

In the Senate of the United States,

June 25, 2014.

Resolved, That the bill from the House of Representatives (H.R. 803) entitled “An Act to reform and strengthen the workforce investment system of the Nation to put Americans back to work and make the United States more competitive in the 21st century.”, do pass with the following

AMENDMENTS:

Strike all after the enacting clause and insert the following:

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

Sec. 3. Definitions.

TITLE I—WORKFORCE DEVELOPMENT ACTIVITIES

Subtitle A—System Alignment

CHAPTER 1—STATE PROVISIONS

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

CHAPTER 2—LOCAL PROVISIONS

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

CHAPTER 3—BOARD PROVISIONS

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

CHAPTER 4—PERFORMANCE ACCOUNTABILITY

- Sec. 116. Performance accountability system.*

Subtitle B—Workforce Investment Activities and Providers

CHAPTER 1—WORKFORCE INVESTMENT ACTIVITIES AND PROVIDERS

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

CHAPTER 2—YOUTH WORKFORCE INVESTMENT ACTIVITIES

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

*CHAPTER 3—ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING
ACTIVITIES*

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

CHAPTER 4—GENERAL WORKFORCE INVESTMENT PROVISIONS

- Sec. 136. Authorization of appropriations.*

Subtitle C—Job Corps

- Sec. 141. Purposes.*
Sec. 142. Definitions.
Sec. 143. Establishment.
Sec. 144. Individuals eligible for the Job Corps.
Sec. 145. Recruitment, screening, selection, and assignment of enrollees.
Sec. 146. Enrollment.
Sec. 147. Job Corps centers.

- Sec. 148. Program activities.*
- Sec. 149. Counseling and job placement.*
- Sec. 150. Support.*
- Sec. 151. Operations.*
- Sec. 152. Standards of conduct.*
- Sec. 153. Community participation.*
- Sec. 154. Workforce councils.*
- Sec. 155. Advisory committees.*
- Sec. 156. Experimental projects and technical assistance.*
- Sec. 157. Application of provisions of Federal law.*
- Sec. 158. Special provisions.*
- Sec. 159. Management information.*
- Sec. 160. General provisions.*
- Sec. 161. Job Corps oversight and reporting.*
- Sec. 162. Authorization of appropriations.*

Subtitle D—National Programs

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

Subtitle E—Administration

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

TITLE II—ADULT EDUCATION AND LITERACY

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

Subtitle A—Federal Provisions

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

Subtitle B—State Provisions

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

Subtitle C—Local Provisions

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

Subtitle D—General Provisions

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

TITLE III—AMENDMENTS TO THE WAGNER-PEYSER ACT

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

*TITLE IV—AMENDMENTS TO THE REHABILITATION ACT OF 1973**Subtitle A—Introductory Provisions*

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

Subtitle B—Vocational Rehabilitation Services

- Sec. 411. Declaration of policy; authorization of appropriations.*
Sec. 412. State plans.
Sec. 413. Eligibility and individualized plan for employment.
Sec. 414. Vocational rehabilitation services.
Sec. 415. State Rehabilitation Council.

- Sec. 416. Evaluation standards and performance indicators.*
- Sec. 417. Monitoring and review.*
- Sec. 418. Training and services for employers.*
- Sec. 419. State allotments.*
- Sec. 420. Payments to States.*
- Sec. 421. Client assistance program.*
- Sec. 422. Pre-employment transition services.*
- Sec. 423. American Indian vocational rehabilitation services.*
- Sec. 424. Vocational rehabilitation services client information.*

Subtitle C—Research and Training

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

Subtitle D—Professional Development and Special Projects and Demonstration

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

Subtitle E—National Council on Disability

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

Subtitle F—Rights and Advocacy

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

Subtitle G—Employment Opportunities for Individuals With Disabilities

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

Subtitle H—Independent Living Services and Centers for Independent Living

CHAPTER 1—INDIVIDUALS WITH SIGNIFICANT DISABILITIES

SUBCHAPTER A—GENERAL PROVISIONS

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

SUBCHAPTER B—INDEPENDENT LIVING SERVICES

Sec. 476. *Administration.*

SUBCHAPTER C—CENTERS FOR INDEPENDENT LIVING

Sec. 481. *Program authorization.*

Sec. 482. *Centers.*

Sec. 483. *Standards and assurances.*

Sec. 484. *Authorization of appropriations.*

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

Sec. 486. *Independent living services for older individuals who are blind.*

Sec. 487. *Program of grants.*

Sec. 488. *Independent living services for older individuals who are blind authorization of appropriations.*

Subtitle I—General Provisions

Sec. 491. *Transfer of functions regarding independent living to Department of Health and Human Services, and savings provisions.*

Sec. 492. *Table of contents.*

TITLE V—GENERAL PROVISIONS

Subtitle A—Workforce Investment

Sec. 501. *Privacy.*

Sec. 502. *Buy-American requirements.*

Sec. 503. *Transition provisions.*

Sec. 504. *Reduction of reporting burdens and requirements.*

Sec. 505. *Report on data capability of Federal and State databases and data exchange agreements.*

Sec. 506. *Effective dates.*

Subtitle B—Amendments to Other Laws

Sec. 511. *Repeal of the Workforce Investment Act of 1998.*

Sec. 512. *Conforming amendments.*

Sec. 513. *References.*

1 **SEC. 2. PURPOSES.**

2 *The purposes of this Act are the following:*

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

1 (2) *To support the alignment of workforce invest-*
2 *ment, education, and economic development systems*
3 *in support of a comprehensive, accessible, and high-*
4 *quality workforce development system in the United*
5 *States.*

6 (3) *To improve the quality and labor market rel-*
7 *evance of workforce investment, education, and eco-*
8 *nomie development efforts to provide America's work-*
9 *ers with the skills and credentials necessary to secure*
10 *and advance in employment with family-sustaining*
11 *wages and to provide America's employers with the*
12 *skilled workers the employers need to succeed in a*
13 *global economy.*

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

19 (5) *To increase the prosperity of workers and*
20 *employers in the United States, the economic growth*
21 *of communities, regions, and States, and the global*
22 *competitiveness of the United States.*

23 (6) *For purposes of subtitle A and B of title I,*
24 *to provide workforce investment activities, through*
25 *statewide and local workforce development systems,*

1 *that increase the employment, retention, and earnings*
2 *of participants, and increase attainment of recognized*
3 *postsecondary credentials by participants, and as a*
4 *result, improve the quality of the workforce, reduce*
5 *welfare dependency, increase economic self-sufficiency,*
6 *meet the skill requirements of employers, and enhance*
7 *the productivity and competitiveness of the Nation.*

8 **SEC. 3. DEFINITIONS.**

9 *In this Act, and the core program provisions that are*
10 *not in this Act, except as otherwise expressly provided:*

11 (1) *ADMINISTRATIVE COSTS.*—*The term “admin-*
12 *istrative costs” means expenditures incurred by State*
13 *boards and local boards, direct recipients (including*
14 *State grant recipients under subtitle B of title I and*
15 *recipients of awards under subtitles C and D of title*
16 *I), local grant recipients, local fiscal agents or local*
17 *grant subrecipients, and one-stop operators in the*
18 *performance of administrative functions and in car-*
19 *rying out activities under title I that are not related*
20 *to the direct provision of workforce investment serv-*
21 *ices (including services to participants and employ-*
22 *ers). Such costs include both personnel and nonper-*
23 *sonnel costs and both direct and indirect costs.*

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

4 (3) *ADULT EDUCATION; ADULT EDUCATION AND*
5 *LITERACY ACTIVITIES*.—*The terms “adult education”*
6 *and “adult education and literacy activities” have the*
7 *meanings given the terms in section 203.*

8 (4) *AREA CAREER AND TECHNICAL EDUCATION*
9 *SCHOOL*.—*The term “area career and technical edu-*
10 *cation school” has the meaning given the term in sec-*
11 *tion 3 of the Carl D. Perkins Career and Technical*
12 *Education Act of 2006 (20 U.S.C. 2302).*

13 (5) *BASIC SKILLS DEFICIENT*.—*The term “basic*
14 *skills deficient” means, with respect to an indi-*
15 *vidual—*

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

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

1 (6) *CAREER AND TECHNICAL EDUCATION*.—*The*
2 *term “career and technical education” has the mean-*
3 *ing given the term in section 3 of the Carl D. Perkins*
4 *Career and Technical Education Act of 2006 (20*
5 *U.S.C. 2302).*

6 (7) *CAREER PATHWAY*.—*The term “career path-*
7 *way” means a combination of rigorous and high-*
8 *quality education, training, and other services that—*

9 (A) *aligns with the skill needs of industries*
10 *in the economy of the State or regional economy*
11 *involved;*

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

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

23 (D) *includes, as appropriate, education of-*
24 *fered concurrently with and in the same context*

1 *as workforce preparation activities and training*
2 *for a specific occupation or occupational cluster;*

3 *(E) organizes education, training, and other*
4 *services to meet the particular needs of an indi-*
5 *vidual in a manner that accelerates the edu-*
6 *cational and career advancement of the indi-*
7 *vidual to the extent practicable;*

8 *(F) enables an individual to attain a sec-*
9 *ondary school diploma or its recognized equiva-*
10 *lent, and at least 1 recognized postsecondary cre-*
11 *dential; and*

12 *(G) helps an individual enter or advance*
13 *within a specific occupation or occupational*
14 *cluster.*

15 (8) *CAREER PLANNING.*—*The term “career plan-*
16 *ning” means the provision of a client-centered ap-*
17 *proach in the delivery of services, designed—*

18 *(A) to prepare and coordinate comprehen-*
19 *sive employment plans, such as service strategies,*
20 *for participants to ensure access to necessary*
21 *workforce investment activities and supportive*
22 *services, using, where feasible, computer-based*
23 *technologies; and*

1 (B) to provide job, education, and career
2 counseling, as appropriate during program par-
3 ticipation and after job placement.

4 (9) *CHIEF ELECTED OFFICIAL*.—The term “chief
5 elected official” means—

6 (A) the chief elected executive officer of a
7 unit of general local government in a local area;
8 and

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

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

20 (11) *COMPETITIVE INTEGRATED EMPLOYMENT*.—
21 The term “competitive integrated employment” has
22 the meaning given the term in section 7 of the Reha-
23 bilitation Act of 1973 (29 U.S.C. 705), for individ-
24 uals with disabilities.

1 (12) *CORE PROGRAM*.—The term “core pro-
2 grams” means a program authorized under a core
3 program provision.

4 (13) *CORE PROGRAM PROVISION*.—The term
5 “core program provision” means—

6 (A) chapters 2 and 3 of subtitle B of title
7 I (relating to youth workforce investment activi-
8 ties and adult and dislocated worker employment
9 and training activities);

10 (B) title II (relating to adult education and
11 literacy activities);

12 (C) sections 1 through 13 of the Wagner-
13 Peyser Act (29 U.S.C. 49 et seq.) (relating to em-
14 ployment services); and

15 (D) title I of the Rehabilitation Act of 1973
16 (29 U.S.C. 720 et seq.), other than section 112 or
17 part C of that title (29 U.S.C. 732, 741) (relat-
18 ing to vocational rehabilitation services).

19 (14) *CUSTOMIZED TRAINING*.—The term “cus-
20 tomized training” means training—

21 (A) that is designed to meet the specific re-
22 quirements of an employer (including a group of
23 employers);

1 (B) that is conducted with a commitment
2 by the employer to employ an individual upon
3 successful completion of the training; and

4 (C) for which the employer pays—

5 (i) a significant portion of the cost of
6 training, as determined by the local board
7 involved, taking into account the size of the
8 employer and such other factors as the local
9 board determines to be appropriate, which
10 may include the number of employees par-
11 ticipating in training, wage and benefit lev-
12 els of those employees (at present and an-
13 ticipated upon completion of the training),
14 relation of the training to the competitive-
15 ness of a participant, and other employer-
16 provided training and advancement oppor-
17 tunities; and

18 (ii) in the case of customized training
19 (as defined in subparagraphs (A) and (B))
20 involving an employer located in multiple
21 local areas in the State, a significant por-
22 tion of the cost of the training, as deter-
23 mined by the Governor of the State, taking
24 into account the size of the employer and

1 *such other factors as the Governor deter-*
2 *mines to be appropriate.*

3 (15) *DISLOCATED WORKER.*—*The term “dis-*
4 *located worker” means an individual who—*

5 *(A)(i) has been terminated or laid off, or*
6 *who has received a notice of termination or lay-*
7 *off, from employment;*

8 *(ii)(I) is eligible for or has exhausted enti-*
9 *tlement to unemployment compensation; or*

10 *(II) has been employed for a duration suffi-*
11 *cient to demonstrate, to the appropriate entity at*
12 *a one-stop center referred to in section 121(e),*
13 *attachment to the workforce, but is not eligible*
14 *for unemployment compensation due to insuffi-*
15 *cient earnings or having performed services for*
16 *an employer that were not covered under a State*
17 *unemployment compensation law; and*

18 *(iii) is unlikely to return to a previous in-*
19 *dustry or occupation;*

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

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

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

11 (C) was self-employed (including employ-
12 ment as a farmer, a rancher, or a fisherman) but
13 is unemployed as a result of general economic
14 conditions in the community in which the indi-
15 vidual resides or because of natural disasters;

16 (D) is a displaced homemaker; or

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

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

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

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

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

1 (B) is unemployed or underemployed and is
2 experiencing difficulty in obtaining or upgrad-
3 ing employment.

4 (17) *ECONOMIC DEVELOPMENT AGENCY*.—The
5 term “economic development agency” includes a local
6 planning or zoning commission or board, a commu-
7 nity development agency, or another local agency or
8 institution responsible for regulating, promoting, or
9 assisting in local economic development.

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

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

17 (20) *ENGLISH LANGUAGE ACQUISITION PRO-*
18 *GRAM*.—The term “English language acquisition pro-
19 gram” has the meaning given the term in section 203.

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

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

1 (23) *IN-DEMAND INDUSTRY SECTOR OR OCCUPA-*
2 *TION.—*

3 (A) *IN GENERAL.—The term “in-demand*
4 *industry sector or occupation” means—*

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

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

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

1 *labor market projections, including the use of*
2 *labor market information.*

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

7 (A) *Displaced homemakers.*

8 (B) *Low-income individuals.*

9 (C) *Indians, Alaska Natives, and Native*
10 *Hawaiians, as such terms are defined in section*
11 *166.*

12 (D) *Individuals with disabilities, including*
13 *youth who are individuals with disabilities.*

14 (E) *Older individuals.*

15 (F) *Ex-offenders.*

16 (G) *Homeless individuals (as defined in sec-*
17 *tion 41403(6) of the Violence Against Women Act*
18 *of 1994 (42 U.S.C. 14043e-2(6))), or homeless*
19 *children and youths (as defined in section 725(2)*
20 *of the McKinney-Vento Homeless Assistance Act*
21 *(42 U.S.C. 11434a(2))).*

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

24 (I) *Individuals who are English language*
25 *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 167(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) Long-term unemployed individuals.*

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

15 (25) *INDIVIDUAL WITH A DISABILITY.—*

16 *(A) IN GENERAL.—The term “individual*
17 *with a disability” means an individual with a*
18 *disability as defined in section 3 of the Ameri-*
19 *cans with Disabilities Act of 1990 (42 U.S.C.*
20 *12102).*

21 *(B) INDIVIDUALS WITH DISABILITIES.—The*
22 *term “individuals with disabilities” means more*
23 *than 1 individual with a disability.*

24 (26) *INDUSTRY OR SECTOR PARTNERSHIP.—The*
25 *term “industry or sector partnership” means a work-*

1 *force collaborative, convened by or acting in partner-*
2 *ship with a State board or local board, 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 ap-*
7 *propriate stage of development of the partner-*
8 *ship—*

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 pro-*
20 *grams that support the industry cluster;*
21 *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 determined*
14 *to be necessary by the members comprising*
15 *the industry or sector partnership.*

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

19 (28) *INSTITUTION OF HIGHER EDUCATION.*—*The*
20 *term “institution of higher education” has the mean-*
21 *ing given the term in section 101, and subparagraphs*
22 *(A) and (B) of section 102(a)(1), of the Higher Edu-*
23 *cation Act of 1965 (20 U.S.C. 1001, 1002(a)(1)).*

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

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

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

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

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

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

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

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

6 (36) *LOW-INCOME INDIVIDUAL.*—

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

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

24 (ii) *is in a family with total family*
25 *income that does not exceed the higher of—*

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(I) the poverty line; or

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

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

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

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

(vi) is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

(B) LOWER LIVING STANDARD INCOME LEVEL.—The term “lower living standard income level” means that income level (adjusted for

1 regional, metropolitan, urban, and rural dif-
2 ferences and family size) determined annually by
3 the Secretary of Labor based on the most recent
4 lower living family budget issued by the Sec-
5 retary.

6 (37) *NONTRADITIONAL EMPLOYMENT*.—The term
7 “nontraditional employment” refers to occupations or
8 fields of work, for which individuals from the gender
9 involved comprise less than 25 percent of the individ-
10 uals employed in each such occupation or field of
11 work.

12 (38) *OFFENDER*.—The term “offender” means an
13 adult or juvenile—

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

17 (B) who requires assistance in overcoming
18 artificial barriers to employment resulting from
19 a record of arrest or conviction.

20 (39) *OLDER INDIVIDUAL*.—The term “older indi-
21 vidual” means an individual age 55 or older.

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

1 (41) *ONE-STOP OPERATOR*.—The term “one-stop
2 operator” means 1 or more entities designated or cer-
3 tified under section 121(d).

4 (42) *ONE-STOP PARTNER*.—The term “one-stop
5 partner” means—

6 (A) an entity described in section 121(b)(1);

7 and

8 (B) an entity described in section 121(b)(2)

9 that is participating, with the approval of the
10 local board and chief elected official, in the oper-
11 ation of a one-stop delivery system.

12 (43) *ONE-STOP PARTNER PROGRAM*.—The term
13 “one-stop partner program” means a program or ac-
14 tivities described in section 121(b) of a one-stop part-
15 ner.

16 (44) *ON-THE-JOB TRAINING*.—The term “on-the-
17 job training” means training by an employer that is
18 provided to a paid participant while engaged in pro-
19 ductive work in a job that—

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

22 (B) is made available through a program
23 that provides reimbursement to the employer of
24 up to 50 percent of the wage rate of the partici-
25 pant, except as provided in section 134(c)(3)(H),

1 *for the extraordinary costs of providing the*
2 *training and additional supervision related to*
3 *the training; and*

4 *(C) is limited in duration as appropriate to*
5 *the occupation for which the participant is being*
6 *trained, taking into account the content of the*
7 *training, the prior work experience of the partici-*
8 *ipant, and the service strategy of the partici-*
9 *pant, as appropriate.*

10 (45) *OUTLYING AREA.*—*The term “outlying*
11 *area” means—*

12 *(A) American Samoa, Guam, the Common-*
13 *wealth of the Northern Mariana Islands, and the*
14 *United States Virgin Islands; and*

15 *(B) the Republic of Palau, except during*
16 *any period for which the Secretary of Labor and*
17 *the Secretary of Education determine that a*
18 *Compact of Free Association is in effect and con-*
19 *tains provisions for training and education as-*
20 *sistance prohibiting the assistance provided*
21 *under this Act.*

22 (46) *OUT-OF-SCHOOL YOUTH.*—*The term “out-of-*
23 *school youth” means a youth described in section*
24 *129(a)(1)(B).*

1 (47) *PAY-FOR-PERFORMANCE CONTRACT STRAT-*
2 *EGY.—The term “pay-for-performance contract strat-*
3 *egy” means a procurement strategy that uses pay-for-*
4 *performance contracts in the provision of training*
5 *services described in section 134(c)(3) or activities de-*
6 *scribed in section 129(c)(2), and includes—*

7 (A) *contracts, each of which shall specify a*
8 *fixed amount that will be paid to an eligible*
9 *service provider (which may include a local or*
10 *national community-based organization or inter-*
11 *mediary, community college, or other training*
12 *provider, that is eligible under section 122 or*
13 *123, as appropriate) based on the achievement of*
14 *specified levels of performance on the primary*
15 *indicators of performance described in section*
16 *116(b)(2)(A) for target populations as identified*
17 *by the local board (including individuals with*
18 *barriers to employment), within a defined time-*
19 *table, and which may provide for bonus pay-*
20 *ments to such service provider to expand capac-*
21 *ity to provide effective training;*

22 (B) *a strategy for independently validating*
23 *the achievement of the performance described in*
24 *subparagraph (A); and*

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

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

11 (49) *POVERTY LINE*.—The term “poverty line”
12 means the poverty line (as defined by the Office of
13 Management and Budget, and revised annually in ac-
14 cordance with section 673(2) of the Community Serv-
15 ices Block Grant Act (42 U.S.C. 9902(2))) applicable
16 to a family of the size involved.

17 (50) *PUBLIC ASSISTANCE*.—The term “public as-
18 sistance” means Federal, State, or local government
19 cash payments for which eligibility is determined by
20 a needs or income test.

21 (51) *RAPID RESPONSE ACTIVITY*.—The term
22 “rapid response activity” means an activity provided
23 by a State, or by an entity designated by a State,
24 with funds provided by the State under section
25 134(a)(1)(A), in the case of a permanent closure or

1 *mass layoff at a plant, facility, or enterprise, or a*
2 *natural or other disaster, that results in mass job dis-*
3 *location, in order to assist dislocated workers in ob-*
4 *taining reemployment as soon as possible, with serv-*
5 *ices including—*

6 *(A) the establishment of onsite contact with*
7 *employers and employee representatives—*

8 *(i) immediately after the State is noti-*
9 *fied of a current or projected permanent clo-*
10 *sure or mass layoff; or*

11 *(ii) in the case of a disaster, imme-*
12 *diately after the State is made aware of*
13 *mass job dislocation as a result of such dis-*
14 *aster;*

15 *(B) the provision of information on and ac-*
16 *cess to available employment and training ac-*
17 *tivities;*

18 *(C) assistance in establishing a labor-man-*
19 *agement committee, voluntarily agreed to by*
20 *labor and management, with the ability to devise*
21 *and implement a strategy for assessing the em-*
22 *ployment and training needs of dislocated work-*
23 *ers and obtaining services to meet such needs;*

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

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

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

15 (53) *REGION.*—The term “region”, used without
16 further description, means a region identified under
17 section 106(a), subject to section 107(c)(4)(B)(i) and
18 except as provided in section 106(b)(1)(B)(ii).

19 (54) *SCHOOL DROPOUT.*—The term “school drop-
20 out” means an individual who is no longer attending
21 any school and who has not received a secondary
22 school diploma or its recognized equivalent.

23 (55) *SECONDARY SCHOOL.*—The term “secondary
24 school” has the meaning given the term in section

1 *9101 of the Elementary and Secondary Education*
2 *Act of 1965 (20 U.S.C. 7801).*

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

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

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

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

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

22 (61) *UNEMPLOYED INDIVIDUAL.*—*The term “un-*
23 *employed individual” means an individual who is*
24 *without a job and who wants and is available for*
25 *work. The determination of whether an individual is*

1 *without a job, for purposes of this paragraph, shall be*
2 *made in accordance with the criteria used by the Bu-*
3 *reau of Labor Statistics of the Department of Labor*
4 *in defining individuals as unemployed.*

5 (62) *UNIT OF GENERAL LOCAL GOVERNMENT.—*

6 *The term “unit of general local government” means*
7 *any general purpose political subdivision of a State*
8 *that has the power to levy taxes and spend funds, as*
9 *well as general corporate and police powers.*

10 (63) *VETERAN; RELATED DEFINITION.—*

11 (A) *VETERAN.—The term “veteran” has the*
12 *meaning given the term in section 101 of title*
13 *38, United States Code.*

14 (B) *RECENTLY SEPARATED VETERAN.—The*

15 *term “recently separated veteran” means any*
16 *veteran who applies for participation under this*
17 *Act within 48 months after the discharge or re-*
18 *lease from active military, naval, or air service.*

19 (64) *VOCATIONAL REHABILITATION PROGRAM.—*

20 *The term “vocational rehabilitation program” means*
21 *a program authorized under a provision covered*
22 *under paragraph (13)(D).*

23 (65) *WORKFORCE DEVELOPMENT ACTIVITY.—The*

24 *term “workforce development activity” means an ac-*

1 *tivity carried out through a workforce development*
2 *program.*

3 (66) *WORKFORCE DEVELOPMENT PROGRAM.—*
4 *The term “workforce development program” means a*
5 *program made available through a workforce develop-*
6 *ment system.*

7 (67) *WORKFORCE DEVELOPMENT SYSTEM.—The*
8 *term “workforce development system” means a system*
9 *that makes available the core programs, the other one-*
10 *stop partner programs, and any other programs pro-*
11 *viding employment and training services as identified*
12 *by a State board or local board.*

13 (68) *WORKFORCE INVESTMENT ACTIVITY.—The*
14 *term “workforce investment activity” means an em-*
15 *ployment and training activity, and a youth work-*
16 *force investment activity.*

17 (69) *WORKFORCE PREPARATION ACTIVITIES.—*
18 *The term “workforce preparation activities” has the*
19 *meaning given the term in section 203.*

20 (70) *WORKPLACE LEARNING ADVISOR.—The term*
21 *“workplace learning advisor” means an individual*
22 *employed by an organization who has the knowledge*
23 *and skills necessary to advise other employees of that*
24 *organization about the education, skill development,*
25 *job training, career counseling services, and creden-*

1 *tials, including services provided through the work-*
 2 *force development system, required to progress toward*
 3 *career goals of such employees in order to meet em-*
 4 *ployer requirements related to job openings and career*
 5 *advancements that support economic self-sufficiency.*

6 (71) *YOUTH WORKFORCE INVESTMENT ACTIV-*
 7 *ITY.—The term “youth workforce investment activity”*
 8 *means an activity described in section 129 that is*
 9 *carried out for eligible youth (or as described in sec-*
 10 *tion 129(a)(3)(A)).*

11 ***TITLE I—WORKFORCE***
 12 ***DEVELOPMENT ACTIVITIES***
 13 ***Subtitle A—System Alignment***
 14 ***CHAPTER 1—STATE PROVISIONS***

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

16 (a) *IN GENERAL.—The Governor of a State shall estab-*
 17 *lish a State workforce development board to carry out the*
 18 *functions described in subsection (d).*

19 (b) *MEMBERSHIP.—*

20 (1) *IN GENERAL.—The State board shall in-*
 21 *clude—*

22 (A) *the Governor;*

23 (B) *a member of each chamber of the State*
 24 *legislature (to the extent consistent with State*

1 *law), appointed by the appropriate presiding of-*
2 *ficers of such chamber; and*

3 *(C) members appointed by the Governor, of*
4 *which—*

5 *(i) a majority shall be representatives*
6 *of businesses in the State, who—*

7 *(I) are owners of businesses, chief*
8 *executives or operating officers of busi-*
9 *nesses, or other business executives or*
10 *employers with optimum policymaking*
11 *or hiring authority, and who, in addi-*
12 *tion, may be members of a local board*
13 *described in section 107(b)(2)(A)(i);*

14 *(II) represent businesses (includ-*
15 *ing small businesses), or organizations*
16 *representing businesses described in*
17 *this subclause, that provide employ-*
18 *ment opportunities that, at a min-*
19 *imum, include high-quality, work-rel-*
20 *evant training and development in in-*
21 *demand industry sectors or occupa-*
22 *tions in the State; and*

23 *(III) are appointed from among*
24 *individuals nominated by State busi-*

1 *ness organizations and business trade*
2 *associations;*

3 *(ii) not less than 20 percent shall be*
4 *representatives of the workforce within the*
5 *State, who—*

6 *(I) shall include representatives of*
7 *labor organizations, who have been*
8 *nominated by State labor federations;*

9 *(II) shall include a representative,*
10 *who shall be a member of a labor orga-*
11 *nization or a training director, from a*
12 *joint labor-management apprenticeship*
13 *program, or if no such joint program*
14 *exists in the State, such a representa-*
15 *tive of an apprenticeship program in*
16 *the State;*

17 *(III) may include representatives*
18 *of community-based organizations that*
19 *have demonstrated experience and ex-*
20 *pertise in addressing the employment,*
21 *training, or education needs of indi-*
22 *viduals with barriers to employment,*
23 *including organizations that serve vet-*
24 *erans or that provide or support com-*

1 *petitive, integrated employment for in-*
2 *dividuals with disabilities; and*

3 *(IV) may include representatives*
4 *of organizations that have dem-*
5 *onstrated experience and expertise in*
6 *addressing the employment, training,*
7 *or education needs of eligible youth, in-*
8 *cluding representatives of organiza-*
9 *tions that serve out-of-school youth;*
10 *and*

11 *(iii) the balance—*

12 *(I) shall include representatives of*
13 *government, who—*

14 *(aa) shall include the lead*
15 *State officials with primary re-*
16 *sponsibility for the core programs;*
17 *and*

18 *(bb) shall include chief elect-*
19 *ed officials (collectively rep-*
20 *resenting both cities and counties,*
21 *where appropriate); and*

22 *(II) may include such other rep-*
23 *resentatives and officials as the Gov-*
24 *ernor may designate, such as—*

1 (aa) *the State agency officials*
2 *from agencies that are one-*
3 *stop partners not specified in sub-*
4 *clause (I) (including additional*
5 *one-stop partners whose programs*
6 *are covered by the State plan, if*
7 *any);*

8 (bb) *State agency officials re-*
9 *sponsible for economic develop-*
10 *ment or juvenile justice programs*
11 *in the State;*

12 (cc) *individuals who rep-*
13 *resent an Indian tribe or tribal*
14 *organization, as such terms are*
15 *defined in section 166(b); and*

16 (dd) *State agency officials*
17 *responsible for education pro-*
18 *grams in the State, including*
19 *chief executive officers of commu-*
20 *nity colleges and other institu-*
21 *tions of higher education.*

22 (2) *DIVERSE AND DISTINCT REPRESENTATION.—*

23 *The members of the State board shall represent di-*
24 *verse geographic areas of the State, including urban,*
25 *rural, and suburban areas.*

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

4 (A) *the category described in paragraph*
5 *(1)(C)(i); or*

6 (B) *1 category described in a subclause of*
7 *clause (ii) or (iii) of paragraph (1)(C).*

8 (c) *CHAIRPERSON.—The Governor shall select a chair-*
9 *person for the State board from among the representatives*
10 *described in subsection (b)(1)(C)(i).*

11 (d) *FUNCTIONS.—The State board shall assist the Gov-*
12 *ernor in—*

13 (1) *the development, implementation, and modi-*
14 *fication of the State plan;*

15 (2) *consistent with paragraph (1), the review of*
16 *statewide policies, of statewide programs, and of rec-*
17 *ommendations on actions that should be taken by the*
18 *State to align workforce development programs in the*
19 *State in a manner that supports a comprehensive and*
20 *streamlined workforce development system in the*
21 *State, including the review and provision of com-*
22 *ments on the State plans, if any, for programs and*
23 *activities of one-stop partners that are not core pro-*
24 *grams;*

1 (3) *the development and continuous improvement*
2 *of the workforce development system in the State, in-*
3 *cluding—*

4 (A) *the identification of barriers and means*
5 *for removing barriers to better coordinate, align,*
6 *and avoid duplication among the programs and*
7 *activities carried out through the system;*

8 (B) *the development of strategies to support*
9 *the use of career pathways for the purpose of*
10 *providing individuals, including low-skilled*
11 *adults, youth, and individuals with barriers to*
12 *employment (including individuals with disabili-*
13 *ties), with workforce investment activities, edu-*
14 *cation, and supportive services to enter or retain*
15 *employment;*

16 (C) *the development of strategies for pro-*
17 *viding effective outreach to and improved access*
18 *for individuals and employers who could benefit*
19 *from services provided through the workforce de-*
20 *velopment system;*

21 (D) *the development and expansion of strat-*
22 *egies for meeting the needs of employers, workers,*
23 *and jobseekers, particularly through industry or*
24 *sector partnerships related to in-demand indus-*
25 *try sectors and occupations;*

1 (E) the identification of regions, including
2 planning regions, for the purposes of section
3 106(a), and the designation of local areas under
4 section 106, after consultation with local boards
5 and chief elected officials;

6 (F) the development and continuous im-
7 provement of the one-stop delivery system in
8 local areas, including providing assistance to
9 local boards, one-stop operators, one-stop part-
10 ners, and providers with planning and deliv-
11 ering services, including training services and
12 supportive services, to support effective delivery
13 of services to workers, jobseekers, and employers;
14 and

15 (G) the development of strategies to support
16 staff training and awareness across programs
17 supported under the workforce development sys-
18 tem;

19 (4) the development and updating of comprehen-
20 sive State performance accountability measures, in-
21 cluding State adjusted levels of performance, to assess
22 the effectiveness of the core programs in the State as
23 required under section 116(b);

1 (5) *the identification and dissemination of infor-*
2 *mation on best practices, including best practices*
3 *for—*

4 (A) *the effective operation of one-stop cen-*
5 *ters, relating to the use of business outreach,*
6 *partnerships, and service delivery strategies, in-*
7 *cluding strategies for serving individuals with*
8 *barriers to employment;*

9 (B) *the development of effective local boards,*
10 *which may include information on factors that*
11 *contribute to enabling local boards to exceed ne-*
12 *gotiated local levels of performance, sustain fiscal*
13 *integrity, and achieve other measures of effective-*
14 *ness; and*

15 (C) *effective training programs that respond*
16 *to real-time labor market analysis, that effec-*
17 *tively use direct assessment and prior learning*
18 *assessment to measure an individual's prior*
19 *knowledge, skills, competencies, and experiences,*
20 *and that evaluate such skills, and competencies*
21 *for adaptability, to support efficient placement*
22 *into employment or career pathways;*

23 (6) *the development and review of statewide poli-*
24 *cies affecting the coordinated provision of services*

1 *through the State’s one-stop delivery system described*
2 *in section 121(e), including the development of—*

3 *(A) objective criteria and procedures for use*
4 *by local boards in assessing the effectiveness and*
5 *continuous improvement of one-stop centers de-*
6 *scribed in such section;*

7 *(B) guidance for the allocation of one-stop*
8 *center infrastructure funds under section 121(h);*
9 *and*

10 *(C) policies relating to the appropriate roles*
11 *and contributions of entities carrying out one-*
12 *stop partner programs within the one-stop deliv-*
13 *ery system, including approaches to facilitating*
14 *equitable and efficient cost allocation in such*
15 *system;*

16 *(7) the development of strategies for technological*
17 *improvements to facilitate access to, and improve the*
18 *quality of, services and activities provided through the*
19 *one-stop delivery system, including such improve-*
20 *ments to—*

21 *(A) enhance digital literacy skills (as de-*
22 *efined in section 202 of the Museum and Library*
23 *Services Act (20 U.S.C. 9101); referred to in this*
24 *Act as “digital literacy skills”);*

1 (B) accelerate the acquisition of skills and
2 recognized postsecondary credentials by partici-
3 pants;

4 (C) strengthen the professional development
5 of providers and workforce professionals; and

6 (D) ensure such technology is accessible to
7 individuals with disabilities and individuals re-
8 siding in remote areas;

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

20 (9) the development of allocation formulas for the
21 distribution of funds for employment and training ac-
22 tivities for adults, and youth workforce investment ac-
23 tivities, to local areas as permitted under sections
24 128(b)(3) and 133(b)(3);

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

3 (11) *the development of the statewide workforce*
4 *and labor market information system described in*
5 *section 15(e) of the Wagner-Peyser Act (29 U.S.C.*
6 *49l-2(e)); and*

7 (12) *the development of such other policies as*
8 *may promote statewide objectives for, and enhance the*
9 *performance of, the workforce development system in*
10 *the State.*

11 (e) *ALTERNATIVE ENTITY.—*

12 (1) *IN GENERAL.—For the purposes of complying*
13 *with subsections (a), (b), and (c), a State may use*
14 *any State entity (including a State council, State*
15 *workforce development board (within the meaning of*
16 *the Workforce Investment Act of 1998, as in effect on*
17 *the day before the date of enactment of this Act), com-*
18 *bination of regional workforce development boards, or*
19 *similar entity) that—*

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

23 (B) *is substantially similar to the State*
24 *board described in subsections (a) through (c);*
25 *and*

1 (C) includes representatives of business in
2 the State and representatives of labor organiza-
3 tions in the State.

4 (2) REFERENCES.—A reference in this Act, or a
5 core program provision that is not in this Act, to a
6 State board shall be considered to include such an en-
7 tity.

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

10 (1) vote on a matter under consideration by the
11 State board—

12 (A) regarding the provision of services by
13 such member (or by an entity that such member
14 represents); or

15 (B) that would provide direct financial ben-
16 efit to such member or the immediate family of
17 such member; or

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

21 (g) SUNSHINE PROVISION.—The State board shall
22 make available to the public, on a regular basis through
23 electronic means and open meetings, information regarding
24 the activities of the State board, including information re-
25 garding the State plan, or a modification to the State plan,

1 *prior to submission of the plan or modification of the plan,*
2 *respectively, information regarding membership, and, on*
3 *request, minutes of formal meetings of the State board.*

4 *(h) AUTHORITY TO HIRE STAFF.—*

5 *(1) IN GENERAL.—The State board may hire a*
6 *director and other staff to assist in carrying out the*
7 *functions described in subsection (d) using funds*
8 *available as described in section 129(b)(3) or*
9 *134(a)(3)(B)(i).*

10 *(2) QUALIFICATIONS.—The State board shall es-*
11 *tablish and apply a set of objective qualifications for*
12 *the position of director, that ensures that the indi-*
13 *vidual selected has the requisite knowledge, skills, and*
14 *abilities, to meet identified benchmarks and to assist*
15 *in effectively carrying out the functions of the State*
16 *board.*

17 *(3) LIMITATION ON RATE.—The director and*
18 *staff described in paragraph (1) shall be subject to the*
19 *limitations on the payment of salary and bonuses de-*
20 *scribed in section 194(15).*

21 **SEC. 102. UNIFIED STATE PLAN.**

22 *(a) PLAN.—For a State to be eligible to receive allot-*
23 *ments for the core programs, the Governor shall submit to*
24 *the Secretary of Labor for the approval process described*
25 *under subsection (c)(2), a unified State plan. The unified*

1 *State plan shall outline a 4-year strategy for the core pro-*
2 *grams of the State and meet the requirements of this section.*

3 (b) *CONTENTS.*—

4 (1) *STRATEGIC PLANNING ELEMENTS.*—*The uni-*
5 *fied State plan shall include strategic planning ele-*
6 *ments consisting of a strategic vision and goals for*
7 *preparing an educated and skilled workforce, that in-*
8 *clude—*

9 (A) *an analysis of the economic conditions*
10 *in the State, including—*

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

13 (ii) *the employment needs of employ-*
14 *ers, including a description of the knowl-*
15 *edge, skills, and abilities, needed in those*
16 *industries and occupations;*

17 (B) *an analysis of the current workforce,*
18 *employment and unemployment data, labor mar-*
19 *ket trends, and the educational and skill levels of*
20 *the workforce, including individuals with bar-*
21 *riers to employment (including individuals with*
22 *disabilities), in the State;*

23 (C) *an analysis of the workforce develop-*
24 *ment activities (including education and train-*
25 *ing) in the State, including an analysis of the*

1 *strengths and weaknesses of such activities, and*
2 *the capacity of State entities to provide such ac-*
3 *tivities, in order to address the identified edu-*
4 *cation and skill needs of the workforce and the*
5 *employment needs of employers in the State;*

6 *(D) a description of the State’s strategic vi-*
7 *sion and goals for preparing an educated and*
8 *skilled workforce (including preparing youth and*
9 *individuals with barriers to employment) and*
10 *for meeting the skilled workforce needs of employ-*
11 *ers, including goals relating to performance ac-*
12 *countability measures based on primary indica-*
13 *tors of performance described in section*
14 *116(b)(2)(A), in order to support economic*
15 *growth and economic self-sufficiency, and of how*
16 *the State will assess the overall effectiveness of*
17 *the workforce investment system in the State;*
18 *and*

19 *(E) taking into account analyses described*
20 *in subparagraphs (A) through (C), a strategy for*
21 *aligning the core programs, as well as other re-*
22 *sources available to the State, to achieve the stra-*
23 *tegic vision and goals described in subparagraph*
24 *(D).*

25 (2) *OPERATIONAL PLANNING ELEMENTS.—*

1 (A) *IN GENERAL.*—*The unified State plan*
2 *shall include the operational planning elements*
3 *contained in this paragraph, which shall support*
4 *the strategy described in paragraph (1)(E), in-*
5 *cluding a description of how the State board will*
6 *implement the functions under section 101(d).*

7 (B) *IMPLEMENTATION OF STATE STRAT-*
8 *EGY.*—*The unified State plan shall describe how*
9 *the lead State agency with responsibility for the*
10 *administration of a core program will imple-*
11 *ment the strategy described in paragraph (1)(E),*
12 *including a description of—*

13 (i) *the activities that will be funded by*
14 *the entities carrying out the respective core*
15 *programs to implement the strategy and*
16 *how such activities will be aligned across*
17 *the programs and among the entities ad-*
18 *ministering the programs, including using*
19 *co-enrollment and other strategies;*

20 (ii) *how the activities described in*
21 *clause (i) will be aligned with activities*
22 *provided under employment, training, edu-*
23 *cation, including career and technical edu-*
24 *cation, and human services programs not*
25 *covered by the plan, as appropriate, assur-*

1 *ing coordination of, and avoiding duplica-*
2 *tion among, the activities referred to in this*
3 *clause;*

4 *(iii) how the entities carrying out the*
5 *respective core programs will coordinate ac-*
6 *tivities and provide comprehensive, high-*
7 *quality services including supportive serv-*
8 *ices, to individuals;*

9 *(iv) how the State's strategy will en-*
10 *gage the State's community colleges and*
11 *area career and technical education schools*
12 *as partners in the workforce development*
13 *system and enable the State to leverage*
14 *other Federal, State, and local investments*
15 *that have enhanced access to workforce de-*
16 *velopment programs at those institutions;*

17 *(v) how the activities described in*
18 *clause (i) will be coordinated with economic*
19 *development strategies and activities in the*
20 *State; and*

21 *(vi) how the State's strategy will im-*
22 *prove access to activities leading to a recog-*
23 *nized postsecondary credential (including a*
24 *credential that is an industry-recognized*

1 *certificate or certification, portable, and*
2 *stackable).*

3 (C) *STATE OPERATING SYSTEMS AND POLI-*
4 *CIES.—The unified State plan shall describe the*
5 *State operating systems and policies that will*
6 *support the implementation of the strategy de-*
7 *scribed in paragraph (1)(E), including a de-*
8 *scription of—*

9 (i) *the State board, including the ac-*
10 *tivities to assist members of the State board*
11 *and the staff of such board in carrying out*
12 *the functions of the State board effectively*
13 *(but funds for such activities may not be*
14 *used for long-distance travel expenses for*
15 *training or development activities available*
16 *locally or regionally);*

17 (ii)(I) *how the respective core pro-*
18 *grams will be assessed each year, including*
19 *an assessment of the quality, effectiveness,*
20 *and improvement of programs (analyzed by*
21 *local area, or by provider), based on State*
22 *performance accountability measures de-*
23 *scribed in section 116(b); and*

24 (II) *how other one-stop partner pro-*
25 *grams will be assessed each year;*

1 (iii) the results of an assessment of the
2 effectiveness of the core programs and other
3 one-stop partner programs during the pre-
4 ceding 2-year period;

5 (iv) the methods and factors the State
6 will use in distributing funds under the core
7 programs, in accordance with the provisions
8 authorizing such distributions;

9 (v)(I) how the lead State agencies with
10 responsibility for the administration of the
11 core programs will align and integrate
12 available workforce and education data on
13 core programs, unemployment insurance
14 programs, and education through postsec-
15 ondary education;

16 (II) how such agencies will use the
17 workforce development system to assess the
18 progress of participants that are exiting
19 from core programs in entering, persisting
20 in, and completing postsecondary education,
21 or entering or remaining in employment;
22 and

23 (III) the privacy safeguards incor-
24 porated in such system, including safe-
25 guards required by section 444 of the Gen-

1 *eral Education Provisions Act (20 U.S.C.*
2 *1232g) and other applicable Federal laws;*

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

7 *(vii) how the one-stop delivery system,*
8 *including one-stop operators and the one-*
9 *stop partners, will comply with section 188,*
10 *if applicable, and applicable provisions of*
11 *the Americans with Disabilities Act of 1990*
12 *(42 U.S.C. 12101 et seq.), regarding the*
13 *physical and programmatic accessibility of*
14 *facilities, programs, services, technology,*
15 *and materials, for individuals with disabil-*
16 *ities, including complying through pro-*
17 *viding staff training and support for ad-*
18 *ressing the needs of individuals with dis-*
19 *abilities; and*

20 *(viii) such other operational planning*
21 *elements as the Secretary of Labor or the*
22 *Secretary of Education, as appropriate, de-*
23 *termines to be necessary for effective State*
24 *operating systems and policies.*

1 (D) PROGRAM-SPECIFIC REQUIREMENTS.—

2 The unified State plan shall include—

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

5 (I) State policies or guidance, for
6 the statewide workforce development
7 system and for use of State funds for
8 workforce investment activities;

9 (II) the local areas designated in
10 the State, including the process used
11 for designating local areas, and the
12 process used for identifying any plan-
13 ning regions under section 106(a), in-
14 cluding a description of how the State
15 consulted with the local boards and
16 chief elected officials in determining
17 the planning regions;

18 (III) the appeals process referred
19 to in section 106(b)(5), relating to des-
20 ignation of local areas;

21 (IV) the appeals process referred
22 to in section 121(h)(2)(E), relating to
23 determinations for infrastructure fund-
24 ing; and

1 (V) with respect to youth work-
2 force investment activities authorized
3 in section 129, information identifying
4 the criteria to be used by local boards
5 in awarding grants for youth work-
6 force investment activities and describ-
7 ing how the local boards will take into
8 consideration the ability of the pro-
9 viders to meet performance account-
10 ability measures based on primary in-
11 dicators of performance for the youth
12 program as described in section
13 116(b)(2)(A)(ii) in awarding such
14 grants;

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

17 (I) how the eligible agency will, if
18 applicable, align content standards for
19 adult education with State-adopted
20 challenging academic content stand-
21 ards, as adopted under section
22 1111(b)(1) of the Elementary and Sec-
23 ondary Education Act of 1965 (20
24 U.S.C. 6311(b)(1));

1 (II) *how the State will fund local*
2 *activities using considerations specified*
3 *in section 231(e) for—*

4 (ia) *activities under section*
5 *231(b);*

6 (ib) *programs for corrections*
7 *education under section 225;*

8 (ic) *programs for integrated*
9 *English literacy and civics edu-*
10 *cation under section 243; and*

11 (id) *integrated education*
12 *and training;*

13 (III) *how the State will use the*
14 *funds to carry out activities under sec-*
15 *tion 223;*

16 (IV) *how the State will use the*
17 *funds to carry out activities under sec-*
18 *tion 243;*

19 (V) *how the eligible agency will*
20 *assess the quality of providers of adult*
21 *education and literacy activities under*
22 *title II and take actions to improve*
23 *such quality, including providing the*
24 *activities described in section*
25 *223(a)(1)(B);*

1 (iii) with respect to programs carried
2 out under title I of the Rehabilitation Act
3 of 1973 (29 U.S.C. 720 et seq.), other than
4 section 112 or part C of that title (29
5 U.S.C. 732, 741), the information described
6 in section 101(a) of that Act (29 U.S.C.
7 721(a)); and

8 (iv) information on such additional
9 specific requirements for a program ref-
10 erenced in any of clauses (i) through (iii) or
11 the Wagner-Peyser Act (29 U.S.C. 49 et
12 seq.) as the Secretary of Labor determines to
13 be necessary to administer that program but
14 cannot reasonably be applied across all such
15 programs.

16 (E) ASSURANCES.—The unified State plan
17 shall include assurances—

18 (i) that the State has established a pol-
19 icy identifying circumstances that may
20 present a conflict of interest for a State
21 board or local board member, or the entity
22 or class of officials that the member rep-
23 resents, and procedures to resolve such con-
24 flicts;

1 (ii) that the State has established a
2 policy to provide to the public (including
3 individuals with disabilities) access to meet-
4 ings of State boards and local boards, and
5 information regarding activities of State
6 boards and local boards, such as data on
7 board membership and minutes;

8 (iii)(I) that the lead State agencies
9 with responsibility for the administration of
10 core programs reviewed and commented on
11 the appropriate operational planning ele-
12 ments of the unified State plan, and ap-
13 proved the elements as serving the needs of
14 the populations served by such programs;
15 and

16 (II) that the State obtained input into
17 the development of the unified State plan
18 and provided an opportunity for comment
19 on the plan by representatives of local
20 boards and chief elected officials, businesses,
21 labor organizations, institutions of higher
22 education, other primary stakeholders, and
23 the general public and that the unified
24 State plan is available and accessible to the
25 general public;

1 *(iv) that the State has established, in*
2 *accordance with section 116(i), fiscal con-*
3 *trol and fund accounting procedures that*
4 *may be necessary to ensure the proper dis-*
5 *bursement of, and accounting for, funds*
6 *paid to the State through allotments made*
7 *for adult, dislocated worker, and youth pro-*
8 *grams to carry out workforce investment ac-*
9 *tivities under chapters 2 and 3 of subtitle*
10 *B;*

11 *(v) that the State has taken appro-*
12 *priate action to secure compliance with uni-*
13 *form administrative requirements in this*
14 *Act, including that the State will annually*
15 *monitor local areas to ensure compliance*
16 *and otherwise take appropriate action to se-*
17 *ecure compliance with the uniform adminis-*
18 *trative requirements under section*
19 *184(a)(3);*

20 *(vi) that the State has taken the appro-*
21 *priate action to be in compliance with sec-*
22 *tion 188, if applicable;*

23 *(vii) that the Federal funds received to*
24 *carry out a core program will not be ex-*
25 *pended for any purpose other than for ac-*

1 *tivities authorized with respect to such*
2 *funds under that core program;*

3 *(viii) that the eligible agency under*
4 *title II will—*

5 *(I) expend the funds appropriated*
6 *to carry out that title only in a man-*
7 *ner consistent with fiscal requirements*
8 *under section 241(a) (regarding sup-*
9 *plement and not supplant provisions);*
10 *and*

11 *(II) ensure that there is at least 1*
12 *eligible provider serving each local*
13 *area;*

14 *(ix) that the State will pay an appro-*
15 *priate share (as defined by the State board)*
16 *of the costs of carrying out section 116,*
17 *from funds made available through each of*
18 *the core programs; and*

19 *(x) regarding such other matters as the*
20 *Secretary of Labor or the Secretary of Edu-*
21 *cation, as appropriate, determines to be*
22 *necessary for the administration of the core*
23 *programs.*

24 (3) *EXISTING ANALYSIS.—As appropriate, a*
25 *State may use an existing analysis in order to carry*

1 *out the requirements of paragraph (1) concerning an*
2 *analysis.*

3 *(c) PLAN SUBMISSION AND APPROVAL.—*

4 *(1) SUBMISSION.—*

5 *(A) INITIAL PLAN.—The initial unified*
6 *State plan under this section (after the date of*
7 *enactment of the Workforce Innovation and Op-*
8 *portunity Act) shall be submitted to the Sec-*
9 *retary of Labor not later than 120 days prior to*
10 *the commencement of the second full program*
11 *year after the date of enactment of this Act.*

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

18 *(2) SUBMISSION AND APPROVAL.—*

19 *(A) SUBMISSION.—In approving a unified*
20 *State plan under this section, the Secretary shall*
21 *submit the portion of the unified State plan cov-*
22 *ering a program or activity to the head of the*
23 *Federal agency that administers the program or*
24 *activity for the approval of such portion by such*
25 *head.*

1 (B) *APPROVAL.*—*A unified State plan shall*
2 *be subject to the approval of both the Secretary*
3 *of Labor and the Secretary of Education, after*
4 *approval of the Commissioner of the Rehabilita-*
5 *tion Services Administration for the portion of*
6 *the plan described in subsection (b)(2)(D)(iii).*
7 *The plan shall be considered to be approved at*
8 *the end of the 90-day period beginning on the*
9 *day the plan is submitted, unless the Secretary*
10 *of Labor or the Secretary of Education makes a*
11 *written determination, during the 90-day period,*
12 *that the plan is inconsistent with the provisions*
13 *of this section or the provisions authorizing the*
14 *core programs, as appropriate.*

15 (3) *MODIFICATIONS.*—

16 (A) *MODIFICATIONS.*—*At the end of the first*
17 *2-year period of any 4-year unified State plan,*
18 *the State board shall review the unified State*
19 *plan, and the Governor shall submit modifica-*
20 *tions to the plan to reflect changes in labor mar-*
21 *ket and economic conditions or in other factors*
22 *affecting the implementation of the unified State*
23 *plan.*

24 (B) *APPROVAL.*—*A modified unified State*
25 *plan submitted for the review required under*

1 subparagraph (A) shall be subject to the ap-
2 proval requirements described in paragraph (2).
3 A Governor may submit a modified unified State
4 plan at such other times as the Governor deter-
5 mines to be appropriate, and such modified uni-
6 fied State plan shall also be subject to the ap-
7 proval requirements described in paragraph (2).

8 (4) *EARLY IMPLEMENTERS.*—The Secretary of
9 Labor, in conjunction with the Secretary of Edu-
10 cation, shall establish a process for approving and
11 may approve unified State plans that meet the re-
12 quirements of this section and are submitted to cover
13 periods commencing prior to the second full program
14 year described in paragraph (1)(A).

15 **SEC. 103. COMBINED STATE PLAN.**

16 (a) *IN GENERAL.*—

17 (1) *AUTHORITY TO SUBMIT PLAN.*—A State may
18 develop and submit to the appropriate Secretaries a
19 combined State plan for the core programs and 1 or
20 more of the programs and activities described in
21 paragraph (2) in lieu of submitting 2 or more plans,
22 for the programs and activities and the core pro-
23 grams.

24 (2) *PROGRAMS.*—The programs and activities re-
25 ferred to in paragraph (1) are as follows:

1 (A) *Career and technical education pro-*
2 *grams authorized under the Carl D. Perkins Ca-*
3 *reer and Technical Education Act of 2006 (20*
4 *U.S.C. 2301 et seq.).*

5 (B) *Programs authorized under part A of*
6 *title IV of the Social Security Act (42 U.S.C.*
7 *601 et seq.).*

8 (C) *Programs authorized under section*
9 *6(d)(4) of the Food and Nutrition Act of 2008 (7*
10 *U.S.C. 2015(d)(4)).*

11 (D) *Work programs authorized under sec-*
12 *tion 6(o) of the Food and Nutrition Act of 2008*
13 *(7 U.S.C. 2015(o)).*

14 (E) *Activities authorized under chapter 2 of*
15 *title II of the Trade Act of 1974 (19 U.S.C. 2271*
16 *et seq.).*

17 (F) *Activities authorized under chapter 41*
18 *of title 38, United States Code.*

19 (G) *Programs authorized under State un-*
20 *employment compensation laws (in accordance*
21 *with applicable Federal law).*

22 (H) *Programs authorized under title V of*
23 *the Older Americans Act of 1965 (42 U.S.C.*
24 *3056 et seq.).*

1 (I) *Employment and training activities*
2 *carried out by the Department of Housing and*
3 *Urban Development.*

4 (J) *Employment and training activities*
5 *carried out under the Community Services Block*
6 *Grant Act (42 U.S.C. 9901 et seq.).*

7 (K) *Programs authorized under section 212*
8 *of the Second Chance Act of 2007 (42 U.S.C.*
9 *17532).*

10 (b) *REQUIREMENTS.—*

11 (1) *IN GENERAL.—The portion of a combined*
12 *plan covering the core programs shall be subject to the*
13 *requirements of section 102 (including section*
14 *102(c)(3)). The portion of such plan covering a pro-*
15 *gram or activity described in subsection (a)(2) shall*
16 *be subject to the requirements, if any, applicable to a*
17 *plan or application for assistance for that program or*
18 *activity, under the Federal law authorizing the pro-*
19 *gram or activity. At the election of the State, section*
20 *102(c)(3) may apply to that portion.*

21 (2) *ADDITIONAL SUBMISSION NOT REQUIRED.—A*
22 *State that submits a combined plan that is approved*
23 *under subsection (c) shall not be required to submit*
24 *any other plan or application in order to receive Fed-*
25 *eral funds to carry out the core programs or the pro-*

1 *gram or activities described in subsection (a)(2) that*
2 *are covered by the combined plan.*

3 (3) *COORDINATION.*—*A combined plan shall in-*
4 *clude—*

5 (A) *a description of the methods used for*
6 *joint planning and coordination of the core pro-*
7 *grams and the other programs and activities cov-*
8 *ered by the combined plan; and*

9 (B) *an assurance that the methods included*
10 *an opportunity for the entities responsible for*
11 *planning or administering the core programs*
12 *and the other programs and activities to review*
13 *and comment on all portions of the combined*
14 *plan.*

15 (c) *APPROVAL BY THE APPROPRIATE SECRETARIES.*—

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

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

1 *mented until the appropriate Secretary approves the*
2 *corresponding portions of the plan for all core pro-*
3 *grams.*

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 APPRO-*
14 *PRIATE SECRETARIES.—If an appropriate Sec-*
15 *retary other than the Secretary of Labor or the*
16 *Secretary of Education has authority to approve*
17 *a portion of a combined plan, that portion of the*
18 *combined plan shall be considered to be approved*
19 *by the appropriate Secretary at the end of the*
20 *120-day period beginning on the day the plan is*
21 *submitted.*

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

1 *appropriate Secretary covered by subparagraph*
2 *(B)), that the portion is not consistent with the*
3 *requirements of the Federal law authorizing or*
4 *applicable to the program or activity involved,*
5 *including the criteria for approval of a plan or*
6 *application, if any, under such law, or the plan*
7 *is not consistent with the requirements of this*
8 *section.*

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

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 of*
25 *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 as-*
4 *urance concerning that program or activity, specified*
5 *in subsection (b)(3)), the head of the Federal agency*
6 *who exercises plan or application approval authority*
7 *for the program or activity under the Federal law au-*
8 *thorizing the program or activity, or, if there are no*
9 *planning or application requirements for such pro-*
10 *gram or activity, exercises administrative authority*
11 *over the program or activity under that Federal law.*

12 **CHAPTER 2—LOCAL PROVISIONS**

13 **SEC. 106. WORKFORCE DEVELOPMENT AREAS.**

14 (a) *REGIONS.—*

15 (1) *IDENTIFICATION.—Before the second full pro-*
16 *gram year after the date of enactment of this Act, in*
17 *order for a State to receive an allotment under section*
18 *127(b) or 132(b) and as part of the process for devel-*
19 *oping the State plan, a State shall identify regions in*
20 *the State after consultation with the local boards and*
21 *chief elected officials in the local areas and consistent*
22 *with the considerations described in subsection*
23 *(b)(1)(B).*

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

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

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

7 (C) which, of the regions described in sub-
8 paragraph (B), are interstate areas contained
9 within 2 or more States, and consist of labor
10 market areas, economic development areas, or
11 other appropriate contiguous subareas of those
12 States.

13 (b) LOCAL AREAS.—

14 (1) IN GENERAL.—

15 (A) PROCESS.—Except as provided in sub-
16 section (d), and consistent with paragraphs (2)
17 and (3), in order for a State to receive an allot-
18 ment under section 127(b) or 132(b), the Gov-
19 ernor of the State shall designate local workforce
20 development areas within the State—

21 (i) through consultation with the State
22 board; and

23 (ii) after consultation with chief elected
24 officials and local boards, and after consid-
25 eration of comments received through the

1 *public comment process as described in sec-*
2 *tion 102(b)(2)(E)(iii)(II).*

3 *(B) CONSIDERATIONS.—The Governor shall*
4 *designate local areas (except for those local areas*
5 *described in paragraphs (2) and (3)) based on*
6 *considerations consisting of the extent to which*
7 *the areas—*

8 *(i) are consistent with labor market*
9 *areas in the State;*

10 *(ii) are consistent with regional eco-*
11 *nomi c development areas in the State; and*

12 *(iii) have available the Federal and*
13 *non-Federal resources necessary to effec-*
14 *tively administer activities under subtitle B*
15 *and other applicable provisions of this Act,*
16 *including whether the areas have the appro-*
17 *priate education and training providers,*
18 *such as institutions of higher education and*
19 *area career and technical education schools.*

20 *(2) INITIAL DESIGNATION.—During the first 2*
21 *full program years following the date of enactment of*
22 *this Act, the Governor shall approve a request for ini-*
23 *tial designation as a local area from any area that*
24 *was designated as a local area for purposes of the*
25 *Workforce Investment Act of 1998 for the 2-year pe-*

1 *riod preceding the date of enactment of this Act, per-*
2 *formed successfully, and sustained fiscal integrity.*

3 (3) *SUBSEQUENT DESIGNATION.*—*After the pe-*
4 *riod for which a local area is initially designated*
5 *under paragraph (2), the Governor shall approve a*
6 *request for subsequent designation as a local area*
7 *from such local area, if such area—*

8 (A) *performed successfully;*

9 (B) *sustained fiscal integrity; and*

10 (C) *in the case of a local area in a plan-*
11 *ning region, met the requirements described in*
12 *subsection (c)(1).*

13 (4) *DESIGNATION ON RECOMMENDATION OF*
14 *STATE BOARD.*—*The Governor may approve a request*
15 *from any unit of general local government (including*
16 *a combination of such units) for designation of an*
17 *area as a local area if the State board determines,*
18 *based on the considerations described in paragraph*
19 *(1)(B), and recommends to the Governor, that such*
20 *area should be so designated.*

21 (5) *APPEALS.*—*A unit of general local govern-*
22 *ment (including a combination of such units) or*
23 *grant recipient that requests but is not granted des-*
24 *ignation of an area as a local area under paragraph*
25 *(2) or (3) may submit an appeal to the State board*

1 *under an appeal process established in the State plan.*
2 *If the appeal does not result in such a designation,*
3 *the Secretary of Labor, after receiving a request for*
4 *review from the unit or grant recipient and on deter-*
5 *mining that the unit or grant recipient was not ac-*
6 *corded procedural rights under the appeals process de-*
7 *scribed in the State plan, as specified in section*
8 *102(b)(2)(D)(i)(III), or that the area meets the re-*
9 *quirements of paragraph (2) or (3), may require that*
10 *the area be designated as a local area under such*
11 *paragraph.*

12 (6) *REDESIGNATION ASSISTANCE.*—*On the re-*
13 *quest of all of the local areas in a planning region,*
14 *the State shall provide funding from funds made*
15 *available under sections 128(a) and 133(a)(1) to as-*
16 *assist the local areas in carrying out activities to facili-*
17 *tate the redesignation of the local areas to a single*
18 *local area.*

19 (c) *REGIONAL COORDINATION.*—

20 (1) *REGIONAL PLANNING.*—*The local boards and*
21 *chief elected officials in each planning region de-*
22 *scribed in subparagraph (B) or (C) of subsection*
23 *(a)(2) shall engage in a regional planning process*
24 *that results in—*

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

3 (B) the establishment of regional service
4 strategies, including use of cooperative service
5 delivery agreements;

6 (C) the development and implementation of
7 sector initiatives for in-demand industry sectors
8 or occupations for the region;

9 (D) the collection and analysis of regional
10 labor market data (in conjunction with the
11 State);

12 (E) the establishment of administrative cost
13 arrangements, including the pooling of funds for
14 administrative costs, as appropriate, for the re-
15 gion;

16 (F) the coordination of transportation and
17 other supportive services, as appropriate, for the
18 region;

19 (G) the coordination of services with re-
20 gional economic development services and pro-
21 viders; and

22 (H) the establishment of an agreement con-
23 cerning how the planning region will collectively
24 negotiate and reach agreement with Governor on
25 local levels of performance for, and report on, the

1 *performance accountability measures described*
2 *in section 116(c), for local areas or the planning*
3 *region.*

4 (2) *REGIONAL PLANS.*—*The State, after consulta-*
5 *tion with local boards and chief elected officials for*
6 *the planning regions, shall require the local boards*
7 *and chief elected officials within a planning region to*
8 *prepare, submit, and obtain approval of a single re-*
9 *gional plan that includes a description of the activi-*
10 *ties described in paragraph (1) and that incorporates*
11 *local plans for each of the local areas in the planning*
12 *region. The State shall provide technical assistance*
13 *and labor market data, as requested by local areas, to*
14 *assist with such regional planning and subsequent*
15 *service delivery efforts.*

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

18 (A) *LOCAL AREA.*—*Except as provided in*
19 *section 101(d)(9), this section, paragraph (1)(B)*
20 *or (4) of section 107(c), or section 107(d)(12)(B),*
21 *or in any text that provides an accompanying*
22 *provision specifically for a planning region, the*
23 *term “local area” in a provision includes a ref-*
24 *erence to a planning region for purposes of im-*

1 *plementation of that provision by the cor-*
2 *responding local areas in the region.*

3 (B) *LOCAL PLAN.—Except as provided in*
4 *this subsection, the term “local plan” includes a*
5 *reference to the portion of a regional plan devel-*
6 *oped with respect to the corresponding local area*
7 *within the region, and any regionwide provision*
8 *of that plan that impacts or relates to the local*
9 *area.*

10 (d) *SINGLE STATE LOCAL AREAS.—*

11 (1) *CONTINUATION OF PREVIOUS DESIGNA-*
12 *TION.—The Governor of any State that was a single*
13 *State local area for purposes of title I of the Work-*
14 *force Investment Act of 1998, as in effect on July 1,*
15 *2013, may designate the State as a single State local*
16 *area for purposes of this title. In the case of such des-*
17 *ignation, the Governor shall identify the State as a*
18 *local area in the State plan.*

19 (2) *EFFECT ON LOCAL PLAN AND LOCAL FUNC-*
20 *TIONS.—In any case in which a State is designated*
21 *as a local area pursuant to this subsection, the local*
22 *plan prepared under section 108 for the area shall be*
23 *submitted for approval as part of the State plan. In*
24 *such a State, the State board shall carry out the func-*
25 *tions of a local board, as specified in this Act or the*

1 *provisions authorizing a core program, but the State*
2 *shall not be required to meet and report on a set of*
3 *local performance accountability measures.*

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

5 *(1) PERFORMED SUCCESSFULLY.—The term*
6 *“performed successfully”, used with respect to a local*
7 *area, means the local area met or exceeded the ad-*
8 *justed levels of performance for primary indicators of*
9 *performance described in section 116(b)(2)(A) (or, if*
10 *applicable, core indicators of performance described*
11 *in section 136(b)(2)(A) of the Workforce Investment*
12 *Act of 1998, as in effect the day before the date of en-*
13 *actment of this Act) for each of the last 2 consecutive*
14 *years for which data are available preceding the de-*
15 *termination of performance under this paragraph.*

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

1 *willful disregard of the requirements of the provision*
2 *involved, gross negligence, or failure to comply with*
3 *accepted standards of administration.*

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

5 (a) *ESTABLISHMENT.*—*Except as provided in sub-*
6 *section (c)(2)(A), there shall be established, and certified by*
7 *the Governor of the State, a local workforce development*
8 *board in each local area of a State to carry out the func-*
9 *tions described in subsection (d) (and any functions speci-*
10 *fied for the local board under this Act or the provisions es-*
11 *tablishing a core program) for such area.*

12 (b) *MEMBERSHIP.*—

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

19 (2) *COMPOSITION.*—*Such criteria shall require*
20 *that, at a minimum—*

21 (A) *a majority of the members of each local*
22 *board shall be representatives of business in the*
23 *local area, who—*

24 (i) *are owners of businesses, chief ex-*
25 *ecutives or operating officers of businesses,*

1 *or other business executives or employers*
2 *with optimum policymaking or hiring au-*
3 *thority;*

4 *(ii) represent businesses, including*
5 *small businesses, or organizations rep-*
6 *resenting businesses described in this clause,*
7 *that provide employment opportunities that,*
8 *at a minimum, include high-quality, work-*
9 *relevant training and development in in-de-*
10 *mand industry sectors or occupations in the*
11 *local area; and*

12 *(iii) are appointed from among indi-*
13 *viduals nominated by local business organi-*
14 *zations and business trade associations;*

15 *(B) not less than 20 percent of the members*
16 *of each local board shall be representatives of the*
17 *workforce within the local area, who—*

18 *(i) shall include representatives of*
19 *labor organizations (for a local area in*
20 *which employees are represented by labor*
21 *organizations), who have been nominated by*
22 *local labor federations, or (for a local area*
23 *in which no employees are represented by*
24 *such organizations) other representatives of*
25 *employees;*

1 (ii) shall include a representative, who
2 shall be a member of a labor organization
3 or a training director, from a joint labor-
4 management apprenticeship program, or if
5 no such joint program exists in the area,
6 such a representative of an apprenticeship
7 program in the area, if such a program ex-
8 ists;

9 (iii) may include representatives of
10 community-based organizations that have
11 demonstrated experience and expertise in
12 addressing the employment needs of individ-
13 uals with barriers to employment, including
14 organizations that serve veterans or that
15 provide or support competitive integrated
16 employment for individuals with disabili-
17 ties; and

18 (iv) 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 el-
22 igible youth, including representatives of or-
23 ganizations that serve out-of-school youth;

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

4 (i) shall include a representative of eli-
5 gible providers administering adult edu-
6 cation and literacy activities under title II;

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

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

17 (D) each local board shall include represent-
18 atives of governmental and economic and com-
19 munity development entities serving the local
20 area, who—

21 (i) shall include a representative of
22 economic and community development enti-
23 ties;

24 (ii) shall include an appropriate rep-
25 resentative from the State employment serv-

1 *ice office under the Wagner-Peyser Act (29*
2 *U.S.C. 49 et seq.) serving the local area;*

3 *(iii) shall include an appropriate rep-*
4 *resentative of the programs carried out*
5 *under title I of the Rehabilitation Act of*
6 *1973 (29 U.S.C. 720 et seq.), other than sec-*
7 *tion 112 or part C of that title (29 U.S.C.*
8 *732, 741), serving the local area;*

9 *(iv) may include representatives of*
10 *agencies or entities administering programs*
11 *serving the local area relating to transpor-*
12 *tation, housing, and public assistance; and*

13 *(v) may include representatives of phil-*
14 *anthropic organizations serving the local*
15 *area; and*

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

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

24 *(4) STANDING COMMITTEES.—*

1 (A) *IN GENERAL.*—*The local board may*
2 *designate and direct the activities of standing*
3 *committees to provide information and to assist*
4 *the local board in carrying out activities under*
5 *this section. Such standing committees shall be*
6 *chaired by a member of the local board, may in-*
7 *clude other members of the local board, and shall*
8 *include other individuals appointed by the local*
9 *board who are not members of the local board*
10 *and who the local board determines have appro-*
11 *priate experience and expertise. At a minimum,*
12 *the local board may designate each of the fol-*
13 *lowing:*

14 (i) *A standing committee to provide*
15 *information and assist with operational*
16 *and other issues relating to the one-stop de-*
17 *livery system, which may include as mem-*
18 *bers representatives of the one-stop partners.*

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

1 (iii) *A standing committee to provide*
2 *information and to assist with operational*
3 *and other issues relating to the provision of*
4 *services to individuals with disabilities, in-*
5 *cluding issues relating to compliance with*
6 *section 188, if applicable, and applicable*
7 *provisions of the Americans with Disabil-*
8 *ities Act of 1990 (42 U.S.C. 12101 et seq.)*
9 *regarding providing programmatic and*
10 *physical access to the services, programs,*
11 *and activities of the one-stop delivery sys-*
12 *tem, as well as appropriate training for*
13 *staff on providing supports for or accom-*
14 *modations to, and finding employment op-*
15 *portunities for, individuals with disabil-*
16 *ities.*

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

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

1 *paragraph as long as the entity meets the re-*
2 *quirements of this paragraph.*

3 (5) *AUTHORITY OF BOARD MEMBERS.—Members*
4 *of the board that represent organizations, agencies, or*
5 *other entities shall be individuals with optimum pol-*
6 *icymaking authority within the organizations, agen-*
7 *cies, or entities. The members of the board shall rep-*
8 *resent diverse geographic areas within the local area.*

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

19 (c) *APPOINTMENT AND CERTIFICATION OF BOARD.—*

20 (1) *APPOINTMENT OF BOARD MEMBERS AND AS-*
21 *SIGNMENT OF RESPONSIBILITIES.—*

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

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

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

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

11 *(I) in the appointment of the*
12 *members of the local board from the in-*
13 *dividuals nominated or recommended*
14 *to be such members in accordance with*
15 *the criteria established under sub-*
16 *section (b); and*

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

20 *(ii) LACK OF AGREEMENT.—If, after a*
21 *reasonable effort, the chief elected officials*
22 *are unable to reach agreement as provided*
23 *under clause (i), the Governor may appoint*
24 *the members of the local board from indi-*
25 *viduals so nominated or recommended.*

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

16 (2) *CERTIFICATION.—*

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

20 (B) *CRITERIA.—Such certification shall be*
21 *based on criteria established under subsection*
22 *(b), and for a second or subsequent certification,*
23 *the extent to which the local board has ensured*
24 *that workforce investment activities carried out*
25 *in the local area have enabled the local area to*

1 *meet the corresponding performance account-*
2 *ability measures and achieve sustained fiscal in-*
3 *tegrity, as defined in section 106(e)(2).*

4 (C) *FAILURE TO ACHIEVE CERTIFI-*
5 *CATION.—Failure of a local board to achieve cer-*
6 *tification shall result in appointment and cer-*
7 *tification of a new local board for the local area*
8 *pursuant to the process described in paragraph*
9 *(1) and this paragraph.*

10 (3) *DECERTIFICATION.—*

11 (A) *FRAUD, ABUSE, FAILURE TO CARRY OUT*
12 *FUNCTIONS.—Notwithstanding paragraph (2),*
13 *the Governor shall have the authority to decertify*
14 *a local board at any time after providing notice*
15 *and an opportunity for comment, for—*

16 (i) *fraud or abuse; or*

17 (ii) *failure to carry out the functions*
18 *specified for the local board in subsection*
19 *(d).*

20 (B) *NONPERFORMANCE.—Notwithstanding*
21 *paragraph (2), the Governor may decertify a*
22 *local board if a local area fails to meet the local*
23 *performance accountability measures for such*
24 *local area in accordance with section 116(c) for*
25 *2 consecutive program years.*

1 (C) *REORGANIZATION PLAN.*—If the Gov-
2 ernor decertifies a local board for a local area
3 under subparagraph (A) or (B), the Governor
4 may require that a new local board be appointed
5 and certified for the local area pursuant to a re-
6 organization plan developed by the Governor, in
7 consultation with the chief elected official in the
8 local area and in accordance with the criteria es-
9 tablished under subsection (b).

10 (4) *SINGLE STATE LOCAL AREA.*—

11 (A) *STATE BOARD.*—Notwithstanding sub-
12 section (b) and paragraphs (1) and (2), if a
13 State described in section 106(d) indicates in the
14 State plan that the State will be treated as a
15 single State local area, for purposes of the appli-
16 cation of this Act or the provisions authorizing
17 a core program, the State board shall carry out
18 any of the functions of a local board under this
19 Act or the provisions authorizing a core pro-
20 gram, including the functions described in sub-
21 section (d).

22 (B) *REFERENCES.*—

23 (i) *IN GENERAL.*—Except as provided
24 in clauses (ii) and (iii), with respect to such
25 a State, a reference in this Act or a core

1 *program provision to a local board shall be*
2 *considered to be a reference to the State*
3 *board, and a reference in the Act or provi-*
4 *sion to a local area or region shall be con-*
5 *sidered to be a reference to the State.*

6 *(ii) PLANS.—The State board shall*
7 *prepare a local plan under section 108 for*
8 *the State, and submit the plan for approval*
9 *as part of the State plan.*

10 *(iii) PERFORMANCE ACCOUNTABILITY*
11 *MEASURES.—The State shall not be re-*
12 *quired to meet and report on a set of local*
13 *performance accountability measures.*

14 *(d) FUNCTIONS OF LOCAL BOARD.—Consistent with*
15 *section 108, the functions of the local board shall include*
16 *the following:*

17 *(1) LOCAL PLAN.—The local board, in partner-*
18 *ship with the chief elected official for the local area*
19 *involved, shall develop and submit a local plan to the*
20 *Governor that meets the requirements in section 108.*
21 *If the local area is part of a planning region that in-*
22 *cludes other local areas, the local board shall collabo-*
23 *rate with the other local boards and chief elected offi-*
24 *cial from such other local areas in the preparation*

1 *and submission of a regional plan as described in sec-*
2 *tion 106(e)(2).*

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

7 (A) *carry out analyses of the economic con-*
8 *ditions in the region, the needed knowledge and*
9 *skills for the region, the workforce in the region,*
10 *and workforce development activities (including*
11 *education and training) in the region described*
12 *in section 108(b)(1)(D), and regularly update*
13 *such information;*

14 (B) *assist the Governor in developing the*
15 *statewide workforce and labor market informa-*
16 *tion system described in section 15(e) of the*
17 *Wagner-Peyser Act (29 U.S.C. 49l–2(e)), specifi-*
18 *cally in the collection, analysis, and utilization*
19 *of workforce and labor market information for*
20 *the region; and*

21 (C) *conduct such other research, data collec-*
22 *tion, and analysis related to the workforce needs*
23 *of the regional economy as the board, after re-*
24 *ceiving input from a wide array of stakeholders,*

1 *determines to be necessary to carry out its func-*
2 *tions.*

3 (3) *CONVENING, BROKERING, LEVERAGING.*—*The*
4 *local board shall convene local workforce development*
5 *system stakeholders to assist in the development of the*
6 *local plan under section 108 and in identifying non-*
7 *Federal expertise and resources to leverage support for*
8 *workforce development activities. The local board, in-*
9 *cluding standing committees, may engage such stake-*
10 *holders in carrying out the functions described in this*
11 *subsection.*

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

15 (A) *to promote business representation (par-*
16 *ticularly representatives with optimal policy-*
17 *making or hiring authority from employers*
18 *whose employment opportunities reflect existing*
19 *and emerging employment opportunities in the*
20 *region) on the local board;*

21 (B) *to develop effective linkages (including*
22 *the use of intermediaries) with employers in the*
23 *region to support employer utilization of the*
24 *local workforce development system and to sup-*
25 *port local workforce investment activities;*

1 (C) to ensure that workforce investment ac-
2 tivities meet the needs of employers and support
3 economic growth in the region, by enhancing
4 communication, coordination, and collaboration
5 among employers, economic development entities,
6 and service providers; and

7 (D) to develop and implement proven or
8 promising strategies for meeting the employment
9 and skill needs of workers and employers (such
10 as the establishment of industry and sector part-
11 nerships), that provide the skilled workforce
12 needed by employers in the region, and that ex-
13 pand employment and career advancement op-
14 portunities for workforce development system
15 participants in in-demand industry sectors or
16 occupations.

17 (5) *CAREER PATHWAYS DEVELOPMENT.*—The
18 local board, with representatives of secondary and
19 postsecondary education programs, shall lead efforts
20 in the local area to develop and implement career
21 pathways within the local area by aligning the em-
22 ployment, training, education, and supportive serv-
23 ices that are needed by adults and youth, particularly
24 individuals with barriers to employment.

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

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

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

17 (7) *TECHNOLOGY.*—*The local board shall develop*
18 *strategies for using technology to maximize the acces-*
19 *sibility and effectiveness of the local workforce devel-*
20 *opment system for employers, and workers and job-*
21 *seekers, by—*

22 (A) *facilitating connections among the in-*
23 *take and case management information systems*
24 *of the one-stop partner programs to support a*

1 *comprehensive workforce development system in*
2 *the local area;*

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

6 *(C) identifying strategies for better meeting*
7 *the needs of individuals with barriers to employ-*
8 *ment, including strategies that augment tradi-*
9 *tional service delivery, and increase access to*
10 *services and programs of the one-stop delivery*
11 *system, such as improving digital literacy skills;*
12 *and*

13 *(D) leveraging resources and capacity with-*
14 *in the local workforce development system, in-*
15 *cluding resources and capacity for services for*
16 *individuals with barriers to employment.*

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

20 *(A)(i) conduct oversight for local youth*
21 *workforce investment activities authorized under*
22 *section 129(c), local employment and training*
23 *activities authorized under subsections (c) and*
24 *(d) of section 134, and the one-stop delivery sys-*
25 *tem in the local area; and*

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

5 (B) for workforce development activities, en-
6 sure the appropriate use, management, and in-
7 vestment of funds to maximize performance out-
8 comes under section 116.

9 (9) *NEGOTIATION OF LOCAL PERFORMANCE AC-*
10 *COUNTABILITY MEASURES.—The local board, the chief*
11 *elected official, and the Governor shall negotiate and*
12 *reach agreement on local performance accountability*
13 *measures as described in section 116(c).*

14 (10) *SELECTION OF OPERATORS AND PRO-*
15 *VIDERS.—*

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

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

23 (ii) *may terminate for cause the eligi-*
24 *bility of such operators.*

1 (B) *SELECTION OF YOUTH PROVIDERS.*—

2 Consistent with section 123, the local board—

3 (i) shall identify eligible providers of
4 youth workforce investment activities in the
5 local area by awarding grants or contracts
6 on a competitive basis (except as provided
7 in section 123(b)), based on the rec-
8 ommendations of the youth standing com-
9 mittee, if such a committee is established for
10 the local area under subsection (b)(4); and

11 (ii) may terminate for cause the eligi-
12 bility of such providers.

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

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

1 (E) *CONSUMER CHOICE REQUIREMENTS.*—

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

16 (11) *COORDINATION WITH EDUCATION PRO-*
17 *VIDERS.*—

18 (A) *IN GENERAL.*—*The local board shall co-*
19 *ordinate activities with education and training*
20 *providers in the local area, including providers*
21 *of workforce investment activities, providers of*
22 *adult education and literacy activities under*
23 *title II, providers of career and technical edu-*
24 *cation (as defined in section 3 of the Carl D.*
25 *Perkins Career and Technical Education Act of*

1 2006 (20 U.S.C. 2302)) and local agencies ad-
2 ministering plans under title I of the Rehabilita-
3 tion Act 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).

6 (B) *APPLICATIONS AND AGREEMENTS.*—The
7 coordination described in subparagraph (A) shall
8 include—

9 (i) consistent with section 232—

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

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

21 (ii) replicating cooperative agreements
22 in accordance with subparagraph (B) of
23 section 101(a)(11) of the Rehabilitation Act
24 of 1973 (29 U.S.C. 721(a)(11)), and imple-
25 menting cooperative agreements in accord-

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

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

20 *(12) BUDGET AND ADMINISTRATION.—*

21 *(A) BUDGET.—The local board shall develop*
22 *a budget for the activities of the local board in*
23 *the local area, consistent with the local plan and*
24 *the duties of the local board under this section,*

1 *subject to the approval of the chief elected offi-*
2 *cial.*

3 *(B) ADMINISTRATION.—*

4 *(i) GRANT RECIPIENT.—*

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

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

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

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

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

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

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

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

17 (f) *STAFF.*—

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

23 (2) *QUALIFICATIONS.*—*The local board shall es-*
24 *tablish and apply a set of objective qualifications for*
25 *the position of director, that ensures that the indi-*

1 *vidual selected has the requisite knowledge, skills, and*
2 *abilities, to meet identified benchmarks and to assist*
3 *in effectively carrying out the functions of the local*
4 *board.*

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

9 (g) *LIMITATIONS.—*

10 (1) *TRAINING SERVICES.—*

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

14 (B) *WAIVERS OF TRAINING PROHIBITION.—*
15 *The Governor of the State in which a local board*
16 *is located may, pursuant to a request from the*
17 *local board, grant a written waiver of the prohi-*
18 *bition set forth in subparagraph (A) (relating to*
19 *the provision of training services) for a program*
20 *of training services, if the local board—*

21 (i) *submits to the Governor a proposed*
22 *request for the waiver that includes—*

23 (I) *satisfactory evidence that there*
24 *is an insufficient number of eligible*
25 *providers of such a program of train-*

1 *ing services to meet local demand in*
2 *the local area;*

3 *(II) information demonstrating*
4 *that the board meets the requirements*
5 *for an eligible provider of training*
6 *services under section 122; and*

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

12 *(ii) makes the proposed request avail-*
13 *able to eligible providers of training services*
14 *and other interested members of the public*
15 *for a public comment period of not less than*
16 *30 days; and*

17 *(iii) includes, in the final request for*
18 *the waiver, the evidence and information*
19 *described in clause (i) and the comments re-*
20 *ceived pursuant to clause (ii).*

21 *(C) DURATION.—A waiver granted to a*
22 *local board under subparagraph (B) shall apply*
23 *for a period that shall not exceed the duration of*
24 *the local plan. The waiver may be renewed for*
25 *additional periods under subsequent local plans,*

1 *not to exceed the durations of such subsequent*
2 *plans, pursuant to requests from the local board,*
3 *if the board meets the requirements of subpara-*
4 *graph (B) in making the requests.*

5 (D) *REVOCATION.*—*The Governor shall have*
6 *the authority to revoke the waiver during the ap-*
7 *propriate period described in subparagraph (C)*
8 *if the Governor determines the waiver is no*
9 *longer needed or that the local board involved*
10 *has engaged in a pattern of inappropriate refer-*
11 *als to training services operated by the local*
12 *board.*

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

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

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

1 (1) *vote on a matter under consideration by the*
2 *local board—*

3 (A) *regarding the provision of services by*
4 *such member (or by an entity that such member*
5 *represents); or*

6 (B) *that would provide direct financial ben-*
7 *efit to such member or the immediate family of*
8 *such member; or*

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

12 (i) *ALTERNATIVE ENTITY.—*

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

18 (A) *is established to serve the local area (or*
19 *the service delivery area that most closely cor-*
20 *responds to the local area);*

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

24 (C) *includes—*

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

3 (ii)(I) representatives of labor organi-
4 zations (for a local area in which employees
5 are represented by labor organizations),
6 nominated by local labor federations; or

7 (II) other representatives of employees
8 in the local area (for a local area in which
9 no employees are represented by such orga-
10 nizations).

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

14 **SEC. 108. LOCAL PLAN.**

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

1 *shall prepare and submit modifications to the local plan*
2 *to reflect changes in labor market and economic conditions*
3 *or in other factors affecting the implementation of the local*
4 *plan.*

5 (b) *CONTENTS.—The local plan shall include—*

6 (1) *a description of the strategic planning ele-*
7 *ments consisting of—*

8 (A) *an analysis of the regional economic*
9 *conditions including—*

10 (i) *existing and emerging in-demand*
11 *industry sectors and occupations; and*

12 (ii) *the employment needs of employers*
13 *in those industry sectors and occupations;*

14 (B) *an analysis of the knowledge and skills*
15 *needed to meet the employment needs of the em-*
16 *ployers in the region, including employment*
17 *needs in in-demand industry sectors and occupa-*
18 *tions;*

19 (C) *an analysis of the workforce in the re-*
20 *gion, including current labor force employment*
21 *(and unemployment) data, and information on*
22 *labor market trends, and the educational and*
23 *skill levels of the workforce in the region, includ-*
24 *ing individuals with barriers to employment;*

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

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

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

24 (2) a description of the workforce development
25 system in the local area that identifies the programs

1 *that are included in that system and how the local*
2 *board will work with the entities carrying out core*
3 *programs and other workforce development programs*
4 *to support alignment to provide services, including*
5 *programs of study authorized under the Carl D. Per-*
6 *kins Career and Technical Education Act of 2006 (20*
7 *U.S.C. 2301 et seq.), that support the strategy identi-*
8 *fied in the State plan under section 102(b)(1)(E);*

9 *(3) a description of how the local board, working*
10 *with the entities carrying out core programs, will ex-*
11 *pend access to employment, training, education, and*
12 *supportive services for eligible individuals, particu-*
13 *larly eligible individuals with barriers to employ-*
14 *ment, including how the local board will facilitate the*
15 *development of career pathways and co-enrollment, as*
16 *appropriate, in core programs, and improve access to*
17 *activities leading to a recognized postsecondary cre-*
18 *dential (including a credential that is an industry-*
19 *recognized certificate or certification, portable, and*
20 *stackable);*

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

23 *(A) in order to—*

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

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

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

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

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

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

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

1 *located (or planning region), and promote entrepre-*
2 *neurial skills training and microenterprise services;*

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

5 *(A) a description of how the local board will*
6 *ensure the continuous improvement of eligible*
7 *providers of services through the system and en-*
8 *sure that such providers meet the employment*
9 *needs of local employers, and workers and job-*
10 *seekers;*

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

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

1 *addressing the needs of individuals with disabili-*
2 *ties; and*

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

5 *(7) a description and assessment of the type and*
6 *availability of adult and dislocated worker employ-*
7 *ment and training activities in the local area;*

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

12 *(9) a description and assessment of the type and*
13 *availability of youth workforce investment activities*
14 *in the local area, including activities for youth who*
15 *are individuals with disabilities, which description*
16 *and assessment shall include an identification of suc-*
17 *cessful models of such youth workforce investment ac-*
18 *tivities;*

19 *(10) a description of how the local board will co-*
20 *ordinate education and workforce investment activi-*
21 *ties carried out in the local area with relevant sec-*
22 *ondary and postsecondary education programs and*
23 *activities to coordinate strategies, enhance services,*
24 *and avoid duplication of services;*

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

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

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

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

1 *tion 101(a)(11)(B) of the Rehabilitation Act of 1973*
2 *(29 U.S.C. 721(a)(11)(B)) and the local office of a*
3 *designated State agency or designated State unit ad-*
4 *ministering programs carried out under title I of such*
5 *Act (29 U.S.C. 720 et seq.) (other than section 112 or*
6 *part C of that title (29 U.S.C. 732, 741) and subject*
7 *to section 121(f)) in accordance with section*
8 *101(a)(11) of such Act (29 U.S.C. 721(a)(11)) with*
9 *respect to efforts that will enhance the provision of*
10 *services to individuals with disabilities and to other*
11 *individuals, such as cross training of staff, technical*
12 *assistance, use and sharing of information, coopera-*
13 *tive efforts with employers, and other efforts at co-*
14 *operation, collaboration, and coordination;*

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

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

23 *(17) a description of the local levels of perform-*
24 *ance negotiated with the Governor and chief elected*
25 *official pursuant to section 116(c), to be used to meas-*

1 *ure the performance of the local area and to be used*
2 *by the local board for measuring the performance of*
3 *the local fiscal agent (where appropriate), eligible*
4 *providers under subtitle B, and the one-stop delivery*
5 *system, in the local area;*

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

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

19 *(20) a description of the process used by the local*
20 *board, consistent with subsection (d), to provide an*
21 *opportunity for public comment, including comment*
22 *by representatives of businesses and comment by rep-*
23 *resentatives of labor organizations, and input into the*
24 *development of the local plan, prior to submission of*
25 *the plan;*

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

7 (22) such other information as the Governor may
8 require.

9 (c) *EXISTING ANALYSIS.*—As appropriate, a local area
10 may use an existing analysis in order to carry out the re-
11 quirements of subsection (b)(1) concerning an analysis.

12 (d) *PROCESS.*—Prior to the date on which the local
13 board submits a local plan under this section, the local
14 board shall—

15 (1) make available copies of a proposed local
16 plan to the public through electronic and other means,
17 such as public hearings and local news media;

18 (2) allow members of the public, including rep-
19 resentatives of business, representatives of labor orga-
20 nizations, and representatives of education to submit
21 to the local board comments on the proposed local
22 plan, not later than the end of the 30-day period be-
23 ginning on the date on which the proposed local plan
24 is made available; and

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

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

11 (1) deficiencies in activities carried out under
12 this subtitle or subtitle B have been identified,
13 through audits conducted under section 184 or other-
14 wise, and the local area has not made acceptable
15 progress in implementing corrective measures to ad-
16 dress the deficiencies;

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

19 (3) the plan does not align with the State plan,
20 including failing to provide for alignment of the core
21 programs to support the strategy identified in the
22 State plan in accordance with section 102(b)(1)(E).

1 **CHAPTER 3—BOARD PROVISIONS**

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

3 (a) *STATE BOARDS.*—*In funding a State board under*
4 *this subtitle, a State—*

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

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

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

13 (1) *shall use funds available as described in sec-*
14 *tion 128(b)(4); and*

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

19 **CHAPTER 4—PERFORMANCE**

20 **ACCOUNTABILITY**

21 **SEC. 116. PERFORMANCE ACCOUNTABILITY SYSTEM.**

22 (a) *PURPOSE.*—*The purpose of this section is to estab-*
23 *lish performance accountability measures that apply across*
24 *the core programs to assess the effectiveness of States and*
25 *local areas (for core programs described in subtitle B) in*

1 *achieving positive outcomes for individuals served by those*
2 *programs.*

3 (b) *STATE PERFORMANCE ACCOUNTABILITY MEAS-*
4 *URES.—*

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

8 (A)(i) *the primary indicators of perform-*
9 *ance described in paragraph (2)(A); and*

10 (ii) *the additional indicators of perform-*
11 *ance (if any) identified by the State under para-*
12 *graph (2)(B); and*

13 (B) *a State adjusted level of performance*
14 *for each indicator described in subparagraph*
15 *(A).*

16 (2) *INDICATORS OF PERFORMANCE.—*

17 (A) *PRIMARY INDICATORS OF PERFORM-*
18 *ANCE.—*

19 (i) *IN GENERAL.—The State primary*
20 *indicators of performance for activities pro-*
21 *vided under the adult and dislocated worker*
22 *programs authorized under chapter 3 of*
23 *subtitle B, the program of adult education*
24 *and literacy activities authorized under*
25 *title II, the employment services program*

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

10 *(I) the percentage of program par-*
11 *ticipants who are in unsubsidized em-*
12 *ployment during the second quarter*
13 *after exit from the program;*

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

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

22 *(IV) the percentage of program*
23 *participants who obtain a recognized*
24 *postsecondary credential, or a sec-*
25 *ondary school diploma or its recog-*

1 nized equivalent (subject to clause
2 (iii)), during participation in or with-
3 in 1 year after exit from the program;

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

12 (VI) the indicators of effectiveness
13 in serving employers established pursu-
14 ant to clause (iv).

15 (ii) *PRIMARY INDICATORS FOR ELIGI-*
16 *BLE YOUTH.*—The primary indicators of
17 performance for the youth program author-
18 ized under chapter 2 of subtitle B shall con-
19 sist of—

20 (I) the percentage of program par-
21 ticipants who are in education or
22 training activities, or in unsubsidized
23 employment, during the second quarter
24 after exit from the program;

1 (II) *the percentage of program*
2 *participants who are in education or*
3 *training activities, or in unsubsidized*
4 *employment, during the fourth quarter*
5 *after exit from the program; and*

6 (III) *the primary indicators of*
7 *performance described in subclauses*
8 *(III) through (VI) of subparagraph*
9 *(A)(i).*

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

24 (iv) *INDICATOR FOR SERVICES TO EM-*
25 *PLOYERS.—Prior to the commencement of*

1 *the second full program year after the date*
2 *of enactment of this Act, for purposes of*
3 *clauses (i)(VI), or clause (ii)(III) with re-*
4 *spect to clause (i)(IV), the Secretary of*
5 *Labor and the Secretary of Education, after*
6 *consultation with the representatives de-*
7 *scribed in paragraph (4)(B), shall jointly*
8 *develop and establish, for purposes of this*
9 *subparagraph, 1 or more primary indica-*
10 *tors of performance that indicate the effec-*
11 *tiveness of the core programs in serving em-*
12 *ployers.*

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

16 *(3) LEVELS OF PERFORMANCE.—*

17 *(A) STATE ADJUSTED LEVELS OF PERFORM-*
18 *ANCE FOR PRIMARY INDICATORS.—*

19 *(i) IN GENERAL.—For each State sub-*
20 *mitting a State plan, there shall be estab-*
21 *lished, in accordance with this subpara-*
22 *graph, levels of performance for each of the*
23 *corresponding primary indicators of per-*
24 *formance described in paragraph (2) for*

1 each of the programs described in clause
2 (ii).

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

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

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

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

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

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

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

24 (iii) *IDENTIFICATION IN STATE*
25 *PLAN.*—Each State shall identify, in the

1 *State plan, expected levels of performance*
2 *for each of the corresponding primary indi-*
3 *cators of performance for each of the pro-*
4 *grams described in clause (ii) for the first*
5 *2 program years covered by the State plan.*

6 *(iv) AGREEMENT ON STATE ADJUSTED*
7 *LEVELS OF PERFORMANCE.—*

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

1 shall be incorporated into the State
2 plan prior to the approval of such
3 plan.

4 (II) *THIRD AND FOURTH YEAR.*—
5 *The State and the Secretary of Labor,*
6 *in conjunction with the Secretary of*
7 *Education, shall reach agreement,*
8 *prior to the third program year cov-*
9 *ered by the State plan, on levels of per-*
10 *formance for each indicator described*
11 *in clause (iii) for each of the programs*
12 *described in clause (ii) for each of the*
13 *third and fourth program years cov-*
14 *ered by the State plan. In reaching the*
15 *agreement, the State and Secretary of*
16 *Labor, in conjunction with the Sec-*
17 *retary of Education, shall take into ac-*
18 *count the factors described in clause*
19 *(v). The levels agreed to shall be con-*
20 *sidered to be the State adjusted levels of*
21 *performance for the State for such pro-*
22 *gram years and shall be incorporated*
23 *into the State plan as a modification*
24 *to the plan.*

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

4 (I) *take into account how the lev-*
5 *els involved compare with the State ad-*
6 *justed levels of performance established*
7 *for other States;*

8 (II) *ensure that the levels involved*
9 *are adjusted, using the objective statis-*
10 *tical model established by the Secre-*
11 *taries pursuant to clause (viii), based*
12 *on—*

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

19 (bb) *the characteristics of*
20 *participants when the partici-*
21 *pants entered the program in-*
22 *volved, including indicators of*
23 *poor work history, lack of work*
24 *experience, lack of educational or*
25 *occupational skills attainment,*

1 *dislocation from high-wage and*
2 *high-benefit employment, low lev-*
3 *els of literacy or English pro-*
4 *ficiency, disability status, home-*
5 *lessness, ex-offender status, and*
6 *welfare dependency;*

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

14 *(IV) take into account the extent*
15 *to which the levels involved will assist*
16 *the State in meeting the goals described*
17 *in clause (vi).*

18 *(vi) GOALS.—In order to promote en-*
19 *hanced performance outcomes and to facili-*
20 *tate the process of reaching agreements with*
21 *the States under clause (iv), the Secretary*
22 *of Labor, in conjunction with the Secretary*
23 *of Education, shall establish performance*
24 *goals for the core programs, in accordance*
25 *with the Government Performance and Re-*

1 *sults Act of 1993 (Public Law 103–62; 107*
2 *Stat. 285) and the amendments made by*
3 *that Act, and in consultation with States*
4 *and other appropriate parties. Such goals*
5 *shall be long-term goals for the adjusted lev-*
6 *els of performance to be achieved by each of*
7 *the programs described in clause (ii) re-*
8 *garding the corresponding primary indica-*
9 *tors of performance described in paragraph*
10 *(2)(A).*

11 *(vii) REVISIONS BASED ON ECONOMIC*
12 *CONDITIONS AND INDIVIDUALS SERVED DUR-*
13 *ING THE PROGRAM YEAR.—The Secretary of*
14 *Labor, in conjunction with the Secretary of*
15 *Education, shall, in accordance with the ob-*
16 *jective statistical model developed pursuant*
17 *to clause (viii), revise the State adjusted*
18 *levels of performance applicable for each of*
19 *the programs described in clause (ii), for a*
20 *program year and a State, to reflect the ac-*
21 *tual economic conditions and characteristics*
22 *of participants (as described in clause*
23 *(v)(II)) in that program during such pro-*
24 *gram year in such State.*

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

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

18 (4) *DEFINITIONS OF INDICATORS OF PERFORM-*
19 *ANCE.—*

20 (A) *IN GENERAL.—In order to ensure na-*
21 *tionwide comparability of performance data, the*
22 *Secretary of Labor and the Secretary of Edu-*
23 *cation, after consultation with representatives*
24 *described in subparagraph (B), shall issue defi-*

1 *initions for the indicators described in paragraph*
2 *(2).*

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

14 *(c) LOCAL PERFORMANCE ACCOUNTABILITY MEAS-*
15 *URES FOR SUBTITLE B.—*

16 *(1) IN GENERAL.—For each local area in a State*
17 *designated under section 106, the local performance*
18 *accountability measures for each of the programs de-*
19 *scribed in subclauses (I) through (III) of subsection*
20 *(b)(3)(A)(i) shall consist of—*

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

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

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

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

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

24 (d) PERFORMANCE REPORTS.—

1 (1) *IN GENERAL.*—Not later than 12 months
2 after the date of enactment of this Act, the Secretary
3 of Labor, in conjunction with the Secretary of Edu-
4 cation, shall develop a template for performance re-
5 ports that shall be used by States, local boards, and
6 eligible providers of training services under section
7 122 to report on outcomes achieved by the core pro-
8 grams. In developing such templates, the Secretary of
9 Labor, in conjunction with the Secretary of Edu-
10 cation, will take into account the need to maximize
11 the value of the templates for workers, jobseekers, em-
12 ployers, local elected officials, State officials, Federal
13 policymakers, and other key stakeholders.

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

17 (A) *information specifying the levels of per-*
18 *formance achieved with respect to the primary*
19 *indicators of performance described in subsection*
20 *(b)(2)(A) for each of the programs described in*
21 *subsection (b)(3)(A)(ii) and the State adjusted*
22 *levels of performance with respect to such indica-*
23 *tors for each program;*

24 (B) *information specifying the levels of per-*
25 *formance achieved with respect to the primary*

1 *indicators of performance described in subsection*
2 *(b)(2)(A) for each of the programs described in*
3 *subsection (b)(3)(A)(i) with respect to individ-*
4 *uals with barriers to employment, disaggregated*
5 *by each subpopulation of such individuals, and*
6 *by race, ethnicity, sex, and age;*

7 *(C) the total number of participants served*
8 *by each of the programs described in subsection*
9 *(b)(3)(A)(ii);*

10 *(D) the number of participants who received*
11 *career and training services, respectively, during*
12 *the most recent program year and the 3 pre-*
13 *ceding program years, and the amount of funds*
14 *spent on each type of service;*

15 *(E) the number of participants who exited*
16 *from career and training services, respectively,*
17 *during the most recent program year and the 3*
18 *preceding program years;*

19 *(F) the average cost per participant of those*
20 *participants who received career and training*
21 *services, respectively, during the most recent pro-*
22 *gram year and the 3 preceding program years;*

23 *(G) the percentage of participants in a pro-*
24 *gram authorized under this subtitle who received*
25 *training services and obtained unsubsidized em-*

1 *ployment in a field related to the training re-*
2 *ceived;*

3 *(H) the number of individuals with barriers*
4 *to employment served by each of the programs*
5 *described in subsection (b)(3)(A)(ii),*
6 *disaggregated by each subpopulation of such in-*
7 *dividuals;*

8 *(I) the number of participants who are en-*
9 *rolled in more than 1 of the programs described*
10 *in subsection (b)(3)(A)(ii);*

11 *(J) the percentage of the State's annual al-*
12 *lotment under section 132(b) that the State spent*
13 *on administrative costs;*

14 *(K) in the case of a State in which local*
15 *areas are implementing pay-for-performance*
16 *contract strategies for programs—*

17 *(i) the performance of service providers*
18 *entering into contracts for such strategies,*
19 *measured against the levels of performance*
20 *specified in the contracts for such strategies;*
21 *and*

22 *(ii) an evaluation of the design of the*
23 *programs and performance of the strategies,*
24 *and, where possible, the level of satisfaction*
25 *with the strategies among employers and*

1 *participants benefitting from the strategies;*

2 *and*

3 *(L) other information that facilitates com-*
4 *parisons of programs with programs in other*
5 *States.*

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

9 *(A) the information specified in subpara-*
10 *graphs (A) through (L) of paragraph (2), for*
11 *each of the programs described in subclauses (I)*
12 *through (III) of subsection (b)(3)(A)(ii);*

13 *(B) the percentage of the local area’s alloca-*
14 *tion under sections 128(b) and 133(b) that the*
15 *local area spent on administrative costs; and*

16 *(C) other information that facilitates com-*
17 *parisons of programs with programs in other*
18 *local areas (or planning regions, as appro-*
19 *priate).*

20 *(4) CONTENTS OF ELIGIBLE TRAINING PRO-*
21 *VIDERS PERFORMANCE REPORTS.—The performance*
22 *report for an eligible provider of training services*
23 *under section 122 shall include, subject to paragraph*
24 *(6)(C), with respect to each program of study (or the*
25 *equivalent) of such provider—*

1 (A) information specifying the levels of per-
2 formance achieved with respect to the primary
3 indicators of performance described in subclauses
4 (I) through (IV) of subsection (b)(2)(A)(i) with
5 respect to all individuals engaging in the pro-
6 gram of study (or the equivalent);

7 (B) the total number of individuals exiting
8 from the program of study (or the equivalent);

9 (C) the total number of participants who re-
10 ceived training services through each of the adult
11 program and the dislocated worker program au-
12 thorized under chapter 3 of subtitle B,
13 disaggregated by the type of entity that provided
14 the training, during the most recent program
15 year and the 3 preceding program years;

16 (D) the total number of participants who
17 exited from training services, disaggregated by
18 the type of entity that provided the training,
19 during the most recent program year and the 3
20 preceding program years;

21 (E) the average cost per participant for the
22 participants who received training services,
23 disaggregated by the type of entity that provided
24 the training, during the most recent program
25 year and the 3 preceding program years; and

1 (F) *the number of individuals with barriers*
2 *to employment served by each of the adult pro-*
3 *gram and the dislocated worker program author-*
4 *ized under chapter 3 of subtitle B, disaggregated*
5 *by each subpopulation of such individuals, and*
6 *by race, ethnicity, sex, and age.*

7 (5) *DATA VALIDATION.—In preparing the State*
8 *reports described in this subsection, each State shall*
9 *establish procedures, consistent with guidelines issued*
10 *by the Secretary, in conjunction with the Secretary of*
11 *Education, to ensure the information contained in the*
12 *reports is valid and reliable.*

13 (6) *PUBLICATION.—*

14 (A) *STATE PERFORMANCE REPORTS.—The*
15 *Secretary of Labor and the Secretary of Edu-*
16 *cation shall annually make available (including*
17 *by electronic means), in an easily understand-*
18 *able format, the performance reports for States*
19 *containing the information described in para-*
20 *graph (2).*

21 (B) *LOCAL AREA AND ELIGIBLE TRAINING*
22 *PROVIDER PERFORMANCE REPORTS.—The State*
23 *shall make available (including by electronic*
24 *means), in an easily understandable format, the*
25 *performance reports for the local areas con-*

1 *taining the information described in paragraph*
2 *(3) and the performance reports for eligible pro-*
3 *viders of training services containing the infor-*
4 *mation described in paragraph (4).*

5 *(C) RULES FOR REPORTING OF DATA.—The*
6 *disaggregation of data under this subsection*
7 *shall not be required when the number of partici-*
8 *pants in a category is insufficient to yield statis-*
9 *tically reliable information or when the results*
10 *would reveal personally identifiable information*
11 *about an individual participant.*

12 *(D) DISSEMINATION TO CONGRESS.—The*
13 *Secretary of Labor and the Secretary of Edu-*
14 *cation shall make available (including by elec-*
15 *tronic means) a summary of the reports, and the*
16 *reports, required under this subsection to the*
17 *Committee on Education and the Workforce of*
18 *the House of Representatives and the Committee*
19 *on Health, Education, Labor, and Pensions of*
20 *the Senate. The Secretaries shall prepare and*
21 *make available with the reports a set of rec-*
22 *ommendations for improvements in and adjust-*
23 *ments to pay-for-performance contract strategies*
24 *used under subtitle B.*

25 *(e) EVALUATION OF STATE PROGRAMS.—*

1 (1) *IN GENERAL.*—Using funds authorized under
2 a core program and made available to carry out this
3 section, the State, in coordination with local boards
4 in the State and the State agencies responsible for the
5 administration of the core programs, shall conduct
6 ongoing evaluations of activities carried out in the
7 State under such programs. The State, local boards,
8 and State agencies shall conduct the evaluations in
9 order to promote, establish, implement, and utilize
10 methods for continuously improving core program ac-
11 tivities in order to achieve high-level performance
12 within, and high-level outcomes from, the workforce
13 development system. The State shall coordinate the
14 evaluations with the evaluations provided for by the
15 Secretary of Labor and the Secretary of Education
16 under section 169, section 242(c)(2)(D), and sections
17 12(a)(5), 14, and 107 of the Rehabilitation Act of
18 1973 (29 U.S.C. 709(a)(5), 711, 727) (applied with
19 respect to programs carried out under title I of that
20 Act (29 U.S.C. 720 et seq.)) and the investigations
21 provided for by the Secretary of Labor under section
22 10(b) of the Wagner-Peyser Act (29 U.S.C. 49i(b)).

23 (2) *DESIGN.*—The evaluations conducted under
24 this subsection shall be designed in conjunction with
25 the State board, State agencies responsible for the ad-

1 *ministration of the core programs, and local boards*
2 *and shall include analysis of customer feedback and*
3 *outcome and process measures in the statewide work-*
4 *force development system. The evaluations shall use*
5 *designs that employ the most rigorous analytical and*
6 *statistical methods that are reasonably feasible, such*
7 *as the use of control groups.*

8 (3) *RESULTS.—The State shall annually pre-*
9 *pare, submit to the State board and local boards in*
10 *the State, and make available to the public (including*
11 *by electronic means), reports containing the results of*
12 *evaluations conducted under this subsection, to pro-*
13 *mote the efficiency and effectiveness of the workforce*
14 *development system.*

15 (4) *COOPERATION WITH FEDERAL EVALUA-*
16 *TIONS.—The State shall, to the extent practicable, co-*
17 *operate in the conduct of evaluations (including re-*
18 *lated research projects) provided for by the Secretary*
19 *of Labor or the Secretary of Education under the pro-*
20 *visions of Federal law identified in paragraph (1).*
21 *Such cooperation shall include the provision of data*
22 *(in accordance with appropriate privacy protections*
23 *established by the Secretary of Labor), the provision*
24 *of responses to surveys, and allowing site visits in a*
25 *timely manner, for the Secretaries or their agents.*

1 (f) *SANCTIONS FOR STATE FAILURE TO MEET STATE*
2 *PERFORMANCE ACCOUNTABILITY MEASURES.*—

3 (1) *STATES.*—

4 (A) *TECHNICAL ASSISTANCE.*—*If a State*
5 *fails to meet the State adjusted levels of perform-*
6 *ance relating to indicators described in sub-*
7 *section (b)(2)(A) for a program for any program*
8 *year, the Secretary of Labor and the Secretary*
9 *of Education shall provide technical assistance,*
10 *including assistance in the development of a per-*
11 *formance improvement plan.*

12 (B) *REDUCTION IN AMOUNT OF GRANT.*—*If*
13 *such failure continues for a second consecutive*
14 *year, or (except in the case of exceptional cir-*
15 *cumstances as determined by the Secretary of*
16 *Labor or the Secretary of Education, as appro-*
17 *priate) a State fails to submit a report under*
18 *subsection (d) for any program year, the percent-*
19 *age of each amount that would (in the absence*
20 *of this paragraph) be reserved by the Governor*
21 *under section 128(a) for the immediately suc-*
22 *ceeding program year shall be reduced by 5 per-*
23 *centage points until such date as the Secretary*
24 *of Labor or the Secretary of Education, as ap-*
25 *propriate, determines that the State meets such*

1 *State adjusted levels of performance and has sub-*
2 *mitted such reports for the appropriate program*
3 *years.*

4 *(g) SANCTIONS FOR LOCAL AREA FAILURE TO MEET*
5 *LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.—*

6 *(1) TECHNICAL ASSISTANCE.—If a local area*
7 *fails to meet local performance accountability meas-*
8 *ures established under subsection (c) for the youth,*
9 *adult, or dislocated worker program authorized under*
10 *chapter 2 or 3 of subtitle B for a program described*
11 *in subsection (d)(2)(A) for any program year, the*
12 *Governor, or upon request by the Governor, the Sec-*
13 *retary of Labor, shall provide technical assistance,*
14 *which may include assistance in the development of*
15 *a performance improvement plan or the development*
16 *of a modified local plan (or regional plan).*

17 *(2) CORRECTIVE ACTIONS.—*

18 *(A) IN GENERAL.—If such failure continues*
19 *for a third consecutive year, the Governor shall*
20 *take corrective actions, which shall include devel-*
21 *opment of a reorganization plan through which*
22 *the Governor shall—*

23 *(i) require the appointment and cer-*
24 *tification of a new local board, consistent*

1 *with the criteria established under section*
2 *107(b);*

3 *(ii) prohibit the use of eligible pro-*
4 *viders and one-stop partners identified as*
5 *achieving a poor level of performance; or*

6 *(iii) take such other significant actions*
7 *as the Governor determines are appropriate.*

8 *(B) APPEAL BY LOCAL AREA.—*

9 *(i) APPEAL TO GOVERNOR.—The local*
10 *board and chief elected official for a local*
11 *area that is subject to a reorganization plan*
12 *under subparagraph (A) may, not later*
13 *than 30 days after receiving notice of the*
14 *reorganization plan, appeal to the Governor*
15 *to rescind or revise such plan. In such case,*
16 *the Governor shall make a final decision not*
17 *later than 30 days after the receipt of the*
18 *appeal.*

19 *(ii) SUBSEQUENT ACTION.—The local*
20 *board and chief elected official for a local*
21 *area may, not later than 30 days after re-*
22 *ceiving a decision from the Governor pursu-*
23 *ant to clause (i), appeal such decision to the*
24 *Secretary of Labor. In such case, the Sec-*

1 retary shall make a final decision not later
2 than 30 days after the receipt of the appeal.

3 (C) *EFFECTIVE DATE.*—The decision made
4 by the Governor under subparagraph (B)(i) shall
5 become effective at the time the Governor issues
6 the decision pursuant to such clause. Such deci-
7 sion shall remain effective unless the Secretary of
8 Labor rescinds or revises such plan pursuant to
9 subparagraph (B)(ii).

10 (h) *ESTABLISHING PAY-FOR-PERFORMANCE CONTRACT*
11 *STRATEGY INCENTIVES.*—Using non-Federal funds, the
12 Governor may establish incentives for local boards to imple-
13 ment pay-for-performance contract strategies for the deliv-
14 ery of training services described in section 134(c)(3) or ac-
15 tivities described in section 129(c)(2) in the local areas
16 served by the local boards.

17 (i) *FISCAL AND MANAGEMENT ACCOUNTABILITY IN-*
18 *FORMATION SYSTEMS.*—

19 (1) *IN GENERAL.*—Using funds authorized under
20 a core program and made available to carry out this
21 chapter, the Governor, in coordination with the State
22 board, the State agencies administering the core pro-
23 grams, local boards, and chief elected officials in the
24 State, shall establish and operate a fiscal and man-
25 agement accountability information system based on

1 *guidelines established by the Secretary of Labor and*
2 *the Secretary of Education after consultation with the*
3 *Governors of States, chief elected officials, and one-*
4 *stop partners. Such guidelines shall promote efficient*
5 *collection and use of fiscal and management informa-*
6 *tion for reporting and monitoring the use of funds*
7 *authorized under the core programs and for preparing*
8 *the annual report described in subsection (d).*

9 (2) *WAGE RECORDS.*—*In measuring the progress*
10 *of the State on State and local performance account-*
11 *ability measures, a State shall utilize quarterly wage*
12 *records, consistent with State law. The Secretary of*
13 *Labor shall make arrangements, consistent with State*
14 *law, to ensure that the wage records of any State are*
15 *available to any other State to the extent that such*
16 *wage records are required by the State in carrying*
17 *out the State plan of the State or completing the an-*
18 *annual report described in subsection (d).*

19 (3) *CONFIDENTIALITY.*—*In carrying out the re-*
20 *quirements of this Act, the State shall comply with*
21 *section 444 of the General Education Provisions Act*
22 *(20 U.S.C. 1232g).*

1 ***Subtitle B—Workforce Investment***
 2 ***Activities and Providers***

3 ***CHAPTER 1—WORKFORCE INVESTMENT***
 4 ***ACTIVITIES AND PROVIDERS***

5 ***SEC. 121. ESTABLISHMENT OF ONE-STOP DELIVERY SYS-***
 6 ***TEMS.***

7 *(a) IN GENERAL.—Consistent with an approved State*
 8 *plan, the local board for a local area, with the agreement*
 9 *of the chief elected official for the local area, shall—*

10 *(1) develop and enter into the memorandum of*
 11 *understanding described in subsection (c) with one-*
 12 *stop partners;*

13 *(2) designate or certify one-stop operators under*
 14 *subsection (d); and*

15 *(3) conduct oversight with respect to the one-stop*
 16 *delivery system in the local area.*

17 *(b) ONE-STOP PARTNERS.—*

18 *(1) REQUIRED PARTNERS.—*

19 *(A) ROLES AND RESPONSIBILITIES OF ONE-*
 20 *STOP PARTNERS.—Each entity that carries out a*
 21 *program or activities described in subparagraph*

22 *(B) in a local area shall—*

23 *(i) provide access through the one-stop*
 24 *delivery system to such program or activi-*
 25 *ties carried out by the entity, including*

1 *making the career services described in sec-*
2 *tion 134(c)(2) that are applicable to the*
3 *program or activities available at the one-*
4 *stop centers (in addition to any other ap-*
5 *propriate locations);*

6 *(ii) use a portion of the funds available*
7 *for the program and activities to maintain*
8 *the one-stop delivery system, including pay-*
9 *ment of the infrastructure costs of one-stop*
10 *centers in accordance with subsection (h);*

11 *(iii) enter into a local memorandum of*
12 *understanding with the local board, relating*
13 *to the operation of the one-stop system, that*
14 *meets the requirements of subsection (c);*

15 *(iv) participate in the operation of the*
16 *one-stop system consistent with the terms of*
17 *the memorandum of understanding, the re-*
18 *quirements 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 State*
22 *board to the extent provided under section*
23 *101.*

1 (B) *PROGRAMS AND ACTIVITIES.*—*The pro-*
2 *grams and activities referred to in subparagraph*

3 (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 II;*

10 (iv) *programs authorized under title I*
11 *of the Rehabilitation Act of 1973 (29 U.S.C.*
12 *720 et seq.) (other than section 112 or part*
13 *C of title I of such Act (29 U.S.C. 732,*
14 *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 author-*
20 *ized under the Carl D. Perkins Career and*
21 *Technical Education Act of 2006 (20 U.S.C.*
22 *2301 et seq.);*

23 (vii) *activities authorized under chap-*
24 *ter 2 of title II of the Trade Act of 1974 (19*
25 *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 Serv-
5 ices Block Grant Act (42 U.S.C. 9901 et
6 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 subparagraph
19 (C).

20 (C) DETERMINATION BY THE GOVERNOR.—

21 (i) IN GENERAL.—An entity that car-
22 ries out a program referred to in subpara-
23 graph (B)(xiii) shall be included in the one-
24 stop partners for the local area, as a re-
25 quired partner, for purposes of this Act and

1 *the other core program provisions that are*
2 *not part of this Act, unless the Governor*
3 *provides the notification described in clause*
4 *(ii).*

5 *(ii) NOTIFICATION.—The notification*
6 *referred to in clause (i) is a notification*
7 *that—*

8 *(I) is made in writing of a deter-*
9 *mination by the Governor not to in-*
10 *clude such entity in the one-stop part-*
11 *ners described in clause (i); and*

12 *(II) is provided to the Secretary*
13 *of Labor (referred to in this subtitle,*
14 *and subtitles C through E, as the “Sec-*
15 *retary”) and the Secretary of Health*
16 *and Human Services.*

17 *(2) ADDITIONAL PARTNERS.—*

18 *(A) IN GENERAL.—With the approval of the*
19 *local board and chief elected official, in addition*
20 *to the entities described in paragraph (1), other*
21 *entities that carry out workforce development*
22 *programs described in subparagraph (B) may be*
23 *one-stop partners for the local area and carry*
24 *out the responsibilities described in paragraph*
25 *(1)(A).*

1 (B) *PROGRAMS.*—*The programs referred to*
2 *in subparagraph (A) may include—*

3 (i) *employment and training programs*
4 *administered by the Social Security Admin-*
5 *istration, including the Ticket to Work and*
6 *Self-Sufficiency Program established under*
7 *section 1148 of the Social Security Act (42*
8 *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 section*
19 *112 of the Rehabilitation Act of 1973 (29*
20 *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), con-*
8 *sistent with paragraph (2), concerning the operation*
9 *of the one-stop delivery system in the local area.*

10 *(2) CONTENTS.—Each memorandum of under-*
11 *standing shall contain—*

12 *(A) provisions describing—*

13 *(i) the services to be provided through*
14 *the one-stop delivery system consistent with*
15 *the requirements of this section, including*
16 *the manner in which the services will be co-*
17 *ordinated and delivered through such sys-*
18 *tem;*

19 *(ii) how the costs of such services and*
20 *the operating costs of such system will be*
21 *funded, including—*

22 *(I) funding through cash and in-*
23 *kind contributions (fairly evaluated),*
24 *which contributions may include fund-*
25 *ing from philanthropic organizations*

1 or other private entities, or through
2 other alternative financing options, to
3 provide a stable and equitable funding
4 stream for ongoing one-stop delivery
5 system operations; and

6 (II) funding of the infrastructure
7 costs of one-stop centers in accordance
8 with subsection (h);

9 (iii) methods of referral of individuals
10 between the one-stop operator and the one-
11 stop partners for appropriate services and
12 activities;

13 (iv) methods to ensure the needs of
14 workers and youth, and individuals with
15 barriers to employment, including individ-
16 uals with disabilities, are addressed in the
17 provision of necessary and appropriate ac-
18 cess to services, including access to tech-
19 nology and materials, made available
20 through the one-stop delivery system; and

21 (v) the duration of the memorandum of
22 understanding and the procedures for
23 amending the memorandum during the du-
24 ration of the memorandum, and assurances
25 that such memorandum shall be reviewed

1 *not less than once every 3-year period to en-*
2 *sure appropriate funding and delivery of*
3 *services; and*

4 *(B) such other provisions, consistent with*
5 *the requirements of this title, as the parties to*
6 *the agreement determine to be appropriate.*

7 *(d) ONE-STOP OPERATORS.—*

8 *(1) LOCAL DESIGNATION AND CERTIFICATION.—*
9 *Consistent with paragraphs (2) and (3), the local*
10 *board, with the agreement of the chief elected official,*
11 *is authorized to designate or certify one-stop operators*
12 *and to terminate for cause the eligibility of such oper-*
13 *ators.*

14 *(2) ELIGIBILITY.—To be eligible to receive funds*
15 *made available under this subtitle to operate a one-*
16 *stop center referred to in subsection (e), an entity*
17 *(which may be a consortium of entities)—*

18 *(A) shall be designated or certified as a one-*
19 *stop operator through a competitive process; and*

20 *(B) shall be an entity (public, private, or*
21 *nonprofit), or consortium of entities (including a*
22 *consortium of entities that, at a minimum, in-*
23 *cludes 3 or more of the one-stop partners de-*
24 *scribed in subsection (b)(1)), of demonstrated ef-*

1 *fectiveness, located in the local area, which may*
2 *include—*

3 *(i) an institution of higher education;*

4 *(ii) an employment service State agen-*
5 *cy established under the Wagner-Peyser Act*
6 *(29 U.S.C. 49 et seq.), on behalf of the local*
7 *office of the agency;*

8 *(iii) a community-based organization,*
9 *nonprofit organization, or intermediary;*

10 *(iv) a private for-profit entity;*

11 *(v) a government agency; and*

12 *(vi) another interested organization or*
13 *entity, which may include a local chamber*
14 *of commerce or other business organization,*
15 *or a labor organization.*

16 (3) *EXCEPTION.—Elementary schools and sec-*
17 *ondary schools shall not be eligible for designation or*
18 *certification as one-stop operators, except that non-*
19 *traditional public secondary schools and area career*
20 *and technical education schools may be eligible for*
21 *such designation or certification.*

22 (4) *ADDITIONAL REQUIREMENTS.—The State*
23 *and local boards shall ensure that in carrying out ac-*
24 *tivities under this title, one-stop operators—*

1 (A) disclose any potential conflicts of inter-
2 est arising from the relationships of the operators
3 with particular training service providers or
4 other service providers;

5 (B) do not establish practices that create
6 disincentives to providing services to individuals
7 with barriers to employment who may require
8 longer-term services, such as intensive employ-
9 ment, training, and education services; and

10 (C) comply with Federal regulations, and
11 procurement policies, relating to the calculation
12 and use of profits.

13 (e) *ESTABLISHMENT OF ONE-STOP DELIVERY SYS-*
14 *TEM.*—

15 (1) *IN GENERAL.*—There shall be established in
16 each local area in a State that receives an allotment
17 under section 132(b) a one-stop delivery system,
18 which shall—

19 (A) provide the career services described in
20 section 134(c)(2);

21 (B) provide access to training services as
22 described in section 134(c)(3), including serving
23 as the point of access to training services for
24 participants in accordance with section
25 134(c)(3)(G);

1 (C) provide access to the employment and
2 training activities carried out under section
3 134(d), if any;

4 (D) provide access to programs and activi-
5 ties carried out by one-stop partners described in
6 subsection (b); and

7 (E) provide access to the data, information,
8 and analysis described in section 15(a) of the
9 Wagner-Peyser Act (29 U.S.C. 49l-2(a)) and all
10 job search, placement, recruitment, and other
11 labor exchange services authorized under the
12 Wagner-Peyser Act (29 U.S.C. 49 et seq.).

13 (2) *ONE-STOP DELIVERY*.—The one-stop delivery
14 system—

15 (A) at a minimum, shall make each of the
16 programs, services, and activities described in
17 paragraph (1) accessible at not less than 1 phys-
18 ical center in each local area of the State; and

19 (B) may also make programs, services, and
20 activities described in paragraph (1) available—

21 (i) through a network of affiliated sites
22 that can provide 1 or more of the programs,
23 services, and activities to individuals; and

24 (ii) through a network of eligible one-
25 stop partners—

1 (I) in which each partner pro-
2 vides 1 or more of the programs, serv-
3 ices, and activities to such individuals
4 and is accessible at an affiliated site
5 that consists of a physical location or
6 an electronically or technologically
7 linked access point; and

8 (II) that assures individuals that
9 information on the availability of the
10 career services will be available regard-
11 less of where the individuals initially
12 enter the statewide workforce develop-
13 ment system, including information
14 made available through an access point
15 described in subclause (I);

16 (C) may have specialized centers to address
17 special needs, such as the needs of dislocated
18 workers, youth, or key industry sectors or clus-
19 ters; and

20 (D) as applicable and practicable, shall
21 make programs, services, and activities accessible
22 to individuals through electronic means in a
23 manner that improves efficiency, coordination,
24 and quality in the delivery of one-stop partner
25 services.

1 (3) *COLOCATION OF WAGNER-PEYSER SERVICES.—Consistent with section 3(d) of the Wagner-*
2 *Peyser Act (29 U.S.C. 49b(d)), and in order to im-*
3 *prove service delivery, avoid duplication of services,*
4 *and enhance coordination of services, including loca-*
5 *tion of staff to ensure access to services in underserved*
6 *areas, the employment service offices in each State*
7 *shall be colocated with one-stop centers established*
8 *under this title.*

10 (4) *USE OF COMMON ONE-STOP DELIVERY SYS-*
11 *TEM IDENTIFIER.—In addition to using any State or*
12 *locally developed identifier, each one-stop delivery sys-*
13 *tem shall include in the identification of products,*
14 *programs, activities, services, facilities, and related*
15 *property and materials, a common one-stop delivery*
16 *system identifier. The identifier shall be developed by*
17 *the Secretary, in consultation with heads of other ap-*
18 *propriate departments and agencies, and representa-*
19 *tives of State boards and local boards and of other*
20 *stakeholders in the one-stop delivery system, not later*
21 *than the beginning of the second full program year*
22 *after the date of enactment of this Act. Such common*
23 *identifier may consist of a logo, phrase, or other iden-*
24 *tifier that informs users of the one-stop delivery sys-*
25 *tem that such products, programs, activities, services,*

1 *facilities, property, or materials are being provided*
2 *through such system. Nothing in this paragraph shall*
3 *be construed to prohibit one-stop partners, States, or*
4 *local areas from having additional identifiers.*

5 *(f) APPLICATION TO CERTAIN VOCATIONAL REHABILI-*
6 *TATION PROGRAMS.—*

7 *(1) LIMITATION.—Nothing in this section shall*
8 *be construed to apply to part C of title I of the Reha-*
9 *bilitation Act of 1973 (29 U.S.C. 741).*

10 *(2) CLIENT ASSISTANCE.—Nothing in this Act*
11 *shall be construed to require that any entity carrying*
12 *out a client assistance program authorized under sec-*
13 *tion 112 of the Rehabilitation Act of 1973 (29 U.S.C.*
14 *732)—*

15 *(A) be included as a mandatory one-stop*
16 *partner under subsection (b)(1); or*

17 *(B) if the entity is included as an addi-*
18 *tional one-stop partner under subsection (b)(2)—*

19 *(i) violate the requirement of section*
20 *112(c)(1)(A) of that Act (29 U.S.C.*
21 *732(c)(1)(A)) that the entity be independent*
22 *of any agency that provides treatment, serv-*
23 *ices, or rehabilitation to individuals under*
24 *that Act; or*

1 (ii) carry out any activity not author-
2 ized under section 112 of that Act (includ-
3 ing appropriate Federal regulations).

4 (g) *CERTIFICATION AND CONTINUOUS IMPROVEMENT*
5 *OF ONE-STOP CENTERS.*—

6 (1) *IN GENERAL.*—*In order to be eligible to re-*
7 *ceive infrastructure funding described in subsection*
8 *(h), the State board, in consultation with chief elected*
9 *officials and local boards, shall establish objective cri-*
10 *teria and procedures for use by local boards in assess-*
11 *ing at least once every 3 years the effectiveness, phys-*
12 *ical and programmatic accessibility in accordance*
13 *with section 188, if applicable, and the Americans*
14 *with Disabilities Act of 1990 (42 U.S.C. 12101 et*
15 *seq), and continuous improvement of one-stop centers*
16 *and the one-stop delivery system, consistent with the*
17 *requirements of section 101(d)(6).*

18 (2) *CRITERIA.*—*The criteria and procedures de-*
19 *veloped under this subsection shall include standards*
20 *relating to service coordination achieved by the one-*
21 *stop delivery system with respect to the programs ad-*
22 *ministered by the one-stop partners at the one-stop*
23 *centers. Such criteria and procedures shall—*

24 (A) *be developed in a manner that is con-*
25 *sistent with the guidelines, guidance, and poli-*

1 cies provided by the Governor and by the State
2 board, in consultation with the chief elected offi-
3 cials and local boards, for such partners' partici-
4 pation under subsections (h)(1) and (i); and

5 (B) include such factors relating to the effec-
6 tiveness, accessibility, and improvement of the
7 one-stop delivery system as the State board deter-
8 mines to be appropriate, including at a min-
9 imum how well the one-stop center—

10 (i) supports the achievement of the ne-
11 gotiated local levels of performance for the
12 indicators of performance described in sec-
13 tion 116(b)(2) for the local area;

14 (ii) integrates available services; and

15 (iii) meets the workforce development
16 and employment needs of local employers
17 and participants.

18 (3) *LOCAL CRITERIA.*—Consistent with the cri-
19 teria developed under paragraph (1) by the State, a
20 local board in the State may develop additional cri-
21 teria (or higher levels of service coordination than re-
22 quired for the State-developed criteria) relating to
23 service coordination achieved by the one-stop delivery
24 system, for purposes of assessments described in para-
25 graph (1), in order to respond to labor market, eco-

1 *conomic, and demographic, conditions and trends in the*
2 *local area.*

3 (4) *EFFECT OF CERTIFICATION.*—*One-stop cen-*
4 *ters certified under this subsection shall be eligible to*
5 *receive the infrastructure funding described in sub-*
6 *section (h).*

7 (5) *REVIEW AND UPDATE.*—*The criteria and*
8 *procedures established under this subsection shall be*
9 *reviewed and updated by the State board or the local*
10 *board, as the case may be, as part of the biennial*
11 *process for review and modification of State and local*
12 *plans described in sections 102(c)(2) and 108(a).*

13 (h) *FUNDING OF ONE-STOP INFRASTRUCTURE.*—

14 (1) *IN GENERAL.*—

15 (A) *OPTIONS FOR INFRASTRUCTURE FUND-*
16 *ING.*—

17 (i) *LOCAL OPTIONS.*—*The local board,*
18 *chief elected officials, and one-stop partners*
19 *described in subsection (b)(1) in a local*
20 *area may fund the costs of infrastructure of*
21 *one-stop centers in the local area through—*

22 (I) *methods agreed on by the local*
23 *board, chief elected officials, and one-*
24 *stop partners (and described in the*

1 *memorandum of understanding de-*
2 *scribed in subsection (c)); or*

3 *(II) if no consensus agreement on*
4 *methods is reached under subclause (I),*
5 *the State infrastructure funding mech-*
6 *anism described in paragraph (2).*

7 *(ii) FAILURE TO REACH CONSENSUS*
8 *AGREEMENT ON FUNDING METHODS.—Be-*
9 *ginning July 1, 2016, if the local board,*
10 *chief elected officials, and one-stop partners*
11 *described in subsection (b)(1) in a local*
12 *area fail to reach consensus agreement on*
13 *methods of sufficiently funding the costs of*
14 *infrastructure of one-stop centers for a pro-*
15 *gram year, the State infrastructure funding*
16 *mechanism described in paragraph (2) shall*
17 *be applicable to such local area for that pro-*
18 *gram year and for each subsequent program*
19 *year for which those entities and individ-*
20 *uals fail to reach such agreement.*

21 *(B) GUIDANCE FOR INFRASTRUCTURE*
22 *FUNDING.—In addition to carrying out the re-*
23 *quirements relating to the State infrastructure*
24 *funding mechanism described in paragraph (2),*
25 *the Governor, after consultation with chief elect-*

1 *ed officials, local boards, and the State board,*
2 *and consistent with the guidance and policies*
3 *provided by the State board under subpara-*
4 *graphs (B) and (C)(i) of section 101(d)(7), shall*
5 *provide, for the use of local areas under subpara-*
6 *graph (A)(i)(I)—*

7 *(i) guidelines for State-administered*
8 *one-stop partner programs, for determining*
9 *such programs' contributions to a one-stop*
10 *delivery system, based on such programs'*
11 *proportionate use of such system consistent*
12 *with chapter II of title 2, Code of Federal*
13 *Regulations (or any corresponding similar*
14 *regulation or ruling), including deter-*
15 *mining funding for the costs of infrastruc-*
16 *ture, which contributions shall be negotiated*
17 *pursuant to the memorandum of under-*
18 *standing under subsection (c); and*

19 *(ii) guidance to assist local boards,*
20 *chief elected officials, and one-stop partners*
21 *in local areas in determining equitable and*
22 *stable methods of funding the costs of infra-*
23 *structure of one-stop centers in such 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 described*
4 *in subsection (b)(1), means a portion determined*
5 *under subparagraph (C) of the Federal funds*
6 *provided to a State (including local areas within*
7 *the State) under the Federal law authorizing*
8 *that program described in subsection (b)(1) for*
9 *the fiscal year (taking into account the avail-*
10 *ability of funding for purposes related to infra-*
11 *structure from philanthropic organizations, pri-*
12 *vate entities, or other alternative financing op-*
13 *tions).*

14 (B) *PARTNER CONTRIBUTIONS.*—*Subject to*
15 *subparagraph (D), for local areas in a State that*
16 *are not covered by paragraph (1)(A)(i)(I), the*
17 *covered portions of funding for a fiscal year shall*
18 *be provided to the Governor from the programs*
19 *described in subsection (b)(1), to assist in paying*
20 *the costs of infrastructure of one-stop centers in*
21 *those local areas of the State not adequately*
22 *funded under the option described in paragraph*
23 *(1)(A)(i)(I).*

24 (C) *DETERMINATION OF GOVERNOR.*—

1 (i) *IN GENERAL.*—Subject to clause (ii)
2 and subparagraph (D), the Governor, after
3 consultation with chief elected officials, local
4 boards, and the State board, shall determine
5 the portion of funds to be provided under
6 subparagraph (B) by each one-stop partner
7 from each program described in subpara-
8 graph (B). In making such determination
9 for the purpose of determining funding con-
10 tributions, for funding pursuant to clause
11 (i)(II) or (ii) of paragraph (1)(A) by each
12 partner, the Governor shall calculate
13 amounts for the proportionate use of the
14 one-stop centers in the State, consistent
15 with chapter II of title 2, Code of Federal
16 Regulations (or any corresponding similar
17 regulation or ruling), taking into account
18 the costs of administration of the one-stop
19 delivery system for purposes not related to
20 one-stop centers, for each partner. The Gov-
21 ernor shall exclude from such determination
22 of funds the amounts for proportionate use
23 of one-stop centers attributable to the pro-
24 grams of one-stop partners for those local
25 areas of the State where the costs of infra-

1 *structure of one-stop centers are funded*
2 *under the option described in paragraph*
3 *(1)(A)(i)(I). The Governor shall also take*
4 *into account the statutory requirements for*
5 *each partner program and the partner pro-*
6 *gram’s ability to fulfill such requirements.*

7 *(ii) SPECIAL RULE.—In a State in*
8 *which the State constitution or a State stat-*
9 *ute places policymaking authority that is*
10 *independent of the authority of the Gov-*
11 *ernor in an entity or official with respect to*
12 *the funds provided for adult education and*
13 *literacy activities authorized under title II,*
14 *postsecondary career and technical edu-*
15 *cation activities authorized under the Carl*
16 *D. Perkins Career and Technical Education*
17 *Act of 2006 (20 U.S.C. 2301 et seq.), or vo-*
18 *cational rehabilitation services offered under*
19 *a provision covered by section 3(13)(D), the*
20 *determination described in clause (i) with*
21 *respect to the programs authorized under*
22 *that title, Act, or provision shall be made by*
23 *the chief officer of the entity, or the official,*
24 *with such authority in consultation with*
25 *the Governor.*

1 (D) *LIMITATIONS.*—

2 (i) *PROVISION FROM ADMINISTRATIVE*
3 *FUNDS.*—

4 (I) *IN GENERAL.*—*Subject to sub-*
5 *clause (II), the funds provided under*
6 *this paragraph by each one-stop part-*
7 *ner shall be provided only from funds*
8 *available for the costs of administra-*
9 *tion under the program administered*
10 *by such partner, and shall be subject to*
11 *the program's limitations with respect*
12 *to the portion of funds under such pro-*
13 *gram that may be used for administra-*
14 *tion.*

15 (II) *EXCEPTIONS.*—*Nothing in*
16 *this clause shall be construed to apply*
17 *to the programs carried out under this*
18 *title, or under title V of the Older*
19 *Americans Act of 1965 (42 U.S.C.*
20 *3056 et seq.).*

21 (ii) *CAP ON REQUIRED CONTRIBU-*
22 *TIONS.*—*For local areas in a State that are*
23 *not covered by paragraph (1)(A)(i)(I), the*
24 *following rules shall apply:*

1 (I) *WIA FORMULA PROGRAMS AND*
2 *EMPLOYMENT SERVICE.*—*The portion*
3 *of funds required to be contributed*
4 *under this paragraph from a program*
5 *authorized under chapter 2 or 3, or the*
6 *Wagner-Peyser Act (29 U.S.C. 49 et*
7 *seq.) shall not exceed 3 percent of the*
8 *amount of Federal funds provided to*
9 *carry out that program in the State*
10 *for a fiscal year.*

11 (II) *OTHER ONE-STOP PART-*
12 *NERS.*—*The portion of funds required*
13 *to be contributed under this paragraph*
14 *from a program described in subsection*
15 *(b)(1) other than the programs de-*
16 *scribed in subclause (I) shall not exceed*
17 *1.5 percent of the amount of Federal*
18 *funds provided to carry out that pro-*
19 *gram in the State for a fiscal year.*

20 (III) *VOCATIONAL REHABILITA-*
21 *TION.*—*Notwithstanding subclauses (I)*
22 *and (II), an entity administering a*
23 *program described in subsection*
24 *(b)(1)(B)(iv) shall not be required to*

1 *provide from that program, under this*
2 *paragraph, a portion that exceeds—*

3 *(aa) 0.75 percent of the*
4 *amount of Federal funds provided*
5 *to carry out such program in the*
6 *State for the second full program*
7 *year that begins after the date of*
8 *enactment of this Act;*

9 *(bb) 1.0 percent of the*
10 *amount provided to carry out*
11 *such program in the State for the*
12 *third full program year that be-*
13 *gins after such date;*

14 *(cc) 1.25 percent of the*
15 *amount provided to carry out*
16 *such program in the State for the*
17 *fourth full program year that be-*
18 *gins after such date; and*

19 *(dd) 1.5 percent of the*
20 *amount provided to carry out*
21 *such program in the State for the*
22 *fifth and each succeeding full pro-*
23 *gram year that begins after such*
24 *date.*

1 (iii) *FEDERAL DIRECT SPENDING PRO-*
2 *GRAMS.—For local areas in a State that are*
3 *not covered by paragraph (1)(A)(i)(I), an*
4 *entity administering a program funded*
5 *with direct spending as defined in section*
6 *250(c)(8) of the Balanced Budget and*
7 *Emergency Deficit Control Act of 1985, as*
8 *in effect on February 15, 2014 (2 U.S.C.*
9 *900(c)(8)) shall not be required to provide,*
10 *for purposes of this paragraph, an amount*
11 *in excess of the amount determined under*
12 *subparagraph (C)(i) to be equivalent to the*
13 *cost of the proportionate use of the one-stop*
14 *centers for the one-stop partner for such*
15 *program in the State.*

16 (iv) *NATIVE AMERICAN PROGRAMS.—*
17 *One-stop partners for Native American pro-*
18 *grams established under section 166 shall*
19 *not be subject to the provisions of this sub-*
20 *section (other than this clause) or subsection*
21 *(i). For purposes of subsection*
22 *(c)(2)(A)(ii)(II), the method for determining*
23 *the appropriate portion of funds to be pro-*
24 *vided by such partners to pay for the costs*
25 *of infrastructure of a one-stop center shall*

1 *be determined as part of the development of*
2 *the memorandum of understanding under*
3 *subsection (c) for the one-stop center and*
4 *shall be stated in the memorandum.*

5 *(E) APPEAL BY ONE-STOP PARTNERS.—The*
6 *Governor shall establish a process, described*
7 *under section 102(b)(2)(D)(i)(IV), for a one-stop*
8 *partner administering a program described in*
9 *subsection (b)(1) to appeal a determination re-*
10 *garding the portion of funds to be provided*
11 *under this paragraph. Such a determination*
12 *may be appealed under the process on the basis*
13 *that such determination is inconsistent with the*
14 *requirements of this paragraph. Such process*
15 *shall ensure prompt resolution of the appeal in*
16 *order to ensure the funds are distributed in a*
17 *timely manner, consistent with the requirements*
18 *of section 182(e).*

19 *(3) ALLOCATION BY GOVERNOR.—*

20 *(A) IN GENERAL.—From the funds provided*
21 *under paragraph (1), the Governor shall allocate*
22 *the funds to local areas described in subpara-*
23 *graph (B) in accordance with the formula estab-*
24 *lished under subparagraph (B) for the purposes*

1 *of assisting in paying the costs of infrastructure*
2 *of one-stop centers.*

3 (B) *ALLOCATION FORMULA.—The State*
4 *board shall develop a formula to be used by the*
5 *Governor to allocate the funds provided under*
6 *paragraph (1) to local areas not funding costs of*
7 *infrastructure under the option described in*
8 *paragraph (1)(A)(i)(I). The formula shall be*
9 *based on factors including the number of one-*
10 *stop centers in a local area, the population*
11 *served by such centers, the services provided by*
12 *such centers, and other factors relating to the*
13 *performance of such centers that the State board*
14 *determines are appropriate.*

15 (4) *COSTS OF INFRASTRUCTURE.—In this sub-*
16 *section, the term “costs of infrastructure”, used with*
17 *respect to a one-stop center, means the nonpersonnel*
18 *costs that are necessary for the general operation of*
19 *the one-stop center, including the rental costs of the*
20 *facilities, the costs of utilities and maintenance,*
21 *equipment (including assessment-related products and*
22 *assistive technology for individuals with disabilities),*
23 *and technology to facilitate access to the one-stop cen-*
24 *ter, including the center’s planning and outreach ac-*
25 *tivities.*

1 (i) *OTHER FUNDS.*—

2 (1) *IN GENERAL.*—Subject to the memorandum
3 of understanding described in subsection (c) for the
4 one-stop delivery system involved, in addition to the
5 funds provided to carry out subsection (h), a portion
6 of funds made available under Federal law author-
7 izing the programs described in subsection (b) and
8 administered by one-stop partners, or the noncash re-
9 sources available under such programs, shall be used
10 to pay the additional costs relating to the operation
11 of the one-stop delivery system that are not paid from
12 the funds provided under subsection (h), as deter-
13 mined in accordance with paragraph (3), to the ex-
14 tent not inconsistent with the Federal law involved.
15 Such costs shall include the costs of the provision of
16 career services described in section 134(c)(2) applica-
17 ble to each program and may include common costs
18 that are not paid from the funds provided under sub-
19 section (h).

20 (2) *SHARED SERVICES.*—The costs described
21 under paragraph (1) may include costs of services
22 that are authorized for and may be commonly pro-
23 vided through the one-stop partner programs to any
24 individual, such as initial intake, assessment of needs,
25 appraisal of basic skills, identification of appropriate

1 *services to meet such needs, referrals to other one-stop*
2 *partners, and other similar services.*

3 (3) *DETERMINATION AND GUIDANCE.—The meth-*
4 *od for determining the appropriate portion of funds*
5 *and noncash resources to be provided by the one-stop*
6 *partner for each program under paragraph (1) for a*
7 *one-stop center shall be determined as part of the de-*
8 *velopment of the memorandum of understanding*
9 *under subsection (c) for the one-stop center and shall*
10 *be stated in the memorandum. The State board shall*
11 *provide guidance to facilitate the determination, for*
12 *purposes of the memorandum of understanding, of an*
13 *appropriate allocation of the funds and noncash re-*
14 *sources in local areas, consistent with the require-*
15 *ments of section 101(d)(6)(C).*

16 **SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF**
17 **TRAINING SERVICES.**

18 (a) *ELIGIBILITY.—*

19 (1) *IN GENERAL.—Except as provided in sub-*
20 *section (h), the Governor, after consultation with the*
21 *State board, shall establish criteria, information re-*
22 *quirements, and procedures regarding the eligibility*
23 *of providers of training services to receive funds pro-*
24 *vided under section 133(b) for the provision of train-*
25 *ing services in local areas in the State.*

1 (2) *PROVIDERS.*—Subject to the provisions of
2 this section, to be eligible to receive those funds for the
3 provision of training services, the provider shall be—

4 (A) an institution of higher education that
5 provides a program that leads to a recognized
6 postsecondary credential;

7 (B) an entity that carries out programs reg-
8 istered under the Act of August 16, 1937 (com-
9 monly known as the “National Apprenticeship
10 Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et
11 seq.); or

12 (C) another public or private provider of a
13 program of training services, which may include
14 joint labor-management organizations, and eligi-
15 ble providers of adult education and literacy ac-
16 tivities under title II if such activities are pro-
17 vided in combination with occupational skills
18 training.

19 (3) *INCLUSION IN LIST OF ELIGIBLE PRO-*
20 *VIDERS.*—A provider described in subparagraph (A)
21 or (C) of paragraph (2) shall comply with the cri-
22 teria, information requirements, and procedures es-
23 tablished under this section to be included on the list
24 of eligible providers of training services described in
25 subsection (d). A provider described in paragraph

1 (2)(B) shall be included and maintained on the list
2 of eligible providers of training services described in
3 subsection (d) for so long as the corresponding pro-
4 gram of the provider remains registered as described
5 in paragraph (2)(B).

6 (b) *CRITERIA AND INFORMATION REQUIREMENTS.*—

7 (1) *STATE CRITERIA.*—In establishing criteria
8 pursuant to subsection (a), the Governor shall take
9 into account each of the following:

10 (A) *The performance of providers of train-*
11 *ing services with respect to—*

12 (i) *the performance accountability*
13 *measures and other matters for which infor-*
14 *mation is required under paragraph (2);*
15 *and*

16 (ii) *other appropriate measures of per-*
17 *formance outcomes determined by the Gov-*
18 *ernor for those participants receiving train-*
19 *ing services under this subtitle (taking into*
20 *consideration the characteristics of the pop-*
21 *ulation served and relevant economic condi-*
22 *tions), and the outcomes of the program*
23 *through which those training services were*
24 *provided for students in general with re-*

1 *spect to employment and earnings as de-*
2 *fin ed under section 116(b)(2).*

3 *(B) The need to ensure access to training*
4 *services throughout the State, including in rural*
5 *areas, and through the use of technology.*

6 *(C) Information reported to State agencies*
7 *with respect to Federal and State programs in-*
8 *volving training services (other than the program*
9 *carried out under this subtitle), including one-*
10 *stop partner programs.*

11 *(D) The degree to which the training pro-*
12 *grams of such providers relate to in-demand in-*
13 *dustry sectors and occupations in the State.*

14 *(E) The requirements for State licensing of*
15 *providers of training services, and the licensing*
16 *status of providers of training services if appli-*
17 *cable.*

18 *(F) Ways in which the criteria can encour-*
19 *age, to the extent practicable, the providers to use*
20 *industry-recognized certificates or certifications.*

21 *(G) The ability of the providers to offer pro-*
22 *grams that lead to recognized postsecondary cre-*
23 *dentials.*

24 *(H) The quality of a program of training*
25 *services, including a program of training serv-*

1 ices that leads to a recognized postsecondary cre-
2 dential.

3 (I) *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 (J) *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 the*
19 *criteria is not unduly burdensome or costly*
20 *to providers.*

21 (2) *STATE INFORMATION REQUIREMENTS.—The*
22 *information requirements established by the Governor*
23 *shall require that a provider of training services sub-*
24 *mit appropriate, accurate, and timely information to*
25 *the State, to enable the State to carry out subsection*

1 (d), with respect to participants receiving training
2 services under this subtitle in the applicable program,
3 including—

4 (A) information on the performance of the
5 provider with respect to the performance ac-
6 countability measures described in section 116
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 participants;

16 (C) information on cost of attendance, in-
17 cluding costs of tuition and fees, for participants
18 in the program;

19 (D) information on the program completion
20 rate for such participants; and

21 (E) information on the criteria described in
22 paragraph (1).

23 (3) *LOCAL CRITERIA AND INFORMATION RE-*
24 *QUIREMENTS.*—A local board in the State may estab-
25 lish criteria and information requirements in addi-

1 *tion to the criteria and information requirements es-*
2 *tablished by the Governor, or may require higher lev-*
3 *els of performance than required for the criteria estab-*
4 *lished by the Governor, for purposes of determining*
5 *the eligibility of providers of training services to re-*
6 *ceive funds described in subsection (a) for the provi-*
7 *sion of training services in the local area involved.*

8 (4) *CRITERIA AND INFORMATION REQUIREMENTS*
9 *TO ESTABLISH INITIAL ELIGIBILITY.—*

10 (A) *PURPOSE.—The purpose of this para-*
11 *graph is to enable the providers of programs car-*
12 *ried out under chapter 3 to offer the highest*
13 *quality training services and be responsive to in-*
14 *demand and emerging industries by providing*
15 *training services for those industries.*

16 (B) *INITIAL ELIGIBILITY.—Providers may*
17 *seek initial eligibility under this paragraph as*
18 *providers of training services and may receive*
19 *that initial eligibility for only 1 fiscal year for*
20 *a particular program. The criteria and informa-*
21 *tion requirements established by the Governor*
22 *under this paragraph shall require that a pro-*
23 *vider who has not previously been an eligible*
24 *provider of training services under this section*
25 *(or section 122 of the Workforce Investment Act*

1 of 1998, as in effect on the day before the date
2 of enactment of this Act) provide the information
3 described in subparagraph (C).

4 (C) *INFORMATION.*—The provider shall pro-
5 vide verifiable program-specific performance in-
6 formation 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 116;

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, including the fac-
18 tor described in paragraph (1)(H); and

19 (iv) a factor concerning alignment of
20 the training services with in-demand indus-
21 try sectors and occupations, to the extent
22 practicable.

23 (E) *PROVISION.*—The provider shall provide
24 the information described in subparagraph (C)
25 to the Governor and the local board in a manner

1 *that will permit the Governor and the local*
2 *board to make a decision on inclusion of the pro-*
3 *vider on the list of eligible providers described in*
4 *subsection (d).*

5 *(F) LIMITATION.—A provider that receives*
6 *initial eligibility under this paragraph for a*
7 *program shall be subject to the requirements*
8 *under subsection (c) for that program after such*
9 *initial eligibility expires.*

10 *(c) PROCEDURES.—*

11 *(1) APPLICATION PROCEDURES.—The procedures*
12 *established under subsection (a) shall identify the ap-*
13 *plication process for a provider of training services to*
14 *become eligible to receive funds provided under section*
15 *133(b) for the provision of training services. The pro-*
16 *cedures shall identify the respective roles of the State*
17 *and local areas in receiving and reviewing the appli-*
18 *cations and in making determinations of such eligi-*
19 *bility based on the criteria, information, and proce-*
20 *dures established under this section. The procedures*
21 *shall also establish a process for a provider of train-*
22 *ing services to appeal a denial or termination of eli-*
23 *gibility under this section that includes an oppor-*
24 *tunity for a hearing and prescribes appropriate time*
25 *limits to ensure prompt resolution of the appeal.*

1 (2) *RENEWAL PROCEDURES.*—*The procedures es-*
2 *tablished by the Governor shall also provide for bien-*
3 *ennial review and renewal of eligibility under this sec-*
4 *tion for providers of training services.*

5 (d) *LIST AND INFORMATION TO ASSIST PARTICIPANTS*
6 *IN CHOOSING PROVIDERS.*—

7 (1) *IN GENERAL.*—*In order to facilitate and as-*
8 *ist participants in choosing employment and train-*
9 *ing activities and in choosing providers of training*
10 *services, the Governor shall ensure that an appro-*
11 *priate list of providers determined to be eligible under*
12 *this section to offer a program in the State (and, as*
13 *appropriate, in a local area), accompanied by infor-*
14 *mation identifying the recognized postsecondary cre-*
15 *dential offered by the provider and other appropriate*
16 *information, is prepared. The list shall be provided to*
17 *the local boards in the State, and made available to*
18 *such participants and to members of the public*
19 *through the one-stop delivery system in the State.*

20 (2) *ACCOMPANYING INFORMATION.*—*The accom-*
21 *panying information shall—*

22 (A) *with respect to providers described in*
23 *subparagraphs (A) and (C) of subsection (a)(2),*
24 *consist of information provided by such pro-*

1 *viders, disaggregated by local areas served, as*
2 *applicable, in accordance with subsection (b);*

3 *(B) with respect to providers described in*
4 *subsection (b)(4), consist of information provided*
5 *by such providers in accordance with subsection*
6 *(b)(4); and*

7 *(C) such other information as the Governor*
8 *determines to be appropriate.*

9 *(3) AVAILABILITY.—The list and the accom-*
10 *panying information shall be made available to such*
11 *participants and to members of the public through the*
12 *one-stop delivery system in the State, in a manner*
13 *that does not reveal personally identifiable informa-*
14 *tion about an individual participant.*

15 *(4) LIMITATION.—In carrying out the require-*
16 *ments of this subsection, no personally identifiable in-*
17 *formation regarding a student, including a Social Se-*
18 *curity number, student identification number, or*
19 *other identifier, may be disclosed without the prior*
20 *written consent of the parent or student in compli-*
21 *ance with section 444 of the General Education Pro-*
22 *visions Act (20 U.S.C. 1232g).*

23 *(e) OPPORTUNITY TO SUBMIT COMMENTS.—In estab-*
24 *lishing, under this section, criteria, information require-*
25 *ments, procedures, and the list of eligible providers de-*

1 *scribed in subsection (d), the Governor shall provide an op-*
2 *portunity for interested members of the public to make rec-*
3 *ommendations and submit comments regarding such cri-*
4 *teria, information requirements, procedures, and list.*

5 *(f) ENFORCEMENT.—*

6 *(1) IN GENERAL.—The procedures established*
7 *under this section shall provide the following:*

8 *(A) INTENTIONALLY SUPPLYING INAC-*
9 *CURATE INFORMATION.—Upon a determination,*
10 *by an individual or entity specified in the proce-*
11 *dures, that a provider of training services, or in-*
12 *dividual providing information on behalf of the*
13 *provider, violated this section (or section 122 of*
14 *the Workforce Investment Act of 1998, as in ef-*
15 *fect on the day before the date of enactment of*
16 *this Act) by intentionally supplying inaccurate*
17 *information under this section, the eligibility of*
18 *such provider to receive funds under chapter 3*
19 *shall be terminated for a period of time that is*
20 *not less than 2 years.*

21 *(B) SUBSTANTIAL VIOLATIONS.—Upon a de-*
22 *termination, by an individual or entity specified*
23 *in the procedures, that a provider of training*
24 *services substantially violated any requirement*
25 *under this title (or title I of the Workforce In-*

1 *vestment Act of 1998, as in effect on the day be-*
2 *fore such date of enactment), the eligibility of*
3 *such provider to receive funds under chapter 3*
4 *for the program involved shall be terminated for*
5 *a period of not less than 2 years.*

6 (C) *REPAYMENT.*—*A provider of training*
7 *services whose eligibility is terminated under*
8 *subparagraph (A) or (B) shall be liable for the*
9 *repayment of funds received under chapter 5 of*
10 *subtitle B of title I of the Workforce Investment*
11 *Act of 1998, as in effect on the day before such*
12 *date of enactment, or chapter 3 of this subtitle*
13 *during a period of violation described in such*
14 *subparagraph.*

15 (2) *CONSTRUCTION.*—*Paragraph (1) shall be*
16 *construed to provide remedies and penalties that sup-*
17 *plement, but shall not supplant, civil and criminal*
18 *remedies and penalties specified in other provisions of*
19 *law.*

20 (g) *AGREEMENTS WITH OTHER STATES.*—*States may*
21 *enter into agreements, on a reciprocal basis, to permit eligi-*
22 *ble providers of training services to accept individual train-*
23 *ing accounts provided in another State.*

1 *(h) ON-THE-JOB TRAINING, CUSTOMIZED TRAINING,*
2 *INCUMBENT WORKER TRAINING, AND OTHER TRAINING*
3 *EXCEPTIONS.—*

4 *(1) IN GENERAL.—Providers of on-the-job train-*
5 *ing, customized training, incumbent worker training,*
6 *internships, and paid or unpaid work experience op-*
7 *portunities, or transitional employment shall not be*
8 *subject to the requirements of subsections (a) through*
9 *(f).*

10 *(2) COLLECTION AND DISSEMINATION OF INFOR-*
11 *MATION.—A one-stop operator in a local area shall*
12 *collect such performance information from providers*
13 *of on-the-job training, customized training, incumbent*
14 *worker training, internships, paid or unpaid work ex-*
15 *perience opportunities, and transitional employment*
16 *as the Governor may require, and use the information*
17 *to determine whether the providers meet such perform-*
18 *ance criteria as the Governor may require. The one-*
19 *stop operator shall disseminate information identi-*
20 *fying such providers that meet the criteria as eligible*
21 *providers, and the performance information, through*
22 *the one-stop delivery system. Providers determined to*
23 *meet the criteria shall be considered to be identified*
24 *as eligible providers of training services.*

1 (i) *TRANSITION PERIOD FOR IMPLEMENTATION.*—The
 2 Governor and local boards shall implement the require-
 3 ments of this section not later than 12 months after the date
 4 of enactment of this Act. In order to facilitate early imple-
 5 mentation of this section, the Governor may establish tran-
 6 sition procedures under which providers eligible to provide
 7 training services under chapter 5 of subtitle B of title I
 8 of the Workforce Investment Act of 1998, as such chapter
 9 was in effect on the day before the date of enactment of
 10 this Act, may continue to be eligible to provide such services
 11 until December 31, 2015, or until such earlier date as the
 12 Governor determines to be appropriate.

13 **SEC. 123. ELIGIBLE PROVIDERS OF YOUTH WORKFORCE IN-**
 14 **VESTMENT ACTIVITIES.**

15 (a) *IN GENERAL.*—From the funds allocated under sec-
 16 tion 128(b) to a local area, the local board for such area
 17 shall award grants or contracts on a competitive basis to
 18 providers of youth workforce investment activities identified
 19 based on the criteria in the State plan (including such qual-
 20 ity criteria as the Governor shall establish for a training
 21 program that leads to a recognized postsecondary creden-
 22 tial), and taking into consideration the ability of the pro-
 23 viders to meet performance accountability measures based
 24 on primary indicators of performance for the youth pro-
 25 gram as described in section 116(b)(2)(A)(ii), as described

1 *in section 102(b)(2)(D)(i)(V), and shall conduct oversight*
2 *with respect to such providers.*

3 (b) *EXCEPTIONS.*—*A local board may award grants or*
4 *contracts on a sole-source basis if such board determines*
5 *there is an insufficient number of eligible providers of youth*
6 *workforce investment activities in the local area involved*
7 *(such as a rural area) for grants and contracts to be award-*
8 *ed on a competitive basis under subsection (a).*

9 **CHAPTER 2—YOUTH WORKFORCE**

10 **INVESTMENT ACTIVITIES**

11 **SEC. 126. GENERAL AUTHORIZATION.**

12 *The Secretary shall make an allotment under section*
13 *127(b)(1)(C) to each State that meets the requirements of*
14 *section 102 or 103 and a grant under section 127(b)(1)(B)*
15 *to each outlying area that complies with the requirements*
16 *of this title, to assist the State or outlying area, and to*
17 *enable the State or outlying area to assist local areas, for*
18 *the purpose of providing workforce investment activities for*
19 *eligible youth in the State or outlying area and in the local*
20 *areas.*

21 **SEC. 127. STATE ALLOTMENTS.**

22 (a) *IN GENERAL.*—*The Secretary shall—*

23 (1) *for each fiscal year for which the amount ap-*
24 *propriated under section 136(a) exceeds \$925,000,000,*
25 *reserve 4 percent of the excess amount to provide*

1 *youth workforce investment activities under section*
2 *167 (relating to migrant and seasonal farmworkers);*
3 *and*

4 *(2) use the remainder of the amount appro-*
5 *propriated under section 136(a) for a fiscal year to make*
6 *allotments and grants in accordance with subsection*
7 *(b).*

8 *(b) ALLOTMENT AMONG STATES.—*

9 *(1) YOUTH WORKFORCE INVESTMENT ACTIVI-*
10 *TIES.—*

11 *(A) NATIVE AMERICANS.—From the amount*
12 *appropriated under section 136(a) for a fiscal*
13 *year that is not reserved under subsection (a)(1),*
14 *the Secretary shall reserve not more than 1½*
15 *percent of such amount to provide youth work-*
16 *force investment activities under section 166 (re-*
17 *lating to Native Americans).*

18 *(B) OUTLYING AREAS.—*

19 *(i) IN GENERAL.—From the amount*
20 *appropriated under section 136(a) for each*
21 *fiscal year that is not reserved under sub-*
22 *section (a)(1) and subparagraph (A), the*
23 *Secretary shall reserve not more than ¼ of*
24 *1 percent of such amount to provide assist-*
25 *ance to the outlying areas to carry out*

1 *youth workforce investment activities and*
2 *statewide workforce investment activities.*

3 *(ii) LIMITATION FOR OUTLYING*
4 *AREAS.—*

5 *(I) COMPETITIVE GRANTS.—The*
6 *Secretary shall use funds reserved*
7 *under clause (i) to award grants to*
8 *outlying areas to carry out youth*
9 *workforce investment activities and*
10 *statewide workforce investment activi-*
11 *ties.*

12 *(II) AWARD BASIS.—The Sec-*
13 *retary shall award grants pursuant to*
14 *subclause (I) on a competitive basis*
15 *and pursuant to the recommendations*
16 *of experts in the field of employment*
17 *and training, working through the Pa-*
18 *cific Region Educational Laboratory*
19 *in Honolulu, Hawaii.*

20 *(III) ADMINISTRATIVE COSTS.—*
21 *The Secretary may provide not more*
22 *than 5 percent of the funds made*
23 *available for grants under subclause (I)*
24 *to pay the administrative costs of the*
25 *Pacific Region Educational Labora-*

1 *tory in Honolulu, Hawaii, regarding*
2 *activities assisted under this clause.*

3 *(iii) ADDITIONAL REQUIREMENT.—The*
4 *provisions of section 501 of Public Law 95–*
5 *134 (48 U.S.C. 1469a), permitting the con-*
6 *solidation of grants by the outlying areas,*
7 *shall not apply to assistance provided to*
8 *those areas, including Palau, under this*
9 *subparagraph.*

10 *(C) STATES.—*

11 *(i) IN GENERAL.—From the remainder*
12 *of the amount appropriated under section*
13 *136(a) for a fiscal year that exists after the*
14 *Secretary determines the amounts to be re-*
15 *served under subsection (a)(1) and subpara-*
16 *graphs (A) and (B), the Secretary shall*
17 *make allotments to the States in accordance*
18 *with clause (ii) for youth workforce invest-*
19 *ment activities and statewide workforce in-*
20 *vestment activities.*

21 *(ii) FORMULA.—Subject to clauses (iii)*
22 *and (iv), of the remainder—*

23 *(I) $33\frac{1}{3}$ percent shall be allotted*
24 *on the basis of the relative number of*
25 *unemployed individuals in areas of*

1 *substantial unemployment in each*
2 *State, compared to the total number of*
3 *unemployed individuals in areas of*
4 *substantial unemployment in all*
5 *States;*

6 (II) *33¹/₃ percent shall be allotted*
7 *on the basis of the relative excess num-*
8 *ber of unemployed individuals in each*
9 *State, compared to the total excess*
10 *number of unemployed individuals in*
11 *all States; and*

12 (III) *33¹/₃ percent shall be allotted*
13 *on the basis of the relative number of*
14 *disadvantaged youth in each State,*
15 *compared to the total number of dis-*
16 *advantaged youth in all States, except*
17 *as described in clause (iii).*

18 (iii) *CALCULATION.—In determining*
19 *an allotment under clause (ii)(III) for any*
20 *State in which there is an area that was*
21 *designated as a local area as described in*
22 *section 107(c)(1)(C), the allotment shall be*
23 *based on the higher of—*

24 (I) *the number of individuals who*
25 *are age 16 through 21 in families with*

1 *an income below the low-income level*
2 *in such area; or*

3 *(II) the number of disadvantaged*
4 *youth in such area.*

5 *(iv) MINIMUM AND MAXIMUM PERCENT-*
6 *AGES AND MINIMUM ALLOTMENTS.—In*
7 *making allotments under this subpara-*
8 *graph, the Secretary shall ensure the fol-*
9 *lowing:*

10 *(I) MINIMUM PERCENTAGE AND*
11 *ALLOTMENT.—Subject to subclause*
12 *(IV), the Secretary shall ensure that no*
13 *State shall receive an allotment for a*
14 *fiscal year that is less than the greater*
15 *of—*

16 *(aa) an amount based on 90*
17 *percent of the allotment percent-*
18 *age of the State for the preceding*
19 *fiscal year; or*

20 *(bb) 100 percent of the allot-*
21 *ments of the State under section*
22 *127(b)(1)(C) of the Workforce In-*
23 *vestment Act of 1998 (as in effect*
24 *on the day before the date of en-*

1 *actment of this Act) for fiscal year*
2 *2014.*

3 *(II) SMALL STATE MINIMUM AL-*
4 *LOTMENT.—Subject to subclauses (I),*
5 *(III), and (IV), the Secretary shall en-*
6 *sure that no State shall receive an al-*
7 *lotment under this subparagraph that*
8 *is less than the total of—*

9 *(aa) $\frac{3}{10}$ of 1 percent of*
10 *\$1,000,000,000 of the remainder*
11 *described in clause (i) for the fis-*
12 *cal year; and*

13 *(bb) if the remainder de-*
14 *scribed in clause (i) for the fiscal*
15 *year exceeds \$1,000,000,000, $\frac{2}{5}$ of*
16 *1 percent of the excess.*

17 *(III) MAXIMUM PERCENTAGE.—*
18 *Subject to subclause (I), the Secretary*
19 *shall ensure that no State shall receive*
20 *an allotment percentage for a fiscal*
21 *year that is more than 130 percent of*
22 *the allotment percentage of the State*
23 *for the preceding fiscal year.*

24 *(IV) MINIMUM FUNDING.—In any*
25 *fiscal year in which the remainder de-*

1 scribed in clause (i) does not exceed
2 \$1,000,000,000, the minimum allot-
3 ments under subclauses (I) and (II)
4 shall be calculated by the methodology
5 specified in section
6 127(b)(1)(C)(iv)(IV) of the Workforce
7 Investment Act of 1998 (as in effect on
8 the day before the date of enactment of
9 this Act).

10 (2) *DEFINITIONS.*—For the purpose of the for-
11 mula specified in paragraph (1)(C):

12 (A) *ALLOTMENT PERCENTAGE.*—The term
13 “allotment percentage”, used with respect to fis-
14 cal year 2015 or a subsequent fiscal year, means
15 a percentage of the remainder described in para-
16 graph (1)(C)(i) that is received through an allot-
17 ment made under paragraph (1)(C) for the fiscal
18 year. The term, used with respect to fiscal year
19 2014, means the percentage of the amount allot-
20 ted to States under section 127(b)(1)(C) of the
21 Workforce Investment Act of 1998 (as in effect on
22 the day before the date of enactment of this Act)
23 that is received under such section by the State
24 involved for fiscal year 2014.

1 (B) *AREA OF SUBSTANTIAL UNEMPLOY-*
2 *MENT.*—*The term “area of substantial unem-*
3 *ployment” means any area that is of sufficient*
4 *size and scope to sustain a program of workforce*
5 *investment activities carried out under this sub-*
6 *title and that has an average rate of unemploy-*
7 *ment of at least 6.5 percent for the most recent*
8 *12 months, as determined by the Secretary. For*
9 *purposes of this subparagraph, determinations of*
10 *areas of substantial unemployment shall be made*
11 *once each fiscal year.*

12 (C) *DISADVANTAGED YOUTH.*—*Subject to*
13 *paragraph (3), the term “disadvantaged youth”*
14 *means an individual who is age 16 through 21*
15 *who received an income, or is a member of a*
16 *family that received a total family income, that,*
17 *in relation to family size, does not exceed the*
18 *higher of—*

19 (i) *the poverty line; or*

20 (ii) *70 percent of the lower living*
21 *standard income level.*

22 (D) *EXCESS NUMBER.*—*The term “excess*
23 *number” means, used with respect to the excess*
24 *number of unemployed individuals within a*
25 *State, the higher of—*

1 (i) the number that represents the
2 number of unemployed individuals in excess
3 of 4.5 percent of the civilian labor force in
4 the State; or

5 (ii) the number that represents the
6 number of unemployed individuals in excess
7 of 4.5 percent of the civilian labor force in
8 areas of substantial unemployment in such
9 State.

10 (E) *LOW-INCOME LEVEL.*—The term “low-
11 income level” means \$7,000 with respect to in-
12 come in 1969, and for any later year means that
13 amount that bears the same relationship to
14 \$7,000 as the Consumer Price Index for that
15 year bears to the Consumer Price Index for 1969,
16 rounded to the nearest \$1,000.

17 (3) *SPECIAL RULE.*—For the purpose of the for-
18 mula specified in paragraph (1)(C), the Secretary
19 shall, as appropriate and to the extent practicable, ex-
20 clude college students and members of the Armed
21 Forces from the determination of the number of dis-
22 advantaged youth.

23 (c) *REALLOTMENT.*—

24 (1) *IN GENERAL.*—The Secretary shall, in ac-
25 cordance with this subsection, reallocate to eligible States

1 *amounts that are made available to States from allot-*
2 *ments made under this section or a corresponding*
3 *provision of the Workforce Investment Act of 1998 for*
4 *youth workforce investment activities and statewide*
5 *workforce investment activities (referred to individ-*
6 *ually in this subsection as a “State allotment”) and*
7 *that are available for reallocation.*

8 (2) *AMOUNT.*—*The amount available for reallo-*
9 *ment for a program year is equal to the amount by*
10 *which the unobligated balance of the State allotment,*
11 *at the end of the program year prior to the program*
12 *year for which the determination under this para-*
13 *graph is made, exceeds 20 percent of such allotment*
14 *for the prior program year.*

15 (3) *REALLOTMENT.*—*In making reallocations to*
16 *eligible States of amounts available pursuant to para-*
17 *graph (2) for a program year, the Secretary shall*
18 *allot to each eligible State an amount based on the*
19 *relative amount of the State allotment for the pro-*
20 *gram year for which the determination is made, as*
21 *compared to the total amount of the State allotments*
22 *for all eligible States for such program year.*

23 (4) *ELIGIBILITY.*—*For purposes of this sub-*
24 *section, an eligible State means a State that does not*
25 *have an amount available for reallocation under para-*

1 *graph (2) for the program year for which the deter-*
2 *mination under paragraph (2) is made.*

3 (5) *PROCEDURES.*—*The Governor shall prescribe*
4 *uniform procedures for the obligation of funds by*
5 *local areas within the State in order to avoid the re-*
6 *quirement that funds be made available for reallocot-*
7 *ment under this subsection. The Governor shall fur-*
8 *ther prescribe equitable procedures for making funds*
9 *available from the State and local areas in the event*
10 *that a State is required to make funds available for*
11 *reallotment under this subsection.*

12 **SEC. 128. WITHIN STATE ALLOCATIONS.**

13 (a) *RESERVATIONS FOR STATEWIDE ACTIVITIES.*—

14 (1) *IN GENERAL.*—*The Governor shall reserve*
15 *not more than 15 percent of each of the amounts al-*
16 *lotted to the State under section 127(b)(1)(C) and*
17 *paragraphs (1)(B) and (2)(B) of section 132(b) for a*
18 *fiscal year for statewide workforce investment activi-*
19 *ties.*

20 (2) *USE OF FUNDS.*—*Regardless of whether the*
21 *reserved amounts were allotted under section*
22 *127(b)(1)(C), or under paragraph (1)(B) or (2)(B) of*
23 *section 132(b), the Governor may use the reserved*
24 *amounts to carry out statewide activities under sec-*
25 *tion 129(b) or statewide employment and training ac-*

1 *tivities, for adults or dislocated workers, under section*
2 *134(a).*

3 *(b) WITHIN STATE ALLOCATIONS.—*

4 *(1) METHODS.—The Governor, acting in accord-*
5 *ance with the State plan, and after consulting with*
6 *chief elected officials and local boards in the local*
7 *areas, shall allocate the funds that are allotted to the*
8 *State for youth activities and statewide workforce in-*
9 *vestment activities under section 127(b)(1)(C) and are*
10 *not reserved under subsection (a), in accordance with*
11 *paragraph (2) or (3).*

12 *(2) FORMULA ALLOCATION.—*

13 *(A) YOUTH ACTIVITIES.—*

14 *(i) ALLOCATION.—In allocating the*
15 *funds described in paragraph (1) to local*
16 *areas, a State may allocate—*

17 *(I) $33\frac{1}{3}$ percent of the funds on*
18 *the basis described in section*
19 *127(b)(1)(C)(ii)(I);*

20 *(II) $33\frac{1}{3}$ percent of the funds on*
21 *the basis described in section*
22 *127(b)(1)(C)(ii)(II); and*

23 *(III) $33\frac{1}{3}$ percent of the funds on*
24 *the basis described in clauses (ii)(III)*
25 *and (iii) of section 127(b)(1)(C).*

1 (ii) *MINIMUM PERCENTAGE.*—*The local*
2 *area shall not receive an allocation percent-*
3 *age for a fiscal year that is less than 90*
4 *percent of the average allocation percentage*
5 *of the local area for the 2 preceding fiscal*
6 *years. Amounts necessary for increasing*
7 *such allocations to local areas to comply*
8 *with the preceding sentence shall be ob-*
9 *tained by ratably reducing the allocations*
10 *to be made to other local areas under this*
11 *subparagraph.*

12 (iii) *DEFINITION.*—*In this subpara-*
13 *graph, the term “allocation percentage”,*
14 *used with respect to fiscal year 2015 or a*
15 *subsequent fiscal year, means a percentage*
16 *of the funds referred to in clause (i), re-*
17 *ceived through an allocation made under*
18 *this subparagraph, for the fiscal year. The*
19 *term, used with respect to fiscal year 2013*
20 *or 2014, means a percentage of the funds re-*
21 *ferred to in section 128(b)(1) of the Work-*
22 *force Investment Act of 1998 (as in effect on*
23 *the day before the date of enactment of this*
24 *Act), received through an allocation made*
25 *under paragraph (2) or (3) of section*

1 *128(b) of the Workforce Investment Act of*
2 *1998 (as so in effect), for the fiscal year*
3 *2013 or 2014, respectively.*

4 *(B) APPLICATION.—For purposes of car-*
5 *rying out subparagraph (A)—*

6 *(i) references in section 127(b) to a*
7 *State shall be deemed to be references to a*
8 *local area;*

9 *(ii) references in section 127(b) to all*
10 *States shall be deemed to be references to all*
11 *local areas in the State involved; and*

12 *(iii) except as described in clause (i),*
13 *references in section 127(b)(1) to the term*
14 *“excess number” shall be considered to be*
15 *references to the term as defined in section*
16 *127(b)(2).*

17 *(3) YOUTH DISCRETIONARY ALLOCATION.—In*
18 *lieu of making the allocation described in paragraph*
19 *(2), in allocating the funds described in paragraph*
20 *(1) to local areas, a State may distribute—*

21 *(A) a portion equal to not less than 70 per-*
22 *cent of the funds in accordance with paragraph*
23 *(2)(A); and*

24 *(B) the remaining portion of the funds on*
25 *the basis of a formula that—*

1 (i) incorporates additional factors
2 (other than the factors described in para-
3 graph (2)(A)) relating to—

4 (I) excess youth poverty in urban,
5 rural, and suburban local areas; and

6 (II) excess unemployment above
7 the State average in urban, rural, and
8 suburban local areas; and

9 (ii) was developed by the State board
10 and approved by the Secretary as part of
11 the State plan.

12 (4) LOCAL ADMINISTRATIVE COST LIMIT.—

13 (A) IN GENERAL.—Of the amount allocated
14 to a local area under this subsection and section
15 133(b) for a fiscal year, not more than 10 per-
16 cent of the amount may be used by the local
17 board involved for the administrative costs of
18 carrying out local workforce investment activities
19 under this chapter or chapter 3.

20 (B) USE OF FUNDS.—Funds made available
21 for administrative costs under subparagraph (A)
22 may be used for the administrative costs of any
23 of the local workforce investment activities de-
24 scribed in this chapter or chapter 3, regardless of

1 *whether the funds were allocated under this sub-*
2 *section or section 133(b).*

3 (c) *REALLOCATION AMONG LOCAL AREAS.—*

4 (1) *IN GENERAL.—The Governor may, in accord-*
5 *ance with this subsection and after consultation with*
6 *the State board, reallocate to eligible local areas with-*
7 *in the State amounts that are made available to local*
8 *areas from allocations made under this section or a*
9 *corresponding provision of the Workforce Investment*
10 *Act of 1998 for youth workforce investment activities*
11 *(referred to individually in this subsection as a “local*
12 *allocation”)* and that are available for reallocation.

13 (2) *AMOUNT.—The amount available for re-*
14 *allocation for a program year is equal to the amount*
15 *by which the unobligated balance of the local alloca-*
16 *tion, at the end of the program year prior to the pro-*
17 *gram year for which the determination under this*
18 *paragraph is made, exceeds 20 percent of such alloca-*
19 *tion for the prior program year.*

20 (3) *REALLOCATION.—In making reallocations to*
21 *eligible local areas of amounts available pursuant to*
22 *paragraph (2) for a program year, the Governor shall*
23 *allocate to each eligible local area within the State an*
24 *amount based on the relative amount of the local allo-*
25 *cation for the program year for which the determina-*

1 *tion is made, as compared to the total amount of the*
2 *local allocations for all eligible local areas in the*
3 *State for such program year.*

4 (4) *ELIGIBILITY.—For purposes of this sub-*
5 *section, an eligible local area means a local area that*
6 *does not have an amount available for reallocation*
7 *under paragraph (2) for the program year for which*
8 *the determination under paragraph (2) is made.*

9 **SEC. 129. USE OF FUNDS FOR YOUTH WORKFORCE INVEST-**
10 **MENT ACTIVITIES.**

11 (a) *YOUTH PARTICIPANT ELIGIBILITY.—*

12 (1) *ELIGIBILITY.—*

13 (A) *IN GENERAL.—To be eligible to partici-*
14 *part in activities carried out under this chapter*
15 *during any program year an individual shall, at*
16 *the time the eligibility determination is made, be*
17 *an out-of-school youth or an in-school youth.*

18 (B) *OUT-OF-SCHOOL YOUTH.—In this title,*
19 *the term “out-of-school youth” means an indi-*
20 *vidual who is—*

21 (i) *not attending any school (as de-*
22 *finied under State law);*

23 (ii) *not younger than age 16 or older*
24 *than age 24; and*

25 (iii) *one or more of the following:*

1 (I) *A school dropout.*

2 (II) *A youth who is within the*
3 *age of compulsory school attendance,*
4 *but has not attended school for at least*
5 *the most recent complete school year*
6 *calendar quarter.*

7 (III) *A recipient of a secondary*
8 *school diploma or its recognized equiv-*
9 *alent who is a low-income individual*
10 *and is—*

11 (aa) *basic skills deficient; or*

12 (bb) *an English language*
13 *learner.*

14 (IV) *An individual who is subject*
15 *to the juvenile or adult justice system.*

16 (V) *A homeless individual (as de-*
17 *fined in section 41403(6) of the Vio-*
18 *lence Against Women Act of 1994 (42*
19 *U.S.C. 14043e-2(6))), a homeless child*
20 *or youth (as defined in section 725(2)*
21 *of the McKinney-Vento Homeless As-*
22 *sistance Act (42 U.S.C. 11434a(2))), a*
23 *runaway, in foster care or has aged*
24 *out of the foster care system, a child el-*
25 *igible for assistance under section 477*

1 of the Social Security Act (42 U.S.C.
2 677), or in an out-of-home placement.

3 (VI) An individual who is preg-
4 nant or parenting.

5 (VII) A youth who is an indi-
6 vidual with a disability.

7 (VIII) A low-income individual
8 who requires additional assistance to
9 enter or complete an educational pro-
10 gram or to secure or hold employment.

11 (C) *IN-SCHOOL YOUTH.*—In this section, the
12 term “in-school youth” means an individual who
13 is—

14 (i) attending school (as defined by
15 State law);

16 (ii) not younger than age 14 or (unless
17 an individual with a disability who is at-
18 tending school under State law) older than
19 age 21;

20 (iii) a low-income individual; and

21 (iv) one or more of the following:

22 (I) Basic skills deficient.

23 (II) An English language learner.

24 (III) An offender.

1 (IV) *A homeless individual (as de-*
2 *efined in section 41403(6) of the Vio-*
3 *lence Against Women Act of 1994 (42*
4 *U.S.C. 14043e-2(6))), a homeless child*
5 *or youth (as defined in section 725(2)*
6 *of the McKinney-Vento Homeless As-*
7 *istance Act (42 U.S.C. 11434a(2))), a*
8 *runaway, in foster care or has aged*
9 *out of the foster care system, a child el-*
10 *igible for assistance under section 477*
11 *of the Social Security Act (42 U.S.C.*
12 *677), or in an out-of-home placement.*

13 (V) *Pregnant or parenting.*

14 (VI) *A youth who is an indi-*
15 *vidual with a disability.*

16 (VII) *An individual who requires*
17 *additional assistance to complete an*
18 *educational program or to secure or*
19 *hold employment.*

20 (2) *SPECIAL RULE.—For the purpose of this sub-*
21 *section, the term “low-income”, used with respect to*
22 *an individual, also includes a youth living in a high-*
23 *poverty area.*

24 (3) *EXCEPTION AND LIMITATION.—*

1 (A) *EXCEPTION FOR PERSONS WHO ARE*
2 *NOT LOW-INCOME INDIVIDUALS.—*

3 (i) *DEFINITION.—In this subpara-*
4 *graph, the term “covered individual” means*
5 *an in-school youth, or an out-of-school*
6 *youth who is described in subclause (III) or*
7 *(VIII) of paragraph (1)(B)(iii).*

8 (ii) *EXCEPTION.—In each local area,*
9 *not more than 5 percent of the individuals*
10 *assisted under this section may be persons*
11 *who would be covered individuals, except*
12 *that the persons are not low-income individ-*
13 *uals.*

14 (B) *LIMITATION.—In each local area, not*
15 *more than 5 percent of the in-school youth as-*
16 *sisted under this section may be eligible under*
17 *paragraph (1) because the youth are in-school*
18 *youth described in paragraph (1)(C)(iv)(VII).*

19 (4) *OUT-OF-SCHOOL PRIORITY.—*

20 (A) *IN GENERAL.—For any program year,*
21 *not less than 75 percent of the funds allotted*
22 *under section 127(b)(1)(C), reserved under sec-*
23 *tion 128(a), and available for statewide activi-*
24 *ties under subsection (b), and not less than 75*
25 *percent of funds available to local areas under*

1 *subsection (c), shall be used to provide youth*
2 *workforce investment activities for out-of-school*
3 *youth.*

4 (B) *EXCEPTION.—A State that receives a*
5 *minimum allotment under section 127(b)(1) in*
6 *accordance with section 127(b)(1)(C)(iv) or*
7 *under section 132(b)(1) in accordance with sec-*
8 *tion 132(b)(1)(B)(iv) may decrease the percent-*
9 *age described in subparagraph (A) to not less*
10 *than 50 percent for a local area in the State,*
11 *if—*

12 (i) *after an analysis of the in-school*
13 *youth and out-of-school youth populations*
14 *in the local area, the State determines that*
15 *the local area will be unable to use at least*
16 *75 percent of the funds available for activi-*
17 *ties under subsection (c) to serve out-of-*
18 *school youth due to a low number of out-of-*
19 *school youth; and*

20 (ii)(I) *the State submits to the Sec-*
21 *retary, for the local area, a request includ-*
22 *ing a proposed percentage decreased to not*
23 *less than 50 percent for purposes of sub-*
24 *paragraph (A), and a summary of the anal-*
25 *ysis described in clause (i); and*

1 (ii) the request is approved by the Sec-
2 retary.

3 (5) *CONSISTENCY WITH COMPULSORY SCHOOL*
4 *ATTENDANCE LAWS.*—*In providing assistance under*
5 *this section to an individual who is required to attend*
6 *school under applicable State compulsory school at-*
7 *tendance laws, the priority in providing such assist-*
8 *ance shall be for the individual to attend school regu-*
9 *larly.*

10 (b) *STATEWIDE ACTIVITIES.*—

11 (1) *REQUIRED STATEWIDE YOUTH ACTIVITIES.*—
12 *Funds reserved by a Governor as described in sections*
13 *128(a) and 133(a)(1) shall be used, regardless of*
14 *whether the funds were allotted to the State under sec-*
15 *tion 127(b)(1)(C) or under paragraph (1)(B) or*
16 *(2)(B) of section 132(b) for statewide activities, which*
17 *shall include—*

18 (A) *conducting evaluations under section*
19 *116(e) of activities authorized under this chapter*
20 *and chapter 3 in coordination with evaluations*
21 *carried out by the Secretary under section*
22 *169(a);*

23 (B) *disseminating a list of eligible providers*
24 *of youth workforce investment activities, as de-*
25 *termined under section 123;*

1 (C) providing assistance to local areas as
2 described in subsections (b)(6) and (c)(2) of sec-
3 tion 106, for local coordination of activities car-
4 ried out under this title;

5 (D) operating a fiscal and management ac-
6 countability information system under section
7 116(i);

8 (E) carrying out monitoring and oversight
9 of activities carried out under this chapter and
10 chapter 3, which may include a review com-
11 paring the services provided to male and female
12 youth; and

13 (F) providing additional assistance to local
14 areas that have high concentrations of eligible
15 youth.

16 (2) ALLOWABLE STATEWIDE YOUTH ACTIVI-
17 TIES.—Funds reserved by a Governor as described in
18 sections 128(a) and 133(a)(1) may be used, regardless
19 of whether the funds were allotted to the State under
20 section 127(b)(1)(C) or under paragraph (1)(B) or
21 (2)(B) of section 132(b), for statewide activities,
22 which may include—

23 (A) conducting—

1 (i) research related to meeting the edu-
2 cation and employment needs of eligible
3 youth; and

4 (ii) demonstration projects related to
5 meeting the education and employment
6 needs of eligible youth;

7 (B) supporting the development of alter-
8 native, evidence-based programs and other ac-
9 tivities that enhance the choices available to eli-
10 gible youth and encourage such youth to reenter
11 and complete secondary education, enroll in
12 postsecondary education and advanced training,
13 progress through a career pathway, and enter
14 into unsubsidized employment that leads to eco-
15 nomic self-sufficiency;

16 (C) supporting the provision of career serv-
17 ices described in section 134(c)(2) in the one-stop
18 delivery system in the State;

19 (D) supporting financial literacy, includ-
20 ing—

21 (i) supporting the ability of partici-
22 pants to create household budgets, initiate
23 savings plans, and make informed financial
24 decisions about education, retirement, home

1 *ownership, wealth building, or other savings*
2 *goals;*

3 *(ii) supporting the ability to manage*
4 *spending, credit, and debt, including credit*
5 *card debt, effectively;*

6 *(iii) increasing awareness of the avail-*
7 *ability and significance of credit reports*
8 *and credit scores in obtaining credit, in-*
9 *cluding determining their accuracy (and*
10 *how to correct inaccuracies in the reports*
11 *and scores), and their effect on credit terms;*

12 *(iv) supporting the ability to under-*
13 *stand, evaluate, and compare financial*
14 *products, services, and opportunities; and*

15 *(v) supporting activities that address*
16 *the particular financial literacy needs of*
17 *non-English speakers, including providing*
18 *the support through the development and*
19 *distribution of multilingual financial lit-*
20 *eracy and education materials; and*

21 *(E) providing technical assistance to, as ap-*
22 *propriate, local boards, chief elected officials,*
23 *one-stop operators, one-stop partners, and eligi-*
24 *ble providers, in local areas, which provision of*
25 *technical assistance shall include the develop-*

1 *ment and training of staff, the development of*
2 *exemplary program activities, the provision of*
3 *technical assistance to local areas that fail to*
4 *meet local performance accountability measures*
5 *described in section 116(c), and the provision of*
6 *technology to facilitate remote access to services*
7 *provided through the one-stop delivery system in*
8 *the State.*

9 (3) *LIMITATION.*—*Not more than 5 percent of the*
10 *funds allotted to a State under section 127(b)(1)(C)*
11 *shall be used by the State for administrative activities*
12 *carried out under this subsection or section 134(a).*

13 (c) *LOCAL ELEMENTS AND REQUIREMENTS.*—

14 (1) *PROGRAM DESIGN.*—*Funds allocated to a*
15 *local area for eligible youth under section 128(b) shall*
16 *be used to carry out, for eligible youth, programs*
17 *that—*

18 (A) *provide an objective assessment of the*
19 *academic levels, skill levels, and service needs of*
20 *each participant, which assessment shall include*
21 *a review of basic skills, occupational skills, prior*
22 *work experience, employability, interests, apti-*
23 *tudes (including interests and aptitudes for non-*
24 *traditional jobs), supportive service needs, and*
25 *developmental needs of such participant, for the*

1 *purpose of identifying appropriate services and*
2 *career pathways for participants, except that a*
3 *new assessment of a participant is not required*
4 *if the provider carrying out such a program de-*
5 *termines it is appropriate to use a recent assess-*
6 *ment of the participant conducted pursuant to*
7 *another education or training program;*

8 *(B) develop service strategies for each par-*
9 *ticipant that are directly linked to 1 or more of*
10 *the indicators of performance described in sec-*
11 *tion 116(b)(2)(A)(ii), and that shall identify ca-*
12 *reer pathways that include education and em-*
13 *ployment goals (including, in appropriate cir-*
14 *cumstances, nontraditional employment), appro-*
15 *priate achievement objectives, and appropriate*
16 *services for the participant taking into account*
17 *the assessment conducted pursuant to subpara-*
18 *graph (A), except that a new service strategy for*
19 *a participant is not required if the provider car-*
20 *rying out such a program determines it is ap-*
21 *propriate to use a recent service strategy devel-*
22 *oped for the participant under another education*
23 *or training program;*

24 *(C) provide—*

1 (i) activities leading to the attainment
2 of a secondary school diploma or its recog-
3 nized equivalent, or a recognized postsec-
4 ondary credential;

5 (ii) preparation for postsecondary edu-
6 cational and training opportunities;

7 (iii) strong linkages between academic
8 instruction (based on State academic con-
9 tent and student academic achievement
10 standards established under section 1111 of
11 the Elementary and Secondary Education
12 Act of 1965 (20 U.S.C. 6311)) and occupa-
13 tional education that lead to the attainment
14 of recognized postsecondary credentials;

15 (iv) preparation for unsubsidized em-
16 ployment opportunities, in appropriate
17 cases; and

18 (v) effective connections to employers,
19 including small employers, in in-demand
20 industry sectors and occupations of the local
21 and regional labor markets; and

22 (D) at the discretion of the local board, im-
23 plement a pay-for-performance contract strategy
24 for elements described in paragraph (2), for
25 which the local board may reserve and use not

1 *more than 10 percent of the total funds allocated*
2 *to the local area under section 128(b).*

3 (2) *PROGRAM ELEMENTS.—In order to support*
4 *the attainment of a secondary school diploma or its*
5 *recognized equivalent, entry into postsecondary edu-*
6 *cation, and career readiness for participants, the pro-*
7 *grams described in paragraph (1) shall provide ele-*
8 *ments consisting of—*

9 (A) *tutoring, study skills training, instruc-*
10 *tion, and evidence-based dropout prevention and*
11 *recovery strategies that lead to completion of the*
12 *requirements for a secondary school diploma or*
13 *its recognized equivalent (including a recognized*
14 *certificate of attendance or similar document for*
15 *individuals with disabilities) or for a recognized*
16 *postsecondary credential;*

17 (B) *alternative secondary school services, or*
18 *dropout recovery services, as appropriate;*

19 (C) *paid and unpaid work experiences that*
20 *have as a component academic and occupational*
21 *education, which may include—*

22 (i) *summer employment opportunities*
23 *and other employment opportunities avail-*
24 *able throughout the school year;*

25 (ii) *pre-apprenticeship programs;*

1 (iii) *internships and job shadowing;*

2 *and*

3 (iv) *on-the-job training opportunities;*

4 (D) *occupational skill training, which shall*
5 *include priority consideration for training pro-*
6 *grams that lead to recognized postsecondary cre-*
7 *denials that are aligned with in-demand indus-*
8 *try sectors or occupations in the local area in-*
9 *volved, if the local board determines that the pro-*
10 *grams meet the quality criteria described in sec-*
11 *tion 123;*

12 (E) *education offered concurrently with and*
13 *in the same context as workforce preparation ac-*
14 *tivities and training for a specific occupation or*
15 *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 of*
24 *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 counseling,
5 which may include drug and alcohol abuse coun-
6 seling 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 coun-
13 seling, 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.*—Each
19 local board shall ensure that each participant
20 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 el-
24 igible 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 ca-
5 pacity to serve the participant either on a
6 sequential or concurrent basis.

7 (B) *APPLICANTS NOT MEETING ENROLL-*
8 *MENT REQUIREMENTS.*—Each eligible provider of
9 a program of youth workforce investment activi-
10 ties shall ensure that an eligible applicant who
11 does not meet the enrollment requirements of the
12 particular program or who cannot be served
13 shall be referred for further assessment, as nec-
14 essary, and referred to appropriate programs in
15 accordance with subparagraph (A) to meet the
16 basic skills and training needs of the applicant.

17 (C) *INVOLVEMENT IN DESIGN AND IMPLE-*
18 *MENTATION.*—The local board shall ensure that
19 parents, participants, and other members of the
20 community with experience relating to programs
21 for youth are involved in the design and imple-
22 mentation of the programs described in para-
23 graph (1).

24 (4) *PRIORITY.*—Not less than 20 percent of the
25 funds allocated to the local area as described in para-

1 *graph (1) shall be used to provide in-school youth and*
2 *out-of-school youth with activities under paragraph*
3 *(2)(C).*

4 (5) *RULE OF CONSTRUCTION.—Nothing in this*
5 *chapter shall be construed to require that each of the*
6 *elements described in subparagraphs of paragraph (2)*
7 *be offered by each provider of youth services.*

8 (6) *PROHIBITIONS.—*

9 (A) *PROHIBITION AGAINST FEDERAL CON-*
10 *TROL OF EDUCATION.—No provision of this Act*
11 *shall be construed to authorize any department,*
12 *agency, officer, or employee of the United States*
13 *to exercise any direction, supervision, or control*
14 *over the curriculum, program of instruction, ad-*
15 *ministration, or personnel of any educational in-*
16 *stitution, school, or school system, or over the se-*
17 *lection of library resources, textbooks, or other*
18 *printed or published instructional materials by*
19 *any educational institution, school, or school sys-*
20 *tem.*

21 (B) *NONINTERFERENCE AND NONREPLACE-*
22 *MENT OF REGULAR ACADEMIC REQUIREMENTS.—*
23 *No funds described in paragraph (1) shall be*
24 *used to provide an activity for eligible youth who*
25 *are not school dropouts if participation in the*

1 *activity would interfere with or replace the reg-*
2 *ular academic requirements of the youth.*

3 (7) *LINKAGES.*—*In coordinating the programs*
4 *authorized under this section, local boards shall estab-*
5 *lish linkages with local educational agencies respon-*
6 *sible for services to participants as appropriate.*

7 (8) *VOLUNTEERS.*—*The local board shall make*
8 *opportunities available for individuals who have suc-*
9 *cessfully participated in programs carried out under*
10 *this section to volunteer assistance to participants in*
11 *the form of mentoring, tutoring, and other activities.*

12 **CHAPTER 3—ADULT AND DISLOCATED**
13 **WORKER EMPLOYMENT AND TRAINING**
14 **ACTIVITIES**

15 **SEC. 131. GENERAL AUTHORIZATION.**

16 *The Secretary shall make allotments under paragraphs*
17 (1)(B) and (2)(B) of section 132(b) to each State that meets
18 the requirements of section 102 or 103 and grants under
19 paragraphs (1)(A) and (2)(A) of section 132(b) to each out-
20 lying area that complies with the requirements of this title,
21 to assist the State or outlying area, and to enable the State
22 or outlying area to assist local areas, for the purpose of
23 providing workforce investment activities for adults, and
24 dislocated workers, in the State or outlying area and in
25 the local areas.

1 **SEC. 132. STATE ALLOTMENTS.**

2 (a) *IN GENERAL.*—*The Secretary shall—*

3 (1) *make allotments and grants from the amount*
4 *appropriated under section 136(b) for a fiscal year in*
5 *accordance with subsection (b)(1); and*

6 (2)(A) *reserve 20 percent of the amount appro-*
7 *priated under section 136(c) for the fiscal year for use*
8 *under subsection (b)(2)(A), and under sections 168(b)*
9 *(relating to dislocated worker technical assistance),*
10 *169(c) (relating to dislocated worker projects), and*
11 *170 (relating to national dislocated worker grants);*
12 *and*

13 (B) *make allotments from 80 percent of the*
14 *amount appropriated under section 136(c) for the fis-*
15 *cal year in accordance with subsection (b)(2)(B).*

16 (b) *ALLOTMENT AMONG STATES.*—

17 (1) *ADULT EMPLOYMENT AND TRAINING ACTIVI-*
18 *TIES.*—

19 (A) *RESERVATION FOR OUTLYING AREAS.*—

20 (i) *IN GENERAL.*—*From the amount*
21 *made available under subsection (a)(1) for a*
22 *fiscal year, the Secretary shall reserve not*
23 *more than $\frac{1}{4}$ of 1 percent of such amount*
24 *to provide assistance to the outlying areas.*

25 (ii) *APPLICABILITY OF ADDITIONAL RE-*
26 *QUIREMENTS.*—*From the amount reserved*

1 *under clause (i), the Secretary shall provide*
2 *assistance to the outlying areas for adult*
3 *employment and training activities and*
4 *statewide workforce investment activities in*
5 *accordance with the requirements of section*
6 *127(b)(1)(B).*

7 *(B) STATES.—*

8 *(i) IN GENERAL.—After determining*
9 *the amount to be reserved under subpara-*
10 *graph (A), the Secretary shall allot the re-*
11 *mainder of the amount made available*
12 *under subsection (a)(1) for that fiscal year*
13 *to the States pursuant to clause (ii) for*
14 *adult employment and training activities*
15 *and statewide workforce investment activi-*
16 *ties.*

17 *(ii) FORMULA.—Subject to clauses (iii)*
18 *and (iv), of the remainder—*

19 *(I) $33\frac{1}{3}$ percent shall be allotted*
20 *on the basis of the relative number of*
21 *unemployed individuals in areas of*
22 *substantial unemployment in each*
23 *State, compared to the total number of*
24 *unemployed individuals in areas of*

1 *substantial unemployment in all*
2 *States;*

3 *(II) 33¹/₃ percent shall be allotted*
4 *on the basis of the relative excess num-*
5 *ber of unemployed individuals in each*
6 *State, compared to the total excess*
7 *number of unemployed individuals in*
8 *all States; and*

9 *(III) 33¹/₃ percent shall be allotted*
10 *on the basis of the relative number of*
11 *disadvantaged adults in each State,*
12 *compared to the total number of dis-*
13 *advantaged adults in all States, except*
14 *as described in clause (iii).*

15 *(iii) CALCULATION.—In determining*
16 *an allotment under clause (ii)(III) for any*
17 *State in which there is an area that was*
18 *designated as a local area as described in*
19 *section 107(c)(1)(C), the allotment shall be*
20 *based on the higher of—*

21 *(I) the number of adults in fami-*
22 *lies with an income below the low-in-*
23 *come level in such area; or*

24 *(II) the number of disadvantaged*
25 *adults in such area.*

1 (iv) *MINIMUM AND MAXIMUM PERCENT-*
2 *AGES AND MINIMUM ALLOTMENTS.*—*In*
3 *making allotments under this subpara-*
4 *graph, the Secretary shall ensure the fol-*
5 *lowing:*

6 (I) *MINIMUM PERCENTAGE AND*
7 *ALLOTMENT.*—*Subject to subclause*
8 *(IV), the Secretary shall ensure that no*
9 *State shall receive an allotment for a*
10 *fiscal year that is an amount based on*
11 *90 percent of the allotment percentage*
12 *of the State for the preceding fiscal*
13 *year.*

14 (II) *SMALL STATE MINIMUM AL-*
15 *LOTMENT.*—*Subject to subclauses (I),*
16 *(III), and (IV), the Secretary shall en-*
17 *sure that no State shall receive an al-*
18 *lotment under this subparagraph that*
19 *is less than the total of—*

20 (aa) $\frac{3}{10}$ *of 1 percent of*
21 *\$960,000,000 of the remainder de-*
22 *scribed in clause (i) for the fiscal*
23 *year; and*

24 (bb) *if the remainder de-*
25 *scribed in clause (i) for the fiscal*

1 year exceeds \$960,000,000, $\frac{2}{5}$ of 1
2 percent of the excess.

3 (III) *MAXIMUM PERCENTAGE.*—

4 Subject to subclause (I), the Secretary
5 shall ensure that no State shall receive
6 an allotment percentage for a fiscal
7 year that is more than 130 percent of
8 the allotment percentage of the State
9 for the preceding fiscal year.

10 (IV) *MINIMUM FUNDING.*—In any
11 fiscal year in which the remainder de-
12 scribed in clause (i) does not exceed
13 \$960,000,000, the minimum allotments
14 under subclauses (I) and (II) shall be
15 calculated by the methodology specified
16 in section 132(b)(1)(B)(iv)(IV) of the
17 Workforce Investment Act of 1998 (as
18 in effect on the day before the date of
19 enactment of this Act).

20 (v) *DEFINITIONS.*—For the purpose of
21 the formula specified in this subparagraph:

22 (I) *ADULT.*—The term “adult”
23 means an individual who is not less
24 than age 22 and not more than age 72.

(II) *ALLOTMENT PERCENTAGE.*—

1 The term “allotment percentage”, used
2 with respect to fiscal year 2015 or a
3 subsequent fiscal year, means a per-
4 centage of the remainder described in
5 clause (i) that is received through an
6 allotment made under this subpara-
7 graph for the fiscal year. The term,
8 used with respect to fiscal year 2014,
9 means the percentage of the amount al-
10 lotted to States under section
11 132(b)(1)(B) of the Workforce Invest-
12 ment Act of 1998 (as in effect on the
13 day before the date of enactment of this
14 Act) that is received under such section
15 by the State involved for fiscal year
16 2014.
17

18 (III) *AREA OF SUBSTANTIAL UN-*
19 *EMPLOYMENT.*—The term “area of sub-
20 stantial unemployment” means any
21 area that is of sufficient size and scope
22 to sustain a program of workforce in-
23 vestment activities carried out under
24 this subtitle and that has an average
25 rate of unemployment of at least 6.5

1 *percent for the most recent 12 months,*
2 *as determined by the Secretary. For*
3 *purposes of this subclause, determina-*
4 *tions of areas of substantial unemploy-*
5 *ment shall be made once each fiscal*
6 *year.*

7 (IV) *DISADVANTAGED ADULT.—*
8 *Subject to subclause (V), the term “dis-*
9 *advantaged adult” means an adult*
10 *who received an income, or is a mem-*
11 *ber of a family that received a total*
12 *family income, that, in relation to*
13 *family size, does not exceed the higher*
14 *of—*

15 (ia) *the poverty line; or*

16 (ib) *70 percent of the lower*
17 *living standard income level.*

18 (V) *DISADVANTAGED ADULT SPE-*
19 *CIAL RULE.—The Secretary shall, as*
20 *appropriate and to the extent prac-*
21 *ticable, exclude college students and*
22 *members of the Armed Forces from the*
23 *determination of the number of dis-*
24 *advantaged adults.*

1 (VI) *EXCESS NUMBER*.—*The term*
2 “*excess number*” *means, used with re-*
3 *spect to the excess number of unem-*
4 *ployed individuals within a State, the*
5 *higher of—*

6 (aa) *the number that rep-*
7 *resents the number of unemployed*
8 *individuals in excess of 4.5 per-*
9 *cent of the civilian labor force in*
10 *the State; or*

11 (bb) *the number that rep-*
12 *resents the number of unemployed*
13 *individuals in excess of 4.5 per-*
14 *cent of the civilian labor force in*
15 *areas of substantial unemploy-*
16 *ment in such State.*

17 (VII) *LOW-INCOME LEVEL*.—*The*
18 *term “low-income level” means \$7,000*
19 *with respect to income in 1969, and for*
20 *any later year means that amount that*
21 *bears the same relationship to \$7,000*
22 *as the Consumer Price Index for that*
23 *year bears to the Consumer Price*
24 *Index for 1969, rounded to the nearest*
25 *\$1,000.*

1 (2) *DISLOCATED WORKER EMPLOYMENT AND*
2 *TRAINING ACTIVITIES.*—

3 (A) *RESERVATION FOR OUTLYING AREAS.*—

4 (i) *IN GENERAL.*—*From the amount*
5 *made available under subsection (a)(2)(A)*
6 *for a fiscal year, the Secretary shall reserve*
7 *not more than 1/4 of 1 percent of the amount*
8 *appropriated under section 136(c) for the*
9 *fiscal year to provide assistance to the out-*
10 *lying areas.*

11 (ii) *APPLICABILITY OF ADDITIONAL RE-*
12 *QUIREMENTS.*—*From the amount reserved*
13 *under clause (i), the Secretary shall provide*
14 *assistance to the outlying areas for dis-*
15 *located worker employment and training*
16 *activities and statewide workforce invest-*
17 *ment activities in accordance with the re-*
18 *quirements of section 127(b)(1)(B).*

19 (B) *STATES.*—

20 (i) *IN GENERAL.*—*The Secretary shall*
21 *allot the amount referred to in subsection*
22 *(a)(2)(B) for a fiscal year to the States pur-*
23 *suant to clause (ii) for dislocated worker*
24 *employment and training activities and*
25 *statewide workforce investment activities.*

1 (ii) *FORMULA.*—Subject to clause (iii),
2 of the amount—

3 (I) $33\frac{1}{3}$ percent shall be allotted
4 on the basis of the relative number of
5 unemployed individuals in each State,
6 compared to the total number of unem-
7 ployed individuals in all States;

8 (II) $33\frac{1}{3}$ percent shall be allotted
9 on the basis of the relative excess num-
10 ber of unemployed individuals in each
11 State, compared to the total excess
12 number of unemployed individuals in
13 all States; and

14 (III) $33\frac{1}{3}$ percent shall be allotted
15 on the basis of the relative number of
16 individuals in each State who have
17 been unemployed for 15 weeks or more,
18 compared to the total number of indi-
19 viduals in all States who have been un-
20 employed for 15 weeks or more.

21 (iii) *MINIMUM AND MAXIMUM PER-*
22 *CENTAGES AND MINIMUM ALLOTMENTS.*—In
23 making allotments under this subpara-
24 graph, for fiscal year 2016 and each subse-

1 *quent fiscal year, the Secretary shall ensure*
2 *the following:*

3 *(I) MINIMUM PERCENTAGE AND*
4 *ALLOTMENT.—The Secretary shall en-*
5 *sure that no State shall receive an al-*
6 *lotment for a fiscal year that is an*
7 *amount based on 90 percent of the al-*
8 *lotment percentage of the State for the*
9 *preceding fiscal year.*

10 *(II) MAXIMUM PERCENTAGE.—*
11 *Subject to subclause (I), the Secretary*
12 *shall ensure that no State shall receive*
13 *an allotment percentage for a fiscal*
14 *year that is more than 130 percent of*
15 *the allotment percentage of the State*
16 *for the preceding fiscal year.*

17 *(iv) DEFINITIONS.—For the purpose of*
18 *the formula specified in this subparagraph:*

19 *(I) ALLOTMENT PERCENTAGE.—*
20 *The term “allotment percentage”, used*
21 *with respect to fiscal year 2015 or a*
22 *subsequent fiscal year, means a per-*
23 *centage of the amount described in*
24 *clause (i) that is received through an*

1 *allotment made under this subpara-*
2 *graph for the fiscal year.*

3 (II) *EXCESS NUMBER.*—*The term*
4 *“excess number” means, used with re-*
5 *spect to the excess number of unem-*
6 *ployed individuals within a State, the*
7 *number that represents the number of*
8 *unemployed individuals in excess of*
9 *4.5 percent of the civilian labor force*
10 *in the State.*

11 (c) *REALLOTMENT.*—

12 (1) *IN GENERAL.*—*The Secretary shall, in ac-*
13 *cordance with this subsection, reallocate to eligible States*
14 *amounts that are made available to States from allot-*
15 *ments made under this section or a corresponding*
16 *provision of the Workforce Investment Act of 1998 for*
17 *employment and training activities and statewide*
18 *workforce investment activities (referred to individ-*
19 *ually in this subsection as a “State allotment”) and*
20 *that are available for reallocation.*

21 (2) *AMOUNT.*—*The amount available for reallo-*
22 *tment for a program year for programs funded under*
23 *subsection (b)(1)(B) (relating to adult employment*
24 *and training) or for programs funded under sub-*
25 *section (b)(2)(B) (relating to dislocated worker em-*

1 *ployment and training) is equal to the amount by*
2 *which the unobligated balance of the State allotments*
3 *for adult employment and training activities or dis-*
4 *located worker employment and training activities,*
5 *respectively, at the end of the program year prior to*
6 *the program year for which the determination under*
7 *this paragraph is made, exceeds 20 percent of such al-*
8 *lotments for the prior program year.*

9 (3) *REALLOTMENT.*—*In making reallocations to*
10 *eligible States of amounts available pursuant to para-*
11 *graph (2) for a program year, the Secretary shall*
12 *allot to each eligible State an amount based on the*
13 *relative amount of the State allotment under para-*
14 *graph (1)(B) or (2)(B), respectively, of subsection (b)*
15 *for the program year for which the determination is*
16 *made, as compared to the total amount of the State*
17 *allotments under paragraph (1)(B) or (2)(B), respec-*
18 *tively, of subsection (b) for all eligible States for such*
19 *program year.*

20 (4) *ELIGIBILITY.*—*For purposes of this sub-*
21 *section, an eligible State means—*

22 (A) *with respect to funds allotted through a*
23 *State allotment for adult employment and train-*
24 *ing activities, a State that does not have an*
25 *amount of such funds available for reallocation*

1 under paragraph (2) for the program year for
2 which the determination under paragraph (2) is
3 made; and

4 (B) with respect to funds allotted through a
5 State allotment for dislocated worker employ-
6 ment and training activities, a State that does
7 not have an amount of such funds available for
8 reallotment under paragraph (2) for the program
9 year for which the determination under para-
10 graph (2) is made.

11 (5) *PROCEDURES.*—The Governor shall prescribe
12 uniform procedures for the obligation of funds by
13 local areas within the State in order to avoid the re-
14 quirement that funds be made available for reallot-
15 ment under this subsection. The Governor shall fur-
16 ther prescribe equitable procedures for making funds
17 available from the State and local areas in the event
18 that a State is required to make funds available for
19 reallotment under this subsection.

20 **SEC. 133. WITHIN STATE ALLOCATIONS.**

21 (a) *RESERVATIONS FOR STATE ACTIVITIES.*—

22 (1) *STATEWIDE WORKFORCE INVESTMENT AC-*
23 *TIVITIES.*—The Governor shall make the reservation
24 required under section 128(a).

1 (2) *STATEWIDE RAPID RESPONSE ACTIVITIES.*—
2 *The Governor shall reserve not more than 25 percent*
3 *of the total amount allotted to the State under section*
4 *132(b)(2)(B) for a fiscal year for statewide rapid re-*
5 *sponse activities described in section 134(a)(2)(A).*

6 (b) *WITHIN STATE ALLOCATION.*—

7 (1) *METHODS.*—*The Governor, acting in accord-*
8 *ance with the State plan, and after consulting with*
9 *chief elected officials and local boards in the local*
10 *areas, shall allocate—*

11 (A) *the funds that are allotted to the State*
12 *for adult employment and training activities*
13 *and statewide workforce investment activities*
14 *under section 132(b)(1)(B) and are not reserved*
15 *under subsection (a)(1), in accordance with*
16 *paragraph (2) or (3); and*

17 (B) *the funds that are allotted to the State*
18 *for dislocated worker employment and training*
19 *activities and statewide workforce investment ac-*
20 *tivities under section 132(b)(2)(B) and are not*
21 *reserved under paragraph (1) or (2) of subsection*
22 *(a), in accordance with paragraph (2).*

23 (2) *FORMULA ALLOCATIONS.*—

24 (A) *ADULT EMPLOYMENT AND TRAINING AC-*
25 *TIVITIES.*—

1 (i) *ALLOCATION.*—*In allocating the*
2 *funds described in paragraph (1)(A) to local*
3 *areas, a State may allocate—*

4 (I) *33¹/₃ percent of the funds on*
5 *the basis described in section*
6 *132(b)(1)(B)(i)(I);*

7 (II) *33¹/₃ percent of the funds on*
8 *the basis described in section*
9 *132(b)(1)(B)(i)(II); and*

10 (III) *33¹/₃ percent of the funds on*
11 *the basis described in clauses (i)(III)*
12 *and (iii) of section 132(b)(1)(B).*

13 (ii) *MINIMUM PERCENTAGE.*—*The local*
14 *area shall not receive an allocation percent-*
15 *age for a fiscal year that is less than 90*
16 *percent of the average allocation percentage*
17 *of the local area for the 2 preceding fiscal*
18 *years. Amounts necessary for increasing*
19 *such allocations to local areas to comply*
20 *with the preceding sentence shall be ob-*
21 *tained by ratably reducing the allocations*
22 *to be made to other local areas under this*
23 *subparagraph.*

24 (iii) *DEFINITION.*—*In this subpara-*
25 *graph, the term “allocation percentage”,*

1 *used with respect to fiscal year 2015 or a*
2 *subsequent fiscal year, means a percentage*
3 *of the funds referred to in clause (i), re-*
4 *ceived through an allocation made under*
5 *this subparagraph, for the fiscal year. The*
6 *term, used with respect to fiscal year 2013*
7 *or 2014, means a percentage of the amount*
8 *allocated to local areas under paragraphs*
9 *(2)(A) and (3) of section 133(b) of the*
10 *Workforce Investment Act of 1998 (as in ef-*
11 *fect on the day before the date of enactment*
12 *of this Act), received through an allocation*
13 *made under paragraph (2)(A) or (3) of that*
14 *section for fiscal year 2013 or 2014, respec-*
15 *tively.*

16 *(B) DISLOCATED WORKER EMPLOYMENT*
17 *AND TRAINING ACTIVITIES.—*

18 *(i) ALLOCATION.—In allocating the*
19 *funds described in paragraph (1)(B) to*
20 *local areas, a State shall allocate the funds*
21 *based on an allocation formula prescribed*
22 *by the Governor of the State. Such formula*
23 *may be amended by the Governor not more*
24 *than once for each program year. Such for-*
25 *mula shall utilize the most appropriate in-*

1 *formation available to the Governor to dis-*
2 *tribute amounts to address the State’s work-*
3 *er readjustment assistance needs.*

4 *(ii) INFORMATION.—The information*
5 *described in clause (i) shall include insured*
6 *unemployment data, unemployment con-*
7 *centrations, plant closing and mass layoff*
8 *data, declining industries data, farmer-*
9 *rancher economic hardship data, and long-*
10 *term unemployment data.*

11 *(iii) MINIMUM PERCENTAGE.—The*
12 *local area shall not receive an allocation*
13 *percentage for fiscal year 2016 or a subse-*
14 *quent fiscal year that is less than 90 per-*
15 *cent of the average allocation percentage of*
16 *the local area for the 2 preceding fiscal*
17 *years. Amounts necessary for increasing*
18 *such allocations to local areas to comply*
19 *with the preceding sentence shall be ob-*
20 *tained by ratably reducing the allocations*
21 *to be made to other local areas under this*
22 *subparagraph.*

23 *(iv) DEFINITION.—In this subpara-*
24 *graph, the term “allocation percentage”,*
25 *used with respect to fiscal year 2015 or a*

1 *subsequent fiscal year, means a percentage*
2 *of the funds referred to in clause (i), re-*
3 *ceived through an allocation made under*
4 *this subparagraph for the fiscal year. The*
5 *term, used with respect to fiscal year 2014,*
6 *means a percentage of the amount allocated*
7 *to local areas under section 133(b)(2)(B) of*
8 *the Workforce Investment Act of 1998 (as in*
9 *effect on the day before the date of enact-*
10 *ment of this Act), received through an allo-*
11 *cation made under that section for fiscal*
12 *year 2014.*

13 *(C) APPLICATION.—For purposes of car-*
14 *rying out subparagraph (A)—*

15 *(i) references in section 132(b) to a*
16 *State shall be deemed to be references to a*
17 *local area;*

18 *(ii) references in section 132(b) to all*
19 *States shall be deemed to be references to all*
20 *local areas in the State involved; and*

21 *(iii) except as described in clause (i),*
22 *references in section 132(b)(1) to the term*
23 *“excess number” shall be considered to be*
24 *references to the term as defined in section*
25 *132(b)(1).*

1 (3) *ADULT EMPLOYMENT AND TRAINING DISCRE-*
2 *TIONARY ALLOCATIONS.*—*In lieu of making the alloca-*
3 *tion described in paragraph (2)(A), in allocating the*
4 *funds described in paragraph (1)(A) to local areas, a*
5 *State may distribute—*

6 (A) *a portion equal to not less than 70 per-*
7 *cent of the funds in accordance with paragraph*
8 *(2)(A); and*

9 (B) *the remaining portion of the funds on*
10 *the basis of a formula that—*

11 (i) *incorporates additional factors*
12 *(other than the factors described in para-*
13 *graph (2)(A)) relating to—*

14 (I) *excess poverty in urban, rural,*
15 *and suburban local areas; and*

16 (II) *excess unemployment above*
17 *the State average in urban, rural, and*
18 *suburban local areas; and*

19 (ii) *was developed by the State board*
20 *and approved by the Secretary as part of*
21 *the State plan.*

22 (4) *TRANSFER AUTHORITY.*—*A local board may*
23 *transfer, if such a transfer is approved by the Gov-*
24 *ernor, up to and including 100 percent of the funds*
25 *allocated to the local area under paragraph (2)(A) or*

1 (3), and up to and including 100 percent of the funds
2 allocated to the local area under paragraph (2)(B),
3 for a fiscal year between—

4 (A) adult employment and training activi-
5 ties; and

6 (B) dislocated worker employment and
7 training activities.

8 (5) ALLOCATION.—

9 (A) IN GENERAL.—The Governor shall allo-
10 cate the funds described in paragraph (1) to
11 local areas under paragraphs (2) and (3) for the
12 purpose of providing a single system of employ-
13 ment and training activities for adults and dis-
14 located workers in accordance with subsections
15 (c) and (d) of section 134.

16 (B) ADDITIONAL REQUIREMENTS.—

17 (i) ADULTS.—Funds allocated under
18 paragraph (2)(A) or (3) shall be used by a
19 local area to contribute to the costs of the
20 one-stop delivery system described in section
21 121(e) as determined under section 121(h)
22 and to pay for employment and training
23 activities provided to adults in the local
24 area, consistent with section 134.

1 (ii) *DISLOCATED WORKERS.*—*Funds*
2 *allocated under paragraph (2)(B) shall be*
3 *used by a local area to contribute to the*
4 *costs of the one-stop delivery system de-*
5 *scribed in section 121(e) as determined*
6 *under section 121(h) and to pay for em-*
7 *ployment and training activities provided*
8 *to dislocated workers in the local area, con-*
9 *sistent with section 134.*

10 (c) *REALLOCATION AMONG LOCAL AREAS.*—

11 (1) *IN GENERAL.*—*The Governor may, in accord-*
12 *ance with this subsection and after consultation with*
13 *the State board, reallocate to eligible local areas with-*
14 *in the State amounts that are made available to local*
15 *areas from allocations made under paragraph (2)(A)*
16 *or (3) of subsection (b) or a corresponding provision*
17 *of the Workforce Investment Act of 1998 for adult em-*
18 *ployment and training activities, or under subsection*
19 *(b)(2)(B) or a corresponding provision of the Work-*
20 *force Investment Act of 1998 for dislocated worker*
21 *employment and training activities (referred to indi-*
22 *vidually in this subsection as a “local allocation”)*
23 *and that are available for reallocation.*

24 (2) *AMOUNT.*—*The amount available for re-*
25 *allocation for a program year—*

1 (A) for adult employment and training ac-
2 tivities is equal to the amount by which the un-
3 obligated balance of the local allocation under
4 paragraph (2)(A) or (3) of subsection (b) for
5 such activities, at the end of the program year
6 prior to the program year for which the deter-
7 mination under this subparagraph is made, ex-
8 ceeds 20 percent of such allocation for the prior
9 program year; and

10 (B) for dislocated worker employment and
11 training activities is equal to the amount by
12 which the unobligated balance of the local alloca-
13 tion under subsection (b)(2)(B) for such activi-
14 ties, at the end of the program year prior to the
15 program year for which the determination under
16 this subparagraph is made, exceeds 20 percent of
17 such allocation for the prior program year.

18 (3) *REALLOCATION*.—In making reallocations to
19 eligible local areas of amounts available pursuant to
20 paragraph (2) for a program year, the Governor shall
21 allocate to each eligible local area within the State—

22 (A) with respect to such available amounts
23 that were allocated under paragraph (2)(A) or
24 (3) of subsection (b), an amount based on the rel-
25 ative amount of the local allocation under para-

1 graph (2)(A) or (3) of subsection (b), as appro-
2 priate, for the program year for which the deter-
3 mination is made, as compared to the total
4 amount of the local allocations under paragraph
5 (2)(A) or (3) of subsection (b), as appropriate,
6 for all eligible local areas in the State for such
7 program year; and

8 (B) with respect to such available amounts
9 that were allocated under subsection (b)(2)(B),
10 an amount based on the relative amount of the
11 local allocation under subsection (b)(2)(B) for
12 the program year for which the determination is
13 made, as compared to the total amount of the
14 local allocations under subsection (b)(2)(B) for
15 all eligible local areas in the State for such pro-
16 gram year.

17 (4) *ELIGIBILITY.*—For purposes of this sub-
18 section, an eligible local area means—

19 (A) with respect to funds allocated through
20 a local allocation for adult employment and
21 training activities, a local area that does not
22 have an amount of such funds available for re-
23 allocation under paragraph (2) for the program
24 year for which the determination under para-
25 graph (2) is made; and

1 (B) with respect to funds allocated through
2 a local allocation for dislocated worker employ-
3 ment and training activities, a local area that
4 does not have an amount of such funds available
5 for reallocation under paragraph (2) for the pro-
6 gram year for which the determination under
7 paragraph (2) is made.

8 **SEC. 134. USE OF FUNDS FOR EMPLOYMENT AND TRAINING**
9 **ACTIVITIES.**

10 (a) *STATEWIDE EMPLOYMENT AND TRAINING ACTIVI-*
11 *TIES.—*

12 (1) *IN GENERAL.—Funds reserved by a Gov-*
13 *ernor—*

14 (A) as described in section 133(a)(2) shall
15 be used to carry out the statewide rapid response
16 activities described in paragraph (2)(A); and

17 (B) as described in sections 128(a) and
18 133(a)(1)—

19 (i) shall be used to carry out the state-
20 wide employment and training activities
21 described in paragraph (2)(B); and

22 (ii) may be used to carry out any of
23 the statewide employment and training ac-
24 tivities described in paragraph (3),

1 *regardless of whether the funds were allotted to*
2 *the State under section 127(b)(1) or under para-*
3 *graph (1) or (2) of section 132(b).*

4 (2) *REQUIRED STATEWIDE EMPLOYMENT AND*
5 *TRAINING ACTIVITIES.—*

6 (A) *STATEWIDE RAPID RESPONSE ACTIVI-*
7 *TIES.—*

8 (i) *IN GENERAL.—A State shall carry*
9 *out statewide rapid response activities using*
10 *funds reserved by the Governor for the State*
11 *under section 133(a)(2), which activities*
12 *shall include—*

13 (I) *provision of rapid response ac-*
14 *tivities, carried out in local areas by*
15 *the State or by an entity designated by*
16 *the State, working in conjunction with*
17 *the local boards and the chief elected*
18 *officials for the local areas; and*

19 (II) *provision of additional assist-*
20 *ance to local areas that experience dis-*
21 *asters, mass layoffs, or plant closings,*
22 *or other events that precipitate sub-*
23 *stantial increases in the number of un-*
24 *employed individuals, carried out in*
25 *local areas by the State, working in*

1 *conjunction with the local boards and*
2 *the chief elected officials for the local*
3 *areas.*

4 *(ii) USE OF UNOBLIGATED FUNDS.—*
5 *Funds reserved by a Governor under section*
6 *133(a)(2), and section 133(a)(2) of the*
7 *Workforce Investment Act of 1998 (as in ef-*
8 *fect on the day before the date of enactment*
9 *of this Act), to carry out this subparagraph*
10 *that remain unobligated after the first pro-*
11 *gram year for which such funds were allot-*
12 *ted may be used by the Governor to carry*
13 *out statewide activities authorized under*
14 *subparagraph (B) or paragraph (3)(A), in*
15 *addition to activities under this subpara-*
16 *graph.*

17 *(B) STATEWIDE EMPLOYMENT AND TRAIN-*
18 *ING ACTIVITIES.—Funds reserved by a Governor*
19 *under sections 128(a)(1) and 133(a)(1) and not*
20 *used under paragraph (1)(A) (regardless of*
21 *whether the funds were allotted to the States*
22 *under section 127(b)(1)(C) or paragraph (1)(B)*
23 *or (2)(B) of section 132(b)) shall be used for*
24 *statewide employment and training activities,*
25 *including—*

1 (i) providing assistance to—

2 (I) State entities and agencies,
3 local areas, and one-stop partners in
4 carrying out the activities described in
5 the State plan, including the coordina-
6 tion and alignment of data systems
7 used to carry out the requirements of
8 this Act;

9 (II) local areas for carrying out
10 the regional planning and service de-
11 livery efforts required under section
12 106(c);

13 (III) local areas by providing in-
14 formation on and support for the effec-
15 tive development, convening, and im-
16 plementation of industry or sector
17 partnerships; and

18 (IV) local areas, one-stop opera-
19 tors, one-stop partners, and eligible
20 providers, including the development
21 and training of staff, which may in-
22 clude the development and training of
23 staff to provide opportunities for indi-
24 viduals with barriers to employment to
25 enter in-demand industry sectors or oc-

1 *cupations and nontraditional occupa-*
2 *tions, the development of exemplary*
3 *program activities, and the provision*
4 *of technical assistance to local areas*
5 *that fail to meet local performance ac-*
6 *countability measures described in sec-*
7 *tion 116(c);*

8 *(ii) providing assistance to local areas*
9 *as described in section 106(b)(6);*

10 *(iii) operating a fiscal and manage-*
11 *ment accountability information system in*
12 *accordance with section 116(i);*

13 *(iv) carrying out monitoring and over-*
14 *sight of activities carried out under this*
15 *chapter and chapter 2;*

16 *(v) disseminating—*

17 *(I) the State list of eligible pro-*
18 *viders of training services, including*
19 *eligible providers of nontraditional*
20 *training services and eligible providers*
21 *of apprenticeship programs described*
22 *in section 122(a)(2)(B);*

23 *(II) information identifying eligi-*
24 *ble providers of on-the-job training,*
25 *customized training, incumbent worker*

1 *training, internships, paid or unpaid*
2 *work experience opportunities, or tran-*
3 *sitional jobs;*

4 *(III) information on effective out-*
5 *reach to, partnerships with, and serv-*
6 *ices for, business;*

7 *(IV) information on effective serv-*
8 *ice delivery strategies to serve workers*
9 *and job seekers;*

10 *(V) performance information and*
11 *information on the cost of attendance*
12 *(including tuition and fees) for par-*
13 *ticipants in applicable programs, as*
14 *described in subsections (d) and (h) of*
15 *section 122; and*

16 *(VI) information on physical and*
17 *programmatic accessibility, in accord-*
18 *ance with section 188, if applicable,*
19 *and the Americans with Disabilities*
20 *Act of 1990 (42 U.S.C. 12101 et seq.),*
21 *for individuals with disabilities; and*

22 *(vi) conducting evaluations under sec-*
23 *tion 116(e) of activities authorized under*
24 *this chapter and chapter 2 in coordination*

1 *with evaluations carried out by the Sec-*
2 *retary under section 169(a).*

3 (3) *ALLOWABLE STATEWIDE EMPLOYMENT AND*
4 *TRAINING ACTIVITIES.—*

5 (A) *IN GENERAL.—Funds reserved by a*
6 *Governor under sections 128(a)(1) and 133(a)(1)*
7 *and not used under paragraph (1)(A) or (2)(B)*
8 *(regardless of whether the funds were allotted to*
9 *the State under section 127(b)(1)(C) or para-*
10 *graph (1)(B) or (2)(B) of section 132(b)) may be*
11 *used to carry out additional statewide employ-*
12 *ment and training activities, which may in-*
13 *clude—*

14 (i) *implementing innovative programs*
15 *and strategies designed to meet the needs of*
16 *all employers (including small employers)*
17 *in the State, which programs and strategies*
18 *may include incumbent worker training*
19 *programs, customized training, sectoral and*
20 *industry cluster strategies and implementa-*
21 *tion of industry or sector partnerships, ca-*
22 *reer pathway programs, microenterprise*
23 *and entrepreneurial training and support*
24 *programs, utilization of effective business*
25 *intermediaries, layoff aversion strategies,*

1 *activities to improve linkages between the*
2 *one-stop delivery system in the State and*
3 *all employers (including small employers)*
4 *in the State, and other business services and*
5 *strategies that better engage employers in*
6 *workforce investment activities and make*
7 *the workforce development system more rel-*
8 *evant to the needs of State and local busi-*
9 *nesses, consistent with the objectives of this*
10 *title;*

11 *(ii) developing strategies for effectively*
12 *servicing individuals with barriers to employ-*
13 *ment and for coordinating programs and*
14 *services among one-stop partners;*

15 *(iii) the development or identification*
16 *of education and training programs that re-*
17 *spond to real-time labor market analysis,*
18 *that utilize direct assessment and prior*
19 *learning assessment to measure and provide*
20 *credit for prior knowledge, skills, com-*
21 *petencies, and experiences, that evaluate*
22 *such skills and competencies for adapt-*
23 *ability, that ensure credits are portable and*
24 *stackable for more skilled employment, and*

1 *that accelerate course or credential comple-*
2 *tion;*

3 *(iv) implementing programs to in-*
4 *crease the number of individuals training*
5 *for and placed in nontraditional employ-*
6 *ment;*

7 *(v) carrying out activities to facilitate*
8 *remote access to services, including training*
9 *services described in subsection (c)(3), pro-*
10 *vided through a one-stop delivery system,*
11 *including facilitating access through the use*
12 *of technology;*

13 *(vi) supporting the provision of career*
14 *services described in subsection (c)(2) in the*
15 *one-stop delivery systems in the State;*

16 *(vii) coordinating activities with the*
17 *child welfare system to facilitate provision*
18 *of services for children and youth who are*
19 *eligible for assistance under section 477 of*
20 *the Social Security Act (42 U.S.C. 677);*

21 *(viii) activities—*

22 *(I) to improve coordination of*
23 *workforce investment activities with*
24 *economic development activities;*

1 (ii) to improve coordination of
2 employment and training activities
3 with—

4 (aa) child support services,
5 and assistance provided by State
6 and local agencies carrying out
7 part D of title IV of the Social Se-
8 curity Act (42 U.S.C. 651 et seq.);

9 (bb) cooperative extension
10 programs carried out by the De-
11 partment of Agriculture;

12 (cc) programs carried out in
13 local areas for individuals with
14 disabilities, including programs
15 carried out by State agencies re-
16 lating to intellectual disabilities
17 and developmental disabilities, ac-
18 tivities carried out by Statewide
19 Independent Living Councils es-
20 tablished under section 705 of the
21 Rehabilitation Act of 1973 (29
22 U.S.C. 796d), programs funded
23 under part B of chapter 1 of title
24 VII of such Act (29 U.S.C. 796e et
25 seq.), and activities carried out by

1 *centers for independent living, as*
2 *defined in section 702 of such Act*
3 *(29 U.S.C. 796a);*

4 *(dd) adult education and lit-*
5 *eracy activities, including those*
6 *provided by public libraries;*

7 *(ee) activities in the correc-*
8 *tions system that assist ex-offend-*
9 *ers in reentering the workforce;*
10 *and*

11 *(ff) financial literacy activi-*
12 *ties including those described in*
13 *section 129(b)(2)(D); and*

14 *(III) consisting of development*
15 *and dissemination of workforce and*
16 *labor market information;*

17 *(ix) conducting research and dem-*
18 *onstration projects related to meeting the*
19 *employment and education needs of adult*
20 *and dislocated workers;*

21 *(x) implementing promising services*
22 *for workers and businesses, which may in-*
23 *clude providing support for education,*
24 *training, skill upgrading, and statewide*
25 *networking for employees to become work-*

1 *place learning advisors and maintain pro-*
2 *iciency in carrying out the activities asso-*
3 *ciated with such advising;*

4 *(xi) providing incentive grants to local*
5 *areas for performance by the local areas on*
6 *local performance accountability measures*
7 *described in section 116(c);*

8 *(xii) adopting, calculating, or commis-*
9 *sioning for approval an economic self-suffi-*
10 *ciency standard for the State that specifies*
11 *the income needs of families, by family size,*
12 *the number and ages of children in the fam-*
13 *ily, and substate geographical consider-*
14 *ations;*

15 *(xiii) developing and disseminating*
16 *common intake procedures and related*
17 *items, including registration processes, ma-*
18 *terials, or software; and*

19 *(xiv) providing technical assistance to*
20 *local areas that are implementing pay-for-*
21 *performance contract strategies, which tech-*
22 *nical assistance may include providing as-*
23 *sistance with data collection, meeting data*
24 *entry requirements, identifying levels of per-*

1 *formance, and conducting evaluations of*
2 *such strategies.*

3 *(B) LIMITATION.—*

4 *(i) IN GENERAL.—Of the funds allotted*
5 *to a State under sections 127(b) and 132(b)*
6 *and reserved as described in sections 128(a)*
7 *and 133(a)(1) for a fiscal year—*

8 *(I) not more than 5 percent of the*
9 *amount allotted under section*
10 *127(b)(1);*

11 *(II) not more than 5 percent of*
12 *the amount allotted under section*
13 *132(b)(1); and*

14 *(III) not more than 5 percent of*
15 *the amount allotted under section*
16 *132(b)(2),*

17 *may be used by the State for the adminis-*
18 *tration of statewide youth workforce invest-*
19 *ment activities carried out under section*
20 *129 and statewide employment and train-*
21 *ing activities carried out under this section.*

22 *(ii) USE OF FUNDS.—Funds made*
23 *available for administrative costs under*
24 *clause (i) may be used for the administra-*
25 *tive cost of any of the statewide youth work-*

1 *force investment activities or statewide em-*
2 *ployment and training activities, regardless*
3 *of whether the funds were allotted to the*
4 *State under section 127(b)(1) or paragraph*
5 *(1) or (2) of section 132(b).*

6 ***(b) LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—***
7 *Funds allocated to a local area for adults under paragraph*
8 *(2)(A) or (3), as appropriate, of section 133(b), and funds*
9 *allocated to a local area for dislocated workers under section*
10 *133(b)(2)(B)—*

11 *(1) shall be used to carry out employment and*
12 *training activities described in subsection (c) for*
13 *adults or dislocated workers, respectively; and*

14 *(2) may be used to carry out employment and*
15 *training activities described in subsection (d) for*
16 *adults or dislocated workers, respectively.*

17 ***(c) REQUIRED LOCAL EMPLOYMENT AND TRAINING***
18 ***ACTIVITIES.—***

19 ***(1) IN GENERAL.—***

20 ***(A) ALLOCATED FUNDS.—****Funds allocated*
21 *to a local area for adults under paragraph*
22 *(2)(A) or (3), as appropriate, of section 133(b),*
23 *and funds allocated to the local area for dis-*
24 *located workers under section 133(b)(2)(B), shall*
25 *be used—*

1 (i) to establish a one-stop delivery sys-
2 tem described in section 121(e);

3 (ii) to provide the career services de-
4 scribed in paragraph (2) to adults and dis-
5 located workers, respectively, through the
6 one-stop delivery system in accordance with
7 such paragraph;

8 (iii) to provide training services de-
9 scribed in paragraph (3) to adults and dis-
10 located workers, respectively, described in
11 such paragraph;

12 (iv) to establish and develop relation-
13 ships and networks with large and small
14 employers and their intermediaries; and

15 (v) to develop, convene, or implement
16 industry or sector partnerships.

17 (B) *OTHER FUNDS.*—Consistent with sub-
18 sections (h) and (i) of section 121, a portion of
19 the funds made available under Federal law au-
20 thorizing the programs and activities described
21 in section 121(b)(1)(B), including the Wagner-
22 Peyser Act (29 U.S.C. 49 et seq.), shall be used
23 as described in clauses (i) and (ii) of subpara-
24 graph (A), to the extent not inconsistent with the
25 Federal law involved.

1 (2) *CAREER SERVICES.*—

2 (A) *SERVICES PROVIDED.*—*Funds described*
3 *in paragraph (1) shall be used to provide career*
4 *services, which shall be available to individuals*
5 *who are adults or dislocated workers through the*
6 *one-stop delivery system and shall, at a min-*
7 *imum, include—*

8 (i) *determinations of whether the indi-*
9 *viduals are eligible to receive assistance*
10 *under this subtitle;*

11 (ii) *outreach, intake (which may in-*
12 *clude worker profiling), and orientation to*
13 *the information and other services available*
14 *through the one-stop delivery system;*

15 (iii) *initial assessment of skill levels*
16 *(including literacy, numeracy, and English*
17 *language proficiency), aptitudes, abilities*
18 *(including skills gaps), and supportive serv-*
19 *ice needs;*

20 (iv) *labor exchange services, includ-*
21 *ing—*

22 (I) *job search and placement as-*
23 *sistance and, in appropriate cases, ca-*
24 *reer counseling, including—*

1 (aa) provision of information
2 on in-demand industry sectors
3 and occupations; and

4 (bb) provision of information
5 on nontraditional employment;
6 and

7 (II) appropriate recruitment and
8 other business services on behalf of em-
9 ployers, including small employers, in
10 the local area, which services may in-
11 clude services described in this sub-
12 section, such as providing information
13 and referral to specialized business
14 services not traditionally offered
15 through the one-stop delivery system;

16 (v) provision of referrals to and coordi-
17 nation of activities with other programs
18 and services, including programs and serv-
19 ices within the one-stop delivery system
20 and, in appropriate cases, other workforce
21 development programs;

22 (vi) provision of workforce and labor
23 market employment statistics information,
24 including the provision of accurate informa-

1 *tion relating to local, regional, and national*
2 *labor market areas, including—*

3 *(I) job vacancy listings in such*
4 *labor market areas;*

5 *(II) information on job skills nec-*
6 *essary to obtain the jobs described in*
7 *subclause (I); and*

8 *(III) information relating to local*
9 *occupations in demand and the earn-*
10 *ings, skill requirements, and opportu-*
11 *nities for advancement for such occu-*
12 *pations; and*

13 *(vii) provision of performance infor-*
14 *mation and program cost information on*
15 *eligible providers of training services as de-*
16 *scribed in section 122, provided by pro-*
17 *gram, and eligible providers of youth work-*
18 *force investment activities described in sec-*
19 *tion 123, providers of adult education de-*
20 *scribed in title II, providers of career and*
21 *technical education activities at the postsec-*
22 *ondary level, and career and technical edu-*
23 *cation activities available to school drop-*
24 *outs, under the Carl D. Perkins Career and*
25 *Technical Education Act of 2006 (20 U.S.C.*

1 2301 et seq.), and providers of vocational
2 rehabilitation services described in title I of
3 the Rehabilitation Act of 1973 (29 U.S.C.
4 720 et seq.);

5 (viii) provision of information, in for-
6 mats that are usable by and understandable
7 to one-stop center customers, regarding how
8 the local area is performing on the local
9 performance accountability measures de-
10 scribed in section 116(c) and any addi-
11 tional performance information with respect
12 to the one-stop delivery system in the local
13 area;

14 (ix)(I) provision of information, in for-
15 mats that are usable by and understandable
16 to one-stop center customers, relating to the
17 availability of supportive services or assist-
18 ance, including child care, child support,
19 medical or child health assistance under
20 title XIX or XXI of the Social Security Act
21 (42 U.S.C. 1396 et seq. and 1397aa et seq.),
22 benefits under the supplemental nutrition
23 assistance program established under the
24 Food and Nutrition Act of 2008 (7 U.S.C.
25 2011 et seq.), assistance through the earned

1 *income tax credit under section 32 of the*
2 *Internal Revenue Code of 1986, and assist-*
3 *ance under a State program for temporary*
4 *assistance for needy families funded under*
5 *part A of title IV of the Social Security Act*
6 *(42 U.S.C. 601 et seq.) and other supportive*
7 *services and transportation provided*
8 *through funds made available under such*
9 *part, available in the local area; and*

10 *(II) referral to the services or assist-*
11 *ance described in subclause (I), as appro-*
12 *priate;*

13 *(x) provision of information and as-*
14 *sistance regarding filing claims for unem-*
15 *ployment compensation;*

16 *(xi) assistance in establishing eligi-*
17 *bility for programs of financial aid assist-*
18 *ance for training and education programs*
19 *that are not funded under this Act;*

20 *(xii) services, if determined to be ap-*
21 *propriate in order for an individual to ob-*
22 *tain or retain employment, that consist*
23 *of—*

24 *(I) comprehensive and specialized*
25 *assessments of the skill levels and serv-*

1 *ice needs of adults and dislocated*
2 *workers, which may include—*

3 *(aa) diagnostic testing and*
4 *use of other assessment tools; and*

5 *(bb) in-depth interviewing*
6 *and evaluation to identify em-*
7 *ployment barriers and appro-*
8 *priate employment goals;*

9 *(II) development of an individual*
10 *employment plan, to identify the em-*
11 *ployment goals, appropriate achieve-*
12 *ment objectives, and appropriate com-*
13 *bination of services for the participant*
14 *to achieve the employment goals, in-*
15 *cluding providing information on eli-*
16 *gible providers of training services*
17 *pursuant to paragraph (3)(F)(ii), and*
18 *career pathways to attain career objec-*
19 *tives;*

20 *(III) group counseling;*

21 *(IV) individual counseling;*

22 *(V) career planning;*

23 *(VI) short-term prevocational*
24 *services, including development of*
25 *learning skills, communication skills,*

1 *interviewing skills, punctuality, per-*
2 *sonal maintenance skills, and profes-*
3 *sional conduct, to prepare individuals*
4 *for unsubsidized employment or train-*
5 *ing;*

6 *(VII) internships and work expe-*
7 *riences that are linked to careers;*

8 *(VIII) workforce preparation ac-*
9 *tivities;*

10 *(IX) financial literacy services,*
11 *such as the activities described in sec-*
12 *tion 129(b)(2)(D);*

13 *(X) out-of-area job search assist-*
14 *ance and relocation assistance; or*

15 *(XI) English language acquisition*
16 *and integrated education and training*
17 *programs; and*

18 *(xiii) followup services, including*
19 *counseling regarding the workplace, for par-*
20 *ticipants in workforce investment activities*
21 *authorized under this subtitle who are*
22 *placed in unsubsidized employment, for not*
23 *less than 12 months after the first day of*
24 *the employment, as appropriate.*

1 (B) *USE OF PREVIOUS ASSESSMENTS.*—A
2 one-stop operator or one-stop partner shall not be
3 required to conduct a new interview, evaluation,
4 or assessment of a participant under subpara-
5 graph (A)(xii) if the one-stop operator or one-
6 stop partner determines that it is appropriate to
7 use a recent interview, evaluation, or assessment
8 of the participant conducted pursuant to another
9 education or training program.

10 (C) *DELIVERY OF SERVICES.*—The career
11 services described in subparagraph (A) shall be
12 provided through the one-stop delivery system—

13 (i) directly through one-stop operators
14 identified pursuant to section 121(d); or

15 (ii) through contracts with service pro-
16 viders, which may include contracts with
17 public, private for-profit, and private non-
18 profit service providers, approved by the
19 local board.

20 (3) *TRAINING SERVICES.*—

21 (A) *IN GENERAL.*—

22 (i) *ELIGIBILITY.*—Except as provided
23 in clause (ii), funds allocated to a local
24 area for adults under paragraph (2)(A) or
25 (3), as appropriate, of section 133(b), and

1 *funds allocated to the local area for dis-*
2 *located workers under section 133(b)(2)(B),*
3 *shall be used to provide training services to*
4 *adults and dislocated workers, respec-*
5 *tively—*

6 *(I) who, after an interview, eval-*
7 *uation, or assessment, and career plan-*
8 *ning, have been determined by a one-*
9 *stop operator or one-stop partner, as*
10 *appropriate, to—*

11 *(aa) be unlikely or unable to*
12 *obtain or retain employment, that*
13 *leads to economic self-sufficiency*
14 *or wages comparable to or higher*
15 *than wages from previous employ-*
16 *ment, through the career services*
17 *described in paragraph*
18 *(2)(A)(xii);*

19 *(bb) be in need of training*
20 *services to obtain or retain em-*
21 *ployment that leads to economic*
22 *self-sufficiency or wages com-*
23 *parable to or higher than wages*
24 *from previous employment; and*

1 (cc) have the skills and quali-
2 fications to successfully partici-
3 pate in the selected program of
4 training services;

5 (II) who select programs of train-
6 ing services that are directly linked to
7 the employment opportunities in the
8 local area or the planning region, or in
9 another area to which the adults or
10 dislocated workers are willing to com-
11 mute or relocate;

12 (III) who meet the requirements of
13 subparagraph (B); and

14 (IV) who are determined to be eli-
15 gible in accordance with the priority
16 system in effect under subparagraph
17 (E).

18 (ii) *USE OF PREVIOUS ASSESS-*
19 *MENTS.—A one-stop operator or one-stop*
20 *partner shall not be required to conduct a*
21 *new interview, evaluation, or assessment of*
22 *a participant under clause (i) if the one-*
23 *stop operator or one-stop partner deter-*
24 *mines that it is appropriate to use a recent*
25 *interview, evaluation, or assessment of the*

1 *participant conducted pursuant to another*
2 *education or training program.*

3 *(iii) RULE OF CONSTRUCTION.—Nothing*
4 *in this subparagraph shall be construed*
5 *to mean an individual is required to receive*
6 *career services prior to receiving training*
7 *services.*

8 *(B) QUALIFICATION.—*

9 *(i) REQUIREMENT.—Notwithstanding*
10 *section 479B of the Higher Education Act*
11 *of 1965 (20 U.S.C. 1087uu) and except as*
12 *provided in clause (ii), provision of such*
13 *training services shall be limited to individ-*
14 *uals who—*

15 *(I) are unable to obtain other*
16 *grant assistance for such services, in-*
17 *cluding Federal Pell Grants established*
18 *under subpart 1 of part A of title IV*
19 *of the Higher Education Act of 1965*
20 *(20 U.S.C. 1070a et seq.); or*

21 *(II) require assistance beyond the*
22 *assistance made available under other*
23 *grant assistance programs, including*
24 *Federal Pell Grants.*

1 (ii) *REIMBURSEMENTS.—Training*
2 *services may be provided under this para-*
3 *graph to an individual who otherwise meets*
4 *the requirements of this paragraph while an*
5 *application for a Federal Pell Grant is*
6 *pending, except that if such individual is*
7 *subsequently awarded a Federal Pell Grant,*
8 *appropriate reimbursement shall be made to*
9 *the local area from such Federal Pell Grant.*

10 (iii) *CONSIDERATION.—In determining*
11 *whether an individual requires assistance*
12 *under clause (i)(II), a one-stop operator (or*
13 *one-stop partner, where appropriate) may*
14 *take into consideration the full cost of par-*
15 *ticipating in training services, including*
16 *the costs of dependent care and transpor-*
17 *tation, and other appropriate costs.*

18 (C) *PROVIDER QUALIFICATION.—Training*
19 *services shall be provided through providers iden-*
20 *tified in accordance with section 122.*

21 (D) *TRAINING SERVICES.—Training serv-*
22 *ices may include—*

23 (i) *occupational skills training, includ-*
24 *ing training for nontraditional employ-*
25 *ment;*

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(ii) on-the-job training;

(iii) incumbent worker training in accordance with subsection (d)(4);

(iv) programs that combine workplace training with related instruction, which may include cooperative education programs;

(v) training programs operated by the private sector;

(vi) skill upgrading and retraining;

(vii) entrepreneurial training;

(viii) transitional jobs in accordance with subsection (d)(5);

(ix) job readiness training provided in combination with services described in any of clauses (i) through (viii);

(x) adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services described in any of clauses (i) through (vii);
and

(xi) customized training conducted with a commitment by an employer or

1 *group of employers to employ an individual*
2 *upon successful completion of the training.*

3 *(E) PRIORITY.—With respect to funds allo-*
4 *cated to a local area for adult employment and*
5 *training activities under paragraph (2)(A) or*
6 *(3) of section 133(b), priority shall be given to*
7 *recipients of public assistance, other low-income*
8 *individuals, and individuals who are basic skills*
9 *deficient for receipt of career services described*
10 *in paragraph (2)(A)(xii) and training services.*
11 *The appropriate local board and the Governor*
12 *shall direct the one-stop operators in the local*
13 *area with regard to making determinations re-*
14 *lated to such priority.*

15 *(F) CONSUMER CHOICE REQUIREMENTS.—*

16 *(i) IN GENERAL.—Training services*
17 *provided under this paragraph shall be pro-*
18 *vided in a manner that maximizes con-*
19 *sumer choice in the selection of an eligible*
20 *provider of such services.*

21 *(ii) ELIGIBLE PROVIDERS.—Each local*
22 *board, through one-stop centers, shall make*
23 *available the list of eligible providers of*
24 *training services described in section*

1 122(d), and accompanying information, in
2 accordance with section 122(d).

3 (iii) *INDIVIDUAL TRAINING AC-*
4 *COUNTS.*—An individual who seeks training
5 services and who is eligible pursuant to sub-
6 paragraph (A), may, in consultation with a
7 career planner, select an eligible provider of
8 training services from the list of providers
9 described in clause (i). Upon such selection,
10 the one-stop operator involved shall, to the
11 extent practicable, refer such individual to
12 the eligible provider of training services,
13 and arrange for payment for such services
14 through an individual training account.

15 (iv) *COORDINATION.*—Each local board
16 may, through one-stop centers, coordinate
17 funding for individual training accounts
18 with funding from other Federal, State,
19 local, or private job training programs or
20 sources to assist the individual in obtaining
21 training services.

22 (v) *ADDITIONAL INFORMATION.*—Pri-
23 ority consideration shall, consistent with
24 clause (i), be given to programs that lead to
25 recognized postsecondary credentials that

1 *are aligned with in-demand industry sectors*
2 *or occupations in the local area involved.*

3 (G) *USE OF INDIVIDUAL TRAINING AC-*
4 *COUNTS.—*

5 (i) *IN GENERAL.—Except as provided*
6 *in clause (ii), training services provided*
7 *under this paragraph shall be provided*
8 *through the use of individual training ac-*
9 *counts in accordance with this paragraph,*
10 *and shall be provided to eligible individuals*
11 *through the one-stop delivery system.*

12 (ii) *TRAINING CONTRACTS.—Training*
13 *services authorized under this paragraph*
14 *may be provided pursuant to a contract for*
15 *services in lieu of an individual training*
16 *account if—*

17 (I) *the requirements of subpara-*
18 *graph (F) are met;*

19 (II) *such services are on-the-job*
20 *training, customized training, incum-*
21 *bent worker training, or transitional*
22 *employment;*

23 (III) *the local board determines*
24 *there are an insufficient number of eli-*
25 *gible providers of training services in*

1 the local area involved (such as in a
2 rural area) to accomplish the purposes
3 of a system of individual training ac-
4 counts;

5 (IV) the local board determines
6 that there is a training services pro-
7 gram of demonstrated effectiveness of-
8 fered in the local area by a commu-
9 nity-based organization or another pri-
10 vate organization to serve individuals
11 with barriers to employment;

12 (V) the local board determines
13 that—

14 (aa) it would be most appro-
15 priate to award a contract to an
16 institution of higher education or
17 other eligible provider of training
18 services in order to facilitate the
19 training of multiple individuals
20 in in-demand industry sectors or
21 occupations; and

22 (bb) such contract does not
23 limit customer choice; or

24 (VI) the contract is a pay-for-per-
25 formance contract.

1 (iii) *LINKAGE TO OCCUPATIONS IN DE-*
2 *MAND.—Training services provided under*
3 *this paragraph shall be directly linked to an*
4 *in-demand industry sector or occupation in*
5 *the local area or the planning region, or in*
6 *another area to which an adult or dis-*
7 *located worker receiving such services is*
8 *willing to relocate, except that a local board*
9 *may approve training services for occupa-*
10 *tions determined by the local board to be in*
11 *sectors of the economy that have a high po-*
12 *tential for sustained demand or growth in*
13 *the local area.*

14 (iv) *RULE OF CONSTRUCTION.—Noth-*
15 *ing in this paragraph shall be construed to*
16 *preclude the combined use of individual*
17 *training accounts and contracts in the pro-*
18 *vision of training services, including ar-*
19 *rangements that allow individuals receiving*
20 *individual training accounts to obtain*
21 *training services that are contracted for*
22 *under clause (ii).*

23 (H) *REIMBURSEMENT FOR ON-THE-JOB*
24 *TRAINING.—*

1 (i) *REIMBURSEMENT LEVEL.*—For
2 purposes of the provision of on-the-job
3 training under this paragraph, the Gov-
4 ernor or local board involved may increase
5 the amount of the reimbursement described
6 in section 3(44) to an amount of up to 75
7 percent of the wage rate of a participant for
8 a program carried out under chapter 2 or
9 this chapter, if, respectively—

10 (I) the Governor approves the in-
11 crease with respect to a program car-
12 ried out with funds reserved by the
13 State under that chapter, taking into
14 account the factors described in clause
15 (ii); or

16 (II) the local board approves the
17 increase with respect to a program car-
18 ried out with funds allocated to a local
19 area under such chapter, taking into
20 account those factors.

21 (ii) *FACTORS.*—For purposes of clause
22 (i), the Governor or local board, respec-
23 tively, shall take into account factors con-
24 sisting of—

1 (I) the characteristics of the par-
2 ticipants;

3 (II) the size of the employer;

4 (III) the quality of employer-pro-
5 vided training and advancement op-
6 portunities; and

7 (IV) such other factors as the Gov-
8 ernor or local board, respectively, may
9 determine to be appropriate, which
10 may include the number of employees
11 participating in the training, wage
12 and benefit levels of those employees (at
13 present and anticipated upon comple-
14 tion of the training), and relation of
15 the training to the competitiveness of a
16 participant.

17 (d) *PERMISSIBLE LOCAL EMPLOYMENT AND TRAINING*
18 *ACTIVITIES.*—

19 (1) *IN GENERAL.*—

20 (A) *ACTIVITIES.*—Funds allocated to a local
21 area for adults under paragraph (2)(A) or (3),
22 as appropriate, of section 133(b), and funds allo-
23 cated to the local area for dislocated workers
24 under section 133(b)(2)(B), may be used to pro-
25 vide, through the one-stop delivery system in-

1 *involved (and through collaboration with the local*
2 *board, for the purpose of the activities described*
3 *in clauses (vii) and (ix))—*

4 *(i) customized screening and referral of*
5 *qualified participants in training services*
6 *described in subsection (c)(3) to employers;*

7 *(ii) customized employment-related*
8 *services to employers, employer associations,*
9 *or other such organizations on a fee-for-*
10 *service basis;*

11 *(iii) implementation of a pay-for-per-*
12 *formance contract strategy for training*
13 *services, for which the local board may re-*
14 *serve and use not more than 10 percent of*
15 *the total funds allocated to the local area*
16 *under paragraph (2) or (3) of section*
17 *133(b);*

18 *(iv) customer support to enable indi-*
19 *viduals with barriers to employment (in-*
20 *cluding individuals with disabilities) and*
21 *veterans, to navigate among multiple serv-*
22 *ices and activities for such populations;*

23 *(v) technical assistance for one-stop op-*
24 *erators, one-stop partners, and eligible pro-*
25 *viders of training services, regarding the*

1 *provision of services to individuals with*
2 *disabilities in local areas, including the de-*
3 *velopment and training of staff, the provi-*
4 *sion of outreach, intake, assessments, and*
5 *service delivery, the coordination of services*
6 *across providers and programs, and the de-*
7 *velopment of performance accountability*
8 *measures;*

9 *(vi) employment and training activi-*
10 *ties provided in coordination with—*

11 *(I) child support enforcement ac-*
12 *tivities of the State and local agencies*
13 *carrying out part D of title IV of the*
14 *Social Security Act (42 U.S.C. 651 et*
15 *seq.);*

16 *(II) child support services, and*
17 *assistance, provided by State and local*
18 *agencies carrying out part D of title*
19 *IV of the Social Security Act (42*
20 *U.S.C. 651 et seq.);*

21 *(III) cooperative extension pro-*
22 *grams carried out by the Department*
23 *of Agriculture; and*

24 *(IV) activities to facilitate remote*
25 *access to services provided through a*

1 *one-stop delivery system, including fa-*
2 *cilitating access through the use of*
3 *technology;*

4 *(vii) activities—*

5 *(I) to improve coordination be-*
6 *tween workforce investment activities*
7 *and economic development activities*
8 *carried out within the local area in-*
9 *volved, and to promote entrepreneurial*
10 *skills training and microenterprise*
11 *services;*

12 *(II) to improve services and link-*
13 *ages between the local workforce invest-*
14 *ment system (including the local one-*
15 *stop delivery system) and employers,*
16 *including small employers, in the local*
17 *area, through services described in this*
18 *section; and*

19 *(III) to strengthen linkages be-*
20 *tween the one-stop delivery system and*
21 *unemployment insurance programs;*

22 *(viii) 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 *(ix) 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 with*
7 *the local plan under section 108, which*
8 *services—*

9 *(I) may be provided through effec-*
10 *tive business intermediaries working in*
11 *conjunction with the local board, and*
12 *may also be provided on a fee-for-serv-*
13 *ice basis or through the leveraging of*
14 *economic development, philanthropic,*
15 *and other public and private resources*
16 *in a manner determined appropriate*
17 *by the local board; and*

18 *(II) may include—*

19 *(aa) developing and imple-*
20 *menting industry sector strategies*
21 *(including strategies involving in-*
22 *dustry partnerships, regional*
23 *skills alliances, industry skill*
24 *panels, and sectoral skills partner-*
25 *ships);*

1 *(bb) developing and deliv-*
2 *ering innovative workforce invest-*
3 *ment services and strategies for*
4 *area employers, which may in-*
5 *clude career pathways, skills up-*
6 *grading, skill standard develop-*
7 *ment and certification for recog-*
8 *nized postsecondary credential or*
9 *other employer use, apprentice-*
10 *ship, and other effective initia-*
11 *tives for meeting the workforce in-*
12 *vestment needs of area employers*
13 *and workers;*

14 *(cc) assistance to area em-*
15 *ployers in managing reductions*
16 *in force in coordination with*
17 *rapid response activities provided*
18 *under subsection (a)(2)(A) and*
19 *with strategies for the aversion of*
20 *layoffs, which strategies may in-*
21 *clude early identification of firms*
22 *at risk of layoffs, use of feasibility*
23 *studies to assess the needs of and*
24 *options for at-risk firms, and the*
25 *delivery of employment and train-*

1 *ing activities to address risk fac-*
2 *tors; and*

3 *(dd) the marketing of busi-*
4 *ness services offered under this*
5 *title, to appropriate area employ-*
6 *ers, including small and mid-*
7 *sized employers;*

8 *(x) activities to adjust the economic*
9 *self-sufficiency standards referred to in sub-*
10 *section (a)(3)(A)(xii) for local factors, or ac-*
11 *tivities to adopt, calculate, or commission*
12 *for approval, economic self-sufficiency*
13 *standards for the local areas that specify the*
14 *income needs of families, by family size, the*
15 *number and ages of children in the family,*
16 *and substate geographical considerations;*

17 *(xi) improved coordination between*
18 *employment and training activities and*
19 *programs carried out in the local area for*
20 *individuals with disabilities, including pro-*
21 *grams carried out by State agencies relating*
22 *to intellectual disabilities and develop-*
23 *mental disabilities, activities carried out by*
24 *Statewide Independent Living Councils es-*
25 *tablished under section 705 of the Rehabili-*

1 *tation Act of 1973 (29 U.S.C. 796d), pro-*
2 *grams funded under part B of chapter 1 of*
3 *title VII of such Act (29 U.S.C. 796e et*
4 *seq.), and activities carried out by centers*
5 *for independent living, as defined in section*
6 *702 of such Act (29 U.S.C. 796a); and*

7 *(xii) implementation of promising*
8 *services to workers and businesses, which*
9 *may include support for education, train-*
10 *ing, skill upgrading, and statewide net-*
11 *working for employees to become workplace*
12 *learning advisors and maintain proficiency*
13 *in carrying out the activities associated*
14 *with such advising.*

15 *(B) WORK SUPPORT ACTIVITIES FOR LOW-*
16 *WAGE WORKERS.—*

17 *(i) IN GENERAL.—Funds allocated to a*
18 *local area for adults under paragraph*
19 *(2)(A) or (3), as appropriate, of section*
20 *133(b), and funds allocated to the local area*
21 *for dislocated workers under section*
22 *133(b)(2)(B), may be used to provide,*
23 *through the one-stop delivery system in-*
24 *volved, work support activities designed to*
25 *assist low-wage workers in retaining and*

1 *enhancing employment. The one-stop part-*
2 *ners of the system shall coordinate the ap-*
3 *propriate programs and resources of the*
4 *partners with the activities and resources*
5 *provided under this subparagraph.*

6 *(ii) ACTIVITIES.—The work support*
7 *activities described in clause (i) may in-*
8 *clude the provision of activities described in*
9 *this section through the one-stop delivery*
10 *system in a manner that enhances the op-*
11 *portunities of such workers to participate in*
12 *the activities, such as the provision of ac-*
13 *tivities described in this section during non-*
14 *traditional hours and the provision of on-*
15 *site child care while such activities are*
16 *being provided.*

17 *(2) SUPPORTIVE SERVICES.—Funds allocated to*
18 *a local area for adults under paragraph (2)(A) or (3),*
19 *as appropriate, of section 133(b), and funds allocated*
20 *to the local area for dislocated workers under section*
21 *133(b)(2)(B), may be used to provide supportive serv-*
22 *ices to adults and dislocated workers, respectively—*

23 *(A) who are participating in programs with*
24 *activities authorized in paragraph (2) or (3) of*
25 *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 133(b), and funds
8 allocated to the local area for dislocated workers
9 under section 133(b)(2)(B), may be used to pro-
10 vide needs-related payments to adults and dis-
11 located workers, respectively, who are unem-
12 ployed and do not qualify for (or have ceased to
13 qualify for) unemployment compensation for the
14 purpose of enabling such individuals to partici-
15 pate in programs of training services under sub-
16 section (c)(3).

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-re-
22 lated 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 the
2 most recent layoff that resulted in a deter-
3 mination of the worker's eligibility for em-
4 ployment and training activities for dis-
5 located workers under this subtitle; or

6 (ii) if later, by the end of the 8th week
7 after the worker is informed that a short-
8 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 the
12 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 PROGRAMS.*—

21 (A) *IN GENERAL.*—

22 (i) *STANDARD RESERVATION OF*
23 *FUNDS.*—The local board may reserve and
24 use not more than 20 percent of the funds
25 allocated to the local area involved under

1 *section 133(b) to pay for the Federal share*
2 *of the cost of providing training through a*
3 *training program for incumbent workers,*
4 *carried out in accordance with this para-*
5 *graph.*

6 *(ii) DETERMINATION OF ELIGI-*
7 *BILITY.—For the purpose of determining the*
8 *eligibility of an employer to receive funding*
9 *under clause (i), the local board shall take*
10 *into account factors consisting of—*

11 *(I) the characteristics of the par-*
12 *ticipants in the program;*

13 *(II) the relationship of the train-*
14 *ing to the competitiveness of a partici-*
15 *pant and the employer; and*

16 *(III) such other factors as the*
17 *local board may determine to be ap-*
18 *propriate, which may include the num-*
19 *ber of employees participating in the*
20 *training, the wage and benefit levels of*
21 *those employees (at present and antici-*
22 *ipated upon completion of the train-*
23 *ing), and the existence of other train-*
24 *ing and advancement opportunities*
25 *provided by the employer.*

1 (iii) *STATEWIDE IMPACT.*—*The Gov-*
2 *ernor or State board involved may make*
3 *recommendations to the local board for pro-*
4 *viding incumbent worker training that has*
5 *statewide impact.*

6 (B) *TRAINING ACTIVITIES.*—*The training*
7 *program for incumbent workers carried out*
8 *under this paragraph shall be carried out by the*
9 *local board in conjunction with the employers or*
10 *groups of employers of such workers (which may*
11 *include employers in partnership with other en-*
12 *tities for the purposes of delivering training) for*
13 *the purpose of assisting such workers in obtain-*
14 *ing the skills necessary to retain employment or*
15 *avert layoffs.*

16 (C) *EMPLOYER PAYMENT OF NON-FEDERAL*
17 *SHARE.*—*Employers participating in the pro-*
18 *gram carried out under this paragraph shall be*
19 *required to pay for the non-Federal share of the*
20 *cost of providing the training to incumbent*
21 *workers of the employers.*

22 (D) *NON-FEDERAL SHARE.*—

23 (i) *FACTORS.*—*Subject to clause (ii),*
24 *the local board shall establish the non-Fed-*
25 *eral share of such cost (taking into consider-*

1 *ation such other factors as the number of*
2 *employees participating in the training, the*
3 *wage and benefit levels of the employees (at*
4 *the beginning and anticipated upon comple-*
5 *tion of the training), the relationship of the*
6 *training to the competitiveness of the em-*
7 *ployer and employees, and the availability*
8 *of other employer-provided training and ad-*
9 *vancement opportunities.*

10 *(ii) LIMITS.—The non-Federal share*
11 *shall not be less than—*

12 *(I) 10 percent of the cost, for em-*
13 *ployers with not more than 50 employ-*
14 *ees;*

15 *(II) 25 percent of the cost, for em-*
16 *ployers with more than 50 employees*
17 *but not more than 100 employees; and*

18 *(III) 50 percent of the cost, for*
19 *employers with more than 100 employ-*
20 *ees.*

21 *(iii) CALCULATION OF EMPLOYER*
22 *SHARE.—The non-Federal share provided*
23 *by an employer participating in the pro-*
24 *gram may include the amount of the wages*
25 *paid by the employer to a worker while the*

1 *worker is attending a training program*
2 *under this paragraph. The employer may*
3 *provide the share in cash or in kind, fairly*
4 *evaluated.*

5 (5) *TRANSITIONAL JOBS.—The local board may*
6 *use not more than 10 percent of the funds allocated*
7 *to the local area involved under section 133(b) to pro-*
8 *vide transitional jobs under subsection (c)(3) that—*

9 (A) *are time-limited work experiences that*
10 *are subsidized and are in the public, private, or*
11 *nonprofit sectors for individuals with barriers to*
12 *employment who are chronically unemployed or*
13 *have an inconsistent work history;*

14 (B) *are combined with comprehensive em-*
15 *ployment and supportive services; and*

16 (C) *are designed to assist the individuals*
17 *described in subparagraph (A) to establish a*
18 *work history, demonstrate success in the work-*
19 *place, and develop the skills that lead to entry*
20 *into and retention in unsubsidized employment.*

21 **CHAPTER 4—GENERAL WORKFORCE**

22 **INVESTMENT PROVISIONS**

23 **SEC. 136. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) *YOUTH WORKFORCE INVESTMENT ACTIVITIES.—*
25 *There are authorized to be appropriated to carry out the*

1 *activities described in section 127(a), \$820,430,000 for fis-*
2 *cal year 2015, \$883,800,000 for fiscal year 2016,*
3 *\$902,139,000 for fiscal year 2017, \$922,148,000 for fiscal*
4 *year 2018, \$943,828,000 for fiscal year 2019, and*
5 *\$963,837,000 for fiscal year 2020.*

6 (b) *ADULT EMPLOYMENT AND TRAINING ACTIVI-*
7 *TIES.—There are authorized to be appropriated to carry out*
8 *the activities described in section 132(a)(1), \$766,080,000*
9 *for fiscal year 2015, \$825,252,000 for fiscal year 2016,*
10 *\$842,376,000 for fiscal year 2017, \$861,060,000 for fiscal*
11 *year 2018, \$881,303,000 for fiscal year 2019, and*
12 *\$899,987,000 for fiscal year 2020.*

13 (c) *DISLOCATED WORKER EMPLOYMENT AND TRAIN-*
14 *ING ACTIVITIES.—There are authorized to be appropriated*
15 *to carry out the activities described in section 132(a)(2),*
16 *\$1,222,457,000 for fiscal year 2015, \$1,316,880,000 for fis-*
17 *cal year 2016, \$1,344,205,000 for fiscal year 2017,*
18 *\$1,374,019,000 for fiscal year 2018, \$1,406,322,000 for fis-*
19 *cal year 2019, and \$1,436,137,000 for fiscal year 2020.*

20 ***Subtitle C—Job Corps***

21 ***SEC. 141. PURPOSES.***

22 *The purposes of this subtitle are—*

23 (1) *to maintain a national Job Corps program,*
24 *carried out in partnership with States and commu-*
25 *nities, to—*

1 (A) assist eligible youth to connect to the
2 labor force by providing them with intensive so-
3 cial, academic, career and technical education,
4 and service-learning opportunities, in primarily
5 residential centers, in order for such youth to ob-
6 tain secondary school diplomas or recognized
7 postsecondary credentials leading to—

8 (i) successful careers, in in-demand in-
9 dustry sectors or occupations or the Armed
10 Forces, that will result in economic self-suf-
11 ficiency and opportunities for advancement;

12 or

13 (ii) enrollment in postsecondary edu-
14 cation, including an apprenticeship pro-
15 gram; and

16 (B) support responsible citizenship;

17 (2) to set forth standards and procedures for se-
18 lecting individuals as enrollees in the Job Corps;

19 (3) to authorize the establishment of Job Corps
20 centers in which enrollees will participate in inten-
21 sive programs of activities described in this subtitle;
22 and

23 (4) to prescribe various other powers, duties, and
24 responsibilities incident to the operation and con-
25 tinuing development of the Job Corps.

1 **SEC. 142. DEFINITIONS.**

2 *In this subtitle:*

3 (1) *APPLICABLE LOCAL BOARD.*—*The term “ap-*
4 *plicable local board” means a local board—*

5 (A) *that provides information for a Job*
6 *Corps center on local employment opportunities*
7 *and the job skills needed to obtain the opportuni-*
8 *ties; and*

9 (B) *that serves communities in which the*
10 *graduates of the Job Corps center seek employ-*
11 *ment.*

12 (2) *APPLICABLE ONE-STOP CENTER.*—*The term*
13 *“applicable one-stop center” means a one-stop center*
14 *that provides services, such as referral, assessment, re-*
15 *ruitment, and placement, to support the purposes of*
16 *the Job Corps.*

17 (3) *ENROLLEE.*—*The term “enrollee” means an*
18 *individual who has voluntarily applied for, been se-*
19 *lected for, and enrolled in the Job Corps program,*
20 *and remains with the program, but has not yet be-*
21 *come a graduate.*

22 (4) *FORMER ENROLLEE.*—*The term “former en-*
23 *rollee” means an individual who has voluntarily ap-*
24 *plied for, been selected for, and enrolled in the Job*
25 *Corps program, but left the program prior to becom-*
26 *ing a graduate.*

1 (5) *GRADUATE.*—*The term “graduate” means an*
2 *individual who has voluntarily applied for, been se-*
3 *lected for, and enrolled in the Job Corps program and*
4 *who, as a result of participation in the Job Corps*
5 *program, has received a secondary school diploma or*
6 *recognized equivalent, or completed the requirements*
7 *of a career and technical education and training pro-*
8 *gram that prepares individuals for employment lead-*
9 *ing to economic self-sufficiency or entrance into post-*
10 *secondary education or training.*

11 (6) *JOB CORPS.*—*The term “Job Corps” means*
12 *the Job Corps described in section 143.*

13 (7) *JOB CORPS CENTER.*—*The term “Job Corps*
14 *center” means a center described in section 147.*

15 (8) *OPERATOR.*—*The term “operator” means an*
16 *entity selected under this subtitle to operate a Job*
17 *Corps center.*

18 (9) *REGION.*—*The term “region” means an area*
19 *defined by the Secretary.*

20 (10) *SERVICE PROVIDER.*—*The term “service*
21 *provider” means an entity selected under this subtitle*
22 *to provide services described in this subtitle to a Job*
23 *Corps center.*

1 **SEC. 143. ESTABLISHMENT.**

2 *There shall be within the Department of Labor a “Job*
3 *Corps”.*

4 **SEC. 144. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.**

5 *(a) IN GENERAL.—To be eligible to become an enrollee,*
6 *an individual shall be—*

7 *(1) not less than age 16 and not more than age*
8 *21 on the date of enrollment, except that—*

9 *(A) not more than 20 percent of the indi-*
10 *viduals enrolled in the Job Corps may be not less*
11 *than age 22 and not more than age 24 on the*
12 *date of enrollment; and*

13 *(B) either such maximum age limitation*
14 *may be waived by the Secretary, in accordance*
15 *with regulations of the Secretary, in the case of*
16 *an individual with a disability;*

17 *(2) a low-income individual; and*

18 *(3) an individual who is one or more of the fol-*
19 *lowing:*

20 *(A) Basic skills deficient.*

21 *(B) A school dropout.*

22 *(C) A homeless individual (as defined in*
23 *section 41403(6) of the Violence Against Women*
24 *Act of 1994 (42 U.S.C. 14043e–2(6))), a homeless*
25 *child or youth (as defined in section 725(2) of*
26 *the McKinney-Vento Homeless Assistance Act (42*

1 *U.S.C. 11434a(2))*, a runaway, an individual
2 *in foster care, or an individual who was in fos-*
3 *ter care and has aged out of the foster care sys-*
4 *tem.*

5 *(D) A parent.*

6 *(E) An individual who requires additional*
7 *education, career and technical education or*
8 *training, or workforce preparation skills to be*
9 *able to obtain and retain employment that leads*
10 *to economic self-sufficiency.*

11 *(b) SPECIAL RULE FOR VETERANS.—Notwithstanding*
12 *the requirement of subsection (a)(2), a veteran shall be eligi-*
13 *ble to become an enrollee under subsection (a) if the indi-*
14 *vidual—*

15 *(1) meets the requirements of paragraphs (1) and*
16 *(3) of such subsection; and*

17 *(2) does not meet the requirement of subsection*
18 *(a)(2) because the military income earned by such in-*
19 *dividual within the 6-month period prior to the indi-*
20 *vidual's application for Job Corps prevents the indi-*
21 *vidual from meeting such requirement.*

22 **SEC. 145. RECRUITMENT, SCREENING, SELECTION, AND AS-**
23 **SIGNMENT OF ENROLLEES.**

24 *(a) STANDARDS AND PROCEDURES.—*

1 (1) *IN GENERAL.*—*The Secretary shall prescribe*
2 *specific standards and procedures for the recruitment,*
3 *screening, and selection of eligible applicants for the*
4 *Job Corps, after considering recommendations from*
5 *Governors of States, local boards, and other interested*
6 *parties.*

7 (2) *METHODS.*—*In prescribing standards and*
8 *procedures under paragraph (1), the Secretary, at a*
9 *minimum, shall—*

10 (A) *prescribe procedures for informing en-*
11 *rollees that drug tests will be administered to the*
12 *enrollees and the results received within 45 days*
13 *after the enrollees enroll in the Job Corps;*

14 (B) *establish standards for recruitment of*
15 *Job Corps applicants;*

16 (C) *establish standards and procedures*
17 *for—*

18 (i) *determining, for each applicant,*
19 *whether the educational and career and*
20 *technical education and training needs of*
21 *the applicant can best be met through the*
22 *Job Corps program or an alternative pro-*
23 *gram in the community in which the appli-*
24 *cant resides; and*

1 (ii) obtaining from each applicant per-
2 tinent data relating to background, needs,
3 and interests for determining eligibility and
4 potential assignment;

5 (D) where appropriate, take measures to
6 improve the professional capability of the indi-
7 viduals conducting screening of the applicants;
8 and

9 (E) assure appropriate representation of en-
10 rollees from urban areas and from rural areas.

11 (3) *IMPLEMENTATION.*—The standards and pro-
12 cedures shall be implemented through arrangements
13 with—

14 (A) applicable one-stop centers;

15 (B) organizations that have a demonstrated
16 record of effectiveness in serving at-risk youth
17 and placing such youth into employment, in-
18 cluding community action agencies, business or-
19 ganizations, or labor organizations; and

20 (C) child welfare agencies that are respon-
21 sible for children and youth eligible for benefits
22 and services under section 477 of the Social Se-
23 curity Act (42 U.S.C. 677).

24 (4) *CONSULTATION.*—The standards and proce-
25 dures shall provide for necessary consultation with in-

1 *dividuals and organizations, including court, proba-*
2 *tion, parole, law enforcement, education, welfare, and*
3 *medical authorities and advisers.*

4 (5) *REIMBURSEMENT.—The Secretary is author-*
5 *ized to enter into contracts with and make payments*
6 *to individuals and organizations for the cost of con-*
7 *ducting recruitment, screening, and selection of eligi-*
8 *ble applicants for the Job Corps, as provided for in*
9 *this section. The Secretary shall make no payment to*
10 *any individual or organization solely as compensa-*
11 *tion for referring the names of applicants for the Job*
12 *Corps.*

13 (b) *SPECIAL LIMITATIONS ON SELECTION.—*

14 (1) *IN GENERAL.—No individual shall be selected*
15 *as an enrollee unless the individual or organization*
16 *implementing the standards and procedures described*
17 *in subsection (a) determines that—*

18 (A) *there is a reasonable expectation that*
19 *the individual considered for selection can par-*
20 *ticipate successfully in group situations and ac-*
21 *tivities, and is not likely to engage in behavior*
22 *that would prevent other enrollees from receiving*
23 *the benefit of the Job Corps program or be in-*
24 *compatible with the maintenance of sound dis-*
25 *cipline and satisfactory relationships between the*

1 *Job Corps center to which the individual might*
2 *be assigned and communities surrounding the*
3 *Job Corps center;*

4 *(B) the individual manifests a basic under-*
5 *standing of both the rules to which the indi-*
6 *vidual will be subject and of the consequences of*
7 *failure to observe the rules, and agrees to comply*
8 *with such rules; and*

9 *(C) the individual has passed a background*
10 *check conducted in accordance with procedures*
11 *established by the Secretary and with applicable*
12 *State and local laws.*

13 (2) *INDIVIDUALS ON PROBATION, PAROLE, OR SU-*
14 *PERVISED RELEASE.—An individual on probation,*
15 *parole, or supervised release may be selected as an en-*
16 *rollee only if release from the supervision of the pro-*
17 *bation or parole official involved is satisfactory to the*
18 *official and the Secretary and does not violate appli-*
19 *cable laws (including regulations). No individual*
20 *shall be denied a position in the Job Corps solely on*
21 *the basis of individual contact with the criminal jus-*
22 *tice system except for a disqualifying conviction as*
23 *specified in paragraph (3).*

24 (3) *INDIVIDUALS CONVICTED OF CERTAIN*
25 *CRIMES.—An individual shall not be selected as an*

1 *enrollee if the individual has been convicted of a fel-*
2 *ony consisting of murder (as described in section*
3 *1111 of title 18, United States Code), child abuse, or*
4 *a crime involving rape or sexual assault.*

5 *(c) ASSIGNMENT PLAN.—*

6 *(1) IN GENERAL.—Every 2 years, the Secretary*
7 *shall develop and implement a plan for assigning en-*
8 *rollees to Job Corps centers. In developing the plan,*
9 *the Secretary shall, based on the analysis described in*
10 *paragraph (2), establish targets, applicable to each*
11 *Job Corps center, for—*

12 *(A) the maximum attainable percentage of*
13 *enrollees at the Job Corps center that reside in*
14 *the State in which the center is located; and*

15 *(B) the maximum attainable percentage of*
16 *enrollees at the Job Corps center that reside in*
17 *the region in which the center is located, and in*
18 *surrounding regions.*

19 *(2) ANALYSIS.—In order to develop the plan de-*
20 *scribed in paragraph (1), every 2 years the Secretary,*
21 *in consultation with operators of Job Corps centers,*
22 *shall analyze relevant factors relating to each Job*
23 *Corps center, including—*

24 *(A) the size of the population of individuals*
25 *eligible to participate in Job Corps in the State*

1 *and region in which the Job Corps center is lo-*
2 *ated, and in surrounding regions;*

3 *(B) the relative demand for participation in*
4 *the Job Corps in the State and region, and in*
5 *surrounding regions;*

6 *(C) the capacity and utilization of the Job*
7 *Corps center, including the education, training,*
8 *and supportive services provided through the cen-*
9 *ter; and*

10 *(D) the performance of the Job Corps center*
11 *relating to the expected levels of performance for*
12 *the indicators described in section 159(c)(1), and*
13 *whether any actions have been taken with respect*
14 *to such center pursuant to paragraphs (2) and*
15 *(3) of section 159(f).*

16 *(d) ASSIGNMENT OF INDIVIDUAL ENROLLEES.—*

17 *(1) IN GENERAL.—After an individual has been*
18 *selected for the Job Corps in accordance with the*
19 *standards and procedures of the Secretary under sub-*
20 *section (a), the enrollee shall be assigned to the Job*
21 *Corps center that offers the type of career and tech-*
22 *nical education and training selected by the indi-*
23 *vidual and, among the centers that offer such edu-*
24 *cation and training, is closest to the home of the indi-*

1 *vidual. The Secretary may waive this requirement*
2 *if—*

3 *(A) the enrollee would be unduly delayed in*
4 *participating in the Job Corps program because*
5 *the closest center is operating at full capacity; or*

6 *(B) the parent or guardian of the enrollee*
7 *requests assignment of the enrollee to another Job*
8 *Corps center due to circumstances in the commu-*
9 *nity of the enrollee that would impair prospects*
10 *for successful participation in the Job Corps pro-*
11 *gram.*

12 *(2) ENROLLEES WHO ARE YOUNGER THAN 18.—*
13 *An enrollee who is younger than 18 shall not be as-*
14 *signed to a Job Corps center other than the center*
15 *closest to the home that offers the career and technical*
16 *education and training desired by the enrollee pursu-*
17 *ant to paragraph (1) if the parent or guardian of the*
18 *enrollee objects to the assignment.*

19 **SEC. 146. ENROLLMENT.**

20 *(a) RELATIONSHIP BETWEEN ENROLLMENT AND MILI-*
21 *TARY OBLIGATIONS.—Enrollment in the Job Corps shall*
22 *not relieve any individual of obligations under the Military*
23 *Selective Service Act (50 U.S.C. App. 451 et seq.).*

24 *(b) PERIOD OF ENROLLMENT.—No individual may be*
25 *enrolled in the Job Corps for more than 2 years, except—*

1 (1) *in a case in which completion of an ad-*
2 *vanced career training program under section 148(c)*
3 *would require an individual to participate in the Job*
4 *Corps for not more than one additional year;*

5 (2) *in the case of an individual with a disability*
6 *who would reasonably be expected to meet the stand-*
7 *ards for a Job Corps graduate, as defined under sec-*
8 *tion 142(5), if allowed to participate in the Job Corps*
9 *for not more than 1 additional year;*

10 (3) *in the case of an individual who participates*
11 *in national service, as authorized by a Civilian Con-*
12 *servation Center program, who would be granted an*
13 *enrollment extension in the Job Corps for the amount*
14 *of time equal to the period of national service; or*

15 (4) *as the Secretary may authorize in a special*
16 *case.*

17 **SEC. 147. JOB CORPS CENTERS.**

18 (a) *OPERATORS AND SERVICE PROVIDERS.—*

19 (1) *ELIGIBLE ENTITIES.—*

20 (A) *OPERATORS.—The Secretary shall enter*
21 *into an agreement with a Federal, State, or local*
22 *agency, an area career and technical education*
23 *school, a residential career and technical edu-*
24 *cation school, or a private organization, for the*
25 *operation of each Job Corps center.*

1 (B) *PROVIDERS.*—*The Secretary may enter*
2 *into an agreement with a local entity, or other*
3 *entity with the necessary capacity, to provide ac-*
4 *tivities described in this subtitle to a Job Corps*
5 *center.*

6 (2) *SELECTION PROCESS.*—

7 (A) *COMPETITIVE BASIS.*—*Except as pro-*
8 *vided in subsections (a) and (b) of section 3304*
9 *of title 41, United States Code, the Secretary*
10 *shall select on a competitive basis an entity to*
11 *operate a Job Corps center and entities to pro-*
12 *vide activities described in this subtitle to the*
13 *Job Corps center. In developing a solicitation for*
14 *an operator or service provider, the Secretary*
15 *shall consult with the Governor of the State in*
16 *which the center is located, the workforce council*
17 *for the Job Corps center (if established), and the*
18 *applicable local board regarding the contents of*
19 *such solicitation, including elements that will*
20 *promote the consistency of the activities carried*
21 *out through the center with the objectives set*
22 *forth in the State plan or in a local plan.*

23 (B) *RECOMMENDATIONS AND CONSIDER-*
24 *ATIONS.*—

1 (i) *OPERATORS.*—*In selecting an enti-*
2 *ty to operate a Job Corps center, the Sec-*
3 *retary shall consider—*

4 (I) *the ability of the entity to co-*
5 *ordinate the activities carried out*
6 *through the Job Corps center with ac-*
7 *tivities carried out under the appro-*
8 *priate State plan and local plans;*

9 (II) *the ability of the entity to*
10 *offer career and technical education*
11 *and training that has been proposed by*
12 *the workforce council under section*
13 *154(c), and the degree to which such*
14 *education and training reflects employ-*
15 *ment opportunities in the local areas*
16 *in which enrollees at the center intend*
17 *to seek employment;*

18 (III) *the degree to which the enti-*
19 *ty demonstrates relationships with the*
20 *surrounding communities, employers,*
21 *labor organizations, State boards, local*
22 *boards, applicable one-stop centers, and*
23 *the State and region in which the cen-*
24 *ter is located;*

1 (IV) the performance of the entity,
2 if any, relating to operating or pro-
3 viding activities described in this sub-
4 title to a Job Corps center, including
5 information regarding the entity in
6 any reports developed by the Office of
7 Inspector General of the Department of
8 Labor and the entity's demonstrated ef-
9 fectiveness in assisting individuals in
10 achieving the primary indicators of
11 performance for eligible youth de-
12 scribed in section 116(b)(2)(A)(ii); and

13 (V) the ability of the entity to
14 demonstrate a record of successfully as-
15 sisting at-risk youth to connect to the
16 workforce, including providing them
17 with intensive academics and career
18 and technical education and training.

19 (ii) PROVIDERS.—In selecting a service
20 provider for a Job Corps center, the Sec-
21 retary shall consider the factors described in
22 clause (i).

23 (3) ADDITIONAL SELECTION FACTORS.—To be el-
24 igible to operate a Job Corps center, an entity shall
25 submit to the Secretary, at such time and in such

1 manner as the Secretary may require, information re-
2 lated to additional selection factors, which shall in-
3 clude the following:

4 (A) A description of the program activities
5 that will be offered at the center and how the
6 academics and career and technical education
7 and training reflect State and local employment
8 opportunities, including opportunities in in-de-
9 mand industry sectors and occupations rec-
10 ommended by the workforce council under section
11 154(c)(2)(A).

12 (B) A description of the counseling, place-
13 ment, and support activities that will be offered
14 at the center, including a description of the
15 strategies and procedures the entity will use to
16 place graduates into unsubsidized employment or
17 education leading to a recognized postsecondary
18 credential upon completion of the program.

19 (C) A description of the demonstrated
20 record of effectiveness that the entity has in plac-
21 ing at-risk youth into employment and postsec-
22 ondary education, including past performance of
23 operating a Job Corps center under this subtitle
24 or subtitle C of title I of the Workforce Invest-
25 ment Act of 1998, and as appropriate, the enti-

1 *ty's demonstrated effectiveness in assisting indi-*
2 *viduals in achieving the indicators of perform-*
3 *ance for eligible youth described in section*
4 *116(b)(2)(A)(ii).*

5 *(D) A description of the relationships that*
6 *the entity has developed with State boards, local*
7 *boards, applicable one-stop centers, employers,*
8 *labor organizations, State and local educational*
9 *agencies, and the surrounding communities in*
10 *which the center is located, in an effort to pro-*
11 *mote a comprehensive statewide workforce devel-*
12 *opment system.*

13 *(E) A description of the entity's ability to*
14 *coordinate the activities carried out through the*
15 *Job Corps center with activities carried out*
16 *under the appropriate State plan and local*
17 *plans.*

18 *(F) A description of the strong fiscal con-*
19 *trols the entity has in place to ensure proper ac-*
20 *counting of Federal funds, and a description of*
21 *how the entity will meet the requirements of sec-*
22 *tion 159(a).*

23 *(G) A description of the steps to be taken to*
24 *control costs in accordance with section*
25 *159(a)(3).*

1 (H) *A detailed budget of the activities that*
2 *will be supported using funds under this subtitle*
3 *and non-Federal resources.*

4 (I) *An assurance the entity is licensed to*
5 *operate in the State in which the center is lo-*
6 *cated.*

7 (J) *An assurance the entity will comply*
8 *with basic health and safety codes, which shall*
9 *include the disciplinary measures described in*
10 *section 152(b).*

11 (K) *Any other information on additional*
12 *selection factors that the Secretary may require.*

13 (b) *HIGH-PERFORMING CENTERS.—*

14 (1) *IN GENERAL.—If an entity meets the require-*
15 *ments described in paragraph (2) as applied to a*
16 *particular Job Corps center, such entity shall be al-*
17 *lowed to compete in any competitive selection process*
18 *carried out for an award to operate such center.*

19 (2) *HIGH PERFORMANCE.—An entity shall be*
20 *considered to be an operator of a high-performing cen-*
21 *ter if the Job Corps center operated by the entity—*

22 (A) *is ranked among the top 20 percent of*
23 *Job Corps centers for the most recent preceding*
24 *program year; and*

1 (B) meets the expected levels of performance
2 established under section 159(c)(1) and, with re-
3 spect to each of the primary indicators of per-
4 formance for eligible youth described in section
5 116(b)(2)(A)(i)—

6 (i) for the period of the most recent
7 preceding 3 program years for which infor-
8 mation is available at the time the deter-
9 mination is made, achieved an average of
10 100 percent, or higher, of the expected level
11 of performance established under section
12 159(c)(1) for the indicator; and

13 (ii) for the most recent preceding pro-
14 gram year for which information is avail-
15 able at the time the determination is made,
16 achieved 100 percent, or higher, of the ex-
17 pected level of performance established
18 under such section for the indicator.

19 (3) *TRANSITION.*—If any of the program years
20 described in paragraph (2)(B) precedes the implemen-
21 tation of the establishment of expected levels of per-
22 formance under section 159(c) and the application of
23 the primary indicators of performance for eligible
24 youth described in section 116(b)(2)(A)(i), an entity
25 shall be considered an operator of a high-performing

1 center during that period if the Job Corps center op-
2 erated by the entity—

3 (A) meets the requirements of paragraph
4 (2)(B) with respect to such preceding program
5 years using the performance of the Job Corps
6 center regarding the national goals or targets es-
7 tablished by the Office of the Job Corps under the
8 previous performance accountability system
9 for—

10 (i) the 6-month follow-up placement
11 rate of graduates in employment, the mili-
12 tary, education, or training;

13 (ii) the 12-month follow-up placement
14 rate of graduates in employment, the mili-
15 tary, education, or training;

16 (iii) the 6-month follow-up average
17 weekly earnings of graduates;

18 (iv) the rate of attainment of sec-
19 ondary school diplomas or their recognized
20 equivalent;

21 (v) the rate of attainment of comple-
22 tion certificates for career and technical
23 training;

24 (vi) average literacy gains; and

25 (vii) average numeracy gains; or

1 (B) is ranked among the top 5 percent of
2 Job Corps centers for the most recent preceding
3 program year.

4 (c) *CHARACTER AND ACTIVITIES.*—Job Corps centers
5 may be residential or nonresidential in character, and shall
6 be designed and operated so as to provide enrollees, in a
7 well-supervised setting, with access to activities described
8 in this subtitle. In any year, no more than 20 percent of
9 the individuals enrolled in the Job Corps may be nonresi-
10 dential participants in the Job Corps.

11 (d) *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 pri-
16 marily in rural areas. Such centers shall provide, in
17 addition to academics, career and technical education
18 and training, and workforce preparation skills train-
19 ing, programs of work experience to conserve, develop,
20 or manage public natural resources or public rec-
21 reational areas or to develop community projects in
22 the public interest.

23 (2) *ASSISTANCE DURING DISASTERS.*—Enrollees
24 in Civilian Conservation Centers may provide assist-
25 ance in addressing national, State, and local disas-

1 *ters, consistent with current child labor laws (includ-*
2 *ing regulations). The Secretary of Agriculture shall*
3 *ensure 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 Agri-*
10 *culture shall designate a Job Corps National Liaison*
11 *to support the agreement under this section between*
12 *the Departments of Labor and Agriculture.*

13 (e) *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 terms*
18 *“Indian” and “Indian tribe” have the meanings*
19 *given such terms in subsections (d) and (e), respec-*
20 *tively, of section 4 of the Indian Self-Determination*
21 *and Education Assistance Act (25 U.S.C. 450b).*

22 (f) *LENGTH OF AGREEMENT.*—*The agreement de-*
23 *scribed in subsection (a)(1)(A) shall be for not more than*
24 *a 2-year period. The Secretary may exercise any contrac-*
25 *tual option to renew the agreement in 1-year increments*

1 *for not more than 3 additional years, consistent with the*
2 *requirements of subsection (g).*

3 *(g) RENEWAL CONDITIONS.—*

4 *(1) IN GENERAL.—Subject to paragraph (2), the*
5 *Secretary shall not renew the terms of an agreement*
6 *for any 1-year additional period described in sub-*
7 *section (f) for an entity to operate a particular Job*
8 *Corps center if, for both of the 2 most recent preceding*
9 *program years for which information is available at*
10 *the time the determination is made, or if a second*
11 *program year is not available, the preceding year for*
12 *which information is available, such center—*

13 *(A) has been ranked in the lowest 10 per-*
14 *cent of Job Corps centers; and*

15 *(B) failed to achieve an average of 50 per-*
16 *cent or higher of the expected level of perform-*
17 *ance under section 159(c)(1) with respect to each*
18 *of the primary indicators of performance for eli-*
19 *gible youth described in section 116(b)(2)(A)(ii).*

20 *(2) EXCEPTION.—Notwithstanding paragraph*
21 *(1), the Secretary may exercise an option to renew the*
22 *agreement for no more than 2 additional years if the*
23 *Secretary determines such renewal would be in the*
24 *best interest of the Job Corps program, taking into*
25 *account factors including—*

1 (A) *significant improvements in program*
2 *performance in carrying out a performance im-*
3 *provement plan under section 159(f)(2);*

4 (B) *that the performance is due to cir-*
5 *cumstances beyond the control of the entity, such*
6 *as an emergency or disaster, as defined in sec-*
7 *tion 170(a)(1);*

8 (C) *a significant disruption in the oper-*
9 *ations of the center, including in the ability to*
10 *continue to provide services to students, or sig-*
11 *nificant increase in the cost of such operations;*
12 *or*

13 (D) *a significant disruption in the procure-*
14 *ment process with respect to carrying out a com-*
15 *petition for the selection of a center operator.*

16 (3) *DETAILED EXPLANATION.—If the Secretary*
17 *exercises an option under paragraph (2), the Sec-*
18 *retary shall provide, to the Committee on Education*
19 *and the Workforce of the House of Representatives*
20 *and the Committee on Health, Education, Labor, and*
21 *Pensions of the Senate, a detailed explanation of the*
22 *rationale for exercising such option.*

23 (4) *ADDITIONAL CONSIDERATIONS.—The Sec-*
24 *retary shall only renew the agreement of an entity to*
25 *operate a Job Corps center if the entity—*

1 (A) has a satisfactory record of integrity
2 and business ethics;

3 (B) has adequate financial resources to per-
4 form the agreement;

5 (C) has the necessary organization, experi-
6 ence, accounting and operational controls, and
7 technical skills; and

8 (D) is otherwise qualified and eligible under
9 applicable laws and regulations, including that
10 the contractor is not under suspension or
11 debarred from eligibility for Federal contracts.

12 **SEC. 148. PROGRAM ACTIVITIES.**

13 (a) *ACTIVITIES PROVIDED BY JOB CORPS CENTERS.*—

14 (1) *IN GENERAL.*—Each Job Corps center shall
15 provide enrollees with an intensive, well organized,
16 and fully supervised program of education, including
17 English language acquisition programs, career and
18 technical education and training, work experience,
19 work-based learning, recreational activities, physical
20 rehabilitation and development, driver's education,
21 and counseling, which may include information about
22 financial literacy. Each Job Corps center shall pro-
23 vide enrollees assigned to the center with access to ca-
24 reer services described in clauses (i) through (xi) of
25 section 134(c)(2)(A).

1 (2) *RELATIONSHIP TO OPPORTUNITIES.*—*The ac-*
2 *tivities provided under this subsection shall be tar-*
3 *geted to helping enrollees, on completion of their en-*
4 *rollment—*

5 (A) *secure and maintain meaningful unsub-*
6 *sidized employment;*

7 (B) *enroll in and complete secondary edu-*
8 *cation or postsecondary education or training*
9 *programs, including other suitable career and*
10 *technical education and training, and appren-*
11 *ticeship programs; or*

12 (C) *satisfy Armed Forces requirements.*

13 (3) *LINK TO EMPLOYMENT OPPORTUNITIES.*—
14 *The career and technical education and training pro-*
15 *vided shall be linked to employment opportunities in*
16 *in-demand industry sectors and occupations in the*
17 *State or local area in which the Job Corps center is*
18 *located and, to the extent practicable, in the State or*
19 *local area in which the enrollee intends to seek em-*
20 *ployment after graduation.*

21 (b) *ACADEMIC AND CAREER AND TECHNICAL EDU-*
22 *CATION AND TRAINING.*—*The Secretary may arrange for ca-*
23 *reer and technical education and training of enrollees*
24 *through local public or private educational agencies, career*
25 *and technical educational institutions, technical institutes,*

1 *or national service providers, whenever such entities provide*
2 *education and training substantially equivalent in cost and*
3 *quality to that which the Secretary could provide through*
4 *other means.*

5 *(c) ADVANCED CAREER TRAINING PROGRAMS.—*

6 *(1) IN GENERAL.—The Secretary may arrange*
7 *for programs of advanced career training for selected*
8 *enrollees in which the enrollees may continue to par-*
9 *ticipate for a period of not to exceed 1 year in addi-*
10 *tion to the period of participation to which the enroll-*
11 *ees would otherwise be limited. The advanced career*
12 *training may be provided through the eligible pro-*
13 *viders of training services identified under section*
14 *122.*

15 *(2) BENEFITS.—During the period of participa-*
16 *tion in an advanced career training program, an en-*
17 *rollee shall be eligible for full Job Corps benefits, or*
18 *a monthly stipend equal to the average value of the*
19 *residential support, food, allowances, and other bene-*
20 *fits provided to enrollees assigned to residential Job*
21 *Corps centers.*

22 *(3) DEMONSTRATION.—The Secretary shall de-*
23 *velop standards by which any operator seeking to en-*
24 *roll additional enrollees in an advanced career train-*

1 *ing program shall demonstrate, before the operator*
2 *may carry out such additional enrollment, that—*

3 *(A) participants in such program have*
4 *achieved a satisfactory rate of completion and*
5 *placement in training-related jobs; and*

6 *(B) for the most recently preceding 2 pro-*
7 *gram years, such operator has, on average, met*
8 *or exceeded the expected levels of performance*
9 *under section 159(c)(1) for each of the primary*
10 *indicators of performance for eligible youth de-*
11 *scribed in section 116(b)(2)(A)(ii).*

12 *(d) GRADUATE SERVICES.—In order to promote the re-*
13 *tention of graduates in employment or postsecondary edu-*
14 *cation, the Secretary shall arrange for the provision of job*
15 *placement and support services to graduates for up to 12*
16 *months after the date of graduation. Multiple resources, in-*
17 *cluding one-stop partners, may support the provision of*
18 *these services, including services from the State vocational*
19 *rehabilitation agency, to supplement job placement and job*
20 *development efforts for Job Corps graduates who are indi-*
21 *viduals with disabilities.*

22 *(e) CHILD CARE.—The Secretary shall, to the extent*
23 *practicable, provide child care at or near Job Corps centers,*
24 *for individuals who require child care for their children in*
25 *order to participate in the Job Corps.*

1 **SEC. 149. COUNSELING AND JOB PLACEMENT.**

2 (a) *ASSESSMENT AND COUNSELING.*—*The Secretary*
3 *shall arrange for assessment and counseling for each en-*
4 *rollee at regular intervals to measure progress in the aca-*
5 *demic and career and technical education and training pro-*
6 *grams carried out through the Job Corps.*

7 (b) *PLACEMENT.*—*The Secretary shall arrange for as-*
8 *essment and counseling for enrollees prior to their sched-*
9 *uled graduations to determine their capabilities and, based*
10 *on their capabilities, shall place the enrollees in employ-*
11 *ment leading to economic self-sufficiency for which the en-*
12 *rollees are trained or assist the enrollees in participating*
13 *in further activities described in this subtitle. In arranging*
14 *for the placement of graduates in jobs, the Secretary shall*
15 *utilize the one-stop delivery system to the maximum extent*
16 *practicable.*

17 (c) *STATUS AND PROGRESS.*—*The Secretary shall de-*
18 *termine the status and progress of enrollees scheduled for*
19 *graduation and make every effort to assure that their needs*
20 *for further activities described in this subtitle are met.*

21 (d) *SERVICES TO FORMER ENROLLEES.*—*The Sec-*
22 *retary may provide such services as the Secretary deter-*
23 *mines to be appropriate under this subtitle to former enroll-*
24 *ees.*

1 **SEC. 150. SUPPORT.**

2 (a) *PERSONAL ALLOWANCES.*—*The Secretary may*
3 *provide enrollees assigned to Job Corps centers with such*
4 *personal allowances as the Secretary may determine to be*
5 *necessary or appropriate to meet the needs of the enrollees.*

6 (b) *TRANSITION ALLOWANCES.*—*The Secretary shall*
7 *arrange for a transition allowance to be paid to graduates.*
8 *The transition allowance shall be incentive-based to reflect*
9 *a graduate's completion of academic, career and technical*
10 *education or training, and attainment of recognized post-*
11 *secondary credentials.*

12 (c) *TRANSITION SUPPORT.*—*The Secretary may ar-*
13 *range for the provision of 3 months of employment services*
14 *for former enrollees.*

15 **SEC. 151. OPERATIONS.**

16 (a) *OPERATING PLAN.*—*The provisions of the contract*
17 *between the Secretary and an entity selected to operate a*
18 *Job Corps center shall, at a minimum, serve as an oper-*
19 *ating plan for the Job Corps center.*

20 (b) *ADDITIONAL INFORMATION.*—*The Secretary may*
21 *require the operator, in order to remain eligible to operate*
22 *the Job Corps center, to submit such additional information*
23 *as the Secretary may require, which shall be considered*
24 *part of the operating plan.*

1 (c) *AVAILABILITY.*—*The Secretary shall make the oper-*
2 *ating plan described in subsections (a) and (b), excluding*
3 *any proprietary information, available to the public.*

4 **SEC. 152. STANDARDS OF CONDUCT.**

5 (a) *PROVISION AND ENFORCEMENT.*—*The Secretary*
6 *shall provide, and directors of Job Corps centers shall strin-*
7 *gently enforce, standards of conduct within the centers.*
8 *Such standards of conduct shall include provisions forbid-*
9 *ding the actions described in subsection (b)(2)(A).*

10 (b) *DISCIPLINARY MEASURES.*—

11 (1) *IN GENERAL.*—*To promote the proper behav-*
12 *ioral standards in the Job Corps, the directors of Job*
13 *Corps centers shall have the authority to take appro-*
14 *priate disciplinary measures against enrollees if such*
15 *a director determines that an enrollee has committed*
16 *a violation of the standards of conduct. The director*
17 *shall dismiss the enrollee from the Job Corps if the di-*
18 *rector determines that the retention of the enrollee in*
19 *the Job Corps will jeopardize the enforcement of such*
20 *standards, threaten the safety of staff, students, or the*
21 *local community, or diminish the opportunities of*
22 *other enrollees.*

23 (2) *ZERO TOLERANCE POLICY AND DRUG TEST-*
24 *ING.*—

1 (A) *GUIDELINES.*—The Secretary shall
2 adopt guidelines establishing a zero tolerance
3 policy for an act of violence, for use, sale, or pos-
4 session of a controlled substance, for abuse of al-
5 cohol, or for other illegal or disruptive activity.

6 (B) *DRUG TESTING.*—The Secretary shall
7 require drug testing of all enrollees for controlled
8 substances in accordance with procedures pre-
9 scribed by the Secretary under section 145(a).

10 (C) *DEFINITIONS.*—In this paragraph:

11 (i) *CONTROLLED SUBSTANCE.*—The
12 term “controlled substance” has the mean-
13 ing given the term in section 102 of the
14 Controlled Substances Act (21 U.S.C. 802).

15 (ii) *ZERO TOLERANCE POLICY.*—The
16 term “zero tolerance policy” means a policy
17 under which an enrollee shall be automati-
18 cally dismissed from the Job Corps after a
19 determination by the director that the en-
20 rollee has carried out an action described in
21 subparagraph (A).

22 (c) *APPEAL.*—A disciplinary measure taken by a di-
23 rector under this section shall be subject to expeditious ap-
24 peal in accordance with procedures established by the Sec-
25 retary.

1 **SEC. 153. COMMUNITY PARTICIPATION.**

2 (a) *BUSINESS AND COMMUNITY PARTICIPATION.*—The
3 director of each Job Corps center shall ensure the establish-
4 ment and development of the mutually beneficial business
5 and community relationships and networks described in
6 subsection (b), including the use of local boards, in order
7 to enhance the effectiveness of such centers.

8 (b) *NETWORKS.*—The activities carried out by each
9 Job Corps center under this section shall include—

10 (1) *establishing and developing relationships and*
11 *networks with—*

12 (A) *local and distant employers, to the ex-*
13 *tent practicable, in coordination with entities*
14 *carrying out other Federal and non-Federal pro-*
15 *grams that conduct similar outreach to employ-*
16 *ers;*

17 (B) *applicable one-stop centers and applica-*
18 *ble local boards, for the purpose of providing—*

19 (i) *information to, and referral of, po-*
20 *tential enrollees; and*

21 (ii) *job opportunities for Job Corps*
22 *graduates; and*

23 (C)(i) *entities carrying out relevant appren-*
24 *ticeship programs and youth programs;*

25 (ii) *labor-management organizations and*
26 *local labor organizations;*

1 (iii) employers and contractors that support
2 national training contractor programs; and

3 (iv) community-based organizations, non-
4 profit organizations, and intermediaries pro-
5 viding workforce development-related services;
6 and

7 (2) establishing and developing relationships
8 with members of the community in which the Job
9 Corps center is located, informing members of the
10 community about the projects of the Job Corps center
11 and changes in the rules, procedures, or activities of
12 the center that may affect the community, and plan-
13 ning events of mutual interest to the community and
14 the Job Corps center.

15 (c) *NEW CENTERS.*—The director of a Job Corps center
16 that is not yet operating shall ensure the establishment and
17 development of the relationships and networks described in
18 subsection (b) at least 3 months prior to the date on which
19 the center accepts the first enrollee at the center.

20 **SEC. 154. WORKFORCE COUNCILS.**

21 (a) *IN GENERAL.*—Each Job Corps center shall have
22 a workforce council, appointed by the director of the center,
23 in accordance with procedures established by the Secretary.

24 (b) *WORKFORCE COUNCIL COMPOSITION.*—

1 (1) *IN GENERAL.*—A workforce council shall be
2 *comprised of—*

3 (A) *a majority of members who shall be*
4 *owners of business concerns, chief executives or*
5 *chief operating officers of nongovernmental em-*
6 *ployers, or other private sector employers, who—*

7 (i) *have substantial management, hir-*
8 *ing, or policy responsibility; and*

9 (ii) *represent businesses with employ-*
10 *ment opportunities that reflect the employ-*
11 *ment opportunities of the applicable local*
12 *areas in which enrollees will be seeking em-*
13 *ployment;*

14 (B) *representatives of labor organizations*
15 *(where present) and representatives of employees;*
16 *and*

17 (C) *enrollees and graduates of the Job*
18 *Corps.*

19 (2) *LOCAL BOARD.*—*The workforce council may*
20 *include members of the applicable local boards who*
21 *meet the requirements described in paragraph (1).*

22 (3) *EMPLOYERS OUTSIDE OF LOCAL AREA.*—*The*
23 *workforce council for a Job Corps center may include,*
24 *or otherwise provide for consultation with, employers*
25 *from outside the local area who are likely to hire a*

1 *significant number of enrollees from the Job Corps*
2 *center.*

3 (4) *SPECIAL RULE FOR SINGLE STATE LOCAL*
4 *AREAS.—In the case of a single State local area des-*
5 *ignated under section 106(d), the workforce council*
6 *shall include a representative of the State Board.*

7 (c) *RESPONSIBILITIES.—The responsibilities of the*
8 *workforce council shall be—*

9 (1) *to work closely with all applicable local*
10 *boards in order to determine, and recommend to the*
11 *Secretary, appropriate career and technical education*
12 *and training for the center;*

13 (2) *to review all the relevant labor market infor-*
14 *mation, including related information in the State*
15 *plan or the local plan, to—*

16 (A) *recommend the in-demand industry sec-*
17 *tors or occupations in the area in which the Job*
18 *Corps center operates;*

19 (B) *determine the employment opportuni-*
20 *ties in the local areas in which the enrollees in-*
21 *tend to seek employment after graduation;*

22 (C) *determine the skills and education that*
23 *are necessary to obtain the employment opportu-*
24 *nities; and*

1 (D) recommend to the Secretary the type of
2 career and technical education and training that
3 should be implemented at the center to enable the
4 enrollees to obtain the employment opportunities;
5 and

6 (3) to meet at least once every 6 months to re-
7 evaluate the labor market information, and other rel-
8 evant information, to determine, and recommend to
9 the Secretary, any necessary changes in the career
10 and technical education and training provided at the
11 center.

12 (d) *NEW CENTERS.*—The workforce council for a Job
13 Corps center that is not yet operating shall carry out the
14 responsibilities described in subsection (c) at least 3 months
15 prior to the date on which the center accepts the first en-
16 rollee at the center.

17 **SEC. 155. ADVISORY COMMITTEES.**

18 The Secretary may establish and use advisory commit-
19 tees in connection with the operation of the Job Corps pro-
20 gram, and the operation of Job Corps centers, whenever the
21 Secretary determines that the availability of outside advice
22 and counsel on a regular basis would be of substantial ben-
23 efit in identifying and overcoming problems, in planning
24 program or center development, or in strengthening rela-

1 *tionships between the Job Corps and agencies, institutions,*
2 *or groups engaged in related activities.*

3 **SEC. 156. EXPERIMENTAL PROJECTS AND TECHNICAL AS-**
4 **SISTANCE.**

5 (a) *PROJECTS.*—*The Secretary may carry out experi-*
6 *mental, research, or demonstration projects relating to car-*
7 *rying out the Job Corps program. The Secretary may waive*
8 *any provisions of this subtitle that the Secretary finds*
9 *would prevent the Secretary from carrying out the projects*
10 *if the Secretary informs the Committee on Education and*
11 *the Workforce of the House of Representatives and the Com-*
12 *mittee on Health, Education, Labor, and Pensions of the*
13 *Senate, in writing, not less than 90 days in advance of*
14 *issuing such waiver.*

15 (b) *TECHNICAL ASSISTANCE.*—*From the funds pro-*
16 *vided under section 162 (for the purposes of administra-*
17 *tion), the Secretary may reserve $\frac{1}{4}$ of 1 percent to provide,*
18 *directly or through grants, contracts, or other agreements*
19 *or arrangements as the Secretary considers appropriate,*
20 *technical assistance for the Job Corps program for the pur-*
21 *pose of improving program quality. Such assistance shall*
22 *include—*

23 (1) *assisting Job Corps centers and programs—*
24 (A) *in correcting deficiencies under, and*
25 *violations of, this subtitle;*

1 (B) in meeting or exceeding the expected
2 levels of performance under section 159(c)(1) for
3 the indicators of performance described in sec-
4 tion 116(b)(2)(A);

5 (C) in the development of sound manage-
6 ment practices, including financial management
7 procedures; and

8 (2) assisting entities, including entities not cur-
9 rently operating a Job Corps center, in developing the
10 additional selection factors information described in
11 section 147(a)(3).

12 **SEC. 157. APPLICATION OF PROVISIONS OF FEDERAL LAW.**

13 (a) *ENROLLEES NOT CONSIDERED TO BE FEDERAL*
14 *EMPLOYEES.*—

15 (1) *IN GENERAL.*—*Except as otherwise provided*
16 *in this subsection and in section 8143(a) of title 5,*
17 *United States Code, enrollees shall not be considered*
18 *to be Federal employees and shall not be subject to the*
19 *provisions of law relating to Federal employment, in-*
20 *cluding such provisions regarding hours of work, rates*
21 *of compensation, leave, unemployment compensation,*
22 *and Federal employee benefits.*

23 (2) *PROVISIONS RELATING TO TAXES AND SOCIAL*
24 *SECURITY BENEFITS.*—*For purposes of the Internal*
25 *Revenue Code of 1986 and title II of the Social Secu-*

1 *urity Act (42 U.S.C. 401 et seq.), enrollees shall be*
2 *deemed to be employees of the United States and any*
3 *service performed by an individual as an enrollee*
4 *shall be deemed to be performed in the employ of the*
5 *United States.*

6 (3) *PROVISIONS RELATING TO COMPENSATION TO*
7 *FEDERAL EMPLOYEES FOR WORK INJURIES.—For*
8 *purposes of subchapter I of chapter 81 of title 5,*
9 *United States Code (relating to compensation to Fed-*
10 *eral employees for work injuries), enrollees shall be*
11 *deemed to be civil employees of the Government of the*
12 *United States within the meaning of the term “em-*
13 *ployee” as defined in section 8101 of title 5, United*
14 *States Code, and the provisions of such subchapter*
15 *shall apply as specified in section 8143(a) of title 5,*
16 *United States Code.*

17 (4) *FEDERAL TORT CLAIMS PROVISIONS.—For*
18 *purposes of the Federal tort claims provisions in title*
19 *28, United States Code, enrollees shall be considered*
20 *to be employees of the Government.*

21 (b) *ADJUSTMENTS AND SETTLEMENTS.—Whenever the*
22 *Secretary finds a claim for damages to a person or property*
23 *resulting from the operation of the Job Corps to be a proper*
24 *charge against the United States, and the claim is not cog-*
25 *nizable under section 2672 of title 28, United States Code,*

1 *the Secretary may adjust and settle the claim in an amount*
2 *not exceeding \$1,500.*

3 (c) *PERSONNEL OF THE UNIFORMED SERVICES.—Per-*
4 *sonnel of the uniformed services who are detailed or as-*
5 *signed to duty in the performance of agreements made by*
6 *the Secretary for the support of the Job Corps shall not be*
7 *counted in computing strength under any law limiting the*
8 *strength of such services or in computing the percentage au-*
9 *thorized by law for any grade in such services.*

10 **SEC. 158. SPECIAL PROVISIONS.**

11 (a) *ENROLLMENT.—The Secretary shall ensure that*
12 *women and men have an equal opportunity to participate*
13 *in the Job Corps program, consistent with section 145.*

14 (b) *STUDIES, EVALUATIONS, PROPOSALS, AND*
15 *DATA.—The Secretary shall assure that all studies, evalua-*
16 *tions, proposals, and data produced or developed with Fed-*
17 *eral funds in the course of carrying out the Job Corps pro-*
18 *gram shall become the property of the United States.*

19 (c) *TRANSFER OF PROPERTY.—*

20 (1) *IN GENERAL.—Notwithstanding chapter 5 of*
21 *title 40, United States Code, and any other provision*
22 *of law, the Secretary and the Secretary of Education*
23 *shall receive priority by the Secretary of Defense for*
24 *the direct transfer, on a nonreimbursable basis, of the*
25 *property described in paragraph (2) for use in car-*

1 *rying out programs under this Act or under any*
2 *other Act.*

3 (2) *PROPERTY.*—*The property described in this*
4 *paragraph is real and personal property under the*
5 *control of the Department of Defense that is not used*
6 *by such Department, including property that the Sec-*
7 *retary of Defense determines is in excess of current*
8 *and projected requirements of such Department.*

9 (d) *GROSS RECEIPTS.*—*Transactions conducted by a*
10 *private for-profit or nonprofit entity that is an operator*
11 *or service provider for a Job Corps center shall not be con-*
12 *sidered to be generating gross receipts. Such an operator*
13 *or service provider shall not be liable, directly or indirectly,*
14 *to any State or subdivision of a State (nor to any person*
15 *acting on behalf of such a State or subdivision) for any*
16 *gross receipts taxes, business privilege taxes measured by*
17 *gross receipts, or any similar taxes imposed on, or meas-*
18 *ured by, gross receipts in connection with any payments*
19 *made to or by such entity for operating or providing serv-*
20 *ices to a Job Corps center. Such an operator or service pro-*
21 *vider shall not be liable to any State or subdivision of a*
22 *State to collect or pay any sales, excise, use, or similar tax*
23 *imposed on the sale to or use by such operator or service*
24 *provider of any property, service, or other item in connec-*

1 *tion with the operation of or provision of services to a Job*
2 *Corps center.*

3 (e) *MANAGEMENT FEE.*—*The Secretary shall provide*
4 *each operator and (in an appropriate case, as determined*
5 *by the Secretary) service provider with an equitable and*
6 *negotiated management fee of not less than 1 percent of the*
7 *amount of the funding provided under the appropriate*
8 *agreement specified in section 147.*

9 (f) *DONATIONS.*—*The Secretary may accept on behalf*
10 *of the Job Corps or individual Job Corps centers charitable*
11 *donations of cash or other assistance, including equipment*
12 *and materials, if such donations are available for appro-*
13 *priate use for the purposes set forth in this subtitle.*

14 (g) *SALE OF PROPERTY.*—*Notwithstanding any other*
15 *provision of law, if the Administrator of General Services*
16 *sells a Job Corps center facility, the Administrator shall*
17 *transfer the proceeds from the sale to the Secretary, who*
18 *shall use the proceeds to carry out the Job Corps program.*

19 **SEC. 159. MANAGEMENT INFORMATION.**

20 (a) *FINANCIAL MANAGEMENT INFORMATION SYS-*
21 *TEM.*—

22 (1) *IN GENERAL.*—*The Secretary shall establish*
23 *procedures to ensure that each operator, and each*
24 *service provider, maintains a financial management*
25 *information system that will provide—*

1 (A) accurate, complete, and current disclo-
2 sures of the costs of Job Corps operations; and

3 (B) sufficient data for the effective evalua-
4 tion of activities carried out through the Job
5 Corps program.

6 (2) *ACCOUNTS.*—Each operator and service pro-
7 vider shall maintain funds received under this sub-
8 title in accounts in a manner that ensures timely and
9 accurate reporting as required by the Secretary.

10 (3) *FISCAL RESPONSIBILITY.*—Operators shall
11 remain fiscally responsible and control costs, regard-
12 less of whether the funds made available for Job Corps
13 centers are incrementally increased or decreased be-
14 tween fiscal years.

15 (b) *AUDIT.*—

16 (1) *ACCESS.*—The Secretary, the Inspector Gen-
17 eral of the Department of Labor, the Comptroller Gen-
18 eral of the United States, and any of their duly au-
19 thorized representatives, shall have access to any
20 books, documents, papers, and records of the operators
21 and service providers described in subsection (a) that
22 are pertinent to the Job Corps program, for purposes
23 of conducting surveys, audits, and evaluations of the
24 operators and service providers.

1 (2) *SURVEYS, AUDITS, AND EVALUATIONS.*—*The*
2 *Secretary shall survey, audit, or evaluate, or arrange*
3 *for the survey, audit, or evaluation of, the operators*
4 *and service providers, using Federal auditors or inde-*
5 *pendent public accountants. The Secretary shall con-*
6 *duct such surveys, audits, or evaluations not less often*
7 *than once every 3 years.*

8 (c) *INFORMATION ON INDICATORS OF PERFORM-*
9 *ANCE.*—

10 (1) *LEVELS OF PERFORMANCE AND INDICA-*
11 *TORS.*—*The Secretary shall annually establish ex-*
12 *pected levels of performance for a Job Corps center*
13 *and the Job Corps program relating to each of the*
14 *primary indicators of performance for eligible youth*
15 *described in section 116(b)(2)(A)(ii).*

16 (2) *PERFORMANCE OF RECRUITERS.*—*The Sec-*
17 *retary shall also establish performance indicators,*
18 *and expected levels of performance on the performance*
19 *indicators, for recruitment service providers serving*
20 *the Job Corps program. The performance indicators*
21 *shall relate to—*

22 (A) *the number of enrollees recruited, com-*
23 *pared to the established goals for such recruit-*
24 *ment, and the number of enrollees who remain*

1 committed to the program for 90 days after en-
2 rollment; and

3 (B) the measurements described in subpara-
4 graphs (I), (L), and (M) of subsection (d)(1).

5 (3) *PERFORMANCE OF CAREER TRANSITION*
6 *SERVICE PROVIDERS.*—The Secretary shall also estab-
7 lish performance indicators, and expected perform-
8 ance levels on the performance indicators, for career
9 transition service providers serving the Job Corps
10 program. The performance indicators shall relate to—

11 (A) the primary indicators of performance
12 for eligible youth described in section
13 116(b)(2)(A)(ii); and

14 (B) the measurements described in subpara-
15 graphs (D), (E), (H), (J), and (K) of subsection
16 (d)(1).

17 (4) *REPORT.*—The Secretary shall collect, and
18 annually submit to the Committee on Education and
19 the Workforce of the House of Representatives and the
20 Committee on Health, Education, Labor, and Pen-
21 sions of the Senate, a report including—

22 (A) information on the performance of each
23 Job Corps center, and the Job Corps program,
24 based on the performance indicators described in
25 paragraph (1), as compared to the expected level

1 of performance established under such paragraph
2 for each performance indicator; and

3 (B) information on the performance of the
4 service providers described in paragraphs (2)
5 and (3) on the performance indicators estab-
6 lished under such paragraphs, as compared to
7 the expected level of performance established for
8 each performance indicator.

9 (d) *ADDITIONAL INFORMATION.*—

10 (1) *IN GENERAL.*—The Secretary shall also col-
11 lect, and submit in the report described in subsection
12 (c)(4), information on the performance of each Job
13 Corps center, and the Job Corps program, regard-
14 ing—

15 (A) the number of enrollees served;

16 (B) demographic information on the enroll-
17 ees served, including age, race, gender, and edu-
18 cation and income level;

19 (C) the number of graduates of a Job Corps
20 center;

21 (D) the number of graduates who entered
22 the Armed Forces;

23 (E) the number of graduates who entered
24 apprenticeship programs;

1 (F) the number of graduates who received a
2 regular secondary school diploma;

3 (G) the number of graduates who received a
4 State recognized equivalent of a secondary school
5 diploma;

6 (H) the number of graduates who entered
7 unsubsidized employment related to the career
8 and technical education and training received
9 through the Job Corps program and the number
10 who entered unsubsidized employment not re-
11 lated to the education and training received;

12 (I) the percentage and number of former en-
13 rollees, including the number dismissed under
14 the zero tolerance policy described in section
15 152(b);

16 (J) the percentage and number of graduates
17 who enter postsecondary education;

18 (K) the average wage of graduates who enter
19 unsubsidized employment—

20 (i) on the first day of such employ-
21 ment; and

22 (ii) on the day that is 6 months after
23 such first day;

24 (L) the percentages of enrollees described in
25 subparagraphs (A) and (B) of section 145(c)(1),

1 *as compared to the percentage targets established*
2 *by the Secretary under such section for the cen-*
3 *ter;*

4 *(M) the cost per enrollee, which is calculated*
5 *by comparing the number of enrollees at the cen-*
6 *ter in a program year to the total budget for*
7 *such center in the same program year;*

8 *(N) the cost per graduate, which is cal-*
9 *culated by comparing the number of graduates of*
10 *the center in a program year compared to the*
11 *total budget for such center in the same program*
12 *year; and*

13 *(O) any additional information required by*
14 *the Secretary.*

15 *(2) RULES FOR REPORTING OF DATA.—The*
16 *disaggregation of data under this subsection shall not*
17 *be required when the number of individuals in a cat-*
18 *egory is insufficient to yield statistically reliable in-*
19 *formation or when the results would reveal personally*
20 *identifiable information about an individual.*

21 *(e) METHODS.—The Secretary shall collect the infor-*
22 *mation described in subsections (c) and (d), using methods*
23 *described in section 116(i)(2) and consistent with State law,*
24 *by entering into agreements with the States to access such*

1 *data for Job Corps enrollees, former enrollees, and grad-*
2 *uates.*

3 (f) *PERFORMANCE ASSESSMENTS AND IMPROVE-*
4 *MENTS.—*

5 (1) *ASSESSMENTS.—The Secretary shall conduct*
6 *an annual assessment of the performance of each Job*
7 *Corps center. Based on the assessment, the Secretary*
8 *shall take measures to continuously improve the per-*
9 *formance of the Job Corps program.*

10 (2) *PERFORMANCE IMPROVEMENT.—With respect*
11 *to a Job Corps center that fails to meet the expected*
12 *levels of performance relating to the primary indica-*
13 *tors of performance specified in subsection (c)(1), the*
14 *Secretary shall develop and implement a performance*
15 *improvement plan. Such a plan shall require action*
16 *to be taken during a 1-year period, including—*

17 (A) *providing technical assistance to the*
18 *center;*

19 (B) *changing the career and technical edu-*
20 *cation and training offered at the center;*

21 (C) *changing the management staff of the*
22 *center;*

23 (D) *replacing the operator of the center;*

24 (E) *reducing the capacity of the center;*

25 (F) *relocating the center; or*

1 (G) closing the center.

2 (3) *ADDITIONAL PERFORMANCE IMPROVEMENT.*—

3 *In addition to the performance improvement plans re-*
4 *quired under paragraph (2), the Secretary may de-*
5 *velop and implement additional performance im-*
6 *provement plans. Such a plan shall require improve-*
7 *ments, including the actions described in such para-*
8 *graph, for a Job Corps center that fails to meet cri-*
9 *teria established by the Secretary other than the ex-*
10 *pected levels of performance described in such para-*
11 *graph.*

12 (4) *CIVILIAN CONSERVATION CENTERS.*—*With re-*
13 *spect to a Civilian Conservation Center that fails to*
14 *meet the expected levels of performance relating to the*
15 *primary indicators of performance specified in sub-*
16 *section (c)(1) or fails to improve performance as de-*
17 *scribed in paragraph (2) after 3 program years, the*
18 *Secretary, in consultation with the Secretary of Agri-*
19 *culture, shall select an entity to operate the Civilian*
20 *Conservation Center on a competitive basis, in ac-*
21 *cordance with the requirements of section 147.*

22 (g) *PARTICIPANT HEALTH AND SAFETY.*—

23 (1) *CENTER.*—*The Secretary shall ensure that a*
24 *review by an appropriate Federal, State, or local en-*

1 *tivity of the physical condition and health-related ac-*
2 *tivities of each Job Corps center occurs annually.*

3 (2) *WORK-BASED LEARNING LOCATIONS.—The*
4 *Secretary shall require that an entity that has entered*
5 *into a contract to provide work-based learning activi-*
6 *ties for any Job Corps enrollee under this subtitle*
7 *shall comply with the Occupational Safety and*
8 *Health Act of 1970 (29 U.S.C. 651 et seq.) or, as ap-*
9 *propriate, under the corresponding State Occupa-*
10 *tional Safety and Health Act of 1970 requirements in*
11 *the State in which such activities occur.*

12 (h) *BUILDINGS AND FACILITIES.—The Secretary shall*
13 *collect, and submit in the report described in subsection*
14 *(c)(4), information regarding the state of Job Corps build-*
15 *ings and facilities. Such report shall include—*

16 (1) *a review of requested construction, rehabilita-*
17 *tion, and acquisition projects, by each Job Corps cen-*
18 *ter; and*

19 (2) *a review of new facilities under construction.*

20 (i) *NATIONAL AND COMMUNITY SERVICE.—The Sec-*
21 *retary shall include in the report described in subsection*
22 *(c)(4) available information regarding the national and*
23 *community service activities of enrollees, particularly those*
24 *enrollees at Civilian Conservation Centers.*

1 (j) *CLOSURE OF JOB CORPS CENTER.*—Prior to the
2 closure of any Job Corps center, the Secretary shall en-
3 sure—

4 (1) that the proposed decision to close the center
5 is announced in advance to the general public
6 through publication in the Federal Register or other
7 appropriate means;

8 (2) the establishment of a reasonable comment
9 period, not to exceed 30 days, for interested individ-
10 uals to submit written comments to the Secretary;
11 and

12 (3) that the Member of Congress who represents
13 the district in which such center is located is notified
14 within a reasonable period of time in advance of any
15 final decision to close the center.

16 **SEC. 160. GENERAL PROVISIONS.**

17 The Secretary is authorized to—

18 (1) disseminate, with regard to the provisions of
19 section 3204 of title 39, United States Code, data and
20 information in such forms as the Secretary shall de-
21 termine to be appropriate, to public agencies, private
22 organizations, and the general public;

23 (2) subject to section 157(b), collect or com-
24 promise all obligations to or held by the Secretary
25 and exercise all legal or equitable rights accruing to

1 *the Secretary in connection with the payment of obli-*
2 *gations until such time as such obligations may be re-*
3 *ferred to the Attorney General for suit or collection;*
4 *and*

5 *(3) expend funds made available for purposes of*
6 *this subtitle—*

7 *(A) for printing and binding, in accordance*
8 *with applicable law (including regulation); and*

9 *(B) without regard to any other law (in-*
10 *cluding regulation), for rent of buildings and*
11 *space in buildings and for repair, alteration,*
12 *and improvement of buildings and space in*
13 *buildings rented by the Secretary, except that the*
14 *Secretary shall not expend funds under the au-*
15 *thority of this subparagraph—*

16 *(i) except when necessary to obtain an*
17 *item, service, or facility, that is required in*
18 *the proper administration of this subtitle,*
19 *and that otherwise could not be obtained, or*
20 *could not be obtained in the quantity or*
21 *quality needed, or at the time, in the form,*
22 *or under the conditions in which the item,*
23 *service, or facility is needed; and*

24 *(ii) prior to having given written noti-*
25 *fication to the Administrator of General*

1 *Services (if the expenditure would affect an*
2 *activity that otherwise would be under the*
3 *jurisdiction of the General Services Admin-*
4 *istration) of the intention of the Secretary*
5 *to make the expenditure, and the reasons*
6 *and justifications for the expenditure.*

7 **SEC. 161. JOB CORPS OVERSIGHT AND REPORTING.**

8 *(a) TEMPORARY FINANCIAL REPORTING.—*

9 *(1) IN GENERAL.—During the periods described*
10 *in paragraphs (2) and (3)(B), the Secretary shall*
11 *prepare and submit to the applicable committees fi-*
12 *nancial reports regarding the Job Corps program*
13 *under this subtitle. Each such financial report shall*
14 *include—*

15 *(A) information regarding the implementa-*
16 *tion of the financial oversight measures suggested*
17 *in the May 31, 2013, report of the Office of In-*
18 *pector General of the Department of Labor enti-*
19 *tled “The U.S. Department of Labor’s Employ-*
20 *ment and Training Administration Needs to*
21 *Strengthen Controls over Job Corps Funds”;*

22 *(B) a description of any budgetary short-*
23 *falls for the program for the period covered by*
24 *the financial report, and the reasons for such*
25 *shortfalls; and*

1 (C) a description and explanation for any
2 approval for contract expenditures that are in
3 excess of the amounts provided for under the con-
4 tract.

5 (2) *TIMING OF REPORTS.*—The Secretary shall
6 submit a financial report under paragraph (1) once
7 every 6 months beginning on the date of enactment of
8 this Act, for a 3-year period. After the completion of
9 such 3-year period, the Secretary shall submit a fi-
10 nancial report under such paragraph once a year for
11 the next 2 years, unless additional reports are re-
12 quired under paragraph (3)(B).

13 (3) *REPORTING REQUIREMENTS IN CASES OF*
14 *BUDGETARY SHORTFALLS.*—If any financial report
15 required under this subsection finds that the Job
16 Corps program under this subtitle has a budgetary
17 shortfall for the period covered by the report, the Sec-
18 retary shall—

19 (A) not later than 90 days after the budg-
20 etary shortfall was identified, submit a report to
21 the applicable committees explaining how the
22 budgetary shortfall will be addressed; and

23 (B) submit an additional financial report
24 under paragraph (1) for each 6-month period
25 subsequent to the finding of the budgetary short-

1 *fall until the Secretary demonstrates, through*
2 *such report, that the Job Corps program has no*
3 *budgetary shortfall.*

4 **(b) THIRD-PARTY REVIEW.**—*Every 5 years after the*
5 *date of enactment of this Act, the Secretary shall provide*
6 *for a third-party review of the Job Corps program under*
7 *this subtitle that addresses all of the areas described in sub-*
8 *paragraphs (A) through (G) of section 169(a)(2). The re-*
9 *sults of the review shall be submitted to the Committee on*
10 *Education and the Workforce of the House of Representa-*
11 *tives and the Committee on Health, Education, Labor, and*
12 *Pensions of the Senate.*

13 **(c) CRITERIA FOR JOB CORPS CENTER CLOSURES.**—
14 *By not later than December 1, 2014, the Secretary shall*
15 *establish written criteria that the Secretary shall use to de-*
16 *termine when a Job Corps center supported under this sub-*
17 *title is to be closed and how to carry out such closure, and*
18 *shall submit such criteria to the applicable committees.*

19 **(d) DEFINITION OF APPLICABLE COMMITTEES.**—*In*
20 *this section, the term “applicable committees” means—*

21 **(1)** *the Committee on Education and the Work-*
22 *force of the House of Representatives;*

23 **(2)** *the Subcommittee on Labor, Health and*
24 *Human Services, Education, and Related Agencies of*

1 *the Committee of Appropriations of the House of Rep-*
2 *resentatives;*

3 *(3) the Committee on Health, Education, Labor,*
4 *and Pensions of the Senate; and*

5 *(4) the Subcommittee on Labor, Health and*
6 *Human Services, Education, and Related Agencies of*
7 *the Committee of Appropriations of the Senate.*

8 **SEC. 162. AUTHORIZATION OF APPROPRIATIONS.**

9 *There are authorized to be appropriated to carry out*
10 *this subtitle—*

11 *(1) \$1,688,155,000 for fiscal year 2015;*

12 *(2) \$1,818,548,000 for fiscal year 2016;*

13 *(3) \$1,856,283,000 for fiscal year 2017;*

14 *(4) \$1,897,455,000 for fiscal year 2018;*

15 *(5) \$1,942,064,000 for fiscal year 2019; and*

16 *(6) \$1,983,236,000 for fiscal year 2020.*

17 ***Subtitle D—National Programs***

18 **SEC. 166. NATIVE AMERICAN PROGRAMS.**

19 *(a) PURPOSE.—*

20 *(1) IN GENERAL.—The purpose of this section is*
21 *to support employment and training activities for In-*
22 *Indian, Alaska Native, and Native Hawaiian individ-*
23 *uals in order—*

1 (A) to develop more fully the academic, oc-
2 cupational, and literacy skills of such individ-
3 uals;

4 (B) to make such individuals more competi-
5 tive in the workforce and to equip them with the
6 entrepreneurial skills necessary for successful
7 self-employment; and

8 (C) to promote the economic and social de-
9 velopment of Indian, Alaska Native, and Native
10 Hawaiian communities in accordance with the
11 goals and values of such communities.

12 (2) *INDIAN POLICY.*—All programs assisted
13 under this section shall be administered in a manner
14 consistent with the principles of the Indian Self-De-
15 termination and Education Assistance Act (25 U.S.C.
16 450 *et seq.*) and the government-to-government rela-
17 tionship between the Federal Government and Indian
18 tribal governments.

19 (b) *DEFINITIONS.*—As used in this section:

20 (1) *ALASKA NATIVE.*—The term “Alaska Native”
21 includes a Native and a descendant of a Native, as
22 such terms are defined in subsections (b) and (r) of
23 section 3 of the Alaska Native Claims Settlement Act
24 (43 U.S.C. 1602(b), (r)).

1 (2) *INDIAN, INDIAN TRIBE, AND TRIBAL ORGANI-*
2 *ZATION.—The terms “Indian”, “Indian tribe”, and*
3 *“tribal organization” have the meanings given such*
4 *terms in subsections (d), (e), and (l), respectively, of*
5 *section 4 of the Indian Self-Determination and Edu-*
6 *cation Assistance Act (25 U.S.C. 450b).*

7 (3) *NATIVE HAWAIIAN AND NATIVE HAWAIIAN OR-*
8 *GANIZATION.—The terms “Native Hawaiian” and*
9 *“Native Hawaiian organization” have the meanings*
10 *given such terms in section 7207 of the Native Ha-*
11 *waiian Education Act (20 U.S.C. 7517).*

12 (c) *PROGRAM AUTHORIZED.—Every 4 years, the Sec-*
13 *retary shall, on a competitive basis, make grants to, or enter*
14 *into contracts or cooperative agreements with, Indian*
15 *tribes, tribal organizations, Alaska Native entities, Indian-*
16 *controlled organizations serving Indians, or Native Hawai-*
17 *ian organizations to carry out the authorized activities de-*
18 *scribed in subsection (d).*

19 (d) *AUTHORIZED ACTIVITIES.—*

20 (1) *IN GENERAL.—Funds made available under*
21 *subsection (c) shall be used to carry out the activities*
22 *described in paragraph (2) that—*

23 (A) *are consistent with this section; and*

24 (B) *are necessary to meet the needs of Indi-*
25 *ans, Alaska Natives, or Native Hawaiians pre-*

1 *paring to enter, reenter, or retain unsubsidized*
2 *employment leading to self-sufficiency.*

3 (2) *WORKFORCE DEVELOPMENT ACTIVITIES AND*
4 *SUPPLEMENTAL SERVICES.—*

5 (A) *IN GENERAL.—Funds made available*
6 *under subsection (c) shall be used for—*

7 (i) *comprehensive workforce develop-*
8 *ment activities for Indians, Alaska Natives,*
9 *or Native Hawaiians, including training on*
10 *entrepreneurial skills; or*

11 (ii) *supplemental services for Indian,*
12 *Alaska Native, or Native Hawaiian youth*
13 *on or near Indian reservations and in*
14 *Oklahoma, Alaska, or Hawaii.*

15 (B) *SPECIAL RULE.—Notwithstanding any*
16 *other provision of this section, individuals who*
17 *were eligible to participate in programs under*
18 *section 401 of the Job Training Partnership Act*
19 *(as such section was in effect on the day before*
20 *the date of enactment of the Workforce Invest-*
21 *ment Act of 1998) shall be eligible to participate*
22 *in an activity assisted under this section.*

23 (e) *PROGRAM PLAN.—In order to receive a grant or*
24 *enter into a contract or cooperative agreement under this*
25 *section, an entity described in subsection (c) shall submit*

1 *to the Secretary a program plan that describes a 4-year*
2 *strategy for meeting the needs of Indian, Alaska Native, or*
3 *Native Hawaiian individuals, as appropriate, in the area*
4 *served by such entity. Such plan shall—*

5 *(1) be consistent with the purpose of this section;*

6 *(2) identify the population to be served;*

7 *(3) identify the education and employment needs*
8 *of the population to be served and the manner in*
9 *which the activities to be provided will strengthen the*
10 *ability of the individuals served to obtain or retain*
11 *unsubsidized employment leading to self-sufficiency;*

12 *(4) describe the activities to be provided and the*
13 *manner in which such activities are to be integrated*
14 *with other appropriate activities; and*

15 *(5) describe, after the entity submitting the plan*
16 *consults with the Secretary, the performance account-*
17 *ability measures to be used to assess the performance*
18 *of entities in carrying out the activities assisted*
19 *under this section, which shall include the primary*
20 *indicators of performance described in section*
21 *116(b)(2)(A) and expected levels of performance for*
22 *such indicators, in accordance with subsection (h).*

23 *(f) CONSOLIDATION OF FUNDS.—Each entity receiving*
24 *assistance under subsection (c) may consolidate such assist-*
25 *ance with assistance received from related programs in ac-*

1 *cordance with the provisions of the Indian Employment,*
2 *Training and Related Services Demonstration Act of 1992*
3 *(25 U.S.C. 3401 et seq.).*

4 (g) *NONDUPLICATIVE AND NONEXCLUSIVE SERV-*
5 *ICES.—Nothing in this section shall be construed—*

6 (1) *to limit the eligibility of any entity described*
7 *in subsection (c) to participate in any activity offered*
8 *by a State or local entity under this Act; or*

9 (2) *to preclude or discourage any agreement, be-*
10 *tween any entity described in subsection (c) and any*
11 *State or local entity, to facilitate the provision of*
12 *services by such entity or to the population served by*
13 *such entity.*

14 (h) *PERFORMANCE ACCOUNTABILITY MEASURES.—*

15 (1) *ADDITIONAL PERFORMANCE INDICATORS AND*
16 *STANDARDS.—*

17 (A) *DEVELOPMENT OF INDICATORS AND*
18 *STANDARDS.—The Secretary, in consultation*
19 *with the Native American Employment and*
20 *Training Council, shall develop a set of perform-*
21 *ance indicators and standards that is in addi-*
22 *tion to the primary indicators of performance*
23 *described in section 116(b)(2)(A) and that shall*
24 *be applicable to programs under this section.*

1 (B) *SPECIAL CONSIDERATIONS.*—*Such per-*
2 *formance indicators and standards shall take*
3 *into account—*

4 (i) *the purpose of this section as de-*
5 *scribed in subsection (a)(1);*

6 (ii) *the needs of the groups served by*
7 *this section, including the differences in*
8 *needs among such groups in various geo-*
9 *graphic service areas; and*

10 (iii) *the economic circumstances of the*
11 *communities served, including differences in*
12 *circumstances among various geographic*
13 *service areas.*

14 (2) *AGREEMENT ON ADJUSTED LEVELS OF PER-*
15 *FORMANCE.*—*The Secretary and the entity described*
16 *in subsection (c) shall reach agreement on the levels*
17 *of performance for each of the primary indicators of*
18 *performance described in section 116(b)(2)(A), taking*
19 *into account economic conditions, characteristics of*
20 *the individuals served, and other appropriate factors*
21 *and using, to the extent practicable, the statistical ad-*
22 *justment model under section 116(b)(3)(A)(viii). The*
23 *levels agreed to shall be the adjusted levels of perform-*
24 *ance and shall be incorporated in the program plan.*

25 (i) *ADMINISTRATIVE PROVISIONS.*—

1 (1) *ORGANIZATIONAL UNIT ESTABLISHED.*—*The*
2 *Secretary shall designate a single organizational unit*
3 *within the Department of Labor that shall have pri-*
4 *mary responsibility for the administration of the ac-*
5 *tivities authorized under this section.*

6 (2) *REGULATIONS.*—*The Secretary shall consult*
7 *with the entities described in subsection (c) in—*

8 (A) *establishing regulations to carry out*
9 *this section, including regulations relating to the*
10 *performance accountability measures for entities*
11 *receiving assistance under this section; and*

12 (B) *developing a funding distribution plan*
13 *that takes into consideration previous levels of*
14 *funding (prior to the date of enactment of this*
15 *Act) to such entities.*

16 (3) *WAIVERS.*—

17 (A) *IN GENERAL.*—*With respect to an entity*
18 *described in subsection (c), the Secretary, not-*
19 *withstanding any other provision of law, may,*
20 *pursuant to a request submitted by such entity*
21 *that meets the requirements established under*
22 *subparagraph (B), waive any of the statutory or*
23 *regulatory requirements of this title that are in-*
24 *consistent with the specific needs of the entity de-*
25 *scribed in such subsection, except that the Sec-*

1 *retary may not waive requirements relating to*
2 *wage and labor standards, worker rights, partici-*
3 *ipation and protection of workers and partici-*
4 *pants, grievance procedures, and judicial review.*

5 *(B) REQUEST AND APPROVAL.—An entity*
6 *described in subsection (c) that requests a waiver*
7 *under subparagraph (A) shall submit a plan to*
8 *the Secretary to improve the program of work-*
9 *force investment activities carried out by the en-*
10 *tity, which plan shall meet the requirements es-*
11 *tablished by the Secretary and shall be generally*
12 *consistent with the requirements of section*
13 *189(i)(3)(B).*

14 *(4) ADVISORY COUNCIL.—*

15 *(A) IN GENERAL.—Using funds made avail-*
16 *able to carry out this section, the Secretary shall*
17 *establish a Native American Employment and*
18 *Training Council to facilitate the consultation*
19 *described in paragraph (2) and to provide the*
20 *advice described in subparagraph (C).*

21 *(B) COMPOSITION.—The Council shall be*
22 *composed of individuals, appointed by the Sec-*
23 *retary, who are representatives of the entities de-*
24 *scribed in subsection (c).*

1 (C) *DUTIES.*—*The Council shall advise the*
2 *Secretary on the operation and administration*
3 *of the programs assisted under this section, in-*
4 *cluding the selection of the individual appointed*
5 *as head of the unit established under paragraph*
6 *(1).*

7 (D) *PERSONNEL MATTERS.*—

8 (i) *COMPENSATION OF MEMBERS.*—
9 *Members of the Council shall serve without*
10 *compensation.*

11 (ii) *TRAVEL EXPENSES.*—*The members*
12 *of the Council shall be allowed travel ex-*
13 *penditures, including per diem in lieu of sub-*
14 *sistence, at rates authorized for employees of*
15 *agencies under subchapter I of chapter 57 of*
16 *title 5, United States Code, while away*
17 *from their homes or regular places of busi-*
18 *ness in the performance of services for the*
19 *Council.*

20 (iii) *ADMINISTRATIVE SUPPORT.*—*The*
21 *Secretary shall provide the Council with*
22 *such administrative support as may be nec-*
23 *essary to perform the functions of the Coun-*
24 *cil.*

1 (E) *CHAIRPERSON.*—*The Council shall se-*
2 *lect a chairperson from among its members.*

3 (F) *MEETINGS.*—*The Council shall meet not*
4 *less than twice each year.*

5 (G) *APPLICATION.*—*Section 14 of the Fed-*
6 *eral Advisory Committee Act (5 U.S.C. App.)*
7 *shall not apply to the Council.*

8 (5) *TECHNICAL ASSISTANCE.*—*The Secretary,*
9 *acting through the unit established under paragraph*
10 *(1), is authorized to provide technical assistance to*
11 *entities described in subsection (c) that receive assist-*
12 *ance under such subsection to enable such entities to*
13 *improve the activities authorized under this section*
14 *that are provided by such entities.*

15 (6) *AGREEMENT FOR CERTAIN FEDERALLY REC-*
16 *OGNIZED INDIAN TRIBES TO TRANSFER FUNDS TO*
17 *THE PROGRAM.*—*A federally recognized Indian tribe*
18 *that administers funds provided under this section*
19 *and funds provided by more than one State under*
20 *other sections of this title may enter into an agree-*
21 *ment with the Secretary and the Governors of the af-*
22 *ected States to transfer the funds provided by the*
23 *States to the program administered by the tribe under*
24 *this section.*

1 (j) *COMPLIANCE WITH SINGLE AUDIT REQUIRE-*
2 *MENTS; RELATED REQUIREMENT.*—Grants made and con-
3 tracts and cooperative agreements entered into under this
4 section shall be subject to the requirements of chapter 75
5 of subtitle V of title 31, United States Code, and charging
6 of costs under this section shall be subject to appropriate
7 circulars issued by the Office of Management and Budget.

8 (k) *ASSISTANCE TO UNIQUE POPULATIONS IN ALASKA*
9 *AND HAWAII.*—

10 (1) *IN GENERAL.*—Notwithstanding any other
11 provision of law, the Secretary is authorized to award
12 grants, on a competitive basis, to entities with dem-
13 onstrated experience and expertise in developing and
14 implementing programs for the unique populations
15 who reside in Alaska or Hawaii, including public
16 and private nonprofit organizations, tribal organiza-
17 tions, American Indian tribal colleges or universities,
18 institutions of higher education, or consortia of such
19 organizations or institutions, to improve job training
20 and workforce investment activities for such unique
21 populations.

22 (2) *AUTHORIZATION OF APPROPRIATIONS.*—
23 There are authorized to be appropriated to carry out
24 this subsection—

25 (A) \$461,000 for fiscal year 2015;

- 1 (B) \$497,000 for fiscal year 2016;
2 (C) \$507,000 for fiscal year 2017;
3 (D) \$518,000 for fiscal year 2018;
4 (E) \$530,000 for fiscal year 2019; and
5 (F) \$542,000 for fiscal year 2020.

6 **SEC. 167. MIGRANT AND SEASONAL FARMWORKER PRO-**
7 **GRAMS.**

8 (a) *IN GENERAL.*—Every 4 years, the Secretary shall,
9 on a competitive basis, make grants to, or enter into con-
10 tracts with, eligible entities to carry out the activities de-
11 scribed in subsection (d).

12 (b) *ELIGIBLE ENTITIES.*—To be eligible to receive a
13 grant or enter into a contract under this section, an entity
14 shall have an understanding of the problems of eligible mi-
15 grant and seasonal farmworkers (including dependents), a
16 familiarity with the area to be served, and the ability to
17 demonstrate a capacity to administer and deliver effectively
18 a diversified program of workforce investment activities
19 (including youth workforce investment activities) and re-
20 lated assistance for eligible migrant and seasonal farm-
21 workers.

22 (c) *PROGRAM PLAN.*—

23 (1) *IN GENERAL.*—To be eligible to receive a
24 grant or enter into a contract under this section, an
25 entity described in subsection (b) shall submit to the

1 *Secretary a plan that describes a 4-year strategy for*
2 *meeting the needs of eligible migrant and seasonal*
3 *farmworkers in the area to be served by such entity.*

4 (2) *CONTENTS.—Such plan shall—*

5 (A) *describe the population to be served and*
6 *identify the education and employment needs of*
7 *the population to be served and the manner in*
8 *which the services to be provided will strengthen*
9 *the ability of the eligible migrant and seasonal*
10 *farmworkers and dependents to obtain or retain*
11 *unsubsidized employment, or stabilize their un-*
12 *subsidized employment, including upgraded em-*
13 *ployment in agriculture;*

14 (B) *describe the related assistance and sup-*
15 *portive services to be provided and the manner*
16 *in which such assistance and services are to be*
17 *integrated and coordinated with other appro-*
18 *priate services;*

19 (C) *describe the performance accountability*
20 *measures to be used to assess the performance of*
21 *such entity in carrying out the activities assisted*
22 *under this section, which shall include the ex-*
23 *pected levels of performance for the primary in-*
24 *dicators of performance described in section*
25 *116(b)(2)(A);*

1 (D) describe the availability and accessi-
2 bility of local resources, such as supportive serv-
3 ices, services provided through one-stop delivery
4 systems, and education and training services,
5 and how the resources can be made available to
6 the population to be served; and

7 (E) describe the plan for providing services
8 under this section, including strategies and sys-
9 tems for outreach, career planning, assessment,
10 and delivery through one-stop delivery systems.

11 (3) *AGREEMENT ON ADJUSTED LEVELS OF PER-*
12 *FORMANCE.—The Secretary and the entity described*
13 *in subsection (b) shall reach agreement on the levels*
14 *of performance for each of the primary indicators of*
15 *performance described in section 116(b)(2)(A), taking*
16 *into account economic conditions, characteristics of*
17 *the individuals served, and other appropriate factors,*
18 *and using, to the extent practicable, the statistical ad-*
19 *justment model under section 116(b)(3)(A)(viii). The*
20 *levels agreed to shall be the adjusted levels of perform-*
21 *ance and shall be incorporated in the program plan.*

22 (4) *ADMINISTRATION.—Grants and contracts*
23 *awarded under this section shall be centrally admin-*
24 *istered by the Department of Labor and competitively*
25 *awarded by the Secretary using procedures consistent*

1 *with standard Federal Government competitive pro-*
2 *curement policies.*

3 *(d) AUTHORIZED ACTIVITIES.—Funds made available*
4 *under this section and section 127(a)(1) shall be used to*
5 *carry out workforce investment activities (including youth*
6 *workforce investment activities) and provide related assist-*
7 *ance for eligible migrant and seasonal farmworkers, which*
8 *may include—*

9 *(1) outreach, employment, training, educational*
10 *assistance, literacy assistance, English language and*
11 *literacy instruction, pesticide and worker safety*
12 *training, housing (including permanent housing),*
13 *supportive services, and school dropout prevention*
14 *and recovery activities;*

15 *(2) followup services for those individuals placed*
16 *in employment;*

17 *(3) self-employment and related business or*
18 *micro-enterprise development or education as needed*
19 *by eligible individuals as identified pursuant to the*
20 *plan required by subsection (c);*

21 *(4) customized career and technical education in*
22 *occupations that will lead to higher wages, enhanced*
23 *benefits, and long-term employment in agriculture or*
24 *another area; and*

1 (5) *technical assistance to improve coordination*
2 *of services and implement best practices relating to*
3 *service delivery through one-stop delivery systems.*

4 (e) *CONSULTATION WITH GOVERNORS AND LOCAL*
5 *BOARDS.—In making grants and entering into contracts*
6 *under this section, the Secretary shall consult with the Gov-*
7 *ernors and local boards of the States in which the eligible*
8 *entities will carry out the activities described in subsection*
9 *(d).*

10 (f) *REGULATIONS.—The Secretary shall consult with*
11 *eligible migrant and seasonal farmworkers groups and*
12 *States in establishing regulations to carry out this section,*
13 *including regulations relating to how economic and demo-*
14 *graphic barriers to employment of eligible migrant and sea-*
15 *sonal farmworkers should be considered and included in the*
16 *negotiations leading to the adjusted levels of performance*
17 *described in subsection (c)(3).*

18 (g) *COMPLIANCE WITH SINGLE AUDIT REQUIRE-*
19 *MENTS; RELATED REQUIREMENT.—Grants made and con-*
20 *tracts entered into under this section shall be subject to the*
21 *requirements of chapter 75 of subtitle V of title 31, United*
22 *States Code and charging of costs under this section shall*
23 *be subject to appropriate circulars issued by the Office of*
24 *Management and Budget.*

1 (h) *FUNDING ALLOCATION.*—From the funds appro-
2 priated and made available to carry out this section, the
3 Secretary shall reserve not more than 1 percent for discre-
4 tionary purposes, such as providing technical assistance to
5 eligible entities.

6 (i) *DEFINITIONS.*—In this section:

7 (1) *ELIGIBLE MIGRANT AND SEASONAL FARM-*
8 *WORKERS.*—The term “eligible migrant and seasonal
9 farmworkers” means individuals who are eligible mi-
10 grant farmworkers or are eligible seasonal farm-
11 workers.

12 (2) *ELIGIBLE MIGRANT FARMWORKER.*—The
13 term “eligible migrant farmworker” means—

14 (A) an eligible seasonal farmworker de-
15 scribed in paragraph (3)(A) whose agricultural
16 labor requires travel to a job site such that the
17 farmworker is unable to return to a permanent
18 place of residence within the same day; and

19 (B) a dependent of the farmworker described
20 in subparagraph (A).

21 (3) *ELIGIBLE SEASONAL FARMWORKER.*—The
22 term “eligible seasonal farmworker” means—

23 (A) a low-income individual who—

24 (i) for 12 consecutive months out of the
25 24 months prior to application for the pro-

1 *gram involved, has been primarily em-*
2 *ployed in agricultural or fish farming labor*
3 *that is characterized by chronic unemploy-*
4 *ment or underemployment; and*

5 *(ii) faces multiple barriers to economic*
6 *self-sufficiency; and*

7 *(B) a dependent of the person described in*
8 *subparagraph (A).*

9 **SEC. 168. TECHNICAL ASSISTANCE.**

10 *(a) GENERAL TECHNICAL ASSISTANCE.—*

11 *(1) IN GENERAL.—The Secretary shall ensure*
12 *that the Department has sufficient capacity to, and*
13 *does, provide, coordinate, and support the develop-*
14 *ment of, appropriate training, technical assistance,*
15 *staff development, and other activities, including—*

16 *(A) assistance in replicating programs of*
17 *demonstrated effectiveness, to States and local-*
18 *ities;*

19 *(B) the training of staff providing rapid re-*
20 *sponse services;*

21 *(C) the training of other staff of recipients*
22 *of funds under this title, including the staff of*
23 *local boards and State boards;*

24 *(D) the training of members of State boards*
25 *and local boards;*

1 (E) assistance in the development and im-
2 plementation of integrated, technology-enabled
3 intake and case management information sys-
4 tems for programs carried out under this Act
5 and programs carried out by one-stop partners,
6 such as standard sets of technical requirements
7 for the systems, offering interfaces that States
8 could use in conjunction with their current (as
9 of the first date of implementation of the sys-
10 tems) intake and case management information
11 systems that would facilitate shared registration
12 across programs;

13 (F) assistance regarding accounting and
14 program operations to States and localities
15 (when such assistance would not supplant assist-
16 ance provided by the State);

17 (G) peer review activities under this title;
18 and

19 (H) in particular, assistance to States in
20 making transitions to implement the provisions
21 of this Act.

22 (2) *FORM OF ASSISTANCE.*—

23 (A) *IN GENERAL.*—In order to carry out
24 paragraph (1) on behalf of a State or recipient
25 of financial assistance under section 166 or 167,

1 *the Secretary, after consultation with the State*
2 *or grant recipient, may award grants or enter*
3 *into contracts or cooperative agreements.*

4 (B) *LIMITATION.*—*Grants or contracts*
5 *awarded under paragraph (1) to entities other*
6 *than States or local units of government that are*
7 *for amounts in excess of \$100,000 shall only be*
8 *awarded on a competitive basis.*

9 (b) *DISLOCATED WORKER TECHNICAL ASSISTANCE.*—

10 (1) *AUTHORITY.*—*Of the amounts available pur-*
11 *suant to section 132(a)(2)(A), the Secretary shall re-*
12 *serve not more than 5 percent of such amounts to pro-*
13 *vide technical assistance to States that do not meet*
14 *the State performance accountability measures for the*
15 *primary indicators of performance described in sec-*
16 *tion 116(b)(2)(A)(i) with respect to employment and*
17 *training activities for dislocated workers. Using such*
18 *reserved funds, the Secretary may provide such assist-*
19 *ance to other States, local areas, and other entities in-*
20 *involved in providing assistance to dislocated workers,*
21 *to promote the continuous improvement of assistance*
22 *provided to dislocated workers, under this title.*

23 (2) *TRAINING.*—*Amounts reserved under this*
24 *subsection may be used to provide for the training of*
25 *staff, including specialists, who provide rapid re-*

1 *sponse services. Such training shall include instruc-*
2 *tion in proven methods of promoting, establishing,*
3 *and assisting labor-management committees. Such*
4 *projects shall be administered through the Employ-*
5 *ment and Training Administration of the Depart-*
6 *ment.*

7 *(c) PROMISING AND PROVEN PRACTICES COORDINA-*
8 *TION.—The Secretary shall—*

9 *(1) establish a system through which States may*
10 *share information regarding promising and proven*
11 *practices with regard to the operation of workforce in-*
12 *vestment activities under this Act;*

13 *(2) evaluate and disseminate information re-*
14 *garding such promising and proven practices and*
15 *identify knowledge gaps; and*

16 *(3) commission research under section 169(b) to*
17 *address knowledge gaps identified under paragraph*
18 *(2).*

19 **SEC. 169. EVALUATIONS AND RESEARCH.**

20 *(a) EVALUATIONS.—*

21 *(1) EVALUATIONS OF PROGRAMS AND ACTIVITIES*
22 *CARRIED OUT UNDER THIS TITLE.—*

23 *(A) IN GENERAL.—For the purpose of im-*
24 *proving the management and effectiveness of pro-*
25 *grams and activities carried out under this title,*

1 *the Secretary, through grants, contracts, or coop-*
2 *erative agreements, shall provide for the con-*
3 *tinuing evaluation of the programs and activi-*
4 *ties under this title, including those programs*
5 *and activities carried out under this section.*

6 (B) *PERIODIC INDEPENDENT EVALUA-*
7 *TION.—The evaluations carried out under this*
8 *paragraph shall include an independent evalua-*
9 *tion, at least once every 4 years, of the programs*
10 *and activities carried out under this title.*

11 (2) *EVALUATION SUBJECTS.—Each evaluation*
12 *carried out under paragraph (1) shall address—*

13 (A) *the general effectiveness of such pro-*
14 *grams and activities in relation to their cost, in-*
15 *cluding the extent to which the programs and ac-*
16 *tivities—*

17 (i) *improve the employment com-*
18 *petencies of participants in comparison to*
19 *comparably-situated individuals who did*
20 *not participate in such programs and ac-*
21 *tivities; and*

22 (ii) *to the extent feasible, increase the*
23 *level of total employment over the level that*
24 *would have existed in the absence of such*
25 *programs and activities;*

1 (B) the effectiveness of the performance ac-
2 countability measures relating to such programs
3 and activities;

4 (C) the effectiveness of the structure and
5 mechanisms for delivery of services through such
6 programs and activities, including the coordina-
7 tion and integration of services through such
8 programs and activities;

9 (D) the impact of such programs and ac-
10 tivities on the community, businesses, and par-
11 ticipants involved;

12 (E) the impact of such programs and ac-
13 tivities on related programs and activities;

14 (F) the extent to which such programs and
15 activities meet the needs of various demographic
16 groups; and

17 (G) such other factors as may be appro-
18 priate.

19 (3) *EVALUATIONS OF OTHER PROGRAMS AND AC-*
20 *TIVITIES.*—The Secretary may conduct evaluations of
21 other federally funded employment-related programs
22 and activities under other provisions of law.

23 (4) *TECHNIQUES.*—Evaluations conducted under
24 this subsection shall utilize appropriate and rigorous
25 methodology and research designs, including the use

1 of control groups chosen by scientific random assign-
2 ment methodologies. The Secretary shall conduct at
3 least 1 multisite control group evaluation under this
4 subsection by the end of fiscal year 2019, and there-
5 after shall ensure that such an analysis is included in
6 the independent evaluation described in paragraph
7 (1)(B) that is conducted at least once every 4 years.

8 (5) *REPORTS.*—The entity carrying out an eval-
9 uation described in paragraph (1) or (2) shall pre-
10 pare and submit to the Secretary a draft report and
11 a final report containing the results of the evaluation.

12 (6) *REPORTS TO CONGRESS.*—Not later than 30
13 days after the completion of a draft report under
14 paragraph (5), the Secretary shall transmit the draft
15 report to the Committee on Education and the Work-
16 force of the House of Representatives and the Com-
17 mittee on Health, Education, Labor and Pensions of
18 the Senate. Not later than 60 days after the comple-
19 tion of a final report under such paragraph, the Sec-
20 retary shall transmit the final report to such commit-
21 tees.

22 (7) *PUBLIC AVAILABILITY.*—Not later than 30
23 days after the date the Secretary transmits the final
24 report as described in paragraph (6), the Secretary
25 shall make that final report available to the general

1 *public on the Internet, on the Web site of the Depart-*
2 *ment of Labor.*

3 (8) *PUBLICATION OF REPORTS.*—*If an entity*
4 *that enters into a contract or other arrangement with*
5 *the Secretary to conduct an evaluation of a program*
6 *or activity under this subsection requests permission*
7 *from the Secretary to publish a report resulting from*
8 *the evaluation, such entity may publish the report un-*
9 *less the Secretary denies the request during the 90-day*
10 *period beginning on the date the Secretary receives*
11 *such request.*

12 (9) *COORDINATION.*—*The Secretary shall ensure*
13 *the coordination of evaluations carried out by States*
14 *pursuant to section 116(e) with the evaluations car-*
15 *ried out under this subsection.*

16 (b) *RESEARCH, STUDIES, AND MULTISTATE*
17 *PROJECTS.*—

18 (1) *IN GENERAL.*—*After consultation with*
19 *States, localities, and other interested parties, the Sec-*
20 *retary shall, every 2 years, publish in the Federal*
21 *Register, a plan that describes the research, studies,*
22 *and multistate project priorities of the Department of*
23 *Labor concerning employment and training for the 5-*
24 *year period following the submission of the plan. The*
25 *plan shall be consistent with the purposes of this title,*

1 *including the purpose of aligning and coordinating*
2 *core programs with other one-stop partner programs.*
3 *Copies of the plan shall be transmitted to the Com-*
4 *mittee on Education and the Workforce of the House*
5 *of Representatives, the Committee on Health, Edu-*
6 *cation, Labor, and Pensions of the Senate, the De-*
7 *partment of Education, and other relevant Federal*
8 *agencies.*

9 (2) *FACTORS.—The plan published under para-*
10 *graph (1) shall contain strategies to address national*
11 *employment and training problems and take into ac-*
12 *count factors such as—*

13 (A) *the availability of existing research (as*
14 *of the date of the publication);*

15 (B) *the need to ensure results that have*
16 *interstate validity;*

17 (C) *the benefits of economies of scale and the*
18 *efficiency of proposed projects; and*

19 (D) *the likelihood that the results of the*
20 *projects will be useful to policymakers and stake-*
21 *holders in addressing employment and training*
22 *problems.*

23 (3) *RESEARCH PROJECTS.—The Secretary shall,*
24 *through grants or contracts, carry out research*
25 *projects that will contribute to the solution of employ-*

1 *ment and training problems in the United States and*
2 *that are consistent with the priorities specified in the*
3 *plan published under paragraph (1).*

4 (4) *STUDIES AND REPORTS.—*

5 (A) *NET IMPACT STUDIES AND REPORTS.—*

6 *The Secretary of Labor, in coordination with the*
7 *Secretary of Education and other relevant Fed-*
8 *eral agencies, may conduct studies to determine*
9 *the net impact and best practices of programs,*
10 *services, and activities carried out under this*
11 *Act.*

12 (B) *STUDY ON RESOURCES AVAILABLE TO*

13 *ASSIST DISCONNECTED YOUTH.—The Secretary*
14 *of Labor, in coordination with the Secretary of*
15 *Education, may conduct a study examining the*
16 *characteristics of eligible youth that result in*
17 *such youth being significantly disconnected from*
18 *education and workforce participation, the ways*
19 *in which such youth could have greater opportu-*
20 *nities for education attainment and obtaining*
21 *employment, and the resources available to assist*
22 *such youth in obtaining the skills, credentials,*
23 *and work experience necessary to become eco-*
24 *nomically self-sufficient.*

1 (C) *STUDY OF EFFECTIVENESS OF WORK-*
2 *FORCE DEVELOPMENT SYSTEM IN MEETING BUSI-*
3 *NESS NEEDS.*—Using funds available to carry
4 out this subsection jointly with funds available
5 to the Secretary of Commerce, the Administrator
6 of the Small Business Administration, and the
7 Secretary of Education, the Secretary of Labor,
8 in coordination with the Secretary of Commerce,
9 the Administrator of the Small Business Admin-
10 istration, and the Secretary of Education, may
11 conduct a study of the effectiveness of the work-
12 force development system in meeting the needs of
13 business, such as through the use of industry or
14 sector partnerships, with particular attention to
15 the needs of small business, including in assist-
16 ing workers to obtain the skills needed to utilize
17 emerging technologies.

18 (D) *STUDY ON PARTICIPANTS ENTERING*
19 *NONTRADITIONAL OCCUPATIONS.*—The Secretary
20 of Labor, in coordination with the Secretary of
21 Education, may conduct a study examining the
22 number and percentage of individuals who re-
23 ceive employment and training activities and
24 who enter nontraditional occupations, successful
25 strategies to place and support the retention of

1 *individuals in nontraditional employment (such*
2 *as by providing post-placement assistance to*
3 *participants in the form of exit interviews, men-*
4 *toring, networking, and leadership development),*
5 *and the degree to which recipients of employment*
6 *and training activities are informed of the possi-*
7 *bility of, or directed to begin, training or edu-*
8 *cation needed for entrance into nontraditional*
9 *occupations.*

10 *(E) STUDY ON PERFORMANCE INDICA-*
11 *TORS.—The Secretary of Labor, in coordination*
12 *with the Secretary of Education, may conduct*
13 *studies to determine the feasibility of, and poten-*
14 *tial means to replicate, measuring the compensa-*
15 *tion, including the wages, benefits, and other in-*
16 *centives provided by an employer, received by*
17 *program participants by using data other than*
18 *or in addition to data available through wage*
19 *records, for potential use as a performance indi-*
20 *cator.*

21 *(F) STUDY ON JOB TRAINING FOR RECIPI-*
22 *ENTS OF PUBLIC HOUSING ASSISTANCE.—The*
23 *Secretary of Labor, in coordination with the Sec-*
24 *retary of Housing and Urban Development, may*
25 *conduct studies to assist public housing authori-*

1 *ties to provide, to recipients of public housing as-*
2 *stance, job training programs that successfully*
3 *upgrade job skills and employment in, and ac-*
4 *cess to, jobs with opportunity for advancement*
5 *and economic self-sufficiency for such recipients.*

6 (G) *STUDY ON IMPROVING EMPLOYMENT*
7 *PROSPECTS FOR OLDER INDIVIDUALS.—The Sec-*
8 *retary of Labor, in coordination with the Sec-*
9 *retary of Education and the Secretary of Health*
10 *and Human Services, may conduct studies that*
11 *lead to better design and implementation of, in*
12 *conjunction with employers, local boards or State*
13 *boards, community colleges or area career and*
14 *technical education schools, and other organiza-*
15 *tions, effective evidence-based strategies to pro-*
16 *vide services to workers who are low-income, low-*
17 *skilled older individuals that increase the work-*
18 *ers' skills and employment prospects.*

19 (H) *STUDY ON PRIOR LEARNING.—The Sec-*
20 *retary of Labor, in coordination with other*
21 *heads of Federal agencies, as appropriate, may*
22 *conduct studies that, through convening stake-*
23 *holders from the fields of education, workforce,*
24 *business, labor, defense, and veterans services,*
25 *and experts in such fields, develop guidelines for*

1 *assessing, accounting for, and utilizing the prior*
2 *learning of individuals, including dislocated*
3 *workers and veterans, in order to provide the in-*
4 *dividuals with postsecondary educational credit*
5 *for such prior learning that leads to the attain-*
6 *ment of a recognized postsecondary credential*
7 *identified under section 122(d) and employment.*

8 *(I) STUDY ON CAREER PATHWAYS FOR*
9 *HEALTH CARE PROVIDERS AND PROVIDERS OF*
10 *EARLY EDUCATION AND CHILD CARE.—The Sec-*
11 *retary of Labor, in coordination with the Sec-*
12 *retary of Education and the Secretary of Health*
13 *and Human Services, shall conduct a multistate*
14 *study to develop, implement, and build upon ca-*
15 *reer advancement models and practices for low-*
16 *wage health care providers or providers of early*
17 *education and child care, including faculty edu-*
18 *cation and distance education programs.*

19 *(J) STUDY ON EQUIVALENT PAY.—The Sec-*
20 *retary shall conduct a multistate study to de-*
21 *velop and disseminate strategies for ensuring*
22 *that programs and activities carried out under*
23 *this Act are placing individuals in jobs, edu-*
24 *cation, and training that lead to equivalent pay*
25 *for men and women, including strategies to in-*

1 crease the participation of women in high-wage,
2 high-demand occupations in which women are
3 underrepresented.

4 (K) *REPORTS.*—The Secretary shall prepare
5 and disseminate to the Committee on Health,
6 Education, Labor, and Pensions of the Senate
7 and the Committee on Education and the Work-
8 force of the House of Representatives, and to the
9 public, including through electronic means, re-
10 ports containing the results of the studies con-
11 ducted under this paragraph.

12 (5) *MULTISTATE PROJECTS.*—

13 (A) *AUTHORITY.*—The Secretary may,
14 through grants or contracts, carry out multistate
15 projects that require demonstrated expertise that
16 is available at the national level to effectively
17 disseminate best practices and models for imple-
18 menting employment and training services, ad-
19 dress the specialized employment and training
20 needs of particular service populations, or ad-
21 dress industry-wide skill shortages, to the extent
22 such projects are consistent with the priorities
23 specified in the plan published under paragraph
24 (1).

1 (B) *DESIGN OF GRANTS.*—*Agreements for*
2 *grants or contracts awarded under this para-*
3 *graph shall be designed to obtain information re-*
4 *lating to the provision of services under different*
5 *economic conditions or to various demographic*
6 *groups in order to provide guidance at the na-*
7 *tional and State levels about how best to admin-*
8 *ister specific employment and training services.*

9 (6) *LIMITATIONS.*—

10 (A) *COMPETITIVE AWARDS.*—*A grant or*
11 *contract awarded for carrying out a project*
12 *under this subsection in an amount that exceeds*
13 *\$100,000 shall be awarded only on a competitive*
14 *basis, except that a noncompetitive award may*
15 *be made in the case of a project that is funded*
16 *jointly with other public or private sector enti-*
17 *ties that provide a substantial portion of assist-*
18 *ance under the grant or contract for the project.*

19 (B) *TIME LIMITS.*—*A grant or contract*
20 *shall not be awarded under this subsection to the*
21 *same organization for more than 3 consecutive*
22 *years unless such grant or contract is competi-*
23 *tively reevaluated within such period.*

24 (C) *PEER REVIEW.*—

1 (i) *IN GENERAL.*—*The Secretary shall*
2 *utilize a peer review process—*

3 (I) *to review and evaluate all ap-*
4 *plications for grants in amounts that*
5 *exceed \$500,000 that are submitted*
6 *under this section; and*

7 (II) *to review and designate exem-*
8 *plary and promising programs under*
9 *this section.*

10 (ii) *AVAILABILITY OF FUNDS.*—*The*
11 *Secretary is authorized to use funds pro-*
12 *vided under this section to carry out peer*
13 *review activities under this subparagraph.*

14 (D) *PRIORITY.*—*In awarding grants or con-*
15 *tracts under this subsection, priority shall be*
16 *provided to entities with recognized expertise in*
17 *the methods, techniques, and knowledge of work-*
18 *force investment activities. The Secretary shall*
19 *establish appropriate time limits for the dura-*
20 *tion of such projects.*

21 (c) *DISLOCATED WORKER PROJECTS.*—*Of the amount*
22 *made available pursuant to section 132(a)(2)(A) for any*
23 *program year, the Secretary shall use not more than 10*
24 *percent of such amount to carry out demonstration and*
25 *pilot projects, multiservice projects, and multistate projects*

1 *relating to the employment and training needs of dislocated*
2 *workers. Of the requirements of this section, such projects*
3 *shall be subject only to the provisions relating to review and*
4 *evaluation of applications under subsection (b)(6)(C). Such*
5 *projects may include demonstration and pilot projects relat-*
6 *ing to promoting self-employment, promoting job creation,*
7 *averting dislocations, assisting dislocated farmers, assisting*
8 *dislocated fishermen, and promoting public works. Such*
9 *projects shall be administered by the Secretary, acting*
10 *through the Assistant Secretary for Employment and*
11 *Training.*

12 **SEC. 170. NATIONAL DISLOCATED WORKER GRANTS.**

13 (a) *DEFINITIONS.—In this section:*

14 (1) *EMERGENCY OR DISASTER.—The term*
15 *“emergency or disaster” means—*

16 (A) *an emergency or a major disaster, as*
17 *defined in paragraphs (1) and (2), respectively,*
18 *of section 102 of the Robert T. Stafford Disaster*
19 *Relief and Emergency Assistance Act (42 U.S.C.*
20 *5122 (1) and (2)); or*

21 (B) *an emergency or disaster situation of*
22 *national significance that could result in a po-*
23 *tentially large loss of employment, as declared or*
24 *otherwise recognized by the chief official of a*
25 *Federal agency with authority for or jurisdiction*

1 *over the Federal response to the emergency or*
2 *disaster situation.*

3 (2) *DISASTER AREA.*—*The term “disaster area”*
4 *means an area that has suffered or in which has oc-*
5 *curred an emergency or disaster.*

6 (b) *IN GENERAL.*—

7 (1) *GRANTS.*—*The Secretary is authorized to*
8 *award national dislocated worker grants—*

9 (A) *to an entity described in subsection*
10 *(c)(1)(B) to provide employment and training*
11 *assistance to workers affected by major economic*
12 *dislocations, such as plant closures, mass layoffs,*
13 *or closures and realignments of military instal-*
14 *lations;*

15 (B) *to provide assistance to—*

16 (i) *the Governor of any State within*
17 *the boundaries of which is a disaster area,*
18 *to provide disaster relief employment in the*
19 *disaster area; or*

20 (ii) *the Governor of any State to which*
21 *a substantial number of workers from an*
22 *area in which an emergency or disaster has*
23 *been declared or otherwise recognized have*
24 *relocated;*

1 (C) to provide additional assistance to a
2 State board or local board for eligible dislocated
3 workers in a case in which the State board or
4 local board has expended the funds provided
5 under this section to carry out activities de-
6 scribed in subparagraphs (A) and (B) and can
7 demonstrate the need for additional funds to pro-
8 vide appropriate services for such workers, in ac-
9 cordance with requirements prescribed by the
10 Secretary; and

11 (D) to provide additional assistance to a
12 State board or local board serving an area
13 where—

14 (i) a higher-than-average demand for
15 employment and training activities for dis-
16 located members of the Armed Forces,
17 spouses described in section 3(15)(E), or
18 members of the Armed Forces described in
19 subsection (c)(2)(A)(iv), exceeds State and
20 local resources for providing such activities;
21 and

22 (ii) such activities are to be carried out
23 in partnership with the Department of De-
24 fense and Department of Veterans Affairs
25 transition assistance programs.

1 (2) *DECISIONS AND OBLIGATIONS.*—*The Sec-*
2 *retary shall issue a final decision on an application*
3 *for a national dislocated worker grant under this sub-*
4 *section not later than 45 calendar days after receipt*
5 *of the application. The Secretary shall issue a notice*
6 *of obligation for such grant not later than 10 days*
7 *after the award of such grant.*

8 (c) *EMPLOYMENT AND TRAINING ASSISTANCE RE-*
9 *QUIREMENTS.*—

10 (1) *GRANT RECIPIENT ELIGIBILITY.*—

11 (A) *APPLICATION.*—*To be eligible to receive*
12 *a grant under subsection (b)(1)(A), an entity*
13 *shall submit an application to the Secretary at*
14 *such time, in such manner, and containing such*
15 *information as the Secretary may require.*

16 (B) *ELIGIBLE ENTITY.*—*In this paragraph,*
17 *the term “entity” means a State, a local board,*
18 *an entity described in section 166(c), an entity*
19 *determined to be eligible by the Governor of the*
20 *State involved, and any other entity that dem-*
21 *onstrates to the Secretary the capability to effec-*
22 *tively respond to the circumstances relating to*
23 *particular dislocations.*

24 (2) *PARTICIPANT ELIGIBILITY.*—

1 (A) *IN GENERAL.*—*In order to be eligible to*
2 *receive employment and training assistance*
3 *under a national dislocated worker grant award-*
4 *ed pursuant to subsection (b)(1)(A), an indi-*
5 *vidual shall be—*

6 (i) *a dislocated worker;*

7 (ii) *a civilian employee of the Depart-*
8 *ment of Defense or the Department of En-*
9 *ergy employed at a military installation*
10 *that is being closed, or that will undergo re-*
11 *alignment, within the next 24 months after*
12 *the date of the determination of eligibility;*

13 (iii) *an individual who is employed in*
14 *a nonmanagerial position with a Depart-*
15 *ment of Defense contractor, who is deter-*
16 *mined by the Secretary of Defense to be at*
17 *risk of termination from employment as a*
18 *result of reductions in defense expenditures,*
19 *and whose employer is converting oper-*
20 *ations from defense to nondefense applica-*
21 *tions in order to prevent worker layoffs; or*

22 (iv) *a member of the Armed Forces*
23 *who—*

24 (I) *was on active duty or full-time*
25 *National Guard duty;*

1 (II)(aa) is involuntarily sepa-
2 rated (as defined in section 1141 of
3 title 10, United States Code) from ac-
4 tive duty or full-time National Guard
5 duty; or

6 (bb) is separated from active duty
7 or full-time National Guard duty pur-
8 suant to a special separation benefits
9 program under section 1174a of title
10 10, United States Code, or the vol-
11 untary separation incentive program
12 under section 1175 of that title;

13 (III) is not entitled to retired or
14 retained pay incident to the separation
15 described in subclause (II); and

16 (IV) applies for such employment
17 and training assistance before the end
18 of the 180-day period beginning on the
19 date of that separation.

20 (B) *RETRAINING ASSISTANCE.*—The indi-
21 viduals described in subparagraph (A)(iii) shall
22 be eligible for retraining assistance to upgrade
23 skills by obtaining marketable skills needed to
24 support the conversion described in subpara-
25 graph (A)(iii).

1 (C) *ADDITIONAL REQUIREMENTS.*—*The Sec-*
2 *retary shall establish and publish additional re-*
3 *quirements related to eligibility for employment*
4 *and training assistance under the national dis-*
5 *located worker grants to ensure effective use of*
6 *the funds available for this purpose.*

7 (D) *DEFINITIONS.*—*In this paragraph, the*
8 *terms “military installation” and “realignment”*
9 *have the meanings given the terms in section*
10 *2910 of the Defense Base Closure and Realign-*
11 *ment Act of 1990 (Public Law 101–510; 10*
12 *U.S.C. 2687 note).*

13 (d) *DISASTER RELIEF EMPLOYMENT ASSISTANCE RE-*
14 *QUIREMENTS.*—

15 (1) *IN GENERAL.*—*Funds made available under*
16 *subsection (b)(1)(B)—*

17 (A) *shall be used, in coordination with the*
18 *Administrator of the Federal Emergency Man-*
19 *agement Agency, as applicable, to provide dis-*
20 *aster relief employment on projects that provide*
21 *food, clothing, shelter, and other humanitarian*
22 *assistance for emergency and disaster victims,*
23 *and projects regarding demolition, cleaning, re-*
24 *pair, renovation, and reconstruction of damaged*
25 *and destroyed structures, facilities, and lands lo-*

1 *cated within the disaster area and in offshore*
2 *areas related to the emergency or disaster;*

3 *(B) may be expended through public and*
4 *private agencies and organizations engaged in*
5 *such projects; and*

6 *(C) may be expended to provide employ-*
7 *ment and training activities.*

8 (2) *ELIGIBILITY.*—*An individual shall be eligible*
9 *to be offered disaster relief employment under sub-*
10 *section (b)(1)(B) if such individual—*

11 *(A) is a dislocated worker;*

12 *(B) is a long-term unemployed individual;*

13 *(C) is temporarily or permanently laid off*
14 *as a consequence of the emergency or disaster; or*

15 *(D) in the case of an individual who is self-*
16 *employed, becomes unemployed or significantly*
17 *underemployed as a result of the emergency or*
18 *disaster.*

19 (3) *LIMITATIONS ON DISASTER RELIEF EMPLOY-*
20 *MENT.*—

21 *(A) IN GENERAL.*—*Except as provided in*
22 *subparagraph (B), no individual shall be em-*
23 *ployed under subsection (b)(1)(B) for more than*
24 *12 months for work related to recovery from a*
25 *single emergency or disaster.*

1 (B) *EXTENSION.*—*At the request of a State,*
2 *the Secretary may extend such employment, re-*
3 *lated to recovery from a single emergency or dis-*
4 *aster involving the State, for not more than an*
5 *additional 12 months.*

6 (4) *USE OF AVAILABLE FUNDS.*—*Funds made*
7 *available under subsection (b)(1)(B) shall be available*
8 *to assist workers described in paragraph (2) who are*
9 *affected by an emergency or disaster, including work-*
10 *ers who have relocated from an area in which an*
11 *emergency or disaster has been declared or otherwise*
12 *recognized, as appropriate. Under conditions deter-*
13 *mined by the Secretary and following notification to*
14 *the Secretary, a State may use such funds, that are*
15 *appropriated for any fiscal year and available for ex-*
16 *penditure under any grant awarded to the State*
17 *under this section, to provide any assistance author-*
18 *ized under this subsection. Funds used pursuant to*
19 *the authority provided under this paragraph shall be*
20 *subject to the liability and reimbursement require-*
21 *ments 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 costs*
3 *to the United States.*

4 **SEC. 171. 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 achieve*
9 *economic self-sufficiency in occupations in demand*
10 *and postsecondary education and training opportuni-*
11 *ties;*

12 *(2) to provide disadvantaged youth with oppor-*
13 *tunities for meaningful work and service to their com-*
14 *munities;*

15 *(3) to foster the development of employment and*
16 *leadership skills and commitment to community de-*
17 *velopment among youth in low-income communities;*

18 *(4) to expand the supply of permanent affordable*
19 *housing for homeless individuals and low-income fam-*
20 *ilies by utilizing the energies and talents of disadvan-*
21 *tagged youth; and*

22 *(5) to improve the quality and energy efficiency*
23 *of community and other nonprofit and public facili-*
24 *ties, including those facilities that are used to serve*
25 *homeless and low-income families.*

1 **(b) DEFINITIONS.**—*In this section:*

2 **(1) ADJUSTED INCOME.**—*The term “adjusted in-*
3 *come” has the meaning given the term in section 3(b)*
4 *of the United States Housing Act of 1937 (42 U.S.C.*
5 *1437a(b)).*

6 **(2) APPLICANT.**—*The term “applicant” means*
7 *an eligible entity that has submitted an application*
8 *under subsection (c).*

9 **(3) ELIGIBLE ENTITY.**—*The term “eligible enti-*
10 *ty” means a public or private nonprofit agency or or-*
11 *ganization (including a consortium of such agencies*
12 *or organizations), including—*

13 **(A)** *a community-based organization;*

14 **(B)** *a faith-based organization;*

15 **(C)** *an entity carrying out activities under*
16 *this title, such as a local board;*

17 **(D)** *a community action agency;*

18 **(E)** *a State or local housing development*
19 *agency;*

20 **(F)** *an Indian tribe or other agency pri-*
21 *marily serving Indians;*

22 **(G)** *a community development corporation;*

23 **(H)** *a State or local youth service or con-*
24 *servation corps; and*

1 (I) any other entity eligible to provide edu-
2 cation or employment training under a Federal
3 program (other than the program carried out
4 under this section).

5 (4) *HOMELESS INDIVIDUAL*.—The term “home-
6 less individual” means a homeless individual (as de-
7 fined in section 41403(6) of the Violence Against
8 Women Act of 1994 (42 U.S.C. 14043e–2(6))) or a
9 homeless child or youth (as defined in section 725(2)
10 of the McKinney-Vento Homeless Assistance Act (42
11 U.S.C. 11434a(2))).

12 (5) *HOUSING DEVELOPMENT AGENCY*.—The term
13 “housing development agency” means any agency of
14 a State or local government, or any private nonprofit
15 organization, that is engaged in providing housing
16 for homeless individuals or low-income families.

17 (6) *INCOME*.—The term “income” has the mean-
18 ing given the term in section 3(b) of the United States
19 Housing Act of 1937 (42 U.S.C. 1437a(b)).

20 (7) *INDIAN; INDIAN TRIBE*.—The terms “Indian”
21 and “Indian tribe” have the meanings given such
22 terms in section 4 of the Indian Self-Determination
23 and Education Assistance Act (25 U.S.C. 450b).

24 (8) *LOW-INCOME FAMILY*.—The term “low-in-
25 come family” means a family described in section

1 3(b)(2) of the United States Housing Act of 1937 (42
2 U.S.C. 1437a(b)(2)).

3 (9) *QUALIFIED NATIONAL NONPROFIT AGENCY.*—
4 The term “qualified national nonprofit agency”
5 means a nonprofit agency that—

6 (A) has significant national experience pro-
7 viding services consisting of training, informa-
8 tion, technical assistance, and data management
9 to YouthBuild programs or similar projects; and

10 (B) has the capacity to provide those serv-
11 ices.

12 (10) *REGISTERED APPRENTICESHIP PROGRAM.*—
13 The term “registered apprenticeship program” means
14 an apprenticeship program—

15 (A) registered under the Act of August 16,
16 1937 (commonly known as the “National Ap-
17 prenticeship Act”; 50 Stat. 664, chapter 663; 29
18 U.S.C. 50 et seq.); and

19 (B) that meets such other criteria as may be
20 established by the Secretary under this section.

21 (11) *TRANSITIONAL HOUSING.*—The term “tran-
22 sitional housing” has the meaning given the term in
23 section 401(29) of the McKinney-Vento Homeless As-
24 sistance Act (42 U.S.C. 11360(29)).

1 (12) *YOUTHBUILD PROGRAM.*—*The term*
2 *“YouthBuild program” means any program that re-*
3 *ceives assistance under this section and provides dis-*
4 *advantaged youth with opportunities for employment,*
5 *education, leadership development, and training*
6 *through the rehabilitation (which, for purposes of this*
7 *section, shall include energy efficiency enhancements)*
8 *or construction of housing for homeless individuals*
9 *and low-income families, and of public facilities.*

10 *(c) YOUTHBUILD GRANTS.*—

11 (1) *AMOUNTS OF GRANTS.*—*The Secretary is au-*
12 *thorized to make grants to applicants for the purpose*
13 *of carrying out YouthBuild programs approved under*
14 *this section.*

15 (2) *ELIGIBLE ACTIVITIES.*—*An entity that re-*
16 *ceives a grant under this subsection shall use the*
17 *funds made available through the grant to carry out*
18 *a YouthBuild program, which may include the fol-*
19 *lowing activities:*

20 (A) *Education and workforce investment ac-*
21 *tivities including—*

22 (i) *work experience and skills training*
23 *(coordinated, to the maximum extent fea-*
24 *sible, with preapprenticeship and registered*
25 *apprenticeship programs) in the activities*

1 *described in subparagraphs (B) and (C) re-*
2 *lated to rehabilitation or construction, and,*
3 *if approved by the Secretary, in additional*
4 *in-demand industry sectors or occupations*
5 *in the region in which the program oper-*
6 *ates;*

7 *(ii) occupational skills training;*

8 *(iii) other paid and unpaid work expe-*
9 *riences, including internships and job shad-*
10 *owing;*

11 *(iv) services and activities designed to*
12 *meet the educational needs of participants,*
13 *including—*

14 *(I) basic skills instruction and re-*
15 *medial education;*

16 *(II) language instruction edu-*
17 *cational programs for participants*
18 *who are English language learners;*

19 *(III) secondary education services*
20 *and activities, including tutoring,*
21 *study skills training, and school drop-*
22 *out prevention and recovery activities,*
23 *designed to lead to the attainment of a*
24 *secondary school diploma or its recog-*
25 *nized equivalent (including recognized*

1 *certificates of attendance or similar*
2 *documents for individuals with disabili-*
3 *ties);*

4 (IV) *counseling and assistance in*
5 *obtaining postsecondary education and*
6 *required financial aid; and*

7 (V) *alternative secondary school*
8 *services;*

9 (v) *counseling services and related ac-*
10 *tivities, such as comprehensive guidance*
11 *and counseling on drug and alcohol abuse*
12 *and referral;*

13 (vi) *activities designed to develop em-*
14 *ployment and leadership skills, which may*
15 *include community service and peer-cen-*
16 *tered activities encouraging responsibility*
17 *and other positive social behaviors, and ac-*
18 *tivities related to youth policy committees*
19 *that participate in decision-making related*
20 *to the program;*

21 (vii) *supportive services and provision*
22 *of need-based stipends necessary to enable*
23 *individuals to participate in the program*
24 *and to assist individuals, for a period not*
25 *to exceed 12 months after the completion of*

1 *training, in obtaining or retaining employ-*
2 *ment, or applying for and transitioning to*
3 *postsecondary education or training; and*

4 *(viii) job search and assistance.*

5 *(B) Supervision and training for partici-*
6 *pants in the rehabilitation or construction of*
7 *housing, including residential housing for home-*
8 *less individuals or low-income families, or tran-*
9 *sitional housing for homeless individuals, and, if*
10 *approved by the Secretary, in additional in-de-*
11 *mand industry sectors or occupations in the re-*
12 *gion in which the program operates.*

13 *(C) Supervision and training for partici-*
14 *pants—*

15 *(i) in the rehabilitation or construction*
16 *of community and other public facilities,*
17 *except that not more than 15 percent of*
18 *funds appropriated to carry out this section*
19 *may be used for such supervision and train-*
20 *ing; and*

21 *(ii) if approved by the Secretary, in*
22 *additional in-demand industry sectors or*
23 *occupations in the region in which the pro-*
24 *gram operates.*

1 (D) *Payment of administrative costs of the*
2 *applicant, including recruitment and selection of*
3 *participants, except that not more than 10 per-*
4 *cent of the amount of assistance provided under*
5 *this subsection to the grant recipient may be*
6 *used for such costs.*

7 (E) *Adult mentoring.*

8 (F) *Provision of wages, stipends, or benefits*
9 *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 in-*
4 *demand industry sectors or occupations;*

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 *or construction of housing or public facili-*
17 *ties, and with youth education and employ-*
18 *ment training programs;*

19 *(iv) a description of the proposed site*
20 *for the proposed program;*

21 *(v) a description of the educational*
22 *and job training activities, work opportuni-*
23 *ties, postsecondary education and training*
24 *opportunities, and other services that will*
25 *be provided to participants, and how those*

1 *activities, opportunities, and services will*
2 *prepare youth for employment in in-de-*
3 *mand industry sectors or occupations in the*
4 *labor market area described in clause (i);*

5 *(vi)(I) a description of the proposed*
6 *activities to be undertaken under the grant*
7 *related to rehabilitation or construction,*
8 *and, in the case of an applicant requesting*
9 *approval from the Secretary to also carry*
10 *out additional activities related to in-de-*
11 *mand industry sectors or occupations, a de-*
12 *scription of such additional proposed activi-*
13 *ties; and*

14 *(II) the anticipated schedule for car-*
15 *rying out all activities proposed under sub-*
16 *clause (I);*

17 *(vii) a description of the manner in*
18 *which eligible youth will be recruited and*
19 *selected as participants, including a de-*
20 *scription of arrangements that will be made*
21 *with local boards, one-stop operators, faith-*
22 *and community-based organizations, State*
23 *educational agencies or local educational*
24 *agencies (including agencies of Indian*
25 *tribes), public assistance agencies, the courts*

1 *of jurisdiction, agencies operating shelters*
2 *for homeless individuals and other agencies*
3 *that serve youth who are homeless individ-*
4 *uals, foster care agencies, and other appro-*
5 *priate public and private agencies;*

6 *(viii) a description of the special out-*
7 *reach efforts that will be undertaken to re-*
8 *cruit eligible young women (including*
9 *young women with dependent children) as*
10 *participants;*

11 *(ix) a description of the specific role of*
12 *employers in the proposed program, such as*
13 *their role in developing the proposed pro-*
14 *gram and assisting in service provision and*
15 *in placement activities;*

16 *(x) a description of how the proposed*
17 *program will be coordinated with other Fed-*
18 *eral, State, and local activities and activi-*
19 *ties conducted by Indian tribes, such as*
20 *local workforce investment activities, career*
21 *and technical education and training pro-*
22 *grams, adult and language instruction edu-*
23 *cational programs, activities conducted by*
24 *public schools, activities conducted by com-*
25 *munity colleges, national service programs,*

1 *and other job training provided with funds*
2 *available under this title;*

3 *(xi) assurances that there will be a suf-*
4 *ficient number of adequately trained super-*
5 *visory personnel in the proposed program;*

6 *(xii) a description of the levels of per-*
7 *formance to be achieved with respect to the*
8 *primary indicators of performance for eligi-*
9 *ble youth described in section*
10 *116(b)(2)(A)(ii);*

11 *(xiii) a description of the applicant's*
12 *relationship with local building trade*
13 *unions regarding their involvement in*
14 *training to be provided through the pro-*
15 *posed program, the relationship of the pro-*
16 *posed program to established registered ap-*
17 *prenticeship programs and employers, the*
18 *ability of the applicant to grant an indus-*
19 *try-recognized certificate or certification*
20 *through the program, and the quality of the*
21 *program leading to the certificate or certifi-*
22 *cation;*

23 *(xiv) a description of activities that*
24 *will be undertaken to develop the leadership*
25 *skills of participants;*

1 *(xv) a detailed budget and a descrip-*
2 *tion of the system of fiscal controls, and au-*
3 *diting and accountability procedures, that*
4 *will be used to ensure fiscal soundness for*
5 *the proposed program;*

6 *(xvi) a description of the commitments*
7 *for any additional resources (in addition to*
8 *the funds made available through the grant)*
9 *to be made available to the proposed pro-*
10 *gram from—*

11 *(I) the applicant;*

12 *(II) recipients of other Federal,*
13 *State, or local housing and community*
14 *development assistance that will spon-*
15 *sor any part of the rehabilitation or*
16 *construction, operation and mainte-*
17 *nance, or other housing and commu-*
18 *nity development activities undertaken*
19 *as part of the proposed program; or*

20 *(III) entities carrying out other*
21 *Federal, State, or local activities or ac-*
22 *tivities conducted by Indian tribes, in-*
23 *cluding career and technical education*
24 *and training programs, adult and lan-*
25 *guage instruction educational pro-*

1 *grams, and job training provided with*
2 *funds available under this title;*

3 *(xvii) information identifying, and a*
4 *description of, the financing proposed for*
5 *any—*

6 *(I) rehabilitation of the property*
7 *involved;*

8 *(II) acquisition of the property; or*

9 *(III) construction of the property;*

10 *(xviii) information identifying, and a*
11 *description of, the entity that will operate*
12 *and manage the property;*

13 *(xix) information identifying, and a*
14 *description of, the data collection systems to*
15 *be used;*

16 *(xx) a certification, by a public official*
17 *responsible for the housing strategy for the*
18 *State or unit of general local government*
19 *within which the proposed program is lo-*
20 *located, that the proposed program is con-*
21 *sistent with the housing strategy; and*

22 *(xxi) a certification that the applicant*
23 *will comply with the requirements of the*
24 *Fair Housing Act (42 U.S.C. 3601 et seq.)*
25 *and will affirmatively further fair housing.*

1 (4) *SELECTION CRITERIA.*—*For an applicant to*
2 *be eligible to receive a grant under this subsection, the*
3 *applicant and the applicant’s proposed program shall*
4 *meet such selection criteria as the Secretary shall es-*
5 *tablish under this section, which shall include criteria*
6 *relating to—*

7 (A) *the qualifications or potential capabili-*
8 *ties of an applicant;*

9 (B) *an applicant’s potential for developing*
10 *a successful YouthBuild program;*

11 (C) *the need for an applicant’s proposed*
12 *program, as determined by the degree of eco-*
13 *nommic distress of the community from which*
14 *participants would be recruited (measured by in-*
15 *dicators such as poverty, youth unemployment,*
16 *and the number of individuals who have dropped*
17 *out of secondary school) and of the community*
18 *in which the housing and community and public*
19 *facilities proposed to be rehabilitated or con-*
20 *structed is located (measured by indicators such*
21 *as incidence of homelessness, shortage of afford-*
22 *able housing, and poverty);*

23 (D) *the commitment of an applicant to pro-*
24 *viding skills training, leadership development,*
25 *and education to participants;*

1 (E) the focus of a proposed program on pre-
2 paring youth for in-demand industry sectors or
3 occupations, or postsecondary education and
4 training opportunities;

5 (F) the extent of an applicant's coordina-
6 tion of activities to be carried out through the
7 proposed program with local boards, one-stop op-
8 erators, and one-stop partners participating in
9 the operation of the one-stop delivery system in-
10 volved, or the extent of the applicant's good faith
11 efforts in achieving such coordination;

12 (G) the extent of the applicant's coordina-
13 tion of activities with public education, criminal
14 justice, housing and community development,
15 national service, or postsecondary education or
16 other systems that relate to the goals of the pro-
17 posed program;

18 (H) the extent of an applicant's coordina-
19 tion of activities with employers in the local area
20 involved;

21 (I) the extent to which a proposed program
22 provides for inclusion of tenants who were pre-
23 viously homeless individuals in the rental hous-
24 ing provided through the program;

1 *(J) the commitment of additional resources*
2 *(in addition to the funds made available through*
3 *the grant) to a proposed program by—*

4 *(i) an applicant;*

5 *(ii) recipients of other Federal, State,*
6 *or local housing and community develop-*
7 *ment assistance who will sponsor any part*
8 *of the rehabilitation or construction, oper-*
9 *ation and maintenance, or other housing*
10 *and community development activities un-*
11 *dertaken as part of the proposed program;*
12 *or*

13 *(iii) entities carrying out other Fed-*
14 *eral, State, or local activities or activities*
15 *conducted by Indian tribes, including career*
16 *and technical education and training pro-*
17 *grams, adult and language instruction edu-*
18 *cational programs, and job training pro-*
19 *vided with funds available under this title;*

20 *(K) the applicant's potential to serve dif-*
21 *ferent regions, including rural areas and States*
22 *that have not previously received grants for*
23 *YouthBuild programs; and*

24 *(L) such other factors as the Secretary de-*
25 *termines to be appropriate for purposes of car-*

1 *rying out the proposed program in an effective*
2 *and efficient manner.*

3 (5) *APPROVAL.—To the extent practicable, the*
4 *Secretary shall notify each applicant, not later than*
5 *5 months after the date of receipt of the application*
6 *by the Secretary, whether the application is approved*
7 *or not approved.*

8 (d) *USE OF HOUSING UNITS.—Residential housing*
9 *units rehabilitated or constructed using funds made avail-*
10 *able under subsection (c), shall be available solely—*

11 (1) *for rental by, or sale to, homeless individuals*
12 *or low-income families; or*

13 (2) *for use as transitional or permanent housing,*
14 *for the purpose of assisting in the movement of home-*
15 *less individuals to independent living.*

16 (e) *ADDITIONAL PROGRAM REQUIREMENTS.—*

17 (1) *ELIGIBLE PARTICIPANTS.—*

18 (A) *IN GENERAL.—Except as provided in*
19 *subparagraph (B), an individual may partici-*
20 *pate in a YouthBuild program only if such indi-*
21 *vidual is—*

22 (i) *not less than age 16 and not more*
23 *than age 24, on the date of enrollment;*

24 (ii) *a member of a low-income family,*
25 *a youth in foster care (including youth*

1 aging out of foster care), a youth offender,
2 a youth who is an individual with a dis-
3 ability, a child of incarcerated parents, or
4 a migrant youth; and

5 (iii) a school dropout, or an individual
6 who was a school dropout and has subse-
7 quently reenrolled.

8 (B) *EXCEPTION FOR INDIVIDUALS NOT*
9 *MEETING INCOME OR EDUCATIONAL NEED RE-*
10 *QUIREMENTS.*—Not more than 25 percent of the
11 participants in such program may be individ-
12 uals who do not meet the requirements of clause
13 (ii) or (iii) of subparagraph (A), but who—

14 (i) are basic skills deficient, despite at-
15 tainment of a secondary school diploma or
16 its recognized equivalent (including recog-
17 nized certificates of attendance or similar
18 documents for individuals with disabilities);
19 or

20 (ii) have been referred by a local sec-
21 ondary school for participation in a
22 YouthBuild program leading to the attain-
23 ment of a secondary school diploma.

24 (2) *PARTICIPATION LIMITATION.*—An eligible in-
25 dividual selected for participation in a YouthBuild

1 *program shall be offered full-time participation in the*
2 *program for a period of not less than 6 months and*
3 *not more than 24 months.*

4 (3) *MINIMUM TIME DEVOTED TO EDUCATIONAL*
5 *SERVICES AND ACTIVITIES.*—*A YouthBuild program*
6 *receiving assistance under subsection (c) shall be*
7 *structured so that participants in the program are of-*
8 *fered—*

9 (A) *education and related services and ac-*
10 *tivities designed to meet educational needs, such*
11 *as those specified in clauses (iv) through (vii) of*
12 *subsection (c)(2)(A), during at least 50 percent*
13 *of the time during which the participants par-*
14 *ticipate in the program; and*

15 (B) *work and skill development activities,*
16 *such as those specified in clauses (i), (ii), (iii),*
17 *and (viii) of subsection (c)(2)(A), during at least*
18 *40 percent of the time during which the partici-*
19 *pants participate in the program.*

20 (4) *AUTHORITY RESTRICTION.*—*No provision of*
21 *this section may be construed to authorize any agen-*
22 *cy, officer, or employee of the United States to exer-*
23 *cise any direction, supervision, or control over the*
24 *curriculum, program of instruction, administration,*
25 *or personnel of any educational institution (including*

1 *a school) or school system, or over the selection of li-*
2 *brary resources, textbooks, or other printed or pub-*
3 *lished instructional materials by any educational in-*
4 *stitution or school system.*

5 (5) *STATE AND LOCAL STANDARDS.*—*All edu-*
6 *cational programs and activities supported with*
7 *funds provided under subsection (c) shall be consistent*
8 *with applicable State and local educational stand-*
9 *ards. Standards and procedures for the programs and*
10 *activities that relate to awarding academic credit for*
11 *and certifying educational attainment in such pro-*
12 *grams and activities shall be consistent with applica-*
13 *ble State and local educational standards.*

14 (f) *LEVELS OF PERFORMANCE AND INDICATORS.*—

15 (1) *IN GENERAL.*—*The Secretary shall annually*
16 *establish expected levels of performance for*
17 *YouthBuild programs relating to each of the primary*
18 *indicators of performance for eligible youth activities*
19 *described in section 116(b)(2)(A)(ii).*

20 (2) *ADDITIONAL INDICATORS.*—*The Secretary*
21 *may establish expected levels of performance for addi-*
22 *tional indicators for YouthBuild programs, as the*
23 *Secretary determines appropriate.*

24 (g) *MANAGEMENT AND TECHNICAL ASSISTANCE.*—

1 (1) *SECRETARY ASSISTANCE.*—*The Secretary*
2 *may enter into contracts with 1 or more entities to*
3 *provide assistance to the Secretary in the manage-*
4 *ment, supervision, and coordination of the program*
5 *carried out under this section.*

6 (2) *TECHNICAL ASSISTANCE.*—

7 (A) *CONTRACTS AND GRANTS.*—*The Sec-*
8 *retary shall enter into contracts with or make*
9 *grants to 1 or more qualified national nonprofit*
10 *agencies, in order to provide training, informa-*
11 *tion, technical assistance, program evaluation,*
12 *and data management to recipients of grants*
13 *under subsection (c).*

14 (B) *RESERVATION OF FUNDS.*—*Of the*
15 *amounts available under subsection (i) to carry*
16 *out this section for a fiscal year, the Secretary*
17 *shall reserve 5 percent to carry out subparagraph*
18 *(A).*

19 (3) *CAPACITY BUILDING GRANTS.*—

20 (A) *IN GENERAL.*—*In each fiscal year, the*
21 *Secretary may use not more than 3 percent of*
22 *the amounts available under subsection (i) to*
23 *award grants to 1 or more qualified national*
24 *nonprofit agencies to pay for the Federal share*
25 *of the cost of capacity building activities.*

1 (B) *FEDERAL SHARE.*—*The Federal share*
2 *of the cost described in subparagraph (A) shall*
3 *be 25 percent. The non-Federal share shall be*
4 *provided from private sources.*

5 (h) *SUBGRANTS AND CONTRACTS.*—*Each recipient of*
6 *a grant under subsection (c) to carry out a YouthBuild pro-*
7 *gram shall provide the services and activities described in*
8 *this section directly or through subgrants, contracts, or*
9 *other arrangements with local educational agencies, institu-*
10 *tions of higher education, State or local housing develop-*
11 *ment agencies, other public agencies, including agencies of*
12 *Indian tribes, or private organizations.*

13 (i) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
14 *authorized to be appropriated to carry out this section—*

15 (1) *\$77,534,000 for fiscal year 2015;*

16 (2) *\$83,523,000 for fiscal year 2016;*

17 (3) *\$85,256,000 for fiscal year 2017;*

18 (4) *\$87,147,000 for fiscal year 2018;*

19 (5) *\$89,196,000 for fiscal year 2019; and*

20 (6) *\$91,087,000 for fiscal year 2020.*

21 **SEC. 172. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) *NATIVE AMERICAN PROGRAMS.*—*There are author-*
23 *ized to be appropriated to carry out section 166 (not includ-*
24 *ing subsection (k) of such section)—*

25 (1) *\$46,082,000 for fiscal year 2015;*

1 (2) \$49,641,000 for fiscal year 2016;

2 (3) \$50,671,000 for fiscal year 2017;

3 (4) \$51,795,000 for fiscal year 2018;

4 (5) \$53,013,000 for fiscal year 2019; and

5 (6) \$54,137,000 for fiscal year 2020.

6 (b) *MIGRANT AND SEASONAL FARMWORKER PRO-*
7 *GRAMS.*—*There are authorized to be appropriated to carry*
8 *out section 167—*

9 (1) \$81,896,000 for fiscal year 2015;

10 (2) \$88,222,000 for fiscal year 2016;

11 (3) \$90,052,000 for fiscal year 2017;

12 (4) \$92,050,000 for fiscal year 2018;

13 (5) \$94,214,000 for fiscal year 2019; and

14 (6) \$96,211,000 for fiscal year 2020.

15 (c) *TECHNICAL ASSISTANCE.*—*There are authorized to*
16 *be appropriated to carry out section 168—*

17 (1) \$3,000,000 for fiscal year 2015;

18 (2) \$3,232,000 for fiscal year 2016;

19 (3) \$3,299,000 for fiscal year 2017;

20 (4) \$3,372,000 for fiscal year 2018;

21 (5) \$3,451,000 for fiscal year 2019; and

22 (6) \$3,524,000 for fiscal year 2020.

23 (d) *EVALUATIONS AND RESEARCH.*—*There are author-*
24 *ized to be appropriated to carry out section 169—*

25 (1) \$91,000,000 for fiscal year 2015;

1 (2) \$98,029,000 for fiscal year 2016;

2 (3) \$100,063,000 for fiscal year 2017;

3 (4) \$102,282,000 for fiscal year 2018;

4 (5) \$104,687,000 for fiscal year 2019; and

5 (6) \$106,906,000 for fiscal year 2020.

6 (e) *ASSISTANCE FOR VETERANS.*—If, as of the date of
7 enactment of this Act, any unobligated funds appropriated
8 to carry out section 168 of the Workforce Investment Act
9 of 1998, as in effect on the day before the date of enactment
10 of this Act, remain available, the Secretary of Labor shall
11 continue to use such funds to carry out such section, as in
12 effect on such day, until all of such funds are expended.

13 (f) *ASSISTANCE FOR ELIGIBLE WORKERS.*—If, as of
14 the date of enactment of this Act, any unobligated funds
15 appropriated to carry out subsections (f) and (g) of section
16 173 of the Workforce Investment Act of 1998, as in effect
17 on the day before the date of enactment of this Act, remain
18 available, the Secretary of Labor shall continue to use such
19 funds to carry out such subsections, as in effect on such
20 day, until all of such funds are expended.

21 **Subtitle E—Administration**

22 **SEC. 181. REQUIREMENTS AND RESTRICTIONS.**

23 (a) *BENEFITS.*—

24 (1) *WAGES.*—

1 (A) *IN GENERAL.*—*Individuals in on-the-job*
2 *training or individuals employed in activities*
3 *under this title shall be compensated at the same*
4 *rates, including periodic increases, as trainees or*
5 *employees who are similarly situated in similar*
6 *occupations by the same employer and who have*
7 *similar training, experience, and skills, and such*
8 *rates shall be in accordance with applicable law,*
9 *but in no event less than the higher of the rate*
10 *specified in section 6(a)(1) of the Fair Labor*
11 *Standards Act of 1938 (29 U.S.C. 206(a)(1)) or*
12 *the applicable State or local minimum wage law.*

13 (B) *RULE OF CONSTRUCTION.*—*The ref-*
14 *erence in subparagraph (A) to section 6(a)(1) of*
15 *the Fair Labor Standards Act of 1938 (29*
16 *U.S.C. 206(a)(1)) shall not be applicable for in-*
17 *dividuals in territorial jurisdictions in which*
18 *section 6(a)(1) of the Fair Labor Standards Act*
19 *of 1938 (29 U.S.C. 206(a)(1)) does not apply.*

20 (2) *TREATMENT OF ALLOWANCES, EARNINGS,*
21 *AND PAYMENTS.*—*Allowances, earnings, and pay-*
22 *ments to individuals participating in programs*
23 *under this title shall not be considered as income for*
24 *the purposes of determining eligibility for and the*
25 *amount of income transfer and in-kind aid furnished*

1 *under any Federal or federally assisted program*
2 *based on need, other than as provided under the So-*
3 *cial Security Act (42 U.S.C. 301 et seq.).*

4 *(b) LABOR STANDARDS.—*

5 *(1) LIMITATIONS ON ACTIVITIES THAT IMPACT*
6 *WAGES OF EMPLOYEES.—No funds provided under*
7 *this title shall be used to pay the wages of incumbent*
8 *employees during their participation in economic de-*
9 *velopment activities provided through a statewide*
10 *workforce development system.*

11 *(2) DISPLACEMENT.—*

12 *(A) PROHIBITION.—A participant in a pro-*
13 *gram or activity authorized under this title (re-*
14 *ferred to in this section as a “specified activity”)*
15 *shall not displace (including a partial displace-*
16 *ment, such as a reduction in the hours of non-*
17 *overtime work, wages, or employment benefits)*
18 *any currently employed employee (as of the date*
19 *of the participation).*

20 *(B) PROHIBITION ON IMPAIRMENT OF CON-*
21 *TRACTS.—A specified activity shall not impair*
22 *an existing contract for services or collective bar-*
23 *gaining agreement, and no such activity that*
24 *would be inconsistent with the terms of a collec-*
25 *tive bargaining agreement shall be undertaken*

1 *without the written concurrence of the labor or-*
2 *ganization and employer concerned.*

3 (3) *OTHER PROHIBITIONS.*—*A participant in a*
4 *specified activity shall not be employed in a job if—*

5 (A) *any other individual is on layoff from*
6 *the same or any substantially equivalent job;*

7 (B) *the employer has terminated the em-*
8 *ployment of any regular employee or otherwise*
9 *reduced the workforce of the employer with the*
10 *intention of filling the vacancy so created with*
11 *the participant; or*

12 (C) *the job is created in a promotional line*
13 *that will infringe in any way upon the pro-*
14 *motional opportunities of currently employed in-*
15 *dividuals (as of the date of the participation).*

16 (4) *HEALTH AND SAFETY.*—*Health and safety*
17 *standards established under Federal and State law*
18 *otherwise applicable to working conditions of employ-*
19 *ees shall be equally applicable to working conditions*
20 *of participants engaged in specified activities. To the*
21 *extent that a State workers' compensation law ap-*
22 *plies, workers' compensation shall be provided to par-*
23 *ticipants on the same basis as the compensation is*
24 *provided to other individuals in the State in similar*
25 *employment.*

1 (5) *EMPLOYMENT CONDITIONS.*—*Individuals in*
2 *on-the-job training or individuals employed in pro-*
3 *grams and activities under this title shall be provided*
4 *benefits and working conditions at the same level and*
5 *to the same extent as other trainees or employees*
6 *working a similar length of time and doing the same*
7 *type of work.*

8 (6) *OPPORTUNITY TO SUBMIT COMMENTS.*—*In-*
9 *terested members of the public, including representa-*
10 *tives of businesses and of labor organizations, shall be*
11 *provided an opportunity to submit comments to the*
12 *Secretary with respect to programs and activities pro-*
13 *posed to be funded under subtitle B.*

14 (7) *NO IMPACT ON UNION ORGANIZING.*—*Each*
15 *recipient of funds under this title shall provide to the*
16 *Secretary assurances that none of such funds will be*
17 *used to assist, promote, or deter union organizing.*

18 (c) *GRIEVANCE PROCEDURE.*—

19 (1) *IN GENERAL.*—*Each State and local area re-*
20 *ceiving an allotment or allocation under this title*
21 *shall establish and maintain a procedure for griev-*
22 *ances or complaints alleging violations of the require-*
23 *ments of this title from participants and other inter-*
24 *ested or affected parties. Such procedure shall include*
25 *an opportunity for a hearing and be completed with-*

1 *in 60 days after the filing of the grievance or com-*
2 *plaint.*

3 (2) *INVESTIGATION.*—

4 (A) *IN GENERAL.*—*The Secretary shall in-*
5 *vestigate an allegation of a violation described in*
6 *paragraph (1) if—*

7 (i) *a decision relating to such violation*
8 *has not been reached within 60 days after*
9 *the date of the filing of the grievance or*
10 *complaint and either party appeals to the*
11 *Secretary; or*

12 (ii) *a decision relating to such viola-*
13 *tion has been reached within such 60 days*
14 *and the party to which such decision is ad-*
15 *verse appeals such decision to the Secretary.*

16 (B) *ADDITIONAL REQUIREMENT.*—*The Sec-*
17 *retary shall make a final determination relating*
18 *to an appeal made under subparagraph (A) no*
19 *later than 120 days after receiving such appeal.*

20 (3) *REMEDIES.*—*Remedies that may be imposed*
21 *under this section for a violation of any requirement*
22 *of this title shall be limited—*

23 (A) *to suspension or termination of pay-*
24 *ments under this title;*

1 (B) to prohibition of placement of a partici-
2 pant with an employer that has violated any re-
3 quirement under this title;

4 (C) where applicable, to reinstatement of an
5 employee, payment of lost wages and benefits,
6 and reestablishment of other relevant terms, con-
7 ditions, and privileges of employment; and

8 (D) where appropriate, to other equitable
9 relief.

10 (4) *RULE OF CONSTRUCTION.*—Nothing in para-
11 graph (3) shall be construed to prohibit a grievant or
12 complainant from pursuing a remedy authorized
13 under another Federal, State, or local law for a viola-
14 tion of this title.

15 (d) *RELOCATION.*—

16 (1) *PROHIBITION ON USE OF FUNDS TO ENCOUR-*
17 *AGE OR INDUCE RELOCATION.*—No funds provided
18 under this title shall be used, or proposed for use, to
19 encourage or induce the relocation of a business or
20 part of a business if such relocation would result in
21 a loss of employment for any employee of such busi-
22 ness at the original location and such original loca-
23 tion is within the United States.

24 (2) *PROHIBITION ON USE OF FUNDS AFTER RE-*
25 *LOCATION.*—No funds provided under this title for an

1 *employment or training activity shall be used for cus-*
2 *tomized or skill training, on-the-job training, incum-*
3 *bent worker training, transitional employment, or*
4 *company-specific assessments of job applicants or em-*
5 *ployees, for any business or part of a business that*
6 *has relocated, until the date that is 120 days after the*
7 *date on which such business commences operations at*
8 *the new location, if the relocation of such business or*
9 *part of a business results in a loss of employment for*
10 *any employee of such business at the original location*
11 *and such original location is within the United*
12 *States.*

13 (3) *REPAYMENT.*—*If the Secretary determines*
14 *that a violation of paragraph (1) or (2) has occurred,*
15 *the Secretary shall require the State that has violated*
16 *such paragraph (or that has provided funding to an*
17 *entity that has violated such paragraph) to repay to*
18 *the United States an amount equal to the amount ex-*
19 *pended in violation of such paragraph.*

20 (e) *LIMITATION ON USE OF FUNDS.*—*No funds avail-*
21 *able to carry out an activity under this title shall be used*
22 *for employment generating activities, investment in revol-*
23 *ving loan funds, capitalization of businesses, investment in*
24 *contract bidding resource centers, economic development ac-*
25 *tivities, or similar activities, that are not directly related*

1 *to training for eligible individuals under this title. No funds*
2 *received to carry out an activity under subtitle B shall be*
3 *used for foreign travel.*

4 (f) *TESTING AND SANCTIONING FOR USE OF CON-*
5 *TROLLED SUBSTANCES.—*

6 (1) *IN GENERAL.—Notwithstanding any other*
7 *provision of law, a State shall not be prohibited by*
8 *the Federal Government from—*

9 (A) *testing participants in programs under*
10 *subtitle B for the use of controlled substances;*
11 *and*

12 (B) *sanctioning such participants who test*
13 *positive for the use of such controlled substances.*

14 (2) *ADDITIONAL REQUIREMENTS.—*

15 (A) *PERIOD OF SANCTION.—In sanctioning*
16 *participants in a program under subtitle B who*
17 *test positive for the use of controlled substances—*

18 (i) *with respect to the first occurrence*
19 *for which a participant tests positive, a*
20 *State may exclude the participant from the*
21 *program for a period not to exceed 6*
22 *months; and*

23 (ii) *with respect to the second occur-*
24 *rence and each subsequent occurrence for*
25 *which a participant tests positive, a State*

1 *may exclude the participant from the pro-*
2 *gram for a period not to exceed 2 years.*

3 *(B) APPEAL.—The testing of participants*
4 *and the imposition of sanctions under this sub-*
5 *section shall be subject to expeditious appeal in*
6 *accordance with due process procedures estab-*
7 *lished by the State.*

8 *(C) PRIVACY.—A State shall establish proce-*
9 *dures for testing participants for the use of con-*
10 *trolled substances that ensure a maximum degree*
11 *of privacy for the participants.*

12 *(3) FUNDING REQUIREMENT.—In testing and*
13 *sanctioning of participants for the use of controlled*
14 *substances in accordance with this subsection, the*
15 *only Federal funds that a State may use are the*
16 *amounts made available for the administration of*
17 *statewide workforce investment activities under sec-*
18 *tion 134(a)(3)(B).*

19 *(g) SUBGRANT AUTHORITY.—A recipient of grant*
20 *funds under this title shall have the authority to enter into*
21 *subgrants in order to carry out the grant, subject to such*
22 *conditions as the Secretary may establish.*

23 **SEC. 182. PROMPT ALLOCATION OF FUNDS.**

24 *(a) ALLOTMENTS BASED ON LATEST AVAILABLE*
25 *DATA.—All allotments to States and grants to outlying*

1 *areas under this title shall be based on the latest available*
2 *data and estimates satisfactory to the Secretary. All data*
3 *relating to disadvantaged adults and disadvantaged youth*
4 *shall be based on the most recent satisfactory data from the*
5 *Bureau of the Census.*

6 **(b) PUBLICATION IN FEDERAL REGISTER RELATING**
7 *TO FORMULA FUNDS.—Whenever the Secretary allots funds*
8 *required to be allotted under this title, the Secretary shall*
9 *publish in a timely fashion in the Federal Register the*
10 *amount proposed to be distributed to each recipient of the*
11 *funds.*

12 **(c) REQUIREMENT FOR FUNDS DISTRIBUTED BY FOR-**
13 *MULA.—All funds required to be allotted under section 127*
14 *or 132 shall be allotted within 45 days after the date of*
15 *enactment of the Act appropriating the funds, except that,*
16 *if such funds are appropriated in advance as authorized*
17 *by section 189(g), such funds shall be allotted or allocated*
18 *not later than the March 31 preceding the program year*
19 *for which such funds are to be available for obligation.*

20 **(d) PUBLICATION IN FEDERAL REGISTER RELATING**
21 *TO DISCRETIONARY FUNDS.—Whenever the Secretary uti-*
22 *lizes a formula to allot or allocate funds made available*
23 *for distribution at the Secretary's discretion under this*
24 *title, the Secretary shall, not later than 30 days prior to*
25 *such allotment or allocation, publish for comment in the*

1 *Federal Register the formula, the rationale for the formula,*
2 *and the proposed amounts to be distributed to each State*
3 *and local area. After consideration of any comments re-*
4 *ceived, the Secretary shall publish final allotments and allo-*
5 *cations in the Federal Register.*

6 (e) *AVAILABILITY OF FUNDS.—Funds shall be made*
7 *available under section 128, and funds shall be made avail-*
8 *able under section 133, for a local area not later than 30*
9 *days after the date the funds are made available to the Gov-*
10 *ernor involved, under section 127 or 132 (as the case may*
11 *be), or 7 days after the date the local plan for the area*
12 *is approved, whichever is later.*

13 **SEC. 183. MONITORING.**

14 (a) *IN GENERAL.—The Secretary is authorized to*
15 *monitor all recipients of financial assistance under this*
16 *title to determine whether the recipients are complying with*
17 *the provisions of this title, including the regulations issued*
18 *under this title.*

19 (b) *INVESTIGATIONS.—The Secretary may investigate*
20 *any matter the Secretary determines to be necessary to de-*
21 *termine the compliance of the recipients with this title, in-*
22 *cluding the regulations issued under this title. The inves-*
23 *tigations authorized by this subsection may include exam-*
24 *ining records (including making certified copies of the*
25 *records), questioning employees, and entering any premises*

1 *or onto any site in which any part of a program or activity*
2 *of such a recipient is conducted or in which any of the*
3 *records of the recipient are kept.*

4 *(c) ADDITIONAL REQUIREMENT.—For the purpose of*
5 *any investigation or hearing conducted under this title by*
6 *the Secretary, the provisions of section 9 of the Federal*
7 *Trade Commission Act (15 U.S.C. 49) (relating to the at-*
8 *tendance of witnesses and the production of documents)*
9 *apply to the Secretary, in the same manner and to the same*
10 *extent as the provisions apply to the Federal Trade Com-*
11 *mission.*

12 **SEC. 184. FISCAL CONTROLS; SANCTIONS.**

13 *(a) ESTABLISHMENT OF FISCAL CONTROLS BY*
14 *STATES.—*

15 *(1) IN GENERAL.—Each State shall establish*
16 *such fiscal control and fund accounting procedures as*
17 *may be necessary to assure the proper disbursement of,*
18 *and accounting for, Federal funds allocated to local*
19 *areas under subtitle B. Such procedures shall ensure*
20 *that all financial transactions carried out under sub-*
21 *title B are conducted and records maintained in ac-*
22 *cordance with generally accepted accounting prin-*
23 *ciples applicable in each State.*

24 *(2) COST PRINCIPLES.—*

1 (A) *IN GENERAL.*—Each State (including
2 the Governor of the State), local area (including
3 the chief elected official for the area), and pro-
4 vider receiving funds under this title shall com-
5 ply with the applicable uniform cost principles
6 included in appropriate circulars or rules of the
7 Office of Management and Budget for the type of
8 entity receiving the funds.

9 (B) *EXCEPTION.*—The funds made available
10 to a State for administration of statewide work-
11 force investment activities in accordance with
12 section 134(a)(3)(B) shall be allocable to the
13 overall administration of workforce investment
14 activities, but need not be specifically allocable
15 to—

16 (i) the administration of adult employ-
17 ment and training activities;

18 (ii) the administration of dislocated
19 worker employment and training activities;

20 or

21 (iii) the administration of youth work-
22 force investment activities.

23 (3) *UNIFORM ADMINISTRATIVE REQUIRE-*
24 *MENTS.*—

1 (A) *IN GENERAL.*—Each State (including
2 the Governor of the State), local area (including
3 the chief elected official for the area), and pro-
4 vider receiving funds under this title shall com-
5 ply with the appropriate uniform administrative
6 requirements for grants and agreements applica-
7 ble for the type of entity receiving the funds, as
8 promulgated in circulars or rules of the Office of
9 Management and Budget.

10 (B) *ADDITIONAL REQUIREMENT.*—Procure-
11 ment transactions under this title between local
12 boards and units of State or local governments
13 shall be conducted only on a cost-reimbursable
14 basis.

15 (4) *MONITORING.*—Each Governor of a State
16 shall conduct on an annual basis onsite monitoring
17 of each local area within the State to ensure compli-
18 ance with the uniform administrative requirements
19 referred to in paragraph (3).

20 (5) *ACTION BY GOVERNOR.*—If the Governor de-
21 termines that a local area is not in compliance with
22 the uniform administrative requirements referred to
23 in paragraph (3), the Governor shall—

24 (A) require corrective action to secure
25 prompt compliance with the requirements; and

1 (B) impose the sanctions provided under
2 subsection (b) in the event of failure to take the
3 required corrective action.

4 (6) *CERTIFICATION.*—The Governor shall, every
5 2 years, certify to the Secretary that—

6 (A) the State has implemented the uniform
7 administrative requirements referred to in para-
8 graph (3);

9 (B) the State has monitored local areas to
10 ensure compliance with the uniform administra-
11 tive requirements as required under paragraph
12 (4); and

13 (C) the State has taken appropriate action
14 to secure compliance with the requirements pur-
15 suant to paragraph (5).

16 (7) *ACTION BY THE SECRETARY.*—If the Sec-
17 retary determines that the Governor has not fulfilled
18 the requirements of this subsection, the Secretary
19 shall—

20 (A) require corrective action to secure
21 prompt compliance with the requirements of this
22 subsection; and

23 (B) impose the sanctions provided under
24 subsection (e) in the event of failure of the Gov-

1 *error to take the required appropriate action to*
2 *secure compliance with the requirements.*

3 *(b) SUBSTANTIAL VIOLATION.—*

4 *(1) ACTION BY GOVERNOR.—If, as a result of fi-*
5 *nancial and compliance audits or otherwise, the Gov-*
6 *ernor determines that there is a substantial violation*
7 *of a specific provision of this title, and corrective ac-*
8 *tion has not been taken, the Governor shall—*

9 *(A) issue a notice of intent to revoke ap-*
10 *proval of all or part of the local plan affected;*

11 *or*

12 *(B) impose a reorganization plan, which*
13 *may include—*

14 *(i) decertifying the local board in-*
15 *volved;*

16 *(ii) prohibiting the use of eligible pro-*
17 *viders;*

18 *(iii) selecting an alternative entity to*
19 *administer the program for the local area*
20 *involved;*

21 *(iv) merging the local area into one or*
22 *more other local areas; or*

23 *(v) making such other changes as the*
24 *Secretary or Governor determines to be nec-*

1 *essary to secure compliance with the provi-*
2 *sion.*

3 (2) *APPEAL.—*

4 (A) *IN GENERAL.—The actions taken by the*
5 *Governor pursuant to subparagraphs (A) and*
6 *(B) of paragraph (1) may be appealed to the*
7 *Secretary and shall not become effective until—*

8 (i) *the time for appeal has expired; or*
9 (ii) *the Secretary has issued a decision.*

10 (B) *ADDITIONAL REQUIREMENT.—The Sec-*
11 *retary shall make a final decision under sub-*
12 *paragraph (A) not later than 45 days after the*
13 *receipt of the appeal.*

14 (3) *ACTION BY THE SECRETARY.—If the Gov-*
15 *ernor fails to take promptly an action required under*
16 *paragraph (1), the Secretary shall take such action.*

17 (c) *REPAYMENT OF CERTAIN AMOUNTS TO THE*
18 *UNITED STATES.—*

19 (1) *IN GENERAL.—Every recipient of funds*
20 *under this title shall repay to the United States*
21 *amounts found not to have been expended in accord-*
22 *ance with this title.*

23 (2) *OFFSET OF REPAYMENT AMOUNT.—If the*
24 *Secretary determines that a State has expended funds*
25 *received under this title in a manner contrary to the*

1 *requirements of this title, the Secretary may require*
2 *repayment by offsetting the amount of such expendi-*
3 *tures against any other amount to which the State is*
4 *or may be entitled under this title, except as provided*
5 *under subsection (d)(1).*

6 (3) *REPAYMENT FROM DEDUCTION BY STATE.—*

7 *If the Secretary requires a State to repay funds as a*
8 *result of a determination that a local area of the*
9 *State has expended funds in a manner contrary to the*
10 *requirements of this title, the Governor of the State*
11 *may use an amount deducted under paragraph (4) to*
12 *repay the funds, except as provided under subsection*
13 *(e).*

14 (4) *DEDUCTION BY STATE.—The Governor may*

15 *deduct an amount equal to the misexpenditure de-*
16 *scribed in paragraph (3) from subsequent program*
17 *year (subsequent to the program year for which the*
18 *determination was made) allocations to the local area*
19 *from funds reserved for the administrative costs of the*
20 *local programs involved, as appropriate.*

21 (5) *LIMITATIONS.—A deduction made by a State*

22 *as described in paragraph (4) shall not be made until*
23 *such time as the Governor has taken appropriate cor-*
24 *rective action to ensure full compliance with this title*

1 *within such local area with regard to appropriate ex-*
2 *penditures of funds under this title.*

3 *(d) REPAYMENT OF AMOUNTS.—*

4 *(1) IN GENERAL.—Each recipient of funds under*
5 *this title shall be liable to repay the amounts de-*
6 *scribed in subsection (c)(1), from funds other than*
7 *funds received under this title, upon a determination*
8 *by the Secretary that the misexpenditure of the*
9 *amounts was due to willful disregard of the require-*
10 *ments of this title, gross negligence, failure to observe*
11 *accepted standards of administration, or a pattern of*
12 *misexpenditure described in subsection (c)(1). No such*
13 *determination shall be made under this subsection or*
14 *subsection (c) until notice and opportunity for a fair*
15 *hearing have been given to the recipient.*

16 *(2) FACTORS IN IMPOSING SANCTIONS.—In deter-*
17 *mining whether to impose any sanction authorized by*
18 *this section against a recipient of funds under this*
19 *title for violations of this title (including applicable*
20 *regulations) by a subgrantee or contractor of such re-*
21 *recipient, the Secretary shall first determine whether*
22 *such recipient has adequately demonstrated that the*
23 *recipient has—*

24 *(A) established and adhered to an appro-*
25 *priate system, for entering into and monitoring*

1 *subgrant agreements and contracts with sub-*
2 *grantees and contractors, that contains accept-*
3 *able standards for ensuring accountability;*

4 *(B) entered into a written subgrant agree-*
5 *ment or contract with such a subgrantee or con-*
6 *tractor that established clear goals and obliga-*
7 *tions in unambiguous terms;*

8 *(C) acted with due diligence to monitor the*
9 *implementation of the subgrant agreement or*
10 *contract, including carrying out the appropriate*
11 *monitoring activities (including audits) at rea-*
12 *sonable intervals; and*

13 *(D) taken prompt and appropriate correc-*
14 *tive action upon becoming aware of any evidence*
15 *of a violation of this title, including regulations*
16 *issued under this title, by such subgrantee or*
17 *contractor.*

18 (3) *WAIVER.*—*If the Secretary determines that*
19 *the recipient has demonstrated substantial compliance*
20 *with the requirements of paragraph (2), the Secretary*
21 *may waive the imposition of sanctions authorized by*
22 *this section upon such recipient. The Secretary is au-*
23 *thorized to impose any sanction consistent with the*
24 *provisions of this title and with any applicable Fed-*
25 *eral or State law directly against any subgrantee or*

1 contractor for violation of this title, including regula-
2 tions issued under this title.

3 (e) *IMMEDIATE TERMINATION OR SUSPENSION OF AS-*
4 *SISTANCE IN EMERGENCY SITUATIONS.*—*In emergency situ-*
5 *ations, if the Secretary determines it is necessary to protect*
6 *the integrity of the funds or ensure the proper operation*
7 *of the program or activity involved, the Secretary may im-*
8 *mediately terminate or suspend financial assistance, in*
9 *whole or in part, to the recipient if the recipient is given*
10 *prompt notice and the opportunity for a subsequent hearing*
11 *within 30 days after such termination or suspension. The*
12 *Secretary shall not delegate any of the functions or author-*
13 *ity specified in this subsection, other than to an officer*
14 *whose appointment is required to be made by and with the*
15 *advice and consent of the Senate.*

16 (f) *DISCRIMINATION AGAINST PARTICIPANTS.*—*If the*
17 *Secretary determines that any recipient under this title has*
18 *discharged or in any other manner discriminated against*
19 *a participant or against any individual in connection with*
20 *the administration of the program involved, or against any*
21 *individual because such individual has filed any complaint*
22 *or instituted or caused to be instituted any proceeding*
23 *under or related to this title, or has testified or is about*
24 *to testify in any such proceeding or an investigation under*
25 *or related to this title, or otherwise unlawfully denied to*

1 *any individual a benefit to which that individual is entitled*
2 *under the provisions of this title, including regulations*
3 *issued under this title, the Secretary shall, within 30 days,*
4 *take such action or order such corrective measures, as nec-*
5 *essary, with respect to the recipient or the aggrieved indi-*
6 *vidual, or both.*

7 (g) *REMEDIES.*—*The remedies described in this section*
8 *shall not be considered to be the exclusive remedies available*
9 *for violations described in this section.*

10 **SEC. 185. REPORTS; RECORDKEEPING; INVESTIGATIONS.**

11 (a) *RECIPIENT RECORDKEEPING AND REPORTS.*—

12 (1) *IN GENERAL.*—*Recipients of funds under this*
13 *title shall keep records that are sufficient to permit*
14 *the preparation of reports required by this title and*
15 *to permit the tracing of funds to a level of expendi-*
16 *ture adequate to ensure that the funds have not been*
17 *spent unlawfully.*

18 (2) *RECORDS AND REPORTS REGARDING GEN-*
19 *ERAL PERFORMANCE.*—*Every such recipient shall*
20 *maintain such records and submit such reports, in*
21 *such form and containing such information, as the*
22 *Secretary may require regarding the performance of*
23 *programs and activities carried out under this title.*
24 *Such records and reports shall be submitted to the*
25 *Secretary but shall not be required to be submitted*

1 *more than once each quarter unless specifically re-*
2 *quested by Congress or a committee of Congress, in*
3 *which case an estimate regarding such information*
4 *may be provided.*

5 (3) *MAINTENANCE OF STANDARDIZED*
6 *RECORDS.—In order to allow for the preparation of*
7 *the reports required under subsection (c), such recipi-*
8 *ents shall maintain standardized records for all indi-*
9 *vidual participants and provide to the Secretary a*
10 *sufficient number of such records to provide for an*
11 *adequate analysis of the records.*

12 (4) *AVAILABILITY TO THE PUBLIC.—*

13 (A) *IN GENERAL.—Except as provided in*
14 *subparagraph (B), records maintained by such*
15 *recipients pursuant to this subsection shall be*
16 *made available to the public upon request.*

17 (B) *EXCEPTION.—Subparagraph (A) shall*
18 *not apply to—*

19 (i) *information, the disclosure of which*
20 *would constitute a clearly unwarranted in-*
21 *vasion of personal privacy; and*

22 (ii) *trade secrets, or commercial or fi-*
23 *nancial information, that is—*

24 (I) *obtained from a person; and*

25 (II) *privileged or confidential.*

1 (C) *FEEES TO RECOVER COSTS.*—*Such re-*
2 *ipients may charge fees sufficient to recover*
3 *costs applicable to the processing of requests for*
4 *records under subparagraph (A).*

5 (b) *INVESTIGATIONS OF USE OF FUNDS.*—

6 (1) *IN GENERAL.*—

7 (A) *SECRETARY.*—*In order to evaluate com-*
8 *pliance with the provisions of this title, the Sec-*
9 *retary shall conduct, in several States, in each*
10 *fiscal year, investigations of the use of funds re-*
11 *ceived by recipients under this title.*

12 (B) *COMPTROLLER GENERAL OF THE*
13 *UNITED STATES.*—*In order to ensure compliance*
14 *with the provisions of this title, the Comptroller*
15 *General of the United States may conduct inves-*
16 *tigations of the use of funds received under this*
17 *title by any recipient.*

18 (2) *PROHIBITION.*—*In conducting any investiga-*
19 *tion under this title, the Secretary or the Comptroller*
20 *General of the United States may not request the*
21 *compilation of any information that the recipient is*
22 *not otherwise required to compile and that is not*
23 *readily available to such recipient.*

24 (3) *AUDITS.*—

1 (A) *IN GENERAL.*—*In carrying out any*
2 *audit under this title (other than any initial*
3 *audit survey or any audit investigating possible*
4 *criminal or fraudulent conduct), either directly*
5 *or through grant or contract, the Secretary, the*
6 *Inspector General of the Department of Labor, or*
7 *the Comptroller General of the United States*
8 *shall furnish to the State, recipient, or other en-*
9 *tity to be audited, advance notification of the*
10 *overall objectives and purposes of the audit, and*
11 *any extensive recordkeeping or data requirements*
12 *to be met, not later than 14 days (or as soon as*
13 *practicable) prior to the commencement of the*
14 *audit.*

15 (B) *NOTIFICATION REQUIREMENT.*—*If the*
16 *scope, objectives, or purposes of the audit change*
17 *substantially during the course of the audit, the*
18 *entity being audited shall be notified of the*
19 *change as soon as practicable.*

20 (C) *ADDITIONAL REQUIREMENT.*—*The re-*
21 *ports on the results of such audits shall cite the*
22 *law, regulation, policy, or other criteria applica-*
23 *ble to any finding contained in the reports.*

24 (D) *RULE OF CONSTRUCTION.*—*Nothing*
25 *contained in this title shall be construed so as to*

1 *be inconsistent with the Inspector General Act of*
2 *1978 (5 U.S.C. App.) or government auditing*
3 *standards issued by the Comptroller General of*
4 *the United States.*

5 *(c) GRANTEE INFORMATION RESPONSIBILITIES.—*
6 *Each State, each local board, and each recipient (other than*
7 *a subrecipient, subgrantee, or contractor of a recipient) re-*
8 *ceiving funds under this title—*

9 *(1) shall make readily accessible such reports*
10 *concerning its operations and expenditures as shall be*
11 *prescribed by the Secretary;*

12 *(2) shall prescribe and maintain comparable*
13 *management information systems, in accordance with*
14 *guidelines that shall be prescribed by the Secretary,*
15 *designed to facilitate the uniform compilation, cross*
16 *tabulation, and analysis of programmatic, partici-*
17 *part, and financial data, on statewide, local area,*
18 *and other appropriate bases, necessary for reporting,*
19 *monitoring, and evaluating purposes, including data*
20 *necessary to comply with section 188;*

21 *(3) shall monitor the performance of providers in*
22 *complying with the terms of grants, contracts, or*
23 *other agreements made pursuant to this title; and*

24 *(4) shall, to the extent practicable, submit or*
25 *make available (including through electronic means)*

1 *any reports, records, plans, or any other data that*
2 *are required to be submitted or made available, re-*
3 *spectively, under this title.*

4 *(d) INFORMATION TO BE INCLUDED IN REPORTS.—*

5 *(1) IN GENERAL.—The reports required in sub-*
6 *section (c) shall include information regarding pro-*
7 *grams and activities carried out under this title per-*
8 *taining to—*

9 *(A) the relevant demographic characteristics*
10 *(including race, ethnicity, sex, and age) and*
11 *other related information regarding participants;*

12 *(B) the programs and activities in which*
13 *participants are enrolled, and the length of time*
14 *that participants are engaged in such programs*
15 *and activities;*

16 *(C) outcomes of the programs and activities*
17 *for participants, including the occupations of*
18 *participants, and placement for participants in*
19 *nontraditional employment;*

20 *(D) specified costs of the programs and ac-*
21 *tivities; and*

22 *(E) information necessary to prepare re-*
23 *ports to comply with section 188.*

24 *(2) ADDITIONAL REQUIREMENT.—The Secretary*
25 *shall ensure that all elements of the information re-*

1 *quired for the reports described in paragraph (1) are*
2 *defined and that the information is reported uni-*
3 *formly.*

4 *(e) QUARTERLY FINANCIAL REPORTS.—*

5 *(1) IN GENERAL.—Each local board in a State*
6 *shall submit quarterly financial reports to the Gov-*
7 *ernor with respect to programs and activities carried*
8 *out under this title. Such reports shall include infor-*
9 *mation identifying all program and activity costs by*
10 *cost category in accordance with generally accepted*
11 *accounting principles and by year of the appropria-*
12 *tion involved.*

13 *(2) ADDITIONAL REQUIREMENT.—Each State*
14 *shall submit to the Secretary, and the Secretary shall*
15 *submit to the Committee on Health, Education,*
16 *Labor, and Pensions of the Senate and the Committee*
17 *on Education and the Workforce of the House of Rep-*
18 *resentatives, on a quarterly basis, a summary of the*
19 *reports submitted to the Governor pursuant to para-*
20 *graph (1).*

21 *(f) MAINTENANCE OF ADDITIONAL RECORDS.—Each*
22 *State and local board shall maintain records with respect*
23 *to programs and activities carried out under this title that*
24 *identify—*

1 (1) *any income or profits earned, including such*
2 *income or profits earned by subrecipients; and*

3 (2) *any costs incurred (such as stand-in costs)*
4 *that are otherwise allowable except for funding limi-*
5 *tations.*

6 (g) *COST CATEGORIES.*—*In requiring entities to*
7 *maintain records of costs by cost category under this title,*
8 *the Secretary shall require only that the costs be categorized*
9 *as administrative or programmatic costs.*

10 **SEC. 186. ADMINISTRATIVE ADJUDICATION.**

11 (a) *IN GENERAL.*—*Whenever any applicant for finan-*
12 *cial assistance under this title is dissatisfied because the*
13 *Secretary has made a determination not to award financial*
14 *assistance in whole or in part to such applicant, the appli-*
15 *cant may request a hearing before an administrative law*
16 *judge of the Department of Labor. A similar hearing may*
17 *also be requested by any recipient for whom a corrective*
18 *action has been required or a sanction has been imposed*
19 *by the Secretary under section 184.*

20 (b) *APPEAL.*—*The decision of the administrative law*
21 *judge shall constitute final action by the Secretary unless,*
22 *within 20 days after receipt of the decision of the adminis-*
23 *trative law judge, a party dissatisfied with the decision or*
24 *any part of the decision has filed exceptions with the Sec-*
25 *retary specifically identifying the procedure, fact, law, or*

1 *policy to which exception is taken. Any exception not spe-*
2 *cifically urged during the 20-day period shall be deemed*
3 *to have been waived. After the 20-day period the decision*
4 *of the administrative law judge shall become the final deci-*
5 *sion of the Secretary unless the Secretary, within 30 days*
6 *after such filing, notifies the parties that the case involved*
7 *has been accepted for review.*

8 *(c) TIME LIMIT.—Any case accepted for review by the*
9 *Secretary under subsection (b) shall be decided within 180*
10 *days after such acceptance. If the case is not decided within*
11 *the 180-day period, the decision of the administrative law*
12 *judge shall become the final decision of the Secretary at the*
13 *end of the 180-day period.*

14 *(d) ADDITIONAL REQUIREMENT.—The provisions of*
15 *section 187 shall apply to any final action of the Secretary*
16 *under this section.*

17 **SEC. 187. JUDICIAL REVIEW.**

18 *(a) REVIEW.—*

19 *(1) PETITION.—With respect to any final order*
20 *by the Secretary under section 186 by which the Sec-*
21 *retary awards, declines to award, or only condi-*
22 *tionally awards, financial assistance under this title,*
23 *or any final order of the Secretary under section 186*
24 *with respect to a corrective action or sanction im-*
25 *posed under section 184, any party to a proceeding*

1 *that resulted in such final order may obtain review*
2 *of such final order in the United States Court of Ap-*
3 *peals having jurisdiction over the applicant for or re-*
4 *recipient of the funds involved, by filing a review peti-*
5 *tion within 30 days after the date of issuance of such*
6 *final order.*

7 (2) *ACTION ON PETITION.*—*The clerk of the court*
8 *shall transmit a copy of the review petition to the*
9 *Secretary, who shall file the record on which the final*
10 *order was entered as provided in section 2112 of title*
11 *28, United States Code. The filing of a review peti-*
12 *tion shall not stay the order of the Secretary, unless*
13 *the court orders a stay. Petitions filed under this sub-*
14 *section shall be heard expeditiously, if possible within*
15 *10 days after the date of filing of a reply to the peti-*
16 *tion.*

17 (3) *STANDARD AND SCOPE OF REVIEW.*—*No ob-*
18 *jection to the order of the Secretary shall be consid-*
19 *ered by the court unless the objection was specifically*
20 *urged, in a timely manner, before the Secretary. The*
21 *review shall be limited to questions of law and the*
22 *findings of fact of the Secretary shall be conclusive if*
23 *supported by substantial evidence.*

24 (b) *JUDGMENT.*—*The court shall have jurisdiction to*
25 *make and enter a decree affirming, modifying, or setting*

1 *aside the order of the Secretary in whole or in part. The*
2 *judgment of the court regarding the order shall be final,*
3 *subject to certiorari review by the Supreme Court as pro-*
4 *vided in section 1254(1) of title 28, United States Code.*

5 **SEC. 188. NONDISCRIMINATION.**

6 (a) *IN GENERAL.*—

7 (1) *FEDERAL FINANCIAL ASSISTANCE.*—*For the*
8 *purpose of applying the prohibitions against dis-*
9 *crimination on the basis of age under the Age Dis-*
10 *crimination Act of 1975 (42 U.S.C. 6101 et seq.), on*
11 *the basis of disability under section 504 of the Reha-*
12 *bilitation Act of 1973 (29 U.S.C. 794), on the basis*
13 *of sex under title IX of the Education Amendments of*
14 *1972 (20 U.S.C. 1681 et seq.), or on the basis of race,*
15 *color, or national origin under title VI of the Civil*
16 *Rights Act of 1964 (42 U.S.C. 2000d et seq.), pro-*
17 *grams and activities funded or otherwise financially*
18 *assisted in whole or in part under this Act are con-*
19 *sidered to be programs and activities receiving Fed-*
20 *eral financial assistance.*

21 (2) *PROHIBITION OF DISCRIMINATION REGARD-*
22 *ING PARTICIPATION, BENEFITS, AND EMPLOYMENT.*—
23 *No individual shall be excluded from participation*
24 *in, denied the benefits of, subjected to discrimination*
25 *under, or denied employment in the administration of*

1 *or in connection with, any such program or activity*
2 *because of race, color, religion, sex (except as other-*
3 *wise permitted under title IX of the Education*
4 *Amendments of 1972), national origin, age, dis-*
5 *ability, or political affiliation or belief.*

6 (3) *PROHIBITION ON ASSISTANCE FOR FACILI-*
7 *TIES FOR SECTARIAN INSTRUCTION OR RELIGIOUS*
8 *WORSHIP.—Participants shall not be employed under*
9 *this title to carry out the construction, operation, or*
10 *maintenance of any part of any facility that is used*
11 *or to be used for sectarian instruction or as a place*
12 *for religious worship (except with respect to the main-*
13 *tenance of a facility that is not primarily or inher-*
14 *ently devoted to sectarian instruction or religious*
15 *worship, in a case in which the organization oper-*
16 *ating the facility is part of a program or activity*
17 *providing services to participants).*

18 (4) *PROHIBITION ON DISCRIMINATION ON BASIS*
19 *OF PARTICIPANT STATUS.—No person may discrimi-*
20 *nate against an individual who is a participant in*
21 *a program or activity that receives funds under this*
22 *title, with respect to the terms and conditions affect-*
23 *ing, or rights provided to, the individual, solely be-*
24 *cause of the status of the individual as a participant.*

1 (5) *PROHIBITION ON DISCRIMINATION AGAINST*
2 *CERTAIN NONCITIZENS.*—*Participation in programs*
3 *and activities or receiving funds under this title shall*
4 *be available to citizens and nationals of the United*
5 *States, lawfully admitted permanent resident aliens,*
6 *refugees, asylees, and parolees, and other immigrants*
7 *authorized by the Attorney General to work in the*
8 *United States.*

9 (b) *ACTION OF SECRETARY.*—*Whenever the Secretary*
10 *finds that a State or other recipient of funds under this*
11 *title has failed to comply with a provision of law referred*
12 *to in subsection (a)(1), or with paragraph (2), (3), (4), or*
13 *(5) of subsection (a), including an applicable regulation*
14 *prescribed to carry out such provision or paragraph, the*
15 *Secretary shall notify such State or recipient and shall re-*
16 *quest that the State or recipient comply. If within a reason-*
17 *able period of time, not to exceed 60 days, the State or re-*
18 *ipient fails or refuses to comply, the Secretary may—*

19 (1) *refer the matter to the Attorney General with*
20 *a recommendation that an appropriate civil action be*
21 *instituted; or*

22 (2) *take such other action as may be provided by*
23 *law.*

24 (c) *ACTION OF ATTORNEY GENERAL.*—*When a matter*
25 *is referred to the Attorney General pursuant to subsection*

1 *(b)(1), or whenever the Attorney General has reason to be-*
2 *lieve that a State or other recipient of funds under this title*
3 *is engaged in a pattern or practice of discrimination in*
4 *violation of a provision of law referred to in subsection*
5 *(a)(1) or in violation of paragraph (2), (3), (4), or (5) of*
6 *subsection (a), the Attorney General may bring a civil ac-*
7 *tion in any appropriate district court of the United States*
8 *for such relief as may be appropriate, including injunctive*
9 *relief.*

10 *(d) JOB CORPS.—For the purposes of this section, Job*
11 *Corps members shall be considered to be the ultimate bene-*
12 *ficiaries of Federal financial assistance.*

13 *(e) REGULATIONS.—The Secretary shall issue regula-*
14 *tions necessary to implement this section not later than 1*
15 *year after the date of enactment of the Workforce Innovation*
16 *and Opportunity Act. Such regulations shall adopt stand-*
17 *ards for determining discrimination and procedures for en-*
18 *forcement that are consistent with the Acts referred to in*
19 *subsection (a)(1), as well as procedures to ensure that com-*
20 *plaints filed under this section and such Acts are processed*
21 *in a manner that avoids duplication of effort.*

22 **SEC. 189. SECRETARIAL ADMINISTRATIVE AUTHORITIES**
23 **AND RESPONSIBILITIES.**

24 *(a) IN GENERAL.—In accordance with chapter 5 of*
25 *title 5, United States Code, the Secretary may prescribe*

1 *rules and regulations to carry out this title, only to the ex-*
2 *tent necessary to administer and ensure compliance with*
3 *the requirements of this title. Such rules and regulations*
4 *may include provisions making adjustments authorized by*
5 *section 6504 of title 31, United States Code. All such rules*
6 *and regulations shall be published in the Federal Register*
7 *at least 30 days prior to their effective dates. Copies of each*
8 *such rule or regulation shall be transmitted to the appro-*
9 *priate committees of Congress on the date of such publica-*
10 *tion and shall contain, with respect to each material provi-*
11 *sion of such rule or regulation, a citation to the particular*
12 *substantive section of law that is the basis for the provision.*

13 **(b) ACQUISITION OF CERTAIN PROPERTY AND SERV-**
14 *ICES.—The Secretary is authorized, in carrying out this*
15 *title, to accept, purchase, or lease in the name of the Depart-*
16 *ment of Labor, and employ or dispose of in furtherance of*
17 *the purposes of this title, any money or property, real, per-*
18 *sonal, or mixed, tangible or intangible, received by gift, de-*
19 *vise, bequest, or otherwise, and to accept voluntary and un-*
20 *compensated services notwithstanding the provisions of sec-*
21 *tion 1342 of title 31, United States Code.*

22 **(c) AUTHORITY TO ENTER INTO CERTAIN AGREE-**
23 *MENTS AND TO MAKE CERTAIN EXPENDITURES.—The Sec-*
24 *retary may make such grants, enter into such contracts or*
25 *agreements, establish such procedures, and make such pay-*

1 *ments, in installments and in advance or by way of reim-*
2 *bursement, or otherwise allocate or expend such funds under*
3 *this title, as may be necessary to carry out this title, includ-*
4 *ing making expenditures for construction, repairs, and cap-*
5 *ital improvements, and including making necessary adjust-*
6 *ments in payments on account of over-payments or under-*
7 *payments.*

8 *(d) ANNUAL REPORT.—The Secretary shall prepare*
9 *and submit to the Committee on Education and the Work-*
10 *force of the House of Representatives and the Committee*
11 *on Health, Education, Labor, and Pensions of the Senate*
12 *an annual report regarding the programs and activities*
13 *funded under this title. The Secretary shall include in such*
14 *report—*

15 *(1) a summary of the achievements, failures, and*
16 *challenges of the programs and activities in meeting*
17 *the objectives of this title;*

18 *(2) a summary of major findings from research,*
19 *evaluations, pilot projects, and experiments conducted*
20 *under this title in the fiscal year prior to the submis-*
21 *sion of the report;*

22 *(3) recommendations for modifications in the*
23 *programs and activities based on analysis of such*
24 *findings; and*

1 (4) *such other recommendations for legislative or*
2 *administrative action as the Secretary determines to*
3 *be appropriate.*

4 (e) *UTILIZATION OF SERVICES AND FACILITIES.—The*
5 *Secretary is authorized, in carrying out this title, under*
6 *the same procedures as are applicable under subsection (c)*
7 *or to the extent permitted by law other than this title, to*
8 *accept and use the services and facilities of departments,*
9 *agencies, and establishments of the United States. The Sec-*
10 *retary is also authorized, in carrying out this title, to ac-*
11 *cept and use the services and facilities of the agencies of*
12 *any State or political subdivision of a State, with the con-*
13 *sent of the State or political subdivision.*

14 (f) *OBLIGATIONAL AUTHORITY.—Notwithstanding any*
15 *other provision of this title, the Secretary shall have no au-*
16 *thority to enter into contracts, grant agreements, or other*
17 *financial assistance agreements under this title, except to*
18 *such extent and in such amounts as are provided in ad-*
19 *vance in appropriations Acts.*

20 (g) *PROGRAM YEAR.—*

21 (1) *IN GENERAL.—*

22 (A) *PROGRAM YEAR.—Except as provided*
23 *in subparagraph (B), appropriations for any fis-*
24 *cal year for programs and activities funded*
25 *under this title shall be available for obligation*

1 *only on the basis of a program year. The pro-*
2 *gram year shall begin on July 1 in the fiscal*
3 *year for which the appropriation is made.*

4 (B) *YOUTH WORKFORCE INVESTMENT AC-*
5 *TIVITIES.—The Secretary may make available*
6 *for obligation, beginning April 1 of any fiscal*
7 *year, funds appropriated for such fiscal year to*
8 *carry out youth workforce investment activities*
9 *under subtitle B and activities under section*
10 *171.*

11 (2) *AVAILABILITY.—*

12 (A) *IN GENERAL.—Funds obligated for any*
13 *program year for a program or activity funded*
14 *under subtitle B may be expended by each State*
15 *receiving such funds during that program year*
16 *and the 2 succeeding program years. Funds re-*
17 *ceived by local areas from States under subtitle*
18 *B during a program year may be expended dur-*
19 *ing that program year and the succeeding pro-*
20 *gram year.*

21 (B) *CERTAIN NATIONAL ACTIVITIES.—*

22 (i) *IN GENERAL.—Funds obligated for*
23 *any program year for any program or ac-*
24 *tivity carried out under section 169 shall*
25 *remain available until expended.*

1 (ii) *INCREMENTAL FUNDING BASIS.*—A
2 *contract or arrangement entered into under*
3 *the authority of subsection (a) or (b) of sec-*
4 *tion 169 (relating to evaluations, research*
5 *projects, studies and reports, and multistate*
6 *projects), including a long-term, nonsever-*
7 *able services contract, may be funded on an*
8 *incremental basis with annual appropria-*
9 *tions or other available funds.*

10 (C) *SPECIAL RULE.*—No amount of the
11 *funds obligated for a program year for a pro-*
12 *gram or activity funded under this title shall be*
13 *deobligated on account of a rate of expenditure*
14 *that is consistent with a State plan, an oper-*
15 *ating plan described in section 151, or a plan,*
16 *grant agreement, contract, application, or other*
17 *agreement described in subtitle D, as appro-*
18 *priate.*

19 (D) *FUNDS FOR PAY-FOR-PERFORMANCE*
20 *CONTRACT STRATEGIES.*—Funds used to carry
21 *out pay-for-performance contract strategies by*
22 *local areas shall remain available until ex-*
23 *pended.*

24 (h) *ENFORCEMENT OF MILITARY SELECTIVE SERVICE*
25 *ACT.*—The Secretary shall ensure that each individual par-

1 *ticipating in any program or activity established under this*
2 *title, or receiving any assistance or benefit under this title,*
3 *has not violated section 3 of the Military Selective Service*
4 *Act (50 U.S.C. App. 453) by not presenting and submitting*
5 *to registration as required pursuant to such section. The*
6 *Director of the Selective Service System shall cooperate with*
7 *the Secretary to enable the Secretary to carry out this sub-*
8 *section.*

9 (i) *WAIVERS.—*

10 (1) *SPECIAL RULE REGARDING DESIGNATED*
11 *AREAS.—A State that has enacted, not later than De-*
12 *cember 31, 1997, a State law providing for the des-*
13 *ignation of service delivery areas for the delivery of*
14 *workforce investment activities, may use such areas*
15 *as local areas under this title, notwithstanding sec-*
16 *tion 106.*

17 (2) *SPECIAL RULE REGARDING SANCTIONS.—A*
18 *State that has enacted, not later than December 31,*
19 *1997, a State law providing for the sanctioning of*
20 *such service delivery areas for failure to meet per-*
21 *formance accountability measures for workforce in-*
22 *vestment activities, may use the State law to sanction*
23 *local areas for failure to meet State performance ac-*
24 *countability measures under this title.*

1 (3) *GENERAL WAIVERS OF STATUTORY OR REGU-*
2 *LATORY REQUIREMENTS.—*

3 (A) *GENERAL AUTHORITY.—Notwith-*
4 *standing any other provision of law, the Sec-*
5 *retary may waive for a State, or a local area in*
6 *a State, pursuant to a request submitted by the*
7 *Governor of the State (in consultation with ap-*
8 *propriate local elected officials) with a plan that*
9 *meets the requirements of subparagraph (B)—*

10 (i) *any of the statutory or regulatory*
11 *requirements of subtitle A, subtitle B, or*
12 *this subtitle (except for requirements relat-*
13 *ing to wage and labor standards, including*
14 *nondisplacement protections, worker rights,*
15 *participation and protection of workers and*
16 *participants, grievance procedures and judi-*
17 *cial review, nondiscrimination, allocation of*
18 *funds to local areas, eligibility of providers*
19 *or participants, the establishment and func-*
20 *tions of local areas and local boards, the*
21 *funding of infrastructure costs for one-stop*
22 *centers, and procedures for review and ap-*
23 *proval of plans, and other requirements re-*
24 *lating to the basic purposes of this title);*
25 *and*

1 (ii) any of the statutory or regulatory
2 requirements of sections 8 through 10 of the
3 Wagner-Peyser Act (29 U.S.C. 49g through
4 49i) (excluding requirements relating to the
5 provision of services to unemployment in-
6 surance claimants and veterans, and re-
7 quirements relating to universal access to
8 basic labor exchange services without cost to
9 jobseekers).

10 (B) *REQUESTS*.—A Governor requesting a
11 waiver under subparagraph (A) shall submit a
12 plan to the Secretary to improve the statewide
13 workforce development system that—

14 (i) identifies the statutory or regu-
15 latory requirements that are requested to be
16 waived and the goals that the State or local
17 area in the State, as appropriate, intends to
18 achieve as a result of the waiver;

19 (ii) describes the actions that the State
20 or local area, as appropriate, has under-
21 taken to remove State or local statutory or
22 regulatory barriers;

23 (iii) describes the goals of the waiver
24 and the expected programmatic outcomes if
25 the request is granted;

1 (iv) describes the individuals impacted
2 by the waiver; and

3 (v) describes the process used to mon-
4 itor the progress in implementing such a
5 waiver, and the process by which notice
6 and, in the case of a waiver for a local
7 area, an opportunity to comment on such
8 request has been provided to the local board
9 for the local area for which the waiver is re-
10 quested.

11 (C) CONDITIONS.—Not later than 90 days
12 after the date of the original submission of a re-
13 quest for a waiver under subparagraph (A), the
14 Secretary shall provide a waiver under this sub-
15 section if and only to the extent that—

16 (i) the Secretary determines that the
17 requirements requested to be waived impede
18 the ability of the State or local area, as ap-
19 propriate, to implement the plan described
20 in subparagraph (B); and

21 (ii) the State has executed a memo-
22 randum of understanding with the Sec-
23 retary requiring such State to meet, or en-
24 sure that the local area for which the waiver
25 is requested meets, agreed-upon outcomes

1 and to implement other appropriate meas-
2 ures to ensure accountability.

3 (D) *EXPEDITED DETERMINATION REGARD-*
4 *ING PROVISION OF WAIVERS.*—If the Secretary
5 has approved a waiver of statutory or regulatory
6 requirements for a State or local area pursuant
7 to this subsection, the Secretary shall expedite
8 the determination regarding the provision of that
9 waiver, for another State or local area if such
10 waiver is in accordance with the approved State
11 or local plan, as appropriate.

12 **SEC. 190. WORKFORCE FLEXIBILITY PLANS.**

13 (a) *PLANS.*—A State may submit to the Secretary, and
14 the Secretary may approve, a workforce flexibility plan
15 under which the State is authorized to waive, in accordance
16 with the plan—

17 (1) *any of the statutory or regulatory require-*
18 *ments applicable under this title to local areas, pur-*
19 *suant to applications for such waivers from the local*
20 *areas, except for requirements relating to the basic*
21 *purposes of this title, wage and labor standards,*
22 *grievance procedures and judicial review, non-*
23 *discrimination, eligibility of participants, allocation*
24 *of funds to local areas, establishment and functions of*
25 *local areas and local boards, procedures for review*

1 *and approval of local plans, and worker rights, par-*
2 *ticipation, and protection;*

3 (2) *any of the statutory or regulatory require-*
4 *ments applicable under sections 8 through 10 of the*
5 *Wagner-Peyser Act (29 U.S.C. 49g through 49i) to the*
6 *State (excluding requirements relating to the provi-*
7 *sion of services to unemployment insurance claimants*
8 *and veterans, and requirements relating to universal*
9 *access to basic labor exchange services without cost to*
10 *jobseekers); and*

11 (3) *any of the statutory or regulatory require-*
12 *ments applicable under the Older Americans Act of*
13 *1965 (42 U.S.C. 3001 et seq.) to State agencies on*
14 *aging with respect to activities carried out using*
15 *funds allotted under section 506(b) of such Act (42*
16 *U.S.C. 3056d(b)), except for requirements relating to*
17 *the basic purposes of such Act, wage and labor stand-*
18 *ards, eligibility of participants in the activities, and*
19 *standards for grant agreements.*

20 (b) *CONTENT OF PLANS.—A workforce flexibility plan*
21 *implemented by a State under subsection (a) shall include*
22 *descriptions of—*

23 (1)(A) *the process by which local areas in the*
24 *State may submit and obtain approval by the State*

1 *of applications for waivers of requirements applicable*
2 *under this title; and*

3 *(B) the requirements described in subparagraph*
4 *(A) that are likely to be waived by the State under*
5 *the plan;*

6 *(2) the requirements applicable under sections 8*
7 *through 10 of the Wagner-Peyser Act that are pro-*
8 *posed to be waived, if any;*

9 *(3) the requirements applicable under the Older*
10 *Americans Act of 1965 that are proposed to be*
11 *waived, if any;*

12 *(4) the outcomes to be achieved by the waivers*
13 *described in paragraphs (1) through (3); and*

14 *(5) other measures to be taken to ensure appro-*
15 *priate accountability for Federal funds in connection*
16 *with the waivers.*

17 *(c) PERIODS.—The Secretary may approve a work-*
18 *force flexibility plan for a period of not more than 5 years.*

19 *(d) OPPORTUNITY FOR PUBLIC COMMENTS.—Prior to*
20 *submitting a workforce flexibility plan to the Secretary for*
21 *approval, the State shall provide to all interested parties*
22 *and to the general public adequate notice of and a reason-*
23 *able opportunity for comment on the waiver requests pro-*
24 *posed to be implemented pursuant to such plan.*

1 **SEC. 191. STATE LEGISLATIVE AUTHORITY.**

2 (a) *AUTHORITY OF STATE LEGISLATURE.*—Nothing in
3 this title shall be interpreted to preclude the enactment of
4 State legislation providing for the implementation, con-
5 sistent with the provisions of this title, of the activities as-
6 sisted under this title. Any funds received by a State under
7 this title shall be subject to appropriation by the State legis-
8 lature, consistent with the terms and conditions required
9 under this title.

10 (b) *INTERSTATE COMPACTS AND COOPERATIVE*
11 *AGREEMENTS.*—In the event that compliance with provi-
12 sions of this title would be enhanced by compacts and coop-
13 erative agreements between States, the consent of Congress
14 is given to States to enter into such compacts and agree-
15 ments to facilitate such compliance, subject to the approval
16 of the Secretary.

17 **SEC. 192. TRANSFER OF FEDERAL EQUITY IN STATE EM-**
18 **PLOYMENT SECURITY AGENCY REAL PROP-**
19 **ERTY TO THE STATES.**

20 (a) *TRANSFER OF FEDERAL EQUITY.*—Notwith-
21 standing any other provision of law, any Federal equity
22 acquired in real property through grants to States awarded
23 under title III of the Social Security Act (42 U.S.C. 501
24 et seq.) or under the Wagner-Peyser Act (29 U.S.C. 49 et
25 seq.) is transferred to the States that used the grants for
26 the acquisition of such equity. The portion of any real prop-

1 *erty that is attributable to the Federal equity transferred*
2 *under this section shall be used to carry out activities au-*
3 *thorized under this Act, title III of the Social Security Act,*
4 *or the Wagner-Peyser Act. Any disposition of such real*
5 *property shall be carried out in accordance with the proce-*
6 *dures prescribed by the Secretary and the portion of the*
7 *proceeds from the disposition of such real property that is*
8 *attributable to the Federal equity transferred under this sec-*
9 *tion shall be used to carry out activities authorized under*
10 *this Act, title III of the Social Security Act, or the Wagner-*
11 *Peyser Act.*

12 *(b) LIMITATION ON USE.—A State shall not use funds*
13 *awarded under this Act, title III of the Social Security Act,*
14 *or the Wagner-Peyser Act to amortize the costs of real prop-*
15 *erty that is purchased by any State on or after the date*
16 *of enactment of the Revised Continuing Appropriations*
17 *Resolution, 2007.*

18 **SEC. 193. CONTINUATION OF STATE ACTIVITIES AND POLI-**

19 **CIES.**

20 *(a) IN GENERAL.—Notwithstanding any other provi-*
21 *sion of this title, the Secretary may not deny approval of*
22 *a State plan for a covered State, or an application of a*
23 *covered State for financial assistance, under this title, or*
24 *find a covered State (including a State board or Governor),*
25 *or a local area (including a local board or chief elected offi-*

1 cial) in a covered State, in violation of a provision of this
2 title, on the basis that—

3 (1)(A) the State proposes to allocate or disburse,
4 allocates, or disburses, within the State, funds made
5 available to the State under section 127 or 132 in ac-
6 cordance with the allocation formula for the type of
7 activities involved, or in accordance with a disbursal
8 procedure or process, used by the State under prior
9 consistent State laws; or

10 (B) a local board in the State proposes to dis-
11 burse, or disburses, within the local area, funds made
12 available to the State under section 127 or 132 in ac-
13 cordance with a disbursal procedure or process used
14 by a private industry council under prior consistent
15 State law;

16 (2) the State proposes to carry out or carries out
17 a State procedure through which local areas use, as
18 fiscal agents for funds made available to the State
19 under section 127 or 132 and allocated within the
20 State, fiscal agents selected in accordance with a
21 process established under prior consistent State laws;

22 (3) the State proposes to carry out or carries out
23 a State procedure through which the local boards in
24 the State (or the local boards, the chief elected officials
25 in the State, and the Governor) designate or select the

1 *one-stop partners and one-stop operators of the state-*
2 *wide system in the State under prior consistent State*
3 *laws, in lieu of making the designation or certifi-*
4 *cation described in section 121 (regardless of the date*
5 *the one-stop delivery systems involved have been estab-*
6 *lished);*

7 (4) *the State proposes to carry out or carries out*
8 *a State procedure through which the persons respon-*
9 *sible for selecting eligible providers for purposes of*
10 *subtitle B are permitted to determine that a provider*
11 *shall not be selected to provide both intake services*
12 *under section 134(c)(2) and training services under*
13 *section 134(c)(3), under prior consistent State laws;*

14 (5) *the State proposes to designate or designates*
15 *a State board, or proposes to assign or assigns func-*
16 *tions and roles of the State board (including deter-*
17 *mining the time periods for development and submis-*
18 *sion of a State plan required under section 102 or*
19 *103), for purposes of subtitle A in accordance with*
20 *prior consistent State laws; or*

21 (6) *a local board in the State proposes to use or*
22 *carry out, uses, or carries out a local plan (including*
23 *assigning functions and roles of the local board) for*
24 *purposes of subtitle A in accordance with the authori-*
25 *ties and requirements applicable to local plans and*

1 *private industry councils under prior consistent State*
2 *laws.*

3 *(b) DEFINITION.—In this section:*

4 *(1) COVERED STATE.—The term “covered State”*
5 *means a State that enacted State laws described in*
6 *paragraph (2).*

7 *(2) PRIOR CONSISTENT STATE LAWS.—The term*
8 *“prior consistent State laws” means State laws, not*
9 *inconsistent with the Job Training Partnership Act*
10 *or any other applicable Federal law, that took effect*
11 *on September 1, 1993, September 1, 1995, and Sep-*
12 *tember 1, 1997.*

13 **SEC. 194. GENERAL PROGRAM REQUIREMENTS.**

14 *Except as otherwise provided in this title, the following*
15 *conditions apply to all programs under this title:*

16 *(1) Each program under this title shall provide*
17 *employment and training opportunities to those who*
18 *can benefit from, and who are most in need of, such*
19 *opportunities. In addition, the recipients of Federal*
20 *funding for programs under this title shall make ef-*
21 *forts to develop programs that contribute to occupa-*
22 *tional development, upward mobility, development of*
23 *new careers, and opportunities for nontraditional em-*
24 *ployment.*

1 (2) *Funds provided under this title shall only be*
2 *used for activities that are in addition to activities*
3 *that would otherwise be available in the local area in*
4 *the absence of such funds.*

5 (3)(A) *Any local area may enter into an agree-*
6 *ment with another local area (including a local area*
7 *that is a city or county within the same labor mar-*
8 *ket) to pay or share the cost of educating, training,*
9 *or placing individuals participating in programs as-*
10 *sisted under this title, including the provision of sup-*
11 *portive services.*

12 (B) *Such agreement shall be approved by each*
13 *local board for a local area entering into the agree-*
14 *ment and shall be described in the local plan under*
15 *section 108.*

16 (4) *On-the-job training contracts under this title,*
17 *shall not be entered into with employers who have re-*
18 *ceived payments under previous contracts under this*
19 *Act or the Workforce Investment Act of 1998 and have*
20 *exhibited a pattern of failing to provide on-the-job*
21 *training participants with continued long-term em-*
22 *ployment as regular employees with wages and em-*
23 *ployment benefits (including health benefits) and*
24 *working conditions at the same level and to the same*

1 *extent as other employees working a similar length of*
2 *time and doing the same type of work.*

3 (5) *No person or organization may charge an in-*
4 *dividual a fee for the placement or referral of the in-*
5 *dividual in or to a workforce investment activity*
6 *under this title.*

7 (6) *The Secretary shall not provide financial as-*
8 *sistance for any program under this title that in-*
9 *volves political activities.*

10 (7)(A) *Income under any program administered*
11 *by a public or private nonprofit entity may be re-*
12 *tained by such entity only if such income is used to*
13 *continue to carry out the program.*

14 (B) *Income subject to the requirements of sub-*
15 *paragraph (A) shall include—*

16 (i) *receipts from goods or services (includ-*
17 *ing conferences) provided as a result of activities*
18 *funded under this title;*

19 (ii) *funds provided to a service provider*
20 *under this title that are in excess of the costs as-*
21 *sociated with the services provided; and*

22 (iii) *interest income earned on funds re-*
23 *ceived under this title.*

24 (C) *For purposes of this paragraph, each entity*
25 *receiving financial assistance under this title shall*

1 *maintain records sufficient to determine the amount*
2 *of such income received and the purposes for which*
3 *such income is expended.*

4 *(8)(A) The Secretary shall notify the Governor*
5 *and the appropriate local board and chief elected offi-*
6 *cial of, and consult with the Governor and such board*
7 *and official concerning, any activity to be funded by*
8 *the Secretary under this title within the cor-*
9 *responding State or local area.*

10 *(B) The Governor shall notify the appropriate*
11 *local board and chief elected official of, and consult*
12 *with such board and official concerning, any activity*
13 *to be funded by the Governor under this title within*
14 *the corresponding local area.*

15 *(9)(A) All education programs for youth sup-*
16 *ported with funds provided under chapter 2 of subtitle*
17 *B shall be consistent with applicable State and local*
18 *educational standards.*

19 *(B) Standards and procedures with respect to*
20 *awarding academic credit and certifying educational*
21 *attainment in programs conducted under such chap-*
22 *ter shall be consistent with the requirements of appli-*
23 *cable State and local law, including regulation.*

1 (10) *No funds available under this title may be*
2 *used for public service employment except as specifi-*
3 *cally authorized under this title.*

4 (11) *The Federal requirements governing the*
5 *title, use, and disposition of real property, equipment,*
6 *and supplies purchased with funds provided under*
7 *this title shall be the corresponding Federal require-*
8 *ments generally applicable to such items purchased*
9 *through Federal grants to States and local govern-*
10 *ments.*

11 (12) *Nothing in this title shall be construed to*
12 *provide an individual with an entitlement to a serv-*
13 *ice under this title.*

14 (13) *Services, facilities, or equipment funded*
15 *under this title may be used, as appropriate, on a fee-*
16 *for-service basis, by employers in a local area in*
17 *order to provide employment and training activities*
18 *to incumbent workers—*

19 (A) *when such services, facilities, or equip-*
20 *ment are not in use for the provision of services*
21 *for eligible participants under this title;*

22 (B) *if such use for incumbent workers would*
23 *not have an adverse effect on the provision of*
24 *services to eligible participants under this title;*
25 *and*

1 (C) if the income derived from such fees is
2 used to carry out the programs authorized under
3 this title.

4 (14) Funds provided under this title shall not be
5 used to establish or operate a stand-alone fee-for-service
6 enterprise in a situation in which a private sector
7 employment agency (as defined in section 701 of the
8 Civil Rights Act of 1964 (42 U.S.C. 2000e)) is providing
9 full access to similar or related services in such
10 a manner as to fully meet the identified need. For
11 purposes of this paragraph, such an enterprise does
12 not include a one-stop delivery system described in
13 section 121(e).

14 (15)(A) None of the funds available under this
15 title shall be used by a recipient or subrecipient of
16 such funds to pay the salary and bonuses of an individual,
17 either as direct costs or indirect costs, at a
18 rate in excess of the annual rate of basic pay prescribed
19 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, taking*
4 *into account factors including the relative cost of liv-*
5 *ing in the State, the compensation levels for com-*
6 *parable State or local government employees, and the*
7 *size of the organizations that administer the Federal*
8 *programs involved.*

9 **SEC. 195. RESTRICTIONS ON LOBBYING ACTIVITIES.**

10 *(a) PUBLICITY RESTRICTIONS.—*

11 *(1) IN GENERAL.—No funds provided under this*
12 *Act shall be used for—*

13 *(A) publicity or propaganda purposes; or*

14 *(B) the preparation, distribution, or use of*
15 *any kit, pamphlet, booklet, publication, elec-*
16 *tronic communication, radio, television, or video*
17 *presentation designed to support or defeat—*

18 *(i) the enactment of legislation before*
19 *Congress or any State or local legislature or*
20 *legislative body; or*

21 *(ii) any proposed or pending regula-*
22 *tion, administrative action, or order issued*
23 *by the executive branch of any State or*
24 *local government.*

1 (2) *EXCEPTION.*—*Paragraph (1) shall not apply*
2 *to—*

3 (A) *normal and recognized executive-legisla-*
4 *tive relationships;*

5 (B) *the preparation, distribution, or use of*
6 *the materials described in paragraph (1)(B) in*
7 *presentation to Congress or any State or local*
8 *legislature or legislative body; or*

9 (C) *such preparation, distribution, or use of*
10 *such materials in presentation to the executive*
11 *branch of any State or local government.*

12 (b) *SALARY RESTRICTIONS.*—

13 (1) *IN GENERAL.*—*No funds provided under this*
14 *Act shall be used to pay the salary or expenses of any*
15 *grant or contract recipient, or agent acting for such*
16 *recipient, related to any activity designed to influence*
17 *the enactment or issuance of legislation, appropria-*
18 *tions, regulations, administrative action, or an Exec-*
19 *utive order proposed or pending before Congress or*
20 *any State government, or a State or local legislature*
21 *or legislative body.*

22 (2) *EXCEPTION.*—*Paragraph (1) shall not apply*
23 *to—*

24 (A) *normal and recognized executive-legisla-*
25 *tive relationships; or*

1 *(B) participation by an agency or officer of*
2 *a State, local, or tribal government in policy-*
3 *making and administrative processes within the*
4 *executive branch of that government.*

5 **TITLE II—ADULT EDUCATION**
6 **AND LITERACY**

7 **SEC. 201. SHORT TITLE.**

8 *This title may be cited as the “Adult Education and*
9 *Family Literacy Act”.*

10 **SEC. 202. PURPOSE.**

11 *It is the purpose of this title to create a partnership*
12 *among the Federal Government, States, and localities to*
13 *provide, on a voluntary basis, adult education and literacy*
14 *activities, in order to—*

15 *(1) assist adults to become literate and obtain*
16 *the knowledge and skills necessary for employment*
17 *and economic self-sufficiency;*

18 *(2) assist adults who are parents or family mem-*
19 *bers to obtain the education and skills that—*

20 *(A) are necessary to becoming full partners*
21 *in the educational development of their children;*
22 *and*

23 *(B) lead to sustainable improvements in the*
24 *economic opportunities for their family;*

1 (3) assist adults in attaining a secondary school
2 diploma and in the transition to postsecondary edu-
3 cation and training, including through career path-
4 ways; and

5 (4) assist immigrants and other individuals who
6 are English language learners in—

7 (A) improving their—

8 (i) reading, writing, speaking, and
9 comprehension skills in English; and

10 (ii) mathematics skills; and

11 (B) acquiring an understanding of the
12 American system of Government, individual free-
13 dom, and the responsibilities of citizenship.

14 **SEC. 203. DEFINITIONS.**

15 *In this title:*

16 (1) *ADULT EDUCATION.*—The term “adult edu-
17 cation” means academic instruction and education
18 services below the postsecondary level that increase an
19 individual’s ability to—

20 (A) read, write, and speak in English and
21 perform mathematics or other activities nec-
22 essary for the attainment of a secondary school
23 diploma or its recognized equivalent;

24 (B) transition to postsecondary education
25 and training; and

1 (C) obtain employment.

2 (2) *ADULT EDUCATION AND LITERACY ACTIVITIES.*—The term “adult education and literacy activities” means programs, activities, and services that include adult education, literacy, workplace adult education and literacy activities, family literacy activities, English language acquisition activities, integrated English literacy and civics education, workforce preparation activities, or integrated education and training.

11 (3) *ELIGIBLE AGENCY.*—The term “eligible agency” means the sole entity or agency in a State or an outlying area responsible for administering or supervising policy for adult education and literacy activities in the State or outlying area, respectively, consistent with the law of the State or outlying area, respectively.

18 (4) *ELIGIBLE INDIVIDUAL.*—The term “eligible individual” means an individual—

20 (A) who has attained 16 years of age;

21 (B) who is not enrolled or required to be enrolled in secondary school under State law; and

22 (C) who—

23 (i) is basic skills deficient;

1 (ii) does not have a secondary school
2 diploma or its recognized equivalent, and
3 has not achieved an equivalent level of edu-
4 cation; or

5 (iii) is an English language learner.

6 (5) *ELIGIBLE PROVIDER.*—The term “eligible
7 provider” means an organization that has dem-
8 onstrated effectiveness in providing adult education
9 and literacy activities that may include —

10 (A) a local educational agency;

11 (B) a community-based organization or
12 faith-based organization;

13 (C) a volunteer literacy organization;

14 (D) an institution of higher education;

15 (E) a public or private nonprofit agency;

16 (F) a library;

17 (G) a public housing authority;

18 (H) a nonprofit institution that is not de-
19 scribed in any of subparagraphs (A) through (G)
20 and has the ability to provide adult education
21 and literacy activities to eligible individuals;

22 (I) a consortium or coalition of the agen-
23 cies, organizations, institutions, libraries, or au-
24 thorities described in any of subparagraphs (A)
25 through (H); and

1 *(J) a partnership between an employer and*
2 *an entity described in any of subparagraphs (A)*
3 *through (I).*

4 (6) *ENGLISH LANGUAGE ACQUISITION PRO-*
5 *GRAM.—The term “English language acquisition pro-*
6 *gram” means a program of instruction—*

7 *(A) designed to help eligible individuals*
8 *who are English language learners achieve com-*
9 *petence in reading, writing, speaking, and com-*
10 *prehension of the English language; and*

11 *(B) that leads to—*

12 *(i)(I) attainment of a secondary school*
13 *diploma or its recognized equivalent; and*

14 *(II) transition to postsecondary edu-*
15 *cation and training; or*

16 *(ii) employment.*

17 (7) *ENGLISH LANGUAGE LEARNER.—The term*
18 *“English language learner” when used with respect to*
19 *an eligible individual, means an eligible individual*
20 *who has limited ability in reading, writing, speaking,*
21 *or comprehending the English language, and—*

22 *(A) whose native language is a language*
23 *other than English; or*

1 (B) who lives in a family or community en-
2 vironment where a language other than English
3 is the dominant language.

4 (8) *ESSENTIAL COMPONENTS OF READING IN-*
5 *STRUCTION.*—The term “essential components of read-
6 ing instruction” has the meaning given the term in
7 section 1208 of the Elementary and Secondary Edu-
8 cation Act of 1965 (20 U.S.C. 6368).

9 (9) *FAMILY LITERACY ACTIVITIES.*—The term
10 “family literacy activities” means activities that are
11 of sufficient intensity and quality, to make sustain-
12 able improvements in the economic prospects for a
13 family and that better enable parents or family mem-
14 bers to support their children’s learning needs, and
15 that integrate all of the following activities:

16 (A) Parent or family adult education and
17 literacy activities that lead to readiness for post-
18 secondary education or training, career advance-
19 ment, and economic self-sufficiency.

20 (B) Interactive literacy activities between
21 parents or family members and their children.

22 (C) Training for parents or family members
23 regarding how to be the primary teacher for
24 their children and full partners in the education
25 of their children.

1 (D) *An age-appropriate education to pre-*
2 *pare children for success in school and life expe-*
3 *riences.*

4 (10) *INSTITUTION OF HIGHER EDUCATION.—The*
5 *term “institution of higher education” has the mean-*
6 *ing given the term in section 101 of the Higher Edu-*
7 *cation Act of 1965 (20 U.S.C. 1001).*

8 (11) *INTEGRATED EDUCATION AND TRAINING.—*
9 *The term “integrated education and training” means*
10 *a service approach that provides adult education and*
11 *literacy activities concurrently and contextually with*
12 *workforce preparation activities and workforce train-*
13 *ing for a specific occupation or occupational cluster*
14 *for the purpose of educational and career advance-*
15 *ment.*

16 (12) *INTEGRATED ENGLISH LITERACY AND*
17 *CIVICS EDUCATION.—The term “integrated English*
18 *literacy and civics education” means education serv-*
19 *ices provided to English language learners who are*
20 *adults, including professionals with degrees and cre-*
21 *dentials in their native countries, that enables such*
22 *adults to achieve competency in the English language*
23 *and acquire the basic and more advanced skills need-*
24 *ed to function effectively as parents, workers, and*
25 *citizens in the United States. Such services shall in-*

1 *clude instruction in literacy and English language*
2 *acquisition and instruction on the rights and respon-*
3 *sibilities of citizenship and civic participation, and*
4 *may include workforce training.*

5 (13) *LITERACY.*—*The term “literacy” means an*
6 *individual’s ability to read, write, and speak in*
7 *English, compute, and solve problems, at levels of pro-*
8 *ficiency necessary to function on the job, in the fam-*
9 *ily of the individual, and in society.*

10 (14) *POSTSECONDARY EDUCATIONAL INSTITU-*
11 *TION.*—*The term “postsecondary educational institu-*
12 *tion” means—*

13 (A) *an institution of higher education that*
14 *provides not less than a 2-year program of in-*
15 *struction that is acceptable for credit toward a*
16 *bachelor’s degree;*

17 (B) *a tribally controlled college or univer-*
18 *sity; or*

19 (C) *a nonprofit educational institution of-*
20 *fering certificate or apprenticeship programs at*
21 *the postsecondary level.*

22 (15) *SECRETARY.*—*The term “Secretary” means*
23 *the Secretary of Education.*

24 (16) *WORKPLACE ADULT EDUCATION AND LIT-*
25 *ERACY ACTIVITIES.*—*The term “workplace adult edu-*

1 *cation and literacy activities” means adult education*
2 *and literacy activities offered by an eligible provider*
3 *in collaboration with an employer or employee orga-*
4 *nization at a workplace or an off-site location that is*
5 *designed to improve the productivity of the workforce.*

6 (17) *WORKFORCE PREPARATION ACTIVITIES.—*
7 *The term “workforce preparation activities” means*
8 *activities, programs, or services designed to help an*
9 *individual acquire a combination of basic academic*
10 *skills, critical thinking skills, digital literacy skills,*
11 *and self-management skills, including competencies in*
12 *utilizing resources, using information, working with*
13 *others, understanding systems, and obtaining skills*
14 *necessary for successful transition into and comple-*
15 *tion of postsecondary education or training, or em-*
16 *ployment.*

17 **SEC. 204. HOME SCHOOLS.**

18 *Nothing in this title shall be construed to affect home*
19 *schools, whether a home school is treated as a home school*
20 *or a private school under State law, or to compel a parent*
21 *or family member engaged in home schooling to participate*
22 *in adult education and literacy activities.*

1 **SEC. 205. RULE OF CONSTRUCTION REGARDING POSTSEC-**
 2 **ONDARY TRANSITION AND CONCURRENT EN-**
 3 **ROLLMENT ACTIVITIES.**

4 *Nothing in this title shall be construed to prohibit or*
 5 *discourage the use of funds provided under this title for*
 6 *adult education and literacy activities that help eligible in-*
 7 *dividuals transition to postsecondary education and train-*
 8 *ing or employment, or for concurrent enrollment activities.*

9 **SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

10 *There are authorized to be appropriated to carry out*
 11 *this title \$577,667,000 for fiscal year 2015, \$622,286,000*
 12 *for fiscal year 2016, \$635,198,000 for fiscal year 2017,*
 13 *\$649,287,000 for fiscal year 2018, \$664,552,000 for fiscal*
 14 *year 2019, and \$678,640,000 for fiscal year 2020.*

15 ***Subtitle A—Federal Provisions***

16 **SEC. 211. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE**
 17 **AGENCIES; ALLOTMENTS.**

18 *(a) RESERVATION OF FUNDS.—From the sum appro-*
 19 *priated under section 206 for a fiscal year, the Secretary—*

20 *(1) shall reserve 2 percent to carry out section*
 21 *242, except that the amount so reserved shall not ex-*
 22 *ceed \$15,000,000; and*

23 *(2) shall reserve 12 percent of the amount that*
 24 *remains after reserving funds under paragraph (1) to*
 25 *carry out section 243.*

26 *(b) GRANTS TO ELIGIBLE AGENCIES.—*

1 (1) *IN GENERAL.*—From the sum appropriated
2 under section 206 and not reserved under subsection
3 (a) for a fiscal year, the Secretary shall award a
4 grant to each eligible agency having a unified State
5 plan approved under section 102 or a combined State
6 plan approved under section 103 in an amount equal
7 to the sum of the initial allotment under subsection
8 (c)(1) and the additional allotment under subsection
9 (c)(2) for the eligible agency for the fiscal year, sub-
10 ject to subsections (f) and (g), to enable the eligible
11 agency to carry out the activities assisted under this
12 title.

13 (2) *PURPOSE OF GRANTS.*—The Secretary may
14 award a grant under paragraph (1) only if the eligi-
15 ble entity involved agrees to expend the grant for
16 adult education and literacy activities in accordance
17 with the provisions of this title.

18 (c) *ALLOTMENTS.*—

19 (1) *INITIAL ALLOTMENTS.*—From the sum ap-
20 propriated under section 206 and not reserved under
21 subsection (a) for a fiscal year, the Secretary shall
22 allot to each eligible agency having a unified State
23 plan approved under section 102 or a combined State
24 plan approved under section 103—

1 (A) \$100,000, in the case of an eligible
2 agency serving an outlying area; and

3 (B) \$250,000, in the case of any other eligi-
4 ble agency.

5 (2) *ADDITIONAL ALLOTMENTS.*—From the sum
6 appropriated under section 206, not reserved under
7 subsection (a), and not allotted under paragraph (1),
8 for a fiscal year, the Secretary shall allot to each eli-
9 gible agency that receives an initial allotment under
10 paragraph (1) an additional amount that bears the
11 same relationship to such sum as the number of
12 qualifying adults in the State or outlying area served
13 by the eligible agency bears to the number of such
14 adults in all States and outlying areas.

15 (d) *QUALIFYING ADULT.*—For the purpose of sub-
16 section (c)(2), the term “qualifying adult” means an adult
17 who—

18 (1) is at least 16 years of age;

19 (2) is beyond the age of compulsory school at-
20 tendance under the law of the State or outlying area;

21 (3) does not have a secondary school diploma or
22 its recognized equivalent; and

23 (4) is not enrolled in secondary school.

24 (e) *SPECIAL RULE.*—

1 (1) *IN GENERAL.*—*From amounts made avail-*
2 *able under subsection (c) for the Republic of Palau,*
3 *the Secretary shall award grants to Guam, American*
4 *Samoa, the Commonwealth of the Northern Mariana*
5 *Islands, or the Republic of Palau to carry out activi-*
6 *ties described in this title in accordance with the pro-*
7 *visions of this title, as determined by the Secretary.*

8 (2) *AWARD BASIS.*—*The Secretary shall award*
9 *grants pursuant to paragraph (1) on a competitive*
10 *basis and pursuant to the recommendations from the*
11 *Pacific Region Educational Laboratory in Honolulu,*
12 *Hawaii.*

13 (3) *TERMINATION OF ELIGIBILITY.*—*Notwith-*
14 *standing any other provision of law, the Republic of*
15 *Palau shall be eligible to receive a grant under this*
16 *title except during the period described in section*
17 *3(45).*

18 (4) *ADMINISTRATIVE COSTS.*—*The Secretary*
19 *may provide not more than 5 percent of the funds*
20 *made available for grants under this subsection to*
21 *pay the administrative costs of the Pacific Region*
22 *Educational Laboratory regarding activities assisted*
23 *under this subsection.*

24 (f) *HOLD-HARMLESS PROVISIONS.*—

1 (1) *IN GENERAL.*—Notwithstanding subsection
2 (c), for fiscal year 2015 and each succeeding fiscal
3 year, no eligible agency shall receive an allotment
4 under this section that is less than 90 percent of the
5 allotment the eligible agency received for the pre-
6 ceding fiscal year under this section.

7 (2) *RATABLE REDUCTION.*—If for any fiscal year
8 the amount available for allotment under this title is
9 insufficient to satisfy the provisions of paragraph (1)
10 the Secretary shall ratably reduce the payments to all
11 eligible agencies, as necessary.

12 (g) *REALLOTMENT.*—The portion of any eligible agen-
13 cy's allotment under this title for a fiscal year that the Sec-
14 retary determines will not be required for the period such
15 allotment is available for carrying out activities under this
16 title, shall be available for reallocation from time to time,
17 on such dates during such period as the Secretary shall fix,
18 to other eligible agencies in proportion to the original allot-
19 ments to such agencies under this title for such year.

20 **SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.**

21 Programs and activities authorized in this title are
22 subject to the performance accountability provisions de-
23 scribed in section 116.

1 **Subtitle B—State Provisions**

2 **SEC. 221. STATE ADMINISTRATION.**

3 *Each eligible agency shall be responsible for the State*
4 *or outlying area administration of activities under this*
5 *title, including—*

6 (1) *the development, implementation, and moni-*
7 *toring of the relevant components of the unified State*
8 *plan in section 102 or the combined State plan in*
9 *section 103;*

10 (2) *consultation with other appropriate agencies,*
11 *groups, and individuals that are involved in, or in-*
12 *terested in, the development and implementation of*
13 *activities assisted under this title; and*

14 (3) *coordination and nonduplication with other*
15 *Federal and State education, training, corrections,*
16 *public housing, and social service programs.*

17 **SEC. 222. STATE DISTRIBUTION OF FUNDS; MATCHING RE-**
18 **QUIREMENT.**

19 (a) *STATE DISTRIBUTION OF FUNDS.—Each eligible*
20 *agency receiving a grant under section 211(b) for a fiscal*
21 *year—*

22 (1) *shall use not less than 82.5 percent of the*
23 *grant funds to award grants and contracts under sec-*
24 *tion 231 and to carry out section 225, of which not*

1 *more than 20 percent of such amount shall be avail-*
2 *able to carry out section 225;*

3 *(2) shall use not more than 12.5 percent of the*
4 *grant funds to carry out State leadership activities*
5 *under section 223; and*

6 *(3) shall use not more than 5 percent of the*
7 *grant funds, or \$85,000, whichever is greater, for the*
8 *administrative expenses of the eligible agency.*

9 *(b) MATCHING REQUIREMENT.—*

10 *(1) IN GENERAL.—In order to receive a grant*
11 *from the Secretary under section 211(b) each eligible*
12 *agency shall provide, for the costs to be incurred by*
13 *the eligible agency in carrying out the adult edu-*
14 *cation and literacy activities for which the grant is*
15 *awarded, a non-Federal contribution in an amount*
16 *that is not less than—*

17 *(A) in the case of an eligible agency serving*
18 *an outlying area, 12 percent of the total amount*
19 *of funds expended for adult education and lit-*
20 *eracy activities in the outlying area, except that*
21 *the Secretary may decrease the amount of funds*
22 *required under this subparagraph for an eligible*
23 *agency; and*

24 *(B) in the case of an eligible agency serving*
25 *a State, 25 percent of the total amount of funds*

1 *expended for adult education and literacy activi-*
2 *ties in the State.*

3 (2) *NON-FEDERAL CONTRIBUTION.*—*An eligible*
4 *agency’s non-Federal contribution required under*
5 *paragraph (1) may be provided in cash or in kind,*
6 *fairly evaluated, and shall include only non-Federal*
7 *funds that are used for adult education and literacy*
8 *activities in a manner that is consistent with the pur-*
9 *pose of this title.*

10 **SEC. 223. STATE LEADERSHIP ACTIVITIES.**

11 (i) *ACTIVITIES.*—

12 (1) *REQUIRED.*—*Each eligible agency shall use*
13 *funds made available under section 222(a)(2) for the*
14 *following adult education and literacy activities to*
15 *develop or enhance the adult education system of the*
16 *State or outlying area:*

17 (A) *The alignment of adult education and*
18 *literacy activities with other core programs and*
19 *one-stop partners, including eligible providers, to*
20 *implement the strategy identified in the unified*
21 *State plan under section 102 or the combined*
22 *State plan under section 103, including the de-*
23 *velopment of career pathways to provide access*
24 *to employment and training services for individ-*
25 *uals in adult education and literacy activities.*

1 (B) *The establishment or operation of high*
2 *quality professional development programs to*
3 *improve the instruction provided pursuant to*
4 *local activities required under section 231(b), in-*
5 *cluding instruction incorporating the essential*
6 *components of reading instruction as such com-*
7 *ponents relate to adults, instruction related to*
8 *the specific needs of adult learners, instruction*
9 *provided by volunteers or by personnel of a State*
10 *or outlying area, and dissemination of informa-*
11 *tion about models and promising practices re-*
12 *lated to such programs.*

13 (C) *The provision of technical assistance to*
14 *eligible providers of adult education and literacy*
15 *activities receiving funds under this title, includ-*
16 *ing—*

17 *(i) the development and dissemination*
18 *of instructional and programmatic prac-*
19 *tices based on the most rigorous or scientif-*
20 *ically valid research available and appro-*
21 *priate, in reading, writing, speaking, math-*
22 *ematics, English language acquisition pro-*
23 *grams, distance education, and staff train-*
24 *ing;*

1 (ii) the role of eligible providers as a
2 one-stop partner to provide access to em-
3 ployment, education, and training services;
4 and

5 (iii) assistance in the use of technology,
6 including for staff training, to eligible pro-
7 viders, especially the use of technology to
8 improve system efficiencies.

9 (D) The monitoring and evaluation of the
10 quality of, and the improvement in, adult edu-
11 cation and literacy activities and the dissemina-
12 tion of information about models and proven or
13 promising practices within the State.

14 (2) *PERMISSIBLE ACTIVITIES.*—Each eligible
15 agency may use funds made available under section
16 222(a)(2) for 1 or more of the following adult edu-
17 cation and literacy activities:

18 (A) The support of State or regional net-
19 works of literacy resource centers.

20 (B) The development and implementation of
21 technology applications, translation technology,
22 or distance education, including professional de-
23 velopment to support the use of instructional
24 technology.

1 (C) *Developing and disseminating cur-*
2 *ricula, including curricula incorporating the es-*
3 *sential components of reading instruction as*
4 *such components relate to adults.*

5 (D) *Developing content and models for inte-*
6 *grated education and training and career path-*
7 *ways.*

8 (E) *The provision of assistance to eligible*
9 *providers in developing and implementing pro-*
10 *grams that achieve the objectives of this title and*
11 *in measuring the progress of those programs in*
12 *achieving such objectives, including meeting the*
13 *State adjusted levels of performance described in*
14 *section 116(b)(3).*

15 (F) *The development and implementation of*
16 *a system to assist in the transition from adult*
17 *education to postsecondary education, including*
18 *linkages with postsecondary educational institu-*
19 *tions or institutions of higher education.*

20 (G) *Integration of literacy and English lan-*
21 *guage instruction with occupational skill train-*
22 *ing, including promoting linkages with employ-*
23 *ers.*

24 (H) *Activities to promote workplace adult*
25 *education and literacy activities.*

1 (I) *Identifying curriculum frameworks and*
2 *aligning rigorous content standards that—*

3 (i) *specify what adult learners should*
4 *know and be able to do in the areas of read-*
5 *ing and language arts, mathematics, and*
6 *English language acquisition; and*

7 (ii) *take into consideration the fol-*
8 *lowing:*

9 (I) *State adopted academic stand-*
10 *ards.*

11 (II) *The current adult skills and*
12 *literacy assessments used in the State*
13 *or outlying area.*

14 (III) *The primary indicators of*
15 *performance described in section 116.*

16 (IV) *Standards and academic re-*
17 *quirements for enrollment in non-*
18 *remedial, for-credit courses in postsec-*
19 *ondary educational institutions or in-*
20 *stitutions of higher education sup-*
21 *ported by the State or outlying area.*

22 (V) *Where appropriate, the con-*
23 *tent of occupational and industry skill*
24 *standards widely used by business and*
25 *industry in the State or outlying area.*

1 *(J) Developing and piloting of strategies for*
2 *improving teacher quality and retention.*

3 *(K) The development and implementation of*
4 *programs and services to meet the needs of adult*
5 *learners with learning disabilities or English*
6 *language learners, which may include new and*
7 *promising assessment tools and strategies that*
8 *are based on scientifically valid research, where*
9 *appropriate, and identify the needs and capture*
10 *the gains of such students at the lowest achieve-*
11 *ment levels.*

12 *(L) Outreach to instructors, students, and*
13 *employers.*

14 *(M) Other activities of statewide signifi-*
15 *cance that promote the purpose of this title.*

16 *(b) COLLABORATION.—In carrying out this section, el-*
17 *igible agencies shall collaborate where possible, and avoid*
18 *duplicating efforts, in order to maximize the impact of the*
19 *activities described in subsection (a).*

20 *(c) STATE-IMPOSED REQUIREMENTS.—Whenever a*
21 *State or outlying area implements any rule or policy relat-*
22 *ing to the administration or operation of a program au-*
23 *thorized under this title that has the effect of imposing a*
24 *requirement that is not imposed under Federal law (includ-*
25 *ing any rule or policy based on a State or outlying area*

1 *interpretation of a Federal statute, regulation, or guide-*
2 *line), the State or outlying area shall identify, to eligible*
3 *providers, the rule or policy as being imposed by the State*
4 *or outlying area.*

5 **SEC. 224. STATE PLAN.**

6 *Each State desiring to receive funds under this title*
7 *for any fiscal year shall submit and have approved a uni-*
8 *fied State plan in accordance with section 102 or a com-*
9 *bined State plan in accordance with section 103.*

10 **SEC. 225. PROGRAMS FOR CORRECTIONS EDUCATION AND**
11 **OTHER INSTITUTIONALIZED INDIVIDUALS.**

12 *(a) PROGRAM AUTHORIZED.—From funds made avail-*
13 *able under section 222(a)(1) for a fiscal year, each eligible*
14 *agency shall carry out corrections education and education*
15 *for other institutionalized individuals.*

16 *(b) USES OF FUNDS.—The funds described in sub-*
17 *section (a) shall be used for the cost of educational programs*
18 *for criminal offenders in correctional institutions and for*
19 *other institutionalized individuals, including academic*
20 *programs for—*

21 *(1) adult education and literacy activities;*

22 *(2) special education, as determined by the eligi-*
23 *ble agency;*

24 *(3) secondary school credit;*

25 *(4) integrated education and training;*

- 1 (5) *career pathways;*
- 2 (6) *concurrent enrollment;*
- 3 (7) *peer tutoring; and*
- 4 (8) *transition to re-entry initiatives and other*
5 *postrelease services with the goal of reducing recidi-*
6 *vism.*

7 (c) *PRIORITY.*—*Each eligible agency that is using as-*
8 *sistance provided under this section to carry out a program*
9 *for criminal offenders within a correctional institution*
10 *shall give priority to serving individuals who are likely to*
11 *leave the correctional institution within 5 years of partici-*
12 *pation in the program.*

13 (d) *REPORT.*—*In addition to any report required*
14 *under section 116, each eligible agency that receives assist-*
15 *ance provided under this section shall annually prepare*
16 *and submit to the Secretary a report on the progress, as*
17 *described in section 116, of the eligible agency with respect*
18 *to the programs and activities carried out under this sec-*
19 *tion, including the relative rate of recidivism for the crimi-*
20 *nal offenders served.*

21 (e) *DEFINITIONS.*—*In this section:*

22 (1) *CORRECTIONAL INSTITUTION.*—*The term*
23 *“correctional institution” means any—*

24 (A) *prison;*

25 (B) *jail;*

1 (C) reformatory;
2 (D) work farm;
3 (E) detention center; or
4 (F) halfway house, community-based reha-
5 bilitation center, or any other similar institution
6 designed for the confinement or rehabilitation of
7 criminal offenders.

8 (2) *CRIMINAL OFFENDER.*—The term “criminal
9 offender” means any individual who is charged with
10 or convicted of any criminal offense.

11 ***Subtitle C—Local Provisions***

12 ***SEC. 231. GRANTS AND CONTRACTS FOR ELIGIBLE PRO-*** 13 ***VIDERS.***

14 (a) *GRANTS AND CONTRACTS.*—From grant funds
15 made available under section 222(a)(1), each eligible agency
16 shall award multiyear grants or contracts, on a competitive
17 basis, to eligible providers within the State or outlying area
18 to enable the eligible providers to develop, implement, and
19 improve adult education and literacy activities within the
20 State.

21 (b) *REQUIRED LOCAL ACTIVITIES.*—The eligible agen-
22 cy shall require that each eligible provider receiving a grant
23 or contract under subsection (a) use the grant or contract
24 to establish or operate programs that provide adult edu-

1 *cation and literacy activities, including programs that pro-*
2 *vide such activities concurrently.*

3 (c) *DIRECT AND EQUITABLE ACCESS; SAME PROC-*
4 *ESS.—Each eligible agency receiving funds under this title*
5 *shall ensure that—*

6 (1) *all eligible providers have direct and equi-*
7 *table access to apply and compete for grants or con-*
8 *tracts under this section; and*

9 (2) *the same grant or contract announcement*
10 *process and application process is used for all eligible*
11 *providers in the State or outlying area.*

12 (d) *SPECIAL RULE.—Each eligible agency awarding*
13 *a grant or contract under this section shall not use any*
14 *funds made available under this title for adult education*
15 *and literacy activities for the purpose of supporting or pro-*
16 *viding programs, services, or activities for individuals who*
17 *are not individuals described in subparagraphs (A) and (B)*
18 *of section 203(4), except that such agency may use such*
19 *funds for such purpose if such programs, services, or activi-*
20 *ties are related to family literacy activities. In providing*
21 *family literacy activities under this title, an eligible pro-*
22 *vider shall attempt to coordinate with programs and serv-*
23 *ices that are not assisted under this title prior to using*
24 *funds for adult education and literacy activities under this*

1 *title for activities other than activities for eligible individ-*
2 *uals.*

3 (e) *CONSIDERATIONS.—In awarding grants or con-*
4 *tracts under this section, the eligible agency shall con-*
5 *sider—*

6 (1) *the degree to which the eligible provider*
7 *would be responsive to—*

8 (A) *regional needs as identified in the local*
9 *plan under section 108; and*

10 (B) *serving individuals in the community*
11 *who were identified in such plan as most in need*
12 *of adult education and literacy activities, includ-*
13 *ing individuals—*

14 (i) *who have low levels of literacy*
15 *skills; or*

16 (ii) *who are English language learners;*

17 (2) *the ability of the eligible provider to serve eli-*
18 *gible individuals with disabilities, including eligible*
19 *individuals with learning disabilities;*

20 (3) *past effectiveness of the eligible provider in*
21 *improving the literacy of eligible individuals, to meet*
22 *State-adjusted levels of performance for the primary*
23 *indicators of performance described in section 116, es-*
24 *pecially with respect to eligible individuals who have*
25 *low levels of literacy;*

1 (4) *the extent to which the eligible provider dem-*
2 *onstrates alignment between proposed activities and*
3 *services and the strategy and goals of the local plan*
4 *under section 108, as well as the activities and serv-*
5 *ices of the one-stop partners;*

6 (5) *whether the eligible provider’s program—*

7 (A) *is of sufficient intensity and quality,*
8 *and based on the most rigorous research avail-*
9 *able so that participants achieve substantial*
10 *learning gains; and*

11 (B) *uses instructional practices that include*
12 *the essential components of reading instruction;*

13 (6) *whether the eligible provider’s activities, in-*
14 *cluding whether reading, writing, speaking, mathe-*
15 *matics, and English language acquisition instruction*
16 *delivered by the eligible provider, are based on the*
17 *best practices derived from the most rigorous research*
18 *available and appropriate, including scientifically*
19 *valid research and effective educational practice;*

20 (7) *whether the eligible provider’s activities effec-*
21 *tively use technology, services, and delivery systems,*
22 *including distance education in a manner sufficient*
23 *to increase the amount and quality of learning and*
24 *how such technology, services, and systems lead to im-*
25 *proved performance;*

1 (8) *whether the eligible provider's activities pro-*
2 *vide learning in context, including through integrated*
3 *education and training, so that an individual ac-*
4 *quires the skills needed to transition to and complete*
5 *postsecondary education and training programs, ob-*
6 *tain and advance in employment leading to economic*
7 *self-sufficiency, and to exercise the rights and respon-*
8 *sibilities of citizenship;*

9 (9) *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 (10) *whether the eligible provider's activities co-*
16 *ordinate with other available education, training, and*
17 *social service resources in the community, such as by*
18 *establishing strong links with elementary schools and*
19 *secondary schools, postsecondary educational institu-*
20 *tions, institutions of higher education, local workforce*
21 *investment boards, one-stop centers, job training pro-*
22 *grams, and social service agencies, business, industry,*
23 *labor organizations, community-based organizations,*
24 *nonprofit organizations, and intermediaries, for the*
25 *development of career pathways;*

1 (11) *whether the eligible provider's activities*
2 *offer flexible schedules and coordination with Federal,*
3 *State, and local support services (such as child care,*
4 *transportation, mental health services, and career*
5 *planning) that are necessary to enable individuals,*
6 *including individuals with disabilities or other spe-*
7 *cial needs, to attend and complete programs;*

8 (12) *whether the eligible provider maintains a*
9 *high-quality information management system that*
10 *has the capacity to report measurable participant*
11 *outcomes (consistent with section 116) and to monitor*
12 *program performance; and*

13 (13) *whether the local areas in which the eligible*
14 *provider is located have a demonstrated need for ad-*
15 *ditional English language acquisition programs and*
16 *civics education programs.*

17 **SEC. 232. LOCAL APPLICATION.**

18 *Each eligible provider desiring a grant or contract*
19 *from an eligible agency shall submit an application to the*
20 *eligible agency containing such information and assurances*
21 *as the eligible agency may require, including—*

22 (1) *a description of how funds awarded under*
23 *this title will be spent consistent with the require-*
24 *ments of this title;*

1 (2) a description of any cooperative arrange-
2 ments the eligible provider has with other agencies,
3 institutions, or organizations for the delivery of adult
4 education and literacy activities;

5 (3) a description of how the eligible provider will
6 provide services in alignment with the local plan
7 under section 108, including how such provider will
8 promote concurrent enrollment in programs and ac-
9 tivities under title I, as appropriate;

10 (4) a description of how the eligible provider will
11 meet the State adjusted levels of performance de-
12 scribed in section 116(b)(3), including how such pro-
13 vider will collect data to report on such performance
14 indicators;

15 (5) a description of how the eligible provider will
16 fulfill one-stop partner responsibilities as described in
17 section 121(b)(1)(A), as appropriate;

18 (6) a description of how the eligible provider will
19 provide services in a manner that meets the needs of
20 eligible individuals; and

21 (7) information that addresses the considerations
22 described under section 231(e), as applicable.

1 **SEC. 233. LOCAL ADMINISTRATIVE COST LIMITS.**

2 (a) *IN GENERAL.*—Subject to subsection (b), of the
3 amount that is made available under this title to an eligible
4 provider—

5 (1) not less than 95 percent shall be expended for
6 carrying out adult education and literacy activities;
7 and

8 (2) the remaining amount, not to exceed 5 per-
9 cent, shall be used for planning, administration (in-
10 cluding carrying out the requirements of section 116),
11 professional development, and the activities described
12 in paragraphs (3) and (5) of section 232.

13 (b) *SPECIAL RULE.*—In cases where the cost limits de-
14 scribed in subsection (a) are too restrictive to allow for the
15 activities described in subsection (a)(2), the eligible pro-
16 vider shall negotiate with the eligible agency in order to
17 determine an adequate level of funds to be used for non-
18 instructional purposes.

19 ***Subtitle D—General Provisions***

20 **SEC. 241. ADMINISTRATIVE PROVISIONS.**

21 (a) *SUPPLEMENT NOT SUPPLANT.*—Funds made
22 available for adult education and literacy activities under
23 this title shall supplement and not supplant other State or
24 local public funds expended for adult education and literacy
25 activities.

26 (b) *MAINTENANCE OF EFFORT.*—

1 (1) *IN GENERAL.*—

2 (A) *DETERMINATION.*—*An eligible agency*
3 *may receive funds under this title for any fiscal*
4 *year if the Secretary finds that the fiscal effort*
5 *per student or the aggregate expenditures of such*
6 *eligible agency for activities under this title, in*
7 *the second preceding fiscal year, were not less*
8 *than 90 percent of the fiscal effort per student or*
9 *the aggregate expenditures of such eligible agency*
10 *for adult education and literacy activities in the*
11 *third preceding fiscal year.*

12 (B) *PROPORTIONATE REDUCTION.*—*Subject*
13 *to paragraphs (2), (3), and (4), for any fiscal*
14 *year with respect to which the Secretary deter-*
15 *mines under subparagraph (A) that the fiscal ef-*
16 *fort or the aggregate expenditures of an eligible*
17 *agency for the preceding program year were less*
18 *than such effort or expenditures for the second*
19 *preceding program year, the Secretary—*

20 (i) *shall determine the percentage de-*
21 *creases in such effort or in such expendi-*
22 *tures; and*

23 (ii) *shall decrease the payment made*
24 *under this title for such program year to the*

1 *agency for adult education and literacy ac-*
2 *tivities by the lesser of such percentages.*

3 (2) *COMPUTATION.*—*In computing the fiscal ef-*
4 *fort and aggregate expenditures under paragraph (1),*
5 *the Secretary shall exclude capital expenditures and*
6 *special one-time project costs.*

7 (3) *DECREASE IN FEDERAL SUPPORT.*—*If the*
8 *amount made available for adult education and lit-*
9 *eracy activities under this title for a fiscal year is less*
10 *than the amount made available for adult education*
11 *and literacy activities under this title for the pre-*
12 *ceding fiscal year, then the fiscal effort per student*
13 *and the aggregate expenditures of an eligible agency*
14 *required in order to avoid a reduction under para-*
15 *graph (1)(B) shall be decreased by the same percent-*
16 *age as the percentage decrease in the amount so made*
17 *available.*

18 (4) *WAIVER.*—*The Secretary may waive the re-*
19 *quirements of this subsection for not more than 1 fis-*
20 *cal year, if the Secretary determines that a waiver*
21 *would be equitable due to exceptional or uncontrol-*
22 *lable circumstances, such as a natural disaster or an*
23 *unforeseen and precipitous decline in the financial re-*
24 *sources of the State or outlying area of the eligible*
25 *agency. If the Secretary grants a waiver under the*

1 *preceding sentence for a fiscal year, the level of effort*
2 *required under paragraph (1) shall not be reduced in*
3 *the subsequent fiscal year because of the waiver.*

4 **SEC. 242. NATIONAL LEADERSHIP ACTIVITIES.**

5 *(a) IN GENERAL.—The Secretary shall establish and*
6 *carry out a program of national leadership activities to en-*
7 *hance the quality and outcomes of adult education and lit-*
8 *eracy activities and programs nationwide.*

9 *(b) REQUIRED ACTIVITIES.—The national leadership*
10 *activities described in subsection (a) shall include technical*
11 *assistance, including—*

12 *(1) assistance to help States meet the require-*
13 *ments of section 116;*

14 *(2) upon request by a State, assistance provided*
15 *to eligible providers in using performance account-*
16 *ability measures based on indicators described in sec-*
17 *tion 116, and data systems for the improvement of*
18 *adult education and literacy activities;*

19 *(3) carrying out rigorous research and evalua-*
20 *tion on effective adult education and literacy activi-*
21 *ties, as well as estimating the number of adults func-*
22 *tioning at the lowest levels of literacy proficiency,*
23 *which shall be coordinated across relevant Federal*
24 *agencies, including the Institute of Education*
25 *Sciences; and*

1 (4) *carrying out an independent evaluation at*
2 *least once every 4 years of the programs and activities*
3 *under this title, taking into consideration the evalua-*
4 *tion subjects referred to in section 169(a)(2).*

5 (c) *ALLOWABLE ACTIVITIES.*—*The national leadership*
6 *activities described in subsection (a) may include the fol-*
7 *lowing:*

8 (1) *Technical assistance, including—*

9 (A) *assistance related to professional devel-*
10 *opment activities, and assistance for the pur-*
11 *poses of developing, improving, identifying, and*
12 *disseminating the most successful methods and*
13 *techniques for providing adult education and lit-*
14 *eracy activities, based on scientifically valid re-*
15 *search where available;*

16 (B) *assistance in distance education and*
17 *promoting and improving the use of technology*
18 *in the classroom, including instruction in*
19 *English language acquisition for English lan-*
20 *guage learners;*

21 (C) *assistance in the development and dis-*
22 *semination of proven models for addressing the*
23 *digital literacy needs of adults, including older*
24 *adults; and*

1 (D) supporting efforts aimed at strength-
2 ening programs at the State and local levels,
3 such as technical assistance in program plan-
4 ning, assessment, evaluation, and monitoring of
5 activities carried out under this title.

6 (2) Funding national leadership activities either
7 directly or through grants, contracts, or cooperative
8 agreements awarded on a competitive basis to or with
9 postsecondary educational institutions, institutions of
10 higher education, public or private organizations or
11 agencies (including public libraries), or consortia of
12 such institutions, organizations, or agencies, which
13 may include—

14 (A) developing, improving, and identifying
15 the most successful methods and techniques for
16 addressing the education needs of adults, includ-
17 ing instructional practices using the essential
18 components of reading instruction based on the
19 work of the National Institute of Child Health
20 and Human Development;

21 (B) supporting national, regional, or local
22 networks of private nonprofit organizations, pub-
23 lic libraries, or institutions of higher education
24 to strengthen the ability of such networks' mem-

1 *bers to meet the performance requirements de-*
2 *scribed in section 116 of eligible providers;*

3 *(C) increasing the effectiveness, and improv-*
4 *ing the quality, of adult education and literacy*
5 *activities, which may include—*

6 *(i) carrying out rigorous research;*

7 *(ii) carrying out demonstration pro-*
8 *grams;*

9 *(iii) accelerating learning outcomes for*
10 *eligible individuals with the lowest literacy*
11 *levels;*

12 *(iv) developing and promoting career*
13 *pathways for eligible individuals;*

14 *(v) promoting concurrent enrollment*
15 *programs in adult education and credit*
16 *bearing postsecondary coursework;*

17 *(vi) developing high-quality profes-*
18 *sional development activities for eligible*
19 *providers; and*

20 *(vii) developing, replicating, and dis-*
21 *seminating information on best practices*
22 *and innovative programs, such as—*

23 *(I) the identification of effective*
24 *strategies for working with adults with*

1 *learning disabilities and with adults*
2 *who are English language learners;*

3 (II) *integrated education and*
4 *training programs;*

5 (III) *workplace adult education*
6 *and literacy activities; and*

7 (IV) *postsecondary education and*
8 *training transition programs;*

9 (D) *providing for the conduct of an inde-*
10 *pendent evaluation and assessment of adult edu-*
11 *cation and literacy activities through grants and*
12 *contracts awarded on a competitive basis, which*
13 *shall include descriptions of—*

14 (i) *the effect of performance account-*
15 *ability measures and other measures of ac-*
16 *countability on the delivery of adult edu-*
17 *cation and literacy activities;*

18 (ii) *the extent to which the adult edu-*
19 *cation and literacy activities increase the*
20 *literacy skills of eligible individuals, lead to*
21 *involvement in education and training, en-*
22 *hance the employment and earnings of such*
23 *participants, and, if applicable, lead to*
24 *other positive outcomes, such as success in*
25 *re-entry and reductions in recidivism in the*

1 *case of prison-based adult education and*
2 *literacy activities;*

3 *(iii) the extent to which the provision*
4 *of support services to eligible individuals*
5 *enrolled in adult education and literacy ac-*
6 *tivities increase the rate of enrollment in,*
7 *and successful completion of, such pro-*
8 *grams; and*

9 *(iv) the extent to which different types*
10 *of providers measurably improve the skills*
11 *of eligible individuals in adult education*
12 *and literacy activities;*

13 *(E) collecting data, such as data regarding*
14 *the improvement of both local and State data*
15 *systems, through technical assistance and devel-*
16 *opment of model performance data collection sys-*
17 *tems;*

18 *(F) determining how participation in adult*
19 *education and literacy activities prepares eligible*
20 *individuals for entry into postsecondary edu-*
21 *cation and employment and, in the case of pro-*
22 *grams carried out in correctional institutions,*
23 *has an effect on recidivism; and*

1 (G) other activities designed to enhance the
2 quality of adult education and literacy activities
3 nationwide.

4 **SEC. 243. INTEGRATED ENGLISH LITERACY AND CIVICS**
5 **EDUCATION.**

6 (a) *IN GENERAL.*—From funds made available under
7 section 211(a)(2) for each fiscal year, the Secretary shall
8 award grants to States, from allotments under subsection
9 (b), for integrated English literacy and civics education, in
10 combination with integrated education and training activi-
11 ties.

12 (b) *ALLOTMENT.*—

13 (1) *IN GENERAL.*—Subject to paragraph (2),
14 from amounts made available under section 211(a)(2)
15 for a fiscal year, the Secretary shall allocate—

16 (A) 65 percent to the States on the basis of
17 a State's need for integrated English literacy
18 and civics education, as determined by calcu-
19 lating each State's share of a 10-year average of
20 the data of the Office of Immigration Statistics
21 of the Department of Homeland Security for im-
22 migrants admitted for legal permanent residence
23 for the 10 most recent years; and

24 (B) 35 percent to the States on the basis of
25 whether the State experienced growth, as meas-

1 *ured by the average of the 3 most recent years*
2 *for which the data of the Office of Immigration*
3 *Statistics of the Department of Homeland Secu-*
4 *rity for immigrants admitted for legal perma-*
5 *nent residence are available.*

6 (2) *MINIMUM.*—*No State shall receive an allot-*
7 *ment under paragraph (1) in an amount that is less*
8 *than \$60,000.*

9 (c) *GOAL.*—*Each program that receives funding under*
10 *this section shall be designed to—*

11 (1) *prepare adults who are English language*
12 *learners for, and place such adults in, unsubsidized*
13 *employment in in-demand industries and occupations*
14 *that lead to economic self-sufficiency; and*

15 (2) *integrate with the local workforce develop-*
16 *ment system and its functions to carry out the activi-*
17 *ties of the program.*

18 (d) *REPORT.*—*The Secretary shall prepare and submit*
19 *to the Committee on Education and the Workforce of the*
20 *House of Representatives, and the Committee on Health,*
21 *Education, Labor, and Pensions of the Senate and make*
22 *available to the public, a report on the activities carried*
23 *out under this section.*

1 **TITLE III—AMENDMENTS TO THE**
2 **WAGNER-PEYSER ACT**

3 **SEC. 301. EMPLOYMENT SERVICE OFFICES.**

4 *Section 1 of the Wagner-Peyser Act (29 U.S.C. 49) is*
5 *amended by inserting “service” before “offices”.*

6 **SEC. 302. DEFINITIONS.**

7 *Section 2 of the Wagner-Peyser Act (29 U.S.C. 49a)*
8 *is amended—*

9 *(1) by striking paragraph (1) and inserting the*
10 *following:*

11 *“(1) the terms ‘chief elected official’, ‘institution*
12 *of higher education’, ‘one-stop center’, ‘one-stop part-*
13 *ner’, ‘training services’, ‘workforce development activ-*
14 *ity’, and ‘workplace learning advisor’, have the mean-*
15 *ing given the terms in section 3 of the Workforce In-*
16 *novation and Opportunity Act;”;*

17 *(2) in paragraph (2)—*

18 *(A) by striking “investment board” each*
19 *place it appears and inserting “development*
20 *board”; and*

21 *(B) by striking “section 117 of the Work-*
22 *force Investment Act of 1998” and inserting*
23 *“section 107 of the Workforce Innovation and*
24 *Opportunity Act”;*

25 *(3) in paragraph (3)—*

1 (A) by striking “134(c)” and inserting
2 “121(e)”; and

3 (B) by striking “Workforce Investment Act
4 of 1998” and inserting “Workforce Innovation
5 and Opportunity Act”; and

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 agen-
15 cy designated or authorized under section 4.”.

16 **SEC. 303. 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 “serv-
20 *ices*” and inserting “service offices”.

21 (b) **PUBLIC LABOR EXCHANGE SERVICES SYSTEM.**—
22 Section 3(c) of the *Wagner-Peyser Act* (29 U.S.C. 49b(c))
23 is amended—

1 (1) *in paragraph (2), by striking the semicolon*
2 *and inserting “, and identify and disseminate infor-*
3 *mation on best practices for such system; and”;* and

4 (2) *by adding at the end the following:*

5 “(4) *in coordination with the State agencies and*
6 *the staff of such agencies, assist in the planning and*
7 *implementation of activities to enhance the profes-*
8 *sional development and career advancement opportu-*
9 *nities of such staff, in order to strengthen the provi-*
10 *sion of a broad range of career guidance services, the*
11 *identification of job openings (including providing*
12 *intensive outreach to small and medium-sized em-*
13 *ployers and enhanced employer services), the provi-*
14 *sion of technical assistance and training to other pro-*
15 *viders of workforce development activities (including*
16 *workplace learning advisors) relating to counseling*
17 *and employment-related services, and the development*
18 *of new strategies for coordinating counseling and*
19 *technology.”.*

20 (c) *ONE-STOP CENTERS.*—*Section 3 of the Wagner-*
21 *Peyser Act (29 U.S.C. 49b) is amended by inserting after*
22 *subsection (c) the following:*

23 “(d) *In order to improve service delivery, avoid dupli-*
24 *cation of services, and enhance coordination of services, in-*
25 *cluding location of staff to ensure access to services under*

1 *section 7(a) statewide in underserved areas, employment*
2 *service offices in each State shall be colocated with one-stop*
3 *centers.*

4 “(e) *The Secretary, in consultation with States, is au-*
5 *thorized to assist the States in the development of national*
6 *electronic tools that may be used to improve access to work-*
7 *force information for individuals through—*

8 “(1) *the one-stop delivery systems established as*
9 *described in section 121(e) of the Workforce Innova-*
10 *tion and Opportunity Act; and*

11 “(2) *such other delivery systems as the Secretary*
12 *determines to be appropriate.”.*

13 **SEC. 304. ALLOTMENT OF SUMS.**

14 *Section 6 of the Wagner-Peyser Act (29 U.S.C. 49e)*
15 *is amended—*

16 (1) *in subsection (a), by striking “amounts ap-*
17 *propriated pursuant to section 5” and inserting*
18 *“funds appropriated and (except for Guam) certified*
19 *under section 5 and made available for allotments*
20 *under this section”; and*

21 (2) *in subsection (b)(1)—*

22 (A) *in the matter preceding subparagraph*

23 (A)—

1 (i) by inserting before “the Secretary”
2 the following “after making the allotments
3 required by subsection (a),”; and

4 (ii) by striking “sums” and all that
5 follows through “this Act” and inserting
6 “funds described in subsection (a)”;

7 (B) in each of subparagraphs (A) and (B),
8 by striking “sums” and inserting “remainder”;
9 and

10 (C) by adding at the end the following:
11 “For purposes of this paragraph, the term ‘State’
12 does not include Guam or the Virgin Islands.”.

13 **SEC. 305. USE OF SUMS.**

14 (a) *IMPROVED COORDINATION.*—Section 7(a)(1) of the
15 *Wagner-Peyser Act* (29 U.S.C. 49f(a)(1)) is amended by in-
16 *serting* “, including unemployment insurance claimants,”
17 *after* “seekers”.

18 (b) *RESOURCES FOR UNEMPLOYMENT INSURANCE*
19 *CLAIMANTS.*—Section 7(a)(3) of the *Wagner-Peyser Act* (29
20 U.S.C. 49f(a)(3)) is amended—

21 (1) by striking “and” at the end of subpara-
22 graph (E);

23 (2) in subparagraph (F)—

24 (A) by inserting “, including making eligi-
25 bility assessments,” after “system”; and

1 (B) by striking the period at the end and
2 inserting “; and”; and

3 (3) by inserting after subparagraph (F) the fol-
4 lowing:

5 “(G) providing unemployment insurance
6 claimants with referrals to, and application as-
7 sistance for, training and education resources
8 and programs, including Federal Pell Grants
9 under subpart 1 of part A of title IV of the
10 Higher Education Act of 1965 (20 U.S.C. 1070a
11 et seq.), educational assistance under chapter 30
12 of title 38, United States Code (commonly re-
13 ferred to as the Montgomery GI Bill), and chap-
14 ter 33 of that title (Post-9/11 Veterans Edu-
15 cational Assistance), student assistance under
16 title IV of the Higher Education Act of 1965 (20
17 U.S.C. 1070 et seq.), State student higher edu-
18 cation assistance, and training and education
19 programs provided under titles I and II of the
20 Workforce Innovation and Opportunity Act, and
21 title I of the Rehabilitation Act of 1973 (29
22 U.S.C. 720 et seq.).”

23 (c) STATE ACTIVITIES.—Section 7(b) of the Wagner-
24 Peyser Act (29 U.S.C. 49f(b)) is amended—

1 (1) *in paragraph (1), by striking “performance*
2 *standards established by the Secretary” and inserting*
3 *“the performance accountability measures that are*
4 *based on indicators described in section*
5 *116(b)(2)(A)(i) of the Workforce Innovation and Op-*
6 *portunity Act”;*

7 (2) *in paragraph (2), by inserting “offices” after*
8 *“employment service”; and*

9 (3) *in paragraph (3), by inserting “, and models*
10 *for enhancing professional development and career*
11 *advancement opportunities of State agency staff, as*
12 *described in section 3(c)(4)” after “subsection (a)”.*

13 (d) *PROVIDING ADDITIONAL FUNDS.—Subsections*
14 *(c)(2) and (d) of section 7 of the Wagner-Peyser Act (29*
15 *U.S.C. 49f) are amended by striking “the Workforce Invest-*
16 *ment Act of 1998” and inserting “the Workforce Innovation*
17 *and Opportunity Act”.*

18 (e) *CONFORMING AMENDMENT.—Section 7(e) of the*
19 *Wagner-Peyser Act (29 U.S.C. 49f(e)) is amended by strik-*
20 *ing “labor employment statistics” and inserting “workforce*
21 *and labor market information”.*

22 **SEC. 306. STATE PLAN.**

23 *Section 8 of the Wagner-Peyser Act (29 U.S.C. 49g)*
24 *is amended to read as follows:*

1 “*SEC. 8. Any State desiring to receive assistance under*
2 *section 6 shall prepare and submit to, and have approved*
3 *by, the Secretary and the Secretary of Education, a State*
4 *plan in accordance with section 102 or 103 of the Workforce*
5 *Innovation and Opportunity Act.*”

6 **SEC. 307. PERFORMANCE MEASURES.**

7 *Section 13(a) of the Wagner-Peyser Act (29 U.S.C.*
8 *49l(a)) is amended to read as follows:*

9 “(a) *The activities carried out pursuant to section 7*
10 *shall be subject to the performance accountability measures*
11 *that are based on indicators described in section*
12 *116(b)(2)(A)(i) of the Workforce Innovation and Oppor-*
13 *tunity Act.*”

14 **SEC. 308. WORKFORCE AND LABOR MARKET INFORMATION**
15 **SYSTEM.**

16 (a) *HEADING.—The section heading for section 15 of*
17 *the Wagner-Peyser Act (29 U.S.C. 49l–2) is amended by*
18 *striking “EMPLOYMENT STATISTICS” and inserting*
19 *“WORKFORCE AND LABOR MARKET INFORMATION*
20 *SYSTEM”.*

21 (b) *NAME OF SYSTEM.—Section 15(a)(1) of the Wag-*
22 *ner-Peyser Act (29 U.S.C. 49l–2(a)(1)) is amended by strik-*
23 *ing “employment statistics system of employment statis-*
24 *tics” and inserting “workforce and labor market informa-*
25 *tion system”.*

1 (c) *SYSTEM RESPONSIBILITIES.*—Section 15(b) of the
2 *Wagner-Peyser Act (29 U.S.C. 49l-2(b))* is amended—

3 (1) *by striking paragraph (1) and inserting the*
4 *following:*

5 “(1) *IN GENERAL.*—

6 “(A) *STRUCTURE.*—*The workforce and*
7 *labor market information system described in*
8 *subsection (a) shall be evaluated and improved*
9 *by the Secretary, in consultation with the Work-*
10 *force Information Advisory Council established*
11 *in subsection (d).*

12 “(B) *GRANTS AND RESPONSIBILITIES.*—

13 “(i) *IN GENERAL.*—*The Secretary shall*
14 *carry out the provisions of this section in a*
15 *timely manner, through grants to or agree-*
16 *ments with States.*

17 “(ii) *DISTRIBUTION OF FUNDS.*—*Using*
18 *amounts appropriated under subsection (g),*
19 *the Secretary shall provide funds through*
20 *those grants and agreements. In distrib-*
21 *uting the funds (relating to workforce and*
22 *labor market information funding) for fiscal*
23 *years 2015 through 2020, the Secretary*
24 *shall continue to distribute the funds to*
25 *States in the manner in which the Sec-*

1 *retary distributed funds to the States under*
2 *this section for fiscal years 2004 through*
3 *2008.”; and*

4 *(2) by striking paragraph (2) and inserting the*
5 *following:*

6 *“(2) DUTIES.—The Secretary, with respect to*
7 *data collection, analysis, and dissemination of work-*
8 *force and labor market information for the system,*
9 *shall carry out the following duties:*

10 *“(A) Assign responsibilities within the De-*
11 *partment of Labor for elements of the workforce*
12 *and labor market information system described*
13 *in subsection (a) to ensure that the statistical*
14 *and administrative data collected is consistent*
15 *with appropriate Bureau of Labor Statistics*
16 *standards and definitions, and that the informa-*
17 *tion is accessible and understandable to users of*
18 *such data.*

19 *“(B) Actively seek the cooperation of heads*
20 *of other Federal agencies to establish and main-*
21 *tain mechanisms for ensuring complementarity*
22 *and nonduplication in the development and op-*
23 *eration of statistical and administrative data*
24 *collection activities.*

1 “(C) Solicit, receive, and evaluate the rec-
2 ommendations from the Workforce Information
3 Advisory Council established in subsection (d)
4 concerning the evaluation and improvement of
5 the workforce and labor market information sys-
6 tem described in subsection (a) and respond in
7 writing to the Council regarding the rec-
8 ommendations.

9 “(D) Eliminate gaps and duplication in
10 statistical undertakings.

11 “(E) Through the Bureau of Labor Statis-
12 tics and the Employment and Training Admin-
13 istration, and in collaboration with States, de-
14 velop and maintain the elements of the workforce
15 and labor market information system described
16 in subsection (a), including the development of
17 consistent procedures and definitions for use by
18 the States in collecting the data and information
19 described in subparagraphs (A) and (B) of sub-
20 section (a)(1).

21 “(F) Establish procedures for the system to
22 ensure that—

23 “(i) such data and information are
24 timely; and

1 “(ii) paperwork and reporting for the
2 system are reduced to a minimum.”.

3 (d) *TWO-YEAR PLAN*.—Section 15 of the Wagner-
4 *Peysner Act* (29 U.S.C. 49l–2) is amended by striking sub-
5 section (c) and inserting the following:

6 “(c) *TWO-YEAR PLAN*.—The Secretary, acting through
7 the Commissioner of Labor Statistics and the Assistant Sec-
8 retary for Employment and Training, and in consultation
9 with the Workforce Information Advisory Council described
10 in subsection (d) and heads of other appropriate Federal
11 agencies, shall prepare a 2-year plan for the workforce and
12 labor market information system. The plan shall be devel-
13 oped and implemented in a manner that takes into account
14 the activities described in State plans submitted by States
15 under section 102 or 103 of the Workforce Innovation and
16 Opportunity Act and shall be submitted to the Committee
17 on Education and the Workforce of the House of Representa-
18 tives and the Committee on Health, Education, Labor, and
19 Pensions of the Senate. The plan shall include—

20 “(1) a description of how the Secretary will work
21 with the States to manage the nationwide workforce
22 and labor market information system described in
23 subsection (a) and the statewide workforce and labor
24 market information systems that comprise the nation-
25 wide system;

1 “(2) a description of the steps to be taken in the
2 following 2 years to carry out the duties described in
3 subsection (b)(2);

4 “(3) an evaluation of the performance of the sys-
5 tem, with particular attention to the improvements
6 needed at the State and local levels;

7 “(4) a description of the involvement of States in
8 the development of the plan, through consultation by
9 the Secretary with the Workforce Information Advi-
10 sory Council in accordance with subsection (d); and

11 “(5) a description of the written recommenda-
12 tions received from the Workforce Information Advi-
13 sory Council established under subsection (d), and the
14 extent to which those recommendations were incor-
15 porated into the plan.”.

16 (e) *WORKFORCE INFORMATION ADVISORY COUNCIL.*—
17 Section 15 of the Wagner-Peyser Act (29 U.S.C. 49l-2) is
18 amended by striking subsection (d) and inserting the fol-
19 lowing:

20 “(d) *WORKFORCE INFORMATION ADVISORY COUN-*
21 *CIL.*—

22 “(1) *IN GENERAL.*—The Secretary, through the
23 Commissioner of Labor Statistics and the Assistant
24 Secretary for Employment and Training, shall for-
25 mally consult at least twice annually with the Work-

1 *force Information Advisory Council established in ac-*
2 *cordance with paragraph (2). Such consultations*
3 *shall address the evaluation and improvement of the*
4 *nationwide workforce and labor market information*
5 *system described in subsection (a) and the statewide*
6 *workforce and labor market information systems that*
7 *comprise the nationwide system and how the Depart-*
8 *ment of Labor and the States will cooperate in the*
9 *management of such systems. The Council shall pro-*
10 *vide written recommendations to the Secretary con-*
11 *cerning the evaluation and improvement of the na-*
12 *tionwide system, including any recommendations re-*
13 *garding the 2-year plan described in subsection (c).*

14 *“(2) ESTABLISHMENT OF COUNCIL.—*

15 *“(A) ESTABLISHMENT.—The Secretary shall*
16 *establish an advisory council that shall be known*
17 *as the Workforce Information Advisory Council*
18 *(referred to in this section as the ‘Council’) to*
19 *participate in the consultations and provide the*
20 *recommendations described in paragraph (1).*

21 *“(B) MEMBERSHIP.—The Secretary shall*
22 *appoint the members of the Council, which shall*
23 *consist of—*

24 *“(i) 4 members who are representatives*
25 *of lead State agencies with responsibility for*

1 *workforce investment activities, or State*
2 *agencies described in section 4, who have*
3 *been nominated by such agencies or by a*
4 *national organization that represents such*
5 *agencies;*

6 “(ii) *4 members who are representa-*
7 *tives of the State workforce and labor mar-*
8 *ket information directors affiliated with the*
9 *State agencies that perform the duties de-*
10 *scribed in subsection (e)(2), who have been*
11 *nominated by the directors;*

12 “(iii) *1 member who is a representa-*
13 *tive of providers of training services under*
14 *section 122 of the Workforce Innovation and*
15 *Opportunity Act;*

16 “(iv) *1 member who is a representative*
17 *of economic development entities;*

18 “(v) *1 member who is a representative*
19 *of businesses, who has been nominated by*
20 *national business organizations or trade as-*
21 *sociations;*

22 “(vi) *1 member who is a representative*
23 *of labor organizations, who has been nomi-*
24 *nated by a national labor federation;*

1 “(vii) 1 member who is a representa-
2 tive of local workforce development boards,
3 who has been nominated by a national or-
4 ganization representing such boards; and

5 “(viii) 1 member who is a representa-
6 tive of research entities that utilize work-
7 force and labor market information.

8 “(C) *GEOGRAPHIC DIVERSITY.*—The Sec-
9 retary shall ensure that the membership of the
10 Council is geographically diverse and that no 2
11 of the members appointed under clauses (i), (ii),
12 and (vii) represent the same State.

13 “(D) *PERIOD OF APPOINTMENT; VACAN-*
14 *CIES.*—

15 “(i) *IN GENERAL.*—Each member of
16 the Council shall be appointed for a term of
17 3 years, except that the initial terms for
18 members may be 1, 2, or 3 years in order
19 to establish a rotation in which one-third of
20 the members are selected each year. Any
21 such member may be appointed for not
22 more than 2 consecutive terms.

23 “(ii) *VACANCIES.*—Any member ap-
24 pointed to fill a vacancy occurring before
25 the expiration of the term for which the

1 *member's predecessor was appointed shall be*
2 *appointed only for the remainder of that*
3 *term. A member may serve after the expira-*
4 *tion of that member's term until a successor*
5 *has taken office.*

6 “(E) *TRAVEL EXPENSES.*—*The members of*
7 *the Council shall not receive compensation for*
8 *the performance of services for the Council, but*
9 *shall be allowed travel expenses, including per*
10 *diem in lieu of subsistence, at rates authorized*
11 *for employees of agencies under subchapter I of*
12 *chapter 57 of title 5, United States Code, while*
13 *away from their homes or regular places of busi-*
14 *ness in the performance of services for the Coun-*
15 *cil. Notwithstanding section 1342 of title 31,*
16 *United States Code, the Secretary may accept*
17 *the voluntary and uncompensated services of*
18 *members of the Council.*

19 “(F) *PERMANENT COUNCIL.*—*Section 14 of*
20 *the Federal Advisory Committee Act (5 U.S.C.*
21 *App.) shall not apply to the Council.”.*

22 (f) *STATE RESPONSIBILITIES.*—*Section 15(e) of the*
23 *Wagner-Peyser Act (29 U.S.C. 49l-2(e)) is amended—*

1 (1) *by striking “employment statistics” each*
2 *place it appears and inserting “workforce and labor*
3 *market information”;*

4 (2) *in paragraph (1)(A) by striking “annual*
5 *plan” and inserting “plan described in subsection*
6 *(c)”;*

7 (3) *in paragraph (2)—*

8 (A) *in subparagraph (G), by inserting*
9 *“and” at the end;*

10 (B) *by striking subparagraph (H);*

11 (C) *in subparagraph (I), by striking “sec-*
12 *tion 136(f)(2) of the Workforce Investment Act of*
13 *1998” and inserting “section 116(i)(2) of the*
14 *Workforce Innovation and Opportunity Act”;*
15 *and*

16 (D) *by redesignating subparagraph (I) as*
17 *subparagraph (H).*

18 (g) *AUTHORIZATION OF APPROPRIATIONS.—Section*
19 *15(g) of the Wagner-Peyser Act (29 U.S.C. 49l–2(g)) is*
20 *amended by striking “such sums as may be necessary for*
21 *each of the fiscal years 1999 through 2004” and inserting*
22 *“\$60,153,000 for fiscal year 2015, \$64,799,000 for fiscal*
23 *year 2016, \$66,144,000 for fiscal year 2017, \$67,611,000*
24 *for fiscal year 2018, \$69,200,000 for fiscal year 2019, and*
25 *\$70,667,000 for fiscal year 2020”.*

1 **TITLE IV—AMENDMENTS TO THE**
2 **REHABILITATION ACT OF 1973**
3 **Subtitle A—Introductory Provisions**

4 **SEC. 401. REFERENCES.**

5 *Except as otherwise specifically provided, whenever in*
6 *this title an amendment or repeal is expressed in terms of*
7 *an amendment to, or repeal of, a provision, the amendment*
8 *or repeal shall be considered to be made to a provision of*
9 *the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).*

10 **SEC. 402. FINDINGS, PURPOSE, POLICY.**

11 *(a) FINDINGS.—Section 2(a) (29 U.S.C. 701(a)) is*
12 *amended—*

13 *(1) in paragraph (4), by striking “workforce in-*
14 *vestment systems under title I of the Workforce Invest-*
15 *ment Act of 1998” and inserting “workforce develop-*
16 *ment systems defined in section 3 of the Workforce In-*
17 *novation and Opportunity Act”;*

18 *(2) in paragraph (5), by striking “and” at the*
19 *end;*

20 *(3) in paragraph (6), by striking the period and*
21 *inserting “; and”; and*

22 *(4) by adding at the end the following:*

23 *“(7)(A) a high proportion of students with dis-*
24 *abilities is leaving secondary education without being*

1 *employed in competitive integrated employment, or*
2 *being enrolled in postsecondary education; and*

3 *“(B) there is a substantial need to support such*
4 *students as they transition from school to postsec-*
5 *ondary life.”.*

6 **(b) PURPOSE.**—*Section 2(b) (29 U.S.C. 701(b)) is*
7 *amended—*

8 *(1) in paragraph (1)—*

9 *(A) in subparagraph (A), by striking*
10 *“workforce investment systems implemented in*
11 *accordance with title I of the Workforce Invest-*
12 *ment Act of 1998” and inserting “workforce de-*
13 *velopment systems defined in section 3 of the*
14 *Workforce Innovation and Opportunity Act”;*
15 *and*

16 *(B) at the end of subparagraph (F), by*
17 *striking “and”;*

18 *(2) by redesignating paragraph (2) as para-*
19 *graph (3);*

20 *(3) by inserting after paragraph (1) the fol-*
21 *lowing:*

22 *“(2) to maximize opportunities for individuals*
23 *with disabilities, including individuals with signifi-*
24 *cant disabilities, for competitive integrated employ-*
25 *ment;”;*

1 (4) *in paragraph (3), as redesignated by para-*
2 *graph (2), by striking the period at the end and in-*
3 *serting a semicolon; and*

4 (5) *by adding at the end the following:*

5 “(4) *to increase employment opportunities and*
6 *employment outcomes for individuals with disabili-*
7 *ties, including through encouraging meaningful*
8 *input by employers and vocational rehabilitation*
9 *service providers on successful and prospective em-*
10 *ployment and placement strategies; and*

11 “(5) *to ensure, to the greatest extent possible,*
12 *that youth with disabilities and students with disabili-*
13 *ties who are transitioning from receipt of special*
14 *education services under the Individuals with Disabil-*
15 *ities Education Act (20 U.S.C. 1400 et seq.) and re-*
16 *ceipt of services under section 504 of this Act have op-*
17 *portunities for postsecondary success.”.*

18 **SEC. 403. REHABILITATION SERVICES ADMINISTRATION.**

19 *Section 3 (29 U.S.C. 702) is amended—*

20 (1) *in subsection (a)—*

21 (A) *in the first sentence, by inserting “in*
22 *the Department of Education” after “Secretary”;*

23 (B) *by striking the second sentence and in-*
24 *serting “Such Administration shall be the prin-*
25 *cipal agency, and the Commissioner shall be the*

1 *principal officer, of the Department for purposes*
2 *of carrying out titles I, III, VI, and chapter 2*
3 *of title VII.”; and*

4 *(C) in the fourth and sixth sentences, by in-*
5 *serting “of Education” after “Secretary” the*
6 *first place it appears; and*

7 *(2) in subsection (b), by inserting “of Edu-*
8 *cation” after “Secretary”.*

9 **SEC. 404. DEFINITIONS.**

10 *Section 7 (29 U.S.C. 705) is amended—*

11 *(1) in paragraph (2)(B)—*

12 *(A) in clause (iii), by striking “and” at the*
13 *end;*

14 *(B) in clause (iv), by striking the semicolon*
15 *and inserting “; and”; and*

16 *(C) by adding at the end the following:*

17 *“(v) to the maximum extent possible,*
18 *relies on information obtained from experi-*
19 *ences in integrated employment settings in*
20 *the community, and other integrated com-*
21 *munity settings;”;*

22 *(2) by striking paragraphs (3) and (4) and in-*
23 *serting the following:*

24 *“(3) ASSISTIVE TECHNOLOGY TERMS.—*

1 “(A) *ASSISTIVE TECHNOLOGY*.—The term
2 ‘assistive technology’ has the meaning given such
3 term in section 3 of the Assistive Technology Act
4 of 1998 (29 U.S.C. 3002).

5 “(B) *ASSISTIVE TECHNOLOGY DEVICE*.—The
6 term ‘assistive technology device’ has the mean-
7 ing given such term in section 3 of the Assistive
8 Technology Act of 1998, except that the reference
9 in such section to the term ‘individuals with dis-
10 abilities’ shall be deemed to mean more than 1
11 individual with a disability as defined in para-
12 graph (20)(A).

13 “(C) *ASSISTIVE TECHNOLOGY SERVICE*.—
14 The term ‘assistive technology service’ has the
15 meaning given such term in section 3 of the As-
16 sistive Technology Act of 1998, except that the
17 reference in such section—

18 “(i) to the term ‘individual with a dis-
19 ability’ shall be deemed to mean an indi-
20 vidual with a disability, as defined in
21 paragraph (20)(A); and

22 “(ii) to the term ‘individuals with dis-
23 abilities’ shall be deemed to mean more than
24 1 such individual.”;

1 (3) by redesignating paragraph (5) as para-
2 graph (4);

3 (4) in paragraph (4), as redesignated by para-
4 graph (3)—

5 (A) by redesignating subparagraphs (O)
6 through (Q) as subparagraphs (P) through (R),
7 respectively;

8 (B) by inserting after subparagraph (N) the
9 following:

10 “(O) customized employment;” and

11 (C) in subparagraph (R), as redesignated
12 by subparagraph (A) of this paragraph, by strik-
13 ing “(P)” and inserting “(Q)”;

14 (5) by inserting before paragraph (6) the fol-
15 lowing:

16 “(5) *COMPETITIVE INTEGRATED EMPLOYMENT.*—
17 *The term ‘competitive integrated employment’ means*
18 *work that is performed on a full-time or part-time*
19 *basis (including self-employment)—*

20 “(A) for which an individual—

21 “(i) is compensated at a rate that—

22 “(I)(aa) shall be not less than the
23 higher of the rate specified in section
24 6(a)(1) of the Fair Labor Standards
25 Act of 1938 (29 U.S.C. 206(a)(1)) or

1 *the rate specified in the applicable*
2 *State or local minimum wage law; and*

3 “(bb) *is not less than the cus-*
4 *tomary rate paid by the employer for*
5 *the same or similar work performed by*
6 *other employees who are not individ-*
7 *uals with disabilities, and who are*
8 *similarly situated in similar occupa-*
9 *tions by the same employer and who*
10 *have similar training, experience, and*
11 *skills; or*

12 “(II) *in the case of an individual*
13 *who is self-employed, yields an income*
14 *that is comparable to the income re-*
15 *ceived by other individuals who are not*
16 *individuals with disabilities, and who*
17 *are self-employed in similar occupa-*
18 *tions or on similar tasks and who have*
19 *similar training, experience, and skills;*
20 *and*

21 “(ii) *is eligible for the level of benefits*
22 *provided to other employees;*

23 “(B) *that is at a location where the em-*
24 *ployee interacts with other persons who are not*
25 *individuals with disabilities (not including su-*

1 *pervisory personnel or individuals who are pro-*
2 *viding services to such employee) to the same ex-*
3 *tent that individuals who are not individuals*
4 *with disabilities and who are in comparable po-*
5 *sitions interact with other persons; and*

6 *“(C) that, as appropriate, presents opportu-*
7 *nities for advancement that are similar to those*
8 *for other employees who are not individuals with*
9 *disabilities and who have similar positions.”;*

10 *(6) in paragraph (6)(B), by striking “includes”*
11 *and all that follows through “fees” and inserting “in-*
12 *cludes architects’ fees”;*

13 *(7) by inserting after paragraph (6) the fol-*
14 *lowing:*

15 *“(7) CUSTOMIZED EMPLOYMENT.—The term*
16 *‘customized employment’ means competitive inte-*
17 *grated employment, for an individual with a signifi-*
18 *cant disability, that is based on an individualized de-*
19 *termination of the strengths, needs, and interests of*
20 *the individual with a significant disability, is de-*
21 *signed to meet the specific abilities of the individual*
22 *with a significant disability and the business needs of*
23 *the employer, and is carried out through flexible*
24 *strategies, such as—*

25 *“(A) job exploration by the individual;*

1 “(B) working with an employer to facilitate
2 placement, including—

3 “(i) customizing a job description
4 based on current employer needs or on pre-
5 viously unidentified and unmet employer
6 needs;

7 “(ii) developing a set of job duties, a
8 work schedule and job arrangement, and
9 specifics of supervision (including perform-
10 ance evaluation and review), and deter-
11 mining a job location;

12 “(iii) representation by a professional
13 chosen by the individual, or self-representa-
14 tion of the individual, in working with an
15 employer to facilitate placement; and

16 “(iv) providing services and supports
17 at the job location.”;

18 (8) in paragraph (11)—

19 (A) in subparagraph (C)—

20 (i) by inserting “of Education” after
21 “Secretary”; and

22 (ii) by inserting “customized employ-
23 ment,” before “self-employment,”;

24 (9) in paragraph (12), by inserting “of Edu-
25 cation” after “Secretary” each place it appears;

1 (10) in paragraph (14)(C), by inserting “of
2 *Education*” after “Secretary”;

3 (11) in paragraph (17)—

4 (A) in subparagraph (C), by striking “and”
5 *at the end*;

6 (B) in subparagraph (D), by striking the
7 *period at the end and inserting “; and”; and*

8 (C) by adding at the end the following:

9 “(E) services that—

10 “(i) facilitate the transition of individ-
11 *uals with significant disabilities from nurs-*
12 *ing homes and other institutions to home*
13 *and community-based residences, with the*
14 *requisite supports and services;*

15 “(ii) provide assistance to individuals
16 *with significant disabilities who are at risk*
17 *of entering institutions so that the individ-*
18 *uals may remain in the community; and*

19 “(iii) facilitate the transition of youth
20 *who are individuals with significant dis-*
21 *abilities, who were eligible for individual-*
22 *ized education programs under section*
23 *614(d) of the Individuals with Disabilities*
24 *Education Act (20 U.S.C. 1414(d)), and*
25 *who have completed their secondary edu-*

1 *cation or otherwise left school, to postsec-*
2 *ondary life.”;*

3 *(12) in paragraph (18), by striking “term” and*
4 *all that follows through “includes—” and inserting*
5 *“term ‘independent living services’ includes—”;*

6 *(13) in paragraph (19)—*

7 *(A) in subparagraph (A), by inserting be-*
8 *fore the period the following: “and includes a*
9 *Native and a descendant of a Native, as such*
10 *terms are defined in subsections (b) and (r) of*
11 *section 3 of the Alaska Native Claims Settlement*
12 *Act (43 U.S.C. 1602)”;* and

13 *(B) in subparagraph (B), by inserting be-*
14 *fore the period the following: “and a tribal orga-*
15 *nization (as defined in section 4(l) of the Indian*
16 *Self-Determination and Education Assistance*
17 *Act (25 U.S.C. 450b(l))”;*

18 *(14) in paragraph (23), by striking “section*
19 *101” and inserting “section 102”;*

20 *(15) by striking paragraph (25) and inserting*
21 *the following:*

22 *“(25) LOCAL WORKFORCE DEVELOPMENT*
23 *BOARD.—The term ‘local workforce development*
24 *board’ means a local board, as defined in section 3*
25 *of the Workforce Innovation and Opportunity Act.”;*

1 (16) by striking paragraph (37);

2 (17) by redesignating paragraphs (29) through
3 (39) as paragraphs (31) through (36), and (38)
4 through (41), respectively;

5 (18) by inserting after paragraph (28) the fol-
6 lowing:

7 “(30) *PRE-EMPLOYMENT TRANSITION SERV-*
8 *ICES.—The term ‘pre-employment transition services’*
9 *means services provided in accordance with section*
10 *113.’;*

11 (19) by striking paragraph (33), as redesignated
12 by paragraph (17), and inserting the following:

13 “(33) *SECRETARY.—Unless where the context*
14 *otherwise requires, the term ‘Secretary’—*

15 “(A) *used in title I, III, IV, V, VI, or chap-*
16 *ter 2 of title VII, means the Secretary of Edu-*
17 *cation; and*

18 “(B) *used in title II or chapter 1 of title*
19 *VII, means the Secretary of Health and Human*
20 *Services.’;*

21 (20) by striking paragraphs (35) and (36), as re-
22 designated by paragraph (17), and inserting the fol-
23 lowing:

24 “(35) *STATE WORKFORCE DEVELOPMENT*
25 *BOARD.—The term ‘State workforce development*

1 *board’ means a State board, as defined in section 3*
2 *of the Workforce Innovation and Opportunity Act.*

3 “(36) *STATEWIDE WORKFORCE DEVELOPMENT*
4 *SYSTEM.—The term ‘statewide workforce development*
5 *system’ means a workforce development system, as de-*
6 *defined in section 3 of the Workforce Innovation and*
7 *Opportunity Act.’”;*

8 (21) *by inserting after that paragraph (36) the*
9 *following:*

10 “(37) *STUDENT WITH A DISABILITY.—*

11 “(A) *IN GENERAL.—The term ‘student with*
12 *a disability’ means an individual with a dis-*
13 *ability who—*

14 “(i)(I)(aa) *is not younger than the ear-*
15 *liest age for the provision of transition serv-*
16 *ices under section 614(d)(1)(A)(i)(VIII) of*
17 *the Individuals with Disabilities Education*
18 *Act (20 U.S.C. 1414(d)(1)(A)(i)(VIII)); or*

19 “(bb) *if the State involved elects to use*
20 *a lower minimum age for receipt of pre-em-*
21 *ployment transition services under this Act,*
22 *is not younger than that minimum age; and*

23 “(II)(aa) *is not older than 21 years of*
24 *age; or*

1 “(bb) if the State law for the State pro-
2 vides for a higher maximum age for receipt
3 of services under the Individuals with Dis-
4 abilities Education Act (20 U.S.C. 1400 et
5 seq.), is not older than that maximum age;
6 and

7 “(ii)(I) is eligible for, and receiving,
8 special education or related services under
9 part B of the Individuals with Disabilities
10 Education Act (20 U.S.C. 1411 et seq.); or

11 “(II) is an individual with a dis-
12 ability, for purposes of section 504.

13 “(B) STUDENTS WITH DISABILITIES.—The
14 term ‘students with disabilities’ means more
15 than 1 student with a disability.”;

16 (22) by striking paragraphs (38) and (39), as re-
17 designated by paragraph (17), and inserting the fol-
18 lowing:

19 “(38) SUPPORTED EMPLOYMENT.—The term
20 ‘supported employment’ means competitive integrated
21 employment, including customized employment, or
22 employment in an integrated work setting in which
23 individuals are working on a short-term basis toward
24 competitive integrated employment, that is individ-
25 ualized and customized consistent with the strengths,

1 *abilities, interests, and informed choice of the individ-*
2 *uals involved, for individuals with the most signifi-*
3 *cant disabilities—*

4 *“(A)(i) for whom competitive integrated em-*
5 *ployment has not historically occurred; or*

6 *“(ii) for whom competitive integrated em-*
7 *ployment has been interrupted or intermittent as*
8 *a result of a significant disability; and*

9 *“(B) who, because of the nature and severity*
10 *of their disability, need intensive supported em-*
11 *ployment services and extended services after the*
12 *transition described in paragraph (13)(C), in*
13 *order to perform the work involved.*

14 *“(39) SUPPORTED EMPLOYMENT SERVICES.—The*
15 *term ‘supported employment services’ means ongoing*
16 *support services, including customized employment,*
17 *needed to support and maintain an individual with*
18 *a most significant disability in supported employ-*
19 *ment, that—*

20 *“(A) are provided singly or in combination*
21 *and are organized and made available in such a*
22 *way as to assist an eligible individual to achieve*
23 *competitive integrated employment;*

1 “(B) are based on a determination of the
2 needs of an eligible individual, as specified in an
3 individualized plan for employment; and

4 “(C) are provided by the designated State
5 unit for a period of not more than 24 months,
6 except that period may be extended, if necessary,
7 in order to achieve the employment outcome
8 identified in the individualized plan for employ-
9 ment.”;

10 (23) in paragraph (41), as redesignated by para-
11 graph (17), by striking “as defined in section 101 of
12 the Workforce Investment Act of 1998” and inserting
13 “as defined in section 3 of the Workforce Innovation
14 and Opportunity Act”; and

15 (24) by inserting after paragraph (41), as redес-
16 ignated by paragraph (17), the following:

17 “(42) YOUTH WITH A DISABILITY.—

18 “(A) IN GENERAL.—The term ‘youth with a
19 disability’ means an individual with a disability
20 who—

21 “(i) is not younger than 14 years of
22 age; and

23 “(ii) is not older than 24 years of age.

1 “(B) *YOUTH WITH DISABILITIES*.—The
2 term ‘youth with disabilities’ means more than
3 1 youth with a disability.”.

4 **SEC. 405. ADMINISTRATION OF THE ACT.**

5 (a) *PROMULGATION*.—Section 8(a)(2) (29 U.S.C.
6 706(a)(2)) is amended by inserting “of Education” after
7 “Secretary”.

8 (b) *PRIVACY*.—Section 11 (29 U.S.C. 708) is amend-
9 ed—

10 (1) by inserting “(a)” before “The provisions”;

11 and

12 (2) by adding at the end the following:

13 “(b) Section 501 of the Workforce Innovation and Op-
14 portunity Act shall apply, as specified in that section, to
15 amendments to this Act that were made by the Workforce
16 Innovation and Opportunity Act.”.

17 (c) *ADMINISTRATION*.—Section 12 (29 U.S.C. 709) is
18 amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1)—

21 (i) by striking “(1)” and inserting

22 “(1)(A)”; and

23 (ii) by adding at the end the following:

24 “(B) provide technical assistance to the des-
25 ignated State units on developing successful

1 *partnerships with local and multi-State busi-*
2 *nesses in an effort to increase the employment of*
3 *individuals with disabilities;*

4 “(C) *provide technical assistance to pro-*
5 *viders and organizations on developing self-em-*
6 *ployment opportunities and outcomes for indi-*
7 *viduals with disabilities; and*

8 “(D) *provide technical assistance to entities*
9 *carrying out community rehabilitation programs*
10 *to build their internal capacity to provide indi-*
11 *vidualized services and supports leading to com-*
12 *petitive integrated employment, and to transi-*
13 *tion individuals with disabilities away from*
14 *nonintegrated settings;”*; and

15 (B) *in paragraph (2), by striking “, centers*
16 *for independent living;”*;

17 (2) *in subsection (c), by striking “Commis-*
18 *sioner” the first place it appears and inserting “Sec-*
19 *retary of Education”*;

20 (3) *in subsection (d), by inserting “of Edu-*
21 *cation” after “Secretary”*;

22 (4) *in subsection (e)—*

23 (A) *by striking “Rehabilitation Act Amend-*
24 *ments of 1998” each place it appears and insert-*

1 *ing “Workforce Innovation and Opportunity*
2 *Act”;* and

3 *(B) by inserting “of Education” after “Sec-*
4 *retary”;*

5 *(5) in subsection (f), by inserting “of Education”*
6 *after “Secretary”;*

7 *(6)(A) in subsection (c), by striking “(c)” and*
8 *inserting “(c)(1)”;*

9 *(B) in subsection (d), by striking “(d)” and in-*
10 *serting “(d)(1)”;*

11 *(C) in subsection (e), by striking “(e)” and in-*
12 *serting “(2)”;*

13 *(D) in subsection (f), by striking “(f)” and in-*
14 *serting “(2)”;* and

15 *(E) by moving paragraph (2) (as redesignated*
16 *by subparagraph (D)) to the end of subsection (c);*
17 *and*

18 *(7) by inserting after subsection (d) the fol-*
19 *lowing:*

20 *“(e)(1) The Administrator of the Administration for*
21 *Community Living (referred to in this subsection as the*
22 *‘Administrator’) may carry out the authorities and shall*
23 *carry out the responsibilities of the Commissioner described*
24 *in paragraphs (1)(A) and (2) through (4) of subsection (a),*

1 *and subsection (b), except that, for purposes of applying*
2 *subsections (a) and (b), a reference in those subsections—*

3 “(A) *to facilitating meaningful and effective par-*
4 *ticipation shall be considered to be a reference to fa-*
5 *cilitating meaningful and effective collaboration with*
6 *independent living programs, and promoting a phi-*
7 *losophy of independent living for individuals with*
8 *disabilities in community activities; and*

9 “(B) *to training for personnel shall be considered*
10 *to be a reference to training for the personnel of cen-*
11 *ters for independent living and Statewide Inde-*
12 *pendent Living Councils.*

13 “(2) *The Secretary of Health and Human Services*
14 *may carry out the authorities and shall carry out the re-*
15 *sponsibilities of the Secretary of Education described in*
16 *subsections (c) and (d).*

17 “(f)(1) *In subsections (a) through (d), a reference to*
18 *‘this Act’ means a provision of this Act that the Secretary*
19 *of Education has authority to carry out; and*

20 “(2) *In subsection (e), for purposes of applying sub-*
21 *sections (a) through (d), a reference in those subsections to*
22 *‘this Act’ means a provision of this Act that the Secretary*
23 *of Health and Human Services has authority to carry*
24 *out.’.*”

1 **SEC. 406. REPORTS.**

2 *Section 13 (29 U.S.C. 710) is amended—*

3 *(1) in section (c)—*

4 *(A) by striking “(c)” and inserting “(c)(1)”;*

5 *and*

6 *(B) in the second sentence, by striking “sec-*
7 *tion 136(d) of the Workforce Investment Act of*
8 *1998” and inserting “section 116(d)(2) of the*
9 *Workforce Innovation and Opportunity Act”;*

10 *and*

11 *(2) by adding at the end the following:*

12 *“(d) The Commissioner shall ensure that the report de-*
13 *scribed in this section is made publicly available in a time-*
14 *ly manner, including through electronic means, in order to*
15 *inform the public about the administration and perform-*
16 *ance of programs under this Act.”.*

17 **SEC. 407. EVALUATION AND INFORMATION.**

18 *(a) EVALUATION.—Section 14 (29 U.S.C. 711) is*
19 *amended—*

20 *(1) by inserting “of Education” after “Sec-*
21 *retary” each place it appears;*

22 *(2) in subsection (f)(2), by inserting “competi-*
23 *tive” before “integrated employment”;*

24 *(3)(A) in subsection (b), by striking “(b)” and*
25 *inserting “(b)(1)”;*

1 (B) in subsection (c), by striking “(c)” and in-
2 serting “(2)”;

3 (C) in subsection (d), by striking “(d)” and in-
4 serting “(3)”;

5 (D) by redesignating subsections (e) and (f) as
6 subsections (c) and (d), respectively;

7 (4) by inserting after subsection (d), as redesign-
8 ated by paragraph (3)(D), the following:

9 “(e)(1) *The Secretary of Health and Human Services*
10 *may carry out the authorities and shall carry out the re-*
11 *sponsibilities of the Secretary of Education described in*
12 *subsections (a) and (b).*

13 “(2) *The Administrator of the Administration for*
14 *Community Living may carry out the authorities and shall*
15 *carry out the responsibilities of the Commissioner described*
16 *in subsections (a) and (d)(1), except that, for purposes of*
17 *applying those subsections, a reference in those subsections*
18 *to exemplary practices shall be considered to be a reference*
19 *to exemplary practices concerning independent living serv-*
20 *ices and centers for independent living.*

21 “(f)(1) *In subsections (a) through (d), a reference to*
22 *‘this Act’ means a provision of this Act that the Secretary*
23 *of Education has authority to carry out; and*

24 “(2) *In subsection (e), for purposes of applying sub-*
25 *sections (a), (b), and (d), a reference in those subsections*

1 to ‘this Act’ means a provision of this Act that the Secretary
2 of Health and Human Services has authority to carry
3 out.”.

4 (b) *INFORMATION*.—Section 15 (29 U.S.C. 712) is
5 amended—

6 (1) in subsection (a)—

7 (A) by inserting “of Education” after “Sec-
8 retary” each place it appears; and

9 (B) in paragraph (1), by striking “State
10 workforce investment boards” and inserting
11 “State workforce development boards”; and

12 (2) in subsection (b), by striking “Secretary”
13 and inserting “Secretary of Education”.

14 **SEC. 408. CARRYOVER.**

15 Section 19(a)(1) (29 U.S.C. 716(a)(1)) is amended by
16 striking “part B of title VI” and inserting “title VI”.

17 **SEC. 409. TRADITIONALLY UNDERSERVED POPULATIONS.**

18 Section 21 (29 U.S.C. 718) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1)—

21 (i) in the first sentence, by striking
22 “racial” and inserting “demographic”;

23 (ii) in the second sentence—

24 (I) by striking “rate of increase”
25 the first place it appears and inserting

1 *“percentage increase from 2000 to*
2 *2010”;*

3 *(II) by striking “is 3.2” and in-*
4 *serting “was 9.7”;*

5 *(III) by striking “rate of in-*
6 *crease” and inserting “percentage in-*
7 *crease”;*

8 *(IV) by striking “is much” and*
9 *inserting “was much”;*

10 *(V) by striking “38.6” and insert-*
11 *ing “43.0”;*

12 *(VI) by striking “14.6” and in-*
13 *serting “12.3”;*

14 *(VII) by striking “40.1” and in-*
15 *serting “43.2”; and*

16 *(VIII) by striking “and other eth-*
17 *nic groups”; and*

18 *(iii) by striking the last sentence; and*

19 *(B) in paragraph (2), by striking the second*
20 *and third sentences and inserting the following:*

21 *“In 2011—*

22 *“(A) among Americans ages 16 through 64,*
23 *the rate of disability was 12.1 percent;*

1 “(B) among African-Americans in that age
2 range, the disability rate was more than twice as
3 high, at 27.1 percent; and

4 “(C) for American Indians and Alaska Na-
5 tives in the same age range, the disability rate
6 was also more than twice as high, at 27.0 per-
7 cent.”;

8 (2) in subsection (b)(1), by striking “National
9 Institute on Disability and Rehabilitation Research”
10 and inserting “National Institute on Disability, Inde-
11 pendent Living, and Rehabilitation Research”; and

12 (3) in subsection (c), by striking “Director” and
13 inserting “Director of the National Institute on Dis-
14 ability, Independent Living, and Rehabilitation Re-
15 search”.

16 ***Subtitle B—Vocational***
17 ***Rehabilitation Services***

18 **SEC. 411. DECLARATION OF POLICY; AUTHORIZATION OF**
19 **APPROPRIATIONS.**

20 (a) *FINDINGS; PURPOSE; POLICY.*—Section 100(a) (29
21 *U.S.C. 720(a)*) is amended—

22 (1) in paragraph (1)—

23 (A) in subparagraph (C), by striking “inte-
24 grated” and inserting “competitive integrated
25 employment”;

1 (B) in subparagraph (D)(iii), by striking
2 “medicare and medicaid” and inserting “Medi-
3 care and Medicaid”;

4 (C) in subparagraph (F), by striking “in-
5 vestment” and inserting “development”; and

6 (D) in subparagraph (G)—

7 (i) by striking “workforce investment
8 systems” and inserting “workforce develop-
9 ment systems”; and

10 (ii) by striking “workforce investment
11 activities” and inserting “workforce devel-
12 opment activities”;

13 (2) in paragraph (2)—

14 (A) in subparagraph (A), by striking
15 “workforce investment system” and inserting
16 “workforce development system”; and

17 (B) in subparagraph (B), by striking “and
18 informed choice,” and inserting “informed
19 choice, and economic self-sufficiency,”; and

20 (3) in paragraph (3)—

21 (A) in subparagraph (B), by striking “gain-
22 ful employment in integrated settings” and in-
23 serting “competitive integrated employment”;
24 and

1 (B) in subparagraph (E), by inserting
2 “should” before “facilitate”.

3 (b) *AUTHORIZATION OF APPROPRIATIONS.*—Section
4 100(b)(1) (29 U.S.C. 720(b)(1)) is amended by striking
5 “such sums as may be necessary for fiscal years 1999
6 through 2003” and inserting “\$3,302,053,000 for each of
7 the fiscal years 2015 through 2020”.

8 **SEC. 412. STATE PLANS.**

9 (a) *PLAN REQUIREMENTS.*—Section 101(a) (29 U.S.C.
10 721(a)) is amended—

11 (1) in paragraph (1)—

12 (A) in subparagraph (A), by striking “to
13 participate” and all that follows and inserting
14 “to receive funds under this title for a fiscal
15 year, a State shall submit, and have approved by
16 the Secretary and the Secretary of Labor, a uni-
17 fied State plan in accordance with section 102,
18 or a combined State plan in accordance with
19 section 103, of the Workforce Innovation and Op-
20 portunity Act. The unified or combined State
21 plan shall include, in the portion of the plan de-
22 scribed in section 102(b)(2)(D) of such Act (re-
23 ferred to in this subsection as the ‘vocational re-
24 habilitation services portion’), the provisions of a

1 *State plan for vocational rehabilitation services,*
2 *described in this subsection.”; and*

3 *(B) in subparagraph (B)—*

4 *(i) by striking “in the State plan for*
5 *vocational rehabilitation services,” and in-*
6 *serting “as part of the vocational rehabilita-*
7 *tion services portion of the unified or com-*
8 *bined State plan submitted in accordance*
9 *with subparagraph (A),”; and*

10 *(ii) by striking “Rehabilitation Act*
11 *Amendments of 1998” and inserting “Work-*
12 *force Innovation and Opportunity Act”;*
13 *and*

14 *(C) in subparagraph (C)—*

15 *(i) by striking “The State plan shall*
16 *remain in effect subject to the submission of*
17 *such modifications” and inserting “The vo-*
18 *cational rehabilitation services portion of*
19 *the unified or combined State plan sub-*
20 *mitted in accordance with subparagraph*
21 *(A) shall remain in effect until the State*
22 *submits and receives approval of a new*
23 *State plan in accordance with subpara-*
24 *graph (A), or until the submission of such*
25 *modifications”; and*

1 (ii) by striking “, until the State sub-
2 mits and receives approval of a new State
3 plan”;

4 (2) in paragraph (2)—

5 (A) in subparagraph (A), by striking “The
6 State plan” and inserting “The State plan for
7 vocational rehabilitation services”; and

8 (B) in subparagraph (B)(ii)—

9 (i) in subclause (II), by inserting “who
10 is responsible for the day-to-day operation
11 of the vocational rehabilitation program”
12 before the semicolon;

13 (ii) in subclause (III), by striking
14 “and” at the end;

15 (iii) in subclause (IV), by striking the
16 period and inserting “; and”; and

17 (iv) by adding at the end the following:

18 “(V) has the sole authority and
19 responsibility within the designated
20 State agency described in subpara-
21 graph (A) to expend funds made avail-
22 able under this title in a manner that
23 is consistent with the purposes of this
24 title.”;

25 (3) in paragraph (5)—

1 (A) in subparagraph (C), by striking “and”
2 at the end;

3 (B) by redesignating subparagraph (D) as
4 subparagraph (E); and

5 (C) by inserting after subparagraph (C) the
6 following:

7 “(D) notwithstanding subparagraph (C),
8 permit the State, in its discretion, to elect to
9 serve eligible individuals (whether or not receiv-
10 ing vocational rehabilitation services) who re-
11 quire specific services or equipment to maintain
12 employment; and”;

13 (4) in paragraph (7)—

14 (A) in subparagraph (A)(v)—

15 (i) in subclause (I), after “rehabilita-
16 tion technology” insert the following: “, in-
17 cluding training implemented in coordina-
18 tion with entities carrying out State pro-
19 grams under section 4 of the Assistive Tech-
20 nology Act of 1998 (29 U.S.C. 3003)”;

21 (ii) in subclause (II), by striking “Re-
22 habilitation Act Amendments of 1998” and
23 inserting “Workforce Innovation and Op-
24 portunity Act”; and

1 *(B) in subparagraph (B), by striking clause*
2 *(ii) and inserting the following:*

3 *“(ii) the establishment and mainte-*
4 *nance of education and experience require-*
5 *ments, to ensure that the personnel have a*
6 *21st century understanding of the evolving*
7 *labor force and the needs of individuals*
8 *with disabilities, including requirements*
9 *for—*

10 *“(I)(aa) attainment of a bacca-*
11 *laureate degree in a field of study rea-*
12 *sonably related to vocational rehabili-*
13 *tation, to indicate a level of com-*
14 *petency and skill demonstrating basic*
15 *preparation in a field of study such as*
16 *vocational rehabilitation counseling,*
17 *social work, psychology, disability*
18 *studies, business administration,*
19 *human resources, special education,*
20 *supported employment, customized em-*
21 *ployment, economics, or another field*
22 *that reasonably prepares individuals to*
23 *work with consumers and employers;*
24 *and*

1 “(bb) demonstrated paid or un-
2 paid experience, for not less than 1
3 year, consisting of—

4 “(AA) direct work with indi-
5 viduals with disabilities in a set-
6 ting such as an independent liv-
7 ing center;

8 “(BB) direct service or advo-
9 cacy activities that provide such
10 individual with experience and
11 skills in working with individuals
12 with disabilities; or

13 “(CC) direct experience as an
14 employer, as a small business
15 owner or operator, or in self-em-
16 ployment, or other experience in
17 human resources, recruitment, or
18 experience in supervising employ-
19 ees, training, or other activities
20 that provide experience in com-
21 petitive integrated employment
22 environments; or

23 “(II) attainment of a master’s or
24 doctoral degree in a field of study such
25 as vocational rehabilitation counseling,

1 *law, social work, psychology, disability*
2 *studies, business administration,*
3 *human resources, special education,*
4 *management, public administration, or*
5 *another field that reasonably provides*
6 *competence in the employment sector,*
7 *in a disability field, or in both busi-*
8 *ness-related and rehabilitation-related*
9 *fields; and”;*

10 (5) *in paragraph (8)—*

11 (A) *in subparagraph (A)(i)—*

12 (i) *by inserting “an accommodation or*
13 *auxiliary aid or service or” after “prior to*
14 *providing”; and*

15 (ii) *by striking “(5)(D)” and inserting*
16 *“(5)(E)”;*

17 (B) *in subparagraph (B)—*

18 (i) *in the matter preceding clause (i)—*

19 (I) *by striking “medicaid” and*
20 *inserting “Medicaid”;*

21 (II) *by striking “workforce invest-*
22 *ment system” and inserting “workforce*
23 *development system”;*

24 (III) *by striking “(5)(D)” and in-*
25 *serting “(5)(E)”;*

1 (IV) by inserting “and, if appro-
2 priate, accommodations or auxiliary
3 aids and services,” before “that are in-
4 cluded”; and

5 (V) by striking “provision of such
6 vocational rehabilitation services” and
7 inserting “provision of such vocational
8 rehabilitation services (including, if
9 appropriate, accommodations or auxil-
10 iary aids and services)”; and

11 (ii) in clause (iv)—

12 (I) by striking “(5)(D)” and in-
13 serting “(5)(E)”; and

14 (II) by inserting “, and accom-
15 modations or auxiliary aids and serv-
16 ices” before the period; and

17 (C) in subparagraph (C)(i), by striking
18 “(5)(D)” and inserting “(5)(E)”;
19 (6) in paragraph (10)—

20 (A) in subparagraph (B), by striking “an-
21 nual” and all that follows through “of 1998” and
22 inserting “annual reporting of information, on
23 eligible individuals receiving the services, that is
24 necessary to assess the State’s performance on the

1 standards and indicators described in section
2 106(a)”;

3 (B) in subparagraph (C)—

4 (i) in the matter preceding clause (i),
5 by inserting “, from each State,” after “ad-
6 ditional data”;

7 (ii) by striking clause (i) and insert-
8 ing:

9 “(i) the number of applicants and the
10 number of individuals determined to be eli-
11 gible or ineligible for the program carried
12 out under this title, including the number of
13 individuals determined to be ineligible
14 (disaggregated by type of disability and
15 age);”;

16 (iii) in clause (ii)—

17 (I) in subclause (I), by striking
18 “(5)(D)” and inserting “(5)(E)”;

19 (II) in subclause (II), by striking
20 “and” at the end; and

21 (III) by adding at the end the fol-
22 lowing:

23 “(IV) the number of individuals
24 with open cases (disaggregated by those
25 who are receiving training and those

1 *who are in postsecondary education),*
2 *and the type of services the individuals*
3 *are receiving (including supported em-*
4 *ployment);*

5 *“(V) the number of students with*
6 *disabilities who are receiving pre-em-*
7 *ployment transition services under this*
8 *title: and*

9 *“(VI) the number of individuals*
10 *referred to State vocational rehabilita-*
11 *tion programs by one-stop operators*
12 *(as defined in section 3 of the Work-*
13 *force Innovation and Opportunity*
14 *Act), and the number of individuals re-*
15 *ferred to such one-stop operators by*
16 *State vocational rehabilitation pro-*
17 *grams;”;* and

18 *(iv) in clause (iv)(I), by inserting be-*
19 *fore the semicolon the following: “and, for*
20 *those who achieved employment outcomes,*
21 *the average length of time to obtain employ-*
22 *ment”;*

23 *(C) in subparagraph (D)(i), by striking*
24 *“title I of the Workforce Investment Act of 1998”*

1 and inserting “title I of the Workforce Innova-
2 tion and Opportunity Act”;

3 (D) in subparagraph (E)(ii), by striking
4 “of the State” and all that follows and inserting
5 “of the State in meeting the standards and indi-
6 cators established pursuant to section 106.”; and

7 (E) by adding at the end the following:

8 “(G) *RULES FOR REPORTING OF DATA.*—
9 The disaggregation of data under this Act shall
10 not be required within a category if the number
11 of individuals in a category is insufficient to
12 yield statistically reliable information, or if the
13 results would reveal personally identifiable infor-
14 mation about an individual.

15 “(H) *COMPREHENSIVE REPORT.*—The State
16 plan shall specify that the Commissioner will
17 provide an annual comprehensive report that in-
18 cludes the reports and data required under this
19 section, as well as a summary of the reports and
20 data, for each fiscal year. The Commissioner
21 shall submit the report to the Committee on Edu-
22 cation and the Workforce of the House of Rep-
23 resentatives, the Committee on Appropriations of
24 the House of Representatives, the Committee on
25 Health, Education, Labor, and Pensions of the

1 *Senate, and the Committee on Appropriations of*
2 *the Senate, not later than 90 days after the end*
3 *of the fiscal year involved.”;*

4 *(7) in paragraph (11)—*

5 *(A) in subparagraph (A)—*

6 *(i) in the subparagraph header, by*
7 *striking “WORKFORCE INVESTMENT SYS-*
8 *TEMS” and inserting “WORKFORCE DEVEL-*
9 *OPMENT SYSTEMS”;*

10 *(ii) in the matter preceding clause (i),*
11 *by striking “workforce investment system”*
12 *and inserting “workforce development sys-*
13 *tem”;*

14 *(iii) in clause (i)(II)—*

15 *(I) by striking “investment” and*
16 *inserting “development”; and*

17 *(II) by inserting “(including pro-*
18 *grammatic accessibility and physical*
19 *accessibility)” after “program accessi-*
20 *bility”;*

21 *(iv) in clause (ii), by striking “work-*
22 *force investment system” and inserting*
23 *“workforce development system”; and*

1 (v) in clause (v), by striking “work-
2 force investment system” and inserting
3 “workforce development system”;

4 (B) in subparagraph (B), by striking
5 “workforce investment system” and inserting
6 “workforce development system”;

7 (C) in subparagraph (C)—

8 (i) by inserting “the State programs
9 carried out under section 4 of the Assistive
10 Technology Act of 1998 (29 U.S.C. 3003),”
11 after “including”;

12 (ii) by inserting “, noneducational
13 agencies serving out-of-school youth,” after
14 “Agriculture”; and

15 (iii) by striking “such agencies and
16 programs” and inserting “such Federal,
17 State, and local agencies and programs”;
18 and

19 (iv) by striking “workforce investment
20 system” and inserting “workforce develop-
21 ment system”;

22 (D) in subparagraph (D)—

23 (i) in the matter preceding clause (i),
24 by inserting “, including pre-employment

1 *transition services,” before “under this*
2 *title”;*

3 *(ii) in clause (i), by inserting “, which*
4 *may be provided using alternative means*
5 *for meeting participation (such as video*
6 *conferences and conference calls),” after*
7 *“consultation and technical assistance”;*
8 *and*

9 *(iii) in clause (ii), by striking “com-*
10 *pletion” and inserting “implementation”;*

11 *(E) by redesignating subparagraphs (E)*
12 *and (F) as subparagraphs (F) and (H), respec-*
13 *tively;*

14 *(F) by inserting after subparagraph (D) the*
15 *following:*

16 “*(E) COORDINATION WITH EMPLOYERS.—*
17 *The State plan shall describe how the designated*
18 *State unit will work with employers to identify*
19 *competitive integrated employment opportunities*
20 *and career exploration opportunities, in order to*
21 *facilitate the provision of—*

22 “*(i) vocational rehabilitation services;*
23 *and*

24 “*(ii) transition services for youth with*
25 *disabilities and students with disabilities,*

1 *such as pre-employment transition serv-*
2 *ices.”;*

3 *(G) in subparagraph (F), as redesignated*
4 *by subparagraph (E) of this paragraph—*

5 *(i) by inserting “chapter 1 of” after*
6 *“part C of”; and*

7 *(ii) by inserting “, as appropriate” be-*
8 *fore the period;*

9 *(H) by inserting after subparagraph (F), as*
10 *redesignated by subparagraph (E) of this para-*
11 *graph, the following:*

12 *“(G) COOPERATIVE AGREEMENT REGARDING*
13 *INDIVIDUALS ELIGIBLE FOR HOME AND COMMU-*
14 *NITY-BASED WAIVER PROGRAMS.—The State plan*
15 *shall include an assurance that the designated*
16 *State unit has entered into a formal cooperative*
17 *agreement with the State agency responsible for*
18 *administering the State Medicaid plan under*
19 *title XIX of the Social Security Act (42 U.S.C.*
20 *1396 et seq.) and the State agency with primary*
21 *responsibility for providing services and sup-*
22 *ports for individuals with intellectual disabilities*
23 *and individuals with developmental disabilities,*
24 *with respect to the delivery of vocational reha-*
25 *ilitation services, including extended services,*

1 *for individuals with the most significant disabili-*
2 *ties who have been determined to be eligible for*
3 *home and community-based services under a*
4 *Medicaid waiver, Medicaid State plan amend-*
5 *ment, or other authority related to a State Med-*
6 *icaid program.”;*

7 *(I) in subparagraph (H), as redesignated by*
8 *subparagraph (E) of this paragraph—*

9 *(i) in clause (ii)—*

10 *(I) by inserting “on or” before*
11 *“near”; and*

12 *(II) by striking “and” at the end;*

13 *(ii) by redesignating clause (iii) as*
14 *clause (iv); and*

15 *(iii) by inserting after clause (ii) the*
16 *following:*

17 *“(iii) strategies for the provision of*
18 *transition planning, by personnel of the*
19 *designated State unit, the State educational*
20 *agency, and the recipient of funds under*
21 *part C, that will facilitate the development*
22 *and approval of the individualized plans*
23 *for employment under section 102; and”;*
24 *and*

25 *(J) by adding at the end the following:*

1 “(I) *COORDINATION WITH ASSISTIVE TECHNOLOGY PROGRAMS.*—*The State plan shall include an assurance that the designated State unit, and the lead agency and implementing entity (if any) designated by the Governor of the State under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003), have developed working relationships and will enter into agreements for the coordination of their activities, including the referral of individuals with disabilities to programs and activities described in that section.*

13 “(J) *COORDINATION WITH TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.*—*The State plan shall include an assurance that the designated State unit will coordinate activities with any other State agency that is functioning as an employment network under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19).*

22 “(K) *INTERAGENCY COOPERATION.*—*The State plan shall describe how the designated State agency or agencies (if more than 1 agency is designated under paragraph (2)(A)) will col-*

1 *laborate with the State agency responsible for*
2 *administering the State Medicaid plan under*
3 *title XIX of the Social Security Act (42 U.S.C.*
4 *1396 et seq.), the State agency responsible for*
5 *providing services for individuals with develop-*
6 *mental disabilities, and the State agency respon-*
7 *sible for providing mental health services, to de-*
8 *velop opportunities for community-based employ-*
9 *ment in integrated settings, to the greatest extent*
10 *practicable.”;*

11 *(8) in paragraph (14)—*

12 *(A) in the paragraph header, by striking*
13 *“ANNUAL” and inserting “SEMIANNUAL”;*

14 *(B) in subparagraph (A)—*

15 *(i) by striking “an annual” and in-*
16 *serting “a semiannual”;*

17 *(ii) by striking “has achieved an em-*
18 *ployment outcome” and inserting “is em-*
19 *ployed”;*

20 *(iii) by striking “achievement of the*
21 *outcome” and all that follows through “rep-*
22 *resentative)” and inserting “beginning of*
23 *such employment, and annually thereafter”;*

24 *(iv) by striking “to competitive” and*
25 *all that follows and inserting the following:*

1 *“to competitive integrated employment or*
2 *training for competitive integrated employ-*
3 *ment;”;*

4 *(C) in subparagraph (B), by striking “and”*
5 *at the end;*

6 *(D) in subparagraph (C), by striking “the*
7 *individuals described” and all that follows and*
8 *inserting “individuals described in subpara-*
9 *graph (A) in attaining competitive integrated*
10 *employment; and”; and*

11 *(E) by adding at the end the following:*

12 *“(D) an assurance that the State will report*
13 *the information generated under subparagraphs*
14 *(A), (B), and (C), for each of the individuals, to*
15 *the Administrator of the Wage and Hour Divi-*
16 *sion of the Department of Labor for each fiscal*
17 *year, not later than 60 days after the end of the*
18 *fiscal year.”;*

19 *(9) in paragraph (15)—*

20 *(A) in subparagraph (A)—*

21 *(i) in clause (i)—*

22 *(I) in subclause (II), by striking*
23 *“and” at the end;*

24 *(II) in subclause (III)—*

1 (aa) by striking “workforce
2 investment system” and inserting
3 “workforce development system”;
4 and

5 (bb) by adding “and” at the
6 end; and

7 (III) by adding at the end the fol-
8 lowing:

9 “(IV) youth with disabilities, and
10 students with disabilities, including
11 their need for pre-employment transi-
12 tion services or other transition serv-
13 ices;”;

14 (ii) by redesignating clauses (ii) and
15 (iii) as clauses (iii) and (iv), respectively;
16 and

17 (iii) by inserting after clause (i) the
18 following:

19 “(ii) include an assessment of the needs
20 of individuals with disabilities for transi-
21 tion services and pre-employment transition
22 services, and the extent to which such serv-
23 ices provided under this Act are coordinated
24 with transition services provided under the
25 Individuals with Disabilities Education Act

1 (20 U.S.C. 1400 et seq.) in order to meet the
2 needs of individuals with disabilities.”;

3 (B) in subparagraph (B)—

4 (i) in clause (ii)—

5 (I) by striking “part B of title
6 VI” and inserting “title VI”; and

7 (II) by striking “and” at the end;

8 (ii) by redesignating clause (iii) as
9 clause (iv); and

10 (iii) by inserting after clause (ii) the
11 following:

12 “(iii) the number of individuals who
13 are eligible for services under this title, but
14 are not receiving such services due to an
15 order of selection; and”;

16 (C) in subparagraph (D)—

17 (i) by redesignating clauses (iii)
18 through (v) as clauses (iv) through (vi), re-
19 spectively;

20 (ii) by inserting after clause (ii) the
21 following:

22 “(iii) the methods to be used to im-
23 prove and expand vocational rehabilitation
24 services for students with disabilities, in-
25 cluding the coordination of services designed

1 to facilitate the transition of such students
 2 from the receipt of educational services in
 3 school to postsecondary life (including the
 4 receipt of vocational rehabilitation services
 5 under this title, postsecondary education,
 6 employment, and pre-employment transi-
 7 tion services);” and

8 (iii) in clause (vi), as redesignated by
 9 clause (i) of this subparagraph, by striking
 10 “workforce investment system” and insert-
 11 ing “workforce development system”;

12 (10) in paragraph (20), in subparagraphs (A)
 13 and (B)(i), by striking “workforce investment system”
 14 and inserting “workforce development system”;

15 (11) in paragraph (22), by striking “part B of
 16 title VI” and inserting “title VI”; and

17 (12) by adding at the end the following:

18 “(25) SERVICES FOR STUDENTS WITH DISABIL-
 19 ITIES.—The State plan shall provide an assurance
 20 that, with respect to students with disabilities, the
 21 State—

22 “(A) has developed and will implement—

23 “(i) strategies to address the needs
 24 identified in the assessments described in
 25 paragraph (15); and

1 “(i) strategies to achieve the goals and
2 priorities identified by the State, in accord-
3 ance with paragraph (15), to improve and
4 expand vocational rehabilitation services for
5 students with disabilities on a statewide
6 basis; and

7 “(B) has developed and will implement
8 strategies to provide pre-employment transition
9 services.

10 “(26) *JOB GROWTH AND DEVELOPMENT.*—*The*
11 *State plan shall provide an assurance describing how*
12 *the State will utilize initiatives involving in-demand*
13 *industry sectors or occupations under sections 106(c)*
14 *and 108 of the Workforce Innovation and Oppor-*
15 *tunity Act to increase competitive integrated employ-*
16 *ment opportunities for individuals with disabilities.”.*

17 “(b) *APPROVAL.*—*Section 101(b) (29 U.S.C. 721(b)) is*
18 *amended to read as follows:*

19 “(b) *SUBMISSION; APPROVAL; MODIFICATION.*—*The*
20 *State plan for vocational rehabilitation services shall be*
21 *subject to—*

22 “(1) *subsection (c) of section 102 of the Work-*
23 *force Innovation and Opportunity Act, in a case in*
24 *which that plan is a portion of the unified State plan*
25 *described in that section 102; and*

1 “(2) subsection (b), and paragraphs (1), (2), and
2 (3) of subsection (c), of section 103 of such Act in a
3 case in which that State plan for vocational rehabili-
4 tation services is a portion of the combined State
5 plan described in that section 103.”.

6 (c) CONSTRUCTION.—Section 101 (29 U.S.C. 721) is
7 amended by adding at the end the following:

8 “(c) CONSTRUCTION.—Nothing in this part shall be
9 construed to reduce the obligation under the Individuals
10 with Disabilities Education Act (20 U.S.C. 1400 et seq.)
11 of a local educational agency or any other agency to provide
12 or pay for any transition services that are also considered
13 special education or related services and that are necessary
14 for ensuring a free appropriate public education to children
15 with disabilities within the State involved.”.

16 **SEC. 413. ELIGIBILITY AND INDIVIDUALIZED PLAN FOR EM-**
17 **PLOYMENT.**

18 (a) ELIGIBILITY.—Section 102(a) (29 U.S.C. 722(a))
19 is amended—

20 (1) in paragraph (1)—

21 (A) in subparagraph (A), by striking “is
22 an” and inserting “has undergone an assessment
23 for determining eligibility and vocational reha-
24 bilitation needs and as a result has been deter-
25 mined to be an”;

1 (B) in subparagraph (B), by striking “or
2 regain employment.” and inserting “advance in,
3 or regain employment that is consistent with the
4 individual’s strengths, resources, priorities, con-
5 cerns, abilities, capabilities, interests, and in-
6 formed choice.”; and

7 (C) by adding at the end the following:
8 “For purposes of an assessment for determining
9 eligibility and vocational rehabilitation needs
10 under this Act, an individual shall be presumed
11 to have a goal of an employment outcome.”;

12 (2) in paragraph (2)—

13 (A) in subparagraph (A)—

14 (i) in the subparagraph header, by
15 striking “DEMONSTRATION” and inserting
16 “APPLICANTS”; and

17 (ii) by striking “, unless” and all that
18 follows and inserting a period; and

19 (B) in subparagraph (B)—

20 (i) in the subparagraph header, by
21 striking “METHODS” and inserting “RE-
22 SPONSIBILITIES”;

23 (ii) in the first sentence—

24 (I) by striking “In making the
25 demonstration required under subpara-

1 *graph (A),” and inserting “Prior to*
2 *determining under this subsection that*
3 *an applicant described in subpara-*
4 *graph (A) is unable to benefit due to*
5 *the severity of the individual’s dis-*
6 *ability or that the individual is ineli-*
7 *gible for vocational rehabilitation serv-*
8 *ices,”; and*

9 (II) *by striking “, except under”*
10 *and all that follows and inserting a pe-*
11 *riod; and*

12 (iii) *in the second sentence, by striking*
13 *“individual or to determine” and all that*
14 *follows and inserting “individual. In pro-*
15 *viding the trial experiences, the designated*
16 *State unit shall provide the individual with*
17 *the opportunity to try different employment*
18 *experiences, including supported employ-*
19 *ment, and the opportunity to become em-*
20 *ployed in competitive integrated employ-*
21 *ment.”;*

22 (3) *in paragraph (3)(A)(ii), by striking “out-*
23 *come from” and all that follows and inserting “out-*
24 *come due to the severity of the individual’s disability*
25 *(as of the date of the determination).”;* 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 unit
6 carries out the activities described in para-
7 graph (2)(B), a review of existing data,
8 and, to the extent necessary, the assessment
9 activities described in section 7(2)(A)(i),
10 an individual”; and

11 (ii) by striking “title is determined”
12 and all that follows through “not to be” and
13 inserting “title 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 as redesignated by subparagraph (B) of this
19 paragraph, the following:

20 “(A) the ineligibility determination shall be
21 an individualized one, based on the available
22 data, and shall not be based on assumptions
23 about broad categories of disabilities;” and

24 (D) in clause (i) of subparagraph (C), as
25 redesignated by subparagraph (B) of this para-

1 *graph, by inserting after “determination” the*
2 *following: “, including the clear and convincing*
3 *evidence that forms the basis for the determina-*
4 *tion of ineligibility”.*

5 *(b) DEVELOPMENT OF AN INDIVIDUALIZED PLAN FOR*
6 *EMPLOYMENT, AND RELATED INFORMATION.—Section*
7 *102(b) (29 U.S.C. 722(b)) is amended—*

8 *(1) in paragraph (1)(A)—*

9 *(A) by striking “, to the extent determined*
10 *to be appropriate by the eligible individual,”;*
11 *and*

12 *(B) by inserting “or, as appropriate, a dis-*
13 *ability advocacy organization” after “counselor”;*

14 *(2) by redesignating paragraphs (2) and (3) as*
15 *paragraphs (3) and (4), respectively;*

16 *(3) by inserting after paragraph (1) the fol-*
17 *lowing:*

18 *“(2) INDIVIDUALS DESIRING TO ENTER THE*
19 *WORKFORCE.—For an individual entitled to benefits*
20 *under title II or XVI of the Social Security Act (42*
21 *U.S.C. 401 et seq., 1381 et seq.) on the basis of a dis-*
22 *ability or blindness, the designated State unit shall*
23 *provide to the individual general information on ad-*
24 *ditional supports and assistance for individuals with*

1 *disabilities desiring to enter the workforce, including*
2 *assistance with benefits planning.”;*

3 *(4) in paragraph (3), as redesignated by para-*
4 *graph (2) of this subsection—*

5 *(A) in subparagraph (E)—*

6 *(i) in clause (i), by striking “and” at*
7 *the end;*

8 *(ii) in clause (ii), by striking the pe-*
9 *riod and inserting “; and”; and*

10 *(iii) by adding at the end the fol-*
11 *lowing:*

12 *“(iii) amended, as necessary, to in-*
13 *clude the postemployment services and serv-*
14 *ice providers that are necessary for the indi-*
15 *vidual to maintain or regain employment,*
16 *consistent with the individual’s strengths,*
17 *resources, priorities, concerns, abilities, ca-*
18 *pabilities, interests, and informed choice.”;*
19 *and*

20 *(B) by adding at the end the following:*

21 *“(F) TIMEFRAME FOR COMPLETING THE IN-*
22 *DIVIDUALIZED PLAN FOR EMPLOYMENT.—The in-*
23 *dividualized plan for employment shall be devel-*
24 *oped as soon as possible, but not later than a*
25 *deadline of 90 days after the date of the deter-*

1 *mination of eligibility described in paragraph*
2 *(1), unless the designated State unit and the eli-*
3 *gible individual agree to an extension of that*
4 *deadline to a specific date by which the individ-*
5 *ualized plan for employment shall be com-*
6 *pleted.”; and*
7 *(5) in paragraph (4), as redesignated by para-*
8 *graph (2) of this subsection—*

9 *(A) in subparagraph (A), by striking*
10 *“choice of the” and all that follows and inserting*
11 *“choice of the eligible individual, consistent with*
12 *the general goal of competitive integrated em-*
13 *ployment (except that in the case of an eligible*
14 *individual who is a student, the description may*
15 *be a description of the student’s projected post-*
16 *school employment outcome);”;*

17 *(B) in subparagraph (B)(i)—*

18 *(i) by redesignating subclause (II) as*
19 *subclause (III); and*

20 *(ii) by striking subclause (I) and in-*
21 *serting the following:*

22 *“(I) needed to achieve the employment*
23 *outcome, including, as appropriate—*

24 *“(aa) the provision of assistive*
25 *technology devices and assistive tech-*

1 *nology services (including referrals de-*
2 *scribed in section 103(a)(3) to the de-*
3 *vice reutilization programs and dem-*
4 *onstrations described in subparagraphs*
5 *(B) and (D) of section 4(e)(2) of the*
6 *Assistive Technology Act of 1998 (29*
7 *U.S.C. 3003(e)(2)) through agreements*
8 *developed under section 101(a)(11)(I);*
9 *and*

10 *“(bb) personal assistance services*
11 *(including training in the management*
12 *of such services);*

13 *“(II) in the case of a plan for an eligi-*
14 *ble individual that is a student, the specific*
15 *transition services and supports needed to*
16 *achieve the student’s employment outcome*
17 *or projected postschool employment outcome;*
18 *and”;*

19 *(C) in subparagraph (F), by striking “and”*
20 *at the end;*

21 *(D) in subparagraph (G), by striking the*
22 *period and inserting “; and”; and*

23 *(E) by adding at the end the following:*

24 *“(H) for an individual who also is receiv-*
25 *ing assistance from an employment network*

1 *under the Ticket to Work and Self-Sufficiency*
2 *Program established under section 1148 of the*
3 *Social Security Act (42 U.S.C. 1320b–19), a de-*
4 *scription of how responsibility for service deliv-*
5 *ery will be divided between the employment net-*
6 *work and the designated State unit.”.*

7 *(c) PROCEDURES.—Section 102(c) (29 U.S.C. 722(c))*
8 *is amended—*

9 *(1) in paragraph (1), by adding at the end the*
10 *following: “The procedures shall allow an applicant*
11 *or an eligible individual the opportunity to request*
12 *mediation, an impartial due process hearing, or both*
13 *procedures.”;*

14 *(2) in paragraph (2)(A)—*

15 *(A) in clause (ii), by striking “and” at the*
16 *end;*

17 *(B) in clause (iii), by striking the period*
18 *and inserting “; and”; and*

19 *(C) by adding at the end the following:*

20 *“(iv) any applicable State limit on the*
21 *time by which a request for mediation*
22 *under paragraph (4) or a hearing under*
23 *paragraph (5) shall be made, and any re-*
24 *quired procedure by which the request shall*
25 *be made.”; and*

1 (3) in paragraph (5)—

2 (A) by striking subparagraph (A) and in-
3 serting the following:

4 “(A) OFFICER.—A due process hearing de-
5 scribed in paragraph (2) shall be conducted by
6 an impartial hearing officer who, on reviewing
7 the evidence presented, shall issue a written deci-
8 sion based on the provisions of the approved
9 State plan, requirements specified in this Act
10 (including regulations implementing this Act),
11 and State regulations and policies that are con-
12 sistent with the Federal requirements specified in
13 this title. The officer shall provide the written de-
14 cision to the applicant or eligible individual, or,
15 as appropriate, the applicant’s representative or
16 individual’s representative, and to the designated
17 State unit. The impartial hearing officer shall
18 have the authority to render a decision and re-
19 quire actions regarding the applicant’s or eligi-
20 ble individual’s vocational rehabilitation services
21 under this title.”; and

22 (B) in subparagraph (B), by striking “in
23 laws” and inserting “about Federal laws”.

24 **SEC. 414. 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 employ-*
10 *ment outcome in competitive integrated employment,*
11 *or pre-employment transition services;”;*

12 (C) *by redesignating paragraphs (17) and*
13 *(18) as paragraphs (19) and (20), respectively;*
14 *and*

15 (D) *by inserting after paragraph (16) the*
16 *following:*

17 “*(17) customized employment;*

18 “*(18) encouraging qualified individuals who are*
19 *eligible to receive services under this title to pursue*
20 *advanced training in a science, technology, engineer-*
21 *ing, or mathematics (including computer science)*
22 *field, medicine, law, or business;”.*

23 (2) *in subsection (b)—*

24 (A) *in paragraph (2)—*

25 (i) *in subparagraph (A)—*

1 (I) by striking “(A)”; and

2 (II) by striking the second sen-
3 tence and inserting “Such programs
4 shall be used to provide services de-
5 scribed in this section that promote in-
6 tegration into the community and that
7 prepare individuals with disabilities
8 for competitive integrated employment,
9 including supported employment and
10 customized employment.”; and

11 (ii) by striking subparagraph (B);

12 (B) by striking paragraph (5) and inserting
13 the following:

14 “(5) Technical assistance to businesses that are
15 seeking to employ individuals with disabilities.”; and

16 (C) by striking paragraph (6) and inserting
17 the following:

18 “(6) Consultation and technical assistance serv-
19 ices to assist State educational agencies and local
20 educational agencies in planning for the transition of
21 students with disabilities from school to postsecondary
22 life, including employment.

23 “(7) Transition services to youth with disabili-
24 ties and students with disabilities, for which a voca-
25 tional rehabilitation counselor works in concert with

1 *educational agencies, providers of job training pro-*
2 *grams, providers of services under the Medicaid pro-*
3 *gram under title XIX of the Social Security Act (42*
4 *U.S.C. 1396 et seq.), entities designated by the State*
5 *to provide services for individuals with developmental*
6 *disabilities, centers for independent living (as defined*
7 *in section 702), housing and transportation authori-*
8 *ties, workforce development systems, and businesses*
9 *and employers.*

10 *“(8) The establishment, development, or improve-*
11 *ment of assistive technology demonstration, loan, re-*
12 *utilization, or financing programs in coordination*
13 *with activities authorized under the Assistive Tech-*
14 *nology Act of 1998 (29 U.S.C. 3001 et seq.) to pro-*
15 *mote access to assistive technology for individuals*
16 *with disabilities and employers.*

17 *“(9) Support (including, as appropriate, tui-*
18 *tion) for advanced training in a science, technology,*
19 *engineering, or mathematics (including computer*
20 *science) field, medicine, law, or business, provided*
21 *after an individual eligible to receive services under*
22 *this title, demonstrates—*

23 *“(A) such eligibility;*

24 *“(B) previous completion of a bachelor’s de-*
25 *gree program at an institution of higher edu-*

1 *cation or scheduled completion of such degree*
2 *program prior to matriculating in the program*
3 *for which the individual proposes to use the sup-*
4 *port; and*

5 *“(C) acceptance by a program at an insti-*
6 *tution of higher education in the United States*
7 *that confers a master’s degree in a science, tech-*
8 *nology, engineering, or mathematics (including*
9 *computer science) field, a juris doctor degree, a*
10 *master of business administration degree, or a*
11 *doctor of medicine degree,*

12 *except that the limitations of subsection (a)(5) that*
13 *apply to training services shall apply to support de-*
14 *scribed in this paragraph, and nothing in this para-*
15 *graph shall prevent any designated State unit from*
16 *providing similar support to individuals with dis-*
17 *abilities within the State who are eligible to receive*
18 *support under this title and who are not served under*
19 *this paragraph.”.*

20 **SEC. 415. STATE REHABILITATION COUNCIL.**

21 *Section 105 (29 U.S.C. 725) is amended—*

22 *(1) in subsection (b)(1)(A)—*

23 *(A) by striking clause (ix) and inserting the*
24 *following:*

1 “(ix) in a State in which one or more
2 projects are funded under section 121, at
3 least one representative of the directors of
4 the projects located in such State;” and

5 (B) in clause (xi), by striking “State work-
6 force investment board” and inserting “State
7 workforce development board”; and

8 (2) in subsection (c)—

9 (A) in the matter preceding paragraph (1),
10 by striking “State workforce investment board”
11 and inserting “State workforce development
12 board”; and

13 (B) in paragraph (6), by striking “Service
14 Act” and all that follows and inserting “Service
15 Act (42 U.S.C. 300x–3(a)) and the State work-
16 force development board, and with the activities
17 of entities carrying out programs under the As-
18 sistive Technology Act of 1998 (29 U.S.C. 3001
19 et seq.);”.

20 **SEC. 416. EVALUATION STANDARDS AND PERFORMANCE IN-**
21 **DICATORS.**

22 Section 106 (29 U.S.C. 726) is amended—

23 (1) by striking subsection (a) and inserting the
24 following:

25 “(a) *IN GENERAL.*—

1 “(1) *STANDARDS AND INDICATORS.*—*The evaluation*
2 *standards and performance indicators for the vo-*
3 *ccational rehabilitation program carried out under*
4 *this title shall be subject to the performance account-*
5 *ability provisions described in section 116(b) of the*
6 *Workforce Innovation and Opportunity Act.*

7 “(2) *ADDITIONAL PERFORMANCE ACCOUNT-*
8 *ABILITY INDICATORS.*—*A State may establish and*
9 *provide information on additional performance ac-*
10 *countability indicators, which shall be identified in*
11 *the State plan submitted under section 101.”; and*

12 (2) *in subsection (b)(2)(B)(i), by striking “re-*
13 *view the program” and all that follows through “re-*
14 *quest the State” and inserting “on a biannual basis,*
15 *review the program improvement efforts of the State*
16 *and, if the State has not improved its performance to*
17 *acceptable levels, as determined by the Commissioner,*
18 *direct the State”.*

19 **SEC. 417. MONITORING AND REVIEW.**

20 (a) *IN GENERAL.*—*Section 107 (29 U.S.C. 727) is*
21 *amended—*

22 (1) *in subsection (a)—*

23 (A) *in paragraph (3)(E), by inserting be-*
24 *fore the period the following: “, including per-*
25 *sonnel of a client assistance program under sec-*

1 *tion 112, and past or current recipients of voca-*
2 *tional rehabilitation services”; and*

3 *(B) in paragraph (4)—*

4 *(i) by striking subparagraphs (A) and*

5 *(B) and inserting the following:*

6 *“(A) the eligibility process, including the*
7 *process related to the determination of ineligi-*
8 *bility under section 102(a)(5);*

9 *“(B) the provision of services, including*
10 *supported employment services and pre-employ-*
11 *ment transition services, and, if applicable, the*
12 *order of selection;”;*

13 *(ii) in subparagraph (C), by striking*

14 *“and” at the end;*

15 *(iii) by redesignating subparagraph*

16 *(D) as subparagraph (E); and*

17 *(iv) by inserting after subparagraph*

18 *(C) the following:*

19 *“(D) data reported under section*
20 *101(a)(10)(C)(i); and”; and*

21 *(2) in subsection (b)—*

22 *(A) in paragraph (1), by striking “and” at*
23 *the end;*

24 *(B) in paragraph (2), by striking the period*
25 *and inserting “; and”; and*

1 (C) by adding at the end the following:

2 “(3) provide technical assistance to programs
3 under this title to—

4 “(A) promote high-quality employment out-
5 comes for individuals with disabilities;

6 “(B) integrate veterans who are individuals
7 with disabilities into their communities and to
8 support the veterans to obtain and retain com-
9 petitive integrated employment;

10 “(C) develop, improve, and disseminate in-
11 formation on procedures, practices, and strate-
12 gies, including for the preparation of personnel,
13 to better enable individuals with intellectual dis-
14 abilities and other individuals with disabilities
15 to participate in postsecondary educational expe-
16 riences and to obtain and retain competitive in-
17 tegrated employment; and

18 “(D) apply evidence-based findings to fa-
19 cilitate systemic improvements in the transition
20 of youth with disabilities to postsecondary life.”.

21 (b) *TECHNICAL AMENDMENT.*—Section 108(a) (29
22 U.S.C. 728(a)) is amended by striking “part B of title VI”
23 and inserting “title VI”.

1 **SEC. 418. TRAINING AND SERVICES FOR EMPLOYERS.**

2 *Section 109 (29 U.S.C. 728a) is amended to read as*
3 *follows:*

4 **“SEC. 109. TRAINING AND SERVICES FOR EMPLOYERS.**

5 *“A State may expend payments received under section*
6 *111 to educate and provide services to employers who have*
7 *hired or are interested in hiring individuals with disabil-*
8 *ities under programs carried out under this title, includ-*
9 *ing—*

10 *“(1) providing training and technical assistance*
11 *to employers regarding the employment of individuals*
12 *with disabilities, including disability awareness, and*
13 *the requirements of the Americans with Disabilities*
14 *Act of 1990 (42 U.S.C. 12101 et seq.) and other em-*
15 *ployment-related laws;*

16 *“(2) working with employers to—*

17 *“(A) provide opportunities for work-based*
18 *learning experiences (including internships,*
19 *short-term employment, apprenticeships, and fel-*
20 *lowships), and opportunities for pre-employment*
21 *transition services;*

22 *“(B) recruit qualified applicants who are*
23 *individuals with disabilities;*

24 *“(C) train employees who are individuals*
25 *with disabilities; and*

1 “(D) promote awareness of disability-re-
2 lated obstacles to continued employment;

3 “(3) providing consultation, technical assistance,
4 and support to employers on workplace accommoda-
5 tions, assistive technology, and facilities and work-
6 place access through collaboration with community
7 partners and employers, across States and nationally,
8 to enable the employers to recruit, job match, hire,
9 and retain qualified individuals with disabilities who
10 are recipients of vocational rehabilitation services
11 under this title, or who are applicants for such serv-
12 ices; and

13 “(4) assisting employers with utilizing available
14 financial support for hiring or accommodating indi-
15 viduals with disabilities.”.

16 **SEC. 419. STATE ALLOTMENTS.**

17 Section 110 (29 U.S.C. 730) is amended—

18 (1) in subsection (a)(1), by striking “Subject to
19 the provisions of subsection (c)” and inserting “Sub-
20 ject to the provisions of subsections (c) and (d),”;

21 (2) in subsection (c)—

22 (A) in paragraph (1), by striking “1987”
23 and inserting “2015”; and

24 (B) in paragraph (2)—

1 (i) by striking “Secretary” and all
2 that follows through “(B)” and inserting
3 “Secretary,”; and

4 (ii) by striking “2000 through 2003”
5 and inserting “2015 through 2020”; and

6 (3) by adding at the end the following:

7 “(d)(1) From any State allotment under subsection (a)
8 for a fiscal year, the State shall reserve not less than 15
9 percent of the allotted funds for the provision of pre-employ-
10 ment transition services.

11 “(2) Such reserved funds shall not be used to pay for
12 the administrative costs of providing pre-employment tran-
13 sition services.”.

14 **SEC. 420. PAYMENTS TO STATES.**

15 Section 111(a)(2)(B) (29 U.S.C. 731(a)(2)(B)) is
16 amended—

17 (1) by striking “For fiscal year 1994 and each
18 fiscal year thereafter, the” and inserting “The”;

19 (2) by striking “this title for the previous” and
20 inserting “this title for any previous”; and

21 (3) by striking “year preceding the previous”
22 and inserting “year preceding that previous”.

23 **SEC. 421. CLIENT ASSISTANCE PROGRAM.**

24 Section 112 (29 U.S.C. 732) is amended—

1 (1) *in subsection (a), in the first sentence, by in-*
2 *serting “including under sections 113 and 511,” after*
3 *“all available benefits under this Act,”;*

4 (2) *in subsection (b), by striking “not later than*
5 *October 1, 1984,”;*

6 (3) *in subsection (e)(1)—*

7 (A) *in subparagraph (A), by striking “The*
8 *Secretary shall allot” and inserting “After re-*
9 *servicing funds under subparagraphs (E) and (F),*
10 *the Secretary shall allot the remainder of”;* and

11 (B) *by adding at the end the following:*

12 “(E)(i) *The Secretary shall reserve funds appropriated*
13 *under subsection (h) to make a grant to the protection and*
14 *advocacy system serving the American Indian Consortium*
15 *to provide services in accordance with this section. The*
16 *amount of such a grant shall be the same amount as is*
17 *provided to a territory under this subsection.*

18 “(ii) *In this subparagraph:*

19 (I) *The term ‘American Indian Consortium’*
20 *has the meaning given the term in section 102 of the*
21 *Developmental Disabilities Assistance and Bill of*
22 *Rights Act of 2000 (42 U.S.C. 15002).*

23 (II) *The term ‘protection and advocacy system’*
24 *means a protection and advocacy system established*
25 *under subtitle C of title I of the Developmental Dis-*

1 *abilities Assistance and Bill of Rights Act of 2000 (42*
2 *U.S.C. 15041 et seq.).*

3 “(F) For any fiscal year for which the amount appro-
4 priated under subsection (h) equals or exceeds \$14,000,000,
5 the Secretary may reserve not less than 1.8 percent and not
6 more than 2.2 percent of such amount to provide a grant
7 for training and technical assistance for the programs es-
8 tablished under this section. Such training and technical
9 assistance shall be coordinated with activities provided
10 under section 509(c)(1)(A).”; and

11 (4) by striking subsection (h) and inserting the
12 following:

13 “(h) There are authorized to be appropriated to carry
14 out the provisions of this section—

15 “(1) \$12,000,000 for fiscal year 2015;

16 “(2) \$12,927,000 for fiscal year 2016;

17 “(3) \$13,195,000 for fiscal year 2017;

18 “(4) \$13,488,000 for fiscal year 2018;

19 “(5) \$13,805,000 for fiscal year 2019; and

20 “(6) \$14,098,000 for fiscal year 2020.”.

21 **SEC. 422. PRE-EMPLOYMENT TRANSITION SERVICES.**

22 *Part B of title I (29 U.S.C. 730 et seq.) is further*
23 *amended by adding at the end the following:*

1 **“SEC. 113. PROVISION OF PRE-EMPLOYMENT TRANSITION**
2 **SERVICES.**

3 “(a) *IN GENERAL.*—*From the funds reserved under*
4 *section 110(d), and any funds made available from State,*
5 *local, or private funding sources, each State shall ensure*
6 *that the designated State unit, in collaboration with the*
7 *local educational agencies involved, shall provide, or ar-*
8 *range for the provision of, pre-employment transition serv-*
9 *ices for all students with disabilities in need of such services*
10 *who are eligible or potentially eligible for services under this*
11 *title.*

12 “(b) *REQUIRED ACTIVITIES.*—*Funds available under*
13 *subsection (a) shall be used to make available to students*
14 *with disabilities described in subsection (a)—*

15 “(1) *job exploration counseling;*

16 “(2) *work-based learning experiences, which may*
17 *include in-school or after school opportunities, or ex-*
18 *perience outside the traditional school setting (includ-*
19 *ing internships), that is provided in an integrated en-*
20 *vironment to the maximum extent possible;*

21 “(3) *counseling on opportunities for enrollment*
22 *in comprehensive transition or postsecondary edu-*
23 *cational programs at institutions of higher education;*

24 “(4) *workplace readiness training to develop so-*
25 *cial skills and independent living; and*

1 “(5) instruction in self-advocacy, which may in-
2 clude peer mentoring.

3 “(c) *AUTHORIZED ACTIVITIES.*—*Funds available*
4 *under subsection (a) and remaining after the provision of*
5 *the required activities described in subsection (b) may be*
6 *used to improve the transition of students with disabilities*
7 *described in subsection (a) from school to postsecondary*
8 *education or an employment outcome by—*

9 “(1) *implementing effective strategies to increase*
10 *the likelihood of independent living and inclusion in*
11 *communities and competitive integrated workplaces;*

12 “(2) *developing and improving strategies for in-*
13 *dividuals with intellectual disabilities and individ-*
14 *uals with significant disabilities to live independ-*
15 *ently, participate in postsecondary education experi-*
16 *ences, and obtain and retain competitive integrated*
17 *employment;*

18 “(3) *providing instruction to vocational rehabili-*
19 *tation counselors, school transition personnel, and*
20 *other persons supporting students with disabilities;*

21 “(4) *disseminating information about innova-*
22 *tive, effective, and efficient approaches to achieve the*
23 *goals of this section;*

24 “(5) *coordinating activities with transition serv-*
25 *ices provided by local educational agencies under the*

1 *Individuals with Disabilities Education Act* (20
2 *U.S.C. 1400 et seq.*);

3 “(6) *applying evidence-based findings to improve*
4 *policy, procedure, practice, and the preparation of*
5 *personnel, in order to better achieve the goals of this*
6 *section;*

7 “(7) *developing model transition demonstration*
8 *projects;*

9 “(8) *establishing or supporting multistate or re-*
10 *gional partnerships involving States, local edu-*
11 *cational agencies, designated State units, develop-*
12 *mental disability agencies, private businesses, or other*
13 *participants to achieve the goals of this section; and*

14 “(9) *disseminating information and strategies to*
15 *improve the transition to postsecondary activities of*
16 *individuals who are members of traditionally*
17 *unserved populations.*

18 “(d) *PRE-EMPLOYMENT TRANSITION COORDINA-*
19 *TION.—Each local office of a designated State unit shall*
20 *carry out responsibilities consisting of—*

21 “(1) *attending individualized education program*
22 *meetings for students with disabilities, when invited;*

23 “(2) *working with the local workforce develop-*
24 *ment boards, one-stop centers, and employers to de-*
25 *velop work opportunities for students with disabil-*

1 *ities, including internships, summer employment and*
2 *other employment opportunities available throughout*
3 *the school year, and apprenticeships;*

4 “(3) *work with schools, including those carrying*
5 *out activities under section 614(d)(1)(A)(i)(VIII) of*
6 *the Individuals with Disabilities Education Act (20*
7 *U.S.C. 1414(d)(1)(A)(i)(VIII)), to coordinate and en-*
8 *sure the provision of pre-employment transition serv-*
9 *ices under this section; and*

10 “(4) *when invited, attend person-centered plan-*
11 *ning meetings for individuals receiving services under*
12 *title XIX of the Social Security Act (42 U.S.C. 1396*
13 *et seq.).*

14 “(e) *NATIONAL PRE-EMPLOYMENT TRANSITION CO-*
15 *ORDINATION.—The Secretary shall support designated State*
16 *agencies providing services under this section, highlight best*
17 *State practices, and consult with other Federal agencies to*
18 *advance the goals of this section.*

19 “(f) *SUPPORT.—In carrying out this section, States*
20 *shall address the transition needs of all students with dis-*
21 *abilities, including such students with physical, sensory, in-*
22 *tellectual, and mental health disabilities.”.*

23 **SEC. 423. AMERICAN INDIAN VOCATIONAL REHABILITATION**
24 **SERVICES.**

25 *Section 121 (29 U.S.C. 741) is amended—*

1 (1) *in subsection (a), in the first sentence, by in-*
2 *serting before the period the following: “(referred to in*
3 *this section as ‘eligible individuals’), consistent with*
4 *such eligible individuals’ strengths, resources, prior-*
5 *ities, concerns, abilities, capabilities, interests, and*
6 *informed choice, so that such individuals may pre-*
7 *pare for, and engage in, high-quality employment*
8 *that will increase opportunities for economic self-suf-*
9 *ficiency”;*

10 (2) *in subsection (b)(1)—*

11 (A) *in subparagraph (B), by striking “and”*
12 *at the end;*

13 (B) *in subparagraph (C), by striking the*
14 *period and inserting “; and”; and*

15 (C) *by adding at the end the following:*

16 “(D) *contains assurances that—*

17 “(i) *all decisions affecting eligibility*
18 *for vocational rehabilitation services, the*
19 *nature and scope of available vocational re-*
20 *habilitation services and the provision of*
21 *such services will, consistent with this title,*
22 *be made by a representative of the tribal vo-*
23 *cational rehabilitation program funded*
24 *through the grant; and*

1 “(i) such decisions will not be dele-
2 gated to another agency or individual.”;

3 (3) by redesignating subsection (c) as subsection
4 (d); and

5 (4) by inserting after subsection (b) the fol-
6 lowing:

7 “(c)(1) From the funds appropriated and made avail-
8 able to carry out this part for any fiscal year, beginning
9 with fiscal year 2015, the Commissioner shall first reserve
10 not less than 1.8 percent and not more than 2 percent of
11 the funds to provide training and technical assistance to
12 governing bodies described in subsection (a) for such fiscal
13 year.

14 “(2) From the funds reserved under paragraph (1), the
15 Commissioner shall make grants to, or enter into contracts
16 or other cooperative agreements with, entities that have ex-
17 perience in the operation of vocational rehabilitation serv-
18 ices programs under this section to provide such training
19 and technical assistance with respect to developing, con-
20 ducting, administering, and evaluating such programs.

21 “(3) The Commissioner shall conduct a survey of the
22 governing bodies regarding training and technical assist-
23 ance needs in order to determine funding priorities for such
24 grants, contracts, or cooperative agreements.

1 “(4) To be eligible to receive a grant or enter into a
2 contract or cooperative agreement under this section, such
3 an entity shall submit an application to the Commissioner
4 at such time, in such manner, and containing a proposal
5 to provide such training and technical assistance, and con-
6 taining such additional information as the Commissioner
7 may require. The Commissioner shall provide for peer re-
8 view of applications by panels that include persons who are
9 not government employees and who have experience in the
10 operation of vocational rehabilitation services programs
11 under this section.”.

12 **SEC. 424. VOCATIONAL REHABILITATION SERVICES CLIENT**
13 **INFORMATION.**

14 Section 131(a)(2) (29 U.S.C. 751(a)(2)) is amended
15 by striking “title I of the Workforce Investment Act of 1998”
16 and inserting “title I of the Workforce Innovation and Op-
17 portunity Act”.

18 **Subtitle C—Research and Training**

19 **SEC. 431. PURPOSE.**

20 Section 200 (29 U.S.C. 760) is amended—

21 (1) in paragraph (1), by inserting “technical as-
22 sistance,” after “training,”;

23 (2) in paragraph (2), by inserting “technical as-
24 sistance,” after “training,”;

1 (3) in paragraph (3), in the matter preceding
2 subparagraph (A)—

3 (A) by inserting “and use” after “transfer”;

4 and

5 (B) by inserting “, in a timely and efficient
6 manner,” after “disabilities”; and

7 (4) in paragraph (4), by striking “distribution”
8 and inserting “dissemination”;

9 (5) in paragraph (5)—

10 (A) by inserting “, including individuals
11 with intellectual and psychiatric disabilities,”
12 after “disabilities”; and

13 (B) by striking “and” after the semicolon;

14 (6) by redesignating paragraph (6) as para-
15 graph (7);

16 (7) by inserting after paragraph (5) the fol-
17 lowing:

18 “(6) identify strategies for effective coordination
19 of services to job seekers with disabilities available
20 through programs of one-stop partners, as defined in
21 section 3 of the Workforce Innovation and Oppor-
22 tunity Act;”;

23 (8) in paragraph (7), as redesignated by para-
24 graph (6), by striking the period and inserting “;
25 and”;

1 (9) by adding at the end the following:

2 “(8) identify effective strategies for supporting
3 the employment of individuals with disabilities in
4 competitive integrated employment.”.

5 **SEC. 432. AUTHORIZATION OF APPROPRIATIONS.**

6 Section 201 (29 U.S.C. 761) is amended to read as
7 follows:

8 **“SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

9 “*There are authorized to be appropriated to carry out*
10 *this title \$103,970,000 for fiscal year 2015, \$112,001,000*
11 *for fiscal year 2016, \$114,325,000 for fiscal year 2017,*
12 *\$116,860,000 for fiscal year 2018, \$119,608,000 for fiscal*
13 *year 2019, and \$122,143,000 for fiscal year 2020.”.*

14 **SEC. 433. NATIONAL INSTITUTE ON DISABILITY, INDE-**
15 **PENDENT LIVING, AND REHABILITATION RE-**
16 **SEARCH.**

17 Section 202 (29 U.S.C. 762) is amended—

18 (1) in the section heading, by inserting “, INDE-

19 *PENDENT LIVING,”* after “*DISABILITY*”;

20 (2) in subsection (a)—

21 (A) in paragraph (1)—

22 (i) in the matter preceding subpara-

23 *graph (A), by striking “Department of Edu-*

24 *cation”* and all that follows through

25 *“which”* and inserting “*Administration for*

1 *Community Living of the Department of*
2 *Health and Human Services a National In-*
3 *stitute on Disability, Independent Living,*
4 *and Rehabilitation Research (referred to in*
5 *this title as the ‘Institute’), which”;* and

6 *(ii) in subparagraph (A)—*

7 *(I) in clause (ii), by striking “and*
8 *training; and” and inserting “, train-*
9 *ing, and technical assistance;”;*

10 *(II) by redesignating clause (iii)*
11 *as clause (iv); and*

12 *(III) by inserting after clause (ii)*
13 *the following:*

14 *“(iii) outreach and information that clari-*
15 *fies research implications for policy and prac-*
16 *tice; and”;* and

17 *(B) in paragraph (2), by striking “directly”*
18 *and all that follows through the period and in-*
19 *serting “directly responsible to the Administrator*
20 *for the Administration for Community Living of*
21 *the Department of Health and Human Serv-*
22 *ices.”;*

23 *(3) in subsection (b)—*

24 *(A) in paragraph (2), by striking subpara-*
25 *graph (B) and inserting the following:*

1 “(B) private organizations engaged in re-
2 search relating to—

3 “(i) independent living;

4 “(ii) rehabilitation; or

5 “(iii) providing rehabilitation or inde-
6 pendent living services;”;

7 (B) in paragraph (3), by striking “in reha-
8 bilitation” and inserting “on disability, inde-
9 pendent living, and rehabilitation”;

10 (C) in paragraph (4)—

11 (i) in the matter preceding subpara-
12 graph (A), by inserting “education, health
13 and wellness,” after “independent living,”;
14 and

15 (ii) by striking subparagraphs (A)
16 through (D) and inserting the following:

17 “(A) public and private entities, includ-
18 ing—

19 “(i) elementary schools and secondary
20 schools (as defined in section 9101 of the El-
21 elementary and Secondary Education Act of
22 1965 (20 U.S.C. 7801)); and

23 “(ii) institutions of higher education;

24 “(B) rehabilitation practitioners;

1 “(C) employers and organizations rep-
2 resenting employers with respect to employment-
3 based educational materials or research;

4 “(D) individuals with disabilities (espe-
5 cially such individuals who are members of mi-
6 nority groups or of populations that are
7 unserved or underserved by programs under this
8 Act);

9 “(E) the individuals’ representatives for the
10 individuals described in subparagraph (D); and

11 “(F) the Committee on Education and the
12 Workforce of the House of Representatives, the
13 Committee on Appropriations of the House of
14 Representatives, the Committee on Health, Edu-
15 cation, Labor, and Pensions of the Senate, and
16 the Committee on Appropriations of the Sen-
17 ate;”;

18 (D) in paragraph (6)—

19 (i) by striking “advances in rehabilita-
20 tion” and inserting “advances in disability,
21 independent living, and rehabilitation”;
22 and

23 (ii) by inserting “education, health
24 and wellness,” after “employment, inde-
25 pendent living,”;

1 (E) by striking paragraph (7);

2 (F) by redesignating paragraphs (8)
3 through (11) as paragraphs (7) through (10), re-
4 spectively;

5 (G) in paragraph (7), as redesignated by
6 subparagraph (F)—

7 (i) by striking “health, income,” and
8 inserting “health and wellness, income, edu-
9 cation,”; and

10 (ii) by striking “and evaluation of vo-
11 cational and other” and inserting “and
12 evaluation of independent living, voca-
13 tional, and”;

14 (H) in paragraph (8), as redesignated by
15 subparagraph (F), by striking “with vocational
16 rehabilitation services for the purpose of identi-
17 fying effective rehabilitation programs and poli-
18 cies that promote the independence of individuals
19 with disabilities and achievement of long-term
20 vocational goals” and inserting “with inde-
21 pendent living and vocational rehabilitation
22 services for the purpose of identifying effective
23 independent living and rehabilitation programs
24 and policies that promote the independence of in-
25 dividuals with disabilities and achievement of

1 *long-term independent living and employment*
2 *goals”;* and

3 (I) in paragraph (9), as redesignated by
4 subparagraph (F), by striking “and telecom-
5 muting; and” and inserting “, supported em-
6 ployment (including customized employment),
7 and telecommuting; and”;

8 (4) in subsection (d)(1), by striking the second
9 sentence and inserting the following: “The Director
10 shall be an individual with substantial knowledge of
11 and experience in independent living, rehabilitation,
12 and research administration.”;

13 (5) in subsection (f)(1), by striking the second
14 sentence and inserting the following: “The scientific
15 peer review shall be conducted by individuals who are
16 not Department of Health and Human Services em-
17 ployees. The Secretary shall consider for peer review
18 individuals who are scientists or other experts in dis-
19 ability, independent living, and rehabilitation, in-
20 cluding individuals with disabilities and the individ-
21 uals’ representatives, and who have sufficient exper-
22 tise to review the projects.”;

23 (6) in subsection (h)—

24 (A) in paragraph (1)(A)—

1 (i) by striking “priorities for rehabili-
2 tation research,” and inserting “priorities
3 for disability, independent living, and reha-
4 bilitation research,”; and

5 (ii) by inserting “dissemination,” after
6 “training,”; and

7 (B) in paragraph (2)—

8 (i) in subparagraph (A), by striking
9 “especially in the area of employment” and
10 inserting “especially in the areas of employ-
11 ment and independent living”;

12 (ii) in subparagraph (D)—

13 (I) by striking “developed by the
14 Director” and inserting “coordinated
15 with the strategic plan required under
16 section 203(c)”;

17 (II) in clause (i), by striking “Re-
18 habilitation” and inserting “Dis-
19 ability, Independent Living, and Reha-
20 bilitation”;

21 (III) in clause (ii), by striking
22 “Commissioner” and inserting “Ad-
23 ministrator”; and

24 (IV) in clause (iv), by striking
25 “researchers in the rehabilitation field”

1 and inserting “researchers in the inde-
2 pendent living and rehabilitation
3 fields”;

4 (iii) by redesignating subparagraphs
5 (E) and (F) as subparagraphs (F) and (G),
6 respectively;

7 (iv) by inserting after subparagraph
8 (D) the following:

9 “(E) be developed by the Director;”;

10 (v) in subparagraph (F), as redesign-
11 ated by clause (iii), by inserting “and in-
12 formation that clarifies implications of the
13 results for practice,” after “covered activi-
14 ties,”; and

15 (vi) in subparagraph (G), as redesign-
16 ated by clause (iii), by inserting “and in-
17 formation that clarifies implications of the
18 results for practice” after “covered activi-
19 ties”;

20 (7) in subsection (j), by striking paragraph (3);

21 and

22 (8) by striking subsection (k) and inserting the
23 following:

24 “(k) The Director shall make grants to institutions of
25 higher education for the training of independent living and

1 *rehabilitation researchers, including individuals with dis-*
2 *abilities and traditionally underserved populations of indi-*
3 *viduals with disabilities, as described in section 21, with*
4 *particular attention to research areas that—*

5 “(1) *support the implementation and objectives*
6 *of this Act; and*

7 “(2) *improve the effectiveness of services author-*
8 *ized under this Act.*

9 “(l)(1) *Not later than December 31 of each year, the*
10 *Director shall prepare, and submit to the Secretary, the*
11 *Committee on Health, Education, Labor, and Pensions of*
12 *the Senate, and the Committee on Education and the Work-*
13 *force of the House of Representatives, a report on the activi-*
14 *ties funded under this title.*

15 “(2) *The report under paragraph (1) shall include—*

16 “(A) *a compilation and summary of the infor-*
17 *mation provided by recipients of funding for such ac-*
18 *tivities under this title;*

19 “(B) *a summary describing the funding received*
20 *under this title and the progress of the recipients of*
21 *the funding in achieving the measurable goals de-*
22 *scribed in section 204(d)(2); and*

23 “(C) *a summary of implications of research out-*
24 *comes on practice.*

1 “(m)(1) If the Director determines that an entity that
2 receives funding under this title fails to comply with the
3 applicable requirements of this Act, or to make progress to-
4 ward achieving the measurable goals described in section
5 204(d)(2), with respect to the covered activities involved, the
6 Director shall utilize available monitoring and enforcement
7 measures.

8 “(2) As part of the annual report required under sub-
9 section (l), the Secretary shall describe each action taken
10 by the Secretary under paragraph (1) and the outcomes of
11 such action.”.

12 **SEC. 434. INTERAGENCY COMMITTEE.**

13 Section 203 (29 U.S.C. 763) is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (1)—

16 (i) by striking “conducting rehabilita-
17 tion research” and inserting “conducting
18 disability, independent living, and rehabili-
19 tation research”;

20 (ii) by striking “chaired by the Direc-
21 tor” and inserting “chaired by the Sec-
22 retary, or the Secretary’s designee,”;

23 (iii) by inserting “the Assistant Sec-
24 retary of Labor for Disability Employment
25 Policy, the Secretary of Defense, the Admin-

1 *istrator of the Administration for Commu-*
2 *nity Living,” after “Assistant Secretary for*
3 *Special Education and Rehabilitative Serv-*
4 *ices,”; and*

5 *(iv) by striking “and the Director of*
6 *the National Science Foundation.” and in-*
7 *serting “the Director of the National*
8 *Science Foundation and the Administrator*
9 *of the Small Business Administration.”;*
10 *and*

11 *(B) in paragraph (2), by inserting “, and*
12 *for not less than 1 of such meetings at least every*
13 *2 years, the Committee shall invite policymakers,*
14 *representatives from other Federal agencies con-*
15 *ducting relevant research, individuals with dis-*
16 *abilities, organizations representing individuals*
17 *with disabilities, researchers, and providers, to*
18 *offer input on the Committee’s work, including*
19 *the development and implementation of the stra-*
20 *tegic plan required under subsection (c)” after*
21 *“each year”;*

22 *(2) in subsection (b)—*

23 *(A) in paragraph (1)—*

1 (i) by striking “from targeted individ-
2 uals” and inserting “individuals with dis-
3 abilities”; and

4 (ii) by inserting “independent living
5 and” before “rehabilitation”; and

6 (B) in paragraph (2)—

7 (i) in subparagraph (A), by inserting
8 “independent living research,” after “assist-
9 ive technology research,”;

10 (ii) in subparagraph (B), by inserting
11 “, independent living research,” after “tech-
12 nology research”;

13 (iii) in subparagraph (D), by striking
14 “and research that incorporates the prin-
15 ciples of universal design” and inserting “,
16 independent living research, and research
17 that incorporates the principles of universal
18 design”; and

19 (iv) in subparagraph (E), by striking
20 “and research that incorporates the prin-
21 ciples of universal design.” and inserting “,
22 independent living research, and research
23 that incorporates the principles of universal
24 design.”;

25 (3) by striking subsection (d);

1 (4) *by redesignating subsection (c) as subsection*
2 *(d);*

3 (5) *by inserting after subsection (b) the fol-*
4 *lowing:*

5 “(c)(1) *The Committee shall develop a comprehensive*
6 *government wide strategic plan for disability, independent*
7 *living, and rehabilitation research.*

8 “(2) *The strategic plan shall include, at a minimum—*

9 “(A) *a description of the—*

10 “(i) *measurable goals and objectives;*

11 “(ii) *existing resources each agency will de-*
12 *vote to carrying out the plan;*

13 “(iii) *timetables for completing the projects*
14 *outlined in the plan; and*

15 “(iv) *assignment of responsible individuals*
16 *and agencies for carrying out the research activi-*
17 *ties;*

18 “(B) *research priorities and recommendations;*

19 “(C) *a description of how funds from each agen-*
20 *cy will be combined, as appropriate, for projects ad-*
21 *ministered among Federal agencies, and how such*
22 *funds will be administered;*

23 “(D) *the development and ongoing maintenance*
24 *of a searchable government wide inventory of dis-*
25 *ability, independent living, and rehabilitation re-*

1 *search for trend and data analysis across Federal*
2 *agencies;*

3 *“(E) guiding principles, policies, and proce-*
4 *dures, consistent with the best research practices*
5 *available, for conducting and administering dis-*
6 *ability, independent living, and rehabilitation re-*
7 *search across Federal agencies; and*

8 *“(F) a summary of underemphasized and dupli-*
9 *cative areas of research.*

10 *“(3) The strategic plan described in this subsection*
11 *shall be submitted to the President and the Committee on*
12 *Health, Education, Labor, and Pensions of the Senate and*
13 *the Committee on Education and the Workforce of the*
14 *House of Representatives.”;*

15 *(6) in subsection (d), as redesignated by para-*
16 *graph (4)—*

17 *(A) in the matter preceding paragraph (1),*
18 *by striking “Committee on Labor and Human*
19 *Resources of the Senate” and inserting “Com-*
20 *mittee on Health, Education, Labor, and Pen-*
21 *sions of the Senate”;* and

22 *(B) by striking paragraph (1) and inserting*
23 *the following:*

1 “(1) describes the progress of the Committee in
2 fulfilling the duties described in subsections (b) and
3 (c), and including specifically for subsection (c)—

4 “(A) a report of the progress made in im-
5 plementing the strategic plan, including progress
6 toward implementing the elements described in
7 subsection (c)(2)(A); and

8 “(B) detailed budget information.”; and
9 (7) in subsection (e), by striking paragraph (2)
10 and inserting the following:

11 “(2) the term ‘independent living’, used in con-
12 nection with research, means research on issues and
13 topics related to attaining maximum self-sufficiency
14 and function by individuals with disabilities, includ-
15 ing research on assistive technology and universal de-
16 sign, employment, education, health and wellness, and
17 community integration and participation.”.

18 **SEC. 435. RESEARCH AND OTHER COVERED ACTIVITIES.**

19 Section 204 (29 U.S.C. 764) is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1)—

22 (i) by striking “pay” and inserting
23 “fund”;

24 (ii) by inserting “have practical appli-
25 cations and” before “maximize”; and

1 (iii) by striking “employment, inde-
2 pendent living,” and inserting “employ-
3 ment, education, independent living, health
4 and wellness,”;

5 (B) in paragraph (2)—

6 (i) in subparagraph (A), by inserting
7 “and from which the research findings, con-
8 clusions, or recommendations can be trans-
9 ferred to practice” after “State agencies”;

10 (ii) in subparagraph (B)—

11 (I) by striking clause (ii) and in-
12 serting the following:

13 “(ii) studies and analyses of factors related to
14 industrial, vocational, educational, employment, so-
15 cial, recreational, psychiatric, psychological, eco-
16 nomic, and health and wellness variables affecting in-
17 dividuals with disabilities, including traditionally
18 underserved populations as described in section 21,
19 and how those variables affect such individuals’ abil-
20 ity to live independently and their participation in
21 the work force;”;

22 (II) in clause (iii), by striking
23 “are homebound” and all that follows
24 and inserting “have significant chal-
25 lenges engaging in community life out-

1 *side their homes and individuals who*
2 *are in institutional settings;”;*

3 (III) *in clause (iv), by inserting*
4 *“, including the principles of universal*
5 *design and the interoperability of*
6 *products and services” after “disabil-*
7 *ities”;*

8 (IV) *in clause (v), by inserting “,*
9 *and to promoting employment oppor-*
10 *tunities in competitive integrated em-*
11 *ployment” after “employment”;*

12 (V) *in clause (vi), by striking*
13 *“and” after the semicolon;*

14 (VI) *in clause (vii), by striking*
15 *“and assistive technology.” and insert-*
16 *ing “, assistive technology, and com-*
17 *munications technology; and”;* and

18 (VII) *by adding at the end the fol-*
19 *lowing:*

20 *“(viii) studies, analyses, and other activities af-*
21 *fecting employment outcomes as defined in section*
22 *7(11), including self-employment and telecommuting,*
23 *of individuals with disabilities.”;* and

24 (C) *by adding at the end the following:*

1 “(3) *In carrying out this section, the Director shall*
2 *emphasize covered activities that include plans for—*

3 “(A) *dissemination of high-quality materials, of*
4 *scientifically valid research results, or of findings,*
5 *conclusions, and recommendations resulting from cov-*
6 *ered activities, including through electronic means*
7 *(such as the website of the Department of Health and*
8 *Human Services), so that such information is avail-*
9 *able in a timely manner to the general public; or*

10 “(B) *the commercialization of marketable prod-*
11 *ucts, research results, or findings, resulting from the*
12 *covered activities.”;*

13 (2) *in subsection (b)—*

14 (A) *in paragraph (1), by striking “(18)”*
15 *both places the term appears and inserting*
16 *“(17)”;*

17 (B) *in paragraph (2)—*

18 (i) *in subparagraph (A), by striking*
19 *clauses (i) and (ii) and inserting the fol-*
20 *lowing:*

21 “(i) *be operated in collaboration with institu-*
22 *tions of higher education, providers of rehabilitation*
23 *services, developers or providers of assistive technology*
24 *devices, assistive technology services, or information*

1 *technology devices or services, as appropriate, or pro-*
2 *viders of other appropriate services; and*

3 *“(i) serve as centers of national excellence and*
4 *national or regional resources for individuals with*
5 *disabilities, as well as providers, educators, and re-*
6 *searchers.”;*

7 *(ii) in subparagraph (B)—*

8 *(I) in clause (i)—*

9 *(aa) by adding “independent*
10 *living and” after “research in”;*

11 *(bb) by adding “independent*
12 *living and” after “will improve”;*
13 *and*

14 *(cc) by striking “alleviate or*
15 *stabilize” and all that follows and*
16 *inserting “maximize health and*
17 *function (including alleviating or*
18 *stabilizing conditions, or pre-*
19 *venting secondary conditions),*
20 *and promote maximum social and*
21 *economic independence of individ-*
22 *uals with disabilities, including*
23 *promoting the ability of the indi-*
24 *viduals to prepare for, secure, re-*

1 *tain, regain, or advance in em-*
2 *ployment;*”;

3 *(II) by redesignating clauses (ii),*
4 *(iii), and (iv), as clauses (iii), (iv),*
5 *and (v), respectively;*

6 *(III) by inserting after clause (i)*
7 *the following:*

8 *“(ii) conducting research in, and dissemination*
9 *of, employer-based practices to facilitate the identi-*
10 *fication, recruitment, accommodation, advancement,*
11 *and retention of qualified individuals with disabili-*
12 *ties;”;*

13 *(IV) in clause (iii), as redesign-*
14 *ated by subclause (II), by inserting*
15 *“independent living and” before “reha-*
16 *bilitation services”;*

17 *(V) in clause (iv), as redesignated*
18 *by subclause (II)—*

19 *(aa) by inserting “inde-*
20 *pendent living and” before “reha-*
21 *bilitation” each place the term*
22 *appears; and*

23 *(bb) by striking “and” after*
24 *the semicolon; and*

1 (VI) by striking clause (v), as re-
2 designated by subclause (II), and in-
3 serting the following:

4 “(v) serving as an informational and technical
5 assistance resource to individuals with disabilities, as
6 well as to providers, educators, and researchers, by
7 providing outreach and information that clarifies re-
8 search implications for practice and identifies poten-
9 tial new areas of research; and

10 “(vi) developing practical applications for the
11 research findings of the Centers.”;

12 (iii) in subparagraph (C)—

13 (I) in clause (i), by inserting “,
14 including research on assistive tech-
15 nology devices, assistive technology
16 services, and accessible electronic and
17 information technology devices” after
18 “research”;

19 (II) in clause (ii)—

20 (aa) by striking “and social”
21 and inserting “, social, and eco-
22 nomic”; and

23 (bb) by inserting “inde-
24 pendent living and” before “reha-
25 bilitation”; and

1 (III) by striking clauses (iii) and
2 (iv);

3 (IV) by redesignating clauses (v)
4 and (vi) as clauses (iii) and (iv), re-
5 spectively;

6 (V) in clause (iii), as redesignated
7 by subclause (IV), by striking “to de-
8 velop” and all that follows and insert-
9 ing “that promotes the emotional, so-
10 cial, educational, and functional
11 growth of children who are individuals
12 with disabilities, as well as their inte-
13 gration in school, employment, and
14 community activities;”;

15 (VI) in clause (iv), as redesi-
16 gnated by subclause (IV), by striking
17 “that will improve” and all that fol-
18 lows and inserting “to develop and
19 evaluate interventions, policies, and
20 services that support families of those
21 children and adults who are individ-
22 uals with disabilities;” and

23 (VII) by adding at the end the fol-
24 lowing:

1 “(v) continuation of research that will improve
2 services and policies that foster the independence and
3 social integration of individuals with disabilities, and
4 enable individuals with disabilities, including indi-
5 viduals with intellectual disabilities and other devel-
6 opmental disabilities, to live in their communities;
7 and

8 “(vi) research, dissemination, and technical as-
9 sistance, on best practices in vocational rehabilita-
10 tion, including supported employment and other
11 strategies to promote competitive integrated employ-
12 ment for persons with the most significant disabili-
13 ties.”;

14 (iv) by striking subparagraph (D) and
15 inserting the following:

16 “(D) Training of students preparing to be independent
17 living or rehabilitation personnel or to provide independent
18 living, rehabilitative, assistive, or supportive services (such
19 as rehabilitation counseling, personal care services, direct
20 care, job coaching, aides in school based settings, or advice
21 or assistance in utilizing assistive technology devices, assist-
22 ive technology services, and accessible electronic and infor-
23 mation technology devices and services) shall be an impor-
24 tant priority for each such Center.”;

1 (v) in subparagraph (E), by striking
2 “comprehensive”;

3 (vi) in subparagraph (G)(i), by insert-
4 ing “independent living and” before “reha-
5 bilitation-related”;

6 (vii) by striking subparagraph (I); and

7 (viii) by redesignating subparagraphs
8 (J) through (O) as subparagraphs (I)
9 through (N), respectively;

10 (C) in paragraph (3)—

11 (i) in subparagraph (A), by inserting
12 “independent living strategies and” before
13 “rehabilitation technology”;

14 (ii) in subparagraph (B)—

15 (I) in clause (i)(I), by inserting
16 “independent living and” before “reha-
17 bilitation problems”;

18 (II) in clause (ii)(II), by striking
19 “employment” and inserting “edu-
20 cational, employment,”; and

21 (III) in clause (iii)(II), by strik-
22 ing “employment” and inserting “edu-
23 cational, employment,”;

24 (iii) in subparagraph (D)(i)(II), by
25 striking “postschool” and inserting “postsec-

1 *ondary education, competitive integrated*
2 *employment, and other age-appropriate”;*
3 *and*

4 *(iv) in subparagraph (G)(ii), by in-*
5 *serting “the impact of any commercialized*
6 *product researched or developed through the*
7 *Center,” after “individuals with disabil-*
8 *ities,”;*

9 *(D) in paragraph (4)(B)—*

10 *(i) in clause (i)—*

11 *(I) by striking “vocational” and*
12 *inserting “independent living, employ-*
13 *ment,”;*

14 *(II) by striking “special” and in-*
15 *serting “unique”; and*

16 *(III) by inserting “social and*
17 *functional needs, and” before “acute*
18 *care”; and*

19 *(ii) in clause (iv), by inserting “edu-*
20 *cation, health and wellness,” after “employ-*
21 *ment,”;*

22 *(E) by striking paragraph (8) and inserting*
23 *the following:*

24 *“(8) Grants may be used to conduct a program of joint*
25 *projects with other administrations and offices of the De-*

1 *partment of Health and Human Services, the National*
2 *Science Foundation, the Department of Veterans Affairs,*
3 *the Department of Defense, the Federal Communications*
4 *Commission, the National Aeronautics and Space Adminis-*
5 *tration, the Small Business Administration, the Depart-*
6 *ment of Labor, other Federal agencies, and private industry*
7 *in areas of joint interest involving rehabilitation.”;*

8 *(F) by striking paragraphs (9) and (11);*

9 *(G) by redesignating paragraphs (10), (12),*
10 *(13), (14), (15), (16), (17), and (18), as para-*
11 *graphs (9), (10), (11), (12), (13), (14), (15), and*
12 *(16), respectively;*

13 *(H) in paragraph (11), as redesignated by*
14 *subparagraph (G)—*

15 *(i) in the matter preceding subpara-*
16 *graph (A), by striking “employment needs*
17 *of individuals with disabilities, including”*
18 *and inserting “employment needs, opportu-*
19 *nities, and outcomes (including those relat-*
20 *ing to self-employment, supported employ-*
21 *ment, and telecommuting) of individuals*
22 *with disabilities, including”;*

23 *(ii) in subparagraph (B), by inserting*
24 *“and employment related” after “the em-*
25 *ployment”;*

1 (iii) in subparagraph (E), by striking
2 “and” after the semicolon;

3 (iv) in subparagraph (F), by striking
4 the period at the end and inserting a semi-
5 colon; and

6 (v) by adding at the end the following:

7 “(G) develop models to facilitate the successful
8 transition of individuals with disabilities from non-
9 integrated employment and employment that is com-
10 pensated at a wage less than the Federal minimum
11 wage to competitive integrated employment;

12 “(H) develop models to maximize opportunities
13 for integrated community living, including employ-
14 ment and independent living, for individuals with
15 disabilities;

16 “(I) provide training and continuing education
17 for personnel involved with community living for in-
18 dividuals with disabilities;

19 “(J) develop model procedures for testing and
20 evaluating the community living related needs of in-
21 dividuals with disabilities;

22 “(K) develop model training programs to teach
23 individuals with disabilities skills which will lead to
24 integrated community living and full participation
25 in the community; and

1 “(L) develop new approaches for long-term serv-
2 ices and supports for individuals with disabilities, in-
3 cluding supports necessary for competitive integrated
4 employment.”;

5 (I) in paragraph (12), as redesignated by
6 subparagraph (G)—

7 (i) in the matter preceding subpara-
8 graph (A), by inserting “an independent
9 living or” after “conduct”;

10 (ii) in subparagraph (D), by inserting
11 “independent living or” before “rehabilita-
12 tion”; and

13 (iii) in the matter following subpara-
14 graph (E), by striking “National Institute
15 on Disability and Rehabilitation Research”
16 and inserting “National Institute on Dis-
17 ability, Independent Living, and Rehabili-
18 tation Research”;

19 (J) in paragraph (13), as redesignated by
20 subparagraph (G), by inserting “independent
21 living and” before “rehabilitation needs”; and

22 (K) in paragraph (14), as redesignated by
23 subparagraph (G), by striking “and access to
24 gainful employment.” and inserting “, full par-
25 ticipation, and economic self-sufficiency.”; and

1 (3) by adding at the end the following:

2 “(d)(1) In awarding grants, contracts, or cooperative
3 agreements under this title, the Director shall award the
4 funding on a competitive basis.

5 “(2)(A) To be eligible to receive funds under this sec-
6 tion for a covered activity, an entity described in subsection
7 (a)(1) shall submit an application to the Director at such
8 time, in such manner, and containing such information as
9 the Director may require.

10 “(B) The application shall include information de-
11 scribing—

12 “(i) measurable goals, as established through sec-
13 tion 1115 of title 31, United States Code, and a
14 timeline and specific plan for meeting the goals, that
15 the applicant has established;

16 “(ii) how the project will address 1 or more of
17 the following: commercialization of a marketable
18 product, technology transfer (if applicable), dissemi-
19 nation of any research results, and other priorities as
20 established by the Director; and

21 “(iii) how the applicant will quantifiably meas-
22 ure the goals to determine whether such goals have
23 been accomplished.

24 “(3)(A) In the case of an application for funding
25 under this section to carry out a covered activity that re-

1 *sults in the development of a marketable product, the appli-*
 2 *cation shall also include a commercialization and dissemi-*
 3 *nation plan, as appropriate, containing commercialization*
 4 *and marketing strategies for the product involved, and*
 5 *strategies for disseminating information about the product.*
 6 *The funding received under this section shall not be used*
 7 *to carry out the commercialization and marketing strate-*
 8 *gies.*

9 “(B) *In the case of any other application for funding*
 10 *to carry out a covered activity under this section, the appli-*
 11 *cation shall also include a dissemination plan, containing*
 12 *strategies for disseminating educational materials, research*
 13 *results, or findings, conclusions, and recommendations, re-*
 14 *sulting from the covered activity.”.*

15 **SEC. 436. DISABILITY, INDEPENDENT LIVING, AND REHA-**
 16 **BILITATION RESEARCH ADVISORY COUNCIL.**

17 *Section 205 (29 U.S.C. 765) is amended—*

18 (1) *in the section heading, by inserting “DIS-*
 19 ***ABILITY, INDEPENDENT LIVING, AND*** *” before*
 20 ***“REHABILITATION”***;

21 (2) *in subsection (a)—*

22 (A) *by striking “Department of Education*
 23 *a Rehabilitation Research Advisory Council”*
 24 *and inserting “Department of Health and*
 25 *Human Services a Disability, Independent Liv-*

1 *ing, and Rehabilitation Research Advisory*
2 *Council*”; and

3 *(B) by inserting “not less than” after “com-*
4 *posed of”;*

5 *(3) by striking subsection (c) and inserting the*
6 *following:*

7 *“(c) QUALIFICATIONS.—Members of the Council shall*
8 *be generally representative of the community of disability,*
9 *independent living, and rehabilitation professionals, the*
10 *community of disability, independent living, and rehabili-*
11 *tation researchers, the directors of independent living cen-*
12 *ters and community rehabilitation programs, the business*
13 *community (including a representative of the small business*
14 *community) that has experience with the system of voca-*
15 *tional rehabilitation services and independent living serv-*
16 *ices carried out under this Act and with hiring individuals*
17 *with disabilities, the community of stakeholders involved in*
18 *assistive technology, the community of covered school profes-*
19 *sionals, and the community of individuals with disabilities,*
20 *and the individuals’ representatives. At least one-half of the*
21 *members shall be individuals with disabilities or the indi-*
22 *viduals’ representatives.”; and*

23 *(4) in subsection (g), by striking “Department of*
24 *Education” and inserting “Department of Health*
25 *and Human Services”.*

1 **SEC. 437. DEFINITION OF COVERED SCHOOL.**

2 *Title II (29 U.S.C. 760 et seq.) is amended by adding*
 3 *at the end the following:*

4 **“SEC. 206. DEFINITION OF COVERED SCHOOL.**

5 *“In this title, the term ‘covered school’ means an ele-*
 6 *mentary school or secondary school (as such terms are de-*
 7 *fin ed in section 9101 of the Elementary and Secondary*
 8 *Education Act of 1965 (20 U.S.C. 7801)) or an institution*
 9 *of higher education.”.*

10 ***Subtitle D—Professional Develop-***
 11 ***ment and Special Projects and***
 12 ***Demonstration***

13 **SEC. 441. PURPOSE; TRAINING.**

14 *(a) PURPOSE.—Section 301(a) (29 U.S.C. 771(a)) is*
 15 *amended—*

16 *(1) in paragraph (2), by inserting “and” after*
 17 *the semicolon;*

18 *(2) by striking paragraphs (3) and (4);*

19 *(3) by redesignating paragraph (5) as para-*
 20 *graph (3); and*

21 *(4) in paragraph (3), as redesignated by para-*
 22 *graph (3), by striking “workforce investment systems”*
 23 *and inserting “workforce development systems”.*

24 *(b) TRAINING.—Section 302 (29 U.S.C. 772) is amend-*
 25 *ed—*

26 *(1) in subsection (a)—*

1 (A) in paragraph (1)—

2 (i) in subparagraph (E), by striking
3 all after “deliver” and inserting “supported
4 employment services and customized em-
5 ployment services to individuals with the
6 most significant disabilities;”;

7 (ii) in subparagraph (F), by striking
8 “and” after the semicolon;

9 (iii) in subparagraph (G), by striking
10 the period at the end and inserting “; and”;
11 and

12 (iv) by adding at the end the following:
13 “(H) personnel trained in providing assist-
14 ive technology services.”;

15 (B) in paragraph (4)—

16 (i) in the matter preceding subpara-
17 graph (A), by striking “title I of the Work-
18 force Investment Act of 1998” and inserting
19 “subtitle B of title I of the Workforce Inno-
20 vation and Opportunity Act”;

21 (ii) in subparagraph (A), by striking
22 “workforce investment system” and insert-
23 ing “workforce development system”; and

24 (iii) in subparagraph (B), by striking
25 “section 134(c) of the Workforce Investment

1 *Act of 1998.” and inserting “section 121(e)*
2 *of the Workforce Innovation and Oppor-*
3 *tunity Act.”; and*

4 *(C) in paragraph (5), by striking “title I of*
5 *the Workforce Investment Act of 1998” and in-*
6 *serting “subtitle B of title I of the Workforce In-*
7 *novation and Opportunity Act”;*

8 *(2) in subsection (b)(1)(B)(i), by striking “or*
9 *prosthetics and orthotics” and inserting “prosthetics*
10 *and orthotics, vision rehabilitation therapy, orienta-*
11 *tion and mobility instruction, or low vision therapy”;*

12 *(3) in subsection (g)—*

13 *(A) in the subsection heading, by striking*
14 *“AND IN-SERVICE TRAINING”;*

15 *(B) in paragraph (1), by adding after the*
16 *period the following: “Any technical assistance*
17 *provided to community rehabilitation programs*
18 *shall be focused on the employment outcome of*
19 *competitive integrated employment for individ-*
20 *uals with disabilities.”; and*

21 *(C) by striking paragraph (3);*

22 *(4) in subsection (h), by striking “section 306”*
23 *and inserting “section 304”; and*

24 *(5) in subsection (i), by striking “such sums as*
25 *may be necessary for each of the fiscal years 1999*

1 *through 2003.” and inserting “\$33,657,000 for fiscal*
2 *year 2015, \$36,257,000 for fiscal year 2016,*
3 *\$37,009,000 for fiscal year 2017, \$37,830,000 for fis-*
4 *cal year 2018, \$38,719,000 for fiscal year 2019, and*
5 *\$39,540,000 for fiscal year 2020.”.*

6 **SEC. 442. DEMONSTRATION, TRAINING, AND TECHNICAL AS-**
7 **SISTANCE PROGRAMS.**

8 *Section 303 (29 U.S.C. 773) is amended—*

9 *(1) in subsection (b)—*

10 *(A) in paragraph (1), by striking “section*
11 *306” and inserting “section 304”;*

12 *(B) in paragraph (3)(A), by striking “Na-*
13 *tional Institute on Disability and Rehabilitation*
14 *Research” and inserting “National Institute on*
15 *Disability, Independent Living, and Rehabilita-*
16 *tion Research”;*

17 *(C) in paragraph (5)—*

18 *(i) in subparagraph (A)—*

19 *(I) by striking clause (i) and in-*
20 *serting the following:*

21 *“(i) initiatives focused on improving*
22 *transition from education, including post-*
23 *secondary education, to employment, par-*
24 *ticularly in competitive integrated employ-*

1 *ment, for youth who are individuals with*
2 *significant disabilities;”;* and

3 *(II) by striking clause (iii) and*
4 *inserting the following:*

5 *“(iii) increasing competitive integrated*
6 *employment for individuals with significant*
7 *disabilities.”;* and

8 *(ii) in subparagraph (B)(viii), by*
9 *striking “under title I of the Workforce In-*
10 *vestment Act of 1998” and inserting “under*
11 *subtitle B of title I of the Workforce Innova-*
12 *tion and Opportunity Act”;* and

13 *(D) by striking paragraph (6);*

14 *(2) in subsection (c)—*

15 *(A) in paragraph (2)—*

16 *(i) in subparagraph (E), by striking*
17 *“and” after the semicolon;*

18 *(ii) by redesignating subparagraph (F)*
19 *as subparagraph (G); and*

20 *(iii) by inserting after subparagraph*
21 *(E) the following:*

22 *“(F) to provide support and guidance in*
23 *helping individuals with significant disabilities,*
24 *including students with disabilities, transition to*
25 *competitive integrated employment; and”;*

1 (B) in paragraph (4)—

2 (i) in subparagraph (A)(ii)—

3 (I) by inserting “the” after “close-
4 ly with”; and

5 (II) by inserting “, the commu-
6 nity parent resource centers established
7 pursuant to section 672 of such Act,
8 and the eligible entities receiving
9 awards under section 673 of such Act”
10 after “Individuals with Disabilities
11 Education Act”; and

12 (ii) in subparagraph (C), by inserting
13 “, and demonstrate the capacity for serv-
14 ing,” after “shall serve”; and

15 (C) by adding at the end the following:

16 “(8) *RESERVATION.*—From the amount appro-
17 priated to carry out this section for a fiscal year, 20
18 percent of such amount or \$500,000, whichever is less,
19 may be reserved to carry out paragraph (6).”; and

20 (3) by striking subsection (e) and inserting the
21 following:

22 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—For the
23 purpose of carrying out this section there are authorized
24 to be appropriated \$5,796,000 for fiscal year 2015,
25 \$6,244,000 for fiscal year 2016, \$6,373,000 for fiscal year

1 2017, \$6,515,000 for fiscal year 2018, \$6,668,000 for fiscal
2 year 2019, and \$6,809,000 for fiscal year 2020.”.

3 **SEC. 443. MIGRANT AND SEASONAL FARMWORKERS; REC-**
4 **REATIONAL PROGRAMS.**

5 *The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.)*
6 *is amended—*

7 *(1) by striking sections 304 and 305;*

8 *(2) by redesignating section 306 as section 304.*

9 ***Subtitle E—National Council on***
10 ***Disability***

11 **SEC. 451. ESTABLISHMENT.**

12 *Section 400 (29 U.S.C. 780) is amended—*

13 *(1) in subsection (a)(1)—*

14 *(A) by redesignating subparagraph (C) as*
15 *subparagraph (D);*

16 *(B) by striking subparagraphs (A) and (B)*
17 *and inserting the following:*

18 *“(A) There is established within the Federal Govern-*
19 *ment a National Council on Disability (referred to in this*
20 *title as the ‘National Council’), which, subject to subpara-*
21 *graph (B), shall be composed of 9 members, of which—*

22 *“(i) 5 shall be appointed by the President;*

23 *“(ii) 1 shall be appointed by the Majority Leader*
24 *of the Senate;*

1 “(iii) 1 shall be appointed by the Minority Lead-
2 er of the Senate;

3 “(iv) 1 shall be appointed by the Speaker of the
4 House of Representatives; and

5 “(v) 1 shall be appointed by the Minority Leader
6 of the House of Representatives.

7 “(B) The National Council shall transition from 15
8 members (as of the date of enactment of the Workforce Inno-
9 vation and Opportunity Act) to 9 members as follows:

10 “(i) On the first 4 expirations of National Coun-
11 cil terms (after that date), replacement members shall
12 be appointed to the National Council in the following
13 order and manner:

14 “(I) 1 shall be appointed by the Majority
15 Leader of the Senate.

16 “(II) 1 shall be appointed by the Minority
17 Leader of the Senate.

18 “(III) 1 shall be appointed by the Speaker
19 of the House of Representatives.

20 “(IV) 1 shall be appointed by the Minority
21 Leader of the House of Representatives.

22 “(ii) On the next 6 expirations of National
23 Council terms (after the 4 expirations described in
24 clause (i) occur), no replacement members shall be ap-
25 pointed to the National Council.

1 “(C) For any vacancy on the National Council that
2 occurs after the transition described in subparagraph (B),
3 the vacancy shall be filled in the same manner as the origi-
4 nal appointment was made.”; and

5 (C) in subparagraph (D), as redesignated
6 by subparagraph (A) of this paragraph, in the
7 first sentence—

8 (i) by inserting “national leaders on
9 disability policy,” after “guardians of indi-
10 viduals with disabilities,”; and

11 (ii) by striking “policy or programs”
12 and inserting “policy or issues that affect
13 individuals with disabilities”;

14 (2) in subsection (b), by striking “, except” and
15 all that follows and inserting a period; and

16 (3) in subsection (d), by striking “Eight” and
17 inserting “Five”.

18 **SEC. 452. REPORT.**

19 Section 401 (29 U.S.C. 781) is amended—

20 (1) in paragraphs (1) and (3) of subsection (a),
21 by striking “National Institute on Disability and Re-
22 habilitation Research” and inserting “National Insti-
23 tute on Disability, Independent Living, and Rehabili-
24 tation Research”; and

25 (2) by striking subsection (c).

1 **SEC. 453. AUTHORIZATION OF APPROPRIATIONS.**

2 *Section 405 (29 U.S.C. 785) is amended by striking*
 3 *“such sums as may be necessary for each of the fiscal years*
 4 *1999 through 2003.” and inserting “\$3,186,000 for fiscal*
 5 *year 2015, \$3,432,000 for fiscal year 2016, \$3,503,000 for*
 6 *fiscal year 2017, \$3,581,000 for fiscal year 2018, \$3,665,000*
 7 *for fiscal year 2019, and \$3,743,000 for fiscal year 2020.”.*

8 ***Subtitle F—Rights and Advocacy***

9 **SEC. 456. INTERAGENCY COMMITTEE, BOARD, AND COUN-**
 10 **CIL.**

11 (a) *INTERAGENCY COMMITTEE.—Section 501 (29*
 12 *U.S.C. 791) is amended—*

13 (1) *by striking subsection (f); and*

14 (2) *by redesignating subsection (g) as subsection*
 15 *(f).*

16 (b) *ARCHITECTURAL AND TRANSPORTATION BARRIERS*
 17 *COMPLIANCE BOARD.—Section 502(j) (29 U.S.C. 792(j)) is*
 18 *amended by striking “such sums as may be necessary for*
 19 *each of the fiscal years 1999 through 2003.” and inserting*
 20 *“\$7,448,000 for fiscal year 2015, \$8,023,000 for fiscal year*
 21 *2016, \$8,190,000 for fiscal year 2017, \$8,371,000 for fiscal*
 22 *year 2018, \$8,568,000 for fiscal year 2019, and \$8,750,000*
 23 *for fiscal year 2020.”.*

24 (c) *PROGRAM OR ACTIVITY.—Section 504(b)(2)(B) (29*
 25 *U.S.C. 794(b)(2)(B)) is amended by striking “vocational*
 26 *education” and inserting “career and technical education”.*

1 (d) *INTERAGENCY DISABILITY COORDINATING COUN-*
2 *CIL.—Section 507(a) (29 U.S.C. 794c(a)) is amended by*
3 *inserting “the Chairperson of the National Council on Dis-*
4 *ability,” before “and such other”.*

5 **SEC. 457. 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, contract, or cooperative agreement for” before*
10 *“training”;*

11 (2) *in subsection (f)(2)—*

12 (A) *by striking “general” and all that fol-*
13 *lows through “records” and inserting “general*
14 *authorities, including the authority to access*
15 *records”;* and

16 (B) *by inserting “of title I” after “subtitle*
17 *C”;* and

18 (3) *in subsection (l), by striking “such sums as*
19 *may be necessary for each of the fiscal years 1999*
20 *through 2003.” and inserting “\$17,650,000 for fiscal*
21 *year 2015, \$19,013,000 for fiscal year 2016,*
22 *\$19,408,000 for fiscal year 2017, \$19,838,000 for fis-*
23 *cal year 2018, \$20,305,000 for fiscal year 2019, and*
24 *\$20,735,000 for fiscal year 2020.”.*

1 **SEC. 458. LIMITATIONS ON USE OF SUBMINIMUM WAGE.**

2 (a) *IN GENERAL.*—Title V (29 U.S.C. 791 *et seq.*) is
3 amended by adding at the end the following:

4 **“SEC. 511. LIMITATIONS ON USE OF SUBMINIMUM WAGE.**

5 “(a) *IN GENERAL.*—No entity, including a contractor
6 or subcontractor of the entity, which holds a special wage
7 certificate as described in section 14(c) of the Fair Labor
8 Standards Act of 1938 (29 U.S.C. 214(c)) may compensate
9 an individual with a disability who is age 24 or younger
10 at a wage (referred to in this section as a ‘subminimum
11 wage’) that is less than the Federal minimum wage unless
12 1 of the following conditions is met:

13 “(1) *The individual is currently employed, as of*
14 *the effective date of this section, by an entity that*
15 *holds a valid certificate pursuant to section 14(c) of*
16 *the Fair Labor Standards Act of 1938.*

17 “(2) *The individual, before beginning work that*
18 *is compensated at a subminimum wage, has com-*
19 *pleted, and produces documentation indicating com-*
20 *pletion of, each of the following actions:*

21 “(A) *The individual has received pre-em-*
22 *ployment transition services that are available to*
23 *the individual under section 113, or transition*
24 *services under the Individuals with Disabilities*
25 *Education Act (20 U.S.C. 1400 *et seq.*) such as*
26 *transition services available to the individual*

1 *under section 614(d) of that Act (20 U.S.C.*
2 *1414(d)).*

3 *“(B) The individual has applied for voca-*
4 *tional rehabilitation services under title I, with*
5 *the result that—*

6 *“(i)(I) the individual has been found*
7 *ineligible for such services pursuant to that*
8 *title and has documentation consistent with*
9 *section 102(a)(5)(C) regarding the deter-*
10 *mination of ineligibility; or*

11 *“(II)(aa) the individual has been deter-*
12 *mined to be eligible for vocational rehabili-*
13 *tation services;*

14 *“(bb) the individual has an individ-*
15 *ualized plan for employment under section*
16 *102;*

17 *“(cc) the individual has been working*
18 *toward an employment outcome specified in*
19 *such individualized plan for employment,*
20 *with appropriate supports and services, in-*
21 *cluding supported employment services, for*
22 *a reasonable period of time without success;*
23 *and*

24 *“(dd) the individual’s vocational reha-*
25 *bilitation case is closed; and*

1 “(i)(I) *the individual has been pro-*
2 *vided career counseling, and information*
3 *and referrals to Federal and State programs*
4 *and other resources in the individual’s geo-*
5 *graphic area that offer employment-related*
6 *services and supports designed to enable the*
7 *individual to explore, discover, experience,*
8 *and attain competitive integrated employ-*
9 *ment; and*

10 “(II) *such counseling and information*
11 *and referrals are not for employment com-*
12 *pensated at a subminimum wage provided*
13 *by an entity described in this subsection,*
14 *and such employment-related services are*
15 *not compensated at a subminimum wage*
16 *and do not directly result in employment*
17 *compensated at a subminimum wage pro-*
18 *vided by an entity described in this sub-*
19 *section.*

20 “(b) *CONSTRUCTION.—*

21 “(1) *RULE.—Nothing in this section shall be*
22 *construed to—*

23 “(A) *change the purpose of this Act de-*
24 *scribed in section 2(b)(2), to empower individ-*

1 uals with disabilities to maximize opportunities
2 for competitive integrated employment; or

3 “(B) preference employment compensated at
4 a subminimum wage as an acceptable vocational
5 rehabilitation strategy or successful employment
6 outcome, as defined in section 7(11).

7 “(2) CONTRACTS.—A local educational agency
8 (as defined in section 9101 of the Elementary and
9 Secondary Education Act of 1965 (20 U.S.C. 7801))
10 or a State educational agency (as defined in such sec-
11 tion) may not enter into a contract or other arrange-
12 ment with an entity described in subsection (a) for
13 the purpose of operating a program for an individual
14 who is age 24 or younger under which work is com-
15 pensated at a subminimum wage.

16 “(3) VOIDABILITY.—The provisions in this sec-
17 tion shall be construed in a manner consistent with
18 the provisions of the Fair Labor Standards Act of
19 1938 (29 U.S.C. 201 et seq.), as amended before or
20 after the effective date of this Act.

21 “(c) DURING EMPLOYMENT.—

22 “(1) IN GENERAL.—The entity described in sub-
23 section (a) may not continue to employ an indi-
24 vidual, regardless of age, at a subminimum wage un-
25 less, after the individual begins work at that wage, at

1 *the intervals described in paragraph (2), the indi-*
2 *vidual (with, in an appropriate case, the individual’s*
3 *parent or guardian)—*

4 *“(A) is provided by the designated State*
5 *unit career counseling, and information and re-*
6 *ferrals described in subsection (a)(2)(B)(ii), de-*
7 *livered in a manner that facilitates independent*
8 *decisionmaking and informed choice, as the indi-*
9 *vidual makes decisions regarding employment*
10 *and career advancement; and*

11 *“(B) is informed by the employer of self-ad-*
12 *vocacy, self-determination, and peer mentoring*
13 *training opportunities available in the individ-*
14 *ual’s geographic area, provided by an entity that*
15 *does not have any financial interest in the indi-*
16 *vidual’s employment outcome, under applicable*
17 *Federal and State programs or other sources.*

18 *“(2) TIMING.—The actions required under sub-*
19 *paragraphs (A) and (B) of paragraph (1) shall be*
20 *carried out once every 6 months for the first year of*
21 *the individual’s employment at a subminimum wage,*
22 *and annually thereafter for the duration of such em-*
23 *ployment.*

24 *“(3) SMALL BUSINESS EXCEPTION.—In the event*
25 *that the entity described in subsection (a) is a busi-*

1 *ness with fewer than 15 employees, such entity can*
2 *satisfy the requirements of subparagraphs (A) and*
3 *(B) of paragraph (1) by referring the individual, at*
4 *the intervals described in paragraph (2), to the des-*
5 *ignated State unit for the counseling, information,*
6 *and referrals described in paragraph (1)(A) and the*
7 *information described in paragraph (1)(B).*

8 *“(d) DOCUMENTATION.—*

9 *“(1) IN GENERAL.—The designated State unit,*
10 *in consultation with the State educational agency,*
11 *shall develop a new process or utilize an existing*
12 *process, consistent with guidelines developed by the*
13 *Secretary, to document the completion of the actions*
14 *described in subparagraphs (A) and (B) of subsection*
15 *(a)(2) by a youth with a disability who is an indi-*
16 *vidual with a disability.*

17 *“(2) DOCUMENTATION PROCESS.—Such process*
18 *shall require that—*

19 *“(A) in the case of a student with a dis-*
20 *ability, for documentation of actions described in*
21 *subsection (a)(2)(A)—*

22 *“(i) if such a student with a disability*
23 *receives and completes each category of re-*
24 *quired activities in section 113(b), such*
25 *completion of services shall be documented*

1 *by the designated State unit in a manner*
2 *consistent with this section;*

3 “(ii) *if such a student with a disability*
4 *receives and completes any transition serv-*
5 *ices available for students with disabilities*
6 *under the Individuals with Disabilities*
7 *Education Act, including those provided*
8 *under section 614(d)(1)(A)(i)(VIII) (20*
9 *U.S.C. 1414(d)(1)(A)(i)(VIII)), such com-*
10 *pletion of services shall be documented by*
11 *the appropriate school official responsible*
12 *for the provision of such transition services,*
13 *in a manner consistent with this section;*
14 *and*

15 “(iii) *the designated State unit shall*
16 *provide the final documentation, in a form*
17 *and manner consistent with this section, of*
18 *the completion of pre-employment transi-*
19 *tion services as described in clause (i), or*
20 *transition services under the Individuals*
21 *with Disabilities Education Act as de-*
22 *scribed in clause (ii), to the student with a*
23 *disability within a reasonable period of*
24 *time following the completion; and*

1 “(B) when an individual has completed the
2 actions described in subsection (a)(2)(B), the des-
3 ignated State unit shall provide the individual a
4 document indicating such completion, in a man-
5 ner consistent with this section, within a reason-
6 able time period following the completion of the
7 actions described in this subparagraph.

8 “(e) VERIFICATION.—

9 “(1) BEFORE EMPLOYMENT.—Before an indi-
10 vidual covered by subsection (a)(2) begins work for an
11 entity described in subsection (a) at a subminimum
12 wage, the entity shall review such documentation re-
13 ceived by the individual under subsection (d), and
14 provided by the individual to the entity, that indi-
15 cates that the individual has completed the actions de-
16 scribed in subparagraphs (A) and (B) of subsection
17 (a)(2) and the entity shall maintain copies of such
18 documentation.

19 “(2) DURING EMPLOYMENT.—

20 “(A) IN GENERAL.—In order to continue to
21 employ an individual at a subminimum wage,
22 the entity described in subsection (a) shall verify
23 completion of the requirements of subsection (c),
24 including reviewing any relevant documents pro-
25 vided by the individual, and shall maintain cop-

1 ies of the documentation described in subsection
2 (d).

3 “(B) *REVIEW OF DOCUMENTATION.*—The
4 entity described in subsection (a) shall be subject
5 to review of individual documentation described
6 in subsection (d) by a representative working di-
7 rectly for the designated State unit or the De-
8 partment of Labor at such a time and in such
9 a manner as may be necessary to fulfill the in-
10 tent of this section, consistent with regulations
11 established by the designated State unit or the
12 Secretary of Labor.

13 “(f) *FEDERAL MINIMUM WAGE.*—In this section, the
14 term ‘Federal minimum wage’ means the rate applicable
15 under section 6(a)(1) of the Fair Labor Standards Act of
16 1938 (29 U.S.C. 206(a)(1)).”.

17 “(b) *EFFECTIVE DATE.*—This section takes effect 2
18 years after the date of enactment of the Workforce Innova-
19 tion and Opportunity Act.

20 ***Subtitle G—Employment Opportuni-***
21 ***ties for Individuals With Dis-***
22 ***abilities***

23 ***SEC. 461. EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS***
24 ***WITH DISABILITIES.***

25 *Title VI (29 U.S.C. 795 et seq.) is amended—*

1 (1) *by striking part A;*

2 (2) *by striking the part heading relating to part*
3 *B;*

4 (3) *by redesignating sections 621 through 628 as*
5 *sections 602 through 609, respectively;*

6 (4) *in section 602, as redesignated by paragraph*
7 *(3)—*

8 (A) *by striking “part” and inserting*
9 *“title”; and*

10 (B) *by striking “individuals with the most*
11 *significant disabilities” and all that follows and*
12 *inserting “individuals with the most significant*
13 *disabilities, including youth with the most sig-*
14 *nificant disabilities, to enable such individuals*
15 *to achieve an employment outcome of supported*
16 *employment in competitive integrated employ-*
17 *ment.”;*

18 (5) *in section 603, as redesignated by paragraph*
19 *(3)—*

20 (A) *in subsection (a)—*

21 (i) *in paragraph (1)—*

22 (I) *in the matter preceding sub-*
23 *paragraph (A), by striking “part” and*
24 *inserting “title”;*

1 (II) in subparagraph (A), by in-
2 serting “amount” after “whichever”;
3 and

4 (III) in subparagraph (B)—

5 (aa) by striking “part for the
6 fiscal year” and inserting “title
7 for the fiscal year”;

8 (bb) by striking “this part in
9 fiscal year 1992” and inserting
10 “part B of this title (as in effect
11 on September 30, 1992) in fiscal
12 year 1992”; and

13 (cc) by inserting “amount”
14 after “whichever”; and

15 (ii) in paragraph (2)(B), by striking
16 “one-eighth of one percent” and inserting
17 “ $\frac{1}{8}$ of 1 percent”;

18 (B) in subsection (b)—

19 (i) by inserting “under subsection (a)”
20 after “allotment to a State”;

21 (ii) by striking “part” each place the
22 term appears and inserting “title”; and

23 (iii) by striking “one or more” and in-
24 serting “1 or more”; and

25 (C) by adding at the end the following:

1 “(c) *LIMITATIONS ON ADMINISTRATIVE COSTS.*—A
2 *State that receives an allotment under this title shall not*
3 *use more than 2.5 percent of such allotment to pay for ad-*
4 *ministrative costs.*

5 “(d) *SERVICES FOR YOUTH WITH THE MOST SIGNIFI-*
6 *CANT DISABILITIES.*—A *State that receives an allotment*
7 *under this title shall reserve and expend half of such allot-*
8 *ment for the provision of supported employment services,*
9 *including extended services, to youth with the most signifi-*
10 *cant disabilities in order to assist those youth in achieving*
11 *an employment outcome in supported employment.”;*

12 (6) *by striking section 604, as redesignated by*
13 *paragraph (3), and inserting the following:*

14 **“SEC. 604. AVAILABILITY OF SERVICES.**

15 “(a) *SUPPORTED EMPLOYMENT SERVICES.*—*Funds*
16 *provided under this title may be used to provide supported*
17 *employment services to individuals who are eligible under*
18 *this title.*

19 “(b) *EXTENDED SERVICES.*—

20 “(1) *IN GENERAL.*—*Except as provided in para-*
21 *graph (2), funds provided under this title, or title I,*
22 *may not be used to provide extended services to indi-*
23 *viduals under this title or title I.*

24 “(2) *EXTENDED SERVICES FOR YOUTH WITH*
25 *THE MOST SIGNIFICANT DISABILITIES.*—*Funds allot-*

1 *ted under this title, or title I, and used for the provi-*
2 *sion of services under this title to youth with the most*
3 *significant disabilities pursuant to section 603(d),*
4 *may be used to provide extended services to youth*
5 *with the most significant disabilities. Such extended*
6 *services shall be available for a period not to exceed*
7 *4 years.”;*

8 *(7) in section 605, as redesignated by paragraph*
9 *(3)—*

10 *(A) in the matter preceding paragraph*
11 *(1)—*

12 *(i) by inserting “, including a youth*
13 *with a disability,” after “An individual”;*
14 *and*

15 *(ii) by striking “this part” and insert-*
16 *ing “this title”;*

17 *(B) in paragraph (1), by inserting “under*
18 *title I” after “rehabilitation services”;*

19 *(C) in paragraph (2), by striking “and”*
20 *after the semicolon;*

21 *(D) by redesignating paragraph (3) as*
22 *paragraph (4);*

23 *(E) by inserting after paragraph (2) the fol-*
24 *lowing:*

1 “(3) for purposes of activities carried out with
2 funds described in section 603(d), the individual is a
3 youth with a disability, as defined in section (7)(42);
4 and”;

5 (F) in paragraph (4), as redesignated by
6 subparagraph (D), by striking “assessment of re-
7 habilitation needs” and inserting “assessment of
8 the rehabilitation needs”;

9 (8) in section 606, as redesignated by paragraph
10 (3)—

11 (A) in subsection (a)—

12 (i) by striking “this part” and insert-
13 ing “this title”; and

14 (ii) by inserting “, including youth
15 with the most significant disabilities,” after
16 “individuals”;

17 (B) in subsection (b)—

18 (i) in paragraph (1), by striking “this
19 part” and inserting “this title”;

20 (ii) in paragraph (2), by inserting “,
21 including youth,” after “rehabilitation
22 needs of individuals”;

23 (iii) in paragraph (3)—

24 (I) by inserting “, including
25 youth with the most significant dis-

1 abilities,” after “provided to individ-
2 uals”; and

3 (II) by striking “section 622” and
4 inserting “section 603”;

5 (iv) by striking paragraph (7);

6 (v) by redesignating paragraph (6) as
7 paragraph (7);

8 (vi) by inserting after paragraph (5)
9 the following:

10 “(6) describe the activities to be conducted pur-
11 suant to section 603(d) for youth with the most sig-
12 nificant disabilities, including—

13 “(A) the provision of extended services for a
14 period not to exceed 4 years; and

15 “(B) how the State will use the funds re-
16 served in section 603(d) to leverage other public
17 and private funds to increase resources for ex-
18 tended services and expand supported employ-
19 ment opportunities for youth with the most sig-
20 nificant disabilities;”;

21 (vii) in paragraph (7), as redesignated
22 by clause (v)—

23 (I) in subparagraph (A), by strik-
24 ing “under this part” both places the

1 term appears and inserting “under
2 this title”;

3 (II) in subparagraph (B), by in-
4 serting “, including youth with the
5 most significant disabilities,” after
6 “significant disabilities”;

7 (III) in subparagraph (C)—

8 (aa) in clause (i), by insert-
9 ing “, including, as appropriate,
10 for youth with the most signifi-
11 cant disabilities, transition serv-
12 ices and pre-employment transi-
13 tion services” after “services to be
14 provided”;

15 (bb) in clause (ii), by insert-
16 ing “, including the extended serv-
17 ices that may be provided to
18 youth with the most significant
19 disabilities under this title, in ac-
20 cordance with an approved indi-
21 vidualized plan for employment,
22 for a period not to exceed 4 years”
23 after “services needed”; and

24 (cc) in clause (iii)—

1 (AA) by striking “iden-
2 tify the source of extended
3 services,” and inserting
4 “identify, as appropriate, the
5 source of extended services;”

6 (BB) by striking “or to
7 the extent” and inserting “or
8 indicate”; and

9 (CC) by striking “em-
10 ployment is developed” and
11 all that follows and inserting
12 “employment is developed;”

13 (IV) in subparagraph (D), by
14 striking “under this part” and insert-
15 ing “under this title”;

16 (V) in subparagraph (F), by strik-
17 ing “and” after the semicolon;

18 (VI) in subparagraph (G), by
19 striking “for the maximum number of
20 hours possible”; and

21 (VII) by adding at the end the fol-
22 lowing:

23 “(H) the State agencies designated under
24 paragraph (1) will expend not more than 2.5
25 percent of the allotment of the State under this

1 *title for administrative costs of carrying out this*
2 *title; and*

3 “(I) *with respect to supported employment*
4 *services provided to youth with the most signifi-*
5 *cant disabilities pursuant to section 603(d), the*
6 *designated State agency will provide, directly or*
7 *indirectly through public or private entities,*
8 *non-Federal contributions in an amount that is*
9 *not less than 10 percent of the costs of carrying*
10 *out such services; and”;*

11 (9) *by striking section 607, as redesignated by*
12 *paragraph (3), and inserting the following:*

13 **“SEC. 607. RESTRICTION.**

14 *“Each State agency designated under section 606(b)(1)*
15 *shall collect the information required by section 101(a)(10)*
16 *separately for—*

17 *“(1) eligible individuals receiving supported em-*
18 *ployment services under this title;*

19 *“(2) eligible individuals receiving supported em-*
20 *ployment services under title I;*

21 *“(3) eligible youth receiving supported employ-*
22 *ment services under this title; and*

23 *“(4) eligible youth receiving supported employ-*
24 *ment services under title I.”;*

1 (10) in section 608(b), as redesignated by para-
2 graph (3), by striking “this part” both places the
3 terms appears and inserting “this title”; and

4 (11) by striking section 609, as redesignated by
5 paragraph (3), and inserting the following:

6 **“SEC. 609. ADVISORY COMMITTEE ON INCREASING COM-**
7 **PETITIVE INTEGRATED EMPLOYMENT FOR IN-**
8 **DIVIDUALS WITH DISABILITIES.**

9 “(a) *ESTABLISHMENT.*—Not later than 60 days after
10 the date of enactment of the Workforce Innovation and Op-
11 portunity Act, the Secretary of Labor shall establish an Ad-
12 visory Committee on Increasing Competitive Integrated
13 Employment for Individuals with Disabilities (referred to
14 in this section as the ‘Committee’).

15 “(b) *APPOINTMENT AND VACANCIES.*—

16 “(1) *APPOINTMENT.*—The Secretary of Labor
17 shall appoint the members of the Committee described
18 in subsection (c)(6), in accordance with subsection
19 (c).

20 “(2) *VACANCIES.*—Any vacancy in the Com-
21 mittee shall not affect its powers, but shall be filled
22 in the same manner, in accordance with the same
23 paragraph of subsection (c), as the original appoint-
24 ment or designation was made.

1 “(c) *COMPOSITION.*—*The Committee shall be composed*
2 *of—*

3 “(1) *the Assistant Secretary for Disability Em-*
4 *ployment Policy, the Assistant Secretary for Employ-*
5 *ment and Training, and the Administrator of the*
6 *Wage and Hour Division, of the Department of*
7 *Labor;*

8 “(2) *the Commissioner of the Administration on*
9 *Intellectual and Developmental Disabilities, or the*
10 *Commissioner’s designee;*

11 “(3) *the Director of the Centers for Medicare &*
12 *Medicaid Services of the Department of Health and*
13 *Human Services, or the Director’s designee;*

14 “(4) *the Commissioner of Social Security, or the*
15 *Commissioner’s designee;*

16 “(5) *the Commissioner of the Rehabilitation*
17 *Services Administration, or the Commissioner’s des-*
18 *ignee; and*

19 “(6) *representatives from constituencies con-*
20 *sisting of—*

21 “(A) *self-advocates for individuals with in-*
22 *tellectual or developmental disabilities;*

23 “(B) *providers of employment services, in-*
24 *cluding those that employ individuals with intel-*

1 *lectual or developmental disabilities in competi-*
2 *tive integrated employment;*

3 “(C) *representatives of national disability*
4 *advocacy organizations for adults with intellec-*
5 *tual or developmental disabilities;*

6 “(D) *experts with a background in aca-*
7 *demia or research and expertise in employment*
8 *and wage policy issues for individuals with in-*
9 *tellectual or developmental disabilities;*

10 “(E) *representatives from the employer com-*
11 *munity or national employer organizations; and*

12 “(F) *other individuals or representatives of*
13 *organizations with expertise on increasing op-*
14 *portunities for competitive integrated employ-*
15 *ment for individuals with disabilities.*

16 “(d) *CHAIRPERSON.—The Committee shall elect a*
17 *Chairperson of the Committee from among the appointed*
18 *members of the Committee.*

19 “(e) *MEETINGS.—The Committee shall meet at the call*
20 *of the Chairperson, but not less than 8 times.*

21 “(f) *DUTIES.—The Committee shall study, and pre-*
22 *pare findings, conclusions, and recommendations for the*
23 *Secretary of Labor on—*

24 “(1) *ways to increase the employment opportuni-*
25 *ties for individuals with intellectual or developmental*

1 *disabilities or other individuals with significant dis-*
2 *abilities in competitive integrated employment;*

3 *“(2) the use of the certificate program carried*
4 *out under section 14(c) of the Fair Labor Standards*
5 *Act of 1938 (29 U.S.C. 214(c)) for the employment of*
6 *individuals with intellectual or developmental disabili-*
7 *ties, or other individuals with significant disabili-*
8 *ties; and*

9 *“(3) ways to improve oversight of the use of such*
10 *certificates.*

11 *“(g) COMMITTEE PERSONNEL MATTERS.—*

12 *“(1) TRAVEL EXPENSES.—The members of the*
13 *Committee shall not receive compensation for the per-*
14 *formance of services for the Committee, but shall be*
15 *allowed reasonable travel expenses, including per*
16 *diem in lieu of subsistence, at rates authorized for*
17 *employees of agencies under subchapter I of chapter*
18 *57 of title 5, United States Code, while away from*
19 *their homes or regular places of business in the per-*
20 *formance of services for the Committee. Notwith-*
21 *standing section 1342 of title 31, United States Code,*
22 *the Secretary may accept the voluntary and uncom-*
23 *pensated services of members of the Committee.*

1 “(2) *STAFF.*—*The Secretary of Labor may des-*
2 *ignate such personnel as may be necessary to enable*
3 *the Committee to perform its duties.*

4 “(3) *DETAIL OF GOVERNMENT EMPLOYEES.*—
5 *Any Federal Government employee, with the approval*
6 *of the head of the appropriate Federal agency, may*
7 *be detailed to the Committee without reimbursement,*
8 *and such detail shall be without interruption or loss*
9 *of civil service status or privilege.*

10 “(4) *FACILITIES, EQUIPMENT, AND SERVICES.*—
11 *The Secretary of Labor shall make available to the*
12 *Committee, under such arrangements as may be ap-*
13 *propriate, necessary equipment, supplies, and serv-*
14 *ices.*

15 “(h) *REPORTS.*—

16 “(1) *INTERIM AND FINAL REPORTS.*—*The Com-*
17 *mittee shall prepare and submit to the Secretary of*
18 *Labor, as well as the Committee on Health, Edu-*
19 *cation, Labor, and Pensions of the Senate and the*
20 *Committee on Education and the Workforce of the*
21 *House of Representatives—*

22 “(A) *an interim report that summarizes the*
23 *progress of the Committee, along with any in-*
24 *terim findings, conclusions, and recommenda-*
25 *tions as described in subsection (f); and*

1 “(B) a final report that states final find-
2 ings, conclusions, and recommendations as de-
3 scribed in subsection (f).

4 “(2) *PREPARATION AND SUBMISSION.*—The re-
5 ports shall be prepared and submitted—

6 “(A) in the case of the interim report, not
7 later than 1 year after the date on which the
8 Committee is established under subsection (a);
9 and

10 “(B) in the case of the final report, not later
11 than 2 years after the date on which the Com-
12 mittee is established under subsection (a).

13 “(i) *TERMINATION.*—The Committee shall terminate
14 on the day after the date on which the Committee submits
15 the final report.

16 **“SEC. 610. AUTHORIZATION OF APPROPRIATIONS.**

17 “*There is authorized to be appropriated to carry out*
18 *this title \$27,548,000 for fiscal year 2015, \$29,676,000 for*
19 *fiscal year 2016, \$30,292,000 for fiscal year 2017,*
20 *\$30,963,000 for fiscal year 2018, \$31,691,000 for fiscal year*
21 *2019, and \$32,363,000 for fiscal year 2020.”.*

1 ***Subtitle H—Independent Living***
 2 ***Services and Centers for Inde-***
 3 ***pendent Living***

4 ***CHAPTER 1—INDIVIDUALS WITH***
 5 ***SIGNIFICANT DISABILITIES***

6 ***Subchapter A—General Provisions***

7 ***SEC. 471. PURPOSE.***

8 *Section 701 (29 U.S.C. 796) is amended, in paragraph*
 9 *(3)—*

10 *(1) by striking “part B of title VI” and inserting*
 11 *“title VI”; and*

12 *(2) by inserting before the period the following:*
 13 *“, with the goal of improving the independence of in-*
 14 *dividuals with disabilities”.*

15 ***SEC. 472. ADMINISTRATION OF THE INDEPENDENT LIVING***
 16 ***PROGRAM.***

17 *Title VII (29 U.S.C. 796 et seq.) is amended by insert-*
 18 *ing after section 701 the following:*

19 ***“SEC. 701A. ADMINISTRATION OF THE INDEPENDENT LIV-***
 20 ***ING PROGRAM.***

21 *“There is established within the Administration for*
 22 *Community Living of the Department of Health and*
 23 *Human Services, an Independent Living Administration.*
 24 *The Independent Living Administration shall be headed by*
 25 *a Director (referred to in this section as the ‘Director’) ap-*

1 *pointed by the Secretary of Health and Human Services.*
2 *The Director shall be an individual with substantial knowl-*
3 *edge of independent living services. The Independent Living*
4 *Administration shall be the principal agency, and the Di-*
5 *rector shall be the principal officer, to carry out this chap-*
6 *ter. In performing the functions of the office, the Director*
7 *shall be directly responsible to the Administrator of the Ad-*
8 *ministration for Community Living of the Department of*
9 *Health and Human Services. The Secretary shall ensure*
10 *that the Independent Living Administration has sufficient*
11 *resources (including designating at least 1 individual from*
12 *the Office of General Counsel who is knowledgeable about*
13 *independent living services) to provide technical assistance*
14 *and support to, and oversight of, the programs funded*
15 *under this chapter.”.*

16 **SEC. 473. DEFINITIONS.**

17 *Section 702 (29 U.S.C. 796a) is amended—*

18 *(1) in paragraph (1)—*

19 *(A) in the matter before subparagraph (A),*
20 *by inserting “for individuals with significant*
21 *disabilities (regardless of age or income)” before*
22 *“that—”; and*

23 *(B) in subparagraph (B), by striking the*
24 *period and inserting “, including, at a min-*

1 *imum, independent living core services as de-*
2 *finied in section 7(17).”;*

3 *(2) in paragraph (2), by striking the period and*
4 *inserting the following: “, in terms of the manage-*
5 *ment, staffing, decisionmaking, operation, and provi-*
6 *sions of services, of the center.”;*

7 *(3) by redesignating paragraphs (1) and (2) as*
8 *paragraphs (2) and (3), respectively; and*

9 *(4) by inserting before paragraph (2) the fol-*
10 *lowing:*

11 *“(1) ADMINISTRATOR.—The term ‘Adminis-*
12 *trator’ means the Administrator of the Administra-*
13 *tion for Community Living of the Department of*
14 *Health and Human Services.”.*

15 **SEC. 474. STATE PLAN.**

16 *Section 704 (29 U.S.C. 796c) is amended—*

17 *(1) in subsection (a)—*

18 *(A) in paragraph (1)—*

19 *(i) by inserting after “State plan” the*
20 *following: “developed and signed in accord-*
21 *ance with paragraph (2),”;* and

22 *(ii) by striking “Commissioner” each*
23 *place it appears and inserting “Adminis-*
24 *trator”;*

25 *(B) in paragraph (2)—*

1 (i) in the matter preceding subpara-
2 graph (A), by striking “developed and
3 signed by”; and

4 (ii) by striking subparagraphs (A) and
5 (B) and inserting the following:

6 “(A) developed by the chairperson of the
7 Statewide Independent Living Council, and the
8 directors of the centers for independent living in
9 the State, after receiving public input from indi-
10 viduals with disabilities and other stakeholders
11 throughout the State; and

12 “(B) signed by—

13 “(i) the chairperson of the Statewide
14 Independent Living Council, acting on be-
15 half of and at the direction of the Council;

16 “(ii) the director of the designated
17 State entity described in subsection (c); and

18 “(iii) not less than 51 percent of the
19 directors of the centers for independent liv-
20 ing in the State.”;

21 (C) in paragraph (3)—

22 (i) in subparagraph (A), by striking
23 “State independent living services” and in-
24 serting “independent living services in the
25 State”; and

1 (ii) by striking subparagraph (C) and
2 inserting the following:

3 “(C) working relationships and collabora-
4 tion between—

5 “(i) centers for independent living; and

6 “(ii)(I) entities carrying out programs
7 that provide independent living services, in-
8 cluding those serving older individuals;

9 “(II) other community-based organiza-
10 tions that provide or coordinate the provi-
11 sion of housing, transportation, employ-
12 ment, information and referral assistance,
13 services, and supports for individuals with
14 significant disabilities; and

15 “(III) entities carrying out other pro-
16 grams providing services for individuals
17 with disabilities.”.

18 (D) in paragraph (4), by striking “Com-
19 missioner” each place it appears and inserting
20 “Administrator”; and

21 (E) by adding at the end the following:

22 “(5) STATEWIDENESS.—The State plan shall de-
23 scribe strategies for providing independent living
24 services on a statewide basis, to the greatest extent
25 possible.”;

1 (2) *in subsection (c)—*

2 (A) *in the subsection heading, by striking*
3 *“UNIT” and inserting “ENTITY”;*

4 (B) *in the matter preceding paragraph (1),*
5 *by striking “the designated State unit of such*
6 *State” and inserting “a State entity of such*
7 *State (referred to in this title as the ‘designated*
8 *State entity’);*

9 (C) *in paragraphs (3) and (4), by striking*
10 *“Commissioner” each place it appears and in-*
11 *serting “Administrator”;*

12 (D) *in paragraph (3), by striking “and” at*
13 *the end;*

14 (E) *in paragraph (4), by striking the period*
15 *and inserting “; and”; and*

16 (F) *by adding at the end the following:*

17 *“(5) retain not more than 5 percent of the funds*
18 *received by the State for any fiscal year under part*
19 *B, for the performance of the services outlined in*
20 *paragraphs (1) through (4).”;*

21 (3) *in subsection (i), by striking paragraphs (1)*
22 *and (2) and inserting the following:*

23 *“(1) the Statewide Independent Living Council;*

24 *“(2) centers for independent living;*

25 *“(3) the designated State entity; and*

1 “(4) other State agencies or entities represented
2 on the Council, other councils that address the needs
3 and issues of specific disability populations, and
4 other public and private entities determined to be ap-
5 propriate by the Council.”;

6 (4) in subsection (m)—

7 (A) in paragraph (4), by striking “Commis-
8 sioner” each place it appears and inserting “Ad-
9 ministrator”; and

10 (B) in paragraph (5), by striking “Commis-
11 sioner” and inserting “Administrator”; and

12 (5) by adding at the end the following:

13 “(o) *PROMOTING FULL ACCESS TO COMMUNITY*
14 *LIFE.*—The plan shall describe how the State will provide
15 independent living services described in section 7(18) that
16 promote full access to community life for individuals with
17 significant disabilities.”.

18 **SEC. 475. STATEWIDE INDEPENDENT LIVING COUNCIL.**

19 Section 705 (29 U.S.C. 796d) is amended—

20 (1) in subsection (a), by inserting “and main-
21 tain” after “shall establish”;

22 (2) in subsection (b)—

23 (A) in paragraph (2)—

24 (i) in subparagraph (A)—

1 (I) by inserting “among its voting
2 members,” before “at least”; and

3 (II) by striking “one” and insert-
4 ing “1”; and

5 (ii) by striking subparagraphs (B) and
6 (C) and inserting the following:

7 “(B) among its voting members, for a State
8 in which 1 or more centers for independent liv-
9 ing are run by, or in conjunction with, the gov-
10 erning bodies of American Indian tribes located
11 on Federal or State reservations, at least 1 rep-
12 resentative of the directors of such centers; and

13 “(C) as *ex officio*, nonvoting members, a
14 representative of the designated State entity, and
15 representatives from State agencies that provide
16 services for individuals with disabilities.”;

17 (B) in paragraph (3)—

18 (i) by redesignating subparagraphs (C)
19 through (F) as subparagraphs (D) through
20 (G), respectively;

21 (ii) in subparagraph (B), by striking
22 “parents and guardians of”; and

23 (iii) by inserting after paragraph (B)
24 the following:

1 “(C) parents and guardians of individuals
2 with disabilities;”;

3 (C) in paragraph (5)(B), by striking “para-
4 graph (3)” and inserting “paragraph (1)”; and

5 (D) in paragraph (6)(B), by inserting “,
6 other than a representative described in para-
7 graph (2)(A) if there is only one center for inde-
8 pendent living within the State,” after “the
9 Council”;

10 (3) by striking subsection (c) and inserting the
11 following:

12 “(c) *FUNCTIONS.*—

13 “(1) *DUTIES.*—The Council shall—

14 “(A) develop the State plan as provided in
15 section 704(a)(2);

16 “(B) monitor, review, and evaluate the im-
17 plementation of the State plan;

18 “(C) meet regularly, and ensure that such
19 meetings of the Council are open to the public
20 and sufficient advance notice of such meetings is
21 provided;

22 “(D) submit to the Administrator such peri-
23 odic reports as the Administrator may reason-
24 ably request, and keep such records, and afford
25 such access to such records, as the Administrator

1 *finds necessary to verify the information in such*
2 *reports; and*

3 “(E) *as appropriate, coordinate activities*
4 *with other entities in the State that provide serv-*
5 *ices similar to or complementary to independent*
6 *living services, such as entities that facilitate the*
7 *provision of or provide long-term community-*
8 *based services and supports.*

9 “(2) *AUTHORITIES.—The Council may, con-*
10 *sistent with the State plan described in section 704,*
11 *unless prohibited by State law—*

12 “(A) *in order to improve services provided*
13 *to individuals with disabilities, work with cen-*
14 *ters for independent living to coordinate services*
15 *with public and private entities;*

16 “(B) *conduct resource development activities*
17 *to support the activities described in this sub-*
18 *section or to support the provision of inde-*
19 *pendent living services by centers for inde-*
20 *pendent living; and*

21 “(C) *perform such other functions, con-*
22 *sistent with the purpose of this chapter and com-*
23 *parable to other functions described in this sub-*
24 *section, as the Council determines to be appro-*
25 *priate.*

1 “(3) *LIMITATION.*—*The Council shall not provide*
 2 *independent living services directly to individuals*
 3 *with significant disabilities or manage such serv-*
 4 *ices.*”;

5 (4) *in subsection (e)*—

6 (A) *in paragraph (1), in the first sentence,*
 7 *by striking “prepare” and all that follows*
 8 *through “a plan” and inserting “prepare, in*
 9 *conjunction with the designated State entity, a*
 10 *plan”;* and

11 (B) *in paragraph (3), by striking “State*
 12 *agency” and inserting “State entity”;* and

13 (5) *in subsection (f)*—

14 (A) *by striking “such resources” and insert-*
 15 *ing “available resources”;* and

16 (B) *by striking “(including” and all that*
 17 *follows through “compensation” and inserting*
 18 *“(such as personal assistance services), and to*
 19 *pay reasonable compensation”.*

20 **SEC. 475A. RESPONSIBILITIES OF THE ADMINISTRATOR.**

21 *Section 706 (29 U.S.C. 796d–1) is amended—*

22 (1) *by striking the title of the section and insert-*
 23 *ing the following:*

24 **“SEC. 706. RESPONSIBILITIES OF THE ADMINISTRATOR.”;**

25 (2) *in subsection (a)*—

1 (A) in paragraph (1), by striking “Commis-
2 sioner” each place it appears and inserting “Ad-
3 ministrators”; and

4 (B) in paragraph (2)—

5 (i) in subparagraph (A), by striking
6 “Commissioner” and inserting “Adminis-
7 trator”; and

8 (ii) in subparagraph (B)—

9 (I) in clause (i)—

10 (aa) by inserting “or the
11 Commissioner” after “to the Sec-
12 retary”; and

13 (bb) by striking “to the Com-
14 missioner; and” and inserting “to
15 the Administrator;”;

16 (II) by redesignating clause (ii)
17 as clause (iii); and

18 (III) by inserting after clause (i)
19 the following:

20 “(ii) to the State agency shall be
21 deemed to be references to the designated
22 State entity; and”;

23 (3) by striking subsection (b) and inserting the
24 following:

1 “(b) *INDICATORS*.—Not later than 1 year after the date
2 of enactment of the Workforce Innovation and Opportunity
3 Act, the Administrator shall develop and publish in the
4 Federal Register indicators of minimum compliance for
5 centers for independent living (consistent with the stand-
6 ards set forth in section 725), and indicators of minimum
7 compliance for Statewide Independent Living Councils.”;

8 (4) in subsection (c)—

9 (A) in paragraph (1)—

10 (i) by striking “Commissioner” each
11 place it appears and inserting “Adminis-
12 trator”; and

13 (ii) by striking the last sentence;

14 (B) in paragraph (2)—

15 (i) in the matter preceding subpara-
16 graph (A), by striking “Commissioner” and
17 inserting “Administrator”;

18 (ii) in subparagraph (A), by striking
19 “such a review” and inserting “a review de-
20 scribed in paragraph (1)”; and

21 (iii) in subparagraphs (A) and (B), by
22 striking “Department” each place it ap-
23 pears and inserting “Department of Health
24 and Human Services”; and

1 (5) *by striking subsection (d) and inserting the*
2 *following:*

3 “(d) *REPORTS.—*

4 “(1) *IN GENERAL.—The Director described in*
5 *section 701A shall provide to the Administrator of the*
6 *Administration for Community Living and the Ad-*
7 *ministrator shall include, in an annual report, infor-*
8 *mation on the extent to which centers for independent*
9 *living receiving funds under part C have complied*
10 *with the standards and assurances set forth in section*
11 *725. The Director may identify individual centers for*
12 *independent living in the analysis contained in that*
13 *information. The Director shall include in the report*
14 *the results of onsite compliance reviews, identifying*
15 *individual centers for independent living and other*
16 *recipients of assistance under part C.*

17 “(2) *PUBLIC AVAILABILITY.—The Director shall*
18 *ensure that the report described in this subsection is*
19 *made publicly available in a timely manner, includ-*
20 *ing through electronic means, in order to inform the*
21 *public about the administration and performance of*
22 *programs under this Act.”.*

1 **Subchapter B—Independent Living Services**

2 **SEC. 476. ADMINISTRATION.**

3 (a) *ALLOTMENTS.*—Section 711 (29 U.S.C. 796e) is
4 amended—

5 (1) *in subsection (a)*—

6 (A) *in paragraph (1)(A)*—

7 (i) *by striking “Except” and inserting*
8 *“After the reservation required by section*
9 *711A is made, and except”*; and

10 (ii) *by inserting “the remainder of*
11 *the” before “sums appropriated”*; and

12 (B) *in paragraph (2)(B), by striking*
13 *“amounts made available for purposes of this*
14 *part” and inserting “remainder described in*
15 *paragraph (1)(A)”*;

16 (2) *in subsections (a), (b), and (c), by striking*
17 *“Commissioner” each place it appears and inserting*
18 *“Administrator”*; and

19 (3) *by adding at the end the following:*

20 “(d) *ADMINISTRATION.*—*Funds allotted or made avail-*
21 *able to a State under this section shall be administered by*
22 *the designated State entity, in accordance with the ap-*
23 *proved State plan.”.*

1 (b) *TRAINING AND TECHNICAL ASSISTANCE.—Part B*
2 *of chapter 1 of title VII is amended by inserting after sec-*
3 *tion 711 (29 U.S.C. 796e) the following:*

4 “*TRAINING AND TECHNICAL ASSISTANCE*

5 “*SEC. 711A. (a) From the funds appropriated and*
6 *made available to carry out this part for any fiscal year,*
7 *beginning with fiscal year 2015, the Administrator shall*
8 *first reserve not less than 1.8 percent and not more than*
9 *2 percent of the funds to provide, either directly or through*
10 *grants, contracts, or cooperative agreements, training and*
11 *technical assistance to Statewide Independent Living Coun-*
12 *cils established under section 705 for such fiscal year.*

13 “*(b) The Administrator shall conduct a survey of such*
14 *Statewide Independent Living Councils regarding training*
15 *and technical assistance needs in order to determine fund-*
16 *ing priorities for such training and technical assistance.*

17 “*(c) To be eligible to receive a grant or enter into a*
18 *contract or cooperative agreement under this section, an en-*
19 *tity shall submit an application to the Administrator at*
20 *such time, in such manner, containing a proposal to pro-*
21 *vide such training and technical assistance, and containing*
22 *such additional information, as the Administrator may re-*
23 *quire. The Administrator shall provide for peer review of*
24 *applications by panels that include persons who are not*
25 *government employees and who have experience in the oper-*
26 *ation of such Statewide Independent Living Councils.”.*

1 (c) *PAYMENTS.*—Section 712(a) (29 U.S.C. 796e–1(a))
2 *is amended by striking “Commissioner” and inserting “Ad-*
3 *ministrators”.*

4 (d) *AUTHORIZED USES OF FUNDS.*—Section 713 (29
5 U.S.C. 796e–2) *is amended—*

6 (1) *by striking the matter preceding paragraph*
7 *(1) and inserting the following:*

8 “(a) *IN GENERAL.*—*The State may use funds received*
9 *under this part to provide the resources described in section*
10 *705(e) (but may not use more than 30 percent of the funds*
11 *paid to the State under section 712 for such resources unless*
12 *the State specifies that a greater percentage of the funds*
13 *is needed for such resources in a State plan approved under*
14 *section 706), relating to the Statewide Independent Living*
15 *Council, may retain funds under section 704(c)(5), and*
16 *shall distribute the remainder of the funds received under*
17 *this part in a manner consistent with the approved State*
18 *plan for the activities described in subsection (b).*

19 “(b) *ACTIVITIES.*—*The State may use the remainder*
20 *of the funds described in subsection (a)—”; and*

21 (2) *in paragraph (1), by inserting “, particu-*
22 *larly those in unserved areas of the State” after “dis-*
23 *abilities”.*

24 (e) *AUTHORIZATION OF APPROPRIATIONS.*—Section
25 *714 (29 U.S.C. 796e–3) is amended by striking “such sums*

1 *as may be necessary for each of the fiscal years 1999*
2 *through 2003.” and inserting “\$22,878,000 for fiscal year*
3 *2015, \$24,645,000 for fiscal year 2016, \$25,156,000 for fis-*
4 *cal year 2017, \$25,714,000 for fiscal year 2018,*
5 *\$26,319,000 for fiscal year 2019, and \$26,877,000 for fiscal*
6 *year 2020.”.*

7 ***Subchapter C—Centers for Independent***
8 ***Living***

9 ***SEC. 481. PROGRAM AUTHORIZATION.***

10 *Section 721 (29 U.S.C. 796f) is amended—*

11 *(1) in subsection (a)—*

12 *(A) by striking “1999” and inserting*
13 *“2015”;*

14 *(B) by striking “Commissioner shall allot”*
15 *and inserting “Administrator shall make avail-*
16 *able”;* and

17 *(C) by inserting “, centers for independent*
18 *living,” after “States”;*

19 *(2) in subsection (b)—*

20 *(A) in paragraph (1)—*

21 *(i) in the paragraph heading, by strik-*
22 *ing “OTHER ARRANGEMENTS” and inserting*
23 *“COOPERATIVE AGREEMENTS”;*

24 *(ii) by striking “For” and all that fol-*
25 *lows through “Commissioner” and inserting*

1 *“From the funds appropriated to carry out*
2 *this part for any fiscal year, beginning with*
3 *fiscal year 2015, the Administrator”;*

4 (iii) *by striking “reserve from such ex-*
5 *cess” and inserting “reserve not less than*
6 *1.8 percent and not more than 2 percent of*
7 *the funds”;* and

8 (iv) *by striking “eligible agencies” and*
9 *all that follows and inserting “centers for*
10 *independent living and eligible agencies for*
11 *such fiscal year.”;*

12 (B) *in paragraph (2)—*

13 (i) *by striking “Commissioner shall*
14 *make grants to, and enter into contracts*
15 *and other arrangements with,” and insert-*
16 *ing “Administrator shall make grants to, or*
17 *enter into contracts or cooperative agree-*
18 *ments with,”;* and

19 (ii) *by inserting “fiscal management*
20 *of,” before “planning,”;*

21 (C) *in paragraphs (3), (4), and (5), by*
22 *striking “Commissioner” each place it appears*
23 *and inserting “Administrator”;* and

24 (D) *in paragraph (3), by striking “State-*
25 *wide Independent Living Councils and”;*

1 (3) in paragraph (4), by striking “other arrange-
2 ment” and inserting “cooperative agreement”;

3 (4) in subsection (c), by striking “Commis-
4 sioner” each place it appears and inserting “Admin-
5 istrator”; and

6 (5) in subsection (d), by striking “Commis-
7 sioner” each place it appears and inserting “Admin-
8 istrator”.

9 **SEC. 482. CENTERS.**

10 (a) *CENTERS IN STATES IN WHICH FEDERAL FUND-*
11 *ING EXCEEDS STATE FUNDING.*—Section 722 (29 U.S.C.
12 *796f-1)* is amended—

13 (1) in subsections (a), (b), and (c), by striking
14 “Commissioner” each place it appears and inserting
15 “Administrator”;

16 (2) 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 (3) in subsection (d)—

22 (A) in paragraph (1)—

23 (i) by striking “Commissioner” and
24 inserting “Administrator”; and

1 (ii) by striking “region, consistent”
2 and all that follows and inserting “region.
3 The Administrator’s determination of the
4 most qualified applicant shall be consistent
5 with the provisions in the State plan setting
6 forth the design of the State for establishing
7 a statewide network of centers for inde-
8 pendent living.”; and

9 (B) in paragraph (2)—

10 (i) in the matter preceding subpara-
11 graph (A), by striking “Commissioner” and
12 inserting “Administrator”; and

13 (ii) by striking subparagraph (A) and
14 inserting the following:

15 “(A) shall consider comments regarding the
16 application—

17 “(i) by individuals with disabilities
18 and other interested parties within the new
19 region proposed to be served; and

20 “(ii) if any, by the Statewide Inde-
21 pendent Living Council in the State in
22 which the applicant is located;”); and

23 (4) in subsections (e) and (g) by striking “Com-
24 missioner” each place it appears and inserting “Ad-
25 ministrator.”.

1 (b) *CENTERS IN STATES IN WHICH STATE FUNDING*
2 *EXCEEDS FEDERAL FUNDING.*—Section 723 (29 U.S.C.
3 796f-2) is amended—

4 (1) in subsections (a), (b), (g), (h), and (i), by
5 striking “Commissioner” each place it appears and
6 inserting “Administrator”;

7 (2) in subsection (a)—

8 (A) in paragraph (1)(A)(ii), by inserting
9 “of a designated State unit” after “director”;
10 and

11 (B) in the heading of paragraph (3), by
12 striking “COMMISSIONER” and inserting “ADMIN-
13 ISTRATOR”; and

14 (3) in subsection (c)—

15 (A) by striking “grants” and inserting
16 “grants for a fiscal year”; and

17 (B) by striking “by September 30, 1997”
18 and inserting “for the preceding fiscal year”.

19 (c) *CENTERS OPERATED BY STATE AGENCIES.*—Sec-
20 *tion 724 (29 U.S.C. 796f-3) is amended—*

21 (1) in the matter preceding paragraph (1)—

22 (A) by striking “1993” and inserting
23 “2015”;

1 (B) by striking “Rehabilitation Act Amend-
2 ments of 1998” and inserting “Workforce Inno-
3 vation and Opportunity Act”; and

4 (C) by striking “1994” and inserting
5 “2015”; and

6 (2) by striking “Commissioner” each place it ap-
7 pears and inserting “Administrator”.

8 **SEC. 483. STANDARDS AND ASSURANCES.**

9 Section 725 (29 U.S.C. 796f-4) is amended—

10 (1) in subsection (b)(1)(D)—

11 (A) by striking “access of” and inserting
12 “access for”; and

13 (B) by striking “to society and” and insert-
14 ing “, within their communities,”; and

15 (2) in subsection (c), by striking “Commis-
16 sioner” each place it appears and inserting “Admin-
17 istrator”.

18 **SEC. 484. AUTHORIZATION OF APPROPRIATIONS.**

19 Section 727 (29 U.S.C. 796f-6) is amended by striking
20 “such sums as may be necessary for each of the fiscal years
21 1999 through 2003.” and inserting “\$78,305,000 for fiscal
22 year 2015, \$84,353,000 for fiscal year 2016, \$86,104,000
23 for fiscal year 2017, \$88,013,000 for fiscal year 2018,
24 \$90,083,000 for fiscal year 2019, and \$91,992,000 for fiscal
25 year 2020.”.

1 **CHAPTER 2—INDEPENDENT LIVING SERV-**
2 **ICES FOR OLDER INDIVIDUALS WHO**
3 **ARE BLIND**

4 **SEC. 486. 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 by inserting after section 751 the following:*

8 *“TRAINING AND TECHNICAL ASSISTANCE*

9 *“SEC. 751A. (a) From the funds appropriated and*
10 *made available to carry out this chapter for any fiscal year,*
11 *beginning with fiscal year 2015, the Commissioner shall*
12 *first reserve not less than 1.8 percent and not more than*
13 *2 percent of the funds to provide, either directly or through*
14 *grants, contracts, or cooperative agreements, training and*
15 *technical assistance to designated State agencies, or other*
16 *providers of independent living services for older individ-*
17 *uals who are blind, that are funded under this chapter for*
18 *such fiscal year.*

19 *“(b) The Commissioner shall conduct a survey of des-*
20 *ignated State agencies that receive grants under section 752*
21 *regarding training and technical assistance needs in order*
22 *to determine funding priorities for such training and tech-*
23 *nical assistance.*

24 *“(c) To be eligible to receive a grant or enter into a*
25 *contract or cooperative agreement under this section, an en-*
26 *tity shall submit an application to the Commissioner at*

1 *such time, in such manner, containing a proposal to pro-*
2 *vide such training and technical assistance, and containing*
3 *such additional information, as the Commissioner may re-*
4 *quire. The Commissioner shall provide for peer review of*
5 *applications by panels that include persons who are not*
6 *government employees and who have experience in the pro-*
7 *vision of services to older individuals who are blind.”.*

8 **SEC. 487. PROGRAM OF GRANTS.**

9 *Section 752 (29 U.S.C. 796k) is amended—*

10 *(1) by striking subsection (h);*

11 *(2) by redesignating subsections (i) and (j) as*
12 *subsections (h) and (i), respectively;*

13 *(3) in subsection (c)(2)—*

14 *(A) by striking “subsection (j)” and insert-*
15 *ing “subsection (i)”;* and

16 *(B) by striking “subsection (i)” and insert-*
17 *ing “subsection (h)”;*

18 *(4) in subsection (g), by inserting “, or contracts*
19 *or cooperative agreements with,” after “grants to”;*

20 *(5) in subsection (h), as redesignated by para-*
21 *graph (2)—*

22 *(A) in paragraph (1), by striking “sub-*
23 *section (j)(4)” and inserting “subsection (i)(4)”;*

24 *and*

25 *(B) in paragraph (2)—*

1 (i) in subparagraph (A)(vi), by adding
2 “and” after the semicolon;

3 (ii) in subparagraph (B)(ii)(III), by
4 striking “; and” and inserting a period;
5 and

6 (iii) by striking subparagraph (C);
7 and

8 (6) in subsection (i), as redesignated by para-
9 graph (2)—

10 (A) in paragraph (2)(A)(ii), by inserting “,
11 and not reserved under section 751A,” after “sec-
12 tion 753”;

13 (B) in paragraph (3)(A), by inserting “,
14 and not reserved under section 751A,” after “sec-
15 tion 753”; and

16 (C) in paragraph (4)(B)(i), by striking
17 “subsection (i)” and inserting “subsection (h)”.

18 **SEC. 488. INDEPENDENT LIVING SERVICES FOR OLDER IN-**
19 **DIVIDUALS WHO ARE BLIND AUTHORIZATION**
20 **OF APPROPRIATIONS.**

21 Section 753 (29 U.S.C. 796l) is amended by striking
22 “such sums as may be necessary for each of the fiscal years
23 1999 through 2003.” and inserting “\$33,317,000 for fiscal
24 year 2015, \$35,890,000 for fiscal year 2016, \$36,635,000
25 for fiscal year 2017, \$37,448,000 for fiscal year 2018,

1 \$38,328,000 for fiscal year 2019, and \$39,141,000 for fiscal
2 year 2020.”.

3 ***Subtitle I—General Provisions***

4 ***SEC. 491. TRANSFER OF FUNCTIONS REGARDING INDE-*** 5 ***PENDENT LIVING TO DEPARTMENT OF*** 6 ***HEALTH AND HUMAN SERVICES, AND SAV-*** 7 ***INGS PROVISIONS.***

8 (a) *DEFINITIONS.*—For purposes of this section, unless
9 otherwise provided or indicated by the context—

10 (1) the term “Administration for Community
11 Living” means the Administration for Community
12 Living of the Department of Health and Human
13 Services;

14 (2) the term “Federal agency” has the meaning
15 given to the term “agency” by section 551(1) of title
16 5, United States Code;

17 (3) the term “function” means any duty, obliga-
18 tion, power, authority, responsibility, right, privilege,
19 activity, or program; and

20 (4) the term “Rehabilitation Services Adminis-
21 tration” means the Rehabilitation Services Adminis-
22 tration of the Office of Special Education and Reha-
23 bilitative Services of the Department of Education.

24 (b) *TRANSFER OF FUNCTIONS.*—There are transferred
25 to the Administration for Community Living, all functions

1 *which the Commissioner of the Rehabilitation Services Ad-*
2 *ministration exercised before the effective date of this section*
3 *(including all related functions of any officer or employee*
4 *of that Administration) under chapter 1 of title VII of the*
5 *Rehabilitation Act of 1973 (29 U.S.C. 796 et seq).*

6 (c) *PERSONNEL DETERMINATIONS BY THE OFFICE OF*
7 *MANAGEMENT AND BUDGET.—The Office of Management*
8 *and Budget shall—*

9 (1) *ensure that this section does not result in*
10 *any net increase in full-time equivalent employees at*
11 *any Federal agency impacted by this section; and*

12 (2) *not later than 1 year after the effective date*
13 *of this section, certify compliance with this subsection*
14 *to the Committee on Education and the Workforce of*
15 *the House of Representatives and the Committee on*
16 *Health, Education, Labor, and Pensions of the Sen-*
17 *ate.*

18 (d) *DELEGATION AND ASSIGNMENT.—Except where*
19 *otherwise expressly prohibited by law or otherwise provided*
20 *by this section, the Administrator of the Administration for*
21 *Community Living may delegate any of the functions*
22 *transferred to the Administrator of such Administration by*
23 *subsection (b) and any function described in subsection (b)*
24 *that was transferred or granted to such Administrator after*
25 *the effective date of this section to such officers and employ-*

1 *ees of such Administration as the Administrator may des-*
2 *ignate, and may authorize successive redelegations of such*
3 *functions described in subsection (b) as may be necessary*
4 *or appropriate. No delegation of such functions by the Ad-*
5 *ministrator of the Administration for Community Living*
6 *under this subsection or under any other provision of this*
7 *section shall relieve such Administrator of responsibility for*
8 *the administration of such functions.*

9 *(e) REORGANIZATION.—Except where otherwise ex-*
10 *pressly prohibited by law or otherwise provided by this Act,*
11 *the Administrator of the Administration for Community*
12 *Living is authorized to allocate or reallocate any function*
13 *transferred under subsection (b) among the officers of such*
14 *Administration, and to consolidate, alter, or discontinue*
15 *such organizational entities in such Administration as may*
16 *be necessary or appropriate.*

17 *(f) RULES.—The Administrator of the Administration*
18 *for Community Living is authorized to prescribe, in accord-*
19 *ance with the provisions of chapters 5 and 6 of title 5,*
20 *United States Code, such rules and regulations as that Ad-*
21 *ministrator determines necessary or appropriate to admin-*
22 *ister and manage the functions described in subsection (b)*
23 *of that Administration.*

24 *(g) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS*
25 *AND PERSONNEL.—Except as otherwise provided in this*

1 *section, the personnel employed in connection with, and the*
2 *assets, liabilities, contracts, property, records, and unex-*
3 *pendent balances of appropriations, authorizations, alloca-*
4 *tions, and other funds employed, used, held, arising from,*
5 *available to, or to be made available in connection with*
6 *the functions transferred by subsection (b), subject to section*
7 *1531 of title 31, United States Code, shall be transferred*
8 *to the Administration for Community Living. Unexpended*
9 *funds transferred pursuant to this subsection shall be used*
10 *only for the purposes for which the funds were originally*
11 *authorized and appropriated.*

12 *(h) INCIDENTAL TRANSFERS.—The Director of the Of-*
13 *fice of Management and Budget, at such time or times as*
14 *the Director shall provide, is authorized to make such deter-*
15 *minations as may be necessary with regard to the functions*
16 *transferred by subsection (b), and to make such additional*
17 *incidental dispositions of personnel, assets, liabilities,*
18 *grants, contracts, property, records, and unexpended bal-*
19 *ances of appropriations, authorizations, allocations, and*
20 *other funds held, used, arising from, available to, or to be*
21 *made available in connection with such functions, as may*
22 *be necessary to carry out the provisions of this section. The*
23 *Director of the Office of Management and Budget shall pro-*
24 *vide for the termination of the affairs of all entities termi-*
25 *nated by this section and for such further measures and*

1 *dispositions as may be necessary to effectuate the purposes*
2 *of this section, with respect to such functions.*

3 (i) *SAVINGS PROVISIONS.—*

4 (1) *CONTINUING EFFECT OF LEGAL DOCU-*
5 *MENTS.—All orders, determinations, rules, regula-*
6 *tions, permits, agreements, grants, contracts, certifi-*
7 *cates, licenses, registrations, privileges, and other ad-*
8 *ministrative actions—*

9 (A) *which have been issued, made, granted,*
10 *or allowed to become effective by the President,*
11 *any Federal agency or official thereof, or by a*
12 *court of competent jurisdiction, in the perform-*
13 *ance of functions which are transferred under*
14 *subsection (b); and*

15 (B) *which are in effect at the time this sec-*
16 *tion takes effect, or were final before the effective*
17 *date of this section and are to become effective on*
18 *or after the effective date of this section,*
19 *shall continue in effect according to their terms until*
20 *modified, terminated, superseded, set aside, or revoked*
21 *in accordance with law by the President, the Admin-*
22 *istrator of the Administration for Community Living*
23 *or other authorized official, a court of competent ju-*
24 *risdiction, or by operation of law.*

1 (2) *PROCEEDINGS NOT AFFECTED.*—*The provi-*
2 *sions of this section shall not affect any proceedings,*
3 *including notices of proposed rulemaking, or any ap-*
4 *plication for any license, permit, certificate, or finan-*
5 *cial assistance pending before the Rehabilitation Serv-*
6 *ices Administration at the time this section takes ef-*
7 *fect, with respect to functions transferred by sub-*
8 *section (b) but such proceedings and applications*
9 *shall be continued. Orders shall be issued in such pro-*
10 *ceedings, appeals shall be taken therefrom, and pay-*
11 *ments shall be made pursuant to such orders, as if*
12 *this section had not been enacted, and orders issued*
13 *in any such proceedings shall continue in effect until*
14 *modified, terminated, superseded, or revoked by a*
15 *duly authorized official, by a court of competent ju-*
16 *risdiction, or by operation of law. Nothing in this*
17 *paragraph shall be deemed to prohibit the discontinu-*
18 *ance or modification of any such proceeding under*
19 *the same terms and conditions and to the same extent*
20 *that such proceeding could have been discontinued or*
21 *modified if this section had not been enacted.*

22 (3) *SUITS NOT AFFECTED.*—*The provisions of*
23 *this section shall not affect suits commenced (with re-*
24 *spect to functions transferred under subsection (b))*
25 *before the effective date of this section, and in all such*

1 *suits, proceedings shall be had, appeals taken, and*
2 *judgments rendered in the same manner and with the*
3 *same effect as if this section had not been enacted.*

4 (4) *NONABATEMENT OF ACTIONS.*—*No suit, ac-*
5 *tion, or other proceeding commenced by or against the*
6 *Rehabilitation Services Administration (with regard*
7 *to functions transferred under subsection (b)), or by*
8 *or against any individual in the official capacity of*
9 *such individual as an officer of the Rehabilitation*
10 *Services Administration (with regard to functions*
11 *transferred under subsection (b)), shall abate by rea-*
12 *son of the enactment of this section.*

13 (5) *ADMINISTRATIVE ACTIONS RELATING TO PRO-*
14 *MULGATION OF REGULATIONS.*—*Any administrative*
15 *action relating to the preparation or promulgation of*
16 *a regulation by the Rehabilitation Services Adminis-*
17 *tration (with regard to functions transferred under*
18 *subsection (b)) may be continued by the Administra-*
19 *tion for Community Living with the same effect as if*
20 *this section had not been enacted.*

21 (j) *SEPARABILITY.*—*If a provision of this section or*
22 *its application to any person or circumstance is held in-*
23 *valid, neither the remainder of this section nor the applica-*
24 *tion of the provision to other persons or circumstances shall*
25 *be affected.*

1 (k) *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 Commissioner of the Rehabilitation Serv-*
5 *ices Administration (with regard to functions trans-*
6 *ferred under subsection (b)), shall be deemed to refer*
7 *to the Administrator of the Administration for Com-*
8 *munity Living; and*

9 (2) *the Rehabilitation Services Administration*
10 *(with regard to functions transferred under subsection*
11 *(b)), shall be deemed to refer to the Administration*
12 *for Community Living.*

13 (l) *TRANSITION.*—The Administrator of the Adminis-
14 tration for Community Living is authorized to utilize—

15 (1) *the services of such officers, employees, and*
16 *other personnel of the Rehabilitation Services Admin-*
17 *istration with regard to functions transferred under*
18 *subsection (b); and*

19 (2) *funds appropriated to such functions,*
20 *for such period of time as may reasonably be needed to fa-*
21 *cilitate the orderly implementation of this section.*

22 (m) *ADMINISTRATION FOR COMMUNITY LIVING.*—

23 (1) *TRANSFER OF FUNCTIONS.*—There are trans-
24 ferred to the Administration for Community Living,
25 all functions which the Commissioner of the Rehabili-

1 *tation Services Administration exercised before the ef-*
2 *fective date of this section (including all related func-*
3 *tions of any officer or employee of that Administra-*
4 *tion) under the Assistive Technology Act of 1998 (29*
5 *U.S.C. 3001 et seq.).*

6 (2) *ADMINISTRATIVE MATTERS.*—*Subsections (d)*
7 *through (l) shall apply to transfers described in para-*
8 *graph (1).*

9 (n) *NATIONAL INSTITUTE ON DISABILITY, INDE-*
10 *PENDENT LIVING, AND REHABILITATION RESEARCH.*—

11 (1) *DEFINITIONS.*—*For purposes of this sub-*
12 *section, unless otherwise provided or indicated by the*
13 *context—*

14 (A) *the term “NIDILRR” means the Na-*
15 *tional Institute on Disability, Independent Liv-*
16 *ing, and Rehabilitation Research of the Adminis-*
17 *tration for Community Living of the Depart-*
18 *ment of Health and Human Services; and*

19 (B) *the term “NIDRR” means the National*
20 *Institute on Disability and Rehabilitation Re-*
21 *search of the Office of Special Education and Re-*
22 *habilitative Services of the Department of Edu-*
23 *cation.*

24 (2) *TRANSFER OF FUNCTIONS.*—*There are trans-*
25 *ferred to the NIDILRR, all functions which the Direc-*

1 *tor of the NIDRR exercised before the effective date of*
2 *this section (including all related functions of any of-*
3 *ficer or employee of the NIDRR).*

4 (3) *ADMINISTRATIVE MATTERS.—*

5 (A) *IN GENERAL.—Subsections (d) through*
6 *(l) shall apply to transfers described in para-*
7 *graph (2).*

8 (B) *REFERENCES.—For purposes of apply-*
9 *ing those subsections under subparagraph (A),*
10 *those subsections—*

11 (i) *shall apply to the NIDRR and the*
12 *Director of the NIDRR in the same manner*
13 *and to the same extent as those subsections*
14 *apply to the Rehabilitation Services Admin-*
15 *istration and the Commissioner of that Ad-*
16 *ministration; and*

17 (ii) *shall apply to the NIDILRR and*
18 *the Director of the NIDILRR in the same*
19 *manner and to the same extent as those sub-*
20 *sections apply to the Administration for*
21 *Community Living and the Administrator*
22 *of that Administration.*

23 (o) *REFERENCES IN ASSISTIVE TECHNOLOGY ACT OF*
24 1998.—

1 (1) *SECRETARY*.—Section 3(13) of the Assistive
2 *Technology Act of 1998 (29 U.S.C. 3002(13)) is*
3 *amended by striking “Education” and inserting*
4 *“Health and Human Services”.*

5 (2) *NATIONAL ACTIVITIES*.—Section 6(d)(4) of
6 *the Assistive Technology Act of 1998 (29 U.S.C.*
7 *3005(d)(4)) is amended by striking “Education” and*
8 *inserting “Health and Human Services”.*

9 (3) *GENERAL ADMINISTRATION*.—Section 7 of the
10 *Assistive Technology Act of 1998 (29 U.S.C. 3006) is*
11 *amended—*

12 (A) *in subsection (a)—*

13 (i) *in paragraph (1), by striking “the*
14 *Assistant Secretary” and all that follows*
15 *through “Rehabilitation Services Adminis-*
16 *tration,” and inserting “the Administrator*
17 *of the Administration for Community Liv-*
18 *ing”;*

19 (ii) *in paragraph (2), by striking “The*
20 *Assistant Secretary” and all that follows*
21 *and inserting “The Administrator of the*
22 *Administration for Community Living shall*
23 *consult with the Office of Special Education*
24 *Programs of the Department of Education,*
25 *the Rehabilitation Services Administration*

1 of the Department of Education, the Office
 2 of Disability Employment Policy of the De-
 3 partment of Labor, the National Institute
 4 on Disability, Independent Living, and Re-
 5 habilitation Research, and other appro-
 6 priate Federal entities in the administra-
 7 tion of this Act.”; and

8 (iii) in paragraph (3), by striking “the
 9 Rehabilitation Services Administration”
 10 and inserting “the Administrator of the Ad-
 11 ministration for Community Living”; and

12 (B) in subsection (c)(5), by striking “Edu-
 13 cation” and inserting “Health and Human
 14 Services”.

15 **SEC. 492. TABLE OF CONTENTS.**

16 *The table of contents in section 1(b) is amended—*

17 (1) *by striking the item relating to section 109*
 18 *and inserting the following:*

“Sec. 109. *Training and services for employers.*”;

19 (2) *by inserting after the item relating to section*
 20 *112 the following:*

“Sec. 113. *Provision of pre-employment transition services.*”;

21 (3) *by striking the item relating to section 202*
 22 *and inserting the following:*

“Sec. 202. *National Institute on Disability, Independent Living, and Rehabilita-
 tion Research.*”;

1 (4) *by striking the item relating to section 205*
 2 *and inserting the following:*

“Sec. 205. *Disability, Independent Living, and Rehabilitation Research Advisory Council.*

“Sec. 206. *Definition of covered school.*”;

3 (5) *by striking the items relating to sections 304,*
 4 *305, and 306 and inserting the following:*

“Sec. 304. *Measuring of project outcomes and performance.*”.

5 (6) *by inserting after the item relating to section*
 6 *509 the following:*

“Sec. 511. *Limitations on use of subminimum wage.*”;

7 (7) *by striking the items relating to title VI and*
 8 *inserting the following:*

“*TITLE VI—EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH
 DISABILITIES*”

“Sec. 601. *Short title.*

“Sec. 602. *Purpose.*

“Sec. 603. *Allotments.*

“Sec. 604. *Availability of services.*

“Sec. 605. *Eligibility.*

“Sec. 606. *State plan.*

“Sec. 607. *Restriction.*

“Sec. 608. *Savings provision.*

“Sec. 609. *Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities.*

“Sec. 610. *Authorization of appropriations.*”;

9 (8) *in the items relating to title VII—*

10 (A)(i) *by inserting after the item relating to*
 11 *section 701 the following:*

“Sec. 701A. *Administration of the independent living program.*”;

12 *and*

13 (ii) *by striking the item relating to section*
 14 *706 and inserting the following:*

“Sec. 706. *Responsibilities of the Administrator.*”;

1 (B) by inserting after the item relating to
2 section 711 the following:

“Sec. 711A. Training and technical assistance.”;

3 and

4 (C) by inserting after the item relating to
5 section 751 the following:

“Sec. 751A. Training and technical assistance.”.

6 **TITLE V—GENERAL PROVISIONS**
7 **Subtitle A—Workforce Investment**

8 **SEC. 501. PRIVACY.**

9 (a) *SECTION 444 OF THE GENERAL EDUCATION PRO-*
10 *VISIONS ACT.—Nothing in this Act (including the amend-*
11 *ments made by this Act) shall be construed to supersede the*
12 *privacy protections afforded parents and students under*
13 *section 444 of the General Education Provisions Act (20*
14 *U.S.C. 1232g).*

15 (b) *PROHIBITION ON DEVELOPMENT OF NATIONAL*
16 *DATABASE.—*

17 (1) *IN GENERAL.—Nothing in this Act (includ-*
18 *ing the amendments made by this Act) shall be con-*
19 *strued to permit the development of a national data-*
20 *base of personally identifiable information on indi-*
21 *viduals receiving services under title I or under the*
22 *amendments made by title IV.*

23 (2) *LIMITATION.—Nothing in paragraph (1)*
24 *shall be construed to prevent the proper administra-*

1 *tion of national programs under subtitles C and D of*
2 *title I, or the amendments made by title IV (as the*
3 *case may be), or to carry out program management*
4 *activities consistent with title I or the amendments*
5 *made by title IV (as the case may be).*

6 **SEC. 502. BUY-AMERICAN REQUIREMENTS.**

7 *(a) COMPLIANCE WITH BUY AMERICAN ACT.—None of*
8 *the funds made available under title I or II or under the*
9 *Wagner-Peyser Act (29 U.S.C. 49 et seq.) may be expended*
10 *by an entity unless the entity agrees that in expending the*
11 *funds the entity will comply with sections 8301 through*
12 *8303 of title 41, United States Code (commonly known as*
13 *the “Buy American Act”).*

14 *(b) SENSE OF CONGRESS; REQUIREMENT REGARDING*
15 *NOTICE.—*

16 *(1) PURCHASE OF AMERICAN-MADE EQUIPMENT*
17 *AND PRODUCTS.—In the case of any equipment or*
18 *product that may be authorized to be purchased with*
19 *financial assistance provided using funds made avail-*
20 *able under title I or II or under the Wagner-Peyser*
21 *Act (29 U.S.C. 49 et seq.), it is the sense of Congress*
22 *that entities receiving the assistance should, in ex-*
23 *pending the assistance, purchase only American-made*
24 *equipment and products.*

1 (2) *NOTICE TO RECIPIENTS OF ASSISTANCE.*—*In*
2 *providing financial assistance using funds made*
3 *available under title I or II or under the Wagner-*
4 *Peyser Act, the head of each Federal agency shall pro-*
5 *vide to each recipient of the assistance a notice de-*
6 *scribing the statement made in paragraph (1) by*
7 *Congress.*

8 (c) *PROHIBITION OF CONTRACTS WITH PERSONS*
9 *FALSELY LABELING PRODUCTS AS MADE IN AMERICA.*—
10 *If it has been finally determined by a court or Federal agen-*
11 *cy that any person intentionally affixed a label bearing a*
12 *“Made in America” inscription, or any inscription with*
13 *the same meaning, to any product sold in or shipped to*
14 *the United States that is not made in the United States,*
15 *the person shall be ineligible to receive any contract or sub-*
16 *contract made with funds made available under title I or*
17 *II or under the Wagner-Peyser Act (29 U.S.C. 49 et seq.),*
18 *pursuant to the debarment, suspension, and ineligibility*
19 *procedures described in sections 9.400 through 9.409 of title*
20 *48, Code of Federal Regulations, as such sections were in*
21 *effect on August 7, 1998, or pursuant to any successor regu-*
22 *lations.*

23 **SEC. 503. TRANSITION PROVISIONS.**

24 (a) *WORKFORCE DEVELOPMENT SYSTEMS AND IN-*
25 *VESTMENT ACTIVITIES.*—*The Secretary of Labor and the*

1 *Secretary of Education shall take such actions as the Secre-*
2 *taries determine to be appropriate to provide for the orderly*
3 *transition from any authority under the Workforce Invest-*
4 *ment Act of 1998 (29 U.S.C. 2801 et seq.) to any authority*
5 *under subtitle A of title I. Such actions shall include the*
6 *provision of guidance related to unified State planning,*
7 *combined State planning, and the performance account-*
8 *ability system described in such subtitle.*

9 **(b) WORKFORCE INVESTMENT ACTIVITIES.**—*The Sec-*
10 *retary of Labor shall take such actions as the Secretary de-*
11 *termines to be appropriate to provide for the orderly transi-*
12 *tion from any authority under the Workforce Investment*
13 *Act of 1998 to any authority under subtitles B through E*
14 *of title I.*

15 **(c) ADULT EDUCATION AND LITERACY PROGRAMS.**—
16 *The Secretary of Education shall take such actions as the*
17 *Secretary determines to be appropriate to provide for the*
18 *orderly transition from any authority under the Adult Edu-*
19 *cation and Family Literacy Act (20 U.S.C. 9201 et seq.),*
20 *as in effect on the day before the date of enactment of this*
21 *Act, to any authority under the Adult Education and Fam-*
22 *ily Literacy Act, as amended by this Act.*

23 **(d) EMPLOYMENT SERVICES ACTIVITIES.**—*The Sec-*
24 *retary of Labor shall take such actions as the Secretary de-*
25 *termines to be appropriate to provide for the orderly transi-*

1 *tion from any authority under the Wagner-Peyser Act (29*
2 *U.S.C. 49 et seq.), as in effect on the day before the date*
3 *of enactment of this Act, to any authority under the Wag-*
4 *ner-Peyser Act, as amended by this Act.*

5 *(e) VOCATIONAL REHABILITATION PROGRAMS.—The*
6 *Secretary of Education and the Secretary of Health and*
7 *Human Services shall take such actions as the Secretaries*
8 *determine to be appropriate to provide for the orderly tran-*
9 *sition from any authority under the Rehabilitation Act of*
10 *1973 (29 U.S.C. 701 et seq.), as in effect on the day before*
11 *the date of enactment of this Act, to any authority under*
12 *the Rehabilitation Act of 1973, as amended by this Act.*

13 *(f) REGULATIONS.—*

14 *(1) PROPOSED REGULATIONS.—Not later than*
15 *180 days after the date of enactment of this Act, the*
16 *Secretary of Labor, the Secretary of Education, and*
17 *the Secretary of Health and Human Services, as ap-*
18 *propriate, shall develop and publish in the Federal*
19 *Register proposed regulations relating to the transi-*
20 *tion to, and implementation of, this Act (including*
21 *the amendments made by this Act).*

22 *(2) FINAL REGULATIONS.—Not later than 18*
23 *months after the date of enactment of this Act, the*
24 *Secretaries described in paragraph (1), as appro-*
25 *priate, shall develop and publish in the Federal Reg-*

1 *ister final regulations relating to the transition to,*
2 *and implementation of, this Act (including the*
3 *amendments made by this Act).*

4 *(g) EXPENDITURE OF FUNDS DURING TRANSITION.—*

5 *(1) IN GENERAL.—Subject to paragraph (2) and*
6 *in accordance with regulations developed under sub-*
7 *section (f), States, grant recipients, administrative*
8 *entities, and other recipients of financial assistance*
9 *under the Workforce Investment Act of 1998 may ex-*
10 *pend funds received under such Act in order to plan*
11 *and implement programs and activities authorized*
12 *under this Act.*

13 *(2) ADDITIONAL REQUIREMENTS.—Not more*
14 *than 2 percent of any allotment to any State from*
15 *amounts appropriated under the Workforce Invest-*
16 *ment Act of 1998 for fiscal year 2014 may be made*
17 *available to carry out activities authorized under*
18 *paragraph (1) and not less than 50 percent of any*
19 *amount used to carry out activities authorized under*
20 *paragraph (1) shall be made available to local entities*
21 *for the purposes of the activities described in such*
22 *paragraph.*

1 **SEC. 504. REDUCTION OF REPORTING BURDENS AND RE-**
2 **QUIREMENTS.**

3 *In order to simplify reporting requirements and reduce*
4 *reporting burdens, the Secretary of Labor, the Secretary of*
5 *Education, and the Secretary of Health and Human Serv-*
6 *ices shall establish procedures and criteria under which a*
7 *State board and local board may reduce reporting burdens*
8 *and requirements under this Act (including the amend-*
9 *ments made by this Act).*

10 **SEC. 505. REPORT ON DATA CAPABILITY OF FEDERAL AND**
11 **STATE DATABASES AND DATA EXCHANGE**
12 **AGREEMENTS.**

13 *(a) IN GENERAL.—The Comptroller General of the*
14 *United States shall prepare and submit an interim report*
15 *and a final report to Congress regarding existing Federal*
16 *and State databases and data exchange agreements, as of*
17 *the date of the report, that contain job training information*
18 *relevant to the administration of programs authorized*
19 *under this Act and the amendments made by this Act.*

20 *(b) REQUIREMENTS.—The report required under sub-*
21 *section (a) shall—*

22 *(1) list existing Federal and State databases and*
23 *data exchange agreements described in subsection (a)*
24 *and, for each, describe—*

25 *(A) the purposes of the database or agree-*
26 *ment;*

1 (B) the data elements, such as wage and
2 employment outcomes, contained in the database
3 or accessible under the agreement;

4 (C) the data elements described in subpara-
5 graph (B) that are shared between States;

6 (D) the Federal and State workforce train-
7 ing programs from which each Federal and State
8 database derives the data elements described in
9 subparagraph (B);

10 (E) the number and type of Federal and
11 State agencies having access to such data;

12 (F) the number and type of private research
13 organizations having access to, through grants,
14 contracts, or other agreements, such data; and

15 (G) whether the database or data exchange
16 agreement provides for opt-out procedures for in-
17 dividuals whose data is shared through the data-
18 base or data exchange agreement;

19 (2) study the effects that access by State work-
20 force agencies and the Secretary of Labor to the data-
21 bases and data exchange agreements described in sub-
22 section (a) would have on efforts to carry out this Act
23 and the amendments made by this Act, and on indi-
24 vidual privacy;

1 (3) explore opportunities to enhance the quality,
2 reliability, and reporting frequency of the data in-
3 cluded in such databases and data exchange agree-
4 ments;

5 (4) describe, for each database or data exchange
6 agreement considered by the study described in sub-
7 section (a), the number of individuals whose data is
8 contained in each database or accessible through the
9 data agreement, and the specific data elements con-
10 tained in each that could be used to personally iden-
11 tify an individual;

12 (5) include the number of data breaches having
13 occurred since 2004 to data systems administered by
14 Federal and State agencies;

15 (6) include the number of data breaches regard-
16 ing any type of personal data having occurred since
17 2004 to private research organizations with whom
18 Federal and State agencies contract for studies; and

19 (7) include a survey of the security protocols
20 used for protecting personal data, including best
21 practices shared amongst States for access to, and ad-
22 ministration of, data elements stored and rec-
23 ommendations for improving security protocols for
24 the safe warehousing of data elements.

25 (c) *TIMING OF REPORTS.*—

1 (1) *INTERIM REPORT.*—Not later than 1 year
2 after the date of enactment of this Act, the Comp-
3 troller General shall prepare and submit to Congress
4 an interim report regarding the initial findings of the
5 report required under this section.

6 (2) *FINAL REPORT.*—Not later than 18 months
7 after the date of enactment of this Act, the Comp-
8 troller General shall prepare and submit to Congress
9 the final report required under this section.

10 **SEC. 506. EFFECTIVE DATES.**

11 (a) *IN GENERAL.*—Except as otherwise provided in
12 this Act, this Act, including the amendments made by this
13 Act, shall take effect on the first day of the first full program
14 year after the date of enactment of this Act.

15 (b) *APPLICATION DATE FOR WORKFORCE DEVELOP-*
16 *MENT PERFORMANCE ACCOUNTABILITY SYSTEM.*—

17 (1) *IN GENERAL.*—Section 136 of the Workforce
18 Investment Act of 1998 (29 U.S.C. 2871), as in effect
19 on the day before the date of enactment of this Act,
20 shall apply in lieu of section 116 of this Act, for the
21 first full program year after the date of enactment of
22 this Act.

23 (2) *SPECIAL PROVISIONS.*—For purposes of the
24 application described in paragraph (1)—

1 (A) *except as otherwise specified, a reference*
2 *in section 136 of the Workforce Investment Act*
3 *of 1998 to a provision in such Act (29 U.S.C.*
4 *2801 et seq.), other than to a provision in such*
5 *section or section 112 of such Act, shall be*
6 *deemed to refer to the corresponding provision of*
7 *this Act;*

8 (B) *the terms “local area”, “local board”,*
9 *“one-stop partner”, and “State board” have the*
10 *meanings given the terms in section 3 of this*
11 *Act;*

12 (C) *except as provided in subparagraph*
13 *(B), terms used in such section 136 shall have*
14 *the meanings given the terms in section 101 of*
15 *the Workforce Investment Act of 1998 (29 U.S.C.*
16 *2801);*

17 (D) *any agreement negotiated and reached*
18 *under section 136(c)(2) of the Workforce Invest-*
19 *ment Act of 1998 (29 U.S.C. 2871(c)(2)) shall*
20 *remain in effect, until a new agreement is so ne-*
21 *gotiated and reached, for that first full program*
22 *year;*

23 (E) *if a State or local area fails to meet lev-*
24 *els of performance under subsection (g) or (h),*
25 *respectively, of section 136 of the Workforce In-*

1 *vestment Act of 1998 during that first full pro-*
2 *gram year, the sanctions provided under such*
3 *subsection shall apply during the second full pro-*
4 *gram year after the date of enactment of this*
5 *Act; and*

6 *(F) the Secretary shall use an amount re-*
7 *tained, as a result of a reduction in an allotment*
8 *to a State made under section 136(g)(1)(B) of*
9 *such Act (29 U.S.C. 2871(g)(1)(B)), to provide*
10 *technical assistance as described in subsections*
11 *(f)(1) and (g)(1) of section 116 of this Act, in*
12 *lieu of incentive grants under section 503 of the*
13 *Workforce Investment Act of 1998 (20 U.S.C.*
14 *9273) as provided in section 136(g)(2) of such*
15 *Act (29 U.S.C. 2871(g)(2)).*

16 *(c) APPLICATION DATE FOR STATE AND LOCAL PLAN*
17 *PROVISIONS.—*

18 *(1) IMPLEMENTATION.—Sections 112 and 118 of*
19 *the Workforce Investment Act of 1998 (29 U.S.C.*
20 *2822, 2833), as in effect on the day before the date*
21 *of enactment of this Act, shall apply to implementa-*
22 *tion of State and local plans, in lieu of sections 102*
23 *and 103, and section 108, respectively, of this Act, for*
24 *the first full program year after the date of enactment*
25 *of this Act.*

1 (2) *SPECIAL PROVISIONS.*—For purposes of the
2 application described in paragraph (1)—

3 (A) except as otherwise specified, a reference
4 in section 112 or 118 of the Workforce Invest-
5 ment Act of 1998 to a provision in such Act (29
6 U.S.C. 2801 et seq.), other than to a provision
7 in or to either such section or to section 136 of
8 such Act, shall be deemed to refer to the cor-
9 responding provision of this Act;

10 (B) the terms “local area”, “local board”,
11 “one-stop partner”, and “State board” have the
12 meanings given the terms in section 3 of this
13 Act;

14 (C) except as provided in subparagraph
15 (B), terms used in such section 112 or 118 shall
16 have the meanings given the terms in section 101
17 of the Workforce Investment Act of 1998 (29
18 U.S.C. 2801); and

19 (D) section 112(b)(18)(D) of the Workforce
20 Investment Act of 1998 (29 U.S.C.
21 2822(b)(18)(D)) shall not apply.

22 (3) *SUBMISSION.*—Sections 102, 103, and 108 of
23 this Act shall apply to plans for the second full pro-
24 gram year after the date of enactment, including the

1 *administering the workforce development system, as defined*
2 *in section 3 of the Workforce Innovation and Opportunity*
3 *Act”.*

4 (b) *ASSISTIVE TECHNOLOGY ACT OF 1998.—The As-*
5 *sistive Technology Act of 1998 (29 U.S.C. 3001 et seq.) is*
6 *amended as follows:*

7 (1) *Section 3(1)(C) of such Act (29 U.S.C.*
8 *3002(1)(C)) is amended by striking “such as a one-*
9 *stop partner, as defined in section 101 of the Work-*
10 *force Investment Act of 1998 (29 U.S.C. 2801)” and*
11 *inserting “such as a one-stop partner, as defined in*
12 *section 3 of the Workforce Innovation and Oppor-*
13 *tunity Act”.*

14 (2) *Section 4 of such Act (29 U.S.C. 3003) is*
15 *amended—*

16 (A) *in subsection (c)(2)(B)(i)(IV), by strik-*
17 *ing “a representative of the State workforce in-*
18 *vestment board established under section 111 of*
19 *the Workforce Investment Act of 1998 (29 U.S.C.*
20 *2821)” and inserting “a representative of the*
21 *State workforce development board established*
22 *under section 101 of the Workforce Innovation*
23 *and Opportunity Act”; and*

24 (B) *in subsection (e)—*

1 (i) in paragraph (2)(D)(i), by striking
2 “such as one-stop partners, as defined in
3 section 101 of the Workforce Investment Act
4 of 1998 (29 U.S.C. 2801),” and inserting
5 “such as one-stop partners, as defined in
6 section 3 of the Workforce Innovation and
7 Opportunity Act,”; and

8 (ii) in paragraph (3)(B)(ii)(I)(aa), by
9 striking “with entities in the statewide and
10 local workforce investment systems estab-
11 lished under the Workforce Investment Act
12 of 1998 (29 U.S.C. 2801 et seq.),” and in-
13 serting “with entities in the statewide and
14 local workforce development systems estab-
15 lished under the Workforce Innovation and
16 Opportunity Act,”.

17 (c) *ALASKA NATURAL GAS PIPELINE ACT.*—Section
18 113(a)(2) of the Alaska Natural Gas Pipeline Act (15
19 U.S.C. 720k(a)(2)) is amended by striking “consistent with
20 the vision and goals set forth in the State of Alaska Unified
21 Plan, as developed pursuant to the Workforce Investment
22 Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting “con-
23 sistent with the vision and goals set forth in the State of
24 Alaska unified plan or combined plan, as appropriate, as

1 *developed pursuant to section 102 or 103, as appropriate,*
2 *of the Workforce Innovation and Opportunity Act”.*

3 (d) *ATOMIC ENERGY DEFENSE ACT.—Section*
4 *4604(c)(6)(A) of the Atomic Energy Defense Act (50 U.S.C.*
5 *2704(c)(6)(A)) is amended by striking “programs carried*
6 *out by the Secretary of Labor under the Job Training Part-*
7 *nership Act or title I of the Workforce Investment Act of*
8 *1998 (29 U.S.C. 2801 et seq.)” and inserting “programs*
9 *carried out by the Secretary of Labor under title I of the*
10 *Workforce Innovation and Opportunity Act”.*

11 (e) *CARL D. PERKINS CAREER AND TECHNICAL EDU-*
12 *CATION ACT OF 2006.—The Carl D. Perkins Career and*
13 *Technical Education Act of 2006 (20 U.S.C. 2301 et seq.)*
14 *is amended as follows:*

15 (1) *Section 118(d)(2) of such Act (20 U.S.C.*
16 *2328(d)(2)) is amended—*

17 (A) *in the paragraph heading, by striking*
18 *“PUBLIC LAW 105–220” and inserting “WORK-*
19 *FORCE INNOVATION AND OPPORTUNITY ACT”;* and

20 (B) *by striking “functions and activities*
21 *carried out under Public Law 105–220” and in-*
22 *serting “functions and activities carried out*
23 *under the Workforce Innovation and Oppor-*
24 *tunity Act”.*

1 (2) *Section 121(a)(4) of such Act (20 U.S.C.*
2 *2341(a)(4)) is amended—*

3 (A) *in subparagraph (A), by striking “ac-*
4 *tivities undertaken by the State boards under*
5 *section 111 of Public Law 105–220” and insert-*
6 *ing “activities undertaken by the State boards*
7 *under section 101 of the Workforce Innovation*
8 *and Opportunity Act”;* and

9 (B) *in subparagraph (B), by striking “the*
10 *service delivery system under section 121 of Pub-*
11 *lic Law 105–220” and inserting “the one-stop*
12 *delivery system under section 121 of the Work-*
13 *force Innovation and Opportunity Act”.*

14 (3) *Section 122 of such Act (20 U.S.C. 2342) is*
15 *amended—*

16 (A) *in subsection (b)(1)(A)(viii), by striking*
17 *“entities participating in activities described in*
18 *section 111 of Public Law 105–220” and insert-*
19 *ing “entities participating in activities described*
20 *in section 101 of the Workforce Innovation and*
21 *Opportunity Act”;*

22 (B) *in subsection (c)(20), by striking “the*
23 *description and information specified in sections*
24 *112(b)(8) and 121(c) of Public Law 105–220*
25 *concerning the provision of services only for post-*

1 *secondary students and school dropouts” and in-*
2 *serting “the description and information speci-*
3 *fied in subparagraphs (B) and (C)(iii) of section*
4 *102(b)(2), and, as appropriate, section*
5 *103(b)(3)(A), and section 121(c), of the Work-*
6 *force Innovation and Opportunity Act con-*
7 *cerning the provision of services only for postsec-*
8 *ondary students and school dropouts”; and*

9 *(C) in subsection (d)(2)—*

10 *(i) in the paragraph heading, by strik-*
11 *ing “501 PLAN” and inserting “COMBINED*
12 *PLAN”; and*

13 *(ii) by striking “as part of the plan*
14 *submitted under section 501 of Public Law*
15 *105–220” and inserting “as part of the*
16 *plan submitted under section 103 of the*
17 *Workforce Innovation and Opportunity*
18 *Act”.*

19 *(4) Section 124(c)(13) of such Act (20 U.S.C.*
20 *2344(c)(13)) is amended by striking “such as through*
21 *referral to the system established under section 121 of*
22 *Public Law 105–220” and inserting “such as through*
23 *referral to the system established under section 121 of*
24 *the Workforce Innovation and Opportunity Act”.*

1 (5) *Section 134(b)(5) of such Act (20 U.S.C.*
2 *2354(b)(5)) is amended by striking “entities partici-*
3 *partating in activities described in section 117 of Public*
4 *Law 105–220 (if applicable)” and inserting “entities*
5 *participating in activities described in section 107 of*
6 *the Workforce Innovation and Opportunity Act (if*
7 *applicable)”.*

8 (6) *Section 135(c)(16) of such Act (20 U.S.C.*
9 *2355(c)(16)) is amended by striking “such as through*
10 *referral to the system established under section 121 of*
11 *Public Law 105–220 (29 U.S.C. 2801 et seq.)” and*
12 *inserting “such as through referral to the system es-*
13 *tablished under section 121 of the Workforce Innova-*
14 *tion and Opportunity Act”.*

15 (7) *Section 321(b)(1) of such Act (20 U.S.C.*
16 *2411(b)(1)) is amended by striking “Chapters 4 and*
17 *5 of subtitle B of title I of Public Law 105–220” and*
18 *inserting “Chapters 2 and 3 of subtitle B of title I*
19 *of the Workforce Innovation and Opportunity Act”.*

20 (f) *COMMUNITY SERVICES BLOCK GRANT ACT.—Sec-*
21 *tion 676(b)(5) of the Community Services Block Grant Act*
22 *(42 U.S.C. 9908(b)(5)) is amended by striking “the eligible*
23 *entities will coordinate the provision of employment and*
24 *training activities, as defined in section 101 of such Act,*
25 *in the State and in communities with entities providing*

1 *activities through statewide and local workforce investment*
2 *systems under the Workforce Investment Act of 1998” and*
3 *inserting “the eligible entities will coordinate the provision*
4 *of employment and training activities, as defined in section*
5 *3 of the Workforce Innovation and Opportunity Act, in the*
6 *State and in communities with entities providing activities*
7 *through statewide and local workforce development systems*
8 *under such Act”.*

9 (g) *COMPACT OF FREE ASSOCIATION AMENDMENTS*
10 *ACT OF 2003.—The Compact of Free Association Amend-*
11 *ments Act of 2003 (48 U.S.C. 1921 et seq.) is amended as*
12 *follows:*

13 (1) *Section 105(f)(1)(B)(iii) of such Act (48*
14 *U.S.C. 1921d(f)(1)(B)(iii)) is amended by striking*
15 *“title I of the Workforce Investment Act of 1998 (29*
16 *U.S.C. 2801 et seq.), other than subtitle C of that Act*
17 *(29 U.S.C. 2881 et seq.) (Job Corps), title II of the*
18 *Workforce Investment Act of 1998 (20 U.S.C. 9201 et*
19 *seq.; commonly known as the Adult Education and*
20 *Family Literacy Act),” and inserting “titles I (other*
21 *than subtitle C) and II of the Workforce Innovation*
22 *and Opportunity Act,”.*

23 (2) *Section 108(a) of such Act (48 U.S.C.*
24 *1921g(a)) is amended by striking “subtitle C of title*
25 *I of the Workforce Investment Act of 1998 (29 U.S.C.*

1 2881 *et seq.*; relating to Job Corps)” and inserting
2 “subtitle C of title I of the Workforce Innovation and
3 Opportunity Act (relating to Job Corps)”.

4 (h) *DOMESTIC VOLUNTEER SERVICE ACT OF 1973.*—
5 Section 103(d) of the Domestic Volunteer Service Act of
6 1973 (42 U.S.C. 4953(d)) is amended by striking “employ-
7 ment.” and all that follows and inserting the following:
8 “employment. Whenever feasible, such efforts shall be coordi-
9 nated with an appropriate local workforce development
10 board established under section 107 of the Workforce Inno-
11 vation and Opportunity Act.”.

12 (i) *ELEMENTARY AND SECONDARY EDUCATION ACT OF*
13 *1965.*—The Elementary and Secondary Education Act of
14 1965 (20 U.S.C. 6301 *et seq.*) is amended as follows:

15 (1) Section 1203(c)(2)(A) of such Act (20 U.S.C.
16 6363(c)(2)(A)) is amended—

17 (A) by striking “, in consultation with the
18 National Institute for Literacy,”; and

19 (B) by striking clause (ii); and

20 (C) by redesignating clauses (iii) and (iv)
21 as clauses (ii) and (iii), respectively.

22 (2) Section 1235(9)(B) of such Act (20 U.S.C.
23 6381d(9)(B)) is amended by striking “any relevant
24 programs under the Adult Education and Family
25 Literacy Act, the Individuals with Disabilities Edu-

1 *cation Act, and title I of the Workforce Investment*
2 *Act of 1998” and inserting “any relevant programs*
3 *under the Adult Education and Family Literacy Act,*
4 *the Individuals with Disabilities Education Act, and*
5 *title I of the Workforce Innovation and Opportunity*
6 *Act”.*

7 (3) *Section 1423(9) of such Act (20 U.S.C.*
8 *6453(9)) is amended by striking “a description of*
9 *how the program under this subpart will be coordi-*
10 *nated with other Federal, State, and local programs,*
11 *such as programs under title I of Public Law 105–*
12 *220” and inserting “a description of how the program*
13 *under this subpart will be coordinated with other*
14 *Federal, State, and local programs, such as programs*
15 *under title I of the Workforce Innovation and Oppor-*
16 *tunity Act”.*

17 (4) *Section 1425(9) of such Act (20 U.S.C.*
18 *6455(9)) is amended by striking “coordinate funds re-*
19 *ceived under this subpart with other local, State, and*
20 *Federal funds available to provide services to partici-*
21 *parting children and youth, such as funds made avail-*
22 *able under title I of Public Law 105–220,” and in-*
23 *serting “coordinate funds received under this subpart*
24 *with other local, State, and Federal funds available to*
25 *provide services to participating children and youth,*

1 *such as funds made available under title I of the*
2 *Workforce Innovation and Opportunity Act,”.*

3 (5) *Section 7202(13)(H) of such Act (20 U.S.C.*
4 *7512(13)(H)) is amended by striking “the Workforce*
5 *Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and*
6 *inserting “the Workforce Innovation and Opportunity*
7 *Act”.*

8 (j) *ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF*
9 *1984.—Section 2(a) of the Environmental Programs Assist-*
10 *ance Act of 1984 (42 U.S.C. 4368a(a)) is amended by strik-*
11 *ing “Funding for such grants or agreements may be made*
12 *available from such programs or through title V of the Older*
13 *Americans Act of 1965 and subtitle D of title I of the Work-*
14 *force Investment Act of 1998” and inserting “Funding for*
15 *such grants or agreements may be made available from such*
16 *programs or through title V of the Older Americans Act of*
17 *1965 and subtitle D of title I of the Workforce Innovation*
18 *and Opportunity Act”.*

19 (k) *ENERGY CONSERVATION AND PRODUCTION ACT.—*
20 *Section 414(b)(3) of the Energy Conservation and Produc-*
21 *tion Act (42 U.S.C. 6864(b)(3)) is amended by striking “se-*
22 *curing, to the maximum extent practicable, the services of*
23 *volunteers and training participants and public service em-*
24 *ployment workers, pursuant to title I of the Workforce In-*
25 *vestment Act of 1998” and inserting “securing, to the max-*

1 *imum extent practicable, the services of volunteers and*
2 *training participants and public service employment work-*
3 *ers, pursuant to title I of the Workforce Innovation and Op-*
4 *portunity Act”.*

5 *(l) FOOD AND NUTRITION ACT OF 2008.—The Food*
6 *and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is amend-*
7 *ed as follows:*

8 *(1) Section 5(l) of such Act (7 U.S.C. 2014(l)) is*
9 *amended by striking “Notwithstanding section*
10 *181(a)(2) of the Workforce Investment Act of 1998,*
11 *earnings to individuals participating in on-the-job-*
12 *training under title I of the Workforce Investment Act*
13 *of 1998” and inserting “Notwithstanding section*
14 *181(a)(2) of the Workforce Innovation and Oppor-*
15 *tunity Act, earnings to individuals participating in*
16 *on-the-job training under title I of such Act”.*

17 *(2) Section 6 of such Act (7 U.S.C. 2015) is*
18 *amended—*

19 *(A) in subsection (d)(4)(M), by striking*
20 *“activities under title I of the Workforce Invest-*
21 *ment Act of 1998” and inserting “activities*
22 *under title I of the Workforce Innovation and*
23 *Opportunity Act”;*

24 *(B) in subsection (e)(3)(A), by striking “a*
25 *program under title I of the Workforce Invest-*

1 *ment Act of 1998*” and inserting “a program
2 *under title I of the Workforce Innovation and*
3 *Opportunity Act*”; and

4 (C) in subsection (o)(1)(A), by striking “a
5 *program under the title I of the Workforce In-*
6 *vestment Act of 1998*” and inserting “a program
7 *under title I of the Workforce Innovation and*
8 *Opportunity Act*”.

9 (3) Section 17(b)(2) of such Act (7 U.S.C.
10 2026(b)(2)) is amended by striking “a program car-
11 ried out under title I of the Workforce Investment Act
12 of 1998” and inserting “a program carried out under
13 title I of the Workforce Innovation and Opportunity
14 Act”.

15 (m) *FULL EMPLOYMENT AND BALANCED GROWTH ACT*
16 OF 1978.—Section 206 of the *Full Employment and Bal-*
17 *anced Growth Act of 1978 (15 U.S.C. 3116)* is amended—

18 (1) in subsection (b), in the matter preceding
19 paragraph (1), by striking “the Secretary of Labor
20 shall, as appropriate, fully utilize the authority pro-
21 vided under the Job Training Partnership Act and
22 title I of the Workforce Investment Act of 1998” and
23 inserting “the Secretary of Labor shall, as appro-
24 priate, fully utilize the authority provided under title

1 *I of the Workforce Innovation and Opportunity Act*”;
2 *and*

3 (2) *in subsection (c)(1), by striking “the Presi-*
4 *dent shall, as may be authorized by law, establish res-*
5 *ervoirs of public employment and private nonprofit*
6 *employment projects, to be approved by the Secretary*
7 *of Labor, through expansion of title I of the Workforce*
8 *Investment Act of 1998” and inserting “the President*
9 *shall, as may be authorized by law, establish res-*
10 *ervoirs of public employment and private nonprofit*
11 *employment projects, to be approved by the Secretary*
12 *of Labor, through expansion of activities under title*
13 *I of the Workforce Innovation and Opportunity Act”.*

14 (n) *HIGHER EDUCATION ACT OF 1965.—The Higher*
15 *Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended*
16 *as follows:*

17 (1) *Section 418A of such Act (20 U.S.C. 1070d–*
18 *2) is amended—*

19 (A) *in subsection (b)(1)(B)(ii), by striking*
20 *“section 167 of the Workforce Investment Act of*
21 *1998” and inserting “section 167 of the Work-*
22 *force Innovation and Opportunity Act”; and*

23 (B) *in subsection (c)(1)(A), by striking “sec-*
24 *tion 167 of the Workforce Investment Act of*

1 1998” and inserting “section 167 of the Work-
2 force Innovation and Opportunity Act”.

3 (2) Section 479(d)(1) of such Act (20 U.S.C.
4 1087ss(d)(1)) is amended by striking “The term ‘dis-
5 located worker’ has the meaning given the term in
6 section 101 of the Workforce Investment Act of 1998
7 (29 U.S.C. 2801)” and inserting “The term ‘dis-
8 located worker’ has the meaning given the term in
9 section 3 of the Workforce Innovation and Oppor-
10 tunity Act”.

11 (3) Section 479A(a) of such Act (20 U.S.C.
12 1087tt(a)) is amended by striking “a dislocated work-
13 er (as defined in section 101 of the Workforce Invest-
14 ment Act of 1998)” and inserting “a dislocated work-
15 er (as defined in section 3 of the Workforce Innova-
16 tion and Opportunity Act)”.

17 (4) Section 480(b)(1)(I) of such Act (20 U.S.C.
18 1087vv(b)(1)(I)) is amended by striking “benefits re-
19 ceived through participation in employment and
20 training activities under title I of the Workforce In-
21 vestment Act of 1998 (29 U.S.C. 2801 et seq.)” and
22 inserting “benefits received through participation in
23 employment and training activities under title I of
24 the Workforce Innovation and Opportunity Act”.

1 (5) *Section 803 of such Act (20 U.S.C. 1161c) is*
2 *amended—*

3 (A) *in subsection (i)(1), by striking “for*
4 *changes to this Act and related Acts, such as the*
5 *Carl D. Perkins Career and Technical Education*
6 *Act of 2006 and the Workforce Investment Act of*
7 *1998 (including titles I and II), to help create*
8 *and sustain business and industry workforce*
9 *partnerships at institutions of higher education”*
10 *and inserting “for changes to this Act and re-*
11 *lated Acts, such as the Carl D. Perkins Career*
12 *and Technical Education Act of 2006 and the*
13 *Workforce Innovation and Opportunity Act (in-*
14 *cluding titles I and II), to help create and sus-*
15 *tain business and industry workforce partner-*
16 *ships at institutions of higher education”;* and

17 (B) *in subsection (j)(1)—*

18 (i) *in subparagraph (A)(ii), by strik-*
19 *ing “local board (as such term is defined in*
20 *section 101 of the Workforce Investment Act*
21 *of 1998 (29 U.S.C. 2801))” and inserting*
22 *“local board (as such term is defined in sec-*
23 *tion 3 of the Workforce Innovation and Op-*
24 *portunity Act)”;* and

1 (ii) in subparagraph (B), by striking
2 “a State board (as such term is defined in
3 section 101 of the Workforce Investment Act
4 of 1998 (29 U.S.C. 2801))” and inserting
5 “a State board (as such term is defined in
6 section 3 of the Workforce Innovation and
7 Opportunity Act)”.

8 (6) Section 861(c)(1)(B) of such Act (20 U.S.C.
9 1161q(c)(1)(B)) is amended by striking “local boards
10 (as such term is defined in section 101 of the Work-
11 force Investment Act of 1998 (29 U.S.C. 2801))” and
12 inserting “local boards (as such term is defined in
13 section 3 of the Workforce Innovation and Oppor-
14 tunity Act)”.

15 (7) Section 872(b)(2)(E) of such Act (20 U.S.C.
16 1161s(b)(2)(E)) is amended by striking “local boards
17 (as defined in section 101 of the Workforce Investment
18 Act of 1998 (29 U.S.C. 2801))” and inserting “local
19 boards (as defined in section 3 of the Workforce Inno-
20 vation and Opportunity Act)”.

21 (o) HOUSING ACT OF 1949.—Section 504(c)(3) of the
22 Housing Act of 1949 (42 U.S.C. 1474(c)(3)) is amended by
23 striking “an insufficient number of volunteers and training
24 participants and public service employment workers, as-
25 sisted pursuant to title I of the Workforce Investment Act

1 *of 1998 or the Older American Community Service Em-*
2 *ployment Act,” and inserting “an insufficient number of*
3 *volunteers and training participants and public service em-*
4 *ployment workers, assisted pursuant to title I of the Work-*
5 *force Innovation and Opportunity Act or the Community*
6 *Service Senior Opportunities Act,”.*

7 (p) *HOUSING AND URBAN DEVELOPMENT ACT OF*
8 *1968.—Section 3 of the Housing and Urban Development*
9 *Act of 1968 (12 U.S.C. 1701u) is amended—*

10 (1) *in subsection (c)—*

11 (A) *in paragraph (1)(B)(iii), by striking*
12 *“participants in YouthBuild programs receiving*
13 *assistance under section 173A of the Workforce*
14 *Investment Act of 1998” and inserting “partici-*
15 *pants in YouthBuild programs receiving assist-*
16 *ance under section 171 of the Workforce Innova-*
17 *tion and Opportunity Act”;* and

18 (B) *in paragraph (2)(B), by striking “par-*
19 *ticipants in YouthBuild programs receiving as-*
20 *sistance under section 173A of the Workforce In-*
21 *vestment Act of 1998” and inserting “partici-*
22 *pants in YouthBuild programs receiving assist-*
23 *ance under section 171 of the Workforce Innova-*
24 *tion and Opportunity Act”;* and

25 (2) *in subsection (d)—*

1 (A) in paragraph (1)(B)(iii), by striking
2 “To YouthBuild programs receiving assistance
3 under section 173A of the Workforce Investment
4 Act of 1998” and inserting “To YouthBuild pro-
5 grams receiving assistance under section 171 of
6 the Workforce Innovation and Opportunity Act”;
7 and

8 (B) in paragraph (2)(B), by striking “to
9 YouthBuild programs receiving assistance under
10 section 173A of the Workforce Investment Act of
11 1998” and inserting “to YouthBuild programs
12 receiving assistance under section 171 of the
13 Workforce Innovation and Opportunity Act”.

14 (q) IMMIGRATION AND NATIONALITY ACT.—Section
15 245A(h)(4)(F) of the Immigration and Nationality Act (8
16 U.S.C. 1255a(h)(4)(F)) is amended by striking “Title I of
17 the Workforce Investment Act of 1998” and inserting “Title
18 I of the Workforce Innovation and Opportunity Act”.

19 (r) INTERNAL REVENUE CODE OF 1986.—Section
20 7527(e)(2) of the Internal Revenue Code of 1986 is amended
21 by inserting “(as in effect on the day before the date of en-
22 actment of the Workforce Innovation and Opportunity
23 Act)” after “of 1998”.

24 (s) MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.—
25 Section 103(c)(2) of the McKinney-Vento Homeless Assist-

1 *ance Act (42 U.S.C. 11302(c)(2)) is amended by striking*
2 *“a homeless individual shall be eligible for assistance under*
3 *title I of the Workforce Investment Act of 1998” and insert-*
4 *ing “a homeless individual shall be eligible for assistance*
5 *under title I of the Workforce Innovation and Opportunity*
6 *Act”.*

7 *(t) MUSEUM AND LIBRARY SERVICES ACT.—The Mu-*
8 *seum and Library Services Act (20 U.S.C. 9101 et seq.)*
9 *is amended as follows:*

10 *(1) Section 204(f)(3) of such Act (20 U.S.C.*
11 *9103(f)(3)) is amended by striking “activities under*
12 *the Workforce Investment Act of 1998 (29 U.S.C. 2801*
13 *et seq.) (including activities under section 134(c) of*
14 *such Act) (29 U.S.C. 2864(c))” and inserting “activi-*
15 *ties under the Workforce Innovation and Opportunity*
16 *Act (including activities under section 121(e) of such*
17 *Act))”.*

18 *(2) Section 224(b)(6)(C) of such Act (20 U.S.C.*
19 *9134(b)(6)(C)) is amended—*

20 *(A) in clause (i), by striking “the activities*
21 *carried out by the State workforce investment*
22 *board under section 111(d) of the Workforce In-*
23 *vestment Act of 1998 (29 U.S.C. 2821(d))” and*
24 *inserting “the activities carried out by the State*
25 *workforce development board under section 101*

1 *of the Workforce Innovation and Opportunity*
2 *Act*”; and

3 (B) in clause (ii), by striking “the State’s
4 one-stop delivery system established under sec-
5 tion 134(c) of such Act (29 U.S.C. 2864(c))” and
6 inserting “the State’s one-stop delivery system
7 established under section 121(e) of such Act”.

8 (u) NATIONAL AND COMMUNITY SERVICE ACT OF
9 1990.—*The National and Community Service Act of 1990*
10 (42 U.S.C. 12501 et seq.) is amended as follows:

11 (1) Section 112(a)(3)(B) of such Act (42 U.S.C.
12 12523(a)(3)(B)) is amended by striking “or who may
13 participate in a Youthbuild program under section
14 173A of the Workforce Investment Act of 1998 (29
15 U.S.C. 2918a)” and inserting “or who may partici-
16 pate in a Youthbuild program under section 171 of
17 the Workforce Innovation and Opportunity Act”.

18 (2) Section 199L(a) of such Act (42 U.S.C.
19 12655m(a)) is amended by striking “coordinated with
20 activities supported with assistance made available
21 under programs administered by the heads of such
22 agencies (including title I of the Workforce Investment
23 Act of 1998)” and inserting “coordinated with activi-
24 ties supported with assistance made available under
25 programs administered by the heads of such agencies

1 *(including title I of the Workforce Innovation and*
2 *Opportunity Act)*”.

3 *(v) NATIONAL ENERGY CONSERVATION POLICY ACT.—*
4 *Section 233 of the National Energy Conservation and Pol-*
5 *icy Act (42 U.S.C. 6873) is amended, in the matter pre-*
6 *ceding paragraph (1), by striking “a sufficient number of*
7 *volunteers and training participants and public service em-*
8 *ployment workers, assisted pursuant to title I of the Work-*
9 *force Investment Act of 1998 and the Older American Com-*
10 *munity Service Employment Act” and inserting “a suffi-*
11 *cient number of volunteers and training participants and*
12 *public service employment workers, assisted pursuant to*
13 *title I of the Workforce Innovation and Opportunity Act*
14 *and the Community Service Senior Opportunities Act”.*

15 *(w) OLDER AMERICANS ACT OF 1965.—The Older*
16 *Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended*
17 *as follows:*

18 *(1) Section 203 of such Act (42 U.S.C. 3013) is*
19 *amended—*

20 *(A) in subsection (a)(2), by striking “In*
21 *particular, the Secretary of Labor shall consult*
22 *and cooperate with the Assistant Secretary in*
23 *carrying out title I of the Workforce Investment*
24 *Act of 1998” and inserting “In particular, the*
25 *Secretary of Labor shall consult and cooperate*

1 *with the Assistant Secretary in carrying out title*
2 *I of the Workforce Innovation and Opportunity*
3 *Act*"; and

4 *(B) in subsection (b)(1), by striking "title I*
5 *of the Workforce Investment Act of 1998" and in-*
6 *serting "title I of the Workforce Innovation and*
7 *Opportunity Act".*

8 *(2) Section 321(a)(12) of such Act (42 U.S.C.*
9 *3030d(a)(12)) is amended by striking "including pro-*
10 *grams carried out under the Workforce Investment*
11 *Act of 1998 (29 U.S.C. 2801 et seq.)" and inserting*
12 *"including programs carried out under the Workforce*
13 *Innovation and Opportunity Act".*

14 *(3) Section 502 of such Act (42 U.S.C. 3056) is*
15 *amended—*

16 *(A) in subsection (b)—*

17 *(i) in paragraph (1)—*

18 *(I) in subparagraph (H), by strik-*
19 *ing "will coordinate activities with*
20 *training and other services provided*
21 *under title I of the Workforce Invest-*
22 *ment Act of 1998 (29 U.S.C. 2801 et*
23 *seq.), including utilizing the one-stop*
24 *delivery system of the local workforce*
25 *investment areas involved" and insert-*

1 *ing “will coordinate activities with*
2 *training and other services provided*
3 *under title I of the Workforce Innova-*
4 *tion and Opportunity Act, including*
5 *utilizing the one-stop delivery system*
6 *of the local workforce development*
7 *areas involved”;*

8 *(II) in subparagraph (O)—*

9 *(aa) by striking “through the*
10 *one-stop delivery system of the*
11 *local workforce investment areas*
12 *involved as established under sec-*
13 *tion 134(c) of the Workforce In-*
14 *vestment Act of 1998 (29 U.S.C.*
15 *2864(c)),” and inserting “through*
16 *the one-stop delivery system of the*
17 *local workforce development areas*
18 *involved as established under sec-*
19 *tion 121(e) of the Workforce Inno-*
20 *vation and Opportunity Act,”;*
21 *and*

22 *(bb) by striking “and will be*
23 *involved in the planning and op-*
24 *erations of such system pursuant*
25 *to a memorandum of under-*

1 standing with the local workforce
2 investment board in accordance
3 with section 121(c) of such Act
4 (29 U.S.C. 2841(c))” and insert-
5 ing “and will be involved in the
6 planning and operations of such
7 system pursuant to a memo-
8 randum of understanding with
9 the local workforce development
10 board in accordance with section
11 121(c) of such Act”; and
12 (III) in subparagraph (Q)—

13 (aa) in clause (i), by striking
14 “paragraph (8), relating to co-
15 ordination with other Federal
16 programs, of section 112(b) of the
17 Workforce Investment Act of 1998
18 (29 U.S.C. 2822(b))” and insert-
19 ing “clauses (ii) and (viii) of
20 paragraph (2)(B), relating to co-
21 ordination with other Federal
22 programs, of section 102(b) of the
23 Workforce Innovation and Oppor-
24 tunity Act”; and

1 *(bb) in clause (ii), by strik-*
2 *ing “paragraph (14), relating to*
3 *implementation of one-stop deliv-*
4 *ery systems, of section 112(b) of*
5 *the Workforce Investment Act of*
6 *1998” and inserting “paragraph*
7 *(2)(C)(i), relating to implementa-*
8 *tion of one-stop delivery systems,*
9 *of section 102(b) of the Workforce*
10 *Innovation and Opportunity*
11 *Act”;* and

12 *(ii) in paragraph (3)—*

13 *(I) in subparagraph (A), by strik-*
14 *ing “An assessment and service strat-*
15 *egy required by paragraph (1)(N) to be*
16 *prepared for an eligible individual*
17 *shall satisfy any condition for an as-*
18 *essment and service strategy or indi-*
19 *vidual employment plan for an adult*
20 *participant under subtitle B of title I*
21 *of the Workforce Investment Act of*
22 *1998 (29 U.S.C. 2811 et seq.), in order*
23 *to determine whether such eligible indi-*
24 *vidual also qualifies for intensive or*
25 *training services described in section*

1 *134(d) of such Act (29 U.S.C.*
2 *2864(d)).” and inserting “An assess-*
3 *ment and service strategy required by*
4 *paragraph (1)(N) to be prepared for*
5 *an eligible individual shall satisfy any*
6 *condition for an assessment and service*
7 *strategy or individual employment*
8 *plan for an adult participant under*
9 *subtitle B of title I of the Workforce In-*
10 *novation and Opportunity Act, in*
11 *order to determine whether such eligi-*
12 *ble individual also qualifies for career*
13 *or training services described in sec-*
14 *tion 134(e) of such Act.”; and*

15 *(II) in subparagraph (B)—*

16 *(aa) in the subparagraph*
17 *heading, by striking “WORKFORCE*
18 *INVESTMENT ACT OF 1998” and in-*
19 *serting “WORKFORCE INNOVATION*
20 *AND OPPORTUNITY ACT”;* and

21 *(bb) by striking “An assess-*
22 *ment and service strategy or indi-*
23 *vidual employment plan prepared*
24 *under subtitle B of title I of the*
25 *Workforce Investment Act of 1998*

1 (29 U.S.C. 2811 et seq.)” and in-
2 serting “An assessment and serv-
3 ice strategy or individual employ-
4 ment plan prepared under subtitle
5 B of title I of the Workforce Inno-
6 vation and Opportunity Act”;
7 and

8 (B) in subsection (e)(2)(B)(ii), by striking
9 “one-stop delivery systems established under title
10 I of the Workforce Investment Act of 1998 (29
11 U.S.C. 2801 et seq.)” and inserting “one-stop de-
12 livery systems established under section 121(e) of
13 the Workforce Innovation and Opportunity Act”.

14 (4) Section 503 of such Act (42 U.S.C. 3056a) is
15 amended—

16 (A) in subsection (a)—

17 (i) in paragraph (2)(A), by striking
18 “the State and local workforce investment
19 boards established under title I of the Work-
20 force Investment Act of 1998 (29 U.S.C.
21 2801 et seq.)” and inserting “the State and
22 local workforce development boards estab-
23 lished under title I of the Workforce Inno-
24 vation and Opportunity Act”; and

1 (ii) in paragraph (4)(F), by striking
2 “plans for facilitating the coordination of
3 activities of grantees in the State under this
4 title with activities carried out in the State
5 under title I of the Workforce Investment
6 Act of 1998 (29 U.S.C. 2801 et seq.)” and
7 inserting “plans for facilitating the coordi-
8 nation of activities of grantees in the State
9 under this title with activities carried out
10 in the State under title I of the Workforce
11 Innovation and Opportunity Act”; and

12 (B) in subsection (b)(2)(A), by striking
13 “with the program carried out under the Work-
14 force Investment Act of 1998 (29 U.S.C. 2801 et
15 seq.)” and inserting “with the program carried
16 out under the Workforce Innovation and Oppor-
17 tunity Act”.

18 (5) Section 505(c)(1) (42 U.S.C. 3056c(c)(1)) of
19 such Act is amended by striking “activities carried
20 out under other Acts, especially activities provided
21 under the Workforce Investment Act of 1998 (29
22 U.S.C. 2801 et seq.), including activities provided
23 through one-stop delivery systems established under
24 section 134(c) of such Act (29 U.S.C. 2864(c)),” and
25 inserting “activities carried out under other Acts, es-

1 *pecially activities provided under the Workforce Inno-*
2 *vation and Opportunity Act, including activities pro-*
3 *vided through one-stop delivery systems established*
4 *under section 121(e) of such Act,”.*

5 (6) *Section 510 of such Act (42 U.S.C. 3056h) is*
6 *amended—*

7 (A) *by striking “by local workforce invest-*
8 *ment boards and one-stop operators established*
9 *under title I of the Workforce Investment Act of*
10 *1998 (29 U.S.C. 2801 et seq.)” and inserting “by*
11 *local workforce development boards and one-stop*
12 *operators established under title I of the Work-*
13 *force Innovation and Opportunity Act”;* and

14 (B) *by striking “such title I” and inserting*
15 *“such title”.*

16 (7) *Section 511 of such Act (42 U.S.C. 3056i) is*
17 *amended—*

18 (A) *in subsection (a), by striking “Grantees*
19 *under this title shall be one-stop partners as de-*
20 *scribed in subparagraphs (A) and (B)(vi) of sec-*
21 *tion 121(b)(1) of the Workforce Investment Act of*
22 *1998 (29 U.S.C. 2841(b)(1)) in the one-stop de-*
23 *livery system established under section 134(c) of*
24 *such Act (29 U.S.C. 2864(c)) for the appropriate*
25 *local workforce investment areas” and inserting*

1 “Grantees under this title shall be one-stop part-
2 ners as described in subparagraphs (A) and
3 (B)(v) of section 121(b)(1) of the Workforce Inno-
4 vation and Opportunity Act in the one-stop de-
5 livery system established under section 121(e) of
6 such Act for the appropriate local workforce de-
7 velopment areas”; and

8 (B) in subsection (b)(2), by striking “be sig-
9 natories of the memorandum of understanding
10 established under section 121(c) of the Workforce
11 Investment Act of 1998 (29 U.S.C. 2841(c))” and
12 inserting “be signatories of the memorandum of
13 understanding established under section 121(c) of
14 the Workforce Innovation and Opportunity Act”.

15 (8) Section 518(b)(2)(F) of such Act (42 U.S.C.
16 3056p(b)(2)(F)) is amended by striking “has failed to
17 find employment after utilizing services provided
18 under title I of the Workforce Investment Act of 1998
19 (29 U.S.C. 2801 et seq.)” and inserting “has failed to
20 find employment after utilizing services provided
21 under title I of the Workforce Innovation and Oppor-
22 tunity Act”.

23 (x) *PERSONAL RESPONSIBILITY AND WORK OPPOR-*
24 *TUNITY RECONCILIATION ACT OF 1996.*—Section
25 403(c)(2)(K) of the *Personal Responsibility and Work Op-*

1 *portunity Reconciliation Act of 1996 (8 U.S.C.*
2 *1613(c)(2)(K)) is amended by striking “Benefits under the*
3 *title I of the Workforce Investment Act of 1998” and insert-*
4 *ing “Benefits under title I of the Workforce Innovation and*
5 *Opportunity Act”.*

6 *(y) PATIENT PROTECTION AND AFFORDABLE CARE*
7 *ACT.—Section 5101(d)(3)(D) of the Patient Protection and*
8 *Affordable Care Act (42 U.S. 294q(d)(3)(D)) is amended*
9 *by striking “other health care workforce programs, includ-*
10 *ing those supported through the Workforce Investment Act*
11 *of 1998 (29 U.S.C. 2801 et seq.),” and inserting “other*
12 *health care workforce programs, including those supported*
13 *through the Workforce Innovation and Opportunity Act,”.*

14 *(z) PUBLIC HEALTH SERVICE ACT.—The Public*
15 *Health Service Act (42 U.S.C. 201 et seq.) is amended as*
16 *follows:*

17 *(1) Section 399V(e) of such Act (42 U.S.C. 280g–*
18 *11(e)) is amended by striking “one-stop delivery sys-*
19 *tems under section 134(c) of the Workforce Investment*
20 *Act of 1998” and inserting “one-stop delivery systems*
21 *under section 121(e) of the Workforce Innovation and*
22 *Opportunity Act”.*

23 *(2) Section 751(c)(1)(A) of such Act (42 U.S.C.*
24 *294a(c)(1)(A)) is amended by striking “the applicable*
25 *one-stop delivery system under section 134(c) of the*

1 *Workforce Investment Act of 1998,*” and inserting
2 *“the applicable one-stop delivery system under section*
3 *121(e) of the Workforce Innovation and Opportunity*
4 *Act,”.*

5 (3) *Section 799B(23) of such Act (42 U.S.C.*
6 *295p(23)) is amended by striking “one-stop delivery*
7 *system described in section 134(c) of the Workforce*
8 *Investment Act of 1998 (29 U.S.C. 2864(c))” and in-*
9 *serting “one-stop delivery system described in section*
10 *121(e) of the Workforce Innovation and Opportunity*
11 *Act”.*

12 (aa) *RUNAWAY AND HOMELESS YOUTH ACT.—Section*
13 *322(a)(7) of the Runaway and Homeless Youth Act (42*
14 *U.S.C. 5714–2(a)(7)) is amended by striking “(including*
15 *services and programs for youth available under the Work-*
16 *force Investment Act of 1998)” and inserting “(including*
17 *services and programs for youth available under the Work-*
18 *force Innovation and Opportunity Act)”.*

19 (bb) *SECOND CHANCE ACT OF 2007.—The Second*
20 *Chance Act of 2007 (42 U.S.C. 17501 et seq.) is amended*
21 *as follows:*

22 (1) *Section 212 of such Act (42 U.S.C. 17532) is*
23 *amended—*

24 (A) *in subsection (c)(1)(B), by striking “in*
25 *coordination with the one-stop partners and one-*

1 *stop operators (as such terms are defined in sec-*
2 *tion 101 of the Workforce Investment Act of 1998*
3 *(29 U.S.C. 2801)) that provide services at any*
4 *center operated under a one-stop delivery system*
5 *established under section 134(c) of the Workforce*
6 *Investment Act of 1998 (29 U.S.C. 2864(c)),”*
7 *and inserting “in coordination with the one-stop*
8 *partners and one-stop operators (as such terms*
9 *are defined in section 3 of the Workforce Innova-*
10 *tion and Opportunity Act) that provide services*
11 *at any center operated under a one-stop delivery*
12 *system established under section 121(e) of the*
13 *Workforce Innovation and Opportunity Act,”;*
14 *and*

15 *(B) in subsection (d)(1)(B)(iii), by striking*
16 *“the local workforce investment boards estab-*
17 *lished under section 117 of the Workforce Invest-*
18 *ment Act of 1998 (29 U.S.C. 2832),” and in-*
19 *serting “the local workforce development boards*
20 *established under section 107 of the Workforce*
21 *Innovation and Opportunity Act,”.*

22 *(2) Section 231(e) of such Act (42 U.S.C.*
23 *17541(e)) is amended by striking “the one-stop part-*
24 *ners and one-stop operators (as such terms are de-*
25 *finied in section 101 of the Workforce Investment Act*

1 of 1998 (29 U.S.C. 2801)) that provide services at
2 any center operated under a one-stop delivery system
3 established under section 134(c) of the Workforce In-
4 vestment Act of 1998 (29 U.S.C. 2864(c))” and insert-
5 ing “the one-stop partners and one-stop operators (as
6 such terms are defined in section 3 of the Workforce
7 Innovation and Opportunity Act) that provide serv-
8 ices at any center operated under a one-stop delivery
9 system established under section 121(e) of the Work-
10 force Innovation and Opportunity Act”.

11 (cc) *SMALL BUSINESS ACT*.—Section 7(j)(13)(E) of the
12 *Small Business Act* (15 U.S.C. 636(j)(13)(E)) is amended
13 by striking “an institution eligible to provide skills training
14 or upgrading under title I of the Workforce Investment Act
15 of 1998” and inserting “an institution eligible to provide
16 skills training or upgrading under title I of the Workforce
17 Innovation and Opportunity Act”.

18 (dd) *SOCIAL SECURITY ACT*.—The Social Security Act
19 (42 U.S.C. 301 et seq.) is amended as follows:

20 (1) Section 403(a)(5) of such Act (42 U.S.C.
21 603(a)(5)) is amended—

22 (A) in subparagraph (A)(vii)(I), by striking
23 “chief elected official (as defined in section 101
24 of the Workforce Investment Act of 1998)” and
25 inserting “chief elected official (as defined in sec-

1 *tion 3 of the Workforce Innovation and Oppor-*
2 *tunity Act)”; and*

3 *(B) in subparagraph (D)(ii), by striking*
4 *“local workforce investment board established for*
5 *the service delivery area pursuant to title I of the*
6 *Workforce Investment Act of 1998, as appro-*
7 *priate” and inserting “local workforce develop-*
8 *ment board established for the local workforce de-*
9 *velopment area pursuant to title I of the Work-*
10 *force Innovation and Opportunity Act, as appro-*
11 *priate”.*

12 *(2) Section 1148(f)(1)(B) of such Act (42 U.S.C.*
13 *1320b–19(f)(1)(B)) is amended by striking “a one-*
14 *stop delivery system established under subtitle B of*
15 *title I of the Workforce Investment Act of 1998 (29*
16 *U.S.C. 2811 et seq.)” and inserting “a one-stop deliv-*
17 *ery system established under section 121(e) of the*
18 *Workforce Innovation and Opportunity Act”.*

19 *(3) Section 1149(a)(3) of such Act (42 U.S.C.*
20 *1320b–20(a)(3)) is amended by striking “a one-stop*
21 *delivery system established under subtitle B of title I*
22 *of the Workforce Investment Act of 1998 (29 U.S.C.*
23 *2811 et seq.)” and inserting “a one-stop delivery sys-*
24 *tem established under section 121(e) of the Workforce*
25 *Innovation and Opportunity Act”.*

1 (4) *Section 2008(a) of such Act (42 U.S.C.*
2 *1397g(a)) is amended—*

3 (A) *in paragraph (2)(B), by striking “the*
4 *State workforce investment board established*
5 *under section 111 of the Workforce Investment*
6 *Act of 1998” and inserting “the State workforce*
7 *development board established under section 101*
8 *of the Workforce Innovation and Opportunity*
9 *Act”;* and

10 (B) *in paragraph (4)(A), by striking “a*
11 *local workforce investment board established*
12 *under section 117 of the Workforce Investment*
13 *Act of 1998,” and inserting “a local workforce*
14 *development board established under section 107*
15 *of the Workforce Innovation and Opportunity*
16 *Act,”.*

17 (ee) *TITLE 18 OF THE UNITED STATES CODE.—Sec-*
18 *tion 665 of title 18 of the United States Code is amended—*

19 (1) *in subsection (a), by striking “Whoever,*
20 *being an officer, director, agent, or employee of, or*
21 *connected in any capacity with any agency or orga-*
22 *nization receiving financial assistance or any funds*
23 *under the Job Training Partnership Act or title I of*
24 *the Workforce Investment Act of 1998” and inserting*
25 *“Whoever, being an officer, director, agent, or em-*

1 ~~ployee of, or connected in any capacity with any~~
2 ~~agency or organization receiving financial assistance~~
3 ~~or any funds under title I of the Workforce Innova-~~
4 ~~tion and Opportunity Act or title I of the Workforce~~
5 ~~Investment Act of 1998”;~~

6 (2) ~~in subsection (b), by striking “a contract of~~
7 ~~employment in connection with a financial assistance~~
8 ~~agreement or contract under the Job Training Part-~~
9 ~~nership Act or title I of the Workforce Investment Act~~
10 ~~of 1998” and inserting “a contract of employment in~~
11 ~~connection with a financial assistance agreement or~~
12 ~~contract under title I of the Workforce Innovation and~~
13 ~~Opportunity Act or title I of the Workforce Invest-~~
14 ~~ment Act of 1998”;~~ and

15 (3) ~~in subsection (c), by striking “Whoever will-~~
16 ~~fully obstructs or impedes or willfully endeavors to ob-~~
17 ~~struct or impede, an investigation or inquiry under~~
18 ~~the Job Training Partnership Act or title I of the~~
19 ~~Workforce Investment Act of 1998,” and inserting~~
20 ~~“Whoever willfully obstructs or impedes or willfully~~
21 ~~endeavors to obstruct or impede, an investigation or~~
22 ~~inquiry under title I of the Workforce Innovation and~~
23 ~~Opportunity Act or title I of the Workforce Invest-~~
24 ~~ment Act of 1998,”.~~

1 (ff) *TITLE 31 OF THE UNITED STATES CODE.—Section*
2 *tion 6703(a)(4) of title 31 of the United States Code is*
3 *amended by striking “Programs under title I of the Work-*
4 *force Investment Act of 1998.” and inserting “Programs*
5 *under title I of the Workforce Innovation and Opportunity*
6 *Act.”.*

7 (gg) *TITLE 38 OF THE UNITED STATES CODE.—Title*
8 *38 of the United States Code is amended as follows:*

9 (1) *Section 4101(9) of title 38 of the United*
10 *States Code is amended by striking “The term ‘inten-*
11 *sive services’ means local employment and training*
12 *services of the type described in section 134(d)(3) of*
13 *the Workforce Investment Act of 1998” and inserting*
14 *“The term ‘career services’ means local employment*
15 *and training services of the type described in section*
16 *134(c)(2) of the Workforce Innovation and Oppor-*
17 *tunity Act”.*

18 (2) *Section 4102A of title 38 of the United States*
19 *Code is amended—*

20 (A) *in subsection (d), by striking “partici-*
21 *pation of qualified veterans and eligible persons*
22 *in employment and training opportunities under*
23 *title I of the Workforce Investment Act of 1998”*
24 *and inserting “participation of qualified vet-*
25 *erans and eligible persons in employment and*

1 *training opportunities under title I of the Work-*
2 *force Innovation and Opportunity Act*"; and

3 (B) in subsection (f)(2)(A), by striking “be
4 consistent with State performance measures ap-
5 plicable under section 136(b) of the Workforce
6 Investment Act of 1998” and inserting “be con-
7 sistent with State performance accountability
8 measures applicable under section 116(b) of the
9 Workforce Innovation and Opportunity Act”.

10 (3) Section 4104A of title 38 of the United States
11 Code is amended—

12 (A) in subsection (b)(1)(B), by striking “the
13 appropriate State boards and local boards (as
14 such terms are defined in section 101 of the
15 Workforce Investment Act of 1998 (29 U.S.C.
16 2801))” and inserting “the appropriate State
17 boards and local boards (as such terms are de-
18 fined in section 3 of the Workforce Innovation
19 and Opportunity Act)”; and

20 (B) in subsection (c)(1)(A), by striking “the
21 appropriate State boards and local boards (as
22 such terms are defined in section 101 of the
23 Workforce Investment Act of 1998 (29 U.S.C.
24 2801))” and inserting “the appropriate State
25 boards and local boards (as such terms are de-

1 *fined in section 3 of the Workforce Innovation*
2 *and Opportunity Act)*”.

3 (4) *Section 4110B of title 38 of the United*
4 *States Code is amended by striking “enter into an*
5 *agreement with the Secretary regarding the imple-*
6 *mentation of the Workforce Investment Act of 1998*
7 *that includes the description and information de-*
8 *scribed in paragraphs (8) and (14) of section 112(b)*
9 *of the Workforce Investment Act of 1998 (29 U.S.C.*
10 *2822(b))” and inserting “enter into an agreement*
11 *with the Secretary regarding the implementation of*
12 *the Workforce Innovation and Opportunity Act that*
13 *includes the descriptions described in sections*
14 *102(b)(2)(B)(ii) and 103(b)(3)(A) of the Workforce*
15 *Innovation and Opportunity Act and a description of*
16 *how the State board will carry out the activities de-*
17 *scribed in section 101(d)(3)(F) of such Act”.*

18 (5) *Section 4213(a)(4) of title 38 of the United*
19 *States Code is amended by striking “Any employment*
20 *or training program carried out under title I of the*
21 *Workforce Investment Act of 1998 (29 U.S.C. 2801 et*
22 *seq.)” and inserting “Any employment or training*
23 *program carried out under title I of the Workforce In-*
24 *novation and Opportunity Act”.*

1 *(hh) TRADE ACT OF 1974.—The Trade Act of 1974 (19*
2 *U.S.C. 2101 et seq.) is amended as follows:*

3 *(1) Section 221(a) of such Act (19 U.S.C. 2271)*
4 *is amended—*

5 *(A) in paragraph (1)(C)—*

6 *(i) by striking “, one-stop operators or*
7 *one-stop partners (as defined in section 101*
8 *of the Workforce Investment Act of 1998 (29*
9 *U.S.C. 2801)) including State employment*
10 *security agencies,” and inserting “, one-stop*
11 *operators or one-stop partners (as defined*
12 *in section 3 of the Workforce Innovation*
13 *and Opportunity Act) including State em-*
14 *ployment security agencies,”; and*

15 *(ii) by striking “or the State dislocated*
16 *worker unit established under title I of such*
17 *Act,” and inserting “or a State dislocated*
18 *worker unit,”; and*

19 *(B) in subsection (a)(2)(A), by striking*
20 *“rapid response activities and appropriate core*
21 *and intensive services (as described in section*
22 *134 of the Workforce Investment Act of 1998 (29*
23 *U.S.C. 2864)) authorized under other Federal*
24 *laws” and inserting “rapid response activities*
25 *and appropriate career services (as described in*

1 *section 134 of the Workforce Innovation and Op-*
2 *portunity Act) authorized under other Federal*
3 *laws”.*

4 (2) *Section 222(d)(2)(A)(iv) of such Act (19*
5 *U.S.C. 2272(d)(2)(A)(iv)) is amended by striking*
6 *“one-stop operators or one-stop partners (as defined*
7 *in section 101 of the Workforce Investment Act of*
8 *1998 (29 U.S.C. 2801))” and inserting “one-stop op-*
9 *erators or one-stop partners (as defined in section 3*
10 *of the Workforce Innovation and Opportunity Act)”.*

11 (3) *Section 236(a)(5) of such Act (19 U.S.C.*
12 *2296(a)(5)) is amended—*

13 (A) *in subparagraph (B), by striking “any*
14 *training program provided by a State pursuant*
15 *to title I of the Workforce Investment Act of*
16 *1998” and inserting “any training program pro-*
17 *vided by a State pursuant to title I of the Work-*
18 *force Innovation and Opportunity Act”;* and

19 (B) *in the flush text following subparagraph*
20 *(H), by striking “The Secretary may not limit*
21 *approval of a training program under para-*
22 *graph (1) to a program provided pursuant to*
23 *title I of the Workforce Investment Act of 1998*
24 *(29 U.S.C. 2801 et seq.).” and inserting “The*
25 *Secretary may not limit approval of a training*

1 *program under paragraph (1) to a program pro-*
2 *vided pursuant to title I of the Workforce Inno-*
3 *vation and Opportunity Act.”.*

4 *(4) Section 239 of such Act (19 U.S.C. 2311) is*
5 *amended—*

6 *(A) in subsection (f), by striking “Any*
7 *agreement entered into under this section shall*
8 *provide for the coordination of the administra-*
9 *tion of the provisions for employment services,*
10 *training, and supplemental assistance under sec-*
11 *tions 235 and 236 of this Act and under title I*
12 *of the Workforce Investment Act of 1998” and in-*
13 *serting “Any agreement entered into under this*
14 *section shall provide for the coordination of the*
15 *administration of the provisions for employment*
16 *services, training, and supplemental assistance*
17 *under sections 235 and 236 of this Act and*
18 *under title I of the Workforce Innovation and*
19 *Opportunity Act”;* and

20 *(B) in subsection (h), by striking “the de-*
21 *scription and information described in para-*
22 *graphs (8) and (14) of section 112(b) of the*
23 *Workforce Investment Act of 1998 (29 U.S.C.*
24 *2822(b))” and inserting “the descriptions de-*
25 *scribed in sections 102(b)(2)(B)(ii) and*

1 103(b)(3)(A) of the Workforce Innovation and
2 Opportunity Act, a description of how the State
3 board will carry out the activities described in
4 section 101(d)(3)(F) of such Act.”.

5 (ii) UNITED STATES HOUSING ACT OF 1937.—Section
6 23 of the United States Housing Act of 1937 (42 U.S.C.
7 1437u) is amended—

8 (1) in subsection (b)(2)(A), by striking “lack of
9 supportive services accessible to eligible families,
10 which shall include insufficient availability of re-
11 sources for programs under title I of the Workforce
12 Investment Act of 1998” and inserting “lack of sup-
13 portive services accessible to eligible families, which
14 shall include insufficient availability of resources for
15 programs under title I of the Workforce Innovation
16 and Opportunity Act”;

17 (2) in subsection (f)(2), by striking “the local
18 agencies (if any) responsible for carrying out pro-
19 grams under title I of the Workforce Investment Act
20 of 1998 or the Job Opportunities and Basic Skills
21 Training Program under part F of title IV of the So-
22 cial Security Act,” and inserting “the local agencies
23 (if any) responsible for carrying out programs under
24 title I of the Workforce Innovation and Opportunity
25 Act or the Job Opportunities and Basic Skills Train-

1 *ing Program under part F of title IV of the Social*
2 *Security Act,”; and*

3 *(3) in subsection (g)—*

4 *(A) in paragraph (2), by striking “any*
5 *local agencies responsible for programs under*
6 *title I of the Workforce Investment Act of 1998*
7 *or the Job Opportunities and Basic Skills Train-*
8 *ing Program under part F of title IV of the So-*
9 *cial Security Act” and inserting “any local*
10 *agencies responsible for programs under title I of*
11 *the Workforce Innovation and Opportunity Act*
12 *or the Job Opportunities and Basic Skills Train-*
13 *ing Program under part F of title IV of the So-*
14 *cial Security Act”; and*

15 *(B) in paragraph (3)(H), by striking “pro-*
16 *grams under title I of the Workforce Investment*
17 *Act of 1998 and any other relevant employment,*
18 *child care, transportation, training, and edu-*
19 *cation programs in the applicable area” and in-*
20 *serting “programs under title I of the Workforce*
21 *Innovation and Opportunity Act and any other*
22 *relevant employment, child care, transportation,*
23 *training, and education programs in the appli-*
24 *cable area”.*

1 (jj) *VIOLENT CRIME CONTROL AND LAW ENFORCE-*
2 *MENT ACT OF 1994.*—Section 31113(a)(4)(C) of the *Violent*
3 *Crime Control and Law Enforcement Act of 1994* (42
4 *U.S.C. 13823(a)(4)(C)*) is amended by striking “job train-
5 *ing programs authorized under title I of the Workforce In-*
6 *vestment Act of 1998 or the Family Support Act of 1988*
7 *(Public Law 100–485)”* and inserting “job training pro-
8 *grams authorized under title I of the Workforce Innovation*
9 *and Opportunity Act or the Family Support Act of 1988*
10 *(Public Law 100–485)”*.

11 (kk) *WORKER ADJUSTMENT AND RETRAINING NOTIFI-*
12 *CATION ACT.*—Section 3(a)(2) of the *Worker Adjustment*
13 *and Retraining Notification Act* (29 *U.S.C. 2102(a)(2)*) is
14 amended by striking “the State or entity designated by the
15 *State to carry out rapid response activities under section*
16 *134(a)(2)(A) of the Workforce Investment Act of 1998,”* and
17 inserting “the State or entity designated by the State to
18 *carry out rapid response activities under section*
19 *134(a)(2)(A) of the Workforce Innovation and Opportunity*
20 *Act,”*.

21 **SEC. 513. REFERENCES.**

22 (a) *WORKFORCE INVESTMENT ACT OF 1998 REF-*
23 *ERENCES.*—Except as otherwise specified, a reference in a
24 *Federal law to a provision of the Workforce Investment Act*

1 of 1998 (29 U.S.C. 2801 et seq.) shall be deemed to refer
2 to the corresponding provision of this Act.

3 (b) *WAGNER-PEYSER ACT REFERENCES.*—*Except as*
4 *otherwise specified, a reference in a Federal law to a provi-*
5 *sion of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) shall*
6 *be deemed to refer to the corresponding provision of such*
7 *Act, as amended by this Act.*

8 (c) *DISABILITY-RELATED REFERENCES.*—*Except as*
9 *otherwise specified, a reference in a Federal law to a provi-*
10 *sion of the Rehabilitation Act of 1973 (29 U.S.C. 701 et*
11 *seq.) shall be deemed to refer to the corresponding provision*
12 *of such Act, as amended by this Act.*

Amend the title so as to read: “An Act 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.”.

Attest:

Secretary.

113TH CONGRESS
2^D SESSION

H.R. 803

AMENDMENTS