United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, SECOND SESSION

Vol. 160 WASHINGTON, WEDNESDAY, JUNE 25, 2014 No. 100

# Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Merciful God, a gracious and willing guest in every heart, thank You for the opportunities and privileges of this day. May Your peace rule within our Senators' hearts. As they remember how You have guided us in the past, give them strength for today and bright hopes for tomorrow. With the ebb and flow of life's seasons, may they grow more certain of Your reality and power. Lord, when much seems obscure to them, may they be even more faithful to the little they can clearly see. Continue to shower them and their loved ones with Your daily mercies.

We pray in Your holy Name. Amen.

## PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, June 25, 2014.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

PATRICK J. LEAHY,
*President pro tempore.*

Mr. MARKEY thereupon assumed the Chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## BIPARTISAN SPORTSMEN'S ACT OF 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 384, S. 2363, the Hagan sportsmen's legislation.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 384, S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will be in a period of morning business until noon, with the time equally divided and controlled between the two leaders or their designees. The Republicans will control the first 30 minutes and the majority will control the next 30 minutes.

At noon the Senate will proceed to the consideration of H.R. 803, the Workforce Innovation and Opportunity Act. At 2:30 p.m. there will be three rollcall votes on amendments and passage of the bill.

WORKFORCE INNOVATION AND OPPORTUNITY ACT

Mr. President, this afternoon the Senate will consider and pass the bipartisan Workforce Innovation and Opportunity Act. While the unemployment rate has steadily declined since the recession and more than 9 million private sector jobs have been created, too many Americans are still unemployed or lack the tools necessary to compete for today's jobs. That is why this legislation, which updates and streamlines our Nation's job training and local workforce development programs, is so vital.

This legislation is very complicated, very complex, and it is vital. It proves the mere fact that even though this legislation is complicated, complex, and vital, we can pass it. This act will help improve training and educational opportunities for those Americans looking for a job or to advance their careers. It will also help businesses grow and strengthen local economies across the whole country. In Nevada tens of thousands have benefited from the job training placement and educational programs funded by the Workforce Innovation and Opportunity Act. Many found their first job while others were able to reenter the workforce, and still others took advantage of the programs to improve their skills. For all of them it meant a paycheck, and for some of them it meant a raise to support their families. This legislation is also an example of how the Senate can and should function.

I repeat, this legislation is not a walk in the park. It is extremely complicated. It shows how Congress can operate when both sides are willing to compromise and work in good faith to craft legislation that will help improve the lives of Americans.

It has not been easy. This program was last authorized in 1998. Think of how much the world has changed over the last 16 years. Look at the Internet. It has transformed training and education programs and even the way most Americans look for work.

Over the past 16 years there have been several attempts to reauthorize this legislation, and they have all fallen short. After 16 years of attempts, it is even more impressive that Chairman HARKIN, Senators MURRAY, ALEXANDER,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

and ISAKSON, along with their counterparts in the House, were able to forge a bicameral, bipartisan agreement. Congratulations to each of these Senators and the House Members who worked with them. They worked in a bipartisan, bicameral way, which resulted in successful legislation.

In basketball they say if you are not doing well, you just have a lot of off days and that the best way for a shooter to get his rhythm back is to sink a couple of baskets. I hope this theory proves true in the Senate. It is time we sank a couple of baskets. It is time for us to start working together so we can get things done. Hopefully, by witnessing the success of a good bipartisan bill such as this, the Senate will get its rhythm back.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that following the disposition of H.R. 803, which is the Workforce Innovation and Opportunity Act, the Senate proceed to executive session to consider Calendar Nos. 499, 501, and 787; and that the Senate proceed to vote on the confirmation of the nominations in the order listed; further, if any nomination is confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD and that President Obama be immediately notified of the Senate's action and the Senate resume legislative session.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

KEYSTONE PIPELINE

Mr. MCCONNELL. Influence—it is a word we hear a lot these days, especially from our friends on the other side who suddenly feel the need to convince their constituents that they are ''moderate'' Democrats, despite the voting records that say just the opposite. These Senate Democrats can't stop boasting about how much supposed influence they have on energy issues, but it is a baffling claim to the rest of us because it is so hard to point to what they have actually accomplished.

Take the Keystone Pipeline. The Senate Democrats I am referring to claim to have so much influence within their party to get it approved, but the evidence actually leads to the opposite conclusion; that they have almost none at all. When it comes right down to it, they have not even been able to secure a serious, gimmick-free floor vote from the majority leader to approve the Keystone Pipeline. That should be the bare minimum.

The events that transpired yesterday only underscore the point. Yesterday afternoon several of my Republican colleagues again tried to pass the Keystone Pipeline. Once again, the Democratic leadership blocked the bill, and the so-called moderate Democrats simply stood by while their own party blocked this important job-creation legislation. They didn't even put up a credible fight.

It is disappointing, but it is no surprise because Washington Democrats have blocked approval of this shovel-ready, job-creation project for years now, even though it would create thousands of well-paying American jobs, even though it would help our struggling economy, even though it would increase North American energy independence, and even though the Obama administration has admitted that constructing the pipeline would have almost zero significant impact on the environment.

In other words, the Senate Democratic leadership is obstructing construction of the Keystone Pipeline for one main reason—to please their patrons on the far left. Let's be clear about something. The only reason they are able to get away with it is because so-called moderate Democrats let them, the same so-called moderates who claim to have so much influence around here.

The bottom line is these so-called moderates can't have it both ways. They can't credibly claim to have influence on issues such as these, even as they let their party leaders shoot down almost every effort to achieve the things they claim to want, such as Keystone.

Frankly, it is hard to see how we could ever hope to get a Keystone bill over to the President's desk and signed into law while Democrats run the Senate, especially when the so-called moderates stand idly by as the President has yet another meeting with the anti-Keystone jobs lobby tonight. The President is meeting with an anti-Keystone fundraiser today and will be hearing from an organization with a mission to stop these important jobs. He needs to hear from Americans across the country who are desperate for work in the Obama economy. Preaching to the choir is not going to get that done.

Ironically enough, the President will be meeting with these same anti-Keystone interests right after holding a pep rally with Senate Democrats—his reliable anti-Keystone backstop in Congress.

I think it is time to put aside the charade. The American people have already had to suffer through more than 5 years of delay and obfuscation on this pipeline. The bureaucrats and the experts have studied it to death over and over and over, and every time we learn basically the very same thing: There is a ton of upside to building Keystone and minimal substantive downside.

It is time to end all the politically motivated delays and get serious around here. It is time for Democrats who claim to support these important jobs to stand up to the party bosses and stand with their constituents and not just talk about doing it. We owe it to the American people to get these Keystone Pipeline jobs approved as soon as possible.

Unfortunately, it seems increasingly clear that will never happen under the current Democratic-run Senate, but one way or another, we need to get this done.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 12 noon, with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

The Senator from South Dakota.

## KEYSTONE PIPELINE

Mr. THUNE. Mr. President, in a moment some of my colleagues will come to the floor and ask to enter into a colloquy and discuss an issue that is important to many of us, especially to those of us who represent States in the West and Midwest.

The issue I wish to speak about has to do with something that over the past 5 years the Obama administration has been particularly active in pursuing.

Mr. REID. Mr. President, will my friend allow me to ask a question through the Chair?

Mr. THUNE. Yes.

Mr. REID. I was in my office when I heard the statement by the Republican leader about Keystone. I direct this question to the Senator from South Dakota, who is a fine Senator and understands energy issues.

We agreed to have a vote on Keystone. My friend, the Republican leader, keeps misdirecting the matter. We can have a vote on Keystone. That was part of the deal we made. We had a bipartisan bill, Portman-Shaheen. They worked on that bill for months, since last fall. They put in amendments that people wanted.

JEANNE SHAHEEN came here yesterday and said: Let's have a vote on Keystone, but just as long as we can have a vote on energy efficiency. She even suggested we could have a vote using the McConnell rule—a 60-vote threshold—on both of them.

This is so transparent that my friend the Republican leader is doing the bidding again of the Koch brothers, who own the first or second largest tar

sands holding which exists in the world.

I say to my friend from South Dakota: Why can't we just have a vote on both of those—energy efficiency and on Keystone?

Mr. THUNE. I say through the Chair to the majority leader, the offer, as I understand it, that was put forward by the majority leader with respect to the energy efficiency bill was that this bill would be passed with no amendments. There would be no debate, no amendments, and then somewhere down the road we might get the vote on the Keystone Pipeline. Well, it strikes me at least, as many of my colleagues on this side have been pointing out now for some time, that the way in which the majority leader is running the floor and calling up legislation, preventing amendments to be offered, to be debated and voted on, denies the rights not only of us as Senators but ignores the voices of the people we represent.

So for the majority leader to say we will pass this bill without any amendment—energy is an important issue in many of our States. It is important in my State of South Dakota. It is important to a lot of Members on our side and I would suggest to a lot of Members on the leader's side who would like to have an opportunity to debate some amendments on energy if we are going to have an energy bill on the floor. The leaders came down and said no amendments, no debate, you pass this. We will jam this bill down without amendment, and then sometime we will get to the vote on Keystone.

We would love to get a vote on Keystone. The leader can call that up at any time. We have been saying for some time we ought to have a vote on Keystone. There is broad bipartisan support for it in the Senate. There are a lot of Democrats who support the Keystone Pipeline. But what the leader is suggesting again is he is going to put a bill up, fill the amendment tree, and prevent Republicans from offering amendments. We don't think that is the way the Senate ought to operate.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I say to my friend from South Dakota, it is so transparent what is going on here. They are hung up on procedure. If this Keystone vote is so important to them, let's have a vote on it. That is what I was told when we brought up, for the second time, the energy efficiency bill. In fact, I was told by our Republican leader who was pushing that bill to go ahead and fill the tree; we have already worked out all the amendments. The bill is different when we first brought it; we put all the amendments in it.

So, again, we get right where we need to be to pass substantive legislation and here they come. The Republicans walk in here dealing with procedure. If this Keystone is such a big deal, let's vote on it. Let's vote on energy efficiency which is a bipartisan bill. But, no, they can't do that. They can't do that because we wouldn't be able to offer more amendments.

Now, remember, the Republicans, who were part of that arrangement on the energy efficiency bill, Shaheen-Portman, thought it was a good bill. But again, I repeat, if this is such a big deal to the Republicans, why do they get hung up on procedure? Let's vote on both of them. Let the cards fall where they may.

Mr. THUNE. Mr. President, I would say to the distinguished majority leader that we on this side believe that when we bring an energy bill to the floor to talk about energy, we ought to talk about energy. Now, he may suggest there were certain things incorporated in the bill that some of his Members wanted, maybe even perhaps some of our Members wanted, but we have a lot of Members on this side who have been shut out, who haven't had an opportunity to offer amendments now for the past year. We can come to the floor every day and talk about the fact that since July of last year there have only been votes on 9 Republican amendments and 7 Democratic amendments, out of 1,500 that have been filed. This is insanity.

We would love to get a vote on the Keystone Pipeline, but we also think there are a lot of other energy issues that are important to this country, and if we bring an energy bill to the floor of the Senate, the historical practice in this institution has been that it is open to amendments. All Members get an opportunity to offer amendments. There are issues in addition to the Keystone Pipeline that are critically important to jobs and to the economy and to the energy security in this country. So the way the leader has suggested that this ought to work isn't simply about an argument on procedure. This is about whether the Senate is going to function in a way where the views of the millions of people we represent—those of us here would love to offer amendments on these bills and are being prevented from doing it.

So I would simply say to the leader that this is not simply about the Keystone Pipeline. This is about the broader debate on energy—what it means for jobs, what it means for our economy. We are in a place now where we are not even getting votes in committee. Appropriations bills are being pulled back at the committee level because Democratic Members don't want to vote on amendments that Republican Members might offer. That is not the way this place is supposed to work.

So I appreciate the majority leader's understandable frustration, but it is a frustration that is grounded in the way he is running this institution, not in anything our side is doing.

Mr. REID. Mr. President, no one needs to take my word for it. Take the word of one of the most senior Republicans in this body, the senior Senator from Tennessee. He came to the floor a few days ago and said—on the appropriations bills we hear this plaintive plea: Let's have some votes. So the Senator from Tennessee said: Why don't we have the votes? What has been established around here is that we have 60 votes on anything that is controversial and 50 votes on everything else, and that is what the Senator from Tennessee said. Let's just go ahead and work through the bills.

There is no better example of that than Dodd-Frank, a bill that the Republicans hate. It passed. On the 24th amendment that we voted on, on that bill, Senator DURBIN offered an amendment on swipe fees, and he was told it was going to be 60 votes. Everything else had been 50. So he had to do his with 60 votes. That is how things work here.

The Republicans don't want to have votes. They want to have issues on procedure. We could finish every one of those appropriations bills—every one of them—if we followed what LAMAR ALEXANDER suggested and what we Democrats have suggested.

So it is interesting. It is interesting. Energy issues—it is just a buzzword for ''let's take care of the oil companies some more.'' That is what this is all about. They want to protect big oil. Now, if they want to have all the appropriations bills pass, let's pass them. All we have to do is follow what I have suggested and what Senator LAMAR ALEXANDER has suggested. That is what we should do.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, I would simply offer a consent agreement that the majority leader objected to when he pulled the Shaheen bill a while back. It was pretty simple and pretty easily understood. This is the consent that was offered when the majority leader, as I said, pulled the Shaheen-Portman bill a while back. This is what I said:

> I propose a different unanimous consent agreement. I ask unanimous consent that the only amendments in order be five amendments from the Republican side related to energy policy with a 60-vote threshold on adoption of each amendment. I further ask that following the disposition of those amendments, the bill be read a third time, and the Senate proceed to vote on the passage of the bill, as amended, if amended.

Now, that gives the majority leader what he was asking for on the last bill: 60-vote thresholds. It gives him amendments from our side related to energy policy, and it would have led to a vote on Keystone.

So I would propound that unanimous consent requestagain. It sounds to me as though we may be getting somewhere if the majority leader really wants to give us a chance to have a Keystone vote here on the Senate floor.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, reserving the right to object to my friend's suggestion, I would ask that it be modified to have a vote on Keystone and have a vote on Shaheen-Portman—60-vote threshold, of course.

The ACTING PRESIDENT pro tempore. Will the Republican leader modify his request?

Mr. MCCONNELL. Reserving the right to object, we didn't get amendments on Shaheen-Portman. So what the majority leader is now saying is he wants to pass a kind of comprehensive energy bill dealing with a variety of different subjects without any amendments at all as a condition for having a vote on Keystone with five amendments related to the subject.

I can remember when we used to vote around here. In fact, his Members have only had seven rollcall votes in a year. He has one Member from Alaska who has never had a rollcall vote on the floor his entire Senate career.

So I think rather than these UCs going back and forth, maybe we ought to talk about how to work this out and see if maybe the Senate could actually start voting on things again. I object.

The ACTING PRESIDENT pro tempore. Is there objection to the original request?

Mr. REID. Yes.

The ACTING PRESIDENT pro tempore. Objection is heard.

The majority leader.

Mr. REID. Mr. President, let's not have revisionist history. Let's have real, valid history.

Shaheen-Portman was worked on for weeks last fall. SHAHEEN and PORTMAN worked on this new version of the bill for months, and they worked out many amendments in the committee. They came to me and said they have all this worked out—SHAHEEN and PORTMAN and a number of other Senators. I said: Great.

So before one of our recesses, the day we were getting ready to leave, they came to me and said: What we need to know and what would be even better is if we had a sense-of-the-Senate resolution on Keystone.

I said: We already agreed to what we are going to do. The bill is different with all of this input, such as the Workforce Investment Act, which we will take up this afternoon. So I came back and said: OK, we will have a sense-of-the-Senate; that is fine. And we are going to do this as soon as we get back.

We came back and then I was told: Well, we don't want a sense-of-the-Senate resolution; we want an up-or-down vote here.

I said: OK, let's do it. And that is when that still wasn't good enough. That still wasn't good enough because they want the issue.

The energy efficiency bill is a good bipartisan bill. It is like the one we are going to work on this afternoon. It is a complex bill, but the differences have been worked out, and we should go ahead and vote on it.

So if they really care about Keystone—if this is such a big deal—the Republican leader said we have been working on this for 5 years. The time has come. Let's belly up to the bar where we vote, and let's vote on it. But in the process, let's also do the bipartisan energy efficiency legislation that JEANNE SHAHEEN has put her heart into.

So that is where we are: another obstruction, diversion to keep us from really voting on things. They want the issue. They are focused on procedure. And what the American people want is for us to do things. They want the minimum wage raised. They want unemployment benefits extended for the long-term unemployed. They would like it so that a man working doesn't make more money than a woman who does the same work. The American people believe they should not be burdened with college debt which is larger than any other debt. It is $1.3 trillion now. They have stopped us from doing that based on procedure. Why don't we work on things that will help the American people?

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. I ask unanimous consent that the exchange between the majority leader and myself come out of our leader time in order not to take further time of the Members.

Mr. REID. I agree to that. That is fine.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

## EPA OVERREGULATION

Mr. THUNE. Mr. President, as I mentioned previously, my colleagues and I intend to enter into a colloquy on the floor of the Senate to talk about an issue that is important to many of our States. The Senator from Wyoming, the Senator from North Dakota, and the Senator from Kansas are all very much impacted, as are our constituents, by the EPA's pursuing and being particularly active in issuing misguided and ill-conceived proposals that will do little more than overregulate and burden hard-working Americans, businesses, and families. One of the worst of these overreaches is the Obama EPA's proposal to significantly expand its authority to regulate small wetlands, creeks, stock ponds, and ditches under the Clean Water Act.

If the EPA's proposal goes through, the Federal Government could expand its regulatory authority from navigable waters such as lakes and rivers to the ditches on your grandfather's property or the dry creek bed behind your house. That is what we are talking about. This could lead to untold compliance costs and bureaucratic wrangling for ordinary families and literally cripple farmers and businesses.

The EPA and the Army Corps of Engineers proposed Clean Water Act jurisdictional rule seeks to redefine ''waters of the United States'' which would effectively eliminate the Clean Water Act's ''navigable waters'' provision. Congress specifically referenced ''navigable waters'' in the Clean Water Act to guarantee limits to Federal authority.

Bodies of water currently deemed ''waters of the United States'' are subject to multiple regulatory requirements under the Clean Water Act, including permitting and reporting, enforcement, mitigation, and citizen suits. Despite strong bipartisan opposition in Congress, the EPA and the Corps have relentlessly pursued an expansion of the definition of ''waters of the United States.''

Additionally, the EPA is pressing forward despite two recent Supreme Court cases that expressly rejected the Agency's broad assertions of regulatory authority and made it clear that not all bodies of water are subject to Federal jurisdiction under the Clean Water Act.

If the EPA's power grab is left unchecked, few bodies of water will be able to escape the regulatory reach of the Obama EPA.

This proposed new definition could apply to a countless number of small wetlands and creeks that are typically regulated at the State level. More specifically, the proposed rule extends the reach of Federal regulatory authority by adding ''interstate wetlands'' and all ''adjacent waters'' to the definition of ''Waters of the United States.''

It also deems all tributaries to be categorically jurisdictional, and for the first time ever ditches—ditches—are defined as jurisdictional tributaries. This is cause for concern. This should be disturbing and troubling to all Americans—subjecting roadside, irrigation, and storm water ditches to regulation under the Clean Water Act, which would have practical consequences not fully evaluated by the EPA.

These bodies of water are hardly navigable and are, in many cases, seasonal or sporadic depending on the weather. The proposal also states that the EPA could regulate water on a case-by-case basis—dangerous development for a regulatory agency. The American public is right to be wary of the EPA granting itself such discretion. A case-by-case approach is confusing and will inevitably lead to even more litigation.

This proposal exceeds the established authority of the EPA by infringing upon what has long been a State responsibility under the Clean Water Act. All States—my State of South Dakota, Senator ROBERTS' State of Kansas, Senator HOEVEN's State of North Dakota—have an inherent interest in providing for the well-being of their citizens and businesses and ensuring safe and enduring water resources that play a large role in achieving that end.

My home State of South Dakota's No. 1 industry is agriculture. We help to feed the world. This cannot be done without clean and dependable sources of water for our farmers and ranchers. This expansion of the EPA's regulatory authority would have significant economic impact for property owners who would likely be hit with new Federal

permits, compliance costs, and threats of significant fines.

Agriculture is a time-sensitive business, and the burdens this proposal would place on South Dakota farmers would strain the ability of producers to fertilize, to plant, and to irrigate when the seasons and weather conditions dictate. Rather, permits and regulations would bind the ability of producers to get their crops in when they need to and limit what they could do to ensure successful yields.

Tourism is also a vital industry in my State of South Dakota. The Black Hills, which are home to Mount Rushmore, draw nearly 3 million visitors each year. The rugged beauty of the Black Hills depends upon the responsible water management of the State and county governments. According to a letter I just received from the Pennington County Board of Commissioners, which includes much of the Black Hills, their ability to manage the water resources in the Black Hills area is greatly threatened by the EPA's proposed rule.

Similarly, South Dakota's thriving hunting industry is sustained in part by practical and responsible water management, allowing ducks and pheasants to thrive in prairie potholes and creeks. These are connected to waters already responsibly managed by the State of South Dakota. Another layer of Federal regulation will only add needless costs to protecting these waters.

Additionally, cities in my State are already struggling to grow under new taxes and regulations imposed by the Obama administration. The EPA's latest overreach would provide environmental groups with yet another powerful tool to delay and prevent development and interfere with land use activities on property owned by homeowners, small businesses, and municipalities.

I have heard from South Dakotans in nearly every industry, and the common consensus is this: This rule is bad for business—certainly in places such as South Dakota and Kansas and North Dakota and Wyoming but, I would argue, all across this country.

So I am proud to stand with my colleagues on the floor today in support of legislation that would stop the EPA's proposed Clean Water Act jurisdictional rule and protect farmers, ranchers, and homeowners across the country from the latest regulatory overreach by the Obama administration.

Mr. President, the Senator from North Dakota, I think, will carry on with the colloquy between our colleagues from the Midwestern part of the country and speak to the impacts of this ill-proposed rule on the people they represent in their respective States.

I yield for the Senator from North Dakota.

The ACTING PRESIDENT pro tempore. The Senator form North Dakota.

Mr. HOEVEN. Mr. President, I ask unanimous consent that we be allowed until 10:28 a.m. for the purposes of the colloquy.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. HOEVEN. Mr. President, I am pleased to be here this morning with the distinguished Senator from South Dakota, as well as the esteemed Senators from both Kansas and Wyoming, to talk about this regulation that is clearly an overreach by the EPA. It needs to be addressed. We have measures to address it.

As the Senator from South Dakota said so well, this is a regulation that is a huge problem for our farmers and ranchers, but really, as he said, we have been hearing from almost every industry sector that this is a big-time problem that needs to be addressed, and needs to be addressed now.

So, as I said, we have legislation both in committee—I have legislation in the Appropriations Committee, in the Energy and Water Subcommittee, that would address it—and the good Senator from Wyoming has legislation that he has filed, and he is requesting a floor vote.

But in both cases, whether it is in committee or here on the floor, what we are saying is give us a chance to vote on this issue. This is an important issue for the American people and Senators need to indicate where they stand. I do not know why everybody should not be proud to do that—to vote on this regulatory overreach and to address this challenge for the American people. It is a very straightforward issue.

That is what we are here to discuss and debate this morning, and we sincerely hope, as we continue to highlight this very important problem, the leadership of this body is going to step up on behalf of the American people and allow—allow—the Senate to address it through its rightful duty, which is to vote on issues important to the American people.

To continue this important dialog, I turn to the Senator from Kansas and ask for his comments on behalf of his constituents in his State in terms of what he is hearing and the problems this waters of the U.S. proposed regulation put forward by the EPA creates in the great State of Kansas.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I thank the distinguished Senator for yielding. I thank Senator HOEVEN for his leadership on this issue and for bringing this issue to the attention of all Members, more especially those of us in our conference, but this should be a bipartisan effort.

I rise today to join my colleagues in discussing yet another—yet another—job-stifling and unjustified regulation proposed by this administration.

The EPA, the Army Corps of Engineers, and the Department of Agriculture—what? the three horsemen of the regulatory apocalypse—have proposed a rule that after careful review and study we believe would allow the EPA to further expand its control of private property—control of private property—under the guise of the Clean Water Act.

They claim that the proposed ''Waters of the United States'' rule ''simply clarifies their scope of jurisdiction.'' Well, here is the catch: The ''clarification'' is from categorically classifying so-called ''other waters'' as regulated, even if the water cannot be navigated and was previously outside of their authority.

This proposal is another example of why many Kansans, many farmers and ranchers from Wyoming, South Dakota, North Dakota, feel their way of life is under attack by the Federal Government's overreach and overregulation.

To date, the Kansas associations of grain and feed, agribusiness retailers, ethanol producers, soybeans, wheat growers, pork producers, livestock, watersheds, golf course superintendents, and the Kansas Cooperative Council all have opposed this rule. Similar organizations in Wyoming and North Dakota and South Dakota and all across farm country have also been in contact with their Senators. These organizations and their members fear the EPA will use this rule to further regulate farmers and ranchers, as well as other normal land uses, such as building homes.

If finalized, this rule could have the EPA requiring a permit for ordinary fieldwork or for the construction of a fence or for even planting crops near certain waters.

Kansans are justifiably worried that the permits would be time-consuming, costly, and that the EPA could ultimately deny the permits, even for longstanding and normal practices—even practices that help the environment.

A friend of mine, Kansas farmer Jim Sipes—he is out there in Manter, KS; that is way out there; that is way out there by the Colorado border; he still has not gotten much rain after 3 years—he explains his view and said: ''The only thing that is clear and certain is that, under this rule, it will be more difficult to farm and ranch, or make changes to the land—even if those changes would benefit the environment.'' He knows what he is talking about.

For the folks back home, the issue of the EPA trying to control more water, whether it is actually ''navigable,'' is not new. We have had this before. We have been down a similar road before with the agency wanting to regulate all of the water in the country, even small farm ponds, I would tell my colleagues, that no self-respecting duck would ever land on.

Now, I think maybe there is a file, I say to Senator HOEVEN—I think there is a file down there in the basement of the EPA. It must be a big one: rural fugitive dust; the navigable waters situation; endangered species, so there is the taking of farmers' ground to force

them to plant native prairie grass to save the lesser prairie chicken, which we cannot even find; and on and on and on and on. I think it must be labeled: What Drives Farmers and Ranchers Crazy. And about every second foggy night, why, somebody pulls open that file and we go through the whole thing again. It is not as though we have not done this before on this issue.

After personally calling on the EPA and Army Corps to withdraw the proposed rule, I want to make sure the expansion of regulatory jurisdiction over ''Waters of the United States''—let's shelve it for good. Let's shelve it for good.

Last week I joined the distinguished Senator from Wyoming Mr. BARRASSO and the majority of our caucus in introducing straightforward legislation that prohibits the Administrator of the EPA and the Secretary of the Army—the Secretary of the Army, for goodness sakes—from finalizing the rule or trying a similar regulation in the future. Put the file back. Just file it away. Maybe put it somewhere where the hard drive is that Lois Lerner lost.

We will continue working here in the Senate, as well as the House, to either convince the administration to back off of this proposal or, if necessary, to block the agencies from moving forward. We have stopped this type of foolishness before, and I expect we will be successful again.

I thank my colleagues for their arduous efforts.

I say to Senator HOEVEN, thank you for leading this effort.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I would like to thank, again, the Senator from Kansas. He is somebody who has been involved in agriculture for—well, he is still a very young man—he is somebody who has been involved in agriculture for a long time and certainly understands what goes into farming.

Think about it. Farmers and ranchers work the land, but that is also their home. Who knows the land better? Who knows the streams and the potholes and the ditches and the roads, who knows their land better than a farmer or a rancher? And who is more concerned about it? Really. Who is more concerned about it? That farmer or somebody who works at the EPA here in Washington, DC? That is important to think about as we look at this kind of regulatory overreach that goes to the very private property rights that are the foundation of this country.

I thank the Senator from Wyoming for his leadership and for the legislation he has put together that he has filed and that we should be voting on right now that I am very pleased to cosponsor.

I would ask the Senator from Wyoming for his comments on this issue and his legislation.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I would like to thank my friend and colleague, the former Governor of North Dakota, now the Senator from North Dakota, who knows these issues very well. And I would like to thank the Senator from Kansas, who talked about the administration's overreach and overregulations and the impact it has on the economy of the United States.

There is very disturbing news out this morning reported by Reuters. The headline: ''Bad to worse: US economy shrank more than expected in Q1 [of this year].'' U.S. economy shrank more than expected in Q1 of this year.

The U.S. economy contracted, not grew, not stayed the same but contracted at a much steeper pace than previously estimated in the first quarter. The Commerce Department said on Wednesday that gross domestic product fell at a 2.9-percent annual rate, the economy's worst performance in 5 years—worst performance in 5 years.

It is because of the overreach, the overregulation that is coming out of this administration. That is why I rise in support with my colleagues and my colleagues who have very serious concerns about the EPA's proposed Clean Water Act jurisdictional rule.

Many if not all of these colleagues recently joined me in introducing the Protecting Water and Property Rights of 2014 Act. In fact, 34 Senators have cosponsored this bill. More continue to join the important effort. They have joined this effort because this important and consequential legislation restricts the expansion of Federal authority by this EPA, which the EPA is trying to use to encompass all wet areas of farms, of ranches, suburban homes all across America.

More specifically, this bill eliminates the administration's proposed rule to implement the expansion of such Federal authority. Through this recently proposed rule, Federal agencies are attempting to expand the definitions of waters of the United States. They want to include ditches and other dry areas where water flows only for a short duration after a rainfall, but the government wants to control even that.

Federal regulations have never defined ditches and other upland drainage features as waters of the United States, but this proposed rule does. It will have a huge impact on farmers, on ranchers, on small businesses that need to put a shovel in the ground to make a living. The rule amounts to a Federal user fee for farmers and ranchers to use their own land after it rains.

It forces suburban homeowners to pay the EPA and Army Corps to use their backyards after a storm. Let's be clear what is proposed in this rule. It takes money away from family farmers and ranchers who just want to grow crops, raise cattle, and it taxes suburban middle-class families who just want to recreate in their own backyard without Uncle Sam bankrupting them for the privilege.

This is the worst thing I think we can do to Americans in this economy, an economy, as I say, that is shrinking—a shrinking economy, not just stagnant, not just sitting there but actually shrinking. That is why my legislation is endorsed by the American Farm Bureau, as well as the American Land Rights Association. It is because they know how devastating this rule is to farmers, to ranchers, to homeowners, and to other small businesses.

Despite what this administration may say and has said about providing ''flexibility''—they use that word—for farmers and ranchers in the proposed rule, the farmers and ranchers of America are not deceived. They will not be misled by this administration. According to the June edition of the publication National Cattlemen, an article entitled: ''EPA's Ag Exemptions for WOTUS''—waters of the United States.

Let me point out that the National Cattlemen—it is the trusted leader and definitive voice of the beef industry, the trusted leader and definitive voice of the beef industry, and the official publication of the National Cattlemen's Beef Association. What that front page article says is:

> Although agriculture exemptions are briefly included, they do not come close—

Do not come close—

> to meeting the needs of the cattlemen and women across the country.

The president of the National Cattlemen's Beef Association, McCan, stated in the article:

> For example, wet spots or areas in a pasture that have standing water, under this rule could potentially be affected. We now need permission to travel and move cattle across these types of areas.

The article lists some other major areas of agriculture not exempted by the EPA's proposed rule:

> Activities not covered by the exemptions include introduction of new cultivation techniques, planting different crops, changing crops to pasture, changing pasture to crops, changing cropland to orchards and to vineyards and changing crop land to nurseries.

Congress never intended the Clean Water Act to be used this way. The Senate, under Democratic control, never brought legislation such as the Clean Water Restoration Act to the floor that would have removed the word ''navigable'' from the Clean Water Act. Why? Because they knew it would have been defeated.

In fact, 52 bipartisan Members, a bipartisan group, a majority of the Senators voted for the Barrasso amendment that rejected the EPA's proposed guidance to seize all State waters during the Water Resources Development Act. Yet this proposed rule by the administration is circumventing Congress by effectively writing ''navigable'' out of the Clean Water Act.

Just as troubling as ignoring Congressional intent, the proposed rule disregards the fundamental tenet embodied in two decisions of the U.S. Supreme Court. Those are decisions that limit Federal jurisdiction. It is particularly troubling that the proposed rule allows the Army Corps and EPA to

regulate waters now considered entirely under State jurisdiction.

This unprecedented exercise of power will allow the EPA to trump States rights and wipe out the authority of State and local governments to meet local land and water use decisions. It is particularly troubling when we have seen no evidence—no evidence at all—that the States are misusing or otherwise failing to meet their responsibilities. Enormous resources will be needed to expand the Clean Water Act Federal Regulatory Program.

Not only will there be a host of landowners and project proponents who will now be subject to the Clean Water Act's mandates and the cost of obtaining permits, but an increase in the number of permits needed will lead to longer delays in actually getting the permits. Increased delays in securing permits will impede a host of economic activities in 50 States, cost thousands of American jobs.

Farming and ranching, commercial and residential real estate development, electric transmission, transportation projects, bridge repairs, energy development, and mining will all be negatively affected. This is at a time when the United States has seen our economy shrink. The Reuters story today talks about shrinkage much more than predicted previously. Regulations such as this continue to damage America, damage our country, damage our families, damage our communities, damage the hard-working men and woman who want to go to work, put food on the table for their kids, raise their families, and go to work, but yet we have an administration that does not seem to see, is blinded by a role of big government. They are blinded from seeing the impact these onerous, expensive, burdensome regulations are having on the American public and certainly on our economy, as pointed out today in this news release from Reuters about the shrinking of the American economy.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I thank the Senator from Wyoming for his leadership on this important issue and pick up on a point he just expressed: Why are we not demanding in this body that we vote on legislation to address this proposed regulation?

As he said so clearly and eloquently, this is an issue this Congress rejected. So now when one of the agencies, the EPA, goes around Congress to set up a proposed regulation that does something the Congress expressly rejected, why in the world are we not voting? It is our responsibility and our right to do so.

America's farmers and ranchers and entrepreneurs go to work every day to build a stronger nation. Thanks to those hard-working men and women, we live in a country where there is affordable food at the grocery store, where a dynamic private sector offers Americans the opportunity to achieve a brighter future. In these difficult economic times, the Federal Government should be doing all it can to empower those who grow our food and those who create jobs. Yet instead regulators are stifling growth with burdensome regulations that generate cost and uncertainty.

Look at the economic data, as the Senator from Wyoming said, that came out this morning. What are we doing stifling that entrepreneurial activity, that entrepreneurship, that creativity that makes the American economy go? This proposed regulation is an example of that. It touches almost every industry.

We are talking about our farmers and ranchers, but it goes across all industry sectors. The proposed rule by the Army Corps of Engineers and the Environmental Protection Agency to regulate the waters of the United States is exactly the type of regulation that is hurting our economy, hurting our entrepreneurs, hurting our farmers, and our ranchers.

The waters of the United States rule greatly expands the scope of the Clean Water Act, regulations over America's streams and wetlands. If we take a look at a chart I brought, I know it is a little hard to see, but it demonstrates the incredible reach of this proposed regulation.

If we look at the chart, we can see it is a real power grab that will enable the EPA to stretch its tentacles far into the countryside and far beyond.

It is not just our farmers and ranchers and water in a ditch or water in a field that is there for maybe 1 week when it rains and the rest of the time it is dry, it affects construction, it affects powerplants, it affects stormwater drainage. I cannot think of anything it is not going to affect.

Is that how our country works now? Instead of the people who are duly elected to pass laws for this country, we stand here and we do not get to vote on any of these issues we were elected to vote on, and someone who is not elected at the EPA or the Corps, they put regulations in place that affect virtually every single American. Is that how this works now? Is that what it has come to?

Because that is exactly what is happening. That is exactly what is going on. The Supreme Court has found that Federal jurisdiction under the Clean Water Act extends to navigable waters. I do not think anyone is arguing about the EPA's ability to regulate the Missouri River or other navigable bodies of water—rivers, lakes—but the Supreme Court also made clear that not all bodies of water are under the EPA's jurisdiction.

So under a significant nexus determination, the EPA has decided: We do not care what the Supreme Court said. We are going to make sure they are all under our jurisdiction, not pursuant to any law. We are going to put a regulation in place that enables us to do whatever we want with any body of water, not just navigable bodies of water.

Again, that is what I have tried to show on this chart. Ephemeral streams, tributaries, all waters deemed adjacent to any navigable body, including dry ditches, including water in fields that may be there for a short period of time, runoff from storm sewers, you name it.

That is not the intent of the law. That is not the intent of the Supreme Court ruling. That is why it is so important that we address it. That is what we propose to do. In the legislation we put forward, both on the floor, in the bill filed by the Senator from Wyoming, the legislation I have offered in Energy and Water, we straightforwardly, we simply and straightforwardly address this regulation.

How much time is remaining?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HOEVEN. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. CARDIN. Mr. President, I would have no objection as long as equal time is added to the block that follows for the Democrats.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. HOEVEN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOEVEN. Mr. President, that is our point. We understand that people bring different points of view to this deliberative body, but the point is this: This is an important issue that affects virtually all Americans, that affects our economy, that affects our farmers, our ranchers, our businesses, the energy sector. You name it.

When we have something of this importance, we have an absolute responsibility to the people of this country to show where we stand on the issue, meaning we have a responsibility to vote on this and the other important issues before this body. That is what we are asking for.

We are saying everybody has a right to bring their point of view and their opinion, but we all have a right and a responsibility to vote on these important issues. That is what we are asking for, a vote on this important issue for the benefit of the American people.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Mr. President, it is our understanding that Democrats control the next 32 minutes.

The ACTING PRESIDENT pro tempore. Democrats control the next 30 minutes.

## ORDER OF PROCEDURE

Mr. CARDIN. I ask unanimous consent that Senator WHITEHOUSE and I be allowed to speak in a colloquy with other Members or to yield time during that 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## WATERS OF THE UNITED STATES

Mr. CARDIN. I was listening to my colleagues on the other side of the aisle talk about the proposed rule for the waters of the United States, and I am somewhat curious as to where they get a lot of their information because if they read the proposed rule—and I point out that this is a proposed rule—it specifically excludes from waters of the United States certain ditches, wastewater treatment plants, ponds, et cetera. I am going to get into the specifics. But if you listen to their points on the floor, you would think all ditches are covered under the proposed rule—which is now subject to comment—and that is not the case.

I would urge those who are interested to please read the proposed rule and determine for yourself the fact that it does not include many of the examples given by the opponents in clarifying the waters of the United States.

Last week I had a roundtable discussion with a group of scientists and concerned citizens dealing with the progress we have made in the Chesapeake Bay. The Chesapeake Bay is critically important—not to just those who live in the watershed; it is the largest estuary in our hemisphere. There is more coastline on the Chesapeake Bay than on the entire west coast of the United States. It is a national treasure and has been declared that by many Presidents. It is iconic to Maryland and supports a diversity of aquatic life which is important to our lives and to our economy. Mr. President, $1 trillion of our economy is based on the Chesapeake Bay.

Starting in the 1980s, we recognized that we had a responsibility to do what we could to preserve and clean up the quality of the water within the Chesapeake Bay. Starting with Maryland, Pennsylvania, Virginia, and now expanding to Delaware, West Virginia, New York, the District of Columbia, and the Federal Government, we have a Chesapeake Bay agreement. The most recent, the fourth one, was recently signed. It recognizes that we have a real challenge to deal with the quality of the water in the bay.

We have asked our farmers to do more, and we have provided help to them in the farm bill for conservation practices. We have asked developers to do more by preserving more pervious surfaces and dealing with the loss of acreage of forest land. We have asked local governments to do more as far as dealing with wastewater treatment facility commitments. We have had a partnership between the government and private sectors. All stakeholders are involved because we believe we all have responsibilities. We are not asking one segment to do it alone. All of us are working together.

But, quite frankly, the regulation of the waters of the United States directly affects the success we are going to have in cleaning the Chesapeake Bay. So the issue we are talking about with the waters of the United States and clarifying that has a direct impact.

I might also tell you that climate change has a direct impact. Those of us who live in the watershed area, yes, we can do our responsibility for reducing our carbon footprint, but we need to get our country engaged in reducing our carbon footprint. We need to do that for many reasons—we need to do that for public health; we need to do that for national security.

Let me remind my colleagues that the Naval Academy, the Aberdeen Proving Ground, Pax River—all critically important to our national defense—are located on our coasts in Maryland and are subjected now to more flooding as a result of sea level increases which, in part, are the result of our activities with climate change. All we ask is that we follow the science.

Le me talk for a moment about waters of the United States because I heard what my colleague said. I have to take us back to 2001 when the Supreme Court issued two decisions concerning the navigable waters and the waters of the United States and added confusion. What this administration is trying to do, what we are trying to do is restore the authority that we all thought was in the law before the two Supreme Court decisions. That is all we are doing—trying to go back to what everyone understood were the regulations of the waters of the United States because the freshwater supply coming into the Chesapeake Bay is critically important to the health of the Chesapeake Bay. So if water goes into the streams, it goes into the bay, and that is of concern to us, and that needs to be regulated under the Clean Water Act.

I will quote from the preamble of the proposed regulation that has been submitted. The preamble says:

> The SWANCC and Rapanos decisions resulted in the agencies evaluating the jurisdiction of waters on a case-specific basis far more frequently than is best for clear and efficient implementation of the CWA. This approach results in confusion and uncertainty to the regulated public and results in significant resources being allocated to these determinations by federal and state regulators.

That is why we had this proposed rule—to clarify the law that gives certainty. How many times have I heard from my constituents: Let us know what the rules are so that we can do our business. That is exactly what this proposed rule is all about.

The National Farmers Union issued this statement:

> NFU has long advocated for increased certainty surrounding Clean Water Act requirements for family farmers and ranchers in the wake of complicating Supreme Court decisions. Today's draft rule clarifies Clean Water Act jurisdiction, maintains existing agricultural exemptions and adds new exemptions, and encourages enrollment in U.S. Department of Agriculture conservation programs.

That is their quote. The reason that is—there are 56 conservation practices that are specifically exempt from this regulation, so if farmers are participating in these conservation practices, they don't have to worry about the issues to which some of my colleagues referred.

Let me quote from the proposed regulation itself. The regulation says that the following are not waters of the United States: waste treatment systems, including treatment ponds or lagoons; prior converted cropland; ditches that are excavated, and it gives certain conditions; ditches that do not contribute flow, either directly or through another water, to the waters of the United States, so we have exempted ditches; certain artificially irrigated areas are exempted; artificial lakes or ponds created by excavating and/or diking dry land; artificial reflecting pools or swimming pools created by excavating and/or diking dry land; small ornamental waters created by excavating and/or diking dry land; water-filled depressions; groundwater, including groundwater drained through subsurface drainage systems; and gullies and rills and non-wetland swales.

If you listen to my colleagues, they would tell you that if, as a farmer, you have a ditch on your property that is just on your property, that you are using for irrigation on your property, it would be subject to this regulation. It would not be. It is specifically exempt.

Here is the point.

Mr. HOEVEN. Would the Senator yield?

Mr. CARDIN. Let me finish my point.

Here is the point. This is a proposed regulation. So if you think further clarification is needed, there is an extended comment period. If you think we need to make further clarifications on issues—what we are trying to get at are practices that affect water that will go into our streams and rivers and in my case end up in the Chesapeake Bay watershed, which in trying to clean up the bay we have to deal with.

The success of the Chesapeake Bay Program is that all stakeholders are involved. We use the best science. We need everyone doing their fair share. Therefore, if your activities contribute to water flowing into the Chesapeake Bay watershed through our streams and rivers, yes, you are regulated under the Clean Water Act. But if you have a self-contained ditch that is not involved in that and are using it for irrigation, absolutely not. If you participate in the conservation programs, you don't have to worry about a new set of regulations. That is what this does.

Our true leader on this has been Senator WHITEHOUSE. I thank him very much on the climate change issues, on the environmental issues. He has been on the floor every day.

I want to make sure my colleagues have a chance to express their views on this issue. It is critically important.

I yield for my colleague from Rhode Island.

Mr. HOEVEN. I would ask, would the Senator yield for a question?

Mr. WHITEHOUSE. I would be pleased to yield for a question, but let me make one point first.

I think it is not insignificant that each Senator who spoke against this proposed regulation hails from a landlocked State. Coastal States such as Maryland and Rhode Island have quite a different perspective because we have bays—in Senator CARDIN's case, the Chesapeake Bay; in my case, Narragansett Bay.

You don't have to look much farther than the Gulf Coast to see an example of what happens when landlocked States up the river overload flowing waters with chemicals, such as nitrogen and phosphorus, that have a beneficial use as fertilizer in those landlocked, upland States, but when they run off and come down into smaller tributaries and end up in the mighty Mississippi River and stream down through the middle of our great country and out into the Gulf of Mexico, they create, literally, dead zones in which nothing lives because the water has become anaerobic, meaning it does not carry enough oxygen to support life. Some of these can be vast dead zones, and very often they result in fish kills and crab kills because the species don't have a chance to get out of the way. Suddenly, they are strangling, they are suffocating in their own waters. That is not something we can overlook.

I am willing to listen to my colleagues with upland, landlocked agricultural States tell me how important it is that they be able to load up with fertilizer, grow their crops, and do all of those things. I appreciate and understand that point of view. That is not the only point of view. There are sister States for which that creates a real problem, and it is not fair to come to this conversation and assume that we have nothing to say, that our coasts have no stake in these decisions, and that there is only one side to this argument; that is, how much stuff you can dump out on your agricultural properties. That isn't fair, it isn't accurate, it is not scientific, and it is not good for our country. I think we need to have a good debate in which the coastal States and their imperatives and their perils are also part of the equation.

I yield for Senator HOEVEN's question.

I ask that the time used for Senator HOEVEN's question be charged against Republican time.

Mr. HOEVEN. I thank the Senator from Maryland and the Senator from Rhode Island for coming to the floor and making exactly the type of point I am making.

Thank you for being here. This is the debate we should have, and it should be vigorous, as it is. We should have all Members, whether they are from a coastal State or an inland State, and we should debate every aspect of this proposed rule. This is important to them. This is something that affects American people regardless of what State they live in. We should have this debate, and then we should vote on this issue.

Mr. WHITEHOUSE. I yielded to the Senator for a question.

Mr. HOEVEN. My question to you is, very simply, first, EPA, in order to provide exemptions, has to maintain that they have jurisdiction in all these areas. That is the very point I am making to the point made by the Senator from Maryland. EPA is now deciding where they have jurisdiction and where they don't. We are not. And they are doing it far beyond the scope of the Supreme Court's rule.

So my question is, If they can decide where they are going to give exemptions, how can you say they are not exerting jurisdiction?

To the good Senator from Rhode Island, every downstream State can allege the issue you made in your earlier point. I understand that. But to both of you, my point is, let's have this debate and then let's vote on behalf of the American people. Would the Senators agree that is what we should be doing in this body?

Mr. WHITEHOUSE. Reclaiming the floor, let me say that—first, a little bit of history as to how we got here because I think that bears very much on the Senator's questions. We had quite a clear set of regulations under the Clean Water Act. Most everybody understood them. There was a standard operating practice that had developed, and into that relatively stable situation came these two Supreme Court decisions that Senator CARDIN referred to, and they cast a constitutional and statutory pall over the scope of the EPA's authority for nonnavigable waters. But—and the Supreme Court gets to do this if they want—they provided very little clarity. So there was vast uncertainty about what was going on now in the wake of these decisions.

So Members of Congress, businesses, agricultural groups, environmental groups, and many other stakeholders asked for this rulemaking. They asked for this rulemaking so that the administrative agency that was going to enforce these provisions could be given the first cut at figuring out how they apply. That is what they did in this rulemaking. They answered the call that came from Congress, agricultural interests, environmental interests, and they came up with a proposed rule. The rule preserves and reiterates all of the current water exemptions and exclusions that preexisted, and it adds even new clarification that excludes certain water features—as Senator CARDIN pointed out—and excludes them outright.

This is the clarification that Congress asked for. This is the clarification that agricultural and environmental interests asked for. And I would submit to my friend Senator HOEVEN that if he doesn't like this result, he should wait until there is actually a result, participate in the administrative process, and let the EPA know what his feelings are.

If they come out with a final rule—this is just a proposed rule—that he finds intolerable for his landlocked upland agricultural interests, then we will have that debate and we will have an actual rule to argue about. But while he has an open invitation from EPA that says, let me know what your thoughts are and we will consider changing our rule, we shouldn't trump that process. They are the experts in this type of enforcement. We are going to hand it back to them, anyway, because we legislate very broadly.

So let's let them do the process. Let's let them come up with the rule, and then I am ready for this debate all day long. But don't forget our coastal States. Don't forget our bays.

Mr. CARDIN. If the Senator will yield for one moment, I also want Senator HOEVEN to understand the history.

Shortly after the Supreme Court decision many of us filed because there needed to be clarification. We had urged Congress to do that. But it was opposition from the Republicans that prevented us from considering that legislation. They blocked us from considering a congressional clarification as to the Supreme Court decision, and now we are faced with a situation in which the administration is doing what it must do; that is, to provide, under its own authority, where it can act, clarification that it so desperately needed.

As Senator WHITEHOUSE has said, what this regulation is about is clarifying the confusion by the Supreme Court decision as to what is regulated or not. As a result, landowners don't know whether they can do this or not. They don't know. That is the worst of all worlds, when you don't have certainty as to how you need to act, and that does cause speculation that in many cases is not true. But they don't know what the rules are.

So, quite frankly, what the administration rule is patterned after is a lot of discussion we had in the Congress of the United States shortly after the Supreme Court decision as to trying to codify the practice before the Supreme Court decision. There didn't seem to be a lot of people upset with the manner in which the EPA was regulating the waters of the United States prior to the two Supreme Court decisions in 2001. That is what the regulation is aimed at—getting us to before the point of the Supreme Court decision and where Congress was trying to legislate but blocked by Republicans shortly after the decision.

I think Senator WHITEHOUSE is exactly right. What we should be doing now if we have concerns is expressing them. First, it might be helpful to read the regulation and see what is in it and what is not in it, what is regulated and what is not regulated. If there are things in here we think are wrong, that

is what a comment period is about. Let's wait until we get the final regulation and then, yes, we will have a debate, I am sure, at that time, which is appropriate, and then we can debate exactly what the regulation says.

Mr. WHITEHOUSE. May I ask the Senator from Maryland to comment on another point.

We are having a conversation right here and right now on the floor about a specific EPA regulation. But those of us who are here on the floor a lot and those of us who pay attention to these issues can't not see this conversation in the context of a larger conversation that is taking place in the Senate. That causes me to inquire: When will a Republican come to the floor and ever support EPA on anything? When will that happen?

I was just speaking in the House at a hearing, and Representative ELIJAH CUMMINGS, the ranking member of the committee that I was testifying before, pointed out that they were coming up on the House Republicans' 500th vote attacking the environment in the House. Now, we know they have tried to repeal ObamaCare 50-plus times—but 500 attacking environmental regulations? I can't not see this in that larger context of a party that has simply thrown over its proud environmental history and just consistently takes the position of the polluter almost as a reflex.

Mr. CARDIN. Senator WHITEHOUSE is exactly right. We were together in the hearing in the Environment and Public Works Committee, where we had many previous administrators from the Environmental Protection Agency. There were those who served under Democratic administrations and Republican administrations.

Mr. WHITEHOUSE. If I remember correctly, we had four from Republican administrations.

Mr. CARDIN. Four from Republican administrations—and as was pointed out in the hearing where we were talking about the Clean Air Act, it was passed by bipartisan support in Congress and signed into law by President Nixon, and it was a proud moment.

We have done many analyses that show the regulations issued under clean water and clean air pay back dividends far in excess of compliance costs, such as 40 to 1. There are people who can breathe and not have to worry about an asthma attack because we have clean air. There are those who don't get sick because of pathogens that may be in our drinking water or people getting sick just bathing on our shores. We reduced that, and the number of premature deaths we have eliminated.

The public health benefit of the Clean Water Act and Clean Air Act pays back multiple dividends to people of this country, and that is why this has never been a partisan issue. Quite frankly, the Chesapeake Bay Program—the partnership—has never been a partisan issue in Maryland.

Some of our strongest benefactors—the people who have caused us to have this type of unity—have been Republican leaders in our State, along with Democratic leaders. We don't even know the party it ought to be. This has been a public calling because we know the seriousness of the issue.

The Environmental Protection Agency has a long history of nonpartisan activities in order to protect the public health of the people of this country, and it is extremely disappointing that there is no cooperation at all.

Mr. WHITEHOUSE. It is an anomaly. It is a historical anomaly that the present-day Republican party finds itself in this position where they will only come to the floor to attack and try to discredit the EPA. The only time they come to talk about the EPA is to oppose what the EPA is doing. They will never come to the floor and admit climate change is real and we should do something about it. They will never do that. The position that is articulated most frequently on this floor is the position that climate change is a hoax. Even young Republicans think that idea is preposterous, but that is as far as we get in trying to have a conversation on that issue. The other side has just gone dark on dealing with climate change. They simply won't discuss it or they send out as their champions the people who claim it is not real. That makes things a little bit awkward. And always—always—where there are two sides of the ledger, they look just at the one side. They look just at the polluters' side. They look just at the upland farmers and their nitrogen and their phosphorus, and they won't look at what that means to our coastal bays and coasts and harbors. They look only at the money that a polluter has to spend to clean up their powerplant, and they don't look at the savings to the rest of the public from that cleaned-up powerplant.

Senator CARDIN mentioned the savings from the Clean Air Act and the Clean Water Act. I can be specific about the Clean Air Act savings. It is $30 in value to all regular American families for every $1 the polluters had to spend to clean up their act. So for every $1 spent by polluters to clean up their act, it paid $30 in benefit to the American public. Yet they will only look at the $1. They never talk about the rest. They have blinders on that oblige them only to consider the point of view of the polluters. I never hear anything else.

I urge and I challenge my colleagues to get out of that trap. The American people are not with you on this. You are wrong on the science. This general attack on the environment at this stage in our history will stain the party's brand if it is not corrected. They have got to come back and join the debate on a platform of fact and in a context of willingness to look at both sides of the ledger.

Madam President, I see colleagues on the floor who I am sure seek time, so I will yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). Senator from Virginia.

## IRAQ

Mr. KAINE. Madam President, I rise to discuss the current crisis in Iraq. In particular, I wish to discuss an important question: Would Congress need to approve any U.S. military combat action in Iraq?

Last week, the President summoned congressional leadership to the White House to discuss the deteriorating situation in Iraq and a potential U.S. response. Press reports of the meeting had Members quoting the President as saying he had all necessary authority for military action already, and some accounts had the congressional leaders also agreeing that the President had necessary authority.

I do not believe this President—or any President—has the ability without congressional approval to initiate military action in Iraq or anywhere else, except in the case of an emergency posing an imminent threat to the United States or its citizens.

I also assert that the current crisis in Iraq, while serious and posing the possibility of a long-term threat to the United States, is not the kind of conflict where the President can or should act unilaterally. If the United States is to contemplate military action in Iraq, the President must seek congressional authorization.

Let me point out that the White House has been in significant consultation with congressional leadership and Members in the past weeks, and that consultation is important and it is appreciated. But it is not the same thing as seeking congressional authority. That has yet to be done, and it must be done if the United States intends to engage in any combat activity in Iraq.

A word about the law. The Framers of the Constitution had a clear understanding regarding decisions about war. Congress must act to initiate war. A war, once initiated, is then managed by the President as Commander in Chief.

The principal drafter of the Constitution, Virginian James Madison, often explained why the allocation of power was drawn in this way.

> The constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it. It has accordingly with studied care vested the question of war to the Legislature.

The Framers did understand that a President must be able to act in an emergency to protect the United States or its citizens even prior to congressional approval. That is especially the case in the day when Members of Congress, upon the recess, would ride horses back to Vermont or wherever they lived. The President had to be able to act if the United States or an

embassy or a naval ship was under attack. But even in those circumstances, the Framers understood that in an emergency a President could act but would then still need to seek formal congressional approval of any military action that had been taken.

It is important to understand that this basic allocation of power is not just about constitutional phrases. It is about underlying values.

First, the requirement for congressional approval ensures that American troops will not be sent into combat without a clear political consensus that the mission is worthwhile. It would be the height of public immorality to order servicemembers to risk their lives when the Nation's political leadership has not done the work to reach a consensus about the value of a mission.

Secondly, the requirement of congressional approval to initiate war also guarantees that there will be a public process of debate and voting by which the citizenry can also become educated about what is at stake and whether America should take the grave step of authorizing war to protect the national interest. Congress, as the decision-maker, as the initiator, as the declarer of war, supports these important underlying values.

Applying that law to Iraq, the current situation is very troubling. Congress authorized war in Iraq in 2002. In 2008, President Bush signed an agreement with Iraqi Prime Minister Maliki to cease combat operations and withdraw U.S. troops by the end of 2011. After President Obama became President, he worked with Iraq and was willing to have U.S. troops stay past 2011 to provide continued assistance to the Iraqi security forces if they desired it, but the Iraq Government would not provide the immunities and other security assurances that were necessary for the United States to stay. They basically communicated that they did not want us to stay. So the U.S. military ceased combat operations and departed in 2011. By all accounts the U.S. combat role stopped at that moment.

In the years since 2011, Prime Minister Maliki has governed Iraq in a way that has exacerbated tensions between the country's ethnic groups. In particular, instead of building an Iraq for all Iraqis, the Maliki government has preferred the Shia population with the support of Iran and marginalized—even oppressing—the Sunni and Kurdish populations, and these regrettable actions have weakened the support for the government and have created fertile ground for Sunni extremism.

The fanatic Sunni organization ISIL has grown in its campaign to topple the current Syrian Government and now seeks to do the same in Iraq as part of its plan to establish a larger single Sunni caliphate from Lebanon to Iraq. ISIL is a well-armed and well-funded organization of jihadists. While their primary motive is the toppling of governments in the region, there is little doubt that they will seek in the future to strike western targets in Europe and in the United States. This explains the current concern and the current debate in this body about how to counter the threat ISIL poses. While ISIL terrorists pose a concern, it is important to point out that there is nothing in current law that would allow the President to take military action against them without congressional approval.

Let's look at current law.

Congress passed an authorization for the use of military force immediately after the 9/11 attacks to allow action against those who perpetrated the attacks on that day. ISIL had no connection with the 9/11 attacks. ISIL did not form until 2003. Both the Bush and Obama administrations have broadly interpreted that AUMF to allow attacks against Al Qaeda or associated forces, but ISIL is not Al Qaeda, nor is it an associated force. While it forged a temporary alliance with Al Qaeda in 2004, 3 years after 9/11, it is now an avowed enemy of Al Qaeda and is viciously battling Al Qaeda in Syria as we speak. It would be a wholly unprecedented stretch to suggest that the 2001 AUMF now would justify military action against ISIL in Iraq.

Congress acted in 2002 to authorize military action in Iraq to topple the regime of Saddam Hussein. All combat operations ceased in 2011 and even the administration now maintains the Iraqi AUMF is obsolete and should be repealed. Clearly the 2002 AUMF would not support unilateral action against ISIL.

In some instances a President relies upon a treaty ratified by Congress that requires the United States to come to the military defense of an ally, but there is no such treaty obligating America to defend Iraq in this instance.

Finally, there is not yet an imminent threat to the United States that would allow the President to take unilateral military action against ISIL. The administration rightly points out that the growth of ISIL could prove a threat to the United States in the medium or long term, but they pose no imminent threat to the United States today. Of course, should ISIL threaten the U.S. Embassy in Baghdad, the President could take emergency military action and rescue American personnel, and all of us are watching carefully and all of us will support action to protect the lives of our diplomatic personnel.

I conclude, from looking at all the authorities, that the President cannot initiate unilateral military action in Iraq with the sole exception of acting promptly if needed to secure American Embassy personnel. The dangerous situation of ISIL in Iraq is exactly the kind of situation where the President must not only consult with Congress but he also must seek congressional approval for any proposed military action.

We know seeking congressional approval for military action is very challenging and it is contentious, and it is supposed to be. While this often frustrates the Executive, it is how the system is supposed to work. When Presidents follow the rule, it generally works out for the best. Let me use the recent example of Syria. When the President did follow the basic form, it worked out in a way where something positive happened—not everything we might want but something positive. The President laid down a clear red line: The United States believes it would be wrong for Syria to use chemical weapons in violation of the 1925 Geneva Convention against their use. In August 2013 Syria crossed that red line and did use chemical weapons against men, women, and children, civilians. The President weighed what to do. He didn't act unilaterally. He came to Congress seeking authority to punish the Assad administration for using chemical weapons and to deter their use in the future.

As a member of the Foreign Relations Committee, we had extensive hearings and then we voted to grant military authority to the President to take action in those circumstances. As you know, it was contentious in the body. The matter never came to a full vote on the Senate floor or the House floor; but after the Foreign Relations Committee authorized the President to use military force, Syria then stepped up for the first time, acknowledged they had a chemical weapons stockpile, essentially acknowledged they had used it, and then committed through international organizations at the U.N. to destroy one of the largest chemical weapons stockpiles in the world. That accomplished the mission the President had put on the table to deter future use of chemical weapons. There is no better deterrent of that stockpile of chemical weapons than their complete destruction, and as of now the entire declared chemical weapons stockpile of Syria has been destroyed. Work is underway to determine whether there are undeclared elements of the stockpile that still must be destroyed. The fact of the destruction of this chemical weapons stockpile, one of the largest in the world, happened because the President followed the rules, came to the Senate, we acted to support military force, and then that led to this important breakthrough.

I met 2 weeks ago with officials connected with the Israeli Government and they described what a game changer it is in the region for Syria's neighbors, Turkey, Israel, Jordan, Lebanon, to have that chemical weapons stockpile removed. So the President followed the rule, came to Congress, and while the Syrian civil war is not over and still is carrying on in a horrific way, that huge stockpile of weapons of mass destruction is now gone.

That teaches me and tells me: Let's learn from it.

The President should come to Congress if military action is contemplated in Iraq, and he has an excellent opportunity before him to initiate

that discussion right now. All know that the 2001 authorization passed in the days after 9/11 to enable us to go after the attack perpetrators is badly in need of an update after 13 years. Despite its facial language only allowing military action against those complicit in the 9/11 attacks, it has been broadly interpreted to authorize a global war against Al Qaeda or associated forces so long as they pose a threat to the United States or any of its dozens of ''coalition partners.'' That AUMF 13 years later has no geographic limitations. It has no expiration date. Members of the administration have testified in Senate hearings that they expect the war declared in that AUMF may go on for the next 25 or 30 years.

I wasn't here in 2001, but I have no doubt that the Members of Congress who voted for that authorization never would have contemplated war lasting into the 2030s or 2040s, and the American public has never expressed support for such a notion of perpetual war.

But the threat posed to the United States and our allies by nonstate terrorist organizations, whether it is ISIL or Al-Qaeda or Boko Haram or Al Nusra or others, is real and it has grown; and the very nature of the threat is quite different from the old notion of nation state military power that was our standard challenge even through the end of the 20th century.

In a speech in May of 2013 to the National Defense University, President Obama recognized that the administration and Congress have to work together to examine and update the 2001 AUMF in order to narrow its scope, clarify what it allows, and make it suitable for the new challenges that are before us. I have heard many of my colleagues in this body say exactly the same, but there has been no progress on this necessary update. The administration has made no proposal. There is no AUMF revision under active consideration in either House. Strangely, while all acknowledge the authorization needs an update, we drift from crisis to crisis—Syria, Iraq, POW exchanges—without grappling with the underlying document that initiated our entrance into war 13 years ago.

We cannot afford further delays in tackling this important task. So as I conclude, I encourage all of us, Congress and the administration, to embark on the work of updating the 2001 authorization to reflect the current dimensions of our security challenges. The administration should send to Congress a proposal for a revised and narrowed authorization that specifies how the United States should seek to counter threats posed by groups such as ISIL. There will be a role for the military and there will be a role for counterterrorism activities carried out by our intelligence agencies. There will be a role for diplomacy and there will also be a role for development assistance to eliminate the conditions of desperation that so often breed fanaticism. But it is time for those roles to be clearly described so they can be publicly debated and ultimately adopted by Congress.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

## TRINITY SITE RECOGNITION

Mr. UDALL of New Mexico. Thank you very much, Madam President, and I thank my colleague from the Foreign Relations Committee for a very good speech on a critical issue that our Nation faces right now.

On July 16, 1945, the first atomic bomb was exploded at the Trinity site in New Mexico. For residents of the Tularosa Basin, it marked the beginning of decades of cancer, chronic illness, and suffering that continues to this day.

Next month there will be a candlelight vigil organized by the Tularosa Basin Downwinders Consortium. Folks will once again gather as they have done now for each year for the past 5 years. They will stand shoulder to shoulder, they will light candles, and they will remember. They will remember that an injustice was done and has yet to be righted.

The Trinity explosion paid little attention to surrounding communities. Radioactive debris fell from the sky, killing cattle, poisoning water, poisoning food, the air we breathe. The damage was done and would remain long after the test was finished, for generations. The suffering it caused is very real and so is the sadness, disappointment, and anger. Attention was not paid then, but it must be paid now.

That is why I have introduced legislation in this Congress to amend the Radiation Exposure Compensation Act to recognize the Trinity site, to include the New Mexicans who have suffered for decades, who still wait for justice, who still wait for compensation from the Federal Government for their injuries almost 70 years later—still waiting.

We cannot change the past. We cannot restore the lives of those who have passed away or erase the years of health problems, the years of suffering endured by too many and for too long, but fair compensation will make a difference and provide badly needed help.

The original RECA legislation required years of work on the ground. My father helped lay the groundwork for RECA a quarter of a century ago. Through his work with radiation exposure survivors and their families, compiling stories and records and histories of victims, the Tularosa Basin Downwinders Consortium continues this critical work and I encourage them to keep up the fight.

This is a bipartisan effort and driven by simple fairness for American citizens who should have been helped but were ignored instead. Our bill would expand the downwind exposure area to include seven States from the Trinity and Nevada test sites and would include Guam from the Pacific side. It would also help post-1971 uranium miners to be eligible for compensation and it would fund a critical public health study of those who live and work in uranium development communities.

I will continue to push for this legislation. It is the right thing to do, and we should get it done.

When folks gather in Tularosa and stand together as candles flicker in the New Mexico sky, we will take a moment and remember those who have been affected by cancer, who have been brought down by radiation-related diseases, and we will remember those who passed away and those who continue to suffer. We offer our prayers and support to those who are still fighting. We stand with you. We know you have suffered. We know justice has not been done, and we will not rest until it is.

I wish to commend the Tularosa Downwinders Consortium, folks such as Tina Cordova and the late Fred Tyler, who will be greatly missed—great advocates, dedicated, committed, and refusing to give up. Thank you for making your voices heard, making your stories known, and for not giving up the fight. Together we will work for fairness until the day comes that we can stand together in Tularosa and light candles of celebration that justice has been done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

## FREEDOM OF RELIGION

Mr. BLUNT. Madam President, I wish to talk today about a couple of issues. This first issue I will address concerns the first freedom and the First Amendment in this country, a matter which people in other parts of the world are seeing in jeopardy, and that is freedom of religion.

I read an article from the BBC about the current status of Meriam Ibrahim. Just 2 days ago she was acquitted of her death sentence in Sudan, and many people in this building and around the world applauded her release. She was sentenced to death because she would not disavow her Christian faith. In fact, for months she had been held in prison. She gave birth to a child while she was in prison, and she had a young child with her while she was in prison. The birth of the baby, and then the early months of the baby's life, was the determining factor as to when she would be first beaten and then hanged because she would not disavow her faith.

Two days ago, she and her two children were set free. She is the wife of a naturalized U.S. citizen. She had been imprisoned by this government, and unfairly so. Many of my colleagues have been working to secure her release. Last month Senator AYOTTE and I sent a letter to Secretary Kerry urging him to offer and provide political asylum for her immediately. We should not have to provide asylum for her

family. Her husband is a U.S. citizen, and because of that both her children are U.S. citizens. Because of her faith, she had been sentenced to death.

The State Department wondered how much jurisdiction it had in this case, and so Senator AYOTTE and I sent another letter to both the State Department and Homeland Security—that agency has the ability to allow people to leave a country or come into a country.

On Monday, it looked as though the situation was moving in the right direction. She had reportedly been acquitted and was set free. She was allowed to join her husband and their children at the airport, but yesterday when they tried to leave the airport, news outlets reported she was rearrested. I hope by rearrested they mean she was detained for paperwork, but the Sudanese Government needs to let her go.

If they are so concerned about the issue of faith and don't want someone there who is willing to promote another faith—or at least live another faith—they should at the very least let her leave the country. I think asylum in the United States for her U.S. citizen husband, her U.S. citizen children, and her is appropriate. That way the danger they feel they face by someone who is willing to profess another faith would be gone.

I cannot imagine why the Sudanese Government would not allow her to leave the country, and I encourage them today to release them.

NBC News reported:

> The NISS, a shadowy and feared institution, said on its Facebook page that Ibrahim and her family had been attempting to travel to the U.S. with documents from the Embassy of south Sudan, which split from its northern neighbor in 2011 after years of civil war. It said she was carrying a U.S. visa, and that her attempts to use the documents were considered a ''criminal offense.''

Apparently the documents were purportedly—at least according to this news report—from South Sudan. But those documents should have been enough to let her leave and should not have been considered another criminal offense.

These authorities have told reporters that Meriam Ibrahim was using a valid travel document issued by the Embassy of South Sudan, and then suddenly her valid travel documents were deemed not valid.

The State Department, I hope, is doing everything it can to work with the Sudanese Government to ensure that this family is able to come back to the United States. This continued harassment over someone's faith has to end. We need to be doing everything we can. Her husband is a U.S. citizen and her children are U.S. citizens. This is an American family and Sudan should let them leave and let them leave now.

If this were the only time something such as this happened, it would be a terrible problem, but this injustice takes place in so many countries around the world. Apparently the one faith you can't profess is the Christian faith.

When news of Meriam's death sentence came to light, it was about the same day there were reports of another American citizen, Pastor Saeed Abedini, who had been beaten badly in a hospital in Iran. He was there because of his faith. He was taken to an Iranian prison that was notoriously known as the most dangerous prison you could possibly be in in Iran.

Last year I joined with 11 of my colleagues—at the time Secretary Clinton was leaving—urging Senator Clinton to use every resource we had to release him as well. Our government condemned the Iranian Government for his prosecution.

He converted to Christianity as a teenager before moving to the United States with his wife. He established some churches that were underground churches in that country.

In 2009, he was arrested for so-called Christian activities. He was released on bail. He agreed not to continue his work with the underground churches, but as he was traveling back and forth between the United States and Iran in recent years, he was working to establish nonreligious orphanages in Iran.

In September of 2012, he was detained after he lawfully came into Iran through Turkey. He is now serving an 8-year jail sentence on charges related to his Christian faith, and all the while he has been interrogated intensely and beaten to the point where he was taken to the hospital and then he was beaten in the hospital. After that, he was taken to the most dangerous prison you could take a person to in Iran.

The activities I have just described cannot be allowed to continue. I don't know how we can move forward with talks with the Iranians and not ask them for such a simple gesture that would allow this U.S. citizen to come back to the United States—and don't kill him in one of your prisons or hospitals. It would show a sign of a good-faith effort as we continue to have these discussions.

I hope the President will step forward, along with the Secretary of State, and talk about these grave abuses of human rights.

Last year the Senate Foreign Relations Committee reported out a bipartisan bill to appoint a special envoy for the purpose of promoting religious freedom among religious minorities in the Near East and South Central Asia. The House has already passed this bill.

This continued violence—particularly against Christians—against all religions that governments are in disagreement with is deeply disturbing. It defies the freedoms we hold dear.

When people's rights to their own religious beliefs are abused in the Middle East or Sudan or anywhere else, the United States of America should be the first country to step up and say: We are going to do whatever we can to ensure more religious freedom, and in this particular case, to ensure that the Ibrahim family—in prison in Sudan—is able to leave and Pastor Abedini is able to leave Iran.

## AFFORDABLE CARE ACT

Mr. BLUNT. The other matter I wish to talk about for just a few minutes deals with the disappointing answer Senator ALEXANDER and I got this week from a request we made several days ago about a processing center near St. Louis where the employees have stepped forward and basically said this was a processing center for the Affordable Care Act. One group that may not be able to afford the Affordable Care Act—among many others—may be the taxpayers. These employees stepped forward and said they were really not doing anything.

The St. Louis Post-Dispatch reported this morning:

> Whistleblower allegations last month that claims workers slept, read or played games at Wentzville invoked a flurry of questions from Missouri's congressional delegation.

Moving on with their story, they cite one of the whistleblowers as saying:

> We played Pictionary. We played 20 Questions. We played Trivial Pursuit.

She estimated she processed six applications the entire month of December.

CMS, while not acknowledging any of those allegations, said it ''has adjusted Serco's work to accommodate changing operational needs.'' That is sort of a nonanswer answer.

If we want the government to work more effectively, the government has to be responsive to the Congress.

Mr. President, I unanimous consent to have my letter printed in the RECORD.

This letter is dated June 17, but we had to call them yesterday to see if they were ever going to respond. They stamp-dated this a few days ago, but we certainly have not received anything.

I understand the Affordable Care Act is not going the way the administration had hoped, but that doesn't mean they can continue to pretend there are applications where there are no applications or work where there is no work or contracts that have not performed.

This is a British company that was already in trouble with the British Government that has not performed there. It appears to be one of the considerations to get a $1.25 billion contract here.

I wish to have answers to these questions. I know many in the Congress wish to have answers to their questions. They wish to ask questions rather than to have to listen to whatever information the administration would like to give.

I think the entire Missouri congressional delegation is interested in this, as are people who are wanting the taxpayers to be protected and for people to have access to health care they can afford and that meets the needs of their family.

There being no objection, the material was ordered to be printed in the RECORD as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR MEDICARE AND MEDICAID SERVICES

*Washington, DC, June 17, 2014.*

Hon. ROY BLUNT,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR BLUNT: Thank you for your letter regarding the recent news story about employees of Serco, a contractor to the Centers for Medicare & Medicaid Services (CMS), which provides eligibility support for the Federally-facilitated Marketplace (Marketplace). CMS is committed to working with Serco, and all of CMS's contractors, to ensure that federal funds are spent appropriately and that performance expectations are clear and monitored. We closely monitor the work Serco is doing regarding the number of employees it has, including staff allocation by job function, and we are confident that the balance is appropriate.

On April 22, CMS was notified by Serco of a request for an interview with KMOV, a local news station in St. Louis, Missouri, regarding the allegations of misconduct at its Wentzville, Missouri facility. Upon learning about the allegations, CMS formally requested Serco to conduct a compliance investigation for the purpose of reviewing the allegations of inappropriate employee conduct at its Wentzville, Missouri facility as cited in the news story and to take any necessary steps to address them. At this time, CMS does not have any knowledge of similar allegations taking place at any of Serco's other facilities.

Regarding adjustments of Serco staffing levels in response to Marketplace workload, total Serco workforce numbers and patterns vary and are adjusted based on the needs of the contract. Currently, Serco has approximately 3,000 employees stationed among its four locations. The number of Serco staff is reviewed on a regular basis by CMS and adjustments to staffing levels are made as appropriate based on the workload and requirements of the contract. Over the course of open enrollment, and now after open enrollment, CMS has adjusted Serco's workforce to accommodate changing operational needs. For example, CMS adjusted the workforce to process more paper applications last fall, when HealthCare.gov had technical problems, and then again for calling consumers to help them take the necessary steps to complete their enrollment.

For oversight purposes, CMS monitors Serco's performance through a range of contractually required reports, meetings and site visits. CMS receives daily production and staffing reports from Serco, and communicates with Serco representatives daily to discuss operations and policy guidance to ensure adequate staffing levels and operational priorities. CMS has also conducted site visits across all four Serco facilities and is in constant communication with Serco's management team.

Regarding the question of oversight or other actions to ensure compliance with contract terms, in accordance with Federal Acquisition Regulation (FAR) 42.15, CMS will complete an annual evaluation of Serco utilizing the Contractor Performance Assessment Reporting System at the end of the base period. In the event of inappropriate activity related to payments already made to Serco, CMS would take recourse that is legally and contractually allowed.

Concerning document production and consumer notifications, since October 1, 2013, Serco has handled more than 1 million documents related to the Marketplace and made 1.4 million outbound phone calls to Marketplace applicants. Serco performs a number of duties for CMS other than processing initial paper applications. Serco workers also are involved with verifying information, processing exemptions, resolving conflicts of information, and calling consumers to obtain missing information or necessary documentation.

Finally, in consideration of whether Serco would be granted a one-year option period at the end of the contract's one-year base period, CMS will conduct a review of the quality of the work currently being performed by the contractor, determine whether the contractor has met the terms and conditions of the contract thus far, and assess if the requirement covered by the option continues to fulfill an existing government need. CMS's review will fulfill all of the conditions prescribed in FAR 17.207, Exercise of Options.

I understand your concerns and appreciate you bringing them to my attention. will also provide a copy of this response to Senator Lamar Alexander. Once again, thank you for your letter and do not hesitate to contact me if you have any further thoughts or concerns.

Sincerely,

MARILYN TAVENNER,
*Administrator.*

Mr. BLUNT. I yield the floor and ask unanimous consent that we move to the quorum call and that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE PLIGHT OF MERIAM IBRAHIM

Mr. ALEXANDER. Madam President, the Senator from Texas is on his way to the floor to talk about Meriam Ibrahim. He has been regularly joined by other Senators, including Senators AYOTTE, RUBIO, INHOFE, SHAHEEN, and COONS and many others who share my deep concern. Hundreds of Tennesseans have written and called my office about this situation.

I am outraged by this blatant attack on religious freedom, and I join my colleagues in demanding that the President and the State Department act immediately to help Ms. Ibrahim.

Meriam found herself in this situation because she was born to a Muslim father and an Ethiopian Orthodox Christian mother. Meriam's father abandoned the family when Meriam was 6 years old, so she was raised as a Christian. Meriam later married Daniel, an American citizen, who is also a Christian. The Sudanese Government considers Meriam a Muslim, even though she is a devout Christian.

When Meriam was ordered to renounce her faith, she refused. For that crime, the Sudanese Government condemned her to death. She was convicted and sentenced to receive 100 lashes and then be hanged. To make matters worse, she was pregnant with her daughter when this happened. Her son is less than 2 years old and was forced to live in a women's prison outside Khartoum, where they were held until Monday. Monday we learned Meriam was to be released, but that was a celebration that was short-lived because yesterday she and her family were detained at the airport.

President Obama and the State Department should immediately demand that the Sudanese Government follow their own court's orders and release Meriam and her family. The harassment and targeting of this family must stop immediately. The State Department should be prepared to act quickly to help them leave Sudan as soon as possible.

Occasionally we wonder if words spoken on this floor matter, but in this case I believe they have. This is an outrageous incident that has seared the conscience of Americans and people all over the world. I know in Tennessee many families care about it. I wish to thank Senator CRUZ as well as Senators AYOTTE and RUBIO and INHOFE and SHAHEEN and COONS—Senators on both sides of the aisle—who have used this forum, this tribunal, to talk about the case of Meriam Ibrahim and her plight. It is our hope that the attention, the spotlight placed on this matter will help her be released and that our administration will continue its efforts to register our strong concern.

I am here to express the feelings of hundreds of Tennesseans but also to congratulate Senator CRUZ and the other Senators on both sides of the aisle who have done such an effective job of letting the world know about Meriam Ibrahim and her plight.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Texas.

Mr. CRUZ. Madam President, I ask unanimous consent that I be allowed to speak for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PLIGHT OF MERIAM IBRAHIM

Mr. CRUZ. Madam President, I rise today to discuss a heartbreaking tragedy that has focused the attention of people across America and people across the world. I rise today to discuss the plight of Meriam Ibrahim. Meriam is a young wife and a young mother. Meriam has two children. She has a son Martin, who is 20 months old, and she has a newborn baby girl Maya, who was just recently born.

Now, the birth of a little girl should be a cause for celebration. But I am sorry to tell you, Madam President, that Meriam gave birth to Maya while in leg irons in a prison in Sudan.

Meriam is married to a U.S. citizen, Daniel. Her two children are American citizens. Why was Meriam in leg irons in a prison cell in Sudan? She was

there because the Government of Sudan had sentenced her to receive 100 lashes and to hang by the neck until dead for the crime of being a Christian.

That is Meriam's only crime in Sudan, and for that crime she was sentenced to be tortured and executed.

Meriam was told by the Government of Sudan that if she would merely renounce Jesus Christ, she would be spared that horrible sentence. But Meriam told her captors that she would not and could not renounce Christ.

All of us value the religious liberty that is protected here in America that is precious to each and every one of us, and yet I would venture, very few, if any of us, have been tested in our faith the way Meriam has.

Now, 2 days ago, we had cause for celebration. Two days ago, the Government of Sudan—responding to the international outcry that this young wife and mother would be tortured and murdered for being a Christian—released Meriam. There were many prayers of thanksgiving 2 days ago.

Yet, Madam President, I am very sorry to tell you that yesterday, while Meriam was at the airport preparing to leave and come to America with her husband and her two little babies, armed thugs came to the airport and seized Meriam. She is back in a prison in Sudan.

This is wrong. This is an outrage. This calls for prayers across this country. And this calls for U.S. leadership.

I would humbly call upon President Obama to speak out for Meriam. There is no one who has a bully pulpit like the President of the United States. This is a case that cries for Presidential leadership. Her husband is an American from New Hampshire. Her babies are Americans. And this is a grotesque example of religious persecution. I would note that this should not be a cause for partisan division. Indeed, in this Chamber, I am pleased to have joined with Senator SHAHEEN, a Democrat from New Hampshire, and Senator AYOTTE, a Republican from New Hampshire, in legislation that would provide immediate relief for Meriam to allow her to come to America.

It is my hope this body can operate quickly in a bipartisan, in a unanimous manner, to act on that legislation so we can stand together. I am encouraged that so many of my colleagues on both sides of the aisle have stood and fought for Meriam. We need to speak with one uniform voice.

I hope, in particular—I would urge, in particular—President Obama to stand and add his clear voice, to say to the Government of Sudan: Free Meriam Ibrahim.

I would ask everyone watching this to lift her up in your prayers and to speak out.

Sudan, 2 days ago, responded to the international pressure and released her. Now that they have apparently had a change of heart and forcibly captured her, we need to speak even louder. We need to speak for Meriam Ibrahim because it is wrong for anyone—especially this young wife and mother—to be subject to torture and murder for being a Christian. That is unequivocally wrong, and we need to speak in one voice.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Washington.

## EXPORT-IMPORT BANK

Ms. CANTWELL. Madam President, I come to the floor today to talk about the Export-Import Bank—the program that is a vital tool of U.S. manufacturers and small businesses across the United States of America to help them grow jobs and gain access to international markets.

There has been a lot written in the last 24, 48 hours about this because there has been a lot of discussion about people who have previously supported the program—maybe voted for it five or six times—and now all of a sudden have either amnesia or have forgotten what is so important about this program.

I am here this morning to talk about this issue because I believe it is so vital to the U.S. economy and to the economic opportunities and challenges we face.

The Export-Import Bank basically gives assistance in the form of securitizing loans that are sought by the private sector when a U.S. company tries to sell a product overseas.

You can imagine that if you are a U.S. manufacturer—and you could be involved in lots of different things; in our State, there is everything from aviation to grain silos to music stands to agricultural products—when you go and say, well, we want to sell to Ethiopia or we want to sell to a South American country or we want to sell to an Asian country—for example, a small businessperson in the State of Washington says: Well, OK, I have found a customer in one of those countries for my product—and I will use grain silos as example because there is a company in our State that now sells grain silos to 82 different countries around the globe—that customer in that country says: Well, how am I going to finance this deal? It is not exactly like this sophistication is present in every one of these developing countries. Yet we want U.S. products to be sold into these developing countries.

I guess we could sit back on our laurels and just think it is all going to happen on its own and let the Europeans sell products into that market or let the Chinese sell products into that market or we could hustle—which is what the United States of America does—and we can figure out a way to secure those deals when those customers have a challenge of financing within their country.

Now, it does not mean that the Export-Import Bank finances all of those deals. It means it provides, in a lot of cases, security so that when a private bank does finance the sale of that deal, there is certainty and predictability.

Why is that important? Well, as one vice president of a bank that operates in 19 different States and the District of Columbia told us: Most banks, even those as large as—in this case—PNC, cannot alone take risks for helping a U.S. company sell in countries with governments that may be less stable than the United States of America.

It makes sense. Right. Look at what we are seeing around the globe. We are seeing lots of change. You cannot count on a deal and account for the capricious nature of governments. If someone stiffs me in Pittsburgh, I will just go to a court in Pittsburgh and win a judgment against these individuals. Well, you cannot practically expand that to a government in Africa or in Asia. You cannot go to a court system here in the United States and say: Hey, that government failed to pay on that particular customer deal that was enacted. But you can, with the help of the Export-Import Bank, secure those loans and make sure that payment is received.

That is why so many small businesses across the State of Washington like and have used this program in conjunction with the private banking industry.

For example, there is a company: Manhasset music stands. I love that company because it makes music stands somewhat like this podium I am speaking in front of that is used for placement of music, and they sell all over the globe. In fact, China is one of their best customers. I love that there is a place in Yakima, WA, that is figuring out how to sell a U.S.-manufactured product in China and that they are continuing to compete with the Chinese every day and winning that battle.

I am so proud that company uses the Export-Import Bank to reduce their risk to those customers because those customers live in a place where the banking and security might not be there.

Why is this so important? Well, first of all, 95 percent of consumers in the world live outside of the United States of America. So unless we just want to sell to people in the United States of America, we better have a pretty good strategy of how we are going to sell to people outside of the United States of America.

So with 95 percent of consumers outside of the United States of America and a rising middle class around the globe—the middle class is going to double in the next 20 years. It is going to double. That means more people with more disposable income to buy products and to use services that are so critical.

Take aviation, for example. Because there is a rising middle class around the globe and a lot more people want to travel, that is 35,000 new airplanes that are in demand. That is how many we are going to have to build over the next 20 years—35,000 new airplanes.

Well, that could be really good news for the United States of America and U.S. manufacturing because those are great middle-class manufacturing jobs. But guess what. Those jobs are not secure. The Brazilians want to build airplanes. The Europeans already build airplanes. The Chinese want to build airplanes. They are all competing for that rising middle-class market that is demanding new airplanes. They all want to get in the action of having manufacturing jobs in their states.

So we need to make sure we implement the Export-Import Bank, which is about to expire on September 30 of this year. Without the Export-Import Bank, we are going to be hobbling businesses across the United States of America and not giving them these tools.

The Export-Import Bank has created thousands of jobs in the United States of America. It has increased exports by $37 billion and helped small businesses and created jobs. It also helps us pay down the Federal deficit. It has generated over $1.057 billion returned to the U.S. Treasury. So it has actually helped us pay down the Federal debt. So my colleagues who are now all of a sudden either having amnesia on why they supported the Ex-Im Bank or not coming forward to support it now need to remember what a vital tool this is to the U.S. economy.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. CANTWELL. I ask unanimous consent for another 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. I want to close by saying that other countries use these same financial tools. So a lot of my colleagues can see that other countries, for the same reason, when the marketplace does not provide a private sector financial tool to securitize these products—it is important that the United States stay competitive with everybody chasing global market opportunities.

Let's not hobble U.S. manufacturing. Let's get the Export-Import Bank out of committee and reauthorized.

I yield the floor.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## WORKFORCE INNOVATION AND OPPORTUNITY ACT

The PRESIDING OFFICER. Under the previous order, the Committee on Health, Education, Labor and Pensions is discharged from further consideration of H.R. 803 and the Senate will proceed to the measure, which the clerk will report by title.

The bill clerk read as follows:

A bill (H.R. 803) to reform and strengthen the workforce investment system of the Nation to put Americans back to work and make the United States more competitive in the 21st century.

The PRESIDING OFFICER. Under the previous order, the time until 2:30 shall be equally divided and controlled between the two leaders or their designees.

The Senator from Tennessee.

Mr. ALEXANDER. Madam President, for the next several hours we will be moving to a bill that the Senator from Washington, Mrs. MURRAY, and the Senator from Georgia, Mr. ISAKSON, have had the principal role in fashioning. They will have a chance to talk about that. In just a few minutes the chairman of the Health, Education, Labor and Pensions Committee, Senator HARKIN, will proceed with the bill. But before that happens, I wish to take 3 or 4 minutes to talk about the importance of what is happening here.

In 1998 Congress passed a sort of ''GI bill'' for workers. The idea was to do what is at the top of every Governor's agenda in every State right now: How can we help more Americans get the job skills to fit the jobs?

When I was home in Granger County last weekend, the concern of Tennesseans was that it is too hard to find a job; it is too hard to keep a house; what can I do to get a job?

This legislation we are dealing with today, for the first time since 2003, reauthorizes $9.5 billion in funds that will be spent through local workforce boards, through community colleges, and through State governments to help individuals in North Dakota, in Washington, in Tennessee, in Georgia get the job skills to find a job. This bill will make it easier for them for them to achieve that goal. It has the great advantage of not mandating how they do it from Washington but creating an environment where people can do this for themselves.

Our former Democratic Governor Phil Bredesen said to me that when he first became Governor and went to find out about the $145 million of federal workforce development funding that comes to Tennessee, he just threw up his hands. He said: It is too complicated. I cannot do anything with it.

So he told his cabinet members: Do the best you can.

Well, working together with the House of Representatives, Senator MURRAY and Senator ISAKSON and a group of us here have taken this law that was passed 16 years ago and made some dramatic changes to it. They will tell you more about that. They will be talking about how we have taken many of the 47 work-training programs that exist in the Federal Government and simplified them, eliminating 15 programs that were ineffective or duplicative, eliminating 21 Federal mandates, streamlining multiple plans into a single State plan that reduces time spent on paperwork, streamlining reporting requirements, giving Governors more flexibility, giving local workforce boards more flexibility, and most importantly, giving the individuals who need jobs more opportunity to say: This is what I would like to do, and this is what I choose to do.

This has been no easy task. Senator MURRAY and Senator ISAKSON deserve a lot of credit from all of us because many Congresses have tried to reauthorize this law before. I am going to come back after about an hour and deliver a little more extensive discussion on this, but the 108th Congress, the 109th Congress, and the 112th Congress—all tried to do this but could not get a consensus about how to move forward. Finally, Congresswoman VIRGINIA FOXX produced the SKILLS Act in the House of Representatives. The House passed this bill in March of 2013. It came over here to the Senate. The Senate HELP Committee passed its bill last July. Led by Senator MURRAY and Senator ISAKSON, the Senate began working with the House, came up with an agreement, and, working with a number of Senators, we have reduced the number of amendments that actually have to be voted on today to two. So we will have two amendments to be voted on and then will vote on final passage. Then we will send the bill back to the House. Hopefully the President will have a chance to sign it.

I would like to say that I hope that in the midst of what is too much dysfunction in the Senate, this will be an example of what can happen when we put our minds to it.

The members of the HELP Committee, on which I am the ranking Republican, and Senator HARKIN, the ranking Democrat—we have some pretty big philosophical differences. Ideologically, we are not the same. But we have passed 19 bills out of the HELP Committee. 13 have become law this year. That is a record of accomplishment we are proud of. It shows that Senators with different opinions can come to a consensus and come to a resolve.

So let me step aside now and let those who have really done the most work on the bill speak—the Senator from Washington and the Senator from Georgia. I will be back in about an hour, and then we will be voting a little later this afternoon. This is good news for the workers of America, for the Governors who felt hamstrung by Washington, for the workforce boards who have been limited in their ability to meet the needs of local employers and workers, and for Senator COBURN, who has been a real leader in pointing out how many duplicative work programs we have. We have gone a long way in the direction he wanted us to go. I congratulate all of those Senators for the result.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 3378

(PURPOSE: IN THE NATURE OF A SUBSTITUTE)

Mrs. MURRAY. Madam President, as provided under the consent agreement, I now call up the substitute amendment No. 3378.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Mr. ISAKSON, Mr. HARKIN, Mr. ALEXANDER, Ms. MIKULSKI, Mr. SANDERS, Mr. CASEY, Mrs. HAGAN, Mr. FRANKEN, Mr. BENNET, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. MURPHY, Ms. WARREN, Mr. ENZI, Ms. MURKOWSKI, Mr. BOOKER, Ms. COLLINS, Mr. CORKER, Mr. BEGICH, Mr. SCOTT, Mrs. FISCHER, and Mr. BROWN, proposes an amendment numbered 3378.

Mrs. MURRAY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mrs. MURRAY. I ask unanimous consent that all after the first vote at 2:30 p.m. be 10 minute votes and that upon disposition of H.R. 803, the time until 4:30 p.m. be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Madam President, just last month I joined seven of my colleagues, Republicans and Democrats from the House and the Senate, to introduce a critical piece of legislation called the Workforce Innovation and Opportunity Act. It is a bill to reauthorize and dramatically improve the Workforce Investment Act, or WIA, which authorizes a number of critical workforce development programs in all 50 States.

This legislation is something I have been working on for several years with a number of our colleagues. It is something that is long overdue—for more than a decade. Since we introduced a compromise deal last month, we have been working feverishly with our colleagues on both sides of the aisle and both sides of the Capitol to iron out any issues they might have and make a few small technical fixes. We have made sure that every single Member of the Senate and their staffs have had the time to look through this deal, ask questions, and propose amendments. Now, today, we are one final step away from sending this tremendous bipartisan deal to the House of Representatives and then hopefully to the President's desk.

I ask unanimous consent to have printed in the RECORD a list of over 100 organizations supporting this bill, including business groups, labor, educators, Governors, mayors, and countless others.

Improving our Federal workforce programs is, as I said, something I have been working on for more than a decade. During that time, I have heard from so many workers and businesses in my home State of Washington and across the country who tell me how important effective workforce programs are for themselves and their communities. Business owners, large and small, have told me that while existing programs help, it has become harder and harder to find workers with the skills they need to fill new jobs in the 21st century. Workers who want to advance their careers or get back on the job after being unemployed have told me that it is more and more difficult to get the education and skills they need to compete for the new jobs.

I am thrilled that we have reached this important step in the process. The reason this agreement was even possible is the incredible bipartisan process we have had over the last 2 months to reach a compromise on which we could all agree. So today I thank my coauthors of this bill in the Senate for all of their hard work through the process and their work to rally support for it today: Senator TOM HARKIN, a Democrat from Iowa, the great chairman of the Senate HELP Committee; Senator LAMAR ALEXANDER, from whom you heard, a Republican from Tennessee and the esteemed ranking member of the HELP Committee; and finally, my very close partner in this process, Senator JOHNNY ISAKSON from Georgia.

Senator ISAKSON and I are the coauthors of the Senate version of this bill to reauthorize WIA. Throughout this process it has been an absolute pleasure to work across the aisle with him to get this done. His integrity and his commitment have been key to making this a reality.

Senator ISAKSON's office is right next door to mine. Whether it was on the phone or while the two of us were walking over here to the Chamber to cast votes, we must have had hundreds of conversations on how to reach this point. So it means a lot for me to be here with him today.

I also thank a few other Senators whose commitment to improving our workforce systems has been remarkable.

First of all, I thank Senator ENZI, our colleague from Wyoming. Senator ENZI and I have been working for a very long time to reauthorize WIA. More than once, we would be at the White House for meetings, and regardless of the topic, wherever we were, he would tell President Bush and now President Obama: This should be a bipartisan effort we can all agree on. I think today's actions are proof that he was right all along.

Second, I wish to recognize and thank Senator SHERROD BROWN from Ohio for his years of leadership on these issues. Senator BROWN's understanding of the changes in the American economy and our places of work is unparalleled. The State of Ohio should be very proud to have him represent them in the Senate.

In particular, Senator BROWN's work on the issues of skills, manufacturing, economic competitiveness, and education reform have been critical. In crafting this deal, we were fortunate to be able to draw on his SECTORS Act and weave the concepts of that throughout this bill. In fact, it is because of Senator BROWN's strong advocacy that we were successful in requiring SECTOR initiatives at both the State and local levels, as well as including them in plans and functions and reports. I know that in my State of Washington, we use SECTOR strategies in everything from aerospace industries to maritime, health, construction, gaming, finance, renewable energy, and viniculture. They all work to improve the efficiency and effectiveness of our workforce system. I am very proud that we have included sections in this bill and have worked with Senator BROWN closely and have benefited from his knowledge and leadership.

I also thank Senator KAY HAGAN from North Carolina for her work on this legislation. Her America Works bill provided us with a great framework to think about skills and certification and credentials and the need to be closely aligned with employers. Because of her leadership and her vision, this bill requires that training that leads to recognized postsecondary credentials receive a priority, meaning that both workers and employers benefit from the training provided through this act.

We also require that all States and locals report on the number of credentials offered, meaning that the entire workforce system will be more closely aligned to the needs of employers and workers and will yield more direct value in and for the marketplace.

I also wish to mention that Senator HAGAN worked hard to ensure that we focused not just on initial credentials but credentials that are industry-recognized and both portable and stackable.

Finally, I thank Senator FRANKEN from Minnesota, who represents the same State as the late Senator Paul Wellstone, who was my Democratic predecessor lead on this bill.

True to Senator Wellstone's legacy, Senator FRANKEN has shown a deep understanding of the needs of job seekers, workers, and employers, as well as a passion to help them all advance and succeed.

I was very pleased to work closely with him on this legislation and ensure that a number of his priorities were included. Lead among his priorities was building closer ties with our community colleges, and we worked hard to make sure that happened.

I am also pleased that we benefited from a truly innovative program in Minnesota, Twin Cities RISE!, which has been a pioneer in pay-for-performance models for many years and which helped to inform our inclusion of pay-for-performance provisions in this bill.

So it is clear this bill is the product of many authors. And while we know that nobody gets everything they want, I think at the end of the day we can all proudly say this bill will help our workers, our businesses, and our economy for years to come, because Federal workforce programs have proven time and again that the best investment we can make as a country is an investment in our American workers.

I have seen firsthand in my home State of Washington workers who were

laid off who were able to get new training, new skills, and new jobs. I have seen so many Washington State businesses—from our aerospace companies to video game design firms—that were able to access workers with the new skills they needed to grow and compete.

But with millions of new jobs that would require postsecondary education and advanced skills in the coming years, we will fall behind if we do not modernize our workforce development systems and programs now. We have to make sure that when high-tech jobs of the 21st century are created, Americans are ready to fill them, and that is exactly what we have all done in this bill.

We have doubled down on the programs that work, we have improved the programs that have become outdated, and we have created a workforce system that is more nimble, adaptable, better aligned with what our businesses need, and more accountable so that they can continue to make it better.

We started with a House proposal, a Senate proposal, and we all met in the middle. That is exactly what the American people sent us here to do, to work together to help our workers and help our economy grow.

This is an all too rare opportunity for all of us to get behind a strong, bipartisan, bicameral bill.

I urge all of our colleagues to support the Workforce Innovation and Opportunity Act and send it to the House for a vote.

I thank my great friend and partner, who has spent innumerable hours getting us to this point. I thank him, his staff, and all of our staffs who have worked hard to find a compromise and not to find a fight.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WORKFORCE INNOVATION AND OPPORTUNITY ACT—INVESTING IN AMERICA'S COMPETITIVENESS

LIST OF KEY SUPPORTIVE ORGANIZATIONS

1. ACT
2. AFL-CIO
3. AFSCME
4. American Association of Community Colleges
5. American Federation of Teachers
6. America Forward Coalition
7. The American Legion
8. American Library Association
9. The Arc
10. Associated Builders and Contractors
11. Associated General Contractors of America
12. Association for Advancing Automation
13. Association for Career and Technical Education
14. Association for Talent Development (formerly ASTD)
15. Association of Assistive Technology Act Programs
16. Association of Farmworker Opportunity Programs
17. Association of University Centers on Disabilities
18. Austin Chamber of Commerce
19. Bipartisan Policy Center's Governors Council
20. Business Leaders United
21. Business Roundtable
22. California Workforce Association
23. Center for Law and Social Policy
24. Chicagoland Chamber of Commerce
25. City of Seattle
26. Colorado Municipal League
27. Commercial Vehicle Training Association
28. Consortium for Citizens With Disabilities
29. Council for Advancement of Adult Literacy
30. Dallas Regional Chamber
31. Denver Metro Chamber of Commerce
32. Easter Seals
33. Georgia Municipal Association
34. Goodwill Industries International
35. Governor Terry Branstad (IA)
36. Governor Chris Christie (NJ)
37. Governor Mary FaIlin (OK)
38. Governor Rick Scott (FL)
39. Governor Rick Snyder (MI)
40. Governor Tom Corbett (PA)
41. Greater Baltimore Chamber of Commerce
42. Greater Cleveland Partnership
43. Greater Ft. Lauderdale Chamber of Commerce
44. Greater Houston Partnership
45. Greater Louisville Inc.
46. Greater Memphis Chamber
47. Greater Philadelphia Chamber of Commerce
48. Greater Seattle Chamber of Commerce
49. Greater Spokane Incorporated
50. IBM
51. Independent Electrical Contractors
52. International Economic Development Council
53. International Union of Painters and Allied Trades
54. Jobs for the Future
55. Knowledge Alliance
56. The Leadership Conference on Civil and Human Rights
57. Los Angeles Area Chamber of Commerce
58. Los Angeles County Economic Development Corporation
59. Metro Atlanta Chamber of Commerce
60. Massachusetts Municipal Union
61. Minneapolis Regional Chamber of Commerce
62. Minnesota Workforce Council Association
63. Nashville Area Chamber of Commerce
64. National Association of Councils on Developmental Disabilities
65. National Association of Counties
66. National Association of Development Organizations
67. National Association of Manufacturers
68. National Association of State Directors of Career Technical Education Consortium
69. National Association of State Workforce Agencies
70. National Association of Workforce Boards
71. National Association of Workforce Development Professionals
72. National Center for Learning Disabilities
73. National Coalition for Literacy
74. National Conference of State Legislatures
75. National Council on Independent Living
76. National Council of La Raza
77. National Council of State Directors of Adult Education
78. National Education Association
79. National Federation of the Blind
80. National Governors Association
81. National Job Corps Association
82. National League of Cities
83. National Metropolitan Business Alliance
84. National Restaurant Association
85. National Retail Federation
86. National Roofing Contractors Association
87. National Skills Coalition
88. National Youth Employment Coalition
89. New York Association of Training and Employment Professionals
90. North America's Building Trades Unions
91. North Carolina Technology Association
92. Opportunity America Jobs and Careers Coalition
93. Oregon Bioscience Association
94. Paralyzed Veterans of America
95. Rural Country Representatives of California
96. San Diego Chamber of Commerce
97. San Francisco Chamber of Commerce
98. San Jose Silicon Valley Chamber of Commerce
99. Seattle Metropolitan Chamber of Commerce
100. Service Employees International Union
101. Siemens Corporation
102. Society for Human Resource Management
103. Spokane Area Workforce Development Council
104. St. Louis Regional Chamber and Growth Association
105. Tennessee Municipal League
106. Twin Cities Rise
107. United States Chamber of Commerce
108. United States Conference of Mayors
109. United Way Worldwide
110. Washington Roundtable
111. Year Up
112. YouthBuild USA

Mrs. MURRAY. I yield for Senator ISAKSON, and I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. I have to say first and foremost that it has been a real privilege to work with Senator MURRAY from the State of Washington. We are across the hall from one another. We see each other coming and going and coming back to the floor and from the office.

We have worked hard, our staffs have worked hard, and finally today lightning has struck. We are about today—in the Congress of the United States—to reauthorize the Workforce Innovation and Opportunity Act and address one of the significant challenges that face America today.

As we sit in this Chamber and talk about this bill, there are 10.6 million Americans who are unemployed. There are also 4 million jobs waiting to be filled by people who need specific skills. This bill deals with the skills deficit in America, and it is going to match some of those unemployed with some of those jobs to lower our unemployment rate and raise the rate of prosperity in American families. This is an important bill.

A lot of people who have watched the Senate over the past few years might have said: How in the world did you reach an agreement on anything? You always seem to be fighting, you always seem to be arguing.

I want to tell a brief story. About 1 month ago Senator MURRAY and I joined a few other Members of the Senate—Senator HARKIN, Senator ALEXANDER, a couple of Members from the

House: Representative FOXX of North Carolina and Representative KLINE, the chairman of the Education & the Workforce Committee in the House.

We didn't sit around a table and say: What is it that divides us? We said: What is it that unites us?

What unites us is the fact that the American people are looking for leadership from us to deal with the unemployment issue and the training issue. We have been languishing to try to authorize this bill for 12 years. So we sat down and identified what we agreed on. We identified what the problems were. We worked with the Members of the House who opened up and said: Well, we passed the SKILLS Act, but we will sit down, listen to your side, and try to find common ground.

After a few days, really—not weeks—we found common ground on 80 percent of the issues that confront us in workforce and investment areas. There are a few places where we found disagreement, sure—and so did those stop us? No, because the perfect should never be the enemy of the good, and this bill is the good of the Senate in terms of dealing with issues.

I want to brag about a few people in this body, if I can, besides Senator MURRAY. I want to talk about Scott Cheney for a second, her loyal assistant. He sat in my office with me—about a week and a half ago—side-by-side, staff and Senator, working out some of the details on this bill.

I thank Tommy Nguyen on my staff who has worked countless hours for countless years to make this happen.

David Cleary, the aide to the committee, the aide to Senator ALEXANDER, has done a yeoman's job. In fact, he did probably as much of the hand-holding in the past couple of weeks over amendments as anybody I know.

I thank Senator ENZI from Wyoming, who is my mentor in the Senate. When I was first elected to Congress, I was appointed to a Web-based education joint commission between the House and the Senate. MIKE ENZI was the Republican Senator who was appointed to that commission. I was the Republican Congressman. I didn't know MIKE ENZI, but I watched him work. I watched him find solutions to problems. I watched his quiet, patient work to find a solution, and I said: That is the guy I want to be like.

He is the guy who really got Mrs. MURRAY and myself to this point today, because he has forged ahead when nobody else would.

When Chairman Kennedy was chairman of the committee before his tragic loss, MIKE continued to work with Senator Kennedy and said: Let's try to find a way to do workforce innovation and opportunity.

I am glad we are doing it today, and we are doing it in large measure because of Senator ENZI.

Senator TIM SCOTT, who did yeoman's work, introduced the SKILLS Act that was passed in the House and Senate. He could have folded his arms and said: I am going to be recalcitrant, I am not going to cooperate. But he said: What can I do to help? There are some things I want to make sure we do, but one thing I want to make sure we don't do is not address the problem of unemployment and training.

ROB PORTMAN was of tremendous help to us too. We had so many Members whose ideas have been incorporated in this bill to deal with the issue of skill and deal with the issue of unemployment. I am so appreciative of each and every one of them, and I think the American people will appreciate them too.

I want to highlight a couple of features in here that are most important. Unlike most of what government does, we have scaled down the size of workforce investment boards in the States and in the local communities so they are working numbers, not numbers that are so big they can't work.

We put more money into training and less into bureaucracy. We scaled down a number of workforce programs and consolidated them to maximize the Federal dollar to benefit the State level. We gave the State level the local authority to determine the curriculum of what was best for Washington or best for Georgia.

Washington is not a one-size-fits-all town, and workforce development is not a one-size-fits-all issue. Through the labor departments of the various States, we now are going to empower them to train people for the jobs they need in their State, not the jobs Washington might think they might have needed in their State. That is a tremendous advance forward in this legislation and equally very important.

Some people will sit on the floor and say: Well, did we get all we wanted? No, we didn't. Nobody did.

Did you get enough?

We got plenty.

There are a lot of labor commissioners and Governors who are going to be celebrating. In fact, I have had two calls this morning from Governors' offices or from labor department offices saying: Thank you, you are finally giving us the power to address what we need to do in our State to address unemployment and address job training.

It has been a privilege for me to work with Senator HARKIN, Senator ALEXANDER, and Senator MURRAY.

To close, before I turn the floor over to Senator HARKIN—who I think will be next on the floor—I commend Senator HARKIN on his leadership as the chairman. He and Senator ALEXANDER gave us the encouragement that we could get a bill done. They didn't insist on something they wanted in the bill to be there exactly like they wanted it.

As we all know, Senator HARKIN is a champion for those with disabilities. The disability section in this bill is outstanding to provide training, opportunity, and rehabilitation for those who operate with developmental disabilities; and that is what we should be doing on the workforce, because their contribution is as important as the contribution of any other single American.

Today is a great day for the Senate. It is also a great day for the workforce in America. It is a great day for training and for the skills.

We want to fill the 4 million jobs that are vacant in America with 4 million of those 10.6 million who are unemployed in America—to raise prosperity, raise opportunity, and raise hope in America.

With that said, I yield the floor for the distinguished Senator from Iowa, Senator HARKIN.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I am pleased to join with my colleagues on both sides of the aisle and in both Chambers today in taking up the Workforce Innovation and Opportunity Act that is a reauthorization of what we always called the WIA bill, the Workforce Investment Act of 1998.

As the chairman of the Senate Health, Education, Labor and Pensions Committee, I can say we have worked on this bill, the one that we have here now, for 5 years. This is the first reauthorization since 2003 of the Workforce Investment Act.

I especially express my appreciation to Senator ISAKSON, Senator MURRAY, and Senator ALEXANDER for their great working relationship and sticking to it for all these years when we didn't know if we were ever going to make it.

I see that our former ranking member Senator ENZI is here, who started with it when he was ranking member. I thank him also for all of his work to get to this point.

What is that old saying? Slow cooking beats fast food any day.

This is kind of slow cooking, home cooking. It took a while but some of these things do take time. They take time to work out and get ironed out. I understand that.

But, again, I can't express my appreciation enough to my colleagues: Senator ISAKSON, Senator ENZI, Senator MURRAY, and Senator ALEXANDER, for their stick-to-itiveness, never giving up, and making sure that we got to this point.

I also thank my House colleagues who worked closely with us over the last several months: Representatives KLINE, MILLER, FOXX, and HINOJOSA. During those months of negotiations, we reached a compromise between the reauthorization bill the House had passed last year and the bill we passed out of committee in July of last year.

Again, with the great work of Senator MURRAY and Senator ISAKSON, working with our House colleagues, we have a very good bill. It has the broad support—broadly—from employers, to mayors, to Governors, to organized labor. Everybody is now supporting this bill. I suppose, as with any piece of legislation that comes through the Senate, each one of those entities probably didn't get everything they wanted, but that is the art of compromise

and the art of getting good legislation through.

It couldn't come at a better time and a more needed time for reauthorization. As our economy continues to recover from one of the worst economic recessions in our history, it is more critical than ever that we stand with our Nation's workers, our businesses, our young people, citizens with disabilities, and with a commitment to help them prosper in the new jobs of the future.

Our economy has undergone substantial changes since the first Workforce Investment Act bill of 1998. In fact, over the past 40 years, America's backbone—the middle class—has been finding it harder and harder to make ends meet as wages have stagnated and costs have risen.

Quite frankly, a lot of the jobs of the past are gone. A lot of those jobs aren't coming back. We have a new economy that we are now entering, and so a lot of people need to be trained, a lot of people need to be retrained, and skills upgraded for these new jobs of the future.

That is what this bill does. It is part of the solution to this challenge facing our middle class in America. Access to education, training, and employment services is critical to helping our workers secure good jobs, gain access to the middle class, and become economically self-sufficient.

This new bill includes provisions that support our State workforce development systems in providing employment and training services for adults, dislocated workers, and youth through State grant programs and the public employment service. It also supports disconnected youth through programs such as an updated youth program focused on out-of-school youth who need a second chance, such as Job Corps and YouthBuild.

It provides for employment and training activities for Native Americans, migrant, and seasonal farm workers. It supports adult learners through adult education and literacy programs, including services for English language learners.

This bill includes innovative approaches to providing workforce development activities, including industry and sector partnerships, on-the-job and incumbent worker training; transitional job strategies for those who have poor work histories, but who would like to have more steady and upgraded jobs; and workplace learning advisers who can help educate colleagues about services available in the workforce system.

One of the most important parts to me of this bill is a much-needed update to the Rehabilitation Act of 1973.

I am particularly pleased that the bill addresses the disproportionate burden of unemployment and underemployment experienced by people with disabilities in our country. Despite the enormous progress we have made in ensuring that disabled people have the same rights and opportunities as all Americans, the sad fact is that the unemployment rate among people with disabilities in America is twice as high as people without disabilities, and their workforce participation rate is less than half that of the general population.

We have, quite frankly, failed to ensure that people with disabilities meaningfully participate in the workforce. This bill makes major steps to correct this injustice. It will help a new generation of young people with disabilities to prepare for, obtain, and succeed in competitive integrated employment, not substandard subminimum wage dead-end jobs but in jobs in which people with disabilities can learn and grow to their maximum potential. That is what this bill would do, ensure that young people with disabilities, let's say, who are in high school and they have an IEP, Individualized Education Program, and they get through high school, are prepared for transition into the workplace.

This bill includes things which will give them those experiences, such as part-time work, summer jobs, internships, workplace skill development, and preparation for jobs that are in high demand. Basically, we are going to give persons with disabilities the same supports and experiences everyone else expects and receives and which they haven't had in the past.

Through school as part of the IDEA Program, they have their IEPs and as soon as they quit they are dropped. That is the end of it or maybe they go into subminimum wage jobs, and that is where they stay and they never get skills upgrading, but we know from experience that people with disabilities, whether it is intellectual or physical or a combination of both, can learn and train and their skills can be upgraded just like anybody else so they can perform at their maximum potential.

Again, this bill requires State vocational rehabilitation programs to work hand in hand with secondary schools, ensures that employers will have the information necessary to recruit, hire, and retain people with disabilities, and the bill focuses the efforts of State vocational rehabilitation on youth, requiring that 15 percent of their funds be dedicated to transitioning young people into competitive, integrated employment.

I hope these efforts will directly address the high unemployment rate among people with disabilities, smooth the transition of young people with disabilities into the competitive integrated workplace, and help employers to support their employees with disabilities.

I thank my colleagues for working to make this bill one that will address the outrageous status quo facing people with disabilities with regard to employment. More and more employers are finding that with a small bit of support or maybe a modification of the workplace, people with disabilities can do those jobs and sometimes do them better than people without disabilities. More and more employers are finding that out. In our former Workforce Investment Act bills, we didn't get to focus on it that much. This bill now puts a major focus on it, and that is why I am so proud of this bill and why I think this bill is such a major step forward in all its regards.

This bill represents the best of what Congress can accomplish when we work together. We have worked diligently to find areas of agreement in our committee where we can advance legislation on a bipartisan basis.

I heard Senator ALEXANDER earlier mention this, and it is true that on our committee we probably have the widest divergence of philosophical views than any committee in the Senate, but we work together, both on a Senate level and on a staff level.

When this bill passes the Senate, it will mark the 18th bipartisan HELP Committee bill to successfully move to the Senate and this Congress, and—assuming the President will sign it—it will be the 14th bill passed out of our committee this Congress to be signed into law by the President.

The House leaders have indicated that if the Senate acts swiftly to pass this bipartisan, bicameral bill without substantial changes, they will do the same, and we will be able to advance this bill to the President's desk in very short order.

It is a major victory for our workers, our businesses, and our economy. I urge all my colleagues to join us in supporting this bill and in voting yes on final passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I thank my colleague from Wyoming for allowing me to jump in for about 5 minutes.

This became an issue as we faced the greatest recession we have ever had and, at the same time, we had GAO looking at how we are spending our money.

For just a little history so everybody will know, when GAO did their first report we had 47 separate job training programs run by nine different agencies, and that year they looked at we spent $18.5 billion. What we found is only two had metrics on them, and we weren't even paying attention to the metrics to use them.

I applaud the work of the HELP Committee, Senator ENZI, Senator ISAKSON, Senator ALEXANDER, Senator MURRAY, and Senator HARKIN, for bringing the bill to the floor. It is an improvement over what we are doing, but I wish to offer a couple of points I think the American people ought to know. We are not going anywhere far enough, not anywhere close to where we need to go.

The SKILLS Act coming out of the House markedly changed job training in this country. Now, this is a big modification to the SKILLS Act, but

the SKILLS Act actually paid attention to the Government Accountability Office. What they did is consolidate a lot of programs and put real metrics and real competition into job training.

There are two critical flaws in this bill that I think are a mistake—and I know this bill is going to pass, so it is moving the ball down the road. No. 1, there is no metric in the job training program to say: Did somebody get a job in the area that they were trained for?

So it doesn't matter how many people we train. If there is no job and they got no job for what they trained, we have wasted the money. So that is not anywhere in the bill.

The second thing is the vast majority of money in this country that is spent on job training is Job Corps. When we ask behind the scenes why we didn't have major reform to Job Corps, it is because of all of the parochial people they employ. In Oklahoma, it is over 1,000. Most of the Job Corps programs in Oklahoma are highly inefficient and failing to do what we want them to do, and they are not going to be held accountable with this bill.

So these are two really disastrous things that, had they been added, would have made a real difference. And let me say why I can speak to that. When the GAO put out their report on all the job training programs, I had every one of my staffers in Oklahoma go to every job training, State and Federal, in Oklahoma. Let me tell you what we found.

What we found was the Federal programs were totally failing. We were very good at employing people in job training programs with Federal money, but when we looked for the outcome of whether we gave somebody a skill that gave them an ability to have a life, we failed.

Contrast that to Oklahoma's Career Tech system and their own State-funded training programs, where they were 90-percent effective in giving somebody a life skill.

So I am disappointed that the SKILLS Act didn't come over here and get voted on because that was what was in the SKILLS Act and it is really accomplishing the goal.

My colleagues have been great with me in working on this bill to try to attest to and to accommodate my desires to see some changes. But there are these two critical flaws, and it speaks to the lack of courage in our country today that because we have people employed in Job Corps programs, we are not going to really shake that system up and make it do what it needs to do.

I will never forget. I had a town hall meeting in Guthrie, OK, the largest Job Corps training in Oklahoma, and I wrote a report that was highly critical of it. They all came here, and I faced them down and said: Do you really want Federal Government money spent on your salary that doesn't accomplish the goal of giving somebody a life skill? They couldn't answer yes. They had to answer, no, they really didn't want that.

But that is what Job Corps still is in this bill, and that is by far the biggest job training program we have.

So I applaud the changes that we have made, the movements that have gone forward. But when there is no metrics on whether the skill that was trained for got a job, we don't have any idea what we are going to be measuring after this bill goes through.

No. 2, if we have not fundamentally gutted the present Job Corps system and changed it to where it is responsible to actually accomplish a goal and hold them accountable—like we need to be holding the VA accountable—if we don't do that, we haven't really fixed anything.

This bill has no CBO score on it. It is at least $58 billion over the next 6 years—at least. And we are going to vote on a bill again that doesn't have a score.

So the intentions of my colleagues are pure, but I think they are missing two critical provisions if they really want to fix job training. I thank them for their work. I appreciate their accommodation. I know this bill will pass and it is an improvement, but it is not going to fix the fundamental problems.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I ask unanimous consent that, following my speech, Senator BROWN from Ohio be allowed to speak next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Madam President, I rise today to speak in favor of the reauthorization of Workforce Investment Act.

I first thank Senator JOHNNY ISAKSON of Georgia, Senator PATTY MURRAY of Washington, Senator LAMAR ALEXANDER of Tennessee, and Senator TOM HARKIN of Iowa for their hard work on this bill. We can see from that list of Senators alone that this has been a truly bipartisan effort to reauthorize this Workforce Investment Act.

Of course, we have heard through the course of this discussion how on the House side KLINE, MILLER, FOXX, and HINOJOSA worked on it, which is bipartisan on that side of the building. And the two have been working together, which is bicameral. That doesn't happen a lot around here, but on bills that make it through to the President's signature it does happen, and it has happened on this one.

I thank the many Senators who have had suggestions for this bill. A lot of those suggestions have wound up in here. Some of them had amendments that we will have to continue to work on in the future, and they were very gracious in revising some of those so that they would fit what we are doing and still get the bill done. I know TIM SCOTT could have taken a lot more credit for what he did in the House and when it came over here, but he has been extremely cooperative in using his knowledge of the bill to further the bill. Senator PORTMAN is another critical Senator in working on it, and as we can tell by the passionate speech by Senator COBURN, there are things that could be done and will need to be done in the future to make it an even better bill. But it is something that all of government ought to be doing—not just the workforce.

This is a day of elation for me. We have been working to improve this program for over 11 years. For 11 years this could have made a big difference in our country's jobs. The Workforce Investment Act has been due for reauthorization for 11 years. Who says the Senate works fast? Who says the Senate works slow? Hopefully, the Senate works and gets it right.

I am hopeful that now is the time we are able to get this important piece of legislation renewed and provide some much-needed help to American workers and businesses through the new profile it provides.

The Workforce Innovation and Opportunity Act will transform the sometimes bureaucratic Federal job training system into a streamlined program that can help many more people learn the skills they need to get meaningful jobs. The reauthorization will eliminate 15 programs identified as ineffective or duplicative—we don't do that very often—and 21 Federal mandates on State and local workforce boards. That is what we need to be doing throughout government.

This bill would apply common performance measures for all programs with the focus on employment outcomes and employer satisfaction with the trained workers. This will provide stronger accountability for taxpayer dollars. These are all changes that are long overdue.

This piece of legislation also gives authority back to the State governments and equips them with tools to help small businesses. This bill provides Governors and State workforce directors what they told us they needed in hearing after hearing. They wanted flexibility to use the money where it was most needed. There were stovepipes where we required them to do certain things with the money even if they didn't have customers that needed that part of the stovepipe, which meant that some of the money went begging. So by actually eliminating some of the stovepipes, making the money more effective in this program, it increases the value of the money that is there.

With this reauthorization States will better be able to meet the regional economic demand and provide training for jobs in which quality workers are in short supply. We can help people get back to work by offering training for the skills and services needed in their community. State and local officials are in the best position to determine the labor and job training needs of communities across the Nation. The workforce and opportunity act will help improve our current stagnated

economy and foster economic development for private sector job creation. If it works as it should, hundreds of thousands of people will be able to move into available jobs that are vacant because folks don't have the right skills.

I remember the New York Times sent reporters out to see if there were any jobs available in the New York area. They came back and reported there were thousands of jobs, there just weren't people trained to be able to do those jobs. That is what this bill is designed to do. Local businesses will finally be able to find workers who live in their communities who have a particular skill set that they need for their business. The job training program that is included in the Workforce Innovation and Opportunity Act is what would get our economy going again.

Job training programs are especially important to small-population States such as Wyoming where skilled workers are in high demand and the supply is short. We recently broke ground on the Wind River Job Corps Center in Riverton, WY. The seven-building center will house 300 students and be the first of its kind in Wyoming. When the center opens in the next year or so, my constituents will be able to get the job training they need to succeed in their careers. This project would not have been possible without the determination of the people of Wyoming, the cooperation of the communities around there to provide facilities, the land that was necessary, and legislation like the Workforce Innovation and Opportunity Act.

I particularly want to thank Senator HARKIN for his recognition as part of the Appropriations Committee that Wyoming and New Hampshire were the two States that didn't have job corps centers and the help he gave us in being sure there was money set aside to be able to do that job corps center. I also appreciate the emphasis on the youth bill that is in there where young people can work during the summer to actually learn a trade while they improve their community.

On a broader scale, America is facing an economic climate that threatens our ability as a nation to compete in the global marketplace. This bill sends a clear message that we are serious about helping our American workers and employers remain competitive and that we are serious about closing the skills gap that is putting America's long-term competitiveness in jeopardy.

I have been on the floor recently discussing articles that declared that our current Congress could be the worst ever and that negotiating political agreements is a lost art. More often than not this year Senators have had no opportunity to weigh in and dissenting opinions are rarely considered. But the HELP Committee has broken through the logjam and produced a bipartisan bill with a bicameral effort that is going to get through the Senate without cloture, without filling the amendment tree, or any of the other procedural tricks. That is a testament to the hard work of Senators HARKIN, ALEXANDER, MURRAY, ISAKSON, and their staffs and others who have worked on this bill. Their efforts are an example all of us should keep in mind in thinking about how we can and should operate. Almost half of today's sitting Senators have been here less than 6 years, so they haven't seen many times when the Senate has worked as it should, as it could, as it did. I urge them to keep this Workforce Investment Act bill in mind.

The HELP Committee had the first opportunity to shape the legislation. Members were able to iron out unintended consequences and input there. That is how committees work. Then Senators HARKIN, ALEXANDER, MURRAY, and ISAKSON gave all 100 Members of the Senate the opportunity to improve the legislation.

It is important to note this isn't the first time the HELP Committee has followed this process. A few months ago we passed the community development block grant for child education after it went through committee and after amendments were offered. I am glad the full Senate is finally considering reauthorization of this important piece of legislation.

I urge my fellow Senators to pass this bicameral, bipartisan agreement based on commonsense policies that will stimulate growth and the economy. The education and job training programs provided by this Workforce Innovation and Opportunity Act are too important to working families, businesses, local communities, and our Nation's economy to delay it.

I yield the floor for the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Thank you, Madam President, and thanks to Senator ENZI who is one of the most cooperative Members of the Senate on so many levels. He and I cochaired the Air Force caucus together and he has been good to work with. When I sat on the Health, Education, Labor and Pension Committee, he was a member known then, as he still is, as one you can reach out to and who would get things done.

Special thanks to Senator ISAKSON who is on the floor and to Senators HARKIN and MURRAY who did so much to work with our office on our SECTORS ACT and the whole litany of workforce investment issues. I am indebted to them.

Passing this legislation would reauthorize and improve the Workforce Investment Act which first was established some 15-plus years ago. It includes critical workforce development programs that have helped thousands of Americans get on their feet. It provides streamlined one-stop services that empower adults and students and gives them the tools, skills, and the resources they need to find a new career and improve their current skills. All of this helps to meet the needs of employers looking for trained, skilled workers.

The Cuyahoga Works Career Center in Cleveland is one of those programs. It is run out of The Cuyahoga County Library, known as one of the best library systems in the country. The center told me of a few success stories I wish to share.

A teacher was laid off from Cleveland Public Schools 3 years ago, substitute teaching while she worked with a Cuyahoga Works career counselor. The counselor showed her how to use social networking and LinkedIn more effectively. As a result she connected with an administrator in a local school district that invited her to discuss her job search. During this meeting the teacher learned that although she had a strong background, she could benefit from taking a couple computer classes. The Cuyahoga Works career counselor directed her to the library's Google workshops along with a few other computer courses. Shortly afterwards the teacher let her career counselor know she had accepted a long-term position in one of the local school districts.

Let me share another Cuyahoga Works success story. While visiting the new Cleveland casino, a Cuyahoga Works career counselor was stopped by an employee who had worked with this counselor on her job application. The customer was extremely grateful and went so far as to introduce the counselor to her supervisor explaining, ''This person is the reason I got this job.''

It is clear that legislation such as this works. We know that to compete globally we need workers who can quickly adapt to new technologies in business processes. So our workforce training programs must be able to keep up with the times. That is what the Workforce Innovation and Opportunity Act does. It builds on existing success and updates it for the 21st century workforce. Part of this improvement means we take a sector-based approach.

Since 2007, I have held some 250 roundtables around my State. From the beginning of the first one at the Cincinnati Chamber of Commerce through a whole host of these in agriculture, with farmers and veterans and small businesspeople, workers and others, what I hear over and over is despite high unemployment, too many employers are having a hard time finding workers with the skills necessary. As a result, job openings in high-growth industries—health care, energy, bioscience, even manufacturing—are going unfilled.

The skill gap exists, especially for careers in high-tech fields and for jobs that require more than a high school degree. But often the skills gap exists with people with less than a college degree. This gap denies workers new opportunities they deserve. It undermines our Nation's economic competitiveness

and limits our ability to attract new jobs and businesses. To close the gap, we need to create industry or sector partnerships to ensure that workers have the right skills to get hired in high-tech emerging industries with good-paying jobs. It means local communities—local community colleges, local workforce investment boards, local labor unions, local small businesses—decide what they need to put these workforce training programs together regionally in community after community, whether it is in North Dakota, the Presiding Officer's State, or whether it is in my State of Ohio, driven by what kinds of jobs are available.

That is why I introduced the Strengthen Employment Clusters to Organize Regional Success—or SECTORS Act—back in 2008. I reintroduced this legislation with Republican Senator COLLINS from Maine this year. I am pleased that provisions in today's bill are based on our bipartisan SECTORS bill. This modernization bill requires sector-based partnerships to ensure workforce training programs are developed with industry input, with labor input, with local community investment, workforce investment boards, with local businesses, whether it is in Chillicothe or Akron or Toledo or anywhere in my State.

Given the difficulty of negotiations, I am grateful for Chairman MURRAY's dedication to this bill, for her prioritization of these partnerships, because we know from experience how important they are. With too many Americans still unable to find work, we should do all we can to ensure our workers are fully qualified to fill available jobs. That is what the Workforce Innovation and Opportunity Act does, and that is why I encourage my colleagues to support it.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. Thank you, Madam President.

I also thank my colleagues on both sides of the aisle in both Chambers of Congress for their efforts on this important piece of legislation that is before us. I especially thank Senators ISAKSON, MURRAY, ALEXANDER, and HARKIN for their leadership on this issue and for working together with our colleagues in the House to craft this compromise. I am pleased that Congress has come together in a bipartisan manner to address the most pressing issue we face in the country, which is the need to restore our country's economic health.

We have a responsibility here in Washington to ensure that the needs of American workers, businesses, and job seekers are all being met. I believe we need a two-pronged approach to this problem: first, a full-fledged effort to grow the economy and create new jobs; and second, a temporary safety net that helps people unable to secure a job in this current economic environment. The bill now in front of us is a much-needed effort to reauthorize and streamline the Workforce Investment Act of 1998, which is the primary Federal law concerning job training and workforce development programs. The services offered through the WIA Program—job search assistance, career counseling, skills training, and on-the-job training—are a critical part of the effort to grow our economy and to ensure that workers are prepared for the job market.

Importantly, these programs are coordinated at the State and local levels to ensure that the unique needs of our communities are appropriately addressed.

The Workforce Innovation and Opportunity Act takes some long overdue steps to modernize our workforce investment system. It eliminates 15 programs that have been identified as duplicative or ineffective. It removes 21 burdensome Federal mandates on States and local workforce boards. It promotes State and local control and improves flexibility so we can better respond to changes in our workforce or the economy. It also improves accountability and transparency measures to guarantee that these programs are operating efficiently and effectively.

Given that this law has been due for reauthorization for more than 10 years, providing States and local communities the flexibility they need is vital to ensuring economic stability. We clearly cannot depend on the Federal Government to provide workers and businesses with timely solutions to help our workforce, so I am pleased this legislation puts much of that control back where it belongs.

The need to reauthorize these important programs is perhaps no more apparent than in my home State of Nevada. Our State is one of the States hit hardest by the economic downturn, and although we are slowly recovering, we still have a long way to go. Industries that thrived for many years suddenly stalled, leaving thousands of workers out of jobs. Nevada had a double-digit unemployment rate for 4½ years, unfortunately topping the charts at nearly 14 percent for several months.

Over the past few years, I have spoken with employers and job seekers in Nevada to look for ways to restore the health of our economy and get Nevadans back to work. Surprisingly, I heard from many employers that they have job opportunities available, they want to hire more employees and grow their businesses, but they are having difficulty finding workers with the necessary skill sets.

The skills gap problem isn't unique to Nevada. In fact, there are millions of unfilled jobs throughout the country. With nearly 10 million Americans still unemployed and looking for work, we must take steps to connect job seekers with employment opportunities in in-demand sectors.

I was proud to join Senator JOE DONNELLY from Indiana in introducing the Skills Gap Strategy Act to develop a solution to this particular issue, and I am glad the manager's amendment before us today also reinforces some of these principles.

The Workforce Innovation and Opportunity Act is a bipartisan, bicameral piece of legislation that represents real efforts to get our economy back on track. Although no bill is perfect and the nature of compromise means not everyone gets everything they want, I am grateful for the work my colleagues have done in writing this bill. Although I would have preferred to include efforts to provide stability for uemployed job seekers by temporarily extending unemployment insurance benefits, I also recognize that these job training and workforce investment programs are essential in getting Americans back to work.

I still firmly believe that our economic recovery needs a two-pronged approach that grows the economy and provides stability for job seekers, and this bill is an important part of that equation.

While the Senate is in session, I call constituents back in my State and ask them to join me for a telephone town hall meeting. During one of the calls just last night, I asked Nevadans if they felt as though the economy was improving. Of those participating, 26 percent said yes, they do think the economy is improving; 13 percent said they were unsure; and 60 percent said no, they do not think the economy is getting any better. On a ratio of 2 to 1, Nevadans feel that the economic growth is lagging.

We need to fix this and pass policies to help turn this economy around. In the meantime, we cannot forget about the most important safety net available to Americans. Make no mistake. I have every intention of continuing to work with my colleague from Rhode Island to temporarily extend unemployment benefits for those who are seeking to work.

I was proud to once again team up with the Senator from Rhode Island yesterday to reintroduce a new unemployment extension bill that would provide 5 months of benefits with retroactive eligibility.

We will continue to work with our colleagues here in the Senate, the House, and this administration to pass this legislation to ensure that we continue to provide this temporary safety net while still looking for work.

Again, I thank my friends in both the Senate and the House for their work on this much-needed legislation. This compromise effort proves that Congress is capable of working together on legislation to help our economy. I am hopeful this experience will encourage all of us to continue to work together to pass more bills, grow our economy, and create new jobs for people in Nevada and for all of the United States.

Ms. MIKULSKI. Madam President, I am proud to rise today in support of the Workforce Investment and Opportunity Act. I want to thank Chairman

HARKIN, Ranking Member ALEXANDER, Senator MURRAY, and Senator ISAKSON for putting together a strong reauthorization of the Workforce Investment Act. I am happy that we were able to come together in a bipartisan, bicameral way to reauthorize this bill.

As our Nation continues to look at how to best create, sustain, and support high-paying jobs, we must look at how best to educate our workforce and how best to provide needed resources to fill jobs in high demand. WIA does just that. It helps people learn new skills and increases their chances of succeeding. This bill before us today is a major step toward improving WIA and helping our Nation remain competitive globally.

This bill allows local workforce boards to tailor services based on regional employment and workforce needs. This means that workers will get access to education and training for the skills needed to fill jobs, including professional development. It helps ensure that Federal workforce and training programs are working together by bringing together multiple programs and providers into a unified State plan to break down barriers and improve efficiency and effectiveness. This bill also ensures that all WIA programs are held to one set of common performance measures. This will help integrate case management and reporting systems while strengthening evaluations. Finally, this bill ensures that youth with disabilities will be provided the services and support they need to be successful in competitive, integrated employment.

I am particularly proud that this bill takes an in-depth look at nontraditional occupations. These are jobs where a gender makes up less than 25 percent of the workforce for that occupation. Women currently represent half of our Nation's workforce, but two-thirds of women are concentrated in 21 of 500 occupational jobs. Except for nursing and teaching, most of these jobs are among the lowest paid, including work in retail, service, and clerical jobs. Less than 16 percent of women who go through federally funded workforce programs receive any training. Most only get a ''needs'' assessment and receive help in finding a job. The economic recovery is leaving women behind. Of the 1.3 million jobs gained in the United States, nearly 90 percent went to men. Men have since regained 19 percent of jobs lost while women have only regained 6 percent. The incomes of women in the workforce are too often not adequate for a decent standard of living to support a family. This bill would require one-stop career centers to provide info to individuals, including women, on opportunities in fields that are nontraditional. It requires reporting related to job-placement services for participants, including the number and percentage of participants who enter a nontraditional occupation. It also requires all programs to make an effort to develop programs that increase employment opportunities for those that are interested in nontraditional work.

The Workforce Investment and Opportunity Act supports our workforce in providing education and training for millions of America's workers. It ensures that local workforce boards have the flexibility needed to meet their regional needs. It encourages better coordination between Federal workforce and training programs and State and local efforts to attain economic development. It requires all programs to be accountable, and it provides more opportunities for youth with disabilities. This bill is a downpayment on our middle class and our Nation's future. It is my hope this bill be passed in a swift, expeditious, and uncluttered way and continue to work with Members on both sides of the aisle and across the dome to improve our workforce system.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. BALDWIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3381 TO AMENDMENT NO. 3378

Mr. HARKIN. Madam President, I call up managers' amendment No. 3381.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] for Mrs. MURRAY, for herself, Mr. ISAKSON, Mr. HARKIN, and Mr. ALEXANDER, proposes amendment No. 3381 to amendment No. 3378.

The amendment is as follows:

On page 6, after the item relating to section 504, insert the following:

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

On page 6, redesignate the second item relating to section 505 as the item relating to section 506.

On page 16, line 4, strike ''134(c)(2)'' and insert ''134(c)(2)(A)(xii)''.

On page 55, strike line 5.

On page 55, line 9, strike the period and insert ''; and''.

On page 55, between lines 9 and 10, insert the following:

(vi) how the State's strategy will improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable).

On page 116, line 19 strike the semicolon and insert '', and improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable);''.

On page 222, line 22, insert ''allotted under section 127(b)(1)(C), reserved under section 128(a), and'' before ''available''.

On page 232, line 8, strike ''may'' and insert ''shall''.

On page 248, lines 6 through 8, strike ''less than the greater of'' and all that follows through ''(aa) an'' and insert ''an''.

On page 248, line 11, strike ''; or'' and insert a period.

On page 248, strike lines 12 through 18.

On page 293, line 4, strike ''may'' and insert ''shall, consistent with clause (i),''.

On page 329, line 9, insert ''information regarding the entity in any reports developed by the Office of Inspector General of the Department of Labor and'' before ''the entity's''.

On page 338, strike lines 13 through 18 and insert the following:

(A) significant improvements in program performance in carrying out a performance improvement plan under section 159(f)(2);

On page 338, strike lines 21 and 22 and insert ''such as an emergency or disaster, as defined in section 170(a)(1);''.

On page 339, between lines 6 and 7, insert the following:

(3) DETAILED EXPLANATION.—If the Secretary exercises an option under paragraph (2), the Secretary shall provide, to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a detailed explanation of the rationale for exercising such option.

On page 339, line 7, strike ''(3)'' and insert ''(4)''.

On page 384, line 25, strike ''to pro-'' and all that follows through line 5 of page 385, and insert the following: ''to award grants, on a competitive basis, to entities with demonstrated experience and expertise in developing and implementing programs for the unique populations who reside in Alaska or Hawaii, including public and private nonprofit organizations, tribal organizations, American Indian tribal colleges or universities, institutions of higher education, or consortia of such organizations or institutions, to improve job training and workforce investment activities for such unique populations.''.

Beginning on page 398, between lines 17 and 18, insert the following:

(7) PUBLIC AVAILABILITY.—Not later than 30 days after the date the Secretary transmits the final report as described in paragraph (6), the Secretary shall make that final report available to the general public on the Internet, on the Web site of the Department of Labor.

On page 398, line 18, strike ''(7)'' and insert ''(8)''.

On page 399, line 3, strike ''(8)'' and insert ''(9)''.

On page 759, between lines 9 and 10, insert the following:

**SEC. 505. REPORT ON DATA CAPABILITY OF FEDERAL AND STATE DATABASES AND DATA EXCHANGE AGREEMENTS.**

(a) IN GENERAL.—The Comptroller General of the United States shall prepare and submit an interim report and a final report to Congress regarding existing Federal and State databases and data exchange agreements, as of the date of the report, that contain job training information relevant to the administration of programs authorized under this Act and the amendments made by this Act.

(b) REQUIREMENTS.—The report required under subsection (a) shall—

(1) list existing Federal and State databases and data exchange agreements described in subsection (a) and, for each, describe—

(A) the purposes of the database or agreement;

(B) the data elements, such as wage and employment outcomes, contained in the database or accessible under the agreement;

(C) the data elements described in subparagraph (B) that are shared between States;

(D) the Federal and State workforce training programs from which each Federal and

State database derives the data elements described in subparagraph (B);

(E) the number and type of Federal and State agencies having access to such data;

(F) the number and type of private research organizations having access to, through grants, contracts, or other agreements, such data; and

(G) whether the database or data exchange agreement provides for opt-out procedures for individuals whose data is shared through the database or data exchange agreement;

(2) study the effects that access by State workforce agencies and the Secretary of Labor to the databases and data exchange agreements described in subsection (a) would have on efforts to carry out this Act and the amendments made by this Act, and on individual privacy;

(3) explore opportunities to enhance the quality, reliability, and reporting frequency of the data included in such databases and data exchange agreements;

(4) describe, for each database or data exchange agreement considered by the study described in subsection (a), the number of individuals whose data is contained in each database or accessible through the data agreement, and the specific data elements contained in each that could be used to personally identify an individual;

(5) include the number of data breaches having occurred since 2004 to data systems administered by Federal and State agencies;

(6) include the number of data breaches regarding any type of personal data having occurred since 2004 to private research organizations with whom Federal and State agencies contract for studies; and

(7) include a survey of the security protocols used for protecting personal data, including best practices shared amongst States for access to, and administration of, data elements stored and recommendations for improving security protocols for the safe warehousing of data elements.

(c) TIMING OF REPORTS.—

(1) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress an interim report regarding the initial findings of the report required under this section.

(2) FINAL REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress the final report required under this section.

On page 759, strike line 10 and insert the following:

**SEC. 506. EFFECTIVE DATES.**

On page 763, between lines 2 and 3, insert the following:

(d) DISABILITY PROVISIONS.—Except as otherwise provided in title IV of this Act, title IV, and the amendments made by title IV, shall take effect on the date of enactment of this Act.

Mr. HARKIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I ask unanimous consent to rescind the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, while the Senator from Iowa is still on the floor, I wish to compliment him. The committee which he chairs—of which I am the ranking member—has produced 19 bills this year for this Congress, 10 of which have become law. No other committee has produced as much—this will add one to that—and that is not because we agree on everything.

The truth is we disagree on a lot of things, but we have found a way—when there is a chance to get a result—to come together.

Senator HARKIN has helped to create an environment in which Senator ISAKSON and Senator MURRAY, and a group of other Senators, have finally brought this Workforce Innovation and Opportunity Act to a conclusion, and a lot of other Senators have tried, and it has taken a long time to do it. Our focus today should be on the workers of America and people who need jobs.

I think it is important to point out that when the Senate tries to do it this way and allow everybody to have a chance to have a say, we can get a pretty good result. This is $10 billion, and for our State—I say to the Senator from Iowa—it is $145 million for the single biggest issue in our State: How do I get a better job? It is not a matter of Washington telling you how to do that. This is a bill that empowers States to enable people to get the skills they need so they can get a better job.

I thank the chairman for the way he has worked on this, and I wanted to say that while he was on the floor.

Madam President, I urge my colleagues to support this act today. It is a jobs bill. I was home in Grainger County in East Tennessee this past weekend working with the Clinch-Powell Cooperative. It is a great organization which helps people with home foreclosures and helps them to find a job.

The worry they have is that it is too hard to find a job. The worry of the National Federation of Independent Business Leaders—whom I talked with in Knoxville—is that it is too hard to create a job. We all have our reasons for that. On our side of the aisle, we think there are too many taxes, rules, regulations, and mandates from Washington that make it harder for a person who wants to create a job to do that.

I had one Tennessee small business man tell me he was looking at new employees as a liability more than an asset. He said: I hate that. I want to think of every one of my employees as an asset. When I hire them, I have to think about this health care cost or this tax cost or this regulatory cost, and all these extra costs, and they become, in my eyes, a liability and that discourages me from hiring anyone. That is one reason why so many Americans are having a hard time finding a job. Another reason is—and the reason we are working together today on this bill—because the skills don't fit the job.

We have a very good Governor in Tennessee whose name is Bill Haslam. I think his priority is the same as every other Governor whom I know in the country, which is he is trying to grow and attract jobs. What he hears from every employer is: We have the jobs, but the employees don't have the skills.

Our Governor is working hard, for example, to create a program with Bridgestone Corporation—the big tire maker headquartered in Tennessee—at the community college and technical institute level, where the institute would train people with the exact skills that Bridgestone needs. So many of the new jobs today require more skills than they used to.

I was Governor when the Nissan plant came to Tennessee, and it was a surprise to a lot of people. Automobile plants used to have 20,000 or 30,000 people, but the Nissan plant only had 3,000 or 4,000 or 5,000 people there. Now it has a few more, but it is the largest automobile plant in North America—and the most efficient. I imagine it is as profitable as any automobile plant. But the jobs at the Nissan plant have a lot higher standards and a lot higher skills for the employees.

It is the same today as it was 30 years ago—the biggest challenge they have is finding Tennesseans, or other people, who have the right skills for the right jobs.

What can we in Washington do to help with that?

Well, we could sit here and in our wisdom write a lot of rules and prescriptions about just how to do that. In fact, that is what has been happening with the Workforce Investment Act. It started out in 1998 as sort of a GI bill for workers. The idea was we would make it easier for people to find jobs. We would create work councils in the States, give Governors flexibility, allow them to make arrangements with community colleges, such as the one I just described with Bridgestone. But then the old Washington disease set in, and you know what it is: I have a good idea, let's make everybody do it. Pretty soon we had 47 workforce programs, and according to a Government Accountability Office report, 45 of them were duplicative.

Well, the Senator from Oklahoma, who is retiring this year—which I regret very much—Senator COBURN, has led the charge. He asked for that report, and he pointed out to us that we are wasting money and not helping people when we spent $9.5 or $10 billion through the Workforce Investment Act, which is just a few of those programs, in such a complicated way.

I mentioned on the floor of the Senate a while ago what our former Democratic Governor Phil Bredesen said. Governor Bredesen was a very good Governor and businessman. He likes to get results. He took a look at the Workforce Investment Act programs that were coming to Tennessee from the Federal Government through a dozen or more work councils, and he just threw up his hands.

He said: I told the commissioner of employment security to just do what you can with it. There were too many well-intentioned rules and regulations

from Washington that caused these programs to be such a maze that Governors and work councils could not deal with them. The work councils were massive. There were 50 or 60 people who required someone up here saying: This is who you have to have. There were duplicative proposals. Instead of allowing people who wanted a job to say, I would like to have this kind of job with these kinds of skills, we were telling them what kind of skills they needed to have. This was not working.

The House of Representatives passed something called the SKILLS Act, which suited most of us on the Republican side of the Senate better because it eliminated more programs, eliminated more mandates, gave more discretion to Governors, and decentralized the program.

The Senate passed a bill through our committee that we didn't like nearly as well because it still had too many Washington rules and mandates in it.

Senator ISAKSON, who is on the floor, and Senator MURRAY from Washington, led a group of Senators who worked with the House—led by Congressman Klein and VIRGINIA FOXX and others—and we resolved our differences. Basically, what we have done is we moved a long way from where the House of Representatives bill was. I will be specific about what the bill does that I think makes a difference.

It eliminates 15 programs that were identified as ineffective or duplicative. It eliminates 21 Federal mandates on State and local workforce board compensation. In other words, we are saying to Tennessee, which I think has 13 workforce boards: OK, we don't think we got a lot smarter flying to Washington this morning. You can decide more about who is on your workforce board because we assume you know more about what is going on.

It replaces multiple State plans for multiple Federal programs that have to be submitted to Washington with a streamlined single-State plan that will reduce time spent on paperwork.

We are going to spend $10 billion of the taxpayers' money—nearly 10—so we ought to have some accountability, and we ought to know what is happening, but we don't need everybody spending more time filling out forms than they are helping people find jobs.

This bill also streamlines reporting requirements, and it focuses on real outcomes, such as job placement, retention, earnings, credentials, and employer earning satisfaction.

The second broad thing the bill does is support local and State decision-making and flexibility. In that sense it is like a block grant. It reinstates the authority of Governors to reserve up to 15 percent of formula funds for innovative State and local programs. I like that.

I used to be a Governor. I used to think that the Governor of our State—and I still do—knows more about how to make job training work in Tennessee than anybody up here because he is there, not here, so let him or her be in charge of a large part of that. It gives local workforce boards the freedom to transfer up to 100 percent of funds between the two largest formula programs serving adults and dislocated workers.

In other words, if the money we have allocated doesn't really fit Hohenwald, TN, as well as it does New York City or Madison, WI, or Atlanta, GA, then the local workforce board can transfer money from this program to that program. That just makes common sense. It gives States the ability to incentivize and award performance.

It allows people who want a better job, people who want job training, people who are out of a job to choose the career and training service that best meets their needs, and it empowers Governors to recognize or consolidate local areas that are low-performing in order to better meet regional needs.

Finally, it tackles the accountability issue which we all care about. It authorizes consistent measures of quality, including a 5-percent reduction in funding for poor-performing programs. It requires the U.S. Department of Labor to conduct independent evaluations of programs at least once every 4 years.

This is a good piece of work on the No. 1 subject in this country. Whether one is a Democrat or a Republican, jobs is the issue. It is too hard to find a job. It is too hard to create jobs. We have some differences of opinion about what to do about it, but I think we agree that matching the job skills to the job is a solution for millions of Americans.

I believe and I suspect most of us believe that in the Internet age specially, what we should be doing rather than mandating so many answers from here is empowering Governors and empowering local leaders on workforce boards to enable people who want a better job or a job at all to choose what they want to do and to do it. So in Tennessee Governor Haslam will now have much more freedom and $145 million a year to spend on helping Tennesseans get a better job at Bridgestone or at the Nissan plant or start their own work because we are enabling, we are empowering. We are not mandating. We are doing less telling. And from the taxpayers' point of view, we are avoiding the waste of a lot of money by avoiding duplication.

I wish to thank Senators on both sides of the aisle for working together so well on this, particularly on our side of the aisle. I know Senator HARKIN and Senator MURRAY worked well with the Democratic Members. We appreciate their patience as we worked through this.

We had a number of Republican Senators whom Senator ISAKSON and I worked with, and I would like to acknowledge their role, starting with Senator ISAKSON. He was the majority leader of the Georgia—well, I guess he was the minority leader of the Georgia Senate. He was the Republican leader. At that time, they didn't have a majority; they just had a few Senators. But he learned the skills of negotiation and compromise in order to get a result, while still sticking to his conservative principles, and I like to see that skill. So on our side of the aisle he gets most of the credit for the result we are getting.

Right up there with him is Senator MIKE ENZI of Wyoming, who worked on this, Senator ENZI says, for nearly 10 years. Now, that may seem hard to do, but this bill was supposed to be reauthorized after 2003, and this is 2014. So Senator ENZI brought it a long way, and we are grateful to him.

In addition, Senator COLLINS and Senator MURKOWSKI are cosponsors of the bills.

Senator SCOTT from South Carolina played a great role by picking up the SKILLS Act from the House and bringing it over to the Senate and reminding us that we needed to get rid of this maze of regulatory problems and go as far in that direction as we could possibly go. So in his first year in the Senate, Senator SCOTT has played a major role in the passage of a very important piece of legislation.

I have mentioned Senator COBURN before. We all acknowledge there is no one on either side of the aisle who is more relentless in looking for waste, fraud, and duplication than Senator COBURN. Through his work and his staff's work, he put the spotlight on the fact that 44 of our 47 workforce programs were duplicative and wasteful. That is not him saying that; that is the General Accountability Office saying that.

Senators LEE and FLAKE worked with us, and they will be offering amendments today.

Senator PORTMAN made significant contributions to the legislation, and we thank him for that.

Senator HATCH and Senator MCCONNELL made important contributions, and Senator TOOMEY and Senator COATS did as well.

There are a number of other Senators who did something we would like to see more of around here; that is, they didn't insist on every right they had. We are a body that operates by unanimous consent, so if we all insist on all the rights we have, we don't do anything, which is where we find ourselves sometimes. But there were a number of Senators who had good ideas, who had proposals they would like to see adopted. Many of those we were able to incorporate in the manager's amendment, but then some we just couldn't. So they stepped aside and they thought it was more important that we go ahead and come to a consensus and get a result.

In conclusion, let me say this: The other night the Senator from Georgia and I were at the home of the Australian Ambassador to the United States. He was talking about this body. The Australians love the United

States—especially Kim Beazley, the Ambassador. He is a Labor Party member. In our country, that would be called a Democrat. But he is a big pro-American former Minister in Australia.

He said: You know, we envy the U.S. Senate. It is the greatest tribunal in the world. We all wish we had it.

It made us all stop and think. Are we really living up to the respect for this body that people around the world have for the U.S. Senate when it is operating the way it should?

Well, today it is operating the way it should, but a lot of the time it does not.

How should it operate? The Senate is different because it is the single legislative body in the world that is designed for extended discussion of an important issue until it comes to a consensus, and then we cut off debate and then we get a result, if it is possible. That is how we get a civil rights bill. That is how we get Social Security. That is how we get a workforce investment act. We have extended discussion and debate and amendment and vote on an important issue until we come to a consensus.

Why is a consensus needed, which means 60 votes instead of 51 much of the time? Because we govern a complex country by consensus. We don't do it by order or edict or any partisan way.

This is a very complicated bill. It brought here today by unanimous consent, but that is only because we have debated it for an extended period of time here in the Senate and we have come to a consensus about it. We have given up on a lot of ideas we had. If we had our way, we would pass the SKILLS Act in a minute—almost every single Republican would—but that is not what the Democrats would do. So we have come to an agreement in the Senate, and we have come to an agreement with the House. That is the consensus. As a result of that, Governors, such as the Bipartisan Policy Center's Governors' Council, have praised this result. I believe our Governor in Tennessee, Governor Haslam, will be delighted with it. I think our former Governor, Governor Bredesen, who threw up his hands when he saw the maze he had to work with a couple of years ago, will welcome what we have done.

I thank the Senators on both sides of the aisle who have done this. My hope is that this is a disease that is infectious and that we see a little bit more of this kind of legislating in the Senate.

I would like to extend my deep thanks and sincere appreciation to the dedicated staff that worked on this bill to reauthorize the 16 year old Workforce Investment Act for the past several years. Without their hard work and tireless effort we wouldn't have been able to reach the successful conclusion on the passage of this important bipartisan bill.

I would like to thank Scott Cheney on Senator MURRAY's staff, who has been working on this reauthorization effort for many years, as well as Evan Schatz.

Senator ISAKSON's staff worked hard with Senator MURRAY and our Republican offices throughout the Committee process and in coming to this final agreement, including Tommy Nguyen and Brett Layson.

I would also like to thank some former staff who put a lot of time into this reauthorization effort in the 112th Congress, including Glee Smith who worked for Senator ISAKSON, as well as Beth Buehlmann and Kelly Hastings who worked for Senator ENZI on the HELP Committee.

The Chairman of this committee has an outstanding staff that are very capable and dedicated, particularly Crystal Bridgeman, Michael Gamel-McCormick, Lee Perselay, Mildred Otero, and Derek Miller.

Our partners in the House of Representative deserve great thanks for their willingness to come to the table and negotiate a pre-conferenced agreement, including Rosemary Lahasky, Brad Thomas, James Bergeron, Amy Jones, Leticia Mederos, Michele Varnhagen, and Jacque Chevalier on the majority and minority staff of the House Committee on Education and the Workforce.

Many of our Senate Republican offices deserve thanks for their work with the HELP Committee on amendments and other technical fixes to the bill, including Denzel McGuire and Katelyn Conner on Senator MCCONNELL's staff, Christopher Toppings and Natasha Hickman on Senator BURR's staff, Leila Kimbrell and Kate Williams on Senator MURKOWSKI's staff, Laura Pence on Senator COBURN's staff, Kristin Chapman on Senator ENZI's staff, Nick Butterfield and Pam Thiessen on Senator PORTMAN's staff, Christy Knese and Wendy Baig on Senator LEE's staff, Chandler Morse on Senator FLAKE's staff, Diane Browning and Katie Neal on Senator HATCH's staff, Dimple Gupta on Senator TOOMEY's staff, Casey Murphy on Senator COATS' staff, and Lizzy Simmons on Senator SCOTT's staff.

We know these bills don't just suddenly appear. The Senate Legislative Counsel staff work long hours on the bill and then on the amendments, so I would like to especially thank Liz King, Amy Gaynor, Chelsea Koester, and Kristin Romero.

And we always rely on the experts at the Congressional Research Service to give us good information in a timely manner, so I extend our thanks to David Bradley and Benjamin Collins.

Finally, I would like to thank my staff. They have put a lot of time and effort in to make this a process that the Senate and American people can be proud of and I appreciate their efforts and late nights on this bill. So, my thanks go out to Patrick Murray, Bill Knudsen, Peter Oppenheim, David Cleary, Diane Tran, Jim Jeffries, Margaret Atkinson, and Liz Wolgemuth.

I thank the Chair.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3379 TO AMENDMENT NO. 3378

Mr. FLAKE. Madam President, I call up my amendment No. 3379.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. FLAKE] proposes an amendment numbered 3379 to amendment No. 3378.

Mr. FLAKE. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In section 116(g)(2), strike subparagraph (A), and insert the following:

(A) IN GENERAL.—If such failure occurs for a program year, the Governor shall take corrective actions, which shall include development of a reorganization plan through which—

(i) the Governor shall—

(I) prohibit the use of eligible providers and one-stop partners identified as achieving a poor level of performance; or

(II) take such other significant actions as the Governor determines are appropriate; and

(ii) the Governor may require the appointment and certification of a new local board, consistent with the criteria established under section 107(b).

Mr. FLAKE. Madam President, I am pleased to have the opportunity to offer this amendment today, and I appreciate my colleague, the ranking member of the HELP Committee, working with my office to make this possible.

The Workforce Innovation and Opportunity Act the Senate will vote on today establishes a performance accountability system for adults and youth core programs provided for within it. This bill also establishes sanctions for both States and localities that fail to meet the established accountability measures.

My proposed amendment works to increase accountability in local training programs and one-stop providers.

As the bill currently stands, a Governor can only take corrective action if a local area fails to meet performance accountability measures for 3 years in a row. That is a long period of time. My amendment moves the timeframe that a Governor can get involved in failing programs lacking corrective actions from 3 years to 1 year. I think that makes sense, certainly. Simply put, if training providers and one-stop partners are identified as ''poor performers'' after 1 year, the Governor

should be required to remove them from the list of eligible providers. This amendment is simply common sense. Why should poorly performing programs continue to miss performance accountability measures for 3 years in a row before a Governor can get involved and take corrective action?

In addition, under this amendment a Governor could replace a local board if necessary after just 1 year, but that wouldn't be required.

My hope is that if we are going to do these kinds of things—if we are going to provide these funds—States and localities should work together to make these programs as successful and beneficial as possible.

I believe this amendment will provide an additional level of oversight of these programs, and I ask my colleagues to support this amendment.

Shifting now from this specific amendment, I now wish to talk a little bit about the amendment process in general and the position we find ourselves in today in this body.

At their core, amendments offered on the floor serve as an opportunity to not only thoroughly debate an issue. We all know that legislation is often brought to the floor having only had the benefit of input from just a few Members. What amendments do is provide individual Senators the chance to change and often improve legislation. They are a right in this body, not a privilege.

I believe in this fundamental process so strongly that I have supported controversial cloture motions and other motions to proceed on underlying bills even if I did not support that legislation, simply on good-faith assurances that amendments would be offered and that amendment debate would be allowed. Even though I did not support the bill as it stood, I would at least have the opportunity to make it better through an open legislative process. That is how I felt on a number of pieces of legislation that have moved through this body.

Unfortunately, many of these assurances were not met and my fear is this body will continue to pass legislation with little to no amendment consideration.

Since last July, Republicans have only had 11 rollcall votes on amendments, including the 2 we will see today. By comparison, in the other body, House Democrats have had over 160 votes on amendments during that same period—160 for the minority party in the House of Representatives. That is more than 14 times the votes Senate Republicans have had.

As my good friend from Kentucky pointed out earlier, Representative SHEILA JACKSON LEE has singlehandedly received more amendment votes than all Senate Republicans, given that she has had 15 votes on her amendments since last July in the House of Representatives.

Some who lionize this Chamber—and I am one of those—as the world's most deliberative body often take a dim view to the practices of the House—I am not one of those; but this is supposed to be the more deliberative body with open amendments and open debate—they will cite with trepidation the restrictive and structured approach to debate in the House and, with a shudder, the very fact that the House has the dread Rules Committee that picks and chooses which amendments will be offered. I can tell you from experience, when it comes to the ability to offer amendments, I now long for those days in the House.

During my service in the House, between the 107th and 112th Congresses, I personally offered—this is offered; not filed, but offered on the floor of the House of Representatives—239 amendments. In fact, in the last four Congresses, I offered between 30 and 70 amendments per Congress.

Outside of the sheer volume, one could reasonably chuckle at my amendment batting average since very few of my amendments passed. But I actually had more amendments adopted in the past two Congresses each than we have had rollcall votes on Republican amendments in the Senate since July.

Under both Republican and Democratic leadership in the House, my right to offer amendments, particularly during the appropriations process, was respected. They were respected by both parties, even when I was offering dozens of earmark-limitation amendments that most of my colleagues preferred not see the light of day.

Many of my colleagues here in the Senate served with me in the House. They all remember those times. Nobody wanted to vote on Flake amendments. These earmark-limitation amendments were not popular. They often did not get many votes. But, in fact, in all but one of the 140 earmark-limitation amendments I offered, they failed—all but 1. But I think we can all agree that joining with a small handful of my colleagues to spotlight precisely what was going on in these appropriations bills ultimately aided in the current earmark moratorium that is in force by both Houses. That is a good thing.

While I prefer to have my amendments prevail, that certainly should not be the test for whether I am afforded the ability to offer them.

Unfortunately, in my short time in the Senate, I have filed 85 amendments to improve underlying legislation and to address issues faced by my constituents. It is worth noting that this will be my first amendment that will be voted on by my colleagues.

During last year's NDAA consideration, I filed an amendment that would simply ask DOD to report on OCO spending. The amendment would have required an accounting of OCO funds appropriated during fiscal year 2013 and requested in fiscal year 2014 and would have withheld 10 percent of the budget for the Office of the Secretary of Defense until the report was received. This amendment is not a fundamental policy change; it is simply a reporting requirement that all of us would benefit from.

Last week, I filed 30 amendments to the minibus appropriations bill, but not one is likely to see the light of day. With no disrespect to my colleagues, and having served on the Appropriations Committee in the House myself, I think we can all agree that spending bills benefit from a good scrubbing by this entire body before they move through the legislative process.

For example, one of those amendments would have reduced the USDA Single Family Housing Direct Loan Program from $560 million to $360 million—the same amount as is in the President's budget. I think most of us would be surprised to learn that the Department of Agriculture has a Single Family Housing Direct Loan Program and that we are funding it to the tune of $560 million. The President wants to move that down to $360 million. I agree with the President. We ought to. At least we ought to be allowed to debate it and vote on it.

This is not an outlandish amendment. It would simply reduce funding levels to the President's request and, more importantly, give this body the opportunity to discuss the merits of the program.

I know some of my colleagues will disagree and will ultimately oppose many of these amendments and others if they come to a vote, and that is fine. What is not fine is the fact that we in the U.S. Senate cannot even have that debate.

To be clear, this is not just a Republican concern. A recent article in the Hill mentioned how my colleagues on the other side of the aisle are seemingly just as frustrated with the current amendment process. The article included a quote from a Democratic Senator who said: ''I've never been in a less productive time in my life than I am right now, in the United States Senate.''

So apparently I should count myself lucky to get a rollcall today on this amendment because there are many on the other side of the aisle who have not been afforded the same luxury.

Both Democrats and Republicans are getting shut out of this process, and it is a very dangerous precedent. I urge my colleagues to encourage thoughtful, open debate from here on out. I also encourage support for my commonsense reform to the accountability provisions of this legislation we are debating today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, I thank the Senator from Arizona for his input, and I want to acknowledge his remarks with regard to the amendment process.

One of the reasons we have a bill which is on the floor today—the Workforce Investment and Opportunity Act

is here—is because it is one of the few bills where we have had a process in working toward a final passage where we have had a lot of amendments.

This bill has a lot of input from a lot of people. We did that. The fact that he is having his first vote, after offering 85 amendments, is a testimony to the reason we ought to have more voting on amendments, more debate on the floor, and we will pass things and be more productive in our process.

So I thank the Senator for his leadership. I thank him for helping us as we brought this legislation forward and encourage him to continue to offer amendments and work to perfect legislation coming before the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Madam President, could the Presiding Officer inform us as to the time remaining on both sides?

The PRESIDING OFFICER. The Senator from Georgia controls 2 minutes and the Senator from Connecticut controls 45 minutes.

Mr. ISAKSON. Madam President, I wish to ask unanimous consent that the majority side yield an additional 10 minutes of their time to the minority side in order for Senator PORTMAN to make his speech.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ISAKSON. Madam President, I yield for Senator PORTMAN.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Madam President, I thank my colleague from Georgia and appreciate his work on this legislation. I know that he and the Senator from Tennessee have been talking about the legislation earlier today. I understand that Senator ALEXANDER talked about some of the work we have done together to try to make sure this legislation does not just reauthorize an existing program but improves that program to give more focus on how to take our Federal worker retraining program to make it work for America's workers at a critical time.

We just learned that the economy, in the first quarter, grew even less than we had thought. I think it now has been readjusted to almost minus 3 percent—minus 2.9 percent growth. We have big problems in terms of our economy getting moving. One of the problems we have is we do not have the trained workers for the 21st century jobs that are out there.

I rise today as the Senate is on the verge of passing this first comprehensive reform of our Nation's primary workforce development programs in about 16 years, to say that I appreciate, again, the fact that Members on both sides of the aisle have worked with me and others to put some reforms into this program to ensure it works better for our workers and for our competitiveness and for our ability to actually get this economy moving again.

We do have this weak economy. And sometimes we are sort of numb to it. We forget that this is not just a typical recovery; it is a very slow recovery. In fact, by measures of growth in economy or unemployment or other measures, it is the weakest economic recovery we have had since the Great Depression. We have become numb to some of the disappointing news.

Almost 20 million Americans are out of work, 317,000 of our friends and neighbors in Ohio are now unemployed, and millions more have given up looking for work. In fact, the number of people who have given up looking for work is growing, so it is a high percentage. As to those who have given up looking for work, you would have to go back 34 years ago, to the 1970s, to find similar numbers of people as a percentage of the workforce.

For men, they say it may go back to the 1940s when we started keeping track of this. So we have problems. We have problems that can be solved in part by closing what is called the skills gap. In other words, there are a whole bunch of jobs that are open, but they cannot be filled because people do not have the skills to take those jobs.

By the way, you do not have to take my word for it. Will.i.am of the Black Eyed Peas is someone I do not often have an opportunity to quote on the floor of the Senate, but he was at the White House recently. In addition to his work in the music industry, he is also known for his work with kids back in his hometown of Boyle Heights, CA. A lot of that is focused on job training, skills training. During an event at the White House a couple of weeks ago, I saw that he said the following: There are so many jobs in America we can't fill because people aren't brought up to speed with the skill sets that are needed.

Will.i.am is right. The numbers back him up, by the way. Today, 4.5 million jobs remain open and unfilled in America. Yet we have these high levels of unemployment and all of these people who have left the workforce altogether. What is going on? Part of it is that we do not have the skills to be able to fill those jobs.

In Ohio today, if you go to the OhioMeansJobs Web site, you will see 140,000 jobs advertised. Yet we have about 317,000 people out of work. If you look at these jobs, a lot of them require advanced manufacturing skills, information technology skills, and medical and bioscience skills for health care workers. We have to do better in terms of filling that gap so that American workers are able to meet the demands of the 21st century.

There is a skills gap report by the Manufacturing Institute that came out recently. Based on a poll they did, it said that 74 percent of manufacturers are experiencing workforce shortages or skill deficiencies that keep them from expanding their operations and improving productivity. Seventy-four percent say they are looking for better skills to be able to fill those jobs.

We could be doing so much better than we are to close that skills gap. For too many Americans, the only jobs available are those that they do not have the skills and qualifications to be able to fill.

The Federal Government spends a lot of money on this. This is not for lack of funds. The Federal Government spends between $15 and $18 billion a year on these Federal worker retraining programs. As some of you know, there are 47 different programs spread over 9 different departments and agencies. We need to do more to try to consolidate and improve these programs, but in the meanwhile let's do what we can. That is what this legislation does.

The Government Accountability Office or GAO—which looks at all Federal agencies and decides how they are doing, spent a lot of time looking at this. They have said that some of that money—the $18 billion I talked about of our taxpayer money that does provide the funding for these 47 different programs over 9 departments and agencies—they are not working very well. They say 45 of the 47 programs overlapped with at least 1 other program. Only five have conducted an impact study of their efforts since 2004, meaning that the assessments of outcomes or performance you would expect are not being done. Only five have conducted an impact study of their efforts since 2004.

GAO concluded that ''little is known about the effectiveness of most of these programs.'' But actually we do know something about the effectiveness because these millions of unfilled jobs are an indictment of the program. In other words, we should be doing a better job of getting the skills we need to fill these jobs if we are spending $15 to $18 billion of hard-earned taxpayer money on it.

I hear this story all across Ohio, and I know my colleagues hear it across their States. I hear from workers, from businesses, from educators. People are frustrated, and there is good reason for it. I think the way Washington has handled workforce development is simply inefficient. It is not working well. I think it is unfair to employers who have open positions because they cannot find qualified candidates to fill them. It is certainly unfair to taxpayers who send their money to Washington believing that their government will be good stewards of those funds and that we are going to use them effectively for worker retraining, getting the money into the hands of people to train them for jobs that are actually out there. I think it is unfair to, of course, millions of Americans who would like to build a better life for

their families and find that the Federal resources allocated to them are not getting the job done.

Because we believe we can do better, this Congress is going to act today. The Senate and the House are working together on this issue, which is good. It is bicameral. It is bipartisan.

I have joined with Senator MICHAEL BENNET of Colorado on what is called the CAREER Act. The CAREER Act is included, in most part, in this legislation. The CAREER Act first calls for a reduction in the wasteful and inefficient overlap in the system.

I am pleased to see that the legislation before us today trims 15 programs from our Nation's workforce development program. I think that is a good start. I also think we can do even more. Understanding that there were a lot of constraints, different points of view, we need to consolidate further, in my view.

Second, we called for an increased focus on helping unemployed workers attain high-quality credentials that give them a leg up in the local job market. I am pleased this bill includes our provisions that require those local boards, the workforce investment boards, to give priority consideration to programs that lead to credentials that are in demand in their local area.

We worked hard to include a provision requiring the State and local boards to provide specific strategies for helping folks attain high-quality credentials. These are industry-recognized credentials that are in demand, that are portable—they can move from State to State—and that help them move up the career leader. That is important because we know that these credentials, based on all the research, are critical to getting people into these jobs.

Third, we call for a new and innovative accountability program in the system called Pay for Success. Currently, the workforce development programs provide funding regardless of performance so long as certain rules are followed and input requirements are met—not output but input. This has resulted in this unaccountability the GAO talked about and many complacent programs that have fallen short. Pay for Success turns this model on its head by linking payments to outcome, to actual performance measures. Job-training service providers who do well will be rewarded under this model. Those who fail to deliver results are going to be held accountable.

I am pleased that again this underlying legislation—the Workforce Innovation and Opportunity Act—before us today includes these Pay for Success provisions that allow local workforce boards to use their formula to engage in Pay for Success contracts. That is a step in the right direction. I would like to go even further, but I think it is historic and it is very important.

Finally, we call for access to better data to make it less difficult and expensive for State and local officials to assess the effectiveness of their training activities in real time. I am pleased this legislation includes the provisions for a study on how to access better data that can help the system deliver better results for taxpayers and the unemployed. That is part of the CAREER Act.

These four reforms can help change lives and turn around our economy. They are the kinds of reforms that can empower millions of Americans to get the kinds of jobs that do fund retirement, that do buy homes, that do pay for college educations. These reforms are long overdue.

We live in a dynamic and ever-changing economy, no question about it. We have to be sure our workforce is also dynamic and ever-changing to be able to meet the demands. We should not be held back by a workforce development system that has not been reauthorized since 1998. For reference, that is the year Google was first incorporated as a company. So I strongly support the underlying legislation.

Again, I commend my colleagues on both sides of the aisle—I see some of them here today on the floor—for their work. I thank them for working with Senator MICHAEL BENNET and me to incorporate some of the bipartisan CAREER Act provisions.

At a time when the two parties in Washington have been at odds on how to finally get our economy moving again, this is a jobs bill that is win-win. It is a win for everyone, especially those Americans who are still looking for jobs and those businesses that are desperate to fill the skills gap they see.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I rise in strong support of the Workforce Innovation and Opportunity Act. This legislation represents a long-overdue upgrade to our workforce investment system. I wish to commend the bipartisan work of Chairman HARKIN, Senator MURRAY, Senator ALEXANDER, and Senator ISAKSON in negotiating this compromise legislation that will move our job training and adult education systems forward.

The need to improve our workforce investment system has crystallized during this recovery from the great recession. My home State of Rhode Island continues to struggle with high unemployment—the highest rate in the Nation. Many of our unemployed workers have been out of work for an extended period of time. Yet employers tell me they have open positions they cannot fill because they cannot find workers with the skills they need today. The Workforce Innovation and Opportunity Act takes important steps to help address the skills mismatch that keeps jobs open and potential workers unemployed.

The Workforce Innovation and Opportunity Act streamlines the current workforce development system by requiring a single comprehensive plan that incorporates all of the core programs and is aligned with economic development plans for the States. It also establishes shared performance metrics that apply to all of the programs in the system. In other words, it makes sure that employers, educators, and the workforce system are all on the same page.

The legislation before us today makes some tough choices, eliminating 15 programs. However, it also maintains and strengthens vital national programs such as Job Corps and Youth Build, which have made a difference for so many young people in Rhode Island and across the Nation.

I am particularly pleased that the Workforce Innovation and Opportunity Act strengthens the partnership between our workforce investment system and our public libraries. Libraries are where people go when they need help or information. They are a critical part of the delivery system for adult education and job training.

In fiscal year 2011, the Institute of Museum and Library Services reported that there were 1.52 billion visits to public libraries across the Nation. Senator COCHRAN and I introduced the Workforce Investments through Local Libraries Act to harness the potential of public libraries to expand the reach of the workforce investment system and ensure that job seekers and adult leaders had the opportunity to develop the critical digital skills necessary for today's economy. The Workforce Innovation and Opportunity Act includes many of the provisions of this legislation. I was very pleased to work with Senator COCHRAN and have great gratitude for Senators ALEXANDER, ISAKSON, HARKIN, and MURRAY for incorporating some of our ideas.

The Workforce Innovation and Opportunity Act also strengthens adult education and includes many of the provisions of the Adult Education and Economic Growth Act that I introduced with Senator BROWN.

For 2012, data from the Program for the International Assessment of Adult Competencies show that an estimated 52 percent of adults age 16 to 65 in the United States lack the literacy skills necessary to identify, interpret, or evaluate one or more pieces of information. These are critical skills for postsecondary education and the workplace. The Workforce Innovation and Opportunity Act will help address this critical need for adult education and literacy by ensuring that adult education programs are aligned with job training and postsecondary education, supporting the professional development of adult educators, offering technical assistance for adult education providers, and strengthening the research and evaluation of best practices in adult education.

The Workforce Innovation and Opportunity Act is an example of what is possible when we work together to solve problems and strengthen the tools available to our communities to

improve the quality of life. We have libraries. We have adult education programs throughout this country. What I think the sponsors of this legislation so creatively did is pull them together, so the sum of the parts is much greater and will have a much more effective impact on the employment opportunities for Americans and our productivity as a nation.

In that regard, I would like to discuss for a moment a new bipartisan bill I have introduced with Senator HELLER to restore emergency benefits for jobseekers for 5 months. What we have done here is we have addressed the issue of training, but we still have an issue with people who are desperately looking for work and need the assistance of the unemployment benefits to do that.

I think this legislation will help us make the case because one of the legitimate reasons that were raised with respect to the extension of benefit was, well, we do not have a job training program, so we are not preparing people for jobs. That is what we should be doing. Well, this bill goes a long way to do that. I think it helps us in trying to make the case.

As we know, in April we voted on a bipartisan basis to send the bill to the House. Unfortunately, it languished there, and then ultimately the time expired. Our new plan would provide prospective emergency benefits—just going forward—for those eligible job seekers who lost their benefits on December 28. They would essentially pick up where they were on December 28.

This is something that, hand in hand with this new job training bill, will give people both additional advantages of training and resources to make it through the training period, pay the rent, have a cell phone so they can call for a job, do those things that are necessary to get by. It is fiscally responsible. It is offset. We are waiting for an official score from CBO, but our intention is to make it a bill that is fiscally responsible. Madam President, 3.1 million Americans lost these benefits—that number grows by approximately 72,000 a week. We can do better. We must do better.

We are doing a lot to try to get people back to work. I commend this legislation. It is an important step forward.

It is an important step forward, because as so many of my colleagues have noted, one of the things that is amazing in this recession—and I have mentioned it previously—is to go into Rhode Island to companies even with the state unemployment rate of 8 percent—and have the owners say they are desperately looking for four or five workers. They can't find them.

Why is that? The skills that 20 years ago got someone a good job in Rhode Island and for the past 20 years kept them working, after this downturn slowed their company or pushed them out, those skills are out of date. Good workers, long work history, they need not only the help to retrain, but they also certainly need the help to get from day to day until they can get back in the workforce.

With that, let me again commend and thank the sponsors and authors of this legislation.

I yield the floor.

Mr. ISAKSON. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I ask unanimous consent that if the final vote on passage is successful, the statement of the managers for the Workforce Innovation and Opportunity Act be printed in the RECORD immediately following the text of the Senate-passed bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ISAKSON. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. How much time remains on the Republican side?

The PRESIDING OFFICER. There is 1 minute remaining.

Mr. ISAKSON. I ask unanimous consent that 5 additional minutes be extended from the Democratic side to the Republican side.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. How much time remains on our side?

The PRESIDING OFFICER. There is 25 minutes remaining on the Democratic side.

Mr. HARKIN. Sure, absolutely.

Mr. ISAKSON. I yield the balance of our time to the Senator from Utah, Mr. LEE.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3380 TO AMENDMENT NO. 3378

Mr. LEE. Mr. President, I call up amendment No. 3380 to amendment No. 3378.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 3380 to amendment No. 3378.

Mr. LEE. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that evaluation reports are due every fourth year, to establish a reservation of funds in a fiscal year in which a report is due, and to establish a reduction in funds if a report is not submitted)

Beginning on page 395, strike line 20 and all that follows through line 24, and insert the following:

(B) PERIODIC INDEPENDENT EVALUATION.—The evaluations carried out under this paragraph shall include an independent evaluation of the programs and activities carried out under this title. A final report containing the results of the evaluation shall be submitted under paragraph (5) not later than June 30 of 2018 and every fourth year thereafter.

On page 399, between lines 6 and 7, insert the following:

(9) RESERVATION AND REDUCTION IN FUNDS FOR FAILURE TO SUBMIT EVALUATION REPORTS.—

(A) RESERVATION OF FUNDS.—At the beginning of a report year or a succeeding year, the Secretary shall reserve 5 percent of the funds appropriated and made available to the Office of the Secretary.

(B) RETURN OF FUNDS.—If, by the end of the report year or succeeding year, respectively, the committees described in paragraph (6) do not receive the corresponding report, the funds reserved in subparagraph (A) for the year involved shall be returned to the Treasury of the United States.

(C) DEFINITIONS.—In this paragraph:

(i) REPORT YEAR.—The term ''report year'' means a fiscal year in which a report is due under paragraph (1)(B).

(ii) SUCCEEDING YEAR.—The term ''succeeding year'' means each succeeding fiscal year, after a report year in which a report is due and not received as described in subparagraph (B), if the report remains unsubmitted on the first day of that succeeding fiscal year.

Mr. LEE. Mr. President, Federal job training programs are seldom evaluated to determine whether they are meeting their intended purposes.

However, when the United States is $17.5 trillion in debt, we as representatives of the American taxpayers should do a better job to ensure that the programs we are funding are actually working and we are working with them.

We should pay particularly close attention to programs that receive billions of dollars every year from the Federal Government when their authorization lapsed over one decade ago.

The Murray-Isakson-Harkin-Alexander substitute amendment takes important steps to ensure title I State and local programs are more accurately evaluated, meaning performance measures and held accountable for unmet goals and resubmitted reports.

More specifically, the bill would sanction State and local programs should they continually fail to meet their performance measures or fail to submit required reports. The substitute amendment does not hold the Department of Labor to similar standards.

The Department is required to conduct evaluations and to submit separate reports to Congress. I was very pleased to work with Senators ALEXANDER and HARKIN to include in the managers' amendment a provision that would require the final evaluation reports to be made public and available

to the public. In my opinion, requiring the Department to post these reports to the Department's Web site is a commonsense step toward improving transparency in the WIOA job training programs.

In addition, I worked closely with the HELP Committee chairman and ranking member to further discuss a procurement provision within the Job Corps section of the bill. While I believe there are still some outstanding concerns that we should continue to discuss, I believe everyone's goal is to ensure that the best Job Corps operators are able to compete for these sites.

Today I would like to offer an additional good governance measure that would subject the Department of Labor to similar sanctions as the States. It would help tackle the problem of the Department of Labor delaying congressionally mandated evaluations, which routinely has been abused by both Republican and Democratic administrations.

It is a shame that Congress passing a law requiring the completion of an evaluation by a certain date is not enough to get the job done. My amendment would remedy this problem by reducing the budget of the Department of Labor's Office of the Secretary by 5 percent in the year a report is due, should the agency fail to conduct and release the independent evaluation as required by this bill. This reduction of funds would continue each year until the report is finalized.

WIOA authorizes $9 billion each year for the next 5 years, and title I represents half of that funding. Therefore, ensuring an independent evaluation of title I programs is conducted and made publicly available for review and scrutiny by Congress and the American public. It is critically important for any future modification, renewal or elimination of programs.

I would appreciate the support of my colleagues for the passage of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, we worked very hard on this bill to make sure we had good, strong, independent evaluations and reporting requirements. Therefore, I am pleased to rise and speak in opposition to the amendment.

We included in the bill requirements for an independent evaluation to be conducted every 4 years, which includes what we call the gold standard impact evaluation, the first of which is due in 2019.

Our House colleagues on both sides of the aisle agreed with and supported these provisions in a bipartisan, bicameral process. What the Lee amendment would do would be to inappropriately penalize the Secretary of Labor if the Secretary does not submit a report by an arbitrary date.

I understand the intent of the amendment. We all want to see reports filed in a timely manner. However, the Lee amendment does not give any allowance for factors that might be outside of the Secretary's control and then would penalize the Secretary for the failure of others over whom the Secretary has absolutely no control—and that is why I oppose the amendment.

As the name suggests, independent evaluations are run by objective, independent third parties. Sometimes the evaluations encounter delays that are far beyond the control of the Department.

For example, data may not be available in a timely manner; alternatively, followup with States, local areas or programs participating in the evaluation may be necessary. On some occasions, legal challenges may arise. Any of these factors could delay a comprehensive report of this nature.

Then to say, however, we are going to penalize the Department for failing to meet an arbitrary deadline I think is inappropriate and inequitable, because they may not have control over that. So the Lee amendment would disregard any and all of these reasons a report might be delayed even by 1 day.

I wish to make it clear that all of us who worked on this bill believe in the value of independent evaluations and the information they can provide policymakers and consumers, but we also believe they should be done right, without undue pressure of arbitrary deadlines and no room for corrections.

I would also note the underlying bill does strengthen evaluations and reporting in the right way. This is something we all worked on and we have all worked on it in a bipartisan bicameral nature.

Again, the House has been very clear that we work this out. They would not be accepting of this amendment, so I hope all Senators would join with us who worked so hard on this bill in a bipartisan manner to oppose the Lee amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. If I could respond very briefly, I think it is important to point out that, yes, there may come a time when in any government office—whether it is an elected government office or appointed office—when someone who is new to the office might be affected by something that did or didn't happen during the predecessor's time in office.

But even were that to occur in the case of the Secretary of Labor, this is a position that could easily enable, could easily empower the new Secretary to come in and within a matter of months make sure our contractor gets a report done and make sure that report gets submitted.

It is also worth noting that when we entrust a Federal agency with the power to spend $9 billion of the American people's hard-earned taxpayer money, hard-earned resources, we should expect them to stand accountable, and they should certainly have the ability to have a study conducted and have that study released to the American people.

If we don't trust them to be able to issue that report and make it public, then we should have some reason to be concerned about giving them $9 billion.

But I think this is a reasonable requirement, and therefore I ask my colleagues to support this measure.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRANKEN. Mr. President, I rise today to speak in proud support of the Workforce Innovation and Opportunity Act, and to urge my colleagues to support it.

This is an extremely important piece of legislation, and one I was happy to work on in the HELP Committee. It is also long overdue. We haven't reauthorized the Workforce Investment Act since 1998, and it is clear that the law isn't working for the 2014 economy. We know it isn't working because we have a large and growing skills gap.

Now, what is the skills gap? Recent studies have shown that between one-third and one-half of manufacturers in my State have at least one job they can't fill because they can't find a worker with the right skills. That is the skills gap in Minnesota. Of course, it isn't just Minnesota, it is a nationwide phenomenon, and any colleague I talk to on the floor says that is the case in his or her State.

A 2011 survey by Deloitte found that there were 600,000 manufacturing jobs nationwide that were unfilled because of a skills shortage. I just met with Bob Kill, the president and CEO of Enterprise Minnesota, a terrific organization that studies manufacturers in my State of Minnesota, and as he likes to say, ''we've been admiring this problem for a long time.''

And it is not just manufacturers. There is a skills gap in information technology, in health care, and in other sectors that have jobs sitting there waiting for skilled workers to fill them. There are more than 3 million jobs in this country that could be filled today if there were workers who had the right skills. With too many Americans unemployed, we have to find a way to fill those jobs.

The thing is, we know how to solve this, and the Workforce Innovation and Opportunity Act will help us do that. I have been to the floor of the Senate a number of times to talk about the strategy. I have talked about it with the Presiding Officer. I am excited about this, as the Presiding Officer very well knows. These are partnerships between businesses and community and technical colleges that are training workers and getting them into

high-skilled, high-demand jobs right away.

A number of these partnerships are up and running in Minnesota and have employers fighting over graduates—and sometimes the fight starts even before the students have graduated. That is good for the student. Bob Kill told me about the top student in one of these programs at Alexandria Technical and Community College—by the way, a community college which has been doing this for a while and doing a great job. This student had 14 job offers before he graduated. All 14 employers said they would pay him to get his engineering degree. I bet if we asked most recent graduates from 4-year or even graduate degree programs, they would be jealous of that kind of eagerness from employers.

So that is a program that is working, and with good reason; employers were involved in the program from day one, so they helped to shape the curriculum to their needs. This is obviously more effective than a training program with no connection to the needs of employers or, as Labor Secretary Tom Perez calls it, ''train and pray.'' Our education system needs more of this focus on skills for jobs that exist.

Careers are different than they were a generation ago. Very few people stay working in one job for one company for their entire life anymore. As technology progresses faster and faster, workers are going to need to constantly update their skills. We need a workforce development system that is agile enough to keep up with these changing demands. That is essential not just so workers will be able to get the different skills they will need over the course of their working lives, it is also going to be one of the keys to the United States remaining globally competitive. If our workers can't adapt to the new industries that are constantly forming, we will lose those jobs to our global competitors. We are seeing manufacturing coming back to our country for all sorts of reasons, and we need to have the skilled workers to take advantage of that and be globally competitive. There is no better way to anticipate and react to these changes than to connect businesses directly with our schools to get workers exactly the skills they need.

This is also about local competitiveness, it is about jobs, it is also about college affordability. I already talked about the student with 14 job offers, all of which included a free engineering degree. We can't get more affordable than free. Many have heard me talk about this issue before, a manufacturer from Minnesota named Erick Ajax.

When Erick hires employees from these business-technical college partnerships, the way he looks at it is they are on a career ladder that would otherwise not be available to them. He told me about one such hire. He hired him right after a credentialing program, like a short CNC credentialed program. The guy did a great job, and so he said: Well, I am going to send you back to community college to get your associate's degree while you are working, and I will pay for it.

So the guy got his associate's degree, came back, and he was magnificent. So then he said: You know what. I am going to send you to the University of Minnesota to get your bachelor's degree, while you are working. I believe he is about to get his bachelor's degree, but he is now the head of quality control for this advanced manufacturing company—and he will have a couple of degrees, with zero debt. I think about that story a lot when I think about college affordability.

I could talk about these partnerships for hours, as the Presiding Officer knows—he has heard me—because they work. I have been enthusiastic about this. That is why I worked with PATTY MURRAY, the great Senator from Washington; JOHNNY ISAKSON, the great Senator from Georgia; TOM HARKIN, the great Senator from Iowa; and LAMAR ALEXANDER, the great Senator from Tennessee, to make sure this bill would encourage the formation of these partnerships. I thank each and every one of them for their leadership on this bill. They worked together on a bipartisan basis and led a cooperative process in the HELP Committee. I think the result is a bill of which everyone can be proud.

I will keep working to pass my Community College to Career Fund Act, because I think these partnerships deserve even more focus as well as a dedicated funding source. But I am proud that I fought to make sure the Workforce Innovation and Opportunity Act contains provisions similar to my bill, and it does a lot to encourage the formation of more of these partnerships—and bigger partnerships—create more jobs, more workers with jobs, and degrees on a path in the right direction. I think this is a huge step in the right direction, and I thank my colleagues. We are creating a smarter, nimbler workforce that will be able to respond to the unique needs of each local area, coordinating all the programs so they will all be working together toward the same goals and the same outcome metrics. This will reduce administrative costs and make the system focus on what counts—getting people good jobs.

Once again, I thank Senators MURRAY, HARKIN, ISAKSON, and ALEXANDER for their hard work on this bill. I encourage my colleagues to support it so we can get our workforce system working for today's economy and the economy of tomorrow.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, as we end this debate, I thank my coauthors and managers of this bill, Senator ISAKSON, Senator HARKIN, and Senator ALEXANDER. And I also again thank Senator ENZI who was for years my partner on this bill.

For over a decade now some combination of us, along with others, has been working to reauthorize the Workforce Investment Act, and I am so excited that we are finally on the verge of passing this long overdue legislation through the Senate.

Let me remind everyone that the workforce development system serves over 20 million people every year. That is one of every eight working-age adults in this country—people who are looking for work, people who want to change their jobs, people who want to upgrade their skills. And the system serves thousands of employers every year—manufacturers, construction firms, health care providers, financial institutions. The list goes on.

Let's also remember that our workforce development system is a vital partner of economic developers all around the country, making sure that companies being recruited or expanded have access to training and skilled workers necessary to compete and grow.

With millions of new jobs that will require postsecondary education and advanced skills in the coming years, we will fall behind if we do not modernize our workforce development system and programs now. We have to make sure when high-tech jobs of the next century are created, Americans are ready to fill them. That is what we have done with this bill. We have doubled down on the programs that work, we have eliminated programs that have become outdated, and created a workforce system that is more nimble, adaptable, better aligned, and more accountable.

I am very proud to be at this point. I again especially thank my partner who has been with me so many critical times, Senator ISAKSON from Georgia, who has been incredibly hardworking and diligent in getting this done.

I look forward to the votes. We have two amendments—I will be joining all of our cosponsors in voting against those amendments—and then final passage. I again thank everyone who has worked so hard on this legislation for so many years.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, as we close the debate, I enthusiastically support and endorse the Workforce Investment and Opportunity Act. This is a statement the Senate can send to the United States of America and all people who are on unemployment, looking for better opportunities. We are now going to offer training to see to it those 10,600,000 Americans out of work can find jobs, and hopefully it will be the 4 million jobs available today in America where skilled workers are not trained.

I thank Senator MURRAY for her kind comments and reiterate my appreciation for her, her staff, Scott Cheney, my staff, Tommy Nguyen.

Chairman HARKIN has been a fearless leader on our committee and allowed us the chance to get to where we are today.

Senator ALEXANDER's velvet glove on an iron hand helped us get through an amendment process that was difficult at times but got us to the point we are today.

I urge my colleagues to vote for the bill and against the two amendments.

I yield back the remainder of our time.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 3379, offered by the Senator from Arizona, Mr. FLAKE.

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Nebraska (Mr. JOHANNS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 63, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—33

| | | |
|---|---|---|
| Ayotte | Flake | Paul |
| Barrasso | Graham | Risch |
| Blunt | Grassley | Roberts |
| Boozman | Hatch | Rubio |
| Burr | Heller | Scott |
| Coats | Inhofe | Sessions |
| Coburn | Johnson (WI) | Shelby |
| Cornyn | Kirk | Thune |
| Crapo | Lee | Toomey |
| Cruz | McCain | Vitter |
| Fischer | McConnell | Wicker |

NAYS—63

| | | |
|---|---|---|
| Alexander | Gillibrand | Murkowski |
| Baldwin | Hagan | Murphy |
| Begich | Harkin | Murray |
| Bennet | Heinrich | Nelson |
| Blumenthal | Heitkamp | Portman |
| Booker | Hirono | Pryor |
| Boxer | Hoeven | Reed |
| Brown | Isakson | Reid |
| Cantwell | Johnson (SD) | Sanders |
| Cardin | Kaine | Schatz |
| Carper | King | Schumer |
| Casey | Klobuchar | Shaheen |
| Chambliss | Landrieu | Stabenow |
| Collins | Leahy | Tester |
| Coons | Levin | Udall (CO) |
| Corker | Manchin | Udall (NM) |
| Donnelly | Markey | Walsh |
| Durbin | Menendez | Warner |
| Enzi | Merkley | Warren |
| Feinstein | Mikulski | Whitehouse |
| Franken | Moran | Wyden |

NOT VOTING—4

| | |
|---|---|
| Cochran | McCaskill |
| Johanns | Rockefeller |

The amendment (No. 3379) was rejected.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the amendment offered by the Senator from Utah, Mr. LEE.

Mrs. MURRAY. I ask for the yeas and nays.

PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Nebraska (Mr. JOHANNS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 58, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—40

| | | |
|---|---|---|
| Ayotte | Graham | Portman |
| Barrasso | Grassley | Risch |
| Blunt | Hatch | Roberts |
| Boozman | Heller | Rubio |
| Burr | Hoeven | Scott |
| Coats | Inhofe | Sessions |
| Coburn | Johnson (WI) | Shelby |
| Collins | Kirk | Tester |
| Corker | Lee | Thune |
| Cornyn | McCain | Toomey |
| Crapo | McConnell | Vitter |
| Cruz | Moran | Wicker |
| Fischer | Murkowski | |
| Flake | Paul | |

NAYS—58

| | | |
|---|---|---|
| Alexander | Hagan | Murray |
| Baldwin | Harkin | Nelson |
| Begich | Heinrich | Pryor |
| Bennet | Heitkamp | Reed |
| Blumenthal | Hirono | Reid |
| Booker | Isakson | Rockefeller |
| Boxer | Johnson (SD) | Sanders |
| Brown | Kaine | Schatz |
| Cantwell | King | Schumer |
| Cardin | Klobuchar | Shaheen |
| Carper | Landrieu | Stabenow |
| Casey | Leahy | Udall (CO) |
| Chambliss | Levin | Udall (NM) |
| Coons | Manchin | Walsh |
| Donnelly | Markey | Warner |
| Durbin | McCaskill | Warren |
| Enzi | Menendez | Whitehouse |
| Feinstein | Merkley | Wyden |
| Franken | Mikulski | |
| Gillibrand | Murphy | |

NOT VOTING—2

| | |
|---|---|
| Cochran | Johanns |

The amendment (No. 3380) was rejected.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 3381 offered by the Senator from Iowa, Mr. HARKIN.

The amendment (No. 3381) was agreed to.

The PRESIDING OFFICER. Under the previous order, the substitute amendment, No. 3378, as amended, is agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. HARKIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Nebraska (Mr. JOHANNS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—95

| | | |
|---|---|---|
| Alexander | Gillibrand | Murray |
| Ayotte | Graham | Nelson |
| Baldwin | Grassley | Paul |
| Barrasso | Hagan | Portman |
| Begich | Harkin | Pryor |
| Bennet | Hatch | Reed |
| Blumenthal | Heinrich | Reid |
| Blunt | Heitkamp | Risch |
| Booker | Heller | Roberts |
| Boozman | Hirono | Rockefeller |
| Boxer | Hoeven | Rubio |
| Brown | Inhofe | Sanders |
| Burr | Isakson | Schatz |
| Cantwell | Johnson (SD) | Schumer |
| Cardin | Kaine | Scott |
| Carper | King | Sessions |
| Casey | Kirk | Shaheen |
| Chambliss | Klobuchar | Shelby |
| Coats | Landrieu | Stabenow |
| Collins | Leahy | Tester |
| Coons | Levin | Thune |
| Corker | Manchin | Toomey |
| Cornyn | Markey | Udall (CO) |
| Crapo | McCain | Udall (NM) |
| Cruz | McCaskill | Vitter |
| Donnelly | McConnell | Walsh |
| Durbin | Menendez | Warner |
| Enzi | Merkley | Warren |
| Feinstein | Mikulski | Whitehouse |
| Fischer | Moran | Wicker |
| Flake | Murkowski | Wyden |
| Franken | Murphy | |

NAYS—3

| | | |
|---|---|---|
| Coburn | Johnson (WI) | Lee |

NOT VOTING—2

| | |
|---|---|
| Cochran | Johanns |

The bill (H.R. 803), as amended, was passed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE MANAGERS TO ACCOMPANY THE WORKFORCE INNOVATION AND OPPORTUNITY ACT

CONTENTS

I. Purpose and Summary of the Legislation
II. Background and Need for Legislation
III. Legislative History and Committee Action
IV. Explanation of the Bill and Managers' Views
V. Section-by-Section Analysis

I. PURPOSE AND SUMMARY OF THE LEGISLATION

The purpose of the Workforce Innovation and Opportunity Act is to amend and reauthorize the Workforce Investment Act of 1998, which supports the nation's primary programs and investments in employment services, workforce development, adult education, and vocational rehabilitation activities and has been due for reauthorization since 2003. The bill also reauthorizes and enhances the Adult Education and Family Literacy Act, amends the Wagner-Peyser Act of 1933, and amends and reauthorizes certain provisions in the Rehabilitation Act of 1973.

The legislation is the product of an extensive bipartisan, bicameral effort in negotiations between the Senate Health, Education, Labor and Pensions (HELP) Committee and House Committee on Education and the Workforce regarding their respective reauthorization bills and input from the major stakeholders in workforce development, adult education, employment services, and vocational rehabilitation and other disability programs. In addition, two hearings were held in the 113th Congress regarding the reauthorization of the Workforce Investment Act of 1998—one in the Senate and one in the House of Representatives.

This legislation amends the Workforce Investment Act of 1998 by making the changes identified below.

This legislation repeals the Workforce Investment Act of 1998 and replaces it with new authorization language for workforce systems in the States and local areas, Job Corps. national programs, adult education and literacy, and general provisions. In addition, the legislation includes amendments to the Wagner-Peyser Act of 1933 and the Rehabilitation Act of 1973, which are important programs connected to the broader workforce development system.

First, the bill makes a number of specific changes to workforce investment activities under title I. The number of required members on State and local workforce boards is reduced. States are required to submit one plan to address all of the core programs—title I-B, title II, employment services under the Wagner-Peyser Act in title and State vocational rehabilitation under title IV—and develop a comprehensive State strategy to align workforce activities with labor market demands and economic development goals. The bill also includes a process describing the partner contributions for infrastructure funding. There is an increased emphasis on ensuring physical and programmatic accessibility of one-stop centers and training providers. Flexibility of funds for use at the local level between adult and dislocated worker funding is enhanced. A set of common performance indicators is required for all core programs under the bill. Importance is placed on providing career pathways and the use of sector strategies for delivering services. Streamlining reporting requirements and administrative burdens are applied. Youth who face severe barriers to employment and education, including out-of-school youth, are targeted for assistance.

Second, the bill makes a number of changes to the Adult Education and Family Literacy Act to support successful transitions to postsecondary education or training, or employment. The bill requires specific activities at the local, State, and national level, including integrating basic adult education and occupational skills training and the use of career pathways. The bill also requires the Secretary of Education to conduct evaluations and research regarding adult education activities provided under the title.

Third, the amendments to the Wagner-Peyser Act of 1933 include changes to the Workforce Information Council, which supports the development of a State-Federal system for identifying labor market information. The amendments also include provisions to support professional development for employment services staff.

Fourth, the bill prioritizes competitive integrated employment for individuals with disabilities, particularly young people with disabilities who are transitioning from education to employment, by ensuring that these individuals have the skills and training necessary to maximize their potential. The amendments also include better alignment of disability programs in order to ensure that individuals receive the services, technology, and support they need in order to live inclusive, successful lives.

Fifth, the bill repeals the Workforce Investment Act of 1998 and eliminates the following 15 programs:

Youth Opportunity Grants

21st Century Workforce Commission

National Institute for Literacy under Adult Education

Health Care Gap Coverage for Trade Adjustment Assistance participants

WIA Incentive Grants

WIA Pilots and Demonstration Projects

Community-based Job Training Grants

Green Jobs Act

Projects with Industry under the Rehabilitation Act amendments

Recreation Programs under the Rehabilitation Act amendments

In-service Training under the Rehabilitation Act amendments

Migrant and Seasonal Farmworker Program under the Rehabilitation Act amendments

WIA Veterans Workforce Investment Program

WIA Workforce Innovation Fund

Grants to States for Workplace and Community Transition Training for Incarcerated Individuals under the 1998 Amendments to the Higher Education Act.

II. BACKGROUND AND NEED FOR LEGISLATION

When Congress passed the Workforce Investment Act of 1998, it was seen as a major step forward in streamlining existing Federal workforce programs and supporting Federal investment in workforce development activities. Since the authorization for the statute expired in 2003, there have been numerous attempts to reauthorize the legislation in both the House and the Senate.

III. LEGISLATIVE HISTORY AND COMMITTEE ACTION

In the 113th Congress, the Senate took the following action on reauthorization of the Workforce Investment Act. On June 20, 2013, the Senate HELP Committee conducted a hearing on reauthorization of the Workforce Investment Act of 1998. On July 24, 2013, Senator Murray, Senator Isakson, Senator Harkin, and Senator Alexander introduced S. 1356, the Workforce Investment Act of 2013. On July 31, 2013, the Senate HELP Committee considered S. 1356 in executive session and reported it favorably, as amended, to the Senate by a vote of 18 to 3. The committee considered and adopted two amendments to the underlying bill. The first amendment was in the nature of a substitute and included changes recommended by the bill managers—Senate HELP Chairman Tom Harkin (D–IA), HELP Committee Ranking Member Lamar Alexander (R–TN), Senator Patty Murray (D–WA), and Senator Johnny Isakson (R–GA)—and was adopted by unanimous consent. The second amendment, offered by Senator Casey (D–PA), Senator Hatch (R–UT), and Senator Whitehouse (D–RI) included additional reporting requirements for the Job Corps program. The amendment was accepted by voice vote.

In the 113th Congress, the House took the following action on reauthorization of the Workforce Investment Act. On February 26, 2013, the House Education and the Workforce Committee, in the Subcommittee on Higher Education and Workforce Training, conducted a hearing on the reauthorization of the Workforce Investment Act of 1998. On February 25, 2013, Higher Education and Workforce Training Subcommittee Chairwoman Virginia Foxx (R–NC) introduced H.R. 803, the Supporting Knowledge and Investing in Lifelong Skills Act. On March 6, 2013, the Committee on Education and the Workforce considered H.R. 803 in legislative session and reported it favorably, as amended, to the House of Representatives.

The committee considered and adopted the following amendments to H.R. 803. The first amendment was in the nature of a substitute and included changes recommended by the bill manager, Representative Foxx, and was adopted by voice vote. The second amendment, offered by Representative Tim Walberg (R–MI), streamlined the unified State plan process at the Federal level. The third amendment, offered by Representative Martha Roby (R–AL), prohibited the use of funds for lobbying and political activities. The fourth amendment, offered by Representative Susan Brooks (R–IN), allowed State and local workforce boards to implement pay-for-performance strategies. The second, third, and fourth amendments were considered en bloc and adopted by voice vote.

On March 15, 2013, the House of Representatives adopted H.R. 803 by a vote of 215–202. During debate the House considered the following amendments. The first amendment, offered by Representative Foxx provided a local application process when designating local workforce investment areas and made technical and clarifying changes to the underlying bill, and passed by voice vote. The second amendment, offered by Representative Pete Gallego (D–TX), required State and local plans include advanced manufacturing workforce development strategies, and passed by voice vote. The third amendment, offered by Representative Don Young (R–AK), required the Secretary of Labor to set aside one percent of the funds for Native American workforce development programs, and passed by voice vote. The fourth amendment, offered by Representative Diane Black (R–TN), expressed a sense of Congress that any administrative costs be off-set by funds currently being used for marketing and outreach by the Department of Agriculture, and was withdrawn by unanimous consent. The fifth amendment, offered by Representative Scott Garrett (R–NJ), required a reduction in funds to the Department of Labor if long overdue evaluations were not completed within a specified amount of time, and passed by voice vote. Another amendment was offered by Representative John Tierney (D–MA) and was in the nature of a substitute, and did not pass by a recorded vote of 192–227.

IV. EXPLANATION OF THE BILL AND MANAGERS' VIEWS

Sections 1, 2, and 3. Sections 1, 2, and 3 describe the short title for the bill, the Workforce Innovation and Opportunity Act; include the purposes of the Act; and state the definitions for the Act, which are intended to have the same meaning under each program authorized under the Act unless otherwise stated. The definitions identify the ''core programs'' under the Act, which consist of title I State grant programs; title II adult education programs; the employment service under title III amendments to the Wagner-Peyser Act; and State vocational rehabilitation programs under title IV.

TITLE I—WORKFORCE DEVELOPMENT ACTIVITIES; PROVIDERS; JOB CORPS; NATIONAL PROGRAMS; AND ADMINISTRATION

Title I of the underlying bill includes the primary components of State and local area workforce development systems as well as several national programs for youth and special populations. In order to strengthen and streamline the workforce system, the title focuses on changes to governance, including reducing the number of required board members at the State and local level; requiring one, unified State plan; and promoting local workforce areas more closely aligned to labor markets and economic development regions while preserving a locally driven workforce system. The bill also promotes the themes of providing employment services and workforce development along a career pathway for participants, and education training in line with in-demand industry sectors and occupations for a region.

*Workforce Boards*

In order for boards to be more strategic, the bill reduces the number of required board members at both the State and local level. The boards remain a business majority with a business chairperson, while the representation for the workforce is increased. At the local level, with the exception of the core programs under the Act, the one-stop partners are no longer required members.

*Workforce Plans*

To support a strategic, comprehensive, and streamlined system, the bill requires one,

unified State plan, covering four years, to meet the requirements for each of the core programs. The plan also requires a description of the State's overall strategy for workforce development and how the strategy will help meet identified skill needs for workers, job seekers and employers in the State. This unified plan will improve service delivery to individuals as well as reduce administrative costs and reporting requirements at the State level. In order to promote a one-stop system that accommodates the needs of individuals with disabilities, the State and local plans must include a description of how the one-stop system in the State will comply with the applicable requirements of section 188 and the Americans with Disabilities Act regarding the accessibility of programs and facilities for people with disabilities.

*Workforce Development Areas*

In order to maintain the balance between governors and local elected officials, the bill requires States to consult with local boards and chief elected officials in order to identify local areas and planning regions that are in alignment with labor markets and regional economic development areas. The bill allows for initial and subsequent designations based on performance, fiscal integrity, and participation in regional coordination activities, including regional planning, information sharing, pooling of administrative costs, and coordination of service delivery.

*Performance Accountability*

In order to promote increased transparency about the outcomes of Federal workforce programs, the bill includes six primary indicators of performance for adults served under programs authorized under the Act, and six primary indicators for youth served under the Act. Commonality among the indicators will allow policymakers, program users, and consumers to better understand the value and effectiveness of the services. The managers recognize that for those participants who have low levels of literacy skills, or who are English language learners, the acquisition of basic English literacy and numeracy skills are critical steps to obtaining employment and success in postsecondary education and training. Therefore, the term ''measureable skill gains'' referred to under indicator V in this section for adult and youth, is intended to encourage eligible providers under title 11 to serve all undereducated, low-level, and under prepared adults. The managers agree that reporting and evaluation requirements are important tools in measuring effectiveness, especially for the core programs. Therefore, the legislation includes performance reports to be provided at the State, local and eligible training provider levels, as well as evaluations of the core programs by States.

*One-Stop Infrastructure*

To improve the quality of the one-stop delivery system, the bill requires the State board, in consultation with chief local elected officials and local boards, to establish criteria for use by the local board in assessing the effectiveness, physical and programmatic accessibility, and continuous improvement of one-stop centers and delivery systems at least every three years. Regarding infrastructure funding for one-stop centers, the bill maintains requirements for the mandatory one-stop partners in a local area to reach a voluntary agreement, in the form of a memorandum of understanding, to fund the costs of infrastructure, other shared costs, and how the partners will deliver services under the system. If local areas fail to come to an agreement regarding sufficient funding of one-stop infrastructure costs, a State one-stop infrastructure funding mechanism can be imposed for those local areas. Mandatory partner program contributions, pursuant to the State one-stop infrastructure funding mechanism, are based on the proportionate use of the one-stop centers and subject to specified caps.

*Employment and Training Activities*

For youth, the bill utilizes the existing formula to allot funds to States for youth services. It improves upon existing youth services by placing a priority on out-of-school youth (75 percent of funding at the State and local level), and focusing on career pathways for youth, drop-out recovery efforts, and education and training that lead to the attainment of a high school diploma and a recognized postsecondary credential. A priority is also included for work-based learning activities.

For adults and dislocated workers, the bill utilizes the existing formulas with the inclusion of a minimum and maximum allotment percentage for the dislocated worker formula beginning in fiscal year 2016. The managers believe the addition of the minimum and maximum percentages will help bring stability to the only formula that currently does not include such mechanisms, and will reduce funding volatility for States year to year. The bill preserves the governor's 15 percent set aside for statewide activities.

To eliminate the perceived ''sequence of services'' under current law, requiring an individual to proceed through core and intensive services before training eligibility can be determined, the bill consolidates core and intensive services into a new ''career services'' category. While the services remain similar to those under current law, the structure is intended to provide more flexibility to one-stop staff in determining a participant's need for training. Local boards are required to convene, use, or implement industry or sector partnerships. The bill also improves upon the mechanisms for local boards to provide education and training to eligible participants by adding the following optional methods, under certain guidelines, for training—contracting for classes of training for multiple participants or on a pay-for performance basis; incumbent worker training; and transitional jobs strategies. Finally, the title includes authorization levels for appropriations for the State grant programs.

*Job Corps*

The bill improves upon the current Job Corps program by strengthening the contracting requirements for centers, requiring the program use the performance accountability indicators for youth described in section 116 and strengthening reporting requirements, and allowing the Department of Labor to provide technical assistance to centers. The bill includes requirements for a financial report and a third party review of the program every five years. The bill also includes a provision allowing operators of a high-performing center, defined by performance criteria, to be eligible to compete in any procurement process for that center. Where there is not sufficient performance information for the time period required under section 147(b)(2)(B) or Section 147(h)(3) due to the effects of a natural disaster or the participation of the center in a performance pilot program, it is the intent of the managers the Secretary apply the provisions of that section to any performance information that is available to the Secretary from the relevant period preceding the time the determination under that provision is made. This would allow entities operating the center to have an opportunity to meet performance requirements allowing them to compete where the absence of complete information is not the fault of the operating entity.

*National Programs*

The bill reauthorizes the Native American program; the Migrant and Seasonal Farmworker program; and YouthBuild. It also includes provisions for National Dislocated Worker Grants; technical assistance under title I; and evaluations, research, studies and multistate projects conducted by the Secretary of Labor. The bill requires the Secretary of Labor to conduct a multistate study on strategies for placing individuals in jobs and education and training programs that lead to equivalent pay for men and women, including the participation of women in high-wage, high-demand occupations in which women are underrepresented. We believe this is important because a key element of raising women's wages is to provide access to occupations that are predominantly held by men, pay well, and are in demand in the economy. Many occupations today are still dominated by one gender, with more than 75 percent of the jobs in that occupation held by men or by women. Jobs that are predominantly held by men—in industries like transportation, manufacturing, or construction trades—often pay considerably more than jobs traditionally held by women, such as child care workers, health care workers, clerical workers, or workers in retail or other service sectors industries. The managers expect the Secretary to review existing programs and research, State laws and initiatives, and any other relevant project, to determine successful strategies for placement and retention of women in relevant training or jobs and to provide States and localities with the information, tools, and assistance they need to develop programs and activities that will replicate such strategies. We request completion of this project within eighteen months of enactment.

The bill requires an independent evaluation of the activities under title I at least once every four years for the purpose of improving the management and effectiveness of programs and activities. In recognition of the changing demands of the economy, the bill allows the YouthBuild program to expand into additional in-demand industry sectors or occupations in the region.

The bill includes authorization of appropriations for the programs under subtitle D.

*Administration*

The bill adds restrictions against lobbying activities with funds under this title. The managers do not intend for these provisions to restrict awareness or outreach activities regarding services and activities under title I.

TITLE II—THE ADULT EDUCATION AND FAMILY LITERACY ACT

In reauthorizing title II, the Adult Education and Family Literacy Act, the bill places an emphasis on ensuring States and local providers offer basic skills, adult education, literacy activities, and English language acquisition concurrently or integrated with occupational skills training to accelerate attainment of secondary school diplomas and postsecondary credentials. Making sure these skills are solidly in place for all students is a priority. The bill also emphasizes utilization of a career pathway approach for adult learners to support transitions to postsecondary education or training and employment opportunities.

The bill requires all adult basic education and literacy programs to use the same set of primary indicators of performance accountability outlined for all employment and training activities authorized under this Act. Individuals receiving these services should be able to use these skills in obtaining a regular secondary school diploma or its recognized equivalent, obtaining full time employment, increasing their median earnings, and enrolling in postsecondary education or training, or earning a recognized postsecondary credential.

It is essential for adult educators to work closely with workforce development stakeholders in the State, including State and local workforce boards. To help in achieving a seamless statewide workforce development system, the bill requires title II programs to submit a unified State plan with the other core programs within this Act. The bill also provides funds for States to use in offering eligible providers of adult education technical assistance, providing professional development training to improve the instruction and outcomes for adult learners, and conducting evaluations. It encourages State and local leaders to provide activities contextually and concurrently with workforce preparation and training activities for a specific occupation or occupational cluster for the purpose of educational and career advancement.

The bill authorizes national activities to assist States and local providers in developing valid, measurable, and reliable performance data, and in using such performance information for the improvement of adult education and family literacy education programs. The bill also includes provisions to support research and evaluation of adult education activities at the national level. Finally, the bill places an emphasis on integrating English literacy with civics education, as well as adult education and occupational training activities.

TITLE III—AMENDMENTS TO THE WAGNER-PEYSER ACT

Title III of the Workforce Innovation and Opportunity Act makes amendments to the Wagner-Peyser Act of 1933, which authorizes the public employment services and the employment statistics system. Amendments to the Wagner-Peyser Act generally maintain current law but also reflect the need to align the statute with the other changes in the bill such as including the State employment services in the unified State plan; aligning performance accountability indicators with those indicators used for core programs—as described in section 116 of title I; renaming ''employment statistics'' to the ''workforce and labor market information system'' and updating the Workforce Information Council; and providing for staff professional development in order to strengthen the quality of services. Authorization of appropriations for the workforce and labor market information system and the workforce information council is provided for each of the fiscal years of 2015 through 2020.

TITLE IV—AMENDMENTS TO THE REHABILITATION ACT OF 1973

Title IV of the Workforce Innovation and Opportunity Act amends and reauthorizes the Rehabilitation Act of 1973. The Rehabilitation Act was last reauthorized in 1998.

The Rehabilitation Act is an important law for individuals with disabilities, particularly those with significant disabilities. It authorizes programs that affect the daily lives of many individuals with disabilities, including the vocational rehabilitation program (training, services, and supports for employment); the independent living program; and research and information on new technology to assist individuals with disabilities.

There remains a critical need for employment and training services for individuals with disabilities. Almost 25 years after the passage of the Americans with Disabilities Act, it is still difficult for many individuals with significant disabilities to find full time employment that is commensurate with their skills, interests, and goals. Yet State vocational rehabilitation programs can play a significant role in meeting this need by providing training, services and supports for individuals with disabilities.

It is especially important to provide young people with disabilities more opportunities to practice and improve their workplace skills, to consider their career interests, and to get real world work experience. Those activities are prioritized in the amendments to the Act. For example, the bill requires State vocational rehabilitation agencies to make ''pre-employment transition services'' available to all students with disabilities, and to coordinate those services with transition services provided under the Individuals with Disabilities Education Act. State vocational rehabilitation programs will set aside at least 15 percent of their Federal program funds to help young people with disabilities transition from secondary school to postsecondary education programs and employment.

In addition, these amendments establish a framework to ensure every young person with a disability, regardless of their level of disability, has the opportunity to experience competitive, integrated employment. These requirements will provide young people with disabilities with the opportunity to develop their skills and to use supports, available through State vocational rehabilitation programs, to experience competitive, integrated employment as they leave school and enter the workforce.

In order to better align the Independent Living program that serves individuals with significant disabilities living in the community with other similar efforts, the amendments transition the administration of the Independent Living program from the Department of Education to the Department of Health and Human Services, Administration for Community Living. The transition moves the program to an agency with a lifespan and community focus and will better allow the program to fulfill its goal to support ''independent living . . . and the integration and full inclusion of individuals with disabilities into the mainstream of American society.''

The amendments also incorporate ''independent living'' into the name and mission of the National Institute on Disability and Rehabilitation Research and similarly move that program's administration from the Department of Education to the Department of Health and Human Services, Administration for Community Living in order to better align the program priorities with agency goals and priorities.

TITLE V—GENERAL PROVISIONS

The bill repeals the Workforce Investment Act of 1998 in its entirety, replacing it with reforms to better serve unemployed and underemployed workers as well as employers. In doing so, authority is provided to the Secretaries of Labor, Education, and Health and Human Services to establish a smooth and orderly transition period to implement this Act.

V. SECTION-BY-SECTION ANALYSIS

*Section 1. Short title; Table of Contents*

The short title of the bill is the Workforce Innovation and Opportunity Act.

*Section 2. Purposes*

Identifies the purposes of the Act.

*Section 3. Definitions*

Defines terms that are common to all titles, except where otherwise noted.

TITLE I: WORKFORCE DEVELOPMENT ACTIVITIES

Subtitle A.—System Alignment

Chapter 1—State Provisions

*Section 101. State Workforce Development Boards*

Establishes State boards. Membership includes the governor; one member of each chamber of the State legislature; and members appointed by the governor of which the chair and majority shall remain representatives of business; requires that 20 percent of the board be representatives of the workforce, including labor organizations; requires the balance of the board to include State government officials responsible for core programs (title I State grant programs, adult education programs, employment services under the Wagner-Peyser Act, and State vocational rehabilitation programs), and chief elected officials. Identifies the functions of the board, permits the State board to hire staff, and directs the State board to establish and apply objective qualifications for the director's position.

*Section 102. Unified State Plan*

Establishes unified State plans (hereafter referred to as State plans), which will meet the planning requirements for the core programs and describe how the State will develop a coordinated and comprehensive workforce development system. Streamlines the process for plan submission, approval, and modification of State plans among the Federal agencies.

*Section 103. Combined State Plan*

Establishes a process for the State to allow additional workforce development-related programs to participate in and submit federally required plans through the State planning process.

Chapter 2—Local Provisions

*Section 106. Workforce Development Areas*

Describes how States, in consultation with local boards and chief elected officials, will identify local areas and planning regions in a State based on criteria for alignment with labor markets, regional economic development, and availability of resources. Describes process for initial and subsequent designation based on performance, fiscal integrity, and participation in regional coordination activities, including regional planning, information sharing, and coordination of service delivery for local workforce areas. Requires States to provide funding and technical assistance to local areas in a regional planning process that choose to become a single local workforce area. Provides for an appeal process and the continuation of single State designations.

*Section 107. Local Workforce Development Boards*

Establishes local boards. Membership includes a majority of representatives of businesses in the local area and a business chairperson; requires 20 percent of the board be representatives of the workforce, including labor organizations; other representatives include education and training providers in the local area (such as community colleges), the core programs in the local area, and economic and community development. With the exception of core programs, required one-stop programs are not required to be represented on the board. Describes permissible standing committees; the appointment, certification, and decertification requirements for local boards; and continues to allow the State board of a single State to function as the local board for the State. Identifies the functions of the local board, permits the local board to hire staff, and directs the local board to establish and apply objective qualifications for the director's position. Provides certain limitations for the local board concerning the delivery of career and training services.

*Section 108. Local Plan*

Requires each local board to develop and submit a local plan to the governor, including a description of how services offered through the core programs at the local level will be coordinated and aligned to regional needs. Requires the strategy described in the local plan to align with the State strategy

for workforce development. Local boards participating in a regional planning process are required to contribute to and submit a regional plan. Describes the process for plan submission, approval, and modifications.

Chapter 3—Board Provisions

*Section 111. Funding of State and Local Boards*

Clarifies that funding to support State and local boards must be provided by title I administrative funds, which may be supplemented by non-Federal funds.

Chapter 4—Performance Accountability

*Section 116. Performance Accountability System*

Establishes performance accountability indicators at the State level that are common to each of the core programs for adults and performance accountability indicators applicable to all youth programs within the Act. Requires States to negotiate with the Secretaries of Labor and Education a level of expected performance for each of the indicators. Describes factors for consideration in setting and assessing levels of performance. Establishes performance accountability indicators for local programs and a performance negotiation process similar to that required of the State. Requires performance reports to be prepared and submitted by States, local areas, and eligible training providers. Requires States to conduct an evaluation of the core programs, use the results to continuously improve programs, and make results available to the public. Establishes sanctions for poor performance at the State level, including, for those States not meeting performance targets for two consecutive years, a reduction in the percentage of funds governors may reserve. Establishes sanctions for poor performance at the local level. Requires States to establish and operate a fiscal and management accountability information system for the core programs using guidance provided by the Secretaries. Permits the governor to establish incentives using non-Federal funds for pay-for-performance contract strategies for the delivery of services. Requires States to utilize quarterly wage records, consistent with State law, to measure progress on State performance accountability measures.

Subtitle B.—Workforce Investment Activities and Providers

Chapter 1—Workforce Investment Activities and Providers

*Section 121. Establishment of One-Stop Delivery Systems*

Establishes the one-stop delivery system. Identifies one-stop partners and their roles and responsibilities. Directs the local board to enter into a MOU with the one-stop partners regarding the operation and costs of the one-stop delivery system. Outlines the competitive process for designating one-stop operators. Describes the services to be made available through the one-stop system, and the criteria for certifying one-stop centers. Establishes a process at the State level for determining one-stop partner program contributions to infrastructure costs, based on proportionate use and funding limitations, for those local areas that do not reach a consensus agreement through the MOU process.

*Section 122. Identification of Eligible Providers of Training Services*

Describes eligibility for providers; outlines State criteria, information requirements, and application and renewal processes for selecting providers; requires the list of eligible providers be provided to participants; and includes sanctions for providers with substantial violations.

*Section 123. Eligible Providers of Youth Workforce Investment Activities*

Requires local boards to award grants or contracts to providers for youth workforce investment activities, taking the performance of such providers into account.

Chapter 2—Youth Workforce Investment Activities

*Section 126. General Authorization*

Requires the Secretary to allot funding to States and grants to outlying areas for youth activities.

*Section 127. State Allotments*

Establishes reservations for Native Americans, outlying areas, and States; maintains current law formulas for State allotments; describes limitations and requirements. Maintains current law minimum and maximum allotment percentages. Maintains small State minimums. Describes reallotment procedures.

*Section 128. Within State Allocations*

Allows governors to reserve 15 percent of State allotments for State workforce investment activities. Maintains within-State formula and minimum allocation percentage. Includes a 10 percent limitation on local administrative costs. Describes reallocation procedures.

*Section 129. Use of Funds for Youth Workforce Investment Activities.*

Describes eligibility for youth participants. Establishes the percentage of youth funds (75 percent) to be used for out-of-school youth. Describes statewide and local activities, including career pathway development, dropout recovery efforts, occupational skills training, and education and training leading to a recognized postsecondary credential. Includes a priority for the provision of work-based learning experiences for youth, and allows for a priority for training that leads to a recognized postsecondary credential.

Chapter 3—Adult and Dislocated Worker Employment and Training Activities

*Section 131. General Authorization*

Requires the Secretary to allot funding to States and grants to outlying areas for adult and dislocated worker activities.

*Section 132. State Allotments*

Establishes reservations for outlying areas and States; maintains current law formulas for State allotments; describes limitations requirements. For the adult formula, maintains current law minimum and maximum allotment percentages, and adds similar provisions to the dislocated worker formula beginning in fiscal year 2016. Maintains 20 percent reservation for national dislocated worker grants and technical assistance. Describes reallotment procedures.

*Section 133. Within State Allocations*

Maintains reservations for governors' statewide and rapid response activities. Allows local boards to transfer 100 percent of funds between the adult and dislocated worker programs at the local level. Maintains a within-State formula and minimum allocations for the adult formula, and adds a similar minimum allocation for the dislocated worker formula beginning in fiscal year 2016. Describes reallocation procedures.

*Section 134. Use of Funds for Employment and Training Activities*

Specifies required and allowable statewide employment and training activities as well as rapid response activities. Permits incumbent worker and customized training, industry sector strategies, career pathway programs, layoff aversion activities, innovative services to individuals with barriers to employment, and coordination with other workforce-related programs from other agencies. Removes the current ''sequence of services'' between core, intensive and training services by streamlining core and intensive into ''career services.'' Maintains customer choice requirements and allows for the combined use of individual training accounts, cohort training, and pay-for-performance contracts. At the local level, permits boards to utilize incumbent worker training; on-the-job training; customized training; and transitional jobs activities; and provide supportive services.

Chapter 4—General Workforce Investment Provisions

*Section 136. Authorization of Appropriations*

Authorizes appropriations for youth, adult, and dislocated worker programs.

Subtitle C.—Job Corps

*Section 141. Purposes*

Identifies the purposes of the subtitle.

*Section 142. Definitions*

Provides definitions specific to Job Corps.

*Section 143. Establishment*

Establishes within the Department of Labor a ''Job Corps''.

*Section 144. Individuals Eligible for the Job Corps*

Describes eligibility for participants and includes a special rule for veterans.

*Section 145. Recruitment, Screening, Selection, and Assignment of Enrollees*

Specifies general requirements for selecting enrollees and placing them into centers that offer the type of career and technical education and training selected by the individual. Ensures these provisions shall be implemented with organizations that have demonstrated a record of effectiveness in serving at-risk youth. Prohibits denying enrollment in Job Corps based solely on contact with the criminal justice system, but adds an exception barring the selection of individuals convicted of certain felonies. Describes process by which the Secretary develops an assignment plan for enrollment at centers.

*Section 146. Enrollment*

Outlines two-year enrollment limits and exceptions.

*Section 147. Job Corps Centers*

Describes the competitive basis for the selection process and the eligibility requirements to operate a Job Corps center. Outlines the criteria for determining high-performing centers. Defines length of agreement and contract renewal conditions for Job Corps centers based on performance.

*Section 148. Program Activities*

Describes the activities, education and training, and graduate services provided by Job Corps centers and links these activities to in-demand industries and occupations.

*Section 149. Counseling and Job Placement*

Describes the assessment, counseling, and placement assistance for enrollees, and allows for services to former enrollees.

*Section 150. Support*

Provides for personal and transition allowances for graduates and support for former enrollees.

*Section 151. Operating Plan*

Specifies general information for an operating plan.

*Section 152. Standards of Conduct*

Describes disciplinary measures and zero tolerance standards, as well as an appeals process.

*Section 153. Community Participation*

Outlines business and community participation, including connections with local workforce boards.

*Section 154. Workforce Councils*

Describes the roles and responsibilities for workforce councils, including recommending

training programs that are in in-demand industry sectors or occupations within the region.

*Section 155. Advisory Committees*

Allows the Secretary to establish advisory committees, as necessary, consistent with current law.

*Section 156. Experimental, Research, and Demonstration Projects*

Requires the Secretary to inform authorizing committees if a waiver is required to carry out initiatives under this section. Allows the Secretary to reserve administrative funds to provide technical assistance to the Job Corps program.

*Section 157. Application of Provisions of Federal Law*

Establishes that enrollees are not Federal employees, consistent with current law.

*Section 158. Special Provisions*

Generally maintains current law.

*Section 159. Management Information*

Describes financial management controls and procedures, as well as audit requirements. Aligns performance accountability indicators for Job Corps with the indicators for all youth activities described in section 116. Establishes performance indicators for recruiters and career transition service providers. Describes data the Secretary must include in congressional reports regarding the program and centers. Outlines performance improvement plan requirements for centers that fail to reach expected levels of performance.

*Section 160. General Provisions*

Generally maintains current law outlining general provisions required by the Secretary.

*Section 161. Job Corps Oversight and Reporting*

Requires the Secretary to submit financial reports to applicable congressional committees within a specific timeframe. Requires a third-party review of the Job Corps program once every five years, with results to be submitted to Congress. Directs the Secretary to establish written criteria for Job Corps center closures and submit such written criteria to applicable committees.

*Section 162. Authorization of Appropriations*

Authorizes appropriations for the Job Corps program.

Subtitle D.—National Programs

*Section 166. Native American Programs*

Describes the requirements for competitive grants for Native Americans. Aligns performance indicators for Native American programs with the performance indicators described in Sec. 116. Clarifies the authority of the Advisory Council and the ability for the Secretary to provide assistance to unique populations in Hawaii and Alaska.

*Section 167. Migrant and Seasonal Farmworker Programs*

Describes the requirements for competitive grants for migrant and seasonal farmworkers. Aligns performance indicators for Migrant and Seasonal Farmworker programs with the performance indicators described in section 116. Outlines the range of activities authorized to access education, training, and employment opportunities.

*Section 168. Technical Assistance*

Specifies the activities to be undertaken by the Secretary to support an effective workforce development system. Requires the Secretary to establish a system to collect, evaluate, and disseminate promising and proven practices.

*Section 169. Evaluations and Research*

Requires the Secretary to conduct an independent evaluation at least once every four years. Allows for research, studies, and multistate projects to be conducted by the Secretary.

*Section 170. National Dislocated Worker Grants*

Provides definitions for areas impacted by ''emergency or disaster'' and a ''disaster area.'' Permits the Secretary to provide assistance to such areas.

*Section 171. YouthBuild Program*

Describes the requirements for YouthBuild grants. Aligns performance indicators for YouthBuild with the performance accountability indicators for all youth activities described in section 116. Allows training for participants to be linked to industries that are in-demand.

*Section 172. Authorization of Appropriations*

Authorizes appropriations for Native American programs, Migrant and Seasonal Farmworker programs, Technical. Assistance, and Evaluations and Research.

Subtitle E.—Administration

*Section 181. Requirements and Restrictions*

Specifies the general requirements on the limitations of funds to carry out the Act.

*Section 182. Prompt Allocation of Funds*

Describes requirements for the Secretary regarding the distribution of funds under the title, including the use of current data and the publishing of the formula used for funding distribution. Requires the State to distribute funds to local areas in a timely fashion.

*Section 183. Monitoring*

Similar to current law, describes monitoring guidelines to determine compliance.

*Section 184. Fiscal Controls: Sanctions*

Provides requirements regarding use of fiscal controls; sanctions for substantial violations; an appeals process; requirements for repayment of funds not expended in accordance with this title; and response and remedies regarding discrimination.

*Section 185. Reports; Recordkeeping; Investigations*

Describes requirements for record keeping and reporting for recipients of funds under this title.

*Section 186. Administrative Adjudication*

Describes complaint and appeal procedures regarding dissatisfaction with or failure to receive financial assistance.

*Section 187. Judicial Review*

Describes the judicial review process for administrative adjudication decisions.

*Section 188. Nondiscrimination*

Describes prohibitions on discriminations.

*Section 189. Secretarial Administrative Authorities and Responsibilities*

Describes the general administrative responsibilities of the Secretary in carrying out this title. Excludes requirements regarding funding of infrastructure costs for one-stop centers, and those requirements related to the basic purposes of this title, from provisions the Secretary may waive. Requires expedited approval of waiver requests that have been previously approved by the Secretary for any other State or local area.

*Section 190. Workforce Flexibility Plans*

Allows States to submit a plan to the Secretary for waiver approval regarding relevant requirements applicable to local areas.

*Section 191. State Legislative Authority*

Clarifies nothing in statute prevents the enactment of State legislation regarding implementation of provisions of this title, consistent with the requirements of this title.

*Section 192. Transfer of Federal Equity in State Employment Security Agency Real Property to the States*

Maintains current law.

*Section 193. Continuation of State Activities and Policies*

Maintains current law.

*Section 194. General Program Requirements*

Prohibits the use of Federal funds under this title to establish or operate stand-alone, fee-for-service enterprises. Nothing in this provision prohibits or discourages one-stop centers from using such agencies or companies to assist in serving program participants. Includes a maximum rate of pay for staff hired with funds provided under this title.

*Section 195. Restrictions on Lobbying Activities*

Prohibits funds provided under this Act from being used for lobbying activities.

TITLE II: ADULT EDUCATION AND LITERACY

*Section 201. Short Title*

Cited as the Adult Education and Family Literacy Act.

*Section 202. Purpose*

Establishes the purposes of this title.

*Section 203. Definitions*

Defines those terms specific to this title. Defines activities that increase coordination between programs and services to better meet the needs of adult learners and workers, as well as models that integrate adult education and literacy activities with workforce preparation activities and training activities.

*Section 204. Home Schools*

Retains autonomy of home schools.

*Section 205. Rule of Construction Regarding Postsecondary Transition and Concurrent Enrollment Activities*

Provides nothing in the title shall be construed to prohibit or discourage eligible individuals' transition to postsecondary education, training, or employment, or concurrent enrollment activities.

*Section 206. Authorization of Appropriations*

Authorizes appropriations to carry out this title.

Subtitle A.—Federal Provisions

*Section 211. Reservation of Funds; Grants to Eligible Agencies; Allotments*

Describes required reservations for certain programs. Requires eligible State agencies to participate in the State planning processes for the core programs described in title I. Describes process for the allotment and reallotment of funds to eligible agencies.

*Section 212. Performance Accountability System*

Aligns performance accountability indicators for this title with the indicators for adults described in section 116.

Subtitle B.—State Provisions

*Section 221. State Administration*

Describes responsibilities of eligible State agencies.

*Section 222. State Distribution of Funds; Matching Requirement*

Describes requirements for State distribution of funds and agency match requirements.

*Section 223. State Leadership Activities*

Delineates required and permissible State activities, including instruction for adult learners, integrated education and training, and career pathways development. Requires alignment of adult education activities with those of other core programs and one-stop partners in this Act.

*Section 224. State Plan*

Includes the State agency as part of the unified State planning requirements for all core programs described in title I of this Act.

*Section 225. Programs for Corrections Education and Other Institutionalized Individuals*

Describes the use of funds under this section and maintains a priority for those individuals most likely to leave the correctional

institution within five years of participation in the program.

Subtitle C.—Local Provisions

*Section 231. Grants and Contracts far Eligible Providers*

Describes the considerations the eligible agency must take into account when making awards to eligible providers, including alignment with local plans under title I and past performance.

*Section 232. Local Application*

Describes requirements for applications from eligible providers.

*Section 233. Local Administrative Cost Limits*

Establishes limits for uses of funds for administrative purposes.

Subtitle D.—General Provisions

*Section 241. Administrative Provisions*

Maintains requirements related to ''supplement not supplant'' and maintenance of effort. Includes considerations for extreme financial hardship.

*Section 242. National Leadership Activities*

Delineates required and allowable national activities to be carried out by the Secretary. Requires research on adult education and literacy and an independent evaluation at least once every four years of the activities under this title.

*Section 243. Integrated English Literacy and Civics Education*

Authorizes the Integrated English Literacy and Civics Education program, which includes serving English language learners and providing integrated education and training.

TITLE III: AMENDMENTS TO THE WAGNER-PEYSER ACT

Title III amends the Wagner-Peyser Act (29 U.S.C 49 et seq.)

*Section 301. Employment Service Offices*

Clarifies the offices referred to are a part of the public employment service.

*Section 302. Definitions*

References definitions under title I.

*Section 303. Federal and State Employment Service Offices*

Requires co-location of employment service offices with one-stop centers. Increases access to and improves the quality of workforce information. Promotes the use of best practices across the system and provides for staff professional development.

*Section 304. Allotment of Sums*

Clarifies the allotment of funds to the States.

*Section 305. Use of Sums*

Requires employment service offices to provide unemployment insurance claimants with information about and assistance with applying for education and training programs.

*Section 306. State Plan*

Includes State employment services in the unified State plan described in title I of this Act.

*Section 307. Performance Measures*

Aligns performance indicators with the adult performance accountability indicators for all core programs described in section 116.

*Section 308. Workforce and Labor Market Information System*

Renames ''employment statistics'' to the ''workforce and labor market information system.'' Clarifies the duties of the Secretary and provides for a two year plan. Describes the composition, roles and responsibilities of the Workforce Information Advisory Council.

TITLE IV: AMENDMENTS TO THE REHABILITATION ACT

Title IV amends the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.)

*Sec. 401. References*

Identifies the title refers to the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

*Sec. 402. Findings, Purpose, Policy*

States current findings regarding the disability workforce and identifies the purposes of the title.

*Sec. 403. Rehabilitation Services Administration*

States the responsibilities of the Commissioner of the Rehabilitation Services Administration.

*Sec. 404. Definitions*

Includes definitions for this act including ''competitive integrated employment,'' ''pre-employment transition services,'' and ''supported employment services.''

*Sec. 405. Administration of the Act*

Describes the responsibilities of the Commissioner of the Rehabilitation Services Administration and the Administrator of the Administration for Community Living in reference to carrying out the activities of this Act.

*Sec. 406. Reports*

Clarifies dissemination requirements for the annual report on activities under the law.

*Sec. 407. Evaluation and Information*

Describes the responsibilities of the Commissioner of the Rehabilitation Services Administration and the Administrator of the Administration for Community Living in reference to evaluating the activities carried out under this Act.

*Sec. 408. Carryover*

No changes were made to this section.

*Sec. 409. Traditionally Underserved Populations*

Updates the section to reflect the demographics of the United States.

*Sec. 411. Declaration of Policy; Authorization of Appropriations*

Sets authorization levels for the program for fiscal years 2015 through 2020.

*Sec. 412. State Plans*

Specifies the unified State plan, or combined State plan, under title I of the Workforce Innovation and Opportunity Act, must include the provisions of the State plan for vocational rehabilitation services. Requires the State plan to assure that individuals who are otherwise eligible for vocational rehabilitation services and who are at imminent risk of losing their jobs unless they receive additional necessary postemployment services receive priority. Allows designated State agencies to prioritize serving students with disabilities. Requires State plan to detail the State's strategies to serve students with disabilities so they are prepared for post-school employment.

*Sec. 413. Eligibility and Individualized Plan for Employment*

Requires applicants for vocational rehabilitation services be presumed to benefit from an employment outcome, and individuals should be provided the opportunity to try different employment experiences, including supported employment. and the opportunity to become employed in competitive integrated employment.

*Sec. 414. Vocational Rehabilitation Services*

Requires States to ensure designated State units provide or arrange for the provision of preemployment transition services for all students with disabilities who are in need of these services. and those services are coordinated with services provided under the Individuals with Disabilities Education Act. Also allows State agencies to support advanced training in STEM and other technical professions.

*Sec. 415. State Rehabilitation Council*

Requires coordination with other entities, and with activities carried out under the Assistive Technology Act of 1998.

*Sec. 416. Evaluation Standards and Performance Indicators*

Aligns the evaluation standards of the Rehabilitation Act with the standards of the Workforce Innovation and Opportunity Act.

*Sec. 417. Monitoring and Review*

Provides for the provision of technical assistance to promote high quality employment outcomes.

*Sec. 418. Training and Services for Employers*

Allows States to provide services to employers to promote recruitment, hiring, and retention of workers with disabilities.

*Sec. 419. State Allotments*

Requires that 15 percent of a State's allotment be designated to provide ''pre-employment transition services.''

*Sec. 420. Payments to States*

No substantive changes made to this section.

*Sec. 421. Client Assistance Program*

Requires the Secretary to reserve funds to provide services to American Indians. If the funds appropriated exceed $14M, requires the Secretary to reserve a small percentage for grants to provide training and technical assistance to the client assistance programs in the States. Establishes authorization levels for fiscal years 2015 through 2020.

*Sec. 422. Pre-Employment Transition Services*

Requires States to ensure that designated State units provide, or arrange for the provision of, preemployment transition services for all students with disabilities who are in need of these services.

*Sec. 423. American Indian Vocational Rehabilitation Services*

Reserves a small percentage of program funds to make grants to provide technical assistance and training.

*Sec. 424. Vocational Rehabilitation Services Client Information*

No substantive changes made to this section.

*Sec. 431. Purpose*

Updates purposes of the title.

*Sec. 432. Authorization of Appropriations*

Sets authorization levels for fiscal years 2015 through 2020.

*Sec. 433. National Institute on Disability, Independent Living, and Rehabilitation Research*

Adds ''Independent Living'' to the name of the Institute, and moves the Institute from the Department of Education to the Department of Health and Human Services, Administration for Community Living. Requires the dissemination of educational materials and research results to nongovernmental agencies and organizations, employers and employer organizations, and relevant congressional Committees. Describes the research activities and findings, demonstration projects, reports, evaluations, and studies that will he made available.

*Sec. 434. Interagency Committee*

Adds independent living research. Requires a periodic meeting of funders, researchers, and individuals with disabilities to develop a comprehensive strategic plan for disability, independent living, and rehabilitation research.

*Sec. 435. Research and Other Covered Activities*

Describes allowable research activities.

*Sec. 436. Disability, Independent Living, and Rehabilitation Research Advisory Council*

Specifies Council membership and qualifications.

*Sec. 437 Definition of Covered School*

Defines ''covered school'' as an ''elementary school'' or ''secondary school'' as defined in the Elementary and Secondary Education Act of 1965 as amended.

*Sec. 441. Purpose; Training*

Specifies that technical assistance provided to community rehabilitation programs shall be focused on competitive integrated employment. Also sets authorization levels for training for fiscal years 2015 through 2020.

*Sec. 442. Demonstration, Training, and Technical Assistance Programs*

Continues to authorize demonstration, training, and technical assistance projects focused on improving transition from education to employment for youth who are individuals with significant disabilities. Repeals the In-Service Training of Rehabilitation Personnel program. Also sets authorization levels for fiscal years 2015 through 2020.

*Sec. 443. Migrant and Seasonal Farmworkers; Recreational Programs*

Repeals these programs.

*Sec. 451. Establishment*

Changes the number of Council members from 15 to 9. Alters the appointment of the Council members to share that responsibility among Congress and the President.

*Sec. 452. Report*

No substantive changes.

*Sec. 453. Authorization of Appropriations*

Sets authorization levels for fiscal years 2015 through 2020.

*Sec. 456 Interagency Committee, Board. and Council*

Sets authorization levels for the Architectural and Transportation Barriers Compliance Board for fiscal years 2015 through 2020.

*Sec. 457. Protection and Advocacy of Individual Rights*

Sets authorization levels for fiscal years 2015 through 2020.

*Sec. 458. Limitation on the Use of Subminimum Wage*

Describes how an entity may not employ an individual with a disability at wages less than the Federal minimum wage unless the individual has first received available pre-employment transition services; applied for vocational rehabilitation services and, if eligible, made a serious attempt at competitive integrated employment; and received counseling and information and referral about alternatives to subminimum wage employment. Individuals with disabilities who are currently employed at subminimum wage shall be provided ongoing career counseling, information and referrals, and notification of training opportunities in the individual's geographic area, in order to promote opportunities to move into competitive integrated employment, as appropriate.

*Sec. 461. Employment Opportunities for Individuals with Disabilities*

Describes how States with an allotment under the Supported Employment Services program must reserve an allotment to support youth with the most significant disabilities, describes extended services, and limits the administrative allotment to be used to administer the program to 2.5 percent. Also establishes a committee to prepare recommendations to increase employment opportunities for individuals with intellectual and developmental disabilities in competitive integrated employment, and terminates that committee after two years. Finally, sets authorization levels for fiscal years 2015 through 2020.

*Sec. 471. Purpose*

Includes the purpose of ''improving the independence of individuals with disabilities.''

*Sec. 472. Administration of the Independent Living Program*

Transfers the Independent Living program from the Rehabilitation Services Administration in the Department of Education to the Administration on Community Living in the Department of Health and Human Services and establishes an Administration on Independent Living.

*Sec. 473. Definitions*

Includes minor definition additions.

*Sec. 474. State Plan*

Specifies that the State plan shall be jointly developed by the chairperson of the Statewide Independent Living Council and the directors of centers for independent living in the State.

*Sec. 475. Statewide Independent Living Council*

Requires meaningful representation by directors of centers for independent living in the State. Amends the responsibilities of the Council to include development of the State plan and the monitor, review and evaluation of the implementation of the plan.

*Sec. 475A. Responsibilities of the Administrator*

Describes the responsibilities of the Administrator to develop and publish performance indicators for centers for independent living and Statewide Independent Living Councils, and to conduct onsite compliance reviews of such centers and Councils.

*Sec. 476. Administration*

Specifies funds allotted or made available to a State under the section shall be administered by the Statewide Independent Living Council, in accordance with the approved State plan. Reserves a small percentage of program funds to provide training and technical assistance to Statewide Independent Living Councils. Sets authorization levels for fiscal years 2015 through 2020.

*Sec. 481. Program Authorization*

Reserves a small percentage of program funds to make grants to provide training and technical assistance to centers for independent living.

*Sec. 482. Centers*

Details how the Administrator of the Administration for Community Living should determine how to fund centers for independent living in an unserved region.

*Sec. 483. Standards and Assurances*

No substantive changes were made to this section.

*Sec. 484. Authorization of Appropriations*

Sets authorization levels for fiscal years 2015 through 2020.

*Sec. 486. Independent Living Services for Older Individuals who are Blind*

Reserves a small percentage of program funds to provide training and technical assistance to designated State agencies or other providers of independent living services for older individuals who are blind.

*Sec. 487. Program of Grants*

No substantive changes were made to this section.

*Sec. 488. Independent Living Services for Older Individuals who are Blind Authorization of Appropriations.*

Sets authorization levels for fiscal years 2015 through 2020.

*Sec. 491. Transfer of Functions*

Transfers the Independent Living program, the National Institute on Disability, Independent Living, and Rehabilitation Research, and the programs authorized under the Assistive Technology Act of 2004 to the Department of Health and Human Services, Administration for Community Living. Requires the Office of Management and Budget to certify that these transfers do not result in an increase in full time equivalent positions.

TITLE V: GENERAL PROVISIONS

Subtitle A.—Workforce Investment

*Section 501. Privacy*

Specifies general privacy protections.

*Section 502. Buy-American Requirements*

Requires compliance with the Buy American Act. Includes a Sense of the Congress for the purchase of American-made equipment and products. Prohibits contracts with persons falsely labeling products as made in America.

*Section 503. Transition Provisions*

Describes transition provisions for all titles and programs under this Act.

*Section 504. Reduction of Reporting Burdens and Requirements*

Instructs the Secretaries of Labor, Education, and Health and Human Services to establish procedures and criteria by which State and local boards may reduce reporting burdens and requirements.

*Section 505. Effective Dates*

Stipulates the effective date of the Act.

Subtitle B.—Amendments to Other Laws

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

Repeals the entire Workforce Investment Act of 1998 and the Grants to States for Workplace and Community Transition Training for Incarcerated Individuals under the Higher Education Act.

*Section 512. Conforming Amendments*

Provides conforming amendments to other legislation, as necessary and appropriate.

*Section 513. References*

Specifies related references to the Workforce Investment Act of 1998, the Wagner-Peyser Act, and the Rehabilitation Act of 1973.

TOM HARKIN,
*Chairman, Senate HELP Committee.*

PATTY MURRAY,
*Chairman, Senate Budget Committee and Member, Senate HELP Committee.*

JOHN KLINE,
*Chairman, House Committee on Education and the Workforce.*

VIRGINIA FOXX,
*Chairwoman, Higher Education and Workforce Training Subcommittee, House Committee on Education and the Workforce.*

LAMAR ALEXANDER,
*Ranking Member, Senate HELP Committee.*

JOHNNY ISAKSON,
*Ranking Member, Senate HELP Subcommittee on Employment and Workplace Safety.*

GEORGE MILLER,
*Ranking Member, House Committee on Education and the Workforce.*

RUBÉN HINOJOSA,
*Ranking Member, Higher Education and Workforce Training Subcommittee, House Committee on Education and the Workforce.*

Mr. HARKIN. Mr. President, I thank all of the Senators for their strong affirmative vote for the reauthorization of the Workforce Investment Act, now called the Workforce Innovation and Opportunity Act. It is a great bill. A 95-to-3 vote I think indicates that people worked hard, put together a great bill that meets the needs of our country in training our new workforce for the future.

Again, I thank Senator ALEXANDER, our ranking member, for a very close working relationship on our committee. I would note for the record that the passage of this bill marks the 14th bill reported out of our committee during this session of Congress, during this Congress, that will go to the President for his signature. Our committee met a little bit ago. We are now reporting another bill, the Autism Cures bill we hope to have again before the Senate very shortly also for passage. Our committee has worked very hard across party lines to reach these agreements.

Again, I thank Senator ALEXANDER.

On this bill, especially, I thank Senator ISAKSON and Senator MURRAY for sticking with it. This bill took 5 years and a lot of ups and downs, a lot of knots to untangle. But they did it. They worked hard at it.

I think there is a lesson here for all of us, that if you stick to it and you focus on the areas in which you have agreement, not those where you do not have agreement, but you focus on the areas you have agreement and build from there, you can get good things done. So this is a good bill. I want to thank all of the Senators and their staffs.

I again thank my ranking member on the Senate Health, Education, Labor, and Pensions, HELP, Committee, Senator ALEXANDER, and his staff. I appreciate their assistance in getting this bill through the floor, and I especially appreciate their partnership in the updates we made to the Rehabilitation Act of 1973, which is title IV of the WIOA. My thanks to David Cleary, William Knudsen, Peter Oppenheim, and Patrick Murray on Senator ALEXANDER's team.

I again thank the Democratic champion of reauthorizing the Workforce Investment Act, WIA, Senator MURRAY. She and her staff have dedicated countless hours to advancing this bill. In particular, my thanks to Mike Spahn, Stacy Rich, Evan Schatz, and Scott Cheney.

My thanks as well to Senator ISAKSON and his team, who have been great partners in this bipartisan effort. I would especially like to thank Tommy Nguyen, Brett Layson, and Michael Black.

We absolutely could not have made it to the finish line in the Senate without the dedication and work of my House colleagues, Representatives KLINE, MILLER, FOXX, and HINOJOSA. Working with them and their staff has been a pleasure, and I would like to take a moment to thank some of the key staff in their offices specifically.

For Representatives KLINE and FOXX, my thanks to Amy Jones, Rosemary Lahasky, Brad Thomas, and James Bergeron who has since moved on to other professional endeavors.

For Representatives MILLER and HINOJOSA, my thanks to Megan O'Reilly, Leticia Mederos, Jamie Fasteau, Jacqueline Chevalier, Brian Kennedy, and Rosa Garcia. I also thank Michele Varnhagan and Jody Calemine, who have since moved on to other professional endeavors. I would also like to thank Kevin McDermott in Representative MCDERMOTT's office.

I also offer my appreciation to my own team for their work in advancing this bill. Specifically, I thank Brian Ahlberg, Derek Miller, Crystal Bridgeman, Michael Gamel-McCormick, Mildred Otero, Lauren McFerran, Lee Perselay, Liz Weiss, Michael Kreps, and Robin Juliano. I would also like to thank Andy Imparato, Pam Smith, David Johns and Thomas Showalter, former members of my staff who have since moved on to other professional endeavors.

Let me also express my appreciation to Senator ENZI and his former HELP Committee staff who dedicated many years to reauthorizing WIA. Specifically, I would like to express my appreciation to Beth Buehlmann and Kelly Hastings.

I also greatly appreciate the technical assistance we received from the Federal agencies and the Congressional Research Service.

Specifically, I thank the Department of Labor and the Department of Education for their technical assistance. Portia Wu, Gerri Fiala, Mark Morin, Sean Cartwright, Michelle Rose, Adri Jayaratne, Julia McKinney, and so many others at the Department played key roles in moving this legislation forward.

At the Department of Education, I extend my thanks to Gabriella Gomez, Lloyd Horwich, Brenda Dann-Messier, Jodie Fingland, and Johan Uvin.

I also thank the following staff at the Congressional Research Service for the expert assistance they provided during this process—David Bradley, Benjamin Collins, Adrienne Fernandes-Alcantara, and Kate Manuel.

Finally, we could not do this work without the help of the Senate Legislative Counsel. Liz King, Kristin Romero, Amy Gaynor, and others on their team were instrumental in drafting this bill.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I want to thank our chairman and ranking member, Senator HARKIN and Senator ALEXANDER, for their tremendous work and backing us as we worked through this process. I again thank my partner, Senator ISAKSON, who was so diligent and true to his word and worked through every issue with us. I want to thank him for that.

I also will take a minute this afternoon to extend a sincere thank you to all of the staff who worked so hard to help put this bill together, worked through its challenges, and got us to this point today where we have passed it in the Senate. If the Senate will bear with me, we have a lot of names, but I think that tells you how many people worked so hard on this. From my office: senior advisor Scott Cheney; my chief of staff Mike Spahn; my Budget Committee staff director Evan Schatz; Stacy Rich and Emma Fulkerson from my floor and leadership staff; my entire communications team, especially Eli Zupnick and Sean Coit; and everyone else from my team who has worked so very hard to move this bill forward.

I thank the wonderful staff from Senator ISAKSON's office: Tommy Nguyen, staff director of the HELP Subcommittee on Employment and Workplace Safety, as well as Brett Layson and Michael Black who have been incredible to work with.

I thank Chairman HARKIN's Health, Education, Labor and Pensions Committee team: senior education policy adviser Crystal Bridgeman; chief education counsel Mildred Otero; disability policy director Michael Gamel-McCormick; disability counsel Lee Perselay; Derek Miller, staff director of the HELP Committee; deputy staff director and labor policy director of the HELP Committee Lauren McFerren; and labor policy adviser Liz Weiss; and many more on his staff who have helped.

I also thank the staff of Senator ALEXANDER: education policy adviser Patrick Murray; education policy director and counsel Peter Oppenheim; Bill Knudsen, education policy advisor; and HELP Committee staff director and chief of staff David Cleary.

We also benefited from the expertise of the Congressional Research Service. I thank David Bradley, Benjamin Collins, and Adrienne Fernandes-Alcantara.

I would be remiss if I did not thank the professionals in the Senate Legislative Counsel's office, especially Liz King, Amy Gaynor, Kristin Romero, and Katie Grendon.

As you can see, a lot of people worked a very long time to get us where we are. This has been an 11-year process, so there have been a lot of staff who worked on various versions of this reauthorization over the years. I cannot name them all, but there are some who deserve recognition as well: Gerri Fiala, Bill Kamela, Beth Buehlmann, Kelly Hastings, Pam Smith, David Johns, and Glee Smith.

Of course, my thanks to the staff in the House and the administration, of whom there are far too many to mention here.

I think that tells all of us that this is a bill that was worked on diligently by

many over the years. Who will benefit at the end of the day are our workforce and our employers and our country.

I thank again my counterpart Senator ISAKSON for working with me to get this done.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. I want to associate myself with the remarks of Senator HARKIN and Senator PATTY MURRAY from Washington. I reiterate what I said in my opening statement about how much regard and respect I have for Senator MURRAY, for the job she has done. We would not be here today if it were not for PATTY MURRAY. I am grateful for her support and her kind words.

I want to reiterate all of the names she said, all the thanks that we have. But I want to particularly thank my staff who have made me once again look good. That is a difficult job to do sometimes. I thank Tommy Nguyen, Amanda Maddox, Michael Black, Brett Layson. I appreciate all they have done; Joan Kirchner, my chief of staff, who came to our aid last week and pulled a rabbit out of the hat in the Republican conference that allowed us to be here.

We all get a lot of credit as Members of the Senate. But it is our staff who make or break what we do. We are very grateful to our staff or the Workforce Innovation and Opportunity Act would not become law, would not get to the President's desk.

So to PATTY MURRAY, to Senator HARKIN, to Senator ALEXANDER, thank you. And to all of our staff, thank you for day in and day out doing the real work of the Senate and for the people of the United States of America.

The PRESIDING OFFICER. Under the previous order, H.R. 803, as amended, having passed, amendment No. 3382 to the title is agreed to and the motion to reconsider is considered made and laid upon the table.

The amendment (No. 3382) was agreed to, as follows:

(Purpose: To amend the title)

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.''.

## EXECUTIVE SESSION

## NOMINATION OF JESSICA GARFOLA WRIGHT TO BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS

## NOMINATION OF JAMIE MICHAEL MORIN TO BE DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION

## NOMINATION OF THOMAS P. KELLY III TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF DJIBOUTI

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk reported the nominations of Jessica Garfola Wright, of Pennsylvania, to be Under Secretary of Defense for Personnel and Readiness; Jamie Michael Morin, of Michigan, to be Director of Cost Assessment and Program Evaluation; and Thomas P. Kelly III, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Djibouti.

VOTE ON WRIGHT NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Jessica Garfola Wright, of Pennsylvania, to be Under Secretary of Defense for Personnel and Readiness?

The nomination was confirmed.

VOTE ON MORIN NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Jamie Michael Morin, of Michigan, to be Director of Cost Assessment and Program Evaluation?

The nomination was confirmed.

VOTE ON KELLY NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Thomas P. Kelly III, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Djibouti?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table. The President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

## BIPARTISAN SPORTSMEN'S ACT OF 2014—Continued

The PRESIDING OFFICER. Under the previous order, equal time until 4:30 shall be divided between the two leaders or their designees.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I have come here every week now for 72 consecutive weeks that the Senate has been in session to urge colleagues to wake up to the growing threat of climate change. Today I have the pleasure and honor of being joined by my friend and colleague Senator JOE MANCHIN of West Virginia.

I ask unanimous consent that the Senator from West Virginia and I be allowed to engage in a colloquy for the time we have been allotted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Senator MANCHIN and I come from very different parts of the country. We are the Ocean State, he is the Mountain State. We both came here today to say that climate change is real, that human activities, including the burning of fossil fuels, are causing dramatic changes to the Earth's atmosphere and oceans, and to seek responsible solutions that will ensure reliable, sustainable energy for the United States and protect our local communities and economies from the worst effects of a changing climate, recognizing, as we must, that fossil fuels will be part of America's fuel mix for decades.

The recent National Climate Assessment showed many effects of climate change are already being seen across the United States. In my home State of Rhode Island, we have Narragansett Bay, more than 3 degrees warmer in the winter than it was 50 years ago. Measurements at the Newport tide gauge show that as the seawater warms and expands, the sea level is up almost 10 inches against our shores since the 1930s.

Extreme weather depends a lot on natural variability, but climate change increases the odds that heat waves and heavy rain bursts will occur. As the climate has warmed, some types of extreme weather have become more frequent and severe. Here on this chart we see that in the northeast, up here, the area which includes both Rhode Island and West Virginia, between 1958 and 2010, the amount of rain coming in those big downpours has gone up by 70 percent.

Let's remember how climate change affects the economy and jobs. For example, fishermen in Rhode Island have seen their winter flounder catch from Narragansett Bay nearly disappear in the recent decades as the bay has warmed. These are not distant climate model projections, this is now. This is happening to Rhode Island.

The people of West Virginia have Senator MANCHIN fighting for them every day in Washington. I know he believes that we need to find economically responsible answers to environmental problems. I am proud to stand with him today as his friend and colleague.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. I thank the Chair.

I am pleased to join my friend Senator WHITEHOUSE from the great State of Rhode Island to talk about this important subject. In the past, we may not always have agreed on how to approach this problem, but at least we have come together to work on a solution together. That is very important. That is a rare thing in Washington, as the Presiding Officer knows. We are determined to see if we can find common ground to move forward.

As the Senator suggested, the way we produce and consume energy in our States is quite different. I am the Mountain State, he is the Ocean State. Nonetheless, we both agree we need to strike a balance between the economy and the environment. One cannot go it alone. It takes a balance, if you will, in about anything we do in life, one that acknowledges the reality of the climate change, while also understanding that fossil fuels, more specifically coal that we produce so much of in our State, is such a part of our economy, is a vital part of our energy mix for decades to come. That is by the Department of Energy, the EAI's own claim.

There is no doubt that 7 billion people have impacted our world's climate. Those who deny that I believe are wrong. A lot of them are my friends. I believe we have had an impact and we have a responsibility. But we need to know what is going on and the facts we are dealing with in the world today.

There are more than 8 billion tons of coal consumed around the world each year. This gives an outline of where most of that coal is consumed. Currently China burns more than 4 billion tons per year. They are not stopping or letting up. If anything, they are increasing their consumption and building more coal-fired plants as we speak, while the United States and Europe each burn less than 1 billion tons. So the United States of America, you could say, uses less than one-eighth of the coal consumed annually in the world. If we stopped burning every kind of coal, would that really clean up the climate? But if we find ways to do it better, can we help the rest of the world clean up the climate? That is what we are here to talk about.

There is a broad agreement in the scientific community that carbon emissions and other human contributions are causing substantial changes to the Earth's climate. According to the West Virginia State Climatologist's Office, five of the six wettest years have occurred since 1989; four have occurred since 1990.

Just as I do not deny the existence of climate change, my friend Senator WHITEHOUSE does not deny that eliminating coal from the energy mix would hurt the reliability of our grid. He knows that you cannot do it. We have got to work together to keep the reliability in the system, which is so vital to people all over this country.

Without coal, the northeast United States would have suffered severe and enduring power outages during last winter's polar vortex. If our reliability had failed during the polar vortex we came through this past year, there is no question people would have died—no question at all.

Importantly, during that period of time, coal provided 92 percent of the increase in energy needed to survive that disaster.

Coal was able to go online to back up the grid. Ninety-two percent of it was driven by coal because it is dependable, reliable, and affordable.

This chart shows basically the portion of increase in U.S. electricity generation by fuel, January-February 2014, the times we needed it most to keep the grid systems up and running. You can see coal—92 percent—and natural gas fell because of distribution problems we had. It will increase, it will get better as distribution and infrastructure is built.

Oil, nuclear, hydro, renewable—you can see they weren't able to pick up the demand that was needed or the load that was needed to keep the system moving.

Nick Akins is the CEO of American Electric Power. He said this about the polar vortex: ''This country did not just dodge a bullet—it dodged a cannon ball''

We need to address climate change, but we need to do it while maintaining the reliability of our electricity system. Senator WHITEHOUSE and I both realize that coal will remain a vital part of our Nation's general portfolio for the foreseeable future.

According to the President's own Energy Information Administration—the EIA—coal generated about 40 percent of all U.S. electricity in 2011. In 2040 coal will still generate more than 30 percent of the domestic electricity that is needed.

This chart basically shows where we are going in the foreseeable future. This is 2040. By 2040 natural gas will be at 35 percent, and coal will still be at 32 percent—both, it can be said, out of fossil, so you have 67 percent. Renewals increase to 16 percent. Nuclear is going down to 16 percent, and I believe we have to reengage our efforts there. I really do. So coal will assume the dominant world markets for the foreseeable future.

According to EIA, coal provided 69 percent of China's energy consumption in 2011. This chart gives a little bit of an idea of where we are. China used four times the amount of coal used in the United States that year. Coal supplied 41 percent of India's total energy consumption. During that period of time, India used roughly the same amount of coal as we did in the United States. By 2040 China will produce 62 percent of its electricity from coal, while India will produce 56 percent. During the next few years, some 1,200 new coal plants are going to be built across 59 countries; 363 are going to be built in China and 455 in India alone.

It is unbelievable when you look at more than 8 billion tons of coal that are consumed around the world each year. China currently burns more than 4 billion tons per year, while the United States and Europe burn less than 1 billion tons. Use in these countries and in other parts of the world is projected to grow dramatically for decades to come.

The United States has already been a leader in proving to the world that we can produce coal cleaner today. Traditional pollutants—sulfur, mercury, nitrogen, and particulates—have been cut 80 percent in the last several years. What is less known is that technologies are being developed—and some already exist—that dramatically lower coal plant carbon emissions.

With smarter investments from the public and private sectors, we will not only finish the first generation of carbon capture, storage, and utilization plants but also develop the second generation of these technologies. When that happens in the not so distant future, we will lead the world toward utilization of fossil fuels in a way that produces negligible or zero harmful emissions.

With the right policies and the right coordination between the public and private sectors, we can lead by example and show the world that we can burn fossil fuels cleaner than ever. Most importantly, we can do all of this while protecting consumers, creating jobs, and growing our economy.

Mr. WHITEHOUSE. I agree with my friend from West Virginia that we must address climate change in a way that protects jobs in all sectors and ensures grid stability.

Fossil fuels such as coal and natural gas are indeed going to be an important part of America's energy mix for decades. So we need to invest, as Senator MANCHIN has suggested, in reducing the carbon pollution we generate from these sources.

We also need to adapt our power infrastructure to withstand the effects of climate change. Extreme weather has become the main cause of blackouts in the United States.

The President's Council of Economic Advisers and the Department of Energy counted 679 widespread outages between 2003 and 2012 due to severe weather. Fifty-eight percent of power outages since 2002 and 87 percent of outages affecting 50,000 or more customers were caused by severe weather such as thunderstorms, hurricanes, and blizzards. The average annual cost of power outages caused by severe weather is between $18 billion and $33 billion per year. The U.S. Energy Information Administration compiled data that is plotted on this chart showing that weather-related power outages are already on the rise since just the early nineties.

Addressing climate change is also important to grid stability.

We also should expand and modernize our electric grid. A smarter grid will make it easier to respond to and recover from extreme weather events,

will boost efficiency within the system, will help lower utility bills, and will bring more renewable energy online.

In both our States, Senator MANCHIN and I realize it is in America's interest to be leaders in the research, development, and deployment of energy efficiency tools; in cleaner fossil fuel research; and in renewable energy technologies—particularly ones we can export. I know Senator MANCHIN has some of these technologies being rolled out in his State.

Mr. MANCHIN. When I was Governor of West Virginia, we set and have now achieved an alternative where we are going to reduce our carbon footprint by 25 percent by using coal in a cleaner fashion and also some of the other things we do, which I will explain. Not only did we do it, we did it 10 years earlier than we had targeted. In 2013, 4.1 percent of West Virginia's energy already came from hydroelectric and wind energy. Mount Storm Wind Farm—so many people don't know what we have done in our little State because we are all in; we want to do it all, and we are trying everything we have—is the second largest wind farm east of the Mississippi, 17 miles across the beautiful landscape.

I also agree with Senator WHITEHOUSE on the importance of energy efficiency. With our friend Senator HOEVEN of North Dakota, I have introduced the All-Of-The-Above Federal Building Energy Conservation Act, legislation that would improve the energy efficiency of all Federal buildings and set an example for the private sector.

This legislation takes a commonsense, all-of-the-above approach to the issue of Federal energy efficiency. I believe that by encouraging the use of innovative technologies and practices, instituting reasonable goals, and allowing building managers flexibility, we can achieve better environmental stewardship in a cost-effective manner.

As Governors, Senator HOEVEN—a Republican from North Dakota—and I relied on common sense to guide our State policies, and this bill applies that much needed common sense to Federal policies. We should be using all of our abundant resources, including coal, to power our Nation in the most efficient way possible. Our bill accomplishes this goal and proves the Federal Government can lead the way in using fossil fuels to achieve greater energy efficiency in a much cleaner fashion.

While efficiency and renewables are important, let me say again that it is most important to reduce emissions from coal plants while keeping them running well into the future. Advances in coal-use technologies will continue to develop with help from the public sector.

Enhanced oil recovery is already developing into a valuable tool for augmenting domestic oil production. We need Federal investments for technology such as EOR.

Research is ongoing for the use of coal and $CO_2$ for a multitude of new energy and consumer products, including fertilizers, liquid fuels, and plastic materials.

I just had a gentleman come to my office who basically makes carbon out of coal which cleanses the water we drink.

So there are so many things. Senator WHITEHOUSE is right. There are so many things that we are using, and we can do a lot more.

Mr. WHITEHOUSE. Efficiency is something we take seriously in Rhode Island as well.

In 2013 the American Council for an Energy-Efficient Economy ranked Rhode Island as the sixth most energy efficient State in the country. The Energy Information Administration in 2011 ranked Rhode Island the lowest in energy consumption—which, as the Presiding Officer from the small State of Delaware can understand, we have a bit of an unfair advantage—but we were also the sixth lowest in total energy costs per capita. We do our part to save energy, avoid emissions, lower costs, and reduce the demand and stress on the electric grid.

Rhode Island and eight other States participate in the Regional Greenhouse Gas Initiative—we call it ''Reggi''—which caps carbon emissions and sells permits to emit greenhouse gases to powerplants. One of the ways Rhode Island has been able to drive down our energy consumption and our utility bills is by investing the money generated through RGGI into energy efficiency. Rhode Island invests over 91 percent of its RGGI proceeds in energy efficiency projects and improvements, helping residents save money on their utility bills and making small businesses more competitive.

Rhode Island is also poised to gain scores of jobs from the development of offshore wind. I think we have the advantage on West Virginia in offshore wind. Our private developer of offshore wind, Deepwater Wind, has received its first major environmental permit to begin deployment in the Block Island wind farm area.

The price of wind energy has decreased over 90 percent since the early 1980s and is now competitive in the energy markets. I am working to make wind energy more a part of our energy portfolio.

At the Federal level, our energy policy must use the best science available to improve the way we use fossil fuels, and our Tax Code should help address climate change while leveling the playing field for various energy sources.

I believe carbon-driven climate change hurts our economy, damages our infrastructure, and harms public health. Yet those costs are not factored into the cost of fossil fuels. That means the cost of the pollution has been borne by the public. I believe we should adopt a carbon fee to correct this market failure and return all its revenue to the American people—what Republican supporters of a carbon fee call revenue neutral.

On a smaller scale, Congress can also extend the renewable energy tax credits and other measures that are supported by Members on both sides of the aisle, helping renewable energy in West Virginia and a bipartisan array of States.

Mr. MANCHIN. The Senator and I disagree on a few things, but I adamantly disagree with my dear friend Senator WHITEHOUSE regarding the wisdom of a carbon fee or so-called carbon tax. But I do agree that we can use the Tax Code and other Federal tax incentives to help clean up fossil fuels. That is why we are here together to find a pathway.

First, the DOE must approve $8 billion in loan guarantees for advanced fossil fuel projects that they have had available since 2005. None of it has been invested to try to help use the fuel that we depend on—coal—in a much better, cleaner fashion. Also, I found out that we also have $3.2 billion from the stimulus money to be used for shovel-ready coal projects that is still sitting and hasn't been invested. So there is a lot we can do without appropriating any new money, just using the money that is there for the purpose it was intended.

New tax incentives could be employed to incentivize providers to update sub-critical plants to the super- and ultra-super-critical configurations that pave the way for CCS.

Finally, we need to incentivize the second generation of CCS technology, the one that holds the future for promise of coal use with negligible emissions.

What are we talking about? Carbon capture sequestration, just being used for that purpose, if you don't have a secondary source to where you can put it and sell it for enhanced oil recovery, as we call it—the technology that we could use in the shale that maybe can enhance the gas from the shale, the Utica and Marcellus that we have in West Virginia—so much could have been done that we haven't done. Maybe we could solidify the carbon and use it as a spent fuel. These are things we need to get to, and this money lying right now in the Department of Energy for almost 10 years needs to be invested.

With the help of Senator WHITEHOUSE, I can only think that we can move forward and find a solution.

Mr. WHITEHOUSE. I agree with the distinguished Senator from West Virginia that the Department of Energy's advanced fossil projects loan guarantee program has not yet lived up to, at this time, its potential.

I will work with him to push the administration to accelerate its use.

I wish to close my share of this colloquy by noting something very basic; that is, that America has long stood before the world as an exceptional country and deservedly so. America proved the case for popular sovereignty

with no need of kings or crowns. America took our balanced market capitalism and rose to international economic dominance. America has long been the vanguard of civil and human rights for our people and around the globe. When American military power must be used, we don't conquer and rule. We come home. This exceptional nature confers upon us a responsibility to lead, to be an example, to be, as President Reagan said, ''a shining city on a hill.''

Our generation will be judged by whether we were responsible about climate change, whether we listened, and whether we led.

Senator MANCHIN and I are both committed to the idea that American innovation can create the clean energy technologies of the future, so that when it comes to addressing the biggest problems facing our world, the United States should be out front, and we are committed to working together to find responsible solutions to the climate crisis.

We also realize we have different perspectives on what those solutions should look like. I live in a State that is harmed by carbon pollution, and Senator MANCHIN is from a State that sees economic benefit from coal. We believe we could both learn more about those different perspectives. So I am committing to travel with Senator MANCHIN to West Virginia to see the coal plants that power many parts of our country and meet the people there working to curb pollution and improve efficiency, and I invite Senator MANCHIN to Rhode Island to see how climate change is taking its toll on our shorelines and marine industries.

America is still a beacon to the world because ultimately we have the ability to work through disagreements to common ground on a shared platform of fact. With the commitment of serious leaders such as Senator MANCHIN, I am confident we can move forward to an energy future that preserves the economy and quality of life in West Virginia, in Rhode Island, and for all Americans.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that Senator MANCHIN have such time as he needs to conclude his colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANCHIN. Mr. President, I thank the Senator. Again, I say to my good friend Senator WHITEHOUSE from Rhode Island, I look forward to coming to his beautiful State of Rhode Island and seeing all of what they are doing and the efficiencies they have and technology they are incorporating. I also look forward to showing him my State, the beautiful State of West Virginia, and its great people.

We have both visited each other's States before, so we know how good our States are. It is going to be great to revisit.

I thank the Senator also for joining me on the floor as we continue to have this extremely important dialogue. If Senator WHITEHOUSE and I can start looking for a pathway, I am sure friends from both sides of the aisle can join us. That is what we are trying to have happen.

I agree with Senator WHITEHOUSE, the United States of America has long stood before the world as an exceptional country that people look up to. We have reigned as the dominant world power and have played the role of the world's leader for more than 200 years.

Coal use is expanding across the globe, and we need to face that reality—and we must take our position as the world leader and broker solutions, knowing the rest of the world is going to use this product more than ever before. So finding a balance of the environment between our concerns and our economic prosperity is going to happen. We should be that leader also.

The solution for the United States is to develop a technology that will allow us to use the fuels we need cleanly and to export that technology to the world.

Yes, West Virginia and Rhode Island are indeed different in many ways, but most importantly the Senator and I both know they are both part of this great country, and that is what makes America great. We can deliberate and challenge each other's positions on any one issue—and we sure have had our share of dogged debates on the issues of climate change and energy issues—but when it comes to deciding what is best for our future generations and our beautiful Earth, there is always room for reasonable compromise and a way forward.

So as we continue to work diligently in the Senate, I also look forward to visiting again with him, and we will make that happen sooner than later.

Once again, I thank Senator WHITEHOUSE for coming to the table to establish a truly commonsense, all-of-the-above energy policy that acknowledges the vital role coal must play moving forward.

This energy strategy will also help protect good-paying jobs, boost our economy nationwide and around the world, and improve the quality of life of all living things.

We are going to fix this together, not as Democrats or Republicans but as Americans, as the world leaders we always have been. We have been looking to find the balance, and we will find the balance and show not only America but the world that we can look past our differences to better this world. I look forward so much to that. We both have looked at it from this standpoint: We both agree we need to work together and basically agree we have a responsibility in this world and this country to be a leader again in finding a pathway to using the energy the good Lord gave us and find the best balance we can with the economy and environment, cleaning up the environment for which we are responsible.

I thank my good friend, and I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The senior Senator from Texas is recognized.

## THE AMENDMENT PROCESS

Mr. CORNYN. Mr. President, before I came to the Senate, I read in the history and civics books that the Senate was called the world's greatest deliberative body, where anybody with a good idea or even a bad idea at least had an opportunity to talk about it, offer an amendment or legislation, and get a vote. That is what was meant by ''the world's greatest deliberative body.''

Unfortunately, the Senate has become virtually unrecognizable to those of us who began our tenure under the previous leadership of the Senate.

Simply put, we have gone from an institution that legislates, that debates the great ideas to solve the problems and challenges of this great democracy to one that has become a killing floor for good ideas.

We have had at least three bipartisan bills in the last few weeks the majority leader has stopped because he has refused the opportunity for Republicans in the minority and the Democrats in the majority to offer any amendments and to get votes.

I think about the Shaheen-Portman bill, the energy conservation bill, the tax extenders bill for the expiring 50 or so tax provisions, and the appropriations bill that recently was on the Senate floor. All of these pieces of legislation enjoy bipartisan support. So one would think, in a dysfunctional Senate, at least those kinds of bills would have the opportunity to get debate, amendment, and passage.

That is not the case because the majority leader insists on a ''my way or the highway'' mentality. In essence, he wants to be the traffic cop who decides whose ideas get to be debated, what amendments get to be offered, and what votes get to occur.

As one Senator from a State that represents 26 million constituents, I refuse to participate in a process where the majority leader from Nevada gets to tell my constituents what kind of amendments I get to offer on their behalf. It is unacceptable. This is not the Senate I joined when I got here nor a Senate any of us should be proud of.

Shortly after I got to the Senate, Republicans became the majority party. I always tell my friends and constituents back home, being in the majority is a lot more fun than being in the minority. But back then it was understood by both parties that the price of being in the majority, and recognizing and respecting the minority did have rights, is that you had to take some tough votes on amendments, but after all that is why we are here. That is part of the price we pay for serving in the Senate—to vote sometimes on things we would prefer not to vote on

and sometimes we have to take tough votes.

Like it or not, that is how the Senate used to operate. Both Republicans and Democrats alike recognized that allowing an open amendment process was about guaranteeing that all Americans—all Americans—those represented by Senators in the majority and those represented by Senators in the minority—that all Americans acting through their elected representatives had a voice and a vote on the Senate floor.

Sadly, under the current majority leader, the amendment process has become a distant memory. Again, this is not just about a Senator's prerogative. This isn't about just the process or procedure. This is about our constitutional form of governance, where every State has two Senators and every Senator has the prerogative to represent their constituents to the best of their ability.

Here is a sad statistic: Since last July, nearly 1 year ago, we have had rollcall votes on a mere nine minority amendments; that is, among the 45 of us who sit on this side of the Chamber, we have only had a chance for nine rollcall votes on amendments.

Meanwhile, in the House of Representatives, our friends in the House held rollcall votes on more than 160 minority amendments.

In other words, Republicans control the House; Democrats control the Senate. But in the Democratic-controlled Senate, the minority had nine votes on amendments. In the Republican-controlled House, the minority got 160 votes on amendments.

So this isn't just about our being denied amendments. The fact is and what I can't understand is why majority party Democrats are willing to stand by and allow the majority leader to deny their rights and to deny their constituents a voice and a vote on the important work done in the Senate.

Since July, we have actually had fewer rollcall votes on Democratic amendments than on Republican amendments. Imagine. I understand being in the minority—and being in the minority means not often getting your way, but if I was in the majority and the majority leader was shutting me out and my constituents out and denying us a chance to have votes on amendments—and I am a Member of the majority party—I think I would have some tough explanations to give to my constituents about why I was not allowed to be effective as their representative in the Senate.

But here is an even more shocking scenario. For freshman Democrats—people newly elected to the Senate—this is what Politico said yesterday:

> Since joining the Senate in January 2013, the 12 freshmen Democrats have not had a single vote on the floor on any amendment bearing any of their names as the lead sponsor.

That is shocking to me. So none of the 12 freshman Democrats—Members of the majority party—have had a single vote on any of their amendments that bear their name as the lead sponsor since 2013—not a single vote.

Their constituents, the majority party, completely shut out of the process because of the dictatorship on the floor of the Senate of the majority leader.

Over that same period, during the 113th Congress, for example, the junior the Senator from Alaska, the senior Senator from Arkansas, the senior Senator from Colorado, the senior Senator from New Mexico, and the junior Senator from Montana have not had a single rollcall vote on an amendment that bears their name as the lead sponsor.

For that matter, according to The Hill, the junior Senator from Alaska ''has never received a roll-call vote on an amendment he's offered on the Senate floor ever.'' Shocking. So not one time in his Senate career has the junior Senator from Alaska received a rollcall vote on the Senate floor because of the way the majority leader has run the Senate. He has been denied the opportunity to be effective on behalf of the people he represents in the Senate—and he is a Member of the majority party.

It has gotten so bad, according to the same Politico article I cited a moment ago, that the junior Senator from New Jersey recently asked one of his Democratic colleagues whether voting on Presidential nominees was all the Senate did. He could be forgiven for thinking that because that seems like all we do these days. In addition, the junior Senator from Connecticut said: ''I got more substance on the floor of the House in the minority than I've gotten as a member of the Senate majority.''

Again—I repeat myself—these are Democrats, Members of the majority party who have been shut out of the process. Their party controls the Chamber, yet this debate is obviously not about party control or individual Members, but it is about making sure that millions upon millions of Americans should have their voices heard in the Senate. It is about giving us a chance on their behalf to represent them in this body.

I am encouraged to read that some of my colleagues across the aisle are starting to push back against the majority leader's tyranny. I would urge them to continue pushing back and to continue to remind the majority leader that putting up a legislative blockade is not only bad for the minority party and the Republicans, it is bad for the majority party and the people they represent, too.

In conclusion, I would say that in addition to the amendment issue I have spoken about for the last 10 minutes or so, there are no fewer than 284—284—House-passed bills that are awaiting consideration here in the Senate—284. Do you not think that among those 284 bills there is just one or two or three decent ideas that might be debated, perhaps improved upon, by an open amendment process in the Senate that we should take up and consider?

Many of these are jobs bills, the type of legislation that would help promote economic growth and, boy, we sure could use some economic growth because the economy is contracting, not growing, which means that jobs are scarce and people are hurting. There are bills that would expand opportunity and increase family income. At a time of mass unemployment and stagnant wages, where the median household income has gone down by nearly $2,300 since June of 2009, it is simply outrageous that the majority leader has refused to take up any one of those 284 bills that have passed the House, most of which had bipartisan support. It is outrageous he has refused to let us take up those bills, many of which would help the millions of Americans who are currently looking for a job who cannot find a job. The American people, after all, are the reason why we are here, and they are the ones who are suffering the most from the majority leader's autocratic rule. They deserve better, and it is time all of us, Republicans and Democrats alike, demanded that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

HEALTH CARE

Mr. BARRASSO. Thank you, Mr. President.

I concur with the distinguished Senator from Texas and the concerns that we have and we share about the lives of people all across the country and their ability to earn a living.

Tomorrow President Obama is planning to travel to Minnesota. So as I come to the floor the President is making the preparations because the President said he will spend the day in the shoes of a woman who had written a letter about the economic challenges she faces. I hope the President takes the time to actually talk to other people as well and spend a day in their shoes as well, because I think there are a lot of people in Minnesota—a lot of people in Minnesota—who would like to ask the President about his health care law and about some of the damaging side effects of the law.

The Mankato Times had a story from Minnesota schools to lose more than $200 million because of ObamaCare. A State representative is quoted as saying that wasteful spending on the health care law has left many taxpayers outraged because they will soon be making a significant impact on Minnesota schools, on the students in the State of Minnesota. Will the President address that?

According to documents released by Minnesota's Management and Budget Office, over the next 3 years, the total unfunded costs associated with the health care law compliance will cost school districts statewide at least $207 million. As the State representative said:

> This is troubling news for our schools. This is $200 million that school districts won't be

able to use to hire more teachers to improve their educational programs. This is an unneeded expense that does absolutely nothing for our students.

As the Minnesota State representative says: ''It is pretty sad when schools are forced to prioritize ObamaCare compliance over the education of our children.''

The President says the health care law should be forcefully defended and be proud of. Is that something the President is going to forcefully defend and be proud of? You take a look at the side effects of the health care law, so many side effects of the health care law.

One of the side effects is the medical device tax that Democrats included in the law. It is a destructive tax and is hitting the people on the ground in Minnesota where the President is going to be tomorrow. This destructive tax impacts the livelihood of individuals. These are the folks who work to make things such as pacemakers, artificial joints, ultrasound equipment. It is a tax the President asked for, the President demanded and wanted as part of the health care law, and that every Democratic Senator in this Chamber voted for, including the two Democratic Senators from Minnesota where the President will be tomorrow. It adds up to $3 billion a year. Companies will have to make up for that lost revenue. They are going to do it through higher prices on other individuals and moving some of their construction and their distribution overseas. Is that what the President wanted in this health care law? Will he forcefully defend and be proud of that?

According to a survey by an industry trade group about this—the folks who actually make these medical devices—that is exactly what is happening. Device manufacturers have had to cut 14,000 jobs because of the tax last year. They say they didn't hire another 19,000 they planned to hire. That is a total of 33,000 American jobs lost because of the taxes in the President's health care law. Now there are more than 350 medical device firms in Minnesota, companies in Minnesota that employ people on the ground in Minnesota, citizens who want to be hard-working individuals, supporting more than 30,000 jobs in Minnesota. Since the health care law passed, the medical device industry has lost more than 1,000 of those jobs in Minnesota where the President will be tomorrow. Is the President ready to stand with those individuals about the devastating side effects of his health care law?

One of the biggest device makers in the state is called Medtronix. They announced they are moving their headquarters to Ireland. That is not only because of the President's health care law and not every job lost in the industry is due solely to this one tax, but the Obama administration's burdensome tax policies and this terrible health care law side effects are impacting people all around the country and specifically in this area in Minnesota.

One of the side effects is fewer jobs for American families. The President has said that Democrats who voted for the law should forcefully defend and be proud of it. I hope someone in Minnesota will get the chance to ask the President tomorrow if he is proud of the thousands of jobs his health care law is costing the hard-working men and women who make these medical devices in this State of Minnesota. I hope the President will spend a day in the shoes of someone who lost their job as a medical device maker.

A lot of people in Minnesota and around the country are also worried about another devastating side effect of the health care law, and that is the impact on their paychecks—smaller paychecks that a lot of families are getting specifically because of the health care law. Yesterday there was an article in the Washington Post, page 2, Tuesday, June 24th: ''Businesses gear up for employer mandate.'' Subheadline: ''Some cut workers' hours; others struggle with costs, logistics.''

Well, what happens if you cut hours? What happens if you are struggling with costs? Who is impacted by that? Obviously, the families of the individuals who are working in those businesses. The article says employers around the country have been cutting their workers' hours back to part-time status. Part time in the health care law is defined as 30 hours a week. Most people think of a 40-hour workweek. Not President Obama. He has a different view of what a full-time job is. They had to cut back to part-time status in order to avoid paying for the expensive health care mandates required by the law.

The article in the Washington Post yesterday adds that ''seasonal employees and low wage workers such as adjunct professors, cafeteria staffers'' have been especially hard hit.

It is happening in Minnesota. The President is going to be there tomorrow, and he is going to say, ''I want to walk a day with this woman and see what her life is like.'' He can hand-select somebody who makes it look as though his policies might be working, but there are people in Minnesota who are being harmed by the President's policy.

In Faribault, MN, the city is to cut hours of workers because it cannot afford to pay for their insurance. The city of Mankato, MN, had to do the same, cutting most of their workers to 29 hours a week to keep under the limits set by the health care law. In Hastings, MN, the schools have to limit how much their classroom aides, food service, and transportation employees can work. The same thing is happening in towns and counties and businesses all over the State of Minnesota where the President will be tomorrow. They are cutting back hours, reducing the size of their paychecks, and why? Because of the health care law. Is the President going to spend a day in the shoes of someone who has had their hours cut back because of the health care law? Is he going to forcefully defend his law to those people when he is in Minnesota tomorrow?

Are the two Senators from Minnesota who voted for the health care law ready to forcefully defend the smaller paychecks these people are getting? This isn't just happening in Minnesota, it is happening all around the country. You know, it is not bad enough that these people are getting hit a second time by another very expensive side effect of the health care law—smaller paychecks. Now what they are seeing is higher premiums they have to pay. According to a new study, people in Minnesota are paying a lot more for health insurance. Why? Because of the health care law. For an average 64-year-old woman in Minnesota, premiums would have been $273 a month in 2013 before the mandates in the Obama health care law kicked in. But in 2014, buying insurance through an ObamaCare exchange, her premiums jumped to over $400 a month. She is paying $1,500 more this year than she did last year because of the President's health care law.

Who is going to forcefully defend that? Who is going to come and be proud on the floor of the Senate and speak with great pride about what they have done to this woman and the effect of this health care law in her life?

For a 27-year-old man, he would have paid an average of $95 a month in 2013. Under the ObamaCare law, he is paying $140 a month—an extra $540 this year compared to last year.

Can the Senators who voted for this law be proud of these kinds of premium increases? The American people wanted reform that gave them access to quality affordable care—access, quality, affordable. What they are getting is higher premiums, higher copays, higher deductibles.

Republicans have offered solutions for patient-centered health care, measures such as increasing the ability of small businesses to get together and negotiate better rates, expanding health savings accounts, allowing people to buy health insurance that works for them and their families because they know what is best for them and they don't need the government and President Obama to tell them that he knows better what they need in their lives than they know what they need in their lives. Republicans have offered ideas that would give people the care they need from a doctor they choose at a lower cost.

The President may not want to talk about any of these tomorrow in Minnesota, all the ways his health care law is hurting people in Minnesota and around the country, hurting education, hurting jobs, hurting the economy and hurting the pocketbooks of men and women around the country. But Republicans are going to keep coming to the floor, keep talking about the burdensome side effects, the expensive side effects, and sometimes the irreversible and sometimes fatal side effects as a

result of this health care law. And we will continue to offer real solutions for better health care without the terrible side effects that the American public continues to face as a result of the President's health care law.

Thank you, Mr. President.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Is there a motion now pending to proceed to S. 2363?

The PRESIDING OFFICER. The motion is pending.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 384, S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Harry Reid, Kay R. Hagan, Richard J. Durbin, Michael F. Bennet, Debbie Stabenow, Ron Wyden, Joe Donnelly, Patrick J. Leahy, Angus S. King, Jr., Mark Begich, Tim Kaine, Robert P. Casey, Jr., Sherrod Brown, Tom Harkin, Christopher A. Coons, Amy Klobuchar, Heidi Heitkamp.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to a period of morning business, and during that time Senators be allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRIBUTE TO JIM HOST

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to my personal friend, Mr. Jim Host. Jim is a native of Ashland, KY, and has spent his life dedicated to business and public service within our home State. The National Football Foundation and College Hall of Fame recently announced that he will receive their award for Outstanding Contributor to Amateur Football—an honor that he is unquestionably deserving of and will add to his already extensive list of awards and accolades.

A standout high school baseball player, Mr. Host passed on a $25,000 offer to play professionally and instead accepted a scholarship to play at the University of Kentucky. Host would eventually play professional baseball, though only after he received his degree. As his career progressed, his time as a student athlete would never be too far from his thoughts.

In 1969, Host entered the world of politics, becoming the youngest member of Governor Louie B. Nunn's cabinet at the age of 29. Two years later, he was the Republican nominee for Lieutenant Governor, though he lost in the general election. Never one to be deterred by defeat, he focused his attention squarely on a new venture—starting his own business.

Mr. Host had only $107 to his name when, in 1972, he started Jim Host and Associates in a small office above a barber shop in downtown Lexington. What he lacked in monetary assets, however, he made up for with an impressive arsenal of smarts and determination. With these tools he built Host Communications, and forever altered the landscape of college athletics.

The foundation of Host Communications was the right to broadcast Kentucky basketball games over the radio. In its early years, Jim Host's company was one of several entities that had this right. However, Host soon obtained the exclusive rights and expanded his broadcast to 117 radio stations in the State. In addition to his radio broadcast, Host bought a publishing company and printed programs for Kentucky basketball and football games.

He continued to grow his business around Kentucky athletics, and over time he created the first model of the consolidated multimedia rights companies we see today. By the time he sold Host Communications to IMG in 2007, Host provided the University of Kentucky, and over 20 other college athletic programs, with what he called the ''full-meal-deal''—that is to say that TV deals, radio broadcasts, coaches' shows and their endorsements, publishing, signage, and sponsorship were all controlled by Host, and enabled the university to generate more revenue than was ever thought to be possible. Today, nearly every university with an athletics program follows this blueprint prepared by Jim Host.

Host also developed a close partnership with the NCAA and is credited with creating the organization's first corporate sponsorship program.

Now, at age 76, Jim hasn't slowed down at all. He still gets up at 4 a.m. every morning and is always quick to state that he ''can't sleep fast enough.''

As chairman of the Louisville Arena Authority, he was instrumental in the construction of the KFC Yum! Center as well as the subsequent surge of new business activity in the downtown area. Additionally, he currently serves as chairman of Volar Video.

By way of his grit, determination, and sheer smarts, Jim Host has seen immense success in his business and has effected an immeasurable impact on the Commonwealth of Kentucky and college athletics. I ask that my U.S. Senate colleagues join me in recognizing Jim Host and congratulating him for his latest award from the National Football Foundation.

The Lexington Herald-Leader recently published an article detailing Jim Host's latest award. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Lexington Herald-Leader, June 12, 2014]

LEXINGTON BUSINESSMAN JIM HOST HONORED BY NATIONAL FOOTBALL FOUNDATION

The National Football Foundation and College Hall of Fame has announced that sports marketing pioneer Jim Host of Lexington has been named the recipient of its award for Outstanding Contribution to Amateur Football.

''Jim Host created a lasting legacy as a sports marketing innovator, and his creative genius will continue for many years as the bedrock of multimedia rights in college athletics,'' the group's president and CEO, Steve Hatchell, said in a news release. ''From humble beginnings, Jim built Host Communications, essentially launching the practice of marketing in college athletics. His efforts have resulted in millions of dollars for colleges and universities nationwide, and those numbers only continue to grow.''

First presented in 1974, the Outstanding Contribution to Amateur Football Award provides national recognition to those whose efforts to support the National Football Foundation have been local in nature.

Host becomes the 38th recipient of the award.

Born in Ashland, Host received a baseball scholarship to the University of Kentucky. After running for lieutenant governor in 1971, he opened Jim Host and Associates, a one-man operation above a barbershop in Lexington.

Host is chairman of Volar Video, which delivers customized video across television, computer and mobile platforms. Volar produced the live webcasts of both the National Football Foundation's 56th annual awards dinner and the group's announcement of the 2014 College Football Hall of Fame class.

Host will be honored at a dinner on Dec. 9 in New York.

## HONORING OUR ARMED FORCES

SECOND LIEUTENANT JOE L. CUNNINGHAM

Mr. INHOFE. Mr. President, I wish to pay tribute to a true American hero, Army 2LT Joe Cunningham of Kingston, OK who died on August 13, 2011 serving our Nation in Laghman Province, Afghanistan. Lieutenant Cunningham was assigned to Headquarters and Headquarters Company, 1st Battalion, 179th Infantry Regiment, 45th Infantry Brigade Combat Team, Army National Guard, Stillwater, OK.

Joe enlisted in the U.S. Army in 2001 and joined the Army Reserves as a military policeman. He volunteered to

deploy to Iraq in 2005 where he served as a team leader. After returning from Iraq, he served as a weapons instructor for deploying soldiers. In 2008, Joe switched to the Oklahoma National Guard, serving 18 months in the Air Guard before moving on to the Army Guard, where he was accepted to Officer Candidate School. In August 2010, Joe was commissioned as a second lieutenant and deployed in June 2011 to Afghanistan as the executive officer of B Co 1/179 Infantry.

Joe leaves behind his father Kirk Tucker, from Kingston, and siblings Tracy, Terri, Bethany, Ashton, Ricky and Taylor. He was preceded in death by his mother Dorothy Cunningham. He touched the lives of many as evidenced by comments written on his online guest book.

''I knew Joe he was an inspiration to the soldiers of Bco. 1/179 he always put soldiers first he is what a soldier wanted to be professional thru and thru in the short time I had to work with him he truly opened my eyes and changed my views on things he was and always will be a great friend and a soldier that will be greatly missed. God Bless Joe Cunningham may god watch and protect you thru ''through'' the gates of heaven you shall be missed. ''

You will be missed by all. It was pleasure and an honor to have you as troop under my supervision while assigned to the 138th Security Forces Squadron. RIP friend and brother.''

Joe lived a life of love for his family, friends, and country. He enjoyed hunting, fishing and sports. Joe was a big Oklahoma Sooners fan and held season tickets for the Oklahoma City Thunder. He loved kids, and one of his greatest joys was spending time with Korlee Cunningham.

Joe will be remembered for his commitment to and belief in the greatness of our Nation. I am honored to pay tribute to this true American hero who volunteered to go into the fight and made the ultimate sacrifice of his life for our freedom.

SERGEANT BRET D. ISENHOWER

Mr. President, I now wish to pay tribute to a true American hero, Army SGT Bret D. Isenhower of Lamar, OK, who died on September 9, 2011, serving our nation in Paktya Province, Afghanistan. Sergeant Isenhower was assigned to 1st Battalion, 179th Infantry Battalion, 45th Infantry Brigade Combat Team, Oklahoma Army National Guard.

Sergeant Isenhower was killed by enemy small arms fire when his team was attacked while conducting combat operations in Zurmat District. He was 26 years old.

Our prayers go out to those in his family he left behind: father Kevin Isenhower; mother Janet Dawsey; sisters Bridgette Hall and Krysten Isenhower; and nephew Jackson Hall.

Bret graduated from Seminole High School in 2003 and then attended East Central University and was a member of the Pi Kappa Alpha chapter. Determined to be a soldier, he joined the Oklahoma National Guard in 2006 as an infantryman. He deployed in support of Operation Iraqi Freedom for a yearlong deployment in 2007–08. He rose to the rank of sergeant and team leader.

Bret actively looked for ways to serve his community and his fellow citizens. On one occasion, he and a friend were enroute to school to take a final and noticed a woman pulled over on the side of the road with a flat tire. Bret pulled the car over and helped change the tire without regard to the time that it took. Needless to say, he missed his final exam, but didn't care because it was the ''right thing to do.'' Bret also served as a volunteer firefighter at the Seminole Fire Department and the Seminole County 911 dispatcher.

Bret cared deeply for his family and would often let his 3-year-old nephew Jackson use him as a human jungle gym. He was full of kindness and yet very brave under fire.

It is clearly evident how much this young man impacted his family, community and fellow citizens and soldiers by reading through some of the following quotes.

Laura Rose, a former teacher at Seminole High said, ''Not only did he give the ultimate sacrifice for his country, but he was a good person too. Some students go on their way and you never see them again, but Bret would come and visit and let me know how he was doing.''

Specialist Randen Allison credits Bret with saving his life in Afghanistan by reacting quickly and placing a tourniquet on his arm. When Specialist Allison thanked Bret for helping, Bret responded by saying, ''Don't worry about it. I'm just doing my job.''

A warrior indeed, Bret died in the heat of a firefight. These tough fights took the life of Bret from us prematurely, but make no mistake; it is a fight we will win. We must continue our unwavering support for the men and women protecting our Nation and allies.

I extend our deepest gratitude and condolences to Bret's family. He lived a life of love for his family, friends, and our country. He will be remembered for his commitment to and belief in the greatness of our Nation. I am honored to pay tribute to this true American hero who volunteered to go into the fight and made the ultimate sacrifice of his life for our freedom.

FIRST LIEUTENANT DAMON T. LEEHAN

Mr. President, I also pay tribute to a true American hero, Army 1LT Damon T. Leehan of Moore, OK, who died on August 14, 2011 serving our Nation in Laghman Province, Afghanistan. Lieutenant Leehan was assigned to A Company, 1st Battalion, 179th Infantry Regiment, 45th Infantry Brigade Combat Team, Oklahoma Army National Guard.

Lieutenant Leehan died of injuries sustained when the vehicle in which he was riding was attacked with an improvised explosive device in the Alingar District while conducting combat operations. He was 30 years old.

Damon graduated from Edmond High School and enlisted in the Oklahoma National Guard in 1998 at the age of 17. He had previously deployed to Afghanistan in 2003 as a combat medic. In 2008, he successfully completed Officer Candidate School and was commissioned as a second lieutenant.

In his civilian role, Damon served his community as an Xray technician since 2001 at the Integris Southwest Medical Center in Oklahoma City.

Damon consistently impressed and touched the lives of those around him. This is evident by reading through some quotes.

Ashely Hale, his supervisor at the hospital said, ''He was a hard-working, outgoing, well-known, well-liked coworker . . . he had many friends here.''

Major General Myles Deering, the Adjutant General of Oklahoma said, ''LT Leehan served his nation and our state with great honor and distinction for more than a decade. His sacrifice will never be forgotten.''

Wendy Deatsch, of Edmond said, ''I was one of his high school teachers. He was one of my very favorite students. He always had a smile on his face and had a saying that always put one on mine. He would say, 'Miss Wilks, turn that frown upside down!' It always worked!''

Curtis Meloy, of Cushing said, ''Damon was a great soldier, and a better man. I am truly better for having known him.''

Members of Damon's platoon posted, ''LT, we miss you and you were a true friend and leader. Our platoon will never be the same without you! Your leadership will be missed.''

I extend our deepest gratitude and condolences to Damon's family and friends. Our thoughts and prayers go out to those in his family he left behind: his wife Audrey, children, Emma and Ethan, father Dennis, and mother Marina Blevins.

Damon lived a life of love for his wife and two children, family, friends, and country. He will be remembered for his commitment to and belief in the greatness of our Nation. I am honored to pay tribute to this true American hero who volunteered to go into the fight and made the ultimate sacrifice for our protection and freedom.

PRIVATE FIRST CLASS TONY J. POTTER JR.

Mr. President, I pay tribute to a true American hero, Army PFC Tony J. ''TJ'' Potter Jr. of Okmulgee, OK, who died on September 9, 2011, serving our Nation in Paktya Province, Afghanistan. Private First Class Potter was assigned to 1st Battalion, 279th Infantry Battalion, 45th Infantry Brigade Combat Team, Oklahoma Army National Guard.

TJ was killed by enemy small arms fire when his team was attacked while conducting combat operations in Zurmat District. He was 20 years old.

Born 3 months early, TJ wasn't the biggest kid growing up, but he more than compensated for it in drive and enthusiasm. TJ graduated from

Okmulgee High School in 2010 after leading his football team to a state championship. Determined to be a soldier and join the Oklahoma National Guard, even over his parents' reservations, TJ enlisted as an infantryman prior to graduation in April 2010.

In such a short time on this earth, TJ had an incredible impact on his family, his community and his brothers in arms.

TJ's friend Samuel Trout said, ''Everybody knew him, everybody got along with him, you could talk to him.''

Fellow co-worker Jon Skinner said, ''He was always a great guy, he was always a hard worker, down to earth, great guy to kick it with.''

Fellow high school student Earnest Woodruff said, ''He tried to help everybody at practice. He always wanted us to run harder so we would do better when we went out to the games. He was always going 100 percent. I just know that he's going to be in a better place.''

Football coach Shane Page said TJ could do anything that he put his mind to and ''Just every day we have to be thankful for the fact that we do have the soldiers out there fighting to protect us and everything. I mean it's an honor to know that he was a part of that but it's a very, very sad day.''

His mother, Yvonne said, ''He was the rock of our family. He held everything together.'' His father, Tony Sr. added, ''If he felt we were drifting apart, he would bring us back together. He was our glue. You could always count on him for everything.''

TJ lived a life of love for his family, friends, and our country. I extend our deepest gratitude and condolences to TJ's family, his wife and high school sweetheart Emily, his son Tony James 'TJ' Potter who was born after his death, and parents Tony and Yvonne Potter. He will be remembered for his commitment to and belief in the greatness of our Nation. I am honored to pay tribute to this true American hero who volunteered to go into the fight and made the ultimate sacrifice of his life for our freedom.

## ADDITIONAL STATEMENTS

### HENRY COUNTY, IOWA

• Mr. HARKIN. Mr. President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State. And it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Henry County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to secure funding in Henry County worth over $2 million and successfully acquired financial assistance from programs I have fought hard to support, which have provided more than $8 million to the local economy.

Of course, one of my favorite memories of working together is our shared commitment to community wellness and their work to obtain wellness grants to promote physical exercise, nutrition, and healthy lifestyles. I am also pleased with the community's success in obtaining funds through Main Street Iowa for the redevelopment of the historic Union Block building and other major renovations in downtown Mt. Pleasant.

Among the highlights:

Investing in Iowa's economic development through targeted community projects: In Southeast Iowa, we have worked together to grow the economy by making targeted investments in important economic development projects including improved roads and bridges, modernized sewer and water systems, and better housing options for residents of Henry County. In many cases, I have secured Federal funding that has leveraged local investments and served as a catalyst for a whole ripple effect of positive, creative changes. For example, working with mayors, city council members, and local economic development officials in Henry County, I have fought for more than $3 million for National Guard facilities, helping to create jobs and expand economic opportunities.

Main Street Iowa: One of the greatest challenges we face—in Iowa and all across America—is preserving the character and vitality of our small towns and rural communities. This isn't just about economics; it is also about maintaining our identity as Iowans. Main Street Iowa helps preserve Iowa's heart and soul by providing funds to revitalize downtown business districts. This program has allowed towns like Mount Pleasant to use that money to leverage other investments to jump-start change and renewal. I am so pleased that Henry County has earned $110,000 through this program. These grants build much more than buildings. They build up the spirit and morale of people in our small towns and local communities.

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than $132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Henry County has received $756,173 in Harkin grants. Similarly, schools in Henry County have received funds that I designated for Iowa Star Schools for technology totaling $74,980.

Agricultural and rural development: Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Henry County has received more than $3.7 million from a variety of farm bill programs.

Keeping Iowa communities safe: I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to statewide challenges such as, for instance, the methamphetamine epidemic. Since 2001, Henry County's fire departments have received over $1.2 million for firefighter safety and operations equipment.

Wellness and health care: Improving the health and wellness of all Americans has been something I have been passionate about for decades. That is why I fought to dramatically increase funding for disease prevention, innovative medical research, and a whole range of initiatives to improve the health of individuals and families not only at the doctor's office but also in our communities, schools, and workplaces. I am so proud that Americans have better access to clinical preventive services, nutritious food, smoke-free environments, safe places to engage in physical activity, and information to make healthy decisions for

themselves and their families. These efforts not only save lives, they will also save money for generations to come thanks to the prevention of costly chronic diseases, which account for a whopping 75 percent of annual health care costs. I am pleased that Henry County has recognized this important issue by securing more than $423,000 for community wellness activities.

Disability rights: Growing up, I loved and admired my brother Frank, who was deaf. But I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living, and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed captioned television, but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Henry County, both those with and without disabilities. And they make us proud to be a part of a community and country that respects the worth and civil rights of all of our citizens.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Henry County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Henry County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

## IOWA COUNTY, IOWA

● Mr. HARKIN. Mr. President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State. And it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Iowa County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to successfully acquire financial assistance from programs I have fought hard to support, which have provided more than $6.6 million to the local economy.

Of course, one of my favorite memories of working together is the county's use of farm bill dollars to develop local economic opportunity, like the funds used for the startup and marketing of the Fireside Winery.

Among the highlights:

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than $132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Iowa County has received $122,934 in Harkin grants.

Disaster mitigation and prevention: In 1993, when historic floods ripped through Iowa, it became clear to me that the national emergency-response infrastructure was woefully inadequate to meet the needs of Iowans in flood-ravaged communities. I went to work dramatically expanding the Federal Emergency Management Agency's hazard mitigation program, which helps communities reduce the loss of life and property due to natural disasters and enables mitigation measures to be implemented during the immediate recovery period. Disaster relief means more than helping people and businesses get back on their feet after a disaster, it means doing our best to prevent the same predictable flood or other catastrophe from recurring in the future. The hazard mitigation program that I helped create in 1993 has provided critical support to Iowa communities impacted by the devastating floods of 2008. Iowa County has received over $1.6 million to remediate and prevent widespread destruction from natural disasters.

Agricultural and rural development: Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Iowa County has received more than $6.3 million from a variety of farm bill programs.

Keeping Iowa communities safe: I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to statewide challenges such as the methamphetamine epidemic that hit Iowa. During the mid-to-late 1990s, cities in Iowa County received $199,635 in Community Oriented Policing Services grants. Also, since 2001, Iowa County's fire departments have received over $708,000 for firefighter safety and operations equipment.

Disability rights: Growing up, I loved and admired my brother Frank, who was deaf. But I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living, and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed captioned television, but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Iowa County, both those with and without disabilities. And they make us proud to be a part of a community and country that respects the worth and civil rights of all of our citizens.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Iowa County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Iowa County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire

from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

## GLOBAL CHILD HEALTH

● Mr. JOHNSON of South Dakota. Mr. President, I wish to recognize the successful efforts made over the past 25 years to improve the health of children across the globe. Through a strong, bipartisan commitment to foreign assistance, the United States, in partnership with other world leaders, multinational organizations, and local stakeholders, has played a critical role in reducing the number of child deaths before the age of 5.

Compared to 25 years ago, 6 million fewer children will die this year before their fifth birthday. This achievement could not have been possible without the dedication to service and drive to help others that is characteristic of the American spirit. As a member of the Senate Appropriations Committee, I have long supported programs such as PEPFAR, the Global Fund to Fight AIDS, and other efforts to address child and maternal health. Over the years, I have worked with Republican and Democratic administrations on these initiatives and am proud of the bipartisan support they have received.

Today, thanks to significant investments made by the United States along with faith-based, philanthropic, nongovernmental organizations, and support from other countries, fewer children are dying from preventable diseases and conditions such as pneumonia, diarrhea, measles, malaria, and AIDS. We have succeeded in cutting in half the number of deaths among children under 5 and reduced the incidence of preventable illness.

As we celebrate the progress that has been made, we also look ahead to the work that remains. Millions of children still live with the reality that they may not reach their fifth birthday. As we continue to face tight fiscal environments, we must be careful not to try to balance the budget on the back of the world's poor and hungry. After all, total U.S. foreign aid to all countries constitutes only 1% of the U.S. Federal budget. As a leader in our global community, we must find ways to maintain our commitment to global health programs and continue efforts to improve child mortality rates.●

## NATIONAL ROOFING WEEK

● Mr. KIRK. Mr. President, I wish to recognize the National Roofing Contractors Association, NRCA, headquartered in Rosemont, IL, and its efforts to designate the week of July 6–12, 2014 as National Roofing Week.

The roof is one of the most important components of any home or business. It is the first line of defense against natural elements, such as rain, snow or wind, and yet it is often taken for granted until it falls into disrepair. National Roofing Week recognizes the thousands of roofing contractors and roofing-related businesses across the country, the industry's commitment to public service and is a valuable reminder of the significance quality roofing has on every home and business in the United States.

Established in 1886, NRCA is one of the Nation's oldest trade associations and the voice of professional roofing contractors worldwide. Today, the NRCA has more than 3,800 members located across all 50 States and represents a variety of industry stakeholders, including roofing, roof deck, and water proofing contractors. Utilizing its vast network of roofing contractors and industry-related members, NRCA is responsible for the installation of the majority of new construction and replacement roof systems on commercial and residential structures in America. With most of its members employed by small, privately held businesses, the NRCA represents thousands of hard-working families and individuals that are the backbone of our economy.

Professional roofing contractors provide vital services to their communities, both on and off the clock. This year NRCA members will gather in Chicago, IL throughout the week of July 6–12 and donate their time and materials to charitable community service roofing projects throughout the Chicago area. I commend the NRCA and the vital role the organization and its members play in every community and I ask my colleagues to join me in acknowledging their contributions during National Roofing Week.●

## TRIBUTE TO DAVID F. HEYMAN

● Mr. PRYOR. Mr. President, I wish to offer my congratulations and thanks to David F. Heyman as he steps down as the Department of Homeland Security's, DHS Assistant Secretary for Policy. Mr. Heyman is not only a capable and strong leader but a key partner who has worked with Congress as we aim to tackle some of our Nation's most complex homeland security challenges, such as global supply chain security, advance screening to protect our citizens from threats abroad, and instituting systems that help us better identify who enters and leaves the United States.

Mr. Heyman was confirmed by the Senate in June 2009 as the second Assistant Secretary for Policy in the history of the Department. As head of the Office of Policy, he was charged with leading a team of experts to provide thought leadership, policy development, and decision analysis for the Department's senior leadership.

Mr. Heyman has worked tirelessly over the past 5 years for the Department and the U.S. government. He led a capable and diverse team that handled a variety of important and challenging issues. Through his work across the Department, within the agency, and with many of our partners around the globe, Mr. Heyman brought a cross-cutting view of DHS to the Office of Policy. He has worked steadfastly with Congress and other stakeholders to ensure those outside the Department have a greater appreciation for the breadth and depth of homeland security, encouraging us all to understand the responsibilities we share to protect our nation.

During his tenure, the first and second Quadrennial Homeland Security Reviews were created, both of which outline the Department's mission and roles as well as establish DHS's direction for the next 4 years. Mr. Heyman played key roles in a variety of efforts including: raising global standards for aviation and cargo security, contributing to strategies on countering violent extremism, and strengthening global supply chain security. He has shepherded efforts to transform and build upon our international partnerships with Canada, Mexico, India, China, Germany, and the United Kingdom as well as with many global organizations such as the World Customs Organization, the International Civil Aviation Organization, the International Maritime Organization, and others. Under Mr. Heyman's charge, the Office of Policy has also helped to foster a culture of leadership and innovation through the creation of the Rick Rescorla National Award for Resilience and by initiating efforts to encourage stronger home building standards to safeguard lives and communities.

During the time of his appointment Mr. Heyman's two sons were born. We not only owe Mr. Heyman our deepest gratitude but also a special thanks to his wife and children for their sacrifice of their precious family time—all for the betterment and protection of our Nation.

Mr. David Heyman has served this Nation well, and I urge my colleagues to recognize his great contributions to the security, safety, and resilience of this country.●

## EIGHTH STREET MISSIONARY BAPTIST CHURCH

● Mr. PRYOR. Mr. President, it is with great pleasure that I honor the Eighth Street Missionary Baptist Church in North Little Rock, AR. In December of 2014, Eighth Street Missionary Baptist Church will celebrate the 100th anniversary of its founding.

In 1914, several members and deacons from an existing congregation set forward to plant a new church in North Little Rock. The new congregation secured a building and immediately the doors of the Eighth Street Missionary Baptist Church were open and they began to receive members.

In 1954, under the leadership of Rev. S.J. Moss, Eighth Street Missionary Baptist Church began construction on

a new building at 800 Hazel Street in North Little Rock, only to lose this structure to a devastating fire in 1958. The church met at a local school until their church could be rebuilt.

In 1969, the church was forced to make a difficult decision about their facility—make extensive repairs or change locations due to requirements of a community development project. Church leadership decided to sell the property and Rev. R.T. Sawyer authorized the purchase of a new lot on 9th and Hickory Streets. Less than a year later, the church held their groundbreaking ceremony for yet another building where they worshipped until 2014.

It brings me great pleasure to announce that just recently, the church held the dedication ceremony for their newly constructed worship center. The Eighth Street Missionary Baptist Church has a rich history of land ownership, leadership, and overcoming tremendous obstacles. Standing as a fixture in the North Little Rock community, the congregation of Eighth Street Missionary Baptist Church will continue to demonstrate both their strong faith and devotion to their parishioners and the community.

I have great pride in the Eighth Street Missionary Baptist Church's continued growth and the vibrancy of their congregation. I ask my colleagues to join me in congratulating the Eighth Street Missionary Baptist Church on its centennial anniversary, with many successful years to come.●

## TRIBUTE TO STEVEN SAVAGE

● Mrs. SHAHEEN. Mr. President, I wish to recognize Plaistow Chief of Police Steven Savage for his extraordinary leadership and service to New Hampshire and to our Nation. The Plaistow Police Department will soon dedicate the town's tactical training center in his honor.

As a young man, Chief Savage enlisted in the U.S. Air Force and answered the call to service during the Vietnam war. He was honored with numerous service ribbons including the Air Force Presidential Unit Citation, the Air Force Good Conduct Medal, the National Defense Service Medal, the Vietnam Service Medal, and the Republic of Vietnam Gallantry Cross Unit Citation.

After an honorable discharge from the Air Force, Chief Savage went on to earn a B.S. with honors in criminal justice from Northeastern University. He first worked as a police officer in Baltimore, MD, where he earned a Bronze Star and four Ribbons of Commendation from the city's Meritorious Conduct Board.

He returned to his native New Hampshire in 1977, when he was selected as police chief of Haverhill. After 10 years there, he became chief in Plaistow, where he has served for 28 years. These combined 38 years have distinguished Chief Savage as the second longest serving police chief in the state of New Hampshire.

Chief Savage has held leadership positions in local, regional and national law enforcement organizations, from chairman of Plaistow's Highway Safety Committee to president of the New Hampshire Chiefs of Police Association. He has been active in his community as well, volunteering on social service boards, committees, and supporting local youth sports.

For more than 25 years, Plaistow's police department has been working to upgrade its firing range and tactical training facilities, which are used by police from Danville, Hampstead and Haverhill for their annual re-qualification as well as by U.S. postal inspectors from across New England and upstate New York. Finally, under Steven's leadership, a site plan was approved for the project earlier this year. Previously maintained unofficially by its many stakeholders, it will now be more permanently improved and supported.

Chief Savage has worked tirelessly his entire career to keep others safe, and the tactical training center, to be dedicated on June 26th, will stand as a lasting symbol of his commitment. I ask my colleagues and all Americans to join me in congratulating Chief Savage on his distinguished career in service to New Hampshire and to our country.●

## MESSAGES FROM THE HOUSE

At 9:32 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4631. An act to reauthorize certain provisions of the Public Health Service Act relating to autism, and for other purposes.

H.R. 4870. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2015, and for other purposes.

---

At 1:45 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1681. An act to authorize appropriations for fiscal year 2014 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1098. An act to amend the Public Health Service Act to reauthorize certain programs relating to traumatic brain injury and to trauma research.

H.R. 1281. An act to amend the Public Health Service Act to reauthorize programs under part A of title XI of such Act.

H.R. 3301. An act to require approval for the construction, connection, operation, or maintenance of oil or natural gas pipelines or electric transmission facilities at the national boundary of the United States for the import or export of oil, natural gas, or electricity to or from Canada or Mexico, and for other purposes.

H.R. 3548. An act to amend title XII of the Public Health Service Act to expand the definition of trauma to include thermal, electrical, chemical, radioactive, and other extrinsic agents.

H.R. 4080. An act to amend title XII of the Public Health Service Act to reauthorize certain trauma care programs, and for other purposes.

H.R. 4413. An act to reauthorize the Commodity Futures Trading Commission, to better protect futures customers, to provide end users with market certainty, to make basic reforms to ensure transparency and accountability at the Commission, to help farmers, ranchers, and end users manage risks to help keep consumer costs low, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1098. An act to amend the Public Health Service Act to reauthorize certain programs relating to traumatic brain injury and to trauma research; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3548. An act to amend title XII of the Public Health Service Act to expand the definition of trauma to include thermal, electrical, chemical, radioactive, and other extrinsic agents; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4080. An act to amend title XII of the Public Health Service Act to reauthorize certain trauma care programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4413. An act to reauthorize the Commodity Futures Trading Commission, to better protect futures customers, to provide end users with market certainty, to make basic reforms to ensure transparency and accountability at the Commission, to help farmers, ranchers, and end users manage risks to help keep consumer costs low, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 4870. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2015, and for other purposes; to the Committee on Appropriations.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3301. An act to require approval for the construction, connection, operation, or maintenance of oil or natural gas pipelines or electric transmission facilities at the national boundary of the United States for the import or export of oil, natural gas, or electricity to or from Canada or Mexico, and for other purposes.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 25, 2014, she had presented to the President of the United States the following enrolled bills:

S. 1044. An act to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription

with the words that President Franklin D. Roosevelt prayed with the United States on D-Day, June 6, 1944.

S. 2086. An act to address current emergency shortages of propane and other home heating fuels and to provide greater flexibility and information for Governors to address such emergencies in the future.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MENENDEZ, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

S. Res. 447. A resolution recognizing the threats to freedom of the press and expression around the world and reaffirming freedom of the press as a priority in the efforts of the United States Government to promote democracy and good governance.

By Mr. MENENDEZ, from the Committee on Foreign Relations, with an amendment and an amendment to the title and with a preamble:

S. Res. 462. A resolution recognizing the Khmer and Lao/Hmong Freedom Fighters of Cambodia and Laos for supporting and defending the United States Armed Forces during the conflict in Southeast Asia and for their continued support and defense of the United States.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

*William D. Adams, of Maine, to be Chairperson of the National Endowment for the Humanities for a term of four years.

*Robert M. Gordon, of the District of Columbia, to be Assistant Secretary for Planning, Evaluation, and Policy Development, Department of Education.

By Mr. CARPER for the Committee on Homeland Security and Governmental Affairs.

*Shaun L. S. Donovan, of New York, to be Director of the Office of Management and Budget.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KIRK (for himself and Mr. BLUNT):

S. 2525. A bill to amend the Internal Revenue Code of 1986 to exclude payments received under the Work Colleges Program from gross income, including payments made from institutional funds; to the Committee on Finance.

By Mr. FLAKE (for himself, Mr. MCCAIN, Mr. RISCH, Mr. CRAPO, Mr. INHOFE, Mr. SESSIONS, Mr. JOHNSON of Wisconsin, Mr. VITTER, Mr. HATCH, Mr. CORNYN, and Mr. THUNE):

S. 2526. A bill to amend the Clean Air Act with respect to exceptional event demonstrations, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. GILLIBRAND (for herself and Ms. MURKOWSKI):

S. 2527. A bill to amend the Richard B. Russell National School Lunch Act to improve the efficiency of summer meals; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WHITEHOUSE (for himself and Mr. SESSIONS):

S. 2528. A bill to clarify the authority of the United States Marshals Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving missing children; to the Committee on the Judiciary.

By Mrs. SHAHEEN (for herself, Mr. TOOMEY, Mr. DURBIN, and Mr. SESSIONS):

S. 2529. A bill to amend and reauthorize the controlled substance monitoring program under section 399O of the Public Health Service Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HELLER:

S. 2530. A bill to amend title 18, United States Code, to prohibit the importation or exportation of mussels of certain genus, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MURPHY (for himself and Mr. BOOKER):

S. 2531. A bill to reward and incentivize evidence-based State policies that improve educational continuity and limit juvenile court involvement and incarceration for youth through a priority in awarding certain competitive grants offered by the Substance Abuse and Mental Health Services Administration; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself and Mr. HELLER):

S. 2532. A bill to provide for the extension of certain unemployment benefits; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. Res. 484. A resolution recognizing and honoring the 150th anniversary of the establishment of the Yosemite Grant Act; considered and agreed to.

By Mr. CORNYN (for himself and Mr. CRUZ):

S. Res. 485. A resolution congratulating the San Antonio Spurs for winning the 2014 National Basketball Association Championship; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 232

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 232, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

S. 1106

At the request of Mr. BENNET, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1106, a bill to improve the accuracy of mortgage underwriting used by Federal mortgage agencies by ensuring that energy costs are included in the underwriting process, to reduce the amount of energy consumed by homes, to facilitate the creation of energy efficiency retrofit and construction jobs, and for other purposes.

S. 1208

At the request of Mr. TESTER, the name of the Senator from Montana (Mr. WALSH) was added as a cosponsor of S. 1208, a bill to require meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1249

At the request of Mr. BLUMENTHAL, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 1249, a bill to rename the Office to Monitor and Combat Trafficking of the Department of State the Bureau to Monitor and Combat Trafficking in Persons and to provide for an Assistant Secretary to head such Bureau, and for other purposes.

S. 1251

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 1251, a bill to establish programs with respect to childhood, adolescent, and young adult cancer.

S. 1332

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1332, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 1622

At the request of Ms. HEITKAMP, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1622, a bill to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.

S. 1691

At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 1691, a bill to amend title 5, United States Code, to improve the security of the United States border and to provide for reforms and rates of pay for border patrol agents.

S. 1738

At the request of Mr. CORNYN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1738, a bill to provide justice for the victims of trafficking.

S. 1933

At the request of Mr. CARDIN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor

of S. 1933, a bill to impose sanctions with respect to foreign persons responsible for gross violations of internationally recognized human rights, and for other purposes.

S. 1971

At the request of Ms. MURKOWSKI, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1971, a bill to establish an interagency coordination committee or subcommittee with the leadership of the Department of Energy and the Department of the Interior, focused on the nexus between energy and water production, use, and efficiency, and for other purposes.

S. 2025

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2025, a bill to require data brokers to establish procedures to ensure the accuracy of collected personal information, and for other purposes.

S. 2060

At the request of Mr. HATCH, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 2060, a bill to direct the Architectural and Transportation Barriers Compliance Board to develop accessibility guidelines for electronic instructional materials and related information technologies in institutions of higher education, and for other purposes.

S. 2091

At the request of Mr. HELLER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2091, a bill to amend title 38, United States Code, to improve the processing by the Department of Veterans Affairs of claims for benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 2298

At the request of Mrs. SHAHEEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2298, a bill to provide for a lifetime National Recreational Pass for any veteran with a service-connected disability, and for other purposes.

S. 2307

At the request of Mrs. BOXER, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2307, a bill to prevent international violence against women, and for other purposes.

S. 2329

At the request of Mrs. SHAHEEN, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 2329, a bill to prevent Hezbollah from gaining access to international financial and other institutions, and for other purposes.

S. 2346

At the request of Mr. COONS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2346, a bill to amend the National Trails System Act to include national discovery trails, and to designate the American Discovery Trail, and for other purposes.

S. 2363

At the request of Mrs. HAGAN, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

S. 2463

At the request of Mr. INHOFE, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2463, a bill to amend the Immigration and Nationality Act to provide for extensions of detention of certain aliens ordered removed, and for other purposes.

S. 2491

At the request of Mr. PRYOR, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from Alaska (Mr. BEGICH), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Minnesota (Mr. FRANKEN), the Senator from Hawaii (Ms. HIRONO), the Senator from South Dakota (Mr. JOHNSON), the Senator from Vermont (Mr. LEAHY), the Senator from Florida (Mr. NELSON), the Senator from Hawaii (Mr. SCHATZ), the Senator from Michigan (Ms. STABENOW) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2491, a bill to protect the Medicare program under title XVIII of the Social Security Act with respect to reconciliation involving changes to the Medicare program.

S. 2508

At the request of Mr. MENENDEZ, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2508, a bill to establish a comprehensive United States Government policy to assist countries in sub-Saharan Africa to improve access to and the affordability, reliability, and sustainability of power, and for other purposes.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 484—RECOGNIZING AND HONORING THE 150TH ANNIVERSARY OF THE ESTABLISHMENT OF THE YOSEMITE GRANT ACT

Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 484

Whereas Yosemite National Park is internationally renowned as one of the most extraordinary examples of natural beauty, splendor, and majesty, and is a showcase of spectacular waterfalls, fantastic geologic history, and abundant wildlife that has provided sanctuary, comfort, and inspiration to humans for thousands of years;

Whereas, on June 30, 1864, President Abraham Lincoln signed the Act entitled ''An Act authorizing a Grant to the State of California of the 'Yo-Semite Valley' and of the Land embracing the 'Mariposa Big Tree Grove' '', approved June 30, 1864 (commonly known as the Yosemite Grant) which—

(1) for one of the first times in United States history set aside land for enjoyment and protection for future generations; and

(2) demonstrated—during some of the bloodiest days of the Civil War—the unique vision of the United States to protect what would become one of the most cherished and iconic national parks;

Whereas with President Lincoln's action, this vision was codified and marked Yosemite Valley and Mariposa Grove as the seed of the conservation movement in what is now known as ''America's Best Idea'';

Whereas June 30, 1864, marks the birth of the national park idea, the concept that has inspired over 400 National Park units in the United States and hundreds of national parks worldwide;

Whereas the land surrounding Yosemite Valley and Mariposa Grove was designated the 3rd national park on October 1, 1890, and Yosemite Valley and Mariposa Grove were added to Yosemite National Park in 1906;

Whereas the land preserved within Yosemite National Park is part of the ancestral homeland of several American Indian tribes and groups;

Whereas Yosemite National Park was dedicated a World Heritage Site in 1984 and has fostered sister park relationships with national parks in foreign countries including—

(1) Huangshan National Park and Jiuzhaigou National Park in China; and

(2) Torres del Paine National Park in Chile;

Whereas Yosemite National Park, a leader within the National Park Service, is—

(1) the first national park to open a museum;

(2) the first national park to hire a female law enforcement ranger;

(3) the birthplace of rustic style architecture and of big wall rock climbing;

(4) the first national park to formally implement park education and interpretation programs; and

(5) the first national park to partner with a nonprofit stewardship organization;

Whereas Yosemite National Park receives over 4,000,000 visitors each year from around the world;

Whereas Yosemite National Park is home to a variety of natural resource features, containing—

(1) wilderness areas encompassing 94 percent of the park's acreage;

(2) more than 800 miles of trails including the renowned Pacific Crest Trail and John Muir Trail;

(3) 2 federally designated wild and scenic rivers, the Tuolumne River and the Merced River;

(4) the largest intact subalpine meadow complex in the Sierra Nevada; and

(5) 30 properties and districts listed on the National Register of Historic Places and 5 National Historic Landmarks;

Whereas Yosemite National Park continues to embody amazing opportunities for recreation and public enjoyment in one of the most amazing natural physical landscapes in the world; and

Whereas the preservation of Yosemite National Park is a testament to the commitment and determination of many dedicated people and institutions over the past 150 years: Now, therefore, be it

*Resolved,* That the Senate—

(1) recognizes and honors the 150th anniversary of the establishment of the Act entitled ''An Act authorizing a Grant to the State of California of the 'Yo-Semite Valley' and of the Land embracing the 'Mariposa Big Tree Grove' '', approved June 30, 1864 (commonly known as the Yosemite Grant) (referred to in this resolving clause as the ''Yosemite Grant Act'') on June 30, 2014; and

(2) encourages the people of the United States to observe and honor the 150th anniversary of the establishment of the Yosemite Grant Act.

## SENATE RESOLUTION 485—CONGRATULATING THE SAN ANTONIO SPURS FOR WINNING THE 2014 NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. CORNYN (for himself and Mr. CRUZ) submitted the following resolution; which was considered and agreed to:

S. RES. 485

Whereas the San Antonio Spurs (referred to in this preamble as the ''Spurs'') won their fifth National Basketball Association (referred to in this preamble as the ''NBA'') Championship in franchise history on Sunday, June 15, 2014, by defeating the Miami Heat with a score of 104-87 in the fifth game of the NBA Finals at the AT&T Center in San Antonio, Texas;

Whereas during the 2014 NBA playoffs, the Spurs defeated the Dallas Mavericks, Portland Trailblazers, Oklahoma City Thunder, and the Miami Heat;

Whereas the Spurs defeated the Miami Heat, in a rematch of the 2013 NBA Finals, to clinch their fourth title in less than a decade;

Whereas the San Antonio Spurs overcame an early 16-point deficit to finish the final series in a decisive fashion, winning by 17 points and securing the NBA championship in only 5 games;

Whereas during the 2014 postseason, the Spurs won more playoff games by 15 points or more than any team in NBA history;

Whereas the Spurs outscored opponents in the playoffs by 214 points and finished the NBA Finals with a plus 70 point differential, both of which are NBA records;

Whereas the Spurs have the highest field-goal percentage in NBA Finals history at 52.8 percent;

Whereas since its founding in 1967, the San Antonio Spurs franchise has won 5 world championships, 6 conference titles, and 20 division titles;

Whereas the 2013-2014 Spurs roster was comprised of players Jeff Ayres, Aron Baynes, Marco Belinelli, Matt Bonner, Austin Daye, Boris Diaw, Tim Duncan, Manu Ginobli, Danny Green, Damion James, Cory Joseph, Kawhi Leonard, Patty Mills, Tony Parker, and Tiago Splitter, all of whom contributed positively to the team's success;

Whereas, Kawhi Leonard was named the Most Valuable Player during the 2014 Finals, averaging 22 points and 10 rebounds for the San Antonio Spurs;

Whereas Tim Duncan broke the record previously held by Kareem Abdul-Jabar for most postseason minutes with 8,870 minutes and exceeded Earvin ''Magic'' Johnson's previous record for postseason double-doubles with 158;

Whereas Tim Duncan, Tony Parker, and Manu Ginobli have more playoff wins combined than any other 3 players on one team in NBA history;

Whereas Spurs Head Coach and 2014 NBA Coach of the Year Award Winner Gregg Popovich added to his growing list of accomplishments and impressive legacy by winning his fifth NBA championship;

Whereas Spurs Sports and Entertainment owner and Chief Executive Officer Peter Holt and General Manager R. C. Buford have built the Spurs into one of the most successful organizations in NBA history;

Whereas the Spurs coaching staff and management have shown a positive commitment to the franchise by successfully acquiring and maintaining a team of players dedicated to discipline, leadership, and achievement;

Whereas the Spurs serve the greater San Antonio community by promoting education and literacy, encouraging civic responsibility and engagement, and striving to enhance the quality of life for San Antonians and South Texans alike; and

Whereas the Spurs remain the pride and joy of the City of San Antonio: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the San Antonio Spurs for winning the 2014 National Basketball Association Finals;

(2) recognizes the achievements of all the players, coaches, and staff who contributed to the 2014 season;

(3) requests that the Secretary of the Senate prepare an enrolled version of this resolution for presentation to—

(A) the owner of San Antonio Spurs;

(B) the general manager for the San Antonio Spurs; and

(C) the head coach of the San Antonio Spurs.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3378. Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. HARKIN, Mr. ALEXANDER, Ms. MIKULSKI, Mr. SANDERS, Mr. CASEY, Mrs. HAGAN, Mr. FRANKEN, Mr. BENNET, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. MURPHY, Ms. WARREN, Mr. ENZI, Ms. MURKOWSKI, Mr. BOOKER, Ms. COLLINS, Mr. CORKER, Mr. BEGICH, Mr. SCOTT, Mrs. FISCHER, Mr. BROWN, and Mr. COONS) proposed an amendment to the bill H.R. 803, 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.

SA 3379. Mr. FLAKE proposed an amendment to amendment SA 3378 proposed by Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. HARKIN, Mr. ALEXANDER, Ms. MIKULSKI, Mr. SANDERS, Mr. CASEY, Mrs. HAGAN, Mr. FRANKEN, Mr. BENNET, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. MURPHY, Ms. WARREN, Mr. ENZI, Ms. MURKOWSKI, Mr. BOOKER, Ms. COLLINS, Mr. CORKER, Mr. BEGICH, Mr. SCOTT, Mrs. FISCHER, Mr. BROWN, and Mr. COONS) to the bill H.R. 803, supra.

SA 3380. Mr. LEE proposed an amendment to amendment SA 3378 proposed by Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. HARKIN, Mr. ALEXANDER, Ms. MIKULSKI, Mr. SANDERS, Mr. CASEY, Mrs. HAGAN, Mr. FRANKEN, Mr. BENNET, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. MURPHY, Ms. WARREN, Mr. ENZI, Ms. MURKOWSKI, Mr. BOOKER, Ms. COLLINS, Mr. CORKER, Mr. BEGICH, Mr. SCOTT, Mrs. FISCHER, Mr. BROWN, and Mr. COONS) to the bill H.R. 803, supra.

SA 3381. Mr. HARKIN (for Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. HARKIN, and Mr. ALEXANDER)) proposed an amendment to amendment SA 3378 proposed by Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. HARKIN, Mr. ALEXANDER, Ms. MIKULSKI, Mr. SANDERS, Mr. CASEY, Mrs. HAGAN, Mr. FRANKEN, Mr. BENNET, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. MURPHY, Ms. WARREN, Mr. ENZI, Ms. MURKOWSKI, Mr. BOOKER, Ms. COLLINS, Mr. CORKER, Mr. BEGICH, Mr. SCOTT, Mrs. FISCHER, Mr. BROWN, and Mr. COONS) to the bill H.R. 803, supra.

SA 3382. Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. HARKIN, and Mr. ALEXANDER) proposed an amendment to the bill H.R. 803, supra.

SA 3383. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 3378 proposed by Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. HARKIN, Mr. ALEXANDER, Ms. MIKULSKI, Mr. SANDERS, Mr. CASEY, Mrs. HAGAN, Mr. FRANKEN, Mr. BENNET, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. MURPHY, Ms. WARREN, Mr. ENZI, Ms. MURKOWSKI, Mr. BOOKER, Ms. COLLINS, Mr. CORKER, Mr. BEGICH, Mr. SCOTT, Mrs. FISCHER, Mr. BROWN, and Mr. COONS) to the bill H.R. 803, supra; which was ordered to lie on the table.

SA 3384. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 3378 proposed by Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. HARKIN, Mr. ALEXANDER, Ms. MIKULSKI, Mr. SANDERS, Mr. CASEY, Mrs. HAGAN, Mr. FRANKEN, Mr. BENNET, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. MURPHY, Ms. WARREN, Mr. ENZI, Ms. MURKOWSKI, Mr. BOOKER, Ms. COLLINS, Mr. CORKER, Mr. BEGICH, Mr. SCOTT, Mrs. FISCHER, Mr. BROWN, and Mr. COONS) to the bill H.R. 803, supra; which was ordered to lie on the table.

SA 3385. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 3378 proposed by Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. HARKIN, Mr. ALEXANDER, Ms. MIKULSKI, Mr. SANDERS, Mr. CASEY, Mrs. HAGAN, Mr. FRANKEN, Mr. BENNET, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. MURPHY, Ms. WARREN, Mr. ENZI, Ms. MURKOWSKI, Mr. BOOKER, Ms. COLLINS, Mr. CORKER, Mr. BEGICH, Mr. SCOTT, Mrs. FISCHER, Mr. BROWN, and Mr. COONS) to the bill H.R. 803, supra; which was ordered to lie on the table.

SA 3386. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 3387. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3378.** Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. HARKIN, Mr. ALEXANDER, Ms. MIKULSKI, Mr. SANDERS, Mr. CASEY, Mrs. HAGAN, Mr. FRANKEN, Mr. BENNET, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. MURPHY, Ms. WARREN, Mr. ENZI, Ms. MURKOWSKI, Mr. BOOKER, Ms. COLLINS, Mr. CORKER, Mr. BEGICH, Mr. SCOTT, Mrs. FISCHER, Mr. BROWN, and Mr. COONS) proposed an amendment to the bill H.R. 803, 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; as follows:

Strike all after the enacting clause and insert the following:

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

(a) SHORT TITLE.—This Act may be cited as the ''Workforce Innovation and Opportunity Act''.

(b) TABLE OF CONTENTS.—The table of contents for 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. 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.

**SEC. 2. PURPOSES.**

The purposes of this Act are the following:

(1) To increase, for individuals in the United States, particularly those individuals with barriers to employment, access to and opportunities for the employment, education, training, and support services they need to succeed in the labor market.

(2) To support the alignment of workforce investment, education, and economic development systems in support of a comprehensive, accessible, and high-quality workforce development system in the United States.

(3) To improve the quality and labor market relevance of workforce investment, education, and economic development efforts to provide America's workers with the skills and credentials necessary to secure and advance in employment with family-sustaining wages and to provide America's employers with the skilled workers the employers need to succeed in a global economy.

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

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

(6) For purposes of subtitle A and B of title I, to provide workforce investment activities, through statewide and local workforce development systems, that increase the employment, retention, and earnings of participants, and increase attainment of recognized postsecondary credentials by participants, and as a result, improve the quality of the workforce, reduce welfare dependency, increase economic self-sufficiency, meet the skill requirements of employers, and enhance the productivity and competitiveness of the Nation.

**SEC. 3. DEFINITIONS.**

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

(1) ADMINISTRATIVE COSTS.—The term ''administrative costs'' means expenditures incurred by State boards and local boards, direct recipients (including State grant recipients under subtitle B of title I and recipients of awards under subtitles C and D of title I), local grant recipients, local fiscal agents or local grant subrecipients, and one-stop operators in the performance of administrative functions and in carrying out activities under title I that are not related to the direct provision of workforce investment services (including services to participants and employers). Such costs include both personnel and nonpersonnel costs and both direct and indirect costs.

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

(3) ADULT EDUCATION; ADULT EDUCATION AND LITERACY ACTIVITIES.—The terms ''adult education'' and ''adult education and literacy activities'' have the meanings given the terms in section 203.

(4) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term ''area career and technical education school'' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(5) BASIC SKILLS DEFICIENT.—The term ''basic skills deficient'' means, with respect to an individual—

(A) who is a youth, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or

(B) who is a youth or adult, that the individual is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society.

(6) CAREER AND TECHNICAL EDUCATION.—The term ''career and technical education'' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(7) CAREER PATHWAY.—The term ''career pathway'' means a combination of rigorous and high-quality education, training, and other services that—

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

(B) prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships registered under the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) (referred to individually in this Act as an ''apprenticeship'', except in section 171);

(C) includes counseling to support an individual in achieving the individual's education and career goals;

(D) includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;

(E) organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;

(F) enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential; and

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

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

(A) to prepare and coordinate comprehensive employment plans, such as service strategies, for participants to ensure access to necessary workforce investment activities and supportive services, using, where feasible, computer-based technologies; and

(B) to provide job, education, and career counseling, as appropriate during program participation and after job placement.

(9) CHIEF ELECTED OFFICIAL.—The term ''chief elected official'' means—

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

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

(10) COMMUNITY-BASED ORGANIZATION.—The term ''community-based organization'' means a private nonprofit organization (which may include a faith-based organization), that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce development.

(11) COMPETITIVE INTEGRATED EMPLOYMENT.—The term ''competitive integrated employment'' has the meaning given the term in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705), for individuals with disabilities.

(12) CORE PROGRAM.—The term ''core programs'' means a program authorized under a core program provision.

(13) CORE PROGRAM PROVISION.—The term ''core program provision'' means—

(A) chapters 2 and 3 of subtitle B of title I (relating to youth workforce investment activities and adult and dislocated worker employment and training activities);

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

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

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

(14) CUSTOMIZED TRAINING.—The term ''customized training'' means training—

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

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

(C) for which the employer pays—

(i) a significant portion of the cost of training, as determined by the local board involved, taking into account the size of the employer and such other factors as the local board determines to be appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), relation of the training to the competitiveness of a participant, and other employer-provided training and advancement opportunities; and

(ii) in the case of customized training (as defined in subparagraphs (A) and (B)) involving an employer located in multiple local areas in the State, a significant portion of the cost of the training, as determined by the Governor of the State, taking into account the size of the employer and such other factors as the Governor determines to be appropriate.

(15) DISLOCATED WORKER.—The term ''dislocated worker'' means an individual who—

(A)(i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment;

(ii)(I) is eligible for or has exhausted entitlement to unemployment compensation; or

(II) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 121(e), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and

(iii) is unlikely to return to a previous industry or occupation;

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

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

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

(C) was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;

(D) is a displaced homemaker; or

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

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

(16) DISPLACED HOMEMAKER.—The term ''displaced homemaker'' means an individual who has been providing unpaid services to family members in the home and who—

(A)(i) has been dependent on the income of another family member but is no longer supported by that income; or

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

(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

(17) ECONOMIC DEVELOPMENT AGENCY.—The term ''economic development agency'' includes a local planning or zoning commission or board, a community development agency, or another local agency or institution responsible for regulating, promoting, or assisting in local economic development.

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

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

(20) ENGLISH LANGUAGE ACQUISITION PROGRAM.—The term ''English language acquisition program'' has the meaning given the term in section 203.

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

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

(23) IN-DEMAND INDUSTRY SECTOR OR OCCUPATION.—

(A) IN GENERAL.—The term ''in-demand industry sector or occupation'' means—

(i) an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or

(ii) an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy, as appropriate.

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

(24) INDIVIDUAL WITH A BARRIER TO EMPLOYMENT.—The term ''individual with a barrier to employment'' means a member of 1 or more of the following populations:

(A) Displaced homemakers.

(B) Low-income individuals.

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

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

(E) Older individuals.

(F) Ex-offenders.

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

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

(I) Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.

(J) Eligible migrant and seasonal farmworkers, as defined in section 167(i).

(K) Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(L) Single parents (including single pregnant women).

(M) Long-term unemployed individuals.

(N) Such other groups as the Governor involved determines to have barriers to employment.

(25) INDIVIDUAL WITH A DISABILITY.—

(A) IN GENERAL.—The term ''individual with a disability'' means an individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(B) INDIVIDUALS WITH DISABILITIES.—The term ''individuals with disabilities'' means more than 1 individual with a disability.

(26) INDUSTRY OR SECTOR PARTNERSHIP.—The term ''industry or sector partnership'' means a workforce collaborative, convened by or acting in partnership with a State board or local board, that—

(A) organizes key stakeholders in an industry cluster into a working group that focuses on the shared goals and human resources needs of the industry cluster and that includes, at the appropriate stage of development of the partnership—

(i) representatives of multiple businesses or other employers in the industry cluster, including small and medium-sized employers when practicable;

(ii) 1 or more representatives of a recognized State labor organization or central labor council, or another labor representative, as appropriate; and

(iii) 1 or more representatives of an institution of higher education with, or another provider of, education or training programs that support the industry cluster; and

(B) may include representatives of—

(i) State or local government;

(ii) State or local economic development agencies;

(iii) State boards or local boards, as appropriate;

(iv) a State workforce agency or other entity providing employment services;

(v) other State or local agencies;

(vi) business or trade associations;

(vii) economic development organizations;

(viii) nonprofit organizations, community-based organizations, or intermediaries;

(ix) philanthropic organizations;

(x) industry associations; and

(xi) other organizations, as determined to be necessary by the members comprising the industry or sector partnership.

(27) IN-SCHOOL YOUTH.—The term ''in-school youth'' means a youth described in section 129(a)(1)(C).

(28) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101, and subparagraphs (A) and (B) of section 102(a)(1), of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002(a)(1)).

(29) INTEGRATED EDUCATION AND TRAINING.—The term ''integrated education and training'' has the meaning given the term in section 203.

(30) LABOR MARKET AREA.—The term ''labor market area'' means an economically integrated geographic area within which individuals can reside and find employment within a reasonable distance or can readily change employment without changing their place of residence. Such an area shall be identified in accordance with criteria used by the Bureau of Labor Statistics of the Department of Labor in defining such areas or similar criteria established by a Governor.

(31) LITERACY.—The term ''literacy'' has the meaning given the term in section 203.

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

(33) LOCAL BOARD.—The term ''local board'' means a local workforce development board established under section 107, subject to section 107(c)(4)(B)(i).

(34) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

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

(36) LOW-INCOME INDIVIDUAL.—

(A) IN GENERAL.—The term ''low-income individual'' means an individual who—

(i) receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income

program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;

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

(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 regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary.

(37) NONTRADITIONAL EMPLOYMENT.—The term ''nontraditional employment'' refers to occupations or fields of work, for which individuals from the gender involved comprise less than 25 percent of the individuals employed in each such occupation or field of work.

(38) OFFENDER.—The term ''offender'' means an adult or juvenile—

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

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

(39) OLDER INDIVIDUAL.—The term ''older individual'' means an individual age 55 or older.

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

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

(42) ONE-STOP PARTNER.—The term ''one-stop partner'' means—

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

(B) an entity described in section 121(b)(2) that is participating, with the approval of the local board and chief elected official, in the operation of a one-stop delivery system.

(43) ONE-STOP PARTNER PROGRAM.—The term ''one-stop partner program'' means a program or activities described in section 121(b) of a one-stop partner.

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

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

(B) is made available through a program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, except as provided in section 134(c)(3)(H), for the extraordinary costs of providing the training and additional supervision related to the training; and

(C) is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

(45) OUTLYING AREA.—The term ''outlying area'' means—

(A) American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands; and

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

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

(47) PAY-FOR-PERFORMANCE CONTRACT STRATEGY.—The term ''pay-for-performance contract strategy'' means a procurement strategy that uses pay-for-performance contracts in the provision of training services described in section 134(c)(3) or activities described in section 129(c)(2), and includes—

(A) contracts, each of which shall specify a fixed amount that will be paid to an eligible service provider (which may include a local or national community-based organization or intermediary, community college, or other training provider, that is eligible under section 122 or 123, as appropriate) based on the achievement of specified levels of performance on the primary indicators of performance described in section 116(b)(2)(A) for target populations as identified by the local board (including individuals with barriers to employment), within a defined timetable, and which may provide for bonus payments to such service provider to expand capacity to provide effective training;

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

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

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

(49) POVERTY LINE.—The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(50) PUBLIC ASSISTANCE.—The term ''public assistance'' means Federal, State, or local government cash payments for which eligibility is determined by a needs or income test.

(51) RAPID RESPONSE ACTIVITY.—The term ''rapid response activity'' means an activity provided by a State, or by an entity designated by a State, with funds provided by the State under section 134(a)(1)(A), in the case of a permanent closure or mass layoff at a plant, facility, or enterprise, or a natural or other disaster, that results in mass job dislocation, in order to assist dislocated workers in obtaining reemployment as soon as possible, with services including—

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

(i) immediately after the State is notified of a current or projected permanent closure or mass layoff; or

(ii) in the case of a disaster, immediately after the State is made aware of mass job dislocation as a result of such disaster;

(B) the provision of information on and access to available employment and training activities;

(C) assistance in establishing a labor-management committee, voluntarily agreed to by labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of dislocated workers and obtaining services to meet such needs;

(D) the provision of emergency assistance adapted to the particular closure, layoff, or disaster; and

(E) the provision of assistance to the local community in developing a coordinated response and in obtaining access to State economic development assistance.

(52) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term ''recognized postsecondary credential'' means a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree.

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

(54) SCHOOL DROPOUT.—The term ''school dropout'' means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

(55) SECONDARY SCHOOL.—The term ''secondary school'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(56) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(57) STATE BOARD.—The term ''State board'' means a State workforce development board established under section 101.

(58) STATE PLAN.—The term ''State plan'', used without further description, means a unified State plan under section 102 or a combined State plan under section 103.

(59) SUPPORTIVE SERVICES.—The term ''supportive services'' means services such as transportation, child care, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized under this Act.

(60) TRAINING SERVICES.—The term ''training services'' means services described in section 134(c)(3).

(61) UNEMPLOYED INDIVIDUAL.—The term ''unemployed individual'' means an individual who is without a job and who wants and is available for work. The determination of whether an individual is without a job, for purposes of this paragraph, shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed.

(62) UNIT OF GENERAL LOCAL GOVERNMENT.—The term ''unit of general local government'' means any general purpose political subdivision of a State that has the power to levy taxes and spend funds, as well as general corporate and police powers.

(63) VETERAN; RELATED DEFINITION.—

(A) VETERAN.—The term ''veteran'' has the meaning given the term in section 101 of title 38, United States Code.

(B) RECENTLY SEPARATED VETERAN.—The term ''recently separated veteran'' means any veteran who applies for participation under this Act within 48 months after the discharge or release from active military, naval, or air service.

(64) VOCATIONAL REHABILITATION PROGRAM.—The term ''vocational rehabilitation program'' means a program authorized under a provision covered under paragraph (13)(D).

(65) WORKFORCE DEVELOPMENT ACTIVITY.—The term ''workforce development activity'' means an activity carried out through a workforce development program.

(66) WORKFORCE DEVELOPMENT PROGRAM.—The term ''workforce development program'' means a program made available through a workforce development system.

(67) WORKFORCE DEVELOPMENT SYSTEM.—The term ''workforce development system'' means a system that makes available the core programs, the other one-stop partner programs, and any other programs providing employment and training services as identified by a State board or local board.

(68) WORKFORCE INVESTMENT ACTIVITY.—The term ''workforce investment activity'' means an employment and training activity, and a youth workforce investment activity.

(69) WORKFORCE PREPARATION ACTIVITIES.—The term ''workforce preparation activities'' has the meaning given the term in section 203.

(70) WORKPLACE LEARNING ADVISOR.—The term ''workplace learning advisor'' means an individual employed by an organization who has the knowledge and skills necessary to advise other employees of that organization about the education, skill development, job training, career counseling services, and credentials, including services provided through the workforce development system, required to progress toward career goals of such employees in order to meet employer requirements related to job openings and career advancements that support economic self-sufficiency.

(71) YOUTH WORKFORCE INVESTMENT ACTIVITY.—The term ''youth workforce investment activity'' means an activity described in section 129 that is carried out for eligible youth (or as described in section 129(a)(3)(A)).

## TITLE I—WORKFORCE DEVELOPMENT ACTIVITIES

### Subtitle A—System Alignment

### CHAPTER 1—STATE PROVISIONS

#### SEC. 101. STATE WORKFORCE DEVELOPMENT BOARDS.

(a) IN GENERAL.—The Governor of a State shall establish a State workforce development board to carry out the functions described in subsection (d).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The State board shall include—

(A) the Governor;

(B) a member of each chamber of the State legislature (to the extent consistent with State law), appointed by the appropriate presiding officers of such chamber; and

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

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

(I) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority, and who, in addition, may be members of a local board described in section 107(b)(2)(A)(i);

(II) represent businesses (including small businesses), or organizations representing businesses described in this subclause, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the State; and

(III) are appointed from among individuals nominated by State business organizations and business trade associations;

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

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

(II) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the State, such a representative of an apprenticeship program in the State;

(III) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive, integrated employment for individuals with disabilities; and

(IV) may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth; and

(iii) the balance—

(I) shall include representatives of government, who—

(aa) shall include the lead State officials with primary responsibility for the core programs; and

(bb) shall include chief elected officials (collectively representing both cities and counties, where appropriate); and

(II) may include such other representatives and officials as the Governor may designate, such as—

(aa) the State agency officials from agencies that are one-stop partners not specified in subclause (I) (including additional one-stop partners whose programs are covered by the State plan, if any);

(bb) State agency officials responsible for economic development or juvenile justice programs in the State;

(cc) individuals who represent an Indian tribe or tribal organization, as such terms are defined in section 166(b); and

(dd) State agency officials responsible for education programs in the State, including chief executive officers of community colleges and other institutions of higher education.

(2) DIVERSE AND DISTINCT REPRESENTATION.—The members of the State board shall represent diverse geographic areas of the State, including urban, rural, and suburban areas.

(3) NO REPRESENTATION OF MULTIPLE CATEGORIES.—No person shall serve as a member for more than 1 of—

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

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

(c) CHAIRPERSON.—The Governor shall select a chairperson for the State board from among the representatives described in subsection (b)(1)(C)(i).

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

(1) the development, implementation, and modification of the State plan;

(2) consistent with paragraph (1), the review of statewide policies, of statewide programs, and of recommendations on actions that should be taken by the State to align workforce development programs in the State in a manner that supports a comprehensive and streamlined workforce development system in the State, including the review and provision of comments on the State plans, if any, for programs and activities of one-stop partners that are not core programs;

(3) the development and continuous improvement of the workforce development system in the State, including—

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

(B) the development of strategies to support the use of career pathways for the purpose of providing individuals, including low-skilled adults, youth, and individuals with barriers to employment (including individuals with disabilities), with workforce investment activities, education, and supportive services to enter or retain employment;

(C) the development of strategies for providing effective outreach to and improved access for individuals and employers who could benefit from services provided through the workforce development system;

(D) the development and expansion of strategies for meeting the needs of employers, workers, and jobseekers, particularly through industry or sector partnerships related to in-demand industry sectors and occupations;

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

(F) the development and continuous improvement of the one-stop delivery system in local areas, including providing assistance to local boards, one-stop operators, one-stop partners, and providers with planning and delivering services, including training services and supportive services, to support effective delivery of services to workers, jobseekers, and employers; and

(G) the development of strategies to support staff training and awareness across programs supported under the workforce development system;

(4) the development and updating of comprehensive State performance accountability measures, including State adjusted levels of performance, to assess the effectiveness of the core programs in the State as required under section 116(b);

(5) the identification and dissemination of information on best practices, including best practices for—

(A) the effective operation of one-stop centers, relating to the use of business outreach, partnerships, and service delivery strategies, including strategies for serving individuals with barriers to employment;

(B) the development of effective local boards, which may include information on factors that contribute to enabling local boards to exceed negotiated local levels of performance, sustain fiscal integrity, and achieve other measures of effectiveness; and

(C) effective training programs that respond to real-time labor market analysis, that effectively use direct assessment and prior learning assessment to measure an individual's prior knowledge, skills, competencies, and experiences, and that evaluate such skills, and competencies for adaptability, to support efficient placement into employment or career pathways;

(6) the development and review of statewide policies affecting the coordinated provision of services through the State's one-stop delivery system described in section 121(e), including the development of—

(A) objective criteria and procedures for use by local boards in assessing the effectiveness and continuous improvement of one-stop centers described in such section;

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

(C) policies relating to the appropriate roles and contributions of entities carrying out one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in such system;

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

(A) enhance digital literacy skills (as defined in section 202 of the Museum and Library Services Act (20 U.S.C. 9101); referred to in this Act as ''digital literacy skills'');

(B) accelerate the acquisition of skills and recognized postsecondary credentials by participants;

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

(D) ensure such technology is accessible to individuals with disabilities and individuals residing in remote areas;

(8) the development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures (including the design and implementation of common intake, data collection, case management information, and performance accountability measurement and reporting processes and the incorporation of local input into such design and implementation, to improve coordination of services across one-stop partner programs);

(9) the development of allocation formulas for the distribution of funds for employment and training activities for adults, and youth workforce investment activities, to local areas as permitted under sections 128(b)(3) and 133(b)(3);

(10) the preparation of the annual reports described in paragraphs (1) and (2) of section 116(d);

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

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

(e) ALTERNATIVE ENTITY.—

(1) IN GENERAL.—For the purposes of complying with subsections (a), (b), and (c), a State may use any State entity (including a State council, State workforce development board (within the meaning of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act), combination of regional workforce development boards, or similar entity) that—

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

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

(C) includes representatives of business in the State and representatives of labor organizations in the State.

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

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

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

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

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

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

(g) SUNSHINE PROVISION.—The State board shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the State board, including information regarding the State plan, or a modification to the State plan, prior to submission of the plan or modification of the plan, respectively, information regarding membership, and, on request, minutes of formal meetings of the State board.

(h) AUTHORITY TO HIRE STAFF.—

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

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

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

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

(a) PLAN.—For a State to be eligible to receive allotments for the core programs, the Governor shall submit to the Secretary of Labor for the approval process described under subsection (c)(2), a unified State plan. The unified State plan shall outline a 4-year strategy for the core programs of the State and meet the requirements of this section.

(b) CONTENTS.—

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

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

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

(ii) the employment needs of employers, including a description of the knowledge, skills, and abilities, needed in those industries and occupations;

(B) an analysis of the current workforce, employment and unemployment data, labor market trends, and the educational and skill levels of the workforce, including individuals with barriers to employment (including individuals with disabilities), in the State;

(C) an analysis of the workforce development activities (including education and training) in the State, including an analysis of the strengths and weaknesses of such activities, and the capacity of State entities to provide such activities, in order to address the identified education and skill needs of the workforce and the employment needs of employers in the State;

(D) a description of the State's strategic vision and goals for preparing an educated and skilled workforce (including preparing youth and individuals with barriers to employment) and for meeting the skilled workforce needs of employers, including goals relating to performance accountability measures based on primary indicators of performance described in section 116(b)(2)(A), in order to support economic growth and economic self-sufficiency, and of how the State will assess the overall effectiveness of the workforce investment system in the State; and

(E) taking into account analyses described in subparagraphs (A) through (C), a strategy for aligning the core programs, as well as other resources available to the State, to achieve the strategic vision and goals described in subparagraph (D).

(2) OPERATIONAL PLANNING ELEMENTS.—

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

(B) IMPLEMENTATION OF STATE STRATEGY.—The unified State plan shall describe how the lead State agency with responsibility for the administration of a core program will implement the strategy described in paragraph (1)(E), including a description of—

(i) the activities that will be funded by the entities carrying out the respective core programs to implement the strategy and how such activities will be aligned across the programs and among the entities administering the programs, including using co-enrollment and other strategies;

(ii) how the activities described in clause (i) will be aligned with activities provided under employment, training, education, including career and technical education, and human services programs not covered by the plan, as appropriate, assuring coordination of, and avoiding duplication among, the activities referred to in this clause;

(iii) how the entities carrying out the respective core programs will coordinate activities and provide comprehensive, high-quality services including supportive services, to individuals;

(iv) how the State's strategy will engage the State's community colleges and area career and technical education schools as partners in the workforce development system and enable the State to leverage other Federal, State, and local investments that have enhanced access to workforce development programs at those institutions; and

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

(C) STATE OPERATING SYSTEMS AND POLICIES.—The unified State plan shall describe the State operating systems and policies that will support the implementation of the strategy described in paragraph (1)(E), including a description of—

(i) the State board, including the activities to assist members of the State board and the staff of such board in carrying out the functions of the State board effectively (but funds for such activities may not be used for long-distance travel expenses for training or development activities available locally or regionally);

(ii)(I) how the respective core programs will be assessed each year, including an assessment of the quality, effectiveness, and improvement of programs (analyzed by local area, or by provider), based on State performance accountability measures described in section 116(b); and

(II) how other one-stop partner programs will be assessed each year;

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

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

(v)(I) how the lead State agencies with responsibility for the administration of the core programs will align and integrate available workforce and education data on core programs, unemployment insurance programs, and education through postsecondary education;

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

(III) the privacy safeguards incorporated in such system, including safeguards required by section 444 of the General Education Provisions Act (20 U.S.C. 1232g) and other applicable Federal laws;

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

(vii) how the one-stop delivery system, including one-stop operators and the one-stop partners, will comply with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), regarding the physical and programmatic accessibility of facilities, programs, services, technology, and materials, for individuals with disabilities, including complying through providing staff training and support for addressing the needs of individuals with disabilities; and

(viii) such other operational planning elements as the Secretary of Labor or the Secretary of Education, as appropriate, determines to be necessary for effective State operating systems and policies.

(D) PROGRAM-SPECIFIC REQUIREMENTS.—The unified State plan shall include—

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

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

(II) the local areas designated in the State, including the process used for designating local areas, and the process used for identifying any planning regions under section 106(a), including a description of how the State consulted with the local boards and chief elected officials in determining the planning regions;

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

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

(V) with respect to youth workforce investment activities authorized in section 129, information identifying the criteria to be used by local boards in awarding grants for youth workforce investment activities and describing how the local boards will take into consideration the ability of the providers to meet performance accountability measures based on primary indicators of performance for the youth program as described in section 116(b)(2)(A)(ii) in awarding such grants;

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

(I) how the eligible agency will, if applicable, align content standards for adult education with State-adopted challenging academic content standards, as adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1));

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

(aa) activities under section 231(b);

(bb) programs for corrections education under section 225;

(cc) programs for integrated English literacy and civics education under section 243; and

(dd) integrated education and training;

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

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

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

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

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

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

(i) that the State has established a policy identifying circumstances that may present a conflict of interest for a State board or local board member, or the entity or class of officials that the member represents, and procedures to resolve such conflicts;

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

(iii)(I) that the lead State agencies with responsibility for the administration of core programs reviewed and commented on the appropriate operational planning elements of the unified State plan, and approved the elements as serving the needs of the populations served by such programs; and

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

(iv) that the State has established, in accordance with section 116(i), fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State through allotments made for adult, dislocated worker, and youth programs to carry out workforce investment activities under chapters 2 and 3 of subtitle B;

(v) that the State has taken appropriate action to secure compliance with uniform administrative requirements in this Act, including that the State will annually monitor local areas to ensure compliance and otherwise take appropriate action to secure compliance with the uniform administrative requirements under section 184(a)(3);

(vi) that the State has taken the appropriate action to be in compliance with section 188, if applicable;

(vii) that the Federal funds received to carry out a core program will not be expended for any purpose other than for activities authorized with respect to such funds under that core program;

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

(I) expend the funds appropriated to carry out that title only in a manner consistent with fiscal requirements under section 241(a) (regarding supplement and not supplant provisions); and

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

(ix) that the State will pay an appropriate share (as defined by the State board) of the costs of carrying out section 116, from funds made available through each of the core programs; and

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

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

(c) PLAN SUBMISSION AND APPROVAL.—

(1) SUBMISSION.—

(A) INITIAL PLAN.—The initial unified State plan under this section (after the date of enactment of the Workforce Innovation and Opportunity Act) shall be submitted to the Secretary of Labor not later than 120 days prior to the commencement of the second full program year after the date of enactment of this Act.

(B) SUBSEQUENT PLANS.—Except as provided in subparagraph (A), a unified State plan shall be submitted to the Secretary of Labor not later than 120 days prior to the end of the 4-year period covered by the preceding unified State plan.

(2) SUBMISSION AND APPROVAL.—

(A) SUBMISSION.—In approving a unified State plan under this section, the Secretary shall submit the portion of the unified State plan covering a program or activity to the head of the Federal agency that administers the program or activity for the approval of such portion by such head.

(B) APPROVAL.—A unified State plan shall be subject to the approval of both the Secretary of Labor and the Secretary of Education, after approval of the Commissioner of the Rehabilitation Services Administration for the portion of the plan described in subsection (b)(2)(D)(iii). The plan shall be considered to be approved at the end of the 90-day period beginning on the day the plan is submitted, unless the Secretary of Labor or the Secretary of Education makes a written determination, during the 90-day period, that the plan is inconsistent with the provisions of this section or the provisions authorizing the core programs, as appropriate.

(3) MODIFICATIONS.—

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

(B) APPROVAL.—A modified unified State plan submitted for the review required under subparagraph (A) shall be subject to the approval requirements described in paragraph (2). A Governor may submit a modified unified State plan at such other times as the Governor determines to be appropriate, and such modified unified State plan shall also be subject to the approval requirements described in paragraph (2).

(4) EARLY IMPLEMENTERS.—The Secretary of Labor, in conjunction with the Secretary of Education, shall establish a process for approving and may approve unified State plans that meet the requirements of this section and are submitted to cover periods commencing prior to the second full program year described in paragraph (1)(A).

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

(a) IN GENERAL.—

(1) AUTHORITY TO SUBMIT PLAN.—A State may develop and submit to the appropriate Secretaries a combined State plan for the core programs and 1 or more of the programs and activities described in paragraph (2) in lieu of submitting 2 or more plans, for the programs and activities and the core programs.

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

(A) Career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

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

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

(D) Work programs authorized under section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)).

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

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

(G) Programs authorized under State unemployment compensation laws (in accordance with applicable Federal law).

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

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

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

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

(b) REQUIREMENTS.—

(1) IN GENERAL.—The portion of a combined plan covering the core programs shall be subject to the requirements of section 102 (including section 102(c)(3)). The portion of such plan covering a program or activity described in subsection (a)(2) shall be subject to the requirements, if any, applicable to a plan or application for assistance for that program or activity, under the Federal law authorizing the program or activity. At the election of the State, section 102(c)(3) may apply to that portion.

(2) ADDITIONAL SUBMISSION NOT REQUIRED.—A State that submits a combined plan that is approved under subsection (c) shall not be required to submit any other plan or application in order to receive Federal funds to carry out the core programs or the program or activities described in subsection (a)(2) that are covered by the combined plan.

(3) COORDINATION.—A combined plan shall include—

(A) a description of the methods used for joint planning and coordination of the core programs and the other programs and activities covered by the combined plan; and

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

(c) APPROVAL BY THE APPROPRIATE SECRETARIES.—

(1) JURISDICTION.—The appropriate Secretary shall have the authority to approve the corresponding portion of a combined plan as described in subsection (d). On the approval of the appropriate Secretary, that portion of the combined plan, covering a program or activity, shall be implemented by the State pursuant to that portion of the combined plan, and the Federal law authorizing the program or activity.

(2) APPROVAL OF CORE PROGRAMS.—No portion of the plan relating to a core program shall be implemented until the appropriate Secretary approves the corresponding portions of the plan for all core programs.

(3) TIMING OF APPROVAL.—

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

(B) PLAN APPROVED BY 3 OR MORE APPROPRIATE SECRETARIES.—If an appropriate Secretary other than the Secretary of Labor or the Secretary of Education has authority to approve a portion of a combined plan, that portion of the combined plan shall be considered to be approved by the appropriate Secretary at the end of the 120-day period beginning on the day the plan is submitted.

(C) DISAPPROVAL.—The portion shall not be considered to be approved if the appropriate Secretary makes a written determination, during the 90-day period (or the 120-day period, for an appropriate Secretary covered by subparagraph (B)), that the portion is not consistent with the requirements of the Federal law authorizing or applicable to the program or activity involved, including the criteria for approval of a plan or application, if any, under such law, or the plan is not consistent with the requirements of this section.

(4) SPECIAL RULE.—In paragraph (3), the term ''criteria for approval of a plan or application'', with respect to a State and a core program or a program under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), includes a requirement for agreement between the State and the appropriate Secretaries regarding State performance measures or State performance accountability measures, as the case may be, including levels of performance.

(d) APPROPRIATE SECRETARY.—In this section, the term ''appropriate Secretary'' means—

(1) with respect to the portion of a combined plan relating to any of the core programs (including a description, and an assurance concerning that program, specified in subsection (b)(3)), the Secretary of Labor and the Secretary of Education; and

(2) with respect to the portion of a combined plan relating to a program or activity described in subsection (a)(2) (including a description, and an assurance concerning that program or activity, specified in subsection (b)(3)), the head of the Federal agency who exercises plan or application approval authority for the program or activity under the Federal law authorizing the program or activity, or, if there are no planning or application requirements for such program or activity, exercises administrative authority over the program or activity under that Federal law.

## CHAPTER 2—LOCAL PROVISIONS

### SEC. 106. WORKFORCE DEVELOPMENT AREAS.

(a) REGIONS.—

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

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

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

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

(C) which, of the regions described in subparagraph (B), are interstate areas contained within 2 or more States, and consist of labor market areas, economic development areas, or other appropriate contiguous subareas of those States.

(b) LOCAL AREAS.—

(1) IN GENERAL.—

(A) PROCESS.—Except as provided in subsection (d), and consistent with paragraphs (2) and (3), in order for a State to receive an allotment under section 127(b) or 132(b), the Governor of the State shall designate local workforce development areas within the State—

(i) through consultation with the State board; and

(ii) after consultation with chief elected officials and local boards, and after consideration of comments received through the public comment process as described in section 102(b)(2)(E)(iii)(II).

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

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

(ii) are consistent with regional economic development areas in the State; and

(iii) have available the Federal and non-Federal resources necessary to effectively administer activities under subtitle B and other applicable provisions of this Act, including whether the areas have the appropriate education and training providers, such as institutions of higher education and area career and technical education schools.

(2) INITIAL DESIGNATION.—During the first 2 full program years following the date of enactment of this Act, the Governor shall approve a request for initial designation as a local area from any area that was designated as a local area for purposes of the Workforce Investment Act of 1998 for the 2-year period preceding the date of enactment of this Act, performed successfully, and sustained fiscal integrity.

(3) SUBSEQUENT DESIGNATION.—After the period for which a local area is initially designated under paragraph (2), the Governor shall approve a request for subsequent designation as a local area from such local area, if such area—

(A) performed successfully;

(B) sustained fiscal integrity; and

(C) in the case of a local area in a planning region, met the requirements described in subsection (c)(1).

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

(5) APPEALS.—A unit of general local government (including a combination of such units) or grant recipient that requests but is not granted designation of an area as a local area under paragraph (2) or (3) may submit an appeal to the State board under an appeal process established in the State plan. If the appeal does not result in such a designation, the Secretary of Labor, after receiving a request for review from the unit or grant recipient and on determining that the unit or grant recipient was not accorded procedural rights under the appeals process described in the State plan, as specified in section 102(b)(2)(D)(i)(III), or that the area meets the requirements of paragraph (2) or (3), may require that the area be designated as a local area under such paragraph.

(6) REDESIGNATION ASSISTANCE.—On the request of all of the local areas in a planning region, the State shall provide funding from funds made available under sections 128(a)

and 133(a)(1) to assist the local areas in carrying out activities to facilitate the redesignation of the local areas to a single local area.

(c) REGIONAL COORDINATION.—

(1) REGIONAL PLANNING.—The local boards and chief elected officials in each planning region described in subparagraph (B) or (C) of subsection (a)(2) shall engage in a regional planning process that results in—

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

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

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

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

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

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

(G) the coordination of services with regional economic development services and providers; and

(H) the establishment of an agreement concerning how the planning region will collectively negotiate and reach agreement with Governor on local levels of performance for, and report on, the performance accountability measures described in section 116(c), for local areas or the planning region.

(2) REGIONAL PLANS.—The State, after consultation with local boards and chief elected officials for the planning regions, shall require the local boards and chief elected officials within a planning region to prepare, submit, and obtain approval of a single regional plan that includes a description of the activities described in paragraph (1) and that incorporates local plans for each of the local areas in the planning region. The State shall provide technical assistance and labor market data, as requested by local areas, to assist with such regional planning and subsequent service delivery efforts.

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

(A) LOCAL AREA.—Except as provided in section 101(d)(9), this section, paragraph (1)(B) or (4) of section 107(c), or section 107(d)(12)(B), or in any text that provides an accompanying provision specifically for a planning region, the term ''local area'' in a provision includes a reference to a planning region for purposes of implementation of that provision by the corresponding local areas in the region.

(B) LOCAL PLAN.—Except as provided in this subsection, the term ''local plan'' includes a reference to the portion of a regional plan developed with respect to the corresponding local area within the region, and any regionwide provision of that plan that impacts or relates to the local area.

(d) SINGLE STATE LOCAL AREAS.—

(1) CONTINUATION OF PREVIOUS DESIGNATION.—The Governor of any State that was a single State local area for purposes of title I of the Workforce Investment Act of 1998, as in effect on July 1, 2013, may designate the State as a single State local area for purposes of this title. In the case of such designation, the Governor shall identify the State as a local area in the State plan.

(2) EFFECT ON LOCAL PLAN AND LOCAL FUNCTIONS.—In any case in which a State is designated as a local area pursuant to this subsection, the local plan prepared under section 108 for the area shall be submitted for approval as part of the State plan. In such a State, the State board shall carry out the functions of a local board, as specified in this Act or the provisions authorizing a core program, but the State shall not be required to meet and report on a set of local performance accountability measures.

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

(1) PERFORMED SUCCESSFULLY.—The term ''performed successfully'', used with respect to a local area, means the local area met or exceeded the adjusted levels of performance for primary indicators of performance described in section 116(b)(2)(A) (or, if applicable, core indicators of performance described in section 136(b)(2)(A) of the Workforce Investment Act of 1998, as in effect the day before the date of enactment of this Act) for each of the last 2 consecutive years for which data are available preceding the determination of performance under this paragraph.

(2) SUSTAINED FISCAL INTEGRITY.—The term ''sustained fiscal integrity'', used with respect to a local area, means that the Secretary has not made a formal determination, during either of the last 2 consecutive years preceding the determination regarding such integrity, that either the grant recipient or the administrative entity of the area misexpended funds provided under subtitle B (or, if applicable, title I of the Workforce Investment Act of 1998 as in effect prior to the effective date of such subtitle B) due to willful disregard of the requirements of the provision involved, gross negligence, or failure to comply with accepted standards of administration.

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

(a) ESTABLISHMENT.—Except as provided in subsection (c)(2)(A), there shall be established, and certified by the Governor of the State, a local workforce development board in each local area of a State to carry out the functions described in subsection (d) (and any functions specified for the local board under this Act or the provisions establishing a core program) for such area.

(b) MEMBERSHIP.—

(1) STATE CRITERIA.—The Governor, in partnership with the State board, shall establish criteria for use by chief elected officials in the local areas for appointment of members of the local boards in such local areas in accordance with the requirements of paragraph (2).

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

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

(i) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;

(ii) represent businesses, including small businesses, or organizations representing businesses described in this clause, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area; and

(iii) are appointed from among individuals nominated by local business organizations and business trade associations;

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

(i) shall include representatives of labor organizations (for a local area in which employees are represented by labor organizations), who have been nominated by local labor federations, or (for a local area in which no employees are represented by such organizations) other representatives of employees;

(ii) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists;

(iii) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and

(iv) may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth;

(C) each local board shall include representatives of entities administering education and training activities in the local area, who—

(i) shall include a representative of eligible providers administering adult education and literacy activities under title II;

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

(iii) may include representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment;

(D) each local board shall include representatives of governmental and economic and community development entities serving the local area, who—

(i) shall include a representative of economic and community development entities;

(ii) shall include an appropriate representative from the State employment service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area;

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

(iv) may include representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance; and

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

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

(3) CHAIRPERSON.—The members of the local board shall elect a chairperson for the local board from among the representatives described in paragraph (2)(A).

(4) STANDING COMMITTEES.—

(A) IN GENERAL.—The local board may designate and direct the activities of standing committees to provide information and to assist the local board in carrying out activities under this section. Such standing committees shall be chaired by a member of the local board, may include other members of the local board, and shall include other individuals appointed by the local board who are not members of the local board and who the local board determines have appropriate experience and expertise. At a minimum, the local board may designate each of the following:

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

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

(iii) A standing committee to provide information and to assist with operational and other issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding providing programmatic and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for, individuals with disabilities.

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

(C) DESIGNATION OF ENTITY.—Nothing in this paragraph shall be construed to prohibit the designation of an existing (as of the date of enactment of this Act) entity, such as an effective youth council, to fulfill the requirements of this paragraph as long as the entity meets the requirements of this paragraph.

(5) AUTHORITY OF BOARD MEMBERS.—Members of the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities. The members of the board shall represent diverse geographic areas within the local area.

(6) SPECIAL RULE.—If there are multiple eligible providers serving the local area by administering adult education and literacy activities under title II, or multiple institutions of higher education serving the local area by providing workforce investment activities, each representative on the local board described in clause (i) or (ii) of paragraph (2)(C), respectively, shall be appointed from among individuals nominated by local providers representing such providers or institutions, respectively.

(c) APPOINTMENT AND CERTIFICATION OF BOARD.—

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

(A) IN GENERAL.—The chief elected official in a local area is authorized to appoint the members of the local board for such area, in accordance with the State criteria established under subsection (b).

(B) MULTIPLE UNITS OF LOCAL GOVERNMENT IN AREA.—

(i) IN GENERAL.—In a case in which a local area includes more than 1 unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials—

(I) in the appointment of the members of the local board from the individuals nominated or recommended to be such members in accordance with the criteria established under subsection (b); and

(II) in carrying out any other responsibilities assigned to such officials under this title.

(ii) LACK OF AGREEMENT.—If, after a reasonable effort, the chief elected officials are unable to reach agreement as provided under clause (i), the Governor may appoint the members of the local board from individuals so nominated or recommended.

(C) CONCENTRATED EMPLOYMENT PROGRAMS.—In the case of an area that was designated as a local area in accordance with section 116(a)(2)(B) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act), and that remains a local area on that date, the governing body of the concentrated employment program involved shall act in consultation with the chief elected official in the local area to appoint members of the local board, in accordance with the State criteria established under subsection (b), and to carry out any other responsibility relating to workforce investment activities assigned to such official under this Act.

(2) CERTIFICATION.—

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

(B) CRITERIA.—Such certification shall be based on criteria established under subsection (b), and for a second or subsequent certification, the extent to which the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the corresponding performance accountability measures and achieve sustained fiscal integrity, as defined in section 106(e)(2).

(C) FAILURE TO ACHIEVE CERTIFICATION.—Failure of a local board to achieve certification shall result in appointment and certification of a new local board for the local area pursuant to the process described in paragraph (1) and this paragraph.

(3) DECERTIFICATION.—

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

(i) fraud or abuse; or

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

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

(C) REORGANIZATION PLAN.—If the Governor decertifies a local board for a local area under subparagraph (A) or (B), the Governor may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor, in consultation with the chief elected official in the local area and in accordance with the criteria established under subsection (b).

(4) SINGLE STATE LOCAL AREA.—

(A) STATE BOARD.—Notwithstanding subsection (b) and paragraphs (1) and (2), if a State described in section 106(d) indicates in the State plan that the State will be treated as a single State local area, for purposes of the application of this Act or the provisions authorizing a core program, the State board shall carry out any of the functions of a local board under this Act or the provisions authorizing a core program, including the functions described in subsection (d).

(B) REFERENCES.—

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

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

(iii) PERFORMANCE ACCOUNTABILITY MEASURES.—The State shall not be required to meet and report on a set of local performance accountability measures.

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

(1) LOCAL PLAN.—The local board, in partnership with the chief elected official for the local area involved, shall develop and submit a local plan to the Governor that meets the requirements in section 108. If the local area is part of a planning region that includes other local areas, the local board shall collaborate with the other local boards and chief elected officials from such other local areas in the preparation and submission of a regional plan as described in section 106(c)(2).

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

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

(B) assist the Governor in developing the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 49l–2(e)), specifically in the collection, analysis, and utilization of workforce and labor market information for the region; and

(C) conduct such other research, data collection, and analysis related to the workforce needs of the regional economy as the board, after receiving input from a wide array of stakeholders, determines to be necessary to carry out its functions.

(3) CONVENING, BROKERING, LEVERAGING.—The local board shall convene local workforce development system stakeholders to assist in the development of the local plan under section 108 and in identifying non-Federal expertise and resources to leverage support for workforce development activities. The local board, including standing committees, may engage such stakeholders in carrying out the functions described in this subsection.

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

(A) to promote business representation (particularly representatives with optimal policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the local board;

(B) to develop effective linkages (including the use of intermediaries) with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities;

(C) to ensure that workforce investment activities meet the needs of employers and support economic growth in the region, by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and

(D) to develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships), that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.

(5) CAREER PATHWAYS DEVELOPMENT.—The local board, with representatives of secondary and postsecondary education programs, shall lead efforts in the local area to develop and implement career pathways

within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.

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

(A) identify and promote proven and promising strategies and initiatives for meeting the needs of employers, and workers and jobseekers (including individuals with barriers to employment) in the local workforce development system, including providing physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), to the one-stop delivery system; and

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

(7) TECHNOLOGY.—The local board shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers, by—

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

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

(C) identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and

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

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

(A)(i) conduct oversight for local youth workforce investment activities authorized under section 129(c), local employment and training activities authorized under subsections (c) and (d) of section 134, and the one-stop delivery system in the local area; and

(ii) ensure the appropriate use and management of the funds provided under subtitle B for the activities and system described in clause (i); and

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

(9) NEGOTIATION OF LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.—The local board, the chief elected official, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in section 116(c).

(10) SELECTION OF OPERATORS AND PROVIDERS.—

(A) SELECTION OF ONE-STOP OPERATORS.—Consistent with section 121(d), the local board, with the agreement of the chief elected official for the local area—

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

(ii) may terminate for cause the eligibility of such operators.

(B) SELECTION OF YOUTH PROVIDERS.—Consistent with section 123, the local board—

(i) shall identify eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis (except as provided in section 123(b)), based on the recommendations of the youth standing committee, if such a committee is established for the local area under subsection (b)(4); and

(ii) may terminate for cause the eligibility of such providers.

(C) IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.—Consistent with section 122, the local board shall identify eligible providers of training services in the local area.

(D) IDENTIFICATION OF ELIGIBLE PROVIDERS OF CAREER SERVICES.—If the one-stop operator does not provide career services described in section 134(c)(2) in a local area, the local board shall identify eligible providers of those career services in the local area by awarding contracts.

(E) CONSUMER CHOICE REQUIREMENTS.—Consistent with section 122 and paragraphs (2) and (3) of section 134(c), the local board shall work with the State to ensure there are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.

(11) COORDINATION WITH EDUCATION PROVIDERS.—

(A) IN GENERAL.—The local board shall coordinate activities with education and training providers in the local area, including providers of workforce investment activities, providers of adult education and literacy activities under title II, providers of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) and local agencies administering plans under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741).

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

(i) consistent with section 232—

(I) reviewing the applications to provide adult education and literacy activities under title II for the local area, submitted under such section to the eligible agency by eligible providers, to determine whether such applications are consistent with the local plan; and

(II) making recommendations to the eligible agency to promote alignment with such plan; and

(ii) replicating cooperative agreements in accordance with subparagraph (B) of section 101(a)(11) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)), and implementing cooperative agreements in accordance with that section with the local agencies administering plans under title I of that Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741) and subject to section 121(f)), with respect to efforts that will enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.

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

(12) BUDGET AND ADMINISTRATION.—

(A) BUDGET.—The local board shall develop a budget for the activities of the local board in the local area, consistent with the local plan and the duties of the local board under this section, subject to the approval of the chief elected official.

(B) ADMINISTRATION.—

(i) GRANT RECIPIENT.—

(I) IN GENERAL.—The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under sections 128 and 133, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.

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

(III) DISBURSAL.—The local grant recipient or an entity designated under subclause (II) shall disburse the grant funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this title. The local grant recipient or entity designated under subclause (II) shall disburse the funds immediately on receiving such direction from the local board.

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

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

(13) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—The local board shall annually assess the physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), of all one-stop centers in the local area.

(e) SUNSHINE PROVISION.—The local board shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the local board, including information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of one-stop operators, and the award of grants or contracts to eligible providers of youth workforce investment activities, and on request, minutes of formal meetings of the local board.

(f) STAFF.—

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

(2) QUALIFICATIONS.—The local board shall establish and apply a set of objective qualifications for the position of director, that ensures that the individual selected has the requisite knowledge, skills, and abilities, to meet identified benchmarks and to assist in effectively carrying out the functions of the local board.

(3) LIMITATION ON RATE.—The director and staff described in paragraph (1) shall be subject to the limitations on the payment of

salaries and bonuses described in section 194(15).

(g) LIMITATIONS.—

(1) TRAINING SERVICES.—

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

(B) WAIVERS OF TRAINING PROHIBITION.—The Governor of the State in which a local board is located may, pursuant to a request from the local board, grant a written waiver of the prohibition set forth in subparagraph (A) (relating to the provision of training services) for a program of training services, if the local board—

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

(I) satisfactory evidence that there is an insufficient number of eligible providers of such a program of training services to meet local demand in the local area;

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

(III) information demonstrating that the program of training services prepares participants for an in-demand industry sector or occupation in the local area;

(ii) makes the proposed request available to eligible providers of training services and other interested members of the public for a public comment period of not less than 30 days; and

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

(C) DURATION.—A waiver granted to a local board under subparagraph (B) shall apply for a period that shall not exceed the duration of the local plan. The waiver may be renewed for additional periods under subsequent local plans, not to exceed the durations of such subsequent plans, pursuant to requests from the local board, if the board meets the requirements of subparagraph (B) in making the requests.

(D) REVOCATION.—The Governor shall have the authority to revoke the waiver during the appropriate period described in subparagraph (C) if the Governor determines the waiver is no longer needed or that the local board involved has engaged in a pattern of inappropriate referrals to training services operated by the local board.

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

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

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

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

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

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

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

(i) ALTERNATIVE ENTITY.—

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

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

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

(C) includes—

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

(ii)(I) representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations; or

(II) other representatives of employees in the local area (for a local area in which no employees are represented by such organizations).

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

**SEC. 108. LOCAL PLAN.**

(a) IN GENERAL.—Each local board shall develop and submit to the Governor a comprehensive 4-year local plan, in partnership with the chief elected official. The local plan shall support the strategy described in the State plan in accordance with section 102(b)(1)(E), and otherwise be consistent with the State plan. If the local area is part of a planning region, the local board shall comply with section 106(c) in the preparation and submission of a regional plan. At the end of the first 2-year period of the 4-year local plan, each local board shall review the local plan and the local board, in partnership with the chief elected official, shall prepare and submit modifications to the local plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the local plan.

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

(1) a description of the strategic planning elements consisting of—

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

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

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

(B) an analysis of the knowledge and skills needed to meet the employment needs of the employers in the region, including employment needs in in-demand industry sectors and occupations;

(C) an analysis of the workforce in the region, including current labor force employment (and unemployment) data, and information on labor market trends, and the educational and skill levels of the workforce in the region, including individuals with barriers to employment;

(D) an analysis of the workforce development activities (including education and training) in the region, including an analysis of the strengths and weaknesses of such services, and the capacity to provide such services, to address the identified education and skill needs of the workforce and the employment needs of employers in the region;

(E) a description of the local board's strategic vision and goals for preparing an educated and skilled workforce (including youth and individuals with barriers to employment), including goals relating to the performance accountability measures based on primary indicators of performance described in section 116(b)(2)(A) in order to support regional economic growth and economic self-sufficiency; and

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

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

(3) a description of how the local board, working with the entities carrying out core programs, will expand access to employment, training, education, and supportive services for eligible individuals, particularly eligible individuals with barriers to employment, including how the local board will facilitate the development of career pathways and co-enrollment, as appropriate, in core programs;

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

(A) in order to—

(i) facilitate engagement of employers, including small employers and employers in in-demand industry sectors and occupations, in workforce development programs;

(ii) support a local workforce development system that meets the needs of businesses in the local area;

(iii) better coordinate workforce development programs and economic development; and

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

(B) that may include the implementation of initiatives such as incumbent worker training programs, on-the-job training programs, customized training programs, industry and sector strategies, career pathways initiatives, utilization of effective business intermediaries, and other business services and strategies, designed to meet the needs of employers in the corresponding region in support of the strategy described in paragraph (1)(F);

(5) a description of how the local board will coordinate workforce investment activities carried out in the local area with economic development activities carried out in the region in which the local area is located (or planning region), and promote entrepreneurial skills training and microenterprise services;

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

(A) a description of how the local board will ensure the continuous improvement of eligible providers of services through the system and ensure that such providers meet the employment needs of local employers, and workers and jobseekers;

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

(C) a description of how entities within the one-stop delivery system, including one-stop operators and the one-stop partners, will comply with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities; and

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

(7) a description and assessment of the type and availability of adult and dislocated worker employment and training activities in the local area;

(8) a description of how the local board will coordinate workforce investment activities carried out in the local area with statewide rapid response activities, as described in section 134(a)(2)(A);

(9) a description and assessment of the type and availability of youth workforce investment activities in the local area, including activities for youth who are individuals with disabilities, which description and assessment shall include an identification of successful models of such youth workforce investment activities;

(10) a description of how the local board will coordinate education and workforce investment activities carried out in the local area with relevant secondary and postsecondary education programs and activities to coordinate strategies, enhance services, and avoid duplication of services;

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

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

(13) a description of how the local board will coordinate workforce investment activities carried out under this title in the local area with the provision of adult education and literacy activities under title II in the local area, including a description of how the local board will carry out, consistent with subparagraphs (A) and (B)(i) of section 107(d)(11) and section 232, the review of local applications submitted under title II;

(14) a description of the replicated cooperative agreements (as defined in section 107(d)(11)) between the local board or other local entities described in section 101(a)(11)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)(B)) and the local office of a designated State agency or designated State unit administering programs carried out under title I of such Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741) and subject to section 121(f)) in accordance with section 101(a)(11) of such Act (29 U.S.C. 721(a)(11)) with respect to efforts that will enhance the provision of services to individuals with disabilities and to other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination;

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

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

(17) a description of the local levels of performance negotiated with the Governor and chief elected official pursuant to section 116(c), to be used to measure the performance of the local area and to be used by the local board for measuring the performance of the local fiscal agent (where appropriate), eligible providers under subtitle B, and the one-stop delivery system, in the local area;

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

(19) a description of how training services under chapter 3 of subtitle B will be provided in accordance with section 134(c)(3)(G), including, if contracts for the training services will be used, how the use of such contracts will be coordinated with the use of individual training accounts under that chapter and how the local board will ensure informed customer choice in the selection of training programs regardless of how the training services are to be provided;

(20) a description of the process used by the local board, consistent with subsection (d), to provide an opportunity for public comment, including comment by representatives of businesses and comment by representatives of labor organizations, and input into the development of the local plan, prior to submission of the plan;

(21) a description of how one-stop centers are implementing and transitioning to an integrated, technology-enabled intake and case management information system for programs carried out under this Act and programs carried out by one-stop partners; and

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

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

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

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

(2) allow members of the public, including representatives of business, representatives of labor organizations, and representatives of education to submit to the local board comments on the proposed local plan, not later than the end of the 30-day period beginning on the date on which the proposed local plan is made available; and

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

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

(1) deficiencies in activities carried out under this subtitle or subtitle B have been identified, through audits conducted under section 184 or otherwise, and the local area has not made acceptable progress in implementing corrective measures to address the deficiencies;

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

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

## CHAPTER 3—BOARD PROVISIONS

### SEC. 111. FUNDING OF STATE AND LOCAL BOARDS.

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

(1) shall use funds available as described in section 129(b)(3) or 134(a)(3)(B); and

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

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

(1) shall use funds available as described in section 128(b)(4); and

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

## CHAPTER 4—PERFORMANCE ACCOUNTABILITY

### SEC. 116. PERFORMANCE ACCOUNTABILITY SYSTEM.

(a) PURPOSE.—The purpose of this section is to establish performance accountability measures that apply across the core programs to assess the effectiveness of States and local areas (for core programs described in subtitle B) in achieving positive outcomes for individuals served by those programs.

(b) STATE PERFORMANCE ACCOUNTABILITY MEASURES.—

(1) IN GENERAL.—For each State, the performance accountability measures for the core programs shall consist of—

(A)(i) the primary indicators of performance described in paragraph (2)(A); and

(ii) the additional indicators of performance (if any) identified by the State under paragraph (2)(B); and

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

(2) INDICATORS OF PERFORMANCE.—

(A) PRIMARY INDICATORS OF PERFORMANCE.—

(i) IN GENERAL.—The State primary indicators of performance for activities provided under the adult and dislocated worker programs authorized under chapter 3 of subtitle B, the program of adult education and literacy activities authorized under title II, the employment services program authorized under sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) (except that subclauses (IV) and (V) shall not apply to such program), and the program authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), shall consist of—

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

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

(III) the median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;

(IV) the percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent (subject to clause (iii)), during participation in or within 1 year after exit from the program;

(V) the percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains toward such a credential or employment; and

(VI) the indicators of effectiveness in serving employers established pursuant to clause (iv).

(ii) PRIMARY INDICATORS FOR ELIGIBLE YOUTH.—The primary indicators of performance for the youth program authorized under chapter 2 of subtitle B shall consist of—

(I) the percentage of program participants who are in education or training activities, or in unsubsidized employment, during the second quarter after exit from the program;

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

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

(iii) INDICATOR RELATING TO CREDENTIAL.—For purposes of clause (i)(IV), or clause (ii)(III) with respect to clause (i)(IV), program participants who obtain a secondary school diploma or its recognized equivalent shall be included in the percentage counted as meeting the criterion under such clause only if such participants, in addition to obtaining such diploma or its recognized equivalent, have obtained or retained employment or are in an education or training program leading to a recognized postsecondary credential within 1 year after exit from the program.

(iv) INDICATOR FOR SERVICES TO EMPLOYERS.—Prior to the commencement of the second full program year after the date of enactment of this Act, for purposes of clauses (i)(VI), or clause (ii)(III) with respect to clause (i)(IV), the Secretary of Labor and the Secretary of Education, after consultation with the representatives described in paragraph (4)(B), shall jointly develop and establish, for purposes of this subparagraph, 1 or more primary indicators of performance that indicate the effectiveness of the core programs in serving employers.

(B) ADDITIONAL INDICATORS.—A State may identify in the State plan additional performance accountability indicators.

(3) LEVELS OF PERFORMANCE.—

(A) STATE ADJUSTED LEVELS OF PERFORMANCE FOR PRIMARY INDICATORS.—

(i) IN GENERAL.—For each State submitting a State plan, there shall be established, in accordance with this subparagraph, levels of performance for each of the corresponding primary indicators of performance described in paragraph (2) for each of the programs described in clause (ii).

(ii) INCLUDED PROGRAMS.—The programs included under clause (i) are—

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

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

(III) the dislocated worker program authorized under chapter 3 of subtitle B;

(IV) the program of adult education and literacy activities authorized under title II;

(V) the employment services program authorized under sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.); and

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

(iii) IDENTIFICATION IN STATE PLAN.—Each State shall identify, in the State plan, expected levels of performance for each of the corresponding primary indicators of performance for each of the programs described in clause (ii) for the first 2 program years covered by the State plan.

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

(I) FIRST 2 YEARS.—The State shall reach agreement with the Secretary of Labor, in conjunction with the Secretary of Education on levels of performance for each indicator described in clause (iii) for each of the programs described in clause (ii) for each of the first 2 program years covered by the State plan. In reaching the agreement, the State and the Secretary of Labor in conjunction with the Secretary of Education shall take into account the levels identified in the State plan under clause (iii) and the factors described in clause (v). The levels agreed to shall be considered to be the State adjusted levels of performance for the State for such program years and shall be incorporated into the State plan prior to the approval of such plan.

(II) THIRD AND FOURTH YEAR.—The State and the Secretary of Labor, in conjunction with the Secretary of Education, shall reach agreement, prior to the third program year covered by the State plan, on levels of performance for each indicator described in clause (iii) for each of the programs described in clause (ii) for each of the third and fourth program years covered by the State plan. In reaching the agreement, the State and Secretary of Labor, in conjunction with the Secretary of Education, shall take into account the factors described in clause (v). The levels agreed to shall be considered to be the State adjusted levels of performance for the State for such program years and shall be incorporated into the State plan as a modification to the plan.

(v) FACTORS.—In reaching the agreements described in clause (iv), the State and Secretaries shall—

(I) take into account how the levels involved compare with the State adjusted levels of performance established for other States;

(II) ensure that the levels involved are adjusted, using the objective statistical model established by the Secretaries pursuant to clause (viii), based on—

(aa) the differences among States in actual economic conditions (including differences in unemployment rates and job losses or gains in particular industries); and

(bb) the characteristics of participants when the participants entered the program involved, including indicators of poor work history, lack of work experience, lack of educational or occupational skills attainment, dislocation from high-wage and high-benefit employment, low levels of literacy or English proficiency, disability status, homelessness, ex-offender status, and welfare dependency;

(III) take into account the extent to which the levels involved promote continuous improvement in performance accountability on the performance accountability measures by such State and ensure optimal return on the investment of Federal funds; and

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

(vi) GOALS.—In order to promote enhanced performance outcomes and to facilitate the process of reaching agreements with the States under clause (iv), the Secretary of Labor, in conjunction with the Secretary of Education, shall establish performance goals for the core programs, in accordance with the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285) and the amendments made by that Act, and in consultation with States and other appropriate parties. Such goals shall be long-term goals for the adjusted levels of performance to be achieved by each of the programs described in clause (ii) regarding the corresponding primary indicators of performance described in paragraph (2)(A).

(vii) REVISIONS BASED ON ECONOMIC CONDITIONS AND INDIVIDUALS SERVED DURING THE PROGRAM YEAR.—The Secretary of Labor, in conjunction with the Secretary of Education, shall, in accordance with the objective statistical model developed pursuant to clause (viii), revise the State adjusted levels of performance applicable for each of the programs described in clause (ii), for a program year and a State, to reflect the actual economic conditions and characteristics of participants (as described in clause (v)(II)) in that program during such program year in such State.

(viii) STATISTICAL ADJUSTMENT MODEL.—The Secretary of Labor and the Secretary of Education, after consultation with the representatives described in paragraph (4)(B), shall develop and disseminate an objective statistical model that will be used to make the adjustments in the State adjusted levels of performance for actual economic conditions and characteristics of participants under clauses (v) and (vii).

(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—The State may identify, in the State plan, State levels of performance for each of the additional indicators identified under paragraph (2)(B). Such levels shall be considered to be State adjusted levels of performance for purposes of this section.

(4) DEFINITIONS OF INDICATORS OF PERFORMANCE.—

(A) IN GENERAL.—In order to ensure nationwide comparability of performance data, the Secretary of Labor and the Secretary of Education, after consultation with representatives described in subparagraph (B), shall issue definitions for the indicators described in paragraph (2).

(B) REPRESENTATIVES.—The representatives referred to in subparagraph (A) are representatives of States and political subdivisions, business and industry, employees, eligible providers of activities carried out through the core programs, educators, researchers, participants, the lead State agency officials with responsibility for the programs carried out through the core programs, individuals with expertise in serving individuals with barriers to employment, and other interested parties.

(c) LOCAL PERFORMANCE ACCOUNTABILITY MEASURES FOR SUBTITLE B.—

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

(A)(i) the primary indicators of performance described in subsection (b)(2)(A) that are applicable to such programs; and

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

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

(2) LOCAL LEVEL OF PERFORMANCE.—The local board, the chief elected official, and the Governor shall negotiate and reach agreement on local levels of performance based on the State adjusted levels of performance established under subsection (b)(3)(A).

(3) ADJUSTMENT FACTORS.—In negotiating the local levels of performance, the local board, the chief elected official, and the Governor shall make adjustments for the expected economic conditions and the expected characteristics of participants to be served in the local area, using the statistical adjustment model developed pursuant to subsection (b)(3)(A)(viii). In addition, the negotiated local levels of performance applicable to a program year shall be revised to reflect the actual economic conditions experienced and the characteristics of the populations served in the local area during such program year using the statistical adjustment model.

(d) PERFORMANCE REPORTS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary of Labor, in conjunction with the Secretary of Education, shall develop a template for performance reports that shall be used by States, local boards, and eligible providers of training services under section 122 to report on outcomes achieved by the core programs. In developing such templates, the Secretary of Labor, in conjunction with the

Secretary of Education, will take into account the need to maximize the value of the templates for workers, jobseekers, employers, local elected officials, State officials, Federal policymakers, and other key stakeholders.

(2) CONTENTS OF STATE PERFORMANCE REPORTS.—The performance report for a State shall include, subject to paragraph (5)(C)—

(A) information specifying the levels of performance achieved with respect to the primary indicators of performance described in subsection (b)(2)(A) for each of the programs described in subsection (b)(3)(A)(ii) and the State adjusted levels of performance with respect to such indicators for each program;

(B) information specifying the levels of performance achieved with respect to the primary indicators of performance described in subsection (b)(2)(A) for each of the programs described in subsection (b)(3)(A)(ii) with respect to individuals with barriers to employment, disaggregated by each subpopulation of such individuals, and by race, ethnicity, sex, and age;

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

(D) the number of participants who received career and training services, respectively, during the most recent program year and the 3 preceding program years, and the amount of funds spent on each type of service;

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

(F) the average cost per participant of those participants who received career and training services, respectively, during the most recent program year and the 3 preceding program years;

(G) the percentage of participants in a program authorized under this subtitle who received training services and obtained unsubsidized employment in a field related to the training received;

(H) the number of individuals with barriers to employment served by each of the programs described in subsection (b)(3)(A)(ii), disaggregated by each subpopulation of such individuals;

(I) the number of participants who are enrolled in more than 1 of the programs described in subsection (b)(3)(A)(ii);

(J) the percentage of the State's annual allotment under section 132(b) that the State spent on administrative costs;

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

(i) the performance of service providers entering into contracts for such strategies, measured against the levels of performance specified in the contracts for such strategies; and

(ii) an evaluation of the design of the programs and performance of the strategies, and, where possible, the level of satisfaction with the strategies among employers and participants benefitting from the strategies; and

(L) other information that facilitates comparisons of programs with programs in other States.

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

(A) the information specified in subparagraphs (A) through (L) of paragraph (2), for each of the programs described in subclauses (I) through (III) of subsection (b)(3)(A)(ii);

(B) the percentage of the local area's allocation under sections 128(b) and 133(b) that the local area spent on administrative costs; and

(C) other information that facilitates comparisons of programs with programs in other local areas (or planning regions, as appropriate).

(4) CONTENTS OF ELIGIBLE TRAINING PROVIDERS PERFORMANCE REPORTS.—The performance report for an eligible provider of training services under section 122 shall include, subject to paragraph (6)(C), with respect to each program of study (or the equivalent) of such provider—

(A) information specifying the levels of performance achieved with respect to the primary indicators of performance described in subclauses (I) through (IV) of subsection (b)(2)(A)(i) with respect to all individuals engaging in the program of study (or the equivalent);

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

(C) the total number of participants who received training services through each of the adult program and the dislocated worker program authorized under chapter 3 of subtitle B, disaggregated by the type of entity that provided the training, during the most recent program year and the 3 preceding program years;

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

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

(F) the number of individuals with barriers to employment served by each of the adult program and the dislocated worker program authorized under chapter 3 of subtitle B, disaggregated by each subpopulation of such individuals, and by race, ethnicity, sex, and age.

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

(6) PUBLICATION.—

(A) STATE PERFORMANCE REPORTS.—The Secretary of Labor and the Secretary of Education shall annually make available (including by electronic means), in an easily understandable format, the performance reports for States containing the information described in paragraph (2).

(B) LOCAL AREA AND ELIGIBLE TRAINING PROVIDER PERFORMANCE REPORTS.—The State shall make available (including by electronic means), in an easily understandable format, the performance reports for the local areas containing the information described in paragraph (3) and the performance reports for eligible providers of training services containing the information described in paragraph (4).

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

(D) DISSEMINATION TO CONGRESS.—The Secretary of Labor and the Secretary of Education shall make available (including by electronic means) a summary of the reports, and the reports, required under this subsection to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. The Secretaries shall prepare and make available with the reports a set of recommendations for improvements in and adjustments to pay-for-performance contract strategies used under subtitle B.

(e) EVALUATION OF STATE PROGRAMS.—

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

(2) DESIGN.—The evaluations conducted under this subsection shall be designed in conjunction with the State board, State agencies responsible for the administration of the core programs, and local boards and shall include analysis of customer feedback and outcome and process measures in the statewide workforce development system. The evaluations shall use designs that employ the most rigorous analytical and statistical methods that are reasonably feasible, such as the use of control groups.

(3) RESULTS.—The State shall annually prepare, submit to the State board and local boards in the State, and make available to the public (including by electronic means), reports containing the results of evaluations conducted under this subsection, to promote the efficiency and effectiveness of the workforce development system.

(4) COOPERATION WITH FEDERAL EVALUATIONS.—The State shall, to the extent practicable, cooperate in the conduct of evaluations (including related research projects) provided for by the Secretary of Labor or the Secretary of Education under the provisions of Federal law identified in paragraph (1). Such cooperation shall include the provision of data (in accordance with appropriate privacy protections established by the Secretary of Labor), the provision of responses to surveys, and allowing site visits in a timely manner, for the Secretaries or their agents.

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

(1) STATES.—

(A) TECHNICAL ASSISTANCE.—If a State fails to meet the State adjusted levels of performance relating to indicators described in subsection (b)(2)(A) for a program for any program year, the Secretary of Labor and the Secretary of Education shall provide technical assistance, including assistance in the development of a performance improvement plan.

(B) REDUCTION IN AMOUNT OF GRANT.—If such failure continues for a second consecutive year, or (except in the case of exceptional circumstances as determined by the

Secretary of Labor or the Secretary of Education, as appropriate) a State fails to submit a report under subsection (d) for any program year, the percentage of each amount that would (in the absence of this paragraph) be reserved by the Governor under section 128(a) for the immediately succeeding program year shall be reduced by 5 percentage points until such date as the Secretary of Labor or the Secretary of Education, as appropriate, determines that the State meets such State adjusted levels of performance and has submitted such reports for the appropriate program years.

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

(1) TECHNICAL ASSISTANCE.—If a local area fails to meet local performance accountability measures established under subsection (c) for the youth, adult, or dislocated worker program authorized under chapter 2 or 3 of subtitle B for a program described in subsection (d)(2)(A) for any program year, the Governor, or upon request by the Governor, the Secretary of Labor, shall provide technical assistance, which may include assistance in the development of a performance improvement plan or the development of a modified local plan (or regional plan).

(2) CORRECTIVE ACTIONS.—

(A) IN GENERAL.—If such failure continues for a third consecutive year, the Governor shall take corrective actions, which shall include development of a reorganization plan through which the Governor shall—

(i) require the appointment and certification of a new local board, consistent with the criteria established under section 107(b);

(ii) prohibit the use of eligible providers and one-stop partners identified as achieving a poor level of performance; or

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

(B) APPEAL BY LOCAL AREA.—

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

(ii) SUBSEQUENT ACTION.—The local board and chief elected official for a local area may, not later than 30 days after receiving a decision from the Governor pursuant to clause (i), appeal such decision to the Secretary of Labor. In such case, the Secretary shall make a final decision not later than 30 days after the receipt of the appeal.

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

(h) ESTABLISHING PAY-FOR-PERFORMANCE CONTRACT STRATEGY INCENTIVES.—Using non-Federal funds, the Governor may establish incentives for local boards to implement pay-for-performance contract strategies for the delivery of training services described in section 134(c)(3) or activities described in section 129(c)(2) in the local areas served by the local boards.

(i) FISCAL AND MANAGEMENT ACCOUNTABILITY INFORMATION SYSTEMS.—

(1) IN GENERAL.—Using funds authorized under a core program and made available to carry out this chapter, the Governor, in coordination with the State board, the State agencies administering the core programs, local boards, and chief elected officials in the State, shall establish and operate a fiscal and management accountability information system based on guidelines established by the Secretary of Labor and the Secretary of Education after consultation with the Governors of States, chief elected officials, and one-stop partners. Such guidelines shall promote efficient collection and use of fiscal and management information for reporting and monitoring the use of funds authorized under the core programs and for preparing the annual report described in subsection (d).

(2) WAGE RECORDS.—In measuring the progress of the State on State and local performance accountability measures, a State shall utilize quarterly wage records, consistent with State law. The Secretary of Labor shall make arrangements, consistent with State law, to ensure that the wage records of any State are available to any other State to the extent that such wage records are required by the State in carrying out the State plan of the State or completing the annual report described in subsection (d).

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

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

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

**SEC. 121. ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEMS.**

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

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

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

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

(b) ONE-STOP PARTNERS.—

(1) REQUIRED PARTNERS.—

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

(i) provide access through the one-stop delivery system to such program or activities carried out by the entity, including making the career services described in section 134(c)(2) that are applicable to the program or activities available at the one-stop centers (in addition to any other appropriate locations);

(ii) use a portion of the funds available for the program and activities to maintain the one-stop delivery system, including payment of the infrastructure costs of one-stop centers in accordance with subsection (h);

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

(iv) participate in the operation of the one-stop system consistent with the terms of the memorandum of understanding, the requirements of this title, and the requirements of the Federal laws authorizing the program or activities; and

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

(B) PROGRAMS AND ACTIVITIES.—The programs and activities referred to in subparagraph (A) consist of—

(i) programs authorized under this title;

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

(iii) adult education and literacy activities authorized under title II;

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

(v) activities authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.);

(vi) career and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.);

(vii) activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);

(viii) activities authorized under chapter 41 of title 38, United States Code;

(ix) employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.);

(x) employment and training activities carried out by the Department of Housing and Urban Development;

(xi) programs authorized under State unemployment compensation laws (in accordance with applicable Federal law);

(xii) programs authorized under section 212 of the Second Chance Act of 2007 (42 U.S.C. 17532); and

(xiii) programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), subject to subparagraph (C).

(C) DETERMINATION BY THE GOVERNOR.—

(i) IN GENERAL.—An entity that carries out a program referred to in subparagraph (B)(xiii) shall be included in the one-stop partners for the local area, as a required partner, for purposes of this Act and the other core program provisions that are not part of this Act, unless the Governor provides the notification described in clause (ii).

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

(I) is made in writing of a determination by the Governor not to include such entity in the one-stop partners described in clause (i); and

(II) is provided to the Secretary of Labor (referred to in this subtitle, and subtitles C through E, as the ''Secretary'') and the Secretary of Health and Human Services.

(2) ADDITIONAL PARTNERS.—

(A) IN GENERAL.—With the approval of the local board and chief elected official, in addition to the entities described in paragraph (1), other entities that carry out workforce development programs described in subparagraph (B) may be one-stop partners for the local area and carry out the responsibilities described in paragraph (1)(A).

(B) PROGRAMS.—The programs referred to in subparagraph (A) may include—

(i) employment and training programs administered by the Social Security Administration, including the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19);

(ii) employment and training programs carried out by the Small Business Administration;

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

(iv) work programs authorized under section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o));

(v) programs carried out under section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732);

(vi) programs authorized under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.); and

(vii) other appropriate Federal, State, or local programs, including employment, education, and training programs provided by public libraries or in the private sector.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) DEVELOPMENT.—The local board, with the agreement of the chief elected official, shall develop and enter into a memorandum of understanding (between the local board

and the one-stop partners), consistent with paragraph (2), concerning the operation of the one-stop delivery system in the local area.

(2) CONTENTS.—Each memorandum of understanding shall contain—

(A) provisions describing—

(i) the services to be provided through the one-stop delivery system consistent with the requirements of this section, including the manner in which the services will be coordinated and delivered through such system;

(ii) how the costs of such services and the operating costs of such system will be funded, including—

(I) funding through cash and in-kind contributions (fairly evaluated), which contributions may include funding from philanthropic organizations or other private entities, or through other alternative financing options, to provide a stable and equitable funding stream for ongoing one-stop delivery system operations; and

(II) funding of the infrastructure costs of one-stop centers in accordance with subsection (h);

(iii) methods of referral of individuals between the one-stop operator and the one-stop partners for appropriate services and activities;

(iv) methods to ensure the needs of workers and youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in the provision of necessary and appropriate access to services, including access to technology and materials, made available through the one-stop delivery system; and

(v) the duration of the memorandum of understanding and the procedures for amending the memorandum during the duration of the memorandum, and assurances that such memorandum shall be reviewed not less than once every 3-year period to ensure appropriate funding and delivery of services; and

(B) such other provisions, consistent with the requirements of this title, as the parties to the agreement determine to be appropriate.

(d) ONE-STOP OPERATORS.—

(1) LOCAL DESIGNATION AND CERTIFICATION.—Consistent with paragraphs (2) and (3), the local board, with the agreement of the chief elected official, is authorized to designate or certify one-stop operators and to terminate for cause the eligibility of such operators.

(2) ELIGIBILITY.—To be eligible to receive funds made available under this subtitle to operate a one-stop center referred to in subsection (e), an entity (which may be a consortium of entities)—

(A) shall be designated or certified as a one-stop operator through a competitive process; and

(B) shall be an entity (public, private, or nonprofit), or consortium of entities (including a consortium of entities that, at a minimum, includes 3 or more of the one-stop partners described in subsection (b)(1)), of demonstrated effectiveness, located in the local area, which may include—

(i) an institution of higher education;

(ii) an employment service State agency established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), on behalf of the local office of the agency;

(iii) a community-based organization, nonprofit organization, or intermediary;

(iv) a private for-profit entity;

(v) a government agency; and

(vi) another interested organization or entity, which may include a local chamber of commerce or other business organization, or a labor organization.

(3) EXCEPTION.—Elementary schools and secondary schools shall not be eligible for designation or certification as one-stop operators, except that nontraditional public secondary schools and area career and technical education schools may be eligible for such designation or certification.

(4) ADDITIONAL REQUIREMENTS.—The State and local boards shall ensure that in carrying out activities under this title, one-stop operators—

(A) disclose any potential conflicts of interest arising from the relationships of the operators with particular training service providers or other service providers;

(B) do not establish practices that create disincentives to providing services to individuals with barriers to employment who may require longer-term services, such as intensive employment, training, and education services; and

(C) comply with Federal regulations, and procurement policies, relating to the calculation and use of profits.

(e) ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEM.—

(1) IN GENERAL.—There shall be established in each local area in a State that receives an allotment under section 132(b) a one-stop delivery system, which shall—

(A) provide the career services described in section 134(c)(2);

(B) provide access to training services as described in section 134(c)(3), including serving as the point of access to training services for participants in accordance with section 134(c)(3)(G);

(C) provide access to the employment and training activities carried out under section 134(d), if any;

(D) provide access to programs and activities carried out by one-stop partners described in subsection (b); and

(E) provide access to the data, information, and analysis described in section 15(a) of the Wagner-Peyser Act (29 U.S.C. 491–2(a)) and all job search, placement, recruitment, and other labor exchange services authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(2) ONE-STOP DELIVERY.—The one-stop delivery system—

(A) at a minimum, shall make each of the programs, services, and activities described in paragraph (1) accessible at not less than 1 physical center in each local area of the State; and

(B) may also make programs, services, and activities described in paragraph (1) available—

(i) through a network of affiliated sites that can provide 1 or more of the programs, services, and activities to individuals; and

(ii) through a network of eligible one-stop partners—

(I) in which each partner provides 1 or more of the programs, services, and activities to such individuals and is accessible at an affiliated site that consists of a physical location or an electronically or technologically linked access point; and

(II) that assures individuals that information on the availability of the career services will be available regardless of where the individuals initially enter the statewide workforce development system, including information made available through an access point described in subclause (I);

(C) may have specialized centers to address special needs, such as the needs of dislocated workers, youth, or key industry sectors or clusters; and

(D) as applicable and practicable, shall make programs, services, and activities accessible to individuals through electronic means in a manner that improves efficiency, coordination, and quality in the delivery of one-stop partner services.

(3) COLOCATION OF WAGNER-PEYSER SERVICES.—Consistent with section 3(d) of the Wagner-Peyser Act (29 U.S.C. 49b(d)), and in order to improve service delivery, avoid duplication of services, and enhance coordination of services, including location of staff to ensure access to services in underserved areas, the employment service offices in each State shall be colocated with one-stop centers established under this title.

(4) USE OF COMMON ONE-STOP DELIVERY SYSTEM IDENTIFIER.—In addition to using any State or locally developed identifier, each one-stop delivery system shall include in the identification of products, programs, activities, services, facilities, and related property and materials, a common one-stop delivery system identifier. The identifier shall be developed by the Secretary, in consultation with heads of other appropriate departments and agencies, and representatives of State boards and local boards and of other stakeholders in the one-stop delivery system, not later than the beginning of the second full program year after the date of enactment of this Act. Such common identifier may consist of a logo, phrase, or other identifier that informs users of the one-stop delivery system that such products, programs, activities, services, facilities, property, or materials are being provided through such system. Nothing in this paragraph shall be construed to prohibit one-stop partners, States, or local areas from having additional identifiers.

(f) APPLICATION TO CERTAIN VOCATIONAL REHABILITATION PROGRAMS.—

(1) LIMITATION.—Nothing in this section shall be construed to apply to part C of title I of the Rehabilitation Act of 1973 (29 U.S.C. 741).

(2) CLIENT ASSISTANCE.—Nothing in this Act shall be construed to require that any entity carrying out a client assistance program authorized under section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732)—

(A) be included as a mandatory one-stop partner under subsection (b)(1); or

(B) if the entity is included as an additional one-stop partner under subsection (b)(2)—

(i) violate the requirement of section 112(c)(1)(A) of that Act (29 U.S.C. 732(c)(1)(A)) that the entity be independent of any agency that provides treatment, services, or rehabilitation to individuals under that Act; or

(ii) carry out any activity not authorized under section 112 of that Act (including appropriate Federal regulations).

(g) CERTIFICATION AND CONTINUOUS IMPROVEMENT OF ONE-STOP CENTERS.—

(1) IN GENERAL.—In order to be eligible to receive infrastructure funding described in subsection (h), the State board, in consultation with chief elected officials and local boards, shall establish objective criteria and procedures for use by local boards in assessing at least once every 3 years the effectiveness, physical and programmatic accessibility in accordance with section 188, if applicable, and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq), and continuous improvement of one-stop centers and the one-stop delivery system, consistent with the requirements of section 101(d)(6).

(2) CRITERIA.—The criteria and procedures developed under this subsection shall include standards relating to service coordination achieved by the one-stop delivery system with respect to the programs administered by the one-stop partners at the one-stop centers. Such criteria and procedures shall—

(A) be developed in a manner that is consistent with the guidelines, guidance, and policies provided by the Governor and by the State board, in consultation with the chief elected officials and local boards, for such partners' participation under subsections (h)(1) and (i); and

(B) include such factors relating to the effectiveness, accessibility, and improvement

of the one-stop delivery system as the State board determines to be appropriate, including at a minimum how well the one-stop center—

(i) supports the achievement of the negotiated local levels of performance for the indicators of performance described in section 116(b)(2) for the local area;

(ii) integrates available services; and

(iii) meets the workforce development and employment needs of local employers and participants.

(3) LOCAL CRITERIA.—Consistent with the criteria developed under paragraph (1) by the State, a local board in the State may develop additional criteria (or higher levels of service coordination than required for the State-developed criteria) relating to service coordination achieved by the one-stop delivery system, for purposes of assessments described in paragraph (1), in order to respond to labor market, economic, and demographic, conditions and trends in the local area.

(4) EFFECT OF CERTIFICATION.—One-stop centers certified under this subsection shall be eligible to receive the infrastructure funding described in subsection (h).

(5) REVIEW AND UPDATE.—The criteria and procedures established under this subsection shall be reviewed and updated by the State board or the local board, as the case may be, as part of the biennial process for review and modification of State and local plans described in sections 102(c)(2) and 108(a).

(h) FUNDING OF ONE-STOP INFRASTRUCTURE.—

(1) IN GENERAL.—

(A) OPTIONS FOR INFRASTRUCTURE FUNDING.—

(i) LOCAL OPTIONS.—The local board, chief elected officials, and one-stop partners described in subsection (b)(1) in a local area may fund the costs of infrastructure of one-stop centers in the local area through—

(I) methods agreed on by the local board, chief elected officials, and one-stop partners (and described in the memorandum of understanding described in subsection (c)); or

(II) if no consensus agreement on methods is reached under subclause (I), the State infrastructure funding mechanism described in paragraph (2).

(ii) FAILURE TO REACH CONSENSUS AGREEMENT ON FUNDING METHODS.—Beginning July 1, 2016, if the local board, chief elected officials, and one-stop partners described in subsection (b)(1) in a local area fail to reach consensus agreement on methods of sufficiently funding the costs of infrastructure of one-stop centers for a program year, the State infrastructure funding mechanism described in paragraph (2) shall be applicable to such local area for that program year and for each subsequent program year for which those entities and individuals fail to reach such agreement.

(B) GUIDANCE FOR INFRASTRUCTURE FUNDING.—In addition to carrying out the requirements relating to the State infrastructure funding mechanism described in paragraph (2), the Governor, after consultation with chief elected officials, local boards, and the State board, and consistent with the guidance and policies provided by the State board under subparagraphs (B) and (C)(i) of section 101(d)(7), shall provide, for the use of local areas under subparagraph (A)(i)(I)—

(i) guidelines for State-administered one-stop partner programs, for determining such programs' contributions to a one-stop delivery system, based on such programs' proportionate use of such system consistent with chapter II of title 2, Code of Federal Regulations (or any corresponding similar regulation or ruling), including determining funding for the costs of infrastructure, which contributions shall be negotiated pursuant to the memorandum of understanding under subsection (c); and

(ii) guidance to assist local boards, chief elected officials, and one-stop partners in local areas in determining equitable and stable methods of funding the costs of infrastructure of one-stop centers in such areas.

(2) STATE ONE-STOP INFRASTRUCTURE FUNDING.—

(A) DEFINITION.—In this paragraph, the term ''covered portion'', used with respect to funding for a fiscal year for a program described in subsection (b)(1), means a portion determined under subparagraph (C) of the Federal funds provided to a State (including local areas within the State) under the Federal law authorizing that program described in subsection (b)(1) for the fiscal year (taking into account the availability of funding for purposes related to infrastructure from philanthropic organizations, private entities, or other alternative financing options).

(B) PARTNER CONTRIBUTIONS.—Subject to subparagraph (D), for local areas in a State that are not covered by paragraph (1)(A)(i)(I), the covered portions of funding for a fiscal year shall be provided to the Governor from the programs described in subsection (b)(1), to assist in paying the costs of infrastructure of one-stop centers in those local areas of the State not adequately funded under the option described in paragraph (1)(A)(i)(I).

(C) DETERMINATION OF GOVERNOR.—

(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), the Governor, after consultation with chief elected officials, local boards, and the State board, shall determine the portion of funds to be provided under subparagraph (B) by each one-stop partner from each program described in subparagraph (B). In making such determination for the purpose of determining funding contributions, for funding pursuant to clause (i)(II) or (ii) of paragraph (1)(A) by each partner, the Governor shall calculate amounts for the proportionate use of the one-stop centers in the State, consistent with chapter II of title 2, Code of Federal Regulations (or any corresponding similar regulation or ruling), taking into account the costs of administration of the one-stop delivery system for purposes not related to one-stop centers, for each partner. The Governor shall exclude from such determination of funds the amounts for proportionate use of one-stop centers attributable to the programs of one-stop partners for those local areas of the State where the costs of infrastructure of one-stop centers are funded under the option described in paragraph (1)(A)(i)(I). The Governor shall also take into account the statutory requirements for each partner program and the partner program's ability to fulfill such requirements.

(ii) SPECIAL RULE.—In a State in which the State constitution or a State statute places policymaking authority that is independent of the authority of the Governor in an entity or official with respect to the funds provided for adult education and literacy activities authorized under title II, postsecondary career and technical education activities authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), or vocational rehabilitation services offered under a provision covered by section 3(13)(D), the determination described in clause (i) with respect to the programs authorized under that title, Act, or provision shall be made by the chief officer of the entity, or the official, with such authority in consultation with the Governor.

(D) LIMITATIONS.—

(i) PROVISION FROM ADMINISTRATIVE FUNDS.—

(I) IN GENERAL.—Subject to subclause (II), the funds provided under this paragraph by each one-stop partner shall be provided only from funds available for the costs of administration under the program administered by such partner, and shall be subject to the program's limitations with respect to the portion of funds under such program that may be used for administration.

(II) EXCEPTIONS.—Nothing in this clause shall be construed to apply to the programs carried out under this title, or under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.).

(ii) CAP ON REQUIRED CONTRIBUTIONS.—For local areas in a State that are not covered by paragraph (1)(A)(i)(I), the following rules shall apply:

(I) WIA FORMULA PROGRAMS AND EMPLOYMENT SERVICE.—The portion of funds required to be contributed under this paragraph from a program authorized under chapter 2 or 3, or the Wagner-Peyser Act (29 U.S.C. 49 et seq.) shall not exceed 3 percent of the amount of Federal funds provided to carry out that program in the State for a fiscal year.

(II) OTHER ONE-STOP PARTNERS.—The portion of funds required to be contributed under this paragraph from a program described in subsection (b)(1) other than the programs described in subclause (I) shall not exceed 1.5 percent of the amount of Federal funds provided to carry out that program in the State for a fiscal year.

(III) VOCATIONAL REHABILITATION.—Notwithstanding subclauses (I) and (II), an entity administering a program described in subsection (b)(1)(B)(iv) shall not be required to provide from that program, under this paragraph, a portion that exceeds—

(aa) 0.75 percent of the amount of Federal funds provided to carry out such program in the State for the second full program year that begins after the date of enactment of this Act;

(bb) 1.0 percent of the amount provided to carry out such program in the State for the third full program year that begins after such date;

(cc) 1.25 percent of the amount provided to carry out such program in the State for the fourth full program year that begins after such date; and

(dd) 1.5 percent of the amount provided to carry out such program in the State for the fifth and each succeeding full program year that begins after such date.

(iii) FEDERAL DIRECT SPENDING PROGRAMS.—For local areas in a State that are not covered by paragraph (1)(A)(i)(I), an entity administering a program funded with direct spending as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, as in effect on February 15, 2014 (2 U.S.C. 900(c)(8)) shall not be required to provide, for purposes of this paragraph, an amount in excess of the amount determined under subparagraph (C)(i) to be equivalent to the cost of the proportionate use of the one-stop centers for the one-stop partner for such program in the State.

(iv) NATIVE AMERICAN PROGRAMS.—One-stop partners for Native American programs established under section 166 shall not be subject to the provisions of this subsection (other than this clause) or subsection (i). For purposes of subsection (c)(2)(A)(ii)(II), the method for determining the appropriate portion of funds to be provided by such partners to pay for the costs of infrastructure of a one-stop center shall be determined as part of the development of the memorandum of understanding under subsection (c) for the one-stop center and shall be stated in the memorandum.

(E) APPEAL BY ONE-STOP PARTNERS.—The Governor shall establish a process, described under section 102(b)(2)(D)(i)(IV), for a one-

stop partner administering a program described in subsection (b)(1) to appeal a determination regarding the portion of funds to be provided under this paragraph. Such a determination may be appealed under the process on the basis that such determination is inconsistent with the requirements of this paragraph. Such process shall ensure prompt resolution of the appeal in order to ensure the funds are distributed in a timely manner, consistent with the requirements of section 182(e).

(3) ALLOCATION BY GOVERNOR.—

(A) IN GENERAL.—From the funds provided under paragraph (1), the Governor shall allocate the funds to local areas described in subparagraph (B) in accordance with the formula established under subparagraph (B) for the purposes of assisting in paying the costs of infrastructure of one-stop centers.

(B) ALLOCATION FORMULA.—The State board shall develop a formula to be used by the Governor to allocate the funds provided under paragraph (1) to local areas not funding costs of infrastructure under the option described in paragraph (1)(A)(i)(I). The formula shall be based on factors including the number of one-stop centers in a local area, the population served by such centers, the services provided by such centers, and other factors relating to the performance of such centers that the State board determines are appropriate.

(4) COSTS OF INFRASTRUCTURE.—In this subsection, the term ''costs of infrastructure'', used with respect to a one-stop center, means the nonpersonnel costs that are necessary for the general operation of the one-stop center, including the rental costs of the facilities, the costs of utilities and maintenance, equipment (including assessment-related products and assistive technology for individuals with disabilities), and technology to facilitate access to the one-stop center, including the center's planning and outreach activities.

(i) OTHER FUNDS.—

(1) IN GENERAL.—Subject to the memorandum of understanding described in subsection (c) for the one-stop delivery system involved, in addition to the funds provided to carry out subsection (h), a portion of funds made available under Federal law authorizing the programs described in subsection (b) and administered by one-stop partners, or the noncash resources available under such programs, shall be used to pay the additional costs relating to the operation of the one-stop delivery system that are not paid from the funds provided under subsection (h), as determined in accordance with paragraph (3), to the extent not inconsistent with the Federal law involved. Such costs shall include the costs of the provision of career services described in section 134(c)(2) applicable to each program and may include common costs that are not paid from the funds provided under subsection (h).

(2) SHARED SERVICES.—The costs described under paragraph (1) may include costs of services that are authorized for and may be commonly provided through the one-stop partner programs to any individual, such as initial intake, assessment of needs, appraisal of basic skills, identification of appropriate services to meet such needs, referrals to other one-stop partners, and other similar services.

(3) DETERMINATION AND GUIDANCE.—The method for determining the appropriate portion of funds and noncash resources to be provided by the one-stop partner for each program under paragraph (1) for a one-stop center shall be determined as part of the development of the memorandum of understanding under subsection (c) for the one-stop center and shall be stated in the memorandum. The State board shall provide guidance to facilitate the determination, for purposes of the memorandum of understanding, of an appropriate allocation of the funds and noncash resources in local areas, consistent with the requirements of section 101(d)(6)(C).

**SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.**

(a) ELIGIBILITY.—

(1) IN GENERAL.—Except as provided in subsection (h), the Governor, after consultation with the State board, shall establish criteria, information requirements, and procedures regarding the eligibility of providers of training services to receive funds provided under section 133(b) for the provision of training services in local areas in the State.

(2) PROVIDERS.—Subject to the provisions of this section, to be eligible to receive those funds for the provision of training services, the provider shall be—

(A) an institution of higher education that provides a program that leads to a recognized postsecondary credential;

(B) an entity that carries out programs registered under the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); or

(C) another public or private provider of a program of training services, which may include joint labor-management organizations, and eligible providers of adult education and literacy activities under title II if such activities are provided in combination with occupational skills training.

(3) INCLUSION IN LIST OF ELIGIBLE PROVIDERS.—A provider described in subparagraph (A) or (C) of paragraph (2) shall comply with the criteria, information requirements, and procedures established under this section to be included on the list of eligible providers of training services described in subsection (d). A provider described in paragraph (2)(B) shall be included and maintained on the list of eligible providers of training services described in subsection (d) for so long as the corresponding program of the provider remains registered as described in paragraph (2)(B).

(b) CRITERIA AND INFORMATION REQUIREMENTS.—

(1) STATE CRITERIA.—In establishing criteria pursuant to subsection (a), the Governor shall take into account each of the following:

(A) The performance of providers of training services with respect to—

(i) the performance accountability measures and other matters for which information is required under paragraph (2); and

(ii) other appropriate measures of performance outcomes determined by the Governor for those participants receiving training services under this subtitle (taking into consideration the characteristics of the population served and relevant economic conditions), and the outcomes of the program through which those training services were provided for students in general with respect to employment and earnings as defined under section 116(b)(2).

(B) The need to ensure access to training services throughout the State, including in rural areas, and through the use of technology.

(C) Information reported to State agencies with respect to Federal and State programs involving training services (other than the program carried out under this subtitle), including one-stop partner programs.

(D) The degree to which the training programs of such providers relate to in-demand industry sectors and occupations in the State.

(E) The requirements for State licensing of providers of training services, and the licensing status of providers of training services if applicable.

(F) Ways in which the criteria can encourage, to the extent practicable, the providers to use industry-recognized certificates or certifications.

(G) The ability of the providers to offer programs that lead to recognized postsecondary credentials.

(H) The quality of a program of training services, including a program of training services that leads to a recognized postsecondary credential.

(I) The ability of the providers to provide training services to individuals who are employed and individuals with barriers to employment.

(J) Such other factors as the Governor determines are appropriate to ensure—

(i) the accountability of the providers;

(ii) that the one-stop centers in the State will ensure that such providers meet the needs of local employers and participants;

(iii) the informed choice of participants among training services providers; and

(iv) that the collection of information required to demonstrate compliance with the criteria is not unduly burdensome or costly to providers.

(2) STATE INFORMATION REQUIREMENTS.—The information requirements established by the Governor shall require that a provider of training services submit appropriate, accurate, and timely information to the State, to enable the State to carry out subsection (d), with respect to participants receiving training services under this subtitle in the applicable program, including—

(A) information on the performance of the provider with respect to the performance accountability measures described in section 116 for such participants (taking into consideration the characteristics of the population served and relevant economic conditions), and information specifying the percentage of such participants who entered unsubsidized employment in an occupation related to the program, to the extent practicable;

(B) information on recognized postsecondary credentials received by such participants;

(C) information on cost of attendance, including costs of tuition and fees, for participants in the program;

(D) information on the program completion rate for such participants; and

(E) information on the criteria described in paragraph (1).

(3) LOCAL CRITERIA AND INFORMATION REQUIREMENTS.—A local board in the State may establish criteria and information requirements in addition to the criteria and information requirements established by the Governor, or may require higher levels of performance than required for the criteria established by the Governor, for purposes of determining the eligibility of providers of training services to receive funds described in subsection (a) for the provision of training services in the local area involved.

(4) CRITERIA AND INFORMATION REQUIREMENTS TO ESTABLISH INITIAL ELIGIBILITY.—

(A) PURPOSE.—The purpose of this paragraph is to enable the providers of programs carried out under chapter 3 to offer the highest quality training services and be responsive to in-demand and emerging industries by providing training services for those industries.

(B) INITIAL ELIGIBILITY.—Providers may seek initial eligibility under this paragraph as providers of training services and may receive that initial eligibility for only 1 fiscal year for a particular program. The criteria and information requirements established by the Governor under this paragraph shall require that a provider who has not previously been an eligible provider of training services under this section (or section 122 of the

Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act) provide the information described in subparagraph (C).

(C) INFORMATION.—The provider shall provide verifiable program-specific performance information based on criteria established by the State as described in subparagraph (D) that supports the provider's ability to serve participants under this subtitle.

(D) CRITERIA.—The criteria described in subparagraph (C) shall include at least—

(i) a factor related to indicators described in section 116;

(ii) a factor concerning whether the provider is in a partnership with business;

(iii) other factors that indicate high-quality training services, including the factor described in paragraph (1)(H); and

(iv) a factor concerning alignment of the training services with in-demand industry sectors and occupations, to the extent practicable.

(E) PROVISION.—The provider shall provide the information described in subparagraph (C) to the Governor and the local board in a manner that will permit the Governor and the local board to make a decision on inclusion of the provider on the list of eligible providers described in subsection (d).

(F) LIMITATION.—A provider that receives initial eligibility under this paragraph for a program shall be subject to the requirements under subsection (c) for that program after such initial eligibility expires.

(c) PROCEDURES.—

(1) APPLICATION PROCEDURES.—The procedures established under subsection (a) shall identify the application process for a provider of training services to become eligible to receive funds provided under section 133(b) for the provision of training services. The procedures shall identify the respective roles of the State and local areas in receiving and reviewing the applications and in making determinations of such eligibility based on the criteria, information, and procedures established under this section. The procedures shall also establish a process for a provider of training services to appeal a denial or termination of eligibility under this section that includes an opportunity for a hearing and prescribes appropriate time limits to ensure prompt resolution of the appeal.

(2) RENEWAL PROCEDURES.—The procedures established by the Governor shall also provide for biennial review and renewal of eligibility under this section for providers of training services.

(d) LIST AND INFORMATION TO ASSIST PARTICIPANTS IN CHOOSING PROVIDERS.—

(1) IN GENERAL.—In order to facilitate and assist participants in choosing employment and training activities and in choosing providers of training services, the Governor shall ensure that an appropriate list of providers determined to be eligible under this section to offer a program in the State (and, as appropriate, in a local area), accompanied by information identifying the recognized postsecondary credential offered by the provider and other appropriate information, is prepared. The list shall be provided to the local boards in the State, and made available to such participants and to members of the public through the one-stop delivery system in the State.

(2) ACCOMPANYING INFORMATION.—The accompanying information shall—

(A) with respect to providers described in subparagraphs (A) and (C) of subsection (a)(2), consist of information provided by such providers, disaggregated by local areas served, as applicable, in accordance with subsection (b);

(B) with respect to providers described in subsection (b)(4), consist of information provided by such providers in accordance with subsection (b)(4); and

(C) such other information as the Governor determines to be appropriate.

(3) AVAILABILITY.—The list and the accompanying information shall be made available to such participants and to members of the public through the one-stop delivery system in the State, in a manner that does not reveal personally identifiable information about an individual participant.

(4) LIMITATION.—In carrying out the requirements of this subsection, no personally identifiable information regarding a student, including a Social Security number, student identification number, or other identifier, may be disclosed without the prior written consent of the parent or student in compliance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

(e) OPPORTUNITY TO SUBMIT COMMENTS.—In establishing, under this section, criteria, information requirements, procedures, and the list of eligible providers described in subsection (d), the Governor shall provide an opportunity for interested members of the public to make recommendations and submit comments regarding such criteria, information requirements, procedures, and list.

(f) ENFORCEMENT.—

(1) IN GENERAL.—The procedures established under this section shall provide the following:

(A) INTENTIONALLY SUPPLYING INACCURATE INFORMATION.—Upon a determination, by an individual or entity specified in the procedures, that a provider of training services, or individual providing information on behalf of the provider, violated this section (or section 122 of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act) by intentionally supplying inaccurate information under this section, the eligibility of such provider to receive funds under chapter 3 shall be terminated for a period of time that is not less than 2 years.

(B) SUBSTANTIAL VIOLATIONS.—Upon a determination, by an individual or entity specified in the procedures, that a provider of training services substantially violated any requirement under this title (or title I of the Workforce Investment Act of 1998, as in effect on the day before such date of enactment), the eligibility of such provider to receive funds under chapter 3 for the program involved shall be terminated for a period of not less than 2 years.

(C) REPAYMENT.—A provider of training services whose eligibility is terminated under subparagraph (A) or (B) shall be liable for the repayment of funds received under chapter 5 of subtitle B of title I of the Workforce Investment Act of 1998, as in effect on the day before such date of enactment, or chapter 3 of this subtitle during a period of violation described in such subparagraph.

(2) CONSTRUCTION.—Paragraph (1) shall be construed to provide remedies and penalties that supplement, but shall not supplant, civil and criminal remedies and penalties specified in other provisions of law.

(g) AGREEMENTS WITH OTHER STATES.—States may enter into agreements, on a reciprocal basis, to permit eligible providers of training services to accept individual training accounts provided in another State.

(h) ON-THE-JOB TRAINING, CUSTOMIZED TRAINING, INCUMBENT WORKER TRAINING, AND OTHER TRAINING EXCEPTIONS.—

(1) IN GENERAL.—Providers of on-the-job training, customized training, incumbent worker training, internships, and paid or unpaid work experience opportunities, or transitional employment shall not be subject to the requirements of subsections (a) through (f).

(2) COLLECTION AND DISSEMINATION OF INFORMATION.—A one-stop operator in a local area shall collect such performance information from providers of on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience opportunities, and transitional employment as the Governor may require, and use the information to determine whether the providers meet such performance criteria as the Governor may require. The one-stop operator shall disseminate information identifying such providers that meet the criteria as eligible providers, and the performance information, through the one-stop delivery system. Providers determined to meet the criteria shall be considered to be identified as eligible providers of training services.

(i) TRANSITION PERIOD FOR IMPLEMENTATION.—The Governor and local boards shall implement the requirements of this section not later than 12 months after the date of enactment of this Act. In order to facilitate early implementation of this section, the Governor may establish transition procedures under which providers eligible to provide training services under chapter 5 of subtitle B of title I of the Workforce Investment Act of 1998, as such chapter was in effect on the day before the date of enactment of this Act, may continue to be eligible to provide such services until December 31, 2015, or until such earlier date as the Governor determines to be appropriate.

**SEC. 123. ELIGIBLE PROVIDERS OF YOUTH WORKFORCE INVESTMENT ACTIVITIES.**

(a) IN GENERAL.—From the funds allocated under section 128(b) to a local area, the local board for such area shall award grants or contracts on a competitive basis to providers of youth workforce investment activities identified based on the criteria in the State plan (including such quality criteria as the Governor shall establish for a training program that leads to a recognized postsecondary credential), and taking into consideration the ability of the providers to meet performance accountability measures based on primary indicators of performance for the youth program as described in section 116(b)(2)(A)(ii)), as described in section 102(b)(2)(D)(i)(V), and shall conduct oversight with respect to such providers.

(b) EXCEPTIONS.—A local board may award grants or contracts on a sole-source basis if such board determines there is an insufficient number of eligible providers of youth workforce investment activities in the local area involved (such as a rural area) for grants and contracts to be awarded on a competitive basis under subsection (a).

## CHAPTER 2—YOUTH WORKFORCE INVESTMENT ACTIVITIES

**SEC. 126. GENERAL AUTHORIZATION.**

The Secretary shall make an allotment under section 127(b)(1)(C) to each State that meets the requirements of section 102 or 103 and a grant under section 127(b)(1)(B) to each outlying area that complies with the requirements of this title, to assist the State or outlying area, and to enable the State or outlying area to assist local areas, for the purpose of providing workforce investment activities for eligible youth in the State or outlying area and in the local areas.

**SEC. 127. STATE ALLOTMENTS.**

(a) IN GENERAL.—The Secretary shall—

(1) for each fiscal year for which the amount appropriated under section 136(a) exceeds $925,000,000, reserve 4 percent of the excess amount to provide youth workforce investment activities under section 167 (relating to migrant and seasonal farmworkers); and

(2) use the remainder of the amount appropriated under section 136(a) for a fiscal year to make allotments and grants in accordance with subsection (b).

(b) ALLOTMENT AMONG STATES.—

(1) YOUTH WORKFORCE INVESTMENT ACTIVITIES.—

(A) NATIVE AMERICANS.—From the amount appropriated under section 136(a) for a fiscal year that is not reserved under subsection (a)(1), the Secretary shall reserve not more than 1 ½ percent of such amount to provide youth workforce investment activities under section 166 (relating to Native Americans).

(B) OUTLYING AREAS.—

(i) IN GENERAL.—From the amount appropriated under section 136(a) for each fiscal year that is not reserved under subsection (a)(1) and subparagraph (A), the Secretary shall reserve not more than ¼ of 1 percent of such amount to provide assistance to the outlying areas to carry out youth workforce investment activities and statewide workforce investment activities.

(ii) LIMITATION FOR OUTLYING AREAS.—

(I) COMPETITIVE GRANTS.—The Secretary shall use funds reserved under clause (i) to award grants to outlying areas to carry out youth workforce investment activities and statewide workforce investment activities.

(II) AWARD BASIS.—The Secretary shall award grants pursuant to subclause (I) on a competitive basis and pursuant to the recommendations of experts in the field of employment and training, working through the Pacific Region Educational Laboratory in Honolulu, Hawaii.

(III) ADMINISTRATIVE COSTS.—The Secretary may provide not more than 5 percent of the funds made available for grants under subclause (I) to pay the administrative costs of the Pacific Region Educational Laboratory in Honolulu, Hawaii, regarding activities assisted under this clause.

(iii) ADDITIONAL REQUIREMENT.—The provisions of section 501 of Public Law 95–134 (48 U.S.C. 1469a), permitting the consolidation of grants by the outlying areas, shall not apply to assistance provided to those areas, including Palau, under this subparagraph.

(C) STATES.—

(i) IN GENERAL.—From the remainder of the amount appropriated under section 136(a) for a fiscal year that exists after the Secretary determines the amounts to be reserved under subsection (a)(1) and subparagraphs (A) and (B), the Secretary shall make allotments to the States in accordance with clause (ii) for youth workforce investment activities and statewide workforce investment activities.

(ii) FORMULA.—Subject to clauses (iii) and (iv), of the remainder—

(I) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;

(II) 33⅓ percent shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and

(III) 33⅓ percent shall be allotted on the basis of the relative number of disadvantaged youth in each State, compared to the total number of disadvantaged youth in all States, except as described in clause (iii).

(iii) CALCULATION.—In determining an allotment under clause (ii)(III) for any State in which there is an area that was designated as a local area as described in section 107(c)(1)(C), the allotment shall be based on the higher of—

(I) the number of individuals who are age 16 through 21 in families with an income below the low-income level in such area; or

(II) the number of disadvantaged youth in such area.

(iv) MINIMUM AND MAXIMUM PERCENTAGES AND MINIMUM ALLOTMENTS.—In making allotments under this subparagraph, the Secretary shall ensure the following:

(I) MINIMUM PERCENTAGE AND ALLOTMENT.—Subject to subclause (IV), the Secretary shall ensure that no State shall receive an allotment for a fiscal year that is less than the greater of—

(aa) an amount based on 90 percent of the allotment percentage of the State for the preceding fiscal year; or

(bb) 100 percent of the allotments of the State under section 127(b)(1)(C) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act) for fiscal year 2014.

(II) SMALL STATE MINIMUM ALLOTMENT.—Subject to subclauses (I), (III), and (IV), the Secretary shall ensure that no State shall receive an allotment under this subparagraph that is less than the total of—

(aa) 3/10 of 1 percent of $1,000,000,000 of the remainder described in clause (i) for the fiscal year; and

(bb) if the remainder described in clause (i) for the fiscal year exceeds $1,000,000,000, ⅖ of 1 percent of the excess.

(III) MAXIMUM PERCENTAGE.—Subject to subclause (I), the Secretary shall ensure that no State shall receive an allotment percentage for a fiscal year that is more than 130 percent of the allotment percentage of the State for the preceding fiscal year.

(IV) MINIMUM FUNDING.—In any fiscal year in which the remainder described in clause (i) does not exceed $1,000,000,000, the minimum allotments under subclauses (I) and (II) shall be calculated by the methodology specified in section 127(b)(1)(C)(iv)(IV) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act).

(2) DEFINITIONS.—For the purpose of the formula specified in paragraph (1)(C):

(A) ALLOTMENT PERCENTAGE.—The term ''allotment percentage'', used with respect to fiscal year 2015 or a subsequent fiscal year, means a percentage of the remainder described in paragraph (1)(C)(i) that is received through an allotment made under paragraph (1)(C) for the fiscal year. The term, used with respect to fiscal year 2014, means the percentage of the amount allotted to States under section 127(b)(1)(C) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act) that is received under such section by the State involved for fiscal year 2014.

(B) AREA OF SUBSTANTIAL UNEMPLOYMENT.—The term ''area of substantial unemployment'' means any area that is of sufficient size and scope to sustain a program of workforce investment activities carried out under this subtitle and that has an average rate of unemployment of at least 6.5 percent for the most recent 12 months, as determined by the Secretary. For purposes of this subparagraph, determinations of areas of substantial unemployment shall be made once each fiscal year.

(C) DISADVANTAGED YOUTH.—Subject to paragraph (3), the term ''disadvantaged youth'' means an individual who is age 16 through 21 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of—

(i) the poverty line; or

(ii) 70 percent of the lower living standard income level.

(D) EXCESS NUMBER.—The term ''excess number'' means, used with respect to the excess number of unemployed individuals within a State, the higher of—

(i) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State; or

(ii) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such State.

(E) LOW-INCOME LEVEL.—The term ''low-income level'' means $7,000 with respect to income in 1969, and for any later year means that amount that bears the same relationship to $7,000 as the Consumer Price Index for that year bears to the Consumer Price Index for 1969, rounded to the nearest $1,000.

(3) SPECIAL RULE.—For the purpose of the formula specified in paragraph (1)(C), the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of disadvantaged youth.

(c) REALLOTMENT.—

(1) IN GENERAL.—The Secretary shall, in accordance with this subsection, reallot to eligible States amounts that are made available to States from allotments made under this section or a corresponding provision of the Workforce Investment Act of 1998 for youth workforce investment activities and statewide workforce investment activities (referred to individually in this subsection as a ''State allotment'') and that are available for reallotment.

(2) AMOUNT.—The amount available for reallotment for a program year is equal to the amount by which the unobligated balance of the State allotment, at the end of the program year prior to the program year for which the determination under this paragraph is made, exceeds 20 percent of such allotment for the prior program year.

(3) REALLOTMENT.—In making reallotments to eligible States of amounts available pursuant to paragraph (2) for a program year, the Secretary shall allot to each eligible State an amount based on the relative amount of the State allotment for the program year for which the determination is made, as compared to the total amount of the State allotments for all eligible States for such program year.

(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means a State that does not have an amount available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made.

(5) PROCEDURES.—The Governor shall prescribe uniform procedures for the obligation of funds by local areas within the State in order to avoid the requirement that funds be made available for reallotment under this subsection. The Governor shall further prescribe equitable procedures for making funds available from the State and local areas in the event that a State is required to make funds available for reallotment under this subsection.

**SEC. 128. WITHIN STATE ALLOCATIONS.**

(a) RESERVATIONS FOR STATEWIDE ACTIVITIES.—

(1) IN GENERAL.—The Governor shall reserve not more than 15 percent of each of the amounts allotted to the State under section 127(b)(1)(C) and paragraphs (1)(B) and (2)(B) of section 132(b) for a fiscal year for statewide workforce investment activities.

(2) USE OF FUNDS.—Regardless of whether the reserved amounts were allotted under section 127(b)(1)(C), or under paragraph (1)(B) or (2)(B) of section 132(b), the Governor may use the reserved amounts to carry out statewide activities under section 129(b) or statewide employment and training activities, for adults or dislocated workers, under section 134(a).

(b) WITHIN STATE ALLOCATIONS.—

(1) METHODS.—The Governor, acting in accordance with the State plan, and after consulting with chief elected officials and local

boards in the local areas, shall allocate the funds that are allotted to the State for youth activities and statewide workforce investment activities under section 127(b)(1)(C) and are not reserved under subsection (a), in accordance with paragraph (2) or (3).

(2) FORMULA ALLOCATION.—

(A) YOUTH ACTIVITIES.—

(i) ALLOCATION.—In allocating the funds described in paragraph (1) to local areas, a State may allocate—

(I) 33⅓ percent of the funds on the basis described in section 127(b)(1)(C)(ii)(I);

(II) 33⅓ percent of the funds on the basis described in section 127(b)(1)(C)(ii)(II); and

(III) 33⅓ percent of the funds on the basis described in clauses (ii)(III) and (iii) of section 127(b)(1)(C).

(ii) MINIMUM PERCENTAGE.—The local area shall not receive an allocation percentage for a fiscal year that is less than 90 percent of the average allocation percentage of the local area for the 2 preceding fiscal years. Amounts necessary for increasing such allocations to local areas to comply with the preceding sentence shall be obtained by ratably reducing the allocations to be made to other local areas under this subparagraph.

(iii) DEFINITION.—In this subparagraph, the term ''allocation percentage'', used with respect to fiscal year 2015 or a subsequent fiscal year, means a percentage of the funds referred to in clause (i), received through an allocation made under this subparagraph, for the fiscal year. The term, used with respect to fiscal year 2013 or 2014, means a percentage of the funds referred to in section 128(b)(1) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act), received through an allocation made under paragraph (2) or (3) of section 128(b) of the Workforce Investment Act of 1998 (as so in effect), for the fiscal year 2013 or 2014, respectively.

(B) APPLICATION.—For purposes of carrying out subparagraph (A)—

(i) references in section 127(b) to a State shall be deemed to be references to a local area;

(ii) references in section 127(b) to all States shall be deemed to be references to all local areas in the State involved; and

(iii) except as described in clause (i), references in section 127(b)(1) to the term ''excess number'' shall be considered to be references to the term as defined in section 127(b)(2).

(3) YOUTH DISCRETIONARY ALLOCATION.—In lieu of making the allocation described in paragraph (2), in allocating the funds described in paragraph (1) to local areas, a State may distribute—

(A) a portion equal to not less than 70 percent of the funds in accordance with paragraph (2)(A); and

(B) the remaining portion of the funds on the basis of a formula that—

(i) incorporates additional factors (other than the factors described in paragraph (2)(A)) relating to—

(I) excess youth poverty in urban, rural, and suburban local areas; and

(II) excess unemployment above the State average in urban, rural, and suburban local areas; and

(ii) was developed by the State board and approved by the Secretary as part of the State plan.

(4) LOCAL ADMINISTRATIVE COST LIMIT.—

(A) IN GENERAL.—Of the amount allocated to a local area under this subsection and section 133(b) for a fiscal year, not more than 10 percent of the amount may be used by the local board involved for the administrative costs of carrying out local workforce investment activities under this chapter or chapter 3.

(B) USE OF FUNDS.—Funds made available for administrative costs under subparagraph (A) may be used for the administrative costs of any of the local workforce investment activities described in this chapter or chapter 3, regardless of whether the funds were allocated under this subsection or section 133(b).

(c) REALLOCATION AMONG LOCAL AREAS.—

(1) IN GENERAL.—The Governor may, in accordance with this subsection and after consultation with the State board, reallocate to eligible local areas within the State amounts that are made available to local areas from allocations made under this section or a corresponding provision of the Workforce Investment Act of 1998 for youth workforce investment activities (referred to individually in this subsection as a ''local allocation'') and that are available for reallocation.

(2) AMOUNT.—The amount available for reallocation for a program year is equal to the amount by which the unobligated balance of the local allocation, at the end of the program year prior to the program year for which the determination under this paragraph is made, exceeds 20 percent of such allocation for the prior program year.

(3) REALLOCATION.—In making reallocations to eligible local areas of amounts available pursuant to paragraph (2) for a program year, the Governor shall allocate to each eligible local area within the State an amount based on the relative amount of the local allocation for the program year for which the determination is made, as compared to the total amount of the local allocations for all eligible local areas in the State for such program year.

(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means a local area that does not have an amount available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.

**SEC. 129. USE OF FUNDS FOR YOUTH WORKFORCE INVESTMENT ACTIVITIES.**

(a) YOUTH PARTICIPANT ELIGIBILITY.—

(1) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to participate in activities carried out under this chapter during any program year an individual shall, at the time the eligibility determination is made, be an out-of-school youth or an in-school youth.

(B) OUT-OF-SCHOOL YOUTH.—In this title, the term ''out-of-school youth'' means an individual who is—

(i) not attending any school (as defined under State law);

(ii) not younger than age 16 or older than age 24; and

(iii) one or more of the following:

(I) A school dropout.

(II) A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter.

(III) A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is—

(aa) basic skills deficient; or

(bb) an English language learner.

(IV) An individual who is subject to the juvenile or adult justice system.

(V) A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.

(VI) An individual who is pregnant or parenting.

(VII) A youth who is an individual with a disability.

(VIII) A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

(C) IN-SCHOOL YOUTH.—In this section, the term ''in-school youth'' means an individual who is—

(i) attending school (as defined by State law);

(ii) not younger than age 14 or (unless an individual with a disability who is attending school under State law) older than age 21;

(iii) a low-income individual; and

(iv) one or more of the following:

(I) Basic skills deficient.

(II) An English language learner.

(III) An offender.

(IV) A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.

(V) Pregnant or parenting.

(VI) A youth who is an individual with a disability.

(VII) An individual who requires additional assistance to complete an educational program or to secure or hold employment.

(2) SPECIAL RULE.—For the purpose of this subsection, the term ''low-income'', used with respect to an individual, also includes a youth living in a high-poverty area.

(3) EXCEPTION AND LIMITATION.—

(A) EXCEPTION FOR PERSONS WHO ARE NOT LOW-INCOME INDIVIDUALS.—

(i) DEFINITION.—In this subparagraph, the term ''covered individual'' means an in-school youth, or an out-of-school youth who is described in subclause (III) or (VIII) of paragraph (1)(B)(iii).

(ii) EXCEPTION.—In each local area, not more than 5 percent of the individuals assisted under this section may be persons who would be covered individuals, except that the persons are not low-income individuals.

(B) LIMITATION.—In each local area, not more than 5 percent of the in-school youth assisted under this section may be eligible under paragraph (1) because the youth are in-school youth described in paragraph (1)(C)(iv)(VII).

(4) OUT-OF-SCHOOL PRIORITY.—

(A) IN GENERAL.—For any program year, not less than 75 percent of the funds available for statewide activities under subsection (b), and not less than 75 percent of funds available to local areas under subsection (c), shall be used to provide youth workforce investment activities for out-of-school youth.

(B) EXCEPTION.—A State that receives a minimum allotment under section 127(b)(1) in accordance with section 127(b)(1)(C)(iv) or under section 132(b)(1) in accordance with section 132(b)(1)(B)(iv) may decrease the percentage described in subparagraph (A) to not less than 50 percent for a local area in the State, if—

(i) after an analysis of the in-school youth and out-of-school youth populations in the local area, the State determines that the local area will be unable to use at least 75 percent of the funds available for activities under subsection (c) to serve out-of-school youth due to a low number of out-of-school youth; and

(ii)(I) the State submits to the Secretary, for the local area, a request including a proposed percentage decreased to not less than 50 percent for purposes of subparagraph (A),

and a summary of the analysis described in clause (i); and

(II) the request is approved by the Secretary.

(5) CONSISTENCY WITH COMPULSORY SCHOOL ATTENDANCE LAWS.—In providing assistance under this section to an individual who is required to attend school under applicable State compulsory school attendance laws, the priority in providing such assistance shall be for the individual to attend school regularly.

(b) STATEWIDE ACTIVITIES.—

(1) REQUIRED STATEWIDE YOUTH ACTIVITIES.—Funds reserved by a Governor as described in sections 128(a) and 133(a)(1) shall be used, regardless of whether the funds were allotted to the State under section 127(b)(1)(C) or under paragraph (1)(B) or (2)(B) of section 132(b) for statewide activities, which shall include—

(A) conducting evaluations under section 116(e) of activities authorized under this chapter and chapter 3 in coordination with evaluations carried out by the Secretary under section 169(a);

(B) disseminating a list of eligible providers of youth workforce investment activities, as determined under section 123;

(C) providing assistance to local areas as described in subsections (b)(6) and (c)(2) of section 106, for local coordination of activities carried out under this title;

(D) operating a fiscal and management accountability information system under section 116(i);

(E) carrying out monitoring and oversight of activities carried out under this chapter and chapter 3, which may include a review comparing the services provided to male and female youth; and

(F) providing additional assistance to local areas that have high concentrations of eligible youth.

(2) ALLOWABLE STATEWIDE YOUTH ACTIVITIES.—Funds reserved by a Governor as described in sections 128(a) and 133(a)(1) may be used, regardless of whether the funds were allotted to the State under section 127(b)(1)(C) or under paragraph (1)(B) or (2)(B) of section 132(b), for statewide activities, which may include—

(A) conducting—

(i) research related to meeting the education and employment needs of eligible youth; and

(ii) demonstration projects related to meeting the education and employment needs of eligible youth;

(B) supporting the development of alternative, evidence-based programs and other activities that enhance the choices available to eligible youth and encourage such youth to reenter and complete secondary education, enroll in postsecondary education and advanced training, progress through a career pathway, and enter into unsubsidized employment that leads to economic self-sufficiency;

(C) supporting the provision of career services described in section 134(c)(2) in the one-stop delivery system in the State;

(D) supporting financial literacy, including—

(i) supporting the ability of participants to create household budgets, initiate savings plans, and make informed financial decisions about education, retirement, home ownership, wealth building, or other savings goals;

(ii) supporting the ability to manage spending, credit, and debt, including credit card debt, effectively;

(iii) increasing awareness of the availability and significance of credit reports and credit scores in obtaining credit, including determining their accuracy (and how to correct inaccuracies in the reports and scores), and their effect on credit terms;

(iv) supporting the ability to understand, evaluate, and compare financial products, services, and opportunities; and

(v) supporting activities that address the particular financial literacy needs of non-English speakers, including providing the support through the development and distribution of multilingual financial literacy and education materials; and

(E) providing technical assistance to, as appropriate, local boards, chief elected officials, one-stop operators, one-stop partners, and eligible providers, in local areas, which provision of technical assistance shall include the development and training of staff, the development of exemplary program activities, the provision of technical assistance to local areas that fail to meet local performance accountability measures described in section 116(c), and the provision of technology to facilitate remote access to services provided through the one-stop delivery system in the State.

(3) LIMITATION.—Not more than 5 percent of the funds allotted to a State under section 127(b)(1)(C) shall be used by the State for administrative activities carried out under this subsection or section 134(a).

(c) LOCAL ELEMENTS AND REQUIREMENTS.—

(1) PROGRAM DESIGN.—Funds allocated to a local area for eligible youth under section 128(b) shall be used to carry out, for eligible youth, programs that—

(A) provide an objective assessment of the academic levels, skill levels, and service needs of each participant, which assessment shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of such participant, for the purpose of identifying appropriate services and career pathways for participants, except that a new assessment of a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program;

(B) develop service strategies for each participant that are directly linked to 1 or more of the indicators of performance described in section 116(b)(2)(A)(ii), and that shall identify career pathways that include education and employment goals (including, in appropriate circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services for the participant taking into account the assessment conducted pursuant to subparagraph (A), except that a new service strategy for a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent service strategy developed for the participant under another education or training program;

(C) provide—

(i) activities leading to the attainment of a secondary school diploma or its recognized equivalent, or a recognized postsecondary credential;

(ii) preparation for postsecondary educational and training opportunities;

(iii) strong linkages between academic instruction (based on State academic content and student academic achievement standards established under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311)) and occupational education that lead to the attainment of recognized postsecondary credentials;

(iv) preparation for unsubsidized employment opportunities, in appropriate cases; and

(v) effective connections to employers, including small employers, in in-demand industry sectors and occupations of the local and regional labor markets; and

(D) at the discretion of the local board, implement a pay-for-performance contract strategy for elements described in paragraph (2), for which the local board may reserve and use not more than 10 percent of the total funds allocated to the local area under section 128(b).

(2) PROGRAM ELEMENTS.—In order to support the attainment of a secondary school diploma or its recognized equivalent, entry into postsecondary education, and career readiness for participants, the programs described in paragraph (1) shall provide elements consisting of—

(A) tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential;

(B) alternative secondary school services, or dropout recovery services, as appropriate;

(C) paid and unpaid work experiences that have as a component academic and occupational education, which may include—

(i) summer employment opportunities and other employment opportunities available throughout the school year;

(ii) pre-apprenticeship programs;

(iii) internships and job shadowing; and

(iv) on-the-job training opportunities;

(D) occupational skill training, which may include priority consideration for training programs that lead to recognized postsecondary credentials that are aligned with in-demand industry sectors or occupations in the local area involved, if the local board determines that the programs meet the quality criteria described in section 123;

(E) education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;

(F) leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors, as appropriate;

(G) supportive services;

(H) adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months;

(I) followup services for not less than 12 months after the completion of participation, as appropriate;

(J) comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate;

(K) financial literacy education;

(L) entrepreneurial skills training;

(M) services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and

(N) activities that help youth prepare for and transition to postsecondary education and training.

(3) ADDITIONAL REQUIREMENTS.—

(A) INFORMATION AND REFERRALS.—Each local board shall ensure that each participant shall be provided—

(i) information on the full array of applicable or appropriate services that are available through the local board or other eligible providers or one-stop partners, including those providers or partners receiving funds under this subtitle; and

(ii) referral to appropriate training and educational programs that have the capacity

to serve the participant either on a sequential or concurrent basis.

(B) APPLICANTS NOT MEETING ENROLLMENT REQUIREMENTS.—Each eligible provider of a program of youth workforce investment activities shall ensure that an eligible applicant who does not meet the enrollment requirements of the particular program or who cannot be served shall be referred for further assessment, as necessary, and referred to appropriate programs in accordance with subparagraph (A) to meet the basic skills and training needs of the applicant.

(C) INVOLVEMENT IN DESIGN AND IMPLEMENTATION.—The local board shall ensure that parents, participants, and other members of the community with experience relating to programs for youth are involved in the design and implementation of the programs described in paragraph (1).

(4) PRIORITY.—Not less than 20 percent of the funds allocated to the local area as described in paragraph (1) shall be used to provide in-school youth and out-of-school youth with activities under paragraph (2)(C).

(5) RULE OF CONSTRUCTION.—Nothing in this chapter shall be construed to require that each of the elements described in subparagraphs of paragraph (2) be offered by each provider of youth services.

(6) PROHIBITIONS.—

(A) PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION.—No provision of this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution, school, or school system.

(B) NONINTERFERENCE AND NONREPLACEMENT OF REGULAR ACADEMIC REQUIREMENTS.—No funds described in paragraph (1) shall be used to provide an activity for eligible youth who are not school dropouts if participation in the activity would interfere with or replace the regular academic requirements of the youth.

(7) LINKAGES.—In coordinating the programs authorized under this section, local boards shall establish linkages with local educational agencies responsible for services to participants as appropriate.

(8) VOLUNTEERS.—The local board shall make opportunities available for individuals who have successfully participated in programs carried out under this section to volunteer assistance to participants in the form of mentoring, tutoring, and other activities.

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

### SEC. 131. GENERAL AUTHORIZATION.

The Secretary shall make allotments under paragraphs (1)(B) and (2)(B) of section 132(b) to each State that meets the requirements of section 102 or 103 and grants under paragraphs (1)(A) and (2)(A) of section 132(b) to each outlying area that complies with the requirements of this title, to assist the State or outlying area, and to enable the State or outlying area to assist local areas, for the purpose of providing workforce investment activities for adults, and dislocated workers, in the State or outlying area and in the local areas.

### SEC. 132. STATE ALLOTMENTS.

(a) IN GENERAL.—The Secretary shall—

(1) make allotments and grants from the amount appropriated under section 136(b) for a fiscal year in accordance with subsection (b)(1); and

(2)(A) reserve 20 percent of the amount appropriated under section 136(c) for the fiscal year for use under subsection (b)(2)(A), and under sections 168(b) (relating to dislocated worker technical assistance), 169(c) (relating to dislocated worker projects), and 170 (relating to national dislocated worker grants); and

(B) make allotments from 80 percent of the amount appropriated under section 136(c) for the fiscal year in accordance with subsection (b)(2)(B).

(b) ALLOTMENT AMONG STATES.—

(1) ADULT EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) RESERVATION FOR OUTLYING AREAS.—

(i) IN GENERAL.—From the amount made available under subsection (a)(1) for a fiscal year, the Secretary shall reserve not more than ¼ of 1 percent of such amount to provide assistance to the outlying areas.

(ii) APPLICABILITY OF ADDITIONAL REQUIREMENTS.—From the amount reserved under clause (i), the Secretary shall provide assistance to the outlying areas for adult employment and training activities and statewide workforce investment activities in accordance with the requirements of section 127(b)(1)(B).

(B) STATES.—

(i) IN GENERAL.—After determining the amount to be reserved under subparagraph (A), the Secretary shall allot the remainder of the amount made available under subsection (a)(1) for that fiscal year to the States pursuant to clause (ii) for adult employment and training activities and statewide workforce investment activities.

(ii) FORMULA.—Subject to clauses (iii) and (iv), of the remainder—

(I) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;

(II) 33⅓ percent shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and

(III) 33⅓ percent shall be allotted on the basis of the relative number of disadvantaged adults in each State, compared to the total number of disadvantaged adults in all States, except as described in clause (iii).

(iii) CALCULATION.—In determining an allotment under clause (ii)(III) for any State in which there is an area that was designated as a local area as described in section 107(c)(1)(C), the allotment shall be based on the higher of—

(I) the number of adults in families with an income below the low-income level in such area; or

(II) the number of disadvantaged adults in such area.

(iv) MINIMUM AND MAXIMUM PERCENTAGES AND MINIMUM ALLOTMENTS.—In making allotments under this subparagraph, the Secretary shall ensure the following:

(I) MINIMUM PERCENTAGE AND ALLOTMENT.—Subject to subclause (IV), the Secretary shall ensure that no State shall receive an allotment for a fiscal year that is less than the greater of—

(aa) an amount based on 90 percent of the allotment percentage of the State for the preceding fiscal year; or

(bb) 100 percent of the allotment of the State under section 132(b)(1)(B) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act) for fiscal year 2014.

(II) SMALL STATE MINIMUM ALLOTMENT.—Subject to subclauses (I), (III), and (IV), the Secretary shall ensure that no State shall receive an allotment under this subparagraph that is less than the total of—

(aa) 3/10 of 1 percent of $960,000,000 of the remainder described in clause (i) for the fiscal year; and

(bb) if the remainder described in clause (i) for the fiscal year exceeds $960,000,000, ⅖ of 1 percent of the excess.

(III) MAXIMUM PERCENTAGE.—Subject to subclause (I), the Secretary shall ensure that no State shall receive an allotment percentage for a fiscal year that is more than 130 percent of the allotment percentage of the State for the preceding fiscal year.

(IV) MINIMUM FUNDING.—In any fiscal year in which the remainder described in clause (i) does not exceed $960,000,000, the minimum allotments under subclauses (I) and (II) shall be calculated by the methodology specified in section 132(b)(1)(B)(iv)(IV) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act).

(v) DEFINITIONS.—For the purpose of the formula specified in this subparagraph:

(I) ADULT.—The term ''adult'' means an individual who is not less than age 22 and not more than age 72.

(II) ALLOTMENT PERCENTAGE.—The term ''allotment percentage'', used with respect to fiscal year 2015 or a subsequent fiscal year, means a percentage of the remainder described in clause (i) that is received through an allotment made under this subparagraph for the fiscal year. The term, used with respect to fiscal year 2014, means the percentage of the amount allotted to States under section 132(b)(1)(B) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act) that is received under such section by the State involved for fiscal year 2014.

(III) AREA OF SUBSTANTIAL UNEMPLOYMENT.—The term ''area of substantial unemployment'' means any area that is of sufficient size and scope to sustain a program of workforce investment activities carried out under this subtitle and that has an average rate of unemployment of at least 6.5 percent for the most recent 12 months, as determined by the Secretary. For purposes of this subclause, determinations of areas of substantial unemployment shall be made once each fiscal year.

(IV) DISADVANTAGED ADULT.—Subject to subclause (V), the term ''disadvantaged adult'' means an adult who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of—

(aa) the poverty line; or

(bb) 70 percent of the lower living standard income level.

(V) DISADVANTAGED ADULT SPECIAL RULE.—The Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of disadvantaged adults.

(VI) EXCESS NUMBER.—The term ''excess number'' means, used with respect to the excess number of unemployed individuals within a State, the higher of—

(aa) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State; or

(bb) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such State.

(VII) LOW-INCOME LEVEL.—The term ''low-income level'' means $7,000 with respect to income in 1969, and for any later year means that amount that bears the same relationship to $7,000 as the Consumer Price Index for that year bears to the Consumer Price Index for 1969, rounded to the nearest $1,000.

(2) DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) RESERVATION FOR OUTLYING AREAS.—

(i) IN GENERAL.—From the amount made available under subsection (a)(2)(A) for a fiscal year, the Secretary shall reserve not more than ¼ of 1 percent of the amount appropriated under section 136(c) for the fiscal year to provide assistance to the outlying areas.

(ii) APPLICABILITY OF ADDITIONAL REQUIREMENTS.—From the amount reserved under clause (i), the Secretary shall provide assistance to the outlying areas for dislocated worker employment and training activities and statewide workforce investment activities in accordance with the requirements of section 127(b)(1)(B).

(B) STATES.—

(i) IN GENERAL.—The Secretary shall allot the amount referred to in subsection (a)(2)(B) for a fiscal year to the States pursuant to clause (ii) for dislocated worker employment and training activities and statewide workforce investment activities.

(ii) FORMULA.—Subject to clause (iii), of the amount—

(I) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States;

(II) 33⅓ percent shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and

(III) 33⅓ percent shall be allotted on the basis of the relative number of individuals in each State who have been unemployed for 15 weeks or more, compared to the total number of individuals in all States who have been unemployed for 15 weeks or more.

(iii) MINIMUM AND MAXIMUM PERCENTAGES AND MINIMUM ALLOTMENTS.—In making allotments under this subparagraph, for fiscal year 2016 and each subsequent fiscal year, the Secretary shall ensure the following:

(I) MINIMUM PERCENTAGE AND ALLOTMENT.—The Secretary shall ensure that no State shall receive an allotment for a fiscal year that is less than the greater of—

(aa) an amount based on 90 percent of the allotment percentage of the State for the preceding fiscal year; or

(bb) 100 percent of the allotment of the State under section 132(b)(2)(B) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act) for fiscal year 2014.

(II) MAXIMUM PERCENTAGE.—Subject to subclause (I), the Secretary shall ensure that no State shall receive an allotment percentage for a fiscal year that is more than 130 percent of the allotment percentage of the State for the preceding fiscal year.

(iv) DEFINITIONS.—For the purpose of the formula specified in this subparagraph:

(I) ALLOTMENT PERCENTAGE.—The term ''allotment percentage'', used with respect to fiscal year 2015 or a subsequent fiscal year, means a percentage of the amount described in clause (i) that is received through an allotment made under this subparagraph for the fiscal year.

(II) EXCESS NUMBER.—The term ''excess number'' means, used with respect to the excess number of unemployed individuals within a State, the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State.

(c) REALLOTMENT.—

(1) IN GENERAL.—The Secretary shall, in accordance with this subsection, reallot to eligible States amounts that are made available to States from allotments made under this section or a corresponding provision of the Workforce Investment Act of 1998 for employment and training activities and statewide workforce investment activities (referred to individually in this subsection as a ''State allotment'') and that are available for reallotment.

(2) AMOUNT.—The amount available for reallotment for a program year for programs funded under subsection (b)(1)(B) (relating to adult employment and training) or for programs funded under subsection (b)(2)(B) (relating to dislocated worker employment and training) is equal to the amount by which the unobligated balance of the State allotments for adult employment and training activities or dislocated worker employment and training activities, respectively, at the end of the program year prior to the program year for which the determination under this paragraph is made, exceeds 20 percent of such allotments for the prior program year.

(3) REALLOTMENT.—In making reallotments to eligible States of amounts available pursuant to paragraph (2) for a program year, the Secretary shall allot to each eligible State an amount based on the relative amount of the State allotment under paragraph (1)(B) or (2)(B), respectively, of subsection (b) for the program year for which the determination is made, as compared to the total amount of the State allotments under paragraph (1)(B) or (2)(B), respectively, of subsection (b) for all eligible States for such program year.

(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means—

(A) with respect to funds allotted through a State allotment for adult employment and training activities, a State that does not have an amount of such funds available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made; and

(B) with respect to funds allotted through a State allotment for dislocated worker employment and training activities, a State that does not have an amount of such funds available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made.

(5) PROCEDURES.—The Governor shall prescribe uniform procedures for the obligation of funds by local areas within the State in order to avoid the requirement that funds be made available for reallotment under this subsection. The Governor shall further prescribe equitable procedures for making funds available from the State and local areas in the event that a State is required to make funds available for reallotment under this subsection.

**SEC. 133. WITHIN STATE ALLOCATIONS.**

(a) RESERVATIONS FOR STATE ACTIVITIES.—

(1) STATEWIDE WORKFORCE INVESTMENT ACTIVITIES.—The Governor shall make the reservation required under section 128(a).

(2) STATEWIDE RAPID RESPONSE ACTIVITIES.—The Governor shall reserve not more than 25 percent of the total amount allotted to the State under section 132(b)(2)(B) for a fiscal year for statewide rapid response activities described in section 134(a)(2)(A).

(b) WITHIN STATE ALLOCATION.—

(1) METHODS.—The Governor, acting in accordance with the State plan, and after consulting with chief elected officials and local boards in the local areas, shall allocate—

(A) the funds that are allotted to the State for adult employment and training activities and statewide workforce investment activities under section 132(b)(1)(B) and are not reserved under subsection (a)(1), in accordance with paragraph (2) or (3); and

(B) the funds that are allotted to the State for dislocated worker employment and training activities and statewide workforce investment activities under section 132(b)(2)(B) and are not reserved under paragraph (1) or (2) of subsection (a), in accordance with paragraph (2).

(2) FORMULA ALLOCATIONS.—

(A) ADULT EMPLOYMENT AND TRAINING ACTIVITIES.—

(i) ALLOCATION.—In allocating the funds described in paragraph (1)(A) to local areas, a State may allocate—

(I) 33⅓ percent of the funds on the basis described in section 132(b)(1)(B)(ii)(I);

(II) 33⅓ percent of the funds on the basis described in section 132(b)(1)(B)(ii)(II); and

(III) 33⅓ percent of the funds on the basis described in clauses (ii)(III) and (iii) of section 132(b)(1)(B).

(ii) MINIMUM PERCENTAGE.—The local area shall not receive an allocation percentage for a fiscal year that is less than 90 percent of the average allocation percentage of the local area for the 2 preceding fiscal years. Amounts necessary for increasing such allocations to local areas to comply with the preceding sentence shall be obtained by ratably reducing the allocations to be made to other local areas under this subparagraph.

(iii) DEFINITION.—In this subparagraph, the term ''allocation percentage'', used with respect to fiscal year 2015 or a subsequent fiscal year, means a percentage of the funds referred to in clause (i), received through an allocation made under this subparagraph, for the fiscal year. The term, used with respect to fiscal year 2013 or 2014, means a percentage of the amount allocated to local areas under paragraphs (2)(A) and (3) of section 133(b) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act), received through an allocation made under paragraph (2)(A) or (3) of that section for fiscal year 2013 or 2014, respectively.

(B) DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.—

(i) ALLOCATION.—In allocating the funds described in paragraph (1)(B) to local areas, a State shall allocate the funds based on an allocation formula prescribed by the Governor of the State. Such formula may be amended by the Governor not more than once for each program year. Such formula shall utilize the most appropriate information available to the Governor to distribute amounts to address the State's worker readjustment assistance needs.

(ii) INFORMATION.—The information described in clause (i) shall include insured unemployment data, unemployment concentrations, plant closing and mass layoff data, declining industries data, farmer-rancher economic hardship data, and long-term unemployment data.

(iii) MINIMUM PERCENTAGE.—The local area shall not receive an allocation percentage for fiscal year 2016 or a subsequent fiscal year that is less than 90 percent of the average allocation percentage of the local area for the 2 preceding fiscal years. Amounts necessary for increasing such allocations to local areas to comply with the preceding sentence shall be obtained by ratably reducing the allocations to be made to other local areas under this subparagraph.

(iv) DEFINITION.—In this subparagraph, the term ''allocation percentage'', used with respect to fiscal year 2015 or a subsequent fiscal year, means a percentage of the funds referred to in clause (i), received through an allocation made under this subparagraph for the fiscal year. The term, used with respect to fiscal year 2014, means a percentage of the amount allocated to local areas under section 133(b)(2)(B) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act), received through an allocation made under that section for fiscal year 2014.

(C) APPLICATION.—For purposes of carrying out subparagraph (A)—

(i) references in section 132(b) to a State shall be deemed to be references to a local area;

(ii) references in section 132(b) to all States shall be deemed to be references to all local areas in the State involved; and

(iii) except as described in clause (i), references in section 132(b)(1) to the term ''excess number'' shall be considered to be references to the term as defined in section 132(b)(1).

(3) ADULT EMPLOYMENT AND TRAINING DISCRETIONARY ALLOCATIONS.—In lieu of making the allocation described in paragraph (2)(A), in allocating the funds described in paragraph (1)(A) to local areas, a State may distribute—

(A) a portion equal to not less than 70 percent of the funds in accordance with paragraph (2)(A); and

(B) the remaining portion of the funds on the basis of a formula that—

(i) incorporates additional factors (other than the factors described in paragraph (2)(A)) relating to—

(I) excess poverty in urban, rural, and suburban local areas; and

(II) excess unemployment above the State average in urban, rural, and suburban local areas; and

(ii) was developed by the State board and approved by the Secretary as part of the State plan.

(4) TRANSFER AUTHORITY.—A local board may transfer, if such a transfer is approved by the Governor, up to and including 100 percent of the funds allocated to the local area under paragraph (2)(A) or (3), and up to and including 100 percent of the funds allocated to the local area under paragraph (2)(B), for a fiscal year between—

(A) adult employment and training activities; and

(B) dislocated worker employment and training activities.

(5) ALLOCATION.—

(A) IN GENERAL.—The Governor shall allocate the funds described in paragraph (1) to local areas under paragraphs (2) and (3) for the purpose of providing a single system of employment and training activities for adults and dislocated workers in accordance with subsections (c) and (d) of section 134.

(B) ADDITIONAL REQUIREMENTS.—

(i) ADULTS.—Funds allocated under paragraph (2)(A) or (3) shall be used by a local area to contribute to the costs of the one-stop delivery system described in section 121(e) as determined under section 121(h) and to pay for employment and training activities provided to adults in the local area, consistent with section 134.

(ii) DISLOCATED WORKERS.—Funds allocated under paragraph (2)(B) shall be used by a local area to contribute to the costs of the one-stop delivery system described in section 121(e) as determined under section 121(h) and to pay for employment and training activities provided to dislocated workers in the local area, consistent with section 134.

(c) REALLOCATION AMONG LOCAL AREAS.—

(1) IN GENERAL.—The Governor may, in accordance with this subsection and after consultation with the State board, reallocate to eligible local areas within the State amounts that are made available to local areas from allocations made under paragraph (2)(A) or (3) of subsection (b) or a corresponding provision of the Workforce Investment Act of 1998 for adult employment and training activities, or under subsection (b)(2)(B) or a corresponding provision of the Workforce Investment Act of 1998 for dislocated worker employment and training activities (referred to individually in this subsection as a ''local allocation'') and that are available for reallocation.

(2) AMOUNT.—The amount available for reallocation for a program year—

(A) for adult employment and training activities is equal to the amount by which the unobligated balance of the local allocation under paragraph (2)(A) or (3) of subsection (b) for such activities, at the end of the program year prior to the program year for which the determination under this subparagraph is made, exceeds 20 percent of such allocation for the prior program year; and

(B) for dislocated worker employment and training activities is equal to the amount by which the unobligated balance of the local allocation under subsection (b)(2)(B) for such activities, at the end of the program year prior to the program year for which the determination under this subparagraph is made, exceeds 20 percent of such allocation for the prior program year.

(3) REALLOCATION.—In making reallocations to eligible local areas of amounts available pursuant to paragraph (2) for a program year, the Governor shall allocate to each eligible local area within the State—

(A) with respect to such available amounts that were allocated under paragraph (2)(A) or (3) of subsection (b), an amount based on the relative amount of the local allocation under paragraph (2)(A) or (3) of subsection (b), as appropriate, for the program year for which the determination is made, as compared to the total amount of the local allocations under paragraph (2)(A) or (3) of subsection (b), as appropriate, for all eligible local areas in the State for such program year; and

(B) with respect to such available amounts that were allocated under subsection (b)(2)(B), an amount based on the relative amount of the local allocation under subsection (b)(2)(B) for the program year for which the determination is made, as compared to the total amount of the local allocations under subsection (b)(2)(B) for all eligible local areas in the State for such program year.

(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means—

(A) with respect to funds allocated through a local allocation for adult employment and training activities, a local area that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made; and

(B) with respect to funds allocated through a local allocation for dislocated worker employment and training activities, a local area that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.

**SEC. 134. USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.**

(a) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) IN GENERAL.—Funds reserved by a Governor—

(A) as described in section 133(a)(2) shall be used to carry out the statewide rapid response activities described in paragraph (2)(A); and

(B) as described in sections 128(a) and 133(a)(1)—

(i) shall be used to carry out the statewide employment and training activities described in paragraph (2)(B); and

(ii) may be used to carry out any of the statewide employment and training activities described in paragraph (3),

regardless of whether the funds were allotted to the State under section 127(b)(1) or under paragraph (1) or (2) of section 132(b).

(2) REQUIRED STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) STATEWIDE RAPID RESPONSE ACTIVITIES.—

(i) IN GENERAL.—A State shall carry out statewide rapid response activities using funds reserved by the Governor for the State under section 133(a)(2), which activities shall include—

(I) provision of rapid response activities, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials for the local areas; and

(II) provision of additional assistance to local areas that experience disasters, mass layoffs, or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals, carried out in local areas by the State, working in conjunction with the local boards and the chief elected officials for the local areas.

(ii) USE OF UNOBLIGATED FUNDS.—Funds reserved by a Governor under section 133(a)(2), and section 133(a)(2) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act), to carry out this subparagraph that remain unobligated after the first program year for which such funds were allotted may be used by the Governor to carry out statewide activities authorized under subparagraph (B) or paragraph (3)(A), in addition to activities under this subparagraph.

(B) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Funds reserved by a Governor under sections 128(a)(1) and 133(a)(1) and not used under paragraph (1)(A) (regardless of whether the funds were allotted to the States under section 127(b)(1)(C) or paragraph (1)(B) or (2)(B) of section 132(b)) shall be used for statewide employment and training activities, including—

(i) providing assistance to—

(I) State entities and agencies, local areas, and one-stop partners in carrying out the activities described in the State plan, including the coordination and alignment of data systems used to carry out the requirements of this Act;

(II) local areas for carrying out the regional planning and service delivery efforts required under section 106(c);

(III) local areas by providing information on and support for the effective development, convening, and implementation of industry or sector partnerships; and

(IV) local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, which may include the development and training of staff to provide opportunities for individuals with barriers to employment to enter in-demand industry sectors or occupations and nontraditional occupations, the development of exemplary program activities, and the provision of technical assistance to local areas that fail to meet local performance accountability measures described in section 116(c);

(ii) providing assistance to local areas as described in section 106(b)(6);

(iii) operating a fiscal and management accountability information system in accordance with section 116(i);

(iv) carrying out monitoring and oversight of activities carried out under this chapter and chapter 2;

(v) disseminating—

(I) the State list of eligible providers of training services, including eligible providers of nontraditional training services and eligible providers of apprenticeship programs described in section 122(a)(2)(B);

(II) information identifying eligible providers of on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience opportunities, or transitional jobs;

(III) information on effective outreach to, partnerships with, and services for, business;

(IV) information on effective service delivery strategies to serve workers and job seekers;

(V) performance information and information on the cost of attendance (including tuition and fees) for participants in applicable programs, as described in subsections (d) and (h) of section 122; and

(VI) information on physical and programmatic accessibility, in accordance with section 188, if applicable, and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), for individuals with disabilities; and

(vi) conducting evaluations under section 116(e) of activities authorized under this chapter and chapter 2 in coordination with evaluations carried out by the Secretary under section 169(a).

(3) ALLOWABLE STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) IN GENERAL.—Funds reserved by a Governor under sections 128(a)(1) and 133(a)(1) and not used under paragraph (1)(A) or (2)(B) (regardless of whether the funds were allotted to the State under section 127(b)(1)(C) or paragraph (1)(B) or (2)(B) of section 132(b)) may be used to carry out additional statewide employment and training activities, which may include—

(i) implementing innovative programs and strategies designed to meet the needs of all employers (including small employers) in the State, which programs and strategies may include incumbent worker training programs, customized training, sectoral and industry cluster strategies and implementation of industry or sector partnerships, career pathway programs, microenterprise and entrepreneurial training and support programs, utilization of effective business intermediaries, layoff aversion strategies, activities to improve linkages between the one-stop delivery system in the State and all employers (including small employers) in the State, and other business services and strategies that better engage employers in workforce investment activities and make the workforce development system more relevant to the needs of State and local businesses, consistent with the objectives of this title;

(ii) developing strategies for effectively serving individuals with barriers to employment and for coordinating programs and services among one-stop partners;

(iii) the development or identification of education and training programs that respond to real-time labor market analysis, that utilize direct assessment and prior learning assessment to measure and provide credit for prior knowledge, skills, competencies, and experiences, that evaluate such skills and competencies for adaptability, that ensure credits are portable and stackable for more skilled employment, and that accelerate course or credential completion;

(iv) implementing programs to increase the number of individuals training for and placed in nontraditional employment;

(v) carrying out activities to facilitate remote access to services, including training services described in subsection (c)(3), provided through a one-stop delivery system, including facilitating access through the use of technology;

(vi) supporting the provision of career services described in subsection (c)(2) in the one-stop delivery systems in the State;

(vii) coordinating activities with the child welfare system to facilitate provision of services for children and youth who are eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677);

(viii) activities—

(I) to improve coordination of workforce investment activities with economic development activities;

(II) to improve coordination of employment and training activities with—

(aa) child support services, and assistance provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

(bb) cooperative extension programs carried out by the Department of Agriculture;

(cc) programs carried out in local areas for individuals with disabilities, including programs carried out by State agencies relating to intellectual disabilities and developmental disabilities, activities carried out by Statewide Independent Living Councils established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), programs funded under part B of chapter 1 of title VII of such Act (29 U.S.C. 796e et seq.), and activities carried out by centers for independent living, as defined in section 702 of such Act (29 U.S.C. 796a);

(dd) adult education and literacy activities, including those provided by public libraries;

(ee) activities in the corrections system that assist ex-offenders in reentering the workforce; and

(ff) financial literacy activities including those described in section 129(b)(2)(D); and

(III) consisting of development and dissemination of workforce and labor market information;

(ix) conducting research and demonstration projects related to meeting the employment and education needs of adult and dislocated workers;

(x) implementing promising services for workers and businesses, which may include providing support for education, training, skill upgrading, and statewide networking for employees to become workplace learning advisors and maintain proficiency in carrying out the activities associated with such advising;

(xi) providing incentive grants to local areas for performance by the local areas on local performance accountability measures described in section 116(c);

(xii) adopting, calculating, or commissioning for approval an economic self-sufficiency standard for the State that specifies the income needs of families, by family size, the number and ages of children in the family, and substate geographical considerations;

(xiii) developing and disseminating common intake procedures and related items, including registration processes, materials, or software; and

(xiv) providing technical assistance to local areas that are implementing pay-for-performance contract strategies, which technical assistance may include providing assistance with data collection, meeting data entry requirements, identifying levels of performance, and conducting evaluations of such strategies.

(B) LIMITATION.—

(i) IN GENERAL.—Of the funds allotted to a State under sections 127(b) and 132(b) and reserved as described in sections 128(a) and 133(a)(1) for a fiscal year—

(I) not more than 5 percent of the amount allotted under section 127(b)(1);

(II) not more than 5 percent of the amount allotted under section 132(b)(1); and

(III) not more than 5 percent of the amount allotted under section 132(b)(2),

may be used by the State for the administration of statewide youth workforce investment activities carried out under section 129 and statewide employment and training activities carried out under this section.

(ii) USE OF FUNDS.—Funds made available for administrative costs under clause (i) may be used for the administrative cost of any of the statewide youth workforce investment activities or statewide employment and training activities, regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b).

(b) LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to a local area for dislocated workers under section 133(b)(2)(B)—

(1) shall be used to carry out employment and training activities described in subsection (c) for adults or dislocated workers, respectively; and

(2) may be used to carry out employment and training activities described in subsection (d) for adults or dislocated workers, respectively.

(c) REQUIRED LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) IN GENERAL.—

(A) ALLOCATED FUNDS.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used—

(i) to establish a one-stop delivery system described in section 121(e);

(ii) to provide the career services described in paragraph (2) to adults and dislocated workers, respectively, through the one-stop delivery system in accordance with such paragraph;

(iii) to provide training services described in paragraph (3) to adults and dislocated workers, respectively, described in such paragraph;

(iv) to establish and develop relationships and networks with large and small employers and their intermediaries; and

(v) to develop, convene, or implement industry or sector partnerships.

(B) OTHER FUNDS.—Consistent with subsections (h) and (i) of section 121, a portion of the funds made available under Federal law authorizing the programs and activities described in section 121(b)(1)(B), including the Wagner-Peyser Act (29 U.S.C. 49 et seq.), shall be used as described in clauses (i) and (ii) of subparagraph (A), to the extent not inconsistent with the Federal law involved.

(2) CAREER SERVICES.—

(A) SERVICES PROVIDED.—Funds described in paragraph (1) shall be used to provide career services, which shall be available to individuals who are adults or dislocated workers through the one-stop delivery system and shall, at a minimum, include—

(i) determinations of whether the individuals are eligible to receive assistance under this subtitle;

(ii) outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop delivery system;

(iii) initial assessment of skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs;

(iv) labor exchange services, including—

(I) job search and placement assistance and, in appropriate cases, career counseling, including—

(aa) provision of information on in-demand industry sectors and occupations; and

(bb) provision of information on nontraditional employment; and

(II) appropriate recruitment and other business services on behalf of employers, including small employers, in the local area, which services may include services described in this subsection, such as providing

information and referral to specialized business services not traditionally offered through the one-stop delivery system;

(v) provision of referrals to and coordination of activities with other programs and services, including programs and services within the one-stop delivery system and, in appropriate cases, other workforce development programs;

(vi) provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—

(I) job vacancy listings in such labor market areas;

(II) information on job skills necessary to obtain the jobs described in subclause (I); and

(III) information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for such occupations; and

(vii) provision of performance information and program cost information on eligible providers of training services as described in section 122, provided by program, and eligible providers of youth workforce investment activities described in section 123, providers of adult education described in title II, providers of career and technical education activities at the postsecondary level, and career and technical education activities available to school dropouts, under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), and providers of vocational rehabilitation services described in title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

(viii) provision of information, in formats that are usable by and understandable to one-stop center customers, regarding how the local area is performing on the local performance accountability measures described in section 116(c) and any additional performance information with respect to the one-stop delivery system in the local area;

(ix)(I) provision of information, in formats that are usable by and understandable to one-stop center customers, relating to the availability of supportive services or assistance, including child care, child support, medical or child health assistance under title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.), benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), assistance through the earned income tax credit under section 32 of the Internal Revenue Code of 1986, and assistance under a State program for temporary assistance for needy families funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other supportive services and transportation provided through funds made available under such part, available in the local area; and

(II) referral to the services or assistance described in subclause (I), as appropriate;

(x) provision of information and assistance regarding filing claims for unemployment compensation;

(xi) assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under this Act;

(xii) services, if determined to be appropriate in order for an individual to obtain or retain employment, that consist of—

(I) comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include—

(aa) diagnostic testing and use of other assessment tools; and

(bb) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;

(II) development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals, including providing information on eligible providers of training services pursuant to paragraph (3)(F)(ii), and career pathways to attain career objectives;

(III) group counseling;

(IV) individual counseling;

(V) career planning;

(VI) short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training;

(VII) internships and work experiences that are linked to careers;

(VIII) workforce preparation activities;

(IX) financial literacy services, such as the activities described in section 129(b)(2)(D);

(X) out-of-area job search assistance and relocation assistance; or

(XI) English language acquisition and integrated education and training programs; and

(xiii) followup services, including counseling regarding the workplace, for participants in workforce investment activities authorized under this subtitle who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate.

(B) USE OF PREVIOUS ASSESSMENTS.—A one-stop operator or one-stop partner shall not be required to conduct a new interview, evaluation, or assessment of a participant under subparagraph (A)(xii) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent interview, evaluation, or assessment of the participant conducted pursuant to another education or training program.

(C) DELIVERY OF SERVICES.—The career services described in subparagraph (A) shall be provided through the one-stop delivery system—

(i) directly through one-stop operators identified pursuant to section 121(d); or

(ii) through contracts with service providers, which may include contracts with public, private for-profit, and private nonprofit service providers, approved by the local board.

(3) TRAINING SERVICES.—

(A) IN GENERAL.—

(i) ELIGIBILITY.—Except as provided in clause (ii), funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used to provide training services to adults and dislocated workers, respectively—

(I) who, after an interview, evaluation, or assessment, and career planning, have been determined by a one-stop operator or one-stop partner, as appropriate, to—

(aa) be unlikely or unable to obtain or retain employment, that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through the career services described in paragraph (2)(A)(xii);

(bb) be in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and

(cc) have the skills and qualifications to successfully participate in the selected program of training services;

(II) who select programs of training services that are directly linked to the employment opportunities in the local area or the planning region, or in another area to which the adults or dislocated workers are willing to commute or relocate;

(III) who meet the requirements of subparagraph (B); and

(IV) who are determined to be eligible in accordance with the priority system in effect under subparagraph (E).

(ii) USE OF PREVIOUS ASSESSMENTS.—A one-stop operator or one-stop partner shall not be required to conduct a new interview, evaluation, or assessment of a participant under clause (i) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent interview, evaluation, or assessment of the participant conducted pursuant to another education or training program.

(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to mean an individual is required to receive career services prior to receiving training services.

(B) QUALIFICATION.—

(i) REQUIREMENT.—Notwithstanding section 479B of the Higher Education Act of 1965 (20 U.S.C. 1087uu) and except as provided in clause (ii), provision of such training services shall be limited to individuals who—

(I) are unable to obtain other grant assistance for such services, including Federal Pell Grants established under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.); or

(II) require assistance beyond the assistance made available under other grant assistance programs, including Federal Pell Grants.

(ii) REIMBURSEMENTS.—Training services may be provided under this paragraph to an individual who otherwise meets the requirements of this paragraph while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, appropriate reimbursement shall be made to the local area from such Federal Pell Grant.

(iii) CONSIDERATION.—In determining whether an individual requires assistance under clause (i)(II), a one-stop operator (or one-stop partner, where appropriate) may take into consideration the full cost of participating in training services, including the costs of dependent care and transportation, and other appropriate costs.

(C) PROVIDER QUALIFICATION.—Training services shall be provided through providers identified in accordance with section 122.

(D) TRAINING SERVICES.—Training services may include—

(i) occupational skills training, including training for nontraditional employment;

(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 group of employers to employ an individual upon successful completion of the training.

(E) PRIORITY.—With respect to funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of section 133(b), priority shall be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient for receipt of career services described in paragraph (2)(A)(xii) and training services. The appropriate local board and the Governor shall direct the one-stop operators in the local area with regard to making determinations related to such priority.

(F) CONSUMER CHOICE REQUIREMENTS.—

(i) IN GENERAL.—Training services provided under this paragraph shall be provided in a manner that maximizes consumer choice in the selection of an eligible provider of such services.

(ii) ELIGIBLE PROVIDERS.—Each local board, through one-stop centers, shall make available the list of eligible providers of training services described in section 122(d), and accompanying information, in accordance with section 122(d).

(iii) INDIVIDUAL TRAINING ACCOUNTS.—An individual who seeks training services and who is eligible pursuant to subparagraph (A), may, in consultation with a career planner, select an eligible provider of training services from the list of providers described in clause (ii). Upon such selection, the one-stop operator involved shall, to the extent practicable, refer such individual to the eligible provider of training services, and arrange for payment for such services through an individual training account.

(iv) COORDINATION.—Each local board may, through one-stop centers, coordinate funding for individual training accounts with funding from other Federal, State, local, or private job training programs or sources to assist the individual in obtaining training services.

(v) ADDITIONAL INFORMATION.—Priority consideration may be given to programs that lead to recognized postsecondary credentials that are aligned with in-demand industry sectors or occupations in the local area involved.

(G) USE OF INDIVIDUAL TRAINING ACCOUNTS.—

(i) IN GENERAL.—Except as provided in clause (ii), training services provided under this paragraph shall be provided through the use of individual training accounts in accordance with this paragraph, and shall be provided to eligible individuals through the one-stop delivery system.

(ii) TRAINING CONTRACTS.—Training services authorized under this paragraph may be provided pursuant to a contract for services in lieu of an individual training account if—

(I) the requirements of subparagraph (F) are met;

(II) such services are on-the-job training, customized training, incumbent worker training, or transitional employment;

(III) the local board determines there are an insufficient number of eligible providers of training services in the local area involved (such as in a rural area) to accomplish the purposes of a system of individual training accounts;

(IV) the local board determines that there is a training services program of demonstrated effectiveness offered in the local area by a community-based organization or another private organization to serve individuals with barriers to employment;

(V) the local board determines that—

(aa) it would be most appropriate to award a contract to an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations; and

(bb) such contract does not limit customer choice; or

(VI) the contract is a pay-for-performance contract.

(iii) LINKAGE TO OCCUPATIONS IN DEMAND.—Training services provided under this paragraph shall be directly linked to an in-demand industry sector or occupation in the local area or the planning region, or in another area to which an adult or dislocated worker receiving such services is willing to relocate, except that a local board may approve training services for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area.

(iv) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to preclude the combined use of individual training accounts and contracts in the provision of training services, including arrangements that allow individuals receiving individual training accounts to obtain training services that are contracted for under clause (ii).

(H) REIMBURSEMENT FOR ON-THE-JOB TRAINING.—

(i) REIMBURSEMENT LEVEL.—For purposes of the provision of on-the-job training under this paragraph, the Governor or local board involved may increase the amount of the reimbursement described in section 3(44) to an amount of up to 75 percent of the wage rate of a participant for a program carried out under chapter 2 or this chapter, if, respectively—

(I) the Governor approves the increase with respect to a program carried out with funds reserved by the State under that chapter, taking into account the factors described in clause (ii); or

(II) the local board approves the increase with respect to a program carried out with funds allocated to a local area under such chapter, taking into account those factors.

(ii) FACTORS.—For purposes of clause (i), the Governor or local board, respectively, shall take into account factors consisting of—

(I) the characteristics of the participants;

(II) the size of the employer;

(III) the quality of employer-provided training and advancement opportunities; and

(IV) such other factors as the Governor or local board, respectively, may determine to be appropriate, which may include the number of employees participating in the training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), and relation of the training to the competitiveness of a participant.

(d) PERMISSIBLE LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) IN GENERAL.—

(A) ACTIVITIES.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through the one-stop delivery system involved (and through collaboration with the local board, for the purpose of the activities described in clauses (vii) and (ix))—

(i) customized screening and referral of qualified participants in training services described in subsection (c)(3) to employers;

(ii) customized employment-related services to employers, employer associations, or other such organizations on a fee-for-service basis;

(iii) implementation of a pay-for-performance contract strategy for training services, for which the local board may reserve and use not more than 10 percent of the total funds allocated to the local area under paragraph (2) or (3) of section 133(b);

(iv) customer support to enable individuals with barriers to employment (including individuals with disabilities) and veterans, to navigate among multiple services and activities for such populations;

(v) technical assistance for one-stop operators, one-stop partners, and eligible providers of training services, regarding the provision of services to individuals with disabilities in local areas, including the development and training of staff, the provision of outreach, intake, assessments, and service delivery, the coordination of services across providers and programs, and the development of performance accountability measures;

(vi) employment and training activities provided in coordination with—

(I) child support enforcement activities of the State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

(II) child support services, and assistance, provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

(III) cooperative extension programs carried out by the Department of Agriculture; and

(IV) activities to facilitate remote access to services provided through a one-stop delivery system, including facilitating access through the use of technology;

(vii) activities—

(I) to improve coordination between workforce investment activities and economic development activities carried out within the local area involved, and to promote entrepreneurial skills training and microenterprise services;

(II) to improve services and linkages between the local workforce investment system (including the local one-stop delivery system) and employers, including small employers, in the local area, through services described in this section; and

(III) to strengthen linkages between the one-stop delivery system and unemployment insurance programs;

(viii) training programs for displaced homemakers and for individuals training for nontraditional occupations, in conjunction with programs operated in the local area;

(ix) activities to provide business services and strategies that meet the workforce investment needs of area employers, as determined by the local board, consistent with the local plan under section 108, which services—

(I) may be provided through effective business intermediaries working in conjunction with the local board, and may also be provided on a fee-for-service basis or through the leveraging of economic development, philanthropic, and other public and private resources in a manner determined appropriate by the local board; and

(II) may include—

(aa) developing and implementing industry sector strategies (including strategies involving industry partnerships, regional skills alliances, industry skill panels, and sectoral skills partnerships);

(bb) developing and delivering innovative workforce investment services and strategies for area employers, which may include career pathways, skills upgrading, skill standard development and certification for recognized postsecondary credential or other employer use, apprenticeship, and other effective initiatives for meeting the workforce investment needs of area employers and workers;

(cc) assistance to area employers in managing reductions in force in coordination with rapid response activities provided under subsection (a)(2)(A) and with strategies for the aversion of layoffs, which strategies may include early identification of firms at risk of layoffs, use of feasibility studies to assess

the needs of and options for at-risk firms, and the delivery of employment and training activities to address risk factors; and

(dd) the marketing of business services offered under this title, to appropriate area employers, including small and mid-sized employers;

(x) activities to adjust the economic self-sufficiency standards referred to in subsection (a)(3)(A)(xii) for local factors, or activities to adopt, calculate, or commission for approval, economic self-sufficiency standards for the local areas that specify the income needs of families, by family size, the number and ages of children in the family, and substate geographical considerations;

(xi) improved coordination between employment and training activities and programs carried out in the local area for individuals with disabilities, including programs carried out by State agencies relating to intellectual disabilities and developmental disabilities, activities carried out by Statewide Independent Living Councils established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), programs funded under part B of chapter 1 of title VII of such Act (29 U.S.C. 796e et seq.), and activities carried out by centers for independent living, as defined in section 702 of such Act (29 U.S.C. 796a); and

(xii) implementation of promising services to workers and businesses, which may include support for education, training, skill upgrading, and statewide networking for employees to become workplace learning advisors and maintain proficiency in carrying out the activities associated with such advising.

(B) WORK SUPPORT ACTIVITIES FOR LOW-WAGE WORKERS.—

(i) IN GENERAL.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through the one-stop delivery system involved, work support activities designed to assist low-wage workers in retaining and enhancing employment. The one-stop partners of the system shall coordinate the appropriate programs and resources of the partners with the activities and resources provided under this subparagraph.

(ii) ACTIVITIES.—The work support activities described in clause (i) may include the provision of activities described in this section through the one-stop delivery system in a manner that enhances the opportunities of such workers to participate in the activities, such as the provision of activities described in this section during nontraditional hours and the provision of onsite child care while such activities are being provided.

(2) SUPPORTIVE SERVICES.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide supportive services to adults and dislocated workers, respectively—

(A) who are participating in programs with activities authorized in paragraph (2) or (3) of subsection (c); and

(B) who are unable to obtain such supportive services through other programs providing such services.

(3) NEEDS-RELATED PAYMENTS.—

(A) IN GENERAL.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide needs-related payments to adults and dislocated workers, respectively, who are unemployed and do not qualify for (or have ceased to qualify for) unemployment compensation for the purpose of enabling such individuals to participate in programs of training services under subsection (c)(3).

(B) ADDITIONAL ELIGIBILITY REQUIREMENTS.—In addition to the requirements contained in subparagraph (A), a dislocated worker who has ceased to qualify for unemployment compensation may be eligible to receive needs-related payments under this paragraph only if such worker was enrolled in the training services—

(i) by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility for employment and training activities for dislocated workers under this subtitle; or

(ii) if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months.

(C) LEVEL OF PAYMENTS.—The level of a needs-related payment made to a dislocated worker under this paragraph shall not exceed the greater of—

(i) the applicable level of unemployment compensation; or

(ii) if such worker did not qualify for unemployment compensation, an amount equal to the poverty line, for an equivalent period, which amount shall be adjusted to reflect changes in total family income.

(4) INCUMBENT WORKER TRAINING PROGRAMS.—

(A) IN GENERAL.—

(i) STANDARD RESERVATION OF FUNDS.—The local board may reserve and use not more than 20 percent of the funds allocated to the local area involved under section 133(b) to pay for the Federal share of the cost of providing training through a training program for incumbent workers, carried out in accordance with this paragraph.

(ii) DETERMINATION OF ELIGIBILITY.—For the purpose of determining the eligibility of an employer to receive funding under clause (i), the local board shall take into account factors consisting of—

(I) the characteristics of the participants in the program;

(II) the relationship of the training to the competitiveness of a participant and the employer; and

(III) such other factors as the local board may determine to be appropriate, which may include the number of employees participating in the training, the wage and benefit levels of those employees (at present and anticipated upon completion of the training), and the existence of other training and advancement opportunities provided by the employer.

(iii) STATEWIDE IMPACT.—The Governor or State board involved may make recommendations to the local board for providing incumbent worker training that has statewide impact.

(B) TRAINING ACTIVITIES.—The training program for incumbent workers carried out under this paragraph shall be carried out by the local board in conjunction with the employers or groups of employers of such workers (which may include employers in partnership with other entities for the purposes of delivering training) for the purpose of assisting such workers in obtaining the skills necessary to retain employment or avert layoffs.

(C) EMPLOYER PAYMENT OF NON-FEDERAL SHARE.—Employers participating in the program carried out under this paragraph shall be required to pay for the non-Federal share of the cost of providing the training to incumbent workers of the employers.

(D) NON-FEDERAL SHARE.—

(i) FACTORS.—Subject to clause (ii), the local board shall establish the non-Federal share of such cost (taking into consideration such other factors as the number of employees participating in the training, the wage and benefit levels of the employees (at the beginning and anticipated upon completion of the training), the relationship of the training to the competitiveness of the employer and employees, and the availability of other employer-provided training and advancement opportunities.

(ii) LIMITS.—The non-Federal share shall not be less than—

(I) 10 percent of the cost, for employers with not more than 50 employees;

(II) 25 percent of the cost, for employers with more than 50 employees but not more than 100 employees; and

(III) 50 percent of the cost, for employers with more than 100 employees.

(iii) CALCULATION OF EMPLOYER SHARE.—The non-Federal share provided by an employer participating in the program may include the amount of the wages paid by the employer to a worker while the worker is attending a training program under this paragraph. The employer may provide the share in cash or in kind, fairly evaluated.

(5) TRANSITIONAL JOBS.—The local board may use not more than 10 percent of the funds allocated to the local area involved under section 133(b) to provide transitional jobs under subsection (c)(3) that—

(A) are time-limited work experiences that are subsidized and are in the public, private, or nonprofit sectors for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history;

(B) are combined with comprehensive employment and supportive services; and

(C) are designed to assist the individuals described in subparagraph (A) to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment.

## CHAPTER 4—GENERAL WORKFORCE INVESTMENT PROVISIONS

### SEC. 136. AUTHORIZATION OF APPROPRIATIONS.

(a) YOUTH WORKFORCE INVESTMENT ACTIVITIES.—There are authorized to be appropriated to carry out the activities described in section 127(a), $820,430,000 for fiscal year 2015, $883,800,000 for fiscal year 2016, $902,139,000 for fiscal year 2017, $922,148,000 for fiscal year 2018, $943,828,000 for fiscal year 2019, and $963,837,000 for fiscal year 2020.

(b) ADULT EMPLOYMENT AND TRAINING ACTIVITIES.—There are authorized to be appropriated to carry out the activities described in section 132(a)(1), $766,080,000 for fiscal year 2015, $825,252,000 for fiscal year 2016, $842,376,000 for fiscal year 2017, $861,060,000 for fiscal year 2018, $881,303,000 for fiscal year 2019, and $899,987,000 for fiscal year 2020.

(c) DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.—There are authorized to be appropriated to carry out the activities described in section 132(a)(2), $1,222,457,000 for fiscal year 2015, $1,316,880,000 for fiscal year 2016, $1,344,205,000 for fiscal year 2017, $1,374,019,000 for fiscal year 2018, $1,406,322,000 for fiscal year 2019, and $1,436,137,000 for fiscal year 2020.

## Subtitle C—Job Corps

### SEC. 141. PURPOSES.

The purposes of this subtitle are—

(1) to maintain a national Job Corps program, carried out in partnership with States and communities, to—

(A) assist eligible youth to connect to the labor force by providing them with intensive social, academic, career and technical education, and service-learning opportunities, in primarily residential centers, in order for such youth to obtain secondary school diplomas or recognized postsecondary credentials leading to—

(i) successful careers, in in-demand industry sectors or occupations or the Armed Forces, that will result in economic self-sufficiency and opportunities for advancement; or

(ii) enrollment in postsecondary education, including an apprenticeship program; and

(B) support responsible citizenship;

(2) to set forth standards and procedures for selecting individuals as enrollees in the Job Corps;

(3) to authorize the establishment of Job Corps centers in which enrollees will participate in intensive programs of activities described in this subtitle; and

(4) to prescribe various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps.

**SEC. 142. DEFINITIONS.**

In this subtitle:

(1) APPLICABLE LOCAL BOARD.—The term ''applicable local board'' means a local board—

(A) that provides information for a Job Corps center on local employment opportunities and the job skills needed to obtain the opportunities; and

(B) that serves communities in which the graduates of the Job Corps center seek employment.

(2) APPLICABLE ONE-STOP CENTER.—The term ''applicable one-stop center'' means a one-stop center that provides services, such as referral, assessment, recruitment, and placement, to support the purposes of the Job Corps.

(3) ENROLLEE.—The term ''enrollee'' means an individual who has voluntarily applied for, been selected for, and enrolled in the Job Corps program, and remains with the program, but has not yet become a graduate.

(4) FORMER ENROLLEE.—The term ''former enrollee'' means an individual who has voluntarily applied for, been selected for, and enrolled in the Job Corps program, but left the program prior to becoming a graduate.

(5) GRADUATE.—The term ''graduate'' means an individual who has voluntarily applied for, been selected for, and enrolled in the Job Corps program and who, as a result of participation in the Job Corps program, has received a secondary school diploma or recognized equivalent, or completed the requirements of a career and technical education and training program that prepares individuals for employment leading to economic self-sufficiency or entrance into postsecondary education or training.

(6) JOB CORPS.—The term ''Job Corps'' means the Job Corps described in section 143.

(7) JOB CORPS CENTER.—The term ''Job Corps center'' means a center described in section 147.

(8) OPERATOR.—The term ''operator'' means an entity selected under this subtitle to operate a Job Corps center.

(9) REGION.—The term ''region'' means an area defined by the Secretary.

(10) SERVICE PROVIDER.—The term ''service provider'' means an entity selected under this subtitle to provide services described in this subtitle to a Job Corps center.

**SEC. 143. ESTABLISHMENT.**

There shall be within the Department of Labor a ''Job Corps''.

**SEC. 144. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.**

(a) IN GENERAL.—To be eligible to become an enrollee, an individual shall be—

(1) not less than age 16 and not more than age 21 on the date of enrollment, except that—

(A) not more than 20 percent of the individuals enrolled in the Job Corps may be not less than age 22 and not more than age 24 on the date of enrollment; and

(B) either such maximum age limitation may be waived by the Secretary, in accordance with regulations of the Secretary, in the case of an individual with a disability;

(2) a low-income individual; and

(3) an individual who is one or more of the following:

(A) Basic skills deficient.

(B) A school dropout.

(C) A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, an individual in foster care, or an individual who was in foster care and has aged out of the foster care system.

(D) A parent.

(E) An individual who requires additional education, career and technical education or training, or workforce preparation skills to be able to obtain and retain employment that leads to economic self-sufficiency.

(b) SPECIAL RULE FOR VETERANS.—Notwithstanding the requirement of subsection (a)(2), a veteran shall be eligible to become an enrollee under subsection (a) if the individual—

(1) meets the requirements of paragraphs (1) and (3) of such subsection; and

(2) does not meet the requirement of subsection (a)(2) because the military income earned by such individual within the 6-month period prior to the individual's application for Job Corps prevents the individual from meeting such requirement.

**SEC. 145. RECRUITMENT, SCREENING, SELECTION, AND ASSIGNMENT OF ENROLLEES.**

(a) STANDARDS AND PROCEDURES.—

(1) IN GENERAL.—The Secretary shall prescribe specific standards and procedures for the recruitment, screening, and selection of eligible applicants for the Job Corps, after considering recommendations from Governors of States, local boards, and other interested parties.

(2) METHODS.—In prescribing standards and procedures under paragraph (1), the Secretary, at a minimum, shall—

(A) prescribe procedures for informing enrollees that drug tests will be administered to the enrollees and the results received within 45 days after the enrollees enroll in the Job Corps;

(B) establish standards for recruitment of Job Corps applicants;

(C) establish standards and procedures for—

(i) determining, for each applicant, whether the educational and career and technical education and training needs of the applicant can best be met through the Job Corps program or an alternative program in the community in which the applicant resides; and

(ii) obtaining from each applicant pertinent data relating to background, needs, and interests for determining eligibility and potential assignment;

(D) where appropriate, take measures to improve the professional capability of the individuals conducting screening of the applicants; and

(E) assure appropriate representation of enrollees from urban areas and from rural areas.

(3) IMPLEMENTATION.—The standards and procedures shall be implemented through arrangements with—

(A) applicable one-stop centers;

(B) organizations that have a demonstrated record of effectiveness in serving at-risk youth and placing such youth into employment, including community action agencies, business organizations, or labor organizations; and

(C) child welfare agencies that are responsible for children and youth eligible for benefits and services under section 477 of the Social Security Act (42 U.S.C. 677).

(4) CONSULTATION.—The standards and procedures shall provide for necessary consultation with individuals and organizations, including court, probation, parole, law enforcement, education, welfare, and medical authorities and advisers.

(5) REIMBURSEMENT.—The Secretary is authorized to enter into contracts with and make payments to individuals and organizations for the cost of conducting recruitment, screening, and selection of eligible applicants for the Job Corps, as provided for in this section. The Secretary shall make no payment to any individual or organization solely as compensation for referring the names of applicants for the Job Corps.

(b) SPECIAL LIMITATIONS ON SELECTION.—

(1) IN GENERAL.—No individual shall be selected as an enrollee unless the individual or organization implementing the standards and procedures described in subsection (a) determines that—

(A) there is a reasonable expectation that the individual considered for selection can participate successfully in group situations and activities, and is not likely to engage in behavior that would prevent other enrollees from receiving the benefit of the Job Corps program or be incompatible with the maintenance of sound discipline and satisfactory relationships between the Job Corps center to which the individual might be assigned and communities surrounding the Job Corps center;

(B) the individual manifests a basic understanding of both the rules to which the individual will be subject and of the consequences of failure to observe the rules, and agrees to comply with such rules; and

(C) the individual has passed a background check conducted in accordance with procedures established by the Secretary and with applicable State and local laws.

(2) INDIVIDUALS ON PROBATION, PAROLE, OR SUPERVISED RELEASE.—An individual on probation, parole, or supervised release may be selected as an enrollee only if release from the supervision of the probation or parole official involved is satisfactory to the official and the Secretary and does not violate applicable laws (including regulations). No individual shall be denied a position in the Job Corps solely on the basis of individual contact with the criminal justice system except for a disqualifying conviction as specified in paragraph (3).

(3) INDIVIDUALS CONVICTED OF CERTAIN CRIMES.—An individual shall not be selected as an enrollee if the individual has been convicted of a felony consisting of murder (as described in section 1111 of title 18, United States Code), child abuse, or a crime involving rape or sexual assault.

(c) ASSIGNMENT PLAN.—

(1) IN GENERAL.—Every 2 years, the Secretary shall develop and implement a plan for assigning enrollees to Job Corps centers. In developing the plan, the Secretary shall, based on the analysis described in paragraph (2), establish targets, applicable to each Job Corps center, for—

(A) the maximum attainable percentage of enrollees at the Job Corps center that reside in the State in which the center is located; and

(B) the maximum attainable percentage of enrollees at the Job Corps center that reside in the region in which the center is located, and in surrounding regions.

(2) ANALYSIS.—In order to develop the plan described in paragraph (1), every 2 years the Secretary, in consultation with operators of

Job Corps centers, shall analyze relevant factors relating to each Job Corps center, including—

(A) the size of the population of individuals eligible to participate in Job Corps in the State and region in which the Job Corps center is located, and in surrounding regions;

(B) the relative demand for participation in the Job Corps in the State and region, and in surrounding regions;

(C) the capacity and utilization of the Job Corps center, including the education, training, and supportive services provided through the center; and

(D) the performance of the Job Corps center relating to the expected levels of performance for the indicators described in section 159(c)(1), and whether any actions have been taken with respect to such center pursuant to paragraphs (2) and (3) of section 159(f).

(d) ASSIGNMENT OF INDIVIDUAL ENROLLEES.—

(1) IN GENERAL.—After an individual has been selected for the Job Corps in accordance with the standards and procedures of the Secretary under subsection (a), the enrollee shall be assigned to the Job Corps center that offers the type of career and technical education and training selected by the individual and, among the centers that offer such education and training, is closest to the home of the individual. The Secretary may waive this requirement if—

(A) the enrollee would be unduly delayed in participating in the Job Corps program because the closest center is operating at full capacity; or

(B) the parent or guardian of the enrollee requests assignment of the enrollee to another Job Corps center due to circumstances in the community of the enrollee that would impair prospects for successful participation in the Job Corps program.

(2) ENROLLEES WHO ARE YOUNGER THAN 18.—An enrollee who is younger than 18 shall not be assigned to a Job Corps center other than the center closest to the home that offers the career and technical education and training desired by the enrollee pursuant to paragraph (1) if the parent or guardian of the enrollee objects to the assignment.

**SEC. 146. ENROLLMENT.**

(a) RELATIONSHIP BETWEEN ENROLLMENT AND MILITARY OBLIGATIONS.—Enrollment in the Job Corps shall not relieve any individual of obligations under the Military Selective Service Act (50 U.S.C. App. 451 et seq.).

(b) PERIOD OF ENROLLMENT.—No individual may be enrolled in the Job Corps for more than 2 years, except—

(1) in a case in which completion of an advanced career training program under section 148(c) would require an individual to participate in the Job Corps for not more than one additional year;

(2) in the case of an individual with a disability who would reasonably be expected to meet the standards for a Job Corps graduate, as defined under section 142(5), if allowed to participate in the Job Corps for not more than 1 additional year;

(3) in the case of an individual who participates in national service, as authorized by a Civilian Conservation Center program, who would be granted an enrollment extension in the Job Corps for the amount of time equal to the period of national service; or

(4) as the Secretary may authorize in a special case.

**SEC. 147. JOB CORPS CENTERS.**

(a) OPERATORS AND SERVICE PROVIDERS.—

(1) ELIGIBLE ENTITIES.—

(A) OPERATORS.—The Secretary shall enter into an agreement with a Federal, State, or local agency, an area career and technical education school, a residential career and technical education school, or a private organization, for the operation of each Job Corps center.

(B) PROVIDERS.—The Secretary may enter into an agreement with a local entity, or other entity with the necessary capacity, to provide activities described in this subtitle to a Job Corps center.

(2) SELECTION PROCESS.—

(A) COMPETITIVE BASIS.—Except as provided in subsections (a) and (b) of section 3304 of title 41, United States Code, the Secretary shall select on a competitive basis an entity to operate a Job Corps center and entities to provide activities described in this subtitle to the Job Corps center. In developing a solicitation for an operator or service provider, the Secretary shall consult with the Governor of the State in which the center is located, the workforce council for the Job Corps center (if established), and the applicable local board regarding the contents of such solicitation, including elements that will promote the consistency of the activities carried out through the center with the objectives set forth in the State plan or in a local plan.

(B) RECOMMENDATIONS AND CONSIDERATIONS.—

(i) OPERATORS.—In selecting an entity to operate a Job Corps center, the Secretary shall consider—

(I) the ability of the entity to coordinate the activities carried out through the Job Corps center with activities carried out under the appropriate State plan and local plans;

(II) the ability of the entity to offer career and technical education and training that has been proposed by the workforce council under section 154(c), and the degree to which such education and training reflects employment opportunities in the local areas in which enrollees at the center intend to seek employment;

(III) the degree to which the entity demonstrates relationships with the surrounding communities, employers, labor organizations, State boards, local boards, applicable one-stop centers, and the State and region in which the center is located;

(IV) the performance of the entity, if any, relating to operating or providing activities described in this subtitle to a Job Corps center, including the entity's demonstrated effectiveness in assisting individuals in achieving the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii); and

(V) the ability of the entity to demonstrate a record of successfully assisting at-risk youth to connect to the workforce, including providing them with intensive academics and career and technical education and training.

(ii) PROVIDERS.—In selecting a service provider for a Job Corps center, the Secretary shall consider the factors described in clause (i).

(3) ADDITIONAL SELECTION FACTORS.—To be eligible to operate a Job Corps center, an entity shall submit to the Secretary, at such time and in such manner as the Secretary may require, information related to additional selection factors, which shall include the following:

(A) A description of the program activities that will be offered at the center and how the academics and career and technical education and training reflect State and local employment opportunities, including opportunities in in-demand industry sectors and occupations recommended by the workforce council under section 154(c)(2)(A).

(B) A description of the counseling, placement, and support activities that will be offered at the center, including a description of the strategies and procedures the entity will use to place graduates into unsubsidized employment or education leading to a recognized postsecondary credential upon completion of the program.

(C) A description of the demonstrated record of effectiveness that the entity has in placing at-risk youth into employment and postsecondary education, including past performance of operating a Job Corps center under this subtitle or subtitle C of title I of the Workforce Investment Act of 1998, and as appropriate, the entity's demonstrated effectiveness in assisting individuals in achieving the indicators of performance for eligible youth described in section 116(b)(2)(A)(ii).

(D) A description of the relationships that the entity has developed with State boards, local boards, applicable one-stop centers, employers, labor organizations, State and local educational agencies, and the surrounding communities in which the center is located, in an effort to promote a comprehensive statewide workforce development system.

(E) A description of the entity's ability to coordinate the activities carried out through the Job Corps center with activities carried out under the appropriate State plan and local plans.

(F) A description of the strong fiscal controls the entity has in place to ensure proper accounting of Federal funds, and a description of how the entity will meet the requirements of section 159(a).

(G) A description of the steps to be taken to control costs in accordance with section 159(a)(3).

(H) A detailed budget of the activities that will be supported using funds under this subtitle and non-Federal resources.

(I) An assurance the entity is licensed to operate in the State in which the center is located.

(J) An assurance the entity will comply with basic health and safety codes, which shall include the disciplinary measures described in section 152(b).

(K) Any other information on additional selection factors that the Secretary may require.

(b) HIGH-PERFORMING CENTERS.—

(1) IN GENERAL.—If an entity meets the requirements described in paragraph (2) as applied to a particular Job Corps center, such entity shall be allowed to compete in any competitive selection process carried out for an award to operate such center.

(2) HIGH PERFORMANCE.—An entity shall be considered to be an operator of a high-performing center if the Job Corps center operated by the entity—

(A) is ranked among the top 20 percent of Job Corps centers for the most recent preceding program year; and

(B) meets the expected levels of performance established under section 159(c)(1) and, with respect to each of the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii)—

(i) for the period of the most recent preceding 3 program years for which information is available at the time the determination is made, achieved an average of 100 percent, or higher, of the expected level of performance established under section 159(c)(1) for the indicator; and

(ii) for the most recent preceding program year for which information is available at the time the determination is made, achieved 100 percent, or higher, of the expected level of performance established under such section for the indicator.

(3) TRANSITION.—If any of the program years described in paragraph (2)(B) precedes the implementation of the establishment of expected levels of performance under section

159(c) and the application of the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii), an entity shall be considered an operator of a high-performing center during that period if the Job Corps center operated by the entity—

(A) meets the requirements of paragraph (2)(B) with respect to such preceding program years using the performance of the Job Corps center regarding the national goals or targets established by the Office of the Job Corps under the previous performance accountability system for—

(i) the 6-month follow-up placement rate of graduates in employment, the military, education, or training;

(ii) the 12–month follow-up placement rate of graduates in employment, the military, education, or training;

(iii) the 6-month follow-up average weekly earnings of graduates;

(iv) the rate of attainment of secondary school diplomas or their recognized equivalent;

(v) the rate of attainment of completion certificates for career and technical training;

(vi) average literacy gains; and

(vii) average numeracy gains; or

(B) is ranked among the top 5 percent of Job Corps centers for the most recent preceding program year.

(c) CHARACTER AND ACTIVITIES.—Job Corps centers may be residential or nonresidential in character, and shall be designed and operated so as to provide enrollees, in a well-supervised setting, with access to activities described in this subtitle. In any year, no more than 20 percent of the individuals enrolled in the Job Corps may be nonresidential participants in the Job Corps.

(d) CIVILIAN CONSERVATION CENTERS.—

(1) IN GENERAL.—The Job Corps centers may include Civilian Conservation Centers, operated under an agreement between the Secretary of Labor and the Secretary of Agriculture, that are located primarily in rural areas. Such centers shall provide, in addition to academics, career and technical education and training, and workforce preparation skills training, programs of work experience to conserve, develop, or manage public natural resources or public recreational areas or to develop community projects in the public interest.

(2) ASSISTANCE DURING DISASTERS.—Enrollees in Civilian Conservation Centers may provide assistance in addressing national, State, and local disasters, consistent with current child labor laws (including regulations). The Secretary of Agriculture shall ensure that with respect to the provision of such assistance the enrollees are properly trained, equipped, supervised, and dispatched consistent with standards for the conservation and rehabilitation of wildlife established under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

(3) NATIONAL LIAISON.—The Secretary of Agriculture shall designate a Job Corps National Liaison to support the agreement under this section between the Departments of Labor and Agriculture.

(e) INDIAN TRIBES.—

(1) GENERAL AUTHORITY.—The Secretary may enter into agreements with Indian tribes to operate Job Corps centers for Indians.

(2) DEFINITIONS.—In this subsection, the terms ''Indian'' and ''Indian tribe'' have the meanings given such terms in subsections (d) and (e), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(f) LENGTH OF AGREEMENT.—The agreement described in subsection (a)(1)(A) shall be for not more than a 2-year period. The Secretary may exercise any contractual option to renew the agreement in 1-year increments for not more than 3 additional years, consistent with the requirements of subsection (g).

(g) RENEWAL CONDITIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall not renew the terms of an agreement for any 1-year additional period described in subsection (f) for an entity to operate a particular Job Corps center if, for both of the 2 most recent preceding program years for which information is available at the time the determination is made, or if a second program year is not available, the preceding year for which information is available, such center—

(A) has been ranked in the lowest 10 percent of Job Corps centers; and

(B) failed to achieve an average of 50 percent or higher of the expected level of performance under section 159(c)(1) with respect to each of the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii).

(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary may exercise an option to renew the agreement for no more than 2 additional years if the Secretary determines such renewal would be in the best interest of the Job Corps program, taking into account factors including—

(A) significant improvements in program performance from when the agreement was originally executed, which may include consideration of partial program year information, or steps taken that are likely to result in such improvement;

(B) that the performance is due to circumstances beyond the control of the entity, such as a natural disaster, economic downturn in the area, or other such similar factors;

(C) a significant disruption in the operations of the center, including in the ability to continue to provide services to students, or significant increase in the cost of such operations; or

(D) a significant disruption in the procurement process with respect to carrying out a competition for the selection of a center operator.

(3) ADDITIONAL CONSIDERATIONS.—The Secretary shall only renew the agreement of an entity to operate a Job Corps center if the entity—

(A) has a satisfactory record of integrity and business ethics;

(B) has adequate financial resources to perform the agreement;

(C) has the necessary organization, experience, accounting and operational controls, and technical skills; and

(D) is otherwise qualified and eligible under applicable laws and regulations, including that the contractor is not under suspension or debarred from eligibility for Federal contracts.

**SEC. 148. PROGRAM ACTIVITIES.**

(a) ACTIVITIES PROVIDED BY JOB CORPS CENTERS.—

(1) IN GENERAL.—Each Job Corps center shall provide enrollees with an intensive, well organized, and fully supervised program of education, including English language acquisition programs, career and technical education and training, work experience, work-based learning, recreational activities, physical rehabilitation and development, driver's education, and counseling, which may include information about financial literacy. Each Job Corps center shall provide enrollees assigned to the center with access to career services described in clauses (i) through (xi) of section 134(c)(2)(A).

(2) RELATIONSHIP TO OPPORTUNITIES.—The activities provided under this subsection shall be targeted to helping enrollees, on completion of their enrollment—

(A) secure and maintain meaningful unsubsidized employment;

(B) enroll in and complete secondary education or postsecondary education or training programs, including other suitable career and technical education and training, and apprenticeship programs; or

(C) satisfy Armed Forces requirements.

(3) LINK TO EMPLOYMENT OPPORTUNITIES.—The career and technical education and training provided shall be linked to employment opportunities in in-demand industry sectors and occupations in the State or local area in which the Job Corps center is located and, to the extent practicable, in the State or local area in which the enrollee intends to seek employment after graduation.

(b) ACADEMIC AND CAREER AND TECHNICAL EDUCATION AND TRAINING.—The Secretary may arrange for career and technical education and training of enrollees through local public or private educational agencies, career and technical educational institutions, technical institutes, or national service providers, whenever such entities provide education and training substantially equivalent in cost and quality to that which the Secretary could provide through other means.

(c) ADVANCED CAREER TRAINING PROGRAMS.—

(1) IN GENERAL.—The Secretary may arrange for programs of advanced career training for selected enrollees in which the enrollees may continue to participate for a period of not to exceed 1 year in addition to the period of participation to which the enrollees would otherwise be limited. The advanced career training may be provided through the eligible providers of training services identified under section 122.

(2) BENEFITS.—During the period of participation in an advanced career training program, an enrollee shall be eligible for full Job Corps benefits, or a monthly stipend equal to the average value of the residential support, food, allowances, and other benefits provided to enrollees assigned to residential Job Corps centers.

(3) DEMONSTRATION.—The Secretary shall develop standards by which any operator seeking to enroll additional enrollees in an advanced career training program shall demonstrate, before the operator may carry out such additional enrollment, that—

(A) participants in such program have achieved a satisfactory rate of completion and placement in training-related jobs; and

(B) for the most recently preceding 2 program years, such operator has, on average, met or exceeded the expected levels of performance under section 159(c)(1) for each of the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii).

(d) GRADUATE SERVICES.—In order to promote the retention of graduates in employment or postsecondary education, the Secretary shall arrange for the provision of job placement and support services to graduates for up to 12 months after the date of graduation. Multiple resources, including one-stop partners, may support the provision of these services, including services from the State vocational rehabilitation agency, to supplement job placement and job development efforts for Job Corps graduates who are individuals with disabilities.

(e) CHILD CARE.—The Secretary shall, to the extent practicable, provide child care at or near Job Corps centers, for individuals who require child care for their children in order to participate in the Job Corps.

**SEC. 149. COUNSELING AND JOB PLACEMENT.**

(a) ASSESSMENT AND COUNSELING.—The Secretary shall arrange for assessment and counseling for each enrollee at regular intervals to measure progress in the academic and

career and technical education and training programs carried out through the Job Corps.

(b) PLACEMENT.—The Secretary shall arrange for assessment and counseling for enrollees prior to their scheduled graduations to determine their capabilities and, based on their capabilities, shall place the enrollees in employment leading to economic self-sufficiency for which the enrollees are trained or assist the enrollees in participating in further activities described in this subtitle. In arranging for the placement of graduates in jobs, the Secretary shall utilize the one-stop delivery system to the maximum extent practicable.

(c) STATUS AND PROGRESS.—The Secretary shall determine the status and progress of enrollees scheduled for graduation and make every effort to assure that their needs for further activities described in this subtitle are met.

(d) SERVICES TO FORMER ENROLLEES.—The Secretary may provide such services as the Secretary determines to be appropriate under this subtitle to former enrollees.

**SEC. 150. SUPPORT.**

(a) PERSONAL ALLOWANCES.—The Secretary may provide enrollees assigned to Job Corps centers with such personal allowances as the Secretary may determine to be necessary or appropriate to meet the needs of the enrollees.

(b) TRANSITION ALLOWANCES.—The Secretary shall arrange for a transition allowance to be paid to graduates. The transition allowance shall be incentive-based to reflect a graduate's completion of academic, career and technical education or training, and attainment of recognized postsecondary credentials.

(c) TRANSITION SUPPORT.—The Secretary may arrange for the provision of 3 months of employment services for former enrollees.

**SEC. 151. OPERATIONS.**

(a) OPERATING PLAN.—The provisions of the contract between the Secretary and an entity selected to operate a Job Corps center shall, at a minimum, serve as an operating plan for the Job Corps center.

(b) ADDITIONAL INFORMATION.—The Secretary may require the operator, in order to remain eligible to operate the Job Corps center, to submit such additional information as the Secretary may require, which shall be considered part of the operating plan.

(c) AVAILABILITY.—The Secretary shall make the operating plan described in subsections (a) and (b), excluding any proprietary information, available to the public.

**SEC. 152. STANDARDS OF CONDUCT.**

(a) PROVISION AND ENFORCEMENT.—The Secretary shall provide, and directors of Job Corps centers shall stringently enforce, standards of conduct within the centers. Such standards of conduct shall include provisions forbidding the actions described in subsection (b)(2)(A).

(b) DISCIPLINARY MEASURES.—

(1) IN GENERAL.—To promote the proper behavioral standards in the Job Corps, the directors of Job Corps centers shall have the authority to take appropriate disciplinary measures against enrollees if such a director determines that an enrollee has committed a violation of the standards of conduct. The director shall dismiss the enrollee from the Job Corps if the director determines that the retention of the enrollee in the Job Corps will jeopardize the enforcement of such standards, threaten the safety of staff, students, or the local community, or diminish the opportunities of other enrollees.

(2) ZERO TOLERANCE POLICY AND DRUG TESTING.—

(A) GUIDELINES.—The Secretary shall adopt guidelines establishing a zero tolerance policy for an act of violence, for use, sale, or possession of a controlled substance, for abuse of alcohol, or for other illegal or disruptive activity.

(B) DRUG TESTING.—The Secretary shall require drug testing of all enrollees for controlled substances in accordance with procedures prescribed by the Secretary under section 145(a).

(C) DEFINITIONS.—In this paragraph:

(i) CONTROLLED SUBSTANCE.—The term ''controlled substance'' has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(ii) ZERO TOLERANCE POLICY.—The term ''zero tolerance policy'' means a policy under which an enrollee shall be automatically dismissed from the Job Corps after a determination by the director that the enrollee has carried out an action described in subparagraph (A).

(c) APPEAL.—A disciplinary measure taken by a director under this section shall be subject to expeditious appeal in accordance with procedures established by the Secretary.

**SEC. 153. COMMUNITY PARTICIPATION.**

(a) BUSINESS AND COMMUNITY PARTICIPATION.—The director of each Job Corps center shall ensure the establishment and development of the mutually beneficial business and community relationships and networks described in subsection (b), including the use of local boards, in order to enhance the effectiveness of such centers.

(b) NETWORKS.—The activities carried out by each Job Corps center under this section shall include—

(1) establishing and developing relationships and networks with—

(A) local and distant employers, to the extent practicable, in coordination with entities carrying out other Federal and non-Federal programs that conduct similar outreach to employers;

(B) applicable one-stop centers and applicable local boards, for the purpose of providing—

(i) information to, and referral of, potential enrollees; and

(ii) job opportunities for Job Corps graduates; and

(C)(i) entities carrying out relevant apprenticeship programs and youth programs;

(ii) labor-management organizations and local labor organizations;

(iii) employers and contractors that support national training contractor programs; and

(iv) community-based organizations, nonprofit organizations, and intermediaries providing workforce development-related services; and

(2) establishing and developing relationships with members of the community in which the Job Corps center is located, informing members of the community about the projects of the Job Corps center and changes in the rules, procedures, or activities of the center that may affect the community, and planning events of mutual interest to the community and the Job Corps center.

(c) NEW CENTERS.—The director of a Job Corps center that is not yet operating shall ensure the establishment and development of the relationships and networks described in subsection (b) at least 3 months prior to the date on which the center accepts the first enrollee at the center.

**SEC. 154. WORKFORCE COUNCILS.**

(a) IN GENERAL.—Each Job Corps center shall have a workforce council, appointed by the director of the center, in accordance with procedures established by the Secretary.

(b) WORKFORCE COUNCIL COMPOSITION.—

(1) IN GENERAL.—A workforce council shall be comprised of—

(A) a majority of members who shall be owners of business concerns, chief executives or chief operating officers of nongovernmental employers, or other private sector employers, who—

(i) have substantial management, hiring, or policy responsibility; and

(ii) represent businesses with employment opportunities that reflect the employment opportunities of the applicable local areas in which enrollees will be seeking employment;

(B) representatives of labor organizations (where present) and representatives of employees; and

(C) enrollees and graduates of the Job Corps.

(2) LOCAL BOARD.—The workforce council may include members of the applicable local boards who meet the requirements described in paragraph (1).

(3) EMPLOYERS OUTSIDE OF LOCAL AREA.—The workforce council for a Job Corps center may include, or otherwise provide for consultation with, employers from outside the local area who are likely to hire a significant number of enrollees from the Job Corps center.

(4) SPECIAL RULE FOR SINGLE STATE LOCAL AREAS.—In the case of a single State local area designated under section 106(d), the workforce council shall include a representative of the State Board.

(c) RESPONSIBILITIES.—The responsibilities of the workforce council shall be—

(1) to work closely with all applicable local boards in order to determine, and recommend to the Secretary, appropriate career and technical education and training for the center;

(2) to review all the relevant labor market information, including related information in the State plan or the local plan, to—

(A) recommend the in-demand industry sectors or occupations in the area in which the Job Corps center operates;

(B) determine the employment opportunities in the local areas in which the enrollees intend to seek employment after graduation;

(C) determine the skills and education that are necessary to obtain the employment opportunities; and

(D) recommend to the Secretary the type of career and technical education and training that should be implemented at the center to enable the enrollees to obtain the employment opportunities; and

(3) to meet at least once every 6 months to reevaluate the labor market information, and other relevant information, to determine, and recommend to the Secretary, any necessary changes in the career and technical education and training provided at the center.

(d) NEW CENTERS.—The workforce council for a Job Corps center that is not yet operating shall carry out the responsibilities described in subsection (c) at least 3 months prior to the date on which the center accepts the first enrollee at the center.

**SEC. 155. ADVISORY COMMITTEES.**

The Secretary may establish and use advisory committees in connection with the operation of the Job Corps program, and the operation of Job Corps centers, whenever the Secretary determines that the availability of outside advice and counsel on a regular basis would be of substantial benefit in identifying and overcoming problems, in planning program or center development, or in strengthening relationships between the Job Corps and agencies, institutions, or groups engaged in related activities.

**SEC. 156. EXPERIMENTAL PROJECTS AND TECHNICAL ASSISTANCE.**

(a) PROJECTS.—The Secretary may carry out experimental, research, or demonstration projects relating to carrying out the

Job Corps program. The Secretary may waive any provisions of this subtitle that the Secretary finds would prevent the Secretary from carrying out the projects if the Secretary informs the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, in writing, not less than 90 days in advance of issuing such waiver.

(b) TECHNICAL ASSISTANCE.—From the funds provided under section 162 (for the purposes of administration), the Secretary may reserve ¼ of 1 percent to provide, directly or through grants, contracts, or other agreements or arrangements as the Secretary considers appropriate, technical assistance for the Job Corps program for the purpose of improving program quality. Such assistance shall include—

(1) assisting Job Corps centers and programs—

(A) in correcting deficiencies under, and violations of, this subtitle;

(B) in meeting or exceeding the expected levels of performance under section 159(c)(1) for the indicators of performance described in section 116(b)(2)(A);

(C) in the development of sound management practices, including financial management procedures; and

(2) assisting entities, including entities not currently operating a Job Corps center, in developing the additional selection factors information described in section 147(a)(3).

**SEC. 157. APPLICATION OF PROVISIONS OF FEDERAL LAW.**

(a) ENROLLEES NOT CONSIDERED TO BE FEDERAL EMPLOYEES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection and in section 8143(a) of title 5, United States Code, enrollees shall not be considered to be Federal employees and shall not be subject to the provisions of law relating to Federal employment, including such provisions regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(2) PROVISIONS RELATING TO TAXES AND SOCIAL SECURITY BENEFITS.—For purposes of the Internal Revenue Code of 1986 and title II of the Social Security Act (42 U.S.C. 401 et seq.), enrollees shall be deemed to be employees of the United States and any service performed by an individual as an enrollee shall be deemed to be performed in the employ of the United States.

(3) PROVISIONS RELATING TO COMPENSATION TO FEDERAL EMPLOYEES FOR WORK INJURIES.—For purposes of subchapter I of chapter 81 of title 5, United States Code (relating to compensation to Federal employees for work injuries), enrollees shall be deemed to be civil employees of the Government of the United States within the meaning of the term ''employee'' as defined in section 8101 of title 5, United States Code, and the provisions of such subchapter shall apply as specified in section 8143(a) of title 5, United States Code.

(4) FEDERAL TORT CLAIMS PROVISIONS.—For purposes of the Federal tort claims provisions in title 28, United States Code, enrollees shall be considered to be employees of the Government.

(b) ADJUSTMENTS AND SETTLEMENTS.—Whenever the Secretary finds a claim for damages to a person or property resulting from the operation of the Job Corps to be a proper charge against the United States, and the claim is not cognizable under section 2672 of title 28, United States Code, the Secretary may adjust and settle the claim in an amount not exceeding $1,500.

(c) PERSONNEL OF THE UNIFORMED SERVICES.—Personnel of the uniformed services who are detailed or assigned to duty in the performance of agreements made by the Secretary for the support of the Job Corps shall not be counted in computing strength under any law limiting the strength of such services or in computing the percentage authorized by law for any grade in such services.

**SEC. 158. SPECIAL PROVISIONS.**

(a) ENROLLMENT.—The Secretary shall ensure that women and men have an equal opportunity to participate in the Job Corps program, consistent with section 145.

(b) STUDIES, EVALUATIONS, PROPOSALS, AND DATA.—The Secretary shall assure that all studies, evaluations, proposals, and data produced or developed with Federal funds in the course of carrying out the Job Corps program shall become the property of the United States.

(c) TRANSFER OF PROPERTY.—

(1) IN GENERAL.—Notwithstanding chapter 5 of title 40, United States Code, and any other provision of law, the Secretary and the Secretary of Education shall receive priority by the Secretary of Defense for the direct transfer, on a nonreimbursable basis, of the property described in paragraph (2) for use in carrying out programs under this Act or under any other Act.

(2) PROPERTY.—The property described in this paragraph is real and personal property under the control of the Department of Defense that is not used by such Department, including property that the Secretary of Defense determines is in excess of current and projected requirements of such Department.

(d) GROSS RECEIPTS.—Transactions conducted by a private for-profit or nonprofit entity that is an operator or service provider for a Job Corps center shall not be considered to be generating gross receipts. Such an operator or service provider shall not be liable, directly or indirectly, to any State or subdivision of a State (nor to any person acting on behalf of such a State or subdivision) for any gross receipts taxes, business privilege taxes measured by gross receipts, or any similar taxes imposed on, or measured by, gross receipts in connection with any payments made to or by such entity for operating or providing services to a Job Corps center. Such an operator or service provider shall not be liable to any State or subdivision of a State to collect or pay any sales, excise, use, or similar tax imposed on the sale to or use by such operator or service provider of any property, service, or other item in connection with the operation of or provision of services to a Job Corps center.

(e) MANAGEMENT FEE.—The Secretary shall provide each operator and (in an appropriate case, as determined by the Secretary) service provider with an equitable and negotiated management fee of not less than 1 percent of the amount of the funding provided under the appropriate agreement specified in section 147.

(f) DONATIONS.—The Secretary may accept on behalf of the Job Corps or individual Job Corps centers charitable donations of cash or other assistance, including equipment and materials, if such donations are available for appropriate use for the purposes set forth in this subtitle.

(g) SALE OF PROPERTY.—Notwithstanding any other provision of law, if the Administrator of General Services sells a Job Corps center facility, the Administrator shall transfer the proceeds from the sale to the Secretary, who shall use the proceeds to carry out the Job Corps program.

**SEC. 159. MANAGEMENT INFORMATION.**

(a) FINANCIAL MANAGEMENT INFORMATION SYSTEM.—

(1) IN GENERAL.—The Secretary shall establish procedures to ensure that each operator, and each service provider, maintains a financial management information system that will provide—

(A) accurate, complete, and current disclosures of the costs of Job Corps operations; and

(B) sufficient data for the effective evaluation of activities carried out through the Job Corps program.

(2) ACCOUNTS.—Each operator and service provider shall maintain funds received under this subtitle in accounts in a manner that ensures timely and accurate reporting as required by the Secretary.

(3) FISCAL RESPONSIBILITY.—Operators shall remain fiscally responsible and control costs, regardless of whether the funds made available for Job Corps centers are incrementally increased or decreased between fiscal years.

(b) AUDIT.—

(1) ACCESS.—The Secretary, the Inspector General of the Department of Labor, the Comptroller General of the United States, and any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the operators and service providers described in subsection (a) that are pertinent to the Job Corps program, for purposes of conducting surveys, audits, and evaluations of the operators and service providers.

(2) SURVEYS, AUDITS, AND EVALUATIONS.—The Secretary shall survey, audit, or evaluate, or arrange for the survey, audit, or evaluation of, the operators and service providers, using Federal auditors or independent public accountants. The Secretary shall conduct such surveys, audits, or evaluations not less often than once every 3 years.

(c) INFORMATION ON INDICATORS OF PERFORMANCE.—

(1) LEVELS OF PERFORMANCE AND INDICATORS.—The Secretary shall annually establish expected levels of performance for a Job Corps center and the Job Corps program relating to each of the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii).

(2) PERFORMANCE OF RECRUITERS.—The Secretary shall also establish performance indicators, and expected levels of performance on the performance indicators, for recruitment service providers serving the Job Corps program. The performance indicators shall relate to—

(A) the number of enrollees recruited, compared to the established goals for such recruitment, and the number of enrollees who remain committed to the program for 90 days after enrollment; and

(B) the measurements described in subparagraphs (I), (L), and (M) of subsection (d)(1).

(3) PERFORMANCE OF CAREER TRANSITION SERVICE PROVIDERS.—The Secretary shall also establish performance indicators, and expected performance levels on the performance indicators, for career transition service providers serving the Job Corps program. The performance indicators shall relate to—

(A) the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii); and

(B) the measurements described in subparagraphs (D), (E), (H), (J), and (K) of subsection (d)(1).

(4) REPORT.—The Secretary shall collect, and annually submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report including—

(A) information on the performance of each Job Corps center, and the Job Corps program, based on the performance indicators described in paragraph (1), as compared to the expected level of performance established under such paragraph for each performance indicator; and

(B) information on the performance of the service providers described in paragraphs (2) and (3) on the performance indicators established under such paragraphs, as compared to the expected level of performance established for each performance indicator.

(d) ADDITIONAL INFORMATION.—

(1) IN GENERAL.—The Secretary shall also collect, and submit in the report described in subsection (c)(4), information on the performance of each Job Corps center, and the Job Corps program, regarding—

(A) the number of enrollees served;

(B) demographic information on the enrollees served, including age, race, gender, and education and income level;

(C) the number of graduates of a Job Corps center;

(D) the number of graduates who entered the Armed Forces;

(E) the number of graduates who entered apprenticeship programs;

(F) the number of graduates who received a regular secondary school diploma;

(G) the number of graduates who received a State recognized equivalent of a secondary school diploma;

(H) the number of graduates who entered unsubsidized employment related to the career and technical education and training received through the Job Corps program and the number who entered unsubsidized employment not related to the education and training received;

(I) the percentage and number of former enrollees, including the number dismissed under the zero tolerance policy described in section 152(b);

(J) the percentage and number of graduates who enter postsecondary education;

(K) the average wage of graduates who enter unsubsidized employment—

(i) on the first day of such employment; and

(ii) on the day that is 6 months after such first day;

(L) the percentages of enrollees described in subparagraphs (A) and (B) of section 145(c)(1), as compared to the percentage targets established by the Secretary under such section for the center;

(M) the cost per enrollee, which is calculated by comparing the number of enrollees at the center in a program year to the total budget for such center in the same program year;

(N) the cost per graduate, which is calculated by comparing the number of graduates of the center in a program year compared to the total budget for such center in the same program year; and

(O) any additional information required by the Secretary.

(2) RULES FOR REPORTING OF DATA.—The disaggregation of data under this subsection shall not be required when the number of individuals in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual.

(e) METHODS.—The Secretary shall collect the information described in subsections (c) and (d), using methods described in section 116(i)(2) and consistent with State law, by entering into agreements with the States to access such data for Job Corps enrollees, former enrollees, and graduates.

(f) PERFORMANCE ASSESSMENTS AND IMPROVEMENTS.—

(1) ASSESSMENTS.—The Secretary shall conduct an annual assessment of the performance of each Job Corps center. Based on the assessment, the Secretary shall take measures to continuously improve the performance of the Job Corps program.

(2) PERFORMANCE IMPROVEMENT.—With respect to a Job Corps center that fails to meet the expected levels of performance relating to the primary indicators of performance specified in subsection (c)(1), the Secretary shall develop and implement a performance improvement plan. Such a plan shall require action to be taken during a 1-year period, including—

(A) providing technical assistance to the center;

(B) changing the career and technical education and training offered at the center;

(C) changing the management staff of the center;

(D) replacing the operator of the center;

(E) reducing the capacity of the center;

(F) relocating the center; or

(G) closing the center.

(3) ADDITIONAL PERFORMANCE IMPROVEMENT.—In addition to the performance improvement plans required under paragraph (2), the Secretary may develop and implement additional performance improvement plans. Such a plan shall require improvements, including the actions described in such paragraph, for a Job Corps center that fails to meet criteria established by the Secretary other than the expected levels of performance described in such paragraph.

(4) CIVILIAN CONSERVATION CENTERS.—With respect to a Civilian Conservation Center that fails to meet the expected levels of performance relating to the primary indicators of performance specified in subsection (c)(1) or fails to improve performance as described in paragraph (2) after 3 program years, the Secretary, in consultation with the Secretary of Agriculture, shall select an entity to operate the Civilian Conservation Center on a competitive basis, in accordance with the requirements of section 147.

(g) PARTICIPANT HEALTH AND SAFETY.—

(1) CENTER.—The Secretary shall ensure that a review by an appropriate Federal, State, or local entity of the physical condition and health-related activities of each Job Corps center occurs annually.

(2) WORK-BASED LEARNING LOCATIONS.—The Secretary shall require that an entity that has entered into a contract to provide work-based learning activities for any Job Corps enrollee under this subtitle shall comply with the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) or, as appropriate, under the corresponding State Occupational Safety and Health Act of 1970 requirements in the State in which such activities occur.

(h) BUILDINGS AND FACILITIES.—The Secretary shall collect, and submit in the report described in subsection (c)(4), information regarding the state of Job Corps buildings and facilities. Such report shall include—

(1) a review of requested construction, rehabilitation, and acquisition projects, by each Job Corps center; and

(2) a review of new facilities under construction.

(i) NATIONAL AND COMMUNITY SERVICE.—The Secretary shall include in the report described in subsection (c)(4) available information regarding the national and community service activities of enrollees, particularly those enrollees at Civilian Conservation Centers.

(j) CLOSURE OF JOB CORPS CENTER.—Prior to the closure of any Job Corps center, the Secretary shall ensure—

(1) that the proposed decision to close the center is announced in advance to the general public through publication in the Federal Register or other appropriate means;

(2) the establishment of a reasonable comment period, not to exceed 30 days, for interested individuals to submit written comments to the Secretary; and

(3) that the Member of Congress who represents the district in which such center is located is notified within a reasonable period of time in advance of any final decision to close the center.

**SEC. 160. GENERAL PROVISIONS.**

The Secretary is authorized to—

(1) disseminate, with regard to the provisions of section 3204 of title 39, United States Code, data and information in such forms as the Secretary shall determine to be appropriate, to public agencies, private organizations, and the general public;

(2) subject to section 157(b), collect or compromise all obligations to or held by the Secretary and exercise all legal or equitable rights accruing to the Secretary in connection with the payment of obligations until such time as such obligations may be referred to the Attorney General for suit or collection; and

(3) expend funds made available for purposes of this subtitle—

(A) for printing and binding, in accordance with applicable law (including regulation); and

(B) without regard to any other law (including regulation), for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by the Secretary, except that the Secretary shall not expend funds under the authority of this subparagraph—

(i) except when necessary to obtain an item, service, or facility, that is required in the proper administration of this subtitle, and that otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which the item, service, or facility is needed; and

(ii) prior to having given written notification to the Administrator of General Services (if the expenditure would affect an activity that otherwise would be under the jurisdiction of the General Services Administration) of the intention of the Secretary to make the expenditure, and the reasons and justifications for the expenditure.

**SEC. 161. JOB CORPS OVERSIGHT AND REPORTING.**

(a) TEMPORARY FINANCIAL REPORTING.—

(1) IN GENERAL.—During the periods described in paragraphs (2) and (3)(B), the Secretary shall prepare and submit to the applicable committees financial reports regarding the Job Corps program under this subtitle. Each such financial report shall include—

(A) information regarding the implementation of the financial oversight measures suggested in the May 31, 2013, report of the Office of Inspector General of the Department of Labor entitled ''The U.S. Department of Labor's Employment and Training Administration Needs to Strengthen Controls over Job Corps Funds'';

(B) a description of any budgetary shortfalls for the program for the period covered by the financial report, and the reasons for such shortfalls; and

(C) a description and explanation for any approval for contract expenditures that are in excess of the amounts provided for under the contract.

(2) TIMING OF REPORTS.—The Secretary shall submit a financial report under paragraph (1) once every 6 months beginning on the date of enactment of this Act, for a 3-year period. After the completion of such 3-year period, the Secretary shall submit a financial report under such paragraph once a year for the next 2 years, unless additional reports are required under paragraph (3)(B).

(3) REPORTING REQUIREMENTS IN CASES OF BUDGETARY SHORTFALLS.—If any financial report required under this subsection finds that the Job Corps program under this subtitle has a budgetary shortfall for the period covered by the report, the Secretary shall—

(A) not later than 90 days after the budgetary shortfall was identified, submit a report to the applicable committees explaining how the budgetary shortfall will be addressed; and

(B) submit an additional financial report under paragraph (1) for each 6-month period subsequent to the finding of the budgetary shortfall until the Secretary demonstrates, through such report, that the Job Corps program has no budgetary shortfall.

(b) THIRD-PARTY REVIEW.—Every 5 years after the date of enactment of this Act, the Secretary shall provide for a third-party review of the Job Corps program under this subtitle that addresses all of the areas described in subparagraphs (A) through (G) of section 169(a)(2). The results of the review shall be submitted to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(c) CRITERIA FOR JOB CORPS CENTER CLOSURES.—By not later than December 1, 2014, the Secretary shall establish written criteria that the Secretary shall use to determine when a Job Corps center supported under this subtitle is to be closed and how to carry out such closure, and shall submit such criteria to the applicable committees.

(d) DEFINITION OF APPLICABLE COMMITTEES.—In this section, the term ''applicable committees'' means—

(1) the Committee on Education and the Workforce of the House of Representatives;

(2) the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies of the Committee of Appropriations of the House of Representatives;

(3) the Committee on Health, Education, Labor, and Pensions of the Senate; and

(4) the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies of the Committee of Appropriations of the Senate.

**SEC. 162. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this subtitle—

(1) $1,688,155,000 for fiscal year 2015;

(2) $1,818,548,000 for fiscal year 2016;

(3) $1,856,283,000 for fiscal year 2017;

(4) $1,897,455,000 for fiscal year 2018;

(5) $1,942,064,000 for fiscal year 2019; and

(6) $1,983,236,000 for fiscal year 2020.

**Subtitle D—National Programs**

**SEC. 166. NATIVE AMERICAN PROGRAMS.**

(a) PURPOSE.—

(1) IN GENERAL.—The purpose of this section is to support employment and training activities for Indian, Alaska Native, and Native Hawaiian individuals in order—

(A) to develop more fully the academic, occupational, and literacy skills of such individuals;

(B) to make such individuals more competitive in the workforce and to equip them with the entrepreneurial skills necessary for successful self-employment; and

(C) to promote the economic and social development of Indian, Alaska Native, and Native Hawaiian communities in accordance with the goals and values of such communities.

(2) INDIAN POLICY.—All programs assisted under this section shall be administered in a manner consistent with the principles of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and the government-to-government relationship between the Federal Government and Indian tribal governments.

(b) DEFINITIONS.—As used in this section:

(1) ALASKA NATIVE.—The term ''Alaska Native'' includes a Native and a descendant of a Native, as such terms are defined in subsections (b) and (r) of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b), (r)).

(2) INDIAN, INDIAN TRIBE, AND TRIBAL ORGANIZATION.—The terms ''Indian'', ''Indian tribe'', and ''tribal organization'' have the meanings given such terms in subsections (d), (e), and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) NATIVE HAWAIIAN AND NATIVE HAWAIIAN ORGANIZATION.—The terms ''Native Hawaiian'' and ''Native Hawaiian organization'' have the meanings given such terms in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517).

(c) PROGRAM AUTHORIZED.—Every 4 years, the Secretary shall, on a competitive basis, make grants to, or enter into contracts or cooperative agreements with, Indian tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations to carry out the authorized activities described in subsection (d).

(d) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Funds made available under subsection (c) shall be used to carry out the activities described in paragraph (2) that—

(A) are consistent with this section; and

(B) are necessary to meet the needs of Indians, Alaska Natives, or Native Hawaiians preparing to enter, reenter, or retain unsubsidized employment leading to self-sufficiency.

(2) WORKFORCE DEVELOPMENT ACTIVITIES AND SUPPLEMENTAL SERVICES.—

(A) IN GENERAL.—Funds made available under subsection (c) shall be used for—

(i) comprehensive workforce development activities for Indians, Alaska Natives, or Native Hawaiians, including training on entrepreneurial skills; or

(ii) supplemental services for Indian, Alaska Native, or Native Hawaiian youth on or near Indian reservations and in Oklahoma, Alaska, or Hawaii.

(B) SPECIAL RULE.—Notwithstanding any other provision of this section, individuals who were eligible to participate in programs under section 401 of the Job Training Partnership Act (as such section was in effect on the day before the date of enactment of the Workforce Investment Act of 1998) shall be eligible to participate in an activity assisted under this section.

(e) PROGRAM PLAN.—In order to receive a grant or enter into a contract or cooperative agreement under this section, an entity described in subsection (c) shall submit to the Secretary a program plan that describes a 4-year strategy for meeting the needs of Indian, Alaska Native, or Native Hawaiian individuals, as appropriate, in the area served by such entity. Such plan shall—

(1) be consistent with the purpose of this section;

(2) identify the population to be served;

(3) identify the education and employment needs of the population to be served and the manner in which the activities to be provided will strengthen the ability of the individuals served to obtain or retain unsubsidized employment leading to self-sufficiency;

(4) describe the activities to be provided and the manner in which such activities are to be integrated with other appropriate activities; and

(5) describe, after the entity submitting the plan consults with the Secretary, the performance accountability measures to be used to assess the performance of entities in carrying out the activities assisted under this section, which shall include the primary indicators of performance described in section 116(b)(2)(A) and expected levels of performance for such indicators, in accordance with subsection (h).

(f) CONSOLIDATION OF FUNDS.—Each entity receiving assistance under subsection (c) may consolidate such assistance with assistance received from related programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.).

(g) NONDUPLICATIVE AND NONEXCLUSIVE SERVICES.—Nothing in this section shall be construed—

(1) to limit the eligibility of any entity described in subsection (c) to participate in any activity offered by a State or local entity under this Act; or

(2) to preclude or discourage any agreement, between any entity described in subsection (c) and any State or local entity, to facilitate the provision of services by such entity or to the population served by such entity.

(h) PERFORMANCE ACCOUNTABILITY MEASURES.—

(1) ADDITIONAL PERFORMANCE INDICATORS AND STANDARDS.—

(A) DEVELOPMENT OF INDICATORS AND STANDARDS.—The Secretary, in consultation with the Native American Employment and Training Council, shall develop a set of performance indicators and standards that is in addition to the primary indicators of performance described in section 116(b)(2)(A) and that shall be applicable to programs under this section.

(B) SPECIAL CONSIDERATIONS.—Such performance indicators and standards shall take into account—

(i) the purpose of this section as described in subsection (a)(1);

(ii) the needs of the groups served by this section, including the differences in needs among such groups in various geographic service areas; and

(iii) the economic circumstances of the communities served, including differences in circumstances among various geographic service areas.

(2) AGREEMENT ON ADJUSTED LEVELS OF PERFORMANCE.—The Secretary and the entity described in subsection (c) shall reach agreement on the levels of performance for each of the primary indicators of performance described in section 116(b)(2)(A), taking into account economic conditions, characteristics of the individuals served, and other appropriate factors and using, to the extent practicable, the statistical adjustment model under section 116(b)(3)(A)(viii). The levels agreed to shall be the adjusted levels of performance and shall be incorporated in the program plan.

(i) ADMINISTRATIVE PROVISIONS.—

(1) ORGANIZATIONAL UNIT ESTABLISHED.—The Secretary shall designate a single organizational unit within the Department of Labor that shall have primary responsibility for the administration of the activities authorized under this section.

(2) REGULATIONS.—The Secretary shall consult with the entities described in subsection (c) in—

(A) establishing regulations to carry out this section, including regulations relating to the performance accountability measures for entities receiving assistance under this section; and

(B) developing a funding distribution plan that takes into consideration previous levels of funding (prior to the date of enactment of this Act) to such entities.

(3) WAIVERS.—

(A) IN GENERAL.—With respect to an entity described in subsection (c), the Secretary, notwithstanding any other provision of law, may, pursuant to a request submitted by

such entity that meets the requirements established under subparagraph (B), waive any of the statutory or regulatory requirements of this title that are inconsistent with the specific needs of the entity described in such subsection, except that the Secretary may not waive requirements relating to wage and labor standards, worker rights, participation and protection of workers and participants, grievance procedures, and judicial review.

(B) REQUEST AND APPROVAL.—An entity described in subsection (c) that requests a waiver under subparagraph (A) shall submit a plan to the Secretary to improve the program of workforce investment activities carried out by the entity, which plan shall meet the requirements established by the Secretary and shall be generally consistent with the requirements of section 189(i)(3)(B).

(4) ADVISORY COUNCIL.—

(A) IN GENERAL.—Using funds made available to carry out this section, the Secretary shall establish a Native American Employment and Training Council to facilitate the consultation described in paragraph (2) and to provide the advice described in subparagraph (C).

(B) COMPOSITION.—The Council shall be composed of individuals, appointed by the Secretary, who are representatives of the entities described in subsection (c).

(C) DUTIES.—The Council shall advise the Secretary on the operation and administration of the programs assisted under this section, including the selection of the individual appointed as head of the unit established under paragraph (1).

(D) PERSONNEL MATTERS.—

(i) COMPENSATION OF MEMBERS.—Members of the Council shall serve without compensation.

(ii) TRAVEL EXPENSES.—The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(iii) ADMINISTRATIVE SUPPORT.—The Secretary shall provide the Council with such administrative support as may be necessary to perform the functions of the Council.

(E) CHAIRPERSON.—The Council shall select a chairperson from among its members.

(F) MEETINGS.—The Council shall meet not less than twice each year.

(G) APPLICATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

(5) TECHNICAL ASSISTANCE.—The Secretary, acting through the unit established under paragraph (1), is authorized to provide technical assistance to entities described in subsection (c) that receive assistance under such subsection to enable such entities to improve the activities authorized under this section that are provided by such entities.

(6) AGREEMENT FOR CERTAIN FEDERALLY RECOGNIZED INDIAN TRIBES TO TRANSFER FUNDS TO THE PROGRAM.—A federally recognized Indian tribe that administers funds provided under this section and funds provided by more than one State under other sections of this title may enter into an agreement with the Secretary and the Governors of the affected States to transfer the funds provided by the States to the program administered by the tribe under this section.

(j) COMPLIANCE WITH SINGLE AUDIT REQUIREMENTS; RELATED REQUIREMENT.—Grants made and contracts and cooperative agreements entered into under this section shall be subject to the requirements of chapter 75 of subtitle V of title 31, United States Code, and charging of costs under this section shall be subject to appropriate circulars issued by the Office of Management and Budget.

(k) ASSISTANCE TO UNIQUE POPULATIONS IN ALASKA AND HAWAII.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is authorized to provide assistance to the Cook Inlet Tribal Council, Incorporated, and the University of Hawaii at Maui, for the unique populations who reside in Alaska or Hawaii, respectively, to improve job training and workforce investment activities.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) $461,000 for fiscal year 2015;

(B) $497,000 for fiscal year 2016;

(C) $507,000 for fiscal year 2017;

(D) $518,000 for fiscal year 2018;

(E) $530,000 for fiscal year 2019; and

(F) $542,000 for fiscal year 2020.

**SEC. 167. MIGRANT AND SEASONAL FARMWORKER PROGRAMS.**

(a) IN GENERAL.—Every 4 years, the Secretary shall, on a competitive basis, make grants to, or enter into contracts with, eligible entities to carry out the activities described in subsection (d).

(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant or enter into a contract under this section, an entity shall have an understanding of the problems of eligible migrant and seasonal farmworkers (including dependents), a familiarity with the area to be served, and the ability to demonstrate a capacity to administer and deliver effectively a diversified program of workforce investment activities (including youth workforce investment activities) and related assistance for eligible migrant and seasonal farmworkers.

(c) PROGRAM PLAN.—

(1) IN GENERAL.—To be eligible to receive a grant or enter into a contract under this section, an entity described in subsection (b) shall submit to the Secretary a plan that describes a 4-year strategy for meeting the needs of eligible migrant and seasonal farmworkers in the area to be served by such entity.

(2) CONTENTS.—Such plan shall—

(A) describe the population to be served and identify the education and employment needs of the population to be served and the manner in which the services to be provided will strengthen the ability of the eligible migrant and seasonal farmworkers and dependents to obtain or retain unsubsidized employment, or stabilize their unsubsidized employment, including upgraded employment in agriculture;

(B) describe the related assistance and supportive services to be provided and the manner in which such assistance and services are to be integrated and coordinated with other appropriate services;

(C) describe the performance accountability measures to be used to assess the performance of such entity in carrying out the activities assisted under this section, which shall include the expected levels of performance for the primary indicators of performance described in section 116(b)(2)(A);

(D) describe the availability and accessibility of local resources, such as supportive services, services provided through one-stop delivery systems, and education and training services, and how the resources can be made available to the population to be served; and

(E) describe the plan for providing services under this section, including strategies and systems for outreach, career planning, assessment, and delivery through one-stop delivery systems.

(3) AGREEMENT ON ADJUSTED LEVELS OF PERFORMANCE.—The Secretary and the entity described in subsection (b) shall reach agreement on the levels of performance for each of the primary indicators of performance described in section 116(b)(2)(A), taking into account economic conditions, characteristics of the individuals served, and other appropriate factors, and using, to the extent practicable, the statistical adjustment model under section 116(b)(3)(A)(viii). The levels agreed to shall be the adjusted levels of performance and shall be incorporated in the program plan.

(4) ADMINISTRATION.—Grants and contracts awarded under this section shall be centrally administered by the Department of Labor and competitively awarded by the Secretary using procedures consistent with standard Federal Government competitive procurement policies.

(d) AUTHORIZED ACTIVITIES.—Funds made available under this section and section 127(a)(1) shall be used to carry out workforce investment activities (including youth workforce investment activities) and provide related assistance for eligible migrant and seasonal farmworkers, which may include—

(1) outreach, employment, training, educational assistance, literacy assistance, English language and literacy instruction, pesticide and worker safety training, housing (including permanent housing), supportive services, and school dropout prevention and recovery activities;

(2) followup services for those individuals placed in employment;

(3) self-employment and related business or micro-enterprise development or education as needed by eligible individuals as identified pursuant to the plan required by subsection (c);

(4) customized career and technical education in occupations that will lead to higher wages, enhanced benefits, and long-term employment in agriculture or another area; and

(5) technical assistance to improve coordination of services and implement best practices relating to service delivery through one-stop delivery systems.

(e) CONSULTATION WITH GOVERNORS AND LOCAL BOARDS.—In making grants and entering into contracts under this section, the Secretary shall consult with the Governors and local boards of the States in which the eligible entities will carry out the activities described in subsection (d).

(f) REGULATIONS.—The Secretary shall consult with eligible migrant and seasonal farmworkers groups and States in establishing regulations to carry out this section, including regulations relating to how economic and demographic barriers to employment of eligible migrant and seasonal farmworkers should be considered and included in the negotiations leading to the adjusted levels of performance described in subsection (c)(3).

(g) COMPLIANCE WITH SINGLE AUDIT REQUIREMENTS; RELATED REQUIREMENT.—Grants made and contracts entered into under this section shall be subject to the requirements of chapter 75 of subtitle V of title 31, United States Code and charging of costs under this section shall be subject to appropriate circulars issued by the Office of Management and Budget.

(h) FUNDING ALLOCATION.—From the funds appropriated and made available to carry out this section, the Secretary shall reserve not more than 1 percent for discretionary purposes, such as providing technical assistance to eligible entities.

(i) DEFINITIONS.—In this section:

(1) ELIGIBLE MIGRANT AND SEASONAL FARMWORKERS.—The term ''eligible migrant and seasonal farmworkers'' means individuals who are eligible migrant farmworkers or are eligible seasonal farmworkers.

(2) ELIGIBLE MIGRANT FARMWORKER.—The term ''eligible migrant farmworker'' means—

(A) an eligible seasonal farmworker described in paragraph (3)(A) whose agricultural labor requires travel to a job site such

that the farmworker is unable to return to a permanent place of residence within the same day; and

(B) a dependent of the farmworker described in subparagraph (A).

(3) ELIGIBLE SEASONAL FARMWORKER.—The term ''eligible seasonal farmworker'' means—

(A) a low-income individual who—

(i) for 12 consecutive months out of the 24 months prior to application for the program involved, has been primarily employed in agricultural or fish farming labor that is characterized by chronic unemployment or underemployment; and

(ii) faces multiple barriers to economic self-sufficiency; and

(B) a dependent of the person described in subparagraph (A).

**SEC. 168. TECHNICAL ASSISTANCE.**

(a) GENERAL TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall ensure that the Department has sufficient capacity to, and does, provide, coordinate, and support the development of, appropriate training, technical assistance, staff development, and other activities, including—

(A) assistance in replicating programs of demonstrated effectiveness, to States and localities;

(B) the training of staff providing rapid response services;

(C) the training of other staff of recipients of funds under this title, including the staff of local boards and State boards;

(D) the training of members of State boards and local boards;

(E) assistance in the development and implementation of integrated, technology-enabled intake and case management information systems for programs carried out under this Act and programs carried out by one-stop partners, such as standard sets of technical requirements for the systems, offering interfaces that States could use in conjunction with their current (as of the first date of implementation of the systems) intake and case management information systems that would facilitate shared registration across programs;

(F) assistance regarding accounting and program operations to States and localities (when such assistance would not supplant assistance provided by the State);

(G) peer review activities under this title; and

(H) in particular, assistance to States in making transitions to implement the provisions of this Act.

(2) FORM OF ASSISTANCE.—

(A) IN GENERAL.—In order to carry out paragraph (1) on behalf of a State or recipient of financial assistance under section 166 or 167, the Secretary, after consultation with the State or grant recipient, may award grants or enter into contracts or cooperative agreements.

(B) LIMITATION.—Grants or contracts awarded under paragraph (1) to entities other than States or local units of government that are for amounts in excess of $100,000 shall only be awarded on a competitive basis.

(b) DISLOCATED WORKER TECHNICAL ASSISTANCE.—

(1) AUTHORITY.—Of the amounts available pursuant to section 132(a)(2)(A), the Secretary shall reserve not more than 5 percent of such amounts to provide technical assistance to States that do not meet the State performance accountability measures for the primary indicators of performance described in section 116(b)(2)(A)(i) with respect to employment and training activities for dislocated workers. Using such reserved funds, the Secretary may provide such assistance to other States, local areas, and other entities involved in providing assistance to dislocated workers, to promote the continuous improvement of assistance provided to dislocated workers, under this title.

(2) TRAINING.—Amounts reserved under this subsection may be used to provide for the training of staff, including specialists, who provide rapid response services. Such training shall include instruction in proven methods of promoting, establishing, and assisting labor-management committees. Such projects shall be administered through the Employment and Training Administration of the Department.

(c) PROMISING AND PROVEN PRACTICES COORDINATION.—The Secretary shall—

(1) establish a system through which States may share information regarding promising and proven practices with regard to the operation of workforce investment activities under this Act;

(2) evaluate and disseminate information regarding such promising and proven practices and identify knowledge gaps; and

(3) commission research under section 169(b) to address knowledge gaps identified under paragraph (2).

**SEC. 169. EVALUATIONS AND RESEARCH.**

(a) EVALUATIONS.—

(1) EVALUATIONS OF PROGRAMS AND ACTIVITIES CARRIED OUT UNDER THIS TITLE.—

(A) IN GENERAL.—For the purpose of improving the management and effectiveness of programs and activities carried out under this title, the Secretary, through grants, contracts, or cooperative agreements, shall provide for the continuing evaluation of the programs and activities under this title, including those programs and activities carried out under this section.

(B) PERIODIC INDEPENDENT EVALUATION.—The evaluations carried out under this paragraph shall include an independent evaluation, at least once every 4 years, of the programs and activities carried out under this title.

(2) EVALUATION SUBJECTS.—Each evaluation carried out under paragraph (1) shall address—

(A) the general effectiveness of such programs and activities in relation to their cost, including the extent to which the programs and activities—

(i) improve the employment competencies of participants in comparison to comparably-situated individuals who did not participate in such programs and activities; and

(ii) to the extent feasible, increase the level of total employment over the level that would have existed in the absence of such programs and activities;

(B) the effectiveness of the performance accountability measures relating to such programs and activities;

(C) the effectiveness of the structure and mechanisms for delivery of services through such programs and activities, including the coordination and integration of services through such programs and activities;

(D) the impact of such programs and activities on the community, businesses, and participants involved;

(E) the impact of such programs and activities on related programs and activities;

(F) the extent to which such programs and activities meet the needs of various demographic groups; and

(G) such other factors as may be appropriate.

(3) EVALUATIONS OF OTHER PROGRAMS AND ACTIVITIES.—The Secretary may conduct evaluations of other federally funded employment-related programs and activities under other provisions of law.

(4) TECHNIQUES.—Evaluations conducted under this subsection shall utilize appropriate and rigorous methodology and research designs, including the use of control groups chosen by scientific random assignment methodologies. The Secretary shall conduct at least 1 multisite control group evaluation under this subsection by the end of fiscal year 2019, and thereafter shall ensure that such an analysis is included in the independent evaluation described in paragraph (1)(B) that is conducted at least once every 4 years.

(5) REPORTS.—The entity carrying out an evaluation described in paragraph (1) or (2) shall prepare and submit to the Secretary a draft report and a final report containing the results of the evaluation.

(6) REPORTS TO CONGRESS.—Not later than 30 days after the completion of a draft report under paragraph (5), the Secretary shall transmit the draft report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate. Not later than 60 days after the completion of a final report under such paragraph, the Secretary shall transmit the final report to such committees.

(7) PUBLICATION OF REPORTS.—If an entity that enters into a contract or other arrangement with the Secretary to conduct an evaluation of a program or activity under this subsection requests permission from the Secretary to publish a report resulting from the evaluation, such entity may publish the report unless the Secretary denies the request during the 90-day period beginning on the date the Secretary receives such request.

(8) COORDINATION.—The Secretary shall ensure the coordination of evaluations carried out by States pursuant to section 116(e) with the evaluations carried out under this subsection.

(b) RESEARCH, STUDIES, AND MULTISTATE PROJECTS.—

(1) IN GENERAL.—After consultation with States, localities, and other interested parties, the Secretary shall, every 2 years, publish in the Federal Register, a plan that describes the research, studies, and multistate project priorities of the Department of Labor concerning employment and training for the 5-year period following the submission of the plan. The plan shall be consistent with the purposes of this title, including the purpose of aligning and coordinating core programs with other one-stop partner programs. Copies of the plan shall be transmitted to the Committee on Education and the Workforce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, the Department of Education, and other relevant Federal agencies.

(2) FACTORS.—The plan published under paragraph (1) shall contain strategies to address national employment and training problems and take into account factors such as—

(A) the availability of existing research (as of the date of the publication);

(B) the need to ensure results that have interstate validity;

(C) the benefits of economies of scale and the efficiency of proposed projects; and

(D) the likelihood that the results of the projects will be useful to policymakers and stakeholders in addressing employment and training problems.

(3) RESEARCH PROJECTS.—The Secretary shall, through grants or contracts, carry out research projects that will contribute to the solution of employment and training problems in the United States and that are consistent with the priorities specified in the plan published under paragraph (1).

(4) STUDIES AND REPORTS.—

(A) NET IMPACT STUDIES AND REPORTS.—The Secretary of Labor, in coordination with the Secretary of Education and other relevant

Federal agencies, may conduct studies to determine the net impact and best practices of programs, services, and activities carried out under this Act.

(B) STUDY ON RESOURCES AVAILABLE TO ASSIST DISCONNECTED YOUTH.—The Secretary of Labor, in coordination with the Secretary of Education, may conduct a study examining the characteristics of eligible youth that result in such youth being significantly disconnected from education and workforce participation, the ways in which such youth could have greater opportunities for education attainment and obtaining employment, and the resources available to assist such youth in obtaining the skills, credentials, and work experience necessary to become economically self-sufficient.

(C) STUDY OF EFFECTIVENESS OF WORKFORCE DEVELOPMENT SYSTEM IN MEETING BUSINESS NEEDS.—Using funds available to carry out this subsection jointly with funds available to the Secretary of Commerce, the Administrator of the Small Business Administration, and the Secretary of Education, the Secretary of Labor, in coordination with the Secretary of Commerce, the Administrator of the Small Business Administration, and the Secretary of Education, may conduct a study of the effectiveness of the workforce development system in meeting the needs of business, such as through the use of industry or sector partnerships, with particular attention to the needs of small business, including in assisting workers to obtain the skills needed to utilize emerging technologies.

(D) STUDY ON PARTICIPANTS ENTERING NONTRADITIONAL OCCUPATIONS.—The Secretary of Labor, in coordination with the Secretary of Education, may conduct a study examining the number and percentage of individuals who receive employment and training activities and who enter nontraditional occupations, successful strategies to place and support the retention of individuals in nontraditional employment (such as by providing post-placement assistance to participants in the form of exit interviews, mentoring, networking, and leadership development), and the degree to which recipients of employment and training activities are informed of the possibility of, or directed to begin, training or education needed for entrance into nontraditional occupations.

(E) STUDY ON PERFORMANCE INDICATORS.—The Secretary of Labor, in coordination with the Secretary of Education, may conduct studies to determine the feasibility of, and potential means to replicate, measuring the compensation, including the wages, benefits, and other incentives provided by an employer, received by program participants by using data other than or in addition to data available through wage records, for potential use as a performance indicator.

(F) STUDY ON JOB TRAINING FOR RECIPIENTS OF PUBLIC HOUSING ASSISTANCE.—The Secretary of Labor, in coordination with the Secretary of Housing and Urban Development, may conduct studies to assist public housing authorities to provide, to recipients of public housing assistance, job training programs that successfully upgrade job skills and employment in, and access to, jobs with opportunity for advancement and economic self-sufficiency for such recipients.

(G) STUDY ON IMPROVING EMPLOYMENT PROSPECTS FOR OLDER INDIVIDUALS.—The Secretary of Labor, in coordination with the Secretary of Education and the Secretary of Health and Human Services, may conduct studies that lead to better design and implementation of, in conjunction with employers, local boards or State boards, community colleges or area career and technical education schools, and other organizations, effective evidence-based strategies to provide services to workers who are low-income, low-skilled older individuals that increase the workers' skills and employment prospects.

(H) STUDY ON PRIOR LEARNING.—The Secretary of Labor, in coordination with other heads of Federal agencies, as appropriate, may conduct studies that, through convening stakeholders from the fields of education, workforce, business, labor, defense, and veterans services, and experts in such fields, develop guidelines for assessing, accounting for, and utilizing the prior learning of individuals, including dislocated workers and veterans, in order to provide the individuals with postsecondary educational credit for such prior learning that leads to the attainment of a recognized postsecondary credential identified under section 122(d) and employment.

(I) STUDY ON CAREER PATHWAYS FOR HEALTH CARE PROVIDERS AND PROVIDERS OF EARLY EDUCATION AND CHILD CARE.—The Secretary of Labor, in coordination with the Secretary of Education and the Secretary of Health and Human Services, shall conduct a multistate study to develop, implement, and build upon career advancement models and practices for low-wage health care providers or providers of early education and child care, including faculty education and distance education programs.

(J) STUDY ON EQUIVALENT PAY.—The Secretary shall conduct a multistate study to develop and disseminate strategies for ensuring that programs and activities carried out under this Act are placing individuals in jobs, education, and training that lead to equivalent pay for men and women, including strategies to increase the participation of women in high-wage, high-demand occupations in which women are underrepresented.

(K) REPORTS.—The Secretary shall prepare and disseminate to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, and to the public, including through electronic means, reports containing the results of the studies conducted under this paragraph.

(5) MULTISTATE PROJECTS.—

(A) AUTHORITY.—The Secretary may, through grants or contracts, carry out multistate projects that require demonstrated expertise that is available at the national level to effectively disseminate best practices and models for implementing employment and training services, address the specialized employment and training needs of particular service populations, or address industry-wide skill shortages, to the extent such projects are consistent with the priorities specified in the plan published under paragraph (1).

(B) DESIGN OF GRANTS.—Agreements for grants or contracts awarded under this paragraph shall be designed to obtain information relating to the provision of services under different economic conditions or to various demographic groups in order to provide guidance at the national and State levels about how best to administer specific employment and training services.

(6) LIMITATIONS.—

(A) COMPETITIVE AWARDS.—A grant or contract awarded for carrying out a project under this subsection in an amount that exceeds $100,000 shall be awarded only on a competitive basis, except that a noncompetitive award may be made in the case of a project that is funded jointly with other public or private sector entities that provide a substantial portion of assistance under the grant or contract for the project.

(B) TIME LIMITS.—A grant or contract shall not be awarded under this subsection to the same organization for more than 3 consecutive years unless such grant or contract is competitively reevaluated within such period.

(C) PEER REVIEW.—

(i) IN GENERAL.—The Secretary shall utilize a peer review process—

(I) to review and evaluate all applications for grants in amounts that exceed $500,000 that are submitted under this section; and

(II) to review and designate exemplary and promising programs under this section.

(ii) AVAILABILITY OF FUNDS.—The Secretary is authorized to use funds provided under this section to carry out peer review activities under this subparagraph.

(D) PRIORITY.—In awarding grants or contracts under this subsection, priority shall be provided to entities with recognized expertise in the methods, techniques, and knowledge of workforce investment activities. The Secretary shall establish appropriate time limits for the duration of such projects.

(c) DISLOCATED WORKER PROJECTS.—Of the amount made available pursuant to section 132(a)(2)(A) for any program year, the Secretary shall use not more than 10 percent of such amount to carry out demonstration and pilot projects, multiservice projects, and multistate projects relating to the employment and training needs of dislocated workers. Of the requirements of this section, such projects shall be subject only to the provisions relating to review and evaluation of applications under subsection (b)(6)(C). Such projects may include demonstration and pilot projects relating to promoting self-employment, promoting job creation, averting dislocations, assisting dislocated farmers, assisting dislocated fishermen, and promoting public works. Such projects shall be administered by the Secretary, acting through the Assistant Secretary for Employment and Training.

**SEC. 170. NATIONAL DISLOCATED WORKER GRANTS.**

(a) DEFINITIONS.—In this section:

(1) EMERGENCY OR DISASTER.—The term ''emergency or disaster'' means—

(A) an emergency or a major disaster, as defined in paragraphs (1) and (2), respectively, of section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122 (1) and (2)); or

(B) an emergency or disaster situation of national significance that could result in a potentially large loss of employment, as declared or otherwise recognized by the chief official of a Federal agency with authority for or jurisdiction over the Federal response to the emergency or disaster situation.

(2) DISASTER AREA.—The term ''disaster area'' means an area that has suffered or in which has occurred an emergency or disaster.

(b) IN GENERAL.—

(1) GRANTS.—The Secretary is authorized to award national dislocated worker grants—

(A) to an entity described in subsection (c)(1)(B) to provide employment and training assistance to workers affected by major economic dislocations, such as plant closures, mass layoffs, or closures and realignments of military installations;

(B) to provide assistance to—

(i) the Governor of any State within the boundaries of which is a disaster area, to provide disaster relief employment in the disaster area; or

(ii) the Governor of any State to which a substantial number of workers from an area in which an emergency or disaster has been declared or otherwise recognized have relocated;

(C) to provide additional assistance to a State board or local board for eligible dislocated workers in a case in which the State board or local board has expended the funds

provided under this section to carry out activities described in subparagraphs (A) and (B) and can demonstrate the need for additional funds to provide appropriate services for such workers, in accordance with requirements prescribed by the Secretary; and

(D) to provide additional assistance to a State board or local board serving an area where—

(i) a higher-than-average demand for employment and training activities for dislocated members of the Armed Forces, spouses described in section 3(15)(E), or members of the Armed Forces described in subsection (c)(2)(A)(iv), exceeds State and local resources for providing such activities; and

(ii) such activities are to be carried out in partnership with the Department of Defense and Department of Veterans Affairs transition assistance programs.

(2) DECISIONS AND OBLIGATIONS.—The Secretary shall issue a final decision on an application for a national dislocated worker grant under this subsection not later than 45 calendar days after receipt of the application. The Secretary shall issue a notice of obligation for such grant not later than 10 days after the award of such grant.

(c) EMPLOYMENT AND TRAINING ASSISTANCE REQUIREMENTS.—

(1) GRANT RECIPIENT ELIGIBILITY.—

(A) APPLICATION.—To be eligible to receive a grant under subsection (b)(1)(A), an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) ELIGIBLE ENTITY.—In this paragraph, the term ''entity'' means a State, a local board, an entity described in section 166(c), an entity determined to be eligible by the Governor of the State involved, and any other entity that demonstrates to the Secretary the capability to effectively respond to the circumstances relating to particular dislocations.

(2) PARTICIPANT ELIGIBILITY.—

(A) IN GENERAL.—In order to be eligible to receive employment and training assistance under a national dislocated worker grant awarded pursuant to subsection (b)(1)(A), an individual shall be—

(i) a dislocated worker;

(ii) a civilian employee of the Department of Defense or the Department of Energy employed at a military installation that is being closed, or that will undergo realignment, within the next 24 months after the date of the determination of eligibility;

(iii) an individual who is employed in a nonmanagerial position with a Department of Defense contractor, who is determined by the Secretary of Defense to be at risk of termination from employment as a result of reductions in defense expenditures, and whose employer is converting operations from defense to nondefense applications in order to prevent worker layoffs; or

(iv) a member of the Armed Forces who—

(I) was on active duty or full-time National Guard duty;

(II)(aa) is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or

(bb) is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title 10, United States Code, or the voluntary separation incentive program under section 1175 of that title;

(III) is not entitled to retired or retained pay incident to the separation described in subclause (II); and

(IV) applies for such employment and training assistance before the end of the 180-day period beginning on the date of that separation.

(B) RETRAINING ASSISTANCE.—The individuals described in subparagraph (A)(iii) shall be eligible for retraining assistance to upgrade skills by obtaining marketable skills needed to support the conversion described in subparagraph (A)(iii).

(C) ADDITIONAL REQUIREMENTS.—The Secretary shall establish and publish additional requirements related to eligibility for employment and training assistance under the national dislocated worker grants to ensure effective use of the funds available for this purpose.

(D) DEFINITIONS.—In this paragraph, the terms ''military installation'' and ''realignment'' have the meanings given the terms in section 2910 of the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510; 10 U.S.C. 2687 note).

(d) DISASTER RELIEF EMPLOYMENT ASSISTANCE REQUIREMENTS.—

(1) IN GENERAL.—Funds made available under subsection (b)(1)(B)—

(A) shall be used, in coordination with the Administrator of the Federal Emergency Management Agency, as applicable, to provide disaster relief employment on projects that provide food, clothing, shelter, and other humanitarian assistance for emergency and disaster victims, and projects regarding demolition, cleaning, repair, renovation, and reconstruction of damaged and destroyed structures, facilities, and lands located within the disaster area and in offshore areas related to the emergency or disaster;

(B) may be expended through public and private agencies and organizations engaged in such projects; and

(C) may be expended to provide employment and training activities.

(2) ELIGIBILITY.—An individual shall be eligible to be offered disaster relief employment under subsection (b)(1)(B) if such individual—

(A) is a dislocated worker;

(B) is a long-term unemployed individual;

(C) is temporarily or permanently laid off as a consequence of the emergency or disaster; or

(D) in the case of an individual who is self-employed, becomes unemployed or significantly underemployed as a result of the emergency or disaster.

(3) LIMITATIONS ON DISASTER RELIEF EMPLOYMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no individual shall be employed under subsection (b)(1)(B) for more than 12 months for work related to recovery from a single emergency or disaster.

(B) EXTENSION.—At the request of a State, the Secretary may extend such employment, related to recovery from a single emergency or disaster involving the State, for not more than an additional 12 months.

(4) USE OF AVAILABLE FUNDS.—Funds made available under subsection (b)(1)(B) shall be available to assist workers described in paragraph (2) who are affected by an emergency or disaster, including workers who have relocated from an area in which an emergency or disaster has been declared or otherwise recognized, as appropriate. Under conditions determined by the Secretary and following notification to the Secretary, a State may use such funds, that are appropriated for any fiscal year and available for expenditure under any grant awarded to the State under this section, to provide any assistance authorized under this subsection. Funds used pursuant to the authority provided under this paragraph shall be subject to the liability and reimbursement requirements described in paragraph (5).

(5) LIABILITY AND REIMBURSEMENT.—Nothing in this Act shall be construed to relieve liability, by a responsible party that is liable under Federal law, for any costs incurred by the United States under subsection (b)(1)(B) or this subsection, including the responsibility to provide reimbursement for such costs to the United States.

**SEC. 171. YOUTHBUILD PROGRAM.**

(a) STATEMENT OF PURPOSE.—The purposes of this section are—

(1) to enable disadvantaged youth to obtain the education and employment skills necessary to achieve economic self-sufficiency in occupations in demand and postsecondary education and training opportunities;

(2) to provide disadvantaged youth with opportunities for meaningful work and service to their communities;

(3) to foster the development of employment and leadership skills and commitment to community development among youth in low-income communities;

(4) to expand the supply of permanent affordable housing for homeless individuals and low-income families by utilizing the energies and talents of disadvantaged youth; and

(5) to improve the quality and energy efficiency of community and other nonprofit and public facilities, including those facilities that are used to serve homeless and low-income families.

(b) DEFINITIONS.—In this section:

(1) ADJUSTED INCOME.—The term ''adjusted income'' has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(2) APPLICANT.—The term ''applicant'' means an eligible entity that has submitted an application under subsection (c).

(3) ELIGIBLE ENTITY.—The term ''eligible entity'' means a public or private nonprofit agency or organization (including a consortium of such agencies or organizations), including—

(A) a community-based organization;

(B) a faith-based organization;

(C) an entity carrying out activities under this title, such as a local board;

(D) a community action agency;

(E) a State or local housing development agency;

(F) an Indian tribe or other agency primarily serving Indians;

(G) a community development corporation;

(H) a State or local youth service or conservation corps; and

(I) any other entity eligible to provide education or employment training under a Federal program (other than the program carried out under this section).

(4) HOMELESS INDIVIDUAL.—The term ''homeless individual'' means 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 in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))).

(5) HOUSING DEVELOPMENT AGENCY.—The term ''housing development agency'' means any agency of a State or local government, or any private nonprofit organization, that is engaged in providing housing for homeless individuals or low-income families.

(6) INCOME.—The term ''income'' has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(7) INDIAN; INDIAN TRIBE.—The terms ''Indian'' and ''Indian tribe'' have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) LOW-INCOME FAMILY.—The term ''low-income family'' means a family described in

section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)).

(9) QUALIFIED NATIONAL NONPROFIT AGENCY.—The term ''qualified national nonprofit agency'' means a nonprofit agency that—

(A) has significant national experience providing services consisting of training, information, technical assistance, and data management to YouthBuild programs or similar projects; and

(B) has the capacity to provide those services.

(10) REGISTERED APPRENTICESHIP PROGRAM.—The term ''registered apprenticeship program'' means an apprenticeship program—

(A) registered under the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); and

(B) that meets such other criteria as may be established by the Secretary under this section.

(11) TRANSITIONAL HOUSING.—The term ''transitional housing'' has the meaning given the term in section 401(29) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(29)).

(12) YOUTHBUILD PROGRAM.—The term ''YouthBuild program'' means any program that receives assistance under this section and provides disadvantaged youth with opportunities for employment, education, leadership development, and training through the rehabilitation (which, for purposes of this section, shall include energy efficiency enhancements) or construction of housing for homeless individuals and low-income families, and of public facilities.

(c) YOUTHBUILD GRANTS.—

(1) AMOUNTS OF GRANTS.—The Secretary is authorized to make grants to applicants for the purpose of carrying out YouthBuild programs approved under this section.

(2) ELIGIBLE ACTIVITIES.—An entity that receives a grant under this subsection shall use the funds made available through the grant to carry out a YouthBuild program, which may include the following activities:

(A) Education and workforce investment activities including—

(i) work experience and skills training (coordinated, to the maximum extent feasible, with preapprenticeship and registered apprenticeship programs) in the activities described in subparagraphs (B) and (C) related to rehabilitation or construction, and, if approved by the Secretary, in additional in-demand industry sectors or occupations in the region in which the program operates;

(ii) occupational skills training;

(iii) other paid and unpaid work experiences, including internships and job shadowing;

(iv) services and activities designed to meet the educational needs of participants, including—

(I) basic skills instruction and remedial education;

(II) language instruction educational programs for participants who are English language learners;

(III) secondary education services and activities, including tutoring, study skills training, and school dropout prevention and recovery activities, designed to lead to the attainment of a secondary school diploma or its recognized equivalent (including recognized certificates of attendance or similar documents for individuals with disabilities);

(IV) counseling and assistance in obtaining postsecondary education and required financial aid; and

(V) alternative secondary school services;

(v) counseling services and related activities, such as comprehensive guidance and counseling on drug and alcohol abuse and referral;

(vi) activities designed to develop employment and leadership skills, which may include community service and peer-centered activities encouraging responsibility and other positive social behaviors, and activities related to youth policy committees that participate in decision-making related to the program;

(vii) supportive services and provision of need-based stipends necessary to enable individuals to participate in the program and to assist individuals, for a period not to exceed 12 months after the completion of training, in obtaining or retaining employment, or applying for and transitioning to postsecondary education or training; and

(viii) job search and assistance.

(B) Supervision and training for participants in the rehabilitation or construction of housing, including residential housing for homeless individuals or low-income families, or transitional housing for homeless individuals, and, if approved by the Secretary, in additional in-demand industry sectors or occupations in the region in which the program operates.

(C) Supervision and training for participants—

(i) in the rehabilitation or construction of community and other public facilities, except that not more than 15 percent of funds appropriated to carry out this section may be used for such supervision and training; and

(ii) if approved by the Secretary, in additional in-demand industry sectors or occupations in the region in which the program operates.

(D) Payment of administrative costs of the applicant, including recruitment and selection of participants, except that not more than 10 percent of the amount of assistance provided under this subsection to the grant recipient may be used for such costs.

(E) Adult mentoring.

(F) Provision of wages, stipends, or benefits to participants in the program.

(G) Ongoing training and technical assistance that are related to developing and carrying out the program.

(H) Follow-up services.

(3) APPLICATION.—

(A) FORM AND PROCEDURE.—To be qualified to receive a grant under this subsection, an eligible entity shall submit an application at such time, in such manner, and containing such information as the Secretary may require.

(B) MINIMUM REQUIREMENTS.—The Secretary shall require that the application contain, at a minimum—

(i) labor market information for the labor market area where the proposed program will be implemented, including both current data (as of the date of submission of the application) and projections on career opportunities in construction and in-demand industry sectors or occupations;

(ii) a request for the grant, specifying the amount of the grant requested and its proposed uses;

(iii) a description of the applicant and a statement of its qualifications, including a description of the applicant's relationship with local boards, one-stop operators, local unions, entities carrying out registered apprenticeship programs, other community groups, and employers, and the applicant's past experience, if any, with rehabilitation or construction of housing or public facilities, and with youth education and employment training programs;

(iv) a description of the proposed site for the proposed program;

(v) a description of the educational and job training activities, work opportunities, postsecondary education and training opportunities, and other services that will be provided to participants, and how those activities, opportunities, and services will prepare youth for employment in in-demand industry sectors or occupations in the labor market area described in clause (i);

(vi)(I) a description of the proposed activities to be undertaken under the grant related to rehabilitation or construction, and, in the case of an applicant requesting approval from the Secretary to also carry out additional activities related to in-demand industry sectors or occupations, a description of such additional proposed activities; and

(II) the anticipated schedule for carrying out all activities proposed under subclause (I);

(vii) a description of the manner in which eligible youth will be recruited and selected as participants, including a description of arrangements that will be made with local boards, one-stop operators, faith- and community-based organizations, State educational agencies or local educational agencies (including agencies of Indian tribes), public assistance agencies, the courts of jurisdiction, agencies operating shelters for homeless individuals and other agencies that serve youth who are homeless individuals, foster care agencies, and other appropriate public and private agencies;

(viii) a description of the special outreach efforts that will be undertaken to recruit eligible young women (including young women with dependent children) as participants;

(ix) a description of the specific role of employers in the proposed program, such as their role in developing the proposed program and assisting in service provision and in placement activities;

(x) a description of how the proposed program will be coordinated with other Federal, State, and local activities and activities conducted by Indian tribes, such as local workforce investment activities, career and technical education and training programs, adult and language instruction educational programs, activities conducted by public schools, activities conducted by community colleges, national service programs, and other job training provided with funds available under this title;

(xi) assurances that there will be a sufficient number of adequately trained supervisory personnel in the proposed program;

(xii) a description of the levels of performance to be achieved with respect to the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii);

(xiii) a description of the applicant's relationship with local building trade unions regarding their involvement in training to be provided through the proposed program, the relationship of the proposed program to established registered apprenticeship programs and employers, the ability of the applicant to grant an industry-recognized certificate or certification through the program, and the quality of the program leading to the certificate or certification;

(xiv) a description of activities that will be undertaken to develop the leadership skills of participants;

(xv) a detailed budget and a description of the system of fiscal controls, and auditing and accountability procedures, that will be used to ensure fiscal soundness for the proposed program;

(xvi) a description of the commitments for any additional resources (in addition to the funds made available through the grant) to be made available to the proposed program from—

(I) the applicant;

(II) recipients of other Federal, State, or local housing and community development assistance that will sponsor any part of the rehabilitation or construction, operation and

maintenance, or other housing and community development activities undertaken as part of the proposed program; or

(III) entities carrying out other Federal, State, or local activities or activities conducted by Indian tribes, including career and technical education and training programs, adult and language instruction educational programs, and job training provided with funds available under this title;

(xvii) information identifying, and a description of, the financing proposed for any—

(I) rehabilitation of the property involved;

(II) acquisition of the property; or

(III) construction of the property;

(xviii) information identifying, and a description of, the entity that will operate and manage the property;

(xix) information identifying, and a description of, the data collection systems to be used;

(xx) a certification, by a public official responsible for the housing strategy for the State or unit of general local government within which the proposed program is located, that the proposed program is consistent with the housing strategy; and

(xxi) a certification that the applicant will comply with the requirements of the Fair Housing Act (42 U.S.C. 3601 et seq.) and will affirmatively further fair housing.

(4) SELECTION CRITERIA.—For an applicant to be eligible to receive a grant under this subsection, the applicant and the applicant's proposed program shall meet such selection criteria as the Secretary shall establish under this section, which shall include criteria relating to—

(A) the qualifications or potential capabilities of an applicant;

(B) an applicant's potential for developing a successful YouthBuild program;

(C) the need for an applicant's proposed program, as determined by the degree of economic distress of the community from which participants would be recruited (measured by indicators such as poverty, youth unemployment, and the number of individuals who have dropped out of secondary school) and of the community in which the housing and community and public facilities proposed to be rehabilitated or constructed is located (measured by indicators such as incidence of homelessness, shortage of affordable housing, and poverty);

(D) the commitment of an applicant to providing skills training, leadership development, and education to participants;

(E) the focus of a proposed program on preparing youth for in-demand industry sectors or occupations, or postsecondary education and training opportunities;

(F) the extent of an applicant's coordination of activities to be carried out through the proposed program with local boards, one-stop operators, and one-stop partners participating in the operation of the one-stop delivery system involved, or the extent of the applicant's good faith efforts in achieving such coordination;

(G) the extent of the applicant's coordination of activities with public education, criminal justice, housing and community development, national service, or postsecondary education or other systems that relate to the goals of the proposed program;

(H) the extent of an applicant's coordination of activities with employers in the local area involved;

(I) the extent to which a proposed program provides for inclusion of tenants who were previously homeless individuals in the rental housing provided through the program;

(J) the commitment of additional resources (in addition to the funds made available through the grant) to a proposed program by—

(i) an applicant;

(ii) recipients of other Federal, State, or local housing and community development assistance who will sponsor any part of the rehabilitation or construction, operation and maintenance, or other housing and community development activities undertaken as part of the proposed program; or

(iii) entities carrying out other Federal, State, or local activities or activities conducted by Indian tribes, including career and technical education and training programs, adult and language instruction educational programs, and job training provided with funds available under this title;

(K) the applicant's potential to serve different regions, including rural areas and States that have not previously received grants for YouthBuild programs; and

(L) such other factors as the Secretary determines to be appropriate for purposes of carrying out the proposed program in an effective and efficient manner.

(5) APPROVAL.—To the extent practicable, the Secretary shall notify each applicant, not later than 5 months after the date of receipt of the application by the Secretary, whether the application is approved or not approved.

(d) USE OF HOUSING UNITS.—Residential housing units rehabilitated or constructed using funds made available under subsection (c), shall be available solely—

(1) for rental by, or sale to, homeless individuals or low-income families; or

(2) for use as transitional or permanent housing, for the purpose of assisting in the movement of homeless individuals to independent living.

(e) ADDITIONAL PROGRAM REQUIREMENTS.—

(1) ELIGIBLE PARTICIPANTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an individual may participate in a YouthBuild program only if such individual is—

(i) not less than age 16 and not more than age 24, on the date of enrollment;

(ii) a member of a low-income family, a youth in foster care (including youth aging out of foster care), a youth offender, a youth who is an individual with a disability, a child of incarcerated parents, or a migrant youth; and

(iii) a school dropout, or an individual who was a school dropout and has subsequently reenrolled.

(B) EXCEPTION FOR INDIVIDUALS NOT MEETING INCOME OR EDUCATIONAL NEED REQUIREMENTS.—Not more than 25 percent of the participants in such program may be individuals who do not meet the requirements of clause (ii) or (iii) of subparagraph (A), but who—

(i) are basic skills deficient, despite attainment of a secondary school diploma or its recognized equivalent (including recognized certificates of attendance or similar documents for individuals with disabilities); or

(ii) have been referred by a local secondary school for participation in a YouthBuild program leading to the attainment of a secondary school diploma.

(2) PARTICIPATION LIMITATION.—An eligible individual selected for participation in a YouthBuild program shall be offered full-time participation in the program for a period of not less than 6 months and not more than 24 months.

(3) MINIMUM TIME DEVOTED TO EDUCATIONAL SERVICES AND ACTIVITIES.—A YouthBuild program receiving assistance under subsection (c) shall be structured so that participants in the program are offered—

(A) education and related services and activities designed to meet educational needs, such as those specified in clauses (iv) through (vii) of subsection (c)(2)(A), during at least 50 percent of the time during which the participants participate in the program; and

(B) work and skill development activities, such as those specified in clauses (i), (ii), (iii), and (viii) of subsection (c)(2)(A), during at least 40 percent of the time during which the participants participate in the program.

(4) AUTHORITY RESTRICTION.—No provision of this section may be construed to authorize any agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution (including a school) or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system.

(5) STATE AND LOCAL STANDARDS.—All educational programs and activities supported with funds provided under subsection (c) shall be consistent with applicable State and local educational standards. Standards and procedures for the programs and activities that relate to awarding academic credit for and certifying educational attainment in such programs and activities shall be consistent with applicable State and local educational standards.

(f) LEVELS OF PERFORMANCE AND INDICATORS.—

(1) IN GENERAL.—The Secretary shall annually establish expected levels of performance for YouthBuild programs relating to each of the primary indicators of performance for eligible youth activities described in section 116(b)(2)(A)(ii).

(2) ADDITIONAL INDICATORS.—The Secretary may establish expected levels of performance for additional indicators for YouthBuild programs, as the Secretary determines appropriate.

(g) MANAGEMENT AND TECHNICAL ASSISTANCE.—

(1) SECRETARY ASSISTANCE.—The Secretary may enter into contracts with 1 or more entities to provide assistance to the Secretary in the management, supervision, and coordination of the program carried out under this section.

(2) TECHNICAL ASSISTANCE.—

(A) CONTRACTS AND GRANTS.—The Secretary shall enter into contracts with or make grants to 1 or more qualified national nonprofit agencies, in order to provide training, information, technical assistance, program evaluation, and data management to recipients of grants under subsection (c).

(B) RESERVATION OF FUNDS.—Of the amounts available under subsection (i) to carry out this section for a fiscal year, the Secretary shall reserve 5 percent to carry out subparagraph (A).

(3) CAPACITY BUILDING GRANTS.—

(A) IN GENERAL.—In each fiscal year, the Secretary may use not more than 3 percent of the amounts available under subsection (i) to award grants to 1 or more qualified national nonprofit agencies to pay for the Federal share of the cost of capacity building activities.

(B) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) shall be 25 percent. The non-Federal share shall be provided from private sources.

(h) SUBGRANTS AND CONTRACTS.—Each recipient of a grant under subsection (c) to carry out a YouthBuild program shall provide the services and activities described in this section directly or through subgrants, contracts, or other arrangements with local educational agencies, institutions of higher education, State or local housing development agencies, other public agencies, including agencies of Indian tribes, or private organizations.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $77,534,000 for fiscal year 2015;
(2) $83,523,000 for fiscal year 2016;
(3) $85,256,000 for fiscal year 2017;
(4) $87,147,000 for fiscal year 2018;
(5) $89,196,000 for fiscal year 2019; and
(6) $91,087,000 for fiscal year 2020.

**SEC. 172. AUTHORIZATION OF APPROPRIATIONS.**

(a) NATIVE AMERICAN PROGRAMS.—There are authorized to be appropriated to carry out section 166 (not including subsection (k) of such section)—
(1) $46,082,000 for fiscal year 2015;
(2) $49,641,000 for fiscal year 2016;
(3) $50,671,000 for fiscal year 2017;
(4) $51,795,000 for fiscal year 2018;
(5) $53,013,000 for fiscal year 2019; and
(6) $54,137,000 for fiscal year 2020.

(b) MIGRANT AND SEASONAL FARMWORKER PROGRAMS.—There are authorized to be appropriated to carry out section 167—
(1) $81,896,000 for fiscal year 2015;
(2) $88,222,000 for fiscal year 2016;
(3) $90,052,000 for fiscal year 2017;
(4) $92,050,000 for fiscal year 2018;
(5) $94,214,000 for fiscal year 2019; and
(6) $96,211,000 for fiscal year 2020.

(c) TECHNICAL ASSISTANCE.—There are authorized to be appropriated to carry out section 168—
(1) $3,000,000 for fiscal year 2015;
(2) $3,232,000 for fiscal year 2016;
(3) $3,299,000 for fiscal year 2017;
(4) $3,372,000 for fiscal year 2018;
(5) $3,451,000 for fiscal year 2019; and
(6) $3,524,000 for fiscal year 2020.

(d) EVALUATIONS AND RESEARCH.—There are authorized to be appropriated to carry out section 169—
(1) $91,000,000 for fiscal year 2015;
(2) $98,029,000 for fiscal year 2016;
(3) $100,063,000 for fiscal year 2017;
(4) $102,282,000 for fiscal year 2018;
(5) $104,687,000 for fiscal year 2019; and
(6) $106,906,000 for fiscal year 2020.

(e) ASSISTANCE FOR VETERANS.—If, as of the date of enactment of this Act, any unobligated funds appropriated to carry out section 168 of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act, remain available, the Secretary of Labor shall continue to use such funds to carry out such section, as in effect on such day, until all of such funds are expended.

(f) ASSISTANCE FOR ELIGIBLE WORKERS.—If, as of the date of enactment of this Act, any unobligated funds appropriated to carry out subsections (f) and (g) of section 173 of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act, remain available, the Secretary of Labor shall continue to use such funds to carry out such subsections, as in effect on such day, until all of such funds are expended.

**Subtitle E—Administration**

**SEC. 181. REQUIREMENTS AND RESTRICTIONS.**

(a) BENEFITS.—

(1) WAGES.—

(A) IN GENERAL.—Individuals in on-the-job training or individuals employed in activities under this title shall be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills, and such rates shall be in accordance with applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law.

(B) RULE OF CONSTRUCTION.—The reference in subparagraph (A) to section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall not be applicable for individuals in territorial jurisdictions in which section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) does not apply.

(2) TREATMENT OF ALLOWANCES, EARNINGS, AND PAYMENTS.—Allowances, earnings, and payments to individuals participating in programs under this title shall not be considered as income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally assisted program based on need, other than as provided under the Social Security Act (42 U.S.C. 301 et seq.).

(b) LABOR STANDARDS.—

(1) LIMITATIONS ON ACTIVITIES THAT IMPACT WAGES OF EMPLOYEES.—No funds provided under this title shall be used to pay the wages of incumbent employees during their participation in economic development activities provided through a statewide workforce development system.

(2) DISPLACEMENT.—

(A) PROHIBITION.—A participant in a program or activity authorized under this title (referred to in this section as a ''specified activity'') shall not displace (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).

(B) PROHIBITION ON IMPAIRMENT OF CONTRACTS.—A specified activity shall not impair an existing contract for services or collective bargaining agreement, and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.

(3) OTHER PROHIBITIONS.—A participant in a specified activity shall not be employed in a job if—

(A) any other individual is on layoff from the same or any substantially equivalent job;

(B) the employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created with the participant; or

(C) the job is created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of the participation).

(4) HEALTH AND SAFETY.—Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees shall be equally applicable to working conditions of participants engaged in specified activities. To the extent that a State workers' compensation law applies, workers' compensation shall be provided to participants on the same basis as the compensation is provided to other individuals in the State in similar employment.

(5) EMPLOYMENT CONDITIONS.—Individuals in on-the-job training or individuals employed in programs and activities under this title shall be provided benefits and working conditions at the same level and to the same extent as other trainees or employees working a similar length of time and doing the same type of work.

(6) OPPORTUNITY TO SUBMIT COMMENTS.—Interested members of the public, including representatives of businesses and of labor organizations, shall be provided an opportunity to submit comments to the Secretary with respect to programs and activities proposed to be funded under subtitle B.

(7) NO IMPACT ON UNION ORGANIZING.—Each recipient of funds under this title shall provide to the Secretary assurances that none of such funds will be used to assist, promote, or deter union organizing.

(c) GRIEVANCE PROCEDURE.—

(1) IN GENERAL.—Each State and local area receiving an allotment or allocation under this title shall establish and maintain a procedure for grievances or complaints alleging violations of the requirements of this title from participants and other interested or affected parties. Such procedure shall include an opportunity for a hearing and be completed within 60 days after the filing of the grievance or complaint.

(2) INVESTIGATION.—

(A) IN GENERAL.—The Secretary shall investigate an allegation of a violation described in paragraph (1) if—

(i) a decision relating to such violation has not been reached within 60 days after the date of the filing of the grievance or complaint and either party appeals to the Secretary; or

(ii) a decision relating to such violation has been reached within such 60 days and the party to which such decision is adverse appeals such decision to the Secretary.

(B) ADDITIONAL REQUIREMENT.—The Secretary shall make a final determination relating to an appeal made under subparagraph (A) no later than 120 days after receiving such appeal.

(3) REMEDIES.—Remedies that may be imposed under this section for a violation of any requirement of this title shall be limited—

(A) to suspension or termination of payments under this title;

(B) to prohibition of placement of a participant with an employer that has violated any requirement under this title;

(C) where applicable, to reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment; and

(D) where appropriate, to other equitable relief.

(4) RULE OF CONSTRUCTION.—Nothing in paragraph (3) shall be construed to prohibit a grievant or complainant from pursuing a remedy authorized under another Federal, State, or local law for a violation of this title.

(d) RELOCATION.—

(1) PROHIBITION ON USE OF FUNDS TO ENCOURAGE OR INDUCE RELOCATION.—No funds provided under this title shall be used, or proposed for use, to encourage or induce the relocation of a business or part of a business if such relocation would result in a loss of employment for any employee of such business at the original location and such original location is within the United States.

(2) PROHIBITION ON USE OF FUNDS AFTER RELOCATION.—No funds provided under this title for an employment or training activity shall be used for customized or skill training, on-the-job training, incumbent worker training, transitional employment, or company-specific assessments of job applicants or employees, for any business or part of a business that has relocated, until the date that is 120 days after the date on which such business commences operations at the new location, if the relocation of such business or part of a business results in a loss of employment for any employee of such business at the original location and such original location is within the United States.

(3) REPAYMENT.—If the Secretary determines that a violation of paragraph (1) or (2) has occurred, the Secretary shall require the State that has violated such paragraph (or that has provided funding to an entity that has violated such paragraph) to repay to the United States an amount equal to the amount expended in violation of such paragraph.

(e) LIMITATION ON USE OF FUNDS.—No funds available to carry out an activity under this

title shall be used for employment generating activities, investment in revolving loan funds, capitalization of businesses, investment in contract bidding resource centers, economic development activities, or similar activities, that are not directly related to training for eligible individuals under this title. No funds received to carry out an activity under subtitle B shall be used for foreign travel.

(f) TESTING AND SANCTIONING FOR USE OF CONTROLLED SUBSTANCES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State shall not be prohibited by the Federal Government from—

(A) testing participants in programs under subtitle B for the use of controlled substances; and

(B) sanctioning such participants who test positive for the use of such controlled substances.

(2) ADDITIONAL REQUIREMENTS.—

(A) PERIOD OF SANCTION.—In sanctioning participants in a program under subtitle B who test positive for the use of controlled substances—

(i) with respect to the first occurrence for which a participant tests positive, a State may exclude the participant from the program for a period not to exceed 6 months; and

(ii) with respect to the second occurrence and each subsequent occurrence for which a participant tests positive, a State may exclude the participant from the program for a period not to exceed 2 years.

(B) APPEAL.—The testing of participants and the imposition of sanctions under this subsection shall be subject to expeditious appeal in accordance with due process procedures established by the State.

(C) PRIVACY.—A State shall establish procedures for testing participants for the use of controlled substances that ensure a maximum degree of privacy for the participants.

(3) FUNDING REQUIREMENT.—In testing and sanctioning of participants for the use of controlled substances in accordance with this subsection, the only Federal funds that a State may use are the amounts made available for the administration of statewide workforce investment activities under section 134(a)(3)(B).

(g) SUBGRANT AUTHORITY.—A recipient of grant funds under this title shall have the authority to enter into subgrants in order to carry out the grant, subject to such conditions as the Secretary may establish.

**SEC. 182. PROMPT ALLOCATION OF FUNDS.**

(a) ALLOTMENTS BASED ON LATEST AVAILABLE DATA.—All allotments to States and grants to outlying areas under this title shall be based on the latest available data and estimates satisfactory to the Secretary. All data relating to disadvantaged adults and disadvantaged youth shall be based on the most recent satisfactory data from the Bureau of the Census.

(b) PUBLICATION IN FEDERAL REGISTER RELATING TO FORMULA FUNDS.—Whenever the Secretary allots funds required to be allotted under this title, the Secretary shall publish in a timely fashion in the Federal Register the amount proposed to be distributed to each recipient of the funds.

(c) REQUIREMENT FOR FUNDS DISTRIBUTED BY FORMULA.—All funds required to be allotted under section 127 or 132 shall be allotted within 45 days after the date of enactment of the Act appropriating the funds, except that, if such funds are appropriated in advance as authorized by section 189(g), such funds shall be allotted or allocated not later than the March 31 preceding the program year for which such funds are to be available for obligation.

(d) PUBLICATION IN FEDERAL REGISTER RELATING TO DISCRETIONARY FUNDS.—Whenever the Secretary utilizes a formula to allot or allocate funds made available for distribution at the Secretary's discretion under this title, the Secretary shall, not later than 30 days prior to such allotment or allocation, publish for comment in the Federal Register the formula, the rationale for the formula, and the proposed amounts to be distributed to each State and local area. After consideration of any comments received, the Secretary shall publish final allotments and allocations in the Federal Register.

(e) AVAILABILITY OF FUNDS.—Funds shall be made available under section 128, and funds shall be made available under section 133, for a local area not later than 30 days after the date the funds are made available to the Governor involved, under section 127 or 132 (as the case may be), or 7 days after the date the local plan for the area is approved, whichever is later.

**SEC. 183. MONITORING.**

(a) IN GENERAL.—The Secretary is authorized to monitor all recipients of financial assistance under this title to determine whether the recipients are complying with the provisions of this title, including the regulations issued under this title.

(b) INVESTIGATIONS.—The Secretary may investigate any matter the Secretary determines to be necessary to determine the compliance of the recipients with this title, including the regulations issued under this title. The investigations authorized by this subsection may include examining records (including making certified copies of the records), questioning employees, and entering any premises or onto any site in which any part of a program or activity of such a recipient is conducted or in which any of the records of the recipient are kept.

(c) ADDITIONAL REQUIREMENT.—For the purpose of any investigation or hearing conducted under this title by the Secretary, the provisions of section 9 of the Federal Trade Commission Act (15 U.S.C. 49) (relating to the attendance of witnesses and the production of documents) apply to the Secretary, in the same manner and to the same extent as the provisions apply to the Federal Trade Commission.

**SEC. 184. FISCAL CONTROLS; SANCTIONS.**

(a) ESTABLISHMENT OF FISCAL CONTROLS BY STATES.—

(1) IN GENERAL.—Each State shall establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, Federal funds allocated to local areas under subtitle B. Such procedures shall ensure that all financial transactions carried out under subtitle B are conducted and records maintained in accordance with generally accepted accounting principles applicable in each State.

(2) COST PRINCIPLES.—

(A) IN GENERAL.—Each State (including the Governor of the State), local area (including the chief elected official for the area), and provider receiving funds under this title shall comply with the applicable uniform cost principles included in appropriate circulars or rules of the Office of Management and Budget for the type of entity receiving the funds.

(B) EXCEPTION.—The funds made available to a State for administration of statewide workforce investment activities in accordance with section 134(a)(3)(B) shall be allocable to the overall administration of workforce investment activities, but need not be specifically allocable to—

(i) the administration of adult employment and training activities;

(ii) the administration of dislocated worker employment and training activities; or

(iii) the administration of youth workforce investment activities.

(3) UNIFORM ADMINISTRATIVE REQUIREMENTS.—

(A) IN GENERAL.—Each State (including the Governor of the State), local area (including the chief elected official for the area), and provider receiving funds under this title shall comply with the appropriate uniform administrative requirements for grants and agreements applicable for the type of entity receiving the funds, as promulgated in circulars or rules of the Office of Management and Budget.

(B) ADDITIONAL REQUIREMENT.—Procurement transactions under this title between local boards and units of State or local governments shall be conducted only on a cost-reimbursable basis.

(4) MONITORING.—Each Governor of a State shall conduct on an annual basis onsite monitoring of each local area within the State to ensure compliance with the uniform administrative requirements referred to in paragraph (3).

(5) ACTION BY GOVERNOR.—If the Governor determines that a local area is not in compliance with the uniform administrative requirements referred to in paragraph (3), the Governor shall—

(A) require corrective action to secure prompt compliance with the requirements; and

(B) impose the sanctions provided under subsection (b) in the event of failure to take the required corrective action.

(6) CERTIFICATION.—The Governor shall, every 2 years, certify to the Secretary that—

(A) the State has implemented the uniform administrative requirements referred to in paragraph (3);

(B) the State has monitored local areas to ensure compliance with the uniform administrative requirements as required under paragraph (4); and

(C) the State has taken appropriate action to secure compliance with the requirements pursuant to paragraph (5).

(7) ACTION BY THE SECRETARY.—If the Secretary determines that the Governor has not fulfilled the requirements of this subsection, the Secretary shall—

(A) require corrective action to secure prompt compliance with the requirements of this subsection; and

(B) impose the sanctions provided under subsection (e) in the event of failure of the Governor to take the required appropriate action to secure compliance with the requirements.

(b) SUBSTANTIAL VIOLATION.—

(1) ACTION BY GOVERNOR.—If, as a result of financial and compliance audits or otherwise, the Governor determines that there is a substantial violation of a specific provision of this title, and corrective action has not been taken, the Governor shall—

(A) issue a notice of intent to revoke approval of all or part of the local plan affected; or

(B) impose a reorganization plan, which may include—

(i) decertifying the local board involved;

(ii) prohibiting the use of eligible providers;

(iii) selecting an alternative entity to administer the program for the local area involved;

(iv) merging the local area into one or more other local areas; or

(v) making such other changes as the Secretary or Governor determines to be necessary to secure compliance with the provision.

(2) APPEAL.—

(A) IN GENERAL.—The actions taken by the Governor pursuant to subparagraphs (A) and (B) of paragraph (1) may be appealed to the

Secretary and shall not become effective until—

(i) the time for appeal has expired; or

(ii) the Secretary has issued a decision.

(B) ADDITIONAL REQUIREMENT.—The Secretary shall make a final decision under subparagraph (A) not later than 45 days after the receipt of the appeal.

(3) ACTION BY THE SECRETARY.—If the Governor fails to take promptly an action required under paragraph (1), the Secretary shall take such action.

(c) REPAYMENT OF CERTAIN AMOUNTS TO THE UNITED STATES.—

(1) IN GENERAL.—Every recipient of funds under this title shall repay to the United States amounts found not to have been expended in accordance with this title.

(2) OFFSET OF REPAYMENT AMOUNT.—If the Secretary determines that a State has expended funds received under this title in a manner contrary to the requirements of this title, the Secretary may require repayment by offsetting the amount of such expenditures against any other amount to which the State is or may be entitled under this title, except as provided under subsection (d)(1).

(3) REPAYMENT FROM DEDUCTION BY STATE.—If the Secretary requires a State to repay funds as a result of a determination that a local area of the State has expended funds in a manner contrary to the requirements of this title, the Governor of the State may use an amount deducted under paragraph (4) to repay the funds, except as provided under subsection (e).

(4) DEDUCTION BY STATE.—The Governor may deduct an amount equal to the misexpenditure described in paragraph (3) from subsequent program year (subsequent to the program year for which the determination was made) allocations to the local area from funds reserved for the administrative costs of the local programs involved, as appropriate.

(5) LIMITATIONS.—A deduction made by a State as described in paragraph (4) shall not be made until such time as the Governor has taken appropriate corrective action to ensure full compliance with this title within such local area with regard to appropriate expenditures of funds under this title.

(d) REPAYMENT OF AMOUNTS.—

(1) IN GENERAL.—Each recipient of funds under this title shall be liable to repay the amounts described in subsection (c)(1), from funds other than funds received under this title, upon a determination by the Secretary that the misexpenditure of the amounts was due to willful disregard of the requirements of this title, gross negligence, failure to observe accepted standards of administration, or a pattern of misexpenditure described in subsection (c)(1). No such determination shall be made under this subsection or subsection (c) until notice and opportunity for a fair hearing have been given to the recipient.

(2) FACTORS IN IMPOSING SANCTIONS.—In determining whether to impose any sanction authorized by this section against a recipient of funds under this title for violations of this title (including applicable regulations) by a subgrantee or contractor of such recipient, the Secretary shall first determine whether such recipient has adequately demonstrated that the recipient has—

(A) established and adhered to an appropriate system, for entering into and monitoring subgrant agreements and contracts with subgrantees and contractors, that contains acceptable standards for ensuring accountability;

(B) entered into a written subgrant agreement or contract with such a subgrantee or contractor that established clear goals and obligations in unambiguous terms;

(C) acted with due diligence to monitor the implementation of the subgrant agreement or contract, including carrying out the appropriate monitoring activities (including audits) at reasonable intervals; and

(D) taken prompt and appropriate corrective action upon becoming aware of any evidence of a violation of this title, including regulations issued under this title, by such subgrantee or contractor.

(3) WAIVER.—If the Secretary determines that the recipient has demonstrated substantial compliance with the requirements of paragraph (2), the Secretary may waive the imposition of sanctions authorized by this section upon such recipient. The Secretary is authorized to impose any sanction consistent with the provisions of this title and with any applicable Federal or State law directly against any subgrantee or contractor for violation of this title, including regulations issued under this title.

(e) IMMEDIATE TERMINATION OR SUSPENSION OF ASSISTANCE IN EMERGENCY SITUATIONS.—In emergency situations, if the Secretary determines it is necessary to protect the integrity of the funds or ensure the proper operation of the program or activity involved, the Secretary may immediately terminate or suspend financial assistance, in whole or in part, to the recipient if the recipient is given prompt notice and the opportunity for a subsequent hearing within 30 days after such termination or suspension. The Secretary shall not delegate any of the functions or authority specified in this subsection, other than to an officer whose appointment is required to be made by and with the advice and consent of the Senate.

(f) DISCRIMINATION AGAINST PARTICIPANTS.—If the Secretary determines that any recipient under this title has discharged or in any other manner discriminated against a participant or against any individual in connection with the administration of the program involved, or against any individual because such individual has filed any complaint or instituted or caused to be instituted any proceeding under or related to this title, or has testified or is about to testify in any such proceeding or an investigation under or related to this title, or otherwise unlawfully denied to any individual a benefit to which that individual is entitled under the provisions of this title, including regulations issued under this title, the Secretary shall, within 30 days, take such action or order such corrective measures, as necessary, with respect to the recipient or the aggrieved individual, or both.

(g) REMEDIES.—The remedies described in this section shall not be considered to be the exclusive remedies available for violations described in this section.

**SEC. 185. REPORTS; RECORDKEEPING; INVESTIGATIONS.**

(a) RECIPIENT RECORDKEEPING AND REPORTS.—

(1) IN GENERAL.—Recipients of funds under this title shall keep records that are sufficient to permit the preparation of reports required by this title and to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully.

(2) RECORDS AND REPORTS REGARDING GENERAL PERFORMANCE.—Every such recipient shall maintain such records and submit such reports, in such form and containing such information, as the Secretary may require regarding the performance of programs and activities carried out under this title. Such records and reports shall be submitted to the Secretary but shall not be required to be submitted more than once each quarter unless specifically requested by Congress or a committee of Congress, in which case an estimate regarding such information may be provided.

(3) MAINTENANCE OF STANDARDIZED RECORDS.—In order to allow for the preparation of the reports required under subsection (c), such recipients shall maintain standardized records for all individual participants and provide to the Secretary a sufficient number of such records to provide for an adequate analysis of the records.

(4) AVAILABILITY TO THE PUBLIC.—

(A) IN GENERAL.—Except as provided in subparagraph (B), records maintained by such recipients pursuant to this subsection shall be made available to the public upon request.

(B) EXCEPTION.—Subparagraph (A) shall not apply to—

(i) information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(ii) trade secrets, or commercial or financial information, that is—

(I) obtained from a person; and

(II) privileged or confidential.

(C) FEES TO RECOVER COSTS.—Such recipients may charge fees sufficient to recover costs applicable to the processing of requests for records under subparagraph (A).

(b) INVESTIGATIONS OF USE OF FUNDS.—

(1) IN GENERAL.—

(A) SECRETARY.—In order to evaluate compliance with the provisions of this title, the Secretary shall conduct, in several States, in each fiscal year, investigations of the use of funds received by recipients under this title.

(B) COMPTROLLER GENERAL OF THE UNITED STATES.—In order to ensure compliance with the provisions of this title, the Comptroller General of the United States may conduct investigations of the use of funds received under this title by any recipient.

(2) PROHIBITION.—In conducting any investigation under this title, the Secretary or the Comptroller General of the United States may not request the compilation of any information that the recipient is not otherwise required to compile and that is not readily available to such recipient.

(3) AUDITS.—

(A) IN GENERAL.—In carrying out any audit under this title (other than any initial audit survey or any audit investigating possible criminal or fraudulent conduct), either directly or through grant or contract, the Secretary, the Inspector General of the Department of Labor, or the Comptroller General of the United States shall furnish to the State, recipient, or other entity to be audited, advance notification of the overall objectives and purposes of the audit, and any extensive recordkeeping or data requirements to be met, not later than 14 days (or as soon as practicable) prior to the commencement of the audit.

(B) NOTIFICATION REQUIREMENT.—If the scope, objectives, or purposes of the audit change substantially during the course of the audit, the entity being audited shall be notified of the change as soon as practicable.

(C) ADDITIONAL REQUIREMENT.—The reports on the results of such audits shall cite the law, regulation, policy, or other criteria applicable to any finding contained in the reports.

(D) RULE OF CONSTRUCTION.—Nothing contained in this title shall be construed so as to be inconsistent with the Inspector General Act of 1978 (5 U.S.C. App.) or government auditing standards issued by the Comptroller General of the United States.

(c) GRANTEE INFORMATION RESPONSIBILITIES.—Each State, each local board, and each recipient (other than a subrecipient, subgrantee, or contractor of a recipient) receiving funds under this title—

(1) shall make readily accessible such reports concerning its operations and expenditures as shall be prescribed by the Secretary;

(2) shall prescribe and maintain comparable management information systems, in accordance with guidelines that shall be

prescribed by the Secretary, designed to facilitate the uniform compilation, cross tabulation, and analysis of programmatic, participant, and financial data, on statewide, local area, and other appropriate bases, necessary for reporting, monitoring, and evaluating purposes, including data necessary to comply with section 188;

(3) shall monitor the performance of providers in complying with the terms of grants, contracts, or other agreements made pursuant to this title; and

(4) shall, to the extent practicable, submit or make available (including through electronic means) any reports, records, plans, or any other data that are required to be submitted or made available, respectively, under this title.

(d) INFORMATION TO BE INCLUDED IN REPORTS.—

(1) IN GENERAL.—The reports required in subsection (c) shall include information regarding programs and activities carried out under this title pertaining to—

(A) the relevant demographic characteristics (including race, ethnicity, sex, and age) and other related information regarding participants;

(B) the programs and activities in which participants are enrolled, and the length of time that participants are engaged in such programs and activities;

(C) outcomes of the programs and activities for participants, including the occupations of participants, and placement for participants in nontraditional employment;

(D) specified costs of the programs and activities; and

(E) information necessary to prepare reports to comply with section 188.

(2) ADDITIONAL REQUIREMENT.—The Secretary shall ensure that all elements of the information required for the reports described in paragraph (1) are defined and that the information is reported uniformly.

(e) QUARTERLY FINANCIAL REPORTS.—

(1) IN GENERAL.—Each local board in a State shall submit quarterly financial reports to the Governor with respect to programs and activities carried out under this title. Such reports shall include information identifying all program and activity costs by cost category in accordance with generally accepted accounting principles and by year of the appropriation involved.

(2) ADDITIONAL REQUIREMENT.—Each State shall submit to the Secretary, and the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, on a quarterly basis, a summary of the reports submitted to the Governor pursuant to paragraph (1).

(f) MAINTENANCE OF ADDITIONAL RECORDS.—Each State and local board shall maintain records with respect to programs and activities carried out under this title that identify—

(1) any income or profits earned, including such income or profits earned by subrecipients; and

(2) any costs incurred (such as stand-in costs) that are otherwise allowable except for funding limitations.

(g) COST CATEGORIES.—In requiring entities to maintain records of costs by cost category under this title, the Secretary shall require only that the costs be categorized as administrative or programmatic costs.

**SEC. 186. ADMINISTRATIVE ADJUDICATION.**

(a) IN GENERAL.—Whenever any applicant for financial assistance under this title is dissatisfied because the Secretary has made a determination not to award financial assistance in whole or in part to such applicant, the applicant may request a hearing before an administrative law judge of the Department of Labor. A similar hearing may also be requested by any recipient for whom a corrective action has been required or a sanction has been imposed by the Secretary under section 184.

(b) APPEAL.—The decision of the administrative law judge shall constitute final action by the Secretary unless, within 20 days after receipt of the decision of the administrative law judge, a party dissatisfied with the decision or any part of the decision has filed exceptions with the Secretary specifically identifying the procedure, fact, law, or policy to which exception is taken. Any exception not specifically urged during the 20-day period shall be deemed to have been waived. After the 20-day period the decision of the administrative law judge shall become the final decision of the Secretary unless the Secretary, within 30 days after such filing, notifies the parties that the case involved has been accepted for review.

(c) TIME LIMIT.—Any case accepted for review by the Secretary under subsection (b) shall be decided within 180 days after such acceptance. If the case is not decided within the 180-day period, the decision of the administrative law judge shall become the final decision of the Secretary at the end of the 180-day period.

(d) ADDITIONAL REQUIREMENT.—The provisions of section 187 shall apply to any final action of the Secretary under this section.

**SEC. 187. JUDICIAL REVIEW.**

(a) REVIEW.—

(1) PETITION.—With respect to any final order by the Secretary under section 186 by which the Secretary awards, declines to award, or only conditionally awards, financial assistance under this title, or any final order of the Secretary under section 186 with respect to a corrective action or sanction imposed under section 184, any party to a proceeding that resulted in such final order may obtain review of such final order in the United States Court of Appeals having jurisdiction over the applicant for or recipient of the funds involved, by filing a review petition within 30 days after the date of issuance of such final order.

(2) ACTION ON PETITION.—The clerk of the court shall transmit a copy of the review petition to the Secretary, who shall file the record on which the final order was entered as provided in section 2112 of title 28, United States Code. The filing of a review petition shall not stay the order of the Secretary, unless the court orders a stay. Petitions filed under this subsection shall be heard expeditiously, if possible within 10 days after the date of filing of a reply to the petition.

(3) STANDARD AND SCOPE OF REVIEW.—No objection to the order of the Secretary shall be considered by the court unless the objection was specifically urged, in a timely manner, before the Secretary. The review shall be limited to questions of law and the findings of fact of the Secretary shall be conclusive if supported by substantial evidence.

(b) JUDGMENT.—The court shall have jurisdiction to make and enter a decree affirming, modifying, or setting aside the order of the Secretary in whole or in part. The judgment of the court regarding the order shall be final, subject to certiorari review by the Supreme Court as provided in section 1254(1) of title 28, United States Code.

**SEC. 188. NONDISCRIMINATION.**

(a) IN GENERAL.—

(1) FEDERAL FINANCIAL ASSISTANCE.—For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.

(2) PROHIBITION OF DISCRIMINATION REGARDING PARTICIPATION, BENEFITS, AND EMPLOYMENT.—No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity because of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972), national origin, age, disability, or political affiliation or belief.

(3) PROHIBITION ON ASSISTANCE FOR FACILITIES FOR SECTARIAN INSTRUCTION OR RELIGIOUS WORSHIP.—Participants shall not be employed under this title to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place for religious worship (except with respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing services to participants).

(4) PROHIBITION ON DISCRIMINATION ON BASIS OF PARTICIPANT STATUS.—No person may discriminate against an individual who is a participant in a program or activity that receives funds under this title, with respect to the terms and conditions affecting, or rights provided to, the individual, solely because of the status of the individual as a participant.

(5) PROHIBITION ON DISCRIMINATION AGAINST CERTAIN NONCITIZENS.—Participation in programs and activities or receiving funds under this title shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.

(b) ACTION OF SECRETARY.—Whenever the Secretary finds that a State or other recipient of funds under this title has failed to comply with a provision of law referred to in subsection (a)(1), or with paragraph (2), (3), (4), or (5) of subsection (a), including an applicable regulation prescribed to carry out such provision or paragraph, the Secretary shall notify such State or recipient and shall request that the State or recipient comply. If within a reasonable period of time, not to exceed 60 days, the State or recipient fails or refuses to comply, the Secretary may—

(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; or

(2) take such other action as may be provided by law.

(c) ACTION OF ATTORNEY GENERAL.—When a matter is referred to the Attorney General pursuant to subsection (b)(1), or whenever the Attorney General has reason to believe that a State or other recipient of funds under this title is engaged in a pattern or practice of discrimination in violation of a provision of law referred to in subsection (a)(1) or in violation of paragraph (2), (3), (4), or (5) of subsection (a), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(d) JOB CORPS.—For the purposes of this section, Job Corps members shall be considered to be the ultimate beneficiaries of Federal financial assistance.

(e) REGULATIONS.—The Secretary shall issue regulations necessary to implement this section not later than 1 year after the date of enactment of the Workforce Innovation and Opportunity Act. Such regulations shall adopt standards for determining discrimination and procedures for enforcement that are consistent with the Acts referred to in subsection (a)(1), as well as procedures to ensure that complaints filed under this section and such Acts are processed in a manner that avoids duplication of effort.

**SEC. 189. SECRETARIAL ADMINISTRATIVE AUTHORITIES AND RESPONSIBILITIES.**

(a) IN GENERAL.—In accordance with chapter 5 of title 5, United States Code, the Secretary may prescribe rules and regulations to carry out this title, only to the extent necessary to administer and ensure compliance with the requirements of this title. Such rules and regulations may include provisions making adjustments authorized by section 6504 of title 31, United States Code. All such rules and regulations shall be published in the Federal Register at least 30 days prior to their effective dates. Copies of each such rule or regulation shall be transmitted to the appropriate committees of Congress on the date of such publication and shall contain, with respect to each material provision of such rule or regulation, a citation to the particular substantive section of law that is the basis for the provision.

(b) ACQUISITION OF CERTAIN PROPERTY AND SERVICES.—The Secretary is authorized, in carrying out this title, to accept, purchase, or lease in the name of the Department of Labor, and employ or dispose of in furtherance of the purposes of this title, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.

(c) AUTHORITY TO ENTER INTO CERTAIN AGREEMENTS AND TO MAKE CERTAIN EXPENDITURES.—The Secretary may make such grants, enter into such contracts or agreements, establish such procedures, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend such funds under this title, as may be necessary to carry out this title, including making expenditures for construction, repairs, and capital improvements, and including making necessary adjustments in payments on account of overpayments or underpayments.

(d) ANNUAL REPORT.—The Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate an annual report regarding the programs and activities funded under this title. The Secretary shall include in such report—

(1) a summary of the achievements, failures, and challenges of the programs and activities in meeting the objectives of this title;

(2) a summary of major findings from research, evaluations, pilot projects, and experiments conducted under this title in the fiscal year prior to the submission of the report;

(3) recommendations for modifications in the programs and activities based on analysis of such findings; and

(4) such other recommendations for legislative or administrative action as the Secretary determines to be appropriate.

(e) UTILIZATION OF SERVICES AND FACILITIES.—The Secretary is authorized, in carrying out this title, under the same procedures as are applicable under subsection (c) or to the extent permitted by law other than this title, to accept and use the services and facilities of departments, agencies, and establishments of the United States. The Secretary is also authorized, in carrying out this title, to accept and use the services and facilities of the agencies of any State or political subdivision of a State, with the consent of the State or political subdivision.

(f) OBLIGATIONAL AUTHORITY.—Notwithstanding any other provision of this title, the Secretary shall have no authority to enter into contracts, grant agreements, or other financial assistance agreements under this title, except to such extent and in such amounts as are provided in advance in appropriations Acts.

(g) PROGRAM YEAR.—

(1) IN GENERAL.—

(A) PROGRAM YEAR.—Except as provided in subparagraph (B), appropriations for any fiscal year for programs and activities funded under this title shall be available for obligation only on the basis of a program year. The program year shall begin on July 1 in the fiscal year for which the appropriation is made.

(B) YOUTH WORKFORCE INVESTMENT ACTIVITIES.—The Secretary may make available for obligation, beginning April 1 of any fiscal year, funds appropriated for such fiscal year to carry out youth workforce investment activities under subtitle B and activities under section 171.

(2) AVAILABILITY.—

(A) IN GENERAL.—Funds obligated for any program year for a program or activity funded under subtitle B may be expended by each State receiving such funds during that program year and the 2 succeeding program years. Funds received by local areas from States under subtitle B during a program year may be expended during that program year and the succeeding program year.

(B) CERTAIN NATIONAL ACTIVITIES.—

(i) IN GENERAL.—Funds obligated for any program year for any program or activity carried out under section 169 shall remain available until expended.

(ii) INCREMENTAL FUNDING BASIS.—A contract or arrangement entered into under the authority of subsection (a) or (b) of section 169 (relating to evaluations, research projects, studies and reports, and multistate projects), including a long-term, nonseverable services contract, may be funded on an incremental basis with annual appropriations or other available funds.

(C) SPECIAL RULE.—No amount of the funds obligated for a program year for a program or activity funded under this title shall be deobligated on account of a rate of expenditure that is consistent with a State plan, an operating plan described in section 151, or a plan, grant agreement, contract, application, or other agreement described in subtitle D, as appropriate.

(D) FUNDS FOR PAY-FOR-PERFORMANCE CONTRACT STRATEGIES.—Funds used to carry out pay-for-performance contract strategies by local areas shall remain available until expended.

(h) ENFORCEMENT OF MILITARY SELECTIVE SERVICE ACT.—The Secretary shall ensure that each individual participating in any program or activity established under this title, or receiving any assistance or benefit under this title, has not violated section 3 of the Military Selective Service Act (50 U.S.C. App. 453) by not presenting and submitting to registration as required pursuant to such section. The Director of the Selective Service System shall cooperate with the Secretary to enable the Secretary to carry out this subsection.

(i) WAIVERS.—

(1) SPECIAL RULE REGARDING DESIGNATED AREAS.—A State that has enacted, not later than December 31, 1997, a State law providing for the designation of service delivery areas for the delivery of workforce investment activities, may use such areas as local areas under this title, notwithstanding section 106.

(2) SPECIAL RULE REGARDING SANCTIONS.—A State that has enacted, not later than December 31, 1997, a State law providing for the sanctioning of such service delivery areas for failure to meet performance accountability measures for workforce investment activities, may use the State law to sanction local areas for failure to meet State performance accountability measures under this title.

(3) GENERAL WAIVERS OF STATUTORY OR REGULATORY REQUIREMENTS.—

(A) GENERAL AUTHORITY.—Notwithstanding any other provision of law, the Secretary may waive for a State, or a local area in a State, pursuant to a request submitted by the Governor of the State (in consultation with appropriate local elected officials) with a plan that meets the requirements of subparagraph (B)—

(i) any of the statutory or regulatory requirements of subtitle A, subtitle B, or this subtitle (except for requirements relating to wage and labor standards, including nondisplacement protections, worker rights, participation and protection of workers and participants, grievance procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility of providers or participants, the establishment and functions of local areas and local boards, the funding of infrastructure costs for one-stop centers, and procedures for review and approval of plans, and other requirements relating to the basic purposes of this title); and

(ii) any of the statutory or regulatory requirements of sections 8 through 10 of the Wagner-Peyser Act (29 U.S.C. 49g through 49i) (excluding requirements relating to the provision of services to unemployment insurance claimants and veterans, and requirements relating to universal access to basic labor exchange services without cost to jobseekers).

(B) REQUESTS.—A Governor requesting a waiver under subparagraph (A) shall submit a plan to the Secretary to improve the statewide workforce development system that—

(i) identifies the statutory or regulatory requirements that are requested to be waived and the goals that the State or local area in the State, as appropriate, intends to achieve as a result of the waiver;

(ii) describes the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers;

(iii) describes the goals of the waiver and the expected programmatic outcomes if the request is granted;

(iv) describes the individuals impacted by the waiver; and

(v) describes the process used to monitor the progress in implementing such a waiver, and the process by which notice and, in the case of a waiver for a local area, an opportunity to comment on such request has been provided to the local board for the local area for which the waiver is requested.

(C) CONDITIONS.—Not later than 90 days after the date of the original submission of a request for a waiver under subparagraph (A), the Secretary shall provide a waiver under this subsection if and only to the extent that—

(i) the Secretary determines that the requirements requested to be waived impede the ability of the State or local area, as appropriate, to implement the plan described in subparagraph (B); and

(ii) the State has executed a memorandum of understanding with the Secretary requiring such State to meet, or ensure that the local area for which the waiver is requested

meets, agreed-upon outcomes and to implement other appropriate measures to ensure accountability.

(D) EXPEDITED DETERMINATION REGARDING PROVISION OF WAIVERS.—If the Secretary has approved a waiver of statutory or regulatory requirements for a State or local area pursuant to this subsection, the Secretary shall expedite the determination regarding the provision of that waiver, for another State or local area if such waiver is in accordance with the approved State or local plan, as appropriate.

**SEC. 190. WORKFORCE FLEXIBILITY PLANS.**

(a) PLANS.—A State may submit to the Secretary, and the Secretary may approve, a workforce flexibility plan under which the State is authorized to waive, in accordance with the plan—

(1) any of the statutory or regulatory requirements applicable under this title to local areas, pursuant to applications for such waivers from the local areas, except for requirements relating to the basic purposes of this title, wage and labor standards, grievance procedures and judicial review, nondiscrimination, eligibility of participants, allocation of funds to local areas, establishment and functions of local areas and local boards, procedures for review and approval of local plans, and worker rights, participation, and protection;

(2) any of the statutory or regulatory requirements applicable under sections 8 through 10 of the Wagner-Peyser Act (29 U.S.C. 49g through 49i) to the State (excluding requirements relating to the provision of services to unemployment insurance claimants and veterans, and requirements relating to universal access to basic labor exchange services without cost to jobseekers); and

(3) any of the statutory or regulatory requirements applicable under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) to State agencies on aging with respect to activities carried out using funds allotted under section 506(b) of such Act (42 U.S.C. 3056d(b)), except for requirements relating to the basic purposes of such Act, wage and labor standards, eligibility of participants in the activities, and standards for grant agreements.

(b) CONTENT OF PLANS.—A workforce flexibility plan implemented by a State under subsection (a) shall include descriptions of—

(1)(A) the process by which local areas in the State may submit and obtain approval by the State of applications for waivers of requirements applicable under this title; and

(B) the requirements described in subparagraph (A) that are likely to be waived by the State under the plan;

(2) the requirements applicable under sections 8 through 10 of the Wagner-Peyser Act that are proposed to be waived, if any;

(3) the requirements applicable under the Older Americans Act of 1965 that are proposed to be waived, if any;

(4) the outcomes to be achieved by the waivers described in paragraphs (1) through (3); and

(5) other measures to be taken to ensure appropriate accountability for Federal funds in connection with the waivers.

(c) PERIODS.—The Secretary may approve a workforce flexibility plan for a period of not more than 5 years.

(d) OPPORTUNITY FOR PUBLIC COMMENTS.—Prior to submitting a workforce flexibility plan to the Secretary for approval, the State shall provide to all interested parties and to the general public adequate notice of and a reasonable opportunity for comment on the waiver requests proposed to be implemented pursuant to such plan.

**SEC. 191. STATE LEGISLATIVE AUTHORITY.**

(a) AUTHORITY OF STATE LEGISLATURE.—Nothing in this title shall be interpreted to preclude the enactment of State legislation providing for the implementation, consistent with the provisions of this title, of the activities assisted under this title. Any funds received by a State under this title shall be subject to appropriation by the State legislature, consistent with the terms and conditions required under this title.

(b) INTERSTATE COMPACTS AND COOPERATIVE AGREEMENTS.—In the event that compliance with provisions of this title would be enhanced by compacts and cooperative agreements between States, the consent of Congress is given to States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary.

**SEC. 192. TRANSFER OF FEDERAL EQUITY IN STATE EMPLOYMENT SECURITY AGENCY REAL PROPERTY TO THE STATES.**

(a) TRANSFER OF FEDERAL EQUITY.—Notwithstanding any other provision of law, any Federal equity acquired in real property through grants to States awarded under title III of the Social Security Act (42 U.S.C. 501 et seq.) or under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) is transferred to the States that used the grants for the acquisition of such equity. The portion of any real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under this Act, title III of the Social Security Act, or the Wagner-Peyser Act. Any disposition of such real property shall be carried out in accordance with the procedures prescribed by the Secretary and the portion of the proceeds from the disposition of such real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under this Act, title III of the Social Security Act, or the Wagner-Peyser Act.

(b) LIMITATION ON USE.—A State shall not use funds awarded under this Act, title III of the Social Security Act, or the Wagner-Peyser Act to amortize the costs of real property that is purchased by any State on or after the date of enactment of the Revised Continuing Appropriations Resolution, 2007.

**SEC. 193. CONTINUATION OF STATE ACTIVITIES AND POLICIES.**

(a) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary may not deny approval of a State plan for a covered State, or an application of a covered State for financial assistance, under this title, or find a covered State (including a State board or Governor), or a local area (including a local board or chief elected official) in a covered State, in violation of a provision of this title, on the basis that—

(1)(A) the State proposes to allocate or disburse, allocates, or disburses, within the State, funds made available to the State under section 127 or 132 in accordance with the allocation formula for the type of activities involved, or in accordance with a disbursal procedure or process, used by the State under prior consistent State laws; or

(B) a local board in the State proposes to disburse, or disburses, within the local area, funds made available to the State under section 127 or 132 in accordance with a disbursal procedure or process used by a private industry council under prior consistent State law;

(2) the State proposes to carry out or carries out a State procedure through which local areas use, as fiscal agents for funds made available to the State under section 127 or 132 and allocated within the State, fiscal agents selected in accordance with a process established under prior consistent State laws;

(3) the State proposes to carry out or carries out a State procedure through which the local boards in the State (or the local boards, the chief elected officials in the State, and the Governor) designate or select the one-stop partners and one-stop operators of the statewide system in the State under prior consistent State laws, in lieu of making the designation or certification described in section 121 (regardless of the date the one-stop delivery systems involved have been established);

(4) the State proposes to carry out or carries out a State procedure through which the persons responsible for selecting eligible providers for purposes of subtitle B are permitted to determine that a provider shall not be selected to provide both intake services under section 134(c)(2) and training services under section 134(c)(3), under prior consistent State laws;

(5) the State proposes to designate or designates a State board, or proposes to assign or assigns functions and roles of the State board (including determining the time periods for development and submission of a State plan required under section 102 or 103), for purposes of subtitle A in accordance with prior consistent State laws; or

(6) a local board in the State proposes to use or carry out, uses, or carries out a local plan (including assigning functions and roles of the local board) for purposes of subtitle A in accordance with the authorities and requirements applicable to local plans and private industry councils under prior consistent State laws.

(b) DEFINITION.—In this section:

(1) COVERED STATE.—The term ''covered State'' means a State that enacted State laws described in paragraph (2).

(2) PRIOR CONSISTENT STATE LAWS.—The term ''prior consistent State laws'' means State laws, not inconsistent with the Job Training Partnership Act or any other applicable Federal law, that took effect on September 1, 1993, September 1, 1995, and September 1, 1997.

**SEC. 194. GENERAL PROGRAM REQUIREMENTS.**

Except as otherwise provided in this title, the following conditions apply to all programs under this title:

(1) Each program under this title shall provide employment and training opportunities to those who can benefit from, and who are most in need of, such opportunities. In addition, the recipients of Federal funding for programs under this title shall make efforts to develop programs that contribute to occupational development, upward mobility, development of new careers, and opportunities for nontraditional employment.

(2) Funds provided under this title shall only be used for activities that are in addition to activities that would otherwise be available in the local area in the absence of such funds.

(3)(A) Any local area may enter into an agreement with another local area (including a local area that is a city or county within the same labor market) to pay or share the cost of educating, training, or placing individuals participating in programs assisted under this title, including the provision of supportive services.

(B) Such agreement shall be approved by each local board for a local area entering into the agreement and shall be described in the local plan under section 108.

(4) On-the-job training contracts under this title, shall not be entered into with employers who have received payments under previous contracts under this Act or the Workforce Investment Act of 1998 and have exhibited a pattern of failing to provide on-the-job training participants with continued long-term employment as regular employees with wages and employment benefits (including health benefits) and working conditions at the same level and to the same extent as

other employees working a similar length of time and doing the same type of work.

(5) No person or organization may charge an individual a fee for the placement or referral of the individual in or to a workforce investment activity under this title.

(6) The Secretary shall not provide financial assistance for any program under this title that involves political activities.

(7)(A) Income under any program administered by a public or private nonprofit entity may be retained by such entity only if such income is used to continue to carry out the program.

(B) Income subject to the requirements of subparagraph (A) shall include—

(i) receipts from goods or services (including conferences) provided as a result of activities funded under this title;

(ii) funds provided to a service provider under this title that are in excess of the costs associated with the services provided; and

(iii) interest income earned on funds received under this title.

(C) For purposes of this paragraph, each entity receiving financial assistance under this title shall maintain records sufficient to determine the amount of such income received and the purposes for which such income is expended.

(8)(A) The Secretary shall notify the Governor and the appropriate local board and chief elected official of, and consult with the Governor and such board and official concerning, any activity to be funded by the Secretary under this title within the corresponding State or local area.

(B) The Governor shall notify the appropriate local board and chief elected official of, and consult with such board and official concerning, any activity to be funded by the Governor under this title within the corresponding local area.

(9)(A) All education programs for youth supported with funds provided under chapter 2 of subtitle B shall be consistent with applicable State and local educational standards.

(B) Standards and procedures with respect to awarding academic credit and certifying educational attainment in programs conducted under such chapter shall be consistent with the requirements of applicable State and local law, including regulation.

(10) No funds available under this title may be used for public service employment except as specifically authorized under this title.

(11) The Federal requirements governing the title, use, and disposition of real property, equipment, and supplies purchased with funds provided under this title shall be the corresponding Federal requirements generally applicable to such items purchased through Federal grants to States and local governments.

(12) Nothing in this title shall be construed to provide an individual with an entitlement to a service under this title.

(13) Services, facilities, or equipment funded under this title may be used, as appropriate, on a fee-for-service basis, by employers in a local area in order to provide employment and training activities to incumbent workers—

(A) when such services, facilities, or equipment are not in use for the provision of services for eligible participants under this title;

(B) if such use for incumbent workers would not have an adverse effect on the provision of services to eligible participants under this title; and

(C) if the income derived from such fees is used to carry out the programs authorized under this title.

(14) Funds provided under this title shall not be used to establish or operate a standalone fee-for-service enterprise in a situation in which a private sector employment agency (as defined in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e)) is providing full access to similar or related services in such a manner as to fully meet the identified need. For purposes of this paragraph, such an enterprise does not include a one-stop delivery system described in section 121(e).

(15)(A) None of the funds available under this title shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of the annual rate of basic pay prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(B) The limitation described in subparagraph (A) shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A–133. In a case in which a State is a recipient of such funds, the State may establish a lower limit than is provided in subparagraph (A) for salaries and bonuses of those receiving salaries and bonuses from a subrecipient of such funds, taking into account factors including the relative cost of living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer the Federal programs involved.

**SEC. 195. RESTRICTIONS ON LOBBYING ACTIVITIES.**

(a) PUBLICITY RESTRICTIONS.—

(1) IN GENERAL.—No funds provided under this Act shall be used for—

(A) publicity or propaganda purposes; or

(B) the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat—

(i) the enactment of legislation before Congress or any State or local legislature or legislative body; or

(ii) any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) normal and recognized executive-legislative relationships;

(B) the preparation, distribution, or use of the materials described in paragraph (1)(B) in presentation to Congress or any State or local legislature or legislative body; or

(C) such preparation, distribution, or use of such materials in presentation to the executive branch of any State or local government.

(b) SALARY RESTRICTIONS.—

(1) IN GENERAL.—No funds provided under this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment or issuance of legislation, appropriations, regulations, administrative action, or an Executive order proposed or pending before Congress or any State government, or a State or local legislature or legislative body.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) normal and recognized executive-legislative relationships; or

(B) participation by an agency or officer of a State, local, or tribal government in policymaking and administrative processes within the executive branch of that government.

## TITLE II—ADULT EDUCATION AND LITERACY

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Adult Education and Family Literacy Act''.

**SEC. 202. PURPOSE.**

It is the purpose of this title to create a partnership among the Federal Government, States, and localities to provide, on a voluntary basis, adult education and literacy activities, in order to—

(1) assist adults to become literate and obtain the knowledge and skills necessary for employment and economic self-sufficiency;

(2) assist adults who are parents or family members to obtain the education and skills that—

(A) are necessary to becoming full partners in the educational development of their children; and

(B) lead to sustainable improvements in the economic opportunities for their family;

(3) assist adults in attaining a secondary school diploma and in the transition to postsecondary education and training, including through career pathways; and

(4) assist immigrants and other individuals who are English language learners in—

(A) improving their—

(i) reading, writing, speaking, and comprehension skills in English; and

(ii) mathematics skills; and

(B) acquiring an understanding of the American system of Government, individual freedom, and the responsibilities of citizenship.

**SEC. 203. DEFINITIONS.**

In this title:

(1) ADULT EDUCATION.—The term ''adult education'' means academic instruction and education services below the postsecondary level that increase an individual's ability to—

(A) read, write, and speak in English and perform mathematics or other activities necessary for the attainment of a secondary school diploma or its recognized equivalent;

(B) transition to postsecondary education and training; and

(C) obtain employment.

(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.

(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.

(4) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means an individual—

(A) who has attained 16 years of age;

(B) who is not enrolled or required to be enrolled in secondary school under State law; and

(C) who—

(i) is basic skills deficient;

(ii) does not have a secondary school diploma or its recognized equivalent, and has not achieved an equivalent level of education; or

(iii) is an English language learner.

(5) ELIGIBLE PROVIDER.—The term ''eligible provider'' means an organization that has demonstrated effectiveness in providing adult education and literacy activities that may include—

(A) a local educational agency;

(B) a community-based organization or faith-based organization;

(C) a volunteer literacy organization;

(D) an institution of higher education;

(E) a public or private nonprofit agency;

(F) a library;

(G) a public housing authority;

(H) a nonprofit institution that is not described in any of subparagraphs (A) through (G) and has the ability to provide adult education and literacy activities to eligible individuals;

(I) a consortium or coalition of the agencies, organizations, institutions, libraries, or authorities described in any of subparagraphs (A) through (H); and

(J) a partnership between an employer and an entity described in any of subparagraphs (A) through (I).

(6) ENGLISH LANGUAGE ACQUISITION PROGRAM.—The term ''English language acquisition program'' means a program of instruction—

(A) designed to help eligible individuals who are English language learners achieve competence in reading, writing, speaking, and comprehension of the English language; and

(B) that leads to—

(i)(I) attainment of a secondary school diploma or its recognized equivalent; and

(II) transition to postsecondary education and training; or

(ii) employment.

(7) ENGLISH LANGUAGE LEARNER.—The term ''English language learner'' when used with respect to an eligible individual, means an eligible individual who has limited ability in reading, writing, speaking, or comprehending the English language, and—

(A) whose native language is a language other than English; or

(B) who lives in a family or community environment where a language other than English is the dominant language.

(8) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term ''essential components of reading instruction'' has the meaning given the term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

(9) FAMILY LITERACY ACTIVITIES.—The term ''family literacy activities'' means activities that are of sufficient intensity and quality, to make sustainable improvements in the economic prospects for a family and that better enable parents or family members to support their children's learning needs, and that integrate all of the following activities:

(A) Parent or family adult education and literacy activities that lead to readiness for postsecondary education or training, career advancement, and economic self-sufficiency.

(B) Interactive literacy activities between parents or family members and their children.

(C) Training for parents or family members regarding how to be the primary teacher for their children and full partners in the education of their children.

(D) An age-appropriate education to prepare children for success in school and life experiences.

(10) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(11) INTEGRATED EDUCATION AND TRAINING.—The term ''integrated education and training'' means a service approach that provides adult education and literacy activities concurrently and contextually with workforce preparation activities and workforce training for a specific occupation or occupational cluster for the purpose of educational and career advancement.

(12) INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.—The term ''integrated English literacy and civics education'' means education services provided to English language learners who are adults, including professionals with degrees and credentials in their native countries, that enables such adults to achieve competency in the English language and acquire the basic and more advanced skills needed to function effectively as parents, workers, and citizens in the United States. Such services shall include instruction in literacy and English language acquisition and instruction on the rights and responsibilities of citizenship and civic participation, and may include workforce training.

(13) LITERACY.—The term ''literacy'' means an individual's ability to read, write, and speak in English, compute, and solve problems, at levels of proficiency necessary to function on the job, in the family of the individual, and in society.

(14) POSTSECONDARY EDUCATIONAL INSTITUTION.—The term ''postsecondary educational institution'' means—

(A) an institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor's degree;

(B) a tribally controlled college or university; or

(C) a nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level.

(15) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(16) WORKPLACE ADULT EDUCATION AND LITERACY ACTIVITIES.—The term ''workplace adult education and literacy activities'' means adult education and literacy activities offered by an eligible provider in collaboration with an employer or employee organization at a workplace or an off-site location that is designed to improve the productivity of the workforce.

(17) WORKFORCE PREPARATION ACTIVITIES.—The term ''workforce preparation activities'' means activities, programs, or services designed to help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education or training, or employment.

**SEC. 204. HOME SCHOOLS.**

Nothing in this title shall be construed to affect home schools, whether a home school is treated as a home school or a private school under State law, or to compel a parent or family member engaged in home schooling to participate in adult education and literacy activities.

**SEC. 205. RULE OF CONSTRUCTION REGARDING POSTSECONDARY TRANSITION AND CONCURRENT ENROLLMENT ACTIVITIES.**

Nothing in this title shall be construed to prohibit or discourage the use of funds provided under this title for adult education and literacy activities that help eligible individuals transition to postsecondary education and training or employment, or for concurrent enrollment activities.

**SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this title $577,667,000 for fiscal year 2015, $622,286,000 for fiscal year 2016, $635,198,000 for fiscal year 2017, $649,287,000 for fiscal year 2018, $664,552,000 for fiscal year 2019, and $678,640,000 for fiscal year 2020.

**Subtitle A—Federal Provisions**

**SEC. 211. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE AGENCIES; ALLOTMENTS.**

(a) RESERVATION OF FUNDS.—From the sum appropriated under section 206 for a fiscal year, the Secretary—

(1) shall reserve 2 percent to carry out section 242, except that the amount so reserved shall not exceed $15,000,000; and

(2) shall reserve 12 percent of the amount that remains after reserving funds under paragraph (1) to carry out section 243.

(b) GRANTS TO ELIGIBLE AGENCIES.—

(1) IN GENERAL.—From the sum appropriated under section 206 and not reserved under subsection (a) for a fiscal year, the Secretary shall award a grant to each eligible agency having a unified State plan approved under section 102 or a combined State plan approved under section 103 in an amount equal to the sum of the initial allotment under subsection (c)(1) and the additional allotment under subsection (c)(2) for the eligible agency for the fiscal year, subject to subsections (f) and (g), to enable the eligible agency to carry out the activities assisted under this title.

(2) PURPOSE OF GRANTS.—The Secretary may award a grant under paragraph (1) only if the eligible entity involved agrees to expend the grant for adult education and literacy activities in accordance with the provisions of this title.

(c) ALLOTMENTS.—

(1) INITIAL ALLOTMENTS.—From the sum appropriated under section 206 and not reserved under subsection (a) for a fiscal year, the Secretary shall allot to each eligible agency having a unified State plan approved under section 102 or a combined State plan approved under section 103—

(A) $100,000, in the case of an eligible agency serving an outlying area; and

(B) $250,000, in the case of any other eligible agency.

(2) ADDITIONAL ALLOTMENTS.—From the sum appropriated under section 206, not reserved under subsection (a), and not allotted under paragraph (1), for a fiscal year, the Secretary shall allot to each eligible agency that receives an initial allotment under paragraph (1) an additional amount that bears the same relationship to such sum as the number of qualifying adults in the State or outlying area served by the eligible agency bears to the number of such adults in all States and outlying areas.

(d) QUALIFYING ADULT.—For the purpose of subsection (c)(2), the term ''qualifying adult'' means an adult who—

(1) is at least 16 years of age;

(2) is beyond the age of compulsory school attendance under the law of the State or outlying area;

(3) does not have a secondary school diploma or its recognized equivalent; and

(4) is not enrolled in secondary school.

(e) SPECIAL RULE.—

(1) IN GENERAL.—From amounts made available under subsection (c) for the Republic of Palau, the Secretary shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Republic of Palau to carry out activities described in this title in accordance with the provisions of this title, as determined by the Secretary.

(2) AWARD BASIS.—The Secretary shall award grants pursuant to paragraph (1) on a competitive basis and pursuant to the recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

(3) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the Republic of Palau shall be eligible to receive a grant under this title except during the period described in section 3(45).

(4) ADMINISTRATIVE COSTS.—The Secretary may provide not more than 5 percent of the funds made available for grants under this subsection to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subsection.

(f) HOLD-HARMLESS PROVISIONS.—

(1) IN GENERAL.—Notwithstanding subsection (c), for fiscal year 2015 and each succeeding fiscal year, no eligible agency shall receive an allotment under this section that is less than 90 percent of the allotment the eligible agency received for the preceding fiscal year under this section.

(2) RATABLE REDUCTION.—If for any fiscal year the amount available for allotment under this title is insufficient to satisfy the provisions of paragraph (1) the Secretary shall ratably reduce the payments to all eligible agencies, as necessary.

(g) REALLOTMENT.—The portion of any eligible agency's allotment under this title for a fiscal year that the Secretary determines will not be required for the period such allotment is available for carrying out activities under this title, shall be available for reallotment from time to time, on such dates during such period as the Secretary shall fix, to other eligible agencies in proportion to the original allotments to such agencies under this title for such year.

**SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.**

Programs and activities authorized in this title are subject to the performance accountability provisions described in section 116.

**Subtitle B—State Provisions**

**SEC. 221. STATE ADMINISTRATION.**

Each eligible agency shall be responsible for the State or outlying area administration of activities under this title, including—

(1) the development, implementation, and monitoring of the relevant components of the unified State plan in section 102 or the combined State plan in section 103;

(2) consultation with other appropriate agencies, groups, and individuals that are involved in, or interested in, the development and implementation of activities assisted under this title; and

(3) coordination and nonduplication with other Federal and State education, training, corrections, public housing, and social service programs.

**SEC. 222. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT.**

(a) STATE DISTRIBUTION OF FUNDS.—Each eligible agency receiving a grant under section 211(b) for a fiscal year—

(1) shall use not less than 82.5 percent of the grant funds to award grants and contracts under section 231 and to carry out section 225, of which not more than 20 percent of such amount shall be available to carry out section 225;

(2) shall use not more than 12.5 percent of the grant funds to carry out State leadership activities under section 223; and

(3) shall use not more than 5 percent of the grant funds, or $85,000, whichever is greater, for the administrative expenses of the eligible agency.

(b) MATCHING REQUIREMENT.—

(1) IN GENERAL.—In order to receive a grant from the Secretary under section 211(b) each eligible agency shall provide, for the costs to be incurred by the eligible agency in carrying out the adult education and literacy activities for which the grant is awarded, a non-Federal contribution in an amount that is not less than—

(A) in the case of an eligible agency serving an outlying area, 12 percent of the total amount of funds expended for adult education and literacy activities in the outlying area, except that the Secretary may decrease the amount of funds required under this subparagraph for an eligible agency; and

(B) in the case of an eligible agency serving a State, 25 percent of the total amount of funds expended for adult education and literacy activities in the State.

(2) NON-FEDERAL CONTRIBUTION.—An eligible agency's non-Federal contribution required under paragraph (1) may be provided in cash or in kind, fairly evaluated, and shall include only non-Federal funds that are used for adult education and literacy activities in a manner that is consistent with the purpose of this title.

**SEC. 223. STATE LEADERSHIP ACTIVITIES.**

(a) ACTIVITIES.—

(1) REQUIRED.—Each eligible agency shall use funds made available under section 222(a)(2) for the following adult education and literacy activities to develop or enhance the adult education system of the State or outlying area:

(A) The alignment of adult education and literacy activities with other core programs and one-stop partners, including eligible providers, to implement the strategy identified in the unified State plan under section 102 or the combined State plan under section 103, including the development of career pathways to provide access to employment and training services for individuals in adult education and literacy activities.

(B) The establishment or operation of high quality professional development programs to improve the instruction provided pursuant to local activities required under section 231(b), including instruction incorporating the essential components of reading instruction as such components relate to adults, instruction related to the specific needs of adult learners, instruction provided by volunteers or by personnel of a State or outlying area, and dissemination of information about models and promising practices related to such programs.

(C) The provision of technical assistance to eligible providers of adult education and literacy activities receiving funds under this title, including—

(i) the development and dissemination of instructional and programmatic practices based on the most rigorous or scientifically valid research available and appropriate, in reading, writing, speaking, mathematics, English language acquisition programs, distance education, and staff training;

(ii) the role of eligible providers as a one-stop partner to provide access to employment, education, and training services; and

(iii) assistance in the use of technology, including for staff training, to eligible providers, especially the use of technology to improve system efficiencies.

(D) The monitoring and evaluation of the quality of, and the improvement in, adult education and literacy activities and the dissemination of information about models and proven or promising practices within the State.

(2) PERMISSIBLE ACTIVITIES.—Each eligible agency may use funds made available under section 222(a)(2) for 1 or more of the following adult education and literacy activities:

(A) The support of State or regional networks of literacy resource centers.

(B) The development and implementation of technology applications, translation technology, or distance education, including professional development to support the use of instructional technology.

(C) Developing and disseminating curricula, including curricula incorporating the essential components of reading instruction as such components relate to adults.

(D) Developing content and models for integrated education and training and career pathways.

(E) The provision of assistance to eligible providers in developing and implementing programs that achieve the objectives of this title and in measuring the progress of those programs in achieving such objectives, including meeting the State adjusted levels of performance described in section 116(b)(3).

(F) The development and implementation of a system to assist in the transition from adult education to postsecondary education, including linkages with postsecondary educational institutions or institutions of higher education.

(G) Integration of literacy and English language instruction with occupational skill training, including promoting linkages with employers.

(H) Activities to promote workplace adult education and literacy activities.

(I) Identifying curriculum frameworks and aligning rigorous content standards that—

(i) specify what adult learners should know and be able to do in the areas of reading and language arts, mathematics, and English language acquisition; and

(ii) take into consideration the following:

(I) State adopted academic standards.

(II) The current adult skills and literacy assessments used in the State or outlying area.

(III) The primary indicators of performance described in section 116.

(IV) Standards and academic requirements for enrollment in nonremedial, for-credit courses in postsecondary educational institutions or institutions of higher education supported by the State or outlying area.

(V) Where appropriate, the content of occupational and industry skill standards widely used by business and industry in the State or outlying area.

(J) Developing and piloting of strategies for improving teacher quality and retention.

(K) The development and implementation of programs and services to meet the needs of adult learners with learning disabilities or English language learners, which may include new and promising assessment tools and strategies that are based on scientifically valid research, where appropriate, and identify the needs and capture the gains of such students at the lowest achievement levels.

(L) Outreach to instructors, students, and employers.

(M) Other activities of statewide significance that promote the purpose of this title.

(b) COLLABORATION.—In carrying out this section, eligible agencies shall collaborate where possible, and avoid duplicating efforts, in order to maximize the impact of the activities described in subsection (a).

(c) STATE-IMPOSED REQUIREMENTS.—Whenever a State or outlying area implements any rule or policy relating to the administration or operation of a program authorized under this title that has the effect of imposing a requirement that is not imposed under Federal law (including any rule or policy based on a State or outlying area interpretation of a Federal statute, regulation, or guideline), the State or outlying area shall identify, to eligible providers, the rule or policy as being imposed by the State or outlying area.

**SEC. 224. STATE PLAN.**

Each State desiring to receive funds under this title for any fiscal year shall submit and have approved a unified State plan in accordance with section 102 or a combined State plan in accordance with section 103.

**SEC. 225. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITUTIONALIZED INDIVIDUALS.**

(a) PROGRAM AUTHORIZED.—From funds made available under section 222(a)(1) for a fiscal year, each eligible agency shall carry out corrections education and education for other institutionalized individuals.

(b) USES OF FUNDS.—The funds described in subsection (a) shall be used for the cost of educational programs for criminal offenders in correctional institutions and for other institutionalized individuals, including academic programs for—

(1) adult education and literacy activities;
(2) special education, as determined by the eligible agency;
(3) secondary school credit;
(4) integrated education and training;
(5) career pathways;
(6) concurrent enrollment;
(7) peer tutoring; and
(8) transition to re-entry initiatives and other postrelease services with the goal of reducing recidivism.

(c) PRIORITY.—Each eligible agency that is using assistance provided under this section to carry out a program for criminal offenders within a correctional institution shall give priority to serving individuals who are likely to leave the correctional institution within 5 years of participation in the program.

(d) REPORT.—In addition to any report required under section 116, each eligible agency that receives assistance provided under this section shall annually prepare and submit to the Secretary a report on the progress, as described in section 116, of the eligible agency with respect to the programs and activities carried out under this section, including the relative rate of recidivism for the criminal offenders served.

(e) DEFINITIONS.—In this section:

(1) CORRECTIONAL INSTITUTION.—The term ''correctional institution'' means any—
(A) prison;
(B) jail;
(C) reformatory;
(D) work farm;
(E) detention center; or
(F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

(2) CRIMINAL OFFENDER.—The term ''criminal offender'' means any individual who is charged with or convicted of any criminal offense.

**Subtitle C—Local Provisions**

**SEC. 231. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.**

(a) GRANTS AND CONTRACTS.—From grant funds made available under section 222(a)(1), each eligible agency shall award multiyear grants or contracts, on a competitive basis, to eligible providers within the State or outlying area to enable the eligible providers to develop, implement, and improve adult education and literacy activities within the State.

(b) REQUIRED LOCAL ACTIVITIES.—The eligible agency shall require that each eligible provider receiving a grant or contract under subsection (a) use the grant or contract to establish or operate programs that provide adult education and literacy activities, including programs that provide such activities concurrently.

(c) DIRECT AND EQUITABLE ACCESS; SAME PROCESS.—Each eligible agency receiving funds under this title shall ensure that—

(1) all eligible providers have direct and equitable access to apply and compete for grants or contracts under this section; and

(2) the same grant or contract announcement process and application process is used for all eligible providers in the State or outlying area.

(d) SPECIAL RULE.—Each eligible agency awarding a grant or contract under this section shall not use any funds made available under this title for adult education and literacy activities for the purpose of supporting or providing programs, services, or activities for individuals who are not individuals described in subparagraphs (A) and (B) of section 203(4), except that such agency may use such funds for such purpose if such programs, services, or activities are related to family literacy activities. In providing family literacy activities under this title, an eligible provider shall attempt to coordinate with programs and services that are not assisted under this title prior to using funds for adult education and literacy activities under this title for activities other than activities for eligible individuals.

(e) CONSIDERATIONS.—In awarding grants or contracts under this section, the eligible agency shall consider—

(1) the degree to which the eligible provider would be responsive to—
(A) regional needs as identified in the local plan under section 108; and
(B) serving individuals in the community who were identified in such plan as most in need of adult education and literacy activities, including individuals—
(i) who have low levels of literacy skills; or
(ii) who are English language learners;

(2) the ability of the eligible provider to serve eligible individuals with disabilities, including eligible individuals with learning disabilities;

(3) past effectiveness of the eligible provider in improving the literacy of eligible individuals, to meet State-adjusted levels of performance for the primary indicators of performance described in section 116, especially with respect to eligible individuals who have low levels of literacy;

(4) the extent to which the eligible provider demonstrates alignment between proposed activities and services and the strategy and goals of the local plan under section 108, as well as the activities and services of the one-stop partners;

(5) whether the eligible provider's program—
(A) is of sufficient intensity and quality, and based on the most rigorous research available so that participants achieve substantial learning gains; and
(B) uses instructional practices that include the essential components of reading instruction;

(6) whether the eligible provider's activities, including whether reading, writing, speaking, mathematics, and English language acquisition instruction delivered by the eligible provider, are based on the best practices derived from the most rigorous research available and appropriate, including scientifically valid research and effective educational practice;

(7) whether the eligible provider's activities effectively use technology, services, and delivery systems, including distance education in a manner sufficient to increase the amount and quality of learning and how such technology, services, and systems lead to improved performance;

(8) whether the eligible provider's activities provide learning in context, including through integrated education and training, so that an individual acquires the skills needed to transition to and complete postsecondary education and training programs, obtain and advance in employment leading to economic self-sufficiency, and to exercise the rights and responsibilities of citizenship;

(9) whether the eligible provider's activities are delivered by well-trained instructors, counselors, and administrators who meet any minimum qualifications established by the State, where applicable, and who have access to high quality professional development, including through electronic means;

(10) whether the eligible provider's activities coordinate with other available education, training, and social service resources in the community, such as by establishing strong links with elementary schools and secondary schools, postsecondary educational institutions, institutions of higher education, local workforce investment boards, one-stop centers, job training programs, and social service agencies, business, industry, labor organizations, community-based organizations, nonprofit organizations, and intermediaries, for the development of career pathways;

(11) whether the eligible provider's activities offer flexible schedules and coordination with Federal, State, and local support services (such as child care, transportation, mental health services, and career planning) that are necessary to enable individuals, including individuals with disabilities or other special needs, to attend and complete programs;

(12) whether the eligible provider maintains a high-quality information management system that has the capacity to report measurable participant outcomes (consistent with section 116) and to monitor program performance; and

(13) whether the local areas in which the eligible provider is located have a demonstrated need for additional English language acquisition programs and civics education programs.

**SEC. 232. LOCAL APPLICATION.**

Each eligible provider desiring a grant or contract from an eligible agency shall submit an application to the eligible agency containing such information and assurances as the eligible agency may require, including—

(1) a description of how funds awarded under this title will be spent consistent with the requirements of this title;

(2) a description of any cooperative arrangements the eligible provider has with other agencies, institutions, or organizations for the delivery of adult education and literacy activities;

(3) a description of how the eligible provider will provide services in alignment with the local plan under section 108, including how such provider will promote concurrent enrollment in programs and activities under title I, as appropriate;

(4) a description of how the eligible provider will meet the State adjusted levels of performance described in section 116(b)(3), including how such provider will collect data to report on such performance indicators;

(5) a description of how the eligible provider will fulfill one-stop partner responsibilities as described in section 121(b)(1)(A), as appropriate;

(6) a description of how the eligible provider will provide services in a manner that meets the needs of eligible individuals; and

(7) information that addresses the considerations described under section 231(e), as applicable.

**SEC. 233. LOCAL ADMINISTRATIVE COST LIMITS.**

(a) IN GENERAL.—Subject to subsection (b), of the amount that is made available under this title to an eligible provider—

(1) not less than 95 percent shall be expended for carrying out adult education and literacy activities; and

(2) the remaining amount, not to exceed 5 percent, shall be used for planning, administration (including carrying out the requirements of section 116), professional development, and the activities described in paragraphs (3) and (5) of section 232.

(b) SPECIAL RULE.—In cases where the cost limits described in subsection (a) are too restrictive to allow for the activities described in subsection (a)(2), the eligible provider shall negotiate with the eligible agency in order to determine an adequate level of funds to be used for noninstructional purposes.

**Subtitle D—General Provisions**

**SEC. 241. ADMINISTRATIVE PROVISIONS.**

(a) SUPPLEMENT NOT SUPPLANT.—Funds made available for adult education and literacy activities under this title shall supplement and not supplant other State or local public funds expended for adult education and literacy activities.

(b) MAINTENANCE OF EFFORT.—

(1) IN GENERAL.—

(A) DETERMINATION.—An eligible agency may receive funds under this title for any fiscal year if the Secretary finds that the fiscal effort per student or the aggregate expenditures of such eligible agency for activities under this title, in the second preceding fiscal year, were not less than 90 percent of the fiscal effort per student or the aggregate expenditures of such eligible agency for adult education and literacy activities in the third preceding fiscal year.

(B) PROPORTIONATE REDUCTION.—Subject to paragraphs (2), (3), and (4), for any fiscal year with respect to which the Secretary determines under subparagraph (A) that the fiscal effort or the aggregate expenditures of an eligible agency for the preceding program year were less than such effort or expenditures for the second preceding program year, the Secretary—

(i) shall determine the percentage decreases in such effort or in such expenditures; and

(ii) shall decrease the payment made under this title for such program year to the agency for adult education and literacy activities by the lesser of such percentages.

(2) COMPUTATION.—In computing the fiscal effort and aggregate expenditures under paragraph (1), the Secretary shall exclude capital expenditures and special one-time project costs.

(3) DECREASE IN FEDERAL SUPPORT.—If the amount made available for adult education and literacy activities under this title for a fiscal year is less than the amount made available for adult education and literacy activities under this title for the preceding fiscal year, then the fiscal effort per student and the aggregate expenditures of an eligible agency required in order to avoid a reduction under paragraph (1)(B) shall be decreased by the same percentage as the percentage decrease in the amount so made available.

(4) WAIVER.—The Secretary may waive the requirements of this subsection for not more than 1 fiscal year, if the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or an unforeseen and precipitous decline in the financial resources of the State or outlying area of the eligible agency. If the Secretary grants a waiver under the preceding sentence for a fiscal year, the level of effort required under paragraph (1) shall not be reduced in the subsequent fiscal year because of the waiver.

**SEC. 242. NATIONAL LEADERSHIP ACTIVITIES.**

(a) IN GENERAL.—The Secretary shall establish and carry out a program of national leadership activities to enhance the quality and outcomes of adult education and literacy activities and programs nationwide.

(b) REQUIRED ACTIVITIES.—The national leadership activities described in subsection (a) shall include technical assistance, including—

(1) assistance to help States meet the requirements of section 116;

(2) upon request by a State, assistance provided to eligible providers in using performance accountability measures based on indicators described in section 116, and data systems for the improvement of adult education and literacy activities;

(3) carrying out rigorous research and evaluation on effective adult education and literacy activities, as well as estimating the number of adults functioning at the lowest levels of literacy proficiency, which shall be coordinated across relevant Federal agencies, including the Institute of Education Sciences; and

(4) carrying out an independent evaluation at least once every 4 years of the programs and activities under this title, taking into consideration the evaluation subjects referred to in section 169(a)(2).

(c) ALLOWABLE ACTIVITIES.—The national leadership activities described in subsection (a) may include the following:

(1) Technical assistance, including—

(A) assistance related to professional development activities, and assistance for the purposes of developing, improving, identifying, and disseminating the most successful methods and techniques for providing adult education and literacy activities, based on scientifically valid research where available;

(B) assistance in distance education and promoting and improving the use of technology in the classroom, including instruction in English language acquisition for English language learners;

(C) assistance in the development and dissemination of proven models for addressing the digital literacy needs of adults, including older adults; and

(D) supporting efforts aimed at strengthening programs at the State and local levels, such as technical assistance in program planning, assessment, evaluation, and monitoring of activities carried out under this title.

(2) Funding national leadership activities either directly or through grants, contracts, or cooperative agreements awarded on a competitive basis to or with postsecondary educational institutions, institutions of higher education, public or private organizations or agencies (including public libraries), or consortia of such institutions, organizations, or agencies, which may include—

(A) developing, improving, and identifying the most successful methods and techniques for addressing the education needs of adults, including instructional practices using the essential components of reading instruction based on the work of the National Institute of Child Health and Human Development;

(B) supporting national, regional, or local networks of private nonprofit organizations, public libraries, or institutions of higher education to strengthen the ability of such networks' members to meet the performance requirements described in section 116 of eligible providers;

(C) increasing the effectiveness, and improving the quality, of adult education and literacy activities, which may include—

(i) carrying out rigorous research;

(ii) carrying out demonstration programs;

(iii) accelerating learning outcomes for eligible individuals with the lowest literacy levels;

(iv) developing and promoting career pathways for eligible individuals;

(v) promoting concurrent enrollment programs in adult education and credit bearing postsecondary coursework;

(vi) developing high-quality professional development activities for eligible providers; and

(vii) developing, replicating, and disseminating information on best practices and innovative programs, such as—

(I) the identification of effective strategies for working with adults with learning disabilities and with adults who are English language learners;

(II) integrated education and training programs;

(III) workplace adult education and literacy activities; and

(IV) postsecondary education and training transition programs;

(D) providing for the conduct of an independent evaluation and assessment of adult education and literacy activities through grants and contracts awarded on a competitive basis, which shall include descriptions of—

(i) the effect of performance accountability measures and other measures of accountability on the delivery of adult education and literacy activities;

(ii) the extent to which the adult education and literacy activities increase the literacy skills of eligible individuals, lead to involvement in education and training, enhance the employment and earnings of such participants, and, if applicable, lead to other positive outcomes, such as success in re-entry and reductions in recidivism in the case of prison-based adult education and literacy activities;

(iii) the extent to which the provision of support services to eligible individuals enrolled in adult education and literacy activities increase the rate of enrollment in, and successful completion of, such programs; and

(iv) the extent to which different types of providers measurably improve the skills of eligible individuals in adult education and literacy activities;

(E) collecting data, such as data regarding the improvement of both local and State data systems, through technical assistance and development of model performance data collection systems;

(F) determining how participation in adult education and literacy activities prepares eligible individuals for entry into postsecondary education and employment and, in the case of programs carried out in correctional institutions, has an effect on recidivism; and

(G) other activities designed to enhance the quality of adult education and literacy activities nationwide.

**SEC. 243. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.**

(a) IN GENERAL.—From funds made available under section 211(a)(2) for each fiscal year, the Secretary shall award grants to States, from allotments under subsection (b), for integrated English literacy and civics education, in combination with integrated education and training activities.

(b) ALLOTMENT.—

(1) IN GENERAL.—Subject to paragraph (2), from amounts made available under section 211(a)(2) for a fiscal year, the Secretary shall allocate—

(A) 65 percent to the States on the basis of a State's need for integrated English literacy and civics education, as determined by calculating each State's share of a 10-year average of the data of the Office of Immigration Statistics of the Department of Homeland Security for immigrants admitted for legal permanent residence for the 10 most recent years; and

(B) 35 percent to the States on the basis of whether the State experienced growth, as measured by the average of the 3 most recent years for which the data of the Office of Immigration Statistics of the Department of Homeland Security for immigrants admitted for legal permanent residence are available.

(2) MINIMUM.—No State shall receive an allotment under paragraph (1) in an amount that is less than $60,000.

(c) GOAL.—Each program that receives funding under this section shall be designed to—

(1) prepare adults who are English language learners for, and place such adults in, unsubsidized employment in in-demand industries and occupations that lead to economic self-sufficiency; and

(2) integrate with the local workforce development system and its functions to carry out the activities of the program.

(d) REPORT.—The Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health,

Education, Labor, and Pensions of the Senate and make available to the public, a report on the activities carried out under this section.

## TITLE III—AMENDMENTS TO THE WAGNER-PEYSER ACT

**SEC. 301. EMPLOYMENT SERVICE OFFICES.**

Section 1 of the Wagner-Peyser Act (29 U.S.C. 49) is amended by inserting ''service'' before ''offices''.

**SEC. 302. DEFINITIONS.**

Section 2 of the Wagner-Peyser Act (29 U.S.C. 49a) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) the terms 'chief elected official', 'institution of higher education', 'one-stop center', 'one-stop partner', 'training services', 'workforce development activity', and 'workplace learning advisor', have the meaning given the terms in section 3 of the Workforce Innovation and Opportunity Act;'';

(2) in paragraph (2)—

(A) by striking ''investment board'' each place it appears and inserting ''development board''; and

(B) by striking ''section 117 of the Workforce Investment Act of 1998'' and inserting ''section 107 of the Workforce Innovation and Opportunity Act'';

(3) in paragraph (3)—

(A) by striking ''134(c)'' and inserting ''121(e)''; and

(B) by striking ''Workforce Investment Act of 1998'' and inserting ''Workforce Innovation and Opportunity Act''; and

(4) in paragraph (4), by striking ''and'' at the end;

(5) in paragraph (5), by striking the period and inserting ''; and''; and

(6) by adding at the end the following:

''(6) the term 'employment service office' means a local office of a State agency; and

''(7) except in section 15, the term 'State agency', used without further description, means an agency designated or authorized under section 4.''.

**SEC. 303. FEDERAL AND STATE EMPLOYMENT SERVICE OFFICES.**

(a) COORDINATION.—Section 3(a) of the Wagner-Peyser Act (29 U.S.C. 49b(a)) is amended by striking ''services'' and inserting ''service offices''.

(b) PUBLIC LABOR EXCHANGE SERVICES SYSTEM.—Section 3(c) of the Wagner-Peyser Act (29 U.S.C. 49b(c)) is amended—

(1) in paragraph (2), by striking the semicolon and inserting '', and identify and disseminate information on best practices for such system; and''; and

(2) by adding at the end the following:

''(4) in coordination with the State agencies and the staff of such agencies, assist in the planning and implementation of activities to enhance the professional development and career advancement opportunities of such staff, in order to strengthen the provision of a broad range of career guidance services, the identification of job openings (including providing intensive outreach to small and medium-sized employers and enhanced employer services), the provision of technical assistance and training to other providers of workforce development activities (including workplace learning advisors) relating to counseling and employment-related services, and the development of new strategies for coordinating counseling and technology.''.

(c) ONE-STOP CENTERS.—Section 3 of the Wagner-Peyser Act (29 U.S.C. 49b) is amended by inserting after subsection (c) the following:

''(d) In order to improve service delivery, avoid duplication of services, and enhance coordination of services, including location of staff to ensure access to services under section 7(a) statewide in underserved areas, employment service offices in each State shall be colocated with one-stop centers.

''(e) The Secretary, in consultation with States, is authorized to assist the States in the development of national electronic tools that may be used to improve access to workforce information for individuals through—

''(1) the one-stop delivery systems established as described in section 121(e) of the Workforce Innovation and Opportunity Act; and

''(2) such other delivery systems as the Secretary determines to be appropriate.''.

**SEC. 304. ALLOTMENT OF SUMS.**

Section 6 of the Wagner-Peyser Act (29 U.S.C. 49e) is amended—

(1) in subsection (a), by striking ''amounts appropriated pursuant to section 5'' and inserting ''funds appropriated and (except for Guam) certified under section 5 and made available for allotments under this section''; and

(2) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting before ''the Secretary'' the following ''after making the allotments required by subsection (a),''; and

(ii) by striking ''sums'' and all that follows through ''this Act'' and inserting ''funds described in subsection (a)'';

(B) in each of subparagraphs (A) and (B), by striking ''sums'' and inserting ''remainder''; and

(C) by adding at the end the following: ''For purposes of this paragraph, the term 'State' does not include Guam or the Virgin Islands.''.

**SEC. 305. USE OF SUMS.**

(a) IMPROVED COORDINATION.—Section 7(a)(1) of the Wagner-Peyser Act (29 U.S.C. 49f(a)(1)) is amended by inserting '', including unemployment insurance claimants,'' after ''seekers''.

(b) RESOURCES FOR UNEMPLOYMENT INSURANCE CLAIMANTS.—Section 7(a)(3) of the Wagner-Peyser Act (29 U.S.C. 49f(a)(3)) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) in subparagraph (F)—

(A) by inserting '', including making eligibility assessments,'' after ''system''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by inserting after subparagraph (F) the following:

''(G) providing unemployment insurance claimants with referrals to, and application assistance for, training and education resources and programs, including Federal Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.), educational assistance under chapter 30 of title 38, United States Code (commonly referred to as the Montgomery GI Bill), and chapter 33 of that title (Post-9/11 Veterans Educational Assistance), student assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), State student higher education assistance, and training and education programs provided under titles I and II of the Workforce Innovation and Opportunity Act, and title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).''.

(c) STATE ACTIVITIES.—Section 7(b) of the Wagner-Peyser Act (29 U.S.C. 49f(b)) is amended—

(1) in paragraph (1), by striking ''performance standards established by the Secretary'' and inserting ''the performance accountability measures that are based on indicators described in section 116(b)(2)(A)(i) of the Workforce Innovation and Opportunity Act'';

(2) in paragraph (2), by inserting ''offices'' after ''employment service''; and

(3) in paragraph (3), by inserting '', and models for enhancing professional development and career advancement opportunities of State agency staff, as described in section 3(c)(4)'' after ''subsection (a)''.

(d) PROVIDING ADDITIONAL FUNDS.—Subsections (c)(2) and (d) of section 7 of the Wagner-Peyser Act (29 U.S.C. 49f) are amended by striking ''the Workforce Investment Act of 1998'' and inserting ''the Workforce Innovation and Opportunity Act''.

(e) CONFORMING AMENDMENT.—Section 7(e) of the Wagner-Peyser Act (29 U.S.C. 49f(e)) is amended by striking ''labor employment statistics'' and inserting ''workforce and labor market information''.

**SEC. 306. STATE PLAN.**

Section 8 of the Wagner-Peyser Act (29 U.S.C. 49g) is amended to read as follows:

''SEC. 8. Any State desiring to receive assistance under section 6 shall prepare and submit to, and have approved by, the Secretary and the Secretary of Education, a State plan in accordance with section 102 or 103 of the Workforce Innovation and Opportunity Act.''.

**SEC. 307. PERFORMANCE MEASURES.**

Section 13(a) of the Wagner-Peyser Act (29 U.S.C. 49l(a)) is amended to read as follows:

''(a) The activities carried out pursuant to section 7 shall be subject to the performance accountability measures that are based on indicators described in section 116(b)(2)(A)(i) of the Workforce Innovation and Opportunity Act.''.

**SEC. 308. WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.**

(a) HEADING.—The section heading for section 15 of the Wagner-Peyser Act (29 U.S.C. 49l–2) is amended by striking ''**EMPLOYMENT STATISTICS**'' and inserting ''**WORKFORCE AND LABOR MARKET INFORMATION SYSTEM**''.

(b) NAME OF SYSTEM.—Section 15(a)(1) of the Wagner-Peyser Act (29 U.S.C. 49l–2(a)(1)) is amended by striking ''employment statistics system of employment statistics'' and inserting ''workforce and labor market information system''.

(c) SYSTEM RESPONSIBILITIES.—Section 15(b) of the Wagner-Peyser Act (29 U.S.C. 49l–2(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—

''(A) STRUCTURE.—The workforce and labor market information system described in subsection (a) shall be evaluated and improved by the Secretary, in consultation with the Workforce Information Advisory Council established in subsection (d).

''(B) GRANTS AND RESPONSIBILITIES.—

''(i) IN GENERAL.—The Secretary shall carry out the provisions of this section in a timely manner, through grants to or agreements with States.

''(ii) DISTRIBUTION OF FUNDS.—Using amounts appropriated under subsection (g), the Secretary shall provide funds through those grants and agreements. In distributing the funds (relating to workforce and labor market information funding) for fiscal years 2015 through 2020, the Secretary shall continue to distribute the funds to States in the manner in which the Secretary distributed funds to the States under this section for fiscal years 2004 through 2008.''; and

(2) by striking paragraph (2) and inserting the following:

''(2) DUTIES.—The Secretary, with respect to data collection, analysis, and dissemination of workforce and labor market information for the system, shall carry out the following duties:

''(A) Assign responsibilities within the Department of Labor for elements of the workforce and labor market information system described in subsection (a) to ensure that the

statistical and administrative data collected is consistent with appropriate Bureau of Labor Statistics standards and definitions, and that the information is accessible and understandable to users of such data.

''(B) Actively seek the cooperation of heads of other Federal agencies to establish and maintain mechanisms for ensuring complementarity and nonduplication in the development and operation of statistical and administrative data collection activities.

''(C) Solicit, receive, and evaluate the recommendations from the Workforce Information Advisory Council established in subsection (d) concerning the evaluation and improvement of the workforce and labor market information system described in subsection (a) and respond in writing to the Council regarding the recommendations.

''(D) Eliminate gaps and duplication in statistical undertakings.

''(E) Through the Bureau of Labor Statistics and the Employment and Training Administration, and in collaboration with States, develop and maintain the elements of the workforce and labor market information system described in subsection (a), including the development of consistent procedures and definitions for use by the States in collecting the data and information described in subparagraphs (A) and (B) of subsection (a)(1).

''(F) Establish procedures for the system to ensure that—

''(i) such data and information are timely; and

''(ii) paperwork and reporting for the system are reduced to a minimum.''.

(d) TWO-YEAR PLAN.—Section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2) is amended by striking subsection (c) and inserting the following:

''(c) TWO-YEAR PLAN.—The Secretary, acting through the Commissioner of Labor Statistics and the Assistant Secretary for Employment and Training, and in consultation with the Workforce Information Advisory Council described in subsection (d) and heads of other appropriate Federal agencies, shall prepare a 2-year plan for the workforce and labor market information system. The plan shall be developed and implemented in a manner that takes into account the activities described in State plans submitted by States under section 102 or 103 of the Workforce Innovation and Opportunity Act and shall be submitted to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. The plan shall include—

''(1) a description of how the Secretary will work with the States to manage the nationwide workforce and labor market information system described in subsection (a) and the statewide workforce and labor market information systems that comprise the nationwide system;

''(2) a description of the steps to be taken in the following 2 years to carry out the duties described in subsection (b)(2);

''(3) an evaluation of the performance of the system, with particular attention to the improvements needed at the State and local levels;

''(4) a description of the involvement of States in the development of the plan, through consultation by the Secretary with the Workforce Information Advisory Council in accordance with subsection (d); and

''(5) a description of the written recommendations received from the Workforce Information Advisory Council established under subsection (d), and the extent to which those recommendations were incorporated into the plan.''.

(e) WORKFORCE INFORMATION ADVISORY COUNCIL.—Section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2) is amended by striking subsection (d) and inserting the following:

''(d) WORKFORCE INFORMATION ADVISORY COUNCIL.—

''(1) IN GENERAL.—The Secretary, through the Commissioner of Labor Statistics and the Assistant Secretary for Employment and Training, shall formally consult at least twice annually with the Workforce Information Advisory Council established in accordance with paragraph (2). Such consultations shall address the evaluation and improvement of the nationwide workforce and labor market information system described in subsection (a) and the statewide workforce and labor market information systems that comprise the nationwide system and how the Department of Labor and the States will cooperate in the management of such systems. The Council shall provide written recommendations to the Secretary concerning the evaluation and improvement of the nationwide system, including any recommendations regarding the 2-year plan described in subsection (c).

''(2) ESTABLISHMENT OF COUNCIL.—

''(A) ESTABLISHMENT.—The Secretary shall establish an advisory council that shall be known as the Workforce Information Advisory Council (referred to in this section as the 'Council') to participate in the consultations and provide the recommendations described in paragraph (1).

''(B) MEMBERSHIP.—The Secretary shall appoint the members of the Council, which shall consist of—

''(i) 4 members who are representatives of lead State agencies with responsibility for workforce investment activities, or State agencies described in section 4, who have been nominated by such agencies or by a national organization that represents such agencies;

''(ii) 4 members who are representatives of the State workforce and labor market information directors affiliated with the State agencies that perform the duties described in subsection (e)(2), who have been nominated by the directors;

''(iii) 1 member who is a representative of providers of training services under section 122 of the Workforce Innovation and Opportunity Act;

''(iv) 1 member who is a representative of economic development entities;

''(v) 1 member who is a representative of businesses, who has been nominated by national business organizations or trade associations;

''(vi) 1 member who is a representative of labor organizations, who has been nominated by a national labor federation;

''(vii) 1 member who is a representative of local workforce development boards, who has been nominated by a national organization representing such boards; and

''(viii) 1 member who is a representative of research entities that utilize workforce and labor market information.

''(C) GEOGRAPHIC DIVERSITY.—The Secretary shall ensure that the membership of the Council is geographically diverse and that no 2 of the members appointed under clauses (i), (ii), and (vii) represent the same State.

''(D) PERIOD OF APPOINTMENT; VACANCIES.—

''(i) IN GENERAL.—Each member of the Council shall be appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation in which one-third of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

''(ii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

''(E) TRAVEL EXPENSES.—The members of the Council shall not receive compensation for the performance of services for the Council, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the Council.

''(F) PERMANENT COUNCIL.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.''.

(f) STATE RESPONSIBILITIES.—Section 15(e) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)) is amended—

(1) by striking ''employment statistics'' each place it appears and inserting ''workforce and labor market information'';

(2) in paragraph (1)(A) by striking ''annual plan'' and inserting ''plan described in subsection (c)'';

(3) in paragraph (2)—

(A) in subparagraph (G), by inserting ''and'' at the end;

(B) by striking subparagraph (H);

(C) in subparagraph (I), by striking ''section 136(f)(2) of the Workforce Investment Act of 1998'' and inserting ''section 116(i)(2) of the Workforce Innovation and Opportunity Act''; and

(D) by redesignating subparagraph (I) as subparagraph (H).

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 15(g) of the Wagner-Peyser Act (29 U.S.C. 491–2(g)) is amended by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2004'' and inserting ''$60,153,000 for fiscal year 2015, $64,799,000 for fiscal year 2016, $66,144,000 for fiscal year 2017, $67,611,000 for fiscal year 2018, $69,200,000 for fiscal year 2019, and $70,667,000 for fiscal year 2020''.

## TITLE IV—AMENDMENTS TO THE REHABILITATION ACT OF 1973

### Subtitle A—Introductory Provisions

**SEC. 401. REFERENCES.**

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision, the amendment or repeal shall be considered to be made to a provision of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

**SEC. 402. FINDINGS, PURPOSE, POLICY.**

(a) FINDINGS.—Section 2(a) (29 U.S.C. 701(a)) is amended—

(1) in paragraph (4), by striking ''workforce investment systems under title I of the Workforce Investment Act of 1998'' and inserting ''workforce development systems defined in section 3 of the Workforce Innovation and Opportunity Act'';

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(7)(A) a high proportion of students with disabilities is leaving secondary education without being employed in competitive integrated employment, or being enrolled in postsecondary education; and

''(B) there is a substantial need to support such students as they transition from school to postsecondary life.''.

(b) PURPOSE.—Section 2(b) (29 U.S.C. 701(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''workforce investment systems implemented in accordance with title I of the Workforce Investment Act of 1998'' and inserting ''workforce development systems defined in section 3 of the Workforce Innovation and Opportunity Act''; and

(B) at the end of subparagraph (F), by striking ''and'';

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

''(2) to maximize opportunities for individuals with disabilities, including individuals with significant disabilities, for competitive integrated employment;'';

(4) in paragraph (3), as redesignated by paragraph (2), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

''(4) to increase employment opportunities and employment outcomes for individuals with disabilities, including through encouraging meaningful input by employers and vocational rehabilitation service providers on successful and prospective employment and placement strategies; and

''(5) to ensure, to the greatest extent possible, that youth with disabilities and students with disabilities who are transitioning from receipt of special education services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and receipt of services under section 504 of this Act have opportunities for postsecondary success.''.

**SEC. 403. REHABILITATION SERVICES ADMINISTRATION.**

Section 3 (29 U.S.C. 702) is amended—

(1) in subsection (a)—

(A) in the first sentence, by inserting ''in the Department of Education'' after ''Secretary'';

(B) by striking the second sentence and inserting ''Such Administration shall be the principal agency, and the Commissioner shall be the principal officer, of the Department for purposes of carrying out titles I, III, VI, and chapter 2 of title VII.''; and

(C) in the fourth and sixth sentences, by inserting ''of Education'' after ''Secretary'' the first place it appears; and

(2) in subsection (b), by inserting ''of Education'' after ''Secretary''.

**SEC. 404. DEFINITIONS.**

Section 7 (29 U.S.C. 705) is amended—

(1) in paragraph (2)(B)—

(A) in clause (iii), by striking ''and'' at the end;

(B) in clause (iv), by striking the semicolon and inserting ''; and''; and

(C) by adding at the end the following:

''(v) to the maximum extent possible, relies on information obtained from experiences in integrated employment settings in the community, and other integrated community settings;'';

(2) by striking paragraphs (3) and (4) and inserting the following:

''(3) ASSISTIVE TECHNOLOGY TERMS.—

''(A) ASSISTIVE TECHNOLOGY.—The term 'assistive technology' has the meaning given such term in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002).

''(B) ASSISTIVE TECHNOLOGY DEVICE.—The term 'assistive technology device' has the meaning given such term in section 3 of the Assistive Technology Act of 1998, except that the reference in such section to the term 'individuals with disabilities' shall be deemed to mean more than 1 individual with a disability as defined in paragraph (20)(A)).

''(C) ASSISTIVE TECHNOLOGY SERVICE.—The term 'assistive technology service' has the meaning given such term in section 3 of the Assistive Technology Act of 1998, except that the reference in such section—

''(i) to the term 'individual with a disability' shall be deemed to mean an individual with a disability, as defined in paragraph (20)(A); and

''(ii) to the term 'individuals with disabilities' shall be deemed to mean more than 1 such individual.'';

(3) by redesignating paragraph (5) as paragraph (4);

(4) in paragraph (4), as redesignated by paragraph (3)—

(A) by redesignating subparagraphs (O) through (Q) as subparagraphs (P) through (R), respectively;

(B) by inserting after subparagraph (N) the following:

''(O) customized employment;''; and

(C) in subparagraph (R), as redesignated by subparagraph (A) of this paragraph, by striking ''(P)'' and inserting ''(Q)'';

(5) by inserting before paragraph (6) the following:

''(5) COMPETITIVE INTEGRATED EMPLOYMENT.—The term 'competitive integrated employment' means work that is performed on a full-time or part-time basis (including self-employment)—

''(A) for which an individual—

''(i) is compensated at a rate that—

''(I)(aa) shall be not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate specified in the applicable State or local minimum wage law; and

''(bb) is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; or

''(II) in the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and

''(ii) is eligible for the level of benefits provided to other employees;

''(B) that is at a location where the employee interacts with other persons who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons; and

''(C) that, as appropriate, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.'';

(6) in paragraph (6)(B), by striking ''includes'' and all that follows through ''fees'' and inserting ''includes architects' fees'';

(7) by inserting after paragraph (6) the following:

''(7) CUSTOMIZED EMPLOYMENT.—The term 'customized employment' means competitive integrated employment, for an individual with a significant disability, that is based on an individualized determination of the strengths, needs, and interests of the individual with a significant disability, is designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer, and is carried out through flexible strategies, such as—

''(A) job exploration by the individual;

''(B) working with an employer to facilitate placement, including—

''(i) customizing a job description based on current employer needs or on previously unidentified and unmet employer needs;

''(ii) developing a set of job duties, a work schedule and job arrangement, and specifics of supervision (including performance evaluation and review), and determining a job location;

''(iii) representation by a professional chosen by the individual, or self-representation of the individual, in working with an employer to facilitate placement; and

''(iv) providing services and supports at the job location.'';

(8) in paragraph (11)—

(A) in subparagraph (C)—

(i) by inserting ''of Education'' after ''Secretary''; and

(ii) by inserting ''customized employment,'' before ''self-employment,'';

(9) in paragraph (12), by inserting ''of Education'' after ''Secretary'' each place it appears;

(10) in paragraph (14)(C), by inserting ''of Education'' after ''Secretary'';

(11) in paragraph (17)—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(E) services that—

''(i) facilitate the transition of individuals with significant disabilities from nursing homes and other institutions to home and community-based residences, with the requisite supports and services;

''(ii) provide assistance to individuals with significant disabilities who are at risk of entering institutions so that the individuals may remain in the community; and

''(iii) facilitate the transition of youth who are individuals with significant disabilities, who were eligible for individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)), and who have completed their secondary education or otherwise left school, to postsecondary life.'';

(12) in paragraph (18), by striking ''term'' and all that follows through ''includes—'' and inserting ''term 'independent living services' includes—'';

(13) in paragraph (19)—

(A) in subparagraph (A), by inserting before the period the following: ''and includes a Native and a descendant of a Native, as such terms are defined in subsections (b) and (r) of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)''; and

(B) in subparagraph (B), by inserting before the period the following: ''and a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)))'';

(14) in paragraph (23), by striking ''section 101'' and inserting ''section 102'';

(15) by striking paragraph (25) and inserting the following:

''(25) LOCAL WORKFORCE DEVELOPMENT BOARD.—The term 'local workforce development board' means a local board, as defined in section 3 of the Workforce Innovation and Opportunity Act.'';

(16) by striking paragraph (37);

(17) by redesignating paragraphs (29) through (39) as paragraphs (31) through (36), and (38) through (41), respectively;

(18) by inserting after paragraph (28) the following:

''(30) PRE-EMPLOYMENT TRANSITION SERVICES.—The term 'pre-employment transition services' means services provided in accordance with section 113.'';

(19) by striking paragraph (33), as redesignated by paragraph (17), and inserting the following:

''(33) SECRETARY.—Unless where the context otherwise requires, the term 'Secretary'—

''(A) used in title I, III, IV, V, VI, or chapter 2 of title VII, means the Secretary of Education; and

''(B) used in title II or chapter 1 of title VII, means the Secretary of Health and Human Services.'';

(20) by striking paragraphs (35) and (36), as redesignated by paragraph (17), and inserting the following:

''(35) STATE WORKFORCE DEVELOPMENT BOARD.—The term 'State workforce development board' means a State board, as defined in section 3 of the Workforce Innovation and Opportunity Act.

''(36) STATEWIDE WORKFORCE DEVELOPMENT SYSTEM.—The term 'statewide workforce development system' means a workforce development system, as defined in section 3 of the Workforce Innovation and Opportunity Act.'';

(21) by inserting after that paragraph (36) the following:

''(37) STUDENT WITH A DISABILITY.—

''(A) IN GENERAL.—The term 'student with a disability' means an individual with a disability who—

''(i)(I)(aa) is not younger than the earliest age for the provision of transition services under section 614(d)(1)(A)(i)(VIII) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)(i)(VIII)); or

''(bb) if the State involved elects to use a lower minimum age for receipt of pre-employment transition services under this Act, is not younger than that minimum age; and

''(II)(aa) is not older than 21 years of age; or

''(bb) if the State law for the State provides for a higher maximum age for receipt of services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), is not older than that maximum age; and

''(ii)(I) is eligible for, and receiving, special education or related services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); or

''(II) is an individual with a disability, for purposes of section 504.

''(B) STUDENTS WITH DISABILITIES.—The term 'students with disabilities' means more than 1 student with a disability.'';

(22) by striking paragraphs (38) and (39), as redesignated by paragraph (17), and inserting the following:

''(38) SUPPORTED EMPLOYMENT.—The term 'supported employment' means competitive integrated employment, including customized employment, or employment in an integrated work setting in which individuals are working on a short-term basis toward competitive integrated employment, that is individualized and customized consistent with the strengths, abilities, interests, and informed choice of the individuals involved, for individuals with the most significant disabilities—

''(A)(i) for whom competitive integrated employment has not historically occurred; or

''(ii) for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and

''(B) who, because of the nature and severity of their disability, need intensive supported employment services and extended services after the transition described in paragraph (13)(C), in order to perform the work involved.

''(39) SUPPORTED EMPLOYMENT SERVICES.—The term 'supported employment services' means ongoing support services, including customized employment, needed to support and maintain an individual with a most significant disability in supported employment, that—

''(A) are provided singly or in combination and are organized and made available in such a way as to assist an eligible individual to achieve competitive integrated employment;

''(B) are based on a determination of the needs of an eligible individual, as specified in an individualized plan for employment; and

''(C) are provided by the designated State unit for a period of not more than 24 months, except that period may be extended, if necessary, in order to achieve the employment outcome identified in the individualized plan for employment.'';

(23) in paragraph (41), as redesignated by paragraph (17), by striking ''as defined in section 101 of the Workforce Investment Act of 1998'' and inserting ''as defined in section 3 of the Workforce Innovation and Opportunity Act''; and

(24) by inserting after paragraph (41), as redesignated by paragraph (17), the following:

''(42) YOUTH WITH A DISABILITY.—

''(A) IN GENERAL.—The term 'youth with a disability' means an individual with a disability who—

''(i) is not younger than 14 years of age; and

''(ii) is not older than 24 years of age.

''(B) YOUTH WITH DISABILITIES.—The term 'youth with disabilities' means more than 1 youth with a disability.''.

**SEC. 405. ADMINISTRATION OF THE ACT.**

(a) PROMULGATION.—Section 8(a)(2) (29 U.S.C. 706(a)(2)) is amended by inserting ''of Education'' after ''Secretary''.

(b) PRIVACY.—Section 11 (29 U.S.C. 708) is amended—

(1) by inserting ''(a)'' before ''The provisions''; and

(2) by adding at the end the following:

''(b) Section 501 of the Workforce Innovation and Opportunity Act shall apply, as specified in that section, to amendments to this Act that were made by the Workforce Innovation and Opportunity Act.''.

(c) ADMINISTRATION.—Section 12 (29 U.S.C. 709) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''(1)'' and inserting ''(1)(A)''; and

(ii) by adding at the end the following:

''(B) provide technical assistance to the designated State units on developing successful partnerships with local and multi-State businesses in an effort to increase the employment of individuals with disabilities;

''(C) provide technical assistance to providers and organizations on developing self-employment opportunities and outcomes for individuals with disabilities; and

''(D) provide technical assistance to entities carrying out community rehabilitation programs to build their internal capacity to provide individualized services and supports leading to competitive integrated employment, and to transition individuals with disabilities away from nonintegrated settings;''; and

(B) in paragraph (2), by striking '', centers for independent living,'';

(2) in subsection (c), by striking ''Commissioner'' the first place it appears and inserting ''Secretary of Education'';

(3) in subsection (d), by inserting ''of Education'' after ''Secretary'';

(4) in subsection (e)—

(A) by striking ''Rehabilitation Act Amendments of 1998'' each place it appears and inserting ''Workforce Innovation and Opportunity Act''; and

(B) by inserting ''of Education'' after ''Secretary'';

(5) in subsection (f), by inserting ''of Education'' after ''Secretary'';

(6)(A) in subsection (c), by striking ''(c)'' and inserting ''(c)(1)'';

(B) in subsection (d), by striking ''(d)'' and inserting ''(d)(1)'';

(C) in subsection (e), by striking ''(e)'' and inserting ''(2)'';

(D) in subsection (f), by striking ''(f)'' and inserting ''(2)''; and

(E) by moving paragraph (2) (as redesignated by subparagraph (D)) to the end of subsection (c); and

(7) by inserting after subsection (d) the following:

''(e)(1) The Administrator of the Administration for Community Living (referred to in this subsection as the 'Administrator') may carry out the authorities and shall carry out the responsibilities of the Commissioner described in paragraphs (1)(A) and (2) through (4) of subsection (a), and subsection (b), except that, for purposes of applying subsections (a) and (b), a reference in those subsections—

''(A) to facilitating meaningful and effective participation shall be considered to be a reference to facilitating meaningful and effective collaboration with independent living programs, and promoting a philosophy of independent living for individuals with disabilities in community activities; and

''(B) to training for personnel shall be considered to be a reference to training for the personnel of centers for independent living and Statewide Independent Living Councils.

''(2) The Secretary of Health and Human Services may carry out the authorities and shall carry out the responsibilities of the Secretary of Education described in subsections (c) and (d).

''(f)(1) In subsections (a) through (d), a reference to 'this Act' means a provision of this Act that the Secretary of Education has authority to carry out; and

''(2) In subsection (e), for purposes of applying subsections (a) through (d), a reference in those subsections to 'this Act' means a provision of this Act that the Secretary of Health and Human Services has authority to carry out.''.

**SEC. 406. REPORTS.**

Section 13 (29 U.S.C. 710) is amended—

(1) in section (c)—

(A) by striking ''(c)'' and inserting ''(c)(1)''; and

(B) in the second sentence, by striking ''section 136(d) of the Workforce Investment Act of 1998'' and inserting ''section 116(d)(2) of the Workforce Innovation and Opportunity Act''; and

(2) by adding at the end the following:

''(d) The Commissioner shall ensure that the report described in this section is made publicly available in a timely manner, including through electronic means, in order to inform the public about the administration and performance of programs under this Act.''.

**SEC. 407. EVALUATION AND INFORMATION.**

(a) EVALUATION.—Section 14 (29 U.S.C. 711) is amended—

(1) by inserting ''of Education'' after ''Secretary'' each place it appears;

(2) in subsection (f)(2), by inserting ''competitive'' before ''integrated employment'';

(3)(A) in subsection (b), by striking ''(b)'' and inserting ''(b)(1)'';

(B) in subsection (c), by striking ''(c)'' and inserting ''(2)'';

(C) in subsection (d), by striking ''(d)'' and inserting ''(3)''; and

(D) by redesignating subsections (e) and (f) as subsections (c) and (d), respectively;

(4) by inserting after subsection (d), as redesignated by paragraph (3)(D), the following:

''(e)(1) The Secretary of Health and Human Services may carry out the authorities and shall carry out the responsibilities of the Secretary of Education described in subsections (a) and (b).

''(2) The Administrator of the Administration for Community Living may carry out the authorities and shall carry out the responsibilities of the Commissioner described in subsections (a) and (d)(1), except that, for purposes of applying those subsections, a reference in those subsections to exemplary practices shall be considered to be a reference to exemplary practices concerning independent living services and centers for independent living.

''(f)(1) In subsections (a) through (d), a reference to 'this Act' means a provision of this Act that the Secretary of Education has authority to carry out; and

''(2) In subsection (e), for purposes of applying subsections (a), (b), and (d), a reference in those subsections to 'this Act' means a provision of this Act that the Secretary of Health and Human Services has authority to carry out.''.

(b) INFORMATION.—Section 15 (29 U.S.C. 712) is amended—

(1) in subsection (a)—

(A) by inserting ''of Education'' after ''Secretary'' each place it appears; and

(B) in paragraph (1), by striking ''State workforce investment boards'' and inserting ''State workforce development boards''; and

(2) in subsection (b), by striking ''Secretary'' and inserting ''Secretary of Education''.

**SEC. 408. CARRYOVER.**

Section 19(a)(1) (29 U.S.C. 716(a)(1)) is amended by striking ''part B of title VI'' and inserting ''title VI''.

**SEC. 409. TRADITIONALLY UNDERSERVED POPULATIONS.**

Section 21 (29 U.S.C. 718) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''racial'' and inserting ''demographic'';

(ii) in the second sentence—

(I) by striking ''rate of increase'' the first place it appears and inserting ''percentage increase from 2000 to 2010'';

(II) by striking ''is 3.2'' and inserting ''was 9.7'';

(III) by striking ''rate of increase'' and inserting ''percentage increase'';

(IV) by striking ''is much'' and inserting ''was much'';

(V) by striking ''38.6'' and inserting ''43.0'';

(VI) by striking ''14.6'' and inserting ''12.3'';

(VII) by striking ''40.1'' and inserting ''43.2''; and

(VIII) by striking ''and other ethnic groups''; and

(iii) by striking the last sentence; and

(B) in paragraph (2), by striking the second and third sentences and inserting the following: ''In 2011—

''(A) among Americans ages 16 through 64, the rate of disability was 12.1 percent;

''(B) among African-Americans in that age range, the disability rate was more than twice as high, at 27.1 percent; and

''(C) for American Indians and Alaska Natives in the same age range, the disability rate was also more than twice as high, at 27.0 percent.'';

(2) in subsection (b)(1), by striking ''National Institute on Disability and Rehabilitation Research'' and inserting ''National Institute on Disability, Independent Living, and Rehabilitation Research''; and

(3) in subsection (c), by striking ''Director'' and inserting ''Director of the National Institute on Disability, Independent Living, and Rehabilitation Research''.

## Subtitle B—Vocational Rehabilitation Services

**SEC. 411. DECLARATION OF POLICY; AUTHORIZATION OF APPROPRIATIONS.**

(a) FINDINGS; PURPOSE; POLICY.—Section 100(a) (29 U.S.C. 720(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking ''integrated'' and inserting ''competitive integrated employment'';

(B) in subparagraph (D)(iii), by striking ''medicare and medicaid'' and inserting ''Medicare and Medicaid'';

(C) in subparagraph (F), by striking ''investment'' and inserting ''development''; and

(D) in subparagraph (G)—

(i) by striking ''workforce investment systems'' and inserting ''workforce development systems''; and

(ii) by striking ''workforce investment activities'' and inserting ''workforce development activities'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''workforce investment system'' and inserting ''workforce development system''; and

(B) in subparagraph (B), by striking ''and informed choice,'' and inserting ''informed choice, and economic self-sufficiency,''; and

(3) in paragraph (3)—

(A) in subparagraph (B), by striking ''gainful employment in integrated settings'' and inserting ''competitive integrated employment''; and

(B) in subparagraph (E), by inserting ''should'' before ''facilitate''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 100(b)(1) (29 U.S.C. 720(b)(1)) is amended by striking ''such sums as may be necessary for fiscal years 1999 through 2003'' and inserting ''$3,302,053,000 for each of the fiscal years 2015 through 2020''.

**SEC. 412. STATE PLANS.**

(a) PLAN REQUIREMENTS.—Section 101(a) (29 U.S.C. 721(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''to participate'' and all that follows and inserting ''to receive funds under this title for a fiscal year, a State shall submit, and have approved by the Secretary and the Secretary of Labor, a unified State plan in accordance with section 102, or a combined State plan in accordance with section 103, of the Workforce Innovation and Opportunity Act. The unified or combined State plan shall include, in the portion of the plan described in section 102(b)(2)(D) of such Act (referred to in this subsection as the 'vocational rehabilitation services portion'), the provisions of a State plan for vocational rehabilitation services, described in this subsection.''; and

(B) in subparagraph (B)—

(i) by striking ''in the State plan for vocational rehabilitation services,'' and inserting ''as part of the vocational rehabilitation services portion of the unified or combined State plan submitted in accordance with subparagraph (A),''; and

(ii) by striking ''Rehabilitation Act Amendments of 1998'' and inserting ''Workforce Innovation and Opportunity Act''; and

(C) in subparagraph (C)—

(i) by striking ''The State plan shall remain in effect subject to the submission of such modifications'' and inserting ''The vocational rehabilitation services portion of the unified or combined State plan submitted in accordance with subparagraph (A) shall remain in effect until the State submits and receives approval of a new State plan in accordance with subparagraph (A), or until the submission of such modifications''; and

(ii) by striking '', until the State submits and receives approval of a new State plan'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''The State plan'' and inserting ''The State plan for vocational rehabilitation services''; and

(B) in subparagraph (B)(ii)—

(i) in subclause (II), by inserting ''who is responsible for the day-to-day operation of the vocational rehabilitation program'' before the semicolon;

(ii) in subclause (III), by striking ''and'' at the end;

(iii) in subclause (IV), by striking the period and inserting ''; and''; and

(iv) by adding at the end the following:

''(V) has the sole authority and responsibility within the designated State agency described in subparagraph (A) to expend funds made available under this title in a manner that is consistent with the purposes of this title.'';

(3) in paragraph (5)—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

''(D) notwithstanding subparagraph (C), permit the State, in its discretion, to elect to serve eligible individuals (whether or not receiving vocational rehabilitation services) who require specific services or equipment to maintain employment; and'';

(4) in paragraph (7)—

(A) in subparagraph (A)(v)—

(i) in subclause (I), after ''rehabilitation technology'' insert the following: '', including training implemented in coordination with entities carrying out State programs under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003)''; and

(ii) in subclause (II), by striking ''Rehabilitation Act Amendments of 1998'' and inserting ''Workforce Innovation and Opportunity Act''; and

(B) in subparagraph (B), by striking clause (ii) and inserting the following:

''(ii) the establishment and maintenance of education and experience requirements, to ensure that the personnel have a 21st century understanding of the evolving labor force and the needs of individuals with disabilities, including requirements for—

''(I)(aa) attainment of a baccalaureate degree in a field of study reasonably related to vocational rehabilitation, to indicate a level of competency and skill demonstrating basic preparation in a field of study such as vocational rehabilitation counseling, social work, psychology, disability studies, business administration, human resources, special education, supported employment, customized employment, economics, or another field that reasonably prepares individuals to work with consumers and employers; and

''(bb) demonstrated paid or unpaid experience, for not less than 1 year, consisting of—

''(AA) direct work with individuals with disabilities in a setting such as an independent living center;

''(BB) direct service or advocacy activities that provide such individual with experience and skills in working with individuals with disabilities; or

''(CC) direct experience as an employer, as a small business owner or operator, or in self-employment, or other experience in human resources, recruitment, or experience in supervising employees, training, or other activities that provide experience in competitive integrated employment environments; or

''(II) attainment of a master's or doctoral degree in a field of study such as vocational rehabilitation counseling, law, social work, psychology, disability studies, business administration, human resources, special education, management, public administration, or another field that reasonably provides competence in the employment sector, in a disability field, or in both business-related and rehabilitation-related fields; and'';

(5) in paragraph (8)—

(A) in subparagraph (A)(i)—

(i) by inserting ''an accommodation or auxiliary aid or service or'' after ''prior to providing''; and

(ii) by striking ''(5)(D)'' and inserting ''(5)(E)'';

(B) in subparagraph (B)—

(i) in the matter preceding clause (i)—

(I) by striking ''medicaid'' and inserting ''Medicaid'';

(II) by striking ''workforce investment system'' and inserting ''workforce development system'';

(III) by striking ''(5)(D)'' and inserting ''(5)(E)'';

(IV) by inserting ''and, if appropriate, accommodations or auxiliary aids and services,'' before ''that are included''; and

(V) by striking ''provision of such vocational rehabilitation services'' and inserting ''provision of such vocational rehabilitation services (including, if appropriate, accommodations or auxiliary aids and services)''; and

(ii) in clause (iv)—

(I) by striking ''(5)(D)'' and inserting ''(5)(E)''; and

(II) by inserting '', and accommodations or auxiliary aids and services'' before the period; and

(C) in subparagraph (C)(i), by striking ''(5)(D)'' and inserting ''(5)(E)'';

(6) in paragraph (10)—

(A) in subparagraph (B), by striking ''annual'' and all that follows through ''of 1998'' and inserting ''annual reporting of information, on eligible individuals receiving the services, that is necessary to assess the State's performance on the standards and indicators described in section 106(a)'';

(B) in subparagraph (C)—

(i) in the matter preceding clause (i), by inserting '', from each State,'' after ''additional data'';

(ii) by striking clause (i) and inserting:

''(i) the number of applicants and the number of individuals determined to be eligible or ineligible for the program carried out under this title, including the number of individuals determined to be ineligible (disaggregated by type of disability and age);'';

(iii) in clause (ii)—

(I) in subclause (I), by striking ''(5)(D)'' and inserting ''(5)(E)'';

(II) in subclause (II), by striking ''and'' at the end; and

(III) by adding at the end the following:

''(IV) the number of individuals with open cases (disaggregated by those who are receiving training and those who are in postsecondary education), and the type of services the individuals are receiving (including supported employment);

''(V) the number of students with disabilities who are receiving pre-employment transition services under this title: and

''(VI) the number of individuals referred to State vocational rehabilitation programs by one-stop operators (as defined in section 3 of the Workforce Innovation and Opportunity Act), and the number of individuals referred to such one-stop operators by State vocational rehabilitation programs;''; and

(iv) in clause (iv)(I), by inserting before the semicolon the following: ''and, for those who achieved employment outcomes, the average length of time to obtain employment'';

(C) in subparagraph (D)(i), by striking ''title I of the Workforce Investment Act of 1998'' and inserting ''title I of the Workforce Innovation and Opportunity Act'';

(D) in subparagraph (E)(ii), by striking ''of the State'' and all that follows and inserting ''of the State in meeting the standards and indicators established pursuant to section 106.''; and

(E) by adding at the end the following:

''(G) RULES FOR REPORTING OF DATA.—The disaggregation of data under this Act shall not be required within a category if the number of individuals in a category is insufficient to yield statistically reliable information, or if the results would reveal personally identifiable information about an individual.

''(H) COMPREHENSIVE REPORT.—The State plan shall specify that the Commissioner will provide an annual comprehensive report that includes the reports and data required under this section, as well as a summary of the reports and data, for each fiscal year. The Commissioner shall submit the report to the Committee on Education and the Workforce of the House of Representatives, the Committee on Appropriations of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations of the Senate, not later than 90 days after the end of the fiscal year involved.'';

(7) in paragraph (11)—

(A) in subparagraph (A)—

(i) in the subparagraph header, by striking ''WORKFORCE INVESTMENT SYSTEMS'' and inserting ''WORKFORCE DEVELOPMENT SYSTEMS'';

(ii) in the matter preceding clause (i), by striking ''workforce investment system'' and inserting ''workforce development system'';

(iii) in clause (i)(II)—

(I) by striking ''investment'' and inserting ''development''; and

(II) by inserting ''(including programmatic accessibility and physical accessibility)'' after ''program accessibility'';

(iv) in clause (ii), by striking ''workforce investment system'' and inserting ''workforce development system''; and

(v) in clause (v), by striking ''workforce investment system'' and inserting ''workforce development system'';

(B) in subparagraph (B), by striking ''workforce investment system'' and inserting ''workforce development system'';

(C) in subparagraph (C)—

(i) by inserting ''the State programs carried out under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003),'' after ''including'';

(ii) by inserting '', noneducational agencies serving out-of-school youth,'' after ''Agriculture''; and

(iii) by striking ''such agencies and programs'' and inserting ''such Federal, State, and local agencies and programs''; and

(iv) by striking ''workforce investment system'' and inserting ''workforce development system'';

(D) in subparagraph (D)—

(i) in the matter preceding clause (i), by inserting '', including pre-employment transition services,'' before ''under this title'';

(ii) in clause (i), by inserting '', which may be provided using alternative means for meeting participation (such as video conferences and conference calls),'' after ''consultation and technical assistance''; and

(iii) in clause (ii), by striking ''completion'' and inserting ''implementation'';

(E) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (H), respectively;

(F) by inserting after subparagraph (D) the following:

''(E) COORDINATION WITH EMPLOYERS.—The State plan shall describe how the designated State unit will work with employers to identify competitive integrated employment opportunities and career exploration opportunities, in order to facilitate the provision of—

''(i) vocational rehabilitation services; and

''(ii) transition services for youth with disabilities and students with disabilities, such as pre-employment transition services.'';

(G) in subparagraph (F), as redesignated by subparagraph (E) of this paragraph—

(i) by inserting ''chapter 1 of'' after ''part C of''; and

(ii) by inserting '', as appropriate'' before the period;

(H) by inserting after subparagraph (F), as redesignated by subparagraph (E) of this paragraph, the following:

''(G) COOPERATIVE AGREEMENT REGARDING INDIVIDUALS ELIGIBLE FOR HOME AND COMMUNITY-BASED WAIVER PROGRAMS.—The State plan shall include an assurance that the designated State unit has entered into a formal cooperative agreement with the State agency responsible for administering the State Medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and the State agency with primary responsibility for providing services and supports for individuals with intellectual disabilities and individuals with developmental disabilities, with respect to the delivery of vocational rehabilitation services, including extended services, for individuals with the most significant disabilities who have been determined to be eligible for home and community-based services under a Medicaid waiver, Medicaid State plan amendment, or other authority related to a State Medicaid program.'';

(I) in subparagraph (H), as redesignated by subparagraph (E) of this paragraph—

(i) in clause (ii)—

(I) by inserting ''on or'' before ''near''; and

(II) by striking ''and'' at the end;

(ii) by redesignating clause (iii) as clause (iv); and

(iii) by inserting after clause (ii) the following:

''(iii) strategies for the provision of transition planning, by personnel of the designated State unit, the State educational agency, and the recipient of funds under part C, that will facilitate the development and approval of the individualized plans for employment under section 102; and''; and

(J) by adding at the end the following:

''(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.

''(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).

''(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 collaborate with the State agency responsible for administering the State Medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), the State agency responsible for providing services for individuals with developmental disabilities, and the State agency responsible for providing mental health services, to develop opportunities for community-based employment in integrated settings, to the greatest extent practicable.'';

(8) in paragraph (14)—

(A) in the paragraph header, by striking ''ANNUAL'' and inserting ''SEMIANNUAL'';

(B) in subparagraph (A)—

(i) by striking ''an annual'' and inserting ''a semiannual'';

(ii) by striking ''has achieved an employment outcome'' and inserting ''is employed'';

(iii) by striking ''achievement of the outcome'' and all that follows through ''representative)'' and inserting ''beginning of such employment, and annually thereafter'';

(iv) by striking ''to competitive'' and all that follows and inserting the following: ''to competitive integrated employment or training for competitive integrated employment;'';

(C) in subparagraph (B), by striking ''and'' at the end;

(D) in subparagraph (C), by striking ''the individuals described'' and all that follows and inserting ''individuals described in subparagraph (A) in attaining competitive integrated employment; and''; and

(E) by adding at the end the following:

''(D) an assurance that the State will report the information generated under subparagraphs (A), (B), and (C), for each of the individuals, to the Administrator of the Wage and Hour Division of the Department of Labor for each fiscal year, not later than 60 days after the end of the fiscal year.'';

(9) in paragraph (15)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (II), by striking ''and'' at the end;

(II) in subclause (III)—

(aa) by striking ''workforce investment system'' and inserting ''workforce development system''; and

(bb) by adding ''and'' at the end; and

(III) by adding at the end the following:

''(IV) youth with disabilities, and students with disabilities, including their need for pre-employment transition services or other transition services;'';

(ii) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(iii) by inserting after clause (i) the following:

''(ii) include an assessment of the needs of individuals with disabilities for transition services and pre-employment transition services, and the extent to which such services provided under this Act are coordinated with transition services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in order to meet the needs of individuals with disabilities.'';

(B) in subparagraph (B)—

(i) in clause (ii)—

(I) by striking ''part B of title VI'' and inserting ''title VI''; and

(II) by striking ''and'' at the end;

(ii) by redesignating clause (iii) as clause (iv); and

(iii) by inserting after clause (ii) the following:

''(iii) the number of individuals who are eligible for services under this title, but are not receiving such services due to an order of selection; and''; and

(C) in subparagraph (D)—

(i) by redesignating clauses (iii) through (v) as clauses (iv) through (vi), respectively;

(ii) by inserting after clause (ii) the following:

''(iii) the methods to be used to improve and expand vocational rehabilitation services for students with disabilities, including the coordination of services designed to facilitate the transition of such students from the receipt of educational services in school to postsecondary life (including the receipt of vocational rehabilitation services under this title, postsecondary education, employment, and pre-employment transition services);''; and

(iii) in clause (vi), as redesignated by clause (i) of this subparagraph, by striking ''workforce investment system'' and inserting ''workforce development system'';

(10) in paragraph (20), in subparagraphs (A) and (B)(i), by striking ''workforce investment system'' and inserting ''workforce development system'';

(11) in paragraph (22), by striking ''part B of title VI'' and inserting ''title VI''; and

(12) by adding at the end the following:

''(25) SERVICES FOR STUDENTS WITH DISABILITIES.—The State plan shall provide an assurance that, with respect to students with disabilities, the State—

''(A) has developed and will implement—

''(i) strategies to address the needs identified in the assessments described in paragraph (15); and

''(ii) strategies to achieve the goals and priorities identified by the State, in accordance with paragraph (15), to improve and expand vocational rehabilitation services for students with disabilities on a statewide basis; and

''(B) has developed and will implement strategies to provide pre-employment transition services.

''(26) JOB GROWTH AND DEVELOPMENT.—The State plan shall provide an assurance describing how the State will utilize initiatives involving in-demand industry sectors or occupations under sections 106(c) and 108 of the Workforce Innovation and Opportunity Act to increase competitive integrated employment opportunities for individuals with disabilities.''.

(b) APPROVAL.—Section 101(b) (29 U.S.C. 721(b)) is amended to read as follows:

''(b) SUBMISSION; APPROVAL; MODIFICATION.—The State plan for vocational rehabilitation services shall be subject to—

''(1) subsection (c) of section 102 of the Workforce Innovation and Opportunity Act, in a case in which that plan is a portion of the unified State plan described in that section 102; and

''(2) subsection (b), and paragraphs (1), (2), and (3) of subsection (c), of section 103 of such Act in a case in which that State plan for vocational rehabilitation services is a portion of the combined State plan described in that section 103.''.

(c) CONSTRUCTION.—Section 101 (29 U.S.C. 721) is amended by adding at the end the following:

''(c) CONSTRUCTION.—Nothing in this part shall be construed to reduce the obligation under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) of a local educational agency or any other agency to provide or pay for any transition services that are also considered special education or related services and that are necessary for ensuring a free appropriate public education to children with disabilities within the State involved.''.

**SEC. 413. ELIGIBILITY AND INDIVIDUALIZED PLAN FOR EMPLOYMENT.**

(a) ELIGIBILITY.—Section 102(a) (29 U.S.C. 722(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''is an'' and inserting ''has undergone an assessment for determining eligibility and vocational rehabilitation needs and as a result has been determined to be an'';

(B) in subparagraph (B), by striking ''or regain employment.'' and inserting ''advance in, or regain employment that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.''; and

(C) by adding at the end the following: ''For purposes of an assessment for determining eligibility and vocational rehabilitation needs under this Act, an individual shall be presumed to have a goal of an employment outcome.'';

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the subparagraph header, by striking ''DEMONSTRATION'' and inserting ''APPLICANTS''; and

(ii) by striking '', unless'' and all that follows and inserting a period; and

(B) in subparagraph (B)—

(i) in the subparagraph header, by striking ''METHODS'' and inserting ''RESPONSIBILITIES'';

(ii) in the first sentence—

(I) by striking ''In making the demonstration required under subparagraph (A),'' and inserting ''Prior to determining under this subsection that an applicant described in subparagraph (A) is unable to benefit due to the severity of the individual's disability or that the individual is ineligible for vocational rehabilitation services,''; and

(II) by striking '', except under'' and all that follows and inserting a period; and

(iii) in the second sentence, by striking ''individual or to determine'' and all that follows and inserting ''individual. In providing the trial experiences, the designated State unit shall provide the individual with the opportunity to try different employment experiences, including supported employment, and the opportunity to become employed in competitive integrated employment.'';

(3) in paragraph (3)(A)(ii), by striking ''outcome from'' and all that follows and inserting ''outcome due to the severity of the individual's disability (as of the date of the determination).''; and

(4) in paragraph (5)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''If an individual'' and inserting ''If, after the designated State unit carries out the activities described in paragraph (2)(B), a review of existing data, and, to the extent necessary, the assessment activities described in section 7(2)(A)(ii), an individual''; and

(ii) by striking ''title is determined'' and all that follows through ''not to be'' and inserting ''title is determined not to be'';

(B) by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively;

(C) by inserting before subparagraph (B), as redesignated by subparagraph (B) of this paragraph, the following:

''(A) the ineligibility determination shall be an individualized one, based on the available data, and shall not be based on assumptions about broad categories of disabilities;''; and

(D) in clause (i) of subparagraph (C), as redesignated by subparagraph (B) of this paragraph, by inserting after ''determination'' the following: '', including the clear and convincing evidence that forms the basis for the determination of ineligibility''.

(b) DEVELOPMENT OF AN INDIVIDUALIZED PLAN FOR EMPLOYMENT, AND RELATED INFORMATION.—Section 102(b) (29 U.S.C. 722(b)) is amended—

(1) in paragraph (1)(A)—

(A) by striking '', to the extent determined to be appropriate by the eligible individual,''; and

(B) by inserting ''or, as appropriate, a disability advocacy organization'' after ''counselor'';

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following:

''(2) INDIVIDUALS DESIRING TO ENTER THE WORKFORCE.—For an individual entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness, the designated State unit shall provide to

the individual general information on additional supports and assistance for individuals with disabilities desiring to enter the workforce, including assistance with benefits planning.'';

(4) in paragraph (3), as redesignated by paragraph (2) of this subsection—

(A) in subparagraph (E)—

(i) in clause (i), by striking ''and'' at the end;

(ii) in clause (ii), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) amended, as necessary, to include the postemployment services and service providers that are necessary for the individual to maintain or regain employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.''; and

(B) by adding at the end the following:

''(F) TIMEFRAME FOR COMPLETING THE INDIVIDUALIZED PLAN FOR EMPLOYMENT.—The individualized plan for employment shall be developed as soon as possible, but not later than a deadline of 90 days after the date of the determination of eligibility described in paragraph (1), unless the designated State unit and the eligible individual agree to an extension of that deadline to a specific date by which the individualized plan for employment shall be completed.''; and

(5) in paragraph (4), as redesignated by paragraph (2) of this subsection—

(A) in subparagraph (A), by striking ''choice of the'' and all that follows and inserting ''choice of the eligible individual, consistent with the general goal of competitive integrated employment (except that in the case of an eligible individual who is a student, the description may be a description of the student's projected postschool employment outcome);'';

(B) in subparagraph (B)(i)—

(i) by redesignating subclause (II) as subclause (III); and

(ii) by striking subclause (I) and inserting the following:

''(I) needed to achieve the employment outcome, including, as appropriate—

''(aa) the provision of assistive technology devices and assistive technology services (including referrals described in section 103(a)(3) to the device reutilization programs and demonstrations described in subparagraphs (B) and (D) of section 4(e)(2) of the Assistive Technology Act of 1998 (29 U.S.C. 3003(e)(2)) through agreements developed under section 101(a)(11)(I); and

''(bb) personal assistance services (including training in the management of such services);

''(II) in the case of a plan for an eligible individual that is a student, the specific transition services and supports needed to achieve the student's employment outcome or projected postschool employment outcome; and'';

(C) in subparagraph (F), by striking ''and'' at the end;

(D) in subparagraph (G), by striking the period and inserting ''; and''; and

(E) by adding at the end the following:

''(H) for an individual who also is receiving assistance from 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), a description of how responsibility for service delivery will be divided between the employment network and the designated State unit.''.

(c) PROCEDURES.—Section 102(c) (29 U.S.C. 722(c)) is amended—

(1) in paragraph (1), by adding at the end the following: ''The procedures shall allow an applicant or an eligible individual the opportunity to request mediation, an impartial due process hearing, or both procedures.'';

(2) in paragraph (2)(A)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(iv) any applicable State limit on the time by which a request for mediation under paragraph (4) or a hearing under paragraph (5) shall be made, and any required procedure by which the request shall be made.''; and

(3) in paragraph (5)—

(A) by striking subparagraph (A) and inserting the following:

''(A) OFFICER.—A due process hearing described in paragraph (2) shall be conducted by an impartial hearing officer who, on reviewing the evidence presented, shall issue a written decision based on the provisions of the approved State plan, requirements specified in this Act (including regulations implementing this Act), and State regulations and policies that are consistent with the Federal requirements specified in this title. The officer shall provide the written decision to the applicant or eligible individual, or, as appropriate, the applicant's representative or individual's representative, and to the designated State unit. The impartial hearing officer shall have the authority to render a decision and require actions regarding the applicant's or eligible individual's vocational rehabilitation services under this title.''; and

(B) in subparagraph (B), by striking ''in laws'' and inserting ''about Federal laws''.

**SEC. 414. VOCATIONAL REHABILITATION SERVICES.**

Section 103 (29 U.S.C. 723) is amended—

(1) in subsection (a)—

(A) in paragraph (13), by striking ''workforce investment system'' and inserting ''workforce development system'';

(B) by striking paragraph (15) and inserting the following:

''(15) transition services for students with disabilities, that facilitate the transition from school to postsecondary life, such as achievement of an employment outcome in competitive integrated employment, or pre-employment transition services;'';

(C) by redesignating paragraphs (17) and (18) as paragraphs (19) and (20), respectively; and

(D) by inserting after paragraph (16) the following:

''(17) customized employment;

''(18) encouraging qualified individuals who are eligible to receive services under this title to pursue advanced training in a science, technology, engineering, or mathematics (including computer science) field, medicine, law, or business;''.

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''(A)''; and

(II) by striking the second sentence and inserting ''Such programs shall be used to provide services described in this section that promote integration into the community and that prepare individuals with disabilities for competitive integrated employment, including supported employment and customized employment.''; and

(ii) by striking subparagraph (B);

(B) by striking paragraph (5) and inserting the following:

''(5) Technical assistance to businesses that are seeking to employ individuals with disabilities.''; and

(C) by striking paragraph (6) and inserting the following:

''(6) Consultation and technical assistance services to assist State educational agencies and local educational agencies in planning for the transition of students with disabilities from school to postsecondary life, including employment.

''(7) Transition services to youth with disabilities and students with disabilities, for which a vocational rehabilitation counselor works in concert with educational agencies, providers of job training programs, providers of services under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), entities designated by the State to provide services for individuals with developmental disabilities, centers for independent living (as defined in section 702), housing and transportation authorities, workforce development systems, and businesses and employers.

''(8) The establishment, development, or improvement of assistive technology demonstration, loan, reutilization, or financing programs in coordination with activities authorized under the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.) to promote access to assistive technology for individuals with disabilities and employers.

''(9) Support (including, as appropriate, tuition) for advanced training in a science, technology, engineering, or mathematics (including computer science) field, medicine, law, or business, provided after an individual eligible to receive services under this title, demonstrates—

''(A) such eligibility;

''(B) previous completion of a bachelor's degree program at an institution of higher education or scheduled completion of such degree program prior to matriculating in the program for which the individual proposes to use the support; and

''(C) acceptance by a program at an institution of higher education in the United States that confers a master's degree in a science, technology, engineering, or mathematics (including computer science) field, a juris doctor degree, a master of business administration degree, or a doctor of medicine degree,

except that the limitations of subsection (a)(5) that apply to training services shall apply to support described in this paragraph, and nothing in this paragraph shall prevent any designated State unit from providing similar support to individuals with disabilities within the State who are eligible to receive support under this title and who are not served under this paragraph.''.

**SEC. 415. STATE REHABILITATION COUNCIL.**

Section 105 (29 U.S.C. 725) is amended—

(1) in subsection (b)(1)(A)—

(A) by striking clause (ix) and inserting the following:

''(ix) in a State in which one or more projects are funded under section 121, at least one representative of the directors of the projects located in such State;''; and

(B) in clause (xi), by striking ''State workforce investment board'' and inserting ''State workforce development board''; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''State workforce investment board'' and inserting ''State workforce development board''; and

(B) in paragraph (6), by striking ''Service Act'' and all that follows and inserting ''Service Act (42 U.S.C. 300x–3(a)) and the State workforce development board, and with the activities of entities carrying out programs under the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.);''.

**SEC. 416. EVALUATION STANDARDS AND PERFORMANCE INDICATORS.**

Section 106 (29 U.S.C. 726) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—

''(1) STANDARDS AND INDICATORS.—The evaluation standards and performance indicators

for the vocational rehabilitation program carried out under this title shall be subject to the performance accountability provisions described in section 116(b) of the Workforce Innovation and Opportunity Act.

''(2) ADDITIONAL PERFORMANCE ACCOUNTABILITY INDICATORS.—A State may establish and provide information on additional performance accountability indicators, which shall be identified in the State plan submitted under section 101.''; and

(2) in subsection (b)(2)(B)(i), by striking ''review the program'' and all that follows through ''request the State'' and inserting ''on a biannual basis, review the program improvement efforts of the State and, if the State has not improved its performance to acceptable levels, as determined by the Commissioner, direct the State''.

**SEC. 417. MONITORING AND REVIEW.**

(a) IN GENERAL.—Section 107 (29 U.S.C. 727) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(E), by inserting before the period the following: '', including personnel of a client assistance program under section 112, and past or current recipients of vocational rehabilitation services''; and

(B) in paragraph (4)—

(i) by striking subparagraphs (A) and (B) and inserting the following:

''(A) the eligibility process, including the process related to the determination of ineligibility under section 102(a)(5);

''(B) the provision of services, including supported employment services and pre-employment transition services, and, if applicable, the order of selection;'';

(ii) in subparagraph (C), by striking ''and'' at the end;

(iii) by redesignating subparagraph (D) as subparagraph (E); and

(iv) by inserting after subparagraph (C) the following:

''(D) data reported under section 101(a)(10)(C)(i); and''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(3) provide technical assistance to programs under this title to—

''(A) promote high-quality employment outcomes for individuals with disabilities;

''(B) integrate veterans who are individuals with disabilities into their communities and to support the veterans to obtain and retain competitive integrated employment;

''(C) develop, improve, and disseminate information on procedures, practices, and strategies, including for the preparation of personnel, to better enable individuals with intellectual disabilities and other individuals with disabilities to participate in postsecondary educational experiences and to obtain and retain competitive integrated employment; and

''(D) apply evidence-based findings to facilitate systemic improvements in the transition of youth with disabilities to postsecondary life.''.

(b) TECHNICAL AMENDMENT.—Section 108(a) (29 U.S.C. 728(a)) is amended by striking ''part B of title VI'' and inserting ''title VI''.

**SEC. 418. TRAINING AND SERVICES FOR EMPLOYERS.**

Section 109 (29 U.S.C. 728a) is amended to read as follows:

**''SEC. 109. TRAINING AND SERVICES FOR EMPLOYERS.**

''A State may expend payments received under section 111 to educate and provide services to employers who have hired or are interested in hiring individuals with disabilities under programs carried out under this title, including—

''(1) providing training and technical assistance to employers regarding the employment of individuals with disabilities, including disability awareness, and the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and other employment-related laws;

''(2) working with employers to—

''(A) provide opportunities for work-based learning experiences (including internships, short-term employment, apprenticeships, and fellowships), and opportunities for pre-employment transition services;

''(B) recruit qualified applicants who are individuals with disabilities;

''(C) train employees who are individuals with disabilities; and

''(D) promote awareness of disability-related obstacles to continued employment;

''(3) providing consultation, technical assistance, and support to employers on workplace accommodations, assistive technology, and facilities and workplace access through collaboration with community partners and employers, across States and nationally, to enable the employers to recruit, job match, hire, and retain qualified individuals with disabilities who are recipients of vocational rehabilitation services under this title, or who are applicants for such services; and

''(4) assisting employers with utilizing available financial support for hiring or accommodating individuals with disabilities.''.

**SEC. 419. STATE ALLOTMENTS.**

Section 110 (29 U.S.C. 730) is amended—

(1) in subsection (a)(1), by striking ''Subject to the provisions of subsection (c)'' and inserting ''Subject to the provisions of subsections (c) and (d),'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''1987'' and inserting ''2015''; and

(B) in paragraph (2)—

(i) by striking ''Secretary'' and all that follows through ''(B)'' and inserting ''Secretary,''; and

(ii) by striking ''2000 through 2003'' and inserting ''2015 through 2020''; and

(3) by adding at the end the following:

''(d)(1) From any State allotment under subsection (a) for a fiscal year, the State shall reserve not less than 15 percent of the allotted funds for the provision of pre-employment transition services.

''(2) Such reserved funds shall not be used to pay for the administrative costs of providing pre-employment transition services.''.

**SEC. 420. PAYMENTS TO STATES.**

Section 111(a)(2)(B) (29 U.S.C. 731(a)(2)(B)) is amended—

(1) by striking ''For fiscal year 1994 and each fiscal year thereafter, the'' and inserting ''The'';

(2) by striking ''this title for the previous'' and inserting ''this title for any previous''; and

(3) by striking ''year preceding the previous'' and inserting ''year preceding that previous''.

**SEC. 421. CLIENT ASSISTANCE PROGRAM.**

Section 112 (29 U.S.C. 732) is amended—

(1) in subsection (a), in the first sentence, by inserting ''including under sections 113 and 511,'' after ''all available benefits under this Act,'';

(2) in subsection (b), by striking ''not later than October 1, 1984,'';

(3) in subsection (e)(1)—

(A) in subparagraph (A), by striking ''The Secretary shall allot'' and inserting ''After reserving funds under subparagraphs (E) and (F), the Secretary shall allot the remainder of''; and

(B) by adding at the end the following:

''(E)(i) The Secretary shall reserve funds appropriated under subsection (h) to make a grant to the protection and advocacy system serving the American Indian Consortium to provide services in accordance with this section. The amount of such a grant shall be the same amount as is provided to a territory under this subsection.

''(ii) In this subparagraph:

''(I) The term 'American Indian Consortium' has the meaning given the term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002).

''(II) The term 'protection and advocacy system' means a protection and advocacy system established under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

''(F) For any fiscal year for which the amount appropriated under subsection (h) equals or exceeds $14,000,000, the Secretary may reserve not less than 1.8 percent and not more than 2.2 percent of such amount to provide a grant for training and technical assistance for the programs established under this section. Such training and technical assistance shall be coordinated with activities provided under section 509(c)(1)(A).''; and

(4) by striking subsection (h) and inserting the following:

''(h) There are authorized to be appropriated to carry out the provisions of this section—

''(1) $12,000,000 for fiscal year 2015;

''(2) $12,927,000 for fiscal year 2016;

''(3) $13,195,000 for fiscal year 2017;

''(4) $13,488,000 for fiscal year 2018;

''(5) $13,805,000 for fiscal year 2019; and

''(6) $14,098,000 for fiscal year 2020.''.

**SEC. 422. PRE-EMPLOYMENT TRANSITION SERVICES.**

Part B of title I (29 U.S.C. 730 et seq.) is further amended by adding at the end the following:

**''SEC. 113. PROVISION OF PRE-EMPLOYMENT TRANSITION SERVICES.**

''(a) IN GENERAL.—From the funds reserved under section 110(d), and any funds made available from State, local, or private funding sources, each State shall ensure that the designated State unit, in collaboration with the local educational agencies involved, shall provide, or arrange for the provision of, pre-employment transition services for all students with disabilities in need of such services who are eligible or potentially eligible for services under this title.

''(b) REQUIRED ACTIVITIES.—Funds available under subsection (a) shall be used to make available to students with disabilities described in subsection (a)—

''(1) job exploration counseling;

''(2) work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment to the maximum extent possible;

''(3) counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;

''(4) workplace readiness training to develop social skills and independent living; and

''(5) instruction in self-advocacy, which may include peer mentoring.

''(c) AUTHORIZED ACTIVITIES.—Funds available under subsection (a) and remaining after the provision of the required activities described in subsection (b) may be used to improve the transition of students with disabilities described in subsection (a) from school to postsecondary education or an employment outcome by—

''(1) implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces;

''(2) developing and improving strategies for individuals with intellectual disabilities and individuals with significant disabilities to live independently, participate in postsecondary education experiences, and obtain and retain competitive integrated employment;

''(3) providing instruction to vocational rehabilitation counselors, school transition personnel, and other persons supporting students with disabilities;

''(4) disseminating information about innovative, effective, and efficient approaches to achieve the goals of this section;

''(5) coordinating activities with transition services provided by local educational agencies under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

''(6) applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel, in order to better achieve the goals of this section;

''(7) developing model transition demonstration projects;

''(8) establishing or supporting multistate or regional partnerships involving States, local educational agencies, designated State units, developmental disability agencies, private businesses, or other participants to achieve the goals of this section; and

''(9) disseminating information and strategies to improve the transition to postsecondary activities of individuals who are members of traditionally unserved populations.

''(d) PRE-EMPLOYMENT TRANSITION COORDINATION.—Each local office of a designated State unit shall carry out responsibilities consisting of—

''(1) attending individualized education program meetings for students with disabilities, when invited;

''(2) working with the local workforce development boards, one-stop centers, and employers to develop work opportunities for students with disabilities, including internships, summer employment and other employment opportunities available throughout the school year, and apprenticeships;

''(3) work with schools, including those carrying out activities under section 614(d)(1)(A)(i)(VIII) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)(i)(VIII)), to coordinate and ensure the provision of pre-employment transition services under this section; and

''(4) when invited, attend person-centered planning meetings for individuals receiving services under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

''(e) NATIONAL PRE-EMPLOYMENT TRANSITION COORDINATION.—The Secretary shall support designated State agencies providing services under this section, highlight best State practices, and consult with other Federal agencies to advance the goals of this section.

''(f) SUPPORT.—In carrying out this section, States shall address the transition needs of all students with disabilities, including such students with physical, sensory, intellectual, and mental health disabilities.''.

**SEC. 423. AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES.**

Section 121 (29 U.S.C. 741) is amended—

(1) in subsection (a), in the first sentence, by inserting before the period the following: ''(referred to in this section as 'eligible individuals'), consistent with such eligible individuals' strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that such individuals may prepare for, and engage in, high-quality employment that will increase opportunities for economic self-sufficiency'';

(2) in subsection (b)(1)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(D) contains assurances that—

''(i) all decisions affecting eligibility for vocational rehabilitation services, the nature and scope of available vocational rehabilitation services and the provision of such services will, consistent with this title, be made by a representative of the tribal vocational rehabilitation program funded through the grant; and

''(ii) such decisions will not be delegated to another agency or individual.'';

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (b) the following:

''(c)(1) From the funds appropriated and made available to carry out this part for any fiscal year, beginning with fiscal year 2015, the Commissioner shall first reserve not less than 1.8 percent and not more than 2 percent of the funds to provide training and technical assistance to governing bodies described in subsection (a) for such fiscal year.

''(2) From the funds reserved under paragraph (1), the Commissioner shall make grants to, or enter into contracts or other cooperative agreements with, entities that have experience in the operation of vocational rehabilitation services programs under this section to provide such training and technical assistance with respect to developing, conducting, administering, and evaluating such programs.

''(3) The Commissioner shall conduct a survey of the governing bodies regarding training and technical assistance needs in order to determine funding priorities for such grants, contracts, or cooperative agreements.

''(4) To be eligible to receive a grant or enter into a contract or cooperative agreement under this section, such an entity shall submit an application to the Commissioner at such time, in such manner, and containing a proposal to provide such training and technical assistance, and containing such additional information as the Commissioner may require. The Commissioner shall provide for peer review of applications by panels that include persons who are not government employees and who have experience in the operation of vocational rehabilitation services programs under this section.''.

**SEC. 424. VOCATIONAL REHABILITATION SERVICES CLIENT INFORMATION.**

Section 131(a)(2) (29 U.S.C. 751(a)(2)) is amended by striking ''title I of the Workforce Investment Act of 1998'' and inserting ''title I of the Workforce Innovation and Opportunity Act''.

## Subtitle C—Research and Training

**SEC. 431. PURPOSE.**

Section 200 (29 U.S.C. 760) is amended—

(1) in paragraph (1), by inserting ''technical assistance,'' after ''training,'';

(2) in paragraph (2), by inserting ''technical assistance,'' after ''training,'';

(3) in paragraph (3), in the matter preceding subparagraph (A)—

(A) by inserting ''and use'' after ''transfer''; and

(B) by inserting '', in a timely and efficient manner,'' after ''disabilities''; and

(4) in paragraph (4), by striking ''distribution'' and inserting ''dissemination'';

(5) in paragraph (5)—

(A) by inserting '', including individuals with intellectual and psychiatric disabilities,'' after ''disabilities''; and

(B) by striking ''and'' after the semicolon;

(6) by redesignating paragraph (6) as paragraph (7);

(7) by inserting after paragraph (5) the following:

''(6) identify strategies for effective coordination of services to job seekers with disabilities available through programs of one-stop partners, as defined in section 3 of the Workforce Innovation and Opportunity Act;'';

(8) in paragraph (7), as redesignated by paragraph (6), by striking the period and inserting ''; and''; and

(9) by adding at the end the following:

''(8) identify effective strategies for supporting the employment of individuals with disabilities in competitive integrated employment.''.

**SEC. 432. AUTHORIZATION OF APPROPRIATIONS.**

Section 201 (29 U.S.C. 761) is amended to read as follows:

**''SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to carry out this title $103,970,000 for fiscal year 2015, $112,001,000 for fiscal year 2016, $114,325,000 for fiscal year 2017, $116,860,000 for fiscal year 2018, $119,608,000 for fiscal year 2019, and $122,143,000 for fiscal year 2020.''.

**SEC. 433. NATIONAL INSTITUTE ON DISABILITY, INDEPENDENT LIVING, AND REHABILITATION RESEARCH.**

Section 202 (29 U.S.C. 762) is amended—

(1) in the section heading, by inserting '', INDEPENDENT LIVING,'' after ''DISABILITY'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''Department of Education'' and all that follows through ''which'' and inserting ''Administration for Community Living of the Department of Health and Human Services a National Institute on Disability, Independent Living, and Rehabilitation Research (referred to in this title as the 'Institute'), which''; and

(ii) in subparagraph (A)—

(I) in clause (ii), by striking ''and training; and'' and inserting '', training, and technical assistance;'';

(II) by redesignating clause (iii) as clause (iv); and

(III) by inserting after clause (ii) the following:

''(iii) outreach and information that clarifies research implications for policy and practice; and''; and

(B) in paragraph (2), by striking ''directly'' and all that follows through the period and inserting ''directly responsible to the Administrator for the Administration for Community Living of the Department of Health and Human Services.'';

(3) in subsection (b)—

(A) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) private organizations engaged in research relating to—

''(i) independent living;

''(ii) rehabilitation; or

''(iii) providing rehabilitation or independent living services;'';

(B) in paragraph (3), by striking ''in rehabilitation'' and inserting ''on disability, independent living, and rehabilitation'';

(C) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by inserting ''education, health and wellness,'' after ''independent living,''; and

(ii) by striking subparagraphs (A) through (D) and inserting the following:

''(A) public and private entities, including—

''(i) elementary schools and secondary schools (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); and

''(ii) institutions of higher education;

''(B) rehabilitation practitioners;

''(C) employers and organizations representing employers with respect to employment-based educational materials or research;

''(D) individuals with disabilities (especially such individuals who are members of minority groups or of populations that are unserved or underserved by programs under this Act);

''(E) the individuals' representatives for the individuals described in subparagraph (D); and

''(F) the Committee on Education and the Workforce of the House of Representatives, the Committee on Appropriations of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations of the Senate;'';

(D) in paragraph (6)—

(i) by striking ''advances in rehabilitation'' and inserting ''advances in disability, independent living, and rehabilitation''; and

(ii) by inserting ''education, health and wellness,'' after ''employment, independent living,'';

(E) by striking paragraph (7);

(F) by redesignating paragraphs (8) through (11) as paragraphs (7) through (10), respectively;

(G) in paragraph (7), as redesignated by subparagraph (F)—

(i) by striking ''health, income,'' and inserting ''health and wellness, income, education,''; and

(ii) by striking ''and evaluation of vocational and other'' and inserting ''and evaluation of independent living, vocational, and'';

(H) in paragraph (8), as redesignated by subparagraph (F), by striking ''with vocational rehabilitation services for the purpose of identifying effective rehabilitation programs and policies that promote the independence of individuals with disabilities and achievement of long-term vocational goals'' and inserting ''with independent living and vocational rehabilitation services for the purpose of identifying effective independent living and rehabilitation programs and policies that promote the independence of individuals with disabilities and achievement of long-term independent living and employment goals''; and

(I) in paragraph (9), as redesignated by subparagraph (F), by striking ''and telecommuting; and'' and inserting '', supported employment (including customized employment), and telecommuting; and'';

(4) in subsection (d)(1), by striking the second sentence and inserting the following: ''The Director shall be an individual with substantial knowledge of and experience in independent living, rehabilitation, and research administration.'';

(5) in subsection (f)(1), by striking the second sentence and inserting the following: ''The scientific peer review shall be conducted by individuals who are not Department of Health and Human Services employees. The Secretary shall consider for peer review individuals who are scientists or other experts in disability, independent living, and rehabilitation, including individuals with disabilities and the individuals' representatives, and who have sufficient expertise to review the projects.'';

(6) in subsection (h)—

(A) in paragraph (1)(A)—

(i) by striking ''priorities for rehabilitation research,'' and inserting ''priorities for disability, independent living, and rehabilitation research,''; and

(ii) by inserting ''dissemination,'' after ''training,''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''especially in the area of employment'' and inserting ''especially in the areas of employment and independent living'';

(ii) in subparagraph (D)—

(I) by striking ''developed by the Director'' and inserting ''coordinated with the strategic plan required under section 203(c)'';

(II) in clause (i), by striking ''Rehabilitation'' and inserting ''Disability, Independent Living, and Rehabilitation'';

(III) in clause (ii), by striking ''Commissioner'' and inserting ''Administrator''; and

(IV) in clause (iv), by striking ''researchers in the rehabilitation field'' and inserting ''researchers in the independent living and rehabilitation fields'';

(iii) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(iv) by inserting after subparagraph (D) the following:

''(E) be developed by the Director;'';

(v) in subparagraph (F), as redesignated by clause (iii), by inserting ''and information that clarifies implications of the results for practice,'' after ''covered activities,''; and

(vi) in subparagraph (G), as redesignated by clause (iii), by inserting ''and information that clarifies implications of the results for practice'' after ''covered activities'';

(7) in subsection (j), by striking paragraph (3); and

(8) by striking subsection (k) and inserting the following:

''(k) The Director shall make grants to institutions of higher education for the training of independent living and rehabilitation researchers, including individuals with disabilities and traditionally underserved populations of individuals with disabilities, as described in section 21, with particular attention to research areas that—

''(1) support the implementation and objectives of this Act; and

''(2) improve the effectiveness of services authorized under this Act.

''(l)(1) Not later than December 31 of each year, the Director shall prepare, and submit to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives, a report on the activities funded under this title.

''(2) The report under paragraph (1) shall include—

''(A) a compilation and summary of the information provided by recipients of funding for such activities under this title;

''(B) a summary describing the funding received under this title and the progress of the recipients of the funding in achieving the measurable goals described in section 204(d)(2); and

''(C) a summary of implications of research outcomes on practice.

''(m)(1) If the Director determines that an entity that receives funding under this title fails to comply with the applicable requirements of this Act, or to make progress toward achieving the measurable goals described in section 204(d)(2), with respect to the covered activities involved, the Director shall utilize available monitoring and enforcement measures.

''(2) As part of the annual report required under subsection (l), the Secretary shall describe each action taken by the Secretary under paragraph (1) and the outcomes of such action.''.

**SEC. 434. INTERAGENCY COMMITTEE.**

Section 203 (29 U.S.C. 763) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''conducting rehabilitation research'' and inserting ''conducting disability, independent living, and rehabilitation research'';

(ii) by striking ''chaired by the Director'' and inserting ''chaired by the Secretary, or the Secretary's designee,'';

(iii) by inserting ''the Assistant Secretary of Labor for Disability Employment Policy, the Secretary of Defense, the Administrator of the Administration for Community Living,'' after ''Assistant Secretary for Special Education and Rehabilitative Services,''; and

(iv) by striking ''and the Director of the National Science Foundation.'' and inserting ''the Director of the National Science Foundation and the Administrator of the Small Business Administration.''; and

(B) in paragraph (2), by inserting '', and for not less than 1 of such meetings at least every 2 years, the Committee shall invite policymakers, representatives from other Federal agencies conducting relevant research, individuals with disabilities, organizations representing individuals with disabilities, researchers, and providers, to offer input on the Committee's work, including the development and implementation of the strategic plan required under subsection (c)'' after ''each year'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''from targeted individuals'' and inserting ''individuals with disabilities''; and

(ii) by inserting ''independent living and'' before ''rehabilitation''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting ''independent living research,'' after ''assistive technology research,'';

(ii) in subparagraph (B), by inserting '', independent living research,'' after ''technology research'';

(iii) in subparagraph (D), by striking ''and research that incorporates the principles of universal design'' and inserting '', independent living research, and research that incorporates the principles of universal design''; and

(iv) in subparagraph (E), by striking ''and research that incorporates the principles of universal design.'' and inserting '', independent living research, and research that incorporates the principles of universal design.'';

(3) by striking subsection (d);

(4) by redesignating subsection (c) as subsection (d);

(5) by inserting after subsection (b) the following:

''(c)(1) The Committee shall develop a comprehensive government wide strategic plan for disability, independent living, and rehabilitation research.

''(2) The strategic plan shall include, at a minimum—

''(A) a description of the—

''(i) measurable goals and objectives;

''(ii) existing resources each agency will devote to carrying out the plan;

''(iii) timetables for completing the projects outlined in the plan; and

''(iv) assignment of responsible individuals and agencies for carrying out the research activities;

''(B) research priorities and recommendations;

''(C) a description of how funds from each agency will be combined, as appropriate, for projects administered among Federal agencies, and how such funds will be administered;

''(D) the development and ongoing maintenance of a searchable government wide inventory of disability, independent living, and rehabilitation research for trend and data analysis across Federal agencies;

''(E) guiding principles, policies, and procedures, consistent with the best research practices available, for conducting and administering disability, independent living, and rehabilitation research across Federal agencies; and

''(F) a summary of underemphasized and duplicative areas of research.

''(3) The strategic plan described in this subsection shall be submitted to the President and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.'';

(6) in subsection (d), as redesignated by paragraph (4)—

(A) in the matter preceding paragraph (1), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate''; and

(B) by striking paragraph (1) and inserting the following:

''(1) describes the progress of the Committee in fulfilling the duties described in subsections (b) and (c), and including specifically for subsection (c)—

''(A) a report of the progress made in implementing the strategic plan, including progress toward implementing the elements described in subsection (c)(2)(A); and

''(B) detailed budget information.''; and

(7) in subsection (e), by striking paragraph (2) and inserting the following:

''(2) the term 'independent living', used in connection with research, means research on issues and topics related to attaining maximum self-sufficiency and function by individuals with disabilities, including research on assistive technology and universal design, employment, education, health and wellness, and community integration and participation.''.

**SEC. 435. RESEARCH AND OTHER COVERED ACTIVITIES.**

Section 204 (29 U.S.C. 764) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''pay'' and inserting ''fund'';

(ii) by inserting ''have practical applications and'' before ''maximize''; and

(iii) by striking ''employment, independent living,'' and inserting ''employment, education, independent living, health and wellness,'';

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting ''and from which the research findings, conclusions, or recommendations can be transferred to practice'' after ''State agencies'';

(ii) in subparagraph (B)—

(I) by striking clause (ii) and inserting the following:

''(ii) studies and analyses of factors related to industrial, vocational, educational, employment, social, recreational, psychiatric, psychological, economic, and health and wellness variables affecting individuals with disabilities, including traditionally underserved populations as described in section 21, and how those variables affect such individuals' ability to live independently and their participation in the work force;'';

(II) in clause (iii), by striking ''are homebound'' and all that follows and inserting ''have significant challenges engaging in community life outside their homes and individuals who are in institutional settings;'';

(III) in clause (iv), by inserting '', including the principles of universal design and the interoperability of products and services'' after ''disabilities'';

(IV) in clause (v), by inserting '', and to promoting employment opportunities in competitive integrated employment'' after ''employment'';

(V) in clause (vi), by striking ''and'' after the semicolon;

(VI) in clause (vii), by striking ''and assistive technology.'' and inserting '', assistive technology, and communications technology; and''; and

(VII) by adding at the end the following:

''(viii) studies, analyses, and other activities affecting employment outcomes as defined in section 7(11), including self-employment and telecommuting, of individuals with disabilities.''; and

(C) by adding at the end the following:

''(3) In carrying out this section, the Director shall emphasize covered activities that include plans for—

''(A) dissemination of high-quality materials, of scientifically valid research results, or of findings, conclusions, and recommendations resulting from covered activities, including through electronic means (such as the website of the Department of Health and Human Services), so that such information is available in a timely manner to the general public; or

''(B) the commercialization of marketable products, research results, or findings, resulting from the covered activities.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''(18)'' both places the term appears and inserting ''(17)'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking clauses (i) and (ii) and inserting the following:

''(i) be operated in collaboration with institutions of higher education, providers of rehabilitation services, developers or providers of assistive technology devices, assistive technology services, or information technology devices or services, as appropriate, or providers of other appropriate services; and

''(ii) serve as centers of national excellence and national or regional resources for individuals with disabilities, as well as providers, educators, and researchers.'';

(ii) in subparagraph (B)—

(I) in clause (i)—

(aa) by adding ''independent living and'' after ''research in'';

(bb) by adding ''independent living and'' after ''will improve''; and

(cc) by striking ''alleviate or stabilize'' and all that follows and inserting ''maximize health and function (including alleviating or stabilizing conditions, or preventing secondary conditions), and promote maximum social and economic independence of individuals with disabilities, including promoting the ability of the individuals to prepare for, secure, retain, regain, or advance in employment;'';

(II) by redesignating clauses (ii), (iii), and (iv), as clauses (iii), (iv), and (v), respectively;

(III) by inserting after clause (i) the following:

''(ii) conducting research in, and dissemination of, employer-based practices to facilitate the identification, recruitment, accommodation, advancement, and retention of qualified individuals with disabilities;'';

(IV) in clause (iii), as redesignated by subclause (II), by inserting ''independent living and'' before ''rehabilitation services'';

(V) in clause (iv), as redesignated by subclause (II)—

(aa) by inserting ''independent living and'' before ''rehabilitation'' each place the term appears; and

(bb) by striking ''and'' after the semicolon; and

(VI) by striking clause (v), as redesignated by subclause (II), and inserting the following:

''(v) serving as an informational and technical assistance resource to individuals with disabilities, as well as to providers, educators, and researchers, by providing outreach and information that clarifies research implications for practice and identifies potential new areas of research; and

''(vi) developing practical applications for the research findings of the Centers.'';

(iii) in subparagraph (C)—

(I) in clause (i), by inserting '', including research on assistive technology devices, assistive technology services, and accessible electronic and information technology devices'' after ''research'';

(II) in clause (ii)—

(aa) by striking ''and social'' and inserting '', social, and economic''; and

(bb) by inserting ''independent living and'' before ''rehabilitation''; and

(III) by striking clauses (iii) and (iv);

(IV) by redesignating clauses (v) and (vi) as clauses (iii) and (iv), respectively;

(V) in clause (iii), as redesignated by subclause (IV), by striking ''to develop'' and all that follows and inserting ''that promotes the emotional, social, educational, and functional growth of children who are individuals with disabilities, as well as their integration in school, employment, and community activities;'';

(VI) in clause (iv), as redesignated by subclause (IV), by striking ''that will improve'' and all that follows and inserting ''to develop and evaluate interventions, policies, and services that support families of those children and adults who are individuals with disabilities;''; and

(VII) by adding at the end the following:

''(v) continuation of research that will improve services and policies that foster the independence and social integration of individuals with disabilities, and enable individuals with disabilities, including individuals with intellectual disabilities and other developmental disabilities, to live in their communities; and

''(vi) research, dissemination, and technical assistance, on best practices in vocational rehabilitation, including supported employment and other strategies to promote competitive integrated employment for persons with the most significant disabilities.'';

(iv) by striking subparagraph (D) and inserting the following:

''(D) Training of students preparing to be independent living or rehabilitation personnel or to provide independent living, rehabilitative, assistive, or supportive services (such as rehabilitation counseling, personal care services, direct care, job coaching, aides in school based settings, or advice or assistance in utilizing assistive technology devices, assistive technology services, and accessible electronic and information technology devices and services) shall be an important priority for each such Center.'';

(v) in subparagraph (E), by striking ''comprehensive'';

(vi) in subparagraph (G)(i), by inserting ''independent living and'' before ''rehabilitation-related'';

(vii) by striking subparagraph (I); and

(viii) by redesignating subparagraphs (J) through (O) as subparagraphs (I) through (N), respectively;

(C) in paragraph (3)—

(i) in subparagraph (A), by inserting ''independent living strategies and'' before ''rehabilitation technology'';

(ii) in subparagraph (B)—

(I) in clause (i)(I), by inserting ''independent living and'' before ''rehabilitation problems'';

(II) in clause (ii)(II), by striking ''employment'' and inserting ''educational, employment,''; and

(III) in clause (iii)(II), by striking ''employment'' and inserting ''educational, employment,'';

(iii) in subparagraph (D)(i)(II), by striking ''postschool'' and inserting ''postsecondary education, competitive integrated employment, and other age-appropriate''; and

(iv) in subparagraph (G)(ii), by inserting ''the impact of any commercialized product researched or developed through the Center,'' after ''individuals with disabilities,'';

(D) in paragraph (4)(B)—

(i) in clause (i)—

(I) by striking ''vocational'' and inserting ''independent living, employment,'';

(II) by striking ''special'' and inserting ''unique''; and

(III) by inserting ''social and functional needs, and'' before ''acute care''; and

(ii) in clause (iv), by inserting ''education, health and wellness,'' after ''employment,'';

(E) by striking paragraph (8) and inserting the following:

''(8) Grants may be used to conduct a program of joint projects with other administrations and offices of the Department of Health and Human Services, the National Science Foundation, the Department of Veterans Affairs, the Department of Defense, the Federal Communications Commission, the National Aeronautics and Space Administration, the Small Business Administration, the Department of Labor, other Federal agencies, and private industry in areas of joint interest involving rehabilitation.'';

(F) by striking paragraphs (9) and (11);

(G) by redesignating paragraphs (10), (12), (13), (14), (15), (16), (17), and (18), as paragraphs (9), (10), (11), (12), (13), (14), (15), and (16), respectively;

(H) in paragraph (11), as redesignated by subparagraph (G)—

(i) in the matter preceding subparagraph (A), by striking ''employment needs of individuals with disabilities, including'' and inserting ''employment needs, opportunities, and outcomes (including those relating to self-employment, supported employment, and telecommuting) of individuals with disabilities, including'';

(ii) in subparagraph (B), by inserting ''and employment related'' after ''the employment'';

(iii) in subparagraph (E), by striking ''and'' after the semicolon;

(iv) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(v) by adding at the end the following:

''(G) develop models to facilitate the successful transition of individuals with disabilities from nonintegrated employment and employment that is compensated at a wage less than the Federal minimum wage to competitive integrated employment;

''(H) develop models to maximize opportunities for integrated community living, including employment and independent living, for individuals with disabilities;

''(I) provide training and continuing education for personnel involved with community living for individuals with disabilities;

''(J) develop model procedures for testing and evaluating the community living related needs of individuals with disabilities;

''(K) develop model training programs to teach individuals with disabilities skills which will lead to integrated community living and full participation in the community; and

''(L) develop new approaches for long-term services and supports for individuals with disabilities, including supports necessary for competitive integrated employment.'';

(I) in paragraph (12), as redesignated by subparagraph (G)—

(i) in the matter preceding subparagraph (A), by inserting ''an independent living or'' after ''conduct'';

(ii) in subparagraph (D), by inserting ''independent living or'' before ''rehabilitation''; and

(iii) in the matter following subparagraph (E), by striking ''National Institute on Disability and Rehabilitation Research'' and inserting ''National Institute on Disability, Independent Living, and Rehabilitation Research'';

(J) in paragraph (13), as redesignated by subparagraph (G), by inserting ''independent living and'' before ''rehabilitation needs''; and

(K) in paragraph (14), as redesignated by subparagraph (G), by striking ''and access to gainful employment.'' and inserting '', full participation, and economic self-sufficiency.''; and

(3) by adding at the end the following:

''(d)(1) In awarding grants, contracts, or cooperative agreements under this title, the Director shall award the funding on a competitive basis.

''(2)(A) To be eligible to receive funds under this section for a covered activity, an entity described in subsection (a)(1) shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

''(B) The application shall include information describing—

''(i) measurable goals, as established through section 1115 of title 31, United States Code, and a timeline and specific plan for meeting the goals, that the applicant has established;

''(ii) how the project will address 1 or more of the following: commercialization of a marketable product, technology transfer (if applicable), dissemination of any research results, and other priorities as established by the Director; and

''(iii) how the applicant will quantifiably measure the goals to determine whether such goals have been accomplished.

''(3)(A) In the case of an application for funding under this section to carry out a covered activity that results in the development of a marketable product, the application shall also include a commercialization and dissemination plan, as appropriate, containing commercialization and marketing strategies for the product involved, and strategies for disseminating information about the product. The funding received under this section shall not be used to carry out the commercialization and marketing strategies.

''(B) In the case of any other application for funding to carry out a covered activity under this section, the application shall also include a dissemination plan, containing strategies for disseminating educational materials, research results, or findings, conclusions, and recommendations, resulting from the covered activity.''.

**SEC. 436. DISABILITY, INDEPENDENT LIVING, AND REHABILITATION RESEARCH ADVISORY COUNCIL.**

Section 205 (29 U.S.C. 765) is amended—

(1) in the section heading, by inserting ''**DISABILITY, INDEPENDENT LIVING, AND**'' before ''**REHABILITATION**'';

(2) in subsection (a)—

(A) by striking ''Department of Education a Rehabilitation Research Advisory Council'' and inserting ''Department of Health and Human Services a Disability, Independent Living, and Rehabilitation Research Advisory Council''; and

(B) by inserting ''not less than'' after ''composed of'';

(3) by striking subsection (c) and inserting the following:

''(c) QUALIFICATIONS.—Members of the Council shall be generally representative of the community of disability, independent living, and rehabilitation professionals, the community of disability, independent living, and rehabilitation researchers, the directors of independent living centers and community rehabilitation programs, the business community (including a representative of the small business community) that has experience with the system of vocational rehabilitation services and independent living services carried out under this Act and with hiring individuals with disabilities, the community of stakeholders involved in assistive technology, the community of covered school professionals, and the community of individuals with disabilities, and the individuals' representatives. At least one-half of the members shall be individuals with disabilities or the individuals' representatives.'';

and

(4) in subsection (g), by striking ''Department of Education'' and inserting ''Department of Health and Human Services''.

**SEC. 437. DEFINITION OF COVERED SCHOOL.**

Title II (29 U.S.C. 760 et seq.) is amended by adding at the end the following:

**''SEC. 206. DEFINITION OF COVERED SCHOOL.**

''In this title, the term 'covered school' means an elementary school or secondary school (as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) or an institution of higher education.''.

**Subtitle D—Professional Development and Special Projects and Demonstration**

**SEC. 441. PURPOSE; TRAINING.**

(a) PURPOSE.—Section 301(a) (29 U.S.C. 771(a)) is amended—

(1) in paragraph (2), by inserting ''and'' after the semicolon;

(2) by striking paragraphs (3) and (4);

(3) by redesignating paragraph (5) as paragraph (3); and

(4) in paragraph (3), as redesignated by paragraph (3), by striking ''workforce investment systems'' and inserting ''workforce development systems''.

(b) TRAINING.—Section 302 (29 U.S.C. 772) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking all after ''deliver'' and inserting ''supported employment services and customized employment services to individuals with the most significant disabilities;'';

(ii) in subparagraph (F), by striking ''and'' after the semicolon;

(iii) in subparagraph (G), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(H) personnel trained in providing assistive technology services.'';

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by striking ''title I of the Workforce Investment Act of 1998'' and inserting ''subtitle B of title I of the Workforce Innovation and Opportunity Act'';

(ii) in subparagraph (A), by striking ''workforce investment system'' and inserting ''workforce development system''; and

(iii) in subparagraph (B), by striking ''section 134(c) of the Workforce Investment Act of 1998.'' and inserting ''section 121(e) of the Workforce Innovation and Opportunity Act.''; and

(C) in paragraph (5), by striking ''title I of the Workforce Investment Act of 1998'' and inserting ''subtitle B of title I of the Workforce Innovation and Opportunity Act'';

(2) in subsection (b)(1)(B)(i), by striking ''or prosthetics and orthotics'' and inserting ''prosthetics and orthotics, vision rehabilitation therapy, orientation and mobility instruction, or low vision therapy'';

(3) in subsection (g)—

(A) in the subsection heading, by striking ''AND IN-SERVICE TRAINING'';

(B) in paragraph (1), by adding after the period the following: ''Any technical assistance provided to community rehabilitation programs shall be focused on the employment outcome of competitive integrated employment for individuals with disabilities.''; and

(C) by striking paragraph (3);

(4) in subsection (h), by striking ''section 306'' and inserting ''section 304''; and

(5) in subsection (i), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003.'' and inserting ''$33,657,000 for fiscal year 2015, $36,257,000 for fiscal year 2016, $37,009,000 for fiscal year 2017, $37,830,000 for fiscal year 2018, $38,719,000 for fiscal year 2019, and $39,540,000 for fiscal year 2020.''.

**SEC. 442. DEMONSTRATION, TRAINING, AND TECHNICAL ASSISTANCE PROGRAMS.**

Section 303 (29 U.S.C. 773) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''section 306'' and inserting ''section 304'';

(B) in paragraph (3)(A), by striking ''National Institute on Disability and Rehabilitation Research'' and inserting ''National Institute on Disability, Independent Living, and Rehabilitation Research'';

(C) in paragraph (5)—

(i) in subparagraph (A)—

(I) by striking clause (i) and inserting the following:

''(i) initiatives focused on improving transition from education, including postsecondary education, to employment, particularly in competitive integrated employment, for youth who are individuals with significant disabilities;''; and

(II) by striking clause (iii) and inserting the following:

''(iii) increasing competitive integrated employment for individuals with significant disabilities.''; and

(ii) in subparagraph (B)(viii), by striking ''under title I of the Workforce Investment Act of 1998'' and inserting ''under subtitle B of title I of the Workforce Innovation and Opportunity Act''; and

(D) by striking paragraph (6);

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (E), by striking ''and'' after the semicolon;

(ii) by redesignating subparagraph (F) as subparagraph (G); and

(iii) by inserting after subparagraph (E) the following:

''(F) to provide support and guidance in helping individuals with significant disabilities, including students with disabilities, transition to competitive integrated employment; and'';

(B) in paragraph (4)—

(i) in subparagraph (A)(ii)—

(I) by inserting ''the'' after ''closely with''; and

(II) by inserting '', the community parent resource centers established pursuant to section 672 of such Act, and the eligible entities receiving awards under section 673 of such Act'' after ''Individuals with Disabilities Education Act''; and

(ii) in subparagraph (C), by inserting '', and demonstrate the capacity for serving,'' after ''shall serve''; and

(C) by adding at the end the following:

''(8) RESERVATION.—From the amount appropriated to carry out this section for a fiscal year, 20 percent of such amount or $500,000, whichever is less, may be reserved to carry out paragraph (6).''; and

(3) by striking subsection (e) and inserting the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section there are authorized to be appropriated $5,796,000 for fiscal year 2015, $6,244,000 for fiscal year 2016, $6,373,000 for fiscal year 2017, $6,515,000 for fiscal year 2018, $6,668,000 for fiscal year 2019, and $6,809,000 for fiscal year 2020.''.

**SEC. 443. MIGRANT AND SEASONAL FARMWORKERS; RECREATIONAL PROGRAMS.**

The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended—

(1) by striking sections 304 and 305;

(2) by redesignating section 306 as section 304.

**Subtitle E—National Council on Disability**

**SEC. 451. ESTABLISHMENT.**

Section 400 (29 U.S.C. 780) is amended—

(1) in subsection (a)(1)—

(A) by redesignating subparagraph (C) as subparagraph (D);

(B) by striking subparagraphs (A) and (B) and inserting the following:

''(A) There is established within the Federal Government a National Council on Disability (referred to in this title as the 'National Council'), which, subject to subparagraph (B), shall be composed of 9 members, of which—

''(i) 5 shall be appointed by the President;

''(ii) 1 shall be appointed by the Majority Leader of the Senate;

''(iii) 1 shall be appointed by the Minority Leader of the Senate;

''(iv) 1 shall be appointed by the Speaker of the House of Representatives; and

''(v) 1 shall be appointed by the Minority Leader of the House of Representatives.

''(B) The National Council shall transition from 15 members (as of the date of enactment of the Workforce Innovation and Opportunity Act) to 9 members as follows:

''(i) On the first 4 expirations of National Council terms (after that date), replacement members shall be appointed to the National Council in the following order and manner:

''(I) 1 shall be appointed by the Majority Leader of the Senate.

''(II) 1 shall be appointed by the Minority Leader of the Senate.

''(III) 1 shall be appointed by the Speaker of the House of Representatives.

''(IV) 1 shall be appointed by the Minority Leader of the House of Representatives.

''(ii) On the next 6 expirations of National Council terms (after the 4 expirations described in clause (i) occur), no replacement members shall be appointed to the National Council.

''(C) For any vacancy on the National Council that occurs after the transition described in subparagraph (B), the vacancy shall be filled in the same manner as the original appointment was made.''; and

(C) in subparagraph (D), as redesignated by subparagraph (A) of this paragraph, in the first sentence—

(i) by inserting ''national leaders on disability policy,'' after ''guardians of individuals with disabilities,''; and

(ii) by striking ''policy or programs'' and inserting ''policy or issues that affect individuals with disabilities'';

(2) in subsection (b), by striking '', except'' and all that follows and inserting a period; and

(3) in subsection (d), by striking ''Eight'' and inserting ''Five''.

**SEC. 452. REPORT.**

Section 401 (29 U.S.C. 781) is amended—

(1) in paragraphs (1) and (3) of subsection (a), by striking ''National Institute on Disability and Rehabilitation Research'' and inserting ''National Institute on Disability, Independent Living, and Rehabilitation Research''; and

(2) by striking subsection (c).

**SEC. 453. AUTHORIZATION OF APPROPRIATIONS.**

Section 405 (29 U.S.C. 785) is amended by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003.'' and inserting ''$3,186,000 for fiscal year 2015, $3,432,000 for fiscal year 2016, $3,503,000 for fiscal year 2017, $3,581,000 for fiscal year 2018, $3,665,000 for fiscal year 2019, and $3,743,000 for fiscal year 2020.''.

**Subtitle F—Rights and Advocacy**

**SEC. 456. INTERAGENCY COMMITTEE, BOARD, AND COUNCIL.**

(a) INTERAGENCY COMMITTEE.—Section 501 (29 U.S.C. 791) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(b) ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.—Section 502(j) (29 U.S.C. 792(j)) is amended by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003.'' and inserting ''$7,448,000 for fiscal year 2015, $8,023,000 for fiscal year 2016, $8,190,000 for fiscal year 2017, $8,371,000 for fiscal year 2018, $8,568,000 for fiscal year 2019, and $8,750,000 for fiscal year 2020.''.

(c) PROGRAM OR ACTIVITY.—Section 504(b)(2)(B) (29 U.S.C. 794(b)(2)(B)) is amended by striking ''vocational education'' and inserting ''career and technical education''.

(d) INTERAGENCY DISABILITY COORDINATING COUNCIL.—Section 507(a) (29 U.S.C. 794c(a)) is amended by inserting ''the Chairperson of the National Council on Disability,'' before ''and such other''.

**SEC. 457. PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.**

Section 509 (29 U.S.C. 794e) is amended—

(1) in subsection (c)(1)(A), by inserting ''a grant, contract, or cooperative agreement for'' before ''training'';

(2) in subsection (f)(2)—

(A) by striking ''general'' and all that follows through ''records'' and inserting ''general authorities, including the authority to access records''; and

(B) by inserting ''of title I'' after ''subtitle C''; and

(3) in subsection (l), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003.'' and inserting ''$17,650,000 for fiscal year 2015, $19,013,000 for fiscal year 2016, $19,408,000 for fiscal year 2017, $19,838,000 for fiscal year 2018, $20,305,000 for fiscal year 2019, and $20,735,000 for fiscal year 2020.''.

**SEC. 458. LIMITATIONS ON USE OF SUBMINIMUM WAGE.**

(a) IN GENERAL.—Title V (29 U.S.C. 791 et seq.) is amended by adding at the end the following:

**''SEC. 511. LIMITATIONS ON USE OF SUBMINIMUM WAGE.**

''(a) IN GENERAL.—No entity, including a contractor or subcontractor of the entity, which holds a special wage certificate as described in section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)) may compensate an individual with a disability who is age 24 or younger at a wage (referred to in this section as a 'subminimum wage') that is less than the Federal minimum wage unless 1 of the following conditions is met:

''(1) The individual is currently employed, as of the effective date of this section, by an entity that holds a valid certificate pursuant to section 14(c) of the Fair Labor Standards Act of 1938.

''(2) The individual, before beginning work that is compensated at a subminimum wage, has completed, and produces documentation indicating completion of, each of the following actions:

''(A) The individual has received pre-employment transition services that are available to the individual under section 113, or transition services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) such as transition services available to the individual under section 614(d) of that Act (20 U.S.C. 1414(d)).

''(B) The individual has applied for vocational rehabilitation services under title I, with the result that—

''(i)(I) the individual has been found ineligible for such services pursuant to that title

and has documentation consistent with section 102(a)(5)(C) regarding the determination of ineligibility; or

''(II)(aa) the individual has been determined to be eligible for vocational rehabilitation services;

''(bb) the individual has an individualized plan for employment under section 102;

''(cc) the individual has been working toward an employment outcome specified in such individualized plan for employment, with appropriate supports and services, including supported employment services, for a reasonable period of time without success; and

''(dd) the individual's vocational rehabilitation case is closed; and

''(ii)(I) the individual has been provided career counseling, and information and referrals to Federal and State programs and other resources in the individual's geographic area that offer employment-related services and supports designed to enable the individual to explore, discover, experience, and attain competitive integrated employment; and

''(II) such counseling and information and referrals are not for employment compensated at a subminimum wage provided by an entity described in this subsection, and such employment-related services are not compensated at a subminimum wage and do not directly result in employment compensated at a subminimum wage provided by an entity described in this subsection.

''(b) CONSTRUCTION.—

''(1) RULE.—Nothing in this section shall be construed to—

''(A) change the purpose of this Act described in section 2(b)(2), to empower individuals with disabilities to maximize opportunities for competitive integrated employment; or

''(B) preference employment compensated at a subminimum wage as an acceptable vocational rehabilitation strategy or successful employment outcome, as defined in section 7(11).

''(2) CONTRACTS.—A local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) or a State educational agency (as defined in such section) may not enter into a contract or other arrangement with an entity described in subsection (a) for the purpose of operating a program for an individual who is age 24 or younger under which work is compensated at a subminimum wage.

''(3) VOIDABILITY.—The provisions in this section shall be construed in a manner consistent with the provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), as amended before or after the effective date of this Act.

''(c) DURING EMPLOYMENT.—

''(1) IN GENERAL.—The entity described in subsection (a) may not continue to employ an individual, regardless of age, at a subminimum wage unless, after the individual begins work at that wage, at the intervals described in paragraph (2), the individual (with, in an appropriate case, the individual's parent or guardian)—

''(A) is provided by the designated State unit career counseling, and information and referrals described in subsection (a)(2)(B)(ii), delivered in a manner that facilitates independent decisionmaking and informed choice, as the individual makes decisions regarding employment and career advancement; and

''(B) is informed by the employer of self-advocacy, self-determination, and peer mentoring training opportunities available in the individual's geographic area, provided by an entity that does not have any financial interest in the individual's employment outcome, under applicable Federal and State programs or other sources.

''(2) TIMING.—The actions required under subparagraphs (A) and (B) of paragraph (1) shall be carried out once every 6 months for the first year of the individual's employment at a subminimum wage, and annually thereafter for the duration of such employment.

''(3) SMALL BUSINESS EXCEPTION.—In the event that the entity described in subsection (a) is a business with fewer than 15 employees, such entity can satisfy the requirements of subparagraphs (A) and (B) of paragraph (1) by referring the individual, at the intervals described in paragraph (2), to the designated State unit for the counseling, information, and referrals described in paragraph (1)(A) and the information described in paragraph (1)(B).

''(d) DOCUMENTATION.—

''(1) IN GENERAL.—The designated State unit, in consultation with the State educational agency, shall develop a new process or utilize an existing process, consistent with guidelines developed by the Secretary, to document the completion of the actions described in subparagraphs (A) and (B) of subsection (a)(2) by a youth with a disability who is an individual with a disability.

''(2) DOCUMENTATION PROCESS.—Such process shall require that—

''(A) in the case of a student with a disability, for documentation of actions described in subsection (a)(2)(A)—

''(i) if such a student with a disability receives and completes each category of required activities in section 113(b), such completion of services shall be documented by the designated State unit in a manner consistent with this section;

''(ii) if such a student with a disability receives and completes any transition services available for students with disabilities under the Individuals with Disabilities Education Act, including those provided under section 614(d)(1)(A)(i)(VIII) (20 U.S.C. 1414(d)(1)(A)(i)(VIII)), such completion of services shall be documented by the appropriate school official responsible for the provision of such transition services, in a manner consistent with this section; and

''(iii) the designated State unit shall provide the final documentation, in a form and manner consistent with this section, of the completion of pre-employment transition services as described in clause (i), or transition services under the Individuals with Disabilities Education Act as described in clause (ii), to the student with a disability within a reasonable period of time following the completion; and

''(B) when an individual has completed the actions described in subsection (a)(2)(B), the designated State unit shall provide the individual a document indicating such completion, in a manner consistent with this section, within a reasonable time period following the completion of the actions described in this subparagraph.

''(e) VERIFICATION.—

''(1) BEFORE EMPLOYMENT.—Before an individual covered by subsection (a)(2) begins work for an entity described in subsection (a) at a subminimum wage, the entity shall review such documentation received by the individual under subsection (d), and provided by the individual to the entity, that indicates that the individual has completed the actions described in subparagraphs (A) and (B) of subsection (a)(2) and the entity shall maintain copies of such documentation.

''(2) DURING EMPLOYMENT.—

''(A) IN GENERAL.—In order to continue to employ an individual at a subminimum wage, the entity described in subsection (a) shall verify completion of the requirements of subsection (c), including reviewing any relevant documents provided by the individual, and shall maintain copies of the documentation described in subsection (d).

''(B) REVIEW OF DOCUMENTATION.—The entity described in subsection (a) shall be subject to review of individual documentation described in subsection (d) by a representative working directly for the designated State unit or the Department of Labor at such a time and in such a manner as may be necessary to fulfill the intent of this section, consistent with regulations established by the designated State unit or the Secretary of Labor.

''(f) FEDERAL MINIMUM WAGE.—In this section, the term 'Federal minimum wage' means the rate applicable under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).''.

(b) EFFECTIVE DATE.—This section takes effect 2 years after the date of enactment of the Workforce Innovation and Opportunity Act.

**Subtitle G—Employment Opportunities for Individuals With Disabilities**

**SEC. 461. EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES.**

Title VI (29 U.S.C. 795 et seq.) is amended—

(1) by striking part A;

(2) by striking the part heading relating to part B;

(3) by redesignating sections 621 through 628 as sections 602 through 609, respectively;

(4) in section 602, as redesignated by paragraph (3)—

(A) by striking ''part'' and inserting ''title''; and

(B) by striking ''individuals with the most significant disabilities'' and all that follows and inserting ''individuals with the most significant disabilities, including youth with the most significant disabilities, to enable such individuals to achieve an employment outcome of supported employment in competitive integrated employment.'';

(5) in section 603, as redesignated by paragraph (3)—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''part'' and inserting ''title'';

(II) in subparagraph (A), by inserting ''amount'' after ''whichever''; and

(III) in subparagraph (B)—

(aa) by striking ''part for the fiscal year'' and inserting ''title for the fiscal year'';

(bb) by striking ''this part in fiscal year 1992'' and inserting ''part B of this title (as in effect on September 30, 1992) in fiscal year 1992''; and

(cc) by inserting ''amount'' after ''whichever''; and

(ii) in paragraph (2)(B), by striking ''one-eighth of one percent'' and inserting ''⅛ of 1 percent'';

(B) in subsection (b)—

(i) by inserting ''under subsection (a)'' after ''allotment to a State'';

(ii) by striking ''part'' each place the term appears and inserting ''title''; and

(iii) by striking ''one or more'' and inserting ''1 or more''; and

(C) by adding at the end the following:

''(c) LIMITATIONS ON ADMINISTRATIVE COSTS.—A State that receives an allotment under this title shall not use more than 2.5 percent of such allotment to pay for administrative costs.

''(d) SERVICES FOR YOUTH WITH THE MOST SIGNIFICANT DISABILITIES.—A State that receives an allotment under this title shall reserve and expend half of such allotment for the provision of supported employment services, including extended services, to youth with the most significant disabilities in order to assist those youth in achieving an employment outcome in supported employment.'';

(6) by striking section 604, as redesignated by paragraph (3), and inserting the following:

**"SEC. 604. AVAILABILITY OF SERVICES.**

''(a) SUPPORTED EMPLOYMENT SERVICES.—Funds provided under this title may be used to provide supported employment services to individuals who are eligible under this title.

''(b) EXTENDED SERVICES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), funds provided under this title, or title I, may not be used to provide extended services to individuals under this title or title I.

''(2) EXTENDED SERVICES FOR YOUTH WITH THE MOST SIGNIFICANT DISABILITIES.—Funds allotted under this title, or title I, and used for the provision of services under this title to youth with the most significant disabilities pursuant to section 603(d), may be used to provide extended services to youth with the most significant disabilities. Such extended services shall be available for a period not to exceed 4 years.'';

(7) in section 605, as redesignated by paragraph (3)—

(A) in the matter preceding paragraph (1)—

(i) by inserting '', including a youth with a disability,'' after ''An individual''; and

(ii) by striking ''this part'' and inserting ''this title'';

(B) in paragraph (1), by inserting ''under title I'' after ''rehabilitation services'';

(C) in paragraph (2), by striking ''and'' after the semicolon;

(D) by redesignating paragraph (3) as paragraph (4);

(E) by inserting after paragraph (2) the following:

''(3) for purposes of activities carried out with funds described in section 603(d), the individual is a youth with a disability, as defined in section (7)(42); and''; and

(F) in paragraph (4), as redesignated by subparagraph (D), by striking ''assessment of rehabilitation needs'' and inserting ''assessment of the rehabilitation needs'';

(8) in section 606, as redesignated by paragraph (3)—

(A) in subsection (a)—

(i) by striking ''this part'' and inserting ''this title''; and

(ii) by inserting '', including youth with the most significant disabilities,'' after ''individuals'';

(B) in subsection (b)—

(i) in paragraph (1), by striking ''this part'' and inserting ''this title'';

(ii) in paragraph (2), by inserting '', including youth,'' after ''rehabilitation needs of individuals'';

(iii) in paragraph (3)—

(I) by inserting '', including youth with the most significant disabilities,'' after ''provided to individuals''; and

(II) by striking ''section 622'' and inserting ''section 603'';

(iv) by striking paragraph (7);

(v) by redesignating paragraph (6) as paragraph (7);

(vi) by inserting after paragraph (5) the following:

''(6) describe the activities to be conducted pursuant to section 603(d) for youth with the most significant disabilities, including—

''(A) the provision of extended services for a period not to exceed 4 years; and

''(B) how the State will use the funds reserved in section 603(d) to leverage other public and private funds to increase resources for extended services and expand supported employment opportunities for youth with the most significant disabilities;'';

(vii) in paragraph (7), as redesignated by clause (v)—

(I) in subparagraph (A), by striking ''under this part'' both places the term appears and inserting ''under this title'';

(II) in subparagraph (B), by inserting '', including youth with the most significant disabilities,'' after ''significant disabilities'';

(III) in subparagraph (C)—

(aa) in clause (i), by inserting '', including, as appropriate, for youth with the most significant disabilities, transition services and pre-employment transition services'' after ''services to be provided'';

(bb) in clause (ii), by inserting '', including the extended services that may be provided to youth with the most significant disabilities under this title, in accordance with an approved individualized plan for employment, for a period not to exceed 4 years'' after ''services needed''; and

(cc) in clause (iii)—

(AA) by striking ''identify the source of extended services,'' and inserting ''identify, as appropriate, the source of extended services,'';

(BB) by striking ''or to the extent'' and inserting ''or indicate''; and

(CC) by striking ''employment is developed'' and all that follows and inserting ''employment is developed;''

(IV) in subparagraph (D), by striking ''under this part'' and inserting ''under this title'';

(V) in subparagraph (F), by striking ''and'' after the semicolon;

(VI) in subparagraph (G), by striking ''for the maximum number of hours possible''; and

(VII) by adding at the end the following:

''(H) the State agencies designated under paragraph (1) will expend not more than 2.5 percent of the allotment of the State under this title for administrative costs of carrying out this title; and

''(I) with respect to supported employment services provided to youth with the most significant disabilities pursuant to section 603(d), the designated State agency will provide, directly or indirectly through public or private entities, non-Federal contributions in an amount that is not less than 10 percent of the costs of carrying out such services; and'';

(9) by striking section 607, as redesignated by paragraph (3), and inserting the following:

**"SEC. 607. RESTRICTION.**

''Each State agency designated under section 606(b)(1) shall collect the information required by section 101(a)(10) separately for—

''(1) eligible individuals receiving supported employment services under this title;

''(2) eligible individuals receiving supported employment services under title I;

''(3) eligible youth receiving supported employment services under this title; and

''(4) eligible youth receiving supported employment services under title I.'';

(10) in section 608(b), as redesignated by paragraph (3), by striking ''this part'' both places the terms appears and inserting ''this title''; and

(11) by striking section 609, as redesignated by paragraph (3), and inserting the following:

**"SEC. 609. ADVISORY COMMITTEE ON INCREASING COMPETITIVE INTEGRATED EMPLOYMENT FOR INDIVIDUALS WITH DISABILITIES.**

''(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of the Workforce Innovation and Opportunity Act, the Secretary of Labor shall establish an Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (referred to in this section as the 'Committee').

''(b) APPOINTMENT AND VACANCIES.—

''(1) APPOINTMENT.—The Secretary of Labor shall appoint the members of the Committee described in subsection (c)(6), in accordance with subsection (c).

''(2) VACANCIES.—Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner, in accordance with the same paragraph of subsection (c), as the original appointment or designation was made.

''(c) COMPOSITION.—The Committee shall be composed of—

''(1) the Assistant Secretary for Disability Employment Policy, the Assistant Secretary for Employment and Training, and the Administrator of the Wage and Hour Division, of the Department of Labor;

''(2) the Commissioner of the Administration on Intellectual and Developmental Disabilities, or the Commissioner's designee;

''(3) the Director of the Centers for Medicare & Medicaid Services of the Department of Health and Human Services, or the Director's designee;

''(4) the Commissioner of Social Security, or the Commissioner's designee;

''(5) the Commissioner of the Rehabilitation Services Administration, or the Commissioner's designee; and

''(6) representatives from constituencies consisting of—

''(A) self-advocates for individuals with intellectual or developmental disabilities;

''(B) providers of employment services, including those that employ individuals with intellectual or developmental disabilities in competitive integrated employment;

''(C) representatives of national disability advocacy organizations for adults with intellectual or developmental disabilities;

''(D) experts with a background in academia or research and expertise in employment and wage policy issues for individuals with intellectual or developmental disabilities;

''(E) representatives from the employer community or national employer organizations; and

''(F) other individuals or representatives of organizations with expertise on increasing opportunities for competitive integrated employment for individuals with disabilities.

''(d) CHAIRPERSON.—The Committee shall elect a Chairperson of the Committee from among the appointed members of the Committee.

''(e) MEETINGS.—The Committee shall meet at the call of the Chairperson, but not less than 8 times.

''(f) DUTIES.—The Committee shall study, and prepare findings, conclusions, and recommendations for the Secretary of Labor on—

''(1) ways to increase the employment opportunities for individuals with intellectual or developmental disabilities or other individuals with significant disabilities in competitive integrated employment;

''(2) the use of the certificate program carried out under section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)) for the employment of individuals with intellectual or developmental disabilities, or other individuals with significant disabilities; and

''(3) ways to improve oversight of the use of such certificates.

''(g) COMMITTEE PERSONNEL MATTERS.—

''(1) TRAVEL EXPENSES.—The members of the Committee shall not receive compensation for the performance of services for the Committee, but shall be allowed reasonable travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the Committee.

''(2) STAFF.—The Secretary of Labor may designate such personnel as may be necessary to enable the Committee to perform its duties.

''(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(4) FACILITIES, EQUIPMENT, AND SERVICES.—The Secretary of Labor shall make available to the Committee, under such arrangements as may be appropriate, necessary equipment, supplies, and services.

''(h) REPORTS.—

''(1) INTERIM AND FINAL REPORTS.—The Committee shall prepare and submit to the Secretary of Labor, as well as the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives—

''(A) an interim report that summarizes the progress of the Committee, along with any interim findings, conclusions, and recommendations as described in subsection (f); and

''(B) a final report that states final findings, conclusions, and recommendations as described in subsection (f).

''(2) PREPARATION AND SUBMISSION.—The reports shall be prepared and submitted—

''(A) in the case of the interim report, not later than 1 year after the date on which the Committee is established under subsection (a); and

''(B) in the case of the final report, not later than 2 years after the date on which the Committee is established under subsection (a).

''(i) TERMINATION.—The Committee shall terminate on the day after the date on which the Committee submits the final report.

**''SEC. 610. AUTHORIZATION OF APPROPRIATIONS.**

''There is authorized to be appropriated to carry out this title $27,548,000 for fiscal year 2015, $29,676,000 for fiscal year 2016, $30,292,000 for fiscal year 2017, $30,963,000 for fiscal year 2018, $31,691,000 for fiscal year 2019, and $32,363,000 for fiscal year 2020.''.

## Subtitle H—Independent Living Services and Centers for Independent Living

## CHAPTER 1—INDIVIDUALS WITH SIGNIFICANT DISABILITIES

### Subchapter A—General Provisions

**SEC. 471. PURPOSE.**

Section 701 (29 U.S.C. 796) is amended, in paragraph (3)—

(1) by striking ''part B of title VI'' and inserting ''title VI''; and

(2) by inserting before the period the following: '', with the goal of improving the independence of individuals with disabilities''.

**SEC. 472. ADMINISTRATION OF THE INDEPENDENT LIVING PROGRAM.**

Title VII (29 U.S.C. 796 et seq.) is amended by inserting after section 701 the following:

**''SEC. 701A. ADMINISTRATION OF THE INDEPENDENT LIVING PROGRAM.**

''There is established within the Administration for Community Living of the Department of Health and Human Services, an Independent Living Administration. The Independent Living Administration shall be headed by a Director (referred to in this section as the 'Director') appointed by the Secretary of Health and Human Services. The Director shall be an individual with substantial knowledge of independent living services. The Independent Living Administration shall be the principal agency, and the Director shall be the principal officer, to carry out this chapter. In performing the functions of the office, the Director shall be directly responsible to the Administrator of the Administration for Community Living of the Department of Health and Human Services. The Secretary shall ensure that the Independent Living Administration has sufficient resources (including designating at least 1 individual from the Office of General Counsel who is knowledgeable about independent living services) to provide technical assistance and support to, and oversight of, the programs funded under this chapter.''.

**SEC. 473. DEFINITIONS.**

Section 702 (29 U.S.C. 796a) is amended—

(1) in paragraph (1)—

(A) in the matter before subparagraph (A), by inserting ''for individuals with significant disabilities (regardless of age or income)'' before ''that—''; and

(B) in subparagraph (B), by striking the period and inserting '', including, at a minimum, independent living core services as defined in section 7(17).'';

(2) in paragraph (2), by striking the period and inserting the following: '', in terms of the management, staffing, decisionmaking, operation, and provisions of services, of the center.'';

(3) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(4) by inserting before paragraph (2) the following:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Administration for Community Living of the Department of Health and Human Services.''.

**SEC. 474. STATE PLAN.**

Section 704 (29 U.S.C. 796c) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting after ''State plan'' the following: ''developed and signed in accordance with paragraph (2),''; and

(ii) by striking ''Commissioner'' each place it appears and inserting ''Administrator'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''developed and signed by''; and

(ii) by striking subparagraphs (A) and (B) and inserting the following:

''(A) developed by the chairperson of the Statewide Independent Living Council, and the directors of the centers for independent living in the State, after receiving public input from individuals with disabilities and other stakeholders throughout the State; and

''(B) signed by—

''(i) the chairperson of the Statewide Independent Living Council, acting on behalf of and at the direction of the Council;

''(ii) the director of the designated State entity described in subsection (c); and

''(iii) not less than 51 percent of the directors of the centers for independent living in the State.'';

(C) in paragraph (3)—

(i) in subparagraph (A), by striking ''State independent living services'' and inserting ''independent living services in the State''; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) working relationships and collaboration between—

''(i) centers for independent living; and

''(ii)(I) entities carrying out programs that provide independent living services, including those serving older individuals;

''(II) other community-based organizations that provide or coordinate the provision of housing, transportation, employment, information and referral assistance, services, and supports for individuals with significant disabilities; and

''(III) entities carrying out other programs providing services for individuals with disabilities.''.

(D) in paragraph (4), by striking ''Commissioner'' each place it appears and inserting ''Administrator''; and

(E) by adding at the end the following:

''(5) STATEWIDENESS.—The State plan shall describe strategies for providing independent living services on a statewide basis, to the greatest extent possible.'';

(2) in subsection (c)—

(A) in the subsection heading, by striking ''UNIT'' and inserting ''ENTITY'';

(B) in the matter preceding paragraph (1), by striking ''the designated State unit of such State'' and inserting ''a State entity of such State (referred to in this title as the 'designated State entity')'';

(C) in paragraphs (3) and (4), by striking ''Commissioner'' each place it appears and inserting ''Administrator'';

(D) in paragraph (3), by striking ''and'' at the end;

(E) in paragraph (4), by striking the period and inserting ''; and''; and

(F) by adding at the end the following:

''(5) retain not more than 5 percent of the funds received by the State for any fiscal year under part B, for the performance of the services outlined in paragraphs (1) through (4).'';

(3) in subsection (i), by striking paragraphs (1) and (2) and inserting the following:

''(1) the Statewide Independent Living Council;

''(2) centers for independent living;

''(3) the designated State entity; and

''(4) other State agencies or entities represented on the Council, other councils that address the needs and issues of specific disability populations, and other public and private entities determined to be appropriate by the Council.'';

(4) in subsection (m)—

(A) in paragraph (4), by striking ''Commissioner'' each place it appears and inserting ''Administrator''; and

(B) in paragraph (5), by striking ''Commissioner'' and inserting ''Administrator''; and

(5) by adding at the end the following:

''(o) PROMOTING FULL ACCESS TO COMMUNITY LIFE.—The plan shall describe how the State will provide independent living services described in section 7(18) that promote full access to community life for individuals with significant disabilities.''.

**SEC. 475. STATEWIDE INDEPENDENT LIVING COUNCIL.**

Section 705 (29 U.S.C. 796d) is amended—

(1) in subsection (a), by inserting ''and maintain'' after ''shall establish'';

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by inserting ''among its voting members,'' before ''at least''; and

(II) by striking ''one'' and inserting ''1''; and

(ii) by striking subparagraphs (B) and (C) and inserting the following:

''(B) among its voting members, for a State in which 1 or more centers for independent living are run by, or in conjunction with, the governing bodies of American Indian tribes located on Federal or State reservations, at least 1 representative of the directors of such centers; and

''(C) as ex officio, nonvoting members, a representative of the designated State entity, and representatives from State agencies that provide services for individuals with disabilities.'';

(B) in paragraph (3)—

(i) by redesignating subparagraphs (C) through (F) as subparagraphs (D) through (G), respectively;

(ii) in subparagraph (B), by striking ''parents and guardians of''; and

(iii) by inserting after paragraph (B) the following:

''(C) parents and guardians of individuals with disabilities;'';

(C) in paragraph (5)(B), by striking ''paragraph (3)'' and inserting ''paragraph (1)''; and

(D) in paragraph (6)(B), by inserting '', other than a representative described in paragraph (2)(A) if there is only one center for independent living within the State,'' after ''the Council'';

(3) by striking subsection (c) and inserting the following:

''(c) FUNCTIONS.—

''(1) DUTIES.—The Council shall—

''(A) develop the State plan as provided in section 704(a)(2);

''(B) monitor, review, and evaluate the implementation of the State plan;

''(C) meet regularly, and ensure that such meetings of the Council are open to the public and sufficient advance notice of such meetings is provided;

''(D) submit to the Administrator such periodic reports as the Administrator may reasonably request, and keep such records, and afford such access to such records, as the Administrator finds necessary to verify the information in such reports; and

''(E) as appropriate, coordinate activities with other entities in the State that provide services similar to or complementary to independent living services, such as entities that facilitate the provision of or provide long-term community-based services and supports.

''(2) AUTHORITIES.—The Council may, consistent with the State plan described in section 704, unless prohibited by State law—

''(A) in order to improve services provided to individuals with disabilities, work with centers for independent living to coordinate services with public and private entities;

''(B) conduct resource development activities to support the activities described in this subsection or to support the provision of independent living services by centers for independent living; and

''(C) perform such other functions, consistent with the purpose of this chapter and comparable to other functions described in this subsection, as the Council determines to be appropriate.

''(3) LIMITATION.—The Council shall not provide independent living services directly to individuals with significant disabilities or manage such services.'';

(4) in subsection (e)—

(A) in paragraph (1), in the first sentence, by striking ''prepare'' and all that follows through ''a plan'' and inserting ''prepare, in conjunction with the designated State entity, a plan''; and

(B) in paragraph (3), by striking ''State agency'' and inserting ''State entity''; and

(5) in subsection (f)—

(A) by striking ''such resources'' and inserting ''available resources''; and

(B) by striking ''(including'' and all that follows through ''compensation'' and inserting ''(such as personal assistance services), and to pay reasonable compensation''.

**SEC. 475A. RESPONSIBILITIES OF THE ADMINISTRATOR.**

Section 706 (29 U.S.C. 796d–1) is amended—

(1) by striking the title of the section and inserting the following:

**''SEC. 706. RESPONSIBILITIES OF THE ADMINISTRATOR.'';**

(2) in subsection (a)—

(A) in paragraph (1), by striking ''Commissioner'' each place it appears and inserting ''Administrator''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''Commissioner'' and inserting ''Administrator''; and

(ii) in subparagraph (B)—

(I) in clause (i)—

(aa) by inserting ''or the Commissioner'' after ''to the Secretary''; and

(bb) by striking ''to the Commissioner; and'' and inserting ''to the Administrator;'';

(II) by redesignating clause (ii) as clause (iii); and

(III) by inserting after clause (i) the following:

''(ii) to the State agency shall be deemed to be references to the designated State entity; and'';

(3) by striking subsection (b) and inserting the following:

''(b) INDICATORS.—Not later than 1 year after the date of enactment of the Workforce Innovation and Opportunity Act, the Administrator shall develop and publish in the Federal Register indicators of minimum compliance for centers for independent living (consistent with the standards set forth in section 725), and indicators of minimum compliance for Statewide Independent Living Councils.'';

(4) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''Commissioner'' each place it appears and inserting ''Administrator''; and

(ii) by striking the last sentence;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''Commissioner'' and inserting ''Administrator'';

(ii) in subparagraph (A), by striking ''such a review'' and inserting ''a review described in paragraph (1)''; and

(iii) in subparagraphs (A) and (B), by striking ''Department'' each place it appears and inserting ''Department of Health and Human Services''; and

(5) by striking subsection (d) and inserting the following:

''(d) REPORTS.—

''(1) IN GENERAL.—The Director described in section 701A shall provide to the Administrator of the Administration for Community Living and the Administrator shall include, in an annual report, information on the extent to which centers for independent living receiving funds under part C have complied with the standards and assurances set forth in section 725. The Director may identify individual centers for independent living in the analysis contained in that information. The Director shall include in the report the results of onsite compliance reviews, identifying individual centers for independent living and other recipients of assistance under part C.

''(2) PUBLIC AVAILABILITY.—The Director shall ensure that the report described in this subsection is made publicly available in a timely manner, including through electronic means, in order to inform the public about the administration and performance of programs under this Act.''.

**Subchapter B—Independent Living Services**

**SEC. 476. ADMINISTRATION.**

(a) ALLOTMENTS.—Section 711 (29 U.S.C. 796e) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A)—

(i) by striking ''Except'' and inserting ''After the reservation required by section 711A is made, and except''; and

(ii) by inserting ''the remainder of the'' before ''sums appropriated''; and

(B) in paragraph (2)(B), by striking ''amounts made available for purposes of this part'' and inserting ''remainder described in paragraph (1)(A)'';

(2) in subsections (a), (b), and (c), by striking ''Commissioner'' each place it appears and inserting ''Administrator''; and

(3) by adding at the end the following:

''(d) ADMINISTRATION.—Funds allotted or made available to a State under this section shall be administered by the designated State entity, in accordance with the approved State plan.''.

(b) TRAINING AND TECHNICAL ASSISTANCE.—Part B of chapter 1 of title VII is amended by inserting after section 711 (29 U.S.C. 796e) the following:

''TRAINING AND TECHNICAL ASSISTANCE

''SEC. 711A. (a) From the funds appropriated and made available to carry out this part for any fiscal year, beginning with fiscal year 2015, the Administrator shall first reserve not less than 1.8 percent and not more than 2 percent of the funds to provide, either directly or through grants, contracts, or cooperative agreements, training and technical assistance to Statewide Independent Living Councils established under section 705 for such fiscal year.

''(b) The Administrator shall conduct a survey of such Statewide Independent Living Councils regarding training and technical assistance needs in order to determine funding priorities for such training and technical assistance.

''(c) To be eligible to receive a grant or enter into a contract or cooperative agreement under this section, an entity shall submit an application to the Administrator at such time, in such manner, containing a proposal to provide such training and technical assistance, and containing such additional information, as the Administrator may require. The Administrator shall provide for peer review of applications by panels that include persons who are not government employees and who have experience in the operation of such Statewide Independent Living Councils.''.

(c) PAYMENTS.—Section 712(a) (29 U.S.C. 796e–1(a)) is amended by striking ''Commissioner'' and inserting ''Administrator''.

(d) AUTHORIZED USES OF FUNDS.—Section 713 (29 U.S.C. 796e–2) is amended—

(1) by striking the matter preceding paragraph (1) and inserting the following:

''(a) IN GENERAL.—The State may use funds received under this part to provide the resources described in section 705(e) (but may not use more than 30 percent of the funds paid to the State under section 712 for such resources unless the State specifies that a greater percentage of the funds is needed for such resources in a State plan approved under section 706), relating to the Statewide Independent Living Council, may retain funds under section 704(c)(5), and shall distribute the remainder of the funds received under this part in a manner consistent with the approved State plan for the activities described in subsection (b).

''(b) ACTIVITIES.—The State may use the remainder of the funds described in subsection (a)—''; and

(2) in paragraph (1), by inserting '', particularly those in unserved areas of the State'' after ''disabilities''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 714 (29 U.S.C. 796e–3) is amended by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003.'' and inserting ''$22,878,000 for fiscal year 2015, $24,645,000 for fiscal year 2016, $25,156,000 for fiscal year 2017, $25,714,000 for fiscal year 2018, $26,319,000 for fiscal year 2019, and $26,877,000 for fiscal year 2020.''.

**Subchapter C—Centers for Independent Living**

**SEC. 481. PROGRAM AUTHORIZATION.**

Section 721 (29 U.S.C. 796f) is amended—

(1) in subsection (a)—

(A) by striking ''1999'' and inserting ''2015'';

(B) by striking ''Commissioner shall allot'' and inserting ''Administrator shall make available''; and

(C) by inserting '', centers for independent living,'' after ''States'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the paragraph heading, by striking ''OTHER ARRANGEMENTS'' and inserting ''COOPERATIVE AGREEMENTS'';

(ii) by striking ''For'' and all that follows through ''Commissioner'' and inserting ''From the funds appropriated to carry out this part for any fiscal year, beginning with fiscal year 2015, the Administrator'';

(iii) by striking ''reserve from such excess'' and inserting ''reserve not less than 1.8 percent and not more than 2 percent of the funds''; and

(iv) by striking ''eligible agencies'' and all that follows and inserting ''centers for independent living and eligible agencies for such fiscal year.'';

(B) in paragraph (2)—

(i) by striking ''Commissioner shall make grants to, and enter into contracts and other arrangements with,'' and inserting ''Administrator shall make grants to, or enter into contracts or cooperative agreements with,''; and

(ii) by inserting ''fiscal management of,'' before ''planning,'';

(C) in paragraphs (3), (4), and (5), by striking ''Commissioner'' each place it appears and inserting ''Administrator''; and

(D) in paragraph (3), by striking ''Statewide Independent Living Councils and'';

(3) in paragraph (4), by striking ''other arrangement'' and inserting ''cooperative agreement'';

(4) in subsection (c), by striking ''Commissioner'' each place it appears and inserting ''Administrator''; and

(5) in subsection (d), by striking ''Commissioner'' each place it appears and inserting ''Administrator''.

**SEC. 482. CENTERS.**

(a) CENTERS IN STATES IN WHICH FEDERAL FUNDING EXCEEDS STATE FUNDING.—Section 722 (29 U.S.C. 796f–1) is amended—

(1) in subsections (a), (b), and (c), by striking ''Commissioner'' each place it appears and inserting ''Administrator'';

(2) in subsection (c)—

(A) by striking ''grants'' and inserting ''grants for a fiscal year''; and

(B) by striking ''by September 30, 1997'' and inserting ''for the preceding fiscal year'';

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''Commissioner'' and inserting ''Administrator''; and

(ii) by striking ''region, consistent'' and all that follows and inserting ''region. The Administrator's determination of the most qualified applicant shall be consistent with the provisions in the State plan setting forth the design of the State for establishing a statewide network of centers for independent living.''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''Commissioner'' and inserting ''Administrator''; and

(ii) by striking subparagraph (A) and inserting the following:

''(A) shall consider comments regarding the application—

''(i) by individuals with disabilities and other interested parties within the new region proposed to be served; and

''(ii) if any, by the Statewide Independent Living Council in the State in which the applicant is located;''; and

(4) in subsections (e) and (g) by striking ''Commissioner'' each place it appears and inserting ''Administrator.''.

(b) CENTERS IN STATES IN WHICH STATE FUNDING EXCEEDS FEDERAL FUNDING.—Section 723 (29 U.S.C. 796f–2) is amended—

(1) in subsections (a), (b), (g), (h), and (i), by striking ''Commissioner'' each place it appears and inserting ''Administrator'';

(2) in subsection (a)—

(A) in paragraph (1)(A)(ii), by inserting ''of a designated State unit'' after ''director''; and

(B) in the heading of paragraph (3), by striking ''COMMISSIONER'' and inserting ''ADMINISTRATOR''; and

(3) in subsection (c)—

(A) by striking ''grants'' and inserting ''grants for a fiscal year''; and

(B) by striking ''by September 30, 1997'' and inserting ''for the preceding fiscal year''.

(c) CENTERS OPERATED BY STATE AGENCIES.—Section 724 (29 U.S.C. 796f–3) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''1993'' and inserting ''2015'';

(B) by striking ''Rehabilitation Act Amendments of 1998'' and inserting ''Workforce Innovation and Opportunity Act''; and

(C) by striking ''1994'' and inserting ''2015''; and

(2) by striking ''Commissioner'' each place it appears and inserting ''Administrator''.

**SEC. 483. STANDARDS AND ASSURANCES.**

Section 725 (29 U.S.C. 796f–4) is amended—

(1) in subsection (b)(1)(D)—

(A) by striking ''access of'' and inserting ''access for''; and

(B) by striking ''to society and'' and inserting '', within their communities,''; and

(2) in subsection (c), by striking ''Commissioner'' each place it appears and inserting ''Administrator''.

**SEC. 484. AUTHORIZATION OF APPROPRIATIONS.**

Section 727 (29 U.S.C. 796f–6) is amended by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003.'' and inserting ''$78,305,000 for fiscal year 2015, $84,353,000 for fiscal year 2016, $86,104,000 for fiscal year 2017, $88,013,000 for fiscal year 2018, $90,083,000 for fiscal year 2019, and $91,992,000 for fiscal year 2020.''.

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

**SEC. 486. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND.**

Chapter 2 of title VII (29 U.S.C. 796j et seq.) is amended by inserting after section 751 the following:

''TRAINING AND TECHNICAL ASSISTANCE

''SEC. 751A. (a) From the funds appropriated and made available to carry out this chapter for any fiscal year, beginning with fiscal year 2015, the Commissioner shall first reserve not less than 1.8 percent and not more than 2 percent of the funds to provide, either directly or through grants, contracts, or cooperative agreements, training and technical assistance to designated State agencies, or other providers of independent living services for older individuals who are blind, that are funded under this chapter for such fiscal year.

''(b) The Commissioner shall conduct a survey of designated State agencies that receive grants under section 752 regarding training and technical assistance needs in order to determine funding priorities for such training and technical assistance.

''(c) To be eligible to receive a grant or enter into a contract or cooperative agreement under this section, an entity shall submit an application to the Commissioner at such time, in such manner, containing a proposal to provide such training and technical assistance, and containing such additional information, as the Commissioner may require. The Commissioner shall provide for peer review of applications by panels that include persons who are not government employees and who have experience in the provision of services to older individuals who are blind.''.

**SEC. 487. PROGRAM OF GRANTS.**

Section 752 (29 U.S.C. 796k) is amended—

(1) by striking subsection (h);

(2) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively;

(3) in subsection (c)(2)—

(A) by striking ''subsection (j)'' and inserting ''subsection (i)''; and

(B) by striking ''subsection (i)'' and inserting ''subsection (h)'';

(4) in subsection (g), by inserting '', or contracts or cooperative agreements with,'' after ''grants to'';

(5) in subsection (h), as redesignated by paragraph (2)—

(A) in paragraph (1), by striking ''subsection (j)(4)'' and inserting ''subsection (i)(4)''; and

(B) in paragraph (2)—

(i) in subparagraph (A)(vi), by adding ''and'' after the semicolon;

(ii) in subparagraph (B)(ii)(III), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (C); and

(6) in subsection (i), as redesignated by paragraph (2)—

(A) in paragraph (2)(A)(ii), by inserting '', and not reserved under section 751A,'' after ''section 753'';

(B) in paragraph (3)(A), by inserting '', and not reserved under section 751A,'' after ''section 753''; and

(C) in paragraph (4)(B)(i), by striking ''subsection (i)'' and inserting ''subsection (h)''.

**SEC. 488. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND AUTHORIZATION OF APPROPRIATIONS.**

Section 753 (29 U.S.C. 796l) is amended by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003.'' and inserting ''$33,317,000 for fiscal year 2015, $35,890,000 for fiscal year 2016, $36,635,000 for fiscal year 2017, $37,448,000 for fiscal year 2018, $38,328,000 for fiscal year 2019, and $39,141,000 for fiscal year 2020.''.

## Subtitle I—General Provisions

**SEC. 491. TRANSFER OF FUNCTIONS REGARDING INDEPENDENT LIVING TO DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND SAVINGS PROVISIONS.**

(a) DEFINITIONS.—For purposes of this section, unless otherwise provided or indicated by the context—

(1) the term ''Administration for Community Living'' means the Administration for Community Living of the Department of Health and Human Services;

(2) the term ''Federal agency'' has the meaning given to the term ''agency'' by section 551(1) of title 5, United States Code;

(3) the term ''function'' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(4) the term ''Rehabilitation Services Administration'' means the Rehabilitation Services Administration of the Office of Special Education and Rehabilitative Services of the Department of Education.

(b) TRANSFER OF FUNCTIONS.—There are transferred to the Administration for Community Living, all functions which the Commissioner of the Rehabilitation Services Administration exercised before the effective date of this section (including all related functions of any officer or employee of that Administration) under chapter 1 of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796 et seq).

(c) PERSONNEL DETERMINATIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget shall—

(1) ensure that this section does not result in any net increase in full-time equivalent employees at any Federal agency impacted by this section; and

(2) not later than 1 year after the effective date of this section, certify compliance with this subsection to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(d) DELEGATION AND ASSIGNMENT.—Except where otherwise expressly prohibited by law or otherwise provided by this section, the Administrator of the Administration for Community Living may delegate any of the functions transferred to the Administrator of such Administration by subsection (b) and any function described in subsection (b) that was transferred or granted to such Administrator after the effective date of this section to such officers and employees of such Administration as the Administrator may designate, and may authorize successive redelegations of such functions described in subsection (b) as may be necessary or appropriate. No delegation of such functions by the Administrator of the Administration for Community Living under this subsection or under any other provision of this section shall relieve such Administrator of responsibility for the administration of such functions.

(e) REORGANIZATION.—Except where otherwise expressly prohibited by law or otherwise provided by this Act, the Administrator of the Administration for Community Living is authorized to allocate or reallocate any function transferred under subsection (b) among the officers of such Administration, and to consolidate, alter, or discontinue such organizational entities in such Administration as may be necessary or appropriate.

(f) RULES.—The Administrator of the Administration for Community Living is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as that Administrator determines necessary or appropriate to administer and manage the functions described in subsection (b) of that Administration.

(g) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by subsection (b), subject to section 1531 of title 31, United States Code, shall be transferred to the Administration for Community Living. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(h) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by subsection (b), and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this section. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the purposes of this section, with respect to such functions.

(i) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under subsection (b); and

(B) which are in effect at the time this section takes effect, or were final before the effective date of this section and are to become effective on or after the effective date of this section,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Administrator of the Administration for Community Living or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) PROCEEDINGS NOT AFFECTED.—The provisions of this section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Rehabilitation Services Administration at the time this section takes effect, with respect to functions transferred by subsection (b) but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(3) SUITS NOT AFFECTED.—The provisions of this section shall not affect suits commenced (with respect to functions transferred under subsection (b)) before the effective date of this section, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Rehabilitation Services Administration (with regard to functions transferred under subsection (b)), or by or against any individual in the official capacity of such individual as an officer of the Rehabilitation Services Administration (with regard to functions transferred under subsection (b)), shall abate by reason of the enactment of this section.

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Rehabilitation Services Administration (with regard to functions transferred under subsection (b)) may be continued by the Administration for Community Living with the same effect as if this section had not been enacted.

(j) SEPARABILITY.—If a provision of this section or its application to any person or circumstance is held invalid, neither the remainder of this section nor the application of the provision to other persons or circumstances shall be affected.

(k) REFERENCES.—A reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the Commissioner of the Rehabilitation Services Administration (with regard to functions transferred under subsection (b)), shall be deemed to refer to the Administrator of the Administration for Community Living; and

(2) the Rehabilitation Services Administration (with regard to functions transferred under subsection (b)), shall be deemed to refer to the Administration for Community Living.

(l) TRANSITION.—The Administrator of the Administration for Community Living is authorized to utilize—

(1) the services of such officers, employees, and other personnel of the Rehabilitation Services Administration with regard to functions transferred under subsection (b); and

(2) funds appropriated to such functions,

for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(m) ADMINISTRATION FOR COMMUNITY LIVING.—

(1) TRANSFER OF FUNCTIONS.—There are transferred to the Administration for Community Living, all functions which the Commissioner of the Rehabilitation Services Administration exercised before the effective date of this section (including all related functions of any officer or employee of that Administration) under the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.).

(2) ADMINISTRATIVE MATTERS.—Subsections (d) through (l) shall apply to transfers described in paragraph (1).

(n) NATIONAL INSTITUTE ON DISABILITY, INDEPENDENT LIVING, AND REHABILITATION RESEARCH.—

(1) DEFINITIONS.—For purposes of this subsection, unless otherwise provided or indicated by the context—

(A) the term ''NIDILRR'' means the National Institute on Disability, Independent Living, and Rehabilitation Research of the Administration for Community Living of the Department of Health and Human Services; and

(B) the term ''NIDRR'' means the National Institute on Disability and Rehabilitation Research of the Office of Special Education and Rehabilitative Services of the Department of Education.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the NIDILRR, all functions which the Director of the NIDRR exercised before the effective date of this section (including all related functions of any officer or employee of the NIDRR).

(3) ADMINISTRATIVE MATTERS.—

(A) IN GENERAL.—Subsections (d) through (l) shall apply to transfers described in paragraph (2).

(B) REFERENCES.—For purposes of applying those subsections under subparagraph (A), those subsections—

(i) shall apply to the NIDRR and the Director of the NIDRR in the same manner and to the same extent as those subsections apply to the Rehabilitation Services Administration and the Commissioner of that Administration; and

(ii) shall apply to the NIDILRR and the Director of the NIDILRR in the same manner and to the same extent as those subsections apply to the Administration for Community Living and the Administrator of that Administration.

(o) REFERENCES IN ASSISTIVE TECHNOLOGY ACT OF 1998.—

(1) SECRETARY.—Section 3(13) of the Assistive Technology Act of 1998 (29 U.S.C. 3002(13))

is amended by striking ''Education'' and inserting ''Health and Human Services''.

(2) NATIONAL ACTIVITIES.—Section 6(d)(4) of the Assistive Technology Act of 1998 (29 U.S.C. 3005(d)(4)) is amended by striking ''Education'' and inserting ''Health and Human Services''.

(3) GENERAL ADMINISTRATION.—Section 7 of the Assistive Technology Act of 1998 (29 U.S.C. 3006) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''the Assistant Secretary'' and all that follows through ''Rehabilitation Services Administration,'' and inserting ''the Administrator of the Administration for Community Living'';

(ii) in paragraph (2), by striking ''The Assistant Secretary'' and all that follows and inserting ''The Administrator of the Administration for Community Living shall consult with the Office of Special Education Programs of the Department of Education, the Rehabilitation Services Administration of the Department of Education, the Office of Disability Employment Policy of the Department of Labor, the National Institute on Disability, Independent Living, and Rehabilitation Research, and other appropriate Federal entities in the administration of this Act.''; and

(iii) in paragraph (3), by striking ''the Rehabilitation Services Administration'' and inserting ''the Administrator of the Administration for Community Living''; and

(B) in subsection (c)(5), by striking ''Education'' and inserting ''Health and Human Services''.

**SEC. 492. TABLE OF CONTENTS.**

The table of contents in section 1(b) is amended—

(1) by striking the item relating to section 109 and inserting the following:

''Sec. 109. Training and services for employers.'';

(2) by inserting after the item relating to section 112 the following:

''Sec. 113. Provision of pre-employment transition services.'';

(3) by striking the item relating to section 202 and inserting the following:

''Sec. 202. National Institute on Disability, Independent Living, and Rehabilitation Research.'';

(4) by striking the item relating to section 205 and inserting the following:

''Sec. 205. Disability, Independent Living, and Rehabilitation Research Advisory Council.

''Sec. 206. Definition of covered school.'';

(5) by striking the items relating to sections 304, 305, and 306 and inserting the following:

''Sec. 304. Measuring of project outcomes and performance.''.

(6) by inserting after the item relating to section 509 the following:

''Sec. 511. Limitations on use of subminimum wage.'';

(7) by striking the items relating to title VI and inserting the following:

''TITLE VI—EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES

''Sec. 601. Short title.
''Sec. 602. Purpose.
''Sec. 603. Allotments.
''Sec. 604. Availability of services.
''Sec. 605. Eligibility.
''Sec. 606. State plan.
''Sec. 607. Restriction.
''Sec. 608. Savings provision.
''Sec. 609. Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities.
''Sec. 610. Authorization of appropriations.''; and

(8) in the items relating to title VII—

(A)(i) by inserting after the item relating to section 701 the following:

''Sec. 701A. Administration of the independent living program.'';

and

(ii) by striking the item relating to section 706 and inserting the following:

''Sec. 706. Responsibilities of the Administrator.'';

(B) by inserting after the item relating to section 711 the following:

''Sec. 711A. Training and technical assistance.'';

and

(C) by inserting after the item relating to section 751 the following:

''Sec. 751A. Training and technical assistance.''.

## TITLE V—GENERAL PROVISIONS

### Subtitle A—Workforce Investment

**SEC. 501. PRIVACY.**

(a) SECTION 444 OF THE GENERAL EDUCATION PROVISIONS ACT.—Nothing in this Act (including the amendments made by this Act) shall be construed to supersede the privacy protections afforded parents and students under section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

(b) PROHIBITION ON DEVELOPMENT OF NATIONAL DATABASE.—

(1) IN GENERAL.—Nothing in this Act (including the amendments made by this Act) shall be construed to permit the development of a national database of personally identifiable information on individuals receiving services under title I or under the amendments made by title IV.

(2) LIMITATION.—Nothing in paragraph (1) shall be construed to prevent the proper administration of national programs under subtitles C and D of title I, or the amendments made by title IV (as the case may be), or to carry out program management activities consistent with title I or the amendments made by title IV (as the case may be).

**SEC. 502. BUY-AMERICAN REQUIREMENTS.**

(a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available under title I or II or under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 8301 through 8303 of title 41, United States Code (commonly known as the ''Buy American Act'').

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available under title I or II or under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), it is the sense of Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available under title I or II or under the Wagner-Peyser Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available under title I or II or under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations, as such sections were in effect on August 7, 1998, or pursuant to any successor regulations.

**SEC. 503. TRANSITION PROVISIONS.**

(a) WORKFORCE DEVELOPMENT SYSTEMS AND INVESTMENT ACTIVITIES.—The Secretary of Labor and the Secretary of Education shall take such actions as the Secretaries determine to be appropriate to provide for the orderly transition from any authority under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) to any authority under subtitle A of title I. Such actions shall include the provision of guidance related to unified State planning, combined State planning, and the performance accountability system described in such subtitle.

(b) WORKFORCE INVESTMENT ACTIVITIES.—The Secretary of Labor shall take such actions as the Secretary determines to be appropriate to provide for the orderly transition from any authority under the Workforce Investment Act of 1998 to any authority under subtitles B through E of title I.

(c) ADULT EDUCATION AND LITERACY PROGRAMS.—The Secretary of Education shall take such actions as the Secretary determines to be appropriate to provide for the orderly transition from any authority under the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.), as in effect on the day before the date of enactment of this Act, to any authority under the Adult Education and Family Literacy Act, as amended by this Act.

(d) EMPLOYMENT SERVICES ACTIVITIES.—The Secretary of Labor shall take such actions as the Secretary determines to be appropriate to provide for the orderly transition from any authority under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), as in effect on the day before the date of enactment of this Act, to any authority under the Wagner-Peyser Act, as amended by this Act.

(e) VOCATIONAL REHABILITATION PROGRAMS.—The Secretary of Education and the Secretary of Health and Human Services shall take such actions as the Secretaries determine to be appropriate to provide for the orderly transition from any authority under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as in effect on the day before the date of enactment of this Act, to any authority under the Rehabilitation Act of 1973, as amended by this Act.

(f) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Labor, the Secretary of Education, and the Secretary of Health and Human Services, as appropriate, shall develop and publish in the Federal Register proposed regulations relating to the transition to, and implementation of, this Act (including the amendments made by this Act).

(2) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretaries described in paragraph (1), as appropriate, shall develop and publish in the Federal Register final regulations relating to the transition to, and implementation of, this Act (including the amendments made by this Act).

(g) EXPENDITURE OF FUNDS DURING TRANSITION.—

(1) IN GENERAL.—Subject to paragraph (2) and in accordance with regulations developed under subsection (f), States, grant recipients, administrative entities, and other

recipients of financial assistance under the Workforce Investment Act of 1998 may expend funds received under such Act in order to plan and implement programs and activities authorized under this Act.

(2) ADDITIONAL REQUIREMENTS.—Not more than 2 percent of any allotment to any State from amounts appropriated under the Workforce Investment Act of 1998 for fiscal year 2014 may be made available to carry out activities authorized under paragraph (1) and not less than 50 percent of any amount used to carry out activities authorized under paragraph (1) shall be made available to local entities for the purposes of the activities described in such paragraph.

**SEC. 504. REDUCTION OF REPORTING BURDENS AND REQUIREMENTS.**

In order to simplify reporting requirements and reduce reporting burdens, the Secretary of Labor, the Secretary of Education, and the Secretary of Health and Human Services shall establish procedures and criteria under which a State board and local board may reduce reporting burdens and requirements under this Act (including the amendments made by this Act).

**SEC. 505. EFFECTIVE DATES.**

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act, including the amendments made by this Act, shall take effect on the first day of the first full program year after the date of enactment of this Act.

(b) APPLICATION DATE FOR WORKFORCE DEVELOPMENT PERFORMANCE ACCOUNTABILITY SYSTEM.—

(1) IN GENERAL.—Section 136 of the Workforce Investment Act of 1998 (29 U.S.C. 2871), as in effect on the day before the date of enactment of this Act, shall apply in lieu of section 116 of this Act, for the first full program year after the date of enactment of this Act.

(2) SPECIAL PROVISIONS.—For purposes of the application described in paragraph (1)—

(A) except as otherwise specified, a reference in section 136 of the Workforce Investment Act of 1998 to a provision in such Act (29 U.S.C. 2801 et seq.), other than to a provision in such section or section 112 of such Act, shall be deemed to refer to the corresponding provision of this Act;

(B) the terms ''local area'', ''local board'', ''one-stop partner'', and ''State board'' have the meanings given the terms in section 3 of this Act;

(C) except as provided in subparagraph (B), terms used in such section 136 shall have the meanings given the terms in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801);

(D) any agreement negotiated and reached under section 136(c)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(c)(2)) shall remain in effect, until a new agreement is so negotiated and reached, for that first full program year;

(E) if a State or local area fails to meet levels of performance under subsection (g) or (h), respectively, of section 136 of the Workforce Investment Act of 1998 during that first full program year, the sanctions provided under such subsection shall apply during the second full program year after the date of enactment of this Act; and

(F) the Secretary shall use an amount retained, as a result of a reduction in an allotment to a State made under section 136(g)(1)(B) of such Act (29 U.S.C. 2871(g)(1)(B)), to provide technical assistance as described in subsections (f)(1) and (g)(1) of section 116 of this Act, in lieu of incentive grants under section 503 of the Workforce Investment Act of 1998 (20 U.S.C. 9273) as provided in section 136(g)(2) of such Act (29 U.S.C. 2871(g)(2)).

(c) APPLICATION DATE FOR STATE AND LOCAL PLAN PROVISIONS.—

(1) IMPLEMENTATION.—Sections 112 and 118 of the Workforce Investment Act of 1998 (29 U.S.C. 2822, 2833), as in effect on the day before the date of enactment of this Act, shall apply to implementation of State and local plans, in lieu of sections 102 and 103, and section 108, respectively, of this Act, for the first full program year after the date of enactment of this Act.

(2) SPECIAL PROVISIONS.—For purposes of the application described in paragraph (1)—

(A) except as otherwise specified, a reference in section 112 or 118 of the Workforce Investment Act of 1998 to a provision in such Act (29 U.S.C. 2801 et seq.), other than to a provision in or to either such section or to section 136 of such Act, shall be deemed to refer to the corresponding provision of this Act;

(B) the terms ''local area'', ''local board'', ''one-stop partner'', and''State board'' have the meanings given the terms in section 3 of this Act;

(C) except as provided in subparagraph (B), terms used in such section 112 or 118 shall have the meanings given the terms in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801); and

(D) section 112(b)(18)(D) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b)(18)(D)) shall not apply.

(3) SUBMISSION.—Sections 102, 103, and 108 of this Act shall apply to plans for the second full program year after the date of enactment, including the development, submission, and approval of such plans during the first full program year after such date.

## Subtitle B—Amendments to Other Laws

**SEC. 511. REPEAL OF THE WORKFORCE INVESTMENT ACT OF 1998.**

(a) WORKFORCE INVESTMENT ACT OF 1998.—The Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) is repealed.

(b) GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED INDIVIDUALS.—Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is repealed.

**SEC. 512. CONFORMING AMENDMENTS.**

(a) AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT OF 1998.—Section 414(c)(3)(C) of the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 2916a(3)(C)) is amended by striking ''entities involved in administering the workforce investment system established under title I of the Workforce Investment Act of 1998'' and inserting ''entities involved in administering the workforce development system, as defined in section 3 of the Workforce Innovation and Opportunity Act''.

(b) ASSISTIVE TECHNOLOGY ACT OF 1998.—The Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.) is amended as follows:

(1) Section 3(1)(C) of such Act (29 U.S.C. 3002(1)(C)) is amended by striking ''such as a one-stop partner, as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)'' and inserting ''such as a one-stop partner, as defined in section 3 of the Workforce Innovation and Opportunity Act''.

(2) Section 4 of such Act (29 U.S.C. 3003) is amended—

(A) in subsection (c)(2)(B)(i)(IV), by striking ''a representative of the State workforce investment board established under section 111 of the Workforce Investment Act of 1998 (29 U.S.C. 2821)'' and inserting ''a representative of the State workforce development board established under section 101 of the Workforce Innovation and Opportunity Act''; and

(B) in subsection (e)—

(i) in paragraph (2)(D)(i), by striking ''such as one-stop partners, as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801),'' and inserting ''such as one-stop partners, as defined in section 3 of the Workforce Innovation and Opportunity Act,''; and

(ii) in paragraph (3)(B)(ii)(I)(aa), by striking ''with entities in the statewide and local workforce investment systems established under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.),'' and inserting ''with entities in the statewide and local workforce development systems established under the Workforce Innovation and Opportunity Act,''.

(c) ALASKA NATURAL GAS PIPELINE ACT.—Section 113(a)(2) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720k(a)(2)) is amended by striking ''consistent with the vision and goals set forth in the State of Alaska Unified Plan, as developed pursuant to the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)'' and inserting ''consistent with the vision and goals set forth in the State of Alaska unified plan or combined plan, as appropriate, as developed pursuant to section 102 or 103, as appropriate, of the Workforce Innovation and Opportunity Act''.

(d) ATOMIC ENERGY DEFENSE ACT.—Section 4604(c)(6)(A) of the Atomic Energy Defense Act (50 U.S.C. 2704(c)(6)(A)) is amended by striking ''programs carried out by the Secretary of Labor under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)'' and inserting ''programs carried out by the Secretary of Labor under title I of the Workforce Innovation and Opportunity Act''.

(e) CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT OF 2006.—The Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) is amended as follows:

(1) Section 118(d)(2) of such Act (20 U.S.C. 2328(d)(2)) is amended—

(A) in the paragraph heading, by striking ''PUBLIC LAW 105–220'' and inserting ''WORKFORCE INNOVATION AND OPPORTUNITY ACT''; and

(B) by striking ''functions and activities carried out under Public Law 105–220'' and inserting ''functions and activities carried out under the Workforce Innovation and Opportunity Act''.

(2) Section 121(a)(4) of such Act (20 U.S.C. 2341(a)(4)) is amended—

(A) in subparagraph (A), by striking ''activities undertaken by the State boards under section 111 of Public Law 105–220'' and inserting ''activities undertaken by the State boards under section 101 of the Workforce Innovation and Opportunity Act''; and

(B) in subparagraph (B), by striking ''the service delivery system under section 121 of Public Law 105–220'' and inserting ''the one-stop delivery system under section 121 of the Workforce Innovation and Opportunity Act''.

(3) Section 122 of such Act (20 U.S.C. 2342) is amended—

(A) in subsection (b)(1)(A)(viii), by striking ''entities participating in activities described in section 111 of Public Law 105–220'' and inserting ''entities participating in activities described in section 101 of the Workforce Innovation and Opportunity Act'';

(B) in subsection (c)(20), by striking ''the description and information specified in sections 112(b)(8) and 121(c) of Public Law 105–220 concerning the provision of services only for postsecondary students and school dropouts'' and inserting ''the description and information specified in subparagraphs (B) and (C)(iii) of section 102(b)(2), and, as appropriate, section 103(b)(3)(A), and section 121(c), of the Workforce Innovation and Opportunity Act concerning the provision of services only for postsecondary students and school dropouts''; and

(C) in subsection (d)(2)—

(i) in the paragraph heading, by striking ''501 PLAN'' and inserting ''COMBINED PLAN''; and

(ii) by striking ''as part of the plan submitted under section 501 of Public Law 105–220'' and inserting ''as part of the plan submitted under section 103 of the Workforce Innovation and Opportunity Act''.

(4) Section 124(c)(13) of such Act (20 U.S.C. 2344(c)(13)) is amended by striking ''such as through referral to the system established under section 121 of Public Law 105–220'' and inserting ''such as through referral to the system established under section 121 of the Workforce Innovation and Opportunity Act''.

(5) Section 134(b)(5) of such Act (20 U.S.C. 2354(b)(5)) is amended by striking ''entities participating in activities described in section 117 of Public Law 105–220 (if applicable)'' and inserting ''entities participating in activities described in section 107 of the Workforce Innovation and Opportunity Act (if applicable)''.

(6) Section 135(c)(16) of such Act (20 U.S.C. 2355(c)(16)) is amended by striking ''such as through referral to the system established under section 121 of Public Law 105–220 (29 U.S.C. 2801 et seq.)'' and inserting ''such as through referral to the system established under section 121 of the Workforce Innovation and Opportunity Act''.

(7) Section 321(b)(1) of such Act (20 U.S.C. 2411(b)(1)) is amended by striking ''Chapters 4 and 5 of subtitle B of title I of Public Law 105–220'' and inserting ''Chapters 2 and 3 of subtitle B of title I of the Workforce Innovation and Opportunity Act''.

(f) COMMUNITY SERVICES BLOCK GRANT ACT.—Section 676(b)(5) of the Community Services Block Grant Act (42 U.S.C. 9908(b)(5)) is amended by striking ''the eligible entities will coordinate the provision of employment and training activities, as defined in section 101 of such Act, in the State and in communities with entities providing activities through statewide and local workforce investment systems under the Workforce Investment Act of 1998'' and inserting ''the eligible entities will coordinate the provision of employment and training activities, as defined in section 3 of the Workforce Innovation and Opportunity Act, in the State and in communities with entities providing activities through statewide and local workforce development systems under such Act''.

(g) COMPACT OF FREE ASSOCIATION AMENDMENTS ACT OF 2003.—The Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921 et seq.) is amended as follows:

(1) Section 105(f)(1)(B)(iii) of such Act (48 U.S.C. 1921d(f)(1)(B)(iii)) is amended by striking ''title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), other than subtitle C of that Act (29 U.S.C. 2881 et seq.) (Job Corps), title II of the Workforce Investment Act of 1998 (20 U.S.C. 9201 et seq.; commonly known as the Adult Education and Family Literacy Act),'' and inserting ''titles I (other than subtitle C) and II of the Workforce Innovation and Opportunity Act,''.

(2) Section 108(a) of such Act (48 U.S.C. 1921g(a)) is amended by striking ''subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.; relating to Job Corps)'' and inserting ''subtitle C of title I of the Workforce Innovation and Opportunity Act (relating to Job Corps)''.

(h) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—Section 103(d) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4953(d)) is amended by striking ''employment.'' and all that follows and inserting the following: ''employment. Whenever feasible, such efforts shall be coordinated with an appropriate local workforce development board established under section 107 of the Workforce Innovation and Opportunity Act.''.

(i) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended as follows:

(1) Section 1203(c)(2)(A) of such Act (20 U.S.C. 6363(c)(2)(A)) is amended—

(A) by striking '', in consultation with the National Institute for Literacy,''; and

(B) by striking clause (ii); and

(C) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.

(2) Section 1235(9)(B) of such Act (20 U.S.C. 6381d(9)(B)) is amended by striking ''any relevant programs under the Adult Education and Family Literacy Act, the Individuals with Disabilities Education Act, and title I of the Workforce Investment Act of 1998'' and inserting ''any relevant programs under the Adult Education and Family Literacy Act, the Individuals with Disabilities Education Act, and title I of the Workforce Innovation and Opportunity Act''.

(3) Section 1423(9) of such Act (20 U.S.C. 6453(9)) is amended by striking ''a description of how the program under this subpart will be coordinated with other Federal, State, and local programs, such as programs under title I of Public Law 105–220'' and inserting ''a description of how the program under this subpart will be coordinated with other Federal, State, and local programs, such as programs under title I of the Workforce Innovation and Opportunity Act''.

(4) Section 1425(9) of such Act (20 U.S.C. 6455(9)) is amended by striking ''coordinate funds received under this subpart with other local, State, and Federal funds available to provide services to participating children and youth, such as funds made available under title I of Public Law 105–220,'' and inserting ''coordinate funds received under this subpart with other local, State, and Federal funds available to provide services to participating children and youth, such as funds made available under title I of the Workforce Innovation and Opportunity Act,''.

(5) Section 7202(13)(H) of such Act (20 U.S.C. 7512(13)(H)) is amended by striking ''the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)'' and inserting ''the Workforce Innovation and Opportunity Act''.

(j) ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF 1984.—Section 2(a) of the Environmental Programs Assistance Act of 1984 (42 U.S.C. 4368a(a)) is amended by striking ''Funding for such grants or agreements may be made available from such programs or through title V of the Older Americans Act of 1965 and subtitle D of title I of the Workforce Investment Act of 1998'' and inserting ''Funding for such grants or agreements may be made available from such programs or through title V of the Older Americans Act of 1965 and subtitle D of title I of the Workforce Innovation and Opportunity Act''.

(k) ENERGY CONSERVATION AND PRODUCTION ACT.—Section 414(b)(3) of the Energy Conservation and Production Act (42 U.S.C. 6864(b)(3)) is amended by striking ''securing, to the maximum extent practicable, the services of volunteers and training participants and public service employment workers, pursuant to title I of the Workforce Investment Act of 1998'' and inserting ''securing, to the maximum extent practicable, the services of volunteers and training participants and public service employment workers, pursuant to title I of the Workforce Innovation and Opportunity Act''.

(l) FOOD AND NUTRITION ACT OF 2008.—The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is amended as follows:

(1) Section 5(l) of such Act (7 U.S.C. 2014(l)) is amended by striking ''Notwithstanding section 181(a)(2) of the Workforce Investment Act of 1998, earnings to individuals participating in on-the-job-training under title I of the Workforce Investment Act of 1998'' and inserting ''Notwithstanding section 181(a)(2) of the Workforce Innovation and Opportunity Act, earnings to individuals participating in on-the-job training under title I of such Act''.

(2) Section 6 of such Act (7 U.S.C. 2015) is amended—

(A) in subsection (d)(4)(M), by striking ''activities under title I of the Workforce Investment Act of 1998'' and inserting ''activities under title I of the Workforce Innovation and Opportunity Act'';

(B) in subsection (e)(3)(A), by striking ''a program under title I of the Workforce Investment Act of 1998'' and inserting ''a program under title I of the Workforce Innovation and Opportunity Act''; and

(C) in subsection (o)(1)(A), by striking ''a program under the title I of the Workforce Investment Act of 1998'' and inserting ''a program under title I of the Workforce Innovation and Opportunity Act''.

(3) Section 17(b)(2) of such Act (7 U.S.C. 2026(b)(2)) is amended by striking ''a program carried out under title I of the Workforce Investment Act of 1998'' and inserting ''a program carried out under title I of the Workforce Innovation and Opportunity Act''.

(m) FULL EMPLOYMENT AND BALANCED GROWTH ACT OF 1978.—Section 206 of the Full Employment and Balanced Growth Act of 1978 (15 U.S.C. 3116) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking ''the Secretary of Labor shall, as appropriate, fully utilize the authority provided under the Job Training Partnership Act and title I of the Workforce Investment Act of 1998'' and inserting ''the Secretary of Labor shall, as appropriate, fully utilize the authority provided under title I of the Workforce Innovation and Opportunity Act''; and

(2) in subsection (c)(1), by striking ''the President shall, as may be authorized by law, establish reservoirs of public employment and private nonprofit employment projects, to be approved by the Secretary of Labor, through expansion of title I of the Workforce Investment Act of 1998'' and inserting ''the President shall, as may be authorized by law, establish reservoirs of public employment and private nonprofit employment projects, to be approved by the Secretary of Labor, through expansion of activities under title I of the Workforce Innovation and Opportunity Act''.

(n) HIGHER EDUCATION ACT OF 1965.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended as follows:

(1) Section 418A of such Act (20 U.S.C. 1070d–2) is amended—

(A) in subsection (b)(1)(B)(ii), by striking ''section 167 of the Workforce Investment Act of 1998'' and inserting ''section 167 of the Workforce Innovation and Opportunity Act''; and

(B) in subsection (c)(1)(A), by striking ''section 167 of the Workforce Investment Act of 1998'' and inserting ''section 167 of the Workforce Innovation and Opportunity Act''.

(2) Section 479(d)(1) of such Act (20 U.S.C. 1087ss(d)(1)) is amended by striking ''The term 'dislocated worker' has the meaning given the term in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)'' and inserting ''The term 'dislocated worker' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act''.

(3) Section 479A(a) of such Act (20 U.S.C. 1087tt(a)) is amended by striking ''a dislocated worker (as defined in section 101 of the Workforce Investment Act of 1998)'' and inserting ''a dislocated worker (as defined in section 3 of the Workforce Innovation and Opportunity Act)''.

(4) Section 480(b)(1)(I) of such Act (20 U.S.C. 1087vv(b)(1)(I)) is amended by striking ''benefits received through participation in employment and training activities under title I of the Workforce Investment Act of

1998 (29 U.S.C. 2801 et seq.)'' and inserting ''benefits received through participation in employment and training activities under title I of the Workforce Innovation and Opportunity Act''.

(5) Section 803 of such Act (20 U.S.C. 1161c) is amended—

(A) in subsection (i)(1), by striking ''for changes to this Act and related Acts, such as the Carl D. Perkins Career and Technical Education Act of 2006 and the Workforce Investment Act of 1998 (including titles I and II), to help create and sustain business and industry workforce partnerships at institutions of higher education'' and inserting ''for changes to this Act and related Acts, such as the Carl D. Perkins Career and Technical Education Act of 2006 and the Workforce Innovation and Opportunity Act (including titles I and II), to help create and sustain business and industry workforce partnerships at institutions of higher education''; and

(B) in subsection (j)(1)—

(i) in subparagraph (A)(ii), by striking ''local board (as such term is defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))'' and inserting ''local board (as such term is defined in section 3 of the Workforce Innovation and Opportunity Act)''; and

(ii) in subparagraph (B), by striking ''a State board (as such term is defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))'' and inserting ''a State board (as such term is defined in section 3 of the Workforce Innovation and Opportunity Act)''.

(6) Section 861(c)(1)(B) of such Act (20 U.S.C. 1161q(c)(1)(B)) is amended by striking ''local boards (as such term is defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))'' and inserting ''local boards (as such term is defined in section 3 of the Workforce Innovation and Opportunity Act)''.

(7) Section 872(b)(2)(E) of such Act (20 U.S.C. 1161s(b)(2)(E)) is amended by striking ''local boards (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))'' and inserting ''local boards (as defined in section 3 of the Workforce Innovation and Opportunity Act)''.

(o) HOUSING ACT OF 1949.—Section 504(c)(3) of the Housing Act of 1949 (42 U.S.C. 1474(c)(3)) is amended by striking ''an insufficient number of volunteers and training participants and public service employment workers, assisted pursuant to title I of the Workforce Investment Act of 1998 or the Older American Community Service Employment Act,'' and inserting ''an insufficient number of volunteers and training participants and public service employment workers, assisted pursuant to title I of the Workforce Innovation and Opportunity Act or the Community Service Senior Opportunities Act,''.

(p) HOUSING AND URBAN DEVELOPMENT ACT OF 1968.—Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) is amended—

(1) in subsection (c)—

(A) in paragraph (1)(B)(iii), by striking ''participants in YouthBuild programs receiving assistance under section 173A of the Workforce Investment Act of 1998'' and inserting ''participants in YouthBuild programs receiving assistance under section 171 of the Workforce Innovation and Opportunity Act''; and

(B) in paragraph (2)(B), by striking ''participants in YouthBuild programs receiving assistance under section 173A of the Workforce Investment Act of 1998'' and inserting ''participants in YouthBuild programs receiving assistance under section 171 of the Workforce Innovation and Opportunity Act''; and

(2) in subsection (d)—

(A) in paragraph (1)(B)(iii), by striking ''To YouthBuild programs receiving assistance under section 173A of the Workforce Investment Act of 1998'' and inserting ''To YouthBuild programs receiving assistance under section 171 of the Workforce Innovation and Opportunity Act''; and

(B) in paragraph (2)(B), by striking ''to YouthBuild programs receiving assistance under section 173A of the Workforce Investment Act of 1998'' and inserting ''to YouthBuild programs receiving assistance under section 171 of the Workforce Innovation and Opportunity Act''.

(q) IMMIGRATION AND NATIONALITY ACT.—Section 245A(h)(4)(F) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(F)) is amended by striking ''Title I of the Workforce Investment Act of 1998'' and inserting ''Title I of the Workforce Innovation and Opportunity Act''.

(r) INTERNAL REVENUE CODE OF 1986.—Section 7527(e)(2) of the Internal Revenue Code of 1986 is amended by inserting ''(as in effect on the day before the date of enactment of the Workforce Innovation and Opportunity Act)'' after ''of 1998''.

(s) MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.—Section 103(c)(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(c)(2)) is amended by striking ''a homeless individual shall be eligible for assistance under title I of the Workforce Investment Act of 1998'' and inserting ''a homeless individual shall be eligible for assistance under title I of the Workforce Innovation and Opportunity Act''.

(t) MUSEUM AND LIBRARY SERVICES ACT.—The Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended as follows:

(1) Section 204(f)(3) of such Act (20 U.S.C. 9103(f)(3)) is amended by striking ''activities under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) (including activities under section 134(c) of such Act) (29 U.S.C. 2864(c))'' and inserting ''activities under the Workforce Innovation and Opportunity Act (including activities under section 121(e) of such Act))''.

(2) Section 224(b)(6)(C) of such Act (20 U.S.C. 9134(b)(6)(C)) is amended—

(A) in clause (i), by striking ''the activities carried out by the State workforce investment board under section 111(d) of the Workforce Investment Act of 1998 (29 U.S.C. 2821(d))'' and inserting ''the activities carried out by the State workforce development board under section 101 of the Workforce Innovation and Opportunity Act''; and

(B) in clause (ii), by striking ''the State's one-stop delivery system established under section 134(c) of such Act (29 U.S.C. 2864(c))'' and inserting ''the State's one-stop delivery system established under section 121(e) of such Act''.

(u) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—The National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended as follows:

(1) Section 112(a)(3)(B) of such Act (42 U.S.C. 12523(a)(3)(B)) is amended by striking ''or who may participate in a Youthbuild program under section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a)'' and inserting ''or who may participate in a Youthbuild program under section 171 of the Workforce Innovation and Opportunity Act''.

(2) Section 199L(a) of such Act (42 U.S.C. 12655m(a)) is amended by striking ''coordinated with activities supported with assistance made available under programs administered by the heads of such agencies (including title I of the Workforce Investment Act of 1998)'' and inserting ''coordinated with activities supported with assistance made available under programs administered by the heads of such agencies (including title I of the Workforce Innovation and Opportunity Act)''.

(v) NATIONAL ENERGY CONSERVATION POLICY ACT.—Section 233 of the National Energy Conservation and Policy Act (42 U.S.C. 6873) is amended, in the matter preceding paragraph (1), by striking ''a sufficient number of volunteers and training participants and public service employment workers, assisted pursuant to title I of the Workforce Investment Act of 1998 and the Older American Community Service Employment Act'' and inserting ''a sufficient number of volunteers and training participants and public service employment workers, assisted pursuant to title I of the Workforce Innovation and Opportunity Act and the Community Service Senior Opportunities Act''.

(w) OLDER AMERICANS ACT OF 1965.—The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended as follows:

(1) Section 203 of such Act (42 U.S.C. 3013) is amended—

(A) in subsection (a)(2), by striking ''In particular, the Secretary of Labor shall consult and cooperate with the Assistant Secretary in carrying out title I of the Workforce Investment Act of 1998'' and inserting ''In particular, the Secretary of Labor shall consult and cooperate with the Assistant Secretary in carrying out title I of the Workforce Innovation and Opportunity Act''; and

(B) in subsection (b)(1), by striking ''title I of the Workforce Investment Act of 1998'' and inserting ''title I of the Workforce Innovation and Opportunity Act''.

(2) Section 321(a)(12) of such Act (42 U.S.C. 3030d(a)(12)) is amended by striking ''including programs carried out under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)'' and inserting ''including programs carried out under the Workforce Innovation and Opportunity Act''.

(3) Section 502 of such Act (42 U.S.C. 3056) is amended—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (H), by striking ''will coordinate activities with training and other services provided under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including utilizing the one-stop delivery system of the local workforce investment areas involved'' and inserting ''will coordinate activities with training and other services provided under title I of the Workforce Innovation and Opportunity Act, including utilizing the one-stop delivery system of the local workforce development areas involved'';

(II) in subparagraph (O)—

(aa) by striking ''through the one-stop delivery system of the local workforce investment areas involved as established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)),'' and inserting ''through the one-stop delivery system of the local workforce development areas involved as established under section 121(e) of the Workforce Innovation and Opportunity Act,''; and

(bb) by striking ''and will be involved in the planning and operations of such system pursuant to a memorandum of understanding with the local workforce investment board in accordance with section 121(c) of such Act (29 U.S.C. 2841(c))'' and inserting ''and will be involved in the planning and operations of such system pursuant to a memorandum of understanding with the local workforce development board in accordance with section 121(c) of such Act''; and

(III) in subparagraph (Q)—

(aa) in clause (i), by striking ''paragraph (8), relating to coordination with other Federal programs, of section 112(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b))'' and inserting ''clauses (ii) and (viii)

of paragraph (2)(B), relating to coordination with other Federal programs, of section 102(b) of the Workforce Innovation and Opportunity Act''; and

(bb) in clause (ii), by striking ''paragraph (14), relating to implementation of one-stop delivery systems, of section 112(b) of the Workforce Investment Act of 1998'' and inserting ''paragraph (2)(C)(i), relating to implementation of one-stop delivery systems, of section 102(b) of the Workforce Innovation and Opportunity Act''; and

(ii) in paragraph (3)—

(I) in subparagraph (A), by striking ''An assessment and service strategy required by paragraph (1)(N) to be prepared for an eligible individual shall satisfy any condition for an assessment and service strategy or individual employment plan for an adult participant under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), in order to determine whether such eligible individual also qualifies for intensive or training services described in section 134(d) of such Act (29 U.S.C. 2864(d)).'' and inserting ''An assessment and service strategy required by paragraph (1)(N) to be prepared for an eligible individual shall satisfy any condition for an assessment and service strategy or individual employment plan for an adult participant under subtitle B of title I of the Workforce Innovation and Opportunity Act, in order to determine whether such eligible individual also qualifies for career or training services described in section 134(c) of such Act.''; and

(II) in subparagraph (B)—

(aa) in the subparagraph heading, by striking ''WORKFORCE INVESTMENT ACT OF 1998'' and inserting ''WORKFORCE INNOVATION AND OPPORTUNITY ACT''; and

(bb) by striking ''An assessment and service strategy or individual employment plan prepared under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.)'' and inserting ''An assessment and service strategy or individual employment plan prepared under subtitle B of title I of the Workforce Innovation and Opportunity Act''; and

(B) in subsection (e)(2)(B)(ii), by striking ''one-stop delivery systems established under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)'' and inserting ''one-stop delivery systems established under section 121(e) of the Workforce Innovation and Opportunity Act''.

(4) Section 503 of such Act (42 U.S.C. 3056a) is amended—

(A) in subsection (a)—

(i) in paragraph (2)(A), by striking ''the State and local workforce investment boards established under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)'' and inserting ''the State and local workforce development boards established under title I of the Workforce Innovation and Opportunity Act''; and

(ii) in paragraph (4)(F), by striking ''plans for facilitating the coordination of activities of grantees in the State under this title with activities carried out in the State under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)'' and inserting ''plans for facilitating the coordination of activities of grantees in the State under this title with activities carried out in the State under title I of the Workforce Innovation and Opportunity Act''; and

(B) in subsection (b)(2)(A), by striking ''with the program carried out under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)'' and inserting ''with the program carried out under the Workforce Innovation and Opportunity Act''.

(5) Section 505(c)(1) (42 U.S.C. 3056c(c)(1)) of such Act is amended by striking ''activities carried out under other Acts, especially activities provided under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including activities provided through one-stop delivery systems established under section 134(c)) of such Act (29 U.S.C. 2864(c)),'' and inserting ''activities carried out under other Acts, especially activities provided under the Workforce Innovation and Opportunity Act, including activities provided through one-stop delivery systems established under section 121(e) of such Act,''.

(6) Section 510 of such Act (42 U.S.C. 3056h) is amended—

(A) by striking ''by local workforce investment boards and one-stop operators established under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)'' and inserting ''by local workforce development boards and one-stop operators established under title I of the Workforce Innovation and Opportunity Act''; and

(B) by striking ''such title I'' and inserting ''such title''.

(7) Section 511 of such Act (42 U.S.C. 3056i) is amended—

(A) in subsection (a), by striking ''Grantees under this title shall be one-stop partners as described in subparagraphs (A) and (B)(vi) of section 121(b)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(b)(1)) in the one-stop delivery system established under section 134(c) of such Act (29 U.S.C. 2864(c)) for the appropriate local workforce investment areas'' and inserting ''Grantees under this title shall be one-stop partners as described in subparagraphs (A) and (B)(v) of section 121(b)(1) of the Workforce Innovation and Opportunity Act in the one-stop delivery system established under section 121(e) of such Act for the appropriate local workforce development areas''; and

(B) in subsection (b)(2), by striking ''be signatories of the memorandum of understanding established under section 121(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(c))'' and inserting ''be signatories of the memorandum of understanding established under section 121(c) of the Workforce Innovation and Opportunity Act''.

(8) Section 518(b)(2)(F) of such Act (42 U.S.C. 3056p(b)(2)(F)) is amended by striking ''has failed to find employment after utilizing services provided under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)'' and inserting ''has failed to find employment after utilizing services provided under title I of the Workforce Innovation and Opportunity Act''.

(x) PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.—Section 403(c)(2)(K) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)(K)) is amended by striking ''Benefits under the title I of the Workforce Investment Act of 1998'' and inserting ''Benefits under title I of the Workforce Innovation and Opportunity Act''.

(y) PATIENT PROTECTION AND AFFORDABLE CARE ACT.—Section 5101(d)(3)(D) of the Patient Protection and Affordable Care Act (42 U.S. 294q(d)(3)(D)) is amended by striking ''other health care workforce programs, including those supported through the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.),'' and inserting ''other health care workforce programs, including those supported through the Workforce Innovation and Opportunity Act,''.

(z) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended as follows:

(1) Section 399V(e) of such Act (42 U.S.C. 280g–11(e)) is amended by striking ''one-stop delivery systems under section 134(c) of the Workforce Investment Act of 1998'' and inserting ''one-stop delivery systems under section 121(e) of the Workforce Innovation and Opportunity Act''.

(2) Section 751(c)(1)(A) of such Act (42 U.S.C. 294a(c)(1)(A)) is amended by striking ''the applicable one-stop delivery system under section 134(c) of the Workforce Investment Act of 1998,'' and inserting ''the applicable one-stop delivery system under section 121(e) of the Workforce Innovation and Opportunity Act,''.

(3) Section 799B(23) of such Act (42 U.S.C. 295p(23)) is amended by striking ''one-stop delivery system described in section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c))'' and inserting ''one-stop delivery system described in section 121(e) of the Workforce Innovation and Opportunity Act''.

(aa) RUNAWAY AND HOMELESS YOUTH ACT.—Section 322(a)(7) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(7)) is amended by striking ''(including services and programs for youth available under the Workforce Investment Act of 1998)'' and inserting ''(including services and programs for youth available under the Workforce Innovation and Opportunity Act)''.

(bb) SECOND CHANCE ACT OF 2007.—The Second Chance Act of 2007 (42 U.S.C. 17501 et seq.) is amended as follows:

(1) Section 212 of such Act (42 U.S.C. 17532) is amended—

(A) in subsection (c)(1)(B), by striking ''in coordination with the one-stop partners and one-stop operators (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) that provide services at any center operated under a one-stop delivery system established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)),'' and inserting ''in coordination with the one-stop partners and one-stop operators (as such terms are defined in section 3 of the Workforce Innovation and Opportunity Act) that provide services at any center operated under a one-stop delivery system established under section 121(e) of the Workforce Innovation and Opportunity Act,''; and

(B) in subsection (d)(1)(B)(iii), by striking ''the local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832)),'' and inserting ''the local workforce development boards established under section 107 of the Workforce Innovation and Opportunity Act,''.

(2) Section 231(e) of such Act (42 U.S.C. 17541(e)) is amended by striking ''the one-stop partners and one-stop operators (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) that provide services at any center operated under a one-stop delivery system established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c))'' and inserting ''the one-stop partners and one-stop operators (as such terms are defined in section 3 of the Workforce Innovation and Opportunity Act) that provide services at any center operated under a one-stop delivery system established under section 121(e) of the Workforce Innovation and Opportunity Act''.

(cc) SMALL BUSINESS ACT.—Section 7(j)(13)(E) of the Small Business Act (15 U.S.C. 636(j)(13)(E)) is amended by striking ''an institution eligible to provide skills training or upgrading under title I of the Workforce Investment Act of 1998'' and inserting ''an institution eligible to provide skills training or upgrading under title I of the Workforce Innovation and Opportunity Act''.

(dd) SOCIAL SECURITY ACT.—The Social Security Act (42 U.S.C. 301 et seq.) is amended as follows:

(1) Section 403(a)(5) of such Act (42 U.S.C. 603(a)(5)) is amended—

(A) in subparagraph (A)(vii)(I), by striking ''chief elected official (as defined in section 101 of the Workforce Investment Act of 1998)'' and inserting ''chief elected official (as defined in section 3 of the Workforce Innovation and Opportunity Act)''; and

(B) in subparagraph (D)(ii), by striking ''local workforce investment board established for the service delivery area pursuant to title I of the Workforce Investment Act of 1998, as appropriate'' and inserting ''local workforce development board established for the local workforce development area pursuant to title I of the Workforce Innovation and Opportunity Act, as appropriate''.

(2) Section 1148(f)(1)(B) of such Act (42 U.S.C. 1320b–19(f)(1)(B)) is amended by striking ''a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.)'' and inserting ''a one-stop delivery system established under section 121(e) of the Workforce Innovation and Opportunity Act''.

(3) Section 1149(a)(3) of such Act (42 U.S.C. 1320b–20(a)(3)) is amended by striking ''a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.)'' and inserting ''a one-stop delivery system established under section 121(e) of the Workforce Innovation and Opportunity Act''.

(4) Section 2008(a) of such Act (42 U.S.C. 1397g(a)) is amended—

(A) in paragraph (2)(B), by striking ''the State workforce investment board established under section 111 of the Workforce Investment Act of 1998'' and inserting ''the State workforce development board established under section 101 of the Workforce Innovation and Opportunity Act''; and

(B) in paragraph (4)(A), by striking ''a local workforce investment board established under section 117 of the Workforce Investment Act of 1998,'' and inserting ''a local workforce development board established under section 107 of the Workforce Innovation and Opportunity Act,''.

(ee) TITLE 18 OF THE UNITED STATES CODE.—Section 665 of title 18 of the United States Code is amended—

(1) in subsection (a), by striking ''Whoever, being an officer, director, agent, or employee of, or connected in any capacity with any agency or organization receiving financial assistance or any funds under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998'' and inserting ''Whoever, being an officer, director, agent, or employee of, or connected in any capacity with any agency or organization receiving financial assistance or any funds under title I of the Workforce Innovation and Opportunity Act or title I of the Workforce Investment Act of 1998'';

(2) in subsection (b), by striking ''a contract of employment in connection with a financial assistance agreement or contract under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998'' and inserting ''a contract of employment in connection with a financial assistance agreement or contract under title I of the Workforce Innovation and Opportunity Act or title I of the Workforce Investment Act of 1998''; and

(3) in subsection (c), by striking ''Whoever willfully obstructs or impedes or willfully endeavors to obstruct or impede, an investigation or inquiry under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998,'' and inserting ''Whoever willfully obstructs or impedes or willfully endeavors to obstruct or impede, an investigation or inquiry under title I of the Workforce Innovation and Opportunity Act or title I of the Workforce Investment Act of 1998,''.

(ff) TITLE 31 OF THE UNITED STATES CODE.—Section 6703(a)(4) of title 31 of the United States Code is amended by striking ''Programs under title I of the Workforce Investment Act of 1998.'' and inserting ''Programs under title I of the Workforce Innovation and Opportunity Act.''.

(gg) TITLE 38 OF THE UNITED STATES CODE.—Title 38 of the United States Code is amended as follows:

(1) Section 4101(9) of title 38 of the United States Code is amended by striking ''The term 'intensive services' means local employment and training services of the type described in section 134(d)(3) of the Workforce Investment Act of 1998'' and inserting ''The term 'career services' means local employment and training services of the type described in section 134(c)(2) of the Workforce Innovation and Opportunity Act''.

(2) Section 4102A of title 38 of the United States Code is amended—

(A) in subsection (d), by striking ''participation of qualified veterans and eligible persons in employment and training opportunities under title I of the Workforce Investment Act of 1998'' and inserting ''participation of qualified veterans and eligible persons in employment and training opportunities under title I of the Workforce Innovation and Opportunity Act''; and

(B) in subsection (f)(2)(A), by striking ''be consistent with State performance measures applicable under section 136(b) of the Workforce Investment Act of 1998'' and inserting ''be consistent with State performance accountability measures applicable under section 116(b) of the Workforce Innovation and Opportunity Act''.

(3) Section 4104A of title 38 of the United States Code is amended—

(A) in subsection (b)(1)(B), by striking ''the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))'' and inserting ''the appropriate State boards and local boards (as such terms are defined in section 3 of the Workforce Innovation and Opportunity Act)''; and

(B) in subsection (c)(1)(A), by striking ''the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))'' and inserting ''the appropriate State boards and local boards (as such terms are defined in section 3 of the Workforce Innovation and Opportunity Act)''.

(4) Section 4110B of title 38 of the United States Code is amended by striking ''enter into an agreement with the Secretary regarding the implementation of the Workforce Investment Act of 1998 that includes the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b))'' and inserting ''enter into an agreement with the Secretary regarding the implementation of the Workforce Innovation and Opportunity Act that includes the descriptions described in sections 102(b)(2)(B)(ii) and 103(b)(3)(A) of the Workforce Innovation and Opportunity Act and a description of how the State board will carry out the activities described in section 101(d)(3)(F) of such Act''.

(5) Section 4213(a)(4) of title 38 of the United States Code is amended by striking ''Any employment or training program carried out under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)'' and inserting ''Any employment or training program carried out under title I of the Workforce Innovation and Opportunity Act''.

(hh) TRADE ACT OF 1974.—The Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended as follows:

(1) Section 221(a) of such Act (19 U.S.C. 2271) is amended—

(A) in paragraph (1)(C)—

(i) by striking '', one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) including State employment security agencies,'' and inserting '', one-stop operators or one-stop partners (as defined in section 3 of the Workforce Innovation and Opportunity Act) including State employment security agencies,''; and

(ii) by striking ''or the State dislocated worker unit established under title I of such Act,'' and inserting ''or a State dislocated worker unit,''; and

(B) in subsection (a)(2)(A), by striking ''rapid response activities and appropriate core and intensive services (as described in section 134 of the Workforce Investment Act of 1998 (29 U.S.C. 2864)) authorized under other Federal laws'' and inserting ''rapid response activities and appropriate career services (as described in section 134 of the Workforce Innovation and Opportunity Act) authorized under other Federal laws''.

(2) Section 222(d)(2)(A)(iv) of such Act (19 U.S.C. 2272(d)(2)(A)(iv)) is amended by striking ''one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))'' and inserting ''one-stop operators or one-stop partners (as defined in section 3 of the Workforce Innovation and Opportunity Act)''.

(3) Section 236(a)(5) of such Act (19 U.S.C. 2296(a)(5)) is amended—

(A) in subparagraph (B), by striking ''any training program provided by a State pursuant to title I of the Workforce Investment Act of 1998'' and inserting ''any training program provided by a State pursuant to title I of the Workforce Innovation and Opportunity Act''; and

(B) in the flush text following subparagraph (H), by striking ''The Secretary may not limit approval of a training program under paragraph (1) to a program provided pursuant to title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).'' and inserting ''The Secretary may not limit approval of a training program under paragraph (1) to a program provided pursuant to title I of the Workforce Innovation and Opportunity Act.''.

(4) Section 239 of such Act (19 U.S.C. 2311) is amended—

(A) in subsection (f), by striking ''Any agreement entered into under this section shall provide for the coordination of the administration of the provisions for employment services, training, and supplemental assistance under sections 235 and 236 of this Act and under title I of the Workforce Investment Act of 1998'' and inserting ''Any agreement entered into under this section shall provide for the coordination of the administration of the provisions for employment services, training, and supplemental assistance under sections 235 and 236 of this Act and under title I of the Workforce Innovation and Opportunity Act''; and

(B) in subsection (h), by striking ''the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b))'' and inserting ''the descriptions described in sections 102(b)(2)(B)(ii) and 103(b)(3)(A) of the Workforce Innovation and Opportunity Act, a description of how the State board will carry out the activities described in section 101(d)(3)(F) of such Act,''.

(ii) UNITED STATES HOUSING ACT OF 1937.—Section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u) is amended—

(1) in subsection (b)(2)(A), by striking ''lack of supportive services accessible to eligible families, which shall include insufficient availability of resources for programs under title I of the Workforce Investment

Act of 1998'' and inserting ''lack of supportive services accessible to eligible families, which shall include insufficient availability of resources for programs under title I of the Workforce Innovation and Opportunity Act'';

(2) in subsection (f)(2), by striking ''the local agencies (if any) responsible for carrying out programs under title I of the Workforce Investment Act of 1998 or the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act,'' and inserting ''the local agencies (if any) responsible for carrying out programs under title I of the Workforce Innovation and Opportunity Act or the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act,''; and

(3) in subsection (g)—

(A) in paragraph (2), by striking ''any local agencies responsible for programs under title I of the Workforce Investment Act of 1998 or the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act'' and inserting ''any local agencies responsible for programs under title I of the Workforce Innovation and Opportunity Act or the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act''; and

(B) in paragraph (3)(H), by striking ''programs under title I of the Workforce Investment Act of 1998 and any other relevant employment, child care, transportation, training, and education programs in the applicable area'' and inserting ''programs under title I of the Workforce Innovation and Opportunity Act and any other relevant employment, child care, transportation, training, and education programs in the applicable area''.

(jj) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Section 31113(a)(4)(C) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13823(a)(4)(C)) is amended by striking ''job training programs authorized under title I of the Workforce Investment Act of 1998 or the Family Support Act of 1988 (Public Law 100–485)'' and inserting ''job training programs authorized under title I of the Workforce Innovation and Opportunity Act or the Family Support Act of 1988 (Public Law 100–485)''.

(kk) WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT.—Section 3(a)(2) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102(a)(2)) is amended by striking ''the State or entity designated by the State to carry out rapid response activities under section 134(a)(2)(A) of the Workforce Investment Act of 1998,'' and inserting ''the State or entity designated by the State to carry out rapid response activities under section 134(a)(2)(A) of the Workforce Innovation and Opportunity Act,''.

**SEC. 513. REFERENCES.**

(a) WORKFORCE INVESTMENT ACT OF 1998 REFERENCES.—Except as otherwise specified, a reference in a Federal law to a provision of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) shall be deemed to refer to the corresponding provision of this Act.

(b) WAGNER-PEYSER ACT REFERENCES.—Except as otherwise specified, a reference in a Federal law to a provision of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) shall be deemed to refer to the corresponding provision of such Act, as amended by this Act.

(c) DISABILITY-RELATED REFERENCES.—Except as otherwise specified, a reference in a Federal law to a provision of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) shall be deemed to refer to the corresponding provision of such Act, as amended by this Act.

---

**SA 3379.** Mr. FLAKE proposed an amendment to amendment SA 3378 proposed by Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. HARKIN, Mr. ALEXANDER, Ms. MIKULSKI, Mr. SANDERS, Mr. CASEY, Mrs. HAGAN, Mr. FRANKEN, Mr. BENNET, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. MURPHY, Ms. WARREN, Mr. ENZI, Ms. MURKOWSKI, Mr. BOOKER, Ms. COLLINS, Mr. CORKER, Mr. BEGICH, Mr. SCOTT, Mrs. FISCHER, Mr. BROWN, and Mr. COONS) to the bill H.R. 803, 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; as follows:

In section 116(g)(2), strike subparagraph (A), and insert the following:

(A) IN GENERAL.—If such failure occurs for a program year, the Governor shall take corrective actions, which shall include development of a reorganization plan through which—

(i) the Governor shall—

(I) prohibit the use of eligible providers and one-stop partners identified as achieving a poor level of performance; or

(II) take such other significant actions as the Governor determines are appropriate; and

(ii) the Governor may require the appointment and certification of a new local board, consistent with the criteria established under section 107(b).

---

**SA 3380.** Mr. LEE proposed an amendment to amendment SA 3378 proposed by Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. HARKIN, Mr. ALEXANDER, Ms. MIKULSKI, Mr. SANDERS, Mr. CASEY, Mrs. HAGAN, Mr. FRANKEN, Mr. BENNET, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. MURPHY, Ms. WARREN, Mr. ENZI, Ms. MURKOWSKI, Mr. BOOKER, Ms. COLLINS, Mr. CORKER, Mr. BEGICH, Mr. SCOTT, Mrs. FISCHER, Mr. BROWN, and Mr. COONS) to the bill H.R. 803, 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; as follows:

Beginning on page 395, strike line 20 and all that follows through line 24, and insert the following:

(B) PERIODIC INDEPENDENT EVALUATION.—The evaluations carried out under this paragraph shall include an independent evaluation of the programs and activities carried out under this title. A final report containing the results of the evaluation shall be submitted under paragraph (5) not later than June 30 of 2018 and every fourth year thereafter.

---

**SA 3381.** Mr. HARKIN (for Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. HARKIN, and Mr. ALEXANDER)) proposed an amendment to amendment SA 3378 proposed by Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. HARKIN, Mr. ALEXANDER, Ms. MIKULSKI, Mr. SANDERS, Mr. CASEY, Mrs. HAGAN, Mr. FRANKEN, Mr. BENNET, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. MURPHY, Ms. WARREN, Mr. ENZI, Ms. MURKOWSKI, Mr. BOOKER, Ms. COLLINS, Mr. CORKER, Mr. BEGICH, Mr. SCOTT, Mrs. FISCHER, Mr. BROWN, and Mr. COONS) to the bill H.R. 803, 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; as follows:

On page 6, after the item relating to section 504, insert the following:

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

On page 6, redesignate the second item relating to section 505 as the item relating to section 506.

On page 16, line 4, strike ''134(c)(2)'' and insert ''134(c)(2)(A)(xii)''.

On page 55, strike line 5.

On page 55, line 9, strike the period and insert ''; and''.

On page 55, between lines 9 and 10, insert the following:

(vi) how the State's strategy will improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable).

On page 116, line 19 strike the semicolon and insert '', and improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable);''.

On page 222, line 22, insert ''allotted under section 127(b)(1)(C), reserved under section 128(a), and'' before ''available''.

On page 232, line 8, strike ''may'' and insert ''shall''.

On page 248, lines 6 through 8, strike ''less than the greater of'' and all that follows through ''(aa) an'' and insert ''an''.

On page 248, line 11, strike ''; or'' and insert a period.

On page 248, strike lines 12 through 18.

On page 293, line 4, strike ''may'' and insert ''shall, consistent with clause (i),''.

On page 329, line 9, insert ''information regarding the entity in any reports developed by the Office of Inspector General of the Department of Labor and'' before ''the entity's''.

On page 338, strike lines 13 through 18 and insert the following:

(A) significant improvements in program performance in carrying out a performance improvement plan under section 159(f)(2);

On page 338, strike lines 21 and 22 and insert ''such as an emergency or disaster, as defined in section 170(a)(1);''.

On page 339, between lines 6 and 7, insert the following:

(3) DETAILED EXPLANATION.—If the Secretary exercises an option under paragraph (2), the Secretary shall provide, to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a detailed explanation of the rationale for exercising such option.

On page 339, line 7, strike ''(3)'' and insert ''(4)''.

On page 384, line 25, strike ''to pro-'' and all that follows through line 5 of page 385, and insert the following: ''to award grants, on a competitive basis, to entities with demonstrated experience and expertise in developing and implementing programs for the

unique populations who reside in Alaska or Hawaii, including public and private nonprofit organizations, tribal organizations, American Indian tribal colleges or universities, institutions of higher education, or consortia of such organizations or institutions, to improve job training and workforce investment activities for such unique populations.''.

Beginning on page 398, between lines 17 and 18, insert the following:

(7) PUBLIC AVAILABILITY.—Not later than 30 days after the date the Secretary transmits the final report as described in paragraph (6), the Secretary shall make that final report available to the general public on the Internet, on the Web site of the Department of Labor.

On page 398, line 18, strike ''(7)'' and insert ''(8)''.

On page 399, line 3, strike ''(8)'' and insert ''(9)''.

On page 759, between lines 9 and 10, insert the following:

**SEC. 505. REPORT ON DATA CAPABILITY OF FEDERAL AND STATE DATABASES AND DATA EXCHANGE AGREEMENTS.**

(a) IN GENERAL.—The Comptroller General of the United States shall prepare and submit an interim report and a final report to Congress regarding existing Federal and State databases and data exchange agreements, as of the date of the report, that contain job training information relevant to the administration of programs authorized under this Act and the amendments made by this Act.

(b) REQUIREMENTS.—The report required under subsection (a) shall—

(1) list existing Federal and State databases and data exchange agreements described in subsection (a) and, for each, describe—

(A) the purposes of the database or agreement;

(B) the data elements, such as wage and employment outcomes, contained in the database or accessible under the agreement;

(C) the data elements described in subparagraph (B) that are shared between States;

(D) the Federal and State workforce training programs from which each Federal and State database derives the data elements described in subparagraph (B);

(E) the number and type of Federal and State agencies having access to such data;

(F) the number and type of private research organizations having access to, through grants, contracts, or other agreements, such data; and

(G) whether the database or data exchange agreement provides for opt-out procedures for individuals whose data is shared through the database or data exchange agreement;

(2) study the effects that access by State workforce agencies and the Secretary of Labor to the databases and data exchange agreements described in subsection (a) would have on efforts to carry out this Act and the amendments made by this Act, and on individual privacy;

(3) explore opportunities to enhance the quality, reliability, and reporting frequency of the data included in such databases and data exchange agreements;

(4) describe, for each database or data exchange agreement considered by the study described in subsection (a), the number of individuals whose data is contained in each database or accessible through the data agreement, and the specific data elements contained in each that could be used to personally identify an individual;

(5) include the number of data breaches having occurred since 2004 to data systems administered by Federal and State agencies;

(6) include the number of data breaches regarding any type of personal data having occurred since 2004 to private research organizations with whom Federal and State agencies contract for studies; and

(7) include a survey of the security protocols used for protecting personal data, including best practices shared amongst States for access to, and administration of, data elements stored and recommendations for improving security protocols for the safe warehousing of data elements.

(c) TIMING OF REPORTS.—

(1) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress an interim report regarding the initial findings of the report required under this section.

(2) FINAL REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress the final report required under this section.

On page 759, strike line 10 and insert the following:

**SEC. 506. EFFECTIVE DATES.**

On page 763, between lines 2 and 3, insert the following:

(d) DISABILITY PROVISIONS.—Except as otherwise provided in title IV of this Act, title IV, and the amendments made by title IV, shall take effect on the date of enactment of this Act.

---

**SA 3382.** Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. HARKIN, and Mr. ALEXANDER) proposed an amendment to the bill H.R. 803, 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; as follows:

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.''.

---

**SA 3383.** Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 3378 proposed by Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. HARKIN, Mr. ALEXANDER, Ms. MIKULSKI, Mr. SANDERS, Mr. CASEY, Mrs. HAGAN, Mr. FRANKEN, Mr. BENNET, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. MURPHY, Ms. WARREN, Mr. ENZI, Ms. MURKOWSKI, Mr. BOOKER, Ms. COLLINS, Mr. CORKER, Mr. BEGICH, Mr. SCOTT, Mrs. FISCHER, Mr. BROWN, and Mr. COONS) to the bill H.R. 803, 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; which was ordered to lie on the table; as follows:

On page 232, line 8, strike ''may'' and insert ''shall''.

On page 293, line 4, strike ''may'' and insert ''shall, consistent with clause (i),''.

**SA 3384.** Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 3378 proposed by Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. HARKIN, Mr. ALEXANDER, Ms. MIKULSKI, Mr. SANDERS, Mr. CASEY, Mrs. HAGAN, Mr. FRANKEN, Mr. BENNET, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. MURPHY, Ms. WARREN, Mr. ENZI, Ms. MURKOWSKI, Mr. BOOKER, Ms. COLLINS, Mr. CORKER, Mr. BEGICH, Mr. SCOTT, Mrs. FISCHER, Mr. BROWN, and Mr. COONS) to the bill H.R. 803, 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; which was ordered to lie on the table; as follows:

On page 6, after the item relating to section 504, insert the following:

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

On page 6, redesignate the second item relating to section 505 as the item relating to section 506.

On page 759, between lines 9 and 10, insert the following:

**SEC. 505. REPORT ON DATA CAPABILITY OF FEDERAL AND STATE DATABASES AND DATA EXCHANGE AGREEMENTS.**

(a) IN GENERAL.—The Comptroller General of the United States shall prepare and submit an interim report and a final report to Congress regarding existing Federal and State databases and data exchange agreements, as of the date of the report, that contain job training information relevant to the administration of programs authorized under this Act and the amendments made by this Act.

(b) REQUIREMENTS.—The report required under subsection (a) shall—

(1) list existing Federal and State databases and data exchange agreements described in subsection (a) and, for each, describe—

(A) the purposes of the database or agreement;

(B) the data elements, such as wage and employment outcomes, contained in the database or accessible under the agreement;

(C) the data elements described in subparagraph (B) that are shared between States;

(D) the Federal and State workforce training programs from which each Federal and State database derives the data elements described in subparagraph (B);

(E) the number and type of Federal and State agencies having access to such data;

(F) the number and type of private research organizations having access to, through grants, contracts, or other agreements, such data; and

(G) whether the database or data exchange agreement provides for opt-out procedures for individuals whose data is shared through the database or data exchange agreement;

(2) study the effects that access by State workforce agencies and the Secretary of Labor to the databases and data exchange agreements described in subsection (a) would have on efforts to carry out this Act and the amendments made by this Act, and on individual privacy;

(3) explore opportunities to enhance the quality, reliability, and reporting frequency of the data included in such databases and data exchange agreements;

(4) describe, for each database or data exchange agreement considered by the study described in subsection (a), the number of individuals whose data is contained in each database or accessible through the data agreement, and the specific data elements contained in each that could be used to personally identify an individual;

(5) include the number of data breaches having occurred since 2004 to data systems administered by Federal and State agencies;

(6) include the number of data breaches regarding any type of personal data having occurred since 2004 to private research organizations with whom Federal and State agencies contract for studies; and

(7) include a survey of the security protocols used for protecting personal data, including best practices shared amongst States for access to, and administration of, data elements stored and recommendations for improving security protocols for the safe warehousing of data elements.

(c) TIMING OF REPORTS.—

(1) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress an interim report regarding the initial findings of the report required under this section.

(2) FINAL REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress the final report required under this section.

On page 759, strike line 10 and insert the following:

**SEC. 506. EFFECTIVE DATES.**

---

**SA 3385.** Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 3378 proposed by Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. HARKIN, Mr. ALEXANDER, Ms. MIKULSKI, Mr. SANDERS, Mr. CASEY, Mrs. HAGAN, Mr. FRANKEN, Mr. BENNET, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. MURPHY, Ms. WARREN, Mr. ENZI, Ms. MURKOWSKI, Mr. BOOKER, Ms. COLLINS, Mr. CORKER, Mr. BEGICH, Mr. SCOTT, Mrs. FISCHER, Mr. BROWN, and Mr. COONS) to the bill H.R. 803, 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; which was ordered to lie on the table; as follows:

On page 55, strike line 5.

On page 55, line 9, strike the period and insert ''; and''.

On page 55, between lines 9 and 10, insert the following:

(vi) how the State's strategy will improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable).

On page 116, line 19, strike the semicolon and insert '', and improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable);''.

---

**SA 3386.** Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VII, insert the following:

**SEC. _____. AUTHORITY FOR PROVISION OF HEALTH CARE IN MILITARY TREATMENT FACILITIES FOR CIVILIAN INDIVIDUALS WITH CERTAIN DISEASES NOT OTHERWISE ELIGIBLE FOR CARE IN SUCH FACILITIES.**

(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense and subject to the provisions of this section, a military treatment facility may provide health care or treatment for a civilian individual described in subsection (b) who is not otherwise eligible for care in such facility under chapter 55 of title 10, United States Code, or any other provision of law, for the disease or condition of such individual as specified in that subsection.

(b) COVERED INDIVIDUALS.—A civilian individual described in this subsection is a civilian individual who—

(1) has a disease or condition that, under commonly accepted medical guidelines, requires care or treatment in or through a civilian care center capable of providing care or treatment specifically tailored to such disease or condition; and

(2) resides more than 100 miles from the nearest civilian care center capable of providing care or treatment specifically tailored to such disease or condition.

(c) PAYMENT FOR CARE.—

(1) IN GENERAL.—A civilian individual may not be provided care or treatment under subsection (a) unless the individual agrees to contribute to the cost of such care or treatment such percentage of the cost of such care or treatment as the Secretary shall provide in the regulations under this section.

(2) PROOF OF CAPACITY TO PAY.—A military treatment facility may require proof of a capacity to pay for care or treatment before providing such care or treatment under this section, including the availability of insurance or another secondary payor for such care or treatment.

(d) CARE AND TREATMENT PROVIDED.—A military treatment facility providing care and treatment for an individual under subsection (a) may provide the following:

(1) Care and treatment for the disease or condition of the individual as specified in subsection (b).

(2) Such other care and treatment as may be medically necessary (as determined pursuant to the regulations under this section) in connection with the provision of care and treatment under paragraph (1).

(e) CARE AND TREATMENT ONLY ON SPACE-AVAILABLE BASIS.—

(1) IN GENERAL.—A military treatment facility may not provide care and treatment under subsection (a) if the provision of such care and treatment would prevent or limit the availability of health care services at the facility for members of the Armed Forces on active duty or any other covered beneficiaries under the TRICARE program who are eligible for care and services in or through the facility.

(2) REPORTS.—Not later than 30 days after the date on which a military treatment facility declines to provide care or treatment under this section pursuant to paragraph (1), the Assistant Secretary of Defense for Health Affairs shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on such action. The report shall include a description of the care or treatment sought, an analysis of the capacity of the facility concerned to provide such care or treatment, and a justification for such action.

(f) DEFINITIONS.—In this section, the terms ''TRICARE program'' and ''covered beneficiary'' have the meaning given such terms in section 1072 of title 10, United States Code.

---

**SA 3387.** Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 737. COMPTROLLER GENERAL REPORT ON MENTAL HEALTH STIGMA REDUCTION EFFORTS IN THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—The Comptroller General of the United States shall carry out a review of the policies, procedures, and programs of the Department of Defense to reduce the stigma associated with mental health treatment for members of the Armed Forces and deployed civilian employees of the Department of Defense.

(b) ELEMENTS.—The review required by subsection (a) shall address, at a minimum, the following:

(1) An assessment of the availability and access to mental health treatment services for members of the Armed Forces and deployed civilian employees of the Department of Defense.

(2) An assessment of the perception of the impact of the stigma of mental health treatment on the career advancement and retention of members of the Armed Forces and such employees.

(3) An assessment of the policies, procedures, and programs, including training and education, of each of the Armed Forces to reduce the stigma of mental health treatment for members of the Armed Forces and such employees at each unit level of the organized forces.

(c) REPORT.—Not later than March 1, 2016, the Comptroller General shall submit to the congressional defense committees a report on the review required under subsection (a).

---

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 25, 2014, at 10 a.m., to conduct a hearing entitled ''The Financial Stability Oversight Council Annual Report to Congress.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on

June 25, 2014, at 10:30 a.m. in room SR–253 of the Russell Senate Office Building to conduct a hearing entitled, ''NextGen: A Review of Progress, Challenges, and Opportunities for Improving Aviation Safety and Efficiency.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Finance Committee be authorized to meet during the session of the Senate on June 25, 2014, at 10 a.m., in room SD–215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Finance Committee be authorized to meet during the session of the Senate on June 25, 2014, at 2 p.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Trade Enforcement: Using Trade Rules to Level the Playing Field for U.S. Companies and Workers.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 25, 2014, at 2:15 p.m., to conduct a hearing entitled ''The Future of US-China Relations.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on June 25, 2014, at 10 a.m. in room SD–430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 25, 2014, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on June 25, 2014, in room SD–628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled ''Economic Development: Encouraging Investment in Indian Country.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 25, 2014, at 10 a.m., in room SD–106 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Voting Rights Amendment Act, S. 1945: Updating the Voting Rights Act in Response to Shelby County v. Holder.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on June 25, 2014, at 2 p.m. in room SR–301 of the Russell Senate Office Building to conduct a hearing entitled ''Election Administration: Examining How Early and Absentee Voting Can Benefit Citizens and Administrators.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ECONOMIC POLICY

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Economic Policy be authorized to meet during the session of the Senate on June 25, 2014, at 2:30 p.m., to conduct a hearing entitled ''Dreams Deferred: Young Workers and Recent Graduates in the U.S. Economy.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on June 25, 2014, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on June 25, 2014, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on June 25, 2014, in room SD–562 of the Dirksen Senate Office Building, at 2:15 p.m. to conduct a hearing entitled ''State of Play: Brain Injuries and Diseases of Aging.''

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that from my office Brianna Steirer, Grant Gregory, and Jasper Verhofste be granted floor privileges for the remainder of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at 1:45 p.m., on Thursday, June 26, 2014, the Senate proceed to executive session to consider the following nominations: Calendar Nos. 897, 896, 654, 557, 620, and 503; that there be 2 minutes for debate equally divided in the usual form on each nomination; that upon the use or yielding back of time the Senate proceed to vote, without intervening action or debate, on the nominations in the order listed; that all rollcall votes after the first be 10 minutes in length; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Nos. 600, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, and 891, and all nominations placed on the Secretary's desk in the Air Force, Army, and Navy, that the nominees be confirmed en bloc; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Donald R. Lindberg.

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Colonel Julian D. Alford
Colone Norman L. Cooling
Colonel Karsten S. Heckl
Colonel William M. Jurney
Colonel Tracy W. King
Colonel Michael E. Langley
Colonel Christopher J. Mahoney

Colonel Austin E. Renforth
Colonel Paul J. Rock, Jr.
Colonel Joseph F. Shrader

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral (lower half)*

Capt. Shane G. Gahagan

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral*

Rear Adm. (lh) Raquel C. Bono

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. John F. Thompson

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral*

Rear Adm. (lh) Mathias W. Winter

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

*To be rear admiral (lower half)*

Capt. Thomas W. Luscher

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

*To be rear admiral*

Rear Adm. (lh) Eric C. Young

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

*To be rear admiral (lower half)*

Capt. Keith M. Jones

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

*To be rear admiral*

Rear Adm. (lh) Janet R. Donovan

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

*To be rear admiral*

Rear Adm. (lh) Martha E. G. Herb
Rear Adm. (lh) John F. Weigold

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

*To be rear admiral*

Rear Adm. (lh) Althea H. Coetzee
Rear Adm. (lh) Valerie K Huegel

The following named officers for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

*To be rear admiral (lower half)*

Captain Kevin C. Hayes
Captain Daniel B. Hendrickson
Captain Thomas G. Reck
Captain Linda R.D. Wackerman
Captain Matthew A. Zirkle

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral*

Rear Adm. (lh) Sean S. Buck
Rear Adm. (lh) Mark W. Darrah
Rear Adm. (lh) Michael M. Gilday
Rear Adm. (lh) Jeffrey A. Harley
Rear Adm. (lh) Kevin J. Kovacich
Rear Adm. (lh) Dietrich H. Kuhlmann, III
Rear Adm. (lh) Victorino G. Mercado
Rear Adm. (lh) John C. Scorby, Jr.
Rear Adm. (lh) John W. Smith, Jr.
Rear Adm. (lh) Richard P. Snyder
Rear Adm. (lh) Scott A. Stearney
Rear Adm. (lh) Joseph E. Tofalo

IN THE ARMY

The following named officers for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

*To be brigadier general*

Colonel Francis M. Beaudette
Colonel Paul Bontrager
Colonel Gary M. Brito
Colonel Scott E. Brower
Colonel Patrick W. Burden
Colonel Joseph R. Calloway
Colonel Paul T. Calvert
Colonel Welton Chase, Jr.
Colonel Brian P. Cummings
Colonel Edwin J. Deedrick, Jr.
Colonel Jeffrey W. Drushal
Colonel Rodney D. Fogg
Colonel Robin L. Fontes
Colonel Karen H. Gibson
Colonel David C. Hill
Colonel Michael D. Hoskin
Colonel Kenneth D. Hubbard
Colonel James B. Jarrard
Colonel Sean M. Jenkins
Colonel Mitchell L. Kilgo
Colonel Richard C. S. Kim
Colonel William E King, IV
Colonel Ronald Kirklin
Colonel John S. Kolasheski
Colonel David P. Komar
Colonel Viet X. Luong
Colonel Patrick E. Matlock
Colonel James J. Mingus
Colonel Joseph W. Rank
Colonel Eric L. Sanchez
Colonel Christopher J. Sharpsten
Colonel Christipher L. Spillman
Colonel Michael J. Tarsa
Colonel Frank W. Tate
Colonel Richard M. Toy
Colonel William A. Turner
Colonel Brian E. Winski

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. David H. Berger

IN THE ARMY

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

*To be major general*

Brigadier General Daniel R. Ammerman
Brigadier General Scottie D. Carpenter
Brigadier General Phillip M. Churn, Sr.
Brigadier General Allan W. Elliott
Brigadier General A. C. Roper, Jr.
Brigadier General Tracy A. Thompson

*To be brigadier general*

Colonel Sandra L. Alvey
Colonel James A. Blankenhorn
Colonel David E. Elwell
Colonel Steven T. Eveker
Colonel Carlton Fisher, Jr.
Colonel Darrell J. Guthrie
Colonel Mary-Kate Leahy
Colonel Frederick R. Maiocco, Jr.
Colonel Jonathan J. McColumn
Colonel Gregory J. Mosser
Colonel Barbara L. Owens
Colonel Joe D. Robinson
Colonel Alberto C. Rosende
Colonel Richard C. Staats
Colonel Christopher W. Stockel
Colonel Kelly E. Wakefield
Colonel Jason L. Walrath
Colonel Donna R. Williams

IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

*To be brigadier general*

Col. Warren H. Hurst, Jr.

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Walter E. Carter, Jr.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. William J. Bender

IN THE ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brigadier General Bradley A. Becker
Brigadier General Michael A. Bills
Brigadier General Peggy C. Combs
Brigadier General Bruce T. Crawford
Brigadier General Susan A. Davidson
Brigadier General James H. Dickinson
Brigadier General Duane A. Gamble
Brigadier General Ryan F. Gonsalves
Brigadier General Wayne W. Grigsby, Jr.
Brigadier General Steven R. Grove
Brigadier General Theodore C. Harrison
Brigadier General Daniel P. Hughes
Brigadier General Paul C. Hurley, Jr.
Brigadier General Clark W. LeMasters, Jr.
Brigadier General Ronald F. Lewis
Brigadier General James B. Linder
Brigadier General Michael D. Lundy
Brigadier General Todd B. McCaffrey
Brigadier General Brian J. McKiernan
Brigadier General John B. Morrison, Jr.
Brigadier General Paul A. Ostrowski
Brigadier General Walter E. Piatt
Brigadier General Mark R. Quantock
Brigadier General Laura J. Richardson
Brigadier General Michael C. Wehr
Brigadier General Eric P. Wendt
Brigadier General Robert P. White
Brigadier General Cedric T. Wins

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1666 AIR FORCE nominations (20) beginning CHRISTINE R. BERBERICK, and ending DEEDRA L. ZABOKRTSKY, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1745 AIR FORCE nomination of Troy R. Harting, which was received by the Senate and appeared in the Congressional Record of June 4, 2014.

PN1746 AIR FORCE nomination of William E. Bundy, which was received by the Senate

and appeared in the Congressional Record of June 4, 2014.

PN1747 AIR FORCE nomination of David V. Eastham, which was received by the Senate and appeared in the Congressional Record of June 4, 2014.

IN THE ARMY

PN1427 ARMY nominations (8) beginning RALF C. BEILHARDT, and ending RICHARD L. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of February 10, 2014.

PN1428 ARMY nominations (71) beginning MICHAEL P. ABEL, and ending D001883, which nominations were received by the Senate and appeared in the Congressional Record of February 10, 2014.

PN1748 ARMY nominations (7) beginning ROBERT L. BOYLES, and ending TYLER B. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2014.

PN1755 ARMY nominations (8) beginning JEREMY J. BEARSS, and ending JODI L. NICKLAS, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 2014.

PN1756 ARMY nominations (17) beginning NORMAN W. AYOTTE, and ending D005191, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 2014.

PN1757 ARMY nominations (38) beginning DAWUD A. A. AGBERE, and ending ROBERT K. WALKER, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 2014.

PN1758 ARMY nominations (62) beginning DENISE K. ASKEW, and ending BRET G. WITT, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 2014.

PN1759 ARMY nominations (93) beginning DOREENE R. AGUAYO, and ending GEORGE J. ZECKLER, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 2014.

IN THE NAVY

PN1653 NAVY nominations (9) beginning COLIN CAMPBELL, and ending JAY T. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of May 5, 2014.

PN1654 NAVY nomination of Joseph M. Acosta, which was received by the Senate and appeared in the Congressional Record of May 5, 2014.

PN1655 NAVY nominations (11) beginning JOHN BELLISSIMO; and ending RANDALL J. WROBLEWSKI, which nominations were received by the Senate and appeared in the Congressional Record of May 5, 2014.

PN1656 NAVY nominations (3) beginning DARYL S. BORGQUIST, and ending JOHN FILOSTRAT, which nominations were received by the Senate and appeared in the Congressional Record of May 5, 2014.

PN1657 NAVY nomination of David R. Storr, which was received by the Senate and appeared in the Congressional Record of May 5, 2014.

PN1658 NAVY nomination of Billy C. Young, which was received by the Senate and appeared in the Congressional Record of May 5, 2014.

PN1659 NAVY nomination of Mark J. Mouriski, which was received by the Senate and appeared in the Congressional Record of May 5, 2014.

PN1660 NAVY nominations (6) beginning PHILLIP H. BURNSIDE, and ending ERIC M. THOMAS, which nominations were received by the Senate and appeared in the Congressional Record of May 5, 2014.

PN1661 NAVY nominations (4) beginning ROBERT DRYMAN, and ending JERI L. ONEILL, which nominations were received by the Senate and appeared in the Congressional Record of May 5, 2014.

PN1662 NAVY nominations (3) beginning TIMOTHY M. BAKER, and ending JOHN E. SEDLOCK, which nominations were received by the Senate and appeared in the Congressional Record of May 5, 2014.

PN1663 NAVY nominations (19) beginning CHAD E. BAKER, and ending CHRIS F. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of May 5, 2014.

PN1664 NAVY nominations (60) beginning SCOTT W. ALEXANDER, and ending JAMES A. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of May 5, 2014.

PN1665 NAVY nomination of Roger F. Wilbur, which was received by the Senate and appeared in the Congressional Record of May 5, 2014.

PN1682 NAVY nominations (195) beginning TODD A. ABRAHAMSON, and ending DAVID A. YOUTT, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1683 NAVY nominations (17) beginning TIMOTHY A. BARNEY, and ending ROBERT A. WOLF, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1684 NAVY nominations (14) beginning DOUGLAS S. BELVIN, and ending LAURA A. SCHUESSLER, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1685 NAVY nominations (10) beginning JERRY L. ALEXANDER, JR., and ending JASON L. WEBB, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1686 NAVY nominations (4) beginning ROBERT L. CALHOUN, JR., and ending THADDEUS O. WALKER, III, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1687 NAVY nominations (4) beginning CHRISTOPHER J. COUCH, and ending NATHAN D. SCHNEIDER, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1688 NAVY nominations (4) beginning GREGORY S. IRETON, and ending CYNTHIA V. MORGAN, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1689 NAVY nominations (3) beginning CHARLES W. BROWN, and ending SCOTT E. NORR, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1690 NAVY nominations (6) beginning JEFFREY D. BUSS, and ending BRAULIO PAIZ, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1691 NAVY nominations (6) beginning MICHAEL L. BAKER, and ending ROBERT F. OGDEN, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1692 NAVY nominations (8) beginning NONITO V. BLAS, and ending DAVID S. WARNER, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1693 NAVY nominations (12) beginning ANTHONY T. BUTERA, and ending MIRIAM K. SMYTH, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1694 NAVY nominations (10) beginning BRYAN E. BRASWELL, and ending TYRONE L. WARD, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1695 NAVY nominations (3) beginning REGINALD T. KING, and ending KEVIN L. STECK, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1720 NAVY nominations (66) beginning ADDIE ALKHAS, and ending PATRICK E. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of May 20, 2014.

PN1721 NAVY nominations (22) beginning JEFFREY G. ANT, and ending DONNA M. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of May 20, 2014.

PN1722 NAVY nominations (27) beginning PAUL J. BROCHU, and ending GARY D. WEST, which nominations were received by the Senate and appeared in the Congressional Record of May 20, 2014.

PN1723 NAVY nominations (7) beginning BRADLEY A. APPLEMAN, and ending JOSEPH ROMERO, which nominations were received by the Senate and appeared in the Congressional Record of May 20, 2014.

PN1724 NAVY nominations (17) beginning JEFFREY W. BLEDSOE, and ending SUSAN A. UNION, which nominations were received by the Senate and appeared in the Congressional Record of May 20, 2014.

PN1725 NAVY nominations (26) beginning KRISTIN ACQUAVELLA, and ending JEROME R. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of May 20, 2014.

PN1726 NAVY nominations (11) beginning CHRISTOPHER G. ADAMS, and ending NICOLAS D. I. YAMODIS, which nominations were received by the Senate and appeared in the Congressional Record of May 20, 2014.

PN1749 NAVY nomination of Thor Martinsen, which was received by the Senate and appeared in the Congressional Record of June 4, 2014.

PN1750 NAVY nomination of Christopher S. Mayfield, which was received by the Senate and appeared in the Congressional Record of June 4, 2014.

PN1782 NAVY nominations (54) beginning ROBERT ARIAS, and ending BOBBY L. WOODS, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2014.

PN1783 NAVY nominations (36) beginning ADAM L. ALBARADO, and ending ERIC D. WYATT, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2014.

PN1784 NAVY nominations (20) beginning JOSHUA J. BURKHOLDER, and ending JIMMY J. STORK, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2014.

PN1785 NAVY nominations (27) beginning ADRIAN Z. BEJAR, and ending DEBORAH B. YUSKO, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2014.

PN1786 NAVY nominations (9) beginning CHARLES R. ALLEN, and ending RICARDO A. TREVINO, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2014.

PN1787 NAVY nominations (15) beginning GREGORY R. ADAMS, and ending DAVID R. WILCOX, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2014.

PN1788 NAVY nominations (9) beginning DAVID A. BENHAM, and ending JAMES D. STOCKMAN, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2014.

PN1789 NAVY nominations (11) beginning JEFFREY A. BROWN, and ending MICHAEL D. WAGNER, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2014.

PN1790 NAVY nominations (17) beginning JEFFERY A. BARRETT, and ending CECILY

E. WALSH, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2014.

PN1791 NAVY nominations (32) beginning CHRISTOPHER D. ADDINGTON, and ending KURT A. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2014.

PN1792 NAVY nominations (17) beginning KEITH ARCHIBALD, and ending MCKINNYA J. WILLIAMSROBINSON, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2014.

PN1793 NAVY nominations (465) beginning JEREMIAH V. ADAMS, and ending CHARLES B. ZUHOSKI, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2014.

PN1794 NAVY nominations (13) beginning KATHERINE E. BOYCE, and ending JON C. WATSON, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2014.

PN1795 NAVY nominations (2) beginning MICHAEL S. GILES, and ending MARTY E. GRIFFIN, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2014.

PN1796 NAVY nominations (4) beginning ROBERT H. CARPENTER, and ending JOSEPH V. SHELDON, III, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2014.

PN1797 NAVY nominations (5) beginning JAMES F. CROOM, and ending TODD L. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2014.

PN1798 NAVY nominations (17) beginning TIMOTHY K. ATMAJIAN, and ending RUMEI YUAN, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2014.

PN1799 NAVY nominations (4) beginning RAMESH S. DURVASULA, and ending BEN M. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2014.

PN1800 NAVY nominations (5) beginning FRANCIS F. DERK, and ending KATHERINE T. ORMSBEE, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2014.

PN1801 NAVY nominations (13) beginning THOMAS P. BELSKY, and ending JEFFREY J. TRUITT, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2014.

PN1802 NAVY nominations (11) beginning JULIO C. ALBORNOZ, and ending ERIC L. PETERSON, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2014.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

## HONORING 150TH ANNIVERSARY OF THE YOSEMITE GRANT ACT

Mr. REID. I ask unanimous consent that the Senate proceed to S. Res. 484.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 484) recognizing and honoring the 150th anniversary of the establishment of the Yosemite Grant Act.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 484) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

## CONGRATULATING THE SAN ANTONIO SPURS

Mr. REID. I ask unanimous consent that the Senate proceed to S. Res. 485.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 485) congratulating the San Antonio Spurs for winning the 2014 National Basketball Association Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 485) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

## MEASURE READ THE FIRST TIME—H.R. 3301

Mr. REID. I understand there is a bill at the desk and it is due for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant bill clerk read as follows:

A bill (H.R. 3301) to require approval for the construction, connection, operation, or maintenance of oil or natural gas pipelines or electric transmission facilities at the national boundary of the United States for the import or export of oil, natural gas, or electricity to or from Canada or Mexico, and for other purposes.

Mr. REID. I ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

## ORDERS FOR THURSDAY, JUNE 26, 2014

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow morning, June 26; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until noon, with Senators permitted to speak for up to 10 minutes each during that time, and that the time be equally divided and controlled between the two leaders or their designees; that following morning business, the Senate proceed to executive session to consider Executive Calendar No. 738, and there be 2 minutes of debate prior to a cloture vote on the Krause nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Tomorrow there will be a rollcall vote at noon and another at 1:45 p.m.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 4:39 p.m., adjourned until Thursday, June 26, 2014, at 9:30 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate June 25, 2014:

### DEPARTMENT OF DEFENSE

JESSICA GARFOLA WRIGHT, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.

JAMIE MICHAEL MORIN, OF MICHIGAN, TO BE DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION, DEPARTMENT OF DEFENSE.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. DONALD R. LINDBERG

### DEPARTMENT OF STATE

THOMAS P. KELLY III, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF DJIBOUTI.

### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COLONEL JULIAN D. ALFORD
COLONEL NORMAN L. COOLING
COLONEL KARSTEN S. HECKL
COLONEL WILLIAM M. JURNEY
COLONEL TRACY W. KING
COLONEL MICHAEL E. LANGLEY
COLONEL CHRISTOPHER J. MAHONEY
COLONEL AUSTIN E. RENFORTH
COLONEL PAUL J. ROCK, JR.
COLONEL JOSEPH F. SHRADER

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. SHANE G. GAHAGAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) RAQUEL C. BONO

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. JOHN F. THOMPSON

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) MATHIAS W. WINTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. THOMAS W. LUSCHER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) ERIC C. YOUNG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. KEITH M. JONES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) JANET R. DONOVAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) MARTHA E. G. HERB
REAR ADM. (LH) JOHN F. WEIGOLD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) ALTHEA H. COETZEE
REAR ADM. (LH) VALERIE K. HUEGEL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPTAIN KEVIN C. HAYES
CAPTAIN DANIEL B. HENDRICKSON
CAPTAIN THOMAS G. RECK
CAPTAIN LINDA R.D. WACKERMAN
CAPTAIN MATTHEW A. ZIRKLE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) SEAN S. BUCK
REAR ADM. (LH) MARK W. DARRAH
REAR ADM. (LH) MICHAEL M. GILDAY
REAR ADM. (LH) JEFFREY A. HARLEY
REAR ADM. (LH) KEVIN J. KOVACICH
REAR ADM. (LH) DIETRICH H. KUHLMANN III
REAR ADM. (LH) VICTORINO G. MERCADO
REAR ADM. (LH) JOHN C. SCORBY, JR.
REAR ADM. (LH) JOHN W. SMITH, JR.
REAR ADM. (LH) RICHARD P. SNYDER
REAR ADM. (LH) SCOTT A. STEARNEY
REAR ADM. (LH) JOSEPH E. TOFALO

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COLONEL FRANCIS M. BEAUDETTE
COLONEL PAUL BONTRAGER
COLONEL GARY M. BRITO
COLONEL SCOTT E. BROWER
COLONEL PATRICK W. BURDEN
COLONEL JOSEPH R. CALLOWAY
COLONEL PAUL T. CALVERT
COLONEL WELTON CHASE, JR.
COLONEL BRIAN P. CUMMINGS
COLONEL EDWIN J. DEEDRICK, JR.
COLONEL JEFFREY W. DRUSHAL
COLONEL RODNEY D. FOGG
COLONEL ROBIN L. FONTES
COLONEL KAREN H. GIBSON
COLONEL DAVID C. HILL
COLONEL MICHAEL D. HOSKIN
COLONEL KENNETH D. HUBBARD
COLONEL JAMES B. JARRARD
COLONEL SEAN M. JENKINS
COLONEL MITCHELL L. KILGO
COLONEL RICHARD C. S. KIM
COLONEL WILLIAM E. KING IV
COLONEL RONALD KIRKLIN
COLONEL JOHN S. KOLASHESKI
COLONEL DAVID P. KOMAR
COLONEL VIET X. LUONG
COLONEL PATRICK E. MATLOCK
COLONEL JAMES J. MINGUS
COLONEL JOSEPH W. RANK
COLONEL ERIC L. SANCHEZ
COLONEL CHRISTOPHER J. SHARPSTEN
COLONEL CHRISTIPHER L. SPILLMAN
COLONEL MICHAEL J. TARSA
COLONEL FRANK W. TATE
COLONEL RICHARD M. TOY
COLONEL WILLIAM A. TURNER
COLONEL BRIAN E. WINSKI

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. DAVID H. BERGER

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIGADIER GENERAL DANIEL R. AMMERMAN
BRIGADIER GENERAL SCOTTIE D. CARPENTER
BRIGADIER GENERAL PHILLIP M. CHURN, SR.
BRIGADIER GENERAL ALLAN W. ELLIOTT
BRIGADIER GENERAL A. C. ROPER, JR.
BRIGADIER GENERAL TRACY A. THOMPSON

*To be brigadier general*

COLONEL SANDRA L. ALVEY
COLONEL JAMES A. BLANKENHORN
COLONEL DAVID E. ELWELL
COLONEL STEVEN T. EVEKER
COLONEL CARLTON FISHER, JR.
COLONEL DARRELL J. GUTHRIE
COLONEL MARY-KATE LEAHY
COLONEL FREDERICK R. MAIOCCO, JR.
COLONEL JONATHAN J. MCCOLUMN
COLONEL GREGORY J. MOSSER
COLONEL BARBARA L. OWENS
COLONEL JOE D. ROBINSON
COLONEL ALBERTO C. ROSENDE
COLONEL RICHARD C. STAATS
COLONEL CHRISTOPHER W. STOCKEL
COLONEL KELLY E. WAKEFIELD
COLONEL JASON L. WALRATH
COLONEL DONNA R. WILLIAMS

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

*To be brigadier general*

COL. WARREN H. HURST, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. WALTER E. CARTER, JR.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. WILLIAM J. BENDER

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIGADIER GENERAL BRADLEY A. BECKER
BRIGADIER GENERAL MICHAEL A. BILLS
BRIGADIER GENERAL PEGGY C. COMBS
BRIGADIER GENERAL BRUCE T. CRAWFORD
BRIGADIER GENERAL SUSAN A. DAVIDSON
BRIGADIER GENERAL JAMES H. DICKINSON
BRIGADIER GENERAL DUANE A. GAMBLE
BRIGADIER GENERAL RYAN F. GONSALVES
BRIGADIER GENERAL WAYNE W. GRIGSBY, JR.
BRIGADIER GENERAL STEVEN R. GROVE
BRIGADIER GENERAL THEODORE C. HARRISON
BRIGADIER GENERAL DANIEL P. HUGHES
BRIGADIER GENERAL PAUL C. HURLEY, JR.
BRIGADIER GENERAL CLARK W. LEMASTERS, JR.
BRIGADIER GENERAL RONALD F. LEWIS
BRIGADIER GENERAL JAMES B. LINDER
BRIGADIER GENERAL MICHAEL D. LUNDY
BRIGADIER GENERAL TODD B. MCCAFFREY
BRIGADIER GENERAL BRIAN J. MCKIERNAN
BRIGADIER GENERAL JOHN B. MORRISON, JR.
BRIGADIER GENERAL PAUL A. OSTROWSKI
BRIGADIER GENERAL WALTER E. PIATT
BRIGADIER GENERAL MARK R. QUANTOCK
BRIGADIER GENERAL LAURA J. RICHARDSON
BRIGADIER GENERAL MICHAEL C. WEHR
BRIGADIER GENERAL ERIC P. WENDT
BRIGADIER GENERAL ROBERT P. WHITE
BRIGADIER GENERAL CEDRIC T. WINS

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH CHRISTINE R. BERBERICK AND ENDING WITH DEEDRA L. ZABOKRTSKY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

AIR FORCE NOMINATION OF TROY R. HARTING, TO BE COLONEL.

AIR FORCE NOMINATION OF WILLIAM E. BUNDY, TO BE COLONEL.

AIR FORCE NOMINATION OF DAVID V. EASTHAM, TO BE COLONEL.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH RALF C. BEILHARDT AND ENDING WITH RICHARD L. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 10, 2014.

ARMY NOMINATIONS BEGINNING WITH MICHAEL P. ABEL AND ENDING WITH D001883, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 10, 2014.

ARMY NOMINATIONS BEGINNING WITH ROBERT L. BOYLES AND ENDING WITH TYLER B. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2014.

ARMY NOMINATIONS BEGINNING WITH JEREMY J. BEARSS AND ENDING WITH JODI L. NICKLAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 5, 2014.

ARMY NOMINATIONS BEGINNING WITH NORMAN W. AYOTTE AND ENDING WITH D005191, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 5, 2014.

ARMY NOMINATIONS BEGINNING WITH DAWUD A. A. AGBERE AND ENDING WITH ROBERT K. WALKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 5, 2014.

ARMY NOMINATIONS BEGINNING WITH DENISE K. ASKEW AND ENDING WITH BRET G. WITT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 5, 2014.

ARMY NOMINATIONS BEGINNING WITH DOREENE R. AGUAYO AND ENDING WITH GEORGE J. ZECKLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 5, 2014.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH COLIN CAMPBELL AND ENDING WITH JAY T. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 5, 2014.

NAVY NOMINATION OF JOSEPH M. ACOSTA, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH JOHN BELLISSIMO AND ENDING WITH RANDALL J. WROBLEWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 5, 2014.

NAVY NOMINATIONS BEGINNING WITH DARYL S. BORGQUIST AND ENDING WITH JOHN FILOSTRAT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 5, 2014.

NAVY NOMINATION OF DAVID R. STORR, TO BE CAPTAIN.

NAVY NOMINATION OF BILLY C. YOUNG, TO BE CAPTAIN.

NAVY NOMINATION OF MARK J. MOURISKI, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH PHILLIP H. BURNSIDE AND ENDING WITH ERIC M. THOMAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 5, 2014.

NAVY NOMINATIONS BEGINNING WITH ROBERT DRYMAN AND ENDING WITH JERI L. ONEILL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 5, 2014.

NAVY NOMINATIONS BEGINNING WITH TIMOTHY M. BAKER AND ENDING WITH JOHN E. SEDLOCK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 5, 2014.

NAVY NOMINATIONS BEGINNING WITH CHAD E. BAKER AND ENDING WITH CHRIS F. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 5, 2014.

NAVY NOMINATIONS BEGINNING WITH SCOTT W. ALEXANDER AND ENDING WITH JAMES A. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 5, 2014.

NAVY NOMINATION OF ROGER F. WILBUR, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH TODD A. ABRAHAMSON AND ENDING WITH DAVID A. YOUTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

NAVY NOMINATIONS BEGINNING WITH TIMOTHY A. BARNEY AND ENDING WITH ROBERT A. WOLF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

NAVY NOMINATIONS BEGINNING WITH DOUGLAS S. BELVIN AND ENDING WITH LAURA A. SCHUESSLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

NAVY NOMINATIONS BEGINNING WITH JERRY L. ALEXANDER, JR. AND ENDING WITH JASON L. WEBB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

NAVY NOMINATIONS BEGINNING WITH ROBERT L. CALHOUN, JR. AND ENDING WITH THADDEUS O. WALKER III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER J. COUCH AND ENDING WITH NATHAN D. SCHNEIDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

NAVY NOMINATIONS BEGINNING WITH GREGORY S. IRETON AND ENDING WITH CYNTHIA V. MORGAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

NAVY NOMINATIONS BEGINNING WITH CHARLES W. BROWN AND ENDING WITH SCOTT E. NORR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

NAVY NOMINATIONS BEGINNING WITH JEFFREY D. BUSS AND ENDING WITH BRAULIO PAIZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

NAVY NOMINATIONS BEGINNING WITH MICHAEL L. BAKER AND ENDING WITH ROBERT F. OGDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

NAVY NOMINATIONS BEGINNING WITH NONITO V. BLAS AND ENDING WITH DAVID S. WARNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

NAVY NOMINATIONS BEGINNING WITH ANTHONY T. BUTERA AND ENDING WITH MIRIAM K. SMYTH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

NAVY NOMINATIONS BEGINNING WITH BRYAN E. BRASWELL AND ENDING WITH TYRONE L. WARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

NAVY NOMINATIONS BEGINNING WITH REGINALD T. KING AND ENDING WITH KEVIN L. STECK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

NAVY NOMINATIONS BEGINNING WITH ADDIE ALKHAS AND ENDING WITH PATRICK E. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2014.

NAVY NOMINATIONS BEGINNING WITH JEFFREY G. ANT AND ENDING WITH DONNA M. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2014.

NAVY NOMINATIONS BEGINNING WITH PAUL J. BROCHU AND ENDING WITH GARY D. WEST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2014.

NAVY NOMINATIONS BEGINNING WITH BRADLEY A. APPLEMAN AND ENDING WITH JOSEPH ROMERO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2014.

NAVY NOMINATIONS BEGINNING WITH JEFFREY W. BLEDSOE AND ENDING WITH SUSAN A. UNION, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2014.

NAVY NOMINATIONS BEGINNING WITH KRISTIN ACQUAVELLA AND ENDING WITH JEROME R. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2014.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER G. ADAMS AND ENDING WITH NICOLAS D. I. YAMODIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2014.

NAVY NOMINATION OF THOR MARTINSEN, TO BE COMMANDER.

NAVY NOMINATION OF CHRISTOPHER S. MAYFIELD, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH ROBERT ARIAS AND ENDING WITH BOBBY L. WOODS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2014.

NAVY NOMINATIONS BEGINNING WITH ADAM L. ALBARADO AND ENDING WITH ERIC D. WYATT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2014.

NAVY NOMINATIONS BEGINNING WITH JOSHUA J. BURKHOLDER AND ENDING WITH JIMMY J. STORK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2014.

NAVY NOMINATIONS BEGINNING WITH ADRIAN Z. BEJAR AND ENDING WITH DEBORAH B. YUSKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2014.

NAVY NOMINATIONS BEGINNING WITH CHARLES R. ALLEN AND ENDING WITH RICARDO A. TREVINO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2014.

NAVY NOMINATIONS BEGINNING WITH GREGORY R. ADAMS AND ENDING WITH DAVID R. WILCOX, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2014.

NAVY NOMINATIONS BEGINNING WITH DAVID A. BENHAM AND ENDING WITH JAMES D. STOCKMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2014.

NAVY NOMINATIONS BEGINNING WITH JEFFREY A. BROWN AND ENDING WITH MICHAEL D. WAGNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2014.

NAVY NOMINATIONS BEGINNING WITH JEFFERY A. BARRETT AND ENDING WITH CECILY E. WALSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2014.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER D. ADDINGTON AND ENDING WITH KURT A. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2014.

NAVY NOMINATIONS BEGINNING WITH KEITH ARCHIBALD AND ENDING WITH MCKINNYA J. WILLIAMSROBINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2014.

NAVY NOMINATIONS BEGINNING WITH JEREMIAH V. ADAMS AND ENDING WITH CHARLES B. ZUHOSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2014.

NAVY NOMINATIONS BEGINNING WITH KATHERINE E. BOYCE AND ENDING WITH JON C. WATSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2014.

NAVY NOMINATIONS BEGINNING WITH MICHAEL S. GILES AND ENDING WITH MARTY E. GRIFFIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2014.

NAVY NOMINATIONS BEGINNING WITH ROBERT H. CARPENTER AND ENDING WITH JOSEPH V. SHELDON III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2014.

NAVY NOMINATIONS BEGINNING WITH JAMES F. CROOM AND ENDING WITH TODD L. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2014.

NAVY NOMINATIONS BEGINNING WITH TIMOTHY K. ATMAJIAN AND ENDING WITH RUMEI YUAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2014.

NAVY NOMINATIONS BEGINNING WITH RAMESH S. DURVASULA AND ENDING WITH BEN M. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2014.

NAVY NOMINATIONS BEGINNING WITH FRANCIS F. DERK AND ENDING WITH KATHERINE T. ORMSBEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2014.

NAVY NOMINATIONS BEGINNING WITH THOMAS P. BELSKY AND ENDING WITH JEFFREY J. TRUITT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2014.

NAVY NOMINATIONS BEGINNING WITH JULIO C. ALBORNOZ AND ENDING WITH ERIC L. PETERSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2014.