(A)(ii);

16 (J) the percentage of the State's annual al-
17 lotment under section 132(b) that the State
18 spent on administrative costs;

19 (K) in the case of a State in which local
20 areas are implementing pay-for-performance
21 contract strategies for programs—

22 (i) the performance of service pro-
23 viders entering into contracts for such
24 strategies, measured against the levels of

1 performance specified in the contracts for
2 such strategies; and

3 (ii) an evaluation of the design of the
4 programs and performance of the strate-
5 gies, and, where possible, the level of satis-
6 faction with the strategies among employ-
7 ers and participants benefitting from the
8 strategies; and

9 (L) other information that facilitates com-
10 parisons of programs with programs in other
11 States.

12 (3) CONTENTS OF LOCAL AREA PERFORMANCE
13 REPORTS.—The performance reports for a local area
14 shall include, subject to paragraph (6)(C)—

15 (A) the information specified in subpara-
16 graphs (A) through (L) of paragraph (2), for
17 each of the programs described in subclauses
18 (I) through (III) of subsection (b)(3)(A)(ii);

19 (B) the percentage of the local area's allo-
20 cation under sections 128(b) and 133(b) that
21 the local area spent on administrative costs;
22 and

23 (C) other information that facilitates com-
24 parisons of programs with programs in other

1 local areas (or planning regions, as appro-
2 priate).

3 (4) CONTENTS OF ELIGIBLE TRAINING PRO-
4 VIDERS PERFORMANCE REPORTS.—The performance
5 report for an eligible provider of training services
6 under section 122 shall include, subject to para-
7 graph (6)(C), with respect to each program of study
8 (or the equivalent) of such provider—

9 (A) information specifying the levels of
10 performance achieved with respect to the pri-
11 mary indicators of performance described in
12 subclauses (I) through (IV) of subsection
13 (b)(2)(A)(i) with respect to all individuals en-
14 gaging in the program of study (or the equiva-
15 lent);

16 (B) the total number of individuals exiting
17 from the program of study (or the equivalent);

18 (C) the total number of participants who
19 received training services through each of the
20 adult program and the dislocated worker pro-
21 gram authorized under chapter 3 of subtitle B,
22 disaggregated by the type of entity that pro-
23 vided the training, during the most recent pro-
24 gram year and the 3 preceding program years;

1 (D) the total number of participants who
2 exited from training services, disaggregated by
3 the type of entity that provided the training,
4 during the most recent program year and the 3
5 preceding program years;

6 (E) the average cost per participant for
7 the participants who received training services,
8 disaggregated by the type of entity that pro-
9 vided the training, during the most recent pro-
10 gram year and the 3 preceding program years;
11 and

12 (F) the number of individuals with barriers
13 to employment served by each of the adult pro-
14 gram and the dislocated worker program au-
15 thorized under chapter 3 of subtitle B,
16 disaggregated by each subpopulation of such in-
17 dividuals, and by race, ethnicity, sex, and age.

18 (5) DATA VALIDATION.—In preparing the State
19 reports described in this subsection, each State shall
20 establish procedures, consistent with guidelines
21 issued by the Secretary, in conjunction with the Sec-
22 retary of Education, to ensure the information con-
23 tained in the reports is valid and reliable.

24 (6) PUBLICATION.—

1 (A) STATE PERFORMANCE REPORTS.—The
2 Secretary of Labor and the Secretary of Edu-
3 cation shall annually make available (including
4 by electronic means), in an easily understand-
5 able format, the performance reports for States
6 containing the information described in para-
7 graph (2).

8 (B) LOCAL AREA AND ELIGIBLE TRAINING
9 PROVIDER PERFORMANCE REPORTS.—The
10 State shall make available (including by elec-
11 tronic means), in an easily understandable for-
12 mat, the performance reports for the local areas
13 containing the information described in para-
14 graph (3) and the performance reports for eligi-
15 ble providers of training services containing the
16 information described in paragraph (4).

17 (C) RULES FOR REPORTING OF DATA.—
18 The disaggregation of data under this sub-
19 section shall not be required when the number
20 of participants in a category is insufficient to
21 yield statistically reliable information or when
22 the results would reveal personally identifiable
23 information about an individual participant.

24 (D) DISSEMINATION TO CONGRESS.—The
25 Secretary of Labor and the Secretary of Edu-

1 cation shall make available (including by elec-
2 tronic means) a summary of the reports, and
3 the reports, required under this subsection to
4 the Committee on Education and the Workforce
5 of the House of Representatives and the Com-
6 mittee on Health, Education, Labor, and Pen-
7 sions of the Senate. The Secretaries shall pre-
8 pare and make available with the reports a set
9 of recommendations for improvements in and
10 adjustments to pay-for-performance contract
11 strategies used under subtitle B.

12 (e) EVALUATION OF STATE PROGRAMS.—

13 (1) IN GENERAL.—Using funds authorized
14 under a core program and made available to carry
15 out this section, the State, in coordination with local
16 boards in the State and the State agencies respon-
17 sible for the administration of the core programs,
18 shall conduct ongoing evaluations of activities car-
19 ried out in the State under such programs. The
20 State, local boards, and State agencies shall conduct
21 the evaluations in order to promote, establish, imple-
22 ment, and utilize methods for continuously improv-
23 ing core program activities in order to achieve high-
24 level performance within, and high-level outcomes
25 from, the workforce development system. The State

1 shall coordinate the evaluations with the evaluations
2 provided for by the Secretary of Labor and the Sec-
3 retary of Education under section 169, section
4 242(c)(2)(D), and sections 12(a)(5), 14, and 107 of
5 the Rehabilitation Act of 1973 (29 U.S.C.
6 709(a)(5), 711, 727) (applied with respect to pro-
7 grams carried out under title I of that Act (29
8 U.S.C. 720 et seq.)) and the investigations provided
9 for by the Secretary of Labor under section 10(b) of
10 the Wagner-Peyser Act (29 U.S.C. 49i(b)).

11 (2) DESIGN.—The evaluations conducted under
12 this subsection shall be designed in conjunction with
13 the State board, State agencies responsible for the
14 administration of the core programs, and local
15 boards and shall include analysis of customer feed-
16 back and outcome and process measures in the
17 statewide workforce development system. The eval-
18 uations shall use designs that employ the most rig-
19 orous analytical and statistical methods that are rea-
20 sonably feasible, such as the use of control groups.

21 (3) RESULTS.—The State shall annually pre-
22 pare, submit to the State board and local boards in
23 the State, and make available to the public (includ-
24 ing by electronic means), reports containing the re-
25 sults of evaluations conducted under this subsection,

1 to promote the efficiency and effectiveness of the
2 workforce development system.

3 (4) COOPERATION WITH FEDERAL EVALUA-
4 TIONS.—The State shall, to the extent practicable,
5 cooperate in the conduct of evaluations (including
6 related research projects) provided for by the Sec-
7 retary of Labor or the Secretary of Education under
8 the provisions of Federal law identified in paragraph
9 (1). Such cooperation shall include the provision of
10 data (in accordance with appropriate privacy protec-
11 tions established by the Secretary of Labor), the
12 provision of responses to surveys, and allowing site
13 visits in a timely manner, for the Secretaries or their
14 agents.

15 (f) SANCTIONS FOR STATE FAILURE TO MEET
16 STATE PERFORMANCE ACCOUNTABILITY MEASURES.—

17 (1) STATES.—

18 (A) TECHNICAL ASSISTANCE.—If a State
19 fails to meet the State adjusted levels of per-
20 formance relating to indicators described in
21 subsection (b)(2)(A) for a program for any pro-
22 gram year, the Secretary of Labor and the Sec-
23 retary of Education shall provide technical as-
24 sistance, including assistance in the develop-
25 ment of a performance improvement plan.

1 (B) REDUCTION IN AMOUNT OF GRANT.—

2 If such failure continues for a second consecu-
3 tive year, or (except in the case of exceptional
4 circumstances as determined by the Secretary
5 of Labor or the Secretary of Education, as ap-
6 propriate) a State fails to submit a report
7 under subsection (d) for any program year, the
8 percentage of each amount that would (in the
9 absence of this paragraph) be reserved by the
10 Governor under section 128(a) for the imme-
11 diately succeeding program year shall be re-
12 duced by 5 percentage points until such date as
13 the Secretary of Labor or the Secretary of Edu-
14 cation, as appropriate, determines that the
15 State meets such State adjusted levels of per-
16 formance and has submitted such reports for
17 the appropriate program years.

18 (g) SANCTIONS FOR LOCAL AREA FAILURE TO MEET

19 LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.—

20 (1) TECHNICAL ASSISTANCE.—If a local area
21 fails to meet local performance accountability meas-
22 ures established under subsection (c) for the youth,
23 adult, or dislocated worker program authorized
24 under chapter 2 or 3 of subtitle B for a program de-
25 scribed in subsection (d)(2)(A) for any program

1 year, the Governor, or upon request by the Gov-
2 ernor, the Secretary of Labor, shall provide technical
3 assistance, which may include assistance in the de-
4 velopment of a performance improvement plan or the
5 development of a modified local plan (or regional
6 plan).

7 (2) CORRECTIVE ACTIONS.—

8 (A) IN GENERAL.—If such failure con-
9 tinues for a third consecutive year, the Gov-
10 ernor shall take corrective actions, which shall
11 include development of a reorganization plan
12 through which the Governor shall—

13 (i) require the appointment and cer-
14 tification of a new local board, consistent
15 with the criteria established under section
16 107(b);

17 (ii) prohibit the use of eligible pro-
18 viders and one-stop partners identified as
19 achieving a poor level of performance; or

20 (iii) take such other significant ac-
21 tions as the Governor determines are ap-
22 propriate.

23 (B) APPEAL BY LOCAL AREA.—

24 (i) APPEAL TO GOVERNOR.—The local
25 board and chief elected official for a local

1 area that is subject to a reorganization
2 plan under subparagraph (A) may, not
3 later than 30 days after receiving notice of
4 the reorganization plan, appeal to the Gov-
5 ernor to rescind or revise such plan. In
6 such case, the Governor shall make a final
7 decision not later than 30 days after the
8 receipt of the appeal.

9 (ii) SUBSEQUENT ACTION.—The local
10 board and chief elected official for a local
11 area may, not later than 30 days after re-
12 ceiving a decision from the Governor pur-
13 suant to clause (i), appeal such decision to
14 the Secretary of Labor. In such case, the
15 Secretary shall make a final decision not
16 later than 30 days after the receipt of the
17 appeal.

18 (C) EFFECTIVE DATE.—The decision made
19 by the Governor under subparagraph (B)(i)
20 shall become effective at the time the Governor
21 issues the decision pursuant to such clause.
22 Such decision shall remain effective unless the
23 Secretary of Labor rescinds or revises such plan
24 pursuant to subparagraph (B)(ii).

1 (h) ESTABLISHING PAY-FOR-PERFORMANCE CON-
2 TRACT STRATEGY INCENTIVES.—Using non-Federal
3 funds, the Governor may establish incentives for local
4 boards to implement pay-for-performance contract strate-
5 gies for the delivery of training services described in sec-
6 tion 134(c)(3) or activities described in section 129(c)(2)
7 in the local areas served by the local boards.

8 (i) FISCAL AND MANAGEMENT ACCOUNTABILITY IN-
9 FORMATION SYSTEMS.—

10 (1) IN GENERAL.—Using funds authorized
11 under a core program and made available to carry
12 out this chapter, the Governor, in coordination with
13 the State board, the State agencies administering
14 the core programs, local boards, and chief elected of-
15 ficials in the State, shall establish and operate a fis-
16 cal and management accountability information sys-
17 tem based on guidelines established by the Secretary
18 of Labor and the Secretary of Education after con-
19 sultation with the Governors of States, chief elected
20 officials, and one-stop partners. Such guidelines
21 shall promote efficient collection and use of fiscal
22 and management information for reporting and
23 monitoring the use of funds authorized under the
24 core programs and for preparing the annual report
25 described in subsection (d).

1 (2) WAGE RECORDS.—In measuring the
2 progress of the State on State and local performance
3 accountability measures, a State shall utilize quar-
4 terly wage records, consistent with State law. The
5 Secretary of Labor shall make arrangements, con-
6 sistent with State law, to ensure that the wage
7 records of any State are available to any other State
8 to the extent that such wage records are required by
9 the State in carrying out the State plan of the State
10 or completing the annual report described in sub-
11 section (d).

12 (3) CONFIDENTIALITY.—In carrying out the re-
13 quirements of this Act, the State shall comply with
14 section 444 of the General Education Provisions Act
15 (20 U.S.C. 1232g).

16 **Subtitle B—Workforce Investment**
17 **Activities and Providers**

18 **CHAPTER 1—WORKFORCE INVESTMENT**

19 **ACTIVITIES AND PROVIDERS**

20 **SEC. 121. ESTABLISHMENT OF ONE-STOP DELIVERY SYS-**
21 **TEMS.**

22 (a) IN GENERAL.—Consistent with an approved
23 State plan, the local board for a local area, with the agree-
24 ment of the chief elected official for the local area, shall—

1 (1) develop and enter into the memorandum of
2 understanding described in subsection (c) with one-
3 stop partners;

4 (2) designate or certify one-stop operators
5 under subsection (d); and

6 (3) conduct oversight with respect to the one-
7 stop delivery system in the local area.

8 (b) ONE-STOP PARTNERS.—

9 (1) REQUIRED PARTNERS.—

10 (A) ROLES AND RESPONSIBILITIES OF
11 ONE-STOP PARTNERS.—Each entity that carries
12 out a program or activities described in sub-
13 paragraph (B) in a local area shall—

14 (i) provide access through the one-
15 stop delivery system to such program or
16 activities carried out by the entity, includ-
17 ing making the career services described in
18 section 134(c)(2) that are applicable to the
19 program or activities available at the one-
20 stop centers (in addition to any other ap-
21 propriate locations);

22 (ii) use a portion of the funds avail-
23 able for the program and activities to
24 maintain the one-stop delivery system, in-
25 cluding payment of the infrastructure costs

1 of one-stop centers in accordance with sub-
2 section (h);

3 (iii) enter into a local memorandum of
4 understanding with the local board, relat-
5 ing to the operation of the one-stop sys-
6 tem, that meets the requirements of sub-
7 section (c);

8 (iv) participate in the operation of the
9 one-stop system consistent with the terms
10 of the memorandum of understanding, the
11 requirements of this title, and the require-
12 ments of the Federal laws authorizing the
13 program or activities; and

14 (v) provide representation on the
15 State board to the extent provided under
16 section 101.

17 (B) PROGRAMS AND ACTIVITIES.—The
18 programs and activities referred to in subpara-
19 graph (A) consist of—

20 (i) programs authorized under this
21 title;

22 (ii) programs authorized under the
23 Wagner-Peyser Act (29 U.S.C. 49 et seq.);

24 (iii) adult education and literacy ac-
25 tivities authorized under title II;

1 (iv) programs authorized under title I
2 of the Rehabilitation Act of 1973 (29
3 U.S.C. 720 et seq.) (other than section
4 112 or part C of title I of such Act (29
5 U.S.C. 732, 741);

6 (v) activities authorized under title V
7 of the Older Americans Act of 1965 (42
8 U.S.C. 3056 et seq.);

9 (vi) career and technical education
10 programs at the postsecondary level au-
11 thorized under the Carl D. Perkins Career
12 and Technical Education Act of 2006 (20
13 U.S.C. 2301 et seq.);

14 (vii) activities authorized under chap-
15 ter 2 of title II of the Trade Act of 1974
16 (19 U.S.C. 2271 et seq.);

17 (viii) activities authorized under chap-
18 ter 41 of title 38, United States Code;

19 (ix) employment and training activi-
20 ties carried out under the Community
21 Services Block Grant Act (42 U.S.C. 9901
22 et seq.);

23 (x) employment and training activities
24 carried out by the Department of Housing
25 and Urban Development;

1 (xi) programs authorized under State
2 unemployment compensation laws (in ac-
3 cordance with applicable Federal law);

4 (xii) programs authorized under sec-
5 tion 212 of the Second Chance Act of 2007
6 (42 U.S.C. 17532); and

7 (xiii) programs authorized under part
8 A of title IV of the Social Security Act (42
9 U.S.C. 601 et seq.), subject to subpara-
10 graph (C).

11 (C) DETERMINATION BY THE GOV-
12 ERNOR.—

13 (i) IN GENERAL.—An entity that car-
14 ries out a program referred to in subpara-
15 graph (B)(xiii) shall be included in the
16 one-stop partners for the local area, as a
17 required partner, for purposes of this Act
18 and the other core program provisions that
19 are not part of this Act, unless the Gov-
20 ernor provides the notification described in
21 clause (ii).

22 (ii) NOTIFICATION.—The notification
23 referred to in clause (i) is a notification
24 that—

1 (I) is made in writing of a deter-
2 mination by the Governor not to in-
3 clude such entity in the one-stop part-
4 ners described in clause (i); and

5 (II) is provided to the Secretary
6 of Labor (referred to in this subtitle,
7 and subtitles C through E, as the
8 “Secretary”) and the Secretary of
9 Health and Human Services.

10 (2) ADDITIONAL PARTNERS.—

11 (A) IN GENERAL.—With the approval of
12 the local board and chief elected official, in ad-
13 dition to the entities described in paragraph
14 (1), other entities that carry out workforce de-
15 velopment programs described in subparagraph
16 (B) may be one-stop partners for the local area
17 and carry out the responsibilities described in
18 paragraph (1)(A).

19 (B) PROGRAMS.—The programs referred
20 to in subparagraph (A) may include—

21 (i) employment and training programs
22 administered by the Social Security Ad-
23 ministration, including the Ticket to Work
24 and Self-Sufficiency Program established

1 under section 1148 of the Social Security
2 Act (42 U.S.C. 1320b–19);

3 (ii) employment and training pro-
4 grams carried out by the Small Business
5 Administration;

6 (iii) programs authorized under sec-
7 tion 6(d)(4) of the Food and Nutrition Act
8 of 2008 (7 U.S.C. 2015(d)(4));

9 (iv) work programs authorized under
10 section 6(o) of the Food and Nutrition Act
11 of 2008 (7 U.S.C. 2015(o));

12 (v) programs carried out under sec-
13 tion 112 of the Rehabilitation Act of 1973
14 (29 U.S.C. 732);

15 (vi) programs authorized under the
16 National and Community Service Act of
17 1990 (42 U.S.C. 12501 et seq.); and

18 (vii) other appropriate Federal, State,
19 or local programs, including employment,
20 education, and training programs provided
21 by public libraries or in the private sector.

22 (c) MEMORANDUM OF UNDERSTANDING.—

23 (1) DEVELOPMENT.—The local board, with the
24 agreement of the chief elected official, shall develop
25 and enter into a memorandum of understanding (be-

1 (II) funding of the infrastructure
2 costs of one-stop centers in accord-
3 ance with subsection (h);

4 (iii) methods of referral of individuals
5 between the one-stop operator and the one-
6 stop partners for appropriate services and
7 activities;

8 (iv) methods to ensure the needs of
9 workers and youth, and individuals with
10 barriers to employment, including individ-
11 uals with disabilities, are addressed in the
12 provision of necessary and appropriate ac-
13 cess to services, including access to tech-
14 nology and materials, made available
15 through the one-stop delivery system; and

16 (v) the duration of the memorandum
17 of understanding and the procedures for
18 amending the memorandum during the du-
19 ration of the memorandum, and assurances
20 that such memorandum shall be reviewed
21 not less than once every 3-year period to
22 ensure appropriate funding and delivery of
23 services; and

1 (ii) an employment service State agen-
2 cy established under the Wagner-Peyser
3 Act (29 U.S.C. 49 et seq.), on behalf of
4 the local office of the agency;

5 (iii) a community-based organization,
6 nonprofit organization, or intermediary;

7 (iv) a private for-profit entity;

8 (v) a government agency; and

9 (vi) another interested organization or
10 entity, which may include a local chamber
11 of commerce or other business organiza-
12 tion, or a labor organization.

13 (3) EXCEPTION.—Elementary schools and sec-
14 ondary schools shall not be eligible for designation
15 or certification as one-stop operators, except that
16 nontraditional public secondary schools and area ca-
17 reer and technical education schools may be eligible
18 for such designation or certification.

19 (4) ADDITIONAL REQUIREMENTS.—The State
20 and local boards shall ensure that in carrying out
21 activities under this title, one-stop operators—

22 (A) disclose any potential conflicts of inter-
23 est arising from the relationships of the opera-
24 tors with particular training service providers or
25 other service providers;

1 (B) do not establish practices that create
2 disincentives to providing services to individuals
3 with barriers to employment who may require
4 longer-term services, such as intensive employ-
5 ment, training, and education services; and

6 (C) comply with Federal regulations, and
7 procurement policies, relating to the calculation
8 and use of profits.

9 (e) ESTABLISHMENT OF ONE-STOP DELIVERY SYS-
10 TEM.—

11 (1) IN GENERAL.—There shall be established in
12 each local area in a State that receives an allotment
13 under section 132(b) a one-stop delivery system,
14 which shall—

15 (A) provide the career services described in
16 section 134(c)(2);

17 (B) provide access to training services as
18 described in section 134(c)(3), including serving
19 as the point of access to training services for
20 participants in accordance with section
21 134(c)(3)(G);

22 (C) provide access to the employment and
23 training activities carried out under section
24 134(d), if any;

1 (D) provide access to programs and activi-
2 ties carried out by one-stop partners described
3 in subsection (b); and

4 (E) provide access to the data, informa-
5 tion, and analysis described in section 15(a) of
6 the Wagner-Peyser Act (29 U.S.C. 491–2(a))
7 and all job search, placement, recruitment, and
8 other labor exchange services authorized under
9 the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

10 (2) ONE-STOP DELIVERY.—The one-stop deliv-
11 ery system—

12 (A) at a minimum, shall make each of the
13 programs, services, and activities described in
14 paragraph (1) accessible at not less than 1
15 physical center in each local area of the State;
16 and

17 (B) may also make programs, services, and
18 activities described in paragraph (1) available—

19 (i) through a network of affiliated
20 sites that can provide 1 or more of the pro-
21 grams, services, and activities to individ-
22 uals; and

23 (ii) through a network of eligible one-
24 stop partners—

1 (I) in which each partner pro-
2 vides 1 or more of the programs, serv-
3 ices, and activities to such individuals
4 and is accessible at an affiliated site
5 that consists of a physical location or
6 an electronically or technologically
7 linked access point; and

8 (II) that assures individuals that
9 information on the availability of the
10 career services will be available re-
11 gardless of where the individuals ini-
12 tially enter the statewide workforce
13 development system, including infor-
14 mation made available through an ac-
15 cess point described in subclause (I);

16 (C) may have specialized centers to ad-
17 dress special needs, such as the needs of dis-
18 located workers, youth, or key industry sectors
19 or clusters; and

20 (D) as applicable and practicable, shall
21 make programs, services, and activities acces-
22 sible to individuals through electronic means in
23 a manner that improves efficiency, coordination,
24 and quality in the delivery of one-stop partner
25 services.

1 (3) COLOCATION OF WAGNER-PEYSER SERV-
2 ICES.—Consistent with section 3(d) of the Wagner-
3 Peyser Act (29 U.S.C. 49b(d)), and in order to im-
4 prove service delivery, avoid duplication of services,
5 and enhance coordination of services, including loca-
6 tion of staff to ensure access to services in under-
7 served areas, the employment service offices in each
8 State shall be colocated with one-stop centers estab-
9 lished under this title.

10 (4) USE OF COMMON ONE-STOP DELIVERY SYS-
11 TEM IDENTIFIER.—In addition to using any State or
12 locally developed identifier, each one-stop delivery
13 system shall include in the identification of products,
14 programs, activities, services, facilities, and related
15 property and materials, a common one-stop delivery
16 system identifier. The identifier shall be developed
17 by the Secretary, in consultation with heads of other
18 appropriate departments and agencies, and rep-
19 resentatives of State boards and local boards and of
20 other stakeholders in the one-stop delivery system,
21 not later than the beginning of the second full pro-
22 gram year after the date of enactment of this Act.
23 Such common identifier may consist of a logo,
24 phrase, or other identifier that informs users of the
25 one-stop delivery system that such products, pro-

1 grams, activities, services, facilities, property, or ma-
2 terials are being provided through such system.
3 Nothing in this paragraph shall be construed to pro-
4 hibit one-stop partners, States, or local areas from
5 having additional identifiers.

6 (f) APPLICATION TO CERTAIN VOCATIONAL REHA-
7 BILITATION PROGRAMS.—

8 (1) LIMITATION.—Nothing in this section shall
9 be construed to apply to part C of title I of the Re-
10 habilitation Act of 1973 (29 U.S.C. 741).

11 (2) CLIENT ASSISTANCE.—Nothing in this Act
12 shall be construed to require that any entity car-
13 rying out a client assistance program authorized
14 under section 112 of the Rehabilitation Act of 1973
15 (29 U.S.C. 732)—

16 (A) be included as a mandatory one-stop
17 partner under subsection (b)(1); or

18 (B) if the entity is included as an addi-
19 tional one-stop partner under subsection
20 (b)(2)—

21 (i) violate the requirement of section
22 112(c)(1)(A) of that Act (29 U.S.C.
23 732(c)(1)(A)) that the entity be inde-
24 pendent of any agency that provides treat-

1 ment, services, or rehabilitation to individ-
2 uals under that Act; or

3 (ii) carry out any activity not author-
4 ized under section 112 of that Act (includ-
5 ing appropriate Federal regulations).

6 (g) CERTIFICATION AND CONTINUOUS IMPROVE-
7 MENT OF ONE-STOP CENTERS.—

8 (1) IN GENERAL.—In order to be eligible to re-
9 ceive infrastructure funding described in subsection
10 (h), the State board, in consultation with chief elect-
11 ed officials and local boards, shall establish objective
12 criteria and procedures for use by local boards in as-
13 sessing at least once every 3 years the effectiveness,
14 physical and programmatic accessibility in accord-
15 ance with section 188, if applicable, and the Ameri-
16 cans with Disabilities Act of 1990 (42 U.S.C. 12101
17 et seq), and continuous improvement of one-stop
18 centers and the one-stop delivery system, consistent
19 with the requirements of section 101(d)(6).

20 (2) CRITERIA.—The criteria and procedures de-
21 veloped under this subsection shall include standards
22 relating to service coordination achieved by the one-
23 stop delivery system with respect to the programs
24 administered by the one-stop partners at the one-
25 stop centers. Such criteria and procedures shall—

1 (A) be developed in a manner that is con-
2 sistent with the guidelines, guidance, and poli-
3 cies provided by the Governor and by the State
4 board, in consultation with the chief elected of-
5 ficials and local boards, for such partners' par-
6 ticipation under subsections (h)(1) and (i); and

7 (B) include such factors relating to the ef-
8 fectiveness, accessibility, and improvement of
9 the one-stop delivery system as the State board
10 determines to be appropriate, including at a
11 minimum how well the one-stop center—

12 (i) supports the achievement of the
13 negotiated local levels of performance for
14 the indicators of performance described in
15 section 116(b)(2) for the local area;

16 (ii) integrates available services; and

17 (iii) meets the workforce development
18 and employment needs of local employers
19 and participants.

20 (3) LOCAL CRITERIA.—Consistent with the cri-
21 teria developed under paragraph (1) by the State, a
22 local board in the State may develop additional cri-
23 teria (or higher levels of service coordination than
24 required for the State-developed criteria) relating to
25 service coordination achieved by the one-stop deliv-

1 ery system, for purposes of assessments described in
2 paragraph (1), in order to respond to labor market,
3 economic, and demographic, conditions and trends in
4 the local area.

5 (4) EFFECT OF CERTIFICATION.—One-stop cen-
6 ters certified under this subsection shall be eligible
7 to receive the infrastructure funding described in
8 subsection (h).

9 (5) REVIEW AND UPDATE.—The criteria and
10 procedures established under this subsection shall be
11 reviewed and updated by the State board or the local
12 board, as the case may be, as part of the biennial
13 process for review and modification of State and
14 local plans described in sections 102(c)(2) and
15 108(a).

16 (h) FUNDING OF ONE-STOP INFRASTRUCTURE.—

17 (1) IN GENERAL.—

18 (A) OPTIONS FOR INFRASTRUCTURE
19 FUNDING.—

20 (i) LOCAL OPTIONS.—The local board,
21 chief elected officials, and one-stop part-
22 ners described in subsection (b)(1) in a
23 local area may fund the costs of infrastruc-
24 ture of one-stop centers in the local area
25 through—

1 (I) methods agreed on by the
2 local board, chief elected officials, and
3 one-stop partners (and described in
4 the memorandum of understanding
5 described in subsection (e)); or

6 (II) if no consensus agreement on
7 methods is reached under subclause
8 (I), the State infrastructure funding
9 mechanism described in paragraph
10 (2).

11 (ii) FAILURE TO REACH CONSENSUS
12 AGREEMENT ON FUNDING METHODS.—Be-
13 ginning July 1, 2016, if the local board,
14 chief elected officials, and one-stop part-
15 ners described in subsection (b)(1) in a
16 local area fail to reach consensus agree-
17 ment on methods of sufficiently funding
18 the costs of infrastructure of one-stop cen-
19 ters for a program year, the State infra-
20 structure funding mechanism described in
21 paragraph (2) shall be applicable to such
22 local area for that program year and for
23 each subsequent program year for which
24 those entities and individuals fail to reach
25 such agreement.

1 (B) GUIDANCE FOR INFRASTRUCTURE
2 FUNDING.—In addition to carrying out the re-
3 quirements relating to the State infrastructure
4 funding mechanism described in paragraph (2),
5 the Governor, after consultation with chief
6 elected officials, local boards, and the State
7 board, and consistent with the guidance and
8 policies provided by the State board under sub-
9 paragraphs (B) and (C)(i) of section 101(d)(7),
10 shall provide, for the use of local areas under
11 subparagraph (A)(i)(I)—

12 (i) guidelines for State-administered
13 one-stop partner programs, for deter-
14 mining such programs' contributions to a
15 one-stop delivery system, based on such
16 programs' proportionate use of such sys-
17 tem consistent with chapter II of title 2,
18 Code of Federal Regulations (or any cor-
19 responding similar regulation or ruling),
20 including determining funding for the costs
21 of infrastructure, which contributions shall
22 be negotiated pursuant to the memo-
23 randum of understanding under subsection
24 (c); and

1 (ii) guidance to assist local boards,
2 chief elected officials, and one-stop part-
3 ners in local areas in determining equitable
4 and stable methods of funding the costs of
5 infrastructure of one-stop centers in such
6 areas.

7 (2) STATE ONE-STOP INFRASTRUCTURE FUND-
8 ING.—

9 (A) DEFINITION.—In this paragraph, the
10 term “covered portion”, used with respect to
11 funding for a fiscal year for a program de-
12 scribed in subsection (b)(1), means a portion
13 determined under subparagraph (C) of the Fed-
14 eral funds provided to a State (including local
15 areas within the State) under the Federal law
16 authorizing that program described in sub-
17 section (b)(1) for the fiscal year (taking into ac-
18 count the availability of funding for purposes
19 related to infrastructure from philanthropic or-
20 ganizations, private entities, or other alternative
21 financing options).

22 (B) PARTNER CONTRIBUTIONS.—Subject
23 to subparagraph (D), for local areas in a State
24 that are not covered by paragraph (1)(A)(i)(I),
25 the covered portions of funding for a fiscal year

1 shall be provided to the Governor from the pro-
2 grams described in subsection (b)(1), to assist
3 in paying the costs of infrastructure of one-stop
4 centers in those local areas of the State not
5 adequately funded under the option described in
6 paragraph (1)(A)(i)(I).

7 (C) DETERMINATION OF GOVERNOR.—

8 (i) IN GENERAL.—Subject to clause
9 (ii) and subparagraph (D), the Governor,
10 after consultation with chief elected offi-
11 cials, local boards, and the State board,
12 shall determine the portion of funds to be
13 provided under subparagraph (B) by each
14 one-stop partner from each program de-
15 scribed in subparagraph (B). In making
16 such determination for the purpose of de-
17 termining funding contributions, for fund-
18 ing pursuant to clause (i)(II) or (ii) of
19 paragraph (1)(A) by each partner, the
20 Governor shall calculate amounts for the
21 proportionate use of the one-stop centers
22 in the State, consistent with chapter II of
23 title 2, Code of Federal Regulations (or
24 any corresponding similar regulation or
25 ruling), taking into account the costs of

1 administration of the one-stop delivery sys-
2 tem for purposes not related to one-stop
3 centers, for each partner. The Governor
4 shall exclude from such determination of
5 funds the amounts for proportionate use of
6 one-stop centers attributable to the pro-
7 grams of one-stop partners for those local
8 areas of the State where the costs of infra-
9 structure of one-stop centers are funded
10 under the option described in paragraph
11 (1)(A)(i)(I). The Governor shall also take
12 into account the statutory requirements for
13 each partner program and the partner pro-
14 gram's ability to fulfill such requirements.

15 (ii) SPECIAL RULE.—In a State in
16 which the State constitution or a State
17 statute places policymaking authority that
18 is independent of the authority of the Gov-
19 ernor in an entity or official with respect
20 to the funds provided for adult education
21 and literacy activities authorized under
22 title II, postsecondary career and technical
23 education activities authorized under the
24 Carl D. Perkins Career and Technical
25 Education Act of 2006 (20 U.S.C. 2301 et

1 seq.), or vocational rehabilitation services
2 offered under a provision covered by sec-
3 tion 3(13)(D), the determination described
4 in clause (i) with respect to the programs
5 authorized under that title, Act, or provi-
6 sion shall be made by the chief officer of
7 the entity, or the official, with such author-
8 ity in consultation with the Governor.

9 (D) LIMITATIONS.—

10 (i) PROVISION FROM ADMINISTRATIVE
11 FUNDS.—

12 (I) IN GENERAL.—Subject to
13 subclause (II), the funds provided
14 under this paragraph by each one-stop
15 partner shall be provided only from
16 funds available for the costs of admin-
17 istration under the program adminis-
18 tered by such partner, and shall be
19 subject to the program's limitations
20 with respect to the portion of funds
21 under such program that may be used
22 for administration.

23 (II) EXCEPTIONS.—Nothing in
24 this clause shall be construed to apply
25 to the programs carried out under

1 this title, or under title V of the Older
2 Americans Act of 1965 (42 U.S.C.
3 3056 et seq.).

4 (ii) CAP ON REQUIRED CONTRIBU-
5 TIONS.—For local areas in a State that are
6 not covered by paragraph (1)(A)(i)(I), the
7 following rules shall apply:

8 (I) WIA FORMULA PROGRAMS
9 AND EMPLOYMENT SERVICE.—The
10 portion of funds required to be con-
11 tributed under this paragraph from a
12 program authorized under chapter 2
13 or 3, or the Wagner-Peyser Act (29
14 U.S.C. 49 et seq.) shall not exceed 3
15 percent of the amount of Federal
16 funds provided to carry out that pro-
17 gram in the State for a fiscal year.

18 (II) OTHER ONE-STOP PART-
19 NERS.—The portion of funds required
20 to be contributed under this para-
21 graph from a program described in
22 subsection (b)(1) other than the pro-
23 grams described in subclause (I) shall
24 not exceed 1.5 percent of the amount
25 of Federal funds provided to carry out

1 that program in the State for a fiscal
2 year.

3 (III) VOCATIONAL REHABILITA-
4 TION.—Notwithstanding subclauses
5 (I) and (II), an entity administering a
6 program described in subsection
7 (b)(1)(B)(iv) shall not be required to
8 provide from that program, under this
9 paragraph, a portion that exceeds—

10 (aa) 0.75 percent of the
11 amount of Federal funds pro-
12 vided to carry out such program
13 in the State for the second full
14 program year that begins after
15 the date of enactment of this
16 Act;

17 (bb) 1.0 percent of the
18 amount provided to carry out
19 such program in the State for the
20 third full program year that be-
21 gins after such date;

22 (cc) 1.25 percent of the
23 amount provided to carry out
24 such program in the State for the

1 fourth full program year that be-
2 gins after such date; and

3 (dd) 1.5 percent of the
4 amount provided to carry out
5 such program in the State for the
6 fifth and each succeeding full
7 program year that begins after
8 such date.

9 (iii) FEDERAL DIRECT SPENDING PRO-
10 GRAMS.—For local areas in a State that
11 are not covered by paragraph (1)(A)(i)(I),
12 an entity administering a program funded
13 with direct spending as defined in section
14 250(c)(8) of the Balanced Budget and
15 Emergency Deficit Control Act of 1985, as
16 in effect on February 15, 2014 (2 U.S.C.
17 900(c)(8)) shall not be required to provide,
18 for purposes of this paragraph, an amount
19 in excess of the amount determined under
20 subparagraph (C)(i) to be equivalent to the
21 cost of the proportionate use of the one-
22 stop centers for the one-stop partner for
23 such program in the State.

24 (iv) NATIVE AMERICAN PROGRAMS.—
25 One-stop partners for Native American

1 programs established under section 166
2 shall not be subject to the provisions of
3 this subsection (other than this clause) or
4 subsection (i). For purposes of subsection
5 (c)(2)(A)(ii)(II), the method for deter-
6 mining the appropriate portion of funds to
7 be provided by such partners to pay for the
8 costs of infrastructure of a one-stop center
9 shall be determined as part of the develop-
10 ment of the memorandum of under-
11 standing under subsection (c) for the one-
12 stop center and shall be stated in the
13 memorandum.

14 (E) APPEAL BY ONE-STOP PARTNERS.—
15 The Governor shall establish a process, de-
16 scribed under section 102(b)(2)(D)(i)(IV), for a
17 one-stop partner administering a program de-
18 scribed in subsection (b)(1) to appeal a deter-
19 mination regarding the portion of funds to be
20 provided under this paragraph. Such a deter-
21 mination may be appealed under the process on
22 the basis that such determination is incon-
23 sistent with the requirements of this paragraph.
24 Such process shall ensure prompt resolution of
25 the appeal in order to ensure the funds are dis-

1 tributed in a timely manner, consistent with the
2 requirements of section 182(e).

3 (3) ALLOCATION BY GOVERNOR.—

4 (A) IN GENERAL.—From the funds pro-
5 vided under paragraph (1), the Governor shall
6 allocate the funds to local areas described in
7 subparagraph (B) in accordance with the for-
8 mula established under subparagraph (B) for
9 the purposes of assisting in paying the costs of
10 infrastructure of one-stop centers.

11 (B) ALLOCATION FORMULA.—The State
12 board shall develop a formula to be used by the
13 Governor to allocate the funds provided under
14 paragraph (1) to local areas not funding costs
15 of infrastructure under the option described in
16 paragraph (1)(A)(i)(I). The formula shall be
17 based on factors including the number of one-
18 stop centers in a local area, the population
19 served by such centers, the services provided by
20 such centers, and other factors relating to the
21 performance of such centers that the State
22 board determines are appropriate.

23 (4) COSTS OF INFRASTRUCTURE.—In this sub-
24 section, the term “costs of infrastructure”, used
25 with respect to a one-stop center, means the nonper-

1 sonnel costs that are necessary for the general oper-
2 ation of the one-stop center, including the rental
3 costs of the facilities, the costs of utilities and main-
4 tenance, equipment (including assessment-related
5 products and assistive technology for individuals
6 with disabilities), and technology to facilitate access
7 to the one-stop center, including the center's plan-
8 ning and outreach activities.

9 (i) OTHER FUNDS.—

10 (1) IN GENERAL.—Subject to the memorandum
11 of understanding described in subsection (c) for the
12 one-stop delivery system involved, in addition to the
13 funds provided to carry out subsection (h), a portion
14 of funds made available under Federal law author-
15 izing the programs described in subsection (b) and
16 administered by one-stop partners, or the noncash
17 resources available under such programs, shall be
18 used to pay the additional costs relating to the oper-
19 ation of the one-stop delivery system that are not
20 paid from the funds provided under subsection (h),
21 as determined in accordance with paragraph (3), to
22 the extent not inconsistent with the Federal law in-
23 volved. Such costs shall include the costs of the pro-
24 vision of career services described in section
25 134(c)(2) applicable to each program and may in-

1 clude common costs that are not paid from the
2 funds provided under subsection (h).

3 (2) SHARED SERVICES.—The costs described
4 under paragraph (1) may include costs of services
5 that are authorized for and may be commonly pro-
6 vided through the one-stop partner programs to any
7 individual, such as initial intake, assessment of
8 needs, appraisal of basic skills, identification of ap-
9 propriate services to meet such needs, referrals to
10 other one-stop partners, and other similar services.

11 (3) DETERMINATION AND GUIDANCE.—The
12 method for determining the appropriate portion of
13 funds and noncash resources to be provided by the
14 one-stop partner for each program under paragraph
15 (1) for a one-stop center shall be determined as part
16 of the development of the memorandum of under-
17 standing under subsection (c) for the one-stop center
18 and shall be stated in the memorandum. The State
19 board shall provide guidance to facilitate the deter-
20 mination, for purposes of the memorandum of un-
21 derstanding, of an appropriate allocation of the
22 funds and noncash resources in local areas, con-
23 sistent with the requirements of section
24 101(d)(6)(C).

1 **SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF**
2 **TRAINING SERVICES.**

3 (a) **ELIGIBILITY.—**

4 (1) **IN GENERAL.—**Except as provided in sub-
5 section (h), the Governor, after consultation with the
6 State board, shall establish criteria, information re-
7 quirements, and procedures regarding the eligibility
8 of providers of training services to receive funds pro-
9 vided under section 133(b) for the provision of train-
10 ing services in local areas in the State.

11 (2) **PROVIDERS.—**Subject to the provisions of
12 this section, to be eligible to receive those funds for
13 the provision of training services, the provider shall
14 be—

15 (A) an institution of higher education that
16 provides a program that leads to a recognized
17 postsecondary credential;

18 (B) an entity that carries out programs
19 registered under the Act of August 16, 1937
20 (commonly known as the “National Apprentice-
21 ship Act”; 50 Stat. 664, chapter 663; 29
22 U.S.C. 50 et seq.); or

23 (C) another public or private provider of a
24 program of training services, which may include
25 joint labor-management organizations, and eli-
26 gible providers of adult education and literacy

1 activities under title II if such activities are
2 provided in combination with occupational skills
3 training.

4 (3) INCLUSION IN LIST OF ELIGIBLE PRO-
5 VIDERS.—A provider described in subparagraph (A)
6 or (C) of paragraph (2) shall comply with the cri-
7 teria, information requirements, and procedures es-
8 tablished under this section to be included on the list
9 of eligible providers of training services described in
10 subsection (d). A provider described in paragraph
11 (2)(B) shall be included and maintained on the list
12 of eligible providers of training services described in
13 subsection (d) for so long as the corresponding pro-
14 gram of the provider remains registered as described
15 in paragraph (2)(B).

16 (b) CRITERIA AND INFORMATION REQUIREMENTS.—

17 (1) STATE CRITERIA.—In establishing criteria
18 pursuant to subsection (a), the Governor shall take
19 into account each of the following:

20 (A) The performance of providers of train-
21 ing services with respect to—

22 (i) the performance accountability
23 measures and other matters for which in-
24 formation is required under paragraph (2);
25 and

1 (ii) other appropriate measures of per-
2 formance outcomes determined by the Gov-
3 ernor for those participants receiving train-
4 ing services under this subtitle (taking into
5 consideration the characteristics of the
6 population served and relevant economic
7 conditions), and the outcomes of the pro-
8 gram through which those training services
9 were provided for students in general with
10 respect to employment and earnings as de-
11 fined under section 116(b)(2).

12 (B) The need to ensure access to training
13 services throughout the State, including in rural
14 areas, and through the use of technology.

15 (C) Information reported to State agencies
16 with respect to Federal and State programs in-
17 volving training services (other than the pro-
18 gram carried out under this subtitle), including
19 one-stop partner programs.

20 (D) The degree to which the training pro-
21 grams of such providers relate to in-demand in-
22 dustry sectors and occupations in the State.

23 (E) The requirements for State licensing
24 of providers of training services, and the licens-

1 ing status of providers of training services if
2 applicable.

3 (F) Ways in which the criteria can encour-
4 age, to the extent practicable, the providers to
5 use industry-recognized certificates or certifi-
6 cations.

7 (G) The ability of the providers to offer
8 programs that lead to recognized postsecondary
9 credentials.

10 (H) The quality of a program of training
11 services, including a program of training serv-
12 ices that leads to a recognized postsecondary
13 credential.

14 (I) The ability of the providers to provide
15 training services to individuals who are em-
16 ployed and individuals with barriers to employ-
17 ment.

18 (J) Such other factors as the Governor de-
19 termines are appropriate to ensure—

20 (i) the accountability of the providers;

21 (ii) that the one-stop centers in the
22 State will ensure that such providers meet
23 the needs of local employers and partici-
24 pants;

1 (iii) the informed choice of partici-
2 pants among training services providers;
3 and

4 (iv) that the collection of information
5 required to demonstrate compliance with
6 the criteria is not unduly burdensome or
7 costly to providers.

8 (2) STATE INFORMATION REQUIREMENTS.—

9 The information requirements established by the
10 Governor shall require that a provider of training
11 services submit appropriate, accurate, and timely in-
12 formation to the State, to enable the State to carry
13 out subsection (d), with respect to participants re-
14 ceiving training services under this subtitle in the
15 applicable program, including—

16 (A) information on the performance of the
17 provider with respect to the performance ac-
18 countability measures described in section 116
19 for such participants (taking into consideration
20 the characteristics of the population served and
21 relevant economic conditions), and information
22 specifying the percentage of such participants
23 who entered unsubsidized employment in an oc-
24 cupation related to the program, to the extent
25 practicable;

1 (B) information on recognized postsec-
2 ondary credentials received by such partici-
3 pants;

4 (C) information on cost of attendance, in-
5 cluding costs of tuition and fees, for partici-
6 pants in the program;

7 (D) information on the program comple-
8 tion rate for such participants; and

9 (E) information on the criteria described
10 in paragraph (1).

11 (3) LOCAL CRITERIA AND INFORMATION RE-
12 QUIREMENTS.—A local board in the State may es-
13 tablish criteria and information requirements in ad-
14 dition to the criteria and information requirements
15 established by the Governor, or may require higher
16 levels of performance than required for the criteria
17 established by the Governor, for purposes of deter-
18 mining the eligibility of providers of training services
19 to receive funds described in subsection (a) for the
20 provision of training services in the local area in-
21 volved.

22 (4) CRITERIA AND INFORMATION REQUIRE-
23 MENTS TO ESTABLISH INITIAL ELIGIBILITY.—

24 (A) PURPOSE.—The purpose of this para-
25 graph is to enable the providers of programs

1 carried out under chapter 3 to offer the highest
2 quality training services and be responsive to
3 in-demand and emerging industries by pro-
4 viding training services for those industries.

5 (B) INITIAL ELIGIBILITY.—Providers may
6 seek initial eligibility under this paragraph as
7 providers of training services and may receive
8 that initial eligibility for only 1 fiscal year for
9 a particular program. The criteria and informa-
10 tion requirements established by the Governor
11 under this paragraph shall require that a pro-
12 vider who has not previously been an eligible
13 provider of training services under this section
14 (or section 122 of the Workforce Investment
15 Act of 1998, as in effect on the day before the
16 date of enactment of this Act) provide the in-
17 formation described in subparagraph (C).

18 (C) INFORMATION.—The provider shall
19 provide verifiable program-specific performance
20 information based on criteria established by the
21 State as described in subparagraph (D) that
22 supports the provider's ability to serve partici-
23 pants under this subtitle.

24 (D) CRITERIA.—The criteria described in
25 subparagraph (C) shall include at least—

1 (i) a factor related to indicators de-
2 scribed in section 116;

3 (ii) a factor concerning whether the
4 provider is in a partnership with business;

5 (iii) other factors that indicate high-
6 quality training services, including the fac-
7 tor described in paragraph (1)(H); and

8 (iv) a factor concerning alignment of
9 the training services with in-demand indus-
10 try sectors and occupations, to the extent
11 practicable.

12 (E) PROVISION.—The provider shall pro-
13 vide the information described in subparagraph
14 (C) to the Governor and the local board in a
15 manner that will permit the Governor and the
16 local board to make a decision on inclusion of
17 the provider on the list of eligible providers de-
18 scribed in subsection (d).

19 (F) LIMITATION.—A provider that receives
20 initial eligibility under this paragraph for a pro-
21 gram shall be subject to the requirements under
22 subsection (c) for that program after such ini-
23 tial eligibility expires.

24 (c) PROCEDURES.—

1 (1) APPLICATION PROCEDURES.—The proce-
2 dures established under subsection (a) shall identify
3 the application process for a provider of training
4 services to become eligible to receive funds provided
5 under section 133(b) for the provision of training
6 services. The procedures shall identify the respective
7 roles of the State and local areas in receiving and
8 reviewing the applications and in making determina-
9 tions of such eligibility based on the criteria, infor-
10 mation, and procedures established under this sec-
11 tion. The procedures shall also establish a process
12 for a provider of training services to appeal a denial
13 or termination of eligibility under this section that
14 includes an opportunity for a hearing and prescribes
15 appropriate time limits to ensure prompt resolution
16 of the appeal.

17 (2) RENEWAL PROCEDURES.—The procedures
18 established by the Governor shall also provide for bi-
19 ennial review and renewal of eligibility under this
20 section for providers of training services.

21 (d) LIST AND INFORMATION TO ASSIST PARTICI-
22 PANTS IN CHOOSING PROVIDERS.—

23 (1) IN GENERAL.—In order to facilitate and as-
24 sist participants in choosing employment and train-
25 ing activities and in choosing providers of training

1 services, the Governor shall ensure that an appro-
2 priate list of providers determined to be eligible
3 under this section to offer a program in the State
4 (and, as appropriate, in a local area), accompanied
5 by information identifying the recognized postsec-
6 ondary credential offered by the provider and other
7 appropriate information, is prepared. The list shall
8 be provided to the local boards in the State, and
9 made available to such participants and to members
10 of the public through the one-stop delivery system in
11 the State.

12 (2) ACCOMPANYING INFORMATION.—The ac-
13 companying information shall—

14 (A) with respect to providers described in
15 subparagraphs (A) and (C) of subsection (a)(2),
16 consist of information provided by such pro-
17 viders, disaggregated by local areas served, as
18 applicable, in accordance with subsection (b);

19 (B) with respect to providers described in
20 subsection (b)(4), consist of information pro-
21 vided by such providers in accordance with sub-
22 section (b)(4); and

23 (C) such other information as the Gov-
24 ernor determines to be appropriate.

1 (3) AVAILABILITY.—The list and the accom-
2 panying information shall be made available to such
3 participants and to members of the public through
4 the one-stop delivery system in the State, in a man-
5 ner that does not reveal personally identifiable infor-
6 mation about an individual participant.

7 (4) LIMITATION.—In carrying out the require-
8 ments of this subsection, no personally identifiable
9 information regarding a student, including a Social
10 Security number, student identification number, or
11 other identifier, may be disclosed without the prior
12 written consent of the parent or student in compli-
13 ance with section 444 of the General Education Pro-
14 visions Act (20 U.S.C. 1232g).

15 (e) OPPORTUNITY TO SUBMIT COMMENTS.—In es-
16 tablishing, under this section, criteria, information re-
17 quirements, procedures, and the list of eligible providers
18 described in subsection (d), the Governor shall provide an
19 opportunity for interested members of the public to make
20 recommendations and submit comments regarding such
21 criteria, information requirements, procedures, and list.

22 (f) ENFORCEMENT.—

23 (1) IN GENERAL.—The procedures established
24 under this section shall provide the following:

1 (A) INTENTIONALLY SUPPLYING INAC-
2 CURATE INFORMATION.—Upon a determination,
3 by an individual or entity specified in the proce-
4 dures, that a provider of training services, or
5 individual providing information on behalf of
6 the provider, violated this section (or section
7 122 of the Workforce Investment Act of 1998,
8 as in effect on the day before the date of enact-
9 ment of this Act) by intentionally supplying in-
10 accurate information under this section, the eli-
11 gibility of such provider to receive funds under
12 chapter 3 shall be terminated for a period of
13 time that is not less than 2 years.

14 (B) SUBSTANTIAL VIOLATIONS.—Upon a
15 determination, by an individual or entity speci-
16 fied in the procedures, that a provider of train-
17 ing services substantially violated any require-
18 ment under this title (or title I of the Work-
19 force Investment Act of 1998, as in effect on
20 the day before such date of enactment), the eli-
21 gibility of such provider to receive funds under
22 chapter 3 for the program involved shall be ter-
23 minated for a period of not less than 2 years.

24 (C) REPAYMENT.—A provider of training
25 services whose eligibility is terminated under

1 subparagraph (A) or (B) shall be liable for the
2 repayment of funds received under chapter 5 of
3 subtitle B of title I of the Workforce Invest-
4 ment Act of 1998, as in effect on the day before
5 such date of enactment, or chapter 3 of this
6 subtitle during a period of violation described in
7 such subparagraph.

8 (2) CONSTRUCTION.—Paragraph (1) shall be
9 construed to provide remedies and penalties that
10 supplement, but shall not supplant, civil and crimi-
11 nal remedies and penalties specified in other provi-
12 sions of law.

13 (g) AGREEMENTS WITH OTHER STATES.—States
14 may enter into agreements, on a reciprocal basis, to per-
15 mit eligible providers of training services to accept indi-
16 vidual training accounts provided in another State.

17 (h) ON-THE-JOB TRAINING, CUSTOMIZED TRAINING,
18 INCUMBENT WORKER TRAINING, AND OTHER TRAINING
19 EXCEPTIONS.—

20 (1) IN GENERAL.—Providers of on-the-job
21 training, customized training, incumbent worker
22 training, internships, and paid or unpaid work expe-
23 rience opportunities, or transitional employment
24 shall not be subject to the requirements of sub-
25 sections (a) through (f).

1 (2) COLLECTION AND DISSEMINATION OF IN-
2 FORMATION.—A one-stop operator in a local area
3 shall collect such performance information from pro-
4 viders of on-the-job training, customized training, in-
5 cumbent worker training, internships, paid or un-
6 paid work experience opportunities, and transitional
7 employment as the Governor may require, and use
8 the information to determine whether the providers
9 meet such performance criteria as the Governor may
10 require. The one-stop operator shall disseminate in-
11 formation identifying such providers that meet the
12 criteria as eligible providers, and the performance
13 information, through the one-stop delivery system.
14 Providers determined to meet the criteria shall be
15 considered to be identified as eligible providers of
16 training services.

17 (i) TRANSITION PERIOD FOR IMPLEMENTATION.—
18 The Governor and local boards shall implement the re-
19 quirements of this section not later than 12 months after
20 the date of enactment of this Act. In order to facilitate
21 early implementation of this section, the Governor may es-
22 tablish transition procedures under which providers eligi-
23 ble to provide training services under chapter 5 of subtitle
24 B of title I of the Workforce Investment Act of 1998, as
25 such chapter was in effect on the day before the date of

1 enactment of this Act, may continue to be eligible to pro-
2 vide such services until December 31, 2015, or until such
3 earlier date as the Governor determines to be appropriate.

4 **SEC. 123. ELIGIBLE PROVIDERS OF YOUTH WORKFORCE IN-**
5 **VESTMENT ACTIVITIES.**

6 (a) IN GENERAL.—From the funds allocated under
7 section 128(b) to a local area, the local board for such
8 area shall award grants or contracts on a competitive basis
9 to providers of youth workforce investment activities iden-
10 tified based on the criteria in the State plan (including
11 such quality criteria as the Governor shall establish for
12 a training program that leads to a recognized postsec-
13 ondary credential), and taking into consideration the abil-
14 ity of the providers to meet performance accountability
15 measures based on primary indicators of performance for
16 the youth program as described in section
17 116(b)(2)(A)(ii), as described in section
18 102(b)(2)(D)(i)(V), and shall conduct oversight with re-
19 spect to such providers.

20 (b) EXCEPTIONS.—A local board may award grants
21 or contracts on a sole-source basis if such board deter-
22 mines there is an insufficient number of eligible providers
23 of youth workforce investment activities in the local area
24 involved (such as a rural area) for grants and contracts
25 to be awarded on a competitive basis under subsection (a).

1 **CHAPTER 2—YOUTH WORKFORCE**
2 **INVESTMENT ACTIVITIES**

3 **SEC. 126. GENERAL AUTHORIZATION.**

4 The Secretary shall make an allotment under section
5 127(b)(1)(C) to each State that meets the requirements
6 of section 102 or 103 and a grant under section
7 127(b)(1)(B) to each outlying area that complies with the
8 requirements of this title, to assist the State or outlying
9 area, and to enable the State or outlying area to assist
10 local areas, for the purpose of providing workforce invest-
11 ment activities for eligible youth in the State or outlying
12 area and in the local areas.

13 **SEC. 127. STATE ALLOTMENTS.**

14 (a) IN GENERAL.—The Secretary shall—

15 (1) for each fiscal year for which the amount
16 appropriated under section 136(a) exceeds
17 \$925,000,000, reserve 4 percent of the excess
18 amount to provide youth workforce investment ac-
19 tivities under section 167 (relating to migrant and
20 seasonal farmworkers); and

21 (2) use the remainder of the amount appro-
22 priated under section 136(a) for a fiscal year to
23 make allotments and grants in accordance with sub-
24 section (b).

25 (b) ALLOTMENT AMONG STATES.—

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1 (1) YOUTH WORKFORCE INVESTMENT ACTIVI-
2 TIES.—

3 (A) NATIVE AMERICANS.—From the
4 amount appropriated under section 136(a) for a
5 fiscal year that is not reserved under subsection
6 (a)(1), the Secretary shall reserve not more
7 than 1 ½ percent of such amount to provide
8 youth workforce investment activities under sec-
9 tion 166 (relating to Native Americans).

10 (B) OUTLYING AREAS.—

11 (i) IN GENERAL.—From the amount
12 appropriated under section 136(a) for each
13 fiscal year that is not reserved under sub-
14 section (a)(1) and subparagraph (A), the
15 Secretary shall reserve not more than ¼ of
16 1 percent of such amount to provide assist-
17 ance to the outlying areas to carry out
18 youth workforce investment activities and
19 statewide workforce investment activities.

20 (ii) LIMITATION FOR OUTLYING
21 AREAS.—

22 (I) COMPETITIVE GRANTS.—The
23 Secretary shall use funds reserved
24 under clause (i) to award grants to
25 outlying areas to carry out youth

1 workforce investment activities and
2 statewide workforce investment activi-
3 ties.

4 (II) AWARD BASIS.—The Sec-
5 retary shall award grants pursuant to
6 subclause (I) on a competitive basis
7 and pursuant to the recommendations
8 of experts in the field of employment
9 and training, working through the Pa-
10 cific Region Educational Laboratory
11 in Honolulu, Hawaii.

12 (III) ADMINISTRATIVE COSTS.—
13 The Secretary may provide not more
14 than 5 percent of the funds made
15 available for grants under subclause
16 (I) to pay the administrative costs of
17 the Pacific Region Educational Lab-
18 oratory in Honolulu, Hawaii, regard-
19 ing activities assisted under this
20 clause.

21 (iii) ADDITIONAL REQUIREMENT.—
22 The provisions of section 501 of Public
23 Law 95–134 (48 U.S.C. 1469a), permit-
24 ting the consolidation of grants by the out-
25 lying areas, shall not apply to assistance

1 provided to those areas, including Palau,
2 under this subparagraph.

3 (C) STATES.—

4 (i) IN GENERAL.—From the remain-
5 der of the amount appropriated under sec-
6 tion 136(a) for a fiscal year that exists
7 after the Secretary determines the
8 amounts to be reserved under subsection
9 (a)(1) and subparagraphs (A) and (B), the
10 Secretary shall make allotments to the
11 States in accordance with clause (ii) for
12 youth workforce investment activities and
13 statewide workforce investment activities.

14 (ii) FORMULA.—Subject to clauses
15 (iii) and (iv), of the remainder—

16 (I) $33\frac{1}{3}$ percent shall be allotted
17 on the basis of the relative number of
18 unemployed individuals in areas of
19 substantial unemployment in each
20 State, compared to the total number
21 of unemployed individuals in areas of
22 substantial unemployment in all
23 States;

24 (II) $33\frac{1}{3}$ percent shall be allot-
25 ted on the basis of the relative excess

1 number of unemployed individuals in
2 each State, compared to the total ex-
3 cess number of unemployed individ-
4 uals in all States; and

5 (III) $33\frac{1}{3}$ percent shall be allot-
6 ted on the basis of the relative num-
7 ber of disadvantaged youth in each
8 State, compared to the total number
9 of disadvantaged youth in all States,
10 except as described in clause (iii).

11 (iii) CALCULATION.—In determining
12 an allotment under clause (ii)(III) for any
13 State in which there is an area that was
14 designated as a local area as described in
15 section 107(c)(1)(C), the allotment shall be
16 based on the higher of—

17 (I) the number of individuals who
18 are age 16 through 21 in families
19 with an income below the low-income
20 level in such area; or

21 (II) the number of disadvantaged
22 youth in such area.

23 (iv) MINIMUM AND MAXIMUM PER-
24 CENTAGES AND MINIMUM ALLOTMENTS.—

25 In making allotments under this subpara-

1 graph, the Secretary shall ensure the fol-
2 lowing:

3 (I) MINIMUM PERCENTAGE AND
4 ALLOTMENT.—Subject to subclause
5 (IV), the Secretary shall ensure that
6 no State shall receive an allotment for
7 a fiscal year that is less than the
8 greater of—

9 (aa) an amount based on 90
10 percent of the allotment percent-
11 age of the State for the preceding
12 fiscal year; or

13 (bb) 100 percent of the al-
14 lotments of the State under sec-
15 tion 127(b)(1)(C) of the Work-
16 force Investment Act of 1998 (as
17 in effect on the day before the
18 date of enactment of this Act) for
19 fiscal year 2014.

20 (II) SMALL STATE MINIMUM AL-
21 LOTMENT.—Subject to subclauses (I),
22 (III), and (IV), the Secretary shall en-
23 sure that no State shall receive an al-
24 lotment under this subparagraph that
25 is less than the total of—

1 (aa) $\frac{3}{10}$ of 1 percent of
2 \$1,000,000,000 of the remainder
3 described in clause (i) for the fis-
4 cal year; and

5 (bb) if the remainder de-
6 scribed in clause (i) for the fiscal
7 year exceeds \$1,000,000,000, $\frac{2}{5}$
8 of 1 percent of the excess.

9 (III) MAXIMUM PERCENTAGE.—

10 Subject to subclause (I), the Secretary
11 shall ensure that no State shall re-
12 ceive an allotment percentage for a
13 fiscal year that is more than 130 per-
14 cent of the allotment percentage of
15 the State for the preceding fiscal year.

16 (IV) MINIMUM FUNDING.—In
17 any fiscal year in which the remainder
18 described in clause (i) does not exceed
19 \$1,000,000,000, the minimum allot-
20 ments under subclauses (I) and (II)
21 shall be calculated by the methodology
22 specified in section
23 127(b)(1)(C)(iv)(IV) of the Workforce
24 Investment Act of 1998 (as in effect

1 on the day before the date of enact-
2 ment of this Act).

3 (2) DEFINITIONS.—For the purpose of the for-
4 mula specified in paragraph (1)(C):

5 (A) ALLOTMENT PERCENTAGE.—The term
6 “allotment percentage”, used with respect to
7 fiscal year 2015 or a subsequent fiscal year,
8 means a percentage of the remainder described
9 in paragraph (1)(C)(i) that is received through
10 an allotment made under paragraph (1)(C) for
11 the fiscal year. The term, used with respect to
12 fiscal year 2014, means the percentage of the
13 amount allotted to States under section
14 127(b)(1)(C) of the Workforce Investment Act
15 of 1998 (as in effect on the day before the date
16 of enactment of this Act) that is received under
17 such section by the State involved for fiscal
18 year 2014.

19 (B) AREA OF SUBSTANTIAL UNEMPLOY-
20 MENT.—The term “area of substantial unem-
21 ployment” means any area that is of sufficient
22 size and scope to sustain a program of work-
23 force investment activities carried out under
24 this subtitle and that has an average rate of
25 unemployment of at least 6.5 percent for the

1 most recent 12 months, as determined by the
2 Secretary. For purposes of this subparagraph,
3 determinations of areas of substantial unem-
4 ployment shall be made once each fiscal year.

5 (C) DISADVANTAGED YOUTH.—Subject to
6 paragraph (3), the term “disadvantaged youth”
7 means an individual who is age 16 through 21
8 who received an income, or is a member of a
9 family that received a total family income, that,
10 in relation to family size, does not exceed the
11 higher of—

12 (i) the poverty line; or

13 (ii) 70 percent of the lower living
14 standard income level.

15 (D) EXCESS NUMBER.—The term “excess
16 number” means, used with respect to the excess
17 number of unemployed individuals within a
18 State, the higher of—

19 (i) the number that represents the
20 number of unemployed individuals in ex-
21 cess of 4.5 percent of the civilian labor
22 force in the State; or

23 (ii) the number that represents the
24 number of unemployed individuals in ex-
25 cess of 4.5 percent of the civilian labor

1 force in areas of substantial unemployment
2 in such State.

3 (E) LOW-INCOME LEVEL.—The term “low-
4 income level” means \$7,000 with respect to in-
5 come in 1969, and for any later year means
6 that amount that bears the same relationship to
7 \$7,000 as the Consumer Price Index for that
8 year bears to the Consumer Price Index for
9 1969, rounded to the nearest \$1,000.

10 (3) SPECIAL RULE.—For the purpose of the
11 formula specified in paragraph (1)(C), the Secretary
12 shall, as appropriate and to the extent practicable,
13 exclude college students and members of the Armed
14 Forces from the determination of the number of dis-
15 advantaged youth.

16 (c) REALLOTMENT.—

17 (1) IN GENERAL.—The Secretary shall, in ac-
18 cordance with this subsection, reallocate to eligible
19 States amounts that are made available to States
20 from allotments made under this section or a cor-
21 responding provision of the Workforce Investment
22 Act of 1998 for youth workforce investment activi-
23 ties and statewide workforce investment activities
24 (referred to individually in this subsection as a

1 “State allotment”) and that are available for reallocot-
2 ment.

3 (2) AMOUNT.—The amount available for real-
4 lotment for a program year is equal to the amount
5 by which the unobligated balance of the State allot-
6 ment, at the end of the program year prior to the
7 program year for which the determination under this
8 paragraph is made, exceeds 20 percent of such allot-
9 ment for the prior program year.

10 (3) REALLOTMENT.—In making reallocations to
11 eligible States of amounts available pursuant to
12 paragraph (2) for a program year, the Secretary
13 shall allot to each eligible State an amount based on
14 the relative amount of the State allotment for the
15 program year for which the determination is made,
16 as compared to the total amount of the State allot-
17 ments for all eligible States for such program year.

18 (4) ELIGIBILITY.—For purposes of this sub-
19 section, an eligible State means a State that does
20 not have an amount available for reallocation under
21 paragraph (2) for the program year for which the
22 determination under paragraph (2) is made.

23 (5) PROCEDURES.—The Governor shall pre-
24 scribe uniform procedures for the obligation of funds
25 by local areas within the State in order to avoid the

1 requirement that funds be made available for reallocot-
2 ment under this subsection. The Governor shall fur-
3 ther prescribe equitable procedures for making funds
4 available from the State and local areas in the event
5 that a State is required to make funds available for
6 reallocation under this subsection.

7 **SEC. 128. WITHIN STATE ALLOCATIONS.**

8 (a) RESERVATIONS FOR STATEWIDE ACTIVITIES.—

9 (1) IN GENERAL.—The Governor shall reserve
10 not more than 15 percent of each of the amounts al-
11 lotted to the State under section 127(b)(1)(C) and
12 paragraphs (1)(B) and (2)(B) of section 132(b) for
13 a fiscal year for statewide workforce investment ac-
14 tivities.

15 (2) USE OF FUNDS.—Regardless of whether the
16 reserved amounts were allotted under section
17 127(b)(1)(C), or under paragraph (1)(B) or (2)(B)
18 of section 132(b), the Governor may use the re-
19 served amounts to carry out statewide activities
20 under section 129(b) or statewide employment and
21 training activities, for adults or dislocated workers,
22 under section 134(a).

23 (b) WITHIN STATE ALLOCATIONS.—

24 (1) METHODS.—The Governor, acting in ac-
25 cordance with the State plan, and after consulting

1 with chief elected officials and local boards in the
2 local areas, shall allocate the funds that are allotted
3 to the State for youth activities and statewide work-
4 force investment activities under section
5 127(b)(1)(C) and are not reserved under subsection
6 (a), in accordance with paragraph (2) or (3).

7 (2) FORMULA ALLOCATION.—

8 (A) YOUTH ACTIVITIES.—

9 (i) ALLOCATION.—In allocating the
10 funds described in paragraph (1) to local
11 areas, a State may allocate—

12 (I) $33\frac{1}{3}$ percent of the funds on
13 the basis described in section
14 127(b)(1)(C)(ii)(I);

15 (II) $33\frac{1}{3}$ percent of the funds on
16 the basis described in section
17 127(b)(1)(C)(ii)(II); and

18 (III) $33\frac{1}{3}$ percent of the funds
19 on the basis described in clauses
20 (ii)(III) and (iii) of section
21 127(b)(1)(C).

22 (ii) MINIMUM PERCENTAGE.—The
23 local area shall not receive an allocation
24 percentage for a fiscal year that is less
25 than 90 percent of the average allocation

1 percentage of the local area for the 2 pre-
2 ceding fiscal years. Amounts necessary for
3 increasing such allocations to local areas to
4 comply with the preceding sentence shall
5 be obtained by ratably reducing the alloca-
6 tions to be made to other local areas under
7 this subparagraph.

8 (iii) DEFINITION.—In this subpara-
9 graph, the term “allocation percentage”,
10 used with respect to fiscal year 2015 or a
11 subsequent fiscal year, means a percentage
12 of the funds referred to in clause (i), re-
13 ceived through an allocation made under
14 this subparagraph, for the fiscal year. The
15 term, used with respect to fiscal year 2013
16 or 2014, means a percentage of the funds
17 referred to in section 128(b)(1) of the
18 Workforce Investment Act of 1998 (as in
19 effect on the day before the date of enact-
20 ment of this Act), received through an allo-
21 cation made under paragraph (2) or (3) of
22 section 128(b) of the Workforce Invest-
23 ment Act of 1998 (as so in effect), for the
24 fiscal year 2013 or 2014, respectively.

1 (B) APPLICATION.—For purposes of car-
2 rying out subparagraph (A)—

3 (i) references in section 127(b) to a
4 State shall be deemed to be references to
5 a local area;

6 (ii) references in section 127(b) to all
7 States shall be deemed to be references to
8 all local areas in the State involved; and

9 (iii) except as described in clause (i),
10 references in section 127(b)(1) to the term
11 “excess number” shall be considered to be
12 references to the term as defined in section
13 127(b)(2).

14 (3) YOUTH DISCRETIONARY ALLOCATION.—In
15 lieu of making the allocation described in paragraph
16 (2), in allocating the funds described in paragraph
17 (1) to local areas, a State may distribute—

18 (A) a portion equal to not less than 70
19 percent of the funds in accordance with para-
20 graph (2)(A); and

21 (B) the remaining portion of the funds on
22 the basis of a formula that—

23 (i) incorporates additional factors
24 (other than the factors described in para-
25 graph (2)(A)) relating to—

1 (I) excess youth poverty in
2 urban, rural, and suburban local
3 areas; and

4 (II) excess unemployment above
5 the State average in urban, rural, and
6 suburban local areas; and

7 (ii) was developed by the State board
8 and approved by the Secretary as part of
9 the State plan.

10 (4) LOCAL ADMINISTRATIVE COST LIMIT.—

11 (A) IN GENERAL.—Of the amount allo-
12 cated to a local area under this subsection and
13 section 133(b) for a fiscal year, not more than
14 10 percent of the amount may be used by the
15 local board involved for the administrative costs
16 of carrying out local workforce investment ac-
17 tivities under this chapter or chapter 3.

18 (B) USE OF FUNDS.—Funds made avail-
19 able for administrative costs under subpara-
20 graph (A) may be used for the administrative
21 costs of any of the local workforce investment
22 activities described in this chapter or chapter 3,
23 regardless of whether the funds were allocated
24 under this subsection or section 133(b).

25 (c) REALLOCATION AMONG LOCAL AREAS.—

1 (1) IN GENERAL.—The Governor may, in ac-
2 cordance with this subsection and after consultation
3 with the State board, reallocate to eligible local
4 areas within the State amounts that are made avail-
5 able to local areas from allocations made under this
6 section or a corresponding provision of the Work-
7 force Investment Act of 1998 for youth workforce
8 investment activities (referred to individually in this
9 subsection as a “local allocation”) and that are
10 available for reallocation.

11 (2) AMOUNT.—The amount available for re-
12 allocation for a program year is equal to the amount
13 by which the unobligated balance of the local alloca-
14 tion, at the end of the program year prior to the
15 program year for which the determination under this
16 paragraph is made, exceeds 20 percent of such allo-
17 cation for the prior program year.

18 (3) REALLOCATION.—In making reallocations
19 to eligible local areas of amounts available pursuant
20 to paragraph (2) for a program year, the Governor
21 shall allocate to each eligible local area within the
22 State an amount based on the relative amount of the
23 local allocation for the program year for which the
24 determination is made, as compared to the total

1 amount of the local allocations for all eligible local
2 areas in the State for such program year.

3 (4) ELIGIBILITY.—For purposes of this sub-
4 section, an eligible local area means a local area that
5 does not have an amount available for reallocation
6 under paragraph (2) for the program year for which
7 the determination under paragraph (2) is made.

8 **SEC. 129. USE OF FUNDS FOR YOUTH WORKFORCE INVEST-**
9 **MENT ACTIVITIES.**

10 (a) YOUTH PARTICIPANT ELIGIBILITY.—

11 (1) ELIGIBILITY.—

12 (A) IN GENERAL.—To be eligible to par-
13 ticipate in activities carried out under this
14 chapter during any program year an individual
15 shall, at the time the eligibility determination is
16 made, be an out-of-school youth or an in-school
17 youth.

18 (B) OUT-OF-SCHOOL YOUTH.—In this title,
19 the term “out-of-school youth” means an indi-
20 vidual who is—

21 (i) not attending any school (as de-
22 fined under State law);

23 (ii) not younger than age 16 or older
24 than age 24; and

25 (iii) one or more of the following:

1 (I) A school dropout.

2 (II) A youth who is within the
3 age of compulsory school attendance,
4 but has not attended school for at
5 least the most recent complete school
6 year calendar quarter.

7 (III) A recipient of a secondary
8 school diploma or its recognized equiv-
9 alent who is a low-income individual
10 and is—

11 (aa) basic skills deficient; or

12 (bb) an English language
13 learner.

14 (IV) An individual who is subject
15 to the juvenile or adult justice system.

16 (V) A homeless individual (as de-
17 fined in section 41403(6) of the Vio-
18 lence Against Women Act of 1994 (42
19 U.S.C. 14043e-2(6))), a homeless
20 child or youth (as defined in section
21 725(2) of the McKinney-Vento Home-
22 less Assistance Act (42 U.S.C.
23 11434a(2))), a runaway, in foster care
24 or has aged out of the foster care sys-
25 tem, a child eligible for assistance

1 under section 477 of the Social Secu-
2 rity Act (42 U.S.C. 677), or in an
3 out-of-home placement.

4 (VI) An individual who is preg-
5 nant or parenting.

6 (VII) A youth who is an indi-
7 vidual with a disability.

8 (VIII) A low-income individual
9 who requires additional assistance to
10 enter or complete an educational pro-
11 gram or to secure or hold employ-
12 ment.

13 (C) IN-SCHOOL YOUTH.—In this section,
14 the term “in-school youth” means an individual
15 who is—

16 (i) attending school (as defined by
17 State law);

18 (ii) not younger than age 14 or (un-
19 less an individual with a disability who is
20 attending school under State law) older
21 than age 21;

22 (iii) a low-income individual; and

23 (iv) one or more of the following:

24 (I) Basic skills deficient.

25 (II) An English language learner.

1 (III) An offender.

2 (IV) A homeless individual (as
3 defined in section 41403(6) of the Vi-
4 olence Against Women Act of 1994
5 (42 U.S.C. 14043e-2(6))), a homeless
6 child or youth (as defined in section
7 725(2) of the McKinney-Vento Home-
8 less Assistance Act (42 U.S.C.
9 11434a(2))), a runaway, in foster care
10 or has aged out of the foster care sys-
11 tem, a child eligible for assistance
12 under section 477 of the Social Secu-
13 rity Act (42 U.S.C. 677), or in an
14 out-of-home placement.

15 (V) Pregnant or parenting.

16 (VI) A youth who is an individual
17 with a disability.

18 (VII) An individual who requires
19 additional assistance to complete an
20 educational program or to secure or
21 hold employment.

22 (2) SPECIAL RULE.—For the purpose of this
23 subsection, the term “low-income”, used with respect
24 to an individual, also includes a youth living in a
25 high-poverty area.

1 (3) EXCEPTION AND LIMITATION.—

2 (A) EXCEPTION FOR PERSONS WHO ARE
3 NOT LOW-INCOME INDIVIDUALS.—

4 (i) DEFINITION.—In this subpara-
5 graph, the term “covered individual”
6 means an in-school youth, or an out-of-
7 school youth who is described in subclause
8 (III) or (VIII) of paragraph (1)(B)(iii).

9 (ii) EXCEPTION.—In each local area,
10 not more than 5 percent of the individuals
11 assisted under this section may be persons
12 who would be covered individuals, except
13 that the persons are not low-income indi-
14 viduals.

15 (B) LIMITATION.—In each local area, not
16 more than 5 percent of the in-school youth as-
17 sisted under this section may be eligible under
18 paragraph (1) because the youth are in-school
19 youth described in paragraph (1)(C)(iv)(VII).

20 (4) OUT-OF-SCHOOL PRIORITY.—

21 (A) IN GENERAL.—For any program year,
22 not less than 75 percent of the funds available
23 for statewide activities under subsection (b),
24 and not less than 75 percent of funds available
25 to local areas under subsection (c), shall be

1 used to provide youth workforce investment ac-
2 tivities for out-of-school youth.

3 (B) EXCEPTION.—A State that receives a
4 minimum allotment under section 127(b)(1) in
5 accordance with section 127(b)(1)(C)(iv) or
6 under section 132(b)(1) in accordance with sec-
7 tion 132(b)(1)(B)(iv) may decrease the percent-
8 age described in subparagraph (A) to not less
9 than 50 percent for a local area in the State,
10 if—

11 (i) after an analysis of the in-school
12 youth and out-of-school youth populations
13 in the local area, the State determines that
14 the local area will be unable to use at least
15 75 percent of the funds available for activi-
16 ties under subsection (c) to serve out-of-
17 school youth due to a low number of out-
18 of-school youth; and

19 (ii)(I) the State submits to the Sec-
20 retary, for the local area, a request includ-
21 ing a proposed percentage decreased to not
22 less than 50 percent for purposes of sub-
23 paragraph (A), and a summary of the
24 analysis described in clause (i); and

1 (II) the request is approved by the
2 Secretary.

3 (5) CONSISTENCY WITH COMPULSORY SCHOOL
4 ATTENDANCE LAWS.—In providing assistance under
5 this section to an individual who is required to at-
6 tend school under applicable State compulsory school
7 attendance laws, the priority in providing such as-
8 sistance shall be for the individual to attend school
9 regularly.

10 (b) STATEWIDE ACTIVITIES.—

11 (1) REQUIRED STATEWIDE YOUTH ACTIVI-
12 TIES.—Funds reserved by a Governor as described
13 in sections 128(a) and 133(a)(1) shall be used, re-
14 gardless of whether the funds were allotted to the
15 State under section 127(b)(1)(C) or under para-
16 graph (1)(B) or (2)(B) of section 132(b) for state-
17 wide activities, which shall include—

18 (A) conducting evaluations under section
19 116(e) of activities authorized under this chap-
20 ter and chapter 3 in coordination with evalua-
21 tions carried out by the Secretary under section
22 169(a);

23 (B) disseminating a list of eligible pro-
24 viders of youth workforce investment activities,
25 as determined under section 123;

1 (C) providing assistance to local areas as
2 described in subsections (b)(6) and (c)(2) of
3 section 106, for local coordination of activities
4 carried out under this title;

5 (D) operating a fiscal and management ac-
6 countability information system under section
7 116(i);

8 (E) carrying out monitoring and oversight
9 of activities carried out under this chapter and
10 chapter 3, which may include a review com-
11 paring the services provided to male and female
12 youth; and

13 (F) providing additional assistance to local
14 areas that have high concentrations of eligible
15 youth.

16 (2) ALLOWABLE STATEWIDE YOUTH ACTIVI-
17 TIES.—Funds reserved by a Governor as described
18 in sections 128(a) and 133(a)(1) may be used, re-
19 gardless of whether the funds were allotted to the
20 State under section 127(b)(1)(C) or under para-
21 graph (1)(B) or (2)(B) of section 132(b), for state-
22 wide activities, which may include—

23 (A) conducting—

1 (i) research related to meeting the
2 education and employment needs of eligible
3 youth; and

4 (ii) demonstration projects related to
5 meeting the education and employment
6 needs of eligible youth;

7 (B) supporting the development of alter-
8 native, evidence-based programs and other ac-
9 tivities that enhance the choices available to eli-
10 gible youth and encourage such youth to reen-
11 ter and complete secondary education, enroll in
12 postsecondary education and advanced training,
13 progress through a career pathway, and enter
14 into unsubsidized employment that leads to eco-
15 nomic self-sufficiency;

16 (C) supporting the provision of career serv-
17 ices described in section 134(c)(2) in the one-
18 stop delivery system in the State;

19 (D) supporting financial literacy, includ-
20 ing—

21 (i) supporting the ability of partici-
22 pants to create household budgets, initiate
23 savings plans, and make informed financial
24 decisions about education, retirement,

1 home ownership, wealth building, or other
2 savings goals;

3 (ii) supporting the ability to manage
4 spending, credit, and debt, including credit
5 card debt, effectively;

6 (iii) increasing awareness of the avail-
7 ability and significance of credit reports
8 and credit scores in obtaining credit, in-
9 cluding determining their accuracy (and
10 how to correct inaccuracies in the reports
11 and scores), and their effect on credit
12 terms;

13 (iv) supporting the ability to under-
14 stand, evaluate, and compare financial
15 products, services, and opportunities; and

16 (v) supporting activities that address
17 the particular financial literacy needs of
18 non-English speakers, including providing
19 the support through the development and
20 distribution of multilingual financial lit-
21 eracy and education materials; and

22 (E) providing technical assistance to, as
23 appropriate, local boards, chief elected officials,
24 one-stop operators, one-stop partners, and eligi-
25 ble providers, in local areas, which provision of

1 technical assistance shall include the develop-
2 ment and training of staff, the development of
3 exemplary program activities, the provision of
4 technical assistance to local areas that fail to
5 meet local performance accountability measures
6 described in section 116(c), and the provision of
7 technology to facilitate remote access to services
8 provided through the one-stop delivery system
9 in the State.

10 (3) LIMITATION.—Not more than 5 percent of
11 the funds allotted to a State under section
12 127(b)(1)(C) shall be used by the State for adminis-
13 trative activities carried out under this subsection or
14 section 134(a).

15 (c) LOCAL ELEMENTS AND REQUIREMENTS.—

16 (1) PROGRAM DESIGN.—Funds allocated to a
17 local area for eligible youth under section 128(b)
18 shall be used to carry out, for eligible youth, pro-
19 grams that—

20 (A) provide an objective assessment of the
21 academic levels, skill levels, and service needs of
22 each participant, which assessment shall include
23 a review of basic skills, occupational skills, prior
24 work experience, employability, interests, apti-
25 tudes (including interests and aptitudes for

1 nontraditional jobs), supportive service needs,
2 and developmental needs of such participant,
3 for the purpose of identifying appropriate serv-
4 ices and career pathways for participants, ex-
5 cept that a new assessment of a participant is
6 not required if the provider carrying out such
7 a program determines it is appropriate to use
8 a recent assessment of the participant con-
9 ducted pursuant to another education or train-
10 ing program;

11 (B) develop service strategies for each par-
12 ticipant that are directly linked to 1 or more of
13 the indicators of performance described in sec-
14 tion 116(b)(2)(A)(ii), and that shall identify ca-
15 reer pathways that include education and em-
16 ployment goals (including, in appropriate cir-
17 cumstances, nontraditional employment), appro-
18 priate achievement objectives, and appropriate
19 services for the participant taking into account
20 the assessment conducted pursuant to subpara-
21 graph (A), except that a new service strategy
22 for a participant is not required if the provider
23 carrying out such a program determines it is
24 appropriate to use a recent service strategy de-

1 veloped for the participant under another edu-
2 cation or training program;

3 (C) provide—

4 (i) activities leading to the attainment
5 of a secondary school diploma or its recog-
6 nized equivalent, or a recognized postsec-
7 ondary credential;

8 (ii) preparation for postsecondary
9 educational and training opportunities;

10 (iii) strong linkages between academic
11 instruction (based on State academic con-
12 tent and student academic achievement
13 standards established under section 1111
14 of the Elementary and Secondary Edu-
15 cation Act of 1965 (20 U.S.C. 6311)) and
16 occupational education that lead to the at-
17 tainment of recognized postsecondary cre-
18 dentials;

19 (iv) preparation for unsubsidized em-
20 ployment opportunities, in appropriate
21 cases; and

22 (v) effective connections to employers,
23 including small employers, in in-demand
24 industry sectors and occupations of the
25 local and regional labor markets; and

1 (D) at the discretion of the local board,
2 implement a pay-for-performance contract
3 strategy for elements described in paragraph
4 (2), for which the local board may reserve and
5 use not more than 10 percent of the total funds
6 allocated to the local area under section 128(b).

7 (2) PROGRAM ELEMENTS.—In order to support
8 the attainment of a secondary school diploma or its
9 recognized equivalent, entry into postsecondary edu-
10 cation, and career readiness for participants, the
11 programs described in paragraph (1) shall provide
12 elements consisting of—

13 (A) tutoring, study skills training, instruc-
14 tion, and evidence-based dropout prevention and
15 recovery strategies that lead to completion of
16 the requirements for a secondary school di-
17 ploma or its recognized equivalent (including a
18 recognized certificate of attendance or similar
19 document for individuals with disabilities) or for
20 a recognized postsecondary credential;

21 (B) alternative secondary school services,
22 or dropout recovery services, as appropriate;

23 (C) paid and unpaid work experiences that
24 have as a component academic and occupational
25 education, which may include—

1 (i) summer employment opportunities
2 and other employment opportunities avail-
3 able throughout the school year;

4 (ii) pre-apprenticeship programs;

5 (iii) internships and job shadowing;

6 and

7 (iv) on-the-job training opportunities;

8 (D) occupational skill training, which may
9 include priority consideration for training pro-
10 grams that lead to recognized postsecondary
11 credentials that are aligned with in-demand in-
12 dustry sectors or occupations in the local area
13 involved, if the local board determines that the
14 programs meet the quality criteria described in
15 section 123;

16 (E) education offered concurrently with
17 and in the same context as workforce prepara-
18 tion activities and training for a specific occu-
19 pation or occupational cluster;

20 (F) leadership development opportunities,
21 which may include community service and peer-
22 centered activities encouraging responsibility
23 and other positive social and civic behaviors, as
24 appropriate;

25 (G) supportive services;

1 (H) adult mentoring for the period of par-
2 ticipation and a subsequent period, for a total
3 of not less than 12 months;

4 (I) followup services for not less than 12
5 months after the completion of participation, as
6 appropriate;

7 (J) comprehensive guidance and coun-
8 seling, which may include drug and alcohol
9 abuse counseling and referral, as appropriate;

10 (K) financial literacy education;

11 (L) entrepreneurial skills training;

12 (M) services that provide labor market and
13 employment information about in-demand in-
14 dustry sectors or occupations available in the
15 local area, such as career awareness, career
16 counseling, and career exploration services; and

17 (N) activities that help youth prepare for
18 and transition to postsecondary education and
19 training.

20 (3) ADDITIONAL REQUIREMENTS.—

21 (A) INFORMATION AND REFERRALS.—

22 Each local board shall ensure that each partici-
23 pant shall be provided—

24 (i) information on the full array of ap-
25 plicable or appropriate services that are

1 available through the local board or other
2 eligible providers or one-stop partners, in-
3 cluding those providers or partners receiv-
4 ing funds under this subtitle; and

5 (ii) referral to appropriate training
6 and educational programs that have the
7 capacity to serve the participant either on
8 a sequential or concurrent basis.

9 (B) APPLICANTS NOT MEETING ENROLL-
10 MENT REQUIREMENTS.—Each eligible provider
11 of a program of youth workforce investment ac-
12 tivities shall ensure that an eligible applicant
13 who does not meet the enrollment requirements
14 of the particular program or who cannot be
15 served shall be referred for further assessment,
16 as necessary, and referred to appropriate pro-
17 grams in accordance with subparagraph (A) to
18 meet the basic skills and training needs of the
19 applicant.

20 (C) INVOLVEMENT IN DESIGN AND IMPLE-
21 MENTATION.—The local board shall ensure that
22 parents, participants, and other members of the
23 community with experience relating to pro-
24 grams for youth are involved in the design and

1 implementation of the programs described in
2 paragraph (1).

3 (4) PRIORITY.—Not less than 20 percent of the
4 funds allocated to the local area as described in
5 paragraph (1) shall be used to provide in-school
6 youth and out-of-school youth with activities under
7 paragraph (2)(C).

8 (5) RULE OF CONSTRUCTION.—Nothing in this
9 chapter shall be construed to require that each of
10 the elements described in subparagraphs of para-
11 graph (2) be offered by each provider of youth serv-
12 ices.

13 (6) PROHIBITIONS.—

14 (A) PROHIBITION AGAINST FEDERAL CON-
15 TROL OF EDUCATION.—No provision of this Act
16 shall be construed to authorize any department,
17 agency, officer, or employee of the United
18 States to exercise any direction, supervision, or
19 control over the curriculum, program of instruc-
20 tion, administration, or personnel of any edu-
21 cational institution, school, or school system, or
22 over the selection of library resources, text-
23 books, or other printed or published instruc-
24 tional materials by any educational institution,
25 school, or school system.

1 (B) NONINTERFERENCE AND NON-
2 REPLACEMENT OF REGULAR ACADEMIC RE-
3 QUIREMENTS.—No funds described in para-
4 graph (1) shall be used to provide an activity
5 for eligible youth who are not school dropouts
6 if participation in the activity would interfere
7 with or replace the regular academic require-
8 ments of the youth.

9 (7) LINKAGES.—In coordinating the programs
10 authorized under this section, local boards shall es-
11 tablish linkages with local educational agencies re-
12 sponsible for services to participants as appropriate.

13 (8) VOLUNTEERS.—The local board shall make
14 opportunities available for individuals who have suc-
15 cessfully participated in programs carried out under
16 this section to volunteer assistance to participants in
17 the form of mentoring, tutoring, and other activities.

18 **CHAPTER 3—ADULT AND DISLOCATED**
19 **WORKER EMPLOYMENT AND TRAIN-**
20 **ING ACTIVITIES**

21 **SEC. 131. GENERAL AUTHORIZATION.**

22 The Secretary shall make allotments under para-
23 graphs (1)(B) and (2)(B) of section 132(b) to each State
24 that meets the requirements of section 102 or 103 and
25 grants under paragraphs (1)(A) and (2)(A) of section

1 132(b) to each outlying area that complies with the re-
2 quirements of this title, to assist the State or outlying
3 area, and to enable the State or outlying area to assist
4 local areas, for the purpose of providing workforce invest-
5 ment activities for adults, and dislocated workers, in the
6 State or outlying area and in the local areas.

7 **SEC. 132. STATE ALLOTMENTS.**

8 (a) IN GENERAL.—The Secretary shall—

9 (1) make allotments and grants from the
10 amount appropriated under section 136(b) for a fis-
11 cal year in accordance with subsection (b)(1); and

12 (2)(A) reserve 20 percent of the amount appro-
13 priated under section 136(c) for the fiscal year for
14 use under subsection (b)(2)(A), and under sections
15 168(b) (relating to dislocated worker technical as-
16 sistance), 169(c) (relating to dislocated worker
17 projects), and 170 (relating to national dislocated
18 worker grants); and

19 (B) make allotments from 80 percent of the
20 amount appropriated under section 136(c) for the
21 fiscal year in accordance with subsection (b)(2)(B).

22 (b) ALLOTMENT AMONG STATES.—

23 (1) ADULT EMPLOYMENT AND TRAINING AC-
24 TIVITIES.—

1 and statewide workforce investment activi-
2 ties.

3 (ii) FORMULA.—Subject to clauses
4 (iii) and (iv), of the remainder—

5 (I) $33\frac{1}{3}$ percent shall be allotted
6 on the basis of the relative number of
7 unemployed individuals in areas of
8 substantial unemployment in each
9 State, compared to the total number
10 of unemployed individuals in areas of
11 substantial unemployment in all
12 States;

13 (II) $33\frac{1}{3}$ percent shall be allot-
14 ted on the basis of the relative excess
15 number of unemployed individuals in
16 each State, compared to the total ex-
17 cess number of unemployed individ-
18 uals in all States; and

19 (III) $33\frac{1}{3}$ percent shall be allot-
20 ted on the basis of the relative num-
21 ber of disadvantaged adults in each
22 State, compared to the total number
23 of disadvantaged adults in all States,
24 except as described in clause (iii).

1 (iii) CALCULATION.—In determining
2 an allotment under clause (ii)(III) for any
3 State in which there is an area that was
4 designated as a local area as described in
5 section 107(c)(1)(C), the allotment shall be
6 based on the higher of—

7 (I) the number of adults in fami-
8 lies with an income below the low-in-
9 come level in such area; or

10 (II) the number of disadvantaged
11 adults in such area.

12 (iv) MINIMUM AND MAXIMUM PER-
13 CENTAGES AND MINIMUM ALLOTMENTS.—
14 In making allotments under this subpara-
15 graph, the Secretary shall ensure the fol-
16 lowing:

17 (I) MINIMUM PERCENTAGE AND
18 ALLOTMENT.—Subject to subclause
19 (IV), the Secretary shall ensure that
20 no State shall receive an allotment for
21 a fiscal year that is less than the
22 greater of—

23 (aa) an amount based on 90
24 percent of the allotment percent-

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1 age of the State for the preceding
2 fiscal year; or

3 (bb) 100 percent of the al-
4 lotment of the State under sec-
5 tion 132(b)(1)(B) of the Work-
6 force Investment Act of 1998 (as
7 in effect on the day before the
8 date of enactment of this Act) for
9 fiscal year 2014.

10 (II) SMALL STATE MINIMUM AL-
11 LOTMENT.—Subject to subclauses (I),
12 (III), and (IV), the Secretary shall en-
13 sure that no State shall receive an al-
14 lotment under this subparagraph that
15 is less than the total of—

16 (aa) $\frac{3}{10}$ of 1 percent of
17 \$960,000,000 of the remainder
18 described in clause (i) for the fis-
19 cal year; and

20 (bb) if the remainder de-
21 scribed in clause (i) for the fiscal
22 year exceeds \$960,000,000, $\frac{2}{5}$ of
23 1 percent of the excess.

24 (III) MAXIMUM PERCENTAGE.—
25 Subject to subclause (I), the Secretary

1 shall ensure that no State shall re-
2 ceive an allotment percentage for a
3 fiscal year that is more than 130 per-
4 cent of the allotment percentage of
5 the State for the preceding fiscal year.

6 (IV) MINIMUM FUNDING.—In
7 any fiscal year in which the remainder
8 described in clause (i) does not exceed
9 \$960,000,000, the minimum allot-
10 ments under subclauses (I) and (II)
11 shall be calculated by the methodology
12 specified in section
13 132(b)(1)(B)(iv)(IV) of the Workforce
14 Investment Act of 1998 (as in effect
15 on the day before the date of enact-
16 ment of this Act).

17 (v) DEFINITIONS.—For the purpose
18 of the formula specified in this subpara-
19 graph:

20 (I) ADULT.—The term “adult”
21 means an individual who is not less
22 than age 22 and not more than age
23 72.

24 (II) ALLOTMENT PERCENT-
25 AGE.—The term “allotment percent-

1 age”, used with respect to fiscal year
2 2015 or a subsequent fiscal year,
3 means a percentage of the remainder
4 described in clause (i) that is received
5 through an allotment made under this
6 subparagraph for the fiscal year. The
7 term, used with respect to fiscal year
8 2014, means the percentage of the
9 amount allotted to States under sec-
10 tion 132(b)(1)(B) of the Workforce
11 Investment Act of 1998 (as in effect
12 on the day before the date of enact-
13 ment of this Act) that is received
14 under such section by the State in-
15 volved for fiscal year 2014.

16 (III) AREA OF SUBSTANTIAL UN-
17 EMPLOYMENT.—The term “area of
18 substantial unemployment” means
19 any area that is of sufficient size and
20 scope to sustain a program of work-
21 force investment activities carried out
22 under this subtitle and that has an
23 average rate of unemployment of at
24 least 6.5 percent for the most recent
25 12 months, as determined by the Sec-

1 retary. For purposes of this subclause,
2 determinations of areas of substantial
3 unemployment shall be made once
4 each fiscal year.

5 (IV) DISADVANTAGED ADULT.—
6 Subject to subclause (V), the term
7 “disadvantaged adult” means an adult
8 who received an income, or is a mem-
9 ber of a family that received a total
10 family income, that, in relation to
11 family size, does not exceed the higher
12 of—

13 (aa) the poverty line; or
14 (bb) 70 percent of the lower
15 living standard income level.

16 (V) DISADVANTAGED ADULT
17 SPECIAL RULE.—The Secretary shall,
18 as appropriate and to the extent prac-
19 ticable, exclude college students and
20 members of the Armed Forces from
21 the determination of the number of
22 disadvantaged adults.

23 (VI) EXCESS NUMBER.—The
24 term “excess number” means, used
25 with respect to the excess number of

1 unemployed individuals within a
2 State, the higher of—

3 (aa) the number that rep-
4 represents the number of unem-
5 ployed individuals in excess of
6 4.5 percent of the civilian labor
7 force in the State; or

8 (bb) the number that rep-
9 represents the number of unem-
10 ployed individuals in excess of
11 4.5 percent of the civilian labor
12 force in areas of substantial un-
13 employment in such State.

14 (VII) LOW-INCOME LEVEL.—The
15 term “low-income level” means
16 \$7,000 with respect to income in
17 1969, and for any later year means
18 that amount that bears the same rela-
19 tionship to \$7,000 as the Consumer
20 Price Index for that year bears to the
21 Consumer Price Index for 1969,
22 rounded to the nearest \$1,000.

23 (2) DISLOCATED WORKER EMPLOYMENT AND
24 TRAINING ACTIVITIES.—

1 (A) RESERVATION FOR OUTLYING
2 AREAS.—

3 (i) IN GENERAL.—From the amount
4 made available under subsection (a)(2)(A)
5 for a fiscal year, the Secretary shall re-
6 serve not more than $\frac{1}{4}$ of 1 percent of the
7 amount appropriated under section 136(c)
8 for the fiscal year to provide assistance to
9 the outlying areas.

10 (ii) APPLICABILITY OF ADDITIONAL
11 REQUIREMENTS.—From the amount re-
12 served under clause (i), the Secretary shall
13 provide assistance to the outlying areas for
14 dislocated worker employment and training
15 activities and statewide workforce invest-
16 ment activities in accordance with the re-
17 quirements of section 127(b)(1)(B).

18 (B) STATES.—

19 (i) IN GENERAL.—The Secretary shall
20 allot the amount referred to in subsection
21 (a)(2)(B) for a fiscal year to the States
22 pursuant to clause (ii) for dislocated work-
23 er employment and training activities and
24 statewide workforce investment activities.

1 (ii) FORMULA.—Subject to clause
2 (iii), of the amount—

3 (I) $33\frac{1}{3}$ percent shall be allotted
4 on the basis of the relative number of
5 unemployed individuals in each State,
6 compared to the total number of un-
7 employed individuals in all States;

8 (II) $33\frac{1}{3}$ percent shall be allot-
9 ted on the basis of the relative excess
10 number of unemployed individuals in
11 each State, compared to the total ex-
12 cess number of unemployed individ-
13 uals in all States; and

14 (III) $33\frac{1}{3}$ percent shall be allot-
15 ted on the basis of the relative num-
16 ber of individuals in each State who
17 have been unemployed for 15 weeks or
18 more, compared to the total number
19 of individuals in all States who have
20 been unemployed for 15 weeks or
21 more.

22 (iii) MINIMUM AND MAXIMUM PER-
23 CENTAGES AND MINIMUM ALLOTMENTS.—
24 In making allotments under this subpara-
25 graph, for fiscal year 2016 and each subse-

1 (iv) DEFINITIONS.—For the purpose
2 of the formula specified in this subpara-
3 graph:

4 (I) ALLOTMENT PERCENTAGE.—
5 The term “allotment percentage”,
6 used with respect to fiscal year 2015
7 or a subsequent fiscal year, means a
8 percentage of the amount described in
9 clause (i) that is received through an
10 allotment made under this subpara-
11 graph for the fiscal year.

12 (II) EXCESS NUMBER.—The
13 term “excess number” means, used
14 with respect to the excess number of
15 unemployed individuals within a
16 State, the number that represents the
17 number of unemployed individuals in
18 excess of 4.5 percent of the civilian
19 labor force in the State.

20 (c) REALLOTMENT.—

21 (1) IN GENERAL.—The Secretary shall, in ac-
22 cordance with this subsection, reallocate to eligible
23 States amounts that are made available to States
24 from allotments made under this section or a cor-
25 responding provision of the Workforce Investment

1 Act of 1998 for employment and training activities
2 and statewide workforce investment activities (re-
3 ferred to individually in this subsection as a “State
4 allotment”) and that are available for reallocation.

5 (2) AMOUNT.—The amount available for real-
6 lotment for a program year for programs funded
7 under subsection (b)(1)(B) (relating to adult em-
8 ployment and training) or for programs funded
9 under subsection (b)(2)(B) (relating to dislocated
10 worker employment and training) is equal to the
11 amount by which the unobligated balance of the
12 State allotments for adult employment and training
13 activities or dislocated worker employment and
14 training activities, respectively, at the end of the
15 program year prior to the program year for which
16 the determination under this paragraph is made, ex-
17 ceeds 20 percent of such allotments for the prior
18 program year.

19 (3) REALLOTMENT.—In making reallocations to
20 eligible States of amounts available pursuant to
21 paragraph (2) for a program year, the Secretary
22 shall allot to each eligible State an amount based on
23 the relative amount of the State allotment under
24 paragraph (1)(B) or (2)(B), respectively, of sub-
25 section (b) for the program year for which the deter-

1 mination is made, as compared to the total amount
2 of the State allotments under paragraph (1)(B) or
3 (2)(B), respectively, of subsection (b) for all eligible
4 States for such program year.

5 (4) ELIGIBILITY.—For purposes of this sub-
6 section, an eligible State means—

7 (A) with respect to funds allotted through
8 a State allotment for adult employment and
9 training activities, a State that does not have
10 an amount of such funds available for reallocot-
11 ment under paragraph (2) for the program year
12 for which the determination under paragraph
13 (2) is made; and

14 (B) with respect to funds allotted through
15 a State allotment for dislocated worker employ-
16 ment and training activities, a State that does
17 not have an amount of such funds available for
18 reallotment under paragraph (2) for the pro-
19 gram year for which the determination under
20 paragraph (2) is made.

21 (5) PROCEDURES.—The Governor shall pre-
22 scribe uniform procedures for the obligation of funds
23 by local areas within the State in order to avoid the
24 requirement that funds be made available for reallocot-
25 ment under this subsection. The Governor shall fur-

1 ther prescribe equitable procedures for making funds
2 available from the State and local areas in the event
3 that a State is required to make funds available for
4 reallotment under this subsection.

5 **SEC. 133. WITHIN STATE ALLOCATIONS.**

6 (a) **RESERVATIONS FOR STATE ACTIVITIES.—**

7 (1) **STATEWIDE WORKFORCE INVESTMENT AC-**
8 **TIVITIES.—**The Governor shall make the reservation
9 required under section 128(a).

10 (2) **STATEWIDE RAPID RESPONSE ACTIVI-**
11 **TIES.—**The Governor shall reserve not more than 25
12 percent of the total amount allotted to the State
13 under section 132(b)(2)(B) for a fiscal year for
14 statewide rapid response activities described in sec-
15 tion 134(a)(2)(A).

16 (b) **WITHIN STATE ALLOCATION.—**

17 (1) **METHODS.—**The Governor, acting in ac-
18 cordance with the State plan, and after consulting
19 with chief elected officials and local boards in the
20 local areas, shall allocate—

21 (A) the funds that are allotted to the State
22 for adult employment and training activities
23 and statewide workforce investment activities
24 under section 132(b)(1)(B) and are not re-

1 served under subsection (a)(1), in accordance
2 with paragraph (2) or (3); and

3 (B) the funds that are allotted to the State
4 for dislocated worker employment and training
5 activities and statewide workforce investment
6 activities under section 132(b)(2)(B) and are
7 not reserved under paragraph (1) or (2) of sub-
8 section (a), in accordance with paragraph (2).

9 (2) FORMULA ALLOCATIONS.—

10 (A) ADULT EMPLOYMENT AND TRAINING
11 ACTIVITIES.—

12 (i) ALLOCATION.—In allocating the
13 funds described in paragraph (1)(A) to
14 local areas, a State may allocate—

15 (I) $33\frac{1}{3}$ percent of the funds on
16 the basis described in section
17 132(b)(1)(B)(ii)(I);

18 (II) $33\frac{1}{3}$ percent of the funds on
19 the basis described in section
20 132(b)(1)(B)(ii)(II); and

21 (III) $33\frac{1}{3}$ percent of the funds
22 on the basis described in clauses
23 (ii)(III) and (iii) of section
24 132(b)(1)(B).

1 through an allocation made under para-
2 graph (2)(A) or (3) of that section for fis-
3 cal year 2013 or 2014, respectively.

4 (B) DISLOCATED WORKER EMPLOYMENT
5 AND TRAINING ACTIVITIES.—

6 (i) ALLOCATION.—In allocating the
7 funds described in paragraph (1)(B) to
8 local areas, a State shall allocate the funds
9 based on an allocation formula prescribed
10 by the Governor of the State. Such for-
11 mula may be amended by the Governor not
12 more than once for each program year.
13 Such formula shall utilize the most appro-
14 priate information available to the Gov-
15 ernor to distribute amounts to address the
16 State's worker readjustment assistance
17 needs.

18 (ii) INFORMATION.—The information
19 described in clause (i) shall include insured
20 unemployment data, unemployment con-
21 centrations, plant closing and mass layoff
22 data, declining industries data, farmer-
23 rancher economic hardship data, and long-
24 term unemployment data.

1 (iii) MINIMUM PERCENTAGE.—The
2 local area shall not receive an allocation
3 percentage for fiscal year 2016 or a subse-
4 quent fiscal year that is less than 90 per-
5 cent of the average allocation percentage of
6 the local area for the 2 preceding fiscal
7 years. Amounts necessary for increasing
8 such allocations to local areas to comply
9 with the preceding sentence shall be ob-
10 tained by ratably reducing the allocations
11 to be made to other local areas under this
12 subparagraph.

13 (iv) DEFINITION.—In this subpara-
14 graph, the term “allocation percentage”,
15 used with respect to fiscal year 2015 or a
16 subsequent fiscal year, means a percentage
17 of the funds referred to in clause (i), re-
18 ceived through an allocation made under
19 this subparagraph for the fiscal year. The
20 term, used with respect to fiscal year
21 2014, means a percentage of the amount
22 allocated to local areas under section
23 133(b)(2)(B) of the Workforce Investment
24 Act of 1998 (as in effect on the day before
25 the date of enactment of this Act), received

1 through an allocation made under that sec-
2 tion for fiscal year 2014.

3 (C) APPLICATION.—For purposes of car-
4 rying out subparagraph (A)—

5 (i) references in section 132(b) to a
6 State shall be deemed to be references to
7 a local area;

8 (ii) references in section 132(b) to all
9 States shall be deemed to be references to
10 all local areas in the State involved; and

11 (iii) except as described in clause (i),
12 references in section 132(b)(1) to the term
13 “excess number” shall be considered to be
14 references to the term as defined in section
15 132(b)(1).

16 (3) ADULT EMPLOYMENT AND TRAINING DIS-
17 CRETIONARY ALLOCATIONS.—In lieu of making the
18 allocation described in paragraph (2)(A), in allo-
19 cating the funds described in paragraph (1)(A) to
20 local areas, a State may distribute—

21 (A) a portion equal to not less than 70
22 percent of the funds in accordance with para-
23 graph (2)(A); and

24 (B) the remaining portion of the funds on
25 the basis of a formula that—

1 (i) incorporates additional factors
2 (other than the factors described in para-
3 graph (2)(A)) relating to—

4 (I) excess poverty in urban,
5 rural, and suburban local areas; and

6 (II) excess unemployment above
7 the State average in urban, rural, and
8 suburban local areas; and

9 (ii) was developed by the State board
10 and approved by the Secretary as part of
11 the State plan.

12 (4) TRANSFER AUTHORITY.—A local board may
13 transfer, if such a transfer is approved by the Gov-
14 ernor, up to and including 100 percent of the funds
15 allocated to the local area under paragraph (2)(A) or
16 (3), and up to and including 100 percent of the
17 funds allocated to the local area under paragraph
18 (2)(B), for a fiscal year between—

19 (A) adult employment and training activi-
20 ties; and

21 (B) dislocated worker employment and
22 training activities.

23 (5) ALLOCATION.—

24 (A) IN GENERAL.—The Governor shall al-
25 locate the funds described in paragraph (1) to

1 local areas under paragraphs (2) and (3) for
2 the purpose of providing a single system of em-
3 ployment and training activities for adults and
4 dislocated workers in accordance with sub-
5 sections (c) and (d) of section 134.

6 (B) ADDITIONAL REQUIREMENTS.—

7 (i) ADULTS.—Funds allocated under
8 paragraph (2)(A) or (3) shall be used by a
9 local area to contribute to the costs of the
10 one-stop delivery system described in sec-
11 tion 121(e) as determined under section
12 121(h) and to pay for employment and
13 training activities provided to adults in the
14 local area, consistent with section 134.

15 (ii) DISLOCATED WORKERS.—Funds
16 allocated under paragraph (2)(B) shall be
17 used by a local area to contribute to the
18 costs of the one-stop delivery system de-
19 scribed in section 121(e) as determined
20 under section 121(h) and to pay for em-
21 ployment and training activities provided
22 to dislocated workers in the local area, con-
23 sistent with section 134.

24 (c) REALLOCATION AMONG LOCAL AREAS.—

1 (1) IN GENERAL.—The Governor may, in ac-
2 cordance with this subsection and after consultation
3 with the State board, reallocate to eligible local
4 areas within the State amounts that are made avail-
5 able to local areas from allocations made under
6 paragraph (2)(A) or (3) of subsection (b) or a cor-
7 responding provision of the Workforce Investment
8 Act of 1998 for adult employment and training ac-
9 tivities, or under subsection (b)(2)(B) or a cor-
10 responding provision of the Workforce Investment
11 Act of 1998 for dislocated worker employment and
12 training activities (referred to individually in this
13 subsection as a “local allocation”) and that are
14 available for reallocation.

15 (2) AMOUNT.—The amount available for re-
16 allocation for a program year—

17 (A) for adult employment and training ac-
18 tivities is equal to the amount by which the un-
19 obligated balance of the local allocation under
20 paragraph (2)(A) or (3) of subsection (b) for
21 such activities, at the end of the program year
22 prior to the program year for which the deter-
23 mination under this subparagraph is made, ex-
24 ceeds 20 percent of such allocation for the prior
25 program year; and

1 (B) for dislocated worker employment and
2 training activities is equal to the amount by
3 which the unobligated balance of the local allo-
4 cation under subsection (b)(2)(B) for such ac-
5 tivities, at the end of the program year prior to
6 the program year for which the determination
7 under this subparagraph is made, exceeds 20
8 percent of such allocation for the prior program
9 year.

10 (3) REALLOCATION.—In making reallocations
11 to eligible local areas of amounts available pursuant
12 to paragraph (2) for a program year, the Governor
13 shall allocate to each eligible local area within the
14 State—

15 (A) with respect to such available amounts
16 that were allocated under paragraph (2)(A) or
17 (3) of subsection (b), an amount based on the
18 relative amount of the local allocation under
19 paragraph (2)(A) or (3) of subsection (b), as
20 appropriate, for the program year for which the
21 determination is made, as compared to the total
22 amount of the local allocations under paragraph
23 (2)(A) or (3) of subsection (b), as appropriate,
24 for all eligible local areas in the State for such
25 program year; and

1 (B) with respect to such available amounts
2 that were allocated under subsection (b)(2)(B),
3 an amount based on the relative amount of the
4 local allocation under subsection (b)(2)(B) for
5 the program year for which the determination is
6 made, as compared to the total amount of the
7 local allocations under subsection (b)(2)(B) for
8 all eligible local areas in the State for such pro-
9 gram year.

10 (4) ELIGIBILITY.—For purposes of this sub-
11 section, an eligible local area means—

12 (A) with respect to funds allocated through
13 a local allocation for adult employment and
14 training activities, a local area that does not
15 have an amount of such funds available for re-
16 allocation under paragraph (2) for the program
17 year for which the determination under para-
18 graph (2) is made; and

19 (B) with respect to funds allocated through
20 a local allocation for dislocated worker employ-
21 ment and training activities, a local area that
22 does not have an amount of such funds avail-
23 able for reallocation under paragraph (2) for
24 the program year for which the determination
25 under paragraph (2) is made.

1 **SEC. 134. USE OF FUNDS FOR EMPLOYMENT AND TRAINING**
2 **ACTIVITIES.**

3 (a) STATEWIDE EMPLOYMENT AND TRAINING AC-
4 TIVITIES.—

5 (1) IN GENERAL.—Funds reserved by a Gov-
6 ernor—

7 (A) as described in section 133(a)(2) shall
8 be used to carry out the statewide rapid re-
9 sponse activities described in paragraph (2)(A);
10 and

11 (B) as described in sections 128(a) and
12 133(a)(1)—

13 (i) shall be used to carry out the
14 statewide employment and training activi-
15 ties described in paragraph (2)(B); and

16 (ii) may be used to carry out any of
17 the statewide employment and training ac-
18 tivities described in paragraph (3),

19 regardless of whether the funds were allotted to
20 the State under section 127(b)(1) or under
21 paragraph (1) or (2) of section 132(b).

22 (2) REQUIRED STATEWIDE EMPLOYMENT AND
23 TRAINING ACTIVITIES.—

24 (A) STATEWIDE RAPID RESPONSE ACTIVI-
25 TIES.—

1 (i) IN GENERAL.—A State shall carry
2 out statewide rapid response activities
3 using funds reserved by the Governor for
4 the State under section 133(a)(2), which
5 activities shall include—

6 (I) provision of rapid response
7 activities, carried out in local areas by
8 the State or by an entity designated
9 by the State, working in conjunction
10 with the local boards and the chief
11 elected officials for the local areas;
12 and

13 (II) provision of additional assist-
14 ance to local areas that experience
15 disasters, mass layoffs, or plant clos-
16 ings, or other events that precipitate
17 substantial increases in the number of
18 unemployed individuals, carried out in
19 local areas by the State, working in
20 conjunction with the local boards and
21 the chief elected officials for the local
22 areas.

23 (ii) USE OF UNOBLIGATED FUNDS.—
24 Funds reserved by a Governor under sec-
25 tion 133(a)(2), and section 133(a)(2) of

1 used to carry out the requirements of
2 this Act;

3 (II) local areas for carrying out
4 the regional planning and service de-
5 livery efforts required under section
6 106(c);

7 (III) local areas by providing in-
8 formation on and support for the ef-
9 fective development, convening, and
10 implementation of industry or sector
11 partnerships; and

12 (IV) local areas, one-stop opera-
13 tors, one-stop partners, and eligible
14 providers, including the development
15 and training of staff, which may in-
16 clude the development and training of
17 staff to provide opportunities for indi-
18 viduals with barriers to employment
19 to enter in-demand industry sectors or
20 occupations and nontraditional occu-
21 pations, the development of exemplary
22 program activities, and the provision
23 of technical assistance to local areas
24 that fail to meet local performance ac-

1 countability measures described in
2 section 116(e);

3 (ii) providing assistance to local areas
4 as described in section 106(b)(6);

5 (iii) operating a fiscal and manage-
6 ment accountability information system in
7 accordance with section 116(i);

8 (iv) carrying out monitoring and over-
9 sight of activities carried out under this
10 chapter and chapter 2;

11 (v) disseminating—

12 (I) the State list of eligible pro-
13 viders of training services, including
14 eligible providers of nontraditional
15 training services and eligible providers
16 of apprenticeship programs described
17 in section 122(a)(2)(B);

18 (II) information identifying eligi-
19 ble providers of on-the-job training,
20 customized training, incumbent work-
21 er training, internships, paid or un-
22 paid work experience opportunities, or
23 transitional jobs;

1 (III) information on effective out-
2 reach to, partnerships with, and serv-
3 ices for, business;

4 (IV) information on effective
5 service delivery strategies to serve
6 workers and job seekers;

7 (V) performance information and
8 information on the cost of attendance
9 (including tuition and fees) for par-
10 ticipants in applicable programs, as
11 described in subsections (d) and (h) of
12 section 122; and

13 (VI) information on physical and
14 programmatic accessibility, in accord-
15 ance with section 188, if applicable,
16 and the Americans with Disabilities
17 Act of 1990 (42 U.S.C. 12101 et
18 seq.), for individuals with disabilities;
19 and

20 (vi) conducting evaluations under sec-
21 tion 116(e) of activities authorized under
22 this chapter and chapter 2 in coordination
23 with evaluations carried out by the Sec-
24 retary under section 169(a).

1 (3) ALLOWABLE STATEWIDE EMPLOYMENT AND
2 TRAINING ACTIVITIES.—

3 (A) IN GENERAL.—Funds reserved by a
4 Governor under sections 128(a)(1) and
5 133(a)(1) and not used under paragraph (1)(A)
6 or (2)(B) (regardless of whether the funds were
7 allotted to the State under section 127(b)(1)(C)
8 or paragraph (1)(B) or (2)(B) of section
9 132(b)) may be used to carry out additional
10 statewide employment and training activities,
11 which may include—

12 (i) implementing innovative programs
13 and strategies designed to meet the needs
14 of all employers (including small employ-
15 ers) in the State, which programs and
16 strategies may include incumbent worker
17 training programs, customized training,
18 sectoral and industry cluster strategies and
19 implementation of industry or sector part-
20 nerships, career pathway programs, micro-
21 enterprise and entrepreneurial training and
22 support programs, utilization of effective
23 business intermediaries, layoff aversion
24 strategies, activities to improve linkages
25 between the one-stop delivery system in the

1 State and all employers (including small
2 employers) in the State, and other business
3 services and strategies that better engage
4 employers in workforce investment activi-
5 ties and make the workforce development
6 system more relevant to the needs of State
7 and local businesses, consistent with the
8 objectives of this title;

9 (ii) developing strategies for effec-
10 tively serving individuals with barriers to
11 employment and for coordinating programs
12 and services among one-stop partners;

13 (iii) the development or identification
14 of education and training programs that
15 respond to real-time labor market analysis,
16 that utilize direct assessment and prior
17 learning assessment to measure and pro-
18 vide credit for prior knowledge, skills, com-
19 petencies, and experiences, that evaluate
20 such skills and competencies for adapt-
21 ability, that ensure credits are portable
22 and stackable for more skilled employment,
23 and that accelerate course or credential
24 completion;

1 (iv) implementing programs to in-
2 crease the number of individuals training
3 for and placed in nontraditional employ-
4 ment;

5 (v) carrying out activities to facilitate
6 remote access to services, including train-
7 ing services described in subsection (c)(3),
8 provided through a one-stop delivery sys-
9 tem, including facilitating access through
10 the use of technology;

11 (vi) supporting the provision of career
12 services described in subsection (c)(2) in
13 the one-stop delivery systems in the State;

14 (vii) coordinating activities with the
15 child welfare system to facilitate provision
16 of services for children and youth who are
17 eligible for assistance under section 477 of
18 the Social Security Act (42 U.S.C. 677);

19 (viii) activities—

20 (I) to improve coordination of
21 workforce investment activities with
22 economic development activities;

23 (II) to improve coordination of
24 employment and training activities
25 with—

1 (aa) child support services,
2 and assistance provided by State
3 and local agencies carrying out
4 part D of title IV of the Social
5 Security Act (42 U.S.C. 651 et
6 seq.);

7 (bb) cooperative extension
8 programs carried out by the De-
9 partment of Agriculture;

10 (cc) programs carried out in
11 local areas for individuals with
12 disabilities, including programs
13 carried out by State agencies re-
14 lating to intellectual disabilities
15 and developmental disabilities,
16 activities carried out by State-
17 wide Independent Living Councils
18 established under section 705 of
19 the Rehabilitation Act of 1973
20 (29 U.S.C. 796d), programs
21 funded under part B of chapter 1
22 of title VII of such Act (29
23 U.S.C. 796e et seq.), and activi-
24 ties carried out by centers for
25 independent living, as defined in

1 section 702 of such Act (29
2 U.S.C. 796a);

3 (dd) adult education and lit-
4 eracy activities, including those
5 provided by public libraries;

6 (ee) activities in the correc-
7 tions system that assist ex-of-
8 fenders in reentering the work-
9 force; and

10 (ff) financial literacy activi-
11 ties including those described in
12 section 129(b)(2)(D); and

13 (III) consisting of development
14 and dissemination of workforce and
15 labor market information;

16 (ix) conducting research and dem-
17 onstration projects related to meeting the
18 employment and education needs of adult
19 and dislocated workers;

20 (x) implementing promising services
21 for workers and businesses, which may in-
22 clude providing support for education,
23 training, skill upgrading, and statewide
24 networking for employees to become work-
25 place learning advisors and maintain pro-

1 iciency in carrying out the activities asso-
2 ciated with such advising;

3 (x) providing incentive grants to local
4 areas for performance by the local areas on
5 local performance accountability measures
6 described in section 116(c);

7 (xi) adopting, calculating, or commis-
8 sioning for approval an economic self-suffi-
9 ciency standard for the State that specifies
10 the income needs of families, by family
11 size, the number and ages of children in
12 the family, and substate geographical con-
13 siderations;

14 (xii) developing and disseminating
15 common intake procedures and related
16 items, including registration processes, ma-
17 terials, or software; and

18 (xiii) providing technical assistance to
19 local areas that are implementing pay-for-
20 performance contract strategies, which
21 technical assistance may include providing
22 assistance with data collection, meeting
23 data entry requirements, identifying levels
24 of performance, and conducting evaluations
25 of such strategies.

1 (B) LIMITATION.—

2 (i) IN GENERAL.—Of the funds allot-
3 ted to a State under sections 127(b) and
4 132(b) and reserved as described in sec-
5 tions 128(a) and 133(a)(1) for a fiscal
6 year—

7 (I) not more than 5 percent of
8 the amount allotted under section
9 127(b)(1);

10 (II) not more than 5 percent of
11 the amount allotted under section
12 132(b)(1); and

13 (III) not more than 5 percent of
14 the amount allotted under section
15 132(b)(2),

16 may be used by the State for the adminis-
17 tration of statewide youth workforce in-
18 vestment activities carried out under sec-
19 tion 129 and statewide employment and
20 training activities carried out under this
21 section.

22 (ii) USE OF FUNDS.—Funds made
23 available for administrative costs under
24 clause (i) may be used for the administra-
25 tive cost of any of the statewide youth

1 workforce investment activities or state-
2 wide employment and training activities,
3 regardless of whether the funds were allot-
4 ted to the State under section 127(b)(1) or
5 paragraph (1) or (2) of section 132(b).

6 (b) LOCAL EMPLOYMENT AND TRAINING ACTIVI-
7 TIES.—Funds allocated to a local area for adults under
8 paragraph (2)(A) or (3), as appropriate, of section 133(b),
9 and funds allocated to a local area for dislocated workers
10 under section 133(b)(2)(B)—

11 (1) shall be used to carry out employment and
12 training activities described in subsection (c) for
13 adults or dislocated workers, respectively; and

14 (2) may be used to carry out employment and
15 training activities described in subsection (d) for
16 adults or dislocated workers, respectively.

17 (c) REQUIRED LOCAL EMPLOYMENT AND TRAINING
18 ACTIVITIES.—

19 (1) IN GENERAL.—

20 (A) ALLOCATED FUNDS.—Funds allocated
21 to a local area for adults under paragraph
22 (2)(A) or (3), as appropriate, of section 133(b),
23 and funds allocated to the local area for dis-
24 located workers under section 133(b)(2)(B),
25 shall be used—

1 (i) to establish a one-stop delivery sys-
2 tem described in section 121(e);

3 (ii) to provide the career services de-
4 scribed in paragraph (2) to adults and dis-
5 located workers, respectively, through the
6 one-stop delivery system in accordance
7 with such paragraph;

8 (iii) to provide training services de-
9 scribed in paragraph (3) to adults and dis-
10 located workers, respectively, described in
11 such paragraph;

12 (iv) to establish and develop relation-
13 ships and networks with large and small
14 employers and their intermediaries; and

15 (v) to develop, convene, or implement
16 industry or sector partnerships.

17 (B) OTHER FUNDS.—Consistent with sub-
18 sections (h) and (i) of section 121, a portion of
19 the funds made available under Federal law au-
20 thorizing the programs and activities described
21 in section 121(b)(1)(B), including the Wagner-
22 Peyser Act (29 U.S.C. 49 et seq.), shall be used
23 as described in clauses (i) and (ii) of subpara-
24 graph (A), to the extent not inconsistent with
25 the Federal law involved.

1 (2) CAREER SERVICES.—

2 (A) SERVICES PROVIDED.—Funds de-
3 scribed in paragraph (1) shall be used to pro-
4 vide career services, which shall be available to
5 individuals who are adults or dislocated workers
6 through the one-stop delivery system and shall,
7 at a minimum, include—

8 (i) determinations of whether the indi-
9 viduals are eligible to receive assistance
10 under this subtitle;

11 (ii) outreach, intake (which may in-
12 clude worker profiling), and orientation to
13 the information and other services avail-
14 able through the one-stop delivery system;

15 (iii) initial assessment of skill levels
16 (including literacy, numeracy, and English
17 language proficiency), aptitudes, abilities
18 (including skills gaps), and supportive
19 service needs;

20 (iv) labor exchange services, includ-
21 ing—

22 (I) job search and placement as-
23 sistance and, in appropriate cases, ca-
24 reer counseling, including—

1 (aa) provision of information
2 on in-demand industry sectors
3 and occupations; and

4 (bb) provision of information
5 on nontraditional employment;
6 and

7 (II) appropriate recruitment and
8 other business services on behalf of
9 employers, including small employers,
10 in the local area, which services may
11 include services described in this sub-
12 section, such as providing information
13 and referral to specialized business
14 services not traditionally offered
15 through the one-stop delivery system;

16 (v) provision of referrals to and co-
17 ordination of activities with other pro-
18 grams and services, including programs
19 and services within the one-stop delivery
20 system and, in appropriate cases, other
21 workforce development programs;

22 (vi) provision of workforce and labor
23 market employment statistics information,
24 including the provision of accurate infor-

1 (20 U.S.C. 2301 et seq.), and providers of
2 vocational rehabilitation services described
3 in title I of the Rehabilitation Act of 1973
4 (29 U.S.C. 720 et seq.);

5 (viii) provision of information, in for-
6 mats that are usable by and understand-
7 able to one-stop center customers, regard-
8 ing how the local area is performing on the
9 local performance accountability measures
10 described in section 116(c) and any addi-
11 tional performance information with re-
12 spect to the one-stop delivery system in the
13 local area;

14 (ix)(I) provision of information, in for-
15 mats that are usable by and understand-
16 able to one-stop center customers, relating
17 to the availability of supportive services or
18 assistance, including child care, child sup-
19 port, medical or child health assistance
20 under title XIX or XXI of the Social Secu-
21 rity Act (42 U.S.C. 1396 et seq. and
22 1397aa et seq.), benefits under the supple-
23 mental nutrition assistance program estab-
24 lished under the Food and Nutrition Act of
25 2008 (7 U.S.C. 2011 et seq.), assistance

1 through the earned income tax credit
2 under section 32 of the Internal Revenue
3 Code of 1986, and assistance under a
4 State program for temporary assistance for
5 needy families funded under part A of title
6 IV of the Social Security Act (42 U.S.C.
7 601 et seq.) and other supportive services
8 and transportation provided through funds
9 made available under such part, available
10 in the local area; and

11 (II) referral to the services or assist-
12 ance described in subclause (I), as appro-
13 priate;

14 (x) provision of information and as-
15 sistance regarding filing claims for unem-
16 ployment compensation;

17 (xi) assistance in establishing eligi-
18 bility for programs of financial aid assist-
19 ance for training and education programs
20 that are not funded under this Act;

21 (xii) services, if determined to be ap-
22 propriate in order for an individual to ob-
23 tain or retain employment, that consist
24 of—

1 (I) comprehensive and specialized
2 assessments of the skill levels and
3 service needs of adults and dislocated
4 workers, which may include—

5 (aa) diagnostic testing and
6 use of other assessment tools;
7 and

8 (bb) in-depth interviewing
9 and evaluation to identify em-
10 ployment barriers and appro-
11 priate employment goals;

12 (II) development of an individual
13 employment plan, to identify the em-
14 ployment goals, appropriate achieve-
15 ment objectives, and appropriate com-
16 bination of services for the participant
17 to achieve the employment goals, in-
18 cluding providing information on eligi-
19 ble providers of training services pur-
20 suant to paragraph (3)(F)(ii), and ca-
21 reer pathways to attain career objec-
22 tives;

23 (III) group counseling;

24 (IV) individual counseling;

25 (V) career planning;

1 (VI) short-term prevocational
2 services, including development of
3 learning skills, communication skills,
4 interviewing skills, punctuality, per-
5 sonal maintenance skills, and profes-
6 sional conduct, to prepare individuals
7 for unsubsidized employment or train-
8 ing;

9 (VII) internships and work expe-
10 riences that are linked to careers;

11 (VIII) workforce preparation ac-
12 tivities;

13 (IX) financial literacy services,
14 such as the activities described in sec-
15 tion 129(b)(2)(D);

16 (X) out-of-area job search assist-
17 ance and relocation assistance; or

18 (XI) English language acquisi-
19 tion and integrated education and
20 training programs; and

21 (xiii) followup services, including
22 counseling regarding the workplace, for
23 participants in workforce investment activi-
24 ties authorized under this subtitle who are
25 placed in unsubsidized employment, for not

1 less than 12 months after the first day of
2 the employment, as appropriate.

3 (B) USE OF PREVIOUS ASSESSMENTS.—A
4 one-stop operator or one-stop partner shall not
5 be required to conduct a new interview, evalua-
6 tion, or assessment of a participant under sub-
7 paragraph (A)(xii) if the one-stop operator or
8 one-stop partner determines that it is appro-
9 priate to use a recent interview, evaluation, or
10 assessment of the participant conducted pursu-
11 ant to another education or training program.

12 (C) DELIVERY OF SERVICES.—The career
13 services described in subparagraph (A) shall be
14 provided through the one-stop delivery system—

15 (i) directly through one-stop operators
16 identified pursuant to section 121(d); or

17 (ii) through contracts with service
18 providers, which may include contracts
19 with public, private for-profit, and private
20 nonprofit service providers, approved by
21 the local board.

22 (3) TRAINING SERVICES.—

23 (A) IN GENERAL.—

24 (i) ELIGIBILITY.—Except as provided
25 in clause (ii), funds allocated to a local

1 area for adults under paragraph (2)(A) or
2 (3), as appropriate, of section 133(b), and
3 funds allocated to the local area for dis-
4 located workers under section
5 133(b)(2)(B), shall be used to provide
6 training services to adults and dislocated
7 workers, respectively—

8 (I) who, after an interview, eval-
9 uation, or assessment, and career
10 planning, have been determined by a
11 one-stop operator or one-stop partner,
12 as appropriate, to—

13 (aa) be unlikely or unable to
14 obtain or retain employment,
15 that leads to economic self-suffi-
16 ciency or wages comparable to or
17 higher than wages from previous
18 employment, through the career
19 services described in paragraph
20 (2)(A)(xii);

21 (bb) be in need of training
22 services to obtain or retain em-
23 ployment that leads to economic
24 self-sufficiency or wages com-

1 mines that it is appropriate to use a recent
2 interview, evaluation, or assessment of the
3 participant conducted pursuant to another
4 education or training program.

5 (iii) RULE OF CONSTRUCTION.—Noth-
6 ing in this subparagraph shall be construed
7 to mean an individual is required to receive
8 career services prior to receiving training
9 services.

10 (B) QUALIFICATION.—

11 (i) REQUIREMENT.—Notwithstanding
12 section 479B of the Higher Education Act
13 of 1965 (20 U.S.C. 1087uu) and except as
14 provided in clause (ii), provision of such
15 training services shall be limited to individ-
16 uals who—

17 (I) are unable to obtain other
18 grant assistance for such services, in-
19 cluding Federal Pell Grants estab-
20 lished under subpart 1 of part A of
21 title IV of the Higher Education Act
22 of 1965 (20 U.S.C. 1070a et seq.); or

23 (II) require assistance beyond the
24 assistance made available under other

1 grant assistance programs, including
2 Federal Pell Grants.

3 (ii) REIMBURSEMENTS.—Training
4 services may be provided under this para-
5 graph to an individual who otherwise meets
6 the requirements of this paragraph while
7 an application for a Federal Pell Grant is
8 pending, except that if such individual is
9 subsequently awarded a Federal Pell
10 Grant, appropriate reimbursement shall be
11 made to the local area from such Federal
12 Pell Grant.

13 (iii) CONSIDERATION.—In deter-
14 mining whether an individual requires as-
15 sistance under clause (i)(II), a one-stop op-
16 erator (or one-stop partner, where appro-
17 priate) may take into consideration the full
18 cost of participating in training services,
19 including the costs of dependent care and
20 transportation, and other appropriate
21 costs.

22 (C) PROVIDER QUALIFICATION.—Training
23 services shall be provided through providers
24 identified in accordance with section 122.

1 (D) TRAINING SERVICES.—Training serv-
2 ices may include—

3 (i) occupational skills training, includ-
4 ing training for nontraditional employ-
5 ment;

6 (ii) on-the-job training;

7 (iii) incumbent worker training in ac-
8 cordance with subsection (d)(4);

9 (iv) programs that combine workplace
10 training with related instruction, which
11 may include cooperative education pro-
12 grams;

13 (v) training programs operated by the
14 private sector;

15 (vi) skill upgrading and retraining;

16 (vii) entrepreneurial training;

17 (viii) transitional jobs in accordance
18 with subsection (d)(5);

19 (ix) job readiness training provided in
20 combination with services described in any
21 of clauses (i) through (viii);

22 (x) adult education and literacy activi-
23 ties, including activities of English lan-
24 guage acquisition and integrated education
25 and training programs, provided concur-

1 rently or in combination with services de-
2 scribed in any of clauses (i) through (vii);
3 and

4 (xi) customized training conducted
5 with a commitment by an employer or
6 group of employers to employ an individual
7 upon successful completion of the training.

8 (E) PRIORITY.—With respect to funds al-
9 located to a local area for adult employment
10 and training activities under paragraph (2)(A)
11 or (3) of section 133(b), priority shall be given
12 to recipients of public assistance, other low-in-
13 come individuals, and individuals who are basic
14 skills deficient for receipt of career services de-
15 scribed in paragraph (2)(A)(xii) and training
16 services. The appropriate local board and the
17 Governor shall direct the one-stop operators in
18 the local area with regard to making determina-
19 tions related to such priority.

20 (F) CONSUMER CHOICE REQUIREMENTS.—

21 (i) IN GENERAL.—Training services
22 provided under this paragraph shall be
23 provided in a manner that maximizes con-
24 sumer choice in the selection of an eligible
25 provider of such services.

1 (ii) ELIGIBLE PROVIDERS.—Each
2 local board, through one-stop centers, shall
3 make available the list of eligible providers
4 of training services described in section
5 122(d), and accompanying information, in
6 accordance with section 122(d).

7 (iii) INDIVIDUAL TRAINING AC-
8 COUNTS.—An individual who seeks train-
9 ing services and who is eligible pursuant to
10 subparagraph (A), may, in consultation
11 with a career planner, select an eligible
12 provider of training services from the list
13 of providers described in clause (ii). Upon
14 such selection, the one-stop operator in-
15 volved shall, to the extent practicable, refer
16 such individual to the eligible provider of
17 training services, and arrange for payment
18 for such services through an individual
19 training account.

20 (iv) COORDINATION.—Each local
21 board may, through one-stop centers, co-
22 ordinate funding for individual training ac-
23 counts with funding from other Federal,
24 State, local, or private job training pro-

1 grams or sources to assist the individual in
2 obtaining training services.

3 (v) ADDITIONAL INFORMATION.—Pri-
4 ority consideration may be given to pro-
5 grams that lead to recognized postsec-
6 ondary credentials that are aligned with in-
7 demand industry sectors or occupations in
8 the local area involved.

9 (G) USE OF INDIVIDUAL TRAINING AC-
10 COUNTS.—

11 (i) IN GENERAL.—Except as provided
12 in clause (ii), training services provided
13 under this paragraph shall be provided
14 through the use of individual training ac-
15 counts in accordance with this paragraph,
16 and shall be provided to eligible individuals
17 through the one-stop delivery system.

18 (ii) TRAINING CONTRACTS.—Training
19 services authorized under this paragraph
20 may be provided pursuant to a contract for
21 services in lieu of an individual training ac-
22 count if—

23 (I) the requirements of subpara-
24 graph (F) are met;

1 (II) such services are on-the-job
2 training, customized training, incum-
3 bent worker training, or transitional
4 employment;

5 (III) the local board determines
6 there are an insufficient number of el-
7 ible providers of training services in
8 the local area involved (such as in a
9 rural area) to accomplish the purposes
10 of a system of individual training ac-
11 counts;

12 (IV) the local board determines
13 that there is a training services pro-
14 gram of demonstrated effectiveness of-
15 fered in the local area by a commu-
16 nity-based organization or another
17 private organization to serve individ-
18 uals with barriers to employment;

19 (V) the local board determines
20 that—

21 (aa) it would be most appro-
22 priate to award a contract to an
23 institution of higher education or
24 other eligible provider of training
25 services in order to facilitate the

1 training of multiple individuals in
2 in-demand industry sectors or oc-
3 cupations; and

4 (bb) such contract does not
5 limit customer choice; or

6 (VI) the contract is a pay-for-
7 performance contract.

8 (iii) LINKAGE TO OCCUPATIONS IN
9 DEMAND.—Training services provided
10 under this paragraph shall be directly
11 linked to an in-demand industry sector or
12 occupation in the local area or the plan-
13 ning region, or in another area to which an
14 adult or dislocated worker receiving such
15 services is willing to relocate, except that a
16 local board may approve training services
17 for occupations determined by the local
18 board to be in sectors of the economy that
19 have a high potential for sustained demand
20 or growth in the local area.

21 (iv) RULE OF CONSTRUCTION.—Noth-
22 ing in this paragraph shall be construed to
23 preclude the combined use of individual
24 training accounts and contracts in the pro-
25 vision of training services, including ar-

1 rangements that allow individuals receiving
2 individual training accounts to obtain
3 training services that are contracted for
4 under clause (ii).

5 (H) REIMBURSEMENT FOR ON-THE-JOB
6 TRAINING.—

7 (i) REIMBURSEMENT LEVEL.—For
8 purposes of the provision of on-the-job
9 training under this paragraph, the Gov-
10 ernor or local board involved may increase
11 the amount of the reimbursement de-
12 scribed in section 3(44) to an amount of
13 up to 75 percent of the wage rate of a par-
14 ticipant for a program carried out under
15 chapter 2 or this chapter, if, respectively—

16 (I) the Governor approves the in-
17 crease with respect to a program car-
18 ried out with funds reserved by the
19 State under that chapter, taking into
20 account the factors described in clause
21 (ii); or

22 (II) the local board approves the
23 increase with respect to a program
24 carried out with funds allocated to a

1 local area under such chapter, taking
2 into account those factors.

3 (ii) FACTORS.—For purposes of
4 clause (i), the Governor or local board, re-
5 spectively, shall take into account factors
6 consisting of—

7 (I) the characteristics of the par-
8 ticipants;

9 (II) the size of the employer;

10 (III) the quality of employer-pro-
11 vided training and advancement op-
12 portunities; and

13 (IV) such other factors as the
14 Governor or local board, respectively,
15 may determine to be appropriate,
16 which may include the number of em-
17 ployees participating in the training,
18 wage and benefit levels of those em-
19 ployees (at present and anticipated
20 upon completion of the training), and
21 relation of the training to the com-
22 petitiveness of a participant.

23 (d) PERMISSIBLE LOCAL EMPLOYMENT AND TRAIN-
24 ING ACTIVITIES.—

25 (1) IN GENERAL.—

1 (A) ACTIVITIES.—Funds allocated to a
2 local area for adults under paragraph (2)(A) or
3 (3), as appropriate, of section 133(b), and
4 funds allocated to the local area for dislocated
5 workers under section 133(b)(2)(B), may be
6 used to provide, through the one-stop delivery
7 system involved (and through collaboration with
8 the local board, for the purpose of the activities
9 described in clauses (vii) and (ix))—

10 (i) customized screening and referral
11 of qualified participants in training serv-
12 ices described in subsection (c)(3) to em-
13 ployers;

14 (ii) customized employment-related
15 services to employers, employer associa-
16 tions, or other such organizations on a fee-
17 for-service basis;

18 (iii) implementation of a pay-for-per-
19 formance contract strategy for training
20 services, for which the local board may re-
21 serve and use not more than 10 percent of
22 the total funds allocated to the local area
23 under paragraph (2) or (3) of section
24 133(b);

1 (iv) customer support to enable indi-
2 viduals with barriers to employment (in-
3 cluding individuals with disabilities) and
4 veterans, to navigate among multiple serv-
5 ices and activities for such populations;

6 (v) technical assistance for one-stop
7 operators, one-stop partners, and eligible
8 providers of training services, regarding
9 the provision of services to individuals with
10 disabilities in local areas, including the de-
11 velopment and training of staff, the provi-
12 sion of outreach, intake, assessments, and
13 service delivery, the coordination of serv-
14 ices across providers and programs, and
15 the development of performance account-
16 ability measures;

17 (vi) employment and training activi-
18 ties provided in coordination with—

19 (I) child support enforcement ac-
20 tivities of the State and local agencies
21 carrying out part D of title IV of the
22 Social Security Act (42 U.S.C. 651 et
23 seq.);

24 (II) child support services, and
25 assistance, provided by State and local

1 agencies carrying out part D of title
2 IV of the Social Security Act (42
3 U.S.C. 651 et seq.);

4 (III) cooperative extension pro-
5 grams carried out by the Department
6 of Agriculture; and

7 (IV) activities to facilitate remote
8 access to services provided through a
9 one-stop delivery system, including fa-
10 cilitating access through the use of
11 technology;

12 (vii) activities—

13 (I) to improve coordination be-
14 tween workforce investment activities
15 and economic development activities
16 carried out within the local area in-
17 volved, and to promote entrepre-
18 neurial skills training and microenter-
19 prise services;

20 (II) to improve services and link-
21 ages between the local workforce in-
22 vestment system (including the local
23 one-stop delivery system) and employ-
24 ers, including small employers, in the

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1 local area, through services described
2 in this section; and

3 (III) to strengthen linkages be-
4 tween the one-stop delivery system
5 and unemployment insurance pro-
6 grams;

7 (viii) training programs for displaced
8 homemakers and for individuals training
9 for nontraditional occupations, in conjunc-
10 tion with programs operated in the local
11 area;

12 (ix) activities to provide business serv-
13 ices and strategies that meet the workforce
14 investment needs of area employers, as de-
15 termined by the local board, consistent
16 with the local plan under section 108,
17 which services—

18 (I) may be provided through ef-
19 fective business intermediaries work-
20 ing in conjunction with the local
21 board, and may also be provided on a
22 fee-for-service basis or through the
23 leveraging of economic development,
24 philanthropic, and other public and
25 private resources in a manner deter-

1 mined appropriate by the local board;
2 and

3 (II) may include—

4 (aa) developing and imple-
5 menting industry sector strate-
6 gies (including strategies involv-
7 ing industry partnerships, re-
8 gional skills alliances, industry
9 skill panels, and sectoral skills
10 partnerships);

11 (bb) developing and deliv-
12 ering innovative workforce invest-
13 ment services and strategies for
14 area employers, which may in-
15 clude career pathways, skills up-
16 grading, skill standard develop-
17 ment and certification for recog-
18 nized postsecondary credential or
19 other employer use, apprentice-
20 ship, and other effective initia-
21 tives for meeting the workforce
22 investment needs of area employ-
23 ers and workers;

24 (cc) assistance to area em-
25 ployers in managing reductions

1 in force in coordination with
2 rapid response activities provided
3 under subsection (a)(2)(A) and
4 with strategies for the aversion of
5 layoffs, which strategies may in-
6 clude early identification of firms
7 at risk of layoffs, use of feasi-
8 bility studies to assess the needs
9 of and options for at-risk firms,
10 and the delivery of employment
11 and training activities to address
12 risk factors; and

13 (dd) the marketing of busi-
14 ness services offered under this
15 title, to appropriate area employ-
16 ers, including small and mid-
17 sized employers;

18 (x) activities to adjust the economic
19 self-sufficiency standards referred to in
20 subsection (a)(3)(A)(xii) for local factors,
21 or activities to adopt, calculate, or commis-
22 sion for approval, economic self-sufficiency
23 standards for the local areas that specify
24 the income needs of families, by family
25 size, the number and ages of children in

1 the family, and substate geographical con-
2 siderations;

3 (xi) improved coordination between
4 employment and training activities and
5 programs carried out in the local area for
6 individuals with disabilities, including pro-
7 grams carried out by State agencies relat-
8 ing to intellectual disabilities and develop-
9 mental disabilities, activities carried out by
10 Statewide Independent Living Councils es-
11 tablished under section 705 of the Reha-
12 bilitation Act of 1973 (29 U.S.C. 796d),
13 programs funded under part B of chapter
14 1 of title VII of such Act (29 U.S.C. 796e
15 et seq.), and activities carried out by cen-
16 ters for independent living, as defined in
17 section 702 of such Act (29 U.S.C. 796a);
18 and

19 (xii) implementation of promising
20 services to workers and businesses, which
21 may include support for education, train-
22 ing, skill upgrading, and statewide net-
23 working for employees to become work-
24 place learning advisors and maintain pro-

1 iciency in carrying out the activities asso-
2 ciated with such advising.

3 (B) WORK SUPPORT ACTIVITIES FOR LOW-
4 WAGE WORKERS.—

5 (i) IN GENERAL.—Funds allocated to
6 a local area for adults under paragraph
7 (2)(A) or (3), as appropriate, of section
8 133(b), and funds allocated to the local
9 area for dislocated workers under section
10 133(b)(2)(B), may be used to provide,
11 through the one-stop delivery system in-
12 volved, work support activities designed to
13 assist low-wage workers in retaining and
14 enhancing employment. The one-stop part-
15 ners of the system shall coordinate the ap-
16 propriate programs and resources of the
17 partners with the activities and resources
18 provided under this subparagraph.

19 (ii) ACTIVITIES.—The work support
20 activities described in clause (i) may in-
21 clude the provision of activities described
22 in this section through the one-stop deliv-
23 ery system in a manner that enhances the
24 opportunities of such workers to partici-
25 pate in the activities, such as the provision

1 of activities described in this section during
2 nontraditional hours and the provision of
3 onsite child care while such activities are
4 being provided.

5 (2) SUPPORTIVE SERVICES.—Funds allocated to
6 a local area for adults under paragraph (2)(A) or
7 (3), as appropriate, of section 133(b), and funds al-
8 located to the local area for dislocated workers under
9 section 133(b)(2)(B), may be used to provide sup-
10 portive services to adults and dislocated workers, re-
11 spectively—

12 (A) who are participating in programs with
13 activities authorized in paragraph (2) or (3) of
14 subsection (c); and

15 (B) who are unable to obtain such sup-
16 portive services through other programs pro-
17 viding such services.

18 (3) NEEDS-RELATED PAYMENTS.—

19 (A) IN GENERAL.—Funds allocated to a
20 local area for adults under paragraph (2)(A) or
21 (3), as appropriate, of section 133(b), and
22 funds allocated to the local area for dislocated
23 workers under section 133(b)(2)(B), may be
24 used to provide needs-related payments to
25 adults and dislocated workers, respectively, who

1 are unemployed and do not qualify for (or have
2 ceased to qualify for) unemployment compensa-
3 tion for the purpose of enabling such individ-
4 uals to participate in programs of training serv-
5 ices under subsection (e)(3).

6 (B) ADDITIONAL ELIGIBILITY REQUIRE-
7 MENTS.—In addition to the requirements con-
8 tained in subparagraph (A), a dislocated worker
9 who has ceased to qualify for unemployment
10 compensation may be eligible to receive needs-
11 related payments under this paragraph only if
12 such worker was enrolled in the training serv-
13 ices—

14 (i) by the end of the 13th week after
15 the most recent layoff that resulted in a
16 determination of the worker's eligibility for
17 employment and training activities for dis-
18 located workers under this subtitle; or

19 (ii) if later, by the end of the 8th
20 week after the worker is informed that a
21 short-term layoff will exceed 6 months.

22 (C) LEVEL OF PAYMENTS.—The level of a
23 needs-related payment made to a dislocated
24 worker under this paragraph shall not exceed
25 the greater of—

1 (i) the applicable level of unemploy-
2 ment compensation; or

3 (ii) if such worker did not qualify for
4 unemployment compensation, an amount
5 equal to the poverty line, for an equivalent
6 period, which amount shall be adjusted to
7 reflect changes in total family income.

8 (4) INCUMBENT WORKER TRAINING PRO-
9 GRAMS.—

10 (A) IN GENERAL.—

11 (i) STANDARD RESERVATION OF
12 FUNDS.—The local board may reserve and
13 use not more than 20 percent of the funds
14 allocated to the local area involved under
15 section 133(b) to pay for the Federal share
16 of the cost of providing training through a
17 training program for incumbent workers,
18 carried out in accordance with this para-
19 graph.

20 (ii) DETERMINATION OF ELIGI-
21 BILITY.—For the purpose of determining
22 the eligibility of an employer to receive
23 funding under clause (i), the local board
24 shall take into account factors consisting
25 of—

1 (I) the characteristics of the par-
2 ticipants in the program;

3 (II) the relationship of the train-
4 ing to the competitiveness of a partici-
5 pant and the employer; and

6 (III) such other factors as the
7 local board may determine to be ap-
8 propriate, which may include the
9 number of employees participating in
10 the training, the wage and benefit lev-
11 els of those employees (at present and
12 anticipated upon completion of the
13 training), and the existence of other
14 training and advancement opportuni-
15 ties provided by the employer.

16 (iii) STATEWIDE IMPACT.—The Gov-
17 ernor or State board involved may make
18 recommendations to the local board for
19 providing incumbent worker training that
20 has statewide impact.

21 (B) TRAINING ACTIVITIES.—The training
22 program for incumbent workers carried out
23 under this paragraph shall be carried out by the
24 local board in conjunction with the employers or
25 groups of employers of such workers (which

1 may include employers in partnership with
2 other entities for the purposes of delivering
3 training) for the purpose of assisting such
4 workers in obtaining the skills necessary to re-
5 tain employment or avert layoffs.

6 (C) EMPLOYER PAYMENT OF NON-FED-
7 ERAL SHARE.—Employers participating in the
8 program carried out under this paragraph shall
9 be required to pay for the non-Federal share of
10 the cost of providing the training to incumbent
11 workers of the employers.

12 (D) NON-FEDERAL SHARE.—

13 (i) FACTORS.—Subject to clause (ii),
14 the local board shall establish the non-Fed-
15 eral share of such cost (taking into consid-
16 eration such other factors as the number
17 of employees participating in the training,
18 the wage and benefit levels of the employ-
19 ees (at the beginning and anticipated upon
20 completion of the training), the relation-
21 ship of the training to the competitiveness
22 of the employer and employees, and the
23 availability of other employer-provided
24 training and advancement opportunities.

1 (ii) LIMITS.—The non-Federal share
2 shall not be less than—

3 (I) 10 percent of the cost, for
4 employers with not more than 50 em-
5 ployees;

6 (II) 25 percent of the cost, for
7 employers with more than 50 employ-
8 ees but not more than 100 employees;
9 and

10 (III) 50 percent of the cost, for
11 employers with more than 100 em-
12 ployees.

13 (iii) CALCULATION OF EMPLOYER
14 SHARE.—The non-Federal share provided
15 by an employer participating in the pro-
16 gram may include the amount of the wages
17 paid by the employer to a worker while the
18 worker is attending a training program
19 under this paragraph. The employer may
20 provide the share in cash or in kind, fairly
21 evaluated.

22 (5) TRANSITIONAL JOBS.—The local board may
23 use not more than 10 percent of the funds allocated
24 to the local area involved under section 133(b) to

1 provide transitional jobs under subsection (c)(3)
2 that—

3 (A) are time-limited work experiences that
4 are subsidized and are in the public, private, or
5 nonprofit sectors for individuals with barriers to
6 employment who are chronically unemployed or
7 have an inconsistent work history;

8 (B) are combined with comprehensive em-
9 ployment and supportive services; and

10 (C) are designed to assist the individuals
11 described in subparagraph (A) to establish a
12 work history, demonstrate success in the work-
13 place, and develop the skills that lead to entry
14 into and retention in unsubsidized employment.

15 **CHAPTER 4—GENERAL WORKFORCE**

16 **INVESTMENT PROVISIONS**

17 **SEC. 136. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) YOUTH WORKFORCE INVESTMENT ACTIVITIES.—
19 There are authorized to be appropriated to carry out the
20 activities described in section 127(a), \$820,430,000 for
21 fiscal year 2015, \$883,800,000 for fiscal year 2016,
22 \$902,139,000 for fiscal year 2017, \$922,148,000 for fis-
23 cal year 2018, \$943,828,000 for fiscal year 2019, and
24 \$963,837,000 for fiscal year 2020.

1 (b) ADULT EMPLOYMENT AND TRAINING ACTIVI-
2 TIES.—There are authorized to be appropriated to carry
3 out the activities described in section 132(a)(1),
4 \$766,080,000 for fiscal year 2015, \$825,252,000 for fis-
5 cal year 2016, \$842,376,000 for fiscal year 2017,
6 \$861,060,000 for fiscal year 2018, \$881,303,000 for fis-
7 cal year 2019, and \$899,987,000 for fiscal year 2020.

8 (c) DISLOCATED WORKER EMPLOYMENT AND
9 TRAINING ACTIVITIES.—There are authorized to be ap-
10 propriated to carry out the activities described in section
11 132(a)(2), \$1,222,457,000 for fiscal year 2015,
12 \$1,316,880,000 for fiscal year 2016, \$1,344,205,000 for
13 fiscal year 2017, \$1,374,019,000 for fiscal year 2018,
14 \$1,406,322,000 for fiscal year 2019, and \$1,436,137,000
15 for fiscal year 2020.

16 **Subtitle C—Job Corps**

17 **SEC. 141. PURPOSES.**

18 The purposes of this subtitle are—

19 (1) to maintain a national Job Corps program,
20 carried out in partnership with States and commu-
21 nities, to—

22 (A) assist eligible youth to connect to the
23 labor force by providing them with intensive so-
24 cial, academic, career and technical education,
25 and service-learning opportunities, in primarily

1 residential centers, in order for such youth to
2 obtain secondary school diplomas or recognized
3 postsecondary credentials leading to—

4 (i) successful careers, in in-demand
5 industry sectors or occupations or the
6 Armed Forces, that will result in economic
7 self-sufficiency and opportunities for ad-
8 vancement; or

9 (ii) enrollment in postsecondary edu-
10 cation, including an apprenticeship pro-
11 gram; and

12 (B) support responsible citizenship;

13 (2) to set forth standards and procedures for
14 selecting individuals as enrollees in the Job Corps;

15 (3) to authorize the establishment of Job Corps
16 centers in which enrollees will participate in inten-
17 sive programs of activities described in this subtitle;
18 and

19 (4) to prescribe various other powers, duties,
20 and responsibilities incident to the operation and
21 continuing development of the Job Corps.

22 **SEC. 142. DEFINITIONS.**

23 In this subtitle:

24 (1) **APPLICABLE LOCAL BOARD.**—The term
25 “applicable local board” means a local board—

1 (A) that provides information for a Job
2 Corps center on local employment opportunities
3 and the job skills needed to obtain the opportu-
4 nities; and

5 (B) that serves communities in which the
6 graduates of the Job Corps center seek employ-
7 ment.

8 (2) APPLICABLE ONE-STOP CENTER.—The term
9 “applicable one-stop center” means a one-stop cen-
10 ter that provides services, such as referral, assess-
11 ment, recruitment, and placement, to support the
12 purposes of the Job Corps.

13 (3) ENROLLEE.—The term “enrollee” means
14 an individual who has voluntarily applied for, been
15 selected for, and enrolled in the Job Corps program,
16 and remains with the program, but has not yet be-
17 come a graduate.

18 (4) FORMER ENROLLEE.—The term “former
19 enrollee” means an individual who has voluntarily
20 applied for, been selected for, and enrolled in the
21 Job Corps program, but left the program prior to
22 becoming a graduate.

23 (5) GRADUATE.—The term “graduate” means
24 an individual who has voluntarily applied for, been
25 selected for, and enrolled in the Job Corps program

1 and who, as a result of participation in the Job
2 Corps program, has received a secondary school di-
3 ploma or recognized equivalent, or completed the re-
4 quirements of a career and technical education and
5 training program that prepares individuals for em-
6 ployment leading to economic self-sufficiency or en-
7 trance into postsecondary education or training.

8 (6) **JOB CORPS.**—The term “Job Corps” means
9 the Job Corps described in section 143.

10 (7) **JOB CORPS CENTER.**—The term “Job Corps
11 center” means a center described in section 147.

12 (8) **OPERATOR.**—The term “operator” means
13 an entity selected under this subtitle to operate a
14 Job Corps center.

15 (9) **REGION.**—The term “region” means an
16 area defined by the Secretary.

17 (10) **SERVICE PROVIDER.**—The term “service
18 provider” means an entity selected under this sub-
19 title to provide services described in this subtitle to
20 a Job Corps center.

21 **SEC. 143. ESTABLISHMENT.**

22 There shall be within the Department of Labor a
23 “Job Corps”.

1 **SEC. 144. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.**

2 (a) IN GENERAL.—To be eligible to become an en-
3 rollee, an individual shall be—

4 (1) not less than age 16 and not more than age
5 21 on the date of enrollment, except that—

6 (A) not more than 20 percent of the indi-
7 viduals enrolled in the Job Corps may be not
8 less than age 22 and not more than age 24 on
9 the date of enrollment; and

10 (B) either such maximum age limitation
11 may be waived by the Secretary, in accordance
12 with regulations of the Secretary, in the case of
13 an individual with a disability;

14 (2) a low-income individual; and

15 (3) an individual who is one or more of the fol-
16 lowing:

17 (A) Basic skills deficient.

18 (B) A school dropout.

19 (C) A homeless individual (as defined in
20 section 41403(6) of the Violence Against
21 Women Act of 1994 (42 U.S.C. 14043e-2(6))),
22 a homeless child or youth (as defined in section
23 725(2) of the McKinney-Vento Homeless As-
24 sistance Act (42 U.S.C. 11434a(2))), a run-
25 away, an individual in foster care, or an indi-

1 individual who was in foster care and has aged out
2 of the foster care system.

3 (D) A parent.

4 (E) An individual who requires additional
5 education, career and technical education or
6 training, or workforce preparation skills to be
7 able to obtain and retain employment that leads
8 to economic self-sufficiency.

9 (b) SPECIAL RULE FOR VETERANS.—Notwith-
10 standing the requirement of subsection (a)(2), a veteran
11 shall be eligible to become an enrollee under subsection
12 (a) if the individual—

13 (1) meets the requirements of paragraphs (1)
14 and (3) of such subsection; and

15 (2) does not meet the requirement of subsection
16 (a)(2) because the military income earned by such
17 individual within the 6-month period prior to the in-
18 dividual's application for Job Corps prevents the in-
19 dividual from meeting such requirement.

20 **SEC. 145. RECRUITMENT, SCREENING, SELECTION, AND AS-**
21 **SIGNMENT OF ENROLLEES.**

22 (a) STANDARDS AND PROCEDURES.—

23 (1) IN GENERAL.—The Secretary shall pre-
24 scribe specific standards and procedures for the re-
25 cruitment, screening, and selection of eligible appli-

1 cants for the Job Corps, after considering rec-
2 ommendations from Governors of States, local
3 boards, and other interested parties.

4 (2) METHODS.—In prescribing standards and
5 procedures under paragraph (1), the Secretary, at a
6 minimum, shall—

7 (A) prescribe procedures for informing en-
8 rollees that drug tests will be administered to
9 the enrollees and the results received within 45
10 days after the enrollees enroll in the Job Corps;

11 (B) establish standards for recruitment of
12 Job Corps applicants;

13 (C) establish standards and procedures
14 for—

15 (i) determining, for each applicant,
16 whether the educational and career and
17 technical education and training needs of
18 the applicant can best be met through the
19 Job Corps program or an alternative pro-
20 gram in the community in which the appli-
21 cant resides; and

22 (ii) obtaining from each applicant per-
23 tinent data relating to background, needs,
24 and interests for determining eligibility
25 and potential assignment;

1 (D) where appropriate, take measures to
2 improve the professional capability of the indi-
3 viduals conducting screening of the applicants;
4 and

5 (E) assure appropriate representation of
6 enrollees from urban areas and from rural
7 areas.

8 (3) IMPLEMENTATION.—The standards and
9 procedures shall be implemented through arrange-
10 ments with—

11 (A) applicable one-stop centers;

12 (B) organizations that have a dem-
13 onstrated record of effectiveness in serving at-
14 risk youth and placing such youth into employ-
15 ment, including community action agencies,
16 business organizations, or labor organizations;
17 and

18 (C) child welfare agencies that are respon-
19 sible for children and youth eligible for benefits
20 and services under section 477 of the Social Se-
21 curity Act (42 U.S.C. 677).

22 (4) CONSULTATION.—The standards and proce-
23 dures shall provide for necessary consultation with
24 individuals and organizations, including court, pro-

1 bation, parole, law enforcement, education, welfare,
2 and medical authorities and advisers.

3 (5) REIMBURSEMENT.—The Secretary is au-
4 thorized to enter into contracts with and make pay-
5 ments to individuals and organizations for the cost
6 of conducting recruitment, screening, and selection
7 of eligible applicants for the Job Corps, as provided
8 for in this section. The Secretary shall make no pay-
9 ment to any individual or organization solely as com-
10 pensation for referring the names of applicants for
11 the Job Corps.

12 (b) SPECIAL LIMITATIONS ON SELECTION.—

13 (1) IN GENERAL.—No individual shall be se-
14 lected as an enrollee unless the individual or organi-
15 zation implementing the standards and procedures
16 described in subsection (a) determines that—

17 (A) there is a reasonable expectation that
18 the individual considered for selection can par-
19 ticipate successfully in group situations and ac-
20 tivities, and is not likely to engage in behavior
21 that would prevent other enrollees from receiv-
22 ing the benefit of the Job Corps program or be
23 incompatible with the maintenance of sound
24 discipline and satisfactory relationships between
25 the Job Corps center to which the individual

1 might be assigned and communities sur-
2 rounding the Job Corps center;

3 (B) the individual manifests a basic under-
4 standing of both the rules to which the indi-
5 vidual will be subject and of the consequences
6 of failure to observe the rules, and agrees to
7 comply with such rules; and

8 (C) the individual has passed a background
9 check conducted in accordance with procedures
10 established by the Secretary and with applicable
11 State and local laws.

12 (2) INDIVIDUALS ON PROBATION, PAROLE, OR
13 SUPERVISED RELEASE.—An individual on probation,
14 parole, or supervised release may be selected as an
15 enrollee only if release from the supervision of the
16 probation or parole official involved is satisfactory to
17 the official and the Secretary and does not violate
18 applicable laws (including regulations). No individual
19 shall be denied a position in the Job Corps solely on
20 the basis of individual contact with the criminal jus-
21 tice system except for a disqualifying conviction as
22 specified in paragraph (3).

23 (3) INDIVIDUALS CONVICTED OF CERTAIN
24 CRIMES.—An individual shall not be selected as an
25 enrollee if the individual has been convicted of a fel-

1 ony consisting of murder (as described in section
2 1111 of title 18, United States Code), child abuse,
3 or a crime involving rape or sexual assault.

4 (c) ASSIGNMENT PLAN.—

5 (1) IN GENERAL.—Every 2 years, the Secretary
6 shall develop and implement a plan for assigning en-
7 rollees to Job Corps centers. In developing the plan,
8 the Secretary shall, based on the analysis described
9 in paragraph (2), establish targets, applicable to
10 each Job Corps center, for—

11 (A) the maximum attainable percentage of
12 enrollees at the Job Corps center that reside in
13 the State in which the center is located; and

14 (B) the maximum attainable percentage of
15 enrollees at the Job Corps center that reside in
16 the region in which the center is located, and in
17 surrounding regions.

18 (2) ANALYSIS.—In order to develop the plan
19 described in paragraph (1), every 2 years the Sec-
20 retary, in consultation with operators of Job Corps
21 centers, shall analyze relevant factors relating to
22 each Job Corps center, including—

23 (A) the size of the population of individ-
24 uals eligible to participate in Job Corps in the

1 State and region in which the Job Corps center
2 is located, and in surrounding regions;

3 (B) the relative demand for participation
4 in the Job Corps in the State and region, and
5 in surrounding regions;

6 (C) the capacity and utilization of the Job
7 Corps center, including the education, training,
8 and supportive services provided through the
9 center; and

10 (D) the performance of the Job Corps cen-
11 ter relating to the expected levels of perform-
12 ance for the indicators described in section
13 159(c)(1), and whether any actions have been
14 taken with respect to such center pursuant to
15 paragraphs (2) and (3) of section 159(f).

16 (d) ASSIGNMENT OF INDIVIDUAL ENROLLEES.—

17 (1) IN GENERAL.—After an individual has been
18 selected for the Job Corps in accordance with the
19 standards and procedures of the Secretary under
20 subsection (a), the enrollee shall be assigned to the
21 Job Corps center that offers the type of career and
22 technical education and training selected by the indi-
23 vidual and, among the centers that offer such edu-
24 cation and training, is closest to the home of the in-

1 dividual. The Secretary may waive this requirement
2 if—

3 (A) the enrollee would be unduly delayed
4 in participating in the Job Corps program be-
5 cause the closest center is operating at full ca-
6 pacity; or

7 (B) the parent or guardian of the enrollee
8 requests assignment of the enrollee to another
9 Job Corps center due to circumstances in the
10 community of the enrollee that would impair
11 prospects for successful participation in the Job
12 Corps program.

13 (2) ENROLLEES WHO ARE YOUNGER THAN
14 18.—An enrollee who is younger than 18 shall not
15 be assigned to a Job Corps center other than the
16 center closest to the home that offers the career and
17 technical education and training desired by the en-
18 rollee pursuant to paragraph (1) if the parent or
19 guardian of the enrollee objects to the assignment.

20 **SEC. 146. ENROLLMENT.**

21 (a) RELATIONSHIP BETWEEN ENROLLMENT AND
22 MILITARY OBLIGATIONS.—Enrollment in the Job Corps
23 shall not relieve any individual of obligations under the
24 Military Selective Service Act (50 U.S.C. App. 451 et
25 seq.).

1 (b) PERIOD OF ENROLLMENT.—No individual may
2 be enrolled in the Job Corps for more than 2 years, ex-
3 cept—

4 (1) in a case in which completion of an ad-
5 vanced career training program under section 148(c)
6 would require an individual to participate in the Job
7 Corps for not more than one additional year;

8 (2) in the case of an individual with a disability
9 who would reasonably be expected to meet the stand-
10 ards for a Job Corps graduate, as defined under sec-
11 tion 142(5), if allowed to participate in the Job
12 Corps for not more than 1 additional year;

13 (3) in the case of an individual who participates
14 in national service, as authorized by a Civilian Con-
15 servation Center program, who would be granted an
16 enrollment extension in the Job Corps for the
17 amount of time equal to the period of national serv-
18 ice; or

19 (4) as the Secretary may authorize in a special
20 case.

21 **SEC. 147. JOB CORPS CENTERS.**

22 (a) OPERATORS AND SERVICE PROVIDERS.—

23 (1) ELIGIBLE ENTITIES.—

24 (A) OPERATORS.—The Secretary shall
25 enter into an agreement with a Federal, State,

1 or local agency, an area career and technical
2 education school, a residential career and tech-
3 nical education school, or a private organiza-
4 tion, for the operation of each Job Corps cen-
5 ter.

6 (B) PROVIDERS.—The Secretary may
7 enter into an agreement with a local entity, or
8 other entity with the necessary capacity, to pro-
9 vide activities described in this subtitle to a Job
10 Corps center.

11 (2) SELECTION PROCESS.—

12 (A) COMPETITIVE BASIS.—Except as pro-
13 vided in subsections (a) and (b) of section 3304
14 of title 41, United States Code, the Secretary
15 shall select on a competitive basis an entity to
16 operate a Job Corps center and entities to pro-
17 vide activities described in this subtitle to the
18 Job Corps center. In developing a solicitation
19 for an operator or service provider, the Sec-
20 retary shall consult with the Governor of the
21 State in which the center is located, the work-
22 force council for the Job Corps center (if estab-
23 lished), and the applicable local board regarding
24 the contents of such solicitation, including ele-
25 ments that will promote the consistency of the

1 activities carried out through the center with
2 the objectives set forth in the State plan or in
3 a local plan.

4 (B) RECOMMENDATIONS AND CONSIDER-
5 ATIONS.—

6 (i) OPERATORS.—In selecting an enti-
7 ty to operate a Job Corps center, the Sec-
8 retary shall consider—

9 (I) the ability of the entity to co-
10 ordinate the activities carried out
11 through the Job Corps center with ac-
12 tivities carried out under the appro-
13 priate State plan and local plans;

14 (II) the ability of the entity to
15 offer career and technical education
16 and training that has been proposed
17 by the workforce council under section
18 154(c), and the degree to which such
19 education and training reflects em-
20 ployment opportunities in the local
21 areas in which enrollees at the center
22 intend to seek employment;

23 (III) the degree to which the en-
24 tity demonstrates relationships with
25 the surrounding communities, employ-

1 ers, labor organizations, State boards,
2 local boards, applicable one-stop cen-
3 ters, and the State and region in
4 which the center is located;

5 (IV) the performance of the enti-
6 ty, if any, relating to operating or
7 providing activities described in this
8 subtitle to a Job Corps center, includ-
9 ing the entity's demonstrated effec-
10 tiveness in assisting individuals in
11 achieving the primary indicators of
12 performance for eligible youth de-
13 scribed in section 116(b)(2)(A)(ii);
14 and

15 (V) the ability of the entity to
16 demonstrate a record of successfully
17 assisting at-risk youth to connect to
18 the workforce, including providing
19 them with intensive academics and ca-
20 reer and technical education and
21 training.

22 (ii) PROVIDERS.—In selecting a serv-
23 ice provider for a Job Corps center, the
24 Secretary shall consider the factors de-
25 scribed in clause (i).

1 (3) ADDITIONAL SELECTION FACTORS.—To be
2 eligible to operate a Job Corps center, an entity
3 shall submit to the Secretary, at such time and in
4 such manner as the Secretary may require, informa-
5 tion related to additional selection factors, which
6 shall include the following:

7 (A) A description of the program activities
8 that will be offered at the center and how the
9 academics and career and technical education
10 and training reflect State and local employment
11 opportunities, including opportunities in in-de-
12 mand industry sectors and occupations rec-
13 ommended by the workforce council under sec-
14 tion 154(c)(2)(A).

15 (B) A description of the counseling, place-
16 ment, and support activities that will be offered
17 at the center, including a description of the
18 strategies and procedures the entity will use to
19 place graduates into unsubsidized employment
20 or education leading to a recognized postsec-
21 ondary credential upon completion of the pro-
22 gram.

23 (C) A description of the demonstrated
24 record of effectiveness that the entity has in
25 placing at-risk youth into employment and post-

1 secondary education, including past perform-
2 ance of operating a Job Corps center under this
3 subtitle or subtitle C of title I of the Workforce
4 Investment Act of 1998, and as appropriate,
5 the entity's demonstrated effectiveness in assist-
6 ing individuals in achieving the indicators of
7 performance for eligible youth described in sec-
8 tion 116(b)(2)(A)(ii).

9 (D) A description of the relationships that
10 the entity has developed with State boards,
11 local boards, applicable one-stop centers, em-
12 ployers, labor organizations, State and local
13 educational agencies, and the surrounding com-
14 munities in which the center is located, in an
15 effort to promote a comprehensive statewide
16 workforce development system.

17 (E) A description of the entity's ability to
18 coordinate the activities carried out through the
19 Job Corps center with activities carried out
20 under the appropriate State plan and local
21 plans.

22 (F) A description of the strong fiscal con-
23 trols the entity has in place to ensure proper
24 accounting of Federal funds, and a description

1 of how the entity will meet the requirements of
2 section 159(a).

3 (G) A description of the steps to be taken
4 to control costs in accordance with section
5 159(a)(3).

6 (H) A detailed budget of the activities that
7 will be supported using funds under this sub-
8 title and non-Federal resources.

9 (I) An assurance the entity is licensed to
10 operate in the State in which the center is lo-
11 cated.

12 (J) An assurance the entity will comply
13 with basic health and safety codes, which shall
14 include the disciplinary measures described in
15 section 152(b).

16 (K) Any other information on additional
17 selection factors that the Secretary may re-
18 quire.

19 (b) HIGH-PERFORMING CENTERS.—

20 (1) IN GENERAL.—If an entity meets the re-
21 quirements described in paragraph (2) as applied to
22 a particular Job Corps center, such entity shall be
23 allowed to compete in any competitive selection proc-
24 ess carried out for an award to operate such center.

1 (2) HIGH PERFORMANCE.—An entity shall be
2 considered to be an operator of a high-performing
3 center if the Job Corps center operated by the enti-
4 ty—

5 (A) is ranked among the top 20 percent of
6 Job Corps centers for the most recent preceding
7 program year; and

8 (B) meets the expected levels of perform-
9 ance established under section 159(c)(1) and,
10 with respect to each of the primary indicators
11 of performance for eligible youth described in
12 section 116(b)(2)(A)(ii)—

13 (i) for the period of the most recent
14 preceding 3 program years for which infor-
15 mation is available at the time the deter-
16 mination is made, achieved an average of
17 100 percent, or higher, of the expected
18 level of performance established under sec-
19 tion 159(c)(1) for the indicator; and

20 (ii) for the most recent preceding pro-
21 gram year for which information is avail-
22 able at the time the determination is made,
23 achieved 100 percent, or higher, of the ex-
24 pected level of performance established
25 under such section for the indicator.

1 (3) TRANSITION.—If any of the program years
2 described in paragraph (2)(B) precedes the imple-
3 mentation of the establishment of expected levels of
4 performance under section 159(c) and the applica-
5 tion of the primary indicators of performance for eli-
6 gible youth described in section 116(b)(2)(A)(ii), an
7 entity shall be considered an operator of a high-per-
8 forming center during that period if the Job Corps
9 center operated by the entity—

10 (A) meets the requirements of paragraph
11 (2)(B) with respect to such preceding program
12 years using the performance of the Job Corps
13 center regarding the national goals or targets
14 established by the Office of the Job Corps
15 under the previous performance accountability
16 system for—

17 (i) the 6-month follow-up placement
18 rate of graduates in employment, the mili-
19 tary, education, or training;

20 (ii) the 12-month follow-up placement
21 rate of graduates in employment, the mili-
22 tary, education, or training;

23 (iii) the 6-month follow-up average
24 weekly earnings of graduates;

1 (iv) the rate of attainment of sec-
2 ondary school diplomas or their recognized
3 equivalent;

4 (v) the rate of attainment of comple-
5 tion certificates for career and technical
6 training;

7 (vi) average literacy gains; and

8 (vii) average numeracy gains; or

9 (B) is ranked among the top 5 percent of
10 Job Corps centers for the most recent preceding
11 program year.

12 (c) CHARACTER AND ACTIVITIES.—Job Corps centers
13 may be residential or nonresidential in character, and shall
14 be designed and operated so as to provide enrollees, in
15 a well-supervised setting, with access to activities de-
16 scribed in this subtitle. In any year, no more than 20 per-
17 cent of the individuals enrolled in the Job Corps may be
18 nonresidential participants in the Job Corps.

19 (d) CIVILIAN CONSERVATION CENTERS.—

20 (1) IN GENERAL.—The Job Corps centers may
21 include Civilian Conservation Centers, operated
22 under an agreement between the Secretary of Labor
23 and the Secretary of Agriculture, that are located
24 primarily in rural areas. Such centers shall provide,
25 in addition to academics, career and technical edu-

1 cation and training, and workforce preparation skills
2 training, programs of work experience to conserve,
3 develop, or manage public natural resources or pub-
4 lic recreational areas or to develop community
5 projects in the public interest.

6 (2) ASSISTANCE DURING DISASTERS.—Enroll-
7 ees in Civilian Conservation Centers may provide as-
8 sistance in addressing national, State, and local dis-
9 asters, consistent with current child labor laws (in-
10 cluding regulations). The Secretary of Agriculture
11 shall ensure that with respect to the provision of
12 such assistance the enrollees are properly trained,
13 equipped, supervised, and dispatched consistent with
14 standards for the conservation and rehabilitation of
15 wildlife established under the Fish and Wildlife Co-
16 ordination Act (16 U.S.C. 661 et seq.).

17 (3) NATIONAL LIAISON.—The Secretary of Ag-
18 riculture shall designate a Job Corps National Liai-
19 son to support the agreement under this section be-
20 tween the Departments of Labor and Agriculture.

21 (e) INDIAN TRIBES.—

22 (1) GENERAL AUTHORITY.—The Secretary may
23 enter into agreements with Indian tribes to operate
24 Job Corps centers for Indians.

1 (2) DEFINITIONS.—In this subsection, the
2 terms “Indian” and “Indian tribe” have the mean-
3 ings given such terms in subsections (d) and (e), re-
4 spectively, of section 4 of the Indian Self-Determina-
5 tion and Education Assistance Act (25 U.S.C.
6 450b).

7 (f) LENGTH OF AGREEMENT.—The agreement de-
8 scribed in subsection (a)(1)(A) shall be for not more than
9 a 2-year period. The Secretary may exercise any contrac-
10 tual option to renew the agreement in 1-year increments
11 for not more than 3 additional years, consistent with the
12 requirements of subsection (g).

13 (g) RENEWAL CONDITIONS.—

14 (1) IN GENERAL.—Subject to paragraph (2),
15 the Secretary shall not renew the terms of an agree-
16 ment for any 1-year additional period described in
17 subsection (f) for an entity to operate a particular
18 Job Corps center if, for both of the 2 most recent
19 preceding program years for which information is
20 available at the time the determination is made, or
21 if a second program year is not available, the pre-
22 ceding year for which information is available, such
23 center—

24 (A) has been ranked in the lowest 10 per-
25 cent of Job Corps centers; and

1 (B) failed to achieve an average of 50 per-
2 cent or higher of the expected level of perform-
3 ance under section 159(c)(1) with respect to
4 each of the primary indicators of performance
5 for eligible youth described in section
6 116(b)(2)(A)(ii).

7 (2) EXCEPTION.—Notwithstanding paragraph
8 (1), the Secretary may exercise an option to renew
9 the agreement for no more than 2 additional years
10 if the Secretary determines such renewal would be in
11 the best interest of the Job Corps program, taking
12 into account factors including—

13 (A) significant improvements in program
14 performance from when the agreement was
15 originally executed, which may include consider-
16 ation of partial program year information, or
17 steps taken that are likely to result in such im-
18 provement;

19 (B) that the performance is due to cir-
20 cumstances beyond the control of the entity,
21 such as a natural disaster, economic downturn
22 in the area, or other such similar factors;

23 (C) a significant disruption in the oper-
24 ations of the center, including in the ability to
25 continue to provide services to students, or sig-

1 nificant increase in the cost of such operations;
2 or

3 (D) a significant disruption in the procure-
4 ment process with respect to carrying out a
5 competition for the selection of a center oper-
6 ator.

7 (3) **ADDITIONAL CONSIDERATIONS.**—The Sec-
8 retary shall only renew the agreement of an entity
9 to operate a Job Corps center if the entity—

10 (A) has a satisfactory record of integrity
11 and business ethics;

12 (B) has adequate financial resources to
13 perform the agreement;

14 (C) has the necessary organization, experi-
15 ence, accounting and operational controls, and
16 technical skills; and

17 (D) is otherwise qualified and eligible
18 under applicable laws and regulations, including
19 that the contractor is not under suspension or
20 debarred from eligibility for Federal contracts.

21 **SEC. 148. PROGRAM ACTIVITIES.**

22 (a) **ACTIVITIES PROVIDED BY JOB CORPS CEN-**
23 **TERS.**—

24 (1) **IN GENERAL.**—Each Job Corps center shall
25 provide enrollees with an intensive, well organized,

1 and fully supervised program of education, including
2 English language acquisition programs, career and
3 technical education and training, work experience,
4 work-based learning, recreational activities, physical
5 rehabilitation and development, driver's education,
6 and counseling, which may include information
7 about financial literacy. Each Job Corps center shall
8 provide enrollees assigned to the center with access
9 to career services described in clauses (i) through
10 (xi) of section 134(c)(2)(A).

11 (2) RELATIONSHIP TO OPPORTUNITIES.—The
12 activities provided under this subsection shall be tar-
13 geted to helping enrollees, on completion of their en-
14 rollment—

15 (A) secure and maintain meaningful un-
16 subsidized employment;

17 (B) enroll in and complete secondary edu-
18 cation or postsecondary education or training
19 programs, including other suitable career and
20 technical education and training, and appren-
21 ticeship programs; or

22 (C) satisfy Armed Forces requirements.

23 (3) LINK TO EMPLOYMENT OPPORTUNITIES.—
24 The career and technical education and training pro-
25 vided shall be linked to employment opportunities in

1 in-demand industry sectors and occupations in the
2 State or local area in which the Job Corps center is
3 located and, to the extent practicable, in the State
4 or local area in which the enrollee intends to seek
5 employment after graduation.

6 (b) ACADEMIC AND CAREER AND TECHNICAL EDU-
7 CATION AND TRAINING.—The Secretary may arrange for
8 career and technical education and training of enrollees
9 through local public or private educational agencies, career
10 and technical educational institutions, technical institutes,
11 or national service providers, whenever such entities pro-
12 vide education and training substantially equivalent in
13 cost and quality to that which the Secretary could provide
14 through other means.

15 (c) ADVANCED CAREER TRAINING PROGRAMS.—

16 (1) IN GENERAL.—The Secretary may arrange
17 for programs of advanced career training for se-
18 lected enrollees in which the enrollees may continue
19 to participate for a period of not to exceed 1 year
20 in addition to the period of participation to which
21 the enrollees would otherwise be limited. The ad-
22 vanced career training may be provided through the
23 eligible providers of training services identified under
24 section 122.

1 (2) BENEFITS.—During the period of participa-
2 tion in an advanced career training program, an en-
3 rollee shall be eligible for full Job Corps benefits, or
4 a monthly stipend equal to the average value of the
5 residential support, food, allowances, and other ben-
6 efits provided to enrollees assigned to residential Job
7 Corps centers.

8 (3) DEMONSTRATION.—The Secretary shall de-
9 velop standards by which any operator seeking to
10 enroll additional enrollees in an advanced career
11 training program shall demonstrate, before the oper-
12 ator may carry out such additional enrollment,
13 that—

14 (A) participants in such program have
15 achieved a satisfactory rate of completion and
16 placement in training-related jobs; and

17 (B) for the most recently preceding 2 pro-
18 gram years, such operator has, on average, met
19 or exceeded the expected levels of performance
20 under section 159(c)(1) for each of the primary
21 indicators of performance for eligible youth de-
22 scribed in section 116(b)(2)(A)(ii).

23 (d) GRADUATE SERVICES.—In order to promote the
24 retention of graduates in employment or postsecondary
25 education, the Secretary shall arrange for the provision

1 of job placement and support services to graduates for up
2 to 12 months after the date of graduation. Multiple re-
3 sources, including one-stop partners, may support the pro-
4 vision of these services, including services from the State
5 vocational rehabilitation agency, to supplement job place-
6 ment and job development efforts for Job Corps graduates
7 who are individuals with disabilities.

8 (e) CHILD CARE.—The Secretary shall, to the extent
9 practicable, provide child care at or near Job Corps cen-
10 ters, for individuals who require child care for their chil-
11 dren in order to participate in the Job Corps.

12 **SEC. 149. COUNSELING AND JOB PLACEMENT.**

13 (a) ASSESSMENT AND COUNSELING.—The Secretary
14 shall arrange for assessment and counseling for each en-
15 rollee at regular intervals to measure progress in the aca-
16 demic and career and technical education and training
17 programs carried out through the Job Corps.

18 (b) PLACEMENT.—The Secretary shall arrange for
19 assessment and counseling for enrollees prior to their
20 scheduled graduations to determine their capabilities and,
21 based on their capabilities, shall place the enrollees in em-
22 ployment leading to economic self-sufficiency for which the
23 enrollees are trained or assist the enrollees in participating
24 in further activities described in this subtitle. In arranging
25 for the placement of graduates in jobs, the Secretary shall

1 utilize the one-stop delivery system to the maximum extent
2 practicable.

3 (c) STATUS AND PROGRESS.—The Secretary shall de-
4 termine the status and progress of enrollees scheduled for
5 graduation and make every effort to assure that their
6 needs for further activities described in this subtitle are
7 met.

8 (d) SERVICES TO FORMER ENROLLEES.—The Sec-
9 retary may provide such services as the Secretary deter-
10 mines to be appropriate under this subtitle to former en-
11 rollees.

12 **SEC. 150. SUPPORT.**

13 (a) PERSONAL ALLOWANCES.—The Secretary may
14 provide enrollees assigned to Job Corps centers with such
15 personal allowances as the Secretary may determine to be
16 necessary or appropriate to meet the needs of the enroll-
17 ees.

18 (b) TRANSITION ALLOWANCES.—The Secretary shall
19 arrange for a transition allowance to be paid to graduates.
20 The transition allowance shall be incentive-based to reflect
21 a graduate's completion of academic, career and technical
22 education or training, and attainment of recognized post-
23 secondary credentials.

1 (c) **TRANSITION SUPPORT.**—The Secretary may ar-
2 range for the provision of 3 months of employment serv-
3 ices for former enrollees.

4 **SEC. 151. OPERATIONS.**

5 (a) **OPERATING PLAN.**—The provisions of the con-
6 tract between the Secretary and an entity selected to oper-
7 ate a Job Corps center shall, at a minimum, serve as an
8 operating plan for the Job Corps center.

9 (b) **ADDITIONAL INFORMATION.**—The Secretary may
10 require the operator, in order to remain eligible to operate
11 the Job Corps center, to submit such additional informa-
12 tion as the Secretary may require, which shall be consid-
13 ered part of the operating plan.

14 (c) **AVAILABILITY.**—The Secretary shall make the op-
15 erating plan described in subsections (a) and (b), exclud-
16 ing any proprietary information, available to the public.

17 **SEC. 152. STANDARDS OF CONDUCT.**

18 (a) **PROVISION AND ENFORCEMENT.**—The Secretary
19 shall provide, and directors of Job Corps centers shall
20 stringently enforce, standards of conduct within the cen-
21 ters. Such standards of conduct shall include provisions
22 forbidding the actions described in subsection (b)(2)(A).

23 (b) **DISCIPLINARY MEASURES.**—

24 (1) **IN GENERAL.**—To promote the proper be-
25 havioral standards in the Job Corps, the directors of

1 Job Corps centers shall have the authority to take
2 appropriate disciplinary measures against enrollees
3 if such a director determines that an enrollee has
4 committed a violation of the standards of conduct.
5 The director shall dismiss the enrollee from the Job
6 Corps if the director determines that the retention
7 of the enrollee in the Job Corps will jeopardize the
8 enforcement of such standards, threaten the safety
9 of staff, students, or the local community, or dimin-
10 ish the opportunities of other enrollees.

11 (2) ZERO TOLERANCE POLICY AND DRUG TEST-
12 ING.—

13 (A) GUIDELINES.—The Secretary shall
14 adopt guidelines establishing a zero tolerance
15 policy for an act of violence, for use, sale, or
16 possession of a controlled substance, for abuse
17 of alcohol, or for other illegal or disruptive ac-
18 tivity.

19 (B) DRUG TESTING.—The Secretary shall
20 require drug testing of all enrollees for con-
21 trolled substances in accordance with proce-
22 dures prescribed by the Secretary under section
23 145(a).

24 (C) DEFINITIONS.—In this paragraph:

1 (i) CONTROLLED SUBSTANCE.—The
2 term “controlled substance” has the mean-
3 ing given the term in section 102 of the
4 Controlled Substances Act (21 U.S.C.
5 802).

6 (ii) ZERO TOLERANCE POLICY.—The
7 term “zero tolerance policy” means a pol-
8 icy under which an enrollee shall be auto-
9 matically dismissed from the Job Corps
10 after a determination by the director that
11 the enrollee has carried out an action de-
12 scribed in subparagraph (A).

13 (c) APPEAL.—A disciplinary measure taken by a di-
14 rector under this section shall be subject to expeditious
15 appeal in accordance with procedures established by the
16 Secretary.

17 **SEC. 153. COMMUNITY PARTICIPATION.**

18 (a) BUSINESS AND COMMUNITY PARTICIPATION.—
19 The director of each Job Corps center shall ensure the
20 establishment and development of the mutually beneficial
21 business and community relationships and networks de-
22 scribed in subsection (b), including the use of local boards,
23 in order to enhance the effectiveness of such centers.

24 (b) NETWORKS.—The activities carried out by each
25 Job Corps center under this section shall include—

1 (1) establishing and developing relationships
2 and networks with—

3 (A) local and distant employers, to the ex-
4 tent practicable, in coordination with entities
5 carrying out other Federal and non-Federal
6 programs that conduct similar outreach to em-
7 ployers;

8 (B) applicable one-stop centers and appli-
9 cable local boards, for the purpose of pro-
10 viding—

11 (i) information to, and referral of, po-
12 tential enrollees; and

13 (ii) job opportunities for Job Corps
14 graduates; and

15 (C)(i) entities carrying out relevant ap-
16 prenticeship programs and youth programs;

17 (ii) labor-management organizations and
18 local labor organizations;

19 (iii) employers and contractors that sup-
20 port national training contractor programs; and

21 (iv) community-based organizations, non-
22 profit organizations, and intermediaries pro-
23 viding workforce development-related services;
24 and

1 (2) establishing and developing relationships
2 with members of the community in which the Job
3 Corps center is located, informing members of the
4 community about the projects of the Job Corps cen-
5 ter and changes in the rules, procedures, or activities
6 of the center that may affect the community, and
7 planning events of mutual interest to the community
8 and the Job Corps center.

9 (c) NEW CENTERS.—The director of a Job Corps
10 center that is not yet operating shall ensure the establish-
11 ment and development of the relationships and networks
12 described in subsection (b) at least 3 months prior to the
13 date on which the center accepts the first enrollee at the
14 center.

15 **SEC. 154. WORKFORCE COUNCILS.**

16 (a) IN GENERAL.—Each Job Corps center shall have
17 a workforce council, appointed by the director of the cen-
18 ter, in accordance with procedures established by the Sec-
19 retary.

20 (b) WORKFORCE COUNCIL COMPOSITION.—

21 (1) IN GENERAL.—A workforce council shall be
22 comprised of—

23 (A) a majority of members who shall be
24 owners of business concerns, chief executives or
25 chief operating officers of nongovernmental em-

1 employers, or other private sector employers,
2 who—

3 (i) have substantial management, hir-
4 ing, or policy responsibility; and

5 (ii) represent businesses with employ-
6 ment opportunities that reflect the employ-
7 ment opportunities of the applicable local
8 areas in which enrollees will be seeking em-
9 ployment;

10 (B) representatives of labor organizations
11 (where present) and representatives of employ-
12 ees; and

13 (C) enrollees and graduates of the Job
14 Corps.

15 (2) LOCAL BOARD.—The workforce council may
16 include members of the applicable local boards who
17 meet the requirements described in paragraph (1).

18 (3) EMPLOYERS OUTSIDE OF LOCAL AREA.—
19 The workforce council for a Job Corps center may
20 include, or otherwise provide for consultation with,
21 employers from outside the local area who are likely
22 to hire a significant number of enrollees from the
23 Job Corps center.

24 (4) SPECIAL RULE FOR SINGLE STATE LOCAL
25 AREAS.—In the case of a single State local area des-

1 ignated under section 106(d), the workforce council
2 shall include a representative of the State Board.

3 (c) RESPONSIBILITIES.—The responsibilities of the
4 workforce council shall be—

5 (1) to work closely with all applicable local
6 boards in order to determine, and recommend to the
7 Secretary, appropriate career and technical edu-
8 cation and training for the center;

9 (2) to review all the relevant labor market in-
10 formation, including related information in the State
11 plan or the local plan, to—

12 (A) recommend the in-demand industry
13 sectors or occupations in the area in which the
14 Job Corps center operates;

15 (B) determine the employment opportuni-
16 ties in the local areas in which the enrollees in-
17 tend to seek employment after graduation;

18 (C) determine the skills and education that
19 are necessary to obtain the employment oppor-
20 tunities; and

21 (D) recommend to the Secretary the type
22 of career and technical education and training
23 that should be implemented at the center to en-
24 able the enrollees to obtain the employment op-
25 portunities; and

1 (3) to meet at least once every 6 months to re-
2 evaluate the labor market information, and other rel-
3 evant information, to determine, and recommend to
4 the Secretary, any necessary changes in the career
5 and technical education and training provided at the
6 center.

7 (d) **NEW CENTERS.**—The workforce council for a Job
8 Corps center that is not yet operating shall carry out the
9 responsibilities described in subsection (c) at least 3
10 months prior to the date on which the center accepts the
11 first enrollee at the center.

12 **SEC. 155. ADVISORY COMMITTEES.**

13 The Secretary may establish and use advisory com-
14 mittees in connection with the operation of the Job Corps
15 program, and the operation of Job Corps centers, when-
16 ever the Secretary determines that the availability of out-
17 side advice and counsel on a regular basis would be of
18 substantial benefit in identifying and overcoming prob-
19 lems, in planning program or center development, or in
20 strengthening relationships between the Job Corps and
21 agencies, institutions, or groups engaged in related activi-
22 ties.

1 **SEC. 156. EXPERIMENTAL PROJECTS AND TECHNICAL AS-**
2 **SISTANCE.**

3 (a) **PROJECTS.**—The Secretary may carry out experi-
4 mental, research, or demonstration projects relating to
5 carrying out the Job Corps program. The Secretary may
6 waive any provisions of this subtitle that the Secretary
7 finds would prevent the Secretary from carrying out the
8 projects if the Secretary informs the Committee on Edu-
9 cation and the Workforce of the House of Representatives
10 and the Committee on Health, Education, Labor, and
11 Pensions of the Senate, in writing, not less than 90 days
12 in advance of issuing such waiver.

13 (b) **TECHNICAL ASSISTANCE.**—From the funds pro-
14 vided under section 162 (for the purposes of administra-
15 tion), the Secretary may reserve $\frac{1}{4}$ of 1 percent to pro-
16 vide, directly or through grants, contracts, or other agree-
17 ments or arrangements as the Secretary considers appro-
18 priate, technical assistance for the Job Corps program for
19 the purpose of improving program quality. Such assistance
20 shall include—

21 (1) assisting Job Corps centers and programs—

22 (A) in correcting deficiencies under, and
23 violations of, this subtitle;

24 (B) in meeting or exceeding the expected
25 levels of performance under section 159(e)(1)

1 for the indicators of performance described in
2 section 116(b)(2)(A);

3 (C) in the development of sound manage-
4 ment practices, including financial management
5 procedures; and

6 (2) assisting entities, including entities not cur-
7 rently operating a Job Corps center, in developing
8 the additional selection factors information described
9 in section 147(a)(3).

10 **SEC. 157. APPLICATION OF PROVISIONS OF FEDERAL LAW.**

11 (a) ENROLLEES NOT CONSIDERED TO BE FEDERAL
12 EMPLOYEES.—

13 (1) IN GENERAL.—Except as otherwise pro-
14 vided in this subsection and in section 8143(a) of
15 title 5, United States Code, enrollees shall not be
16 considered to be Federal employees and shall not be
17 subject to the provisions of law relating to Federal
18 employment, including such provisions regarding
19 hours of work, rates of compensation, leave, unem-
20 ployment compensation, and Federal employee bene-
21 fits.

22 (2) PROVISIONS RELATING TO TAXES AND SO-
23 CIAL SECURITY BENEFITS.—For purposes of the In-
24 ternal Revenue Code of 1986 and title II of the So-
25 cial Security Act (42 U.S.C. 401 et seq.), enrollees

1 shall be deemed to be employees of the United
2 States and any service performed by an individual as
3 an enrollee shall be deemed to be performed in the
4 employ of the United States.

5 (3) PROVISIONS RELATING TO COMPENSATION
6 TO FEDERAL EMPLOYEES FOR WORK INJURIES.—
7 For purposes of subchapter I of chapter 81 of title
8 5, United States Code (relating to compensation to
9 Federal employees for work injuries), enrollees shall
10 be deemed to be civil employees of the Government
11 of the United States within the meaning of the term
12 “employee” as defined in section 8101 of title 5,
13 United States Code, and the provisions of such sub-
14 chapter shall apply as specified in section 8143(a) of
15 title 5, United States Code.

16 (4) FEDERAL TORT CLAIMS PROVISIONS.—For
17 purposes of the Federal tort claims provisions in
18 title 28, United States Code, enrollees shall be con-
19 sidered to be employees of the Government.

20 (b) ADJUSTMENTS AND SETTLEMENTS.—Whenever
21 the Secretary finds a claim for damages to a person or
22 property resulting from the operation of the Job Corps
23 to be a proper charge against the United States, and the
24 claim is not cognizable under section 2672 of title 28,

1 United States Code, the Secretary may adjust and settle
2 the claim in an amount not exceeding \$1,500.

3 (c) PERSONNEL OF THE UNIFORMED SERVICES.—

4 Personnel of the uniformed services who are detailed or
5 assigned to duty in the performance of agreements made
6 by the Secretary for the support of the Job Corps shall
7 not be counted in computing strength under any law lim-
8 iting the strength of such services or in computing the
9 percentage authorized by law for any grade in such serv-
10 ices.

11 **SEC. 158. SPECIAL PROVISIONS.**

12 (a) ENROLLMENT.—The Secretary shall ensure that
13 women and men have an equal opportunity to participate
14 in the Job Corps program, consistent with section 145.

15 (b) STUDIES, EVALUATIONS, PROPOSALS, AND
16 DATA.—The Secretary shall assure that all studies, eval-
17 uations, proposals, and data produced or developed with
18 Federal funds in the course of carrying out the Job Corps
19 program shall become the property of the United States.

20 (c) TRANSFER OF PROPERTY.—

21 (1) IN GENERAL.—Notwithstanding chapter 5
22 of title 40, United States Code, and any other provi-
23 sion of law, the Secretary and the Secretary of Edu-
24 cation shall receive priority by the Secretary of De-
25 fense for the direct transfer, on a nonreimbursable

1 basis, of the property described in paragraph (2) for
2 use in carrying out programs under this Act or
3 under any other Act.

4 (2) PROPERTY.—The property described in this
5 paragraph is real and personal property under the
6 control of the Department of Defense that is not
7 used by such Department, including property that
8 the Secretary of Defense determines is in excess of
9 current and projected requirements of such Depart-
10 ment.

11 (d) GROSS RECEIPTS.—Transactions conducted by a
12 private for-profit or nonprofit entity that is an operator
13 or service provider for a Job Corps center shall not be
14 considered to be generating gross receipts. Such an oper-
15 ator or service provider shall not be liable, directly or indi-
16 rectly, to any State or subdivision of a State (nor to any
17 person acting on behalf of such a State or subdivision)
18 for any gross receipts taxes, business privilege taxes meas-
19 ured by gross receipts, or any similar taxes imposed on,
20 or measured by, gross receipts in connection with any pay-
21 ments made to or by such entity for operating or providing
22 services to a Job Corps center. Such an operator or service
23 provider shall not be liable to any State or subdivision of
24 a State to collect or pay any sales, excise, use, or similar
25 tax imposed on the sale to or use by such operator or serv-

1 ice provider of any property, service, or other item in con-
2 nection with the operation of or provision of services to
3 a Job Corps center.

4 (e) MANAGEMENT FEE.—The Secretary shall provide
5 each operator and (in an appropriate case, as determined
6 by the Secretary) service provider with an equitable and
7 negotiated management fee of not less than 1 percent of
8 the amount of the funding provided under the appropriate
9 agreement specified in section 147.

10 (f) DONATIONS.—The Secretary may accept on be-
11 half of the Job Corps or individual Job Corps centers
12 charitable donations of cash or other assistance, including
13 equipment and materials, if such donations are available
14 for appropriate use for the purposes set forth in this sub-
15 title.

16 (g) SALE OF PROPERTY.—Notwithstanding any other
17 provision of law, if the Administrator of General Services
18 sells a Job Corps center facility, the Administrator shall
19 transfer the proceeds from the sale to the Secretary, who
20 shall use the proceeds to carry out the Job Corps program.

21 **SEC. 159. MANAGEMENT INFORMATION.**

22 (a) FINANCIAL MANAGEMENT INFORMATION SYS-
23 TEM.—

24 (1) IN GENERAL.—The Secretary shall establish
25 procedures to ensure that each operator, and each

1 service provider, maintains a financial management
2 information system that will provide—

3 (A) accurate, complete, and current disclo-
4 sures of the costs of Job Corps operations; and

5 (B) sufficient data for the effective evalua-
6 tion of activities carried out through the Job
7 Corps program.

8 (2) ACCOUNTS.—Each operator and service
9 provider shall maintain funds received under this
10 subtitle in accounts in a manner that ensures timely
11 and accurate reporting as required by the Secretary.

12 (3) FISCAL RESPONSIBILITY.—Operators shall
13 remain fiscally responsible and control costs, regard-
14 less of whether the funds made available for Job
15 Corps centers are incrementally increased or de-
16 creased between fiscal years.

17 (b) AUDIT.—

18 (1) ACCESS.—The Secretary, the Inspector
19 General of the Department of Labor, the Comp-
20 troller General of the United States, and any of
21 their duly authorized representatives, shall have ac-
22 cess to any books, documents, papers, and records of
23 the operators and service providers described in sub-
24 section (a) that are pertinent to the Job Corps pro-
25 gram, for purposes of conducting surveys, audits,

1 and evaluations of the operators and service pro-
2 viders.

3 (2) SURVEYS, AUDITS, AND EVALUATIONS.—

4 The Secretary shall survey, audit, or evaluate, or ar-
5 range for the survey, audit, or evaluation of, the op-
6 erators and service providers, using Federal auditors
7 or independent public accountants. The Secretary
8 shall conduct such surveys, audits, or evaluations
9 not less often than once every 3 years.

10 (c) INFORMATION ON INDICATORS OF PERFORM-
11 ANCE.—

12 (1) LEVELS OF PERFORMANCE AND INDICA-
13 TORS.—The Secretary shall annually establish ex-
14 pected levels of performance for a Job Corps center
15 and the Job Corps program relating to each of the
16 primary indicators of performance for eligible youth
17 described in section 116(b)(2)(A)(ii).

18 (2) PERFORMANCE OF RECRUITERS.—The Sec-
19 retary shall also establish performance indicators,
20 and expected levels of performance on the perform-
21 ance indicators, for recruitment service providers
22 serving the Job Corps program. The performance in-
23 dicators shall relate to—

24 (A) the number of enrollees recruited, com-
25 pared to the established goals for such recruit-

1 ment, and the number of enrollees who remain
2 committed to the program for 90 days after en-
3 rollment; and

4 (B) the measurements described in sub-
5 paragraphs (I), (L), and (M) of subsection
6 (d)(1).

7 (3) PERFORMANCE OF CAREER TRANSITION
8 SERVICE PROVIDERS.—The Secretary shall also es-
9 tablish performance indicators, and expected per-
10 formance levels on the performance indicators, for
11 career transition service providers serving the Job
12 Corps program. The performance indicators shall re-
13 late to—

14 (A) the primary indicators of performance
15 for eligible youth described in section
16 116(b)(2)(A)(ii); and

17 (B) the measurements described in sub-
18 paragraphs (D), (E), (H), (J), and (K) of sub-
19 section (d)(1).

20 (4) REPORT.—The Secretary shall collect, and
21 annually submit to the Committee on Education and
22 the Workforce of the House of Representatives and
23 the Committee on Health, Education, Labor, and
24 Pensions of the Senate, a report including—

1 (A) information on the performance of
2 each Job Corps center, and the Job Corps pro-
3 gram, based on the performance indicators de-
4 scribed in paragraph (1), as compared to the
5 expected level of performance established under
6 such paragraph for each performance indicator;
7 and

8 (B) information on the performance of the
9 service providers described in paragraphs (2)
10 and (3) on the performance indicators estab-
11 lished under such paragraphs, as compared to
12 the expected level of performance established
13 for each performance indicator.

14 (d) ADDITIONAL INFORMATION.—

15 (1) IN GENERAL.—The Secretary shall also col-
16 lect, and submit in the report described in sub-
17 section (c)(4), information on the performance of
18 each Job Corps center, and the Job Corps program,
19 regarding—

20 (A) the number of enrollees served;

21 (B) demographic information on the enroll-
22 ees served, including age, race, gender, and
23 education and income level;

24 (C) the number of graduates of a Job
25 Corps center;

1 (D) the number of graduates who entered
2 the Armed Forces;

3 (E) the number of graduates who entered
4 apprenticeship programs;

5 (F) the number of graduates who received
6 a regular secondary school diploma;

7 (G) the number of graduates who received
8 a State recognized equivalent of a secondary
9 school diploma;

10 (H) the number of graduates who entered
11 unsubsidized employment related to the career
12 and technical education and training received
13 through the Job Corps program and the num-
14 ber who entered unsubsidized employment not
15 related to the education and training received;

16 (I) the percentage and number of former
17 enrollees, including the number dismissed under
18 the zero tolerance policy described in section
19 152(b);

20 (J) the percentage and number of grad-
21 uates who enter postsecondary education;

22 (K) the average wage of graduates who
23 enter unsubsidized employment—

24 (i) on the first day of such employ-
25 ment; and

1 (ii) on the day that is 6 months after
2 such first day;

3 (L) the percentages of enrollees described
4 in subparagraphs (A) and (B) of section
5 145(c)(1), as compared to the percentage tar-
6 gets established by the Secretary under such
7 section for the center;

8 (M) the cost per enrollee, which is cal-
9 culated by comparing the number of enrollees
10 at the center in a program year to the total
11 budget for such center in the same program
12 year;

13 (N) the cost per graduate, which is cal-
14 culated by comparing the number of graduates
15 of the center in a program year compared to
16 the total budget for such center in the same
17 program year; and

18 (O) any additional information required by
19 the Secretary.

20 (2) RULES FOR REPORTING OF DATA.—The
21 disaggregation of data under this subsection shall
22 not be required when the number of individuals in
23 a category is insufficient to yield statistically reliable
24 information or when the results would reveal person-
25 ally identifiable information about an individual.

1 (e) METHODS.—The Secretary shall collect the infor-
2 mation described in subsections (c) and (d), using methods
3 described in section 116(i)(2) and consistent with State
4 law, by entering into agreements with the States to access
5 such data for Job Corps enrollees, former enrollees, and
6 graduates.

7 (f) PERFORMANCE ASSESSMENTS AND IMPROVE-
8 MENTS.—

9 (1) ASSESSMENTS.—The Secretary shall con-
10 duct an annual assessment of the performance of
11 each Job Corps center. Based on the assessment, the
12 Secretary shall take measures to continuously im-
13 prove the performance of the Job Corps program.

14 (2) PERFORMANCE IMPROVEMENT.—With re-
15 spect to a Job Corps center that fails to meet the
16 expected levels of performance relating to the pri-
17 mary indicators of performance specified in sub-
18 section (c)(1), the Secretary shall develop and imple-
19 ment a performance improvement plan. Such a plan
20 shall require action to be taken during a 1-year pe-
21 riod, including—

22 (A) providing technical assistance to the
23 center;

24 (B) changing the career and technical edu-
25 cation and training offered at the center;

1 (C) changing the management staff of the
2 center;

3 (D) replacing the operator of the center;

4 (E) reducing the capacity of the center;

5 (F) relocating the center; or

6 (G) closing the center.

7 (3) ADDITIONAL PERFORMANCE IMPROVE-
8 MENT.—In addition to the performance improvement
9 plans required under paragraph (2), the Secretary
10 may develop and implement additional performance
11 improvement plans. Such a plan shall require im-
12 provements, including the actions described in such
13 paragraph, for a Job Corps center that fails to meet
14 criteria established by the Secretary other than the
15 expected levels of performance described in such
16 paragraph.

17 (4) CIVILIAN CONSERVATION CENTERS.—With
18 respect to a Civilian Conservation Center that fails
19 to meet the expected levels of performance relating
20 to the primary indicators of performance specified in
21 subsection (c)(1) or fails to improve performance as
22 described in paragraph (2) after 3 program years,
23 the Secretary, in consultation with the Secretary of
24 Agriculture, shall select an entity to operate the Ci-

1 vilian Conservation Center on a competitive basis, in
2 accordance with the requirements of section 147.

3 (g) PARTICIPANT HEALTH AND SAFETY.—

4 (1) CENTER.—The Secretary shall ensure that
5 a review by an appropriate Federal, State, or local
6 entity of the physical condition and health-related
7 activities of each Job Corps center occurs annually.

8 (2) WORK-BASED LEARNING LOCATIONS.—The
9 Secretary shall require that an entity that has en-
10 tered into a contract to provide work-based learning
11 activities for any Job Corps enrollee under this sub-
12 title shall comply with the Occupational Safety and
13 Health Act of 1970 (29 U.S.C. 651 et seq.) or, as
14 appropriate, under the corresponding State Occupa-
15 tional Safety and Health Act of 1970 requirements
16 in the State in which such activities occur.

17 (h) BUILDINGS AND FACILITIES.—The Secretary
18 shall collect, and submit in the report described in sub-
19 section (c)(4), information regarding the state of Job
20 Corps buildings and facilities. Such report shall include—

21 (1) a review of requested construction, rehabili-
22 tation, and acquisition projects, by each Job Corps
23 center; and

24 (2) a review of new facilities under construc-
25 tion.

1 (i) NATIONAL AND COMMUNITY SERVICE.—The Sec-
2 retary shall include in the report described in subsection
3 (c)(4) available information regarding the national and
4 community service activities of enrollees, particularly those
5 enrollees at Civilian Conservation Centers.

6 (j) CLOSURE OF JOB CORPS CENTER.—Prior to the
7 closure of any Job Corps center, the Secretary shall en-
8 sure—

9 (1) that the proposed decision to close the cen-
10 ter is announced in advance to the general public
11 through publication in the Federal Register or other
12 appropriate means;

13 (2) the establishment of a reasonable comment
14 period, not to exceed 30 days, for interested individ-
15 uals to submit written comments to the Secretary;
16 and

17 (3) that the Member of Congress who rep-
18 represents the district in which such center is located
19 is notified within a reasonable period of time in ad-
20 vance of any final decision to close the center.

21 **SEC. 160. GENERAL PROVISIONS.**

22 The Secretary is authorized to—

23 (1) disseminate, with regard to the provisions of
24 section 3204 of title 39, United States Code, data
25 and information in such forms as the Secretary shall

1 determine to be appropriate, to public agencies, pri-
2 vate organizations, and the general public;

3 (2) subject to section 157(b), collect or com-
4 promise all obligations to or held by the Secretary
5 and exercise all legal or equitable rights accruing to
6 the Secretary in connection with the payment of ob-
7 ligations until such time as such obligations may be
8 referred to the Attorney General for suit or collec-
9 tion; and

10 (3) expend funds made available for purposes of
11 this subtitle—

12 (A) for printing and binding, in accordance
13 with applicable law (including regulation); and

14 (B) without regard to any other law (in-
15 cluding regulation), for rent of buildings and
16 space in buildings and for repair, alteration,
17 and improvement of buildings and space in
18 buildings rented by the Secretary, except that
19 the Secretary shall not expend funds under the
20 authority of this subparagraph—

21 (i) except when necessary to obtain an
22 item, service, or facility, that is required in
23 the proper administration of this subtitle,
24 and that otherwise could not be obtained,
25 or could not be obtained in the quantity or

1 quality needed, or at the time, in the form,
2 or under the conditions in which the item,
3 service, or facility is needed; and
4 (ii) prior to having given written noti-
5 fication to the Administrator of General
6 Services (if the expenditure would affect an
7 activity that otherwise would be under the
8 jurisdiction of the General Services Admin-
9 istration) of the intention of the Secretary
10 to make the expenditure, and the reasons
11 and justifications for the expenditure.

12 **SEC. 161. JOB CORPS OVERSIGHT AND REPORTING.**

13 (a) TEMPORARY FINANCIAL REPORTING.—

14 (1) IN GENERAL.—During the periods described
15 in paragraphs (2) and (3)(B), the Secretary shall
16 prepare and submit to the applicable committees fi-
17 nancial reports regarding the Job Corps program
18 under this subtitle. Each such financial report shall
19 include—

20 (A) information regarding the implementa-
21 tion of the financial oversight measures sug-
22 gested in the May 31, 2013, report of the Of-
23 fice of Inspector General of the Department of
24 Labor entitled “The U.S. Department of La-
25 bor’s Employment and Training Administration

1 Needs to Strengthen Controls over Job Corps
2 Funds”;

3 (B) a description of any budgetary short-
4 falls for the program for the period covered by
5 the financial report, and the reasons for such
6 shortfalls; and

7 (C) a description and explanation for any
8 approval for contract expenditures that are in
9 excess of the amounts provided for under the
10 contract.

11 (2) TIMING OF REPORTS.—The Secretary shall
12 submit a financial report under paragraph (1) once
13 every 6 months beginning on the date of enactment
14 of this Act, for a 3-year period. After the completion
15 of such 3-year period, the Secretary shall submit a
16 financial report under such paragraph once a year
17 for the next 2 years, unless additional reports are
18 required under paragraph (3)(B).

19 (3) REPORTING REQUIREMENTS IN CASES OF
20 BUDGETARY SHORTFALLS.—If any financial report
21 required under this subsection finds that the Job
22 Corps program under this subtitle has a budgetary
23 shortfall for the period covered by the report, the
24 Secretary shall—

1 (A) not later than 90 days after the budg-
2 etary shortfall was identified, submit a report
3 to the applicable committees explaining how the
4 budgetary shortfall will be addressed; and

5 (B) submit an additional financial report
6 under paragraph (1) for each 6-month period
7 subsequent to the finding of the budgetary
8 shortfall until the Secretary demonstrates,
9 through such report, that the Job Corps pro-
10 gram has no budgetary shortfall.

11 (b) **THIRD-PARTY REVIEW.**—Every 5 years after the
12 date of enactment of this Act, the Secretary shall provide
13 for a third-party review of the Job Corps program under
14 this subtitle that addresses all of the areas described in
15 subparagraphs (A) through (G) of section 169(a)(2). The
16 results of the review shall be submitted to the Committee
17 on Education and the Workforce of the House of Rep-
18 resentatives and the Committee on Health, Education,
19 Labor, and Pensions of the Senate.

20 (c) **CRITERIA FOR JOB CORPS CENTER CLOSURES.**—
21 By not later than December 1, 2014, the Secretary shall
22 establish written criteria that the Secretary shall use to
23 determine when a Job Corps center supported under this
24 subtitle is to be closed and how to carry out such closure,

1 and shall submit such criteria to the applicable commit-
2 tees.

3 (d) DEFINITION OF APPLICABLE COMMITTEES.—In
4 this section, the term “applicable committees” means—

5 (1) the Committee on Education and the Work-
6 force of the House of Representatives;

7 (2) the Subcommittee on Labor, Health and
8 Human Services, Education, and Related Agencies
9 of the Committee of Appropriations of the House of
10 Representatives;

11 (3) the Committee on Health, Education,
12 Labor, and Pensions of the Senate; and

13 (4) the Subcommittee on Labor, Health and
14 Human Services, Education, and Related Agencies
15 of the Committee of Appropriations of the Senate.

16 **SEC. 162. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to carry out
18 this subtitle—

19 (1) \$1,688,155,000 for fiscal year 2015;

20 (2) \$1,818,548,000 for fiscal year 2016;

21 (3) \$1,856,283,000 for fiscal year 2017;

22 (4) \$1,897,455,000 for fiscal year 2018;

23 (5) \$1,942,064,000 for fiscal year 2019; and

24 (6) \$1,983,236,000 for fiscal year 2020.

1 **Subtitle D—National Programs**

2 **SEC. 166. NATIVE AMERICAN PROGRAMS.**

3 (a) PURPOSE.—

4 (1) IN GENERAL.—The purpose of this section
5 is to support employment and training activities for
6 Indian, Alaska Native, and Native Hawaiian individ-
7 uals in order—

8 (A) to develop more fully the academic, oc-
9 cupational, and literacy skills of such individ-
10 uals;

11 (B) to make such individuals more com-
12 petitive in the workforce and to equip them
13 with the entrepreneurial skills necessary for
14 successful self-employment; and

15 (C) to promote the economic and social de-
16 velopment of Indian, Alaska Native, and Native
17 Hawaiian communities in accordance with the
18 goals and values of such communities.

19 (2) INDIAN POLICY.—All programs assisted
20 under this section shall be administered in a manner
21 consistent with the principles of the Indian Self-De-
22 termination and Education Assistance Act (25
23 U.S.C. 450 et seq.) and the government-to-govern-
24 ment relationship between the Federal Government
25 and Indian tribal governments.

1 (b) DEFINITIONS.—As used in this section:

2 (1) ALASKA NATIVE.—The term “Alaska Na-
3 tive” includes a Native and a descendant of a Na-
4 tive, as such terms are defined in subsections (b)
5 and (r) of section 3 of the Alaska Native Claims
6 Settlement Act (43 U.S.C. 1602(b), (r)).

7 (2) INDIAN, INDIAN TRIBE, AND TRIBAL ORGA-
8 NIZATION.—The terms “Indian”, “Indian tribe”,
9 and “tribal organization” have the meanings given
10 such terms in subsections (d), (e), and (l), respec-
11 tively, of section 4 of the Indian Self-Determination
12 and Education Assistance Act (25 U.S.C. 450b).

13 (3) NATIVE HAWAIIAN AND NATIVE HAWAIIAN
14 ORGANIZATION.—The terms “Native Hawaiian” and
15 “Native Hawaiian organization” have the meanings
16 given such terms in section 7207 of the Native Ha-
17 waiian Education Act (20 U.S.C. 7517).

18 (c) PROGRAM AUTHORIZED.—Every 4 years, the Sec-
19 retary shall, on a competitive basis, make grants to, or
20 enter into contracts or cooperative agreements with, In-
21 dian tribes, tribal organizations, Alaska Native entities,
22 Indian-controlled organizations serving Indians, or Native
23 Hawaiian organizations to carry out the authorized activi-
24 ties described in subsection (d).

25 (d) AUTHORIZED ACTIVITIES.—

1 (1) IN GENERAL.—Funds made available under
2 subsection (c) shall be used to carry out the activi-
3 ties described in paragraph (2) that—

4 (A) are consistent with this section; and

5 (B) are necessary to meet the needs of In-
6 dians, Alaska Natives, or Native Hawaiians
7 preparing to enter, reenter, or retain unsub-
8 sidized employment leading to self-sufficiency.

9 (2) WORKFORCE DEVELOPMENT ACTIVITIES
10 AND SUPPLEMENTAL SERVICES.—

11 (A) IN GENERAL.—Funds made available
12 under subsection (c) shall be used for—

13 (i) comprehensive workforce develop-
14 ment activities for Indians, Alaska Natives,
15 or Native Hawaiians, including training on
16 entrepreneurial skills; or

17 (ii) supplemental services for Indian,
18 Alaska Native, or Native Hawaiian youth
19 on or near Indian reservations and in
20 Oklahoma, Alaska, or Hawaii.

21 (B) SPECIAL RULE.—Notwithstanding any
22 other provision of this section, individuals who
23 were eligible to participate in programs under
24 section 401 of the Job Training Partnership
25 Act (as such section was in effect on the day

1 before the date of enactment of the Workforce
2 Investment Act of 1998) shall be eligible to par-
3 ticipate in an activity assisted under this sec-
4 tion.

5 (e) PROGRAM PLAN.—In order to receive a grant or
6 enter into a contract or cooperative agreement under this
7 section, an entity described in subsection (c) shall submit
8 to the Secretary a program plan that describes a 4-year
9 strategy for meeting the needs of Indian, Alaska Native,
10 or Native Hawaiian individuals, as appropriate, in the
11 area served by such entity. Such plan shall—

12 (1) be consistent with the purpose of this sec-
13 tion;

14 (2) identify the population to be served;

15 (3) identify the education and employment
16 needs of the population to be served and the manner
17 in which the activities to be provided will strengthen
18 the ability of the individuals served to obtain or re-
19 tain unsubsidized employment leading to self-suffi-
20 ciency;

21 (4) describe the activities to be provided and
22 the manner in which such activities are to be inte-
23 grated with other appropriate activities; and

24 (5) describe, after the entity submitting the
25 plan consults with the Secretary, the performance

1 accountability measures to be used to assess the per-
2 formance of entities in carrying out the activities as-
3 sisted under this section, which shall include the pri-
4 mary indicators of performance described in section
5 116(b)(2)(A) and expected levels of performance for
6 such indicators, in accordance with subsection (h).

7 (f) CONSOLIDATION OF FUNDS.—Each entity receiv-
8 ing assistance under subsection (c) may consolidate such
9 assistance with assistance received from related programs
10 in accordance with the provisions of the Indian Employ-
11 ment, Training and Related Services Demonstration Act
12 of 1992 (25 U.S.C. 3401 et seq.).

13 (g) NONDUPLICATIVE AND NONEXCLUSIVE SERV-
14 ICES.—Nothing in this section shall be construed—

15 (1) to limit the eligibility of any entity de-
16 scribed in subsection (c) to participate in any activ-
17 ity offered by a State or local entity under this Act;
18 or

19 (2) to preclude or discourage any agreement,
20 between any entity described in subsection (c) and
21 any State or local entity, to facilitate the provision
22 of services by such entity or to the population served
23 by such entity.

24 (h) PERFORMANCE ACCOUNTABILITY MEASURES.—

1 (1) ADDITIONAL PERFORMANCE INDICATORS
2 AND STANDARDS.—

3 (A) DEVELOPMENT OF INDICATORS AND
4 STANDARDS.—The Secretary, in consultation
5 with the Native American Employment and
6 Training Council, shall develop a set of per-
7 formance indicators and standards that is in
8 addition to the primary indicators of perform-
9 ance described in section 116(b)(2)(A) and that
10 shall be applicable to programs under this sec-
11 tion.

12 (B) SPECIAL CONSIDERATIONS.—Such per-
13 formance indicators and standards shall take
14 into account—

15 (i) the purpose of this section as de-
16 scribed in subsection (a)(1);

17 (ii) the needs of the groups served by
18 this section, including the differences in
19 needs among such groups in various geo-
20 graphic service areas; and

21 (iii) the economic circumstances of the
22 communities served, including differences
23 in circumstances among various geographic
24 service areas.

1 (2) AGREEMENT ON ADJUSTED LEVELS OF
2 PERFORMANCE.—The Secretary and the entity de-
3 scribed in subsection (c) shall reach agreement on
4 the levels of performance for each of the primary in-
5 dicators of performance described in section
6 116(b)(2)(A), taking into account economic condi-
7 tions, characteristics of the individuals served, and
8 other appropriate factors and using, to the extent
9 practicable, the statistical adjustment model under
10 section 116(b)(3)(A)(viii). The levels agreed to shall
11 be the adjusted levels of performance and shall be
12 incorporated in the program plan.

13 (i) ADMINISTRATIVE PROVISIONS.—

14 (1) ORGANIZATIONAL UNIT ESTABLISHED.—
15 The Secretary shall designate a single organizational
16 unit within the Department of Labor that shall have
17 primary responsibility for the administration of the
18 activities authorized under this section.

19 (2) REGULATIONS.—The Secretary shall con-
20 sult with the entities described in subsection (c) in—

21 (A) establishing regulations to carry out
22 this section, including regulations relating to
23 the performance accountability measures for en-
24 tities receiving assistance under this section;
25 and

1 (B) developing a funding distribution plan
2 that takes into consideration previous levels of
3 funding (prior to the date of enactment of this
4 Act) to such entities.

5 (3) WAIVERS.—

6 (A) IN GENERAL.—With respect to an en-
7 tity described in subsection (c), the Secretary,
8 notwithstanding any other provision of law,
9 may, pursuant to a request submitted by such
10 entity that meets the requirements established
11 under subparagraph (B), waive any of the stat-
12 utory or regulatory requirements of this title
13 that are inconsistent with the specific needs of
14 the entity described in such subsection, except
15 that the Secretary may not waive requirements
16 relating to wage and labor standards, worker
17 rights, participation and protection of workers
18 and participants, grievance procedures, and ju-
19 dicial review.

20 (B) REQUEST AND APPROVAL.—An entity
21 described in subsection (c) that requests a waiv-
22 er under subparagraph (A) shall submit a plan
23 to the Secretary to improve the program of
24 workforce investment activities carried out by
25 the entity, which plan shall meet the require-

1 ments established by the Secretary and shall be
2 generally consistent with the requirements of
3 section 189(i)(3)(B).

4 (4) ADVISORY COUNCIL.—

5 (A) IN GENERAL.—Using funds made
6 available to carry out this section, the Secretary
7 shall establish a Native American Employment
8 and Training Council to facilitate the consulta-
9 tion described in paragraph (2) and to provide
10 the advice described in subparagraph (C).

11 (B) COMPOSITION.—The Council shall be
12 composed of individuals, appointed by the Sec-
13 retary, who are representatives of the entities
14 described in subsection (c).

15 (C) DUTIES.—The Council shall advise the
16 Secretary on the operation and administration
17 of the programs assisted under this section, in-
18 cluding the selection of the individual appointed
19 as head of the unit established under paragraph
20 (1).

21 (D) PERSONNEL MATTERS.—

22 (i) COMPENSATION OF MEMBERS.—
23 Members of the Council shall serve without
24 compensation.

1 (ii) TRAVEL EXPENSES.—The mem-
2 bers of the Council shall be allowed travel
3 expenses, including per diem in lieu of sub-
4 sistence, at rates authorized for employees
5 of agencies under subchapter I of chapter
6 57 of title 5, United States Code, while
7 away from their homes or regular places of
8 business in the performance of services for
9 the Council.

10 (iii) ADMINISTRATIVE SUPPORT.—The
11 Secretary shall provide the Council with
12 such administrative support as may be nec-
13 essary to perform the functions of the
14 Council.

15 (E) CHAIRPERSON.—The Council shall se-
16 lect a chairperson from among its members.

17 (F) MEETINGS.—The Council shall meet
18 not less than twice each year.

19 (G) APPLICATION.—Section 14 of the Fed-
20 eral Advisory Committee Act (5 U.S.C. App.)
21 shall not apply to the Council.

22 (5) TECHNICAL ASSISTANCE.—The Secretary,
23 acting through the unit established under paragraph
24 (1), is authorized to provide technical assistance to
25 entities described in subsection (c) that receive as-

1 sistance under such subsection to enable such enti-
2 ties to improve the activities authorized under this
3 section that are provided by such entities.

4 (6) AGREEMENT FOR CERTAIN FEDERALLY
5 RECOGNIZED INDIAN TRIBES TO TRANSFER FUNDS
6 TO THE PROGRAM.—A federally recognized Indian
7 tribe that administers funds provided under this sec-
8 tion and funds provided by more than one State
9 under other sections of this title may enter into an
10 agreement with the Secretary and the Governors of
11 the affected States to transfer the funds provided by
12 the States to the program administered by the tribe
13 under this section.

14 (j) COMPLIANCE WITH SINGLE AUDIT REQUIRE-
15 MENTS; RELATED REQUIREMENT.—Grants made and
16 contracts and cooperative agreements entered into under
17 this section shall be subject to the requirements of chapter
18 75 of subtitle V of title 31, United States Code, and charg-
19 ing of costs under this section shall be subject to appro-
20 priate circulars issued by the Office of Management and
21 Budget.

22 (k) ASSISTANCE TO UNIQUE POPULATIONS IN ALAS-
23 KA AND HAWAII.—

24 (1) IN GENERAL.—Notwithstanding any other
25 provision of law, the Secretary is authorized to pro-

1 vide assistance to the Cook Inlet Tribal Council, In-
2 corporated, and the University of Hawaii at Maui,
3 for the unique populations who reside in Alaska or
4 Hawaii, respectively, to improve job training and
5 workforce investment activities.

6 (2) AUTHORIZATION OF APPROPRIATIONS.—
7 There are authorized to be appropriated to carry out
8 this subsection—

- 9 (A) \$461,000 for fiscal year 2015;
10 (B) \$497,000 for fiscal year 2016;
11 (C) \$507,000 for fiscal year 2017;
12 (D) \$518,000 for fiscal year 2018;
13 (E) \$530,000 for fiscal year 2019; and
14 (F) \$542,000 for fiscal year 2020.

15 **SEC. 167. MIGRANT AND SEASONAL FARMWORKER PRO-**
16 **GRAMS.**

17 (a) IN GENERAL.—Every 4 years, the Secretary
18 shall, on a competitive basis, make grants to, or enter into
19 contracts with, eligible entities to carry out the activities
20 described in subsection (d).

21 (b) ELIGIBLE ENTITIES.—To be eligible to receive a
22 grant or enter into a contract under this section, an entity
23 shall have an understanding of the problems of eligible mi-
24 grant and seasonal farmworkers (including dependents),
25 a familiarity with the area to be served, and the ability

1 to demonstrate a capacity to administer and deliver effec-
2 tively a diversified program of workforce investment activi-
3 ties (including youth workforce investment activities) and
4 related assistance for eligible migrant and seasonal farm-
5 workers.

6 (c) PROGRAM PLAN.—

7 (1) IN GENERAL.—To be eligible to receive a
8 grant or enter into a contract under this section, an
9 entity described in subsection (b) shall submit to the
10 Secretary a plan that describes a 4-year strategy for
11 meeting the needs of eligible migrant and seasonal
12 farmworkers in the area to be served by such entity.

13 (2) CONTENTS.—Such plan shall—

14 (A) describe the population to be served
15 and identify the education and employment
16 needs of the population to be served and the
17 manner in which the services to be provided will
18 strengthen the ability of the eligible migrant
19 and seasonal farmworkers and dependents to
20 obtain or retain unsubsidized employment, or
21 stabilize their unsubsidized employment, includ-
22 ing upgraded employment in agriculture;

23 (B) describe the related assistance and
24 supportive services to be provided and the man-
25 ner in which such assistance and services are to

1 be integrated and coordinated with other appro-
2 priate services;

3 (C) describe the performance account-
4 ability measures to be used to assess the per-
5 formance of such entity in carrying out the ac-
6 tivities assisted under this section, which shall
7 include the expected levels of performance for
8 the primary indicators of performance described
9 in section 116(b)(2)(A);

10 (D) describe the availability and accessi-
11 bility of local resources, such as supportive serv-
12 ices, services provided through one-stop delivery
13 systems, and education and training services,
14 and how the resources can be made available to
15 the population to be served; and

16 (E) describe the plan for providing services
17 under this section, including strategies and sys-
18 tems for outreach, career planning, assessment,
19 and delivery through one-stop delivery systems.

20 (3) AGREEMENT ON ADJUSTED LEVELS OF
21 PERFORMANCE.—The Secretary and the entity de-
22 scribed in subsection (b) shall reach agreement on
23 the levels of performance for each of the primary in-
24 dicators of performance described in section
25 116(b)(2)(A), taking into account economic condi-

1 tions, characteristics of the individuals served, and
2 other appropriate factors, and using, to the extent
3 practicable, the statistical adjustment model under
4 section 116(b)(3)(A)(viii). The levels agreed to shall
5 be the adjusted levels of performance and shall be
6 incorporated in the program plan.

7 (4) ADMINISTRATION.—Grants and contracts
8 awarded under this section shall be centrally admin-
9 istered by the Department of Labor and competi-
10 tively awarded by the Secretary using procedures
11 consistent with standard Federal Government com-
12 petitive procurement policies.

13 (d) AUTHORIZED ACTIVITIES.—Funds made avail-
14 able under this section and section 127(a)(1) shall be used
15 to carry out workforce investment activities (including
16 youth workforce investment activities) and provide related
17 assistance for eligible migrant and seasonal farmworkers,
18 which may include—

19 (1) outreach, employment, training, educational
20 assistance, literacy assistance, English language and
21 literacy instruction, pesticide and worker safety
22 training, housing (including permanent housing),
23 supportive services, and school dropout prevention
24 and recovery activities;

1 (2) followup services for those individuals
2 placed in employment;

3 (3) self-employment and related business or
4 micro-enterprise development or education as needed
5 by eligible individuals as identified pursuant to the
6 plan required by subsection (c);

7 (4) customized career and technical education
8 in occupations that will lead to higher wages, en-
9 hanced benefits, and long-term employment in agri-
10 culture or another area; and

11 (5) technical assistance to improve coordination
12 of services and implement best practices relating to
13 service delivery through one-stop delivery systems.

14 (e) CONSULTATION WITH GOVERNORS AND LOCAL
15 BOARDS.—In making grants and entering into contracts
16 under this section, the Secretary shall consult with the
17 Governors and local boards of the States in which the eli-
18 gible entities will carry out the activities described in sub-
19 section (d).

20 (f) REGULATIONS.—The Secretary shall consult with
21 eligible migrant and seasonal farmworkers groups and
22 States in establishing regulations to carry out this section,
23 including regulations relating to how economic and demo-
24 graphic barriers to employment of eligible migrant and
25 seasonal farmworkers should be considered and included

1 in the negotiations leading to the adjusted levels of per-
2 formance described in subsection (c)(3).

3 (g) COMPLIANCE WITH SINGLE AUDIT REQUIRE-
4 MENTS; RELATED REQUIREMENT.—Grants made and
5 contracts entered into under this section shall be subject
6 to the requirements of chapter 75 of subtitle V of title
7 31, United States Code and charging of costs under this
8 section shall be subject to appropriate circulars issued by
9 the Office of Management and Budget.

10 (h) FUNDING ALLOCATION.—From the funds appro-
11 priated and made available to carry out this section, the
12 Secretary shall reserve not more than 1 percent for discre-
13 tionary purposes, such as providing technical assistance
14 to eligible entities.

15 (i) DEFINITIONS.—In this section:

16 (1) ELIGIBLE MIGRANT AND SEASONAL FARM-
17 WORKERS.—The term “eligible migrant and seasonal
18 farmworkers” means individuals who are eligible mi-
19 grant farmworkers or are eligible seasonal farm-
20 workers.

21 (2) ELIGIBLE MIGRANT FARMWORKER.—The
22 term “eligible migrant farmworker” means—

23 (A) an eligible seasonal farmworker de-
24 scribed in paragraph (3)(A) whose agricultural
25 labor requires travel to a job site such that the

1 farmworker is unable to return to a permanent
2 place of residence within the same day; and

3 (B) a dependent of the farmworker de-
4 scribed in subparagraph (A).

5 (3) **ELIGIBLE SEASONAL FARMWORKER.**—The
6 term “eligible seasonal farmworker” means—

7 (A) a low-income individual who—

8 (i) for 12 consecutive months out of
9 the 24 months prior to application for the
10 program involved, has been primarily em-
11 ployed in agricultural or fish farming labor
12 that is characterized by chronic unemploy-
13 ment or underemployment; and

14 (ii) faces multiple barriers to economic
15 self-sufficiency; and

16 (B) a dependent of the person described in
17 subparagraph (A).

18 **SEC. 168. TECHNICAL ASSISTANCE.**

19 (a) **GENERAL TECHNICAL ASSISTANCE.**—

20 (1) **IN GENERAL.**—The Secretary shall ensure
21 that the Department has sufficient capacity to, and
22 does, provide, coordinate, and support the develop-
23 ment of, appropriate training, technical assistance,
24 staff development, and other activities, including—

1 (A) assistance in replicating programs of
2 demonstrated effectiveness, to States and local-
3 ities;

4 (B) the training of staff providing rapid
5 response services;

6 (C) the training of other staff of recipients
7 of funds under this title, including the staff of
8 local boards and State boards;

9 (D) the training of members of State
10 boards and local boards;

11 (E) assistance in the development and im-
12 plementation of integrated, technology-enabled
13 intake and case management information sys-
14 tems for programs carried out under this Act
15 and programs carried out by one-stop partners,
16 such as standard sets of technical requirements
17 for the systems, offering interfaces that States
18 could use in conjunction with their current (as
19 of the first date of implementation of the sys-
20 tems) intake and case management information
21 systems that would facilitate shared registration
22 across programs;

23 (F) assistance regarding accounting and
24 program operations to States and localities

1 (when such assistance would not supplant as-
2 sistance provided by the State);

3 (G) peer review activities under this title;
4 and

5 (H) in particular, assistance to States in
6 making transitions to implement the provisions
7 of this Act.

8 (2) FORM OF ASSISTANCE.—

9 (A) IN GENERAL.—In order to carry out
10 paragraph (1) on behalf of a State or recipient
11 of financial assistance under section 166 or
12 167, the Secretary, after consultation with the
13 State or grant recipient, may award grants or
14 enter into contracts or cooperative agreements.

15 (B) LIMITATION.—Grants or contracts
16 awarded under paragraph (1) to entities other
17 than States or local units of government that
18 are for amounts in excess of \$100,000 shall
19 only be awarded on a competitive basis.

20 (b) DISLOCATED WORKER TECHNICAL ASSIST-
21 ANCE.—

22 (1) AUTHORITY.—Of the amounts available
23 pursuant to section 132(a)(2)(A), the Secretary shall
24 reserve not more than 5 percent of such amounts to
25 provide technical assistance to States that do not

1 meet the State performance accountability measures
2 for the primary indicators of performance described
3 in section 116(b)(2)(A)(i) with respect to employ-
4 ment and training activities for dislocated workers.
5 Using such reserved funds, the Secretary may pro-
6 vide such assistance to other States, local areas, and
7 other entities involved in providing assistance to dis-
8 located workers, to promote the continuous improve-
9 ment of assistance provided to dislocated workers,
10 under this title.

11 (2) TRAINING.—Amounts reserved under this
12 subsection may be used to provide for the training
13 of staff, including specialists, who provide rapid re-
14 sponse services. Such training shall include instruc-
15 tion in proven methods of promoting, establishing,
16 and assisting labor-management committees. Such
17 projects shall be administered through the Employ-
18 ment and Training Administration of the Depart-
19 ment.

20 (c) PROMISING AND PROVEN PRACTICES COORDINA-
21 TION.—The Secretary shall—

22 (1) establish a system through which States
23 may share information regarding promising and
24 proven practices with regard to the operation of
25 workforce investment activities under this Act;

1 (2) evaluate and disseminate information re-
2 garding such promising and proven practices and
3 identify knowledge gaps; and

4 (3) commission research under section 169(b)
5 to address knowledge gaps identified under para-
6 graph (2).

7 **SEC. 169. EVALUATIONS AND RESEARCH.**

8 (a) EVALUATIONS.—

9 (1) EVALUATIONS OF PROGRAMS AND ACTIVI-
10 TIES CARRIED OUT UNDER THIS TITLE.—

11 (A) IN GENERAL.—For the purpose of im-
12 proving the management and effectiveness of
13 programs and activities carried out under this
14 title, the Secretary, through grants, contracts,
15 or cooperative agreements, shall provide for the
16 continuing evaluation of the programs and ac-
17 tivities under this title, including those pro-
18 grams and activities carried out under this sec-
19 tion.

20 (B) PERIODIC INDEPENDENT EVALUA-
21 TION.—The evaluations carried out under this
22 paragraph shall include an independent evalua-
23 tion, at least once every 4 years, of the pro-
24 grams and activities carried out under this title.

1 (2) EVALUATION SUBJECTS.—Each evaluation
2 carried out under paragraph (1) shall address—

3 (A) the general effectiveness of such pro-
4 grams and activities in relation to their cost, in-
5 cluding the extent to which the programs and
6 activities—

7 (i) improve the employment com-
8 petencies of participants in comparison to
9 comparably-situated individuals who did
10 not participate in such programs and ac-
11 tivities; and

12 (ii) to the extent feasible, increase the
13 level of total employment over the level
14 that would have existed in the absence of
15 such programs and activities;

16 (B) the effectiveness of the performance
17 accountability measures relating to such pro-
18 grams and activities;

19 (C) the effectiveness of the structure and
20 mechanisms for delivery of services through
21 such programs and activities, including the co-
22 ordination and integration of services through
23 such programs and activities;

1 (D) the impact of such programs and ac-
2 tivities on the community, businesses, and par-
3 ticipants involved;

4 (E) the impact of such programs and ac-
5 tivities on related programs and activities;

6 (F) the extent to which such programs and
7 activities meet the needs of various demo-
8 graphic groups; and

9 (G) such other factors as may be appro-
10 priate.

11 (3) EVALUATIONS OF OTHER PROGRAMS AND
12 ACTIVITIES.—The Secretary may conduct evalua-
13 tions of other federally funded employment-related
14 programs and activities under other provisions of
15 law.

16 (4) TECHNIQUES.—Evaluations conducted
17 under this subsection shall utilize appropriate and
18 rigorous methodology and research designs, includ-
19 ing the use of control groups chosen by scientific
20 random assignment methodologies. The Secretary
21 shall conduct at least 1 multisite control group eval-
22 uation under this subsection by the end of fiscal
23 year 2019, and thereafter shall ensure that such an
24 analysis is included in the independent evaluation

1 described in paragraph (1)(B) that is conducted at
2 least once every 4 years.

3 (5) REPORTS.—The entity carrying out an eval-
4 uation described in paragraph (1) or (2) shall pre-
5 pare and submit to the Secretary a draft report and
6 a final report containing the results of the evalua-
7 tion.

8 (6) REPORTS TO CONGRESS.—Not later than
9 30 days after the completion of a draft report under
10 paragraph (5), the Secretary shall transmit the draft
11 report to the Committee on Education and the
12 Workforce of the House of Representatives and the
13 Committee on Health, Education, Labor and Pen-
14 sions of the Senate. Not later than 60 days after the
15 completion of a final report under such paragraph,
16 the Secretary shall transmit the final report to such
17 committees.

18 (7) PUBLICATION OF REPORTS.—If an entity
19 that enters into a contract or other arrangement
20 with the Secretary to conduct an evaluation of a pro-
21 gram or activity under this subsection requests per-
22 mission from the Secretary to publish a report re-
23 sulting from the evaluation, such entity may publish
24 the report unless the Secretary denies the request

1 during the 90-day period beginning on the date the
2 Secretary receives such request.

3 (8) COORDINATION.—The Secretary shall en-
4 sure the coordination of evaluations carried out by
5 States pursuant to section 116(e) with the evalua-
6 tions carried out under this subsection.

7 (b) RESEARCH, STUDIES, AND MULTISTATE
8 PROJECTS.—

9 (1) IN GENERAL.—After consultation with
10 States, localities, and other interested parties, the
11 Secretary shall, every 2 years, publish in the Federal
12 Register, a plan that describes the research, studies,
13 and multistate project priorities of the Department
14 of Labor concerning employment and training for
15 the 5-year period following the submission of the
16 plan. The plan shall be consistent with the purposes
17 of this title, including the purpose of aligning and
18 coordinating core programs with other one-stop part-
19 ner programs. Copies of the plan shall be trans-
20 mitted to the Committee on Education and the
21 Workforce of the House of Representatives, the
22 Committee on Health, Education, Labor, and Pen-
23 sions of the Senate, the Department of Education,
24 and other relevant Federal agencies.

1 (2) FACTORS.—The plan published under para-
2 graph (1) shall contain strategies to address national
3 employment and training problems and take into ac-
4 count factors such as—

5 (A) the availability of existing research (as
6 of the date of the publication);

7 (B) the need to ensure results that have
8 interstate validity;

9 (C) the benefits of economies of scale and
10 the efficiency of proposed projects; and

11 (D) the likelihood that the results of the
12 projects will be useful to policymakers and
13 stakeholders in addressing employment and
14 training problems.

15 (3) RESEARCH PROJECTS.—The Secretary
16 shall, through grants or contracts, carry out re-
17 search projects that will contribute to the solution of
18 employment and training problems in the United
19 States and that are consistent with the priorities
20 specified in the plan published under paragraph (1).

21 (4) STUDIES AND REPORTS.—

22 (A) NET IMPACT STUDIES AND RE-
23 PORTS.—The Secretary of Labor, in coordina-
24 tion with the Secretary of Education and other
25 relevant Federal agencies, may conduct studies

1 to determine the net impact and best practices
2 of programs, services, and activities carried out
3 under this Act.

4 (B) STUDY ON RESOURCES AVAILABLE TO
5 ASSIST DISCONNECTED YOUTH.—The Secretary
6 of Labor, in coordination with the Secretary of
7 Education, may conduct a study examining the
8 characteristics of eligible youth that result in
9 such youth being significantly disconnected
10 from education and workforce participation, the
11 ways in which such youth could have greater
12 opportunities for education attainment and ob-
13 taining employment, and the resources available
14 to assist such youth in obtaining the skills, cre-
15 dentials, and work experience necessary to be-
16 come economically self-sufficient.

17 (C) STUDY OF EFFECTIVENESS OF WORK-
18 FORCE DEVELOPMENT SYSTEM IN MEETING
19 BUSINESS NEEDS.—Using funds available to
20 carry out this subsection jointly with funds
21 available to the Secretary of Commerce, the Ad-
22 ministrator of the Small Business Administra-
23 tion, and the Secretary of Education, the Sec-
24 retary of Labor, in coordination with the Sec-
25 retary of Commerce, the Administrator of the

1 Small Business Administration, and the Sec-
2 retary of Education, may conduct a study of
3 the effectiveness of the workforce development
4 system in meeting the needs of business, such
5 as through the use of industry or sector part-
6 nerships, with particular attention to the needs
7 of small business, including in assisting workers
8 to obtain the skills needed to utilize emerging
9 technologies.

10 (D) STUDY ON PARTICIPANTS ENTERING
11 NONTRADITIONAL OCCUPATIONS.—The Sec-
12 retary of Labor, in coordination with the Sec-
13 retary of Education, may conduct a study ex-
14 amining the number and percentage of individ-
15 uals who receive employment and training ac-
16 tivities and who enter nontraditional occupa-
17 tions, successful strategies to place and support
18 the retention of individuals in nontraditional
19 employment (such as by providing post-place-
20 ment assistance to participants in the form of
21 exit interviews, mentoring, networking, and
22 leadership development), and the degree to
23 which recipients of employment and training ac-
24 tivities are informed of the possibility of, or di-

1 rected to begin, training or education needed
2 for entrance into nontraditional occupations.

3 (E) STUDY ON PERFORMANCE INDICA-
4 TORS.—The Secretary of Labor, in coordination
5 with the Secretary of Education, may conduct
6 studies to determine the feasibility of, and po-
7 tential means to replicate, measuring the com-
8 pensation, including the wages, benefits, and
9 other incentives provided by an employer, re-
10 ceived by program participants by using data
11 other than or in addition to data available
12 through wage records, for potential use as a
13 performance indicator.

14 (F) STUDY ON JOB TRAINING FOR RECIPI-
15 ENTS OF PUBLIC HOUSING ASSISTANCE.—The
16 Secretary of Labor, in coordination with the
17 Secretary of Housing and Urban Development,
18 may conduct studies to assist public housing
19 authorities to provide, to recipients of public
20 housing assistance, job training programs that
21 successfully upgrade job skills and employment
22 in, and access to, jobs with opportunity for ad-
23 vancement and economic self-sufficiency for
24 such recipients.

1 (G) STUDY ON IMPROVING EMPLOYMENT
2 PROSPECTS FOR OLDER INDIVIDUALS.—The
3 Secretary of Labor, in coordination with the
4 Secretary of Education and the Secretary of
5 Health and Human Services, may conduct stud-
6 ies that lead to better design and implementa-
7 tion of, in conjunction with employers, local
8 boards or State boards, community colleges or
9 area career and technical education schools, and
10 other organizations, effective evidence-based
11 strategies to provide services to workers who
12 are low-income, low-skilled older individuals
13 that increase the workers' skills and employ-
14 ment prospects.

15 (H) STUDY ON PRIOR LEARNING.—The
16 Secretary of Labor, in coordination with other
17 heads of Federal agencies, as appropriate, may
18 conduct studies that, through convening stake-
19 holders from the fields of education, workforce,
20 business, labor, defense, and veterans services,
21 and experts in such fields, develop guidelines
22 for assessing, accounting for, and utilizing the
23 prior learning of individuals, including dis-
24 located workers and veterans, in order to pro-
25 vide the individuals with postsecondary edu-

1 cational credit for such prior learning that leads
2 to the attainment of a recognized postsecondary
3 credential identified under section 122(d) and
4 employment.

5 (I) STUDY ON CAREER PATHWAYS FOR
6 HEALTH CARE PROVIDERS AND PROVIDERS OF
7 EARLY EDUCATION AND CHILD CARE.—The
8 Secretary of Labor, in coordination with the
9 Secretary of Education and the Secretary of
10 Health and Human Services, shall conduct a
11 multistate study to develop, implement, and
12 build upon career advancement models and
13 practices for low-wage health care providers or
14 providers of early education and child care, in-
15 cluding faculty education and distance edu-
16 cation programs.

17 (J) STUDY ON EQUIVALENT PAY.—The
18 Secretary shall conduct a multistate study to
19 develop and disseminate strategies for ensuring
20 that programs and activities carried out under
21 this Act are placing individuals in jobs, edu-
22 cation, and training that lead to equivalent pay
23 for men and women, including strategies to in-
24 crease the participation of women in high-wage,

1 high-demand occupations in which women are
2 underrepresented.

3 (K) REPORTS.—The Secretary shall pre-
4 pare and disseminate to the Committee on
5 Health, Education, Labor, and Pensions of the
6 Senate and the Committee on Education and
7 the Workforce of the House of Representatives,
8 and to the public, including through electronic
9 means, reports containing the results of the
10 studies conducted under this paragraph.

11 (5) MULTISTATE PROJECTS.—

12 (A) AUTHORITY.—The Secretary may,
13 through grants or contracts, carry out
14 multistate projects that require demonstrated
15 expertise that is available at the national level
16 to effectively disseminate best practices and
17 models for implementing employment and train-
18 ing services, address the specialized employment
19 and training needs of particular service popu-
20 lations, or address industry-wide skill shortages,
21 to the extent such projects are consistent with
22 the priorities specified in the plan published
23 under paragraph (1).

24 (B) DESIGN OF GRANTS.—Agreements for
25 grants or contracts awarded under this para-

1 graph shall be designed to obtain information
2 relating to the provision of services under dif-
3 ferent economic conditions or to various demo-
4 graphic groups in order to provide guidance at
5 the national and State levels about how best to
6 administer specific employment and training
7 services.

8 (6) LIMITATIONS.—

9 (A) COMPETITIVE AWARDS.—A grant or
10 contract awarded for carrying out a project
11 under this subsection in an amount that ex-
12 ceeds \$100,000 shall be awarded only on a
13 competitive basis, except that a noncompetitive
14 award may be made in the case of a project
15 that is funded jointly with other public or pri-
16 vate sector entities that provide a substantial
17 portion of assistance under the grant or con-
18 tract for the project.

19 (B) TIME LIMITS.—A grant or contract
20 shall not be awarded under this subsection to
21 the same organization for more than 3 consecu-
22 tive years unless such grant or contract is com-
23 petitively reevaluated within such period.

24 (C) PEER REVIEW.—

1 (i) IN GENERAL.—The Secretary shall
2 utilize a peer review process—

3 (I) to review and evaluate all ap-
4 plications for grants in amounts that
5 exceed \$500,000 that are submitted
6 under this section; and

7 (II) to review and designate ex-
8 emplary and promising programs
9 under this section.

10 (ii) AVAILABILITY OF FUNDS.—The
11 Secretary is authorized to use funds pro-
12 vided under this section to carry out peer
13 review activities under this subparagraph.

14 (D) PRIORITY.—In awarding grants or
15 contracts under this subsection, priority shall be
16 provided to entities with recognized expertise in
17 the methods, techniques, and knowledge of
18 workforce investment activities. The Secretary
19 shall establish appropriate time limits for the
20 duration of such projects.

21 (c) DISLOCATED WORKER PROJECTS.—Of the
22 amount made available pursuant to section 132(a)(2)(A)
23 for any program year, the Secretary shall use not more
24 than 10 percent of such amount to carry out demonstra-
25 tion and pilot projects, multiservice projects, and

1 multistate projects relating to the employment and train-
2 ing needs of dislocated workers. Of the requirements of
3 this section, such projects shall be subject only to the pro-
4 visions relating to review and evaluation of applications
5 under subsection (b)(6)(C). Such projects may include
6 demonstration and pilot projects relating to promoting
7 self-employment, promoting job creation, averting disloca-
8 tions, assisting dislocated farmers, assisting dislocated
9 fishermen, and promoting public works. Such projects
10 shall be administered by the Secretary, acting through the
11 Assistant Secretary for Employment and Training.

12 **SEC. 170. NATIONAL DISLOCATED WORKER GRANTS.**

13 (a) DEFINITIONS.—In this section:

14 (1) EMERGENCY OR DISASTER.—The term
15 “emergency or disaster” means—

16 (A) an emergency or a major disaster, as
17 defined in paragraphs (1) and (2), respectively,
18 of section 102 of the Robert T. Stafford Dis-
19 aster Relief and Emergency Assistance Act (42
20 U.S.C. 5122 (1) and (2)); or

21 (B) an emergency or disaster situation of
22 national significance that could result in a po-
23 tentially large loss of employment, as declared
24 or otherwise recognized by the chief official of
25 a Federal agency with authority for or jurisdic-

1 tion over the Federal response to the emergency
2 or disaster situation.

3 (2) DISASTER AREA.—The term “disaster area”
4 means an area that has suffered or in which has oc-
5 curred an emergency or disaster.

6 (b) IN GENERAL.—

7 (1) GRANTS.—The Secretary is authorized to
8 award national dislocated worker grants—

9 (A) to an entity described in subsection
10 (c)(1)(B) to provide employment and training
11 assistance to workers affected by major eco-
12 nomic dislocations, such as plant closures, mass
13 layoffs, or closures and realignments of military
14 installations;

15 (B) to provide assistance to—

16 (i) the Governor of any State within
17 the boundaries of which is a disaster area,
18 to provide disaster relief employment in
19 the disaster area; or

20 (ii) the Governor of any State to
21 which a substantial number of workers
22 from an area in which an emergency or
23 disaster has been declared or otherwise
24 recognized have relocated;

1 (C) to provide additional assistance to a
2 State board or local board for eligible dislocated
3 workers in a case in which the State board or
4 local board has expended the funds provided
5 under this section to carry out activities de-
6 scribed in subparagraphs (A) and (B) and can
7 demonstrate the need for additional funds to
8 provide appropriate services for such workers,
9 in accordance with requirements prescribed by
10 the Secretary; and

11 (D) to provide additional assistance to a
12 State board or local board serving an area
13 where—

14 (i) a higher-than-average demand for
15 employment and training activities for dis-
16 located members of the Armed Forces,
17 spouses described in section 3(15)(E), or
18 members of the Armed Forces described in
19 subsection (c)(2)(A)(iv), exceeds State and
20 local resources for providing such activi-
21 ties; and

22 (ii) such activities are to be carried
23 out in partnership with the Department of
24 Defense and Department of Veterans Af-
25 fairs transition assistance programs.

1 (2) DECISIONS AND OBLIGATIONS.—The Sec-
2 retary shall issue a final decision on an application
3 for a national dislocated worker grant under this
4 subsection not later than 45 calendar days after re-
5 ceipt of the application. The Secretary shall issue a
6 notice of obligation for such grant not later than 10
7 days after the award of such grant.

8 (c) EMPLOYMENT AND TRAINING ASSISTANCE RE-
9 QUIREMENTS.—

10 (1) GRANT RECIPIENT ELIGIBILITY.—

11 (A) APPLICATION.—To be eligible to re-
12 ceive a grant under subsection (b)(1)(A), an en-
13 tity shall submit an application to the Secretary
14 at such time, in such manner, and containing
15 such information as the Secretary may require.

16 (B) ELIGIBLE ENTITY.—In this para-
17 graph, the term “entity” means a State, a local
18 board, an entity described in section 166(c), an
19 entity determined to be eligible by the Governor
20 of the State involved, and any other entity that
21 demonstrates to the Secretary the capability to
22 effectively respond to the circumstances relating
23 to particular dislocations.

24 (2) PARTICIPANT ELIGIBILITY.—

1 (A) IN GENERAL.—In order to be eligible
2 to receive employment and training assistance
3 under a national dislocated worker grant
4 awarded pursuant to subsection (b)(1)(A), an
5 individual shall be—

6 (i) a dislocated worker;

7 (ii) a civilian employee of the Depart-
8 ment of Defense or the Department of En-
9 ergy employed at a military installation
10 that is being closed, or that will undergo
11 realignment, within the next 24 months
12 after the date of the determination of eligi-
13 bility;

14 (iii) an individual who is employed in
15 a nonmanagerial position with a Depart-
16 ment of Defense contractor, who is deter-
17 mined by the Secretary of Defense to be at
18 risk of termination from employment as a
19 result of reductions in defense expendi-
20 tures, and whose employer is converting
21 operations from defense to nondefense ap-
22 plications in order to prevent worker lay-
23 offs; or

24 (iv) a member of the Armed Forces
25 who—

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1 (I) was on active duty or full-
2 time National Guard duty;

3 (II)(aa) is involuntarily separated
4 (as defined in section 1141 of title 10,
5 United States Code) from active duty
6 or full-time National Guard duty; or

7 (bb) is separated from active
8 duty or full-time National Guard duty
9 pursuant to a special separation bene-
10 fits program under section 1174a of
11 title 10, United States Code, or the
12 voluntary separation incentive pro-
13 gram under section 1175 of that title;

14 (III) is not entitled to retired or
15 retained pay incident to the separa-
16 tion described in subclause (II); and

17 (IV) applies for such employment
18 and training assistance before the end
19 of the 180-day period beginning on
20 the date of that separation.

21 (B) RETRAINING ASSISTANCE.—The indi-
22 viduals described in subparagraph (A)(iii) shall
23 be eligible for retraining assistance to upgrade
24 skills by obtaining marketable skills needed to

1 support the conversion described in subpara-
2 graph (A)(iii).

3 (C) ADDITIONAL REQUIREMENTS.—The
4 Secretary shall establish and publish additional
5 requirements related to eligibility for employ-
6 ment and training assistance under the national
7 dislocated worker grants to ensure effective use
8 of the funds available for this purpose.

9 (D) DEFINITIONS.—In this paragraph, the
10 terms “military installation” and “realignment”
11 have the meanings given the terms in section
12 2910 of the Defense Base Closure and Realign-
13 ment Act of 1990 (Public Law 101–510; 10
14 U.S.C. 2687 note).

15 (d) DISASTER RELIEF EMPLOYMENT ASSISTANCE
16 REQUIREMENTS.—

17 (1) IN GENERAL.—Funds made available under
18 subsection (b)(1)(B)—

19 (A) shall be used, in coordination with the
20 Administrator of the Federal Emergency Man-
21 agement Agency, as applicable, to provide dis-
22 aster relief employment on projects that provide
23 food, clothing, shelter, and other humanitarian
24 assistance for emergency and disaster victims,
25 and projects regarding demolition, cleaning, re-

1 pair, renovation, and reconstruction of damaged
2 and destroyed structures, facilities, and lands
3 located within the disaster area and in offshore
4 areas related to the emergency or disaster;

5 (B) may be expended through public and
6 private agencies and organizations engaged in
7 such projects; and

8 (C) may be expended to provide employ-
9 ment and training activities.

10 (2) ELIGIBILITY.—An individual shall be eligi-
11 ble to be offered disaster relief employment under
12 subsection (b)(1)(B) if such individual—

13 (A) is a dislocated worker;

14 (B) is a long-term unemployed individual;

15 (C) is temporarily or permanently laid off
16 as a consequence of the emergency or disaster;
17 or

18 (D) in the case of an individual who is self-
19 employed, becomes unemployed or significantly
20 underemployed as a result of the emergency or
21 disaster.

22 (3) LIMITATIONS ON DISASTER RELIEF EM-
23 PLOYMENT.—

24 (A) IN GENERAL.—Except as provided in
25 subparagraph (B), no individual shall be em-

1 employed under subsection (b)(1)(B) for more
2 than 12 months for work related to recovery
3 from a single emergency or disaster.

4 (B) EXTENSION.—At the request of a
5 State, the Secretary may extend such employ-
6 ment, related to recovery from a single emer-
7 gency or disaster involving the State, for not
8 more than an additional 12 months.

9 (4) USE OF AVAILABLE FUNDS.—Funds made
10 available under subsection (b)(1)(B) shall be avail-
11 able to assist workers described in paragraph (2)
12 who are affected by an emergency or disaster, in-
13 cluding workers who have relocated from an area in
14 which an emergency or disaster has been declared or
15 otherwise recognized, as appropriate. Under condi-
16 tions determined by the Secretary and following no-
17 tification to the Secretary, a State may use such
18 funds, that are appropriated for any fiscal year and
19 available for expenditure under any grant awarded
20 to the State under this section, to provide any as-
21 sistance authorized under this subsection. Funds
22 used pursuant to the authority provided under this
23 paragraph shall be subject to the liability and reim-
24 bursement requirements described in paragraph (5).

1 (5) LIABILITY AND REIMBURSEMENT.—Nothing
2 in this Act shall be construed to relieve liability, by
3 a responsible party that is liable under Federal law,
4 for any costs incurred by the United States under
5 subsection (b)(1)(B) or this subsection, including the
6 responsibility to provide reimbursement for such
7 costs to the United States.

8 **SEC. 171. YOUTHBUILD PROGRAM.**

9 (a) STATEMENT OF PURPOSE.—The purposes of this
10 section are—

11 (1) to enable disadvantaged youth to obtain the
12 education and employment skills necessary to
13 achieve economic self-sufficiency in occupations in
14 demand and postsecondary education and training
15 opportunities;

16 (2) to provide disadvantaged youth with oppor-
17 tunities for meaningful work and service to their
18 communities;

19 (3) to foster the development of employment
20 and leadership skills and commitment to community
21 development among youth in low-income commu-
22 nities;

23 (4) to expand the supply of permanent afford-
24 able housing for homeless individuals and low-in-

1 come families by utilizing the energies and talents of
2 disadvantaged youth; and

3 (5) to improve the quality and energy efficiency
4 of community and other nonprofit and public facili-
5 ties, including those facilities that are used to serve
6 homeless and low-income families.

7 (b) DEFINITIONS.—In this section:

8 (1) ADJUSTED INCOME.—The term “adjusted
9 income” has the meaning given the term in section
10 3(b) of the United States Housing Act of 1937 (42
11 U.S.C. 1437a(b)).

12 (2) APPLICANT.—The term “applicant” means
13 an eligible entity that has submitted an application
14 under subsection (c).

15 (3) ELIGIBLE ENTITY.—The term “eligible enti-
16 ty” means a public or private nonprofit agency or
17 organization (including a consortium of such agen-
18 cies or organizations), including—

19 (A) a community-based organization;

20 (B) a faith-based organization;

21 (C) an entity carrying out activities under
22 this title, such as a local board;

23 (D) a community action agency;

24 (E) a State or local housing development
25 agency;

1 (F) an Indian tribe or other agency pri-
2 marily serving Indians;

3 (G) a community development corporation;

4 (H) a State or local youth service or con-
5 servation corps; and

6 (I) any other entity eligible to provide edu-
7 cation or employment training under a Federal
8 program (other than the program carried out
9 under this section).

10 (4) HOMELESS INDIVIDUAL.—The term “home-
11 less individual” means a homeless individual (as de-
12 fined in section 41403(6) of the Violence Against
13 Women Act of 1994 (42 U.S.C. 14043e–2(6))) or a
14 homeless child or youth (as defined in section 725(2)
15 of the McKinney-Vento Homeless Assistance Act (42
16 U.S.C. 11434a(2))).

17 (5) HOUSING DEVELOPMENT AGENCY.—The
18 term “housing development agency” means any
19 agency of a State or local government, or any pri-
20 vate nonprofit organization, that is engaged in pro-
21 viding housing for homeless individuals or low-in-
22 come families.

23 (6) INCOME.—The term “income” has the
24 meaning given the term in section 3(b) of the United
25 States Housing Act of 1937 (42 U.S.C. 1437a(b)).

1 (7) INDIAN; INDIAN TRIBE.—The terms “In-
2 dian” and “Indian tribe” have the meanings given
3 such terms in section 4 of the Indian Self-Deter-
4 mination and Education Assistance Act (25 U.S.C.
5 450b).

6 (8) LOW-INCOME FAMILY.—The term “low-in-
7 come family” means a family described in section
8 3(b)(2) of the United States Housing Act of 1937
9 (42 U.S.C. 1437a(b)(2)).

10 (9) QUALIFIED NATIONAL NONPROFIT AGEN-
11 CY.—The term “qualified national nonprofit agency”
12 means a nonprofit agency that—

13 (A) has significant national experience pro-
14 viding services consisting of training, informa-
15 tion, technical assistance, and data manage-
16 ment to YouthBuild programs or similar
17 projects; and

18 (B) has the capacity to provide those serv-
19 ices.

20 (10) REGISTERED APPRENTICESHIP PRO-
21 GRAM.—The term “registered apprenticeship pro-
22 gram” means an apprenticeship program—

23 (A) registered under the Act of August 16,
24 1937 (commonly known as the “National Ap-

1 prenticeship Act”; 50 Stat. 664, chapter 663;
2 29 U.S.C. 50 et seq.); and

3 (B) that meets such other criteria as may
4 be established by the Secretary under this sec-
5 tion.

6 (11) TRANSITIONAL HOUSING.—The term
7 “transitional housing” has the meaning given the
8 term in section 401(29) of the McKinney-Vento
9 Homeless Assistance Act (42 U.S.C. 11360(29)).

10 (12) YOUTHBUILD PROGRAM.—The term
11 “YouthBuild program” means any program that re-
12 ceives assistance under this section and provides dis-
13 advantaged youth with opportunities for employ-
14 ment, education, leadership development, and train-
15 ing through the rehabilitation (which, for purposes
16 of this section, shall include energy efficiency en-
17 hancements) or construction of housing for homeless
18 individuals and low-income families, and of public
19 facilities.

20 (c) YOUTHBUILD GRANTS.—

21 (1) AMOUNTS OF GRANTS.—The Secretary is
22 authorized to make grants to applicants for the pur-
23 pose of carrying out YouthBuild programs approved
24 under this section.

1 (2) ELIGIBLE ACTIVITIES.—An entity that re-
2 ceives a grant under this subsection shall use the
3 funds made available through the grant to carry out
4 a YouthBuild program, which may include the fol-
5 lowing activities:

6 (A) Education and workforce investment
7 activities including—

8 (i) work experience and skills training
9 (coordinated, to the maximum extent fea-
10 sible, with preapprenticeship and registered
11 apprenticeship programs) in the activities
12 described in subparagraphs (B) and (C)
13 related to rehabilitation or construction,
14 and, if approved by the Secretary, in addi-
15 tional in-demand industry sectors or occu-
16 pations in the region in which the program
17 operates;

18 (ii) occupational skills training;

19 (iii) other paid and unpaid work expe-
20 riences, including internships and job shad-
21 owing;

22 (iv) services and activities designed to
23 meet the educational needs of participants,
24 including—

1 (I) basic skills instruction and re-
2 medial education;

3 (II) language instruction edu-
4 cational programs for participants
5 who are English language learners;

6 (III) secondary education services
7 and activities, including tutoring,
8 study skills training, and school drop-
9 out prevention and recovery activities,
10 designed to lead to the attainment of
11 a secondary school diploma or its re-
12 cognized equivalent (including recog-
13 nized certificates of attendance or
14 similar documents for individuals with
15 disabilities);

16 (IV) counseling and assistance in
17 obtaining postsecondary education
18 and required financial aid; and

19 (V) alternative secondary school
20 services;

21 (v) counseling services and related ac-
22 tivities, such as comprehensive guidance
23 and counseling on drug and alcohol abuse
24 and referral;

1 (vi) activities designed to develop em-
2 ployment and leadership skills, which may
3 include community service and peer-cen-
4 tered activities encouraging responsibility
5 and other positive social behaviors, and ac-
6 tivities related to youth policy committees
7 that participate in decision-making related
8 to the program;

9 (vii) supportive services and provision
10 of need-based stipends necessary to enable
11 individuals to participate in the program
12 and to assist individuals, for a period not
13 to exceed 12 months after the completion
14 of training, in obtaining or retaining em-
15 ployment, or applying for and transitioning
16 to postsecondary education or training;
17 and

18 (viii) job search and assistance.

19 (B) Supervision and training for partici-
20 pants in the rehabilitation or construction of
21 housing, including residential housing for home-
22 less individuals or low-income families, or tran-
23 sitional housing for homeless individuals, and, if
24 approved by the Secretary, in additional in-de-

1 mand industry sectors or occupations in the re-
2 gion in which the program operates.

3 (C) Supervision and training for partici-
4 pants—

5 (i) in the rehabilitation or construc-
6 tion of community and other public facili-
7 ties, except that not more than 15 percent
8 of funds appropriated to carry out this sec-
9 tion may be used for such supervision and
10 training; and

11 (ii) if approved by the Secretary, in
12 additional in-demand industry sectors or
13 occupations in the region in which the pro-
14 gram operates.

15 (D) Payment of administrative costs of the
16 applicant, including recruitment and selection
17 of participants, except that not more than 10
18 percent of the amount of assistance provided
19 under this subsection to the grant recipient may
20 be used for such costs.

21 (E) Adult mentoring.

22 (F) Provision of wages, stipends, or bene-
23 fits to participants in the program.

1 (G) Ongoing training and technical assist-
2 ance that are related to developing and carrying
3 out the program.

4 (H) Follow-up services.

5 (3) APPLICATION.—

6 (A) FORM AND PROCEDURE.—To be quali-
7 fied to receive a grant under this subsection, an
8 eligible entity shall submit an application at
9 such time, in such manner, and containing such
10 information as the Secretary may require.

11 (B) MINIMUM REQUIREMENTS.—The Sec-
12 retary shall require that the application contain,
13 at a minimum—

14 (i) labor market information for the
15 labor market area where the proposed pro-
16 gram will be implemented, including both
17 current data (as of the date of submission
18 of the application) and projections on ca-
19 reer opportunities in construction and in-
20 demand industry sectors or occupations;

21 (ii) a request for the grant, specifying
22 the amount of the grant requested and its
23 proposed uses;

24 (iii) a description of the applicant and
25 a statement of its qualifications, including

1 a description of the applicant's relationship
2 with local boards, one-stop operators, local
3 unions, entities carrying out registered ap-
4 prenticeship programs, other community
5 groups, and employers, and the applicant's
6 past experience, if any, with rehabilitation
7 or construction of housing or public facili-
8 ties, and with youth education and employ-
9 ment training programs;

10 (iv) a description of the proposed site
11 for the proposed program;

12 (v) a description of the educational
13 and job training activities, work opportuni-
14 ties, postsecondary education and training
15 opportunities, and other services that will
16 be provided to participants, and how those
17 activities, opportunities, and services will
18 prepare youth for employment in in-de-
19 mand industry sectors or occupations in
20 the labor market area described in clause
21 (i);

22 (vi)(I) a description of the proposed
23 activities to be undertaken under the grant
24 related to rehabilitation or construction,
25 and, in the case of an applicant requesting

1 approval from the Secretary to also carry
2 out additional activities related to in-de-
3 mand industry sectors or occupations, a
4 description of such additional proposed ac-
5 tivities; and

6 (II) the anticipated schedule for car-
7 rying out all activities proposed under sub-
8 clause (I);

9 (vii) a description of the manner in
10 which eligible youth will be recruited and
11 selected as participants, including a de-
12 scription of arrangements that will be
13 made with local boards, one-stop operators,
14 faith- and community-based organizations,
15 State educational agencies or local edu-
16 cational agencies (including agencies of In-
17 dian tribes), public assistance agencies, the
18 courts of jurisdiction, agencies operating
19 shelters for homeless individuals and other
20 agencies that serve youth who are homeless
21 individuals, foster care agencies, and other
22 appropriate public and private agencies;

23 (viii) a description of the special out-
24 reach efforts that will be undertaken to re-
25 cruit eligible young women (including

1 young women with dependent children) as
2 participants;

3 (ix) a description of the specific role
4 of employers in the proposed program,
5 such as their role in developing the pro-
6 posed program and assisting in service pro-
7 vision and in placement activities;

8 (x) a description of how the proposed
9 program will be coordinated with other
10 Federal, State, and local activities and ac-
11 tivities conducted by Indian tribes, such as
12 local workforce investment activities, career
13 and technical education and training pro-
14 grams, adult and language instruction edu-
15 cational programs, activities conducted by
16 public schools, activities conducted by com-
17 munity colleges, national service programs,
18 and other job training provided with funds
19 available under this title;

20 (xi) assurances that there will be a
21 sufficient number of adequately trained su-
22 pervisory personnel in the proposed pro-
23 gram;

24 (xii) a description of the levels of per-
25 formance to be achieved with respect to the

1 primary indicators of performance for eligi-
2 ble youth described in section
3 116(b)(2)(A)(ii);

4 (xiii) a description of the applicant's
5 relationship with local building trade
6 unions regarding their involvement in
7 training to be provided through the pro-
8 posed program, the relationship of the pro-
9 posed program to established registered
10 apprenticeship programs and employers,
11 the ability of the applicant to grant an in-
12 dustry-recognized certificate or certifi-
13 cation through the program, and the qual-
14 ity of the program leading to the certifi-
15 cate or certification;

16 (xiv) a description of activities that
17 will be undertaken to develop the leader-
18 ship skills of participants;

19 (xv) a detailed budget and a descrip-
20 tion of the system of fiscal controls, and
21 auditing and accountability procedures,
22 that will be used to ensure fiscal soundness
23 for the proposed program;

24 (xvi) a description of the commit-
25 ments for any additional resources (in ad-

1 dition to the funds made available through
2 the grant) to be made available to the pro-
3 posed program from—

4 (I) the applicant;

5 (II) recipients of other Federal,
6 State, or local housing and community
7 development assistance that will spon-
8 sor any part of the rehabilitation or
9 construction, operation and mainte-
10 nance, or other housing and commu-
11 nity development activities undertaken
12 as part of the proposed program; or

13 (III) entities carrying out other
14 Federal, State, or local activities or
15 activities conducted by Indian tribes,
16 including career and technical edu-
17 cation and training programs, adult
18 and language instruction educational
19 programs, and job training provided
20 with funds available under this title;

21 (xvii) information identifying, and a
22 description of, the financing proposed for
23 any—

24 (I) rehabilitation of the property
25 involved;

1 (II) acquisition of the property;

2 or

3 (III) construction of the prop-

4 erty;

5 (xviii) information identifying, and a

6 description of, the entity that will operate

7 and manage the property;

8 (xix) information identifying, and a

9 description of, the data collection systems

10 to be used;

11 (xx) a certification, by a public official

12 responsible for the housing strategy for the

13 State or unit of general local government

14 within which the proposed program is lo-

15 cated, that the proposed program is con-

16 sistent with the housing strategy; and

17 (xxi) a certification that the applicant

18 will comply with the requirements of the

19 Fair Housing Act (42 U.S.C. 3601 et seq.)

20 and will affirmatively further fair housing.

21 (4) SELECTION CRITERIA.—For an applicant to

22 be eligible to receive a grant under this subsection,

23 the applicant and the applicant's proposed program

24 shall meet such selection criteria as the Secretary

1 shall establish under this section, which shall include
2 criteria relating to—

3 (A) the qualifications or potential capabili-
4 ties of an applicant;

5 (B) an applicant's potential for developing
6 a successful YouthBuild program;

7 (C) the need for an applicant's proposed
8 program, as determined by the degree of eco-
9 nomic distress of the community from which
10 participants would be recruited (measured by
11 indicators such as poverty, youth unemploy-
12 ment, and the number of individuals who have
13 dropped out of secondary school) and of the
14 community in which the housing and commu-
15 nity and public facilities proposed to be reha-
16 bilitated or constructed is located (measured by
17 indicators such as incidence of homelessness,
18 shortage of affordable housing, and poverty);

19 (D) the commitment of an applicant to
20 providing skills training, leadership develop-
21 ment, and education to participants;

22 (E) the focus of a proposed program on
23 preparing youth for in-demand industry sectors
24 or occupations, or postsecondary education and
25 training opportunities;

1 (F) the extent of an applicant's coordina-
2 tion of activities to be carried out through the
3 proposed program with local boards, one-stop
4 operators, and one-stop partners participating
5 in the operation of the one-stop delivery system
6 involved, or the extent of the applicant's good
7 faith efforts in achieving such coordination;

8 (G) the extent of the applicant's coordina-
9 tion of activities with public education, criminal
10 justice, housing and community development,
11 national service, or postsecondary education or
12 other systems that relate to the goals of the
13 proposed program;

14 (H) the extent of an applicant's coordina-
15 tion of activities with employers in the local
16 area involved;

17 (I) the extent to which a proposed program
18 provides for inclusion of tenants who were pre-
19 viously homeless individuals in the rental hous-
20 ing provided through the program;

21 (J) the commitment of additional resources
22 (in addition to the funds made available
23 through the grant) to a proposed program by—

24 (i) an applicant;

1 (ii) recipients of other Federal, State,
2 or local housing and community develop-
3 ment assistance who will sponsor any part
4 of the rehabilitation or construction, oper-
5 ation and maintenance, or other housing
6 and community development activities un-
7 dertaken as part of the proposed program;
8 or

9 (iii) entities carrying out other Fed-
10 eral, State, or local activities or activities
11 conducted by Indian tribes, including ca-
12 reer and technical education and training
13 programs, adult and language instruction
14 educational programs, and job training
15 provided with funds available under this
16 title;

17 (K) the applicant's potential to serve dif-
18 ferent regions, including rural areas and States
19 that have not previously received grants for
20 YouthBuild programs; and

21 (L) such other factors as the Secretary de-
22 termines to be appropriate for purposes of car-
23 rying out the proposed program in an effective
24 and efficient manner.

1 ability, a child of incarcerated parents, or
2 a migrant youth; and

3 (iii) a school dropout, or an individual
4 who was a school dropout and has subse-
5 quently reenrolled.

6 (B) EXCEPTION FOR INDIVIDUALS NOT
7 MEETING INCOME OR EDUCATIONAL NEED RE-
8 QUIREMENTS.—Not more than 25 percent of
9 the participants in such program may be indi-
10 viduals who do not meet the requirements of
11 clause (ii) or (iii) of subparagraph (A), but
12 who—

13 (i) are basic skills deficient, despite
14 attainment of a secondary school diploma
15 or its recognized equivalent (including rec-
16 ognized certificates of attendance or simi-
17 lar documents for individuals with disabil-
18 ities); or

19 (ii) have been referred by a local sec-
20 ondary school for participation in a
21 YouthBuild program leading to the attain-
22 ment of a secondary school diploma.

23 (2) PARTICIPATION LIMITATION.—An eligible
24 individual selected for participation in a YouthBuild
25 program shall be offered full-time participation in

1 the program for a period of not less than 6 months
2 and not more than 24 months.

3 (3) MINIMUM TIME DEVOTED TO EDUCATIONAL
4 SERVICES AND ACTIVITIES.—A YouthBuild program
5 receiving assistance under subsection (c) shall be
6 structured so that participants in the program are
7 offered—

8 (A) education and related services and ac-
9 tivities designed to meet educational needs,
10 such as those specified in clauses (iv) through
11 (vii) of subsection (c)(2)(A), during at least 50
12 percent of the time during which the partici-
13 pants participate in the program; and

14 (B) work and skill development activities,
15 such as those specified in clauses (i), (ii), (iii),
16 and (viii) of subsection (c)(2)(A), during at
17 least 40 percent of the time during which the
18 participants participate in the program.

19 (4) AUTHORITY RESTRICTION.—No provision of
20 this section may be construed to authorize any agen-
21 cy, officer, or employee of the United States to exer-
22 cise any direction, supervision, or control over the
23 curriculum, program of instruction, administration,
24 or personnel of any educational institution (including
25 a school) or school system, or over the selection of

1 library resources, textbooks, or other printed or pub-
2 lished instructional materials by any educational in-
3 stitution or school system.

4 (5) STATE AND LOCAL STANDARDS.—All edu-
5 cational programs and activities supported with
6 funds provided under subsection (c) shall be con-
7 sistent with applicable State and local educational
8 standards. Standards and procedures for the pro-
9 grams and activities that relate to awarding aca-
10 demic credit for and certifying educational attain-
11 ment in such programs and activities shall be con-
12 sistent with applicable State and local educational
13 standards.

14 (f) LEVELS OF PERFORMANCE AND INDICATORS.—

15 (1) IN GENERAL.—The Secretary shall annually
16 establish expected levels of performance for
17 YouthBuild programs relating to each of the pri-
18 mary indicators of performance for eligible youth ac-
19 tivities described in section 116(b)(2)(A)(ii).

20 (2) ADDITIONAL INDICATORS.—The Secretary
21 may establish expected levels of performance for ad-
22 ditional indicators for YouthBuild programs, as the
23 Secretary determines appropriate.

24 (g) MANAGEMENT AND TECHNICAL ASSISTANCE.—

1 (1) SECRETARY ASSISTANCE.—The Secretary
2 may enter into contracts with 1 or more entities to
3 provide assistance to the Secretary in the manage-
4 ment, supervision, and coordination of the program
5 carried out under this section.

6 (2) TECHNICAL ASSISTANCE.—

7 (A) CONTRACTS AND GRANTS.—The Sec-
8 retary shall enter into contracts with or make
9 grants to 1 or more qualified national nonprofit
10 agencies, in order to provide training, informa-
11 tion, technical assistance, program evaluation,
12 and data management to recipients of grants
13 under subsection (c).

14 (B) RESERVATION OF FUNDS.—Of the
15 amounts available under subsection (i) to carry
16 out this section for a fiscal year, the Secretary
17 shall reserve 5 percent to carry out subpara-
18 graph (A).

19 (3) CAPACITY BUILDING GRANTS.—

20 (A) IN GENERAL.—In each fiscal year, the
21 Secretary may use not more than 3 percent of
22 the amounts available under subsection (i) to
23 award grants to 1 or more qualified national
24 nonprofit agencies to pay for the Federal share
25 of the cost of capacity building activities.

1 (B) FEDERAL SHARE.—The Federal share
2 of the cost described in subparagraph (A) shall
3 be 25 percent. The non-Federal share shall be
4 provided from private sources.

5 (h) SUBGRANTS AND CONTRACTS.—Each recipient of
6 a grant under subsection (c) to carry out a YouthBuild
7 program shall provide the services and activities described
8 in this section directly or through subgrants, contracts,
9 or other arrangements with local educational agencies, in-
10 stitutions of higher education, State or local housing devel-
11 opment agencies, other public agencies, including agencies
12 of Indian tribes, or private organizations.

13 (i) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this sec-
15 tion—

- 16 (1) \$77,534,000 for fiscal year 2015;
- 17 (2) \$83,523,000 for fiscal year 2016;
- 18 (3) \$85,256,000 for fiscal year 2017;
- 19 (4) \$87,147,000 for fiscal year 2018;
- 20 (5) \$89,196,000 for fiscal year 2019; and
- 21 (6) \$91,087,000 for fiscal year 2020.

22 **SEC. 172. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) NATIVE AMERICAN PROGRAMS.—There are au-
24 thorized to be appropriated to carry out section 166 (not
25 including subsection (k) of such section)—

- 1 (1) \$46,082,000 for fiscal year 2015;
- 2 (2) \$49,641,000 for fiscal year 2016;
- 3 (3) \$50,671,000 for fiscal year 2017;
- 4 (4) \$51,795,000 for fiscal year 2018;
- 5 (5) \$53,013,000 for fiscal year 2019; and
- 6 (6) \$54,137,000 for fiscal year 2020.

7 (b) MIGRANT AND SEASONAL FARMWORKER PRO-
8 GRAMS.—There are authorized to be appropriated to carry
9 out section 167—

- 10 (1) \$81,896,000 for fiscal year 2015;
- 11 (2) \$88,222,000 for fiscal year 2016;
- 12 (3) \$90,052,000 for fiscal year 2017;
- 13 (4) \$92,050,000 for fiscal year 2018;
- 14 (5) \$94,214,000 for fiscal year 2019; and
- 15 (6) \$96,211,000 for fiscal year 2020.

16 (c) TECHNICAL ASSISTANCE.—There are authorized
17 to be appropriated to carry out section 168—

- 18 (1) \$3,000,000 for fiscal year 2015;
- 19 (2) \$3,232,000 for fiscal year 2016;
- 20 (3) \$3,299,000 for fiscal year 2017;
- 21 (4) \$3,372,000 for fiscal year 2018;
- 22 (5) \$3,451,000 for fiscal year 2019; and
- 23 (6) \$3,524,000 for fiscal year 2020.

24 (d) EVALUATIONS AND RESEARCH.—There are au-
25 thorized to be appropriated to carry out section 169—

- 1 (1) \$91,000,000 for fiscal year 2015;
- 2 (2) \$98,029,000 for fiscal year 2016;
- 3 (3) \$100,063,000 for fiscal year 2017;
- 4 (4) \$102,282,000 for fiscal year 2018;
- 5 (5) \$104,687,000 for fiscal year 2019; and
- 6 (6) \$106,906,000 for fiscal year 2020.

7 (e) ASSISTANCE FOR VETERANS.—If, as of the date
8 of enactment of this Act, any unobligated funds appro-
9 priated to carry out section 168 of the Workforce Invest-
10 ment Act of 1998, as in effect on the day before the date
11 of enactment of this Act, remain available, the Secretary
12 of Labor shall continue to use such funds to carry out
13 such section, as in effect on such day, until all of such
14 funds are expended.

15 (f) ASSISTANCE FOR ELIGIBLE WORKERS.—If, as of
16 the date of enactment of this Act, any unobligated funds
17 appropriated to carry out subsections (f) and (g) of section
18 173 of the Workforce Investment Act of 1998, as in effect
19 on the day before the date of enactment of this Act, re-
20 main available, the Secretary of Labor shall continue to
21 use such funds to carry out such subsections, as in effect
22 on such day, until all of such funds are expended.

23 **Subtitle E—Administration**

24 **SEC. 181. REQUIREMENTS AND RESTRICTIONS.**

25 (a) BENEFITS.—

1 (1) WAGES.—

2 (A) IN GENERAL.—Individuals in on-the-
3 job training or individuals employed in activities
4 under this title shall be compensated at the
5 same rates, including periodic increases, as
6 trainees or employees who are similarly situated
7 in similar occupations by the same employer
8 and who have similar training, experience, and
9 skills, and such rates shall be in accordance
10 with applicable law, but in no event less than
11 the higher of the rate specified in section
12 6(a)(1) of the Fair Labor Standards Act of
13 1938 (29 U.S.C. 206(a)(1)) or the applicable
14 State or local minimum wage law.

15 (B) RULE OF CONSTRUCTION.—The ref-
16 erence in subparagraph (A) to section 6(a)(1)
17 of the Fair Labor Standards Act of 1938 (29
18 U.S.C. 206(a)(1)) shall not be applicable for in-
19 dividuals in territorial jurisdictions in which
20 section 6(a)(1) of the Fair Labor Standards
21 Act of 1938 (29 U.S.C. 206(a)(1)) does not
22 apply.

23 (2) TREATMENT OF ALLOWANCES, EARNINGS,
24 AND PAYMENTS.—Allowances, earnings, and pay-
25 ments to individuals participating in programs under

1 this title shall not be considered as income for the
2 purposes of determining eligibility for and the
3 amount of income transfer and in-kind aid furnished
4 under any Federal or federally assisted program
5 based on need, other than as provided under the So-
6 cial Security Act (42 U.S.C. 301 et seq.).

7 (b) LABOR STANDARDS.—

8 (1) LIMITATIONS ON ACTIVITIES THAT IMPACT
9 WAGES OF EMPLOYEES.—No funds provided under
10 this title shall be used to pay the wages of incum-
11 bent employees during their participation in eco-
12 nomic development activities provided through a
13 statewide workforce development system.

14 (2) DISPLACEMENT.—

15 (A) PROHIBITION.—A participant in a pro-
16 gram or activity authorized under this title (re-
17 ferred to in this section as a “specified activ-
18 ity”) shall not displace (including a partial dis-
19 placement, such as a reduction in the hours of
20 nonovertime work, wages, or employment bene-
21 fits) any currently employed employee (as of the
22 date of the participation).

23 (B) PROHIBITION ON IMPAIRMENT OF
24 CONTRACTS.—A specified activity shall not im-
25 pair an existing contract for services or collec-

1 tive bargaining agreement, and no such activity
2 that would be inconsistent with the terms of a
3 collective bargaining agreement shall be under-
4 taken without the written concurrence of the
5 labor organization and employer concerned.

6 (3) OTHER PROHIBITIONS.—A participant in a
7 specified activity shall not be employed in a job if—

8 (A) any other individual is on layoff from
9 the same or any substantially equivalent job;

10 (B) the employer has terminated the em-
11 ployment of any regular employee or otherwise
12 reduced the workforce of the employer with the
13 intention of filling the vacancy so created with
14 the participant; or

15 (C) the job is created in a promotional line
16 that will infringe in any way upon the pro-
17 motional opportunities of currently employed in-
18 dividuals (as of the date of the participation).

19 (4) HEALTH AND SAFETY.—Health and safety
20 standards established under Federal and State law
21 otherwise applicable to working conditions of em-
22 ployees shall be equally applicable to working condi-
23 tions of participants engaged in specified activities.
24 To the extent that a State workers' compensation
25 law applies, workers' compensation shall be provided

1 to participants on the same basis as the compensa-
2 tion is provided to other individuals in the State in
3 similar employment.

4 (5) EMPLOYMENT CONDITIONS.—Individuals in
5 on-the-job training or individuals employed in pro-
6 grams and activities under this title shall be pro-
7 vided benefits and working conditions at the same
8 level and to the same extent as other trainees or em-
9 ployees working a similar length of time and doing
10 the same type of work.

11 (6) OPPORTUNITY TO SUBMIT COMMENTS.—In-
12 terested members of the public, including represent-
13 atives of businesses and of labor organizations, shall
14 be provided an opportunity to submit comments to
15 the Secretary with respect to programs and activities
16 proposed to be funded under subtitle B.

17 (7) NO IMPACT ON UNION ORGANIZING.—Each
18 recipient of funds under this title shall provide to
19 the Secretary assurances that none of such funds
20 will be used to assist, promote, or deter union orga-
21 nizing.

22 (c) GRIEVANCE PROCEDURE.—

23 (1) IN GENERAL.—Each State and local area
24 receiving an allotment or allocation under this title
25 shall establish and maintain a procedure for griev-

1 ances or complaints alleging violations of the re-
2 quirements of this title from participants and other
3 interested or affected parties. Such procedure shall
4 include an opportunity for a hearing and be com-
5 pleted within 60 days after the filing of the griev-
6 ance or complaint.

7 (2) INVESTIGATION.—

8 (A) IN GENERAL.—The Secretary shall in-
9 investigate an allegation of a violation described
10 in paragraph (1) if—

11 (i) a decision relating to such violation
12 has not been reached within 60 days after
13 the date of the filing of the grievance or
14 complaint and either party appeals to the
15 Secretary; or

16 (ii) a decision relating to such viola-
17 tion has been reached within such 60 days
18 and the party to which such decision is ad-
19 verse appeals such decision to the Sec-
20 retary.

21 (B) ADDITIONAL REQUIREMENT.—The
22 Secretary shall make a final determination re-
23 lating to an appeal made under subparagraph
24 (A) no later than 120 days after receiving such
25 appeal.

1 (3) REMEDIES.—Remedies that may be im-
2 posed under this section for a violation of any re-
3 quirement of this title shall be limited—

4 (A) to suspension or termination of pay-
5 ments under this title;

6 (B) to prohibition of placement of a partic-
7 ipant with an employer that has violated any
8 requirement under this title;

9 (C) where applicable, to reinstatement of
10 an employee, payment of lost wages and bene-
11 fits, and reestablishment of other relevant
12 terms, conditions, and privileges of employment;
13 and

14 (D) where appropriate, to other equitable
15 relief.

16 (4) RULE OF CONSTRUCTION.—Nothing in
17 paragraph (3) shall be construed to prohibit a griev-
18 ant or complainant from pursuing a remedy author-
19 ized under another Federal, State, or local law for
20 a violation of this title.

21 (d) RELOCATION.—

22 (1) PROHIBITION ON USE OF FUNDS TO EN-
23 COURAGE OR INDUCE RELOCATION.—No funds pro-
24 vided under this title shall be used, or proposed for
25 use, to encourage or induce the relocation of a busi-

1 ness or part of a business if such relocation would
2 result in a loss of employment for any employee of
3 such business at the original location and such origi-
4 nal location is within the United States.

5 (2) PROHIBITION ON USE OF FUNDS AFTER RE-
6 LOCATION.—No funds provided under this title for
7 an employment or training activity shall be used for
8 customized or skill training, on-the-job training, in-
9 cumbent worker training, transitional employment,
10 or company-specific assessments of job applicants or
11 employees, for any business or part of a business
12 that has relocated, until the date that is 120 days
13 after the date on which such business commences
14 operations at the new location, if the relocation of
15 such business or part of a business results in a loss
16 of employment for any employee of such business at
17 the original location and such original location is
18 within the United States.

19 (3) REPAYMENT.—If the Secretary determines
20 that a violation of paragraph (1) or (2) has oc-
21 curred, the Secretary shall require the State that
22 has violated such paragraph (or that has provided
23 funding to an entity that has violated such para-
24 graph) to repay to the United States an amount

1 equal to the amount expended in violation of such
2 paragraph.

3 (e) LIMITATION ON USE OF FUNDS.—No funds avail-
4 able to carry out an activity under this title shall be used
5 for employment generating activities, investment in revol-
6 ving loan funds, capitalization of businesses, investment in
7 contract bidding resource centers, economic development
8 activities, or similar activities, that are not directly related
9 to training for eligible individuals under this title. No
10 funds received to carry out an activity under subtitle B
11 shall be used for foreign travel.

12 (f) TESTING AND SANCTIONING FOR USE OF CON-
13 TROLLED SUBSTANCES.—

14 (1) IN GENERAL.—Notwithstanding any other
15 provision of law, a State shall not be prohibited by
16 the Federal Government from—

17 (A) testing participants in programs under
18 subtitle B for the use of controlled substances;
19 and

20 (B) sanctioning such participants who test
21 positive for the use of such controlled sub-
22 stances.

23 (2) ADDITIONAL REQUIREMENTS.—

24 (A) PERIOD OF SANCTION.—In sanctioning
25 participants in a program under subtitle B who

1 test positive for the use of controlled sub-
2 stances—

3 (i) with respect to the first occurrence
4 for which a participant tests positive, a
5 State may exclude the participant from the
6 program for a period not to exceed 6
7 months; and

8 (ii) with respect to the second occur-
9 rence and each subsequent occurrence for
10 which a participant tests positive, a State
11 may exclude the participant from the pro-
12 gram for a period not to exceed 2 years.

13 (B) APPEAL.—The testing of participants
14 and the imposition of sanctions under this sub-
15 section shall be subject to expeditious appeal in
16 accordance with due process procedures estab-
17 lished by the State.

18 (C) PRIVACY.—A State shall establish pro-
19 cedures for testing participants for the use of
20 controlled substances that ensure a maximum
21 degree of privacy for the participants.

22 (3) FUNDING REQUIREMENT.—In testing and
23 sanctioning of participants for the use of controlled
24 substances in accordance with this subsection, the
25 only Federal funds that a State may use are the

1 amounts made available for the administration of
2 statewide workforce investment activities under sec-
3 tion 134(a)(3)(B).

4 (g) SUBGRANT AUTHORITY.—A recipient of grant
5 funds under this title shall have the authority to enter into
6 subgrants in order to carry out the grant, subject to such
7 conditions as the Secretary may establish.

8 **SEC. 182. PROMPT ALLOCATION OF FUNDS.**

9 (a) ALLOTMENTS BASED ON LATEST AVAILABLE
10 DATA.—All allotments to States and grants to outlying
11 areas under this title shall be based on the latest available
12 data and estimates satisfactory to the Secretary. All data
13 relating to disadvantaged adults and disadvantaged youth
14 shall be based on the most recent satisfactory data from
15 the Bureau of the Census.

16 (b) PUBLICATION IN FEDERAL REGISTER RELATING
17 TO FORMULA FUNDS.—Whenever the Secretary allots
18 funds required to be allotted under this title, the Secretary
19 shall publish in a timely fashion in the Federal Register
20 the amount proposed to be distributed to each recipient
21 of the funds.

22 (c) REQUIREMENT FOR FUNDS DISTRIBUTED BY
23 FORMULA.—All funds required to be allotted under sec-
24 tion 127 or 132 shall be allotted within 45 days after the
25 date of enactment of the Act appropriating the funds, ex-

1 cept that, if such funds are appropriated in advance as
2 authorized by section 189(g), such funds shall be allotted
3 or allocated not later than the March 31 preceding the
4 program year for which such funds are to be available for
5 obligation.

6 (d) PUBLICATION IN FEDERAL REGISTER RELATING
7 TO DISCRETIONARY FUNDS.—Whenever the Secretary
8 utilizes a formula to allot or allocate funds made available
9 for distribution at the Secretary's discretion under this
10 title, the Secretary shall, not later than 30 days prior to
11 such allotment or allocation, publish for comment in the
12 Federal Register the formula, the rationale for the for-
13 mula, and the proposed amounts to be distributed to each
14 State and local area. After consideration of any comments
15 received, the Secretary shall publish final allotments and
16 allocations in the Federal Register.

17 (e) AVAILABILITY OF FUNDS.—Funds shall be made
18 available under section 128, and funds shall be made avail-
19 able under section 133, for a local area not later than 30
20 days after the date the funds are made available to the
21 Governor involved, under section 127 or 132 (as the case
22 may be), or 7 days after the date the local plan for the
23 area is approved, whichever is later.

1 **SEC. 183. MONITORING.**

2 (a) IN GENERAL.—The Secretary is authorized to
3 monitor all recipients of financial assistance under this
4 title to determine whether the recipients are complying
5 with the provisions of this title, including the regulations
6 issued under this title.

7 (b) INVESTIGATIONS.—The Secretary may inves-
8 tigate any matter the Secretary determines to be necessary
9 to determine the compliance of the recipients with this
10 title, including the regulations issued under this title. The
11 investigations authorized by this subsection may include
12 examining records (including making certified copies of
13 the records), questioning employees, and entering any
14 premises or onto any site in which any part of a program
15 or activity of such a recipient is conducted or in which
16 any of the records of the recipient are kept.

17 (c) ADDITIONAL REQUIREMENT.—For the purpose of
18 any investigation or hearing conducted under this title by
19 the Secretary, the provisions of section 9 of the Federal
20 Trade Commission Act (15 U.S.C. 49) (relating to the at-
21 tendance of witnesses and the production of documents)
22 apply to the Secretary, in the same manner and to the
23 same extent as the provisions apply to the Federal Trade
24 Commission.

1 **SEC. 184. FISCAL CONTROLS; SANCTIONS.**

2 (a) ESTABLISHMENT OF FISCAL CONTROLS BY
3 STATES.—

4 (1) IN GENERAL.—Each State shall establish
5 such fiscal control and fund accounting procedures
6 as may be necessary to assure the proper disbursement
7 of, and accounting for, Federal funds allocated to
8 local areas under subtitle B. Such procedures shall
9 ensure that all financial transactions carried out
10 under subtitle B are conducted and records main-
11 tained in accordance with generally accepted ac-
12 counting principles applicable in each State.

13 (2) COST PRINCIPLES.—

14 (A) IN GENERAL.—Each State (including
15 the Governor of the State), local area (including
16 the chief elected official for the area), and pro-
17 vider receiving funds under this title shall com-
18 ply with the applicable uniform cost principles
19 included in appropriate circulars or rules of the
20 Office of Management and Budget for the type
21 of entity receiving the funds.

22 (B) EXCEPTION.—The funds made avail-
23 able to a State for administration of statewide
24 workforce investment activities in accordance
25 with section 134(a)(3)(B) shall be allocable to
26 the overall administration of workforce invest-

1 ment activities, but need not be specifically allo-
2 cable to—

3 (i) the administration of adult employ-
4 ment and training activities;

5 (ii) the administration of dislocated
6 worker employment and training activities;

7 or

8 (iii) the administration of youth work-
9 force investment activities.

10 (3) UNIFORM ADMINISTRATIVE REQUIRE-
11 MENTS.—

12 (A) IN GENERAL.—Each State (including
13 the Governor of the State), local area (including
14 the chief elected official for the area), and pro-
15 vider receiving funds under this title shall com-
16 ply with the appropriate uniform administrative
17 requirements for grants and agreements appli-
18 cable for the type of entity receiving the funds,
19 as promulgated in circulars or rules of the Of-
20 fice of Management and Budget.

21 (B) ADDITIONAL REQUIREMENT.—Pro-
22 curement transactions under this title between
23 local boards and units of State or local govern-
24 ments shall be conducted only on a cost-reim-
25 bursable basis.

1 (4) MONITORING.—Each Governor of a State
2 shall conduct on an annual basis onsite monitoring
3 of each local area within the State to ensure compli-
4 ance with the uniform administrative requirements
5 referred to in paragraph (3).

6 (5) ACTION BY GOVERNOR.—If the Governor
7 determines that a local area is not in compliance
8 with the uniform administrative requirements re-
9 ferred to in paragraph (3), the Governor shall—

10 (A) require corrective action to secure
11 prompt compliance with the requirements; and

12 (B) impose the sanctions provided under
13 subsection (b) in the event of failure to take the
14 required corrective action.

15 (6) CERTIFICATION.—The Governor shall, every
16 2 years, certify to the Secretary that—

17 (A) the State has implemented the uniform
18 administrative requirements referred to in para-
19 graph (3);

20 (B) the State has monitored local areas to
21 ensure compliance with the uniform administra-
22 tive requirements as required under paragraph
23 (4); and

1 (C) the State has taken appropriate action
2 to secure compliance with the requirements pur-
3 suant to paragraph (5).

4 (7) ACTION BY THE SECRETARY.—If the Sec-
5 retary determines that the Governor has not fulfilled
6 the requirements of this subsection, the Secretary
7 shall—

8 (A) require corrective action to secure
9 prompt compliance with the requirements of
10 this subsection; and

11 (B) impose the sanctions provided under
12 subsection (e) in the event of failure of the Gov-
13 ernor to take the required appropriate action to
14 secure compliance with the requirements.

15 (b) SUBSTANTIAL VIOLATION.—

16 (1) ACTION BY GOVERNOR.—If, as a result of
17 financial and compliance audits or otherwise, the
18 Governor determines that there is a substantial vio-
19 lation of a specific provision of this title, and correc-
20 tive action has not been taken, the Governor shall—

21 (A) issue a notice of intent to revoke ap-
22 proval of all or part of the local plan affected;
23 or

24 (B) impose a reorganization plan, which
25 may include—

- 1 (i) decertifying the local board in-
2 volved;
- 3 (ii) prohibiting the use of eligible pro-
4 viders;
- 5 (iii) selecting an alternative entity to
6 administer the program for the local area
7 involved;
- 8 (iv) merging the local area into one or
9 more other local areas; or
- 10 (v) making such other changes as the
11 Secretary or Governor determines to be
12 necessary to secure compliance with the
13 provision.

14 (2) APPEAL.—

15 (A) IN GENERAL.—The actions taken by
16 the Governor pursuant to subparagraphs (A)
17 and (B) of paragraph (1) may be appealed to
18 the Secretary and shall not become effective
19 until—

- 20 (i) the time for appeal has expired; or
21 (ii) the Secretary has issued a deci-
22 sion.

23 (B) ADDITIONAL REQUIREMENT.—The
24 Secretary shall make a final decision under sub-

1 paragraph (A) not later than 45 days after the
2 receipt of the appeal.

3 (3) ACTION BY THE SECRETARY.—If the Gov-
4 ernor fails to take promptly an action required
5 under paragraph (1), the Secretary shall take such
6 action.

7 (c) REPAYMENT OF CERTAIN AMOUNTS TO THE
8 UNITED STATES.—

9 (1) IN GENERAL.—Every recipient of funds
10 under this title shall repay to the United States
11 amounts found not to have been expended in accord-
12 ance with this title.

13 (2) OFFSET OF REPAYMENT AMOUNT.—If the
14 Secretary determines that a State has expended
15 funds received under this title in a manner contrary
16 to the requirements of this title, the Secretary may
17 require repayment by offsetting the amount of such
18 expenditures against any other amount to which the
19 State is or may be entitled under this title, except
20 as provided under subsection (d)(1).

21 (3) REPAYMENT FROM DEDUCTION BY
22 STATE.—If the Secretary requires a State to repay
23 funds as a result of a determination that a local
24 area of the State has expended funds in a manner
25 contrary to the requirements of this title, the Gov-

1 error of the State may use an amount deducted
2 under paragraph (4) to repay the funds, except as
3 provided under subsection (e).

4 (4) DEDUCTION BY STATE.—The Governor may
5 deduct an amount equal to the misexpenditure de-
6 scribed in paragraph (3) from subsequent program
7 year (subsequent to the program year for which the
8 determination was made) allocations to the local
9 area from funds reserved for the administrative
10 costs of the local programs involved, as appropriate.

11 (5) LIMITATIONS.—A deduction made by a
12 State as described in paragraph (4) shall not be
13 made until such time as the Governor has taken ap-
14 propriate corrective action to ensure full compliance
15 with this title within such local area with regard to
16 appropriate expenditures of funds under this title.

17 (d) REPAYMENT OF AMOUNTS.—

18 (1) IN GENERAL.—Each recipient of funds
19 under this title shall be liable to repay the amounts
20 described in subsection (c)(1), from funds other than
21 funds received under this title, upon a determination
22 by the Secretary that the misexpenditure of the
23 amounts was due to willful disregard of the require-
24 ments of this title, gross negligence, failure to ob-
25 serve accepted standards of administration, or a pat-

1 tern of misexpenditure described in subsection
2 (c)(1). No such determination shall be made under
3 this subsection or subsection (c) until notice and op-
4 portunity for a fair hearing have been given to the
5 recipient.

6 (2) FACTORS IN IMPOSING SANCTIONS.—In de-
7 termining whether to impose any sanction author-
8 ized by this section against a recipient of funds
9 under this title for violations of this title (including
10 applicable regulations) by a subgrantee or contractor
11 of such recipient, the Secretary shall first determine
12 whether such recipient has adequately demonstrated
13 that the recipient has—

14 (A) established and adhered to an appro-
15 priate system, for entering into and monitoring
16 subgrant agreements and contracts with sub-
17 grantees and contractors, that contains accept-
18 able standards for ensuring accountability;

19 (B) entered into a written subgrant agree-
20 ment or contract with such a subgrantee or
21 contractor that established clear goals and obli-
22 gations in unambiguous terms;

23 (C) acted with due diligence to monitor the
24 implementation of the subgrant agreement or
25 contract, including carrying out the appropriate

1 monitoring activities (including audits) at rea-
2 sonable intervals; and

3 (D) taken prompt and appropriate correc-
4 tive action upon becoming aware of any evi-
5 dence of a violation of this title, including regu-
6 lations issued under this title, by such sub-
7 grantee or contractor.

8 (3) WAIVER.—If the Secretary determines that
9 the recipient has demonstrated substantial compli-
10 ance with the requirements of paragraph (2), the
11 Secretary may waive the imposition of sanctions au-
12 thorized by this section upon such recipient. The
13 Secretary is authorized to impose any sanction con-
14 sistent with the provisions of this title and with any
15 applicable Federal or State law directly against any
16 subgrantee or contractor for violation of this title,
17 including regulations issued under this title.

18 (e) IMMEDIATE TERMINATION OR SUSPENSION OF
19 ASSISTANCE IN EMERGENCY SITUATIONS.—In emergency
20 situations, if the Secretary determines it is necessary to
21 protect the integrity of the funds or ensure the proper op-
22 eration of the program or activity involved, the Secretary
23 may immediately terminate or suspend financial assist-
24 ance, in whole or in part, to the recipient if the recipient
25 is given prompt notice and the opportunity for a subse-

1 quent hearing within 30 days after such termination or
2 suspension. The Secretary shall not delegate any of the
3 functions or authority specified in this subsection, other
4 than to an officer whose appointment is required to be
5 made by and with the advice and consent of the Senate.

6 (f) DISCRIMINATION AGAINST PARTICIPANTS.—If
7 the Secretary determines that any recipient under this
8 title has discharged or in any other manner discriminated
9 against a participant or against any individual in connec-
10 tion with the administration of the program involved, or
11 against any individual because such individual has filed
12 any complaint or instituted or caused to be instituted any
13 proceeding under or related to this title, or has testified
14 or is about to testify in any such proceeding or an inves-
15 tigation under or related to this title, or otherwise unlaw-
16 fully denied to any individual a benefit to which that indi-
17 vidual is entitled under the provisions of this title, includ-
18 ing regulations issued under this title, the Secretary shall,
19 within 30 days, take such action or order such corrective
20 measures, as necessary, with respect to the recipient or
21 the aggrieved individual, or both.

22 (g) REMEDIES.—The remedies described in this sec-
23 tion shall not be considered to be the exclusive remedies
24 available for violations described in this section.

1 **SEC. 185. REPORTS; RECORDKEEPING; INVESTIGATIONS.**

2 (a) **RECIPIENT RECORDKEEPING AND REPORTS.—**

3 (1) **IN GENERAL.—**Recipients of funds under
4 this title shall keep records that are sufficient to
5 permit the preparation of reports required by this
6 title and to permit the tracing of funds to a level of
7 expenditure adequate to ensure that the funds have
8 not been spent unlawfully.

9 (2) **RECORDS AND REPORTS REGARDING GEN-**
10 **ERAL PERFORMANCE.—**Every such recipient shall
11 maintain such records and submit such reports, in
12 such form and containing such information, as the
13 Secretary may require regarding the performance of
14 programs and activities carried out under this title.
15 Such records and reports shall be submitted to the
16 Secretary but shall not be required to be submitted
17 more than once each quarter unless specifically re-
18 quested by Congress or a committee of Congress, in
19 which case an estimate regarding such information
20 may be provided.

21 (3) **MAINTENANCE OF STANDARDIZED**
22 **RECORDS.—**In order to allow for the preparation of
23 the reports required under subsection (c), such re-
24 cipients shall maintain standardized records for all
25 individual participants and provide to the Secretary

1 a sufficient number of such records to provide for an
2 adequate analysis of the records.

3 (4) AVAILABILITY TO THE PUBLIC.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), records maintained by such
6 recipients pursuant to this subsection shall be
7 made available to the public upon request.

8 (B) EXCEPTION.—Subparagraph (A) shall
9 not apply to—

10 (i) information, the disclosure of
11 which would constitute a clearly unwar-
12 ranted invasion of personal privacy; and

13 (ii) trade secrets, or commercial or fi-
14 nancial information, that is—

15 (I) obtained from a person; and

16 (II) privileged or confidential.

17 (C) FEES TO RECOVER COSTS.—Such re-
18 cipients may charge fees sufficient to recover
19 costs applicable to the processing of requests
20 for records under subparagraph (A).

21 (b) INVESTIGATIONS OF USE OF FUNDS.—

22 (1) IN GENERAL.—

23 (A) SECRETARY.—In order to evaluate
24 compliance with the provisions of this title, the
25 Secretary shall conduct, in several States, in

1 each fiscal year, investigations of the use of
2 funds received by recipients under this title.

3 (B) COMPTROLLER GENERAL OF THE
4 UNITED STATES.—In order to ensure compli-
5 ance with the provisions of this title, the Comp-
6 troller General of the United States may con-
7 duct investigations of the use of funds received
8 under this title by any recipient.

9 (2) PROHIBITION.—In conducting any inves-
10 tigation under this title, the Secretary or the Comp-
11 troller General of the United States may not request
12 the compilation of any information that the recipient
13 is not otherwise required to compile and that is not
14 readily available to such recipient.

15 (3) AUDITS.—

16 (A) IN GENERAL.—In carrying out any
17 audit under this title (other than any initial
18 audit survey or any audit investigating possible
19 criminal or fraudulent conduct), either directly
20 or through grant or contract, the Secretary, the
21 Inspector General of the Department of Labor,
22 or the Comptroller General of the United States
23 shall furnish to the State, recipient, or other
24 entity to be audited, advance notification of the
25 overall objectives and purposes of the audit, and

1 any extensive recordkeeping or data require-
2 ments to be met, not later than 14 days (or as
3 soon as practicable) prior to the commencement
4 of the audit.

5 (B) NOTIFICATION REQUIREMENT.—If the
6 scope, objectives, or purposes of the audit
7 change substantially during the course of the
8 audit, the entity being audited shall be notified
9 of the change as soon as practicable.

10 (C) ADDITIONAL REQUIREMENT.—The re-
11 ports on the results of such audits shall cite the
12 law, regulation, policy, or other criteria applica-
13 ble to any finding contained in the reports.

14 (D) RULE OF CONSTRUCTION.—Nothing
15 contained in this title shall be construed so as
16 to be inconsistent with the Inspector General
17 Act of 1978 (5 U.S.C. App.) or government au-
18 diting standards issued by the Comptroller Gen-
19 eral of the United States.

20 (e) GRANTEE INFORMATION RESPONSIBILITIES.—
21 Each State, each local board, and each recipient (other
22 than a subrecipient, subgrantee, or contractor of a recipi-
23 ent) receiving funds under this title—

1 (1) shall make readily accessible such reports
2 concerning its operations and expenditures as shall
3 be prescribed by the Secretary;

4 (2) shall prescribe and maintain comparable
5 management information systems, in accordance
6 with guidelines that shall be prescribed by the Sec-
7 retary, designed to facilitate the uniform compila-
8 tion, cross tabulation, and analysis of programmatic,
9 participant, and financial data, on statewide, local
10 area, and other appropriate bases, necessary for re-
11 porting, monitoring, and evaluating purposes, includ-
12 ing data necessary to comply with section 188;

13 (3) shall monitor the performance of providers
14 in complying with the terms of grants, contracts, or
15 other agreements made pursuant to this title; and

16 (4) shall, to the extent practicable, submit or
17 make available (including through electronic means)
18 any reports, records, plans, or any other data that
19 are required to be submitted or made available, re-
20 spectively, under this title.

21 (d) INFORMATION TO BE INCLUDED IN REPORTS.—

22 (1) IN GENERAL.—The reports required in sub-
23 section (c) shall include information regarding pro-
24 grams and activities carried out under this title per-
25 taining to—

1 (A) the relevant demographic characteris-
2 tics (including race, ethnicity, sex, and age) and
3 other related information regarding partici-
4 pants;

5 (B) the programs and activities in which
6 participants are enrolled, and the length of time
7 that participants are engaged in such programs
8 and activities;

9 (C) outcomes of the programs and activi-
10 ties for participants, including the occupations
11 of participants, and placement for participants
12 in nontraditional employment;

13 (D) specified costs of the programs and ac-
14 tivities; and

15 (E) information necessary to prepare re-
16 ports to comply with section 188.

17 (2) **ADDITIONAL REQUIREMENT.**—The Sec-
18 retary shall ensure that all elements of the informa-
19 tion required for the reports described in paragraph
20 (1) are defined and that the information is reported
21 uniformly.

22 (e) **QUARTERLY FINANCIAL REPORTS.**—

23 (1) **IN GENERAL.**—Each local board in a State
24 shall submit quarterly financial reports to the Gov-
25 ernor with respect to programs and activities carried

1 out under this title. Such reports shall include infor-
2 mation identifying all program and activity costs by
3 cost category in accordance with generally accepted
4 accounting principles and by year of the appropria-
5 tion involved.

6 (2) ADDITIONAL REQUIREMENT.—Each State
7 shall submit to the Secretary, and the Secretary
8 shall submit to the Committee on Health, Edu-
9 cation, Labor, and Pensions of the Senate and the
10 Committee on Education and the Workforce of the
11 House of Representatives, on a quarterly basis, a
12 summary of the reports submitted to the Governor
13 pursuant to paragraph (1).

14 (f) MAINTENANCE OF ADDITIONAL RECORDS.—Each
15 State and local board shall maintain records with respect
16 to programs and activities carried out under this title that
17 identify—

18 (1) any income or profits earned, including such
19 income or profits earned by subrecipients; and

20 (2) any costs incurred (such as stand-in costs)
21 that are otherwise allowable except for funding limi-
22 tations.

23 (g) COST CATEGORIES.—In requiring entities to
24 maintain records of costs by cost category under this title,

1 the Secretary shall require only that the costs be cat-
2 egorized as administrative or programmatic costs.

3 **SEC. 186. ADMINISTRATIVE ADJUDICATION.**

4 (a) IN GENERAL.—Whenever any applicant for finan-
5 cial assistance under this title is dissatisfied because the
6 Secretary has made a determination not to award financial
7 assistance in whole or in part to such applicant, the appli-
8 cant may request a hearing before an administrative law
9 judge of the Department of Labor. A similar hearing may
10 also be requested by any recipient for whom a corrective
11 action has been required or a sanction has been imposed
12 by the Secretary under section 184.

13 (b) APPEAL.—The decision of the administrative law
14 judge shall constitute final action by the Secretary unless,
15 within 20 days after receipt of the decision of the adminis-
16 trative law judge, a party dissatisfied with the decision or
17 any part of the decision has filed exceptions with the Sec-
18 retary specifically identifying the procedure, fact, law, or
19 policy to which exception is taken. Any exception not spe-
20 cifically urged during the 20-day period shall be deemed
21 to have been waived. After the 20-day period the decision
22 of the administrative law judge shall become the final deci-
23 sion of the Secretary unless the Secretary, within 30 days
24 after such filing, notifies the parties that the case involved
25 has been accepted for review.

1 (c) **TIME LIMIT.**—Any case accepted for review by
2 the Secretary under subsection (b) shall be decided within
3 180 days after such acceptance. If the case is not decided
4 within the 180-day period, the decision of the administra-
5 tive law judge shall become the final decision of the Sec-
6 retary at the end of the 180-day period.

7 (d) **ADDITIONAL REQUIREMENT.**—The provisions of
8 section 187 shall apply to any final action of the Secretary
9 under this section.

10 **SEC. 187. JUDICIAL REVIEW.**

11 (a) **REVIEW.**—

12 (1) **PETITION.**—With respect to any final order
13 by the Secretary under section 186 by which the
14 Secretary awards, declines to award, or only condi-
15 tionally awards, financial assistance under this title,
16 or any final order of the Secretary under section 186
17 with respect to a corrective action or sanction im-
18 posed under section 184, any party to a proceeding
19 that resulted in such final order may obtain review
20 of such final order in the United States Court of Ap-
21 peals having jurisdiction over the applicant for or re-
22 cipient of the funds involved, by filing a review peti-
23 tion within 30 days after the date of issuance of
24 such final order.

1 (2) ACTION ON PETITION.—The clerk of the
2 court shall transmit a copy of the review petition to
3 the Secretary, who shall file the record on which the
4 final order was entered as provided in section 2112
5 of title 28, United States Code. The filing of a re-
6 view petition shall not stay the order of the Sec-
7 retary, unless the court orders a stay. Petitions filed
8 under this subsection shall be heard expeditiously, if
9 possible within 10 days after the date of filing of a
10 reply to the petition.

11 (3) STANDARD AND SCOPE OF REVIEW.—No
12 objection to the order of the Secretary shall be con-
13 sidered by the court unless the objection was specifi-
14 cally urged, in a timely manner, before the Sec-
15 retary. The review shall be limited to questions of
16 law and the findings of fact of the Secretary shall
17 be conclusive if supported by substantial evidence.

18 (b) JUDGMENT.—The court shall have jurisdiction to
19 make and enter a decree affirming, modifying, or setting
20 aside the order of the Secretary in whole or in part. The
21 judgment of the court regarding the order shall be final,
22 subject to certiorari review by the Supreme Court as pro-
23 vided in section 1254(1) of title 28, United States Code.

24 **SEC. 188. NONDISCRIMINATION.**

25 (a) IN GENERAL.—

1 (1) FEDERAL FINANCIAL ASSISTANCE.—For
2 the purpose of applying the prohibitions against dis-
3 crimination on the basis of age under the Age Dis-
4 crimination Act of 1975 (42 U.S.C. 6101 et seq.),
5 on the basis of disability under section 504 of the
6 Rehabilitation Act of 1973 (29 U.S.C. 794), on the
7 basis of sex under title IX of the Education Amend-
8 ments of 1972 (20 U.S.C. 1681 et seq.), or on the
9 basis of race, color, or national origin under title VI
10 of the Civil Rights Act of 1964 (42 U.S.C. 2000d
11 et seq.), programs and activities funded or otherwise
12 financially assisted in whole or in part under this
13 Act are considered to be programs and activities re-
14 ceiving Federal financial assistance.

15 (2) PROHIBITION OF DISCRIMINATION REGARD-
16 ING PARTICIPATION, BENEFITS, AND EMPLOY-
17 MENT.—No individual shall be excluded from par-
18 ticipation in, denied the benefits of, subjected to dis-
19 crimination under, or denied employment in the ad-
20 ministration of or in connection with, any such pro-
21 gram or activity because of race, color, religion, sex
22 (except as otherwise permitted under title IX of the
23 Education Amendments of 1972), national origin,
24 age, disability, or political affiliation or belief.

1 (3) PROHIBITION ON ASSISTANCE FOR FACILI-
2 TIES FOR SECTARIAN INSTRUCTION OR RELIGIOUS
3 WORSHIP.—Participants shall not be employed under
4 this title to carry out the construction, operation, or
5 maintenance of any part of any facility that is used
6 or to be used for sectarian instruction or as a place
7 for religious worship (except with respect to the
8 maintenance of a facility that is not primarily or in-
9 herently devoted to sectarian instruction or religious
10 worship, in a case in which the organization oper-
11 ating the facility is part of a program or activity
12 providing services to participants).

13 (4) PROHIBITION ON DISCRIMINATION ON BASIS
14 OF PARTICIPANT STATUS.—No person may discrimi-
15 nate against an individual who is a participant in a
16 program or activity that receives funds under this
17 title, with respect to the terms and conditions affect-
18 ing, or rights provided to, the individual, solely be-
19 cause of the status of the individual as a participant.

20 (5) PROHIBITION ON DISCRIMINATION AGAINST
21 CERTAIN NONCITIZENS.—Participation in programs
22 and activities or receiving funds under this title shall
23 be available to citizens and nationals of the United
24 States, lawfully admitted permanent resident aliens,
25 refugees, asylees, and parolees, and other immi-

1 grants authorized by the Attorney General to work
2 in the United States.

3 (b) ACTION OF SECRETARY.—Whenever the Sec-
4 retary finds that a State or other recipient of funds under
5 this title has failed to comply with a provision of law re-
6 ferred to in subsection (a)(1), or with paragraph (2), (3),
7 (4), or (5) of subsection (a), including an applicable regu-
8 lation prescribed to carry out such provision or paragraph,
9 the Secretary shall notify such State or recipient and shall
10 request that the State or recipient comply. If within a rea-
11 sonable period of time, not to exceed 60 days, the State
12 or recipient fails or refuses to comply, the Secretary
13 may—

14 (1) refer the matter to the Attorney General
15 with a recommendation that an appropriate civil ac-
16 tion be instituted; or

17 (2) take such other action as may be provided
18 by law.

19 (c) ACTION OF ATTORNEY GENERAL.—When a mat-
20 ter is referred to the Attorney General pursuant to sub-
21 section (b)(1), or whenever the Attorney General has rea-
22 son to believe that a State or other recipient of funds
23 under this title is engaged in a pattern or practice of dis-
24 crimination in violation of a provision of law referred to
25 in subsection (a)(1) or in violation of paragraph (2), (3),

1 (4), or (5) of subsection (a), the Attorney General may
2 bring a civil action in any appropriate district court of the
3 United States for such relief as may be appropriate, in-
4 cluding injunctive relief.

5 (d) **JOB CORPS.**—For the purposes of this section,
6 Job Corps members shall be considered to be the ultimate
7 beneficiaries of Federal financial assistance.

8 (e) **REGULATIONS.**—The Secretary shall issue regula-
9 tions necessary to implement this section not later than
10 1 year after the date of enactment of the Workforce Inno-
11 vation and Opportunity Act. Such regulations shall adopt
12 standards for determining discrimination and procedures
13 for enforcement that are consistent with the Acts referred
14 to in subsection (a)(1), as well as procedures to ensure
15 that complaints filed under this section and such Acts are
16 processed in a manner that avoids duplication of effort.

17 **SEC. 189. SECRETARIAL ADMINISTRATIVE AUTHORITIES**
18 **AND RESPONSIBILITIES.**

19 (a) **IN GENERAL.**—In accordance with chapter 5 of
20 title 5, United States Code, the Secretary may prescribe
21 rules and regulations to carry out this title, only to the
22 extent necessary to administer and ensure compliance with
23 the requirements of this title. Such rules and regulations
24 may include provisions making adjustments authorized by
25 section 6504 of title 31, United States Code. All such rules

1 and regulations shall be published in the Federal Register
2 at least 30 days prior to their effective dates. Copies of
3 each such rule or regulation shall be transmitted to the
4 appropriate committees of Congress on the date of such
5 publication and shall contain, with respect to each mate-
6 rial provision of such rule or regulation, a citation to the
7 particular substantive section of law that is the basis for
8 the provision.

9 (b) ACQUISITION OF CERTAIN PROPERTY AND SERV-
10 ICES.—The Secretary is authorized, in carrying out this
11 title, to accept, purchase, or lease in the name of the De-
12 partment of Labor, and employ or dispose of in further-
13 ance of the purposes of this title, any money or property,
14 real, personal, or mixed, tangible or intangible, received
15 by gift, devise, bequest, or otherwise, and to accept vol-
16 untary and uncompensated services notwithstanding the
17 provisions of section 1342 of title 31, United States Code.

18 (c) AUTHORITY TO ENTER INTO CERTAIN AGREE-
19 MENTS AND TO MAKE CERTAIN EXPENDITURES.—The
20 Secretary may make such grants, enter into such con-
21 tracts or agreements, establish such procedures, and make
22 such payments, in installments and in advance or by way
23 of reimbursement, or otherwise allocate or expend such
24 funds under this title, as may be necessary to carry out
25 this title, including making expenditures for construction,

1 repairs, and capital improvements, and including making
2 necessary adjustments in payments on account of over-
3 payments or underpayments.

4 (d) ANNUAL REPORT.—The Secretary shall prepare
5 and submit to the Committee on Education and the Work-
6 force of the House of Representatives and the Committee
7 on Health, Education, Labor, and Pensions of the Senate
8 an annual report regarding the programs and activities
9 funded under this title. The Secretary shall include in such
10 report—

11 (1) a summary of the achievements, failures,
12 and challenges of the programs and activities in
13 meeting the objectives of this title;

14 (2) a summary of major findings from research,
15 evaluations, pilot projects, and experiments con-
16 ducted under this title in the fiscal year prior to the
17 submission of the report;

18 (3) recommendations for modifications in the
19 programs and activities based on analysis of such
20 findings; and

21 (4) such other recommendations for legislative
22 or administrative action as the Secretary determines
23 to be appropriate.

24 (e) UTILIZATION OF SERVICES AND FACILITIES.—
25 The Secretary is authorized, in carrying out this title,

1 under the same procedures as are applicable under sub-
2 section (c) or to the extent permitted by law other than
3 this title, to accept and use the services and facilities of
4 departments, agencies, and establishments of the United
5 States. The Secretary is also authorized, in carrying out
6 this title, to accept and use the services and facilities of
7 the agencies of any State or political subdivision of a
8 State, with the consent of the State or political subdivi-
9 sion.

10 (f) OBLIGATIONAL AUTHORITY.—Notwithstanding
11 any other provision of this title, the Secretary shall have
12 no authority to enter into contracts, grant agreements, or
13 other financial assistance agreements under this title, ex-
14 cept to such extent and in such amounts as are provided
15 in advance in appropriations Acts.

16 (g) PROGRAM YEAR.—

17 (1) IN GENERAL.—

18 (A) PROGRAM YEAR.—Except as provided
19 in subparagraph (B), appropriations for any fis-
20 cal year for programs and activities funded
21 under this title shall be available for obligation
22 only on the basis of a program year. The pro-
23 gram year shall begin on July 1 in the fiscal
24 year for which the appropriation is made.

1 (B) YOUTH WORKFORCE INVESTMENT AC-
2 TIVITIES.—The Secretary may make available
3 for obligation, beginning April 1 of any fiscal
4 year, funds appropriated for such fiscal year to
5 carry out youth workforce investment activities
6 under subtitle B and activities under section
7 171.

8 (2) AVAILABILITY.—

9 (A) IN GENERAL.—Funds obligated for
10 any program year for a program or activity
11 funded under subtitle B may be expended by
12 each State receiving such funds during that
13 program year and the 2 succeeding program
14 years. Funds received by local areas from
15 States under subtitle B during a program year
16 may be expended during that program year and
17 the succeeding program year.

18 (B) CERTAIN NATIONAL ACTIVITIES.—

19 (i) IN GENERAL.—Funds obligated for
20 any program year for any program or ac-
21 tivity carried out under section 169 shall
22 remain available until expended.

23 (ii) INCREMENTAL FUNDING BASIS.—

24 A contract or arrangement entered into
25 under the authority of subsection (a) or (b)

1 of section 169 (relating to evaluations, re-
2 search projects, studies and reports, and
3 multistate projects), including a long-term,
4 nonseverable services contract, may be
5 funded on an incremental basis with an-
6 nual appropriations or other available
7 funds.

8 (C) SPECIAL RULE.—No amount of the
9 funds obligated for a program year for a pro-
10 gram or activity funded under this title shall be
11 deobligated on account of a rate of expenditure
12 that is consistent with a State plan, an oper-
13 ating plan described in section 151, or a plan,
14 grant agreement, contract, application, or other
15 agreement described in subtitle D, as appro-
16 priate.

17 (D) FUNDS FOR PAY-FOR-PERFORMANCE
18 CONTRACT STRATEGIES.—Funds used to carry
19 out pay-for-performance contract strategies by
20 local areas shall remain available until ex-
21 pended.

22 (h) ENFORCEMENT OF MILITARY SELECTIVE SERV-
23 ICE ACT.—The Secretary shall ensure that each individual
24 participating in any program or activity established under
25 this title, or receiving any assistance or benefit under this

1 title, has not violated section 3 of the Military Selective
2 Service Act (50 U.S.C. App. 453) by not presenting and
3 submitting to registration as required pursuant to such
4 section. The Director of the Selective Service System shall
5 cooperate with the Secretary to enable the Secretary to
6 carry out this subsection.

7 (i) WAIVERS.—

8 (1) SPECIAL RULE REGARDING DESIGNATED
9 AREAS.—A State that has enacted, not later than
10 December 31, 1997, a State law providing for the
11 designation of service delivery areas for the delivery
12 of workforce investment activities, may use such
13 areas as local areas under this title, notwithstanding
14 section 106.

15 (2) SPECIAL RULE REGARDING SANCTIONS.—A
16 State that has enacted, not later than December 31,
17 1997, a State law providing for the sanctioning of
18 such service delivery areas for failure to meet per-
19 formance accountability measures for workforce in-
20 vestment activities, may use the State law to sanc-
21 tion local areas for failure to meet State perform-
22 ance accountability measures under this title.

23 (3) GENERAL WAIVERS OF STATUTORY OR REG-
24 ULATORY REQUIREMENTS.—

1 (A) GENERAL AUTHORITY.—Notwith-
2 standing any other provision of law, the Sec-
3 retary may waive for a State, or a local area in
4 a State, pursuant to a request submitted by the
5 Governor of the State (in consultation with ap-
6 propriate local elected officials) with a plan that
7 meets the requirements of subparagraph (B)—

8 (i) any of the statutory or regulatory
9 requirements of subtitle A, subtitle B, or
10 this subtitle (except for requirements relat-
11 ing to wage and labor standards, including
12 nondisplacement protections, worker
13 rights, participation and protection of
14 workers and participants, grievance proce-
15 dures and judicial review, nondiscrimina-
16 tion, allocation of funds to local areas, eli-
17 gibility of providers or participants, the es-
18 tablishment and functions of local areas
19 and local boards, the funding of infrastruc-
20 ture costs for one-stop centers, and proce-
21 dures for review and approval of plans,
22 and other requirements relating to the
23 basic purposes of this title); and

24 (ii) any of the statutory or regulatory
25 requirements of sections 8 through 10 of

1 the Wagner-Peyser Act (29 U.S.C. 49g
2 through 49i) (excluding requirements relat-
3 ing to the provision of services to unem-
4 ployment insurance claimants and vet-
5 erans, and requirements relating to uni-
6 versal access to basic labor exchange serv-
7 ices without cost to jobseekers).

8 (B) REQUESTS.—A Governor requesting a
9 waiver under subparagraph (A) shall submit a
10 plan to the Secretary to improve the statewide
11 workforce development system that—

12 (i) identifies the statutory or regu-
13 latory requirements that are requested to
14 be waived and the goals that the State or
15 local area in the State, as appropriate, in-
16 tends to achieve as a result of the waiver;

17 (ii) describes the actions that the
18 State or local area, as appropriate, has un-
19 dertaken to remove State or local statutory
20 or regulatory barriers;

21 (iii) describes the goals of the waiver
22 and the expected programmatic outcomes
23 if the request is granted;

24 (iv) describes the individuals impacted
25 by the waiver; and

1 (v) describes the process used to mon-
2 itor the progress in implementing such a
3 waiver, and the process by which notice
4 and, in the case of a waiver for a local
5 area, an opportunity to comment on such
6 request has been provided to the local
7 board for the local area for which the waiv-
8 er is requested.

9 (C) CONDITIONS.—Not later than 90 days
10 after the date of the original submission of a
11 request for a waiver under subparagraph (A),
12 the Secretary shall provide a waiver under this
13 subsection if and only to the extent that—

14 (i) the Secretary determines that the
15 requirements requested to be waived im-
16 pede the ability of the State or local area,
17 as appropriate, to implement the plan de-
18 scribed in subparagraph (B); and

19 (ii) the State has executed a memo-
20 randum of understanding with the Sec-
21 retary requiring such State to meet, or en-
22 sure that the local area for which the waiv-
23 er is requested meets, agreed-upon out-
24 comes and to implement other appropriate
25 measures to ensure accountability.

1 (D) EXPEDITED DETERMINATION REGARD-
2 ING PROVISION OF WAIVERS.—If the Secretary
3 has approved a waiver of statutory or regu-
4 latory requirements for a State or local area
5 pursuant to this subsection, the Secretary shall
6 expedite the determination regarding the provi-
7 sion of that waiver, for another State or local
8 area if such waiver is in accordance with the
9 approved State or local plan, as appropriate.

10 **SEC. 190. WORKFORCE FLEXIBILITY PLANS.**

11 (a) PLANS.—A State may submit to the Secretary,
12 and the Secretary may approve, a workforce flexibility
13 plan under which the State is authorized to waive, in ac-
14 cordance with the plan—

15 (1) any of the statutory or regulatory require-
16 ments applicable under this title to local areas, pur-
17 suant to applications for such waivers from the local
18 areas, except for requirements relating to the basic
19 purposes of this title, wage and labor standards,
20 grievance procedures and judicial review, non-
21 discrimination, eligibility of participants, allocation
22 of funds to local areas, establishment and functions
23 of local areas and local boards, procedures for review
24 and approval of local plans, and worker rights, par-
25 ticipation, and protection;

1 (2) any of the statutory or regulatory require-
2 ments applicable under sections 8 through 10 of the
3 Wagner-Peyser Act (29 U.S.C. 49g through 49i) to
4 the State (excluding requirements relating to the
5 provision of services to unemployment insurance
6 claimants and veterans, and requirements relating to
7 universal access to basic labor exchange services
8 without cost to jobseekers); and

9 (3) any of the statutory or regulatory require-
10 ments applicable under the Older Americans Act of
11 1965 (42 U.S.C. 3001 et seq.) to State agencies on
12 aging with respect to activities carried out using
13 funds allotted under section 506(b) of such Act (42
14 U.S.C. 3056d(b)), except for requirements relating
15 to the basic purposes of such Act, wage and labor
16 standards, eligibility of participants in the activities,
17 and standards for grant agreements.

18 (b) **CONTENT OF PLANS.**—A workforce flexibility
19 plan implemented by a State under subsection (a) shall
20 include descriptions of—

21 (1)(A) the process by which local areas in the
22 State may submit and obtain approval by the State
23 of applications for waivers of requirements applica-
24 ble under this title; and

1 (B) the requirements described in subparagraph
2 (A) that are likely to be waived by the State under
3 the plan;

4 (2) the requirements applicable under sections
5 8 through 10 of the Wagner-Peyser Act that are
6 proposed to be waived, if any;

7 (3) the requirements applicable under the Older
8 Americans Act of 1965 that are proposed to be
9 waived, if any;

10 (4) the outcomes to be achieved by the waivers
11 described in paragraphs (1) through (3); and

12 (5) other measures to be taken to ensure appro-
13 priate accountability for Federal funds in connection
14 with the waivers.

15 (c) PERIODS.—The Secretary may approve a work-
16 force flexibility plan for a period of not more than 5 years.

17 (d) OPPORTUNITY FOR PUBLIC COMMENTS.—Prior
18 to submitting a workforce flexibility plan to the Secretary
19 for approval, the State shall provide to all interested par-
20 ties and to the general public adequate notice of and a
21 reasonable opportunity for comment on the waiver re-
22 quests proposed to be implemented pursuant to such plan.

23 **SEC. 191. STATE LEGISLATIVE AUTHORITY.**

24 (a) AUTHORITY OF STATE LEGISLATURE.—Nothing
25 in this title shall be interpreted to preclude the enactment

1 of State legislation providing for the implementation, con-
2 sistent with the provisions of this title, of the activities
3 assisted under this title. Any funds received by a State
4 under this title shall be subject to appropriation by the
5 State legislature, consistent with the terms and conditions
6 required under this title.

7 (b) INTERSTATE COMPACTS AND COOPERATIVE
8 AGREEMENTS.—In the event that compliance with provi-
9 sions of this title would be enhanced by compacts and co-
10 operative agreements between States, the consent of Con-
11 gress is given to States to enter into such compacts and
12 agreements to facilitate such compliance, subject to the
13 approval of the Secretary.

14 **SEC. 192. TRANSFER OF FEDERAL EQUITY IN STATE EM-**
15 **PLOYMENT SECURITY AGENCY REAL PROP-**
16 **ERTY TO THE STATES.**

17 (a) TRANSFER OF FEDERAL EQUITY.—Notwith-
18 standing any other provision of law, any Federal equity
19 acquired in real property through grants to States award-
20 ed under title III of the Social Security Act (42 U.S.C.
21 501 et seq.) or under the Wagner-Peyser Act (29 U.S.C.
22 49 et seq.) is transferred to the States that used the
23 grants for the acquisition of such equity. The portion of
24 any real property that is attributable to the Federal equity
25 transferred under this section shall be used to carry out

1 activities authorized under this Act, title III of the Social
2 Security Act, or the Wagner-Peyser Act. Any disposition
3 of such real property shall be carried out in accordance
4 with the procedures prescribed by the Secretary and the
5 portion of the proceeds from the disposition of such real
6 property that is attributable to the Federal equity trans-
7 ferred under this section shall be used to carry out activi-
8 ties authorized under this Act, title III of the Social Secu-
9 rity Act, or the Wagner-Peyser Act.

10 (b) LIMITATION ON USE.—A State shall not use
11 funds awarded under this Act, title III of the Social Secu-
12 rity Act, or the Wagner-Peyser Act to amortize the costs
13 of real property that is purchased by any State on or after
14 the date of enactment of the Revised Continuing Appro-
15 priations Resolution, 2007.

16 **SEC. 193. CONTINUATION OF STATE ACTIVITIES AND POLI-**
17 **CIES.**

18 (a) IN GENERAL.—Notwithstanding any other provi-
19 sion of this title, the Secretary may not deny approval of
20 a State plan for a covered State, or an application of a
21 covered State for financial assistance, under this title, or
22 find a covered State (including a State board or Gov-
23 ernor), or a local area (including a local board or chief
24 elected official) in a covered State, in violation of a provi-
25 sion of this title, on the basis that—

1 (1)(A) the State proposes to allocate or dis-
2 burse, allocates, or disburses, within the State, funds
3 made available to the State under section 127 or
4 132 in accordance with the allocation formula for
5 the type of activities involved, or in accordance with
6 a disbursal procedure or process, used by the State
7 under prior consistent State laws; or

8 (B) a local board in the State proposes to dis-
9 burse, or disburses, within the local area, funds
10 made available to the State under section 127 or
11 132 in accordance with a disbursal procedure or
12 process used by a private industry council under
13 prior consistent State law;

14 (2) the State proposes to carry out or carries
15 out a State procedure through which local areas use,
16 as fiscal agents for funds made available to the
17 State under section 127 or 132 and allocated within
18 the State, fiscal agents selected in accordance with
19 a process established under prior consistent State
20 laws;

21 (3) the State proposes to carry out or carries
22 out a State procedure through which the local
23 boards in the State (or the local boards, the chief
24 elected officials in the State, and the Governor) des-
25 ignate or select the one-stop partners and one-stop

1 operators of the statewide system in the State under
2 prior consistent State laws, in lieu of making the
3 designation or certification described in section 121
4 (regardless of the date the one-stop delivery systems
5 involved have been established);

6 (4) the State proposes to carry out or carries
7 out a State procedure through which the persons re-
8 sponsible for selecting eligible providers for purposes
9 of subtitle B are permitted to determine that a pro-
10 vider shall not be selected to provide both intake
11 services under section 134(c)(2) and training serv-
12 ices under section 134(c)(3), under prior consistent
13 State laws;

14 (5) the State proposes to designate or des-
15 ignates a State board, or proposes to assign or as-
16 signs functions and roles of the State board (includ-
17 ing determining the time periods for development
18 and submission of a State plan required under sec-
19 tion 102 or 103), for purposes of subtitle A in ac-
20 cordance with prior consistent State laws; or

21 (6) a local board in the State proposes to use
22 or carry out, uses, or carries out a local plan (in-
23 cluding assigning functions and roles of the local
24 board) for purposes of subtitle A in accordance with
25 the authorities and requirements applicable to local

1 plans and private industry councils under prior con-
2 sistent State laws.

3 (b) DEFINITION.—In this section:

4 (1) COVERED STATE.—The term “covered
5 State” means a State that enacted State laws de-
6 scribed in paragraph (2).

7 (2) PRIOR CONSISTENT STATE LAWS.—The
8 term “prior consistent State laws” means State
9 laws, not inconsistent with the Job Training Part-
10 nership Act or any other applicable Federal law,
11 that took effect on September 1, 1993, September 1,
12 1995, and September 1, 1997.

13 **SEC. 194. GENERAL PROGRAM REQUIREMENTS.**

14 Except as otherwise provided in this title, the fol-
15 lowing conditions apply to all programs under this title:

16 (1) Each program under this title shall provide
17 employment and training opportunities to those who
18 can benefit from, and who are most in need of, such
19 opportunities. In addition, the recipients of Federal
20 funding for programs under this title shall make ef-
21 forts to develop programs that contribute to occupa-
22 tional development, upward mobility, development of
23 new careers, and opportunities for nontraditional
24 employment.

1 (2) Funds provided under this title shall only be
2 used for activities that are in addition to activities
3 that would otherwise be available in the local area
4 in the absence of such funds.

5 (3)(A) Any local area may enter into an agree-
6 ment with another local area (including a local area
7 that is a city or county within the same labor mar-
8 ket) to pay or share the cost of educating, training,
9 or placing individuals participating in programs as-
10 sisted under this title, including the provision of sup-
11 portive services.

12 (B) Such agreement shall be approved by each
13 local board for a local area entering into the agree-
14 ment and shall be described in the local plan under
15 section 108.

16 (4) On-the-job training contracts under this
17 title, shall not be entered into with employers who
18 have received payments under previous contracts
19 under this Act or the Workforce Investment Act of
20 1998 and have exhibited a pattern of failing to pro-
21 vide on-the-job training participants with continued
22 long-term employment as regular employees with
23 wages and employment benefits (including health
24 benefits) and working conditions at the same level
25 and to the same extent as other employees working

1 a similar length of time and doing the same type of
2 work.

3 (5) No person or organization may charge an
4 individual a fee for the placement or referral of the
5 individual in or to a workforce investment activity
6 under this title.

7 (6) The Secretary shall not provide financial as-
8 sistance for any program under this title that in-
9 volves political activities.

10 (7)(A) Income under any program administered
11 by a public or private nonprofit entity may be re-
12 tained by such entity only if such income is used to
13 continue to carry out the program.

14 (B) Income subject to the requirements of sub-
15 paragraph (A) shall include—

16 (i) receipts from goods or services (includ-
17 ing conferences) provided as a result of activi-
18 ties funded under this title;

19 (ii) funds provided to a service provider
20 under this title that are in excess of the costs
21 associated with the services provided; and

22 (iii) interest income earned on funds re-
23 ceived under this title.

24 (C) For purposes of this paragraph, each entity
25 receiving financial assistance under this title shall

1 maintain records sufficient to determine the amount
2 of such income received and the purposes for which
3 such income is expended.

4 (8)(A) The Secretary shall notify the Governor
5 and the appropriate local board and chief elected of-
6 ficial of, and consult with the Governor and such
7 board and official concerning, any activity to be
8 funded by the Secretary under this title within the
9 corresponding State or local area.

10 (B) The Governor shall notify the appropriate
11 local board and chief elected official of, and consult
12 with such board and official concerning, any activity
13 to be funded by the Governor under this title within
14 the corresponding local area.

15 (9)(A) All education programs for youth sup-
16 ported with funds provided under chapter 2 of sub-
17 title B shall be consistent with applicable State and
18 local educational standards.

19 (B) Standards and procedures with respect to
20 awarding academic credit and certifying educational
21 attainment in programs conducted under such chap-
22 ter shall be consistent with the requirements of ap-
23 plicable State and local law, including regulation.

1 (10) No funds available under this title may be
2 used for public service employment except as specifi-
3 cally authorized under this title.

4 (11) The Federal requirements governing the
5 title, use, and disposition of real property, equip-
6 ment, and supplies purchased with funds provided
7 under this title shall be the corresponding Federal
8 requirements generally applicable to such items pur-
9 chased through Federal grants to States and local
10 governments.

11 (12) Nothing in this title shall be construed to
12 provide an individual with an entitlement to a serv-
13 ice under this title.

14 (13) Services, facilities, or equipment funded
15 under this title may be used, as appropriate, on a
16 fee-for-service basis, by employers in a local area in
17 order to provide employment and training activities
18 to incumbent workers—

19 (A) when such services, facilities, or equip-
20 ment are not in use for the provision of services
21 for eligible participants under this title;

22 (B) if such use for incumbent workers
23 would not have an adverse effect on the provi-
24 sion of services to eligible participants under
25 this title; and

1 (C) if the income derived from such fees is
2 used to carry out the programs authorized
3 under this title.

4 (14) Funds provided under this title shall not
5 be used to establish or operate a stand-alone fee-for-
6 service enterprise in a situation in which a private
7 sector employment agency (as defined in section 701
8 of the Civil Rights Act of 1964 (42 U.S.C. 2000e))
9 is providing full access to similar or related services
10 in such a manner as to fully meet the identified
11 need. For purposes of this paragraph, such an enter-
12 prise does not include a one-stop delivery system de-
13 scribed in section 121(e).

14 (15)(A) None of the funds available under this
15 title shall be used by a recipient or subrecipient of
16 such funds to pay the salary and bonuses of an indi-
17 vidual, either as direct costs or indirect costs, at a
18 rate in excess of the annual rate of basic pay pre-
19 scribed for level II of the Executive Schedule under
20 section 5313 of title 5, United States Code.

21 (B) The limitation described in subparagraph
22 (A) shall not apply to vendors providing goods and
23 services as defined in Office of Management and
24 Budget Circular A-133. In a case in which a State
25 is a recipient of such funds, the State may establish

1 a lower limit than is provided in subparagraph (A)
2 for salaries and bonuses of those receiving salaries
3 and bonuses from a subrecipient of such funds, tak-
4 ing into account factors including the relative cost of
5 living in the State, the compensation levels for com-
6 parable State or local government employees, and
7 the size of the organizations that administer the
8 Federal programs involved.

9 **SEC. 195. RESTRICTIONS ON LOBBYING ACTIVITIES.**

10 (a) PUBLICITY RESTRICTIONS.—

11 (1) IN GENERAL.—No funds provided under
12 this Act shall be used for—

13 (A) publicity or propaganda purposes; or

14 (B) the preparation, distribution, or use of
15 any kit, pamphlet, booklet, publication, elec-
16 tronic communication, radio, television, or video
17 presentation designed to support or defeat—

18 (i) the enactment of legislation before
19 Congress or any State or local legislature
20 or legislative body; or

21 (ii) any proposed or pending regula-
22 tion, administrative action, or order issued
23 by the executive branch of any State or
24 local government.

1 (2) EXCEPTION.—Paragraph (1) shall not
2 apply to—

3 (A) normal and recognized executive-legis-
4 lative relationships;

5 (B) the preparation, distribution, or use of
6 the materials described in paragraph (1)(B) in
7 presentation to Congress or any State or local
8 legislature or legislative body; or

9 (C) such preparation, distribution, or use
10 of such materials in presentation to the execu-
11 tive branch of any State or local government.

12 (b) SALARY RESTRICTIONS.—

13 (1) IN GENERAL.—No funds provided under
14 this Act shall be used to pay the salary or expenses
15 of any grant or contract recipient, or agent acting
16 for such recipient, related to any activity designed to
17 influence the enactment or issuance of legislation,
18 appropriations, regulations, administrative action, or
19 an Executive order proposed or pending before Con-
20 gress or any State government, or a State or local
21 legislature or legislative body.

22 (2) EXCEPTION.—Paragraph (1) shall not
23 apply to—

24 (A) normal and recognized executive-legis-
25 lative relationships; or

1 (B) participation by an agency or officer of
2 a State, local, or tribal government in policy-
3 making and administrative processes within the
4 executive branch of that government.

5 **TITLE II—ADULT EDUCATION**
6 **AND LITERACY**

7 **SEC. 201. SHORT TITLE.**

8 This title may be cited as the “Adult Education and
9 Family Literacy Act”.

10 **SEC. 202. PURPOSE.**

11 It is the purpose of this title to create a partnership
12 among the Federal Government, States, and localities to
13 provide, on a voluntary basis, adult education and literacy
14 activities, in order to—

15 (1) assist adults to become literate and obtain
16 the knowledge and skills necessary for employment
17 and economic self-sufficiency;

18 (2) assist adults who are parents or family
19 members to obtain the education and skills that—

20 (A) are necessary to becoming full partners
21 in the educational development of their chil-
22 dren; and

23 (B) lead to sustainable improvements in
24 the economic opportunities for their family;

1 (3) assist adults in attaining a secondary school
2 diploma and in the transition to postsecondary edu-
3 cation and training, including through career path-
4 ways; and

5 (4) assist immigrants and other individuals who
6 are English language learners in—

7 (A) improving their—

8 (i) reading, writing, speaking, and
9 comprehension skills in English; and

10 (ii) mathematics skills; and

11 (B) acquiring an understanding of the
12 American system of Government, individual
13 freedom, and the responsibilities of citizenship.

14 **SEC. 203. DEFINITIONS.**

15 In this title:

16 (1) **ADULT EDUCATION.**—The term “adult edu-
17 cation” means academic instruction and education
18 services below the postsecondary level that increase
19 an individual’s ability to—

20 (A) read, write, and speak in English and
21 perform mathematics or other activities nec-
22 essary for the attainment of a secondary school
23 diploma or its recognized equivalent;

24 (B) transition to postsecondary education
25 and training; and

1 (C) obtain employment.

2 (2) ADULT EDUCATION AND LITERACY ACTIVI-
3 TIES.—The term “adult education and literacy ac-
4 tivities” means programs, activities, and services
5 that include adult education, literacy, workplace
6 adult education and literacy activities, family literacy
7 activities, English language acquisition activities, in-
8 tegrated English literacy and civics education, work-
9 force preparation activities, or integrated education
10 and training.

11 (3) ELIGIBLE AGENCY.—The term “eligible
12 agency” means the sole entity or agency in a State
13 or an outlying area responsible for administering or
14 supervising policy for adult education and literacy
15 activities in the State or outlying area, respectively,
16 consistent with the law of the State or outlying area,
17 respectively.

18 (4) ELIGIBLE INDIVIDUAL.—The term “eligible
19 individual” means an individual—

20 (A) who has attained 16 years of age;

21 (B) who is not enrolled or required to be
22 enrolled in secondary school under State law;
23 and

24 (C) who—

25 (i) is basic skills deficient;

- 1 (ii) does not have a secondary school
2 diploma or its recognized equivalent, and
3 has not achieved an equivalent level of edu-
4 cation; or
5 (iii) is an English language learner.

6 (5) ELIGIBLE PROVIDER.—The term “eligible
7 provider” means an organization that has dem-
8 onstrated effectiveness in providing adult education
9 and literacy activities that may include —

- 10 (A) a local educational agency;
11 (B) a community-based organization or
12 faith-based organization;
13 (C) a volunteer literacy organization;
14 (D) an institution of higher education;
15 (E) a public or private nonprofit agency;
16 (F) a library;
17 (G) a public housing authority;
18 (H) a nonprofit institution that is not de-
19 scribed in any of subparagraphs (A) through
20 (G) and has the ability to provide adult edu-
21 cation and literacy activities to eligible individ-
22 uals;
23 (I) a consortium or coalition of the agen-
24 cies, organizations, institutions, libraries, or au-

1 thorities described in any of subparagraphs (A)
2 through (H); and

3 (J) a partnership between an employer and
4 an entity described in any of subparagraphs (A)
5 through (I).

6 (6) ENGLISH LANGUAGE ACQUISITION PRO-
7 GRAM.—The term “English language acquisition
8 program” means a program of instruction—

9 (A) designed to help eligible individuals
10 who are English language learners achieve com-
11 petence in reading, writing, speaking, and com-
12 prehension of the English language; and

13 (B) that leads to—

14 (i)(I) attainment of a secondary
15 school diploma or its recognized equivalent;
16 and

17 (II) transition to postsecondary edu-
18 cation and training; or

19 (ii) employment.

20 (7) ENGLISH LANGUAGE LEARNER.—The term
21 “English language learner” when used with respect
22 to an eligible individual, means an eligible individual
23 who has limited ability in reading, writing, speaking,
24 or comprehending the English language, and—

1 (A) whose native language is a language
2 other than English; or

3 (B) who lives in a family or community en-
4 vironment where a language other than English
5 is the dominant language.

6 (8) ESSENTIAL COMPONENTS OF READING IN-
7 STRUCTION.—The term “essential components of
8 reading instruction” has the meaning given the term
9 in section 1208 of the Elementary and Secondary
10 Education Act of 1965 (20 U.S.C. 6368).

11 (9) FAMILY LITERACY ACTIVITIES.—The term
12 “family literacy activities” means activities that are
13 of sufficient intensity and quality, to make sustain-
14 able improvements in the economic prospects for a
15 family and that better enable parents or family
16 members to support their children’s learning needs,
17 and that integrate all of the following activities:

18 (A) Parent or family adult education and
19 literacy activities that lead to readiness for
20 postsecondary education or training, career ad-
21 vancement, and economic self-sufficiency.

22 (B) Interactive literacy activities between
23 parents or family members and their children.

24 (C) Training for parents or family mem-
25 bers regarding how to be the primary teacher

1 for their children and full partners in the edu-
2 cation of their children.

3 (D) An age-appropriate education to pre-
4 pare children for success in school and life ex-
5 periences.

6 (10) INSTITUTION OF HIGHER EDUCATION.—
7 The term “institution of higher education” has the
8 meaning given the term in section 101 of the Higher
9 Education Act of 1965 (20 U.S.C. 1001).

10 (11) INTEGRATED EDUCATION AND TRAIN-
11 ING.—The term “integrated education and training”
12 means a service approach that provides adult edu-
13 cation and literacy activities concurrently and con-
14 textually with workforce preparation activities and
15 workforce training for a specific occupation or occu-
16 pational cluster for the purpose of educational and
17 career advancement.

18 (12) INTEGRATED ENGLISH LITERACY AND
19 CIVICS EDUCATION.—The term “integrated English
20 literacy and civics education” means education serv-
21 ices provided to English language learners who are
22 adults, including professionals with degrees and cre-
23 dentials in their native countries, that enables such
24 adults to achieve competency in the English lan-
25 guage and acquire the basic and more advanced

1 skills needed to function effectively as parents, work-
2 ers, and citizens in the United States. Such services
3 shall include instruction in literacy and English lan-
4 guage acquisition and instruction on the rights and
5 responsibilities of citizenship and civic participation,
6 and may include workforce training.

7 (13) LITERACY.—The term “literacy” means an
8 individual’s ability to read, write, and speak in
9 English, compute, and solve problems, at levels of
10 proficiency necessary to function on the job, in the
11 family of the individual, and in society.

12 (14) POSTSECONDARY EDUCATIONAL INSTITU-
13 TION.—The term “postsecondary educational institu-
14 tion” means—

15 (A) an institution of higher education that
16 provides not less than a 2-year program of in-
17 struction that is acceptable for credit toward a
18 bachelor’s degree;

19 (B) a tribally controlled college or univer-
20 sity; or

21 (C) a nonprofit educational institution of-
22 fering certificate or apprenticeship programs at
23 the postsecondary level.

24 (15) SECRETARY.—The term “Secretary”
25 means the Secretary of Education.

1 (16) WORKPLACE ADULT EDUCATION AND LIT-
2 ERACY ACTIVITIES.—The term “workplace adult
3 education and literacy activities” means adult edu-
4 cation and literacy activities offered by an eligible
5 provider in collaboration with an employer or em-
6 ployee organization at a workplace or an off-site lo-
7 cation that is designed to improve the productivity
8 of the workforce.

9 (17) WORKFORCE PREPARATION ACTIVITIES.—
10 The term “workforce preparation activities” means
11 activities, programs, or services designed to help an
12 individual acquire a combination of basic academic
13 skills, critical thinking skills, digital literacy skills,
14 and self-management skills, including competencies
15 in utilizing resources, using information, working
16 with others, understanding systems, and obtaining
17 skills necessary for successful transition into and
18 completion of postsecondary education or training,
19 or employment.

20 **SEC. 204. HOME SCHOOLS.**

21 Nothing in this title shall be construed to affect home
22 schools, whether a home school is treated as a home school
23 or a private school under State law, or to compel a parent
24 or family member engaged in home schooling to partici-
25 pate in adult education and literacy activities.

1 **SEC. 205. RULE OF CONSTRUCTION REGARDING POSTSEC-**
2 **ONDARY TRANSITION AND CONCURRENT EN-**
3 **ROLLMENT ACTIVITIES.**

4 Nothing in this title shall be construed to prohibit
5 or discourage the use of funds provided under this title
6 for adult education and literacy activities that help eligible
7 individuals transition to postsecondary education and
8 training or employment, or for concurrent enrollment ac-
9 tivities.

10 **SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated to carry out
12 this title \$577,667,000 for fiscal year 2015, \$622,286,000
13 for fiscal year 2016, \$635,198,000 for fiscal year 2017,
14 \$649,287,000 for fiscal year 2018, \$664,552,000 for fis-
15 cal year 2019, and \$678,640,000 for fiscal year 2020.

16 **Subtitle A—Federal Provisions**

17 **SEC. 211. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE**
18 **AGENCIES; ALLOTMENTS.**

19 (a) RESERVATION OF FUNDS.—From the sum appro-
20 priated under section 206 for a fiscal year, the Sec-
21 retary—

22 (1) shall reserve 2 percent to carry out section
23 242, except that the amount so reserved shall not
24 exceed \$15,000,000; and

1 (2) shall reserve 12 percent of the amount that
2 remains after reserving funds under paragraph (1)
3 to carry out section 243.

4 (b) GRANTS TO ELIGIBLE AGENCIES.—

5 (1) IN GENERAL.—From the sum appropriated
6 under section 206 and not reserved under subsection
7 (a) for a fiscal year, the Secretary shall award a
8 grant to each eligible agency having a unified State
9 plan approved under section 102 or a combined
10 State plan approved under section 103 in an amount
11 equal to the sum of the initial allotment under sub-
12 section (c)(1) and the additional allotment under
13 subsection (c)(2) for the eligible agency for the fiscal
14 year, subject to subsections (f) and (g), to enable the
15 eligible agency to carry out the activities assisted
16 under this title.

17 (2) PURPOSE OF GRANTS.—The Secretary may
18 award a grant under paragraph (1) only if the eligi-
19 ble entity involved agrees to expend the grant for
20 adult education and literacy activities in accordance
21 with the provisions of this title.

22 (c) ALLOTMENTS.—

23 (1) INITIAL ALLOTMENTS.—From the sum ap-
24 propriated under section 206 and not reserved under
25 subsection (a) for a fiscal year, the Secretary shall

1 allot to each eligible agency having a unified State
2 plan approved under section 102 or a combined
3 State plan approved under section 103—

4 (A) \$100,000, in the case of an eligible
5 agency serving an outlying area; and

6 (B) \$250,000, in the case of any other eli-
7 gible agency.

8 (2) ADDITIONAL ALLOTMENTS.—From the sum
9 appropriated under section 206, not reserved under
10 subsection (a), and not allotted under paragraph (1),
11 for a fiscal year, the Secretary shall allot to each eli-
12 gible agency that receives an initial allotment under
13 paragraph (1) an additional amount that bears the
14 same relationship to such sum as the number of
15 qualifying adults in the State or outlying area served
16 by the eligible agency bears to the number of such
17 adults in all States and outlying areas.

18 (d) QUALIFYING ADULT.—For the purpose of sub-
19 section (c)(2), the term “qualifying adult” means an adult
20 who—

21 (1) is at least 16 years of age;

22 (2) is beyond the age of compulsory school at-
23 tendance under the law of the State or outlying
24 area;

1 (3) does not have a secondary school diploma or
2 its recognized equivalent; and

3 (4) is not enrolled in secondary school.

4 (e) SPECIAL RULE.—

5 (1) IN GENERAL.—From amounts made avail-
6 able under subsection (c) for the Republic of Palau,
7 the Secretary shall award grants to Guam, American
8 Samoa, the Commonwealth of the Northern Mariana
9 Islands, or the Republic of Palau to carry out activi-
10 ties described in this title in accordance with the
11 provisions of this title, as determined by the Sec-
12 retary.

13 (2) AWARD BASIS.—The Secretary shall award
14 grants pursuant to paragraph (1) on a competitive
15 basis and pursuant to the recommendations from the
16 Pacific Region Educational Laboratory in Honolulu,
17 Hawaii.

18 (3) TERMINATION OF ELIGIBILITY.—Notwith-
19 standing any other provision of law, the Republic of
20 Palau shall be eligible to receive a grant under this
21 title except during the period described in section
22 3(45).

23 (4) ADMINISTRATIVE COSTS.—The Secretary
24 may provide not more than 5 percent of the funds
25 made available for grants under this subsection to

1 pay the administrative costs of the Pacific Region
2 Educational Laboratory regarding activities assisted
3 under this subsection.

4 (f) HOLD-HARMLESS PROVISIONS.—

5 (1) IN GENERAL.—Notwithstanding subsection
6 (c), for fiscal year 2015 and each succeeding fiscal
7 year, no eligible agency shall receive an allotment
8 under this section that is less than 90 percent of the
9 allotment the eligible agency received for the pre-
10 ceding fiscal year under this section.

11 (2) RATABLE REDUCTION.—If for any fiscal
12 year the amount available for allotment under this
13 title is insufficient to satisfy the provisions of para-
14 graph (1) the Secretary shall ratably reduce the pay-
15 ments to all eligible agencies, as necessary.

16 (g) REALLOTMENT.—The portion of any eligible
17 agency's allotment under this title for a fiscal year that
18 the Secretary determines will not be required for the pe-
19 riod such allotment is available for carrying out activities
20 under this title, shall be available for reallocation from
21 time to time, on such dates during such period as the Sec-
22 retary shall fix, to other eligible agencies in proportion to
23 the original allotments to such agencies under this title
24 for such year.

1 **SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.**

2 Programs and activities authorized in this title are
3 subject to the performance accountability provisions de-
4 scribed in section 116.

5 **Subtitle B—State Provisions**

6 **SEC. 221. STATE ADMINISTRATION.**

7 Each eligible agency shall be responsible for the State
8 or outlying area administration of activities under this
9 title, including—

10 (1) the development, implementation, and moni-
11 toring of the relevant components of the unified
12 State plan in section 102 or the combined State plan
13 in section 103;

14 (2) consultation with other appropriate agen-
15 cies, groups, and individuals that are involved in, or
16 interested in, the development and implementation
17 of activities assisted under this title; and

18 (3) coordination and nonduplication with other
19 Federal and State education, training, corrections,
20 public housing, and social service programs.

21 **SEC. 222. STATE DISTRIBUTION OF FUNDS; MATCHING RE-**
22 **QUIREMENT.**

23 (a) STATE DISTRIBUTION OF FUNDS.—Each eligible
24 agency receiving a grant under section 211(b) for a fiscal
25 year—

1 (1) shall use not less than 82.5 percent of the
2 grant funds to award grants and contracts under
3 section 231 and to carry out section 225, of which
4 not more than 20 percent of such amount shall be
5 available to carry out section 225;

6 (2) shall use not more than 12.5 percent of the
7 grant funds to carry out State leadership activities
8 under section 223; and

9 (3) shall use not more than 5 percent of the
10 grant funds, or \$85,000, whichever is greater, for
11 the administrative expenses of the eligible agency.

12 (b) MATCHING REQUIREMENT.—

13 (1) IN GENERAL.—In order to receive a grant
14 from the Secretary under section 211(b) each eligi-
15 ble agency shall provide, for the costs to be incurred
16 by the eligible agency in carrying out the adult edu-
17 cation and literacy activities for which the grant is
18 awarded, a non-Federal contribution in an amount
19 that is not less than—

20 (A) in the case of an eligible agency serv-
21 ing an outlying area, 12 percent of the total
22 amount of funds expended for adult education
23 and literacy activities in the outlying area, ex-
24 cept that the Secretary may decrease the

1 amount of funds required under this subpara-
2 graph for an eligible agency; and

3 (B) in the case of an eligible agency serv-
4 ing a State, 25 percent of the total amount of
5 funds expended for adult education and literacy
6 activities in the State.

7 (2) NON-FEDERAL CONTRIBUTION.—An eligible
8 agency's non-Federal contribution required under
9 paragraph (1) may be provided in cash or in kind,
10 fairly evaluated, and shall include only non-Federal
11 funds that are used for adult education and literacy
12 activities in a manner that is consistent with the
13 purpose of this title.

14 **SEC. 223. STATE LEADERSHIP ACTIVITIES.**

15 (a) ACTIVITIES.—

16 (1) REQUIRED.—Each eligible agency shall use
17 funds made available under section 222(a)(2) for the
18 following adult education and literacy activities to
19 develop or enhance the adult education system of the
20 State or outlying area:

21 (A) The alignment of adult education and
22 literacy activities with other core programs and
23 one-stop partners, including eligible providers,
24 to implement the strategy identified in the uni-
25 fied State plan under section 102 or the com-

1 bined State plan under section 103, including
2 the development of career pathways to provide
3 access to employment and training services for
4 individuals in adult education and literacy ac-
5 tivities.

6 (B) The establishment or operation of high
7 quality professional development programs to
8 improve the instruction provided pursuant to
9 local activities required under section 231(b),
10 including instruction incorporating the essential
11 components of reading instruction as such com-
12 ponents relate to adults, instruction related to
13 the specific needs of adult learners, instruction
14 provided by volunteers or by personnel of a
15 State or outlying area, and dissemination of in-
16 formation about models and promising practices
17 related to such programs.

18 (C) The provision of technical assistance to
19 eligible providers of adult education and literacy
20 activities receiving funds under this title, in-
21 cluding—

22 (i) the development and dissemination
23 of instructional and programmatic prac-
24 tices based on the most rigorous or sci-
25 entifically valid research available and ap-

1 appropriate, in reading, writing, speaking,
2 mathematics, English language acquisition
3 programs, distance education, and staff
4 training;

5 (ii) the role of eligible providers as a
6 one-stop partner to provide access to em-
7 ployment, education, and training services;
8 and

9 (iii) assistance in the use of tech-
10 nology, including for staff training, to eli-
11 gible providers, especially the use of tech-
12 nology to improve system efficiencies.

13 (D) The monitoring and evaluation of the
14 quality of, and the improvement in, adult edu-
15 cation and literacy activities and the dissemina-
16 tion of information about models and proven or
17 promising practices within the State.

18 (2) PERMISSIBLE ACTIVITIES.—Each eligible
19 agency may use funds made available under section
20 222(a)(2) for 1 or more of the following adult edu-
21 cation and literacy activities:

22 (A) The support of State or regional net-
23 works of literacy resource centers.

24 (B) The development and implementation
25 of technology applications, translation tech-

1 nology, or distance education, including profes-
2 sional development to support the use of in-
3 structional technology.

4 (C) Developing and disseminating cur-
5 ricula, including curricula incorporating the es-
6 sential components of reading instruction as
7 such components relate to adults.

8 (D) Developing content and models for in-
9 tegrated education and training and career
10 pathways.

11 (E) The provision of assistance to eligible
12 providers in developing and implementing pro-
13 grams that achieve the objectives of this title
14 and in measuring the progress of those pro-
15 grams in achieving such objectives, including
16 meeting the State adjusted levels of perform-
17 ance described in section 116(b)(3).

18 (F) The development and implementation
19 of a system to assist in the transition from
20 adult education to postsecondary education, in-
21 cluding linkages with postsecondary educational
22 institutions or institutions of higher education.

23 (G) Integration of literacy and English
24 language instruction with occupational skill

1 training, including promoting linkages with em-
2 ployers.

3 (H) Activities to promote workplace adult
4 education and literacy activities.

5 (I) Identifying curriculum frameworks and
6 aligning rigorous content standards that—

7 (i) specify what adult learners should
8 know and be able to do in the areas of
9 reading and language arts, mathematics,
10 and English language acquisition; and

11 (ii) take into consideration the fol-
12 lowing:

13 (I) State adopted academic
14 standards.

15 (II) The current adult skills and
16 literacy assessments used in the State
17 or outlying area.

18 (III) The primary indicators of
19 performance described in section 116.

20 (IV) Standards and academic re-
21 quirements for enrollment in non-
22 remedial, for-credit courses in postsec-
23 ondary educational institutions or in-
24 stitutions of higher education sup-
25 ported by the State or outlying area.

1 (V) Where appropriate, the con-
2 tent of occupational and industry skill
3 standards widely used by business and
4 industry in the State or outlying area.

5 (J) Developing and piloting of strategies
6 for improving teacher quality and retention.

7 (K) The development and implementation
8 of programs and services to meet the needs of
9 adult learners with learning disabilities or
10 English language learners, which may include
11 new and promising assessment tools and strate-
12 gies that are based on scientifically valid re-
13 search, where appropriate, and identify the
14 needs and capture the gains of such students at
15 the lowest achievement levels.

16 (L) Outreach to instructors, students, and
17 employers.

18 (M) Other activities of statewide signifi-
19 cance that promote the purpose of this title.

20 (b) COLLABORATION.—In carrying out this section,
21 eligible agencies shall collaborate where possible, and avoid
22 duplicating efforts, in order to maximize the impact of the
23 activities described in subsection (a).

24 (c) STATE-IMPOSED REQUIREMENTS.—Whenever a
25 State or outlying area implements any rule or policy relat-

1 ing to the administration or operation of a program au-
2 thorized under this title that has the effect of imposing
3 a requirement that is not imposed under Federal law (in-
4 cluding any rule or policy based on a State or outlying
5 area interpretation of a Federal statute, regulation, or
6 guideline), the State or outlying area shall identify, to eli-
7 gible providers, the rule or policy as being imposed by the
8 State or outlying area.

9 **SEC. 224. STATE PLAN.**

10 Each State desiring to receive funds under this title
11 for any fiscal year shall submit and have approved a uni-
12 fied State plan in accordance with section 102 or a com-
13 bined State plan in accordance with section 103.

14 **SEC. 225. PROGRAMS FOR CORRECTIONS EDUCATION AND**
15 **OTHER INSTITUTIONALIZED INDIVIDUALS.**

16 (a) PROGRAM AUTHORIZED.—From funds made
17 available under section 222(a)(1) for a fiscal year, each
18 eligible agency shall carry out corrections education and
19 education for other institutionalized individuals.

20 (b) USES OF FUNDS.—The funds described in sub-
21 section (a) shall be used for the cost of educational pro-
22 grams for criminal offenders in correctional institutions
23 and for other institutionalized individuals, including aca-
24 demic programs for—

25 (1) adult education and literacy activities;

- 1 (2) special education, as determined by the eli-
- 2 gible agency;
- 3 (3) secondary school credit;
- 4 (4) integrated education and training;
- 5 (5) career pathways;
- 6 (6) concurrent enrollment;
- 7 (7) peer tutoring; and
- 8 (8) transition to re-entry initiatives and other
- 9 postrelease services with the goal of reducing recidi-
- 10 vism.

11 (c) **PRIORITY.**—Each eligible agency that is using as-

12 sistance provided under this section to carry out a pro-

13 gram for criminal offenders within a correctional institu-

14 tion shall give priority to serving individuals who are likely

15 to leave the correctional institution within 5 years of par-

16 ticipation in the program.

17 (d) **REPORT.**—In addition to any report required

18 under section 116, each eligible agency that receives as-

19 sistance provided under this section shall annually prepare

20 and submit to the Secretary a report on the progress, as

21 described in section 116, of the eligible agency with re-

22 spect to the programs and activities carried out under this

23 section, including the relative rate of recidivism for the

24 criminal offenders served.

25 (e) **DEFINITIONS.**—In this section:

1 (1) CORRECTIONAL INSTITUTION.—The term
 2 “correctional institution” means any—
 3 (A) prison;
 4 (B) jail;
 5 (C) reformatory;
 6 (D) work farm;
 7 (E) detention center; or
 8 (F) halfway house, community-based reha-
 9 bilitation center, or any other similar institution
 10 designed for the confinement or rehabilitation
 11 of criminal offenders.

12 (2) CRIMINAL OFFENDER.—The term “criminal
 13 offender” means any individual who is charged with
 14 or convicted of any criminal offense.

15 **Subtitle C—Local Provisions**

16 **SEC. 231. GRANTS AND CONTRACTS FOR ELIGIBLE PRO-** 17 **VIDERS.**

18 (a) GRANTS AND CONTRACTS.—From grant funds
 19 made available under section 222(a)(1), each eligible agen-
 20 cy shall award multiyear grants or contracts, on a com-
 21 petitive basis, to eligible providers within the State or out-
 22 lying area to enable the eligible providers to develop, im-
 23 plement, and improve adult education and literacy activi-
 24 ties within the State.

1 (b) **REQUIRED LOCAL ACTIVITIES.**—The eligible
2 agency shall require that each eligible provider receiving
3 a grant or contract under subsection (a) use the grant
4 or contract to establish or operate programs that provide
5 adult education and literacy activities, including programs
6 that provide such activities concurrently.

7 (c) **DIRECT AND EQUITABLE ACCESS; SAME PROC-**
8 **ESS.**—Each eligible agency receiving funds under this title
9 shall ensure that—

10 (1) all eligible providers have direct and equi-
11 table access to apply and compete for grants or con-
12 tracts under this section; and

13 (2) the same grant or contract announcement
14 process and application process is used for all eligi-
15 ble providers in the State or outlying area.

16 (d) **SPECIAL RULE.**—Each eligible agency awarding
17 a grant or contract under this section shall not use any
18 funds made available under this title for adult education
19 and literacy activities for the purpose of supporting or pro-
20 viding programs, services, or activities for individuals who
21 are not individuals described in subparagraphs (A) and
22 (B) of section 203(4), except that such agency may use
23 such funds for such purpose if such programs, services,
24 or activities are related to family literacy activities. In pro-
25 viding family literacy activities under this title, an eligible

1 provider shall attempt to coordinate with programs and
2 services that are not assisted under this title prior to using
3 funds for adult education and literacy activities under this
4 title for activities other than activities for eligible individ-
5 uals.

6 (e) CONSIDERATIONS.—In awarding grants or con-
7 tracts under this section, the eligible agency shall con-
8 sider—

9 (1) the degree to which the eligible provider
10 would be responsive to—

11 (A) regional needs as identified in the local
12 plan under section 108; and

13 (B) serving individuals in the community
14 who were identified in such plan as most in
15 need of adult education and literacy activities,
16 including individuals—

17 (i) who have low levels of literacy
18 skills; or

19 (ii) who are English language learn-
20 ers;

21 (2) the ability of the eligible provider to serve
22 eligible individuals with disabilities, including eligible
23 individuals with learning disabilities;

24 (3) past effectiveness of the eligible provider in
25 improving the literacy of eligible individuals, to meet

1 State-adjusted levels of performance for the primary
2 indicators of performance described in section 116,
3 especially with respect to eligible individuals who
4 have low levels of literacy;

5 (4) the extent to which the eligible provider
6 demonstrates alignment between proposed activities
7 and services and the strategy and goals of the local
8 plan under section 108, as well as the activities and
9 services of the one-stop partners;

10 (5) whether the eligible provider's program—

11 (A) is of sufficient intensity and quality,
12 and based on the most rigorous research avail-
13 able so that participants achieve substantial
14 learning gains; and

15 (B) uses instructional practices that in-
16 clude the essential components of reading in-
17 struction;

18 (6) whether the eligible provider's activities, in-
19 cluding whether reading, writing, speaking, mathe-
20 matics, and English language acquisition instruction
21 delivered by the eligible provider, are based on the
22 best practices derived from the most rigorous re-
23 search available and appropriate, including scientif-
24 ically valid research and effective educational prac-
25 tice;

1 (7) whether the eligible provider's activities ef-
2 fectively use technology, services, and delivery sys-
3 tems, including distance education in a manner suf-
4 ficient to increase the amount and quality of learn-
5 ing and how such technology, services, and systems
6 lead to improved performance;

7 (8) whether the eligible provider's activities pro-
8 vide learning in context, including through inte-
9 grated education and training, so that an individual
10 acquires the skills needed to transition to and com-
11 plete postsecondary education and training pro-
12 grams, obtain and advance in employment leading to
13 economic self-sufficiency, and to exercise the rights
14 and responsibilities of citizenship;

15 (9) whether the eligible provider's activities are
16 delivered by well-trained instructors, counselors, and
17 administrators who meet any minimum qualifica-
18 tions established by the State, where applicable, and
19 who have access to high quality professional develop-
20 ment, including through electronic means;

21 (10) whether the eligible provider's activities co-
22 ordinate with other available education, training,
23 and social service resources in the community, such
24 as by establishing strong links with elementary
25 schools and secondary schools, postsecondary edu-

1 cational institutions, institutions of higher education,
2 local workforce investment boards, one-stop centers,
3 job training programs, and social service agencies,
4 business, industry, labor organizations, community-
5 based organizations, nonprofit organizations, and
6 intermediaries, for the development of career path-
7 ways;

8 (11) whether the eligible provider's activities
9 offer flexible schedules and coordination with Fed-
10 eral, State, and local support services (such as child
11 care, transportation, mental health services, and ca-
12 reer planning) that are necessary to enable individ-
13 uals, including individuals with disabilities or other
14 special needs, to attend and complete programs;

15 (12) whether the eligible provider maintains a
16 high-quality information management system that
17 has the capacity to report measurable participant
18 outcomes (consistent with section 116) and to mon-
19 itor program performance; and

20 (13) whether the local areas in which the eligi-
21 ble provider is located have a demonstrated need for
22 additional English language acquisition programs
23 and civics education programs.

1 **SEC. 232. LOCAL APPLICATION.**

2 Each eligible provider desiring a grant or contract
3 from an eligible agency shall submit an application to the
4 eligible agency containing such information and assur-
5 ances as the eligible agency may require, including—

6 (1) a description of how funds awarded under
7 this title will be spent consistent with the require-
8 ments of this title;

9 (2) a description of any cooperative arrange-
10 ments the eligible provider has with other agencies,
11 institutions, or organizations for the delivery of
12 adult education and literacy activities;

13 (3) a description of how the eligible provider
14 will provide services in alignment with the local plan
15 under section 108, including how such provider will
16 promote concurrent enrollment in programs and ac-
17 tivities under title I, as appropriate;

18 (4) a description of how the eligible provider
19 will meet the State adjusted levels of performance
20 described in section 116(b)(3), including how such
21 provider will collect data to report on such perform-
22 ance indicators;

23 (5) a description of how the eligible provider
24 will fulfill one-stop partner responsibilities as de-
25 scribed in section 121(b)(1)(A), as appropriate;

1 (6) a description of how the eligible provider
2 will provide services in a manner that meets the
3 needs of eligible individuals; and

4 (7) information that addresses the consider-
5 ations described under section 231(e), as applicable.

6 **SEC. 233. LOCAL ADMINISTRATIVE COST LIMITS.**

7 (a) IN GENERAL.—Subject to subsection (b), of the
8 amount that is made available under this title to an eligi-
9 ble provider—

10 (1) not less than 95 percent shall be expended
11 for carrying out adult education and literacy activi-
12 ties; and

13 (2) the remaining amount, not to exceed 5 per-
14 cent, shall be used for planning, administration (in-
15 cluding carrying out the requirements of section
16 116), professional development, and the activities de-
17 scribed in paragraphs (3) and (5) of section 232.

18 (b) SPECIAL RULE.—In cases where the cost limits
19 described in subsection (a) are too restrictive to allow for
20 the activities described in subsection (a)(2), the eligible
21 provider shall negotiate with the eligible agency in order
22 to determine an adequate level of funds to be used for
23 noninstructional purposes.

1 **Subtitle D—General Provisions**

2 **SEC. 241. ADMINISTRATIVE PROVISIONS.**

3 (a) SUPPLEMENT NOT SUPPLANT.—Funds made
4 available for adult education and literacy activities under
5 this title shall supplement and not supplant other State
6 or local public funds expended for adult education and lit-
7 eracy activities.

8 (b) MAINTENANCE OF EFFORT.—

9 (1) IN GENERAL.—

10 (A) DETERMINATION.—An eligible agency
11 may receive funds under this title for any fiscal
12 year if the Secretary finds that the fiscal effort
13 per student or the aggregate expenditures of
14 such eligible agency for activities under this
15 title, in the second preceding fiscal year, were
16 not less than 90 percent of the fiscal effort per
17 student or the aggregate expenditures of such
18 eligible agency for adult education and literacy
19 activities in the third preceding fiscal year.

20 (B) PROPORTIONATE REDUCTION.—Sub-
21 ject to paragraphs (2), (3), and (4), for any fis-
22 cal year with respect to which the Secretary de-
23 termines under subparagraph (A) that the fiscal
24 effort or the aggregate expenditures of an eligi-
25 ble agency for the preceding program year were

1 less than such effort or expenditures for the
2 second preceding program year, the Secretary—

3 (i) shall determine the percentage de-
4 creases in such effort or in such expendi-
5 tures; and

6 (ii) shall decrease the payment made
7 under this title for such program year to
8 the agency for adult education and literacy
9 activities by the lesser of such percentages.

10 (2) COMPUTATION.—In computing the fiscal ef-
11 fort and aggregate expenditures under paragraph
12 (1), the Secretary shall exclude capital expenditures
13 and special one-time project costs.

14 (3) DECREASE IN FEDERAL SUPPORT.—If the
15 amount made available for adult education and lit-
16 eracy activities under this title for a fiscal year is
17 less than the amount made available for adult edu-
18 cation and literacy activities under this title for the
19 preceding fiscal year, then the fiscal effort per stu-
20 dent and the aggregate expenditures of an eligible
21 agency required in order to avoid a reduction under
22 paragraph (1)(B) shall be decreased by the same
23 percentage as the percentage decrease in the amount
24 so made available.

1 (4) WAIVER.—The Secretary may waive the re-
2 quirements of this subsection for not more than 1
3 fiscal year, if the Secretary determines that a waiver
4 would be equitable due to exceptional or uncontrol-
5 lable circumstances, such as a natural disaster or an
6 unforeseen and precipitous decline in the financial
7 resources of the State or outlying area of the eligible
8 agency. If the Secretary grants a waiver under the
9 preceding sentence for a fiscal year, the level of ef-
10 fort required under paragraph (1) shall not be re-
11 duced in the subsequent fiscal year because of the
12 waiver.

13 **SEC. 242. NATIONAL LEADERSHIP ACTIVITIES.**

14 (a) IN GENERAL.—The Secretary shall establish and
15 carry out a program of national leadership activities to
16 enhance the quality and outcomes of adult education and
17 literacy activities and programs nationwide.

18 (b) REQUIRED ACTIVITIES.—The national leadership
19 activities described in subsection (a) shall include technical
20 assistance, including—

21 (1) assistance to help States meet the require-
22 ments of section 116;

23 (2) upon request by a State, assistance provided
24 to eligible providers in using performance account-
25 ability measures based on indicators described in

1 section 116, and data systems for the improvement
2 of adult education and literacy activities;

3 (3) carrying out rigorous research and evalua-
4 tion on effective adult education and literacy activi-
5 ties, as well as estimating the number of adults
6 functioning at the lowest levels of literacy pro-
7 ficiency, which shall be coordinated across relevant
8 Federal agencies, including the Institute of Edu-
9 cation Sciences; and

10 (4) carrying out an independent evaluation at
11 least once every 4 years of the programs and activi-
12 ties under this title, taking into consideration the
13 evaluation subjects referred to in section 169(a)(2).

14 (c) ALLOWABLE ACTIVITIES.—The national leader-
15 ship activities described in subsection (a) may include the
16 following:

17 (1) Technical assistance, including—

18 (A) assistance related to professional devel-
19 opment activities, and assistance for the pur-
20 poses of developing, improving, identifying, and
21 disseminating the most successful methods and
22 techniques for providing adult education and
23 literacy activities, based on scientifically valid
24 research where available;

1 (B) assistance in distance education and
2 promoting and improving the use of technology
3 in the classroom, including instruction in
4 English language acquisition for English lan-
5 guage learners;

6 (C) assistance in the development and dis-
7 semination of proven models for addressing the
8 digital literacy needs of adults, including older
9 adults; and

10 (D) supporting efforts aimed at strength-
11 ening programs at the State and local levels,
12 such as technical assistance in program plan-
13 ning, assessment, evaluation, and monitoring of
14 activities carried out under this title.

15 (2) Funding national leadership activities either
16 directly or through grants, contracts, or cooperative
17 agreements awarded on a competitive basis to or
18 with postsecondary educational institutions, institu-
19 tions of higher education, public or private organiza-
20 tions or agencies (including public libraries), or con-
21 sortia of such institutions, organizations, or agen-
22 cies, which may include—

23 (A) developing, improving, and identifying
24 the most successful methods and techniques for
25 addressing the education needs of adults, in-

1 including instructional practices using the essen-
2 tial components of reading instruction based on
3 the work of the National Institute of Child
4 Health and Human Development;

5 (B) supporting national, regional, or local
6 networks of private nonprofit organizations,
7 public libraries, or institutions of higher edu-
8 cation to strengthen the ability of such net-
9 works' members to meet the performance re-
10 quirements described in section 116 of eligible
11 providers;

12 (C) increasing the effectiveness, and im-
13 proving the quality, of adult education and lit-
14 eracy activities, which may include—

15 (i) carrying out rigorous research;

16 (ii) carrying out demonstration pro-
17 grams;

18 (iii) accelerating learning outcomes
19 for eligible individuals with the lowest lit-
20 eracy levels;

21 (iv) developing and promoting career
22 pathways for eligible individuals;

23 (v) promoting concurrent enrollment
24 programs in adult education and credit
25 bearing postsecondary coursework;

1 (vi) developing high-quality profes-
2 sional development activities for eligible
3 providers; and

4 (vii) developing, replicating, and dis-
5 seminating information on best practices
6 and innovative programs, such as—

7 (I) the identification of effective
8 strategies for working with adults
9 with learning disabilities and with
10 adults who are English language
11 learners;

12 (II) integrated education and
13 training programs;

14 (III) workplace adult education
15 and literacy activities; and

16 (IV) postsecondary education and
17 training transition programs;

18 (D) providing for the conduct of an inde-
19 pendent evaluation and assessment of adult
20 education and literacy activities through grants
21 and contracts awarded on a competitive basis,
22 which shall include descriptions of—

23 (i) the effect of performance account-
24 ability measures and other measures of ac-

1 countability on the delivery of adult edu-
2 cation and literacy activities;

3 (ii) the extent to which the adult edu-
4 cation and literacy activities increase the
5 literacy skills of eligible individuals, lead to
6 involvement in education and training, en-
7 hance the employment and earnings of
8 such participants, and, if applicable, lead
9 to other positive outcomes, such as success
10 in re-entry and reductions in recidivism in
11 the case of prison-based adult education
12 and literacy activities;

13 (iii) the extent to which the provision
14 of support services to eligible individuals
15 enrolled in adult education and literacy ac-
16 tivities increase the rate of enrollment in,
17 and successful completion of, such pro-
18 grams; and

19 (iv) the extent to which different types
20 of providers measurably improve the skills
21 of eligible individuals in adult education
22 and literacy activities;

23 (E) collecting data, such as data regarding
24 the improvement of both local and State data
25 systems, through technical assistance and devel-

1 opment of model performance data collection
2 systems;

3 (F) determining how participation in adult
4 education and literacy activities prepares eligi-
5 ble individuals for entry into postsecondary edu-
6 cation and employment and, in the case of pro-
7 grams carried out in correctional institutions,
8 has an effect on recidivism; and

9 (G) other activities designed to enhance
10 the quality of adult education and literacy ac-
11 tivities nationwide.

12 **SEC. 243. INTEGRATED ENGLISH LITERACY AND CIVICS**
13 **EDUCATION.**

14 (a) IN GENERAL.—From funds made available under
15 section 211(a)(2) for each fiscal year, the Secretary shall
16 award grants to States, from allotments under subsection
17 (b), for integrated English literacy and civics education,
18 in combination with integrated education and training ac-
19 tivities.

20 (b) ALLOTMENT.—

21 (1) IN GENERAL.—Subject to paragraph (2),
22 from amounts made available under section
23 211(a)(2) for a fiscal year, the Secretary shall allo-
24 cate—

1 (A) 65 percent to the States on the basis
2 of a State's need for integrated English literacy
3 and civics education, as determined by calcu-
4 lating each State's share of a 10-year average
5 of the data of the Office of Immigration Statis-
6 tics of the Department of Homeland Security
7 for immigrants admitted for legal permanent
8 residence for the 10 most recent years; and

9 (B) 35 percent to the States on the basis
10 of whether the State experienced growth, as
11 measured by the average of the 3 most recent
12 years for which the data of the Office of Immi-
13 gration Statistics of the Department of Home-
14 land Security for immigrants admitted for legal
15 permanent residence are available.

16 (2) MINIMUM.—No State shall receive an allot-
17 ment under paragraph (1) in an amount that is less
18 than \$60,000.

19 (c) GOAL.—Each program that receives funding
20 under this section shall be designed to—

21 (1) prepare adults who are English language
22 learners for, and place such adults in, unsubsidized
23 employment in in-demand industries and occupations
24 that lead to economic self-sufficiency; and

1 (2) integrate with the local workforce develop-
2 ment system and its functions to carry out the ac-
3 tivities of the program.

4 (d) REPORT.—The Secretary shall prepare and sub-
5 mit to the Committee on Education and the Workforce
6 of the House of Representatives, and the Committee on
7 Health, Education, Labor, and Pensions of the Senate and
8 make available to the public, a report on the activities car-
9 ried out under this section.

10 **TITLE III—AMENDMENTS TO**
11 **THE WAGNER-PEYSER ACT**

12 **SEC. 301. EMPLOYMENT SERVICE OFFICES.**

13 Section 1 of the Wagner-Peyser Act (29 U.S.C. 49)
14 is amended by inserting “service” before “offices”.

15 **SEC. 302. DEFINITIONS.**

16 Section 2 of the Wagner-Peyser Act (29 U.S.C. 49a)
17 is amended—

18 (1) by striking paragraph (1) and inserting the
19 following:

20 “(1) the terms ‘chief elected official’, ‘institu-
21 tion of higher education’, ‘one-stop center’, ‘one-stop
22 partner’, ‘training services’, ‘workforce development
23 activity’, and ‘workplace learning advisor’, have the
24 meaning given the terms in section 3 of the Work-
25 force Innovation and Opportunity Act;”;

1 (2) in paragraph (2)—

2 (A) by striking “investment board” each
3 place it appears and inserting “development
4 board”; and

5 (B) by striking “section 117 of the Work-
6 force Investment Act of 1998” and inserting
7 “section 107 of the Workforce Innovation and
8 Opportunity Act”;

9 (3) in paragraph (3)—

10 (A) by striking “134(c)” and inserting
11 “121(e)”; and

12 (B) by striking “Workforce Investment Act
13 of 1998” and inserting “Workforce Innovation
14 and Opportunity Act”; and

15 (4) in paragraph (4), by striking “and” at the
16 end;

17 (5) in paragraph (5), by striking the period and
18 inserting “; and”; and

19 (6) by adding at the end the following:

20 “(6) the term ‘employment service office’ means
21 a local office of a State agency; and

22 “(7) except in section 15, the term ‘State agen-
23 cy’, used without further description, means an
24 agency designated or authorized under section 4.”.

1 **SEC. 303. FEDERAL AND STATE EMPLOYMENT SERVICE OF-**
2 **FICES.**

3 (a) COORDINATION.—Section 3(a) of the Wagner-
4 Peyser Act (29 U.S.C. 49b(a)) is amended by striking
5 “services” and inserting “service offices”.

6 (b) PUBLIC LABOR EXCHANGE SERVICES SYSTEM.—
7 Section 3(c) of the Wagner-Peyser Act (29 U.S.C. 49b(c))
8 is amended—

9 (1) in paragraph (2), by striking the semicolon
10 and inserting “, and identify and disseminate infor-
11 mation on best practices for such system; and”;

12 (2) by adding at the end the following:

13 “(4) in coordination with the State agencies
14 and the staff of such agencies, assist in the planning
15 and implementation of activities to enhance the pro-
16 fessional development and career advancement op-
17 portunities of such staff, in order to strengthen the
18 provision of a broad range of career guidance serv-
19 ices, the identification of job openings (including
20 providing intensive outreach to small and medium-
21 sized employers and enhanced employer services),
22 the provision of technical assistance and training to
23 other providers of workforce development activities
24 (including workplace learning advisors) relating to
25 counseling and employment-related services, and the

1 development of new strategies for coordinating coun-
2 seling and technology.”.

3 (c) ONE-STOP CENTERS.—Section 3 of the Wagner-
4 Peyser Act (29 U.S.C. 49b) is amended by inserting after
5 subsection (c) the following:

6 “(d) In order to improve service delivery, avoid dupli-
7 cation of services, and enhance coordination of services,
8 including location of staff to ensure access to services
9 under section 7(a) statewide in underserved areas, employ-
10 ment service offices in each State shall be colocated with
11 one-stop centers.

12 “(e) The Secretary, in consultation with States, is au-
13 thorized to assist the States in the development of national
14 electronic tools that may be used to improve access to
15 workforce information for individuals through—

16 “(1) the one-stop delivery systems established
17 as described in section 121(e) of the Workforce In-
18 novation and Opportunity Act; and

19 “(2) such other delivery systems as the Sec-
20 retary determines to be appropriate.”.

21 **SEC. 304. ALLOTMENT OF SUMS.**

22 Section 6 of the Wagner-Peyser Act (29 U.S.C. 49e)
23 is amended—

24 (1) in subsection (a), by striking “amounts ap-
25 propriated pursuant to section 5” and inserting

1 “funds appropriated and (except for Guam) certified
2 under section 5 and made available for allotments
3 under this section”; and

4 (2) in subsection (b)(1)—

5 (A) in the matter preceding subparagraph

6 (A)—

7 (i) by inserting before “the Secretary”
8 the following “after making the allotments
9 required by subsection (a),”; and

10 (ii) by striking “sums” and all that
11 follows through “this Act” and inserting
12 “funds described in subsection (a)”;

13 (B) in each of subparagraphs (A) and (B),
14 by striking “sums” and inserting “remainder”;
15 and

16 (C) by adding at the end the following:
17 “For purposes of this paragraph, the term
18 ‘State’ does not include Guam or the Virgin Is-
19 lands.”.

20 **SEC. 305. USE OF SUMS.**

21 (a) IMPROVED COORDINATION.—Section 7(a)(1) of
22 the Wagner-Peyser Act (29 U.S.C. 49f(a)(1)) is amended
23 by inserting “, including unemployment insurance claim-
24 ants,” after “seekers”.

1 (b) RESOURCES FOR UNEMPLOYMENT INSURANCE
2 CLAIMANTS.—Section 7(a)(3) of the Wagner-Peyser Act
3 (29 U.S.C. 49f(a)(3)) is amended—

4 (1) by striking “and” at the end of subpara-
5 graph (E);

6 (2) in subparagraph (F)—

7 (A) by inserting “, including making eligi-
8 bility assessments,” after “system”; and

9 (B) by striking the period at the end and
10 inserting “; and”; and

11 (3) by inserting after subparagraph (F) the fol-
12 lowing:

13 “(G) providing unemployment insurance
14 claimants with referrals to, and application as-
15 sistance for, training and education resources
16 and programs, including Federal Pell Grants
17 under subpart 1 of part A of title IV of the
18 Higher Education Act of 1965 (20 U.S.C.
19 1070a et seq.), educational assistance under
20 chapter 30 of title 38, United States Code
21 (commonly referred to as the Montgomery GI
22 Bill), and chapter 33 of that title (Post-9/11
23 Veterans Educational Assistance), student as-
24 sistance under title IV of the Higher Education
25 Act of 1965 (20 U.S.C. 1070 et seq.), State

1 student higher education assistance, and train-
2 ing and education programs provided under ti-
3 tles I and II of the Workforce Innovation and
4 Opportunity Act, and title I of the Rehabilita-
5 tion Act of 1973 (29 U.S.C. 720 et seq.).”.

6 (c) STATE ACTIVITIES.—Section 7(b) of the Wagner-
7 Peyser Act (29 U.S.C. 49f(b)) is amended—

8 (1) in paragraph (1), by striking “performance
9 standards established by the Secretary” and insert-
10 ing “the performance accountability measures that
11 are based on indicators described in section
12 116(b)(2)(A)(i) of the Workforce Innovation and
13 Opportunity Act”;

14 (2) in paragraph (2), by inserting “offices”
15 after “employment service”; and

16 (3) in paragraph (3), by inserting “, and mod-
17 els for enhancing professional development and ca-
18 reer advancement opportunities of State agency
19 staff, as described in section 3(c)(4)” after “sub-
20 section (a)”.

21 (d) PROVIDING ADDITIONAL FUNDS.—Subsections
22 (c)(2) and (d) of section 7 of the Wagner-Peyser Act (29
23 U.S.C. 49f) are amended by striking “the Workforce In-
24 vestment Act of 1998” and inserting “the Workforce In-
25 novation and Opportunity Act”.

1 (e) CONFORMING AMENDMENT.—Section 7(e) of the
2 Wagner-Peyser Act (29 U.S.C. 49f(e)) is amended by
3 striking “labor employment statistics” and inserting
4 “workforce and labor market information”.

5 **SEC. 306. STATE PLAN.**

6 Section 8 of the Wagner-Peyser Act (29 U.S.C. 49g)
7 is amended to read as follows:

8 “SEC. 8. Any State desiring to receive assistance
9 under section 6 shall prepare and submit to, and have ap-
10 proved by, the Secretary and the Secretary of Education,
11 a State plan in accordance with section 102 or 103 of the
12 Workforce Innovation and Opportunity Act.”.

13 **SEC. 307. PERFORMANCE MEASURES.**

14 Section 13(a) of the Wagner-Peyser Act (29 U.S.C.
15 49l(a)) is amended to read as follows:

16 “(a) The activities carried out pursuant to section 7
17 shall be subject to the performance accountability meas-
18 ures that are based on indicators described in section
19 116(b)(2)(A)(i) of the Workforce Innovation and Oppor-
20 tunity Act.”.

21 **SEC. 308. WORKFORCE AND LABOR MARKET INFORMATION**
22 **SYSTEM.**

23 (a) HEADING.—The section heading for section 15 of
24 the Wagner-Peyser Act (29 U.S.C. 49l–2) is amended by
25 striking “**EMPLOYMENT STATISTICS**” and inserting

1 **“WORKFORCE AND LABOR MARKET INFORMATION**
2 **SYSTEM”**.

3 (b) NAME OF SYSTEM.—Section 15(a)(1) of the Wag-
4 ner-Peyser Act (29 U.S.C. 491–2(a)(1)) is amended by
5 striking “employment statistics system of employment sta-
6 tistics” and inserting “workforce and labor market infor-
7 mation system”.

8 (c) SYSTEM RESPONSIBILITIES.—Section 15(b) of
9 the Wagner-Peyser Act (29 U.S.C. 491–2(b)) is amend-
10 ed—

11 (1) by striking paragraph (1) and inserting the
12 following:

13 “(1) IN GENERAL.—

14 “(A) STRUCTURE.—The workforce and
15 labor market information system described in
16 subsection (a) shall be evaluated and improved
17 by the Secretary, in consultation with the
18 Workforce Information Advisory Council estab-
19 lished in subsection (d).

20 “(B) GRANTS AND RESPONSIBILITIES.—

21 “(i) IN GENERAL.—The Secretary
22 shall carry out the provisions of this sec-
23 tion in a timely manner, through grants to
24 or agreements with States.

1 “(ii) DISTRIBUTION OF FUNDS.—

2 Using amounts appropriated under sub-
3 section (g), the Secretary shall provide
4 funds through those grants and agree-
5 ments. In distributing the funds (relating
6 to workforce and labor market information
7 funding) for fiscal years 2015 through
8 2020, the Secretary shall continue to dis-
9 tribute the funds to States in the manner
10 in which the Secretary distributed funds to
11 the States under this section for fiscal
12 years 2004 through 2008.”; and

13 (2) by striking paragraph (2) and inserting the
14 following:

15 “(2) DUTIES.—The Secretary, with respect to
16 data collection, analysis, and dissemination of work-
17 force and labor market information for the system,
18 shall carry out the following duties:

19 “(A) Assign responsibilities within the De-
20 partment of Labor for elements of the work-
21 force and labor market information system de-
22 scribed in subsection (a) to ensure that the sta-
23 tistical and administrative data collected is con-
24 sistent with appropriate Bureau of Labor Sta-
25 tistics standards and definitions, and that the

1 information is accessible and understandable to
2 users of such data.

3 “(B) Actively seek the cooperation of heads
4 of other Federal agencies to establish and main-
5 tain mechanisms for ensuring complementarity
6 and nonduplication in the development and op-
7 eration of statistical and administrative data
8 collection activities.

9 “(C) Solicit, receive, and evaluate the rec-
10 ommendations from the Workforce Information
11 Advisory Council established in subsection (d)
12 concerning the evaluation and improvement of
13 the workforce and labor market information
14 system described in subsection (a) and respond
15 in writing to the Council regarding the rec-
16 ommendations.

17 “(D) Eliminate gaps and duplication in
18 statistical undertakings.

19 “(E) Through the Bureau of Labor Statis-
20 tics and the Employment and Training Admin-
21 istration, and in collaboration with States, de-
22 velop and maintain the elements of the work-
23 force and labor market information system de-
24 scribed in subsection (a), including the develop-
25 ment of consistent procedures and definitions

1 for use by the States in collecting the data and
2 information described in subparagraphs (A) and
3 (B) of subsection (a)(1).

4 “(F) Establish procedures for the system
5 to ensure that—

6 “(i) such data and information are
7 timely; and

8 “(ii) paperwork and reporting for the
9 system are reduced to a minimum.”.

10 (d) TWO-YEAR PLAN.—Section 15 of the Wagner-
11 Peyser Act (29 U.S.C. 491–2) is amended by striking sub-
12 section (c) and inserting the following:

13 “(c) TWO-YEAR PLAN.—The Secretary, acting
14 through the Commissioner of Labor Statistics and the As-
15 sistant Secretary for Employment and Training, and in
16 consultation with the Workforce Information Advisory
17 Council described in subsection (d) and heads of other ap-
18 propriate Federal agencies, shall prepare a 2-year plan for
19 the workforce and labor market information system. The
20 plan shall be developed and implemented in a manner that
21 takes into account the activities described in State plans
22 submitted by States under section 102 or 103 of the
23 Workforce Innovation and Opportunity Act and shall be
24 submitted to the Committee on Education and the Work-
25 force of the House of Representatives and the Committee

1 on Health, Education, Labor, and Pensions of the Senate.

2 The plan shall include—

3 “(1) a description of how the Secretary will
4 work with the States to manage the nationwide
5 workforce and labor market information system de-
6 scribed in subsection (a) and the statewide workforce
7 and labor market information systems that comprise
8 the nationwide system;

9 “(2) a description of the steps to be taken in
10 the following 2 years to carry out the duties de-
11 scribed in subsection (b)(2);

12 “(3) an evaluation of the performance of the
13 system, with particular attention to the improve-
14 ments needed at the State and local levels;

15 “(4) a description of the involvement of States
16 in the development of the plan, through consultation
17 by the Secretary with the Workforce Information
18 Advisory Council in accordance with subsection (d);
19 and

20 “(5) a description of the written recommenda-
21 tions received from the Workforce Information Advi-
22 sory Council established under subsection (d), and
23 the extent to which those recommendations were in-
24 corporated into the plan.”.

1 (e) WORKFORCE INFORMATION ADVISORY COUN-
2 CIL.—Section 15 of the Wagner-Peyser Act (29 U.S.C.
3 491–2) is amended by striking subsection (d) and inserting
4 the following:

5 “(d) WORKFORCE INFORMATION ADVISORY COUN-
6 CIL.—

7 “(1) IN GENERAL.—The Secretary, through the
8 Commissioner of Labor Statistics and the Assistant
9 Secretary for Employment and Training, shall for-
10 mally consult at least twice annually with the Work-
11 force Information Advisory Council established in
12 accordance with paragraph (2). Such consultations
13 shall address the evaluation and improvement of the
14 nationwide workforce and labor market information
15 system described in subsection (a) and the statewide
16 workforce and labor market information systems
17 that comprise the nationwide system and how the
18 Department of Labor and the States will cooperate
19 in the management of such systems. The Council
20 shall provide written recommendations to the Sec-
21 retary concerning the evaluation and improvement of
22 the nationwide system, including any recommenda-
23 tions regarding the 2-year plan described in sub-
24 section (c).

25 “(2) ESTABLISHMENT OF COUNCIL.—

1 “(A) ESTABLISHMENT.—The Secretary
2 shall establish an advisory council that shall be
3 known as the Workforce Information Advisory
4 Council (referred to in this section as the
5 ‘Council’) to participate in the consultations
6 and provide the recommendations described in
7 paragraph (1).

8 “(B) MEMBERSHIP.—The Secretary shall
9 appoint the members of the Council, which shall
10 consist of—

11 “(i) 4 members who are representa-
12 tives of lead State agencies with responsi-
13 bility for workforce investment activities,
14 or State agencies described in section 4,
15 who have been nominated by such agencies
16 or by a national organization that rep-
17 represents such agencies;

18 “(ii) 4 members who are representa-
19 tives of the State workforce and labor mar-
20 ket information directors affiliated with the
21 State agencies that perform the duties de-
22 scribed in subsection (e)(2), who have been
23 nominated by the directors;

24 “(iii) 1 member who is a representa-
25 tive of providers of training services under

1 section 122 of the Workforce Innovation
2 and Opportunity Act;

3 “(iv) 1 member who is a representa-
4 tive of economic development entities;

5 “(v) 1 member who is a representative
6 of businesses, who has been nominated by
7 national business organizations or trade
8 associations;

9 “(vi) 1 member who is a representa-
10 tive of labor organizations, who has been
11 nominated by a national labor federation;

12 “(vii) 1 member who is a representa-
13 tive of local workforce development boards,
14 who has been nominated by a national or-
15 ganization representing such boards; and

16 “(viii) 1 member who is a representa-
17 tive of research entities that utilize work-
18 force and labor market information.

19 “(C) GEOGRAPHIC DIVERSITY.—The Sec-
20 retary shall ensure that the membership of the
21 Council is geographically diverse and that no 2
22 of the members appointed under clauses (i),
23 (ii), and (vii) represent the same State.

24 “(D) PERIOD OF APPOINTMENT; VACAN-
25 CIES.—

1 “(i) IN GENERAL.—Each member of
2 the Council shall be appointed for a term
3 of 3 years, except that the initial terms for
4 members may be 1, 2, or 3 years in order
5 to establish a rotation in which one-third
6 of the members are selected each year. Any
7 such member may be appointed for not
8 more than 2 consecutive terms.

9 “(ii) VACANCIES.—Any member ap-
10 pointed to fill a vacancy occurring before
11 the expiration of the term for which the
12 member’s predecessor was appointed shall
13 be appointed only for the remainder of that
14 term. A member may serve after the expi-
15 ration of that member’s term until a suc-
16 cessor has taken office.

17 “(E) TRAVEL EXPENSES.—The members
18 of the Council shall not receive compensation
19 for the performance of services for the Council,
20 but shall be allowed travel expenses, including
21 per diem in lieu of subsistence, at rates author-
22 ized for employees of agencies under subchapter
23 I of chapter 57 of title 5, United States Code,
24 while away from their homes or regular places
25 of business in the performance of services for

1 the Council. Notwithstanding section 1342 of
2 title 31, United States Code, the Secretary may
3 accept the voluntary and uncompensated serv-
4 ices of members of the Council.

5 “(F) PERMANENT COUNCIL.—Section 14
6 of the Federal Advisory Committee Act (5
7 U.S.C. App.) shall not apply to the Council.”.

8 (f) STATE RESPONSIBILITIES.—Section 15(e) of the
9 Wagner-Peyser Act (29 U.S.C. 491–2(e)) is amended—

10 (1) by striking “employment statistics” each
11 place it appears and inserting “workforce and labor
12 market information”;

13 (2) in paragraph (1)(A) by striking “annual
14 plan” and inserting “plan described in subsection
15 (e)”;

16 (3) in paragraph (2)—

17 (A) in subparagraph (G), by inserting
18 “and” at the end;

19 (B) by striking subparagraph (H);

20 (C) in subparagraph (I), by striking “sec-
21 tion 136(f)(2) of the Workforce Investment Act
22 of 1998” and inserting “section 116(i)(2) of the
23 Workforce Innovation and Opportunity Act”;
24 and

1 (D) by redesignating subparagraph (I) as
2 subparagraph (H).

3 (g) AUTHORIZATION OF APPROPRIATIONS.—Section
4 15(g) of the Wagner-Peyser Act (29 U.S.C. 491–2(g)) is
5 amended by striking “such sums as may be necessary for
6 each of the fiscal years 1999 through 2004” and inserting
7 “\$60,153,000 for fiscal year 2015, \$64,799,000 for fiscal
8 year 2016, \$66,144,000 for fiscal year 2017, \$67,611,000
9 for fiscal year 2018, \$69,200,000 for fiscal year 2019, and
10 \$70,667,000 for fiscal year 2020”.

11 **TITLE IV—AMENDMENTS TO THE**
12 **REHABILITATION ACT OF 1973**

13 **Subtitle A—Introductory**
14 **Provisions**

15 **SEC. 401. REFERENCES.**

16 Except as otherwise specifically provided, whenever in
17 this title an amendment or repeal is expressed in terms
18 of an amendment to, or repeal of, a provision, the amend-
19 ment or repeal shall be considered to be made to a provi-
20 sion of the Rehabilitation Act of 1973 (29 U.S.C. 701 et
21 seq.).

22 **SEC. 402. FINDINGS, PURPOSE, POLICY.**

23 (a) FINDINGS.—Section 2(a) (29 U.S.C. 701(a)) is
24 amended—

1 (1) in paragraph (4), by striking “workforce in-
2 vestment systems under title I of the Workforce In-
3 vestment Act of 1998” and inserting “workforce de-
4 velopment systems defined in section 3 of the Work-
5 force Innovation and Opportunity Act”;

6 (2) in paragraph (5), by striking “and” at the
7 end;

8 (3) in paragraph (6), by striking the period and
9 inserting “; and”; and

10 (4) by adding at the end the following:

11 “(7)(A) a high proportion of students with dis-
12 abilities is leaving secondary education without being
13 employed in competitive integrated employment, or
14 being enrolled in postsecondary education; and

15 “(B) there is a substantial need to support such
16 students as they transition from school to postsec-
17 ondary life.”.

18 (b) PURPOSE.—Section 2(b) (29 U.S.C. 701(b)) is
19 amended—

20 (1) in paragraph (1)—

21 (A) in subparagraph (A), by striking
22 “workforce investment systems implemented in
23 accordance with title I of the Workforce Invest-
24 ment Act of 1998” and inserting “workforce
25 development systems defined in section 3 of the

1 Workforce Innovation and Opportunity Act”;
2 and

3 (B) at the end of subparagraph (F), by
4 striking “and”;

5 (2) by redesignating paragraph (2) as para-
6 graph (3);

7 (3) by inserting after paragraph (1) the fol-
8 lowing:

9 “(2) to maximize opportunities for individuals
10 with disabilities, including individuals with signifi-
11 cant disabilities, for competitive integrated employ-
12 ment;”;

13 (4) in paragraph (3), as redesignated by para-
14 graph (2), by striking the period at the end and in-
15 sserting a semicolon; and

16 (5) by adding at the end the following:

17 “(4) to increase employment opportunities and
18 employment outcomes for individuals with disabili-
19 ties, including through encouraging meaningful
20 input by employers and vocational rehabilitation
21 service providers on successful and prospective em-
22 ployment and placement strategies; and

23 “(5) to ensure, to the greatest extent possible,
24 that youth with disabilities and students with dis-
25 abilities who are transitioning from receipt of special

1 education services under the Individuals with Dis-
2 abilities Education Act (20 U.S.C. 1400 et seq.) and
3 receipt of services under section 504 of this Act have
4 opportunities for postsecondary success.”.

5 **SEC. 403. REHABILITATION SERVICES ADMINISTRATION.**

6 Section 3 (29 U.S.C. 702) is amended—

7 (1) in subsection (a)—

8 (A) in the first sentence, by inserting “in
9 the Department of Education” after “Sec-
10 retary”;

11 (B) by striking the second sentence and in-
12 serting “Such Administration shall be the prin-
13 cipal agency, and the Commissioner shall be the
14 principal officer, of the Department for pur-
15 poses of carrying out titles I, III, VI, and chap-
16 ter 2 of title VII.”; and

17 (C) in the fourth and sixth sentences, by
18 inserting “of Education” after “Secretary” the
19 first place it appears; and

20 (2) in subsection (b), by inserting “of Edu-
21 cation” after “Secretary”.

22 **SEC. 404. DEFINITIONS.**

23 Section 7 (29 U.S.C. 705) is amended—

24 (1) in paragraph (2)(B)—

1 (A) in clause (iii), by striking “and” at the
2 end;

3 (B) in clause (iv), by striking the semi-
4 colon and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(v) to the maximum extent possible,
7 relies on information obtained from experi-
8 ences in integrated employment settings in
9 the community, and other integrated com-
10 munity settings;”;

11 (2) by striking paragraphs (3) and (4) and in-
12 serting the following:

13 “(3) ASSISTIVE TECHNOLOGY TERMS.—

14 “(A) ASSISTIVE TECHNOLOGY.—The term
15 ‘assistive technology’ has the meaning given
16 such term in section 3 of the Assistive Tech-
17 nology Act of 1998 (29 U.S.C. 3002).

18 “(B) ASSISTIVE TECHNOLOGY DEVICE.—

19 The term ‘assistive technology device’ has the
20 meaning given such term in section 3 of the As-
21 sistive Technology Act of 1998, except that the
22 reference in such section to the term ‘individ-
23 uals with disabilities’ shall be deemed to mean
24 more than 1 individual with a disability as de-
25 fined in paragraph (20)(A)).

1 “(C) ASSISTIVE TECHNOLOGY SERVICE.—

2 The term ‘assistive technology service’ has the
3 meaning given such term in section 3 of the As-
4 sistive Technology Act of 1998, except that the
5 reference in such section—

6 “(i) to the term ‘individual with a dis-
7 ability’ shall be deemed to mean an indi-
8 vidual with a disability, as defined in para-
9 graph (20)(A); and

10 “(ii) to the term ‘individuals with dis-
11 abilities’ shall be deemed to mean more
12 than 1 such individual.”;

13 (3) by redesignating paragraph (5) as para-
14 graph (4);

15 (4) in paragraph (4), as redesignated by para-
16 graph (3)—

17 (A) by redesignating subparagraphs (O)
18 through (Q) as subparagraphs (P) through (R),
19 respectively;

20 (B) by inserting after subparagraph (N)
21 the following:

22 “(O) customized employment;”;

23 (C) in subparagraph (R), as redesignated
24 by subparagraph (A) of this paragraph, by
25 striking “(P)” and inserting “(Q)”;

1 (5) by inserting before paragraph (6) the fol-
2 lowing:

3 “(5) COMPETITIVE INTEGRATED EMPLOY-
4 MENT.—The term ‘competitive integrated employ-
5 ment’ means work that is performed on a full-time
6 or part-time basis (including self-employment)—

7 “(A) for which an individual—

8 “(i) is compensated at a rate that—

9 “(I)(aa) shall be not less than
10 the higher of the rate specified in sec-
11 tion 6(a)(1) of the Fair Labor Stand-
12 ards Act of 1938 (29 U.S.C.
13 206(a)(1)) or the rate specified in the
14 applicable State or local minimum
15 wage law; and

16 “(bb) is not less than the cus-
17 tomary rate paid by the employer for
18 the same or similar work performed
19 by other employees who are not indi-
20 viduals with disabilities, and who are
21 similarly situated in similar occupa-
22 tions by the same employer and who
23 have similar training, experience, and
24 skills; or

1 “(II) in the case of an individual
2 who is self-employed, yields an income
3 that is comparable to the income re-
4 ceived by other individuals who are
5 not individuals with disabilities, and
6 who are self-employed in similar occu-
7 pations or on similar tasks and who
8 have similar training, experience, and
9 skills; and

10 “(ii) is eligible for the level of benefits
11 provided to other employees;

12 “(B) that is at a location where the em-
13 ployee interacts with other persons who are not
14 individuals with disabilities (not including su-
15 pervisory personnel or individuals who are pro-
16 viding services to such employee) to the same
17 extent that individuals who are not individuals
18 with disabilities and who are in comparable po-
19 sitions interact with other persons; and

20 “(C) that, as appropriate, presents oppor-
21 tunities for advancement that are similar to
22 those for other employees who are not individ-
23 uals with disabilities and who have similar posi-
24 tions.”;

1 (6) in paragraph (6)(B), by striking “includes”
2 and all that follows through “fees” and inserting
3 “includes architects’ fees”;

4 (7) by inserting after paragraph (6) the fol-
5 lowing:

6 “(7) CUSTOMIZED EMPLOYMENT.—The term
7 ‘customized employment’ means competitive inte-
8 grated employment, for an individual with a signifi-
9 cant disability, that is based on an individualized de-
10 termination of the strengths, needs, and interests of
11 the individual with a significant disability, is de-
12 signed to meet the specific abilities of the individual
13 with a significant disability and the business needs
14 of the employer, and is carried out through flexible
15 strategies, such as—

16 “(A) job exploration by the individual;

17 “(B) working with an employer to facili-
18 tate placement, including—

19 “(i) customizing a job description
20 based on current employer needs or on pre-
21 viously unidentified and unmet employer
22 needs;

23 “(ii) developing a set of job duties, a
24 work schedule and job arrangement, and
25 specifics of supervision (including perform-

1 ance evaluation and review), and deter-
2 mining a job location;

3 “(iii) representation by a professional
4 chosen by the individual, or self-represen-
5 tation of the individual, in working with an
6 employer to facilitate placement; and

7 “(iv) providing services and supports
8 at the job location.”;

9 (8) in paragraph (11)—

10 (A) in subparagraph (C)—

11 (i) by inserting “of Education” after
12 “Secretary”; and

13 (ii) by inserting “customized employ-
14 ment,” before “self-employment,”;

15 (9) in paragraph (12), by inserting “of Edu-
16 cation” after “Secretary” each place it appears;

17 (10) in paragraph (14)(C), by inserting “of
18 Education” after “Secretary”;

19 (11) in paragraph (17)—

20 (A) in subparagraph (C), by striking
21 “and” at the end;

22 (B) in subparagraph (D), by striking the
23 period at the end and inserting “; and”; and

24 (C) by adding at the end the following:

25 “(E) services that—

1 “(i) facilitate the transition of individ-
2 uals with significant disabilities from nurs-
3 ing homes and other institutions to home
4 and community-based residences, with the
5 requisite supports and services;

6 “(ii) provide assistance to individuals
7 with significant disabilities who are at risk
8 of entering institutions so that the individ-
9 uals may remain in the community; and

10 “(iii) facilitate the transition of youth
11 who are individuals with significant disabili-
12 ties, who were eligible for individualized
13 education programs under section 614(d)
14 of the Individuals with Disabilities Edu-
15 cation Act (20 U.S.C. 1414(d)), and who
16 have completed their secondary education
17 or otherwise left school, to postsecondary
18 life.”;

19 (12) in paragraph (18), by striking “term” and
20 all that follows through “includes—” and inserting
21 “term ‘independent living services’ includes—”;

22 (13) in paragraph (19)—

23 (A) in subparagraph (A), by inserting be-
24 fore the period the following: “and includes a
25 Native and a descendant of a Native, as such

1 terms are defined in subsections (b) and (r) of
2 section 3 of the Alaska Native Claims Settle-
3 ment Act (43 U.S.C. 1602)”; and

4 (B) in subparagraph (B), by inserting be-
5 fore the period the following: “and a tribal or-
6 ganization (as defined in section 4(l) of the In-
7 dian Self-Determination and Education Assist-
8 ance Act (25 U.S.C. 450b(l)))”;

9 (14) in paragraph (23), by striking “section
10 101” and inserting “section 102”;

11 (15) by striking paragraph (25) and inserting
12 the following:

13 “(25) LOCAL WORKFORCE DEVELOPMENT
14 BOARD.—The term ‘local workforce development
15 board’ means a local board, as defined in section 3
16 of the Workforce Innovation and Opportunity Act.”;

17 (16) by striking paragraph (37);

18 (17) by redesignating paragraphs (29) through
19 (39) as paragraphs (31) through (36), and (38)
20 through (41), respectively;

21 (18) by inserting after paragraph (28) the fol-
22 lowing:

23 “(30) PRE-EMPLOYMENT TRANSITION SERV-
24 ICES.—The term ‘pre-employment transition serv-

1 ices’ means services provided in accordance with sec-
2 tion 113.”;

3 (19) by striking paragraph (33), as redesign-
4 nated by paragraph (17), and inserting the fol-
5 lowing:

6 “(33) SECRETARY.—Unless where the context
7 otherwise requires, the term ‘Secretary’—

8 “(A) used in title I, III, IV, V, VI, or
9 chapter 2 of title VII, means the Secretary of
10 Education; and

11 “(B) used in title II or chapter 1 of title
12 VII, means the Secretary of Health and Human
13 Services.”;

14 (20) by striking paragraphs (35) and (36), as
15 redesignated by paragraph (17), and inserting the
16 following:

17 “(35) STATE WORKFORCE DEVELOPMENT
18 BOARD.—The term ‘State workforce development
19 board’ means a State board, as defined in section 3
20 of the Workforce Innovation and Opportunity Act.

21 “(36) STATEWIDE WORKFORCE DEVELOPMENT
22 SYSTEM.—The term ‘statewide workforce develop-
23 ment system’ means a workforce development sys-
24 tem, as defined in section 3 of the Workforce Inno-
25 vation and Opportunity Act.”;

1 (21) by inserting after that paragraph (36) the
2 following:

3 “(37) STUDENT WITH A DISABILITY.—

4 “(A) IN GENERAL.—The term ‘student
5 with a disability’ means an individual with a
6 disability who—

7 “(i)(I)(aa) is not younger than the
8 earliest age for the provision of transition
9 services under section
10 614(d)(1)(A)(i)(VIII) of the Individuals
11 with Disabilities Education Act (20 U.S.C.
12 1414(d)(1)(A)(i)(VIII)); or

13 “(bb) if the State involved elects to
14 use a lower minimum age for receipt of
15 pre-employment transition services under
16 this Act, is not younger than that min-
17 imum age; and

18 “(II)(aa) is not older than 21 years of
19 age; or

20 “(bb) if the State law for the State
21 provides for a higher maximum age for re-
22 ceipt of services under the Individuals with
23 Disabilities Education Act (20 U.S.C.
24 1400 et seq.), is not older than that max-
25 imum age; and

1 “(ii)(I) is eligible for, and receiving,
2 special education or related services under
3 part B of the Individuals with Disabilities
4 Education Act (20 U.S.C. 1411 et seq.); or
5 “(II) is an individual with a disability,
6 for purposes of section 504.

7 “(B) STUDENTS WITH DISABILITIES.—The
8 term ‘students with disabilities’ means more
9 than 1 student with a disability.”;
10 (22) by striking paragraphs (38) and (39), as
11 redesignated by paragraph (17), and inserting the
12 following:

13 “(38) SUPPORTED EMPLOYMENT.—The term
14 ‘supported employment’ means competitive inte-
15 grated employment, including customized employ-
16 ment, or employment in an integrated work setting
17 in which individuals are working on a short-term
18 basis toward competitive integrated employment,
19 that is individualized and customized consistent with
20 the strengths, abilities, interests, and informed
21 choice of the individuals involved, for individuals
22 with the most significant disabilities—

23 “(A)(i) for whom competitive integrated
24 employment has not historically occurred; or

1 “(ii) for whom competitive integrated em-
2 ployment has been interrupted or intermittent
3 as a result of a significant disability; and

4 “(B) who, because of the nature and sever-
5 ity of their disability, need intensive supported
6 employment services and extended services after
7 the transition described in paragraph (13)(C),
8 in order to perform the work involved.

9 “(39) SUPPORTED EMPLOYMENT SERVICES.—

10 The term ‘supported employment services’ means
11 ongoing support services, including customized em-
12 ployment, needed to support and maintain an indi-
13 vidual with a most significant disability in supported
14 employment, that—

15 “(A) are provided singly or in combination
16 and are organized and made available in such
17 a way as to assist an eligible individual to
18 achieve competitive integrated employment;

19 “(B) are based on a determination of the
20 needs of an eligible individual, as specified in an
21 individualized plan for employment; and

22 “(C) are provided by the designated State
23 unit for a period of not more than 24 months,
24 except that period may be extended, if nec-
25 essary, in order to achieve the employment out-

1 come identified in the individualized plan for
2 employment.”;

3 (23) in paragraph (41), as redesignated by
4 paragraph (17), by striking “as defined in section
5 101 of the Workforce Investment Act of 1998” and
6 inserting “as defined in section 3 of the Workforce
7 Innovation and Opportunity Act”; and

8 (24) by inserting after paragraph (41), as re-
9 designated by paragraph (17), the following:

10 “(42) YOUTH WITH A DISABILITY.—

11 “(A) IN GENERAL.—The term ‘youth with
12 a disability’ means an individual with a dis-
13 ability who—

14 “(i) is not younger than 14 years of
15 age; and

16 “(ii) is not older than 24 years of age.

17 “(B) YOUTH WITH DISABILITIES.—The
18 term ‘youth with disabilities’ means more than
19 1 youth with a disability.”.

20 **SEC. 405. ADMINISTRATION OF THE ACT.**

21 (a) PROMULGATION.—Section 8(a)(2) (29 U.S.C.
22 706(a)(2)) is amended by inserting “of Education” after
23 “Secretary”.

24 (b) PRIVACY.—Section 11 (29 U.S.C. 708) is amend-
25 ed—

1 (1) by inserting “(a)” before “The provisions”;

2 and

3 (2) by adding at the end the following:

4 “(b) Section 501 of the Workforce Innovation and
5 Opportunity Act shall apply, as specified in that section,
6 to amendments to this Act that were made by the Work-
7 force Innovation and Opportunity Act.”.

8 (c) ADMINISTRATION.—Section 12 (29 U.S.C. 709)
9 is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1)—

12 (i) by striking “(1)” and inserting
13 “(1)(A)”; and

14 (ii) by adding at the end the fol-
15 lowing:

16 “(B) provide technical assistance to the
17 designated State units on developing successful
18 partnerships with local and multi-State busi-
19 nesses in an effort to increase the employment
20 of individuals with disabilities;

21 “(C) provide technical assistance to pro-
22 viders and organizations on developing self-em-
23 ployment opportunities and outcomes for indi-
24 viduals with disabilities; and

1 “(D) provide technical assistance to enti-
2 ties carrying out community rehabilitation pro-
3 grams to build their internal capacity to provide
4 individualized services and supports leading to
5 competitive integrated employment, and to
6 transition individuals with disabilities away
7 from nonintegrated settings;” and

8 (B) in paragraph (2), by striking “, cen-
9 ters for independent living;”;

10 (2) in subsection (c), by striking “Commis-
11 sioner” the first place it appears and inserting “Sec-
12 retary of Education”;

13 (3) in subsection (d), by inserting “of Edu-
14 cation” after “Secretary”;

15 (4) in subsection (e)—

16 (A) by striking “Rehabilitation Act
17 Amendments of 1998” each place it appears
18 and inserting “Workforce Innovation and Op-
19 portunity Act”; and

20 (B) by inserting “of Education” after
21 “Secretary”;

22 (5) in subsection (f), by inserting “of Edu-
23 cation” after “Secretary”;

24 (6)(A) in subsection (c), by striking “(c)” and
25 inserting “(c)(1)”;

1 (B) in subsection (d), by striking “(d)” and in-
2 sserting “(d)(1)”;

3 (C) in subsection (e), by striking “(e)” and in-
4 sserting “(2)”;

5 (D) in subsection (f), by striking “(f)” and in-
6 sserting “(2)”;

7 (E) by moving paragraph (2) (as redesignated
8 by subparagraph (D)) to the end of subsection (c);
9 and

10 (7) by inserting after subsection (d) the fol-
11 lowing:

12 “(e)(1) The Administrator of the Administration for
13 Community Living (referred to in this subsection as the
14 ‘Administrator’) may carry out the authorities and shall
15 carry out the responsibilities of the Commissioner de-
16 scribed in paragraphs (1)(A) and (2) through (4) of sub-
17 section (a), and subsection (b), except that, for purposes
18 of applying subsections (a) and (b), a reference in those
19 subsections—

20 “(A) to facilitating meaningful and effective
21 participation shall be considered to be a reference to
22 facilitating meaningful and effective collaboration
23 with independent living programs, and promoting a
24 philosophy of independent living for individuals with
25 disabilities in community activities; and

1 “(B) to training for personnel shall be consid-
2 ered to be a reference to training for the personnel
3 of centers for independent living and Statewide
4 Independent Living Councils.

5 “(2) The Secretary of Health and Human Services
6 may carry out the authorities and shall carry out the re-
7 sponsibilities of the Secretary of Education described in
8 subsections (c) and (d).

9 “(f)(1) In subsections (a) through (d), a reference to
10 ‘this Act’ means a provision of this Act that the Secretary
11 of Education has authority to carry out; and

12 “(2) In subsection (e), for purposes of applying sub-
13 sections (a) through (d), a reference in those subsections
14 to ‘this Act’ means a provision of this Act that the Sec-
15 retary of Health and Human Services has authority to
16 carry out.”.

17 **SEC. 406. REPORTS.**

18 Section 13 (29 U.S.C. 710) is amended—

19 (1) in section (c)—

20 (A) by striking “(c)” and inserting
21 “(c)(1)”; and

22 (B) in the second sentence, by striking
23 “section 136(d) of the Workforce Investment
24 Act of 1998” and inserting “section 116(d)(2)

1 of the Workforce Innovation and Opportunity
2 Act”; and

3 (2) by adding at the end the following:

4 “(d) The Commissioner shall ensure that the report
5 described in this section is made publicly available in a
6 timely manner, including through electronic means, in
7 order to inform the public about the administration and
8 performance of programs under this Act.”.

9 **SEC. 407. EVALUATION AND INFORMATION.**

10 (a) EVALUATION.—Section 14 (29 U.S.C. 711) is
11 amended—

12 (1) by inserting “of Education” after “Sec-
13 retary” each place it appears;

14 (2) in subsection (f)(2), by inserting “competi-
15 tive” before “integrated employment”;

16 (3)(A) in subsection (b), by striking “(b)” and
17 inserting “(b)(1)”;

18 (B) in subsection (c), by striking “(c)” and in-
19 serting “(2)”;

20 (C) in subsection (d), by striking “(d)” and in-
21 serting “(3)”;

22 (D) by redesignating subsections (e) and (f) as
23 subsections (c) and (d), respectively;

24 (4) by inserting after subsection (d), as redesign-
25 nated by paragraph (3)(D), the following:

1 (B) in paragraph (1), by striking “State
2 workforce investment boards” and inserting
3 “State workforce development boards”; and
4 (2) in subsection (b), by striking “Secretary”
5 and inserting “Secretary of Education”.

6 **SEC. 408. CARRYOVER.**

7 Section 19(a)(1) (29 U.S.C. 716(a)(1)) is amended
8 by striking “part B of title VI” and inserting “title VI”.

9 **SEC. 409. TRADITIONALLY UNDERSERVED POPULATIONS.**

10 Section 21 (29 U.S.C. 718) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1)—

13 (i) in the first sentence, by striking
14 “racial” and inserting “demographic”;

15 (ii) in the second sentence—

16 (I) by striking “rate of increase”
17 the first place it appears and inserting
18 “percentage increase from 2000 to
19 2010”;

20 (II) by striking “is 3.2” and in-
21 serting “was 9.7”;

22 (III) by striking “rate of in-
23 crease” and inserting “percentage in-
24 crease”;

1 (IV) by striking “is much” and
2 inserting “was much”;

3 (V) by striking “38.6” and in-
4 serting “43.0”;

5 (VI) by striking “14.6” and in-
6 serting “12.3”;

7 (VII) by striking “40.1” and in-
8 serting “43.2”; and

9 (VIII) by striking “and other
10 ethnic groups”; and

11 (iii) by striking the last sentence; and

12 (B) in paragraph (2), by striking the sec-
13 ond and third sentences and inserting the fol-
14 lowing: “In 2011—

15 “(A) among Americans ages 16 through
16 64, the rate of disability was 12.1 percent;

17 “(B) among African-Americans in that age
18 range, the disability rate was more than twice
19 as high, at 27.1 percent; and

20 “(C) for American Indians and Alaska Na-
21 tives in the same age range, the disability rate
22 was also more than twice as high, at 27.0 per-
23 cent.”;

24 (2) in subsection (b)(1), by striking “National
25 Institute on Disability and Rehabilitation Research”

1 and inserting “National Institute on Disability,
2 Independent Living, and Rehabilitation Research”;
3 and

4 (3) in subsection (c), by striking “Director”
5 and inserting “Director of the National Institute on
6 Disability, Independent Living, and Rehabilitation
7 Research”.

8 **Subtitle B—Vocational** 9 **Rehabilitation Services**

10 **SEC. 411. DECLARATION OF POLICY; AUTHORIZATION OF** 11 **APPROPRIATIONS.**

12 (a) FINDINGS; PURPOSE; POLICY.—Section 100(a)
13 (29 U.S.C. 720(a)) is amended—

14 (1) in paragraph (1)—

15 (A) in subparagraph (C), by striking “inte-
16 grated” and inserting “competitive integrated
17 employment”;

18 (B) in subparagraph (D)(iii), by striking
19 “medicare and medicaid” and inserting “Medi-
20 care and Medicaid”;

21 (C) in subparagraph (F), by striking “in-
22 vestment” and inserting “development”; and

23 (D) in subparagraph (G)—

1 (i) by striking “workforce investment
2 systems” and inserting “workforce develop-
3 ment systems”; and

4 (ii) by striking “workforce investment
5 activities” and inserting “workforce devel-
6 opment activities”;

7 (2) in paragraph (2)—

8 (A) in subparagraph (A), by striking
9 “workforce investment system” and inserting
10 “workforce development system”; and

11 (B) in subparagraph (B), by striking “and
12 informed choice,” and inserting “informed
13 choice, and economic self-sufficiency,”; and

14 (3) in paragraph (3)—

15 (A) in subparagraph (B), by striking
16 “gainful employment in integrated settings”
17 and inserting “competitive integrated employ-
18 ment”; and

19 (B) in subparagraph (E), by inserting
20 “should” before “facilitate”.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
22 100(b)(1) (29 U.S.C. 720(b)(1)) is amended by striking
23 “such sums as may be necessary for fiscal years 1999
24 through 2003” and inserting “\$3,302,053,000 for each of
25 the fiscal years 2015 through 2020”.

1 **SEC. 412. STATE PLANS.**

2 (a) PLAN REQUIREMENTS.—Section 101(a) (29
3 U.S.C. 721(a)) is amended—

4 (1) in paragraph (1)—

5 (A) in subparagraph (A), by striking “to
6 participate” and all that follows and inserting
7 “to receive funds under this title for a fiscal
8 year, a State shall submit, and have approved
9 by the Secretary and the Secretary of Labor, a
10 unified State plan in accordance with section
11 102, or a combined State plan in accordance
12 with section 103, of the Workforce Innovation
13 and Opportunity Act. The unified or combined
14 State plan shall include, in the portion of the
15 plan described in section 102(b)(2)(D) of such
16 Act (referred to in this subsection as the ‘voca-
17 tional rehabilitation services portion’), the pro-
18 visions of a State plan for vocational rehabilita-
19 tion services, described in this subsection.”; and

20 (B) in subparagraph (B)—

21 (i) by striking “in the State plan for
22 vocational rehabilitation services,” and in-
23 sserting “as part of the vocational rehabili-
24 tation services portion of the unified or
25 combined State plan submitted in accord-
26 ance with subparagraph (A),”; and

1 (ii) by striking “Rehabilitation Act
2 Amendments of 1998” and inserting
3 “Workforce Innovation and Opportunity
4 Act”; and

5 (C) in subparagraph (C)—

6 (i) by striking “The State plan shall
7 remain in effect subject to the submission
8 of such modifications” and inserting “The
9 vocational rehabilitation services portion of
10 the unified or combined State plan sub-
11 mitted in accordance with subparagraph
12 (A) shall remain in effect until the State
13 submits and receives approval of a new
14 State plan in accordance with subpara-
15 graph (A), or until the submission of such
16 modifications”; and

17 (ii) by striking “, until the State sub-
18 mits and receives approval of a new State
19 plan”;

20 (2) in paragraph (2)—

21 (A) in subparagraph (A), by striking “The
22 State plan” and inserting “The State plan for
23 vocational rehabilitation services”; and

24 (B) in subparagraph (B)(ii)—

1 (i) in subclause (II), by inserting
2 “who is responsible for the day-to-day op-
3 eration of the vocational rehabilitation pro-
4 gram” before the semicolon;

5 (ii) in subclause (III), by striking
6 “and” at the end;

7 (iii) in subclause (IV), by striking the
8 period and inserting “; and”; and

9 (iv) by adding at the end the fol-
10 lowing:

11 “(V) has the sole authority and
12 responsibility within the designated
13 State agency described in subpara-
14 graph (A) to expend funds made
15 available under this title in a manner
16 that is consistent with the purposes of
17 this title.”;

18 (3) in paragraph (5)—

19 (A) in subparagraph (C), by striking
20 “and” at the end;

21 (B) by redesignating subparagraph (D) as
22 subparagraph (E); and

23 (C) by inserting after subparagraph (C)
24 the following:

1 “(D) notwithstanding subparagraph (C),
2 permit the State, in its discretion, to elect to
3 serve eligible individuals (whether or not receiv-
4 ing vocational rehabilitation services) who re-
5 quire specific services or equipment to maintain
6 employment; and”;

7 (4) in paragraph (7)—

8 (A) in subparagraph (A)(v)—

9 (i) in subclause (I), after “rehabilita-
10 tion technology” insert the following: “, in-
11 cluding training implemented in coordina-
12 tion with entities carrying out State pro-
13 grams under section 4 of the Assistive
14 Technology Act of 1998 (29 U.S.C.
15 3003)”;

16 (ii) in subclause (II), by striking “Re-
17 habilitation Act Amendments of 1998” and
18 inserting “Workforce Innovation and Op-
19 portunity Act”;

20 (B) in subparagraph (B), by striking
21 clause (ii) and inserting the following:

22 “(ii) the establishment and mainte-
23 nance of education and experience require-
24 ments, to ensure that the personnel have a
25 21st century understanding of the evolving

1 labor force and the needs of individuals
2 with disabilities, including requirements
3 for—

4 “(I)(aa) attainment of a bacca-
5 laurate degree in a field of study rea-
6 sonably related to vocational rehabili-
7 tation, to indicate a level of com-
8 petency and skill demonstrating basic
9 preparation in a field of study such as
10 vocational rehabilitation counseling,
11 social work, psychology, disability
12 studies, business administration,
13 human resources, special education,
14 supported employment, customized
15 employment, economics, or another
16 field that reasonably prepares individ-
17 uals to work with consumers and em-
18 ployers; and

19 “(bb) demonstrated paid or un-
20 paid experience, for not less than 1
21 year, consisting of—

22 “(AA) direct work with indi-
23 viduals with disabilities in a set-
24 ting such as an independent liv-
25 ing center;

1 “(BB) direct service or ad-
2 vocacy activities that provide
3 such individual with experience
4 and skills in working with indi-
5 viduals with disabilities; or

6 “(CC) direct experience as
7 an employer, as a small business
8 owner or operator, or in self-em-
9 ployment, or other experience in
10 human resources, recruitment, or
11 experience in supervising employ-
12 ees, training, or other activities
13 that provide experience in com-
14 petitive integrated employment
15 environments; or

16 “(II) attainment of a master’s or
17 doctoral degree in a field of study
18 such as vocational rehabilitation coun-
19 seling, law, social work, psychology,
20 disability studies, business administra-
21 tion, human resources, special edu-
22 cation, management, public adminis-
23 tration, or another field that reason-
24 ably provides competence in the em-
25 ployment sector, in a disability field,

1 or in both business-related and reha-
2 bilitation-related fields; and”;

3 (5) in paragraph (8)—

4 (A) in subparagraph (A)(i)—

5 (i) by inserting “an accommodation or
6 auxiliary aid or service or” after “prior to
7 providing”; and

8 (ii) by striking “(5)(D)” and inserting
9 “(5)(E)”;

10 (B) in subparagraph (B)—

11 (i) in the matter preceding clause
12 (i)—

13 (I) by striking “medicaid” and
14 inserting “Medicaid”;

15 (II) by striking “workforce in-
16 vestment system” and inserting
17 “workforce development system”;

18 (III) by striking “(5)(D)” and in-
19 serting “(5)(E)”;

20 (IV) by inserting “and, if appro-
21 priate, accommodations or auxiliary
22 aids and services,” before “that are
23 included”; and

24 (V) by striking “provision of such
25 vocational rehabilitation services” and

1 inserting “provision of such vocational
2 rehabilitation services (including, if
3 appropriate, accommodations or auxil-
4 iary aids and services)”;

5 (ii) in clause (iv)—

6 (I) by striking “(5)(D)” and in-
7 serting “(5)(E)”;

8 (II) by inserting “, and accom-
9 modations or auxiliary aids and serv-
10 ices” before the period; and

11 (C) in subparagraph (C)(i), by striking
12 “(5)(D)” and inserting “(5)(E)”;

13 (6) in paragraph (10)—

14 (A) in subparagraph (B), by striking “an-
15 nual” and all that follows through “of 1998”
16 and inserting “annual reporting of information,
17 on eligible individuals receiving the services,
18 that is necessary to assess the State’s perform-
19 ance on the standards and indicators described
20 in section 106(a)”;

21 (B) in subparagraph (C)—

22 (i) in the matter preceding clause (i),
23 by inserting “, from each State,” after
24 “additional data”;

1 (ii) by striking clause (i) and insert-
2 ing:

3 “(i) the number of applicants and the
4 number of individuals determined to be eli-
5 gible or ineligible for the program carried
6 out under this title, including the number
7 of individuals determined to be ineligible
8 (disaggregated by type of disability and
9 age);”;

10 (iii) in clause (ii)—

11 (I) in subclause (I), by striking
12 “(5)(D)” and inserting “(5)(E)”;

13 (II) in subclause (II), by striking
14 “and” at the end; and

15 (III) by adding at the end the
16 following:

17 “(IV) the number of individuals
18 with open cases (disaggregated by
19 those who are receiving training and
20 those who are in postsecondary edu-
21 cation), and the type of services the
22 individuals are receiving (including
23 supported employment);

24 “(V) the number of students with
25 disabilities who are receiving pre-em-

1 employment transition services under
2 this title: and

3 “~~(VI) the number of individuals~~
4 referred to State vocational rehabilita-
5 tion programs by one-stop operators
6 (as defined in section 3 of the Work-
7 force Innovation and Opportunity
8 Act), and the number of individuals
9 referred to such one-stop operators by
10 State vocational rehabilitation pro-
11 grams;” and

12 (iv) in clause (iv)(I), by inserting be-
13 fore the semicolon the following: “and, for
14 those who achieved employment outcomes,
15 the average length of time to obtain em-
16 ployment”;

17 (C) in subparagraph (D)(i), by striking
18 “title I of the Workforce Investment Act of
19 1998” and inserting “title I of the Workforce
20 Innovation and Opportunity Act”;

21 (D) in subparagraph (E)(ii), by striking
22 “of the State” and all that follows and inserting
23 “of the State in meeting the standards and in-
24 dicators established pursuant to section 106.”;
25 and

1 (E) by adding at the end the following:

2 “(G) RULES FOR REPORTING OF DATA.—

3 The disaggregation of data under this Act shall
4 not be required within a category if the number
5 of individuals in a category is insufficient to
6 yield statistically reliable information, or if the
7 results would reveal personally identifiable in-
8 formation about an individual.

9 “(H) COMPREHENSIVE REPORT.—The
10 State plan shall specify that the Commissioner
11 will provide an annual comprehensive report
12 that includes the reports and data required
13 under this section, as well as a summary of the
14 reports and data, for each fiscal year. The
15 Commissioner shall submit the report to the
16 Committee on Education and the Workforce of
17 the House of Representatives, the Committee
18 on Appropriations of the House of Representa-
19 tives, the Committee on Health, Education,
20 Labor, and Pensions of the Senate, and the
21 Committee on Appropriations of the Senate, not
22 later than 90 days after the end of the fiscal
23 year involved.”;

24 (7) in paragraph (11)—

25 (A) in subparagraph (A)—

1 (i) in the subparagraph header, by
2 striking “WORKFORCE INVESTMENT SYS-
3 TEMS” and inserting “WORKFORCE DEVEL-
4 OPMENT SYSTEMS”;

5 (ii) in the matter preceding clause (i),
6 by striking “workforce investment system”
7 and inserting “workforce development sys-
8 tem”;

9 (iii) in clause (i)(II)—

10 (I) by striking “investment” and
11 inserting “development”; and

12 (II) by inserting “(including pro-
13 grammatic accessibility and physical
14 accessibility)” after “program accessi-
15 bility”;

16 (iv) in clause (ii), by striking “work-
17 force investment system” and inserting
18 “workforce development system”; and

19 (v) in clause (v), by striking “work-
20 force investment system” and inserting
21 “workforce development system”;

22 (B) in subparagraph (B), by striking
23 “workforce investment system” and inserting
24 “workforce development system”;

25 (C) in subparagraph (C)—

1 (i) by inserting “the State programs
2 carried out under section 4 of the Assistive
3 Technology Act of 1998 (29 U.S.C.
4 3003),” after “including”;

5 (ii) by inserting “, noneducational
6 agencies serving out-of-school youth,” after
7 “Agriculture”; and

8 (iii) by striking “such agencies and
9 programs” and inserting “such Federal,
10 State, and local agencies and programs”;
11 and

12 (iv) by striking “workforce investment
13 system” and inserting “workforce develop-
14 ment system”;

15 (D) in subparagraph (D)—

16 (i) in the matter preceding clause (i),
17 by inserting “, including pre-employment
18 transition services,” before “under this
19 title”;

20 (ii) in clause (i), by inserting “, which
21 may be provided using alternative means
22 for meeting participation (such as video
23 conferences and conference calls),” after
24 “consultation and technical assistance”;
25 and

1 (iii) in clause (ii), by striking “com-
2 pletion” and inserting “implementation”;

3 (E) by redesignating subparagraphs (E)
4 and (F) as subparagraphs (F) and (H), respec-
5 tively;

6 (F) by inserting after subparagraph (D)
7 the following:

8 “(E) COORDINATION WITH EMPLOYERS.—
9 The State plan shall describe how the des-
10 ignated State unit will work with employers to
11 identify competitive integrated employment op-
12 portunities and career exploration opportunities,
13 in order to facilitate the provision of—

14 “(i) vocational rehabilitation services;
15 and

16 “(ii) transition services for youth with
17 disabilities and students with disabilities,
18 such as pre-employment transition serv-
19 ices.”;

20 (G) in subparagraph (F), as redesignated
21 by subparagraph (E) of this paragraph—

22 (i) by inserting “chapter 1 of” after
23 “part C of”; and

24 (ii) by inserting “, as appropriate” be-
25 fore the period;

1 (H) by inserting after subparagraph (F),
2 as redesignated by subparagraph (E) of this
3 paragraph, the following:

4 “(G) COOPERATIVE AGREEMENT REGARD-
5 ING INDIVIDUALS ELIGIBLE FOR HOME AND
6 COMMUNITY-BASED WAIVER PROGRAMS.—The
7 State plan shall include an assurance that the
8 designated State unit has entered into a formal
9 cooperative agreement with the State agency re-
10 sponsible for administering the State Medicaid
11 plan under title XIX of the Social Security Act
12 (42 U.S.C. 1396 et seq.) and the State agency
13 with primary responsibility for providing serv-
14 ices and supports for individuals with intellec-
15 tual disabilities and individuals with develop-
16 mental disabilities, with respect to the delivery
17 of vocational rehabilitation services, including
18 extended services, for individuals with the most
19 significant disabilities who have been deter-
20 mined to be eligible for home and community-
21 based services under a Medicaid waiver, Med-
22 icaid State plan amendment, or other authority
23 related to a State Medicaid program.”;

24 (I) in subparagraph (H), as redesignated
25 by subparagraph (E) of this paragraph—

1 (i) in clause (ii)—

2 (I) by inserting “on or” before
3 “near”; and

4 (II) by striking “and” at the end;

5 (ii) by redesignating clause (iii) as
6 clause (iv); and

7 (iii) by inserting after clause (ii) the
8 following:

9 “(iii) strategies for the provision of
10 transition planning, by personnel of the
11 designated State unit, the State edu-
12 cational agency, and the recipient of funds
13 under part C, that will facilitate the devel-
14 opment and approval of the individualized
15 plans for employment under section 102;
16 and”; and

17 (J) by adding at the end the following:

18 “(I) COORDINATION WITH ASSISTIVE
19 TECHNOLOGY PROGRAMS.—The State plan shall
20 include an assurance that the designated State
21 unit, and the lead agency and implementing en-
22 tity (if any) designated by the Governor of the
23 State under section 4 of the Assistive Tech-
24 nology Act of 1998 (29 U.S.C. 3003), have de-
25 veloped working relationships and will enter

1 into agreements for the coordination of their ac-
2 tivities, including the referral of individuals
3 with disabilities to programs and activities de-
4 scribed in that section.

5 “(J) COORDINATION WITH TICKET TO
6 WORK AND SELF-SUFFICIENCY PROGRAM.—The
7 State plan shall include an assurance that the
8 designated State unit will coordinate activities
9 with any other State agency that is functioning
10 as an employment network under the Ticket to
11 Work and Self-Sufficiency Program established
12 under section 1148 of the Social Security Act
13 (42 U.S.C. 1320b–19).

14 “(K) INTERAGENCY COOPERATION.—The
15 State plan shall describe how the designated
16 State agency or agencies (if more than 1 agency
17 is designated under paragraph (2)(A)) will col-
18 laborate with the State agency responsible for
19 administering the State Medicaid plan under
20 title XIX of the Social Security Act (42 U.S.C.
21 1396 et seq.), the State agency responsible for
22 providing services for individuals with develop-
23 mental disabilities, and the State agency re-
24 sponsible for providing mental health services,
25 to develop opportunities for community-based

1 employment in integrated settings, to the great-
2 est extent practicable.”;

3 (8) in paragraph (14)—

4 (A) in the paragraph header, by striking
5 “ANNUAL” and inserting “SEMIANNUAL”;

6 (B) in subparagraph (A)—

7 (i) by striking “an annual” and in-
8 serting “a semiannual”;

9 (ii) by striking “has achieved an em-
10 ployment outcome” and inserting “is em-
11 ployed”;

12 (iii) by striking “achievement of the
13 outcome” and all that follows through
14 “representative)” and inserting “beginning
15 of such employment, and annually there-
16 after”;

17 (iv) by striking “to competitive” and
18 all that follows and inserting the following:
19 “to competitive integrated employment or
20 training for competitive integrated employ-
21 ment;”;

22 (C) in subparagraph (B), by striking
23 “and” at the end;

24 (D) in subparagraph (C), by striking “the
25 individuals described” and all that follows and

1 inserting “individuals described in subpara-
2 graph (A) in attaining competitive integrated
3 employment; and”; and

4 (E) by adding at the end the following:

5 “(D) an assurance that the State will re-
6 port the information generated under subpara-
7 graphs (A), (B), and (C), for each of the indi-
8 viduals, to the Administrator of the Wage and
9 Hour Division of the Department of Labor for
10 each fiscal year, not later than 60 days after
11 the end of the fiscal year.”;

12 (9) in paragraph (15)—

13 (A) in subparagraph (A)—

14 (i) in clause (i)—

15 (I) in subclause (II), by striking
16 “and” at the end;

17 (II) in subclause (III)—

18 (aa) by striking “workforce
19 investment system” and inserting
20 “workforce development system”;
21 and

22 (bb) by adding “and” at the
23 end; and

24 (III) by adding at the end the
25 following:

1 “(IV) youth with disabilities, and
2 students with disabilities, including
3 their need for pre-employment transi-
4 tion services or other transition serv-
5 ices;”;

6 (ii) by redesignating clauses (ii) and
7 (iii) as clauses (iii) and (iv), respectively;
8 and

9 (iii) by inserting after clause (i) the
10 following:

11 “(ii) include an assessment of the
12 needs of individuals with disabilities for
13 transition services and pre-employment
14 transition services, and the extent to which
15 such services provided under this Act are
16 coordinated with transition services pro-
17 vided under the Individuals with Disabil-
18 ities Education Act (20 U.S.C. 1400 et
19 seq.) in order to meet the needs of individ-
20 uals with disabilities.”;

21 (B) in subparagraph (B)—

22 (i) in clause (ii)—

23 (I) by striking “part B of title
24 VI” and inserting “title VI”; and

25 (II) by striking “and” at the end;

1 (ii) by redesignating clause (iii) as
2 clause (iv); and

3 (iii) by inserting after clause (ii) the
4 following:

5 “(iii) the number of individuals who
6 are eligible for services under this title, but
7 are not receiving such services due to an
8 order of selection; and”;

9 (C) in subparagraph (D)—

10 (i) by redesignating clauses (iii)
11 through (v) as clauses (iv) through (vi), re-
12 spectively;

13 (ii) by inserting after clause (ii) the
14 following:

15 “(iii) the methods to be used to im-
16 prove and expand vocational rehabilitation
17 services for students with disabilities, in-
18 cluding the coordination of services de-
19 signed to facilitate the transition of such
20 students from the receipt of educational
21 services in school to postsecondary life (in-
22 cluding the receipt of vocational rehabilita-
23 tion services under this title, postsecondary
24 education, employment, and pre-employ-
25 ment transition services);”;

1 (iii) in clause (vi), as redesignated by
2 clause (i) of this subparagraph, by striking
3 “workforce investment system” and insert-
4 ing “workforce development system”;

5 (10) in paragraph (20), in subparagraphs (A)
6 and (B)(i), by striking “workforce investment sys-
7 tem” and inserting “workforce development system”;

8 (11) in paragraph (22), by striking “part B of
9 title VI” and inserting “title VI”; and

10 (12) by adding at the end the following:

11 “(25) SERVICES FOR STUDENTS WITH DISABIL-
12 ITIES.—The State plan shall provide an assurance
13 that, with respect to students with disabilities, the
14 State—

15 “(A) has developed and will implement—

16 “(i) strategies to address the needs
17 identified in the assessments described in
18 paragraph (15); and

19 “(ii) strategies to achieve the goals
20 and priorities identified by the State, in ac-
21 cordance with paragraph (15), to improve
22 and expand vocational rehabilitation serv-
23 ices for students with disabilities on a
24 statewide basis; and

1 “(B) has developed and will implement
2 strategies to provide pre-employment transition
3 services.

4 “(26) JOB GROWTH AND DEVELOPMENT.—The
5 State plan shall provide an assurance describing how
6 the State will utilize initiatives involving in-demand
7 industry sectors or occupations under sections
8 106(c) and 108 of the Workforce Innovation and
9 Opportunity Act to increase competitive integrated
10 employment opportunities for individuals with dis-
11 abilities.”.

12 (b) APPROVAL.—Section 101(b) (29 U.S.C. 721(b))
13 is amended to read as follows:

14 “(b) SUBMISSION; APPROVAL; MODIFICATION.—The
15 State plan for vocational rehabilitation services shall be
16 subject to—

17 “(1) subsection (c) of section 102 of the Work-
18 force Innovation and Opportunity Act, in a case in
19 which that plan is a portion of the unified State plan
20 described in that section 102; and

21 “(2) subsection (b), and paragraphs (1), (2),
22 and (3) of subsection (c), of section 103 of such Act
23 in a case in which that State plan for vocational re-
24 habilitation services is a portion of the combined
25 State plan described in that section 103.”.

1 (c) CONSTRUCTION.—Section 101 (29 U.S.C. 721) is
2 amended by adding at the end the following:

3 “(c) CONSTRUCTION.—Nothing in this part shall be
4 construed to reduce the obligation under the Individuals
5 with Disabilities Education Act (20 U.S.C. 1400 et seq.)
6 of a local educational agency or any other agency to pro-
7 vide or pay for any transition services that are also consid-
8 ered special education or related services and that are nec-
9 essary for ensuring a free appropriate public education to
10 children with disabilities within the State involved.”.

11 **SEC. 413. ELIGIBILITY AND INDIVIDUALIZED PLAN FOR EM-**
12 **PLOYMENT.**

13 (a) ELIGIBILITY.—Section 102(a) (29 U.S.C. 722(a))
14 is amended—

15 (1) in paragraph (1)—

16 (A) in subparagraph (A), by striking “is
17 an” and inserting “has undergone an assess-
18 ment for determining eligibility and vocational
19 rehabilitation needs and as a result has been
20 determined to be an”;

21 (B) in subparagraph (B), by striking “or
22 regain employment.” and inserting “advance in,
23 or regain employment that is consistent with
24 the individual’s strengths, resources, priorities,

1 concerns, abilities, capabilities, interests, and
2 informed choice.”; and

3 (C) by adding at the end the following:
4 “For purposes of an assessment for deter-
5 mining eligibility and vocational rehabilitation
6 needs under this Act, an individual shall be pre-
7 sumed to have a goal of an employment out-
8 come.”;

9 (2) in paragraph (2)—

10 (A) in subparagraph (A)—

11 (i) in the subparagraph header, by
12 striking “DEMONSTRATION” and inserting
13 “APPLICANTS”; and

14 (ii) by striking “, unless” and all that
15 follows and inserting a period; and

16 (B) in subparagraph (B)—

17 (i) in the subparagraph header, by
18 striking “METHODS” and inserting “RE-
19 SPONSIBILITIES”;

20 (ii) in the first sentence—

21 (I) by striking “In making the
22 demonstration required under sub-
23 paragraph (A),” and inserting “Prior
24 to determining under this subsection
25 that an applicant described in sub-

1 paragraph (A) is unable to benefit due
2 to the severity of the individual's dis-
3 ability or that the individual is ineli-
4 gible for vocational rehabilitation serv-
5 ices,"; and

6 (II) by striking ", except under"
7 and all that follows and inserting a
8 period; and

9 (iii) in the second sentence, by strik-
10 ing "individual or to determine" and all
11 that follows and inserting "individual. In
12 providing the trial experiences, the des-
13 ignated State unit shall provide the indi-
14 vidual with the opportunity to try different
15 employment experiences, including sup-
16 ported employment, and the opportunity to
17 become employed in competitive integrated
18 employment.";

19 (3) in paragraph (3)(A)(ii), by striking "out-
20 come from" and all that follows and inserting "out-
21 come due to the severity of the individual's disability
22 (as of the date of the determination)."; and

23 (4) in paragraph (5)—

24 (A) in the matter preceding subparagraph

25 (A)—

1 (i) by striking “If an individual” and
2 inserting “If, after the designated State
3 unit carries out the activities described in
4 paragraph (2)(B), a review of existing
5 data, and, to the extent necessary, the as-
6 sessment activities described in section
7 7(2)(A)(ii), an individual”; and

8 (ii) by striking “title is determined”
9 and all that follows through “not to be”
10 and inserting “title is determined not to
11 be”;

12 (B) by redesignating subparagraphs (A)
13 through (D) as subparagraphs (B) through (E),
14 respectively;

15 (C) by inserting before subparagraph (B),
16 as redesignated by subparagraph (B) of this
17 paragraph, the following:

18 “(A) the ineligibility determination shall be
19 an individualized one, based on the available
20 data, and shall not be based on assumptions
21 about broad categories of disabilities;” and

22 (D) in clause (i) of subparagraph (C), as
23 redesignated by subparagraph (B) of this para-
24 graph, by inserting after “determination” the
25 following: “, including the clear and convincing

1 evidence that forms the basis for the determina-
2 tion of ineligibility”.

3 (b) DEVELOPMENT OF AN INDIVIDUALIZED PLAN
4 FOR EMPLOYMENT, AND RELATED INFORMATION.—Sec-
5 tion 102(b) (29 U.S.C. 722(b)) is amended—

6 (1) in paragraph (1)(A)—

7 (A) by striking “, to the extent determined
8 to be appropriate by the eligible individual,”;
9 and

10 (B) by inserting “or, as appropriate, a dis-
11 ability advocacy organization” after “coun-
12 selor”;

13 (2) by redesignating paragraphs (2) and (3) as
14 paragraphs (3) and (4), respectively;

15 (3) by inserting after paragraph (1) the fol-
16 lowing:

17 “(2) INDIVIDUALS DESIRING TO ENTER THE
18 WORKFORCE.—For an individual entitled to benefits
19 under title II or XVI of the Social Security Act (42
20 U.S.C. 401 et seq., 1381 et seq.) on the basis of a
21 disability or blindness, the designated State unit
22 shall provide to the individual general information
23 on additional supports and assistance for individuals
24 with disabilities desiring to enter the workforce, in-
25 cluding assistance with benefits planning.”;

1 (4) in paragraph (3), as redesignated by para-
2 graph (2) of this subsection—

3 (A) in subparagraph (E)—

4 (i) in clause (i), by striking “and” at
5 the end;

6 (ii) in clause (ii), by striking the pe-
7 riod and inserting “; and”; and

8 (iii) by adding at the end the fol-
9 lowing:

10 “(iii) amended, as necessary, to in-
11 clude the postemployment services and
12 service providers that are necessary for the
13 individual to maintain or regain employ-
14 ment, consistent with the individual’s
15 strengths, resources, priorities, concerns,
16 abilities, capabilities, interests, and in-
17 formed choice.”; and

18 (B) by adding at the end the following:

19 “(F) TIMEFRAME FOR COMPLETING THE
20 INDIVIDUALIZED PLAN FOR EMPLOYMENT.—

21 The individualized plan for employment shall be
22 developed as soon as possible, but not later
23 than a deadline of 90 days after the date of the
24 determination of eligibility described in para-
25 graph (1), unless the designated State unit and

1 the eligible individual agree to an extension of
2 that deadline to a specific date by which the in-
3 dividualized plan for employment shall be com-
4 pleted.”; and

5 (5) in paragraph (4), as redesignated by para-
6 graph (2) of this subsection—

7 (A) in subparagraph (A), by striking
8 “choice of the” and all that follows and insert-
9 ing “choice of the eligible individual, consistent
10 with the general goal of competitive integrated
11 employment (except that in the case of an eligi-
12 ble individual who is a student, the description
13 may be a description of the student’s projected
14 postschool employment outcome);”;

15 (B) in subparagraph (B)(i)—

16 (i) by redesignating subclause (II) as
17 subclause (III); and

18 (ii) by striking subclause (I) and in-
19 serting the following:

20 “(I) needed to achieve the employ-
21 ment outcome, including, as appropriate—

22 “(aa) the provision of assistive
23 technology devices and assistive tech-
24 nology services (including referrals de-
25 scribed in section 103(a)(3) to the de-

1 vice reutilization programs and dem-
2 onstrations described in subpara-
3 graphs (B) and (D) of section 4(e)(2)
4 of the Assistive Technology Act of
5 1998 (29 U.S.C. 3003(e)(2)) through
6 agreements developed under section
7 101(a)(11)(I); and

8 “(bb) personal assistance services
9 (including training in the management
10 of such services);

11 “(II) in the case of a plan for an eligi-
12 ble individual that is a student, the specific
13 transition services and supports needed to
14 achieve the student’s employment outcome
15 or projected postschool employment out-
16 come; and”;

17 (C) in subparagraph (F), by striking
18 “and” at the end;

19 (D) in subparagraph (G), by striking the
20 period and inserting “; and”; and

21 (E) by adding at the end the following:

22 “(H) for an individual who also is receiving
23 assistance from an employment network under
24 the Ticket to Work and Self-Sufficiency Pro-
25 gram established under section 1148 of the So-

1 cial Security Act (42 U.S.C. 1320b–19), a de-
2 scription of how responsibility for service deliv-
3 ery will be divided between the employment net-
4 work and the designated State unit.”.

5 (c) PROCEDURES.—Section 102(c) (29 U.S.C.
6 722(c)) is amended—

7 (1) in paragraph (1), by adding at the end the
8 following: “The procedures shall allow an applicant
9 or an eligible individual the opportunity to request
10 mediation, an impartial due process hearing, or both
11 procedures.”;

12 (2) in paragraph (2)(A)—

13 (A) in clause (ii), by striking “and” at the
14 end;

15 (B) in clause (iii), by striking the period
16 and inserting “; and”; and

17 (C) by adding at the end the following:

18 “ (iv) any applicable State limit on the
19 time by which a request for mediation
20 under paragraph (4) or a hearing under
21 paragraph (5) shall be made, and any re-
22 quired procedure by which the request
23 shall be made.”; and

24 (3) in paragraph (5)—

1 (A) by striking subparagraph (A) and in-
2 serting the following:

3 “(A) OFFICER.—A due process hearing de-
4 scribed in paragraph (2) shall be conducted by
5 an impartial hearing officer who, on reviewing
6 the evidence presented, shall issue a written de-
7 cision based on the provisions of the approved
8 State plan, requirements specified in this Act
9 (including regulations implementing this Act),
10 and State regulations and policies that are con-
11 sistent with the Federal requirements specified
12 in this title. The officer shall provide the writ-
13 ten decision to the applicant or eligible indi-
14 vidual, or, as appropriate, the applicant’s rep-
15 resentative or individual’s representative, and to
16 the designated State unit. The impartial hear-
17 ing officer shall have the authority to render a
18 decision and require actions regarding the ap-
19 plicant’s or eligible individual’s vocational reha-
20 bilitation services under this title.”; and

21 (B) in subparagraph (B), by striking “in
22 laws” and inserting “about Federal laws”.

23 **SEC. 414. VOCATIONAL REHABILITATION SERVICES.**

24 Section 103 (29 U.S.C. 723) is amended—

25 (1) in subsection (a)—

1 (A) in paragraph (13), by striking “work-
2 force investment system” and inserting “work-
3 force development system”;

4 (B) by striking paragraph (15) and insert-
5 ing the following:

6 “(15) transition services for students with dis-
7 abilities, that facilitate the transition from school to
8 postsecondary life, such as achievement of an em-
9 ployment outcome in competitive integrated employ-
10 ment, or pre-employment transition services;”;

11 (C) by redesignating paragraphs (17) and
12 (18) as paragraphs (19) and (20), respectively;
13 and

14 (D) by inserting after paragraph (16) the
15 following:

16 “(17) customized employment;

17 “(18) encouraging qualified individuals who are
18 eligible to receive services under this title to pursue
19 advanced training in a science, technology, engineer-
20 ing, or mathematics (including computer science)
21 field, medicine, law, or business;”.

22 (2) in subsection (b)—

23 (A) in paragraph (2)—

24 (i) in subparagraph (A)—

25 (I) by striking “(A)”; and

1 (II) by striking the second sen-
2 tence and inserting “Such programs
3 shall be used to provide services de-
4 scribed in this section that promote
5 integration into the community and
6 that prepare individuals with disabil-
7 ities for competitive integrated em-
8 ployment, including supported employ-
9 ment and customized employment.”;
10 and

11 (ii) by striking subparagraph (B);

12 (B) by striking paragraph (5) and insert-
13 ing the following:

14 “(5) Technical assistance to businesses that are
15 seeking to employ individuals with disabilities.”; and

16 (C) by striking paragraph (6) and insert-
17 ing the following:

18 “(6) Consultation and technical assistance serv-
19 ices to assist State educational agencies and local
20 educational agencies in planning for the transition of
21 students with disabilities from school to postsec-
22 ondary life, including employment.

23 “(7) Transition services to youth with disabil-
24 ities and students with disabilities, for which a voca-
25 tional rehabilitation counselor works in concert with

1 educational agencies, providers of job training pro-
2 grams, providers of services under the Medicaid pro-
3 gram under title XIX of the Social Security Act (42
4 U.S.C. 1396 et seq.), entities designated by the
5 State to provide services for individuals with devel-
6 opmental disabilities, centers for independent living
7 (as defined in section 702), housing and transpor-
8 tation authorities, workforce development systems,
9 and businesses and employers.

10 “(8) The establishment, development, or im-
11 provement of assistive technology demonstration,
12 loan, reutilization, or financing programs in coordi-
13 nation with activities authorized under the Assistive
14 Technology Act of 1998 (29 U.S.C. 3001 et seq.) to
15 promote access to assistive technology for individuals
16 with disabilities and employers.

17 “(9) Support (including, as appropriate, tui-
18 tion) for advanced training in a science, technology,
19 engineering, or mathematics (including computer
20 science) field, medicine, law, or business, provided
21 after an individual eligible to receive services under
22 this title, demonstrates—

23 “(A) such eligibility;

24 “(B) previous completion of a bachelor’s
25 degree program at an institution of higher edu-

1 cation or scheduled completion of such degree
2 program prior to matriculating in the program
3 for which the individual proposes to use the
4 support; and

5 “(C) acceptance by a program at an insti-
6 tution of higher education in the United States
7 that confers a master’s degree in a science,
8 technology, engineering, or mathematics (in-
9 cluding computer science) field, a juris doctor
10 degree, a master of business administration de-
11 gree, or a doctor of medicine degree,

12 except that the limitations of subsection (a)(5) that
13 apply to training services shall apply to support de-
14 scribed in this paragraph, and nothing in this para-
15 graph shall prevent any designated State unit from
16 providing similar support to individuals with disabil-
17 ities within the State who are eligible to receive sup-
18 port under this title and who are not served under
19 this paragraph.”.

20 **SEC. 415. STATE REHABILITATION COUNCIL.**

21 Section 105 (29 U.S.C. 725) is amended—

22 (1) in subsection (b)(1)(A)—

23 (A) by striking clause (ix) and inserting
24 the following:

1 “(ix) in a State in which one or more
2 projects are funded under section 121, at
3 least one representative of the directors of
4 the projects located in such State;” and

5 (B) in clause (xi), by striking “State work-
6 force investment board” and inserting “State
7 workforce development board”; and

8 (2) in subsection (c)—

9 (A) in the matter preceding paragraph (1),
10 by striking “State workforce investment board”
11 and inserting “State workforce development
12 board”; and

13 (B) in paragraph (6), by striking “Service
14 Act” and all that follows and inserting “Service
15 Act (42 U.S.C. 300x-3(a)) and the State work-
16 force development board, and with the activities
17 of entities carrying out programs under the As-
18 sistive Technology Act of 1998 (29 U.S.C. 3001
19 et seq.);”.

20 **SEC. 416. EVALUATION STANDARDS AND PERFORMANCE**
21 **INDICATORS.**

22 Section 106 (29 U.S.C. 726) is amended—

23 (1) by striking subsection (a) and inserting the
24 following:

25 “(a) IN GENERAL.—

1 “(1) STANDARDS AND INDICATORS.—The eval-
2 uation standards and performance indicators for the
3 vocational rehabilitation program carried out under
4 this title shall be subject to the performance ac-
5 countability provisions described in section 116(b) of
6 the Workforce Innovation and Opportunity Act.

7 “(2) ADDITIONAL PERFORMANCE ACCOUNT-
8 ABILITY INDICATORS.—A State may establish and
9 provide information on additional performance ac-
10 countability indicators, which shall be identified in
11 the State plan submitted under section 101.”; and

12 (2) in subsection (b)(2)(B)(i), by striking “re-
13 view the program” and all that follows through “re-
14 quest the State” and inserting “on a biannual basis,
15 review the program improvement efforts of the State
16 and, if the State has not improved its performance
17 to acceptable levels, as determined by the Commis-
18 sioner, direct the State”.

19 **SEC. 417. MONITORING AND REVIEW.**

20 (a) IN GENERAL.—Section 107 (29 U.S.C. 727) is
21 amended—

22 (1) in subsection (a)—

23 (A) in paragraph (3)(E), by inserting be-
24 fore the period the following: “, including per-
25 sonnel of a client assistance program under sec-

1 tion 112, and past or current recipients of voca-
2 tional rehabilitation services”; and

3 (B) in paragraph (4)—

4 (i) by striking subparagraphs (A) and
5 (B) and inserting the following:

6 “(A) the eligibility process, including the
7 process related to the determination of ineligi-
8 bility under section 102(a)(5);

9 “(B) the provision of services, including
10 supported employment services and pre-employ-
11 ment transition services, and, if applicable, the
12 order of selection;”;

13 (ii) in subparagraph (C), by striking
14 “and” at the end;

15 (iii) by redesignating subparagraph
16 (D) as subparagraph (E); and

17 (iv) by inserting after subparagraph
18 (C) the following:

19 “(D) data reported under section
20 101(a)(10)(C)(i); and”; and

21 (2) in subsection (b)—

22 (A) in paragraph (1), by striking “and” at
23 the end;

24 (B) in paragraph (2), by striking the pe-
25 riod and inserting “; and”; and

1 (C) by adding at the end the following:

2 “(3) provide technical assistance to programs
3 under this title to—

4 “(A) promote high-quality employment
5 outcomes for individuals with disabilities;

6 “(B) integrate veterans who are individuals
7 with disabilities into their communities and to
8 support the veterans to obtain and retain com-
9 petitive integrated employment;

10 “(C) develop, improve, and disseminate in-
11 formation on procedures, practices, and strate-
12 gies, including for the preparation of personnel,
13 to better enable individuals with intellectual dis-
14 abilities and other individuals with disabilities
15 to participate in postsecondary educational ex-
16 periences and to obtain and retain competitive
17 integrated employment; and

18 “(D) apply evidence-based findings to fa-
19 cilitate systemic improvements in the transition
20 of youth with disabilities to postsecondary
21 life.”.

22 (b) TECHNICAL AMENDMENT.—Section 108(a) (29
23 U.S.C. 728(a)) is amended by striking “part B of title
24 VI” and inserting “title VI”.

1 **SEC. 418. TRAINING AND SERVICES FOR EMPLOYERS.**

2 Section 109 (29 U.S.C. 728a) is amended to read as
3 follows:

4 **“SEC. 109. TRAINING AND SERVICES FOR EMPLOYERS.**

5 “A State may expend payments received under sec-
6 tion 111 to educate and provide services to employers who
7 have hired or are interested in hiring individuals with dis-
8 abilities under programs carried out under this title, in-
9 cluding—

10 “(1) providing training and technical assistance
11 to employers regarding the employment of individ-
12 uals with disabilities, including disability awareness,
13 and the requirements of the Americans with Disabil-
14 ities Act of 1990 (42 U.S.C. 12101 et seq.) and
15 other employment-related laws;

16 “(2) working with employers to—

17 “(A) provide opportunities for work-based
18 learning experiences (including internships,
19 short-term employment, apprenticeships, and
20 fellowships), and opportunities for pre-employ-
21 ment transition services;

22 “(B) recruit qualified applicants who are
23 individuals with disabilities;

24 “(C) train employees who are individuals
25 with disabilities; and

1 “(D) promote awareness of disability-re-
2 lated obstacles to continued employment;

3 “(3) providing consultation, technical assist-
4 ance, and support to employers on workplace accom-
5 modations, assistive technology, and facilities and
6 workplace access through collaboration with commu-
7 nity partners and employers, across States and na-
8 tionally, to enable the employers to recruit, job
9 match, hire, and retain qualified individuals with
10 disabilities who are recipients of vocational rehabili-
11 tation services under this title, or who are applicants
12 for such services; and

13 “(4) assisting employers with utilizing available
14 financial support for hiring or accommodating indi-
15 viduals with disabilities.”.

16 **SEC. 419. STATE ALLOTMENTS.**

17 Section 110 (29 U.S.C. 730) is amended—

18 (1) in subsection (a)(1), by striking “Subject to
19 the provisions of subsection (c)” and inserting “Sub-
20 ject to the provisions of subsections (c) and (d),”;

21 (2) in subsection (c)—

22 (A) in paragraph (1), by striking “1987”
23 and inserting “2015”; and

24 (B) in paragraph (2)—

1 (i) by striking “Secretary” and all
2 that follows through “(B)” and inserting
3 “Secretary,”; and

4 (ii) by striking “2000 through 2003”
5 and inserting “2015 through 2020”; and

6 (3) by adding at the end the following:

7 “(d)(1) From any State allotment under subsection
8 (a) for a fiscal year, the State shall reserve not less than
9 15 percent of the allotted funds for the provision of pre-
10 employment transition services.

11 “(2) Such reserved funds shall not be used to pay
12 for the administrative costs of providing pre-employment
13 transition services.”.

14 **SEC. 420. PAYMENTS TO STATES.**

15 Section 111(a)(2)(B) (29 U.S.C. 731(a)(2)(B)) is
16 amended—

17 (1) by striking “For fiscal year 1994 and each
18 fiscal year thereafter, the” and inserting “The”;

19 (2) by striking “this title for the previous” and
20 inserting “this title for any previous”; and

21 (3) by striking “year preceding the previous”
22 and inserting “year preceding that previous”.

23 **SEC. 421. CLIENT ASSISTANCE PROGRAM.**

24 Section 112 (29 U.S.C. 732) is amended—

1 (1) in subsection (a), in the first sentence, by
2 inserting “including under sections 113 and 511,”
3 after “all available benefits under this Act,”;

4 (2) in subsection (b), by striking “not later
5 than October 1, 1984,”;

6 (3) in subsection (e)(1)—

7 (A) in subparagraph (A), by striking “The
8 Secretary shall allot” and inserting “After re-
9 serving funds under subparagraphs (E) and
10 (F), the Secretary shall allot the remainder of”;
11 and

12 (B) by adding at the end the following:

13 “(E)(i) The Secretary shall reserve funds appro-
14 priated under subsection (h) to make a grant to the pro-
15 tection and advocacy system serving the American Indian
16 Consortium to provide services in accordance with this sec-
17 tion. The amount of such a grant shall be the same
18 amount as is provided to a territory under this subsection.

19 “(ii) In this subparagraph:

20 (I) The term ‘American Indian Consortium’
21 has the meaning given the term in section 102 of the
22 Developmental Disabilities Assistance and Bill of
23 Rights Act of 2000 (42 U.S.C. 15002).

24 (II) The term ‘protection and advocacy sys-
25 tem’ means a protection and advocacy system estab-

1 lished under subtitle C of title I of the Develop-
2 mental Disabilities Assistance and Bill of Rights Act
3 of 2000 (42 U.S.C. 15041 et seq.).

4 “(F) For any fiscal year for which the amount appro-
5 priated under subsection (h) equals or exceeds
6 \$14,000,000, the Secretary may reserve not less than 1.8
7 percent and not more than 2.2 percent of such amount
8 to provide a grant for training and technical assistance
9 for the programs established under this section. Such
10 training and technical assistance shall be coordinated with
11 activities provided under section 509(c)(1)(A).”; and

12 (4) by striking subsection (h) and inserting the
13 following:

14 “(h) There are authorized to be appropriated to carry
15 out the provisions of this section—

16 “(1) \$12,000,000 for fiscal year 2015;

17 “(2) \$12,927,000 for fiscal year 2016;

18 “(3) \$13,195,000 for fiscal year 2017;

19 “(4) \$13,488,000 for fiscal year 2018;

20 “(5) \$13,805,000 for fiscal year 2019; and

21 “(6) \$14,098,000 for fiscal year 2020.”.

22 **SEC. 422. PRE-EMPLOYMENT TRANSITION SERVICES.**

23 Part B of title I (29 U.S.C. 730 et seq.) is further
24 amended by adding at the end the following:

1 **“SEC. 113. PROVISION OF PRE-EMPLOYMENT TRANSITION**
2 **SERVICES.**

3 “(a) IN GENERAL.—From the funds reserved under
4 section 110(d), and any funds made available from State,
5 local, or private funding sources, each State shall ensure
6 that the designated State unit, in collaboration with the
7 local educational agencies involved, shall provide, or ar-
8 range for the provision of, pre-employment transition serv-
9 ices for all students with disabilities in need of such serv-
10 ices who are eligible or potentially eligible for services
11 under this title.

12 “(b) REQUIRED ACTIVITIES.—Funds available under
13 subsection (a) shall be used to make available to students
14 with disabilities described in subsection (a)—

15 “(1) job exploration counseling;

16 “(2) work-based learning experiences, which
17 may include in-school or after school opportunities,
18 or experience outside the traditional school setting
19 (including internships), that is provided in an inte-
20 grated environment to the maximum extent possible;

21 “(3) counseling on opportunities for enrollment
22 in comprehensive transition or postsecondary edu-
23 cational programs at institutions of higher edu-
24 cation;

25 “(4) workplace readiness training to develop so-
26 cial skills and independent living; and

1 “(5) instruction in self-advocacy, which may in-
2 clude peer mentoring.

3 “(c) AUTHORIZED ACTIVITIES.—Funds available
4 under subsection (a) and remaining after the provision of
5 the required activities described in subsection (b) may be
6 used to improve the transition of students with disabilities
7 described in subsection (a) from school to postsecondary
8 education or an employment outcome by—

9 “(1) implementing effective strategies to in-
10 crease the likelihood of independent living and inclu-
11 sion in communities and competitive integrated
12 workplaces;

13 “(2) developing and improving strategies for in-
14 dividuals with intellectual disabilities and individuals
15 with significant disabilities to live independently,
16 participate in postsecondary education experiences,
17 and obtain and retain competitive integrated employ-
18 ment;

19 “(3) providing instruction to vocational rehabili-
20 tation counselors, school transition personnel, and
21 other persons supporting students with disabilities;

22 “(4) disseminating information about innova-
23 tive, effective, and efficient approaches to achieve
24 the goals of this section;

1 “(5) coordinating activities with transition serv-
2 ices provided by local educational agencies under the
3 Individuals with Disabilities Education Act (20
4 U.S.C. 1400 et seq.);

5 “(6) applying evidence-based findings to im-
6 prove policy, procedure, practice, and the prepara-
7 tion of personnel, in order to better achieve the goals
8 of this section;

9 “(7) developing model transition demonstration
10 projects;

11 “(8) establishing or supporting multistate or re-
12 gional partnerships involving States, local edu-
13 cational agencies, designated State units, develop-
14 mental disability agencies, private businesses, or
15 other participants to achieve the goals of this sec-
16 tion; and

17 “(9) disseminating information and strategies
18 to improve the transition to postsecondary activities
19 of individuals who are members of traditionally
20 unserved populations.

21 “(d) PRE-EMPLOYMENT TRANSITION COORDINA-
22 TION.—Each local office of a designated State unit shall
23 carry out responsibilities consisting of—

24 “(1) attending individualized education program
25 meetings for students with disabilities, when invited;

1 “(2) working with the local workforce develop-
2 ment boards, one-stop centers, and employers to de-
3 velop work opportunities for students with disabili-
4 ties, including internships, summer employment and
5 other employment opportunities available throughout
6 the school year, and apprenticeships;

7 “(3) work with schools, including those carrying
8 out activities under section 614(d)(1)(A)(i)(VIII) of
9 the Individuals with Disabilities Education Act (20
10 U.S.C. 1414(d)(1)(A)(i)(VIII)), to coordinate and
11 ensure the provision of pre-employment transition
12 services under this section; and

13 “(4) when invited, attend person-centered plan-
14 ning meetings for individuals receiving services
15 under title XIX of the Social Security Act (42
16 U.S.C. 1396 et seq.).

17 “(e) NATIONAL PRE-EMPLOYMENT TRANSITION CO-
18 ORDINATION.—The Secretary shall support designated
19 State agencies providing services under this section, high-
20 light best State practices, and consult with other Federal
21 agencies to advance the goals of this section.

22 “(f) SUPPORT.—In carrying out this section, States
23 shall address the transition needs of all students with dis-
24 abilities, including such students with physical, sensory,
25 intellectual, and mental health disabilities.”.

1 **SEC. 423. AMERICAN INDIAN VOCATIONAL REHABILITA-**
2 **TION SERVICES.**

3 Section 121 (29 U.S.C. 741) is amended—

4 (1) in subsection (a), in the first sentence, by
5 inserting before the period the following: “(referred
6 to in this section as ‘eligible individuals’), consistent
7 with such eligible individuals’ strengths, resources,
8 priorities, concerns, abilities, capabilities, interests,
9 and informed choice, so that such individuals may
10 prepare for, and engage in, high-quality employment
11 that will increase opportunities for economic self-suf-
12 ficiency”;

13 (2) in subsection (b)(1)—

14 (A) in subparagraph (B), by striking
15 “and” at the end;

16 (B) in subparagraph (C), by striking the
17 period and inserting “; and”; and

18 (C) by adding at the end the following:

19 “(D) contains assurances that—

20 “(i) all decisions affecting eligibility
21 for vocational rehabilitation services, the
22 nature and scope of available vocational re-
23 habilitation services and the provision of
24 such services will, consistent with this title,
25 be made by a representative of the tribal

1 vocational rehabilitation program funded
2 through the grant; and

3 “(ii) such decisions will not be dele-
4 gated to another agency or individual.”;

5 (3) by redesignating subsection (c) as sub-
6 section (d); and

7 (4) by inserting after subsection (b) the fol-
8 lowing:

9 “(c)(1) From the funds appropriated and made avail-
10 able to carry out this part for any fiscal year, beginning
11 with fiscal year 2015, the Commissioner shall first reserve
12 not less than 1.8 percent and not more than 2 percent
13 of the funds to provide training and technical assistance
14 to governing bodies described in subsection (a) for such
15 fiscal year.

16 “(2) From the funds reserved under paragraph (1),
17 the Commissioner shall make grants to, or enter into con-
18 tracts or other cooperative agreements with, entities that
19 have experience in the operation of vocational rehabilita-
20 tion services programs under this section to provide such
21 training and technical assistance with respect to devel-
22 oping, conducting, administering, and evaluating such pro-
23 grams.

24 “(3) The Commissioner shall conduct a survey of the
25 governing bodies regarding training and technical assist-

1 ance needs in order to determine funding priorities for
2 such grants, contracts, or cooperative agreements.

3 “(4) To be eligible to receive a grant or enter into
4 a contract or cooperative agreement under this section,
5 such an entity shall submit an application to the Commis-
6 sioner at such time, in such manner, and containing a pro-
7 posal to provide such training and technical assistance,
8 and containing such additional information as the Com-
9 missioner may require. The Commissioner shall provide
10 for peer review of applications by panels that include per-
11 sons who are not government employees and who have ex-
12 perience in the operation of vocational rehabilitation serv-
13 ices programs under this section.”.

14 **SEC. 424. VOCATIONAL REHABILITATION SERVICES CLIENT**
15 **INFORMATION.**

16 Section 131(a)(2) (29 U.S.C. 751(a)(2)) is amended
17 by striking “title I of the Workforce Investment Act of
18 1998” and inserting “title I of the Workforce Innovation
19 and Opportunity Act”.

20 **Subtitle C—Research and Training**

21 **SEC. 431. PURPOSE.**

22 Section 200 (29 U.S.C. 760) is amended—

23 (1) in paragraph (1), by inserting “technical as-
24 sistance,” after “training,”;

1 (2) in paragraph (2), by inserting “technical as-
2 sistance,” after “training,”;

3 (3) in paragraph (3), in the matter preceding
4 subparagraph (A)—

5 (A) by inserting “and use” after “trans-
6 fer”; and

7 (B) by inserting “, in a timely and efficient
8 manner,” after “disabilities”; and

9 (4) in paragraph (4), by striking “distribution”
10 and inserting “dissemination”;

11 (5) in paragraph (5)—

12 (A) by inserting “, including individuals
13 with intellectual and psychiatric disabilities,”
14 after “disabilities”; and

15 (B) by striking “and” after the semicolon;

16 (6) by redesignating paragraph (6) as para-
17 graph (7);

18 (7) by inserting after paragraph (5) the fol-
19 lowing:

20 “(6) identify strategies for effective coordina-
21 tion of services to job seekers with disabilities avail-
22 able through programs of one-stop partners, as de-
23 fined in section 3 of the Workforce Innovation and
24 Opportunity Act;”;

1 (8) in paragraph (7), as redesignated by para-
2 graph (6), by striking the period and inserting “;
3 and”; and

4 (9) by adding at the end the following:

5 “(8) identify effective strategies for supporting
6 the employment of individuals with disabilities in
7 competitive integrated employment.”.

8 **SEC. 432. AUTHORIZATION OF APPROPRIATIONS.**

9 Section 201 (29 U.S.C. 761) is amended to read as
10 follows:

11 **“SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

12 “There are authorized to be appropriated to carry out
13 this title \$103,970,000 for fiscal year 2015, \$112,001,000
14 for fiscal year 2016, \$114,325,000 for fiscal year 2017,
15 \$116,860,000 for fiscal year 2018, \$119,608,000 for fis-
16 cal year 2019, and \$122,143,000 for fiscal year 2020.”.

17 **SEC. 433. NATIONAL INSTITUTE ON DISABILITY, INDE-**

18 **PENDENT LIVING, AND REHABILITATION RE-**

19 **SEARCH.**

20 Section 202 (29 U.S.C. 762) is amended—

21 (1) in the section heading, by inserting “, INDE-
22 PENDENT LIVING,” after “DISABILITY”;

23 (2) in subsection (a)—

24 (A) in paragraph (1)—

- 1 (i) in the matter preceding subpara-
2 graph (A), by striking “Department of
3 Education” and all that follows through
4 “which” and inserting “Administration for
5 Community Living of the Department of
6 Health and Human Services a National In-
7 stitute on Disability, Independent Living,
8 and Rehabilitation Research (referred to in
9 this title as the ‘Institute’), which”; and
- 10 (ii) in subparagraph (A)—
- 11 (I) in clause (ii), by striking
12 “and training; and” and inserting “,
13 training, and technical assistance;”;
- 14 (II) by redesignating clause (iii)
15 as clause (iv); and
- 16 (III) by inserting after clause (ii)
17 the following:
- 18 “(iii) outreach and information that clari-
19 fies research implications for policy and prac-
20 tice; and”; and
- 21 (B) in paragraph (2), by striking “di-
22 rectly” and all that follows through the period
23 and inserting “directly responsible to the Ad-
24 ministrator for the Administration for Commu-

1 nity Living of the Department of Health and
2 Human Services.”;

3 (3) in subsection (b)—

4 (A) in paragraph (2), by striking subpara-
5 graph (B) and inserting the following:

6 “(B) private organizations engaged in re-
7 search relating to—

8 “(i) independent living;

9 “(ii) rehabilitation; or

10 “(iii) providing rehabilitation or inde-
11 pendent living services;”;

12 (B) in paragraph (3), by striking “in reha-
13 bilitation” and inserting “on disability, inde-
14 pendent living, and rehabilitation”;

15 (C) in paragraph (4)—

16 (i) in the matter preceding subpara-
17 graph (A), by inserting “education, health
18 and wellness,” after “independent living;”;
19 and

20 (ii) by striking subparagraphs (A)
21 through (D) and inserting the following:

22 “(A) public and private entities, includ-
23 ing—

24 “(i) elementary schools and secondary
25 schools (as defined in section 9101 of the

1 Elementary and Secondary Education Act
2 of 1965 (20 U.S.C. 7801)); and

3 “(ii) institutions of higher education;

4 “(B) rehabilitation practitioners;

5 “(C) employers and organizations rep-
6 resenting employers with respect to employ-
7 ment-based educational materials or research;

8 “(D) individuals with disabilities (espe-
9 cially such individuals who are members of mi-
10 nority groups or of populations that are
11 unserved or underserved by programs under
12 this Act);

13 “(E) the individuals’ representatives for
14 the individuals described in subparagraph (D);
15 and

16 “(F) the Committee on Education and the
17 Workforce of the House of Representatives, the
18 Committee on Appropriations of the House of
19 Representatives, the Committee on Health,
20 Education, Labor, and Pensions of the Senate,
21 and the Committee on Appropriations of the
22 Senate;”;

23 (D) in paragraph (6)—

24 (i) by striking “advances in rehabilita-
25 tion” and inserting “advances in disability,

1 independent living, and rehabilitation”;

2 and

3 (ii) by inserting “education, health
4 and wellness,” after “employment, inde-
5 pendent living,”;

6 (E) by striking paragraph (7);

7 (F) by redesignating paragraphs (8)
8 through (11) as paragraphs (7) through (10),
9 respectively;

10 (G) in paragraph (7), as redesignated by
11 subparagraph (F)—

12 (i) by striking “health, income,” and
13 inserting “health and wellness, income,
14 education,”; and

15 (ii) by striking “and evaluation of vo-
16 cational and other” and inserting “and
17 evaluation of independent living, voca-
18 tional, and”;

19 (H) in paragraph (8), as redesignated by
20 subparagraph (F), by striking “with vocational
21 rehabilitation services for the purpose of identi-
22 fying effective rehabilitation programs and poli-
23 cies that promote the independence of individ-
24 uals with disabilities and achievement of long-
25 term vocational goals” and inserting “with

1 independent living and vocational rehabilitation
2 services for the purpose of identifying effective
3 independent living and rehabilitation programs
4 and policies that promote the independence of
5 individuals with disabilities and achievement of
6 long-term independent living and employment
7 goals”; and

8 (I) in paragraph (9), as redesignated by
9 subparagraph (F), by striking “and telecom-
10 muting; and” and inserting “, supported em-
11 ployment (including customized employment),
12 and telecommuting; and”;

13 (4) in subsection (d)(1), by striking the second
14 sentence and inserting the following: “The Director
15 shall be an individual with substantial knowledge of
16 and experience in independent living, rehabilitation,
17 and research administration.”;

18 (5) in subsection (f)(1), by striking the second
19 sentence and inserting the following: “The scientific
20 peer review shall be conducted by individuals who
21 are not Department of Health and Human Services
22 employees. The Secretary shall consider for peer re-
23 view individuals who are scientists or other experts
24 in disability, independent living, and rehabilitation,
25 including individuals with disabilities and the indi-

1 viduals’ representatives, and who have sufficient ex-
2 pertise to review the projects.”;

3 (6) in subsection (h)—

4 (A) in paragraph (1)(A)—

5 (i) by striking “priorities for rehabili-
6 tation research,” and inserting “priorities
7 for disability, independent living, and reha-
8 bilitation research,”; and

9 (ii) by inserting “dissemination,” after
10 “training,”; and

11 (B) in paragraph (2)—

12 (i) in subparagraph (A), by striking
13 “especially in the area of employment” and
14 inserting “especially in the areas of em-
15 ployment and independent living”;

16 (ii) in subparagraph (D)—

17 (I) by striking “developed by the
18 Director” and inserting “coordinated
19 with the strategic plan required under
20 section 203(e)”;

21 (II) in clause (i), by striking
22 “Rehabilitation” and inserting “Dis-
23 ability, Independent Living, and Re-
24 habilitation”;

1 (III) in clause (ii), by striking
2 “Commissioner” and inserting “Ad-
3 ministrator”; and

4 (IV) in clause (iv), by striking
5 “researchers in the rehabilitation
6 field” and inserting “researchers in
7 the independent living and rehabilita-
8 tion fields”;

9 (iii) by redesignating subparagraphs
10 (E) and (F) as subparagraphs (F) and
11 (G), respectively;

12 (iv) by inserting after subparagraph
13 (D) the following:

14 “(E) be developed by the Director;”;

15 (v) in subparagraph (F), as redesign-
16 ated by clause (iii), by inserting “and in-
17 formation that clarifies implications of the
18 results for practice,” after “covered activi-
19 ties,”; and

20 (vi) in subparagraph (G), as redesign-
21 ated by clause (iii), by inserting “and in-
22 formation that clarifies implications of the
23 results for practice” after “covered activi-
24 ties”;

1 (7) in subsection (j), by striking paragraph (3);

2 and

3 (8) by striking subsection (k) and inserting the

4 following:

5 “(k) The Director shall make grants to institutions

6 of higher education for the training of independent living

7 and rehabilitation researchers, including individuals with

8 disabilities and traditionally underserved populations of

9 individuals with disabilities, as described in section 21,

10 with particular attention to research areas that—

11 “(1) support the implementation and objectives

12 of this Act; and

13 “(2) improve the effectiveness of services au-

14 thorized under this Act.

15 “(l)(1) Not later than December 31 of each year, the

16 Director shall prepare, and submit to the Secretary, the

17 Committee on Health, Education, Labor, and Pensions of

18 the Senate, and the Committee on Education and the

19 Workforce of the House of Representatives, a report on

20 the activities funded under this title.

21 “(2) The report under paragraph (1) shall include—

22 “(A) a compilation and summary of the infor-

23 mation provided by recipients of funding for such ac-

24 tivities under this title;

1 “(B) a summary describing the funding re-
2 ceived under this title and the progress of the recipi-
3 ents of the funding in achieving the measurable
4 goals described in section 204(d)(2); and

5 “(C) a summary of implications of research
6 outcomes on practice.

7 “(m)(1) If the Director determines that an entity
8 that receives funding under this title fails to comply with
9 the applicable requirements of this Act, or to make
10 progress toward achieving the measurable goals described
11 in section 204(d)(2), with respect to the covered activities
12 involved, the Director shall utilize available monitoring
13 and enforcement measures.

14 “(2) As part of the annual report required under sub-
15 section (l), the Secretary shall describe each action taken
16 by the Secretary under paragraph (1) and the outcomes
17 of such action.”.

18 **SEC. 434. INTERAGENCY COMMITTEE.**

19 Section 203 (29 U.S.C. 763) is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1)—

22 (i) by striking “conducting rehabilita-
23 tion research” and inserting “conducting
24 disability, independent living, and rehabili-
25 tation research”;

1 (ii) by striking “chaired by the Direc-
2 tor” and inserting “chaired by the Sec-
3 retary, or the Secretary’s designee,”;

4 (iii) by inserting “the Assistant Sec-
5 retary of Labor for Disability Employment
6 Policy, the Secretary of Defense, the Ad-
7 ministrator of the Administration for Com-
8 munity Living,” after “Assistant Secretary
9 for Special Education and Rehabilitative
10 Services,”; and

11 (iv) by striking “and the Director of
12 the National Science Foundation.” and in-
13 sserting “the Director of the National
14 Science Foundation and the Administrator
15 of the Small Business Administration.”;
16 and

17 (B) in paragraph (2), by inserting “, and
18 for not less than 1 of such meetings at least
19 every 2 years, the Committee shall invite policy-
20 makers, representatives from other Federal
21 agencies conducting relevant research, individ-
22 uals with disabilities, organizations representing
23 individuals with disabilities, researchers, and
24 providers, to offer input on the Committee’s
25 work, including the development and implemen-

1 tation of the strategic plan required under sub-
2 section (c)” after “each year”;

3 (2) in subsection (b)—

4 (A) in paragraph (1)—

5 (i) by striking “from targeted individ-
6 uals” and inserting “individuals with dis-
7 abilities”; and

8 (ii) by inserting “independent living
9 and” before “rehabilitation”; and

10 (B) in paragraph (2)—

11 (i) in subparagraph (A), by inserting
12 “independent living research,” after “as-
13 sistive technology research,”;

14 (ii) in subparagraph (B), by inserting
15 “, independent living research,” after
16 “technology research”;

17 (iii) in subparagraph (D), by striking
18 “and research that incorporates the prin-
19 ciples of universal design” and inserting “,
20 independent living research, and research
21 that incorporates the principles of uni-
22 versal design”; and

23 (iv) in subparagraph (E), by striking
24 “and research that incorporates the prin-
25 ciples of universal design.” and inserting “,

1 independent living research, and research
2 that incorporates the principles of uni-
3 versal design.”;

4 (3) by striking subsection (d);

5 (4) by redesignating subsection (c) as sub-
6 section (d);

7 (5) by inserting after subsection (b) the fol-
8 lowing:

9 “(c)(1) The Committee shall develop a comprehensive
10 government wide strategic plan for disability, independent
11 living, and rehabilitation research.

12 “(2) The strategic plan shall include, at a min-
13 imum—

14 “(A) a description of the—

15 “(i) measurable goals and objectives;

16 “(ii) existing resources each agency will de-
17 vote to carrying out the plan;

18 “(iii) timetables for completing the projects
19 outlined in the plan; and

20 “(iv) assignment of responsible individuals
21 and agencies for carrying out the research ac-
22 tivities;

23 “(B) research priorities and recommendations;

24 “(C) a description of how funds from each
25 agency will be combined, as appropriate, for projects

1 administered among Federal agencies, and how such
2 funds will be administered;

3 “(D) the development and ongoing maintenance
4 of a searchable government wide inventory of dis-
5 ability, independent living, and rehabilitation re-
6 search for trend and data analysis across Federal
7 agencies;

8 “(E) guiding principles, policies, and proce-
9 dures, consistent with the best research practices
10 available, for conducting and administering dis-
11 ability, independent living, and rehabilitation re-
12 search across Federal agencies; and

13 “(F) a summary of underemphasized and dupli-
14 cative areas of research.

15 “(3) The strategic plan described in this subsection
16 shall be submitted to the President and the Committee
17 on Health, Education, Labor, and Pensions of the Senate
18 and the Committee on Education and the Workforce of
19 the House of Representatives.”;

20 (6) in subsection (d), as redesignated by para-
21 graph (4)—

22 (A) in the matter preceding paragraph (1),
23 by striking “Committee on Labor and Human
24 Resources of the Senate” and inserting “Com-

1 committee on Health, Education, Labor, and Pen-
2 sions of the Senate”; and

3 (B) by striking paragraph (1) and insert-
4 ing the following:

5 “(1) describes the progress of the Committee in
6 fulfilling the duties described in subsections (b) and
7 (c), and including specifically for subsection (c)—

8 “(A) a report of the progress made in im-
9 plementing the strategic plan, including
10 progress toward implementing the elements de-
11 scribed in subsection (c)(2)(A); and

12 “(B) detailed budget information.”; and

13 (7) in subsection (e), by striking paragraph (2)
14 and inserting the following:

15 “(2) the term ‘independent living’, used in con-
16 nection with research, means research on issues and
17 topics related to attaining maximum self-sufficiency
18 and function by individuals with disabilities, includ-
19 ing research on assistive technology and universal
20 design, employment, education, health and wellness,
21 and community integration and participation.”.

22 **SEC. 435. RESEARCH AND OTHER COVERED ACTIVITIES.**

23 Section 204 (29 U.S.C. 764) is amended—

24 (1) in subsection (a)—

25 (A) in paragraph (1)—

1 (i) by striking “pay” and inserting
2 “fund”;

3 (ii) by inserting “have practical appli-
4 cations and” before “maximize”; and

5 (iii) by striking “employment, inde-
6 pendent living,” and inserting “employ-
7 ment, education, independent living, health
8 and wellness,”;

9 (B) in paragraph (2)—

10 (i) in subparagraph (A), by inserting
11 “and from which the research findings,
12 conclusions, or recommendations can be
13 transferred to practice” after “State agen-
14 cies”;

15 (ii) in subparagraph (B)—

16 (I) by striking clause (ii) and in-
17 serting the following:

18 “(ii) studies and analyses of factors related to
19 industrial, vocational, educational, employment, so-
20 cial, recreational, psychiatric, psychological, eco-
21 nomic, and health and wellness variables affecting
22 individuals with disabilities, including traditionally
23 underserved populations as described in section 21,
24 and how those variables affect such individuals’ abil-

1 ity to live independently and their participation in
2 the work force;”;

3 (II) in clause (iii), by striking
4 “are homebound” and all that follows
5 and inserting “have significant chal-
6 lenges engaging in community life
7 outside their homes and individuals
8 who are in institutional settings;”;

9 (III) in clause (iv), by inserting
10 “, including the principles of universal
11 design and the interoperability of
12 products and services” after “disabil-
13 ities”;

14 (IV) in clause (v), by inserting “,
15 and to promoting employment oppor-
16 tunities in competitive integrated em-
17 ployment” after “employment”;

18 (V) in clause (vi), by striking
19 “and” after the semicolon;

20 (VI) in clause (vii), by striking
21 “and assistive technology.” and in-
22 serting “, assistive technology, and
23 communications technology; and”;

24 (VII) by adding at the end the
25 following:

1 “(viii) studies, analyses, and other activities af-
2 fecting employment outcomes as defined in section
3 7(11), including self-employment and telecommuting,
4 of individuals with disabilities.”; and

5 (C) by adding at the end the following:

6 “(3) In carrying out this section, the Director shall
7 emphasize covered activities that include plans for—

8 “(A) dissemination of high-quality materials, of
9 scientifically valid research results, or of findings,
10 conclusions, and recommendations resulting from
11 covered activities, including through electronic
12 means (such as the website of the Department of
13 Health and Human Services), so that such informa-
14 tion is available in a timely manner to the general
15 public; or

16 “(B) the commercialization of marketable prod-
17 ucts, research results, or findings, resulting from the
18 covered activities.”;

19 (2) in subsection (b)—

20 (A) in paragraph (1), by striking “(18)”
21 both places the term appears and inserting
22 “(17)”;

23 (B) in paragraph (2)—

1 (i) in subparagraph (A), by striking
2 clauses (i) and (ii) and inserting the fol-
3 lowing:

4 “(i) be operated in collaboration with institu-
5 tions of higher education, providers of rehabilitation
6 services, developers or providers of assistive tech-
7 nology devices, assistive technology services, or infor-
8 mation technology devices or services, as appro-
9 priate, or providers of other appropriate services;
10 and

11 “(ii) serve as centers of national excellence and
12 national or regional resources for individuals with
13 disabilities, as well as providers, educators, and re-
14 searchers.”;

15 (ii) in subparagraph (B)—

16 (I) in clause (i)—

17 (aa) by adding “independent
18 living and” after “research in”;

19 (bb) by adding “independent
20 living and” after “will improve”;
21 and

22 (cc) by striking “alleviate or
23 stabilize” and all that follows and
24 inserting “maximize health and
25 function (including alleviating or

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1 stabilizing conditions, or pre-
2 venting secondary conditions),
3 and promote maximum social and
4 economic independence of individ-
5 uals with disabilities, including
6 promoting the ability of the indi-
7 viduals to prepare for, secure, re-
8 tain, regain, or advance in em-
9 ployment;”;

10 (II) by redesignating clauses (ii),
11 (iii), and (iv), as clauses (iii), (iv), and
12 (v), respectively;

13 (III) by inserting after clause (i)
14 the following:

15 “(ii) conducting research in, and dissemination
16 of, employer-based practices to facilitate the identi-
17 fication, recruitment, accommodation, advancement,
18 and retention of qualified individuals with disabili-
19 ties;”;

20 (IV) in clause (iii), as redesign-
21 nated by subclause (II), by inserting
22 “independent living and” before “re-
23 habilitation services”;

24 (V) in clause (iv), as redesignated
25 by subclause (II)—

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1 (aa) by inserting “inde-
2 pendent living and” before “reha-
3 bilitation” each place the term
4 appears; and

5 (bb) by striking “and” after
6 the semicolon; and

7 (VI) by striking clause (v), as re-
8 designated by subclause (II), and in-
9 serting the following:

10 “(v) serving as an informational and technical
11 assistance resource to individuals with disabilities, as
12 well as to providers, educators, and researchers, by
13 providing outreach and information that clarifies re-
14 search implications for practice and identifies poten-
15 tial new areas of research; and

16 “(vi) developing practical applications for the
17 research findings of the Centers.”;

18 (iii) in subparagraph (C)—

19 (I) in clause (i), by inserting “,
20 including research on assistive tech-
21 nology devices, assistive technology
22 services, and accessible electronic and
23 information technology devices” after
24 “research”;

25 (II) in clause (ii)—

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1 (aa) by striking “and social”
2 and inserting “, social, and eco-
3 nomic”; and

4 (bb) by inserting “inde-
5 pendent living and” before “reha-
6 bilitation”; and

7 (III) by striking clauses (iii) and
8 (iv);

9 (IV) by redesignating clauses (v)
10 and (vi) as clauses (iii) and (iv), re-
11 spectively;

12 (V) in clause (iii), as redesign-
13 ated by subclause (IV), by striking
14 “to develop” and all that follows and
15 inserting “that promotes the emo-
16 tional, social, educational, and func-
17 tional growth of children who are indi-
18 viduals with disabilities, as well as
19 their integration in school, employ-
20 ment, and community activities;”;

21 (VI) in clause (iv), as redesign-
22 ated by subclause (IV), by striking
23 “that will improve” and all that fol-
24 lows and inserting “to develop and
25 evaluate interventions, policies, and

1 services that support families of those
2 children and adults who are individ-
3 uals with disabilities;” and

4 (VII) by adding at the end the
5 following:

6 “(v) continuation of research that will improve
7 services and policies that foster the independence
8 and social integration of individuals with disabilities,
9 and enable individuals with disabilities, including in-
10 dividuals with intellectual disabilities and other de-
11 velopmental disabilities, to live in their communities;
12 and

13 “(vi) research, dissemination, and technical as-
14 sistance, on best practices in vocational rehabilita-
15 tion, including supported employment and other
16 strategies to promote competitive integrated employ-
17 ment for persons with the most significant disabili-
18 ties.”;

19 (iv) by striking subparagraph (D) and
20 inserting the following:

21 “(D) Training of students preparing to be inde-
22 pendent living or rehabilitation personnel or to provide
23 independent living, rehabilitative, assistive, or supportive
24 services (such as rehabilitation counseling, personal care
25 services, direct care, job coaching, aides in school based

1 settings, or advice or assistance in utilizing assistive tech-
2 nology devices, assistive technology services, and accessible
3 electronic and information technology devices and serv-
4 ices) shall be an important priority for each such Center.”;

5 (v) in subparagraph (E), by striking
6 “comprehensive”;

7 (vi) in subparagraph (G)(i), by insert-
8 ing “independent living and” before “reha-
9 bilitation-related”;

10 (vii) by striking subparagraph (I); and

11 (viii) by redesignating subparagraphs
12 (J) through (O) as subparagraphs (I)
13 through (N), respectively;

14 (C) in paragraph (3)—

15 (i) in subparagraph (A), by inserting
16 “independent living strategies and” before
17 “rehabilitation technology”;

18 (ii) in subparagraph (B)—

19 (I) in clause (i)(I), by inserting
20 “independent living and” before “re-
21 habilitation problems”;

22 (II) in clause (ii)(II), by striking
23 “employment” and inserting “edu-
24 cational, employment,”; and

1 (III) in clause (iii)(II), by strik-
2 ing “employment” and inserting “edu-
3 cational, employment,”;

4 (iii) in subparagraph (D)(i)(II), by
5 striking “postschool” and inserting “post-
6 secondary education, competitive inte-
7 grated employment, and other age-appro-
8 priate”; and

9 (iv) in subparagraph (G)(ii), by in-
10 sserting “the impact of any commercialized
11 product researched or developed through
12 the Center,” after “individuals with dis-
13 abilities,”;

14 (D) in paragraph (4)(B)—

15 (i) in clause (i)—

16 (I) by striking “vocational” and
17 inserting “independent living, employ-
18 ment,”;

19 (II) by striking “special” and in-
20 sserting “unique”; and

21 (III) by inserting “social and
22 functional needs, and” before “acute
23 care”; and

1 (ii) in clause (iv), by inserting “edu-
2 cation, health and wellness,” after “em-
3 ployment,”;

4 (E) by striking paragraph (8) and insert-
5 ing the following:

6 “(8) Grants may be used to conduct a program of
7 joint projects with other administrations and offices of the
8 Department of Health and Human Services, the National
9 Science Foundation, the Department of Veterans Affairs,
10 the Department of Defense, the Federal Communications
11 Commission, the National Aeronautics and Space Admin-
12 istration, the Small Business Administration, the Depart-
13 ment of Labor, other Federal agencies, and private indus-
14 try in areas of joint interest involving rehabilitation.”;

15 (F) by striking paragraphs (9) and (11);

16 (G) by redesignating paragraphs (10),
17 (12), (13), (14), (15), (16), (17), and (18), as
18 paragraphs (9), (10), (11), (12), (13), (14),
19 (15), and (16), respectively;

20 (H) in paragraph (11), as redesignated by
21 subparagraph (G)—

22 (i) in the matter preceding subpara-
23 graph (A), by striking “employment needs
24 of individuals with disabilities, including”
25 and inserting “employment needs, opportu-

1 nities, and outcomes (including those relat-
2 ing to self-employment, supported employ-
3 ment, and telecommuting) of individuals
4 with disabilities, including”;

5 (ii) in subparagraph (B), by inserting
6 “and employment related” after “the em-
7 ployment”;

8 (iii) in subparagraph (E), by striking
9 “and” after the semicolon;

10 (iv) in subparagraph (F), by striking
11 the period at the end and inserting a semi-
12 colon; and

13 (v) by adding at the end the following:

14 “(G) develop models to facilitate the successful
15 transition of individuals with disabilities from non-
16 integrated employment and employment that is com-
17 pensated at a wage less than the Federal minimum
18 wage to competitive integrated employment;

19 “(H) develop models to maximize opportunities
20 for integrated community living, including employ-
21 ment and independent living, for individuals with
22 disabilities;

23 “(I) provide training and continuing education
24 for personnel involved with community living for in-
25 dividuals with disabilities;

1 “(J) develop model procedures for testing and
2 evaluating the community living related needs of in-
3 dividuals with disabilities;

4 “(K) develop model training programs to teach
5 individuals with disabilities skills which will lead to
6 integrated community living and full participation in
7 the community; and

8 “(L) develop new approaches for long-term
9 services and supports for individuals with disabili-
10 ties, including supports necessary for competitive
11 integrated employment.”;

12 (I) in paragraph (12), as redesignated by
13 subparagraph (G)—

14 (i) in the matter preceding subpara-
15 graph (A), by inserting “an independent
16 living or” after “conduct”;

17 (ii) in subparagraph (D), by inserting
18 “independent living or” before “rehabilita-
19 tion”; and

20 (iii) in the matter following subpara-
21 graph (E), by striking “National Institute
22 on Disability and Rehabilitation Research”
23 and inserting “National Institute on Dis-
24 ability, Independent Living, and Rehabili-
25 tation Research”;

1 (J) in paragraph (13), as redesignated by
2 subparagraph (G), by inserting “independent
3 living and” before “rehabilitation needs”; and

4 (K) in paragraph (14), as redesignated by
5 subparagraph (G), by striking “and access to
6 gainful employment.” and inserting “, full par-
7 ticipation, and economic self-sufficiency.”; and
8 (3) by adding at the end the following:

9 “(d)(1) In awarding grants, contracts, or cooperative
10 agreements under this title, the Director shall award the
11 funding on a competitive basis.

12 “(2)(A) To be eligible to receive funds under this sec-
13 tion for a covered activity, an entity described in sub-
14 section (a)(1) shall submit an application to the Director
15 at such time, in such manner, and containing such infor-
16 mation as the Director may require.

17 “(B) The application shall include information de-
18 scribing—

19 “(i) measurable goals, as established through
20 section 1115 of title 31, United States Code, and a
21 timeline and specific plan for meeting the goals, that
22 the applicant has established;

23 “(ii) how the project will address 1 or more of
24 the following: commercialization of a marketable
25 product, technology transfer (if applicable), dissemi-

1 nation of any research results, and other priorities
2 as established by the Director; and

3 “(iii) how the applicant will quantifiably meas-
4 ure the goals to determine whether such goals have
5 been accomplished.

6 “(3)(A) In the case of an application for funding
7 under this section to carry out a covered activity that re-
8 sults in the development of a marketable product, the ap-
9 plication shall also include a commercialization and dis-
10 semination plan, as appropriate, containing commer-
11 cialization and marketing strategies for the product in-
12 volved, and strategies for disseminating information about
13 the product. The funding received under this section shall
14 not be used to carry out the commercialization and mar-
15 keting strategies.

16 “(B) In the case of any other application for funding
17 to carry out a covered activity under this section, the ap-
18 plication shall also include a dissemination plan, con-
19 taining strategies for disseminating educational materials,
20 research results, or findings, conclusions, and rec-
21 ommendations, resulting from the covered activity.”.

22 **SEC. 436. DISABILITY, INDEPENDENT LIVING, AND REHA-**
23 **BILITATION RESEARCH ADVISORY COUNCIL.**

24 Section 205 (29 U.S.C. 765) is amended—

1 (1) in the section heading, by inserting “**DIS-**
2 **ABILITY, INDEPENDENT LIVING, AND**” before
3 “**REHABILITATION**”;

4 (2) in subsection (a)—

5 (A) by striking “Department of Education
6 a Rehabilitation Research Advisory Council”
7 and inserting “Department of Health and
8 Human Services a Disability, Independent Liv-
9 ing, and Rehabilitation Research Advisory
10 Council”; and

11 (B) by inserting “not less than” after
12 “composed of”;

13 (3) by striking subsection (c) and inserting the
14 following:

15 “(c) **QUALIFICATIONS.**—Members of the Council
16 shall be generally representative of the community of dis-
17 ability, independent living, and rehabilitation profes-
18 sionals, the community of disability, independent living,
19 and rehabilitation researchers, the directors of inde-
20 pendent living centers and community rehabilitation pro-
21 grams, the business community (including a representa-
22 tive of the small business community) that has experience
23 with the system of vocational rehabilitation services and
24 independent living services carried out under this Act and
25 with hiring individuals with disabilities, the community of

1 stakeholders involved in assistive technology, the commu-
2 nity of covered school professionals, and the community
3 of individuals with disabilities, and the individuals' rep-
4 resentatives. At least one-half of the members shall be in-
5 dividuals with disabilities or the individuals' representa-
6 tives.”; and

7 (4) in subsection (g), by striking “Department
8 of Education” and inserting “Department of Health
9 and Human Services”.

10 **SEC. 437. DEFINITION OF COVERED SCHOOL.**

11 Title II (29 U.S.C. 760 et seq.) is amended by adding
12 at the end the following:

13 **“SEC. 206. DEFINITION OF COVERED SCHOOL.**

14 “In this title, the term ‘covered school’ means an ele-
15 mentary school or secondary school (as such terms are de-
16 fined in section 9101 of the Elementary and Secondary
17 Education Act of 1965 (20 U.S.C. 7801)) or an institution
18 of higher education.”.

19 **Subtitle D—Professional Develop-**
20 **ment and Special Projects and**
21 **Demonstration**

22 **SEC. 441. PURPOSE; TRAINING.**

23 (a) PURPOSE.—Section 301(a) (29 U.S.C. 771(a)) is
24 amended—

1 (1) in paragraph (2), by inserting “and” after
2 the semicolon;

3 (2) by striking paragraphs (3) and (4);

4 (3) by redesignating paragraph (5) as para-
5 graph (3); and

6 (4) in paragraph (3), as redesignated by para-
7 graph (3), by striking “workforce investment sys-
8 tems” and inserting “workforce development sys-
9 tems”.

10 (b) TRAINING.—Section 302 (29 U.S.C. 772) is
11 amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) in subparagraph (E), by striking
15 all after “deliver” and inserting “sup-
16 ported employment services and cus-
17 tomized employment services to individuals
18 with the most significant disabilities;”;

19 (ii) in subparagraph (F), by striking
20 “and” after the semicolon;

21 (iii) in subparagraph (G), by striking
22 the period at the end and inserting “;
23 and”; and

24 (iv) by adding at the end the fol-
25 lowing:

1 “(H) personnel trained in providing assist-
2 ive technology services.”;

3 (B) in paragraph (4)—

4 (i) in the matter preceding subpara-
5 graph (A), by striking “title I of the Work-
6 force Investment Act of 1998” and insert-
7 ing “subtitle B of title I of the Workforce
8 Innovation and Opportunity Act”;

9 (ii) in subparagraph (A), by striking
10 “workforce investment system” and insert-
11 ing “workforce development system”; and

12 (iii) in subparagraph (B), by striking
13 “section 134(c) of the Workforce Invest-
14 ment Act of 1998.” and inserting “section
15 121(e) of the Workforce Innovation and
16 Opportunity Act.”; and

17 (C) in paragraph (5), by striking “title I of
18 the Workforce Investment Act of 1998” and in-
19 serting “subtitle B of title I of the Workforce
20 Innovation and Opportunity Act”;

21 (2) in subsection (b)(1)(B)(i), by striking “or
22 prosthetics and orthotics” and inserting “prosthetics
23 and orthotics, vision rehabilitation therapy, orienta-
24 tion and mobility instruction, or low vision therapy”;

25 (3) in subsection (g)—

1 (A) in the subsection heading, by striking
2 “AND IN-SERVICE TRAINING”;

3 (B) in paragraph (1), by adding after the
4 period the following: “Any technical assistance
5 provided to community rehabilitation programs
6 shall be focused on the employment outcome of
7 competitive integrated employment for individ-
8 uals with disabilities.”; and

9 (C) by striking paragraph (3);
10 (4) in subsection (h), by striking “section 306”
11 and inserting “section 304”; and

12 (5) in subsection (i), by striking “such sums as
13 may be necessary for each of the fiscal years 1999
14 through 2003.” and inserting “\$33,657,000 for fis-
15 cal year 2015, \$36,257,000 for fiscal year 2016,
16 \$37,009,000 for fiscal year 2017, \$37,830,000 for
17 fiscal year 2018, \$38,719,000 for fiscal year 2019,
18 and \$39,540,000 for fiscal year 2020.”.

19 **SEC. 442. DEMONSTRATION, TRAINING, AND TECHNICAL AS-**
20 **SISTANCE PROGRAMS.**

21 Section 303 (29 U.S.C. 773) is amended—

22 (1) in subsection (b)—

23 (A) in paragraph (1), by striking “section
24 306” and inserting “section 304”;

1 (B) in paragraph (3)(A), by striking “Na-
2 tional Institute on Disability and Rehabilitation
3 Research” and inserting “National Institute on
4 Disability, Independent Living, and Rehabilita-
5 tion Research”;

6 (C) in paragraph (5)—

7 (i) in subparagraph (A)—

8 (I) by striking clause (i) and in-
9 serting the following:

10 “(i) initiatives focused on improving
11 transition from education, including post-
12 secondary education, to employment, par-
13 ticularly in competitive integrated employ-
14 ment, for youth who are individuals with
15 significant disabilities;” and

16 (II) by striking clause (iii) and
17 inserting the following:

18 “(iii) increasing competitive integrated
19 employment for individuals with significant
20 disabilities.”; and

21 (ii) in subparagraph (B)(viii), by
22 striking “under title I of the Workforce In-
23 vestment Act of 1998” and inserting
24 “under subtitle B of title I of the Work-

1 force Innovation and Opportunity Act”;

2 and

3 (D) by striking paragraph (6);

4 (2) in subsection (c)—

5 (A) in paragraph (2)—

6 (i) in subparagraph (E), by striking

7 “and” after the semicolon;

8 (ii) by redesignating subparagraph

9 (F) as subparagraph (G); and

10 (iii) by inserting after subparagraph

11 (E) the following:

12 “(F) to provide support and guidance in

13 helping individuals with significant disabilities,

14 including students with disabilities, transition

15 to competitive integrated employment; and”;

16 (B) in paragraph (4)—

17 (i) in subparagraph (A)(ii)—

18 (I) by inserting “the” after

19 “closely with”; and

20 (II) by inserting “, the commu-

21 nity parent resource centers estab-

22 lished pursuant to section 672 of such

23 Act, and the eligible entities receiving

24 awards under section 673 of such

1 Act” after “Individuals with Disabil-
2 ities Education Act”; and

3 (ii) in subparagraph (C), by inserting
4 “, and demonstrate the capacity for serv-
5 ing,” after “shall serve”; and

6 (C) by adding at the end the following:

7 “(8) RESERVATION.—From the amount appro-
8 priated to carry out this section for a fiscal year, 20
9 percent of such amount or \$500,000, whichever is
10 less, may be reserved to carry out paragraph (6).”;
11 and

12 (3) by striking subsection (e) and inserting the
13 following:

14 “(e) AUTHORIZATION OF APPROPRIATIONS.—For the
15 purpose of carrying out this section there are authorized
16 to be appropriated \$5,796,000 for fiscal year 2015,
17 \$6,244,000 for fiscal year 2016, \$6,373,000 for fiscal year
18 2017, \$6,515,000 for fiscal year 2018, \$6,668,000 for fis-
19 cal year 2019, and \$6,809,000 for fiscal year 2020.”.

20 **SEC. 443. MIGRANT AND SEASONAL FARMWORKERS; REC-**
21 **REATIONAL PROGRAMS.**

22 The Rehabilitation Act of 1973 (29 U.S.C. 701 et
23 seq.) is amended—

24 (1) by striking sections 304 and 305;

25 (2) by redesignating section 306 as section 304.

1 **Subtitle E—National Council on**
2 **Disability**

3 **SEC. 451. ESTABLISHMENT.**

4 Section 400 (29 U.S.C. 780) is amended—

5 (1) in subsection (a)(1)—

6 (A) by redesignating subparagraph (C) as
7 subparagraph (D);

8 (B) by striking subparagraphs (A) and (B)
9 and inserting the following:

10 “(A) There is established within the Federal Govern-
11 ment a National Council on Disability (referred to in this
12 title as the ‘National Council’), which, subject to subpara-
13 graph (B), shall be composed of 9 members, of which—

14 “(i) 5 shall be appointed by the President;

15 “(ii) 1 shall be appointed by the Majority Lead-
16 er of the Senate;

17 “(iii) 1 shall be appointed by the Minority
18 Leader of the Senate;

19 “(iv) 1 shall be appointed by the Speaker of the
20 House of Representatives; and

21 “(v) 1 shall be appointed by the Minority Lead-
22 er of the House of Representatives.

23 “(B) The National Council shall transition from 15
24 members (as of the date of enactment of the Workforce
25 Innovation and Opportunity Act) to 9 members as follows:

1 “(i) On the first 4 expirations of National
2 Council terms (after that date), replacement mem-
3 bers shall be appointed to the National Council in
4 the following order and manner:

5 “(I) 1 shall be appointed by the Majority
6 Leader of the Senate.

7 “(II) 1 shall be appointed by the Minority
8 Leader of the Senate.

9 “(III) 1 shall be appointed by the Speaker
10 of the House of Representatives.

11 “(IV) 1 shall be appointed by the Minority
12 Leader of the House of Representatives.

13 “(ii) On the next 6 expirations of National
14 Council terms (after the 4 expirations described in
15 clause (i) occur), no replacement members shall be
16 appointed to the National Council.

17 “(C) For any vacancy on the National Council that
18 occurs after the transition described in subparagraph (B),
19 the vacancy shall be filled in the same manner as the origi-
20 nal appointment was made.”; and

21 (C) in subparagraph (D), as redesignated
22 by subparagraph (A) of this paragraph, in the
23 first sentence—

1 (i) by inserting “national leaders on
2 disability policy,” after “guardians of indi-
3 viduals with disabilities,”; and

4 (ii) by striking “policy or programs”
5 and inserting “policy or issues that affect
6 individuals with disabilities”;

7 (2) in subsection (b), by striking “, except” and
8 all that follows and inserting a period; and

9 (3) in subsection (d), by striking “Eight” and
10 inserting “Five”.

11 **SEC. 452. REPORT.**

12 Section 401 (29 U.S.C. 781) is amended—

13 (1) in paragraphs (1) and (3) of subsection (a),
14 by striking “National Institute on Disability and Re-
15 habilitation Research” and inserting “National Insti-
16 tute on Disability, Independent Living, and Rehabili-
17 tation Research”; and

18 (2) by striking subsection (c).

19 **SEC. 453. AUTHORIZATION OF APPROPRIATIONS.**

20 Section 405 (29 U.S.C. 785) is amended by striking
21 “such sums as may be necessary for each of the fiscal
22 years 1999 through 2003.” and inserting “\$3,186,000 for
23 fiscal year 2015, \$3,432,000 for fiscal year 2016,
24 \$3,503,000 for fiscal year 2017, \$3,581,000 for fiscal year

1 2018, \$3,665,000 for fiscal year 2019, and \$3,743,000
2 for fiscal year 2020.”.

3 **Subtitle F—Rights and Advocacy**

4 **SEC. 456. INTERAGENCY COMMITTEE, BOARD, AND COUN-** 5 **CIL.**

6 (a) INTERAGENCY COMMITTEE.—Section 501 (29
7 U.S.C. 791) is amended—

8 (1) by striking subsection (f); and

9 (2) by redesignating subsection (g) as sub-
10 section (f).

11 (b) ARCHITECTURAL AND TRANSPORTATION BAR-
12 RIERS COMPLIANCE BOARD.—Section 502(j) (29 U.S.C.
13 792(j)) is amended by striking “such sums as may be nec-
14 essary for each of the fiscal years 1999 through 2003.”
15 and inserting “\$7,448,000 for fiscal year 2015,
16 \$8,023,000 for fiscal year 2016, \$8,190,000 for fiscal year
17 2017, \$8,371,000 for fiscal year 2018, \$8,568,000 for fis-
18 cal year 2019, and \$8,750,000 for fiscal year 2020.”.

19 (c) PROGRAM OR ACTIVITY.—Section 504(b)(2)(B)
20 (29 U.S.C. 794(b)(2)(B)) is amended by striking “voca-
21 tional education” and inserting “career and technical edu-
22 cation”.

23 (d) INTERAGENCY DISABILITY COORDINATING
24 COUNCIL.—Section 507(a) (29 U.S.C. 794c(a)) is amend-

1 ed by inserting “the Chairperson of the National Council
2 on Disability,” before “and such other”.

3 **SEC. 457. PROTECTION AND ADVOCACY OF INDIVIDUAL**
4 **RIGHTS.**

5 Section 509 (29 U.S.C. 794e) is amended—

6 (1) in subsection (c)(1)(A), by inserting “a
7 grant, contract, or cooperative agreement for” before
8 “training”;

9 (2) in subsection (f)(2)—

10 (A) by striking “general” and all that fol-
11 lows through “records” and inserting “general
12 authorities, including the authority to access
13 records”; and

14 (B) by inserting “of title I” after “subtitle
15 C”; and

16 (3) in subsection (l), by striking “such sums as
17 may be necessary for each of the fiscal years 1999
18 through 2003.” and inserting “\$17,650,000 for fis-
19 cal year 2015, \$19,013,000 for fiscal year 2016,
20 \$19,408,000 for fiscal year 2017, \$19,838,000 for
21 fiscal year 2018, \$20,305,000 for fiscal year 2019,
22 and \$20,735,000 for fiscal year 2020.”.

23 **SEC. 458. LIMITATIONS ON USE OF SUBMINIMUM WAGE.**

24 (a) **IN GENERAL.**—Title V (29 U.S.C. 791 et seq.)
25 is amended by adding at the end the following:

1 **“SEC. 511. LIMITATIONS ON USE OF SUBMINIMUM WAGE.**

2 “(a) IN GENERAL.—No entity, including a contractor
3 or subcontractor of the entity, which holds a special wage
4 certificate as described in section 14(c) of the Fair Labor
5 Standards Act of 1938 (29 U.S.C. 214(c)) may com-
6 pensate an individual with a disability who is age 24 or
7 younger at a wage (referred to in this section as a ‘sub-
8 minimum wage’) that is less than the Federal minimum
9 wage unless 1 of the following conditions is met:

10 “(1) The individual is currently employed, as of
11 the effective date of this section, by an entity that
12 holds a valid certificate pursuant to section 14(c) of
13 the Fair Labor Standards Act of 1938.

14 “(2) The individual, before beginning work that
15 is compensated at a subminimum wage, has com-
16 pleted, and produces documentation indicating com-
17 pletion of, each of the following actions:

18 “(A) The individual has received pre-em-
19 ployment transition services that are available
20 to the individual under section 113, or transi-
21 tion services under the Individuals with Disabil-
22 ities Education Act (20 U.S.C. 1400 et seq.)
23 such as transition services available to the indi-
24 vidual under section 614(d) of that Act (20
25 U.S.C. 1414(d)).

1 and referrals to Federal and State pro-
2 grams and other resources in the individ-
3 ual's geographic area that offer employ-
4 ment-related services and supports de-
5 signed to enable the individual to explore,
6 discover, experience, and attain competitive
7 integrated employment; and

8 “(II) such counseling and information
9 and referrals are not for employment com-
10 pensated at a subminimum wage provided
11 by an entity described in this subsection,
12 and such employment-related services are
13 not compensated at a subminimum wage
14 and do not directly result in employment
15 compensated at a subminimum wage pro-
16 vided by an entity described in this sub-
17 section.

18 “(b) CONSTRUCTION.—

19 “(1) RULE.—Nothing in this section shall be
20 construed to—

21 “(A) change the purpose of this Act de-
22 scribed in section 2(b)(2), to empower individ-
23 uals with disabilities to maximize opportunities
24 for competitive integrated employment; or

1 “(B) preference employment compensated
2 at a subminimum wage as an acceptable voca-
3 tional rehabilitation strategy or successful em-
4 ployment outcome, as defined in section 7(11).

5 “(2) CONTRACTS.—A local educational agency
6 (as defined in section 9101 of the Elementary and
7 Secondary Education Act of 1965 (20 U.S.C. 7801))
8 or a State educational agency (as defined in such
9 section) may not enter into a contract or other ar-
10 rangement with an entity described in subsection (a)
11 for the purpose of operating a program for an indi-
12 vidual who is age 24 or younger under which work
13 is compensated at a subminimum wage.

14 “(3) VOIDABILITY.—The provisions in this sec-
15 tion shall be construed in a manner consistent with
16 the provisions of the Fair Labor Standards Act of
17 1938 (29 U.S.C. 201 et seq.), as amended before or
18 after the effective date of this Act.

19 “(c) DURING EMPLOYMENT.—

20 “(1) IN GENERAL.—The entity described in
21 subsection (a) may not continue to employ an indi-
22 vidual, regardless of age, at a subminimum wage un-
23 less, after the individual begins work at that wage,
24 at the intervals described in paragraph (2), the indi-

1 vidual (with, in an appropriate case, the individual’s
2 parent or guardian)—

3 “(A) is provided by the designated State
4 unit career counseling, and information and re-
5 ferrals described in subsection (a)(2)(B)(ii), de-
6 livered in a manner that facilitates independent
7 decisionmaking and informed choice, as the in-
8 dividual makes decisions regarding employment
9 and career advancement; and

10 “(B) is informed by the employer of self-
11 advocacy, self-determination, and peer men-
12 toring training opportunities available in the in-
13 dividual’s geographic area, provided by an enti-
14 ty that does not have any financial interest in
15 the individual’s employment outcome, under ap-
16 plicable Federal and State programs or other
17 sources.

18 “(2) TIMING.—The actions required under sub-
19 paragraphs (A) and (B) of paragraph (1) shall be
20 carried out once every 6 months for the first year
21 of the individual’s employment at a subminimum
22 wage, and annually thereafter for the duration of
23 such employment.

24 “(3) SMALL BUSINESS EXCEPTION.—In the
25 event that the entity described in subsection (a) is

1 a business with fewer than 15 employees, such entity
2 can satisfy the requirements of subparagraphs (A)
3 and (B) of paragraph (1) by referring the individual,
4 at the intervals described in paragraph (2), to the
5 designated State unit for the counseling, informa-
6 tion, and referrals described in paragraph (1)(A)
7 and the information described in paragraph (1)(B).

8 “(d) DOCUMENTATION.—

9 “(1) IN GENERAL.—The designated State unit,
10 in consultation with the State educational agency,
11 shall develop a new process or utilize an existing
12 process, consistent with guidelines developed by the
13 Secretary, to document the completion of the actions
14 described in subparagraphs (A) and (B) of sub-
15 section (a)(2) by a youth with a disability who is an
16 individual with a disability.

17 “(2) DOCUMENTATION PROCESS.—Such process
18 shall require that—

19 “(A) in the case of a student with a dis-
20 ability, for documentation of actions described
21 in subsection (a)(2)(A)—

22 “(i) if such a student with a disability
23 receives and completes each category of re-
24 quired activities in section 113(b), such
25 completion of services shall be documented

1 by the designated State unit in a manner
2 consistent with this section;

3 “(ii) if such a student with a disability
4 receives and completes any transition serv-
5 ices available for students with disabilities
6 under the Individuals with Disabilities
7 Education Act, including those provided
8 under section 614(d)(1)(A)(i)(VIII) (20
9 U.S.C. 1414(d)(1)(A)(i)(VIII)), such com-
10 pletion of services shall be documented by
11 the appropriate school official responsible
12 for the provision of such transition serv-
13 ices, in a manner consistent with this sec-
14 tion; and

15 “(iii) the designated State unit shall
16 provide the final documentation, in a form
17 and manner consistent with this section, of
18 the completion of pre-employment transi-
19 tion services as described in clause (i), or
20 transition services under the Individuals
21 with Disabilities Education Act as de-
22 scribed in clause (ii), to the student with
23 a disability within a reasonable period of
24 time following the completion; and

1 “(B) when an individual has completed the
2 actions described in subsection (a)(2)(B), the
3 designated State unit shall provide the indi-
4 vidual a document indicating such completion,
5 in a manner consistent with this section, within
6 a reasonable time period following the comple-
7 tion of the actions described in this subpara-
8 graph.

9 “(e) VERIFICATION.—

10 “(1) BEFORE EMPLOYMENT.—Before an indi-
11 vidual covered by subsection (a)(2) begins work for
12 an entity described in subsection (a) at a submin-
13 imum wage, the entity shall review such documenta-
14 tion received by the individual under subsection (d),
15 and provided by the individual to the entity, that in-
16 dicates that the individual has completed the actions
17 described in subparagraphs (A) and (B) of sub-
18 section (a)(2) and the entity shall maintain copies of
19 such documentation.

20 “(2) DURING EMPLOYMENT.—

21 “(A) IN GENERAL.—In order to continue
22 to employ an individual at a subminimum wage,
23 the entity described in subsection (a) shall
24 verify completion of the requirements of sub-
25 section (e), including reviewing any relevant

1 documents provided by the individual, and shall
2 maintain copies of the documentation described
3 in subsection (d).

4 “(B) REVIEW OF DOCUMENTATION.—The
5 entity described in subsection (a) shall be sub-
6 ject to review of individual documentation de-
7 scribed in subsection (d) by a representative
8 working directly for the designated State unit
9 or the Department of Labor at such a time and
10 in such a manner as may be necessary to fulfill
11 the intent of this section, consistent with regu-
12 lations established by the designated State unit
13 or the Secretary of Labor.

14 “(f) FEDERAL MINIMUM WAGE.—In this section, the
15 term ‘Federal minimum wage’ means the rate applicable
16 under section 6(a)(1) of the Fair Labor Standards Act
17 of 1938 (29 U.S.C. 206(a)(1)).”.

18 (b) EFFECTIVE DATE.—This section takes effect 2
19 years after the date of enactment of the Workforce Inno-
20 vation and Opportunity Act.

1 **Subtitle G—Employment Opportu-**
2 **nities for Individuals With Dis-**
3 **abilities**

4 **SEC. 461. EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS**
5 **WITH DISABILITIES.**

6 Title VI (29 U.S.C. 795 et seq.) is amended—

7 (1) by striking part A;

8 (2) by striking the part heading relating to part
9 B;

10 (3) by redesignating sections 621 through 628
11 as sections 602 through 609, respectively;

12 (4) in section 602, as redesignated by para-
13 graph (3)—

14 (A) by striking “part” and inserting
15 “title”; and

16 (B) by striking “individuals with the most
17 significant disabilities” and all that follows and
18 inserting “individuals with the most significant
19 disabilities, including youth with the most sig-
20 nificant disabilities, to enable such individuals
21 to achieve an employment outcome of supported
22 employment in competitive integrated employ-
23 ment.”;

24 (5) in section 603, as redesignated by para-
25 graph (3)—

- 1 (A) in subsection (a)—
- 2 (i) in paragraph (1)—
- 3 (I) in the matter preceding sub-
- 4 paragraph (A), by striking “part” and
- 5 inserting “title”;
- 6 (II) in subparagraph (A), by in-
- 7 serting “amount” after “whichever”;
- 8 and
- 9 (III) in subparagraph (B)—
- 10 (aa) by striking “part for
- 11 the fiscal year” and inserting
- 12 “title for the fiscal year”;
- 13 (bb) by striking “this part
- 14 in fiscal year 1992” and insert-
- 15 ing “part B of this title (as in ef-
- 16 fect on September 30, 1992) in
- 17 fiscal year 1992”; and
- 18 (cc) by inserting “amount”
- 19 after “whichever”; and
- 20 (ii) in paragraph (2)(B), by striking
- 21 “one-eighth of one percent” and inserting
- 22 “ $\frac{1}{8}$ of 1 percent”;
- 23 (B) in subsection (b)—
- 24 (i) by inserting “under subsection
- 25 (a)” after “allotment to a State”;

1 (ii) by striking “part” each place the
2 term appears and inserting “title”; and

3 (iii) by striking “one or more” and in-
4 serting “1 or more”; and

5 (C) by adding at the end the following:

6 “(c) LIMITATIONS ON ADMINISTRATIVE COSTS.—A
7 State that receives an allotment under this title shall not
8 use more than 2.5 percent of such allotment to pay for
9 administrative costs.

10 “(d) SERVICES FOR YOUTH WITH THE MOST SIG-
11 NIFICANT DISABILITIES.—A State that receives an allot-
12 ment under this title shall reserve and expend half of such
13 allotment for the provision of supported employment serv-
14 ices, including extended services, to youth with the most
15 significant disabilities in order to assist those youth in
16 achieving an employment outcome in supported employ-
17 ment.”;

18 (6) by striking section 604, as redesignated by
19 paragraph (3), and inserting the following:

20 **“SEC. 604. AVAILABILITY OF SERVICES.**

21 “(a) SUPPORTED EMPLOYMENT SERVICES.—Funds
22 provided under this title may be used to provide supported
23 employment services to individuals who are eligible under
24 this title.

25 “(b) EXTENDED SERVICES.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), funds provided under this title, or title I,
3 may not be used to provide extended services to indi-
4 viduals under this title or title I.

5 “(2) EXTENDED SERVICES FOR YOUTH WITH
6 THE MOST SIGNIFICANT DISABILITIES.—Funds allot-
7 ted under this title, or title I, and used for the provi-
8 sion of services under this title to youth with the
9 most significant disabilities pursuant to section
10 603(d), may be used to provide extended services to
11 youth with the most significant disabilities. Such ex-
12 tended services shall be available for a period not to
13 exceed 4 years.”;

14 (7) in section 605, as redesignated by para-
15 graph (3)—

16 (A) in the matter preceding paragraph
17 (1)—

18 (i) by inserting “, including a youth
19 with a disability,” after “An individual”;
20 and

21 (ii) by striking “this part” and insert-
22 ing “this title”;

23 (B) in paragraph (1), by inserting “under
24 title I” after “rehabilitation services”;

1 (C) in paragraph (2), by striking “and”
2 after the semicolon;

3 (D) by redesignating paragraph (3) as
4 paragraph (4);

5 (E) by inserting after paragraph (2) the
6 following:

7 “(3) for purposes of activities carried out with
8 funds described in section 603(d), the individual is
9 a youth with a disability, as defined in section
10 (7)(42); and”; and

11 (F) in paragraph (4), as redesignated by
12 subparagraph (D), by striking “assessment of
13 rehabilitation needs” and inserting “assessment
14 of the rehabilitation needs”;

15 (8) in section 606, as redesignated by para-
16 graph (3)—

17 (A) in subsection (a)—

18 (i) by striking “this part” and insert-
19 ing “this title”; and

20 (ii) by inserting “, including youth
21 with the most significant disabilities,”
22 after “individuals”;

23 (B) in subsection (b)—

24 (i) in paragraph (1), by striking “this
25 part” and inserting “this title”;

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1 (ii) in paragraph (2), by inserting “,
2 including youth,” after “rehabilitation
3 needs of individuals”;

4 (iii) in paragraph (3)—

5 (I) by inserting “, including
6 youth with the most significant dis-
7 abilities,” after “provided to individ-
8 uals”; and

9 (II) by striking “section 622”
10 and inserting “section 603”;

11 (iv) by striking paragraph (7);

12 (v) by redesignating paragraph (6) as
13 paragraph (7);

14 (vi) by inserting after paragraph (5)
15 the following:

16 “(6) describe the activities to be conducted pur-
17 suant to section 603(d) for youth with the most sig-
18 nificant disabilities, including—

19 “(A) the provision of extended services for
20 a period not to exceed 4 years; and

21 “(B) how the State will use the funds re-
22 served in section 603(d) to leverage other public
23 and private funds to increase resources for ex-
24 tended services and expand supported employ-

1 ment opportunities for youth with the most sig-
2 nificant disabilities;”;

3 (vii) in paragraph (7), as redesignated
4 by clause (v)—

5 (I) in subparagraph (A), by strik-
6 ing “under this part” both places the
7 term appears and inserting “under
8 this title”;

9 (II) in subparagraph (B), by in-
10 serting “, including youth with the
11 most significant disabilities,” after
12 “significant disabilities”;

13 (III) in subparagraph (C)—

14 (aa) in clause (i), by insert-
15 ing “, including, as appropriate,
16 for youth with the most signifi-
17 cant disabilities, transition serv-
18 ices and pre-employment transi-
19 tion services” after “services to
20 be provided”;

21 (bb) in clause (ii), by insert-
22 ing “, including the extended
23 services that may be provided to
24 youth with the most significant
25 disabilities under this title, in ac-

1 cordance with an approved indi-
2 vidualized plan for employment,
3 for a period not to exceed 4
4 years” after “services needed”;
5 and

6 (cc) in clause (iii)—

7 (AA) by striking “iden-
8 tify the source of extended
9 services,” and inserting
10 “identify, as appropriate,
11 the source of extended serv-
12 ices,”;

13 (BB) by striking “or to
14 the extent” and inserting
15 “or indicate”; and

16 (CC) by striking “em-
17 ployment is developed” and
18 all that follows and inserting
19 “employment is developed;”

20 (IV) in subparagraph (D), by
21 striking “under this part” and insert-
22 ing “under this title”;

23 (V) in subparagraph (F), by
24 striking “and” after the semicolon;

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1 (VI) in subparagraph (G), by
2 striking “for the maximum number of
3 hours possible”; and

4 (VII) by adding at the end the
5 following:

6 “(H) the State agencies designated under
7 paragraph (1) will expend not more than 2.5
8 percent of the allotment of the State under this
9 title for administrative costs of carrying out
10 this title; and

11 “(I) with respect to supported employment
12 services provided to youth with the most signifi-
13 cant disabilities pursuant to section 603(d), the
14 designated State agency will provide, directly or
15 indirectly through public or private entities,
16 non-Federal contributions in an amount that is
17 not less than 10 percent of the costs of carrying
18 out such services; and”;

19 (9) by striking section 607, as redesignated by
20 paragraph (3), and inserting the following:

21 **“SEC. 607. RESTRICTION.**

22 “Each State agency designated under section
23 606(b)(1) shall collect the information required by section
24 101(a)(10) separately for—

1 “(1) eligible individuals receiving supported em-
2 ployment services under this title;

3 “(2) eligible individuals receiving supported em-
4 ployment services under title I;

5 “(3) eligible youth receiving supported employ-
6 ment services under this title; and

7 “(4) eligible youth receiving supported employ-
8 ment services under title I.”;

9 (10) in section 608(b), as redesignated by para-
10 graph (3), by striking “this part” both places the
11 terms appears and inserting “this title”; and

12 (11) by striking section 609, as redesignated by
13 paragraph (3), and inserting the following:

14 **“SEC. 609. ADVISORY COMMITTEE ON INCREASING COM-**
15 **PETITIVE INTEGRATED EMPLOYMENT FOR**
16 **INDIVIDUALS WITH DISABILITIES.**

17 “(a) ESTABLISHMENT.—Not later than 60 days after
18 the date of enactment of the Workforce Innovation and
19 Opportunity Act, the Secretary of Labor shall establish
20 an Advisory Committee on Increasing Competitive Inte-
21 grated Employment for Individuals with Disabilities (re-
22 ferred to in this section as the ‘Committee’).

23 “(b) APPOINTMENT AND VACANCIES.—

24 “(1) APPOINTMENT.—The Secretary of Labor
25 shall appoint the members of the Committee de-

1 scribed in subsection (c)(6), in accordance with sub-
2 section (c).

3 “(2) VACANCIES.—Any vacancy in the Com-
4 mittee shall not affect its powers, but shall be filled
5 in the same manner, in accordance with the same
6 paragraph of subsection (c), as the original appoint-
7 ment or designation was made.

8 “(c) COMPOSITION.—The Committee shall be com-
9 posed of—

10 “(1) the Assistant Secretary for Disability Em-
11 ployment Policy, the Assistant Secretary for Em-
12 ployment and Training, and the Administrator of
13 the Wage and Hour Division, of the Department of
14 Labor;

15 “(2) the Commissioner of the Administration on
16 Intellectual and Developmental Disabilities, or the
17 Commissioner’s designee;

18 “(3) the Director of the Centers for Medicare
19 & Medicaid Services of the Department of Health
20 and Human Services, or the Director’s designee;

21 “(4) the Commissioner of Social Security, or
22 the Commissioner’s designee;

23 “(5) the Commissioner of the Rehabilitation
24 Services Administration, or the Commissioner’s des-
25 ignee; and

1 “(6) representatives from constituencies con-
2 sisting of—

3 “(A) self-advocates for individuals with in-
4 tellectual or developmental disabilities;

5 “(B) providers of employment services, in-
6 cluding those that employ individuals with intel-
7 lectual or developmental disabilities in competi-
8 tive integrated employment;

9 “(C) representatives of national disability
10 advocacy organizations for adults with intellec-
11 tual or developmental disabilities;

12 “(D) experts with a background in aca-
13 demia or research and expertise in employment
14 and wage policy issues for individuals with in-
15 tellectual or developmental disabilities;

16 “(E) representatives from the employer
17 community or national employer organizations;
18 and

19 “(F) other individuals or representatives of
20 organizations with expertise on increasing op-
21 portunities for competitive integrated employ-
22 ment for individuals with disabilities.

23 “(d) CHAIRPERSON.—The Committee shall elect a
24 Chairperson of the Committee from among the appointed
25 members of the Committee.

1 “(e) MEETINGS.—The Committee shall meet at the
2 call of the Chairperson, but not less than 8 times.

3 “(f) DUTIES.—The Committee shall study, and pre-
4 pare findings, conclusions, and recommendations for the
5 Secretary of Labor on—

6 “(1) ways to increase the employment opportu-
7 nities for individuals with intellectual or develop-
8 mental disabilities or other individuals with signifi-
9 cant disabilities in competitive integrated employ-
10 ment;

11 “(2) the use of the certificate program carried
12 out under section 14(e) of the Fair Labor Standards
13 Act of 1938 (29 U.S.C. 214(e)) for the employment
14 of individuals with intellectual or developmental dis-
15 abilities, or other individuals with significant disabili-
16 ties; and

17 “(3) ways to improve oversight of the use of
18 such certificates.

19 “(g) COMMITTEE PERSONNEL MATTERS.—

20 “(1) TRAVEL EXPENSES.—The members of the
21 Committee shall not receive compensation for the
22 performance of services for the Committee, but shall
23 be allowed reasonable travel expenses, including per
24 diem in lieu of subsistence, at rates authorized for
25 employees of agencies under subchapter I of chapter

1 57 of title 5, United States Code, while away from
2 their homes or regular places of business in the per-
3 formance of services for the Committee. Notwith-
4 standing section 1342 of title 31, United States
5 Code, the Secretary may accept the voluntary and
6 uncompensated services of members of the Com-
7 mittee.

8 “(2) STAFF.—The Secretary of Labor may des-
9 ignate such personnel as may be necessary to enable
10 the Committee to perform its duties.

11 “(3) DETAIL OF GOVERNMENT EMPLOYEES.—
12 Any Federal Government employee, with the ap-
13 proval of the head of the appropriate Federal agen-
14 cy, may be detailed to the Committee without reim-
15 bursement, and such detail shall be without inter-
16 ruption or loss of civil service status or privilege.

17 “(4) FACILITIES, EQUIPMENT, AND SERV-
18 ICES.—The Secretary of Labor shall make available
19 to the Committee, under such arrangements as may
20 be appropriate, necessary equipment, supplies, and
21 services.

22 “(h) REPORTS.—

23 “(1) INTERIM AND FINAL REPORTS.—The Com-
24 mittee shall prepare and submit to the Secretary of
25 Labor, as well as the Committee on Health, Edu-

1 cation, Labor, and Pensions of the Senate and the
2 Committee on Education and the Workforce of the
3 House of Representatives—

4 “(A) an interim report that summarizes
5 the progress of the Committee, along with any
6 interim findings, conclusions, and recommenda-
7 tions as described in subsection (f); and

8 “(B) a final report that states final find-
9 ings, conclusions, and recommendations as de-
10 scribed in subsection (f).

11 “(2) PREPARATION AND SUBMISSION.—The re-
12 ports shall be prepared and submitted—

13 “(A) in the case of the interim report, not
14 later than 1 year after the date on which the
15 Committee is established under subsection (a);
16 and

17 “(B) in the case of the final report, not
18 later than 2 years after the date on which the
19 Committee is established under subsection (a).

20 “(i) TERMINATION.—The Committee shall terminate
21 on the day after the date on which the Committee submits
22 the final report.

23 **“SEC. 610. AUTHORIZATION OF APPROPRIATIONS.**

24 “There is authorized to be appropriated to carry out
25 this title \$27,548,000 for fiscal year 2015, \$29,676,000

1 for fiscal year 2016, \$30,292,000 for fiscal year 2017,
2 \$30,963,000 for fiscal year 2018, \$31,691,000 for fiscal
3 year 2019, and \$32,363,000 for fiscal year 2020.”.

4 **Subtitle H—Independent Living**
5 **Services and Centers for Inde-**
6 **pendent Living**

7 **CHAPTER 1—INDIVIDUALS WITH**
8 **SIGNIFICANT DISABILITIES**

9 **Subchapter A—General Provisions**

10 **SEC. 471. PURPOSE.**

11 Section 701 (29 U.S.C. 796) is amended, in para-
12 graph (3)—

13 (1) by striking “part B of title VI” and insert-
14 ing “title VI”; and

15 (2) by inserting before the period the following:
16 “, with the goal of improving the independence of in-
17 dividuals with disabilities”.

18 **SEC. 472. ADMINISTRATION OF THE INDEPENDENT LIVING**

19 **PROGRAM.**

20 Title VII (29 U.S.C. 796 et seq.) is amended by in-
21 serting after section 701 the following:

22 **“SEC. 701A. ADMINISTRATION OF THE INDEPENDENT LIV-**
23 **ING PROGRAM.**

24 “There is established within the Administration for
25 Community Living of the Department of Health and

1 Human Services, an Independent Living Administration.
2 The Independent Living Administration shall be headed
3 by a Director (referred to in this section as the ‘Director’)
4 appointed by the Secretary of Health and Human Serv-
5 ices. The Director shall be an individual with substantial
6 knowledge of independent living services. The Independent
7 Living Administration shall be the principal agency, and
8 the Director shall be the principal officer, to carry out this
9 chapter. In performing the functions of the office, the Di-
10 rector shall be directly responsible to the Administrator
11 of the Administration for Community Living of the De-
12 partment of Health and Human Services. The Secretary
13 shall ensure that the Independent Living Administration
14 has sufficient resources (including designating at least 1
15 individual from the Office of General Counsel who is
16 knowledgeable about independent living services) to pro-
17 vide technical assistance and support to, and oversight of,
18 the programs funded under this chapter.”.

19 **SEC. 473. DEFINITIONS.**

20 Section 702 (29 U.S.C. 796a) is amended—

21 (1) in paragraph (1)—

22 (A) in the matter before subparagraph (A),
23 by inserting “for individuals with significant
24 disabilities (regardless of age or income)” be-
25 fore “that—”; and

1 (B) in subparagraph (B), by striking the
2 period and inserting “, including, at a min-
3 imum, independent living core services as de-
4 fined in section 7(17).”;

5 (2) in paragraph (2), by striking the period and
6 inserting the following: “, in terms of the manage-
7 ment, staffing, decisionmaking, operation, and provi-
8 sions of services, of the center.”;

9 (3) by redesignating paragraphs (1) and (2) as
10 paragraphs (2) and (3), respectively; and

11 (4) by inserting before paragraph (2) the fol-
12 lowing:

13 “(1) ADMINISTRATOR.—The term ‘Adminis-
14 trator’ means the Administrator of the Administra-
15 tion for Community Living of the Department of
16 Health and Human Services.”.

17 **SEC. 474. STATE PLAN.**

18 Section 704 (29 U.S.C. 796c) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1)—

21 (i) by inserting after “State plan” the
22 following: “developed and signed in accord-
23 ance with paragraph (2),”; and

1 (ii) by striking “Commissioner” each
2 place it appears and inserting “Adminis-
3 trator”;

4 (B) in paragraph (2)—

5 (i) in the matter preceding subpara-
6 graph (A), by striking “developed and
7 signed by”; and

8 (ii) by striking subparagraphs (A) and
9 (B) and inserting the following:

10 “(A) developed by the chairperson of the
11 Statewide Independent Living Council, and the
12 directors of the centers for independent living
13 in the State, after receiving public input from
14 individuals with disabilities and other stake-
15 holders throughout the State; and

16 “(B) signed by—

17 “(i) the chairperson of the Statewide
18 Independent Living Council, acting on be-
19 half of and at the direction of the Council;

20 “(ii) the director of the designated
21 State entity described in subsection (c);
22 and

23 “(iii) not less than 51 percent of the
24 directors of the centers for independent liv-
25 ing in the State.”;

1 (C) in paragraph (3)—

2 (i) in subparagraph (A), by striking
3 “State independent living services” and in-
4 serting “independent living services in the
5 State”; and

6 (ii) by striking subparagraph (C) and
7 inserting the following:

8 “(C) working relationships and collabora-
9 tion between—

10 “(i) centers for independent living;
11 and

12 “(ii)(I) entities carrying out programs
13 that provide independent living services, in-
14 cluding those serving older individuals;

15 “(II) other community-based organi-
16 zations that provide or coordinate the pro-
17 vision of housing, transportation, employ-
18 ment, information and referral assistance,
19 services, and supports for individuals with
20 significant disabilities; and

21 “(III) entities carrying out other pro-
22 grams providing services for individuals
23 with disabilities.”.

1 (D) in paragraph (4), by striking “Com-
2 missioner” each place it appears and inserting
3 “Administrator”; and

4 (E) by adding at the end the following:

5 “(5) STATEWIDENESS.—The State plan shall
6 describe strategies for providing independent living
7 services on a statewide basis, to the greatest extent
8 possible.”;

9 (2) in subsection (c)—

10 (A) in the subsection heading, by striking
11 “UNIT” and inserting “ENTITY”;

12 (B) in the matter preceding paragraph (1),
13 by striking “the designated State unit of such
14 State” and inserting “a State entity of such
15 State (referred to in this title as the ‘designated
16 State entity’)”;

17 (C) in paragraphs (3) and (4), by striking
18 “Commissioner” each place it appears and in-
19 serting “Administrator”;

20 (D) in paragraph (3), by striking “and” at
21 the end;

22 (E) in paragraph (4), by striking the pe-
23 riod and inserting “; and”; and

24 (F) by adding at the end the following:

1 “(5) retain not more than 5 percent of the
2 funds received by the State for any fiscal year under
3 part B, for the performance of the services outlined
4 in paragraphs (1) through (4).”;

5 (3) in subsection (i), by striking paragraphs (1)
6 and (2) and inserting the following:

7 “(1) the Statewide Independent Living Council;

8 “(2) centers for independent living;

9 “(3) the designated State entity; and

10 “(4) other State agencies or entities rep-
11 resented on the Council, other councils that address
12 the needs and issues of specific disability popu-
13 lations, and other public and private entities deter-
14 mined to be appropriate by the Council.”;

15 (4) in subsection (m)—

16 (A) in paragraph (4), by striking “Com-
17 missioner” each place it appears and inserting
18 “Administrator”; and

19 (B) in paragraph (5), by striking “Com-
20 missioner” and inserting “Administrator”; and

21 (5) by adding at the end the following:

22 “(o) PROMOTING FULL ACCESS TO COMMUNITY
23 LIFE.—The plan shall describe how the State will provide
24 independent living services described in section 7(18) that

1 promote full access to community life for individuals with
2 significant disabilities.”.

3 **SEC. 475. STATEWIDE INDEPENDENT LIVING COUNCIL.**

4 Section 705 (29 U.S.C. 796d) is amended—

5 (1) in subsection (a), by inserting “and main-
6 tain” after “shall establish”;

7 (2) in subsection (b)—

8 (A) in paragraph (2)—

9 (i) in subparagraph (A)—

10 (I) by inserting “among its vot-
11 ing members,” before “at least”; and

12 (II) by striking “one” and insert-
13 ing “1”; and

14 (ii) by striking subparagraphs (B) and
15 (C) and inserting the following:

16 “(B) among its voting members, for a
17 State in which 1 or more centers for inde-
18 pendent living are run by, or in conjunction
19 with, the governing bodies of American Indian
20 tribes located on Federal or State reservations,
21 at least 1 representative of the directors of such
22 centers; and

23 “(C) as ex officio, nonvoting members, a
24 representative of the designated State entity,
25 and representatives from State agencies that

1 provide services for individuals with disabil-
2 ities.”;

3 (B) in paragraph (3)—

4 (i) by redesignating subparagraphs
5 (C) through (F) as subparagraphs (D)
6 through (G), respectively;

7 (ii) in subparagraph (B), by striking
8 “parents and guardians of”; and

9 (iii) by inserting after paragraph (B)
10 the following:

11 “(C) parents and guardians of individuals
12 with disabilities;”;

13 (C) in paragraph (5)(B), by striking
14 “paragraph (3)” and inserting “paragraph
15 (1)”; and

16 (D) in paragraph (6)(B), by inserting “,
17 other than a representative described in para-
18 graph (2)(A) if there is only one center for
19 independent living within the State,” after “the
20 Council”;

21 (3) by striking subsection (c) and inserting the
22 following:

23 “(c) FUNCTIONS.—

24 “(1) DUTIES.—The Council shall—

1 “(A) develop the State plan as provided in
2 section 704(a)(2);

3 “(B) monitor, review, and evaluate the im-
4 plementation of the State plan;

5 “(C) meet regularly, and ensure that such
6 meetings of the Council are open to the public
7 and sufficient advance notice of such meetings
8 is provided;

9 “(D) submit to the Administrator such
10 periodic reports as the Administrator may rea-
11 sonably request, and keep such records, and af-
12 ford such access to such records, as the Admin-
13 istrator finds necessary to verify the informa-
14 tion in such reports; and

15 “(E) as appropriate, coordinate activities
16 with other entities in the State that provide
17 services similar to or complementary to inde-
18 pendent living services, such as entities that fa-
19 cilitate the provision of or provide long-term
20 community-based services and supports.

21 “(2) AUTHORITIES.—The Council may, con-
22 sistent with the State plan described in section 704,
23 unless prohibited by State law—

24 “(A) in order to improve services provided
25 to individuals with disabilities, work with cen-

1 ters for independent living to coordinate serv-
2 ices with public and private entities;

3 “(B) conduct resource development activi-
4 ties to support the activities described in this
5 subsection or to support the provision of inde-
6 pendent living services by centers for inde-
7 pendent living; and

8 “(C) perform such other functions, con-
9 sistent with the purpose of this chapter and
10 comparable to other functions described in this
11 subsection, as the Council determines to be ap-
12 propriate.

13 “(3) LIMITATION.—The Council shall not pro-
14 vide independent living services directly to individ-
15 uals with significant disabilities or manage such
16 services.”;

17 (4) in subsection (e)—

18 (A) in paragraph (1), in the first sentence,
19 by striking “prepare” and all that follows
20 through “a plan” and inserting “prepare, in
21 conjunction with the designated State entity, a
22 plan”; and

23 (B) in paragraph (3), by striking “State
24 agency” and inserting “State entity”; and

25 (5) in subsection (f)—

1 (A) by striking “such resources” and in-
2 serting “available resources”; and

3 (B) by striking “(including” and all that
4 follows through “compensation” and inserting
5 “(such as personal assistance services), and to
6 pay reasonable compensation”.

7 **SEC. 475A. RESPONSIBILITIES OF THE ADMINISTRATOR.**

8 Section 706 (29 U.S.C. 796d–1) is amended—

9 (1) by striking the title of the section and in-
10 serting the following:

11 **“SEC. 706. RESPONSIBILITIES OF THE ADMINISTRATOR.”;**

12 (2) in subsection (a)—

13 (A) in paragraph (1), by striking “Com-
14 missioner” each place it appears and inserting
15 “Administrator”; and

16 (B) in paragraph (2)—

17 (i) in subparagraph (A), by striking
18 “Commissioner” and inserting “Adminis-
19 trator”; and

20 (ii) in subparagraph (B)—

21 (I) in clause (i)—

22 (aa) by inserting “or the
23 Commissioner” after “to the Sec-
24 retary”; and

725

1 (bb) by striking “to the
2 Commissioner; and” and insert-
3 ing “to the Administrator;”;

4 (II) by redesignating clause (ii)
5 as clause (iii); and

6 (III) by inserting after clause (i)
7 the following:

8 “(ii) to the State agency shall be
9 deemed to be references to the designated
10 State entity; and”;

11 (3) by striking subsection (b) and inserting the
12 following:

13 “(b) INDICATORS.—Not later than 1 year after the
14 date of enactment of the Workforce Innovation and Op-
15 portunity Act, the Administrator shall develop and publish
16 in the Federal Register indicators of minimum compliance
17 for centers for independent living (consistent with the
18 standards set forth in section 725), and indicators of min-
19 imum compliance for Statewide Independent Living Coun-
20 cils.”;

21 (4) in subsection (c)—

22 (A) in paragraph (1)—

23 (i) by striking “Commissioner” each
24 place it appears and inserting “Adminis-
25 trator”; and

1 (ii) by striking the last sentence;

2 (B) in paragraph (2)—

3 (i) in the matter preceding subpara-
4 graph (A), by striking “Commissioner”
5 and inserting “Administrator”;

6 (ii) in subparagraph (A), by striking
7 “such a review” and inserting “a review
8 described in paragraph (1)”; and

9 (iii) in subparagraphs (A) and (B), by
10 striking “Department” each place it ap-
11 pears and inserting “Department of
12 Health and Human Services”; and

13 (5) by striking subsection (d) and inserting the
14 following:

15 “(d) REPORTS.—

16 “(1) IN GENERAL.—The Director described in
17 section 701A shall provide to the Administrator of
18 the Administration for Community Living and the
19 Administrator shall include, in an annual report, in-
20 formation on the extent to which centers for inde-
21 pendent living receiving funds under part C have
22 complied with the standards and assurances set
23 forth in section 725. The Director may identify indi-
24 vidual centers for independent living in the analysis
25 contained in that information. The Director shall in-

1 clude in the report the results of onsite compliance
2 reviews, identifying individual centers for inde-
3 pendent living and other recipients of assistance
4 under part C.

5 “(2) PUBLIC AVAILABILITY.—The Director
6 shall ensure that the report described in this sub-
7 section is made publicly available in a timely man-
8 ner, including through electronic means, in order to
9 inform the public about the administration and per-
10 formance of programs under this Act.”.

11 **Subchapter B—Independent Living Services**

12 **SEC. 476. ADMINISTRATION.**

13 (a) ALLOTMENTS.—Section 711 (29 U.S.C. 796e) is
14 amended—

15 (1) in subsection (a)—

16 (A) in paragraph (1)(A)—

17 (i) by striking “Except” and inserting
18 “After the reservation required by section
19 711A is made, and except”; and

20 (ii) by inserting “the remainder of
21 the” before “sums appropriated”; and

22 (B) in paragraph (2)(B), by striking
23 “amounts made available for purposes of this
24 part” and inserting “remainder described in
25 paragraph (1)(A)”;

1 (2) in subsections (a), (b), and (c), by striking
2 “Commissioner” each place it appears and inserting
3 “Administrator”; and

4 (3) by adding at the end the following:

5 “(d) ADMINISTRATION.—Funds allotted or made
6 available to a State under this section shall be adminis-
7 tered by the designated State entity, in accordance with
8 the approved State plan.”.

9 (b) TRAINING AND TECHNICAL ASSISTANCE.—Part
10 B of chapter 1 of title VII is amended by inserting after
11 section 711 (29 U.S.C. 796e) the following:

12 “TRAINING AND TECHNICAL ASSISTANCE

13 “SEC. 711A. (a) From the funds appropriated and
14 made available to carry out this part for any fiscal year,
15 beginning with fiscal year 2015, the Administrator shall
16 first reserve not less than 1.8 percent and not more than
17 2 percent of the funds to provide, either directly or
18 through grants, contracts, or cooperative agreements,
19 training and technical assistance to Statewide Inde-
20 pendent Living Councils established under section 705 for
21 such fiscal year.

22 “(b) The Administrator shall conduct a survey of
23 such Statewide Independent Living Councils regarding
24 training and technical assistance needs in order to deter-
25 mine funding priorities for such training and technical as-
26 sistance.

1 “(c) To be eligible to receive a grant or enter into
2 a contract or cooperative agreement under this section, an
3 entity shall submit an application to the Administrator at
4 such time, in such manner, containing a proposal to pro-
5 vide such training and technical assistance, and containing
6 such additional information, as the Administrator may re-
7 quire. The Administrator shall provide for peer review of
8 applications by panels that include persons who are not
9 government employees and who have experience in the op-
10 eration of such Statewide Independent Living Councils.”.

11 (c) PAYMENTS.—Section 712(a) (29 U.S.C. 796e-
12 1(a)) is amended by striking “Commissioner” and insert-
13 ing “Administrator”.

14 (d) AUTHORIZED USES OF FUNDS.—Section 713 (29
15 U.S.C. 796e-2) is amended—

16 (1) by striking the matter preceding paragraph
17 (1) and inserting the following:

18 “(a) IN GENERAL.—The State may use funds re-
19 ceived under this part to provide the resources described
20 in section 705(e) (but may not use more than 30 percent
21 of the funds paid to the State under section 712 for such
22 resources unless the State specifies that a greater percent-
23 age of the funds is needed for such resources in a State
24 plan approved under section 706), relating to the State-
25 wide Independent Living Council, may retain funds under

1 section 704(c)(5), and shall distribute the remainder of
2 the funds received under this part in a manner consistent
3 with the approved State plan for the activities described
4 in subsection (b).

5 “(b) ACTIVITIES.—The State may use the remainder
6 of the funds described in subsection (a)—”; and

7 (2) in paragraph (1), by inserting “, particu-
8 larly those in unserved areas of the State” after
9 “disabilities”.

10 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
11 714 (29 U.S.C. 796e–3) is amended by striking “such
12 sums as may be necessary for each of the fiscal years 1999
13 through 2003.” and inserting “\$22,878,000 for fiscal year
14 2015, \$24,645,000 for fiscal year 2016, \$25,156,000 for
15 fiscal year 2017, \$25,714,000 for fiscal year 2018,
16 \$26,319,000 for fiscal year 2019, and \$26,877,000 for fis-
17 cal year 2020.”.

18 **Subchapter C—Centers for Independent**

19 **Living**

20 **SEC. 481. PROGRAM AUTHORIZATION.**

21 Section 721 (29 U.S.C. 796f) is amended—

22 (1) in subsection (a)—

23 (A) by striking “1999” and inserting
24 “2015”;

731

1 (B) by striking “Commissioner shall allot”
2 and inserting “Administrator shall make avail-
3 able”; and

4 (C) by inserting “, centers for independent
5 living,” after “States”;

6 (2) in subsection (b)—

7 (A) in paragraph (1)—

8 (i) in the paragraph heading, by strik-
9 ing “OTHER ARRANGEMENTS” and insert-
10 ing “COOPERATIVE AGREEMENTS”;

11 (ii) by striking “For” and all that fol-
12 lows through “Commissioner” and insert-
13 ing “From the funds appropriated to carry
14 out this part for any fiscal year, beginning
15 with fiscal year 2015, the Administrator”;

16 (iii) by striking “reserve from such ex-
17 cess” and inserting “reserve not less than
18 1.8 percent and not more than 2 percent
19 of the funds”; and

20 (iv) by striking “eligible agencies” and
21 all that follows and inserting “centers for
22 independent living and eligible agencies for
23 such fiscal year.”;

24 (B) in paragraph (2)—

1 (i) by striking “Commissioner shall
2 make grants to, and enter into contracts
3 and other arrangements with,” and insert-
4 ing “Administrator shall make grants to,
5 or enter into contracts or cooperative
6 agreements with,”; and

7 (ii) by inserting “fiscal management
8 of,” before “planning,”;

9 (C) in paragraphs (3), (4), and (5), by
10 striking “Commissioner” each place it appears
11 and inserting “Administrator”; and

12 (D) in paragraph (3), by striking “State-
13 wide Independent Living Councils and”;

14 (3) in paragraph (4), by striking “other ar-
15 rangement” and inserting “cooperative agreement”;

16 (4) in subsection (c), by striking “Commis-
17 sioner” each place it appears and inserting “Admin-
18 istrator”; and

19 (5) in subsection (d), by striking “Commis-
20 sioner” each place it appears and inserting “Admin-
21 istrator”.

22 **SEC. 482. CENTERS.**

23 (a) CENTERS IN STATES IN WHICH FEDERAL FUND-
24 ING EXCEEDS STATE FUNDING.—Section 722 (29 U.S.C.
25 796f–1) is amended—

1 (ii) by striking subparagraph (A) and
2 inserting the following:

3 “(A) shall consider comments regarding
4 the application—

5 “(i) by individuals with disabilities
6 and other interested parties within the new
7 region proposed to be served; and

8 “(ii) if any, by the Statewide Inde-
9 pendent Living Council in the State in
10 which the applicant is located;”; and

11 (4) in subsections (e) and (g) by striking “Com-
12 missioner” each place it appears and inserting “Ad-
13 ministrator.”.

14 (b) CENTERS IN STATES IN WHICH STATE FUNDING
15 EXCEEDS FEDERAL FUNDING.—Section 723 (29 U.S.C.
16 796f-2) is amended—

17 (1) in subsections (a), (b), (g), (h), and (i), by
18 striking “Commissioner” each place it appears and
19 inserting “Administrator”;

20 (2) in subsection (a)—

21 (A) in paragraph (1)(A)(ii), by inserting
22 “of a designated State unit” after “director”;
23 and

1 (B) in the heading of paragraph (3), by
2 striking “COMMISSIONER” and inserting “AD-
3 MINISTRATOR”; and

4 (3) in subsection (c)—

5 (A) by striking “grants” and inserting
6 “grants for a fiscal year”; and

7 (B) by striking “by September 30, 1997”
8 and inserting “for the preceding fiscal year”.

9 (c) CENTERS OPERATED BY STATE AGENCIES.—Sec-
10 tion 724 (29 U.S.C. 796f–3) is amended—

11 (1) in the matter preceding paragraph (1)—

12 (A) by striking “1993” and inserting
13 “2015”;

14 (B) by striking “Rehabilitation Act
15 Amendments of 1998” and inserting “Work-
16 force Innovation and Opportunity Act”; and

17 (C) by striking “1994” and inserting
18 “2015”; and

19 (2) by striking “Commissioner” each place it
20 appears and inserting “Administrator”.

21 **SEC. 483. STANDARDS AND ASSURANCES.**

22 Section 725 (29 U.S.C. 796f–4) is amended—

23 (1) in subsection (b)(1)(D)—

24 (A) by striking “access of” and inserting
25 “access for”; and

1 (B) by striking “to society and” and in-
2 serting “, within their communities,”; and

3 (2) in subsection (c), by striking “Commis-
4 sioner” each place it appears and inserting “Admin-
5 istrator”.

6 **SEC. 484. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 727 (29 U.S.C. 796f–6) is amended by strik-
8 ing “such sums as may be necessary for each of the fiscal
9 years 1999 through 2003.” and inserting “\$78,305,000
10 for fiscal year 2015, \$84,353,000 for fiscal year 2016,
11 \$86,104,000 for fiscal year 2017, \$88,013,000 for fiscal
12 year 2018, \$90,083,000 for fiscal year 2019, and
13 \$91,992,000 for fiscal year 2020.”.

14 **CHAPTER 2—INDEPENDENT LIVING SERV-**
15 **ICES FOR OLDER INDIVIDUALS WHO**
16 **ARE BLIND**

17 **SEC. 486. INDEPENDENT LIVING SERVICES FOR OLDER IN-**
18 **DIVIDUALS WHO ARE BLIND.**

19 Chapter 2 of title VII (29 U.S.C. 796j et seq.) is
20 amended by inserting after section 751 the following:

21 “TRAINING AND TECHNICAL ASSISTANCE

22 “SEC. 751A. (a) From the funds appropriated and
23 made available to carry out this chapter for any fiscal
24 year, beginning with fiscal year 2015, the Commissioner
25 shall first reserve not less than 1.8 percent and not more
26 than 2 percent of the funds to provide, either directly or

1 through grants, contracts, or cooperative agreements,
2 training and technical assistance to designated State agen-
3 cies, or other providers of independent living services for
4 older individuals who are blind, that are funded under this
5 chapter for such fiscal year.

6 “(b) The Commissioner shall conduct a survey of des-
7 ignated State agencies that receive grants under section
8 752 regarding training and technical assistance needs in
9 order to determine funding priorities for such training and
10 technical assistance.

11 “(c) To be eligible to receive a grant or enter into
12 a contract or cooperative agreement under this section, an
13 entity shall submit an application to the Commissioner at
14 such time, in such manner, containing a proposal to pro-
15 vide such training and technical assistance, and containing
16 such additional information, as the Commissioner may re-
17 quire. The Commissioner shall provide for peer review of
18 applications by panels that include persons who are not
19 government employees and who have experience in the
20 provision of services to older individuals who are blind.”.

21 **SEC. 487. PROGRAM OF GRANTS.**

22 Section 752 (29 U.S.C. 796k) is amended—

23 (1) by striking subsection (h);

24 (2) by redesignating subsections (i) and (j) as
25 subsections (h) and (i), respectively;

1 (3) in subsection (c)(2)—

2 (A) by striking “subsection (j)” and insert-
3 ing “subsection (i)”; and

4 (B) by striking “subsection (i)” and insert-
5 ing “subsection (h)”;

6 (4) in subsection (g), by inserting “, or con-
7 tracts or cooperative agreements with,” after
8 “grants to”;

9 (5) in subsection (h), as redesignated by para-
10 graph (2)—

11 (A) in paragraph (1), by striking “sub-
12 section (j)(4)” and inserting “subsection
13 (i)(4)”; and

14 (B) in paragraph (2)—

15 (i) in subparagraph (A)(vi), by adding
16 “and” after the semicolon;

17 (ii) in subparagraph (B)(ii)(III), by
18 striking “; and” and inserting a period;

19 and

20 (iii) by striking subparagraph (C);

21 and

22 (6) in subsection (i), as redesignated by para-
23 graph (2)—

1 (A) in paragraph (2)(A)(ii), by inserting “,
2 and not reserved under section 751A,” after
3 “section 753”;

4 (B) in paragraph (3)(A), by inserting “,
5 and not reserved under section 751A,” after
6 “section 753”; and

7 (C) in paragraph (4)(B)(i), by striking
8 “subsection (i)” and inserting “subsection (h)”.

9 **SEC. 488. INDEPENDENT LIVING SERVICES FOR OLDER IN-**
10 **DIVIDUALS WHO ARE BLIND AUTHORIZATION**
11 **OF APPROPRIATIONS.**

12 Section 753 (29 U.S.C. 7961) is amended by striking
13 “such sums as may be necessary for each of the fiscal
14 years 1999 through 2003.” and inserting “\$33,317,000
15 for fiscal year 2015, \$35,890,000 for fiscal year 2016,
16 \$36,635,000 for fiscal year 2017, \$37,448,000 for fiscal
17 year 2018, \$38,328,000 for fiscal year 2019, and
18 \$39,141,000 for fiscal year 2020.”.

19 **Subtitle I—General Provisions**

20 **SEC. 491. TRANSFER OF FUNCTIONS REGARDING INDE-**
21 **PENDENT LIVING TO DEPARTMENT OF**
22 **HEALTH AND HUMAN SERVICES, AND SAV-**
23 **INGS PROVISIONS.**

24 (a) DEFINITIONS.—For purposes of this section, un-
25 less otherwise provided or indicated by the context—

1 (1) the term “Administration for Community
2 Living” means the Administration for Community
3 Living of the Department of Health and Human
4 Services;

5 (2) the term “Federal agency” has the meaning
6 given to the term “agency” by section 551(1) of title
7 5, United States Code;

8 (3) the term “function” means any duty, obli-
9 gation, power, authority, responsibility, right, privi-
10 lege, activity, or program; and

11 (4) the term “Rehabilitation Services Adminis-
12 tration” means the Rehabilitation Services Adminis-
13 tration of the Office of Special Education and Reha-
14 bilitative Services of the Department of Education.

15 (b) TRANSFER OF FUNCTIONS.—There are trans-
16 ferred to the Administration for Community Living, all
17 functions which the Commissioner of the Rehabilitation
18 Services Administration exercised before the effective date
19 of this section (including all related functions of any offi-
20 cer or employee of that Administration) under chapter 1
21 of title VII of the Rehabilitation Act of 1973 (29 U.S.C.
22 796 et seq).

23 (c) PERSONNEL DETERMINATIONS BY THE OFFICE
24 OF MANAGEMENT AND BUDGET.—The Office of Manage-
25 ment and Budget shall—

1 (1) ensure that this section does not result in
2 any net increase in full-time equivalent employees at
3 any Federal agency impacted by this section; and

4 (2) not later than 1 year after the effective date
5 of this section, certify compliance with this sub-
6 section to the Committee on Education and the
7 Workforce of the House of Representatives and the
8 Committee on Health, Education, Labor, and Pen-
9 sions of the Senate.

10 (d) DELEGATION AND ASSIGNMENT.—Except where
11 otherwise expressly prohibited by law or otherwise pro-
12 vided by this section, the Administrator of the Administra-
13 tion for Community Living may delegate any of the func-
14 tions transferred to the Administrator of such Administra-
15 tion by subsection (b) and any function described in sub-
16 section (b) that was transferred or granted to such Admin-
17 istrator after the effective date of this section to such offi-
18 cers and employees of such Administration as the Admin-
19 istrator may designate, and may authorize successive re-
20 delegations of such functions described in subsection (b)
21 as may be necessary or appropriate. No delegation of such
22 functions by the Administrator of the Administration for
23 Community Living under this subsection or under any
24 other provision of this section shall relieve such Adminis-

1 trator of responsibility for the administration of such func-
2 tions.

3 (e) REORGANIZATION.—Except where otherwise ex-
4 pressly prohibited by law or otherwise provided by this
5 Act, the Administrator of the Administration for Commu-
6 nity Living is authorized to allocate or reallocate any func-
7 tion transferred under subsection (b) among the officers
8 of such Administration, and to consolidate, alter, or dis-
9 continue such organizational entities in such Administra-
10 tion as may be necessary or appropriate.

11 (f) RULES.—The Administrator of the Administra-
12 tion for Community Living is authorized to prescribe, in
13 accordance with the provisions of chapters 5 and 6 of title
14 5, United States Code, such rules and regulations as that
15 Administrator determines necessary or appropriate to ad-
16 minister and manage the functions described in subsection
17 (b) of that Administration.

18 (g) TRANSFER AND ALLOCATIONS OF APPROPRIA-
19 TIONS AND PERSONNEL.—Except as otherwise provided
20 in this section, the personnel employed in connection with,
21 and the assets, liabilities, contracts, property, records, and
22 unexpended balances of appropriations, authorizations, al-
23 locations, and other funds employed, used, held, arising
24 from, available to, or to be made available in connection
25 with the functions transferred by subsection (b), subject

1 to section 1531 of title 31, United States Code, shall be
2 transferred to the Administration for Community Living.
3 Unexpended funds transferred pursuant to this subsection
4 shall be used only for the purposes for which the funds
5 were originally authorized and appropriated.

6 (h) INCIDENTAL TRANSFERS.—The Director of the
7 Office of Management and Budget, at such time or times
8 as the Director shall provide, is authorized to make such
9 determinations as may be necessary with regard to the
10 functions transferred by subsection (b), and to make such
11 additional incidental dispositions of personnel, assets, li-
12 abilities, grants, contracts, property, records, and unex-
13 pended balances of appropriations, authorizations, alloca-
14 tions, and other funds held, used, arising from, available
15 to, or to be made available in connection with such func-
16 tions, as may be necessary to carry out the provisions of
17 this section. The Director of the Office of Management
18 and Budget shall provide for the termination of the affairs
19 of all entities terminated by this section and for such fur-
20 ther measures and dispositions as may be necessary to ef-
21 fectuate the purposes of this section, with respect to such
22 functions.

23 (i) SAVINGS PROVISIONS.—

24 (1) CONTINUING EFFECT OF LEGAL DOCU-
25 MENTS.—All orders, determinations, rules, regula-

1 tions, permits, agreements, grants, contracts, certifi-
2 cates, licenses, registrations, privileges, and other
3 administrative actions—

4 (A) which have been issued, made, grant-
5 ed, or allowed to become effective by the Presi-
6 dent, any Federal agency or official thereof, or
7 by a court of competent jurisdiction, in the per-
8 formance of functions which are transferred
9 under subsection (b); and

10 (B) which are in effect at the time this
11 section takes effect, or were final before the ef-
12 fective date of this section and are to become
13 effective on or after the effective date of this
14 section,

15 shall continue in effect according to their terms until
16 modified, terminated, superseded, set aside, or re-
17 voked in accordance with law by the President, the
18 Administrator of the Administration for Community
19 Living or other authorized official, a court of com-
20 petent jurisdiction, or by operation of law.

21 (2) PROCEEDINGS NOT AFFECTED.—The provi-
22 sions of this section shall not affect any proceedings,
23 including notices of proposed rulemaking, or any ap-
24 plication for any license, permit, certificate, or finan-
25 cial assistance pending before the Rehabilitation

1 Services Administration at the time this section
2 takes effect, with respect to functions transferred by
3 subsection (b) but such proceedings and applications
4 shall be continued. Orders shall be issued in such
5 proceedings, appeals shall be taken therefrom, and
6 payments shall be made pursuant to such orders, as
7 if this section had not been enacted, and orders
8 issued in any such proceedings shall continue in ef-
9 fect until modified, terminated, superseded, or re-
10 voked by a duly authorized official, by a court of
11 competent jurisdiction, or by operation of law. Noth-
12 ing in this paragraph shall be deemed to prohibit the
13 discontinuance or modification of any such pro-
14 ceeding under the same terms and conditions and to
15 the same extent that such proceeding could have
16 been discontinued or modified if this section had not
17 been enacted.

18 (3) SUITS NOT AFFECTED.—The provisions of
19 this section shall not affect suits commenced (with
20 respect to functions transferred under subsection
21 (b)) before the effective date of this section, and in
22 all such suits, proceedings shall be had, appeals
23 taken, and judgments rendered in the same manner
24 and with the same effect as if this section had not
25 been enacted.

1 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
2 tion, or other proceeding commenced by or against
3 the Rehabilitation Services Administration (with re-
4 gard to functions transferred under subsection (b)),
5 or by or against any individual in the official capac-
6 ity of such individual as an officer of the Rehabilita-
7 tion Services Administration (with regard to func-
8 tions transferred under subsection (b)), shall abate
9 by reason of the enactment of this section.

10 (5) ADMINISTRATIVE ACTIONS RELATING TO
11 PROMULGATION OF REGULATIONS.—Any administra-
12 tive action relating to the preparation or promulga-
13 tion of a regulation by the Rehabilitation Services
14 Administration (with regard to functions transferred
15 under subsection (b)) may be continued by the Ad-
16 ministration for Community Living with the same
17 effect as if this section had not been enacted.

18 (j) SEPARABILITY.—If a provision of this section or
19 its application to any person or circumstance is held in-
20 valid, neither the remainder of this section nor the applica-
21 tion of the provision to other persons or circumstances
22 shall be affected.

23 (k) REFERENCES.—A reference in any other Federal
24 law, Executive order, rule, regulation, or delegation of au-
25 thority, or any document of or relating to—

1 (1) the Commissioner of the Rehabilitation
2 Services Administration (with regard to functions
3 transferred under subsection (b)), shall be deemed to
4 refer to the Administrator of the Administration for
5 Community Living; and

6 (2) the Rehabilitation Services Administration
7 (with regard to functions transferred under sub-
8 section (b)), shall be deemed to refer to the Adminis-
9 tration for Community Living.

10 (l) TRANSITION.—The Administrator of the Adminis-
11 tration for Community Living is authorized to utilize—

12 (1) the services of such officers, employees, and
13 other personnel of the Rehabilitation Services Ad-
14 ministration with regard to functions transferred
15 under subsection (b); and

16 (2) funds appropriated to such functions,
17 for such period of time as may reasonably be needed to
18 facilitate the orderly implementation of this section.

19 (m) ADMINISTRATION FOR COMMUNITY LIVING.—

20 (1) TRANSFER OF FUNCTIONS.—There are
21 transferred to the Administration for Community
22 Living, all functions which the Commissioner of the
23 Rehabilitation Services Administration exercised be-
24 fore the effective date of this section (including all
25 related functions of any officer or employee of that

1 Administration) under the Assistive Technology Act
2 of 1998 (29 U.S.C. 3001 et seq.).

3 (2) ADMINISTRATIVE MATTERS.—Subsections
4 (d) through (l) shall apply to transfers described in
5 paragraph (1).

6 (n) NATIONAL INSTITUTE ON DISABILITY, INDE-
7 PENDENT LIVING, AND REHABILITATION RESEARCH.—

8 (1) DEFINITIONS.—For purposes of this sub-
9 section, unless otherwise provided or indicated by
10 the context—

11 (A) the term “NIDILRR” means the Na-
12 tional Institute on Disability, Independent Liv-
13 ing, and Rehabilitation Research of the Admin-
14 istration for Community Living of the Depart-
15 ment of Health and Human Services; and

16 (B) the term “NIDRR” means the Na-
17 tional Institute on Disability and Rehabilitation
18 Research of the Office of Special Education and
19 Rehabilitative Services of the Department of
20 Education.

21 (2) TRANSFER OF FUNCTIONS.—There are
22 transferred to the NIDILRR, all functions which the
23 Director of the NIDRR exercised before the effective
24 date of this section (including all related functions
25 of any officer or employee of the NIDRR).

1 (3) ADMINISTRATIVE MATTERS.—

2 (A) IN GENERAL.—Subsections (d)
3 through (l) shall apply to transfers described in
4 paragraph (2).

5 (B) REFERENCES.—For purposes of ap-
6 plying those subsections under subparagraph
7 (A), those subsections—

8 (i) shall apply to the NIDRR and the
9 Director of the NIDRR in the same man-
10 ner and to the same extent as those sub-
11 sections apply to the Rehabilitation Serv-
12 ices Administration and the Commissioner
13 of that Administration; and

14 (ii) shall apply to the NIDILRR and
15 the Director of the NIDILRR in the same
16 manner and to the same extent as those
17 subsections apply to the Administration for
18 Community Living and the Administrator
19 of that Administration.

20 (o) REFERENCES IN ASSISTIVE TECHNOLOGY ACT
21 OF 1998.—

22 (1) SECRETARY.—Section 3(13) of the Assistive
23 Technology Act of 1998 (29 U.S.C. 3002(13)) is
24 amended by striking “Education” and inserting
25 “Health and Human Services”.

1 (2) NATIONAL ACTIVITIES.—Section 6(d)(4) of
2 the Assistive Technology Act of 1998 (29 U.S.C.
3 3005(d)(4)) is amended by striking “Education”
4 and inserting “Health and Human Services”.

5 (3) GENERAL ADMINISTRATION.—Section 7 of
6 the Assistive Technology Act of 1998 (29 U.S.C.
7 3006) is amended—

8 (A) in subsection (a)—

9 (i) in paragraph (1), by striking “the
10 Assistant Secretary” and all that follows
11 through “Rehabilitation Services Adminis-
12 tration,” and inserting “the Administrator
13 of the Administration for Community Liv-
14 ing”;

15 (ii) in paragraph (2), by striking “The
16 Assistant Secretary” and all that follows
17 and inserting “The Administrator of the
18 Administration for Community Living shall
19 consult with the Office of Special Edu-
20 cation Programs of the Department of
21 Education, the Rehabilitation Services Ad-
22 ministration of the Department of Edu-
23 cation, the Office of Disability Employ-
24 ment Policy of the Department of Labor,
25 the National Institute on Disability, Inde-

1 pendent Living, and Rehabilitation Re-
2 search, and other appropriate Federal enti-
3 ties in the administration of this Act.”;

4 and

5 (iii) in paragraph (3), by striking “the
6 Rehabilitation Services Administration”
7 and inserting “the Administrator of the
8 Administration for Community Living”;

9 and

10 (B) in subsection (c)(5), by striking “Edu-
11 cation” and inserting “Health and Human
12 Services”.

13 **SEC. 492. TABLE OF CONTENTS.**

14 The table of contents in section 1(b) is amended—

15 (1) by striking the item relating to section 109
16 and inserting the following:

“Sec. 109. Training and services for employers.”;

17 (2) by inserting after the item relating to sec-
18 tion 112 the following:

“Sec. 113. Provision of pre-employment transition services.”;

19 (3) by striking the item relating to section 202
20 and inserting the following:

“Sec. 202. National Institute on Disability, Independent Living, and Rehabili-
tation Research.”;

21 (4) by striking the item relating to section 205
22 and inserting the following:

752

“Sec. 205. Disability, Independent Living, and Rehabilitation Research Advisory Council.

“Sec. 206. Definition of covered school.”;

1 (5) by striking the items relating to sections
2 304, 305, and 306 and inserting the following:

“Sec. 304. Measuring of project outcomes and performance.”.

3 (6) by inserting after the item relating to sec-
4 tion 509 the following:

“Sec. 511. Limitations on use of subminimum wage.”;

5 (7) by striking the items relating to title VI and
6 inserting the following:

“TITLE VI—EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS
WITH DISABILITIES

“Sec. 601. Short title.

“Sec. 602. Purpose.

“Sec. 603. Allotments.

“Sec. 604. Availability of services.

“Sec. 605. Eligibility.

“Sec. 606. State plan.

“Sec. 607. Restriction.

“Sec. 608. Savings provision.

“Sec. 609. Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities.

“Sec. 610. Authorization of appropriations.”; and

7 (8) in the items relating to title VII—

8 (A)(i) by inserting after the item relating
9 to section 701 the following:

“Sec. 701A. Administration of the independent living program.”;

10 and

11 (ii) by striking the item relating to section
12 706 and inserting the following:

“Sec. 706. Responsibilities of the Administrator.”;

1 (B) by inserting after the item relating to
2 section 711 the following:

“Sec. 711A. Training and technical assistance.”;

3 and

4 (C) by inserting after the item relating to
5 section 751 the following:

“Sec. 751A. Training and technical assistance.”.

6 **TITLE V—GENERAL PROVISIONS**
7 **Subtitle A—Workforce Investment**

8 **SEC. 501. PRIVACY.**

9 (a) SECTION 444 OF THE GENERAL EDUCATION
10 PROVISIONS ACT.—Nothing in this Act (including the
11 amendments made by this Act) shall be construed to su-
12 perse the privacy protections afforded parents and stu-
13 dents under section 444 of the General Education Provi-
14 sions Act (20 U.S.C. 1232g).

15 (b) PROHIBITION ON DEVELOPMENT OF NATIONAL
16 DATABASE.—

17 (1) IN GENERAL.—Nothing in this Act (includ-
18 ing the amendments made by this Act) shall be con-
19 strued to permit the development of a national data-
20 base of personally identifiable information on indi-
21 viduals receiving services under title I or under the
22 amendments made by title IV.

23 (2) LIMITATION.—Nothing in paragraph (1)
24 shall be construed to prevent the proper administra-

1 tion of national programs under subtitles C and D
2 of title I, or the amendments made by title IV (as
3 the case may be), or to carry out program manage-
4 ment activities consistent with title I or the amend-
5 ments made by title IV (as the case may be).

6 **SEC. 502. BUY-AMERICAN REQUIREMENTS.**

7 (a) COMPLIANCE WITH BUY AMERICAN ACT.—None
8 of the funds made available under title I or II or under
9 the Wagner-Peyser Act (29 U.S.C. 49 et seq.) may be ex-
10 pended by an entity unless the entity agrees that in ex-
11 pending the funds the entity will comply with sections
12 8301 through 8303 of title 41, United States Code (com-
13 monly known as the “Buy American Act”).

14 (b) SENSE OF CONGRESS; REQUIREMENT REGARD-
15 ING NOTICE.—

16 (1) PURCHASE OF AMERICAN-MADE EQUIPMENT
17 AND PRODUCTS.—In the case of any equipment or
18 product that may be authorized to be purchased
19 with financial assistance provided using funds made
20 available under title I or II or under the Wagner-
21 Peyser Act (29 U.S.C. 49 et seq.), it is the sense of
22 Congress that entities receiving the assistance
23 should, in expending the assistance, purchase only
24 American-made equipment and products.

1 (2) NOTICE TO RECIPIENTS OF ASSISTANCE.—

2 In providing financial assistance using funds made
3 available under title I or II or under the Wagner-
4 Peyser Act, the head of each Federal agency shall
5 provide to each recipient of the assistance a notice
6 describing the statement made in paragraph (1) by
7 Congress.

8 (c) PROHIBITION OF CONTRACTS WITH PERSONS
9 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—

10 If it has been finally determined by a court or Federal
11 agency that any person intentionally affixed a label bear-
12 ing a “Made in America” inscription, or any inscription
13 with the same meaning, to any product sold in or shipped
14 to the United States that is not made in the United
15 States, the person shall be ineligible to receive any con-
16 tract or subcontract made with funds made available
17 under title I or II or under the Wagner-Peyser Act (29
18 U.S.C. 49 et seq.), pursuant to the debarment, suspension,
19 and ineligibility procedures described in sections 9.400
20 through 9.409 of title 48, Code of Federal Regulations,
21 as such sections were in effect on August 7, 1998, or pur-
22 suant to any successor regulations.

23 **SEC. 503. TRANSITION PROVISIONS.**

24 (a) WORKFORCE DEVELOPMENT SYSTEMS AND IN-
25 VESTMENT ACTIVITIES.—The Secretary of Labor and the

1 Secretary of Education shall take such actions as the Sec-
2 retaries determine to be appropriate to provide for the or-
3 derly transition from any authority under the Workforce
4 Investment Act of 1998 (29 U.S.C. 2801 et seq.) to any
5 authority under subtitle A of title I. Such actions shall
6 include the provision of guidance related to unified State
7 planning, combined State planning, and the performance
8 accountability system described in such subtitle.

9 (b) WORKFORCE INVESTMENT ACTIVITIES.—The
10 Secretary of Labor shall take such actions as the Sec-
11 retary determines to be appropriate to provide for the or-
12 derly transition from any authority under the Workforce
13 Investment Act of 1998 to any authority under subtitles
14 B through E of title I.

15 (c) ADULT EDUCATION AND LITERACY PROGRAMS.—
16 The Secretary of Education shall take such actions as the
17 Secretary determines to be appropriate to provide for the
18 orderly transition from any authority under the Adult
19 Education and Family Literacy Act (20 U.S.C. 9201 et
20 seq.), as in effect on the day before the date of enactment
21 of this Act, to any authority under the Adult Education
22 and Family Literacy Act, as amended by this Act.

23 (d) EMPLOYMENT SERVICES ACTIVITIES.—The Sec-
24 retary of Labor shall take such actions as the Secretary
25 determines to be appropriate to provide for the orderly

1 transition from any authority under the Wagner-Peyser
2 Act (29 U.S.C. 49 et seq.), as in effect on the day before
3 the date of enactment of this Act, to any authority under
4 the Wagner-Peyser Act, as amended by this Act.

5 (e) VOCATIONAL REHABILITATION PROGRAMS.—The
6 Secretary of Education and the Secretary of Health and
7 Human Services shall take such actions as the Secretaries
8 determine to be appropriate to provide for the orderly
9 transition from any authority under the Rehabilitation Act
10 of 1973 (29 U.S.C. 701 et seq.), as in effect on the day
11 before the date of enactment of this Act, to any authority
12 under the Rehabilitation Act of 1973, as amended by this
13 Act.

14 (f) REGULATIONS.—

15 (1) PROPOSED REGULATIONS.—Not later than
16 180 days after the date of enactment of this Act, the
17 Secretary of Labor, the Secretary of Education, and
18 the Secretary of Health and Human Services, as ap-
19 propriate, shall develop and publish in the Federal
20 Register proposed regulations relating to the transi-
21 tion to, and implementation of, this Act (including
22 the amendments made by this Act).

23 (2) FINAL REGULATIONS.—Not later than 18
24 months after the date of enactment of this Act, the
25 Secretaries described in paragraph (1), as appro-

1 appropriate, shall develop and publish in the Federal Reg-
2 ister final regulations relating to the transition to,
3 and implementation of, this Act (including the
4 amendments made by this Act).

5 (g) EXPENDITURE OF FUNDS DURING TRANSI-
6 TION.—

7 (1) IN GENERAL.—Subject to paragraph (2)
8 and in accordance with regulations developed under
9 subsection (f), States, grant recipients, administra-
10 tive entities, and other recipients of financial assist-
11 ance under the Workforce Investment Act of 1998
12 may expend funds received under such Act in order
13 to plan and implement programs and activities au-
14 thorized under this Act.

15 (2) ADDITIONAL REQUIREMENTS.—Not more
16 than 2 percent of any allotment to any State from
17 amounts appropriated under the Workforce Invest-
18 ment Act of 1998 for fiscal year 2014 may be made
19 available to carry out activities authorized under
20 paragraph (1) and not less than 50 percent of any
21 amount used to carry out activities authorized under
22 paragraph (1) shall be made available to local enti-
23 ties for the purposes of the activities described in
24 such paragraph.

1 **SEC. 504. REDUCTION OF REPORTING BURDENS AND RE-**
2 **QUIREMENTS.**

3 In order to simplify reporting requirements and re-
4 duce reporting burdens, the Secretary of Labor, the Sec-
5 retary of Education, and the Secretary of Health and
6 Human Services shall establish procedures and criteria
7 under which a State board and local board may reduce
8 reporting burdens and requirements under this Act (in-
9 cluding the amendments made by this Act).

10 **SEC. 505. EFFECTIVE DATES.**

11 (a) IN GENERAL.—Except as otherwise provided in
12 this Act, this Act, including the amendments made by this
13 Act, shall take effect on the first day of the first full pro-
14 gram year after the date of enactment of this Act.

15 (b) APPLICATION DATE FOR WORKFORCE DEVELOP-
16 MENT PERFORMANCE ACCOUNTABILITY SYSTEM.—

17 (1) IN GENERAL.—Section 136 of the Work-
18 force Investment Act of 1998 (29 U.S.C. 2871), as
19 in effect on the day before the date of enactment of
20 this Act, shall apply in lieu of section 116 of this
21 Act, for the first full program year after the date of
22 enactment of this Act.

23 (2) SPECIAL PROVISIONS.—For purposes of the
24 application described in paragraph (1)—

25 (A) except as otherwise specified, a ref-
26 erence in section 136 of the Workforce Invest-

1 ment Act of 1998 to a provision in such Act
2 (29 U.S.C. 2801 et seq.), other than to a provi-
3 sion in such section or section 112 of such Act,
4 shall be deemed to refer to the corresponding
5 provision of this Act;

6 (B) the terms “local area”, “local board”,
7 “one-stop partner”, and “State board” have the
8 meanings given the terms in section 3 of this
9 Act;

10 (C) except as provided in subparagraph
11 (B), terms used in such section 136 shall have
12 the meanings given the terms in section 101 of
13 the Workforce Investment Act of 1998 (29
14 U.S.C. 2801);

15 (D) any agreement negotiated and reached
16 under section 136(c)(2) of the Workforce In-
17 vestment Act of 1998 (29 U.S.C. 2871(c)(2))
18 shall remain in effect, until a new agreement is
19 so negotiated and reached, for that first full
20 program year;

21 (E) if a State or local area fails to meet
22 levels of performance under subsection (g) or
23 (h), respectively, of section 136 of the Work-
24 force Investment Act of 1998 during that first
25 full program year, the sanctions provided under

1 such subsection shall apply during the second
2 full program year after the date of enactment
3 of this Act; and

4 (F) the Secretary shall use an amount re-
5 tained, as a result of a reduction in an allot-
6 ment to a State made under section
7 136(g)(1)(B) of such Act (29 U.S.C.
8 2871(g)(1)(B)), to provide technical assistance
9 as described in subsections (f)(1) and (g)(1) of
10 section 116 of this Act, in lieu of incentive
11 grants under section 503 of the Workforce In-
12 vestment Act of 1998 (20 U.S.C. 9273) as pro-
13 vided in section 136(g)(2) of such Act (29
14 U.S.C. 2871(g)(2)).

15 (c) APPLICATION DATE FOR STATE AND LOCAL
16 PLAN PROVISIONS.—

17 (1) IMPLEMENTATION.—Sections 112 and 118
18 of the Workforce Investment Act of 1998 (29 U.S.C.
19 2822, 2833), as in effect on the day before the date
20 of enactment of this Act, shall apply to implementa-
21 tion of State and local plans, in lieu of sections 102
22 and 103, and section 108, respectively, of this Act,
23 for the first full program year after the date of en-
24 actment of this Act.

1 (2) SPECIAL PROVISIONS.—For purposes of the
2 application described in paragraph (1)—

3 (A) except as otherwise specified, a ref-
4 erence in section 112 or 118 of the Workforce
5 Investment Act of 1998 to a provision in such
6 Act (29 U.S.C. 2801 et seq.), other than to a
7 provision in or to either such section or to sec-
8 tion 136 of such Act, shall be deemed to refer
9 to the corresponding provision of this Act;

10 (B) the terms “local area”, “local board”,
11 “one-stop partner”, and “State board” have the
12 meanings given the terms in section 3 of this
13 Act;

14 (C) except as provided in subparagraph
15 (B), terms used in such section 112 or 118
16 shall have the meanings given the terms in sec-
17 tion 101 of the Workforce Investment Act of
18 1998 (29 U.S.C. 2801); and

19 (D) section 112(b)(18)(D) of the Work-
20 force Investment Act of 1998 (29 U.S.C.
21 2822(b)(18)(D)) shall not apply.

22 (3) SUBMISSION.—Sections 102, 103, and 108
23 of this Act shall apply to plans for the second full
24 program year after the date of enactment, including
25 the development, submission, and approval of such

1 plans during the first full program year after such
2 date.

3 **Subtitle B—Amendments to Other**
4 **Laws**

5 **SEC. 511. REPEAL OF THE WORKFORCE INVESTMENT ACT**
6 **OF 1998.**

7 (a) WORKFORCE INVESTMENT ACT OF 1998.—The
8 Workforce Investment Act of 1998 (29 U.S.C. 2801 et
9 seq.) is repealed.

10 (b) GRANTS TO STATES FOR WORKPLACE AND COM-
11 MUNITY TRANSITION TRAINING FOR INCARCERATED IN-
12 DIVIDUALS.—Section 821 of the Higher Education
13 Amendments of 1998 (20 U.S.C. 1151) is repealed.

14 **SEC. 512. CONFORMING AMENDMENTS.**

15 (a) AMERICAN COMPETITIVENESS AND WORKFORCE
16 IMPROVEMENT ACT OF 1998.—Section 414(c)(3)(C) of
17 the American Competitiveness and Workforce Improve-
18 ment Act of 1998 (29 U.S.C. 2916a(3)(C)) is amended
19 by striking “entities involved in administering the work-
20 force investment system established under title I of the
21 Workforce Investment Act of 1998” and inserting “enti-
22 ties involved in administering the workforce development
23 system, as defined in section 3 of the Workforce Innova-
24 tion and Opportunity Act”.

1 (b) ASSISTIVE TECHNOLOGY ACT OF 1998.—The As-
2 sistive Technology Act of 1998 (29 U.S.C. 3001 et seq.)
3 is amended as follows:

4 (1) Section 3(1)(C) of such Act (29 U.S.C.
5 3002(1)(C)) is amended by striking “such as a one-
6 stop partner, as defined in section 101 of the Work-
7 force Investment Act of 1998 (29 U.S.C. 2801)”
8 and inserting “such as a one-stop partner, as de-
9 fined in section 3 of the Workforce Innovation and
10 Opportunity Act”.

11 (2) Section 4 of such Act (29 U.S.C. 3003) is
12 amended—

13 (A) in subsection (c)(2)(B)(i)(IV), by strik-
14 ing “a representative of the State workforce in-
15 vestment board established under section 111 of
16 the Workforce Investment Act of 1998 (29
17 U.S.C. 2821)” and inserting “a representative
18 of the State workforce development board es-
19 tablished under section 101 of the Workforce
20 Innovation and Opportunity Act”; and

21 (B) in subsection (e)—

22 (i) in paragraph (2)(D)(i), by striking
23 “such as one-stop partners, as defined in
24 section 101 of the Workforce Investment
25 Act of 1998 (29 U.S.C. 2801),” and in-

1 serting “such as one-stop partners, as de-
2 fined in section 3 of the Workforce Innova-
3 tion and Opportunity Act,”; and

4 (ii) in paragraph (3)(B)(ii)(I)(aa), by
5 striking “with entities in the statewide and
6 local workforce investment systems estab-
7 lished under the Workforce Investment Act
8 of 1998 (29 U.S.C. 2801 et seq.),” and in-
9 serting “with entities in the statewide and
10 local workforce development systems estab-
11 lished under the Workforce Innovation and
12 Opportunity Act,”.

13 (c) ALASKA NATURAL GAS PIPELINE ACT.—Section
14 113(a)(2) of the Alaska Natural Gas Pipeline Act (15
15 U.S.C. 720k(a)(2)) is amended by striking “consistent
16 with the vision and goals set forth in the State of Alaska
17 Unified Plan, as developed pursuant to the Workforce In-
18 vestment Act of 1998 (29 U.S.C. 2801 et seq.)” and in-
19 serting “consistent with the vision and goals set forth in
20 the State of Alaska unified plan or combined plan, as ap-
21 propriate, as developed pursuant to section 102 or 103,
22 as appropriate, of the Workforce Innovation and Oppor-
23 tunity Act”.

24 (d) ATOMIC ENERGY DEFENSE ACT.—Section
25 4604(c)(6)(A) of the Atomic Energy Defense Act (50

1 U.S.C. 2704(c)(6)(A)) is amended by striking “programs
2 carried out by the Secretary of Labor under the Job
3 Training Partnership Act or title I of the Workforce In-
4 vestment Act of 1998 (29 U.S.C. 2801 et seq.)” and in-
5 serting “programs carried out by the Secretary of Labor
6 under title I of the Workforce Innovation and Opportunity
7 Act”.

8 (e) CARL D. PERKINS CAREER AND TECHNICAL
9 EDUCATION ACT OF 2006.—The Carl D. Perkins Career
10 and Technical Education Act of 2006 (20 U.S.C. 2301
11 et seq.) is amended as follows:

12 (1) Section 118(d)(2) of such Act (20 U.S.C.
13 2328(d)(2)) is amended—

14 (A) in the paragraph heading, by striking
15 “PUBLIC LAW 105–220” and inserting “WORK-
16 FORCE INNOVATION AND OPPORTUNITY ACT”;
17 and

18 (B) by striking “functions and activities
19 carried out under Public Law 105–220” and in-
20 serting “functions and activities carried out
21 under the Workforce Innovation and Oppor-
22 tunity Act”.

23 (2) Section 121(a)(4) of such Act (20 U.S.C.
24 2341(a)(4)) is amended—

1 (A) in subparagraph (A), by striking “ac-
2 tivities undertaken by the State boards under
3 section 111 of Public Law 105–220” and in-
4 serting “activities undertaken by the State
5 boards under section 101 of the Workforce In-
6 novation and Opportunity Act”; and

7 (B) in subparagraph (B), by striking “the
8 service delivery system under section 121 of
9 Public Law 105–220” and inserting “the one-
10 stop delivery system under section 121 of the
11 Workforce Innovation and Opportunity Act”.

12 (3) Section 122 of such Act (20 U.S.C. 2342)
13 is amended—

14 (A) in subsection (b)(1)(A)(viii), by strik-
15 ing “entities participating in activities described
16 in section 111 of Public Law 105–220” and in-
17 serting “entities participating in activities de-
18 scribed in section 101 of the Workforce Innova-
19 tion and Opportunity Act”;

20 (B) in subsection (c)(20), by striking “the
21 description and information specified in sections
22 112(b)(8) and 121(c) of Public Law 105–220
23 concerning the provision of services only for
24 postsecondary students and school dropouts”
25 and inserting “the description and information

1 specified in subparagraphs (B) and (C)(iii) of
2 section 102(b)(2), and, as appropriate, section
3 103(b)(3)(A), and section 121(c), of the Work-
4 force Innovation and Opportunity Act con-
5 cerning the provision of services only for post-
6 secondary students and school dropouts”; and

7 (C) in subsection (d)(2)—

8 (i) in the paragraph heading, by strik-
9 ing “501 PLAN” and inserting “COMBINED
10 PLAN”; and

11 (ii) by striking “as part of the plan
12 submitted under section 501 of Public Law
13 105–220” and inserting “as part of the
14 plan submitted under section 103 of the
15 Workforce Innovation and Opportunity
16 Act”.

17 (4) Section 124(c)(13) of such Act (20 U.S.C.
18 2344(c)(13)) is amended by striking “such as
19 through referral to the system established under sec-
20 tion 121 of Public Law 105–220” and inserting
21 “such as through referral to the system established
22 under section 121 of the Workforce Innovation and
23 Opportunity Act”.

24 (5) Section 134(b)(5) of such Act (20 U.S.C.
25 2354(b)(5)) is amended by striking “entities partici-

1 participating in activities described in section 117 of Public
2 Law 105–220 (if applicable)” and inserting “entities
3 participating in activities described in section 107 of
4 the Workforce Innovation and Opportunity Act (if
5 applicable)”.

6 (6) Section 135(c)(16) of such Act (20 U.S.C.
7 2355(c)(16)) is amended by striking “such as
8 through referral to the system established under sec-
9 tion 121 of Public Law 105–220 (29 U.S.C. 2801
10 et seq.)” and inserting “such as through referral to
11 the system established under section 121 of the
12 Workforce Innovation and Opportunity Act”.

13 (7) Section 321(b)(1) of such Act (20 U.S.C.
14 2411(b)(1)) is amended by striking “Chapters 4 and
15 5 of subtitle B of title I of Public Law 105–220”
16 and inserting “Chapters 2 and 3 of subtitle B of
17 title I of the Workforce Innovation and Opportunity
18 Act”.

19 (f) COMMUNITY SERVICES BLOCK GRANT ACT.—Sec-
20 tion 676(b)(5) of the Community Services Block Grant
21 Act (42 U.S.C. 9908(b)(5)) is amended by striking “the
22 eligible entities will coordinate the provision of employ-
23 ment and training activities, as defined in section 101 of
24 such Act, in the State and in communities with entities
25 providing activities through statewide and local workforce

1 investment systems under the Workforce Investment Act
2 of 1998” and inserting “the eligible entities will coordinate
3 the provision of employment and training activities, as de-
4 fined in section 3 of the Workforce Innovation and Oppor-
5 tunity Act, in the State and in communities with entities
6 providing activities through statewide and local workforce
7 development systems under such Act”.

8 (g) COMPACT OF FREE ASSOCIATION AMENDMENTS
9 ACT OF 2003.—The Compact of Free Association Amend-
10 ments Act of 2003 (48 U.S.C. 1921 et seq.) is amended
11 as follows:

12 (1) Section 105(f)(1)(B)(iii) of such Act (48
13 U.S.C. 1921d(f)(1)(B)(iii)) is amended by striking
14 “title I of the Workforce Investment Act of 1998
15 (29 U.S.C. 2801 et seq.), other than subtitle C of
16 that Act (29 U.S.C. 2881 et seq.) (Job Corps), title
17 II of the Workforce Investment Act of 1998 (20
18 U.S.C. 9201 et seq.; commonly known as the Adult
19 Education and Family Literacy Act),” and inserting
20 “titles I (other than subtitle C) and II of the Work-
21 force Innovation and Opportunity Act,”.

22 (2) Section 108(a) of such Act (48 U.S.C.
23 1921g(a)) is amended by striking “subtitle C of title
24 I of the Workforce Investment Act of 1998 (29
25 U.S.C. 2881 et seq.; relating to Job Corps)” and in-

1 serting “subtitle C of title I of the Workforce Inno-
2 vation and Opportunity Act (relating to Job
3 Corps)”.

4 (h) DOMESTIC VOLUNTEER SERVICE ACT OF
5 1973.—Section 103(d) of the Domestic Volunteer Service
6 Act of 1973 (42 U.S.C. 4953(d)) is amended by striking
7 “employment.” and all that follows and inserting the fol-
8 lowing: “employment. Whenever feasible, such efforts shall
9 be coordinated with an appropriate local workforce devel-
10 opment board established under section 107 of the Work-
11 force Innovation and Opportunity Act.”.

12 (i) ELEMENTARY AND SECONDARY EDUCATION ACT
13 OF 1965.—The Elementary and Secondary Education Act
14 of 1965 (20 U.S.C. 6301 et seq.) is amended as follows:

15 (1) Section 1203(c)(2)(A) of such Act (20
16 U.S.C. 6363(c)(2)(A)) is amended—

17 (A) by striking “, in consultation with the
18 National Institute for Literacy,”; and

19 (B) by striking clause (ii); and

20 (C) by redesignating clauses (iii) and (iv)
21 as clauses (ii) and (iii), respectively.

22 (2) Section 1235(9)(B) of such Act (20 U.S.C.
23 6381d(9)(B)) is amended by striking “any relevant
24 programs under the Adult Education and Family
25 Literacy Act, the Individuals with Disabilities Edu-

1 cation Act, and title I of the Workforce Investment
2 Act of 1998” and inserting “any relevant programs
3 under the Adult Education and Family Literacy Act,
4 the Individuals with Disabilities Education Act, and
5 title I of the Workforce Innovation and Opportunity
6 Act”.

7 (3) Section 1423(9) of such Act (20 U.S.C.
8 6453(9)) is amended by striking “a description of
9 how the program under this subpart will be coordi-
10 nated with other Federal, State, and local programs,
11 such as programs under title I of Public Law 105–
12 220” and inserting “a description of how the pro-
13 gram under this subpart will be coordinated with
14 other Federal, State, and local programs, such as
15 programs under title I of the Workforce Innovation
16 and Opportunity Act”.

17 (4) Section 1425(9) of such Act (20 U.S.C.
18 6455(9)) is amended by striking “coordinate funds
19 received under this subpart with other local, State,
20 and Federal funds available to provide services to
21 participating children and youth, such as funds
22 made available under title I of Public Law 105–
23 220,” and inserting “coordinate funds received
24 under this subpart with other local, State, and Fed-
25 eral funds available to provide services to partici-

1 pating children and youth, such as funds made avail-
2 able under title I of the Workforce Innovation and
3 Opportunity Act,”.

4 (5) Section 7202(13)(H) of such Act (20
5 U.S.C. 7512(13)(H)) is amended by striking “the
6 Workforce Investment Act of 1998 (29 U.S.C. 2801
7 et seq.)” and inserting “the Workforce Innovation
8 and Opportunity Act”.

9 (j) ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF
10 1984.—Section 2(a) of the Environmental Programs As-
11 sistance Act of 1984 (42 U.S.C. 4368a(a)) is amended by
12 striking “Funding for such grants or agreements may be
13 made available from such programs or through title V of
14 the Older Americans Act of 1965 and subtitle D of title
15 I of the Workforce Investment Act of 1998” and inserting
16 “Funding for such grants or agreements may be made
17 available from such programs or through title V of the
18 Older Americans Act of 1965 and subtitle D of title I of
19 the Workforce Innovation and Opportunity Act”.

20 (k) ENERGY CONSERVATION AND PRODUCTION
21 ACT.—Section 414(b)(3) of the Energy Conservation and
22 Production Act (42 U.S.C. 6864(b)(3)) is amended by
23 striking “securing, to the maximum extent practicable, the
24 services of volunteers and training participants and public
25 service employment workers, pursuant to title I of the

1 Workforce Investment Act of 1998” and inserting “secur-
2 ing, to the maximum extent practicable, the services of
3 volunteers and training participants and public service em-
4 ployment workers, pursuant to title I of the Workforce In-
5 novation and Opportunity Act”.

6 (l) FOOD AND NUTRITION ACT OF 2008.—The Food
7 and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is
8 amended as follows:

9 (1) Section 5(l) of such Act (7 U.S.C. 2014(l))
10 is amended by striking “Notwithstanding section
11 181(a)(2) of the Workforce Investment Act of 1998,
12 earnings to individuals participating in on-the-job-
13 training under title I of the Workforce Investment
14 Act of 1998” and inserting “Notwithstanding sec-
15 tion 181(a)(2) of the Workforce Innovation and Op-
16 portunity Act, earnings to individuals participating
17 in on-the-job training under title I of such Act”.

18 (2) Section 6 of such Act (7 U.S.C. 2015) is
19 amended—

20 (A) in subsection (d)(4)(M), by striking
21 “activities under title I of the Workforce Invest-
22 ment Act of 1998” and inserting “activities
23 under title I of the Workforce Innovation and
24 Opportunity Act”;

1 (B) in subsection (e)(3)(A), by striking “a
2 program under title I of the Workforce Invest-
3 ment Act of 1998” and inserting “a program
4 under title I of the Workforce Innovation and
5 Opportunity Act”; and

6 (C) in subsection (o)(1)(A), by striking “a
7 program under the title I of the Workforce In-
8 vestment Act of 1998” and inserting “a pro-
9 gram under title I of the Workforce Innovation
10 and Opportunity Act”.

11 (3) Section 17(b)(2) of such Act (7 U.S.C.
12 2026(b)(2)) is amended by striking “a program car-
13 ried out under title I of the Workforce Investment
14 Act of 1998” and inserting “a program carried out
15 under title I of the Workforce Innovation and Op-
16 portunity Act”.

17 (m) FULL EMPLOYMENT AND BALANCED GROWTH
18 ACT OF 1978.—Section 206 of the Full Employment and
19 Balanced Growth Act of 1978 (15 U.S.C. 3116) is amend-
20 ed—

21 (1) in subsection (b), in the matter preceding
22 paragraph (1), by striking “the Secretary of Labor
23 shall, as appropriate, fully utilize the authority pro-
24 vided under the Job Training Partnership Act and
25 title I of the Workforce Investment Act of 1998”

1 and inserting “the Secretary of Labor shall, as ap-
2 appropriate, fully utilize the authority provided under
3 title I of the Workforce Innovation and Opportunity
4 Act”; and

5 (2) in subsection (c)(1), by striking “the Presi-
6 dent shall, as may be authorized by law, establish
7 reservoirs of public employment and private non-
8 profit employment projects, to be approved by the
9 Secretary of Labor, through expansion of title I of
10 the Workforce Investment Act of 1998” and insert-
11 ing “the President shall, as may be authorized by
12 law, establish reservoirs of public employment and
13 private nonprofit employment projects, to be ap-
14 proved by the Secretary of Labor, through expansion
15 of activities under title I of the Workforce Innova-
16 tion and Opportunity Act”.

17 (n) HIGHER EDUCATION ACT OF 1965.—The Higher
18 Education Act of 1965 (20 U.S.C. 1001 et seq.) is amend-
19 ed as follows:

20 (1) Section 418A of such Act (20 U.S.C.
21 1070d-2) is amended—

22 (A) in subsection (b)(1)(B)(ii), by striking
23 “section 167 of the Workforce Investment Act
24 of 1998” and inserting “section 167 of the

1 Workforce Innovation and Opportunity Act”;
2 and

3 (B) in subsection (c)(1)(A), by striking
4 “section 167 of the Workforce Investment Act
5 of 1998” and inserting “section 167 of the
6 Workforce Innovation and Opportunity Act”.

7 (2) Section 479(d)(1) of such Act (20 U.S.C.
8 1087ss(d)(1)) is amended by striking “The term
9 ‘dislocated worker’ has the meaning given the term
10 in section 101 of the Workforce Investment Act of
11 1998 (29 U.S.C. 2801)” and inserting “The term
12 ‘dislocated worker’ has the meaning given the term
13 in section 3 of the Workforce Innovation and Oppor-
14 tunity Act”.

15 (3) Section 479A(a) of such Act (20 U.S.C.
16 1087tt(a)) is amended by striking “a dislocated
17 worker (as defined in section 101 of the Workforce
18 Investment Act of 1998)” and inserting “a dis-
19 located worker (as defined in section 3 of the Work-
20 force Innovation and Opportunity Act)”.

21 (4) Section 480(b)(1)(I) of such Act (20 U.S.C.
22 1087vv(b)(1)(I)) is amended by striking “benefits
23 received through participation in employment and
24 training activities under title I of the Workforce In-
25 vestment Act of 1998 (29 U.S.C. 2801 et seq.)” and

1 inserting “benefits received through participation in
2 employment and training activities under title I of
3 the Workforce Innovation and Opportunity Act”.

4 (5) Section 803 of such Act (20 U.S.C. 1161c)
5 is amended—

6 (A) in subsection (i)(1), by striking “for
7 changes to this Act and related Acts, such as
8 the Carl D. Perkins Career and Technical Edu-
9 cation Act of 2006 and the Workforce Invest-
10 ment Act of 1998 (including titles I and II), to
11 help create and sustain business and industry
12 workforce partnerships at institutions of higher
13 education” and inserting “for changes to this
14 Act and related Acts, such as the Carl D. Per-
15 kins Career and Technical Education Act of
16 2006 and the Workforce Innovation and Oppor-
17 tunity Act (including titles I and II), to help
18 create and sustain business and industry work-
19 force partnerships at institutions of higher edu-
20 cation”; and

21 (B) in subsection (j)(1)—

22 (i) in subparagraph (A)(ii), by strik-
23 ing “local board (as such term is defined
24 in section 101 of the Workforce Invest-
25 ment Act of 1998 (29 U.S.C. 2801))” and

1 inserting “local board (as such term is de-
2 fined in section 3 of the Workforce Innova-
3 tion and Opportunity Act)”; and

4 (ii) in subparagraph (B), by striking
5 “a State board (as such term is defined in
6 section 101 of the Workforce Investment
7 Act of 1998 (29 U.S.C. 2801))” and in-
8 serting “a State board (as such term is de-
9 fined in section 3 of the Workforce Innova-
10 tion and Opportunity Act)”.

11 (6) Section 861(c)(1)(B) of such Act (20
12 U.S.C. 1161q(c)(1)(B)) is amended by striking
13 “local boards (as such term is defined in section 101
14 of the Workforce Investment Act of 1998 (29 U.S.C.
15 2801))” and inserting “local boards (as such term is
16 defined in section 3 of the Workforce Innovation and
17 Opportunity Act)”.

18 (7) Section 872(b)(2)(E) of such Act (20
19 U.S.C. 1161s(b)(2)(E)) is amended by striking
20 “local boards (as defined in section 101 of the
21 Workforce Investment Act of 1998 (29 U.S.C.
22 2801))” and inserting “local boards (as defined in
23 section 3 of the Workforce Innovation and Oppor-
24 tunity Act)”.

1 (o) HOUSING ACT OF 1949.—Section 504(c)(3) of
2 the Housing Act of 1949 (42 U.S.C. 1474(c)(3)) is
3 amended by striking “an insufficient number of volunteers
4 and training participants and public service employment
5 workers, assisted pursuant to title I of the Workforce In-
6 vestment Act of 1998 or the Older American Community
7 Service Employment Act,” and inserting “an insufficient
8 number of volunteers and training participants and public
9 service employment workers, assisted pursuant to title I
10 of the Workforce Innovation and Opportunity Act or the
11 Community Service Senior Opportunities Act,”.

12 (p) HOUSING AND URBAN DEVELOPMENT ACT OF
13 1968.—Section 3 of the Housing and Urban Development
14 Act of 1968 (12 U.S.C. 1701u) is amended—

15 (1) in subsection (c)—

16 (A) in paragraph (1)(B)(iii), by striking
17 “participants in YouthBuild programs receiving
18 assistance under section 173A of the Workforce
19 Investment Act of 1998” and inserting “partici-
20 pants in YouthBuild programs receiving assist-
21 ance under section 171 of the Workforce Inno-
22 vation and Opportunity Act”; and

23 (B) in paragraph (2)(B), by striking “par-
24 ticipants in YouthBuild programs receiving as-
25 sistance under section 173A of the Workforce

1 Investment Act of 1998” and inserting “partici-
2 pants in YouthBuild programs receiving assist-
3 ance under section 171 of the Workforce Inno-
4 vation and Opportunity Act”; and

5 (2) in subsection (d)—

6 (A) in paragraph (1)(B)(iii), by striking
7 “To YouthBuild programs receiving assistance
8 under section 173A of the Workforce Invest-
9 ment Act of 1998” and inserting “To
10 YouthBuild programs receiving assistance
11 under section 171 of the Workforce Innovation
12 and Opportunity Act”; and

13 (B) in paragraph (2)(B), by striking “to
14 YouthBuild programs receiving assistance
15 under section 173A of the Workforce Invest-
16 ment Act of 1998” and inserting “to
17 YouthBuild programs receiving assistance
18 under section 171 of the Workforce Innovation
19 and Opportunity Act”.

20 (q) IMMIGRATION AND NATIONALITY ACT.—Section
21 245A(h)(4)(F) of the Immigration and Nationality Act (8
22 U.S.C. 1255a(h)(4)(F)) is amended by striking “Title I
23 of the Workforce Investment Act of 1998” and inserting
24 “Title I of the Workforce Innovation and Opportunity
25 Act”.

1 (r) INTERNAL REVENUE CODE OF 1986.—Section
2 7527(e)(2) of the Internal Revenue Code of 1986 is
3 amended by inserting “(as in effect on the day before the
4 date of enactment of the Workforce Innovation and Op-
5 portunity Act)” after “of 1998”.

6 (s) MCKINNEY-VENTO HOMELESS ASSISTANCE
7 ACT.—Section 103(c)(2) of the McKinney-Vento Home-
8 less Assistance Act (42 U.S.C. 11302(c)(2)) is amended
9 by striking “a homeless individual shall be eligible for as-
10 sistance under title I of the Workforce Investment Act of
11 1998” and inserting “a homeless individual shall be eligi-
12 ble for assistance under title I of the Workforce Innovation
13 and Opportunity Act”.

14 (t) MUSEUM AND LIBRARY SERVICES ACT.—The
15 Museum and Library Services Act (20 U.S.C. 9101 et
16 seq.) is amended as follows:

17 (1) Section 204(f)(3) of such Act (20 U.S.C.
18 9103(f)(3)) is amended by striking “activities under
19 the Workforce Investment Act of 1998 (29 U.S.C.
20 2801 et seq.) (including activities under section
21 134(c) of such Act) (29 U.S.C. 2864(c))” and in-
22 sserting “activities under the Workforce Innovation
23 and Opportunity Act (including activities under sec-
24 tion 121(e) of such Act)”.

1 (2) Section 224(b)(6)(C) of such Act (20
2 U.S.C. 9134(b)(6)(C)) is amended—

3 (A) in clause (i), by striking “the activities
4 carried out by the State workforce investment
5 board under section 111(d) of the Workforce
6 Investment Act of 1998 (29 U.S.C. 2821(d))”
7 and inserting “the activities carried out by the
8 State workforce development board under sec-
9 tion 101 of the Workforce Innovation and Op-
10 portunity Act”; and

11 (B) in clause (ii), by striking “the State’s
12 one-stop delivery system established under sec-
13 tion 134(c) of such Act (29 U.S.C. 2864(c))”
14 and inserting “the State’s one-stop delivery sys-
15 tem established under section 121(e) of such
16 Act”.

17 (u) NATIONAL AND COMMUNITY SERVICE ACT OF
18 1990.—The National and Community Service Act of 1990
19 (42 U.S.C. 12501 et seq.) is amended as follows:

20 (1) Section 112(a)(3)(B) of such Act (42
21 U.S.C. 12523(a)(3)(B)) is amended by striking “or
22 who may participate in a Youthbuild program under
23 section 173A of the Workforce Investment Act of
24 1998 (29 U.S.C. 2918a)” and inserting “or who
25 may participate in a Youthbuild program under sec-

1 tion 171 of the Workforce Innovation and Oppor-
2 tunity Act”.

3 (2) Section 199L(a) of such Act (42 U.S.C.
4 12655m(a)) is amended by striking “coordinated
5 with activities supported with assistance made avail-
6 able under programs administered by the heads of
7 such agencies (including title I of the Workforce In-
8 vestment Act of 1998)” and inserting “coordinated
9 with activities supported with assistance made avail-
10 able under programs administered by the heads of
11 such agencies (including title I of the Workforce In-
12 novation and Opportunity Act)”.

13 (v) NATIONAL ENERGY CONSERVATION POLICY
14 ACT.—Section 233 of the National Energy Conservation
15 and Policy Act (42 U.S.C. 6873) is amended, in the mat-
16 ter preceding paragraph (1), by striking “a sufficient
17 number of volunteers and training participants and public
18 service employment workers, assisted pursuant to title I
19 of the Workforce Investment Act of 1998 and the Older
20 American Community Service Employment Act” and in-
21 serting “a sufficient number of volunteers and training
22 participants and public service employment workers, as-
23 sisted pursuant to title I of the Workforce Innovation and
24 Opportunity Act and the Community Service Senior Op-
25 portunities Act”.

1 (w) OLDER AMERICANS ACT OF 1965.—The Older
2 Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amend-
3 ed as follows:

4 (1) Section 203 of such Act (42 U.S.C. 3013)
5 is amended—

6 (A) in subsection (a)(2), by striking “In
7 particular, the Secretary of Labor shall consult
8 and cooperate with the Assistant Secretary in
9 carrying out title I of the Workforce Investment
10 Act of 1998” and inserting “In particular, the
11 Secretary of Labor shall consult and cooperate
12 with the Assistant Secretary in carrying out
13 title I of the Workforce Innovation and Oppor-
14 tunity Act”; and

15 (B) in subsection (b)(1), by striking “title
16 I of the Workforce Investment Act of 1998”
17 and inserting “title I of the Workforce Innova-
18 tion and Opportunity Act”.

19 (2) Section 321(a)(12) of such Act (42 U.S.C.
20 3030d(a)(12)) is amended by striking “including
21 programs carried out under the Workforce Invest-
22 ment Act of 1998 (29 U.S.C. 2801 et seq.)” and in-
23 serting “including programs carried out under the
24 Workforce Innovation and Opportunity Act”.

1 Workforce Investment Act of
2 1998 (29 U.S.C. 2864(c)),” and
3 inserting “through the one-stop
4 delivery system of the local work-
5 force development areas involved
6 as established under section
7 121(e) of the Workforce Innova-
8 tion and Opportunity Act,”; and
9 (bb) by striking “and will be
10 involved in the planning and op-
11 erations of such system pursuant
12 to a memorandum of under-
13 standing with the local workforce
14 investment board in accordance
15 with section 121(c) of such Act
16 (29 U.S.C. 2841(c))” and insert-
17 ing “and will be involved in the
18 planning and operations of such
19 system pursuant to a memo-
20 randum of understanding with
21 the local workforce development
22 board in accordance with section
23 121(c) of such Act”; and
24 (III) in subparagraph (Q)—

1 (aa) in clause (i), by striking
2 “paragraph (8), relating to co-
3 ordination with other Federal
4 programs, of section 112(b) of
5 the Workforce Investment Act of
6 1998 (29 U.S.C. 2822(b))” and
7 inserting “clauses (ii) and (viii)
8 of paragraph (2)(B), relating to
9 coordination with other Federal
10 programs, of section 102(b) of
11 the Workforce Innovation and
12 Opportunity Act”; and

13 (bb) in clause (ii), by strik-
14 ing “paragraph (14), relating to
15 implementation of one-stop deliv-
16 ery systems, of section 112(b) of
17 the Workforce Investment Act of
18 1998” and inserting “paragraph
19 (2)(C)(i), relating to implementa-
20 tion of one-stop delivery systems,
21 of section 102(b) of the Work-
22 force Innovation and Opportunity
23 Act”; and

24 (ii) in paragraph (3)—

1 (I) in subparagraph (A), by strik-
2 ing “An assessment and service strat-
3 egy required by paragraph (1)(N) to
4 be prepared for an eligible individual
5 shall satisfy any condition for an as-
6 sessment and service strategy or indi-
7 vidual employment plan for an adult
8 participant under subtitle B of title I
9 of the Workforce Investment Act of
10 1998 (29 U.S.C. 2811 et seq.), in
11 order to determine whether such eligi-
12 ble individual also qualifies for inten-
13 sive or training services described in
14 section 134(d) of such Act (29 U.S.C.
15 2864(d)).” and inserting “An assess-
16 ment and service strategy required by
17 paragraph (1)(N) to be prepared for
18 an eligible individual shall satisfy any
19 condition for an assessment and serv-
20 ice strategy or individual employment
21 plan for an adult participant under
22 subtitle B of title I of the Workforce
23 Innovation and Opportunity Act, in
24 order to determine whether such eligi-
25 ble individual also qualifies for career

1 or training services described in sec-
2 tion 134(c) of such Act.”; and

3 (II) in subparagraph (B)—

4 (aa) in the subparagraph
5 heading, by striking “WORK-
6 FORCE INVESTMENT ACT OF
7 1998” and inserting “WORKFORCE
8 INNOVATION AND OPPORTUNITY
9 ACT”; and

10 (bb) by striking “An assess-
11 ment and service strategy or indi-
12 vidual employment plan prepared
13 under subtitle B of title I of the
14 Workforce Investment Act of
15 1998 (29 U.S.C. 2811 et seq.)”
16 and inserting “An assessment
17 and service strategy or individual
18 employment plan prepared under
19 subtitle B of title I of the Work-
20 force Innovation and Opportunity
21 Act”; and

22 (B) in subsection (e)(2)(B)(ii), by striking
23 “one-stop delivery systems established under
24 title I of the Workforce Investment Act of 1998
25 (29 U.S.C. 2801 et seq.)” and inserting “one-

1 stop delivery systems established under section
2 121(e) of the Workforce Innovation and Oppor-
3 tunity Act”.

4 (4) Section 503 of such Act (42 U.S.C. 3056a)
5 is amended—

6 (A) in subsection (a)—

7 (i) in paragraph (2)(A), by striking
8 “the State and local workforce investment
9 boards established under title I of the
10 Workforce Investment Act of 1998 (29
11 U.S.C. 2801 et seq.)” and inserting “the
12 State and local workforce development
13 boards established under title I of the
14 Workforce Innovation and Opportunity
15 Act”; and

16 (ii) in paragraph (4)(F), by striking
17 “plans for facilitating the coordination of
18 activities of grantees in the State under
19 this title with activities carried out in the
20 State under title I of the Workforce Invest-
21 ment Act of 1998 (29 U.S.C. 2801 et
22 seq.)” and inserting “plans for facilitating
23 the coordination of activities of grantees in
24 the State under this title with activities
25 carried out in the State under title I of the

1 Workforce Innovation and Opportunity
2 Act”; and

3 (B) in subsection (b)(2)(A), by striking
4 “with the program carried out under the Work-
5 force Investment Act of 1998 (29 U.S.C. 2801
6 et seq.)” and inserting “with the program car-
7 ried out under the Workforce Innovation and
8 Opportunity Act”.

9 (5) Section 505(c)(1) (42 U.S.C. 3056c(e)(1))
10 of such Act is amended by striking “activities car-
11 ried out under other Acts, especially activities pro-
12 vided under the Workforce Investment Act of 1998
13 (29 U.S.C. 2801 et seq.), including activities pro-
14 vided through one-stop delivery systems established
15 under section 134(c) of such Act (29 U.S.C.
16 2864(e)),” and inserting “activities carried out
17 under other Acts, especially activities provided under
18 the Workforce Innovation and Opportunity Act, in-
19 cluding activities provided through one-stop delivery
20 systems established under section 121(e) of such
21 Act,”.

22 (6) Section 510 of such Act (42 U.S.C. 3056h)
23 is amended—

24 (A) by striking “by local workforce invest-
25 ment boards and one-stop operators established

1 under title I of the Workforce Investment Act
2 of 1998 (29 U.S.C. 2801 et seq.)” and insert-
3 ing “by local workforce development boards and
4 one-stop operators established under title I of
5 the Workforce Innovation and Opportunity
6 Act”; and

7 (B) by striking “such title I” and inserting
8 “such title”.

9 (7) Section 511 of such Act (42 U.S.C. 3056i)
10 is amended—

11 (A) in subsection (a), by striking “Grant-
12 ees under this title shall be one-stop partners as
13 described in subparagraphs (A) and (B)(vi) of
14 section 121(b)(1) of the Workforce Investment
15 Act of 1998 (29 U.S.C. 2841(b)(1)) in the one-
16 stop delivery system established under section
17 134(c) of such Act (29 U.S.C. 2864(c)) for the
18 appropriate local workforce investment areas”
19 and inserting “Grantees under this title shall be
20 one-stop partners as described in subpara-
21 graphs (A) and (B)(v) of section 121(b)(1) of
22 the Workforce Innovation and Opportunity Act
23 in the one-stop delivery system established
24 under section 121(e) of such Act for the appro-
25 priate local workforce development areas”; and

1 (B) in subsection (b)(2), by striking “be
2 signatories of the memorandum of under-
3 standing established under section 121(c) of the
4 Workforce Investment Act of 1998 (29 U.S.C.
5 2841(c))” and inserting “be signatories of the
6 memorandum of understanding established
7 under section 121(c) of the Workforce Innova-
8 tion and Opportunity Act”.

9 (8) Section 518(b)(2)(F) of such Act (42
10 U.S.C. 3056p(b)(2)(F)) is amended by striking “has
11 failed to find employment after utilizing services pro-
12 vided under title I of the Workforce Investment Act
13 of 1998 (29 U.S.C. 2801 et seq.)” and inserting
14 “has failed to find employment after utilizing serv-
15 ices provided under title I of the Workforce Innova-
16 tion and Opportunity Act”.

17 (x) PERSONAL RESPONSIBILITY AND WORK OPPOR-
18 TUNITY RECONCILIATION ACT OF 1996.—Section
19 403(c)(2)(K) of the Personal Responsibility and Work Op-
20 portunity Reconciliation Act of 1996 (8 U.S.C.
21 1613(c)(2)(K)) is amended by striking “Benefits under
22 the title I of the Workforce Investment Act of 1998” and
23 inserting “Benefits under title I of the Workforce Innova-
24 tion and Opportunity Act”.

1 (y) PATIENT PROTECTION AND AFFORDABLE CARE
2 ACT.—Section 5101(d)(3)(D) of the Patient Protection
3 and Affordable Care Act (42 U.S. 294q(d)(3)(D)) is
4 amended by striking “other health care workforce pro-
5 grams, including those supported through the Workforce
6 Investment Act of 1998 (29 U.S.C. 2801 et seq.),” and
7 inserting “other health care workforce programs, includ-
8 ing those supported through the Workforce Innovation
9 and Opportunity Act,”.

10 (z) PUBLIC HEALTH SERVICE ACT.—The Public
11 Health Service Act (42 U.S.C. 201 et seq.) is amended
12 as follows:

13 (1) Section 399V(e) of such Act (42 U.S.C.
14 280g–11(e)) is amended by striking “one-stop deliv-
15 ery systems under section 134(c) of the Workforce
16 Investment Act of 1998” and inserting “one-stop de-
17 livery systems under section 121(e) of the Workforce
18 Innovation and Opportunity Act”.

19 (2) Section 751(c)(1)(A) of such Act (42
20 U.S.C. 294a(c)(1)(A)) is amended by striking “the
21 applicable one-stop delivery system under section
22 134(c) of the Workforce Investment Act of 1998,”
23 and inserting “the applicable one-stop delivery sys-
24 tem under section 121(e) of the Workforce Innova-
25 tion and Opportunity Act,”.

1 (3) Section 799B(23) of such Act (42 U.S.C.
2 295p(23)) is amended by striking “one-stop delivery
3 system described in section 134(c) of the Workforce
4 Investment Act of 1998 (29 U.S.C. 2864(c))” and
5 inserting “one-stop delivery system described in sec-
6 tion 121(e) of the Workforce Innovation and Oppor-
7 tunity Act”.

8 (aa) RUNAWAY AND HOMELESS YOUTH ACT.—Sec-
9 tion 322(a)(7) of the Runaway and Homeless Youth Act
10 (42 U.S.C. 5714–2(a)(7)) is amended by striking “(in-
11 cluding services and programs for youth available under
12 the Workforce Investment Act of 1998)” and inserting
13 “(including services and programs for youth available
14 under the Workforce Innovation and Opportunity Act)”.

15 (bb) SECOND CHANCE ACT OF 2007.—The Second
16 Chance Act of 2007 (42 U.S.C. 17501 et seq.) is amended
17 as follows:

18 (1) Section 212 of such Act (42 U.S.C. 17532)
19 is amended—

20 (A) in subsection (c)(1)(B), by striking “in
21 coordination with the one-stop partners and
22 one-stop operators (as such terms are defined
23 in section 101 of the Workforce Investment Act
24 of 1998 (29 U.S.C. 2801)) that provide services
25 at any center operated under a one-stop deliv-

1 ery system established under section 134(c) of
2 the Workforce Investment Act of 1998 (29
3 U.S.C. 2864(c)),” and inserting “in coordina-
4 tion with the one-stop partners and one-stop
5 operators (as such terms are defined in section
6 3 of the Workforce Innovation and Opportunity
7 Act) that provide services at any center oper-
8 ated under a one-stop delivery system estab-
9 lished under section 121(e) of the Workforce
10 Innovation and Opportunity Act,”; and

11 (B) in subsection (d)(1)(B)(iii), by striking
12 “the local workforce investment boards estab-
13 lished under section 117 of the Workforce In-
14 vestment Act of 1998 (29 U.S.C. 2832)),” and
15 inserting “the local workforce development
16 boards established under section 107 of the
17 Workforce Innovation and Opportunity Act,”.

18 (2) Section 231(e) of such Act (42 U.S.C.
19 17541(e)) is amended by striking “the one-stop
20 partners and one-stop operators (as such terms are
21 defined in section 101 of the Workforce Investment
22 Act of 1998 (29 U.S.C. 2801)) that provide services
23 at any center operated under a one-stop delivery sys-
24 tem established under section 134(c) of the Work-
25 force Investment Act of 1998 (29 U.S.C. 2864(c))”

1 and inserting “the one-stop partners and one-stop
2 operators (as such terms are defined in section 3 of
3 the Workforce Innovation and Opportunity Act) that
4 provide services at any center operated under a one-
5 stop delivery system established under section 121(e)
6 of the Workforce Innovation and Opportunity Act”.

7 (cc) SMALL BUSINESS ACT.—Section 7(j)(13)(E) of
8 the Small Business Act (15 U.S.C. 636(j)(13)(E)) is
9 amended by striking “an institution eligible to provide
10 skills training or upgrading under title I of the Workforce
11 Investment Act of 1998” and inserting “an institution eli-
12 gible to provide skills training or upgrading under title I
13 of the Workforce Innovation and Opportunity Act”.

14 (dd) SOCIAL SECURITY ACT.—The Social Security
15 Act (42 U.S.C. 301 et seq.) is amended as follows:

16 (1) Section 403(a)(5) of such Act (42 U.S.C.
17 603(a)(5)) is amended—

18 (A) in subparagraph (A)(vii)(I), by striking
19 “chief elected official (as defined in section 101
20 of the Workforce Investment Act of 1998)” and
21 inserting “chief elected official (as defined in
22 section 3 of the Workforce Innovation and Op-
23 portunity Act)”; and

24 (B) in subparagraph (D)(ii), by striking
25 “local workforce investment board established

1 for the service delivery area pursuant to title I
2 of the Workforce Investment Act of 1998, as
3 appropriate” and inserting “local workforce de-
4 velopment board established for the local work-
5 force development area pursuant to title I of
6 the Workforce Innovation and Opportunity Act,
7 as appropriate”.

8 (2) Section 1148(f)(1)(B) of such Act (42
9 U.S.C. 1320b–19(f)(1)(B)) is amended by striking
10 “a one-stop delivery system established under sub-
11 title B of title I of the Workforce Investment Act of
12 1998 (29 U.S.C. 2811 et seq.)” and inserting “a
13 one-stop delivery system established under section
14 121(e) of the Workforce Innovation and Opportunity
15 Act”.

16 (3) Section 1149(a)(3) of such Act (42 U.S.C.
17 1320b–20(a)(3)) is amended by striking “a one-stop
18 delivery system established under subtitle B of title
19 I of the Workforce Investment Act of 1998 (29
20 U.S.C. 2811 et seq.)” and inserting “a one-stop de-
21 livery system established under section 121(e) of the
22 Workforce Innovation and Opportunity Act”.

23 (4) Section 2008(a) of such Act (42 U.S.C.
24 1397g(a)) is amended—

1 (A) in paragraph (2)(B), by striking “the
2 State workforce investment board established
3 under section 111 of the Workforce Investment
4 Act of 1998” and inserting “the State work-
5 force development board established under sec-
6 tion 101 of the Workforce Innovation and Op-
7 portunity Act”; and

8 (B) in paragraph (4)(A), by striking “a
9 local workforce investment board established
10 under section 117 of the Workforce Investment
11 Act of 1998,” and inserting “a local workforce
12 development board established under section
13 107 of the Workforce Innovation and Oppor-
14 tunity Act,”.

15 (ee) TITLE 18 OF THE UNITED STATES CODE.—Sec-
16 tion 665 of title 18 of the United States Code is amend-
17 ed—

18 (1) in subsection (a), by striking “Whoever,
19 being an officer, director, agent, or employee of, or
20 connected in any capacity with any agency or orga-
21 nization receiving financial assistance or any funds
22 under the Job Training Partnership Act or title I of
23 the Workforce Investment Act of 1998” and insert-
24 ing “Whoever, being an officer, director, agent, or
25 employee of, or connected in any capacity with any

1 agency or organization receiving financial assistance
2 or any funds under title I of the Workforce Innova-
3 tion and Opportunity Act or title I of the Workforce
4 Investment Act of 1998”;

5 (2) in subsection (b), by striking “a contract of
6 employment in connection with a financial assistance
7 agreement or contract under the Job Training Part-
8 nership Act or title I of the Workforce Investment
9 Act of 1998” and inserting “a contract of employ-
10 ment in connection with a financial assistance agree-
11 ment or contract under title I of the Workforce In-
12 novation and Opportunity Act or title I of the Work-
13 force Investment Act of 1998”; and

14 (3) in subsection (c), by striking “Whoever will-
15 fully obstructs or impedes or willfully endeavors to
16 obstruct or impede, an investigation or inquiry under
17 the Job Training Partnership Act or title I of the
18 Workforce Investment Act of 1998,” and inserting
19 “Whoever willfully obstructs or impedes or willfully
20 endeavors to obstruct or impede, an investigation or
21 inquiry under title I of the Workforce Innovation
22 and Opportunity Act or title I of the Workforce In-
23 vestment Act of 1998,”.

24 (ff) TITLE 31 OF THE UNITED STATES CODE.—Sec-
25 tion 6703(a)(4) of title 31 of the United States Code is

1 amended by striking “Programs under title I of the Work-
2 force Investment Act of 1998.” and inserting “Programs
3 under title I of the Workforce Innovation and Opportunity
4 Act.”.

5 (gg) TITLE 38 OF THE UNITED STATES CODE.—
6 Title 38 of the United States Code is amended as follows:

7 (1) Section 4101(9) of title 38 of the United
8 States Code is amended by striking “The term ‘in-
9 tensive services’ means local employment and train-
10 ing services of the type described in section
11 134(d)(3) of the Workforce Investment Act of 1998”
12 and inserting “The term ‘career services’ means
13 local employment and training services of the type
14 described in section 134(c)(2) of the Workforce In-
15 novation and Opportunity Act”.

16 (2) Section 4102A of title 38 of the United
17 States Code is amended—

18 (A) in subsection (d), by striking “partici-
19 pation of qualified veterans and eligible persons
20 in employment and training opportunities under
21 title I of the Workforce Investment Act of
22 1998” and inserting “participation of qualified
23 veterans and eligible persons in employment
24 and training opportunities under title I of the

1 Workforce Innovation and Opportunity Act”;
2 and

3 (B) in subsection (f)(2)(A), by striking “be
4 consistent with State performance measures ap-
5 plicable under section 136(b) of the Workforce
6 Investment Act of 1998” and inserting “be con-
7 sistent with State performance accountability
8 measures applicable under section 116(b) of the
9 Workforce Innovation and Opportunity Act”.

10 (3) Section 4104A of title 38 of the United
11 States Code is amended—

12 (A) in subsection (b)(1)(B), by striking
13 “the appropriate State boards and local boards
14 (as such terms are defined in section 101 of the
15 Workforce Investment Act of 1998 (29 U.S.C.
16 2801))” and inserting “the appropriate State
17 boards and local boards (as such terms are de-
18 fined in section 3 of the Workforce Innovation
19 and Opportunity Act)”; and

20 (B) in subsection (c)(1)(A), by striking
21 “the appropriate State boards and local boards
22 (as such terms are defined in section 101 of the
23 Workforce Investment Act of 1998 (29 U.S.C.
24 2801))” and inserting “the appropriate State
25 boards and local boards (as such terms are de-

1 fined in section 3 of the Workforce Innovation
2 and Opportunity Act”.

3 (4) Section 4110B of title 38 of the United
4 States Code is amended by striking “enter into an
5 agreement with the Secretary regarding the imple-
6 mentation of the Workforce Investment Act of 1998
7 that includes the description and information de-
8 scribed in paragraphs (8) and (14) of section 112(b)
9 of the Workforce Investment Act of 1998 (29 U.S.C.
10 2822(b))” and inserting “enter into an agreement
11 with the Secretary regarding the implementation of
12 the Workforce Innovation and Opportunity Act that
13 includes the descriptions described in sections
14 102(b)(2)(B)(ii) and 103(b)(3)(A) of the Workforce
15 Innovation and Opportunity Act and a description of
16 how the State board will carry out the activities de-
17 scribed in section 101(d)(3)(F) of such Act”.

18 (5) Section 4213(a)(4) of title 38 of the United
19 States Code is amended by striking “Any employ-
20 ment or training program carried out under title I
21 of the Workforce Investment Act of 1998 (29 U.S.C.
22 2801 et seq.)” and inserting “Any employment or
23 training program carried out under title I of the
24 Workforce Innovation and Opportunity Act”.

1 (hh) TRADE ACT OF 1974.—The Trade Act of 1974
2 (19 U.S.C. 2101 et seq.) is amended as follows:

3 (1) Section 221(a) of such Act (19 U.S.C.
4 2271) is amended—

5 (A) in paragraph (1)(C)—

6 (i) by striking “, one-stop operators or
7 one-stop partners (as defined in section
8 101 of the Workforce Investment Act of
9 1998 (29 U.S.C. 2801)) including State
10 employment security agencies,” and insert-
11 ing “, one-stop operators or one-stop part-
12 ners (as defined in section 3 of the Work-
13 force Innovation and Opportunity Act) in-
14 cluding State employment security agen-
15 cies,”; and

16 (ii) by striking “or the State dis-
17 located worker unit established under title
18 I of such Act,” and inserting “or a State
19 dislocated worker unit,”; and

20 (B) in subsection (a)(2)(A), by striking
21 “rapid response activities and appropriate core
22 and intensive services (as described in section
23 134 of the Workforce Investment Act of 1998
24 (29 U.S.C. 2864)) authorized under other Fed-
25 eral laws” and inserting “rapid response activi-

1 ties and appropriate career services (as de-
2 scribed in section 134 of the Workforce Innova-
3 tion and Opportunity Act) authorized under
4 other Federal laws”.

5 (2) Section 222(d)(2)(A)(iv) of such Act (19
6 U.S.C. 2272(d)(2)(A)(iv)) is amended by striking
7 “one-stop operators or one-stop partners (as defined
8 in section 101 of the Workforce Investment Act of
9 1998 (29 U.S.C. 2801))” and inserting “one-stop
10 operators or one-stop partners (as defined in section
11 3 of the Workforce Innovation and Opportunity
12 Act)”.

13 (3) Section 236(a)(5) of such Act (19 U.S.C.
14 2296(a)(5)) is amended—

15 (A) in subparagraph (B), by striking “any
16 training program provided by a State pursuant
17 to title I of the Workforce Investment Act of
18 1998” and inserting “any training program
19 provided by a State pursuant to title I of the
20 Workforce Innovation and Opportunity Act”;
21 and

22 (B) in the flush text following subpara-
23 graph (H), by striking “The Secretary may not
24 limit approval of a training program under
25 paragraph (1) to a program provided pursuant

1 to title I of the Workforce Investment Act of
2 1998 (29 U.S.C. 2801 et seq.)” and inserting
3 “The Secretary may not limit approval of a
4 training program under paragraph (1) to a pro-
5 gram provided pursuant to title I of the Work-
6 force Innovation and Opportunity Act.”.

7 (4) Section 239 of such Act (19 U.S.C. 2311)
8 is amended—

9 (A) in subsection (f), by striking “Any
10 agreement entered into under this section shall
11 provide for the coordination of the administra-
12 tion of the provisions for employment services,
13 training, and supplemental assistance under
14 sections 235 and 236 of this Act and under
15 title I of the Workforce Investment Act of
16 1998” and inserting “Any agreement entered
17 into under this section shall provide for the co-
18 ordination of the administration of the provi-
19 sions for employment services, training, and
20 supplemental assistance under sections 235 and
21 236 of this Act and under title I of the Work-
22 force Innovation and Opportunity Act”; and

23 (B) in subsection (h), by striking “the de-
24 scription and information described in para-
25 graphs (8) and (14) of section 112(b) of the

1 Workforce Investment Act of 1998 (29 U.S.C.
2 2822(b))” and inserting “the descriptions de-
3 scribed in sections 102(b)(2)(B)(ii) and
4 103(b)(3)(A) of the Workforce Innovation and
5 Opportunity Act, a description of how the State
6 board will carry out the activities described in
7 section 101(d)(3)(F) of such Act,”.

8 (ii) UNITED STATES HOUSING ACT OF 1937.—Sec-
9 tion 23 of the United States Housing Act of 1937 (42
10 U.S.C. 1437u) is amended—

11 (1) in subsection (b)(2)(A), by striking “lack of
12 supportive services accessible to eligible families,
13 which shall include insufficient availability of re-
14 sources for programs under title I of the Workforce
15 Investment Act of 1998” and inserting “lack of sup-
16 portive services accessible to eligible families, which
17 shall include insufficient availability of resources for
18 programs under title I of the Workforce Innovation
19 and Opportunity Act”;

20 (2) in subsection (f)(2), by striking “the local
21 agencies (if any) responsible for carrying out pro-
22 grams under title I of the Workforce Investment Act
23 of 1998 or the Job Opportunities and Basic Skills
24 Training Program under part F of title IV of the
25 Social Security Act,” and inserting “the local agen-

1 cies (if any) responsible for carrying out programs
2 under title I of the Workforce Innovation and Op-
3 portunity Act or the Job Opportunities and Basic
4 Skills Training Program under part F of title IV of
5 the Social Security Act,”; and

6 (3) in subsection (g)—

7 (A) in paragraph (2), by striking “any
8 local agencies responsible for programs under
9 title I of the Workforce Investment Act of 1998
10 or the Job Opportunities and Basic Skills
11 Training Program under part F of title IV of
12 the Social Security Act” and inserting “any
13 local agencies responsible for programs under
14 title I of the Workforce Innovation and Oppor-
15 tunity Act or the Job Opportunities and Basic
16 Skills Training Program under part F of title
17 IV of the Social Security Act”; and

18 (B) in paragraph (3)(H), by striking “pro-
19 grams under title I of the Workforce Invest-
20 ment Act of 1998 and any other relevant em-
21 ployment, child care, transportation, training,
22 and education programs in the applicable area”
23 and inserting “programs under title I of the
24 Workforce Innovation and Opportunity Act and
25 any other relevant employment, child care,

1 transportation, training, and education pro-
2 grams in the applicable area”.

3 (jj) VIOLENT CRIME CONTROL AND LAW ENFORCE-
4 MENT ACT OF 1994.—Section 31113(a)(4)(C) of the Vio-
5 lent Crime Control and Law Enforcement Act of 1994 (42
6 U.S.C. 13823(a)(4)(C)) is amended by striking “job train-
7 ing programs authorized under title I of the Workforce
8 Investment Act of 1998 or the Family Support Act of
9 1988 (Public Law 100–485)” and inserting “job training
10 programs authorized under title I of the Workforce Inno-
11 vation and Opportunity Act or the Family Support Act
12 of 1988 (Public Law 100–485)”.

13 (kk) WORKER ADJUSTMENT AND RETRAINING NOTI-
14 FICATION ACT.—Section 3(a)(2) of the Worker Adjust-
15 ment and Retraining Notification Act (29 U.S.C.
16 2102(a)(2)) is amended by striking “the State or entity
17 designated by the State to carry out rapid response activi-
18 ties under section 134(a)(2)(A) of the Workforce Invest-
19 ment Act of 1998,” and inserting “the State or entity des-
20 ignated by the State to carry out rapid response activities
21 under section 134(a)(2)(A) of the Workforce Innovation
22 and Opportunity Act,”.

23 **SEC. 513. REFERENCES.**

24 (a) WORKFORCE INVESTMENT ACT OF 1998 REF-
25 ERENCES.—Except as otherwise specified, a reference in

1 a Federal law to a provision of the Workforce Investment
2 Act of 1998 (29 U.S.C. 2801 et seq.) shall be deemed to
3 refer to the corresponding provision of this Act.

4 (b) WAGNER-PEYSER ACT REFERENCES.—Except as
5 otherwise specified, a reference in a Federal law to a provi-
6 sion of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) shall
7 be deemed to refer to the corresponding provision of such
8 Act, as amended by this Act.

9 (c) DISABILITY-RELATED REFERENCES.—Except as
10 otherwise specified, a reference in a Federal law to a provi-
11 sion of the Rehabilitation Act of 1973 (29 U.S.C. 701 et
12 seq.) shall be deemed to refer to the corresponding provi-
13 sion of such Act, as amended by this Act.