

113TH CONGRESS
1ST SESSION

S. 1356

To amend the Workforce Investment Act of 1998 to strengthen the United States workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs in the United States, and to promote individual and national economic growth, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 24, 2013

Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. HARKIN, and Mr. ALEXANDER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Workforce Investment Act of 1998 to strengthen the United States workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs in the United States, and to promote individual and national economic growth, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Workforce Investment Act of 2013”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.

TITLE I—SYSTEM ALIGNMENT AND INNOVATION

- Sec. 101. Definitions.

Subtitle A—Workforce Boards and Plans

CHAPTER 1—STATE PROVISIONS

- Sec. 111. State workforce development boards.
- Sec. 112. Unified State plan.
- Sec. 113. Combined State plan.

CHAPTER 2—LOCAL PROVISIONS

- Sec. 116. Local workforce development areas.
- Sec. 117. Local workforce development boards.
- Sec. 118. Local plan.

CHAPTER 3—GENERAL PROVISIONS

- Sec. 121. Qualifications for directors.
- Sec. 122. Funding of State and local boards.

Subtitle B—Workforce Development Performance Accountability System

- Sec. 131. Performance accountability system.

Subtitle C—Workforce Innovation and Replication Grants

- Sec. 141. Purposes.
- Sec. 142. Workforce innovation and replication grants.
- Sec. 143. Youth innovation and replication grants.
- Sec. 144. Interagency agreement.

TITLE II—WORKFORCE INVESTMENT AND RELATED ACTIVITIES

Subtitle A—Definition

- Sec. 201. Definition.

Subtitle B—Workforce Investment Activities and Providers

- Sec. 211. Purpose.

CHAPTER 1—WORKFORCE INVESTMENT ACTIVITIES PROVIDERS

- Sec. 221. Establishment of one-stop delivery systems.
- Sec. 222. Identification of eligible providers of training services.
- Sec. 223. Eligible providers of youth workforce investment activities.

CHAPTER 2—YOUTH WORKFORCE INVESTMENT ACTIVITIES

- Sec. 226. General authorization.

- Sec. 227. State allotments.
- Sec. 228. Within State allocations.
- Sec. 229. Use of funds for youth workforce investment activities.

CHAPTER 3—ADULT AND DISLOCATED WORKER EMPLOYMENT AND
TRAINING ACTIVITIES

- Sec. 231. General authorization.
- Sec. 232. State allotments.
- Sec. 233. Within State allocations.
- Sec. 234. Use of funds for employment and training activities.

CHAPTER 4—GENERAL WORKFORCE INVESTMENT PROVISIONS

- Sec. 236. Authorization of appropriations.

Subtitle C—Job Corps

- Sec. 241. Purposes.
- Sec. 242. Definitions.
- Sec. 243. Establishment.
- Sec. 244. Individuals eligible for the Job Corps.
- Sec. 245. Recruitment, screening, selection, and assignment of enrollees.
- Sec. 246. Enrollment.
- Sec. 247. Job Corps centers.
- Sec. 248. Program activities.
- Sec. 249. Counseling and job placement.
- Sec. 250. Support.
- Sec. 251. Operating plan.
- Sec. 252. Standards of conduct.
- Sec. 253. Community participation.
- Sec. 254. Industry councils.
- Sec. 255. Advisory committees.
- Sec. 256. Experimental, research, and demonstration projects.
- Sec. 257. Application of provisions of Federal law.
- Sec. 258. Special provisions.
- Sec. 259. Management information.
- Sec. 260. General provisions.
- Sec. 261. Authorization of appropriations.

Subtitle D—National Programs

- Sec. 266. Native American programs.
- Sec. 267. Migrant and seasonal farmworker programs.
- Sec. 268. Veterans' workforce investment programs.
- Sec. 269. Technical assistance.
- Sec. 270. Evaluations and research.
- Sec. 271. National dislocated worker grants.
- Sec. 272. YouthBuild program.
- Sec. 274. Authorization of appropriations.

Subtitle E—Administration

- Sec. 281. Requirements and restrictions.
- Sec. 282. Prompt allocation of funds.
- Sec. 283. Monitoring.
- Sec. 284. Fiscal controls; sanctions.

- Sec. 285. Reports; recordkeeping; investigations.
- Sec. 286. Administrative adjudication.
- Sec. 287. Judicial review.
- Sec. 288. Nondiscrimination.
- Sec. 289. Secretarial administrative authorities and responsibilities.
- Sec. 290. Workforce flexibility plans.
- Sec. 291. State legislative authority.
- Sec. 292. Transfer of Federal equity in State employment security agency real property to the States.
- Sec. 293. Continuation of State activities and policies.
- Sec. 294. General program requirements.

TITLE III—ADULT EDUCATION AND LITERACY

- Sec. 301. Short title.
- Sec. 302. Purpose.
- Sec. 303. Definitions.
- Sec. 304. Home schools.
- Sec. 305. Rule of construction regarding postsecondary transition and concurrent enrollment activities.
- Sec. 306. Authorization of appropriations.

Subtitle A—Federal Provisions

- Sec. 311. Reservation of funds; grants to eligible agencies; allotments.
- Sec. 312. Performance accountability system.

Subtitle B—State Provisions

- Sec. 321. State administration.
- Sec. 322. State distribution of funds; matching requirement.
- Sec. 323. State leadership activities.
- Sec. 324. State plan.
- Sec. 325. Programs for corrections education and other institutionalized individuals.

Subtitle C—Local Provisions

- Sec. 331. Grants and contracts for eligible providers.
- Sec. 332. Local application.
- Sec. 333. Local administrative cost limits.

Subtitle D—General Provisions

- Sec. 341. Administrative provisions.
- Sec. 342. National leadership activities.
- Sec. 343. Integrated English literacy and civics education.

TITLE IV—AMENDMENTS TO THE WAGNER-PEYSER ACT

- Sec. 401. Employment service offices.
- Sec. 402. Definitions.
- Sec. 403. Federal and State employment service offices.
- Sec. 404. Allotment of sums.
- Sec. 405. Use of sums.
- Sec. 406. State plan.
- Sec. 407. Performance measures.
- Sec. 408. Pilot projects.

Sec. 409. Workforce and labor market information system.

TITLE V—AMENDMENTS TO THE REHABILITATION ACT OF 1973

Subtitle A—Introductory Provisions

- Sec. 501. References.
- Sec. 502. Findings, purpose, policy.
- Sec. 503. Disability Employment Services and Supports Administration.
- Sec. 504. Definitions.
- Sec. 505. Administration of the Act.
- Sec. 506. Reports.
- Sec. 507. Evaluation and information.
- Sec. 508. Carryover.
- Sec. 509. Traditionally underserved populations.

Subtitle B—Vocational Rehabilitation Services

- Sec. 511. Declaration of policy; authorization of appropriations.
- Sec. 512. State plans.
- Sec. 513. Eligibility and individualized plan for employment.
- Sec. 514. Vocational rehabilitation services.
- Sec. 515. State Rehabilitation Council.
- Sec. 516. Evaluation standards and performance indicators.
- Sec. 517. Monitoring and review.
- Sec. 518. Training and services for employers.
- Sec. 519. State allotments.
- Sec. 520. Payments to States.
- Sec. 521. Client assistance program.
- Sec. 522. Technical assistance for quality services.
- Sec. 523. Pre-employment transition services.
- Sec. 524. American Indian vocational rehabilitation services.
- Sec. 525. Vocational rehabilitation services client information.
- Sec. 526. GAO study on interaction with the Ticket to Work and Self-Sufficiency Program.

Subtitle C—Research and Training

- Sec. 531. Purpose.
- Sec. 532. Authorization of appropriations.
- Sec. 533. National Institute on Disability, Independent Living, and Rehabilitation Research.
- Sec. 534. Interagency committee.
- Sec. 535. Research and other covered activities.
- Sec. 536. Disability, Independent Living, and Rehabilitation Research Advisory Council.
- Sec. 537. Definition of covered school.

Subtitle D—Professional Development and Special Projects and Demonstration

- Sec. 541. Purpose; training.
- Sec. 542. Demonstration and training programs.
- Sec. 543. Migrant and seasonal farmworkers.
- Sec. 544. Recreational programs.

Subtitle E—National Council on Disability

- Sec. 551. Establishment.
- Sec. 552. Report.
- Sec. 553. Authorization of appropriations.

Subtitle F—Rights and Advocacy

- Sec. 556. Interagency Committee, Board, and Council.
- Sec. 557. Protection and advocacy of individual rights.
- Sec. 558. Employment of individuals with disabilities at wages below minimum wage.

Subtitle G—Employment Opportunities for Individuals With Disabilities

- Sec. 561. Projects With Industry.
- Sec. 562. Authorization of appropriations.
- Sec. 563. Supported employment services.

Subtitle H—Independent Living Services and Centers for Independent Living

CHAPTER 1—GENERAL PROVISIONS

- Sec. 571. Purpose.
- Sec. 572. Independent Living Administration.
- Sec. 573. Definitions.
- Sec. 574. State plan.
- Sec. 575. Statewide Independent Living Council.
- Sec. 575A. Responsibilities of the ILA Director.

CHAPTER 2—INDEPENDENT LIVING SERVICES

- Sec. 576. Administration.

CHAPTER 3—CENTERS FOR INDEPENDENT LIVING

- Sec. 581. Program authorization.
- Sec. 582. Centers.
- Sec. 583. Standards and assurances.
- Sec. 584. Authorization of appropriations.

CHAPTER 4—INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

- Sec. 586. Independent living services for older individuals who are blind.
- Sec. 587. Program of grants.
- Sec. 588. Independent living services for older individuals who are blind authorization of appropriations.

Subtitle I—Increasing Employment Opportunities for Individuals With Disabilities

- Sec. 591. Disability employment.

Subtitle J—General Provisions

- Sec. 596. Transfer of functions to Department of Labor, and savings provisions.
- Sec. 597. Transfer of functions to Department of Health and Human Services, and savings provisions.
- Sec. 598. Table of contents.

TITLE VI—GENERAL PROVISIONS

Subtitle A—Workforce Investment

- Sec. 601. Privacy.
- Sec. 602. Buy-American requirements.
- Sec. 603. Transition provisions.
- Sec. 604. Effective dates.

Subtitle B—Amendments to Other Laws

- Sec. 611. Repeal of the Workforce Investment Act of 1998.
- Sec. 612. Preparation and submission of conforming amendments.
- Sec. 613. Workforce investment-related conforming amendments.
- Sec. 614. Disability-related conforming amendments.

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
11 high-quality workforce development system in the
12 United States.

13 (3) To improve the quality and labor market
14 relevance of workforce investment, education, and
15 economic development efforts to provide America's
16 workers with the skills and credentials necessary to
17 secure and advance in employment with family-sus-
18 taining wages and to provide America's employers

1 with the skilled workers the employers need to suc-
2 ceed in a global economy.

3 (4) To promote improvement in the structure of
4 and delivery of services through the United States
5 workforce development system to better address the
6 employment and skill needs of—

7 (A) workers and jobseekers; and

8 (B) employers.

9 (5) To increase the prosperity of workers and
10 employers in the United States, the economic growth
11 of communities, regions, and States, and the global
12 competitiveness of the United States.

13 **TITLE I—SYSTEM ALIGNMENT** 14 **AND INNOVATION**

15 **SEC. 101. DEFINITIONS.**

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

18 (1) **ADULT.**—Except as otherwise specified in
19 section 232, the term “adult” means an individual
20 who is age 18 or older.

21 (2) **ADULT EDUCATION; ADULT EDUCATION**
22 **AND LITERACY ACTIVITIES.**—The terms “adult edu-
23 cation” and “adult education and literacy activities”
24 have the meanings given the terms in section 303.

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

6 (4) BASIC SKILLS DEFICIENT.—The term
7 “basic skills deficient” means, with respect to an in-
8 dividual—

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

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

18 (5) CAREER AND TECHNICAL EDUCATION.—The
19 term “career and technical education” has the
20 meaning given the term “career and technical edu-
21 cation” in section 3 of the Carl D. Perkins Career
22 and Technical Education Act of 2006 (20 U.S.C.
23 2302).

24 (6) CAREER PATHWAY.—

1 (A) IN GENERAL.—The term “career path-
2 way” means a set of rigorous, engaging, and
3 high-quality education, training, and other serv-
4 ices to prepare individuals to meet a set of ca-
5 reer-related objectives as referenced in subpara-
6 graph (C).

7 (B) SERVICES.—The services referred to in
8 subparagraph (A) shall be—

9 (i) aligned with the skill needs of in-
10 dustries in the State or regional economy
11 involved; and

12 (ii) designed to increase an individ-
13 ual’s educational and skill attainment, and
14 improve the individual’s employment out-
15 comes and ability to meet career-related
16 objectives, by—

17 (I) preparing individuals for the
18 full range of secondary or postsec-
19 ondary education options, including
20 apprenticeships registered under the
21 Act of August 16, 1937 (commonly
22 known as the “National Apprentice-
23 ship Act”; 50 Stat. 664, chapter 663;
24 29 U.S.C. 50 et seq.) (referred to in-

1 dividually in this Act as an “appren-
2 ticeship”, except in section 272);

3 (II) including counseling to sup-
4 port individuals in achieving their
5 education and career goals;

6 (III) including, as appropriate for
7 an individual, education offered con-
8 currently with and in the same con-
9 text as workforce preparation activi-
10 ties and training for a specific occupa-
11 tion or occupational cluster; and

12 (IV) organizing education, train-
13 ing, and other services to meet the
14 particular needs of the individual in a
15 manner that accelerates the edu-
16 cational and career advancement of
17 the individual to the extent prac-
18 ticable.

19 (C) OBJECTIVES.—The objectives referred
20 to in subparagraph (A) include—

21 (i) enabling a worker to attain a sec-
22 ondary school diploma or its recognized
23 equivalent, and at least 1 recognized post-
24 secondary credential; and

1 (ii) helping a worker enter or advance
2 within a specific occupation or occupational
3 cluster.

4 (7) CAREER PLANNING.—The term “career
5 planning” means the provision of a client-centered
6 approach in the delivery of services, designed—

7 (A) to prepare and coordinate comprehen-
8 sive employment plans, such as service strate-
9 gies, for participants to ensure access to nec-
10 essary workforce investment activities and sup-
11 portive services, using, where feasible, com-
12 puter-based technologies; and

13 (B) to provide job, education, and career
14 counseling, as appropriate during program par-
15 ticipation and after job placement.

16 (8) CHIEF ELECTED OFFICIAL.—The term
17 “chief elected official” means—

18 (A) the chief elected executive officer of a
19 unit of general local government in a local area;
20 and

21 (B) in a case in which a local area includes
22 more than 1 unit of general local government,
23 the individuals designated under the agreement
24 described in section 117(c)(1)(B).

1 (9) COMMUNITY-BASED ORGANIZATION.—The
2 term “community-based organization” means a pri-
3 vate nonprofit organization (which may include a
4 faith-based organization), that is representative of a
5 community or a significant segment of a community
6 and that has demonstrated expertise and effective-
7 ness in the field of workforce development.

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

13 (11) CORE PROGRAM.—The term “core pro-
14 grams” means a program authorized under a core
15 program provision.

16 (12) CORE PROGRAM PROVISION.—The term
17 “core program provision” means—

18 (A) chapter 2 and 3 of subtitle B of title
19 II (relating to youth workforce investment ac-
20 tivities and adult and dislocated worker employ-
21 ment and training activities);

22 (B) title III (relating to adult education
23 and literacy activities);

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

4 (D) title I of the Rehabilitation Act of
5 1973 (29 U.S.C. 720 et seq.), other than sec-
6 tion 112 or part C of that title (29 U.S.C. 732,
7 741) (relating to vocational rehabilitation serv-
8 ices).

9 (13) CUSTOMIZED TRAINING.—The term “cus-
10 tomized training” means training—

11 (A) that is designed to meet the specific
12 requirements of an employer (including a group
13 of employers);

14 (B) that is conducted with a commitment
15 by the employer to employ an individual upon
16 successful completion of the training; and

17 (C) for which the employer pays—

18 (i) a significant portion of the cost of
19 training, as determined by the local board
20 involved, taking into account the size of
21 the employer and such other factors as the
22 local board determines to be appropriate,
23 which may include the number of employ-
24 ees participating in training, wage and
25 benefit levels of those employees (at

1 present and anticipated upon completion of
 2 the training), relation of the training to
 3 the competitiveness of a participant, and
 4 other employer-provided training and ad-
 5 vancement opportunities; and

6 (ii) in the case of customized training
 7 (as defined in subparagraphs (A) and (B))
 8 involving an employer located in multiple
 9 local areas in the State, a significant por-
 10 tion of the cost of the training, as deter-
 11 mined by the Governor of the State, taking
 12 into account the size of the employer and
 13 such other factors as the Governor deter-
 14 mines to be appropriate.

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

17 (A)(i) has been terminated or laid off, or
 18 who has received a notice of termination or lay-
 19 off, from employment;

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

22 (II) has been employed for a duration suf-
 23 ficient to demonstrate, to the appropriate entity
 24 at a one-stop center referred to in section
 25 221(e), attachment to the workforce, but is not

1 eligible for unemployment compensation due to
2 insufficient earnings or having performed serv-
3 ices for an employer that were not covered
4 under a State unemployment compensation law;
5 and

6 (iii) is unlikely to return to a previous in-
7 dustry or occupation;

8 (B)(i) has been terminated or laid off, or
9 has received a notice of termination or layoff,
10 from employment as a result of any permanent
11 closure of, or any substantial layoff at, a plant,
12 facility, or enterprise;

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

16 (iii) for purposes of eligibility to receive
17 services other than training services described
18 in section 234(c)(4), intensive services described
19 in section 234(c)(3), or supportive services, is
20 employed at a facility at which the employer
21 has made a general announcement that such fa-
22 cility will close;

23 (C) was self-employed (including employ-
24 ment as a farmer, a rancher, or a fisherman)
25 but is unemployed as a result of general eco-

1 nomic conditions in the community in which the
2 individual resides or because of natural disas-
3 ters;

4 (D) is a displaced homemaker; or

5 (E)(i) is the spouse of a member of the
6 Armed Forces on active duty (as defined in sec-
7 tion 101(d)(1) of title 10, United States Code),
8 and who has experienced a loss of employment
9 as a direct result of relocation to accommodate
10 a permanent change in duty station of such
11 member; or

12 (ii) is the spouse of a member of the
13 Armed Forces on active duty and who meets
14 the criteria described in paragraph (15)(B).

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

19 (A)(i) has been dependent on the income of
20 another family member but is no longer sup-
21 ported by that income;

22 (ii) is the dependent spouse of a member
23 of the Armed Forces on active duty (as defined
24 in section 101(d)(1) of title 10, United States
25 Code) and whose family income is significantly

1 reduced because of a deployment (as defined in
2 section 991(b) of title 10, United States Code,
3 or pursuant to paragraph (4) of such section),
4 a call or order to active duty pursuant to a pro-
5 vision of law referred to in section
6 101(a)(13)(B) of title 10, United States Code,
7 a permanent change of station, or the service-
8 connected (as defined in section 101(16) of title
9 38, United States Code) death or disability of
10 the member; or

11 (iii) is a parent whose youngest dependent
12 child will become ineligible to receive assistance
13 under part A of title IV of the Social Security
14 Act (42 U.S.C. 601 et seq.) not later than 2
15 years after the date on which the parent applies
16 for assistance under such title; and

17 (B) is unemployed or underemployed and
18 is experiencing difficulty in obtaining or up-
19 grading employment.

20 (16) ECONOMIC DEVELOPMENT AGENCY.—The
21 term “economic development agency” includes a
22 local planning or zoning commission or board, a
23 community development agency, and another local
24 agency or institution responsible for regulating, pro-
25 moting, or assisting in local economic development.

1 (17) ECONOMIC SELF-SUFFICIENCY.—The term
2 “economic self-sufficiency” means economic self-suf-
3 ficiency within the meaning of subsections
4 (a)(3)(A)(xii) and (d)(1)(A)(xii) of section 234.

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

8 (19) EMPLOYMENT AND TRAINING ACTIVITY.—
9 The term “employment and training activity” means
10 an activity described in section 234 that is carried
11 out for an adult or dislocated worker.

12 (20) ENGLISH LANGUAGE ACQUISITION PRO-
13 GRAM.—The term “English language acquisition
14 program” has the meaning given the term in section
15 303.

16 (21) ENGLISH LANGUAGE LEARNER.—The term
17 “English language learner” has the meaning given
18 the term in section 303.

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

21 (23) IN-DEMAND INDUSTRY SECTOR OR OCCU-
22 PATION.—

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

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

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

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

24 (24) INDIVIDUAL WITH A BARRIER TO EMPLOY-
25 MENT.—The term “individual with a barrier to em-

1 ployment” means a member of 1 or more of the fol-
2 lowing populations:

3 (A) Displaced homemakers.

4 (B) Low-income individuals.

5 (C) Indians, Alaska Natives, and Native
6 Hawaiians as defined in section 266.

7 (D) Individuals with disabilities, including
8 youth who are individuals with disabilities.

9 (E) Older individuals.

10 (F) Ex-offenders.

11 (G) Homeless individuals (as defined in
12 section 41403(6) of the Violence Against
13 Women Act of 1994 (42 U.S.C. 14043e-2(6)),
14 except that clauses (i)(IV) and (iii) of subpara-
15 graph (B) of such section shall not apply), or
16 homeless children and youths (as defined in sec-
17 tion 725(2) of the McKinney-Vento Homeless
18 Assistance Act (42 U.S.C. 11434a(2)), except
19 that subparagraph (B)(iv) of such section shall
20 not apply).

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

23 (I) Individuals who are English language
24 learners, individuals who have low levels of lit-

1 eracy, and individuals facing substantial cul-
2 tural barriers.

3 (J) Eligible migrant and seasonal farm-
4 workers, as defined in section 267(i).

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

9 (L) Single parents (including single preg-
10 nant women).

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

14 (25) INDIVIDUAL WITH A DISABILITY.—

15 (A) IN GENERAL.—The term “individual
16 with a disability” means an individual with a
17 disability as defined in section 3 of the Ameri-
18 cans with Disabilities Act of 1990 (42 U.S.C.
19 12102).

20 (B) INDIVIDUALS WITH DISABILITIES.—

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

23 (26) INDUSTRY OR SECTOR PARTNERSHIP.—

24 The term “industry or sector partnership” means a
25 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
19 229(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 303.

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 303.

16 (32) LOCAL AREA.—The term “local area”
17 means a local workforce investment area designated
18 under section 116, subject to sections
19 116(c)(1)(A)(v), 117(c)(4)(B)(i), and 289(i).

20 (33) LOCAL BOARD.—The term “local board”
21 means a local workforce development board estab-
22 lished under section 117, subject to section
23 117(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 118, subject
5 to section 116(c)(1)(A)(v).

6 (36) LOW-INCOME INDIVIDUAL.—The term
7 “low-income individual” means an individual who—

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

22 (B) is in a family with gross income below
23 150 percent of the poverty line;

24 (C) is a homeless individual (as defined in
25 section 41403(6) of the Violence Against

1 Women Act of 1994 (42 U.S.C. 14043e–2(6)),
2 except that clauses (i)(IV) and (iii) of subpara-
3 graph (B) of such section shall not apply), or
4 a homeless child or youth (as defined under sec-
5 tion 725(2) of the McKinney-Vento Homeless
6 Assistance Act (42 U.S.C. 11434a(2)), except
7 that subparagraph (B)(iv) of such section shall
8 not apply);

9 (D) receives or is eligible to receive a free
10 or reduced price lunch under the Richard B.
11 Russell National School Lunch Act (42 U.S.C.
12 1751 et seq.);

13 (E) is a foster child on behalf of whom
14 State or local government payments are made;
15 or

16 (F) is an individual with a disability whose
17 own income meets the income requirement of
18 subparagraph (B), but who is a member of a
19 family whose income does not meet this require-
20 ment.

21 (37) NONTRADITIONAL EMPLOYMENT.—The
22 term “nontraditional employment” refers to occupa-
23 tions or fields of work, for which individuals from
24 the gender involved comprise less than 25 percent of

1 the individuals employed in each such occupation or
2 field of work.

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

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

8 (B) who requires assistance in overcoming
9 artificial barriers to employment resulting from
10 a record of arrest or conviction.

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

13 (40) ONE-STOP CENTER.—The term “one-stop
14 center” means a center described in section
15 221(e)(2).

16 (41) ONE-STOP OPERATOR.—The term “one-
17 stop operator” means 1 or more entities designated
18 or certified under section 221(d).

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

21 (A) an entity described in section
22 221(b)(1); and

23 (B) an entity described in section
24 221(b)(2) that is participating, with the ap-
25 proval of the local board and chief elected offi-

1 cial, in the operation of a one-stop delivery sys-
2 tem.

3 (43) ONE-STOP PARTNER PROGRAM.—The term
4 “one-stop partner program” means a program or ac-
5 tivities described in section 221(b) of a one-stop
6 partner.

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

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

13 (B) is made available through a program
14 that provides reimbursement to the employer of
15 up to 50 percent of the wage rate of the partici-
16 pant, except as provided in section
17 234(c)(4)(H), for the extraordinary costs of
18 providing the training and additional super-
19 vision related to the training; and

20 (C) is limited in duration as appropriate to
21 the occupation for which the participant is
22 being trained, taking into account the content
23 of the training, the prior work experience of the
24 participant, and the service strategy of the par-
25 ticipant, as appropriate.

1 (45) OUTLYING AREA.—The term “outlying
2 area” means—

3 (A) American Samoa, Guam, the Common-
4 wealth of the Northern Mariana Islands, the
5 United States Virgin Islands; and

6 (B) the Republic of Palau, except during
7 any period for which the Secretary of Labor
8 and the Secretary of Education determine that
9 a Compact of Free Association is in effect and
10 contains provisions for training and education
11 assistance prohibiting the assistance provided
12 under this Act.

13 (46) OUT-OF-SCHOOL YOUTH.—The term “out-
14 of-school youth” means a youth described in section
15 229(a)(1)(B).

16 (47) PLANNING REGION.—The term “planning
17 region” means a planning region as described in sec-
18 tion 116(c)(1)(A)(ii)(II).

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

1 (49) PUBLIC ASSISTANCE.—The term “public
2 assistance” means Federal, State, or local govern-
3 ment cash payments for which eligibility is deter-
4 mined by a needs or income test.

5 (50) RAPID RESPONSE ACTIVITY.—The term
6 “rapid response activity” means an activity provided
7 by a State, or by an entity designated by a State,
8 with funds provided by the State under section
9 234(a)(1)(A), in the case of a permanent closure or
10 mass layoff at a plant, facility, or enterprise, or a
11 natural or other disaster, that results in mass job
12 dislocation, in order to assist dislocated workers in
13 obtaining reemployment as soon as possible, with
14 services including—

15 (A) the establishment of onsite contact
16 with employers and employee representatives—

17 (i) immediately after the State is noti-
18 fied of a current or projected permanent
19 closure or mass layoff; or

20 (ii) in the case of a disaster, imme-
21 diately after the State is made aware of
22 mass job dislocation as a result of such
23 disaster;

1 (B) the provision of information on and ac-
2 cess to available employment and training ac-
3 tivities;

4 (C) assistance in establishing a labor-man-
5 agement committee, voluntarily agreed to by
6 labor and management, with the ability to de-
7 vise and implement a strategy for assessing the
8 employment and training needs of dislocated
9 workers and obtaining services to meet such
10 needs;

11 (D) the provision of emergency assistance
12 adapted to the particular closure, layoff, or dis-
13 aster; and

14 (E) the provision of assistance to the local
15 community in developing a coordinated response
16 and in obtaining access to State economic devel-
17 opment assistance.

18 (51) **RECOGNIZED POSTSECONDARY CREDEN-**
19 **TIAL.**—The term “recognized postsecondary creden-
20 tial” means a credential consisting of an industry-
21 recognized certificate or certification, a certificate of
22 completion of an apprenticeship, a license recognized
23 by the State involved or Federal Government, or an
24 associate or baccalaureate degree.

1 (52) REGION.—The term “region”, used with-
2 out further description, means a region identified
3 under section 116(c), subject to section
4 117(a)(4)(B)(i).

5 (53) SCHOOL DROPOUT.—The term “school
6 dropout” means an individual who is no longer at-
7 tending any school and who has not received a sec-
8 ondary school diploma or its recognized equivalent.

9 (54) SECONDARY SCHOOL.—The term “sec-
10 ondary school” has the meaning given the term in
11 section 9101 of the Elementary and Secondary Edu-
12 cation Act of 1965 (20 U.S.C. 7801).

13 (55) STATE.—The term “State” means each of
14 the several States of the United States, the District
15 of Columbia, and the Commonwealth of Puerto Rico.

16 (56) STATE BOARD.—The term “State board”
17 means a State workforce development board estab-
18 lished under section 111.

19 (57) STATE PLAN.—The term “State plan”,
20 used without further description, means a unified
21 plan under section 112 or a combined plan under
22 section 113.

23 (58) SUPPORTIVE SERVICES.—The term “sup-
24 portive services” means services such as transpor-
25 tation, child care, dependent care, housing, and

1 needs-related payments, that are necessary to enable
2 an individual to participate in activities authorized
3 under this Act.

4 (59) TRAINING SERVICES.—The term “training
5 services” means services described in section
6 234(c)(4).

7 (60) UNEMPLOYED INDIVIDUAL.—The term
8 “unemployed individual” means an individual who is
9 without a job and who wants and is available for
10 work. The determination of whether an individual is
11 without a job, for purposes of this paragraph, shall
12 be made in accordance with the criteria used by the
13 Bureau of Labor Statistics of the Department of
14 Labor in defining individuals as unemployed.

15 (61) UNIT OF GENERAL LOCAL GOVERN-
16 MENT.—The term “unit of general local govern-
17 ment” means any general purpose political subdivi-
18 sion of a State that has the power to levy taxes and
19 spend funds, as well as general corporate and police
20 powers.

21 (62) VETERAN; RELATED DEFINITION.—

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

1 (B) RECENTLY SEPARATED VETERAN.—

2 The term “recently separated veteran” means
3 any veteran who applies for participation under
4 this Act within 48 months after the discharge
5 or release from active military, naval, or air
6 service.

7 (63) VOCATIONAL REHABILITATION PRO-
8 GRAM.—The term “vocational rehabilitation pro-
9 gram” means a program authorized under a provi-
10 sion described in paragraph (12)(D).

11 (64) WORKFORCE DEVELOPMENT ACTIVITY.—
12 The term “workforce development activity” means
13 an activity carried out through a workforce develop-
14 ment program.

15 (65) WORKFORCE DEVELOPMENT PROGRAM.—
16 The term “workforce development program” means
17 a program made available through a workforce de-
18 velopment system.

19 (66) WORKFORCE DEVELOPMENT SYSTEM.—
20 The term “workforce development system” means a
21 system that makes available the core programs, the
22 other one-stop partner programs, and any other pro-
23 grams providing employment and training services
24 as identified by a State board or local board.

1 (67) WORKFORCE INVESTMENT ACTIVITY.—The
2 term “workforce investment activity” means an em-
3 ployment and training activity, and a youth work-
4 force investment activity.

5 (68) WORKFORCE PREPARATION ACTIVITIES.—
6 The term “workforce preparation activities” has the
7 meaning given the term in section 303.

8 (69) WORKPLACE LEARNING ADVISOR.—The
9 term “workplace learning advisor” means an indi-
10 vidual employed by an organization who has the
11 knowledge and skills necessary to advise other em-
12 ployees of that organization about the education,
13 skill development, job training, career counseling
14 services, and credentials, including services provided
15 through the workforce development system, required
16 to progress toward career goals of such employees in
17 order to meet employer requirements related to job
18 openings and career advancements that support eco-
19 nomic self-sufficiency.

20 (70) YOUTH WORKFORCE INVESTMENT ACTIV-
21 ITY.—The term “youth workforce investment activ-
22 ity” means an activity described in section 229 that
23 is carried out for eligible youth (or as described in
24 section 229(a)(3)(A)).

1 **Subtitle A—Workforce Boards and**
 2 **Plans**

3 **CHAPTER 1—STATE PROVISIONS**

4 **SEC. 111. STATE WORKFORCE DEVELOPMENT BOARDS.**

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

8 (b) MEMBERSHIP.—

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

11 (A) the Governor;

12 (B) 2 members of each chamber of the
 13 State legislature (to the extent consistent with
 14 State law), appointed by the appropriate pre-
 15 siding officers of such chamber; and

16 (C) members appointed by the Governor,
 17 of which—

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

20 (I) are owners of businesses,
 21 chief executives or operating officers
 22 of businesses, or other business execu-
 23 tives or employers with optimum pol-
 24 icymaking or hiring authority, and
 25 who, in addition, may be members of

1 a local board described in section
2 117(b)(2)(A)(i);

3 (II) represent businesses (includ-
4 ing small businesses), or organizations
5 representing businesses described in
6 this subclause, that provide employ-
7 ment opportunities that, at a min-
8 imum, will provide clear and acces-
9 sible career pathways, and include
10 high-quality, work-relevant training
11 and development in in-demand indus-
12 try sectors or occupations in the
13 State; and

14 (III) are appointed from among
15 individuals nominated by State busi-
16 ness organizations and business trade
17 associations;

18 (ii) not less than 20 percent shall be
19 representatives of the workforce within the
20 State, who—

21 (I) shall include representatives
22 of labor organizations, who have been
23 nominated by State labor federations;

24 (II) may include representatives
25 of community-based organizations

1 that have demonstrated experience
2 and expertise in addressing the em-
3 ployment, training, or education needs
4 of individuals with barriers to employ-
5 ment, including organizations that
6 serve veterans or that provide or sup-
7 port competitive, integrated employ-
8 ment for individuals with disabilities;
9 and

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

18 (iii) the balance—

19 (I) shall include representatives
20 of government, who—

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

1 (bb) shall include chief elect-
2 ed officials (collectively rep-
3 resenting both cities and coun-
4 ties, where appropriate);

5 (II) shall include a representa-
6 tive, either an employer, a member of
7 a labor organization, or a staff direc-
8 tor, from a joint labor-management
9 apprenticeship program, or if no such
10 joint program exists in the State, a
11 representative of an apprenticeship
12 program in the State; and

13 (III) may include such other rep-
14 resentatives and officials as the Gov-
15 ernor may designate, such as the
16 State agency officials from agencies
17 that are one-stop partners not speci-
18 fied in subclause (I) (including addi-
19 tional one-stop partners whose pro-
20 grams are covered by the State plan,
21 if any), and State agency officials re-
22 sponsible for economic development or
23 juvenile justice programs in the State,
24 individuals who represent an Indian
25 tribe or tribal organization, as such

1 terms are defined in section 266(b),
 2 and State agency officials responsible
 3 for education programs in the State,
 4 including chief executive officers of
 5 community colleges and other institu-
 6 tions of higher education.

7 (2) DIVERSE AND DISTINCT REPRESENTA-
 8 TION.—The members of the State board shall rep-
 9 resent diverse geographic areas of the State, includ-
 10 ing urban, rural, and suburban areas.

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

14 (A) the category described in paragraph

15 (1)(C)(i); or

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

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

21 (d) FUNCTIONS.—The State board shall assist the
 22 Governor in—

23 (1) the development, implementation, and modi-
 24 fication of the State plan, including the periodic as-

1 assessment and development of recommendations re-
2 garding the implementation of the State plan;

3 (2) consistent with paragraph (1), the review of
4 statewide policies and programs and development of
5 recommendations on actions that should be taken by
6 the State to align core programs and other programs
7 in the State in a manner that supports a comprehen-
8 sive State workforce development system that will
9 result in meeting the workforce needs of the State,
10 its regions, and its local areas;

11 (3) the review of and provision of comments on
12 the State plans, if any, for activities and programs
13 of one-stop partners that are not core programs, in
14 order to provide strategic leadership and to align to
15 the extent practicable such non-core programs with
16 the core programs, and with the strategy described
17 in the State plan under section 112 or 113;

18 (4) the development of guidance for the imple-
19 mentation and continuous improvement of a work-
20 force development system within the State that in-
21 cludes guidance on—

22 (A) the identification of and means for re-
23 moving barriers to coordination of, alignment
24 of, and nonduplication among the programs and
25 activities carried out through the system;

1 (B) the development of career pathways by
2 using workforce development programs aligned
3 for the purpose of providing individuals, includ-
4 ing low-skilled adults and youth, with the em-
5 ployment, training, education, and supportive
6 services the individuals need to attain the nec-
7 essary credentials to secure and advance in em-
8 ployment;

9 (C) the development and expansion of
10 strategies for meeting the needs of workers and
11 jobseekers, and employers, including industry or
12 sector partnership initiatives relating to in-de-
13 mand industry sectors and occupations;

14 (D) coordinating planning between the
15 local boards and State entities carrying out rel-
16 evant State-administered programs;

17 (E) the identification of regions, including
18 planning regions, for the purposes of section
19 116(c), after consultation with local boards and
20 chief elected officials;

21 (F) the provision of technical assistance to
22 local boards, one-stop partners, one-stop opera-
23 tors, and providers, as appropriate, in local
24 areas concerning planning and delivering serv-
25 ices;

1 (G) strategies to support staff training and
2 awareness across programs supported under
3 workforce development systems in local areas;
4 and

5 (H) the design and implementation of in-
6 take and case management information systems
7 (including common intake, case management,
8 performance tracking, and reporting systems),
9 and how local input will be incorporated into
10 such design and implementation, to improve co-
11 ordination of services across workforce develop-
12 ment programs;

13 (5) the development and update of comprehen-
14 sive State performance accountability measures, in-
15 cluding State adjusted levels of performance, to as-
16 sess the effectiveness of the core programs in the
17 State as required under subtitle B;

18 (6) the identification and dissemination of in-
19 formation on best practices, including best practices
20 for—

21 (A) the effective operation of one-stop cen-
22 ters, relating to the use of business outreach,
23 partnerships, and service delivery strategies (in-
24 cluding strategies for effectively serving individ-
25 uals with barriers to employment), and other

1 practices relevant to workforce development;
2 and

3 (B) the development of effective local
4 boards, which may include information on those
5 factors that contribute to enabling local boards
6 to exceed negotiated levels of performance, sus-
7 tain fiscal integrity, and achieve other measures
8 of effectiveness;

9 (7) the development and review of statewide
10 policies affecting the coordinated provision of serv-
11 ices through the State’s one-stop delivery system de-
12 scribed in section 221(e), including—

13 (A) the development of objective criteria
14 and procedures for use by local boards in as-
15 sessing the effectiveness and continuous im-
16 provement of one-stop centers described in such
17 section;

18 (B) the development of guidance for the al-
19 location of one-stop center infrastructure funds
20 under section 221(h);

21 (C) the development of—

22 (i) statewide policies relating to the
23 appropriate roles and contributions of enti-
24 ties carrying out one-stop partner pro-
25 grams within the one-stop delivery system,

1 including approaches to facilitating equi-
2 table and efficient cost allocation in the
3 one-stop delivery system;

4 (ii) strategies for providing effective
5 outreach to and improved access for indi-
6 viduals and employers who could benefit
7 from services provided through the one-
8 stop delivery system;

9 (iii) strategies for technological im-
10 provements to facilitate access to, and im-
11 prove the quality of, services provided
12 through the one-stop delivery system (in-
13 cluding access for individuals with disabil-
14 ities and individuals residing in remote
15 areas), which strategies may be utilized
16 throughout the State; and

17 (iv) strategies for aligning technology
18 and data systems across one-stop partner
19 programs, to enhance service delivery and
20 improve efficiencies in reporting on per-
21 formance accountability measures; and

22 (D) the development of such other policies
23 as may promote statewide objectives for, and
24 enhance the performance of, the one-stop deliv-
25 ery system;

1 (8) 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 228(b)(3) and 233(b)(3);

6 (9) the preparation of the annual reports de-
7 scribed in paragraphs (1) and (2) of section 131(d);
8 and

9 (10) the development of the statewide workforce
10 and labor market information system described in
11 section 15(e) of the Wagner-Peyser Act (29 U.S.C.
12 491-2(e)).

13 (e) ALTERNATIVE ENTITY.—

14 (1) IN GENERAL.—For the purposes of com-
15 plying with subsections (a), (b), and (c), a State
16 may use any State entity (including a State council,
17 State workforce development board (within the
18 meaning of the Workforce Investment Act of 1998),
19 combination of regional workforce development
20 boards, or similar entity) that—

21 (A) was in existence on the day before the
22 date of enactment of the Workforce Investment
23 Act of 1998;

1 (B) is substantially similar to the State
2 board described in subsections (a) through (c);
3 and

4 (C) includes representatives of business in
5 the State and representatives of labor organiza-
6 tions in the State.

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

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

13 (1) vote on a matter under consideration by the
14 State board—

15 (A) regarding the provision of services by
16 such member (or by an entity that such mem-
17 ber represents); or

18 (B) that would provide direct financial
19 benefit to such member or the immediate family
20 of such member; or

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

24 (g) SUNSHINE PROVISION.—The State board shall
25 make available to the public, on a regular basis through

1 open meetings, information regarding the activities of the
2 State board, including information regarding the State
3 plan, or a modification to the State plan, prior to submis-
4 sion of the plan or modification of the plan, respectively,
5 information regarding membership, and, on request, min-
6 utes of formal meetings of the State board.

7 (h) **AUTHORITY TO HIRE STAFF.**—

8 (1) **IN GENERAL.**—The State board may hire a
9 director and other staff to assist in carrying out the
10 functions described in subsection (d) using funds
11 available as described in section 229(b)(2) or
12 234(a)(3)(B)(i).

13 (2) **LIMITATION ON RATE.**—The director and
14 staff described in paragraph (1) shall be subject to
15 the limitations on the payment of salary and bo-
16 nuses described in section 294(15).

17 **SEC. 112. UNIFIED STATE PLAN.**

18 (a) **PLAN.**—For a State to be eligible to receive allot-
19 ments for the core programs, the Governor shall submit
20 to the Secretary of Labor and the Secretary of Education
21 for consideration by the Secretaries, a unified State plan.
22 The unified State plan shall outline a 4-year strategy for
23 the core programs of the State and meet the requirements
24 of this section.

25 (b) **CONTENTS.**—

1 (1) STRATEGIC PLANNING ELEMENTS.—The
2 unified State plan shall include strategic planning
3 elements consisting of—

4 (A) an analysis of the economic conditions
5 in the State, including—

6 (i) existing and emerging in-demand
7 industry sectors and occupations; and

8 (ii) the employment needs of employ-
9 ers in those industries and occupations;

10 (B) an analysis of the knowledge and skills
11 needed to meet the employment needs of the
12 employers in the State, including employment
13 needs in in-demand industry sectors and occu-
14 pations;

15 (C) an analysis of the workforce in the
16 State, including current labor force employment
17 and unemployment data, and information on
18 labor market trends, and the educational and
19 skill levels of the workforce, including individ-
20 uals with barriers to employment (including in-
21 dividuals with disabilities);

22 (D) an analysis of the workforce develop-
23 ment activities (including education and train-
24 ing) in the State, including an analysis of the
25 strengths and weaknesses of such services, and

1 the capacity of State entities to provide such
2 services, in order to address the identified edu-
3 cation and skill needs of the workforce and the
4 employment needs of employers in the State;

5 (E) a description of the State's strategic
6 vision and goals for preparing an educated and
7 skilled workforce (including preparing youth
8 and individuals with barriers to employment)
9 and for meeting the skilled workforce needs of
10 employers, including goals relating to perform-
11 ance accountability measures based on primary
12 indicators of performance described in section
13 131(b)(2)(A), in order to support economic
14 growth and economic self-sufficiency; and

15 (F) taking into account analyses described
16 in subparagraphs (A) through (D), a strategy
17 for aligning the core programs, as well as other
18 resources available to the State, to achieve the
19 strategic vision and goals described in subpara-
20 graph (E).

21 (2) OPERATIONAL PLANNING ELEMENTS.—

22 (A) IN GENERAL.—The unified State plan
23 shall include the operational planning elements
24 contained in this paragraph, which shall sup-
25 port the strategy described in paragraph (1)(F).

1 (B) IMPLEMENTATION OF STATE STRAT-
2 EGY.—The unified State plan shall describe
3 how the lead State agency with responsibility
4 for the administration of a core program will
5 implement the strategy described in paragraph
6 (1)(F), including a description of—

7 (i) the activities that will be funded by
8 the entities carrying out the respective pro-
9 grams to implement the strategy and how
10 such activities will be aligned across the
11 programs and among the entities admin-
12 istering the programs;

13 (ii) how the activities described in
14 clause (i) will be aligned with activities
15 provided under employment, training, edu-
16 cation, including career and technical edu-
17 cation, and human services programs not
18 covered by the plan, as appropriate, to as-
19 sist in implementing the strategy, includ-
20 ing coordinating intake, eligibility deter-
21 minations, and assessment activities;

22 (iii)(I) how the entities carrying out
23 the respective core programs will coordi-
24 nate activities to provide comprehensive,
25 high-quality services to individuals, includ-

1 ing using co-enrollment and other strate-
2 gies;

3 (II) how the entities carrying out the
4 programs under title II or under the Wag-
5 ner-Peyser Act (29 U.S.C. 49 et seq.) will
6 provide employment-related services or
7 training-related services to individuals re-
8 ceiving education services under title III or
9 vocational rehabilitation services under
10 title I of the Rehabilitation Act of 1973
11 (29 U.S.C. 720 et seq.), other than section
12 112 or part C of that title (29 U.S.C. 732,
13 741), and how the entities carrying out
14 adult education and literacy activities
15 under title III or programs of such voca-
16 tional rehabilitation services will provide
17 education services or vocational rehabilita-
18 tion services to individuals receiving em-
19 ployment-related services or training-re-
20 lated services under title II or under the
21 Wagner-Peyser Act; and

22 (III) how the entities carrying out
23 programs serving youth under title II will
24 carry out the programs in collaboration
25 with entities carrying out activities under

1 title III and entities carrying out programs
2 of such vocational rehabilitation services;

3 (iv) how the entities carrying out the
4 respective programs will develop and imple-
5 ment career pathways and education (of-
6 fered concurrently with and in the same
7 context as workforce preparation activities
8 and training for a specific occupation or
9 occupational cluster), including how such
10 pathways and education will be made avail-
11 able to individuals with disabilities;

12 (v) how the State's strategy will en-
13 gage the State's community colleges and
14 area career and technical education schools
15 as partners in the workforce development
16 system and enable the State to leverage
17 other Federal, State, and local investments
18 that have enhanced capacity and access to
19 workforce development programs at those
20 institutions;

21 (vi) how the entities carrying out the
22 respective programs will strengthen the
23 provision of support services through co-
24 ordination of activities with Federal, State,
25 and local providers of such services, in

1 order to facilitate increased participation
2 and persistence of individuals in employ-
3 ment, education, and training programs;

4 (vii) how technology will be used,
5 through distance education and other
6 methods, by entities carrying out the re-
7 spective programs to provide education and
8 training activities, activities to enhance
9 digital literacy skills (as defined in section
10 202 of the Museum and Library Services
11 Act (20 U.S.C. 9101); referred to in this
12 Act as “digital literacy skills”) and accel-
13 erate the acquisition of skills and recog-
14 nized postsecondary credentials by partici-
15 pants, and activities to strengthen the pro-
16 fessional development of providers and
17 workforce professionals, and how the enti-
18 ties will ensure such technology is acces-
19 sible to individuals with disabilities;

20 (viii) the methods used for joint plan-
21 ning and coordination of the core pro-
22 grams;

23 (ix) how the State will assess the over-
24 all effectiveness of the workforce invest-
25 ment system in the State; and

1 (x) how the activities described in
2 clause (i) will be coordinated with economic
3 development strategies and activities in the
4 State.

5 (C) STATE OPERATING SYSTEMS AND
6 POLICIES.—The unified State plan shall de-
7 scribe the State operating systems and policies
8 that will support the implementation of the
9 strategy described in paragraph (1)(F), includ-
10 ing a description of—

11 (i) State actions to assist local boards,
12 one-stop partners, and one-stop operators,
13 as appropriate, in local areas, in devel-
14 oping, refining, changing, or otherwise im-
15 plementing the one-stop delivery system in
16 those areas, including assisting with train-
17 ing and establishing qualifications for one-
18 stop delivery system staff and members of
19 local boards, and how such actions will en-
20 sure effective delivery of services to work-
21 ers, jobseekers, and employers;

22 (ii) the State board, including the ac-
23 tivities conducted to train and develop
24 members of the State board and the staff
25 of such board to carry out the functions of

1 the State board effectively (but funds for
2 such activities may not be used for long-
3 distance travel expenses for training or de-
4 velopment activities available locally or re-
5 gionally);

6 (iii) the common data collection and
7 reporting processes used for the one-stop
8 partner programs in the system;

9 (iv)(I) how the respective core pro-
10 grams will be assessed each year, including
11 an assessment of the quality, effectiveness,
12 and improvement of programs (analyzed by
13 local area, or by provider), based on State
14 performance accountability measures de-
15 scribed in section 131(b); and

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

18 (v) the results of an assessment of the
19 effectiveness of the core programs and
20 other one-stop partner programs during
21 the preceding 2-year period;

22 (vi) the methods and factors the State
23 will use in distributing funds under the
24 core programs, in accordance with the pro-
25 visions authorizing such distributions;

1 (vii)(I) how the lead State agencies
2 with responsibility for the administration
3 of the core programs will align and inte-
4 grate available workforce and education
5 data on core programs, unemployment in-
6 surance programs, and education through
7 postsecondary education;

8 (II) how such agencies will use the
9 system to assess the progress of partici-
10 pants that are exiting core programs in en-
11 tering, persisting in, and completing post-
12 secondary education, or entering or re-
13 maining in employment; and

14 (III) the privacy safeguards incor-
15 porated in such system, including safe-
16 guards required by section 444 of the Gen-
17 eral Education Provisions Act (20 U.S.C.
18 1232g) and other applicable Federal laws;

19 (viii) how the entity carrying out a
20 core program will carry out the activities
21 to provide outreach to populations, includ-
22 ing youth, and individuals with barriers to
23 employment (including youth with disabil-
24 ities and other individuals with disabil-

1 ities), who can benefit from one-stop part-
2 ner programs;

3 (ix) how the State will implement the
4 priority of service provisions for veterans
5 in accordance with the requirements of sec-
6 tion 4215 of title 38, United States Code;

7 (x) how the one-stop delivery system,
8 including one-stop operators and the one-
9 stop partners, will comply with section 288
10 and applicable provisions of the Americans
11 with Disabilities Act of 1990 (42 U.S.C.
12 12101 et seq.) regarding the physical and
13 programmatic accessibility of facilities,
14 programs, services, technology, and mate-
15 rials, for individuals with disabilities, in-
16 cluding complying through providing staff
17 training and support for addressing the
18 needs of individuals with disabilities;

19 (xi) how the State will assist local
20 boards, one-stop partners, and one-stop op-
21 erators in implementing and transitioning
22 to an integrated, technology-enabled intake
23 and case management information system
24 for programs carried out under the Act
25 and programs carried out by one-stop part-

1 ners, that includes common intake infor-
2 mation and procedures for sharing partici-
3 pant demographic and contact information
4 in order to prevent duplication of data col-
5 lection and promote access to the array of
6 services for which participants are eligible;
7 and

8 (xii) such other operational planning
9 elements as the Secretary of Labor and
10 Secretary of Education determine to be
11 necessary for effective State operating sys-
12 tems and policies.

13 (D) PROGRAM-SPECIFIC REQUIREMENTS.—

14 The unified State plan shall include—

15 (i) with respect to activities carried
16 out under title II, a description of—

17 (I) State policies or guidance, for
18 the statewide workforce development
19 system;

20 (II) the State's policies and strat-
21 egies for use of State funds for work-
22 force investment activities;

23 (III) the local areas designated in
24 the State, including the process used
25 for designating local areas, and the

1 process used for identifying any plan-
2 ning regions under section 116(c), in-
3 cluding a description of how the State
4 consulted with the local boards and
5 chief elected officials in determining
6 the planning regions;

7 (IV) the appeals process referred
8 to in section 116(a)(4) relating to des-
9 ignation of local areas;

10 (V) the appeal process referred to
11 in section 221(h)(2)(E), relating to
12 determinations for infrastructure
13 funding; and

14 (VI) with respect to youth work-
15 force investment activities authorized
16 in section 229, information identifying
17 the criteria to be used by local boards
18 in awarding grants for youth work-
19 force investment activities, including
20 criteria that the Governor and local
21 boards will use to identify effective
22 and ineffective youth workforce invest-
23 ment activities and providers of such
24 activities;

1 (ii) with respect to activities carried
2 out under title III, a description of—

3 (I) how the eligible agency will, if
4 applicable, align content standards for
5 adult education with State adopted
6 standards for college and career readi-
7 ness;

8 (II) how the State will fund local
9 activities using considerations speci-
10 fied in section 331(e) for—

11 (aa) activities under section
12 331(b);

13 (bb) programs for correc-
14 tions education under section
15 325;

16 (cc) programs for integrated
17 English literacy and civics edu-
18 cation under section 343; and

19 (dd) integrated education
20 and training;

21 (III) how the State will use the
22 funds to carry out activities under
23 section 323;

24 (IV) how the eligible agency will
25 provide technical assistance and use

1 incentives and sanctions to improve el-
2 igible provider performance; and

3 (V) how the eligible agency will
4 assess the quality of providers of adult
5 education and literacy activities under
6 title III and take actions to improve
7 such quality, including providing the
8 activities described in section
9 323(a)(1)(B);

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

17 (iv) information on such additional
18 specific requirements for a program ref-
19 erenced in any of clauses (i) through (iii)
20 or the Wagner-Peyser Act (29 U.S.C. 49
21 et seq.) as the Secretary of Labor and the
22 Secretary of Education determine are nec-
23 essary to administer that program but can-
24 not reasonably be applied across all such
25 programs.

1 (E) ASSURANCES.—The unified State plan
2 shall include assurances—

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

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

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

1 (II) that the State obtained input into
2 the development of the unified State plan
3 and provided an opportunity for comment
4 on the plan by representatives of local
5 boards and chief elected officials, busi-
6 nesses, labor organizations, institutions of
7 higher education, other primary stake-
8 holders, and the general public and that
9 the unified State plan is available and ac-
10 cessible to the general public;

11 (iv) that the State has established, in
12 accordance with section 131(i), fiscal con-
13 trol and fund accounting procedures that
14 may be necessary to ensure the proper dis-
15 bursement of, and accounting for, funds
16 paid to the State through allotments made
17 for adult, dislocated worker, and youth
18 programs to carry out workforce invest-
19 ment activities under chapters 2 and 3 of
20 subtitle B of title II;

21 (v) that the State will annually mon-
22 itor local areas to ensure compliance with
23 the uniform administrative requirements
24 under section 284(a)(3);

1 (vi) that the State has taken appro-
2 priate action to secure compliance with
3 uniform administrative requirements in
4 this Act;

5 (vii) that the State has taken the ap-
6 propriate actions to be in compliance with
7 section 288;

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

13 (ix) that the eligible agency under
14 title III will—

15 (I) expend the funds appro-
16 priated to carry out that title only in
17 a manner consistent with fiscal re-
18 quirements under section 341(a) (re-
19 garding supplement and not supplant
20 provisions); and

21 (II) ensure that there is at least
22 1 eligible provider serving each local
23 area;

24 (x) that the State will pay an appro-
25 priate share (as defined by the State

1 board) of the costs of carrying out subtitle
2 B, from funds made available through each
3 of the core programs; and

4 (xi) regarding such other matters as
5 the Secretary of Labor and the Secretary
6 of Education determine to be necessary for
7 the administration of the core programs.

8 (c) PLAN SUBMISSION AND APPROVAL.—

9 (1) SUBMISSION.—

10 (A) INITIAL PLAN.—The initial unified
11 State plan under this section (after the date of
12 enactment of this Act) shall be submitted not
13 later than 120 days prior to the commencement
14 of the second full program year after the date
15 of enactment of that Act.

16 (B) SUBSEQUENT PLANS.—Except as pro-
17 vided in subparagraph (A), a unified State plan
18 shall be submitted not later than 120 days prior
19 to the end of the 4-year period covered by the
20 preceding unified State plan.

21 (2) APPROVAL.—A unified State plan shall be
22 subject to the approval of both the Secretary of
23 Labor and the Secretary of Education, after ap-
24 proval of the Commissioner of the Rehabilitation
25 Services Administration for the portion of the plan

1 described in subsection (b)(2)(D)(iii). The unified
2 State plan shall be considered to be approved at the
3 end of the 90-day period beginning on the day the
4 plan is submitted, unless the Secretary of Labor or
5 the Secretary of Education makes a written deter-
6 mination, during the 90-day period, that the plan is
7 inconsistent with the provisions of this section or the
8 provisions authorizing the core programs, as appro-
9 priate.

10 (3) MODIFICATIONS.—

11 (A) MODIFICATIONS.—At the end of the
12 first 2-year period of any 4-year unified State
13 plan, the State board shall review the unified
14 State plan, and the Governor shall submit
15 modifications to the plan to reflect changes in
16 labor market and economic conditions or in
17 other factors affecting the implementation of
18 the unified State plan.

19 (B) APPROVAL.—A modified unified State
20 plan submitted for the review required under
21 subparagraph (A) shall be subject to the ap-
22 proval requirements described in paragraph (2).
23 A Governor may submit a modified unified
24 State plan at such other times as the Governor
25 determines to be appropriate, and such modi-

1 fied unified State plan shall also be subject to
2 the approval requirements described in para-
3 graph (2).

4 (4) EARLY IMPLEMENTERS.—The Secretary of
5 Labor and the Secretary of Education shall establish
6 a process for approving and may approve unified
7 State plans that meet the requirements of this sec-
8 tion and are submitted to cover periods commencing
9 prior to the second full program year described in
10 paragraph (1).

11 **SEC. 113. COMBINED STATE PLAN.**

12 (a) IN GENERAL.—

13 (1) AUTHORITY TO SUBMIT PLAN.—A State
14 may develop and submit to the appropriate Secre-
15 taries a combined State plan for the core programs
16 and 1 or more of the programs and activities de-
17 scribed in paragraph (2) in lieu of submitting 2 or
18 more plans, for the programs and activities and the
19 core programs.

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

22 (A) Career and technical education pro-
23 grams authorized under the Carl D. Perkins
24 Career and Technical Education Act of 2006
25 (20 U.S.C. 2301 et seq.).

1 (B) Programs authorized under part A of
2 title IV of the Social Security Act (42 U.S.C.
3 601 et seq.).

4 (C) Programs authorized under section
5 6(d)(4) of the Food and Nutrition Act of 2008
6 (7 U.S.C. 2015(d)(4)).

7 (D) Work programs authorized under sec-
8 tion 6(o) of the Food and Nutrition Act of
9 2008 (7 U.S.C. 2015(o)).

10 (E) Activities authorized under chapter 2
11 of title II of the Trade Act of 1974 (19 U.S.C.
12 2271 et seq.).

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

15 (G) Programs authorized under State un-
16 employment compensation laws (in accordance
17 with applicable Federal law).

18 (H) Programs authorized under title V of
19 the Older Americans Act of 1965 (42 U.S.C.
20 3056 et seq.).

21 (I) Employment and training activities car-
22 ried out by the Department of Housing and
23 Urban Development.

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

4 (K) Programs authorized under section
5 212 of the Second Chance Act of 2007 (42
6 U.S.C. 17532).

7 (b) REQUIREMENTS.—

8 (1) IN GENERAL.—The portion of a combined
9 plan covering the core programs shall be subject to
10 the requirements of section 112 (including section
11 112(c)(3)). The portion of such plan covering a pro-
12 gram or activity described in subsection (a)(2) shall
13 be subject to the requirements, if any, applicable to
14 a plan or application for assistance for that program
15 or activity, under the Federal law authorizing the
16 program or activity. At the election of the State, sec-
17 tion 112(c)(3) may apply to that portion.

18 (2) ADDITIONAL SUBMISSION NOT REQUIRED.—
19 A State that submits a combined plan that is ap-
20 proved under subsection (c) shall not be required to
21 submit any other plan or application in order to re-
22 ceive Federal funds to carry out the core programs
23 or the program or activities described in subsection
24 (a)(2) that are covered by the combined plan.

1 (3) COORDINATION.—A combined plan shall in-
2 clude—

3 (A) a description of the methods used for
4 joint planning and coordination of the core pro-
5 grams and the other programs and activities
6 covered by the combined plan; and

7 (B) an assurance that the methods in-
8 cluded an opportunity for the entities respon-
9 sible for planning or administering the core pro-
10 grams and the other programs and activities to
11 review and comment on all portions of the com-
12 bined plan.

13 (c) APPROVAL BY THE APPROPRIATE SECRE-
14 TARIES.—

15 (1) JURISDICTION.—The appropriate Secretary
16 shall have the authority to approve the cor-
17 responding portion of a combined plan as described
18 in subsection (d). On the approval of the appropriate
19 Secretary, that portion of the combined plan, relat-
20 ing to a program or activity, shall be implemented
21 by the State pursuant to that portion of the com-
22 bined plan, and the Federal law authorizing the pro-
23 gram or activity.

24 (2) APPROVAL OF CORE PROGRAMS.—No por-
25 tion of the plan relating to a core program shall be

1 implemented until the appropriate Secretary ap-
2 proves the corresponding portions of the plan for all
3 core programs.

4 (3) TIMING OF APPROVAL.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraphs (B) and (C), a portion of the
7 combined State plan covering the core programs
8 or a program or activity described in subsection
9 (a)(2) shall be considered to be approved by the
10 appropriate Secretary at the end of the 90-day
11 period beginning on the day the plan is sub-
12 mitted.

13 (B) PLAN APPROVED BY 3 OR MORE AP-
14 PROPRIATE SECRETARIES.—If an appropriate
15 Secretary other than the Secretary of Labor or
16 the Secretary of Education has authority to ap-
17 prove a portion of a combined plan, that por-
18 tion of the combined plan shall be considered to
19 be approved by the appropriate Secretary at the
20 end of the 120-day period beginning on the day
21 the plan is submitted.

22 (C) DISAPPROVAL.—The portion shall not
23 be considered to be approved if the appropriate
24 Secretary makes a written determination, dur-
25 ing the 90-day period (or the 120-day period,

1 for an appropriate Secretary covered by sub-
2 paragraph (B)), that the portion is not con-
3 sistent with the requirements of the Federal law
4 authorizing or applicable to the program or ac-
5 tivity involved, including the criteria for ap-
6 proval of a plan or application, if any, under
7 such law, or the plan is not consistent with the
8 requirements of this section.

9 (4) SPECIAL RULE.—In paragraph (3), the
10 term “criteria for approval of a plan or application”,
11 with respect to a State and a core program or a pro-
12 gram under the Carl D. Perkins Career and Tech-
13 nical Education Act of 2006 (20 U.S.C. 2301 et
14 seq.), includes a requirement for agreement between
15 the State and the appropriate Secretaries regarding
16 State performance accountability measures or State
17 performance measures, as the case may be, including
18 levels of performance.

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

21 (1) with respect to the portion of a combined
22 plan relating to any of the core programs (including
23 a description, and an assurance concerning that pro-
24 gram, specified in subsection (b)(3)), the Secretary
25 of Labor and the Secretary of Education; and

1 (2) with respect to the portion of a combined
2 plan relating to a program or activity described in
3 subsection (a)(2) (including a description, and an
4 assurance concerning that program or activity, speci-
5 fied in subsection (b)(3)), the head of the Federal
6 agency who exercises plan or application approval
7 authority for the program or activity under the Fed-
8 eral law authorizing the program or activity, or, if
9 there are no planning or application requirements
10 for such program or activity, exercises administra-
11 tive authority over the program or activity under
12 that Federal law.

13 **CHAPTER 2—LOCAL PROVISIONS**

14 **SEC. 116. LOCAL WORKFORCE DEVELOPMENT AREAS.**

15 (a) DESIGNATION OF AREAS.—

16 (1) IN GENERAL.—

17 (A) PROCESS.—Except as provided in sub-
18 section (b), and consistent with paragraphs (2)
19 and (3), in order for a State to receive an allot-
20 ment under section 227 or 232, the Governor of
21 the State shall designate local workforce devel-
22 opment areas within the State—

23 (i) through consultation with the
24 State board; and

1 (ii) after consultation with chief elect-
2 ed officials and affected local boards, and
3 after consideration of comments received
4 through the public comment process as de-
5 scribed in section 112(b)(2)(E)(iii)(II).

6 (B) CRITERIA.—The Governor shall des-
7 ignate local areas (except for those local areas
8 described in paragraphs (2) and (3)), based on
9 criteria consisting of—

10 (i) the extent to which the areas are
11 consistent with labor market areas in the
12 State;

13 (ii) the extent to which the areas are
14 consistent with regional economic develop-
15 ment areas in the State; and

16 (iii) whether the areas have available
17 the Federal and non-Federal resources
18 necessary to effectively administer activi-
19 ties under title II and other applicable pro-
20 visions of this Act, including whether the
21 areas have the appropriate education and
22 training providers, such as institutions of
23 higher education and area career and tech-
24 nical education schools.

1 (C) RULE OF CONSTRUCTION.—For pur-
2 poses of subparagraph (B)(ii), the definition of
3 the term “region” in section 101 shall not be
4 applicable.

5 (2) AUTOMATIC DESIGNATION.—

6 (A) INITIAL PERIOD.—For the second full
7 program year that commences after the date of
8 enactment of this Act, any area that was des-
9 ignated as a local area under section 116 of the
10 Workforce Investment Act of 1998, as in effect
11 on the day before the date of enactment of this
12 Act, and was so designated for the 2-year pe-
13 riod preceding that day, shall be designated as
14 a local area by the Governor under this sub-
15 paragraph—

16 (i) if such area so requests; and

17 (ii) if such local area—

18 (I) performed successfully; and

19 (II) sustained fiscal integrity.

20 (B) SUBSEQUENT DESIGNATION.—For the
21 third full program year that commences after
22 the date of enactment of this Act and there-
23 after, the Governor shall designate as a local
24 area under this subparagraph any area that

1 was designated as a local area under subpara-
2 graph (A)—

3 (i) if such local area so requests;

4 (ii) if such local area—

5 (I) performed successfully; and

6 (II) sustained fiscal integrity;

7 and

8 (iii) in the case of a local area that is
9 part of a consortium of local areas in a
10 planning region under subsection (c), if
11 such local area met each of the following
12 implementation conditions:

13 (I) Participated in preparing a
14 regional plan under subsection
15 (c)(1)(A)(iv) and in implementing the
16 plan.

17 (II) Developed and implemented
18 regional service strategies and activi-
19 ties, such as industry and sector-
20 based strategies (including establish-
21 ment of industry partnerships), in ac-
22 cordance with the regional plan.

23 (C) DEFINITIONS.—For purposes of this
24 paragraph:

1 (i) PERFORMED SUCCESSFULLY.—The
2 term “performed successfully”, used with
3 respect to a local area, means the local
4 area met or exceeded the adjusted levels of
5 performance for primary indicators of per-
6 formance described in section 131(b)(2)(A)
7 (or, if applicable, core indicators of per-
8 formance described in section 136(b)(2)(A)
9 of the Workforce Investment Act of 1998,
10 as in effect the day before the date of en-
11 actment of this Act) for each of the last 2
12 consecutive years for which data are avail-
13 able preceding the determination of per-
14 formance under this clause.

15 (ii) SUSTAINED FISCAL INTEGRITY.—
16 The term “sustained fiscal integrity”, used
17 with respect to a local area, means that
18 the Secretary has not made a formal deter-
19 mination, during either of the last 2 con-
20 secutive years preceding the determination
21 regarding such integrity, that either the
22 grant recipient or the administrative entity
23 of the area misexpended funds provided
24 under title II (or, if applicable, title I of
25 the Workforce Investment Act of 1998 as

1 in effect prior to the effective date of such
2 title II) due to willful disregard of the re-
3 quirements of the title involved, gross neg-
4 ligence, or failure to comply with accepted
5 standards of administration.

6 (3) 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 as a local area if the State board determines, based
11 on the factors described in paragraph (1)(B), and
12 recommends to the Governor, that such area should
13 be so designated.

14 (4) 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) may submit an appeal to the State board under
19 an appeal process established in the State plan. If
20 the appeal does not result in such a designation, the
21 Secretary of Labor, after receiving a request for re-
22 view from the unit or grant recipient and on deter-
23 mining that the unit or grant recipient was not ac-
24 corded procedural rights under the appeal process
25 described in the State plan, as specified in section

1 112(b)(2)(D)(i), or that the area meets the require-
2 ments of paragraph (2), may require that the area
3 be designated as a local area under such paragraph.

4 (b) SINGLE STATE LOCAL AREAS.—

5 (1) CONTINUATION OF PREVIOUS DESIGNA-
6 TION.—The Governor of any State that was a single
7 State local area for purposes of title I of the Work-
8 force Investment Act of 1998, as in effect on July
9 1, 2011, may designate the State as a single State
10 local area for purposes of this title and title II if the
11 Governor identifies the State as a local area in the
12 State plan.

13 (2) REDESIGNATION.—The Governor of a State
14 not described in paragraph (1) may designate the
15 State as a single local area if, prior to the submis-
16 sion of the State plan or modification to such plan
17 so designating the State, no local area meeting the
18 requirements for automatic designation under sub-
19 section (a)(2) requests such designation as a sepa-
20 rate local area.

21 (3) COMPOSITION OF STATE BOARD.—

22 (A) CONTINUATION OF PREVIOUS DES-
23 IGNATION.—For a State that is designated as a
24 single State local area under paragraph (1), the
25 composition of the State board shall—

1 (i) be consistent with the composition
2 of the State board for such State for pur-
3 poses of title I of the Workforce Invest-
4 ment Act of 1998, as in effect on the day
5 before the date of enactment of this Act;
6 or

7 (ii)(I) include the members described
8 in subparagraphs (A) and (B) of section
9 111(b)(1);

10 (II) include, as a majority of the
11 members, the representatives described in
12 section 111(b)(1)(C)(i);

13 (III) include, as members other than
14 the members described in subparagraphs
15 (A), (B), and (C)(i) of section 111(b)(1),
16 an equal number of—

17 (aa) representatives described in
18 subparagraph (C)(ii) of that section;

19 and

20 (bb) representatives described in
21 subparagraph (C)(iii) of that section;

22 and

23 (IV) include as chairperson an indi-
24 vidual elected from among the members
25 described in section 111(b)(1)(C)(i).

1 (B) REDESIGNATION.—For a State that is
2 designated as a single State local area under
3 paragraph (2), the composition of the State
4 board shall be consistent with the requirements
5 described in subparagraph (A)(ii).

6 (4) EFFECT ON LOCAL PLAN AND LOCAL FUNC-
7 TIONS.—In any case in which a State is designated
8 as a local area pursuant to this subsection, the local
9 plan prepared under section 118 for the area shall
10 be submitted for approval as part of the State plan.
11 In such a State, the State board shall carry out the
12 functions of a local board, as specified in this Act
13 or the provisions authorizing a core program, but
14 the State shall not be required to meet and report
15 on a set of local performance accountability meas-
16 ures.

17 (c) REGIONAL PLANNING AND SERVICE DELIV-
18 ERY.—

19 (1) IN GENERAL.—

20 (A) PLANNING.—

21 (i) IDENTIFICATION.—Before the first
22 day of the second full program year that
23 commences after the date of enactment of
24 this Act, as part of the process for devel-
25 oping the State plan, a State shall identify

1 regions in the State. The State shall iden-
2 tify regions after consultation with the
3 local boards and chief elected officials in
4 the affected local areas and consistent with
5 the criteria described in subsection
6 (a)(1)(B).

7 (ii) TYPES OF REGIONS.—For pur-
8 poses of this Act, the State shall identify—

9 (I) which regions are comprised
10 of 1 local area that is aligned with the
11 region; and

12 (II) which regions are comprised
13 of 2 or more local areas that are (col-
14 lectively) aligned with the region.

15 (iii) PLANNING FOR COOPERATIVE
16 INITIATIVES AND ARRANGEMENTS.—In the
17 regions comprised of 2 or more local areas,
18 the State shall require regional planning,
19 including planning for regional service de-
20 livery, by local boards in those regions.
21 The State shall require the local boards in
22 a planning region to participate in a re-
23 gional planning process for cooperative ini-
24 tiatives and arrangements that result in—

1 (I) the establishment of regional
2 service strategies and activities, in-
3 cluding service delivery cooperative ar-
4 rangements and regional approaches
5 to address the employment and train-
6 ing needs of individuals with barriers
7 to employment;

8 (II) as appropriate, the develop-
9 ment and implementation of initia-
10 tives involving in-demand industry
11 sectors or occupations;

12 (III) the collection and analysis
13 of regional labor market data (in con-
14 junction with the State); and

15 (IV) the establishment of admin-
16 istrative cost arrangements, as appro-
17 priate.

18 (iv) REGIONAL PLANS.—The State,
19 after consultation with the local boards
20 and chief elected officials for the planning
21 region, shall require the local boards and
22 officials to collaborate in order to prepare,
23 submit, and obtain approval of a single re-
24 gional plan. Such plan shall include a de-
25 scription of the cooperative initiatives and

1 arrangements developed pursuant to clause
2 (iii) and incorporate local plans for each of
3 the local areas in the planning region (as
4 required under section 118), which shall
5 contain strategies that are consistent and
6 aligned with each other.

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

10 (I) LOCAL AREA.—Except as pro-
11 vided in section 111(d)(8), this sec-
12 tion, paragraph (1)(B) or (4) of sec-
13 tion 117(c), or section 117(d)(12)(B),
14 or in any text that provides an accom-
15 panying provision specifically for a
16 planning region, the term “local area”
17 in a provision includes a reference to
18 a planning region for purposes of im-
19 plementation of that provision by the
20 corresponding local areas in the re-
21 gion.

22 (II) LOCAL PLAN.—Except as
23 provided in subsection (b)(4) or this
24 subsection, the term “local plan” in-
25 cludes a reference to the portion of a

1 regional plan developed with respect
2 to the corresponding local area within
3 the region, and any regionwide provi-
4 sion of that plan that impacts or re-
5 lates to the local area.

6 (B) ASSISTANCE FOR LOCAL AREAS.—

7 (i) IN GENERAL.—The State shall
8 provide technical assistance and labor mar-
9 ket information to local boards in planning
10 regions to assist such local boards with re-
11 gional planning and subsequent service de-
12 livery efforts, and with the alignment of
13 programs consistent with the alignment en-
14 visioned in the State and local plans.

15 (ii) REDESIGNATION ASSISTANCE.—
16 On the request of all of the local areas in
17 a planning region, the State shall provide
18 funding from funds made available under
19 sections 228(a) and 233(a)(1) to assist the
20 local areas in carrying out activities to fa-
21 cilitate the redesignation of the local areas
22 as a single local area.

23 (2) INFORMATION SHARING.—The State shall
24 require the local boards for a planning region to
25 share, consistent with State law, employment statis-

1 tics, information about employment opportunities
2 and trends, information about the skill requirements
3 of existing and emerging in-demand industry sectors
4 and occupations, information on the skills and work-
5 force development activities, and any skill or services
6 gaps, in the planning region, and other types of in-
7 formation that would assist in improving the per-
8 formance of all local areas in the planning region on
9 the performance accountability measures established
10 under section 131(c).

11 (3) COORDINATION OF SERVICES.—The State
12 shall require the local boards for a planning region
13 to coordinate—

14 (A) the provision of workforce investment
15 activities with the activities of the other one-
16 stop partner programs, including the provision
17 of transportation and other supportive services,
18 so that services provided through such pro-
19 grams may be provided across the boundaries of
20 local areas within the planning region; and

21 (B) the provision of such activities with re-
22 gional economic development services and strat-
23 egies.

24 (4) INTERSTATE REGIONS.—Two or more
25 States that contain an interstate region that is a

1 labor market area, economic development region, or
2 other appropriate contiguous subarea of the States
3 may designate the area as a planning region for pur-
4 poses of this subsection, and jointly exercise the
5 State functions described in this Act (including
6 paragraphs (1) through (3)).

7 **SEC. 117. LOCAL WORKFORCE DEVELOPMENT BOARDS.**

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

15 (b) MEMBERSHIP.—

16 (1) STATE CRITERIA.—The Governor, in part-
17 nership with the State board, shall establish criteria
18 for use by chief elected officials in the local areas for
19 appointment of members of the local boards in such
20 local areas in accordance with the requirements of
21 paragraph (2).

22 (2) COMPOSITION.—Such criteria shall require
23 that, at a minimum—

1 (A) a majority of the members of each
2 local board shall be representatives of business
3 in the local area, who—

4 (i) are owners of businesses, chief ex-
5 ecutives or operating officers of businesses,
6 or other business executives or employers
7 with optimum policymaking or hiring au-
8 thority;

9 (ii) represent businesses, including
10 small businesses, or organizations rep-
11 resenting businesses described in this
12 clause, that provide employment opportuni-
13 ties that, at a minimum, will provide clear
14 and accessible career pathways, and in-
15 clude high-quality, work-relevant training
16 and development in in-demand industry
17 sectors or occupations in the local area;
18 and

19 (iii) are appointed from among indi-
20 viduals nominated by local business organi-
21 zations and business trade associations;

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

1 (i) shall include representatives of
2 labor organizations (for a local area in
3 which employees are represented by labor
4 organizations), who have been nominated
5 by local labor federations, or (for a local
6 area in which no employees are represented
7 by such organizations) other representa-
8 tives of employees;

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

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

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

4 (i) shall include a representative of el-
5 igible providers administering adult edu-
6 cation and literacy activities under title
7 III;

8 (ii) shall include a representative of
9 institutions of higher education providing
10 workforce investment activities (including
11 community colleges);

12 (iii) shall include a representative, ei-
13 ther an employer, a member of a labor or-
14 ganization, or a staff director, from a joint
15 labor-management apprenticeship program,
16 or if no such joint program exists in the
17 area, a representative of an apprenticeship
18 program in the area; and

19 (iv) may include representatives of
20 local educational agencies, and of commu-
21 nity-based organizations with demonstrated
22 experience and expertise in addressing the
23 education or training needs of individuals
24 with barriers to employment;

1 (D) each local board shall include rep-
2 resentatives of governmental and economic and
3 community development entities serving the
4 local area, who—

5 (i) shall include 1 or more representa-
6 tives of economic and community develop-
7 ment entities;

8 (ii) shall include an appropriate rep-
9 resentative from the State employment
10 service office under the Wagner-Peyser Act
11 (29 U.S.C. 49 et seq.) serving the local
12 area;

13 (iii) shall include an appropriate rep-
14 resentative of the programs carried out
15 under title I of the Rehabilitation Act of
16 1973 (29 U.S.C. 720 et seq.), other than
17 section 112 or part C of that title (29
18 U.S.C. 732, 741), serving the local area;

19 (iv) may include representatives of
20 agencies or entities administering pro-
21 grams serving the local area relating to
22 transportation, housing, and public assist-
23 ance; and

1 (v) may include representatives of
2 philanthropic organizations serving the
3 local area; and

4 (E) each local board may include such
5 other individuals or representatives of entities
6 as the chief elected official in the local area may
7 determine to be appropriate.

8 (3) CHAIRPERSON.—The members of the local
9 board shall elect a chairperson for the local board
10 from among the representatives described in para-
11 graph (2)(A).

12 (4) STANDING COMMITTEES.—

13 (A) IN GENERAL.—The local board shall
14 designate and direct the activities of standing
15 committees to provide information and to assist
16 the local board in carrying out activities under
17 this section. Such standing committees shall be
18 chaired by a member of the local board, may in-
19 clude other members of the local board, and
20 shall include other individuals appointed by the
21 local board who are not members of the local
22 board and who the local board determines have
23 appropriate experience and expertise. At a min-
24 imum, the local board shall designate each of
25 the following:

1 (i) A standing committee, which shall
2 provide information and assist with oper-
3 ational and other issues relating to the
4 one-stop delivery system, and which may
5 include as members representatives of the
6 one-stop partners.

7 (ii) A standing committee to provide
8 information and to assist with planning,
9 operational, and other issues relating to
10 the provision of services to youth, which
11 shall include community-based organiza-
12 tions with a demonstrated record of suc-
13 cess in serving eligible youth.

14 (iii) A standing committee to provide
15 information and to assist with operational
16 and other issues relating to the provision
17 of services to individuals with disabilities,
18 including issues relating to compliance
19 with section 288 and applicable provisions
20 of the Americans with Disabilities Act of
21 1990 (42 U.S.C. 12101 et seq.) regarding
22 providing programmatic and physical ac-
23 cess to the services, programs, and activi-
24 ties of the one-stop delivery system, as well
25 as appropriate training for staff on pro-

1 viding supports for or accommodations to,
2 and finding employment opportunities for,
3 individuals with disabilities.

4 (B) ADDITIONAL COMMITTEES.—The local
5 board may designate standing committees in
6 addition to the standing committees specified in
7 subparagraph (A).

8 (C) DESIGNATION OF ENTITY.—Nothing in
9 this paragraph shall be construed to prohibit
10 the designation of an existing (as of the date of
11 enactment of this Act) entity, such as an effec-
12 tive youth council, to fulfill the requirements of
13 this paragraph as long as the entity meets the
14 requirements of this paragraph.

15 (5) AUTHORITY OF BOARD MEMBERS.—Mem-
16 bers of the board that represent organizations, agen-
17 cies, or other entities shall be individuals with opti-
18 mum policymaking authority within the organiza-
19 tions, agencies, or entities. The members of the
20 board shall represent diverse geographic areas within
21 the local area.

22 (6) SPECIAL RULE.—If there are multiple eligi-
23 ble providers serving the local area by administering
24 adult education and literacy activities under title III,
25 or multiple institutions of higher education serving

1 the local area by providing workforce investment ac-
2 tivities, each representative on the local board de-
3 scribed in clause (i) or (ii) of paragraph (2)(C), re-
4 spectively, shall be appointed from among individ-
5 uals nominated by local providers representing such
6 providers or institutions, respectively.

7 (c) APPOINTMENT AND CERTIFICATION OF BOARD.—

8 (1) APPOINTMENT OF BOARD MEMBERS AND
9 ASSIGNMENT OF RESPONSIBILITIES.—

10 (A) IN GENERAL.—The chief elected offi-
11 cial in a local area is authorized to appoint the
12 members of the local board for such area, in ac-
13 cordance with the State criteria established
14 under subsection (b).

15 (B) MULTIPLE UNITS OF LOCAL GOVERN-
16 MENT IN AREA.—

17 (i) IN GENERAL.—In a case in which
18 a local area includes more than 1 unit of
19 general local government, the chief elected
20 officials of such units may execute an
21 agreement that specifies the respective
22 roles of the individual chief elected offi-
23 cials—

24 (I) in the appointment of the
25 members of the local board from the

1 individuals nominated or rec-
2 ommended to be such members in ac-
3 cordance with the criteria established
4 under subsection (b); and

5 (II) in carrying out any other re-
6 sponsibilities assigned to such officials
7 under this title or subtitle A of title
8 II.

9 (ii) LACK OF AGREEMENT.—If, after
10 a reasonable effort, the chief elected offi-
11 cials are unable to reach agreement as pro-
12 vided under clause (i), the Governor may
13 appoint the members of the local board
14 from individuals so nominated or rec-
15 ommended.

16 (C) CONCENTRATED EMPLOYMENT PRO-
17 GRAMS.—In the case of an area that was des-
18 ignated as a local area in accordance with sec-
19 tion 116(a)(2)(B) of the Workforce Investment
20 Act of 1998 (as in effect on the day before the
21 date of enactment of this Act), and that re-
22 mains a local area on that date, the governing
23 body of the concentrated employment program
24 involved shall act in consultation with the chief
25 elected official in the local area to appoint

1 members of the local board, in accordance with
2 the State criteria established under subsection
3 (b), and to carry out any other responsibility
4 relating to workforce investment activities as-
5 signed to such official under this Act.

6 (2) CERTIFICATION.—

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

10 (B) CRITERIA.—Such certification shall be
11 based on criteria established under subsection
12 (b), and for a second or subsequent certifi-
13 cation, the extent to which the local board has
14 ensured that workforce investment activities
15 carried out in the local area have enabled the
16 local area to meet the corresponding perform-
17 ance accountability measures and achieve sus-
18 tained fiscal integrity, as defined in section
19 116(a)(2)(C).

20 (C) FAILURE TO ACHIEVE CERTIFI-
21 CATION.—Failure of a local board to achieve
22 certification shall result in appointment and
23 certification of a new local board for the local
24 area pursuant to the process described in para-
25 graph (1) and this paragraph.

1 (3) DECERTIFICATION.—

2 (A) FRAUD, ABUSE, FAILURE TO CARRY
3 OUT FUNCTIONS.—Notwithstanding paragraph
4 (2), the Governor shall have the authority to
5 decertify a local board at any time after pro-
6 viding notice and an opportunity for comment,
7 for—

8 (i) fraud or abuse; or

9 (ii) failure to carry out the functions
10 specified for the local board in subsection
11 (d).

12 (B) NONPERFORMANCE.—Notwithstanding
13 paragraph (2), the Governor may decertify a
14 local board if a local area fails to meet the local
15 performance accountability measures for such
16 local area in accordance with section 131(c) for
17 2 consecutive program years.

18 (C) REORGANIZATION PLAN.—If the Gov-
19 ernor decertifies a local board for a local area
20 under subparagraph (A) or (B), the Governor
21 may require that a new local board be ap-
22 pointed and certified for the local area pursuant
23 to a reorganization plan developed by the Gov-
24 ernor, in consultation with the chief elected offi-

1 cial in the local area and in accordance with the
2 criteria established under subsection (b).

3 (4) SINGLE STATE LOCAL AREA.—

4 (A) STATE BOARD.—Notwithstanding sub-
5 section (b) and paragraphs (1) and (2), if a
6 State described in section 116(b) indicates in
7 the State plan that the State will be treated as
8 a single State local area, for purposes of the ap-
9 plication of this Act or the provisions author-
10 izing a core program, the State board shall
11 carry out any of the functions of a local board
12 under this Act or the provisions authorizing a
13 core program, including the functions described
14 in subsection (d).

15 (B) REFERENCES.—

16 (i) IN GENERAL.—Except as provided
17 in clauses (ii) and (iii), with respect to
18 such a State, a reference in this Act or a
19 core program provision to a local board
20 shall be considered to be a reference to the
21 State board, and a reference in the Act or
22 provision to a local area or region shall be
23 considered to be a reference to the State.

24 (ii) PLANS.—The State board shall
25 prepare a local plan under section 118 for

1 the State, and submit the plan for ap-
2 proval as part of the State plan.

3 (iii) PERFORMANCE ACCOUNTABILITY
4 MEASURES.—The State shall not be re-
5 quired to meet and report on a set of local
6 performance accountability measures.

7 (d) FUNCTIONS OF LOCAL BOARD.—Consistent with
8 section 118, the functions of the local board shall include
9 the following:

10 (1) LOCAL PLAN.—The local board, in partner-
11 ship with the chief elected official for the local area
12 involved, shall develop and submit a local plan to the
13 Governor that meets the requirements in section
14 118. If the local area is part of a planning region
15 that includes other local areas, the local board shall
16 collaborate with the other local boards and chief
17 elected officials from such other local areas in the
18 development and submission of the local plan as de-
19 scribed in section 116(c)(1)(A).

20 (2) WORKFORCE RESEARCH AND REGIONAL
21 LABOR MARKET ANALYSIS.—In order to assist in the
22 development and implementation of the local plan,
23 the local board shall—

24 (A) carry out analyses of the economic
25 conditions in the region, the needed knowledge

1 and skills for the region, the workforce in the
2 region, and workforce development activities
3 (including education and training) in the region
4 described in section 118(b)(1)(D), and regularly
5 update such information;

6 (B) assist the Governor in developing the
7 statewide workforce and labor market informa-
8 tion system described in section 15(e) of the
9 Wagner-Peyser Act (29 U.S.C. 491-2(e)), spe-
10 cifically in the collection, analysis, and utiliza-
11 tion of workforce and labor market information
12 for the region; and

13 (C) conduct such other research, data col-
14 lection, and analysis related to the workforce
15 needs of the regional economy as the board,
16 after receiving input from a wide array of
17 stakeholders, determines to be necessary to
18 carry out its functions.

19 (3) CONVENING, BROKERING, LEVERAGING.—

20 The local board shall convene local workforce devel-
21 opment system stakeholders to assist in the develop-
22 ment of the local plan under section 118 and in
23 identifying non-Federal expertise and resources to
24 leverage support for workforce development activi-
25 ties. The local board, including standing committees,

1 may engage such stakeholders in carrying out the
2 functions described in this subsection.

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

6 (A) to promote business representation
7 (particularly representatives with optimal pol-
8 icymaking or hiring authority from employers
9 whose employment opportunities reflect existing
10 and emerging employment opportunities in the
11 region) on the local board;

12 (B) to develop effective linkages (including
13 the use of intermediaries) with employers in the
14 region to support employer utilization of the
15 local workforce development system and to sup-
16 port local workforce investment activities;

17 (C) to ensure that workforce investment
18 activities meet the needs of employers and sup-
19 port economic growth in the region, by enhanc-
20 ing communication, coordination, and collabora-
21 tion among employers, economic development
22 entities, and service providers; and

23 (D) to develop and implement proven or
24 promising strategies for meeting the employ-
25 ment and skill needs of workers and employers

1 (such as the establishment of industry and sec-
2 tor partnerships), that provide the skilled work-
3 force needed by employers in the region, and
4 that expand employment and career advance-
5 ment opportunities for workforce development
6 system participants in in-demand industry sec-
7 tors or occupations.

8 (5) CAREER PATHWAYS DEVELOPMENT.—The
9 local board, with representatives of secondary and
10 postsecondary education programs, shall lead efforts
11 in the local area to develop and implement career
12 pathways within the local area by aligning the em-
13 ployment, training, education, and supportive serv-
14 ices that are needed by adults and youth, particu-
15 larly individuals with barriers to employment.

16 (6) PROVEN AND PROMISING PRACTICES.—The
17 local board shall lead efforts in the local area to—

18 (A) identify and promote proven and prom-
19 ising strategies and initiatives for meeting the
20 needs of employers, and workers and jobseekers
21 (including individuals with barriers to employ-
22 ment) in the local workforce development sys-
23 tem, including providing physical and pro-
24 grammatic accessibility, in accordance with sec-
25 tion 288 and applicable provisions of the Ameri-

1 cans with Disabilities Act of 1990 (42 U.S.C.
2 12101 et seq.), to the one-stop delivery system;
3 and

4 (B) identify and disseminate information
5 on proven and promising practices carried out
6 in other local areas for meeting such needs.

7 (7) TECHNOLOGY.—The local board shall de-
8 velop strategies for using technology to maximize the
9 accessibility and effectiveness of the local workforce
10 development system for employers, and workers and
11 jobseekers, by—

12 (A) facilitating connections among the in-
13 take and case management information systems
14 of the one-stop partner programs to support a
15 comprehensive workforce development system in
16 the local area;

17 (B) facilitating access to services provided
18 through the one-stop delivery system involved,
19 including facilitating the access in remote areas;

20 (C) identifying strategies for better meet-
21 ing the needs of individuals with barriers to em-
22 ployment, including strategies that augment
23 traditional service delivery, and increase access
24 to services and programs of the one-stop deliv-

1 ery system, such as improving digital literacy
2 skills; and

3 (D) leveraging resources and capacity
4 within the local workforce development system,
5 including resources and capacity for services for
6 individuals with barriers to employment.

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

10 (A)(i) conduct oversight for local youth
11 workforce investment activities authorized
12 under section 229, local employment and train-
13 ing activities authorized under section 234, and
14 the one-stop delivery system in the local area;
15 and

16 (ii) ensure the appropriate use and man-
17 agement of the funds provided under this title
18 and title II for the activities and system de-
19 scribed in clause (i); and

20 (B) for workforce development activities,
21 ensure the appropriate use, management of,
22 and investment of funds to maximize perform-
23 ance outcomes under section 131.

24 (9) NEGOTIATION OF LOCAL PERFORMANCE AC-
25 COUNTABILITY MEASURES.—The local board, the

1 chief elected official, and the Governor shall nego-
2 tiate and reach agreement on local performance ac-
3 countability measures as described in section 131(e).

4 (10) SELECTION OF OPERATORS AND PRO-
5 VIDERS.—

6 (A) SELECTION OF ONE-STOP OPERA-
7 TORS.—Consistent with section 221(d), the
8 local board, with the agreement of the chief
9 elected official for the local area—

10 (i) shall designate or certify one-stop
11 operators as described in section
12 221(d)(2)(A); and

13 (ii) may terminate for cause the eligi-
14 bility of such operators.

15 (B) SELECTION OF YOUTH PROVIDERS.—

16 Consistent with section 223, the local board—

17 (i) shall identify eligible providers of
18 youth workforce investment activities in
19 the local area by awarding grants or con-
20 tracts on a competitive basis (except as
21 provided in section 223(b)), based on the
22 recommendations of the youth standing
23 committee established under section
24 117(b)(4); and

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

3 (C) IDENTIFICATION OF ELIGIBLE PRO-
4 VIDERS OF TRAINING SERVICES.—Consistent
5 with section 222, the local board shall identify
6 eligible providers of training services in the
7 local area.

8 (D) IDENTIFICATION OF ELIGIBLE PRO-
9 VIDERS OF INTENSIVE SERVICES.—If the one-
10 stop operator does not provide intensive services
11 in a local area, the local board shall identify eli-
12 gible providers of intensive services described in
13 section 234(e)(3) in the local area by awarding
14 contracts.

15 (E) CONSUMER CHOICE REQUIREMENTS.—
16 Consistent with section 222 and paragraphs (3)
17 and (4) of section 234(e), the local board shall
18 work with the State to ensure there are suffi-
19 cient numbers and types of providers of inten-
20 sive services and training services (including eli-
21 gible providers with expertise in assisting indi-
22 viduals with disabilities and eligible providers
23 with expertise in assisting adults in need of
24 adult education and literacy activities) serving
25 the local area and providing the services in-

1 involved in a manner that maximizes consumer
2 choice, as well as providing opportunities that
3 lead to competitive, integrated employment for
4 individuals with disabilities.

5 (11) COORDINATION WITH EDUCATION PRO-
6 VIDERS.—

7 (A) IN GENERAL.—The local board shall
8 coordinate activities with education and training
9 providers in the local area, including providers
10 of workforce investment activities, providers of
11 adult education and literacy activities under
12 title III, providers of career and technical edu-
13 cation (as defined in section 3 of the Carl D.
14 Perkins Career and Technical Education Act of
15 2006 (20 U.S.C. 2302)) and local agencies ad-
16 ministering plans under title I of the Rehabili-
17 tation Act of 1973 (29 U.S.C. 720 et seq.),
18 other than section 112 or part C of that title
19 (29 U.S.C. 732, 741).

20 (B) APPLICATIONS AND AGREEMENTS.—
21 The coordination described in subparagraph (A)
22 shall include—

23 (i) consistent with section 332—

24 (I) reviewing the applications to
25 provide adult education and literacy

1 activities under title III for the local
2 area, submitted under such section to
3 the eligible agency by eligible pro-
4 viders, to determine whether such ap-
5 plications are consistent with the local
6 plan; and

7 (II) making recommendations to
8 the eligible agency to promote align-
9 ment with such plan; and

10 (ii) replicating cooperative agreements
11 in accordance with subparagraph (B) of
12 section 101(a)(11) of the Rehabilitation
13 Act of 1973 (29 U.S.C. 721(a)(11)), and
14 implementing cooperative agreements in
15 accordance with that section with the local
16 agencies administering plans under title I
17 of that Act (29 U.S.C. 720 et seq.) (other
18 than section 112 or part C of that title (29
19 U.S.C. 732, 741) and subject to section
20 221(f)), with respect to efforts that will en-
21 hance the provision of services to individ-
22 uals with disabilities and other individuals,
23 such as cross training of staff, technical
24 assistance, use and sharing of information,
25 cooperative efforts with employers, and

1 other efforts at cooperation, collaboration,
2 and coordination.

3 (C) COOPERATIVE AGREEMENT.—In this
4 paragraph, the term “cooperative agreement”
5 means an agreement entered into by a State
6 designated agency or State designated unit
7 under subparagraph (A) of section 101(a)(11)
8 of the Rehabilitation Act of 1973.

9 (12) BUDGET AND ADMINISTRATION.—

10 (A) BUDGET.—The local board shall de-
11 velop a budget for the activities of the local
12 board in the local area, consistent with the local
13 plan and the duties of the local board under
14 this section, subject to the approval of the chief
15 elected official.

16 (B) ADMINISTRATION.—

17 (i) GRANT RECIPIENT.—

18 (I) IN GENERAL.—The chief
19 elected official in a local area shall
20 serve as the local grant recipient for,
21 and shall be liable for any misuse of,
22 the grant funds allocated to the local
23 area under sections 228 and 233, un-
24 less the chief elected official reaches
25 an agreement with the Governor for

1 the Governor to act as the local grant
2 recipient and bear such liability.

3 (II) DESIGNATION.—In order to
4 assist in administration of the grant
5 funds, the chief elected official or the
6 Governor, where the Governor serves
7 as the local grant recipient for a local
8 area, may designate an entity to serve
9 as a local grant subrecipient for such
10 funds or as a local fiscal agent. Such
11 designation shall not relieve the chief
12 elected official or the Governor of the
13 liability for any misuse of grant funds
14 as described in subclause (I).

15 (III) DISBURSAL.—The local
16 grant recipient or an entity designated
17 under subclause (II) shall disburse the
18 grant funds for workforce investment
19 activities at the direction of the local
20 board, pursuant to the requirements
21 of this title and title II. The local
22 grant recipient or entity designated
23 under subclause (II) shall disburse the
24 funds immediately on receiving such
25 direction from the local board.

1 (ii) GRANTS AND DONATIONS.—The
2 local board may solicit and accept grants
3 and donations from sources other than
4 Federal funds made available under this
5 Act.

6 (iii) TAX-EXEMPT STATUS.—For pur-
7 poses of carrying out duties under this
8 Act, local boards may incorporate, and
9 may operate as entities described in section
10 501(c)(3) of the Internal Revenue Code of
11 1986 that are exempt from taxation under
12 section 501(a) of such Code.

13 (13) ACCESSIBILITY FOR INDIVIDUALS WITH
14 DISABILITIES.—The local board shall annually as-
15 sess the physical and programmatic accessibility, in
16 accordance with section 288 and applicable provi-
17 sions of the Americans with Disabilities Act of 1990
18 (42 U.S.C. 12101 et seq.), of all one-stop centers in
19 the local area.

20 (e) SUNSHINE PROVISION.—The local board shall
21 make available to the public, on a regular basis through
22 electronic means and open meetings, information regard-
23 ing the activities of the local board, including information
24 regarding the local plan prior to submission of the plan,
25 and regarding membership, the designation and certifi-

1 cation of one-stop operators, and the award of grants or
2 contracts to eligible providers of youth workforce invest-
3 ment activities, and on request, minutes of formal meet-
4 ings of the local board.

5 (f) STAFF.—

6 (1) IN GENERAL.—The local board may hire a
7 director and other staff.

8 (2) LIMITATION ON RATE.—The director and
9 staff described in paragraph (1) shall be subject to
10 the limitations on the payment of salaries and bo-
11 nuses described in section 294(15).

12 (g) LIMITATIONS.—

13 (1) TRAINING SERVICES.—

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

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

1 (i) submits to the Governor a pro-
2 posed request for the waiver that in-
3 cludes—

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

9 (II) information demonstrating
10 that the board meets the requirements
11 for an eligible provider of training
12 services under section 222; and

13 (III) information demonstrating
14 that the program of training services
15 prepares participants for an industry
16 sector or occupation that is in demand
17 in the local area;

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

23 (iii) includes, in the final request for
24 the waiver, the evidence and information

1 described in clause (i) and the comments
2 received pursuant to clause (ii).

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

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

20 (2) CORE SERVICES; INTENSIVE SERVICES; DES-
21 IGNATION OR CERTIFICATION AS ONE-STOP OPERA-
22 TORS.—A local board may provide core services de-
23 scribed in section 234(c)(2) or intensive services de-
24 scribed in section 234(c)(3) through a one-stop de-
25 livery system or be designated or certified as a one-

1 stop operator only with the agreement of the chief
 2 elected official in the local area and the Governor.

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

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

8 (1) vote on a matter under consideration by the
 9 local board—

10 (A) regarding the provision of services by
 11 such member (or by an entity that such mem-
 12 ber represents); or

13 (B) that would provide direct financial
 14 benefit to such member or the immediate family
 15 of such member; or

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

19 (i) ALTERNATIVE ENTITY.—

20 (1) IN GENERAL.—For purposes of complying
 21 with subsections (a), (b), and (c), a State may use
 22 any local entity (including a local council, regional
 23 workforce development board, or similar entity)
 24 that—

1 (A) is established to serve the local area
2 (or the service delivery area that most closely
3 corresponds to the local area);

4 (B) was in existence on August 7, 1998,
5 pursuant to State law; and

6 (C) includes—

7 (i) representatives of business in the
8 local area; and

9 (ii)(I) representatives of labor organi-
10 zations (for a local area in which employ-
11 ees are represented by labor organiza-
12 tions), nominated by local labor federa-
13 tions; or

14 (II) other representatives of employees
15 in the local area (for a local area in which
16 no employees are represented by such or-
17 ganizations).

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

21 **SEC. 118. LOCAL PLAN.**

22 (a) IN GENERAL.—Each local board shall develop
23 and submit to the Governor a comprehensive 4-year local
24 plan, in partnership with the chief elected official. The
25 local plan shall support the strategy described in the State

1 plan in accordance with section 112(b)(1)(F), and other-
2 wise be consistent with the State plan. If the local area
3 is part of a planning region, the local board shall comply
4 with section 116(c)(1)(A) in the preparation and submis-
5 sion of a regional plan. At the end of the first 2-year pe-
6 riod of the 4-year local plan, each local board shall review
7 the local plan and the local board, in partnership with the
8 chief elected official, shall prepare and submit modifica-
9 tions to the local plan to reflect changes in labor market
10 and economic conditions or in other factors affecting the
11 implementation of the local plan.

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

13 (1) a description of the strategic planning ele-
14 ments consisting of—

15 (A) an analysis of the regional economic
16 conditions including—

17 (i) existing and emerging in-demand
18 industry sectors and occupations; and

19 (ii) the employment needs of employ-
20 ers in those industry sectors and occupa-
21 tions;

22 (B) an analysis of the knowledge and skills
23 needed to meet the employment needs of the
24 employers in the region, including employment

1 needs in in-demand industry sectors and occu-
2 pations;

3 (C) an analysis of the workforce in the re-
4 gion, including current labor force employment
5 (and unemployment) data, and information on
6 labor market trends, and the educational and
7 skill levels of the workforce in the region, in-
8 cluding individuals with barriers to employment;

9 (D) an analysis of the workforce develop-
10 ment activities (including education and train-
11 ing) in the region, including an analysis of the
12 strengths and weaknesses of such services, and
13 the capacity to provide such services, to address
14 the identified education and skill needs of the
15 workforce and the employment needs of employ-
16 ers in the region;

17 (E) a description of the local board's stra-
18 tegic vision and goals for preparing an educated
19 and skilled workforce (including youth and indi-
20 viduals with barriers to employment), including
21 goals relating to the performance accountability
22 measures based on primary indicators of per-
23 formance described in section 131(b)(2)(A) in
24 order to support regional economic growth and
25 economic self-sufficiency; and

1 (F) taking into account analyses described
2 in subparagraphs (A) through (D), a strategy
3 to work with the entities that carry out the core
4 programs to align resources available to the
5 local area, to achieve the strategic vision and
6 goals described in subparagraph (E);

7 (2) a description of the workforce development
8 system in the local area that identifies the programs
9 that are included in that system and how the local
10 board will work with the entities carrying out core
11 programs and other workforce development pro-
12 grams to support alignment to provide services, in-
13 cluding programs of study authorized under the Carl
14 D. Perkins Career and Technical Education Act of
15 2006 (20 U.S.C. 2301 et seq.), that support the
16 strategy identified in the State plan under para-
17 graph (1)(F);

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

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

3 (A) in order to—

4 (i) facilitate engagement of employers,
5 including small employers and employers in
6 in-demand industry sectors and occupa-
7 tions, in workforce development programs;

8 (ii) support a local workforce develop-
9 ment system that meets the needs of busi-
10 nesses in the local area;

11 (iii) better coordinate workforce devel-
12 opment programs and economic develop-
13 ment; and

14 (iv) strengthen linkages between the
15 one-stop delivery system and unemploy-
16 ment insurance programs; and

17 (B) that may include the implementation
18 of initiatives such as incumbent worker training
19 programs, on-the-job training programs, cus-
20 tomized training programs, industry and sector
21 strategies, career pathways initiatives, utiliza-
22 tion of effective business intermediaries, and
23 other business services and strategies, designed
24 to meet the needs of employers in the cor-

1 responding region in support of the strategy de-
2 scribed in paragraph (1)(F);

3 (5) a description of how the local board will co-
4 ordinate workforce investment activities carried out
5 in the local area with economic development activi-
6 ties carried out in the region in which the local area
7 is located (or planning region), and promote entre-
8 preneurial skills training and microenterprise serv-
9 ices;

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

12 (A) a description of how the local board
13 will ensure the continuous improvement of eligi-
14 ble providers of services through the system and
15 ensure that such providers meet the employ-
16 ment needs of local employers, and workers and
17 jobseekers;

18 (B) a description of how the local board
19 will facilitate access to services provided
20 through the one-stop delivery system, including
21 in remote areas, through the use of technology
22 and through other means;

23 (C) a description of how entities within the
24 one-stop delivery system, including one-stop op-
25 erators and the one-stop partners, will comply

1 with section 288 and applicable provisions of
2 the Americans with Disabilities Act of 1990 (42
3 U.S.C. 12101 et seq.) regarding the physical
4 and programmatic accessibility of facilities, pro-
5 grams and services, technology, and materials
6 for individuals with disabilities, including pro-
7 viding staff training and support for addressing
8 the needs of individuals with disabilities; and

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

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

14 (8) a description of how the local board will co-
15 ordinate workforce investment activities carried out
16 in the local area with statewide rapid response ac-
17 tivities, as defined in section 201, as appropriate;

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

1 (10) a description of how the local board will
2 coordinate education and workforce investment ac-
3 tivities carried out in the local area with relevant
4 secondary and postsecondary education programs
5 and activities to coordinate strategies, enhance serv-
6 ices, and avoid duplication of services;

7 (11) a description of how the local board will
8 coordinate workforce investment activities carried
9 out under this title or title II in the local area with
10 the provision of transportation, including public
11 transportation, and other appropriate supportive
12 services in the local area;

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

20 (13) a description of how the local board will
21 coordinate workforce investment activities carried
22 out under this title or title II in the local area with
23 the provision of adult education and literacy activi-
24 ties under title III in the local area, including a de-
25 scription of how the local board will carry out, con-

1 sistent with subparagraphs (A) and (B)(i) of sec-
2 tions 117(d)(11) and section 332, the review of local
3 applications submitted under title III;

4 (14) a description of the replicated cooperative
5 agreements (as defined in section 117(d)(11)) be-
6 tween the local board or other local entities de-
7 scribed in section 101(a)(11)(B) of the Rehabilita-
8 tion Act of 1973 (29 U.S.C. 721(a)(11)(B)) and the
9 local office of a designated State agency or des-
10 ignated State unit administering programs carried
11 out under title I of such Act (29 U.S.C. 720 et seq.)
12 (other than section 112 or part C of that title (29
13 U.S.C. 732, 741) and subject to section 221(f) in
14 accordance with section 101(a)(11) of such Act (29
15 U.S.C. 721(a)(11)) with respect to efforts that will
16 enhance the provision of services to individuals with
17 disabilities and to other individuals, such as cross
18 training of staff, technical assistance, use and shar-
19 ing of information, cooperative efforts with employ-
20 ers, and other efforts at cooperation, collaboration,
21 and coordination;

22 (15) an identification of the entity responsible
23 for the disbursement of grant funds described in section
24 117(d)(12)(B)(i)(III), as determined by the chief

1 elected official or the Governor under section
2 117(d)(12)(B)(i);

3 (16) a description of the competitive process to
4 be used to award the subgrants and contracts in the
5 local area for activities carried out under title I or
6 title II;

7 (17) a description of the local levels of perform-
8 ance negotiated with the Governor and chief elected
9 official pursuant to section 131(c), to be used to
10 measure the performance of the local area and to be
11 used by the local board for measuring the perform-
12 ance of the local fiscal agent (where appropriate), el-
13 igible providers under title II, and the one-stop deliv-
14 ery system, in the local area;

15 (18) a description of the actions the local board
16 will take toward becoming or remaining a high-per-
17 forming board, consistent with the factors developed
18 by the State board pursuant to section 111(d)(6);

19 (19) a description of how training services
20 under chapter 3 of subtitle B of title II will be pro-
21 vided in accordance with section 234(c)(4)(G), in-
22 cluding, if contracts for the training services will be
23 used, how the use of such contracts will be coordi-
24 nated with the use of individual training accounts
25 under that chapter and how the local board will en-

1 sure informed customer choice in the selection of
2 training programs regardless of how the training
3 services are to be provided;

4 (20) a description of the process used by the
5 local board, consistent with subsection (c), to provide
6 an opportunity for public comment, including com-
7 ment by representatives of businesses and comment
8 by representatives of labor organizations, and input
9 into the development of the local plan, prior to sub-
10 mission of the plan;

11 (21) a description of how one-stop centers are
12 implementing and transitioning to an integrated,
13 technology-enabled intake and case management in-
14 formation system for programs carried out under the
15 Act and programs carried out by one-stop partners;
16 and

17 (22) such other information as the Governor
18 may require.

19 (c) PROCESS.—Prior to the date on which the local
20 board submits a local plan under this section, the local
21 board shall—

22 (1) make available copies of a proposed local
23 plan to the public through electronic and other
24 means, such as public hearings and local news
25 media;

1 (2) allow members of the public, including rep-
2 representatives of business, representatives of labor or-
3 ganizations, and representatives of education to sub-
4 mit to the local board comments on the proposed
5 local plan, not later than the end of the 30-day pe-
6 riod beginning on the date on which the proposed
7 local plan is made available; and

8 (3) include with the local plan submitted to the
9 Governor under this section any such comments that
10 represent disagreement with the plan.

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

19 (1) deficiencies in activities carried out under
20 this title or subtitle A of title II have been identified,
21 through audits conducted under section 284 or oth-
22 erwise, and the local area has not made acceptable
23 progress in implementing corrective measures to ad-
24 dress the deficiencies;

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

3 (3) the plan does not align with the State plan,
4 including failing to provide for alignment of the core
5 programs to support the strategy identified in the
6 State plan in accordance with section 112(b)(1)(F).

7 **CHAPTER 3—GENERAL PROVISIONS**

8 **SEC. 121. QUALIFICATIONS FOR DIRECTORS.**

9 (a) DEVELOPMENT OF GUIDELINES.—

10 (1) DEVELOPMENT.—Not later than 3 months
11 after the date of enactment of this Act, the Sec-
12 retary of Labor, in consultation with the Secretary
13 of Education, shall initiate a process to develop
14 guidelines for qualifications for the position of direc-
15 tor (which may be known as an executive director or
16 chief executive officer, or by a similar title) of State
17 boards and local boards.

18 (2) CONSULTATION.—The Secretary shall so-
19 licit and consider advice from a diverse set of par-
20 ties, drawn from each of the following groups:

21 (A) Representatives of Federal, State, re-
22 gional, and local officials responsible for the ad-
23 ministration of one-stop partner programs, as
24 well as other workforce development programs
25 the Secretary determines are appropriate.

1 (B) Representatives of State boards and
2 local boards, including representatives of the di-
3 rectors of such boards.

4 (C) Individuals with relevant expertise in
5 workforce development representing entities
6 such as national associations and organizations,
7 academic and research organizations, labor or-
8 ganizations, businesses and business organiza-
9 tions, economic development entities, institu-
10 tions of higher education, community-based or-
11 ganizations and intermediaries, and philan-
12 thropic organizations.

13 (3) QUALIFICATIONS.—In developing guidelines
14 for qualifications for the directors of State boards
15 and local boards under this section, the Secretary
16 shall analyze and determine the requisite knowledge,
17 skills, and abilities necessary to assist the boards in
18 carrying out the functions described in, as appro-
19 priate, sections 111(d) and 117(d) and necessary for
20 understanding and leadership of workforce develop-
21 ment systems.

22 (b) IDENTIFICATION OF GUIDELINES.—Not later
23 than 15 months after the date of enactment of this Act,
24 the Secretary of Labor, in consultation with the Secretary
25 of Education, shall identify the guidelines for qualifica-

1 tions the Secretary of Labor determines are appropriate
2 for the directors of State boards and local boards and shall
3 disseminate such guidelines to the public, Governors, and
4 chief elected officials, and to State boards and local boards
5 for their consideration and use in hiring such directors.
6 The Secretary of Labor may provide technical assistance
7 to State boards and local boards relating to the use of
8 such guidelines.

9 (c) PERIODIC REVIEW.—The Secretary of Labor, in
10 consultation with the Secretary of Education, shall peri-
11 odically review the guideline identified under this section
12 for qualifications for the directors of State boards and
13 local boards and, after consultation with the individuals
14 referenced in subsection (a)(2), may issue such revised
15 guidelines, in accordance with this section, as the Sec-
16 retary determines to be appropriate.

17 **SEC. 122. FUNDING OF STATE AND LOCAL BOARDS.**

18 (a) STATE BOARDS.—In funding a State board under
19 this subtitle, a State—

20 (1) shall use funds available as described in sec-
21 tion 229(b)(2) or 234(a)(3)(B); or

22 (2) may use non-Federal funds available to the
23 State that the State determines are appropriate and
24 available for that use.

1 (b) LOCAL BOARDS.—In funding a local board under
 2 this subtitle, the chief elected official and local board for
 3 the local area—

4 (1) shall use funds available as described in sec-
 5 tion 228(b)(4); or

6 (2) may use non-Federal funds available to the
 7 local area that the chief elected official and local
 8 board determine are appropriate and available for
 9 that use.

10 **Subtitle B—Workforce Develop-**
 11 **ment Performance Account-**
 12 **ability System**

13 **SEC. 131. PERFORMANCE ACCOUNTABILITY SYSTEM.**

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

16 (1) across the core programs to assess the ef-
 17 fectiveness of States in achieving positive outcomes
 18 for individuals served by those programs; and

19 (2) across the title II core programs to assess
 20 the effectiveness of local areas in achieving positive
 21 outcomes for individuals served by those programs.

22 (b) STATE PERFORMANCE ACCOUNTABILITY MEAS-
 23 URES.—

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

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

6 (ii) the additional indicators of perform-
7 ance (if any) identified by the State under
8 paragraph (2)(B); and

9 (B) a State adjusted level of performance
10 for each indicator described in subparagraph
11 (A).

12 (2) INDICATORS OF PERFORMANCE.—

13 (A) PRIMARY INDICATORS OF PERFORM-
14 ANCE.—

15 (i) IN GENERAL.—The State primary
16 indicators of performance for activities
17 provided under the adult and dislocated
18 worker programs authorized under chapter
19 3 of subtitle B of title II, the program of
20 adult education and literacy activities au-
21 thorized under title III, the employment
22 services program authorized under sections
23 1 through 13 of the Wagner-Peyser Act
24 (29 U.S.C. 49 et seq.) (except that sub-
25 clauses (IV) and (V) shall not apply to

1 such program), and the program author-
2 ized under title I of the Rehabilitation Act
3 of 1973 (29 U.S.C. 720 et seq.), other
4 than section 112 or part C of that title (29
5 U.S.C. 732, 741), shall consist of—

6 (I) the percentage of program
7 participants who are employed during
8 the second quarter after exit from the
9 program;

10 (II) the percentage of program
11 participants who are employed during
12 the fourth quarter after exit from the
13 program;

14 (III) the median earnings of pro-
15 gram participants who are employed
16 during the second quarter after exit
17 from the program;

18 (IV) the percentage of program
19 participants who obtain a recognized
20 postsecondary credential, or a sec-
21 ondary school diploma or its recog-
22 nized equivalent (subject to clause
23 (iii)), during participation in or within
24 1 year after exit from the program;

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

9 (VI) the indicators of effective-
10 ness in serving employers established
11 pursuant to clause (iv).

12 (ii) PRIMARY INDICATORS FOR ELIGI-
13 BLE YOUTH.—The primary indicators of
14 performance for the youth program au-
15 thorized under chapter 2 of subtitle B of
16 title II shall consist of—

17 (I) the percentage of program
18 participants who are in education or
19 training activities, or employed, dur-
20 ing the second quarter after exit from
21 the program;

22 (II) the percentage of program
23 participants who are in education or
24 training activities, or employed, dur-

1 ing the fourth quarter after exit from
2 the program;

3 (III) the median earnings of pro-
4 gram participants who are employed
5 during the second quarter after exit
6 from the program;

7 (IV) the percentage of program
8 participants who obtain a recognized
9 postsecondary credential described in
10 clause (i)(IV), or a secondary school
11 diploma or its recognized equivalent
12 subject to clause (iii), during partici-
13 pation in or within 1 year after exit
14 from the program;

15 (V) the percentage of program
16 participants who, during a program
17 year, are in an education or training
18 program that leads to a recognized
19 postsecondary credential or employ-
20 ment and who are achieving measur-
21 able skill gains toward such a creden-
22 tial or employment; and

23 (VI) the indicators of effective-
24 ness in serving employers established
25 pursuant to clause (iv).

1 (iii) INDICATOR RELATING TO CRE-
2 DENTIAL.—For purposes of clause (i)(IV)
3 or (ii)(IV), program participants who ob-
4 tain a secondary school diploma or its rec-
5 ognized equivalent shall be included in the
6 percentage counted as meeting the cri-
7 terion under such clause only if such par-
8 ticipants, in addition to obtaining such di-
9 ploma or its recognized equivalent, have
10 obtained or retained employment or are in
11 an education or training program leading
12 to a recognized postsecondary credential
13 described in clause (i)(IV) within 1 year
14 after exit from the program.

15 (iv) INDICATOR FOR SERVICES TO EM-
16 PLOYERS.—Prior to the commencement of
17 the second full program year after the date
18 of enactment of this Act, for purposes of
19 clauses (i)(VI) and (ii)(VI), the Secretary
20 of Labor and the Secretary of Education,
21 after consultation with the representatives
22 described in subsection (h)(2), shall jointly
23 develop and establish, for purposes of this
24 subparagraph, 1 or more primary indica-
25 tors of performance that indicate the effec-

1 tiveness of the core programs in serving
2 employers.

3 (B) ADDITIONAL INDICATORS.—A State
4 may identify in the State plan additional per-
5 formance accountability indicators.

6 (3) LEVELS OF PERFORMANCE.—

7 (A) STATE ADJUSTED LEVELS OF PER-
8 FORMANCE FOR PRIMARY INDICATORS.—

9 (i) IN GENERAL.—For each State sub-
10 mitting a State plan, there shall be estab-
11 lished, in accordance with this subpara-
12 graph, levels of performance for each of
13 the corresponding primary indicators of
14 performance described in paragraph (2) for
15 each of the programs described in clause
16 (ii).

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

19 (I) the youth program authorized
20 under chapter 2 of subtitle B of title
21 II;

22 (II) the adult program authorized
23 under chapter 3 of subtitle B of title
24 II;

1 (III) the dislocated worker au-
2 thorized under chapter 3 of subtitle B
3 of title II;

4 (IV) the program of adult edu-
5 cation and literacy activities author-
6 ized under title III;

7 (V) the employment services pro-
8 gram authorized under sections 1
9 through 13 of the Wagner-Peyser Act
10 (29 U.S.C. 49 et seq.); and

11 (VI) the program authorized
12 under title I of the Rehabilitation Act
13 of 1973 (29 U.S.C. 720 et seq.), other
14 than section 112 or part C of that
15 title (29 U.S.C. 732, 741).

16 (iii) IDENTIFICATION IN STATE
17 PLAN.—Each State shall identify, in the
18 State plan, expected levels of performance
19 for each of the corresponding primary indi-
20 cators of performance for each of the pro-
21 grams described in clause (ii) for the first
22 2 program years covered by the State plan.

23 (iv) AGREEMENT ON STATE AD-
24 JUSTED LEVELS OF PERFORMANCE.—

1 (I) FIRST 2 YEARS.—The State
2 shall reach agreement with the Sec-
3 retary of Labor and the Secretary of
4 Education on levels of performance
5 for each indicator described in clause
6 (iii) for each of the programs de-
7 scribed in clause (ii) for each of the
8 first 2 program years covered by the
9 State plan. In reaching the agree-
10 ment, the State and Secretaries shall
11 take into account the levels identified
12 in the State plan under clause (iii)
13 and the factors described in clause
14 (v). The levels agreed to shall be con-
15 sidered to be the State adjusted levels
16 of performance for the State for such
17 program years and shall be incor-
18 porated into the State plan prior to
19 the approval of such plan.

20 (II) THIRD AND FOURTH
21 YEAR.—The State and the Secretaries
22 shall reach agreement, prior to the
23 third program year covered by the
24 State plan, on levels of performance
25 for each indicator described in clause

1 (iii) for each of the programs de-
2 scribed in clause (ii) for each of the
3 third and fourth program years cov-
4 ered by the State plan. In reaching
5 the agreement, the State and Secre-
6 taries shall take into account the fac-
7 tors described in clause (v). The levels
8 agreed to shall be considered to be the
9 State adjusted levels of performance
10 for the State for such program years
11 and shall be incorporated into the
12 State plan as a modification to the
13 plan.

14 (v) FACTORS.—In reaching the agree-
15 ments described in clause (iv), the State
16 and Secretaries shall—

17 (I) take into account how the lev-
18 els involved compare with the State
19 adjusted levels of performance estab-
20 lished for other States;

21 (II) ensure that the levels in-
22 volved are adjusted, using the objec-
23 tive statistical model established by
24 the Secretaries pursuant to clause
25 (viii), based on—

1 (aa) the differences among
2 States in actual economic condi-
3 tions (including differences in un-
4 employment rates and job losses
5 or gains in particular industries);
6 and

7 (bb) the characteristics of
8 participants when the partici-
9 pants entered the program in-
10 volved, including indicators of
11 poor work history, lack of work
12 experience, lack of educational or
13 occupational skills attainment,
14 dislocation from high-wage and
15 high-benefit employment, low lev-
16 els of literacy or English pro-
17 ficiency, disability status, home-
18 lessness, ex-offender status, and
19 welfare dependency);

20 (III) take into account the extent
21 to which the levels involved promote
22 continuous improvement in perform-
23 ance accountability on the perform-
24 ance accountability measures by such

1 State and ensure optimal return on
2 the investment of Federal funds; and

3 (IV) take into account the extent
4 to which the levels involved will assist
5 the State in meeting the goals de-
6 scribed in clause (vi).

7 (vi) GOALS.—In order to promote en-
8 hanced performance outcomes and to facili-
9 tate the process of reaching agreements
10 with the States under clause (iv), the Sec-
11 retary of Labor and the Secretary of Edu-
12 cation shall establish performance goals for
13 the core programs, in accordance with the
14 Government Performance and Results Act
15 of 1993 and in consultation with States
16 and other appropriate parties. Such goals
17 shall be long-term goals for the adjusted
18 levels of performance to be achieved by
19 each of the programs described in clause
20 (ii) regarding the corresponding primary
21 indicators of performance described in
22 paragraph (2)(A).

23 (vii) REVISIONS BASED ON ECONOMIC
24 CONDITIONS AND INDIVIDUALS SERVED
25 DURING THE PROGRAM YEAR.—The Sec-

1 retary of Labor and the Secretary of Edu-
2 cation shall, in accordance with the objec-
3 tive statistical model developed pursuant to
4 clause (viii), revise the State adjusted lev-
5 els of performance applicable for each of
6 the programs described in clause (ii), for a
7 program year and a State, to reflect the
8 actual economic conditions and characteris-
9 tics of participants (as described in clause
10 (v)(II)) in that program during such pro-
11 gram year in such State.

12 (viii) STATISTICAL ADJUSTMENT
13 MODEL.—The Secretary of Labor and the
14 Secretary of Education, after consultation
15 with the representatives described in sub-
16 section (h)(2), shall develop and dissemi-
17 nate an objective statistical model that will
18 be used to make the adjustments in the
19 State adjusted levels of performance for
20 actual economic conditions and characteris-
21 tics of participants under clauses (v) and
22 (vii).

23 (B) LEVELS OF PERFORMANCE FOR ADDI-
24 TIONAL INDICATORS.—The State may identify,
25 in the State plan, State levels of performance

1 for each of the additional indicators identified
2 under paragraph (2)(B). Such levels shall be
3 considered to be State adjusted levels of per-
4 formance for purposes of this section.

5 (c) LOCAL PERFORMANCE ACCOUNTABILITY MEAS-
6 URES FOR TITLE II.—

7 (1) IN GENERAL.—For each local area in a
8 State designated under section 116, the local per-
9 formance accountability measures for each of the
10 programs described in subclauses (I) through (III)
11 of subsection (b)(3)(A)(ii) shall consist of—

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

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

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

20 (2) LOCAL LEVEL OF PERFORMANCE.—The
21 local board, the chief elected official, and the Gov-
22 ernor shall negotiate and reach agreement on local
23 levels of performance based on the State adjusted
24 levels of performance established under subsection
25 (b)(3)(A).

1 (3) ADJUSTMENT FACTORS.—In negotiating the
2 local levels of performance, the local board, the chief
3 elected official, and the Governor shall make adjust-
4 ments for the expected economic conditions and the
5 expected characteristics of participants to be served
6 in the local area, using the statistical adjustment
7 model developed pursuant to subsection
8 (b)(3)(A)(viii). In addition, the negotiated local lev-
9 els of performance applicable to a program year
10 shall be revised to reflect the actual economic condi-
11 tions experienced and the characteristics of the pop-
12 ulations served in the local area during such pro-
13 gram year using the statistical adjustment model.

14 (d) PERFORMANCE REPORTS.—

15 (1) IN GENERAL.—Not later than 12 months
16 after the date of enactment of this Act, the Sec-
17 retary of Labor and the Secretary of Education shall
18 jointly develop a template for performance reports
19 that shall be used by States, local boards, and eligi-
20 ble providers of training services under section 222
21 to report on outcomes achieved by the core pro-
22 grams. In developing such templates, the Secretary
23 of Labor and the Secretary of Education will take
24 into account the need to maximize the value of the
25 templates for workers, jobseekers, employers, local

1 elected officials, State officials, Federal policy-
2 makers, and other key stakeholders.

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

6 (A) information specifying the levels of
7 performance achieved with respect to the pri-
8 mary indicators of performance described in
9 subsection (b)(2)(A) for each of the programs
10 described in subsection (b)(3)(A)(ii) and the
11 State adjusted levels of performance with re-
12 spect to such indicators for each program;

13 (B) information specifying the levels of
14 performance achieved with respect to the pri-
15 mary indicators of performance described in
16 subsection (b)(2)(A) for each of the programs
17 described in subsection (b)(3)(A)(ii) with re-
18 spect to individuals with barriers to employ-
19 ment, disaggregated by each subpopulation of
20 such individuals, and by race, ethnicity, sex,
21 and age;

22 (C) the total number of participants served
23 by each of the programs described in subsection
24 (b)(3)(A)(ii), and the types of services provided;

1 (D) the number of individuals with bar-
2 riers to employment served by each of the pro-
3 grams described in subsection (b)(3)(A)(ii),
4 disaggregated by each subpopulation of such in-
5 dividuals;

6 (E) the number of participants who are en-
7 rolled in more than 1 of the programs described
8 in subsection (b)(3)(A)(ii); and

9 (F) 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 (5)(C)—

15 (A) information specifying the levels of
16 performance achieved with respect to the pri-
17 mary indicators of performance described in
18 subsection (b)(2)(A) for each of the programs
19 described in subclauses (I) through (III) of sub-
20 section (b)(3)(A)(ii), and the local adjusted lev-
21 els of performance with respect to such indica-
22 tors for each program;

23 (B) information specifying the levels of
24 performance achieved with respect to the pri-
25 mary indicators of performance described in

1 subsection (b)(2)(A) for each of the programs
2 described in subclauses (I) through (III) of sub-
3 section (b)(3)(A)(ii) with respect to individuals
4 with barriers to employment, disaggregated by
5 each subpopulation of such individuals, and by
6 race, ethnicity, sex, and age;

7 (C) the total number of participants served
8 by each of the programs described in subclauses
9 (I) through (III) of subsection (b)(3)(A)(ii),
10 and the types of services provided;

11 (D) the number of individuals with bar-
12 riers to employment served by each of the pro-
13 grams described in subclauses (I) through (III)
14 of subsection (b)(3)(A)(ii), disaggregated by
15 each subpopulation of such individuals;

16 (E) the number of participants who are en-
17 rolled in any of the programs described in sub-
18 clauses (I) through (III) of subsection
19 (b)(3)(A)(ii) who are enrolled in more than 1
20 program described in subsection (b)(3)(A)(ii);
21 and

22 (F) other information that facilitates com-
23 parisons of programs with programs in other
24 local areas (or planning regions, as appro-
25 priate).

1 (4) CONTENTS OF ELIGIBLE TRAINING PRO-
2 VIDERS PERFORMANCE REPORTS.—The performance
3 report for an eligible provider of training services
4 under section 222 shall include, subject to para-
5 graph (5)(C), with respect to each program of study
6 (or the equivalent) of such provider—

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

14 (B) the total number of individuals engag-
15 ing in the program of study (or the equivalent);

16 (C) the total number of participants served
17 by each of the adult program and the dislocated
18 worker program authorized under chapter 3 of
19 subtitle B of title II; and

20 (D) the number of individuals with bar-
21 riers to employment served by each of the adult
22 program and the dislocated worker program au-
23 thorized under chapter 3 of subtitle B of title
24 II, disaggregated by each subpopulation of such
25 individuals, and by race, ethnicity, sex, and age.

1 (5) PUBLICATION.—

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

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

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

1 (D) DISSEMINATION TO CONGRESS.—The
2 Secretary of Labor and the Secretary of Edu-
3 cation shall make available (including by elec-
4 tronic means) a summary of the reports, and
5 the reports, required under this subsection to
6 the Committee on Education and the Workforce
7 of the House of Representatives and the Com-
8 mittee on Health, Education, Labor, and Pen-
9 sions of the Senate.

10 (e) EVALUATION OF STATE PROGRAMS.—

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

1 retary of Education under section 172, section
2 342(c)(3)(E), section 10(b) of the Wagner-Peyser
3 Act (29 U.S.C. 49i(b)), and sections 12(a)(5), 14,
4 and 107 of the Rehabilitation Act of 1973 (29
5 U.S.C. 709(a)(5), 711, 727) (applied with respect to
6 programs carried out under title I of that Act (29
7 U.S.C. 720 et seq.)).

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

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

1 (4) COOPERATION WITH FEDERAL EVALUA-
2 TIONS.—The State shall cooperate in the conduct of
3 evaluations (including related research projects) pro-
4 vided for by the Secretary of Labor or the Secretary
5 of Education under the provisions of Federal law
6 identified in paragraph (1). Such cooperation shall
7 include the provision of data (in accordance with ap-
8 propriate privacy protections established by the Sec-
9 retary of Labor), the provision of responses to sur-
10 veys, and allowing site visits in a timely manner, for
11 the Secretaries or their agents.

12 (f) SANCTIONS FOR STATE FAILURE TO MEET
13 STATE PERFORMANCE ACCOUNTABILITY MEASURES.—

14 (1) STATES.—

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

23 (B) REDUCTION IN AMOUNT OF GRANT.—

24 If such failure continues for a second consecu-
25 tive year, or if a State fails to submit a report

1 under subsection (d) for any program year, the
2 Secretary of Labor or the Secretary of Edu-
3 cation, as appropriate, may reduce by not more
4 than 5 percent, the amount of the allotment
5 that would (in the absence of this paragraph)
6 be payable to the State under such program for
7 the immediately succeeding program year. Such
8 penalty shall be based on the degree of failure
9 to meet State adjusted levels of performance.

10 (2) FUNDS RESULTING FROM REDUCED ALLOT-
11 MENTS.—The Secretary of Labor or the Secretary of
12 Education, as appropriate, shall use any amount re-
13 tained, as a result of a reduction in an allotment to
14 a State made under paragraph (1)(B), to provide
15 technical assistance to the States the Secretaries de-
16 termine to be appropriate to improve the perform-
17 ance of their core programs.

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 of title II for a
25 program described in subsection (d)(2)(A) for any

1 program year, the Governor, or upon request by the
2 Governor, the Secretary of Labor, shall provide tech-
3 nical assistance, which may include assistance in the
4 development of a performance improvement plan, or
5 the 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 second consecutive year, the Gov-
10 ernor shall take corrective actions, which shall
11 include development of a reorganization plan
12 through which the Governor may—

13 (i) require the appointment and cer-
14 tification of a new local board, consistent
15 with the criteria established under section
16 117(b)(1);

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

20 (iii) redesignate the local area in ac-
21 cordance with section 116; or

22 (iv) take such other actions as the
23 Governor determines are appropriate.

24 (B) APPEAL BY LOCAL AREA.—

1 (i) APPEAL TO GOVERNOR.—The local
2 board and chief elected official for a local
3 area that is subject to a reorganization
4 plan under subparagraph (A) may, not
5 later than 30 days after receiving notice of
6 the reorganization plan, appeal to the Gov-
7 ernor to rescind or revise such plan. In
8 such case, the Governor shall make a final
9 decision not later than 30 days after the
10 receipt of the appeal.

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

20 (C) EFFECTIVE DATE.—The decision made
21 by the Governor under subparagraph (B)(i)
22 shall become effective at the time the Governor
23 issues the decision pursuant to such clause.
24 Such decision shall remain effective unless the

1 Secretary of Labor rescinds or revises such plan
2 pursuant to subparagraph (B)(ii).

3 (h) DEFINITIONS OF INDICATORS OF PERFORM-
4 ANCE.—

5 (1) IN GENERAL.—In order to ensure nation-
6 wide comparability of performance data, the Sec-
7 retary of Labor and the Secretary of Education,
8 after consultation with representatives described in
9 paragraph (2), shall issue definitions for the indica-
10 tors described in subsection (b)(2).

11 (2) REPRESENTATIVES.—The representatives
12 referred to in paragraph (1) are representatives of
13 States and political subdivisions, business and indus-
14 try, employees, eligible providers of activities carried
15 out through the core programs, educators, research-
16 ers, participants, the lead State agency officials with
17 responsibility for the programs carried out through
18 the core programs, individuals with expertise in serv-
19 ing individuals with barriers to employment, and
20 other interested parties.

21 (i) FISCAL AND MANAGEMENT ACCOUNTABILITY IN-
22 FORMATION SYSTEMS.—

23 (1) IN GENERAL.—Using funds authorized
24 under a core program and made available to carry
25 out this subtitle, the Governor, in coordination with

1 the State board, the State agencies administering
2 the core programs, local boards, and chief elected of-
3 ficials in the State, shall establish and operate a fis-
4 cal and management accountability information sys-
5 tem based on guidelines established by the Secretary
6 of Labor and the Secretary of Education after con-
7 sultation with the Governors of States, chief elected
8 officials, and one-stop partners. Such guidelines
9 shall promote efficient collection and use of fiscal
10 and management information for reporting and
11 monitoring the use of funds authorized under the
12 core programs and for preparing the annual report
13 described in subsection (d).

14 (2) WAGE RECORDS.—In measuring the
15 progress of the State on State and local performance
16 accountability measures, a State shall utilize quar-
17 terly wage records, consistent with State law. The
18 Secretary of Labor shall make arrangements, con-
19 sistent with State law, to ensure that the wage
20 records of any State are available to any other State
21 to the extent that such wage records are required by
22 the State in carrying out the State plan of the State
23 or completing the annual report described in sub-
24 section (d).

1 (3) CONFIDENTIALITY.—In carrying out the re-
2 quirements of this Act, the State shall comply with
3 section 444 of the General Education Provisions Act
4 (20 U.S.C. 1232g).

5 **Subtitle C—Workforce Innovation**
6 **and Replication Grants**

7 **SEC. 141. PURPOSES.**

8 The purposes of this subtitle are—

9 (1) to promote the development of comprehen-
10 sive workforce development systems at the State, re-
11 gional, and local levels that reflect the alignment of
12 strategies and activities across the core programs
13 and, where appropriate, across other workforce de-
14 velopment, education, economic development, and
15 human services programs, to provide effective, high
16 quality, and client-centered services to job seekers
17 and workers, youth, and employers;

18 (2) to promote innovation and to improve, rep-
19 licate, and expand models and service delivery strat-
20 egies—

21 (A) that are of demonstrated effectiveness
22 in meeting the education, training, and employ-
23 ment needs of job seekers and workers, and
24 youth, including such individuals with barriers
25 to employment, and employers; and

1 (B) that may include—

2 (i) industry and sector strategies, ca-
3 reer pathway models, and other examples
4 of models and strategies involving inte-
5 grated partnerships;

6 (ii) models or strategies that utilize
7 pay for performance, prior learning, or re-
8 tention grants; or

9 (iii) models or strategies that address
10 areas of high poverty or individuals who
11 are long-term unemployed, and that lead to
12 economic self-sufficiency; and

13 (3) to establish and improve programs for
14 youth that engage, recover, and connect youth by
15 providing access to career pathways that include the
16 attainment of a recognized postsecondary credential
17 and employment that leads to economic self-suffi-
18 ciency.

19 **SEC. 142. WORKFORCE INNOVATION AND REPLICATION**
20 **GRANTS.**

21 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There
22 are authorized to be appropriated to carry out this section
23 such sums as may be necessary for each of fiscal years
24 2014 through 2018.

1 (b) WORKFORCE INNOVATION AND REPLICATION
2 GRANTS TO ELIGIBLE ENTITIES.—

3 (1) IN GENERAL.—From funds described in
4 subsection (a), the Secretary of Labor and the Sec-
5 retary of Education shall award workforce innova-
6 tion and replication grants on a competitive basis to
7 eligible entities.

8 (2) USE OF FUNDS.—The grants awarded
9 under this subsection shall be used to support inno-
10 vative new strategies and activities, which may in-
11 clude strategies and activities with proven effective-
12 ness in 2 or more noncontiguous areas, or the rep-
13 lication and expansion of effective evidence-based
14 strategies and activities, such as on-the-job training,
15 that are designed to align programs and strengthen
16 the workforce development system in a State or re-
17 gion, consistent with the workforce development
18 plans under this Act for such State or region, in
19 order to substantially improve the education and em-
20 ployment outcomes for adults and youth served by
21 such system and the services provided to employers
22 under such system.

23 (3) ELIGIBLE ENTITIES.—

24 (A) IN GENERAL.—To be eligible to receive
25 a grant under this subsection, a State partner-

1 ship or regional entity shall meet the require-
2 ments of this paragraph and submit an applica-
3 tion in accordance with paragraph (4).

4 (B) STATE PARTNERSHIP.—For a State
5 partnership to be eligible for funding under this
6 subsection, a Governor of a State shall—

7 (i) submit the application in partner-
8 ship with the State board and with 1 or
9 more regional entities in the State de-
10 scribed in subparagraph (C); and

11 (ii) demonstrate that the State has—

12 (I) aligned the core programs;

13 (II) made significant progress to-
14 wards aligning the core programs with
15 other workforce development pro-
16 grams; and

17 (III) achieved the alignments de-
18 scribed in subclauses (I) and (II) con-
19 sistent with the State plan.

20 (C) REGIONAL ENTITIES.—To be identified
21 as a regional entity and to be eligible for fund-
22 ing under this subsection, a local board for a
23 local area that is aligned with a region, or all
24 of the local boards for local areas that comprise

1 a planning region under section 116(c), shall
2 demonstrate that—

3 (i) the application has been developed
4 in consultation with the State and is not
5 duplicative of other applications under this
6 subsection submitted by a State partner-
7 ship; and

8 (ii) the local board, or all of the local
9 boards for the planning region, has—

10 (I) worked with the core pro-
11 grams to achieve alignment of such
12 programs in the region;

13 (II) made significant progress to-
14 wards aligning the core programs with
15 other workforce development pro-
16 grams in the region; and

17 (III) achieved the alignments de-
18 scribed in subclauses (I) and (II) con-
19 sistent with the State plan.

20 (4) APPLICATION.—An eligible entity seeking to
21 receive a grant under this subsection shall submit to
22 the Secretary of Labor and the Secretary of Edu-
23 cation an application at such time, in such manner,
24 and containing such information, consistent with
25 this paragraph, as the Secretaries may require. Each

1 such application shall describe the innovation and
2 replication strategies and activities, and any waivers,
3 in accordance with appropriate authorizing statutes,
4 necessary to implement such strategies and activi-
5 ties, that the eligible entity will carry out to
6 strengthen the workforce development system in the
7 State or region in order to substantially improve the
8 education and employment outcomes for individuals
9 served by such system and the services provided to
10 employers under such system, including—

11 (A) a description of the region in the State
12 or the State, as appropriate, that will be the
13 focus of grant activities, including analyses of
14 economic conditions, skill needs, the workforce,
15 and the workforce development services (includ-
16 ing the strengths and weaknesses of such serv-
17 ices and the capacity to provide such services)
18 that are relevant to the proposed strategies and
19 activities that would be carried out under the
20 grant;

21 (B) a description of the populations to be
22 served, including individuals with barriers to
23 employment, and the skill needs of those popu-
24 lations;

1 (C) a description of the promising strate-
2 gies and activities the eligible entity is pro-
3 posing to demonstrate, or the evidence-based
4 strategies and activities that the eligible entity
5 is proposing to expand or replicate;

6 (D) a description of how, in carrying out
7 such strategies and activities, the entity will—

8 (i) collaborate to leverage resources
9 among strategic partners to achieve the
10 purposes of the grant, and to provide the
11 matching share described in paragraph
12 (5)(B); and

13 (ii) ensure the sustainability of the
14 programs and activities supported by the
15 grant after grant funds are no longer
16 available;

17 (E) a description of how the strategies and
18 activities will be aligned with the State plan and
19 the local plans in the region of the State that
20 will be the focus of grant activities;

21 (F) a description of the outcomes, includ-
22 ing outcomes for the performance accountability
23 measures based on indicators described in sec-
24 tion 131(b)(2)(A)(i), to be achieved by the pro-
25 posed strategies and activities; and

1 (G) a description of how the eligible entity
2 will—

- 3 (i) use technology;
4 (ii) collect data;
5 (iii) make data publicly available; and
6 (iv) use technology and data to im-
7 prove program delivery, activities, and ad-
8 ministration.

9 (5) MATCHING REQUIREMENTS; SUPPLEMENT,
10 NOT SUPPLANT.—

11 (A) INNOVATION FUND SHARE.—The
12 amount of the share of the funds provided
13 under paragraph (1) shall be not greater than
14 50 percent of the cost of the programs and ac-
15 tivities that are carried out under the grant.

16 (B) MATCHING SHARE.—

17 (i) IN GENERAL.—

18 (I) AMOUNT.—The amount of
19 the matching share under this sub-
20 section for a program year may not be
21 less than 50 percent of the costs of
22 the programs and activities that are
23 carried out under the grant.

1 (II) IN CASH OR IN KIND.—The
2 matching share may be in cash or in
3 kind (fairly evaluated).

4 (III) SOURCES OF MATCHING
5 SHARE.—

6 (aa) IN GENERAL.—Not
7 more than 50 percent of the
8 matching share required under
9 this subsection may be provided
10 from Federal resources, of which
11 not less than 50 percent shall be
12 provided from Federal resources
13 from the partner programs iden-
14 tified in the application other
15 than resources provided under
16 the core programs.

17 (bb) NON-FEDERAL
18 SOURCES.—Non-Federal sources
19 for the matching share may in-
20 clude State resources, local re-
21 sources, contributions from pri-
22 vate organizations, or a combina-
23 tion of such resources and con-
24 tributions.

1 (ii) FINANCIAL HARDSHIP WAIVER.—

2 The Secretary of Labor and the Secretary
3 of Education may waive or reduce the
4 matching share of an eligible entity that
5 has submitted an application under this
6 subsection if such entity demonstrates a
7 need for such waiver or reduction due to
8 extreme financial hardship as jointly de-
9 fined by the Secretary of Labor and the
10 Secretary of Education.

11 (C) SUPPLEMENT, NOT SUPPLANT.—The
12 Federal and matching share required by this
13 subsection shall be used to supplement and not
14 supplant other Federal and State funds used to
15 carry out activities described in this subsection.

16 (6) GRANT PERIOD.—Grants awarded under
17 this subsection shall be awarded for periods of not
18 more than 3 years in duration and may not be re-
19 newed.

20 (7) GEOGRAPHIC DIVERSITY.—In awarding
21 grants under this subsection, the Secretary of Labor
22 and the Secretary of Education shall take into con-
23 sideration the geographic diversity, and diversity
24 with respect to population density, of the areas in
25 which projects will be carried out under this section.

1 (8) REPORTING.—The Secretary of Labor and
2 the Secretary of Education are authorized to estab-
3 lish appropriate reporting requirements for grantees
4 under this subsection.

5 (9) TECHNICAL ASSISTANCE AND EVALUA-
6 TION.—For each program year for which funds are
7 available to carry out this section, the Secretary of
8 Labor and the Secretary of Education may reserve
9 not more than 5 percent of the amount available to
10 carry out this subsection to provide technical assist-
11 ance to applicants and grantees under this sub-
12 section, and to evaluate projects carried out under
13 this subsection. The Secretaries shall ensure that the
14 results of the evaluations are publicly available (in-
15 cluding by electronic means).

16 **SEC. 143. YOUTH INNOVATION AND REPLICATION GRANTS.**

17 (a) PROGRAM AUTHORIZED.—There are authorized
18 to be appropriated to carry out this section such sums as
19 may be necessary for each of fiscal years 2014 through
20 2018.

21 (b) YOUTH INNOVATION AND REPLICATION GRANTS
22 TO ELIGIBLE ENTITIES.—

23 (1) IN GENERAL.—From funds described in
24 subsection (a), the Secretary of Labor and the Sec-
25 retary of Education shall award youth innovation

1 and replication grants on a competitive basis to eligi-
2 ble entities.

3 (2) USE OF FUNDS.—The grants awarded
4 under this subsection shall be used to support the
5 demonstration of innovative new strategies and ac-
6 tivities, or the replication and expansion of effective
7 evidence-based strategies and activities, that are de-
8 signed to substantially improve education and em-
9 ployment outcomes for eligible youth. Such strate-
10 gies and activities shall include—

11 (A) establishing career pathways in in-de-
12 mand industry sectors and occupations for eligi-
13 ble youth, in collaboration with other Federal,
14 State, and local programs, such as career and
15 technical education programs as defined in sec-
16 tion 101, and public and private entities;

17 (B) developing and implementing a com-
18 prehensive strategy, for an area of high poverty,
19 that provides education and training programs,
20 resources, and other activities that prepare
21 youth for postsecondary education and training
22 and for employment that leads to economic self-
23 sufficiency;

24 (C) developing and implementing strategies
25 and activities that provide opportunities for

1 youth with disabilities to receive education,
2 training, and employment services that lead to
3 a recognized postsecondary credential or inte-
4 grated, competitive employment;

5 (D) developing and implementing evidence-
6 based strategies and activities, such as—

7 (i) education offered concurrently and
8 contextually with workforce preparation
9 and training for a specific occupation or
10 occupational cluster;

11 (ii) career academies;

12 (iii) dropout prevention and recovery
13 strategies;

14 (iv) paid or unpaid work experience,
15 including summer employment opportuni-
16 ties and employment opportunities avail-
17 able throughout the school year, combined
18 with academic learning leading to a recog-
19 nized postsecondary credential; or

20 (v) innovative programs for youth fac-
21 ing multiple barriers to employment that
22 arrange for the provision of or provide sup-
23 portive services combined with education,
24 training, or employment activities; or

1 (E) other evidence-based strategies or ac-
2 tivities designed to improve the education and
3 employment outcomes for youth.

4 (3) ELIGIBLE ENTITIES.—

5 (A) IN GENERAL.—To be eligible to receive
6 a grant under this subsection, an eligible entity
7 shall—

8 (i) meet the requirements of this
9 paragraph; and

10 (ii) submit an application in accord-
11 ance with paragraph (4).

12 (B) ELIGIBLE ENTITY DEFINED.—An eli-
13 gible entity shall include—

14 (i)(I) the Governor of a State in co-
15 ordination with the State board and with a
16 local board for a local area that is aligned
17 with a region, or with all local boards for
18 local areas that comprise a planning re-
19 gion, under section 116(c), in consultation
20 with the standing committee on youth as-
21 sociated with the local board; or

22 (II) a local board for a local area that
23 is aligned with a region, or all local boards
24 for local areas that comprise a planning re-
25 gion, under section 116(c), in consultation

1 with the standing committee on youth as-
2 sociated with the local board; and

3 (ii) one or more of the following:

4 (I) A State educational agency.

5 (II) A local educational agency.

6 (III) A nonprofit organization
7 with expertise serving eligible youth,
8 including a community-based organi-
9 zation or an intermediary.

10 (IV) An institution of higher edu-
11 cation, including a community college.

12 (V) A joint labor-management
13 partnership.

14 (4) APPLICATION.—To be eligible to receive a
15 grant under this subsection, an eligible entity shall
16 submit an application to the Secretary of Labor and
17 the Secretary of Education at such time, in such
18 manner, and containing such information, consistent
19 with this paragraph, as the Secretaries may require.
20 Each such application shall describe the innovation
21 and replication strategies and activities that the eli-
22 gible entity will carry out to strengthen the work-
23 force development system in the State or region in
24 order to substantially improve education and em-
25 ployment outcomes for youth, such as youth with

1 disabilities, served by such system, and shall in-
2 clude—

3 (A) a description of the region in the State
4 or the State, as applicable, that will be the
5 focus of grant activities, including analyses of
6 economic conditions, skill needs, the workforce,
7 and the workforce development services (includ-
8 ing the strengths and weaknesses of such serv-
9 ices and the capacity to provide such services)
10 that are relevant to the proposed strategies and
11 activities that would be carried out under the
12 grant;

13 (B) a description of the youth populations
14 to be served, including individuals with barriers
15 to employment who are youth, and the skill
16 needs of those populations;

17 (C) a description of the promising strate-
18 gies and activities the eligible entity is pro-
19 posing to demonstrate, or the evidence-based
20 strategies and activities that the eligible entity
21 is proposing to expand or replicate;

22 (D) a description of how the eligible entity
23 will meaningfully involve youth in the design
24 and implementation of the proposed strategies
25 and activities;

1 (E) a description of how, in carrying out
2 such strategies and activities, the eligible entity
3 will—

4 (i) collaborate to leverage resources
5 among strategic partners to achieve the
6 purposes of the grant, and to provide the
7 matching share described in paragraph
8 (5)(B); and

9 (ii) ensure the sustainability of the
10 programs and activities supported by the
11 grant after grant funds are no longer
12 available;

13 (F) a description of how the strategies and
14 activities will be aligned with the State plan and
15 the local plans in the region of the State that
16 will be the focus of grant activities;

17 (G) a description of the outcomes, includ-
18 ing outcomes for the performance accountability
19 measures based on indicators of performance
20 described in section 131(b)(2)(A)(ii), to be
21 achieved by the proposed strategies and activi-
22 ties; and

23 (H) a description of how the eligible entity
24 will—

25 (i) use technology;

- 1 (ii) collect data;
- 2 (iii) make data publicly available; and
- 3 (iv) use technology and data to im-
- 4 prove program delivery, activities, and ad-
- 5 ministration.

6 (5) MATCHING REQUIREMENTS; SUPPLEMENT,
7 NOT SUPPLANT.—

8 (A) INNOVATION FUND SHARE.—The
9 amount of the share of the funds provided
10 under paragraph (1) shall be not greater than
11 50 percent of the cost of the programs and ac-
12 tivities that are carried out under the grant.

13 (B) MATCHING SHARE.—

14 (i) IN GENERAL.—

15 (I) AMOUNT.—The amount of
16 the matching share under this sub-
17 section for a program year may not be
18 less than 50 percent of the costs of
19 the programs and activities that are
20 carried out under the grant.

21 (II) IN CASH OR IN KIND.—The
22 matching share may be in cash or in
23 kind (fairly evaluated).

24 (III) SOURCES OF MATCHING
25 SHARE.—

1 (aa) IN GENERAL.—Not
2 more than 50 percent of the
3 matching share required under
4 this subsection may be provided
5 from Federal resources, of which
6 not less than 50 percent shall be
7 provided from Federal resources
8 from the partner programs iden-
9 tified in the application other
10 than resources provided under
11 the core programs.

12 (bb) NON-FEDERAL
13 SOURCES.—Non-Federal sources
14 for the matching share may in-
15 clude State resources, local re-
16 sources, contributions from pri-
17 vate organizations, or a combina-
18 tion of such resources and con-
19 tributions.

20 (ii) FINANCIAL HARDSHIP WAIVER.—
21 The Secretary of Labor and the Secretary
22 of Education may waive or reduce the
23 matching share of an eligible entity that
24 has submitted an application under this
25 subsection if such entity demonstrates a

1 need for such waiver or reduction due to
2 extreme financial hardship as defined by
3 the Secretary of Labor and the Secretary
4 of Education.

5 (C) SUPPLEMENT, NOT SUPPLANT.—The
6 Federal and matching share required by this
7 subsection shall be used to supplement and not
8 supplant other Federal and State funds used to
9 carry out activities described in this subsection.

10 (6) GRANT PERIOD.—Grants awarded under
11 this subsection shall be awarded for periods of not
12 more than 3 years in duration and may not be re-
13 newed.

14 (7) GEOGRAPHIC DIVERSITY.—In awarding
15 grants under this subsection, the Secretary of Labor
16 and the Secretary of Education shall take into con-
17 sideration the geographic diversity, and diversity
18 with respect to population density, of the areas in
19 which projects will be carried out under this section.

20 (8) REPORTING.—The Secretary of Labor and
21 the Secretary of Education are authorized to estab-
22 lish appropriate reporting requirements for grantees
23 under this subsection.

24 (9) TECHNICAL ASSISTANCE AND EVALUA-
25 TION.—For each program year for which funds are

1 available to carry out this section, the Secretary of
2 Labor and the Secretary of Education may reserve
3 not more than 5 percent of the amount available to
4 carry out this subsection to provide technical assist-
5 ance to applicants and grantees under this sub-
6 section, and to evaluate projects carried out under
7 this subsection. The Secretaries shall ensure that the
8 results of the evaluations are publicly available (in-
9 cluding by electronic means).

10 **SEC. 144. INTERAGENCY AGREEMENT.**

11 (a) INTERAGENCY AGREEMENT.—The Secretary of
12 Education and the Secretary of Labor shall jointly develop
13 policies for the administration of this subtitle in accord-
14 ance with such terms as the Secretaries shall set forth in
15 an interagency agreement. Such interagency agreement, at
16 a minimum, shall include a description of the respective
17 roles and responsibilities of the Secretaries in carrying out
18 this subtitle (both jointly and separately), including how—

19 (1) the funds available under this subtitle will
20 be obligated and disbursed and compliance with ap-
21 plicable laws (including regulations) will be ensured,
22 as well as how the grantees will be selected and
23 monitored, and a peer review process for selection of
24 grantees that includes program practitioners and na-
25 tional experts will be carried out;

1 (2) evaluations and research will be conducted
2 on the effectiveness of grants awarded under this
3 subtitle in addressing the education and employment
4 needs of job seekers and workers, youth, and em-
5 ployers;

6 (3) technical assistance will be provided to ap-
7 plicants and grant recipients;

8 (4) information will be disseminated (including
9 by electronic means) on best practices and effective
10 strategies and service delivery models for activities
11 carried out under this subtitle; and

12 (5) policies and processes critical to the success-
13 ful achievement of the education, training, and em-
14 ployment goals of this subtitle will be established.

15 (b) TRANSFER AUTHORITY.—The Secretary of Labor
16 and the Secretary of Education shall have the authority
17 to transfer funds between the Department of Labor and
18 the Department of Education to carry out this subtitle in
19 accordance with the agreement described in subsection (a).

20 (c) REPORTS.—The Secretary of Labor and the Sec-
21 retary of Education shall jointly develop and submit a bi-
22 ennial report to the Committee on Health, Education,
23 Labor, and Pensions of the Senate and the Committee on
24 Education and the Workforce of the House of Representa-
25 tives, describing—

1 (1) actions the Departments have taken to—

2 (A) assess the effectiveness of the projects
3 carried out under this subtitle; and

4 (B) facilitate the coordination of the pro-
5 grams carried out through the grants awarded
6 with other education, employment, and training
7 programs;

8 (2) barriers that impede effectiveness of
9 projects carried out under this subtitle;

10 (3) the best practices and effective strategies
11 and service delivery models that the Departments
12 have identified pursuant to this subtitle and actions
13 the Departments have taken to promptly dissemi-
14 nate information (including by electronic means) on
15 such best practices and effective strategies and serv-
16 ice delivery models; and

17 (4) the actions the Departments have taken to
18 leverage resources provided under Federal law other
19 than this subtitle and non-Federal resources, to im-
20 prove the workforce development system nationwide,
21 including in States, regions, and local areas that
22 have not received funds under this subtitle.

1 **TITLE II—WORKFORCE INVEST-**
2 **MENT AND RELATED ACTIVI-**
3 **TIES**

4 **Subtitle A—Definition**

5 **SEC. 201. DEFINITION.**

6 In this title, the term “Secretary”, used without fur-
7 ther description, means the Secretary of Labor.

8 **Subtitle B—Workforce Investment**
9 **Activities and Providers**

10 **SEC. 211. PURPOSE.**

11 The purpose of this subtitle is to provide workforce
12 investment activities, through statewide and local work-
13 force development systems, that increase the employment,
14 retention, economic self-sufficiency, and earnings of par-
15 ticipants, and increase attainment of recognized postsec-
16 ondary credentials by participants, and as a result, im-
17 prove the quality of the workforce, reduce welfare depend-
18 ency, increase economic self-sufficiency, meet the skill re-
19 quirements of employers, and enhance the productivity
20 and competitiveness of the Nation.

1 **CHAPTER 1—WORKFORCE INVESTMENT**
2 **ACTIVITIES PROVIDERS**

3 **SEC. 221. ESTABLISHMENT OF ONE-STOP DELIVERY SYS-**
4 **TEMS.**

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

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

11 (2) designate or certify one-stop operators
12 under subsection (d); and

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

15 (b) ONE-STOP PARTNERS.—

16 (1) REQUIRED PARTNERS.—

17 (A) ROLES AND RESPONSIBILITIES OF
18 ONE-STOP PARTNERS.—Each entity that carries
19 out a program or activities described in sub-
20 paragraph (B) in a local area shall—

21 (i) provide access through the one-
22 stop delivery system to such program or
23 activities carried out by the entity, includ-
24 ing making the core services described in
25 section 234(c)(2) that are applicable to the

1 program or activities available at the one-
2 stop centers (in addition to any other ap-
3 propriate locations);

4 (ii) use a portion of the funds avail-
5 able for the program and activities to
6 maintain the one-stop delivery system, in-
7 cluding payment of the infrastructure costs
8 of one-stop centers in accordance with sub-
9 section (h);

10 (iii) enter into a local memorandum of
11 understanding with the local board, relat-
12 ing to the operation of the one-stop sys-
13 tem, that meets the requirements of sub-
14 section (e);

15 (iv) participate in the operation of the
16 one-stop system consistent with the terms
17 of the memorandum of understanding, the
18 requirements of this title, and the require-
19 ments of the Federal laws authorizing the
20 program or activities; and

21 (v) provide representation on the
22 State board to the extent provided under
23 section 111.

1 (B) PROGRAMS AND ACTIVITIES.—The
2 programs and activities referred to in subpara-
3 graph (A) consist of—

4 (i) programs authorized under this
5 title;

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

8 (iii) adult education and literacy ac-
9 tivities authorized under title III;

10 (iv) programs authorized under title I
11 of the Rehabilitation Act of 1973 (29
12 U.S.C. 720 et seq.) (other than section
13 112 or part C of title I of such Act (29
14 U.S.C. 732, 741));

15 (v) activities authorized under title V
16 of the Older Americans Act of 1965 (42
17 U.S.C. 3056 et seq.);

18 (vi) career and technical education
19 programs at the postsecondary level au-
20 thorized under the Carl D. Perkins Career
21 and Technical Education Act of 2006 (20
22 U.S.C. 2301 et seq.);

23 (vii) activities authorized under chap-
24 ter 2 of title II of the Trade Act of 1974
25 (19 U.S.C. 2271 et seq.);

1 (viii) activities authorized under chap-
2 ter 41 of title 38, United States Code;

3 (ix) employment and training activi-
4 ties carried out under the Community
5 Services Block Grant Act (42 U.S.C. 9901
6 et seq.);

7 (x) employment and training activities
8 carried out by the Department of Housing
9 and Urban Development;

10 (xi) programs authorized under State
11 unemployment compensation laws (in ac-
12 cordance with applicable Federal law);

13 (xii) programs authorized under sec-
14 tion 212 of the Second Chance Act of 2007
15 (42 U.S.C. 17532); and

16 (xiii) programs authorized under part
17 A of title IV of the Social Security Act (42
18 U.S.C. 601 et seq.), subject to subpara-
19 graph (C).

20 (C) DETERMINATION BY THE GOV-
21 ERNOR.—

22 (i) IN GENERAL.—An entity that car-
23 ries out a program referred to in subpara-
24 graph (B)(xiii) shall be included in the
25 one-stop partners for the local area, as a

1 required partner, for purposes of this Act
2 and the other core program provisions that
3 are not part of this Act, unless the Gov-
4 ernor provides the notification described in
5 clause (ii).

6 (ii) NOTIFICATION.—The notification
7 referred to in clause (i) is a notification
8 that—

9 (I) is made in writing of a deter-
10 mination by the Governor not to in-
11 clude such entity in the one-stop part-
12 ners described in clause (i); and

13 (II) is provided to the Secretary
14 and the Secretary of Health and
15 Human Services.

16 (2) ADDITIONAL PARTNERS.—

17 (A) IN GENERAL.—With the approval of
18 the local board and chief elected official, in ad-
19 dition to the entities described in paragraph
20 (1), other entities that carry out workforce de-
21 velopment programs described in subparagraph
22 (B) may be one-stop partners for the local area
23 and carry out the responsibilities described in
24 paragraph (1)(A).

1 (B) PROGRAMS.—The programs referred
2 to in subparagraph (A) may include—

3 (i) employment and training programs
4 administered by the Social Security Ad-
5 ministration, including the Ticket to Work
6 and Self-Sufficiency Program established
7 under section 1148 of the Social Security
8 Act (42 U.S.C. 1320b–19);

9 (ii) employment and training pro-
10 grams carried out by the Small Business
11 Administration;

12 (iii) programs authorized under sec-
13 tion 6(d)(4) of the Food and Nutrition Act
14 of 2008 (7 U.S.C. 2015(d)(4));

15 (iv) work programs authorized under
16 section 6(o) of the Food and Nutrition Act
17 of 2008 (7 U.S.C. 2015(o));

18 (v) programs carried out under sec-
19 tion 112 of the Rehabilitation Act of 1973
20 (29 U.S.C. 732);

21 (vi) programs authorized under the
22 National and Community Service Act of
23 1990 (42 U.S.C. 12501 et seq.); and

24 (vii) other appropriate Federal, State,
25 or local programs, including employment,

1 education, and training programs provided
2 by public libraries or in the private sector.

3 (c) MEMORANDUM OF UNDERSTANDING.—

4 (1) DEVELOPMENT.—The local board, with the
5 agreement of the chief elected official, shall develop
6 and enter into a memorandum of understanding (be-
7 tween the local board and the one-stop partners),
8 consistent with paragraph (2), concerning the oper-
9 ation of the one-stop delivery system in the local
10 area.

11 (2) CONTENTS.—Each memorandum of under-
12 standing shall contain—

13 (A) provisions describing—

14 (i) the services to be provided through
15 the one-stop delivery system consistent
16 with the requirements of this section, in-
17 cluding the manner in which the services
18 will be coordinated and delivered through
19 such system;

20 (ii) how the costs of such services and
21 the operating costs of such system will be
22 funded, including—

23 (I) funding through cash and in-
24 kind contributions (fairly evaluated),
25 which contributions may include fund-

1 ing from philanthropic organizations
2 or other private entities, or through
3 other alternative financing options, to
4 provide a stable and equitable funding
5 stream for ongoing one-stop delivery
6 system operations; and

7 (II) funding of the infrastructure
8 costs of one-stop centers in accord-
9 ance with subsection (h);

10 (iii) methods of referral of individuals
11 between the one-stop operator and the one-
12 stop partners for appropriate services and
13 activities;

14 (iv) methods to ensure the needs of
15 workers and youth, and individuals with
16 barriers to employment, including individ-
17 uals with disabilities, are addressed in the
18 provision of necessary and appropriate ac-
19 cess to services, including access to tech-
20 nology and materials, made available
21 through the one-stop delivery system; and

22 (v) the duration of the memorandum
23 of understanding and the procedures for
24 amending the memorandum during the du-
25 ration of the memorandum, and assurances

1 that such memorandum shall be reviewed
2 not less than once every 2-year period to
3 ensure appropriate funding and delivery of
4 services; and

5 (B) such other provisions, consistent with
6 the requirements of this title, as the parties to
7 the agreement determine to be appropriate.

8 (d) ONE-STOP OPERATORS.—

9 (1) DESIGNATION AND CERTIFICATION.—Con-
10 sistent with paragraphs (2) and (3), the local board,
11 with the agreement of the chief elected official, is
12 authorized to designate or certify one-stop operators
13 and to terminate for cause the eligibility of such op-
14 erators.

15 (2) ELIGIBILITY.—To be eligible to receive
16 funds made available under this subtitle to operate
17 a one-stop center referred to in subsection (e), an
18 entity (which may be a consortium of entities)—

19 (A) shall be designated or certified as a
20 one-stop operator—

21 (i) through a competitive process; or

22 (ii) in accordance with an agreement
23 reached between the local board and a con-
24 sortium of entities that, at a minimum, in-

1 cludes 3 or more of the one-stop partners
2 described in subsection (b)(1); and

3 (B) shall be an entity (public or private),
4 or consortium of entities, of demonstrated effec-
5 tiveness, located in the local area, which may
6 include—

7 (i) an institution of higher education;

8 (ii) an employment service State agen-
9 cy established under the Wagner-Peyser
10 Act (29 U.S.C. 49 et seq.), on behalf of
11 the local office of the agency;

12 (iii) a community-based organization,
13 nonprofit organization, or intermediary;

14 (iv) a private for-profit entity;

15 (v) a government agency; and

16 (vi) another interested organization or
17 entity, which may include a local chamber
18 of commerce or other business organiza-
19 tion, or a labor organization.

20 (3) EXCEPTION.—Elementary schools and sec-
21 ondary schools shall not be eligible for designation
22 or certification as one-stop operators, except that
23 nontraditional public secondary schools and area ca-
24 reer and technical education schools may be eligible
25 for such designation or certification.

1 (4) ADDITIONAL REQUIREMENTS.—The State
2 and local boards shall ensure that in carrying out
3 activities under this title, one-stop operators—

4 (A) disclose any potential conflicts of inter-
5 est arising from the relationships of the opera-
6 tors with particular training service providers or
7 other service providers;

8 (B) do not establish practices that create
9 disincentives to providing services to individuals
10 with barriers to employment who may require
11 longer-term services, such as intensive employ-
12 ment, training, and education services; and

13 (C) comply with Federal regulations, and
14 procurement policies, relating to the calculation
15 and use of profits.

16 (e) ESTABLISHMENT OF ONE-STOP DELIVERY SYS-
17 TEM.—

18 (1) IN GENERAL.—There shall be established in
19 each local area in a State that receives an allotment
20 under section 232(b) a one-stop delivery system,
21 which—

22 (A) shall provide the core services de-
23 scribed in section 234(c)(2);

24 (B) shall provide access to intensive serv-
25 ices and training services as described in para-

1 graphs (3) and (4) of section 234(c), including
2 serving as the point of access to training serv-
3 ices for participants in accordance with section
4 234(c)(4)(G);

5 (C) shall provide access to the employment
6 and training activities carried out under section
7 234(d), if any;

8 (D) shall provide access to programs and
9 activities carried out by one-stop partners de-
10 scribed in subsection (b); and

11 (E) shall provide access to the data, infor-
12 mation, and analysis described in section 15(a)
13 of the Wagner-Peyser Act (29 U.S.C. 491–2(a))
14 and all job search, placement, recruitment, and
15 other labor exchange services authorized under
16 the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

17 (2) ONE-STOP DELIVERY.—The one-stop deliv-
18 ery system—

19 (A) at a minimum, shall make each of the
20 programs, services, and activities described in
21 paragraph (1) accessible at not less than 1
22 physical center in each local area of the State;
23 and

24 (B) may also make programs, services, and
25 activities described in paragraph (1) available—

1 (i) through a network of affiliated
2 sites that can provide 1 or more of the pro-
3 grams, services, and activities to individ-
4 uals; and

5 (ii) through a network of eligible one-
6 stop partners—

7 (I) in which each partner pro-
8 vides 1 or more of the programs, serv-
9 ices, and activities to such individuals
10 and is accessible at an affiliated site
11 that consists of a physical location or
12 an electronically or technologically
13 linked access point; and

14 (II) that assures individuals that
15 information on the availability of the
16 core services will be available regard-
17 less of where the individuals initially
18 enter the statewide workforce develop-
19 ment system, including information
20 made available through an access
21 point described in subclause (I);

22 (C) may have specialized centers to ad-
23 dress special needs, such as the needs of dis-
24 located workers, youth, or key industry sectors
25 or clusters; and

1 (D) as applicable and practicable, shall
2 make programs, services, and activities acces-
3 sible to individuals through electronic means in
4 a manner that improves efficiency, coordination,
5 and quality in the delivery of one-stop partner
6 services.

7 (3) COLOCATION OF WAGNER-PEYSER SERV-
8 ICES.—Consistent with section 3(d) of the Wagner-
9 Peyser Act (29 U.S.C. 49b(d)), and in order to im-
10 prove service delivery, avoid duplication of services,
11 and enhance coordination of services, including loca-
12 tion of staff to ensure access to services in under-
13 served areas, the employment service offices in each
14 State shall be colocated with one-stop centers estab-
15 lished under this title.

16 (4) USE OF COMMON ONE-STOP DELIVERY SYS-
17 TEM IDENTIFIER.—In addition to using any State or
18 locally developed identifier, each one-stop delivery
19 system shall include in the identification of products,
20 programs, activities, services, facilities, and related
21 property and materials, a common one-stop delivery
22 system identifier. The identifier shall be developed
23 by the Secretary, in consultation with heads of other
24 appropriate departments and agencies, and rep-
25 resentatives of State boards and local boards and of

1 other stakeholders in the one-stop delivery system,
2 not later than the beginning of the second full pro-
3 gram year after the date of enactment of this Act.
4 Such common identifier may consist of a logo,
5 phrase, or other identifier that informs users of the
6 one-stop delivery system that such products, pro-
7 grams, activities, services, facilities, property, or ma-
8 terials are being provided through such system.
9 Nothing in this paragraph shall be construed to pro-
10 hibit one-stop partners, States, or local areas from
11 having additional identifiers.

12 (f) APPLICATION TO CERTAIN VOCATIONAL REHA-
13 BILITATION PROGRAMS.—

14 (1) LIMITATION.—Nothing in this section shall
15 be construed to apply to part C of title I of the Re-
16 habilitation Act of 1973 (29 U.S.C. 741).

17 (2) CLIENT ASSISTANCE.—Nothing in this Act
18 shall be construed to require that any entity car-
19 rying out a client assistance program authorized
20 under section 112 of the Rehabilitation Act of 1973
21 (29 U.S.C. 732)—

22 (A) be included as a mandatory one-stop
23 partner under subsection (b)(1); or

1 (B) if the entity is included as an addi-
2 tional one-stop partner under subsection
3 (b)(2)—

4 (i) violate the requirement of section
5 112(c)(1)(A) of that Act (29 U.S.C.
6 732(c)(1)(A)) that the entity be inde-
7 pendent of any agency that provides treat-
8 ment, services, or rehabilitation to individ-
9 uals under that Act; or

10 (ii) carry out any activity not author-
11 ized under section 112 of that Act (includ-
12 ing appropriate Federal regulations).

13 (g) CONTINUOUS IMPROVEMENT OF ONE-STOP CEN-
14 TERS.—

15 (1) IN GENERAL.—The State board, in con-
16 sultation with chief elected officials and local boards,
17 shall establish objective criteria and procedures for
18 use by local boards in periodically assessing the ef-
19 fectiveness, physical and programmatic accessibility
20 in accordance with section 288 and the Americans
21 with Disabilities Act of 1990 (42 U.S.C. 12101 et
22 seq.), and continuous improvement of one-stop cen-
23 ters and the one-stop delivery system, consistent
24 with the requirements of section 111(d)(7).

1 (2) CRITERIA.—The criteria and procedures de-
2 veloped under this subsection shall include standards
3 relating to service coordination achieved by the one-
4 stop delivery system with respect to the programs
5 administered by the one-stop partners at the one-
6 stop centers. Such criteria and procedures shall—

7 (A) be developed in a manner that is con-
8 sistent with the guidelines, guidance, and poli-
9 cies provided by the Governor and by the State
10 board, in consultation with the chief elected of-
11 ficials and local boards, for such partners' par-
12 ticipation under subsections (h)(1) and (i); and

13 (B) include such factors relating to the ef-
14 fectiveness, accessibility, and improvement of
15 the one-stop delivery system as the State board
16 determines to be appropriate.

17 (3) LOCAL CRITERIA.—Consistent with the cri-
18 teria developed under paragraph (1) by the State, a
19 local board in the State may develop additional cri-
20 teria (or higher levels of service coordination than
21 required for the State-developed criteria) relating to
22 service coordination achieved by the one-stop deliv-
23 ery system, for purposes of assessments described in
24 paragraph (1), in order to respond to labor market,

1 economic, and demographic, conditions and trends in
2 the region.

3 (4) REVIEW AND UPDATE.—The criteria and
4 procedures established under this subsection shall be
5 reviewed and updated by the State board or the local
6 board, as the case may be, as part of the biennial
7 process for review and modification of State and
8 local plans described in sections 112(c) and 118(a).

9 (h) FUNDING OF ONE-STOP INFRASTRUCTURE.—

10 (1) IN GENERAL.—

11 (A) OPTIONS FOR INFRASTRUCTURE
12 FUNDING.—

13 (i) LOCAL OPTIONS.—The local board,
14 chief elected officials, and one-stop part-
15 ners described in subsection (b)(1) in a
16 local area may fund the costs of infrastruc-
17 ture of one-stop centers in the local area
18 through—

19 (I) methods agreed on by the
20 local board, chief elected officials, and
21 one-stop partners (described in the
22 memorandum of understanding de-
23 scribed in subsection (c)); or

1 (II) the State infrastructure
2 funding mechanism described in para-
3 graph (2).

4 (ii) FAILURE TO REACH CONSENSUS
5 AGREEMENT ON FUNDING METHODS.—Be-
6 ginning July 1, 2015, if the local board,
7 chief elected officials, and one-stop part-
8 ners described in subsection (b)(1) in a
9 local area fail to reach consensus agree-
10 ment on methods of sufficiently funding
11 the costs of infrastructure of one-stop cen-
12 ters for a program year, the State infra-
13 structure funding mechanism described in
14 paragraph (2) shall be applicable to such
15 local area for that program year and for
16 each subsequent program year for which
17 those entities and individuals fail to reach
18 such agreement.

19 (B) GUIDANCE FOR INFRASTRUCTURE
20 FUNDING.—In addition to carrying out the re-
21 quirements relating to the State infrastructure
22 funding mechanism described in paragraph (2),
23 the Governor, after consultation with chief
24 elected officials, local boards, and the State
25 board, and consistent with the guidance and

1 policies provided by the State board under sub-
 2 paragraphs (B) and (C)(i) of section 111(d)(7),
 3 shall provide, for the use of local areas under
 4 subparagraph (A)(i)(I)—

5 (i) guidelines for State-administered
 6 one-stop partner programs, for deter-
 7 mining such programs' contributions to a
 8 one-stop delivery system, based on such
 9 programs' proportionate use of such sys-
 10 tem consistent with chapter II of title 2,
 11 Code of Federal Regulations (or any cor-
 12 responding similar regulation or ruling),
 13 including determining funding for the costs
 14 of infrastructure, which contributions shall
 15 be negotiated pursuant to the memo-
 16 randum of understanding under subsection
 17 (c); and

18 (ii) guidance to assist local boards,
 19 chief elected officials, and one-stop part-
 20 ners in local areas in determining equitable
 21 and stable methods of funding the costs of
 22 infrastructure of one-stop centers in such
 23 areas.

24 (2) STATE ONE-STOP INFRASTRUCTURE FUND-
 25 ING.—

1 (A) DEFINITION.—In this paragraph, the
2 term “covered portion”, used with respect to
3 funding for a fiscal year for a program de-
4 scribed in subsection (b)(1), means a portion
5 determined under subparagraph (C) of the Fed-
6 eral funds provided to a State (including local
7 areas within the State) under the Federal law
8 authorizing that program described in sub-
9 section (b)(1) for the fiscal year (taking into ac-
10 count the availability of funding for purposes
11 related to infrastructure from philanthropic or-
12 ganizations, private entities, or other alternative
13 financing options).

14 (B) PARTNER CONTRIBUTIONS.—Subject
15 to subparagraph (D), for local areas in a State
16 that are not covered by paragraph (1)(A)(i)(I),
17 the covered portions of funding for a fiscal year
18 shall be provided to the Governor from the pro-
19 grams described in subsection (b)(1), to assist
20 in paying the costs of infrastructure of one-stop
21 centers in those local areas of the State not
22 adequately funded under the option described in
23 paragraph (1)(A)(i)(I).

24 (C) DETERMINATION OF GOVERNOR.—

1 (i) IN GENERAL.—Subject to clause
2 (ii) and subparagraph (D), the Governor,
3 after consultation with chief elected offi-
4 cials, local boards, and the State board,
5 shall determine the portion of funds to be
6 provided under subparagraph (B) by each
7 one-stop partner from each program de-
8 scribed in subparagraph (B). In making
9 such determination for the purpose of de-
10 termining funding contributions, for fund-
11 ing pursuant to clause (i)(II) or (ii) of
12 paragraph (1)(A) by each partner, the
13 Governor shall calculate amounts for the
14 proportionate use of the one-stop centers
15 in the State, consistent with chapter II of
16 title 2, Code of Federal Regulations (or
17 any corresponding similar regulation or
18 ruling), taking into account the costs of
19 administration of the one-stop delivery sys-
20 tem for purposes not related to one-stop
21 centers, for each partner. The Governor
22 shall exclude from such determination of
23 funds the amounts for proportionate use of
24 one-stop centers attributable to the pro-
25 grams of one-stop partners for those local

1 areas of the State where the costs of infra-
2 structure of one-stop centers are funded
3 under the option described in paragraph
4 (1)(A)(i)(I).

5 (ii) SPECIAL RULE.—In a State in
6 which the State constitution or a State
7 statute places policymaking authority that
8 is independent of the authority of the Gov-
9 ernor in an entity or official with respect
10 to the funds provided for adult education
11 and literacy activities authorized under
12 title III, postsecondary career and tech-
13 nical education activities authorized under
14 the Carl D. Perkins Career and Technical
15 Education Act of 1998 (20 U.S.C. 2301 et
16 seq.), or vocational rehabilitation services
17 offered under a provision covered by sec-
18 tion 101(12)(D), the determination de-
19 scribed in clause (i) with respect to the
20 programs authorized under that title, Act,
21 and provision shall be made by the chief
22 officer of the entity, or the official, with
23 such authority in consultation with the
24 Governor.

25 (D) LIMITATIONS.—

1 (i) PROVISION FROM ADMINISTRATIVE
2 FUNDS.—

3 (I) IN GENERAL.—Subject to
4 subclause (II), the funds provided
5 under this paragraph by each one-stop
6 partner shall be provided only from
7 funds available for the costs of admin-
8 istration under the program adminis-
9 tered by such partner, and shall be
10 subject to the program's limitations
11 with respect to the portion of funds
12 under such program that may be used
13 for administration.

14 (II) EXCEPTIONS.—Nothing in
15 this clause shall be construed to apply
16 to the programs carried out under
17 this title, or under title V of the Older
18 Americans Act of 1965 (42 U.S.C.
19 3056 et seq.).

20 (ii) CAP ON REQUIRED CONTRIBU-
21 TIONS.—For local areas in a State that are
22 not covered by paragraph (1)(A)(i)(I), the
23 following rules shall apply:

24 (I) WIA FORMULA PROGRAMS
25 AND EMPLOYMENT SERVICE.—The

1 portion of funds required to be con-
2 tributed under this paragraph from a
3 program authorized under chapter 2
4 or 3, or the Wagner-Peyser Act (29
5 U.S.C. 49 et seq.) shall not exceed 3
6 percent of the amount of Federal
7 funds provided to carry out that pro-
8 gram in the State for a fiscal year.

9 (II) OTHER ONE-STOP PART-
10 NERS.—The portion of funds required
11 to be contributed under this para-
12 graph from a program described in
13 subsection (b)(1) other than the pro-
14 grams described in clause (i) shall not
15 exceed 1.5 percent of the amount of
16 Federal funds provided to carry out
17 that program in the State for a fiscal
18 year.

19 (III) VOCATIONAL REHABILITA-
20 TION.—Notwithstanding subclauses
21 (I) and (II), an entity administering a
22 program described in subsection
23 (b)(1)(B)(iv) shall not be required to
24 provide from that program, under this
25 paragraph, a portion that exceeds—

1 (aa) 0.75 percent of the
2 amount of Federal funds pro-
3 vided to carry out such program
4 in the State for the second full
5 program year that begins after
6 the date of enactment of this
7 Act;

8 (bb) 1.0 percent of the
9 amount provided to carry out
10 such program in the State for the
11 third full program year that be-
12 gins after such date;

13 (cc) 1.25 percent of the
14 amount provided to carry out
15 such program in the State for the
16 fourth full program year that be-
17 gins after such date; and

18 (dd) 1.5 percent of the
19 amount provided to carry out
20 such program in the State for the
21 fifth and each succeeding full
22 program year that begins after
23 such date.

24 (iii) FEDERAL DIRECT SPENDING PRO-
25 GRAMS.—For local areas in a State that

1 are not covered by paragraph (1)(A)(i)(I),
2 an entity administering a program funded
3 with direct spending as defined in section
4 250(c)(8) of the Balanced Budget and
5 Emergency Deficit Control Act of 1985, as
6 in effect on August 2, 2011 (2 U.S.C.
7 900(c)(8)) shall not be required to provide,
8 for purposes of this paragraph, an amount
9 in excess of the amount determined under
10 subparagraph (C)(i) to be equivalent to the
11 cost of the proportionate use of the one-
12 stop centers for the one-stop partner for
13 such program in the State.

14 (iv) NATIVE AMERICAN PROGRAMS.—

15 One-stop partners for Native American
16 programs established under section 266
17 shall not be subject to the provisions of
18 this subsection (other than this clause) or
19 subsection (i). For purposes of subsection
20 (c)(2)(A)(ii)(II), the method for deter-
21 mining the appropriate portion of funds to
22 be provided by such partners to pay for the
23 costs of infrastructure of a one-stop center
24 shall be determined as part of the develop-
25 ment of the memorandum of under-

1 standing under subsection (c) for the one-
2 stop center and shall be stated in the
3 memorandum.

4 (E) APPEAL BY ONE-STOP PARTNERS.—

5 The Governor shall establish a process, de-
6 scribed under section 112(b)(2)(D)(i)(V), for a
7 one-stop partner administering a program de-
8 scribed in subsection (b)(1) to appeal a deter-
9 mination regarding the portion of funds to be
10 provided under this paragraph. Such a deter-
11 mination may be appealed under the process on
12 the basis that such determination is incon-
13 sistent with the requirements of this paragraph.
14 Such process shall ensure prompt resolution of
15 the appeal in order to ensure the funds are dis-
16 tributed in a timely manner, consistent with the
17 requirements of section 282(e).

18 (3) ALLOCATION BY GOVERNOR.—

19 (A) IN GENERAL.—From the funds pro-
20 vided under paragraph (1), the Governor shall
21 allocate the funds to local areas described in
22 subparagraph (B) in accordance with the for-
23 mula established under subparagraph (B) for
24 the purposes of assisting in paying the costs of
25 infrastructure of one-stop centers.

1 (B) ALLOCATION FORMULA.—The State
2 board shall develop a formula to be used by the
3 Governor to allocate the funds provided under
4 paragraph (1) to local areas not funding costs
5 of infrastructure under the option described in
6 paragraph (1)(A)(i)(I). The formula shall be
7 based on factors including the number of one-
8 stop centers in a local area, the population
9 served by such centers, the services provided by
10 such centers, and other factors relating to the
11 performance of such centers that the State
12 board determines are appropriate.

13 (4) COSTS OF INFRASTRUCTURE.—In this sub-
14 section, the term “costs of infrastructure”, used
15 with respect to a one-stop center, means the nonper-
16 sonnel costs that are necessary for the general oper-
17 ation of the one-stop center, including the rental
18 costs of the facilities, the costs of utilities and main-
19 tenance, equipment (including assessment-related
20 products and assistive technology for individuals
21 with disabilities), and technology to facilitate access
22 to the one-stop center, including the center’s plan-
23 ning and outreach activities.

24 (i) OTHER FUNDS.—

1 (1) IN GENERAL.—Subject to the memorandum
2 of understanding described in subsection (c) for the
3 one-stop delivery system involved, in addition to the
4 funds provided to carry out subsection (h), a portion
5 of funds made available under Federal law author-
6 izing the programs described in subsection (b) and
7 administered by one-stop partners, or the noncash
8 resources available under such programs, shall be
9 used to pay the additional costs relating to the oper-
10 ation of the one-stop delivery system that are not
11 paid from the funds provided under subsection (h),
12 as determined in accordance with paragraph (3), to
13 the extent not inconsistent with the Federal law in-
14 volved. Such costs shall include the costs of the pro-
15 vision of core services described in section 234(c)(2)
16 applicable to each program and may include common
17 costs that are not paid from the funds provided
18 under subsection (h).

19 (2) SHARED SERVICES.—The costs described
20 under paragraph (1) may include costs of services
21 that are authorized for and may be commonly pro-
22 vided through the one-stop partner programs to any
23 individual, such as initial intake, assessment of
24 needs, appraisal of basic skills, identification of ap-

1 appropriate services to meet such needs, referrals to
2 other one-stop partners, and other similar services.

3 (3) DETERMINATION AND GUIDANCE.—The
4 method for determining the appropriate portion of
5 funds and noncash resources to be provided by the
6 one-stop partner for each program under paragraph
7 (1) for a one-stop center shall be determined as part
8 of the development of the memorandum of under-
9 standing under subsection (c) for the one-stop center
10 and shall be stated in the memorandum. The State
11 board shall provide guidance to facilitate the deter-
12 mination, for purposes of the memorandum of un-
13 derstanding, of an appropriate allocation of the
14 funds and noncash resources in local areas, con-
15 sistent with the requirements of section
16 111(d)(7)(C)(i).

17 **SEC. 222. IDENTIFICATION OF ELIGIBLE PROVIDERS OF**
18 **TRAINING SERVICES.**

19 (a) ELIGIBILITY.—

20 (1) IN GENERAL.—Except as provided in sub-
21 section (h), the Governor, after consultation with the
22 State board, shall establish criteria, information re-
23 quirements, and procedures regarding the eligibility
24 of providers of training services to receive funds pro-

1 vided under section 233(b) for the provision of train-
2 ing services in local areas in the State.

3 (2) PROVIDERS.—Subject to the provisions of
4 this section, to be eligible to receive those funds for
5 the provision of training services, the provider shall
6 be—

7 (A) an institution of higher education that
8 provides a program that leads to a recognized
9 postsecondary credential;

10 (B) an entity that carries out programs
11 registered under the Act of August 16, 1937
12 (commonly known as the “National Apprentice-
13 ship Act”; 50 Stat. 664, chapter 663; 29
14 U.S.C. 50 et seq.); or

15 (C) another public or private provider of a
16 program of training services, which may include
17 joint labor-management organizations, and eli-
18 gible providers of adult education and literacy
19 activities under title III if such activities are
20 provided in combination with occupational skills
21 training.

22 (3) INCLUSION IN LIST OF ELIGIBLE PRO-
23 VIDERS.—A provider described in subparagraph (A)
24 or (C) of paragraph (2) shall comply with the cri-
25 teria, information requirements, and procedures es-

1 tablished under this section to be included on the list
2 of eligible providers of training services described in
3 subsection (d). A provider described in paragraph
4 (2)(B) shall be included and maintained on the list
5 of eligible providers of training services described in
6 subsection (d) for so long as the corresponding pro-
7 gram of the provider remains registered as described
8 in paragraph (2)(B).

9 (b) CRITERIA AND INFORMATION REQUIREMENTS.—

10 (1) STATE CRITERIA.—In establishing criteria
11 pursuant to subsection (a), the Governor shall take
12 into account each of the following:

13 (A) The performance of providers of train-
14 ing services with respect to—

15 (i) the performance accountability
16 measures and other matters for which in-
17 formation is required under paragraph (2);
18 and

19 (ii) other appropriate measures of per-
20 formance outcomes determined by the Gov-
21 ernor for those participants receiving train-
22 ing services under this subtitle (taking into
23 consideration the characteristics of the
24 population served and relevant economic
25 conditions), and the outcomes of the pro-

1 gram through which those training services
2 were provided for students in general with
3 respect to employment and earnings as de-
4 fined under section 131(b)(2).

5 (B) The need to ensure access to training
6 services throughout the State, including
7 through the use of technology.

8 (C) Information reported to State agencies
9 with respect to Federal and State programs in-
10 volving training services (other than the pro-
11 gram carried out under this subtitle), including
12 one-stop partner programs.

13 (D) The requirements for State licensing
14 of providers of training services, and the licens-
15 ing status of providers of training services if
16 applicable.

17 (E) Ways in which the criteria can encour-
18 age, to the extent practicable, the providers to
19 use industry-recognized certificates or certifi-
20 cations.

21 (F) The ability of the providers to offer
22 programs that lead to recognized postsecondary
23 credentials.

24 (G) The quality of a program of training
25 services, including a program of training serv-

1 ices that leads to a recognized postsecondary
2 credential.

3 (H) The ability of the providers to provide
4 training services to individuals who are em-
5 ployed and individuals with barriers to employ-
6 ment.

7 (I) Such other factors as the Governor de-
8 termines are appropriate to ensure—

9 (i) the accountability of the providers;

10 (ii) that the one-stop centers in the
11 State will ensure that such providers meet
12 the needs of local employers and partici-
13 pants;

14 (iii) the informed choice of partici-
15 pants among training services providers;
16 and

17 (iv) that the collection of information
18 required to demonstrate compliance with
19 the criteria is not unduly burdensome or
20 costly to providers.

21 (2) STATE INFORMATION REQUIREMENTS.—

22 The information requirements established by the
23 Governor shall require that a provider of training
24 services submit appropriate, accurate, and timely in-
25 formation to the State, to enable the State to carry

1 out subsection (d), with respect to participants re-
2 ceiving training services under this subtitle in the
3 applicable program, including—

4 (A) information on the performance of the
5 provider with respect to the performance ac-
6 countability measures described in section 131
7 for such participants (taking into consideration
8 the characteristics of the population served and
9 relevant economic conditions), and information
10 specifying the percentage of such participants
11 who entered unsubsidized employment in an oc-
12 cupation related to the program, to the extent
13 practicable;

14 (B) information on recognized postsec-
15 ondary credentials received by such partici-
16 pants;

17 (C) information on program costs (such as
18 costs of tuition and fees) for participants in the
19 program;

20 (D) information on the program comple-
21 tion rate for such participants; and

22 (E) information on the criteria described
23 in paragraph (1).

24 (3) LOCAL CRITERIA AND INFORMATION RE-
25 QUIREMENTS.—A local board in the State may es-

1 establish criteria and information requirements in ad-
2 dition to the criteria and information requirements
3 established by the Governor, or may require higher
4 levels of performance than required for the criteria
5 established by the Governor, for purposes of deter-
6 mining the eligibility of providers of training services
7 to receive funds described in subsection (a) for the
8 provision of training services in the local area in-
9 volved.

10 (4) CRITERIA AND INFORMATION REQUIRE-
11 MENTS TO ESTABLISH INITIAL ELIGIBILITY.—

12 (A) PURPOSE.—The purpose of this para-
13 graph is to enable the providers of programs
14 carried out under chapter 3 to offer the highest
15 quality training services and be responsive to
16 in-demand and emerging industries by pro-
17 viding training services for those industries.

18 (B) INITIAL ELIGIBILITY.—Providers may
19 seek initial eligibility under this paragraph as
20 providers of training services. The criteria and
21 information requirements established by the
22 Governor under this paragraph shall require
23 that a provider who has not previously been an
24 eligible provider of training services under this
25 section (or section 122 of the Workforce Invest-

1 ment Act of 1998, as in effect on the day before
2 the date of enactment of this Act) provide the
3 information described in subparagraph (C).

4 (C) INFORMATION.—The provider shall
5 provide verifiable program-specific performance
6 information based on criteria established by the
7 State as described in subparagraph (D) that
8 supports the provider’s ability to serve partici-
9 pants under this subtitle.

10 (D) CRITERIA.—The criteria described in
11 subparagraph (C) shall include at least—

12 (i) a factor related to indicators de-
13 scribed in section 131;

14 (ii) a factor concerning whether the
15 provider is in a partnership with business;

16 (iii) other factors that indicate high-
17 quality training services; and

18 (iv) a factor concerning alignment of
19 the training services with industries pro-
20 jected to have potential for employment op-
21 portunities, to the extent practicable.

22 (E) PROVISION.—The provider shall pro-
23 vide the information described in subparagraph
24 (C) to the Governor and the local board in a
25 manner that will permit the Governor and the

1 local board to make a decision on inclusion of
2 the provider on the list of eligible providers de-
3 scribed in subsection (d).

4 (c) PROCEDURES.—

5 (1) APPLICATION PROCEDURES.—The proce-
6 dures established under subsection (a) shall identify
7 the application process for a provider of training
8 services to become eligible to receive funds provided
9 under section 233(b) for the provision of training
10 services. The procedures shall identify the respective
11 roles of the State and local areas in receiving and
12 reviewing the applications and in making determina-
13 tions of such eligibility based on the criteria, infor-
14 mation, and procedures established under this sec-
15 tion. The procedures shall also establish a process
16 for a provider of training services to appeal a denial
17 or termination of eligibility under this section that
18 includes an opportunity for a hearing and prescribes
19 appropriate time limits to ensure prompt resolution
20 of the appeal.

21 (2) RENEWAL PROCEDURES.—The procedures
22 established by the Governor shall also provide for bi-
23 ennial review and renewal of eligibility under this
24 section for providers of training services.

1 (d) LIST AND INFORMATION TO ASSIST PARTICI-
2 PANTS IN CHOOSING PROVIDERS.—

3 (1) IN GENERAL.—In order to facilitate and as-
4 sist participants in choosing employment and train-
5 ing activities and in choosing providers of training
6 services, the Governor shall ensure that an appro-
7 priate list of providers determined to be eligible
8 under this section to offer a program in the State
9 (and, as appropriate, in a local area), accompanied
10 by information identifying the recognized postsec-
11 ondary credential offered by the provider and other
12 appropriate information, is provided to the one-stop
13 delivery system in the State.

14 (2) ACCOMPANYING INFORMATION.—The ac-
15 companying information shall—

16 (A) with respect to providers described in
17 subparagraphs (A) and (C) of subsection (a)(2),
18 consist of information provided by such pro-
19 viders, disaggregated by local areas served, as
20 applicable, in accordance with subsection (b);

21 (B) with respect to providers described in
22 subsection (b)(4), consist of information pro-
23 vided by such providers in accordance with sub-
24 section (b)(4); and

1 (C) such other information as the Gov-
2 ernor determines to be appropriate.

3 (3) AVAILABILITY.—The list and the accom-
4 panying information shall be made available to such
5 participants and to members of the public through
6 the one-stop delivery system in the State, in a man-
7 ner that does not reveal personally identifiable infor-
8 mation about an individual participant.

9 (e) OPPORTUNITY TO SUBMIT COMMENTS.—In es-
10 tablishing, under this section, criteria, information re-
11 quirements, procedures, and the list of eligible providers
12 described in subsection (d), the Governor shall provide an
13 opportunity for interested members of the public to make
14 recommendations and submit comments regarding such
15 criteria, information requirements, procedures, and list.

16 (f) ENFORCEMENT.—

17 (1) IN GENERAL.—The procedures established
18 under this section shall provide the following:

19 (A) INTENTIONALLY SUPPLYING INAC-
20 CURATE INFORMATION.—Upon a determination,
21 by an individual or entity specified in the proce-
22 dures, that a provider of training services, or
23 individual providing information on behalf of
24 the provider, violated this section (or section
25 122 of the Workforce Investment Act of 1998,

1 as in effect on the day before the date of enact-
2 ment of this Act) by intentionally supplying in-
3 accurate information under this section, the eli-
4 gibility of such provider to receive funds under
5 chapter 3 shall be terminated for a period of
6 time that is not less than 2 years.

7 (B) SUBSTANTIAL VIOLATIONS.—Upon a
8 determination, by an individual or entity speci-
9 fied in the procedures, that a provider of train-
10 ing services substantially violated any require-
11 ment under this title (or title I of the Work-
12 force Investment Act of 1998, as in effect on
13 the day before such date of enactment), the eli-
14 gibility of such provider to receive funds under
15 chapter 3 for the program involved may be ter-
16 minated, or other appropriate action may be
17 taken.

18 (C) REPAYMENT.—A provider of training
19 services whose eligibility is terminated under
20 subparagraph (A) or (B) shall be liable for the
21 repayment of funds received under chapter 5 of
22 subtitle B of title I of the Workforce Invest-
23 ment Act of 1998, as in effect on the day before
24 such date of enactment, or chapter 3 of this

1 subtitle during a period of violation described in
2 such subparagraph.

3 (2) CONSTRUCTION.—Paragraph (1) shall be
4 construed to provide remedies and penalties that
5 supplement, but shall not supplant, civil and criminal
6 remedies and penalties specified in other provisions
7 of law.

8 (g) AGREEMENTS WITH OTHER STATES.—States
9 may enter into agreements, on a reciprocal basis, to permit
10 eligible providers of training services to accept individual
11 training accounts provided in another State.

12 (h) ON-THE-JOB TRAINING, CUSTOMIZED TRAINING,
13 INCUMBENT WORKER TRAINING, AND OTHER TRAINING
14 EXCEPTIONS.—

15 (1) IN GENERAL.—Providers of on-the-job
16 training, customized training, incumbent worker
17 training, internships, and paid or unpaid work experience
18 opportunities, or transitional employment shall not be subject
19 to the requirements of subsections (a) through (g).

21 (2) COLLECTION AND DISSEMINATION OF INFORMATION.—A one-stop
22 operator in a local area shall collect such performance information
23 from providers of on-the-job training, customized training, incumbent
24 worker training, internships, paid or un-
25

1 paid work experience opportunities, and transitional
2 employment as the Governor may require, and use
3 the information to determine whether the providers
4 meet such performance criteria as the Governor may
5 require. The one-stop operator shall disseminate in-
6 formation identifying such providers that meet the
7 criteria as eligible providers, and the performance
8 information, through the one-stop delivery system.
9 Providers determined to meet the criteria shall be
10 considered to be identified as eligible providers of
11 training services.

12 (i) **TRANSITION PERIOD FOR IMPLEMENTATION.**—
13 The Governor and local boards shall implement the re-
14 quirements of this section not later than 12 months after
15 the date of enactment of this Act. In order to facilitate
16 early implementation of this section, the Governor may es-
17 tablish transition procedures under which providers eligi-
18 ble to provide training services under chapter 5 of subtitle
19 B of title I of the Workforce Investment Act of 1998, as
20 such chapter was in effect on the day before the date of
21 enactment of this Act, may continue to be eligible to pro-
22 vide such services until December 31, 2015, or until such
23 earlier date as the Governor determines to be appropriate.

1 **SEC. 223. ELIGIBLE PROVIDERS OF YOUTH WORKFORCE IN-**
 2 **VESTMENT ACTIVITIES.**

3 (a) IN GENERAL.—From the funds allocated under
 4 section 228(b) to a local area, the local board for such
 5 area shall award grants or contracts on a competitive basis
 6 to providers of youth workforce investment activities iden-
 7 tified based on the criteria in the State plan, as described
 8 in section 112(b)(2)(D)(i)(VI) and shall conduct oversight
 9 with respect to such providers.

10 (b) EXCEPTIONS.—A local board may award grants
 11 or contracts on a sole-source basis if such board deter-
 12 mines there is an insufficient number of eligible providers
 13 of youth workforce investment activities in the local area
 14 involved (such as a rural area) for grants and contracts
 15 to be awarded on a competitive basis under subsection (a).

16 **CHAPTER 2—YOUTH WORKFORCE**
 17 **INVESTMENT ACTIVITIES**

18 **SEC. 226. GENERAL AUTHORIZATION.**

19 The Secretary shall make an allotment under section
 20 227(b)(1)(C) to each State that meets the requirements
 21 of section 112 or 113 and a grant under section
 22 227(b)(1)(B) to each outlying area that complies with the
 23 requirements of this title, to assist the State or outlying
 24 area, and to enable the State or outlying area to assist
 25 local areas, for the purpose of providing workforce invest-

1 ment activities for eligible youth in the State or outlying
2 area and in the local areas.

3 **SEC. 227. STATE ALLOTMENTS.**

4 (a) IN GENERAL.—The Secretary shall—

5 (1) for each fiscal year for which the amount
6 appropriated under section 236(a) exceeds
7 \$1,000,000,000, reserve a portion (but not more
8 than \$10,000,000) of the amount appropriated
9 under section 236(a) to provide youth workforce in-
10 vestment activities under section 267 (relating to mi-
11 grant and seasonal farmworkers); and

12 (2) use the remainder of the amount appro-
13 priated under section 236(a) for a fiscal year to
14 make allotments and grants in accordance with sub-
15 section (b).

16 (b) ALLOTMENT AMONG STATES.—

17 (1) YOUTH WORKFORCE INVESTMENT ACTIVI-
18 TIES.—

19 (A) NATIVE AMERICANS.—From the
20 amount appropriated under section 236(a) for a
21 fiscal year that is not reserved under subsection
22 (a)(1), the Secretary shall reserve not more
23 than 1½ percent of such amount to provide
24 youth workforce investment activities under sec-
25 tion 266 (relating to Native Americans).

1 (B) OUTLYING AREAS.—

2 (i) IN GENERAL.—From the amount
3 appropriated under section 236(a) for each
4 fiscal year that is not reserved under sub-
5 section (a)(1) and subparagraph (A), the
6 Secretary shall reserve not more than $\frac{1}{4}$ of
7 1 percent of such amount to provide assist-
8 ance to the outlying areas to carry out
9 youth workforce investment activities and
10 statewide workforce investment activities.

11 (ii) LIMITATION FOR OUTLYING
12 AREAS.—

13 (I) COMPETITIVE GRANTS.—The
14 Secretary shall use funds reserved
15 under clause (i) to award grants to
16 outlying areas to carry out youth
17 workforce investment activities and
18 statewide workforce investment activi-
19 ties.

20 (II) AWARD BASIS.—The Sec-
21 retary shall award grants pursuant to
22 subclause (I) on a competitive basis
23 and pursuant to the recommendations
24 of experts in the field of employment
25 and training, working through the Pa-

1 cific Region Educational Laboratory
2 in Honolulu, Hawaii.

3 (III) ADMINISTRATIVE COSTS.—

4 The Secretary may provide not more
5 than 5 percent of the funds made
6 available for grants under subclause
7 (I) to pay the administrative costs of
8 the Pacific Region Educational Lab-
9 oratory in Honolulu, Hawaii, regard-
10 ing activities assisted under this
11 clause.

12 (iii) ADDITIONAL REQUIREMENT.—

13 The provisions of section 501 of Public
14 Law 95–134 (48 U.S.C. 1469a), permit-
15 ting the consolidation of grants by the out-
16 lying areas, shall not apply to assistance
17 provided to those areas, including Palau,
18 under this subparagraph.

19 (C) STATES.—

20 (i) IN GENERAL.—From the remain-
21 der of the amount appropriated under sec-
22 tion 236(a) for a fiscal year that exists
23 after the Secretary determines the
24 amounts to be reserved under subsection
25 (a)(1) and subparagraphs (A) and (B), the

1 Secretary shall make allotments to the
2 States in accordance with clause (ii).

3 (ii) FORMULA.—Subject to clauses
4 (iii) and (iv), of the amount described in
5 clause (i), the Secretary shall allot—

6 (I) $33\frac{1}{3}$ percent on the basis of
7 the relative number of individuals in
8 the civilian labor force who are ages
9 16 through 21 in each State, com-
10 pared to the total number of individ-
11 uals in the civilian labor force who are
12 ages 16 through 21 in all States;

13 (II) $33\frac{1}{3}$ percent on the basis of
14 the relative number of unemployed in-
15 dividuals in each State, compared to
16 the total number of unemployed indi-
17 viduals in all States; and

18 (III) $33\frac{1}{3}$ percent on the basis of
19 the relative number of disadvantaged
20 youth who are ages 16 through 21 in
21 each State, compared to the total
22 number of disadvantaged youth who
23 are ages 16 through 21 in all States.

24 (iii) MINIMUM AND MAXIMUM PER-
25 CENTAGES.—

1 (I) MINIMUM PERCENTAGE.—

2 The Secretary shall ensure that no
3 State shall receive an allotment per-
4 centage under this subparagraph for a
5 fiscal year that is less than 90 percent
6 of the allotment percentage of the
7 State for the preceding fiscal year.

8 (II) MAXIMUM PERCENTAGE.—

9 Subject to subclause (I), the Secretary
10 shall ensure that no State shall re-
11 ceive an allotment percentage under
12 this subparagraph for a fiscal year
13 that is more than 130 percent of the
14 allotment percentage of the State for
15 the preceding fiscal year.

16 (iv) SMALL STATE MINIMUM ALLOT-
17 MENT.—Subject to clause (iii), the Sec-
18 retary shall ensure that no State shall re-
19 ceive an allotment under this subparagraph
20 that is less than the total of—

21 (I) $\frac{3}{10}$ of 1 percent of
22 \$1,000,000,000, from the remainder
23 described in clause (i) for the fiscal
24 year; and

1 (II) if the remainder described in
2 clause (i) for the fiscal year exceeds
3 \$1,000,000,000, $\frac{2}{5}$ of 1 percent of
4 the excess.

5 (2) DEFINITIONS.—In paragraph (1):

6 (A) ALLOTMENT PERCENTAGE.—The term
7 “allotment percentage”, used with respect to
8 fiscal year 2014 or a subsequent fiscal year,
9 means a percentage of the remainder described
10 in paragraph (1)(C)(i) that is received by the
11 State involved through an allotment made
12 under this subsection for the fiscal year. The
13 term, used with respect to fiscal year 2013,
14 means the percentage of the amount allotted to
15 States under chapter 4 of subtitle B of title I
16 of the Workforce Investment Act of 1998 (as in
17 effect on the day before the date of enactment
18 of this Act) that is received by the State in-
19 volved for fiscal year 2013.

20 (B) DISADVANTAGED YOUTH.—Subject to
21 paragraph (3), the term “disadvantaged youth”
22 means an individual who—

23 (i) is age 16 through 21; and

24 (ii) received an income, or is a mem-
25 ber of a family that received a total family

1 income, that, in relation to family size,
2 does not exceed 150 percent of the poverty
3 line.

4 (3) SPECIAL RULE.—For purposes of the for-
5 mula specified in paragraph (1)(C)(ii), the Secretary
6 shall, as appropriate and to the extent practicable,
7 exclude college students and members of the Armed
8 Forces from the determination of the number of dis-
9 advantaged youth.

10 (c) REALLOTMENT.—

11 (1) IN GENERAL.—The Secretary shall, in ac-
12 cordance with this subsection, reallocate to eligible
13 States amounts that are made available to States
14 from allotments made under this section or a cor-
15 responding provision of the Workforce Investment
16 Act of 1998 for youth workforce investment activi-
17 ties and statewide workforce investment activities
18 (referred to individually in this subsection as a
19 “State allotment”) and that are available for reallo-
20 tment.

21 (2) AMOUNT.—The amount available for real-
22 lotment for a program year is equal to the amount
23 by which the unobligated balance from State allot-
24 ments to the State at the end of the program year
25 prior to the program year for which the determina-

1 tion is made, exceeds 10 percent of the total amount
2 of funds available to the State for that prior pro-
3 gram year, consisting of the State allotment to the
4 State for such prior program year (and amounts
5 from State allotments to the State, for all program
6 years before that prior program year, that remained
7 available).

8 (3) REALLOTMENT.—In making reallocations to
9 eligible States of amounts available pursuant to
10 paragraph (2) for a program year, the Secretary
11 shall allot to each eligible State an amount based on
12 the relative amount of the State allotment for the
13 program year for which the determination is made,
14 as compared to the total amount of the State allot-
15 ments for all eligible States for such program year.

16 (4) ELIGIBILITY.—For purposes of this sub-
17 section, an eligible State means a State that does
18 not have an amount available for reallocation under
19 paragraph (2) for the program year for which the
20 determination under 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 reallo-
25 tment 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. 228. WITHIN STATE ALLOCATIONS.**

6 (a) **RESERVATIONS FOR STATEWIDE ACTIVITIES.**—

7 (1) **IN GENERAL.**—The Governor shall reserve
8 not more than 15 percent of each of the amounts al-
9 lotted to the State under section 227(b)(1)(C) and
10 paragraphs (1)(B) and (2)(B) of section 232(b) for
11 a fiscal year for statewide workforce investment ac-
12 tivities.

13 (2) **USE OF FUNDS.**—Regardless of whether the
14 reserved amounts were allotted under section
15 227(b)(1)(C), or under paragraph (1)(B) or (2)(B)
16 of section 232(b), the Governor may use the re-
17 served amounts to carry out statewide activities
18 under section 229(b) or statewide employment and
19 training activities, for adults or dislocated workers,
20 under section 234(a).

21 (b) **WITHIN STATE ALLOCATIONS.**—

22 (1) **IN GENERAL.**—Of the amount allotted to
23 the State under section 227(b)(1)(C) and not re-
24 served under subsection (a)(1)—

1 (A) a portion equal to not less than 80
2 percent of such amount shall be allocated by
3 the Governor to local areas in accordance with
4 paragraph (2); and

5 (B) a portion equal to not more than 20
6 percent of such amount may be allocated by the
7 Governor to local areas in accordance with
8 paragraph (3).

9 (2) ESTABLISHED FORMULA.—

10 (A) IN GENERAL.—Subject to subpara-
11 graph (B), of the portion described in para-
12 graph (1)(A), the Governor shall allocate—

13 (i) $33\frac{1}{3}$ percent on the basis of the
14 relative number of individuals in the civil-
15 ian labor force who are ages 16 through 21
16 in each local area, compared to the total
17 number of individuals in the civilian labor
18 force who are ages 16 through 21 in all
19 local areas in the State;

20 (ii) $33\frac{1}{3}$ percent on the basis of the
21 relative number of unemployed individuals
22 in each local area, compared to the total
23 number of unemployed individuals in all
24 local areas in the State; and

1 (iii) $33\frac{1}{3}$ percent on the basis of the
2 relative number of disadvantaged youth
3 who are ages 16 through 21 in each local
4 area, compared to the total number of dis-
5 advantaged youth who are ages 16 through
6 21 in all local areas in the State.

7 (B) MINIMUM AND MAXIMUM PERCENT-
8 AGES.—

9 (i) MINIMUM PERCENTAGE.—The
10 Governor shall ensure that no local area
11 shall receive an allocation percentage under
12 this paragraph for a fiscal year that is less
13 than 90 percent of the allocation percent-
14 age of the local area for the preceding fis-
15 cal year.

16 (ii) MAXIMUM PERCENTAGE.—Subject
17 to clause (i), the Governor shall ensure
18 that no local area shall receive an alloca-
19 tion percentage under this paragraph for a
20 fiscal year that is more than 130 percent
21 of the allocation percentage of the local
22 area for the preceding fiscal year.

23 (C) DEFINITIONS.—In this paragraph:

24 (i) ALLOCATION PERCENTAGE.—The
25 term “allocation percentage”, used with re-

1 spect to fiscal year 2014 or a subsequent
2 fiscal year, means a percentage of the por-
3 tion described in paragraph (1)(A) that is
4 received by the local area involved through
5 an allocation made under this paragraph
6 for the fiscal year. The term, used with re-
7 spect to fiscal year 2013, means the per-
8 centage of the amount allocated to local
9 areas under chapter 4 of subtitle B of title
10 I of the Workforce Investment Act of 1998
11 (as in effect on the day before the date of
12 enactment of this Act) that is received by
13 the local area involved for fiscal year 2013.

14 (ii) DISADVANTAGED YOUTH.—Sub-
15 ject to subparagraph (D), the term “dis-
16 advantaged youth” means an individual
17 who—

18 (I) is age 16 through 21; and

19 (II) received an income, or is a
20 member of a family that received a
21 total family income, that, in relation
22 to family size, does not exceed 150
23 percent of the poverty line.

24 (D) SPECIAL RULE.—For purposes of the
25 formula specified in subparagraph (A), the Gov-

1 ernor shall, as appropriate and to the extent
2 practicable, exclude college students and mem-
3 bers of the Armed Forces from the determina-
4 tion of the number of disadvantaged youth.

5 (3) YOUTH DISCRETIONARY ALLOCATION.—The
6 Governor may allocate the portion described in para-
7 graph (1)(B) to local areas where there are a signifi-
8 cant number of eligible youth, after consultation
9 with the State board and local boards.

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 233(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 233(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.—

12 (A) IN GENERAL.—The amount available
13 for reallocation for a program year is equal to
14 the amount by which the balance that is unobli-
15 gated and unencumbered for training services
16 at the end of the program year prior to the pro-
17 gram year for which the determination is made,
18 exceeds 10 percent of the total amount of funds
19 available to the local area for that prior pro-
20 gram year, consisting of the local allocation to
21 the local area for such prior program year (and
22 amounts from local allocations to the local area,
23 for all program years before that prior program
24 year, that remained available).

1 (B) BALANCE OF FUNDS.—For purposes
2 of this paragraph, the balance that is unobli-
3 gated and unencumbered for training services is
4 the amount that is the difference between—

5 (i) the total amount of funds available
6 to the local area under this section for that
7 prior program year, consisting of the local
8 allocation to the local area for such prior
9 program year (and amounts from local al-
10 locations to the local area, for all program
11 years before that prior program year, that
12 remained available); and

13 (ii) the amount, from that total
14 amount of available funds, that is obligated
15 or encumbered (in accordance with gen-
16 erally accepted accounting principles) for
17 training services during such prior pro-
18 gram year, except that for purposes of this
19 paragraph the amount included as encum-
20 bered for training services shall not exceed
21 10 percent of the total amount of available
22 funds described in clause (i).

23 (3) REALLOCATION.—In making reallocations
24 to eligible local areas of amounts available pursuant
25 to paragraph (2) for a program year, the Governor

1 shall allocate to each eligible local area within the
2 State an amount based on the relative amount of the
3 local allocation for the program year for which the
4 determination is made, as compared to the total
5 amount of the local allocations for all eligible local
6 areas for such program year.

7 (4) ELIGIBILITY.—For purposes of this sub-
8 section, an eligible local area means a local area that
9 does not have an amount available for reallocation
10 under paragraph (2) for the program year for which
11 the determination under paragraph (2) is made.

12 (5) GUIDANCE AND TECHNICAL ASSISTANCE.—
13 Not later than 90 days after the date of enactment
14 of this Act, the Secretary shall issue guidance for
15 implementing this subsection, and guidance for im-
16 plementing section 233(c), including for calculating
17 the amount of funds that are unobligated and the
18 amount of funds that are unencumbered for training
19 services. The Secretary shall also provide technical
20 assistance to local areas regarding the implementa-
21 tion of this subsection.

22 **SEC. 229. USE OF FUNDS FOR YOUTH WORKFORCE INVEST-**
23 **MENT ACTIVITIES.**

24 (a) YOUTH PARTICIPANT ELIGIBILITY.—

25 (1) ELIGIBILITY.—

1 (A) IN GENERAL.—To be eligible to par-
2 ticipate in activities carried out under this
3 chapter during any program year an individual
4 shall, at the time the eligibility determination is
5 made, be an out-of-school youth or an in-school
6 youth.

7 (B) OUT-OF-SCHOOL YOUTH.—In this title,
8 the term “out-of-school youth” means an indi-
9 vidual who is—

10 (i) not attending any school (as de-
11 fined under State law);

12 (ii) not younger than age 16 or older
13 than age 24; and

14 (iii) one or more of the following:

15 (I) A school dropout.

16 (II) A youth who is within the
17 age of compulsory school attendance,
18 but has not attended school for at
19 least the most recent complete school
20 year calendar quarter.

21 (III) A recipient of a secondary
22 school diploma or its recognized equiv-
23 alent who is a low-income individual
24 and is—

25 (aa) basic skills deficient; or

1 (bb) an English language
2 learner.

3 (IV) An individual who is subject
4 to the juvenile or adult justice system.

5 (V) A homeless individual (as de-
6 fined in section 41403(6) of the Vio-
7 lence Against Women Act of 1994 (42
8 U.S.C. 14043e-2(6)), except that
9 clauses (i)(IV) and (iii) of subpara-
10 graph (B) of such section shall not
11 apply), a homeless child or youth (as
12 defined in section 725(2) of the
13 McKinney-Vento Homeless Assistance
14 Act (42 U.S.C. 11434a(2)), except
15 that subparagraph (B)(iv) of such sec-
16 tion shall not apply), a runaway, in
17 foster care or has aged out of the fos-
18 ter care system, a child eligible for as-
19 sistance under section 477 of the So-
20 cial Security Act (42 U.S.C. 677), or
21 in an out-of-home placement.

22 (VI) An individual who is preg-
23 nant or parenting.

24 (VII) A youth who is an indi-
25 vidual with a disability.

1 (VIII) A low-income individual
2 who requires additional assistance to
3 enter or complete an educational pro-
4 gram or to secure or hold employ-
5 ment.

6 (C) IN-SCHOOL YOUTH.—In this section,
7 the term “in-school youth” means an individual
8 who is—

9 (i) attending school (as defined by
10 State law);

11 (ii) not younger than age 14 or (un-
12 less an individual with a disability who is
13 attending school under State law) older
14 than age 21;

15 (iii) a low-income individual; and

16 (iv) one or more of the following:

17 (I) Basic skills deficient.

18 (II) An English language learner.

19 (III) An offender.

20 (IV) A homeless individual (as
21 defined in section 41403(6) of the Vi-
22 olence Against Women Act of 1994
23 (42 U.S.C. 14043e-2(6)), except that
24 clauses (i)(IV) and (iii) of subpara-
25 graph (B) of such section shall not

1 apply), a homeless child or youth (as
2 defined in section 725(2) of the
3 McKinney-Vento Homeless Assistance
4 Act (42 U.S.C. 11434a(2)), except
5 that subparagraph (B)(iv) of such sec-
6 tion shall not apply), a runaway, in
7 foster care or has aged out of the fos-
8 ter care system, a child eligible for as-
9 sistance under section 477 of the So-
10 cial Security Act (42 U.S.C. 677), or
11 in an out-of-home placement.

12 (V) Pregnant or parenting.

13 (VI) A youth who is an individual
14 with a disability.

15 (VII) An individual who requires
16 additional assistance to complete an
17 educational program or to secure or
18 hold employment.

19 (2) SPECIAL RULE.—For the purpose of this
20 subsection, the term “low-income”, used with respect
21 to an individual, also includes a youth living in a
22 high-poverty area.

23 (3) EXCEPTION AND LIMITATION.—

24 (A) EXCEPTION FOR PERSONS WHO ARE
25 NOT LOW-INCOME INDIVIDUALS.—

1 (i) DEFINITION.—In this subpara-
2 graph, the term “covered individual”
3 means an in-school youth, or an out-of-
4 school youth who is described in subclause
5 (III) or (VIII) of paragraph (1)(B)(iii).

6 (ii) EXCEPTION.—In each local area,
7 not more than 5 percent of the individuals
8 assisted under this section may be persons
9 who would be covered individuals, except
10 that the persons are not low-income indi-
11 viduals.

12 (B) LIMITATION.—In each local area, not
13 more than 5 percent of the in-school youth as-
14 sisted under this section may be eligible under
15 paragraph (1) because the youth are in-school
16 youth described in paragraph (1)(C)(iv)(VII).

17 (4) OUT-OF-SCHOOL PRIORITY.—

18 (A) IN GENERAL.—For any program year,
19 not less than 75 percent of the funds available
20 for statewide activities under subsection (b),
21 and not less than 75 percent of funds available
22 to local areas under subsection (c), shall be
23 used to provide youth workforce investment ac-
24 tivities for out-of-school youth.

1 (B) EXCEPTION.—A State that receives a
2 minimum allotment under section 227(b)(1) in
3 accordance with section 227(b)(1)(C)(iv) or
4 under section 232(b)(1) in accordance with sec-
5 tion 232(b)(1)(B)(v) may decrease the percent-
6 age described in subparagraph (A) for a local
7 area in the State, if—

8 (i) after an analysis of the in-school
9 youth and out-of-school youth populations
10 in the local area, the State determines that
11 the local area will be unable to use at least
12 75 percent of the funds available for activi-
13 ties under subsection (c) to serve out-of-
14 school youth due to a low number of out-
15 of-school youth; and

16 (ii)(I) the State submits to the Sec-
17 retary, for the local area, a request includ-
18 ing a proposed decreased percentage for
19 purposes of subparagraph (A), and a sum-
20 mary of the analysis described in clause
21 (i); and

22 (II) the request is approved by the
23 Secretary.

24 (5) CONSISTENCY WITH COMPULSORY SCHOOL
25 ATTENDANCE LAWS.—In providing assistance under

1 this section to an individual who is required to at-
2 tend school under applicable State compulsory school
3 attendance laws, the priority in providing such as-
4 sistance shall be for the individual to attend school
5 regularly.

6 (b) STATEWIDE ACTIVITIES.—

7 (1) IN GENERAL.—Funds reserved by a Gov-
8 ernor as described in sections 228(a) and 233(a)(1)
9 shall be used, regardless of whether the funds were
10 allotted to the State under section 227(b)(1)(C) or
11 under paragraph (1)(B) or (2)(B) of section 232(b)
12 for statewide activities, which may include—

13 (A) conducting—

14 (i) evaluations under section 131(e) of
15 activities authorized under this chapter
16 and chapter 3 in coordination with evalua-
17 tions carried out by the Secretary under
18 section 270(a);

19 (ii) research related to meeting the
20 education and employment needs of youth;
21 and

22 (iii) demonstration projects related to
23 meeting the education and employment
24 needs of youth;

1 (B) providing assistance to local areas as
2 described in clauses (i) and (ii) of section
3 116(c)(1)(B), for local coordination of activities
4 carried out under this title;

5 (C) in order to build capacity, providing
6 technical assistance to, as appropriate, local
7 boards, chief elected officials, one-stop opera-
8 tors, one-stop partners, and eligible providers,
9 in local areas, which provision of technical as-
10 sistance shall include the development and
11 training of staff, the development of exemplary
12 program activities, the provision of technical as-
13 sistance to local areas that fail to meet local
14 performance accountability measures described
15 in section 131(c), and the provision of tech-
16 nology to facilitate remote access to services
17 provided through the one-stop delivery system
18 in the State;

19 (D) operating a fiscal and management ac-
20 countability information system under section
21 131(i);

22 (E) carrying out monitoring and oversight
23 of activities carried out under this chapter and
24 chapter 3, which may include a review com-

1 paring the services provided to male and female
2 youth;

3 (F) providing additional assistance to local
4 areas that have high concentrations of eligible
5 youth;

6 (G) supporting the development of alter-
7 native programs and other activities that en-
8 hance the choices available to eligible youth and
9 encourage such youth to reenter and complete
10 secondary education, enroll in postsecondary
11 education and advanced training, progress
12 through a career pathway, and enter employ-
13 ment that leads to economic self-sufficiency;

14 (H) supporting the provision of core serv-
15 ices described in section 234(c)(2) in the one-
16 stop delivery system in the State; and

17 (I) supporting financial literacy, includ-
18 ing—

19 (i) supporting the ability of partici-
20 pants to create household budgets, initiate
21 savings plans, and make informed financial
22 decisions about education, retirement,
23 home ownership, wealth building, or other
24 savings goals;

1 (ii) supporting the ability to manage
2 spending, credit, and debt, including credit
3 card debt, effectively;

4 (iii) increasing awareness of the avail-
5 ability and significance of credit reports
6 and credit scores in obtaining credit, in-
7 cluding determining their accuracy (and
8 how to correct inaccuracies in the reports
9 and scores), and their effect on credit
10 terms;

11 (iv) supporting the ability to under-
12 stand, evaluate, and compare financial
13 products, services, and opportunities; and

14 (v) supporting activities that address
15 the particular financial literacy needs of
16 non-English speakers, including providing
17 the support through the development and
18 distribution of multilingual financial lit-
19 eracy and education materials.

20 (2) LIMITATION.—Not more than 5 percent of
21 the funds allotted to a State under section
22 227(b)(1)(C) shall be used by the State for adminis-
23 trative activities carried out under this subsection or
24 section 234(a).

25 (c) LOCAL ELEMENTS AND REQUIREMENTS.—

1 (1) PROGRAM DESIGN.—Funds allocated to a
2 local area for eligible youth under section 228(b)
3 shall be used to carry out, for eligible youth, pro-
4 grams that—

5 (A) provide an objective assessment of the
6 academic levels, skill levels, and service needs of
7 each participant, which assessment shall include
8 a review of basic skills, occupational skills, prior
9 work experience, employability, interests, apti-
10 tudes (including interests and aptitudes for
11 nontraditional jobs), supportive service needs,
12 and developmental needs of such participant,
13 for the purpose of identifying appropriate serv-
14 ices and career pathways for participants, ex-
15 cept that a new assessment of a participant is
16 not required if the provider carrying out such
17 a program determines it is appropriate to use
18 a recent assessment of the participant con-
19 ducted pursuant to another education or train-
20 ing program;

21 (B) develop service strategies for each par-
22 ticipant that are directly linked to 1 or more of
23 the indicators of performance described in sec-
24 tion 131(b)(2)(A)(ii), and that shall identify ca-
25 reer pathways that include education and em-

1 employment goals (including, in appropriate cir-
2 cumstances, nontraditional employment), appro-
3 priate achievement objectives, and appropriate
4 services for the participant taking into account
5 the assessment conducted pursuant to subpara-
6 graph (A), except that a new service strategy
7 for a participant is not required if the provider
8 carrying out such a program determines it is
9 appropriate to use a recent service strategy de-
10 veloped for the participant under another edu-
11 cation or training program; and

12 (C) provide—

13 (i) activities leading to the attainment
14 of a secondary school diploma or its recog-
15 nized equivalent, or a recognized postsec-
16 ondary credential;

17 (ii) preparation for postsecondary
18 educational and training opportunities;

19 (iii) strong linkages between academic
20 instruction (based on State academic con-
21 tent and student academic achievement
22 standards established under section 1111
23 of the Elementary and Secondary Edu-
24 cation Act of 1965 (20 U.S.C. 6311)) and
25 occupational education that lead to the at-

1 tainment of recognized postsecondary cre-
2 dentials;

3 (iv) preparation for unsubsidized em-
4 ployment opportunities, in appropriate
5 cases; and

6 (v) effective connections to employers,
7 including small employers, in in-demand
8 industry sectors and occupations of the
9 local and regional labor markets.

10 (2) PROGRAM ELEMENTS.—In order to support
11 the attainment of a secondary school diploma or its
12 recognized equivalent, entry into postsecondary edu-
13 cation, and career readiness for participants, the
14 programs described in paragraph (1) shall provide
15 elements consisting of—

16 (A) tutoring, study skills training, instruc-
17 tion, and dropout prevention strategies that
18 lead to completion of the requirements for a
19 secondary school diploma or its recognized
20 equivalent (including a recognized certificate of
21 attendance or similar document for individuals
22 with disabilities) or for a recognized postsec-
23 ondary credential;

24 (B) alternative secondary school services,
25 as appropriate;

- 1 (C) paid and unpaid work experiences that
2 have as a component academic and occupational
3 education, which may include—
- 4 (i) summer employment opportunities
5 and other employment opportunities avail-
6 able throughout the school year;
 - 7 (ii) pre-apprenticeship programs;
 - 8 (iii) internships and job shadowing;
 - 9 and
 - 10 (iv) on-the-job training opportunities;
- 11 (D) occupational skill training;
- 12 (E) education offered concurrently with
13 and in the same context as workforce prepara-
14 tion activities and training for a specific occu-
15 pation or occupational cluster;
- 16 (F) leadership development opportunities,
17 which may include community service and peer-
18 centered activities encouraging responsibility
19 and other positive social and civic behaviors, as
20 appropriate;
- 21 (G) supportive services;
- 22 (H) adult mentoring for the period of par-
23 ticipation and a subsequent period, for a total
24 of not less than 12 months;

1 (I) followup services for not less than 12
 2 months after the completion of participation, as
 3 appropriate;

4 (J) comprehensive guidance and coun-
 5 seling, which may include drug and alcohol
 6 abuse counseling and referral, as appropriate;

7 (K) financial literacy education;

8 (L) entrepreneurial skills training;

9 (M) services that provide labor market and
 10 employment information about in-demand in-
 11 dustry sectors or occupations available in the
 12 local area, such as career awareness, career
 13 counseling, and career exploration services; and

14 (N) activities that help youth prepare for
 15 and transition to postsecondary education and
 16 training.

17 (3) ADDITIONAL REQUIREMENTS.—

18 (A) INFORMATION AND REFERRALS.—

19 Each local board shall ensure that each partici-
 20 pant shall be provided—

21 (i) information on the full array of ap-
 22 plicable or appropriate services that are
 23 available through the local board or other
 24 eligible providers or one-stop partners, in-

1 cluding those providers or partners receiv-
2 ing funds under this subtitle; and

3 (ii) referral to appropriate training
4 and educational programs that have the
5 capacity to serve the participant either on
6 a sequential or concurrent basis.

7 (B) APPLICANTS NOT MEETING ENROLL-
8 MENT REQUIREMENTS.—Each eligible provider
9 of a program of youth workforce investment ac-
10 tivities shall ensure that an eligible applicant
11 who does not meet the enrollment requirements
12 of the particular program or who cannot be
13 served shall be referred for further assessment,
14 as necessary, and referred to appropriate pro-
15 grams in accordance with subparagraph (A) to
16 meet the basic skills and training needs of the
17 applicant.

18 (C) INVOLVEMENT IN DESIGN AND IMPLE-
19 MENTATION.—The local board shall ensure that
20 parents, participants, and other members of the
21 community with experience relating to pro-
22 grams for youth are involved in the design and
23 implementation of the programs described in
24 paragraph (1).

1 (4) PRIORITY.—Not less than 20 percent of the
2 funds allocated to the local area as described in
3 paragraph (1) shall be used to provide in-school
4 youth and out-of-school youth with activities under
5 paragraph (2)(C).

6 (5) RULE OF CONSTRUCTION.—Nothing in this
7 chapter shall be construed to require that each of
8 the elements described in subparagraphs of para-
9 graph (2) be offered by each provider of youth serv-
10 ices.

11 (6) PROHIBITIONS.—

12 (A) PROHIBITION AGAINST FEDERAL CON-
13 TROL OF EDUCATION.—No provision of this Act
14 shall be construed to authorize any department,
15 agency, officer, or employee of the United
16 States to exercise any direction, supervision, or
17 control over the curriculum, program of instruc-
18 tion, administration, or personnel of any edu-
19 cational institution, school, or school system, or
20 over the selection of library resources, text-
21 books, or other printed or published instruc-
22 tional materials by any educational institution,
23 school, or school system.

24 (B) NONINTERFERENCE AND NON-
25 REPLACEMENT OF REGULAR ACADEMIC RE-

1 QUIREMENTS.—No funds described in para-
2 graph (1) shall be used to provide an activity
3 for eligible youth who are not school dropouts
4 if participation in the activity would interfere
5 with or replace the regular academic require-
6 ments of the youth.

7 (7) LINKAGES.—In coordinating the programs
8 authorized under this section, local boards shall es-
9 tablish linkages with local educational agencies re-
10 sponsible for services to participants as appropriate.

11 (8) VOLUNTEERS.—The local board shall make
12 opportunities available for individuals who have suc-
13 cessfully participated in programs carried out under
14 this section to volunteer assistance to participants in
15 the form of mentoring, tutoring, and other activities.

16 **CHAPTER 3—ADULT AND DISLOCATED**
17 **WORKER EMPLOYMENT AND TRAIN-**
18 **ING ACTIVITIES**

19 **SEC. 231. GENERAL AUTHORIZATION.**

20 The Secretary shall make allotments under para-
21 graphs (1)(B) and (2)(B) of section 232(b) to each State
22 that meets the requirements of section 112 or 113 and
23 grants under paragraphs (1)(A) and (2)(A) of section
24 232(b) to each outlying area that complies with the re-
25 quirements of this title, to assist the State or outlying

1 area, and to enable the State or outlying area to assist
 2 local areas, for the purpose of providing workforce invest-
 3 ment activities for adults, and dislocated workers, in the
 4 State or outlying area and in the local areas.

5 **SEC. 232. STATE ALLOTMENTS.**

6 (a) IN GENERAL.—The Secretary shall—

7 (1) make allotments and grants from the
 8 amount appropriated under section 236(b) for a fis-
 9 cal year in accordance with subsection (b)(1); and

10 (2)(A) reserve 20 percent of the amount appro-
 11 priated under section 236(c) for the fiscal year for
 12 use under subsection (b)(2)(A), and under sections
 13 269(b) (relating to dislocated worker technical as-
 14 sistance), 270(c) (relating to dislocated worker
 15 projects), and 271 (relating to national dislocated
 16 worker grants) other than subsections (b)(1)(E), (e),
 17 and (f) of that section; and

18 (B) make allotments from 80 percent of the
 19 amount appropriated under section 236(c) for the
 20 fiscal year in accordance with subsection (b)(2)(B).

21 (b) ALLOTMENT AMONG STATES.—

22 (1) ADULT EMPLOYMENT AND TRAINING AC-
 23 TIVITIES.—

24 (A) RESERVATION FOR OUTLYING
 25 AREAS.—

1 (i) IN GENERAL.—From the amount
2 made available under subsection (a)(1) for
3 a fiscal year, the Secretary shall reserve
4 not more than $\frac{1}{4}$ of 1 percent of such
5 amount to provide assistance to the out-
6 lying areas.

7 (ii) APPLICABILITY OF ADDITIONAL
8 REQUIREMENTS.—From the amount re-
9 served under clause (i), the Secretary shall
10 provide assistance to the outlying areas for
11 adult employment and training activities
12 and statewide workforce investment activi-
13 ties in accordance with the requirements of
14 section 227(b)(1)(B).

15 (B) STATES.—

16 (i) IN GENERAL.—After determining
17 the amount to be reserved under subpara-
18 graph (A), the Secretary shall allot the
19 amount made available under subsection
20 (a)(1) for that fiscal year to the States
21 pursuant to clause (ii) for adult employ-
22 ment and training activities and statewide
23 workforce investment activities.

1 (ii) FORMULA.—Subject to clauses
2 (iii), (iv), and (v), of the remainder, the
3 Secretary shall allot—

4 (I) 40 percent on the basis of the
5 relative number of unemployed indi-
6 viduals in areas of substantial unem-
7 ployment in each State, compared to
8 the total number of unemployed indi-
9 viduals in areas of substantial unem-
10 ployment in all States;

11 (II) 25 percent on the basis of
12 the relative number of individuals in
13 the civilian labor force in each State,
14 compared to the total number of such
15 individuals in all States; and

16 (III) 35 percent on the basis of
17 the relative number of disadvantaged
18 adults in each State, compared to the
19 total number of disadvantaged adults
20 in all States, except as described in
21 clause (iii).

22 (iii) CALCULATION.—In determining
23 an allotment under clause (ii)(III) for any
24 State in which there is a local area whose
25 governing body is the governing body of a

1 concentrated employment program de-
2 scribed in section 117(c)(1)(C), the allot-
3 ment shall be calculated by counting, for
4 that local area, the higher of—

5 (I) the number of adults in fami-
6 lies with an income below 150 percent
7 of the poverty line in such area; or

8 (II) the number of disadvantaged
9 adults in such area.

10 (iv) MINIMUM AND MAXIMUM PER-
11 CENTAGES AND MINIMUM ALLOTMENTS.—
12 In making allotments under this subpara-
13 graph, the Secretary shall ensure the fol-
14 lowing:

15 (I) MINIMUM PERCENTAGE AND
16 ALLOTMENT.—The Secretary shall en-
17 sure that no State shall receive an al-
18 lotment for a fiscal year that is less
19 than an amount based on 90 percent
20 of the allotment percentage of the
21 State for the preceding fiscal year.

22 (II) MAXIMUM PERCENTAGE.—
23 Subject to subclause (I), the Secretary
24 shall ensure that no State shall re-
25 ceive an allotment percentage for a

1 fiscal year that is more than 130 per-
 2 cent of the allotment percentage of
 3 the State for the preceding fiscal year.

4 (v) SMALL STATE MINIMUM ALLOT-
 5 MENT.—Subject to clause (iii), the Sec-
 6 retary shall ensure that no State shall re-
 7 ceive an allotment under this subparagraph
 8 that is less than the total of—

9 (I) $\frac{3}{10}$ of 1 percent of
 10 \$960,000,000, from the remainder de-
 11 scribed in clause (i) for the fiscal
 12 year; and

13 (II) if the remainder described in
 14 clause (i) for the fiscal year exceeds
 15 \$960,000,000, $\frac{2}{5}$ of 1 percent of the
 16 excess.

17 (C) DEFINITIONS.—In this paragraph:

18 (i) ADULT.—The term “adult” means
 19 an individual who is not less than age 22
 20 and not more than age 72.

21 (ii) ALLOTMENT PERCENTAGE.—The
 22 term “allotment percentage”, used with re-
 23 spect to fiscal year 2014 or a subsequent
 24 fiscal year, means a percentage of the re-
 25 mainder described in subparagraph (B)(i)

1 that is received by the State involved
2 through an allotment made under this
3 paragraph for the fiscal year. The term,
4 used with respect to fiscal year 2013,
5 means the percentage of the amount allot-
6 ted to States under section 132(b)(1)(B)
7 of the Workforce Investment Act of 1998
8 (as in effect on the day before the date of
9 enactment of this Act) that is received by
10 the State involved for fiscal year 2013.

11 (iii) AREA OF SUBSTANTIAL UNEM-
12 PLOYMENT.—The term “area of substan-
13 tial unemployment” means any area that is
14 of sufficient size and scope to sustain a
15 program of workforce investment activities
16 carried out under this subtitle and that
17 has an average rate of unemployment of at
18 least 6.5 percent for the most recent 12
19 months, as determined by the Secretary.
20 For purposes of this clause, determinations
21 of areas of substantial unemployment shall
22 be made once each fiscal year.

23 (iv) DISADVANTAGED ADULT.—Sub-
24 ject to subparagraph (D), the term “dis-
25 advantaged adult” means an adult who re-

1 ceived an income, or is a member of a fam-
2 ily that received a total family income,
3 that, in relation to family size, does not ex-
4 ceed 150 percent of the poverty line.

5 (D) DISADVANTAGED ADULT SPECIAL
6 RULE.—For purposes of the formula specified
7 in clauses (ii) and (iii) of subparagraph (B), the
8 Secretary shall, as appropriate and to the ex-
9 tent practicable, exclude college students and
10 members of the Armed Forces from the deter-
11 mination of the number of disadvantaged
12 adults.

13 (2) DISLOCATED WORKER EMPLOYMENT AND
14 TRAINING.—

15 (A) RESERVATION FOR OUTLYING
16 AREAS.—

17 (i) IN GENERAL.—From the amount
18 made available under subsection (a)(2)(A)
19 for a fiscal year, the Secretary shall re-
20 serve not more than $\frac{1}{4}$ of 1 percent of the
21 amount appropriated under section 236(c)
22 for the fiscal year to provide assistance to
23 the outlying areas.

24 (ii) APPLICABILITY OF ADDITIONAL
25 REQUIREMENTS.—From the amount re-

1 served under clause (i), the Secretary shall
2 provide assistance to the outlying areas for
3 dislocated worker employment and training
4 activities and statewide workforce invest-
5 ment activities in accordance with the re-
6 quirements of section 227(b)(1)(B).

7 (B) STATES.—

8 (i) IN GENERAL.—The Secretary shall
9 allot the amount made available under sub-
10 section (a)(2)(B) for that fiscal year to the
11 States pursuant to clause (ii) for dislocated
12 worker employment and training activities
13 and statewide workforce investment activi-
14 ties.

15 (ii) FORMULA.—Subject to clause
16 (iii), of such amount, the Secretary shall
17 allot—

18 (I) $33\frac{1}{3}$ percent on the basis of
19 the relative number of unemployed in-
20 dividuals in each State, compared to
21 the total number of unemployed indi-
22 viduals in all States;

23 (II) $33\frac{1}{3}$ percent on the basis of
24 the relative excess number of unem-
25 ployed individuals in each State, com-

1 pared to the total excess number of
2 unemployed individuals in all States;
3 and

4 (III) $33\frac{1}{3}$ percent on the basis of
5 the relative number of individuals in
6 each State who have been unemployed
7 for 15 weeks or more, compared to
8 the total number of individuals in all
9 States who have been unemployed for
10 15 weeks or more.

11 (iii) MINIMUM AND MAXIMUM PER-
12 CENTAGES AND MINIMUM ALLOTMENTS.—

13 In making allotments under this subpara-
14 graph, the Secretary shall ensure the fol-
15 lowing:

16 (I) MINIMUM PERCENTAGE AND
17 ALLOTMENT.—The Secretary shall en-
18 sure that no State shall receive an al-
19 lotment for a fiscal year that is less
20 than an amount based on 90 percent
21 of the allotment percentage of the
22 State for the preceding fiscal year.

23 (II) MAXIMUM PERCENTAGE.—
24 Subject to subclause (I), the Secretary
25 shall ensure that no State shall re-

1 ceive an allotment percentage for a
2 fiscal year that is more than 130 per-
3 cent of the allotment percentage of
4 the State for the preceding fiscal year.

5 (C) DEFINITIONS.—In this paragraph:

6 (i) EXCESS NUMBER.—The term “ex-
7 cess number” means, used with respect to
8 the excess number of unemployed individ-
9 uals within a State, the number that rep-
10 resents the number of unemployed individ-
11 uals in excess of 4.5 percent of the civilian
12 labor force in the State.

13 (ii) ALLOTMENT PERCENTAGE.—The
14 term “allotment percentage”, used with re-
15 spect to fiscal year 2014 or a subsequent
16 fiscal year, means a percentage of the
17 amount described in subparagraph (B)(i)
18 that is received by the State involved
19 through an allotment made under this
20 paragraph for the fiscal year. The term,
21 used with respect to fiscal year 2013,
22 means the percentage of the amount allot-
23 ted to States under section 132(b)(2)(B)
24 of the Workforce Investment Act of 1998
25 (as in effect on the day before the date of

1 enactment of this Act) that is received by
2 the State involved for fiscal year 2013.

3 (c) REALLOTMENT.—

4 (1) IN GENERAL.—The Secretary shall, in ac-
5 cordance with this subsection, reallocate to eligible
6 States amounts that are made available to States
7 from allotments made under this section or a cor-
8 responding provision of the Workforce Investment
9 Act of 1998 for employment and training activities
10 and statewide workforce investment activities (re-
11 ferred to individually in this subsection as a “State
12 allotment”) and that are available for reallocation.

13 (2) AMOUNT.—The amount available for real-
14 location for a program year for programs funded
15 under subsection (b)(1)(B) (relating to adult em-
16 ployment and training) or for programs funded
17 under subsection (b)(2)(B) (relating to dislocated
18 worker employment and training) is equal to the
19 amount by which the unobligated balance from State
20 allotments to the State for adult employment and
21 training activities or dislocated worker employment
22 and training activities, respectively, at the end of the
23 program year prior to the program year for which
24 the determination is made, exceeds 10 percent of the
25 total amount of funds available to the State for that

1 prior program year, consisting of the State allotment
2 to the State for such prior program year (and
3 amounts from State allotments to the State, for all
4 program years before that prior program year, for
5 adult employment and training activities or dis-
6 located worker employment and training activities,
7 respectively, that remained available).

8 (3) REALLOTMENT.—In making reallocations to
9 eligible States of amounts available pursuant to
10 paragraph (2) for a program year, the Secretary
11 shall allot to each eligible State an amount based on
12 the relative amount of the State allotment under
13 paragraph (1)(B) or (2)(B), respectively, of sub-
14 section (b) for the program year for which the deter-
15 mination is made, as compared to the total amount
16 of the State allotments under paragraph (1)(B) or
17 (2)(B), respectively, of subsection (b) for such pro-
18 gram year.

19 (4) ELIGIBILITY.—For purposes of this sub-
20 section, an eligible State means—

21 (A) with respect to funds allotted through
22 a State allotment for adult employment and
23 training activities, a State that does not have
24 an amount of such funds available for reallocot-
25 ment under paragraph (2) for the program year

1 for which the determination under paragraph
2 (2) is made; and

3 (B) with respect to funds allotted through
4 a State allotment for dislocated worker employ-
5 ment and training activities, a State that does
6 not have an amount of such funds available for
7 reallocation under paragraph (2) for the pro-
8 gram year for which the determination under
9 paragraph (2) is made.

10 (5) PROCEDURES.—The Governor shall pre-
11 scribe uniform procedures for the obligation of funds
12 by local areas within the State in order to avoid the
13 requirement that funds be made available for realloco-
14 ment under this subsection. The Governor shall fur-
15 ther prescribe equitable procedures for making funds
16 available from the State and local areas in the event
17 that a State is required to make funds available for
18 reallocation under this subsection.

19 **SEC. 233. WITHIN STATE ALLOCATIONS.**

20 (a) RESERVATIONS FOR STATE ACTIVITIES.—

21 (1) STATEWIDE WORKFORCE INVESTMENT AC-
22 TIVITIES.—The Governor shall make the reservation
23 required under section 228(a).

24 (2) STATEWIDE RAPID RESPONSE ACTIVI-
25 TIES.—The Governor shall reserve not more than 25

1 percent of the total amount allotted to the State
2 under section 232(b)(2)(B) for a fiscal year for
3 statewide rapid response activities described in sec-
4 tion 234(a)(2)(A).

5 (b) WITHIN STATE ALLOCATION.—

6 (1) METHODS.—The Governor, acting in ac-
7 cordance with the State plan, and after consulting
8 with chief elected officials and local boards in the
9 local areas, shall allocate—

10 (A) the funds that are allotted to the State
11 for adult employment and training activities
12 and statewide workforce investment activities
13 under section 232(b)(1)(B) and are not re-
14 served under subsection (a)(1), in accordance
15 with paragraph (2) or (3); and

16 (B) the funds that are allotted to the State
17 for dislocated worker employment and training
18 activities and statewide workforce investment
19 activities under section 232(b)(2)(B) and are
20 not reserved under paragraph (1) or (2) of sub-
21 section (a), in accordance with paragraph (2).

22 (2) FORMULA ALLOCATIONS.—

23 (A) ADULT EMPLOYMENT AND TRAINING
24 ACTIVITIES.—

1 (i) ALLOCATION.—In allocating the
2 funds described in paragraph (1)(A) to
3 local areas, a State may allocate—

4 (I) 40 percent of the funds on
5 the basis described in section
6 232(b)(1)(B)(ii)(I);

7 (II) 25 percent of the funds on
8 the basis described in section
9 232(b)(1)(B)(ii)(II); and

10 (III) 35 percent of the funds on
11 the basis described in clauses (ii)(III)
12 and (iii) of section 232(b)(1)(B).

13 (ii) MINIMUM PERCENTAGE.—Effec-
14 tive at the end of the second full fiscal year
15 after the date on which a local area is des-
16 ignated under section 116, the local area
17 shall not receive an allocation percentage
18 for a fiscal year that is less than 90 per-
19 cent of the average allocation percentage of
20 the local area for the 2 preceding fiscal
21 years. Amounts necessary for increasing
22 such allocations to local areas to comply
23 with the preceding sentence shall be ob-
24 tained by ratably reducing the allocations

1 to be made to other local areas under this
2 subparagraph.

3 (iii) DEFINITION.—In this subpara-
4 graph, the term “allocation percentage”—

5 (I) used with respect to fiscal
6 year 2012 or 2013, means a percent-
7 age of the amount allocated to local
8 areas under paragraphs (2)(A) and
9 (3) of section 133(b) of the Workforce
10 Investment Act of 1998 (as in effect
11 on the day before the date of enact-
12 ment of this Act) that is received by
13 the local area involved for fiscal year
14 2012 or 2013, respectively; and

15 (II) used with respect to fiscal
16 year 2014 or a subsequent fiscal year,
17 means a percentage of the funds re-
18 ferred to in clause (i) that is received
19 by the local area involved through an
20 allocation made under this subpara-
21 graph for the fiscal year.

22 (B) DISLOCATED WORKER EMPLOYMENT
23 AND TRAINING ACTIVITIES.—

24 (i) FORMULA.—In allocating the
25 funds described in paragraph (1)(B) to

1 local areas, a State shall allocate the funds
2 based on an allocation formula prescribed
3 by the Governor of the State. Such for-
4 mula may be amended by the Governor not
5 more than once for each program year.
6 Such formula shall utilize the most appro-
7 priate information available to the Gov-
8 ernor to distribute amounts to address the
9 State's worker readjustment assistance
10 needs.

11 (ii) INFORMATION.—The information
12 described in clause (i) shall include insured
13 unemployment data, unemployment con-
14 centrations, plant closing and mass layoff
15 data, declining industries data, farmer-
16 rancher economic hardship data, and long-
17 term unemployment data.

18 (iii) MINIMUM PERCENTAGE.—Effec-
19 tive at the end of the second full fiscal year
20 after the date on which a local area is des-
21 ignated under section 116, the local area
22 shall not receive an allocation percentage
23 for a fiscal year that is less than 90 per-
24 cent of the average allocation percentage of
25 the local area for the 2 preceding fiscal

1 years. Amounts necessary for increasing
2 such allocations to local areas to comply
3 with the preceding sentence shall be ob-
4 tained by ratably reducing the allocations
5 to be made to other local areas under this
6 subparagraph.

7 (iv) DEFINITION.—In this subpara-
8 graph, the term “allocation percentage”—

9 (I) used with respect to fiscal
10 year 2012 or 2013, means a percent-
11 age of the amount allocated to local
12 areas under section 133(b)(2)(B) of
13 the Workforce Investment Act of
14 1998 (as in effect on the day before
15 the date of enactment of this Act)
16 that is received by the local area in-
17 volved for fiscal year 2012 or 2013,
18 respectively; and

19 (II) used with respect to fiscal
20 year 2014 or a subsequent fiscal year,
21 means a percentage of the funds re-
22 ferred to in clause (i), received
23 through an allocation made under this
24 subparagraph, for the fiscal year.

1 (C) APPLICATION.—For purposes of car-
2 rying out subparagraph (A)—

3 (i) references in clauses (ii) and (iii)
4 of section 232(b)(1)(B) to a State shall be
5 deemed to be references to a local area;
6 and

7 (ii) references in clauses (ii) and (iii)
8 of section 232(b)(1)(B) to all States shall
9 be deemed to be references to all local
10 areas in the State involved.

11 (3) ADULT EMPLOYMENT AND TRAINING DIS-
12 CRETIONARY ALLOCATIONS.—In lieu of making the
13 allocation described in paragraph (2)(A), in allo-
14 cating the funds described in paragraph (1)(A) to
15 local areas, a State may distribute—

16 (A) a portion equal to not less than 70
17 percent of the funds in accordance with para-
18 graph (2)(A); and

19 (B) the remaining portion of the funds on
20 the basis of a formula that—

21 (i) incorporates additional factors
22 (other than the factors described in para-
23 graph (2)(A)) relating to—

24 (I) excess poverty in urban,
25 rural, and suburban local areas; and

1 (II) excess unemployment above
2 the State average in urban, rural, and
3 suburban local areas; and
4 (ii) was developed by the State board
5 and approved by the Secretary as part of
6 the State plan.

7 (4) TRANSFER AUTHORITY.—A local board may
8 transfer, if such a transfer is approved by the Gov-
9 ernor, up to and including 100 percent of the funds
10 allocated to the local area under paragraph (2)(A) or
11 (3), and up to and including 100 percent of the
12 funds allocated to the local area under paragraph
13 (2)(B), for a fiscal year between—

14 (A) adult employment and training activi-
15 ties; and

16 (B) dislocated worker employment and
17 training activities.

18 (5) ALLOCATION.—

19 (A) IN GENERAL.—The Governor shall al-
20 locate the funds described in paragraph (1) to
21 local areas under paragraphs (2) and (3) for
22 the purpose of providing a single system of em-
23 ployment and training activities for adults and
24 dislocated workers in accordance with sub-
25 sections (c) and (d) of section 234.

1 (B) ADDITIONAL REQUIREMENTS.—

2 (i) ADULTS.—Funds allocated under
3 paragraph (2)(A) or (3) shall be used by a
4 local area to contribute to the costs of the
5 one-stop delivery system described in sec-
6 tion 221(e) as determined under sub-
7 sections (h) and (i) of section 221 and to
8 pay for employment and training activities
9 provided to adults in the local area, con-
10 sistent with section 234.

11 (ii) DISLOCATED WORKERS.—Funds
12 allocated under paragraph (2)(B) shall be
13 used by a local area to contribute to the
14 costs of the one-stop delivery system de-
15 scribed in section 221(e) as determined
16 under subsections (h) and (i) of section
17 221 and to pay for employment and train-
18 ing activities provided to dislocated work-
19 ers in the local area, consistent with sec-
20 tion 234.

21 (c) REALLOCATION AMONG LOCAL AREAS.—

22 (1) IN GENERAL.—The Governor may, in ac-
23 cordance with this subsection, reallocate to eligible
24 local areas within the State amounts that are made
25 available to local areas from allocations made under

1 paragraph (2)(A) or (3) of subsection (b) or a cor-
2 responding provision of the Workforce Investment
3 Act of 1998 for adult employment and training ac-
4 tivities, or under subsection (b)(2)(B) or a cor-
5 responding provision of the Workforce Investment
6 Act of 1998 for dislocated worker employment and
7 training activities (referred to individually in this
8 subsection as a “local allocation”) and that are
9 available for reallocation.

10 (2) AMOUNT.—

11 (A) IN GENERAL.—The amount available
12 for reallocation for a program year for pro-
13 grams funded under paragraphs (2)(A) and (3)
14 of subsection (b) (relating to adult employment
15 and training) or for programs funded under
16 subsection (b)(2)(B) (relating to dislocated
17 worker employment and training) is equal to
18 the amount by which the balance that is unobli-
19 gated and unencumbered for training services
20 at the end of the program year prior to the pro-
21 gram year for which the determination is made,
22 exceeds 10 percent of the total amount of funds
23 available to the local area for that prior pro-
24 gram year, consisting of the local allocation to
25 the local area for such prior program year (and

1 amounts from local allocations to the local area,
2 for all program years before that prior program
3 year, for adult employment and training activi-
4 ties or dislocated worker employment and train-
5 ing services, respectively, that remained avail-
6 able).

7 (B) BALANCE OF FUNDS.—For purposes
8 of this paragraph, the balance that is unobli-
9 gated and unencumbered for training services is
10 the amount that is the difference between—

11 (i) the total amount of funds available
12 to the local area under paragraphs (2)(A)
13 and (3) of subsection (b), or subsection
14 (b)(2)(B), respectively, for that prior pro-
15 gram year, consisting of the local alloca-
16 tion to the local area for such prior pro-
17 gram year (and amounts from local alloca-
18 tions to the local area, for all program
19 years before that prior program year, for
20 adult employment and training activities or
21 dislocated worker employment and training
22 activities, respectively, that remained avail-
23 able); and

24 (ii) the amount, from that total
25 amount of available funds, that is obligated

1 or encumbered (in accordance with gen-
2 erally accepted accounting principles) for
3 training services for adults or dislocated
4 workers, respectively, during such prior
5 program year, except that for purposes of
6 this paragraph the amount included as en-
7 cumbered for training services shall not ex-
8 ceed 10 percent of the total amount of
9 available funds described in subparagraph
10 (A) for adult employment and training ac-
11 tivities or dislocated worker employment
12 and training activities, respectively.

13 (3) REALLOCATION.—In making reallocations
14 to eligible local areas of amounts available pursuant
15 to paragraph (2) for a program year, the Governor
16 shall allocate to each eligible local area within the
17 State—

18 (A) with respect to such available amounts
19 that were allocated under paragraph (2)(A) or
20 (3) of subsection (b), an amount based on the
21 relative amount of the local allocation under
22 paragraph (2)(A) or (3) of subsection (b), as
23 appropriate, for the program year for which the
24 determination is made, as compared to the total
25 amount of the local allocations under paragraph

1 (2)(A) or (3) of subsection (b), as appropriate,
2 for such program year; and

3 (B) with respect to such available amounts
4 that were allocated under subsection (b)(2)(B),
5 an amount based on the relative amount of the
6 local allocation under subsection (b)(2)(B) for
7 the program year for which the determination is
8 made, as compared to the total amount of the
9 local allocations under subsection (b)(2)(B) for
10 such program year.

11 (4) ELIGIBILITY.—For purposes of this sub-
12 section, an eligible local area means—

13 (A) with respect to funds allocated through
14 a local allocation for adult employment and
15 training activities, a local area that does not
16 have an amount of such funds available for re-
17 allocation under paragraph (2) for the program
18 year for which the determination under para-
19 graph (2) is made; and

20 (B) with respect to funds allocated through
21 a local allocation for dislocated worker employ-
22 ment and training activities, a local area that
23 does not have an amount of such funds avail-
24 able for reallocation under paragraph (2) for

1 the program year for which the determination
2 under paragraph (2) is made.

3 **SEC. 234. USE OF FUNDS FOR EMPLOYMENT AND TRAINING**
4 **ACTIVITIES.**

5 (a) STATEWIDE EMPLOYMENT AND TRAINING AC-
6 TIVITIES.—

7 (1) IN GENERAL.—Funds reserved by a Gov-
8 ernor—

9 (A) as described in section 233(a)(2) shall
10 be used to carry out the statewide rapid re-
11 sponse activities described in paragraph (2)(A);
12 and

13 (B) as described in sections 228(a) and
14 233(a)(1)—

15 (i) shall be used to carry out the
16 statewide employment and training activi-
17 ties described in paragraph (2)(B); and

18 (ii) may be used to carry out any of
19 the statewide employment and training ac-
20 tivities described in paragraph (3),

21 regardless of whether the funds were allotted to
22 the State under section 227(b)(1) or under
23 paragraph (1) or (2) of section 232(b).

24 (2) REQUIRED STATEWIDE EMPLOYMENT AND
25 TRAINING ACTIVITIES.—

1 (A) STATEWIDE RAPID RESPONSE ACTIVI-
2 TIES.—

3 (i) IN GENERAL.—A State shall carry
4 out statewide rapid response activities
5 using funds reserved by the Governor for
6 the State under section 233(a)(2), which
7 activities shall include—

8 (I) provision of rapid response
9 activities, carried out in local areas by
10 the State or by an entity designated
11 by the State, working in conjunction
12 with the local boards and the chief
13 elected officials for the local areas;
14 and

15 (II) provision of additional assist-
16 ance to local areas that experience
17 disasters, mass layoffs, or plant clos-
18 ings, or other events that precipitate
19 substantial increases in the number of
20 unemployed individuals, carried out in
21 local areas by the State, working in
22 conjunction with the local boards and
23 the chief elected officials for the local
24 areas.

1 (ii) USE OF UNOBLIGATED FUNDS.—
2 Funds reserved by a Governor under sec-
3 tion 233(a)(2), and section 133(a)(2) of
4 the Workforce Investment Act of 1998 (as
5 in effect on the day before the date of en-
6 actment of this Act), to carry out this sub-
7 paragraph that remain unobligated after
8 the first program year for which such
9 funds were allotted may be used by the
10 Governor to carry out statewide activities
11 authorized under subparagraph (B) or
12 paragraph (3)(A), in addition to activities
13 under this subparagraph.

14 (B) STATEWIDE EMPLOYMENT AND TRAIN-
15 ING ACTIVITIES.—Funds reserved by a Gov-
16 ernor under sections 228(a)(1) and 233(a)(1)
17 and not used under paragraph (1)(A) (regard-
18 less of whether the funds were allotted to the
19 States under section 227(b)(1)(C) or paragraph
20 (1)(B) or (2)(B) of section 232(b)) shall be
21 used for statewide employment and training ac-
22 tivities, including—

23 (i) building capacity by providing as-
24 sistance to—

1 (I) State entities and agencies,
2 local areas, and one-stop partners in
3 carrying out the activities described in
4 the State plan, including the coordina-
5 tion and alignment of data systems
6 used to carry out the requirements of
7 this Act;

8 (II) local areas for carrying out
9 the regional planning and service de-
10 livery activities required under section
11 116(c); and

12 (III) 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 131(c);

3 (ii) providing assistance to local areas,
4 in accordance with section 116(c)(1)(B);

5 (iii) operating a fiscal and manage-
6 ment accountability information system in
7 accordance with section 131(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 222(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 program costs (such as
9 tuition and fees) for participants in
10 applicable programs, as described in
11 subsections (d) and (h) of section 222;
12 and

13 (VI) information on physical and
14 programmatic accessibility, in accord-
15 ance with section 288 and the Ameri-
16 cans with Disabilities Act of 1990 (42
17 U.S.C. 12101 et seq.), for individuals
18 with disabilities;

19 (vi) conducting evaluations under sec-
20 tion 131(e) of activities authorized under
21 this chapter and chapter 2 in coordination
22 with evaluations carried out by the Sec-
23 retary under section 270(a); and

24 (vii) developing strategies for ensuring
25 that activities carried out under this sec-

1 tion are placing men and women in jobs,
2 education, and training that lead to com-
3 parable pay for men and women, including
4 strategies to increase women’s participa-
5 tion in high-wage, high-demand occupa-
6 tions in which women are underrepresented
7 in the State’s workforce.

8 (3) ALLOWABLE STATEWIDE EMPLOYMENT AND
9 TRAINING ACTIVITIES.—

10 (A) IN GENERAL.—Funds reserved by a
11 Governor under sections 228(a)(1) and
12 233(a)(1) and not used under paragraph (1)(A)
13 or (2)(B) (regardless of whether the funds were
14 allotted to the State under section 227(b)(1)(C)
15 or paragraph (1)(B) or (2)(B) of section
16 232(b)) may be used to carry out additional
17 statewide employment and training activities,
18 which may include—

19 (i) implementing innovative programs
20 and strategies designed to meet the needs
21 of businesses in the State, including small
22 businesses, which may include—

23 (I) providing incumbent worker
24 training;

1 (II) providing customized train-
2 ing;

3 (III) developing and imple-
4 menting industry sector strategies (in-
5 cluding strategies involving industry
6 partnerships, regional skills alliances,
7 industry skill panels, and sectoral
8 skills partnerships) in which rep-
9 resentatives of multiple employers for
10 a specific industry sector or group of
11 related occupations—

12 (aa) collaborate to address
13 common workforce needs with
14 suppliers, labor organizations,
15 economic development agencies,
16 eligible providers of training serv-
17 ices described in section 222, and
18 other entities that can provide
19 needed supportive services tai-
20 lored to the needs of workers in
21 that sector or group for a local
22 area or region;

23 (bb) identify current and ex-
24 pected gaps between the demand
25 for and supply of labor and skills

1 in that sector or group for that
2 area or region; and

3 (cc) develop a strategic plan
4 and training efforts to address
5 skill gaps, advance industry
6 growth and competitiveness, and
7 improve worker productivity, re-
8 tention, advancement, and com-
9 petitiveness;

10 (IV) providing career ladder and
11 career pathway programs;

12 (V) providing microenterprise
13 and entrepreneurial training and sup-
14 port programs;

15 (VI) utilizing effective business
16 intermediaries;

17 (VII) using layoff aversion strat-
18 egies in collaboration with appropriate
19 economic development entities, which
20 strategies may include early identifica-
21 tion of firms at risk of layoffs, use of
22 feasibility studies to assess the needs
23 of and options for at-risk firms, and
24 the delivery of employment and train-
25 ing activities to address risk factors;

1 (VIII) providing activities to im-
2 prove linkages between the one-stop
3 delivery systems in the State and em-
4 ployers (including small employers) in
5 the State; and

6 (IX) providing other business
7 services and strategies that better en-
8 gage employers in workforce invest-
9 ment activities and make the work-
10 force development system more rel-
11 evant to meeting the needs of State
12 and local businesses, consistent with
13 the objectives of this title;

14 (ii) developing strategies for effec-
15 tively serving individuals with barriers to
16 employment and for coordinating programs
17 and services among one-stop partners;

18 (iii) implementing programs for dis-
19 placed homemakers, which for purposes of
20 this clause may include an individual who
21 is receiving public assistance and is within
22 2 years of exhausting lifetime eligibility
23 under part A of title IV of the Social Secu-
24 rity Act (42 U.S.C. 601 et seq.);

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)(4),
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 core
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 in foster care and
17 children who are eligible for assistance
18 under section 477 of the Social Security
19 Act (42 U.S.C. 677);

20 (viii) activities—

21 (I) to improve coordination of
22 workforce investment activities, and
23 economic development activities, car-
24 ried out within the State involved and

1 to promote entrepreneurial skills
2 training and microenterprise services;

3 (II) to improve coordination of
4 employment and training activities,
5 child support services, and assistance
6 provided by State and local agencies
7 carrying out part D of title IV of the
8 Social Security Act (42 U.S.C. 651 et
9 seq.);

10 (III) to improve coordination of
11 employment and training activities
12 and cooperative extension programs
13 carried out by the Department of Ag-
14 riculture;

15 (IV) to improve coordination of
16 employment and training activities
17 and programs carried out in local
18 areas for individuals with disabilities,
19 including programs carried out by
20 State agencies relating to intellectual
21 disabilities and developmental disabili-
22 ties, activities carried out by State-
23 wide Independent Living Councils es-
24 tablished under section 705 of the Re-
25 habilitation Act of 1973 (29 U.S.C.

1 796d), programs funded under part B
2 of chapter 1 of title VII of such Act
3 (29 U.S.C. 796e et seq.), and activi-
4 ties carried out by centers for inde-
5 pendent living, as defined in section
6 702 of such Act (29 U.S.C. 796a);

7 (V) to develop and disseminate
8 workforce and labor market informa-
9 tion;

10 (VI) to improve coordination of
11 employment and training activities,
12 and adult education and literacy ac-
13 tivities, provided by public libraries;

14 (VII) to improve coordination of
15 activities with the corrections system
16 to facilitate provision of training serv-
17 ices and employment opportunities
18 that will assist ex-offenders in reen-
19 tering the workforce; and

20 (VIII) to promote financial lit-
21 eracy, including carrying out activities
22 described in section 229(b)(1)(I);

23 (ix) conducting—

- 1 (I) research related to meeting
2 the employment and education needs
3 of adult and dislocated workers; and
- 4 (II) demonstration projects re-
5 lated to meeting the employment and
6 education needs of adult and dis-
7 located workers;
- 8 (x) implementing promising services
9 for workers and businesses, which may in-
10 clude providing support for education,
11 training, skill upgrading, and statewide
12 networking for employees to become work-
13 place learning advisors and maintain pro-
14 ficiency in carrying out the activities asso-
15 ciated with such advising;
- 16 (xi) providing incentive grants to local
17 areas for performance by the local areas on
18 local performance accountability measures
19 described in section 131(b);
- 20 (xii) adopting, calculating, or commis-
21 sioning for approval an economic self-suffi-
22 ciency standard for the State that specifies
23 the income needs of families, by family
24 size, the number and ages of children in

1 the family, and substate geographical con-
2 siderations; and

3 (xiii) developing and disseminating
4 common intake procedures and related
5 items, including registration processes, ma-
6 terials, or software.

7 (B) LIMITATION.—

8 (i) IN GENERAL.—Of the funds allot-
9 ted to a State under sections 227(b) and
10 232(b) and reserved as described in sec-
11 tions 228(a) and 233(a)(1) for a fiscal
12 year—

13 (I) not more than 5 percent of
14 the amount allotted under section
15 227(b)(1);

16 (II) not more than 5 percent of
17 the amount allotted under section
18 232(b)(1); and

19 (III) not more than 5 percent of
20 the amount allotted under section
21 232(b)(2),

22 may be used by the State for the adminis-
23 tration of statewide youth workforce in-
24 vestment activities carried out under sec-
25 tion 229 and statewide employment and

1 training activities carried out under this
2 section.

3 (ii) USE OF FUNDS.—Funds made
4 available for administrative costs under
5 clause (i) may be used for the administra-
6 tive cost of any of the statewide youth
7 workforce investment activities or state-
8 wide employment and training activities,
9 regardless of whether the funds were allot-
10 ted to the State under section 227(b)(1) or
11 paragraph (1) or (2) of section 232(b).

12 (b) LOCAL EMPLOYMENT AND TRAINING ACTIVI-
13 TIES.—Funds allocated to a local area for adults under
14 paragraph (2)(A) or (3), as appropriate, of section 233(b),
15 and funds allocated to a local area for dislocated workers
16 under section 233(b)(2)(B)—

17 (1) shall be used to carry out employment and
18 training activities described in subsection (c) for
19 adults or dislocated workers, respectively; and

20 (2) may be used to carry out employment and
21 training activities described in subsection (d) for
22 adults or dislocated workers, respectively.

23 (c) REQUIRED LOCAL EMPLOYMENT AND TRAINING
24 ACTIVITIES.—

25 (1) IN GENERAL.—

1 (A) ALLOCATED FUNDS.—Funds allocated
2 to a local area for adults under paragraph
3 (2)(A) or (3), as appropriate, of section 233(b),
4 and funds allocated to the local area for dis-
5 located workers under section 233(b)(2)(B),
6 shall be used—

7 (i) to establish a one-stop delivery sys-
8 tem described in section 221(e);

9 (ii) to provide the core services de-
10 scribed in paragraph (2) to adults and dis-
11 located workers, respectively, through the
12 one-stop delivery system in accordance
13 with such paragraph;

14 (iii) to provide the intensive services
15 described in paragraph (3) to adults and
16 dislocated workers, respectively, described
17 in such paragraph;

18 (iv) to provide training services de-
19 scribed in paragraph (4) to adults and dis-
20 located workers, respectively, described in
21 such paragraph; and

22 (v) to designate a dedicated business
23 liaison in the local area (whose activities
24 may be funded with funds provided under
25 this title or from other sources) to estab-

1 lish and develop relationships and networks
2 with large and small employers and their
3 intermediaries.

4 (B) OTHER FUNDS.—Consistent with sub-
5 sections (h) and (i) of section 221, a portion of
6 the funds made available under Federal law au-
7 thorizing the programs and activities described
8 in section 221(b)(1)(B), including the Wagner-
9 Peyser Act (29 U.S.C. 49 et seq.), shall be used
10 as described in clauses (i) and (ii) of subpara-
11 graph (A), to the extent not inconsistent with
12 the Federal law involved.

13 (2) CORE SERVICES.—Funds described in para-
14 graph (1) shall be used to provide core services,
15 which shall be available to individuals who are adults
16 or dislocated workers through the one-stop delivery
17 system and shall, at a minimum, include—

18 (A) determinations of whether the individ-
19 uals are eligible to receive assistance under this
20 subtitle;

21 (B) outreach, intake (which may include
22 worker profiling), and orientation to the infor-
23 mation and other services available through the
24 one-stop delivery system;

1 (C) initial assessment of skill levels (in-
2 cluding literacy, numeracy, and English lan-
3 guage proficiency), aptitudes, abilities (includ-
4 ing skills gaps), and supportive service needs;

5 (D) labor exchange services, including—

6 (i) job search and placement assist-
7 ance and, in appropriate cases, career
8 counseling, including—

9 (I) provision of information on
10 in-demand industry sectors and occu-
11 pations; and

12 (II) provision of information on
13 nontraditional employment; and

14 (ii) appropriate recruitment and other
15 business services on behalf of employers,
16 including small employers, in the local
17 area, which services may include services
18 described in this subsection, such as pro-
19 viding information and referral to special-
20 ized business services not traditionally of-
21 fered through the one-stop delivery system;

22 (E) provision of referrals to and coordina-
23 tion of activities with other programs and serv-
24 ices, including programs and services within the

1 one-stop delivery system and, in appropriate
2 cases, other workforce development programs;

3 (F) provision of workforce and labor mar-
4 ket employment statistics information, including
5 the provision of accurate information relating to
6 local, regional, and national labor market areas,
7 including—

8 (i) job vacancy listings in such labor
9 market areas;

10 (ii) information on job skills necessary
11 to obtain the jobs described in clause (i);
12 and

13 (iii) information relating to local occu-
14 pations in demand and the earnings, skill
15 requirements, and opportunities for ad-
16 vancement for such occupations;

17 (G) provision of performance information
18 and program cost information on eligible pro-
19 viders of training services as described in sec-
20 tion 222, provided by program, and eligible pro-
21 viders of youth workforce investment activities
22 described in section 223, providers of adult edu-
23 cation described in title III, providers of career
24 and technical education activities at the post-
25 secondary level, and career and technical edu-

1 cation activities available to school dropouts,
2 under the Carl D. Perkins Career and Tech-
3 nical Education Act of 2006 (20 U.S.C. 2301
4 et seq.), and providers of vocational rehabilita-
5 tion services described in title I of the Rehabili-
6 tation Act of 1973 (29 U.S.C. 720 et seq.);

7 (H) provision of information, in formats
8 that are usable by and understandable to one-
9 stop center customers, regarding how the local
10 area is performing on the local performance ac-
11 countability measures described in section
12 131(c) and any additional performance informa-
13 tion with respect to the one-stop delivery system
14 in the local area;

15 (I)(i) provision of information, in formats
16 that are usable by and understandable to one-
17 stop center customers, relating to the avail-
18 ability of supportive services or assistance, in-
19 cluding child care, child support, medical or
20 child health assistance under title XIX or XXI
21 of the Social Security Act (42 U.S.C. 1396 et
22 seq. and 1397aa et seq.), benefits under the
23 supplemental nutrition assistance program es-
24 tablished under the Food and Nutrition Act of
25 2008 (7 U.S.C. 2011 et seq.), assistance

1 through the earned income tax credit under sec-
2 tion 32 of the Internal Revenue Code of 1986,
3 and assistance under a State program for tem-
4 porary assistance for needy families funded
5 under part A of title IV of the Social Security
6 Act (42 U.S.C. 601 et seq.) and other sup-
7 portive services and transportation provided
8 through funds made available under such part,
9 available in the local area; and

10 (ii) referral to the services or assistance
11 described in clause (i), as appropriate;

12 (J) provision of information and assistance
13 regarding filing claims for unemployment com-
14 pensation;

15 (K) assistance in establishing eligibility for
16 programs of financial aid assistance for training
17 and education programs that are not funded
18 under this Act; and

19 (L) followup services, including counseling
20 regarding the workplace, for participants in
21 workforce investment activities authorized
22 under this subtitle who are placed in unsub-
23 sidized employment, for not less than 12
24 months after the first day of the employment,
25 as appropriate.

1 (3) INTENSIVE SERVICES.—

2 (A) IN GENERAL.—

3 (i) ELIGIBILITY.—Except as provided
4 in clause (ii), funds allocated to a local
5 area for adults under paragraph (2)(A) or
6 (3), as appropriate, of section 233(b), and
7 funds allocated to the local area for dis-
8 located workers under section
9 233(b)(2)(B), shall be used to provide in-
10 tensive services to adults and dislocated
11 workers, respectively—

12 (I) who are unemployed and who,
13 after an interview, evaluation, or as-
14 sessment, have been determined by a
15 one-stop operator or one-stop partner
16 as appropriate, to be—

17 (aa) unlikely or unable to
18 obtain employment, that leads to
19 economic self-sufficiency or wages
20 comparable to or higher than
21 wages from previous employment,
22 through core services described in
23 paragraph (2); and

24 (bb) in need of intensive
25 services to obtain employment

1 that leads to economic self-suffi-
2 ciency or wages comparable to or
3 higher than wages from previous
4 employment; or

5 (II) who are employed, but who,
6 after an interview, evaluation, or as-
7 sessment are determined by a one-
8 stop operator or one-stop partner to
9 be in need of such intensive services
10 to obtain or retain employment that
11 leads to economic self-sufficiency.

12 (ii) USE OF PREVIOUS ASSESS-
13 MENTS.—A one-stop operator or one-stop
14 partner shall not be required to conduct a
15 new interview, evaluation, or assessment of
16 a participant under clause (i) if the one-
17 stop operator or one-stop partner deter-
18 mines that it is appropriate to use a recent
19 interview, evaluation, or assessment of the
20 participant conducted pursuant to another
21 education or training program.

22 (iii) RULE OF CONSTRUCTION.—Noth-
23 ing in this subparagraph shall be construed
24 to mean that an individual is required to

1 receive core services prior to receiving in-
2 tensive services.

3 (B) DELIVERY OF SERVICES.—Such inten-
4 sive services shall be provided through the one-
5 stop delivery system—

6 (i) directly through one-stop operators
7 identified pursuant to section 221(d); or

8 (ii) through contracts with service
9 providers, which may include contracts
10 with public, private for-profit, and private
11 nonprofit service providers, approved by
12 the local board.

13 (C) TYPES OF SERVICES.—Such intensive
14 services may include the following:

15 (i) Comprehensive and specialized as-
16 sessments of the skill levels and service
17 needs of adults and dislocated workers,
18 which may include—

19 (I) diagnostic testing and use of
20 other assessment tools; and

21 (II) in-depth interviewing and
22 evaluation to identify employment bar-
23 riers and appropriate employment
24 goals.

1 (ii) Development of an individual em-
2 ployment plan, to identify the employment
3 goals, appropriate achievement objectives,
4 and appropriate combination of services for
5 the participant to achieve the employment
6 goals, including providing information on
7 eligible providers of training services pur-
8 suant to paragraph (4)(F)(ii), and career
9 pathways to attain career objectives.

10 (iii) Group counseling.

11 (iv) Individual counseling.

12 (v) Career planning.

13 (vi) Short-term prevocational services,
14 including development of learning skills,
15 communication skills, interviewing skills,
16 punctuality, personal maintenance skills,
17 and professional conduct, to prepare indi-
18 viduals for unsubsidized employment or
19 training.

20 (vii) Internships and work experiences
21 that are linked to careers.

22 (viii) Workforce preparation activities.

23 (ix) Financial literacy services, such
24 as activities described in section
25 229(b)(1)(I).

1 (x) Out-of-area job search assistance
2 and relocation assistance.

3 (xi) English language acquisition and
4 integrated education and training pro-
5 grams.

6 (4) TRAINING SERVICES.—

7 (A) IN GENERAL.—

8 (i) ELIGIBILITY.—Except as provided
9 in clause (ii), funds allocated to a local
10 area for adults under paragraph (2)(A) or
11 (3), as appropriate, of section 233(b), and
12 funds allocated to the local area for dis-
13 located workers under section
14 233(b)(2)(B), shall be used to provide
15 training services to adults and dislocated
16 workers, respectively—

17 (I) who, after an interview, eval-
18 uation, or assessment, and career
19 planning, have been determined by a
20 one-stop operator or one-stop partner,
21 as appropriate, to—

22 (aa) be unlikely or unable to
23 obtain or retain employment,
24 that leads to economic self-suffi-
25 ciency or wages comparable to or

1 higher than wages from previous
2 employment, through the inten-
3 sive services described in para-
4 graph (3);

5 (bb) be in need of training
6 services to obtain or retain em-
7 ployment that leads to economic
8 self-sufficiency or wages com-
9 parable to or higher than wages
10 from previous employment; and

11 (cc) have the skills and
12 qualifications to successfully par-
13 ticipate in the selected program
14 of training services;

15 (II) who select programs of train-
16 ing services that are directly linked to
17 the employment opportunities in the
18 local area or region involved or in an-
19 other area to which the adults or dis-
20 located workers are willing to com-
21 mute or relocate;

22 (III) who meet the requirements
23 of subparagraph (B); and

24 (IV) who are determined to be el-
25 igible in accordance with the priority

1 system in effect under subparagraph
2 (E).

3 (ii) USE OF PREVIOUS ASSESS-
4 MENTS.—A one-stop operator or one-stop
5 partner shall not be required to conduct a
6 new interview, evaluation, or assessment of
7 a participant under clause (i) if the one-
8 stop operator or one-stop partner deter-
9 mines that it is appropriate to use a recent
10 interview, evaluation, or assessment of the
11 participant conducted pursuant to another
12 education or training program.

13 (iii) RULE OF CONSTRUCTION.—Noth-
14 ing in this subparagraph shall be construed
15 to mean an individual is required to receive
16 core or intensive services prior to receiving
17 training services.

18 (B) QUALIFICATION.—

19 (i) REQUIREMENT.—Notwithstanding
20 section 479B of the Higher Education Act
21 of 1965 (20 U.S.C. 1087uu) and except as
22 provided in clause (ii), provision of such
23 training services shall be limited to individ-
24 uals who—

1 (I) are unable to obtain other
2 grant assistance for such services, in-
3 cluding Federal Pell Grants estab-
4 lished under subpart 1 of part A of
5 title IV of the Higher Education Act
6 of 1965 (20 U.S.C. 1070a et seq.); or

7 (II) require assistance beyond the
8 assistance made available under other
9 grant assistance programs, including
10 Federal Pell Grants.

11 (ii) REIMBURSEMENTS.—Training
12 services may be provided under this para-
13 graph to an individual who otherwise meets
14 the requirements of this paragraph while
15 an application for a Federal Pell Grant is
16 pending, except that if such individual is
17 subsequently awarded a Federal Pell
18 Grant, appropriate reimbursement shall be
19 made to the local area from such Federal
20 Pell Grant.

21 (iii) CONSIDERATION.—In deter-
22 mining whether an individual requires as-
23 sistance under clause (i)(II), a one-stop op-
24 erator (or one-stop partner, where appro-
25 priate) may take into consideration the full

1 cost of participating in training services,
2 including the costs of dependent care and
3 transportation, and other appropriate
4 costs.

5 (C) PROVIDER QUALIFICATION.—Training
6 services shall be provided through providers
7 identified in accordance with section 222.

8 (D) TRAINING SERVICES.—Training serv-
9 ices may include—

10 (i) occupational skills training, includ-
11 ing training for nontraditional employ-
12 ment;

13 (ii) on-the-job training;

14 (iii) incumbent worker training in ac-
15 cordance with subsection (d)(4);

16 (iv) programs that combine workplace
17 training with related instruction, which
18 may include cooperative education pro-
19 grams;

20 (v) training programs operated by the
21 private sector;

22 (vi) skill upgrading and retraining;

23 (vii) entrepreneurial training;

24 (viii) transitional jobs in accordance
25 with subsection (d)(5);

1 (ix) job readiness training provided in
2 combination with services described in any
3 of clauses (i) through (viii);

4 (x) adult education and literacy activi-
5 ties, including activities of English lan-
6 guage acquisition and integrated education
7 and training programs, provided concu-
8 rently or in combination with services de-
9 scribed in any of clauses (i) through (vii);
10 and

11 (xi) customized training conducted
12 with a commitment by an employer or
13 group of employers to employ an individual
14 upon successful completion of the training.

15 (E) PRIORITY.—With respect to funds al-
16 located to a local area for adult employment
17 and training activities under paragraph (2)(A)
18 or (3) of section 233(b), priority shall be given
19 to recipients of public assistance, other low-in-
20 come individuals, and individuals who are basic
21 skills deficient for receipt of intensive services
22 and training services. The appropriate local
23 board and the Governor shall direct the one-
24 stop operators in the local area with regard to
25 making determinations related to such priority.

1 (F) CONSUMER CHOICE REQUIREMENTS.—

2 (i) IN GENERAL.—Training services
3 provided under this paragraph shall be
4 provided in a manner that maximizes con-
5 sumer choice in the selection of an eligible
6 provider of such services.

7 (ii) ELIGIBLE PROVIDERS.—Each
8 local board, through one-stop centers, shall
9 make available the list of eligible providers
10 of training services described in section
11 222(d), and accompanying information, in
12 accordance with section 222(d).

13 (iii) INDIVIDUAL TRAINING AC-
14 COUNTS.—An individual who seeks train-
15 ing services and who is eligible pursuant to
16 subparagraph (A), may, in consultation
17 with a career planner, select an eligible
18 provider of training services from the list
19 of providers described in clause (ii). Upon
20 such selection, the one-stop operator in-
21 volved shall, to the extent practicable, refer
22 such individual to the eligible provider of
23 training services, and arrange for payment
24 for such services through an individual
25 training account.

1 (iv) COORDINATION.—Each local
2 board may, through one-stop centers, co-
3 ordinate funding for individual training ac-
4 counts with funding from other Federal,
5 State, local, or private job training pro-
6 grams or sources to assist the individual in
7 obtaining training services.

8 (G) USE OF INDIVIDUAL TRAINING AC-
9 COUNTS.—

10 (i) IN GENERAL.—Except as provided
11 in clause (ii), training services provided
12 under this paragraph shall be provided
13 through the use of individual training ac-
14 counts in accordance with this paragraph,
15 and shall be provided to eligible individuals
16 through the one-stop delivery system.

17 (ii) TRAINING CONTRACTS.—Training
18 services authorized under this paragraph
19 may be provided pursuant to a contract for
20 services in lieu of an individual training ac-
21 count if—

22 (I) the requirements of subpara-
23 graph (F) are met;

24 (II) such services are on-the-job
25 training, customized training, incum-

1 bent worker training, or transitional
2 employment;

3 (III) the local board determines
4 there are an insufficient number of el-
5 igible providers of training services in
6 the local area involved (such as in a
7 rural area) to accomplish the purposes
8 of a system of individual training ac-
9 counts;

10 (IV) the local board determines
11 that there is a training services pro-
12 gram of demonstrated effectiveness of-
13 fered in the local area by a commu-
14 nity-based organization or another
15 private organization to serve individ-
16 uals with barriers to employment; or

17 (V) the local board determines
18 that—

19 (aa) it would be most appro-
20 priate to award a contract to an
21 institution of higher education or
22 other eligible provider of training
23 services in order to facilitate the
24 training of multiple individuals in

1 in-demand industry sectors or oc-
2 cupations; and

3 (bb) such contract does not
4 limit customer choice.

5 (iii) LINKAGE TO OCCUPATIONS IN
6 DEMAND.—Training services provided
7 under this paragraph shall be directly
8 linked to an in-demand industry sector or
9 occupation in the local area or region, or
10 in another area to which an adult or dis-
11 located worker receiving such services is
12 willing to relocate, except that a local
13 board may approve training services for oc-
14 cupations determined by the local board to
15 be in sectors of the economy that have a
16 high potential for sustained demand or
17 growth in the local area.

18 (iv) RULE OF CONSTRUCTION.—Noth-
19 ing in this paragraph shall be construed to
20 preclude the combined use of individual
21 training accounts and contracts in the pro-
22 vision of training services, including ar-
23 rangements that allow individuals receiving
24 individual training accounts to obtain

1 training services that are contracted for
2 under clause (ii).

3 (H) REIMBURSEMENT FOR ON-THE-JOB
4 TRAINING.—

5 (i) REIMBURSEMENT LEVEL.—For
6 purposes of the provision of on-the-job
7 training under this paragraph, the Gov-
8 ernor or local board involved may increase
9 the amount of the reimbursement de-
10 scribed in section 101(44) to an amount of
11 up to 75 percent of the wage rate of a par-
12 ticipant for a program carried out under
13 chapter 2 or this chapter, if, respectively—

14 (I) the Governor approves the in-
15 crease with respect to a program car-
16 ried out with funds reserved by the
17 State under that chapter, taking into
18 account the factors described in clause
19 (ii); or

20 (II) the local board approves the
21 increase with respect to a program
22 carried out with funds allocated to a
23 local area under such chapter, taking
24 into account those factors.

1 (ii) FACTORS.—For purposes of
2 clause (i), the Governor or local board, re-
3 spectively, shall take into account factors
4 consisting of—

5 (I) the characteristics of the par-
6 ticipants;

7 (II) the size of the employer;

8 (III) the quality of employer-pro-
9 vided training and advancement op-
10 portunities; and

11 (IV) such other factors as the
12 Governor or local board, respectively,
13 may determine to be appropriate,
14 which may include the number of em-
15 ployees participating in the training,
16 wage and benefit levels of those em-
17 ployees (at present and anticipated
18 upon completion of the training), and
19 relation of the training to the com-
20 petitiveness of a participant.

21 (d) PERMISSIBLE LOCAL EMPLOYMENT AND TRAIN-
22 ING ACTIVITIES.—

23 (1) IN GENERAL.—

24 (A) ACTIVITIES.—Funds allocated to a
25 local area for adults under paragraph (2)(A) or

1 (3), as appropriate, of section 233(b), and
2 funds allocated to the local area for dislocated
3 workers under section 233(b)(2)(B), may be
4 used to provide, through the one-stop delivery
5 system involved (and through collaboration with
6 the local board, for the purpose of the activities
7 described in clauses (ix) and (xi))—

8 (i) customized screening and referral
9 of qualified participants in training serv-
10 ices described in subsection (c)(4) to em-
11 ployers;

12 (ii) customized employment-related
13 services to employers, employer associa-
14 tions, or other such organizations on a fee-
15 for-service basis;

16 (iii) customer support to enable indi-
17 viduals with barriers to employment (in-
18 cluding individuals with disabilities) and
19 veterans, to navigate among multiple serv-
20 ices and activities for such populations;

21 (iv) technical assistance and capacity
22 building for one-stop operators, one-stop
23 partners, and eligible providers of training
24 services, regarding the provision of services
25 to individuals with disabilities in local

1 areas, including the development and train-
2 ing of staff, the provision of outreach, in-
3 take, assessments, and service delivery, the
4 coordination of services across providers
5 and programs, and the development of per-
6 formance accountability measures;

7 (v) employment and training activities
8 provided in coordination with child support
9 enforcement activities of the State and
10 local agencies carrying out part D of title
11 IV of the Social Security Act (42 U.S.C.
12 651 et seq.);

13 (vi) activities to improve coordination
14 of employment and training activities, child
15 support services, and assistance, provided
16 by State and local agencies carrying out
17 part D of title IV of the Social Security
18 Act (42 U.S.C. 651 et seq.);

19 (vii) activities to improve coordination
20 between employment and training activities
21 and cooperative extension programs carried
22 out by the Department of Agriculture;

23 (viii) activities to facilitate remote ac-
24 cess to services provided through a one-

1 stop delivery system, including facilitating
2 access through the use of technology;

3 (ix) activities—

4 (I) to improve coordination be-
5 tween workforce investment activities
6 and economic development activities
7 carried out within the local area in-
8 volved, and to promote entrepre-
9 neurial skills training and microenter-
10 prise services;

11 (II) to improve services and link-
12 ages between the local workforce in-
13 vestment system (including the local
14 one-stop delivery system) and employ-
15 ers, including small employers, in the
16 local area, through services described
17 in this section; and

18 (III) to strengthen linkages be-
19 tween the one-stop delivery system
20 and unemployment insurance pro-
21 grams;

22 (x) training programs for displaced
23 homemakers and for individuals training
24 for nontraditional occupations, in conjunc-

1 tion with programs operated in the local
2 area;

3 (xi) activities to provide business serv-
4 ices and strategies that meet the workforce
5 investment needs of area employers, as de-
6 termined by the local board, consistent
7 with the local plan under section 118,
8 which services—

9 (I) may be provided through ef-
10 fective business intermediaries work-
11 ing in conjunction with the local
12 board, and may also be provided on a
13 fee-for-service basis or through the
14 leveraging of economic development,
15 philanthropic, and other public and
16 private resources in a manner deter-
17 mined appropriate by the local board;
18 and

19 (II) may include—

20 (aa) identifying and dissemi-
21 nating to business, educators,
22 and job seekers, information re-
23 lated to the workforce, economic
24 and community development

1 needs, and opportunities pre-
2 sented by the local economy;

3 (bb) developing and imple-
4 menting industry sector strate-
5 gies (including strategies involv-
6 ing industry partnerships, re-
7 gional skills alliances, industry
8 skill panels, and sectoral skills
9 partnerships) in which represent-
10 atives of multiple employers for a
11 specific industry sector or group
12 of related occupations—

13 (AA) collaborate to ad-
14 dress common workforce
15 needs with suppliers, labor
16 organizations, economic de-
17 velopment agencies, eligible
18 providers of training services
19 described in section 222,
20 and other entities that can
21 provide needed supportive
22 services tailored to the needs
23 of workers in that sector or
24 group for a local area or re-
25 gion;

1 (BB) identify current
2 and expected gaps between
3 the demand for and supply
4 of labor and skills in that
5 sector or group for that area
6 or region; and

7 (CC) develop a strategic
8 plan and training efforts to
9 address skill gaps, advance
10 industry growth and com-
11 petitiveness, and improve
12 worker productivity, reten-
13 tion, advancement, and com-
14 petitiveness;

15 (cc) developing and deliv-
16 ering innovative workforce invest-
17 ment services and strategies for
18 area employers, which may in-
19 clude career ladder, skills up-
20 grading, skill standard develop-
21 ment and certification for recog-
22 nized postsecondary credential or
23 other employer use, apprentice-
24 ship, and other effective initia-
25 tives for meeting the workforce

1 investment needs of area employ-
2 ers and workers;

3 (dd) participation, of appro-
4 priate personnel of area employ-
5 ers, in seminars and classes of-
6 fered in partnership with relevant
7 organizations focusing on the
8 workforce-related needs of area
9 employers and job seekers;

10 (ee) training, consulting,
11 needs analysis, and brokering
12 services for area employers, in-
13 cluding the organization and ag-
14 gregation of training for indi-
15 vidual employers and coalitions of
16 employers with similar interests,
17 products, or workforce needs, ex-
18 cept that services described in
19 this item may be paid for with
20 funds other than those provided
21 under this title;

22 (ff) assistance to area em-
23 ployers in managing reductions
24 in force in coordination with
25 rapid response activities provided

1 under subsection (a)(2)(A) and
2 with strategies for the aversion of
3 layoffs, which strategies may in-
4 clude early identification of firms
5 at risk of layoffs, use of feasi-
6 bility studies to assess the needs
7 of and options for at-risk firms,
8 and the delivery of employment
9 and training activities to address
10 risk factors;

11 (gg) the marketing of busi-
12 ness services offered under this
13 title, to appropriate area employ-
14 ers, including small and mid-
15 sized employers;

16 (hh) information referral on
17 concerns affecting local employ-
18 ers; and

19 (ii) other business services
20 and strategies that better engage
21 employers in workforce invest-
22 ment activities and make the
23 workforce investment system
24 more relevant to meeting the
25 needs of local businesses, as de-

1 terminated by the local board to be
2 consistent with the objectives of
3 this title;

4 (xii) activities to adjust the economic
5 self-sufficiency standards referred to in
6 subsection (a)(3)(A)(xii) for local factors,
7 or activities to adopt, calculate, or commis-
8 sion for approval, economic self-sufficiency
9 standards for the local areas that specify
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 (xiii) improved coordination between
15 employment and training activities and
16 programs carried out in the local area for
17 individuals with disabilities, including pro-
18 grams carried out by State agencies relat-
19 ing to intellectual disabilities and develop-
20 mental disabilities, activities carried out by
21 Statewide Independent Living Councils es-
22 tablished under section 705 of the Reha-
23 bilitation Act of 1973 (29 U.S.C. 796d),
24 programs funded under part B of chapter
25 1 of title VII of such Act (29 U.S.C. 796e

1 et seq.), and activities carried out by cen-
2 ters for independent living, as defined in
3 section 702 of such Act (29 U.S.C. 796a);
4 and

5 (xiv) implementation of promising
6 services to workers and businesses, which
7 may include support for education, train-
8 ing, skill upgrading, and statewide net-
9 working for employees to become work-
10 place learning advisors and maintain pro-
11 ficiency in carrying out the activities asso-
12 ciated with such advising.

13 (B) WORK SUPPORT ACTIVITIES FOR LOW-
14 WAGE WORKERS.—

15 (i) IN GENERAL.—Funds allocated to
16 a local area for adults under paragraph
17 (2)(A) or (3), as appropriate, of section
18 233(b), and funds allocated to the local
19 area for dislocated workers under section
20 233(b)(2)(B), may be used to provide,
21 through the one-stop delivery system in-
22 volved, work support activities designed to
23 assist low-wage workers in retaining and
24 enhancing employment. The one-stop part-
25 ners of the system shall coordinate the ap-

1 appropriate programs and resources of the
2 partners with the activities and resources
3 provided under this subparagraph.

4 (ii) ACTIVITIES.—The work support
5 activities described in clause (i) may in-
6 clude the provision of activities described
7 in this section through the one-stop deliv-
8 ery system in a manner that enhances the
9 opportunities of such workers to partici-
10 pate in the activities, such as the provision
11 of activities described in this section during
12 nontraditional hours and the provision of
13 onsite child care while such activities are
14 being provided.

15 (2) SUPPORTIVE SERVICES.—Funds allocated to
16 a local area for adults under paragraph (2)(A) or
17 (3), as appropriate, of section 233(b), and funds al-
18 located to the local area for dislocated workers under
19 section 233(b)(2)(B), may be used to provide sup-
20 portive services to adults and dislocated workers, re-
21 spectively—

22 (A) who are participating in programs with
23 activities authorized in any of paragraphs (2),
24 (3), or (4) of subsection (c); and

1 (B) who are unable to obtain such sup-
2 portive services through other programs pro-
3 viding such services.

4 (3) NEEDS-RELATED PAYMENTS.—

5 (A) IN GENERAL.—Funds allocated to a
6 local area for adults under paragraph (2)(A) or
7 (3), as appropriate, of section 233(b), and
8 funds allocated to the local area for dislocated
9 workers under section 233(b)(2)(B), may be
10 used to provide needs-related payments to
11 adults and dislocated workers, respectively, who
12 are unemployed and do not qualify for (or have
13 ceased to qualify for) unemployment compensa-
14 tion for the purpose of enabling such individ-
15 uals to participate in programs of training serv-
16 ices under subsection (c)(4).

17 (B) ADDITIONAL ELIGIBILITY REQUIRE-
18 MENTS.—In addition to the requirements con-
19 tained in subparagraph (A), a dislocated worker
20 who has ceased to qualify for unemployment
21 compensation may be eligible to receive needs-
22 related payments under this paragraph only if
23 such worker was enrolled in the training serv-
24 ices—

1 (i) by the end of the 13th week after
 2 the most recent layoff that resulted in a
 3 determination of the worker's eligibility for
 4 employment and training activities for dis-
 5 located workers under this subtitle; or

6 (ii) if later, by the end of the 8th
 7 week after the worker is informed that a
 8 short-term layoff will exceed 6 months.

9 (C) LEVEL OF PAYMENTS.—The level of a
 10 needs-related payment made to a dislocated
 11 worker under this paragraph shall not exceed
 12 the greater of—

13 (i) the applicable level of unemploy-
 14 ment compensation; or

15 (ii) if such worker did not qualify for
 16 unemployment compensation, an amount
 17 equal to the poverty line, for an equivalent
 18 period, which amount shall be adjusted to
 19 reflect changes in total family income.

20 (4) INCUMBENT WORKER TRAINING PRO-
 21 GRAMS.—

22 (A) IN GENERAL.—

23 (i) STANDARD RESERVATION OF
 24 FUNDS.—Except as provided in clause (ii),
 25 the local board may reserve and use not

1 more than 15 percent of the funds allo-
2 cated to the local area involved under sec-
3 tion 233(b) to pay for the Federal share of
4 the cost of providing training through a
5 training program for incumbent workers,
6 carried out in accordance with this para-
7 graph.

8 (ii) INCREASED RESERVATION OF
9 FUNDS.—If the local board determines
10 that there is sufficient evidence that use of
11 the funds reserved under clause (i) led to
12 employee retention by and contributed to
13 creation of new jobs with employers that
14 participated in incumbent worker training
15 programs, the local board may reserve and
16 use not more than a total of 20 percent of
17 such funds to pay for the Federal share of
18 such cost.

19 (iii) DETERMINATION OF ELIGI-
20 BILITY.—For the purpose of determining
21 the eligibility of an employer to receive
22 funding under clause (i), the local board
23 shall take into account factors consisting
24 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 (iv) 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 233(b) to

1 provide transitional jobs under subsection (c)(4)
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. 236. 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 227(a), such sums as may
21 be necessary for each of fiscal years 2014 through 2018.

22 (b) **ADULT EMPLOYMENT AND TRAINING ACTIVI-**
23 **TIES.**—There are authorized to be appropriated to carry
24 out the activities described in section 232(a)(1), such

1 sums as may be necessary for each of fiscal years 2014
2 through 2018.

3 (c) DISLOCATED WORKER EMPLOYMENT AND
4 TRAINING ACTIVITIES.—There are authorized to be ap-
5 propriated to carry out the activities described in section
6 232(a)(2), such sums as may be necessary for each of fis-
7 cal years 2014 through 2018.

8 **Subtitle C—Job Corps**

9 **SEC. 241. PURPOSES.**

10 The purposes of this subtitle are—

11 (1) to maintain a national Job Corps program,
12 carried out in partnership with States and commu-
13 nities, to—

14 (A) assist eligible youth to connect to the
15 labor force by providing them with intensive so-
16 cial, academic, career and technical education,
17 and service-learning opportunities, in primarily
18 residential centers, in order for such youth to
19 obtain secondary school diplomas or recognized
20 postsecondary credentials leading to—

21 (i) successful careers, in in-demand
22 industry sectors or occupations or the
23 Armed Forces, that will result in economic
24 self-sufficiency and opportunities for ad-
25 vancement; or

1 (ii) enrollment in postsecondary edu-
2 cation, including an apprenticeship pro-
3 gram; and

4 (B) support responsible citizenship;

5 (2) to set forth standards and procedures for
6 selecting individuals as enrollees in the Job Corps;

7 (3) to authorize the establishment of Job Corps
8 centers in which enrollees will participate in inten-
9 sive programs of activities described in this subtitle;
10 and

11 (4) to prescribe various other powers, duties,
12 and responsibilities incident to the operation and
13 continuing development of the Job Corps.

14 **SEC. 242. DEFINITIONS.**

15 In this subtitle:

16 (1) **APPLICABLE LOCAL BOARD.**—The term
17 “applicable local board” means a local board—

18 (A) that provides information for a Job
19 Corps center on local employment opportunities
20 and the job skills needed to obtain the opportu-
21 nities; and

22 (B) that serves communities in which the
23 graduates of the Job Corps center seek employ-
24 ment.

1 (2) APPLICABLE ONE-STOP CENTER.—The term
2 “applicable one-stop center” means a one-stop cen-
3 ter that provides services, such as referral, assess-
4 ment, recruitment, and placement, to support the
5 purposes of the Job Corps.

6 (3) ENROLLEE.—The term “enrollee” means
7 an individual who has voluntarily applied for, been
8 selected for, and enrolled in the Job Corps program,
9 and remains with the program, but has not yet be-
10 come a graduate.

11 (4) FORMER ENROLLEE.—The term “former
12 enrollee” means an individual who has voluntarily
13 applied for, been selected for, and enrolled in the
14 Job Corps program, but left the program prior to
15 becoming a graduate.

16 (5) GRADUATE.—The term “graduate” means
17 an individual who has voluntarily applied for, been
18 selected for, and enrolled in the Job Corps program
19 and who, as a result of participation in the Job
20 Corps program, has received a secondary school di-
21 ploma or recognized equivalent, or completed the re-
22 quirements of a career and technical education and
23 training program that prepares individuals for em-
24 ployment leading to economic self-sufficiency or en-
25 trance into postsecondary education or training.

1 (6) **JOB CORPS.**—The term “Job Corps” means
2 the Job Corps described in section 243.

3 (7) **JOB CORPS CENTER.**—The term “Job Corps
4 center” means a center described in section 247.

5 (8) **OPERATOR.**—The term “operator” means
6 an entity selected under this subtitle to operate a
7 Job Corps center.

8 (9) **REGION.**—The term “region” means an
9 area defined by the Secretary.

10 (10) **SERVICE PROVIDER.**—The term “service
11 provider” means an entity selected under this sub-
12 title to provide services described in this subtitle to
13 a Job Corps center.

14 **SEC. 243. ESTABLISHMENT.**

15 There shall be within the Department of Labor a
16 “Job Corps”.

17 **SEC. 244. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.**

18 (a) **IN GENERAL.**—To be eligible to become an en-
19 rollee, an individual shall be—

20 (1) not less than age 16 and not more than age
21 21 on the date of enrollment, except that—

22 (A) not more than 20 percent of the indi-
23 viduals enrolled in the Job Corps may be not
24 less than age 22 and not more than age 24 on
25 the date of enrollment; and

1 (B) either such maximum age limitation
2 may be waived by the Secretary, in accordance
3 with regulations of the Secretary, in the case of
4 an individual with a disability;

5 (2) a low-income individual; and

6 (3) an individual who is one or more of the fol-
7 lowing:

8 (A) Basic skills deficient.

9 (B) A school dropout.

10 (C) A homeless individual (as defined in
11 section 41403(6) of the Violence Against
12 Women Act of 1994 (42 U.S.C. 14043e-2(6)),
13 except that clauses (i)(IV) and (iii) of subpara-
14 graph (B) of such section shall not apply), a
15 homeless child or youth (as defined in section
16 725(2) of the McKinney-Vento Homeless As-
17 sistance Act (42 U.S.C. 11434a(2)), except that
18 subparagraph (B)(iv) of such section shall not
19 apply), a runaway, an individual in foster care,
20 or an individual who was in foster care and has
21 aged out of the foster care system.

22 (D) A parent.

23 (E) An individual who requires additional
24 education, career and technical education or
25 training, or workforce preparation skills to be

1 able to obtain and retain employment that leads
2 to economic self-sufficiency.

3 (b) SPECIAL RULE FOR VETERANS.—Notwith-
4 standing the requirement of subsection (a)(2), a veteran
5 of the Armed Forces shall be eligible to become an enrollee
6 under subsection (a) if the individual—

7 (1) meets the requirements of paragraphs (1)
8 and (3) of such subsection; and

9 (2) does not meet the requirement of subsection
10 (a)(2) because the military income earned by such
11 individual within the 6-month period prior to the in-
12 dividual's application for Job Corps prevents the in-
13 dividual from meeting such requirement.

14 **SEC. 245. RECRUITMENT, SCREENING, SELECTION, AND AS-**
15 **SIGNMENT OF ENROLLEES.**

16 (a) STANDARDS AND PROCEDURES.—

17 (1) IN GENERAL.—The Secretary shall pre-
18 scribe specific standards and procedures for the re-
19 cruitment, screening, and selection of eligible appli-
20 cants for the Job Corps, after considering rec-
21 ommendations from Governors of States, local
22 boards, and other interested parties.

23 (2) METHODS.—In prescribing standards and
24 procedures under paragraph (1), the Secretary, at a
25 minimum, shall—

1 (A) prescribe procedures for informing en-
2 rollees that drug tests will be administered to
3 the enrollees and the results received within 45
4 days after the enrollees enroll in the Job Corps;

5 (B) establish standards for recruitment of
6 Job Corps applicants;

7 (C) establish standards and procedures
8 for—

9 (i) determining, for each applicant,
10 whether the educational and career and
11 technical education and training needs of
12 the applicant can best be met through the
13 Job Corps program or an alternative pro-
14 gram in the community in which the appli-
15 cant resides; and

16 (ii) obtaining from each applicant per-
17 tinent data relating to background, needs,
18 and interests for determining eligibility
19 and potential assignment;

20 (D) where appropriate, take measures to
21 improve the professional capability of the indi-
22 viduals conducting screening of the applicants;
23 and

1 (E) assure appropriate representation of
2 enrollees from urban areas and from rural
3 areas.

4 (3) IMPLEMENTATION.—To the extent prac-
5 ticable, the standards and procedures shall be imple-
6 mented through arrangements with—

7 (A) applicable one-stop centers;

8 (B) community action agencies, business
9 organizations, and labor organizations;

10 (C) agencies and individuals that have con-
11 tact with youth over substantial periods of time
12 and are able to offer reliable information about
13 the needs and problems of youth; and

14 (D) child welfare agencies that are respon-
15 sible for children in foster care and children eli-
16 gible for assistance under section 477 of the So-
17 cial Security Act (42 U.S.C. 677).

18 (4) CONSULTATION.—The standards and proce-
19 dures shall provide for necessary consultation with
20 individuals and organizations, including court, pro-
21 bation, parole, law enforcement, education, welfare,
22 and medical authorities and advisers.

23 (5) REIMBURSEMENT.—The Secretary is au-
24 thorized to enter into contracts with and make pay-
25 ments to individuals and organizations for the cost

1 of conducting recruitment, screening, and selection
2 of eligible applicants for the Job Corps, as provided
3 for in this section. The Secretary shall make no pay-
4 ment to any individual or organization solely as com-
5 pensation for referring the names of applicants for
6 the Job Corps.

7 (b) SPECIAL LIMITATIONS ON SELECTION.—

8 (1) IN GENERAL.—No individual shall be se-
9 lected as an enrollee unless the individual or organi-
10 zation implementing the standards and procedures
11 described in subsection (a) determines that—

12 (A) there is a reasonable expectation that
13 the individual considered for selection can par-
14 ticipate successfully in group situations and ac-
15 tivities, and is not likely to engage in behavior
16 that would prevent other enrollees from receiv-
17 ing the benefit of the Job Corps program or be
18 incompatible with the maintenance of sound
19 discipline and satisfactory relationships between
20 the Job Corps center to which the individual
21 might be assigned and communities sur-
22 rounding the Job Corps center;

23 (B) the individual manifests a basic under-
24 standing of both the rules to which the indi-
25 vidual will be subject and of the consequences

1 of failure to observe the rules, and agrees to
2 comply with such rules; and

3 (C) the individual has passed a background
4 check conducted in accordance with procedures
5 established by the Secretary.

6 (2) INDIVIDUALS ON PROBATION, PAROLE, OR
7 SUPERVISED RELEASE.—An individual on probation,
8 parole, or supervised release may be selected as an
9 enrollee only if release from the supervision of the
10 probation or parole official involved is satisfactory to
11 the official and the Secretary and does not violate
12 applicable laws (including regulations). No individual
13 shall be denied a position in the Job Corps solely on
14 the basis of individual contact with the criminal jus-
15 tice system.

16 (c) ASSIGNMENT PLAN.—

17 (1) IN GENERAL.—Every 2 years, the Secretary
18 shall develop and implement a plan for assigning en-
19 rollees to Job Corps centers. In developing the plan,
20 the Secretary shall, based on the analysis described
21 in paragraph (2), establish targets, applicable to
22 each Job Corps center, for—

23 (A) the maximum attainable percentage of
24 enrollees at the Job Corps center that reside in
25 the State in which the center is located; and

1 (B) the maximum attainable percentage of
2 enrollees at the Job Corps center that reside in
3 the region in which the center is located, and in
4 surrounding regions.

5 (2) ANALYSIS.—In order to develop the plan
6 described in paragraph (1), every 2 years the Sec-
7 retary, in consultation with operators of Job Corps
8 centers, shall analyze relevant factors relating to
9 each Job Corps center, including—

10 (A) the size of the population of individ-
11 uals eligible to participate in Job Corps in the
12 State and region in which the Job Corps center
13 is located, and in surrounding regions;

14 (B) the relative demand for participation
15 in the Job Corps in the State and region, and
16 in surrounding regions;

17 (C) the capacity and utilization of the Job
18 Corps center, including the education, training,
19 and supportive services provided through the
20 center; and

21 (D) the performance of the Job Corps cen-
22 ter relating to the expected levels of perform-
23 ance for the indicators described in section
24 259(c)(1), and whether any actions have been

1 taken with respect to such center pursuant to
2 paragraphs (2) and (3) of section 259(f).

3 (d) ASSIGNMENT OF INDIVIDUAL ENROLLEES.—

4 (1) IN GENERAL.—After an individual has been
5 selected for the Job Corps in accordance with the
6 standards and procedures of the Secretary under
7 subsection (a), the enrollee shall be assigned to the
8 Job Corps center that offers the type of career and
9 technical education and training selected by the indi-
10 vidual and, among the centers that offer such edu-
11 cation and training, is closest to the home of the in-
12 dividual. The Secretary may waive this requirement
13 if—

14 (A) the enrollee would be unduly delayed
15 in participating in the Job Corps program be-
16 cause the closest center is operating at full ca-
17 pacity; or

18 (B) the parent or guardian of the enrollee
19 requests assignment of the enrollee to another
20 Job Corps center due to circumstances in the
21 community of the enrollee that would impair
22 prospects for successful participation in the Job
23 Corps program.

24 (2) ENROLLEES WHO ARE YOUNGER THAN
25 18.—An enrollee who is younger than 18 shall not

1 be assigned to a Job Corps center other than the
2 center closest to the home that offers the career and
3 technical education and training desired by the en-
4 rollee pursuant to paragraph (1) if the parent or
5 guardian of the enrollee objects to the assignment.

6 **SEC. 246. ENROLLMENT.**

7 (a) RELATIONSHIP BETWEEN ENROLLMENT AND
8 MILITARY OBLIGATIONS.—Enrollment in the Job Corps
9 shall not relieve any individual of obligations under the
10 Military Selective Service Act (50 U.S.C. App. 451 et
11 seq.).

12 (b) PERIOD OF ENROLLMENT.—No individual may
13 be enrolled in the Job Corps for more than 2 years, ex-
14 cept—

15 (1) in a case in which completion of an ad-
16 vanced career training program under section 248(c)
17 would require an individual to participate in the Job
18 Corps for not more than one additional year;

19 (2) in the case of an individual with a disability
20 who would reasonably be expected to meet the stand-
21 ards for a Job Corps graduate, as defined under sec-
22 tion 242(5), if allowed to participate in the Job
23 Corps for not more than 1 additional year;

24 (3) in the case of an individual who participates
25 in national service, as authorized by a Civilian Con-

1 servation Center program, who would be granted an
2 enrollment extension in the Job Corps for the
3 amount of time equal to the period of national serv-
4 ice; or

5 (4) as the Secretary may authorize in a special
6 case.

7 **SEC. 247. JOB CORPS CENTERS.**

8 (a) OPERATORS AND SERVICE PROVIDERS.—

9 (1) ELIGIBLE ENTITIES.—

10 (A) OPERATORS.—The Secretary shall
11 enter into an agreement with a Federal, State,
12 or local agency, an area career and technical
13 education school, a residential career and tech-
14 nical education school, or a private organiza-
15 tion, for the operation of each Job Corps cen-
16 ter.

17 (B) PROVIDERS.—The Secretary may
18 enter into an agreement with a local entity, or
19 other entity with the necessary capacity, to pro-
20 vide activities described in this subtitle to a Job
21 Corps center.

22 (2) SELECTION PROCESS.—

23 (A) COMPETITIVE BASIS.—Except as pro-
24 vided in subsections (a) and (b) of section 3304
25 of title 41, United States Code, the Secretary

1 shall select on a competitive basis an entity to
2 operate a Job Corps center and entities to pro-
3 vide activities described in this subtitle to the
4 Job Corps center. In developing a solicitation
5 for an operator or service provider, the Sec-
6 retary shall consult with the Governor of the
7 State in which the center is located, the indus-
8 try council for the Job Corps center (if estab-
9 lished), and the applicable local board regarding
10 the contents of such solicitation, including ele-
11 ments that will promote the consistency of the
12 activities carried out through the center with
13 the objectives set forth in the State plan or in
14 a local plan.

15 (B) RECOMMENDATIONS AND CONSIDER-
16 ATIONS.—

17 (i) OPERATORS.—In selecting an enti-
18 ty to operate a Job Corps center, the Sec-
19 retary shall consider—

20 (I) the ability of the entity to co-
21 ordinate the activities carried out
22 through the Job Corps center with ac-
23 tivities carried out under the appro-
24 priate State plan and local plans;

1 (II) the degree to which the ca-
2 reer and technical education and
3 training that the entity proposes for
4 the center reflects employment oppor-
5 tunities in the local areas in which en-
6 rollees at the center intend to seek
7 employment;

8 (III) the degree to which the en-
9 tity demonstrates relationships with
10 the surrounding communities, employ-
11 ers, labor organizations, workforce
12 boards, applicable one-stop centers,
13 and State and region in which the
14 center is located; and

15 (IV) the performance of the enti-
16 ty, if any, relating to operating or
17 providing activities described in this
18 subtitle to a Job Corps center, includ-
19 ing the entity's demonstrated effec-
20 tiveness in assisting individuals in
21 achieving the primary indicators of
22 performance for eligible youth de-
23 scribed in section 131(b)(2)(A)(ii).

24 (ii) PROVIDERS.—In selecting a serv-
25 ice provider for a Job Corps center, the

1 Secretary shall consider the factors de-
2 scribed in subclauses (I) through (IV) of
3 clause (i), as appropriate.

4 (b) CHARACTER AND ACTIVITIES.—Job Corps cen-
5 ters may be residential or nonresidential in character, and
6 shall be designed and operated so as to provide enrollees,
7 in a well-supervised setting, with access to activities de-
8 scribed in this subtitle. In any year, no more than 20 per-
9 cent of the individuals enrolled in the Job Corps may be
10 nonresidential participants in the Job Corps.

11 (c) CIVILIAN CONSERVATION CENTERS.—

12 (1) IN GENERAL.—The Job Corps centers may
13 include Civilian Conservation Centers, operated
14 under an agreement between the Secretary of Labor
15 and the Secretary of Agriculture, that are located
16 primarily in rural areas. Such centers shall provide,
17 in addition to academics, career and technical edu-
18 cation and training, and workforce preparation skills
19 training, programs of work experience to conserve,
20 develop, or manage public natural resources or pub-
21 lic recreational areas or to develop community
22 projects in the public interest.

23 (2) ASSISTANCE DURING DISASTERS.—Enroll-
24 ees in Civilian Conservation Centers may provide as-
25 sistance in addressing national, State, and local dis-

1 asters, consistent with current child labor laws and
2 regulations. The Secretary of Agriculture shall en-
3 sure that with respect to the provision of such as-
4 sistance the enrollees are properly trained, equipped,
5 supervised, and dispatched consistent with standards
6 for the conservation and rehabilitation of wildlife es-
7 tablished under the Fish and Wildlife Coordination
8 Act (16 U.S.C. 661 et seq.).

9 (3) NATIONAL LIAISON.—The Secretary of Ag-
10 riculture shall designate a Job Corps National Liai-
11 son to support the agreement under this section be-
12 tween the Departments of Labor and Agriculture.

13 (d) INDIAN TRIBES.—

14 (1) GENERAL AUTHORITY.—The Secretary may
15 enter into agreements with Indian tribes to operate
16 Job Corps centers for Indians.

17 (2) DEFINITIONS.—In this subsection, the
18 terms “Indian” and “Indian tribe” have the mean-
19 ings given such terms in subsections (d) and (e), re-
20 spectively, of section 4 of the Indian Self-Determina-
21 tion and Education Assistance Act (25 U.S.C.
22 450b).

23 **SEC. 248. PROGRAM ACTIVITIES.**

24 (a) ACTIVITIES PROVIDED BY JOB CORPS CEN-
25 TERS.—

1 (1) IN GENERAL.—Each Job Corps center shall
2 provide enrollees with an intensive, well organized,
3 and fully supervised program of education, including
4 English language acquisition programs, career and
5 technical education and training, work experience,
6 work-based learning, recreational activities, physical
7 rehabilitation and development, driver’s education,
8 and counseling, which may include information
9 about financial literacy. Each Job Corps center shall
10 provide enrollees assigned to the center with access
11 to core services described in section 234(c)(2) and
12 the intensive services described in section 234(c)(3).

13 (2) RELATIONSHIP TO OPPORTUNITIES.—The
14 activities provided under this subsection shall be tar-
15 geted to helping enrollees, on completion of their en-
16 rollment—

17 (A) secure and maintain meaningful un-
18 subsidized employment;

19 (B) enroll in and complete secondary edu-
20 cation or postsecondary education or training
21 programs, including other suitable career and
22 technical education and training, and appren-
23 ticeship programs; or

24 (C) satisfy Armed Forces requirements.

1 (3) LINK TO EMPLOYMENT OPPORTUNITIES.—

2 The career and technical education and training pro-
3 vided shall be linked to the employment opportuni-
4 ties in the local area in which the enrollee intends
5 to seek 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 222.

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 that participants
12 in such program have achieved a satisfactory rate of
13 completion and placement in training-related jobs
14 before the operator may carry out such additional
15 enrollment.

16 (d) GRADUATE SERVICES.—In order to promote the
17 retention of graduates in employment or postsecondary
18 education, the Secretary shall arrange for the provision
19 of job placement and support services to graduates for up
20 to 12 months after the date of graduation. Multiple re-
21 sources, including one-stop partners, may support the pro-
22 vision of these services, including services from the State
23 vocational rehabilitation agency to supplement job place-
24 ment and job development efforts for Job Corps graduates
25 who are individuals with disabilities.

1 (e) CHILD CARE.—The Secretary shall, to the extent
2 practicable, provide child care at or near Job Corps cen-
3 ters, for individuals who require child care for their chil-
4 dren in order to participate in the Job Corps.

5 **SEC. 249. COUNSELING AND JOB PLACEMENT.**

6 (a) ASSESSMENT AND COUNSELING.—The Secretary
7 shall arrange for assessment and counseling for each en-
8 rollee at regular intervals to measure progress in the aca-
9 demic and career and technical education and training
10 programs carried out through the Job Corps.

11 (b) PLACEMENT.—The Secretary shall arrange for
12 assessment and counseling for enrollees prior to their
13 scheduled graduations to determine their capabilities and,
14 based on their capabilities, shall make every effort to ar-
15 range to place the enrollees in employment leading to eco-
16 nomic self-sufficiency for which the enrollees are trained
17 or to assist the enrollees in participating in further activi-
18 ties described in this subtitle. In arranging for the place-
19 ment of graduates in jobs, the Secretary shall utilize the
20 one-stop delivery system to the maximum extent prac-
21 ticable.

22 (c) STATUS AND PROGRESS.—The Secretary shall de-
23 termine the status and progress of enrollees scheduled for
24 graduation and make every effort to assure that their

1 needs for further activities described in this subtitle are
2 met.

3 (d) SERVICES TO FORMER ENROLLEES.—The Sec-
4 retary may provide such services as the Secretary deter-
5 mines to be appropriate under this subtitle to former en-
6 rollees.

7 **SEC. 250. SUPPORT.**

8 (a) PERSONAL ALLOWANCES.—The Secretary may
9 provide enrollees assigned to Job Corps centers with such
10 personal allowances as the Secretary may determine to be
11 necessary or appropriate to meet the needs of the enroll-
12 ees.

13 (b) TRANSITION ALLOWANCES.—The Secretary shall
14 arrange for a transition allowance to be paid to graduates.
15 The transition allowance shall be incentive-based to reflect
16 a graduate's completion of academic, career and technical
17 education or training, and attainment of recognized post-
18 secondary credentials.

19 (c) TRANSITION SUPPORT.—The Secretary may ar-
20 range for the provision of 3 months of employment serv-
21 ices for former enrollees.

22 **SEC. 251. OPERATING PLAN.**

23 (a) IN GENERAL.—The provisions of the contract be-
24 tween the Secretary and an entity selected to operate a

1 Job Corps center shall, at a minimum, serve as an oper-
2 ating plan for the Job Corps center.

3 (b) ADDITIONAL INFORMATION.—The Secretary may
4 require the operator, in order to remain eligible to operate
5 the Job Corps center, to submit such additional informa-
6 tion as the Secretary may require, which shall be consid-
7 ered part of the operating plan.

8 (c) AVAILABILITY.—The Secretary shall make the op-
9 erating plan described in subsections (a) and (b), exclud-
10 ing any proprietary information, available to the public.

11 **SEC. 252. STANDARDS OF CONDUCT.**

12 (a) PROVISION AND ENFORCEMENT.—The Secretary
13 shall provide, and directors of Job Corps centers shall
14 stringently enforce, standards of conduct within the cen-
15 ters. Such standards of conduct shall include provisions
16 forbidding the actions described in subsection (b)(2)(A).

17 (b) DISCIPLINARY MEASURES.—

18 (1) IN GENERAL.—To promote the proper be-
19 havioral standards in the Job Corps, the directors of
20 Job Corps centers shall have the authority to take
21 appropriate disciplinary measures against enrollees
22 if such a director determines that an enrollee has
23 committed a violation of the standards of conduct.
24 The director shall dismiss the enrollee from the Job
25 Corps if the director determines that the retention

1 of the enrollee in the Job Corps will jeopardize the
2 enforcement of such standards, threaten the safety
3 of staff, students, or the local community, or dimin-
4 ish the opportunities of other enrollees.

5 (2) ZERO TOLERANCE POLICY AND DRUG TEST-
6 ING.—

7 (A) GUIDELINES.—The Secretary shall
8 adopt guidelines establishing a zero tolerance
9 policy for an act of violence, for use, sale, or
10 possession of a controlled substance, for abuse
11 of alcohol, or for other illegal or disruptive ac-
12 tivity.

13 (B) DRUG TESTING.—The Secretary shall
14 require drug testing of all enrollees for con-
15 trolled substances in accordance with proce-
16 dures prescribed by the Secretary under section
17 245(a).

18 (C) DEFINITIONS.—In this paragraph:

19 (i) CONTROLLED SUBSTANCE.—The
20 term “controlled substance” has the mean-
21 ing given the term in section 102 of the
22 Controlled Substances Act (21 U.S.C.
23 802).

24 (ii) ZERO TOLERANCE POLICY.—The
25 term “zero tolerance policy” means a pol-

1 icy under which an enrollee shall be auto-
2 matically dismissed from the Job Corps
3 after a determination by the director that
4 the enrollee has carried out an action de-
5 scribed in subparagraph (A).

6 (c) APPEAL.—A disciplinary measure taken by a di-
7 rector under this section shall be subject to expeditious
8 appeal in accordance with procedures established by the
9 Secretary.

10 **SEC. 253. COMMUNITY PARTICIPATION.**

11 (a) BUSINESS AND COMMUNITY PARTICIPATION.—
12 The director of each Job Corps center shall ensure the
13 establishment and development of the business and com-
14 munity networks described in subsection (b) in order to
15 enhance the effectiveness of such centers.

16 (b) NETWORKS.—The activities carried out by each
17 Job Corps center under this section shall include—

18 (1) establishing and developing relationships
19 and networks with—

20 (A) local and distant employers, to the ex-
21 tent practicable, in coordination with other Fed-
22 eral and non-Federal programs that conduct
23 similar outreach to employers;

1 (B) applicable one-stop centers and appli-
2 cable local boards, for the purpose of pro-
3 viding—

4 (i) information to, and referral of, po-
5 tential enrollees; and

6 (ii) job opportunities for Job Corps
7 graduates; and

8 (C)(i) relevant apprenticeship programs
9 and youth programs;

10 (ii) labor-management organizations and
11 local labor organizations;

12 (iii) employers and contractors that sup-
13 port national training contractor programs; and

14 (iv) community-based organizations, non-
15 profit organizations, and intermediaries pro-
16 viding workforce development-related services;
17 and

18 (2) establishing and developing relationships
19 with members of the community in which the Job
20 Corps center is located, informing members of the
21 community about the projects of the Job Corps cen-
22 ter and changes in the rules, procedures, or activities
23 of the center that may affect the community, and
24 planning events of mutual interest to the community
25 and the Job Corps center.

1 (c) NEW CENTERS.—The director of a Job Corps
2 center that is not yet operating shall ensure the establish-
3 ment and development of the relationships and networks
4 described in subsection (b) at least 3 months prior to the
5 date on which the center accepts the first enrollee at the
6 center.

7 **SEC. 254. INDUSTRY COUNCILS.**

8 (a) IN GENERAL.—Each Job Corps center shall have
9 an industry council, appointed by the director of the cen-
10 ter, in accordance with procedures established by the Sec-
11 retary.

12 (b) INDUSTRY COUNCIL COMPOSITION.—

13 (1) IN GENERAL.—An industry council shall be
14 comprised of—

15 (A) a majority of members who shall be
16 owners of business concerns, chief executives or
17 chief operating officers of nongovernmental em-
18 ployers, or other private sector employers,
19 who—

20 (i) have substantial management, hir-
21 ing, or policy responsibility; and

22 (ii) represent businesses with employ-
23 ment opportunities that reflect the employ-
24 ment opportunities of the applicable local

1 areas in which enrollees will be seeking em-
2 ployment;

3 (B) representatives of labor organizations
4 (where present) and representatives of employ-
5 ees; and

6 (C) enrollees and graduates of the Job
7 Corps.

8 (2) LOCAL BOARD.—The industry council may
9 include members of the applicable local boards who
10 meet the requirements described in paragraph (1).

11 (3) EMPLOYERS OUTSIDE OF LOCAL AREA.—
12 The industry council for a Job Corps center may in-
13 clude, or otherwise provide for consultation with,
14 employers from outside the local area who are likely
15 to hire a significant number of enrollees from the
16 Job Corps center.

17 (4) SPECIAL RULE FOR SINGLE STATE LOCAL
18 AREAS.—In the case of a single State local area des-
19 ignated under section 116(b), the industry council
20 shall include a representative of the State Board.

21 (c) RESPONSIBILITIES.—The responsibilities of the
22 industry council shall be—

23 (1) to work closely with all applicable local
24 boards in order to determine, and recommend to the

1 Secretary, appropriate career and technical edu-
2 cation and training for the center;

3 (2) to review all the relevant labor market in-
4 formation to—

5 (A) determine the employment opportuni-
6 ties in the local areas in which the enrollees in-
7 tend to seek employment after graduation;

8 (B) determine the skills and education that
9 are necessary to obtain the employment oppor-
10 tunities; and

11 (C) recommend to the Secretary the type
12 of career and technical education and training
13 that should be implemented at the center to en-
14 able the enrollees to obtain the employment op-
15 portunities; and

16 (3) to meet at least once every 6 months to re-
17 evaluate the labor market information, and other rel-
18 evant information, to determine, and recommend to
19 the Secretary, any necessary changes in the career
20 and technical education and training provided at the
21 center.

22 (d) NEW CENTERS.—The industry council for a Job
23 Corps center that is not yet operating shall carry out the
24 responsibilities described in subsection (c) at least 3

1 months prior to the date on which the center accepts the
2 first enrollee at the center.

3 **SEC. 255. ADVISORY COMMITTEES.**

4 The Secretary may establish and use advisory com-
5 mittees in connection with the operation of the Job Corps
6 program, and the operation of Job Corps centers, when-
7 ever the Secretary determines that the availability of out-
8 side advice and counsel on a regular basis would be of
9 substantial benefit in identifying and overcoming prob-
10 lems, in planning program or center development, or in
11 strengthening relationships between the Job Corps and
12 agencies, institutions, or groups engaged in related activi-
13 ties.

14 **SEC. 256. EXPERIMENTAL, RESEARCH, AND DEMONSTRA-**
15 **TION PROJECTS.**

16 The Secretary may carry out experimental, research,
17 or demonstration projects relating to carrying out the Job
18 Corps program. The Secretary may waive any provisions
19 of this subtitle that the Secretary finds would prevent the
20 Secretary from carrying out the projects if the Secretary
21 informs the Committee on Health, Education, Labor, and
22 Pensions of the Senate and the Committee on Education
23 and the Workforce of the House of Representatives, in
24 writing, not less than 90 days in advance of issuing such
25 waiver.

1 **SEC. 257. APPLICATION OF PROVISIONS OF FEDERAL LAW.**

2 (a) **ENROLLEES NOT CONSIDERED TO BE FEDERAL**
3 **EMPLOYEES.—**

4 (1) **IN GENERAL.—**Except as otherwise pro-
5 vided in this subsection and in section 8143(a) of
6 title 5, United States Code, enrollees shall not be
7 considered to be Federal employees and shall not be
8 subject to the provisions of law relating to Federal
9 employment, including such provisions regarding
10 hours of work, rates of compensation, leave, unem-
11 ployment compensation, and Federal employee bene-
12 fits.

13 (2) **PROVISIONS RELATING TO TAXES AND SO-**
14 **CIAL SECURITY BENEFITS.—**For purposes of the In-
15 ternal Revenue Code of 1986 and title II of the So-
16 cial Security Act (42 U.S.C. 401 et seq.), enrollees
17 shall be deemed to be employees of the United
18 States and any service performed by an individual as
19 an enrollee shall be deemed to be performed in the
20 employ of the United States.

21 (3) **PROVISIONS RELATING TO COMPENSATION**
22 **TO FEDERAL EMPLOYEES FOR WORK INJURIES.—**
23 For purposes of subchapter I of chapter 81 of title
24 5, United States Code (relating to compensation to
25 Federal employees for work injuries), enrollees shall
26 be deemed to be civil employees of the Government

1 of the United States within the meaning of the term
2 “employee” as defined in section 8101 of title 5,
3 United States Code, and the provisions of such sub-
4 chapter shall apply as specified in section 8143(a) of
5 title 5, United States Code.

6 (4) FEDERAL TORT CLAIMS PROVISIONS.—For
7 purposes of the Federal tort claims provisions in
8 title 28, United States Code, enrollees shall be con-
9 sidered to be employees of the Government.

10 (b) ADJUSTMENTS AND SETTLEMENTS.—Whenever
11 the Secretary finds a claim for damages to a person or
12 property resulting from the operation of the Job Corps
13 to be a proper charge against the United States, and the
14 claim is not cognizable under section 2672 of title 28,
15 United States Code, the Secretary may adjust and settle
16 the claim in an amount not exceeding \$1,500.

17 (c) PERSONNEL OF THE UNIFORMED SERVICES.—
18 Personnel of the uniformed services who are detailed or
19 assigned to duty in the performance of agreements made
20 by the Secretary for the support of the Job Corps shall
21 not be counted in computing strength under any law lim-
22 iting the strength of such services or in computing the
23 percentage authorized by law for any grade in such serv-
24 ices.

1 **SEC. 258. SPECIAL PROVISIONS.**

2 (a) ENROLLMENT.—The Secretary shall ensure that
3 women and men have an equal opportunity to participate
4 in the Job Corps program, consistent with section 245.

5 (b) STUDIES, EVALUATIONS, PROPOSALS, AND
6 DATA.—The Secretary shall assure that all studies, eval-
7 uations, proposals, and data produced or developed with
8 Federal funds in the course of carrying out the Job Corps
9 program shall become the property of the United States.

10 (c) TRANSFER OF PROPERTY.—

11 (1) IN GENERAL.—Notwithstanding chapter 5
12 of title 40, United States Code, and any other provi-
13 sion of law, the Secretary and the Secretary of Edu-
14 cation shall receive priority by the Secretary of De-
15 fense for the direct transfer, on a nonreimbursable
16 basis, of the property described in paragraph (2) for
17 use in carrying out programs under this Act or
18 under any other Act.

19 (2) PROPERTY.—The property described in this
20 paragraph is real and personal property under the
21 control of the Department of Defense that is not
22 used by such Department, including property that
23 the Secretary of Defense determines is in excess of
24 current and projected requirements of such Depart-
25 ment.

1 (d) GROSS RECEIPTS.—Transactions conducted by a
2 private for-profit or nonprofit entity that is an operator
3 or service provider for a Job Corps center shall not be
4 considered to be generating gross receipts. Such an oper-
5 ator or service provider shall not be liable, directly or indi-
6 rectly, to any State or subdivision of a State (nor to any
7 person acting on behalf of such a State or subdivision)
8 for any gross receipts taxes, business privilege taxes meas-
9 ured by gross receipts, or any similar taxes imposed on,
10 or measured by, gross receipts in connection with any pay-
11 ments made to or by such entity for operating or providing
12 services to a Job Corps center. Such an operator or service
13 provider shall not be liable to any State or subdivision of
14 a State to collect or pay any sales, excise, use, or similar
15 tax imposed on the sale to or use by such operator or serv-
16 ice provider of any property, service, or other item in con-
17 nection with the operation of or provision of services to
18 a Job Corps center.

19 (e) MANAGEMENT FEE.—The Secretary shall provide
20 each operator and (in an appropriate case, as determined
21 by the Secretary) service provider with an equitable and
22 negotiated management fee of not less than 1 percent of
23 the amount of the funding provided under the appropriate
24 agreement specified in section 247.

1 (f) DONATIONS.—The Secretary may accept on be-
2 half of the Job Corps or individual Job Corps centers
3 charitable donations of cash or other assistance, including
4 equipment and materials, if such donations are available
5 for appropriate use for the purposes set forth in this sub-
6 title.

7 (g) SALE OF PROPERTY.—Notwithstanding any other
8 provision of law, if the Administrator of General Services
9 sells a Job Corps center facility, the Administrator shall
10 transfer the proceeds from the sale to the Secretary, who
11 shall use the proceeds to carry out the Job Corps program.

12 **SEC. 259. MANAGEMENT INFORMATION.**

13 (a) FINANCIAL MANAGEMENT INFORMATION SYS-
14 TEM.—

15 (1) IN GENERAL.—The Secretary shall establish
16 procedures to ensure that each operator, and each
17 service provider, maintains a financial management
18 information system that will provide—

19 (A) accurate, complete, and current disclo-
20 sures of the costs of Job Corps operations; and

21 (B) sufficient data for the effective evalua-
22 tion of activities carried out through the Job
23 Corps program.

24 (2) ACCOUNTS.—Each operator and service
25 provider shall maintain funds received under this

1 subtitle in accounts in a manner that ensures timely
2 and accurate reporting as required by the Secretary.

3 (3) FISCAL RESPONSIBILITY.—Operators shall
4 remain fiscally responsible and control costs, regard-
5 less of whether the funds made available for Job
6 Corps centers are incrementally increased or de-
7 creased between fiscal years.

8 (b) AUDIT.—

9 (1) ACCESS.—The Secretary, the Inspector
10 General of the Department of Labor, the Comp-
11 troller General of the United States, and any of
12 their duly authorized representatives, shall have ac-
13 cess to any books, documents, papers, and records of
14 the operators and service providers described in sub-
15 section (a) that are pertinent to the Job Corps pro-
16 gram, for purposes of conducting surveys, audits,
17 and evaluations of the operators and service pro-
18 viders.

19 (2) SURVEYS, AUDITS, AND EVALUATIONS.—
20 The Secretary shall survey, audit, or evaluate, or ar-
21 range for the survey, audit, or evaluation of, the op-
22 erators and service providers, using Federal auditors
23 or independent public accountants. The Secretary
24 shall conduct such surveys, audits, or evaluations
25 not less often than once every 3 years.

1 (c) INFORMATION ON INDICATORS OF PERFORM-
2 ANCE.—

3 (1) LEVELS OF PERFORMANCE AND INDICA-
4 TORS.—The Secretary shall annually establish ex-
5 pected levels of performance for Job Corps centers
6 and the Job Corps program relating to each of the
7 primary indicators of performance for eligible youth
8 activities described in section 131(b)(2)(A)(ii).

9 (2) PERFORMANCE OF RECRUITERS.—The Sec-
10 retary shall also establish performance indicators,
11 and expected performance levels on the performance
12 indicators, for recruitment service providers serving
13 the Job Corps program. The performance indicators
14 shall relate to the number of enrollees recruited,
15 compared to the established goals for such recruit-
16 ment, and the number of enrollees who remain com-
17 mitted to the program for 90 days after enrollment.

18 (3) REPORT.—The Secretary shall collect, and
19 annually submit to the Committee on Health, Edu-
20 cation, Labor, and Pensions of the Senate and the
21 Committee on Education and the Workforce of the
22 House of Representatives, a report containing—

23 (A) information on the performance of
24 each Job Corps center, and the Job Corps pro-
25 gram, on the performance indicators described

1 in paragraph (1), as compared to the expected
2 level of performance established under such
3 paragraph for each performance accountability
4 measure; and

5 (B) information on the performance of the
6 service providers described in paragraph (2) on
7 the performance indicators established under
8 such paragraph, as compared to the expected
9 performance levels for the performance indica-
10 tors.

11 (d) ADDITIONAL INFORMATION.—

12 (1) IN GENERAL.—The Secretary shall also col-
13 lect, and submit in the report described in sub-
14 section (c), information on the performance of each
15 Job Corps center, and the Job Corps program, re-
16 garding—

17 (A) the number of enrollees served;

18 (B) demographic information on the enroll-
19 ees served, including age, race, gender, and
20 education and income level;

21 (C) the number of graduates who entered
22 the Armed Forces;

23 (D) the number of graduates who entered
24 apprenticeship programs;

1 (E) the number of graduates who entered
2 unsubsidized employment related to the career
3 and technical education and training received
4 through the Job Corps program and the num-
5 ber who entered unsubsidized employment not
6 related to the education and training received;

7 (F) the number and percentage of former
8 enrollees, including the number dismissed under
9 the zero tolerance policy described in section
10 252(b); and

11 (G) any additional information required by
12 the Secretary.

13 (2) RULES FOR REPORTING OF DATA.—The
14 disaggregation of data under this subsection shall
15 not be required when the number of individuals in
16 a category is insufficient to yield statistically reliable
17 information or when the results would reveal person-
18 ally identifiable information about an individual.

19 (e) METHODS.—The Secretary shall collect the infor-
20 mation described in subsections (c) and (d), using methods
21 described in section 131(i)(2) and consistent with State
22 law, by entering into agreements with the States to access
23 such data for Job Corps enrollees, former enrollees, and
24 graduates.

1 (f) PERFORMANCE ASSESSMENTS AND IMPROVE-
2 MENTS.—

3 (1) ASSESSMENTS.—The Secretary shall con-
4 duct an annual assessment of the performance of
5 each Job Corps center. Based on the assessment, the
6 Secretary shall take measures to continuously im-
7 prove the performance of the Job Corps program.

8 (2) PERFORMANCE IMPROVEMENT.—With re-
9 spect to a Job Corps center that fails to meet the
10 expected levels of performance relating to the pri-
11 mary indicators of performance specified in sub-
12 section (c)(1), the Secretary shall develop and imple-
13 ment a performance improvement plan. Such a plan
14 shall require action to be taken during a one-year
15 period, including—

16 (A) providing technical assistance to the
17 center;

18 (B) changing the career and technical edu-
19 cation and training offered at the center;

20 (C) changing the management staff of the
21 center;

22 (D) replacing the operator of the center;

23 (E) reducing the capacity of the center;

24 (F) relocating the center; or

25 (G) closing the center.

1 (3) ADDITIONAL PERFORMANCE IMPROVE-
2 MENT.—In addition to the performance improvement
3 plans required under paragraph (2), the Secretary
4 may develop and implement additional performance
5 improvement plans. Such a plan shall require im-
6 provements, including the actions described in such
7 paragraph, for a Job Corps center that fails to meet
8 criteria established by the Secretary other than the
9 expected levels of performance described in such
10 paragraph.

11 (4) CIVILIAN CONSERVATION CENTERS.—With
12 respect to a Civilian Conservation Center that fails
13 to meet the expected levels of performance relating
14 to the primary indicators of performance specified in
15 subsection (c)(1), or fails to improve performance as
16 described in paragraph (2), the Secretary, in con-
17 sultation with the Secretary of Agriculture, may se-
18 lect an entity to operate a Civilian Conservation
19 Center on a competitive basis, in accordance with
20 the requirements of section 247(a)(2)(B).

21 (g) PARTICIPANT HEALTH AND SAFETY.—The Sec-
22 retary shall require that an entity that has entered into
23 a contract with a Job Corps operator to provide work-
24 based learning activities for any Job Corps enrollee under
25 this subtitle shall comply with the Occupational Safety

1 and Health Act of 1970 (29 U.S.C. 651 et seq.) or, as
2 appropriate, under the corresponding State Occupational
3 Safety and Health Act of 1970 requirements in the State
4 in which such activities occur.

5 (h) BUILDINGS AND FACILITIES.—The Secretary
6 shall collect, and submit in the report described in sub-
7 section (c), information regarding the state of Job Corps
8 buildings and facilities. Such report shall include—

9 (1) a review of requested construction, rehabili-
10 tation, and acquisition projects, by each Job Corps
11 center; and

12 (2) a review of new facilities under construc-
13 tion.

14 (i) NATIONAL AND COMMUNITY SERVICE.—The Sec-
15 retary shall include in the report described in subsection
16 (c) available information regarding the national and com-
17 munity service activities of enrollees, particularly those en-
18 rollees at Civilian Conservation Centers.

19 (j) CLOSURE OF JOB CORPS CENTER.—Prior to the
20 closure of any Job Corps center, the Secretary shall en-
21 sure—

22 (1) that the proposed decision to close the cen-
23 ter is announced in advance to the general public
24 through publication in the Federal Register or other
25 appropriate means;

1 (2) the establishment of a reasonable comment
2 period, not to exceed 30 days, for interested individ-
3 uals to submit written comments to the Secretary;
4 and

5 (3) that the Member of Congress who rep-
6 resents the district in which such center is located
7 is notified within a reasonable period of time in ad-
8 vance of any final decision to close the center.

9 **SEC. 260. GENERAL PROVISIONS.**

10 The Secretary is authorized to—

11 (1) disseminate, with regard to the provisions of
12 section 3204 of title 39, United States Code, data
13 and information in such forms as the Secretary shall
14 determine to be appropriate, to public agencies, pri-
15 vate organizations, and the general public;

16 (2) subject to section 257(b), collect or com-
17 promise all obligations to or held by the Secretary
18 and exercise all legal or equitable rights accruing to
19 the Secretary in connection with the payment of ob-
20 ligations until such time as such obligations may be
21 referred to the Attorney General for suit or collec-
22 tion; and

23 (3) expend funds made available for purposes of
24 this subtitle—

1 (A) for printing and binding, in accordance
2 with applicable law (including regulation); and

3 (B) without regard to any other law (in-
4 cluding regulation), for rent of buildings and
5 space in buildings and for repair, alteration,
6 and improvement of buildings and space in
7 buildings rented by the Secretary, except that
8 the Secretary shall not expend funds under the
9 authority of this subparagraph—

10 (i) except when necessary to obtain an
11 item, service, or facility, that is required in
12 the proper administration of this subtitle,
13 and that otherwise could not be obtained,
14 or could not be obtained in the quantity or
15 quality needed, or at the time, in the form,
16 or under the conditions in which the item,
17 service, or facility is needed; and

18 (ii) prior to having given written noti-
19 fication to the Administrator of General
20 Services (if the expenditure would affect an
21 activity that otherwise would be under the
22 jurisdiction of the General Services Admin-
23 istration) of the intention of the Secretary
24 to make the expenditure, and the reasons
25 and justifications for the expenditure.

1 **SEC. 261. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to carry out
3 this subtitle such sums as may be necessary for each of
4 the fiscal years 2014 through 2018.

5 **Subtitle D—National Programs**

6 **SEC. 266. NATIVE AMERICAN PROGRAMS.**

7 (a) PURPOSE.—

8 (1) IN GENERAL.—The purpose of this section
9 is to support employment and training activities for
10 Indian, Alaska Native, and Native Hawaiian individ-
11 uals in order—

12 (A) to develop more fully the academic, oc-
13 cupational, and literacy skills of such individ-
14 uals;

15 (B) to make such individuals more com-
16 petitive in the workforce and to equip them
17 with the entrepreneurial skills necessary for
18 successful self-employment; and

19 (C) to promote the economic and social de-
20 velopment of Indian, Alaska Native, and Native
21 Hawaiian communities in accordance with the
22 goals and values of such communities.

23 (2) INDIAN POLICY.—All programs assisted
24 under this section shall be administered in a manner
25 consistent with the principles of the Indian Self-De-
26 termination and Education Assistance Act (25

1 U.S.C. 450 et seq.) and the government-to-govern-
2 ment relationship between the Federal Government
3 and Indian tribal governments.

4 (b) DEFINITIONS.—As used in this section:

5 (1) ALASKA NATIVE.—The term “Alaska Na-
6 tive” means a Native as such term is defined in sec-
7 tion 3(b) of the Alaska Native Claims Settlement
8 Act (43 U.S.C. 1602(b)).

9 (2) INDIAN, INDIAN TRIBE, AND TRIBAL ORGA-
10 NIZATION.—The terms “Indian”, “Indian tribe”,
11 and “tribal organization” have the meanings given
12 such terms in subsections (d), (e), and (l), respec-
13 tively, of section 4 of the Indian Self-Determination
14 and Education Assistance Act (25 U.S.C. 450b).

15 (3) NATIVE HAWAIIAN AND NATIVE HAWAIIAN
16 ORGANIZATION.—The terms “Native Hawaiian” and
17 “Native Hawaiian organization” have the meanings
18 given such terms in section 7207 of the Native Ha-
19 waiian Education Act (20 U.S.C. 7517).

20 (c) PROGRAM AUTHORIZED.—Every 4 years, the Sec-
21 retary shall, on a competitive basis, make grants to, or
22 enter into contracts or cooperative agreements with, In-
23 dian tribes, tribal organizations, Alaska Native entities,
24 Indian-controlled organizations serving Indians, or Native

1 Hawaiian organizations to carry out the authorized activi-
2 ties described in subsection (d).

3 (d) AUTHORIZED ACTIVITIES.—

4 (1) IN GENERAL.—Funds made available under
5 subsection (c) shall be used to carry out the activi-
6 ties described in paragraph (2) that—

7 (A) are consistent with this section; and

8 (B) are necessary to meet the needs of In-
9 dians, Alaska Natives, or Native Hawaiians
10 preparing to enter, reenter, or retain employ-
11 ment leading to self-sufficiency.

12 (2) WORKFORCE INVESTMENT ACTIVITIES AND
13 SUPPLEMENTAL SERVICES.—

14 (A) IN GENERAL.—Funds made available
15 under subsection (c) shall be used for—

16 (i) comprehensive workforce develop-
17 ment activities for Indians, Alaska Natives,
18 or Native Hawaiians, including training on
19 entrepreneurial skills; or

20 (ii) supplemental services for Indian,
21 Alaska Native, or Native Hawaiian youth
22 on or near Indian reservations and in
23 Oklahoma, Alaska, or Hawaii.

24 (B) SPECIAL RULE.—Notwithstanding any
25 other provision of this section, individuals who

1 were eligible to participate in programs under
2 section 401 of the Job Training Partnership
3 Act (as such section was in effect on the day
4 before the date of enactment of the Workforce
5 Investment Act of 1998) shall be eligible to par-
6 ticipate in an activity assisted under this sec-
7 tion.

8 (e) PROGRAM PLAN.—In order to receive a grant or
9 enter into a contract or cooperative agreement under this
10 section, an entity described in subsection (c) shall submit
11 to the Secretary a program plan that describes a 4-year
12 strategy for meeting the needs of Indian, Alaska Native,
13 or Native Hawaiian individuals, as appropriate, in the
14 area served by such entity. Such plan shall—

15 (1) be consistent with the purpose of this sec-
16 tion;

17 (2) identify the population to be served;

18 (3) identify the education and employment
19 needs of the population to be served and the manner
20 in which the activities to be provided will strengthen
21 the ability of the individuals served to obtain or re-
22 tain employment leading to self-sufficiency;

23 (4) describe the activities to be provided and
24 the manner in which such activities are to be inte-
25 grated with other appropriate activities; and

1 (5) describe, after the entity submitting the
2 plan consults with the Secretary, the performance
3 accountability measures to be used to assess the per-
4 formance of entities in carrying out the activities as-
5 sisted under this section, which shall include the pri-
6 mary indicators of performance described in section
7 131(b)(2)(A) and expected levels of performance for
8 such indicators, in accordance with subsection (h).

9 (f) CONSOLIDATION OF FUNDS.—Each entity receiv-
10 ing assistance under subsection (c) may consolidate such
11 assistance with assistance received from related programs
12 in accordance with the provisions of the Indian Employ-
13 ment, Training and Related Services Demonstration Act
14 of 1992 (25 U.S.C. 3401 et seq.).

15 (g) NONDUPLICATIVE AND NONEXCLUSIVE SERV-
16 ICES.—Nothing in this section shall be construed—

17 (1) to limit the eligibility of any entity de-
18 scribed in subsection (c) to participate in any activ-
19 ity offered by a State or local entity under this Act;
20 or

21 (2) to preclude or discourage any agreement,
22 between any entity described in subsection (c) and
23 any State or local entity, to facilitate the provision
24 of services by such entity or to the population served
25 by such entity.

1 (h) PERFORMANCE ACCOUNTABILITY MEASURES.—

2 (1) ADDITIONAL PERFORMANCE INDICATORS
3 AND STANDARDS.—

4 (A) DEVELOPMENT OF INDICATORS AND
5 STANDARDS.—The Secretary, in consultation
6 with the Native American Employment and
7 Training Council, shall develop a set of per-
8 formance indicators and standards that is in
9 addition to the primary indicators of perform-
10 ance described in section 131(b)(2)(A) and that
11 shall be applicable to programs under this sec-
12 tion.

13 (B) SPECIAL CONSIDERATIONS.—Such per-
14 formance indicators and standards shall take
15 into account—

16 (i) the purpose of this section as de-
17 scribed in subsection (a)(1);

18 (ii) the needs of the groups served by
19 this section, including the differences in
20 needs among such groups in various geo-
21 graphic service areas; and

22 (iii) the economic circumstances of the
23 communities served, including differences
24 in circumstances among various geographic
25 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
6 131(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 131(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 or
13 title I that are inconsistent with the specific
14 needs of the entities described in such sub-
15 section, except that the Secretary may not
16 waive requirements relating to wage and labor
17 standards, worker rights, participation and pro-
18 tection of workers and participants, grievance
19 procedures, and judicial 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 289(i)(2).

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, contracts,
16 and cooperative agreements entered into under this section
17 shall be subject to the requirements of chapter 75 of sub-
18 title V of title 31, United States Code, and charging of
19 costs under this section shall be subject to appropriate cir-
20 culars issued by the Office of Management and Budget.

21 (k) ASSISTANCE TO UNIQUE POPULATIONS IN ALAS-
22 KA AND HAWAII.—

23 (1) IN GENERAL.—Notwithstanding any other
24 provision of law, the Secretary is authorized to pro-
25 vide assistance to the Cook Inlet Tribal Council, In-

1 corporated, and the University of Hawaii at Maui,
2 for the unique populations who reside in Alaska or
3 Hawaii, respectively, to improve job training and
4 workforce investment activities.

5 (2) AUTHORIZATION OF APPROPRIATIONS.—

6 There are authorized to be appropriated to carry out
7 this subsection such sums as may be necessary for
8 each of fiscal years 2014 through 2018.

9 **SEC. 267. MIGRANT AND SEASONAL FARMWORKER PRO-**
10 **GRAMS.**

11 (a) IN GENERAL.—Every 4 years, the Secretary
12 shall, on a competitive basis, make grants to, or enter into
13 contracts with, eligible entities to carry out the activities
14 described in subsection (d).

15 (b) ELIGIBLE ENTITIES.—To be eligible to receive a
16 grant or enter into a contract under this section, an entity
17 shall have an understanding of the problems of eligible mi-
18 grant and seasonal farmworkers (including dependents),
19 a familiarity with the area to be served, and the ability
20 to demonstrate a capacity to administer and deliver effec-
21 tively a diversified program of workforce investment activi-
22 ties (including youth workforce investment activities) and
23 related assistance for eligible migrant and seasonal farm-
24 workers.

25 (c) PROGRAM PLAN.—

1 (1) IN GENERAL.—To be eligible to receive a
2 grant or enter into a contract under this section, an
3 entity described in subsection (b) shall submit to the
4 Secretary a plan that describes a 4-year strategy for
5 meeting the needs of eligible migrant and seasonal
6 farmworkers in the area to be served by such entity.

7 (2) CONTENTS.—Such plan shall—

8 (A) describe the population to be served
9 and identify the education and employment
10 needs of the population to be served and the
11 manner in which the services to be provided will
12 strengthen the ability of the eligible migrant
13 and seasonal farmworkers and dependents to
14 obtain or retain unsubsidized employment, or
15 stabilize their unsubsidized employment, includ-
16 ing upgraded employment in agriculture;

17 (B) describe the related assistance and
18 supportive services to be provided and the man-
19 ner in which such assistance and services are to
20 be integrated and coordinated with other appro-
21 priate services;

22 (C) describe the performance account-
23 ability measures to be used to assess the per-
24 formance of such entity in carrying out the ac-
25 tivities assisted under this section, which shall

1 include the expected levels of performance for
2 the primary indicators of performance described
3 in section 131(b)(2)(A);

4 (D) describe the availability and accessi-
5 bility of local resources such as supportive serv-
6 ices, services provided through one-stop delivery
7 systems, and education and training services,
8 and how the resources can be made available to
9 the population to be served; and

10 (E) describe the plan for providing services
11 under this section, including strategies and sys-
12 tems for outreach, career planning, assessment,
13 and delivery through one-stop delivery systems.

14 (3) AGREEMENT ON ADJUSTED LEVELS OF
15 PERFORMANCE.—The Secretary and the entity de-
16 scribed in subsection (b) shall reach agreement on
17 the levels of performance for each of the primary in-
18 dicators of performance described in section
19 131(b)(2)(A), taking into account economic condi-
20 tions, characteristics of the individuals served, and
21 other appropriate factors, and using, to the extent
22 practicable the statistical adjustment model under
23 section 131(b)(3)(A)(viii). The levels agreed to shall
24 be the adjusted levels of performance and shall be
25 incorporated in the program plan.

1 (4) ADMINISTRATION.—Grants and contracts
2 awarded under this section shall be centrally admin-
3 istered by the Department of Labor and competi-
4 tively awarded by the Secretary using procedures
5 consistent with standard Federal Government com-
6 petitive procurement policies.

7 (d) AUTHORIZED ACTIVITIES.—Funds made avail-
8 able under this section and section 227 shall be used to
9 carry out workforce investment activities (including youth
10 workforce investment activities) and provide related assist-
11 ance for eligible migrant and seasonal farmworkers, which
12 may include—

13 (1) outreach, employment, training, educational
14 assistance, literacy assistance, English language and
15 literacy instruction, pesticide and worker safety
16 training, housing (including permanent housing),
17 supportive services, and school dropout prevention
18 activities;

19 (2) followup services for those individuals
20 placed in employment;

21 (3) self-employment and related business or
22 micro-enterprise development or education as needed
23 by eligible individuals as identified pursuant to the
24 plan required by subsection (c);

1 (4) customized career and technical education
2 in occupations that will lead to higher wages, en-
3 hanced benefits, and long-term employment in agri-
4 culture or another area; and

5 (5) technical assistance to improve coordination
6 of services and implement best practices relating to
7 service delivery through one-stop delivery systems.

8 (e) CONSULTATION WITH GOVERNORS AND LOCAL
9 BOARDS.—In making grants and entering into contracts
10 under this section, the Secretary shall consult with the
11 Governors and local boards of the States in which the eli-
12 gible entities will carry out the activities described in sub-
13 section (d).

14 (f) REGULATIONS.—The Secretary shall consult with
15 eligible migrant and seasonal farmworkers groups and
16 States in establishing regulations to carry out this section,
17 including regulations relating to how economic and demo-
18 graphic barriers to employment of eligible migrant and
19 seasonal farmworkers should be considered and included
20 in the negotiations leading to the adjusted levels of per-
21 formance described in subsection (c).

22 (g) COMPLIANCE WITH SINGLE AUDIT REQUIRE-
23 MENTS; RELATED REQUIREMENT.—Grants and contracts
24 entered into under this section shall be subject to the re-
25 quirements of chapter 75 of subtitle V of title 31, United

1 States Code and charging of costs under this section shall
 2 be subject to appropriate circulars issued by the Office of
 3 Management and Budget.

4 (h) FUNDING ALLOCATION.—From the funds appro-
 5 priated and made available to carry out this section, the
 6 Secretary shall reserve not more than 1 percent for discre-
 7 tionary purposes, such as providing technical assistance
 8 to eligible entities.

9 (i) DEFINITIONS.—In this section:

10 (1) DEPENDENT.—The term “dependent”, used
 11 with respect to an eligible migrant or seasonal farm-
 12 worker, means an individual who—

13 (A) was claimed as a dependent on the
 14 farmworker’s Federal income tax return for the
 15 previous year;

16 (B) is the spouse of the farmworker; or

17 (C) is able to establish—

18 (i) a relationship as the farm-
 19 worker’s—

20 (I) biological or legally adopted
 21 child, grandchild, or great-grandchild;

22 (II) foster child;

23 (III) stepchild;

24 (IV) brother, sister, half-brother,
 25 half-sister, stepbrother, or stepsister;

- 1 (V) parent, grandparent, or other
2 direct ancestor (but not foster par-
3 ent);
4 (VI) stepfather or stepmother;
5 (VII) uncle or aunt;
6 (VIII) niece or nephew; or
7 (IX) father-in-law, mother-in-law,
8 son-in-law, daughter-in-law, brother-
9 in-law, or sister-in-law; and
10 (ii) the receipt of over half of the indi-
11 vidual's total support from the farm-
12 worker's family during the eligibility deter-
13 mination period described in paragraph
14 (4)(A) for the farmworker.

15 (2) ELIGIBLE MIGRANT AND SEASONAL FARM-
16 WORKERS.—The term “eligible migrant and seasonal
17 farmworkers” means individuals who are eligible mi-
18 grant farmworkers or are eligible seasonal farm-
19 workers.

20 (3) ELIGIBLE MIGRANT FARMWORKER.—The
21 term “eligible migrant farmworker” means—

22 (A) an eligible seasonal farmworker de-
23 scribed in paragraph (4)(A) whose agricultural
24 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 (4) **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. 268. VETERANS’ WORKFORCE INVESTMENT PRO-**
19 **GRAMS.**

20 (a) **AUTHORIZATION.**—

21 (1) **IN GENERAL.**—The Secretary shall conduct,
22 directly or through grants or contracts, programs to
23 meet the needs for workforce investment activities of
24 veterans with service-connected disabilities, veterans
25 who have significant barriers to employment, vet-

1 erans who served on active duty in the armed forces
2 during a war or in a campaign or expedition for
3 which a campaign badge has been authorized, and
4 recently separated veterans.

5 (2) CONDUCT OF PROGRAMS.—Programs sup-
6 ported under this section may be conducted through
7 grants and contracts with public agencies and pri-
8 vate nonprofit organizations, including recipients of
9 Federal assistance under other provisions of this
10 title, that the Secretary determines have an under-
11 standing of the unemployment problems of veterans
12 described in paragraph (1), familiarity with the area
13 to be served, and the capability to administer effec-
14 tively a program of workforce investment activities
15 for such veterans.

16 (3) REQUIRED ACTIVITIES.—Programs sup-
17 ported under this section shall include—

18 (A) activities to enhance services provided
19 to veterans by other providers of workforce in-
20 vestment activities funded by Federal, State, or
21 local government, including services provided by
22 one-stop operators and one-stop partners;

23 (B) activities to provide workforce invest-
24 ment activities to such veterans that are not

1 adequately provided by other public providers of
2 workforce investment activities; and

3 (C) outreach and public information activi-
4 ties to develop and promote maximum job and
5 job training opportunities for such veterans and
6 to inform such veterans about employment, job
7 training, on-the-job training, and educational
8 opportunities under this title, under title 38,
9 United States Code, and under other provisions
10 of law, which activities shall be coordinated with
11 activities provided through the one-stop centers
12 described in section 221(e).

13 (b) ADMINISTRATION OF PROGRAMS.—

14 (1) IN GENERAL.—The Secretary shall admin-
15 ister programs supported under this section through
16 the Assistant Secretary for Veterans' Employment
17 and Training.

18 (2) ADDITIONAL RESPONSIBILITIES.—In car-
19 rying out responsibilities under this section, the As-
20 sistant Secretary for Veterans' Employment and
21 Training shall—

22 (A) be responsible for the awarding of
23 grants and contracts and the distribution of
24 funds under this section and for the establish-
25 ment of appropriate fiscal controls, account-

1 ability, and program performance accountability
2 measures for recipients of grants and contracts
3 under this section; and

4 (B) consult with the Secretary of Veterans
5 Affairs and take steps to ensure that programs
6 supported under this section are coordinated, to
7 the maximum extent feasible, with related pro-
8 grams and activities conducted under title 38,
9 United States Code, including programs and ac-
10 tivities conducted under chapter 63 of such
11 title, any of chapters 30 through 34 of such
12 title, and sections 1712A, 1720A, 3687, and
13 4103A of such title.

14 (3) PERFORMANCE ACCOUNTABILITY MEAS-
15 URES.—In carrying out the responsibilities relating
16 to performance accountability measures described in
17 paragraph (2)(A), the Assistant Secretary for Vet-
18 erans' Employment and Training shall, for each
19 grant or contract under this section providing edu-
20 cation, training, or employment services to veterans,
21 include among such measures the primary indicators
22 of performance described in section 131(b)(2)(A)(i)
23 and adjusted levels of performance for each such in-
24 dicator that are agreed to by the Assistant Secretary
25 and the recipient of the grant or contract.

1 **SEC. 269. TECHNICAL ASSISTANCE.**

2 (a) GENERAL TECHNICAL ASSISTANCE.—

3 (1) IN GENERAL.—The Secretary shall provide,
4 coordinate, and support the development of, appro-
5 priate training, technical assistance, staff develop-
6 ment, and other activities, including—

7 (A) assistance in replicating programs of
8 demonstrated effectiveness, to States and local-
9 ities;

10 (B) the training of staff providing rapid
11 response services;

12 (C) the training of other staff of recipients
13 of funds under this title, including the staff of
14 local boards and State boards;

15 (D) the training of members of State
16 boards and local boards;

17 (E) assistance in the development and im-
18 plementation of integrated, technology-enabled
19 intake and case management information sys-
20 tems for programs carried out under this Act
21 and programs carried out by one-stop partners,
22 such as standard sets of technical requirements
23 for the systems, offering interfaces that States
24 could use in conjunction with their current (as
25 of the first date of implementation of the sys-
26 tems) intake and case management information

1 systems that would facilitate shared registration
2 across programs;

3 (F) peer review activities under this title;
4 and

5 (G) in particular, assistance to States in
6 making transitions to implement the provisions
7 of this Act.

8 (2) SUFFICIENT CAPACITY.—The Secretary
9 shall ensure that the Department has sufficient ca-
10 pacity to carry out, and carries out, directly or in ac-
11 cordance with paragraph (3), the activities described
12 in paragraph (1) for all States and recipients of fi-
13 nancial assistance under any of sections 266 through
14 268.

15 (3) FORM OF ASSISTANCE.—

16 (A) IN GENERAL.—In order to carry out
17 paragraph (1) on behalf of a State or recipient
18 of financial assistance under any of sections
19 266 through 268, the Secretary, after consulta-
20 tion with the State or grant recipient, may
21 award grants or enter into contracts or coopera-
22 tive agreements.

23 (B) LIMITATION.—Grants or contracts
24 awarded under paragraph (1) to entities other
25 than States or local units of government that

1 are for amounts in excess of \$100,000 shall
2 only be awarded on a competitive basis.

3 (b) DISLOCATED WORKER TECHNICAL ASSIST-
4 ANCE.—

5 (1) AUTHORITY.—Of the amounts available
6 pursuant to section 232(a)(2)(A), the Secretary shall
7 reserve not more than 5 percent of such amounts to
8 provide technical assistance to States that do not
9 meet the State performance accountability measures
10 described in section 131(b)(2)(A)(i) with respect to
11 employment and training activities for dislocated
12 workers. Using such reserved funds, the Secretary
13 may provide such assistance to other States, local
14 areas, and other entities involved in providing assist-
15 ance to dislocated workers, to promote the contin-
16 uous improvement of assistance provided to dis-
17 located workers, under this title.

18 (2) TRAINING.—Amounts reserved under this
19 subsection may be used to provide for the training
20 of staff, including specialists, who provide rapid re-
21 sponse services. Such training shall include instruc-
22 tion in proven methods of promoting, establishing,
23 and assisting labor-management committees. Such
24 projects shall be administered through the Employ-

1 ment and Training Administration of the Depart-
2 ment.

3 (c) PROMISING AND PROVEN PRACTICES COORDINA-
4 TION.—Consistent with the identification and dissemina-
5 tion of promising and proven practices under subtitle C
6 of title I, the Secretary shall—

7 (1) establish a system through which States
8 may share information regarding promising and
9 proven practices with regard to the operation of
10 workforce investment activities under this Act;

11 (2) evaluate and disseminate information re-
12 garding such promising and proven practices and
13 identify knowledge gaps; and

14 (3) commission research under section 270(b)
15 to address knowledge gaps identified under para-
16 graph (2).

17 **SEC. 270. EVALUATIONS AND RESEARCH.**

18 (a) EVALUATIONS.—

19 (1) EVALUATIONS OF PROGRAMS AND ACTIVI-
20 TIES CARRIED OUT UNDER THIS TITLE AND TITLE
21 I.—For the purpose of improving the management
22 and effectiveness of programs and activities carried
23 out under this title and title I, the Secretary shall
24 provide for the continuing evaluation of the pro-
25 grams and activities, including those programs and

1 activities carried out under this section. Each such
2 evaluation 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 and participants in-
3 volved;

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 (2) 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 (3) TECHNIQUES.—Evaluations conducted
17 under this subsection shall utilize appropriate meth-
18 odology and research designs, including the use of
19 control groups chosen by scientific random assign-
20 ment methodologies. The Secretary shall conduct at
21 least 1 multisite control group evaluation under this
22 subsection by the end of fiscal year 2018.

23 (4) REPORTS.—The entity carrying out an eval-
24 uation described in paragraph (1) or (2) shall pre-
25 pare and submit to the Secretary a draft report and

1 a final report containing the results of the evalua-
2 tion.

3 (5) REPORTS TO CONGRESS.—Not later than
4 30 days after the completion of a draft report under
5 paragraph (4), the Secretary shall transmit the draft
6 report 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. Not later than 60 days after the
10 completion of a final report under such paragraph,
11 the Secretary shall transmit the final report to such
12 committees of the Congress.

13 (6) PUBLICATION OF REPORTS.—If an entity
14 that enters into a contract or other arrangement
15 with the Secretary to conduct an evaluation of a pro-
16 gram or activity under this subsection requests per-
17 mission from the Secretary to publish a report re-
18 sulting from the evaluation, such entity may publish
19 the report unless the Secretary denies the request
20 during the 90-day period beginning on the date the
21 Secretary receives such request.

22 (7) COORDINATION.—The Secretary shall en-
23 sure the coordination of evaluations carried out by
24 States pursuant to section 131(e) with the evalua-
25 tions carried out under this subsection.

1 (b) RESEARCH, STUDIES, AND MULTISTATE
2 PROJECTS.—

3 (1) IN GENERAL.—After consultation with
4 States, localities, and other interested parties, the
5 Secretary shall, every 2 years, publish in the Federal
6 Register, a plan that describes the research, studies,
7 and multistate project priorities of the Department
8 of Labor concerning employment and training for
9 the 5-year period following the submission of the
10 plan. The plan shall be consistent with the purposes
11 of this title and title I, including the purpose of
12 aligning and coordinating core programs with other
13 one-stop partner programs. Copies of the plan shall
14 be transmitted to the Committee on Education and
15 the Workforce of the House of Representatives, the
16 Committee on Health, Education, Labor, and Pen-
17 sions of the Senate, the Department of Education,
18 and other relevant Federal agencies.

19 (2) FACTORS.—The plan published under para-
20 graph (1) shall contain strategies to address national
21 employment and training problems and take into ac-
22 count factors such as—

23 (A) the availability of existing research (as
24 of the date of the publication);

1 (B) the need to ensure results that have
2 interstate validity;

3 (C) the benefits of economies of scale and
4 the efficiency of proposed projects; and

5 (D) the likelihood that the results of the
6 projects will be useful to policymakers and
7 stakeholders in addressing employment and
8 training problems.

9 (3) RESEARCH PROJECTS.—The Secretary
10 shall, through grants or contracts, carry out re-
11 search projects that will contribute to the solution of
12 employment and training problems in the United
13 States and that are consistent with the priorities
14 specified in the plan published under subsection (a).

15 (4) STUDIES AND REPORTS.—

16 (A) NET IMPACT STUDIES AND RE-
17 PORTS.—

18 (i) IN GENERAL.—The Secretary of
19 Labor, in coordination with the Secretary
20 of Education and other relevant Federal
21 agencies, may conduct studies to determine
22 the net impact and best practices of pro-
23 grams, services, and activities carried out
24 under this Act.

1 (ii) REPORTS.—The Secretary shall
2 prepare and disseminate to the public, in-
3 cluding through electronic means, reports
4 containing the results of the studies con-
5 ducted under clause (i).

6 (B) STUDY ON RESOURCES AVAILABLE TO
7 ASSIST DISCONNECTED YOUTH.—The Secretary
8 of Labor, in coordination with the Secretary of
9 Education, may conduct a study examining—

10 (i) the characteristics of eligible youth
11 that result in such youth being signifi-
12 cantly disconnected from education and
13 workforce participation;

14 (ii) the ways in which such youth
15 could have greater opportunities for edu-
16 cation attainment and obtaining employ-
17 ment; and

18 (iii) the resources available at the
19 Federal, State, and local levels to assist
20 such youth in obtaining the skills (includ-
21 ing skills acquired through workforce prep-
22 aration activities), credentials, and work
23 experience necessary to become economi-
24 cally self-sufficient.

1 (C) STUDY OF EFFECTIVENESS OF WORK-
2 FORCE DEVELOPMENT SYSTEM IN MEETING
3 BUSINESS NEEDS.—

4 (i) IN GENERAL.—Using funds avail-
5 able to carry out this subsection jointly
6 with funds available to the Secretary of
7 Commerce, the Administrator of the Small
8 Business Administration, and the Sec-
9 retary of Education, the Secretary of
10 Labor, in coordination with the Secretary
11 of Commerce, the Administrator of the
12 Small Business Administration, and the
13 Secretary of Education, may conduct a
14 study of the effectiveness of the workforce
15 development system in meeting the needs
16 of business, with particular attention to
17 the needs of small business, including in
18 assisting workers to obtain the skills need-
19 ed to utilize emerging technologies. The
20 study may examine issues such as—

21 (I) methods for identifying the
22 workforce needs of businesses and
23 how the requirements of small busi-
24 nesses may differ from larger estab-
25 lishments;

1 (II) business satisfaction with the
2 workforce development system, with
3 particular emphasis on the satisfac-
4 tion of small businesses;

5 (III) the extent to which business
6 is engaged as a collaborative partner
7 in the workforce development system,
8 including—

9 (aa) the number and per-
10 centage of members of State
11 boards and local boards who are
12 representatives of businesses; and

13 (bb) the extent to which
14 State boards, local boards, and
15 one-stop centers established
16 under section 221(e) effectively
17 collaborate with business and in-
18 dustry leaders in developing
19 workforce development strategies,
20 including strategies to identify
21 high-growth employment oppor-
22 tunities;

23 (IV) ways in which the workforce
24 development system addresses the
25 changing skill needs of business that

1 result from changes in technology and
2 work processes;

3 (V) promising practices for serv-
4 ing small businesses;

5 (VI) the extent and manner in
6 which the workforce development sys-
7 tem uses technology to serve business
8 and individual needs, and how uses of
9 technology could enhance the effi-
10 ciency and effectiveness of the system
11 in providing services; and

12 (VII) the extent to which various
13 segments of the labor force have ac-
14 cess to and utilize technology to locate
15 job openings and apply for jobs, and
16 characteristics of individuals utilizing
17 such technology (such as age, gender,
18 race or ethnicity, industry sector, and
19 occupational group).

20 (ii) REPORT TO CONGRESS.—If the
21 Secretary conducts a study under clause
22 (i), the Secretary shall prepare and submit
23 to the Committee on Education and the
24 Workforce of the House of Representatives
25 and the Committee on Health, Education,

1 Labor, and Pensions of the Senate a re-
2 port containing the results of the study.
3 Such report shall include any recommenda-
4 tions the Secretary determines are appro-
5 priate to include in such report, including
6 ways to enhance the effectiveness of the
7 workforce development system in meeting
8 the needs of business for skilled workers.

9 (D) STUDY ON PARTICIPANTS ENTERING
10 NONTRADITIONAL OCCUPATIONS.—The Sec-
11 retary of Labor, in coordination with the Sec-
12 retary of Education, may conduct a study ex-
13 amining—

14 (i) the number and percentage of indi-
15 viduals who receive employment and train-
16 ing activities and who enter nontraditional
17 occupations;

18 (ii) successful strategies through
19 which State boards and local boards can
20 place and support the retention of individ-
21 uals in nontraditional employment, such as
22 by providing post-placement assistance to
23 participants in the form of exit interviews,
24 mentoring, networking, and leadership de-
25 velopment; and

1 (iii) the degree to which recipients of
2 employment and training activities are in-
3 formed of the possibility of, or directed to
4 begin, training or education needed for en-
5 trance into nontraditional occupations.

6 (E) STUDY ON PERFORMANCE INDICA-
7 TORS.—

8 (i) IN GENERAL.—The Secretary of
9 Labor, in coordination with the Secretary
10 of Education, may conduct studies to de-
11 termine the feasibility of, and potential
12 means to replicate, measuring the com-
13 pensation, including the wages, benefits,
14 and other incentives provided by an em-
15 ployer, received by program participants by
16 using data other than or in addition to
17 data available through wage records, for
18 potential use as a performance indicator.

19 (ii) REPORT.—The Secretary shall
20 prepare and disseminate to the public, in-
21 cluding through electronic means, a report
22 containing the results of any study con-
23 ducted under this subparagraph.

24 (F) STUDY ON JOB TRAINING FOR RECIPI-
25 ENTS OF PUBLIC HOUSING ASSISTANCE.—

1 (i) IN GENERAL.—The Secretary of
2 Labor, in coordination with the Secretary
3 of Housing and Urban Development, may
4 conduct studies to assist public housing
5 authorities to provide, to recipients of pub-
6 lic housing assistance, job training pro-
7 grams that successfully upgrade job skills
8 and employment in, and access to, jobs
9 with opportunity for advancement and eco-
10 nomic self-sufficiency for such recipients.

11 (ii) REPORT.—The Secretary shall
12 prepare and disseminate to the public, in-
13 cluding through electronic means, a report
14 containing the results of any study con-
15 ducted under this subparagraph.

16 (G) STUDY ON IMPROVING EMPLOYMENT
17 PROSPECTS FOR OLDER INDIVIDUALS.—

18 (i) IN GENERAL.—The Secretary of
19 Labor, in coordination with the Secretary
20 of Education and the Secretary of Health
21 and Human Services, may conduct studies
22 that lead to better design and implementa-
23 tion of, in conjunction with employers,
24 local boards or State boards, community
25 colleges or area career and technical edu-

1 cation schools, and other organizations, ef-
2 fective evidence-based strategies to provide
3 services to workers who are low-income,
4 low-skilled older individuals that increase
5 the workers' skills and employment pros-
6 pects.

7 (ii) REPORT.—The Secretary shall
8 prepare and disseminate to the public, in-
9 cluding through electronic means, a report
10 containing the results of any study con-
11 ducted under this subparagraph.

12 (H) STUDY ON PRIOR LEARNING.—

13 (i) IN GENERAL.—The Secretary of
14 Labor, in coordination with other Secre-
15 taries, as appropriate, may conduct studies
16 that, through the convening stakeholders
17 from the fields of education, workforce,
18 business, labor, defense, and veterans serv-
19 ices, and experts in such fields, develop
20 guidelines for assessing, accounting for,
21 and utilizing the prior learning of individ-
22 uals, including dislocated workers and vet-
23 erans, in order to provide the individuals
24 with postsecondary educational credit for
25 such prior learning that leads to the at-

1 tainment of a recognized postsecondary
2 credential and employment.

3 (ii) REPORT.—The Secretary shall
4 prepare and disseminate to the public, in-
5 cluding through electronic means, reports
6 containing the results of the studies con-
7 ducted.

8 (5) MULTISTATE PROJECTS.—

9 (A) AUTHORITY.—The Secretary may,
10 through grants or contracts, carry out
11 multistate projects that require demonstrated
12 expertise that is available at the national level
13 to effectively disseminate best practices and
14 models for implementing employment and train-
15 ing services, address the specialized employment
16 and training needs of particular service popu-
17 lations, or address industry-wide skill shortages,
18 to the extent such projects are consistent with
19 the priorities specified in the plan published
20 under paragraph (1).

21 (B) DESIGN OF GRANTS.—Grants or con-
22 tracts awarded under this paragraph shall be
23 designed to obtain information relating to the
24 provision of services under different economic
25 conditions or to various demographic groups in

1 order to provide guidance at the national and
2 State levels about how best to administer spe-
3 cific employment and training services.

4 (6) LIMITATIONS.—

5 (A) COMPETITIVE AWARDS.—A grant or
6 contract awarded for carrying out projects
7 under this subsection in an amount that ex-
8 ceeds \$100,000 shall be awarded only on a
9 competitive basis, except that a noncompetitive
10 award may be made in the case of a project
11 that is funded jointly with other public or pri-
12 vate sector entities that provide a substantial
13 portion of assistance under the grant or con-
14 tract for the project.

15 (B) TIME LIMITS.—A grant or contract
16 shall not be awarded under this subsection to
17 the same organization for more than 3 consecu-
18 tive years unless such grant or contract is com-
19 petitively reevaluated within such period.

20 (C) PEER REVIEW.—

21 (i) IN GENERAL.—The Secretary shall
22 utilize a peer review process—

23 (I) to review and evaluate all ap-
24 plications for grants in amounts that

1 exceed \$500,000 that are submitted
2 under this section; and

3 (II) to review and designate ex-
4 emplary and promising programs
5 under this section.

6 (ii) AVAILABILITY OF FUNDS.—The
7 Secretary is authorized to use funds pro-
8 vided under this section to carry out peer
9 review activities under this subparagraph.

10 (D) PRIORITY.—In awarding grants or
11 contracts under this subsection, priority shall be
12 provided to entities with recognized expertise in
13 the methods, techniques, and knowledge of
14 workforce investment activities and shall in-
15 clude appropriate time limits, established by the
16 Secretary, for the duration of such projects.

17 (c) DISLOCATED WORKER PROJECTS.—Of the
18 amount made available pursuant to section 232(a)(2)(A)
19 for any program year, the Secretary shall use not more
20 than 10 percent of such amount to carry out demonstra-
21 tion and pilot projects, multiservice projects, and
22 multistate projects relating to the employment and train-
23 ing needs of dislocated workers. Of the requirements of
24 this section, such projects shall be subject only to the pro-
25 visions relating to review and evaluation of applications

1 under subsection (c)(6)(C). Such projects may include
2 demonstration and pilot projects relating to promoting
3 self-employment, promoting job creation, averting disloca-
4 tions, assisting dislocated farmers, assisting dislocated
5 fishermen, and promoting public works. Such projects
6 shall be administered by the Secretary, acting through the
7 Assistant Secretary of Employment and Training Admin-
8 istration.

9 (d) ENERGY EFFICIENCY AND RENEWABLE ENERGY
10 WORKER TRAINING PROGRAM.—

11 (1) GRANT PROGRAM.—

12 (A) IN GENERAL.—Not later than 6
13 months after the date of enactment of the
14 Green Jobs Act of 2007, the Secretary of
15 Labor, in consultation with the Secretary of
16 Energy, shall establish an energy efficiency and
17 renewable energy worker training program
18 under which the Secretary of Labor shall carry
19 out the activities described in paragraph (2) to
20 achieve the purposes of this subsection.

21 (B) ELIGIBILITY.—For purposes of pro-
22 viding assistance and services under the pro-
23 gram established under this subsection—

1 (i) target populations of eligible indi-
2 viduals to be given priority for training
3 and other services shall include—

4 (I) workers impacted by national
5 energy and environmental policy;

6 (II) individuals in need of up-
7 dated training related to the energy
8 efficiency and renewable energy indus-
9 tries;

10 (III) veterans, or past and
11 present members of reserve compo-
12 nents of the Armed Forces;

13 (IV) unemployed individuals;

14 (V) individuals, including at-risk
15 youth, seeking employment pathways
16 out of poverty and into economic self-
17 sufficiency; and

18 (VI) formerly incarcerated, adju-
19 dicated, nonviolent offenders; and

20 (ii) energy efficiency and renewable
21 energy industries eligible to participate in
22 a program under this subsection include—

23 (I) the energy-efficient building,
24 construction, and retrofits industries;

- 1 (II) the renewable electric power
2 industry;
- 3 (III) the energy efficient and ad-
4 vanced drive train vehicle industry;
- 5 (IV) the biofuels industry;
- 6 (V) the materials use industry;
- 7 (VI) the energy efficiency assess-
8 ment industry serving the residential,
9 commercial, or industrial sectors; and
- 10 (VII) manufacturers that
11 produce sustainable products using
12 environmentally sustainable processes
13 and materials.

14 (2) ACTIVITIES.—

15 (A) NATIONAL RESEARCH PROGRAM.—

16 Under the program established under para-
17 graph (1), the Secretary, acting through the
18 Bureau of Labor Statistics, where appropriate,
19 shall collect and analyze labor market data to
20 track workforce trends resulting from energy-
21 related initiatives carried out under this sub-
22 section. Activities carried out under this sub-
23 paragraph shall include—

- 24 (i) tracking and documentation of
25 academic and occupational competencies as

1 well as future skill needs with respect to
2 renewable energy and energy efficiency
3 technology;

4 (ii) tracking and documentation of oc-
5 cupational information and workforce
6 training data with respect to renewable en-
7 ergy and energy efficiency technology;

8 (iii) collaborating with State agencies,
9 workforce investment boards, industry, or-
10 ganized labor, and community and non-
11 profit organizations to disseminate infor-
12 mation on successful strategies for labor
13 market services and worker training with
14 respect to renewable energy and energy ef-
15 ficiency technology;

16 (iv) serving as a clearinghouse for
17 best practices in workforce development,
18 job placement, and collaborative training
19 partnerships;

20 (v) encouraging the establishment of
21 workforce training initiatives with respect
22 to renewable energy and energy efficiency
23 technologies;

24 (vi) linking research and development
25 in renewable energy and energy efficiency

1 technology with the development of stand-
2 ards and curricula for current and future
3 jobs;

4 (vii) assessing new employment and
5 work practices including career ladder and
6 upgrade training as well as high perform-
7 ance work systems; and

8 (viii) providing technical assistance
9 and capacity building to national and State
10 energy partnerships, including industry
11 and labor representatives.

12 (B) NATIONAL ENERGY TRAINING PART-
13 NERSHIP GRANTS.—

14 (i) IN GENERAL.—Under the program
15 established under paragraph (1), the Sec-
16 retary shall award National Energy Train-
17 ing Partnerships Grants on a competitive
18 basis to eligible entities to enable such en-
19 tities to carry out training that leads to
20 economic self-sufficiency and to develop an
21 energy efficiency and renewable energy in-
22 dustries workforce. Grants shall be award-
23 ed under this subparagraph so as to ensure
24 geographic diversity with at least 2 grants
25 awarded to entities located in each of the

1 Petroleum Administration for Defense Dis-
2 tricts with no subdistricts, and at least 1
3 grant awarded to an entity located in each
4 of the subdistricts of the Petroleum Ad-
5 ministration for Defense District with sub-
6 districts.

7 (ii) ELIGIBILITY.—To be eligible to
8 receive a grant under clause (i), an entity
9 shall be a nonprofit partnership that—

10 (I) includes the equal participa-
11 tion of industry, including public or
12 private employers, and labor organiza-
13 tions, including joint labor-manage-
14 ment training programs, and may in-
15 clude workforce investment boards,
16 community-based organizations, quali-
17 fied service and conservation corps,
18 educational institutions, small busi-
19 nesses, cooperatives, State and local
20 veterans agencies, and veterans serv-
21 ice organizations; and

22 (II) demonstrates—

23 (aa) experience in imple-
24 menting and operating worker

1 skills training and education pro-
2 grams;

3 (bb) the ability to identify
4 and involve in training programs
5 carried out under this grant, tar-
6 get populations of individuals
7 who would benefit from training
8 and be actively involved in activi-
9 ties related to energy efficiency
10 and renewable energy industries;
11 and

12 (cc) the ability to help indi-
13 viduals achieve economic self-suf-
14 ficiency.

15 (iii) PRIORITY.—Priority shall be
16 given to partnerships which leverage addi-
17 tional public and private resources to fund
18 training programs, including cash or in-
19 kind matches from participating employers.

20 (C) STATE LABOR MARKET RESEARCH, IN-
21 FORMATION, AND LABOR EXCHANGE RESEARCH
22 PROGRAM.—

23 (i) IN GENERAL.—Under the program
24 established under paragraph (1), the Sec-
25 retary shall award competitive grants to

1 States to enable such States to administer
2 labor market and labor exchange informa-
3 tion programs that include the implemen-
4 tation of the activities described in clause
5 (ii), in coordination with the one-stop deliv-
6 ery system.

7 (ii) ACTIVITIES.—A State shall use
8 amounts awarded under a grant under this
9 subparagraph to provide funding to the
10 State agency that administers the Wagner-
11 Peyser Act (29 U.S.C. 49 et seq.) and
12 State unemployment compensation pro-
13 grams to carry out the following activities
14 using State agency merit staff:

15 (I) The identification of job open-
16 ings in the renewable energy and en-
17 ergy efficiency sector.

18 (II) The administration of skill
19 and aptitude testing and assessment
20 for workers.

21 (III) The counseling, career plan-
22 ning, and referral of qualified job
23 seekers to openings and training pro-
24 grams, including energy efficiency and
25 renewable energy training programs.

1 (D) STATE ENERGY TRAINING PARTNER-
2 SHIP PROGRAM.—

3 (i) IN GENERAL.—Under the program
4 established under paragraph (1), the Sec-
5 retary shall award competitive grants to
6 States to enable such States to administer
7 renewable energy and energy efficiency
8 workforce development programs that in-
9 clude the implementation of the activities
10 described in clause (ii).

11 (ii) PARTNERSHIPS.—A State shall
12 use amounts awarded under a grant under
13 this subparagraph to award competitive
14 grants to eligible State Energy Sector
15 Partnerships to enable such Partnerships
16 to coordinate with existing apprenticeship
17 and labor management training programs
18 and implement training programs that lead
19 to the economic self-sufficiency of trainees.

20 (iii) ELIGIBILITY.—To be eligible to
21 receive a grant under this subparagraph, a
22 State Energy Sector Partnership shall—

23 (I) consist of nonprofit organiza-
24 tions that include equal participation
25 from industry, including public or pri-

1 vate nonprofit employers, and labor
2 organizations, including joint labor-
3 management training programs, and
4 may include representatives from local
5 governments, the workforce develop-
6 ment system (including one-stop cen-
7 ters), community-based organizations,
8 qualified service and conservation
9 corps, community colleges and other
10 institutions of higher education, small
11 businesses, cooperatives, State and
12 local veterans agencies, and veterans
13 service organizations;

14 (II) demonstrate experience in
15 implementing and operating worker
16 skills training and education pro-
17 grams; and

18 (III) demonstrate the ability to
19 identify and involve in training pro-
20 grams, target populations of workers
21 who would benefit from training and
22 be actively involved in activities re-
23 lated to energy efficiency and renew-
24 able energy industries.

1 (iv) PRIORITY.—In awarding grants
2 under this subparagraph, the Secretary
3 shall give priority to States that dem-
4 onstrate that activities under the grant—

5 (I) meet national energy policies
6 associated with energy efficiency, re-
7 newable energy, and the reduction of
8 emissions of greenhouse gases;

9 (II) meet State energy policies
10 associated with energy efficiency, re-
11 newable energy, and the reduction of
12 emissions of greenhouse gases; and

13 (III) leverage additional public
14 and private resources to fund training
15 programs, including cash or in-kind
16 matches from participating employers.

17 (v) COORDINATION.—A grantee under
18 this subparagraph shall coordinate activi-
19 ties carried out under the grant with exist-
20 ing other appropriate training programs,
21 including apprenticeship and labor man-
22 agement training programs and activities
23 (including such activities referenced in
24 paragraph (3)(A)), and implement training

1 programs that lead to the economic self-
2 sufficiency of trainees.

3 (E) PATHWAYS OUT OF POVERTY DEM-
4 ONSTRATION PROGRAM.—

5 (i) IN GENERAL.—Under the program
6 established under paragraph (1), the Sec-
7 retary shall award competitive grants of
8 sufficient size to eligible entities to enable
9 such entities to carry out training that
10 leads to economic self-sufficiency. The Sec-
11 retary shall give priority to entities that
12 serve individuals in families with income of
13 less than 200 percent of the economic self-
14 sufficiency standard for the local areas
15 where the training is conducted that speci-
16 fies, as defined by the State, or where such
17 standard is not established, the income
18 needs of families, by family size, the num-
19 ber and ages of children in the family, and
20 sub-State geographical considerations.
21 Grants shall be awarded to ensure geo-
22 graphic diversity.

23 (ii) ELIGIBLE ENTITIES.—To be eligi-
24 ble to receive a grant under this subpara-

1 graph, an entity shall be a partnership
2 that—

3 (I) includes—

4 (aa) a State board or local
5 board;

6 (bb) community-based non-
7 profit organizations;

8 (cc) educational institutions
9 with expertise in serving low-in-
10 come adults or youth;

11 (dd) public or private em-
12 ployers from the industry sectors
13 described in paragraph (1)(B)(ii);
14 and

15 (ee) labor organizations rep-
16 resenting workers in such indus-
17 try sectors;

18 (II) demonstrates a record of
19 successful experience in implementing
20 and operating worker skills training
21 and education programs;

22 (III) coordinates activities, where
23 appropriate, with the workforce devel-
24 opment system; and

1 (IV) demonstrates the ability to
2 recruit individuals for training and to
3 support such individuals to successful
4 completion in training programs car-
5 ried out under this grant, targeting
6 populations of workers who are or will
7 be engaged in activities related to en-
8 ergy efficiency and renewable energy
9 industries.

10 (iii) PRIORITIES.—In awarding grants
11 under this subparagraph, the Secretary
12 shall give priority to applicants that—

13 (I) target programs to benefit
14 low-income workers, unemployed
15 youth and adults, school dropouts, or
16 other underserved sectors of the work-
17 force within areas of high poverty;

18 (II) ensure that supportive serv-
19 ices are integrated with education and
20 training, and delivered by organiza-
21 tions with direct access to and experi-
22 ence with targeted populations;

23 (III) leverage additional public
24 and private resources to fund training

1 programs, including cash or in-kind
2 matches from participating employers;

3 (IV) involve employers and labor
4 organizations in the determination of
5 relevant skills and competencies and
6 ensure that the certificates or creden-
7 tials that result from the training are
8 recognized postsecondary credentials;

9 (V) deliver courses at alternative
10 times (such as evening and weekend
11 programs) and locations most conven-
12 ient and accessible to participants and
13 link adult remedial education with oc-
14 cupational skills training; and

15 (VI) demonstrate substantial ex-
16 perience in administering Federal,
17 State, local, municipal, foundation, or
18 private entity grants.

19 (iv) DATA COLLECTION.—A grantee
20 under this subparagraph shall collect and
21 report the following information with re-
22 spect to the program carried out under the
23 grant:

24 (I) The number of participants.

1 (II) The demographic character-
2 istics of participants, including race,
3 gender, age, parenting status, partici-
4 pation in other Federal programs,
5 education and literacy level at entry,
6 and other characteristics that are sig-
7 nificant barriers to employment (such
8 as being an English language learner
9 or having a criminal record, addiction
10 or mental health problem requiring
11 treatment, or intellectual disability).

12 (III) The services received by
13 participants, including training, edu-
14 cation, and supportive services.

15 (IV) The amount of program
16 spending per participant.

17 (V) Program completion rates.

18 (VI) Factors determined as sig-
19 nificantly interfering with program
20 participation or completion.

21 (VII) The rate of job placement
22 and the rate of employment retention
23 after 1 year.

24 (VIII) The average wage at
25 placement, including any benefits, and

1 the rate of average wage increase
2 after 1 year.

3 (IX) Any post-employment sup-
4 portive services provided.

5 The Secretary shall assist grantees in the
6 collection of data under this clause by
7 making available, where practicable, low-
8 cost means of tracking the labor market
9 outcomes of participants, and by providing
10 standardized reporting forms, where appro-
11 priate.

12 (3) ACTIVITIES.—

13 (A) IN GENERAL.—Activities to be carried
14 out under a program authorized by subpara-
15 graph (B), (D), or (E) of paragraph (2) shall
16 be coordinated with existing systems or pro-
17 viders, as appropriate. Such activities may in-
18 clude—

19 (i) occupational skills training, includ-
20 ing curriculum development, on-the-job
21 training, and classroom training;

22 (ii) safety and health training;

23 (iii) the provision of—

24 (I) adult education and literary
25 activities, English as a second lan-

1 guage instruction, or job readiness
2 training; or

3 (II) training leading to the at-
4 tainment of the recognized equivalent
5 of a secondary school diploma;

6 (iv) individual referral and tuition as-
7 sistance for a community college training
8 program, or any training program leading
9 to an industry-recognized certificate;

10 (v) internship programs in fields re-
11 lated to energy efficiency and renewable
12 energy;

13 (vi) customized training in conjunc-
14 tion with an existing apprenticeship pro-
15 gram or labor-management partnership;

16 (vii) incumbent worker and career lad-
17 der training and skill upgrading and re-
18 training;

19 (viii) the implementation of transi-
20 tional jobs strategies; and

21 (ix) the provision of supportive serv-
22 ices.

23 (B) OUTREACH ACTIVITIES.—In addition
24 to the activities authorized under subparagraph
25 (A), activities authorized for programs under

1 subparagraph (E) of paragraph (2) may include
2 the provision of outreach, recruitment, career
3 guidance, and career planning services.

4 (4) WORKER PROTECTIONS AND NON-
5 DISCRIMINATION REQUIREMENTS.—

6 (A) APPLICATION OF WIA.—The provisions
7 of sections 281 and 288 shall apply to all pro-
8 grams carried out with assistance under this
9 subsection.

10 (B) CONSULTATION WITH LABOR ORGANI-
11 ZATIONS.—If a labor organization represents a
12 substantial number of workers who are engaged
13 in similar work or training in an area that is
14 the same as the area that is proposed to be
15 funded under this subsection the labor organi-
16 zation shall be provided an opportunity to be
17 consulted and to submit comments in regard to
18 such a proposal.

19 (5) PERFORMANCE ACCOUNTABILITY MEAS-
20 URES.—

21 (A) IN GENERAL.—The Secretary shall ne-
22 gotiate and reach agreement with the eligible
23 entities that receive grants and assistance
24 under this subsection on performance account-
25 ability measures that will be used to evaluate

1 the performance of the eligible entity in car-
2 rying out the activities described in paragraph
3 (2). Such performance accountability measures
4 shall consist of indicators of performance (in-
5 cluding the primary indicators of performance
6 described in section 131(b)(2)(A)), and an ex-
7 pected level of performance described in sub-
8 paragraph (B) for each indicator of perform-
9 ance.

10 (B) LEVELS OF PERFORMANCE.—The Sec-
11 retary shall negotiate and reach agreement with
12 the eligible entity regarding the levels of per-
13 formance expected to be achieved by the eligible
14 entity on the indicators of performance.

15 (6) REPORT.—

16 (A) STATUS REPORT.—Not later than 18
17 months after the date of enactment of the
18 Green Jobs Act of 2007, the Secretary shall
19 transmit a report to the Committee on Edu-
20 cation and the Workforce and the Committee
21 on Energy and Commerce of the House of Rep-
22 resentatives, and the Committee on Energy and
23 Natural Resources and the Committee on
24 Health, Education, Labor, and Pensions of the
25 Senate, on the training program established

1 under this subsection. The report shall include
2 a description of the entities receiving funding
3 and the activities carried out by such entities.

4 (B) EVALUATION.—Not later than 3 years
5 after the date of enactment of such Act, the
6 Secretary shall transmit to the Committee on
7 Education and the Workforce and the Com-
8 mittee on Energy and Commerce of the House
9 of Representatives, and the Committee on En-
10 ergy and Natural Resources and the Committee
11 on Health, Education, Labor, and Pensions of
12 the Senate, an assessment of such program and
13 an evaluation of the activities carried out by en-
14 tities receiving funding from such program.

15 (7) DEFINITION.—As used in this subsection,
16 the term “renewable energy” has the meaning given
17 such term in section 203(b)(2) of the Energy Policy
18 Act of 2005 (42 U.S.C. 15852).

19 (8) AUTHORIZATION OF APPROPRIATIONS.—
20 There is authorized to be appropriated to carry out
21 this subsection, \$125,000,000 for each fiscal year, of
22 which—

23 (A) not to exceed 20 percent of the amount
24 appropriated in each such fiscal year shall be
25 made available for, and shall be equally divided

1 between, national labor market research and in-
 2 formation under paragraph (2)(A) and State
 3 labor market information and labor exchange
 4 research under paragraph (2)(C), and not more
 5 than 2 percent of such amount shall be for the
 6 evaluation and report required under paragraph
 7 (6);

8 (B) 20 percent shall be dedicated to Path-
 9 ways Out of Poverty Demonstration Programs
 10 under paragraph (2)(E); and

11 (C) the remainder shall be divided equally
 12 between National Energy Partnership Training
 13 Grants under paragraph (2)(B) and State en-
 14 ergy training partnership grants under para-
 15 graph (2)(D).

16 (e) INTEGRATED WORKFORCE TRAINING PROGRAMS
 17 FOR ADULTS WHO ARE ENGLISH LANGUAGE LEARN-
 18 ERS.—

19 (1) DEFINITIONS.—In this subsection:

20 (A) INTEGRATED WORKFORCE TRAIN-
 21 ING.—The term “integrated workforce train-
 22 ing” means training that integrates occupa-
 23 tional skills training with English language ac-
 24 quisition.

1 (B) SECRETARY.—The term “Secretary”
2 means the Secretary of Labor, in consultation
3 with the Secretary of Education.

4 (2) DEMONSTRATION PROJECT.—From funds
5 appropriated pursuant to paragraph (11), the Sec-
6 retary shall establish and implement a national dem-
7 onstration project that is designed to both analyze
8 and provide data on workforce training programs
9 that integrate English language acquisition and oc-
10 cupational training.

11 (3) GRANTS.—

12 (A) IN GENERAL.—In carrying out the
13 demonstration project under this subsection,
14 the Secretary shall make not less than 10
15 grants, on a competitive basis, to eligible enti-
16 ties to provide the integrated workforce training
17 programs. In awarding grants under this sub-
18 section, the Secretary shall take into consider-
19 ation awarding grants to eligible entities from
20 diverse geographic areas, including rural areas.

21 (B) PERIODS.—The Secretary shall award
22 a grant under this subsection for a period of
23 not less than 24 months and not more than 48
24 months.

25 (4) ELIGIBLE ENTITIES.—

1 (A) IN GENERAL.—To be eligible to receive
2 a grant under this subsection, an eligible entity
3 shall work in partnership with a local board and
4 shall include as a principal participant 1 or
5 more of the following:

6 (i) An employer or employer associa-
7 tion.

8 (ii) A nonprofit provider of English
9 language instruction.

10 (iii) A provider of occupational or
11 skills training.

12 (iv) A community-based organization.

13 (v) An institution of higher education,
14 including a 2-year or 4-year degree-grant-
15 ing institution of higher education, or a
16 postsecondary vocational institution, as de-
17 fined in section 102(e) of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1002(e)).

19 (vi) A labor organization.

20 (B) EXPERTISE.—To be eligible to receive
21 a grant under this subsection, an eligible entity
22 shall have proven expertise in—

23 (i) serving individuals who are English
24 language learners, including individuals

1 with lower levels of oral and written
2 English; and

3 (ii) providing workforce programs
4 with training and English language in-
5 struction.

6 (5) APPLICATIONS.—

7 (A) IN GENERAL.—To be eligible to receive
8 a grant under this subsection, an eligible entity
9 shall submit an application to the Secretary at
10 such time, in such manner, and containing such
11 information as the Secretary may require.

12 (B) CONTENTS.—Each application sub-
13 mitted under subparagraph (A) shall—

14 (i) contain information, including ca-
15 pability statements, that demonstrates that
16 the eligible entity has the expertise de-
17 scribed in paragraph (4)(B); and

18 (ii) include an assurance that the pro-
19 gram to be assisted will—

20 (I) establish a generalized adult
21 bilingual workforce training and edu-
22 cation model that integrates English
23 language acquisition and occupational
24 training, and incorporates the unique

1 linguistic and cultural factors of the
2 participants;

3 (II) establish a framework by
4 which the employer, employee, and
5 relevant members of the eligible entity
6 can create a career development and
7 training plan that assists both the em-
8 ployer and the employee to meet their
9 long-term needs;

10 (III) ensure that the framework
11 established under subclause (II) takes
12 into consideration the knowledge,
13 skills, and abilities of the employee
14 with respect to both the current eco-
15 nomic conditions of the employer and
16 the future labor market conditions rel-
17 evant to the local area; and

18 (IV) establish identifiable per-
19 formance accountability measures that
20 include the primary indicators of per-
21 formance described in section
22 131(b)(2)(A)(i), so that the progress
23 of the employee and employer and the
24 relative efficacy of the program can be

1 evaluated and best practices identi-
2 fied.

3 (6) CRITERIA.—The Secretary shall establish
4 criteria for awarding grants under this subsection.

5 (7) INTEGRATED WORKFORCE TRAINING PRO-
6 GRAMS.—

7 (A) PROGRAM COMPONENTS.—

8 (i) REQUIRED COMPONENTS.—Each
9 program that receives funding under this
10 subsection shall—

11 (I) test an individual's English
12 language proficiency levels to assess
13 oral and literacy gains from entry into
14 the program and throughout program
15 enrollment;

16 (II) combine training specific to
17 a particular occupation or occupa-
18 tional cluster with—

19 (aa) English language in-
20 struction, such as instruction
21 through an English as a Second
22 Language program or an English
23 for Speakers of Other Languages
24 program;

1 (bb) basic skills instruction;

2 and

3 (cc) supportive services;

4 (III) effectively integrate public

5 and private sector entities, including

6 the local workforce development sys-

7 tem and its functions, to achieve the

8 goals of the program; and

9 (IV) provide from private or non-

10 profit sources a matching amount, in

11 cash or in-kind, to carry out the ac-

12 tivities supported by the grant.

13 (ii) PERMISSIBLE COMPONENTS.—The

14 program may offer other services as nec-

15 essary to promote successful participation

16 and completion of the program, including

17 work-based learning, substance abuse

18 treatment, and mental health services.

19 (B) GOAL.—Each program that receives

20 funding under this subsection shall be designed

21 to prepare adults who are English language

22 learners for, and place such adults in, employ-

23 ment in growing industries with identifiable ca-

24 reer pathways that lead to economic self-suffi-

25 ciency.

1 (C) PROGRAM TYPES.—In selecting pro-
2 grams to receive funding under this subsection,
3 the Secretary shall select programs that meet
4 the requirements of 1 or more of the following
5 clauses:

6 (i) A program—

7 (I) that serves unemployed
8 English language learners with signifi-
9 cant work experience or substantial
10 education whose previous employment
11 provided persistently low wages; and

12 (II) that aims to prepare such in-
13 dividuals for, and place such individ-
14 uals in, higher-paying employment de-
15 fined for purposes of this subpara-
16 graph as employment that provides at
17 least 75 percent of the median wage
18 in the local area.

19 (ii) A program—

20 (I) that serves English language
21 learners with lower levels of oral and
22 written fluency, who are working at
23 persistently low wages; and

24 (II) that aims to prepare such in-
25 dividuals for, and place such individ-

1 uals in, higher paying employment
2 through services provided at the work-
3 site, or at a location central to several
4 worksites, during work hours.

5 (iii) A program—

6 (I) that serves unemployed
7 English language learners with lower
8 levels of oral and written fluency, who
9 have little or no work experience; and

10 (II) that aims to prepare such in-
11 dividuals for, and place such individ-
12 uals in, employment through services
13 that include subsidized employment,
14 in addition to the components re-
15 quired under subparagraph (A)(i).

16 (D) PROGRAM APPROACHES.—

17 (i) IN GENERAL.—In selecting pro-
18 grams to receive funding under this sub-
19 section, the Secretary shall select programs
20 with different approaches to integrated
21 workforce training and that are provided in
22 different contexts, in order to—

23 (I) obtain comparative data on
24 multiple approaches to integrated

1 workforce training and English lan-
2 guage instruction;

3 (II) ensure programs are tailored
4 to characteristics of individuals with
5 varying skill levels; and

6 (III) assess how different cur-
7 ricula work for English language
8 learner populations.

9 (ii) TYPES OF APPROACHES.—The dif-
10 ferent types of approaches described in
11 clause (i) may include—

12 (I) bilingual programs in which
13 the workplace language component
14 and the training are conducted in a
15 combination of an individual's native
16 language and English;

17 (II) integrated workforce training
18 programs that combine basic skills,
19 language instruction, and job specific
20 skills training; or

21 (III) sequential programs that
22 provide a progression of skills, lan-
23 guage, and training to ensure success
24 upon an individual's completion of the
25 program.

1 (8) EVALUATION BY ELIGIBLE ENTITY.—Each
2 eligible entity that receives a grant under this sub-
3 section shall carry out a continuous evaluation of the
4 program funded under the grant and an evaluation
5 specific to the last phase of the program operations.

6 (9) EVALUATION BY SECRETARY.—

7 (A) IN GENERAL.—The Secretary shall
8 conduct an evaluation of program impacts of
9 the programs funded under the demonstration
10 project, using an impact study with a random
11 assignment experimental design at each work-
12 site at which such a program is carried out.

13 (B) DATA COLLECTION AND ANALYSIS.—
14 The Secretary shall collect and analyze the data
15 from the demonstration project under this sub-
16 section to determine the effectiveness of the
17 project, including project participants' gains in
18 language proficiency, acquisition of skills, and
19 job advancement.

20 (C) REPORT.—The Secretary shall prepare
21 and submit to the Committee on Education and
22 the Workforce of the House of Representatives,
23 and the Committee on Health, Education,
24 Labor, and Pensions of the Senate and make
25 available to the public, a report on the dem-

1 onstration projects supported under this sub-
2 section, including the results of the evaluation.

3 (10) TECHNICAL ASSISTANCE.—The Secretary
4 shall provide technical assistance to recipients of
5 grants under this subsection throughout the grant
6 period.

7 (f) COMMUNITY-BASED JOB TRAINING.—

8 (1) DEFINITIONS.—In this subsection:

9 (A) COMMUNITY COLLEGE.—The term
10 “community college” means—

11 (i) an institution of higher education,
12 as defined in section 101 of the Higher
13 Education Act of 1965 (20 U.S.C. 1001),
14 that provides a 2-year degree that is ac-
15 ceptable for full credit toward a bacca-
16 laureate degree; or

17 (ii) a tribally controlled college or uni-
18 versity, as defined in section 2 of the Trib-
19 ally Controlled Colleges and Universities
20 Assistance Act of 1978 (25 U.S.C. 1801).

21 (B) ELIGIBLE ENTITY.—The term “eligible
22 entity” means a partnership between a local
23 board and a community college, a consortium of
24 community colleges, or a consortium composed
25 of a community college and 1 or more institu-

1 tions of higher education, that is working
2 with—

3 (i) a business or consortium of busi-
4 nesses in the in-demand industry sector, as
5 identified in the application of the entity,
6 or an industry association in the in-de-
7 mand industry sector; and

8 (ii) an economic development entity
9 with expertise relevant to the qualified in-
10 dustry.

11 (C) INSTITUTION OF HIGHER EDU-
12 CATION.—Except as otherwise provided in sub-
13 paragraph (A)(i), the term “institution of high-
14 er education” has the meaning given the term
15 in section 101 of the Higher Education Act of
16 1965 (20 U.S.C. 1001) and the meaning given
17 the term “postsecondary vocational institution”
18 in section 102(c) of such Act (20 U.S.C.
19 1002(c)).

20 (2) DEMONSTRATION PROJECT.—In addition to
21 the demonstration projects authorized under sub-
22 section (c), the Secretary, in collaboration with the
23 Secretary of Education, may establish and imple-
24 ment a national demonstration project designed—

1 (A) to develop local innovative solutions to
2 the workforce challenges facing in-demand in-
3 dustry sectors with labor shortages; and

4 (B) to increase employment opportunities
5 for workers by establishing partnerships among
6 education entities, State workforce development
7 systems, and businesses in in-demand industry
8 sectors.

9 (3) GRANTS.—

10 (A) GRANTS AUTHORIZED.—In carrying
11 out the national demonstration project author-
12 ized under this subsection, the Secretary shall
13 award grants, on a competitive basis, to eligible
14 entities to enable the eligible entities to carry
15 out activities described in paragraph (6).

16 (B) REQUIREMENTS.—Grants awarded
17 under this subsection shall be for a period of 2,
18 3, or 4 years and shall be awarded in accord-
19 ance with generally applicable Federal require-
20 ments.

21 (4) APPLICATIONS.—To be eligible to receive a
22 grant under this subsection, an eligible entity shall
23 submit an application to the Secretary at such time,
24 in such manner, and containing such information as
25 the Secretary may require, including—

1 (A) a description of the entity that will
2 offer training under the grant;

3 (B) a justification of the need for funding
4 under the grant to create a program to carry
5 out the activities described in paragraph (6);

6 (C) an economic analysis of the local labor
7 market to identify—

8 (i) in-demand industry sectors and oc-
9 cupations;

10 (ii) the workforce issues faced by such
11 industries; and

12 (iii) potential participants in programs
13 funded under this subsection;

14 (D) a description of the in-demand indus-
15 try sector for which the training will occur, the
16 availability of competencies on which the train-
17 ing will be based, and how the grant will help
18 workers acquire the competencies and skills
19 necessary for employment in the industry;

20 (E) a description of the involvement of the
21 local board and businesses (including small
22 businesses) in the geographic area where the
23 proposed activities under the grant will be im-
24 plemented;

1 (F) performance accountability measures
2 for the activities funded under the grant that
3 include the primary indicators of performance
4 described in section 131(b)(2)(A)(i), and other
5 appropriate indicators, including indicators re-
6 lating to the impact of business partners;

7 (G) a description of how the activities
8 funded by the grant will be coordinated with ac-
9 tivities provided through the one-stop center in
10 the local area; and

11 (H) a description of the local or private re-
12 sources that will—

13 (i) support the activities carried out
14 under this subsection; and

15 (ii) enable the entity to carry out and
16 expand such activities after the end of the
17 grant.

18 (5) FACTORS FOR AWARD OF GRANT.—

19 (A) IN GENERAL.—In awarding grants
20 under this subsection, the Secretary shall con-
21 sider—

22 (i) the extent to which the activities to
23 be carried out under the grant and the
24 grant application align with the local plan
25 for the area to be served;

1 (ii) the extent of public and private
2 collaboration evidenced in the application,
3 including existing partnerships as of the
4 time of the application among the in-de-
5 mand industry sectors, the eligible entity,
6 and the public workforce development sys-
7 tem;

8 (iii) the extent to which the grant will
9 provide job seekers with high-quality train-
10 ing for employment in in-demand occupa-
11 tions;

12 (iv) the extent to which the grant will
13 expand the eligible entity and the capacity
14 of the local one-stop center established
15 under section 221(e) to be demand-driven
16 and responsive to local economic needs;

17 (v) the extent to which local busi-
18 nesses commit to hire, retain, or advance
19 individuals who receive training through
20 the grant; and

21 (vi) the extent to which the eligible
22 entity commits to make any newly devel-
23 oped products, such as skill standards, as-
24 sessments, or industry-recognized training

1 curricula, available for dissemination na-
2 tionally.

3 (B) LEVERAGING OF RESOURCES.—In
4 awarding grants under this subsection, the Sec-
5 retary shall also consider—

6 (i) the extent to which local or private
7 resources will be made available to support
8 the activities carried out under this sub-
9 section, taking into account the resources
10 of the eligible entity and the entity's part-
11 ners; and

12 (ii) the ability of an eligible entity to
13 continue to carry out and expand such ac-
14 tivities after the end of the grant.

15 (C) DISTRIBUTION OF GRANTS.—In
16 awarding grants under this subsection, the Sec-
17 retary shall ensure an equitable distribution of
18 such grants across diverse industries and geo-
19 graphic areas.

20 (6) USE OF FUNDS.—

21 (A) MANDATORY USES OF FUNDS.—An eli-
22 gible entity that receives a grant under this
23 subsection shall use the grant funds for all of
24 the following:

1 (i) The development of rigorous train-
2 ing and education programs leading to a
3 recognized postsecondary credential and
4 employment in the in-demand industry sec-
5 tor, including programs that are work-
6 based and incorporate other earn-and-learn
7 strategies. The community college that is a
8 part of the eligible entity shall develop
9 such programs, in collaboration with other
10 partners identified in the application, and
11 if applicable, other representatives of quali-
12 fied industries.

13 (ii) Training adults, incumbent work-
14 ers, dislocated workers, or out-of-school
15 youth in the skills and competencies need-
16 ed to obtain or upgrade employment in an
17 in-demand industry sector identified in the
18 eligible entity's application.

19 (B) OPTIONAL USES OF FUNDS.—An eligi-
20 ble entity that receives a grant under this sub-
21 section may use the grant funds for—

22 (i) disseminating information on
23 training available for in-demand occupa-
24 tions in in-demand industry sectors, in-
25 cluding training available through the

1 grant through the one-stop delivery system
2 to prospective participants, businesses,
3 business intermediaries, and community-
4 based organizations in the region;

5 (ii) referring individuals trained under
6 the grant for employment in in-demand in-
7 dustry sectors;

8 (iii) enhancing the integration of com-
9 munity colleges, training and education
10 with businesses, and the one-stop delivery
11 system in the local area to meet the train-
12 ing needs of in-demand industry sectors
13 for new and incumbent workers;

14 (iv) providing training and relevant
15 job skills to small business owners or oper-
16 ators to facilitate small business develop-
17 ment in in-demand industry sectors; or

18 (v) expanding or creating programs
19 for distance, evening, weekend, modular, or
20 compressed learning opportunities that
21 provide training and relevant job skills for
22 high-growth, in-demand occupations.

23 (7) AUTHORITY TO REQUIRE NON-FEDERAL
24 SHARE.—The Secretary may require that recipients
25 of grants under this subsection provide a non-Fed-

1 eral share, from either cash or in-kind resources
2 (fairly evaluated), of the costs of activities carried
3 out under the grant.

4 (8) PERFORMANCE ACCOUNTABILITY AND
5 EVALUATION.—

6 (A) PERFORMANCE ACCOUNTABILITY.—

7 The Secretary shall require an eligible entity
8 that receives a grant under this subsection to
9 submit interim and final reports to the Sec-
10 retary on the performance outcomes for the
11 project, using the performance accountability
12 measures identified in the eligible entity's grant
13 application.

14 (B) EVALUATION.—The Secretary shall re-
15 quire that an eligible entity that receives a
16 grant under this subsection participate in an
17 evaluation of activities carried out under this
18 subsection, including an evaluation using the
19 techniques described in subsection (a)(3).

20 (g) CAREER PATHWAYS FOR NURSING CARE PRO-
21 VIDERS AND PROVIDERS OF EARLY EDUCATION AND
22 CHILD CARE.—The Secretary of Labor, in coordination
23 with the Secretary of Education and the Secretary of
24 Health and Human Services, may conduct projects that
25 focus on career advancement for nursing care providers

1 or providers of early education and child care, including
2 faculty education and distance education programs. The
3 Secretary shall prepare and disseminate to the public, in-
4 cluding through electronic means, reports containing the
5 results of the projects conducted, and recommendations on
6 how to replicate effective practices.

7 **SEC. 271. NATIONAL DISLOCATED WORKER GRANTS.**

8 (a) DEFINITIONS.—In this section:

9 (1) EMERGENCY OR DISASTER.—The term
10 “emergency or disaster” means—

11 (A) an emergency or a major disaster, as
12 defined in paragraphs (1) and (2), respectively,
13 of section 102 of the Robert T. Stafford Dis-
14 aster Relief and Emergency Assistance Act (42
15 U.S.C. 5122 (1) and (2)); or

16 (B) an emergency or disaster situation of
17 national significance that could result in a po-
18 tentially large loss of employment, as declared
19 or otherwise recognized by the chief official of
20 a Federal agency with authority for or jurisdic-
21 tion over the Federal response to the emergency
22 or disaster situation.

23 (2) DISASTER AREA.—In this subsection, the
24 term “disaster area” means an area that has suf-

1 ferred or in which has occurred an emergency or dis-
2 aster.

3 (b) IN GENERAL.—

4 (1) GRANTS.—The Secretary is authorized to
5 award national dislocated worker grants—

6 (A) to an entity described in subsection
7 (c)(1)(B) to provide employment and training
8 assistance to workers affected by major eco-
9 nomic dislocations, such as plant closures, mass
10 layoffs, or closures and realignments of military
11 installations;

12 (B) to provide assistance to—

13 (i) the Governor of any State within
14 the boundaries of which is a disaster area,
15 to provide disaster relief employment in
16 the disaster area; or

17 (ii) the Governor of any State to
18 which a substantial number of workers
19 from an area in which an emergency or
20 disaster has been declared or otherwise
21 recognized have relocated;

22 (C) to provide additional assistance to a
23 State board or local board for eligible dislocated
24 workers in a case in which the State board or
25 local board has expended the funds provided

1 under this section to carry out activities de-
2 scribed in subparagraphs (A) and (B) and can
3 demonstrate the need for additional funds to
4 provide appropriate services for such workers,
5 in accordance with requirements prescribed by
6 the Secretary; and

7 (D) to provide additional assistance to a
8 State board or local board serving an area
9 where—

10 (i) a higher-than-average demand for
11 employment and training activities for dis-
12 located members of the Armed Forces,
13 spouses described in section 101(14)(E), or
14 members of the Armed Forces described in
15 subsection (c)(2)(A)(iv), exceeds State and
16 local resources for providing such activi-
17 ties; and

18 (ii) such activities are to be carried
19 out in partnership with the Department of
20 Defense and Department of Veterans Af-
21 fairs transition assistance programs.

22 (2) DECISIONS AND OBLIGATIONS.—The Sec-
23 retary shall issue a final decision on an application
24 for a national dislocated worker grant under this
25 subsection not later than 45 calendar days after re-

1 ceipt of the application. The Secretary shall issue a
2 notice of obligation for such grant not later than 10
3 days after the award of such grant.

4 (c) EMPLOYMENT AND TRAINING ASSISTANCE RE-
5 QUIREMENTS.—

6 (1) GRANT RECIPIENT ELIGIBILITY.—

7 (A) APPLICATION.—To be eligible to re-
8 ceive a grant under subsection (b)(1)(A), an en-
9 tity shall submit an application to the Secretary
10 at such time, in such manner, and containing
11 such information as the Secretary may require.

12 (B) ELIGIBLE ENTITY.—In this para-
13 graph, the term “entity” means a State, a local
14 board, an entity described in section 266(e), an
15 entity determined to be eligible by the Governor
16 of the State involved, and any other entity that
17 demonstrates to the Secretary the capability to
18 effectively respond to the circumstances relating
19 to particular dislocations.

20 (2) PARTICIPANT ELIGIBILITY.—

21 (A) IN GENERAL.—In order to be eligible
22 to receive employment and training assistance
23 under a national dislocated worker grant
24 awarded pursuant to subsection (b)(1)(A), an
25 individual shall be—

1 (i) a dislocated worker;

2 (ii) a civilian employee of the Depart-
3 ment of Defense or the Department of En-
4 ergy employed at a military installation
5 that is being closed, or that will undergo
6 realignment, within the next 24 months
7 after the date of the determination of eligi-
8 bility;

9 (iii) an individual who is employed in
10 a nonmanagerial position with a Depart-
11 ment of Defense contractor, who is deter-
12 mined by the Secretary of Defense to be at
13 risk of termination from employment as a
14 result of reductions in defense expendi-
15 tures, and whose employer is converting
16 operations from defense to nondefense ap-
17 plications in order to prevent worker lay-
18 offs; or

19 (iv) a member of the Armed Forces
20 who—

21 (I) was on active duty or full-
22 time National Guard duty;

23 (II)(aa) is involuntarily separated
24 (as defined in section 1141 of title 10,

1 United States Code) from active duty
2 or full-time National Guard duty; or

3 (bb) is separated from active
4 duty or full-time National Guard duty
5 pursuant to a special separation bene-
6 fits program under section 1174a of
7 title 10, United States Code, or the
8 voluntary separation incentive pro-
9 gram under section 1175 of that title;

10 (III) is not entitled to retired or
11 retained pay incident to the separa-
12 tion described in subclause (II); and

13 (IV) applies for such employment
14 and training assistance before the end
15 of the 180-day period beginning on
16 the date of that separation.

17 (B) RETRAINING ASSISTANCE.—The indi-
18 viduals described in subparagraph (A)(iii) shall
19 be eligible for retraining assistance to upgrade
20 skills by obtaining marketable skills needed to
21 support the conversion described in subpara-
22 graph (A)(iii).

23 (C) ADDITIONAL REQUIREMENTS.—The
24 Secretary shall establish and publish additional
25 requirements related to eligibility for employ-

1 ment and training assistance under the national
2 dislocated worker grants to ensure effective use
3 of the funds available for this purpose.

4 (D) DEFINITIONS.—In this paragraph, the
5 terms “military installation” and “realignment”
6 have the meanings given the terms in section
7 2910 of the Defense Base Closure and Realign-
8 ment Act of 1990 (Public Law 101–510; 10
9 U.S.C. 2687 note).

10 (d) DISASTER RELIEF EMPLOYMENT ASSISTANCE
11 REQUIREMENTS.—

12 (1) IN GENERAL.—Funds made available under
13 subsection (b)(1)(B)—

14 (A) shall be used, in coordination with the
15 Administrator of the Federal Emergency Man-
16 agement Agency, as applicable, to provide dis-
17 aster relief employment on projects that provide
18 food, clothing, shelter, and other humanitarian
19 assistance for disaster victims, and projects re-
20 garding demolition, cleaning, repair, renovation,
21 and reconstruction of damaged and destroyed
22 structures, facilities, and lands located within
23 the disaster area and in offshore areas related
24 to the emergency or disaster;

1 (B) may be expended through public and
2 private agencies and organizations engaged in
3 such projects; and

4 (C) may be expended to provide employ-
5 ment and training activities.

6 (2) ELIGIBILITY.—An individual shall be eligi-
7 ble to be offered disaster relief employment under
8 subsection (b)(1)(B) if such individual—

9 (A) is a dislocated worker;

10 (B) is a long-term unemployed individual;

11 (C) is temporarily or permanently laid off
12 as a consequence of the emergency or disaster;

13 or

14 (D) in the case of an individual who is self-
15 employed, becomes unemployed or significantly
16 underemployed as a result of the emergency or
17 disaster.

18 (3) LIMITATIONS ON DISASTER RELIEF EM-
19 PLOYMENT.—

20 (A) IN GENERAL.—Except as provided in
21 subparagraph (B), no individual shall be em-
22 ployed under subsection (b)(1)(B) for more
23 than 12 months for work related to recovery
24 from a single emergency or disaster.

1 (B) EXTENSION.—At the request of a
2 State, the Secretary may extend such employ-
3 ment, related to recovery from a single emer-
4 gency or disaster involving the State, for not
5 more than an additional 12 months.

6 (4) USE OF AVAILABLE FUNDS.—Funds made
7 available under subsection (b)(1)(B) shall be avail-
8 able to assist workers described in paragraph (2)
9 who are affected by an emergency or disaster, in-
10 cluding workers who have relocated from an area in
11 which an emergency or disaster has been declared or
12 otherwise recognized, as appropriate. Under condi-
13 tions determined by the Secretary and following no-
14 tification to the Secretary, a State may use such
15 funds, that are appropriated for any fiscal year and
16 available for expenditure under any grant awarded
17 to the State under this section, to provide any as-
18 sistance authorized under this subsection. Funds
19 used pursuant to the authority provided under this
20 paragraph shall be subject to the liability and reim-
21 bursement requirements described in paragraph (5).

22 (5) LIABILITY AND REIMBURSEMENT.—Nothing
23 in this Act shall be construed to relieve liability, by
24 a responsible party that is liable under Federal law,
25 for any costs incurred by the United States under

1 subsection (b)(1)(B) or this subsection, including the
2 responsibility to provide reimbursement for such
3 costs to the United States.

4 **SEC. 272. YOUTHBUILD PROGRAM.**

5 (a) STATEMENT OF PURPOSE.—The purposes of this
6 section are—

7 (1) to enable disadvantaged youth to obtain the
8 education and employment skills necessary to
9 achieve economic self-sufficiency in occupations in
10 demand and postsecondary education and training
11 opportunities;

12 (2) to provide disadvantaged youth with oppor-
13 tunities for meaningful work and service to their
14 communities;

15 (3) to foster the development of employment
16 and leadership skills and commitment to community
17 development among youth in low-income commu-
18 nities;

19 (4) to expand the supply of permanent afford-
20 able housing for homeless individuals and low-in-
21 come families by utilizing the energies and talents of
22 disadvantaged youth; and

23 (5) to improve the quality and energy efficiency
24 of community and other nonprofit and public facili-

1 ties, including those facilities that are used to serve
2 homeless and low-income families.

3 (b) DEFINITIONS.—In this section:

4 (1) ADJUSTED INCOME.—The term “adjusted
5 income” has the meaning given the term in section
6 3(b) of the United States Housing Act of 1937 (42
7 U.S.C. 1437a(b)).

8 (2) APPLICANT.—The term “applicant” means
9 an eligible entity that has submitted an application
10 under subsection (c).

11 (3) ELIGIBLE ENTITY.—The term “eligible enti-
12 ty” means a public or private nonprofit agency or
13 organization (including a consortium of such agen-
14 cies or organizations), including—

15 (A) a community-based organization;

16 (B) a faith-based organization;

17 (C) an entity carrying out activities under
18 this title, such as a local board;

19 (D) a community action agency;

20 (E) a State or local housing development
21 agency;

22 (F) an Indian tribe or other agency pri-
23 marily serving Indians;

24 (G) a community development corporation;

1 (H) a State or local youth service or con-
2 servation corps; and

3 (I) any other entity eligible to provide edu-
4 cation or employment training under a Federal
5 program (other than the program carried out
6 under this section).

7 (4) HOMELESS INDIVIDUAL.—The term “home-
8 less individual” means a homeless individual (as de-
9 fined in section 41403(6) of the Violence Against
10 Women Act of 1994 (42 U.S.C. 14043e–2(6)), ex-
11 cept that clauses (i)(IV) and (iii) of subparagraph
12 (B) of such section shall not apply) or a homeless
13 child or youth (as defined in section 725(2) of the
14 McKinney-Vento Homeless Assistance Act (42
15 U.S.C. 11434a(2)), except that subparagraph
16 (B)(iv) of such section shall not apply).

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, construction, or en-
16 ergy efficiency enhancement of housing for homeless
17 individuals and low-income families, and of public
18 facilities.

19 (c) YOUTHBUILD GRANTS.—

20 (1) AMOUNTS OF GRANTS.—The Secretary is
21 authorized to make grants to applicants for the pur-
22 pose of carrying out YouthBuild programs approved
23 under this section.

24 (2) ELIGIBLE ACTIVITIES.—An entity that re-
25 ceives a grant under this subsection shall use the

1 funds made available through the grant to carry out
2 a YouthBuild program, which may include the fol-
3 lowing activities:

4 (A) Education and workforce investment
5 activities including—

6 (i) work experience and skills training
7 (coordinated, to the maximum extent fea-
8 sible, with preapprenticeship and registered
9 apprenticeship programs) in the rehabilita-
10 tion, construction, or energy efficiency en-
11 hancement activities described in subpara-
12 graphs (B) and (C);

13 (ii) occupational skills training;

14 (iii) other paid and unpaid work expe-
15 riences, including internships and job shad-
16 owing;

17 (iv) services and activities designed to
18 meet the educational needs of participants,
19 including—

20 (I) basic skills instruction and re-
21 medial education;

22 (II) language instruction edu-
23 cational programs for participants
24 who are English language learners;

1 (III) secondary education services
2 and activities, including tutoring,
3 study skills training, and dropout pre-
4 vention activities, designed to lead to
5 the attainment of a secondary school
6 diploma or its recognized equivalent
7 (including recognized certificates of
8 attendance or similar documents for
9 individuals with disabilities);

10 (IV) counseling and assistance in
11 obtaining postsecondary education
12 and required financial aid; and

13 (V) alternative secondary school
14 services;

15 (v) counseling services and related ac-
16 tivities, such as comprehensive guidance
17 and counseling on drug and alcohol abuse
18 and referral;

19 (vi) activities designed to develop em-
20 ployment and leadership skills, which may
21 include community service and peer-cen-
22 tered activities encouraging responsibility
23 and other positive social behaviors, and ac-
24 tivities related to youth policy committees

1 that participate in decision-making related
2 to the program;

3 (vii) supportive services and provision
4 of need-based stipends necessary to enable
5 individuals to participate in the program
6 and to assist individuals, for a period not
7 to exceed 12 months after the completion
8 of training, in obtaining or retaining em-
9 ployment, or applying for and transitioning
10 to postsecondary education or training;
11 and

12 (viii) job search and assistance.

13 (B) Supervision and training for partici-
14 pants in the rehabilitation, construction, or en-
15 ergy efficiency enhancement of housing, includ-
16 ing residential housing for homeless individuals
17 or low-income families, or transitional housing
18 for homeless individuals.

19 (C) Supervision and training for partici-
20 pants in the rehabilitation, construction, or en-
21 ergy efficiency enhancement of community and
22 other public facilities, except that not more
23 than 15 percent of funds appropriated to carry
24 out this section may be used for such super-
25 vision and training.

1 (D) Payment of administrative costs of the
2 applicant, including recruitment and selection
3 of participants, except that not more than 15
4 percent of the amount of assistance provided
5 under this subsection to the grant recipient may
6 be used for such costs.

7 (E) Adult mentoring.

8 (F) Provision of wages, stipends, or bene-
9 fits to participants in the program.

10 (G) Ongoing training and technical assist-
11 ance that are related to developing and carrying
12 out the program.

13 (H) Follow-up services.

14 (3) APPLICATION.—

15 (A) FORM AND PROCEDURE.—To be quali-
16 fied to receive a grant under this subsection, an
17 eligible entity shall submit an application at
18 such time, in such manner, and containing such
19 information as the Secretary may require.

20 (B) MINIMUM REQUIREMENTS.—The Sec-
21 retary shall require that the application contain,
22 at a minimum—

23 (i) labor market information for the
24 labor market area where the proposed pro-
25 gram will be implemented, including both

1 current data (as of the date of submission
2 of the application) and projections on ca-
3 reer opportunities in construction and
4 growing industries;

5 (ii) a request for the grant, specifying
6 the amount of the grant requested and its
7 proposed uses;

8 (iii) a description of the applicant and
9 a statement of its qualifications, including
10 a description of the applicant's relationship
11 with local boards, one-stop operators, local
12 unions, entities carrying out registered ap-
13 prenticeship programs, other community
14 groups, and employers, and the applicant's
15 past experience, if any, with rehabilitation,
16 construction, or energy efficiency enhance-
17 ment of housing or public facilities, and
18 with youth education and employment
19 training programs;

20 (iv) a description of the proposed site
21 for the proposed program;

22 (v) a description of the educational
23 and job training activities, work opportuni-
24 ties, postsecondary education and training
25 opportunities, and other services that will

1 be provided to participants, and how those
2 activities, opportunities, and services will
3 prepare youth for employment in occupa-
4 tions in demand in the labor market area
5 described in clause (i);

6 (vi) a description of the proposed re-
7 habilitation, construction, or energy effi-
8 ciency enhancement activities to be under-
9 taken under the grant and the anticipated
10 schedule for carrying out such activities;

11 (vii) a description of the manner in
12 which eligible youth will be recruited and
13 selected as participants, including a de-
14 scription of arrangements that will be
15 made with local boards, one-stop operators,
16 community- and faith-based organizations,
17 State educational agencies or local edu-
18 cational agencies (including agencies of In-
19 dian tribes), public assistance agencies, the
20 courts of jurisdiction, agencies operating
21 shelters for homeless individuals and other
22 agencies that serve youth who are homeless
23 individuals, foster care agencies, and other
24 appropriate public and private agencies;

1 (viii) a description of the special out-
2 reach efforts that will be undertaken to re-
3 cruit eligible young women (including
4 young women with dependent children) as
5 participants;

6 (ix) a description of the specific role
7 of employers in the proposed program,
8 such as their role in developing the pro-
9 posed program and assisting in service pro-
10 vision and in placement activities;

11 (x) a description of how the proposed
12 program will be coordinated with other
13 Federal, State, and local activities and ac-
14 tivities conducted by Indian tribes, such as
15 local workforce investment activities, career
16 and technical education and training pro-
17 grams, adult and language instruction edu-
18 cational programs, activities conducted by
19 public schools, activities conducted by com-
20 munity colleges, national service programs,
21 and other job training provided with funds
22 available under this title;

23 (xi) assurances that there will be a
24 sufficient number of adequately trained su-

1 pervisory personnel in the proposed pro-
2 gram;

3 (xii) a description of levels to be
4 achieved with respect to the primary indi-
5 cators of performance for eligible youth de-
6 scribed in section 131(b)(2)(A)(ii);

7 (xiii) a description of the applicant's
8 relationship with local building trade
9 unions regarding their involvement in
10 training to be provided through the pro-
11 posed program, the relationship of the pro-
12 posed program to established registered
13 apprenticeship programs and employers,
14 the ability of the applicant to grant an in-
15 dustry-recognized certificate or certifi-
16 cation through the program, and the qual-
17 ity of the program leading to the certifi-
18 cate or certification;

19 (xiv) a description of activities that
20 will be undertaken to develop the leader-
21 ship skills of participants;

22 (xv) a detailed budget and a descrip-
23 tion of the system of fiscal controls, and
24 auditing and accountability procedures,

1 that will be used to ensure fiscal soundness
2 for the proposed program;

3 (xvi) a description of the commit-
4 ments for any additional resources (in ad-
5 dition to the funds made available through
6 the grant) to be made available to the pro-
7 posed program from—

8 (I) the applicant;

9 (II) recipients of other Federal,
10 State or local housing and community
11 development assistance that will spon-
12 sor any part of the rehabilitation, con-
13 struction, energy efficiency enhance-
14 ment, operation and maintenance, or
15 other housing and community develop-
16 ment activities undertaken as part of
17 the proposed program; or

18 (III) entities carrying out other
19 Federal, State, or local activities or
20 activities conducted by Indian tribes,
21 including career and technical edu-
22 cation and training programs, adult
23 and language instruction educational
24 programs, and job training provided
25 with funds available under this title;

1 (xvii) information identifying, and a
2 description of, the financing proposed for
3 any—

4 (I) rehabilitation or energy effi-
5 cient enhancement of the property in-
6 volved;

7 (II) acquisition of the property;

8 or

9 (III) construction of the prop-
10 erty;

11 (xviii) information identifying, and a
12 description of, the entity that will operate
13 and manage the property;

14 (xix) information identifying, and a
15 description of, the data collection systems
16 to be used;

17 (xx) a certification, by a public official
18 responsible for the housing strategy for the
19 State or unit of general local government
20 within which the proposed program is lo-
21 cated, that the proposed program is con-
22 sistent with the housing strategy; and

23 (xxi) a certification that the applicant
24 will comply with the requirements of the

1 Fair Housing Act (42 U.S.C. 3601 et seq.)
2 and will affirmatively further fair housing.

3 (4) SELECTION CRITERIA.—For an applicant to
4 be eligible to receive a grant under this subsection,
5 the applicant and the applicant’s proposed program
6 shall meet such selection criteria as the Secretary
7 shall establish under this section, which shall include
8 criteria relating to—

9 (A) the qualifications or potential capabili-
10 ties of an applicant;

11 (B) an applicant’s potential for developing
12 a successful YouthBuild program;

13 (C) the need for an applicant’s proposed
14 program, as determined by the degree of eco-
15 nomic distress of the community from which
16 participants would be recruited (measured by
17 indicators such as poverty, youth unemploy-
18 ment, and the number of individuals who have
19 dropped out of secondary school) and of the
20 community in which the housing and commu-
21 nity and public facilities proposed to be reha-
22 bilitated, constructed, or provided energy effi-
23 ciency enhancements is located (measured by
24 indicators such as incidence of homelessness,
25 shortage of affordable housing, and poverty);

1 (D) the commitment of an applicant to
2 providing skills training, leadership develop-
3 ment, and education to participants;

4 (E) the focus of a proposed program on
5 preparing youth for occupations in demand or
6 postsecondary education and training opportu-
7 nities;

8 (F) the extent of an applicant's coordina-
9 tion of activities to be carried out through the
10 proposed program with local boards, one-stop
11 operators, and one-stop partners participating
12 in the operation of the one-stop delivery system
13 involved, or the extent of the applicant's good
14 faith efforts in achieving such coordination;

15 (G) the extent of the applicant's coordina-
16 tion of activities with public education, criminal
17 justice, housing and community development,
18 national service, or postsecondary education or
19 other systems that relate to the goals of the
20 proposed program;

21 (H) the extent of an applicant's coordina-
22 tion of activities with employers in the local
23 area involved;

24 (I) the extent to which a proposed program
25 provides for inclusion of tenants who were pre-

1 viously homeless individuals in the rental hous-
2 ing provided through the program;

3 (J) the commitment of additional resources
4 (in addition to the funds made available
5 through the grant) to a proposed program by—

6 (i) an applicant;

7 (ii) recipients of other Federal, State,
8 or local housing and community develop-
9 ment assistance who will sponsor any part
10 of the rehabilitation, construction, energy
11 efficiency enhancement, operation and
12 maintenance, or other housing and commu-
13 nity development activities undertaken as
14 part of the proposed program; or

15 (iii) entities carrying out other Fed-
16 eral, State, or local activities or activities
17 conducted by Indian tribes, including ca-
18 reer and technical education and training
19 programs, adult and language instruction
20 educational programs, and job training
21 provided with funds available under this
22 title;

23 (K) the applicant's potential to serve dif-
24 ferent regions, including rural areas and States

1 that have not previously received grants for
2 YouthBuild programs; and

3 (L) such other factors as the Secretary de-
4 termines to be appropriate for purposes of car-
5 rying out the proposed program in an effective
6 and efficient manner.

7 (5) APPROVAL.—To the extent practicable, the
8 Secretary shall notify each applicant, not later than
9 5 months after the date of receipt of the application
10 by the Secretary, whether the application is ap-
11 proved or not approved.

12 (d) USE OF HOUSING UNITS.—Residential housing
13 units rehabilitated, constructed, or provided energy effi-
14 ciency improvements using funds made available under
15 subsection (c), shall be available solely—

16 (1) for rental by, or sale to, homeless individ-
17 uals or low-income families; or

18 (2) for use as transitional or permanent hous-
19 ing, for the purpose of assisting in the movement of
20 homeless individuals to independent living.

21 (e) ADDITIONAL PROGRAM REQUIREMENTS.—

22 (1) ELIGIBLE PARTICIPANTS.—

23 (A) IN GENERAL.—Except as provided in
24 subparagraph (B), an individual may partici-

1 pate in a YouthBuild program only if such indi-
2 vidual is—

3 (i) not less than age 16 and not more
4 than age 24, on the date of enrollment;

5 (ii) a member of a low-income family,
6 a youth in foster care (including youth
7 aging out of foster care), a youth offender,
8 a youth who is an individual with a dis-
9 ability, a child of incarcerated parents, or
10 a migrant youth; and

11 (iii) a school dropout, or an individual
12 who was a school dropout and has subse-
13 quently reenrolled.

14 (B) EXCEPTION FOR INDIVIDUALS NOT
15 MEETING INCOME OR EDUCATIONAL NEED RE-
16 QUIREMENTS.—Not more than 25 percent of
17 the participants in such program may be indi-
18 viduals who do not meet the requirements of
19 clause (ii) or (iii) of subparagraph (A), but
20 who—

21 (i) are basic skills deficient, despite
22 attainment of a secondary school diploma
23 or its recognized equivalent (including rec-
24 ognized certificates of attendance or simi-

1 lar documents for individuals with disabil-
2 ities); or

3 (ii) have been referred by a local sec-
4 ondary school for participation in a
5 YouthBuild program leading to the attain-
6 ment of a secondary school diploma.

7 (2) PARTICIPATION LIMITATION.—An eligible
8 individual selected for participation in a YouthBuild
9 program shall be offered full-time participation in
10 the program for a period of not less than 6 months
11 and not more than 24 months.

12 (3) MINIMUM TIME DEVOTED TO EDUCATIONAL
13 SERVICES AND ACTIVITIES.—A YouthBuild program
14 receiving assistance under subsection (c) shall be
15 structured so that participants in the program are
16 offered—

17 (A) education and related services and ac-
18 tivities designed to meet educational needs,
19 such as those specified in clauses (iv) through
20 (vii) of subsection (c)(2)(A), during at least 50
21 percent of the time during which the partici-
22 pants participate in the program; and

23 (B) work and skill development activities
24 such as those specified in clauses (i), (ii), (iii),
25 and (viii) of subsection (c)(2)(A), during at

1 least 40 percent of the time during which the
2 participants participate in the program.

3 (4) AUTHORITY RESTRICTION.—No provision of
4 this section may be construed to authorize any agen-
5 cy, officer, or employee of the United States to exer-
6 cise any direction, supervision, or control over the
7 curriculum, program of instruction, administration,
8 or personnel of any educational institution (including
9 a school) or school system, or over the selection of
10 library resources, textbooks, or other printed or pub-
11 lished instructional materials by any educational in-
12 stitution or school system.

13 (5) STATE AND LOCAL STANDARDS.—All edu-
14 cational programs and activities supported with
15 funds provided under subsection (c) shall be con-
16 sistent with applicable State and local educational
17 standards. Standards and procedures for the pro-
18 grams and activities that relate to awarding aca-
19 demic credit for and certifying educational attain-
20 ment in such programs and activities shall be con-
21 sistent with applicable State and local educational
22 standards.

23 (f) LEVELS OF PERFORMANCE AND INDICATORS.—

24 (1) IN GENERAL.—The Secretary shall annually
25 establish expected levels of performance for

1 YouthBuild programs relating to each of the pri-
2 mary indicators of performance for eligible youth ac-
3 tivities described in section 131(b)(2)(A)(ii).

4 (2) ADDITIONAL INDICATORS.—The Secretary
5 may establish expected levels of performance for ad-
6 ditional indicators for YouthBuild programs, as the
7 Secretary determines appropriate.

8 (g) MANAGEMENT AND TECHNICAL ASSISTANCE.—

9 (1) SECRETARY ASSISTANCE.—The Secretary
10 may enter into contracts with 1 or more entities to
11 provide assistance to the Secretary in the manage-
12 ment, supervision, and coordination of the program
13 carried out under this section.

14 (2) TECHNICAL ASSISTANCE.—

15 (A) CONTRACTS AND GRANTS.—The Sec-
16 retary shall enter into contracts with or make
17 grants to 1 or more qualified national nonprofit
18 agencies, in order to provide training, informa-
19 tion, technical assistance, and data manage-
20 ment to recipients of grants under subsection
21 (c) or to support pilot and demonstration
22 projects or program evaluations with recipients
23 of grants under subsection (c) as directed by
24 the Secretary.

1 (B) RESERVATION OF FUNDS.—Of the
2 amounts available under subsection (i) to carry
3 out this section for a fiscal year, the Secretary
4 shall reserve 5 percent to carry out subpara-
5 graph (A).

6 (3) CAPACITY BUILDING GRANTS.—

7 (A) IN GENERAL.—In each fiscal year, the
8 Secretary may use not more than 3 percent of
9 the amounts available under subsection (i) to
10 award grants to 1 or more qualified national
11 nonprofit agencies to pay for the Federal share
12 of the cost of capacity building activities.

13 (B) FEDERAL SHARE.—The Federal share
14 of the cost described in subparagraph (A) shall
15 be 25 percent. The non-Federal share shall be
16 provided from private sources.

17 (h) SUBGRANTS AND CONTRACTS.—Each recipient of
18 a grant under subsection (c) to carry out a YouthBuild
19 program shall provide the services and activities described
20 in this section directly or through subgrants, contracts,
21 or other arrangements with local educational agencies, in-
22 stitutions of higher education, State or local housing devel-
23 opment agencies, other public agencies, including agencies
24 of Indian tribes, or private organizations.

1 (i) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated for each of fiscal years
3 2014 through 2018 such sums as may be necessary to
4 carry out this section.

5 **SEC. 274. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) NATIVE AMERICAN PROGRAMS; MIGRANT AND
7 SEASONAL FARMWORKER PROGRAMS; VETERANS' WORK-
8 FORCE INVESTMENT PROGRAMS.—

9 (1) IN GENERAL.—Subject to paragraph (2),
10 there are authorized to be appropriated to carry out
11 sections 266 through 268 such sums as may be nec-
12 essary for each of the fiscal years 2014 through
13 2018.

14 (2) RESERVATIONS.—Of the amount appro-
15 priated pursuant to the authorization of appropria-
16 tions under paragraph (1) for a fiscal year, the Sec-
17 retary shall—

18 (A) reserve not less than \$55,000,000 for
19 carrying out section 266;

20 (B) reserve not less than \$70,000,000 for
21 carrying out section 267; and

22 (C) reserve not less than \$7,300,000 for
23 carrying out section 268.

24 (b) TECHNICAL ASSISTANCE; EVALUATIONS AND RE-
25 SEARCH.—There are authorized to be appropriated to

1 carry out sections 269 and 270 such sums as may be nec-
2 essary for each of the fiscal years 2014 through 2018.

3 (c) ASSISTANCE FOR ELIGIBLE WORKERS.—If, as of
4 the date of enactment of this Act, any unobligated funds
5 appropriated to carry out subsections (f) and (g) of section
6 173 of the Workforce Investment Act of 1998 (29 U.S.C.
7 2918), as in effect on the day before the date of enactment
8 of this Act, remain available, the Secretary of Labor shall
9 continue to use such funds to carry out such subsections
10 until all of such funds are expended.

11 **Subtitle E—Administration**

12 **SEC. 281. REQUIREMENTS AND RESTRICTIONS.**

13 (a) BENEFITS.—

14 (1) WAGES.—

15 (A) IN GENERAL.—Individuals in on-the-
16 job training or individuals employed in activities
17 under this title or subtitle C of title I shall be
18 compensated at the same rates, including peri-
19 odic increases, as trainees or employees who are
20 similarly situated in similar occupations by the
21 same employer and who have similar training,
22 experience, and skills, and such rates shall be in
23 accordance with applicable law, but in no event
24 less than the higher of the rate specified in sec-
25 tion 6(a)(1) of the Fair Labor Standards Act of

1 1938 (29 U.S.C. 206(a)(1)) or the applicable
2 State or local minimum wage law.

3 (B) RULE OF CONSTRUCTION.—The ref-
4 erence in subparagraph (A) to section 6(a)(1)
5 of the Fair Labor Standards Act of 1938 (29
6 U.S.C. 206(a)(1)) shall not be applicable for in-
7 dividuals in territorial jurisdictions in which
8 section 6 of the Fair Labor Standards Act of
9 1938 (29 U.S.C. 206) does not apply.

10 (2) TREATMENT OF ALLOWANCES, EARNINGS,
11 AND PAYMENTS.—Allowances, earnings, and pay-
12 ments to individuals participating in programs under
13 this title or subtitle C of title I shall not be consid-
14 ered as income for the purposes of determining eligi-
15 bility for and the amount of income transfer and in-
16 kind aid furnished under any Federal or federally
17 assisted program based on need, other than as pro-
18 vided under the Social Security Act (42 U.S.C. 301
19 et seq.).

20 (b) LABOR STANDARDS.—

21 (1) LIMITATIONS ON ACTIVITIES THAT IMPACT
22 WAGES OF EMPLOYEES.—No funds provided under
23 this title or subtitle C of title I shall be used to pay
24 the wages of incumbent employees during their par-
25 ticipation in economic development activities pro-

1 vided through a statewide workforce development
2 system.

3 (2) DISPLACEMENT.—

4 (A) PROHIBITION.—A participant in a pro-
5 gram or activity authorized under this title or
6 subtitle C of title I (referred to in this section
7 as a “specified activity”) shall not displace (in-
8 cluding a partial displacement, such as a reduc-
9 tion in the hours of nonovertime work, wages,
10 or employment benefits) any currently employed
11 employee (as of the date of the participation).

12 (B) PROHIBITION ON IMPAIRMENT OF
13 CONTRACTS.—A specified activity shall not im-
14 pair an existing contract for services or collec-
15 tive bargaining agreement, and no such activity
16 that would be inconsistent with the terms of a
17 collective bargaining agreement shall be under-
18 taken without the written concurrence of the
19 labor organization and employer concerned.

20 (3) OTHER PROHIBITIONS.—A participant in a
21 specified activity shall not be employed in a job if—

22 (A) any other individual is on layoff from
23 the same or any substantially equivalent job;

24 (B) the employer has terminated the em-
25 ployment of any regular employee or otherwise

1 reduced the workforce of the employer with the
2 intention of filling the vacancy so created with
3 the participant; or

4 (C) the job is created in a promotional line
5 that will infringe in any way upon the pro-
6 motional opportunities of currently employed in-
7 dividuals (as of the date of the participation).

8 (4) HEALTH AND SAFETY.—Health and safety
9 standards established under Federal and State law
10 otherwise applicable to working conditions of em-
11 ployees shall be equally applicable to working condi-
12 tions of participants engaged in specified activities.
13 To the extent that a State workers' compensation
14 law applies, workers' compensation shall be provided
15 to participants on the same basis as the compensa-
16 tion is provided to other individuals in the State in
17 similar employment.

18 (5) EMPLOYMENT CONDITIONS.—Individuals in
19 on-the-job training or individuals employed in pro-
20 grams and activities under this title or subtitle C of
21 title I shall be provided benefits and working condi-
22 tions at the same level and to the same extent as
23 other trainees or employees working a similar length
24 of time and doing the same type of work.

1 (6) OPPORTUNITY TO SUBMIT COMMENTS.—In-
2 terested members of the public, including represent-
3 atives of businesses and of labor organizations, shall
4 be provided an opportunity to submit comments to
5 the Secretary with respect to programs and activities
6 proposed to be funded under subtitle B.

7 (7) NO IMPACT ON UNION ORGANIZING.—Each
8 recipient of funds under this title or subtitle C of
9 title I shall provide to the Secretary assurances that
10 none of such funds will be used to assist, promote,
11 or deter union organizing.

12 (c) GRIEVANCE PROCEDURE.—

13 (1) IN GENERAL.—Each State and local area
14 receiving an allotment or allocation under this title
15 or a grant under subtitle C of title I shall establish
16 and maintain a procedure for grievances or com-
17 plaints alleging violations of the requirements of this
18 title or subtitle C of title I from participants and
19 other interested or affected parties. Such procedure
20 shall include an opportunity for a hearing and be
21 completed within 60 days after the filing of the
22 grievance or complaint.

23 (2) INVESTIGATION.—

1 (A) IN GENERAL.—The Secretary shall in-
2 vestigate an allegation of a violation described
3 in paragraph (1) if—

4 (i) a decision relating to such violation
5 has not been reached within 60 days after
6 the date of the filing of the grievance or
7 complaint and either party appeals to the
8 Secretary; or

9 (ii) a decision relating to such viola-
10 tion has been reached within such 60 days
11 and the party to which such decision is ad-
12 verse appeals such decision to the Sec-
13 retary.

14 (B) ADDITIONAL REQUIREMENT.—The
15 Secretary shall make a final determination re-
16 lating to an appeal made under subparagraph
17 (A) no later than 120 days after receiving such
18 appeal.

19 (3) REMEDIES.—Remedies that may be im-
20 posed under this section for a violation of any re-
21 quirement of this title or subtitle C of title I shall
22 be limited—

23 (A) to suspension or termination of pay-
24 ments under this title or subtitle C of title I;

1 (B) to prohibition of placement of a partic-
2 ipant with an employer that has violated any
3 requirement under this title or subtitle C of
4 title I;

5 (C) where applicable, to reinstatement of
6 an employee, payment of lost wages and bene-
7 fits, and reestablishment of other relevant
8 terms, conditions, and privileges of employment;
9 and

10 (D) where appropriate, to other equitable
11 relief.

12 (4) RULE OF CONSTRUCTION.—Nothing in
13 paragraph (3) shall be construed to prohibit a griev-
14 ant or complainant from pursuing a remedy author-
15 ized under another Federal, State, or local law for
16 a violation of this title or subtitle C of title I.

17 (d) RELOCATION.—

18 (1) PROHIBITION ON USE OF FUNDS TO EN-
19 COURAGE OR INDUCE RELOCATION.—No funds pro-
20 vided under this title or subtitle C of title I shall be
21 used, or proposed for use, to encourage or induce
22 the relocation of a business or part of a business if
23 such relocation would result in a loss of employment
24 for any employee of such business at the original lo-

1 cation and such original location is within the
2 United States.

3 (2) PROHIBITION ON USE OF FUNDS AFTER RE-
4 LOCATION.—No funds provided under this title or
5 subtitle C of title I for an employment or training
6 activity shall be used for customized or skill train-
7 ing, on-the-job training, incumbent worker training,
8 transitional employment, or company-specific assess-
9 ments of job applicants or employees, for any busi-
10 ness or part of a business that has relocated, until
11 the date that is 120 days after the date on which
12 such business commences operations at the new loca-
13 tion, if the relocation of such business or part of a
14 business results in a loss of employment for any em-
15 ployee of such business at the original location and
16 such original location is within the United States.

17 (3) REPAYMENT.—If the Secretary determines
18 that a violation of paragraph (1) or (2) has oc-
19 curred, the Secretary shall require the State that
20 has violated such paragraph (or that has provided
21 funding to an entity that has violated such para-
22 graph) to repay to the United States an amount
23 equal to the amount expended in violation of such
24 paragraph.

1 (e) LIMITATION ON USE OF FUNDS.—No funds avail-
2 able to carry out an activity under this title or subtitle
3 C of title I shall be used for employment generating activi-
4 ties, investment in revolving loan funds, capitalization of
5 businesses, investment in contract bidding resource cen-
6 ters, economic development activities, or similar activities,
7 that are not directly related to training for eligible individ-
8 uals under this title or subtitle C of title I. No funds re-
9 ceived to carry out an activity under subtitle B of this
10 title or under subtitle C of title I shall be used for foreign
11 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 of this title or under subtitle C of
19 title I for the use of controlled substances; 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 of

1 this title or under subtitle C of title I who test
2 positive for the use of controlled substances—

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 234(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. 282. 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 227 or 232 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 289(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 228, and funds shall be made avail-
19 able under section 233, 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 227 or 232 (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. 283. 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 and subtitles A and B of
6 title I, including the regulations issued under this title and
7 such subtitles.

8 (b) INVESTIGATIONS.—The Secretary may inves-
9 tigate any matter the Secretary determines to be necessary
10 to determine the compliance of the recipients with this
11 title and subtitles A and B of title I, including the regula-
12 tions issued under this title and such subtitles. The inves-
13 tigations authorized by this subsection may include exam-
14 ining records (including making certified copies of the
15 records), questioning employees, and entering any prem-
16 ises or onto any site in which any part of a program or
17 activity of such a recipient is conducted or in which any
18 of the records of the recipient are kept.

19 (c) ADDITIONAL REQUIREMENT.—For the purpose of
20 any investigation or hearing conducted under this title by
21 the Secretary, the provisions of section 9 of the Federal
22 Trade Commission Act (15 U.S.C. 49) (relating to the at-
23 tendance of witnesses and the production of documents)
24 apply to the Secretary, in the same manner and to the
25 same extent as the provisions apply to the Federal Trade
26 Commission.

1 **SEC. 284. 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 234(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) administration of youth workforce
9 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 or subtitle
20 A or B of title I that relates to the administration
21 of programs or activities funded under this title or
22 under the Wagner-Peyser Act (29 U.S.C. 49 et
23 seq.), and corrective action has not been taken, the
24 Governor shall—

1 (A) issue a notice of intent to revoke ap-
2 proval of all or part of the local plan affected;
3 or

4 (B) impose a reorganization plan, which
5 may include—

6 (i) decertifying the local board in-
7 volved;

8 (ii) prohibiting the use of eligible pro-
9 viders;

10 (iii) selecting an alternative entity to
11 administer the program for the local area
12 involved;

13 (iv) merging the local area into one or
14 more other local areas; or

15 (v) making such other changes as the
16 Secretary or Governor determines to be
17 necessary to secure compliance with the
18 provision.

19 (2) APPEAL.—

20 (A) IN GENERAL.—The actions taken by
21 the Governor pursuant to subparagraphs (A)
22 and (B) of paragraph (1) may be appealed to
23 the Secretary and shall not become effective
24 until—

25 (i) the time for appeal has expired; or

1 (ii) the Secretary has issued a deci-
2 sion.

3 (B) ADDITIONAL REQUIREMENT.—The
4 Secretary shall make a final decision under sub-
5 paragraph (A) not later than 45 days after the
6 receipt of the appeal.

7 (3) ACTION BY THE SECRETARY.—If the Gov-
8 ernor fails to take promptly an action required
9 under paragraph (1), the Secretary shall take such
10 action.

11 (c) REPAYMENT OF CERTAIN AMOUNTS TO THE
12 UNITED STATES.—

13 (1) IN GENERAL.—Every recipient of funds
14 under this title shall repay to the United States
15 amounts found not to have been expended in accord-
16 ance with this title and subtitles A and B of title I.

17 (2) OFFSET OF REPAYMENT AMOUNT.—If the
18 Secretary determines that a State has expended
19 funds received under this title in a manner contrary
20 to the requirements of this title or subtitle A or B
21 of title I, the Secretary may require repayment by
22 offsetting the amount of such expenditures against
23 any other amount to which the State is or may be
24 entitled under this title, except as provided under
25 subsection (d)(1).

1 (3) REPAYMENT FROM DEDUCTION BY
2 STATE.—If the Secretary requires a State to repay
3 funds as a result of a determination that a local
4 area of the State has expended funds in a manner
5 contrary to the requirements of this title or subtitle
6 A or B of title I, the Governor of the State may use
7 an amount deducted under paragraph (4) to repay
8 the funds, except as provided under subsection (e).

9 (4) DEDUCTION BY STATE.—The Governor may
10 deduct an amount equal to the misexpenditure de-
11 scribed in paragraph (3) from subsequent program
12 year (subsequent to the program year for which the
13 determination was made) allocations to the local
14 area from funds reserved for the administrative
15 costs of the local programs involved, as appropriate.

16 (5) LIMITATIONS.—A deduction made by a
17 State as described in paragraph (4) shall not be
18 made until such time as the Governor has taken ap-
19 propriate corrective action to ensure full compliance
20 with this title and subtitles A and B of title I within
21 such local area with regard to appropriate expendi-
22 tures of funds under this title.

23 (d) REPAYMENT OF AMOUNTS.—

24 (1) IN GENERAL.—Each recipient of funds
25 under this title shall be liable to repay the amounts

1 described in subsection (c)(1), from funds other than
2 funds received under this title, upon a determination
3 by the Secretary that the misexpenditure of the
4 amounts was due to willful disregard of the require-
5 ments of this title or subtitle A or B of title I, gross
6 negligence, failure to observe accepted standards of
7 administration, or a pattern of misexpenditure de-
8 scribed in subsection (c)(1). No such determination
9 shall be made under this subsection or subsection (c)
10 until notice and opportunity for a fair hearing have
11 been given to the recipient.

12 (2) FACTORS IN IMPOSING SANCTIONS.—In de-
13 termining whether to impose any sanction author-
14 ized by this section against a recipient of funds
15 under this title for violations of title I or subtitle A
16 or B or title I (including applicable regulations) by
17 a subgrantee or contractor of such recipient, the
18 Secretary shall first determine whether such recipi-
19 ent has adequately demonstrated that the recipient
20 has—

21 (A) established and adhered to an appro-
22 priate system, for entering into and monitoring
23 subgrant agreements and contracts with sub-
24 grantees and contractors, that contains accept-
25 able standards for ensuring accountability;

1 (B) entered into a written subgrant agree-
2 ment or contract with such a subgrantee or
3 contractor that established clear goals and obli-
4 gations in unambiguous terms;

5 (C) acted with due diligence to monitor the
6 implementation of the subgrant agreement or
7 contract, including carrying out the appropriate
8 monitoring activities (including audits) at rea-
9 sonable intervals; and

10 (D) taken prompt and appropriate correc-
11 tive action upon becoming aware of any evi-
12 dence of a violation of this title or subtitle A or
13 B of title I, including regulations issued under
14 this title or such subtitle, by such subgrantee or
15 contractor.

16 (3) WAIVER.—If the Secretary determines that
17 the recipient has demonstrated substantial compli-
18 ance with the requirements of paragraph (2), the
19 Secretary may waive the imposition of sanctions au-
20 thorized by this section upon such recipient. The
21 Secretary is authorized to impose any sanction con-
22 sistent with the provisions of this title and subtitles
23 A and B of title I and with any applicable Federal
24 or State law directly against any subgrantee or con-
25 tractor for violation of this title or subtitle A or B

1 of title I, including regulations issued under this
2 title or such subtitle.

3 (e) IMMEDIATE TERMINATION OR SUSPENSION OF
4 ASSISTANCE IN EMERGENCY SITUATIONS.—In emergency
5 situations, if the Secretary determines it is necessary to
6 protect the integrity of the funds or ensure the proper op-
7 eration of the program or activity involved, the Secretary
8 may immediately terminate or suspend financial assist-
9 ance, in whole or in part, to the recipient if the recipient
10 is given prompt notice and the opportunity for a subse-
11 quent hearing within 30 days after such termination or
12 suspension. The Secretary shall not delegate any of the
13 functions or authority specified in this subsection, other
14 than to an officer whose appointment is required to be
15 made by and with the advice and consent of the Senate.

16 (f) DISCRIMINATION AGAINST PARTICIPANTS.—If
17 the Secretary determines that any recipient under this
18 title has discharged or in any other manner discriminated
19 against a participant or against any individual in connec-
20 tion with the administration of the program involved, or
21 against any individual because such individual has filed
22 any complaint or instituted or caused to be instituted any
23 proceeding under or related to this title, or has testified
24 or is about to testify in any such proceeding or an inves-
25 tigation under or related to this title, or otherwise unlaw-

1 fully denied to any individual a benefit to which that indi-
2 vidual is entitled under the provisions of this title, includ-
3 ing regulations issued under this title, the Secretary shall,
4 within 30 days, take such action or order such corrective
5 measures, as necessary, with respect to the recipient or
6 the aggrieved individual, or both.

7 (g) REMEDIES.—The remedies described in this sec-
8 tion shall not be considered to be the exclusive remedies
9 available for violations described in this section.

10 **SEC. 285. REPORTS; RECORDKEEPING; INVESTIGATIONS.**

11 (a) RECIPIENT RECORDKEEPING AND REPORTS.—

12 (1) IN GENERAL.—Recipients of funds under
13 this title shall keep records that are sufficient to
14 permit the preparation of reports required by this
15 title or subtitle A or B of title I and to permit the
16 tracing of funds to a level of expenditure adequate
17 to ensure that the funds have not been spent unlaw-
18 fully.

19 (2) RECORDS AND REPORTS REGARDING GEN-
20 ERAL PERFORMANCE.—Every such recipient shall
21 maintain such records and submit such reports, in
22 such form and containing such information, as the
23 Secretary may require regarding the performance of
24 programs and activities carried out under this title.
25 Such records and reports shall be submitted to the

1 Secretary but shall not be required to be submitted
2 more than once each quarter unless specifically re-
3 quired by Congress or a committee of Congress, in
4 which case an estimate regarding such information
5 may be provided.

6 (3) MAINTENANCE OF STANDARDIZED
7 RECORDS.—In order to allow for the preparation of
8 the reports required under subsection (c), such re-
9 cipients shall maintain standardized records for all
10 individual participants and provide to the Secretary
11 a sufficient number of such records to provide for an
12 adequate analysis of the records.

13 (4) AVAILABILITY TO THE PUBLIC.—

14 (A) IN GENERAL.—Except as provided in
15 subparagraph (B), records maintained by such
16 recipients pursuant to this subsection shall be
17 made available to the public upon request.

18 (B) EXCEPTION.—Subparagraph (A) shall
19 not apply to—

20 (i) information, the disclosure of
21 which would constitute a clearly unwar-
22 ranted invasion of personal privacy; and

23 (ii) trade secrets, or commercial or fi-
24 nancial information, that is—

25 (I) obtained from a person; and

1 (II) privileged or confidential.

2 (C) FEES TO RECOVER COSTS.—Such re-
3 cipients may charge fees sufficient to recover
4 costs applicable to the processing of requests
5 for records under subparagraph (A).

6 (b) INVESTIGATIONS OF USE OF FUNDS.—

7 (1) IN GENERAL.—

8 (A) SECRETARY.—In order to evaluate
9 compliance with the provisions of this title and
10 subtitles A and B of title I, the Secretary shall
11 conduct, in several States, in each fiscal year,
12 investigations of the use of funds received by
13 recipients under this title.

14 (B) COMPTROLLER GENERAL OF THE
15 UNITED STATES.—In order to ensure compli-
16 ance with the provisions of this title and sub-
17 titles A and B of title I, the Comptroller Gen-
18 eral of the United States may conduct inves-
19 tigation of the use of funds received under this
20 title by any recipient.

21 (2) PROHIBITION.—In conducting any inves-
22 tigation under this title, the Secretary or the Comp-
23 troller General of the United States may not request
24 the compilation of any information that the recipient

1 is not otherwise required to compile and that is not
2 readily available to such recipient.

3 (3) AUDITS.—

4 (A) IN GENERAL.—In carrying out any
5 audit under this title (other than any initial
6 audit survey or any audit investigating possible
7 criminal or fraudulent conduct), either directly
8 or through grant or contract, the Secretary, the
9 Inspector General of the Department of Labor,
10 or the Comptroller General of the United States
11 shall furnish to the State, recipient, or other
12 entity to be audited, advance notification of the
13 overall objectives and purposes of the audit, and
14 any extensive recordkeeping or data require-
15 ments to be met, not later than 14 days (or as
16 soon as practicable), prior to the commence-
17 ment of the audit.

18 (B) NOTIFICATION REQUIREMENT.—If the
19 scope, objectives, or purposes of the audit
20 change substantially during the course of the
21 audit, the entity being audited shall be notified
22 of the change as soon as practicable.

23 (C) ADDITIONAL REQUIREMENT.—The re-
24 ports on the results of such audits shall cite the

1 law, regulation, policy, or other criteria applica-
2 ble to any finding contained in the reports.

3 (D) RULE OF CONSTRUCTION.—Nothing
4 contained in this title shall be construed so as
5 to be inconsistent with the Inspector General
6 Act of 1978 (5 U.S.C. App.) or government au-
7 diting standards issued by the Comptroller Gen-
8 eral of the United States.

9 (c) GRANTEE INFORMATION RESPONSIBILITIES.—
10 Each State, each local board, and each recipient (other
11 than a subrecipient, subgrantee, or contractor of a recipi-
12 ent) receiving funds under this title—

13 (1) shall make readily accessible such reports
14 concerning its operations and expenditures as shall
15 be prescribed by the Secretary;

16 (2) shall prescribe and maintain comparable
17 management information systems, in accordance
18 with guidelines that shall be prescribed by the Sec-
19 retary, designed to facilitate the uniform compila-
20 tion, cross tabulation, and analysis of programmatic,
21 participant, and financial data, on statewide, local
22 area, and other appropriate bases, necessary for re-
23 porting, monitoring, and evaluating purposes, includ-
24 ing data necessary to comply with section 288;

1 (3) shall monitor the performance of providers
2 in complying with the terms of grants, contracts, or
3 other agreements made pursuant to this title; and

4 (4) shall, to the extent practicable, submit or
5 make available (including through electronic means)
6 any reports, records, plans, or any other data that
7 are required to be submitted or made available, re-
8 spectively, under this title or subtitle A or B of title
9 I.

10 (d) INFORMATION TO BE INCLUDED IN REPORTS.—

11 (1) IN GENERAL.—The reports required in sub-
12 section (c) shall include information regarding pro-
13 grams and activities carried out under this title per-
14 taining to—

15 (A) the relevant demographic characteris-
16 tics (including race, ethnicity, sex, and age) and
17 other related information regarding partici-
18 pants;

19 (B) the programs and activities in which
20 participants are enrolled, and the length of time
21 that participants are engaged in such programs
22 and activities;

23 (C) outcomes of the programs and activi-
24 ties for participants, including the occupations

1 of participants, and placement for participants
2 in nontraditional employment;

3 (D) specified costs of the programs and ac-
4 tivities; and

5 (E) information necessary to prepare re-
6 ports to comply with section 288.

7 (2) ADDITIONAL REQUIREMENT.—The Sec-
8 retary shall ensure that all elements of the informa-
9 tion required for the reports described in paragraph
10 (1) are defined and that the information is reported
11 uniformly.

12 (e) QUARTERLY FINANCIAL REPORTS.—

13 (1) IN GENERAL.—Each local board in a State
14 shall submit quarterly financial reports to the Gov-
15 ernor with respect to programs and activities carried
16 out under this title. Such reports shall include infor-
17 mation identifying all program and activity costs by
18 cost category in accordance with generally accepted
19 accounting principles and by year of the appropria-
20 tion involved.

21 (2) ADDITIONAL REQUIREMENT.—Each State
22 shall submit to the Secretary, on a quarterly basis,
23 a summary of the reports submitted to the Governor
24 pursuant to paragraph (1).

1 (f) MAINTENANCE OF ADDITIONAL RECORDS.—Each
2 State and local board shall maintain records with respect
3 to programs and activities carried out under this title that
4 identify—

5 (1) any income or profits earned, including such
6 income or profits earned by subrecipients; and

7 (2) any costs incurred (such as stand-in costs)
8 that are otherwise allowable except for funding limi-
9 tations.

10 (g) COST CATEGORIES.—In requiring entities to
11 maintain records of costs by cost category under this title,
12 the Secretary shall require only that the costs be cat-
13 egorized as administrative or programmatic costs.

14 **SEC. 286. ADMINISTRATIVE ADJUDICATION.**

15 (a) IN GENERAL.—Whenever any applicant for finan-
16 cial assistance under this title is dissatisfied because the
17 Secretary has made a determination not to award financial
18 assistance in whole or in part to such applicant, the appli-
19 cant may request a hearing before an administrative law
20 judge of the Department of Labor. A similar hearing may
21 also be requested by any recipient for whom a corrective
22 action has been required or a sanction has been imposed
23 by the Secretary under section 284.

24 (b) APPEAL.—The decision of the administrative law
25 judge shall constitute final action by the Secretary unless,

1 within 20 days after receipt of the decision of the adminis-
2 trative law judge, a party dissatisfied with the decision or
3 any part of the decision has filed exceptions with the Sec-
4 retary specifically identifying the procedure, fact, law, or
5 policy to which exception is taken. Any exception not spe-
6 cifically urged during the 20-day period shall be deemed
7 to have been waived. After the 20-day period the decision
8 of the administrative law judge shall become the final deci-
9 sion of the Secretary unless the Secretary, within 30 days
10 after such filing, notifies the parties that the case involved
11 has been accepted for review.

12 (c) TIME LIMIT.—Any case accepted for review by
13 the Secretary under subsection (b) shall be decided within
14 180 days after such acceptance. If the case is not decided
15 within the 180-day period, the decision of the administra-
16 tive law judge shall become the final decision of the Sec-
17 retary at the end of the 180-day period.

18 (d) ADDITIONAL REQUIREMENT.—The provisions of
19 section 287 shall apply to any final action of the Secretary
20 under this section.

21 **SEC. 287. JUDICIAL REVIEW.**

22 (a) REVIEW.—

23 (1) PETITION.—With respect to any final order
24 by the Secretary under section 286 by which the
25 Secretary awards, declines to award, or only condi-

1 tionally awards, financial assistance under this title,
2 or any final order of the Secretary under section 286
3 with respect to a corrective action or sanction im-
4 posed under section 284, any party to a proceeding
5 that resulted in such final order may obtain review
6 of such final order in the United States Court of Ap-
7 peals having jurisdiction over the applicant for or re-
8 cipient of the funds involved, by filing a review peti-
9 tion within 30 days after the date of issuance of
10 such final order.

11 (2) ACTION ON PETITION.—The clerk of the
12 court shall transmit a copy of the review petition to
13 the Secretary, who shall file the record on which the
14 final order was entered as provided in section 2112
15 of title 28, United States Code. The filing of a re-
16 view petition shall not stay the order of the Sec-
17 retary, unless the court orders a stay. Petitions filed
18 under this subsection shall be heard expeditiously, if
19 possible within 10 days after the date of filing of a
20 reply to the petition.

21 (3) STANDARD AND SCOPE OF REVIEW.—No
22 objection to the order of the Secretary shall be con-
23 sidered by the court unless the objection was specifi-
24 cally urged, in a timely manner, before the Sec-
25 retary. The review shall be limited to questions of

1 law and the findings of fact of the Secretary shall
2 be conclusive if supported by substantial evidence.

3 (b) JUDGMENT.—The court shall have jurisdiction to
4 make and enter a decree affirming, modifying, or setting
5 aside the order of the Secretary in whole or in part. The
6 judgment of the court regarding the order shall be final,
7 subject to certiorari review by the Supreme Court as pro-
8 vided in section 1254(1) of title 28, United States Code.

9 **SEC. 288. NONDISCRIMINATION.**

10 (a) IN GENERAL.—

11 (1) FEDERAL FINANCIAL ASSISTANCE.—For
12 the purpose of applying the prohibitions against dis-
13 crimination on the basis of age under the Age Dis-
14 crimination Act of 1975 (42 U.S.C. 6101 et seq.),
15 on the basis of disability under section 504 of the
16 Rehabilitation Act of 1973 (29 U.S.C. 794), on the
17 basis of sex under title IX of the Education Amend-
18 ments of 1972 (20 U.S.C. 1681 et seq.), or on the
19 basis of race, color, or national origin under title VI
20 of the Civil Rights Act of 1964 (42 U.S.C. 2000d
21 et seq.), programs and activities funded or otherwise
22 financially assisted in whole or in part under this
23 Act are considered to be programs and activities re-
24 ceiving Federal financial assistance.

1 (2) PROHIBITION OF DISCRIMINATION REGARD-
2 ING PARTICIPATION, BENEFITS, AND EMPLOY-
3 MENT.—No individual shall be excluded from par-
4 ticipation in, denied the benefits of, subjected to dis-
5 crimination under, or denied employment in the ad-
6 ministration of or in connection with, any such pro-
7 gram or activity because of race, color, religion, sex
8 (except as otherwise permitted under title IX of the
9 Education Amendments of 1972), national origin,
10 age, disability, or political affiliation or belief.

11 (3) PROHIBITION ON ASSISTANCE FOR FACILI-
12 TIES FOR SECTARIAN INSTRUCTION OR RELIGIOUS
13 WORSHIP.—Participants shall not be employed under
14 this title or subtitle C of title I to carry out the con-
15 struction, operation, or maintenance of any part of
16 any facility that is used or to be used for sectarian
17 instruction or as a place for religious worship (ex-
18 cept with respect to the maintenance of a facility
19 that is not primarily or inherently devoted to sec-
20 tarian instruction or religious worship, in a case in
21 which the organization operating the facility is part
22 of a program or activity providing services to partici-
23 pants).

24 (4) PROHIBITION ON DISCRIMINATION ON BASIS
25 OF PARTICIPANT STATUS.—No person may discrimi-

1 nate against an individual who is a participant in a
2 program or activity that receives funds under this
3 title or subtitle C of title I, with respect to the terms
4 and conditions affecting, or rights provided to, the
5 individual, solely because of the status of the indi-
6 vidual as a participant.

7 (5) PROHIBITION ON DISCRIMINATION AGAINST
8 CERTAIN NONCITIZENS.—Participation in programs
9 and activities or receiving funds under this title shall
10 be available to citizens and nationals of the United
11 States, lawfully admitted permanent resident aliens,
12 refugees, asylees, and parolees, and other immi-
13 grants authorized by the Attorney General to work
14 in the United States.

15 (b) ACTION OF SECRETARY.—Whenever the Sec-
16 retary finds that a State or other recipient of funds under
17 this title has failed to comply with a provision of law re-
18 ferred to in subsection (a)(1), or with paragraph (2), (3),
19 (4), or (5) of subsection (a), including an applicable regu-
20 lation prescribed to carry out such provision or paragraph,
21 the Secretary shall notify such State or recipient and shall
22 request that the State or recipient comply. If within a rea-
23 sonable period of time, not to exceed 60 days, the State
24 or recipient fails or refuses to comply, the Secretary
25 may—

1 (1) refer the matter to the Attorney General
2 with a recommendation that an appropriate civil ac-
3 tion be instituted; or

4 (2) take such other action as may be provided
5 by law.

6 (c) ACTION OF ATTORNEY GENERAL.—When a mat-
7 ter is referred to the Attorney General pursuant to sub-
8 section (b)(1), or whenever the Attorney General has rea-
9 son to believe that a State or other recipient of funds
10 under this title is engaged in a pattern or practice of dis-
11 crimination in violation of a provision of law referred to
12 in subsection (a)(1) or in violation of paragraph (2), (3),
13 (4), or (5) of subsection (a), the Attorney General may
14 bring a civil action in any appropriate district court of the
15 United States for such relief as may be appropriate, in-
16 cluding injunctive relief.

17 (d) JOB CORPS.—For the purposes of this section,
18 Job Corps members shall be considered to be the ultimate
19 beneficiaries of Federal financial assistance.

20 (e) REGULATIONS.—The Secretary shall issue regula-
21 tions necessary to implement this section not later than
22 1 year after the date of enactment of the Workforce In-
23 vestment Act of 1998. Such regulations shall adopt stand-
24 ards for determining discrimination and procedures for en-
25 forcement that are consistent with the Acts referred to in

1 subsection (a)(1), as well as procedures to ensure that
2 complaints filed under this section and such Acts are proc-
3 essed in a manner that avoids duplication of effort.

4 **SEC. 289. SECRETARIAL ADMINISTRATIVE AUTHORITIES**
5 **AND RESPONSIBILITIES.**

6 (a) IN GENERAL.—In accordance with chapter 5 of
7 title 5, United States Code, the Secretary may prescribe
8 rules and regulations to carry out this title and appro-
9 priate provisions of subtitles A and B of title I, only to
10 the extent necessary to administer and ensure compliance
11 with the requirements of this title and such subtitles. Such
12 rules and regulations may include provisions making ad-
13 justments authorized by section 6504 of title 31, United
14 States Code. All such rules and regulations shall be pub-
15 lished in the Federal Register at least 30 days prior to
16 their effective dates. Copies of each such rule or regulation
17 shall be transmitted to the appropriate committees of Con-
18 gress on the date of such publication and shall contain,
19 with respect to each material provision of such rule or reg-
20 ulation, a citation to the particular substantive section of
21 law that is the basis for the provision.

22 (b) ACQUISITION OF CERTAIN PROPERTY AND SERV-
23 ICES.—The Secretary is authorized, in carrying out this
24 title, to accept, purchase, or lease in the name of the De-
25 partment of Labor, and employ or dispose of in further-

1 ance of the purposes of this title, any money or property,
2 real, personal, or mixed, tangible or intangible, received
3 by gift, devise, bequest, or otherwise, and to accept vol-
4 untary and uncompensated services notwithstanding the
5 provisions of section 1342 of title 31, United States Code.

6 (c) AUTHORITY TO ENTER INTO CERTAIN AGREE-
7 MENTS AND TO MAKE CERTAIN EXPENDITURES.—The
8 Secretary may make such grants, enter into such con-
9 tracts or agreements, establish such procedures, and make
10 such payments, in installments and in advance or by way
11 of reimbursement, or otherwise allocate or expend such
12 funds under this title, as may be necessary to carry out
13 this title, including making expenditures for construction,
14 repairs, and capital improvements, and including making
15 necessary adjustments in payments on account of over-
16 payments or underpayments.

17 (d) ANNUAL REPORT.—The Secretary shall prepare
18 and submit to the Committee on Education and the Work-
19 force of the House of Representatives and the Committee
20 on Health, Education, Labor, and Pensions of the Senate
21 an annual report regarding the programs and activities
22 funded under this title. The Secretary shall include in such
23 report—

1 (1) a summary of the achievements, failures,
2 and challenges of the programs and activities in
3 meeting the objectives of this title and title I;

4 (2) a summary of major findings from research,
5 evaluations, pilot projects, and experiments con-
6 ducted under this title in the fiscal year prior to the
7 submission of the report;

8 (3) recommendations for modifications in the
9 programs and activities based on analysis of such
10 findings; and

11 (4) such other recommendations for legislative
12 or administrative action as the Secretary determines
13 to be appropriate.

14 (e) UTILIZATION OF SERVICES AND FACILITIES.—

15 The Secretary is authorized, in carrying out this title and
16 subtitles A and B of title I, under the same procedures
17 as are applicable under subsection (c) or to the extent per-
18 mitted by law other than this title and such subtitles, to
19 accept and use the services and facilities of departments,
20 agencies, and establishments of the United States. The
21 Secretary is also authorized, in carrying out this title and
22 such subtitles, to accept and use the services and facilities
23 of the agencies of any State or political subdivision of a
24 State, with the consent of the State or political subdivi-
25 sion.

1 (f) OBLIGATIONAL AUTHORITY.—Notwithstanding
2 any other provision of this title, the Secretary shall have
3 no authority to enter into contracts, grant agreements, or
4 other financial assistance agreements under this title, ex-
5 cept to such extent and in such amounts as are provided
6 in advance in appropriations Acts.

7 (g) PROGRAM YEAR.—

8 (1) IN GENERAL.—

9 (A) PROGRAM YEAR.—Except as provided
10 in subparagraph (B) and section 272, appro-
11 priations for any fiscal year for programs and
12 activities funded under this title shall be avail-
13 able for obligation only on the basis of a pro-
14 gram year. The program year shall begin on
15 July 1 in the fiscal year for which the appro-
16 priation is made.

17 (B) YOUTH WORKFORCE INVESTMENT AC-
18 TIVITIES.—The Secretary may make available
19 for obligation, beginning April 1 of any fiscal
20 year, funds appropriated for such fiscal year to
21 carry out youth workforce investment activities
22 under subtitle B.

23 (2) AVAILABILITY.—

24 (A) IN GENERAL.—Funds obligated for
25 any program year for a program or activity

1 funded under subtitle B may be expended by
2 each State receiving such funds during that
3 program year and the 2 succeeding program
4 years. Funds received by local areas from
5 States under subtitle B during a program year
6 may be expended during that program year and
7 the succeeding program year.

8 (B) CERTAIN NATIONAL ACTIVITIES.—

9 (i) IN GENERAL.—Funds obligated for
10 any program year for any program or ac-
11 tivity carried out under section 270 shall
12 remain available until expended.

13 (ii) INCREMENTAL FUNDING BASIS.—

14 A contract or arrangement entered into
15 under the authority of subsection (a) or (b)
16 of section 270 (relating to evaluations, re-
17 search projects, studies and reports, and
18 multistate projects), including a long-term,
19 nonseverable services contract, may be
20 funded on an incremental basis with an-
21 nual appropriations or other available
22 funds.

23 (C) SPECIAL RULE.—No amount of the
24 funds obligated for a program year for a pro-
25 gram or activity funded under this title shall be

1 deobligated on account of a rate of expenditure
2 that is consistent with a State plan, an oper-
3 ating plan described in section 251, or a plan,
4 grant agreement, contract, application, or other
5 agreement described in subtitle D, as appro-
6 priate.

7 (h) ENFORCEMENT OF MILITARY SELECTIVE SERV-
8 ICE ACT.—The Secretary shall ensure that each individual
9 participating in any program or activity established under
10 this title, or receiving any assistance or benefit under this
11 title, has not violated section 3 of the Military Selective
12 Service Act (50 U.S.C. App. 453) by not presenting and
13 submitting to registration as required pursuant to such
14 section. The Director of the Selective Service System shall
15 cooperate with the Secretary to enable the Secretary to
16 carry out this subsection.

17 (i) WAIVER.—

18 (1) SPECIAL RULE REGARDING DESIGNATED
19 AREAS.—A State that has enacted, not later than
20 December 31, 1997, a State law providing for the
21 designation of service delivery areas for the delivery
22 of workforce investment activities, may use such
23 areas as local areas under this title and title I, not-
24 withstanding section 116.

1 (2) SPECIAL RULE REGARDING SANCTIONS.—A
2 State that enacts, not later than December 31,
3 1997, a State law providing for the sanctioning of
4 such service delivery areas for failure to meet per-
5 formance measures for workforce investment activi-
6 ties, may use the State law to sanction local areas
7 for failure to meet State performance accountability
8 measures under title I.

9 (3) GENERAL WAIVERS OF STATUTORY OR REG-
10 ULATORY REQUIREMENTS.—

11 (A) GENERAL AUTHORITY.—Notwith-
12 standing any other provision of law, the Sec-
13 retary may waive for a State, or a local area in
14 a State, pursuant to a request submitted by the
15 Governor of the State (in consultation with ap-
16 propriate local elected officials) with a plan that
17 meets the requirements of subparagraph (B)—

18 (i) any of the statutory or regulatory
19 requirements of subtitle A or B of title I
20 that relate to the administration of pro-
21 grams or activities funded under this title
22 or the Wagner-Peyser Act (29 U.S.C. 49
23 et seq.), subtitle B of this title, section
24 272, or this subtitle (except for require-
25 ments relating to wage and labor stand-

1 ards, including nondisplacement protec-
2 tions, worker rights, participation and pro-
3 tection of workers and participants, griev-
4 ance procedures and judicial review, non-
5 discrimination, allocation of funds to local
6 areas, eligibility of providers or partici-
7 pants, the establishment and functions of
8 local areas and local boards, the funding of
9 infrastructure costs for one-stop centers,
10 and procedures for review and approval of
11 plans, and other requirements relating to
12 the basic purposes of this title and title I);
13 and

14 (ii) any of the statutory or regulatory
15 requirements of sections 8 through 10 of
16 the Wagner-Peyser Act (29 U.S.C. 49g
17 through 49i) (excluding requirements relat-
18 ing to the provision of services to unem-
19 ployment insurance claimants and vet-
20 erans, and requirements relating to uni-
21 versal access to basic labor exchange serv-
22 ices without cost to jobseekers).

23 (B) REQUESTS.—A Governor requesting a
24 waiver under subparagraph (A) shall submit a

1 plan to the Secretary to improve the statewide
2 workforce development system that—

3 (i) identifies the statutory or regu-
4 latory requirements that are requested to
5 be waived and the goals that the State or
6 local area in the State, as appropriate, in-
7 tends to achieve as a result of the waiver;

8 (ii) describes the actions that the
9 State or local area, as appropriate, has un-
10 dertaken to remove State or local statutory
11 or regulatory barriers;

12 (iii) describes the goals of the waiver
13 and the expected programmatic outcomes
14 if the request is granted;

15 (iv) describes the individuals impacted
16 by the waiver; and

17 (v) describes the process used to mon-
18 itor the progress in implementing such a
19 waiver, and the process by which notice
20 and, in the case of a waiver for a local
21 area, an opportunity to comment on such
22 request has been provided to the local
23 board for the local area for which the wai-
24 ver is requested.

1 (C) CONDITIONS.—Not later than 90 days
2 after the date of the original submission of a
3 request for a waiver under subparagraph (A),
4 the Secretary shall provide a waiver under this
5 subsection if and only to the extent that—

6 (i) the Secretary determines that the
7 requirements requested to be waived im-
8 pede the ability of the State or local area,
9 as appropriate, to implement the plan de-
10 scribed in subparagraph (B); and

11 (ii) the State has executed a memo-
12 randum of understanding with the Sec-
13 retary requiring such State to meet, or en-
14 sure that the local area for which the wai-
15 ver is requested meets, agreed-upon out-
16 comes and to implement other appropriate
17 measures to ensure accountability.

18 (D) EXPEDITED DETERMINATION REGARD-
19 ING PROVISION OF WAIVERS.—If the Secretary
20 has approved a waiver of statutory or regu-
21 latory requirements for a State or local area
22 pursuant to this subsection, the Secretary shall
23 expedite the determination regarding the provi-
24 sion of that waiver, for another State or local

1 area if such waiver is in accordance with the
2 approved State or local plan, as appropriate.

3 **SEC. 290. WORKFORCE FLEXIBILITY PLANS.**

4 (a) PLANS.—A State may submit to the Secretary,
5 and the Secretary may approve, a workforce flexibility
6 plan under which the State is authorized to waive, in ac-
7 cordance with the plan—

8 (1) any of the statutory or regulatory require-
9 ments applicable under this title and subtitles A and
10 B of title I to local areas, pursuant to applications
11 for such waivers from the local areas, except for re-
12 quirements relating to the basic purposes of this title
13 and title I, wage and labor standards, grievance pro-
14 cedures and judicial review, nondiscrimination, eligi-
15 bility of participants, allocation of funds to local
16 areas, establishment and functions of local areas and
17 local boards, procedures for review and approval of
18 local plans, and worker rights, participation, and
19 protection;

20 (2) any of the statutory or regulatory require-
21 ments applicable under sections 8 through 10 of the
22 Wagner-Peyser Act (29 U.S.C. 49g through 49i) to
23 the State (excluding requirements relating to the
24 provision of services to unemployment insurance
25 claimants and veterans, and requirements relating to

1 universal access to basic labor exchange services
2 without cost to jobseekers); and

3 (3) any of the statutory or regulatory require-
4 ments applicable under the Older Americans Act of
5 1965 (42 U.S.C. 3001 et seq.) to State agencies on
6 aging with respect to activities carried out using
7 funds allotted under section 506(b) of such Act (42
8 U.S.C. 3056d(b)), except for requirements relating
9 to the basic purposes of such Act, wage and labor
10 standards, eligibility of participants in the activities,
11 and standards for grant agreements.

12 (b) CONTENT OF PLANS.—A workforce flexibility
13 plan implemented by a State under subsection (a) shall
14 include descriptions of—

15 (1)(A) the process by which local areas in the
16 State may submit and obtain approval by the State
17 of applications for waivers of requirements applica-
18 ble under this title or subtitle A or B of title I; and

19 (B) the requirements described in subparagraph
20 (A) that are likely to be waived by the State under
21 the plan;

22 (2) the requirements applicable under sections
23 8 through 10 of the Wagner-Peyser Act that are
24 proposed to be waived, if any;

1 (3) the requirements applicable under the Older
2 Americans Act of 1965 that are proposed to be
3 waived, if any;

4 (4) the outcomes to be achieved by the waivers
5 described in paragraphs (1) through (3); and

6 (5) other measures to be taken to ensure appro-
7 priate accountability for Federal funds in connection
8 with the waivers.

9 (c) PERIODS.—The Secretary may approve a work-
10 force flexibility plan for a period of not more than 5 years.

11 (d) OPPORTUNITY FOR PUBLIC COMMENTS.—Prior
12 to submitting a workforce flexibility plan to the Secretary
13 for approval, the State shall provide to all interested par-
14 ties and to the general public adequate notice of and a
15 reasonable opportunity for comment on the waiver re-
16 quests proposed to be implemented pursuant to such plan.

17 **SEC. 291. STATE LEGISLATIVE AUTHORITY.**

18 (a) AUTHORITY OF STATE LEGISLATURE.—Nothing
19 in this title or subtitle A or B of title I shall be interpreted
20 to preclude the enactment of State legislation providing
21 for the implementation, consistent with the provisions of
22 this title and subtitles A and B of title I, of the activities
23 assisted under this title or subtitle A or B of title I. Any
24 funds received by a State under this title shall be subject
25 to appropriation by the State legislature, consistent with

1 the terms and conditions required under this title and
2 such subtitles.

3 (b) INTERSTATE COMPACTS AND COOPERATIVE
4 AGREEMENTS.—In the event that compliance with provi-
5 sions of this title or title I would be enhanced by compacts
6 and cooperative agreements between States, the consent
7 of Congress is given to States to enter into such compacts
8 and agreements to facilitate such compliance, subject to
9 the approval of the Secretary.

10 **SEC. 292. TRANSFER OF FEDERAL EQUITY IN STATE EM-**
11 **PLOYMENT SECURITY AGENCY REAL PROP-**
12 **ERTY TO THE STATES.**

13 (a) TRANSFER OF FEDERAL EQUITY.—Notwith-
14 standing any other provision of law, any Federal equity
15 acquired in real property through grants to States award-
16 ed under title III of the Social Security Act (42 U.S.C.
17 501 et seq.) or under the Wagner-Peyser Act (29 U.S.C.
18 49 et seq.) is transferred to the States that used the
19 grants for the acquisition of such equity. The portion of
20 any real property that is attributable to the Federal equity
21 transferred under this section shall be used to carry out
22 activities authorized under this Act, title III of the Social
23 Security Act, or the Wagner-Peyser Act. Any disposition
24 of such real property shall be carried out in accordance
25 with the procedures prescribed by the Secretary and the

1 portion of the proceeds from the disposition of such real
2 property that is attributable to the Federal equity trans-
3 ferred under this section shall be used to carry out activi-
4 ties authorized under this Act, title III of the Social Secu-
5 rity Act, or the Wagner-Peyser Act.

6 (b) **LIMITATION ON USE.**—A State shall not use
7 funds awarded under this Act, title III of the Social Secu-
8 rity Act, or the Wagner-Peyser Act to amortize the costs
9 of real property that is purchased by any State on or after
10 the date of enactment of the Revised Continuing Appro-
11 priations Resolution, 2007.

12 **SEC. 293. CONTINUATION OF STATE ACTIVITIES AND POLI-**
13 **CIES.**

14 (a) **IN GENERAL.**—Notwithstanding any other provi-
15 sion of this title, or subtitle A of title I, the Secretary
16 may not deny approval of a State plan for a covered State,
17 or an application of a covered State for financial assist-
18 ance, under this title or subtitle A of title I, or find a
19 covered State (including a State board or Governor), or
20 a local area (including a local board or chief elected offi-
21 cial) in a covered State, in violation of a provision of this
22 title or subtitle A of title I, on the basis that—

23 (1)(A) the State proposes to allocate or dis-
24 burse, allocates, or disburses, within the State, funds
25 made available to the State under section 227 or

1 232 in accordance with the allocation formula for
2 the type of activities involved, or in accordance with
3 a disbursal procedure or process, used by the State
4 under prior consistent State laws; or

5 (B) a local board in the State proposes to dis-
6 burse, or disburses, within the local area, funds
7 made available to the State under section 227 or
8 232 in accordance with a disbursal procedure or
9 process used by a private industry council under
10 prior consistent State law;

11 (2) the State proposes to carry out or carries
12 out a State procedure through which local areas use,
13 as fiscal agents for funds made available to the
14 State under section 227 or 232 and allocated within
15 the State, fiscal agents selected in accordance with
16 a process established under prior consistent State
17 laws;

18 (3) the State proposes to carry out or carries
19 out a State procedure through which the local
20 boards in the State (or the local boards, the chief
21 elected officials in the State, and the Governor) des-
22 ignate or select the one-stop partners and one-stop
23 operators of the statewide system in the State under
24 prior consistent State laws, in lieu of making the
25 designation or certification described in section 221

1 (regardless of the date the one-stop delivery systems
2 involved have been established);

3 (4) the State proposes to carry out or carries
4 out a State procedure through which the persons re-
5 sponsible for selecting eligible providers for purposes
6 of subtitle B are permitted to determine that a pro-
7 vider shall not be selected to provide both intake
8 services under section 234(c)(2) and training serv-
9 ices under section 234(c)(4), under prior consistent
10 State laws;

11 (5) the State proposes to designate or des-
12 ignates a State board, or proposes to assign or as-
13 signs functions and roles of the State board (includ-
14 ing determining the time periods for development
15 and submission of a State plan required under sec-
16 tion 212 or 213), for purposes of subtitle A of title
17 I in accordance with prior consistent State laws; or

18 (6) a local board in the State proposes to use
19 or carry out, uses, or carries out a local plan (in-
20 cluding assigning functions and roles of the local
21 board) for purposes of subtitle A of title I in accord-
22 ance with the authorities and requirements applica-
23 ble to local plans and private industry councils under
24 prior consistent State laws.

25 (b) DEFINITION.—In this section:

1 (1) COVERED STATE.—The term “covered
2 State” means a State that enacted State laws de-
3 scribed in paragraph (2).

4 (2) PRIOR CONSISTENT STATE LAWS.—The
5 term “prior consistent State laws” means State
6 laws, not inconsistent with the Job Training Part-
7 nership Act or any other applicable Federal law,
8 that took effect on September 1, 1993, September 1,
9 1995, and September 1, 1997.

10 **SEC. 294. GENERAL PROGRAM REQUIREMENTS.**

11 Except as otherwise provided in this title or title I,
12 the following conditions apply to all programs under this
13 title or title I, as applicable:

14 (1) Each program under this title or title I
15 shall provide employment and training opportunities
16 to those who can benefit from, and who are most in
17 need of, such opportunities. In addition, the recipi-
18 ents of Federal funding for programs under this title
19 or title I shall make efforts to develop programs that
20 contribute to occupational development, upward mo-
21 bility, development of new careers, and opportunities
22 for nontraditional employment.

23 (2) Funds provided under this title shall only be
24 used for activities that are in addition to activities

1 that would otherwise be available in the local area
2 in the absence of such funds.

3 (3)(A) Any local area may enter into an agree-
4 ment with another local area (including a local area
5 that is a city or county within the same labor mar-
6 ket) to pay or share the cost of educating, training,
7 or placing individuals participating in programs as-
8 sisted under this title, including the provision of sup-
9 portive services.

10 (B) Such agreement shall be approved by each
11 local board for a local area entering into the agree-
12 ment and shall be described in the local plan under
13 section 118.

14 (4) On-the-job training contracts under this
15 title or subtitle C of title I, shall not be entered into
16 with employers who have received payments under
17 previous contracts under this Act or the Workforce
18 Investment Act of 1998 and have exhibited a pat-
19 tern of failing to provide on-the-job training partici-
20 pants with continued long-term employment as reg-
21 ular employees with wages and employment benefits
22 (including health benefits) and working conditions at
23 the same level and to the same extent as other em-
24 ployees working a similar length of time and doing
25 the same type of work.

1 (5) No person or organization may charge an
2 individual a fee for the placement or referral of the
3 individual in or to a workforce investment activity
4 under this title.

5 (6) The Secretary shall not provide financial as-
6 sistance for any program under this title or subtitle
7 C of title I that involves political activities.

8 (7)(A) Income under any program administered
9 by a public or private nonprofit entity may be re-
10 tained by such entity only if such income is used to
11 continue to carry out the program.

12 (B) Income subject to the requirements of sub-
13 paragraph (A) shall include—

14 (i) receipts from goods or services (includ-
15 ing conferences) provided as a result of activi-
16 ties funded under this title;

17 (ii) funds provided to a service provider
18 under this title that are in excess of the costs
19 associated with the services provided; and

20 (iii) interest income earned on funds re-
21 ceived under this title.

22 (C) For purposes of this paragraph, each entity
23 receiving financial assistance under this title shall
24 maintain records sufficient to determine the amount

1 of such income received and the purposes for which
2 such income is expended.

3 (8)(A) The Secretary shall notify the Governor
4 and the appropriate local board and chief elected of-
5 ficial of, and consult with the Governor and such
6 board and official concerning, any activity to be
7 funded by the Secretary under this title within the
8 corresponding State or local area.

9 (B) The Governor shall notify the appropriate
10 local board and chief elected official of, and consult
11 with such board and official concerning, any activity
12 to be funded by the Governor under this title within
13 the corresponding local area.

14 (9)(A) All education programs for youth sup-
15 ported with funds provided under chapter 2 of sub-
16 title B shall be consistent with applicable State and
17 local educational standards.

18 (B) Standards and procedures with respect to
19 awarding academic credit and certifying educational
20 attainment in programs conducted under such chap-
21 ter shall be consistent with the requirements of ap-
22 plicable State and local law, including regulation.

23 (10) No funds available under this title or title
24 I may be used for public service employment except
25 as specifically authorized under this title or title I.

1 (11) The Federal requirements governing the
2 title, use, and disposition of real property, equip-
3 ment, and supplies purchased with funds provided
4 under this title or subtitle C of title I shall be the
5 corresponding Federal requirements generally appli-
6 cable to such items purchased through Federal
7 grants to States and local governments.

8 (12) Nothing in this title or subtitle C of title
9 I shall be construed to provide an individual with an
10 entitlement to a service under this title or subtitle C
11 of title I.

12 (13) Services, facilities, or equipment funded
13 under this title may be used, as appropriate, on a
14 fee-for-service basis, by employers in a local area in
15 order to provide employment and training activities
16 to incumbent workers—

17 (A) when such services, facilities, or equip-
18 ment are not in use for the provision of services
19 for eligible participants under this title;

20 (B) if such use for incumbent workers
21 would not have an adverse affect on the provi-
22 sion of services to eligible participants under
23 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 221(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 **TITLE III—ADULT EDUCATION** 10 **AND LITERACY**

11 **SEC. 301. SHORT TITLE.**

12 This title may be cited as the “Adult Education and
13 Family Literacy Act”.

14 **SEC. 302. PURPOSE.**

15 It is the purpose of this title to create a partnership
16 among the Federal Government, States, and localities to
17 provide, on a voluntary basis, adult education and literacy
18 activities, in order to—

19 (1) assist adults to become literate and obtain
20 the knowledge and skills necessary for employment
21 and economic self-sufficiency;

22 (2) assist adults who are parents or family
23 members to obtain the education and skills that—

1 (A) are necessary to becoming full partners
 2 in the educational development of their chil-
 3 dren; and

4 (B) lead to sustainable improvements in
 5 the economic opportunities for their family;

6 (3) assist adults in attaining a secondary school
 7 diploma and in the transition to postsecondary edu-
 8 cation and training, through career pathways; and

9 (4) assist immigrants and other individuals who
 10 are English language learners in—

11 (A) improving their—

12 (i) reading, writing, speaking, and
 13 comprehension skills in English; and

14 (ii) mathematics skills; and

15 (B) acquiring an understanding of the
 16 American system of Government, individual
 17 freedom, and the responsibilities of citizenship.

18 **SEC. 303. DEFINITIONS.**

19 In this title:

20 (1) **ADULT EDUCATION.**—The term “adult edu-
 21 cation” means academic instruction and education
 22 services below the postsecondary level that increase
 23 an individual’s ability to—

24 (A) read, write, and speak in English and
 25 perform mathematics or other activities nec-

1 essary for the attainment of a secondary school
2 diploma or its recognized equivalent;

3 (B) transition to postsecondary education
4 and training; and

5 (C) obtain employment.

6 (2) ADULT EDUCATION AND LITERACY ACTIVI-
7 TIES.—The term “adult education and literacy ac-
8 tivities” means programs, activities, and services
9 that include adult education, literacy, workplace
10 adult education and literacy activities, family literacy
11 activities, English language acquisition activities, in-
12 tegrated English literacy and civics education, work-
13 force preparation activities, or integrated education
14 and training.

15 (3) ELIGIBLE AGENCY.—The term “eligible
16 agency” means the sole entity or agency in a State
17 or an outlying area responsible for administering or
18 supervising policy for adult education and literacy
19 activities in the State or outlying area, respectively,
20 consistent with the law of the State or outlying area,
21 respectively.

22 (4) ELIGIBLE INDIVIDUAL.—The term “eligible
23 individual” means an individual—

24 (A) who has attained 16 years of age;

1 (B) who is not enrolled or required to be
2 enrolled in secondary school under State law;
3 and

4 (C) who—

5 (i) is basic skills deficient, as defined
6 in section 101;

7 (ii) does not have a secondary school
8 diploma or its recognized equivalent, and
9 has not achieved an equivalent level of edu-
10 cation; or

11 (iii) is an English language learner.

12 (5) ELIGIBLE PROVIDER.—The term “eligible
13 provider” means an organization that has dem-
14 onstrated effectiveness in providing adult education
15 and literacy activities that may include—

16 (A) a local educational agency;

17 (B) a community-based organization;

18 (C) a volunteer literacy organization;

19 (D) an institution of higher education;

20 (E) a public or private nonprofit agency;

21 (F) a library;

22 (G) a public housing authority;

23 (H) a nonprofit institution that is not de-
24 scribed in any of subparagraphs (A) through
25 (G) and has the ability to provide adult edu-

1 cation and literacy activities to eligible individ-
 2 uals;

3 (I) a consortium or coalition of the agen-
 4 cies, organizations, institutions, libraries, or au-
 5 thorities described in any of subparagraphs (A)
 6 through (H); and

7 (J) a partnership between an employer and
 8 an entity described in any of subparagraphs (A)
 9 through (I).

10 (6) ENGLISH LANGUAGE ACQUISITION PRO-
 11 GRAM.—The term “English language acquisition
 12 program” means a program of instruction—

13 (A) designed to help eligible individuals
 14 who are English language learners achieve com-
 15 petence in reading, writing, speaking, and com-
 16 prehension of the English language; and

17 (B) that leads to—

18 (i)(I) attainment of a secondary
 19 school diploma or its recognized equivalent;
 20 and

21 (II) transition to postsecondary edu-
 22 cation and training; or

23 (ii) employment.

24 (7) ENGLISH LANGUAGE LEARNER.—The term
 25 “English language learner” when used with respect

1 to an eligible individual, means an eligible individual
2 who has limited ability in reading, writing, speaking,
3 or comprehending the English language, and—

4 (A) whose native language is a language
5 other than English; or

6 (B) who lives in a family or community en-
7 vironment where a language other than English
8 is the dominant language.

9 (8) ESSENTIAL COMPONENTS OF READING IN-
10 STRUCTION.—The term “essential components of
11 reading instruction” has the meaning given the term
12 in section 1208 of the Elementary and Secondary
13 Education Act of 1965 (20 U.S.C. 6368).

14 (9) FAMILY LITERACY ACTIVITIES.—The term
15 “family literacy activities” means activities that are
16 of sufficient intensity and quality, to make sustain-
17 able improvements in the economic prospects for a
18 family and that better enable parents or family
19 members to support their children’s learning needs,
20 and that integrate all of the following activities:

21 (A) Parent or family adult education and
22 literacy activities that lead to readiness for
23 postsecondary education or training, career ad-
24 vancement, and economic self-sufficiency.

1 (B) Interactive literacy activities between
2 parents or family members and their children.

3 (C) Training for parents or family mem-
4 bers regarding how to be the primary teacher
5 for their children and full partners in the edu-
6 cation of their children.

7 (D) An age-appropriate education to pre-
8 pare children for success in school and life ex-
9 periences.

10 (10) INSTITUTION OF HIGHER EDUCATION.—
11 The term “institution of higher education” has the
12 meaning given the term in section 101 of the Higher
13 Education Act of 1965 (20 U.S.C. 1001).

14 (11) INTEGRATED EDUCATION AND TRAIN-
15 ING.—The term “integrated education and training”
16 means a service approach that provides adult edu-
17 cation and literacy activities concurrently and con-
18 textually with workforce preparation activities and
19 workforce training for a specific occupation or occu-
20 pational cluster for the purpose of educational and
21 career advancement.

22 (12) INTEGRATED ENGLISH LITERACY AND
23 CIVICS EDUCATION.—The term “integrated English
24 literacy and civics education” means education serv-
25 ices provided to English language learners who are

1 adults, including professionals with degrees and cre-
2 dentials in their native countries, that enables such
3 adults to achieve competency in the English lan-
4 guage and acquire the basic and more advanced
5 skills needed to function effectively as parents, work-
6 ers, and citizens in the United States. Such services
7 shall include instruction in literacy and English lan-
8 guage acquisition and instruction on the rights and
9 responsibilities of citizenship and civic participation,
10 and may include workforce training.

11 (13) LITERACY.—The term “literacy” means an
12 individual’s ability to read, write, and speak in
13 English, compute, and solve problems, at levels of
14 proficiency necessary to function on the job, in the
15 family of the individual, and in society.

16 (14) POSTSECONDARY EDUCATIONAL INSTITU-
17 TION.—The term “postsecondary educational institu-
18 tion” means—

19 (A) an institution of higher education that
20 provides not less than a 2-year program of in-
21 struction that is acceptable for credit toward a
22 bachelor’s degree;

23 (B) a tribally controlled community college;

24 or

1 (C) a nonprofit educational institution of-
2 fering certificate or apprenticeship programs at
3 the postsecondary level.

4 (15) SECRETARY.—The term “Secretary”
5 means the Secretary of Education.

6 (16) WORKPLACE ADULT EDUCATION AND LIT-
7 ERACY ACTIVITIES.—The term “workplace adult
8 education and literacy activities” means adult edu-
9 cation and literacy activities offered by an eligible
10 provider in collaboration with an employer or em-
11 ployee organization at a workplace or an off-site lo-
12 cation that is designed to improve the productivity
13 of the workforce.

14 (17) WORKFORCE PREPARATION ACTIVITIES.—
15 The term “workforce preparation activities” means
16 activities, programs, or services designed to help an
17 individual acquire a combination of basic academic
18 skills, critical thinking skills, digital literacy skills,
19 and self-management skills, including competencies
20 in utilizing resources, using information, working
21 with others, understanding systems, and skills nec-
22 essary for successful transition into and completion
23 of postsecondary education or training, or employ-
24 ment.

1 **SEC. 304. HOME SCHOOLS.**

2 Nothing in this title shall be construed to affect home
3 schools, whether a home school is treated as a home school
4 or a private school under State law, or to compel a parent
5 or family member engaged in home schooling to partici-
6 pate in adult education and literacy activities.

7 **SEC. 305. RULE OF CONSTRUCTION REGARDING POSTSEC-**
8 **ONDARY TRANSITION AND CONCURRENT EN-**
9 **ROLLMENT ACTIVITIES.**

10 Nothing in this title shall be construed to prohibit
11 or discourage the use of funds provided under this title
12 for adult education and literacy activities that help eligible
13 individuals transition to postsecondary education and
14 training or employment, or for concurrent enrollment ac-
15 tivities.

16 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to carry out
18 this title such sums as may be necessary for each of the
19 fiscal years 2014 through 2018.

20 **Subtitle A—Federal Provisions**

21 **SEC. 311. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE**
22 **AGENCIES; ALLOTMENTS.**

23 (a) RESERVATION OF FUNDS.—From the sum appro-
24 priated under section 306 for a fiscal year, the Sec-
25 retary—

1 (1) shall reserve 2 percent to carry out section
2 342 and subsection (g), except that the amount so
3 reserved shall not exceed \$15,000,000; and

4 (2) shall reserve 12 percent of the amount that
5 remains after reserving funds under paragraph (1)
6 to carry out section 343.

7 (b) GRANTS TO ELIGIBLE AGENCIES.—

8 (1) IN GENERAL.—From the sum appropriated
9 under section 306 and not reserved under subsection
10 (a) for a fiscal year, the Secretary shall award a
11 grant to each eligible agency having a unified State
12 plan approved under section 112 or a combined
13 State plan approved under section 113 in an amount
14 equal to the sum of the initial allotment under sub-
15 section (c)(1) and the additional allotment under
16 subsection (c)(2) for the eligible agency for the fiscal
17 year, subject to subsections (f) and (h), to enable the
18 eligible agency to carry out the activities assisted
19 under this title.

20 (2) PURPOSE OF GRANTS.—The Secretary may
21 award a grant under paragraph (1) only if the eligi-
22 ble entity involved agrees to expend the grant for
23 adult education and literacy activities in accordance
24 with the provisions of this title.

25 (c) ALLOTMENTS.—

1 (1) INITIAL ALLOTMENTS.—From the sum ap-
2 propriated under section 306 and not reserved under
3 subsection (a) for a fiscal year, the Secretary shall
4 allot to each eligible agency having a unified State
5 plan approved under section 112 or a combined
6 State plan approved under section 113—

7 (A) \$100,000, in the case of an eligible
8 agency serving an outlying area, except as pro-
9 vided in subsection (e); and

10 (B) \$250,000, in the case of any other eli-
11 gible agency.

12 (2) ADDITIONAL ALLOTMENTS.—From the sum
13 appropriated under section 306, not reserved under
14 subsection (a), and not allotted under paragraph (1),
15 for a fiscal year, the Secretary shall allot to each eli-
16 gible agency that receives an initial allotment under
17 paragraph (1) an additional amount that bears the
18 same relationship to such sum as the number of
19 qualifying adults in the State or outlying area served
20 by the eligible agency bears to the number of such
21 adults in all States and outlying areas.

22 (d) QUALIFYING ADULT.—For the purpose of sub-
23 section (c)(2), the term “qualifying adult” means an adult
24 who—

25 (1) is at least 16 years of age;

1 (2) is beyond the age of compulsory school at-
2 tendance under the law of the State or outlying
3 area;

4 (3) does not have a secondary school diploma or
5 its recognized equivalent; and

6 (4) is not enrolled in secondary school.

7 (e) SPECIAL RULE FOR THE REPUBLIC OF PALAU.—

8 (1) IN GENERAL.—Notwithstanding subsection
9 (c)(1)(A), from the sum appropriated under section
10 306 and not reserved under subsection (a) for a fis-
11 cal year, the Secretary shall allot to the Republic of
12 Palau, except during the period described in section
13 101(45), an amount based on the recommendations
14 of the Pacific Region Educational Laboratory under
15 paragraph (2).

16 (2) AWARD BASIS TO PALAU.—For each fiscal
17 year, the Pacific Region Educational Laboratory in
18 Honolulu, Hawaii shall make recommendations to
19 the Secretary concerning a grant amount to the Re-
20 public of Palau based on the number of qualifying
21 adults (as defined in subsection (d)) in the popu-
22 lation of the Republic of Palau.

23 (3) 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) and subject to paragraph (2), for fiscal year
7 2014 and each succeeding fiscal year, no eligible
8 agency shall receive an allotment under this section
9 that is less than 90 percent of the allotment the eli-
10 gible agency received for the preceding fiscal year
11 under this section.

12 (2) 100 PERCENT ALLOTMENT.—Notwith-
13 standing paragraphs (1) and (2) of subsection (e),
14 for a fiscal year for which an eligible agency receives
15 only an initial allotment under subsection (c)(1)
16 (and no additional allotment under subsection
17 (c)(2)) the eligible agency shall receive an allotment
18 under this section that is equal to 100 percent of the
19 initial allotment under subsection (c)(1).

20 (3) RATABLE REDUCTION.—If for any fiscal
21 year the amount available for allotment under this
22 title is insufficient to satisfy the provisions of para-
23 graphs (1) and (2), the Secretary shall ratably re-
24 duce the payments to all eligible agencies, as nec-
25 essary.

1 (g) ADDITIONAL ASSISTANCE.—

2 (1) IN GENERAL.—From amounts reserved
3 under subsection (a)(1), the Secretary shall make
4 grants to eligible agencies described in paragraph
5 (2) to enable such agencies to provide activities au-
6 thorized under subtitle B.

7 (2) ELIGIBILITY.—An eligible agency is eligible
8 to receive a grant under this subsection for a fiscal
9 year if the amount of the allotment such agency re-
10 ceives under this section for the fiscal year is less
11 than the amount such agency would have received
12 for the fiscal year if the allotment formula under
13 this section as in effect on September 30, 2003,
14 were in effect for such year.

15 (3) AMOUNT OF GRANT.—The amount of a
16 grant made to an eligible agency under this sub-
17 section for a fiscal year shall be the difference be-
18 tween—

19 (A) the amount of the allotment such
20 agency would have received for the fiscal year
21 if the allotment formula under this section as in
22 effect on September 30, 2003, were in effect for
23 such year; and

1 (B) the amount of the allotment such
2 agency receives under this section for the fiscal
3 year.

4 (h) REALLOTMENT.—The portion of any eligible
5 agency's allotment under this title for a fiscal year that
6 the Secretary determines will not be required for the pe-
7 riod such allotment is available for carrying out activities
8 under this title, shall be available for reallocation from
9 time to time, on such dates during such period as the Sec-
10 retary shall fix, to other eligible agencies in proportion to
11 the original allotments to such agencies under this title
12 for such year.

13 (i) STUDY AND REPORT.—

14 (1) STUDY.—The Comptroller General of the
15 United States shall conduct a study concerning the
16 formula described in this section and, in conducting
17 the study, shall, at a minimum—

18 (A) examine whether the formula results in
19 a distribution of funds that sufficiently serves
20 the entire population of individuals eligible for
21 adult education and literacy activities under
22 this title;

23 (B) examine whether the data used to
24 count qualified adults, for purposes of the for-

1 mula, accurately measure the population of in-
2 dividuals eligible for the activities; and

3 (C) develop recommendations for improv-
4 ing the formula so that the formula results in
5 a distribution of funds that better serves that
6 population and the data used to count qualified
7 adults accurately measure that population.

8 (2) REPORT.—Not later than 3 years after the
9 date of enactment of the Workforce Investment Act
10 of 2013, the Comptroller General shall submit to the
11 Committee on Health, Education, Labor, and Pen-
12 sions of the Senate and the Committee on Education
13 and the Workforce of the House of Representatives
14 a report containing the results of the study de-
15 scribed in paragraph (1).

16 **SEC. 312. PERFORMANCE ACCOUNTABILITY SYSTEM.**

17 Programs and activities authorized in this title are
18 subject to the performance accountability provisions de-
19 scribed in section 131.

20 **Subtitle B—State Provisions**

21 **SEC. 321. STATE ADMINISTRATION.**

22 Each eligible agency shall be responsible for the State
23 or outlying area administration of activities under this
24 title, including—

1 (1) the development, implementation, and moni-
2 toring of the relevant components of the unified
3 State plan in section 112 or the combined State plan
4 in section 113;

5 (2) consultation with other appropriate agen-
6 cies, groups, and individuals that are involved in, or
7 interested in, the development and implementation
8 of activities assisted under this title; and

9 (3) coordination and nonduplication with other
10 Federal and State education, training, corrections,
11 public housing, and social service programs.

12 **SEC. 322. STATE DISTRIBUTION OF FUNDS; MATCHING RE-**
13 **QUIREMENT.**

14 (a) STATE DISTRIBUTION OF FUNDS.—Each eligible
15 agency receiving a grant under section 311(b) for a fiscal
16 year—

17 (1) shall use not less than 80 percent of the
18 grant funds to award grants and contracts under
19 section 331 and to carry out section 325, of which
20 not more than 25 percent of such amount shall be
21 available to carry out section 325;

22 (2) shall use not more than 15 percent of the
23 grant funds to carry out State leadership activities
24 under section 323; and

1 (3) shall use not more than 5 percent of the
2 grant funds, or \$85,000, whichever is greater, for
3 the administrative expenses of the eligible agency.

4 (b) MATCHING REQUIREMENT.—

5 (1) IN GENERAL.—In order to receive a grant
6 from the Secretary under section 311(b) each eligi-
7 ble agency shall provide, for the costs to be incurred
8 by the eligible agency in carrying out the adult edu-
9 cation and literacy activities for which the grant is
10 awarded, a non-Federal contribution in an amount
11 that is not less than—

12 (A) in the case of an eligible agency serv-
13 ing an outlying area, 12 percent of the total
14 amount of funds expended for adult education
15 and literacy activities in the outlying area, ex-
16 cept that the Secretary may decrease the
17 amount of funds required under this subpara-
18 graph for an eligible agency; and

19 (B) in the case of an eligible agency serv-
20 ing a State, 25 percent of the total amount of
21 funds expended for adult education and literacy
22 activities in the State.

23 (2) NON-FEDERAL CONTRIBUTION.—An eligible
24 agency's non-Federal contribution required under
25 paragraph (1) may be provided in cash or in kind,

1 fairly evaluated, and shall include only non-Federal
2 funds that are used for adult education and literacy
3 activities in a manner that is consistent with the
4 purpose of this title.

5 **SEC. 323. STATE LEADERSHIP ACTIVITIES.**

6 (a) ACTIVITIES.—

7 (1) REQUIRED.—Each eligible agency shall use
8 funds made available under section 322(a)(2) for the
9 following adult education and literacy activities to
10 develop or enhance the adult education system of the
11 State or outlying area:

12 (A) The alignment of adult education and
13 literacy activities with other core programs and
14 one-stop partners, including eligible providers,
15 to implement the strategy identified in the uni-
16 fied State plan under section 112 or the com-
17 bined State plan under section 113, including
18 the development of career pathways to provide
19 access to employment and training services for
20 individuals in adult education and literacy ac-
21 tivities.

22 (B) The establishment or operation of high
23 quality professional development programs to
24 improve the instruction provided pursuant to
25 local activities required under section 331(b),

1 including instruction incorporating the essential
2 components of reading instruction as such com-
3 ponents relate to adults, instruction related to
4 the specific needs of adult learners, instruction
5 provided by volunteers or by personnel of a
6 State or outlying area, and dissemination of in-
7 formation about models and promising practices
8 related to such programs.

9 (C) The provision of technical assistance to
10 eligible providers of adult education and literacy
11 activities receiving funds under this title, in-
12 cluding—

13 (i) the development and dissemination
14 of instructional and programmatic prac-
15 tices based on the most rigorous or sci-
16 entifically valid research available and ap-
17 propriate, in reading, writing, speaking,
18 mathematics, English language acquisition
19 programs, distance education, and staff
20 training;

21 (ii) the role of eligible providers as a
22 one-stop partner to provide access to em-
23 ployment, education, and training services;
24 and

1 (iii) assistance in the use of tech-
2 nology, including for staff training, to eli-
3 gible providers, especially the use of tech-
4 nology to improve system efficiencies.

5 (D) The monitoring and evaluation of the
6 quality of, and the improvement in, adult edu-
7 cation and literacy activities and the dissemina-
8 tion of information about models and proven or
9 promising practices within the State.

10 (2) PERMISSIBLE ACTIVITIES.—Each eligible
11 agency may use funds made available under section
12 322(a)(2) for 1 or more of the following adult edu-
13 cation and literacy activities:

14 (A) The support of State or regional net-
15 works of literacy resource centers.

16 (B) The development and implementation
17 of technology applications, translation tech-
18 nology, or distance education, including profes-
19 sional development to support the use of in-
20 structional technology.

21 (C) Developing and disseminating cur-
22 ricula, including curricula incorporating the es-
23 sential components of reading instruction as
24 such components relate to adults.

1 (D) The provision of technical assistance
2 to eligible providers to support the purpose of
3 this title.

4 (E) Developing content and models for in-
5 tegrated education and training and career
6 pathways, including the provision of technical
7 assistance to eligible providers in the State ad-
8 ministering such programs.

9 (F) The provision of assistance to eligible
10 providers in developing and implementing pro-
11 grams that achieve the objectives of this title
12 and in measuring the progress of those pro-
13 grams in achieving such objectives, including
14 meeting the State adjusted levels of perform-
15 ance described in section 131(b)(3).

16 (G) The development and implementation
17 of a system to assist in the transition from
18 adult education to postsecondary education, in-
19 cluding linkages with postsecondary educational
20 institutions or institutions of higher education.

21 (H) Integration of literacy and English
22 language instruction with occupational skill
23 training, including promoting linkages with em-
24 ployers.

1 (I) Activities to promote workplace adult
2 education and literacy activities.

3 (J) Activities to promote and complement
4 local outreach initiatives described in section
5 342(b)(3)(G).

6 (K) Identifying curriculum frameworks
7 and aligning rigorous content standards that—

8 (i) specify what adult learners should
9 know and be able to do in the areas of
10 reading and language arts, mathematics,
11 and English language acquisition; and

12 (ii) take into consideration the fol-
13 lowing:

14 (I) State adopted academic
15 standards.

16 (II) The current adult skills and
17 literacy assessments used in the State
18 or outlying area.

19 (III) The primary indicators of
20 performance described in section 131.

21 (IV) Standards and academic re-
22 quirements for enrollment in non-
23 remedial, for-credit courses in postsec-
24 ondary educational institutions or in-

1 stitutions of higher education sup-
2 ported by the State or outlying area.

3 (V) Where appropriate, the con-
4 tent of occupational and industry skill
5 standards widely used by business and
6 industry in the State or outlying area.

7 (L) In cooperation with efforts funded
8 under section 342, development and piloting
9 of—

10 (i) new and promising assessment
11 tools and strategies that—

12 (I) are based on scientifically
13 valid research, where available and
14 appropriate; and

15 (II) identify the needs and cap-
16 ture the gains of students at all levels,
17 with particular emphasis on—

18 (aa) students at the lowest
19 achievement level;

20 (bb) students who are
21 English language learners; and

22 (cc) adults with learning dis-
23 abilities;

24 (ii) options for improving teacher
25 quality and retention; and

1 (iii) assistance in converting scientif-
2 ically valid research into practice.

3 (M) The development and implementation
4 of programs and services to meet the needs of
5 adult learners with learning disabilities who are
6 English language learners.

7 (N) Support for recruitment and outreach
8 for instructors, students, and employers.

9 (O) Other activities of statewide signifi-
10 cance that promote the purpose of this title.

11 (b) COLLABORATION.—In carrying out this section,
12 eligible agencies shall collaborate where possible, and avoid
13 duplicating efforts, in order to maximize the impact of the
14 activities described in subsection (a).

15 (c) STATE-IMPOSED REQUIREMENTS.—Whenever a
16 State or outlying area implements any rule or policy relat-
17 ing to the administration or operation of a program au-
18 thorized under this title that has the effect of imposing
19 a requirement that is not imposed under Federal law (in-
20 cluding any rule or policy based on a State or outlying
21 area interpretation of a Federal statute, regulation, or
22 guideline), the State or outlying area shall identify, to eli-
23 gible providers, the rule or policy as being imposed by the
24 State or outlying area.

1 **SEC. 324. STATE PLAN.**

2 Each State desiring to receive funds under this title
3 for any fiscal year shall submit and have approved by the
4 Secretary and the Secretary of Labor a unified State plan
5 in accordance with section 112 or a combined State plan
6 in accordance with section 113.

7 **SEC. 325. PROGRAMS FOR CORRECTIONS EDUCATION AND**
8 **OTHER INSTITUTIONALIZED INDIVIDUALS.**

9 (a) PROGRAM AUTHORIZED.—From funds made
10 available under section 322(a)(1) for a fiscal year, each
11 eligible agency shall carry out corrections education and
12 education for other institutionalized individuals.

13 (b) USES OF FUNDS.—The funds described in sub-
14 section (a) shall be used for the cost of educational pro-
15 grams for criminal offenders in correctional institutions
16 and for other institutionalized individuals, including aca-
17 demic programs for—

- 18 (1) adult education and literacy activities;
19 (2) special education, as determined by the eli-
20 gible agency;
21 (3) secondary school credit;
22 (4) integrated education and training;
23 (5) career pathways;
24 (6) concurrent enrollment;
25 (7) peer tutoring; and

1 (8) transition to re-entry initiatives and other
2 postrelease services with the goal of reducing recidi-
3 vism.

4 (c) PRIORITY.—Each eligible agency that is using as-
5 sistance provided under this section to carry out a pro-
6 gram for criminal offenders within a correctional institu-
7 tion shall give priority to serving individuals who are likely
8 to leave the correctional institution within 5 years of par-
9 ticipation in the program.

10 (d) REPORT.—In addition to any report required
11 under section 131, each eligible agency that receives as-
12 sistance provided under this section shall annually prepare
13 and submit to the Secretary a report on the progress, as
14 described in section 131, of the eligible agency with re-
15 spect to the programs and activities carried out under this
16 section, including the relative rate of recidivism for the
17 criminal offenders served.

18 (e) DEFINITIONS.—In this section:

19 (1) CORRECTIONAL INSTITUTION.—The term
20 “correctional institution” means any—

21 (A) prison;

22 (B) jail;

23 (C) reformatory;

24 (D) work farm;

25 (E) detention center; or

1 (F) halfway house, community-based reha-
2 bilitation center, or any other similar institution
3 designed for the confinement or rehabilitation
4 of criminal offenders.

5 (2) CRIMINAL OFFENDER.—The term “criminal
6 offender” means any individual who is charged with
7 or convicted of any criminal offense.

8 **Subtitle C—Local Provisions**

9 **SEC. 331. GRANTS AND CONTRACTS FOR ELIGIBLE PRO-** 10 **VIDERS.**

11 (a) GRANTS AND CONTRACTS.—From grant funds
12 made available under section 322(a)(1), each eligible agen-
13 cy shall award multiyear grants or contracts, on a com-
14 petitive basis, to eligible providers within the State or out-
15 lying area to enable the eligible providers to develop, im-
16 plement, and improve adult education and literacy activi-
17 ties within the State.

18 (b) REQUIRED LOCAL ACTIVITIES.—The eligible
19 agency shall require that each eligible provider receiving
20 a grant or contract under subsection (a) use the grant
21 or contract to establish or operate programs that provide
22 adult education and literacy activities, including programs
23 that provide such activities concurrently.

24 (c) DIRECT AND EQUITABLE ACCESS; SAME PROC-
25 ESS.—

1 (1) IN GENERAL.—Each eligible agency receiv-
2 ing funds under this title shall ensure that—

3 (A) all eligible providers have direct and
4 equitable access to apply and compete for
5 grants or contracts under this section; and

6 (B) the same grant or contract announce-
7 ment process and application process is used
8 for all eligible providers in the State or outlying
9 area.

10 (2) GAO STUDY.—Not later than the second
11 program year following the date of enactment of the
12 Workforce Investment Act of 2013, the Comptroller
13 General shall conduct a study to determine how the
14 provisions of paragraph (1) have been implemented
15 and whether such provisions accomplished the pur-
16 poses of such paragraph.

17 (d) SPECIAL RULE.—Each eligible agency awarding
18 a grant or contract under this section shall not use any
19 funds made available under this title for adult education
20 and literacy activities for the purpose of supporting or pro-
21 viding programs, services, or activities for individuals who
22 are not individuals described in subparagraphs (A) and
23 (B) of section 303(4), except that such agency may use
24 such funds for such purpose if such programs, services,
25 or activities are related to family literacy activities. In pro-

1 viding family literacy activities under this title, an eligible
2 provider shall attempt to coordinate with programs and
3 services that are not assisted under this title prior to using
4 funds for adult education and literacy activities under this
5 title for activities other than activities for eligible individ-
6 uals.

7 (e) CONSIDERATIONS.—In awarding grants or con-
8 tracts under this section, the eligible agency shall con-
9 sider—

10 (1) the degree to which the eligible provider
11 would be responsive to—

12 (A) regional needs as identified in the local
13 plan under section 118; and

14 (B) serving individuals in the community
15 who were identified in such plan as most in
16 need of adult education and literacy activities,
17 including individuals—

18 (i) who have low levels of literacy
19 skills;

20 (ii) who have learning disabilities; or

21 (iii) who are English language learn-
22 ers;

23 (2) capacity, including past effectiveness in im-
24 proving the literacy of eligible individuals of the eli-
25 gible provider, to meet State-adjusted levels of per-

1 performance for the primary indicators of performance
2 described in section 131 for eligible individuals, es-
3 pecially with respect to eligible individuals who have
4 low levels of literacy;

5 (3) 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 118, as well as the activities and
9 services of the one-stop partners;

10 (4) 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 (5) whether the eligible provider's activities are
19 built on a strong foundation of the most rigorous re-
20 search available, including scientifically valid re-
21 search, and effective educational practice;

22 (6) whether the eligible provider's activities ef-
23 fectively employ advances in technology and delivery
24 systems, including distance education;

1 (7) whether the eligible provider's activities pro-
2 vide learning in context, including through inte-
3 grated education and training, so that an individual
4 acquires the skills needed to transition to and com-
5 plete postsecondary education and training pro-
6 grams, obtain and advance in employment leading to
7 economic self-sufficiency, and to exercise the rights
8 and responsibilities of citizenship;

9 (8) whether the eligible provider's activities are
10 delivered by well-trained instructors, counselors, and
11 administrators who meet any minimum qualifica-
12 tions established by the State, where applicable, and
13 who have access to high quality professional develop-
14 ment, including through electronic means;

15 (9) whether the eligible provider's activities co-
16 ordinate with other available education, training,
17 and social service resources in the community, such
18 as by establishing strong links with elementary
19 schools and secondary schools, postsecondary edu-
20 cational institutions, institutions of higher education,
21 local workforce investment boards, one-stop centers,
22 job training programs, and social service agencies,
23 business, industry, labor organizations, community-
24 based organizations, nonprofit organizations, and

1 intermediaries, for the development of career path-
2 ways;

3 (10) whether the eligible provider's activities
4 offer flexible schedules and coordination with Fed-
5 eral, State, and local support services (such as child
6 care, transportation, mental health services, and ca-
7 reer planning) that are necessary to enable individ-
8 uals, including individuals with disabilities or other
9 special needs, to attend and complete programs;

10 (11) the capacity of the eligible provider to pro-
11 vide integrated education and training;

12 (12) whether the eligible provider maintains a
13 high-quality information management system that
14 has the capacity to report measurable participant
15 outcomes (consistent with section 131) and to mon-
16 itor program performance;

17 (13) whether the local areas in which the eligi-
18 ble provider is located have a demonstrated need for
19 additional English language acquisition programs
20 and civics education programs;

21 (14) whether reading, writing, speaking, mathe-
22 matics, and English language acquisition instruction
23 delivered by the eligible provider is based on the best
24 practices derived from the most rigorous research

1 available and appropriate, including scientifically
2 valid research that is available and appropriate;

3 (15) whether the eligible provider's applications
4 of technology and services to be provided are suffi-
5 cient to increase the amount and quality of learning
6 and how such technology and services lead to im-
7 proved performance; and

8 (16) the capacity of the eligible provider to
9 serve eligible individuals with disabilities, including
10 individuals with learning disabilities.

11 **SEC. 332. LOCAL APPLICATION.**

12 Each eligible provider desiring a grant or contract
13 from an eligible agency shall submit an application to the
14 eligible agency containing such information and assur-
15 ances as the eligible agency may require, including—

16 (1) a description of how funds awarded under
17 this title will be spent consistent with the require-
18 ments of this title;

19 (2) a description of any cooperative arrange-
20 ments the eligible provider has with other agencies,
21 institutions, or organizations for the delivery of
22 adult education and literacy activities;

23 (3) a description of how the eligible provider
24 will provide services in alignment with the local plan
25 under section 118, including how such provider will

1 promote concurrent enrollment in programs and ac-
2 tivities under title II, as appropriate, to assist eligi-
3 ble individuals in accessing education and job train-
4 ing services;

5 (4) a description of how the eligible provider
6 will meet the State adjusted levels of performance
7 described in section 131(b)(3), including how such
8 provider will collect data to report on such perform-
9 ance indicators;

10 (5) a description of how the eligible provider
11 will fulfill one-stop partner responsibilities as de-
12 scribed in section 221(b)(1)(A), as appropriate;

13 (6) a description of how the eligible provider
14 will provide services in a manner that meets the
15 needs of eligible individuals; and

16 (7) information that addresses the consider-
17 ations described under section 331(e), as applicable.

18 **SEC. 333. LOCAL ADMINISTRATIVE COST LIMITS.**

19 (a) IN GENERAL.—Subject to subsection (b), of the
20 amount that is made available under this title to an eligi-
21 ble provider—

22 (1) not less than 95 percent shall be expended
23 for carrying out adult education and literacy activi-
24 ties; and

1 (2) the remaining amount, not to exceed 5 per-
2 cent, shall be used for planning, administration (in-
3 cluding carrying out the requirements of section
4 131), professional development, and the activities de-
5 scribed in paragraphs (3) and (5) of section 332.

6 (b) SPECIAL RULE.—In cases where the cost limits
7 described in subsection (a) are too restrictive to allow for
8 the activities described in subsection (a)(2), the eligible
9 provider shall negotiate with the eligible agency in order
10 to determine an adequate level of funds to be used for
11 noninstructional purposes.

12 **Subtitle D—General Provisions**

13 **SEC. 341. ADMINISTRATIVE PROVISIONS.**

14 (a) SUPPLEMENT NOT SUPPLANT.—Funds made
15 available for adult education and literacy activities under
16 this title shall supplement and not supplant other State
17 or local public funds expended for adult education and lit-
18 eracy activities.

19 (b) MAINTENANCE OF EFFORT.—

20 (1) IN GENERAL.—

21 (A) DETERMINATION.—An eligible agency
22 may receive funds under this title for any fiscal
23 year if the Secretary finds that the fiscal effort
24 per student or the aggregate expenditures of
25 such eligible agency for activities under this

1 title, in the second preceding fiscal year, were
2 not less than 90 percent of the fiscal effort per
3 student or the aggregate expenditures of such
4 eligible agency for adult education and literacy
5 activities in the third preceding fiscal year.

6 (B) PROPORTIONATE REDUCTION.—Sub-
7 ject to paragraphs (2), (3), and (4), for any fis-
8 cal year with respect to which the Secretary de-
9 termines under subparagraph (A) that the fiscal
10 effort or the aggregate expenditures of an eligi-
11 ble agency for the preceding program year were
12 less than such effort or expenditures for the
13 second preceding program year, the Secretary—

14 (i) shall determine the percentage de-
15 creases in such effort or in such expendi-
16 tures; and

17 (ii) shall decrease the payment made
18 under this title for such program year to
19 the agency for adult education and literacy
20 activities by the lesser of such percentages.

21 (2) COMPUTATION.—In computing the fiscal ef-
22 fort and aggregate expenditures under paragraph
23 (1), the Secretary shall exclude capital expenditures
24 and special one-time project costs.

1 (3) DECREASE IN FEDERAL SUPPORT.—If the
2 amount made available for adult education and lit-
3 eracy activities under this title for a fiscal year is
4 less than the amount made available for adult edu-
5 cation and literacy activities under this title for the
6 preceding fiscal year, then the fiscal effort per stu-
7 dent and the aggregate expenditures of an eligible
8 agency required in order to avoid a reduction under
9 paragraph (1)(B) shall be decreased by the same
10 percentage as the percentage decrease in the amount
11 so made available.

12 (4) WAIVER.—The Secretary may waive the re-
13 quirements of this subsection for not more than 1
14 fiscal year, if the Secretary determines that a waiver
15 would be equitable due to exceptional or uncontrol-
16 lable circumstances, such as a natural disaster or an
17 unforeseen and precipitous decline in the financial
18 resources of the State or outlying area of the eligible
19 agency. If the Secretary grants a waiver under the
20 preceding sentence for a fiscal year, the level of ef-
21 fort required under paragraph (1) shall not be re-
22 duced in the subsequent fiscal year because of the
23 waiver.

1 **SEC. 342. NATIONAL LEADERSHIP ACTIVITIES.**

2 (a) IN GENERAL.—The Secretary shall establish and
3 carry out a program of national leadership activities to
4 enhance the quality and outcomes of adult education and
5 literacy activities and programs nationwide.

6 (b) REQUIRED ACTIVITIES.—The national leadership
7 activities described in subsection (a) shall include technical
8 assistance, including—

9 (1) assistance to help States meet the require-
10 ments of section 131;

11 (2) upon request by a State, assistance provided
12 to eligible providers in using performance account-
13 ability measures based on indicators described in
14 section 131, and data systems for the improvement
15 of adult education and literacy activities; and

16 (3) carrying out rigorous research and evalua-
17 tion on effective adult education and literacy activi-
18 ties, as well as estimating the number of adults
19 functioning at the lowest levels of literacy pro-
20 ficiency, which may be coordinated across relevant
21 Federal agencies.

22 (c) ALLOWABLE ACTIVITIES.—The national leader-
23 ship activities described in subsection (a) may include the
24 following:

25 (1) Technical assistance, including—

1 (A) assistance related to professional devel-
2 opment activities, and assistance for the pur-
3 poses of developing, improving, identifying, and
4 disseminating the most successful methods and
5 techniques for providing adult education and
6 literacy activities, based on scientifically valid
7 research where available;

8 (B) assistance in distance education and
9 promoting and improving the use of technology
10 in the classroom, including through the use of
11 instructional models that blend in-person and
12 online instruction; and

13 (C) assistance in the development and dis-
14 semination of proven models for addressing the
15 digital literacy needs of adults, including older
16 adults.

17 (2) A program of grants, contracts, or coopera-
18 tive agreements awarded on a competitive basis to
19 national, regional, or local networks of private non-
20 profit organizations, public libraries, or institutions
21 of higher education to build the capacity of such net-
22 works' members to—

23 (A) meet the performance requirements,
24 described in section 131, of eligible providers
25 under this title; and

1 (B) involve eligible individuals in program
2 improvement.

3 (3) Funding national leadership activities that
4 are not described in paragraph (1), either directly or
5 through grants, contracts, or cooperative agreements
6 awarded on a competitive basis to or with postsec-
7 ondary educational institutions, institutions of high-
8 er education, public or private organizations or agen-
9 cies, or consortia of such institutions, organizations,
10 or agencies, such as—

11 (A) developing, improving, and identifying
12 the most successful methods and techniques for
13 addressing the education needs of adults, in-
14 cluding instructional practices using the essen-
15 tial components of reading instruction based on
16 the work of the National Institute of Child
17 Health and Human Development;

18 (B) increasing the effectiveness of, and im-
19 proving the quality of, adult education and lit-
20 eracy activities;

21 (C) carrying out rigorous research, includ-
22 ing scientifically valid research where appro-
23 priate, on national literacy basic skill acquisi-
24 tion for adult learning, including estimating the

1 number of adults functioning at the lowest lev-
2 els of literacy proficiency;

3 (D)(i) carrying out demonstration pro-
4 grams, which may include programs that—

5 (I) accelerate learning outcomes for
6 eligible individuals with the lowest literacy
7 levels;

8 (II) develop and promote career path-
9 ways for eligible individuals;

10 (III) promote concurrent enrollment
11 programs in adult education and credit
12 bearing postsecondary coursework; and

13 (IV) develop high-quality professional
14 development activities for eligible pro-
15 viders;

16 (ii) disseminating best practices informa-
17 tion, including information regarding promising
18 practices resulting from federally funded dem-
19 onstration programs; and

20 (iii) developing and replicating best prac-
21 tices and innovative programs, such as—

22 (I) programs for skill certification;

23 (II) the identification of effective
24 strategies for working with adults with

1 learning disabilities and with adults who
2 are English language learners;

3 (III) integrated education and train-
4 ing programs;

5 (IV) programs providing adult edu-
6 cation and literacy activities coordinated
7 with employment services; and

8 (V) postsecondary education and
9 training transition programs;

10 (E) providing for the conduct of an inde-
11 pendent evaluation and assessment of adult
12 education and literacy activities through grants
13 and contracts awarded on a competitive basis,
14 which evaluation and assessment shall include
15 descriptions of—

16 (i) the effect of performance account-
17 ability measures and other measures of ac-
18 countability on the delivery of adult edu-
19 cation and literacy activities;

20 (ii) the extent to which the adult edu-
21 cation and literacy activities increase the
22 literacy skills of eligible individuals, lead to
23 involvement in education and training, en-
24 hance the employment and earnings of
25 such participants, and, if applicable, lead

1 to other positive outcomes, such as success
2 in re-entry and reductions in recidivism in
3 the case of prison-based adult education
4 and literacy activities;

5 (iii) the extent to which the provision
6 of support services to eligible individuals
7 enrolled in adult education and literacy ac-
8 tivities increase the rate of enrollment in,
9 and successful completion of, such pro-
10 grams; and

11 (iv) the extent to which different types
12 of providers measurably improve the skills
13 of eligible individuals in adult education
14 and literacy activities;

15 (F) carrying out rigorous research on the
16 relationship between instructional quality, in-
17 cluding education levels, certification status,
18 and experience of instructors, and the perform-
19 ance outcomes of eligible providers consistent
20 with section 131;

21 (G) supporting efforts aimed at capacity
22 building of programs at the State and local lev-
23 els such as technical assistance in program
24 planning, assessment, evaluation, and moni-
25 toring of activities carried out under this title;

1 (H) collecting data, such as data regarding
2 the improvement of both local and State data
3 systems, through technical assistance and devel-
4 opment of model performance data collection
5 systems;

6 (I) supporting the development of an entity
7 that would produce and distribute technology-
8 based programs and materials for adult edu-
9 cation and literacy activities using an inter-
10 connection system (as defined in section 397 of
11 the Communications Act of 1934 (47 U.S.C.
12 397)) and expand the effective outreach and
13 use of such programs and materials to eligible
14 providers;

15 (J) determining how participation in adult
16 education and literacy activities prepares eligi-
17 ble individuals for entry into postsecondary edu-
18 cation and employment and, in the case of pro-
19 grams carried out in correctional institutions,
20 has an effect on recidivism; and

21 (K) other activities designed to enhance
22 the quality of adult education and literacy ac-
23 tivities nationwide.

1 **SEC. 343. INTEGRATED ENGLISH LITERACY AND CIVICS**
2 **EDUCATION.**

3 (a) IN GENERAL.—From funds made available under
4 section 311(a)(2) for each fiscal year, the Secretary shall
5 award grants to States, from allotments under subsection
6 (b), for integrated English literacy and civics education.

7 (b) ALLOTMENT.—

8 (1) IN GENERAL.—Subject to paragraph (2),
9 from amounts made available under section
10 311(a)(2) for a fiscal year, the Secretary shall allo-
11 cate—

12 (A) 65 percent to the States on the basis
13 of a State's need for integrated English literacy
14 and civics education, as determined by calcu-
15 lating each State's share of a 10-year average
16 of the data of the Office of Immigration Statis-
17 tics of the Department of Homeland Security
18 for immigrants admitted for legal permanent
19 residence for the 10 most recent years; and

20 (B) 35 percent to the States on the basis
21 of whether the State experienced growth, as
22 measured by the average of the 3 most recent
23 years for which the data of the Office of Immi-
24 gration Statistics of the Department of Home-
25 land Security for immigrants admitted for legal
26 permanent residence are available.

1 (2) MINIMUM.—No State shall receive an allot-
2 ment under paragraph (1) in an amount that is less
3 than \$60,000.

4 **TITLE IV—AMENDMENTS TO THE** 5 **WAGNER-PEYSER ACT**

6 **SEC. 401. EMPLOYMENT SERVICE OFFICES.**

7 Section 1 of the Wagner-Peyser Act (29 U.S.C. 49)
8 is amended by inserting “service” before “offices”.

9 **SEC. 402. DEFINITIONS.**

10 Section 2 of the Wagner-Peyser Act (29 U.S.C. 49a)
11 is amended—

12 (1) by striking paragraph (1) and inserting the
13 following:

14 “(1) the terms ‘chief elected official’, ‘institu-
15 tion of higher education’, ‘one-stop center’, ‘one-stop
16 partner’, ‘training services’, ‘workforce development
17 activity’, and ‘workplace learning advisor’, have the
18 meaning given the terms in section 101 of the Work-
19 force Investment Act of 2013;”;

20 (2) in paragraph (2)—

21 (A) by striking “investment board” each
22 place it appears and inserting “development
23 board”; and

24 (B) by striking “of 1998” and inserting
25 “of 2013”;

1 (3) in paragraph (3)—

2 (A) by striking “134(c)” and inserting
3 “221(e)”; and

4 (B) by striking “1998” and inserting
5 “2013”;

6 (4) in paragraph (4), by striking “and” at the
7 end;

8 (5) in paragraph (5), by striking the period and
9 inserting “; and”; and

10 (6) by adding at the end the following:

11 “(6) the term ‘employment service office’ means
12 a local office of a State agency; and

13 “(7) except in section 15, the term ‘State agen-
14 cy’, used without further description, means an
15 agency designated or authorized under section 4.”.

16 **SEC. 403. FEDERAL AND STATE EMPLOYMENT SERVICE OF-**
17 **FICES.**

18 (a) COORDINATION.—Section 3(a) of the Wagner-
19 Peyser Act (29 U.S.C. 49b(a)) is amended by striking
20 “services” and inserting “service offices”.

21 (b) PUBLIC LABOR EXCHANGE SERVICES SYSTEM.—
22 Section 3(c)(2) of the Wagner-Peyser Act (29 U.S.C.
23 49b(c)(2)) is amended by inserting “, and identify and dis-
24 seminate information on best practices for such system”
25 before the semicolon.

1 (c) ONE-STOP CENTERS.—Section 3 of the Wagner-
2 Peyser Act (29 U.S.C. 49b) is amended by inserting after
3 subsection (c) the following:

4 “(d) In order to improve service delivery, avoid dupli-
5 cation of services, and enhance coordination of services,
6 including location of staff to ensure access to services
7 under section 7(a) statewide in underserved areas, employ-
8 ment service offices in each State shall be colocated with
9 one-stop centers.

10 “(e) The Secretary, in consultation with States, is au-
11 thorized to assist the States in the development of national
12 electronic tools that may be used to improve access to
13 workforce information for individuals through—

14 “(1) the one-stop delivery systems established
15 as described in section 221(e) of the Workforce In-
16 vestment Act of 2013; and

17 “(2) such other delivery systems as the Sec-
18 retary determines to be appropriate.”.

19 **SEC. 404. ALLOTMENT OF SUMS.**

20 Section 6 of the Wagner-Peyser Act (29 U.S.C. 49e)
21 is amended—

22 (1) in subsection (a), by striking “amounts ap-
23 propriated pursuant to section 5” and inserting
24 “funds appropriated and (except for Guam) certified

1 under section 5 and made available for allotments
2 under this section”; and

3 (2) in subsection (b)(1)—

4 (A) in the matter preceding subparagraph

5 (A)—

6 (i) by inserting before “the Secretary”

7 the following “after making the allotments

8 required by subsection (a),”; and

9 (ii) by striking “sums” and all that

10 follows through “this Act” and inserting

11 “funds described in subsection (a)”;

12 (B) in each of subparagraphs (A) and (B),

13 by striking “sums” and inserting “remainder”;

14 and

15 (C) by adding at the end the following:

16 “For purposes of this paragraph, the term

17 ‘State’ does not include Guam or the Virgin Is-

18 lands.”.

19 **SEC. 405. USE OF SUMS.**

20 (a) **IMPROVED COORDINATION.**—Section 7(a)(1) of

21 the Wagner-Peyser Act (29 U.S.C. 49f(a)(1)) is amended

22 by inserting “, including unemployment insurance claim-

23 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 II and III of the Workforce Investment Act
4 of 2013, and title I of the Rehabilitation Act of
5 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
12 131(b)(2)(A)(i) of the Workforce Investment Act of
13 2013”; and

14 (2) in paragraph (2), by inserting “offices”
15 after “employment service”.

16 (d) PROVIDING ADDITIONAL FUNDS.—Section
17 7(c)(2) of the Wagner-Peyser Act (29 U.S.C. 49f(c)(2))
18 is amended by striking “1998” and inserting “2013”.

19 (e) OTHER SERVICES AND ACTIVITIES.—Section 7(d)
20 of the Wagner-Peyser Act (29 U.S.C. 49f(d)) is amended
21 by striking “1998” and inserting “2013”.

22 (f) CONFORMING AMENDMENT.—Section 7(e) of the
23 Wagner-Peyser Act (29 U.S.C. 49f(e)) is amended by
24 striking “labor employment statistics” and inserting
25 “workforce and labor market information”.

1 **SEC. 406. STATE PLAN.**

2 Section 8 of the Wagner-Peyser Act (29 U.S.C. 49g)
3 is amended to read as follows:

4 “SEC. 8. Any State desiring to receive assistance
5 under section 6 shall prepare and submit to, and have ap-
6 proved by, the Secretary and the Secretary of Education,
7 a State plan in accordance with section 112 or 113 of the
8 Workforce Investment Act of 2013.”.

9 **SEC. 407. PERFORMANCE MEASURES.**

10 Section 13(a) of the Wagner-Peyser Act (29 U.S.C.
11 49l(a)) is amended to read as follows:

12 “(a) The activities carried out pursuant to section 7
13 shall be subject to the performance accountability meas-
14 ures that are based on indicators described in section
15 131(b)(2)(A)(i) of the Workforce Investment Act of
16 2013.”.

17 **SEC. 408. PILOT PROJECTS.**

18 The Wagner-Peyser Act is amended by inserting after
19 section 13 (29 U.S.C. 49l) the following:

20 **“SEC. 13A. PILOT PROJECTS.**

21 “(a) GRANTS.—From funds appropriated under sub-
22 section (f), the Secretary, in consultation with the Sec-
23 retary of Education, shall establish and carry out a pilot
24 program. In carrying out the program, the Secretary shall
25 annually make not more than 5 grants, on a competitive
26 basis, to State agencies to cooperate in the administration

1 of this Act by carrying out pilot projects that enhance the
2 professional development and provision of services by the
3 staff of such State agencies.

4 “(b) USE OF FUNDS.—Funds made available under
5 this section may be used to enable a State agency to—

6 “(1) make available a broad range of career
7 guidance services, including career planning, apti-
8 tude and interest assessments, and provision of
9 workforce and labor market information, and evalu-
10 ate the outcomes for recipients of such services;

11 “(2) strengthen the capacity of the State agen-
12 cy to identify job openings through the use of tech-
13 nology, and through intensive outreach to small and
14 medium size employers while using and enhancing
15 the business and employer services authorized under
16 this Act;

17 “(3) provide professional development and ca-
18 reer advancement opportunities for staff of a State
19 agency in order to upgrade their skills and com-
20 petencies in the provision of career development ac-
21 tivities, employer outreach, and other services au-
22 thorized under this Act, including upgrading those
23 skills and competencies through the training of such
24 staff to improve their knowledge of, and ability to ef-
25 fectively interact with, staff and programs of one-

1 stop partners and other entities administering work-
2 force development programs;

3 “(4) in cooperation with professional organiza-
4 tions and institutions of higher education, dem-
5 onstrate the efficacy and value of professional
6 credentialing for counselors of the State agency to
7 cooperate in the administration of this Act;

8 “(5) identify and implement strategies for State
9 agency staff to provide technical assistance and
10 training to assist other providers of workforce devel-
11 opment activities, including workplace learning advi-
12 sors, in providing counseling and employment-related
13 services to workers and job seekers, and employers;
14 and

15 “(6) identify and implement new strategies for
16 integrating counseling and technology to enhance the
17 provision of employment-related services under this
18 Act.

19 “(c) APPLICATIONS.—A State agency that seeks a
20 grant under this section shall submit an application to the
21 Secretary at such time, in such manner, and containing
22 such information as the Secretary may require.

23 “(d) PRIORITY.—In awarding grants under this sec-
24 tion, the Secretary, in consultation with the Secretary of
25 Education, shall—

1 “(1) give priority to a State agency that—

2 “(A) demonstrates participation by em-
3 ployees of the agency in the planning of the
4 proposed pilot project;

5 “(B) demonstrates participation by the
6 employees, or provides an assurance that the
7 employees will participate, in the implementa-
8 tion of the pilot project; and

9 “(C) demonstrates that the State agency
10 has established a partnership, or provides an
11 assurance that the agency will establish a part-
12 nership, with a relevant professional organiza-
13 tion, or with an institution of higher education;
14 and

15 “(2) ensure geographic diversity and diversity
16 with respect to the population density of the States
17 in which projects under this section will be carried
18 out.

19 “(e) REPORTS.—The Secretary shall annually pre-
20 pare and submit to the Committee on Education and
21 Labor of the House of Representatives and the Committee
22 on Health, Education, Labor, and Pensions of the Senate,
23 a report assessing the projects carried out under this sec-
24 tion and containing such recommendations for improve-
25 ments in the provision of counseling and other employ-

1 ment-related services under this Act as the Secretary de-
 2 termines to be appropriate.

3 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 4 is authorized to be appropriated to carry out this section
 5 such sums as may be necessary for each of fiscal years
 6 2014 through 2018.”.

7 **SEC. 409. WORKFORCE AND LABOR MARKET INFORMATION**
 8 **SYSTEM.**

9 (a) HEADING.—The section heading for section 15 of
 10 the Wagner-Peyser Act (29 U.S.C. 491–2) is amended by
 11 striking “**EMPLOYMENT STATISTICS**” and inserting
 12 “**WORKFORCE AND LABOR MARKET INFORMATION**
 13 **SYSTEM**”.

14 (b) NAME OF SYSTEM.—Section 15(a)(1) of the Wag-
 15 ner-Peyser Act (29 U.S.C. 491–2(a)(1)) is amended by
 16 striking “employment statistics system of employment sta-
 17 tistics” and inserting “workforce and labor market infor-
 18 mation system”.

19 (c) SYSTEM RESPONSIBILITIES.—Section 15(b) of
 20 the Wagner-Peyser Act (29 U.S.C. 491–2(b)) is amend-
 21 ed—

22 (1) by striking paragraph (1) and inserting the
 23 following:

24 “(1) IN GENERAL.—

1 “(A) STRUCTURE.—The workforce and
2 labor market information system described in
3 subsection (a) shall be evaluated and improved
4 by the Secretary, in consultation with the
5 Workforce Information Advisory Council estab-
6 lished in subsection (d).

7 “(B) GRANTS AND RESPONSIBILITIES.—

8 “(i) IN GENERAL.—The Secretary
9 shall carry out the provisions of this sec-
10 tion in a timely manner, through grants to
11 or agreements with States.

12 “(ii) DISTRIBUTION OF FUNDS.—

13 Using amounts appropriated under sub-
14 section (g), the Secretary shall provide
15 funds through those grants and agree-
16 ments. In distributing the funds (relating
17 to workforce and labor market information
18 funding) for fiscal years 2014 through
19 2018, the Secretary shall continue to dis-
20 tribute the funds to States in the manner
21 in which the Secretary distributed funds to
22 the States under this section for fiscal
23 years 2004 through 2008.”; and

24 (2) by striking paragraph (2) and inserting the
25 following:

1 “(2) DUTIES.—The Secretary, with respect to
2 data collection, analysis, and dissemination of work-
3 force and labor market information for the system,
4 shall carry out the following duties:

5 “(A) Assign responsibilities within the De-
6 partment of Labor for elements of the work-
7 force and labor market information system de-
8 scribed in subsection (a) to ensure that the sta-
9 tistical and administrative data collected is con-
10 sistent with appropriate Bureau of Labor Sta-
11 tistics standards and definitions, and that the
12 information is accessible and understandable to
13 users of such data.

14 “(B) Actively seek the cooperation of heads
15 of other Federal agencies to establish and main-
16 tain mechanisms for ensuring complementarity
17 and nonduplication in the development and op-
18 eration of statistical and administrative data
19 collection activities.

20 “(C) Solicit, receive, and evaluate the rec-
21 ommendations from the Workforce Information
22 Advisory Council established in subsection (d)
23 concerning the evaluation and improvement of
24 the workforce and labor market information
25 system described in subsection (a) and respond

1 in writing to the Council regarding the rec-
2 ommendations.

3 “(D) Eliminate gaps and duplication in
4 statistical undertakings.

5 “(E) Through the Bureau of Labor Statis-
6 tics and the Employment and Training Admin-
7 istration, and in collaboration with States, de-
8 velop and maintain the elements of the work-
9 force and labor market information system de-
10 scribed in subsection (a), including the develop-
11 ment of consistent procedures and definitions
12 for use by the States in collecting the data and
13 information described in subparagraphs (A) and
14 (B) of subsection (a)(1).

15 “(F) Establish procedures for the system
16 to ensure that—

17 “(i) such data and information are
18 timely; and

19 “(ii) paperwork and reporting for the
20 system are reduced to a minimum.”.

21 (d) TWO-YEAR PLAN.—Section 15 of the Wagner-
22 Peyser Act (29 U.S.C. 491–2) is amended by striking sub-
23 section (c) and inserting the following:

24 “(c) TWO-YEAR PLAN.—The Secretary, acting
25 through the Commissioner of Labor Statistics and the As-

1 sistant Secretary for Employment and Training, and in
2 consultation with the Workforce Information Advisory
3 Council described in subsection (d) and heads of other ap-
4 propriate Federal agencies, shall prepare a 2-year plan for
5 the workforce and labor market information system. The
6 plan shall be developed and implemented in a manner that
7 takes into account the activities described in State plans
8 submitted by States under section 112 or 113 of the
9 Workforce Investment Act of 2013 and shall be submitted
10 to the Committee on Education and the Workforce of the
11 House of Representatives and the Committee on Health,
12 Education, Labor, and Pensions of the Senate. The plan
13 shall include—

14 “(1) a description of how the Secretary will
15 work with the States to manage the nationwide
16 workforce and labor market information system de-
17 scribed in subsection (a) and the statewide work-
18 force and labor market information systems that
19 comprise the nationwide system;

20 “(2) a description of the steps to be taken in
21 the following 2 years to carry out the duties de-
22 scribed in subsection (b)(2);

23 “(3) an evaluation of the performance of the
24 system, with particular attention to the improve-
25 ments needed at the State and local levels;

1 “(4) a description of the involvement of States
2 in the development of the plan, through consultation
3 by the Secretary with the Workforce Information
4 Advisory Council in accordance with subsection (d);
5 and

6 “(5) a description of the written recommenda-
7 tions received from the Workforce Information Advi-
8 sory Council established under subsection (d), and
9 the extent to which those recommendations were in-
10 corporated into the plan.”.

11 (e) WORKFORCE INFORMATION ADVISORY COUN-
12 CIL.—Section 15 of the Wagner-Peyser Act (29 U.S.C.
13 491–2) is amended by striking subsection (d) and inserting
14 the following:

15 “(d) WORKFORCE INFORMATION ADVISORY COUN-
16 CIL.—

17 “(1) IN GENERAL.—The Secretary, through the
18 Commissioner of Labor Statistics and the Assistant
19 Secretary of Labor for Employment and Training,
20 shall formally consult at least twice annually with
21 the Workforce Information Advisory Council estab-
22 lished in accordance with paragraph (2). Such con-
23 sultations shall address the evaluation and improve-
24 ment of the nationwide workforce and labor market
25 information system described in subsection (a) and

1 the statewide workforce and labor market informa-
2 tion systems that comprise the nationwide system
3 and how the Department of Labor and the States
4 will cooperate in the management of such systems.
5 The Council shall provide written recommendations
6 to the Secretary concerning the evaluation and im-
7 provement of the nationwide system, including any
8 recommendations regarding the 2-year plan de-
9 scribed in subsection (c).

10 “(2) ESTABLISHMENT OF COUNCIL.—

11 “(A) ESTABLISHMENT.—The Secretary
12 shall establish an advisory council that shall be
13 known as the Workforce Information Advisory
14 Council (referred to in this section as the
15 ‘Council’) to participate in the consultations
16 and provide the recommendations described in
17 paragraph (1).

18 “(B) MEMBERSHIP.—The Secretary shall
19 appoint the members of the Council, which shall
20 consist of—

21 “(i) 4 members who are representa-
22 tives of lead State agencies with responsi-
23 bility for workforce investment activities,
24 or State agencies described in section 4,
25 who have been nominated by such agencies

1 or by a national organization that rep-
2 resents such agencies;

3 “(ii) 4 members who are representa-
4 tives of the State workforce and labor mar-
5 ket information directors affiliated with the
6 State agencies that perform the duties de-
7 scribed in subsection (e)(2), who have been
8 nominated by the directors;

9 “(iii) 1 member who is a representa-
10 tive of providers of training services under
11 section 222 of the Workforce Investment
12 Act of 2013;

13 “(iv) 1 member who is a representa-
14 tive of economic development entities;

15 “(v) 1 member who is a representative
16 of businesses, who has been nominated by
17 national business organizations or trade
18 associations;

19 “(vi) 1 member who is a representa-
20 tive of labor organizations, who has been
21 nominated by a national labor federation;

22 “(vii) 1 member who is a representa-
23 tive of local workforce development boards,
24 who has been nominated by a national or-
25 ganization representing such boards; and

1 “(viii) 1 member who is a representa-
2 tive of research entities that utilize work-
3 force and labor market information.

4 “(C) GEOGRAPHIC DIVERSITY.—The Sec-
5 retary shall ensure that the membership of the
6 Council is geographically diverse and that no 2
7 of the members appointed under clauses (i),
8 (ii), and (vii) represent the same State.

9 “(D) PERIOD OF APPOINTMENT; VACAN-
10 CIES.—

11 “(i) IN GENERAL.—Each member of
12 the Council shall be appointed for a term
13 of 3 years, except that the initial terms for
14 members may be 1, 2, or 3 years in order
15 to establish a rotation in which one-third
16 of the members are selected each year. Any
17 such member may be appointed for not
18 more than 2 consecutive terms.

19 “(ii) VACANCIES.—Any member ap-
20 pointed to fill a vacancy occurring before
21 the expiration of the term for which the
22 member’s predecessor was appointed shall
23 be appointed only for the remainder of that
24 term. A member may serve after the expi-

1 ration of that member’s term until a suc-
2 cessor has taken office.

3 “(E) TRAVEL EXPENSES.—The members
4 of the Council shall not receive compensation
5 for the performance of services for the Council,
6 but shall be allowed travel expenses, including
7 per diem in lieu of subsistence, at rates author-
8 ized for employees of agencies under subchapter
9 I of chapter 57 of title 5, United States Code,
10 while away from their homes or regular places
11 of business in the performance of services for
12 the Council. Notwithstanding section 1342 of
13 title 31, United States Code, the Secretary may
14 accept the voluntary and uncompensated serv-
15 ices of members of the Council.

16 “(F) PERMANENT COUNCIL.—Section 14
17 of the Federal Advisory Committee Act (5
18 U.S.C. App.) shall not apply to the Council.”.

19 (f) STATE RESPONSIBILITIES.—Section 15(e) of the
20 Wagner-Peyser Act (29 U.S.C. 491–2(e)) is amended—

21 (1) by striking “employment statistics” each
22 place it appears and inserting “workforce and labor
23 market information”;

1 (2) in paragraph (1)(A) by striking “annual
2 plan” and inserting “plan described in subsection
3 (c)”; and

4 (3) in paragraph (2)—

5 (A) in subparagraph (G), by inserting
6 “and” at the end;

7 (B) by striking subparagraph (H);

8 (C) in subparagraph (I), by striking “sec-
9 tion 136(f)(2) of the Workforce Investment Act
10 of 1998” and inserting “section 131(i)(2) of the
11 Workforce Investment Act of 2013”; and

12 (D) by redesignating subparagraph (I) as
13 subparagraph (H).

14 (g) AUTHORIZATION OF APPROPRIATIONS.—Section
15 15(g) of the Wagner-Peyser Act (29 U.S.C. 491–2(g)) is
16 amended by striking “1999 through 2004” and inserting
17 “2014 through 2018”.

18 **TITLE V—AMENDMENTS TO THE**
19 **REHABILITATION ACT OF 1973**
20 **Subtitle A—Introductory**
21 **Provisions**

22 **SEC. 501. REFERENCES.**

23 Except as otherwise specifically provided, whenever in
24 this title an amendment or repeal is expressed in terms
25 of an amendment to, or repeal of, a provision, the amend-

1 ment or repeal shall be considered to be made to a provi-
2 sion of the Rehabilitation Act of 1973 (29 U.S.C. 701 et
3 seq.).

4 **SEC. 502. FINDINGS, PURPOSE, POLICY.**

5 (a) FINDINGS.—Section 2(a) (29 U.S.C. 701(a)) is
6 amended—

7 (1) in paragraph (4), by striking “workforce in-
8 vestment systems under title I of the Workforce In-
9 vestment Act of 1998” and inserting “workforce de-
10 velopment systems defined in section 101 of the
11 Workforce Investment Act of 2013”;

12 (2) in paragraph (5), by striking “and” at the
13 end;

14 (3) in paragraph (6), by striking the period and
15 inserting “; and”; and

16 (4) by adding at the end the following:

17 “(7)(A) a high proportion of students with dis-
18 abilities is leaving secondary education without being
19 employed in competitive integrated employment, or
20 being enrolled in postsecondary education; and

21 “(B) there is a substantial need to support such
22 students as they transition from school to postsec-
23 ondary life.”.

24 (b) PURPOSE.—Section 2(b) (29 U.S.C. 701(b)) is
25 amended—

1 (1) in paragraph (1)—

2 (A) in subparagraph (A), by striking
3 “workforce investment systems implemented in
4 accordance with title I of the Workforce Invest-
5 ment Act of 1998” and inserting “workforce
6 development systems defined in section 101 of
7 the Workforce Investment Act of 2013”; and

8 (B) at the end of subparagraph (F), by
9 striking “and”;

10 (2) by redesignating paragraph (2) as para-
11 graph (3);

12 (3) by inserting after paragraph (1) the fol-
13 lowing:

14 “(2) to maximize opportunities for individuals
15 with disabilities, including individuals with signifi-
16 cant disabilities, for competitive integrated employ-
17 ment;”;

18 (4) in paragraph (3), as redesignated by para-
19 graph (2), by striking the period at the end and in-
20 serting a semicolon; and

21 (5) by adding at the end the following:

22 “(4) to increase employment opportunities and
23 employment outcomes for individuals with disabili-
24 ties, including through encouraging meaningful
25 input by employers and vocational rehabilitation

1 service providers on successful and prospective em-
2 ployment and placement strategies; and

3 “(5) to ensure, to the greatest extent possible,
4 that youth with disabilities and students with dis-
5 abilities who are transitioning from receipt of special
6 education services under the Individuals with Dis-
7 abilities Education Act (20 U.S.C. 1400 et seq.) and
8 receipt of services under section 504 of this Act are
9 either continuing their education or employed in
10 competitive integrated employment.”.

11 **SEC. 503. DISABILITY EMPLOYMENT SERVICES AND SUP-**
12 **PORTS ADMINISTRATION.**

13 Section 3 (29 U.S.C. 702) is amended—

14 (1) by striking subsection (a) and inserting the
15 following:

16 “(a)(1) There is established in the Department of
17 Labor, in the Office of Disability Employment Policy,
18 Services, and Supports, a Disability Employment Services
19 and Supports Administration. The Administration shall be
20 headed by a Commissioner (referred to in this Act as the
21 ‘Commissioner’), appointed by the President by and with
22 the advice and consent of the Senate. Such Administration
23 shall be the principal agency, and the Commissioner shall
24 be the principal officer, of the Department of Labor for
25 carrying out titles I, III, and VI.

1 “(2) The Commissioner shall be an individual with
2 substantial experience in programs that increase employ-
3 ment opportunities for individuals with disabilities in com-
4 petitive integrated employment, including through the pro-
5 vision of employment services, education, training, and
6 supports.

7 “(3) In performing the functions of the office, the
8 Commissioner shall be directly responsible to the Assistant
9 Secretary of Disability Employment Policy, Services, and
10 Supports. The functions of the Commissioner shall not be
11 delegated to any other officer unless the officer is directly
12 responsible to the Assistant Secretary of Disability Em-
13 ployment Policy, Services, and Supports.”;

14 (2) by redesignating subsection (b) as sub-
15 section (c);

16 (3) by inserting after subsection (a) the fol-
17 lowing:

18 “(b) The Secretary of Labor shall ensure that—

19 “(1) the Disability Employment Services and
20 Supports Administration provides effective oversight
21 of, conducts monitoring of, and provides technical
22 assistance to, the designated State agencies funded
23 under this Act; and

24 “(2) the staff providing such oversight, moni-
25 toring, and technical assistance includes individuals

1 who have training in and experience with the pro-
2 grams administered by the Administration.”; and

3 (4) in subsection (c), as redesignated by para-
4 graph (2), by inserting “of Labor” after “Sec-
5 retary”.

6 **SEC. 504. DEFINITIONS.**

7 Section 7 (29 U.S.C. 705) is amended—

8 (1) in paragraph (2)—

9 (A) in the matter preceding subparagraph
10 (A), by inserting after “means” the following:
11 “an assessment that presumes a goal of an em-
12 ployment outcome for all individuals with dis-
13 abilities (including individuals with significant
14 disabilities and individuals with the most sig-
15 nificant disabilities), and that relies on”; and

16 (B) in subparagraph (B)—

17 (i) in clause (iii), by striking “and” at
18 the end;

19 (ii) in clause (iv), by striking the
20 semicolon and inserting “; and”; and

21 (iii) by adding at the end the fol-
22 lowing—

23 “(v) to the maximum extent possible,
24 relies on information obtained from experi-
25 ences in integrated employment settings in

1 the community, and other integrated com-
2 munity settings;”;

3 (2) by striking paragraphs (3) and (4) and in-
4 serting the following:

5 “(3) ASSISTIVE TECHNOLOGY TERMS.—

6 “(A) ASSISTIVE TECHNOLOGY.—The term
7 ‘assistive technology’ has the meaning given
8 such term in section 3 of the Assistive Tech-
9 nology Act of 1998 (29 U.S.C. 3002).

10 “(B) ASSISTIVE TECHNOLOGY DEVICE.—

11 The term ‘assistive technology device’ has the
12 meaning given such term in section 3 of the As-
13 sistive Technology Act of 1998, except that the
14 reference in such section to the term ‘individ-
15 uals with disabilities’ shall be deemed to mean
16 more than 1 individual with a disability as de-
17 fined in paragraph (20)(A)).

18 “(C) ASSISTIVE TECHNOLOGY SERVICE.—

19 The term ‘assistive technology service’ 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—

23 “(i) to the term ‘individual with a dis-
24 ability’ shall be deemed to mean an indi-

1 vidual with a disability, as defined in para-
2 graph (20)(A); and

3 “(ii) to the term ‘individuals with dis-
4 abilities’ shall be deemed to mean more
5 than 1 such individual.”;

6 (3) by redesignating paragraph (5) as para-
7 graph (4);

8 (4) in paragraph (4), as redesignated by para-
9 graph (3)—

10 (A) by redesignating subparagraphs (O)
11 through (Q) as subparagraphs (P) through (R);

12 (B) by inserting after subparagraph (N)
13 the following:

14 “(O) customized employment services;”;

15 and

16 (C) in subparagraph (R), as redesignated
17 by subparagraph (A) of this paragraph, by
18 striking “(P)” and inserting “(Q)”;

19 (5) by inserting before paragraph (6) the fol-
20 lowing:

21 “(5) COMPETITIVE INTEGRATED EMPLOY-
22 MENT.—

23 “(A) IN GENERAL.—The term ‘competitive
24 integrated employment’ means work, including

1 self-employment, performed by an employee who
2 is an individual with a disability—

3 “(i) that is compensated—

4 “(I) at a rate that—

5 “(aa) is the same rate as the
6 rate for other employees who are
7 not individuals with disabilities,
8 and who are similarly situated in
9 similar occupations by the same
10 employer and who have similar
11 training, experience, and skills;
12 and

13 “(bb) shall be in accordance
14 with the applicable law, but in no
15 event less than the higher of the
16 rate specified in section 6(a)(1)
17 of the Fair Labor Standards Act
18 of 1938 (29 U.S.C. 206(a)(1)) or
19 the applicable State or local min-
20 imum wage law; or

21 “(II) in the case of an individual
22 who is self-employed, at an income
23 that is comparable to the income re-
24 ceived by other individuals who are
25 not individuals with disabilities, and

1 who are self-employed in similar occu-
2 pations or on similar tasks and who
3 have similar training, experience, and
4 skills;

5 “(ii) due to which the employee is eli-
6 gible for the same employment benefits as
7 are provided to other employees;

8 “(iii) that is at a location where the
9 employee has the opportunity to interact
10 with other employees who are not individ-
11 uals with disabilities (not including super-
12 visory personnel); and

13 “(iv) that presents opportunities for
14 advancement that are equivalent to those
15 for other employees who are not individ-
16 uals with disabilities and who have com-
17 parable positions.

18 “(B) INCLUSION OF CUSTOMIZED OR SUP-
19 PORTED EMPLOYMENT.—The term ‘competitive
20 integrated employment’ includes integrated em-
21 ployment resulting from the provision of cus-
22 tomized employment strategies or supported
23 employment services, as long as the work in-
24 volved satisfies the criteria described in sub-
25 paragraph (A).”;

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; and

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 (9)(B), by striking “14,” and
10 inserting “14, 14A,”;

11 (9) in paragraph (11)—

12 (A) in subparagraph (A), by striking
13 “competitive” and all that follows and inserting
14 “competitive integrated employment;”; and

15 (B) in subparagraph (C)—

16 (i) by inserting “of Labor” after
17 “Secretary”; and

18 (ii) by inserting “customized employ-
19 ment,” before “self-employment,”;

20 (10) in paragraph (12), by inserting “of Labor”
21 after “Secretary” each place it appears;

22 (11) in paragraph (14)(C), by inserting “of
23 Labor” after “Secretary”;

24 (12) in paragraph (17)—

1 (A) by striking the “and” at the end of
2 subparagraph (C);

3 (B) in subparagraph (D), by striking the
4 period at the end and inserting a semicolon;
5 and

6 (C) by adding at the end the following:

7 “(E) services that—

8 “(i) facilitate the transition of individ-
9 uals with significant disabilities from nurs-
10 ing homes and other institutions to home
11 and community-based residences, with the
12 requisite supports and services;

13 “(ii) provide assistance to individuals
14 with significant disabilities who are at risk
15 of entering institutions so that the individ-
16 uals may remain in the community; and

17 “(iii) facilitate the transition of youth
18 (including students) who are individuals
19 with significant disabilities, who were eligi-
20 ble for individualized education programs
21 under section 614(d) of the Individuals
22 with Disabilities Education Act (20 U.S.C.
23 1414(d)), and who have completed their
24 secondary education or otherwise left

1 school, to postsecondary life, including em-
2 ployment; and

3 “(F) services to promote full access to
4 community life.”;

5 (13) in paragraph (18), by striking “term” and
6 all that follows through “includes—” and inserting
7 “term ‘independent living services’ includes—”;

8 (14) in paragraph (20)(B)—

9 (A) by striking “14,” and inserting “14,
10 14A,”; and

11 (B) by striking “and VII” and inserting
12 “VII, and VIII”;

13 (15) in paragraph (23), by striking “section
14 101” and inserting “section 102”;

15 (16) by striking paragraph (25) and inserting
16 the following:

17 “(25) LOCAL WORKFORCE DEVELOPMENT
18 BOARD.—The term ‘local workforce development
19 board’ means a local board, as defined in section
20 101 of the Workforce Investment Act of 2013.”;

21 (17) by striking paragraph (37);

22 (18) by redesignating paragraphs (29) through
23 (39) as paragraphs (31) through (36), and (38)
24 through (41), respectively;

1 (19) by inserting after paragraph (28) the fol-
2 lowing:

3 “(29) POSTEMPLOYMENT SERVICE.—The term
4 ‘postemployment service’ means a service identified
5 under section 103(a) that is—

6 “(A) provided subsequent to the achieve-
7 ment of an employment outcome; and

8 “(B) necessary for an individual to main-
9 tain or regain competitive integrated employ-
10 ment, consistent with the individual’s strengths,
11 resources, priorities, concerns, abilities, capa-
12 bilities, interests, and informed choice.

13 “(30) PRE-EMPLOYMENT TRANSITION SERV-
14 ICES.—

15 “(A) IN GENERAL.—The term ‘pre-employ-
16 ment transition services’ means a coordinated
17 set of activities for a student with a disability
18 who is eligible or potentially eligible for services
19 under title I, designed within an outcome-ori-
20 ented process, that promotes movement from
21 school to postschool activities, including post-
22 secondary education, vocational training, com-
23 petitive integrated employment (including sup-
24 ported employment), adult education, adult

1 services, independent living, or community par-
2 ticipation.

3 “(B) SPECIFIC SERVICES.—The term ‘pre-
4 employment transition services’ means a set of
5 services, that is available to students with dis-
6 abilities who are eligible or potentially eligible
7 for services under title I, and that makes avail-
8 able—

9 “(i) job exploration counseling;

10 “(ii) work-based learning experience,
11 such as in-school or after school work ex-
12 perience, or work experience outside the
13 traditional school setting (such as experi-
14 ence through job training or internships),
15 that is provided in an integrated environ-
16 ment to the maximum extent possible;

17 “(iii) counseling on opportunities for
18 enrollment in a comprehensive transition
19 or postsecondary educational program at
20 an institution of higher education;

21 “(iv) school-based preparatory em-
22 ployment experiences such as role playing,
23 social skills development, and independent
24 living training, coordinated with any tran-
25 sition services provided by the local edu-

1 cational agency under the Individuals with
2 Disabilities Education Act (20 U.S.C.
3 1400 et seq.); and

4 “(v) instruction in self-advocacy, indi-
5 vidual rights, self-determination skills, and
6 the informed consent process, as well as
7 peer mentoring.

8 “(C) COORDINATED SET OF ACTIVITIES.—
9 For purposes of subparagraph (A), the coordi-
10 nated set of activities shall be provided in a
11 manner that leverages appropriate resources
12 and services available outside the vocational re-
13 habilitation program described in title I and
14 shall be based on the individual needs of a stu-
15 dent with a disability, taking into account the
16 student’s preferences and interests, and shall
17 include education and training, community ex-
18 periences, the development of employment and
19 other adult living objectives, and, when appro-
20 priate, acquisition of daily living skills and
21 functional vocational evaluation.”;

22 (20) by striking paragraph (33), as redesign-
23 nated by paragraph (18), and inserting the fol-
24 lowing:

1 “(33) SECRETARY.—Unless where the context
2 otherwise requires, the term ‘Secretary’—

3 “(A) used in title I, III, V, VI, or VIII,
4 means the Secretary of Labor; and

5 “(B) used in title II or VII, means the
6 Secretary of Health and Human Services.”;

7 (21) by striking paragraphs (35) and (36), as
8 redesignated by paragraph (18), and inserting the
9 following:

10 “(35) STATE WORKFORCE DEVELOPMENT
11 BOARD.—The term ‘State workforce development
12 board’ means a State board, as defined in section
13 101 of the Workforce Investment Act of 2013.

14 “(36) STATEWIDE WORKFORCE DEVELOPMENT
15 SYSTEM.—The term ‘statewide workforce develop-
16 ment system’ means a workforce development sys-
17 tem, as defined in section 101 of the Workforce In-
18 vestment Act of 2013.”;

19 (22) by inserting after that paragraph (36) the
20 following:

21 “(37) STUDENT WITH A DISABILITY.—

22 “(A) IN GENERAL.—The term ‘student
23 with a disability’ means an individual with a
24 disability who—

1 “(i) attends an elementary school, sec-
2 ondary school, or institution of higher edu-
3 cation;

4 “(ii)(I)(aa) is not younger than the
5 earliest age for the provision of transition
6 services under section
7 614(d)(1)(A)(i)(VIII) of the Individuals
8 with Disabilities Education Act (20 U.S.C.
9 1414(d)(1)(A)(i)(VIII)); or

10 “(bb) if the State involved elects to
11 use a lower minimum age for receipt of
12 pre-employment transition services under
13 this Act, is not younger than that min-
14 imum age; and

15 “(II)(aa) is not older than 21 years of
16 age; or

17 “(bb) if the State law for the State
18 provides for a higher maximum age for re-
19 ceipt of services under the Individuals with
20 Disabilities Education Act (20 U.S.C.
21 1400 et seq.), is not older than that max-
22 imum age; and

23 “(iii)(I) is eligible for, and receiving,
24 special education or related services under

1 part B of the Individuals with Disabilities
2 Education Act (20 U.S.C. 1411 et seq.); or

3 “(II) is an individual with a disability,
4 for purposes of section 504.

5 “(B) STUDENTS WITH DISABILITIES.—The
6 term ‘students with disabilities’ means more
7 than 1 student with a disability.”;

8 (23) by striking paragraphs (38) and (39), as
9 redesignated by paragraph (18), and inserting the
10 following:

11 “(38) SUPPORTED EMPLOYMENT.—The term
12 ‘supported employment’ means competitive inte-
13 grated employment, including customized employ-
14 ment, that is individualized and customized con-
15 sistent with the strengths, abilities, interests, and in-
16 formed choice of the individuals involved, for individ-
17 uals with the most significant disabilities—

18 “(A)(i) for whom competitive integrated
19 employment has not historically occurred; or

20 “(ii) for whom competitive integrated em-
21 ployment has been interrupted or intermittent
22 as a result of a significant disability; and

23 “(B) who, because of the nature and sever-
24 ity of their disability, need intensive supported
25 employment services and may need extended

1 services after the transition described in para-
2 graph (13)(C), in order to perform the work in-
3 volved.

4 “(39) SUPPORTED EMPLOYMENT SERVICES.—
5 The term ‘supported employment services’ means
6 ongoing support services, including customized em-
7 ployment, needed to support and maintain an indi-
8 vidual with a most significant disability in supported
9 employment, that—

10 “(A) are provided singly or in combination
11 and are organized and made available in such
12 a way as to assist an eligible individual to
13 achieve an employment outcome in competitive
14 integrated employment;

15 “(B) are based on a determination of the
16 needs of an eligible individual, as specified in an
17 individualized plan for employment; and

18 “(C) are provided by the designated State
19 unit for a period of not more than 24 months,
20 except that that period may be extended, if nec-
21 essary, in order to achieve the employment out-
22 come identified in the individualized plan for
23 employment.”;

1 (24) in paragraph (41), as redesignated by
2 paragraph (18), by striking “1998” and inserting
3 “2013”; and

4 (25) by inserting after paragraph (41), as re-
5 designated by paragraph (18), the following:

6 “(42) YOUTH WITH A DISABILITY.—

7 “(A) IN GENERAL.—The term ‘youth with
8 a disability’ means an individual with a dis-
9 ability who—

10 “(i) is not younger than 14 years of
11 age; and

12 “(ii) is not older than 25 years of age.

13 “(B) YOUTH WITH DISABILITIES.—The
14 term ‘youth with disabilities’ means more than
15 1 youth with a disability.”.

16 **SEC. 505. ADMINISTRATION OF THE ACT.**

17 (a) PROMULGATION.—Section 8(a)(2) (29 U.S.C.
18 706(a)(2)) is amended by inserting “of Labor” after “Sec-
19 retary”.

20 (b) ADMINISTRATION BY THE SECRETARY OF
21 LABOR.—Section 12 (29 U.S.C. 709) is amended—

22 (1) in the section header, by striking “OF THE
23 ACT” and inserting “BY THE SECRETARY OF
24 LABOR”;

25 (2) in subsection (a)—

1 (A) in paragraph (1)—

2 (i) by striking “(1)” and inserting

3 “(1)(A)”; and

4 (ii) by adding at the end the fol-
5 lowing:

6 “(B) provide technical assistance to the des-
7 igned State units on developing successful partner-
8 ships with local and multi-State businesses in an ef-
9 fort to increase the employment of individuals with
10 disabilities;

11 “(C) provide technical assistance to providers
12 and organizations on developing self-employment op-
13 portunities and outcomes for individuals with dis-
14 abilities; and

15 “(D) provide technical assistance to entities
16 carrying out community rehabilitation programs to
17 build their internal capacity to provide individualized
18 services and supports leading to competitive inte-
19 grated employment, and to transition individuals
20 with disabilities away from nonintegrated settings;”;
21 and

22 (B) in paragraph (2), by striking “, cen-
23 ters for independent living;”;

24 (3) in subsections (d), (e), and (f), by inserting
25 “of Labor” after “Secretary” each place it appears;

1 pendent living for individuals with disabilities in
2 community activities;

3 “(2) provide short-term training and technical
4 instruction, including training for the personnel of
5 centers for independent living and Statewide Inde-
6 pendent Living Councils;

7 “(3) conduct special projects and demonstra-
8 tions;

9 “(4) collect, prepare, publish, and disseminate
10 educational or informational materials, including re-
11 ports of the projects for which funds are provided
12 under this Act; and

13 “(5) provide monitoring and conduct evalua-
14 tions.

15 “(b) AUTHORITIES CONCERNING OTHER AGEN-
16 CIES.—

17 “(1) SERVICES AND FACILITIES.—In carrying
18 out the duties under this Act, the ILA Director may
19 utilize the services and facilities of any agency of the
20 Federal Government and of any other public or non-
21 profit agency or organization, in accordance with
22 agreements between the ILA Director and the head
23 thereof, and may pay therefor, in advance or by way
24 of reimbursement, as may be provided in the agree-
25 ment.

1 “(2) TASK FORCES.—In carrying out the provi-
2 sions of this Act, the ILA Director shall appoint
3 such task forces as may be necessary to collect and
4 disseminate information in order to improve the abil-
5 ity of the ILA Director to carry out the provisions
6 of this Act.

7 “(c) REGULATIONS GENERALLY.—The Secretary of
8 Health and Human Services may promulgate such regula-
9 tions as are considered appropriate to carry out the ILA
10 Director’s duties under this Act.

11 “(d) REGULATIONS TO IMPLEMENT THE WORK-
12 FORCE INVESTMENT ACT OF 2013.—Not later than 180
13 days after the date of enactment of the Workforce Invest-
14 ment Act of 2013, the Secretary of Health and Human
15 Services shall receive public comment and promulgate reg-
16 ulations to implement the amendments made by the Work-
17 force Investment Act of 2013.

18 “(e) NECESSITY.—In promulgating regulations to
19 carry out this Act, the Secretary of Health and Human
20 Services shall promulgate only regulations that are nec-
21 essary to administer and ensure compliance with the spe-
22 cific requirements of this Act.

23 “(f) APPLICATION.—In this section, a reference to
24 ‘this Act’ means a provision of this Act that the Secretary
25 of Health and Human Services has authority to carry out.

1 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 such sums as may be necessary.”.

4 **SEC. 506. REPORTS.**

5 Section 13 (29 U.S.C. 710) is amended—

6 (1) in section (c)—

7 (A) by striking “(c)” and inserting
8 “(c)(1)”;

9 (B) in the second sentence, by striking
10 “section 136(d) of the Workforce Investment
11 Act of 1998” and inserting “section 131(d)(2)
12 of the Workforce Investment Act of 2013”; and

13 (C) by adding at the end the following:

14 “(2) The ILA Director described in section 701A
15 shall include, in the annual report, information on the ex-
16 tent to which centers for independent living receiving
17 funds under part C of title VII have complied with the
18 standards and assurances set forth in section 725. The
19 ILA Director may identify individual centers for inde-
20 pendent living in the analysis contained in that informa-
21 tion. The ILA Director shall include in the report the re-
22 sults of onsite compliance reviews, identifying individual
23 centers for independent living and other recipients of as-
24 sistance under part C of title VII.”; and

25 (2) by adding at the end the following:

1 “(d)(1)(A) The Commissioner shall ensure that the
2 reports, information, and data described in subparagraph
3 (B) are made publicly available in a timely manner, includ-
4 ing through electronic means, in order to inform the public
5 about the administration and performance of programs in
6 each State under this Act.

7 “(B) The reports, information, and data referred to
8 in subparagraph (A) shall consist of—

9 “(i) reports submitted by a designated State
10 agency or designated State unit under this Act;

11 “(ii) accountability information, including State
12 performance information relating to evaluation
13 standards and performance indicators, and addi-
14 tional performance accountability indicators, under
15 section 106, including information on compliance
16 with such standards, indicators, and measures, relat-
17 ing to individuals with disabilities, submitted by a
18 designated State agency or designated State unit
19 under this Act, or submitted by a State to the Sec-
20 retary of Labor or the Secretary of Education under
21 section 131 of the Workforce Investment Act of
22 2013;

23 “(iii) data collected from each designated State
24 unit under this Act with the approval of the Office
25 of Management and Budget, which shall be made

1 publicly available in the aggregate, and in a manner
2 that will not reveal personally identifiable informa-
3 tion; and

4 “(iv) reports from monitoring conducted under
5 this Act, including relevant reports required under
6 section 131 of the Workforce Investment Act of
7 2013 and other relevant reports, information, and
8 data required under title I of such Act.

9 “(C)(i) The Commissioner shall ensure that the infor-
10 mation described in clause (ii) is made publicly available
11 in a timely manner, including through electronic means.

12 “(ii) The information referred to in clause (i) is—

13 “(I) the reports, information, and data required
14 to be submitted by designated State units or des-
15 ignated State agencies under this Act;

16 “(II) evaluations, studies, and audits conducted
17 by Federal agencies, concerning programs carried
18 out under this Act; and

19 “(III) a list that specifies the designated State
20 unit or designated State agency for each State, in-
21 cluding a link to the website maintained by each
22 such unit or agency.

23 “(2) The Commissioner shall maintain public use
24 read-only access to the State and aggregated reports, and
25 analyzed data, concerning programs carried out under this

1 Act, that are filed and maintained in the Disability Em-
2 ployment Services and Supports Administration manage-
3 ment information system or a system maintained by the
4 Department of Labor.”.

5 **SEC. 507. EVALUATION AND INFORMATION.**

6 (a) EVALUATION BY THE SECRETARY OF LABOR.—
7 Section 14 (29 U.S.C. 711)—

8 (1) in the section header, by striking “EVALUA-
9 TION” and inserting “EVALUATION BY THE SEC-
10 RETARY OF LABOR”;

11 (2) by inserting “of Labor” after “Secretary”
12 each place it appears;

13 (3) in subsection (f)(2), by striking “non-
14 integrated to integrated employment” and inserting
15 “nonintegrated to competitive integrated employ-
16 ment”;

17 (4) by redesignating subsection (g) as sub-
18 section (h); and

19 (5) by inserting after subsection (f) the fol-
20 lowing:

21 “(g) In this section, a reference to ‘this Act’ means
22 a provision of this Act that the Secretary of Labor has
23 authority to carry out.”.

1 (b) EVALUATION BY THE SECRETARY OF HEALTH
2 AND HUMAN SERVICES.—The Act is amended by inserting
3 after section 14 (29 U.S.C. 711) the following:

4 **“SEC. 14A. EVALUATION BY THE SECRETARY OF HEALTH**
5 **AND HUMAN SERVICES.**

6 “(a) IN GENERAL.—For the purpose of improving
7 program management and effectiveness, the Secretary of
8 Health and Human Services, in consultation with the ILA
9 Director, shall evaluate all the programs authorized by
10 this Act, their general effectiveness in relation to their
11 cost, their impact on related programs, and their structure
12 and mechanisms for delivery of services, using appropriate
13 methodology and evaluative research designs. The Sec-
14 retary of Health and Human Services shall establish and
15 use standards for the evaluations required by this sub-
16 section. Such an evaluation shall be conducted by a person
17 not immediately involved in the administration of the pro-
18 gram evaluated.

19 “(b) PARTICIPANT OPINIONS.—In carrying out eval-
20 uations under this section, the Secretary of Health and
21 Human Services shall obtain the opinions of program and
22 project participants about the strengths and weaknesses
23 of the programs and projects.

24 “(c) PROPERTY.—The Secretary of Health and
25 Human Services shall take the necessary action to assure

1 that all studies, evaluations, proposals, and data produced
2 or developed with Federal funds under this Act shall be-
3 come the property of the United States.

4 “(d) INFORMATION.—Such information as the Sec-
5 retary of Health and Human Services may determine to
6 be necessary for purposes of the evaluations conducted
7 under this section shall be made available upon request
8 of the Secretary, by the departments and agencies of the
9 executive branch.

10 “(e) INFORMATION ON INDEPENDENT LIVING.—The
11 ILA Director shall identify and disseminate information
12 on exemplary practices concerning independent living serv-
13 ices and centers for independent living.

14 “(f) APPLICATION.—In this section, a reference to
15 ‘this Act’ means a provision of this Act that the Secretary
16 of Health and Human Services has authority to carry out.

17 “(g) AUTHORIZATION.—There are authorized to be
18 appropriated to carry out this section such sums as may
19 be necessary.”.

20 (c) INFORMATION.—Section 15 (29 U.S.C. 712) is
21 amended—

22 (1) in subsection (a)—

23 (A) by inserting “of Labor” after “Sec-
24 retary” each place it appears; and

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 to
 5 develop within the Department of Education” and
 6 inserting “Secretary of Labor to develop, within the
 7 Department of Labor,”.

8 **SEC. 508. CARRYOVER.**

9 Section 19 (29 U.S.C. 716) is amended—

10 (1) in subsection (a)(1), by striking “part B of
 11 title I” and all that follows through “including” and
 12 inserting “part B of title I (except the client assist-
 13 ance program funded under section 112), part B of
 14 title VI, chapter 1 of title VII, or chapter 2 of title
 15 VII (except as provided in section 753(b)), includ-
 16 ing”; and

17 (2) by adding at the end the following:

18 “(c) CLIENT ASSISTANCE PROGRAM; PROTECTION
 19 AND ADVOCACY OF INDIVIDUAL RIGHTS.—

20 “(1) APPROPRIATED AMOUNTS.—Notwith-
 21 standing any other provision of law, any funds ap-
 22 propriated for a fiscal year to carry out a grant pro-
 23 gram under section 112 or 509 (except as provided
 24 in section 509(b)), including any funds reallocated
 25 during that fiscal year under such grant program,

1 that are not obligated and expended by a recipient
2 prior to the beginning of the succeeding fiscal year,
3 shall remain available for obligation and expenditure
4 by such recipient during such succeeding fiscal year.

5 “(2) PROGRAM INCOME.—Notwithstanding any
6 other provision of law, any amount of program in-
7 come received by a recipient under a grant program
8 under section 112 or 509 in a fiscal year that is not
9 obligated and expended by the recipient prior to the
10 beginning of the succeeding fiscal year, shall remain
11 available until the end of the second fiscal year after
12 the fiscal year in which it was received.”.

13 **SEC. 509. TRADITIONALLY UNDERSERVED POPULATIONS.**

14 Section 21 (29 U.S.C. 718) is amended—

15 (1) in subsection (a), by striking paragraphs
16 (1) and (2) and inserting the following:

17 “(1) RACIAL PROFILE.—The demographic pro-
18 file of the United States is changing at an unprece-
19 dented rate, with the population of the Nation be-
20 coming far more ethnically diverse than in the past.
21 Within the United States, while the percentage in-
22 crease from 2000 to 2010 for white Americans was
23 9.7 percent, the percentage increase during that pe-
24 riod for racial and ethnic minorities was much high-
25 er: 43.0 percent for Latinos, 12.3 percent for Afri-

1 can-Americans, and 43.2 percent for Asian-Ameri-
2 cans. By the year 2020, the Nation is projected to
3 have a population of 341,000,000, and the percent-
4 age of the population that will be either Latino, Af-
5 rican-American, or Asian-American is projected to
6 be over 40 percent.

7 “(2) RATE OF DISABILITY.—Ethnic and racial
8 minorities tend to have disabling conditions at a dis-
9 proportionately high rate. In 2011—

10 “(A) among Americans ages 16 through
11 64, the rate of disability was 12.1 percent;

12 “(B) among African-Americans in that age
13 range, the disability rate was more than twice
14 as high, at 27.1 percent; and

15 “(C) for American Indians and Native
16 Alaskans in the same age range, the disability
17 rate was also more than twice as high, at 27.0
18 percent.”;

19 (2) in subsection (b)(1)—

20 (A) by striking “National Institute on Dis-
21 ability and Rehabilitation Research” and insert-
22 ing “National Institute on Disability, Inde-
23 pendent Living, and Rehabilitation Research”;
24 and

1 (B) by striking “1 percent” and inserting
2 “2 percent”.

3 **Subtitle B—Vocational**
4 **Rehabilitation Services**

5 **SEC. 511. DECLARATION OF POLICY; AUTHORIZATION OF**
6 **APPROPRIATIONS.**

7 (a) FINDINGS; PURPOSE; POLICY.—Section 100(a)
8 (29 U.S.C. 720(a)) is amended—

9 (1) in paragraph (1)—

10 (A) in subparagraph (C), by striking
11 “gainful employment in integrated settings”
12 and inserting “gainful employment in competi-
13 tive integrated employment settings”;

14 (B) in subparagraph (D)(iii), by striking
15 “medicare and medicaid” and inserting “Medi-
16 care and Medicaid”; and

17 (C) in subparagraph (G)—

18 (i) by striking “workforce investment
19 systems” and inserting “workforce develop-
20 ment systems”; and

21 (ii) by striking “workforce investment
22 activities” and inserting “workforce devel-
23 opment activities”;

24 (2) in paragraph (2)—

1 (A) in subparagraph (A), by striking
2 “workforce investment system” and inserting
3 “workforce development system”; and

4 (B) in subparagraph (B), by striking
5 “gainful employment” and inserting “high qual-
6 ity employment that will increase opportunities
7 for economic self-sufficiency”; and

8 (3) in paragraph (3)—

9 (A) in subparagraph (B), by striking
10 “gainful employment in integrated settings”
11 and inserting “competitive integrated employ-
12 ment”; and

13 (B) in subparagraph (E), by inserting
14 “should” before “facilitate”.

15 (b) **AUTHORIZATION OF APPROPRIATIONS.**—Section
16 100(b)(1) (29 U.S.C. 720(b)(1)) is amended by striking
17 “fiscal years 1999 through 2003” and inserting “fiscal
18 years 2014 through 2018”.

19 **SEC. 512. STATE PLANS.**

20 (a) **PLAN REQUIREMENTS.**—Section 101(a) (29
21 U.S.C. 721(a)) is amended—

22 (1) in paragraph (1)—

23 (A) in subparagraph (A), by striking “to
24 participate” and all that follows and inserting
25 “to receive funds under this title for a fiscal

1 year, a State shall submit, and have approved
2 by the Secretary and the Secretary of Edu-
3 cation a unified State plan in accordance with
4 section 112, or a combined State plan in ac-
5 cordance with section 113, of the Workforce In-
6 vestment Act of 2013. The unified or combined
7 State plan shall include, in the portion of the
8 plan described in section 112(b)(2)(D) of such
9 Act (referred to in this subsection as the ‘voca-
10 tional rehabilitation services portion’), the pro-
11 visions of a State plan for vocational rehabilita-
12 tion services, described in this subsection.”;

13 (B) in subparagraph (B)—

14 (i) by striking “in the State plan for
15 vocational rehabilitation services,” and in-
16 sserting “as part of the vocational rehabili-
17 tation services portion of the unified or
18 combined State plan submitted in accord-
19 ance with subparagraph (A),”; and

20 (ii) by striking “Rehabilitation Act
21 Amendments of 1998” and inserting
22 “Workforce Investment Act of 2013”; and

23 (C) in subparagraph (C)—

24 (i) by striking “The State plan shall
25 remain in effect subject to the submission

1 of such modifications” and inserting “The
2 vocational rehabilitation services portion of
3 the unified or combined State plan sub-
4 mitted in accordance with subparagraph
5 (A) shall remain in effect until the State is
6 required to submit the plan in accordance
7 with subparagraph (A) or until the submis-
8 sion of such modifications”; and

9 (ii) by striking “, until the State sub-
10 mits and receives approval of a new State
11 plan”;

12 (2) in paragraph (2)—

13 (A) in subparagraph (A), by striking “The
14 State plan” and inserting “The State plan for
15 vocational rehabilitation services”;

16 (B) in subparagraph (B)(ii), by striking
17 subclauses (I) through (IV) and inserting the
18 following:

19 “(I) is primarily concerned with
20 vocational rehabilitation, or vocational
21 and other rehabilitation, of individuals
22 with disabilities, and is responsible for
23 administering the vocational rehabili-
24 tation program of the designated
25 State agency;

1 “(II) has a full-time director who
2 is responsible for the day-to-day oper-
3 ation of the vocational rehabilitation
4 program, including—

5 “(aa) making all decisions
6 affecting eligibility for vocational
7 rehabilitation services, the nature
8 and scope of available services,
9 and the provision of the services;

10 “(bb) the determination to
11 close the record of services of an
12 individual who has achieved an
13 employment outcome;

14 “(cc) policy formulation and
15 implementation;

16 “(dd) the allocation and ex-
17 penditure of funds for vocational
18 rehabilitation services;

19 “(ee) representation of the
20 organizational unit as a one-stop
21 partner in the one-stop delivery
22 system under title I of the Work-
23 force Investment Act of 2013;
24 and

1 “(ff) representation of the
2 vocational rehabilitation services
3 core program for purposes of sec-
4 tion 111(b)(1)(C)(iii)(I) of the
5 Workforce Investment Act of
6 2013;

7 “(III) has a staff employed on
8 the rehabilitation work of the organi-
9 zational unit, all or substantially all of
10 whom are employed full-time on the
11 vocational rehabilitation or vocational
12 and other rehabilitation work of the
13 organizational unit;

14 “(IV) is located at an organiza-
15 tional level and has an organizational
16 status within the designated State
17 agency comparable to that of other
18 major organizational units of the des-
19 ignated State agency for which the
20 head of the designated State agency
21 has a direct line of authority; and

22 “(V)(aa) has the sole authority
23 and responsibility within the State to
24 ensure that the funds appropriated
25 under this title are expended only in

1 a manner that is consistent with the
2 purposes of this title; and

3 “(bb) may not delegate to an-
4 other agency, including the designated
5 State agency, the authority and re-
6 sponsibility described in item (aa) or
7 allow an agency described in this item
8 to perform that authority and respon-
9 sibility.”; and

10 (C) by adding at the end the following:

11 “(D) STATE AGENCY FOR REIMBURSE-
12 MENT PURPOSES.—A governing body of an In-
13 dian tribe that receives a grant under section
14 121 shall be considered, for purposes of the cost
15 reimbursement provisions—

16 “(i) in section 222(d)(1) of the Social
17 Security Act (42 U.S.C. 422(d)(1)), to be
18 a State; and

19 “(ii) in subsections (d) and (e) of sec-
20 tion 1615 of the Social Security Act (42
21 U.S.C. 1382d), to be a State agency de-
22 scribed in subsection (d) of that section.”;

23 (3) in paragraph (5)—

24 (A) in subparagraph (C), by striking
25 “and” at the end;

1 (B) by redesignating subparagraph (D) as
2 subparagraph (E); and

3 (C) by inserting after subparagraph (C)
4 the following:

5 “(D) notwithstanding subparagraph (C),
6 permit the State, in its discretion, to elect to
7 serve eligible individuals (whether or not receiv-
8 ing vocational rehabilitation services) who re-
9 quire specific services or equipment to maintain
10 employment; and”;

11 (4) in paragraph (6)(B), by striking “to employ
12 and advance in employment” and inserting “to em-
13 ploy and advance in competitive integrated employ-
14 ment”;

15 (5) in paragraph (7)—

16 (A) in subparagraph (A)(v)—

17 (i) in subclause (I), after “rehabilita-
18 tion technology” insert the following: “, in-
19 cluding training implemented in coordina-
20 tion with entities carrying out State pro-
21 grams under section 4 of the Assistive
22 Technology Act of 1998 (29 U.S.C.
23 3003)”;

24 (ii) in subclause (II), by striking “Re-
25 habilitation Act Amendments of 1998” and

1 inserting “Workforce Investment Act of
2 2013”; and

3 (B) in subparagraph (B), by striking
4 clause (ii) and inserting the following:

5 “(ii) the establishment and mainte-
6 nance of education and experience require-
7 ments, to ensure that the personnel have a
8 21st century understanding of the evolving
9 labor force and the needs of individuals
10 with disabilities, including requirements
11 for—

12 “(I)(aa) attainment of a bacca-
13 laurate degree in a field of study rea-
14 sonably related to vocational rehabili-
15 tation, to indicate a level of com-
16 petency and skill demonstrating basic
17 preparation in a field of study such as
18 vocational rehabilitation counseling,
19 social work, psychology, disability
20 studies, business administration,
21 human resources, special education,
22 supported employment, customized
23 employment, job placement, econom-
24 ics, or another field that reasonably

1 prepares individuals to work with con-
2 sumers and employers; and

3 “(bb) demonstrated paid or un-
4 paid experience, for not less than 1
5 year, consisting of—

6 “(AA) direct work with indi-
7 viduals with disabilities in a set-
8 ting such as an independent liv-
9 ing center or experience as a
10 member of the governing board
11 of an independent living center;

12 “(BB) advocacy experience
13 with a nonprofit disability rights
14 or disability membership organi-
15 zation, a State Council on Devel-
16 opmental Disabilities, established
17 under section 125 of the Develop-
18 mental Disabilities Assistance
19 and Bill of Rights Act of 2000
20 (42 U.S.C. 15025) or as a mem-
21 ber of the governing board for
22 such a council, or as a parent ad-
23 vocate or member of the gov-
24 erning board of a parent infor-

1 mation and training center au-
2 thorized under section 303(f);

3 “(CC) direct service or advo-
4 cacy activities that provide such
5 individual with experience and
6 skills in working with individuals
7 with disabilities; or

8 “(DD) direct experience as
9 an employer, as a small business
10 owner or operator, or in self-em-
11 ployment, or other experience in
12 human resources, recruitment, or
13 experience in supervising employ-
14 ees, training, or other activities
15 that provide experience in com-
16 petitive integrated employment
17 environments; or

18 “(II) attainment of a master’s or
19 doctoral degree in a field of study
20 such as vocational rehabilitation coun-
21 seling, law, social work, psychology,
22 disability studies, business administra-
23 tion, human resources, special edu-
24 cation, management, public adminis-
25 tration, or another field that reason-

1 ably provides competence in the em-
2 ployment sector, in a disability field,
3 or in both business-related and reha-
4 bilitation-related fields; and”;

5 (6) in paragraph (8)—

6 (A) in subparagraph (A), by striking
7 “(5)(D)” and inserting “(5)(E)”;

8 (B) in subparagraph (B)—

9 (i) in the matter preceding clause
10 (i)—

11 (I) by striking “workforce invest-
12 ment system” and inserting “work-
13 force development system”; and

14 (II) by striking “(5)(D)” and in-
15 sserting “(5)(E)”;

16 (ii) in clause (iv), by striking
17 “(5)(D)” and inserting “(5)(E)”;

18 (iii) by adding at the end the fol-
19 lowing:

20 “(v) PROVISION OF ACCOMMODATIONS
21 AND AUXILIARY AIDS AND SERVICES.—In-
22 formation specifying policies and proce-
23 dures for resolving issues of financial re-
24 sponsibility and reimbursement, as appro-
25 priate, for an accommodation or auxiliary

1 aid or service for an individual with a dis-
2 ability, in the event that the designated
3 State unit pays for that item or that aid
4 or service, in order to avoid interruption of
5 or delay in—

6 “(I) the progress of an individual
7 in achieving an employment outcome;

8 “(II) an immediate job place-
9 ment; or

10 “(III) the provision of services to
11 an individual at extreme medical
12 risk.”; and

13 (C) in subparagraph (C)(i), by striking
14 “(5)(D)” and inserting “(5)(E)”;
15 (7) in paragraph (10)—

16 (A) in subparagraph (B), by striking “an-
17 nual” and all that follows through “of 1998”
18 and inserting “annual reporting of information,
19 on eligible individuals receiving the services,
20 that is necessary to assess the State’s perform-
21 ance on those primary indicators of perform-
22 ance (described in section 131(b)(2)(A)(i) of the
23 Workforce Investment Act of 2013)”;

24 (B) in subparagraph (C)—

1 (i) in the matter preceding clause (i),
2 by inserting “, from each individual
3 State,” after “additional data”;

4 (ii) in clause (i)(II), by striking “de-
5 termined” and all that follows and insert-
6 ing “determined to be ineligible for voca-
7 tional rehabilitation services, and the rea-
8 son for such determination of ineligibility
9 (disaggregated by type of disability, and
10 age);”;

11 (iii) in clause (ii)—

12 (I) in subclause (I), by striking
13 “(5)(D)” and inserting “(5)(E)”;

14 (II) in subclause (II), by striking
15 “and” at the end; and

16 (III) by adding at the end the
17 following:

18 “(IV) a comparison, among indi-
19 viduals who obtained employment,
20 of—

21 “(aa) the number of individ-
22 uals who continued to use public
23 benefits; and

1 “(bb) the number of individ-
2 uals who no longer used public
3 benefits;

4 “(V) the total number of individ-
5 uals with ongoing open cases
6 (disaggregated by individuals who are
7 in training settings, and individuals
8 who are in postsecondary education),
9 and the services individuals described
10 in this subclause are receiving;

11 “(VI) the total number of stu-
12 dents with disabilities that are receiv-
13 ing pre-employment transition serv-
14 ices, and the cost for providing those
15 services for each full fiscal year after
16 the date of enactment of the Work-
17 force Investment Act of 2013;

18 “(VII) the total number of youth
19 with disabilities that are receiving
20 transition services, and the total cost
21 for providing those services to such
22 youth during the last full fiscal year
23 prior to the date of enactment of the
24 Workforce Investment Act of 2013
25 and during each fiscal year thereafter;

1 “(VIII) the number of youth with
2 disabilities who entered postsecondary
3 training or programs for apprentice-
4 ships registered under the Act of Au-
5 gust 16, 1937 (commonly known as
6 the ‘National Apprenticeship Act’; 50
7 Stat. 664, chapter 663; 29 U.S.C. 50
8 et seq.);

9 “(IX) the number of youth with
10 disabilities who entered postsecondary
11 education;

12 “(X) the number of youth with
13 disabilities who attained academic lev-
14 els and job skills needed for employ-
15 ment;

16 “(XI) the number of youth with
17 disabilities who entered employment;

18 “(XII) the number of individuals
19 referred to one-stop centers, as de-
20 fined in section 101 of the Workforce
21 Investment Act of 2013; and

22 “(XIII) the number of individ-
23 uals referred from such one-stop cen-
24 ters to designated State units and the
25 outcomes of such referrals;”;

1 (iv) in clause (iii), by striking “and”
2 at the end;

3 (v) in clause (iv)—

4 (I) in subclause (I), by inserting
5 before the semicolon the following:
6 “and, for those who achieved employ-
7 ment outcomes, the average length of
8 time to obtain employment”; and

9 (II) in subclause (II), by striking
10 the period and inserting “; and”; and

11 (vi) by adding at the end the fol-
12 lowing:

13 “(v)(I) the transition from school to
14 postsecondary life, including employment,
15 and achievement of the postsecondary vo-
16 cational goals, of students with disabilities
17 served under the program carried out
18 under this title; and

19 “(II) the provision of supported em-
20 ployment services.”;

21 (C) in subparagraph (D)(i), by striking
22 “title I of the Workforce Investment Act of
23 1998” and inserting “title II of the Workforce
24 Investment Act of 2013”;

1 (D) in subparagraph (E)(ii), by striking
2 “of the State” and all that follows and inserting
3 “of the State in meeting the standards and in-
4 dicators established pursuant to section 106.”;
5 and

6 (E) by adding at the end the following:

7 “(G) RULES FOR REPORTING OF DATA.—
8 The disaggregation of data under this section
9 shall not be required within a category if the
10 number of participants in a category is insuffi-
11 cient to yield statistically reliable information,
12 or required if the results would reveal person-
13 ally identifiable information about an individual
14 participant.

15 “(H) COMPREHENSIVE REPORT.—The
16 State plan shall specify that the Commissioner
17 will provide an annual comprehensive report
18 that includes the reports and data required
19 under this section, as well as a summary of the
20 reports and data, for each fiscal year. The
21 Commissioner shall submit the report to the
22 Committee on Education and the Workforce of
23 the House of Representatives, the Committee
24 on Appropriations of the House of Representa-
25 tives, the Committee on Health, Education,

1 Labor, and Pensions of the Senate, and the
2 Committee on Appropriations of the Senate, not
3 later than 90 days after the end of the fiscal
4 year involved.”;

5 (8) in paragraph (11)—

6 (A) in subparagraph (A)—

7 (i) in the subparagraph header, by
8 striking “WORKFORCE INVESTMENT SYS-
9 TEMS” and inserting “WORKFORCE DEVEL-
10 OPMENT SYSTEMS”;

11 (ii) in the matter preceding clause (i),
12 by striking “workforce investment system”
13 and inserting “workforce development sys-
14 tem”;

15 (iii) in clause (i)(II), by inserting
16 “(including programmatic accessibility and
17 physical accessibility)” after “program ac-
18 cessibility”;

19 (iv) in clause (ii), by striking “work-
20 force investment system” and inserting
21 “workforce development system”; and

22 (v) in clause (v), by striking “work-
23 force investment system” and inserting
24 “workforce development system”;

1 (B) in subparagraph (B), by striking
2 “workforce investment system” and inserting
3 “workforce development system”;

4 (C) in subparagraph (C)—

5 (i) by inserting “the State programs
6 carried out under section 4 of the Assistive
7 Technology Act of 1998 (29 U.S.C.
8 3003),” after “including”;

9 (ii) by inserting “, noneducational
10 agencies serving out-of-school youth,” after
11 “Agriculture”;

12 (iii) by striking “such agencies and
13 programs” and inserting “such Federal,
14 State, and local agencies and programs”;
15 and

16 (iv) by striking “workforce investment
17 system” and inserting “workforce develop-
18 ment system”;

19 (D) in subparagraph (D)—

20 (i) in clause (ii), by striking “comple-
21 tion” and inserting “implementation”;

22 (ii) by redesignating clauses (iii) and
23 (iv) as clauses (iv) and (v), respectively;
24 and

1 (iii) by inserting after clause (ii) the
2 following:

3 “(iii) identifying options for additional
4 education and training, in order to facili-
5 tate the provision of transition services for
6 youth with disabilities and students with
7 disabilities, such as services provided under
8 section 114;”;

9 (E) by redesignating subparagraphs (E)
10 and (F) as subparagraphs (F) and (H), respec-
11 tively;

12 (F) by inserting after subparagraph (D)
13 the following:

14 “(E) COORDINATION WITH EMPLOYERS.—
15 The State plan shall contain plans, policies, and
16 procedures for coordination between the des-
17 ignated State unit and employers that provide
18 for building relationships with employers and
19 identifying community-based competitive inte-
20 grated employment opportunities and career ex-
21 ploration opportunities, in order to facilitate the
22 provision of transition services for youth with
23 disabilities and students with disabilities, such
24 as services provided under section 114;”;

1 (G) in subparagraph (F), as redesignated
2 by subparagraph (E) of this paragraph—

3 (i) by inserting “chapter 1 of” after
4 “part C of”; and

5 (ii) by inserting “, as appropriate” be-
6 fore the period;

7 (H) by inserting after subparagraph (F),
8 as redesignated by subparagraph (E) of this
9 paragraph, the following:

10 “(G) COOPERATIVE AGREEMENT REGARD-
11 ING INDIVIDUALS ELIGIBLE FOR HOME AND
12 COMMUNITY-BASED WAIVER PROGRAMS.—The
13 State plan shall include an assurance that the
14 designated State unit has entered into a formal
15 cooperative agreement with the State agency re-
16 sponsible for administering the State Medicaid
17 plan under title XIX of the Social Security Act
18 (42 U.S.C. 1396 et seq.) and the State agency
19 with primary responsibility for providing serv-
20 ices and supports for individuals with intellec-
21 tual disabilities and individuals with develop-
22 mental disabilities, with respect to the delivery
23 of vocational rehabilitation services, including
24 extended services, for individuals with the most
25 significant disabilities who have been deter-

1 mined to be eligible for home and community-
2 based services under a Medicaid waiver, Med-
3 icaid State plan amendment, or other authority
4 related to a State Medicaid program.”;

5 (I) in subparagraph (H), as redesignated
6 by subparagraph (E) of this paragraph—

7 (i) in clause (ii)—

8 (I) by inserting “on or” before
9 “near”; and

10 (II) by striking “and” at the end;

11 (ii) by redesignating clause (iii) as
12 clause (iv); and

13 (iii) by inserting after clause (ii) the
14 following:

15 “(iii) strategies for the provision of
16 transition planning, by personnel of the
17 designated State unit, the State edu-
18 cational agency, and the recipient of funds
19 under part C, that will facilitate the devel-
20 opment and implementation of the individ-
21 ualized education programs under section
22 614(d) of the Individuals with Disabilities
23 Education Act (20 U.S.C. 1414(d)) and,
24 as appropriate, the development and com-
25 pletion of the individualized plans for em-

1 employment under section 102, in order to
2 enable students with disabilities to achieve
3 postschool employment outcomes; and”;
4 and

5 (J) by adding at the end the following:

6 “(I) COORDINATION WITH ASSISTIVE
7 TECHNOLOGY PROGRAMS.—The State plan shall
8 include an assurance that the designated State
9 unit, and the lead agency and implementing en-
10 tity (if any) designated by the Governor of the
11 State under section 4 of the Assistive Tech-
12 nology Act of 1998 (29 U.S.C. 3003), have de-
13 veloped working relationships and will enter
14 into agreements for the coordination of their ac-
15 tivities, including the referral of individuals
16 with disabilities to programs and activities de-
17 scribed in that section.

18 “(J) COORDINATION WITH TICKET TO
19 WORK AND SELF-SUFFICIENCY PROGRAM.—The
20 State plan shall include an assurance that the
21 designated State unit will coordinate activities
22 with any other State agency that is functioning
23 as an employment network under the Ticket to
24 Work and Self-Sufficiency Program established

1 under section 1148 of the Social Security Act
2 (42 U.S.C. 1320b–19).”;

3 (9) 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 “annual” and inserting
8 “semiannual”;

9 (ii) by striking “(and thereafter” and
10 all that follows through “representative)”
11 and inserting “, and annually thereafter”;
12 and

13 (iii) by striking “to competitive” and
14 all that follows and inserting the following:
15 “to competitive integrated employment or
16 training for competitive integrated employ-
17 ment;”;

18 (C) in subparagraph (B), by striking
19 “and” at the end;

20 (D) in subparagraph (C), by striking “the
21 individuals described” and all that follows and
22 inserting “individuals in attaining competitive
23 integrated employment; and”;

24 (E) by adding at the end the following:

1 “(D) an assurance that the State will re-
2 port the information generated under subpara-
3 graphs (A), (B), and (C), for each of the indi-
4 viduals, to the Administrator of the Wage and
5 Hour Division of the Department of Labor for
6 each fiscal year, not later than 60 days after
7 the end of the fiscal year.”;

8 (10) in paragraph (15)—

9 (A) in subparagraph (A)—

10 (i) in clause (i)—

11 (I) in subclause (II), by striking
12 “and” at the end;

13 (II) in subclause (III)—

14 (aa) by striking “workforce
15 investment system” and inserting
16 “workforce development system”;
17 and

18 (bb) by adding “and” at the
19 end; and

20 (III) by adding at the end the
21 following:

22 “(IV) youth with disabilities, and
23 students with disabilities, including
24 their need for pre-employment transi-

1 tion services described in section 114
2 or other transition services; and”); and
3 (ii) by striking clauses (ii) and (iii)
4 and inserting the following:

5 “(ii) include an assessment of the
6 needs of individuals with disabilities for
7 transition services and pre-employment
8 transition services provided under this Act,
9 and coordinated with transition services
10 provided under the Individuals with Dis-
11 abilities Education Act (20 U.S.C. 1400 et
12 seq.), and an assessment as to whether the
13 transition and pre-employment transition
14 services provided under those Acts meet
15 the needs of individuals with disabilities.”);
16 (B) in subparagraph (B)—

17 (i) in clause (ii), by striking “and” at
18 the end;

19 (ii) by redesignating clause (iii) as
20 clause (iv); and

21 (iii) by inserting after clause (ii) the
22 following:

23 “(iii) the number of individuals who
24 are eligible for services under this title, but

1 are not receiving such services due to an
2 order of selection; and”;

3 (C) in subparagraph (D)—

4 (i) by redesignating clauses (iii)
5 through (v) as clauses (iv) through (vi);

6 (ii) by inserting after clause (ii) the
7 following:

8 “(iii) the methods to be used to im-
9 prove and expand vocational rehabilitation
10 services for students with disabilities, in-
11 cluding the coordination of services de-
12 signed to facilitate the transition of such
13 students from the receipt of educational
14 services in school to postsecondary life (in-
15 cluding the receipt of vocational rehabilita-
16 tion services under this title, postsecondary
17 education, employment, and pre-employ-
18 ment transition services under section
19 114);”;

20 (iii) in clause (vi), as redesignated by
21 clause (i) of this subparagraph, by striking
22 “workforce investment system” and insert-
23 ing “workforce development system”;

24 (11) in paragraph (20)—

1 (A) in subparagraphs (A) and (B)(i), by
2 striking “workforce investment system” and in-
3 serting “workforce development system”;

4 (B) by redesignating subparagraph (B) as
5 subparagraph (C); and

6 (C) by inserting after subparagraph (A)
7 the following:

8 “(B) INFORMATION ON ASSISTANCE FOR
9 BENEFICIARIES OF ASSISTANCE UNDER TITLE
10 II OR XVI OF THE SOCIAL SECURITY ACT.—The
11 State plan shall include an assurance that the
12 designated State unit will make available, to in-
13 dividuals entitled to benefits under title II or
14 XVI of the Social Security Act (42 U.S.C. 401
15 et seq., 1381 et seq.) on the basis of a disability
16 or blindness—

17 “(i) information on the availability of
18 benefits and medical assistance authorized
19 under the State Medicaid program under
20 title XIX of the Social Security Act (42
21 U.S.C. 1396 et seq.) or under the Medi-
22 care program under title XVIII of the So-
23 cial Security Act (42 U.S.C. 1395 et seq.),
24 and medical assistance authorized under
25 other federally funded programs;

1 “(ii) information on the availability of
2 assistance through benefits planning and
3 assistance programs authorized under sec-
4 tion 1149 of the Social Security Act (42
5 U.S.C. 1320b–20) and services provided by
6 the State protection and advocacy system
7 and authorized under section 1150 of the
8 Social Security Act (42 U.S.C. 1320b–21);
9 and

10 “(iii) in the case of individuals who
11 are also eligible for a ticket under the
12 Ticket to Work and Self-Sufficiency Pro-
13 gram established under section 1148 of the
14 Social Security Act (42 U.S.C. 1320b–19),
15 general information regarding the options
16 for using the ticket and information on
17 how to contact a program manager of the
18 Ticket to Work and Self-Sufficiency Pro-
19 gram to obtain information on approved
20 employment networks, on providers for the
21 benefits planning and assistance programs
22 described in clause (ii) in the State, and on
23 the services provided by the State protec-
24 tion and advocacy system and described in
25 clause (ii).”;

1 (12) by adding at the end the following:

2 “(25) SERVICES FOR STUDENTS WITH DISABIL-
3 ITIES.—The State plan shall provide an assurance
4 that, with respect to students with disabilities, the
5 State—

6 “(A) has developed and will implement—

7 “(i) strategies to address the needs
8 identified in the assessments described in
9 paragraph (15); and

10 “(ii) strategies to achieve the goals
11 and priorities identified by the State, in ac-
12 cordance with paragraph (15), to improve
13 and expand vocational rehabilitation serv-
14 ices for students with disabilities on a
15 statewide basis; and

16 “(B) has developed and will implement
17 strategies to carry out the provision of pre-em-
18 ployment transition services in accordance with
19 section 114.

20 “(26) JOB GROWTH AND DEVELOPMENT.—The
21 State plan shall provide an assurance describing how
22 the State will utilize initiatives involving in-demand
23 industry sectors or occupations under sections
24 116(c) and 118 of the Workforce Investment Act of

1 2013 to increase competitive integrated employment
2 opportunities for individuals with disabilities.”.

3 (b) APPROVAL.—Section 101(b) (29 U.S.C. 721(b))
4 is amended to read as follows:

5 “(b) SUBMISSION; APPROVAL; MODIFICATION.—The
6 State plan for vocational rehabilitation services shall be
7 subject to—

8 “(1) subsection (c) of section 112 of the Work-
9 force Investment Act of 2013, in a case in which
10 that plan is a portion of the unified State plan de-
11 scribed in that section 112; and

12 “(2) subsection (b), and paragraphs (1), (2),
13 and (3) of subsection (c), of section 113 of such Act
14 in a case in which that State plan for vocational re-
15 habilitation services is a portion of the combined
16 State plan described in that section 113.”.

17 (c) CONSTRUCTION.—Section 101 (29 U.S.C. 721) is
18 amended by adding at the end the following:

19 “(c) CONSTRUCTION.—Nothing in this part shall be
20 construed to reduce the obligation of a local educational
21 agency or any other agency to provide or pay for any tran-
22 sition services that are also considered special education
23 or related services and that are necessary for ensuring a
24 free appropriate public education to children with disabil-
25 ities within the State involved.”.

1 **SEC. 513. ELIGIBILITY AND INDIVIDUALIZED PLAN FOR EM-**
2 **PLOYMENT.**

3 (a) **ELIGIBILITY.**—Section 102(a) (29 U.S.C. 722(a))
4 is amended—

5 (1) in paragraph (1)(B), by striking “regain
6 employment” and inserting “regain employment, in-
7 cluding accomplishing career advancement, in em-
8 ployment that is consistent with the individual’s
9 strengths, resources, priorities, concerns, abilities,
10 capabilities, and informed choice”;

11 (2) in paragraph (2)—

12 (A) in subparagraph (A)—

13 (i) in the subparagraph header, by
14 striking “**DEMONSTRATION**” and inserting
15 “**APPLICANTS**”; and

16 (ii) by striking “, unless” and all that
17 follows and inserting a period; and

18 (B) in subparagraph (B)—

19 (i) in the subparagraph header, by
20 striking “**METHODS**” and inserting “**RE-**
21 **SPONSIBILITIES**”;

22 (ii) in the first sentence—

23 (I) by striking “In making the
24 demonstration required under sub-
25 paragraph (A),” and inserting “Prior
26 to determining under this subsection

1 that an applicant described in sub-
2 paragraph (A) is unable to benefit due
3 to the severity of the individual’s dis-
4 ability or that the individual is ineli-
5 gible for vocational rehabilitation serv-
6 ices,”; and

7 (II) by striking “, except under”
8 and all that follows and inserting a
9 period; and

10 (iii) in the second sentence, by strik-
11 ing “individual or to determine” and all
12 that follows and inserting “individual. In
13 providing the trial experiences, the des-
14 ignated State unit shall provide the indi-
15 vidual with the opportunity to try different
16 employment experiences, including sup-
17 ported employment, and the opportunity to
18 become employed in competitive integrated
19 employment.”;

20 (3) in paragraph (3)(A)(ii), by striking “out-
21 come from” and all that follows and inserting “out-
22 come, including supported employment, from voca-
23 tional rehabilitation services due to the current (as
24 of the date of the determination) severity of the dis-
25 ability of the individual.”; and

1 (4) in paragraph (5)—

2 (A) in the matter preceding subparagraph

3 (A)—

4 (i) by striking “If an individual” and
5 inserting “If, after the designated State
6 unit carries out the activities described in
7 paragraph (2)(B), a review of existing
8 data, and, to the extent necessary, the as-
9 sessment activities described in section
10 7(2)(A)(ii), an individual”; and

11 (ii) by striking “is determined” and
12 all that follows through “not to be” and in-
13 sserting “is determined not to be”;

14 (B) by redesignating subparagraphs (A)
15 through (D) as subparagraphs (B) through (E),
16 respectively;

17 (C) by inserting before subparagraph (B)
18 the following:

19 “(A) the ineligibility determination shall be
20 an individualized one, based on the available
21 data, and shall not be based on assumptions
22 about broad categories of disabilities;” and

23 (D) in clause (i) of subparagraph (C), as
24 redesignated by subparagraph (B) of this para-
25 graph, by inserting after “determination” the

1 following: “, including clear and convincing evi-
2 dence that forms the basis for the determina-
3 tion of ineligibility”.

4 (b) DEVELOPMENT OF AN INDIVIDUALIZED PLAN
5 FOR EMPLOYMENT, AND RELATED INFORMATION.—Sec-
6 tion 102(b) (29 U.S.C. 722(b)) is amended—

7 (1) in paragraph (1)—

8 (A) in subparagraph (A), by striking “, to
9 the extent determined to be appropriate by the
10 eligible individual,”;

11 (B) by redesignating subparagraphs (B),
12 (C), and (D) as subparagraphs (C), and (D),
13 and (E), respectively; and

14 (C) by inserting after subparagraph (A)
15 the following:

16 “(B) information on the availability of as-
17 sistance from consumer organizations, as de-
18 fined in section 106(a)(4) (including a listing of
19 such organizations) that can assist an indi-
20 vidual in the development of an individualized
21 plan for employment, in order to ensure that
22 the plan reflects the informed and effective
23 choices of the individual;”;

24 (2) by redesignating paragraphs (2) and (3) as
25 paragraphs (3) and (4), respectively;

1 (3) by inserting after paragraph (1) the fol-
2 lowing:

3 “(2) INDIVIDUALS ENTITLED TO BENEFITS
4 UNDER THE SOCIAL SECURITY ACT.—For an indi-
5 vidual entitled to benefits under title II or XVI of
6 the Social Security Act (42 U.S.C. 401 et seq., 1381
7 et seq.) on the basis of a disability or blindness, the
8 designated State unit shall provide to the indi-
9 vidual—

10 “(A) general information on the avail-
11 ability of benefits and medical assistance au-
12 thorized under the State Medicaid program
13 under title XIX of the Social Security Act (42
14 U.S.C. 1396 et seq.) or under the Medicare
15 program under title XVIII of the Social Secu-
16 rity Act (42 U.S.C. 1395 et seq.), and medical
17 assistance authorized under other federally
18 funded programs;

19 “(B) general information on the avail-
20 ability of assistance through benefits planning
21 and assistance programs authorized under sec-
22 tion 1149 of the Social Security Act (42 U.S.C.
23 1320b–20) and services provided by the State
24 protection and advocacy system and authorized

1 under section 1150 of the Social Security Act
2 (42 U.S.C. 1320b–21); and

3 “(C) in the case of individuals who are also
4 eligible for a ticket under the Ticket to Work
5 and Self-Sufficiency Program established under
6 section 1148 of the Social Security Act (42
7 U.S.C. 1320b–19), general information regard-
8 ing the options for using the ticket and infor-
9 mation on how to contact a program manager
10 of the Ticket to Work and Self-Sufficiency Pro-
11 gram to obtain information on approved em-
12 ployment networks, on providers for the bene-
13 fits planning and assistance programs described
14 in subparagraph (B) in the State, and on the
15 services provided by the State protection and
16 advocacy system and described in subparagraph
17 (B).”;

18 (4) in paragraph (3), as redesignated by para-
19 graph (2) of this subsection—

20 (A) in subparagraph (E)—

21 (i) in clause (i), by striking “and” at
22 the end;

23 (ii) in clause (ii), by striking the pe-
24 riod and inserting “; and”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(iii) amended, as necessary, to in-
4 clude the postemployment services and
5 service providers that are necessary for the
6 individual to maintain or regain employ-
7 ment, consistent with the individual’s
8 strengths, resources, priorities, concerns,
9 abilities, capabilities, interests, and in-
10 formed choice.”; and

11 (B) by adding at the end the following:

12 “(F) TIMEFRAME FOR COMPLETING THE
13 INDIVIDUALIZED PLAN FOR EMPLOYMENT.—
14 The individualized plan for employment shall be
15 developed as soon as possible, but not later
16 than a deadline of 90 days after the date of the
17 determination of eligibility described in para-
18 graph (1), unless the designated State unit and
19 the eligible individual agree to an extension of
20 that deadline to a specific date by which the in-
21 dividualized plan for employment shall be com-
22 pleted.

23 “(G) FAILURE TO DEVELOP THE INDIVID-
24 UALIZED PLAN FOR EMPLOYMENT WITHIN THE
25 SPECIFIED TIMEFRAME.—In the event the indi-

1 individualized plan for employment is not completed
2 by the deadline or extended deadline, as appro-
3 priate, under subparagraph (F), the eligible in-
4 dividual shall have the right to request the pro-
5 cedures described in subsection (c). If the eligi-
6 ble individual requests a hearing, the hearing
7 officer shall have the authority to order the des-
8 ignated State unit to complete the individual-
9 ized plan for employment within a reasonable
10 period of time.”; and

11 (5) in paragraph (4), as redesignated by para-
12 graph (2) of this subsection—

13 (A) in subparagraph (A)—

14 (i) by inserting “in competitive inte-
15 grated employment” after “outcome”; and

16 (ii) by striking “choice of the” and all
17 that follows and inserting “choice of the el-
18 igible individual, consistent with the gen-
19 eral goal of competitive integrated employ-
20 ment (except that in the case of an eligible
21 individual who is a student, the description
22 may be a description of the student’s pro-
23 jected postschool employment outcome);”;

24 (B) in subparagraph (B)(i)—

1 (i) by redesignating subclause (II) as
2 subclause (III); and

3 (ii) by striking subclause (I) and in-
4 sserting the following:

5 “(I) needed to achieve the employ-
6 ment outcome, including, as appropriate—

7 “(aa) the provision of assistive
8 technology devices and assistive tech-
9 nology services (including referrals de-
10 scribed in section 103(a)(3) to the de-
11 vice reutilization programs and dem-
12 onstrations described in subpara-
13 graphs (B) and (D) of section 4(e)(2)
14 of the Assistive Technology Act of
15 1998 (29 U.S.C. 3003(e)(2)) through
16 agreements developed under section
17 101(a)(11)(H);

18 “(bb) mentoring services; and

19 “(cc) personal assistance services
20 (including training in the management
21 of such services);

22 “(II) in the case of a plan for an eligi-
23 ble individual that is a student, the specific
24 transition services and supports (including
25 work experience, mentoring activities, and

1 supported employment) needed to achieve
2 the student’s employment outcome or pro-
3 jected postschool employment outcome;
4 and”;

5 (C) in subparagraph (F), by striking
6 “and” at the end;

7 (D) in subparagraph (G), by striking the
8 period and inserting “; and”; and

9 (E) by adding at the end the following:

10 “(H) for an individual who also is receiving
11 assistance from an employment network under
12 the Ticket to Work and Self-Sufficiency Pro-
13 gram established under section 1148 of the So-
14 cial Security Act (42 U.S.C. 1320b–19), a list
15 of the services that are listed in the individual
16 work plan that the individual developed with
17 the employment network under subsection (g)
18 of that section, and a description of how re-
19 sponsibility for service delivery will be divided
20 between the employment network and the des-
21 ignated State unit.”.

22 (c) PROCEDURES.—Section 102(c) (29 U.S.C.
23 722(c)) is amended—

24 (1) in paragraph (1), by adding at the end the
25 following: “The procedures shall allow an applicant

1 or an eligible individual or, as appropriate, the appli-
2 cant’s representative or individual’s representative,
3 the opportunity to request mediation, an impartial
4 due process hearing, or both procedures.”;

5 (2) in paragraph (2)—

6 (A) in subparagraph (A)—

7 (i) in clause (ii), by striking “and” at
8 the end;

9 (ii) in clause (iii), by striking the pe-
10 riod and inserting “; and”; and

11 (iii) by adding at the end the fol-
12 lowing:

13 “(iv) any applicable State limit on the
14 time by which a request for mediation
15 under paragraph (4) or a hearing under
16 paragraph (5) shall be made, and any re-
17 quired procedure by which the request
18 shall be made.”; and

19 (B) in subparagraph (B)(iii), by inserting
20 “the denial,” before “reduction,”; and

21 (3) in paragraph (5)—

22 (A) by striking subparagraph (A) and in-
23 serting the following:

24 “(A) OFFICER.—A due process hearing de-
25 scribed in paragraph (2) shall be conducted by

1 an impartial hearing officer who, on reviewing
2 the evidence presented, shall issue a written de-
3 cision based on the provisions of the approved
4 State plan, requirements specified in this Act
5 (including regulations implementing this Act),
6 and State regulations and policies that are con-
7 sistent with the Federal requirements specified
8 in this title. The officer shall provide the writ-
9 ten decision to the applicant or eligible indi-
10 vidual, or, as appropriate, the applicant’s rep-
11 resentative or individual’s representative, and to
12 the designated State unit. The impartial hear-
13 ing officer shall have the authority to render a
14 decision and require actions, consistent with the
15 requirements specified in this title (including
16 regulations implementing this title), regarding
17 all aspects of the applicant’s or eligible individ-
18 ual’s vocational rehabilitation services under
19 this title.”; and

20 (B) in subparagraph (B), by striking “in
21 laws (including regulations)” and inserting
22 “about Federal and State laws (including regu-
23 lations) and the approved State plan”.

24 **SEC. 514. VOCATIONAL REHABILITATION SERVICES.**

25 Section 103 (29 U.S.C. 723) is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (13), by striking “work-
3 force investment system” and inserting “work-
4 force development system”;

5 (B) by striking paragraph (15) and insert-
6 ing the following:

7 “(15) transition services for students with dis-
8 abilities, that facilitate the transition from school to
9 postsecondary life, such as achievement of an em-
10 ployment outcome in competitive integrated employ-
11 ment, or pre-employment transition services de-
12 scribed in section 114;”;

13 (C) by redesignating paragraphs (17) and
14 (18) as paragraphs (18) and (19), respectively;

15 (D) by inserting after paragraph (16) the
16 following:

17 “(17) customized employment;”;

18 (E) in paragraph (18), as redesignated by
19 subparagraph (C) of this paragraph, by striking
20 the “and” at the end;

21 (F) in paragraph (19), as redesignated by
22 subparagraph (C) of this paragraph, by striking
23 the period and inserting “; and”; and

24 (G) by adding at the end the following:

25 “(20) mentoring services.”; and

1 (2) in subsection (b)—

2 (A) in paragraph (2)(A), by striking the
3 second sentence and inserting “Such programs
4 shall be used to provide services described in
5 this section that promote integration into the
6 community and that result in competitive inte-
7 grated employment, including supported em-
8 ployment and customized employment, for ap-
9 plicants or eligible individuals with disabili-
10 ties.”;

11 (B) by striking paragraph (2)(B) and in-
12 serting the following:

13 “(B) The establishment, development, or
14 improvement of a facility for a community reha-
15 bilitation program, or the construction of such
16 a facility, which shall be limited to that nec-
17 essary for the expansion or improvement of
18 services described in this section for applicants
19 or eligible individuals with disabilities.”;

20 (C) by striking paragraph (5) and insert-
21 ing the following:

22 “(5) Technical assistance to businesses that are
23 seeking to employ individuals with disabilities.”; and

24 (D) by striking paragraph (6) and insert-
25 ing the following:

1 “(6) Consultation and technical assistance serv-
2 ices to assist State educational agencies and local
3 educational agencies in planning for the transition of
4 students with disabilities from school to postsec-
5 ondary life, including employment.”.

6 **SEC. 515. STATE REHABILITATION COUNCIL.**

7 Section 105 (29 U.S.C. 725) is amended—

8 (1) in subsection (b)(1)—

9 (A) in subparagraph (A)—

10 (i) by striking clause (ix) and insert-
11 ing the following:

12 “(ix) in a State in which one or more
13 projects are funded under section 121 and
14 in which such services are provided
15 through those projects, at least one rep-
16 resentative of the directors of the projects
17 located in such State;”;

18 (ii) in clause (x), by striking “and” at
19 the end;

20 (iii) in clause (xi)—

21 (I) by striking “State workforce
22 investment board” and inserting
23 “State workforce development board”;
24 and

1 (II) by striking the period and
2 inserting “; and”; and

3 (iv) by adding at the end the fol-
4 lowing:

5 “(xii) the director of the State’s com-
6 prehensive statewide program of tech-
7 nology-related assistance funded under sec-
8 tion 4 of the Assistive Technology Act of
9 1998 (29 U.S.C. 3003).”; and

10 (B) in subparagraph (B)—

11 (i) in clause (xi), by striking “and” at
12 the end;

13 (ii) in clause (xii), by striking the pe-
14 riod and inserting “; and”; and

15 (iii) by adding at the end the fol-
16 lowing:

17 “(xiii) the director of the State’s com-
18 prehensive statewide program of tech-
19 nology-related assistance funded under sec-
20 tion 4 of the Assistive Technology Act of
21 1998 (29 U.S.C. 3003).”; and

22 (2) in subsection (c)—

23 (A) in the matter preceding paragraph (1),
24 by striking “State workforce investment board”

1 and inserting “State workforce development
2 board”; and

3 (B) in paragraph (6), by striking “Service
4 Act” and all that follows and inserting “Service
5 Act (42 U.S.C. 300x–3(a)) and the State work-
6 force development board, and with the activities
7 of entities carrying out programs under the As-
8 sistive Technology Act of 1998 (29 U.S.C. 3001
9 et seq.);”.

10 **SEC. 516. EVALUATION STANDARDS AND PERFORMANCE**
11 **INDICATORS.**

12 Section 106 (29 U.S.C. 726) is amended by striking
13 subsection (a) and inserting the following:

14 “(a) IN GENERAL.—

15 “(1) STANDARDS AND INDICATORS.—The eval-
16 uation standards and performance indicators for the
17 vocational rehabilitation program carried out under
18 this title shall be subject to the performance ac-
19 countability provisions described in section 131(b) of
20 the Workforce Investment Act of 2013.

21 “(2) ADDITIONAL PERFORMANCE ACCOUNT-
22 ABILITY INDICATORS.—

23 “(A) IN GENERAL.—Subject to subpara-
24 graph (B), the Commissioner may establish ad-
25 ditional performance accountability indicators,

1 which may include outcome and related meas-
2 ures of program performance.

3 “(B) COMMENT.—Such additional per-
4 formance accountability indicators shall be de-
5 veloped with input from State vocational reha-
6 bilitation agencies, related professional and con-
7 sumer organizations, recipients of vocational re-
8 habilitation services, and other interested par-
9 ties. The Commissioner shall publish in the
10 Federal Register a notice of intent to regulate
11 regarding the development of proposed addi-
12 tional performance accountability indicators.
13 Proposed additional performance accountability
14 indicators shall be published in the Federal
15 Register for review and comment. Final addi-
16 tional performance accountability indicators
17 shall be published in the Federal Register.

18 “(3) REPORTS.—Each State that receives funds
19 under this title shall submit a report to the Commis-
20 sioner containing information on any additional per-
21 formance accountability indicators established under
22 paragraph (2).

23 “(4) CONSUMER ORGANIZATION.—In this sub-
24 section, the term ‘consumer organization’ means a
25 membership organization, or disability advocacy

1 group, for which a majority of the members of the
2 board of directors of the organization or group are
3 individuals with disabilities or family members of in-
4 dividuals with disabilities.”.

5 **SEC. 517. MONITORING AND REVIEW.**

6 (a) IN GENERAL.—Section 107(a) (29 U.S.C.
7 727(a)) is amended—

8 (1) in paragraph (3)(E), by inserting before the
9 period the following: “, including personnel of a cli-
10 ent assistance program under section 112, and past
11 or current recipients of vocational rehabilitation
12 services”; and

13 (2) in paragraph (4)—

14 (A) by striking subparagraphs (A) and (B)
15 and inserting the following:

16 “(A) the eligibility process, including the
17 process related to the determination of ineligi-
18 bility under section 102(a)(5);

19 “(B) the provision of services, including
20 supported employment services, and pre-em-
21 ployment transition services for students with
22 disabilities and, if applicable, the order of selec-
23 tion;”;

24 (B) in subparagraph (C), by striking
25 “and” at the end;

1 (C) by redesignating subparagraph (D) as
2 subparagraph (E); and

3 (D) by inserting after subparagraph (C)
4 the following:

5 “(D) data on individuals determined to be
6 ineligible for services due to severity of their
7 disability, to determine if systematic changes
8 could result in increased capacity to meet the
9 needs of such individuals; and”.

10 (b) REVIEW.—Section 107(d) (29 U.S.C. 727(d)) is
11 amended, in paragraphs (1) and (2), by striking “a final
12 determination of the Commissioner under section 101(b)
13 or subsection (c)” and inserting “a final determination on
14 a State plan for vocational rehabilitation services under
15 the procedures referenced in section 101(b), or a final de-
16 termination by the Commissioner under subsection (c)”.

17 **SEC. 518. TRAINING AND SERVICES FOR EMPLOYERS.**

18 Section 109 (29 U.S.C. 728a) is amended to read as
19 follows:

20 **“SEC. 109. TRAINING AND SERVICES FOR EMPLOYERS.**

21 “A State may expend payments received under sec-
22 tion 111 to educate and provide services to employers who
23 have hired or are interested in hiring individuals with dis-
24 abilities under programs carried out under this title, in-
25 cluding—

1 “(1) providing training and technical assistance
2 to employers regarding the employment of individ-
3 uals with disabilities, including disability awareness,
4 and the requirements of the Americans with Disabil-
5 ities Act of 1990 (42 U.S.C. 12101 et seq.) and
6 other employment-related laws;

7 “(2) working with employers to—

8 “(A) provide opportunities for work-based
9 learning experience (including internships,
10 short-term employment, apprenticeships, and
11 fellowships), such as opportunities in conjunc-
12 tion with pre-employment transition services;

13 “(B) recruit qualified applicants with dis-
14 abilities;

15 “(C) train employees with disabilities; and

16 “(D) promote retention of employees who
17 are at risk of losing a job due to disability-re-
18 lated barriers;

19 “(3) providing consultations, technical assist-
20 ance, and support to employers on workplace accom-
21 modations, assistive technology, and facilities and
22 workplace access;

23 “(4) assisting employers with utilizing available
24 financial support, including tax credits and deduc-

1 tions available for hiring or accommodating individ-
2 uals with disabilities; and

3 “(5) supporting the development of working re-
4 lationships between State vocational rehabilitation
5 agencies, their community partners, and employers
6 on multi-State and national levels, including—

7 “(A) encouraging employers to recruit
8 qualified individuals with disabilities for avail-
9 able employment opportunities;

10 “(B) facilitating such recruitment by dis-
11 seminating information about specific available
12 employment opportunities to qualified individ-
13 uals who are recipients of vocational rehabilita-
14 tion services under this subtitle, or who are ap-
15 plicants for such services;

16 “(C) matching qualified individuals who
17 are recipients of vocational rehabilitation serv-
18 ices under this subtitle, or who are applicants
19 for such services, with employers that have
20 available employment opportunities on the local,
21 regional, or national level; and

22 “(D) providing support services, as appro-
23 priate, to employers to facilitate the hiring of
24 qualified individuals who are recipients of voca-

1 tional rehabilitation services under this subtitle,
2 or who are applicants for such services.”.

3 **SEC. 519. STATE ALLOTMENTS.**

4 (a) IN GENERAL.—Section 110 (29 U.S.C. 730) is
5 amended—

6 (1) in subsection (a)(1), by striking “Subject to
7 the provisions of subsection (c)” and inserting “Sub-
8 ject to the provisions of subsections (c), (d), and
9 (e),”; and

10 (2) by striking subsections (b) and (c) and in-
11 serting the following:

12 “(b)(1) Not later than 45 days prior to the end of
13 the fiscal year, the Commissioner shall determine, after
14 reasonable opportunity for the submission to the Commis-
15 sioner of comments by the State agency administering or
16 supervising the program established under this title,
17 whether any amount from the payment of an allotment
18 to a State under section 111(a) for any fiscal year will
19 not be utilized by such State in carrying out the purposes
20 of this title.

21 “(2)(A) As soon as practicable but not later than the
22 end of the fiscal year, the Commissioner shall reallocate the
23 amount available under paragraph (1) to other States,
24 consistent with subparagraphs (B) and (C), for carrying
25 out the purposes of this title to the extent the Commis-

1 sioner determines such an other State will be able to use
2 an additional amount, during that fiscal year or the subse-
3 quent fiscal year for carrying out such purposes.

4 “(B)(i) The Commissioner shall reallocate a portion of
5 the amount available under paragraph (1) for a fiscal year
6 to each State whose allotment under subsection (a) for
7 such fiscal year is less than such State’s allotment under
8 subsection (a) for the immediately preceding fiscal year,
9 adjusted by the percentage change in the funds available
10 for subsection (a) from the immediately preceding fiscal
11 year.

12 “(ii)(I) Subject to subclause (II), a State that is eligi-
13 ble to receive a reallocation under clause (i) shall receive
14 a portion for a fiscal year from the amount available for
15 reallocation under paragraph (1) that is equal to the dif-
16 ference between—

17 “(aa) the amount such State was allotted under
18 subsection (a) for such fiscal year; and

19 “(bb) the amount such State was allotted under
20 subsection (a) for the immediately preceding fiscal
21 year, adjusted by the percentage change in the funds
22 available for subsection (a) from the immediately
23 preceding fiscal year.

24 “(II) If the amount available for reallocation under
25 paragraph (1) is insufficient to provide each State eligible

1 to receive a reallocation under clause (i) with the portion
2 described in subclause (I), the amount reallocated to each
3 eligible State shall be determined by the Commissioner.

4 “(C) If there are funds remaining after each State
5 eligible to receive a reallocation under subparagraph (B)(i)
6 receives the portion described in subparagraph (B)(ii), the
7 Commissioner shall reallocate the remaining funds among the
8 States requesting a reallocation.

9 “(3) The Commissioner shall reallocate an amount to a
10 State under this subsection only if the State will be able
11 to make sufficient payments from non-Federal sources to
12 pay for the non-Federal share of the cost of vocational
13 rehabilitation services under the State plan for the fiscal
14 year for which the amount was appropriated.

15 “(4) For the purposes of this part, any portion made
16 available to a State for any fiscal year pursuant to this
17 subsection shall be regarded as an increase of such State’s
18 allotment (as determined under the preceding provisions
19 of this section) for such year.

20 “(c)(1) For fiscal year 2014 and each fiscal year
21 thereafter, the Commissioner shall reserve, from the funds
22 appropriated under section 100(b)(1) for the fiscal year
23 involved, an amount that is not less than 1.23 percent and
24 not more than 1.5 percent of those funds in order to carry
25 out section 121, except that the minimum percentage that

1 may be so reserved shall increase by 0.01 percentage
2 points for each succeeding fiscal year after fiscal year
3 2014.

4 “(2) Notwithstanding paragraph (1), there shall be
5 no increase in the minimum percentage of funds reserved
6 under paragraph (1) unless there is an equivalent increase
7 in the funds appropriated under section 100(b)(1).”.

8 (b) RESERVATION FOR PRE-EMPLOYMENT TRANSI-
9 TION SERVICES.—Section 110 (29 U.S.C. 730) is amend-
10 ed by adding at the end the following:

11 “(d)(1) From any State allotment under subsection
12 (a) for a fiscal year, the State shall reserve not less than
13 15 percent of the allotted funds for the provision of transi-
14 tion services to assist students with disabilities and youth
15 with disabilities in transitioning from education or train-
16 ing to employment, which includes pre-employment transi-
17 tion services under section 114.

18 “(2) From the funds reserved under paragraph (1),
19 the designated State unit shall not expend more than 5
20 percent of the funds to pay for the administrative costs
21 of providing the transition services.

22 “(e)(1) For fiscal year 2014 and each fiscal year
23 thereafter, the Commissioner shall reserve, from the funds
24 appropriated under section 100(b) for each fiscal year, an
25 amount that is equal to 0.25 percent of those funds to

1 support the transition of students with disabilities and
2 youth with disabilities from education, or training, to com-
3 petitive integrated employment.

4 “(2) Such reserved funds may be used for—

5 “(A) the development of innovative policies,
6 practices, and programs;

7 “(B) the provision of technical assistance to
8 designated State units, employers, and individuals
9 with disabilities;

10 “(C) the development of regional partnerships
11 and technical assistance centers;

12 “(D) the provision of support and technical as-
13 sistance for the provision of services and coordina-
14 tion of activities under section 114; and

15 “(E) the dissemination of best practices regard-
16 ing the transition of students with disabilities and
17 youth with disabilities from education, or training,
18 to competitive integrated employment.”.

19 **SEC. 520. PAYMENTS TO STATES.**

20 Section 111(a)(2) (29 U.S.C. 731(a)(2)) is amended
21 by striking subparagraph (B) and inserting the following:

22 “(B) The amount otherwise payable to a State for
23 a fiscal year under this section shall be reduced by the
24 amount by which expenditures from non-Federal sources
25 under the State plan under this title for any previous fiscal

1 year are less than the total of such expenditures for the
2 second fiscal year preceding that previous fiscal year.”.

3 **SEC. 521. CLIENT ASSISTANCE PROGRAM.**

4 Section 112 (29 U.S.C. 732) is amended—

5 (1) in subsection (a)—

6 (A) in the first sentence—

7 (i) by striking “grants to States” and
8 inserting “grants to agencies designated
9 under subsection (c) (referred to individ-
10 ually in this section as a ‘designated CAP
11 agency’);”

12 (ii) by inserting “including under sec-
13 tions 114 and 511,” after “all available
14 benefits under this Act,”; and

15 (iii) by inserting “and eligibility” after
16 “to ensure the protection of the rights”;
17 and

18 (B) in the second sentence, by striking
19 “disabilities in the State” and inserting “dis-
20 abilities in the State in which the program is lo-
21 cated”;

22 (2) in subsection (b), by striking the matter
23 preceding paragraph (1) and inserting “Neither an
24 agency within the State, nor the State, may receive
25 payments from an allotment under subsection (e) in

1 any fiscal year unless the State has designated
2 under subsection (c) an agency that—”;

3 (3) in subsection (c)—

4 (A) in paragraph (2), by inserting “(as de-
5 fined in section 106(a)(4))” after “consumer
6 organizations”; and

7 (B) in paragraph (3), by striking “agency
8 designated under this subsection” and inserting
9 “designated CAP agency”;

10 (4) in subsection (d), by striking “agency des-
11 igned under subsection (c) of this section” and in-
12 sserting “designated CAP agency”;

13 (5) in subsection (e)—

14 (A) in paragraph (1)—

15 (i) by striking subparagraph (A) and
16 inserting the following:

17 “(A) After reserving funds under subparagraphs (E)
18 and (F), the Secretary shall allot the remainder of the
19 sums appropriated for each fiscal year under this section
20 among the designated CAP agencies within the States on
21 the basis of relative population of each State, except that
22 no such agency shall receive less than \$50,000.”;

23 (ii) in subparagraph (B), by inserting
24 “the designated CAP agencies located in”
25 before “American Samoa”; and

1 (iii) by striking subparagraph (D) and
2 inserting the following:

3 “(D)(i) For any fiscal year for which the funds ap-
4 propriated for such fiscal year under subsection (h) exceed
5 \$7,500,000, the minimum allotment under this subsection
6 shall be \$100,000 for the designated CAP agencies located
7 in States and \$45,000 for the designated CAP agencies
8 located in territories.

9 “(ii) For any fiscal year for which the total amount
10 appropriated under subsection (h) exceeds the total
11 amount appropriated under such subsection (or the cor-
12 responding provision) for the preceding fiscal year, the
13 Secretary shall increase each of the minimum allotments
14 under clause (i) by a percentage that shall not exceed the
15 percentage increase, calculated by dividing such total
16 amount for the fiscal year involved by such total amount
17 for the preceding fiscal year.

18 “(E)(i) For any fiscal year for which the amount ap-
19 propriated under subsection (h) equals or exceeds
20 \$13,000,000, and for each subsequent fiscal year, the Sec-
21 retary shall reserve funds appropriated under subsection
22 (h) to make a grant to the protection and advocacy system
23 serving the American Indian Consortium, to provide des-
24 ignated CAP agency services in accordance with the re-
25 quirements of this section. The amount of such a grant

1 shall be the same amount as is provided to a territory
2 under subparagraph (B), as increased under clauses (i)
3 and, if applicable, (ii) of subparagraph (D).

4 “(ii) In this subparagraph:

5 “(I) The term ‘American Indian Consortium’
6 has the meaning given the term in section 102 of the
7 Developmental Disabilities Assistance and Bill of
8 Rights Act of 2000 (42 U.S.C. 15002).

9 “(II) The term ‘protection and advocacy sys-
10 tem’ means a protection and advocacy system estab-
11 lished under subtitle C of title I of the Develop-
12 mental Disabilities Assistance and Bill of Rights Act
13 of 2000 (42 U.S.C. 15041 et seq.).

14 “(F) For any fiscal year for which the amount appro-
15 priated under subsection (h) equals or exceeds
16 \$14,000,000, the Secretary shall reserve not less than 1.8
17 percent and not more than 2.2 percent of such amount
18 to provide a grant for training and technical assistance
19 for the programs established under this section. Such
20 training and technical assistance shall be coordinated with
21 activities provided under section 509(c)(1)(A).”;

22 (B) in paragraph (2)—

23 (i) except as provided in clause (ii), by
24 striking “State” each place it appears and
25 inserting “designated CAP agency”; and

1 (ii) by striking “States” each place it
 2 appears and inserting “designated CAP
 3 agencies”; and

4 (C) in paragraph (3), by striking “agency
 5 designated” and all that follows and inserting
 6 “designated CAP agency the amount specified
 7 in the application approved under subsection
 8 (f).”;

9 (6) in subsection (f), by striking “State” and
 10 inserting “designated CAP agency”;

11 (7) in paragraph (1) of subsection (g), by strik-
 12 ing “such programs” and inserting “the designated
 13 CAP agency of a State”; and

14 (8) in subsection (h), by striking “1999
 15 through 2003” and inserting “2014 through 2018”.

16 **SEC. 522. TECHNICAL ASSISTANCE FOR QUALITY SERVICES.**

17 Part B of title I (29 U.S.C. 730 et seq.), is amended
 18 by adding at the end the following:

19 **“SEC. 113. ADDITIONAL TECHNICAL ASSISTANCE.**

20 “The Commissioner shall provide technical assistance
 21 for programs provided under this title regarding improv-
 22 ing the quality of vocational rehabilitation services pro-
 23 vided through the programs, including—

24 “(1) consulting with the Department of Edu-
 25 cation, the Small Business Administration, other ap-

1 appropriate Federal agencies, State and local work-
 2 force development boards, and businesses or busi-
 3 ness-led intermediaries;

4 “(2) based on information obtained through the
 5 consultations, providing—

6 “(A) technical assistance that improves
 7 that quality by enabling designated State units
 8 to develop successful partnerships with local
 9 and multi-State businesses in an effort to em-
 10 ploy individuals with disabilities; and

11 “(B) technical assistance on developing
 12 self-employment opportunities and improving
 13 employment outcomes for individuals with dis-
 14 abilities; and

15 “(3) providing technical assistance to improve
 16 the quality of vocational rehabilitation services pro-
 17 grams carried out under section 121.”.

18 **SEC. 523. PRE-EMPLOYMENT TRANSITION SERVICES.**

19 Part B of title I (29 U.S.C. 730 et seq.), as amended
 20 by section 522, is further amended by adding at the end
 21 the following:

22 **“SEC. 114. PROVISION OF PRE-EMPLOYMENT TRANSITION**
 23 **SERVICES.**

24 “(a) IN GENERAL.—From the funds reserved under
 25 section 110(d), and funds made available through other

1 funding sources, each State shall ensure that the des-
2 ignated State unit, in collaboration with the local edu-
3 cational agencies involved and other appropriate entities,
4 shall provide, or arrange for the provision of, pre-employ-
5 ment transition services.

6 “(b) LOCAL PRE-EMPLOYMENT TRANSITION COOR-
7 DINATOR.—

8 “(1) COORDINATOR.—Each local office of a des-
9 ignated State unit shall designate staff to carry out
10 the responsibilities of Local Pre-Employment Tran-
11 sition Coordinators for the local office, as well as ap-
12 propriate staff to support the Coordinators in car-
13 rying out the responsibilities described in paragraph
14 (2).

15 “(2) RESPONSIBILITIES.—It shall be the re-
16 sponsibility of a Local Pre-Employment Transition
17 Coordinator to—

18 “(A) attend individualized education pro-
19 gram meetings for students with disabilities,
20 when invited;

21 “(B) work with the local workforce devel-
22 opment boards, one-stop centers, and employers
23 to develop job opportunities for students with
24 disabilities, including internships, summer em-
25 ployment opportunities and other employment

1 opportunities available throughout the school
2 year, and apprenticeships; and

3 “(C) work with schools, including those
4 carrying out activities under section
5 614(d)(1)(A)(i)(VIII) of the Individuals with
6 Disabilities Education Act (20 U.S.C.
7 1414(d)(1)(A)(i)(VIII)), to coordinate and en-
8 sure the provision of pre-employment transition
9 services for students with disabilities, including
10 services described in clauses (i) through (v) of
11 section 7(30)(B).

12 “(c) NATIONAL PRE-EMPLOYMENT TRANSITION CO-
13 ORDINATION.—

14 “(1) IN GENERAL.—The Secretary of Education
15 and the Secretary of Labor shall each designate a
16 lead staff person to fulfill the responsibilities of a
17 National Pre-Employment Transition Coordinator
18 for Students with Disabilities. The National Pre-
19 Employment Transition Coordinators shall work co-
20 operatively, and with other Federal agencies includ-
21 ing the Corporation for National and Community
22 Service, to develop and coordinate—

23 “(A) agency policies related to pre-employ-
24 ment transition services; and

1 “(B) resources to increase job opportuni-
2 ties for students with disabilities, including in-
3 ternships, summer employment opportunities
4 and other employment opportunities available
5 throughout the school year, and apprentice-
6 ships.

7 “(2) CONSTRUCTION.—Nothing in this sub-
8 section shall be construed to prohibit either Sec-
9 retary from assigning additional responsibilities,
10 other than the responsibilities described in this sub-
11 section, to a staff person designated under this sub-
12 section.”.

13 **SEC. 524. AMERICAN INDIAN VOCATIONAL REHABILITA-**
14 **TION SERVICES.**

15 Section 121 (29 U.S.C. 741) is amended—

16 (1) in subsection (a), in the first sentence, by
17 inserting before the period the following: “(referred
18 to in this section as ‘eligible individuals’), consistent
19 with such eligible individuals’ strengths, resources,
20 priorities, concerns, abilities, capabilities, interests,
21 and informed choice, so that such individuals may
22 prepare for, and engage in, high quality employment
23 that will increase opportunities for economic self-suf-
24 ficiency”;

25 (2) in subsection (b)—

1 (A) in paragraph (1)—

2 (i) in subparagraph (B), by striking
3 “and” at the end;

4 (ii) in subparagraph (C), by striking
5 the period and inserting “; and”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(D) contains assurances that—

9 “(i) all decisions affecting eligibility
10 for vocational rehabilitation services, the
11 nature and scope of available vocational re-
12 habilitation services, and the provision of
13 such services, will be made by a represent-
14 ative of the tribal vocational rehabilitation
15 program funded through the grant; and

16 “(ii) such decisions will not be dele-
17 gated to another agency or individual.”;
18 and

19 (B) by striking paragraphs (3) and (4) and
20 inserting the following:

21 “(3) If an application is approved under this part for
22 a grant, the resulting grant shall be for 5 years, if the
23 grant recipient complies with the program requirements
24 for the program carried out under this part (including the
25 regulations promulgated for the program). The grant shall

1 be renewed for additional 5-year periods if the Commis-
2 sioner determines that the grant recipient demonstrated
3 acceptable past performance and the grant recipient sub-
4 mits, and obtains approval by the Commissioner, for a
5 plan, including a proposed budget, that identifies future
6 performance criteria, goals, and objectives. The State shall
7 continue to provide vocational rehabilitation services under
8 the State plan to American Indians residing on or near
9 a reservation whenever such State includes any such
10 American Indians in its State population under section
11 110(a)(1).

12 “(4) In allocating funds for grants under this part,
13 the Secretary shall give priority to paying the continuation
14 costs of projects in existence on the date of the allocation
15 and may provide for increases in funding for such projects
16 that the Secretary determines to be necessary.”;

17 (3) by redesignating subsection (c) as sub-
18 section (d); and

19 (4) by inserting after subsection (b) the fol-
20 lowing:

21 “(c)(1) From the funds appropriated and made avail-
22 able to carry out this part for any fiscal year, beginning
23 with fiscal year 2014, the Commissioner shall first reserve
24 not less than 1.8 percent and not more than 2 percent
25 of the funds to provide training and technical assistance

1 to governing bodies described in subsection (a) for such
2 fiscal year.

3 “(2) From the funds reserved under paragraph (1),
4 the Commissioner shall make grants to, and enter into
5 contracts and other arrangements with, entities that have
6 experience in the operation of vocational rehabilitation
7 services programs under this section to provide such train-
8 ing and technical assistance with respect to developing,
9 conducting, administering, and evaluating such programs.

10 “(3) The Commissioner shall conduct a survey of the
11 governing bodies regarding training and technical assist-
12 ance needs in order to determine funding priorities for
13 such grants, contracts, or other arrangements.

14 “(4) To be eligible to receive a grant or enter into
15 a contract or other arrangement under this section, such
16 an entity shall submit an application to the Commissioner
17 at such time, in such manner, and containing a proposal
18 to provide such training and technical assistance, and con-
19 taining such additional information as the Commissioner
20 may require. The Commissioner shall provide for peer re-
21 view of grant applications by panels that include persons
22 who are not government employees and who have experi-
23 ence in the operation of vocational rehabilitation services
24 programs under this section.”.

1 **SEC. 525. VOCATIONAL REHABILITATION SERVICES CLIENT**
2 **INFORMATION.**

3 Section 131 (29 U.S.C. 751) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1)—

6 (i) in the matter preceding subpara-
7 graph (A), by striking “Education” and in-
8 serting “Labor”; and

9 (ii) in subparagraph (B)(i), by strik-
10 ing “Rehabilitation Services Administra-
11 tion” and inserting “Disability Employ-
12 ment Services and Supports Administra-
13 tion”; and

14 (B) in paragraph (2), by striking “title I
15 of the Workforce Investment Act of 1998” and
16 inserting “title II of the Workforce Investment
17 Act of 2013”; and

18 (2) in subsection (b), by striking “Rehabilita-
19 tion Services Administration” and inserting “Dis-
20 ability Employment Services and Supports Adminis-
21 tration”.

22 **SEC. 526. GAO STUDY ON INTERACTION WITH THE TICKET**
23 **TO WORK AND SELF-SUFFICIENCY PROGRAM.**

24 (a) IN GENERAL.—The Comptroller General of the
25 United States shall conduct a study on the interaction of
26 programs carried out under title I of the Rehabilitation

1 Act of 1973 (29 U.S.C. 720 et seq.) with the Ticket to
2 Work and Self-Sufficiency Program established under sec-
3 tion 1148 of the Social Security Act (42 U.S.C. 1320b-
4 19), including the impact of the interaction on bene-
5 ficiaries, community rehabilitation programs (as defined
6 in section 7 of the Rehabilitation Act of 1973 (29 U.S.C.
7 705)), and designated State agencies (as so defined).

8 (b) CONDUCT OF STUDY.—In conducting the study
9 under paragraph (1), the Comptroller General of the
10 United States shall consult with all types of participants
11 in the Ticket to Work and Self-Sufficiency Program, in-
12 cluding the Social Security Administration, the Disability
13 Employment Services and Supports Administration, tick-
14 etholders, such designated State agencies, entities car-
15 rying out such community rehabilitation programs (includ-
16 ing employment networks), protection and advocacy sys-
17 tems, relevant contractors, and organizations representing
18 the interests of ticketholders.

19 (c) REPORT TO CONGRESS.—Not later than 18
20 months after the date of enactment of this Act, the Comp-
21 troller General of the United States shall submit a report,
22 based on the findings of the study conducted pursuant to
23 this section, to the Committee on Education and the
24 Workforce of the House of Representatives, the Com-
25 mittee on Ways and Means of the House of Representa-

1 tives, the Committee on Health, Education, Labor, and
2 Pensions of the Senate, and the Committee on Finance
3 of the Senate.

4 **Subtitle C—Research and Training**

5 **SEC. 531. PURPOSE.**

6 Section 200 (29 U.S.C. 760) is amended—

7 (1) in paragraph (1), by inserting “technical as-
8 sistance,” after “training,”;

9 (2) in paragraph (2), by inserting “technical as-
10 sistance,” after “training,”;

11 (3) in paragraph (3)—

12 (A) in the matter preceding subparagraph

13 (A)—

14 (i) by inserting “, use, and adoption”
15 after “transfer”; and

16 (ii) by inserting “in a timely and effi-
17 cient manner,” after “disabilities”; and

18 (B) in subparagraph (D), by inserting
19 “and dissemination of research findings to indi-
20 viduals with disabilities and other interested en-
21 tities” after “technology”;

22 (4) in paragraph (5), by striking “and” after
23 the semicolon;

24 (5) in paragraph (6), by striking the period and
25 inserting “; and”; and

1 (6) by adding at the end the following:

2 “(7) identify effective strategies for supporting
3 the employment of individuals with disabilities in
4 competitive integrated employment.”.

5 **SEC. 532. AUTHORIZATION OF APPROPRIATIONS.**

6 Section 201(a) (29 U.S.C. 761(a)) is amended—

7 (1) in paragraph (1)—

8 (A) by striking “1999 through 2003” and
9 inserting “2014 through 2018”;

10 (B) by striking “National Institute on Dis-
11 ability and Rehabilitation Research” and insert-
12 ing “National Institute on Disability, Inde-
13 pendent Living, and Rehabilitation Research”;
14 and

15 (C) by striking “Rehabilitation Research
16 Advisory Council” and inserting “Disability,
17 Independent Living, and Rehabilitation Re-
18 search Advisory Council”; and

19 (2) in paragraph (2), by striking “1999
20 through 2003” and inserting “2014 through 2018”.

21 **SEC. 533. NATIONAL INSTITUTE ON DISABILITY, INDE-**
22 **PENDENT LIVING, AND REHABILITATION RE-**
23 **SEARCH.**

24 Section 202 (29 U.S.C. 762) is amended—

1 (1) in the section heading, by inserting “,
2 **INDEPENDENT LIVING,**” after “**DISABILITY**”;

3 (2) in subsection (a)—

4 (A) in paragraph (1)—

5 (i) in the matter preceding subpara-
6 graph (A), by striking “Department of
7 Education” and all that follows through
8 “which” and inserting “Administration for
9 Community Living of the Department of
10 Health and Human Services a National In-
11 stitute on Disability, Independent Living,
12 and Rehabilitation Research (referred to in
13 this title as the ‘Institute’), which”; and

14 (ii) in subparagraph (A)—

15 (I) in clause (i), by inserting “,
16 as appropriate” after “research”;

17 (II) in clause (ii), by striking
18 “and training; and” and inserting “,
19 training, and technical assistance;”;

20 (III) by redesignating clause (iii)
21 as clause (iv); and

22 (IV) by inserting after clause (ii)
23 the following:

1 “(iii) outreach and information that
2 clarifies research implications for policy
3 and practice; and”;

4 (B) in paragraph (2), by striking “di-
5 rectly” and all that follows through the period
6 and inserting “directly responsible to the Ad-
7 ministrator for the Administration for Commu-
8 nity Living of the Department of Health and
9 Human Services.”;

10 (3) in subsection (b)—

11 (A) in paragraph (2), by striking subpara-
12 graphs (A) through (D) and inserting the fol-
13 lowing:

14 “(A) individuals with disabilities and the
15 individuals’ representatives;

16 “(B) other Federal, State, tribal, and local
17 public agencies;

18 “(C) private organizations engaged in re-
19 search relating to independent living, rehabilita-
20 tion, or providing rehabilitation or independent
21 living services;

22 “(D) rehabilitation practitioners; and

23 “(E) international organizations and other
24 organizations, as appropriate;”;

1 (B) in paragraph (3), by striking “in reha-
2 bilitation” and inserting “on disability, inde-
3 pendent living, and rehabilitation”;

4 (C) in paragraph (4)—

5 (i) in the matter preceding subpara-
6 graph (A), by inserting “education, health
7 care,” after “independent living,”; and

8 (ii) by striking subparagraphs (A)
9 through (D) and inserting the following:

10 “(A) public and private entities, includ-
11 ing—

12 “(i) elementary schools and secondary
13 schools (as defined in section 9101 of the
14 Elementary and Secondary Education Act
15 of 1965 (20 U.S.C. 7801));

16 “(ii) institutions of higher education;
17 and

18 “(iii) nongovernmental agencies and
19 organizations;

20 “(B) rehabilitation practitioners;

21 “(C) employers and organizations rep-
22 resenting employers with respect to employ-
23 ment-based educational materials or research;

24 “(D) individuals with disabilities (espe-
25 cially such individuals who are members of mi-

1 nosity groups or of populations that are
2 unserved or underserved by programs under
3 this Act);

4 “(E) the individuals’ representatives for
5 the individuals described in subparagraph (D);
6 and

7 “(F) the Committee on Health, Education,
8 Labor, and Pensions of the Senate, the Com-
9 mittee on Appropriations of the Senate, the
10 Committee on Education and the Workforce of
11 the House of Representatives, and the Com-
12 mittee on Appropriations of the House of Rep-
13 resentatives;”;

14 (D) in paragraph (6)—

15 (i) by striking “advances in rehabilita-
16 tion” and inserting “advances in disability,
17 independent living, and rehabilitation”;
18 and

19 (ii) by inserting “education, health
20 care,” after “independent living,”;

21 (E) in paragraph (7), by striking “taking
22 whatever action is necessary to keep the Con-
23 gress fully and currently informed” and insert-
24 ing “reporting to Congress annually”;

25 (F) in paragraph (8)—

1 (i) by striking “health, income,” and
2 inserting “health care, income, edu-
3 cation,”; and

4 (ii) by striking “and evaluation of vo-
5 cational and other” and inserting “and
6 evaluation of independent living, voca-
7 tional, and”;

8 (G) in paragraph (9), by striking “with vo-
9 cational rehabilitation services for the purpose
10 of identifying effective rehabilitation programs
11 and policies that promote the independence of
12 individuals with disabilities and achievement of
13 long-term vocational goals” and inserting “with
14 independent living and vocational rehabilitation
15 services for the purpose of identifying effective
16 independent living and rehabilitation programs
17 and policies that promote the independence of
18 individuals with disabilities and achievement of
19 long-term independent living and employment
20 goals”;

21 (H) in paragraph (10), by striking “and
22 telecommuting; and” and inserting “, supported
23 employment (including customized employ-
24 ment), and telecommuting;”;

1 (I) in paragraph (11), by striking the pe-
2 riod and inserting “; and”; and

3 (J) by adding at the end the following:

4 “(12) ensuring that the research activities and
5 findings, demonstration projects, reports, evalua-
6 tions, studies, information described in this section,
7 as well as information about any reports in progress,
8 will be made publicly available in a timely manner,
9 including through electronic means (such as the
10 website of the Department of Health and Human
11 Services and other relevant government agency
12 websites) in order to inform the public about the re-
13 search and activities performed under this title.”;

14 (4) in subsection (d)(1), by striking the second
15 sentence and inserting the following: “The Director
16 shall be an individual with substantial knowledge
17 and experience in independent living, rehabilitation,
18 and research administration.”;

19 (5) in subsection (f)(1)—

20 (A) in the first sentence, by striking “fi-
21 nancial assistance” and inserting “funding”;
22 and

23 (B) by striking the second sentence and in-
24 serting the following: “The scientific peer re-
25 view shall be conducted by individuals who are

1 not Department of Health and Human Services
2 employees. The Secretary shall consider for
3 peer review individuals who are scientists or
4 other experts in disability, independent living,
5 and rehabilitation, including individuals with
6 disabilities and the individuals' representatives,
7 and who have sufficient expertise for the re-
8 search funding.”;

9 (6) in subsection (h)—

10 (A) in paragraph (1)(A)—

11 (i) by striking “priorities for rehabili-
12 tation research,” and inserting “priorities
13 for disability, independent living, and reha-
14 bilitation research,”; and

15 (ii) by inserting “dissemination,” after
16 “training,”; and

17 (B) in paragraph (2)—

18 (i) in subparagraph (A), by striking
19 “especially in the area of employment” and
20 inserting “especially in the areas of em-
21 ployment and independent living”;

22 (ii) in subparagraph (D)—

23 (I) in clause (i), by striking “Re-
24 habilitation” and inserting “Dis-

1 ability, Independent Living, and Re-
2 habilitation”; and

3 (II) in clause (iv), by striking
4 “researchers in the rehabilitation
5 field” and inserting “researchers in
6 the independent living and rehabilita-
7 tion fields”;

8 (iii) in subparagraph (E), by striking
9 “widespread dissemination of the results
10 of” and inserting “widespread dissemina-
11 tion of the information that clarifies impli-
12 cations of the results for policy and prac-
13 tice of”; and

14 (iv) in subparagraph (F), by inserting
15 “of information that clarifies implications
16 of the results for policy and practice and”
17 after “widespread dissemination”;

18 (7) in subsection (j), by striking paragraph (3);

19 and

20 (8) by striking subsection (k) and inserting the
21 following:

22 “(k) The Director shall make grants to institutions
23 of higher education for the training of independent living
24 and rehabilitation researchers, including individuals with
25 disabilities and traditionally underserved populations of

1 individuals with disabilities, as described in section 21,
2 with particular attention to research areas that—

3 “(1) support the implementation and objectives
4 of this Act; and

5 “(2) improve the effectiveness of services au-
6 thorized under this Act.

7 “(1)(1) Not later than December 31 of each year, the
8 Director shall prepare, and submit to the Secretary, the
9 Committee on Health, Education, Labor, and Pensions of
10 the Senate, and the Committee on Education and the
11 Workforce of the House of Representatives, a report on
12 the activities funded under this title.

13 “(2) The report under paragraph (1) shall include—

14 “(A) a compilation and summary of the infor-
15 mation provided by recipients of funding for such ac-
16 tivities under this title;

17 “(B) a summary of recipients funding received
18 under this title and the progress of the recipients of
19 funding in achieving the measurable goals described
20 in section 204(d)(2); and

21 “(C) a summary of practical implications of re-
22 search outcomes and anticipated next steps.

23 “(m)(1) If the Director determines that an entity
24 that receives funding under this title fails to comply with
25 the applicable requirements of this Act, or to make

1 progress toward achieving the measurable goals described
2 in section 204(d)(2), with respect to the covered activities
3 involved, the Director shall utilize available monitoring
4 and enforcement measures.

5 “(2) As part of the annual report required under sub-
6 section (1), the Secretary shall describe each action taken
7 by the Secretary under paragraph (1) and the outcomes
8 of such action.”.

9 **SEC. 534. INTERAGENCY COMMITTEE.**

10 Section 203 (29 U.S.C. 763) is amended—

11 (1) in subsection (a)(1)—

12 (A) by striking “and cooperation” and in-
13 serting “, cooperation, and collaboration”;

14 (B) by striking “conducting rehabilitation
15 research” and inserting “conducting disability,
16 independent living, and rehabilitation research”;

17 (C) by striking “chaired by the Director”
18 and inserting “chaired by the Secretary of
19 Health and Human Services, or the Secretary’s
20 designee,”;

21 (D) by inserting “the Chairman of the Na-
22 tional Council on Disability, the Assistant Sec-
23 retary on Disability Employment Policy, Serv-
24 ices, and Supports, the Secretary of Defense,
25 the Administrator of the Administration for

1 Community Living,” after “Assistant Secretary
2 for Special Education and Rehabilitative Serv-
3 ices,”; and

4 (E) by striking “and the Director of the
5 National Science Foundation.” and inserting
6 “the Director of the National Science Founda-
7 tion, the Secretary of Commerce, and the Ad-
8 ministrator of the Small Business Administra-
9 tion. Each member of the Committee shall par-
10 ticipate in 1 or more of the standing commit-
11 tees based on the responsibilities of the agency
12 or office the member represents.”;

13 (2) in subsection (b)—

14 (A) in paragraph (1)—

15 (i) by striking “from targeted individ-
16 uals” and inserting “individuals with dis-
17 abilities and their representatives”; and

18 (ii) by inserting “independent living
19 and” before “rehabilitation”; and

20 (B) in paragraph (2)—

21 (i) by striking subparagraphs (A) and
22 (B) and inserting the following:

23 “(A) share information regarding the
24 range of assistive technology research, inde-
25 pendent living research, and research that in-

1 corporate the principles of universal design,
2 that is being carried out by members of the
3 Committee and other Federal departments and
4 organizations;

5 “(B) identify and make efforts to address,
6 gaps in assistive technology research, inde-
7 pendent living research, and research that in-
8 corporate the principles of universal design,
9 that are not being adequately addressed;”;

10 (ii) in subparagraph (D), by striking
11 “and research that incorporates the prin-
12 ciples of universal design” and inserting “,
13 independent living research, and research
14 that incorporates the principles of uni-
15 versal design”; and

16 (iii) in subparagraph (E), by striking
17 “and research that incorporates the prin-
18 ciples of universal design.” and inserting “,
19 independent living research, and research
20 that incorporates the principles of uni-
21 versal design.”;

22 (3) by striking subsection (d);

23 (4) by redesignating subsection (c) as sub-
24 section (d);

1 (5) by inserting after subsection (b) the fol-
2 lowing:

3 “(c)(1) Not later than 2 years after the date of enact-
4 ment of the Workforce Investment Act of 2013, and not
5 later than every 3 years thereafter, the Committee shall
6 host a disability, independent living, and rehabilitation re-
7 search summit bringing together policymakers, represent-
8 atives from Federal agencies conducting disability, inde-
9 pendent living, and rehabilitation research, and organiza-
10 tions representing individuals with disabilities, research-
11 ers, and providers.

12 “(2) Based on the proceedings of the summit de-
13 scribed in paragraph (1), the Committee shall develop a
14 comprehensive governmentwide strategic plan for dis-
15 ability, independent living, and rehabilitation research.
16 The strategic plan shall include measurable goals and ob-
17 jectives, action-oriented measures, timetables, budgets,
18 and assignment of responsible individuals and agencies for
19 carrying out research activities. At a minimum, the stra-
20 tegic plan shall include—

21 “(A) research priorities and recommendations;

22 “(B) the development of a searchable govern-
23 mentwide inventory of disability, independent living,
24 and rehabilitation research for trend and data anal-
25 ysis across Federal agencies;

1 “(C) a set of guiding principles and policies and
2 procedures for conducting and administering dis-
3 ability, independent living, and rehabilitation re-
4 search across Federal agencies; and

5 “(D) a summary of underemphasized and of
6 duplicative areas of research.

7 “(3) Not later than 90 days after the conclusion of
8 the summit described in paragraph (1), the strategic plan
9 described in paragraph (2) shall be submitted to the Presi-
10 dent and the Committee on Health, Education, Labor, and
11 Pensions of the Senate and the Committee on Education
12 and the Workforce of the House of Representatives.

13 “(4) The annual report prepared by the Committee
14 under subsection (d) shall include an annual accounting
15 of the progress made in implementing the strategic plan
16 described in paragraph (2), including achievement of
17 measurable goals and objectives, timetables, budgets, and
18 the assignment of responsible individuals and agencies.

19 “(5) The Committee shall have the authority to facili-
20 tate collaborative projects among Federal agencies by re-
21 ceiving the transfer of funds from such agencies.”;

22 (6) in subsection (d), as redesignated by para-
23 graph (4)—

24 (A) in the matter preceding paragraph (1),
25 by striking “Committee on Labor and Human

1 Resources of the Senate” and inserting “Com-
2 mittee on Health, Education, Labor, and Pen-
3 sions of the Senate”; and

4 (B) by striking paragraph (1) and insert-
5 ing the following:

6 “(1) describes the progress of the Committee in
7 fulfilling the duties described in subsections (b) and
8 (c), and including specifically for subsection (c)—

9 “(A) a report of the progress made in im-
10 plementing the strategic plan;

11 “(B) a description of the achievement of
12 measurable goals, objectives, and timetables;

13 “(C) detailed budgetary information; and

14 “(D) the assignment of responsible individ-
15 uals and agencies.”; and

16 (7) in subsection (e)—

17 (A) in paragraph (1), by striking “and”
18 after the semicolon;

19 (B) in paragraph (2), by striking the pe-
20 riod at the end and inserting “; and”; and

21 (C) by adding at the end the following:

22 “(3) the term ‘independent living research’
23 means research on issues and topics related to at-
24 taining maximum self sufficiency and function by in-
25 dividuals with disabilities, including research on as-

1 sistive technology and universal design, employment,
2 education, health and function, and community inte-
3 gration and participation.”.

4 **SEC. 535. RESEARCH AND OTHER COVERED ACTIVITIES.**

5 Section 204 (29 U.S.C. 764) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1)—

8 (i) by striking “pay part of” and in-
9 serting “fund”;

10 (ii) by inserting “have practical real
11 life applications and” before “maximize”;
12 and

13 (iii) by striking “employment, inde-
14 pendent living,” and inserting “employ-
15 ment, education, independent living, health
16 care,”;

17 (B) in paragraph (2)—

18 (i) in subparagraph (A), by inserting
19 “and from which the research findings can
20 be transferred to practice” after “State
21 agencies”; and

22 (ii) in subparagraph (B)—

23 (I) by striking clause (ii) and in-
24 serting the following:

1 “(ii) studies and analysis of factors related to
2 industrial, vocational, educational, employment, so-
3 cial, recreational, psychiatric, psychological, eco-
4 nomic, and health and health care variables for indi-
5 viduals with disabilities, including traditionally un-
6 derserved populations as described in section 21, and
7 how those variables affect such individuals’ ability to
8 live independently and their participation in the
9 labor force;”;

10 (II) in clause (iii), by striking
11 “are homebound” and inserting “have
12 significant challenges attempting to
13 engage with community life outside of
14 their homes”;

15 (III) in clause (iv), by inserting
16 “, including the principles of universal
17 design and the interoperability of
18 products and services” after “disabil-
19 ities”;

20 (IV) in clause (v), by inserting “,
21 and to promote employment opportu-
22 nities in competitive integrated em-
23 ployment” after “employment”;

24 (V) in clause (vi), by striking
25 “and” after the semicolon;

1 (VI) in clause (vii), by striking
2 “and assistive technology.” and in-
3 serting “, assistive technology, and
4 communications technology; and”;

5 (VII) by adding at the end the
6 following:

7 “(viii) studies, analyses, and other activities af-
8 fecting employment outcomes as defined in section
9 7(11), including self-employment and telecommuting,
10 of individuals with disabilities.”; and

11 (C) by adding at the end the following:

12 “(3) In carrying out this section, the Director shall
13 emphasize covered activities that include plans for—

14 “(A) dissemination of high quality materials,
15 scientifically valid research results, or findings, con-
16 clusions, and recommendations resulting from cov-
17 ered activities, including through electronic means
18 (such as the website of the Department of Health
19 and Human Services), so that such information is
20 available in a timely manner to the general public;
21 or

22 “(B) the commercialization of marketable prod-
23 ucts, research results, or findings, resulting from the
24 covered activities.”;

25 (2) in subsection (b)—

1 (A) in paragraph (1), by striking “(18)”
2 both places the term appears and inserting
3 “(17)”;

4 (B) in paragraph (2)—

5 (i) in subparagraph (A), by striking
6 clauses (i) and (ii) and inserting the fol-
7 lowing:

8 “(i) be operated in collaboration with institu-
9 tions of higher education or providers of rehabilita-
10 tion services, developers or providers of assistive
11 technology devices, assistive technology services, or
12 information technology devices or services, as appro-
13 priate, or providers of other appropriate services;
14 and

15 “(ii) serve as centers of national excellence and
16 national or regional resources for individuals with
17 disabilities, as well as providers, educators, and re-
18 searchers.”;

19 (ii) in subparagraph (B)—

20 (I) by striking clause (i) and in-
21 serting the following:

22 “(i) conducting coordinated and ad-
23 vanced programs of research in inde-
24 pendent living and rehabilitation targeted
25 toward the production of new knowledge

1 that will improve independent living and
2 rehabilitation methodology and service de-
3 livery systems, maximize health and func-
4 tion (including alleviating or stabilizing
5 conditions, or preventing secondary condi-
6 tions), and promote maximum social and
7 economic independence of individuals with
8 disabilities, including promoting the ability
9 of the individuals to prepare for, secure,
10 retain, regain, or advance in employ-
11 ment;”;

12 (II) by redesignating clauses (ii),
13 (iii), and (iv), as clauses (iii), (iv), and
14 (v), respectively;

15 (III) by inserting after clause (i)
16 the following:

17 “(ii) conducting coordinated and advanced pro-
18 grams in research in employer practices targeted to-
19 ward production of new knowledge that will facilitate
20 the ability of employers to identify, recruit, accom-
21 modate, advance, and retain qualified individuals
22 with disabilities;”;

23 (IV) in clause (iii), as redesign-
24 nated by subclause (II), by inserting

1 “independent living and” before “re-
2 habilitation services”;

3 (V) in clause (iv), as redesignated
4 by subclause (II)—

5 (aa) by inserting “inde-
6 pendent living and” before “reha-
7 bilitation” each place the term
8 appears; and

9 (bb) by striking “and” after
10 the semicolon; and

11 (VI) by striking clause (v), as re-
12 designated by subelause (II), and in-
13 serting the following:

14 “(v) serving as an informational and technical
15 assistance resource to individuals with disabilities, as
16 well as to providers, educators, and researchers,
17 through conferences, workshops, public education
18 programs, in-service training programs, and similar
19 activities and providing outreach and information
20 that clarifies research implications for policy and
21 practice to promote the use of research findings
22 through training, technical assistance, and dissemi-
23 nation, including identifying potential new areas of
24 research; and

1 “(vi) developing practical applications for the
2 findings of the research of the Centers.”;

3 (iii) in subparagraph (C)—

4 (I) in clause (i), by inserting “,
5 including research on assistive tech-
6 nology devices, assistive technology
7 services, and accessible electronic and
8 information technology devices” after
9 “research”;

10 (II) in clause (ii)—

11 (aa) by striking “and social”
12 and inserting “, social, and eco-
13 nomic”; and

14 (bb) by inserting “inde-
15 pendent living and” before “reha-
16 bilitation”; and

17 (III) by striking clauses (iii)
18 through (vi) and inserting the fol-
19 lowing:

20 “(iii) improving the evaluation process for de-
21 termining the assistive technology needs of individ-
22 uals with disabilities;

23 “(iv) research related to vocational rehabilita-
24 tion, including the use of assistive technology devices

1 and accessible electronic and information technology
2 devices in employment;

3 “(v) continuation of research that promotes the
4 emotional, social, educational, and functional growth
5 of children who are individuals with disabilities, as
6 well as their integration in school, employment, and
7 community activities;

8 “(vi) continuation of research to develop and
9 evaluate interventions, policies, and services that
10 support families of those children and adults who
11 are individuals with disabilities;

12 “(vii) continuation of research that will improve
13 services and policies that foster the independence
14 and social integration of individuals with disabilities,
15 and enable individuals with disabilities, including in-
16 dividuals with intellectual disabilities and other de-
17 velopmental disabilities, to live in their communities;
18 and

19 “(viii) research, dissemination, and technical as-
20 sistance on best practices in supported employment
21 and other strategies to promote competitive inte-
22 grated employment for persons with the most signifi-
23 cant disabilities.”;

24 (iv) by striking subparagraph (D) and
25 inserting the following:

1 “(D) Training of students preparing to be inde-
2 pendent living or rehabilitation personnel or to provide
3 independent living, rehabilitative, assistive, or supportive
4 services (such as rehabilitation counseling, personal care
5 services, direct care, job coaching, aides in school based
6 settings, or advice or assistance in utilizing assistive tech-
7 nology devices, assistive technology services, and accessible
8 electronic and information technology devices and serv-
9 ices) shall be an important priority for each such Center.”;

10 (v) in subparagraph (E), by striking
11 “comprehensive”;

12 (vi) in subparagraph (G)(i), by insert-
13 ing “independent living and” before “reha-
14 bilitation-related”;

15 (vii) by striking subparagraph (I); and

16 (viii) by redesignating subparagraphs
17 (J) through (O) as subparagraphs (I)
18 through (N), respectively;

19 (C) in paragraph (3)—

20 (i) in subparagraph (A), by inserting
21 “independent living strategies and” before
22 “rehabilitation technology”;

23 (ii) in subparagraph (B)—

- 1 (I) in clause (i)(I), by inserting
2 “independent living and” before “re-
3 habilitation problems”;
- 4 (II) in clause (ii)(II), by striking
5 “employment” and inserting “edu-
6 cational, employment,”; and
- 7 (III) in clause (iii)(II), by strik-
8 ing “employment” and inserting “edu-
9 cational, employment,”;
- 10 (iii) in subparagraph (D)(i)(II), by
11 striking “postschool” and inserting “post-
12 secondary education, competitive inte-
13 grated employment, and other age-appro-
14 priate”; and
- 15 (iv) in subparagraph (G)(ii), by in-
16 sserting “the success of any commercialized
17 product researched or developed through
18 the Center,” after “individuals with dis-
19 abilities,”;
- 20 (D) in paragraph (4)(B)—
- 21 (i) in clause (i)—
- 22 (I) by striking “vocational” and
23 inserting “independent living, employ-
24 ment”;

1 (II) by striking “special” and in-
2 sserting “unique”; and

3 (III) by inserting “social and
4 functional needs, and” before “acute
5 care”; and

6 (ii) in clause (iv), by inserting “edu-
7 cation, health care,” after “employment,”;

8 (E) by striking paragraph (8) and insert-
9 ing the following:

10 “(8) Grants may be used to conduct a program
11 of joint projects with the National Institutes of
12 Health, the National Institute of Mental Health, the
13 Health Services Administration, the Administration
14 on Aging, the Administration for Community Living,
15 the National Science Foundation, the Department of
16 Veterans Affairs, the Department of Defense, the
17 Substance Abuse and Mental Health Services Ad-
18 ministration, the Federal Communications Commis-
19 sion, the Department of Health and Human Serv-
20 ices, the National Aeronautics and Space Adminis-
21 tration, the Department of Commerce, the Small
22 Business Administration, the Department of Labor,
23 other Federal agencies, and private industry in areas
24 of joint interest involving rehabilitation.”;

25 (F) by striking paragraphs (9) and (11);

1 (G) by redesignating paragraphs (10),
2 (12), (13), (14), (15), (16), (17), and (18), as
3 paragraphs (9), (10), (11), (12), (13), (14),
4 (15), and (16), respectively;

5 (H) in paragraph (11), as redesignated by
6 subparagraph (G)—

7 (i) in the matter preceding subpara-
8 graph (A), by striking “employment needs
9 of individuals with disabilities, including”
10 and inserting “employment needs, opportu-
11 nities, and outcomes (including those relat-
12 ing to self-employment, supported employ-
13 ment, and telecommuting) of individuals
14 with disabilities, including”;

15 (ii) in subparagraph (B), by inserting
16 “and employment related” after “the em-
17 ployment”;

18 (iii) in subparagraph (E), by striking
19 “and” after the semicolon;

20 (iv) in subparagraph (F), by striking
21 the period at the end and inserting “;
22 and”; and

23 (v) by adding at the end the following:
24 “(G) develop models and alternatives to
25 help transition sheltered workshops for individ-

1 uals with disabilities to competitive integrated
2 employment for such individuals, and develop
3 recommendations for decreasing reliance on the
4 special minimum wage certificate program
5 under section 14(c) of the Fair Labor Stand-
6 ards Act of 1938 (29 U.S.C. 214(c)).”;

7 (I) in paragraph (12), as redesignated by
8 subparagraph (G)—

9 (i) in the matter preceding subpara-
10 graph (A), by inserting “an independent
11 living or” after “conduct”;

12 (ii) in subparagraph (D), by inserting
13 “independent living or” before “rehabilita-
14 tion”; and

15 (iii) in the matter following subpara-
16 graph (E), by striking “National Institute
17 on Disability and Rehabilitation Research”
18 and inserting “National Institute on Dis-
19 ability, Independent Living, and Rehabili-
20 tation Research”;

21 (J) in paragraph (13), as redesignated by
22 subparagraph (G), by inserting “independent
23 living and” before “rehabilitation needs”; and

24 (K) in paragraph (14), as redesignated by
25 subparagraph (G), by striking “and access to

1 gainful employment.” and inserting “, full par-
2 ticipation, equal opportunity, and economic self-
3 sufficiency.”; and

4 (3) by adding at the end the following:

5 “(d)(1) In awarding grants, contracts, or other fund-
6 ing under this title, the Director shall award the funding
7 on a competitive basis.

8 “(2)(A) To be eligible to receive funds under this sec-
9 tion for a covered activity, an entity shall submit an appli-
10 cation to the Director at such time, in such manner, and
11 containing such information as the Director may require.

12 “(B) The application shall include information de-
13 scribing—

14 “(i) measurable goals, as established through
15 section 1115 of title 31, United States Code, and a
16 timeline and specific plan for meeting the goals, that
17 the applicant has set for addressing priorities related
18 to—

19 “(I) commercialization of a marketable
20 product (including a marketable curriculum or
21 research) resulting from the covered activity;

22 “(II) in the case of a covered activity relat-
23 ing to technology, technology transfer;

24 “(III) in the case of research, dissemina-
25 tion of research results to, as applicable, Gov-

1 ernment entities, individuals with disabilities,
2 covered schools, the independent living commu-
3 nity, the business community, the assistive tech-
4 nology community, and the accessible electronic
5 and information technology community; and

6 “(IV) other priorities as required by the
7 Director; and

8 “(ii) how the applicant will quantifiably meas-
9 ure the goals to determine whether the goals have
10 been accomplished.

11 “(3)(A) In the case of an application for funding
12 under this section to carry out a covered activity that re-
13 sults in the development of a marketable product, the ap-
14 plication shall also include a commercialization and dis-
15 semination plan, as appropriate, containing commer-
16 cialization and marketing strategies for the product in-
17 volved, and strategies for disseminating information about
18 the product. The funding shall not be used to carry out
19 the commercialization and marketing strategies.

20 “(B) In the case of any other application for funding
21 to carry out a covered activity under this section, the ap-
22 plication shall also include a dissemination plan, con-
23 taining strategies for disseminating educational materials,
24 research results, or findings, conclusions, and rec-
25 ommendations, resulting from the covered activity.”.

1 **SEC. 536. DISABILITY, INDEPENDENT LIVING, AND REHA-**
2 **BILITATION RESEARCH ADVISORY COUNCIL.**

3 Section 205 (29 U.S.C. 765) is amended—

4 (1) in the section heading, by inserting “**DIS-**
5 **ABILITY, INDEPENDENT LIVING, AND**” before
6 “**REHABILITATION**”;

7 (2) in subsection (a)—

8 (A) by striking “Department of Education
9 a Rehabilitation Research Advisory Council”
10 and inserting “Department of Health and
11 Human Services a Disability, Independent Liv-
12 ing, and Rehabilitation Research Advisory
13 Council”; and

14 (B) by inserting “not less than” after
15 “composed of”;

16 (3) by striking subsection (c) and inserting the
17 following:

18 “(c) **QUALIFICATIONS.**—Members of the Council
19 shall be generally representative of the community of dis-
20 ability, independent living, and rehabilitation profes-
21 sionals, the community of disability, independent living,
22 and rehabilitation researchers, the directors of inde-
23 pendent living centers and community rehabilitation pro-
24 grams, the business community (including a representa-
25 tive of the small business community) that has experience
26 with the system of vocational rehabilitation services and

1 independent living services carried out under this Act and
2 with hiring individuals with disabilities, the community of
3 stakeholders involved in assistive technology, the commu-
4 nity of covered school professionals, the community of in-
5 dividuals with disabilities, and the individuals' representa-
6 tives. At least one-half of the members shall be individuals
7 with disabilities or the individuals' representatives.”; and

8 (4) in subsection (g), by striking “Department
9 of Education” and inserting “Department of Health
10 and Human Services”.

11 **SEC. 537. DEFINITION OF COVERED SCHOOL.**

12 Title II (29 U.S.C. 760) is amended by adding at
13 the end the following:

14 **“SEC. 206. DEFINITION OF COVERED SCHOOL.**

15 “In this title, the term ‘covered school’ means an ele-
16 mentary school or secondary school (as such terms are de-
17 fined in section 9101 of the Elementary and Secondary
18 Education Act of 1965 (20 U.S.C. 7801)) or an institution
19 of higher education.”.

1 **Subtitle D—Professional Develop-**
2 **ment and Special Projects and**
3 **Demonstration**

4 **SEC. 541. PURPOSE; TRAINING.**

5 (a) PURPOSE.—Section 301(a)(5) (29 U.S.C.
6 771(a)(5)) is amended by striking “workforce investment
7 systems” and inserting “workforce development systems”.

8 (b) TRAINING.—Section 302 (29 U.S.C. 772) is
9 amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1)—

12 (i) in subparagraph (E)—

13 (I) by striking all after “deliver”
14 and inserting “supported employment
15 services and customized employment
16 services to individuals with the most
17 significant disabilities”; and

18 (II) by striking “and” after the
19 semicolon;

20 (ii) in subparagraph (F), by striking
21 “and” after the semicolon;

22 (iii) in subparagraph (G), by striking
23 the period at the end and inserting “;
24 and”; and

1 (iv) by adding at the end the fol-
2 lowing:

3 “(H) personnel trained in providing assist-
4 ive technology services.”;

5 (B) in paragraph (4)—

6 (i) in the matter preceding subpara-
7 graph (A), by striking “title I of the Work-
8 force Investment Act of 1998” and insert-
9 ing “title II of the Workforce Investment
10 Act of 2013”;

11 (ii) in subparagraph (A), by striking
12 “workforce investment system” and insert-
13 ing “workforce development system”; and

14 (iii) in subparagraph (B), by striking
15 “section 134(e) of the Workforce Invest-
16 ment Act of 1998.” and inserting “section
17 221(e) of the Workforce Investment Act of
18 2013.”; and

19 (C) in paragraph (5)—

20 (i) by striking “title I of the Work-
21 force Investment Act of 1998” and insert-
22 ing “title II of the Workforce Investment
23 Act of 2013”; and

1 (ii) by striking “Department of
2 Labor” and inserting “Department of
3 Education”;

4 (2) in subsection (b)(1)(B)(i), by striking “or
5 prosthetics and orthotics” and inserting “prosthetics
6 and orthotics, vision rehabilitation therapy, orienta-
7 tion and mobility instruction, or low vision therapy”;

8 (3) in subsection (g)—

9 (A) in paragraph (1), by adding after the
10 period the following: “Any technical assistance
11 provided to community rehabilitation programs
12 shall be focused on the employment outcome of
13 competitive integrated employment for individ-
14 uals with disabilities.”; and

15 (B) in paragraph (3)—

16 (i) in subparagraph (A), by striking
17 clause (iv) and inserting the following:

18 “(iv) for the 2 years following the
19 date of enactment of the Workforce Invest-
20 ment Act of 2013, to provide training re-
21 garding the amendments made to this Act
22 under title V of the Workforce Investment
23 Act of 2013.”; and

24 (ii) in subparagraph (B), by striking
25 “on the date of enactment of the Rehabili-

1 tation Act Amendments of 1998” and in-
2 serting “on the date of enactment of the
3 Workforce Investment Act of 2013”; and
4 (4) in subsection (i), by striking “fiscal years
5 1999 through 2003” and inserting “fiscal years
6 2014 through 2018”.

7 **SEC. 542. DEMONSTRATION AND TRAINING PROGRAMS.**

8 Section 303 (29 U.S.C. 773) is amended—

9 (1) in subsection (b)—

10 (A) in paragraph (3)(A), by striking “Na-
11 tional Institute on Disability and Rehabilitation
12 Research” and inserting “National Institute on
13 Disability, Independent Living, and Rehabilita-
14 tion Research”;

15 (B) in paragraph (5)—

16 (i) in subparagraph (A)—

17 (I) by striking clause (i) and in-
18 serting the following:

19 “(i) an initiative focused on improving
20 transition from education to employment
21 for youth who are individuals with signifi-
22 cant disabilities, particularly in competitive
23 integrated employment, as described in
24 subsection (c);” and

1 (II) by striking clause (iii) and
2 inserting the following:

3 “(iii) increasing competitive integrated
4 employment for individuals with significant
5 disabilities.”; and

6 (ii) in subparagraph (B)(viii), by
7 striking “under title I of the Workforce In-
8 vestment Act of 1998” and inserting
9 “under title II of the Workforce Invest-
10 ment Act of 2013”; and

11 (C) by striking paragraph (6);

12 (2) by redesignating subsections (c), (d), and
13 (e), as subsections (f), (g), and (h), respectively;

14 (3) by inserting after subsection (b) the fol-
15 lowing:

16 “(c) NATIONAL TRANSITION INITIATIVE FOR YOUTH
17 WITH SIGNIFICANT DISABILITIES.—

18 “(1) PURPOSE.—The purpose of this subsection
19 is to demonstrate and increase systemic reforms nec-
20 essary for promoting the effective transition of cov-
21 ered students from secondary school to competitive
22 integrated employment settings and opportunities,
23 and ultimately to create enduring systems of service
24 delivery and training within States that facilitate the
25 transition of covered students from school to post-

1 secondary life with the emphasis on achieving the
2 outcome of competitive integrated employment.

3 “(2) COVERED STUDENTS.—

4 “(A) IN GENERAL.—In this subsection, the
5 term ‘covered student’ means an individual who
6 is not younger than 14 years of age and has not
7 yet attained 22 years of age, who is within 3
8 years of leaving secondary school and for whom,
9 without an alternative intervention, the antici-
10 pated outcome would likely be placement in a
11 facility-based day habilitation program, or in a
12 vocational or employment program where the
13 individual is paid less than minimum wage, or
14 a lack of further training and assistance and
15 who—

16 “(i) is an individual with an intellec-
17 tual disability;

18 “(ii) is an individual with a develop-
19 mental disability, as the term is defined in
20 section 102 of the Developmental Disabil-
21 ities Assistance and Bill of Rights Act of
22 2000 (42 U.S.C. 15002); or

23 “(iii) is an individual with mental ill-
24 ness.

1 “(B) INDIVIDUAL WITH AN INTELLECTUAL
2 DISABILITY.—In this paragraph, the term ‘indi-
3 vidual with an intellectual disability’ means an
4 individual with a cognitive impairment, charac-
5 terized by significant limitations in—

6 “(i) intellectual and cognitive func-
7 tioning; and

8 “(ii) adaptive behavior as expressed in
9 conceptual, social, and practical adaptive
10 skills.

11 “(3) AWARDS AUTHORIZED.—

12 “(A) COMPETITIVE AWARDS AUTHOR-
13 IZED.—The Commissioner may award grants,
14 contracts, and cooperative agreements, on a
15 competitive basis, to eligible entities described
16 in paragraph (4), to enable such entities to
17 carry out activities aimed at creating systemic
18 reform focused on the improvement of employ-
19 ment outcomes in integrated settings at min-
20 imum wage or higher with commensurate bene-
21 fits for covered students.

22 “(B) DURATION.—The Commissioner shall
23 award grants, contracts, and cooperative agree-
24 ments under this subsection for 5 years.

1 “(4) ELIGIBLE ENTITIES.—To be eligible to re-
2 ceive a grant, contract, or cooperative agreement
3 under this subsection, an applicant shall establish a
4 consortium that—

5 “(A) is managed by a multidisciplinary
6 team to include the State Department of Labor,
7 the State educational agency, the State voca-
8 tional rehabilitation agency, and either the
9 State Agency on Developmental Disabilities
10 Services or the State Department of Mental
11 Health Services, or both if individuals with in-
12 tellectual disabilities, developmental disabilities,
13 and mental illness are targeted populations of
14 the applicant;

15 “(B) includes representatives from the de-
16 velopmental disability and mental health serv-
17 ices community (including statewide provider
18 agencies such as the Developmental Disabilities
19 Planning Councils and the University Centers
20 for Excellence in Developmental Disabilities), as
21 well as individuals with disabilities and their ad-
22 vocates; and

23 “(C) includes additional public and private
24 entities, with demonstrated expertise in pro-
25 viding supported employment services in inte-

1 grated settings at minimum wage or higher
2 with commensurate benefits for covered stu-
3 dents and with expertise in the provision of em-
4 ployment supports, and that—

5 “(i) have a proven track record in suc-
6 cessfully running supported employment
7 programs;

8 “(ii) provide employment services that
9 are integrated community-based supported
10 employment services resulting in jobs at
11 minimum wage or higher with commensu-
12 rate benefits;

13 “(iii) have expertise in creating nat-
14 ural supports for employment;

15 “(iv) have expertise in providing com-
16 puter training for the targeted population
17 for the project involved; or

18 “(v) have experience operating men-
19 toring programs for the target population
20 in middle schools and high schools for not
21 less than the previous 10 years in diverse
22 communities throughout the Nation.

23 “(5) APPLICATIONS.—Each eligible entity desir-
24 ing to receive a grant, contract, or cooperative agree-
25 ment under this subsection shall submit an applica-

1 tion to the Commissioner at such time, in such man-
2 ner, and including such information as the Commis-
3 sioner may require. Each application shall include—

4 “(A) a comprehensive implementation plan
5 describing the actions the consortium intends to
6 take to carry out the activities authorized in
7 this subsection;

8 “(B) a description of the means and mech-
9 anisms by which participating State agencies
10 will coordinate efforts to evaluate and reform
11 existing State policies, regulations, guidelines,
12 operational procedures, and funding structures
13 to institute systemic change focused on improv-
14 ing employment outcomes in integrated settings
15 at minimum wage or higher with commensurate
16 benefits;

17 “(C) an evaluation plan detailing the strat-
18 egy the consortium will deploy to evaluate the
19 project, with a specific focus on the collection of
20 data on participants, including the following in-
21 formation:

22 “(i) The number of covered students
23 who directly enter competitive integrated
24 employment upon exiting the school sys-
25 tem.

1 “(ii) The wages and number of hours
2 worked of such covered students per pay
3 period.

4 “(iii) The impact of employment on
5 any Federal and State benefits received.

6 “(iv) Indicators of improved economic
7 status and self-sufficiency.

8 “(v) Data on those covered students
9 who have not yet been placed in competi-
10 tive integrated employment, including the
11 reasons that the covered students were not
12 placed in competitive integrated employ-
13 ment, as well as the progress made to date
14 in the acquisition of skills, training, and
15 development necessary to attain competi-
16 tive integrated employment;

17 “(D) a description of the ways in which
18 the consortium will disseminate information
19 about the activities and the impact of the activi-
20 ties on the lives of covered students served by
21 the project;

22 “(E) a description of the approaches the
23 consortium intends to use to coordinate activi-
24 ties with other relevant service providers in the
25 localities in which the effort will be focused, in-

1 including Centers for Independent Living under
2 title VII; and

3 “(F) a description of the policies and pro-
4 cedures, including specific program strategies
5 and financial responsibilities, that the partners
6 in the consortium (including the State agency
7 responsible for the education of students with
8 disabilities under the Individuals with Disabil-
9 ities Education Act) will implement in order to
10 develop and maintain a collaborative and co-
11 ordinated network of services and providers.

12 “(6) AUTHORIZED ACTIVITIES.—An eligible en-
13 tity that receives a grant, contract, or cooperative
14 agreement under this subsection shall use the funds
15 made available through the grant, contract, or coop-
16 erative agreement to carry out the following activi-
17 ties for covered students:

18 “(A) PROVIDING SUPPORTED COMPETITIVE
19 INTEGRATED EMPLOYMENT EXPERIENCES.—
20 The development of innovative and effective
21 strategies for attaining competitive integrated
22 employment experiences after school, on week-
23 ends, and in the summer, utilizing natural sup-
24 ports that lead to competitive high-paying jobs.

1 “(B) PROVIDING SUPPORT ACTIVITIES FOR
2 THE SUCCESSFUL TRANSITION OF YOUTH WITH
3 DISABILITIES.—The development of school-
4 based preparatory experiences, career prepara-
5 tion and work-based learning experiences (in-
6 cluding in-school, after school, and work experi-
7 ences outside the traditional school setting),
8 youth development and leadership, connecting
9 activities, and family involvement and supports
10 directly linked to the successful attainment of
11 competitive integrated employment.

12 “(C) PROVIDING TRAINING TO SCHOOL
13 AND TRANSITION PERSONNEL.—The develop-
14 ment of appropriate and effective curricula and
15 the deployment of professionals with expertise
16 to provide training to school and transition per-
17 sonnel to enable them to develop the skills need-
18 ed to train covered students to be successful in
19 attaining competitive integrated employment in
20 a range of settings, including office settings.
21 The training shall include providing instruction
22 to covered students in computer skills, office
23 skills, etiquette, and appropriate social behavior
24 required for successful long-term employment in
25 professional environments.

1 “(D) PROVIDING ASSISTANCE TO STU-
2 DENTS AND FAMILIES IN THE APPROPRIATE
3 NAVIGATION OF VARIOUS SUPPORTS, SERVICES,
4 BENEFITS, AND PROGRAMS.—The provision of
5 formal assistance to covered students and their
6 families in navigating the complex system of
7 supports and services across the array of rel-
8 evant Federal and State programs, including
9 the following:

10 “(i) An informed decision process
11 leading to an employment outcome and the
12 securing of funding supports for attaining
13 the outcome.

14 “(ii) A benefits planning process in
15 order to educate covered students and their
16 families regarding strategies for identi-
17 fying, optimizing, and managing available
18 benefits and resources.

19 “(iii) Individualized economic ad-
20 vancement strategies to increase a covered
21 student’s economic self-sufficiency, with
22 specific asset goals, including the use of fa-
23 vorable tax benefits, work incentives,
24 matched savings plans, and financial edu-
25 cation.

1 “(7) CONTINGENCY ON RECEIPT OF FUND-
2 ING.—An eligible entity that receives a grant, con-
3 tract, or cooperative agreement under this sub-
4 section shall develop a draft memorandum of under-
5 standing among State government agencies partici-
6 pating in the consortium outlining key steps to be
7 taken to collaborate and coordinate efforts to insti-
8 tute systemic change (including braided funding
9 across agencies as a methodology for streamlining
10 multiple funding streams, sharing of expertise
11 among agencies, and collaboration among key per-
12 sonnel) focused on increasing opportunities for com-
13 petitive integrated employment for covered students.

14 “(8) OUTCOMES AND EVALUATION.—An eligible
15 entity that receives a grant, contract, or cooperative
16 agreement under this subsection shall collect data
17 and report annually on, at a minimum, progress in
18 achieving specific outcomes outlined by the Commis-
19 sioner, including—

20 “(A) the number of covered students who
21 directly enter competitive integrated employ-
22 ment upon exiting the school system;

23 “(B) the wages and number of hours
24 worked of such covered students per pay period;

1 “(C) the impact of employment on any
2 Federal and State benefits received;

3 “(D) indicators of improved economic sta-
4 tus and self-sufficiency; and

5 “(E) data on those covered students who
6 have not yet been placed in competitive inte-
7 grated employment, including the reasons that
8 the covered students were not placed in com-
9 petitive integrated employment, as well as the
10 progress made to date in the acquisition of
11 skills, training, and development necessary to
12 attain competitive integrated employment.

13 “(d) COMMISSIONER’S SCHOLAR PROGRAM.—

14 “(1) IN GENERAL.—The Commissioner shall
15 annually recognize, in a highly visible manner, eligi-
16 ble individuals with significant disabilities who are
17 successfully completing a postgraduate degree in
18 law, business, science, technology, engineering,
19 mathematics, or medicine (including completing any
20 residency program).

21 “(2) STUDENT APPLICATIONS TO STATES.—Not
22 later than May of 2014 and each subsequent year,
23 each designated State unit shall solicit and consider
24 the applications of individuals with significant dis-
25 abilities who are receiving, or eligible to receive, vo-

1 cational rehabilitation services under this title and
2 who have the potential to complete rigorous profes-
3 sional training in law, medicine, science, technology,
4 engineering, mathematics, or business. The des-
5 ignated State unit shall select not more than 2 indi-
6 viduals, who are otherwise eligible for vocational re-
7 habilitation services under title I (but without regard
8 to any order of selection established under section
9 101(a)(5) in the State), for recognition as a Com-
10 missioner’s Scholar.

11 “(3) ELIGIBILITY OF STUDENTS.—In order to
12 be eligible to receive assistance through the program,
13 an applicant—

14 “(A) shall be receiving, or eligible to re-
15 ceive, vocational rehabilitation services under
16 this title pursuant to an individualized plan for
17 employment that specifies an employment out-
18 come in competitive integrated employment that
19 would require graduate studies in the relevant
20 field;

21 “(B) shall have previously completed a
22 bachelor’s degree program at an institution of
23 higher education or to be scheduled to complete
24 the degree not later than the July preceding the

1 first school year for which the applicant pro-
2 poses to use the assistance; and

3 “(C) shall have applied to, and been ac-
4 cepted by, a program at an accredited institu-
5 tion of higher education in the United States
6 that confers a juris doctor degree, a master’s of
7 business administration degree, a doctor of
8 medicine degree, a doctor of osteopathic medi-
9 cine degree, or a doctoral degree in a field of
10 science, technology, engineering, or mathe-
11 matics.

12 “(4) DETERMINATION BY THE COMMIS-
13 SIONER.—Each eligible individual selected to be a
14 Commissioner’s Scholar shall—

15 “(A) be recognized in a manner deter-
16 mined by the Commissioner; and

17 “(B) participate in Commissioner’s Scholar
18 activities, as determined by the Commissioner.

19 “(5) SERVICES AND SUPPORTS.—An individual
20 selected to be a Commissioner’s Scholar in the State
21 shall be eligible for the services and supports (in-
22 cluding tuition) needed in order to successfully com-
23 plete the individual’s degree program. Such services
24 and supports (including tuition) shall be paid for

1 from the funds appropriated under title I for the vo-
2 cational rehabilitation State grants program.

3 “(6) EFFORTS TO SECURE ASSISTANCE FROM
4 OTHER SOURCES.—The limitations of section
5 103(a)(5) that apply to training services shall apply
6 to services and supports described in paragraph (5).

7 “(7) RULE OF CONSTRUCTION.—Nothing in
8 this subsection shall prevent any designated State
9 unit from providing educational supports and serv-
10 ices, similar to the supports and services described
11 in paragraph (5), to eligible individuals with disabil-
12 ities within the State who are not served under this
13 subsection.

14 “(e) TRAINING AND TECHNICAL ASSISTANCE CEN-
15 TER TO PROMOTE HIGH-QUALITY EMPLOYMENT OUT-
16 COMES FOR INDIVIDUALS RECEIVING SERVICES FROM
17 DESIGNATED STATE AGENCIES AND AIVRS GRANT-
18 EES.—

19 “(1) IN GENERAL.—The Commissioner shall
20 award a grant, contract, or cooperative agreement to
21 an eligible entity to support a training and technical
22 assistance program that—

23 “(A) responds to agency specific informa-
24 tion requests concerning high-quality employ-
25 ment outcomes, from designated States agen-

1 cies and recipients of American Indian voca-
2 tional rehabilitation service grants funded under
3 part C of title I (referred to in this subsection
4 as ‘AIVRS grantees’), including—

5 “(i) requests for information on the
6 expansion of self-employment, business
7 ownership, business development opportu-
8 nities, and other types of entrepreneurial
9 employment opportunities for individuals
10 with disabilities;

11 “(ii) requests for information on the
12 expansion and improvement of services to
13 facilitate the transition of students with
14 disabilities from school to postsecondary
15 life, including competitive integrated em-
16 ployment;

17 “(iii) requests for examples of policies,
18 practices, procedures, or regulations that
19 have enhanced or may enhance access to
20 funding for assistive technology devices
21 and assistive technology services for indi-
22 viduals with disabilities;

23 “(iv) requests for information on ef-
24 fective approaches to enhance informed

1 choice and a consumer-directed State voca-
2 tional rehabilitation system;

3 “(v) requests for assistance developing
4 corrective action plans;

5 “(vi) requests for assistance in devel-
6 oping and implementing effective data col-
7 lection and reporting systems that measure
8 the outcomes of the vocational rehabilita-
9 tion services, and preparing reports for the
10 Commissioner as described in section
11 106(b)(1); and

12 “(vii) requests for information on ef-
13 fective approaches that enhance employ-
14 ment outcomes for individuals with disabil-
15 ities, including conducting outreach and
16 forming partnerships with business and in-
17 dustry; and

18 “(B) provides agency specific, regional,
19 and national training and technical assistance
20 concerning vocational rehabilitation services and
21 related information to designated State agencies
22 and AIVRS grantees, including—

23 “(i) facilitating on-site and electronic
24 information sharing using state-of-the-art
25 technologies, such as real-time on-line dis-

1 cussions, multipoint video conferencing,
2 and web-based audio/video broadcasts, on
3 emerging topics that affect vocational reha-
4 bilitation programs authorized under title
5 I;

6 “(ii) enabling the designated State
7 agencies and AIVRS grantees to coordi-
8 nate training and data collection efforts
9 with one-stop centers established under
10 section 221(e) of the Workforce Invest-
11 ment Act of 2013;

12 “(iii) enabling the designated State
13 agencies and AIVRS grantees to provide
14 information on how the vocational rehabili-
15 tation programs authorized under title I
16 can provide technical assistance to the one-
17 stop centers on making programs offered
18 through the centers physically and pro-
19 grammatically accessible to individuals
20 with disabilities;

21 “(iv) sharing evidence-based and
22 promising practices among the vocational
23 rehabilitation programs;

24 “(v) maintaining an accessible website
25 that includes links to—

1 “(I) the vocational rehabilitation
2 programs;

3 “(II) appropriate Federal depart-
4 ments and agencies, and private asso-
5 ciations;

6 “(III) State assistive technology
7 device and assistive technology service
8 demonstration programs, device loan
9 programs, device reutilization pro-
10 grams, alternative financing systems,
11 or State financing activities, operated
12 through, or independently of, com-
13 prehensive statewide programs of
14 technology-related assistance carried
15 out under section 4 of the Assistive
16 Technology Act of 1998 (29 U.S.C.
17 3003), telework programs, and other
18 programs that provide sources of
19 funding for assistive technology de-
20 vices; and

21 “(IV) various programs, includ-
22 ing programs with tax credits, avail-
23 able to employers for hiring or accom-
24 modating employees who are individ-
25 uals with disabilities;

1 “(vi) enhancing employment outcomes
2 for individuals with mental illness and indi-
3 viduals with cognitive disabilities, particu-
4 larly in competitive integrated employment;

5 “(vii) convening experts from the vo-
6 cational rehabilitation programs to discuss
7 and make recommendations with regard to
8 the employment of individuals with disabil-
9 ities and national emerging issues of im-
10 portance to individuals with vocational re-
11 habilitation needs;

12 “(viii) enabling the designated State
13 agencies and AIVRS grantees to provide
14 practical information on effective ap-
15 proaches for business and industry to use
16 in employing individuals with disabilities,
17 including provision of reasonable accom-
18 modations;

19 “(ix) providing information on other
20 emerging issues concerning the delivery of
21 publicly funded employment and training
22 services and supports to assist individuals
23 with disabilities to enter the workforce,
24 achieve improved employment outcomes,

1 and become economically self-sufficient;

2 and

3 “(x) carrying out such other activities

4 as the Commissioner may require.

5 “(2) ELIGIBLE ENTITIES.—In this subsection,

6 the term ‘eligible entity’ means an entity that has—

7 “(A) experience and expertise in admin-

8 istering vocational rehabilitation services;

9 “(B) documented experience with and

10 knowledge about self-employment, business

11 ownership, business development, and other

12 types of entrepreneurial employment opportuni-

13 ties and outcomes for individuals with disabili-

14 ties, providing transition services for students

15 with disabilities, and assistive technology;

16 “(C) the expertise necessary to identify the

17 additional data elements needed to provide com-

18 prehensive reporting of activities and outcomes

19 of the vocational rehabilitation programs au-

20 thorized under title I, and experience in uti-

21 lizing data to provide annual reports; and

22 “(D) personnel with the skill and back-

23 ground necessary to provide guidance or train-

24 ing to entities carrying out programs authorized

25 under section 121.

1 “(3) COLLABORATION.—In developing and pro-
2 viding training and technical assistance under this
3 subsection, a recipient of a grant, contract, or coop-
4 erative agreement under this subsection shall col-
5 laborate with other entities or individuals, in par-
6 ticular—

7 “(A) agencies carrying out vocational reha-
8 bilitation programs under title I (including the
9 programs authorized under section 121) and
10 national organizations representing such pro-
11 grams;

12 “(B) organizations representing individuals
13 with disabilities;

14 “(C) organizations representing State offi-
15 cials and agencies engaged in the delivery of as-
16 sistive technology;

17 “(D) relevant employees from Federal de-
18 partments and agencies other than the Depart-
19 ment of Labor;

20 “(E) representatives of businesses;

21 “(F) individuals with disabilities, including
22 individuals who use assistive technology and un-
23 derstand the barriers to the acquisition of such
24 technology and related services; and

1 “(G) family members, guardians, advo-
2 cates, and authorized representatives of such
3 individuals.

4 “(4) RULE OF CONSTRUCTION.—The training
5 and technical assistance provided under this sub-
6 section may be delivered through the technical as-
7 sistance and continuing education centers funded
8 under this title.”;

9 (4) in subsection (f)(2), as redesignated by
10 paragraph (2)—

11 (A) in subparagraph (E), by striking
12 “and” after the semicolon;

13 (B) by redesignating subparagraph (F) as
14 subparagraph (G); and

15 (C) by inserting after subparagraph (E)
16 the following:

17 “(F) to provide support and guidance in
18 helping individuals with significant disabilities,
19 including students with disabilities, transition
20 to competitive integrated employment; and”;
21 and

22 (5) by striking subsection (h), as redesignated
23 by paragraph (2), and inserting the following:

24 “(h) AUTHORIZATION OF APPROPRIATIONS.—

1 “(1) IN GENERAL.—For the purpose of car-
2 rying out this section there are authorized to be ap-
3 propriated such sums as may be necessary for each
4 of the fiscal years 2014 through 2018.

5 “(2) RESERVATIONS.—Of the sums appro-
6 priated under paragraph (1) for a fiscal year, the
7 Secretary may reserve not more than \$500,000 to
8 carry out subsection (e).”.

9 **SEC. 543. MIGRANT AND SEASONAL FARMWORKERS.**

10 Section 304 (29 U.S.C. 774) is amended—

11 (1) in subsection (a)(1), by striking “of Labor”;
12 and

13 (2) in subsection (b), by striking “fiscal years
14 1999 through 2003” and inserting “fiscal years
15 2014 through 2018”.

16 **SEC. 544. RECREATIONAL PROGRAMS.**

17 Section 305 (29 U.S.C. 776) is amended—

18 (1) in subsection (a)(1)(B), by striking “con-
19 struction of facilities for aquatic rehabilitation ther-
20 apy,”; and

21 (2) in subsection (b), by striking “fiscal years
22 1999 through 2003” and inserting “fiscal years
23 2014 through 2018”.

1 **Subtitle E—National Council on**
2 **Disability**

3 **SEC. 551. ESTABLISHMENT.**

4 (a) IN GENERAL.—Section 400 (29 U.S.C. 780) is
5 amended—

6 (1) in subsection (a)(1)(A), by striking “fif-
7 teen” and inserting “9”; and

8 (2) in subsection (d), by striking “Eight” and
9 inserting “Five”.

10 (b) EFFECTIVE DATE.—This section takes effect 3
11 years after the date of enactment of this Act.

12 **SEC. 552. REPORT.**

13 Section 401 (29 U.S.C. 781) is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (1), by striking “Na-
16 tional Institute on Disability and Rehabilitation
17 Research” and inserting “National Institute on
18 Disability, Independent Living, and Rehabilita-
19 tion Research” each place the term appears;

20 (B) in paragraph (2), by striking “Reha-
21 bilitation Services Administration” and insert-
22 ing “Disability Employment Services and Sup-
23 ports Administration”;

24 (C) by inserting “the appropriate Assistant
25 Secretary of the Department of Labor,” after

1 “the appropriate Assistant Secretary of the De-
2 partment of Education,”; and

3 (D) in paragraph (8), by inserting “of
4 Labor” after “Secretary”; and
5 (2) by striking subsection (c).

6 **SEC. 553. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 405 (29 U.S.C. 785) is amended by striking
8 “fiscal years 1999 through 2003” and inserting “fiscal
9 years 2014 through 2018”.

10 **Subtitle F—Rights and Advocacy**

11 **SEC. 556. INTERAGENCY COMMITTEE, BOARD, AND COUN-**

12 **CIL.**

13 (a) INTERAGENCY COMMITTEE.—Section 501 (29
14 U.S.C. 791) is amended—

15 (1) by striking subsection (f); and

16 (2) by redesignating subsection (g) as sub-
17 section (f).

18 (b) ARCHITECTURAL AND TRANSPORTATION BAR-
19 RIERS COMPLIANCE BOARD.—Section 502(j) (29 U.S.C.
20 792(j)) is amended by striking “1999 through 2003” and
21 inserting “2014 through 2018”.

22 (c) PROGRAM OR ACTIVITY.—Section 504(b)(2)(B)
23 (29 U.S.C. 794(b)(2)(B)) is amended by striking “voca-
24 tional education” and inserting “career and technical edu-
25 cation”.

1 (d) INTERAGENCY DISABILITY COORDINATING
2 COUNCIL.—Section 507(a) (29 U.S.C. 794e(a)) is amend-
3 ed by inserting “the Chairperson of the National Council
4 on Disability,” before “and such other”.

5 **SEC. 557. PROTECTION AND ADVOCACY OF INDIVIDUAL**
6 **RIGHTS.**

7 Section 509 (29 U.S.C. 794e) is amended—

8 (1) in subsection (c)(1)(A), by inserting “a
9 grant or contract for” before “training”;

10 (2) in subsection (f)—

11 (A) in paragraph (2),—

12 (i) by striking “general” and all that
13 follows through “records” and inserting
14 “general authorities (including rights and
15 remedies), including the authority to access
16 records”; and

17 (ii) by inserting “of title I” after
18 “subtitle C”; and

19 (B) in paragraph (3), by striking “author-
20 ity” and inserting “authority (including the
21 right)”;

22 (3) in subsection (g)(2), by striking “was paid”
23 and all that follows and inserting “was paid, except
24 that program income generated from the amount
25 paid to an eligible system for a fiscal year shall re-

1 main available to such system for the following 2 fis-
2 cal years.”;

3 (4) in subsection (l), by striking “1999 through
4 2003” and inserting “2014 through 2018”;

5 (5) by redesignating subsections (l) and (m) as
6 subsections (m) and (n), respectively; and

7 (6) by inserting after subsection (k) the fol-
8 lowing:

9 “(l) SYSTEM AUTHORITY.—For purposes of serving
10 persons eligible for services under this section, an eligible
11 system shall have the same general authorities, including
12 access to records, as the system is afforded under subtitle
13 C of title I of the Developmental Disabilities Assistance
14 and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.),
15 as determined by the Commissioner of the Administration
16 on Developmental Disabilities.”.

17 **SEC. 558. EMPLOYMENT OF INDIVIDUALS WITH DISABIL-**
18 **ITIES AT WAGES BELOW MINIMUM WAGE.**

19 (a) IN GENERAL.—Title V (29 U.S.C. 791 et seq.)
20 is amended by adding at the end the following:

21 **“SEC. 511. EMPLOYMENT OF INDIVIDUALS WITH DISABIL-**
22 **ITIES AT A SUBMINIMUM WAGE.**

23 “(a) IN GENERAL.—An entity, including a contractor
24 or subcontractor of the entity, may not employ an indi-
25 vidual with a disability at a wage (referred to in this sec-

1 tion as a ‘subminimum wage’) that is less than the Federal
2 minimum wage, unless the entity has complied with the
3 requirements of section 14(c) of the Fair Labor Standards
4 Act of 1938 (29 U.S.C. 214(c)), and any of the following
5 additional conditions is met:

6 “(1) The individual is currently employed, as of
7 the effective date of this section, by an entity that
8 holds a valid certificate pursuant to section 14(c) of
9 the Fair Labor Standards Act of 1938 (referred to
10 in this section as a ‘certificate holder’).

11 “(2) The individual is older than age 24 on the
12 date when the individual begins employment at a
13 subminimum wage.

14 “(3) The individual is age 24 or younger and,
15 before beginning work at a subminimum wage, has
16 completed, and produces documentation indicating
17 completion of, each of the following 3 actions:

18 “(A) The individual has received pre-em-
19 ployment transition services that are available
20 to the individual under section 114, 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 “(B) The individual has applied for voca-
2 tional rehabilitation services under title I, with
3 the result that—

4 “(i) the individual has been found in-
5 eligible for the services pursuant to that
6 title; or

7 “(ii)(I) the individual has been deter-
8 mined to be eligible for vocational rehabili-
9 tation services;

10 “(II) the individual has an individual-
11 ized plan for employment under section
12 102;

13 “(III) the individual has been working
14 toward an employment outcome specified
15 in such individualized plan for employ-
16 ment, with appropriate supports and serv-
17 ices, for a reasonable period of time with-
18 out success; and

19 “(IV) the individual’s vocational reha-
20 bilitation case is closed after the individ-
21 ual’s qualified vocational rehabilitation
22 counselor and the individual both agree
23 that continued efforts by the individual to
24 work toward an employment outcome, as

1 defined in section 7, at the present time
2 will likely not be successful.

3 “(C) The individual (with, in an appro-
4 priate case, the individual’s parent or guard-
5 ian)—

6 “(i) has been provided career coun-
7 seling, and information and referrals to
8 Federal and State programs and other re-
9 sources in the individual’s geographic area
10 that offer employment-related services and
11 supports designed to enable the individual
12 to explore, discover, experience, and attain
13 competitive integrated employment;

14 “(ii) understands the conditions under
15 which a subminimum wage may be paid;
16 and

17 “(iii) consents to work for the em-
18 ployer and be paid a subminimum wage.

19 “(4) The individual, regardless of age, is receiv-
20 ing work readiness or job training services provided
21 by a certificate holder, as part of the individual’s
22 preparation for competitive integrated employment,
23 for—

24 “(A) a period of not more than 6 months;

25 or

1 “(B) a longer period, if the individual
2 wishes to continue to receive such services after
3 an initial 6-month period and is reassessed by
4 the agency referring the individual for such
5 services, or an appropriate entity, not less often
6 than every 6 months, to determine the individ-
7 ual’s ability to transition to competitive inte-
8 grated employment.

9 “(b) CONSTRUCTION.—

10 “(1) SERVICES.—Nothing in subsection
11 (a)(3)(B) shall be construed to prohibit a designated
12 State unit from allowing an individual to receive
13 work readiness or job training services provided by
14 a certificate holder, for a period of not more than 6
15 months.

16 “(2) RULE.—Nothing in this section shall be
17 construed as changing the purpose of this Act de-
18 scribed in section 2(b)(1), to empower individuals
19 with disabilities to maximize opportunities for com-
20 petitive integrated employment.

21 “(c) DURING EMPLOYMENT.—

22 “(1) IN GENERAL.—The entity described in
23 subsection (a) may not continue to employ an indi-
24 vidual at a subminimum wage unless, after the indi-
25 vidual begins work at that wage, at the intervals de-

1 scribed in paragraph (2), the individual (with, in an
2 appropriate case, the individual’s parent or guard-
3 ian)—

4 “(A) is provided career counseling, and in-
5 formation and referrals described in subsection
6 (a)(3)(C)(i), delivered in a manner that facili-
7 tates independent decisionmaking and informed
8 choice, as the individual makes decisions re-
9 garding employment and career advancement;
10 and

11 “(B) is informed by the employer of self-
12 advocacy, self-determination, and peer men-
13 toring training opportunities available in the in-
14 dividual’s geographic area, provided by an enti-
15 ty that does not have any financial interest in
16 the individual’s employment outcome, under ap-
17 plicable Federal and State programs or other
18 sources.

19 “(2) TIMING.—The actions required under sub-
20 paragraphs (A) and (B) of paragraph (1) shall be
21 carried out once every 6 months for the first year
22 of the individual’s employment at a subminimum
23 wage, and annually thereafter for the duration of
24 such employment.

1 “(3) SMALL BUSINESS EXCEPTION.—In the
2 event that the entity described in subsection (a) is
3 a business with fewer than 15 employees, such entity
4 can satisfy the requirements of subparagraphs (A)
5 and (B) of paragraph (1) by referring the individual,
6 at the intervals described in paragraph (2), to the
7 designated State unit for the counseling, informa-
8 tion, and referrals described in subparagraph (A)
9 and the information described in subparagraph (B).

10 “(d) DOCUMENTATION.—

11 “(1) IN GENERAL.—The designated State unit,
12 in consultation with the State educational agency,
13 shall develop a new process or utilize an existing
14 process, consistent with guidelines developed by the
15 Secretary, to document the completion of the actions
16 described in subparagraphs (A), (B), and (C) of sub-
17 section (a)(3) by a youth with a disability who is an
18 individual with a disability.

19 “(2) DOCUMENTATION PROCESS.—Such process
20 shall require that—

21 “(A) in the case of a student with a dis-
22 ability, for documentation of actions described
23 in subsection (a)(3)(A)—

24 “(i) if such a student with a disability
25 receives and completes each category de-

1 scribed in clauses (i) through (v) of section
2 7(30)(B) of available pre-employment tran-
3 sition services, such completion of services
4 shall be documented by the designated
5 State unit in a manner consistent with this
6 section;

7 “(ii) if such a student with a disability
8 receives and completes any transition serv-
9 ices available for students with disabilities
10 under the Individuals with Disabilities
11 Education Act, including those provided
12 under section 614(d)(1)(A)(i)(VIII) (20
13 U.S.C. 1414(d)(1)(A)(i)(VIII)), such com-
14 pletion of services shall be documented by
15 the appropriate school official responsible
16 for the provision of such transition services
17 for students with disabilities in the school
18 or school district, in a manner consistent
19 with this section; and

20 “(iii) a Local Pre-Employment Tran-
21 sition Coordinator shall provide the final
22 documentation, in a form and manner con-
23 sistent with this section, of the completion
24 of pre-employment transition services as
25 described in clause (i), or transition serv-

1 ices under the Individuals with Disabilities
2 Education Act as described in clause (ii),
3 to the student with a disability within a
4 reasonable period of time following the
5 completion; and

6 “(B) when an individual has completed the
7 actions described in subsection (a)(3)(C), fol-
8 lowing the completion of the actions described
9 in subparagraphs (A) and (B) of subsection
10 (a)(3), the designated State unit shall provide
11 the individual a document indicating such com-
12 pletion, in a manner consistent with this sec-
13 tion, within a reasonable time period following
14 the completion of the actions described in this
15 subparagraph.

16 “(e) VERIFICATION.—

17 “(1) BEFORE EMPLOYMENT.—Before an indi-
18 vidual covered by subsection (a)(3) begins work for
19 an employer at a subminimum wage, the employer
20 shall review the documentation received by the indi-
21 vidual under subsection (d), and provided by the in-
22 dividual to the employer, that indicates that the in-
23 dividual has completed the actions described in sub-
24 paragraphs (A), (B), and (C) of subsection (a)(3)

1 and the employer shall maintain copies of the docu-
2 mentation.

3 “(2) DURING EMPLOYMENT.—In order to con-
4 tinue to employ an individual at a subminimum
5 wage, the employer shall verify completion of the re-
6 quirements of subsection (c), including reviewing any
7 relevant documents provided by the individual, and
8 shall maintain copies of the documentation.

9 “(f) FEDERAL MINIMUM WAGE.—In this section, the
10 term ‘Federal minimum wage’ means the rate applicable
11 under section 6(a)(1) of the Fair Labor Standards Act
12 of 1938 (29 U.S.C. 206(a)(1)).”.

13 (b) EFFECTIVE DATE.—This section takes effect 2
14 years after the date of enactment of the Workforce Invest-
15 ment Act of 2013.

16 **Subtitle G—Employment Opportu-**
17 **nities for Individuals With Dis-**
18 **abilities**

19 **SEC. 561. PROJECTS WITH INDUSTRY.**

20 Section 611 (29 U.S.C. 795) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1)—

23 (i) by striking “in the competitive”
24 and inserting “in competitive integrated
25 employment in the”; and

1 (ii) by inserting “locally” after “ca-
2 reer advancement”; and

3 (B) in paragraph (2)—

4 (i) in the matter preceding subpara-
5 graph (A)—

6 (I) by inserting “local and na-
7 tional” after “jointly financed”;

8 (II) by inserting “in competitive
9 integrated employment” after “career
10 opportunities”; and

11 (III) by striking “Secretary of
12 Labor” and inserting “Secretary of
13 Education”;

14 (ii) in subparagraph (A)—

15 (I) by striking clause (ii) and in-
16 serting the following:

17 “(ii) identify job and career availability
18 within the community, consistent with the exist-
19 ing and emerging in-demand industry sectors
20 and occupations, and the employment needs of
21 employers in those industry sectors and occupa-
22 tions, identified by the local workforce develop-
23 ment board for the corresponding local area
24 under section 118(b)(1)(A) of the Workforce
25 Investment Act of 2013;”;

1 (II) in clause (iii), by striking
2 “and” after the semicolon;

3 (III) in clause (iv), by inserting
4 “and” after the semicolon; and

5 (IV) by adding at the end the fol-
6 lowing:

7 “(v) coordinate such training and job
8 placement activities with the local workforce de-
9 velopment boards described in clause (ii) as ap-
10 propriate, and with the Job Corps center indus-
11 try councils established under section 254 of
12 the Workforce Investment Act of 2013.”; and

13 (iii) in subparagraph (C)—

14 (I) in clause (i), by striking
15 “and” after the semicolon;

16 (II) by redesignating clause (ii)
17 as clause (iii); and

18 (III) by inserting after clause (i)
19 the following:

20 “(ii) internship programs for individuals
21 with disabilities who seek employment; and”;

22 (2) in subsection (e)(2), by striking “in States,
23 portions of States, Indian tribes, or tribal organiza-
24 tions” and inserting “nationally or in States, in por-

1 tions of States, across multiple States, or in Indian
2 tribes or tribal organizations”; and

3 (3) by adding at the end the following:

4 “(i) PROHIBITED USE OF FUNDS.—Grant funds
5 awarded under this section shall not be used to support
6 services in sheltered workshops or segregated settings.”.

7 **SEC. 562. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 612 (29 U.S.C. 795a) is amended by striking
9 “fiscal years 1999 through 2003” and inserting “fiscal
10 years 2014 through 2018”.

11 **SEC. 563. SUPPORTED EMPLOYMENT SERVICES.**

12 Part B of title VI (29 U.S.C. 795g) is amended to
13 read as follows:

14 **“PART B—SUPPORTED EMPLOYMENT SERVICES**
15 **FOR INDIVIDUALS WITH THE MOST SIGNIFI-**
16 **CANT DISABILITIES**

17 **“SEC. 621. PURPOSE.**

18 “It is the purpose of this part to authorize allotments,
19 in addition to grants for vocational rehabilitation services
20 under title I, to assist States in developing collaborative
21 programs with appropriate entities to provide supported
22 employment services for individuals with the most signifi-
23 cant disabilities, including youth with the most significant
24 disabilities, to enable such individuals to achieve an em-

1 ployment outcome of supported employment in competitive
2 integrated employment.

3 **“SEC. 622. ALLOTMENTS.**

4 “(a) IN GENERAL.—

5 “(1) STATES.—The Secretary shall allot the
6 sums appropriated for each fiscal year to carry out
7 this part among the States on the basis of relative
8 population of each State, except that—

9 “(A) no State shall receive less than
10 \$250,000, or $\frac{1}{3}$ of 1 percent of the sums ap-
11 propriated for the fiscal year for which the al-
12 lotment is made, whichever amount is greater;
13 and

14 “(B) if the sums appropriated to carry out
15 this part for the fiscal year exceed the sums ap-
16 propriated to carry out this part for fiscal year
17 1992 by \$1,000,000 or more, no State shall re-
18 ceive less than \$300,000, or $\frac{1}{3}$ of 1 percent of
19 the sums appropriated for the fiscal year for
20 which the allotment is made, whichever amount
21 is greater.

22 “(2) CERTAIN TERRITORIES.—

23 “(A) IN GENERAL.—For the purposes of
24 this subsection, Guam, American Samoa, the
25 United States Virgin Islands, and the Common-

1 wealth of the Northern Mariana Islands shall
2 not be considered to be States.

3 “(B) ALLOTMENT.—Each jurisdiction de-
4 scribed in subparagraph (A) shall be allotted
5 not less than $\frac{1}{8}$ of 1 percent of the amounts
6 appropriated for the fiscal year for which the
7 allotment is made.

8 “(b) REALLOTMENT.—Whenever the Commissioner
9 determines that any amount of an allotment to a State
10 for any fiscal year will not be expended by such State for
11 carrying out the provisions of this part, the Commissioner
12 shall make such amount available for carrying out the pro-
13 visions of this part to 1 or more of the States that the
14 Commissioner determines will be able to use additional
15 amounts during such year for carrying out such provi-
16 sions. Any amount made available to a State for any fiscal
17 year pursuant to the preceding sentence shall, for the pur-
18 poses of this section, be regarded as an increase in the
19 allotment of the State (as determined under the preceding
20 provisions of this section) for such year.

21 “(c) LIMITATIONS ON ADMINISTRATIVE COSTS.—A
22 State that receives an allotment under this part shall not
23 use more than 5 percent of the funds made available
24 through the allotment to pay for administrative costs.

1 “(d) SERVICES FOR YOUTH WITH THE MOST SIG-
2 NIFICANT DISABILITIES.—A State that receives an allot-
3 ment under this part shall expend half of the allotment
4 for the provision of supported employment services, in-
5 cluding extended services, to youth with the most signifi-
6 cant disabilities in order to assist those youth to achieve
7 an employment outcome in supported employment.

8 **“SEC. 623. AVAILABILITY OF SERVICES.**

9 “(a) SUPPORTED EMPLOYMENT SERVICES.—Funds
10 provided under this part may be used to provide supported
11 employment services to individuals who are eligible under
12 this part.

13 “(b) EXTENDED SERVICES.—

14 “(1) IN GENERAL.—Except as provided in para-
15 graph (2), funds provided under this part, or title I,
16 may not be used to provide extended services to indi-
17 viduals who are eligible under this part or title I.

18 “(2) EXTENDED SERVICES FOR YOUTH WITH
19 THE MOST SIGNIFICANT DISABILITIES.—Funds allot-
20 ted under this part, or title I, and used for the pro-
21 vision of services under this part to youth with the
22 most significant disabilities pursuant to section
23 622(d), may be used to provide extended services to
24 youth with the most significant disabilities. Such ex-

1 tended services shall be available for a period not to
2 exceed 4 years.

3 **“SEC. 624. ELIGIBILITY.**

4 “An individual, including a youth with a disability,
5 shall be eligible under this part to receive supported em-
6 ployment services authorized under this part if—

7 “(1) the individual is eligible for vocational re-
8 habilitation services under title I;

9 “(2) the individual is determined to be an indi-
10 vidual with a most significant disability;

11 “(3) for purposes of activities carried out with
12 funds described in section 622(d), the individual is
13 a youth with a disability, as defined in section
14 (7)(42); and

15 “(4) a comprehensive assessment of rehabilita-
16 tion needs of the individual described in section
17 7(2)(B), including an evaluation of rehabilitation,
18 career, and job needs, identifies supported employ-
19 ment as the appropriate employment outcome for
20 the individual.

21 **“SEC. 625. STATE PLAN.**

22 “(a) STATE PLAN SUPPLEMENTS.—To be eligible for
23 an allotment under this part, a State shall submit to the
24 Commissioner, as part of the State plan under section
25 101, a State plan supplement for providing supported em-

1 ployment services authorized under this Act to individuals,
2 including youth with the most significant disabilities, who
3 are eligible under this Act to receive the services. Each
4 State shall make such annual revisions in the plan supple-
5 ment as may be necessary.

6 “(b) CONTENTS.—Each such plan supplement
7 shall—

8 “(1) designate each designated State agency as
9 the agency to administer the program assisted under
10 this part;

11 “(2) summarize the results of the comprehen-
12 sive, statewide assessment conducted under section
13 101(a)(15)(A)(i), with respect to the rehabilitation
14 needs of individuals, including youth, with signifi-
15 cant disabilities and the need for supported employ-
16 ment services, including needs related to coordina-
17 tion;

18 “(3) describe the quality, scope, and extent of
19 supported employment services authorized under this
20 Act to be provided to individuals, including youth
21 with the most significant disabilities, who are eligible
22 under this Act to receive the services and specify the
23 goals and plans of the State with respect to the dis-
24 tribution of funds received under section 622;

1 “(4) demonstrate evidence of the efforts of the
2 designated State agency to identify and make ar-
3 rangements (including entering into cooperative
4 agreements) with other State agencies and other ap-
5 propriate entities to assist in the provision of sup-
6 ported employment services;

7 “(5) demonstrate evidence of the efforts of the
8 designated State agency to identify and make ar-
9 rangements (including entering into cooperative
10 agreements) with other public or nonprofit agencies
11 or organizations within the State, employers, natural
12 supports, and other entities with respect to the pro-
13 vision of extended services;

14 “(6) describe the activities to be conducted pur-
15 suant to section 622(d) for youth with the most sig-
16 nificant disabilities, including—

17 “(A) the provision of extended services for
18 a period not to exceed 4 years; and

19 “(B) how the State will use the funds spec-
20 ified in section 622(d) to leverage other public
21 and private funds to increase resources for ex-
22 tended services and expand supported employ-
23 ment opportunities for youth with the most sig-
24 nificant disabilities;

25 “(7) provide assurances that—

1 “(A) funds made available under this part
2 will only be used to provide supported employ-
3 ment services authorized under this Act to indi-
4 viduals who are eligible under this part to re-
5 ceive the services;

6 “(B) the comprehensive assessments of in-
7 dividuals with significant disabilities, including
8 youth with the most significant disabilities, con-
9 ducted under section 102(b)(1) and funded
10 under title I will include consideration of sup-
11 ported employment as an appropriate employ-
12 ment outcome;

13 “(C) an individualized plan for employ-
14 ment, as required by section 102, will be devel-
15 oped and updated using funds under title I in
16 order to—

17 “(i) specify the supported employment
18 services to be provided, including, as ap-
19 propriate, for youth with the most signifi-
20 cant disabilities, transition services, and
21 pre-employment transition services pro-
22 vided in accordance with sections
23 101(a)(25) and 114;

24 “(ii) specify the expected extended
25 services needed, including the extended

1 services that may be provided to youth
2 with the most significant disabilities under
3 this part, in accordance with an approved
4 individualized plan for employment, for a
5 period not to exceed 4 years; and

6 “(iii) identify, as appropriate, the
7 source of extended services, which may in-
8 clude natural supports, or that it is not
9 possible to identify the source of extended
10 services at the time the individualized plan
11 for employment is developed;

12 “(D) the State will use funds provided
13 under this part only to supplement, and not
14 supplant, the funds provided under title I, in
15 providing supported employment services speci-
16 fied in the individualized plan for employment;

17 “(E) services provided under an individual-
18 ized plan for employment will be coordinated
19 with services provided under other individual-
20 ized plans established under other Federal or
21 State programs;

22 “(F) to the extent jobs skills training is
23 provided, the training will be provided onsite;

24 “(G) supported employment services will
25 include placement in an integrated setting

1 based on the unique strengths, resources, prior-
2 ities, concerns, abilities, capabilities, interests,
3 and informed choice of individuals with the
4 most significant disabilities;

5 “(H) the State agencies designated under
6 paragraph (1) will expend not more than 5 per-
7 cent of the allotment of the State under this
8 part for administrative costs of carrying out
9 this part; and

10 “(I) with respect to supported employment
11 services provided to youth with the most signifi-
12 cant disabilities pursuant to section 622(d), the
13 designated State agency will provide, directly or
14 indirectly through public or private entities,
15 non-Federal contributions towards the grant
16 award in an amount that is not less than 10
17 percent of the costs of carrying out such serv-
18 ices; and

19 “(8) contain such other information and be sub-
20 mitted in such manner as the Commissioner may re-
21 quire.

22 **“SEC. 626. RESTRICTION.**

23 “Each State agency designated under section
24 625(b)(1) shall collect the information required by section
25 101(a)(10) separately for—

1 “(1) eligible individuals receiving supported em-
2 ployment services under this part;

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 part; and

7 “(4) eligible youth receiving supported employ-
8 ment services under title I.

9 **“SEC. 627. SAVINGS PROVISION.**

10 “(a) SUPPORTED EMPLOYMENT SERVICES.—Noth-
11 ing in this Act shall be construed to prohibit a State from
12 providing supported employment services in accordance
13 with the State plan submitted under section 101 by using
14 funds made available through a State allotment under sec-
15 tion 110.

16 “(b) POSTEMPLOYMENT SERVICES.—Nothing in this
17 part shall be construed to prohibit a State from providing
18 discrete postemployment services in accordance with the
19 State plan submitted under section 101 by using funds
20 made available through a State allotment under section
21 110 to an individual who is eligible under this part.

22 **“SEC. 628. AUTHORIZATION OF APPROPRIATIONS.**

23 “There is authorized to be appropriated to carry out
24 this part, including for technical assistance, such sums as

1 may be necessary for each of the fiscal years 2014 through
2 2018.”.

3 **Subtitle H—Independent Living**
4 **Services and Centers for Inde-**
5 **pendent Living**

6 **CHAPTER 1—GENERAL PROVISIONS**

7 **SEC. 571. PURPOSE.**

8 Section 701 (29 U.S.C. 796) is amended, in para-
9 graph (3), by inserting before the period the following: “,
10 with the goal of improving the independence of and equal
11 opportunity for individuals with disabilities”.

12 **SEC. 572. INDEPENDENT LIVING ADMINISTRATION.**

13 Title VII (29 U.S.C. 796 et seq.) is amended by in-
14 serting after section 701 the following:

15 **“SEC. 701A. INDEPENDENT LIVING ADMINISTRATION.**

16 “(a) ESTABLISHMENT.—In order to promote the phi-
17 losophy and purpose of section 701, there is established
18 within the Administration for Community Living of the
19 Department of Health and Human Services, an Inde-
20 pendent Living Administration.

21 “(b) DIRECTOR.—

22 “(1) APPOINTMENT.—The Independent Living
23 Administration shall be headed by a Director (re-
24 ferred to in this title as the ‘ILA Director’) ap-

1 pointed by the Secretary of Health and Human
2 Services.

3 “(2) QUALIFICATIONS.—The ILA Director shall
4 have substantial knowledge of independent living
5 services.

6 “(3) AUTHORITIES.—The Independent Living
7 Administration shall be the principal agency, and
8 the ILA Director shall be the principal officer, to
9 carry out this title. In performing the functions of
10 the office, the ILA Director shall be directly respon-
11 sible to the Administrator for the Administration for
12 Community Living of the Department of Health and
13 Human Services.

14 “(c) GENERAL COUNSEL.—The Office of the General
15 Counsel of the Department of Health and Human Services
16 shall designate 1 or more individuals, with substantial
17 background and experience in, and knowledge of, inde-
18 pendent living services, centers for independent living, and
19 Statewide Independent Living Councils, under this title,
20 to provide advice, support, and technical assistance to the
21 ILA Director.

22 “(d) INPUT.—The ILA Director shall have the au-
23 thority to seek such input and advice, including convening
24 meetings, as the ILA Director determines to be appro-

1 p r i a t e w i t h r e s p e c t t o t h e p o l i c i e s a n d c o n d u c t o f t h e I n d e -
2 p e n d e n t L i v i n g A d m i n i s t r a t i o n .

3 “(e) STAFF.—The Secretary shall ensure that—

4 “(1) the Independent Living Administration has
5 sufficient staff to provide oversight of, conduct au-
6 diting of, and provide technical assistance to, the
7 centers for independent living and Statewide Inde-
8 pendent Living Councils funded under this Act; and

9 “(2) such staff includes qualified individuals
10 who have significant experience with centers for
11 independent living or Statewide Independent Living
12 Councils described in section 705.”.

13 **SEC. 573. DEFINITIONS.**

14 Section 702 (29 U.S.C. 796a) is amended—

15 (1) in paragraph (1)—

16 (A) in the matter before subparagraph (A),
17 by inserting “for individuals with significant
18 disabilities (regardless of age or income)” be-
19 fore “that—”;

20 (B) in subparagraph (A), by striking
21 “and” at the end;

22 (C) in subparagraph (B), by striking the
23 period and inserting “, including, at a min-
24 imum, independent living core services as de-
25 fined in section 7(17); and”;

1 (D) by adding at the end the following:

2 “(C) has sufficient staff to provide the
3 services described in subparagraph (B).”; and

4 (2) in paragraph (2), by striking the period and
5 inserting the following: “, both in terms of—

6 “(A) the management, staffing, decision-
7 making, and operation of the center; and

8 “(B) the center’s establishment of policies,
9 direction, and provision of services.”.

10 **SEC. 574. STATE PLAN.**

11 Section 704 (29 U.S.C. 796c) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) by inserting after “State plan” the
15 following: “developed and signed in accord-
16 ance with paragraph (2),”; and

17 (ii) by striking “Commissioner” each
18 place it appears and inserting “ILA Direc-
19 tor”;

20 (B) in paragraph (2)—

21 (i) in the matter preceding subpara-
22 graph (A), by striking “developed and
23 signed by”; and

24 (ii) by striking subparagraphs (A) and
25 (B) and inserting the following:

1 “(A) developed by the chairperson of the
2 Statewide Independent Living Council, and the
3 directors of the centers for independent living
4 in the State, after receiving public input from
5 individuals with disabilities and other stake-
6 holders throughout the State; and

7 “(B) signed by—

8 “(i) the chairperson of the Statewide
9 Independent Living Council, acting on be-
10 half of and at the direction of the Council;

11 “(ii) the director of the designated
12 State entity described in subsection (c);
13 and

14 “(iii) not less than 51 percent of the
15 directors of the centers for independent liv-
16 ing in the State.”;

17 (C) in paragraph (3)—

18 (i) in subparagraph (A), by striking
19 “State independent living services” and in-
20 serting “independent living services in the
21 State”;

22 (ii) in subparagraph (B), by striking
23 “and” at the end; and

24 (iii) by striking subparagraph (C) and
25 inserting the following:

1 “(C) working relationships and collabora-
2 tion between—

3 “(i) centers for independent living;
4 and

5 “(ii)(I) entities carrying out programs
6 that provide independent living services, in-
7 cluding those serving older individuals;

8 “(II) other community-based organi-
9 zations that provide or coordinate the pro-
10 vision of housing, transportation, employ-
11 ment, information and referral assistance,
12 services, and supports for individuals with
13 significant disabilities; and

14 “(III) entities carrying out other pro-
15 grams providing services for individuals
16 with disabilities; and

17 “(D) cooperative agreements and partner-
18 ships to provide a seamless model for provision
19 of services to individuals with disabilities and to
20 avoid duplication of services.”;

21 (D) in paragraph (4), by striking “Com-
22 missioner” each place it appears and inserting
23 “ILA Director”; and

24 (E) by adding at the end the following:

1 “(5) STATEWIDENESS.—The State plan shall
2 provide for the provision of independent living serv-
3 ices on a statewide basis, to the greatest extent pos-
4 sible, including through the establishment of addi-
5 tional centers for independent living, expanded
6 catchment areas, or focused outreach to serve under-
7 served populations.”;

8 (2) in subsection (b), by striking the period and
9 inserting the following: “, as well as a plan for fund-
10 ing the administrative costs of the Council.”;

11 (3) in subsection (c)—

12 (A) in the subsection heading, by striking
13 “UNIT” and inserting “ENTITY”;

14 (B) in the matter preceding paragraph (1),
15 by striking “the designated State unit of such
16 State” and inserting “a State entity of such
17 State (referred to in this title as the ‘designated
18 State entity’)”;

19 (C) in paragraphs (3) and (4), by striking
20 “Commissioner” each place it appears and in-
21 serting “ILA Director”;

22 (D) in paragraph (3), by striking “and” at
23 the end;

24 (E) in paragraph (4), by striking the pe-
25 riod and inserting “; and”; and

1 (F) by adding at the end the following:

2 “(5) retain not more than 15 percent of the
3 funds received by the State for any fiscal year under
4 part B, for the performance of the services outlined
5 in paragraphs (1) through (4).”;

6 (4) in subsection (i), by striking paragraphs (1)
7 and (2) and inserting the following:

8 “(1) the Statewide Independent Living Council;

9 “(2) centers for independent living;

10 “(3) the designated State entity; and

11 “(4) other State agencies or entities rep-
12 resented on the Council, other councils that address
13 the needs and issues of specific disability popu-
14 lations, and other public and private entities deter-
15 mined to be appropriate by the Council.”;

16 (5) in subsection (m)—

17 (A) in paragraph (4), by striking “Com-
18 missioner” each place it appears and inserting
19 “ILA Director”; and

20 (B) in paragraph (5), by striking “Com-
21 missioner” each place it appears and inserting
22 “ILA Director”; and

23 (6) by adding at the end the following:

24 “(o) PROMOTING FULL ACCESS TO COMMUNITY
25 LIFE.—

1 “(1) IN GENERAL.—The plan shall describe
2 how the State will provide independent living serv-
3 ices that promote full access to community life for
4 individuals with significant disabilities.

5 “(2) SERVICES.—The services shall include—

6 “(A) facilitating transitions of individuals
7 with significant disabilities from nursing homes
8 and other institutions, to home and community-
9 based residences, with the requisite supports
10 and services;

11 “(B) providing assistance to individuals
12 with significant disabilities that are at risk of
13 entering institutions so that the individuals may
14 remain in the community; and

15 “(C) facilitating transitions of youth (in-
16 cluding students) who are individuals with sig-
17 nificant disabilities, who were eligible for indi-
18 vidualized education programs under section
19 614(d) of the Individuals with Disabilities Edu-
20 cation Act (20 U.S.C. 1414(d)), and who have
21 completed their secondary education or other-
22 wise left school, to postsecondary life, including
23 employment.”.

24 **SEC. 575. STATEWIDE INDEPENDENT LIVING COUNCIL.**

25 Section 705 (29 U.S.C. 796d) is amended—

1 (1) in subsection (b)—

2 (A) by striking paragraph (2) and insert-
3 ing the following:

4 “(2) COMPOSITION.—The Council shall in-
5 clude—

6 “(A) among its voting members, at least 1
7 director of a center for independent living cho-
8 sen by the directors of centers for independent
9 living within the State;

10 “(B) among its voting members, for a
11 State in which 1 or more centers for inde-
12 pendent living are run by, or in conjunction
13 with, the governing bodies of American Indian
14 tribes located on Federal or State reservations,
15 at least 1 representative of the directors of the
16 centers; and

17 “(C) as ex officio, nonvoting members, a
18 representative of the designated State entity,
19 and representatives from State agencies that
20 provide services for individuals with disabil-
21 ities.”;

22 (B) in paragraph (3)—

23 (i) by redesignating subparagraphs
24 (C) through (F) as subparagraphs (D)
25 through (G), respectively;

1 (ii) in subparagraph (B), by striking
2 “parents and guardians of”; and

3 (iii) by inserting after paragraph (B)
4 the following:

5 “(C) parents and guardians of individuals
6 with disabilities;”;

7 (C) in paragraph (5)(B), by striking
8 “paragraph (3)” and inserting “paragraph
9 (1)”; and

10 (D) in paragraph (6), by striking subpara-
11 graph (B) and inserting the following:

12 “(B) NUMBER OF TERMS.—No member of
13 the Council, other than a representative de-
14 scribed in paragraph (2)(A) if there is only one
15 center for independent living within the State,
16 may serve more than 2 consecutive full terms.”;

17 (2) by striking subsection (c) and inserting the
18 following:

19 “(c) FUNCTIONS.—

20 “(1) DUTIES.—The Council shall—

21 “(A) in conjunction with the directors of
22 the centers for independent living in the State,
23 jointly develop the State plan as provided in
24 section 704(a)(2), and sign the State plan;

1 “(B) monitor, review, and evaluate the im-
2 plementation of the State plan;

3 “(C) have at least 4 regularly scheduled
4 meetings per year, and ensure that such meet-
5 ings of the Council are open to the public and
6 sufficient advance notice of such meetings is
7 provided;

8 “(D) submit to the ILA Director such
9 periodic reports as the ILA Director may rea-
10 sonably request, and keep such records, and af-
11 ford such access to such records, as the ILA
12 Director finds necessary to verify the informa-
13 tion in such reports; and

14 “(E) as appropriate, coordinate activities
15 with other entities in the State that provide
16 services similar to or complementary to inde-
17 pendent living services, such as entities that fa-
18 cilitate the provision of or provide long-term
19 community-based services and supports.

20 “(2) AUTHORITIES.—The Council may, con-
21 sistent with the State plan described in section 704,
22 unless prohibited by State law—

23 “(A) facilitate the improvement and co-
24 ordination of services provided to individuals
25 with disabilities by centers for independent liv-

1 ing, government agencies, and community orga-
2 nizations;

3 “(B) conduct resource development activi-
4 ties to obtain funding from public and private
5 resources to support the activities described in
6 this subsection or to support the provision of
7 independent living services by centers for inde-
8 pendent living; and

9 “(C) perform such other functions, con-
10 sistent with the purpose of this chapter and
11 comparable to other functions described in this
12 subsection, as the Council determines to be ap-
13 propriate.

14 “(3) LIMITATION.—The Council shall not pro-
15 vide independent living services directly to individ-
16 uals with significant disabilities or manage such
17 services.”;

18 (3) in subsection (e)—

19 (A) in paragraph (1), in the first sentence,
20 by striking “prepare” and all that follows
21 through “a plan” and inserting “prepare, in
22 conjunction with the designated State entity (as
23 necessary), a plan”; and

24 (B) in paragraph (3), by striking “State
25 agency” and inserting “State entity”; and

1 (4) in subsection (f)—

2 (A) by striking “such resources” and in-
3 serting “available resources”; and

4 (B) by striking “(including” and all that
5 follows through “compensation” and inserting
6 “(such as personal assistance services), and to
7 pay reasonable compensation”.

8 **SEC. 575A. RESPONSIBILITIES OF THE ILA DIRECTOR.**

9 Section 706 (29 U.S.C. 796d–1) is amended—

10 (1) by striking the title of the section and in-
11 serting the following:

12 **“SEC. 706. RESPONSIBILITIES OF THE ILA DIRECTOR.”;**

13 (2) in subsection (a)—

14 (A) in paragraph (1), by striking “Com-
15 missioner” each place it appears and inserting
16 “ILA Director”; and

17 (B) in paragraph (2)—

18 (i) in subparagraph (A), by striking
19 “Commissioner” each place it appears and
20 inserting “ILA Director”; and

21 (ii) in subparagraph (B)—

22 (I) in clause (i)—

23 (aa) by striking “Secretary”
24 and inserting “Secretary or the
25 Commissioner”; and

1 (bb) by striking “to the
2 Commissioner; and” and insert-
3 ing “to the ILA Director;”;

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 Investment Act of
15 2013, the ILA Director shall develop and publish in the
16 Federal Register indicators of minimum compliance for
17 centers for independent living (consistent with the stand-
18 ards set forth in section 725), and indicators of minimum
19 compliance for Statewide Independent Living Councils.”;

20 (4) in subsection (c)—

21 (A) in paragraph (1)—

22 (i) by striking “Commissioner” each
23 place it appears and inserting “ILA Direc-
24 tor”; and

25 (ii) by striking the last sentence; and

1 (B) in paragraph (2)—

2 (i) in the matter preceding subpara-
3 graph (A), by striking “Commissioner”
4 and inserting “ILA Director”;

5 (ii) in subparagraph (A), by striking
6 “such a review” and inserting “a review
7 described in paragraph (1)”; and

8 (iii) in subparagraphs (A) and (B), by
9 striking “Department” each place it ap-
10 pears and inserting “Independent Living
11 Administration”; and

12 (5) by striking subsection (d).

13 **CHAPTER 2—INDEPENDENT LIVING**
14 **SERVICES**

15 **SEC. 576. ADMINISTRATION.**

16 (a) ALLOTMENTS.—Section 711 (29 U.S.C. 796e) is
17 amended—

18 (1) in subsection (a)—

19 (A) in paragraph (1)(A)—

20 (i) by striking “Except” and inserting
21 “After the reservation required by section
22 711A is made, and except”; and

23 (ii) by inserting “the remainder of
24 the” before “sums appropriated”; and

1 (B) in paragraph (2)(B), by striking
2 “amounts made available for purposes of this
3 part” and inserting “remainder described in
4 paragraph (1)(A)”;

5 (2) in subsections (a), (b), and (c), by striking
6 “Commissioner” each place it appears and inserting
7 “ILA Director”; and

8 (3) by adding at the end the following:

9 “(d) ADMINISTRATION.—Funds allotted or made
10 available to a State under this section shall be adminis-
11 tered by the designated State entity, in accordance with
12 the approved State plan.”.

13 (b) TRAINING AND TECHNICAL ASSISTANCE.—Part
14 B of title VII is amended by inserting after section 711
15 (29 U.S.C. 796e) the following:

16 **“SEC. 711A. TRAINING AND TECHNICAL ASSISTANCE.**

17 “(a) IN GENERAL.—From the funds appropriated to
18 carry out this part for any fiscal year, beginning with fis-
19 cal year 2014, the ILA Director shall first reserve not less
20 than 1.8 percent and not more than 2 percent of the funds
21 to provide training and technical assistance to Statewide
22 Independent Living Councils for such fiscal year.

23 “(b) ALLOCATION.—From the funds reserved under
24 subsection (a), the ILA Director shall make grants to, and
25 enter into contracts and other arrangements with, entities

1 that have experience in the operation of Statewide Inde-
2 pendent Living Councils to provide such training and tech-
3 nical assistance with respect to developing, conducting, ad-
4 ministering, and evaluating Statewide Independent Living
5 Councils.

6 “(c) FUNDING PRIORITIES.—The ILA Director shall
7 conduct a survey of Statewide Independent Living Coun-
8 cils regarding training and technical assistance needs in
9 order to determine funding priorities for such grants, con-
10 tracts, or other arrangements.

11 “(d) REVIEW.—To be eligible to receive a grant or
12 enter into a contract or other arrangement under this sec-
13 tion, such an entity shall submit an application to the ILA
14 Director at such time, in such manner, and containing a
15 proposal to provide such training and technical assistance,
16 and containing such additional information as the ILA Di-
17 rector may require. The ILA Director shall provide for
18 peer review of grant applications by panels that include
19 persons who are not government employees and who have
20 experience in the operation of Statewide Independent Liv-
21 ing Councils.”.

22 (c) PAYMENTS.—Section 712(a) (29 U.S.C. 796e-
23 1(a)) is amended by striking “Commissioner” and insert-
24 ing “ILA Director”.

1 (d) AUTHORIZED USES OF FUNDS.—Section 713 (29
2 U.S.C. 796e–2) is amended—

3 (1) by striking the matter preceding paragraph
4 (1) and inserting the following:

5 “(a) IN GENERAL.—The State may use funds re-
6 ceived under this part to provide the resources described
7 in section 705(e) (but may not use more than 30 percent
8 of the funds paid to the State under section 712 for such
9 resources unless the State specifies that a greater percent-
10 age of the funds is needed for such resources in a State
11 plan approved under section 706), relating to the State-
12 wide Independent Living Council, may retain funds under
13 section 704(c)(5), and shall distribute the remainder of
14 the funds received under this part in a manner consistent
15 with the approved State plan for the activities described
16 in subsection (b).

17 “(b) ACTIVITIES.—The State may use the remainder
18 of the funds described in subsection (a)—”; and

19 (2) in paragraph (1), by inserting “, particu-
20 larly those in unserved areas of the State” after
21 “disabilities”.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
23 714 (29 U.S.C. 796e–3) is amended by striking “1999
24 through 2003” and inserting “2014 through 2018”.

1 **CHAPTER 3—CENTERS FOR**
2 **INDEPENDENT LIVING**

3 **SEC. 581. PROGRAM AUTHORIZATION.**

4 Section 721 (29 U.S.C. 796f) is amended—

5 (1) in subsection (a)—

6 (A) by striking “1999” and inserting
7 “2014”;

8 (B) by striking “Commissioner shall allot”
9 and inserting “ILA Director shall make avail-
10 able”; and

11 (C) by inserting “, centers for independent
12 living,” after “States”;

13 (2) in subsection (b)—

14 (A) in paragraph (1)—

15 (i) by striking “For” and all that fol-
16 lows through “Commissioner” and insert-
17 ing “From the funds appropriated to carry
18 out this part for any fiscal year, beginning
19 with fiscal year 2014, the ILA Director”;

20 (ii) by striking “reserve from such ex-
21 cess” and inserting “reserve not less than
22 1.8 percent and not more than 2 percent
23 of the funds”; and

24 (iii) by striking “eligible agencies”
25 and all that follows and inserting “centers

1 for independent living and eligible agencies
2 for such fiscal year.”;

3 (B) in paragraph (2)—

4 (i) by striking “Commissioner” and
5 inserting “ILA Director”; and

6 (ii) by inserting “fiscal management
7 of,” before “planning.”;

8 (C) in paragraphs (3), (4), and (5), by
9 striking “Commissioner” each place it appears
10 and inserting “ILA Director”; and

11 (D) in paragraph (3), by striking “State-
12 wide Independent Living Councils and”;

13 (3) in subsection (c), by striking “Commis-
14 sioner” each place it appears and inserting “ILA Di-
15 rector”;

16 (4) in subsection (d), by striking “Commis-
17 sioner” each place it appears and inserting “ILA Di-
18 rector”; and

19 (5) by adding at the end the following:

20 “(e) CARRYOVER AUTHORITY.—Notwithstanding any
21 other provision of law—

22 “(1) any funds appropriated for a fiscal year to
23 carry out a grant program under section 722 or
24 723, that are not obligated and expended by the re-
25 cipients prior to the beginning of the succeeding fis-

1 cal year shall remain available for obligation and ex-
 2 penditure by such recipients during that succeeding
 3 fiscal year and the subsequent fiscal year; and

4 “(2) any amounts of program income received
 5 by recipients under a grant program under section
 6 722 or 723 in a fiscal year, that are not obligated
 7 and expended by the recipients prior to the begin-
 8 ning of the succeeding fiscal year, shall remain avail-
 9 able for obligation and expenditure by such recipi-
 10 ents during that succeeding fiscal year and the sub-
 11 sequent fiscal year.”.

12 **SEC. 582. CENTERS.**

13 (a) CENTERS IN STATES IN WHICH FEDERAL FUND-
 14 ING EXCEEDS STATE FUNDING.—Section 722 (29 U.S.C.
 15 796f–1) is amended—

16 (1) in subsections (a), (b), and (c), by striking
 17 “Commissioner” each place it appears and inserting
 18 “ILA Director”;

19 (2) in subsection (c)—

20 (A) by striking “grants” and inserting
 21 “grants for a fiscal year”; and

22 (B) by striking “by September 30, 1997”
 23 and inserting “for the preceding fiscal year”;

24 (3) in subsection (d)—

25 (A) in paragraph (1)—

1 (i) by striking “Commissioner” and
2 inserting “ILA Director”; and

3 (ii) by striking “region, consistent”
4 and all that follows and inserting “region.
5 The ILA Director’s determination of the
6 most qualified applicant shall be consistent
7 with the provisions in the State plan set-
8 ting forth the design of the State for es-
9 tablishing a statewide network of centers
10 for independent living.”; and

11 (B) in paragraph (2)—

12 (i) in the matter preceding subpara-
13 graph (A), by striking “Commissioner”
14 and inserting “ILA Director”; and

15 (ii) by striking subparagraph (A) and
16 inserting the following:

17 “(A) shall consider comments regarding
18 the application—

19 “(i) by individuals with disabilities
20 and other interested parties within the new
21 region proposed to be served; and

22 “(ii) if any, by the Statewide Inde-
23 pendent Living Council in the State in
24 which the applicant is located;”; and

1 (iii) in subparagraph (C), by inserting
2 “, and consistent with the other objectives
3 of this title” before the period; and

4 (4) in subsections (e) and (g) by striking “Com-
5 missioner” each place it appears and inserting “ILA
6 Director”.

7 (b) CENTERS IN STATES IN WHICH STATE FUNDING
8 EXCEEDS FEDERAL FUNDING.—Section 723 (29 U.S.C.
9 796f–2) is amended—

10 (1) in subsections (a), (b), (g), (h), and (i), by
11 striking “Commissioner” each place it appears and
12 inserting “ILA Director”;

13 (2) in subsection (a), in the header of para-
14 graph (3), by striking “COMMISSIONER” and insert-
15 ing “ILA DIRECTOR”; and

16 (3) in subsection (c)—

17 (A) by striking “grants” and inserting
18 “grants for a fiscal year”; and

19 (B) by striking “by September 30, 1997”
20 and inserting “for the preceding fiscal year”.

21 (c) CENTERS OPERATED BY STATE AGENCIES.—Sec-
22 tion 724 (29 U.S.C. 796f–3) is amended—

23 (1) in the matter preceding paragraph (1)—

24 (A) by striking “1993” and inserting
25 “2013”;

1 (B) by striking “Rehabilitation Act
2 Amendments of 1998” and inserting “Work-
3 force Investment Act of 2013”; and

4 (C) by striking “1994” and inserting
5 “2014”; and

6 (2) by striking “Commissioner” each place it
7 appears and inserting “ILA Director”.

8 **SEC. 583. STANDARDS AND ASSURANCES.**

9 Section 725 (29 U.S.C. 796f-4) is amended—

10 (1) in subsection (b)—

11 (A) in paragraph (1)(D), by striking “to
12 society” and inserting “, both within the com-
13 munity and throughout the United States,”;
14 and

15 (B) in paragraph (5), by inserting “(as de-
16 fined in section 7(17))” after “core services”;
17 and

18 (2) in subsection (c), by striking “Commis-
19 sioner” each place it appears and inserting “ILA Di-
20 rector”.

21 **SEC. 584. AUTHORIZATION OF APPROPRIATIONS.**

22 Section 727 (29 U.S.C. 796f-6) is amended by strik-
23 ing “fiscal years 1999 through 2003” and inserting “fiscal
24 years 2014 through 2018”.

1 **CHAPTER 4—INDEPENDENT LIVING SERV-**
2 **ICES FOR OLDER INDIVIDUALS WHO**
3 **ARE BLIND**

4 **SEC. 586. INDEPENDENT LIVING SERVICES FOR OLDER IN-**
5 **DIVIDUALS WHO ARE BLIND.**

6 Chapter 2 of title VII (29 U.S.C. 796j et seq.) is
7 amended—

8 (1) by redesignating sections 752 and 753 as
9 sections 753 and 754, respectively; and

10 (2) by inserting after section 751 the following:

11 **“SEC. 752. TRAINING AND TECHNICAL ASSISTANCE.**

12 “(a) GRANTS; CONTRACTS; OTHER ARRANGE-
13 MENTS.—For any fiscal year for which the funds appro-
14 priated to carry out this chapter exceed the funds appro-
15 priated to carry out this chapter for fiscal year 2008, the
16 Commissioner shall first reserve from such excess, to pro-
17 vide training and technical assistance to designated State
18 agencies, or other providers of independent living services
19 for older individuals who are blind, that are funded under
20 this chapter for such fiscal year, not less than 1.8 percent,
21 and not more than 2 percent, of the funds appropriated
22 to carry out this chapter for the fiscal year involved.

23 “(b) ALLOCATION.—From the funds reserved under
24 subsection (a), the Commissioner shall make grants to,
25 and enter into contracts and other arrangements with, en-

1 tities that demonstrate expertise in the provision of serv-
2 ices to older individuals who are blind, to provide training
3 and technical assistance with respect to planning, devel-
4 oping, conducting, administering, and evaluating inde-
5 pendent living programs for older individuals who are
6 blind.

7 “(c) FUNDING PRIORITIES.—The Commissioner shall
8 conduct a survey of designated State agencies that receive
9 grants under section 753 regarding training and technical
10 assistance needs in order to determine funding priorities
11 for grants, contracts, and other arrangements under this
12 section.

13 “(d) APPLICATION.—To be eligible to receive a grant
14 or enter into a contract or other arrangement under this
15 section, an entity shall submit an application to the Com-
16 missioner at such time, in such manner, containing a pro-
17 posal to provide such training and technical assistance,
18 and containing such additional information as the Com-
19 missioner may require.”.

20 **SEC. 587. PROGRAM OF GRANTS.**

21 Section 753 (29 U.S.C. 796k), as redesignated by
22 section 586, 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 (b), by striking “section 753”
2 and inserting “section 754”;

3 (4) in subsection (c)—

4 (A) in paragraph (1), by striking “section
5 753” and inserting “section 754”; and

6 (B) in paragraph (2)—

7 (i) by striking “subsection (j)” and in-
8 serting “subsection (i)”; and

9 (ii) by striking “subsection (i)” and
10 inserting “subsection (h)”;
11

12 (5) in subsection (g), by inserting “, or con-
13 tracts with,” after “grants to”;

14 (6) in subsection (h), as redesignated by para-
15 graph (2)—

16 (A) in paragraph (1), by striking “sub-
17 section (j)(4)” and inserting “subsection
18 (i)(4)”; and

19 (B) in paragraph (2)—

20 (i) in subparagraph (A)(vi), by adding
21 “and” after the semicolon;

22 (ii) in subparagraph (B)(ii)(III), by
23 striking “; and” and inserting a period;
24 and

25 (iii) by striking subparagraph (C);
 and

1 (7) in subsection (i), as redesignated by para-
2 graph (2)—

3 (A) by striking paragraph (2) and insert-
4 ing the following:

5 “(2) MINIMUM ALLOTMENT.—

6 “(A) STATES.—In the case of any of the
7 several States, the District of Columbia, or the
8 Commonwealth of Puerto Rico, the amount re-
9 ferred to in paragraph (1)(A) for a fiscal year
10 is the greater of—

11 “(i) \$350,000;

12 “(ii) an amount equal to the amount
13 the State, the District of Columbia, or the
14 Commonwealth of Puerto Rico received to
15 carry out this chapter for fiscal year 2008;
16 or

17 “(iii) an amount equal to $\frac{1}{3}$ of 1 per-
18 cent of the amount appropriated under sec-
19 tion 754, and not reserved under section
20 752, for the fiscal year and available for
21 allotments under subsection (a).

22 “(B) CERTAIN TERRITORIES.—In the case
23 of Guam, American Samoa, the United States
24 Virgin Islands, or the Commonwealth of the
25 Northern Mariana Islands, the amount referred

1 to in paragraph (1)(A) for a fiscal year is
2 \$60,000.”;

3 (B) in paragraph (3)(A), by striking “sec-
4 tion 753” and inserting “section 754, and not
5 reserved under section 752,”; and

6 (C) in paragraph (4)(B)(i), by striking
7 “subsection (i)” and inserting “subsection (h)”.

8 **SEC. 588. INDEPENDENT LIVING SERVICES FOR OLDER IN-**
9 **DIVIDUALS WHO ARE BLIND AUTHORIZATION**
10 **OF APPROPRIATIONS.**

11 Section 754 (29 U.S.C. 796l), as redesignated by sec-
12 tion 586, is amended by striking “fiscal years 1999
13 through 2003” and inserting “fiscal years 2014 through
14 2018”.

15 **Subtitle I—Increasing Employment**
16 **Opportunities for Individuals**
17 **With Disabilities**

18 **SEC. 591. DISABILITY EMPLOYMENT.**

19 (a) IN GENERAL.—The Rehabilitation Act of 1973
20 (29 U.S.C. 701 et seq.) is amended by adding at the end
21 the following:

1 **“TITLE VIII—INCREASING EM-**
2 **PLOYMENT OPPORTUNITIES**
3 **FOR INDIVIDUALS WITH DIS-**
4 **ABILITIES**

5 **“SEC. 801. OFFICE OF DISABILITY EMPLOYMENT POLICY,**
6 **SERVICES, AND SUPPORTS.**

7 “(a) PURPOSE.—The purpose of this section is to es-
8 tablish an Office of Disability Employment Policy, Serv-
9 ices, and Supports—

10 “(1) to help develop and support national poli-
11 cies and practices that will increase employment and
12 economic advancement opportunities for all individ-
13 uals with disabilities;

14 “(2) to ensure that such individuals are fully
15 integrated into the 21st century workforce; and

16 “(3) to help advance the purposes specified in
17 section 2(b).

18 “(b) OFFICE.—There is established within the De-
19 partment of Labor an Office of Disability Employment
20 Policy, Services, and Supports (referred to in this section
21 as the ‘Office’). Except as otherwise specifically provided
22 in this Act, such Office shall be the principal entity car-
23 rying out the functions described in this section.

24 “(c) ASSISTANT SECRETARY.—

1 “(1) IN GENERAL.—The Office shall be headed
2 by an Assistant Secretary of Disability Employment
3 Policy, Services, and Supports (referred to in this
4 title as the ‘Assistant Secretary’) appointed by the
5 President by and with the advice and consent of the
6 Senate. Except as otherwise specifically provided in
7 this Act, the Assistant Secretary shall be the prin-
8 cipal officer carrying out the functions described in
9 this section.

10 “(2) EXPERIENCE.—The Assistant Secretary
11 shall be an individual with experience in, and a thor-
12 ough knowledge of, disability employment policy,
13 training and educational opportunities for individ-
14 uals with disabilities (including youth with disabili-
15 ties), public benefit programs for individuals with
16 disabilities, job development, and the barriers that
17 may limit employment and economic advancement
18 opportunities of individuals with disabilities.

19 “(3) GOALS AND DIRECTION.—In carrying out
20 the functions of the Office, the Assistant Secretary
21 shall be guided by the goals of achieving equal op-
22 portunity, full participation, economic self-suffi-
23 ciency, and independent living for all individuals
24 with disabilities, to the greatest extent possible. In
25 the performance of the functions of the Office, the

1 Assistant Secretary shall be directly responsible to
2 the Secretary of Labor.

3 “(d) FUNCTIONS.—

4 “(1) IN GENERAL.—The Assistant Secretary
5 shall provide national leadership, and encourage
6 interagency collaboration, on increasing employment
7 and training opportunities for individuals with dis-
8 abilities through the development of policies and ini-
9 tiatives (taking into account relevant information
10 from other Federal agencies and including the
11 awarding of grants as appropriate) that—

12 “(A) eliminate barriers to the employment
13 and training of individuals with disabilities;

14 “(B) advance opportunities for employ-
15 ment, and identify strategies that increase em-
16 ployment opportunities in the private sector, for
17 individuals with disabilities, including recruit-
18 ment, retention, and promotion of such individ-
19 uals;

20 “(C) identify and remove disincentives that
21 limit or prevent the full employment of individ-
22 uals with disabilities who are receiving benefits
23 through Federal or State programs such as
24 medical assistance under a State Medicaid pro-
25 gram under title XIX of the Social Security Act

1 (42 U.S.C. 1396 et seq.), disability insurance
2 benefits under title II of the Social Security Act
3 (42 U.S.C. 401 et seq.), or supplemental secu-
4 rity income benefits under title XVI of the So-
5 cial Security Act (42 U.S.C. 1381 et seq.);

6 “(D) advise and assist the Department of
7 Labor and other Federal agencies in the devel-
8 opment of policies and practices that increase
9 employment opportunities in the Federal Gov-
10 ernment for individuals with disabilities, includ-
11 ing outreach to and recruitment, retention, and
12 promotion of such individuals;

13 “(E) assist youth with disabilities, includ-
14 ing such youth who are out-of-school youth, in
15 successfully transitioning into competitive inte-
16 grated employment;

17 “(F) increase access for individuals with
18 disabilities seeking employment, education, and
19 training services from a one-stop delivery sys-
20 tem described in section 221(e) of the Work-
21 force Investment Act of 2013, and other public
22 and private providers of such services and sup-
23 ports;

24 “(G) increase coordination of activities be-
25 tween State vocational rehabilitation programs

1 and the workforce development systems (as de-
2 fined in section 101 of such Act), including the
3 one-stop centers (as defined in such section
4 101), including assisting individuals with dis-
5 abilities in maximizing the services available
6 through such programs, systems, and centers;

7 “(H) leverage available public and system
8 resources to address individual and systematic
9 employment barriers for individuals with dis-
10 abilities, and assist such individuals in navi-
11 gating the process of coordinating their public
12 benefits, including health care;

13 “(I) increase employment opportunities for
14 individuals with significant disabilities; and

15 “(J) meet other objectives, as specified by
16 the Secretary of Labor, that will increase em-
17 ployment and training opportunities for individ-
18 uals with disabilities.

19 “(2) LIMITED ENFORCEMENT AUTHORITY.—

20 The Assistant Secretary does not have enforcement
21 authority, under Federal laws other than this Act, to
22 carry out the functions described in paragraph (1).

23 “(e) REPORT.—For each fiscal year, beginning with
24 the first full fiscal year following the date of enactment
25 of the Workforce Investment Act of 2013, the Secretary

1 of Labor shall prepare a report and submit the report to
2 the Committee on Education and the Workforce of the
3 House of Representatives and the Committee on Health,
4 Education, Labor, and Pensions of the Senate, not later
5 than 90 days after the end of that fiscal year. The report
6 shall summarize the Office’s progress in—

7 “(1) meeting the general objectives specified in
8 paragraphs (1) and (2) of subsection (a);

9 “(2) meeting each of the 4 goals specified in
10 subsection (c)(3); and

11 “(3) developing the specific policies and initia-
12 tives specified in subsection (d).

13 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this section
15 such sums as may be necessary for each of fiscal years
16 2014 through 2018.

17 **“SEC. 802. ADVISORY COMMITTEE ON INCREASING COM-**
18 **PETITIVE INTEGRATED EMPLOYMENT FOR**
19 **INDIVIDUALS WITH DISABILITIES.**

20 “(a) ESTABLISHMENT.—Not later than 60 days after
21 the date of enactment of the Workforce Investment Act
22 of 2013, the Secretary of Labor shall establish an Advi-
23 sory Committee on Increasing Competitive Integrated Em-
24 ployment for Individuals with Disabilities (referred to in
25 this section as the ‘Committee’).

1 “(b) APPOINTMENT AND VACANCIES.—

2 “(1) APPOINTMENT.—The Secretary of Labor
3 shall appoint the members of the Committee de-
4 scribed in subsection (c)(6), in accordance with sub-
5 section (c). Each member so appointed shall be ap-
6 pointed for a 2-year term.

7 “(2) VACANCIES.—Any vacancy in the Com-
8 mittee shall not affect its powers, but shall be filled
9 in the same manner, in accordance with the same
10 paragraph of subsection (c), as the original appoint-
11 ment or designation was made.

12 “(c) COMPOSITION.—The Committee shall be com-
13 posed of—

14 “(1) the Assistant Secretary of Disability Em-
15 ployment Policy, Services, and Supports, the Assist-
16 ant Secretary for Employment and Training, and
17 the Administrator of the Wage and Hour Division,
18 of the Department of Labor;

19 “(2) the Commissioner of the Administration on
20 Developmental Disabilities, or the Commissioner’s
21 designee;

22 “(3) the Director of the Centers for Medicare
23 & Medicaid Services of the Department of Health
24 and Human Services, or the Director’s designee;

1 “(4) the Commissioner of Social Security, or
2 the Commissioner’s designee;

3 “(5) the Commissioner of the Disability Em-
4 ployment Services and Supports Administration, or
5 the Commissioner’s designee; and

6 “(6) representatives from constituencies con-
7 sisting of—

8 “(A) self-advocates for individuals with in-
9 tellectual or developmental disabilities;

10 “(B) providers of employment services, in-
11 cluding those that employ individuals with intel-
12 lectual or developmental disabilities in competi-
13 tive integrated employment;

14 “(C) representatives of national disability
15 advocacy organizations for adults with intellec-
16 tual or developmental disabilities;

17 “(D) experts with a background in aca-
18 demia or research and expertise in employment
19 and wage policy issues for individuals with in-
20 tellectual or developmental disabilities;

21 “(E) representatives from the employer
22 community or a national employer organization;
23 and

24 “(F) other individuals or representatives of
25 organizations with expertise on the issue of in-

1 creasing opportunities for competitive inte-
2 grated employment for individuals with disabil-
3 ities.

4 “(d) CHAIRPERSON.—The Secretary of Labor shall
5 designate a Chairperson of the Committee from among the
6 appointed members of the Committee.

7 “(e) MEETINGS.—The Committee shall meet at the
8 call of the Chairperson, but not less often than 4 times
9 per year.

10 “(f) DUTIES.—The Committee shall study, and pre-
11 pare findings, conclusions, and recommendations for the
12 Secretary of Labor on, ways to—

13 “(1) reduce reliance on the use of the certificate
14 program carried out under section 14(c) of the Fair
15 Labor Standards Act of 1938 (29 U.S.C. 214(c)) for
16 the employment of individuals with intellectual or
17 developmental disabilities, or other individuals with
18 significant disabilities, except in limited cir-
19 cumstances or for training purposes;

20 “(2) increase the employment opportunities for
21 individuals described in paragraph (1) in competitive
22 integrated employment; and

23 “(3) increase oversight of and accountability for
24 the use of such certificates.

25 “(g) COMMITTEE PERSONNEL MATTERS.—

1 “(1) TRAVEL EXPENSES.—The members of the
2 Committee shall not receive compensation for the
3 performance of services for the Committee, but shall
4 be allowed travel expenses, including per diem in lieu
5 of subsistence, at rates authorized for employees of
6 agencies under subchapter I of chapter 57 of title 5,
7 United States Code, while away from their homes or
8 regular places of business in the performance of
9 services for the Committee. Notwithstanding section
10 1342 of title 31, United States Code, the Secretary
11 may accept the voluntary and uncompensated serv-
12 ices of members of the Committee.

13 “(2) STAFF.—The Secretary of Labor may des-
14 ignate such personnel as may be necessary to enable
15 the Committee to perform its duties.

16 “(3) DETAIL OF GOVERNMENT EMPLOYEES.—
17 Any Federal Government employee, with the ap-
18 proval of the head of the appropriate Federal agen-
19 cy, may be detailed to the Committee without reim-
20 bursement, and such detail shall be without inter-
21 ruption or loss of civil service status or privilege.

22 “(4) FACILITIES, EQUIPMENT, AND SERV-
23 ICES.—The Secretary of Labor shall make available
24 to the Committee necessary office space and furnish
25 the Committee, under such arrangements respecting

1 financing as may be appropriate, with necessary
2 equipment, supplies, and services.

3 “(h) REPORTS.—

4 “(1) INTERIM AND FINAL REPORTS.—The Com-
5 mittee shall prepare and submit to the Secretary of
6 Labor, as well as the Committee on Health, Edu-
7 cation, Labor, and Pensions of the Senate and other
8 appropriate committees of Congress—

9 “(A) an interim report that summarizes
10 the progress of the Committee, along with any
11 interim findings, conclusions, and recommenda-
12 tions described in subsection (f); and

13 “(B) a final report that summarizes that
14 progress and states final findings, conclusions,
15 and recommendations described in subsection
16 (f).

17 “(2) PREPARATION AND SUBMISSION.—The re-
18 ports shall be prepared and submitted—

19 “(A) in the case of the interim report, not
20 later than 1 year after the date on which the
21 Committee first meets; and

22 “(B) in the case of the final report, not
23 later than 2 years after the date on which the
24 Committee first meets.

1 “(A) the disabled access credit under sec-
2 tion 44 of the Internal Revenue Code of 1986;
3 and

4 “(B) the tax deduction available under sec-
5 tion 190 of the Internal Revenue Code of 1986,
6 for expenses for architectural barrier removal.

7 “(b) EDUCATIONAL MATERIALS.—The public edu-
8 cation campaigns described in subsection (a) shall include,
9 as necessary, different educational materials in order to
10 adequately target and educate, small businesses, employ-
11 ers generally, employees, and members of the general pub-
12 lic, including educational materials on work incentives that
13 may assist individuals with disabilities in leaving programs
14 of public benefits, entering the workforce, advancing their
15 economic status, and contributing to and participating
16 more fully in their communities.”.

17 (b) ELIMINATION OF TEXT ESTABLISHING EXISTING
18 OFFICE.—Title I of the Department of Labor Appropria-
19 tions Act, 2001, as enacted into law by section 1(a)(1)
20 of the Consolidated Appropriations Act, 2001 is amended,
21 in the matter under the header “SALARIES AND EX-
22 PENSES” in the matter under the header “DEPART-
23 MENTAL MANAGEMENT”, by striking “: *Provided further,*
24 That beginning” and all that follows through “this pur-
25 pose”.

1 (c) REFERENCES.—A reference in any other Federal
2 law, Executive order, rule, regulation, or delegation of au-
3 thority, or any document of or relating to—

4 (1) the Assistant Secretary for Disability Em-
5 ployment Policy, shall be deemed to refer to the As-
6 sistant Secretary of Disability Employment Policy,
7 Services, and Supports; and

8 (2) the Office of Disability Employment Policy,
9 shall be deemed to refer to the Office of Disability
10 Employment Policy, Services, and Supports.

11 **Subtitle J—General Provisions**

12 **SEC. 596. TRANSFER OF FUNCTIONS TO DEPARTMENT OF** 13 **LABOR, AND SAVINGS PROVISIONS.**

14 (a) DEFINITIONS.—For purposes of this section, un-
15 less otherwise provided or indicated by the context—

16 (1) the term “Disability Employment Services
17 and Supports Administration” means the Disability
18 Employment Services and Supports Administration
19 of the Office of Disability Employment Policy, Serv-
20 ices, and Supports of the Department of Labor;

21 (2) the term “Federal agency” has the meaning
22 given to the term “agency” by section 551(1) of title
23 5, United States Code;

1 (3) the term “function” means any duty, obli-
2 gation, power, authority, responsibility, right, privi-
3 lege, activity, or program;

4 (4) the term “office” includes any office, ad-
5 ministration, agency, institute, unit, organizational
6 entity, or component thereof; and

7 (5) the term “Rehabilitation Services Adminis-
8 tration” means the Rehabilitation Services Adminis-
9 tration of the Office of Special Education and Reha-
10 bilitative Services of the Department of Education.

11 (b) TRANSFER OF FUNCTIONS.—There are trans-
12 ferred to the Disability Employment Services and Sup-
13 ports Administration, all functions which the Commis-
14 sioner of the Rehabilitation Services Administration exer-
15 cised before the effective date of this section (including
16 all related functions of any officer or employee of that Ad-
17 ministration) under the Rehabilitation Act of 1973 (29
18 U.S.C. 701 et seq.), other than title VII of that Act (29
19 U.S.C. 796 et seq.).

20 (c) DETERMINATIONS OF CERTAIN FUNCTIONS BY
21 THE OFFICE OF MANAGEMENT AND BUDGET.—If nec-
22 essary, the Office of Management and Budget shall make
23 any determination of the functions that are transferred
24 under this section.

25 (d) PERSONNEL PROVISIONS.—

1 (1) APPOINTMENTS.—The Commissioner of the
2 Disability Employment Services and Supports Ad-
3 ministration may appoint and fix the compensation
4 of such officers and employees, including investiga-
5 tors, attorneys, and administrative law judges, as
6 may be necessary to carry out the respective func-
7 tions transferred under this section. Except as oth-
8 erwise provided by law, such officers and employees
9 shall be appointed in accordance with the civil serv-
10 ice laws and their compensation fixed in accordance
11 with title 5, United States Code.

12 (2) EXPERTS AND CONSULTANTS.—The Com-
13 missioner of the Disability Employment Services and
14 Supports Administration may obtain the services of
15 experts and consultants in accordance with section
16 3109 of title 5, United States Code, and compensate
17 such experts and consultants for each day (including
18 travel time) at rates not in excess of the rate of pay
19 for level IV of the Executive Schedule under section
20 5315 of such title. The Commissioner of the Dis-
21 ability Employment Services and Supports Adminis-
22 tration may pay experts and consultants who are
23 serving away from their homes or regular place of
24 business travel expenses and per diem in lieu of sub-
25 sistence at rates authorized by sections 5702 and

1 5703 of such title for persons in Government service
2 employed intermittently.

3 (e) DELEGATION AND ASSIGNMENT.—Except where
4 otherwise expressly prohibited by law or otherwise pro-
5 vided by this section, the Commissioner of the Disability
6 Employment Services and Supports Administration may
7 delegate any of the functions transferred to the Commis-
8 sioner of such Administration by this section and any
9 function transferred or granted to such Commissioner
10 after the effective date of this section to such officers and
11 employees of such Administration as the Commissioner
12 may designate, and may authorize successive redelegations
13 of such functions as may be necessary or appropriate. No
14 delegation of functions by the Commissioner of the Dis-
15 ability Employment Services and Supports Administration
16 under this subsection or under any other provision of this
17 section shall relieve such Commissioner of responsibility
18 for the administration of such functions.

19 (f) REORGANIZATION.—The Commissioner of the
20 Disability Employment Services and Supports Administra-
21 tion is authorized to allocate or reallocate any function
22 transferred under this section among the officers of such
23 Administration, and to establish, consolidate, alter, or dis-
24 continue such organizational entities in such Administra-
25 tion as may be necessary or appropriate.

1 (g) RULES.—The Commissioner of the Disability
2 Employment Services and Supports Administration is au-
3 thorized to prescribe, in accordance with the provisions of
4 chapters 5 and 6 of title 5, United States Code, such rules
5 and regulations as that Commissioner determines nec-
6 essary or appropriate to administer and manage the func-
7 tions of that Administration.

8 (h) TRANSFER AND ALLOCATIONS OF APPROPRIA-
9 TIONS AND PERSONNEL.—Except as otherwise provided
10 in this section, the personnel employed in connection with,
11 and the assets, liabilities, contracts, property, records, and
12 unexpended balances of appropriations, authorizations, al-
13 locations, and other funds employed, used, held, arising
14 from, available to, or to be made available in connection
15 with the functions transferred by this section, subject to
16 section 1531 of title 31, United States Code, shall be
17 transferred to the Disability Employment Services and
18 Supports Administration. Unexpended funds transferred
19 pursuant to this subsection shall be used only for the pur-
20 poses for which the funds were originally authorized and
21 appropriated.

22 (i) INCIDENTAL TRANSFERS.—The Director of the
23 Office of Management and Budget, at such time or times
24 as the Director shall provide, is authorized to make such
25 determinations as may be necessary with regard to the

1 functions transferred by this section, and to make such
2 additional incidental dispositions of personnel, assets, li-
3 abilities, grants, contracts, property, records, and unex-
4 pended balances of appropriations, authorizations, alloca-
5 tions, and other funds held, used, arising from, available
6 to, or to be made available in connection with such func-
7 tions, as may be necessary to carry out the provisions of
8 this section. The Director of the Office of Management
9 and Budget shall provide for the termination of the affairs
10 of all entities terminated by this section and for such fur-
11 ther measures and dispositions as may be necessary to ef-
12 fectuate the purposes of this section.

13 (j) EFFECT ON PERSONNEL.—

14 (1) IN GENERAL.—Except as otherwise pro-
15 vided by this section, the transfer pursuant to this
16 section of full-time personnel (except special Govern-
17 ment employees) and part-time personnel holding
18 permanent positions shall not cause any such em-
19 ployee to be separated or reduced in grade or com-
20 pensation for 1 year after the date of transfer of
21 such employee under this section.

22 (2) EXECUTIVE SCHEDULE POSITIONS.—Except
23 as otherwise provided in this section, any person
24 who, on the day preceding the effective date of this
25 section, held a position compensated in accordance

1 with the Executive Schedule prescribed in chapter
2 53 of title 5, United States Code, and who, without
3 a break in service, is appointed in the Disability Em-
4 ployment Services and Supports Administration to a
5 position having duties comparable to the duties per-
6 formed immediately preceding such appointment
7 shall continue to be compensated in such new posi-
8 tion at not less than the rate provided for such pre-
9 vious position, for the duration of the service of such
10 person in such new position.

11 (3) TERMINATION OF CERTAIN POSITIONS.—
12 Positions whose incumbents are appointed by the
13 President, by and with the advice and consent of the
14 Senate, the functions of which are transferred by
15 this section, shall terminate on the effective date of
16 this section.

17 (k) SAVINGS PROVISIONS.—

18 (1) CONTINUING EFFECT OF LEGAL DOCU-
19 MENTS.—All orders, determinations, rules, regula-
20 tions, permits, agreements, grants, contracts, certifi-
21 cates, licenses, registrations, privileges, and other
22 administrative actions—

23 (A) which have been issued, made, grant-
24 ed, or allowed to become effective by the Presi-
25 dent, any Federal agency or official thereof, or

1 by a court of competent jurisdiction, in the per-
2 formance of functions which are transferred
3 under this section; and

4 (B) which are in effect at the time this
5 section takes effect, or were final before the ef-
6 fective date of this section and are to become
7 effective on or after the effective date of this
8 section,

9 shall continue in effect according to their terms until
10 modified, terminated, superseded, set aside, or re-
11 voked in accordance with law by the President, the
12 Commissioner of the Disability Employment Services
13 and Supports Administration or other authorized of-
14 ficial, a court of competent jurisdiction, or by oper-
15 ation of law.

16 (2) PROCEEDINGS NOT AFFECTED.—The provi-
17 sions of this section shall not affect any proceedings,
18 including notices of proposed rulemaking, or any ap-
19 plication for any license, permit, certificate, or finan-
20 cial assistance pending before the Rehabilitation
21 Services Administration at the time this section
22 takes effect, with respect to functions transferred by
23 this section but such proceedings and applications
24 shall be continued. Orders shall be issued in such
25 proceedings, appeals shall be taken therefrom, and

1 payments shall be made pursuant to such orders, as
2 if this section had not been enacted, and orders
3 issued in any such proceedings shall continue in ef-
4 fect until modified, terminated, superseded, or re-
5 voked by a duly authorized official, by a court of
6 competent jurisdiction, or by operation of law. Noth-
7 ing in this paragraph shall be deemed to prohibit the
8 discontinuance or modification of any such pro-
9 ceeding under the same terms and conditions and to
10 the same extent that such proceeding could have
11 been discontinued or modified if this section had not
12 been enacted.

13 (3) SUITS NOT AFFECTED.—The provisions of
14 this section shall not affect suits commenced (with
15 respect to functions transferred under this section)
16 before the effective date of this section, and in all
17 such suits, proceedings shall be had, appeals taken,
18 and judgments rendered in the same manner and
19 with the same effect as if this section had not been
20 enacted.

21 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
22 tion, or other proceeding commenced by or against
23 the Rehabilitation Services Administration (with re-
24 gard to functions transferred under this section), or
25 by or against any individual in the official capacity

1 of such individual as an officer of the Rehabilitation
2 Services Administration (with regard to functions
3 transferred under this section), shall abate by reason
4 of the enactment of this section.

5 (5) ADMINISTRATIVE ACTIONS RELATING TO
6 PROMULGATION OF REGULATIONS.—Any administra-
7 tive action relating to the preparation or promulga-
8 tion of a regulation by the Rehabilitation Services
9 Administration (with regard to functions transferred
10 under this section) may be continued by the Dis-
11 ability Employment Services and Supports Adminis-
12 tration with the same effect as if this section had
13 not been enacted.

14 (l) SEPARABILITY.—If a provision of this section or
15 its application to any person or circumstance is held in-
16 valid, neither the remainder of this section nor the applica-
17 tion of the provision to other persons or circumstances
18 shall be affected.

19 (m) REFERENCES.—A reference in any other Federal
20 law, Executive order, rule, regulation, or delegation of au-
21 thority, or any document of or relating to—

22 (1) the Commissioner of the Rehabilitation
23 Services Administration (with regard to functions
24 transferred under this section), shall be deemed to

1 refer to the Commissioner of the Disability Employ-
2 ment Services and Supports Administration; and

3 (2) the Rehabilitation Services Administration
4 (with regard to functions transferred under this sec-
5 tion), shall be deemed to refer to the Disability Em-
6 ployment Services and Supports Administration.

7 (n) ADDITIONAL CONFORMING AMENDMENTS.—

8 (1) RECOMMENDED LEGISLATION.—After con-
9 sultation with the appropriate committees of Con-
10 gress and the Director of the Office of Management
11 and Budget, the Commissioner of the Disability Em-
12 ployment Services and Supports Administration shall
13 prepare and submit to Congress recommended legis-
14 lation containing technical and conforming amend-
15 ments to reflect the changes made by this section.

16 (2) SUBMISSION TO CONGRESS.—Not later than
17 180 days after the effective date of this section, the
18 Commissioner of the Disability Employment Services
19 and Supports Administration shall submit the rec-
20 ommended legislation referred to under paragraph
21 (1).

22 (o) TRANSITION.—The Commissioner of the Dis-
23 ability Employment Services and Supports Administration
24 is authorized to utilize—

1 (1) the services of such officers, employees, and
2 other personnel of the Rehabilitation Services Ad-
3 ministration with regard to functions transferred
4 under this section; and

5 (2) funds appropriated to such functions,
6 for such period of time as may reasonably be needed to
7 facilitate the orderly implementation of this section.

8 (p) INTERIM LEADERSHIP.—Until the date on which
9 the Commissioner of the Disability Employment Services
10 and Supports Administration takes office, the Secretary
11 of Labor may exercise any authority of that Administra-
12 tion.

13 **SEC. 597. TRANSFER OF FUNCTIONS TO DEPARTMENT OF**
14 **HEALTH AND HUMAN SERVICES, AND SAV-**
15 **INGS PROVISIONS.**

16 (a) INDEPENDENT LIVING ADMINISTRATION.—

17 (1) DEFINITIONS.—For purposes of this sub-
18 section, unless otherwise provided or indicated by
19 the context—

20 (A) the terms “Disability Employment
21 Services and Supports Administration”, “func-
22 tion”, and “Rehabilitation Services Administra-
23 tion” have the meanings given the terms in sec-
24 tion 596; and

1 (B) the term “Independent Living Admin-
2 istration” means the Independent Living Ad-
3 ministration of the Administration for Commu-
4 nity Living of the Department of Health and
5 Human Services.

6 (2) TRANSFER OF FUNCTIONS.—There are
7 transferred to the Independent Living Administra-
8 tion, all functions which the Commissioner of the
9 Rehabilitation Services Administration exercised be-
10 fore the effective date of this section (including all
11 related functions of any officer or employee of that
12 Administration) under title VII of the Rehabilitation
13 Act of 1973 (29 U.S.C. 796 et seq.).

14 (3) DETERMINATIONS OF CERTAIN FUNCTIONS
15 BY THE OFFICE OF MANAGEMENT AND BUDGET.—
16 If necessary, the Office of Management and Budget
17 shall make any determination of the functions that
18 are transferred under paragraph (2).

19 (4) ADMINISTRATIVE MATTERS.—

20 (A) IN GENERAL.—Except as provided in
21 subparagraph (B), subsections (d) through (o)
22 of section 596—

23 (i) shall apply to the Rehabilitation
24 Services Administration; and

1 (ii) shall apply to the Independent
2 Living Administration and the Director of
3 that Administration in the same manner
4 and to the same extent as those sub-
5 sections apply to the Disability Employ-
6 ment Services and Supports Administra-
7 tion and the Commissioner of that Admin-
8 istration.

9 (B) REFERENCES TO TRANSFERS.—For
10 purposes of applying those subsections under
11 subparagraph (A), references in those sub-
12 sections to a transfer shall be considered to
13 refer to a transfer under paragraph (2) or a
14 corresponding provision of this subsection.

15 (5) INTERIM LEADERSHIP.—Until the date on
16 which the Director of the Independent Living Ad-
17 ministration takes office, the Secretary of Health
18 and Human Services may exercise any authority of
19 that Administration.

20 (b) NATIONAL INSTITUTE ON DISABILITY, INDE-
21 PENDENT LIVING, AND REHABILITATION RESEARCH.—

22 (1) DEFINITIONS.—For purposes of this sub-
23 section, unless otherwise provided or indicated by
24 the context—

1 (A) the terms “Disability Employment
2 Services and Supports Administration”, “func-
3 tion”, and “Rehabilitation Services Administra-
4 tion” have the meanings given the terms in sec-
5 tion 596;

6 (B) the term “NIDILRR” means the Na-
7 tional Institute on Disability, Independent Liv-
8 ing, and Rehabilitation Research of the Admin-
9 istration for Community Living of the Depart-
10 ment of Health and Human Services; and

11 (C) the term “NIDRR” means the Na-
12 tional Institute on Disability and Rehabilitation
13 Research of the Office of Special Education and
14 Rehabilitative Services of the Department of
15 Education.

16 (2) TRANSFER OF FUNCTIONS.—There are
17 transferred to the NIDILRR, all functions which the
18 Director of the NIDRR exercised before the effective
19 date of this section (including all related functions
20 of any officer or employee of the NIDRR).

21 (3) DETERMINATIONS OF CERTAIN FUNCTIONS
22 BY THE OFFICE OF MANAGEMENT AND BUDGET.—
23 If necessary, the Office of Management and Budget
24 shall make any determination of the functions that
25 are transferred under paragraph (2).

1 (4) ADMINISTRATIVE MATTERS.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraph (B), subsections (d) through (o)
4 of section 596—

5 (i) shall apply to the NIDRR and the
6 Director of the NIDRR in the same man-
7 ner and to the same extent as those sub-
8 sections apply to the Rehabilitation Serv-
9 ices Administration and the Commissioner
10 of that Administration; and

11 (ii) shall apply to the NIDILRR and
12 the Director of the NIDILRR in the same
13 manner and to the same extent as those
14 subsections apply to the Disability Employ-
15 ment Services and Supports Administra-
16 tion and the Commissioner of that Admin-
17 istration.

18 (B) REFERENCES TO TRANSFERS.—For
19 purposes of applying those subsections under
20 subparagraph (A), references in those sub-
21 sections to a transfer shall be considered to
22 refer to a transfer under paragraph (2) or a
23 corresponding provision of this subsection.

24 **SEC. 598. TABLE OF CONTENTS.**

25 The table of contents in section 1(b) is amended—

1 (1) by striking the item relating to section 12
2 and inserting the following:

“Sec. 12. Administration by the Secretary of Labor.
“Sec. 12A. Administration by the Secretary of Health and Human Services.”;

3 (2) by striking the item relating to section 14
4 and inserting the following:

“Sec. 14. Evaluation by the Secretary of Labor.
“Sec. 14A. Evaluation by the Secretary of Health and Human Services.”;

5 (3) by striking the item relating to section 109
6 and inserting the following:

“Sec. 109. Training and services for employers.”;

7 (4) by inserting after the item relating to sec-
8 tion 112 the following:

“Sec. 113. Additional technical assistance.
“Sec. 114. Pre-employment transition services.”;

9 (5) by striking the item relating to section 202
10 and inserting the following:

“Sec. 202. National Institute on Disability, Independent Living, and Rehabil-
tation Research.”;

11 (6) by striking the item relating to section 205
12 and inserting the following:

“Sec. 205. Disability, Independent Living, and Rehabilitation Research Advi-
sory Council.
“Sec. 206. Definition of covered school.”;

13 (7) by inserting after the item relating to sec-
14 tion 509 the following:

“Sec. 510. Establishment of standards for accessible medical diagnostic equip-
ment.
“Sec. 511. Employment of individuals with significant disabilities at a submin-
imum wage.”;

1 (8) by striking the items relating to part B of
 2 title VI and inserting the following:

“PART B—SUPPORTED EMPLOYMENT SERVICES

“Sec. 621. Purpose.
 “Sec. 622. Allotments.
 “Sec. 623. Availability of services.
 “Sec. 624. Eligibility.
 “Sec. 625. State plan.
 “Sec. 626. Restriction.
 “Sec. 627. Savings provision.
 “Sec. 628. Authorization of appropriations.”;

3 (9) in the items relating to title VII—

4 (A)(i) by inserting after the item relating
 5 to section 701 the following:

“Sec. 701A. Independent Living Administration.”;

6 and

7 (ii) by striking the item relating to section
 8 706 and inserting the following:

“Sec. 706. Responsibilities of the ILA Director.”;

9 (B) by inserting after the item relating to
 10 section 711 the following:

“Sec. 711A. Training and technical assistance.”;

11 and

12 (C) by striking the items relating to sec-
 13 tions 752 and 753 and inserting the following:

“Sec. 752. Training and technical assistance.
 “Sec. 753. Program of grants.
 “Sec. 754. Authorization of appropriations.”;

14 and

15 (10) by adding at the end the following:

“TITLE VIII—INCREASING EMPLOYMENT OPPORTUNITIES FOR
 INDIVIDUALS WITH DISABILITIES

“Sec. 801. Office of Disability Employment Policy, Services, and Supports.

“Sec. 802. Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities.

“Sec. 803. Public education campaigns about hiring individuals with disabilities.”.

1 **TITLE VI—GENERAL**
 2 **PROVISIONS**
 3 **Subtitle A—Workforce Investment**

4 **SEC. 601. PRIVACY.**

5 (a) SECTION 444 OF THE GENERAL EDUCATION
 6 PROVISIONS ACT.—Nothing in this Act shall be construed
 7 to supersede the privacy protections afforded parents and
 8 students under section 444 of the General Education Pro-
 9 visions Act (20 U.S.C. 1232g).

10 (b) PROHIBITION ON DEVELOPMENT OF NATIONAL
 11 DATABASE.—

12 (1) IN GENERAL.—Nothing in this Act shall be
 13 construed to permit the development of a national
 14 database of personally identifiable information on in-
 15 dividuals receiving services under title II.

16 (2) LIMITATION.—Nothing in paragraph (1)
 17 shall be construed to prevent the proper administra-
 18 tion of national programs under subtitles C and D
 19 of title II or to carry out program management ac-
 20 tivities consistent with title II.

21 **SEC. 602. BUY-AMERICAN REQUIREMENTS.**

22 (a) COMPLIANCE WITH BUY AMERICAN ACT.—None
 23 of the funds made available under title II or III or under

1 the Wagner-Peyser Act (29 U.S.C. 49 et seq.) may be ex-
2 pended by an entity unless the entity agrees that in ex-
3 pending the funds the entity will comply with sections
4 8301 through 8303 of title 41, United States Code (com-
5 monly known as the “Buy American Act”).

6 (b) SENSE OF THE CONGRESS; REQUIREMENT RE-
7 GARDING NOTICE.—

8 (1) PURCHASE OF AMERICAN-MADE EQUIPMENT
9 AND PRODUCTS.—In the case of any equipment or
10 product that may be authorized to be purchased
11 with financial assistance provided using funds made
12 available under title II or III or under the Wagner-
13 Peyser Act (29 U.S.C. 49 et seq.), it is the sense of
14 Congress that entities receiving the assistance
15 should, in expending the assistance, purchase only
16 American-made equipment and products.

17 (2) NOTICE TO RECIPIENTS OF ASSISTANCE.—
18 In providing financial assistance using funds made
19 available under title II or III or under the Wagner-
20 Peyser Act, the head of each Federal agency shall
21 provide to each recipient of the assistance a notice
22 describing the statement made in paragraph (1) by
23 Congress.

24 (c) PROHIBITION OF CONTRACTS WITH PERSONS
25 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—

1 If it has been finally determined by a court or Federal
2 agency that any person intentionally affixed a label bear-
3 ing a “Made in America” inscription, or any inscription
4 with the same meaning, to any product sold in or shipped
5 to the United States that is not made in the United
6 States, the person shall be ineligible to receive any con-
7 tract or subcontract made with funds made available
8 under title II or III or under the Wagner-Peyser Act (29
9 U.S.C. 49 et seq.), pursuant to the debarment, suspension,
10 and ineligibility procedures described in sections 9.400
11 through 9.409 of title 48, Code of Federal Regulations,
12 as such sections were in effect on August 7, 1998, or pur-
13 suant to any successor regulations.

14 **SEC. 603. TRANSITION PROVISIONS.**

15 (a) **WORKFORCE DEVELOPMENT SYSTEMS.**—The
16 Secretary of Labor and the Secretary of Education shall
17 take such actions as the Secretaries determine to be ap-
18 propriate to provide for the orderly transition from any
19 authority under the Workforce Investment Act of 1998
20 (29 U.S.C. 2801 et seq.) to any authority under title I.
21 Such actions shall include the provision of guidance re-
22 lated to unified state planning and the performance ac-
23 countability system described under such title.

24 (b) **WORKFORCE INVESTMENT ACTIVITIES.**—The
25 Secretary of Labor shall take such actions as the Sec-

1 retary determines to be appropriate to provide for the or-
2 derly transition from any authority under the Workforce
3 Investment Act of 1998 to any authority under title II.

4 (c) ADULT EDUCATION AND LITERACY PROGRAMS.—

5 The Secretary of Education shall take such actions as the
6 Secretary determines to be appropriate to provide for the
7 orderly transition from any authority under the Adult
8 Education and Family Literacy Act (20 U.S.C. 9201 et
9 seq.), as in effect on the day before the date of enactment
10 of this Act, to any authority under the Adult Education
11 and Family Literacy Act, as amended by this Act.

12 (d) EMPLOYMENT SERVICES ACTIVITIES.—The Sec-

13 retary of Labor shall take such actions as the Secretary
14 determines to be appropriate to provide for the orderly
15 transition from any authority under the Wagner-Peyser
16 Act (29 U.S.C. 49 et seq.), as in effect on the day before
17 the date of enactment of this Act, to any authority under
18 the Wagner-Peyser Act, as amended by this Act.

19 (e) VOCATIONAL REHABILITATION PROGRAMS.—The

20 Secretary of Education shall take such actions as the Sec-
21 retary determines to be appropriate to provide for the or-
22 derly transition from any authority under the Rehabilita-
23 tion Act of 1973 (29 U.S.C. 701 et seq.), as in effect on
24 the day before the date of enactment of this Act, to any

1 authority under the Rehabilitation Act of 1973, as amend-
2 ed by this Act.

3 (f) REGULATIONS.—

4 (1) PROPOSED REGULATIONS.—Not later than
5 180 days after the date of enactment of this Act, the
6 Secretary of Labor and the Secretary of Education,
7 as appropriate, shall develop and publish in the Fed-
8 eral Register proposed regulations relating to the
9 transition to, and implementation of, this Act.

10 (2) FINAL REGULATIONS.—Not later than 18
11 months after the date of enactment of this Act, the
12 Secretary of Labor and the Secretary of Education,
13 as appropriate, shall develop and publish in the Fed-
14 eral Register final regulations relating to the transi-
15 tion to, and implementation of, this Act.

16 (g) EXPENDITURE OF FUNDS DURING TRANSI-
17 TION.—

18 (1) IN GENERAL.—Subject to paragraph (2)
19 and in accordance with regulations developed under
20 subsection (f), States, grant recipients, administra-
21 tive entities, and other recipients of financial assist-
22 ance under the Workforce Investment Act of 1998
23 may expend funds received under such Act, prior to
24 July 1, 2015, in order to plan and implement pro-
25 grams and activities authorized under this Act.

1 (2) **ADDITIONAL REQUIREMENTS.**—Not more
2 than 2 percent of any allotment to any State from
3 amounts appropriated under the Workforce Invest-
4 ment Act of 1998 for fiscal year 2014 may be made
5 available to carry out activities authorized under
6 paragraph (1) and not less than 50 percent of any
7 amount used to carry out activities authorized under
8 paragraph (1) shall be made available to local enti-
9 ties for the purposes of the activities described in
10 such paragraph.

11 **SEC. 604. EFFECTIVE DATES.**

12 (a) **IN GENERAL.**—Except as otherwise provided in
13 this Act, this Act, and the amendments made by this Act,
14 take effect on the date of enactment of this Act.

15 (b) **EFFECTIVE DATE FOR WORKFORCE DEVELOP-**
16 **MENT PERFORMANCE ACCOUNTABILITY SYSTEM.**—The
17 requirements of section 131 shall apply beginning on the
18 first day of the second full program year after the date
19 of enactment of this Act.

1 **Subtitle B—Amendments to Other**
2 **Laws**

3 **SEC. 611. REPEAL OF THE WORKFORCE INVESTMENT ACT**
4 **OF 1998.**

5 (a) YOUTH OPPORTUNITY GRANTS.—Section 169 of
6 the Workforce Investment Act of 1998 (29 U.S.C. 2914)
7 is repealed.

8 (b) TWENTY-FIRST CENTURY WORKFORCE COMMIS-
9 SION.—Subtitle C of title III of the Workforce Investment
10 Act of 1998 (29 U.S.C. 2701 note) is repealed.

11 (c) WORKFORCE INVESTMENT ACT OF 1998.—The
12 Workforce Investment Act of 1998 (29 U.S.C. 2801 et
13 seq.) is repealed.

14 **SEC. 612. PREPARATION AND SUBMISSION OF CON-**
15 **FORMING AMENDMENTS.**

16 (a) PREPARATION.—After consultation with the ap-
17 propriate committees of Congress and the Director of the
18 Office of Management and Budget, the Secretary of Labor
19 and the Secretary of Education, as appropriate, shall pre-
20 pare recommended legislation containing technical and
21 conforming amendments to reflect the changes made by
22 titles I through V.

23 (b) SUBMISSION TO CONGRESS.—Not later than 6
24 months after the date of enactment of this Act, the Sec-
25 retary of Labor and the Secretary of Education, as appro-

1 priate, shall submit to Congress the recommended legisla-
2 tion referred to in subsection (a).

3 **SEC. 613. WORKFORCE INVESTMENT REFERENCES AND**
4 **CONFORMING AMENDMENTS.**

5 (a) WORKFORCE INVESTMENT ACT OF 1998 REF-
6 ERENCES.—Except as otherwise specified, a reference in
7 a Federal law to a provision of the Workforce Investment
8 Act of 1998 (29 U.S.C. 2801 et seq.) shall be deemed to
9 refer to the corresponding provision of this Act.

10 (b) WAGNER-PEYSER ACT REFERENCES.—Except as
11 otherwise specified, a reference in a Federal law to a provi-
12 sion of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) shall
13 be deemed to refer to the corresponding provision of such
14 Act, as amended by this Act.

15 **SEC. 614. DISABILITY-RELATED REFERENCES AND CON-**
16 **FORMING AMENDMENTS.**

17 Except as otherwise specified, a reference in a Fed-
18 eral law to a provision of the Rehabilitation Act of 1973
19 (29 U.S.C. 701 et seq.) shall be deemed to refer to the
20 corresponding provision of such Act, as amended by this
21 Act.

○