

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.**

**S. 1356**

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

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

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

Viz:

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

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

Sec. 101. Definitions.

Subtitle A—Workforce Boards and Plans

CHAPTER 1—STATE PROVISIONS

Sec. 111. State workforce development boards.

Sec. 112. Unified State plan.

Sec. 113. Combined State plan.

CHAPTER 2—LOCAL PROVISIONS

Sec. 116. Local workforce development areas.

Sec. 117. Local workforce development boards.

Sec. 118. Local plan.

CHAPTER 3—GENERAL PROVISIONS

Sec. 121. Qualifications for directors.

Sec. 122. Funding of State and local boards.

Subtitle B—Workforce Development Performance Accountability System

Sec. 131. Performance accountability system.

Subtitle C—Workforce Innovation and Replication Grants

Sec. 141. Purposes.

Sec. 142. Workforce innovation and replication grants.

Sec. 143. Youth innovation and replication grants.

Sec. 144. Interagency agreement.

TITLE II—WORKFORCE INVESTMENT AND RELATED ACTIVITIES

Subtitle A—Definition

Sec. 201. Definition.

Subtitle B—Workforce Investment Activities and Providers

Sec. 211. Purpose.

CHAPTER 1—WORKFORCE INVESTMENT ACTIVITIES PROVIDERS

Sec. 221. Establishment of one-stop delivery systems.

Sec. 222. Identification of eligible providers of training services.

Sec. 223. Eligible providers of youth workforce investment activities.

CHAPTER 2—YOUTH WORKFORCE INVESTMENT ACTIVITIES

Sec. 226. General authorization.

Sec. 227. State allotments.

Sec. 228. Within State allocations.

Sec. 229. Use of funds for youth workforce investment activities.

CHAPTER 3—ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES

Sec. 231. General authorization.

Sec. 232. State allotments.

## 3

- Sec. 233. Within State allocations.
- Sec. 234. Use of funds for employment and training activities.

## CHAPTER 4—GENERAL WORKFORCE INVESTMENT PROVISIONS

- Sec. 236. Authorization of appropriations.

## Subtitle C—Job Corps

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

## Subtitle D—National Programs

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

## Subtitle E—Administration

- Sec. 281. Requirements and restrictions.
- Sec. 282. Prompt allocation of funds.
- Sec. 283. Monitoring.
- Sec. 284. Fiscal controls; sanctions.
- Sec. 285. Reports; recordkeeping; investigations.
- Sec. 286. Administrative adjudication.
- Sec. 287. Judicial review.
- Sec. 288. Nondiscrimination.
- Sec. 289. Secretarial administrative authorities and responsibilities.
- Sec. 290. Workforce flexibility plans.
- Sec. 291. State legislative authority.
- Sec. 292. Transfer of Federal equity in State employment security agency real property to the States.

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- Sec. 293. Continuation of State activities and policies.
- Sec. 294. General program requirements.

## TITLE III—ADULT EDUCATION AND LITERACY

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

## Subtitle A—Federal Provisions

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

## Subtitle B—State Provisions

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

## Subtitle C—Local Provisions

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

## Subtitle D—General Provisions

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

## TITLE IV—AMENDMENTS TO THE WAGNER-PEYSER ACT

- Sec. 401. Employment service offices.
- Sec. 402. Definitions.
- Sec. 403. Federal and State employment service offices.
- Sec. 404. Allotment of sums.
- Sec. 405. Use of sums.
- Sec. 406. State plan.
- Sec. 407. Performance measures.
- Sec. 408. Pilot projects.
- Sec. 409. Workforce and labor market information system.

## TITLE V—AMENDMENTS TO THE REHABILITATION ACT OF 1973

## A—Introductory Provisions

- Sec. 501. References.
- Sec. 502. Findings, purpose, policy.
- Sec. 503. Disability Employment Services and Supports Administration.
- Sec. 504. Definitions.

- Sec. 505. Administration of the Act.
- Sec. 506. Reports.
- Sec. 507. Evaluation and information.
- Sec. 508. Carryover.
- Sec. 509. Traditionally underserved populations.

#### Subtitle B—Vocational Rehabilitation Services

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

#### Subtitle C—Research and Training

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

#### Subtitle D—Professional Development and Special Projects and Demonstration

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

#### Subtitle E—National Council on Disability

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

#### Subtitle F—Rights and Advocacy

- Sec. 556. Interagency Committee, Board, and Council.
- Sec. 557. Protection and advocacy of individual rights.

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Sec. 558. Employment of individuals with disabilities at wages below minimum wage.

Subtitle G—Employment Opportunities for Individuals With Disabilities

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

Subtitle H—Independent Living Services and Centers for Independent Living

CHAPTER 1—GENERAL PROVISIONS

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

CHAPTER 2—INDEPENDENT LIVING SERVICES

Sec. 576. Administration.

CHAPTER 3—CENTERS FOR INDEPENDENT LIVING

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

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

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

Subtitle I—Increasing Employment Opportunities for Individuals With Disabilities

Sec. 591. Disability employment.

Subtitle J—General Provisions

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

TITLE VI—GENERAL PROVISIONS

Subtitle A—Workforce Investment

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

Sec. 604. Reduction of reporting burdens and requirements.

Sec. 605. Effective dates.

Subtitle B—Amendments to Other Laws

Sec. 611. Repeal of the Workforce Investment Act of 1998.

Sec. 612. Preparation and submission of conforming amendments.

Sec. 613. Workforce investment-related conforming amendments.

Sec. 614. Disability-related conforming amendments.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are the following:

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

8 (2) To support the alignment of workforce in-  
9 vestment, education, and economic development sys-  
10 tems in support of a comprehensive, accessible, and  
11 high-quality workforce development system in the  
12 United States.

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

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

5                   (A) workers and jobseekers; and

6                   (B) employers.

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

## 11       **TITLE I—SYSTEM ALIGNMENT** 12       **AND INNOVATION**

### 13       **SEC. 101. DEFINITIONS.**

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

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

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

23               (3) **AREA CAREER AND TECHNICAL EDUCATION**  
24               **SCHOOL.**—The term “area career and technical edu-  
25               cation school” has the meaning given the term in



1 section 3 of the Carl D. Perkins Career and Tech-  
2 nical Education Act of 2006 (20 U.S.C. 2302).

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

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

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

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

21 (6) CAREER PATHWAY.—

22 (A) IN GENERAL.—The term “career path-  
23 way” means a set of rigorous, engaging, and  
24 high-quality education, training, and other serv-  
25 ices to prepare individuals to meet a set of ca-

1           reer-related objectives as referenced in subpara-  
2           graph (C).

3           (B) SERVICES.—The services referred to in  
4           subparagraph (A) shall be—

5                   (i) aligned with the skill needs of in-  
6                   dustries in the State or regional economy  
7                   involved; and

8                   (ii) designed to increase an individ-  
9                   ual’s educational and skill attainment, and  
10                  improve the individual’s employment out-  
11                  comes and ability to meet career-related  
12                  objectives, by—

13                   (I) preparing individuals for the  
14                   full range of secondary or postsec-  
15                   ondary education options, including  
16                   apprenticeships registered under the  
17                   Act of August 16, 1937 (commonly  
18                   known as the “National Appren-  
19                   ticeship Act”; 50 Stat. 664, chapter 663;  
20                   29 U.S.C. 50 et seq.) (referred to in-  
21                   dividually in this Act as an “appren-  
22                   ticeship”, except in section 272);

23                   (II) including counseling to sup-  
24                   port individuals in achieving their  
25                   education and career goals;

1 (III) including, as appropriate for  
2 an individual, education offered con-  
3 currently with and in the same con-  
4 text as workforce preparation activi-  
5 ties and training for a specific occupa-  
6 tion or occupational cluster; and

7 (IV) organizing education, train-  
8 ing, and other services to meet the  
9 particular needs of the individual in a  
10 manner that accelerates the edu-  
11 cational and career advancement of  
12 the individual to the extent prac-  
13 ticable.

14 (C) OBJECTIVES.—The objectives referred  
15 to in subparagraph (A) include—

16 (i) enabling a worker to attain a sec-  
17 ondary school diploma or its recognized  
18 equivalent, and at least 1 recognized post-  
19 secondary credential; and

20 (ii) helping a worker enter or advance  
21 within a specific occupation or occupational  
22 cluster.

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

1 (A) to prepare and coordinate comprehen-  
2 sive employment plans, such as service strate-  
3 gies, for participants to ensure access to nec-  
4 essary workforce investment activities and sup-  
5 portive services, using, where feasible, com-  
6 puter-based technologies; and

7 (B) to provide job, education, and career  
8 counseling, as appropriate during program par-  
9 ticipation and after job placement.

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

12 (A) the chief elected executive officer of a  
13 unit of general local government in a local area;  
14 and

15 (B) in a case in which a local area includes  
16 more than 1 unit of general local government,  
17 the individuals designated under the agreement  
18 described in section 117(c)(1)(B).

19 (9) COMMUNITY-BASED ORGANIZATION.—The  
20 term “community-based organization” means a pri-  
21 vate nonprofit organization (which may include a  
22 faith-based organization), that is representative of a  
23 community or a significant segment of a community  
24 and that has demonstrated expertise and effective-  
25 ness in the field of workforce development.

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

6           (11) CORE PROGRAM.—The term “core pro-  
7           grams” means a program authorized under a core  
8           program provision.

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

11           (A) chapter 2 and 3 of subtitle B of title  
12           II (relating to youth workforce investment ac-  
13           tivities and adult and dislocated worker employ-  
14           ment and training activities);

15           (B) title III (relating to adult education  
16           and literacy activities);

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

20           (D) title I of the Rehabilitation Act of  
21           1973 (29 U.S.C. 720 et seq.), other than sec-  
22           tion 112 or part C of that title (29 U.S.C. 732,  
23           741) (relating to vocational rehabilitation serv-  
24           ices).

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

3                   (A) that is designed to meet the specific  
4                   requirements of an employer (including a group  
5                   of employers);

6                   (B) that is conducted with a commitment  
7                   by the employer to employ an individual upon  
8                   successful completion of the training; and

9                   (C) for which the employer pays—

10                           (i) a significant portion of the cost of  
11                           training, as determined by the local board  
12                           involved, taking into account the size of  
13                           the employer and such other factors as the  
14                           local board determines to be appropriate,  
15                           which may include the number of employ-  
16                           ees participating in training, wage and  
17                           benefit levels of those employees (at  
18                           present and anticipated upon completion of  
19                           the training), relation of the training to  
20                           the competitiveness of a participant, and  
21                           other employer-provided training and ad-  
22                           vancement opportunities; and

23                           (ii) in the case of customized training  
24                           (as defined in subparagraphs (A) and (B))  
25                           involving an employer located in multiple

1 local areas in the State, a significant por-  
2 tion of the cost of the training, as deter-  
3 mined by the Governor of the State, taking  
4 into account the size of the employer and  
5 such other factors as the Governor deter-  
6 mines to be appropriate.

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

9 (A)(i) has been terminated or laid off, or  
10 who has received a notice of termination or lay-  
11 off, from employment;

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

14 (II) has been employed for a duration suf-  
15 ficient to demonstrate, to the appropriate entity  
16 at a one-stop center referred to in section  
17 221(e), attachment to the workforce, but is not  
18 eligible for unemployment compensation due to  
19 insufficient earnings or having performed serv-  
20 ices for an employer that were not covered  
21 under a State unemployment compensation law;  
22 and

23 (iii) is unlikely to return to a previous in-  
24 dustry or occupation;

1 (B)(i) has been terminated or laid off, or  
2 has received a notice of termination or layoff,  
3 from employment as a result of any permanent  
4 closure of, or any substantial layoff at, a plant,  
5 facility, or enterprise;

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

9 (iii) for purposes of eligibility to receive  
10 services other than training services described  
11 in section 234(c)(4), intensive services described  
12 in section 234(e)(3), or supportive services, is  
13 employed at a facility at which the employer  
14 has made a general announcement that such fa-  
15 cility will close;

16 (C) was self-employed (including employ-  
17 ment as a farmer, a rancher, or a fisherman)  
18 but is unemployed as a result of general eco-  
19 nomic conditions in the community in which the  
20 individual resides or because of natural disas-  
21 ters;

22 (D) is a displaced homemaker; or

23 (E)(i) is the spouse of a member of the  
24 Armed Forces on active duty (as defined in sec-  
25 tion 101(d)(1) of title 10, United States Code),



1           and who has experienced a loss of employment  
2           as a direct result of relocation to accommodate  
3           a permanent change in duty station of such  
4           member; or

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

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

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

15           (ii) is the dependent spouse of a member  
16           of the Armed Forces on active duty (as defined  
17           in section 101(d)(1) of title 10, United States  
18           Code) and whose family income is significantly  
19           reduced because of a deployment (as defined in  
20           section 991(b) of title 10, United States Code,  
21           or pursuant to paragraph (4) of such section),  
22           a call or order to active duty pursuant to a pro-  
23           vision of law referred to in section  
24           101(a)(13)(B) of title 10, United States Code,  
25           a permanent change of station, or the service-

1 connected (as defined in section 101(16) of title  
2 38, United States Code) death or disability of  
3 the member; or

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

10 (B) is unemployed or underemployed and  
11 is experiencing difficulty in obtaining or up-  
12 grading employment.

13 (16) ECONOMIC DEVELOPMENT AGENCY.—The  
14 term “economic development agency” includes a  
15 local planning or zoning commission or board, a  
16 community development agency, and another local  
17 agency or institution responsible for regulating, pro-  
18 moting, or assisting in local economic development.

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

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



1 supporting businesses, or the growth of  
2 other industry sectors; or

3 (ii) an occupation that currently has  
4 or is projected to have a number of posi-  
5 tions (including positions that lead to eco-  
6 nomic self-sufficiency and opportunities for  
7 advancement) in an industry sector so as  
8 to have a significant impact on the State,  
9 regional, or local economy, as appropriate.

10 (B) DETERMINATION.—The determination  
11 of whether an industry sector or occupation is  
12 in-demand under this paragraph shall be made  
13 by the State board or local board, as appro-  
14 priate, using State and regional business and  
15 labor market projections, including the use of  
16 labor market information.

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

21 (A) Displaced homemakers.

22 (B) Low-income individuals.

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

1 (D) Individuals with disabilities, including  
2 youth who are individuals with disabilities.

3 (E) Older individuals.

4 (F) Ex-offenders.

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

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

17 (I) Individuals who are English language  
18 learners, individuals who have low levels of lit-  
19 eracy, and individuals facing substantial cul-  
20 tural barriers.

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

23 (K) Individuals within 2 years of exhaust-  
24 ing lifetime eligibility under part A of title IV

1 of the Social Security Act (42 U.S.C. 601 et  
2 seq.).

3 (L) Single parents (including single preg-  
4 nant women).

5 (M) Such other groups as the Governor in-  
6 volved determines to have barriers to employ-  
7 ment.

8 (25) INDIVIDUAL WITH A DISABILITY.—

9 (A) IN GENERAL.—The term “individual  
10 with a disability” means an individual with a  
11 disability as defined in section 3 of the Ameri-  
12 cans with Disabilities Act of 1990 (42 U.S.C.  
13 12102).

14 (B) INDIVIDUALS WITH DISABILITIES.—  
15 The term “individuals with disabilities” means  
16 more than 1 individual with a disability.

17 (26) INDUSTRY OR SECTOR PARTNERSHIP.—

18 The term “industry or sector partnership” means a  
19 workforce collaborative, convened by or acting in  
20 partnership with a State board or local board,  
21 that—

22 (A) organizes key stakeholders in an indus-  
23 try cluster into a working group that focuses on  
24 the shared goals and human resources needs of  
25 the industry cluster and that includes, at the

1 appropriate stage of development of the part-  
2 nership—

3 (i) representatives of multiple busi-  
4 nesses or other employers in the industry  
5 cluster, including small and medium-sized  
6 employers when practicable;

7 (ii) 1 or more representatives of a rec-  
8 ognized State labor organization or central  
9 labor council, or another labor representa-  
10 tive, as appropriate; and

11 (iii) 1 or more representatives of an  
12 institution of higher education with, or an-  
13 other provider of, education or training  
14 programs that support the industry clus-  
15 ter; and

16 (B) may include representatives of—

17 (i) State or local government;

18 (ii) State or local economic develop-  
19 ment agencies;

20 (iii) State boards or local boards, as  
21 appropriate;

22 (iv) a State workforce agency or other  
23 entity providing employment services;

24 (v) other State or local agencies;

25 (vi) business or trade associations;

- 1 (vii) economic development organiza-  
2 tions;  
3 (viii) nonprofit organizations, commu-  
4 nity-based organizations, or intermediaries;  
5 (ix) philanthropic organizations;  
6 (x) industry associations; and  
7 (xi) other organizations, as deter-  
8 mined to be necessary by the members  
9 comprising the industry or sector partner-  
10 ship.

11 (27) IN-SCHOOL YOUTH.—The term “in-school  
12 youth” means a youth described in section  
13 229(a)(1)(C).

14 (28) INSTITUTION OF HIGHER EDUCATION.—  
15 The term “institution of higher education” has the  
16 meaning given the term in section 101, and subpara-  
17 graphs (A) and (B) of section 102(a)(1), of the  
18 Higher Education Act of 1965 (20 U.S.C. 1001,  
19 1002(a)(1)).

20 (29) INTEGRATED EDUCATION AND TRAIN-  
21 ING.—The term “integrated education and training”  
22 has the meaning given the term in section 303.

23 (30) LABOR MARKET AREA.—The term “labor  
24 market area” means an economically integrated geo-  
25 graphic area within which individuals can reside and



1 find employment within a reasonable distance or can  
2 readily change employment without changing their  
3 place of residence. Such an area shall be identified  
4 in accordance with criteria used by the Bureau of  
5 Labor Statistics of the Department of Labor in de-  
6 fining such areas or similar criteria established by a  
7 Governor.

8 (31) LITERACY.—The term “literacy” has the  
9 meaning given the term in section 303.

10 (32) LOCAL AREA.—The term “local area”  
11 means a local workforce investment area designated  
12 under section 116, subject to sections  
13 116(c)(1)(A)(v), 117(c)(4)(B)(i), and 289(i).

14 (33) LOCAL BOARD.—The term “local board”  
15 means a local workforce development board estab-  
16 lished under section 117, subject to section  
17 117(c)(4)(B)(i).

18 (34) LOCAL EDUCATIONAL AGENCY.—The term  
19 “local educational agency” has the meaning given  
20 the term in section 9101 of the Elementary and Sec-  
21 ondary Education Act of 1965 (20 U.S.C. 7801).

22 (35) LOCAL PLAN.—The term “local plan”  
23 means a plan submitted under section 118, subject  
24 to section 116(c)(1)(A)(v).

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

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

17                   (B) is in a family with gross income below  
18                   150 percent of the poverty line;

19                   (C) is a homeless individual (as defined in  
20                   section 41403(6) of the Violence Against  
21                   Women Act of 1994 (42 U.S.C. 14043e–2(6)),  
22                   except that clauses (i)(IV) and (iii) of subpara-  
23                   graph (B) of such section shall not apply), or  
24                   a homeless child or youth (as defined under sec-  
25                   tion 725(2) of the McKinney-Vento Homeless

1 Assistance Act (42 U.S.C. 11434a(2)), except  
2 that subparagraph (B)(iv) of such section shall  
3 not apply);

4 (D) receives or is eligible to receive a free  
5 or reduced price lunch under the Richard B.  
6 Russell National School Lunch Act (42 U.S.C.  
7 1751 et seq.);

8 (E) is a foster child on behalf of whom  
9 State or local government payments are made;  
10 or

11 (F) is an individual with a disability whose  
12 own income meets the income requirement of  
13 subparagraph (B), but who is a member of a  
14 family whose income does not meet this require-  
15 ment.

16 (37) NONTRADITIONAL EMPLOYMENT.—The  
17 term “nontraditional employment” refers to occupa-  
18 tions or fields of work, for which individuals from  
19 the gender involved comprise less than 25 percent of  
20 the individuals employed in each such occupation or  
21 field of work.

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

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

4 (B) who requires assistance in overcoming  
5 artificial barriers to employment resulting from  
6 a record of arrest or conviction.

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

9 (40) ONE-STOP CENTER.—The term “one-stop  
10 center” means a center described in section  
11 221(e)(2).

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

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

17 (A) an entity described in section  
18 221(b)(1); and

19 (B) an entity described in section  
20 221(b)(2) that is participating, with the ap-  
21 proval of the local board and chief elected offi-  
22 cial, in the operation of a one-stop delivery sys-  
23 tem.

24 (43) ONE-STOP PARTNER PROGRAM.—The term  
25 “one-stop partner program” means a program or ac-

1 activities described in section 221(b) of a one-stop  
2 partner.

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

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

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

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

22 (45) OUTLYING AREA.—The term “outlying  
23 area” means—

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

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

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

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

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

23 (49) PUBLIC ASSISTANCE.—The term “public  
24 assistance” means Federal, State, or local govern-

1       ment cash payments for which eligibility is deter-  
2       mined by a needs or income test.

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

13           (A) the establishment of onsite contact  
14      with employers and employee representatives—

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

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

22           (B) the provision of information on and ac-  
23      cess to available employment and training ac-  
24      tivities;

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

8           (D) the provision of emergency assistance  
9           adapted to the particular closure, layoff, or dis-  
10          aster; and

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

15          (51) **RECOGNIZED POSTSECONDARY CREDEN-**  
16          **TIAL.**—The term “recognized postsecondary creden-

17          tial” means a credential consisting of an industry-

18          recognized certificate or certification, a certificate of

19          completion of an apprenticeship, a license recognized

20          by the State involved or Federal Government, or an

21          associate or baccalaureate degree.

22          (52) **REGION.**—The term “region”, used with-  
23          out further description, means a region identified  
24          under section 116(c), subject to section  
25          117(a)(4)(B)(i).



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

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

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

12           (56) STATE BOARD.—The term “State board”  
13 means a State workforce development board estab-  
14 lished under section 111.

15           (57) STATE PLAN.—The term “State plan”,  
16 used without further description, means a unified  
17 plan under section 112 or a combined plan under  
18 section 113.

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

1           (59) TRAINING SERVICES.—The term “training  
2 services” means services described in section  
3 234(c)(4).

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

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

18           (62) VETERAN; RELATED DEFINITION.—

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

22           (B) RECENTLY SEPARATED VETERAN.—  
23 The term “recently separated veteran” means  
24 any veteran who applies for participation under  
25 this Act within 48 months after the discharge

1           or release from active military, naval, or air  
2           service.

3           (63) VOCATIONAL REHABILITATION PRO-  
4           GRAM.—The term “vocational rehabilitation pro-  
5           gram” means a program authorized under a provi-  
6           sion described in paragraph (12)(D).

7           (64) WORKFORCE DEVELOPMENT ACTIVITY.—  
8           The term “workforce development activity” means  
9           an activity carried out through a workforce develop-  
10          ment program.

11          (65) WORKFORCE DEVELOPMENT PROGRAM.—  
12          The term “workforce development program” means  
13          a program made available through a workforce de-  
14          velopment system.

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

21          (67) WORKFORCE INVESTMENT ACTIVITY.—The  
22          term “workforce investment activity” means an em-  
23          ployment and training activity, and a youth work-  
24          force investment activity.

1           (68) WORKFORCE PREPARATION ACTIVITIES.—

2           The term “workforce preparation activities” has the  
3           meaning given the term in section 303.

4           (69) WORKPLACE LEARNING ADVISOR.—The

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

16          (70) YOUTH WORKFORCE INVESTMENT ACTIV-

17          ITY.—The term “youth workforce investment activ-  
18          ity” means an activity described in section 229 that  
19          is carried out for eligible youth (or as described in  
20          section 229(a)(3)(A)).

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

3                     **CHAPTER 1—STATE PROVISIONS**

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

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

8             (b) MEMBERSHIP.—

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

11                             (A) the Governor;

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

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

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

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

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

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

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

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

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

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

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

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

18 (iii) the balance—

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

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

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

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

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



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

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

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

14 (A) the category described in paragraph  
15 (1)(C)(i); or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 practices relevant to workforce development;  
2 and

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

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

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

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

21 (C) the development of—

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

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

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

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

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

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

1           (8) the development of allocation formulas for  
2           the distribution of funds for employment and train-  
3           ing activities for adults, and youth workforce invest-  
4           ment activities, to local areas as permitted under  
5           sections 228(b)(3) and 233(b)(3);

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

9           (10) the development of the statewide workforce  
10          and labor market information system described in  
11          section 15(e) of the Wagner-Peyser Act (29 U.S.C.  
12          49l-2(e)).

13          (e) ALTERNATIVE ENTITY.—

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

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

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

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

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

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

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

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

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

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

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



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

7 (h) **AUTHORITY TO HIRE STAFF.**—

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

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

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

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

25 (b) **CONTENTS.**—

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

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

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

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

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

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

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

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

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

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

21 (2) OPERATIONAL PLANNING ELEMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

3 (I) how the eligible agency will, if  
4 applicable, align content standards for  
5 adult education with State-adopted  
6 challenging academic content stand-  
7 ards, as adopted under section  
8 1111(b)(1) of the Elementary and  
9 Secondary Education Act of 1965 (20  
10 U.S.C. 6311(b)(1));

11 (II) how the State will fund local  
12 activities using considerations speci-  
13 fied in section 331(e) for—

14 (aa) activities under section  
15 331(b);

16 (bb) programs for correc-  
17 tions education under section  
18 325;

19 (cc) programs for integrated  
20 English literacy and civics edu-  
21 cation under section 343; and

22 (dd) integrated education  
23 and training;

1 (III) how the State will use the  
2 funds to carry out activities under  
3 section 323;

4 (IV) how the eligible agency will  
5 provide technical assistance and use  
6 incentives and sanctions to improve el-  
7 igible provider performance; and

8 (V) how the eligible agency will  
9 assess the quality of providers of adult  
10 education and literacy activities under  
11 title III and take actions to improve  
12 such quality, including providing the  
13 activities described in section  
14 323(a)(1)(B);

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

22 (iv) information on such additional  
23 specific requirements for a program ref-  
24 erenced in any of clauses (i) through (iii)  
25 or the Wagner-Peyser Act (29 U.S.C. 49

1 et seq.) as the Secretary of Labor and the  
2 Secretary of Education determine are nec-  
3 essary to administer that program but can-  
4 not reasonably be applied across all such  
5 programs.

6 (E) ASSURANCES.—The unified State plan  
7 shall include assurances—

8 (i) that the State has established a  
9 policy identifying circumstances that may  
10 present a conflict of interest for a State  
11 board or local board member, or the entity  
12 or class of officials that the member rep-  
13 resents, and procedures to resolve such  
14 conflicts;

15 (ii) that the State has established a  
16 policy to provide to the public (including  
17 individuals with disabilities) access to  
18 meetings of State boards and local boards,  
19 and information regarding activities of  
20 State boards and local boards, such as  
21 data on board membership and minutes;

22 (iii)(I) that the lead State agencies  
23 with responsibility for the administration  
24 of core programs reviewed and commented  
25 on the appropriate operational planning



1 elements of the unified State plan, and ap-  
2 proved the elements as serving the needs of  
3 the populations served by such programs;  
4 and

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

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

1 (v) that the State will annually mon-  
2 itor local areas to ensure compliance with  
3 the uniform administrative requirements  
4 under section 284(a)(3);

5 (vi) that the State has taken appro-  
6 priate action to secure compliance with  
7 uniform administrative requirements in  
8 this Act;

9 (vii) that the State has taken the ap-  
10 propriate actions to be in compliance with  
11 section 288;

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

17 (ix) that the eligible agency under  
18 title III will—

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

1 (II) ensure that there is at least  
2 1 eligible provider serving each local  
3 area;

4 (x) that the State will pay an appro-  
5 priate share (as defined by the State  
6 board) of the costs of carrying out subtitle  
7 B, from funds made available through each  
8 of the core programs; and

9 (xi) regarding such other matters as  
10 the Secretary of Labor and the Secretary  
11 of Education determine to be necessary for  
12 the administration of the core programs.

13 (c) PLAN SUBMISSION AND APPROVAL.—

14 (1) SUBMISSION.—

15 (A) INITIAL PLAN.—The initial unified  
16 State plan under this section (after the date of  
17 enactment of this Act) shall be submitted not  
18 later than 120 days prior to the commencement  
19 of the second full program year after the date  
20 of enactment of that Act.

21 (B) SUBSEQUENT PLANS.—Except as pro-  
22 vided in subparagraph (A), a unified State plan  
23 shall be submitted not later than 120 days prior  
24 to the end of the 4-year period covered by the  
25 preceding unified State plan.

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

15          (3) MODIFICATIONS.—

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

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

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

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

16 **SEC. 113. COMBINED STATE PLAN.**

17          (a) IN GENERAL.—

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

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

3           (A) Career and technical education pro-  
4 grams authorized under the Carl D. Perkins  
5 Career and Technical Education Act of 2006  
6 (20 U.S.C. 2301 et seq.).

7           (B) Programs authorized under part A of  
8 title IV of the Social Security Act (42 U.S.C.  
9 601 et seq.).

10          (C) Programs authorized under section  
11 6(d)(4) of the Food and Nutrition Act of 2008  
12 (7 U.S.C. 2015(d)(4)).

13          (D) Work programs authorized under sec-  
14 tion 6(o) of the Food and Nutrition Act of  
15 2008 (7 U.S.C. 2015(o)).

16          (E) Activities authorized under chapter 2  
17 of title II of the Trade Act of 1974 (19 U.S.C.  
18 2271 et seq.).

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

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

1 (H) Programs authorized under title V of  
2 the Older Americans Act of 1965 (42 U.S.C.  
3 3056 et seq.).

4 (I) Employment and training activities car-  
5 ried out by the Department of Housing and  
6 Urban Development.

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

10 (K) Programs authorized under section  
11 212 of the Second Chance Act of 2007 (42  
12 U.S.C. 17532).

13 (b) REQUIREMENTS.—

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

24 (2) ADDITIONAL SUBMISSION NOT REQUIRED.—

25 A State that submits a combined plan that is ap-

1       proved under subsection (c) shall not be required to  
2       submit any other plan or application in order to re-  
3       ceive Federal funds to carry out the core programs  
4       or the program or activities described in subsection  
5       (a)(2) that are covered by the combined plan.

6           (3) COORDINATION.—A combined plan shall in-  
7       clude—

8           (A) a description of the methods used for  
9       joint planning and coordination of the core pro-  
10      grams and the other programs and activities  
11      covered by the combined plan; and

12          (B) an assurance that the methods in-  
13      cluded an opportunity for the entities respon-  
14      sible for planning or administering the core pro-  
15      grams and the other programs and activities to  
16      review and comment on all portions of the com-  
17      bined plan.

18      (c) APPROVAL BY THE APPROPRIATE SECRE-  
19      TARIES.—

20          (1) JURISDICTION.—The appropriate Secretary  
21      shall have the authority to approve the cor-  
22      responding portion of a combined plan as described  
23      in subsection (d). On the approval of the appropriate  
24      Secretary, that portion of the combined plan, relat-  
25      ing to a program or activity, shall be implemented



1 by the State pursuant to that portion of the com-  
2 bined plan, and the Federal law authorizing the pro-  
3 gram or activity.

4 (2) APPROVAL OF CORE PROGRAMS.—No por-  
5 tion of the plan relating to a core program shall be  
6 implemented until the appropriate Secretary ap-  
7 proves the corresponding portions of the plan for all  
8 core programs.

9 (3) TIMING OF APPROVAL.—

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

18 (B) PLAN APPROVED BY 3 OR MORE AP-  
19 PROPRIATE SECRETARIES.—If an appropriate  
20 Secretary other than the Secretary of Labor or  
21 the Secretary of Education has authority to ap-  
22 prove a portion of a combined plan, that por-  
23 tion of the combined plan shall be considered to  
24 be approved by the appropriate Secretary at the

1 end of the 120-day period beginning on the day  
2 the plan is submitted.

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

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

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

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

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

## 20 **CHAPTER 2—LOCAL PROVISIONS**

### 21 **SEC. 116. LOCAL WORKFORCE DEVELOPMENT AREAS.**

22 (a) DESIGNATION OF AREAS.—

23 (1) IN GENERAL.—

24 (A) PROCESS.—Except as provided in sub-  
25 section (b), and consistent with paragraphs (2)

1           and (3), in order for a State to receive an allot-  
2           ment under section 227 or 232, the Governor of  
3           the State shall designate local workforce devel-  
4           opment areas within the State—

5                   (i) through consultation with the  
6                   State board; and

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

12           (B) CRITERIA.—The Governor shall des-  
13           ignate local areas (except for those local areas  
14           described in paragraphs (2) and (3)), based on  
15           criteria consisting of—

16                   (i) the extent to which the areas are  
17                   consistent with labor market areas in the  
18                   State;

19                   (ii) the extent to which the areas are  
20                   consistent with regional economic develop-  
21                   ment areas in the State; and

22                   (iii) whether the areas have available  
23                   the Federal and non-Federal resources  
24                   necessary to effectively administer activi-  
25                   ties under title II and other applicable pro-



1 (B) SUBSEQUENT DESIGNATION.—For the  
2 third full program year that commences after  
3 the date of enactment of this Act and there-  
4 after, the Governor shall designate as a local  
5 area under this subparagraph any area that  
6 was designated as a local area under subpara-  
7 graph (A)—

8 (i) if such local area so requests;

9 (ii) if such local area—

10 (I) performed successfully; and

11 (II) sustained fiscal integrity;

12 and

13 (iii) in the case of a local area that is  
14 part of a consortium of local areas in a  
15 planning region under subsection (c), if  
16 such local area met each of the following  
17 implementation conditions:

18 (I) Participated in preparing a  
19 regional plan under subsection  
20 (c)(1)(A)(iv) and in implementing the  
21 plan.

22 (II) Developed and implemented  
23 regional service strategies and activi-  
24 ties, such as industry and sector-  
25 based strategies (including establish-

1                   ment of industry partnerships), in ac-  
2                   cordance with the regional plan.

3                   (C) DEFINITIONS.—For purposes of this  
4                   paragraph:

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

19                  (ii) SUSTAINED FISCAL INTEGRITY.—  
20                  The term “sustained fiscal integrity”, used  
21                  with respect to a local area, means that  
22                  the Secretary has not made a formal deter-  
23                  mination, during either of the last 2 con-  
24                  secutive years preceding the determination  
25                  regarding such integrity, that either the

1 grant recipient or the administrative entity  
2 of the area misexpended funds provided  
3 under title II (or, if applicable, title I of  
4 the Workforce Investment Act of 1998 as  
5 in effect prior to the effective date of such  
6 title II) due to willful disregard of the re-  
7 quirements of the title involved, gross neg-  
8 ligence, or failure to comply with accepted  
9 standards of administration.

10 (3) DESIGNATION ON RECOMMENDATION OF  
11 STATE BOARD.—The Governor may approve a re-  
12 quest from any unit of general local government (in-  
13 cluding a combination of such units) for designation  
14 as a local area if the State board determines, based  
15 on the factors described in paragraph (1)(B), and  
16 recommends to the Governor, that such area should  
17 be so designated.

18 (4) APPEALS.—A unit of general local govern-  
19 ment (including a combination of such units) or  
20 grant recipient that requests but is not granted des-  
21 ignation of an area as a local area under paragraph  
22 (2) may submit an appeal to the State board under  
23 an appeal process established in the State plan. If  
24 the appeal does not result in such a designation, the  
25 Secretary of Labor, after receiving a request for re-



1 view from the unit or grant recipient and on deter-  
2 mining that the unit or grant recipient was not ac-  
3 corded procedural rights under the appeal process  
4 described in the State plan, as specified in section  
5 112(b)(2)(D)(i), or that the area meets the require-  
6 ments of paragraph (2), may require that the area  
7 be designated as a local area under such paragraph.

8 (b) SINGLE STATE LOCAL AREAS.—

9 (1) CONTINUATION OF PREVIOUS DESIGNA-  
10 TION.—The Governor of any State that was a single  
11 State local area for purposes of title I of the Work-  
12 force Investment Act of 1998, as in effect on July  
13 1, 2011, may designate the State as a single State  
14 local area for purposes of this title and title II if the  
15 Governor identifies the State as a local area in the  
16 State plan.

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

25 (3) COMPOSITION OF STATE BOARD.—

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

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

11 (ii)(I) include the members described  
12 in subparagraphs (A) and (B) of section  
13 111(b)(1);

14 (II) include, as a majority of the  
15 members, the representatives described in  
16 section 111(b)(1)(C)(i);

17 (III) include, as members other than  
18 the members described in subparagraphs  
19 (A), (B), and (C)(i) of section 111(b)(1),  
20 an equal number of—

21 (aa) representatives described in  
22 subparagraph (C)(ii) of that section;  
23 and

1 (bb) representatives described in  
2 subparagraph (C)(iii) of that section;  
3 and

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

7 (B) REDESIGNATION.—For a State that is  
8 designated as a single State local area under  
9 paragraph (2), the composition of the State  
10 board shall be consistent with the requirements  
11 described in subparagraph (A)(ii).

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

23 (c) REGIONAL PLANNING AND SERVICE DELIV-  
24 ERY.—

25 (1) IN GENERAL.—

1 (A) PLANNING.—

2 (i) IDENTIFICATION.—Before the first  
3 day of the second full program year that  
4 commences after the date of enactment of  
5 this Act, as part of the process for devel-  
6 oping the State plan, a State shall identify  
7 regions in the State. The State shall iden-  
8 tify regions after consultation with the  
9 local boards and chief elected officials in  
10 the affected local areas and consistent with  
11 the criteria described in subsection  
12 (a)(1)(B).

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

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

18 (II) which regions are comprised  
19 of 2 or more local areas that are (col-  
20 lectively) aligned with the region.

21 (iii) PLANNING FOR COOPERATIVE  
22 INITIATIVES AND ARRANGEMENTS.—In the  
23 regions comprised of 2 or more local areas,  
24 the State shall require regional planning,  
25 including planning for regional service de-

1 livery, by local boards in those regions.  
2 The State shall require the local boards in  
3 a planning region to participate in a re-  
4 gional planning process for cooperative ini-  
5 tiatives and arrangements that result in—

6 (I) the establishment of regional  
7 service strategies and activities, in-  
8 cluding service delivery cooperative ar-  
9 rangements and regional approaches  
10 to address the employment and train-  
11 ing needs of individuals with barriers  
12 to employment;

13 (II) as appropriate, the develop-  
14 ment and implementation of initia-  
15 tives involving in-demand industry  
16 sectors or occupations;

17 (III) the collection and analysis  
18 of regional labor market data (in con-  
19 junction with the State); and

20 (IV) the establishment of admin-  
21 istrative cost arrangements, as appro-  
22 priate.

23 (iv) REGIONAL PLANS.—The State,  
24 after consultation with the local boards  
25 and chief elected officials for the planning

1 region, shall require the local boards and  
2 officials to collaborate in order to prepare,  
3 submit, and obtain approval of a single re-  
4 gional plan. Such plan shall include a de-  
5 scription of the cooperative initiatives and  
6 arrangements developed pursuant to clause  
7 (iii) and incorporate local plans for each of  
8 the local areas in the planning region (as  
9 required under section 118), which shall  
10 contain strategies that are consistent and  
11 aligned with each other.

12 (v) REFERENCES.—In this Act, and  
13 the core program provisions that are not in  
14 this Act:

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

1                   corresponding local areas in the re-  
2                   gion.

3                   (II) LOCAL PLAN.—Except as  
4                   provided in subsection (b)(4) or this  
5                   subsection, the term “local plan” in-  
6                   cludes a reference to the portion of a  
7                   regional plan developed with respect  
8                   to the corresponding local area within  
9                   the region, and any regionwide provi-  
10                  sion of that plan that impacts or re-  
11                  lates to the local area.

12                  (B) ASSISTANCE FOR LOCAL AREAS.—

13                  (i) IN GENERAL.—The State shall  
14                  provide technical assistance and labor mar-  
15                  ket information to local boards in planning  
16                  regions to assist such local boards with re-  
17                  gional planning and subsequent service de-  
18                  livery efforts, and with the alignment of  
19                  programs consistent with the alignment en-  
20                  visioned in the State and local plans.

21                  (ii) REDESIGNATION ASSISTANCE.—  
22                  On the request of all of the local areas in  
23                  a planning region, the State shall provide  
24                  funding from funds made available under  
25                  sections 228(a) and 233(a)(1) to assist the

1           local areas in carrying out activities to fa-  
2           cilitate the redesignation of the local areas  
3           as a single local area.

4           (2) INFORMATION SHARING.—The State shall  
5           require the local boards for a planning region to  
6           share, consistent with State law, employment statis-  
7           tics, information about employment opportunities  
8           and trends, information about the skill requirements  
9           of existing and emerging in-demand industry sectors  
10          and occupations, information on the skills and work-  
11          force development activities, and any skill or services  
12          gaps, in the planning region, and other types of in-  
13          formation that would assist in improving the per-  
14          formance of all local areas in the planning region on  
15          the performance accountability measures established  
16          under section 131(c).

17          (3) COORDINATION OF SERVICES.—The State  
18          shall require the local boards for a planning region  
19          to coordinate—

20                (A) the provision of workforce investment  
21                activities with the activities of the other one-  
22                stop partner programs, including the provision  
23                of transportation and other supportive services,  
24                so that services provided through such pro-



1           grams may be provided across the boundaries of  
2           local areas within the planning region; and

3                   (B) the provision of such activities with re-  
4           gional economic development services and strat-  
5           egies.

6           (4) INTERSTATE REGIONS.—Two or more  
7           States that contain an interstate region that is a  
8           labor market area, economic development region, or  
9           other appropriate contiguous subarea of the States  
10          may designate the area as a planning region for pur-  
11          poses of this subsection, and jointly exercise the  
12          State functions described in this Act (including  
13          paragraphs (1) through (3)).

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

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

22          (b) MEMBERSHIP.—

23                  (1) STATE CRITERIA.—The Governor, in part-  
24          nership with the State board, shall establish criteria  
25          for use by chief elected officials in the local areas for

1        appointment of members of the local boards in such  
2        local areas in accordance with the requirements of  
3        paragraph (2).

4            (2) COMPOSITION.—Such criteria shall require  
5        that, at a minimum—

6            (A) a majority of the members of each  
7        local board shall be representatives of business  
8        in the local area, who—

9            (i) are owners of businesses, chief ex-  
10        ecutives or operating officers of businesses,  
11        or other business executives or employers  
12        with optimum policymaking or hiring au-  
13        thority;

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

1 (iii) are appointed from among indi-  
2 viduals nominated by local business organi-  
3 zations and business trade associations;

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

7 (i) shall include representatives of  
8 labor organizations (for a local area in  
9 which employees are represented by labor  
10 organizations), who have been nominated  
11 by local labor federations, or (for a local  
12 area in which no employees are represented  
13 by such organizations) other representa-  
14 tives of employees;

15 (ii) may include representatives of  
16 community-based organizations that have  
17 demonstrated experience and expertise in  
18 addressing the employment needs of indi-  
19 viduals with barriers to employment, in-  
20 cluding organizations that serve veterans  
21 or that provide or support competitive, in-  
22 tegrated employment for individuals with  
23 disabilities; and

24 (iii) may include representatives of or-  
25 ganizations that have demonstrated experi-

1           ence and expertise in addressing the em-  
2           ployment, training, or education needs of  
3           eligible youth, including representatives of  
4           organizations that serve out-of-school  
5           youth;

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

9                   (i) shall include a representative of el-  
10           igible providers administering adult edu-  
11           cation and literacy activities under title  
12           III;

13                   (ii) shall include a representative of  
14           institutions of higher education providing  
15           workforce investment activities (including  
16           community colleges);

17                   (iii) shall include a representative, ei-  
18           ther an employer, a member of a labor or-  
19           ganization, or a staff director, from a joint  
20           labor-management apprenticeship program,  
21           or if no such joint program exists in the  
22           area, a representative of an apprenticeship  
23           program in the area; and

24                   (iv) may include representatives of  
25           local educational agencies, and of commu-

1 nity-based organizations with demonstrated  
2 experience and expertise in addressing the  
3 education or training needs of individuals  
4 with barriers to employment;

5 (D) each local board shall include rep-  
6 resentatives of governmental and economic and  
7 community development entities serving the  
8 local area, who—

9 (i) shall include 1 or more representa-  
10 tives of economic and community develop-  
11 ment entities;

12 (ii) shall include an appropriate rep-  
13 resentative from the State employment  
14 service office under the Wagner-Peyser Act  
15 (29 U.S.C. 49 et seq.) serving the local  
16 area;

17 (iii) shall include an appropriate rep-  
18 resentative of the programs carried out  
19 under title I of the Rehabilitation Act of  
20 1973 (29 U.S.C. 720 et seq.), other than  
21 section 112 or part C of that title (29  
22 U.S.C. 732, 741), serving the local area;

23 (iv) may include representatives of  
24 agencies or entities administering pro-  
25 grams serving the local area relating to

1 transportation, housing, and public assist-  
2 ance; and

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

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

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

14 (4) STANDING COMMITTEES.—

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

1           imum, the local board shall designate each of  
2           the following:

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

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

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

1                   ties of the one-stop delivery system, as well  
2                   as appropriate training for staff on pro-  
3                   viding supports for or accommodations to,  
4                   and finding employment opportunities for,  
5                   individuals with disabilities.

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

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

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

24                  (6) SPECIAL RULE.—If there are multiple eligi-  
25                  ble providers serving the local area by administering



1 adult education and literacy activities under title III,  
2 or multiple institutions of higher education serving  
3 the local area by providing workforce investment ac-  
4 tivities, each representative on the local board de-  
5 scribed in clause (i) or (ii) of paragraph (2)(C), re-  
6 spectively, shall be appointed from among individ-  
7 uals nominated by local providers representing such  
8 providers or institutions, respectively.

9 (c) APPOINTMENT AND CERTIFICATION OF BOARD.—

10 (1) APPOINTMENT OF BOARD MEMBERS AND  
11 ASSIGNMENT OF RESPONSIBILITIES.—

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

17 (B) MULTIPLE UNITS OF LOCAL GOVERN-  
18 MENT IN AREA.—

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

1 (I) in the appointment of the  
2 members of the local board from the  
3 individuals nominated or rec-  
4 ommended to be such members in ac-  
5 cordance with the criteria established  
6 under subsection (b); and

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

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

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

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

8 (2) CERTIFICATION.—

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

12 (B) CRITERIA.—Such certification shall be  
13 based on criteria established under subsection  
14 (b), and for a second or subsequent certifi-  
15 cation, the extent to which the local board has  
16 ensured that workforce investment activities  
17 carried out in the local area have enabled the  
18 local area to meet the corresponding perform-  
19 ance accountability measures and achieve sus-  
20 tained fiscal integrity, as defined in section  
21 116(a)(2)(C).

22 (C) FAILURE TO ACHIEVE CERTIFI-  
23 CATION.—Failure of a local board to achieve  
24 certification shall result in appointment and  
25 certification of a new local board for the local

1 area pursuant to the process described in para-  
2 graph (1) and this paragraph.

3 (3) DECERTIFICATION.—

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

10 (i) fraud or abuse; or

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

14 (B) NONPERFORMANCE.—Notwithstanding  
15 paragraph (2), the Governor may decertify a  
16 local board if a local area fails to meet the local  
17 performance accountability measures for such  
18 local area in accordance with section 131(c) for  
19 2 consecutive program years.

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

1           ernor, in consultation with the chief elected offi-  
2           cial in the local area and in accordance with the  
3           criteria established under subsection (b).

4           (4) SINGLE STATE LOCAL AREA.—

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

16                 (B) REFERENCES.—

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

1 (ii) PLANS.—The State board shall  
2 prepare a local plan under section 118 for  
3 the State, and submit the plan for ap-  
4 proval as part of the State plan.

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

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

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

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

1           (A) carry out analyses of the economic  
2           conditions in the region, the needed knowledge  
3           and skills for the region, the workforce in the  
4           region, and workforce development activities  
5           (including education and training) in the region  
6           described in section 118(b)(1)(D), and regularly  
7           update such information;

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

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

21          (3) CONVENING, BROKERING, LEVERAGING.—

22          The local board shall convene local workforce devel-  
23          opment system stakeholders to assist in the develop-  
24          ment of the local plan under section 118 and in  
25          identifying non-Federal expertise and resources to

1 leverage support for workforce development activi-  
2 ties. The local board, including standing committees,  
3 may engage such stakeholders in carrying out the  
4 functions described in this subsection.

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

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

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

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



1 (D) to develop and implement proven or  
2 promising strategies for meeting the employ-  
3 ment and skill needs of workers and employers  
4 (such as the establishment of industry and sec-  
5 tor partnerships), that provide the skilled work-  
6 force needed by employers in the region, and  
7 that expand employment and career advance-  
8 ment opportunities for workforce development  
9 system participants in in-demand industry sec-  
10 tors or occupations.

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

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

21 (A) identify and promote proven and prom-  
22 ising strategies and initiatives for meeting the  
23 needs of employers, and workers and jobseekers  
24 (including individuals with barriers to employ-  
25 ment) in the local workforce development sys-

1           tem, including providing physical and pro-  
2           grammatic accessibility, in accordance with sec-  
3           tion 288 and applicable provisions of the Ameri-  
4           cans with Disabilities Act of 1990 (42 U.S.C.  
5           12101 et seq.), to the one-stop delivery system;  
6           and

7           (B) identify and disseminate information  
8           on proven and promising practices carried out  
9           in other local areas for meeting such needs.

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

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

20                 (B) facilitating access to services provided  
21                 through the one-stop delivery system involved,  
22                 including facilitating the access in remote areas;

23                 (C) identifying strategies for better meet-  
24                 ing the needs of individuals with barriers to em-  
25                 ployment, including strategies that augment

1 traditional service delivery, and increase access  
2 to services and programs of the one-stop deliv-  
3 ery system, such as improving digital literacy  
4 skills; and

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

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

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

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

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

1           (9) NEGOTIATION OF LOCAL PERFORMANCE AC-  
2           COUNTABILITY MEASURES.—The local board, the  
3           chief elected official, and the Governor shall nego-  
4           tiate and reach agreement on local performance ac-  
5           countability measures as described in section 131(c).

6           (10) SELECTION OF OPERATORS AND PRO-  
7           VIDERS.—

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

12                   (i) shall designate or certify one-stop  
13                   operators as described in section  
14                   221(d)(2)(A); and

15                   (ii) may terminate for cause the eligi-  
16                   bility of such operators.

17          (B) SELECTION OF YOUTH PROVIDERS.—  
18          Consistent with section 223, the local board—

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

1 committee established under section  
2 117(b)(4); and

3 (ii) may terminate for cause the eligi-  
4 bility of such providers.

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

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

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

1 adult education and literacy activities) serving  
2 the local area and providing the services in-  
3 volved in a manner that maximizes consumer  
4 choice, as well as providing opportunities that  
5 lead to competitive, integrated employment for  
6 individuals with disabilities.

7 (11) COORDINATION WITH EDUCATION PRO-  
8 VIDERS.—

9 (A) IN GENERAL.—The local board shall  
10 coordinate activities with education and training  
11 providers in the local area, including providers  
12 of workforce investment activities, providers of  
13 adult education and literacy activities under  
14 title III, providers of career and technical edu-  
15 cation (as defined in section 3 of the Carl D.  
16 Perkins Career and Technical Education Act of  
17 2006 (20 U.S.C. 2302)) and local agencies ad-  
18 ministering plans under title I of the Rehabili-  
19 tation Act of 1973 (29 U.S.C. 720 et seq.),  
20 other than section 112 or part C of that title  
21 (29 U.S.C. 732, 741).

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

25 (i) consistent with section 332—

1 (I) reviewing the applications to  
2 provide adult education and literacy  
3 activities under title III for the local  
4 area, submitted under such section to  
5 the eligible agency by eligible pro-  
6 viders, to determine whether such ap-  
7 plications are consistent with the local  
8 plan; and

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

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

1 assistance, use and sharing of information,  
2 cooperative efforts with employers, and  
3 other efforts at cooperation, collaboration,  
4 and coordination.

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

11 (12) BUDGET AND ADMINISTRATION.—

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

18 (B) ADMINISTRATION.—

19 (i) GRANT RECIPIENT.—

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



1 less the chief elected official reaches  
2 an agreement with the Governor for  
3 the Governor to act as the local grant  
4 recipient and bear such liability.

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

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

1 funds immediately on receiving such  
2 direction from the local board.

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

8 (iii) TAX-EXEMPT STATUS.—For pur-  
9 poses of carrying out duties under this  
10 Act, local boards may incorporate, and  
11 may operate as entities described in section  
12 501(e)(3) of the Internal Revenue Code of  
13 1986 that are exempt from taxation under  
14 section 501(a) of such Code.

15 (13) ACCESSIBILITY FOR INDIVIDUALS WITH  
16 DISABILITIES.—The local board shall annually as-  
17 sess the physical and programmatic accessibility, in  
18 accordance with section 288 and applicable provi-  
19 sions of the Americans with Disabilities Act of 1990  
20 (42 U.S.C. 12101 et seq.), of all one-stop centers in  
21 the local area.

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

1 regarding the local plan prior to submission of the plan,  
2 and regarding membership, the designation and certifi-  
3 cation of one-stop operators, and the award of grants or  
4 contracts to eligible providers of youth workforce invest-  
5 ment activities, and on request, minutes of formal meet-  
6 ings of the local board.

7 (f) STAFF.—

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

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

14 (g) LIMITATIONS.—

15 (1) TRAINING SERVICES.—

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

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

1 services) for a program of training services, if  
2 the local board—

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

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

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

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

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

1 (iii) includes, in the final request for  
2 the waiver, the evidence and information  
3 described in clause (i) and the comments  
4 received pursuant to clause (ii).

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

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

22 (2) CORE SERVICES; INTENSIVE SERVICES; DES-  
23 IGNATION OR CERTIFICATION AS ONE-STOP OPERA-  
24 TORS.—A local board may provide core services de-  
25 scribed in section 234(c)(2) or intensive services de-

1       scribed in section 234(c)(3) through a one-stop de-  
2       livery system or be designated or certified as a one-  
3       stop operator only with the agreement of the chief  
4       elected official in the local area and the Governor.

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

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

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

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

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

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

21       (i) ALTERNATIVE ENTITY.—

22           (1) IN GENERAL.—For purposes of complying  
23       with subsections (a), (b), and (c), a State may use  
24       any local entity (including a local council, regional

1 workforce development board, or similar entity)  
2 that—

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

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

8 (C) includes—

9 (i) representatives of business in the  
10 local area; and

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

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

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

23 **SEC. 118. LOCAL PLAN.**

24 (a) IN GENERAL.—Each local board shall develop  
25 and submit to the Governor a comprehensive 4-year local

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

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

15 (1) a description of the strategic planning ele-  
16 ments consisting of—

17 (A) an analysis of the regional economic  
18 conditions including—

19 (i) existing and emerging in-demand  
20 industry sectors and occupations; and

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

24 (B) an analysis of the knowledge and skills  
25 needed to meet the employment needs of the



1 employers in the region, including employment  
2 needs in in-demand industry sectors and occu-  
3 pations;

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

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

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

1 order to support regional economic growth and  
2 economic self-sufficiency; and

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

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

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

1 the development of career pathways and co-enroll-  
2 ment, as appropriate, in core programs;

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

5 (A) in order to—

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

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

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

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

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

1 to meet the needs of employers in the cor-  
2 responding region in support of the strategy de-  
3 scribed in paragraph (1)(F);

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

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

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

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

24 (C) a description of how entities within the  
25 one-stop delivery system, including one-stop op-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

## 7           **CHAPTER 3—GENERAL PROVISIONS**

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

9           (a) DEVELOPMENT OF GUIDELINES.—

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

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

23           (A) Representatives of Federal, State, re-  
24 gional, and local officials responsible for the ad-  
25 ministration of one-stop partner programs, as

1 well as other workforce development programs  
2 the Secretary determines are appropriate.

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

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

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

24 (b) IDENTIFICATION OF GUIDELINES.—Not later  
25 than 15 months after the date of enactment of this Act,

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

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

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

20 (a) STATE BOARDS.—In funding a State board under  
21 this subtitle, a State—

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

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

4           (b) LOCAL BOARDS.—In funding a local board under  
5 this subtitle, the chief elected official and local board for  
6 the local area—

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

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

13 **Subtitle B—Workforce Develop-**  
14 **ment Performance Account-**  
15 **ability System**

16 **SEC. 131. PERFORMANCE ACCOUNTABILITY SYSTEM.**

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

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

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

1 (b) STATE PERFORMANCE ACCOUNTABILITY MEAS-  
2 URES.—

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

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

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

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

14 (2) INDICATORS OF PERFORMANCE.—

15 (A) PRIMARY INDICATORS OF PERFORM-  
16 ANCE.—

17 (i) IN GENERAL.—The State primary  
18 indicators of performance for activities  
19 provided under the adult and dislocated  
20 worker programs authorized under chapter  
21 3 of subtitle B of title II, the program of  
22 adult education and literacy activities au-  
23 thorized under title III, the employment  
24 services program authorized under sections  
25 1 through 13 of the Wagner-Peyser Act

1 (29 U.S.C. 49 et seq.) (except that sub-  
2 clauses (IV) and (V) shall not apply to  
3 such program), and the program author-  
4 ized under title I of the Rehabilitation Act  
5 of 1973 (29 U.S.C. 720 et seq.), other  
6 than section 112 or part C of that title (29  
7 U.S.C. 732, 741), shall consist of—

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

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

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

20 (IV) the percentage of program  
21 participants who obtain a recognized  
22 postsecondary credential, or a sec-  
23 ondary school diploma or its recog-  
24 nized equivalent (subject to clause



1 (iii)), during participation in or within  
2 1 year after exit from the program;

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

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

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

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

24 (II) the percentage of program  
25 participants who are in education or

1 training activities, or employed, dur-  
2 ing the fourth quarter after exit from  
3 the program;

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

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

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

1 (VI) the indicators of effective-  
2 ness in serving employers established  
3 pursuant to clause (iv).

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

18 (iv) INDICATOR FOR SERVICES TO EM-  
19 PLOYERS.—Prior to the commencement of  
20 the second full program year after the date  
21 of enactment of this Act, for purposes of  
22 clauses (i)(VI) and (ii)(VI), the Secretary  
23 of Labor and the Secretary of Education,  
24 after consultation with the representatives  
25 described in subsection (h)(2), shall jointly

1           develop and establish, for purposes of this  
2           subparagraph, 1 or more primary indica-  
3           tors of performance that indicate the effec-  
4           tiveness of the core programs in serving  
5           employers.

6           (B) ADDITIONAL INDICATORS.—A State  
7           may identify in the State plan additional per-  
8           formance accountability indicators.

9           (3) LEVELS OF PERFORMANCE.—

10           (A) STATE ADJUSTED LEVELS OF PER-  
11           FORMANCE FOR PRIMARY INDICATORS.—

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

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

22           (I) the youth program authorized  
23           under chapter 2 of subtitle B of title  
24           II;

1 (II) the adult program authorized  
2 under chapter 3 of subtitle B of title  
3 II;

4 (III) the dislocated worker au-  
5 thORIZED under chapter 3 of subtitle B  
6 of title II;

7 (IV) the program of adult edu-  
8 cation and literacy activities author-  
9 ized under title III;

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

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

19 (iii) IDENTIFICATION IN STATE  
20 PLAN.—Each State shall identify, in the  
21 State plan, expected levels of performance  
22 for each of the corresponding primary indi-  
23 cators of performance for each of the pro-  
24 grams described in clause (ii) for the first  
25 2 program years covered by the State plan.

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1 (iv) AGREEMENT ON STATE AD-  
2 JUSTED LEVELS OF PERFORMANCE.—

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

22 (II) THIRD AND FOURTH  
23 YEAR.—The State and the Secretaries  
24 shall reach agreement, prior to the  
25 third program year covered by the

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

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

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

23 (II) ensure that the levels in-  
24 volved are adjusted, using the objec-  
25 tive statistical model established by

1 the Secretaries pursuant to clause  
2 (viii), based on—

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

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

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



1                   ance accountability measures by such  
2                   State and ensure optimal return on  
3                   the investment of Federal funds; and

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

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

24                  (vii) REVISIONS BASED ON ECONOMIC  
25                  CONDITIONS AND INDIVIDUALS SERVED

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

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

24 (B) LEVELS OF PERFORMANCE FOR ADDI-  
25 TIONAL INDICATORS.—The State may identify,

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

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

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

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

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

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

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

1 levels of performance established under subsection  
2 (b)(3)(A).

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

16 (d) PERFORMANCE REPORTS.—

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

1 into account the need to maximize the value of the  
2 templates for workers, jobseekers, employers, local  
3 elected officials, State officials, Federal policy-  
4 makers, and other key stakeholders.

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

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

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

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

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

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

12 (F) other information that facilitates com-  
13 parisons of programs with programs in other  
14 States.

15 (3) CONTENTS OF LOCAL AREA PERFORMANCE  
16 REPORTS.—The performance reports for a local area  
17 shall include, subject to paragraph (5)(C)—

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

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

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

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

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

1 (F) other information that facilitates com-  
2 parisons of programs with programs in other  
3 local areas (or planning regions, as appro-  
4 priate).

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

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

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

20 (C) the total number of participants served  
21 by each of the adult program and the dislocated  
22 worker program authorized under chapter 3 of  
23 subtitle B of title II; and

24 (D) the number of individuals with bar-  
25 riers to employment served by each of the adult



1 program and the dislocated worker program au-  
2 thorized under chapter 3 of subtitle B of title  
3 II, disaggregated by each subpopulation of such  
4 individuals, and by race, ethnicity, sex, and age.

5 (5) PUBLICATION.—

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

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

22 (C) RULES FOR REPORTING OF DATA.—  
23 The disaggregation of data under this sub-  
24 section shall not be required when the number  
25 of participants in a category is insufficient to

1           yield statistically reliable information or when  
2           the results would reveal personally identifiable  
3           information about an individual participant.

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

13          (e) EVALUATION OF STATE PROGRAMS.—

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

1 from, the workforce development system. The State  
2 shall coordinate the evaluations with the evaluations  
3 provided for by the Secretary of Labor and the Sec-  
4 retary of Education under section 172, section  
5 342(c)(3)(E), section 10(b) of the Wagner-Peyser  
6 Act (29 U.S.C. 49i(b)), and sections 12(a)(5), 14,  
7 and 107 of the Rehabilitation Act of 1973 (29  
8 U.S.C. 709(a)(5), 711, 727) (applied with respect to  
9 programs carried out under title I of that Act (29  
10 U.S.C. 720 et seq.)).

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

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

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

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

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

17 (1) STATES.—

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

1 (B) REDUCTION IN AMOUNT OF GRANT.—

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

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

21 (g) SANCTIONS FOR LOCAL AREA FAILURE TO MEET  
22 LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.—

23 (1) TECHNICAL ASSISTANCE.—If a local area  
24 fails to meet local performance accountability meas-  
25 ures established under subsection (c) for the youth,

1 adult, or dislocated worker program authorized  
2 under chapter 2 or 3 of subtitle B of title II for a  
3 program described in subsection (d)(2)(A) for any  
4 program year, the Governor, or upon request by the  
5 Governor, the Secretary of Labor, shall provide tech-  
6 nical assistance, which may include assistance in the  
7 development of a performance improvement plan, or  
8 the development of a modified local plan (or regional  
9 plan).

10 (2) CORRECTIVE ACTIONS.—

11 (A) IN GENERAL.—If such failure con-  
12 tinues for a second consecutive year, the Gov-  
13 ernor shall take corrective actions, which shall  
14 include development of a reorganization plan  
15 through which the Governor may—

16 (i) require the appointment and cer-  
17 tification of a new local board, consistent  
18 with the criteria established under section  
19 117(b)(1);

20 (ii) prohibit the use of eligible pro-  
21 viders and one-stop partners identified as  
22 achieving a poor level of performance;

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

1 (iv) take such other actions as the  
2 Governor determines are appropriate.

3 (B) APPEAL BY LOCAL AREA.—

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

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

23 (C) EFFECTIVE DATE.—The decision made  
24 by the Governor under subparagraph (B)(i)  
25 shall become effective at the time the Governor

1 issues the decision pursuant to such clause.  
2 Such decision shall remain effective unless the  
3 Secretary of Labor rescinds or revises such plan  
4 pursuant to subparagraph (B)(ii).

5 (h) DEFINITIONS OF INDICATORS OF PERFORM-  
6 ANCE.—

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

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

23 (i) FISCAL AND MANAGEMENT ACCOUNTABILITY IN-  
24 FORMATION SYSTEMS.—



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

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

1 or completing the annual report described in sub-  
2 section (d).

3 (3) CONFIDENTIALITY.—In carrying out the re-  
4 quirements of this Act, the State shall comply with  
5 section 444 of the General Education Provisions Act  
6 (20 U.S.C. 1232g).

7 **Subtitle C—Workforce Innovation**  
8 **and Replication Grants**

9 **SEC. 141. PURPOSES.**

10 The purposes of this subtitle are—

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

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

23 (A) that are of demonstrated effectiveness  
24 in meeting the education, training, and employ-  
25 ment needs of job seekers and workers, and

1 youth, including such individuals with barriers  
2 to employment, and employers; and

3 (B) that may include—

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

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

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

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

21 **SEC. 142. WORKFORCE INNOVATION AND REPLICATION**  
22 **GRANTS.**

23 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There  
24 are authorized to be appropriated to carry out this section

1 such sums as may be necessary for each of fiscal years  
2 2014 through 2018.

3 (b) WORKFORCE INNOVATION AND REPLICATION  
4 GRANTS TO ELIGIBLE ENTITIES.—

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

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

25 (3) ELIGIBLE ENTITIES.—

1 (A) IN GENERAL.—To be eligible to receive  
2 a grant under this subsection, a State partner-  
3 ship or regional entity shall meet the require-  
4 ments of this paragraph and submit an applica-  
5 tion in accordance with paragraph (4).

6 (B) STATE PARTNERSHIP.—For a State  
7 partnership to be eligible for funding under this  
8 subsection, a Governor of a State shall—

9 (i) submit the application in partner-  
10 ship with the State board and with 1 or  
11 more regional entities in the State de-  
12 scribed in subparagraph (C); and

13 (ii) demonstrate that the State has—

14 (I) aligned the core programs;

15 (II) made significant progress to-  
16 wards aligning the core programs with  
17 other workforce development pro-  
18 grams; and

19 (III) achieved the alignments de-  
20 scribed in subclauses (I) and (II) con-  
21 sistent with the State plan.

22 (C) REGIONAL ENTITIES.—To be identified  
23 as a regional entity and to be eligible for fund-  
24 ing under this subsection, a local board for a  
25 local area that is aligned with a region, or all

1 of the local boards for local areas that comprise  
2 a planning region under section 116(c), shall  
3 demonstrate that—

4 (i) the application has been developed  
5 in consultation with the State and is not  
6 duplicative of other applications under this  
7 subsection submitted by a State partner-  
8 ship; and

9 (ii) the local board, or all of the local  
10 boards for the planning region, has—

11 (I) worked with the core pro-  
12 grams to achieve alignment of such  
13 programs in the region;

14 (II) made significant progress to-  
15 wards aligning the core programs with  
16 other workforce development pro-  
17 grams in the region; and

18 (III) achieved the alignments de-  
19 scribed in subclauses (I) and (II) con-  
20 sistent with the State plan.

21 (4) APPLICATION.—An eligible entity seeking to  
22 receive a grant under this subsection shall submit to  
23 the Secretary of Labor and the Secretary of Edu-  
24 cation an application at such time, in such manner,  
25 and containing such information, consistent with

1       this paragraph, as the Secretaries may require. Each  
2       such application shall describe the innovation and  
3       replication strategies and activities, and any waivers,  
4       in accordance with appropriate authorizing statutes,  
5       necessary to implement such strategies and activi-  
6       ties, that the eligible entity will carry out to  
7       strengthen the workforce development system in the  
8       State or region in order to substantially improve the  
9       education and employment outcomes for individuals  
10      served by such system and the services provided to  
11      employers under such system, including—

12                (A) a description of the region in the State  
13                or the State, as appropriate, that will be the  
14                focus of grant activities, including analyses of  
15                economic conditions, skill needs, the workforce,  
16                and the workforce development services (includ-  
17                ing the strengths and weaknesses of such serv-  
18                ices and the capacity to provide such services)  
19                that are relevant to the proposed strategies and  
20                activities that would be carried out under the  
21                grant;

22                (B) a description of the populations to be  
23                served, including individuals with barriers to  
24                employment, and the skill needs of those popu-  
25                lations;

1 (C) a description of the promising strate-  
2 gies and activities the eligible entity is pro-  
3 posing to demonstrate, or the evidence-based  
4 strategies and activities that the eligible entity  
5 is proposing to expand or replicate;

6 (D) a description of how, in carrying out  
7 such strategies and activities, the entity will—

8 (i) collaborate to leverage resources  
9 among strategic partners to achieve the  
10 purposes of the grant, and to provide the  
11 matching share described in paragraph  
12 (5)(B); and

13 (ii) ensure the sustainability of the  
14 programs and activities supported by the  
15 grant after grant funds are no longer  
16 available;

17 (E) a description of how the strategies and  
18 activities will be aligned with the State plan and  
19 the local plans in the region of the State that  
20 will be the focus of grant activities;

21 (F) a description of the outcomes, includ-  
22 ing outcomes for the performance accountability  
23 measures based on indicators described in sec-  
24 tion 131(b)(2)(A)(i), to be achieved by the pro-  
25 posed strategies and activities; and



1 (G) a description of how the eligible entity  
2 will—

- 3 (i) use technology;  
4 (ii) collect data;  
5 (iii) make data publicly available; and  
6 (iv) use technology and data to im-  
7 prove program delivery, activities, and ad-  
8 ministration.

9 (5) MATCHING REQUIREMENTS; SUPPLEMENT,  
10 NOT SUPPLANT.—

11 (A) INNOVATION FUND SHARE.—The  
12 amount of the share of the funds provided  
13 under paragraph (1) shall be not greater than  
14 50 percent of the cost of the programs and ac-  
15 tivities that are carried out under the grant.

16 (B) MATCHING SHARE.—

17 (i) IN GENERAL.—

18 (I) AMOUNT.—The amount of  
19 the matching share under this sub-  
20 section for a program year may not be  
21 less than 50 percent of the costs of  
22 the programs and activities that are  
23 carried out under the grant.

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1 (II) IN CASH OR IN KIND.—The  
2 matching share may be in cash or in  
3 kind (fairly evaluated).

4 (III) SOURCES OF MATCHING  
5 SHARE.—

6 (aa) IN GENERAL.—Not  
7 more than 50 percent of the  
8 matching share required under  
9 this subsection may be provided  
10 from Federal resources, of which  
11 not less than 50 percent shall be  
12 provided from Federal resources  
13 from the partner programs iden-  
14 tified in the application other  
15 than resources provided under  
16 the core programs.

17 (bb) NON-FEDERAL  
18 SOURCES.—Non-Federal sources  
19 for the matching share may in-  
20 clude State resources, local re-  
21 sources, contributions from pri-  
22 vate organizations, or a combina-  
23 tion of such resources and con-  
24 tributions.

1 (ii) FINANCIAL HARDSHIP WAIVER.—

2 The Secretary of Labor and the Secretary  
3 of Education may waive or reduce the  
4 matching share of an eligible entity that  
5 has submitted an application under this  
6 subsection if such entity demonstrates a  
7 need for such waiver or reduction due to  
8 extreme financial hardship as jointly de-  
9 fined by the Secretary of Labor and the  
10 Secretary of Education.

11 (C) SUPPLEMENT, NOT SUPPLANT.—The  
12 Federal and matching share required by this  
13 subsection shall be used to supplement and not  
14 supplant other Federal and State funds used to  
15 carry out activities described in this subsection.

16 (6) GRANT PERIOD.—Grants awarded under  
17 this subsection shall be awarded for periods of not  
18 more than 3 years in duration and may not be re-  
19 newed.

20 (7) GEOGRAPHIC DIVERSITY.—In awarding  
21 grants under this subsection, the Secretary of Labor  
22 and the Secretary of Education shall take into con-  
23 sideration the geographic diversity, and diversity  
24 with respect to population density, of the areas in  
25 which projects will be carried out under this section.

1           (8) REPORTING.—The Secretary of Labor and  
2           the Secretary of Education are authorized to estab-  
3           lish appropriate reporting requirements for grantees  
4           under this subsection.

5           (9) TECHNICAL ASSISTANCE AND EVALUA-  
6           TION.—For each program year for which funds are  
7           available to carry out this section, the Secretary of  
8           Labor and the Secretary of Education may reserve  
9           not more than 5 percent of the amount available to  
10          carry out this subsection to provide technical assist-  
11          ance to applicants and grantees under this sub-  
12          section, and to evaluate projects carried out under  
13          this subsection. The Secretaries shall ensure that the  
14          results of the evaluations are publicly available (in-  
15          cluding by electronic means).

16 **SEC. 143. YOUTH INNOVATION AND REPLICATION GRANTS.**

17          (a) PROGRAM AUTHORIZED.—There are authorized  
18          to be appropriated to carry out this section such sums as  
19          may be necessary for each of fiscal years 2014 through  
20          2018.

21          (b) YOUTH INNOVATION AND REPLICATION GRANTS  
22          TO ELIGIBLE ENTITIES.—

23                 (1) IN GENERAL.—From funds described in  
24                 subsection (a), the Secretary of Labor and the Sec-  
25                 retary of Education shall award youth innovation

1 and replication grants on a competitive basis to eligi-  
2 ble entities.

3 (2) USE OF FUNDS.—The grants awarded  
4 under this subsection shall be used to support the  
5 demonstration of innovative new strategies and ac-  
6 tivities, or the replication and expansion of effective  
7 evidence-based strategies and activities, that are de-  
8 signed to substantially improve education and em-  
9 ployment outcomes for eligible youth. Such strate-  
10 gies and activities shall include—

11 (A) establishing career pathways in in-de-  
12 mand industry sectors and occupations for eligi-  
13 ble youth, in collaboration with other Federal,  
14 State, and local programs, such as career and  
15 technical education programs as defined in sec-  
16 tion 101, and public and private entities;

17 (B) developing and implementing a com-  
18 prehensive strategy, for an area of high poverty,  
19 that provides education and training programs,  
20 resources, and other activities that prepare  
21 youth for postsecondary education and training  
22 and for employment that leads to economic self-  
23 sufficiency;

24 (C) developing and implementing strategies  
25 and activities that provide opportunities for

1 youth with disabilities to receive education,  
2 training, and employment services that lead to  
3 a recognized postsecondary credential or inte-  
4 grated, competitive employment;

5 (D) developing and implementing evidence-  
6 based strategies and activities, such as—

7 (i) education offered concurrently and  
8 contextually with workforce preparation  
9 and training for a specific occupation or  
10 occupational cluster;

11 (ii) career academies;

12 (iii) dropout prevention and recovery  
13 strategies;

14 (iv) paid or unpaid work experience,  
15 including summer employment opportuni-  
16 ties and employment opportunities avail-  
17 able throughout the school year, combined  
18 with academic learning leading to a recog-  
19 nized postsecondary credential; or

20 (v) innovative programs for youth fac-  
21 ing multiple barriers to employment that  
22 arrange for the provision of or provide sup-  
23 portive services combined with education,  
24 training, or employment activities; or

1           (E) other evidence-based strategies or ac-  
2           tivities designed to improve the education and  
3           employment outcomes for youth.

4           (3) ELIGIBLE ENTITIES.—

5           (A) IN GENERAL.—To be eligible to receive  
6           a grant under this subsection, an eligible entity  
7           shall—

8                   (i) meet the requirements of this  
9                   paragraph; and

10                   (ii) submit an application in accord-  
11                   ance with paragraph (4).

12           (B) ELIGIBLE ENTITY DEFINED.—An eli-  
13           gible entity shall include—

14                   (i)(I) the Governor of a State in co-  
15                   ordination with the State board and with a  
16                   local board for a local area that is aligned  
17                   with a region, or with all local boards for  
18                   local areas that comprise a planning re-  
19                   gion, under section 116(c), in consultation  
20                   with the standing committee on youth as-  
21                   sociated with the local board; or

22                   (II) a local board for a local area that  
23                   is aligned with a region, or all local boards  
24                   for local areas that comprise a planning re-  
25                   gion, under section 116(c), in consultation

1 with the standing committee on youth as-  
2 sociated with the local board; and

3 (ii) one or more of the following:

4 (I) A State educational agency.

5 (II) A local educational agency.

6 (III) A nonprofit organization  
7 with expertise serving eligible youth,  
8 including a community-based organi-  
9 zation, an intermediary, and including  
10 such a nonprofit organization in part-  
11 nership with a national or regional  
12 intermediary that has a multistate  
13 community-based affiliate network.

14 (IV) An institution of higher edu-  
15 cation, including a community college.

16 (V) A joint labor-management  
17 partnership.

18 (4) APPLICATION.—To be eligible to receive a  
19 grant under this subsection, an eligible entity shall  
20 submit an application to the Secretary of Labor and  
21 the Secretary of Education at such time, in such  
22 manner, and containing such information, consistent  
23 with this paragraph, as the Secretaries may require.  
24 Each such application shall describe the innovation  
25 and replication strategies and activities that the eli-



1       gible entity will carry out to strengthen the work-  
2       force development system in the State or region in  
3       order to substantially improve education and em-  
4       ployment outcomes for youth, such as youth with  
5       disabilities, served by such system, and shall in-  
6       clude—

7               (A) a description of the region in the State  
8               or the State, as applicable, that will be the  
9               focus of grant activities, including analyses of  
10              economic conditions, skill needs, the workforce,  
11              and the workforce development services (includ-  
12              ing the strengths and weaknesses of such serv-  
13              ices and the capacity to provide such services)  
14              that are relevant to the proposed strategies and  
15              activities that would be carried out under the  
16              grant;

17              (B) a description of the youth populations  
18              to be served, including individuals with barriers  
19              to employment who are youth, and the skill  
20              needs of those populations;

21              (C) a description of the promising strate-  
22              gies and activities the eligible entity is pro-  
23              posing to demonstrate, or the evidence-based  
24              strategies and activities that the eligible entity  
25              is proposing to expand or replicate;

1 (D) a description of how the eligible entity  
2 will meaningfully involve youth in the design  
3 and implementation of the proposed strategies  
4 and activities;

5 (E) a description of how, in carrying out  
6 such strategies and activities, the eligible entity  
7 will—

8 (i) collaborate to leverage resources  
9 among strategic partners to achieve the  
10 purposes of the grant, and to provide the  
11 matching share described in paragraph  
12 (5)(B); and

13 (ii) ensure the sustainability of the  
14 programs and activities supported by the  
15 grant after grant funds are no longer  
16 available;

17 (F) a description of how the strategies and  
18 activities will be aligned with the State plan and  
19 the local plans in the region of the State that  
20 will be the focus of grant activities;

21 (G) a description of the outcomes, includ-  
22 ing outcomes for the performance accountability  
23 measures based on indicators of performance  
24 described in section 131(b)(2)(A)(ii), to be

1           achieved by the proposed strategies and activi-  
2           ties; and

3           (H) a description of how the eligible entity  
4           will—

5                   (i) use technology;

6                   (ii) collect data;

7                   (iii) make data publicly available; and

8                   (iv) use technology and data to im-  
9           prove program delivery, activities, and ad-  
10          ministration.

11          (5) MATCHING REQUIREMENTS; SUPPLEMENT,  
12          NOT SUPPLANT.—

13           (A) INNOVATION FUND SHARE.—The  
14          amount of the share of the funds provided  
15          under paragraph (1) shall be not greater than  
16          50 percent of the cost of the programs and ac-  
17          tivities that are carried out under the grant.

18           (B) MATCHING SHARE.—

19                   (i) IN GENERAL.—

20                           (I) AMOUNT.—The amount of  
21                   the matching share under this sub-  
22                   section for a program year may not be  
23                   less than 50 percent of the costs of  
24                   the programs and activities that are  
25                   carried out under the grant.

1 (II) IN CASH OR IN KIND.—The  
2 matching share may be in cash or in  
3 kind (fairly evaluated).

4 (III) SOURCES OF MATCHING  
5 SHARE.—

6 (aa) IN GENERAL.—Not  
7 more than 50 percent of the  
8 matching share required under  
9 this subsection may be provided  
10 from Federal resources, of which  
11 not less than 50 percent shall be  
12 provided from Federal resources  
13 from the partner programs iden-  
14 tified in the application other  
15 than resources provided under  
16 the core programs.

17 (bb) NON-FEDERAL  
18 SOURCES.—Non-Federal sources  
19 for the matching share may in-  
20 clude State resources, local re-  
21 sources, contributions from pri-  
22 vate organizations, or a combina-  
23 tion of such resources and con-  
24 tributions.

1 (ii) FINANCIAL HARDSHIP WAIVER.—

2 The Secretary of Labor and the Secretary  
3 of Education may waive or reduce the  
4 matching share of an eligible entity that  
5 has submitted an application under this  
6 subsection if such entity demonstrates a  
7 need for such waiver or reduction due to  
8 extreme financial hardship as defined by  
9 the Secretary of Labor and the Secretary  
10 of Education.

11 (C) SUPPLEMENT, NOT SUPPLANT.—The  
12 Federal and matching share required by this  
13 subsection shall be used to supplement and not  
14 supplant other Federal and State funds used to  
15 carry out activities described in this subsection.

16 (6) GRANT PERIOD.—Grants awarded under  
17 this subsection shall be awarded for periods of not  
18 more than 3 years in duration and may not be re-  
19 newed.

20 (7) GEOGRAPHIC DIVERSITY.—In awarding  
21 grants under this subsection, the Secretary of Labor  
22 and the Secretary of Education shall take into con-  
23 sideration the geographic diversity, and diversity  
24 with respect to population density, of the areas in  
25 which projects will be carried out under this section.

1           (8) REPORTING.—The Secretary of Labor and  
2           the Secretary of Education are authorized to estab-  
3           lish appropriate reporting requirements for grantees  
4           under this subsection.

5           (9) TECHNICAL ASSISTANCE AND EVALUA-  
6           TION.—For each program year for which funds are  
7           available to carry out this section, the Secretary of  
8           Labor and the Secretary of Education may reserve  
9           not more than 5 percent of the amount available to  
10          carry out this subsection to provide technical assist-  
11          ance to applicants and grantees under this sub-  
12          section, and to evaluate projects carried out under  
13          this subsection. The Secretaries shall ensure that the  
14          results of the evaluations are publicly available (in-  
15          cluding by electronic means).

16 **SEC. 144. INTERAGENCY AGREEMENT.**

17          (a) INTERAGENCY AGREEMENT.—The Secretary of  
18          Education and the Secretary of Labor shall jointly develop  
19          policies for the administration of this subtitle in accord-  
20          ance with such terms as the Secretaries shall set forth in  
21          an interagency agreement. Such interagency agreement, at  
22          a minimum, shall include a description of the respective  
23          roles and responsibilities of the Secretaries in carrying out  
24          this subtitle (both jointly and separately), including how—

1           (1) the funds available under this subtitle will  
2           be obligated and disbursed and compliance with ap-  
3           plicable laws (including regulations) will be ensured,  
4           as well as how the grantees will be selected and  
5           monitored, and a peer review process for selection of  
6           grantees that includes program practitioners and na-  
7           tional experts will be carried out;

8           (2) evaluations and research will be conducted  
9           on the effectiveness of grants awarded under this  
10          subtitle in addressing the education and employment  
11          needs of job seekers and workers, youth, and em-  
12          ployers;

13          (3) technical assistance will be provided to ap-  
14          plicants and grant recipients;

15          (4) information will be disseminated (including  
16          by electronic means) on best practices and effective  
17          strategies and service delivery models for activities  
18          carried out under this subtitle; and

19          (5) policies and processes critical to the success-  
20          ful achievement of the education, training, and em-  
21          ployment goals of this subtitle will be established.

22          (b) TRANSFER AUTHORITY.—The Secretary of Labor  
23          and the Secretary of Education shall have the authority  
24          to transfer funds between the Department of Labor and

1 the Department of Education to carry out this subtitle in  
2 accordance with the agreement described in subsection (a).

3 (c) REPORTS.—The Secretary of Labor and the Sec-  
4 retary of Education shall jointly develop and submit a bi-  
5 ennial report to the Committee on Health, Education,  
6 Labor, and Pensions of the Senate and the Committee on  
7 Education and the Workforce of the House of Representa-  
8 tives, describing—

9 (1) actions the Departments have taken to—

10 (A) assess the effectiveness of the projects  
11 carried out under this subtitle; and

12 (B) facilitate the coordination of the pro-  
13 grams carried out through the grants awarded  
14 with other education, employment, and training  
15 programs;

16 (2) barriers that impede effectiveness of  
17 projects carried out under this subtitle;

18 (3) the best practices and effective strategies  
19 and service delivery models that the Departments  
20 have identified pursuant to this subtitle and actions  
21 the Departments have taken to promptly dissemi-  
22 nate information (including by electronic means) on  
23 such best practices and effective strategies and serv-  
24 ice delivery models; and



1 (4) the actions the Departments have taken to  
2 leverage resources provided under Federal law other  
3 than this subtitle and non-Federal resources, to im-  
4 prove the workforce development system nationwide,  
5 including in States, regions, and local areas that  
6 have not received funds under this subtitle.

7 **TITLE II—WORKFORCE INVEST-**  
8 **MENT AND RELATED ACTIVI-**  
9 **TIES**

10 **Subtitle A—Definition**

11 **SEC. 201. DEFINITION.**

12 In this title, the term “Secretary”, used without fur-  
13 ther description, means the Secretary of Labor.

14 **Subtitle B—Workforce Investment**  
15 **Activities and Providers**

16 **SEC. 211. PURPOSE.**

17 The purpose of this subtitle is to provide workforce  
18 investment activities, through statewide and local work-  
19 force development systems, that increase the employment,  
20 retention, economic self-sufficiency, and earnings of par-  
21 ticipants, and increase attainment of recognized postsec-  
22 ondary credentials by participants, and as a result, im-  
23 prove the quality of the workforce, reduce welfare depend-  
24 ency, increase economic self-sufficiency, meet the skill re-

1 quirements of employers, and enhance the productivity  
2 and competitiveness of the Nation.

3 **CHAPTER 1—WORKFORCE INVESTMENT**

4 **ACTIVITIES PROVIDERS**

5 **SEC. 221. ESTABLISHMENT OF ONE-STOP DELIVERY SYS-**  
6 **TEMS.**

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

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

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

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

17 (b) ONE-STOP PARTNERS.—

18 (1) REQUIRED PARTNERS.—

19 (A) ROLES AND RESPONSIBILITIES OF  
20 ONE-STOP PARTNERS.—Each entity that carries  
21 out a program or activities described in sub-  
22 paragraph (B) in a local area shall—

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

1           ing making the core services described in  
2           section 234(c)(2) that are applicable to the  
3           program or activities available at the one-  
4           stop centers (in addition to any other ap-  
5           propriate locations);

6                 (ii) use a portion of the funds avail-  
7           able for the program and activities to  
8           maintain the one-stop delivery system, in-  
9           cluding payment of the infrastructure costs  
10          of one-stop centers in accordance with sub-  
11          section (h);

12                (iii) enter into a local memorandum of  
13          understanding with the local board, relat-  
14          ing to the operation of the one-stop sys-  
15          tem, that meets the requirements of sub-  
16          section (c);

17                (iv) participate in the operation of the  
18          one-stop system consistent with the terms  
19          of the memorandum of understanding, the  
20          requirements of this title, and the require-  
21          ments of the Federal laws authorizing the  
22          program or activities; and

23                (v) provide representation on the  
24          State board to the extent provided under  
25          section 111.

1 (B) PROGRAMS AND ACTIVITIES.—The  
2 programs and activities referred to in subpara-  
3 graph (A) consist of—

4 (i) programs authorized under this  
5 title;

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

8 (iii) adult education and literacy ac-  
9 tivities authorized under title III;

10 (iv) programs authorized under title I  
11 of the Rehabilitation Act of 1973 (29  
12 U.S.C. 720 et seq.) (other than section  
13 112 or part C of title I of such Act (29  
14 U.S.C. 732, 741);

15 (v) activities authorized under title V  
16 of the Older Americans Act of 1965 (42  
17 U.S.C. 3056 et seq.);

18 (vi) career and technical education  
19 programs at the postsecondary level au-  
20 thorized under the Carl D. Perkins Career  
21 and Technical Education Act of 2006 (20  
22 U.S.C. 2301 et seq.);

23 (vii) activities authorized under chap-  
24 ter 2 of title II of the Trade Act of 1974  
25 (19 U.S.C. 2271 et seq.);

1 (viii) activities authorized under chap-  
2 ter 41 of title 38, United States Code;

3 (ix) employment and training activi-  
4 ties carried out under the Community  
5 Services Block Grant Act (42 U.S.C. 9901  
6 et seq.);

7 (x) employment and training activities  
8 carried out by the Department of Housing  
9 and Urban Development;

10 (xi) programs authorized under State  
11 unemployment compensation laws (in ac-  
12 cordance with applicable Federal law);

13 (xii) programs authorized under sec-  
14 tion 212 of the Second Chance Act of 2007  
15 (42 U.S.C. 17532); and

16 (xiii) programs authorized under part  
17 A of title IV of the Social Security Act (42  
18 U.S.C. 601 et seq.), subject to subpara-  
19 graph (C).

20 (C) DETERMINATION BY THE GOV-  
21 ERNOR.—

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

1 required partner, for purposes of this Act  
2 and the other core program provisions that  
3 are not part of this Act, unless the Gov-  
4 ernor provides the notification described in  
5 clause (ii).

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

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

13 (II) is provided to the Secretary  
14 and the Secretary of Health and  
15 Human Services.

16 (2) ADDITIONAL PARTNERS.—

17 (A) IN GENERAL.—With the approval of  
18 the local board and chief elected official, in ad-  
19 dition to the entities described in paragraph  
20 (1), other entities that carry out workforce de-  
21 velopment programs described in subparagraph  
22 (B) may be one-stop partners for the local area  
23 and carry out the responsibilities described in  
24 paragraph (1)(A).

1 (B) PROGRAMS.—The programs referred  
2 to in subparagraph (A) may include—

3 (i) employment and training programs  
4 administered by the Social Security Ad-  
5 ministration, including the Ticket to Work  
6 and Self-Sufficiency Program established  
7 under section 1148 of the Social Security  
8 Act (42 U.S.C. 1320b–19);

9 (ii) employment and training pro-  
10 grams carried out by the Small Business  
11 Administration;

12 (iii) programs authorized under sec-  
13 tion 6(d)(4) of the Food and Nutrition Act  
14 of 2008 (7 U.S.C. 2015(d)(4));

15 (iv) work programs authorized under  
16 section 6(o) of the Food and Nutrition Act  
17 of 2008 (7 U.S.C. 2015(o));

18 (v) programs carried out under sec-  
19 tion 112 of the Rehabilitation Act of 1973  
20 (29 U.S.C. 732);

21 (vi) programs authorized under the  
22 National and Community Service Act of  
23 1990 (42 U.S.C. 12501 et seq.); and

24 (vii) other appropriate Federal, State,  
25 or local programs, including employment,

1 education, and training programs provided  
2 by public libraries or in the private sector.

3 (c) MEMORANDUM OF UNDERSTANDING.—

4 (1) DEVELOPMENT.—The local board, with the  
5 agreement of the chief elected official, shall develop  
6 and enter into a memorandum of understanding (be-  
7 tween the local board and the one-stop partners),  
8 consistent with paragraph (2), concerning the oper-  
9 ation of the one-stop delivery system in the local  
10 area.

11 (2) CONTENTS.—Each memorandum of under-  
12 standing shall contain—

13 (A) provisions describing—

14 (i) the services to be provided through  
15 the one-stop delivery system consistent  
16 with the requirements of this section, in-  
17 cluding the manner in which the services  
18 will be coordinated and delivered through  
19 such system;

20 (ii) how the costs of such services and  
21 the operating costs of such system will be  
22 funded, including—

23 (I) funding through cash and in-  
24 kind contributions (fairly evaluated),  
25 which contributions may include fund-





1           that such memorandum shall be reviewed  
2           not less than once every 2-year period to  
3           ensure appropriate funding and delivery of  
4           services; and

5           (B) such other provisions, consistent with  
6           the requirements of this title, as the parties to  
7           the agreement determine to be appropriate.

8           (d) ONE-STOP OPERATORS.—

9           (1) DESIGNATION AND CERTIFICATION.—Con-  
10          sistent with paragraphs (2) and (3), the local board,  
11          with the agreement of the chief elected official, is  
12          authorized to designate or certify one-stop operators  
13          and to terminate for cause the eligibility of such op-  
14          erators.

15          (2) ELIGIBILITY.—To be eligible to receive  
16          funds made available under this subtitle to operate  
17          a one-stop center referred to in subsection (e), an  
18          entity (which may be a consortium of entities)—

19                 (A) shall be designated or certified as a  
20                 one-stop operator—

21                         (i) through a competitive process; or

22                         (ii) in accordance with an agreement  
23                         reached between the local board and a con-  
24                         sortium of entities that, at a minimum, in-

1 cludes 3 or more of the one-stop partners  
2 described in subsection (b)(1); and

3 (B) shall be an entity (public or private),  
4 or consortium of entities, of demonstrated effec-  
5 tiveness, located in the local area, which may  
6 include—

7 (i) an institution of higher education;

8 (ii) an employment service State agen-  
9 cy established under the Wagner-Peyser  
10 Act (29 U.S.C. 49 et seq.), on behalf of  
11 the local office of the agency;

12 (iii) a community-based organization,  
13 nonprofit organization, or intermediary;

14 (iv) a private for-profit entity;

15 (v) a government agency; and

16 (vi) another interested organization or  
17 entity, which may include a local chamber  
18 of commerce or other business organiza-  
19 tion, or a labor organization.

20 (3) EXCEPTION.—Elementary schools and sec-  
21 ondary schools shall not be eligible for designation  
22 or certification as one-stop operators, except that  
23 nontraditional public secondary schools and area ca-  
24 reer and technical education schools may be eligible  
25 for such designation or certification.

1           (4) ADDITIONAL REQUIREMENTS.—The State  
2 and local boards shall ensure that in carrying out  
3 activities under this title, one-stop operators—

4           (A) disclose any potential conflicts of inter-  
5 est arising from the relationships of the opera-  
6 tors with particular training service providers or  
7 other service providers;

8           (B) do not establish practices that create  
9 disincentives to providing services to individuals  
10 with barriers to employment who may require  
11 longer-term services, such as intensive employ-  
12 ment, training, and education services; and

13           (C) comply with Federal regulations, and  
14 procurement policies, relating to the calculation  
15 and use of profits.

16       (e) ESTABLISHMENT OF ONE-STOP DELIVERY SYS-  
17 TEM.—

18           (1) IN GENERAL.—There shall be established in  
19 each local area in a State that receives an allotment  
20 under section 232(b) a one-stop delivery system,  
21 which—

22           (A) shall provide the core services de-  
23 scribed in section 234(c)(2);

24           (B) shall provide access to intensive serv-  
25 ices and training services as described in para-

1           graphs (3) and (4) of section 234(c), including  
2           serving as the point of access to training serv-  
3           ices for participants in accordance with section  
4           234(c)(4)(G);

5           (C) shall provide access to the employment  
6           and training activities carried out under section  
7           234(d), if any;

8           (D) shall provide access to programs and  
9           activities carried out by one-stop partners de-  
10          scribed in subsection (b); and

11          (E) shall provide access to the data, infor-  
12          mation, and analysis described in section 15(a)  
13          of the Wagner-Peyser Act (29 U.S.C. 491–2(a))  
14          and all job search, placement, recruitment, and  
15          other labor exchange services authorized under  
16          the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

17          (2) ONE-STOP DELIVERY.—The one-stop deliv-  
18          ery system—

19                (A) at a minimum, shall make each of the  
20                programs, services, and activities described in  
21                paragraph (1) accessible at not less than 1  
22                physical center in each local area of the State;  
23                and

24                (B) may also make programs, services, and  
25                activities described in paragraph (1) available—

1 (i) through a network of affiliated  
2 sites that can provide 1 or more of the pro-  
3 grams, services, and activities to individ-  
4 uals; and

5 (ii) through a network of eligible one-  
6 stop partners—

7 (I) in which each partner pro-  
8 vides 1 or more of the programs, serv-  
9 ices, and activities to such individuals  
10 and is accessible at an affiliated site  
11 that consists of a physical location or  
12 an electronically or technologically  
13 linked access point; and

14 (II) that assures individuals that  
15 information on the availability of the  
16 core services will be available regard-  
17 less of where the individuals initially  
18 enter the statewide workforce develop-  
19 ment system, including information  
20 made available through an access  
21 point described in subclause (I);

22 (C) may have specialized centers to ad-  
23 dress special needs, such as the needs of dis-  
24 located workers, youth, or key industry sectors  
25 or clusters; and

1           (D) as applicable and practicable, shall  
2           make programs, services, and activities acces-  
3           sible to individuals through electronic means in  
4           a manner that improves efficiency, coordination,  
5           and quality in the delivery of one-stop partner  
6           services.

7           (3) COLOCATION OF WAGNER-PEYSER SERV-  
8           ICES.—Consistent with section 3(d) of the Wagner-  
9           Peyser Act (29 U.S.C. 49b(d)), and in order to im-  
10          prove service delivery, avoid duplication of services,  
11          and enhance coordination of services, including loca-  
12          tion of staff to ensure access to services in under-  
13          served areas, the employment service offices in each  
14          State shall be colocated with one-stop centers estab-  
15          lished under this title.

16          (4) USE OF COMMON ONE-STOP DELIVERY SYS-  
17          TEM IDENTIFIER.—In addition to using any State or  
18          locally developed identifier, each one-stop delivery  
19          system shall include in the identification of products,  
20          programs, activities, services, facilities, and related  
21          property and materials, a common one-stop delivery  
22          system identifier. The identifier shall be developed  
23          by the Secretary, in consultation with heads of other  
24          appropriate departments and agencies, and rep-  
25          resentatives of State boards and local boards and of

1 other stakeholders in the one-stop delivery system,  
2 not later than the beginning of the second full pro-  
3 gram year after the date of enactment of this Act.  
4 Such common identifier may consist of a logo,  
5 phrase, or other identifier that informs users of the  
6 one-stop delivery system that such products, pro-  
7 grams, activities, services, facilities, property, or ma-  
8 terials are being provided through such system.  
9 Nothing in this paragraph shall be construed to pro-  
10 hibit one-stop partners, States, or local areas from  
11 having additional identifiers.

12 (f) APPLICATION TO CERTAIN VOCATIONAL REHA-  
13 BILITATION PROGRAMS.—

14 (1) LIMITATION.—Nothing in this section shall  
15 be construed to apply to part C of title I of the Re-  
16 habilitation Act of 1973 (29 U.S.C. 741).

17 (2) CLIENT ASSISTANCE.—Nothing in this Act  
18 shall be construed to require that any entity car-  
19 rying out a client assistance program authorized  
20 under section 112 of the Rehabilitation Act of 1973  
21 (29 U.S.C. 732)—

22 (A) be included as a mandatory one-stop  
23 partner under subsection (b)(1); or



1 (B) if the entity is included as an addi-  
2 tional one-stop partner under subsection  
3 (b)(2)—

4 (i) violate the requirement of section  
5 112(c)(1)(A) of that Act (29 U.S.C.  
6 732(c)(1)(A)) that the entity be inde-  
7 pendent of any agency that provides treat-  
8 ment, services, or rehabilitation to individ-  
9 uals under that Act; or

10 (ii) carry out any activity not author-  
11 ized under section 112 of that Act (includ-  
12 ing appropriate Federal regulations).

13 (g) CONTINUOUS IMPROVEMENT OF ONE-STOP CEN-  
14 TERS.—

15 (1) IN GENERAL.—The State board, in con-  
16 sultation with chief elected officials and local boards,  
17 shall establish objective criteria and procedures for  
18 use by local boards in periodically assessing the ef-  
19 fectiveness, physical and programmatic accessibility  
20 in accordance with section 288 and the Americans  
21 with Disabilities Act of 1990 (42 U.S.C. 12101 et  
22 seq), and continuous improvement of one-stop cen-  
23 ters and the one-stop delivery system, consistent  
24 with the requirements of section 111(d)(7).

1           (2) CRITERIA.—The criteria and procedures de-  
2           veloped under this subsection shall include standards  
3           relating to service coordination achieved by the one-  
4           stop delivery system with respect to the programs  
5           administered by the one-stop partners at the one-  
6           stop centers. Such criteria and procedures shall—

7                   (A) be developed in a manner that is con-  
8                   sistent with the guidelines, guidance, and poli-  
9                   cies provided by the Governor and by the State  
10                  board, in consultation with the chief elected of-  
11                  ficials and local boards, for such partners' par-  
12                  ticipation under subsections (h)(1) and (i); and

13                  (B) include such factors relating to the ef-  
14                  fectiveness, accessibility, and improvement of  
15                  the one-stop delivery system as the State board  
16                  determines to be appropriate.

17           (3) LOCAL CRITERIA.—Consistent with the cri-  
18           teria developed under paragraph (1) by the State, a  
19           local board in the State may develop additional cri-  
20           teria (or higher levels of service coordination than  
21           required for the State-developed criteria) relating to  
22           service coordination achieved by the one-stop deliv-  
23           ery system, for purposes of assessments described in  
24           paragraph (1), in order to respond to labor market,

1 economic, and demographic, conditions and trends in  
2 the region.

3 (4) REVIEW AND UPDATE.—The criteria and  
4 procedures established under this subsection shall be  
5 reviewed and updated by the State board or the local  
6 board, as the case may be, as part of the biennial  
7 process for review and modification of State and  
8 local plans described in sections 112(c) and 118(a).

9 (h) FUNDING OF ONE-STOP INFRASTRUCTURE.—

10 (1) IN GENERAL.—

11 (A) OPTIONS FOR INFRASTRUCTURE  
12 FUNDING.—

13 (i) LOCAL OPTIONS.—The local board,  
14 chief elected officials, and one-stop part-  
15 ners described in subsection (b)(1) in a  
16 local area may fund the costs of infrastruc-  
17 ture of one-stop centers in the local area  
18 through—

19 (I) methods agreed on by the  
20 local board, chief elected officials, and  
21 one-stop partners (described in the  
22 memorandum of understanding de-  
23 scribed in subsection (c)); or

1 (II) the State infrastructure  
2 funding mechanism described in para-  
3 graph (2).

4 (ii) FAILURE TO REACH CONSENSUS  
5 AGREEMENT ON FUNDING METHODS.—Be-  
6 ginning July 1, 2015, if the local board,  
7 chief elected officials, and one-stop part-  
8 ners described in subsection (b)(1) in a  
9 local area fail to reach consensus agree-  
10 ment on methods of sufficiently funding  
11 the costs of infrastructure of one-stop cen-  
12 ters for a program year, the State infra-  
13 structure funding mechanism described in  
14 paragraph (2) shall be applicable to such  
15 local area for that program year and for  
16 each subsequent program year for which  
17 those entities and individuals fail to reach  
18 such agreement.

19 (B) GUIDANCE FOR INFRASTRUCTURE  
20 FUNDING.—In addition to carrying out the re-  
21 quirements relating to the State infrastructure  
22 funding mechanism described in paragraph (2),  
23 the Governor, after consultation with chief  
24 elected officials, local boards, and the State  
25 board, and consistent with the guidance and

1 policies provided by the State board under sub-  
2 paragraphs (B) and (C)(i) of section 111(d)(7),  
3 shall provide, for the use of local areas under  
4 subparagraph (A)(i)(I)—

5 (i) guidelines for State-administered  
6 one-stop partner programs, for deter-  
7 mining such programs' contributions to a  
8 one-stop delivery system, based on such  
9 programs' proportionate use of such sys-  
10 tem consistent with chapter II of title 2,  
11 Code of Federal Regulations (or any cor-  
12 responding similar regulation or ruling),  
13 including determining funding for the costs  
14 of infrastructure, which contributions shall  
15 be negotiated pursuant to the memo-  
16 randum of understanding under subsection  
17 (c); and

18 (ii) guidance to assist local boards,  
19 chief elected officials, and one-stop part-  
20 ners in local areas in determining equitable  
21 and stable methods of funding the costs of  
22 infrastructure of one-stop centers in such  
23 areas.

24 (2) STATE ONE-STOP INFRASTRUCTURE FUND-  
25 ING.—

1           (A) DEFINITION.—In this paragraph, the  
2 term “covered portion”, used with respect to  
3 funding for a fiscal year for a program de-  
4 scribed in subsection (b)(1), means a portion  
5 determined under subparagraph (C) of the Fed-  
6 eral funds provided to a State (including local  
7 areas within the State) under the Federal law  
8 authorizing that program described in sub-  
9 section (b)(1) for the fiscal year (taking into ac-  
10 count the availability of funding for purposes  
11 related to infrastructure from philanthropic or-  
12 ganizations, private entities, or other alternative  
13 financing options).

14           (B) PARTNER CONTRIBUTIONS.—Subject  
15 to subparagraph (D), for local areas in a State  
16 that are not covered by paragraph (1)(A)(i)(I),  
17 the covered portions of funding for a fiscal year  
18 shall be provided to the Governor from the pro-  
19 grams described in subsection (b)(1), to assist  
20 in paying the costs of infrastructure of one-stop  
21 centers in those local areas of the State not  
22 adequately funded under the option described in  
23 paragraph (1)(A)(i)(I).

24           (C) DETERMINATION OF GOVERNOR.—

1 (i) IN GENERAL.—Subject to clause  
2 (ii) and subparagraph (D), the Governor,  
3 after consultation with chief elected offi-  
4 cials, local boards, and the State board,  
5 shall determine the portion of funds to be  
6 provided under subparagraph (B) by each  
7 one-stop partner from each program de-  
8 scribed in subparagraph (B). In making  
9 such determination for the purpose of de-  
10 termining funding contributions, for fund-  
11 ing pursuant to clause (i)(II) or (ii) of  
12 paragraph (1)(A) by each partner, the  
13 Governor shall calculate amounts for the  
14 proportionate use of the one-stop centers  
15 in the State, consistent with chapter II of  
16 title 2, Code of Federal Regulations (or  
17 any corresponding similar regulation or  
18 ruling), taking into account the costs of  
19 administration of the one-stop delivery sys-  
20 tem for purposes not related to one-stop  
21 centers, for each partner. The Governor  
22 shall exclude from such determination of  
23 funds the amounts for proportionate use of  
24 one-stop centers attributable to the pro-  
25 grams of one-stop partners for those local

1 areas of the State where the costs of infra-  
2 structure of one-stop centers are funded  
3 under the option described in paragraph  
4 (1)(A)(i)(I).

5 (ii) SPECIAL RULE.—In a State in  
6 which the State constitution or a State  
7 statute places policymaking authority that  
8 is independent of the authority of the Gov-  
9 ernor in an entity or official with respect  
10 to the funds provided for adult education  
11 and literacy activities authorized under  
12 title III, postsecondary career and tech-  
13 nical education activities authorized under  
14 the Carl D. Perkins Career and Technical  
15 Education Act of 1998 (20 U.S.C. 2301 et  
16 seq.), or vocational rehabilitation services  
17 offered under a provision covered by sec-  
18 tion 101(12)(D), the determination de-  
19 scribed in clause (i) with respect to the  
20 programs authorized under that title, Act,  
21 and provision shall be made by the chief  
22 officer of the entity, or the official, with  
23 such authority in consultation with the  
24 Governor.

25 (D) LIMITATIONS.—



1 (i) PROVISION FROM ADMINISTRATIVE  
2 FUNDS.—

3 (I) IN GENERAL.—Subject to  
4 subclause (II), the funds provided  
5 under this paragraph by each one-stop  
6 partner shall be provided only from  
7 funds available for the costs of admin-  
8 istration under the program adminis-  
9 tered by such partner, and shall be  
10 subject to the program's limitations  
11 with respect to the portion of funds  
12 under such program that may be used  
13 for administration.

14 (II) EXCEPTIONS.—Nothing in  
15 this clause shall be construed to apply  
16 to the programs carried out under  
17 this title, or under title V of the Older  
18 Americans Act of 1965 (42 U.S.C.  
19 3056 et seq.).

20 (ii) CAP ON REQUIRED CONTRIBU-  
21 TIONS.—For local areas in a State that are  
22 not covered by paragraph (1)(A)(i)(I), the  
23 following rules shall apply:

24 (I) WIA FORMULA PROGRAMS  
25 AND EMPLOYMENT SERVICE.—The

1 portion of funds required to be con-  
2 tributed under this paragraph from a  
3 program authorized under chapter 2  
4 or 3, or the Wagner-Peyser Act (29  
5 U.S.C. 49 et seq.) shall not exceed 3  
6 percent of the amount of Federal  
7 funds provided to carry out that pro-  
8 gram in the State for a fiscal year.

9 (II) OTHER ONE-STOP PART-  
10 NERS.—The portion of funds required  
11 to be contributed under this para-  
12 graph from a program described in  
13 subsection (b)(1) other than the pro-  
14 grams described in clause (i) shall not  
15 exceed 1.5 percent of the amount of  
16 Federal funds provided to carry out  
17 that program in the State for a fiscal  
18 year.

19 (III) VOCATIONAL REHABILITA-  
20 TION.—Notwithstanding subclauses  
21 (I) and (II), an entity administering a  
22 program described in subsection  
23 (b)(1)(B)(iv) shall not be required to  
24 provide from that program, under this  
25 paragraph, a portion that exceeds—

1           (aa) 0.75 percent of the  
2 amount of Federal funds pro-  
3 vided to carry out such program  
4 in the State for the second full  
5 program year that begins after  
6 the date of enactment of this  
7 Act;

8           (bb) 1.0 percent of the  
9 amount provided to carry out  
10 such program in the State for the  
11 third full program year that be-  
12 gins after such date;

13           (cc) 1.25 percent of the  
14 amount provided to carry out  
15 such program in the State for the  
16 fourth full program year that be-  
17 gins after such date; and

18           (dd) 1.5 percent of the  
19 amount provided to carry out  
20 such program in the State for the  
21 fifth and each succeeding full  
22 program year that begins after  
23 such date.

24           (iii) FEDERAL DIRECT SPENDING PRO-  
25 GRAMS.—For local areas in a State that

1 are not covered by paragraph (1)(A)(i)(I),  
2 an entity administering a program funded  
3 with direct spending as defined in section  
4 250(c)(8) of the Balanced Budget and  
5 Emergency Deficit Control Act of 1985, as  
6 in effect on August 2, 2011 (2 U.S.C.  
7 900(c)(8)) shall not be required to provide,  
8 for purposes of this paragraph, an amount  
9 in excess of the amount determined under  
10 subparagraph (C)(i) to be equivalent to the  
11 cost of the proportionate use of the one-  
12 stop centers for the one-stop partner for  
13 such program in the State.

14 (iv) NATIVE AMERICAN PROGRAMS.—  
15 One-stop partners for Native American  
16 programs established under section 266  
17 shall not be subject to the provisions of  
18 this subsection (other than this clause) or  
19 subsection (i). For purposes of subsection  
20 (c)(2)(A)(ii)(II), the method for deter-  
21 mining the appropriate portion of funds to  
22 be provided by such partners to pay for the  
23 costs of infrastructure of a one-stop center  
24 shall be determined as part of the develop-  
25 ment of the memorandum of under-

1 standing under subsection (c) for the one-  
2 stop center and shall be stated in the  
3 memorandum.

4 (E) APPEAL BY ONE-STOP PARTNERS.—

5 The Governor shall establish a process, de-  
6 scribed under section 112(b)(2)(D)(i)(V), for a  
7 one-stop partner administering a program de-  
8 scribed in subsection (b)(1) to appeal a deter-  
9 mination regarding the portion of funds to be  
10 provided under this paragraph. Such a deter-  
11 mination may be appealed under the process on  
12 the basis that such determination is incon-  
13 sistent with the requirements of this paragraph.  
14 Such process shall ensure prompt resolution of  
15 the appeal in order to ensure the funds are dis-  
16 tributed in a timely manner, consistent with the  
17 requirements of section 282(e).

18 (3) ALLOCATION BY GOVERNOR.—

19 (A) IN GENERAL.—From the funds pro-  
20 vided under paragraph (1), the Governor shall  
21 allocate the funds to local areas described in  
22 subparagraph (B) in accordance with the for-  
23 mula established under subparagraph (B) for  
24 the purposes of assisting in paying the costs of  
25 infrastructure of one-stop centers.

1                   (B) ALLOCATION FORMULA.—The State  
2                   board shall develop a formula to be used by the  
3                   Governor to allocate the funds provided under  
4                   paragraph (1) to local areas not funding costs  
5                   of infrastructure under the option described in  
6                   paragraph (1)(A)(i)(I). The formula shall be  
7                   based on factors including the number of one-  
8                   stop centers in a local area, the population  
9                   served by such centers, the services provided by  
10                  such centers, and other factors relating to the  
11                  performance of such centers that the State  
12                  board determines are appropriate.

13                 (4) COSTS OF INFRASTRUCTURE.—In this sub-  
14                 section, the term “costs of infrastructure”, used  
15                 with respect to a one-stop center, means the nonper-  
16                 sonnel costs that are necessary for the general oper-  
17                 ation of the one-stop center, including the rental  
18                 costs of the facilities, the costs of utilities and main-  
19                 tenance, equipment (including assessment-related  
20                 products and assistive technology for individuals  
21                 with disabilities), and technology to facilitate access  
22                 to the one-stop center, including the center’s plan-  
23                 ning and outreach activities.

24                 (i) OTHER FUNDS.—

1           (1) IN GENERAL.—Subject to the memorandum  
2 of understanding described in subsection (c) for the  
3 one-stop delivery system involved, in addition to the  
4 funds provided to carry out subsection (h), a portion  
5 of funds made available under Federal law author-  
6 izing the programs described in subsection (b) and  
7 administered by one-stop partners, or the noncash  
8 resources available under such programs, shall be  
9 used to pay the additional costs relating to the oper-  
10 ation of the one-stop delivery system that are not  
11 paid from the funds provided under subsection (h),  
12 as determined in accordance with paragraph (3), to  
13 the extent not inconsistent with the Federal law in-  
14 volved. Such costs shall include the costs of the pro-  
15 vision of core services described in section 234(c)(2)  
16 applicable to each program and may include common  
17 costs that are not paid from the funds provided  
18 under subsection (h).

19           (2) SHARED SERVICES.—The costs described  
20 under paragraph (1) may include costs of services  
21 that are authorized for and may be commonly pro-  
22 vided through the one-stop partner programs to any  
23 individual, such as initial intake, assessment of  
24 needs, appraisal of basic skills, identification of ap-

1       appropriate services to meet such needs, referrals to  
2       other one-stop partners, and other similar services.

3               (3) DETERMINATION AND GUIDANCE.—The  
4       method for determining the appropriate portion of  
5       funds and noncash resources to be provided by the  
6       one-stop partner for each program under paragraph  
7       (1) for a one-stop center shall be determined as part  
8       of the development of the memorandum of under-  
9       standing under subsection (c) for the one-stop center  
10      and shall be stated in the memorandum. The State  
11      board shall provide guidance to facilitate the deter-  
12      mination, for purposes of the memorandum of un-  
13      derstanding, of an appropriate allocation of the  
14      funds and noncash resources in local areas, con-  
15      sistent with the requirements of section  
16      111(d)(7)(C)(i).

17 **SEC. 222. IDENTIFICATION OF ELIGIBLE PROVIDERS OF**  
18 **TRAINING SERVICES.**

19       (a) ELIGIBILITY.—

20               (1) IN GENERAL.—Except as provided in sub-  
21      section (h), the Governor, after consultation with the  
22      State board, shall establish criteria, information re-  
23      quirements, and procedures regarding the eligibility  
24      of providers of training services to receive funds pro-



1        vided under section 233(b) for the provision of train-  
2        ing services in local areas in the State.

3            (2) PROVIDERS.—Subject to the provisions of  
4        this section, to be eligible to receive those funds for  
5        the provision of training services, the provider shall  
6        be—

7            (A) an institution of higher education that  
8        provides a program that leads to a recognized  
9        postsecondary credential;

10          (B) an entity that carries out programs  
11        registered under the Act of August 16, 1937  
12        (commonly known as the “National Apprentice-  
13        ship Act”; 50 Stat. 664, chapter 663; 29  
14        U.S.C. 50 et seq.); or

15          (C) another public or private provider of a  
16        program of training services, which may include  
17        joint labor-management organizations, and eli-  
18        gible providers of adult education and literacy  
19        activities under title III if such activities are  
20        provided in combination with occupational skills  
21        training.

22          (3) INCLUSION IN LIST OF ELIGIBLE PRO-  
23        VIDERS.—A provider described in subparagraph (A)  
24        or (C) of paragraph (2) shall comply with the cri-  
25        teria, information requirements, and procedures es-

1        tablished under this section to be included on the list  
2        of eligible providers of training services described in  
3        subsection (d). A provider described in paragraph  
4        (2)(B) shall be included and maintained on the list  
5        of eligible providers of training services described in  
6        subsection (d) for so long as the corresponding pro-  
7        gram of the provider remains registered as described  
8        in paragraph (2)(B).

9        (b) CRITERIA AND INFORMATION REQUIREMENTS.—

10        (1) STATE CRITERIA.—In establishing criteria  
11        pursuant to subsection (a), the Governor shall take  
12        into account each of the following:

13                (A) The performance of providers of train-  
14        ing services with respect to—

15                        (i) the performance accountability  
16        measures and other matters for which in-  
17        formation is required under paragraph (2);  
18        and

19                        (ii) other appropriate measures of per-  
20        formance outcomes determined by the Gov-  
21        ernor for those participants receiving train-  
22        ing services under this subtitle (taking into  
23        consideration the characteristics of the  
24        population served and relevant economic  
25        conditions), and the outcomes of the pro-

1                   gram through which those training services  
2                   were provided for students in general with  
3                   respect to employment and earnings as de-  
4                   fined under section 131(b)(2).

5                   (B) The need to ensure access to training  
6                   services throughout the State, including  
7                   through the use of technology.

8                   (C) Information reported to State agencies  
9                   with respect to Federal and State programs in-  
10                  volving training services (other than the pro-  
11                  gram carried out under this subtitle), including  
12                  one-stop partner programs.

13                  (D) The requirements for State licensing  
14                  of providers of training services, and the licens-  
15                  ing status of providers of training services if  
16                  applicable.

17                  (E) Ways in which the criteria can encour-  
18                  age, to the extent practicable, the providers to  
19                  use industry-recognized certificates or certifi-  
20                  cations.

21                  (F) The ability of the providers to offer  
22                  programs that lead to recognized postsecondary  
23                  credentials.

24                  (G) The quality of a program of training  
25                  services, including a program of training serv-

1           ices that leads to a recognized postsecondary  
2           credential.

3           (H) The ability of the providers to provide  
4           training services to individuals who are em-  
5           ployed and individuals with barriers to employ-  
6           ment.

7           (I) Such other factors as the Governor de-  
8           termines are appropriate to ensure—

9                   (i) the accountability of the providers;

10                   (ii) that the one-stop centers in the  
11           State will ensure that such providers meet  
12           the needs of local employers and partici-  
13           pants;

14                   (iii) the informed choice of partici-  
15           pants among training services providers;  
16           and

17                   (iv) that the collection of information  
18           required to demonstrate compliance with  
19           the criteria is not unduly burdensome or  
20           costly to providers.

21           (2) STATE INFORMATION REQUIREMENTS.—

22           The information requirements established by the  
23           Governor shall require that a provider of training  
24           services submit appropriate, accurate, and timely in-  
25           formation to the State, to enable the State to carry

1 out subsection (d), with respect to participants re-  
2 ceiving training services under this subtitle in the  
3 applicable program, including—

4 (A) information on the performance of the  
5 provider with respect to the performance ac-  
6 countability measures described in section 131  
7 for such participants (taking into consideration  
8 the characteristics of the population served and  
9 relevant economic conditions), and information  
10 specifying the percentage of such participants  
11 who entered unsubsidized employment in an oc-  
12 cupation related to the program, to the extent  
13 practicable;

14 (B) information on recognized postsec-  
15 ondary credentials received by such partici-  
16 pants;

17 (C) information on program costs (such as  
18 costs of tuition and fees) for participants in the  
19 program;

20 (D) information on the program comple-  
21 tion rate for such participants; and

22 (E) information on the criteria described  
23 in paragraph (1).

24 (3) LOCAL CRITERIA AND INFORMATION RE-  
25 QUIREMENTS.—A local board in the State may es-

1        establish criteria and information requirements in ad-  
2        dition to the criteria and information requirements  
3        established by the Governor, or may require higher  
4        levels of performance than required for the criteria  
5        established by the Governor, for purposes of deter-  
6        mining the eligibility of providers of training services  
7        to receive funds described in subsection (a) for the  
8        provision of training services in the local area in-  
9        volved.

10            (4) CRITERIA AND INFORMATION REQUIRE-  
11        MENTS TO ESTABLISH INITIAL ELIGIBILITY.—

12            (A) PURPOSE.—The purpose of this para-  
13        graph is to enable the providers of programs  
14        carried out under chapter 3 to offer the highest  
15        quality training services and be responsive to  
16        in-demand and emerging industries by pro-  
17        viding training services for those industries.

18            (B) INITIAL ELIGIBILITY.—Providers may  
19        seek initial eligibility under this paragraph as  
20        providers of training services. The criteria and  
21        information requirements established by the  
22        Governor under this paragraph shall require  
23        that a provider who has not previously been an  
24        eligible provider of training services under this  
25        section (or section 122 of the Workforce Invest-

1           ment Act of 1998, as in effect on the day before  
2           the date of enactment of this Act) provide the  
3           information described in subparagraph (C).

4           (C) INFORMATION.—The provider shall  
5           provide verifiable program-specific performance  
6           information based on criteria established by the  
7           State as described in subparagraph (D) that  
8           supports the provider’s ability to serve partici-  
9           pants under this subtitle.

10          (D) CRITERIA.—The criteria described in  
11          subparagraph (C) shall include at least—

12                 (i) a factor related to indicators de-  
13                 scribed in section 131;

14                 (ii) a factor concerning whether the  
15                 provider is in a partnership with business;

16                 (iii) other factors that indicate high-  
17                 quality training services; and

18                 (iv) a factor concerning alignment of  
19                 the training services with industries pro-  
20                 jected to have potential for employment op-  
21                 portunities, to the extent practicable.

22          (E) PROVISION.—The provider shall pro-  
23          vide the information described in subparagraph  
24          (C) to the Governor and the local board in a  
25          manner that will permit the Governor and the

1           local board to make a decision on inclusion of  
2           the provider on the list of eligible providers de-  
3           scribed in subsection (d).

4           (c) PROCEDURES.—

5           (1) APPLICATION PROCEDURES.—The proce-  
6           dures established under subsection (a) shall identify  
7           the application process for a provider of training  
8           services to become eligible to receive funds provided  
9           under section 233(b) for the provision of training  
10          services. The procedures shall identify the respective  
11          roles of the State and local areas in receiving and  
12          reviewing the applications and in making determina-  
13          tions of such eligibility based on the criteria, infor-  
14          mation, and procedures established under this sec-  
15          tion. The procedures shall also establish a process  
16          for a provider of training services to appeal a denial  
17          or termination of eligibility under this section that  
18          includes an opportunity for a hearing and prescribes  
19          appropriate time limits to ensure prompt resolution  
20          of the appeal.

21          (2) RENEWAL PROCEDURES.—The procedures  
22          established by the Governor shall also provide for bi-  
23          ennial review and renewal of eligibility under this  
24          section for providers of training services.



1 (d) LIST AND INFORMATION TO ASSIST PARTICI-  
2 PANTS IN CHOOSING PROVIDERS.—

3 (1) IN GENERAL.—In order to facilitate and as-  
4 sist participants in choosing employment and train-  
5 ing activities and in choosing providers of training  
6 services, the Governor shall ensure that an appro-  
7 priate list of providers determined to be eligible  
8 under this section to offer a program in the State  
9 (and, as appropriate, in a local area), accompanied  
10 by information identifying the recognized postsec-  
11 ondary credential offered by the provider and other  
12 appropriate information, is provided to the one-stop  
13 delivery system in the State.

14 (2) ACCOMPANYING INFORMATION.—The ac-  
15 companying information shall—

16 (A) with respect to providers described in  
17 subparagraphs (A) and (C) of subsection (a)(2),  
18 consist of information provided by such pro-  
19 viders, disaggregated by local areas served, as  
20 applicable, in accordance with subsection (b);

21 (B) with respect to providers described in  
22 subsection (b)(4), consist of information pro-  
23 vided by such providers in accordance with sub-  
24 section (b)(4); and

1                   (C) such other information as the Gov-  
2                   ernor determines to be appropriate.

3                   (3) AVAILABILITY.—The list and the accom-  
4                   panying information shall be made available to such  
5                   participants and to members of the public through  
6                   the one-stop delivery system in the State, in a man-  
7                   ner that does not reveal personally identifiable infor-  
8                   mation about an individual participant.

9                   (e) OPPORTUNITY TO SUBMIT COMMENTS.—In es-  
10                  tablishing, under this section, criteria, information re-  
11                  quirements, procedures, and the list of eligible providers  
12                  described in subsection (d), the Governor shall provide an  
13                  opportunity for interested members of the public to make  
14                  recommendations and submit comments regarding such  
15                  criteria, information requirements, procedures, and list.

16                  (f) ENFORCEMENT.—

17                  (1) IN GENERAL.—The procedures established  
18                  under this section shall provide the following:

19                         (A) INTENTIONALLY SUPPLYING INAC-  
20                         CULATE INFORMATION.—Upon a determination,  
21                         by an individual or entity specified in the proce-  
22                         dures, that a provider of training services, or  
23                         individual providing information on behalf of  
24                         the provider, violated this section (or section  
25                         122 of the Workforce Investment Act of 1998,

1 as in effect on the day before the date of enact-  
2 ment of this Act) by intentionally supplying in-  
3 accurate information under this section, the eli-  
4 gibility of such provider to receive funds under  
5 chapter 3 shall be terminated for a period of  
6 time that is not less than 2 years.

7 (B) SUBSTANTIAL VIOLATIONS.—Upon a  
8 determination, by an individual or entity speci-  
9 fied in the procedures, that a provider of train-  
10 ing services substantially violated any require-  
11 ment under this title (or title I of the Work-  
12 force Investment Act of 1998, as in effect on  
13 the day before such date of enactment), the eli-  
14 gibility of such provider to receive funds under  
15 chapter 3 for the program involved may be ter-  
16 minated, or other appropriate action may be  
17 taken.

18 (C) REPAYMENT.—A provider of training  
19 services whose eligibility is terminated under  
20 subparagraph (A) or (B) shall be liable for the  
21 repayment of funds received under chapter 5 of  
22 subtitle B of title I of the Workforce Invest-  
23 ment Act of 1998, as in effect on the day before  
24 such date of enactment, or chapter 3 of this

1 subtitle during a period of violation described in  
2 such subparagraph.

3 (2) CONSTRUCTION.—Paragraph (1) shall be  
4 construed to provide remedies and penalties that  
5 supplement, but shall not supplant, civil and crimi-  
6 nal remedies and penalties specified in other provi-  
7 sions of law.

8 (g) AGREEMENTS WITH OTHER STATES.—States  
9 may enter into agreements, on a reciprocal basis, to per-  
10 mit eligible providers of training services to accept indi-  
11 vidual training accounts provided in another State.

12 (h) ON-THE-JOB TRAINING, CUSTOMIZED TRAINING,  
13 INCUMBENT WORKER TRAINING, AND OTHER TRAINING  
14 EXCEPTIONS.—

15 (1) IN GENERAL.—Providers of on-the-job  
16 training, customized training, incumbent worker  
17 training, internships, and paid or unpaid work expe-  
18 rience opportunities, or transitional employment  
19 shall not be subject to the requirements of sub-  
20 sections (a) through (g).

21 (2) COLLECTION AND DISSEMINATION OF IN-  
22 FORMATION.—A one-stop operator in a local area  
23 shall collect such performance information from pro-  
24 viders of on-the-job training, customized training, in-  
25 cumbent worker training, internships, paid or un-

1       paid work experience opportunities, and transitional  
2       employment as the Governor may require, and use  
3       the information to determine whether the providers  
4       meet such performance criteria as the Governor may  
5       require. The one-stop operator shall disseminate in-  
6       formation identifying such providers that meet the  
7       criteria as eligible providers, and the performance  
8       information, through the one-stop delivery system.  
9       Providers determined to meet the criteria shall be  
10      considered to be identified as eligible providers of  
11      training services.

12      (i) **TRANSITION PERIOD FOR IMPLEMENTATION.**—  
13      The Governor and local boards shall implement the re-  
14      quirements of this section not later than 12 months after  
15      the date of enactment of this Act. In order to facilitate  
16      early implementation of this section, the Governor may es-  
17      tablish transition procedures under which providers eligi-  
18      ble to provide training services under chapter 5 of subtitle  
19      B of title I of the Workforce Investment Act of 1998, as  
20      such chapter was in effect on the day before the date of  
21      enactment of this Act, may continue to be eligible to pro-  
22      vide such services until December 31, 2015, or until such  
23      earlier date as the Governor determines to be appropriate.

1 **SEC. 223. ELIGIBLE PROVIDERS OF YOUTH WORKFORCE IN-**  
2 **VESTMENT ACTIVITIES.**

3 (a) IN GENERAL.—From the funds allocated under  
4 section 228(b) to a local area, the local board for such  
5 area shall award grants or contracts on a competitive basis  
6 to providers of youth workforce investment activities iden-  
7 tified based on the criteria in the State plan (including  
8 such quality criteria as the Governor shall establish for  
9 a training program that leads to a recognized postsec-  
10 ondary credential) as described in section  
11 112(b)(2)(D)(i)(VI) and shall conduct oversight with re-  
12 spect to such providers.

13 (b) EXCEPTIONS.—A local board may award grants  
14 or contracts on a sole-source basis if such board deter-  
15 mines there is an insufficient number of eligible providers  
16 of youth workforce investment activities in the local area  
17 involved (such as a rural area) for grants and contracts  
18 to be awarded on a competitive basis under subsection (a).

19 **CHAPTER 2—YOUTH WORKFORCE**  
20 **INVESTMENT ACTIVITIES**

21 **SEC. 226. GENERAL AUTHORIZATION.**

22 The Secretary shall make an allotment under section  
23 227(b)(1)(C) to each State that meets the requirements  
24 of section 112 or 113 and a grant under section  
25 227(b)(1)(B) to each outlying area that complies with the  
26 requirements of this title, to assist the State or outlying

1 area, and to enable the State or outlying area to assist  
2 local areas, for the purpose of providing workforce invest-  
3 ment activities for eligible youth in the State or outlying  
4 area and in the local areas.

5 **SEC. 227. STATE ALLOTMENTS.**

6 (a) IN GENERAL.—The Secretary shall—

7 (1) for each fiscal year for which the amount  
8 appropriated under section 236(a) exceeds  
9 \$1,000,000,000, reserve a portion (but not more  
10 than \$10,000,000) of the amount appropriated  
11 under section 236(a) to provide youth workforce in-  
12 vestment activities under section 267 (relating to mi-  
13 grant and seasonal farmworkers); and

14 (2) use the remainder of the amount appro-  
15 priated under section 236(a) for a fiscal year to  
16 make allotments and grants in accordance with sub-  
17 section (b).

18 (b) ALLOTMENT AMONG STATES.—

19 (1) YOUTH WORKFORCE INVESTMENT ACTIVI-  
20 TIES.—

21 (A) NATIVE AMERICANS.—From the  
22 amount appropriated under section 236(a) for a  
23 fiscal year that is not reserved under subsection  
24 (a)(1), the Secretary shall reserve not more  
25 than 1 ½ percent of such amount to provide

1 youth workforce investment activities under sec-  
2 tion 266 (relating to Native Americans).

3 (B) OUTLYING AREAS.—

4 (i) IN GENERAL.—From the amount  
5 appropriated under section 236(a) for each  
6 fiscal year that is not reserved under sub-  
7 section (a)(1) and subparagraph (A), the  
8 Secretary shall reserve not more than  $\frac{1}{4}$  of  
9 1 percent of such amount to provide assist-  
10 ance to the outlying areas to carry out  
11 youth workforce investment activities and  
12 statewide workforce investment activities.

13 (ii) LIMITATION FOR OUTLYING  
14 AREAS.—

15 (I) COMPETITIVE GRANTS.—The  
16 Secretary shall use funds reserved  
17 under clause (i) to award grants to  
18 outlying areas to carry out youth  
19 workforce investment activities and  
20 statewide workforce investment activi-  
21 ties.

22 (II) AWARD BASIS.—The Sec-  
23 retary shall award grants pursuant to  
24 subclause (I) on a competitive basis  
25 and pursuant to the recommendations



1 of experts in the field of employment  
2 and training, working through the Pa-  
3 cific Region Educational Laboratory  
4 in Honolulu, Hawaii.

5 (III) ADMINISTRATIVE COSTS.—

6 The Secretary may provide not more  
7 than 5 percent of the funds made  
8 available for grants under subclause  
9 (I) to pay the administrative costs of  
10 the Pacific Region Educational Lab-  
11 oratory in Honolulu, Hawaii, regard-  
12 ing activities assisted under this  
13 clause.

14 (iii) ADDITIONAL REQUIREMENT.—

15 The provisions of section 501 of Public  
16 Law 95–134 (48 U.S.C. 1469a), permit-  
17 ting the consolidation of grants by the out-  
18 lying areas, shall not apply to assistance  
19 provided to those areas, including Palau,  
20 under this subparagraph.

21 (C) STATES.—

22 (i) IN GENERAL.—From the remain-  
23 der of the amount appropriated under sec-  
24 tion 236(a) for a fiscal year that exists  
25 after the Secretary determines the

1 amounts to be reserved under subsection  
2 (a)(1) and subparagraphs (A) and (B), the  
3 Secretary shall make allotments to the  
4 States in accordance with clause (ii).

5 (ii) FORMULA.—Subject to clauses  
6 (iii) and (iv), of the amount described in  
7 clause (i), the Secretary shall allot—

8 (I)  $33\frac{1}{3}$  percent on the basis of  
9 the relative number of individuals in  
10 the civilian labor force who are ages  
11 16 through 21 in each State, com-  
12 pared to the total number of individ-  
13 uals in the civilian labor force who are  
14 ages 16 through 21 in all States;

15 (II)  $33\frac{1}{3}$  percent on the basis of  
16 the relative number of unemployed in-  
17 dividuals in each State, compared to  
18 the total number of unemployed indi-  
19 viduals in all States; and

20 (III)  $33\frac{1}{3}$  percent on the basis  
21 of the relative number of disadvan-  
22 taged youth who are ages 16 through  
23 21 in each State, compared to the  
24 total number of disadvantaged youth

1                   who are ages 16 through 21 in all  
2                   States.

3                   (iii) MINIMUM AND MAXIMUM PER-  
4                   CENTAGES.—

5                   (I) MINIMUM PERCENTAGE.—

6                   The Secretary shall ensure that no  
7                   State shall receive an allotment per-  
8                   centage under this subparagraph for a  
9                   fiscal year that is less than 90 percent  
10                  of the allotment percentage of the  
11                  State for the preceding fiscal year.

12                  (II) MAXIMUM PERCENTAGE.—

13                  Subject to subclause (I), the Secretary  
14                  shall ensure that no State shall re-  
15                  ceive an allotment percentage under  
16                  this subparagraph for a fiscal year  
17                  that is more than 130 percent of the  
18                  allotment percentage of the State for  
19                  the preceding fiscal year.

20                  (iv) SMALL STATE MINIMUM ALLOT-

21                  MENT.—Subject to clause (iii), the Sec-  
22                  retary shall ensure that no State shall re-  
23                  ceive an allotment under this subparagraph  
24                  that is less than the total of—

1 (I)  $\frac{3}{10}$  of 1 percent of  
2 \$1,000,000,000, from the remainder  
3 described in clause (i) for the fiscal  
4 year; and

5 (II) if the remainder described in  
6 clause (i) for the fiscal year exceeds  
7 \$1,000,000,000,  $\frac{2}{5}$  of 1 percent of  
8 the excess.

9 (2) DEFINITIONS.—In paragraph (1):

10 (A) ALLOTMENT PERCENTAGE.—The term  
11 “allotment percentage”, used with respect to  
12 fiscal year 2014 or a subsequent fiscal year,  
13 means a percentage of the remainder described  
14 in paragraph (1)(C)(i) that is received by the  
15 State involved through an allotment made  
16 under this subsection for the fiscal year. The  
17 term, used with respect to fiscal year 2013,  
18 means the percentage of the amount allotted to  
19 States under chapter 4 of subtitle B of title I  
20 of the Workforce Investment Act of 1998 (as in  
21 effect on the day before the date of enactment  
22 of this Act) that is received by the State in-  
23 volved for fiscal year 2013.

1 (B) DISADVANTAGED YOUTH.—Subject to  
2 paragraph (3), the term “disadvantaged youth”  
3 means an individual who—

4 (i) is age 16 through 21; and  
5 (ii) received an income, or is a mem-  
6 ber of a family that received a total family  
7 income, that, in relation to family size,  
8 does not exceed 150 percent of the poverty  
9 line.

10 (3) SPECIAL RULE.—For purposes of the for-  
11 mula specified in paragraph (1)(C)(ii), the Secretary  
12 shall, as appropriate and to the extent practicable,  
13 exclude college students and members of the Armed  
14 Forces from the determination of the number of dis-  
15 advantaged youth.

16 (c) REALLOTMENT.—

17 (1) IN GENERAL.—The Secretary shall, in ac-  
18 cordance with this subsection, reallocate to eligible  
19 States amounts that are made available to States  
20 from allotments made under this section or a cor-  
21 responding provision of the Workforce Investment  
22 Act of 1998 for youth workforce investment activi-  
23 ties and statewide workforce investment activities  
24 (referred to individually in this subsection as a

1 “State allotment”) and that are available for realloc-  
2 ment.

3 (2) AMOUNT.—The amount available for real-  
4 lotment for a program year is equal to the amount  
5 by which the unobligated balance from State allot-  
6 ments to the State at the end of the program year  
7 prior to the program year for which the determina-  
8 tion is made, exceeds 10 percent of the total amount  
9 of funds available to the State for that prior pro-  
10 gram year, consisting of the State allotment to the  
11 State for such prior program year (and amounts  
12 from State allotments to the State, for all program  
13 years before that prior program year, that remained  
14 available).

15 (3) REALLOTMENT.—In making reallocations to  
16 eligible States of amounts available pursuant to  
17 paragraph (2) for a program year, the Secretary  
18 shall allot to each eligible State an amount based on  
19 the relative amount of the State allotment for the  
20 program year for which the determination is made,  
21 as compared to the total amount of the State allot-  
22 ments for all eligible States for such program year.

23 (4) ELIGIBILITY.—For purposes of this sub-  
24 section, an eligible State means a State that does  
25 not have an amount available for reallocation under

1 paragraph (2) for the program year for which the  
2 determination under paragraph (2) is made.

3 (5) PROCEDURES.—The Governor shall pre-  
4 scribe uniform procedures for the obligation of funds  
5 by local areas within the State in order to avoid the  
6 requirement that funds be made available for reallocot-  
7 ment under this subsection. The Governor shall fur-  
8 ther prescribe equitable procedures for making funds  
9 available from the State and local areas in the event  
10 that a State is required to make funds available for  
11 reallocation under this subsection.

12 **SEC. 228. WITHIN STATE ALLOCATIONS.**

13 (a) RESERVATIONS FOR STATEWIDE ACTIVITIES.—

14 (1) IN GENERAL.—The Governor shall reserve  
15 not more than 15 percent of each of the amounts al-  
16 lotted to the State under section 227(b)(1)(C) and  
17 paragraphs (1)(B) and (2)(B) of section 232(b) for  
18 a fiscal year for statewide workforce investment ac-  
19 tivities.

20 (2) USE OF FUNDS.—Regardless of whether the  
21 reserved amounts were allotted under section  
22 227(b)(1)(C), or under paragraph (1)(B) or (2)(B)  
23 of section 232(b), the Governor may use the re-  
24 served amounts to carry out statewide activities  
25 under section 229(b) or statewide employment and

1 training activities, for adults or dislocated workers,  
2 under section 234(a).

3 (b) WITHIN STATE ALLOCATIONS.—

4 (1) IN GENERAL.—Of the amount allotted to  
5 the State under section 227(b)(1)(C) and not re-  
6 served under subsection (a)(1)—

7 (A) a portion equal to not less than 80  
8 percent of such amount shall be allocated by  
9 the Governor to local areas in accordance with  
10 paragraph (2); and

11 (B) a portion equal to not more than 20  
12 percent of such amount may be allocated by the  
13 Governor to local areas in accordance with  
14 paragraph (3).

15 (2) ESTABLISHED FORMULA.—

16 (A) IN GENERAL.—Subject to subpara-  
17 graph (B), of the portion described in para-  
18 graph (1)(A), the Governor shall allocate—

19 (i)  $33\frac{1}{3}$  percent on the basis of the  
20 relative number of individuals in the civil-  
21 ian labor force who are ages 16 through 21  
22 in each local area, compared to the total  
23 number of individuals in the civilian labor  
24 force who are ages 16 through 21 in all  
25 local areas in the State;



1                   (ii) 33  $\frac{1}{3}$  percent on the basis of the  
2                   relative number of unemployed individuals  
3                   in each local area, compared to the total  
4                   number of unemployed individuals in all  
5                   local areas in the State; and

6                   (iii) 33  $\frac{1}{3}$  percent on the basis of the  
7                   relative number of disadvantaged youth  
8                   who are ages 16 through 21 in each local  
9                   area, compared to the total number of dis-  
10                  advantaged youth who are ages 16 through  
11                  21 in all local areas in the State.

12                  (B) MINIMUM AND MAXIMUM PERCENT-  
13                  AGES.—

14                  (i) MINIMUM PERCENTAGE.—The  
15                  Governor shall ensure that no local area  
16                  shall receive an allocation percentage under  
17                  this paragraph for a fiscal year that is less  
18                  than 90 percent of the allocation percent-  
19                  age of the local area for the preceding fis-  
20                  cal year.

21                  (ii) MAXIMUM PERCENTAGE.—Subject  
22                  to clause (i), the Governor shall ensure  
23                  that no local area shall receive an alloca-  
24                  tion percentage under this paragraph for a  
25                  fiscal year that is more than 130 percent

1 of the allocation percentage of the local  
2 area for the preceding fiscal year.

3 (C) DEFINITIONS.—In this paragraph:

4 (i) ALLOCATION PERCENTAGE.—The  
5 term “allocation percentage”, used with re-  
6 spect to fiscal year 2014 or a subsequent  
7 fiscal year, means a percentage of the por-  
8 tion described in paragraph (1)(A) that is  
9 received by the local area involved through  
10 an allocation made under this paragraph  
11 for the fiscal year. The term, used with re-  
12 spect to fiscal year 2013, means the per-  
13 centage of the amount allocated to local  
14 areas under chapter 4 of subtitle B of title  
15 I of the Workforce Investment Act of 1998  
16 (as in effect on the day before the date of  
17 enactment of this Act) that is received by  
18 the local area involved for fiscal year 2013.

19 (ii) DISADVANTAGED YOUTH.—Sub-  
20 ject to subparagraph (D), the term “dis-  
21 advantaged youth” means an individual  
22 who—

23 (I) is age 16 through 21; and

24 (II) received an income, or is a  
25 member of a family that received a

1 total family income, that, in relation  
2 to family size, does not exceed 150  
3 percent of the poverty line.

4 (D) SPECIAL RULE.—For purposes of the  
5 formula specified in subparagraph (A), the Gov-  
6 ernor shall, as appropriate and to the extent  
7 practicable, exclude college students and mem-  
8 bers of the Armed Forces from the determina-  
9 tion of the number of disadvantaged youth.

10 (3) YOUTH DISCRETIONARY ALLOCATION.—The  
11 Governor may allocate the portion described in para-  
12 graph (1)(B) to local areas where there are a signifi-  
13 cant number of eligible youth, after consultation  
14 with the State board and local boards.

15 (4) LOCAL ADMINISTRATIVE COST LIMIT.—

16 (A) IN GENERAL.—Of the amount allo-  
17 cated to a local area under this subsection and  
18 section 233(b) for a fiscal year, not more than  
19 10 percent of the amount may be used by the  
20 local board involved for the administrative costs  
21 of carrying out local workforce investment ac-  
22 tivities under this chapter or chapter 3.

23 (B) USE OF FUNDS.—Funds made avail-  
24 able for administrative costs under subpara-  
25 graph (A) may be used for the administrative

1 costs of any of the local workforce investment  
2 activities described in this chapter or chapter 3,  
3 regardless of whether the funds were allocated  
4 under this subsection or section 233(b).

5 (c) REALLOCATION AMONG LOCAL AREAS.—

6 (1) IN GENERAL.—The Governor may, in ac-  
7 cordance with this subsection and after consultation  
8 with the State Board, reallocate to eligible local  
9 areas within the State amounts that are made avail-  
10 able to local areas from allocations made under this  
11 section or a corresponding provision of the Work-  
12 force Investment Act of 1998 for youth workforce  
13 investment activities (referred to individually in this  
14 subsection as a “local allocation”) and that are  
15 available for reallocation.

16 (2) AMOUNT.—

17 (A) IN GENERAL.—The amount available  
18 for reallocation for a program year is equal to  
19 the amount by which the balance that is unobli-  
20 gated and unencumbered for training services  
21 at the end of the program year prior to the pro-  
22 gram year for which the determination is made,  
23 exceeds 10 percent of the total amount of funds  
24 available to the local area for that prior pro-  
25 gram year, consisting of the local allocation to

1           the local area for such prior program year (and  
2           amounts from local allocations to the local area,  
3           for all program years before that prior program  
4           year, that remained available).

5           (B) BALANCE OF FUNDS.—For purposes  
6           of this paragraph, the balance that is unobli-  
7           gated and unencumbered for training services is  
8           the amount that is the difference between—

9                   (i) the total amount of funds available  
10                  to the local area under this section for that  
11                  prior program year, consisting of the local  
12                  allocation to the local area for such prior  
13                  program year (and amounts from local al-  
14                  locations to the local area, for all program  
15                  years before that prior program year, that  
16                  remained available); and

17                   (ii) the amount, from that total  
18                  amount of available funds, that is obligated  
19                  or encumbered (in accordance with gen-  
20                  erally accepted accounting principles) for  
21                  training services during such prior pro-  
22                  gram year, except that for purposes of this  
23                  paragraph the amount included as encum-  
24                  bered for training services shall not exceed

1                   10 percent of the total amount of available  
2                   funds described in clause (i).

3                   (3) REALLOCATION.—In making reallocations  
4                   to eligible local areas of amounts available pursuant  
5                   to paragraph (2) for a program year, the Governor  
6                   shall allocate to each eligible local area within the  
7                   State an amount based on the relative amount of the  
8                   local allocation for the program year for which the  
9                   determination is made, as compared to the total  
10                  amount of the local allocations for all eligible local  
11                  areas for such program year.

12                  (4) ELIGIBILITY.—For purposes of this sub-  
13                  section, an eligible local area means a local area that  
14                  does not have an amount available for reallocation  
15                  under paragraph (2) for the program year for which  
16                  the determination under paragraph (2) is made.

17                  (5) GUIDANCE AND TECHNICAL ASSISTANCE.—  
18                  Not later than 90 days after the date of enactment  
19                  of this Act, the Secretary shall issue guidance for  
20                  implementing this subsection, and guidance for im-  
21                  plementing section 233(c), including for calculating  
22                  the amount of funds that are unobligated and the  
23                  amount of funds that are unencumbered for training  
24                  services. The Secretary shall also provide technical

1 assistance to local areas regarding the implementa-  
2 tion of this subsection.

3 **SEC. 229. USE OF FUNDS FOR YOUTH WORKFORCE INVEST-**  
4 **MENT ACTIVITIES.**

5 (a) YOUTH PARTICIPANT ELIGIBILITY.—

6 (1) ELIGIBILITY.—

7 (A) IN GENERAL.—To be eligible to partici-  
8 pate in activities carried out under this  
9 chapter during any program year an individual  
10 shall, at the time the eligibility determination is  
11 made, be an out-of-school youth or an in-school  
12 youth.

13 (B) OUT-OF-SCHOOL YOUTH.—In this title,  
14 the term “out-of-school youth” means an indi-  
15 vidual who is—

16 (i) not attending any school (as de-  
17 fined under State law);

18 (ii) not younger than age 16 or older  
19 than age 24; and

20 (iii) one or more of the following:

21 (I) A school dropout.

22 (II) A youth who is within the  
23 age of compulsory school attendance,  
24 but has not attended school for at

1 least the most recent complete school  
2 year calendar quarter.

3 (III) A recipient of a secondary  
4 school diploma or its recognized equiv-  
5 alent who is a low-income individual  
6 and is—

7 (aa) basic skills deficient; or  
8 (bb) an English language  
9 learner.

10 (IV) An individual who is subject  
11 to the juvenile or adult justice system.

12 (V) A homeless individual (as de-  
13 fined in section 41403(6) of the Vio-  
14 lence Against Women Act of 1994 (42  
15 U.S.C. 14043e-2(6)), except that  
16 clauses (i)(IV) and (iii) of subpara-  
17 graph (B) of such section shall not  
18 apply), a homeless child or youth (as  
19 defined in section 725(2) of the  
20 McKinney-Vento Homeless Assistance  
21 Act (42 U.S.C. 11434a(2)), except  
22 that subparagraph (B)(iv) of such sec-  
23 tion shall not apply), a runaway, in  
24 foster care or has aged out of the fos-  
25 ter care system, a child eligible for as-





1 (III) An offender.

2 (IV) A homeless individual (as  
3 defined in section 41403(6) of the Vi-  
4 olence Against Women Act of 1994  
5 (42 U.S.C. 14043e-2(6)), except that  
6 clauses (i)(IV) and (iii) of subpara-  
7 graph (B) of such section shall not  
8 apply), a homeless child or youth (as  
9 defined in section 725(2) of the  
10 McKinney-Vento Homeless Assistance  
11 Act (42 U.S.C. 11434a(2)), except  
12 that subparagraph (B)(iv) of such sec-  
13 tion shall not apply), a runaway, in  
14 foster care or has aged out of the fos-  
15 ter care system, a child eligible for as-  
16 sistance under section 477 of the So-  
17 cial Security Act (42 U.S.C. 677), or  
18 in an out-of-home placement.

19 (V) Pregnant or parenting.

20 (VI) A youth who is an individual  
21 with a disability.

22 (VII) An individual who requires  
23 additional assistance to complete an  
24 educational program or to secure or  
25 hold employment.

1           (2) SPECIAL RULE.—For the purpose of this  
2 subsection, the term “low-income”, used with respect  
3 to an individual, also includes a youth living in a  
4 high-poverty area.

5           (3) EXCEPTION AND LIMITATION.—

6           (A) EXCEPTION FOR PERSONS WHO ARE  
7 NOT LOW-INCOME INDIVIDUALS.—

8           (i) DEFINITION.—In this subpara-  
9 graph, the term “covered individual”  
10 means an in-school youth, or an out-of-  
11 school youth who is described in subclause  
12 (III) or (VIII) of paragraph (1)(B)(iii).

13           (ii) EXCEPTION.—In each local area,  
14 not more than 5 percent of the individuals  
15 assisted under this section may be persons  
16 who would be covered individuals, except  
17 that the persons are not low-income indi-  
18 viduals.

19           (B) LIMITATION.—In each local area, not  
20 more than 5 percent of the in-school youth as-  
21 sisted under this section may be eligible under  
22 paragraph (1) because the youth are in-school  
23 youth described in paragraph (1)(C)(iv)(VII).

24           (4) OUT-OF-SCHOOL PRIORITY.—

1           (A) IN GENERAL.—For any program year,  
2           not less than 75 percent of the funds available  
3           for statewide activities under subsection (b),  
4           and not less than 75 percent of funds available  
5           to local areas under subsection (c), shall be  
6           used to provide youth workforce investment ac-  
7           tivities for out-of-school youth.

8           (B) EXCEPTION.—A State that receives a  
9           minimum allotment under section 227(b)(1) in  
10          accordance with section 227(b)(1)(C)(iv) or  
11          under section 232(b)(1) in accordance with sec-  
12          tion 232(b)(1)(B)(v) may decrease the percent-  
13          age described in subparagraph (A) for a local  
14          area in the State, if—

15               (i) after an analysis of the in-school  
16               youth and out-of-school youth populations  
17               in the local area, the State determines that  
18               the local area will be unable to use at least  
19               75 percent of the funds available for activi-  
20               ties under subsection (c) to serve out-of-  
21               school youth due to a low number of out-  
22               of-school youth; and

23               (ii)(I) the State submits to the Sec-  
24               retary, for the local area, a request includ-  
25               ing a proposed decreased percentage for

1 purposes of subparagraph (A), and a sum-  
2 mary of the analysis described in clause  
3 (i); and

4 (II) the request is approved by the  
5 Secretary.

6 (5) CONSISTENCY WITH COMPULSORY SCHOOL  
7 ATTENDANCE LAWS.—In providing assistance under  
8 this section to an individual who is required to at-  
9 tend school under applicable State compulsory school  
10 attendance laws, the priority in providing such as-  
11 sistance shall be for the individual to attend school  
12 regularly.

13 (b) STATEWIDE ACTIVITIES.—

14 (1) IN GENERAL.—Funds reserved by a Gov-  
15 ernor as described in sections 228(a) and 233(a)(1)  
16 shall be used, regardless of whether the funds were  
17 allotted to the State under section 227(b)(1)(C) or  
18 under paragraph (1)(B) or (2)(B) of section 232(b)  
19 for statewide activities, which may include—

20 (A) conducting—

21 (i) evaluations under section 131(e) of  
22 activities authorized under this chapter  
23 and chapter 3 in coordination with evalua-  
24 tions carried out by the Secretary under  
25 section 270(a);

1                   (ii) research related to meeting the  
2                   education and employment needs of youth;  
3                   and

4                   (iii) demonstration projects related to  
5                   meeting the education and employment  
6                   needs of youth;

7                   (B) providing assistance to local areas as  
8                   described in clauses (i) and (ii) of section  
9                   116(c)(1)(B), for local coordination of activities  
10                  carried out under this title;

11                  (C) in order to build capacity, providing  
12                  technical assistance to, as appropriate, local  
13                  boards, chief elected officials, one-stop opera-  
14                  tors, one-stop partners, and eligible providers,  
15                  in local areas, which provision of technical as-  
16                  sistance shall include the development and  
17                  training of staff, the development of exemplary  
18                  program activities, the provision of technical as-  
19                  sistance to local areas that fail to meet local  
20                  performance accountability measures described  
21                  in section 131(c), and the provision of tech-  
22                  nology to facilitate remote access to services  
23                  provided through the one-stop delivery system  
24                  in the State;

1           (D) operating a fiscal and management ac-  
2           countability information system under section  
3           131(i);

4           (E) carrying out monitoring and oversight  
5           of activities carried out under this chapter and  
6           chapter 3, which may include a review com-  
7           paring the services provided to male and female  
8           youth;

9           (F) providing additional assistance to local  
10          areas that have high concentrations of eligible  
11          youth;

12          (G) supporting the development of alter-  
13          native programs and other activities that en-  
14          hance the choices available to eligible youth and  
15          encourage such youth to reenter and complete  
16          secondary education, enroll in postsecondary  
17          education and advanced training, progress  
18          through a career pathway, and enter employ-  
19          ment that leads to economic self-sufficiency;

20          (H) supporting the provision of core serv-  
21          ices described in section 234(c)(2) in the one-  
22          stop delivery system in the State; and

23          (I) supporting financial literacy, includ-  
24          ing—

1 (i) supporting the ability of partici-  
2 pants to create household budgets, initiate  
3 savings plans, and make informed financial  
4 decisions about education, retirement,  
5 home ownership, wealth building, or other  
6 savings goals;

7 (ii) supporting the ability to manage  
8 spending, credit, and debt, including credit  
9 card debt, effectively;

10 (iii) increasing awareness of the avail-  
11 ability and significance of credit reports  
12 and credit scores in obtaining credit, in-  
13 cluding determining their accuracy (and  
14 how to correct inaccuracies in the reports  
15 and scores), and their effect on credit  
16 terms;

17 (iv) supporting the ability to under-  
18 stand, evaluate, and compare financial  
19 products, services, and opportunities; and

20 (v) supporting activities that address  
21 the particular financial literacy needs of  
22 non-English speakers, including providing  
23 the support through the development and  
24 distribution of multilingual financial lit-  
25 eracy and education materials.



1           (2) LIMITATION.—Not more than 5 percent of  
2           the funds allotted to a State under section  
3           227(b)(1)(C) shall be used by the State for adminis-  
4           trative activities carried out under this subsection or  
5           section 234(a).

6           (c) LOCAL ELEMENTS AND REQUIREMENTS.—

7           (1) PROGRAM DESIGN.—Funds allocated to a  
8           local area for eligible youth under section 228(b)  
9           shall be used to carry out, for eligible youth, pro-  
10          grams that—

11                   (A) provide an objective assessment of the  
12                   academic levels, skill levels, and service needs of  
13                   each participant, which assessment shall include  
14                   a review of basic skills, occupational skills, prior  
15                   work experience, employability, interests, apti-  
16                   tudes (including interests and aptitudes for  
17                   nontraditional jobs), supportive service needs,  
18                   and developmental needs of such participant,  
19                   for the purpose of identifying appropriate serv-  
20                   ices and career pathways for participants, ex-  
21                   cept that a new assessment of a participant is  
22                   not required if the provider carrying out such  
23                   a program determines it is appropriate to use  
24                   a recent assessment of the participant con-



1 (iii) strong linkages between academic  
2 instruction (based on State academic con-  
3 tent and student academic achievement  
4 standards established under section 1111  
5 of the Elementary and Secondary Edu-  
6 cation Act of 1965 (20 U.S.C. 6311)) and  
7 occupational education that lead to the at-  
8 tainment of recognized postsecondary cre-  
9 dentials;

10 (iv) preparation for unsubsidized em-  
11 ployment opportunities, in appropriate  
12 cases; and

13 (v) effective connections to employers,  
14 including small employers, in in-demand  
15 industry sectors and occupations of the  
16 local and regional labor markets.

17 (2) PROGRAM ELEMENTS.—In order to support  
18 the attainment of a secondary school diploma or its  
19 recognized equivalent, entry into postsecondary edu-  
20 cation, and career readiness for participants, the  
21 programs described in paragraph (1) shall provide  
22 elements consisting of—

23 (A) tutoring, study skills training, instruc-  
24 tion, and dropout prevention strategies that  
25 lead to completion of the requirements for a

1 secondary school diploma or its recognized  
2 equivalent (including a recognized certificate of  
3 attendance or similar document for individuals  
4 with disabilities) or for a recognized postsec-  
5 ondary credential;

6 (B) alternative secondary school services,  
7 as appropriate;

8 (C) paid and unpaid work experiences that  
9 have as a component academic and occupational  
10 education, which may include—

11 (i) summer employment opportunities  
12 and other employment opportunities avail-  
13 able throughout the school year;

14 (ii) pre-apprenticeship programs;

15 (iii) internships and job shadowing;

16 and

17 (iv) on-the-job training opportunities;

18 (D) occupational skill training, which may  
19 include priority consideration for training pro-  
20 grams that lead to recognized postsecondary  
21 credentials that are aligned with in-demand in-  
22 dustry sectors or occupations in the local area  
23 involved, if the local board determines that the  
24 programs meet the quality criteria described in  
25 section 223;

1           (E) education offered concurrently with  
2           and in the same context as workforce prepara-  
3           tion activities and training for a specific occu-  
4           pation or occupational cluster;

5           (F) leadership development opportunities,  
6           which may include community service and peer-  
7           centered activities encouraging responsibility  
8           and other positive social and civic behaviors, as  
9           appropriate;

10          (G) supportive services;

11          (H) adult mentoring for the period of par-  
12          ticipation and a subsequent period, for a total  
13          of not less than 12 months;

14          (I) followup services for not less than 12  
15          months after the completion of participation, as  
16          appropriate;

17          (J) comprehensive guidance and coun-  
18          seling, which may include drug and alcohol  
19          abuse counseling and referral, as appropriate;

20          (K) financial literacy education;

21          (L) entrepreneurial skills training;

22          (M) services that provide labor market and  
23          employment information about in-demand in-  
24          dustry sectors or occupations available in the

1 local area, such as career awareness, career  
2 counseling, and career exploration services; and

3 (N) activities that help youth prepare for  
4 and transition to postsecondary education and  
5 training.

6 (3) ADDITIONAL REQUIREMENTS.—

7 (A) INFORMATION AND REFERRALS.—

8 Each local board shall ensure that each partici-  
9 pant shall be provided—

10 (i) information on the full array of ap-  
11 plicable or appropriate services that are  
12 available through the local board or other  
13 eligible providers or one-stop partners, in-  
14 cluding those providers or partners receiv-  
15 ing funds under this subtitle; and

16 (ii) referral to appropriate training  
17 and educational programs that have the  
18 capacity to serve the participant either on  
19 a sequential or concurrent basis.

20 (B) APPLICANTS NOT MEETING ENROLL-  
21 MENT REQUIREMENTS.—Each eligible provider  
22 of a program of youth workforce investment ac-  
23 tivities shall ensure that an eligible applicant  
24 who does not meet the enrollment requirements  
25 of the particular program or who cannot be

1 served shall be referred for further assessment,  
2 as necessary, and referred to appropriate pro-  
3 grams in accordance with subparagraph (A) to  
4 meet the basic skills and training needs of the  
5 applicant.

6 (C) INVOLVEMENT IN DESIGN AND IMPLE-  
7 MENTATION.—The local board shall ensure that  
8 parents, participants, and other members of the  
9 community with experience relating to pro-  
10 grams for youth are involved in the design and  
11 implementation of the programs described in  
12 paragraph (1).

13 (4) PRIORITY.—Not less than 20 percent of the  
14 funds allocated to the local area as described in  
15 paragraph (1) shall be used to provide in-school  
16 youth and out-of-school youth with activities under  
17 paragraph (2)(C).

18 (5) RULE OF CONSTRUCTION.—Nothing in this  
19 chapter shall be construed to require that each of  
20 the elements described in subparagraphs of para-  
21 graph (2) be offered by each provider of youth serv-  
22 ices.

23 (6) PROHIBITIONS.—

24 (A) PROHIBITION AGAINST FEDERAL CON-  
25 TROL OF EDUCATION.—No provision of this Act

1 shall be construed to authorize any department,  
2 agency, officer, or employee of the United  
3 States to exercise any direction, supervision, or  
4 control over the curriculum, program of instruc-  
5 tion, administration, or personnel of any edu-  
6 cational institution, school, or school system, or  
7 over the selection of library resources, text-  
8 books, or other printed or published instruc-  
9 tional materials by any educational institution,  
10 school, or school system.

11 (B) NONINTERFERENCE AND NON-  
12 REPLACEMENT OF REGULAR ACADEMIC RE-  
13 QUIREMENTS.—No funds described in para-  
14 graph (1) shall be used to provide an activity  
15 for eligible youth who are not school dropouts  
16 if participation in the activity would interfere  
17 with or replace the regular academic require-  
18 ments of the youth.

19 (7) LINKAGES.—In coordinating the programs  
20 authorized under this section, local boards shall es-  
21 tablish linkages with local educational agencies re-  
22 sponsible for services to participants as appropriate.

23 (8) VOLUNTEERS.—The local board shall make  
24 opportunities available for individuals who have suc-  
25 cessfully participated in programs carried out under



1       this section to volunteer assistance to participants in  
2       the form of mentoring, tutoring, and other activities.

3       **CHAPTER 3—ADULT AND DISLOCATED**  
4       **WORKER EMPLOYMENT AND TRAIN-**  
5       **ING ACTIVITIES**

6       **SEC. 231. GENERAL AUTHORIZATION.**

7       The Secretary shall make allotments under para-  
8       graphs (1)(B) and (2)(B) of section 232(b) to each State  
9       that meets the requirements of section 112 or 113 and  
10      grants under paragraphs (1)(A) and (2)(A) of section  
11      232(b) to each outlying area that complies with the re-  
12      quirements of this title, to assist the State or outlying  
13      area, and to enable the State or outlying area to assist  
14      local areas, for the purpose of providing workforce invest-  
15      ment activities for adults, and dislocated workers, in the  
16      State or outlying area and in the local areas.

17      **SEC. 232. STATE ALLOTMENTS.**

18      (a) IN GENERAL.—The Secretary shall—

19              (1) make allotments and grants from the  
20              amount appropriated under section 236(b) for a fis-  
21              cal year in accordance with subsection (b)(1); and

22              (2)(A) reserve 20 percent of the amount appro-  
23              priated under section 236(c) for the fiscal year for  
24              use under subsection (b)(2)(A), and under sections  
25              269(b) (relating to dislocated worker technical as-

1       sistance), 270(c) (relating to dislocated worker  
2       projects), and 271 (relating to national dislocated  
3       worker grants) other than subsections (b)(1)(E), (e),  
4       and (f) of that section; and

5               (B) make allotments from 80 percent of the  
6       amount appropriated under section 236(c) for the  
7       fiscal year in accordance with subsection (b)(2)(B).

8       (b) ALLOTMENT AMONG STATES.—

9               (1) ADULT EMPLOYMENT AND TRAINING AC-  
10       TIVITIES.—

11               (A) RESERVATION FOR OUTLYING  
12       AREAS.—

13               (i) IN GENERAL.—From the amount  
14       made available under subsection (a)(1) for  
15       a fiscal year, the Secretary shall reserve  
16       not more than  $\frac{1}{4}$  of 1 percent of such  
17       amount to provide assistance to the out-  
18       lying areas.

19               (ii) APPLICABILITY OF ADDITIONAL  
20       REQUIREMENTS.—From the amount re-  
21       served under clause (i), the Secretary shall  
22       provide assistance to the outlying areas for  
23       adult employment and training activities  
24       and statewide workforce investment activi-

1 ties in accordance with the requirements of  
2 section 227(b)(1)(B).

3 (B) STATES.—

4 (i) IN GENERAL.—After determining  
5 the amount to be reserved under subpara-  
6 graph (A), the Secretary shall allot the  
7 amount made available under subsection  
8 (a)(1) for that fiscal year to the States  
9 pursuant to clause (ii) for adult employ-  
10 ment and training activities and statewide  
11 workforce investment activities.

12 (ii) FORMULA.—Subject to clauses  
13 (iii), (iv), and (v), of the remainder, the  
14 Secretary shall allot—

15 (I) 40 percent on the basis of the  
16 relative number of unemployed indi-  
17 viduals in areas of substantial unem-  
18 ployment in each State, compared to  
19 the total number of unemployed indi-  
20 viduals in areas of substantial unem-  
21 ployment in all States;

22 (II) 25 percent on the basis of  
23 the relative number of individuals in  
24 the civilian labor force in each State,

1 compared to the total number of such  
2 individuals in all States; and

3 (III) 35 percent on the basis of  
4 the relative number of disadvantaged  
5 adults in each State, compared to the  
6 total number of disadvantaged adults  
7 in all States, except as described in  
8 clause (iii).

9 (iii) CALCULATION.—In determining  
10 an allotment under clause (ii)(III) for any  
11 State in which there is a local area whose  
12 governing body is the governing body of a  
13 concentrated employment program de-  
14 scribed in section 117(c)(1)(C), the allot-  
15 ment shall be calculated by counting, for  
16 that local area, the higher of—

17 (I) the number of adults in fami-  
18 lies with an income below 150 percent  
19 of the poverty line in such area; or

20 (II) the number of disadvantaged  
21 adults in such area.

22 (iv) MINIMUM AND MAXIMUM PER-  
23 CENTAGES AND MINIMUM ALLOTMENTS.—  
24 In making allotments under this subpara-

1 graph, the Secretary shall ensure the fol-  
2 lowing:

3 (I) MINIMUM PERCENTAGE AND  
4 ALLOTMENT.—The Secretary shall en-  
5 sure that no State shall receive an al-  
6 lotment for a fiscal year that is less  
7 than an amount based on 90 percent  
8 of the allotment percentage of the  
9 State for the preceding fiscal year.

10 (II) MAXIMUM PERCENTAGE.—  
11 Subject to subclause (I), the Secretary  
12 shall ensure that no State shall re-  
13 ceive an allotment percentage for a  
14 fiscal year that is more than 130 per-  
15 cent of the allotment percentage of  
16 the State for the preceding fiscal year.

17 (v) SMALL STATE MINIMUM ALLOT-  
18 MENT.—Subject to clause (iii), the Sec-  
19 retary shall ensure that no State shall re-  
20 ceive an allotment under this subparagraph  
21 that is less than the total of—

22 (I)  $\frac{3}{10}$  of 1 percent of  
23 \$960,000,000, from the remainder de-  
24 scribed in clause (i) for the fiscal  
25 year; and

1 (II) if the remainder described in  
2 clause (i) for the fiscal year exceeds  
3 \$960,000,000,  $\frac{2}{5}$  of 1 percent of the  
4 excess.

5 (C) DEFINITIONS.—In this paragraph:

6 (i) ADULT.—The term “adult” means  
7 an individual who is not less than age 22  
8 and not more than age 72.

9 (ii) ALLOTMENT PERCENTAGE.—The  
10 term “allotment percentage”, used with re-  
11 spect to fiscal year 2014 or a subsequent  
12 fiscal year, means a percentage of the re-  
13 mainder described in subparagraph (B)(i)  
14 that is received by the State involved  
15 through an allotment made under this  
16 paragraph for the fiscal year. The term,  
17 used with respect to fiscal year 2013,  
18 means the percentage of the amount allot-  
19 ted to States under section 132(b)(1)(B)  
20 of the Workforce Investment Act of 1998  
21 (as in effect on the day before the date of  
22 enactment of this Act) that is received by  
23 the State involved for fiscal year 2013.

24 (iii) AREA OF SUBSTANTIAL UNEM-  
25 PLOYMENT.—The term “area of substan-

1            tial unemployment” means any area that is  
2            of sufficient size and scope to sustain a  
3            program of workforce investment activities  
4            carried out under this subtitle and that  
5            has an average rate of unemployment of at  
6            least 6.5 percent for the most recent 12  
7            months, as determined by the Secretary.  
8            For purposes of this clause, determinations  
9            of areas of substantial unemployment shall  
10           be made once each fiscal year.

11                    (iv) DISADVANTAGED ADULT.—Sub-  
12                    ject to subparagraph (D), the term “dis-  
13                    advantaged adult” means an adult who re-  
14                    ceived an income, or is a member of a fam-  
15                    ily that received a total family income,  
16                    that, in relation to family size, does not ex-  
17                    ceed 150 percent of the poverty line.

18                    (D) DISADVANTAGED ADULT SPECIAL  
19                    RULE.—For purposes of the formula specified  
20                    in clauses (ii) and (iii) of subparagraph (B), the  
21                    Secretary shall, as appropriate and to the ex-  
22                    tent practicable, exclude college students and  
23                    members of the Armed Forces from the deter-  
24                    mination of the number of disadvantaged  
25                    adults.

1           (2) DISLOCATED WORKER EMPLOYMENT AND  
2 TRAINING.—

3           (A) RESERVATION FOR OUTLYING  
4 AREAS.—

5           (i) IN GENERAL.—From the amount  
6 made available under subsection (a)(2)(A)  
7 for a fiscal year, the Secretary shall re-  
8 serve not more than  $\frac{1}{4}$  of 1 percent of the  
9 amount appropriated under section 236(c)  
10 for the fiscal year to provide assistance to  
11 the outlying areas.

12           (ii) APPLICABILITY OF ADDITIONAL  
13 REQUIREMENTS.—From the amount re-  
14 served under clause (i), the Secretary shall  
15 provide assistance to the outlying areas for  
16 dislocated worker employment and training  
17 activities and statewide workforce invest-  
18 ment activities in accordance with the re-  
19 quirements of section 227(b)(1)(B).

20           (B) STATES.—

21           (i) IN GENERAL.—The Secretary shall  
22 allot the amount made available under sub-  
23 section (a)(2)(B) for that fiscal year to the  
24 States pursuant to clause (ii) for dislocated  
25 worker employment and training activities



1 and statewide workforce investment activi-  
2 ties.

3 (ii) FORMULA.—Subject to clause  
4 (iii), of such amount, the Secretary shall  
5 allot—

6 (I)  $33\frac{1}{3}$  percent on the basis of  
7 the relative number of unemployed in-  
8 dividuals in each State, compared to  
9 the total number of unemployed indi-  
10 viduals in all States;

11 (II)  $33\frac{1}{3}$  percent on the basis of  
12 the relative excess number of unem-  
13 ployed individuals in each State, com-  
14 pared to the total excess number of  
15 unemployed individuals in all States;  
16 and

17 (III)  $33\frac{1}{3}$  percent on the basis of  
18 the relative number of individuals in  
19 each State who have been unemployed  
20 for 15 weeks or more, compared to  
21 the total number of individuals in all  
22 States who have been unemployed for  
23 15 weeks or more.

24 (iii) MINIMUM AND MAXIMUM PER-  
25 CENTAGES AND MINIMUM ALLOTMENTS.—

1           In making allotments under this subpara-  
2           graph, the Secretary shall ensure the fol-  
3           lowing:

4                   (I) MINIMUM PERCENTAGE AND  
5                   ALLOTMENT.—The Secretary shall en-  
6                   sure that no State shall receive an al-  
7                   lotment for a fiscal year that is less  
8                   than an amount based on 90 percent  
9                   of the allotment percentage of the  
10                  State for the preceding fiscal year.

11                  (II) MAXIMUM PERCENTAGE.—  
12                  Subject to subclause (I), the Secretary  
13                  shall ensure that no State shall re-  
14                  ceive an allotment percentage for a  
15                  fiscal year that is more than 130 per-  
16                  cent of the allotment percentage of  
17                  the State for the preceding fiscal year.

18                  (C) DEFINITIONS.—In this paragraph:

19                   (i) EXCESS NUMBER.—The term “ex-  
20                   cess number” means, used with respect to  
21                   the excess number of unemployed individ-  
22                   uals within a State, the number that rep-  
23                   resents the number of unemployed individ-  
24                   uals in excess of 4.5 percent of the civilian  
25                   labor force in the State.

1                   (ii) ALLOTMENT PERCENTAGE.—The  
2                   term “allotment percentage”, used with re-  
3                   spect to fiscal year 2014 or a subsequent  
4                   fiscal year, means a percentage of the  
5                   amount described in subparagraph (B)(i)  
6                   that is received by the State involved  
7                   through an allotment made under this  
8                   paragraph for the fiscal year. The term,  
9                   used with respect to fiscal year 2013,  
10                  means the percentage of the amount allot-  
11                  ted to States under section 132(b)(2)(B)  
12                  of the Workforce Investment Act of 1998  
13                  (as in effect on the day before the date of  
14                  enactment of this Act) that is received by  
15                  the State involved for fiscal year 2013.

16               (c) REALLOTMENT.—

17               (1) IN GENERAL.—The Secretary shall, in ac-  
18               cordance with this subsection, reallocate to eligible  
19               States amounts that are made available to States  
20               from allotments made under this section or a cor-  
21               responding provision of the Workforce Investment  
22               Act of 1998 for employment and training activities  
23               and statewide workforce investment activities (re-  
24               ferred to individually in this subsection as a “State  
25               allotment”) and that are available for reallocation.

1           (2) AMOUNT.—The amount available for real-  
2           lotment for a program year for programs funded  
3           under subsection (b)(1)(B) (relating to adult em-  
4           ployment and training) or for programs funded  
5           under subsection (b)(2)(B) (relating to dislocated  
6           worker employment and training) is equal to the  
7           amount by which the unobligated balance from State  
8           allotments to the State for adult employment and  
9           training activities or dislocated worker employment  
10          and training activities, respectively, at the end of the  
11          program year prior to the program year for which  
12          the determination is made, exceeds 10 percent of the  
13          total amount of funds available to the State for that  
14          prior program year, consisting of the State allotment  
15          to the State for such prior program year (and  
16          amounts from State allotments to the State, for all  
17          program years before that prior program year, for  
18          adult employment and training activities or dis-  
19          located worker employment and training activities,  
20          respectively, that remained available).

21          (3) REALLOTMENT.—In making reallotments to  
22          eligible States of amounts available pursuant to  
23          paragraph (2) for a program year, the Secretary  
24          shall allot to each eligible State an amount based on  
25          the relative amount of the State allotment under

1 paragraph (1)(B) or (2)(B), respectively, of sub-  
2 section (b) for the program year for which the deter-  
3 mination is made, as compared to the total amount  
4 of the State allotments under paragraph (1)(B) or  
5 (2)(B), respectively, of subsection (b) for such pro-  
6 gram year.

7 (4) ELIGIBILITY.—For purposes of this sub-  
8 section, an eligible State means—

9 (A) with respect to funds allotted through  
10 a State allotment for adult employment and  
11 training activities, a State that does not have  
12 an amount of such funds available for reallocot-  
13 ment under paragraph (2) for the program year  
14 for which the determination under paragraph  
15 (2) is made; and

16 (B) with respect to funds allotted through  
17 a State allotment for dislocated worker employ-  
18 ment and training activities, a State that does  
19 not have an amount of such funds available for  
20 reallocotment under paragraph (2) for the pro-  
21 gram year for which the determination under  
22 paragraph (2) is made.

23 (5) PROCEDURES.—The Governor shall pre-  
24 scribe uniform procedures for the obligation of funds  
25 by local areas within the State in order to avoid the

1 requirement that funds be made available for reallocot-  
2 ment under this subsection. The Governor shall fur-  
3 ther prescribe equitable procedures for making funds  
4 available from the State and local areas in the event  
5 that a State is required to make funds available for  
6 reallocation under this subsection.

7 **SEC. 233. WITHIN STATE ALLOCATIONS.**

8 (a) RESERVATIONS FOR STATE ACTIVITIES.—

9 (1) STATEWIDE WORKFORCE INVESTMENT AC-  
10 TIVITIES.—The Governor shall make the reservation  
11 required under section 228(a).

12 (2) STATEWIDE RAPID RESPONSE ACTIVI-  
13 TIES.—The Governor shall reserve not more than 25  
14 percent of the total amount allotted to the State  
15 under section 232(b)(2)(B) for a fiscal year for  
16 statewide rapid response activities described in sec-  
17 tion 234(a)(2)(A).

18 (b) WITHIN STATE ALLOCATION.—

19 (1) METHODS.—The Governor, acting in ac-  
20 cordance with the State plan, and after consulting  
21 with chief elected officials and local boards in the  
22 local areas, shall allocate—

23 (A) the funds that are allotted to the State  
24 for adult employment and training activities  
25 and statewide workforce investment activities

1 under section 232(b)(1)(B) and are not re-  
2 served under subsection (a)(1), in accordance  
3 with paragraph (2) or (3); and

4 (B) the funds that are allotted to the State  
5 for dislocated worker employment and training  
6 activities and statewide workforce investment  
7 activities under section 232(b)(2)(B) and are  
8 not reserved under paragraph (1) or (2) of sub-  
9 section (a), in accordance with paragraph (2).

10 (2) FORMULA ALLOCATIONS.—

11 (A) ADULT EMPLOYMENT AND TRAINING  
12 ACTIVITIES.—

13 (i) ALLOCATION.—In allocating the  
14 funds described in paragraph (1)(A) to  
15 local areas, a State may allocate—

16 (I) 40 percent of the funds on  
17 the basis described in section  
18 232(b)(1)(B)(ii)(I);

19 (II) 25 percent of the funds on  
20 the basis described in section  
21 232(b)(1)(B)(ii)(II); and

22 (III) 35 percent of the funds on  
23 the basis described in clauses (ii)(III)  
24 and (iii) of section 232(b)(1)(B).





1 the local area involved for fiscal year  
2 2012 or 2013, respectively; and

3 (II) used with respect to fiscal  
4 year 2014 or a subsequent fiscal year,  
5 means a percentage of the funds re-  
6 ferred to in clause (i) that is received  
7 by the local area involved through an  
8 allocation made under this subpara-  
9 graph for the fiscal year.

10 (B) DISLOCATED WORKER EMPLOYMENT  
11 AND TRAINING ACTIVITIES.—

12 (i) FORMULA.—In allocating the  
13 funds described in paragraph (1)(B) to  
14 local areas, a State shall allocate the funds  
15 based on an allocation formula prescribed  
16 by the Governor of the State. Such for-  
17 mula may be amended by the Governor not  
18 more than once for each program year.  
19 Such formula shall utilize the most appro-  
20 priate information available to the Gov-  
21 ernor to distribute amounts to address the  
22 State's worker readjustment assistance  
23 needs.

24 (ii) INFORMATION.—The information  
25 described in clause (i) shall include insured

1           unemployment data, unemployment con-  
2           centrations, plant closing and mass layoff  
3           data, declining industries data, farmer-  
4           rancher economic hardship data, and long-  
5           term unemployment data.

6           (iii) MINIMUM PERCENTAGE.—Effec-  
7           tive at the end of the second full fiscal year  
8           after the date on which a local area is des-  
9           ignated under section 116, the local area  
10          shall not receive an allocation percentage  
11          for a fiscal year that is less than 90 per-  
12          cent of the average allocation percentage of  
13          the local area for the 2 preceding fiscal  
14          years. Amounts necessary for increasing  
15          such allocations to local areas to comply  
16          with the preceding sentence shall be ob-  
17          tained by ratably reducing the allocations  
18          to be made to other local areas under this  
19          subparagraph.

20          (iv) DEFINITION.—In this subpara-  
21          graph, the term “allocation percentage”—

22                  (I) used with respect to fiscal  
23                  year 2012 or 2013, means a percent-  
24                  age of the amount allocated to local  
25                  areas under section 133(b)(2)(B) of

1 the Workforce Investment Act of  
2 1998 (as in effect on the day before  
3 the date of enactment of this Act)  
4 that is received by the local area in-  
5 volved for fiscal year 2012 or 2013,  
6 respectively; and

7 (II) used with respect to fiscal  
8 year 2014 or a subsequent fiscal year,  
9 means a percentage of the funds re-  
10 ferred to in clause (i), received  
11 through an allocation made under this  
12 subparagraph, for the fiscal year.

13 (C) APPLICATION.—For purposes of car-  
14 rying out subparagraph (A)—

15 (i) references in clauses (ii) and (iii)  
16 of section 232(b)(1)(B) to a State shall be  
17 deemed to be references to a local area;  
18 and

19 (ii) references in clauses (ii) and (iii)  
20 of section 232(b)(1)(B) to all States shall  
21 be deemed to be references to all local  
22 areas in the State involved.

23 (3) ADULT EMPLOYMENT AND TRAINING DIS-  
24 CRETIONARY ALLOCATIONS.—In lieu of making the  
25 allocation described in paragraph (2)(A), in allo-

1 cating the funds described in paragraph (1)(A) to  
2 local areas, a State may distribute—

3 (A) a portion equal to not less than 70  
4 percent of the funds in accordance with para-  
5 graph (2)(A); and

6 (B) the remaining portion of the funds on  
7 the basis of a formula that—

8 (i) incorporates additional factors  
9 (other than the factors described in para-  
10 graph (2)(A)) relating to—

11 (I) excess poverty in urban,  
12 rural, and suburban local areas; and

13 (II) excess unemployment above  
14 the State average in urban, rural, and  
15 suburban local areas; and

16 (ii) was developed by the State board  
17 and approved by the Secretary as part of  
18 the State plan.

19 (4) TRANSFER AUTHORITY.—A local board may  
20 transfer, if such a transfer is approved by the Gov-  
21 ernor, up to and including 100 percent of the funds  
22 allocated to the local area under paragraph (2)(A) or  
23 (3), and up to and including 100 percent of the  
24 funds allocated to the local area under paragraph  
25 (2)(B), for a fiscal year between—

1           (A) adult employment and training activi-  
2           ties; and

3           (B) dislocated worker employment and  
4           training activities.

5           (5) ALLOCATION.—

6           (A) IN GENERAL.—The Governor shall al-  
7           locate the funds described in paragraph (1) to  
8           local areas under paragraphs (2) and (3) for  
9           the purpose of providing a single system of em-  
10          ployment and training activities for adults and  
11          dislocated workers in accordance with sub-  
12          sections (c) and (d) of section 234.

13          (B) ADDITIONAL REQUIREMENTS.—

14           (i) ADULTS.—Funds allocated under  
15           paragraph (2)(A) or (3) shall be used by a  
16           local area to contribute to the costs of the  
17           one-stop delivery system described in sec-  
18           tion 221(e) as determined under sub-  
19           sections (h) and (i) of section 221 and to  
20           pay for employment and training activities  
21           provided to adults in the local area, con-  
22           sistent with section 234.

23           (ii) DISLOCATED WORKERS.—Funds  
24           allocated under paragraph (2)(B) shall be  
25           used by a local area to contribute to the

1 costs of the one-stop delivery system de-  
2 scribed in section 221(e) as determined  
3 under subsections (h) and (i) of section  
4 221 and to pay for employment and train-  
5 ing activities provided to dislocated work-  
6 ers in the local area, consistent with sec-  
7 tion 234.

8 (c) REALLOCATION AMONG LOCAL AREAS.—

9 (1) IN GENERAL.—The Governor may, in ac-  
10 cordance with this subsection, reallocate to eligible  
11 local areas within the State amounts that are made  
12 available to local areas from allocations made under  
13 paragraph (2)(A) or (3) of subsection (b) or a cor-  
14 responding provision of the Workforce Investment  
15 Act of 1998 for adult employment and training ac-  
16 tivities, or under subsection (b)(2)(B) or a cor-  
17 responding provision of the Workforce Investment  
18 Act of 1998 for dislocated worker employment and  
19 training activities (referred to individually in this  
20 subsection as a “local allocation”) and that are  
21 available for reallocation.

22 (2) AMOUNT.—

23 (A) IN GENERAL.—The amount available  
24 for reallocation for a program year for pro-  
25 grams funded under paragraphs (2)(A) and (3)

1 of subsection (b) (relating to adult employment  
2 and training) or for programs funded under  
3 subsection (b)(2)(B) (relating to dislocated  
4 worker employment and training) is equal to  
5 the amount by which the balance that is unobli-  
6 gated and unencumbered for training services  
7 at the end of the program year prior to the pro-  
8 gram year for which the determination is made,  
9 exceeds 10 percent of the total amount of funds  
10 available to the local area for that prior pro-  
11 gram year, consisting of the local allocation to  
12 the local area for such prior program year (and  
13 amounts from local allocations to the local area,  
14 for all program years before that prior program  
15 year, for adult employment and training activi-  
16 ties or dislocated worker employment and train-  
17 ing services, respectively, that remained avail-  
18 able).

19 (B) BALANCE OF FUNDS.—For purposes  
20 of this paragraph, the balance that is unobli-  
21 gated and unencumbered for training services is  
22 the amount that is the difference between—

23 (i) the total amount of funds available  
24 to the local area under paragraphs (2)(A)  
25 and (3) of subsection (b), or subsection

1 (b)(2)(B), respectively, for that prior pro-  
2 gram year, consisting of the local alloca-  
3 tion to the local area for such prior pro-  
4 gram year (and amounts from local alloca-  
5 tions to the local area, for all program  
6 years before that prior program year, for  
7 adult employment and training activities or  
8 dislocated worker employment and training  
9 activities, respectively, that remained avail-  
10 able); and

11 (ii) the amount, from that total  
12 amount of available funds, that is obligated  
13 or encumbered (in accordance with gen-  
14 erally accepted accounting principles) for  
15 training services for adults or dislocated  
16 workers, respectively, during such prior  
17 program year, except that for purposes of  
18 this paragraph the amount included as en-  
19 cumbered for training services shall not ex-  
20 ceed 10 percent of the total amount of  
21 available funds described in subparagraph  
22 (A) for adult employment and training ac-  
23 tivities or dislocated worker employment  
24 and training activities, respectively.



1           (3) REALLOCATION.—In making reallocations  
2           to eligible local areas of amounts available pursuant  
3           to paragraph (2) for a program year, the Governor  
4           shall allocate to each eligible local area within the  
5           State—

6                   (A) with respect to such available amounts  
7                   that were allocated under paragraph (2)(A) or  
8                   (3) of subsection (b), an amount based on the  
9                   relative amount of the local allocation under  
10                  paragraph (2)(A) or (3) of subsection (b), as  
11                  appropriate, for the program year for which the  
12                  determination is made, as compared to the total  
13                  amount of the local allocations under paragraph  
14                  (2)(A) or (3) of subsection (b), as appropriate,  
15                  for such program year; and

16                   (B) with respect to such available amounts  
17                   that were allocated under subsection (b)(2)(B),  
18                   an amount based on the relative amount of the  
19                   local allocation under subsection (b)(2)(B) for  
20                   the program year for which the determination is  
21                   made, as compared to the total amount of the  
22                   local allocations under subsection (b)(2)(B) for  
23                   such program year.

24           (4) ELIGIBILITY.—For purposes of this sub-  
25           section, an eligible local area means—

1           (A) with respect to funds allocated through  
2           a local allocation for adult employment and  
3           training activities, a local area that does not  
4           have an amount of such funds available for re-  
5           allocation under paragraph (2) for the program  
6           year for which the determination under para-  
7           graph (2) is made; and

8           (B) with respect to funds allocated through  
9           a local allocation for dislocated worker employ-  
10          ment and training activities, a local area that  
11          does not have an amount of such funds avail-  
12          able for reallocation under paragraph (2) for  
13          the program year for which the determination  
14          under paragraph (2) is made.

15 **SEC. 234. USE OF FUNDS FOR EMPLOYMENT AND TRAINING**  
16 **ACTIVITIES.**

17       (a) STATEWIDE EMPLOYMENT AND TRAINING AC-  
18 TIVITIES.—

19       (1) IN GENERAL.—Funds reserved by a Gov-  
20 ernor—

21           (A) as described in section 233(a)(2) shall  
22           be used to carry out the statewide rapid re-  
23           sponse activities described in paragraph (2)(A);  
24           and

1 (B) as described in sections 228(a) and  
2 233(a)(1)—

3 (i) shall be used to carry out the  
4 statewide employment and training activi-  
5 ties described in paragraph (2)(B); and

6 (ii) may be used to carry out any of  
7 the statewide employment and training ac-  
8 tivities described in paragraph (3),  
9 regardless of whether the funds were allotted to  
10 the State under section 227(b)(1) or under  
11 paragraph (1) or (2) of section 232(b).

12 (2) REQUIRED STATEWIDE EMPLOYMENT AND  
13 TRAINING ACTIVITIES.—

14 (A) STATEWIDE RAPID RESPONSE ACTIVI-  
15 TIES.—

16 (i) IN GENERAL.—A State shall carry  
17 out statewide rapid response activities  
18 using funds reserved by the Governor for  
19 the State under section 233(a)(2), which  
20 activities shall include—

21 (I) provision of rapid response  
22 activities, carried out in local areas by  
23 the State or by an entity designated  
24 by the State, working in conjunction  
25 with the local boards and the chief

1 elected officials for the local areas;  
2 and

3 (II) provision of additional assist-  
4 ance to local areas that experience  
5 disasters, mass layoffs, or plant clos-  
6 ings, or other events that precipitate  
7 substantial increases in the number of  
8 unemployed individuals, carried out in  
9 local areas by the State, working in  
10 conjunction with the local boards and  
11 the chief elected officials for the local  
12 areas.

13 (ii) USE OF UNOBLIGATED FUNDS.—  
14 Funds reserved by a Governor under sec-  
15 tion 233(a)(2), and section 133(a)(2) of  
16 the Workforce Investment Act of 1998 (as  
17 in effect on the day before the date of en-  
18 actment of this Act), to carry out this sub-  
19 paragraph that remain unobligated after  
20 the first program year for which such  
21 funds were allotted may be used by the  
22 Governor to carry out statewide activities  
23 authorized under subparagraph (B) or  
24 paragraph (3)(A), in addition to activities  
25 under this subparagraph.

1                   (B) STATEWIDE EMPLOYMENT AND TRAIN-  
2                   ING ACTIVITIES.—Funds reserved by a Gov-  
3                   ernor under sections 228(a)(1) and 233(a)(1)  
4                   and not used under paragraph (1)(A) (regard-  
5                   less of whether the funds were allotted to the  
6                   States under section 227(b)(1)(C) or paragraph  
7                   (1)(B) or (2)(B) of section 232(b)) shall be  
8                   used for statewide employment and training ac-  
9                   tivities, including—

10                   (i) building capacity by providing as-  
11                   sistance to—

12                   (I) State entities and agencies,  
13                   local areas, and one-stop partners in  
14                   carrying out the activities described in  
15                   the State plan, including the coordina-  
16                   tion and alignment of data systems  
17                   used to carry out the requirements of  
18                   this Act;

19                   (II) local areas for carrying out  
20                   the regional planning and service de-  
21                   livery activities required under section  
22                   116(c); and

23                   (III) local areas, one-stop opera-  
24                   tors, one-stop partners, and eligible  
25                   providers, including the development

1 and training of staff, which may in-  
2 clude the development and training of  
3 staff to provide opportunities for indi-  
4 viduals with barriers to employment  
5 to enter in-demand industry sectors or  
6 occupations and nontraditional occu-  
7 pations, the development of exemplary  
8 program activities, and the provision  
9 of technical assistance to local areas  
10 that fail to meet local performance ac-  
11 countability measures described in  
12 section 131(c);

13 (ii) providing assistance to local areas,  
14 in accordance with section 116(c)(1)(B);

15 (iii) operating a fiscal and manage-  
16 ment accountability information system in  
17 accordance with section 131(i);

18 (iv) carrying out monitoring and over-  
19 sight of activities carried out under this  
20 chapter and chapter 2;

21 (v) disseminating—

22 (I) the State list of eligible pro-  
23 viders of training services, including  
24 eligible providers of nontraditional  
25 training services and eligible providers

1 of apprenticeship programs described  
2 in section 222(a)(2)(B);

3 (II) information identifying eligi-  
4 ble providers of on-the-job training,  
5 customized training, incumbent work-  
6 er training, internships, paid or un-  
7 paid work experience opportunities, or  
8 transitional jobs;

9 (III) information on effective out-  
10 reach to, partnerships with, and serv-  
11 ices for, business;

12 (IV) information on effective  
13 service delivery strategies to serve  
14 workers and job seekers;

15 (V) performance information and  
16 information on program costs (such as  
17 tuition and fees) for participants in  
18 applicable programs, as described in  
19 subsections (d) and (h) of section 222;  
20 and

21 (VI) information on physical and  
22 programmatic accessibility, in accord-  
23 ance with section 288 and the Ameri-  
24 cans with Disabilities Act of 1990 (42

1 U.S.C. 12101 et seq.), for individuals  
2 with disabilities;

3 (vi) conducting evaluations under sec-  
4 tion 131(e) of activities authorized under  
5 this chapter and chapter 2 in coordination  
6 with evaluations carried out by the Sec-  
7 retary under section 270(a); and

8 (vii) developing strategies for ensuring  
9 that activities carried out under this sec-  
10 tion are placing men and women in jobs,  
11 education, and training that lead to com-  
12 parable pay for men and women, including  
13 strategies to increase women's participa-  
14 tion in high-wage, high-demand occupa-  
15 tions in which women are underrepresented  
16 in the State's workforce.

17 (3) ALLOWABLE STATEWIDE EMPLOYMENT AND  
18 TRAINING ACTIVITIES.—

19 (A) IN GENERAL.—Funds reserved by a  
20 Governor under sections 228(a)(1) and  
21 233(a)(1) and not used under paragraph (1)(A)  
22 or (2)(B) (regardless of whether the funds were  
23 allotted to the State under section 227(b)(1)(C)  
24 or paragraph (1)(B) or (2)(B) of section  
25 232(b)) may be used to carry out additional



1 statewide employment and training activities,  
2 which may include—

3 (i) implementing innovative programs  
4 and strategies designed to meet the needs  
5 of businesses in the State, including small  
6 businesses, which may include—

7 (I) providing incumbent worker  
8 training;

9 (II) providing customized train-  
10 ing;

11 (III) developing and imple-  
12 menting industry sector strategies (in-  
13 cluding strategies involving industry  
14 partnerships, regional skills alliances,  
15 industry skill panels, and sectoral  
16 skills partnerships) in which rep-  
17 resentatives of multiple employers for  
18 a specific industry sector or group of  
19 related occupations—

20 (aa) collaborate to address  
21 common workforce needs with  
22 suppliers, labor organizations,  
23 economic development agencies,  
24 eligible providers of training serv-  
25 ices described in section 222, and

1 other entities that can provide  
2 needed supportive services tai-  
3 lored to the needs of workers in  
4 that sector or group for a local  
5 area or region;

6 (bb) identify current and ex-  
7 pected gaps between the demand  
8 for and supply of labor and skills  
9 in that sector or group for that  
10 area or region; and

11 (cc) develop a strategic plan  
12 and training efforts to address  
13 skill gaps, advance industry  
14 growth and competitiveness, and  
15 improve worker productivity, re-  
16 tention, advancement, and com-  
17 petitiveness;

18 (IV) providing career ladder and  
19 career pathway programs;

20 (V) providing microenterprise  
21 and entrepreneurial training and sup-  
22 port programs;

23 (VI) utilizing effective business  
24 intermediaries,

1 (VII) using layoff aversion strat-  
2 egies in collaboration with appropriate  
3 economic development entities, which  
4 strategies may include early identifica-  
5 tion of firms at risk of layoffs, use of  
6 feasibility studies to assess the needs  
7 of and options for at-risk firms, and  
8 the delivery of employment and train-  
9 ing activities to address risk factors;

10 (VIII) providing activities to im-  
11 prove linkages between the one-stop  
12 delivery systems in the State and em-  
13 ployers (including small employers) in  
14 the State; and

15 (IX) providing other business  
16 services and strategies that better en-  
17 gage employers in workforce invest-  
18 ment activities and make the work-  
19 force development system more rel-  
20 evant to meeting the needs of State  
21 and local businesses, consistent with  
22 the objectives of this title;

23 (ii) developing strategies for effec-  
24 tively serving individuals with barriers to

1 employment and for coordinating programs  
2 and services among one-stop partners;

3 (iii) implementing programs for dis-  
4 placed homemakers, which for purposes of  
5 this clause may include an individual who  
6 is receiving public assistance and is within  
7 2 years of exhausting lifetime eligibility  
8 under part A of title IV of the Social Secu-  
9 rity Act (42 U.S.C. 601 et seq.);

10 (iv) implementing programs to in-  
11 crease the number of individuals training  
12 for and placed in nontraditional employ-  
13 ment;

14 (v) carrying out activities to facilitate  
15 remote access to services, including train-  
16 ing services described in subsection (c)(4),  
17 provided through a one-stop delivery sys-  
18 tem, including facilitating access through  
19 the use of technology;

20 (vi) supporting the provision of core  
21 services described in subsection (c)(2) in  
22 the one-stop delivery systems in the State;

23 (vii) coordinating activities with the  
24 child welfare system to facilitate provision  
25 of services for children in foster care and

1 children who are eligible for assistance  
2 under section 477 of the Social Security  
3 Act (42 U.S.C. 677);

4 (viii) activities—

5 (I) to improve coordination of  
6 workforce investment activities, and  
7 economic development activities, car-  
8 ried out within the State involved and  
9 to promote entrepreneurial skills  
10 training and microenterprise services;

11 (II) to improve coordination of  
12 employment and training activities,  
13 child support services, and assistance  
14 provided by State and local agencies  
15 carrying out part D of title IV of the  
16 Social Security Act (42 U.S.C. 651 et  
17 seq.);

18 (III) to improve coordination of  
19 employment and training activities  
20 and cooperative extension programs  
21 carried out by the Department of Ag-  
22 riculture;

23 (IV) to improve coordination of  
24 employment and training activities  
25 and programs carried out in local

1 areas for individuals with disabilities,  
2 including programs carried out by  
3 State agencies relating to intellectual  
4 disabilities and developmental disabili-  
5 ties, activities carried out by State-  
6 wide Independent Living Councils es-  
7 tablished under section 705 of the Re-  
8 habilitation Act of 1973 (29 U.S.C.  
9 796d), programs funded under part B  
10 of chapter 1 of title VII of such Act  
11 (29 U.S.C. 796e et seq.), and activi-  
12 ties carried out by centers for inde-  
13 pendent living, as defined in section  
14 702 of such Act (29 U.S.C. 796a);

15 (V) to develop and disseminate  
16 workforce and labor market informa-  
17 tion;

18 (VI) to improve coordination of  
19 employment and training activities,  
20 and adult education and literacy ac-  
21 tivities, provided by public libraries;

22 (VII) to improve coordination of  
23 activities with the corrections system  
24 to facilitate provision of training serv-  
25 ices and employment opportunities

1 that will assist ex-offenders in reen-  
2 tering the workforce; and

3 (VIII) to promote financial lit-  
4 eracy, including carrying out activities  
5 described in section 229(b)(1)(I);

6 (ix) conducting—

7 (I) research related to meeting  
8 the employment and education needs  
9 of adult and dislocated workers; and

10 (II) demonstration projects re-  
11 lated to meeting the employment and  
12 education needs of adult and dis-  
13 located workers;

14 (x) implementing promising services  
15 for workers and businesses, which may in-  
16 clude providing support for education,  
17 training, skill upgrading, and statewide  
18 networking for employees to become work-  
19 place learning advisors and maintain pro-  
20 ficiency in carrying out the activities asso-  
21 ciated with such advising;

22 (xi) providing incentive grants to local  
23 areas for performance by the local areas on  
24 local performance accountability measures  
25 described in section 131(b);

1                   (xii) adopting, calculating, or commis-  
2                   sioning for approval an economic self-suffi-  
3                   ciency standard for the State that specifies  
4                   the income needs of families, by family  
5                   size, the number and ages of children in  
6                   the family, and substate geographical con-  
7                   siderations; and

8                   (xiii) developing and disseminating  
9                   common intake procedures and related  
10                  items, including registration processes, ma-  
11                  terials, or software.

12                  (B) LIMITATION.—

13                  (i) IN GENERAL.—Of the funds allot-  
14                  ted to a State under sections 227(b) and  
15                  232(b) and reserved as described in sec-  
16                  tions 228(a) and 233(a)(1) for a fiscal  
17                  year—

18                               (I) not more than 5 percent of  
19                               the amount allotted under section  
20                               227(b)(1);

21                               (II) not more than 5 percent of  
22                               the amount allotted under section  
23                               232(b)(1); and



1 (III) not more than 5 percent of  
2 the amount allotted under section  
3 232(b)(2),  
4 may be used by the State for the adminis-  
5 tration of statewide youth workforce in-  
6 vestment activities carried out under sec-  
7 tion 229 and statewide employment and  
8 training activities carried out under this  
9 section.

10 (ii) USE OF FUNDS.—Funds made  
11 available for administrative costs under  
12 clause (i) may be used for the administra-  
13 tive cost of any of the statewide youth  
14 workforce investment activities or state-  
15 wide employment and training activities,  
16 regardless of whether the funds were allot-  
17 ted to the State under section 227(b)(1) or  
18 paragraph (1) or (2) of section 232(b).

19 (b) LOCAL EMPLOYMENT AND TRAINING ACTIVI-  
20 TIES.—Funds allocated to a local area for adults under  
21 paragraph (2)(A) or (3), as appropriate, of section 233(b),  
22 and funds allocated to a local area for dislocated workers  
23 under section 233(b)(2)(B)—

1           (1) shall be used to carry out employment and  
2 training activities described in subsection (c) for  
3 adults or dislocated workers, respectively; and

4           (2) may be used to carry out employment and  
5 training activities described in subsection (d) for  
6 adults or dislocated workers, respectively.

7           (c) REQUIRED LOCAL EMPLOYMENT AND TRAINING  
8 ACTIVITIES.—

9           (1) IN GENERAL.—

10           (A) ALLOCATED FUNDS.—Funds allocated  
11 to a local area for adults under paragraph  
12 (2)(A) or (3), as appropriate, of section 233(b),  
13 and funds allocated to the local area for dis-  
14 located workers under section 233(b)(2)(B),  
15 shall be used—

16                   (i) to establish a one-stop delivery sys-  
17 tem described in section 221(e);

18                   (ii) to provide the core services de-  
19 scribed in paragraph (2) to adults and dis-  
20 located workers, respectively, through the  
21 one-stop delivery system in accordance  
22 with such paragraph;

23                   (iii) to provide the intensive services  
24 described in paragraph (3) to adults and

1 dislocated workers, respectively, described  
2 in such paragraph; and

3 (iv) to provide training services de-  
4 scribed in paragraph (4) to adults and dis-  
5 located workers, respectively, described in  
6 such paragraph; and

7 (v) to designate a dedicated business  
8 liaison in the local area (whose activities  
9 may be funded with funds provided under  
10 this title or from other sources) to estab-  
11 lish and develop relationships and networks  
12 with large and small employers and their  
13 intermediaries.

14 (B) OTHER FUNDS.—Consistent with sub-  
15 sections (h) and (i) of section 221, a portion of  
16 the funds made available under Federal law au-  
17 thorizing the programs and activities described  
18 in section 221(b)(1)(B), including the Wagner-  
19 Peyser Act (29 U.S.C. 49 et seq.), shall be used  
20 as described in clauses (i) and (ii) of subpara-  
21 graph (A), to the extent not inconsistent with  
22 the Federal law involved.

23 (2) CORE SERVICES.—Funds described in para-  
24 graph (1) shall be used to provide core services,  
25 which shall be available to individuals who are adults

1 or dislocated workers through the one-stop delivery  
2 system and shall, at a minimum, include—

3 (A) determinations of whether the individ-  
4 uals are eligible to receive assistance under this  
5 subtitle;

6 (B) outreach, intake (which may include  
7 worker profiling), and orientation to the infor-  
8 mation and other services available through the  
9 one-stop delivery system;

10 (C) initial assessment of skill levels (in-  
11 cluding literacy, numeracy, and English lan-  
12 guage proficiency), aptitudes, abilities (includ-  
13 ing skills gaps), and supportive service needs;

14 (D) labor exchange services, including—

15 (i) job search and placement assist-  
16 ance and, in appropriate cases, career  
17 counseling, including—

18 (I) provision of information on  
19 in-demand industry sectors and occu-  
20 pations; and

21 (II) provision of information on  
22 nontraditional employment; and

23 (ii) appropriate recruitment and other  
24 business services on behalf of employers,  
25 including small employers, in the local

1 area, which services may include services  
2 described in this subsection, such as pro-  
3 viding information and referral to special-  
4 ized business services not traditionally of-  
5 fered through the one-stop delivery system;  
6 (E) provision of referrals to and coordina-  
7 tion of activities with other programs and serv-  
8 ices, including programs and services within the  
9 one-stop delivery system and, in appropriate  
10 cases, other workforce development programs.

11 (F) provision of workforce and labor mar-  
12 ket employment statistics information, including  
13 the provision of accurate information relating to  
14 local, regional, and national labor market areas,  
15 including—

16 (i) job vacancy listings in such labor  
17 market areas;

18 (ii) information on job skills necessary  
19 to obtain the jobs described in clause (i);  
20 and

21 (iii) information relating to local occu-  
22 pations in demand and the earnings, skill  
23 requirements, and opportunities for ad-  
24 vancement for such occupations; and

1 (G) provision of performance information  
2 and program cost information on eligible pro-  
3 viders of training services as described in sec-  
4 tion 222, provided by program, and eligible pro-  
5 viders of youth workforce investment activities  
6 described in section 223, providers of adult edu-  
7 cation described in title III, providers of career  
8 and technical education activities at the post-  
9 secondary level, and career and technical edu-  
10 cation activities available to school dropouts,  
11 under the Carl D. Perkins Career and Tech-  
12 nical Education Act of 2006 (20 U.S.C. 2301  
13 et seq.), and providers of vocational rehabilita-  
14 tion services described in title I of the Rehabili-  
15 tation Act of 1973 (29 U.S.C. 720 et seq.);

16 (H) provision of information, in formats  
17 that are usable by and understandable to one-  
18 stop center customers, regarding how the local  
19 area is performing on the local performance ac-  
20 countability measures described in section  
21 131(c) and any additional performance informa-  
22 tion with respect to the one-stop delivery system  
23 in the local area;

24 (I)(i) provision of information, in formats  
25 that are usable by and understandable to one-

1 stop center customers, relating to the avail-  
2 ability of supportive services or assistance, in-  
3 cluding child care, child support, medical or  
4 child health assistance under title XIX or XXI  
5 of the Social Security Act (42 U.S.C. 1396 et  
6 seq. and 1397aa et seq.), benefits under the  
7 supplemental nutrition assistance program es-  
8 tablished under the Food and Nutrition Act of  
9 2008 (7 U.S.C. 2011 et seq.), assistance  
10 through the earned income tax credit under sec-  
11 tion 32 of the Internal Revenue Code of 1986,  
12 and assistance under a State program for tem-  
13 porary assistance for needy families funded  
14 under part A of title IV of the Social Security  
15 Act (42 U.S.C. 601 et seq.) and other sup-  
16 portive services and transportation provided  
17 through funds made available under such part,  
18 available in the local area; and

19 (ii) referral to the services or assistance  
20 described in clause (i), as appropriate;

21 (J) provision of information and assistance  
22 regarding filing claims for unemployment com-  
23 pensation;

24 (K) assistance in establishing eligibility for  
25 programs of financial aid assistance for training

1 and education programs that are not funded  
2 under this Act; and

3 (L) followup services, including counseling  
4 regarding the workplace, for participants in  
5 workforce investment activities authorized  
6 under this subtitle who are placed in unsub-  
7 sidized employment, for not less than 12  
8 months after the first day of the employment,  
9 as appropriate.

10 (3) INTENSIVE SERVICES.—

11 (A) IN GENERAL.—

12 (i) ELIGIBILITY.—Except as provided  
13 in clause (ii), funds allocated to a local  
14 area for adults under paragraph (2)(A) or  
15 (3), as appropriate, of section 233(b), and  
16 funds allocated to the local area for dis-  
17 located workers under section  
18 233(b)(2)(B), shall be used to provide in-  
19 tensive services to adults and dislocated  
20 workers, respectively—

21 (I) who are unemployed and who,  
22 after an interview, evaluation, or as-  
23 sessment, have been determined by a  
24 one-stop operator or one-stop partner  
25 as appropriate, to be—



1 (aa) unlikely or unable to  
2 obtain employment, that leads to  
3 economic self-sufficiency or wages  
4 comparable to or higher than  
5 wages from previous employment,  
6 through core services described in  
7 paragraph (2); and

8 (bb) in need of intensive  
9 services to obtain employment  
10 that leads to economic self-suffi-  
11 ciency or wages comparable to or  
12 higher than wages from previous  
13 employment; or

14 (II) who are employed, but who,  
15 after an interview, evaluation, or as-  
16 sessment are determined by a one-  
17 stop operator or one-stop partner to  
18 be in need of such intensive services  
19 to obtain or retain employment that  
20 leads to economic self-sufficiency.

21 (ii) USE OF PREVIOUS ASSESS-  
22 MENTS.—A one-stop operator or one-stop  
23 partner shall not be required to conduct a  
24 new interview, evaluation, or assessment of  
25 a participant under clause (i) if the one-

1 stop operator or one-stop partner deter-  
2 mines that it is appropriate to use a recent  
3 interview, evaluation, or assessment of the  
4 participant conducted pursuant to another  
5 education or training program.

6 (iii) RULE OF CONSTRUCTION.—Noth-  
7 ing in this subparagraph shall be construed  
8 to mean that an individual is required to  
9 receive core services prior to receiving in-  
10 tensive services.

11 (B) DELIVERY OF SERVICES.—Such inten-  
12 sive services shall be provided through the one-  
13 stop delivery system—

14 (i) directly through one-stop operators  
15 identified pursuant to section 221(d); or

16 (ii) through contracts with service  
17 providers, which may include contracts  
18 with public, private for-profit, and private  
19 nonprofit service providers, approved by  
20 the local board.

21 (C) TYPES OF SERVICES.—Such intensive  
22 services may include the following:

23 (i) Comprehensive and specialized as-  
24 sessments of the skill levels and service

1 needs of adults and dislocated workers,  
2 which may include—

3 (I) diagnostic testing and use of  
4 other assessment tools; and

5 (II) in-depth interviewing and  
6 evaluation to identify employment bar-  
7 riers and appropriate employment  
8 goals.

9 (ii) Development of an individual em-  
10 ployment plan, to identify the employment  
11 goals, appropriate achievement objectives,  
12 and appropriate combination of services for  
13 the participant to achieve the employment  
14 goals, including providing information on  
15 eligible providers of training services pur-  
16 suant to paragraph (4)(F)(ii), and career  
17 pathways to attain career objectives.

18 (iii) Group counseling.

19 (iv) Individual counseling.

20 (v) Career planning.

21 (vi) Short-term prevocational services,  
22 including development of learning skills,  
23 communication skills, interviewing skills,  
24 punctuality, personal maintenance skills,  
25 and professional conduct, to prepare indi-

1                   viduals for unsubsidized employment or  
2                   training.

3                   (vii) Internships and work experiences  
4                   that are linked to careers.

5                   (viii) Workforce preparation activities.

6                   (ix) Financial literacy services, such  
7                   as activities described in section  
8                   229(b)(1)(I).

9                   (x) Out-of-area job search assistance  
10                  and relocation assistance.

11                  (xi) English language acquisition and  
12                  integrated education and training pro-  
13                  grams.

14                  (4) TRAINING SERVICES.—

15                   (A) IN GENERAL.—

16                   (i) ELIGIBILITY.—Except as provided  
17                   in clause (ii), funds allocated to a local  
18                   area for adults under paragraph (2)(A) or  
19                   (3), as appropriate, of section 233(b), and  
20                   funds allocated to the local area for dis-  
21                   located workers under section  
22                   233(b)(2)(B), shall be used to provide  
23                   training services to adults and dislocated  
24                   workers, respectively—

1 (I) who, after an interview, eval-  
2 uation, or assessment, and career  
3 planning, have been determined by a  
4 one-stop operator or one-stop partner,  
5 as appropriate, to—

6 (aa) be unlikely or unable to  
7 obtain or retain employment,  
8 that leads to economic self-suffi-  
9 ciency or wages comparable to or  
10 higher than wages from previous  
11 employment, through the inten-  
12 sive services described in para-  
13 graph (3);

14 (bb) be in need of training  
15 services to obtain or retain em-  
16 ployment that leads to economic  
17 self-sufficiency or wages com-  
18 parable to or higher than wages  
19 from previous employment; and

20 (cc) have the skills and  
21 qualifications to successfully par-  
22 ticipate in the selected program  
23 of training services;

24 (II) who select programs of train-  
25 ing services that are directly linked to

1 the employment opportunities in the  
2 local area or region involved or in an-  
3 other area to which the adults or dis-  
4 located workers are willing to com-  
5 mute or relocate;

6 (III) who meet the requirements  
7 of subparagraph (B); and

8 (IV) who are determined to be el-  
9 igible in accordance with the priority  
10 system in effect under subparagraph  
11 (E).

12 (ii) USE OF PREVIOUS ASSESS-  
13 MENTS.—A one-stop operator or one-stop  
14 partner shall not be required to conduct a  
15 new interview, evaluation, or assessment of  
16 a participant under clause (i) if the one-  
17 stop operator or one-stop partner deter-  
18 mines that it is appropriate to use a recent  
19 interview, evaluation, or assessment of the  
20 participant conducted pursuant to another  
21 education or training program.

22 (iii) RULE OF CONSTRUCTION.—Noth-  
23 ing in this subparagraph shall be construed  
24 to mean an individual is required to receive

1 core or intensive services prior to receiving  
2 training services.

3 (B) QUALIFICATION.—

4 (i) REQUIREMENT.—Notwithstanding  
5 section 479B of the Higher Education Act  
6 of 1965 (20 U.S.C. 1087uu) and except as  
7 provided in clause (ii), provision of such  
8 training services shall be limited to individ-  
9 uals who—

10 (I) are unable to obtain other  
11 grant assistance for such services, in-  
12 cluding Federal Pell Grants estab-  
13 lished under subpart 1 of part A of  
14 title IV of the Higher Education Act  
15 of 1965 (20 U.S.C. 1070a et seq.); or

16 (II) require assistance beyond the  
17 assistance made available under other  
18 grant assistance programs, including  
19 Federal Pell Grants.

20 (ii) REIMBURSEMENTS.—Training  
21 services may be provided under this para-  
22 graph to an individual who otherwise meets  
23 the requirements of this paragraph while  
24 an application for a Federal Pell Grant is  
25 pending, except that if such individual is

1                   subsequently awarded a Federal Pell  
2                   Grant, appropriate reimbursement shall be  
3                   made to the local area from such Federal  
4                   Pell Grant.

5                   (iii) CONSIDERATION.—In deter-  
6                   mining whether an individual requires as-  
7                   sistance under clause (i)(II), a one-stop op-  
8                   erator (or one-stop partner, where appro-  
9                   priate) may take into consideration the full  
10                  cost of participating in training services,  
11                  including the costs of dependent care and  
12                  transportation, and other appropriate  
13                  costs.

14                  (C) PROVIDER QUALIFICATION.—Training  
15                  services shall be provided through providers  
16                  identified in accordance with section 222.

17                  (D) TRAINING SERVICES.—Training serv-  
18                  ices may include—

19                         (i) occupational skills training, includ-  
20                         ing training for nontraditional employ-  
21                         ment;

22                         (ii) on-the-job training;

23                         (iii) incumbent worker training in ac-  
24                         cordance with subsection (d)(4);



- 1 (iv) programs that combine workplace  
2 training with related instruction, which  
3 may include cooperative education pro-  
4 grams;
- 5 (v) training programs operated by the  
6 private sector;
- 7 (vi) skill upgrading and retraining;
- 8 (vii) entrepreneurial training;
- 9 (viii) transitional jobs in accordance  
10 with subsection (d)(5);
- 11 (ix) job readiness training provided in  
12 combination with services described in any  
13 of clauses (i) through (viii);
- 14 (x) adult education and literacy activi-  
15 ties, including activities of English lan-  
16 guage acquisition and integrated education  
17 and training programs, provided concu-  
18 rently or in combination with services de-  
19 scribed in any of clauses (i) through (vii);  
20 and
- 21 (xi) customized training conducted  
22 with a commitment by an employer or  
23 group of employers to employ an individual  
24 upon successful completion of the training.

1           (E) PRIORITY.—With respect to funds al-  
2 located to a local area for adult employment  
3 and training activities under paragraph (2)(A)  
4 or (3) of section 233(b), priority shall be given  
5 to recipients of public assistance, other low-in-  
6 come individuals, and individuals who are basic  
7 skills deficient for receipt of intensive services  
8 and training services. The appropriate local  
9 board and the Governor shall direct the one-  
10 stop operators in the local area with regard to  
11 making determinations related to such priority.

12           (F) CONSUMER CHOICE REQUIREMENTS.—

13           (i) IN GENERAL.—Training services  
14 provided under this paragraph shall be  
15 provided in a manner that maximizes con-  
16 sumer choice in the selection of an eligible  
17 provider of such services.

18           (ii) ELIGIBLE PROVIDERS.—Each  
19 local board, through one-stop centers, shall  
20 make available the list of eligible providers  
21 of training services described in section  
22 222(d), and accompanying information, in  
23 accordance with section 222(d).

24           (iii) INDIVIDUAL TRAINING AC-  
25 COUNTS.—An individual who seeks train-

1           ing services and who is eligible pursuant to  
2           subparagraph (A), may, in consultation  
3           with a career planner, select an eligible  
4           provider of training services from the list  
5           of providers described in clause (ii). Upon  
6           such selection, the one-stop operator in-  
7           volved shall, to the extent practicable, refer  
8           such individual to the eligible provider of  
9           training services, and arrange for payment  
10          for such services through an individual  
11          training account.

12           (iv) COORDINATION.—Each local  
13          board may, through one-stop centers, co-  
14          ordinate funding for individual training ac-  
15          counts with funding from other Federal,  
16          State, local, or private job training pro-  
17          grams or sources to assist the individual in  
18          obtaining training services.

19           (v) ADDITIONAL INFORMATION.—Pri-  
20          ority consideration may be given to pro-  
21          grams that lead to recognized postsec-  
22          ondary credentials that are aligned with in-  
23          demand industry sectors or occupations in  
24          the local area involved.

1 (G) USE OF INDIVIDUAL TRAINING AC-  
2 COUNTS.—

3 (i) IN GENERAL.—Except as provided  
4 in clause (ii), training services provided  
5 under this paragraph shall be provided  
6 through the use of individual training ac-  
7 counts in accordance with this paragraph,  
8 and shall be provided to eligible individuals  
9 through the one-stop delivery system.

10 (ii) TRAINING CONTRACTS.—Training  
11 services authorized under this paragraph  
12 may be provided pursuant to a contract for  
13 services in lieu of an individual training ac-  
14 count if—

15 (I) the requirements of subpara-  
16 graph (F) are met;

17 (II) such services are on-the-job  
18 training, customized training, incum-  
19 bent worker training, or transitional  
20 employment;

21 (III) the local board determines  
22 there are an insufficient number of el-  
23 igible providers of training services in  
24 the local area involved (such as in a  
25 rural area) to accomplish the purposes

1 of a system of individual training ac-  
2 counts;

3 (IV) the local board determines  
4 that there is a training services pro-  
5 gram of demonstrated effectiveness of-  
6 fered in the local area by a commu-  
7 nity-based organization or another  
8 private organization to serve individ-  
9 uals with barriers to employment; or

10 (V) the local board determines  
11 that—

12 (aa) it would be most appro-  
13 priate to award a contract to an  
14 institution of higher education or  
15 other eligible provider of training  
16 services in order to facilitate the  
17 training of multiple individuals in  
18 in-demand industry sectors or oc-  
19 cupations; and

20 (bb) such contract does not  
21 limit customer choice.

22 (iii) LINKAGE TO OCCUPATIONS IN  
23 DEMAND.—Training services provided  
24 under this paragraph shall be directly  
25 linked to an in-demand industry sector or

1 occupation in the local area or region, or  
2 in another area to which an adult or dis-  
3 located worker receiving such services is  
4 willing to relocate, except that a local  
5 board may approve training services for oc-  
6 cupations determined by the local board to  
7 be in sectors of the economy that have a  
8 high potential for sustained demand or  
9 growth in the local area.

10 (iv) RULE OF CONSTRUCTION.—Noth-  
11 ing in this paragraph shall be construed to  
12 preclude the combined use of individual  
13 training accounts and contracts in the pro-  
14 vision of training services, including ar-  
15 rangements that allow individuals receiving  
16 individual training accounts to obtain  
17 training services that are contracted for  
18 under clause (ii).

19 (H) REIMBURSEMENT FOR ON-THE-JOB  
20 TRAINING.—

21 (i) REIMBURSEMENT LEVEL.—For  
22 purposes of the provision of on-the-job  
23 training under this paragraph, the Gov-  
24 ernor or local board involved may increase  
25 the amount of the reimbursement de-

1 scribed in section 101(44) to an amount of  
2 up to 75 percent of the wage rate of a par-  
3 ticipant for a program carried out under  
4 chapter 2 or this chapter, if, respectively—

5 (I) the Governor approves the in-  
6 crease with respect to a program car-  
7 ried out with funds reserved by the  
8 State under that chapter, taking into  
9 account the factors described in clause  
10 (ii); or

11 (II) the local board approves the  
12 increase with respect to a program  
13 carried out with funds allocated to a  
14 local area under such chapter, taking  
15 into account those factors.

16 (ii) FACTORS.—For purposes of  
17 clause (i), the Governor or local board, re-  
18 spectively, shall take into account factors  
19 consisting of—

20 (I) the characteristics of the par-  
21 ticipants;

22 (II) the size of the employer;

23 (III) the quality of employer-pro-  
24 vided training and advancement op-  
25 portunities; and

1 (IV) such other factors as the  
2 Governor or local board, respectively,  
3 may determine to be appropriate,  
4 which may include the number of em-  
5 ployees participating in the training,  
6 wage and benefit levels of those em-  
7 ployees (at present and anticipated  
8 upon completion of the training), and  
9 relation of the training to the com-  
10 petitiveness of a participant.

11 (d) PERMISSIBLE LOCAL EMPLOYMENT AND TRAIN-  
12 ING ACTIVITIES.—

13 (1) IN GENERAL.—

14 (A) ACTIVITIES.—Funds allocated to a  
15 local area for adults under paragraph (2)(A) or  
16 (3), as appropriate, of section 233(b), and  
17 funds allocated to the local area for dislocated  
18 workers under section 233(b)(2)(B), may be  
19 used to provide, through the one-stop delivery  
20 system involved (and through collaboration with  
21 the local board, for the purpose of the activities  
22 described in clauses (ix) and (xi))—

23 (i) customized screening and referral  
24 of qualified participants in training serv-



1           ices described in subsection (c)(4) to em-  
2           ployers;

3           (ii) customized employment-related  
4           services to employers, employer associa-  
5           tions, or other such organizations on a fee-  
6           for-service basis;

7           (iii) customer support to enable indi-  
8           viduals with barriers to employment (in-  
9           cluding individuals with disabilities) and  
10          veterans, to navigate among multiple serv-  
11          ices and activities for such populations;

12          (iv) technical assistance and capacity  
13          building for one-stop operators, one-stop  
14          partners, and eligible providers of training  
15          services, regarding the provision of services  
16          to individuals with disabilities in local  
17          areas, including the development and train-  
18          ing of staff, the provision of outreach, in-  
19          take, assessments, and service delivery, the  
20          coordination of services across providers  
21          and programs, and the development of per-  
22          formance accountability measures;

23          (v) employment and training activities  
24          provided in coordination with child support  
25          enforcement activities of the State and

1 local agencies carrying out part D of title  
2 IV of the Social Security Act (42 U.S.C.  
3 651 et seq.);

4 (vi) activities to improve coordination  
5 of employment and training activities, child  
6 support services, and assistance, provided  
7 by State and local agencies carrying out  
8 part D of title IV of the Social Security  
9 Act (42 U.S.C. 651 et seq.);

10 (vii) activities to improve coordination  
11 between employment and training activities  
12 and cooperative extension programs carried  
13 out by the Department of Agriculture;

14 (viii) activities to facilitate remote ac-  
15 cess to services provided through a one-  
16 stop delivery system, including facilitating  
17 access through the use of technology;

18 (ix) activities—

19 (I) to improve coordination be-  
20 tween workforce investment activities  
21 and economic development activities  
22 carried out within the local area in-  
23 volved, and to promote entrepre-  
24 neurial skills training and microenter-  
25 prise services;

1 (II) to improve services and link-  
2 ages between the local workforce in-  
3 vestment system (including the local  
4 one-stop delivery system) and employ-  
5 ers, including small employers, in the  
6 local area, through services described  
7 in this section; and

8 (III) to strengthen linkages be-  
9 tween the one-stop delivery system  
10 and unemployment insurance pro-  
11 grams;

12 (x) training programs for displaced  
13 homemakers and for individuals training  
14 for nontraditional occupations, in conjunc-  
15 tion with programs operated in the local  
16 area;

17 (xi) activities to provide business serv-  
18 ices and strategies that meet the workforce  
19 investment needs of area employers, as de-  
20 termined by the local board, consistent  
21 with the local plan under section 118,  
22 which services—

23 (I) may be provided through ef-  
24 fective business intermediaries work-  
25 ing in conjunction with the local

1 board, and may also be provided on a  
2 fee-for-service basis or through the  
3 leveraging of economic development,  
4 philanthropic, and other public and  
5 private resources in a manner deter-  
6 mined appropriate by the local board;  
7 and

8 (II) may include—

9 (aa) identifying and dissemi-  
10 nating to business, educators,  
11 and job seekers, information re-  
12 lated to the workforce, economic  
13 and community development  
14 needs, and opportunities pre-  
15 sented by the local economy;

16 (bb) developing and imple-  
17 menting industry sector strate-  
18 gies (including strategies involv-  
19 ing industry partnerships, re-  
20 gional skills alliances, industry  
21 skill panels, and sectoral skills  
22 partnerships) in which represent-  
23 atives of multiple employers for a  
24 specific industry sector or group  
25 of related occupations—

1 (AA) collaborate to ad-  
2 dress common workforce  
3 needs with suppliers, labor  
4 organizations, economic de-  
5 velopment agencies, eligible  
6 providers of training services  
7 described in section 222,  
8 and other entities that can  
9 provide needed supportive  
10 services tailored to the needs  
11 of workers in that sector or  
12 group for a local area or re-  
13 gion;

14 (BB) identify current  
15 and expected gaps between  
16 the demand for and supply  
17 of labor and skills in that  
18 sector or group for that area  
19 or region; and

20 (CC) develop a strategic  
21 plan and training efforts to  
22 address skill gaps, advance  
23 industry growth and com-  
24 petitiveness, and improve  
25 worker productivity, reten-

1                   tion, advancement, and com-  
2                   petitiveness;

3                   (cc) developing and deliv-  
4                   ering innovative workforce invest-  
5                   ment services and strategies for  
6                   area employers, which may in-  
7                   clude career ladder, skills up-  
8                   grading, skill standard develop-  
9                   ment and certification for recog-  
10                  nized postsecondary credential or  
11                  other employer use, apprentice-  
12                  ship, and other effective initia-  
13                  tives for meeting the workforce  
14                  investment needs of area employ-  
15                  ers and workers;

16                  (dd) participation, of appro-  
17                  priate personnel of area employ-  
18                  ers, in seminars and classes of-  
19                  fered in partnership with relevant  
20                  organizations focusing on the  
21                  workforce-related needs of area  
22                  employers and job seekers;

23                  (ee) training, consulting,  
24                  needs analysis, and brokering  
25                  services for area employers, in-

1 including the organization and ag-  
2 gregation of training for indi-  
3 vidual employers and coalitions of  
4 employers with similar interests,  
5 products, or workforce needs, ex-  
6 cept that services described in  
7 this item may be paid for with  
8 funds other than those provided  
9 under this title;

10 (ff) assistance to area em-  
11 ployers in managing reductions  
12 in force in coordination with  
13 rapid response activities provided  
14 under subsection (a)(2)(A) and  
15 with strategies for the aversion of  
16 layoffs, which strategies may in-  
17 clude early identification of firms  
18 at risk of layoffs, use of feasi-  
19 bility studies to assess the needs  
20 of and options for at-risk firms,  
21 and the delivery of employment  
22 and training activities to address  
23 risk factors;

24 (gg) the marketing of busi-  
25 ness services offered under this

1 title, to appropriate area employ-  
2 ers, including small and mid-  
3 sized employers;

4 (hh) information referral on  
5 concerns affecting local employ-  
6 ers; and

7 (ii) other business services  
8 and strategies that better engage  
9 employers in workforce invest-  
10 ment activities and make the  
11 workforce investment system  
12 more relevant to meeting the  
13 needs of local businesses, as de-  
14 termined by the local board to be  
15 consistent with the objectives of  
16 this title;

17 (xii) activities to adjust the economic  
18 self-sufficiency standards referred to in  
19 subsection (a)(3)(A)(xii) for local factors,  
20 or activities to adopt, calculate, or commis-  
21 sion for approval, economic self-sufficiency  
22 standards for the local areas that specify  
23 the income needs of families, by family  
24 size, the number and ages of children in



1 the family, and substate geographical con-  
2 siderations;

3 (xiii) improved coordination between  
4 employment and training activities and  
5 programs carried out in the local area for  
6 individuals with disabilities, including pro-  
7 grams carried out by State agencies relat-  
8 ing to intellectual disabilities and develop-  
9 mental disabilities, activities carried out by  
10 Statewide Independent Living Councils es-  
11 tablished under section 705 of the Reha-  
12 bilitation Act of 1973 (29 U.S.C. 796d),  
13 programs funded under part B of chapter  
14 1 of title VII of such Act (29 U.S.C. 796e  
15 et seq.), and activities carried out by cen-  
16 ters for independent living, as defined in  
17 section 702 of such Act (29 U.S.C. 796a);  
18 and

19 (xiv) implementation of promising  
20 services to workers and businesses, which  
21 may include support for education, train-  
22 ing, skill upgrading, and statewide net-  
23 working for employees to become work-  
24 place learning advisors and maintain pro-

1                   iciency in carrying out the activities asso-  
2                   ciated with such advising.

3                   (B) WORK SUPPORT ACTIVITIES FOR LOW-  
4                   WAGE WORKERS.—

5                   (i) IN GENERAL.—Funds allocated to  
6                   a local area for adults under paragraph  
7                   (2)(A) or (3), as appropriate, of section  
8                   233(b), and funds allocated to the local  
9                   area for dislocated workers under section  
10                  233(b)(2)(B), may be used to provide,  
11                  through the one-stop delivery system in-  
12                  volved, work support activities designed to  
13                  assist low-wage workers in retaining and  
14                  enhancing employment. The one-stop part-  
15                  ners of the system shall coordinate the ap-  
16                  propriate programs and resources of the  
17                  partners with the activities and resources  
18                  provided under this subparagraph.

19                  (ii) ACTIVITIES.—The work support  
20                  activities described in clause (i) may in-  
21                  clude the provision of activities described  
22                  in this section through the one-stop deliv-  
23                  ery system in a manner that enhances the  
24                  opportunities of such workers to partici-  
25                  pate in the activities, such as the provision

1                   of activities described in this section during  
2                   nontraditional hours and the provision of  
3                   onsite child care while such activities are  
4                   being provided.

5                   (2) SUPPORTIVE SERVICES.—Funds allocated to  
6                   a local area for adults under paragraph (2)(A) or  
7                   (3), as appropriate, of section 233(b), and funds al-  
8                   located to the local area for dislocated workers under  
9                   section 233(b)(2)(B), may be used to provide sup-  
10                  portive services to adults and dislocated workers, re-  
11                  spectively—

12                   (A) who are participating in programs with  
13                   activities authorized in any of paragraphs (2),  
14                   (3), or (4) of subsection (c); and

15                   (B) who are unable to obtain such sup-  
16                   portive services through other programs pro-  
17                   viding such services.

18                   (3) NEEDS-RELATED PAYMENTS.—

19                   (A) IN GENERAL.—Funds allocated to a  
20                   local area for adults under paragraph (2)(A) or  
21                   (3), as appropriate, of section 233(b), and  
22                   funds allocated to the local area for dislocated  
23                   workers under section 233(b)(2)(B), may be  
24                   used to provide needs-related payments to  
25                   adults and dislocated workers, respectively, who

1           are unemployed and do not qualify for (or have  
2           ceased to qualify for) unemployment compensa-  
3           tion for the purpose of enabling such individ-  
4           uals to participate in programs of training serv-  
5           ices under subsection (e)(4).

6           (B) ADDITIONAL ELIGIBILITY REQUIRE-  
7           MENTS.—In addition to the requirements con-  
8           tained in subparagraph (A), a dislocated worker  
9           who has ceased to qualify for unemployment  
10          compensation may be eligible to receive needs-  
11          related payments under this paragraph only if  
12          such worker was enrolled in the training serv-  
13          ices—

14                 (i) by the end of the 13th week after  
15                 the most recent layoff that resulted in a  
16                 determination of the worker's eligibility for  
17                 employment and training activities for dis-  
18                 located workers under this subtitle; or

19                 (ii) if later, by the end of the 8th  
20                 week after the worker is informed that a  
21                 short-term layoff will exceed 6 months.

22          (C) LEVEL OF PAYMENTS.—The level of a  
23          needs-related payment made to a dislocated  
24          worker under this paragraph shall not exceed  
25          the greater of—

1 (i) the applicable level of unemploy-  
2 ment compensation; or

3 (ii) if such worker did not qualify for  
4 unemployment compensation, an amount  
5 equal to the poverty line, for an equivalent  
6 period, which amount shall be adjusted to  
7 reflect changes in total family income.

8 (4) INCUMBENT WORKER TRAINING PRO-  
9 GRAMS.—

10 (A) IN GENERAL.—

11 (i) STANDARD RESERVATION OF  
12 FUNDS.—Except as provided in clause (ii),  
13 the local board may reserve and use not  
14 more than 15 percent of the funds allo-  
15 cated to the local area involved under sec-  
16 tion 233(b) to pay for the Federal share of  
17 the cost of providing training through a  
18 training program for incumbent workers,  
19 carried out in accordance with this para-  
20 graph.

21 (ii) INCREASED RESERVATION OF  
22 FUNDS.—If the local board determines  
23 that there is sufficient evidence that use of  
24 the funds reserved under clause (i) led to  
25 employee retention by and contributed to

1 creation of new jobs with employers that  
2 participated in incumbent worker training  
3 programs, the local board may reserve and  
4 use not more than a total of 20 percent of  
5 such funds to pay for the Federal share of  
6 such cost.

7 (iii) DETERMINATION OF ELIGI-  
8 BILITY.—For the purpose of determining  
9 the eligibility of an employer to receive  
10 funding under clause (i), the local board  
11 shall take into account factors consisting  
12 of—

13 (I) the characteristics of the par-  
14 ticipants in the program;

15 (II) the relationship of the train-  
16 ing to the competitiveness of a partici-  
17 pant and the employer; and

18 (III) such other factors as the  
19 local board may determine to be ap-  
20 propriate, which may include the  
21 number of employees participating in  
22 the training, the wage and benefit lev-  
23 els of those employees (at present and  
24 anticipated upon completion of the  
25 training), and the existence of other

1 training and advancement opportuni-  
2 ties provided by the employer;

3 (iv) STATEWIDE IMPACT.—The Gov-  
4 ernor or State board involved may make  
5 recommendations to the local board for  
6 providing incumbent worker training that  
7 has statewide impact.

8 (B) TRAINING ACTIVITIES.—The training  
9 program for incumbent workers carried out  
10 under this paragraph shall be carried out by the  
11 local board in conjunction with the employers or  
12 groups of employers of such workers (which  
13 may include employers in partnership with  
14 other entities for the purposes of delivering  
15 training) for the purpose of assisting such  
16 workers in obtaining the skills necessary to re-  
17 tain employment or avert layoffs.

18 (C) EMPLOYER PAYMENT OF NON-FED-  
19 ERAL SHARE.—Employers participating in the  
20 program carried out under this paragraph shall  
21 be required to pay for the non-Federal share of  
22 the cost of providing the training to incumbent  
23 workers of the employers.

24 (D) NON-FEDERAL SHARE.—

1                   (i) FACTORS.—Subject to clause (ii),  
2                   the local board shall establish the non-Fed-  
3                   eral share of such cost (taking into consid-  
4                   eration such other factors as the number  
5                   of employees participating in the training,  
6                   the wage and benefit levels of the employ-  
7                   ees (at the beginning and anticipated upon  
8                   completion of the training), the relation-  
9                   ship of the training to the competitiveness  
10                  of the employer and employees, and the  
11                  availability of other employer-provided  
12                  training and advancement opportunities.

13                  (ii) LIMITS.—The non-Federal share  
14                  shall not be less than—

15                         (I) 10 percent of the cost, for  
16                         employers with not more than 50 em-  
17                         ployees;

18                         (II) 25 percent of the cost, for  
19                         employers with more than 50 employ-  
20                         ees but not more than 100 employees;  
21                         and

22                         (III) 50 percent of the cost, for  
23                         employers with more than 100 em-  
24                         ployees.



1 (iii) CALCULATION OF EMPLOYER  
2 SHARE.—The non-Federal share provided  
3 by an employer participating in the pro-  
4 gram may include the amount of the wages  
5 paid by the employer to a worker while the  
6 worker is attending a training program  
7 under this paragraph. The employer may  
8 provide the share in cash or in kind, fairly  
9 evaluated.

10 (5) TRANSITIONAL JOBS.—The local board may  
11 use not more than 10 percent of the funds allocated  
12 to the local area involved under section 233(b) to  
13 provide transitional jobs under subsection (c)(4)  
14 that—

15 (A) are time-limited work experiences that  
16 are subsidized and are in the public, private, or  
17 nonprofit sectors for individuals with barriers to  
18 employment who are chronically unemployed or  
19 have an inconsistent work history;

20 (B) are combined with comprehensive em-  
21 ployment and supportive services; and

22 (C) are designed to assist the individuals  
23 described in subparagraph (A) to establish a  
24 work history, demonstrate success in the work-

1 place, and develop the skills that lead to entry  
2 into and retention in unsubsidized employment.

3 **CHAPTER 4—GENERAL WORKFORCE**

4 **INVESTMENT PROVISIONS**

5 **SEC. 236. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) YOUTH WORKFORCE INVESTMENT ACTIVITIES.—

7 There are authorized to be appropriated to carry out the  
8 activities described in section 227(a), such sums as may  
9 be necessary for each of fiscal years 2014 through 2018.

10 (b) ADULT EMPLOYMENT AND TRAINING ACTIVI-

11 TIES.—There are authorized to be appropriated to carry  
12 out the activities described in section 232(a)(1), such  
13 sums as may be necessary for each of fiscal years 2014  
14 through 2018.

15 (c) DISLOCATED WORKER EMPLOYMENT AND

16 TRAINING ACTIVITIES.—There are authorized to be ap-  
17 propriated to carry out the activities described in section  
18 232(a)(2), such sums as may be necessary for each of fis-  
19 cal years 2014 through 2018.

20 **Subtitle C—Job Corps**

21 **SEC. 241. PURPOSES.**

22 The purposes of this subtitle are—

23 (1) to maintain a national Job Corps program,  
24 carried out in partnership with States and commu-  
25 nities, to—

1           (A) assist eligible youth to connect to the  
2           labor force by providing them with intensive so-  
3           cial, academic, career and technical education,  
4           and service-learning opportunities, in primarily  
5           residential centers, in order for such youth to  
6           obtain secondary school diplomas or recognized  
7           postsecondary credentials leading to—

8                   (i) successful careers, in in-demand  
9                   industry sectors or occupations or the  
10                  Armed Forces, that will result in economic  
11                  self-sufficiency and opportunities for ad-  
12                  vancement; or

13                   (ii) enrollment in postsecondary edu-  
14                  cation, including an apprenticeship pro-  
15                  gram; and

16           (B) support responsible citizenship;

17           (2) to set forth standards and procedures for  
18           selecting individuals as enrollees in the Job Corps;

19           (3) to authorize the establishment of Job Corps  
20           centers in which enrollees will participate in inten-  
21           sive programs of activities described in this subtitle;  
22           and

23           (4) to prescribe various other powers, duties,  
24           and responsibilities incident to the operation and  
25           continuing development of the Job Corps.

1 **SEC. 242. DEFINITIONS.**

2 In this subtitle:

3 (1) APPLICABLE LOCAL BOARD.—The term  
4 “applicable local board” means a local board—

5 (A) that provides information for a Job  
6 Corps center on local employment opportunities  
7 and the job skills needed to obtain the opportu-  
8 nities; and

9 (B) that serves communities in which the  
10 graduates of the Job Corps center seek employ-  
11 ment.

12 (2) APPLICABLE ONE-STOP CENTER.—The term  
13 “applicable one-stop center” means a one-stop cen-  
14 ter that provides services, such as referral, assess-  
15 ment, recruitment, and placement, to support the  
16 purposes of the Job Corps.

17 (3) ENROLLEE.—The term “enrollee” means  
18 an individual who has voluntarily applied for, been  
19 selected for, and enrolled in the Job Corps program,  
20 and remains with the program, but has not yet be-  
21 come a graduate.

22 (4) FORMER ENROLLEE.—The term “former  
23 enrollee” means an individual who has voluntarily  
24 applied for, been selected for, and enrolled in the  
25 Job Corps program, but left the program prior to  
26 becoming a graduate.

1           (5) GRADUATE.—The term “graduate” means  
2           an individual who has voluntarily applied for, been  
3           selected for, and enrolled in the Job Corps program  
4           and who, as a result of participation in the Job  
5           Corps program, has received a secondary school di-  
6           ploma or recognized equivalent, or completed the re-  
7           quirements of a career and technical education and  
8           training program that prepares individuals for em-  
9           ployment leading to economic self-sufficiency or en-  
10          trance into postsecondary education or training.

11          (6) JOB CORPS.—The term “Job Corps” means  
12          the Job Corps described in section 243.

13          (7) JOB CORPS CENTER.—The term “Job Corps  
14          center” means a center described in section 247.

15          (8) OPERATOR.—The term “operator” means  
16          an entity selected under this subtitle to operate a  
17          Job Corps center.

18          (9) REGION.—The term “region” means an  
19          area defined by the Secretary.

20          (10) SERVICE PROVIDER.—The term “service  
21          provider” means an entity selected under this sub-  
22          title to provide services described in this subtitle to  
23          a Job Corps center.

1 **SEC. 243. ESTABLISHMENT.**

2 There shall be within the Department of Labor a  
3 “Job Corps”.

4 **SEC. 244. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.**

5 (a) IN GENERAL.—To be eligible to become an en-  
6 rollee, an individual shall be—

7 (1) not less than age 16 and not more than age  
8 21 on the date of enrollment, except that—

9 (A) not more than 20 percent of the indi-  
10 viduals enrolled in the Job Corps may be not  
11 less than age 22 and not more than age 24 on  
12 the date of enrollment; and

13 (B) either such maximum age limitation  
14 may be waived by the Secretary, in accordance  
15 with regulations of the Secretary, in the case of  
16 an individual with a disability;

17 (2) a low-income individual; and

18 (3) an individual who is one or more of the fol-  
19 lowing:

20 (A) Basic skills deficient.

21 (B) A school dropout.

22 (C) A homeless individual (as defined in  
23 section 41403(6) of the Violence Against  
24 Women Act of 1994 (42 U.S.C. 14043e–2(6)),  
25 except that clauses (i)(IV) and (iii) of subpara-  
26 graph (B) of such section shall not apply), a

1 homeless child or youth (as defined in section  
2 725(2) of the McKinney-Vento Homeless As-  
3 sistance Act (42 U.S.C. 11434a(2)), except that  
4 subparagraph (B)(iv) of such section shall not  
5 apply), a runaway, an individual in foster care,  
6 or an individual who was in foster care and has  
7 aged out of the foster care system.

8 (D) A parent.

9 (E) An individual who requires additional  
10 education, career and technical education or  
11 training, or workforce preparation skills to be  
12 able to obtain and retain employment that leads  
13 to economic self-sufficiency.

14 (b) SPECIAL RULE FOR VETERANS.—Notwith-  
15 standing the requirement of subsection (a)(2), a veteran  
16 of the Armed Forces shall be eligible to become an enrollee  
17 under subsection (a) if the individual—

18 (1) meets the requirements of paragraphs (1)  
19 and (3) of such subsection; and

20 (2) does not meet the requirement of subsection  
21 (a)(2) because the military income earned by such  
22 individual within the 6-month period prior to the in-  
23 dividual's application for Job Corps prevents the in-  
24 dividual from meeting such requirement.

1 **SEC. 245. RECRUITMENT, SCREENING, SELECTION, AND AS-**  
2 **SIGNMENT OF ENROLLEES.**

3 (a) STANDARDS AND PROCEDURES.—

4 (1) IN GENERAL.—The Secretary shall pre-  
5 scribe specific standards and procedures for the re-  
6 cruitment, screening, and selection of eligible appli-  
7 cants for the Job Corps, after considering rec-  
8 ommendations from Governors of States, local  
9 boards, and other interested parties.

10 (2) METHODS.—In prescribing standards and  
11 procedures under paragraph (1), the Secretary, at a  
12 minimum, shall—

13 (A) prescribe procedures for informing en-  
14 rollees that drug tests will be administered to  
15 the enrollees and the results received within 45  
16 days after the enrollees enroll in the Job Corps;

17 (B) establish standards for recruitment of  
18 Job Corps applicants;

19 (C) establish standards and procedures  
20 for—

21 (i) determining, for each applicant,  
22 whether the educational and career and  
23 technical education and training needs of  
24 the applicant can best be met through the  
25 Job Corps program or an alternative pro-



1                   gram in the community in which the appli-  
2                   cant resides; and

3                   (ii) obtaining from each applicant per-  
4                   tinent data relating to background, needs,  
5                   and interests for determining eligibility  
6                   and potential assignment;

7                   (D) where appropriate, take measures to  
8                   improve the professional capability of the indi-  
9                   viduals conducting screening of the applicants;  
10                  and

11                  (E) assure appropriate representation of  
12                  enrollees from urban areas and from rural  
13                  areas.

14                  (3) IMPLEMENTATION.—To the extent prac-  
15                  ticable, the standards and procedures shall be imple-  
16                  mented through arrangements with—

17                         (A) applicable one-stop centers;

18                         (B) community action agencies, business  
19                         organizations, and labor organizations;

20                         (C) agencies and individuals that have con-  
21                         tact with youth over substantial periods of time  
22                         and are able to offer reliable information about  
23                         the needs and problems of youth; and

24                         (D) child welfare agencies that are respon-  
25                         sible for children in foster care and children eli-

1           gible for assistance under section 477 of the So-  
2           cial Security Act (42 U.S.C. 677).

3           (4) CONSULTATION.—The standards and proce-  
4           dures shall provide for necessary consultation with  
5           individuals and organizations, including court, pro-  
6           bation, parole, law enforcement, education, welfare,  
7           and medical authorities and advisers.

8           (5) REIMBURSEMENT.—The Secretary is au-  
9           thorized to enter into contracts with and make pay-  
10          ments to individuals and organizations for the cost  
11          of conducting recruitment, screening, and selection  
12          of eligible applicants for the Job Corps, as provided  
13          for in this section. The Secretary shall make no pay-  
14          ment to any individual or organization solely as com-  
15          pensation for referring the names of applicants for  
16          the Job Corps.

17          (b) SPECIAL LIMITATIONS ON SELECTION.—

18           (1) IN GENERAL.—No individual shall be se-  
19           lected as an enrollee unless the individual or organi-  
20           zation implementing the standards and procedures  
21           described in subsection (a) determines that—

22           (A) there is a reasonable expectation that  
23           the individual considered for selection can par-  
24           ticipate successfully in group situations and ac-  
25           tivities, and is not likely to engage in behavior

1           that would prevent other enrollees from receiv-  
2           ing the benefit of the Job Corps program or be  
3           incompatible with the maintenance of sound  
4           discipline and satisfactory relationships between  
5           the Job Corps center to which the individual  
6           might be assigned and communities sur-  
7           rounding the Job Corps center;

8                   (B) the individual manifests a basic under-  
9           standing of both the rules to which the indi-  
10          vidual will be subject and of the consequences  
11          of failure to observe the rules, and agrees to  
12          comply with such rules; and

13                   (C) the individual has passed a background  
14          check conducted in accordance with procedures  
15          established by the Secretary.

16           (2) INDIVIDUALS ON PROBATION, PAROLE, OR  
17          SUPERVISED RELEASE.—An individual on probation,  
18          parole, or supervised release may be selected as an  
19          enrollee only if release from the supervision of the  
20          probation or parole official involved is satisfactory to  
21          the official and the Secretary and does not violate  
22          applicable laws (including regulations). No individual  
23          shall be denied a position in the Job Corps solely on  
24          the basis of individual contact with the criminal jus-  
25          tice system.

1 (c) ASSIGNMENT PLAN.—

2 (1) IN GENERAL.—Every 2 years, the Secretary  
3 shall develop and implement a plan for assigning en-  
4 rollees to Job Corps centers. In developing the plan,  
5 the Secretary shall, based on the analysis described  
6 in paragraph (2), establish targets, applicable to  
7 each Job Corps center, for—

8 (A) the maximum attainable percentage of  
9 enrollees at the Job Corps center that reside in  
10 the State in which the center is located; and

11 (B) the maximum attainable percentage of  
12 enrollees at the Job Corps center that reside in  
13 the region in which the center is located, and in  
14 surrounding regions.

15 (2) ANALYSIS.—In order to develop the plan  
16 described in paragraph (1), every 2 years the Sec-  
17 retary, in consultation with operators of Job Corps  
18 centers, shall analyze relevant factors relating to  
19 each Job Corps center, including—

20 (A) the size of the population of individ-  
21 uals eligible to participate in Job Corps in the  
22 State and region in which the Job Corps center  
23 is located, and in surrounding regions;

1 (B) the relative demand for participation  
2 in the Job Corps in the State and region, and  
3 in surrounding regions;

4 (C) the capacity and utilization of the Job  
5 Corps center, including the education, training,  
6 and supportive services provided through the  
7 center; and

8 (D) the performance of the Job Corps cen-  
9 ter relating to the expected levels of perform-  
10 ance for the indicators described in section  
11 259(c)(1), and whether any actions have been  
12 taken with respect to such center pursuant to  
13 paragraphs (2) and (3) of section 259(f).

14 (d) ASSIGNMENT OF INDIVIDUAL ENROLLEES.—

15 (1) IN GENERAL.—After an individual has been  
16 selected for the Job Corps in accordance with the  
17 standards and procedures of the Secretary under  
18 subsection (a), the enrollee shall be assigned to the  
19 Job Corps center that offers the type of career and  
20 technical education and training selected by the indi-  
21 vidual and, among the centers that offer such edu-  
22 cation and training, is closest to the home of the in-  
23 dividual. The Secretary may waive this requirement  
24 if—

1 (A) the enrollee would be unduly delayed  
2 in participating in the Job Corps program be-  
3 cause the closest center is operating at full ca-  
4 pacity; or

5 (B) the parent or guardian of the enrollee  
6 requests assignment of the enrollee to another  
7 Job Corps center due to circumstances in the  
8 community of the enrollee that would impair  
9 prospects for successful participation in the Job  
10 Corps program.

11 (2) ENROLLEES WHO ARE YOUNGER THAN  
12 18.—An enrollee who is younger than 18 shall not  
13 be assigned to a Job Corps center other than the  
14 center closest to the home that offers the career and  
15 technical education and training desired by the en-  
16 rollee pursuant to paragraph (1) if the parent or  
17 guardian of the enrollee objects to the assignment.

18 **SEC. 246. ENROLLMENT.**

19 (a) RELATIONSHIP BETWEEN ENROLLMENT AND  
20 MILITARY OBLIGATIONS.—Enrollment in the Job Corps  
21 shall not relieve any individual of obligations under the  
22 Military Selective Service Act (50 U.S.C. App. 451 et  
23 seq.).

1 (b) PERIOD OF ENROLLMENT.—No individual may  
2 be enrolled in the Job Corps for more than 2 years, ex-  
3 cept—

4 (1) in a case in which completion of an ad-  
5 vanced career training program under section 248(c)  
6 would require an individual to participate in the Job  
7 Corps for not more than one additional year;

8 (2) in the case of an individual with a disability  
9 who would reasonably be expected to meet the stand-  
10 ards for a Job Corps graduate, as defined under sec-  
11 tion 242(5), if allowed to participate in the Job  
12 Corps for not more than 1 additional year;

13 (3) in the case of an individual who participates  
14 in national service, as authorized by a Civilian Con-  
15 servation Center program, who would be granted an  
16 enrollment extension in the Job Corps for the  
17 amount of time equal to the period of national serv-  
18 ice; or

19 (4) as the Secretary may authorize in a special  
20 case.

21 **SEC. 247. JOB CORPS CENTERS.**

22 (a) OPERATORS AND SERVICE PROVIDERS.—

23 (1) ELIGIBLE ENTITIES.—

24 (A) OPERATORS.—The Secretary shall  
25 enter into an agreement with a Federal, State,

1 or local agency, an area career and technical  
2 education school, a residential career and tech-  
3 nical education school, or a private organiza-  
4 tion, for the operation of each Job Corps cen-  
5 ter.

6 (B) PROVIDERS.—The Secretary may  
7 enter into an agreement with a local entity, or  
8 other entity with the necessary capacity, to pro-  
9 vide activities described in this subtitle to a Job  
10 Corps center.

11 (2) SELECTION PROCESS.—

12 (A) COMPETITIVE BASIS.—Except as pro-  
13 vided in subsections (a) and (b) of section 3304  
14 of title 41, United States Code, the Secretary  
15 shall select on a competitive basis an entity to  
16 operate a Job Corps center and entities to pro-  
17 vide activities described in this subtitle to the  
18 Job Corps center. In developing a solicitation  
19 for an operator or service provider, the Sec-  
20 retary shall consult with the Governor of the  
21 State in which the center is located, the indus-  
22 try council for the Job Corps center (if estab-  
23 lished), and the applicable local board regarding  
24 the contents of such solicitation, including ele-  
25 ments that will promote the consistency of the



1 activities carried out through the center with  
2 the objectives set forth in the State plan or in  
3 a local plan.

4 (B) RECOMMENDATIONS AND CONSIDER-  
5 ATIONS.—

6 (i) OPERATORS.—In selecting an enti-  
7 ty to operate a Job Corps center, the Sec-  
8 retary shall consider—

9 (I) the ability of the entity to co-  
10 ordinate the activities carried out  
11 through the Job Corps center with ac-  
12 tivities carried out under the appro-  
13 priate State plan and local plans;

14 (II) the degree to which the ca-  
15 reer and technical education and  
16 training that the entity proposes for  
17 the center reflects employment oppor-  
18 tunities in the local areas in which en-  
19 rollees at the center intend to seek  
20 employment;

21 (III) the degree to which the en-  
22 tity demonstrates relationships with  
23 the surrounding communities, employ-  
24 ers, labor organizations, workforce  
25 boards, applicable one-stop centers,

1 and State and region in which the  
2 center is located; and

3 (IV) the performance of the enti-  
4 ty, if any, relating to operating or  
5 providing activities described in this  
6 subtitle to a Job Corps center, includ-  
7 ing the entity's demonstrated effec-  
8 tiveness in assisting individuals in  
9 achieving the primary indicators of  
10 performance for eligible youth de-  
11 scribed in section 131(b)(2)(A)(ii).

12 (ii) PROVIDERS.—In selecting a serv-  
13 ice provider for a Job Corps center, the  
14 Secretary shall consider the factors de-  
15 scribed in subclauses (I) through (IV) of  
16 clause (i), as appropriate.

17 (b) CHARACTER AND ACTIVITIES.—Job Corps cen-  
18 ters may be residential or nonresidential in character, and  
19 shall be designed and operated so as to provide enrollees,  
20 in a well-supervised setting, with access to activities de-  
21 scribed in this subtitle. In any year, no more than 20 per-  
22 cent of the individuals enrolled in the Job Corps may be  
23 nonresidential participants in the Job Corps.

24 (c) CIVILIAN CONSERVATION CENTERS.—

1           (1) IN GENERAL.—The Job Corps centers may  
2 include Civilian Conservation Centers, operated  
3 under an agreement between the Secretary of Labor  
4 and the Secretary of Agriculture, that are located  
5 primarily in rural areas. Such centers shall provide,  
6 in addition to academics, career and technical edu-  
7 cation and training, and workforce preparation skills  
8 training, programs of work experience to conserve,  
9 develop, or manage public natural resources or pub-  
10 lic recreational areas or to develop community  
11 projects in the public interest.

12           (2) ASSISTANCE DURING DISASTERS.—Enroll-  
13 ees in Civilian Conservation Centers may provide as-  
14 sistance in addressing national, State, and local dis-  
15 asters, consistent with current child labor laws and  
16 regulations. The Secretary of Agriculture shall en-  
17 sure that with respect to the provision of such as-  
18 sistance the enrollees are properly trained, equipped,  
19 supervised, and dispatched consistent with standards  
20 for the conservation and rehabilitation of wildlife es-  
21 tablished under the Fish and Wildlife Coordination  
22 Act (16 U.S.C. 661 et seq.).

23           (3) NATIONAL LIAISON.—The Secretary of Ag-  
24 riculture shall designate a Job Corps National Liai-

1 son to support the agreement under this section be-  
2 tween the Departments of Labor and Agriculture.

3 (d) INDIAN TRIBES.—

4 (1) GENERAL AUTHORITY.—The Secretary may  
5 enter into agreements with Indian tribes to operate  
6 Job Corps centers for Indians.

7 (2) DEFINITIONS.—In this subsection, the  
8 terms “Indian” and “Indian tribe” have the mean-  
9 ings given such terms in subsections (d) and (e), re-  
10 spectively, of section 4 of the Indian Self-Determina-  
11 tion and Education Assistance Act (25 U.S.C.  
12 450b).

13 **SEC. 248. PROGRAM ACTIVITIES.**

14 (a) ACTIVITIES PROVIDED BY JOB CORPS CEN-  
15 TERS.—

16 (1) IN GENERAL.—Each Job Corps center shall  
17 provide enrollees with an intensive, well organized,  
18 and fully supervised program of education, including  
19 English language acquisition programs, career and  
20 technical education and training, work experience,  
21 work-based learning, recreational activities, physical  
22 rehabilitation and development, driver’s education,  
23 and counseling, which may include information  
24 about financial literacy. Each Job Corps center shall  
25 provide enrollees assigned to the center with access

1 to core services described in section 234(c)(2) and  
2 the intensive services described in section 234(c)(3).

3 (2) RELATIONSHIP TO OPPORTUNITIES.—

4 (A) IN GENERAL.—The activities provided  
5 under this subsection shall be targeted to help-  
6 ing enrollees, on completion of their enroll-  
7 ment—

8 (B) secure and maintain meaningful un-  
9 subsidized employment;

10 (C) enroll in and complete secondary edu-  
11 cation or postsecondary education or training  
12 programs, including other suitable career and  
13 technical education and training, and appren-  
14 ticeship programs; or

15 (D) satisfy Armed Forces requirements.

16 (3) LINK TO EMPLOYMENT OPPORTUNITIES.—

17 The career and technical education and training pro-  
18 vided shall be linked to the employment opportuni-  
19 ties in the local area in which the enrollee intends  
20 to seek employment after graduation.

21 (b) ACADEMIC AND CAREER AND TECHNICAL EDU-  
22 CATION AND TRAINING.—The Secretary may arrange for  
23 career and technical education and training of enrollees  
24 through local public or private educational agencies, career  
25 and technical educational institutions, technical institutes,

1 or national service providers, whenever such entities pro-  
2 vide education and training substantially equivalent in  
3 cost and quality to that which the Secretary could provide  
4 through other means.

5 (c) ADVANCED CAREER TRAINING PROGRAMS.—

6 (1) IN GENERAL.—The Secretary may arrange  
7 for programs of advanced career training for se-  
8 lected enrollees in which the enrollees may continue  
9 to participate for a period of not to exceed 1 year  
10 in addition to the period of participation to which  
11 the enrollees would otherwise be limited. The ad-  
12 vanced career training may be provided through the  
13 eligible providers of training services identified under  
14 section 222.

15 (2) BENEFITS.—During the period of participa-  
16 tion in an advanced career training program, an en-  
17 rollee shall be eligible for full Job Corps benefits, or  
18 a monthly stipend equal to the average value of the  
19 residential support, food, allowances, and other ben-  
20 efits provided to enrollees assigned to residential Job  
21 Corps centers.

22 (3) DEMONSTRATION.—The Secretary shall de-  
23 velop standards by which any operator seeking to  
24 enroll additional enrollees in an advanced career  
25 training program shall demonstrate that participants

1 in such program have achieved a satisfactory rate of  
2 completion and placement in training-related jobs  
3 before the operator may carry out such additional  
4 enrollment.

5 (d) GRADUATE SERVICES.—In order to promote the  
6 retention of graduates in employment or postsecondary  
7 education, the Secretary shall arrange for the provision  
8 of job placement and support services to graduates for up  
9 to 12 months after the date of graduation. Multiple re-  
10 sources, including one-stop partners, may support the pro-  
11 vision of these services, including services from the State  
12 vocational rehabilitation agency to supplement job place-  
13 ment and job development efforts for Job Corps graduates  
14 who are individuals with disabilities.

15 (e) CHILD CARE.—The Secretary shall, to the extent  
16 practicable, provide child care at or near Job Corps cen-  
17 ters, for individuals who require child care for their chil-  
18 dren in order to participate in the Job Corps.

19 **SEC. 249. COUNSELING AND JOB PLACEMENT.**

20 (a) ASSESSMENT AND COUNSELING.—The Secretary  
21 shall arrange for assessment and counseling for each en-  
22 rollee at regular intervals to measure progress in the aca-  
23 demic and career and technical education and training  
24 programs carried out through the Job Corps.

1           (b) **PLACEMENT.**—The Secretary shall arrange for  
2 assessment and counseling for enrollees prior to their  
3 scheduled graduations to determine their capabilities and,  
4 based on their capabilities, shall make every effort to ar-  
5 range to place the enrollees in employment leading to eco-  
6 nomic self-sufficiency for which the enrollees are trained  
7 or to assist the enrollees in participating in further activi-  
8 ties described in this subtitle. In arranging for the place-  
9 ment of graduates in jobs, the Secretary shall utilize the  
10 one-stop delivery system to the maximum extent prac-  
11 ticable.

12           (c) **STATUS AND PROGRESS.**—The Secretary shall de-  
13 termine the status and progress of enrollees scheduled for  
14 graduation and make every effort to assure that their  
15 needs for further activities described in this subtitle are  
16 met.

17           (d) **SERVICES TO FORMER ENROLLEES.**—The Sec-  
18 retary may provide such services as the Secretary deter-  
19 mines to be appropriate under this subtitle to former en-  
20 rollees.

21 **SEC. 250. SUPPORT.**

22           (a) **PERSONAL ALLOWANCES.**—The Secretary may  
23 provide enrollees assigned to Job Corps centers with such  
24 personal allowances as the Secretary may determine to be



1 necessary or appropriate to meet the needs of the enroll-  
2 ees.

3 (b) TRANSITION ALLOWANCES.—The Secretary shall  
4 arrange for a transition allowance to be paid to graduates.  
5 The transition allowance shall be incentive-based to reflect  
6 a graduate's completion of academic, career and technical  
7 education or training, and attainment of recognized post-  
8 secondary credentials.

9 (c) TRANSITION SUPPORT.—The Secretary may ar-  
10 range for the provision of 3 months of employment serv-  
11 ices for former enrollees.

12 **SEC. 251. OPERATING PLAN.**

13 (a) IN GENERAL.—The provisions of the contract be-  
14 tween the Secretary and an entity selected to operate a  
15 Job Corps center shall, at a minimum, serve as an oper-  
16 ating plan for the Job Corps center.

17 (b) ADDITIONAL INFORMATION.—The Secretary may  
18 require the operator, in order to remain eligible to operate  
19 the Job Corps center, to submit such additional informa-  
20 tion as the Secretary may require, which shall be consid-  
21 ered part of the operating plan.

22 (c) AVAILABILITY.—The Secretary shall make the op-  
23 erating plan described in subsections (a) and (b), exclud-  
24 ing any proprietary information, available to the public.

1 **SEC. 252. STANDARDS OF CONDUCT.**

2 (a) PROVISION AND ENFORCEMENT.—The Secretary  
3 shall provide, and directors of Job Corps centers shall  
4 stringently enforce, standards of conduct within the cen-  
5 ters. Such standards of conduct shall include provisions  
6 forbidding the actions described in subsection (b)(2)(A).

7 (b) DISCIPLINARY MEASURES.—

8 (1) IN GENERAL.—To promote the proper be-  
9 havioral standards in the Job Corps, the directors of  
10 Job Corps centers shall have the authority to take  
11 appropriate disciplinary measures against enrollees  
12 if such a director determines that an enrollee has  
13 committed a violation of the standards of conduct.  
14 The director shall dismiss the enrollee from the Job  
15 Corps if the director determines that the retention  
16 of the enrollee in the Job Corps will jeopardize the  
17 enforcement of such standards, threaten the safety  
18 of staff, students, or the local community, or dimin-  
19 ish the opportunities of other enrollees.

20 (2) ZERO TOLERANCE POLICY AND DRUG TEST-  
21 ING.—

22 (A) GUIDELINES.—The Secretary shall  
23 adopt guidelines establishing a zero tolerance  
24 policy for an act of violence, for use, sale, or  
25 possession of a controlled substance, for abuse

1 of alcohol, or for other illegal or disruptive ac-  
2 tivity.

3 (B) DRUG TESTING.—The Secretary shall  
4 require drug testing of all enrollees for con-  
5 trolled substances in accordance with proce-  
6 dures prescribed by the Secretary under section  
7 245(a).

8 (C) DEFINITIONS.—In this paragraph:

9 (i) CONTROLLED SUBSTANCE.—The  
10 term “controlled substance” has the mean-  
11 ing given the term in section 102 of the  
12 Controlled Substances Act (21 U.S.C.  
13 802).

14 (ii) ZERO TOLERANCE POLICY.—The  
15 term “zero tolerance policy” means a pol-  
16 icy under which an enrollee shall be auto-  
17 matically dismissed from the Job Corps  
18 after a determination by the director that  
19 the enrollee has carried out an action de-  
20 scribed in subparagraph (A).

21 (c) APPEAL.—A disciplinary measure taken by a di-  
22 rector under this section shall be subject to expeditious  
23 appeal in accordance with procedures established by the  
24 Secretary.

1 **SEC. 253. COMMUNITY PARTICIPATION.**

2 (a) BUSINESS AND COMMUNITY PARTICIPATION.—

3 The director of each Job Corps center shall ensure the  
4 establishment and development of the business and com-  
5 munity networks described in subsection (b) in order to  
6 enhance the effectiveness of such centers.

7 (b) NETWORKS.—The activities carried out by each  
8 Job Corps center under this section shall include—

9 (1) establishing and developing relationships  
10 and networks with—

11 (A) local and distant employers, to the ex-  
12 tent practicable, in coordination with other Fed-  
13 eral and non-Federal programs that conduct  
14 similar outreach to employers;

15 (B) applicable one-stop centers and appli-  
16 cable local boards, for the purpose of pro-  
17 viding—

18 (i) information to, and referral of, po-  
19 tential enrollees; and

20 (ii) job opportunities for Job Corps  
21 graduates; and

22 (C)(i) relevant apprenticeship programs  
23 and youth programs;

24 (ii) labor-management organizations and  
25 local labor organizations;

1 (iii) employers and contractors that sup-  
2 port national training contractor programs; and

3 (iv) community-based organizations, non-  
4 profit organizations, and intermediaries pro-  
5 viding workforce development-related services;  
6 and

7 (2) establishing and developing relationships  
8 with members of the community in which the Job  
9 Corps center is located, informing members of the  
10 community about the projects of the Job Corps cen-  
11 ter and changes in the rules, procedures, or activities  
12 of the center that may affect the community, and  
13 planning events of mutual interest to the community  
14 and the Job Corps center.

15 (c) NEW CENTERS.—The director of a Job Corps  
16 center that is not yet operating shall ensure the establish-  
17 ment and development of the relationships and networks  
18 described in subsection (b) at least 3 months prior to the  
19 date on which the center accepts the first enrollee at the  
20 center.

21 **SEC. 254. INDUSTRY COUNCILS.**

22 (a) IN GENERAL.—Each Job Corps center shall have  
23 an industry council, appointed by the director of the cen-  
24 ter, in accordance with procedures established by the Sec-  
25 retary.

1 (b) INDUSTRY COUNCIL COMPOSITION.—

2 (1) IN GENERAL.—An industry council shall be  
3 comprised of—

4 (A) a majority of members who shall be  
5 owners of business concerns, chief executives or  
6 chief operating officers of nongovernmental em-  
7 ployers, or other private sector employers,  
8 who—

9 (i) have substantial management, hir-  
10 ing, or policy responsibility; and

11 (ii) represent businesses with employ-  
12 ment opportunities that reflect the employ-  
13 ment opportunities of the applicable local  
14 areas in which enrollees will be seeking em-  
15 ployment;

16 (B) representatives of labor organizations  
17 (where present) and representatives of employ-  
18 ees; and

19 (C) enrollees and graduates of the Job  
20 Corps.

21 (2) LOCAL BOARD.—The industry council may  
22 include members of the applicable local boards who  
23 meet the requirements described in paragraph (1).

24 (3) EMPLOYERS OUTSIDE OF LOCAL AREA.—  
25 The industry council for a Job Corps center may in-

1       clude, or otherwise provide for consultation with,  
2       employers from outside the local area who are likely  
3       to hire a significant number of enrollees from the  
4       Job Corps center.

5           (4) SPECIAL RULE FOR SINGLE STATE LOCAL  
6       AREAS.—In the case of a single State local area des-  
7       ignated under section 116(b), the industry council  
8       shall include a representative of the State Board.

9       (c) RESPONSIBILITIES.—The responsibilities of the  
10      industry council shall be—

11           (1) to work closely with all applicable local  
12      boards in order to determine, and recommend to the  
13      Secretary, appropriate career and technical edu-  
14      cation and training for the center;

15           (2) to review all the relevant labor market in-  
16      formation to—

17           (A) determine the employment opportuni-  
18      ties in the local areas in which the enrollees in-  
19      tend to seek employment after graduation;

20           (B) determine the skills and education that  
21      are necessary to obtain the employment oppor-  
22      tunities; and

23           (C) recommend to the Secretary the type  
24      of career and technical education and training  
25      that should be implemented at the center to en-

1           able the enrollees to obtain the employment op-  
2           portunities; and

3           (3) to meet at least once every 6 months to re-  
4           evaluate the labor market information, and other rel-  
5           evant information, to determine, and recommend to  
6           the Secretary, any necessary changes in the career  
7           and technical education and training provided at the  
8           center.

9           (d) NEW CENTERS.—The industry council for a Job  
10          Corps center that is not yet operating shall carry out the  
11          responsibilities described in subsection (c) at least 3  
12          months prior to the date on which the center accepts the  
13          first enrollee at the center.

14       **SEC. 255. ADVISORY COMMITTEES.**

15          The Secretary may establish and use advisory com-  
16          mittees in connection with the operation of the Job Corps  
17          program, and the operation of Job Corps centers, when-  
18          ever the Secretary determines that the availability of out-  
19          side advice and counsel on a regular basis would be of  
20          substantial benefit in identifying and overcoming prob-  
21          lems, in planning program or center development, or in  
22          strengthening relationships between the Job Corps and  
23          agencies, institutions, or groups engaged in related activi-  
24          ties.



1 **SEC. 256. EXPERIMENTAL, RESEARCH, AND DEMONSTRATION PROJECTS.**  
2

3 The Secretary may carry out experimental, research,  
4 or demonstration projects relating to carrying out the Job  
5 Corps program. The Secretary may waive any provisions  
6 of this subtitle that the Secretary finds would prevent the  
7 Secretary from carrying out the projects if the Secretary  
8 informs the Committee on Health, Education, Labor, and  
9 Pensions of the Senate and the Committee on Education  
10 and the Workforce of the House of Representatives, in  
11 writing, not less than 90 days in advance of issuing such  
12 waiver.

13 **SEC. 257. APPLICATION OF PROVISIONS OF FEDERAL LAW.**  
14 (a) **ENROLLEES NOT CONSIDERED TO BE FEDERAL**  
15 **EMPLOYEES.—**

16 (1) **IN GENERAL.—**Except as otherwise pro-  
17 vided in this subsection and in section 8143(a) of  
18 title 5, United States Code, enrollees shall not be  
19 considered to be Federal employees and shall not be  
20 subject to the provisions of law relating to Federal  
21 employment, including such provisions regarding  
22 hours of work, rates of compensation, leave, unem-  
23 ployment compensation, and Federal employee bene-  
24 fits.

25 (2) **PROVISIONS RELATING TO TAXES AND SO-**  
26 **CIAL SECURITY BENEFITS.—**For purposes of the In-

1        ternal Revenue Code of 1986 and title II of the So-  
2        cial Security Act (42 U.S.C. 401 et seq.), enrollees  
3        shall be deemed to be employees of the United  
4        States and any service performed by an individual as  
5        an enrollee shall be deemed to be performed in the  
6        employ of the United States.

7            (3) PROVISIONS RELATING TO COMPENSATION  
8        TO FEDERAL EMPLOYEES FOR WORK INJURIES.—  
9        For purposes of subchapter I of chapter 81 of title  
10       5, United States Code (relating to compensation to  
11       Federal employees for work injuries), enrollees shall  
12       be deemed to be civil employees of the Government  
13       of the United States within the meaning of the term  
14       “employee” as defined in section 8101 of title 5,  
15       United States Code, and the provisions of such sub-  
16       chapter shall apply as specified in section 8143(a) of  
17       title 5, United States Code.

18           (4) FEDERAL TORT CLAIMS PROVISIONS.—For  
19       purposes of the Federal tort claims provisions in  
20       title 28, United States Code, enrollees shall be con-  
21       sidered to be employees of the Government.

22           (b) ADJUSTMENTS AND SETTLEMENTS.—Whenever  
23       the Secretary finds a claim for damages to a person or  
24       property resulting from the operation of the Job Corps  
25       to be a proper charge against the United States, and the

1 claim is not cognizable under section 2672 of title 28,  
2 United States Code, the Secretary may adjust and settle  
3 the claim in an amount not exceeding \$1,500.

4 (c) PERSONNEL OF THE UNIFORMED SERVICES.—  
5 Personnel of the uniformed services who are detailed or  
6 assigned to duty in the performance of agreements made  
7 by the Secretary for the support of the Job Corps shall  
8 not be counted in computing strength under any law lim-  
9 iting the strength of such services or in computing the  
10 percentage authorized by law for any grade in such serv-  
11 ices.

12 **SEC. 258. SPECIAL PROVISIONS.**

13 (a) ENROLLMENT.—The Secretary shall ensure that  
14 women and men have an equal opportunity to participate  
15 in the Job Corps program, consistent with section 245.

16 (b) STUDIES, EVALUATIONS, PROPOSALS, AND  
17 DATA.—The Secretary shall assure that all studies, eval-  
18 uations, proposals, and data produced or developed with  
19 Federal funds in the course of carrying out the Job Corps  
20 program shall become the property of the United States.

21 (c) TRANSFER OF PROPERTY.—

22 (1) IN GENERAL.—Notwithstanding chapter 5  
23 of title 40, United States Code, and any other provi-  
24 sion of law, the Secretary and the Secretary of Edu-  
25 cation shall receive priority by the Secretary of De-

1 fense for the direct transfer, on a nonreimbursable  
2 basis, of the property described in paragraph (2) for  
3 use in carrying out programs under this Act or  
4 under any other Act.

5 (2) PROPERTY.—The property described in this  
6 paragraph is real and personal property under the  
7 control of the Department of Defense that is not  
8 used by such Department, including property that  
9 the Secretary of Defense determines is in excess of  
10 current and projected requirements of such Depart-  
11 ment.

12 (d) GROSS RECEIPTS.—Transactions conducted by a  
13 private for-profit or nonprofit entity that is an operator  
14 or service provider for a Job Corps center shall not be  
15 considered to be generating gross receipts. Such an oper-  
16 ator or service provider shall not be liable, directly or indi-  
17 rectly, to any State or subdivision of a State (nor to any  
18 person acting on behalf of such a State or subdivision)  
19 for any gross receipts taxes, business privilege taxes meas-  
20 ured by gross receipts, or any similar taxes imposed on,  
21 or measured by, gross receipts in connection with any pay-  
22 ments made to or by such entity for operating or providing  
23 services to a Job Corps center. Such an operator or service  
24 provider shall not be liable to any State or subdivision of  
25 a State to collect or pay any sales, excise, use, or similar

1 tax imposed on the sale to or use by such operator or serv-  
2 ice provider of any property, service, or other item in con-  
3 nection with the operation of or provision of services to  
4 a Job Corps center.

5 (e) MANAGEMENT FEE.—The Secretary shall provide  
6 each operator and (in an appropriate case, as determined  
7 by the Secretary) service provider with an equitable and  
8 negotiated management fee of not less than 1 percent of  
9 the amount of the funding provided under the appropriate  
10 agreement specified in section 247.

11 (f) DONATIONS.—The Secretary may accept on be-  
12 half of the Job Corps or individual Job Corps centers  
13 charitable donations of cash or other assistance, including  
14 equipment and materials, if such donations are available  
15 for appropriate use for the purposes set forth in this sub-  
16 title.

17 (g) SALE OF PROPERTY.—Notwithstanding any other  
18 provision of law, if the Administrator of General Services  
19 sells a Job Corps center facility, the Administrator shall  
20 transfer the proceeds from the sale to the Secretary, who  
21 shall use the proceeds to carry out the Job Corps program.

22 **SEC. 259. MANAGEMENT INFORMATION.**

23 (a) FINANCIAL MANAGEMENT INFORMATION SYS-  
24 TEM.—

1           (1) IN GENERAL.—The Secretary shall establish  
2           procedures to ensure that each operator, and each  
3           service provider, maintains a financial management  
4           information system that will provide—

5                   (A) accurate, complete, and current disclo-  
6                   sures of the costs of Job Corps operations; and

7                   (B) sufficient data for the effective evalua-  
8                   tion of activities carried out through the Job  
9                   Corps program.

10          (2) ACCOUNTS.—Each operator and service  
11          provider shall maintain funds received under this  
12          subtitle in accounts in a manner that ensures timely  
13          and accurate reporting as required by the Secretary.

14          (3) FISCAL RESPONSIBILITY.—Operators shall  
15          remain fiscally responsible and control costs, regard-  
16          less of whether the funds made available for Job  
17          Corps centers are incrementally increased or de-  
18          creased between fiscal years.

19          (b) AUDIT.—

20               (1) ACCESS.—The Secretary, the Inspector  
21               General of the Department of Labor, the Comp-  
22               troller General of the United States, and any of  
23               their duly authorized representatives, shall have ac-  
24               cess to any books, documents, papers, and records of  
25               the operators and service providers described in sub-

1 section (a) that are pertinent to the Job Corps pro-  
2 gram, for purposes of conducting surveys, audits,  
3 and evaluations of the operators and service pro-  
4 viders.

5 (2) SURVEYS, AUDITS, AND EVALUATIONS.—

6 The Secretary shall survey, audit, or evaluate, or ar-  
7 range for the survey, audit, or evaluation of, the op-  
8 erators and service providers, using Federal auditors  
9 or independent public accountants. The Secretary  
10 shall conduct such surveys, audits, or evaluations  
11 not less often than once every 3 years.

12 (c) INFORMATION ON INDICATORS OF PERFORM-  
13 ANCE.—

14 (1) LEVELS OF PERFORMANCE AND INDICA-  
15 TORS.—The Secretary shall annually establish ex-  
16 pected levels of performance for Job Corps centers  
17 and the Job Corps program relating to each of the  
18 primary indicators of performance for eligible youth  
19 activities described in section 131(b)(2)(A)(ii).

20 (2) PERFORMANCE OF RECRUITERS.—The Sec-  
21 retary shall also establish performance indicators,  
22 and expected performance levels on the performance  
23 indicators, for recruitment service providers serving  
24 the Job Corps program. The performance indicators  
25 shall relate to the number of enrollees recruited,

1 compared to the established goals for such recruit-  
2 ment, and the number of enrollees who remain com-  
3 mitted to the program for 90 days after enrollment.

4 (3) REPORT.—The Secretary shall collect, and  
5 annually submit to the Committee on Health, Edu-  
6 cation, Labor, and Pensions of the Senate and the  
7 Committee on Education and the Workforce of the  
8 House of Representatives, a report containing—

9 (A) information on the performance of  
10 each Job Corps center, and the Job Corps pro-  
11 gram, on the performance indicators described  
12 in paragraph (1), as compared to the expected  
13 level of performance established under such  
14 paragraph for each performance accountability  
15 measure; and

16 (B) information on the performance of the  
17 service providers described in paragraph (2) on  
18 the performance indicators established under  
19 such paragraph, as compared to the expected  
20 performance levels for the performance indica-  
21 tors.

22 (d) ADDITIONAL INFORMATION.—

23 (1) IN GENERAL.—The Secretary shall also col-  
24 lect, and submit in the report described in sub-  
25 section (c), information on the performance of each



1       Job Corps center, and the Job Corps program, re-  
2       garding—

3               (A) the number of enrollees served;

4               (B) demographic information on the enroll-  
5       ees served, including age, race, gender, and  
6       education and income level;

7               (C) the number of graduates who entered  
8       the Armed Forces;

9               (D) the number of graduates who entered  
10      apprenticeship programs;

11              (E) the number of graduates who entered  
12      unsubsidized employment related to the career  
13      and technical education and training received  
14      through the Job Corps program and the num-  
15      ber who entered unsubsidized employment not  
16      related to the education and training received;

17              (F) the number and percentage of former  
18      enrollees, including the number dismissed under  
19      the zero tolerance policy described in section  
20      252(b); and

21              (G) any additional information required by  
22      the Secretary.

23              (2) RULES FOR REPORTING OF DATA.—The  
24      disaggregation of data under this subsection shall  
25      not be required when the number of individuals in

1 a category is insufficient to yield statistically reliable  
2 information or when the results would reveal person-  
3 ally identifiable information about an individual.

4 (e) METHODS.—The Secretary shall collect the infor-  
5 mation described in subsections (c) and (d), using methods  
6 described in section 131(i)(2) and consistent with State  
7 law, by entering into agreements with the States to access  
8 such data for Job Corps enrollees, former enrollees, and  
9 graduates.

10 (f) PERFORMANCE ASSESSMENTS AND IMPROVE-  
11 MENTS.—

12 (1) ASSESSMENTS.—The Secretary shall con-  
13 duct an annual assessment of the performance of  
14 each Job Corps center. Based on the assessment, the  
15 Secretary shall take measures to continuously im-  
16 prove the performance of the Job Corps program.

17 (2) PERFORMANCE IMPROVEMENT.—With re-  
18 spect to a Job Corps center that fails to meet the  
19 expected levels of performance relating to the pri-  
20 mary indicators of performance specified in sub-  
21 section (c)(1), the Secretary shall develop and imple-  
22 ment a performance improvement plan. Such a plan  
23 shall require action to be taken during a one-year  
24 period, including—

1 (A) providing technical assistance to the  
2 center;

3 (B) changing the career and technical edu-  
4 cation and training offered at the center;

5 (C) changing the management staff of the  
6 center;

7 (D) replacing the operator of the center;

8 (E) reducing the capacity of the center;

9 (F) relocating the center; or

10 (G) closing the center.

11 (3) ADDITIONAL PERFORMANCE IMPROVE-  
12 MENT.—In addition to the performance improvement  
13 plans required under paragraph (2), the Secretary  
14 may develop and implement additional performance  
15 improvement plans. Such a plan shall require im-  
16 provements, including the actions described in such  
17 paragraph, for a Job Corps center that fails to meet  
18 criteria established by the Secretary other than the  
19 expected levels of performance described in such  
20 paragraph.

21 (4) CIVILIAN CONSERVATION CENTERS.—With  
22 respect to a Civilian Conservation Center that fails  
23 to meet the expected levels of performance relating  
24 to the primary indicators of performance specified in  
25 subsection (c)(1), or fails to improve performance as

1 described in paragraph (2), the Secretary, in con-  
2 sultation with the Secretary of Agriculture, may se-  
3 lect an entity to operate a Civilian Conservation  
4 Center on a competitive basis, in accordance with  
5 the requirements of section 247(a)(2)(B).

6 (g) PARTICIPANT HEALTH AND SAFETY.—The Sec-  
7 retary shall require that an entity that has entered into  
8 a contract with a Job Corps operator to provide work-  
9 based learning activities for any Job Corps enrollee under  
10 this subtitle shall comply with the Occupational Safety  
11 and Health Act of 1970 (20 U.S.C. 651 et seq.) or, as  
12 appropriate, under the corresponding State Occupational  
13 Safety and Health Act of 1970 requirements in the State  
14 in which such activities occur.

15 (h) BUILDINGS AND FACILITIES.—The Secretary  
16 shall collect, and submit in the report described in sub-  
17 section (c), information regarding the state of Job Corps  
18 buildings and facilities. Such report shall include—

19 (1) a review of requested construction, rehabili-  
20 tation, and acquisition projects, by each Job Corps  
21 center; and

22 (2) a review of new facilities under construc-  
23 tion.

24 (i) NATIONAL AND COMMUNITY SERVICE.—The Sec-  
25 retary shall include in the report described in subsection

1 (c) available information regarding the national and com-  
2 munity service activities of enrollees, particularly those en-  
3 rollees at Civilian Conservation Centers.

4 (j) CLOSURE OF JOB CORPS CENTER.—Prior to the  
5 closure of any Job Corps center, the Secretary shall en-  
6 sure—

7 (1) that the proposed decision to close the cen-  
8 ter is announced in advance to the general public  
9 through publication in the Federal Register or other  
10 appropriate means;

11 (2) the establishment of a reasonable comment  
12 period, not to exceed 30 days, for interested individ-  
13 uals to submit written comments to the Secretary;  
14 and

15 (3) that the Member of Congress who rep-  
16 represents the district in which such center is located  
17 is notified within a reasonable period of time in ad-  
18 vance of any final decision to close the center.

19 **SEC. 260. GENERAL PROVISIONS.**

20 The Secretary is authorized to—

21 (1) disseminate, with regard to the provisions of  
22 section 3204 of title 39, United States Code, data  
23 and information in such forms as the Secretary shall  
24 determine to be appropriate, to public agencies, pri-  
25 vate organizations, and the general public;

1           (2) subject to section 257(b), collect or com-  
2           promise all obligations to or held by the Secretary  
3           and exercise all legal or equitable rights accruing to  
4           the Secretary in connection with the payment of ob-  
5           ligations until such time as such obligations may be  
6           referred to the Attorney General for suit or collec-  
7           tion; and

8           (3) expend funds made available for purposes of  
9           this subtitle—

10                   (A) for printing and binding, in accordance  
11                   with applicable law (including regulation); and

12                   (B) without regard to any other law (in-  
13                   cluding regulation), for rent of buildings and  
14                   space in buildings and for repair, alteration,  
15                   and improvement of buildings and space in  
16                   buildings rented by the Secretary, except that  
17                   the Secretary shall not expend funds under the  
18                   authority of this subparagraph—

19                           (i) except when necessary to obtain an  
20                           item, service, or facility, that is required in  
21                           the proper administration of this subtitle,  
22                           and that otherwise could not be obtained,  
23                           or could not be obtained in the quantity or  
24                           quality needed, or at the time, in the form,

1 or under the conditions in which the item,  
2 service, or facility is needed; and

3 (ii) prior to having given written noti-  
4 fication to the Administrator of General  
5 Services (if the expenditure would affect an  
6 activity that otherwise would be under the  
7 jurisdiction of the General Services Admin-  
8 istration) of the intention of the Secretary  
9 to make the expenditure, and the reasons  
10 and justifications for the expenditure.

11 **SEC. 261. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated to carry out  
13 this subtitle such sums as may be necessary for each of  
14 the fiscal years 2014 through 2018.

15 **Subtitle D—National Programs**

16 **SEC. 266. NATIVE AMERICAN PROGRAMS.**

17 (a) PURPOSE.—

18 (1) IN GENERAL.—The purpose of this section  
19 is to support employment and training activities for  
20 Indian, Alaska Native, and Native Hawaiian individ-  
21 uals in order—

22 (A) to develop more fully the academic, oc-  
23 cupational, and literacy skills of such individ-  
24 uals;

1 (B) to make such individuals more com-  
2 petitive in the workforce and to equip them  
3 with the entrepreneurial skills necessary for  
4 successful self-employment; and

5 (C) to promote the economic and social de-  
6 velopment of Indian, Alaska Native, and Native  
7 Hawaiian communities in accordance with the  
8 goals and values of such communities.

9 (2) INDIAN POLICY.—All programs assisted  
10 under this section shall be administered in a manner  
11 consistent with the principles of the Indian Self-De-  
12 termination and Education Assistance Act (25  
13 U.S.C. 450 et seq.) and the government-to-govern-  
14 ment relationship between the Federal Government  
15 and Indian tribal governments.

16 (b) DEFINITIONS.—As used in this section:

17 (1) ALASKA NATIVE.—The term “Alaska Na-  
18 tive” includes a Native and a descendant of a Na-  
19 tive, as such terms are defined in subsections (b)  
20 and (r) of section 3 of the Alaska Native Claims  
21 Settlement Act (43 U.S.C. 1602(b), (r)).

22 (2) INDIAN, INDIAN TRIBE, AND TRIBAL ORGA-  
23 NIZATION.—The terms “Indian”, “Indian tribe”,  
24 and “tribal organization” have the meanings given  
25 such terms in subsections (d), (e), and (l), respec-



1           tively, of section 4 of the Indian Self-Determination  
2           and Education Assistance Act (25 U.S.C. 450b).

3           (3) NATIVE HAWAIIAN AND NATIVE HAWAIIAN  
4           ORGANIZATION.—The terms “Native Hawaiian” and  
5           “Native Hawaiian organization” have the meanings  
6           given such terms in section 7207 of the Native Ha-  
7           waiian Education Act (20 U.S.C. 7517).

8           (c) PROGRAM AUTHORIZED.—Every 4 years, the Sec-  
9           retary shall, on a competitive basis, make grants to, or  
10          enter into contracts or cooperative agreements with, In-  
11          dian tribes, tribal organizations, Alaska Native entities,  
12          Indian-controlled organizations serving Indians, or Native  
13          Hawaiian organizations to carry out the authorized activi-  
14          ties described in subsection (d).

15          (d) AUTHORIZED ACTIVITIES.—

16               (1) IN GENERAL.—Funds made available under  
17               subsection (c) shall be used to carry out the activi-  
18               ties described in paragraph (2) that—

19                       (A) are consistent with this section; and

20                       (B) are necessary to meet the needs of In-  
21                       dians, Alaska Natives, or Native Hawaiians  
22                       preparing to enter, reenter, or retain employ-  
23                       ment leading to self-sufficiency.

24               (2) WORKFORCE INVESTMENT ACTIVITIES AND  
25               SUPPLEMENTAL SERVICES.—

1 (A) IN GENERAL.—Funds made available  
2 under subsection (c) shall be used for—

3 (i) comprehensive workforce develop-  
4 ment activities for Indians, Alaska Natives,  
5 or Native Hawaiians, including training on  
6 entrepreneurial skills; or

7 (ii) supplemental services for Indian,  
8 Alaska Native, or Native Hawaiian youth  
9 on or near Indian reservations and in  
10 Oklahoma, Alaska, or Hawaii.

11 (B) SPECIAL RULE.—Notwithstanding any  
12 other provision of this section, individuals who  
13 were eligible to participate in programs under  
14 section 401 of the Job Training Partnership  
15 Act (as such section was in effect on the day  
16 before the date of enactment of the Workforce  
17 Investment Act of 1998) shall be eligible to par-  
18 ticipate in an activity assisted under this sec-  
19 tion.

20 (e) PROGRAM PLAN.—In order to receive a grant or  
21 enter into a contract or cooperative agreement under this  
22 section, an entity described in subsection (c) shall submit  
23 to the Secretary a program plan that describes a 4-year  
24 strategy for meeting the needs of Indian, Alaska Native,

1 or Native Hawaiian individuals, as appropriate, in the  
2 area served by such entity. Such plan shall—

3 (1) be consistent with the purpose of this sec-  
4 tion;

5 (2) identify the population to be served;

6 (3) identify the education and employment  
7 needs of the population to be served and the manner  
8 in which the activities to be provided will strengthen  
9 the ability of the individuals served to obtain or re-  
10 tain employment leading to self-sufficiency;

11 (4) describe the activities to be provided and  
12 the manner in which such activities are to be inte-  
13 grated with other appropriate activities; and

14 (5) describe, after the entity submitting the  
15 plan consults with the Secretary, the performance  
16 accountability measures to be used to assess the per-  
17 formance of entities in carrying out the activities as-  
18 sisted under this section, which shall include the pri-  
19 mary indicators of performance described in section  
20 131(b)(2)(A) and expected levels of performance for  
21 such indicators, in accordance with subsection (h).

22 (f) CONSOLIDATION OF FUNDS.—Each entity receiv-  
23 ing assistance under subsection (c) may consolidate such  
24 assistance with assistance received from related programs  
25 in accordance with the provisions of the Indian Employ-

1 ment, Training and Related Services Demonstration Act  
2 of 1992 (25 U.S.C. 3401 et seq.).

3 (g) NONDUPLICATIVE AND NONEXCLUSIVE SERV-  
4 ICES.—Nothing in this section shall be construed—

5 (1) to limit the eligibility of any entity de-  
6 scribed in subsection (c) to participate in any activ-  
7 ity offered by a State or local entity under this Act;  
8 or

9 (2) to preclude or discourage any agreement,  
10 between any entity described in subsection (c) and  
11 any State or local entity, to facilitate the provision  
12 of services by such entity or to the population served  
13 by such entity.

14 (h) PERFORMANCE ACCOUNTABILITY MEASURES.—

15 (1) ADDITIONAL PERFORMANCE INDICATORS  
16 AND STANDARDS.—

17 (A) DEVELOPMENT OF INDICATORS AND  
18 STANDARDS.—The Secretary, in consultation  
19 with the Native American Employment and  
20 Training Council, shall develop a set of per-  
21 formance indicators and standards that is in  
22 addition to the primary indicators of perform-  
23 ance described in section 131(b)(2)(A) and that  
24 shall be applicable to programs under this sec-  
25 tion.

1 (B) SPECIAL CONSIDERATIONS.—Such per-  
2 formance indicators and standards shall take  
3 into account—

4 (i) the purpose of this section as de-  
5 scribed in subsection (a)(1);

6 (ii) the needs of the groups served by  
7 this section, including the differences in  
8 needs among such groups in various geo-  
9 graphic service areas; and

10 (iii) the economic circumstances of the  
11 communities served, including differences  
12 in circumstances among various geographic  
13 service areas.

14 (2) AGREEMENT ON ADJUSTED LEVELS OF  
15 PERFORMANCE.—The Secretary and the entity de-  
16 scribed in subsection (c) shall reach agreement on  
17 the levels of performance for each of the primary in-  
18 dicators of performance described in section  
19 131(b)(2)(A), taking into account economic condi-  
20 tions, characteristics of the individuals served, and  
21 other appropriate factors and using, to the extent  
22 practicable, the statistical adjustment model under  
23 section 131(b)(3)(A)(viii). The levels agreed to shall  
24 be the adjusted levels of performance and shall be  
25 incorporated in the program plan.

1 (i) ADMINISTRATIVE PROVISIONS.—

2 (1) ORGANIZATIONAL UNIT ESTABLISHED.—

3 The Secretary shall designate a single organizational  
4 unit within the Department of Labor that shall have  
5 primary responsibility for the administration of the  
6 activities authorized under this section.

7 (2) REGULATIONS.—The Secretary shall con-  
8 sult with the entities described in subsection (c) in—

9 (A) establishing regulations to carry out  
10 this section, including regulations relating to  
11 the performance accountability measures for en-  
12 tities receiving assistance under this section;  
13 and

14 (B) developing a funding distribution plan  
15 that takes into consideration previous levels of  
16 funding (prior to the date of enactment of this  
17 Act) to such entities.

18 (3) WAIVERS.—

19 (A) IN GENERAL.—With respect to an en-  
20 tity described in subsection (c), the Secretary,  
21 notwithstanding any other provision of law,  
22 may, pursuant to a request submitted by such  
23 entity that meets the requirements established  
24 under subparagraph (B), waive any of the stat-  
25 utory or regulatory requirements of this title or

1 title I that are inconsistent with the specific  
2 needs of the entities described in such sub-  
3 section, except that the Secretary may not  
4 waive requirements relating to wage and labor  
5 standards, worker rights, participation and pro-  
6 tection of workers and participants, grievance  
7 procedures, and judicial review.

8 (B) REQUEST AND APPROVAL.—An entity  
9 described in subsection (c) that requests a waiv-  
10 er under subparagraph (A) shall submit a plan  
11 to the Secretary to improve the program of  
12 workforce investment activities carried out by  
13 the entity, which plan shall meet the require-  
14 ments established by the Secretary and shall be  
15 generally consistent with the requirements of  
16 section 289(i)(2).

17 (4) ADVISORY COUNCIL.—

18 (A) IN GENERAL.—Using funds made  
19 available to carry out this section, the Secretary  
20 shall establish a Native American Employment  
21 and Training Council to facilitate the consulta-  
22 tion described in paragraph (2) and to provide  
23 the advice described in subparagraph (C).

24 (B) COMPOSITION.—The Council shall be  
25 composed of individuals, appointed by the Sec-

1           retary, who are representatives of the entities  
2           described in subsection (c).

3           (C) DUTIES.—The Council shall advise the  
4           Secretary on the operation and administration  
5           of the programs assisted under this section, in-  
6           cluding the selection of the individual appointed  
7           as head of the unit established under paragraph  
8           (1).

9           (D) PERSONNEL MATTERS.—

10           (i) COMPENSATION OF MEMBERS.—  
11           Members of the Council shall serve without  
12           compensation.

13           (ii) TRAVEL EXPENSES.—The mem-  
14           bers of the Council shall be allowed travel  
15           expenses, including per diem in lieu of sub-  
16           sistence, at rates authorized for employees  
17           of agencies under subchapter I of chapter  
18           57 of title 5, United States Code, while  
19           away from their homes or regular places of  
20           business in the performance of services for  
21           the Council.

22           (iii) ADMINISTRATIVE SUPPORT.—The  
23           Secretary shall provide the Council with  
24           such administrative support as may be nec-



1           essary to perform the functions of the  
2           Council.

3           (E) CHAIRPERSON.—The Council shall se-  
4           lect a chairperson from among its members.

5           (F) MEETINGS.—The Council shall meet  
6           not less than twice each year.

7           (G) APPLICATION.—Section 14 of the Fed-  
8           eral Advisory Committee Act (5 U.S.C. App.)  
9           shall not apply to the Council.

10          (5) TECHNICAL ASSISTANCE.—The Secretary,  
11          acting through the unit established under paragraph  
12          (1), is authorized to provide technical assistance to  
13          entities described in subsection (c) that receive as-  
14          sistance under such subsection to enable such enti-  
15          ties to improve the activities authorized under this  
16          section that are provided by such entities.

17          (6) AGREEMENT FOR CERTAIN FEDERALLY  
18          RECOGNIZED INDIAN TRIBES TO TRANSFER FUNDS  
19          TO THE PROGRAM.—A federally recognized Indian  
20          tribe that administers funds provided under this sec-  
21          tion and funds provided by more than one State  
22          under other sections of this title may enter into an  
23          agreement with the Secretary and the Governors of  
24          the affected States to transfer the funds provided by

1 the States to the program administered by the tribe  
2 under this section.

3 (j) COMPLIANCE WITH SINGLE AUDIT REQUIRE-  
4 MENTS; RELATED REQUIREMENT.—Grants, contracts,  
5 and cooperative agreements entered into under this section  
6 shall be subject to the requirements of chapter 75 of sub-  
7 title V of title 31, United States Code, and charging of  
8 costs under this section shall be subject to appropriate cir-  
9 culars issued by the Office of Management and Budget.

10 (k) ASSISTANCE TO UNIQUE POPULATIONS IN ALAS-  
11 KA AND HAWAII.—

12 (1) IN GENERAL.—Notwithstanding any other  
13 provision of law, the Secretary is authorized to pro-  
14 vide assistance to the Cook Inlet Tribal Council, In-  
15 corporated, and the University of Hawaii at Maui,  
16 for the unique populations who reside in Alaska or  
17 Hawaii, respectively, to improve job training and  
18 workforce investment activities.

19 (2) AUTHORIZATION OF APPROPRIATIONS.—  
20 There are authorized to be appropriated to carry out  
21 this subsection such sums as may be necessary for  
22 each of fiscal years 2014 through 2018.

1 **SEC. 267. MIGRANT AND SEASONAL FARMWORKER PRO-**  
2 **GRAMS.**

3 (a) IN GENERAL.—Every 4 years, the Secretary  
4 shall, on a competitive basis, make grants to, or enter into  
5 contracts with, eligible entities to carry out the activities  
6 described in subsection (d).

7 (b) ELIGIBLE ENTITIES.—To be eligible to receive a  
8 grant or enter into a contract under this section, an entity  
9 shall have an understanding of the problems of eligible mi-  
10 grant and seasonal farmworkers (including dependents),  
11 a familiarity with the area to be served, and the ability  
12 to demonstrate a capacity to administer and deliver effec-  
13 tively a diversified program of workforce investment activi-  
14 ties (including youth workforce investment activities) and  
15 related assistance for eligible migrant and seasonal farm-  
16 workers.

17 (c) PROGRAM PLAN.—

18 (1) IN GENERAL.—To be eligible to receive a  
19 grant or enter into a contract under this section, an  
20 entity described in subsection (b) shall submit to the  
21 Secretary a plan that describes a 4-year strategy for  
22 meeting the needs of eligible migrant and seasonal  
23 farmworkers in the area to be served by such entity.

24 (2) CONTENTS.—Such plan shall—

25 (A) describe the population to be served  
26 and identify the education and employment

1 needs of the population to be served and the  
2 manner in which the services to be provided will  
3 strengthen the ability of the eligible migrant  
4 and seasonal farmworkers and dependents to  
5 obtain or retain unsubsidized employment, or  
6 stabilize their unsubsidized employment, includ-  
7 ing upgraded employment in agriculture;

8 (B) describe the related assistance and  
9 supportive services to be provided and the man-  
10 ner in which such assistance and services are to  
11 be integrated and coordinated with other appro-  
12 priate services;

13 (C) describe the performance account-  
14 ability measures to be used to assess the per-  
15 formance of such entity in carrying out the ac-  
16 tivities assisted under this section, which shall  
17 include the expected levels of performance for  
18 the primary indicators of performance described  
19 in section 131(b)(2)(A);

20 (D) describe the availability and accessi-  
21 bility of local resources such as supportive serv-  
22 ices, services provided through one-stop delivery  
23 systems, and education and training services,  
24 and how the resources can be made available to  
25 the population to be served; and

1 (E) describe the plan for providing services  
2 under this section, including strategies and sys-  
3 tems for outreach, career planning, assessment,  
4 and delivery through one-stop delivery systems.

5 (3) AGREEMENT ON ADJUSTED LEVELS OF  
6 PERFORMANCE.—The Secretary and the entity de-  
7 scribed in subsection (b) shall reach agreement on  
8 the levels of performance for each of the primary in-  
9 dicators of performance described in section  
10 131(b)(2)(A), taking into account economic condi-  
11 tions, characteristics of the individuals served, and  
12 other appropriate factors, and using, to the extent  
13 practicable the statistical adjustment model under  
14 section 131(b)(3)(A)(viii). The levels agreed to shall  
15 be the adjusted levels of performance and shall be  
16 incorporated in the program plan.

17 (4) ADMINISTRATION.—Grants and contracts  
18 awarded under this section shall be centrally admin-  
19 istered by the Department of Labor and competi-  
20 tively awarded by the Secretary using procedures  
21 consistent with standard Federal Government com-  
22 petitive procurement policies.

23 (d) AUTHORIZED ACTIVITIES.—Funds made avail-  
24 able under this section and section 227 shall be used to  
25 carry out workforce investment activities (including youth

1 workforce investment activities) and provide related assist-  
2 ance for eligible migrant and seasonal farmworkers, which  
3 may include—

4 (1) outreach, employment, training, educational  
5 assistance, literacy assistance, English language and  
6 literacy instruction, pesticide and worker safety  
7 training, housing (including permanent housing),  
8 supportive services, and school dropout prevention  
9 activities;

10 (2) followup services for those individuals  
11 placed in employment;

12 (3) self-employment and related business or  
13 micro-enterprise development or education as needed  
14 by eligible individuals as identified pursuant to the  
15 plan required by subsection (c);

16 (4) customized career and technical education  
17 in occupations that will lead to higher wages, en-  
18 hanced benefits, and long-term employment in agri-  
19 culture or another area; and

20 (5) technical assistance to improve coordination  
21 of services and implement best practices relating to  
22 service delivery through one-stop delivery systems.

23 (e) CONSULTATION WITH GOVERNORS AND LOCAL  
24 BOARDS.—In making grants and entering into contracts  
25 under this section, the Secretary shall consult with the

1 Governors and local boards of the States in which the eli-  
2 gible entities will carry out the activities described in sub-  
3 section (d).

4 (f) REGULATIONS.—The Secretary shall consult with  
5 eligible migrant and seasonal farmworkers groups and  
6 States in establishing regulations to carry out this section,  
7 including regulations relating to how economic and demo-  
8 graphic barriers to employment of eligible migrant and  
9 seasonal farmworkers should be considered and included  
10 in the negotiations leading to the adjusted levels of per-  
11 formance described in subsection (c).

12 (g) COMPLIANCE WITH SINGLE AUDIT REQUIRE-  
13 MENTS; RELATED REQUIREMENT.—Grants and contracts  
14 entered into under this section shall be subject to the re-  
15 quirements of chapter 75 of subtitle V of title 31, United  
16 States Code and charging of costs under this section shall  
17 be subject to appropriate circulars issued by the Office of  
18 Management and Budget.

19 (h) FUNDING ALLOCATION.—From the funds appro-  
20 priated and made available to carry out this section, the  
21 Secretary shall reserve not more than 1 percent for discre-  
22 tionary purposes, such as providing technical assistance  
23 to eligible entities.

24 (i) DEFINITIONS.—In this section:





1 (ii) the receipt of over half of the indi-  
2 vidual's total support from the farm-  
3 worker's family during the eligibility deter-  
4 mination period described in paragraph  
5 (4)(A) for the farmworker.

6 (2) ELIGIBLE MIGRANT AND SEASONAL FARM-  
7 WORKERS.—The term “eligible migrant and seasonal  
8 farmworkers” means individuals who are eligible mi-  
9 grant farmworkers or are eligible seasonal farm-  
10 workers.

11 (3) ELIGIBLE MIGRANT FARMWORKER.—The  
12 term “eligible migrant farmworker” means—

13 (A) an eligible seasonal farmworker de-  
14 scribed in paragraph (4)(A) whose agricultural  
15 labor requires travel to a job site such that the  
16 farmworker is unable to return to a permanent  
17 place of residence within the same day; and

18 (B) a dependent of the farmworker de-  
19 scribed in subparagraph (A).

20 (4) ELIGIBLE SEASONAL FARMWORKER.—The  
21 term “eligible seasonal farmworker” means—

22 (A) a low-income individual who—

23 (i) for 12 consecutive months out of  
24 the 24 months prior to application for the  
25 program involved, has been primarily em-

1           employed in agricultural or fish farming labor  
2           that is characterized by chronic unemploy-  
3           ment or underemployment; and

4                   (ii) faces multiple barriers to economic  
5           self-sufficiency; and

6                   (B) a dependent of the person described in  
7           subparagraph (A).

8 **SEC. 268. VETERANS' WORKFORCE INVESTMENT PRO-**  
9 **GRAMS.**

10       (a) **AUTHORIZATION.—**

11           (1) **IN GENERAL.—**The Secretary shall conduct,  
12       directly or through grants or contracts, programs to  
13       meet the needs for workforce investment activities of  
14       veterans with service-connected disabilities, veterans  
15       who have significant barriers to employment, vet-  
16       erans who served on active duty in the armed forces  
17       during a war or in a campaign or expedition for  
18       which a campaign badge has been authorized, and  
19       recently separated veterans.

20           (2) **CONDUCT OF PROGRAMS.—**Programs sup-  
21       ported under this section may be conducted through  
22       grants and contracts with public agencies and pri-  
23       vate nonprofit organizations, including recipients of  
24       Federal assistance under other provisions of this  
25       title, that the Secretary determines have an under-

1 standing of the unemployment problems of veterans  
2 described in paragraph (1), familiarity with the area  
3 to be served, and the capability to administer effec-  
4 tively a program of workforce investment activities  
5 for such veterans.

6 (3) REQUIRED ACTIVITIES.—Programs sup-  
7 ported under this section shall include—

8 (A) activities to enhance services provided  
9 to veterans by other providers of workforce in-  
10 vestment activities funded by Federal, State, or  
11 local government, including services provided by  
12 one-stop operators and one-stop partners;

13 (B) activities to provide workforce invest-  
14 ment activities to such veterans that are not  
15 adequately provided by other public providers of  
16 workforce investment activities; and

17 (C) outreach and public information activi-  
18 ties to develop and promote maximum job and  
19 job training opportunities for such veterans and  
20 to inform such veterans about employment, job  
21 training, on-the-job training, and educational  
22 opportunities under this title, under title 38,  
23 United States Code, and under other provisions  
24 of law, which activities shall be coordinated with

1 activities provided through the one-stop centers  
2 described in section 221(e).

3 (b) ADMINISTRATION OF PROGRAMS.—

4 (1) IN GENERAL.—The Secretary shall admin-  
5 ister programs supported under this section through  
6 the Assistant Secretary for Veterans' Employment  
7 and Training.

8 (2) ADDITIONAL RESPONSIBILITIES.—In car-  
9 rying out responsibilities under this section, the As-  
10 sistant Secretary for Veterans' Employment and  
11 Training shall—

12 (A) be responsible for the awarding of  
13 grants and contracts and the distribution of  
14 funds under this section and for the establish-  
15 ment of appropriate fiscal controls, account-  
16 ability, and program performance accountability  
17 measures for recipients of grants and contracts  
18 under this section; and

19 (B) consult with the Secretary of Veterans  
20 Affairs and take steps to ensure that programs  
21 supported under this section are coordinated, to  
22 the maximum extent feasible, with related pro-  
23 grams and activities conducted under title 38,  
24 United States Code, including programs and ac-  
25 tivities conducted under chapter 63 of such

1 title, any of chapters 30 through 34 of such  
2 title, and sections 1712A, 1720A, 3687, and  
3 4103A of such title.

4 (3) PERFORMANCE ACCOUNTABILITY MEAS-  
5 URES.—In carrying out the responsibilities relating  
6 to performance accountability measures described in  
7 paragraph (2)(A), the Assistant Secretary for Vet-  
8 erans' Employment and Training shall, for each  
9 grant or contract under this section providing edu-  
10 cation, training, or employment services to veterans,  
11 include among such measures the primary indicators  
12 of performance described in section 131(b)(2)(A)(i)  
13 and adjusted levels of performance for each such in-  
14 dicator that are agreed to by the Assistant Secretary  
15 and the recipient of the grant or contract.

16 **SEC. 269. TECHNICAL ASSISTANCE.**

17 (a) GENERAL TECHNICAL ASSISTANCE.—

18 (1) IN GENERAL.—The Secretary shall provide,  
19 coordinate, and support the development of, appro-  
20 priate training, technical assistance, staff develop-  
21 ment, and other activities, including—

22 (A) assistance in replicating programs of  
23 demonstrated effectiveness, to States and local-  
24 ities;

1           (B) the training of staff providing rapid  
2 response services;

3           (C) the training of other staff of recipients  
4 of funds under this title, including the staff of  
5 local boards and State boards;

6           (D) the training of members of State  
7 boards and local boards;

8           (E) assistance in the development and im-  
9 plementation of integrated, technology-enabled  
10 intake and case management information sys-  
11 tems for programs carried out under this Act  
12 and programs carried out by one-stop partners,  
13 such as standard sets of technical requirements  
14 for the systems, offering interfaces that States  
15 could use in conjunction with their current (as  
16 of the first date of implementation of the sys-  
17 tems) intake and case management information  
18 systems that would facilitate shared registration  
19 across programs;

20           (F) peer review activities under this title;  
21 and

22           (G) in particular, assistance to States in  
23 making transitions to implement the provisions  
24 of this Act.

1           (2) SUFFICIENT CAPACITY.—The Secretary  
2 shall ensure that the Department has sufficient ca-  
3 pacity to carry out, and carries out, directly or in ac-  
4 cordance with paragraph (3), the activities described  
5 in paragraph (1) for all States and recipients of fi-  
6 nancial assistance under any of sections 266 through  
7 268.

8           (3) FORM OF ASSISTANCE.—

9           (A) IN GENERAL.—In order to carry out  
10 paragraph (1) on behalf of a State or recipient  
11 of financial assistance under any of sections  
12 266 through 268, the Secretary, after consulta-  
13 tion with the State or grant recipient, may  
14 award grants or enter into contracts or coopera-  
15 tive agreements.

16           (B) LIMITATION.—Grants or contracts  
17 awarded under paragraph (1) to entities other  
18 than States or local units of government that  
19 are for amounts in excess of \$100,000 shall  
20 only be awarded on a competitive basis.

21           (b) DISLOCATED WORKER TECHNICAL ASSIST-  
22 ANCE.—

23           (1) AUTHORITY.—Of the amounts available  
24 pursuant to section 232(a)(2)(A), the Secretary shall  
25 reserve not more than 5 percent of such amounts to

1 provide technical assistance to States that do not  
2 meet the State performance accountability measures  
3 described in section 131(b)(2)(A)(i) with respect to  
4 employment and training activities for dislocated  
5 workers. Using such reserved funds, the Secretary  
6 may provide such assistance to other States, local  
7 areas, and other entities involved in providing assist-  
8 ance to dislocated workers, to promote the contin-  
9 uous improvement of assistance provided to dis-  
10 located workers, under this title.

11 (2) TRAINING.—Amounts reserved under this  
12 subsection may be used to provide for the training  
13 of staff, including specialists, who provide rapid re-  
14 sponse services. Such training shall include instruc-  
15 tion in proven methods of promoting, establishing,  
16 and assisting labor-management committees. Such  
17 projects shall be administered through the Employ-  
18 ment and Training Administration of the Depart-  
19 ment.

20 (c) PROMISING AND PROVEN PRACTICES COORDINA-  
21 TION.—Consistent with the identification and dissemina-  
22 tion of promising and proven practices under subtitle C  
23 of title I, the Secretary shall—

24 (1) establish a system through which States  
25 may share information regarding promising and



1 proven practices with regard to the operation of  
2 workforce investment activities under this Act;

3 (2) evaluate and disseminate information re-  
4 garding such promising and proven practices and  
5 identify knowledge gaps; and

6 (3) commission research under section 270(b)  
7 to address knowledge gaps identified under para-  
8 graph (2).

9 **SEC. 270. EVALUATIONS AND RESEARCH.**

10 (a) EVALUATIONS.—

11 (1) EVALUATIONS OF PROGRAMS AND ACTIVI-  
12 TIES CARRIED OUT UNDER THIS TITLE AND TITLE  
13 I.—For the purpose of improving the management  
14 and effectiveness of programs and activities carried  
15 out under this title and title I, the Secretary shall  
16 provide for the continuing evaluation of the pro-  
17 grams and activities, including those programs and  
18 activities carried out under this section. Each such  
19 evaluation shall address—

20 (A) the general effectiveness of such pro-  
21 grams and activities in relation to their cost, in-  
22 cluding the extent to which the programs and  
23 activities—

24 (i) improve the employment com-  
25 petencies of participants in comparison to

1 comparably-situated individuals who did  
2 not participate in such programs and ac-  
3 tivities; and

4 (ii) to the extent feasible, increase the  
5 level of total employment over the level  
6 that would have existed in the absence of  
7 such programs and activities;

8 (B) the effectiveness of the performance  
9 accountability measures relating to such pro-  
10 grams and activities;

11 (C) the effectiveness of the structure and  
12 mechanisms for delivery of services through  
13 such programs and activities, including the co-  
14 ordination and integration of services through  
15 such programs and activities;

16 (D) the impact of such programs and ac-  
17 tivities on the community and participants in-  
18 volved;

19 (E) the impact of such programs and ac-  
20 tivities on related programs and activities;

21 (F) the extent to which such programs and  
22 activities meet the needs of various demo-  
23 graphic groups; and

24 (G) such other factors as may be appro-  
25 priate.

1           (2) EVALUATIONS OF OTHER PROGRAMS AND  
2           ACTIVITIES.—The Secretary may conduct evalua-  
3           tions of other federally funded employment-related  
4           programs and activities under other provisions of  
5           law.

6           (3) TECHNIQUES.—Evaluations conducted  
7           under this subsection shall utilize appropriate meth-  
8           odology and research designs, including the use of  
9           control groups chosen by scientific random assign-  
10          ment methodologies. The Secretary shall conduct at  
11          least 1 multisite control group evaluation under this  
12          subsection by the end of fiscal year 2018.

13          (4) REPORTS.—The entity carrying out an eval-  
14          uation described in paragraph (1) or (2) shall pre-  
15          pare and submit to the Secretary a draft report and  
16          a final report containing the results of the evalua-  
17          tion.

18          (5) REPORTS TO CONGRESS.—Not later than  
19          30 days after the completion of a draft report under  
20          paragraph (4), the Secretary shall transmit the draft  
21          report to the Committee on Education and the  
22          Workforce of the House of Representatives and the  
23          Committee on Health, Education, Labor and Pen-  
24          sions of the Senate. Not later than 60 days after the  
25          completion of a final report under such paragraph,

1 the Secretary shall transmit the final report to such  
2 committees of the Congress.

3 (6) PUBLICATION OF REPORTS.—If an entity  
4 that enters into a contract or other arrangement  
5 with the Secretary to conduct an evaluation of a pro-  
6 gram or activity under this subsection requests per-  
7 mission from the Secretary to publish a report re-  
8 sulting from the evaluation, such entity may publish  
9 the report unless the Secretary denies the request  
10 during the 90-day period beginning on the date the  
11 Secretary receives such request.

12 (7) COORDINATION.—The Secretary shall en-  
13 sure the coordination of evaluations carried out by  
14 States pursuant to section 131(e) with the evalua-  
15 tions carried out under this subsection.

16 (b) RESEARCH, STUDIES, AND MULTISTATE  
17 PROJECTS.—

18 (1) IN GENERAL.—After consultation with  
19 States, localities, and other interested parties, the  
20 Secretary shall, every 2 years, publish in the Federal  
21 Register, a plan that describes the research, studies,  
22 and multistate project priorities of the Department  
23 of Labor concerning employment and training for  
24 the 5-year period following the submission of the  
25 plan. The plan shall be consistent with the purposes

1 of this title and title I, including the purpose of  
2 aligning and coordinating core programs with other  
3 one-stop partner programs. Copies of the plan shall  
4 be transmitted to the Committee on Education and  
5 the Workforce of the House of Representatives, the  
6 Committee on Health, Education, Labor, and Pen-  
7 sions of the Senate, the Department of Education,  
8 and other relevant Federal agencies.

9 (2) FACTORS.—The plan published under para-  
10 graph (1) shall contain strategies to address national  
11 employment and training problems and take into ac-  
12 count factors such as—

13 (A) the availability of existing research (as  
14 of the date of the publication);

15 (B) the need to ensure results that have  
16 interstate validity;

17 (C) the benefits of economies of scale and  
18 the efficiency of proposed projects; and

19 (D) the likelihood that the results of the  
20 projects will be useful to policymakers and  
21 stakeholders in addressing employment and  
22 training problems.

23 (3) RESEARCH PROJECTS.—The Secretary  
24 shall, through grants or contracts, carry out re-  
25 search projects that will contribute to the solution of

1 employment and training problems in the United  
2 States and that are consistent with the priorities  
3 specified in the plan published under subsection (a).

4 (4) STUDIES AND REPORTS.—

5 (A) NET IMPACT STUDIES AND RE-  
6 PORTS.—

7 (i) IN GENERAL.—The Secretary of  
8 Labor, in coordination with the Secretary  
9 of Education and other relevant Federal  
10 agencies, may conduct studies to determine  
11 the net impact and best practices of pro-  
12 grams, services, and activities carried out  
13 under this Act.

14 (ii) REPORTS.—The Secretary shall  
15 prepare and disseminate to the public, in-  
16 cluding through electronic means, reports  
17 containing the results of the studies con-  
18 ducted under clause (i).

19 (B) STUDY ON RESOURCES AVAILABLE TO  
20 ASSIST DISCONNECTED YOUTH.—The Secretary  
21 of Labor, in coordination with the Secretary of  
22 Education, may conduct a study examining—

23 (i) the characteristics of eligible youth  
24 that result in such youth being signifi-

1                   cantly disconnected from education and  
2                   workforce participation;

3                   (ii) the ways in which such youth  
4                   could have greater opportunities for edu-  
5                   cation attainment and obtaining employ-  
6                   ment; and

7                   (iii) the resources available at the  
8                   Federal, State, and local levels to assist  
9                   such youth in obtaining the skills (includ-  
10                  ing skills acquired through workforce prep-  
11                  aration activities), credentials, and work  
12                  experience necessary to become economi-  
13                  cally self-sufficient.

14                  (C) STUDY OF EFFECTIVENESS OF WORK-  
15                  FORCE DEVELOPMENT SYSTEM IN MEETING  
16                  BUSINESS NEEDS.—

17                  (i) IN GENERAL.—Using funds avail-  
18                  able to carry out this subsection jointly  
19                  with funds available to the Secretary of  
20                  Commerce, the Administrator of the Small  
21                  Business Administration, and the Sec-  
22                  retary of Education, the Secretary of  
23                  Labor, in coordination with the Secretary  
24                  of Commerce, the Administrator of the  
25                  Small Business Administration, and the

1 Secretary of Education, may conduct a  
2 study of the effectiveness of the workforce  
3 development system in meeting the needs  
4 of business, with particular attention to  
5 the needs of small business, including in  
6 assisting workers to obtain the skills need-  
7 ed to utilize emerging technologies. The  
8 study may examine issues such as—

9 (I) methods for identifying the  
10 workforce needs of businesses and  
11 how the requirements of small busi-  
12 nesses may differ from larger estab-  
13 lishments;

14 (II) business satisfaction with the  
15 workforce development system, with  
16 particular emphasis on the satisfac-  
17 tion of small businesses;

18 (III) the extent to which business  
19 is engaged as a collaborative partner  
20 in the workforce development system,  
21 including—

22 (aa) the number and per-  
23 centage of members of State  
24 boards and local boards who are  
25 representatives of businesses; and



1 (bb) the extent to which  
2 State boards, local boards, and  
3 one-stop centers established  
4 under section 221(e) effectively  
5 collaborate with business and in-  
6 dustry leaders in developing  
7 workforce development strategies,  
8 including strategies to identify  
9 high-growth employment oppor-  
10 tunities;

11 (IV) ways in which the workforce  
12 development system addresses the  
13 changing skill needs of business that  
14 result from changes in technology and  
15 work processes;

16 (V) promising practices for serv-  
17 ing small businesses;

18 (VI) the extent and manner in  
19 which the workforce development sys-  
20 tem uses technology to serve business  
21 and individual needs, and how uses of  
22 technology could enhance the effi-  
23 ciency and effectiveness of the system  
24 in providing services; and

1 (VII) the extent to which various  
2 segments of the labor force have ac-  
3 cess to and utilize technology to locate  
4 job openings and apply for jobs, and  
5 characteristics of individuals utilizing  
6 such technology (such as age, gender,  
7 race or ethnicity, industry sector, and  
8 occupational group).

9 (ii) REPORT TO CONGRESS.—If the  
10 Secretary conducts a study under clause  
11 (i), the Secretary shall prepare and submit  
12 to the Committee on Education and the  
13 Workforce of the House of Representatives  
14 and the Committee on Health, Education,  
15 Labor, and Pensions of the Senate a re-  
16 port containing the results of the study.  
17 Such report shall include any recommenda-  
18 tions the Secretary determines are appro-  
19 priate to include in such report, including  
20 ways to enhance the effectiveness of the  
21 workforce development system in meeting  
22 the needs of business for skilled workers.

23 (D) STUDY ON PARTICIPANTS ENTERING  
24 NONTRADITIONAL OCCUPATIONS.—The Sec-  
25 retary of Labor, in coordination with the Sec-

1           retary of Education, may conduct a study ex-  
2           amining—

3                   (i) the number and percentage of indi-  
4                   viduals who receive employment and train-  
5                   ing activities and who enter nontraditional  
6                   occupations;

7                   (ii) successful strategies through  
8                   which State boards and local boards can  
9                   place and support the retention of individ-  
10                  uals in nontraditional employment, such as  
11                  by providing post-placement assistance to  
12                  participants in the form of exit interviews,  
13                  mentoring, networking, and leadership de-  
14                  velopment; and

15                  (iii) the degree to which recipients of  
16                  employment and training activities are in-  
17                  formed of the possibility of, or directed to  
18                  begin, training or education needed for en-  
19                  trance into nontraditional occupations.

20                  (E) STUDY ON PERFORMANCE INDICA-  
21                  TORS.—

22                   (i) IN GENERAL.—The Secretary of  
23                   Labor, in coordination with the Secretary  
24                   of Education, may conduct studies to de-  
25                   termine the feasibility of, and potential

1 means to replicate, measuring the com-  
2 pensation, including the wages, benefits,  
3 and other incentives provided by an em-  
4 ployer, received by program participants by  
5 using data other than or in addition to  
6 data available through wage records, for  
7 potential use as a performance indicator.

8 (ii) REPORT.—The Secretary shall  
9 prepare and disseminate to the public, in-  
10 cluding through electronic means, a report  
11 containing the results of any study con-  
12 ducted under this subparagraph.

13 (F) STUDY ON JOB TRAINING FOR RECIPI-  
14 ENTS OF PUBLIC HOUSING ASSISTANCE.—

15 (i) IN GENERAL.—The Secretary of  
16 Labor, in coordination with the Secretary  
17 of Housing and Urban Development, may  
18 conduct studies to assist public housing  
19 authorities to provide, to recipients of pub-  
20 lic housing assistance, job training pro-  
21 grams that successfully upgrade job skills  
22 and employment in, and access to, jobs  
23 with opportunity for advancement and eco-  
24 nomic self-sufficiency for such recipients.

1                   (ii) REPORT.—The Secretary shall  
2                   prepare and disseminate to the public, in-  
3                   cluding through electronic means, a report  
4                   containing the results of any study con-  
5                   ducted under this subparagraph.

6                   (G) STUDY ON IMPROVING EMPLOYMENT  
7                   PROSPECTS FOR OLDER INDIVIDUALS.—

8                   (i) IN GENERAL.—The Secretary of  
9                   Labor, in coordination with the Secretary  
10                  of Education and the Secretary of Health  
11                  and Human Services, may conduct studies  
12                  that lead to better design and implementa-  
13                  tion of, in conjunction with employers,  
14                  local boards or State boards, community  
15                  colleges or area career and technical edu-  
16                  cation schools, and other organizations, ef-  
17                  fective evidence-based strategies to provide  
18                  services to workers who are low-income,  
19                  low-skilled older individuals that increase  
20                  the workers' skills and employment pros-  
21                  pects.

22                  (ii) REPORT.—The Secretary shall  
23                  prepare and disseminate to the public, in-  
24                  cluding through electronic means, a report

1 containing the results of any study con-  
2 ducted under this subparagraph.

3 (H) STUDY ON PRIOR LEARNING.—

4 (i) IN GENERAL.—The Secretary of  
5 Labor, in coordination with other Secre-  
6 taries, as appropriate, may conduct studies  
7 that, through the convening stakeholders  
8 from the fields of education, workforce,  
9 business, labor, defense, and veterans serv-  
10 ices, and experts in such fields, develop  
11 guidelines for assessing, accounting for,  
12 and utilizing the prior learning of individ-  
13 uals, including dislocated workers and vet-  
14 erans, in order to provide the individuals  
15 with postsecondary educational credit for  
16 such prior learning that leads to the at-  
17 tainment of a recognized postsecondary  
18 credential and employment.

19 (ii) REPORT.—The Secretary shall  
20 prepare and disseminate to the public, in-  
21 cluding through electronic means, reports  
22 containing the results of the studies con-  
23 ducted.

24 (5) MULTISTATE PROJECTS.—

1           (A) AUTHORITY.—The Secretary may,  
2 through grants or contracts, carry out  
3 multistate projects that require demonstrated  
4 expertise that is available at the national level  
5 to effectively disseminate best practices and  
6 models for implementing employment and train-  
7 ing services, address the specialized employment  
8 and training needs of particular service popu-  
9 lations, or address industry-wide skill shortages,  
10 to the extent such projects are consistent with  
11 the priorities specified in the plan published  
12 under paragraph (1).

13           (B) DESIGN OF GRANTS.—Grants or con-  
14 tracts awarded under this paragraph shall be  
15 designed to obtain information relating to the  
16 provision of services under different economic  
17 conditions or to various demographic groups in  
18 order to provide guidance at the national and  
19 State levels about how best to administer spe-  
20 cific employment and training services.

21 (6) LIMITATIONS.—

22           (A) COMPETITIVE AWARDS.—A grant or  
23 contract awarded for carrying out projects  
24 under this subsection in an amount that ex-  
25 ceeds \$100,000 shall be awarded only on a

1 competitive basis, except that a noncompetitive  
2 award may be made in the case of a project  
3 that is funded jointly with other public or pri-  
4 vate sector entities that provide a substantial  
5 portion of assistance under the grant or con-  
6 tract for the project.

7 (B) TIME LIMITS.—A grant or contract  
8 shall not be awarded under this subsection to  
9 the same organization for more than 3 consecu-  
10 tive years unless such grant or contract is com-  
11 petitively reevaluated within such period.

12 (C) PEER REVIEW.—

13 (i) IN GENERAL.—The Secretary shall  
14 utilize a peer review process—

15 (I) to review and evaluate all ap-  
16 plications for grants in amounts that  
17 exceed \$500,000 that are submitted  
18 under this section; and

19 (II) to review and designate ex-  
20 emplary and promising programs  
21 under this section.

22 (ii) AVAILABILITY OF FUNDS.—The  
23 Secretary is authorized to use funds pro-  
24 vided under this section to carry out peer  
25 review activities under this subparagraph.



1                   (D) PRIORITY.—In awarding grants or  
2                   contracts under this subsection, priority shall be  
3                   provided to entities with recognized expertise in  
4                   the methods, techniques, and knowledge of  
5                   workforce investment activities and shall in-  
6                   clude appropriate time limits, established by the  
7                   Secretary, for the duration of such projects.

8           (c) DISLOCATED WORKER PROJECTS.—Of the  
9           amount made available pursuant to section 232(a)(2)(A)  
10           for any program year, the Secretary shall use not more  
11           than 10 percent of such amount to carry out demonstra-  
12           tion and pilot projects, multiservice projects, and  
13           multistate projects relating to the employment and train-  
14           ing needs of dislocated workers. Of the requirements of  
15           this section, such projects shall be subject only to the pro-  
16           visions relating to review and evaluation of applications  
17           under subsection (c)(6)(C). Such projects may include  
18           demonstration and pilot projects relating to promoting  
19           self-employment, promoting job creation, averting disloca-  
20           tions, assisting dislocated farmers, assisting dislocated  
21           fishermen, and promoting public works. Such projects  
22           shall be administered by the Secretary, acting through the  
23           Assistant Secretary of Employment and Training Admin-  
24           istration.

1 (d) ENERGY EFFICIENCY AND RENEWABLE ENERGY  
2 WORKER TRAINING PROGRAM.—

3 (1) GRANT PROGRAM.—

4 (A) IN GENERAL.—Not later than 6  
5 months after the date of enactment of the  
6 Green Jobs Act of 2007, the Secretary of  
7 Labor, in consultation with the Secretary of  
8 Energy, shall establish an energy efficiency and  
9 renewable energy worker training program  
10 under which the Secretary of Labor shall carry  
11 out the activities described in paragraph (2) to  
12 achieve the purposes of this subsection.

13 (B) ELIGIBILITY.—For purposes of pro-  
14 viding assistance and services under the pro-  
15 gram established under this subsection—

16 (i) target populations of eligible indi-  
17 viduals to be given priority for training  
18 and other services shall include—

19 (I) workers impacted by national  
20 energy and environmental policy;

21 (II) individuals in need of up-  
22 dated training related to the energy  
23 efficiency and renewable energy indus-  
24 tries;

435

1 (III) veterans, or past and  
2 present members of reserve compo-  
3 nents of the Armed Forces;

4 (IV) unemployed individuals;

5 (V) individuals, including at-risk  
6 youth, seeking employment pathways  
7 out of poverty and into economic self-  
8 sufficiency; and

9 (VI) formerly incarcerated, adju-  
10 dicated, nonviolent offenders; and

11 (ii) energy efficiency and renewable  
12 energy industries eligible to participate in  
13 a program under this subsection include—

14 (I) the energy-efficient building,  
15 construction, and retrofits industries;

16 (II) the renewable electric power  
17 industry;

18 (III) the energy efficient and ad-  
19 vanced drive train vehicle industry;

20 (IV) the biofuels industry;

21 (V) the materials use industry;

22 (VI) the energy efficiency assess-  
23 ment industry serving the residential,  
24 commercial, or industrial sectors; and

1 (VII) manufacturers that  
2 produce sustainable products using  
3 environmentally sustainable processes  
4 and materials.

5 (2) ACTIVITIES.—

6 (A) NATIONAL RESEARCH PROGRAM.—

7 Under the program established under para-  
8 graph (1), the Secretary, acting through the  
9 Bureau of Labor Statistics, where appropriate,  
10 shall collect and analyze labor market data to  
11 track workforce trends resulting from energy-  
12 related initiatives carried out under this sub-  
13 section. Activities carried out under this sub-  
14 paragraph shall include—

15 (i) tracking and documentation of  
16 academic and occupational competencies as  
17 well as future skill needs with respect to  
18 renewable energy and energy efficiency  
19 technology;

20 (ii) tracking and documentation of oc-  
21 cupational information and workforce  
22 training data with respect to renewable en-  
23 ergy and energy efficiency technology;

24 (iii) collaborating with State agencies,  
25 workforce investment boards, industry, or

1           ganized labor, and community and non-  
2           profit organizations to disseminate infor-  
3           mation on successful strategies for labor  
4           market services and worker training with  
5           respect to renewable energy and energy ef-  
6           ficiency technology;

7                   (iv) serving as a clearinghouse for  
8           best practices in workforce development,  
9           job placement, and collaborative training  
10          partnerships;

11                   (v) encouraging the establishment of  
12          workforce training initiatives with respect  
13          to renewable energy and energy efficiency  
14          technologies;

15                   (vi) linking research and development  
16          in renewable energy and energy efficiency  
17          technology with the development of stand-  
18          ards and curricula for current and future  
19          jobs;

20                   (vii) assessing new employment and  
21          work practices including career ladder and  
22          upgrade training as well as high perform-  
23          ance work systems; and

24                   (viii) providing technical assistance  
25          and capacity building to national and State

1 energy partnerships, including industry  
2 and labor representatives.

3 (B) NATIONAL ENERGY TRAINING PART-  
4 NERSHIP GRANTS.—

5 (i) IN GENERAL.—Under the program  
6 established under paragraph (1), the Sec-  
7 retary shall award National Energy Train-  
8 ing Partnerships Grants on a competitive  
9 basis to eligible entities to enable such en-  
10 tities to carry out training that leads to  
11 economic self-sufficiency and to develop an  
12 energy efficiency and renewable energy in-  
13 dustries workforce. Grants shall be award-  
14 ed under this subparagraph so as to ensure  
15 geographic diversity with at least 2 grants  
16 awarded to entities located in each of the  
17 Petroleum Administration for Defense Dis-  
18 tricts with no subdistricts, and at least 1  
19 grant awarded to an entity located in each  
20 of the subdistricts of the Petroleum Ad-  
21 ministration for Defense District with sub-  
22 districts.

23 (ii) ELIGIBILITY.—To be eligible to  
24 receive a grant under clause (i), an entity  
25 shall be a nonprofit partnership that—

1 (I) includes the equal participa-  
2 tion of industry, including public or  
3 private employers, and labor organiza-  
4 tions, including joint labor-manage-  
5 ment training programs, and may in-  
6 clude workforce investment boards,  
7 community-based organizations, quali-  
8 fied service and conservation corps,  
9 educational institutions, small busi-  
10 nesses, cooperatives, State and local  
11 veterans agencies, and veterans serv-  
12 ice organizations; and

13 (II) demonstrates—

14 (aa) experience in imple-  
15 menting and operating worker  
16 skills training and education pro-  
17 grams;

18 (bb) the ability to identify  
19 and involve in training programs  
20 carried out under this grant, tar-  
21 get populations of individuals  
22 who would benefit from training  
23 and be actively involved in activi-  
24 ties related to energy efficiency

1 and renewable energy industries;

2 and

3 (cc) the ability to help indi-  
4 viduals achieve economic self-suf-  
5 ficiency.

6 (iii) PRIORITY.—Priority shall be  
7 given to partnerships which leverage addi-  
8 tional public and private resources to fund  
9 training programs, including cash or in-  
10 kind matches from participating employers.

11 (C) STATE LABOR MARKET RESEARCH, IN-  
12 FORMATION, AND LABOR EXCHANGE RESEARCH  
13 PROGRAM.—

14 (i) IN GENERAL.—Under the program  
15 established under paragraph (1), the Sec-  
16 retary shall award competitive grants to  
17 States to enable such States to administer  
18 labor market and labor exchange informa-  
19 tion programs that include the implemen-  
20 tation of the activities described in clause  
21 (ii), in coordination with the one-stop deliv-  
22 ery system.

23 (ii) ACTIVITIES.—A State shall use  
24 amounts awarded under a grant under this  
25 subparagraph to provide funding to the



1 State agency that administers the Wagner-  
2 Peyser Act (29 U.S.C. 49 et seq.) and  
3 State unemployment compensation pro-  
4 grams to carry out the following activities  
5 using State agency merit staff:

6 (I) The identification of job open-  
7 ings in the renewable energy and en-  
8 ergy efficiency sector.

9 (II) The administration of skill  
10 and aptitude testing and assessment  
11 for workers.

12 (III) The counseling, career plan-  
13 ning, and referral of qualified job  
14 seekers to openings and training pro-  
15 grams, including energy efficiency and  
16 renewable energy training programs.

17 (D) STATE ENERGY TRAINING PARTNER-  
18 SHIP PROGRAM.—

19 (i) IN GENERAL.—Under the program  
20 established under paragraph (1), the Sec-  
21 retary shall award competitive grants to  
22 States to enable such States to administer  
23 renewable energy and energy efficiency  
24 workforce development programs that in-

1           clude the implementation of the activities  
2           described in clause (ii).

3           (ii) PARTNERSHIPS.—A State shall  
4           use amounts awarded under a grant under  
5           this subparagraph to award competitive  
6           grants to eligible State Energy Sector  
7           Partnerships to enable such Partnerships  
8           to coordinate with existing apprenticeship  
9           and labor management training programs  
10          and implement training programs that lead  
11          to the economic self-sufficiency of trainees.

12          (iii) ELIGIBILITY.—To be eligible to  
13          receive a grant under this subparagraph, a  
14          State Energy Sector Partnership shall—

15               (I) consist of nonprofit organiza-  
16               tions that include equal participation  
17               from industry, including public or pri-  
18               vate nonprofit employers, and labor  
19               organizations, including joint labor-  
20               management training programs, and  
21               may include representatives from local  
22               governments, the workforce develop-  
23               ment system (including one-stop cen-  
24               ters), community-based organizations,  
25               qualified service and conservation

1                   corps, community colleges and other  
2                   institutions of higher education, small  
3                   businesses, cooperatives, State and  
4                   local veterans agencies, and veterans  
5                   service organizations;

6                   (II) demonstrate experience in  
7                   implementing and operating worker  
8                   skills training and education pro-  
9                   grams; and

10                  (III) demonstrate the ability to  
11                  identify and involve in training pro-  
12                  grams, target populations of workers  
13                  who would benefit from training and  
14                  be actively involved in activities re-  
15                  lated to energy efficiency and renew-  
16                  able energy industries.

17                  (iv) PRIORITY.—In awarding grants  
18                  under this subparagraph, the Secretary  
19                  shall give priority to States that dem-  
20                  onstrate that activities under the grant—

21                   (I) meet national energy policies  
22                   associated with energy efficiency, re-  
23                   newable energy, and the reduction of  
24                   emissions of greenhouse gases;

1 (II) meet State energy policies  
2 associated with energy efficiency, re-  
3 newable energy, and the reduction of  
4 emissions of greenhouse gases; and

5 (III) leverage additional public  
6 and private resources to fund training  
7 programs, including cash or in-kind  
8 matches from participating employers.

9 (v) COORDINATION.—A grantee under  
10 this subparagraph shall coordinate activi-  
11 ties carried out under the grant with exist-  
12 ing other appropriate training programs,  
13 including apprenticeship and labor man-  
14 agement training programs and activities  
15 (including such activities referenced in  
16 paragraph (3)(A)), and implement training  
17 programs that lead to the economic self-  
18 sufficiency of trainees.

19 (E) PATHWAYS OUT OF POVERTY DEM-  
20 ONSTRATION PROGRAM.—

21 (i) IN GENERAL.—Under the program  
22 established under paragraph (1), the Sec-  
23 retary shall award competitive grants of  
24 sufficient size to eligible entities to enable  
25 such entities to carry out training that

1 leads to economic self-sufficiency. The Sec-  
2 retary shall give priority to entities that  
3 serve individuals in families with income of  
4 less than 200 percent of the economic self-  
5 sufficiency standard for the local areas  
6 where the training is conducted that speci-  
7 fies, as defined by the State, or where such  
8 standard is not established, the income  
9 needs of families, by family size, the num-  
10 ber and ages of children in the family, and  
11 sub-State geographical considerations.  
12 Grants shall be awarded to ensure geo-  
13 graphic diversity.

14 (ii) ELIGIBLE ENTITIES.—To be eligi-  
15 ble to receive a grant under this subpara-  
16 graph, an entity shall be a partnership  
17 that—

18 (I) includes—

19 (aa) a State board or local  
20 board;

21 (bb) community-based non-  
22 profit organizations;

23 (cc) educational institutions  
24 with expertise in serving low-in-  
25 come adults or youth;

1 (dd) public or private em-  
2 ployers from the industry sectors  
3 described in paragraph (1)(B)(ii);  
4 and

5 (ee) labor organizations rep-  
6 resenting workers in such indus-  
7 try sectors;

8 (II) demonstrates a record of  
9 successful experience in implementing  
10 and operating worker skills training  
11 and education programs;

12 (III) coordinates activities, where  
13 appropriate, with the workforce devel-  
14 opment system; and

15 (IV) demonstrates the ability to  
16 recruit individuals for training and to  
17 support such individuals to successful  
18 completion in training programs car-  
19 ried out under this grant, targeting  
20 populations of workers who are or will  
21 be engaged in activities related to en-  
22 ergy efficiency and renewable energy  
23 industries.

1 (iii) PRIORITIES.—In awarding grants  
2 under this subparagraph, the Secretary  
3 shall give priority to applicants that—

4 (I) target programs to benefit  
5 low-income workers, unemployed  
6 youth and adults, school dropouts, or  
7 other underserved sectors of the work-  
8 force within areas of high poverty;

9 (II) ensure that supportive serv-  
10 ices are integrated with education and  
11 training, and delivered by organiza-  
12 tions with direct access to and experi-  
13 ence with targeted populations;

14 (III) leverage additional public  
15 and private resources to fund training  
16 programs, including cash or in-kind  
17 matches from participating employers;

18 (IV) involve employers and labor  
19 organizations in the determination of  
20 relevant skills and competencies and  
21 ensure that the certificates or creden-  
22 tials that result from the training are  
23 recognized postsecondary credentials;

24 (V) deliver courses at alternative  
25 times (such as evening and weekend

1 programs) and locations most conven-  
2 ient and accessible to participants and  
3 link adult remedial education with oc-  
4 cupational skills training; and

5 (VI) demonstrate substantial ex-  
6 perience in administering Federal,  
7 State, local, municipal, foundation, or  
8 private entity grants.

9 (iv) DATA COLLECTION.—A grantee  
10 under this subparagraph shall collect and  
11 report the following information with re-  
12 spect to the program carried out under the  
13 grant:

14 (I) The number of participants.

15 (II) The demographic character-  
16 istics of participants, including race,  
17 gender, age, parenting status, partici-  
18 pation in other Federal programs,  
19 education and literacy level at entry,  
20 and other characteristics that are sig-  
21 nificant barriers to employment (such  
22 as being an English language learner  
23 or having a criminal record, addiction  
24 or mental health problem requiring  
25 treatment, or intellectual disability).



1 (III) The services received by  
2 participants, including training, edu-  
3 cation, and supportive services.

4 (IV) The amount of program  
5 spending per participant.

6 (V) Program completion rates.

7 (VI) Factors determined as sig-  
8 nificantly interfering with program  
9 participation or completion.

10 (VII) The rate of job placement  
11 and the rate of employment retention  
12 after 1 year.

13 (VIII) The average wage at  
14 placement, including any benefits, and  
15 the rate of average wage increase  
16 after 1 year.

17 (IX) Any post-employment sup-  
18 portive services provided.

19 The Secretary shall assist grantees in the  
20 collection of data under this clause by  
21 making available, where practicable, low-  
22 cost means of tracking the labor market  
23 outcomes of participants, and by providing  
24 standardized reporting forms, where appro-  
25 priate.

1 (3) ACTIVITIES.—

2 (A) IN GENERAL.—Activities to be carried  
3 out under a program authorized by subpara-  
4 graph (B), (D), or (E) of paragraph (2) shall  
5 be coordinated with existing systems or pro-  
6 viders, as appropriate. Such activities may in-  
7 clude—

8 (i) occupational skills training, includ-  
9 ing curriculum development, on-the-job  
10 training, and classroom training;

11 (ii) safety and health training;

12 (iii) the provision of—

13 (I) adult education and literary  
14 activities, English as a second lan-  
15 guage instruction, or job readiness  
16 training; or

17 (II) training leading to the at-  
18 tainment of the recognized equivalent  
19 of a secondary school diploma;

20 (iv) individual referral and tuition as-  
21 sistance for a community college training  
22 program, or any training program leading  
23 to an industry-recognized certificate;

1 (v) internship programs in fields re-  
2 lated to energy efficiency and renewable  
3 energy;

4 (vi) customized training in conjunc-  
5 tion with an existing apprenticeship pro-  
6 gram or labor-management partnership;

7 (vii) incumbent worker and career lad-  
8 der training and skill upgrading and re-  
9 training;

10 (viii) the implementation of transi-  
11 tional jobs strategies; and

12 (ix) the provision of supportive serv-  
13 ices.

14 (B) OUTREACH ACTIVITIES.—In addition  
15 to the activities authorized under subparagraph  
16 (A), activities authorized for programs under  
17 subparagraph (E) of paragraph (2) may include  
18 the provision of outreach, recruitment, career  
19 guidance, and career planning services.

20 (4) WORKER PROTECTIONS AND NON-  
21 DISCRIMINATION REQUIREMENTS.—

22 (A) APPLICATION OF WIA.—The provisions  
23 of sections 281 and 288 shall apply to all pro-  
24 grams carried out with assistance under this  
25 subsection.

1                   (B) CONSULTATION WITH LABOR ORGANI-  
2                   ZATIONS.—If a labor organization represents a  
3                   substantial number of workers who are engaged  
4                   in similar work or training in an area that is  
5                   the same as the area that is proposed to be  
6                   funded under this subsection the labor organi-  
7                   zation shall be provided an opportunity to be  
8                   consulted and to submit comments in regard to  
9                   such a proposal.

10                  (5) PERFORMANCE ACCOUNTABILITY MEAS-  
11                  URES.—

12                   (A) IN GENERAL.—The Secretary shall ne-  
13                   gotiate and reach agreement with the eligible  
14                   entities that receive grants and assistance  
15                   under this subsection on performance account-  
16                   ability measures that will be used to evaluate  
17                   the performance of the eligible entity in car-  
18                   rying out the activities described in paragraph  
19                   (2). Such performance accountability measures  
20                   shall consist of indicators of performance (in-  
21                   cluding the primary indicators of performance  
22                   described in section 131(b)(2)(A)), and an ex-  
23                   pected level of performance described in sub-  
24                   paragraph (B) for each indicator of perform-  
25                   ance.

1                   (B) LEVELS OF PERFORMANCE.—The Sec-  
2                   retary shall negotiate and reach agreement with  
3                   the eligible entity regarding the levels of per-  
4                   formance expected to be achieved by the eligible  
5                   entity on the indicators of performance.

6                   (6) REPORT.—

7                   (A) STATUS REPORT.—Not later than 18  
8                   months after the date of enactment of the  
9                   Green Jobs Act of 2007, the Secretary shall  
10                  transmit a report to the Committee on Edu-  
11                  cation and the Workforce and the Committee  
12                  on Energy and Commerce of the House of Rep-  
13                  resentatives, and the Committee on Energy and  
14                  Natural Resources and the Committee on  
15                  Health, Education, Labor, and Pensions of the  
16                  Senate, on the training program established  
17                  under this subsection. The report shall include  
18                  a description of the entities receiving funding  
19                  and the activities carried out by such entities.

20                  (B) EVALUATION.—Not later than 3 years  
21                  after the date of enactment of such Act, the  
22                  Secretary shall transmit to the Committee on  
23                  Education and the Workforce and the Com-  
24                  mittee on Energy and Commerce of the House  
25                  of Representatives, and the Committee on En-

1           ergy and Natural Resources and the Committee  
2           on Health, Education, Labor, and Pensions of  
3           the Senate, an assessment of such program and  
4           an evaluation of the activities carried out by en-  
5           tities receiving funding from such program.

6           (7) DEFINITION.—As used in this subsection,  
7           the term “renewable energy” has the meaning given  
8           such term in section 203(b)(2) of the Energy Policy  
9           Act of 2005 (42 U.S.C. 15852).

10          (8) AUTHORIZATION OF APPROPRIATIONS.—  
11          There is authorized to be appropriated to carry out  
12          this subsection, \$125,000,000 for each fiscal year, of  
13          which—

14                 (A) not to exceed 20 percent of the amount  
15                 appropriated in each such fiscal year shall be  
16                 made available for, and shall be equally divided  
17                 between, national labor market research and in-  
18                 formation under paragraph (2)(A) and State  
19                 labor market information and labor exchange  
20                 research under paragraph (2)(C), and not more  
21                 than 2 percent of such amount shall be for the  
22                 evaluation and report required under paragraph  
23                 (6);

1 (B) 20 percent shall be dedicated to Path-  
2 ways Out of Poverty Demonstration Programs  
3 under paragraph (2)(E); and

4 (C) the remainder shall be divided equally  
5 between National Energy Partnership Training  
6 Grants under paragraph (2)(B) and State en-  
7 ergy training partnership grants under para-  
8 graph (2)(D).

9 (e) INTEGRATED WORKFORCE TRAINING PROGRAMS  
10 FOR ADULTS WHO ARE ENGLISH LANGUAGE LEARN-  
11 ERS.—

12 (1) DEFINITIONS.—In this subsection:

13 (A) INTEGRATED WORKFORCE TRAIN-  
14 ING.—The term “integrated workforce train-  
15 ing” means training that integrates occupa-  
16 tional skills training with English language ac-  
17 quisition.

18 (B) SECRETARY.—The term “Secretary”  
19 means the Secretary of Labor, in consultation  
20 with the Secretary of Education.

21 (2) DEMONSTRATION PROJECT.—From funds  
22 appropriated pursuant to paragraph (11), the Sec-  
23 retary shall establish and implement a national dem-  
24 onstration project that is designed to both analyze  
25 and provide data on workforce training programs

1       that integrate English language acquisition and oc-  
2       cupational training.

3           (3) GRANTS.—

4           (A) IN GENERAL.—In carrying out the  
5       demonstration project under this subsection,  
6       the Secretary shall make not less than 10  
7       grants, on a competitive basis, to eligible enti-  
8       ties to provide the integrated workforce training  
9       programs. In awarding grants under this sub-  
10      section, the Secretary shall take into consider-  
11      ation awarding grants to eligible entities from  
12      diverse geographic areas, including rural areas.

13          (B) PERIODS.—The Secretary shall award  
14      a grant under this subsection for a period of  
15      not less than 24 months and not more than 48  
16      months.

17          (4) ELIGIBLE ENTITIES.—

18          (A) IN GENERAL.—To be eligible to receive  
19      a grant under this subsection, an eligible entity  
20      shall work in partnership with a local board and  
21      shall include as a principal participant 1 or  
22      more of the following:

23           (i) An employer or employer associa-  
24      tion.



1 (ii) A nonprofit provider of English  
2 language instruction.

3 (iii) A provider of occupational or  
4 skills training.

5 (iv) A community-based organization.

6 (v) An institution of higher education,  
7 including a 2-year or 4-year degree-grant-  
8 ing institution of higher education, or a  
9 postsecondary vocational institution, as de-  
10 fined in section 102(c) of the Higher Edu-  
11 cation Act of 1965 (20 U.S.C. 1002(c)).

12 (vi) A labor organization.

13 (B) EXPERTISE.—To be eligible to receive  
14 a grant under this subsection, an eligible entity  
15 shall have proven expertise in—

16 (i) serving individuals who are English  
17 language learners, including individuals  
18 with lower levels of oral and written  
19 English; and

20 (ii) providing workforce programs  
21 with training and English language in-  
22 struction.

23 (5) APPLICATIONS.—

24 (A) IN GENERAL.—To be eligible to receive  
25 a grant under this subsection, an eligible entity

1           shall submit an application to the Secretary at  
2           such time, in such manner, and containing such  
3           information as the Secretary may require.

4                   (B) CONTENTS.—Each application sub-  
5           mitted under subparagraph (A) shall—

6                           (i) contain information, including ca-  
7                           pability statements, that demonstrates that  
8                           the eligible entity has the expertise de-  
9                           scribed in paragraph (4)(B); and

10                           (ii) include an assurance that the pro-  
11           gram to be assisted will—

12                                   (I) establish a generalized adult  
13                                   bilingual workforce training and edu-  
14                                   cation model that integrates English  
15                                   language acquisition and occupational  
16                                   training, and incorporates the unique  
17                                   linguistic and cultural factors of the  
18                                   participants;

19                                   (II) establish a framework by  
20                                   which the employer, employee, and  
21                                   relevant members of the eligible entity  
22                                   can create a career development and  
23                                   training plan that assists both the em-  
24                                   ployer and the employee to meet their  
25                                   long-term needs;

1 (III) ensure that the framework  
2 established under subclause (II) takes  
3 into consideration the knowledge,  
4 skills, and abilities of the employee  
5 with respect to both the current eco-  
6 nomic conditions of the employer and  
7 the future labor market conditions rel-  
8 evant to the local area; and

9 (IV) establish identifiable per-  
10 formance accountability measures that  
11 include the primary indicators of per-  
12 formance described in section  
13 131(b)(2)(A)(i), so that the progress  
14 of the employee and employer and the  
15 relative efficacy of the program can be  
16 evaluated and best practices identi-  
17 fied.

18 (6) CRITERIA.—The Secretary shall establish  
19 criteria for awarding grants under this subsection.

20 (7) INTEGRATED WORKFORCE TRAINING PRO-  
21 GRAMS.—

22 (A) PROGRAM COMPONENTS.—

23 (i) REQUIRED COMPONENTS.—Each  
24 program that receives funding under this  
25 subsection shall—

1 (I) test an individual's English  
2 language proficiency levels to assess  
3 oral and literacy gains from entry into  
4 the program and throughout program  
5 enrollment;

6 (II) combine training specific to  
7 a particular occupation or occupa-  
8 tional cluster with—

9 (aa) English language in-  
10 struction, such as instruction  
11 through an English as a Second  
12 Language program or an English  
13 for Speakers of Other Languages  
14 program;

15 (bb) basic skills instruction;  
16 and

17 (cc) supportive services;

18 (III) effectively integrate public  
19 and private sector entities, including  
20 the local workforce development sys-  
21 tem and its functions, to achieve the  
22 goals of the program; and

23 (IV) provide from private or non-  
24 profit sources a matching amount, in

1 cash or in-kind, to carry out the ac-  
2 tivities supported by the grant.

3 (ii) PERMISSIBLE COMPONENTS.—The  
4 program may offer other services as nec-  
5 essary to promote successful participation  
6 and completion of the program, including  
7 work-based learning, substance abuse  
8 treatment, and mental health services.

9 (B) GOAL.—Each program that receives  
10 funding under this subsection shall be designed  
11 to prepare adults who are English language  
12 learners for, and place such adults in, employ-  
13 ment in growing industries with identifiable ca-  
14 reer pathways that lead to economic self-suffi-  
15 ciency.

16 (C) PROGRAM TYPES.—In selecting pro-  
17 grams to receive funding under this subsection,  
18 the Secretary shall select programs that meet  
19 the requirements of 1 or more of the following  
20 clauses:

21 (i) A program—  
22 (I) that serves unemployed  
23 English language learners with signifi-  
24 cant work experience or substantial

1 education whose previous employment  
2 provided persistently low wages; and

3 (II) that aims to prepare such in-  
4 dividuals for, and place such individ-  
5 uals in, higher-paying employment de-  
6 fined for purposes of this subpara-  
7 graph as employment that provides at  
8 least 75 percent of the median wage  
9 in the local area.

10 (ii) A program—

11 (I) that serves English language  
12 learners with lower levels of oral and  
13 written fluency, who are working at  
14 persistently low wages; and

15 (II) that aims to prepare such in-  
16 dividuals for, and place such individ-  
17 uals in, higher paying employment  
18 through services provided at the work-  
19 site, or at a location central to several  
20 worksites, during work hours.

21 (iii) A program—

22 (I) that serves unemployed  
23 English language learners with lower  
24 levels of oral and written fluency, who  
25 have little or no work experience; and

1 (II) that aims to prepare such in-  
2 dividuals for, and place such individ-  
3 uals in, employment through services  
4 that include subsidized employment,  
5 in addition to the components re-  
6 quired under subparagraph (A)(i).

7 (D) PROGRAM APPROACHES.—

8 (i) IN GENERAL.—In selecting pro-  
9 grams to receive funding under this sub-  
10 section, the Secretary shall select programs  
11 with different approaches to integrated  
12 workforce training and that are provided in  
13 different contexts, in order to—

14 (I) obtain comparative data on  
15 multiple approaches to integrated  
16 workforce training and English lan-  
17 guage instruction;

18 (II) ensure programs are tailored  
19 to characteristics of individuals with  
20 varying skill levels; and

21 (III) assess how different cur-  
22 ricula work for English language  
23 learner populations.

1 (ii) TYPES OF APPROACHES.—The dif-  
2 ferent types of approaches described in  
3 clause (i) may include—

4 (I) bilingual programs in which  
5 the workplace language component  
6 and the training are conducted in a  
7 combination of an individual's native  
8 language and English;

9 (II) integrated workforce training  
10 programs that combine basic skills,  
11 language instruction, and job specific  
12 skills training; or

13 (III) sequential programs that  
14 provide a progression of skills, lan-  
15 guage, and training to ensure success  
16 upon an individual's completion of the  
17 program.

18 (8) EVALUATION BY ELIGIBLE ENTITY.—Each  
19 eligible entity that receives a grant under this sub-  
20 section shall carry out a continuous evaluation of the  
21 program funded under the grant and an evaluation  
22 specific to the last phase of the program operations.

23 (9) EVALUATION BY SECRETARY.—

24 (A) IN GENERAL.—The Secretary shall  
25 conduct an evaluation of program impacts of



1 the programs funded under the demonstration  
2 project, using an impact study with a random  
3 assignment experimental design at each work-  
4 site at which such a program is carried out.

5 (B) DATA COLLECTION AND ANALYSIS.—

6 The Secretary shall collect and analyze the data  
7 from the demonstration project under this sub-  
8 section to determine the effectiveness of the  
9 project, including project participants' gains in  
10 language proficiency, acquisition of skills, and  
11 job advancement.

12 (C) REPORT.—The Secretary shall prepare  
13 and submit to the Committee on Education and  
14 the Workforce of the House of Representatives,  
15 and the Committee on Health, Education,  
16 Labor, and Pensions of the Senate and make  
17 available to the public, a report on the dem-  
18 onstration projects supported under this sub-  
19 section, including the results of the evaluation.

20 (10) TECHNICAL ASSISTANCE.—The Secretary  
21 shall provide technical assistance to recipients of  
22 grants under this subsection throughout the grant  
23 period.

24 (f) COMMUNITY-BASED JOB TRAINING.—

25 (1) DEFINITIONS.—In this subsection:

1 (A) COMMUNITY COLLEGE.—The term  
2 “community college” means—

3 (i) an institution of higher education,  
4 as defined in section 101 of the Higher  
5 Education Act of 1965 (20 U.S.C. 1001),  
6 that provides a 2-year degree that is ac-  
7 ceptable for full credit toward a bacca-  
8 laurate degree; or

9 (ii) a tribally controlled college or uni-  
10 versity, as defined in section 2 of the Trib-  
11 ally Controlled Colleges and Universities  
12 Assistance Act of 1978 (25 U.S.C. 1801).

13 (B) ELIGIBLE ENTITY.—The term “eligible  
14 entity” means a partnership between a local  
15 board and a community college, a consortium of  
16 community colleges, or a consortium composed  
17 of a community college and 1 or more institu-  
18 tions of higher education, that is working  
19 with—

20 (i) a business or consortium of busi-  
21 nesses in the in-demand industry sector, as  
22 identified in the application of the entity,  
23 or an industry association in the in-de-  
24 mand industry sector; and

1                   (ii) an economic development entity  
2                   with expertise relevant to the qualified in-  
3                   dustry.

4                   (C) INSTITUTION OF HIGHER EDU-  
5                   CATION.—Except as otherwise provided in sub-  
6                   paragraph (A)(i), the term “institution of high-  
7                   er education” has the meaning given the term  
8                   in section 101 of the Higher Education Act of  
9                   1965 (20 U.S.C. 1001) and the meaning given  
10                  the term “postsecondary vocational institution”  
11                  in section 102(c) of such Act (20 U.S.C.  
12                  1002(c)).

13                  (2) DEMONSTRATION PROJECT.—In addition to  
14                  the demonstration projects authorized under sub-  
15                  section (c), the Secretary, in collaboration with the  
16                  Secretary of Education, may establish and imple-  
17                  ment a national demonstration project designed—

18                         (A) to develop local innovative solutions to  
19                         the workforce challenges facing in-demand in-  
20                         dustry sectors with labor shortages; and

21                         (B) to increase employment opportunities  
22                         for workers by establishing partnerships among  
23                         education entities, State workforce development  
24                         systems, and businesses in in-demand industry  
25                         sectors.

1 (3) GRANTS.—

2 (A) GRANTS AUTHORIZED.—In carrying  
3 out the national demonstration project author-  
4 ized under this subsection, the Secretary shall  
5 award grants, on a competitive basis, to eligible  
6 entities to enable the eligible entities to carry  
7 out activities described in paragraph (6).

8 (B) REQUIREMENTS.—Grants awarded  
9 under this subsection shall be for a period of 2,  
10 3, or 4 years and shall be awarded in accord-  
11 ance with generally applicable Federal require-  
12 ments.

13 (4) APPLICATIONS.—To be eligible to receive a  
14 grant under this subsection, an eligible entity shall  
15 submit an application to the Secretary at such time,  
16 in such manner, and containing such information as  
17 the Secretary may require, including—

18 (A) a description of the entity that will  
19 offer training under the grant;

20 (B) a justification of the need for funding  
21 under the grant to create a program to carry  
22 out the activities described in paragraph (6);

23 (C) an economic analysis of the local labor  
24 market to identify—

1 (i) in-demand industry sectors and oc-  
2 cupations;

3 (ii) the workforce issues faced by such  
4 industries; and

5 (iii) potential participants in programs  
6 funded under this subsection;

7 (D) a description of the in-demand indus-  
8 try sector for which the training will occur, the  
9 availability of competencies on which the train-  
10 ing will be based, and how the grant will help  
11 workers acquire the competencies and skills  
12 necessary for employment in the industry;

13 (E) a description of the involvement of the  
14 local board and businesses (including small  
15 businesses) in the geographic area where the  
16 proposed activities under the grant will be im-  
17 plemented;

18 (F) performance accountability measures  
19 for the activities funded under the grant that  
20 include the primary indicators of performance  
21 described in section 131(b)(2)(A)(i), and other  
22 appropriate indicators, including indicators re-  
23 lating to the impact of business partners;

24 (G) a description of how the activities  
25 funded by the grant will be coordinated with ac-

1           activities provided through the one-stop center in  
2           the local area; and

3           (H) a description of the local or private re-  
4           sources that will—

5           (i) support the activities carried out  
6           under this subsection; and

7           (ii) enable the entity to carry out and  
8           expand such activities after the end of the  
9           grant.

10          (5) FACTORS FOR AWARD OF GRANT.—

11           (A) IN GENERAL.—In awarding grants  
12           under this subsection, the Secretary shall con-  
13           sider—

14           (i) the extent to which the activities to  
15           be carried out under the grant and the  
16           grant application align with the local plan  
17           for the area to be served;

18           (ii) the extent of public and private  
19           collaboration evidenced in the application,  
20           including existing partnerships as of the  
21           time of the application among the in-de-  
22           mand industry sectors, the eligible entity,  
23           and the public workforce development sys-  
24           tem;

1 (iii) the extent to which the grant will  
2 provide job seekers with high-quality train-  
3 ing for employment in in-demand occupa-  
4 tions;

5 (iv) the extent to which the grant will  
6 expand the eligible entity and the capacity  
7 of the local one-stop center established  
8 under section 221(e) to be demand-driven  
9 and responsive to local economic needs;

10 (v) the extent to which local busi-  
11 nesses commit to hire, retain, or advance  
12 individuals who receive training through  
13 the grant; and

14 (vi) the extent to which the eligible  
15 entity commits to make any newly devel-  
16 oped products, such as skill standards, as-  
17 sessments, or industry-recognized training  
18 curricula, available for dissemination na-  
19 tionally.

20 (B) LEVERAGING OF RESOURCES.—In  
21 awarding grants under this subsection, the Sec-  
22 retary shall also consider—

23 (i) the extent to which local or private  
24 resources will be made available to support  
25 the activities carried out under this sub-

1 section, taking into account the resources  
2 of the eligible entity and the entity's part-  
3 ners; and

4 (ii) the ability of an eligible entity to  
5 continue to carry out and expand such ac-  
6 tivities after the end of the grant.

7 (C) DISTRIBUTION OF GRANTS.—In  
8 awarding grants under this subsection, the Sec-  
9 retary shall ensure an equitable distribution of  
10 such grants across diverse industries and geo-  
11 graphic areas.

12 (6) USE OF FUNDS.—

13 (A) MANDATORY USES OF FUNDS.—An eli-  
14 gible entity that receives a grant under this  
15 subsection shall use the grant funds for all of  
16 the following:

17 (i) The development of rigorous train-  
18 ing and education programs leading to a  
19 recognized postsecondary credential and  
20 employment in the in-demand industry sec-  
21 tor, including programs that are work-  
22 based and incorporate other earn-and-learn  
23 strategies. The community college that is a  
24 part of the eligible entity shall develop  
25 such programs, in collaboration with other



1 partners identified in the application, and  
2 if applicable, other representatives of quali-  
3 fied industries.

4 (ii) Training adults, incumbent work-  
5 ers, dislocated workers, or out-of-school  
6 youth in the skills and competencies need-  
7 ed to obtain or upgrade employment in an  
8 in-demand industry sector identified in the  
9 eligible entity's application.

10 (B) OPTIONAL USES OF FUNDS.—An eligi-  
11 ble entity that receives a grant under this sub-  
12 section may use the grant funds for—

13 (i) disseminating information on  
14 training available for in-demand occupa-  
15 tions in in-demand industry sectors, in-  
16 cluding training available through the  
17 grant through the one-stop delivery system  
18 to prospective participants, businesses,  
19 business intermediaries, and community-  
20 based organizations in the region;

21 (ii) referring individuals trained under  
22 the grant for employment in in-demand in-  
23 dustry sectors;

24 (iii) enhancing the integration of com-  
25 munity colleges, training and education

1 with businesses, and the one-stop delivery  
2 system in the local area to meet the train-  
3 ing needs of in-demand industry sectors  
4 for new and incumbent workers;

5 (iv) providing training and relevant  
6 job skills to small business owners or oper-  
7 ators to facilitate small business develop-  
8 ment in in-demand industry sectors; or

9 (v) expanding or creating programs  
10 for distance, evening, weekend, modular, or  
11 compressed learning opportunities that  
12 provide training and relevant job skills for  
13 high-growth, in-demand occupations.

14 (7) AUTHORITY TO REQUIRE NON-FEDERAL  
15 SHARE.—The Secretary may require that recipients  
16 of grants under this subsection provide a non-Fed-  
17 eral share, from either cash or in-kind resources  
18 (fairly evaluated), of the costs of activities carried  
19 out under the grant.

20 (8) PERFORMANCE ACCOUNTABILITY AND  
21 EVALUATION.—

22 (A) PERFORMANCE ACCOUNTABILITY.—  
23 The Secretary shall require an eligible entity  
24 that receives a grant under this subsection to  
25 submit interim and final reports to the Sec-

1           retary on the performance outcomes for the  
2           project, using the performance accountability  
3           measures identified in the eligible entity's grant  
4           application.

5                   (B) EVALUATION.—The Secretary shall re-  
6           quire that an eligible entity that receives a  
7           grant under this subsection participate in an  
8           evaluation of activities carried out under this  
9           subsection, including an evaluation using the  
10          techniques described in subsection (a)(3).

11          (g) CAREER PATHWAYS FOR NURSING CARE PRO-  
12          VIDERS AND PROVIDERS OF EARLY EDUCATION AND  
13          CHILD CARE.—The Secretary of Labor, in coordination  
14          with the Secretary of Education and the Secretary of  
15          Health and Human Services, may conduct projects that  
16          focus on career advancement for nursing care providers  
17          or providers of early education and child care, including  
18          faculty education and distance education programs. The  
19          Secretary shall prepare and disseminate to the public, in-  
20          cluding through electronic means, reports containing the  
21          results of the projects conducted, and recommendations on  
22          how to replicate effective practices.

23          **SEC. 271. NATIONAL DISLOCATED WORKER GRANTS.**

24               (a) DEFINITIONS.—In this section:

1           (1) EMERGENCY OR DISASTER.—The term  
2           “emergency or disaster” means—

3                   (A) an emergency or a major disaster, as  
4                   defined in paragraphs (1) and (2), respectively,  
5                   of section 102 of the Robert T. Stafford Dis-  
6                   aster Relief and Emergency Assistance Act (42  
7                   U.S.C. 5122 (1) and (2)); or

8                   (B) an emergency or disaster situation of  
9                   national significance that could result in a po-  
10                   tentially large loss of employment, as declared  
11                   or otherwise recognized by the chief official of  
12                   a Federal agency with authority for or jurisdic-  
13                   tion over the Federal response to the emergency  
14                   or disaster situation.

15           (2) DISASTER AREA.—In this subsection, the  
16           term “disaster area” means an area that has suf-  
17           fered or in which has occurred an emergency or dis-  
18           aster.

19           (b) IN GENERAL.—

20                   (1) GRANTS.—The Secretary is authorized to  
21                   award national dislocated worker grants—

22                           (A) to an entity described in subsection  
23                           (c)(1)(B) to provide employment and training  
24                           assistance to workers affected by major eco-  
25                           nomic dislocations, such as plant closures, mass

1 layoffs, or closures and realignments of military  
2 installations;

3 (B) to provide assistance to—

4 (i) the Governor of any State within  
5 the boundaries of which is a disaster area,  
6 to provide disaster relief employment in  
7 the disaster area; or

8 (ii) the Governor of any State to  
9 which a substantial number of workers  
10 from an area in which an emergency or  
11 disaster has been declared or otherwise  
12 recognized have relocated;

13 (C) to provide additional assistance to a  
14 State board or local board for eligible dislocated  
15 workers in a case in which the State board or  
16 local board has expended the funds provided  
17 under this section to carry out activities de-  
18 scribed in subparagraphs (A) and (B) and can  
19 demonstrate the need for additional funds to  
20 provide appropriate services for such workers,  
21 in accordance with requirements prescribed by  
22 the Secretary; and

23 (D) to provide additional assistance to a  
24 State board or local board serving an area  
25 where—

1 (i) a higher-than-average demand for  
2 employment and training activities for dis-  
3 located members of the Armed Forces,  
4 spouses described in section 101(14)(E), or  
5 members of the Armed Forces described in  
6 subsection (c)(2)(A)(iv), exceeds State and  
7 local resources for providing such activi-  
8 ties; and

9 (ii) such activities are to be carried  
10 out in partnership with the Department of  
11 Defense and Department of Veterans Af-  
12 fairs transition assistance programs.

13 (2) DECISIONS AND OBLIGATIONS.—The Sec-  
14 retary shall issue a final decision on an application  
15 for a national dislocated worker grant under this  
16 subsection not later than 45 calendar days after re-  
17 ceipt of the application. The Secretary shall issue a  
18 notice of obligation for such grant not later than 10  
19 days after the award of such grant.

20 (c) EMPLOYMENT AND TRAINING ASSISTANCE RE-  
21 QUIREMENTS.—

22 (1) GRANT RECIPIENT ELIGIBILITY.—

23 (A) APPLICATION.—To be eligible to re-  
24 ceive a grant under subsection (b)(1)(A), an en-  
25 tity shall submit an application to the Secretary

1 at such time, in such manner, and containing  
2 such information as the Secretary may require.

3 (B) ELIGIBLE ENTITY.—In this para-  
4 graph, the term “entity” means a State, a local  
5 board, an entity described in section 266(e), an  
6 entity determined to be eligible by the Governor  
7 of the State involved, and any other entity that  
8 demonstrates to the Secretary the capability to  
9 effectively respond to the circumstances relating  
10 to particular dislocations.

11 (2) PARTICIPANT ELIGIBILITY.—

12 (A) IN GENERAL.—In order to be eligible  
13 to receive employment and training assistance  
14 under a national dislocated worker grant  
15 awarded pursuant to subsection (b)(1)(A), an  
16 individual shall be—

17 (i) a dislocated worker;

18 (ii) a civilian employee of the Depart-  
19 ment of Defense or the Department of En-  
20 ergy employed at a military installation  
21 that is being closed, or that will undergo  
22 realignment, within the next 24 months  
23 after the date of the determination of eligi-  
24 bility;

1 (iii) an individual who is employed in  
2 a nonmanagerial position with a Depart-  
3 ment of Defense contractor, who is deter-  
4 mined by the Secretary of Defense to be at  
5 risk of termination from employment as a  
6 result of reductions in defense expendi-  
7 tures, and whose employer is converting  
8 operations from defense to nondefense ap-  
9 plications in order to prevent worker lay-  
10 offs; or

11 (iv) a member of the Armed Forces  
12 who—

13 (I) was on active duty or full-  
14 time National Guard duty;

15 (II)(aa) is involuntarily separated  
16 (as defined in section 1141 of title 10,  
17 United States Code) from active duty  
18 or full-time National Guard duty; or

19 (bb) is separated from active  
20 duty or full-time National Guard duty  
21 pursuant to a special separation bene-  
22 fits program under section 1174a of  
23 title 10, United States Code, or the  
24 voluntary separation incentive pro-  
25 gram under section 1175 of that title;



1 (III) is not entitled to retired or  
2 retained pay incident to the separa-  
3 tion described in subelause (II); and

4 (IV) applies for such employment  
5 and training assistance before the end  
6 of the 180-day period beginning on  
7 the date of that separation.

8 (B) RETRAINING ASSISTANCE.—The indi-  
9 viduals described in subparagraph (A)(iii) shall  
10 be eligible for retraining assistance to upgrade  
11 skills by obtaining marketable skills needed to  
12 support the conversion described in subpara-  
13 graph (A)(iii).

14 (C) ADDITIONAL REQUIREMENTS.—The  
15 Secretary shall establish and publish additional  
16 requirements related to eligibility for employ-  
17 ment and training assistance under the national  
18 dislocated worker grants to ensure effective use  
19 of the funds available for this purpose.

20 (D) DEFINITIONS.—In this paragraph, the  
21 terms “military installation” and “realignment”  
22 have the meanings given the terms in section  
23 2910 of the Defense Base Closure and Realign-  
24 ment Act of 1990 (Public Law 101–510; 10  
25 U.S.C. 2687 note).

1 (d) DISASTER RELIEF EMPLOYMENT ASSISTANCE  
2 REQUIREMENTS.—

3 (1) IN GENERAL.—Funds made available under  
4 subsection (b)(1)(B)—

5 (A) shall be used, in coordination with the  
6 Administrator of the Federal Emergency Man-  
7 agement Agency, as applicable, to provide dis-  
8 aster relief employment on projects that provide  
9 food, clothing, shelter, and other humanitarian  
10 assistance for disaster victims, and projects re-  
11 garding demolition, cleaning, repair, renovation,  
12 and reconstruction of damaged and destroyed  
13 structures, facilities, and lands located within  
14 the disaster area and in offshore areas related  
15 to the emergency or disaster;

16 (B) may be expended through public and  
17 private agencies and organizations engaged in  
18 such projects; and

19 (C) may be expended to provide employ-  
20 ment and training activities.

21 (2) ELIGIBILITY.—An individual shall be eligi-  
22 ble to be offered disaster relief employment under  
23 subsection (b)(1)(B) if such individual—

24 (A) is a dislocated worker;

25 (B) is a long-term unemployed individual;

1 (C) is temporarily or permanently laid off  
2 as a consequence of the emergency or disaster;  
3 or

4 (D) in the case of an individual who is self-  
5 employed, becomes unemployed or significantly  
6 underemployed as a result of the emergency or  
7 disaster.

8 (3) LIMITATIONS ON DISASTER RELIEF EM-  
9 PLOYMENT.—

10 (A) IN GENERAL.—Except as provided in  
11 subparagraph (B), no individual shall be em-  
12 ployed under subsection (b)(1)(B) for more  
13 than 12 months for work related to recovery  
14 from a single emergency or disaster.

15 (B) EXTENSION.—At the request of a  
16 State, the Secretary may extend such employ-  
17 ment, related to recovery from a single emer-  
18 gency or disaster involving the State, for not  
19 more than an additional 12 months.

20 (4) USE OF AVAILABLE FUNDS.—Funds made  
21 available under subsection (b)(1)(B) shall be avail-  
22 able to assist workers described in paragraph (2)  
23 who are affected by an emergency or disaster, in-  
24 cluding workers who have relocated from an area in  
25 which an emergency or disaster has been declared or

1 otherwise recognized, as appropriate. Under condi-  
2 tions determined by the Secretary and following no-  
3 tification to the Secretary, a State may use such  
4 funds, that are appropriated for any fiscal year and  
5 available for expenditure under any grant awarded  
6 to the State under this section, to provide any as-  
7 sistance authorized under this subsection. Funds  
8 used pursuant to the authority provided under this  
9 paragraph shall be subject to the liability and reim-  
10 bursement requirements described in paragraph (5).

11 (5) LIABILITY AND REIMBURSEMENT.—Nothing  
12 in this Act shall be construed to relieve liability, by  
13 a responsible party that is liable under Federal law,  
14 for any costs incurred by the United States under  
15 subsection (b)(1)(B) or this subsection, including the  
16 responsibility to provide reimbursement for such  
17 costs to the United States.

18 **SEC. 272. YOUTHBUILD PROGRAM.**

19 (a) STATEMENT OF PURPOSE.—The purposes of this  
20 section are—

21 (1) to enable disadvantaged youth to obtain the  
22 education and employment skills necessary to  
23 achieve economic self-sufficiency in occupations in  
24 demand and postsecondary education and training  
25 opportunities;

1           (2) to provide disadvantaged youth with oppor-  
2           tunities for meaningful work and service to their  
3           communities;

4           (3) to foster the development of employment  
5           and leadership skills and commitment to community  
6           development among youth in low-income commu-  
7           nities;

8           (4) to expand the supply of permanent afford-  
9           able housing for homeless individuals and low-in-  
10          come families by utilizing the energies and talents of  
11          disadvantaged youth; and

12          (5) to improve the quality and energy efficiency  
13          of community and other nonprofit and public facili-  
14          ties, including those facilities that are used to serve  
15          homeless and low-income families.

16          (b) DEFINITIONS.—In this section:

17           (1) ADJUSTED INCOME.—The term “adjusted  
18           income” has the meaning given the term in section  
19           3(b) of the United States Housing Act of 1937 (42  
20           U.S.C. 1437a(b)).

21           (2) APPLICANT.—The term “applicant” means  
22           an eligible entity that has submitted an application  
23           under subsection (c).

24           (3) ELIGIBLE ENTITY.—The term “eligible enti-  
25           ty” means a public or private nonprofit agency or

1 organization (including a consortium of such agen-  
2 cies or organizations), including—

3 (A) a community-based organization;

4 (B) a faith-based organization;

5 (C) an entity carrying out activities under  
6 this title, such as a local board;

7 (D) a community action agency;

8 (E) a State or local housing development  
9 agency;

10 (F) an Indian tribe or other agency pri-  
11 marily serving Indians;

12 (G) a community development corporation;

13 (H) a State or local youth service or con-  
14 servation corps; and

15 (I) any other entity eligible to provide edu-  
16 cation or employment training under a Federal  
17 program (other than the program carried out  
18 under this section).

19 (4) HOMELESS INDIVIDUAL.—The term “home-  
20 less individual” means a homeless individual (as de-  
21 fined in section 41403(6) of the Violence Against  
22 Women Act of 1994 (42 U.S.C. 14043e–2(6)), ex-  
23 cept that clauses (i)(IV) and (iii) of subparagraph  
24 (B) of such section shall not apply) or a homeless  
25 child or youth (as defined in section 725(2) of the

1       McKinney-Vento Homeless Assistance Act (42  
2       U.S.C. 11434a(2)), except that subparagraph  
3       (B)(iv) of such section shall not apply).

4           (5) HOUSING DEVELOPMENT AGENCY.—The  
5       term “housing development agency” means any  
6       agency of a State or local government, or any pri-  
7       vate nonprofit organization, that is engaged in pro-  
8       viding housing for homeless individuals or low-in-  
9       come families.

10          (6) INCOME.—The term “income” has the  
11       meaning given the term in section 3(b) of the United  
12       States Housing Act of 1937 (42 U.S.C. 1437a(b)).

13          (7) INDIAN; INDIAN TRIBE.—The terms “In-  
14       dian” and “Indian tribe” have the meanings given  
15       such terms in section 4 of the Indian Self-Deter-  
16       mination and Education Assistance Act (25 U.S.C.  
17       450b).

18          (8) LOW-INCOME FAMILY.—The term “low-in-  
19       come family” means a family described in section  
20       3(b)(2) of the United States Housing Act of 1937  
21       (42 U.S.C. 1437a(b)(2)).

22          (9) QUALIFIED NATIONAL NONPROFIT AGEN-  
23       CY.—The term “qualified national nonprofit agency”  
24       means a nonprofit agency that—

1 (A) has significant national experience pro-  
2 viding services consisting of training, informa-  
3 tion, technical assistance, and data manage-  
4 ment to YouthBuild programs or similar  
5 projects; and

6 (B) has the capacity to provide those serv-  
7 ices.

8 (10) REGISTERED APPRENTICESHIP PRO-  
9 GRAM.—The term “registered apprenticeship pro-  
10 gram” means an apprenticeship program—

11 (A) registered under the Act of August 16,  
12 1937 (commonly known as the “National Ap-  
13 prenticeship Act”; 50 Stat. 664, chapter 663;  
14 29 U.S.C. 50 et seq.); and

15 (B) that meets such other criteria as may  
16 be established by the Secretary under this sec-  
17 tion.

18 (11) TRANSITIONAL HOUSING.—The term  
19 “transitional housing” has the meaning given the  
20 term in section 401(29) of the McKinney-Vento  
21 Homeless Assistance Act (42 U.S.C. 11360(29)).

22 (12) YOUTHBUILD PROGRAM.—The term  
23 “YouthBuild program” means any program that re-  
24 ceives assistance under this section and provides dis-  
25 advantaged youth with opportunities for employ-



1       ment, education, leadership development, and train-  
2       ing through the rehabilitation, construction, or en-  
3       ergy efficiency enhancement of housing for homeless  
4       individuals and low-income families, and of public  
5       facilities.

6       (c) YOUTHBUILD GRANTS.—

7           (1) AMOUNTS OF GRANTS.—The Secretary is  
8       authorized to make grants to applicants for the pur-  
9       pose of carrying out YouthBuild programs approved  
10      under this section.

11          (2) ELIGIBLE ACTIVITIES.—An entity that re-  
12      ceives a grant under this subsection shall use the  
13      funds made available through the grant to carry out  
14      a YouthBuild program, which may include the fol-  
15      lowing activities:

16           (A) Education and workforce investment  
17      activities including—

18           (i) work experience and skills training  
19      (coordinated, to the maximum extent fea-  
20      sible, with preapprenticeship and registered  
21      apprenticeship programs) in the rehabilita-  
22      tion, construction, or energy efficiency en-  
23      hancement activities described in subpara-  
24      graphs (B) and (C);

25           (ii) occupational skills training;

1 (iii) other paid and unpaid work expe-  
2 riences, including internships and job shad-  
3 owing;

4 (iv) services and activities designed to  
5 meet the educational needs of participants,  
6 including—

7 (I) basic skills instruction and re-  
8 medial education;

9 (II) language instruction edu-  
10 cational programs for participants  
11 who are English language learners;

12 (III) secondary education services  
13 and activities, including tutoring,  
14 study skills training, and dropout pre-  
15 vention activities, designed to lead to  
16 the attainment of a secondary school  
17 diploma or its recognized equivalent  
18 (including recognized certificates of  
19 attendance or similar documents for  
20 individuals with disabilities);

21 (IV) counseling and assistance in  
22 obtaining postsecondary education  
23 and required financial aid; and

24 (V) alternative secondary school  
25 services;

1 (v) counseling services and related ac-  
2 tivities, such as comprehensive guidance  
3 and counseling on drug and alcohol abuse  
4 and referral;

5 (vi) activities designed to develop em-  
6 ployment and leadership skills, which may  
7 include community service and peer-cen-  
8 tered activities encouraging responsibility  
9 and other positive social behaviors, and ac-  
10 tivities related to youth policy committees  
11 that participate in decision-making related  
12 to the program;

13 (vii) supportive services and provision  
14 of need-based stipends necessary to enable  
15 individuals to participate in the program  
16 and to assist individuals, for a period not  
17 to exceed 12 months after the completion  
18 of training, in obtaining or retaining em-  
19 ployment, or applying for and transitioning  
20 to postsecondary education or training;  
21 and

22 (viii) job search and assistance.

23 (B) Supervision and training for partici-  
24 pants in the rehabilitation, construction, or en-  
25 ergy efficiency enhancement of housing, includ-

1           ing residential housing for homeless individuals  
2           or low-income families, or transitional housing  
3           for homeless individuals.

4           (C) Supervision and training for partici-  
5           pants in the rehabilitation, construction, or en-  
6           ergy efficiency enhancement of community and  
7           other public facilities, except that not more  
8           than 15 percent of funds appropriated to carry  
9           out this section may be used for such super-  
10          vision and training.

11          (D) Payment of administrative costs of the  
12          applicant, including recruitment and selection  
13          of participants, except that not more than 15  
14          percent of the amount of assistance provided  
15          under this subsection to the grant recipient may  
16          be used for such costs.

17          (E) Adult mentoring.

18          (F) Provision of wages, stipends, or bene-  
19          fits to participants in the program.

20          (G) Ongoing training and technical assist-  
21          ance that are related to developing and carrying  
22          out the program.

23          (H) Follow-up services.

24          (3) APPLICATION.—

1           (A) FORM AND PROCEDURE.—To be quali-  
2           fied to receive a grant under this subsection, an  
3           eligible entity shall submit an application at  
4           such time, in such manner, and containing such  
5           information as the Secretary may require.

6           (B) MINIMUM REQUIREMENTS.—The Sec-  
7           retary shall require that the application contain,  
8           at a minimum—

9                   (i) labor market information for the  
10                  labor market area where the proposed pro-  
11                  gram will be implemented, including both  
12                  current data (as of the date of submission  
13                  of the application) and projections on ca-  
14                  reer opportunities in construction and  
15                  growing industries;

16                   (ii) a request for the grant, specifying  
17                  the amount of the grant requested and its  
18                  proposed uses;

19                   (iii) a description of the applicant and  
20                  a statement of its qualifications, including  
21                  a description of the applicant's relationship  
22                  with local boards, one-stop operators, local  
23                  unions, entities carrying out registered ap-  
24                  prenticeship programs, other community  
25                  groups, and employers, and the applicant's

1 past experience, if any, with rehabilitation,  
2 construction, or energy efficiency enhance-  
3 ment of housing or public facilities, and  
4 with youth education and employment  
5 training programs;

6 (iv) a description of the proposed site  
7 for the proposed program;

8 (v) a description of the educational  
9 and job training activities, work opportuni-  
10 ties, postsecondary education and training  
11 opportunities, and other services that will  
12 be provided to participants, and how those  
13 activities, opportunities, and services will  
14 prepare youth for employment in occupa-  
15 tions in demand in the labor market area  
16 described in clause (i);

17 (vi) a description of the proposed re-  
18 habilitation, construction, or energy effi-  
19 ciency enhancement activities to be under-  
20 taken under the grant and the anticipated  
21 schedule for carrying out such activities;

22 (vii) a description of the manner in  
23 which eligible youth will be recruited and  
24 selected as participants, including a de-  
25 scription of arrangements that will be

1           made with local boards, one-stop operators,  
2           community- and faith-based organizations,  
3           State educational agencies or local edu-  
4           cational agencies (including agencies of In-  
5           dian tribes), public assistance agencies, the  
6           courts of jurisdiction, agencies operating  
7           shelters for homeless individuals and other  
8           agencies that serve youth who are homeless  
9           individuals, foster care agencies, and other  
10          appropriate public and private agencies;

11                 (viii) a description of the special out-  
12          reach efforts that will be undertaken to re-  
13          cruit eligible young women (including  
14          young women with dependent children) as  
15          participants;

16                 (ix) a description of the specific role  
17          of employers in the proposed program,  
18          such as their role in developing the pro-  
19          posed program and assisting in service pro-  
20          vision and in placement activities;

21                 (x) a description of how the proposed  
22          program will be coordinated with other  
23          Federal, State, and local activities and ac-  
24          tivities conducted by Indian tribes, such as  
25          local workforce investment activities, career

1 and technical education and training pro-  
2 grams, adult and language instruction edu-  
3 cational programs, activities conducted by  
4 public schools, activities conducted by com-  
5 munity colleges, national service programs,  
6 and other job training provided with funds  
7 available under this title;

8 (xi) assurances that there will be a  
9 sufficient number of adequately trained su-  
10 pervisory personnel in the proposed pro-  
11 gram;

12 (xii) a description of levels to be  
13 achieved with respect to the primary indi-  
14 cators of performance for eligible youth de-  
15 scribed in section 131(b)(2)(A)(ii);

16 (xiii) a description of the applicant's  
17 relationship with local building trade  
18 unions regarding their involvement in  
19 training to be provided through the pro-  
20 posed program, the relationship of the pro-  
21 posed program to established registered  
22 apprenticeship programs and employers,  
23 the ability of the applicant to grant an in-  
24 dustry-recognized certificate or certifi-  
25 cation through the program, and the qual-



1                   ity of the program leading to the certifi-  
2                   cate or certification;

3                   (xiv) a description of activities that  
4                   will be undertaken to develop the leader-  
5                   ship skills of participants;

6                   (xv) a detailed budget and a descrip-  
7                   tion of the system of fiscal controls, and  
8                   auditing and accountability procedures,  
9                   that will be used to ensure fiscal soundness  
10                  for the proposed program;

11                  (xvi) a description of the commit-  
12                  ments for any additional resources (in ad-  
13                  dition to the funds made available through  
14                  the grant) to be made available to the pro-  
15                  posed program from—

16                               (I) the applicant;

17                               (II) recipients of other Federal,  
18                               State or local housing and community  
19                               development assistance that will spon-  
20                               sor any part of the rehabilitation, con-  
21                               struction, energy efficiency enhance-  
22                               ment, operation and maintenance, or  
23                               other housing and community develop-  
24                               ment activities undertaken as part of  
25                               the proposed program; or

1 (III) entities carrying out other  
2 Federal, State, or local activities or  
3 activities conducted by Indian tribes,  
4 including career and technical edu-  
5 cation and training programs, adult  
6 and language instruction educational  
7 programs, and job training provided  
8 with funds available under this title;

9 (xvii) information identifying, and a  
10 description of, the financing proposed for  
11 any—

12 (I) rehabilitation or energy effi-  
13 cient enhancement of the property in-  
14 volved;

15 (II) acquisition of the property;  
16 or

17 (III) construction of the prop-  
18 erty;

19 (xviii) information identifying, and a  
20 description of, the entity that will operate  
21 and manage the property;

22 (xix) information identifying, and a  
23 description of, the data collection systems  
24 to be used;

1                   (xx) a certification, by a public official  
2                   responsible for the housing strategy for the  
3                   State or unit of general local government  
4                   within which the proposed program is lo-  
5                   cated, that the proposed program is con-  
6                   sistent with the housing strategy; and

7                   (xxi) a certification that the applicant  
8                   will comply with the requirements of the  
9                   Fair Housing Act (42 U.S.C. 3601 et seq.)  
10                  and will affirmatively further fair housing.

11                  (4) SELECTION CRITERIA.—For an applicant to  
12                  be eligible to receive a grant under this subsection,  
13                  the applicant and the applicant’s proposed program  
14                  shall meet such selection criteria as the Secretary  
15                  shall establish under this section, which shall include  
16                  criteria relating to—

17                         (A) the qualifications or potential capabili-  
18                         ties of an applicant;

19                         (B) an applicant’s potential for developing  
20                         a successful YouthBuild program;

21                         (C) the need for an applicant’s proposed  
22                         program, as determined by the degree of eco-  
23                         nomic distress of the community from which  
24                         participants would be recruited (measured by  
25                         indicators such as poverty, youth unemploy-

1           ment, and the number of individuals who have  
2           dropped out of secondary school) and of the  
3           community in which the housing and commu-  
4           nity and public facilities proposed to be reha-  
5           bilitated, constructed, or provided energy effi-  
6           ciency enhancements is located (measured by  
7           indicators such as incidence of homelessness,  
8           shortage of affordable housing, and poverty);

9           (D) the commitment of an applicant to  
10          providing skills training, leadership develop-  
11          ment, and education to participants;

12          (E) the focus of a proposed program on  
13          preparing youth for occupations in demand or  
14          postsecondary education and training opportu-  
15          nities;

16          (F) the extent of an applicant's coordina-  
17          tion of activities to be carried out through the  
18          proposed program with local boards, one-stop  
19          operators, and one-stop partners participating  
20          in the operation of the one-stop delivery system  
21          involved, or the extent of the applicant's good  
22          faith efforts in achieving such coordination;

23          (G) the extent of the applicant's coordina-  
24          tion of activities with public education, criminal  
25          justice, housing and community development,

1 national service, or postsecondary education or  
2 other systems that relate to the goals of the  
3 proposed program;

4 (H) the extent of an applicant's coordina-  
5 tion of activities with employers in the local  
6 area involved;

7 (I) the extent to which a proposed program  
8 provides for inclusion of tenants who were pre-  
9 viously homeless individuals in the rental hous-  
10 ing provided through the program;

11 (J) the commitment of additional resources  
12 (in addition to the funds made available  
13 through the grant) to a proposed program by—

14 (i) an applicant;

15 (ii) recipients of other Federal, State,  
16 or local housing and community develop-  
17 ment assistance who will sponsor any part  
18 of the rehabilitation, construction, energy  
19 efficiency enhancement, operation and  
20 maintenance, or other housing and commu-  
21 nity development activities undertaken as  
22 part of the proposed program; or

23 (iii) entities carrying out other Fed-  
24 eral, State, or local activities or activities  
25 conducted by Indian tribes, including ca-

1           reer and technical education and training  
2           programs, adult and language instruction  
3           educational programs, and job training  
4           provided with funds available under this  
5           title;

6           (K) the applicant's potential to serve dif-  
7           ferent regions, including rural areas and States  
8           that have not previously received grants for  
9           YouthBuild programs; and

10           (L) such other factors as the Secretary de-  
11           termines to be appropriate for purposes of car-  
12           rying out the proposed program in an effective  
13           and efficient manner.

14           (5) APPROVAL.—To the extent practicable, the  
15           Secretary shall notify each applicant, not later than  
16           5 months after the date of receipt of the application  
17           by the Secretary, whether the application is ap-  
18           proved or not approved.

19           (d) USE OF HOUSING UNITS.—Residential housing  
20           units rehabilitated, constructed, or provided energy effi-  
21           ciency improvements using funds made available under  
22           subsection (c), shall be available solely—

23           (1) for rental by, or sale to, homeless individ-  
24           uals or low-income families; or

1           (2) for use as transitional or permanent hous-  
2           ing, for the purpose of assisting in the movement of  
3           homeless individuals to independent living.

4           (e) ADDITIONAL PROGRAM REQUIREMENTS.—

5           (1) ELIGIBLE PARTICIPANTS.—

6           (A) IN GENERAL.—Except as provided in  
7           subparagraph (B), an individual may partici-  
8           pate in a YouthBuild program only if such indi-  
9           vidual is—

10                   (i) not less than age 16 and not more  
11                   than age 24, on the date of enrollment;

12                   (ii) a member of a low-income family,  
13                   a youth in foster care (including youth  
14                   aging out of foster care), a youth offender,  
15                   a youth who is an individual with a dis-  
16                   ability, a child of incarcerated parents, or  
17                   a migrant youth; and

18                   (iii) a school dropout, or an individual  
19                   who was a school dropout and has subse-  
20                   quently reenrolled.

21           (B) EXCEPTION FOR INDIVIDUALS NOT  
22           MEETING INCOME OR EDUCATIONAL NEED RE-  
23           QUIREMENTS.—Not more than 25 percent of  
24           the participants in such program may be indi-  
25           viduals who do not meet the requirements of

1 clause (ii) or (iii) of subparagraph (A), but  
2 who—

3 (i) are basic skills deficient, despite  
4 attainment of a secondary school diploma  
5 or its recognized equivalent (including rec-  
6 ognized certificates of attendance or simi-  
7 lar documents for individuals with disabil-  
8 ities); or

9 (ii) have been referred by a local sec-  
10 ondary school for participation in a  
11 YouthBuild program leading to the attain-  
12 ment of a secondary school diploma.

13 (2) PARTICIPATION LIMITATION.—An eligible  
14 individual selected for participation in a YouthBuild  
15 program shall be offered full-time participation in  
16 the program for a period of not less than 6 months  
17 and not more than 24 months.

18 (3) MINIMUM TIME DEVOTED TO EDUCATIONAL  
19 SERVICES AND ACTIVITIES.—A YouthBuild program  
20 receiving assistance under subsection (c) shall be  
21 structured so that participants in the program are  
22 offered—

23 (A) education and related services and ac-  
24 tivities designed to meet educational needs,  
25 such as those specified in clauses (iv) through



1 (vii) of subsection (c)(2)(A), during at least 50  
2 percent of the time during which the partici-  
3 pants participate in the program; and

4 (B) work and skill development activities  
5 such as those specified in clauses (i), (ii), (iii),  
6 and (viii) of subsection (c)(2)(A), during at  
7 least 40 percent of the time during which the  
8 participants participate in the program.

9 (4) AUTHORITY RESTRICTION.—No provision of  
10 this section may be construed to authorize any agen-  
11 cy, officer, or employee of the United States to exer-  
12 cise any direction, supervision, or control over the  
13 curriculum, program of instruction, administration,  
14 or personnel of any educational institution (including  
15 a school) or school system, or over the selection of  
16 library resources, textbooks, or other printed or pub-  
17 lished instructional materials by any educational in-  
18 stitution or school system.

19 (5) STATE AND LOCAL STANDARDS.—All edu-  
20 cational programs and activities supported with  
21 funds provided under subsection (c) shall be con-  
22 sistent with applicable State and local educational  
23 standards. Standards and procedures for the pro-  
24 grams and activities that relate to awarding aca-  
25 demic credit for and certifying educational attain-

1       ment in such programs and activities shall be con-  
2       sistent with applicable State and local educational  
3       standards.

4       (f) LEVELS OF PERFORMANCE AND INDICATORS.—

5           (1) IN GENERAL.—The Secretary shall annually  
6       establish expected levels of performance for  
7       YouthBuild programs relating to each of the pri-  
8       mary indicators of performance for eligible youth ac-  
9       tivities described in section 131(b)(2)(A)(ii).

10          (2) ADDITIONAL INDICATORS.—The Secretary  
11       may establish expected levels of performance for ad-  
12       ditional indicators for YouthBuild programs, as the  
13       Secretary determines appropriate.

14       (g) MANAGEMENT AND TECHNICAL ASSISTANCE.—

15           (1) SECRETARY ASSISTANCE.—The Secretary  
16       may enter into contracts with 1 or more entities to  
17       provide assistance to the Secretary in the manage-  
18       ment, supervision, and coordination of the program  
19       carried out under this section.

20          (2) TECHNICAL ASSISTANCE.—

21           (A) CONTRACTS AND GRANTS.—The Sec-  
22       retary shall enter into contracts with or make  
23       grants to 1 or more qualified national nonprofit  
24       agencies, in order to provide training, informa-  
25       tion, technical assistance, program evaluation,

1           and data management to recipients of grants  
2           under subsection (c).

3           (B) RESERVATION OF FUNDS.—Of the  
4           amounts available under subsection (i) to carry  
5           out this section for a fiscal year, the Secretary  
6           shall reserve 5 percent to carry out subpara-  
7           graph (A).

8           (3) CAPACITY BUILDING GRANTS.—

9           (A) IN GENERAL.—In each fiscal year, the  
10          Secretary may use not more than 3 percent of  
11          the amounts available under subsection (i) to  
12          award grants to 1 or more qualified national  
13          nonprofit agencies to pay for the Federal share  
14          of the cost of capacity building activities.

15          (B) FEDERAL SHARE.—The Federal share  
16          of the cost described in subparagraph (A) shall  
17          be 25 percent. The non-Federal share shall be  
18          provided from private sources.

19          (h) SUBGRANTS AND CONTRACTS.—Each recipient of  
20          a grant under subsection (c) to carry out a YouthBuild  
21          program shall provide the services and activities described  
22          in this section directly or through subgrants, contracts,  
23          or other arrangements with local educational agencies, in-  
24          stitutions of higher education, State or local housing devel-

1 opment agencies, other public agencies, including agencies  
2 of Indian tribes, or private organizations.

3 (i) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated for each of fiscal years  
5 2014 through 2018 such sums as may be necessary to  
6 carry out this section.

7 **SEC. 274. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) NATIVE AMERICAN PROGRAMS; MIGRANT AND  
9 SEASONAL FARMWORKER PROGRAMS; VETERANS' WORK-  
10 FORCE INVESTMENT PROGRAMS.—

11 (1) IN GENERAL.—Subject to paragraph (2),  
12 there are authorized to be appropriated to carry out  
13 sections 266 through 268 such sums as may be nec-  
14 essary for each of the fiscal years 2014 through  
15 2018.

16 (2) RESERVATIONS.—Of the amount appro-  
17 priated pursuant to the authorization of appropria-  
18 tions under paragraph (1) for a fiscal year, the Sec-  
19 retary shall—

20 (A) reserve not less than \$55,000,000 for  
21 carrying out section 266;

22 (B) reserve not less than \$70,000,000 for  
23 carrying out section 267; and

24 (C) reserve not less than \$7,300,000 for  
25 carrying out section 268.

1           (b) TECHNICAL ASSISTANCE; EVALUATIONS AND RE-  
2 SEARCH.—There are authorized to be appropriated to  
3 carry out sections 269 and 270 such sums as may be nec-  
4 essary for each of the fiscal years 2014 through 2018.

5           (c) ASSISTANCE FOR ELIGIBLE WORKERS.—If, as of  
6 the date of enactment of this Act, any unobligated funds  
7 appropriated to carry out subsections (f) and (g) of section  
8 173 of the Workforce Investment Act of 1998 (29 U.S.C.  
9 2918), as in effect on the day before the date of enactment  
10 of this Act, remain available, the Secretary of Labor shall  
11 continue to use such funds to carry out such subsections  
12 until all of such funds are expended.

## 13           **Subtitle E—Administration**

### 14       **SEC. 281. REQUIREMENTS AND RESTRICTIONS.**

15           (a) BENEFITS.—

16               (1) WAGES.—

17                   (A) IN GENERAL.—Individuals in on-the-  
18 job training or individuals employed in activities  
19 under this title or subtitle C of title I shall be  
20 compensated at the same rates, including peri-  
21 odic increases, as trainees or employees who are  
22 similarly situated in similar occupations by the  
23 same employer and who have similar training,  
24 experience, and skills, and such rates shall be in  
25 accordance with applicable law, but in no event

1 less than the higher of the rate specified in sec-  
2 tion 6(a)(1) of the Fair Labor Standards Act of  
3 1938 (29 U.S.C. 206(a)(1)) or the applicable  
4 State or local minimum wage law.

5 (B) RULE OF CONSTRUCTION.—The ref-  
6 erence in subparagraph (A) to section 6(a)(1)  
7 of the Fair Labor Standards Act of 1938 (29  
8 U.S.C. 206(a)(1)) shall not be applicable for in-  
9 dividuals in territorial jurisdictions in which  
10 section 6 of the Fair Labor Standards Act of  
11 1938 (29 U.S.C. 206) does not apply.

12 (2) TREATMENT OF ALLOWANCES, EARNINGS,  
13 AND PAYMENTS.—Allowances, earnings, and pay-  
14 ments to individuals participating in programs under  
15 this title or subtitle C of title I shall not be consid-  
16 ered as income for the purposes of determining eligi-  
17 bility for and the amount of income transfer and in-  
18 kind aid furnished under any Federal or federally  
19 assisted program based on need, other than as pro-  
20 vided under the Social Security Act (42 U.S.C. 301  
21 et seq.).

22 (b) LABOR STANDARDS.—

23 (1) LIMITATIONS ON ACTIVITIES THAT IMPACT  
24 WAGES OF EMPLOYEES.—No funds provided under  
25 this title or subtitle C of title I shall be used to pay

1 the wages of incumbent employees during their par-  
2 ticipation in economic development activities pro-  
3 vided through a statewide workforce development  
4 system.

5 (2) DISPLACEMENT.—

6 (A) PROHIBITION.—A participant in a pro-  
7 gram or activity authorized under this title or  
8 subtitle C of title I (referred to in this section  
9 as a “specified activity”) shall not displace (in-  
10 cluding a partial displacement, such as a reduc-  
11 tion in the hours of nonovertime work, wages,  
12 or employment benefits) any currently employed  
13 employee (as of the date of the participation).

14 (B) PROHIBITION ON IMPAIRMENT OF  
15 CONTRACTS.—A specified activity shall not im-  
16 pair an existing contract for services or collec-  
17 tive bargaining agreement, and no such activity  
18 that would be inconsistent with the terms of a  
19 collective bargaining agreement shall be under-  
20 taken without the written concurrence of the  
21 labor organization and employer concerned.

22 (3) OTHER PROHIBITIONS.—A participant in a  
23 specified activity shall not be employed in a job if—

24 (A) any other individual is on layoff from  
25 the same or any substantially equivalent job;

1           (B) the employer has terminated the em-  
2           ployment of any regular employee or otherwise  
3           reduced the workforce of the employer with the  
4           intention of filling the vacancy so created with  
5           the participant; or

6           (C) the job is created in a promotional line  
7           that will infringe in any way upon the pro-  
8           motional opportunities of currently employed in-  
9           dividuals (as of the date of the participation).

10          (4) HEALTH AND SAFETY.—Health and safety  
11          standards established under Federal and State law  
12          otherwise applicable to working conditions of em-  
13          ployees shall be equally applicable to working condi-  
14          tions of participants engaged in specified activities.  
15          To the extent that a State workers' compensation  
16          law applies, workers' compensation shall be provided  
17          to participants on the same basis as the compensa-  
18          tion is provided to other individuals in the State in  
19          similar employment.

20          (5) EMPLOYMENT CONDITIONS.—Individuals in  
21          on-the-job training or individuals employed in pro-  
22          grams and activities under this title or subtitle C of  
23          title I shall be provided benefits and working condi-  
24          tions at the same level and to the same extent as



1 other trainees or employees working a similar length  
2 of time and doing the same type of work.

3 (6) OPPORTUNITY TO SUBMIT COMMENTS.—In-  
4 terested members of the public, including represent-  
5 atives of businesses and of labor organizations, shall  
6 be provided an opportunity to submit comments to  
7 the Secretary with respect to programs and activities  
8 proposed to be funded under subtitle B.

9 (7) NO IMPACT ON UNION ORGANIZING.—Each  
10 recipient of funds under this title or subtitle C of  
11 title I shall provide to the Secretary assurances that  
12 none of such funds will be used to assist, promote,  
13 or deter union organizing.

14 (c) GRIEVANCE PROCEDURE.—

15 (1) IN GENERAL.—Each State and local area  
16 receiving an allotment or allocation under this title  
17 or a grant under subtitle C of title I shall establish  
18 and maintain a procedure for grievances or com-  
19 plaints alleging violations of the requirements of this  
20 title or subtitle C of title I from participants and  
21 other interested or affected parties. Such procedure  
22 shall include an opportunity for a hearing and be  
23 completed within 60 days after the filing of the  
24 grievance or complaint.

25 (2) INVESTIGATION.—

1 (A) IN GENERAL.—The Secretary shall in-  
2 vestigate an allegation of a violation described  
3 in paragraph (1) if—

4 (i) a decision relating to such violation  
5 has not been reached within 60 days after  
6 the date of the filing of the grievance or  
7 complaint and either party appeals to the  
8 Secretary; or

9 (ii) a decision relating to such viola-  
10 tion has been reached within such 60 days  
11 and the party to which such decision is ad-  
12 verse appeals such decision to the Sec-  
13 retary.

14 (B) ADDITIONAL REQUIREMENT.—The  
15 Secretary shall make a final determination re-  
16 lating to an appeal made under subparagraph  
17 (A) no later than 120 days after receiving such  
18 appeal.

19 (3) REMEDIES.—Remedies that may be im-  
20 posed under this section for a violation of any re-  
21 quirement of this title or subtitle C of title I shall  
22 be limited—

23 (A) to suspension or termination of pay-  
24 ments under this title or subtitle C of title I;

1 (B) to prohibition of placement of a partic-  
2 ipant with an employer that has violated any  
3 requirement under this title or subtitle C of  
4 title I;

5 (C) where applicable, to reinstatement of  
6 an employee, payment of lost wages and bene-  
7 fits, and reestablishment of other relevant  
8 terms, conditions, and privileges of employment;  
9 and

10 (D) where appropriate, to other equitable  
11 relief.

12 (4) RULE OF CONSTRUCTION.—Nothing in  
13 paragraph (3) shall be construed to prohibit a griev-  
14 ant or complainant from pursuing a remedy author-  
15 ized under another Federal, State, or local law for  
16 a violation of this title or subtitle C of title I.

17 (d) RELOCATION.—

18 (1) PROHIBITION ON USE OF FUNDS TO EN-  
19 COURAGE OR INDUCE RELOCATION.—No funds pro-  
20 vided under this title or subtitle C of title I shall be  
21 used, or proposed for use, to encourage or induce  
22 the relocation of a business or part of a business if  
23 such relocation would result in a loss of employment  
24 for any employee of such business at the original lo-

1 cation and such original location is within the  
2 United States.

3 (2) PROHIBITION ON USE OF FUNDS AFTER RE-  
4 LOCATION.—No funds provided under this title or  
5 subtitle C of title I for an employment or training  
6 activity shall be used for customized or skill train-  
7 ing, on-the-job training, incumbent worker training,  
8 transitional employment, or company-specific assess-  
9 ments of job applicants or employees, for any busi-  
10 ness or part of a business that has relocated, until  
11 the date that is 120 days after the date on which  
12 such business commences operations at the new loca-  
13 tion, if the relocation of such business or part of a  
14 business results in a loss of employment for any em-  
15 ployee of such business at the original location and  
16 such original location is within the United States.

17 (3) REPAYMENT.—If the Secretary determines  
18 that a violation of paragraph (1) or (2) has oc-  
19 curred, the Secretary shall require the State that  
20 has violated such paragraph (or that has provided  
21 funding to an entity that has violated such para-  
22 graph) to repay to the United States an amount  
23 equal to the amount expended in violation of such  
24 paragraph.

1           (e) LIMITATION ON USE OF FUNDS.—No funds avail-  
2 able to carry out an activity under this title or subtitle  
3 C of title I shall be used for employment generating activi-  
4 ties, investment in revolving loan funds, capitalization of  
5 businesses, investment in contract bidding resource cen-  
6 ters, economic development activities, or similar activities,  
7 that are not directly related to training for eligible individ-  
8 uals under this title or subtitle C of title I. No funds re-  
9 ceived to carry out an activity under subtitle B of this  
10 title or under subtitle C of title I shall be used for foreign  
11 travel.

12           (f) TESTING AND SANCTIONING FOR USE OF CON-  
13 TROLLED SUBSTANCES.—

14           (1) IN GENERAL.—Notwithstanding any other  
15 provision of law, a State shall not be prohibited by  
16 the Federal Government from—

17                   (A) testing participants in programs under  
18 subtitle B of this title or under subtitle C of  
19 title I for the use of controlled substances; and

20                   (B) sanctioning such participants who test  
21 positive for the use of such controlled sub-  
22 stances.

23           (2) ADDITIONAL REQUIREMENTS.—

24                   (A) PERIOD OF SANCTION.—In sanctioning  
25 participants in a program under subtitle B of

1           this title or under subtitle C of title I who test  
2           positive for the use of controlled substances—

3                   (i) with respect to the first occurrence  
4                   for which a participant tests positive, a  
5                   State may exclude the participant from the  
6                   program for a period not to exceed 6  
7                   months; and

8                   (ii) with respect to the second occur-  
9                   rence and each subsequent occurrence for  
10                  which a participant tests positive, a State  
11                  may exclude the participant from the pro-  
12                  gram for a period not to exceed 2 years.

13                (B) APPEAL.—The testing of participants  
14                and the imposition of sanctions under this sub-  
15                section shall be subject to expeditious appeal in  
16                accordance with due process procedures estab-  
17                lished by the State.

18                (C) PRIVACY.—A State shall establish pro-  
19                cedures for testing participants for the use of  
20                controlled substances that ensure a maximum  
21                degree of privacy for the participants.

22                (3) FUNDING REQUIREMENT.—In testing and  
23                sanctioning of participants for the use of controlled  
24                substances in accordance with this subsection, the  
25                only Federal funds that a State may use are the

1 amounts made available for the administration of  
2 statewide workforce investment activities under sec-  
3 tion 234(a)(3)(B).

4 (g) SUBGRANT AUTHORITY.—A recipient of grant  
5 funds under this title shall have the authority to enter into  
6 subgrants in order to carry out the grant, subject to such  
7 conditions as the Secretary may establish.

8 **SEC. 282. PROMPT ALLOCATION OF FUNDS.**

9 (a) ALLOTMENTS BASED ON LATEST AVAILABLE  
10 DATA.—All allotments to States and grants to outlying  
11 areas under this title shall be based on the latest available  
12 data and estimates satisfactory to the Secretary. All data  
13 relating to disadvantaged adults and disadvantaged youth  
14 shall be based on the most recent satisfactory data from  
15 the Bureau of the Census.

16 (b) PUBLICATION IN FEDERAL REGISTER RELATING  
17 TO FORMULA FUNDS.—Whenever the Secretary allots  
18 funds required to be allotted under this title, the Secretary  
19 shall publish in a timely fashion in the Federal Register  
20 the amount proposed to be distributed to each recipient  
21 of the funds.

22 (c) REQUIREMENT FOR FUNDS DISTRIBUTED BY  
23 FORMULA.—All funds required to be allotted under sec-  
24 tion 227 or 232 shall be allotted within 45 days after the  
25 date of enactment of the Act appropriating the funds, ex-

1 cept that, if such funds are appropriated in advance as  
2 authorized by section 289(g), such funds shall be allotted  
3 or allocated not later than the March 31 preceding the  
4 program year for which such funds are to be available for  
5 obligation.

6 (d) PUBLICATION IN FEDERAL REGISTER RELATING  
7 TO DISCRETIONARY FUNDS.—Whenever the Secretary  
8 utilizes a formula to allot or allocate funds made available  
9 for distribution at the Secretary's discretion under this  
10 title, the Secretary shall, not later than 30 days prior to  
11 such allotment or allocation, publish for comment in the  
12 Federal Register the formula, the rationale for the for-  
13 mula, and the proposed amounts to be distributed to each  
14 State and local area. After consideration of any comments  
15 received, the Secretary shall publish final allotments and  
16 allocations in the Federal Register.

17 (e) AVAILABILITY OF FUNDS.—Funds shall be made  
18 available under section 228, and funds shall be made avail-  
19 able under section 233, for a local area not later than 30  
20 days after the date the funds are made available to the  
21 Governor involved, under section 227 or 232 (as the case  
22 may be), or 7 days after the date the local plan for the  
23 area is approved, whichever is later.



1 **SEC. 283. MONITORING.**

2 (a) IN GENERAL.—The Secretary is authorized to  
3 monitor all recipients of financial assistance under this  
4 title to determine whether the recipients are complying  
5 with the provisions of this title and subtitles A and B of  
6 title I, including the regulations issued under this title and  
7 such subtitles.

8 (b) INVESTIGATIONS.—The Secretary may inves-  
9 tigate any matter the Secretary determines to be necessary  
10 to determine the compliance of the recipients with this  
11 title and subtitles A and B of title I, including the regula-  
12 tions issued under this title and such subtitles. The inves-  
13 tigation authorized by this subsection may include exam-  
14 ining records (including making certified copies of the  
15 records), questioning employees, and entering any prem-  
16 ises or onto any site in which any part of a program or  
17 activity of such a recipient is conducted or in which any  
18 of the records of the recipient are kept.

19 (c) ADDITIONAL REQUIREMENT.—For the purpose of  
20 any investigation or hearing conducted under this title by  
21 the Secretary, the provisions of section 9 of the Federal  
22 Trade Commission Act (15 U.S.C. 49) (relating to the at-  
23 tendance of witnesses and the production of documents)  
24 apply to the Secretary, in the same manner and to the  
25 same extent as the provisions apply to the Federal Trade  
26 Commission.

1 **SEC. 284. FISCAL CONTROLS; SANCTIONS.**

2 (a) ESTABLISHMENT OF FISCAL CONTROLS BY  
3 STATES.—

4 (1) IN GENERAL.—Each State shall establish  
5 such fiscal control and fund accounting procedures  
6 as may be necessary to assure the proper disbursement  
7 of, and accounting for, Federal funds allocated to  
8 local areas under subtitle B. Such procedures shall  
9 ensure that all financial transactions carried out  
10 under subtitle B are conducted and records main-  
11 tained in accordance with generally accepted ac-  
12 counting principles applicable in each State.

13 (2) COST PRINCIPLES.—

14 (A) IN GENERAL.—Each State (including  
15 the Governor of the State), local area (including  
16 the chief elected official for the area), and pro-  
17 vider receiving funds under this title shall com-  
18 ply with the applicable uniform cost principles  
19 included in appropriate circulars or rules of the  
20 Office of Management and Budget for the type  
21 of entity receiving the funds.

22 (B) EXCEPTION.—The funds made avail-  
23 able to a State for administration of statewide  
24 workforce investment activities in accordance  
25 with section 234(a)(3)(B) shall be allocable to  
26 the overall administration of workforce invest-

1           ment activities, but need not be specifically allo-  
2           cable to—

3                   (i) the administration of adult employ-  
4                   ment and training activities;

5                   (ii) the administration of dislocated  
6                   worker employment and training activities;

7                   or

8                   (iii) administration of youth workforce  
9                   investment activities.

10           (3)   UNIFORM   ADMINISTRATIVE   REQUIRE-  
11           MENTS.—

12                   (A)   IN GENERAL.—Each State (including  
13                   the Governor of the State), local area (including  
14                   the chief elected official for the area), and pro-  
15                   vider receiving funds under this title shall com-  
16                   ply with the appropriate uniform administrative  
17                   requirements for grants and agreements appli-  
18                   cable for the type of entity receiving the funds,  
19                   as promulgated in circulars or rules of the Of-  
20                   fice of Management and Budget.

21                   (B)   ADDITIONAL   REQUIREMENT.—Pro-  
22                   curement transactions under this title between  
23                   local boards and units of State or local govern-  
24                   ments shall be conducted only on a cost-reim-  
25                   bursable basis.

1           (4) MONITORING.—Each Governor of a State  
2 shall conduct on an annual basis onsite monitoring  
3 of each local area within the State to ensure compli-  
4 ance with the uniform administrative requirements  
5 referred to in paragraph (3).

6           (5) ACTION BY GOVERNOR.—If the Governor  
7 determines that a local area is not in compliance  
8 with the uniform administrative requirements re-  
9 ferred to in paragraph (3), the Governor shall—

10                   (A) require corrective action to secure  
11 prompt compliance with the requirements; and

12                   (B) impose the sanctions provided under  
13 subsection (b) in the event of failure to take the  
14 required corrective action.

15           (6) CERTIFICATION.—The Governor shall, every  
16 2 years, certify to the Secretary that—

17                   (A) the State has implemented the uniform  
18 administrative requirements referred to in para-  
19 graph (3);

20                   (B) the State has monitored local areas to  
21 ensure compliance with the uniform administra-  
22 tive requirements as required under paragraph  
23 (4); and

1 (C) the State has taken appropriate action  
2 to secure compliance with the requirements pur-  
3 suant to paragraph (5).

4 (7) ACTION BY THE SECRETARY.—If the Sec-  
5 retary determines that the Governor has not fulfilled  
6 the requirements of this subsection, the Secretary  
7 shall—

8 (A) require corrective action to secure  
9 prompt compliance with the requirements of  
10 this subsection; and

11 (B) impose the sanctions provided under  
12 subsection (e) in the event of failure of the Gov-  
13 ernor to take the required appropriate action to  
14 secure compliance with the requirements.

15 (b) SUBSTANTIAL VIOLATION.—

16 (1) ACTION BY GOVERNOR.—If, as a result of  
17 financial and compliance audits or otherwise, the  
18 Governor determines that there is a substantial vio-  
19 lation of a specific provision of this title or subtitle  
20 A or B of title I that relates to the administration  
21 of programs or activities funded under this title or  
22 under the Wagner-Peyser Act (29 U.S.C. 49 et  
23 seq.), and corrective action has not been taken, the  
24 Governor shall—

1 (A) issue a notice of intent to revoke ap-  
2 proval of all or part of the local plan affected;

3 or

4 (B) impose a reorganization plan, which  
5 may include—

6 (i) decertifying the local board in-  
7 volved;

8 (ii) prohibiting the use of eligible pro-  
9 viders;

10 (iii) selecting an alternative entity to  
11 administer the program for the local area  
12 involved;

13 (iv) merging the local area into one or  
14 more other local areas; or

15 (v) making such other changes as the  
16 Secretary or Governor determines to be  
17 necessary to secure compliance with the  
18 provision.

19 (2) APPEAL.—

20 (A) IN GENERAL.—The actions taken by  
21 the Governor pursuant to subparagraphs (A)  
22 and (B) of paragraph (1) may be appealed to  
23 the Secretary and shall not become effective  
24 until—

25 (i) the time for appeal has expired; or

1 (ii) the Secretary has issued a deci-  
2 sion.

3 (B) ADDITIONAL REQUIREMENT.—The  
4 Secretary shall make a final decision under sub-  
5 paragraph (A) not later than 45 days after the  
6 receipt of the appeal.

7 (3) ACTION BY THE SECRETARY.—If the Gov-  
8 ernor fails to take promptly an action required  
9 under paragraph (1), the Secretary shall take such  
10 action.

11 (c) REPAYMENT OF CERTAIN AMOUNTS TO THE  
12 UNITED STATES.—

13 (1) IN GENERAL.—Every recipient of funds  
14 under this title shall repay to the United States  
15 amounts found not to have been expended in accord-  
16 ance with this title and subtitles A and B of title I.

17 (2) OFFSET OF REPAYMENT AMOUNT.—If the  
18 Secretary determines that a State has expended  
19 funds received under this title in a manner contrary  
20 to the requirements of this title or subtitle A or B  
21 of title I, the Secretary may require repayment by  
22 offsetting the amount of such expenditures against  
23 any other amount to which the State is or may be  
24 entitled under this title, except as provided under  
25 subsection (d)(1).

1           (3) REPAYMENT FROM DEDUCTION BY  
2 STATE.—If the Secretary requires a State to repay  
3 funds as a result of a determination that a local  
4 area of the State has expended funds in a manner  
5 contrary to the requirements of this title or subtitle  
6 A or B of title I, the Governor of the State may use  
7 an amount deducted under paragraph (4) to repay  
8 the funds, except as provided under subsection (e).

9           (4) DEDUCTION BY STATE.—The Governor may  
10 deduct an amount equal to the misexpenditure de-  
11 scribed in paragraph (3) from subsequent program  
12 year (subsequent to the program year for which the  
13 determination was made) allocations to the local  
14 area from funds reserved for the administrative  
15 costs of the local programs involved, as appropriate.

16           (5) LIMITATIONS.—A deduction made by a  
17 State as described in paragraph (4) shall not be  
18 made until such time as the Governor has taken ap-  
19 propriate corrective action to ensure full compliance  
20 with this title and subtitles A and B of title I within  
21 such local area with regard to appropriate expendi-  
22 tures of funds under this title.

23 (d) REPAYMENT OF AMOUNTS.—

24           (1) IN GENERAL.—Each recipient of funds  
25 under this title shall be liable to repay the amounts



1 described in subsection (c)(1), from funds other than  
2 funds received under this title, upon a determination  
3 by the Secretary that the misexpenditure of the  
4 amounts was due to willful disregard of the require-  
5 ments of this title or subtitle A or B of title I, gross  
6 negligence, failure to observe accepted standards of  
7 administration, or a pattern of misexpenditure de-  
8 scribed in subsection (c)(1). No such determination  
9 shall be made under this subsection or subsection (c)  
10 until notice and opportunity for a fair hearing have  
11 been given to the recipient.

12 (2) FACTORS IN IMPOSING SANCTIONS.—In de-  
13 termining whether to impose any sanction author-  
14 ized by this section against a recipient of funds  
15 under this title for violations of title I or subtitle A  
16 or B or title I (including applicable regulations) by  
17 a subgrantee or contractor of such recipient, the  
18 Secretary shall first determine whether such recipi-  
19 ent has adequately demonstrated that the recipient  
20 has—

21 (A) established and adhered to an appro-  
22 priate system, for entering into and monitoring  
23 subgrant agreements and contracts with sub-  
24 grantees and contractors, that contains accept-  
25 able standards for ensuring accountability;

1 (B) entered into a written subgrant agree-  
2 ment or contract with such a subgrantee or  
3 contractor that established clear goals and obli-  
4 gations in unambiguous terms;

5 (C) acted with due diligence to monitor the  
6 implementation of the subgrant agreement or  
7 contract, including carrying out the appropriate  
8 monitoring activities (including audits) at rea-  
9 sonable intervals; and

10 (D) taken prompt and appropriate correc-  
11 tive action upon becoming aware of any evi-  
12 dence of a violation of this title or subtitle A or  
13 B of title I, including regulations issued under  
14 this title or such subtitle, by such subgrantee or  
15 contractor.

16 (3) WAIVER.—If the Secretary determines that  
17 the recipient has demonstrated substantial compli-  
18 ance with the requirements of paragraph (2), the  
19 Secretary may waive the imposition of sanctions au-  
20 thorized by this section upon such recipient. The  
21 Secretary is authorized to impose any sanction con-  
22 sistent with the provisions of this title and subtitles  
23 A and B of title I and with any applicable Federal  
24 or State law directly against any subgrantee or con-  
25 tractor for violation of this title or subtitle A or B

1 of title I, including regulations issued under this  
2 title or such subtitle.

3 (e) IMMEDIATE TERMINATION OR SUSPENSION OF  
4 ASSISTANCE IN EMERGENCY SITUATIONS.—In emergency  
5 situations, if the Secretary determines it is necessary to  
6 protect the integrity of the funds or ensure the proper op-  
7 eration of the program or activity involved, the Secretary  
8 may immediately terminate or suspend financial assist-  
9 ance, in whole or in part, to the recipient if the recipient  
10 is given prompt notice and the opportunity for a subse-  
11 quent hearing within 30 days after such termination or  
12 suspension. The Secretary shall not delegate any of the  
13 functions or authority specified in this subsection, other  
14 than to an officer whose appointment is required to be  
15 made by and with the advice and consent of the Senate.

16 (f) DISCRIMINATION AGAINST PARTICIPANTS.—If  
17 the Secretary determines that any recipient under this  
18 title has discharged or in any other manner discriminated  
19 against a participant or against any individual in connec-  
20 tion with the administration of the program involved, or  
21 against any individual because such individual has filed  
22 any complaint or instituted or caused to be instituted any  
23 proceeding under or related to this title, or has testified  
24 or is about to testify in any such proceeding or an inves-  
25 tigation under or related to this title, or otherwise unlaw-

1 fully denied to any individual a benefit to which that indi-  
2 vidual is entitled under the provisions of this title, includ-  
3 ing regulations issued under this title, the Secretary shall,  
4 within 30 days, take such action or order such corrective  
5 measures, as necessary, with respect to the recipient or  
6 the aggrieved individual, or both.

7 (g) REMEDIES.—The remedies described in this sec-  
8 tion shall not be considered to be the exclusive remedies  
9 available for violations described in this section.

10 **SEC. 285. REPORTS; RECORDKEEPING; INVESTIGATIONS.**

11 (a) RECIPIENT RECORDKEEPING AND REPORTS.—

12 (1) IN GENERAL.—Recipients of funds under  
13 this title shall keep records that are sufficient to  
14 permit the preparation of reports required by this  
15 title or subtitle A or B of title I and to permit the  
16 tracing of funds to a level of expenditure adequate  
17 to ensure that the funds have not been spent unlaw-  
18 fully.

19 (2) RECORDS AND REPORTS REGARDING GEN-  
20 ERAL PERFORMANCE.—Every such recipient shall  
21 maintain such records and submit such reports, in  
22 such form and containing such information, as the  
23 Secretary may require regarding the performance of  
24 programs and activities carried out under this title.  
25 Such records and reports shall be submitted to the

1 Secretary but shall not be required to be submitted  
2 more than once each quarter unless specifically re-  
3 quired by Congress or a committee of Congress, in  
4 which case an estimate regarding such information  
5 may be provided.

6 (3) MAINTENANCE OF STANDARDIZED  
7 RECORDS.—In order to allow for the preparation of  
8 the reports required under subsection (c), such re-  
9 cipients shall maintain standardized records for all  
10 individual participants and provide to the Secretary  
11 a sufficient number of such records to provide for an  
12 adequate analysis of the records.

13 (4) AVAILABILITY TO THE PUBLIC.—

14 (A) IN GENERAL.—Except as provided in  
15 subparagraph (B), records maintained by such  
16 recipients pursuant to this subsection shall be  
17 made available to the public upon request.

18 (B) EXCEPTION.—Subparagraph (A) shall  
19 not apply to—

20 (i) information, the disclosure of  
21 which would constitute a clearly unwar-  
22 ranted invasion of personal privacy; and

23 (ii) trade secrets, or commercial or fi-  
24 nancial information, that is—

25 (I) obtained from a person; and

1 (II) privileged or confidential.

2 (C) FEES TO RECOVER COSTS.—Such re-  
3 cipients may charge fees sufficient to recover  
4 costs applicable to the processing of requests  
5 for records under subparagraph (A).

6 (b) INVESTIGATIONS OF USE OF FUNDS.—

7 (1) IN GENERAL.—

8 (A) SECRETARY.—In order to evaluate  
9 compliance with the provisions of this title and  
10 subtitles A and B of title I, the Secretary shall  
11 conduct, in several States, in each fiscal year,  
12 investigations of the use of funds received by  
13 recipients under this title.

14 (B) COMPTROLLER GENERAL OF THE  
15 UNITED STATES.—In order to ensure compli-  
16 ance with the provisions of this title and sub-  
17 titles A and B of title I, the Comptroller Gen-  
18 eral of the United States may conduct inves-  
19 tigation of the use of funds received under this  
20 title by any recipient.

21 (2) PROHIBITION.—In conducting any inves-  
22 tigation under this title, the Secretary or the Comp-  
23 troller General of the United States may not request  
24 the compilation of any information that the recipient

1 is not otherwise required to compile and that is not  
2 readily available to such recipient.

3 (3) AUDITS.—

4 (A) IN GENERAL.—In carrying out any  
5 audit under this title (other than any initial  
6 audit survey or any audit investigating possible  
7 criminal or fraudulent conduct), either directly  
8 or through grant or contract, the Secretary, the  
9 Inspector General of the Department of Labor,  
10 or the Comptroller General of the United States  
11 shall furnish to the State, recipient, or other  
12 entity to be audited, advance notification of the  
13 overall objectives and purposes of the audit, and  
14 any extensive recordkeeping or data require-  
15 ments to be met, not later than 14 days (or as  
16 soon as practicable), prior to the commence-  
17 ment of the audit.

18 (B) NOTIFICATION REQUIREMENT.—If the  
19 scope, objectives, or purposes of the audit  
20 change substantially during the course of the  
21 audit, the entity being audited shall be notified  
22 of the change as soon as practicable.

23 (C) ADDITIONAL REQUIREMENT.—The re-  
24 ports on the results of such audits shall cite the

1 law, regulation, policy, or other criteria applica-  
2 ble to any finding contained in the reports.

3 (D) RULE OF CONSTRUCTION.—Nothing  
4 contained in this title shall be construed so as  
5 to be inconsistent with the Inspector General  
6 Act of 1978 (5 U.S.C. App.) or government au-  
7 diting standards issued by the Comptroller Gen-  
8 eral of the United States.

9 (c) GRANTEE INFORMATION RESPONSIBILITIES.—  
10 Each State, each local board, and each recipient (other  
11 than a subrecipient, subgrantee, or contractor of a recipi-  
12 ent) receiving funds under this title—

13 (1) shall make readily accessible such reports  
14 concerning its operations and expenditures as shall  
15 be prescribed by the Secretary;

16 (2) shall prescribe and maintain comparable  
17 management information systems, in accordance  
18 with guidelines that shall be prescribed by the Sec-  
19 retary, designed to facilitate the uniform compila-  
20 tion, cross tabulation, and analysis of programmatic,  
21 participant, and financial data, on statewide, local  
22 area, and other appropriate bases, necessary for re-  
23 porting, monitoring, and evaluating purposes, includ-  
24 ing data necessary to comply with section 288;



1           (3) shall monitor the performance of providers  
2           in complying with the terms of grants, contracts, or  
3           other agreements made pursuant to this title; and

4           (4) shall, to the extent practicable, submit or  
5           make available (including through electronic means)  
6           any reports, records, plans, or any other data that  
7           are required to be submitted or made available, re-  
8           spectively, under this title or subtitle A or B of title  
9           I.

10          (d) INFORMATION TO BE INCLUDED IN REPORTS.—

11           (1) IN GENERAL.—The reports required in sub-  
12           section (c) shall include information regarding pro-  
13           grams and activities carried out under this title per-  
14           taining to—

15           (A) the relevant demographic characteris-  
16           tics (including race, ethnicity, sex, and age) and  
17           other related information regarding partici-  
18           pants;

19           (B) the programs and activities in which  
20           participants are enrolled, and the length of time  
21           that participants are engaged in such programs  
22           and activities;

23           (C) outcomes of the programs and activi-  
24           ties for participants, including the occupations

1 of participants, and placement for participants  
2 in nontraditional employment;

3 (D) specified costs of the programs and ac-  
4 tivities; and

5 (E) information necessary to prepare re-  
6 ports to comply with section 288.

7 (2) ADDITIONAL REQUIREMENT.—The Sec-  
8 retary shall ensure that all elements of the informa-  
9 tion required for the reports described in paragraph  
10 (1) are defined and that the information is reported  
11 uniformly.

12 (e) QUARTERLY FINANCIAL REPORTS.—

13 (1) IN GENERAL.—Each local board in a State  
14 shall submit quarterly financial reports to the Gov-  
15 ernor with respect to programs and activities carried  
16 out under this title. Such reports shall include infor-  
17 mation identifying all program and activity costs by  
18 cost category in accordance with generally accepted  
19 accounting principles and by year of the appropria-  
20 tion involved.

21 (2) ADDITIONAL REQUIREMENT.—Each State  
22 shall submit to the Secretary, on a quarterly basis,  
23 a summary of the reports submitted to the Governor  
24 pursuant to paragraph (1).

1 (f) MAINTENANCE OF ADDITIONAL RECORDS.—Each  
2 State and local board shall maintain records with respect  
3 to programs and activities carried out under this title that  
4 identify—

5 (1) any income or profits earned, including such  
6 income or profits earned by subrecipients; and

7 (2) any costs incurred (such as stand-in costs)  
8 that are otherwise allowable except for funding limi-  
9 tations.

10 (g) COST CATEGORIES.—In requiring entities to  
11 maintain records of costs by cost category under this title,  
12 the Secretary shall require only that the costs be cat-  
13 egorized as administrative or programmatic costs.

14 **SEC. 286. ADMINISTRATIVE ADJUDICATION.**

15 (a) IN GENERAL.—Whenever any applicant for finan-  
16 cial assistance under this title is dissatisfied because the  
17 Secretary has made a determination not to award financial  
18 assistance in whole or in part to such applicant, the appli-  
19 cant may request a hearing before an administrative law  
20 judge of the Department of Labor. A similar hearing may  
21 also be requested by any recipient for whom a corrective  
22 action has been required or a sanction has been imposed  
23 by the Secretary under section 284.

24 (b) APPEAL.—The decision of the administrative law  
25 judge shall constitute final action by the Secretary unless,

1 within 20 days after receipt of the decision of the adminis-  
2 trative law judge, a party dissatisfied with the decision or  
3 any part of the decision has filed exceptions with the Sec-  
4 retary specifically identifying the procedure, fact, law, or  
5 policy to which exception is taken. Any exception not spe-  
6 cifically urged during the 20-day period shall be deemed  
7 to have been waived. After the 20-day period the decision  
8 of the administrative law judge shall become the final deci-  
9 sion of the Secretary unless the Secretary, within 30 days  
10 after such filing, notifies the parties that the case involved  
11 has been accepted for review.

12 (c) **TIME LIMIT.**—Any case accepted for review by  
13 the Secretary under subsection (b) shall be decided within  
14 180 days after such acceptance. If the case is not decided  
15 within the 180-day period, the decision of the administra-  
16 tive law judge shall become the final decision of the Sec-  
17 retary at the end of the 180-day period.

18 (d) **ADDITIONAL REQUIREMENT.**—The provisions of  
19 section 287 shall apply to any final action of the Secretary  
20 under this section.

21 **SEC. 287. JUDICIAL REVIEW.**

22 (a) **REVIEW.**—

23 (1) **PETITION.**—With respect to any final order  
24 by the Secretary under section 286 by which the  
25 Secretary awards, declines to award, or only condi-

1           tionally awards, financial assistance under this title,  
2           or any final order of the Secretary under section 286  
3           with respect to a corrective action or sanction im-  
4           posed under section 284, any party to a proceeding  
5           that resulted in such final order may obtain review  
6           of such final order in the United States Court of Ap-  
7           peals having jurisdiction over the applicant for or re-  
8           cipient of the funds involved, by filing a review peti-  
9           tion within 30 days after the date of issuance of  
10          such final order.

11           (2) ACTION ON PETITION.—The clerk of the  
12          court shall transmit a copy of the review petition to  
13          the Secretary, who shall file the record on which the  
14          final order was entered as provided in section 2112  
15          of title 28, United States Code. The filing of a re-  
16          view petition shall not stay the order of the Sec-  
17          retary, unless the court orders a stay. Petitions filed  
18          under this subsection shall be heard expeditiously, if  
19          possible within 10 days after the date of filing of a  
20          reply to the petition.

21           (3) STANDARD AND SCOPE OF REVIEW.—No  
22          objection to the order of the Secretary shall be con-  
23          sidered by the court unless the objection was specifi-  
24          cally urged, in a timely manner, before the Sec-  
25          retary. The review shall be limited to questions of

1 law and the findings of fact of the Secretary shall  
2 be conclusive if supported by substantial evidence.

3 (b) JUDGMENT.—The court shall have jurisdiction to  
4 make and enter a decree affirming, modifying, or setting  
5 aside the order of the Secretary in whole or in part. The  
6 judgment of the court regarding the order shall be final,  
7 subject to certiorari review by the Supreme Court as pro-  
8 vided in section 1254(1) of title 28, United States Code.

9 **SEC. 288. NONDISCRIMINATION.**

10 (a) IN GENERAL.—

11 (1) FEDERAL FINANCIAL ASSISTANCE.—For  
12 the purpose of applying the prohibitions against dis-  
13 crimination on the basis of age under the Age Dis-  
14 crimination Act of 1975 (42 U.S.C. 6101 et seq.),  
15 on the basis of disability under section 504 of the  
16 Rehabilitation Act of 1973 (29 U.S.C. 794), on the  
17 basis of sex under title IX of the Education Amend-  
18 ments of 1972 (20 U.S.C. 1681 et seq.), or on the  
19 basis of race, color, or national origin under title VI  
20 of the Civil Rights Act of 1964 (42 U.S.C. 2000d  
21 et seq.), programs and activities funded or otherwise  
22 financially assisted in whole or in part under this  
23 Act are considered to be programs and activities re-  
24 ceiving Federal financial assistance.

1           (2) PROHIBITION OF DISCRIMINATION REGARD-  
2           ING PARTICIPATION, BENEFITS, AND EMPLOY-  
3           MENT.—No individual shall be excluded from par-  
4           ticipation in, denied the benefits of, subjected to dis-  
5           crimination under, or denied employment in the ad-  
6           ministration of or in connection with, any such pro-  
7           gram or activity because of race, color, religion, sex  
8           (except as otherwise permitted under title IX of the  
9           Education Amendments of 1972), national origin,  
10          age, disability, or political affiliation or belief.

11          (3) PROHIBITION ON ASSISTANCE FOR FACILI-  
12          TIES FOR SECTARIAN INSTRUCTION OR RELIGIOUS  
13          WORSHIP.—Participants shall not be employed under  
14          this title or subtitle C of title I to carry out the con-  
15          struction, operation, or maintenance of any part of  
16          any facility that is used or to be used for sectarian  
17          instruction or as a place for religious worship (ex-  
18          cept with respect to the maintenance of a facility  
19          that is not primarily or inherently devoted to sec-  
20          tarian instruction or religious worship, in a case in  
21          which the organization operating the facility is part  
22          of a program or activity providing services to partici-  
23          pants).

24          (4) PROHIBITION ON DISCRIMINATION ON BASIS  
25          OF PARTICIPANT STATUS.—No person may discrimi-

1 nate against an individual who is a participant in a  
2 program or activity that receives funds under this  
3 title or subtitle C of title I, with respect to the terms  
4 and conditions affecting, or rights provided to, the  
5 individual, solely because of the status of the indi-  
6 vidual as a participant.

7 (5) PROHIBITION ON DISCRIMINATION AGAINST  
8 CERTAIN NONCITIZENS.—Participation in programs  
9 and activities or receiving funds under this title shall  
10 be available to citizens and nationals of the United  
11 States, lawfully admitted permanent resident aliens,  
12 refugees, asylees, and parolees, and other immi-  
13 grants authorized by the Attorney General to work  
14 in the United States.

15 (b) ACTION OF SECRETARY.—Whenever the Sec-  
16 retary finds that a State or other recipient of funds under  
17 this title has failed to comply with a provision of law re-  
18 ferred to in subsection (a)(1), or with paragraph (2), (3),  
19 (4), or (5) of subsection (a), including an applicable regu-  
20 lation prescribed to carry out such provision or paragraph,  
21 the Secretary shall notify such State or recipient and shall  
22 request that the State or recipient comply. If within a rea-  
23 sonable period of time, not to exceed 60 days, the State  
24 or recipient fails or refuses to comply, the Secretary  
25 may—



1           (1) refer the matter to the Attorney General  
2           with a recommendation that an appropriate civil ac-  
3           tion be instituted; or

4           (2) take such other action as may be provided  
5           by law.

6           (c) ACTION OF ATTORNEY GENERAL.—When a mat-  
7           ter is referred to the Attorney General pursuant to sub-  
8           section (b)(1), or whenever the Attorney General has rea-  
9           son to believe that a State or other recipient of funds  
10          under this title is engaged in a pattern or practice of dis-  
11          crimination in violation of a provision of law referred to  
12          in subsection (a)(1) or in violation of paragraph (2), (3),  
13          (4), or (5) of subsection (a), the Attorney General may  
14          bring a civil action in any appropriate district court of the  
15          United States for such relief as may be appropriate, in-  
16          cluding injunctive relief.

17          (d) JOB CORPS.—For the purposes of this section,  
18          Job Corps members shall be considered to be the ultimate  
19          beneficiaries of Federal financial assistance.

20          (e) REGULATIONS.—The Secretary shall issue regula-  
21          tions necessary to implement this section not later than  
22          1 year after the date of enactment of the Workforce In-  
23          vestment Act of 1998. Such regulations shall adopt stand-  
24          ards for determining discrimination and procedures for en-  
25          forcement that are consistent with the Acts referred to in

1 subsection (a)(1), as well as procedures to ensure that  
2 complaints filed under this section and such Acts are proc-  
3 essed in a manner that avoids duplication of effort.

4 **SEC. 289. SECRETARIAL ADMINISTRATIVE AUTHORITIES**  
5 **AND RESPONSIBILITIES.**

6 (a) IN GENERAL.—In accordance with chapter 5 of  
7 title 5, United States Code, the Secretary may prescribe  
8 rules and regulations to carry out this title and appro-  
9 priate provisions of subtitles A and B of title I, only to  
10 the extent necessary to administer and ensure compliance  
11 with the requirements of this title and such subtitles. Such  
12 rules and regulations may include provisions making ad-  
13 justments authorized by section 6504 of title 31, United  
14 States Code. All such rules and regulations shall be pub-  
15 lished in the Federal Register at least 30 days prior to  
16 their effective dates. Copies of each such rule or regulation  
17 shall be transmitted to the appropriate committees of Con-  
18 gress on the date of such publication and shall contain,  
19 with respect to each material provision of such rule or reg-  
20 ulation, a citation to the particular substantive section of  
21 law that is the basis for the provision.

22 (b) ACQUISITION OF CERTAIN PROPERTY AND SERV-  
23 ICES.—The Secretary is authorized, in carrying out this  
24 title, to accept, purchase, or lease in the name of the De-  
25 partment of Labor, and employ or dispose of in further-

1 ance of the purposes of this title, any money or property,  
2 real, personal, or mixed, tangible or intangible, received  
3 by gift, devise, bequest, or otherwise, and to accept vol-  
4 untary and uncompensated services notwithstanding the  
5 provisions of section 1342 of title 31, United States Code.

6 (c) **AUTHORITY TO ENTER INTO CERTAIN AGREE-**  
7 **MENTS AND TO MAKE CERTAIN EXPENDITURES.**—The  
8 Secretary may make such grants, enter into such con-  
9 tracts or agreements, establish such procedures, and make  
10 such payments, in installments and in advance or by way  
11 of reimbursement, or otherwise allocate or expend such  
12 funds under this title, as may be necessary to carry out  
13 this title, including making expenditures for construction,  
14 repairs, and capital improvements, and including making  
15 necessary adjustments in payments on account of over-  
16 payments or underpayments.

17 (d) **ANNUAL REPORT.**—The Secretary shall prepare  
18 and submit to the Committee on Education and the Work-  
19 force of the House of Representatives and the Committee  
20 on Health, Education, Labor, and Pensions of the Senate  
21 an annual report regarding the programs and activities  
22 funded under this title. The Secretary shall include in such  
23 report—

1           (1) a summary of the achievements, failures,  
2           and challenges of the programs and activities in  
3           meeting the objectives of this title and title I;

4           (2) a summary of major findings from research,  
5           evaluations, pilot projects, and experiments con-  
6           ducted under this title in the fiscal year prior to the  
7           submission of the report;

8           (3) recommendations for modifications in the  
9           programs and activities based on analysis of such  
10          findings; and

11          (4) such other recommendations for legislative  
12          or administrative action as the Secretary determines  
13          to be appropriate.

14          (e) UTILIZATION OF SERVICES AND FACILITIES.—

15          The Secretary is authorized, in carrying out this title and  
16          subtitles A and B of title I, under the same procedures  
17          as are applicable under subsection (c) or to the extent per-  
18          mitted by law other than this title and such subtitles, to  
19          accept and use the services and facilities of departments,  
20          agencies, and establishments of the United States. The  
21          Secretary is also authorized, in carrying out this title and  
22          such subtitles, to accept and use the services and facilities  
23          of the agencies of any State or political subdivision of a  
24          State, with the consent of the State or political subdivi-  
25          sion.

1           (f) OBLIGATIONAL AUTHORITY.—Notwithstanding  
2 any other provision of this title, the Secretary shall have  
3 no authority to enter into contracts, grant agreements, or  
4 other financial assistance agreements under this title, ex-  
5 cept to such extent and in such amounts as are provided  
6 in advance in appropriations Acts.

7           (g) PROGRAM YEAR.—

8               (1) IN GENERAL.—

9                   (A) PROGRAM YEAR.—Except as provided  
10 in subparagraph (B) and section 272, appro-  
11 priations for any fiscal year for programs and  
12 activities funded under this title shall be avail-  
13 able for obligation only on the basis of a pro-  
14 gram year. The program year shall begin on  
15 July 1 in the fiscal year for which the appro-  
16 priation is made.

17                   (B) YOUTH WORKFORCE INVESTMENT AC-  
18 TIVITIES.—The Secretary may make available  
19 for obligation, beginning April 1 of any fiscal  
20 year, funds appropriated for such fiscal year to  
21 carry out youth workforce investment activities  
22 under subtitle B.

23               (2) AVAILABILITY.—

24                   (A) IN GENERAL.—Funds obligated for  
25 any program year for a program or activity

1 funded under subtitle B may be expended by  
2 each State receiving such funds during that  
3 program year and the 2 succeeding program  
4 years. Funds received by local areas from  
5 States under subtitle B during a program year  
6 may be expended during that program year and  
7 the succeeding program year.

8 (B) CERTAIN NATIONAL ACTIVITIES.—

9 (i) IN GENERAL.—Funds obligated for  
10 any program year for any program or ac-  
11 tivity carried out under section 270 shall  
12 remain available until expended.

13 (ii) INCREMENTAL FUNDING BASIS.—

14 A contract or arrangement entered into  
15 under the authority of subsection (a) or (b)  
16 of section 270 (relating to evaluations, re-  
17 search projects, studies and reports, and  
18 multistate projects), including a long-term,  
19 nonseverable services contract, may be  
20 funded on an incremental basis with an-  
21 nual appropriations or other available  
22 funds.

23 (C) SPECIAL RULE.—No amount of the  
24 funds obligated for a program year for a pro-  
25 gram or activity funded under this title shall be

1           deobligated on account of a rate of expenditure  
2           that is consistent with a State plan, an oper-  
3           ating plan described in section 251, or a plan,  
4           grant agreement, contract, application, or other  
5           agreement described in subtitle D, as appro-  
6           priate.

7           (h) ENFORCEMENT OF MILITARY SELECTIVE SERV-  
8   ICE ACT.—The Secretary shall ensure that each individual  
9   participating in any program or activity established under  
10  this title, or receiving any assistance or benefit under this  
11  title, has not violated section 3 of the Military Selective  
12  Service Act (50 U.S.C. App. 453) by not presenting and  
13  submitting to registration as required pursuant to such  
14  section. The Director of the Selective Service System shall  
15  cooperate with the Secretary to enable the Secretary to  
16  carry out this subsection.

17          (i) WAIVER.—

18           (1) SPECIAL RULE REGARDING DESIGNATED  
19   AREAS.—A State that has enacted, not later than  
20   December 31, 1997, a State law providing for the  
21   designation of service delivery areas for the delivery  
22   of workforce investment activities, may use such  
23   areas as local areas under this title and title I, not-  
24   withstanding section 116.

1           (2) SPECIAL RULE REGARDING SANCTIONS.—A  
2 State that enacts, not later than December 31,  
3 1997, a State law providing for the sanctioning of  
4 such service delivery areas for failure to meet per-  
5 formance measures for workforce investment activi-  
6 ties, may use the State law to sanction local areas  
7 for failure to meet State performance accountability  
8 measures under title I.

9           (3) GENERAL WAIVERS OF STATUTORY OR REG-  
10 ULATORY REQUIREMENTS.—

11           (A) GENERAL AUTHORITY.—Notwith-  
12 standing any other provision of law, the Sec-  
13 retary may waive for a State, or a local area in  
14 a State, pursuant to a request submitted by the  
15 Governor of the State (in consultation with ap-  
16 propriate local elected officials) with a plan that  
17 meets the requirements of subparagraph (B)—

18           (i) any of the statutory or regulatory  
19 requirements of subtitle A or B of title I  
20 that relate to the administration of pro-  
21 grams or activities funded under this title  
22 or the Wagner-Peyser Act (29 U.S.C. 49  
23 et seq.), subtitle B of this title, section  
24 272, or this subtitle (except for require-  
25 ments relating to wage and labor stand-



1 ards, including nondisplacement protec-  
2 tions, worker rights, participation and pro-  
3 tection of workers and participants, griev-  
4 ance procedures and judicial review, non-  
5 discrimination, allocation of funds to local  
6 areas, eligibility of providers or partici-  
7 pants, the establishment and functions of  
8 local areas and local boards, the funding of  
9 infrastructure costs for one-stop centers,  
10 and procedures for review and approval of  
11 plans, and other requirements relating to  
12 the basic purposes of this title and title I);  
13 and

14 (ii) any of the statutory or regulatory  
15 requirements of sections 8 through 10 of  
16 the Wagner-Peyser Act (29 U.S.C. 49g  
17 through 49i) (excluding requirements relat-  
18 ing to the provision of services to unem-  
19 ployment insurance claimants and vet-  
20 erans, and requirements relating to uni-  
21 versal access to basic labor exchange serv-  
22 ices without cost to jobseekers).

23 (B) REQUESTS.—A Governor requesting a  
24 waiver under subparagraph (A) shall submit a

1           plan to the Secretary to improve the statewide  
2           workforce development system that—

3                   (i) identifies the statutory or regu-  
4                   latory requirements that are requested to  
5                   be waived and the goals that the State or  
6                   local area in the State, as appropriate, in-  
7                   tends to achieve as a result of the waiver;

8                   (ii) describes the actions that the  
9                   State or local area, as appropriate, has un-  
10                  dertaken to remove State or local statutory  
11                  or regulatory barriers;

12                  (iii) describes the goals of the waiver  
13                  and the expected programmatic outcomes  
14                  if the request is granted;

15                  (iv) describes the individuals impacted  
16                  by the waiver; and

17                  (v) describes the process used to mon-  
18                  itor the progress in implementing such a  
19                  waiver, and the process by which notice  
20                  and, in the case of a waiver for a local  
21                  area, an opportunity to comment on such  
22                  request has been provided to the local  
23                  board for the local area for which the wai-  
24                  ver is requested.

1           (C) CONDITIONS.—Not later than 90 days  
2 after the date of the original submission of a  
3 request for a waiver under subparagraph (A),  
4 the Secretary shall provide a waiver under this  
5 subsection if and only to the extent that—

6           (i) the Secretary determines that the  
7 requirements requested to be waived im-  
8 pede the ability of the State or local area,  
9 as appropriate, to implement the plan de-  
10 scribed in subparagraph (B); and

11           (ii) the State has executed a memo-  
12 randum of understanding with the Sec-  
13 retary requiring such State to meet, or en-  
14 sure that the local area for which the wai-  
15 ver is requested meets, agreed-upon out-  
16 comes and to implement other appropriate  
17 measures to ensure accountability.

18           (D) EXPEDITED DETERMINATION REGARD-  
19 ING PROVISION OF WAIVERS.—If the Secretary  
20 has approved a waiver of statutory or regu-  
21 latory requirements for a State or local area  
22 pursuant to this subsection, the Secretary shall  
23 expedite the determination regarding the provi-  
24 sion of that waiver, for another State or local

1 area if such waiver is in accordance with the  
2 approved State or local plan, as appropriate.

3 **SEC. 290. WORKFORCE FLEXIBILITY PLANS.**

4 (a) PLANS.—A State may submit to the Secretary,  
5 and the Secretary may approve, a workforce flexibility  
6 plan under which the State is authorized to waive, in ac-  
7 cordance with the plan—

8 (1) any of the statutory or regulatory require-  
9 ments applicable under this title and subtitles A and  
10 B of title I to local areas, pursuant to applications  
11 for such waivers from the local areas, except for re-  
12 quirements relating to the basic purposes of this title  
13 and title I, wage and labor standards, grievance pro-  
14 cedures and judicial review, nondiscrimination, eligi-  
15 bility of participants, allocation of funds to local  
16 areas, establishment and functions of local areas and  
17 local boards, procedures for review and approval of  
18 local plans, and worker rights, participation, and  
19 protection;

20 (2) any of the statutory or regulatory require-  
21 ments applicable under sections 8 through 10 of the  
22 Wagner-Peyser Act (29 U.S.C. 49g through 49i) to  
23 the State (excluding requirements relating to the  
24 provision of services to unemployment insurance  
25 claimants and veterans, and requirements relating to

1 universal access to basic labor exchange services  
2 without cost to jobseekers); and

3 (3) any of the statutory or regulatory require-  
4 ments applicable under the Older Americans Act of  
5 1965 (42 U.S.C. 3001 et seq.) to State agencies on  
6 aging with respect to activities carried out using  
7 funds allotted under section 506(b) of such Act (42  
8 U.S.C. 3056d(b)), except for requirements relating  
9 to the basic purposes of such Act, wage and labor  
10 standards, eligibility of participants in the activities,  
11 and standards for grant agreements.

12 (b) CONTENT OF PLANS.—A workforce flexibility  
13 plan implemented by a State under subsection (a) shall  
14 include descriptions of—

15 (1)(A) the process by which local areas in the  
16 State may submit and obtain approval by the State  
17 of applications for waivers of requirements applica-  
18 ble under this title or subtitle A or B of title I; and

19 (B) the requirements described in subparagraph  
20 (A) that are likely to be waived by the State under  
21 the plan;

22 (2) the requirements applicable under sections  
23 8 through 10 of the Wagner-Peyser Act that are  
24 proposed to be waived, if any;

1           (3) the requirements applicable under the Older  
2       Americans Act of 1965 that are proposed to be  
3       waived, if any;

4           (4) the outcomes to be achieved by the waivers  
5       described in paragraphs (1) through (3); and

6           (5) other measures to be taken to ensure appro-  
7       priate accountability for Federal funds in connection  
8       with the waivers.

9       (c) PERIODS.—The Secretary may approve a work-  
10     force flexibility plan for a period of not more than 5 years.

11     (d) OPPORTUNITY FOR PUBLIC COMMENTS.—Prior  
12     to submitting a workforce flexibility plan to the Secretary  
13     for approval, the State shall provide to all interested par-  
14     ties and to the general public adequate notice of and a  
15     reasonable opportunity for comment on the waiver re-  
16     quests proposed to be implemented pursuant to such plan.

17     **SEC. 291. STATE LEGISLATIVE AUTHORITY.**

18     (a) AUTHORITY OF STATE LEGISLATURE.—Nothing  
19     in this title or subtitle A or B of title I shall be interpreted  
20     to preclude the enactment of State legislation providing  
21     for the implementation, consistent with the provisions of  
22     this title and subtitles A and B of title I, of the activities  
23     assisted under this title or subtitle A or B of title I. Any  
24     funds received by a State under this title shall be subject  
25     to appropriation by the State legislature, consistent with

1 the terms and conditions required under this title and  
2 such subtitles.

3 (b) INTERSTATE COMPACTS AND COOPERATIVE  
4 AGREEMENTS.—In the event that compliance with provi-  
5 sions of this title or title I would be enhanced by compacts  
6 and cooperative agreements between States, the consent  
7 of Congress is given to States to enter into such compacts  
8 and agreements to facilitate such compliance, subject to  
9 the approval of the Secretary.

10 **SEC. 292. TRANSFER OF FEDERAL EQUITY IN STATE EM-**  
11 **PLOYMENT SECURITY AGENCY REAL PROP-**  
12 **ERTY TO THE STATES.**

13 (a) TRANSFER OF FEDERAL EQUITY.—Notwith-  
14 standing any other provision of law, any Federal equity  
15 acquired in real property through grants to States award-  
16 ed under title III of the Social Security Act (42 U.S.C.  
17 501 et seq.) or under the Wagner-Peyser Act (29 U.S.C.  
18 49 et seq.) is transferred to the States that used the  
19 grants for the acquisition of such equity. The portion of  
20 any real property that is attributable to the Federal equity  
21 transferred under this section shall be used to carry out  
22 activities authorized under this Act, title III of the Social  
23 Security Act, or the Wagner-Peyser Act. Any disposition  
24 of such real property shall be carried out in accordance  
25 with the procedures prescribed by the Secretary and the

1 portion of the proceeds from the disposition of such real  
2 property that is attributable to the Federal equity trans-  
3 ferred under this section shall be used to carry out activi-  
4 ties authorized under this Act, title III of the Social Secu-  
5 rity Act, or the Wagner-Peyser Act.

6 (b) **LIMITATION ON USE.**—A State shall not use  
7 funds awarded under this Act, title III of the Social Secu-  
8 rity Act, or the Wagner-Peyser Act to amortize the costs  
9 of real property that is purchased by any State on or after  
10 the date of enactment of the Revised Continuing Appro-  
11 priations Resolution, 2007.

12 **SEC. 293. CONTINUATION OF STATE ACTIVITIES AND POLI-**  
13 **CIES.**

14 (a) **IN GENERAL.**—Notwithstanding any other provi-  
15 sion of this title, or subtitle A of title I, the Secretary  
16 may not deny approval of a State plan for a covered State,  
17 or an application of a covered State for financial assist-  
18 ance, under this title or subtitle A of title I, or find a  
19 covered State (including a State board or Governor), or  
20 a local area (including a local board or chief elected offi-  
21 cial) in a covered State, in violation of a provision of this  
22 title or subtitle A of title I, on the basis that—

23 (1)(A) the State proposes to allocate or dis-  
24 burse, allocates, or disburses, within the State, funds  
25 made available to the State under section 227 or



1       232 in accordance with the allocation formula for  
2       the type of activities involved, or in accordance with  
3       a disbursal procedure or process, used by the State  
4       under prior consistent State laws; or

5           (B) a local board in the State proposes to dis-  
6       burse, or disburses, within the local area, funds  
7       made available to the State under section 227 or  
8       232 in accordance with a disbursal procedure or  
9       process used by a private industry council under  
10      prior consistent State law;

11          (2) the State proposes to carry out or carries  
12      out a State procedure through which local areas use,  
13      as fiscal agents for funds made available to the  
14      State under section 227 or 232 and allocated within  
15      the State, fiscal agents selected in accordance with  
16      a process established under prior consistent State  
17      laws;

18          (3) the State proposes to carry out or carries  
19      out a State procedure through which the local  
20      boards in the State (or the local boards, the chief  
21      elected officials in the State, and the Governor) des-  
22      ignate or select the one-stop partners and one-stop  
23      operators of the statewide system in the State under  
24      prior consistent State laws, in lieu of making the  
25      designation or certification described in section 221

1 (regardless of the date the one-stop delivery systems  
2 involved have been established);

3 (4) the State proposes to carry out or carries  
4 out a State procedure through which the persons re-  
5 sponsible for selecting eligible providers for purposes  
6 of subtitle B are permitted to determine that a pro-  
7 vider shall not be selected to provide both intake  
8 services under section 234(c)(2) and training serv-  
9 ices under section 234(c)(4), under prior consistent  
10 State laws;

11 (5) the State proposes to designate or des-  
12 ignates a State board, or proposes to assign or as-  
13 signs functions and roles of the State board (includ-  
14 ing determining the time periods for development  
15 and submission of a State plan required under sec-  
16 tion 212 or 213), for purposes of subtitle A of title  
17 I in accordance with prior consistent State laws; or

18 (6) a local board in the State proposes to use  
19 or carry out, uses, or carries out a local plan (in-  
20 cluding assigning functions and roles of the local  
21 board) for purposes of subtitle A of title I in accord-  
22 ance with the authorities and requirements applica-  
23 ble to local plans and private industry councils under  
24 prior consistent State laws.

25 (b) DEFINITION.—In this section:

1           (1) COVERED STATE.—The term “covered  
2 State” means a State that enacted State laws de-  
3 scribed in paragraph (2).

4           (2) PRIOR CONSISTENT STATE LAWS.—The  
5 term “prior consistent State laws” means State  
6 laws, not inconsistent with the Job Training Part-  
7 nership Act or any other applicable Federal law,  
8 that took effect on September 1, 1993, September 1,  
9 1995, and September 1, 1997.

10 **SEC. 294. GENERAL PROGRAM REQUIREMENTS.**

11       Except as otherwise provided in this title or title I,  
12 the following conditions apply to all programs under this  
13 title or title I, as applicable:

14           (1) Each program under this title or title I  
15 shall provide employment and training opportunities  
16 to those who can benefit from, and who are most in  
17 need of, such opportunities. In addition, the recipi-  
18 ents of Federal funding for programs under this title  
19 or title I shall make efforts to develop programs that  
20 contribute to occupational development, upward mo-  
21 bility, development of new careers, and opportunities  
22 for nontraditional employment.

23           (2) Funds provided under this title shall only be  
24 used for activities that are in addition to activities

1           that would otherwise be available in the local area  
2           in the absence of such funds.

3           (3)(A) Any local area may enter into an agree-  
4           ment with another local area (including a local area  
5           that is a city or county within the same labor mar-  
6           ket) to pay or share the cost of educating, training,  
7           or placing individuals participating in programs as-  
8           sisted under this title, including the provision of sup-  
9           portive services.

10          (B) Such agreement shall be approved by each  
11          local board for a local area entering into the agree-  
12          ment and shall be described in the local plan under  
13          section 118.

14          (4) On-the-job training contracts under this  
15          title or subtitle C of title I, shall not be entered into  
16          with employers who have received payments under  
17          previous contracts under this Act or the Workforce  
18          Investment Act of 1998 and have exhibited a pat-  
19          tern of failing to provide on-the-job training partici-  
20          pants with continued long-term employment as reg-  
21          ular employees with wages and employment benefits  
22          (including health benefits) and working conditions at  
23          the same level and to the same extent as other em-  
24          ployees working a similar length of time and doing  
25          the same type of work.

1           (5) No person or organization may charge an  
2 individual a fee for the placement or referral of the  
3 individual in or to a workforce investment activity  
4 under this title.

5           (6) The Secretary shall not provide financial as-  
6 sistance for any program under this title or subtitle  
7 C of title I that involves political activities.

8           (7)(A) Income under any program administered  
9 by a public or private nonprofit entity may be re-  
10 tained by such entity only if such income is used to  
11 continue to carry out the program.

12           (B) Income subject to the requirements of sub-  
13 paragraph (A) shall include—

14           (i) receipts from goods or services (includ-  
15 ing conferences) provided as a result of activi-  
16 ties funded under this title;

17           (ii) funds provided to a service provider  
18 under this title that are in excess of the costs  
19 associated with the services provided; and

20           (iii) interest income earned on funds re-  
21 ceived under this title.

22           (C) For purposes of this paragraph, each entity  
23 receiving financial assistance under this title shall  
24 maintain records sufficient to determine the amount

1 of such income received and the purposes for which  
2 such income is expended.

3 (8)(A) The Secretary shall notify the Governor  
4 and the appropriate local board and chief elected of-  
5 ficial of, and consult with the Governor and such  
6 board and official concerning, any activity to be  
7 funded by the Secretary under this title within the  
8 corresponding State or local area.

9 (B) The Governor shall notify the appropriate  
10 local board and chief elected official of, and consult  
11 with such board and official concerning, any activity  
12 to be funded by the Governor under this title within  
13 the corresponding local area.

14 (9)(A) All education programs for youth sup-  
15 ported with funds provided under chapter 2 of sub-  
16 title B shall be consistent with applicable State and  
17 local educational standards.

18 (B) Standards and procedures with respect to  
19 awarding academic credit and certifying educational  
20 attainment in programs conducted under such chap-  
21 ter shall be consistent with the requirements of ap-  
22 plicable State and local law, including regulation.

23 (10) No funds available under this title or title  
24 I may be used for public service employment except  
25 as specifically authorized under this title or title I.

1           (11) The Federal requirements governing the  
2 title, use, and disposition of real property, equip-  
3 ment, and supplies purchased with funds provided  
4 under this title or subtitle C of title I shall be the  
5 corresponding Federal requirements generally appli-  
6 cable to such items purchased through Federal  
7 grants to States and local governments.

8           (12) Nothing in this title or subtitle C of title  
9 I shall be construed to provide an individual with an  
10 entitlement to a service under this title or subtitle C  
11 of title I.

12           (13) Services, facilities, or equipment funded  
13 under this title may be used, as appropriate, on a  
14 fee-for-service basis, by employers in a local area in  
15 order to provide employment and training activities  
16 to incumbent workers—

17                   (A) when such services, facilities, or equip-  
18 ment are not in use for the provision of services  
19 for eligible participants under this title;

20                   (B) if such use for incumbent workers  
21 would not have an adverse affect on the provi-  
22 sion of services to eligible participants under  
23 this title; and

1 (C) if the income derived from such fees is  
2 used to carry out the programs authorized  
3 under this title.

4 (14) Funds provided under this title shall not  
5 be used to establish or operate a stand-alone fee-for-  
6 service enterprise in a situation in which a private  
7 sector employment agency (as defined in section 701  
8 of the Civil Rights Act of 1964 (42 U.S.C. 2000e))  
9 is providing full access to similar or related services  
10 in such a manner as to fully meet the identified  
11 need. For purposes of this paragraph, such an enter-  
12 prise does not include a one-stop delivery system de-  
13 scribed in section 221(e).

14 (15)(A) None of the funds available under this  
15 title shall be used by a recipient or subrecipient of  
16 such funds to pay the salary and bonuses of an indi-  
17 vidual, either as direct costs or indirect costs, at a  
18 rate in excess of the annual rate of basic pay pre-  
19 scribed for level II of the Executive Schedule under  
20 section 5313 of title 5, United States Code.

21 (B) The limitation described in subparagraph  
22 (A) shall not apply to vendors providing goods and  
23 services as defined in Office of Management and  
24 Budget Circular A-133. In a case in which a State  
25 is a recipient of such funds, the State may establish



1 a lower limit than is provided in subparagraph (A)  
2 for salaries and bonuses of those receiving salaries  
3 and bonuses from a subrecipient of such funds, tak-  
4 ing into account factors including the relative cost of  
5 living in the State, the compensation levels for com-  
6 parable State or local government employees, and  
7 the size of the organizations that administer the  
8 Federal programs involved.

### 9 **TITLE III—ADULT EDUCATION** 10 **AND LITERACY**

#### 11 **SEC. 301. SHORT TITLE.**

12 This title may be cited as the “Adult Education and  
13 Family Literacy Act”.

#### 14 **SEC. 302. PURPOSE.**

15 It is the purpose of this title to create a partnership  
16 among the Federal Government, States, and localities to  
17 provide, on a voluntary basis, adult education and literacy  
18 activities, in order to—

19 (1) assist adults to become literate and obtain  
20 the knowledge and skills necessary for employment  
21 and economic self-sufficiency;

22 (2) assist adults who are parents or family  
23 members to obtain the education and skills that—

1 (A) are necessary to becoming full partners  
2 in the educational development of their chil-  
3 dren; and

4 (B) lead to sustainable improvements in  
5 the economic opportunities for their family;

6 (3) assist adults in attaining a secondary school  
7 diploma and in the transition to postsecondary edu-  
8 cation and training, through career pathways; and

9 (4) assist immigrants and other individuals who  
10 are English language learners in—

11 (A) improving their—

12 (i) reading, writing, speaking, and  
13 comprehension skills in English; and

14 (ii) mathematics skills; and

15 (B) acquiring an understanding of the  
16 American system of Government, individual  
17 freedom, and the responsibilities of citizenship.

18 **SEC. 303. DEFINITIONS.**

19 In this title:

20 (1) ADULT EDUCATION.—The term “adult edu-  
21 cation” means academic instruction and education  
22 services below the postsecondary level that increase  
23 an individual’s ability to—

24 (A) read, write, and speak in English and  
25 perform mathematics or other activities nec-

1           essary for the attainment of a secondary school  
2           diploma or its recognized equivalent;

3           (B) transition to postsecondary education  
4           and training; and

5           (C) obtain employment.

6           (2) ADULT EDUCATION AND LITERACY ACTIVI-  
7           TIES.—The term “adult education and literacy ac-  
8           tivities” means programs, activities, and services  
9           that include adult education, literacy, workplace  
10          adult education and literacy activities, family literacy  
11          activities, English language acquisition activities, in-  
12          tegrated English literacy and civics education, work-  
13          force preparation activities, or integrated education  
14          and training.

15          (3) ELIGIBLE AGENCY.—The term “eligible  
16          agency” means the sole entity or agency in a State  
17          or an outlying area responsible for administering or  
18          supervising policy for adult education and literacy  
19          activities in the State or outlying area, respectively,  
20          consistent with the law of the State or outlying area,  
21          respectively.

22          (4) ELIGIBLE INDIVIDUAL.—The term “eligible  
23          individual” means an individual—

24                 (A) who has attained 16 years of age;

1 (B) who is not enrolled or required to be  
2 enrolled in secondary school under State law;  
3 and

4 (C) who—

5 (i) is basic skills deficient, as defined  
6 in section 101;

7 (ii) does not have a secondary school  
8 diploma or its recognized equivalent, and  
9 has not achieved an equivalent level of edu-  
10 cation; or

11 (iii) is an English language learner.

12 (5) ELIGIBLE PROVIDER.—The term “eligible  
13 provider” means an organization that has dem-  
14 onstrated effectiveness in providing adult education  
15 and literacy activities that may include —

16 (A) a local educational agency;

17 (B) a community-based organization;

18 (C) a volunteer literacy organization;

19 (D) an institution of higher education;

20 (E) a public or private nonprofit agency;

21 (F) a library;

22 (G) a public housing authority;

23 (H) a nonprofit institution that is not de-  
24 scribed in any of subparagraphs (A) through  
25 (G) and has the ability to provide adult edu-

1 cation and literacy activities to eligible individ-  
2 uals;

3 (I) a consortium or coalition of the agen-  
4 cies, organizations, institutions, libraries, or au-  
5 thorities described in any of subparagraphs (A)  
6 through (H); and

7 (J) a partnership between an employer and  
8 an entity described in any of subparagraphs (A)  
9 through (I).

10 (6) ENGLISH LANGUAGE ACQUISITION PRO-  
11 GRAM.—The term “English language acquisition  
12 program” means a program of instruction—

13 (A) designed to help eligible individuals  
14 who are English language learners achieve com-  
15 petence in reading, writing, speaking, and com-  
16 prehension of the English language; and

17 (B) that leads to—

18 (i)(I) attainment of a secondary  
19 school diploma or its recognized equivalent;  
20 and

21 (II) transition to postsecondary edu-  
22 cation and training; or

23 (ii) employment.

24 (7) ENGLISH LANGUAGE LEARNER.—The term  
25 “English language learner” when used with respect

1 to an eligible individual, means an eligible individual  
2 who has limited ability in reading, writing, speaking,  
3 or comprehending the English language, and—

4 (A) whose native language is a language  
5 other than English; or

6 (B) who lives in a family or community en-  
7 vironment where a language other than English  
8 is the dominant language.

9 (8) ESSENTIAL COMPONENTS OF READING IN-  
10 STRUCTION.—The term “essential components of  
11 reading instruction” has the meaning given the term  
12 in section 1208 of the Elementary and Secondary  
13 Education Act of 1965 (20 U.S.C. 6368).

14 (9) FAMILY LITERACY ACTIVITIES.—The term  
15 “family literacy activities” means activities that are  
16 of sufficient intensity and quality, to make sustain-  
17 able improvements in the economic prospects for a  
18 family and that better enable parents or family  
19 members to support their children’s learning needs,  
20 and that integrate all of the following activities:

21 (A) Parent or family adult education and  
22 literacy activities that lead to readiness for  
23 postsecondary education or training, career ad-  
24 vancement, and economic self-sufficiency.

1 (B) Interactive literacy activities between  
2 parents or family members and their children.

3 (C) Training for parents or family mem-  
4 bers regarding how to be the primary teacher  
5 for their children and full partners in the edu-  
6 cation of their children.

7 (D) An age-appropriate education to pre-  
8 pare children for success in school and life ex-  
9 periences.

10 (10) INSTITUTION OF HIGHER EDUCATION.—  
11 The term “institution of higher education” has the  
12 meaning given the term in section 101 of the Higher  
13 Education Act of 1965 (20 U.S.C. 1001).

14 (11) INTEGRATED EDUCATION AND TRAIN-  
15 ING.—The term “integrated education and training”  
16 means a service approach that provides adult edu-  
17 cation and literacy activities concurrently and con-  
18 textually with workforce preparation activities and  
19 workforce training for a specific occupation or occu-  
20 pational cluster for the purpose of educational and  
21 career advancement.

22 (12) INTEGRATED ENGLISH LITERACY AND  
23 CIVICS EDUCATION.—The term “integrated English  
24 literacy and civics education” means education serv-  
25 ices provided to English language learners who are

1 adults, including professionals with degrees and cre-  
2 dentials in their native countries, that enables such  
3 adults to achieve competency in the English lan-  
4 guage and acquire the basic and more advanced  
5 skills needed to function effectively as parents, work-  
6 ers, and citizens in the United States. Such services  
7 shall include instruction in literacy and English lan-  
8 guage acquisition and instruction on the rights and  
9 responsibilities of citizenship and civic participation,  
10 and may include workforce training.

11 (13) LITERACY.—The term “literacy” means an  
12 individual’s ability to read, write, and speak in  
13 English, compute, and solve problems, at levels of  
14 proficiency necessary to function on the job, in the  
15 family of the individual, and in society.

16 (14) POSTSECONDARY EDUCATIONAL INSTITU-  
17 TION.—The term “postsecondary educational institu-  
18 tion” means—

19 (A) an institution of higher education that  
20 provides not less than a 2-year program of in-  
21 struction that is acceptable for credit toward a  
22 bachelor’s degree;

23 (B) a tribally controlled community college;  
24 or



1                   (C) a nonprofit educational institution of-  
2                   fering certificate or apprenticeship programs at  
3                   the postsecondary level.

4                   (15) SECRETARY.—The term “Secretary”  
5                   means the Secretary of Education.

6                   (16) WORKPLACE ADULT EDUCATION AND LIT-  
7                   ERACY ACTIVITIES.—The term “workplace adult  
8                   education and literacy activities” means adult edu-  
9                   cation and literacy activities offered by an eligible  
10                  provider in collaboration with an employer or em-  
11                  ployee organization at a workplace or an off-site lo-  
12                  cation that is designed to improve the productivity  
13                  of the workforce.

14                  (17) WORKFORCE PREPARATION ACTIVITIES.—  
15                  The term “workforce preparation activities” means  
16                  activities, programs, or services designed to help an  
17                  individual acquire a combination of basic academic  
18                  skills, critical thinking skills, digital literacy skills,  
19                  and self-management skills, including competencies  
20                  in utilizing resources, using information, working  
21                  with others, understanding systems, and skills nec-  
22                  essary for successful transition into and completion  
23                  of postsecondary education or training, or employ-  
24                  ment.

1 **SEC. 304. HOME SCHOOLS.**

2 Nothing in this title shall be construed to affect home  
3 schools, whether a home school is treated as a home school  
4 or a private school under State law, or to compel a parent  
5 or family member engaged in home schooling to partici-  
6 pate in adult education and literacy activities.

7 **SEC. 305. RULE OF CONSTRUCTION REGARDING POSTSEC-**  
8 **ONDARY TRANSITION AND CONCURRENT EN-**  
9 **ROLLMENT ACTIVITIES.**

10 Nothing in this title shall be construed to prohibit  
11 or discourage the use of funds provided under this title  
12 for adult education and literacy activities that help eligible  
13 individuals transition to postsecondary education and  
14 training or employment, or for concurrent enrollment ac-  
15 tivities.

16 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to carry out  
18 this title such sums as may be necessary for each of the  
19 fiscal years 2014 through 2018.

20 **Subtitle A—Federal Provisions**

21 **SEC. 311. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE**  
22 **AGENCIES; ALLOTMENTS.**

23 (a) RESERVATION OF FUNDS.—From the sum appro-  
24 priated under section 306 for a fiscal year, the Sec-  
25 retary—

1           (1) shall reserve 2 percent to carry out section  
2           342 and subsection (g), except that the amount so  
3           reserved shall not exceed \$15,000,000; and

4           (2) shall reserve 12 percent of the amount that  
5           remains after reserving funds under paragraph (1)  
6           to carry out section 343.

7           (b) GRANTS TO ELIGIBLE AGENCIES.—

8           (1) IN GENERAL.—From the sum appropriated  
9           under section 306 and not reserved under subsection  
10          (a) for a fiscal year, the Secretary shall award a  
11          grant to each eligible agency having a unified State  
12          plan approved under section 112 or a combined  
13          State plan approved under section 113 in an amount  
14          equal to the sum of the initial allotment under sub-  
15          section (c)(1) and the additional allotment under  
16          subsection (c)(2) for the eligible agency for the fiscal  
17          year, subject to subsections (f) and (h), to enable the  
18          eligible agency to carry out the activities assisted  
19          under this title.

20          (2) PURPOSE OF GRANTS.—The Secretary may  
21          award a grant under paragraph (1) only if the eligi-  
22          ble entity involved agrees to expend the grant for  
23          adult education and literacy activities in accordance  
24          with the provisions of this title.

25          (c) ALLOTMENTS.—

1           (1) INITIAL ALLOTMENTS.—From the sum ap-  
2           propriated under section 306 and not reserved under  
3           subsection (a) for a fiscal year, the Secretary shall  
4           allot to each eligible agency having a unified State  
5           plan approved under section 112 or a combined  
6           State plan approved under section 113—

7                   (A) \$100,000, in the case of an eligible  
8                   agency serving an outlying area, except as pro-  
9                   vided in subsection (e); and

10                   (B) \$250,000, in the case of any other eli-  
11                   gible agency.

12           (2) ADDITIONAL ALLOTMENTS.—From the sum  
13           appropriated under section 306, not reserved under  
14           subsection (a), and not allotted under paragraph (1),  
15           for a fiscal year, the Secretary shall allot to each eli-  
16           gible agency that receives an initial allotment under  
17           paragraph (1) an additional amount that bears the  
18           same relationship to such sum as the number of  
19           qualifying adults in the State or outlying area served  
20           by the eligible agency bears to the number of such  
21           adults in all States and outlying areas.

22           (d) QUALIFYING ADULT.—For the purpose of sub-  
23           section (c)(2), the term “qualifying adult” means an adult  
24           who—

25                   (1) is at least 16 years of age;

1           (2) is beyond the age of compulsory school at-  
2           tendance under the law of the State or outlying  
3           area;

4           (3) does not have a secondary school diploma or  
5           its recognized equivalent; and

6           (4) is not enrolled in secondary school.

7           (e) SPECIAL RULE FOR THE REPUBLIC OF PALAU.—

8           (1) IN GENERAL.—Notwithstanding subsection  
9           (c)(1)(A), from the sum appropriated under section  
10          306 and not reserved under subsection (a) for a fis-  
11          cal year, the Secretary shall allot to the Republic of  
12          Palau, except during the period described in section  
13          101(45), an amount based on the recommendations  
14          of the Pacific Region Educational Laboratory under  
15          paragraph (2).

16          (2) AWARD BASIS TO PALAU.—For each fiscal  
17          year, the Pacific Region Educational Laboratory in  
18          Honolulu, Hawaii shall make recommendations to  
19          the Secretary concerning a grant amount to the Re-  
20          public of Palau based on the number of qualifying  
21          adults (as defined in subsection (d)) in the popu-  
22          lation of the Republic of Palau.

23          (3) ADMINISTRATIVE COSTS.—The Secretary  
24          may provide not more than 5 percent of the funds  
25          made available for grants under this subsection to

1 pay the administrative costs of the Pacific Region  
2 Educational Laboratory regarding activities assisted  
3 under this subsection.

4 (f) HOLD-HARMLESS PROVISIONS.—

5 (1) IN GENERAL.—Notwithstanding subsection  
6 (c) and subject to paragraph (2), for fiscal year  
7 2014 and each succeeding fiscal year, no eligible  
8 agency shall receive an allotment under this section  
9 that is less than 90 percent of the allotment the eli-  
10 gible agency received for the preceding fiscal year  
11 under this section.

12 (2) 100 PERCENT ALLOTMENT.—Notwith-  
13 standing paragraphs (1) and (2) of subsection (e),  
14 for a fiscal year for which an eligible agency receives  
15 only an initial allotment under subsection (c)(1)  
16 (and no additional allotment under subsection  
17 (c)(2)) the eligible agency shall receive an allotment  
18 under this section that is equal to 100 percent of the  
19 initial allotment under subsection (c)(1).

20 (3) RATABLE REDUCTION.—If for any fiscal  
21 year the amount available for allotment under this  
22 title is insufficient to satisfy the provisions of para-  
23 graphs (1) and (2), the Secretary shall ratably re-  
24 duce the payments to all eligible agencies, as nec-  
25 essary.

1 (g) ADDITIONAL ASSISTANCE.—

2 (1) IN GENERAL.—From amounts reserved  
3 under subsection (a)(1), the Secretary shall make  
4 grants to eligible agencies described in paragraph  
5 (2) to enable such agencies to provide activities au-  
6 thorized under subtitle B.

7 (2) ELIGIBILITY.—An eligible agency is eligible  
8 to receive a grant under this subsection for a fiscal  
9 year if the amount of the allotment such agency re-  
10 ceives under this section for the fiscal year is less  
11 than the amount such agency would have received  
12 for the fiscal year if the allotment formula under  
13 this section as in effect on September 30, 2003,  
14 were in effect for such year.

15 (3) AMOUNT OF GRANT.—The amount of a  
16 grant made to an eligible agency under this sub-  
17 section for a fiscal year shall be the difference be-  
18 tween—

19 (A) the amount of the allotment such  
20 agency would have received for the fiscal year  
21 if the allotment formula under this section as in  
22 effect on September 30, 2003, were in effect for  
23 such year; and

1                   (B) the amount of the allotment such  
2                   agency receives under this section for the fiscal  
3                   year.

4           (h) REALLOTMENT.—The portion of any eligible  
5           agency's allotment under this title for a fiscal year that  
6           the Secretary determines will not be required for the pe-  
7           riod such allotment is available for carrying out activities  
8           under this title, shall be available for reallocation from  
9           time to time, on such dates during such period as the Sec-  
10          retary shall fix, to other eligible agencies in proportion to  
11          the original allotments to such agencies under this title  
12          for such year.

13          (i) STUDY AND REPORT.—

14               (1) STUDY.—The Comptroller General of the  
15               United States shall conduct a study concerning the  
16               formula described in this section and, in conducting  
17               the study, shall, at a minimum—

18                   (A) examine whether the formula results in  
19                   a distribution of funds that sufficiently serves  
20                   the entire population of individuals eligible for  
21                   adult education and literacy activities under  
22                   this title;

23                   (B) examine whether the data used to  
24                   count qualified adults, for purposes of the for-



1           mula, accurately measure the population of in-  
2           dividuals eligible for the activities; and

3                   (C) develop recommendations for improv-  
4           ing the formula so that the formula results in  
5           a distribution of funds that better serves that  
6           population and the data used to count qualified  
7           adults accurately measure that population.

8           (2) REPORT.—Not later than 3 years after the  
9           date of enactment of the Workforce Investment Act  
10          of 2013, the Comptroller General shall submit to the  
11          Committee on Health, Education, Labor, and Pen-  
12          sions of the Senate and the Committee on Education  
13          and the Workforce of the House of Representatives  
14          a report containing the results of the study de-  
15          scribed in paragraph (1).

16 **SEC. 312. PERFORMANCE ACCOUNTABILITY SYSTEM.**

17          Programs and activities authorized in this title are  
18          subject to the performance accountability provisions de-  
19          scribed in section 131.

20                   **Subtitle B—State Provisions**

21 **SEC. 321. STATE ADMINISTRATION.**

22          Each eligible agency shall be responsible for the State  
23          or outlying area administration of activities under this  
24          title, including—

1           (1) the development, implementation, and moni-  
2           toring of the relevant components of the unified  
3           State plan in section 112 or the combined State plan  
4           in section 113;

5           (2) consultation with other appropriate agen-  
6           cies, groups, and individuals that are involved in, or  
7           interested in, the development and implementation  
8           of activities assisted under this title; and

9           (3) coordination and nonduplication with other  
10          Federal and State education, training, corrections,  
11          public housing, and social service programs.

12 **SEC. 322. STATE DISTRIBUTION OF FUNDS; MATCHING RE-**  
13 **QUIREMENT.**

14          (a) STATE DISTRIBUTION OF FUNDS.—Each eligible  
15          agency receiving a grant under section 311(b) for a fiscal  
16          year—

17               (1) shall use not less than 80 percent of the  
18               grant funds to award grants and contracts under  
19               section 331 and to carry out section 325, of which  
20               not more than 25 percent of such amount shall be  
21               available to carry out section 325;

22               (2) shall use not more than 15 percent of the  
23               grant funds to carry out State leadership activities  
24               under section 323; and

1           (3) shall use not more than 5 percent of the  
2           grant funds, or \$85,000, whichever is greater, for  
3           the administrative expenses of the eligible agency.

4           (b) MATCHING REQUIREMENT.—

5           (1) IN GENERAL.—In order to receive a grant  
6           from the Secretary under section 311(b) each eligi-  
7           ble agency shall provide, for the costs to be incurred  
8           by the eligible agency in carrying out the adult edu-  
9           cation and literacy activities for which the grant is  
10          awarded, a non-Federal contribution in an amount  
11          that is not less than—

12                   (A) in the case of an eligible agency serv-  
13                   ing an outlying area, 12 percent of the total  
14                   amount of funds expended for adult education  
15                   and literacy activities in the outlying area, ex-  
16                   cept that the Secretary may decrease the  
17                   amount of funds required under this subpara-  
18                   graph for an eligible agency; and

19                   (B) in the case of an eligible agency serv-  
20                   ing a State, 25 percent of the total amount of  
21                   funds expended for adult education and literacy  
22                   activities in the State.

23           (2) NON-FEDERAL CONTRIBUTION.—An eligible  
24           agency's non-Federal contribution required under  
25           paragraph (1) may be provided in cash or in kind,

1 fairly evaluated, and shall include only non-Federal  
2 funds that are used for adult education and literacy  
3 activities in a manner that is consistent with the  
4 purpose of this title.

5 **SEC. 323. STATE LEADERSHIP ACTIVITIES.**

6 (a) ACTIVITIES.—

7 (1) REQUIRED.—Each eligible agency shall use  
8 funds made available under section 322(a)(2) for the  
9 following adult education and literacy activities to  
10 develop or enhance the adult education system of the  
11 State or outlying area:

12 (A) The alignment of adult education and  
13 literacy activities with other core programs and  
14 one-stop partners, including eligible providers,  
15 to implement the strategy identified in the uni-  
16 fied State plan under section 112 or the com-  
17 bined State plan under section 113, including  
18 the development of career pathways to provide  
19 access to employment and training services for  
20 individuals in adult education and literacy ac-  
21 tivities.

22 (B) The establishment or operation of high  
23 quality professional development programs to  
24 improve the instruction provided pursuant to  
25 local activities required under section 331(b),

1 including instruction incorporating the essential  
2 components of reading instruction as such com-  
3 ponents relate to adults, instruction related to  
4 the specific needs of adult learners, instruction  
5 provided by volunteers or by personnel of a  
6 State or outlying area, and dissemination of in-  
7 formation about models and promising practices  
8 related to such programs.

9 (C) The provision of technical assistance to  
10 eligible providers of adult education and literacy  
11 activities receiving funds under this title, in-  
12 cluding—

13 (i) the development and dissemination  
14 of instructional and programmatic prac-  
15 tices based on the most rigorous or sci-  
16 entifically valid research available and ap-  
17 propriate, in reading, writing, speaking,  
18 mathematics, English language acquisition  
19 programs, distance education, and staff  
20 training;

21 (ii) the role of eligible providers as a  
22 one-stop partner to provide access to em-  
23 ployment, education, and training services;  
24 and

1 (iii) assistance in the use of tech-  
2 nology, including for staff training, to eli-  
3 gible providers, especially the use of tech-  
4 nology to improve system efficiencies.

5 (D) The monitoring and evaluation of the  
6 quality of, and the improvement in, adult edu-  
7 cation and literacy activities and the dissemina-  
8 tion of information about models and proven or  
9 promising practices within the State.

10 (2) PERMISSIBLE ACTIVITIES.—Each eligible  
11 agency may use funds made available under section  
12 322(a)(2) for 1 or more of the following adult edu-  
13 cation and literacy activities:

14 (A) The support of State or regional net-  
15 works of literacy resource centers.

16 (B) The development and implementation  
17 of technology applications, translation tech-  
18 nology, or distance education, including profes-  
19 sional development to support the use of in-  
20 structional technology.

21 (C) Developing and disseminating cur-  
22 ricula, including curricula incorporating the es-  
23 sential components of reading instruction as  
24 such components relate to adults.

1           (D) The provision of technical assistance  
2 to eligible providers to support the purpose of  
3 this title.

4           (E) Developing content and models for in-  
5 tegrated education and training and career  
6 pathways, including the provision of technical  
7 assistance to eligible providers in the State ad-  
8 ministering such programs.

9           (F) The provision of assistance to eligible  
10 providers in developing and implementing pro-  
11 grams that achieve the objectives of this title  
12 and in measuring the progress of those pro-  
13 grams in achieving such objectives, including  
14 meeting the State adjusted levels of perform-  
15 ance described in section 131(b)(3).

16           (G) The development and implementation  
17 of a system to assist in the transition from  
18 adult education to postsecondary education, in-  
19 cluding linkages with postsecondary educational  
20 institutions or institutions of higher education.

21           (H) Integration of literacy and English  
22 language instruction with occupational skill  
23 training, including promoting linkages with em-  
24 ployers.

1 (I) Activities to promote workplace adult  
2 education and literacy activities.

3 (J) Activities to promote and complement  
4 local outreach initiatives described in section  
5 342(b)(3)(G).

6 (K) Identifying curriculum frameworks  
7 and aligning rigorous content standards that—

8 (i) specify what adult learners should  
9 know and be able to do in the areas of  
10 reading and language arts, mathematics,  
11 and English language acquisition; and

12 (ii) take into consideration the fol-  
13 lowing:

14 (I) State adopted academic  
15 standards.

16 (II) The current adult skills and  
17 literacy assessments used in the State  
18 or outlying area.

19 (III) The primary indicators of  
20 performance described in section 131.

21 (IV) Standards and academic re-  
22 quirements for enrollment in non-  
23 remedial, for-credit courses in postsec-  
24 ondary educational institutions or in-



1                   stitutions of higher education sup-  
2                   ported by the State or outlying area.

3                   (V) Where appropriate, the con-  
4                   tent of occupational and industry skill  
5                   standards widely used by business and  
6                   industry in the State or outlying area.

7                   (L) In cooperation with efforts funded  
8                   under section 342, development and piloting  
9                   of—

10                   (i) new and promising assessment  
11                   tools and strategies that—

12                   (I) are based on scientifically  
13                   valid research, where available and  
14                   appropriate; and

15                   (II) identify the needs and cap-  
16                   ture the gains of students at all levels,  
17                   with particular emphasis on—

18                   (aa) students at the lowest  
19                   achievement level;

20                   (bb) students who are  
21                   English language learners; and

22                   (cc) adults with learning dis-  
23                   abilities;

24                   (ii) options for improving teacher  
25                   quality and retention; and

1                   (iii) assistance in converting scientif-  
2                   ically valid research into practice.

3                   (M) The development and implementation  
4                   of programs and services to meet the needs of  
5                   adult learners with learning disabilities who are  
6                   English language learners.

7                   (N) Support for recruitment and outreach  
8                   for instructors, students, and employers.

9                   (O) Other activities of statewide signifi-  
10                  cance that promote the purpose of this title.

11               (b) COLLABORATION.—In carrying out this section,  
12 eligible agencies shall collaborate where possible, and avoid  
13 duplicating efforts, in order to maximize the impact of the  
14 activities described in subsection (a).

15               (c) STATE-IMPOSED REQUIREMENTS.—Whenever a  
16 State or outlying area implements any rule or policy relat-  
17 ing to the administration or operation of a program au-  
18 thorized under this title that has the effect of imposing  
19 a requirement that is not imposed under Federal law (in-  
20 cluding any rule or policy based on a State or outlying  
21 area interpretation of a Federal statute, regulation, or  
22 guideline), the State or outlying area shall identify, to eli-  
23 gible providers, the rule or policy as being imposed by the  
24 State or outlying area.

1 **SEC. 324. STATE PLAN.**

2 Each State desiring to receive funds under this title  
3 for any fiscal year shall submit and have approved by the  
4 Secretary and the Secretary of Labor a unified State plan  
5 in accordance with section 112 or a combined State plan  
6 in accordance with section 113.

7 **SEC. 325. PROGRAMS FOR CORRECTIONS EDUCATION AND**  
8 **OTHER INSTITUTIONALIZED INDIVIDUALS.**

9 (a) PROGRAM AUTHORIZED.—From funds made  
10 available under section 322(a)(1) for a fiscal year, each  
11 eligible agency shall carry out corrections education and  
12 education for other institutionalized individuals.

13 (b) USES OF FUNDS.—The funds described in sub-  
14 section (a) shall be used for the cost of educational pro-  
15 grams for criminal offenders in correctional institutions  
16 and for other institutionalized individuals, including aca-  
17 demic programs for—

- 18 (1) adult education and literacy activities;
- 19 (2) special education, as determined by the eli-  
20 gible agency;
- 21 (3) secondary school credit;
- 22 (4) integrated education and training;
- 23 (5) career pathways;
- 24 (6) concurrent enrollment;
- 25 (7) peer tutoring; and

1           (8) transition to re-entry initiatives and other  
2           postrelease services with the goal of reducing recidi-  
3           vism.

4           (c) PRIORITY.—Each eligible agency that is using as-  
5           sistance provided under this section to carry out a pro-  
6           gram for criminal offenders within a correctional institu-  
7           tion shall give priority to serving individuals who are likely  
8           to leave the correctional institution within 5 years of par-  
9           ticipation in the program.

10          (d) REPORT.—In addition to any report required  
11          under section 131, each eligible agency that receives as-  
12          sistance provided under this section shall annually prepare  
13          and submit to the Secretary a report on the progress, as  
14          described in section 131, of the eligible agency with re-  
15          spect to the programs and activities carried out under this  
16          section, including the relative rate of recidivism for the  
17          criminal offenders served.

18          (e) DEFINITIONS.—In this section:

19               (1) CORRECTIONAL INSTITUTION.—The term  
20               “correctional institution” means any—

21                       (A) prison;

22                       (B) jail;

23                       (C) reformatory;

24                       (D) work farm;

25                       (E) detention center; or

1 (F) halfway house, community-based reha-  
2 bilitation center, or any other similar institution  
3 designed for the confinement or rehabilitation  
4 of criminal offenders.

5 (2) CRIMINAL OFFENDER.—The term “criminal  
6 offender” means any individual who is charged with  
7 or convicted of any criminal offense.

## 8 **Subtitle C—Local Provisions**

### 9 **SEC. 331. GRANTS AND CONTRACTS FOR ELIGIBLE PRO-** 10 **VIDERS.**

11 (a) GRANTS AND CONTRACTS.—From grant funds  
12 made available under section 322(a)(1), each eligible agen-  
13 cy shall award multiyear grants or contracts, on a com-  
14 petitive basis, to eligible providers within the State or out-  
15 lying area to enable the eligible providers to develop, im-  
16 plement, and improve adult education and literacy activi-  
17 ties within the State.

18 (b) REQUIRED LOCAL ACTIVITIES.—The eligible  
19 agency shall require that each eligible provider receiving  
20 a grant or contract under subsection (a) use the grant  
21 or contract to establish or operate programs that provide  
22 adult education and literacy activities, including programs  
23 that provide such activities concurrently.

24 (c) DIRECT AND EQUITABLE ACCESS; SAME PROC-  
25 ESS.—

1           (1) IN GENERAL.—Each eligible agency receiv-  
2           ing funds under this title shall ensure that—

3                   (A) all eligible providers have direct and  
4                   equitable access to apply and compete for  
5                   grants or contracts under this section; and

6                   (B) the same grant or contract announce-  
7                   ment process and application process is used  
8                   for all eligible providers in the State or outlying  
9                   area.

10           (2) GAO STUDY.—Not later than the second  
11           program year following the date of enactment of the  
12           Workforce Investment Act of 2013, the Comptroller  
13           General shall conduct a study to determine how the  
14           provisions of paragraph (1) have been implemented  
15           and whether such provisions accomplished the pur-  
16           poses of such paragraph.

17           (d) SPECIAL RULE.—Each eligible agency awarding  
18           a grant or contract under this section shall not use any  
19           funds made available under this title for adult education  
20           and literacy activities for the purpose of supporting or pro-  
21           viding programs, services, or activities for individuals who  
22           are not individuals described in subparagraphs (A) and  
23           (B) of section 303(4), except that such agency may use  
24           such funds for such purpose if such programs, services,  
25           or activities are related to family literacy activities. In pro-

1 viding family literacy activities under this title, an eligible  
2 provider shall attempt to coordinate with programs and  
3 services that are not assisted under this title prior to using  
4 funds for adult education and literacy activities under this  
5 title for activities other than activities for eligible individ-  
6 uals.

7 (e) CONSIDERATIONS.—In awarding grants or con-  
8 tracts under this section, the eligible agency shall con-  
9 sider—

10 (1) the degree to which the eligible provider  
11 would be responsive to—

12 (A) regional needs as identified in the local  
13 plan under section 118; and

14 (B) serving individuals in the community  
15 who were identified in such plan as most in  
16 need of adult education and literacy activities,  
17 including individuals—

18 (i) who have low levels of literacy  
19 skills;

20 (ii) who have learning disabilities; or

21 (iii) who are English language learn-  
22 ers;

23 (2) capacity, including past effectiveness in im-  
24 proving the literacy of eligible individuals of the eli-  
25 gible provider, to meet State-adjusted levels of per-

1 performance for the primary indicators of performance  
2 described in section 131 for eligible individuals, es-  
3 pecially with respect to eligible individuals who have  
4 low levels of literacy;

5 (3) the extent to which the eligible provider  
6 demonstrates alignment between proposed activities  
7 and services and the strategy and goals of the local  
8 plan under section 118, as well as the activities and  
9 services of the one-stop partners;

10 (4) whether the eligible provider's program—

11 (A) is of sufficient intensity and quality,  
12 and based on the most rigorous research avail-  
13 able so that participants achieve substantial  
14 learning gains; and

15 (B) uses instructional practices that in-  
16 clude the essential components of reading in-  
17 struction;

18 (5) whether the eligible provider's activities are  
19 built on a strong foundation of the most rigorous re-  
20 search available, including scientifically valid re-  
21 search, and effective educational practice;

22 (6) whether the eligible provider's activities ef-  
23 fectively employ advances in technology and delivery  
24 systems, including distance education;



1           (7) whether the eligible provider's activities pro-  
2           vide learning in context, including through inte-  
3           grated education and training, so that an individual  
4           acquires the skills needed to transition to and com-  
5           plete postsecondary education and training pro-  
6           grams, obtain and advance in employment leading to  
7           economic self-sufficiency, and to exercise the rights  
8           and responsibilities of citizenship;

9           (8) whether the eligible provider's activities are  
10          delivered by well-trained instructors, counselors, and  
11          administrators who meet any minimum qualifica-  
12          tions established by the State, where applicable, and  
13          who have access to high quality professional develop-  
14          ment, including through electronic means;

15          (9) whether the eligible provider's activities co-  
16          ordinate with other available education, training,  
17          and social service resources in the community, such  
18          as by establishing strong links with elementary  
19          schools and secondary schools, postsecondary edu-  
20          cational institutions, institutions of higher education,  
21          local workforce investment boards, one-stop centers,  
22          job training programs, and social service agencies,  
23          business, industry, labor organizations, community-  
24          based organizations, nonprofit organizations, and

1 intermediaries, for the development of career path-  
2 ways;

3 (10) whether the eligible provider's activities  
4 offer flexible schedules and coordination with Fed-  
5 eral, State, and local support services (such as child  
6 care, transportation, mental health services, and ca-  
7 reer planning) that are necessary to enable individ-  
8 uals, including individuals with disabilities or other  
9 special needs, to attend and complete programs;

10 (11) the capacity of the eligible provider to pro-  
11 vide integrated education and training;

12 (12) whether the eligible provider maintains a  
13 high-quality information management system that  
14 has the capacity to report measurable participant  
15 outcomes (consistent with section 131) and to mon-  
16 itor program performance;

17 (13) whether the local areas in which the eligi-  
18 ble provider is located have a demonstrated need for  
19 additional English language acquisition programs  
20 and civics education programs;

21 (14) whether reading, writing, speaking, mathe-  
22 matics, and English language acquisition instruction  
23 delivered by the eligible provider is based on the best  
24 practices derived from the most rigorous research

1 available and appropriate, including scientifically  
2 valid research that is available and appropriate;

3 (15) whether the eligible provider's applications  
4 of technology and services to be provided are suffi-  
5 cient to increase the amount and quality of learning  
6 and how such technology and services lead to im-  
7 proved performance; and

8 (16) the capacity of the eligible provider to  
9 serve eligible individuals with disabilities, including  
10 individuals with learning disabilities.

11 **SEC. 332. LOCAL APPLICATION.**

12 Each eligible provider desiring a grant or contract  
13 from an eligible agency shall submit an application to the  
14 eligible agency containing such information and assur-  
15 ances as the eligible agency may require, including—

16 (1) a description of how funds awarded under  
17 this title will be spent consistent with the require-  
18 ments of this title;

19 (2) a description of any cooperative arrange-  
20 ments the eligible provider has with other agencies,  
21 institutions, or organizations for the delivery of  
22 adult education and literacy activities;

23 (3) a description of how the eligible provider  
24 will provide services in alignment with the local plan  
25 under section 118, including how such provider will

1 promote concurrent enrollment in programs and ac-  
2 tivities under title II, as appropriate, to assist eligi-  
3 ble individuals in accessing education and job train-  
4 ing services;

5 (4) a description of how the eligible provider  
6 will meet the State adjusted levels of performance  
7 described in section 131(b)(3), including how such  
8 provider will collect data to report on such perform-  
9 ance indicators;

10 (5) a description of how the eligible provider  
11 will fulfill one-stop partner responsibilities as de-  
12 scribed in section 221(b)(1)(A), as appropriate;

13 (6) a description of how the eligible provider  
14 will provide services in a manner that meets the  
15 needs of eligible individuals; and

16 (7) information that addresses the consider-  
17 ations described under section 331(e), as applicable.

18 **SEC. 333. LOCAL ADMINISTRATIVE COST LIMITS.**

19 (a) IN GENERAL.—Subject to subsection (b), of the  
20 amount that is made available under this title to an eligi-  
21 ble provider—

22 (1) not less than 95 percent shall be expended  
23 for carrying out adult education and literacy activi-  
24 ties; and

1           (2) the remaining amount, not to exceed 5 per-  
2           cent, shall be used for planning, administration (in-  
3           cluding carrying out the requirements of section  
4           131), professional development, and the activities de-  
5           scribed in paragraphs (3) and (5) of section 332.

6           (b) SPECIAL RULE.—In cases where the cost limits  
7           described in subsection (a) are too restrictive to allow for  
8           the activities described in subsection (a)(2), the eligible  
9           provider shall negotiate with the eligible agency in order  
10          to determine an adequate level of funds to be used for  
11          noninstructional purposes.

## 12           **Subtitle D—General Provisions**

### 13          **SEC. 341. ADMINISTRATIVE PROVISIONS.**

14          (a) SUPPLEMENT NOT SUPPLANT.—Funds made  
15          available for adult education and literacy activities under  
16          this title shall supplement and not supplant other State  
17          or local public funds expended for adult education and lit-  
18          eracy activities.

19          (b) MAINTENANCE OF EFFORT.—

20                  (1) IN GENERAL.—

21                          (A) DETERMINATION.—An eligible agency  
22                          may receive funds under this title for any fiscal  
23                          year if the Secretary finds that the fiscal effort  
24                          per student or the aggregate expenditures of  
25                          such eligible agency for activities under this

1 title, in the second preceding fiscal year, were  
2 not less than 90 percent of the fiscal effort per  
3 student or the aggregate expenditures of such  
4 eligible agency for adult education and literacy  
5 activities in the third preceding fiscal year.

6 (B) PROPORTIONATE REDUCTION.—Sub-  
7 ject to paragraphs (2), (3), and (4), for any fis-  
8 cal year with respect to which the Secretary de-  
9 termines under subparagraph (A) that the fiscal  
10 effort or the aggregate expenditures of an eligi-  
11 ble agency for the preceding program year were  
12 less than such effort or expenditures for the  
13 second preceding program year, the Secretary—

14 (i) shall determine the percentage de-  
15 creases in such effort or in such expendi-  
16 tures; and

17 (ii) shall decrease the payment made  
18 under this title for such program year to  
19 the agency for adult education and literacy  
20 activities by the lesser of such percentages.

21 (2) COMPUTATION.—In computing the fiscal ef-  
22 fort and aggregate expenditures under paragraph  
23 (1), the Secretary shall exclude capital expenditures  
24 and special one-time project costs.

1           (3) DECREASE IN FEDERAL SUPPORT.—If the  
2           amount made available for adult education and lit-  
3           eracy activities under this title for a fiscal year is  
4           less than the amount made available for adult edu-  
5           cation and literacy activities under this title for the  
6           preceding fiscal year, then the fiscal effort per stu-  
7           dent and the aggregate expenditures of an eligible  
8           agency required in order to avoid a reduction under  
9           paragraph (1)(B) shall be decreased by the same  
10          percentage as the percentage decrease in the amount  
11          so made available.

12          (4) WAIVER.—The Secretary may waive the re-  
13          quirements of this subsection for not more than 1  
14          fiscal year, if the Secretary determines that a waiver  
15          would be equitable due to exceptional or uncontrol-  
16          lable circumstances, such as a natural disaster or an  
17          unforeseen and precipitous decline in the financial  
18          resources of the State or outlying area of the eligible  
19          agency. If the Secretary grants a waiver under the  
20          preceding sentence for a fiscal year, the level of ef-  
21          fort required under paragraph (1) shall not be re-  
22          duced in the subsequent fiscal year because of the  
23          waiver.

1 **SEC. 342. NATIONAL LEADERSHIP ACTIVITIES.**

2 (a) IN GENERAL.—The Secretary shall establish and  
3 carry out a program of national leadership activities to  
4 enhance the quality and outcomes of adult education and  
5 literacy activities and programs nationwide.

6 (b) REQUIRED ACTIVITIES.—The national leadership  
7 activities described in subsection (a) shall include technical  
8 assistance, including—

9 (1) assistance to help States meet the require-  
10 ments of section 131;

11 (2) upon request by a State, assistance provided  
12 to eligible providers in using performance account-  
13 ability measures based on indicators described in  
14 section 131, and data systems for the improvement  
15 of adult education and literacy activities; and

16 (3) carrying out rigorous research and evalua-  
17 tion on effective adult education and literacy activi-  
18 ties, as well as estimating the number of adults  
19 functioning at the lowest levels of literacy pro-  
20 ficiency, which may be coordinated across relevant  
21 Federal agencies.

22 (c) ALLOWABLE ACTIVITIES.—The national leader-  
23 ship activities described in subsection (a) may include the  
24 following:

25 (1) Technical assistance, including—



1           (A) assistance related to professional devel-  
2           opment activities, and assistance for the pur-  
3           poses of developing, improving, identifying, and  
4           disseminating the most successful methods and  
5           techniques for providing adult education and  
6           literacy activities, based on scientifically valid  
7           research where available;

8           (B) assistance in distance education and  
9           promoting and improving the use of technology  
10          in the classroom, including through the use of  
11          instructional models that blend in-person and  
12          online instruction; and

13          (C) assistance in the development and dis-  
14          semination of proven models for addressing the  
15          digital literacy needs of adults, including older  
16          adults.

17          (2) A program of grants, contracts, or coopera-  
18          tive agreements awarded on a competitive basis to  
19          national, regional, or local networks of private non-  
20          profit organizations, public libraries, or institutions  
21          of higher education to build the capacity of such net-  
22          works' members to—

23                 (A) meet the performance requirements,  
24                 described in section 131, of eligible providers  
25                 under this title; and

1 (B) involve eligible individuals in program  
2 improvement.

3 (3) Funding national leadership activities that  
4 are not described in paragraph (1), either directly or  
5 through grants, contracts, or cooperative agreements  
6 awarded on a competitive basis to or with postsec-  
7 ondary educational institutions, institutions of high-  
8 er education, public or private organizations or agen-  
9 cies, or consortia of such institutions, organizations,  
10 or agencies, such as—

11 (A) developing, improving, and identifying  
12 the most successful methods and techniques for  
13 addressing the education needs of adults, in-  
14 cluding instructional practices using the essen-  
15 tial components of reading instruction based on  
16 the work of the National Institute of Child  
17 Health and Human Development;

18 (B) increasing the effectiveness of, and im-  
19 proving the quality of, adult education and lit-  
20 eracy activities;

21 (C) carrying out rigorous research, includ-  
22 ing scientifically valid research where appro-  
23 priate, on national literacy basic skill acquisi-  
24 tion for adult learning, including estimating the

1           number of adults functioning at the lowest lev-  
2           els of literacy proficiency;

3           (D)(i) carrying out demonstration pro-  
4           grams, which may include programs that—

5                 (I) accelerate learning outcomes for  
6                 eligible individuals with the lowest literacy  
7                 levels;

8                 (II) develop and promote career path-  
9                 ways for eligible individuals;

10                (III) promote concurrent enrollment  
11                programs in adult education and credit  
12                bearing postsecondary coursework; and

13                (IV) develop high-quality professional  
14                development activities for eligible pro-  
15                viders;

16                (ii) disseminating best practices infor-  
17                mation, including information regarding  
18                promising practices resulting from feder-  
19                ally funded demonstration programs; and

20                (iii) developing and replicating best  
21                practices and innovative programs, such  
22                as—

23                         (I) programs for skill certifi-  
24                         cation;

1 (II) the identification of effective  
2 strategies for working with adults  
3 with learning disabilities and with  
4 adults who are English language  
5 learners;

6 (III) integrated education and  
7 training programs;

8 (IV) programs providing adult  
9 education and literacy activities co-  
10 ordinated with employment services;  
11 and

12 (V) postsecondary education and  
13 training transition programs;

14 (E) providing for the conduct of an inde-  
15 pendent evaluation and assessment of adult  
16 education and literacy activities through grants  
17 and contracts awarded on a competitive basis,  
18 which evaluation and assessment shall include  
19 descriptions of—

20 (i) the effect of performance account-  
21 ability measures and other measures of ac-  
22 countability on the delivery of adult edu-  
23 cation and literacy activities;

24 (ii) the extent to which the adult edu-  
25 cation and literacy activities increase the

1 literacy skills of eligible individuals, lead to  
2 involvement in education and training, en-  
3 hance the employment and earnings of  
4 such participants, and, if applicable, lead  
5 to other positive outcomes, such as success  
6 in re-entry and reductions in recidivism in  
7 the case of prison-based adult education  
8 and literacy activities;

9 (iii) the extent to which the provision  
10 of support services to eligible individuals  
11 enrolled in adult education and literacy ac-  
12 tivities increase the rate of enrollment in,  
13 and successful completion of, such pro-  
14 grams; and

15 (iv) the extent to which different types  
16 of providers measurably improve the skills  
17 of eligible individuals in adult education  
18 and literacy activities;

19 (F) carrying out rigorous research on the  
20 relationship between instructional quality, in-  
21 cluding education levels, certification status,  
22 and experience of instructors, and the perform-  
23 ance outcomes of eligible providers consistent  
24 with section 131;

1 (G) supporting efforts aimed at capacity  
2 building of programs at the State and local lev-  
3 els such as technical assistance in program  
4 planning, assessment, evaluation, and moni-  
5 toring of activities carried out under this title;

6 (H) collecting data, such as data regarding  
7 the improvement of both local and State data  
8 systems, through technical assistance and devel-  
9 opment of model performance data collection  
10 systems;

11 (I) supporting the development of an entity  
12 that would produce and distribute technology-  
13 based programs and materials for adult edu-  
14 cation and literacy activities using an inter-  
15 connection system (as defined in section 397 of  
16 the Communications Act of 1934 (47 U.S.C.  
17 397)) and expand the effective outreach and  
18 use of such programs and materials to eligible  
19 providers;

20 (J) determining how participation in adult  
21 education and literacy activities prepares eligi-  
22 ble individuals for entry into postsecondary edu-  
23 cation and employment and, in the case of pro-  
24 grams carried out in correctional institutions,  
25 has an effect on recidivism; and

1           (K) other activities designed to enhance  
2           the quality of adult education and literacy ac-  
3           tivities nationwide.

4 **SEC. 343. INTEGRATED ENGLISH LITERACY AND CIVICS**  
5 **EDUCATION.**

6           (a) IN GENERAL.—From funds made available under  
7 section 311(a)(2) for each fiscal year, the Secretary shall  
8 award grants to States, from allotments under subsection  
9 (b), for integrated English literacy and civics education.

10          (b) ALLOTMENT.—

11           (1) IN GENERAL.—Subject to paragraph (2),  
12 from amounts made available under section  
13 311(a)(2) for a fiscal year, the Secretary shall allo-  
14 cate—

15           (A) 65 percent to the States on the basis  
16 of a State's need for integrated English literacy  
17 and civics education, as determined by calcu-  
18 lating each State's share of a 10-year average  
19 of the data of the Office of Immigration Statis-  
20 tics of the Department of Homeland Security  
21 for immigrants admitted for legal permanent  
22 residence for the 10 most recent years; and

23           (B) 35 percent to the States on the basis  
24 of whether the State experienced growth, as  
25 measured by the average of the 3 most recent

1           years for which the data of the Office of Immi-  
2           gration Statistics of the Department of Home-  
3           land Security for immigrants admitted for legal  
4           permanent residence are available.

5           (2) MINIMUM.—No State shall receive an allot-  
6           ment under paragraph (1) in an amount that is less  
7           than \$60,000.

## 8       **TITLE IV—AMENDMENTS TO THE** 9                           **WAGNER-PEYSER ACT**

### 10   **SEC. 401. EMPLOYMENT SERVICE OFFICES.**

11           Section 1 of the Wagner-Peyser Act (29 U.S.C. 49)  
12   is amended by inserting “service” before “offices”.

### 13   **SEC. 402. DEFINITIONS.**

14           Section 2 of the Wagner-Peyser Act (29 U.S.C. 49a)  
15   is amended—

16           (1) by striking paragraph (1) and inserting the  
17   following:

18           “(1) the terms ‘chief elected official’, ‘institu-  
19   tion of higher education’, ‘one-stop center’, ‘one-stop  
20   partner’, ‘training services’, ‘workforce development  
21   activity’, and ‘workplace learning advisor’, have the  
22   meaning given the terms in section 101 of the Work-  
23   force Investment Act of 2013;”;

24           (2) in paragraph (2)—



1 (A) by striking “investment board” each  
2 place it appears and inserting “development  
3 board”; and

4 (B) by striking “of 1998” and inserting  
5 “of 2013”;

6 (3) in paragraph (3)—

7 (A) by striking “134(c)” and inserting  
8 “221(e)”; and

9 (B) by striking “1998” and inserting  
10 “2013”; and

11 (4) in paragraph (4), by striking “and” at the  
12 end;

13 (5) in paragraph (5), by striking the period and  
14 inserting “; and”; and

15 (6) by adding at the end the following:

16 “(6) the term ‘employment service office’ means  
17 a local office of a State agency; and

18 “(7) except in section 15, the term ‘State agen-  
19 cy’, used without further description, means an  
20 agency designated or authorized under section 4.”.

21 **SEC. 403. FEDERAL AND STATE EMPLOYMENT SERVICE OF-**

22 **FICES.**

23 (a) COORDINATION.—Section 3(a) of the Wagner-  
24 Peyser Act (29 U.S.C. 49b(a)) is amended by striking  
25 “services” and inserting “service offices”.

1           (b) PUBLIC LABOR EXCHANGE SERVICES SYSTEM.—  
2 Section 3(c)(2) of the Wagner-Peyser Act (29 U.S.C.  
3 49b(c)(2)) is amended by inserting “, and identify and dis-  
4 seminate information on best practices for such system”  
5 before the semicolon.

6           (c) ONE-STOP CENTERS.—Section 3 of the Wagner-  
7 Peyser Act (29 U.S.C. 49b) is amended by inserting after  
8 subsection (c) the following:

9           “(d) In order to improve service delivery, avoid dupli-  
10 cation of services, and enhance coordination of services,  
11 including location of staff to ensure access to services  
12 under section 7(a) statewide in underserved areas, employ-  
13 ment service offices in each State shall be colocated with  
14 one-stop centers.

15           “(e) The Secretary, in consultation with States, is au-  
16 thorized to assist the States in the development of national  
17 electronic tools that may be used to improve access to  
18 workforce information for individuals through—

19                   “(1) the one-stop delivery systems established  
20 as described in section 221(e) of the Workforce In-  
21 vestment Act of 2013; and

22                   “(2) such other delivery systems as the Sec-  
23 retary determines to be appropriate.”.

1 **SEC. 404. ALLOTMENT OF SUMS.**

2 Section 6 of the Wagner-Peyser Act (29 U.S.C. 49e)  
3 is amended—

4 (1) in subsection (a), by striking “amounts ap-  
5 propriated pursuant to section 5” and inserting  
6 “funds appropriated and (except for Guam) certified  
7 under section 5 and made available for allotments  
8 under this section”; and

9 (2) in subsection (b)(1)—

10 (A) in the matter preceding subparagraph

11 (A)—

12 (i) by inserting before “the Secretary”  
13 the following “after making the allotments  
14 required by subsection (a),”; and

15 (ii) by striking “sums” and all that  
16 follows through “this Act” and inserting  
17 “funds described in subsection (a)”;

18 (B) in each of subparagraphs (A) and (B),  
19 by striking “sums” and inserting “remainder”;  
20 and

21 (C) by adding at the end the following:  
22 “For purposes of this paragraph, the term  
23 ‘State’ does not include Guam or the Virgin Is-  
24 lands.”.

1 **SEC. 405. USE OF SUMS.**

2 (a) IMPROVED COORDINATION.—Section 7(a)(1) of  
3 the Wagner-Peyser Act (29 U.S.C. 49f(a)(1)) is amended  
4 by inserting “, including unemployment insurance claim-  
5 ants,” after “seekers”.

6 (b) RESOURCES FOR UNEMPLOYMENT INSURANCE  
7 CLAIMANTS.—Section 7(a)(3) of the Wagner-Peyser Act  
8 (29 U.S.C. 49f(a)(3)) is amended—

9 (1) by striking “and” at the end of subpara-  
10 graph (E);

11 (2) in subparagraph (F)—

12 (A) by inserting “, including making eligi-  
13 bility assessments,” after “system”; and

14 (B) by striking the period at the end and  
15 inserting “; and”; and

16 (3) by inserting after subparagraph (F) the fol-  
17 lowing:

18 “(G) providing unemployment insurance  
19 claimants with referrals to, and application as-  
20 sistance for, training and education resources  
21 and programs, including Federal Pell Grants  
22 under subpart 1 of part A of title IV of the  
23 Higher Education Act of 1965 (20 U.S.C.  
24 1070a et seq.), educational assistance under  
25 chapter 30 of title 38, United States Code  
26 (commonly referred to as the Montgomery GI

1 Bill), and chapter 33 of that title (Post-9/11  
2 Veterans Educational Assistance), student as-  
3 sistance under title IV of the Higher Education  
4 Act of 1965 (20 U.S.C. 1070 et seq.), State  
5 student higher education assistance, and train-  
6 ing and education programs provided under ti-  
7 tles II and III of the Workforce Investment Act  
8 of 2013, and title I of the Rehabilitation Act of  
9 1973 (29 U.S.C. 720 et seq.).”.

10 (c) STATE ACTIVITIES.—Section 7(b) of the Wagner-  
11 Peyser Act (29 U.S.C. 49f(b)) is amended—

12 (1) in paragraph (1), by striking “performance  
13 standards established by the Secretary” and insert-  
14 ing “the performance accountability measures that  
15 are based on indicators described in section  
16 131(b)(2)(A)(i) of the Workforce Investment Act of  
17 2013”; and

18 (2) in paragraph (2), by inserting “offices”  
19 after “employment service”.

20 (d) PROVIDING ADDITIONAL FUNDS.—Section  
21 7(c)(2) of the Wagner-Peyser Act (29 U.S.C. 49f(c)(2))  
22 is amended by striking “1998” and inserting “2013”.

23 (e) OTHER SERVICES AND ACTIVITIES.—Section 7(d)  
24 of the Wagner-Peyser Act (29 U.S.C. 49f(d)) is amended  
25 by striking “1998” and inserting “2013”.

1 (f) CONFORMING AMENDMENT.—Section 7(e) of the  
2 Wagner-Peyser Act (29 U.S.C. 49f(e)) is amended by  
3 striking “labor employment statistics” and inserting  
4 “workforce and labor market information”.

5 **SEC. 406. STATE PLAN.**

6 Section 8 of the Wagner-Peyser Act (29 U.S.C. 49g)  
7 is amended to read as follows:

8 “SEC. 8. Any State desiring to receive assistance  
9 under section 6 shall prepare and submit to, and have ap-  
10 proved by, the Secretary and the Secretary of Education,  
11 a State plan in accordance with section 112 or 113 of the  
12 Workforce Investment Act of 2013.”.

13 **SEC. 407. PERFORMANCE MEASURES.**

14 Section 13(a) of the Wagner-Peyser Act (29 U.S.C.  
15 49l(a)) is amended to read as follows:

16 “(a) The activities carried out pursuant to section 7  
17 shall be subject to the performance accountability meas-  
18 ures that are based on indicators described in section  
19 131(b)(2)(A)(i) of the Workforce Investment Act of  
20 2013.”.

21 **SEC. 408. PILOT PROJECTS.**

22 The Wagner-Peyser Act is amended by inserting after  
23 section 13 (29 U.S.C. 49l) the following:

1 **“SEC. 13A. PILOT PROJECTS.**

2 “(a) GRANTS.—From funds appropriated under sub-  
3 section (f), the Secretary, in consultation with the Sec-  
4 retary of Education, shall establish and carry out a pilot  
5 program. In carrying out the program, the Secretary shall  
6 annually make not more than 5 grants, on a competitive  
7 basis, to State agencies to cooperate in the administration  
8 of this Act by carrying out pilot projects that enhance the  
9 professional development and provision of services by the  
10 staff of such State agencies.

11 “(b) USE OF FUNDS.—Funds made available under  
12 this section may be used to enable a State agency to—

13 “(1) make available a broad range of career  
14 guidance services, including career planning, apti-  
15 tude and interest assessments, and provision of  
16 workforce and labor market information, and evalu-  
17 ate the outcomes for recipients of such services;

18 “(2) strengthen the capacity of the State agen-  
19 cy to identify job openings through the use of tech-  
20 nology, and through intensive outreach to small and  
21 medium size employers while using and enhancing  
22 the business and employer services authorized under  
23 this Act;

24 “(3) provide professional development and ca-  
25 reer advancement opportunities for staff of a State  
26 agency in order to upgrade their skills and com-

1       petencies in the provision of career development ac-  
2       tivities, employer outreach, and other services au-  
3       thorized under this Act, including upgrading those  
4       skills and competencies through the training of such  
5       staff to improve their knowledge of, and ability to ef-  
6       fectively interact with, staff and programs of one-  
7       stop partners and other entities administering work-  
8       force development programs;

9               “(4) in cooperation with professional organiza-  
10       tions and institutions of higher education, dem-  
11       onstrate the efficacy and value of professional  
12       credentialing for counselors of the State agency to  
13       cooperate in the administration of this Act;

14               “(5) identify and implement strategies for State  
15       agency staff to provide technical assistance and  
16       training to assist other providers of workforce devel-  
17       opment activities, including workplace learning advi-  
18       sors, in providing counseling and employment-related  
19       services to workers and job seekers, and employers;  
20       and

21               “(6) identify and implement new strategies for  
22       integrating counseling and technology to enhance the  
23       provision of employment-related services under this  
24       Act.



1           “(c) APPLICATIONS.—A State agency that seeks a  
2 grant under this section shall submit an application to the  
3 Secretary at such time, in such manner, and containing  
4 such information as the Secretary may require.

5           “(d) PRIORITY.—In awarding grants under this sec-  
6 tion, the Secretary, in consultation with the Secretary of  
7 Education, shall—

8                   “(1) give priority to a State agency that—

9                           “(A) demonstrates participation by em-  
10 ployees of the agency in the planning of the  
11 proposed pilot project;

12                           “(B) demonstrates participation by the  
13 employees, or provides an assurance that the  
14 employees will participate, in the implementa-  
15 tion of the pilot project; and

16                           “(C) demonstrates that the State agency  
17 has established a partnership, or provides an  
18 assurance that the agency will establish a part-  
19 nership, with a relevant professional organiza-  
20 tion, or with an institution of higher education;  
21 and

22                   “(2) ensure geographic diversity and diversity  
23 with respect to the population density of the States  
24 in which projects under this section will be carried  
25 out.

1           “(e) **REPORTS.**—The Secretary shall annually pre-  
2 pare and submit to the Committee on Education and  
3 Labor of the House of Representatives and the Committee  
4 on Health, Education, Labor, and Pensions of the Senate,  
5 a report assessing the projects carried out under this sec-  
6 tion and containing such recommendations for improve-  
7 ments in the provision of counseling and other employ-  
8 ment-related services under this Act as the Secretary de-  
9 termines to be appropriate.

10           “(f) **AUTHORIZATION OF APPROPRIATIONS.**—There  
11 is authorized to be appropriated to carry out this section  
12 such sums as may be necessary for each of fiscal years  
13 2014 through 2018.”.

14   **SEC. 409. WORKFORCE AND LABOR MARKET INFORMATION**  
15                           **SYSTEM.**

16           (a) **HEADING.**—The section heading for section 15 of  
17 the Wagner-Peyser Act (29 U.S.C. 491–2) is amended by  
18 striking “**EMPLOYMENT STATISTICS**” and inserting  
19 “**WORKFORCE AND LABOR MARKET INFORMATION**  
20 **SYSTEM**”.

21           (b) **NAME OF SYSTEM.**—Section 15(a)(1) of the Wag-  
22 ner-Peyser Act (29 U.S.C. 491–2(a)(1)) is amended by  
23 striking “employment statistics system of employment sta-  
24 tistics” and inserting “workforce and labor market infor-  
25 mation system”.

1           (c) SYSTEM RESPONSIBILITIES.—Section 15(b) of  
2 the Wagner-Peyser Act (29 U.S.C. 491–2(b)) is amend-  
3 ed—

4           (1) by striking paragraph (1) and inserting the  
5 following:

6           “(1) IN GENERAL.—

7           “(A) STRUCTURE.—The workforce and  
8 labor market information system described in  
9 subsection (a) shall be evaluated and improved  
10 by the Secretary, in consultation with the  
11 Workforce Information Advisory Council estab-  
12 lished in subsection (d).

13           “(B) GRANTS AND RESPONSIBILITIES.—

14           “(i) IN GENERAL.—The Secretary  
15 shall carry out the provisions of this sec-  
16 tion in a timely manner, through grants to  
17 or agreements with States.

18           “(ii) DISTRIBUTION OF FUNDS.—

19 Using amounts appropriated under sub-  
20 section (g), the Secretary shall provide  
21 funds through those grants and agree-  
22 ments. In distributing the funds (relating  
23 to workforce and labor market information  
24 funding) for fiscal years 2014 through  
25 2018, the Secretary shall continue to dis-

1           tribute the funds to States in the manner  
2           in which the Secretary distributed funds to  
3           the States under this section for fiscal  
4           years 2004 through 2008.”; and

5           (2) by striking paragraph (2) and inserting the  
6           following:

7           “(2) DUTIES.—The Secretary, with respect to  
8           data collection, analysis, and dissemination of work-  
9           force and labor market information for the system,  
10          shall carry out the following duties:

11           “(A) Assign responsibilities within the De-  
12          partment of Labor for elements of the work-  
13          force and labor market information system de-  
14          scribed in subsection (a) to ensure that the sta-  
15          tistical and administrative data collected is con-  
16          sistent with appropriate Bureau of Labor Sta-  
17          tistics standards and definitions, and that the  
18          information is accessible and understandable to  
19          users of such data.

20           “(B) Actively seek the cooperation of heads  
21          of other Federal agencies to establish and main-  
22          tain mechanisms for ensuring complementarity  
23          and nonduplication in the development and op-  
24          eration of statistical and administrative data  
25          collection activities.

1           “(C) Solicit, receive, and evaluate the rec-  
2           ommendations from the Workforce Information  
3           Advisory Council established in subsection (d)  
4           concerning the evaluation and improvement of  
5           the workforce and labor market information  
6           system described in subsection (a) and respond  
7           in writing to the Council regarding the rec-  
8           ommendations.

9           “(D) Eliminate gaps and duplication in  
10          statistical undertakings.

11          “(E) Through the Bureau of Labor Statis-  
12          tics and the Employment and Training Admin-  
13          istration, and in collaboration with States, de-  
14          velop and maintain the elements of the work-  
15          force and labor market information system de-  
16          scribed in subsection (a), including the develop-  
17          ment of consistent procedures and definitions  
18          for use by the States in collecting the data and  
19          information described in subparagraphs (A) and  
20          (B) of subsection (a)(1).

21          “(F) Establish procedures for the system  
22          to ensure that—

23                  “(i) such data and information are  
24                  timely; and

1                   “(ii) paperwork and reporting for the  
2                   system are reduced to a minimum.”.

3           (d) TWO-YEAR PLAN.—Section 15 of the Wagner-  
4 Peyser Act (29 U.S.C. 491–2) is amended by striking sub-  
5 section (c) and inserting the following:

6           “(c) TWO-YEAR PLAN.—The Secretary, acting  
7 through the Commissioner of Labor Statistics and the As-  
8 sistant Secretary for Employment and Training, and in  
9 consultation with the Workforce Information Advisory  
10 Council described in subsection (d) and heads of other ap-  
11 propriate Federal agencies, shall prepare a 2-year plan for  
12 the workforce and labor market information system. The  
13 plan shall be developed and implemented in a manner that  
14 takes into account the activities described in State plans  
15 submitted by States under section 112 or 113 of the  
16 Workforce Investment Act of 2013 and shall be submitted  
17 to the Committee on Education and the Workforce of the  
18 House of Representatives and the Committee on Health,  
19 Education, Labor, and Pensions of the Senate. The plan  
20 shall include—

21           “(1) a description of how the Secretary will  
22           work with the States to manage the nationwide  
23           workforce and labor market information system de-  
24           scribed in subsection (a) and the statewide work-

1 force and labor market information systems that  
2 comprise the nationwide system;

3 “(2) a description of the steps to be taken in  
4 the following 2 years to carry out the duties de-  
5 scribed in subsection (b)(2);

6 “(3) an evaluation of the performance of the  
7 system, with particular attention to the improve-  
8 ments needed at the State and local levels;

9 “(4) a description of the involvement of States  
10 in the development of the plan, through consultation  
11 by the Secretary with the Workforce Information  
12 Advisory Council in accordance with subsection (d);  
13 and

14 “(5) a description of the written recommenda-  
15 tions received from the Workforce Information Advi-  
16 sory Council established under subsection (d), and  
17 the extent to which those recommendations were in-  
18 corporated into the plan.”.

19 (e) WORKFORCE INFORMATION ADVISORY COUN-  
20 CIL.—Section 15 of the Wagner-Peyser Act (29 U.S.C.  
21 491–2) is amended by striking subsection (d) and inserting  
22 the following:

23 “(d) WORKFORCE INFORMATION ADVISORY COUN-  
24 CIL.—

1           “(1) IN GENERAL.—The Secretary, through the  
2           Commissioner of Labor Statistics and the Assistant  
3           Secretary of Labor for Employment and Training,  
4           shall formally consult at least twice annually with  
5           the Workforce Information Advisory Council estab-  
6           lished in accordance with paragraph (2). Such con-  
7           sultations shall address the evaluation and improve-  
8           ment of the nationwide workforce and labor market  
9           information system described in subsection (a) and  
10          the statewide workforce and labor market informa-  
11          tion systems that comprise the nationwide system  
12          and how the Department of Labor and the States  
13          will cooperate in the management of such systems.  
14          The Council shall provide written recommendations  
15          to the Secretary concerning the evaluation and im-  
16          provement of the nationwide system, including any  
17          recommendations regarding the 2-year plan de-  
18          scribed in subsection (c).

19           “(2) ESTABLISHMENT OF COUNCIL.—

20           “(A) ESTABLISHMENT.—The Secretary  
21           shall establish an advisory council that shall be  
22           known as the Workforce Information Advisory  
23           Council (referred to in this section as the  
24           ‘Council’) to participate in the consultations



1           and provide the recommendations described in  
2           paragraph (1).

3           “(B) MEMBERSHIP.—The Secretary shall  
4           appoint the members of the Council, which shall  
5           consist of—

6                   “(i) 4 members who are representa-  
7                   tives of lead State agencies with responsi-  
8                   bility for workforce investment activities,  
9                   or State agencies described in section 4,  
10                  who have been nominated by such agencies  
11                  or by a national organization that rep-  
12                  resents such agencies;

13                   “(ii) 4 members who are representa-  
14                   tives of the State workforce and labor mar-  
15                   ket information directors affiliated with the  
16                   State agencies that perform the duties de-  
17                   scribed in subsection (e)(2), who have been  
18                   nominated by the directors;

19                   “(iii) 1 member who is a representa-  
20                   tive of providers of training services under  
21                   section 222 of the Workforce Investment  
22                   Act of 2013;

23                   “(iv) 1 member who is a representa-  
24                   tive of economic development entities;



1 to establish a rotation in which one-third  
2 of the members are selected each year. Any  
3 such member may be appointed for not  
4 more than 2 consecutive terms.

5 “(ii) VACANCIES.—Any member ap-  
6 pointed to fill a vacancy occurring before  
7 the expiration of the term for which the  
8 member’s predecessor was appointed shall  
9 be appointed only for the remainder of that  
10 term. A member may serve after the expi-  
11 ration of that member’s term until a suc-  
12 cessor has taken office.

13 “(E) TRAVEL EXPENSES.—The members  
14 of the Council shall not receive compensation  
15 for the performance of services for the Council,  
16 but shall be allowed travel expenses, including  
17 per diem in lieu of subsistence, at rates author-  
18 ized for employees of agencies under subchapter  
19 I of chapter 57 of title 5, United States Code,  
20 while away from their homes or regular places  
21 of business in the performance of services for  
22 the Council. Notwithstanding section 1342 of  
23 title 31, United States Code, the Secretary may  
24 accept the voluntary and uncompensated serv-  
25 ices of members of the Council.

1                   “(F) PERMANENT COUNCIL.—Section 14  
2                   of the Federal Advisory Committee Act (5  
3                   U.S.C. App.) shall not apply to the Council.”.

4           (f) STATE RESPONSIBILITIES.—Section 15(e) of the  
5 Wagner-Peyser Act (29 U.S.C. 491–2(e)) is amended—

6           (1) by striking “employment statistics” each  
7           place it appears and inserting “workforce and labor  
8           market information”;

9           (2) in paragraph (1)(A) by striking “annual  
10           plan” and inserting “plan described in subsection  
11           (e)”;

12           (3) in paragraph (2)—

13           (A) in subparagraph (G), by inserting  
14           “and” at the end;

15           (B) by striking subparagraph (H);

16           (C) in subparagraph (I), by striking “sec-  
17           tion 136(f)(2) of the Workforce Investment Act  
18           of 1998” and inserting “section 131(i)(2) of the  
19           Workforce Investment Act of 2013”; and

20           (D) by redesignating subparagraph (I) as  
21           subparagraph (H).

22           (g) AUTHORIZATION OF APPROPRIATIONS.—Section  
23 15(g) of the Wagner-Peyser Act (29 U.S.C. 491–2(g)) is  
24 amended by striking “1999 through 2004” and inserting  
25 “2014 through 2018”.

1 **TITLE V—AMENDMENTS TO THE**  
2 **REHABILITATION ACT OF 1973**  
3 **Subtitle A—Introductory**  
4 **Provisions**

5 **SEC. 501. REFERENCES.**

6 Except as otherwise specifically provided, whenever in  
7 this title an amendment or repeal is expressed in terms  
8 of an amendment to, or repeal of, a provision, the amend-  
9 ment or repeal shall be considered to be made to a provi-  
10 sion of the Rehabilitation Act of 1973 (29 U.S.C. 701 et  
11 seq.).

12 **SEC. 502. FINDINGS, PURPOSE, POLICY.**

13 (a) **FINDINGS.**—Section 2(a) (29 U.S.C. 701(a)) is  
14 amended—

15 (1) in paragraph (4), by striking “workforce in-  
16 vestment systems under title I of the Workforce In-  
17 vestment Act of 1998” and inserting “workforce de-  
18 velopment systems defined in section 101 of the  
19 Workforce Investment Act of 2013”;

20 (2) in paragraph (5), by striking “and” at the  
21 end;

22 (3) in paragraph (6), by striking the period and  
23 inserting “; and”; and

24 (4) by adding at the end the following:

1           “(7)(A) a high proportion of students with dis-  
2           abilities is leaving secondary education without being  
3           employed in competitive integrated employment, or  
4           being enrolled in postsecondary education; and

5           “(B) there is a substantial need to support such  
6           students as they transition from school to postsec-  
7           ondary life.”.

8           (b) PURPOSE.—Section 2(b) (29 U.S.C. 701(b)) is  
9           amended—

10           (1) in paragraph (1)—

11           (A) in subparagraph (A), by striking  
12           “workforce investment systems implemented in  
13           accordance with title I of the Workforce Invest-  
14           ment Act of 1998” and inserting “workforce  
15           development systems defined in section 101 of  
16           the Workforce Investment Act of 2013”; and

17           (B) at the end of subparagraph (F), by  
18           striking “and”;

19           (2) by redesignating paragraph (2) as para-  
20           graph (3);

21           (3) by inserting after paragraph (1) the fol-  
22           lowing:

23           “(2) to maximize opportunities for individuals  
24           with disabilities, including individuals with signifi-

1 cant disabilities, for competitive integrated employ-  
2 ment;”;

3 (4) in paragraph (3), as redesignated by para-  
4 graph (2), by striking the period at the end and in-  
5 serting a semicolon; and

6 (5) by adding at the end the following:

7 “(4) to increase employment opportunities and  
8 employment outcomes for individuals with disabil-  
9 ities, including through encouraging meaningful  
10 input by employers and vocational rehabilitation  
11 service providers on successful and prospective em-  
12 ployment and placement strategies; and

13 “(5) to ensure, to the greatest extent possible,  
14 that youth with disabilities and students with dis-  
15 abilities who are transitioning from receipt of special  
16 education services under the Individuals with Dis-  
17 abilities Education Act (20 U.S.C. 1400 et seq.) and  
18 receipt of services under section 504 of this Act are  
19 either continuing their education or employed in  
20 competitive integrated employment.”.

21 **SEC. 503. DISABILITY EMPLOYMENT SERVICES AND SUP-**  
22 **PORTS ADMINISTRATION.**

23 Section 3 (29 U.S.C. 702) is amended—

24 (1) by striking subsection (a) and inserting the  
25 following:

1           “(a)(1) There is established in the Department of  
2 Labor, in the Office of Disability Employment Policy,  
3 Services, and Supports, a Disability Employment Services  
4 and Supports Administration. The Administration shall be  
5 headed by a Commissioner (referred to in this Act as the  
6 ‘Commissioner’), appointed by the President by and with  
7 the advice and consent of the Senate. Such Administration  
8 shall be the principal agency, and the Commissioner shall  
9 be the principal officer, of the Department of Labor for  
10 carrying out titles I, III, and VI.

11           “(2) The Commissioner shall be an individual with  
12 substantial experience in programs that increase employ-  
13 ment opportunities for individuals with disabilities in com-  
14 petitive integrated employment, including through the pro-  
15 vision of employment services, education, training, and  
16 supports.

17           “(3) In performing the functions of the office, the  
18 Commissioner shall be directly responsible to the Assistant  
19 Secretary of Disability Employment Policy, Services, and  
20 Supports. The functions of the Commissioner shall not be  
21 delegated to any other officer unless the officer is directly  
22 responsible to the Assistant Secretary of Disability Em-  
23 ployment Policy, Services, and Supports.”;

24                   (2) by redesignating subsection (b) as sub-  
25           section (c);



1           (3) by inserting after subsection (a) the fol-  
2           lowing:

3           “(b) The Secretary of Labor shall ensure that—

4                 “(1) the Disability Employment Services and  
5                 Supports Administration provides effective oversight  
6                 of, conducts monitoring of, and provides technical  
7                 assistance to, the designated State agencies funded  
8                 under this Act; and

9                 “(2) the staff providing such oversight, moni-  
10                toring, and technical assistance includes individuals  
11                who have training in and experience with the pro-  
12                grams administered by the Administration.”; and

13           (4) in subsection (c), as redesignated by para-  
14           graph (2), by inserting “of Labor” after “Sec-  
15           retary”.

16 **SEC. 504. DEFINITIONS.**

17           Section 7 (29 U.S.C. 705) is amended—

18                 (1) in paragraph (2)—

19                         (A) in the matter preceding subparagraph  
20                         (A), by inserting after “means” the following:

21                         “an assessment that presumes a goal of an em-  
22                         ployment outcome for all individuals with dis-  
23                         abilities (including individuals with significant  
24                         disabilities and individuals with the most sig-  
25                         nificant disabilities), and that relies on”; and

1 (B) in subparagraph (B)—

2 (i) in clause (iii), by striking “and” at  
3 the end;

4 (ii) in clause (iv), by striking the  
5 semicolon and inserting “; and”; and

6 (iii) by adding at the end the fol-  
7 lowing—

8 “(v) to the maximum extent possible,  
9 relies on information obtained from experi-  
10 ences in integrated employment settings in  
11 the community, and other integrated com-  
12 munity settings;”;

13 (2) by striking paragraphs (3) and (4) and in-  
14 serting the following:

15 “(3) ASSISTIVE TECHNOLOGY TERMS.—

16 “(A) ASSISTIVE TECHNOLOGY.—The term  
17 ‘assistive technology’ has the meaning given  
18 such term in section 3 of the Assistive Tech-  
19 nology Act of 1998 (29 U.S.C. 3002).

20 “(B) ASSISTIVE TECHNOLOGY DEVICE.—

21 The term ‘assistive technology device’ has the  
22 meaning given such term in section 3 of the As-  
23 sistive Technology Act of 1998, except that the  
24 reference in such section to the term ‘individ-  
25 uals with disabilities’ shall be deemed to mean

1 more than 1 individual with a disability as de-  
2 fined in paragraph (20)(A)).

3 “(C) ASSISTIVE TECHNOLOGY SERVICE.—

4 The term ‘assistive technology service’ has the  
5 meaning given such term in section 3 of the As-  
6 sistive Technology Act of 1998, except that the  
7 reference in such section—

8 “(i) to the term ‘individual with a dis-  
9 ability’ shall be deemed to mean an indi-  
10 vidual with a disability, as defined in para-  
11 graph (20)(A); and

12 “(ii) to the term ‘individuals with dis-  
13 abilities’ shall be deemed to mean more  
14 than 1 such individual.”;

15 (3) by redesignating paragraph (5) as para-  
16 graph (4);

17 (4) in paragraph (4), as redesignated by para-  
18 graph (3)—

19 (A) by redesignating subparagraphs (O)  
20 through (Q) as subparagraphs (P) through (R);

21 (B) by inserting after subparagraph (N)  
22 the following:

23 “(O) customized employment services;”;

24 and

1 (C) in subparagraph (R), as redesignated  
2 by subparagraph (A) of this paragraph, by  
3 striking “(P)” and inserting “(Q)”;

4 (5) by inserting before paragraph (6) the fol-  
5 lowing:

6 “(5) COMPETITIVE INTEGRATED EMPLOY-  
7 MENT.—

8 “(A) IN GENERAL.—The term ‘competitive  
9 integrated employment’ means work, including  
10 self-employment, performed by an employee who  
11 is an individual with a disability—

12 “(i) that is compensated—

13 “(I) at a rate that—

14 “(aa) is the same rate as the  
15 rate for other employees who are  
16 not individuals with disabilities,  
17 and who are similarly situated in  
18 similar occupations by the same  
19 employer and who have similar  
20 training, experience, and skills;  
21 and

22 “(bb) shall be in accordance  
23 with the applicable law, but in no  
24 event less than the higher of the  
25 rate specified in section 6(a)(1)

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1 of the Fair Labor Standards Act  
2 of 1938 (29 U.S.C. 206(a)(1)) or  
3 the applicable State or local min-  
4 imum wage law; or

5 “(II) in the case of an individual  
6 who is self-employed, at an income  
7 that is comparable to the income re-  
8 ceived by other individuals who are  
9 not individuals with disabilities, and  
10 who are self-employed in similar occu-  
11 pations or on similar tasks and who  
12 have similar training, experience, and  
13 skills;

14 “(ii) due to which the employee is eli-  
15 gible for the same employment benefits as  
16 are provided to other employees;

17 “(iii) that is at a location where the  
18 employee interacts with other persons who  
19 are not individuals with disabilities (not in-  
20 cluding supervisory personnel) to the same  
21 extent that individuals without disabilities  
22 in comparable positions interact with other  
23 persons; and

24 “(iv) that presents opportunities for  
25 advancement that are equivalent to those

1           for other employees who are not individ-  
2           uals with disabilities and who have com-  
3           parable positions.

4           “(B) INCLUSION OF CUSTOMIZED OR SUP-  
5           PORTED EMPLOYMENT.—The term ‘competitive  
6           integrated employment’ includes integrated em-  
7           ployment resulting from the provision of cus-  
8           tomized employment strategies or supported  
9           employment services, as long as the work in-  
10          volved satisfies the criteria described in sub-  
11          paragraph (A).”;

12          (6) in paragraph (6)(B), by striking “includes”  
13          and all that follows through “fees” and inserting  
14          “includes architects’ fees”;

15          (7) by inserting after paragraph (6) the fol-  
16          lowing:

17          “(7) CUSTOMIZED EMPLOYMENT.—The term  
18          ‘customized employment’ means competitive inte-  
19          grated employment, for an individual with a signifi-  
20          cant disability, that is based on an individualized de-  
21          termination of the strengths, needs, and interests of  
22          the individual with a significant disability, is de-  
23          signed to meet the specific abilities of the individual  
24          with a significant disability and the business needs

1 of the employer, and is carried out through flexible  
2 strategies, such as—

3 “(A) job exploration by the individual;

4 “(B) working with an employer to facili-  
5 tate placement, including—

6 “(i) customizing a job description  
7 based on current employer needs or on pre-  
8 viously unidentified and unmet employer  
9 needs;

10 “(ii) developing a set of job duties, a  
11 work schedule and job arrangement, and  
12 specifics of supervision (including perform-  
13 ance evaluation and review), and deter-  
14 mining a job location;

15 “(iii) representation by a professional  
16 chosen by the individual, or self-represen-  
17 tation of the individual, in working with an  
18 employer to facilitate placement; and

19 “(iv) providing services and supports  
20 at the job location.”;

21 (8) in paragraph (9)(B), by striking “14,” and  
22 inserting “14, 14A,”;

23 (9) in paragraph (11)—

1 (A) in subparagraph (A), by striking  
2 “competitive” and all that follows and inserting  
3 “competitive integrated employment;” and

4 (B) in subparagraph (C)—

5 (i) by inserting “of Labor” after  
6 “Secretary”; and

7 (ii) by inserting “customized employ-  
8 ment,” before “self-employment,”;

9 (10) in paragraph (12), by inserting “of Labor”  
10 after “Secretary” each place it appears;

11 (11) in paragraph (14)(C), by inserting “of  
12 Labor” after “Secretary”;

13 (12) in paragraph (17)—

14 (A) by striking the “and” at the end of  
15 subparagraph (C);

16 (B) in subparagraph (D), by striking the  
17 period at the end and inserting a semicolon;  
18 and

19 (C) by adding at the end the following:

20 “(E) services that—

21 “(i) facilitate the transition of individ-  
22 uals with significant disabilities from nurs-  
23 ing homes and other institutions to home  
24 and community-based residences, with the  
25 requisite supports and services;



1           “(ii) provide assistance to individuals  
2           with significant disabilities who are at risk  
3           of entering institutions so that the individ-  
4           uals may remain in the community; and

5           “(iii) facilitate the transition of youth  
6           (including students) who are individuals  
7           with significant disabilities, who were eligi-  
8           ble for individualized education programs  
9           under section 614(d) of the Individuals  
10          with Disabilities Education Act (20 U.S.C.  
11          1414(d)), and who have completed their  
12          secondary education or otherwise left  
13          school, to postsecondary life, including em-  
14          ployment; and

15          “(F) services to promote full access to  
16          community life.”;

17          (13) in paragraph (18), by striking “term” and  
18          all that follows through “includes—” and inserting  
19          “term ‘independent living services’ includes—”;

20          (14) in paragraph (19)—

21                 (A) in subparagraph (A), by inserting be-  
22                 fore the period the following: “and includes a  
23                 Native and a descendant of a Native, as such  
24                 terms are defined in subsections (b) and (r) of

1 section 3 of the Alaska Native Claims Settle-  
2 ment Act (43 U.S.C. 1602)”; and

3 (B) in subparagraph (B), by inserting be-  
4 fore the period the following: “and a tribal or-  
5 ganization (as defined in section 4(l) of the In-  
6 dian Self-Determination and Education Assist-  
7 ance Act (25 U.S.C. 450b(l)))”;

8 (15) in paragraph (20)(B)—

9 (A) by striking “14,” and inserting “14,  
10 14A,”; and

11 (B) by striking “and VII” and inserting  
12 “VII, and VIII”;

13 (16) in paragraph (23), by striking “section  
14 101” and inserting “section 102”;

15 (17) by striking paragraph (25) and inserting  
16 the following:

17 “(25) LOCAL WORKFORCE DEVELOPMENT  
18 BOARD.—The term ‘local workforce development  
19 board’ means a local board, as defined in section  
20 101 of the Workforce Investment Act of 2013.”;

21 (18) by striking paragraph (37);

22 (19) by redesignating paragraphs (29) through  
23 (39) as paragraphs (31) through (36), and (38)  
24 through (41), respectively;

1           (20) by inserting after paragraph (28) the fol-  
2           lowing:

3           “(29) POSTEMPLOYMENT SERVICE.—The term  
4           ‘postemployment service’ means a service identified  
5           under section 103(a) that is—

6                   “(A) provided subsequent to the achieve-  
7                   ment of an employment outcome; and

8                   “(B) necessary for an individual to main-  
9                   tain or regain competitive integrated employ-  
10                  ment, consistent with the individual’s strengths,  
11                  resources, priorities, concerns, abilities, capa-  
12                  bilities, interests, and informed choice.

13           “(30) PRE-EMPLOYMENT TRANSITION SERV-  
14           ICES.—

15                   “(A) IN GENERAL.—The term ‘pre-employ-  
16                   ment transition services’ means a coordinated  
17                   set of activities for a student with a disability  
18                   who is eligible or potentially eligible for services  
19                   under title I, designed within an outcome-ori-  
20                   ented process, that promotes movement from  
21                   school to postschool activities, including post-  
22                   secondary education, vocational training, com-  
23                   petitive integrated employment (including sup-  
24                   ported employment), adult education, adult

1 services, independent living, or community par-  
2 ticipation.

3 “(B) SPECIFIC SERVICES.—The term ‘pre-  
4 employment transition services’ means a set of  
5 services, that is available to students with dis-  
6 abilities who are eligible or potentially eligible  
7 for services under title I, and that makes avail-  
8 able—

9 “(i) job exploration counseling;

10 “(ii) work-based learning experience,  
11 such as in-school or after school work ex-  
12 perience, or work experience outside the  
13 traditional school setting (such as experi-  
14 ence through job training or internships),  
15 that is provided in an integrated environ-  
16 ment to the maximum extent possible;

17 “(iii) counseling on opportunities for  
18 enrollment in a comprehensive transition  
19 or postsecondary educational program at  
20 an institution of higher education;

21 “(iv) school-based preparatory em-  
22 ployment experiences such as role playing,  
23 social skills development, and independent  
24 living training, coordinated with any tran-  
25 sition services provided by the local edu-

1                   cational agency under the Individuals with  
2                   Disabilities Education Act (20 U.S.C.  
3                   1400 et seq.); and

4                   “(v) instruction in self-advocacy, indi-  
5                   vidual rights, self-determination skills, and  
6                   the informed consent process, as well as  
7                   peer mentoring.

8                   “(C) COORDINATED SET OF ACTIVITIES.—  
9                   For purposes of subparagraph (A), the coordi-  
10                  nated set of activities shall be provided in a  
11                  manner that leverages appropriate resources  
12                  and services available outside the vocational re-  
13                  habilitation program described in title I and  
14                  shall be based on the individual needs of a stu-  
15                  dent with a disability, taking into account the  
16                  student’s preferences and interests, and shall  
17                  include education and training, community ex-  
18                  periences, the development of employment and  
19                  other adult living objectives, and, when appro-  
20                  priate, acquisition of daily living skills and  
21                  functional vocational evaluation.”;

22                  (21) by striking paragraph (33), as redesign-  
23                  nated by paragraph (19), and inserting the fol-  
24                  lowing:

1           “(33) SECRETARY.—Unless where the context  
2 otherwise requires, the term ‘Secretary’—

3           “(A) used in title I, III, V, VI, or VIII,  
4 means the Secretary of Labor; and

5           “(B) used in title II or VII, means the  
6 Secretary of Health and Human Services.”;

7           (22) by striking paragraphs (35) and (36), as  
8 redesignated by paragraph (19), and inserting the  
9 following:

10           “(35) STATE WORKFORCE DEVELOPMENT  
11 BOARD.—The term ‘State workforce development  
12 board’ means a State board, as defined in section  
13 101 of the Workforce Investment Act of 2013.

14           “(36) STATEWIDE WORKFORCE DEVELOPMENT  
15 SYSTEM.—The term ‘statewide workforce develop-  
16 ment system’ means a workforce development sys-  
17 tem, as defined in section 101 of the Workforce In-  
18 vestment Act of 2013.”;

19           (23) by inserting after that paragraph (36) the  
20 following:

21           “(37) STUDENT WITH A DISABILITY.—

22           “(A) IN GENERAL.—The term ‘student  
23 with a disability’ means an individual with a  
24 disability who—

1           “(i) attends an elementary school, sec-  
2           ondary school, or institution of higher edu-  
3           cation;

4           “(ii)(I)(aa) is not younger than the  
5           earliest age for the provision of transition  
6           services           under           section  
7           614(d)(1)(A)(i)(VIII) of the Individuals  
8           with Disabilities Education Act (20 U.S.C.  
9           1414(d)(1)(A)(i)(VIII)); or

10           “(bb) if the State involved elects to  
11           use a lower minimum age for receipt of  
12           pre-employment transition services under  
13           this Act, is not younger than that min-  
14           imum age; and

15           “(II)(aa) is not older than 21 years of  
16           age; or

17           “(bb) if the State law for the State  
18           provides for a higher maximum age for re-  
19           ceipt of services under the Individuals with  
20           Disabilities Education Act (20 U.S.C.  
21           1400 et seq.), is not older than that max-  
22           imum age; and

23           “(iii)(I) is eligible for, and receiving,  
24           special education or related services under

1 part B of the Individuals with Disabilities  
2 Education Act (20 U.S.C. 1411 et seq.); or  
3 “(II) is an individual with a disability,  
4 for purposes of section 504.

5 “(B) STUDENTS WITH DISABILITIES.—The  
6 term ‘students with disabilities’ means more  
7 than 1 student with a disability.”;

8 (24) by striking paragraphs (38) and (39), as  
9 redesignated by paragraph (19), and inserting the  
10 following:

11 “(38) SUPPORTED EMPLOYMENT.—The term  
12 ‘supported employment’ means competitive inte-  
13 grated employment, including customized employ-  
14 ment, that is individualized and customized con-  
15 sistent with the strengths, abilities, interests, and in-  
16 formed choice of the individuals involved, for individ-  
17 uals with the most significant disabilities—

18 “(A)(i) for whom competitive integrated  
19 employment has not historically occurred; or

20 “(ii) for whom competitive integrated em-  
21 ployment has been interrupted or intermittent  
22 as a result of a significant disability; and

23 “(B) who, because of the nature and sever-  
24 ity of their disability, need intensive supported  
25 employment services and may need extended



1 services after the transition described in para-  
2 graph (13)(C), in order to perform the work in-  
3 volved.

4 “(39) SUPPORTED EMPLOYMENT SERVICES.—  
5 The term ‘supported employment services’ means  
6 ongoing support services, including customized em-  
7 ployment, needed to support and maintain an indi-  
8 vidual with a most significant disability in supported  
9 employment, that—

10 “(A) are provided singly or in combination  
11 and are organized and made available in such  
12 a way as to assist an eligible individual to  
13 achieve an employment outcome in competitive  
14 integrated employment;

15 “(B) are based on a determination of the  
16 needs of an eligible individual, as specified in an  
17 individualized plan for employment; and

18 “(C) are provided by the designated State  
19 unit for a period of not more than 24 months,  
20 except that that period may be extended, if nec-  
21 essary, in order to achieve the employment out-  
22 come identified in the individualized plan for  
23 employment.”;

1           (25) in paragraph (41), as redesignated by  
2           paragraph (19), by striking “1998” and inserting  
3           “2013”; and

4           (26) by inserting after paragraph (41), as re-  
5           designated by paragraph (19), the following:

6           “(42) YOUTH WITH A DISABILITY.—

7                   “(A) IN GENERAL.—The term ‘youth with  
8                   a disability’ means an individual with a dis-  
9                   ability who—

10                           “(i) is not younger than 14 years of  
11                           age; and

12                           “(ii) is not older than 25 years of age.

13                   “(B) YOUTH WITH DISABILITIES.—The  
14                   term ‘youth with disabilities’ means more than  
15                   1 youth with a disability.”.

16 **SEC. 505. ADMINISTRATION OF THE ACT.**

17           (a) PROMULGATION.—Section 8(a)(2) (29 U.S.C.  
18           706(a)(2)) is amended by inserting “of Labor” after “Sec-  
19           retary”.

20           (b) ADMINISTRATION BY THE SECRETARY OF  
21           LABOR.—Section 12 (29 U.S.C. 709) is amended—

22                   (1) in the section header, by striking “OF THE  
23                   ACT” and inserting “BY THE SECRETARY OF  
24                   LABOR”;

25                   (2) in subsection (a)—

1 (A) in paragraph (1)—

2 (i) by striking “(1)” and inserting

3 “(1)(A)”; and

4 (ii) by adding at the end the fol-  
5 lowing:

6 “(B) provide technical assistance to the des-  
7 igned State units on developing successful partner-  
8 ships with local and multi-State businesses in an ef-  
9 fort to increase the employment of individuals with  
10 disabilities;

11 “(C) provide technical assistance to providers  
12 and organizations on developing self-employment op-  
13 portunities and outcomes for individuals with dis-  
14 abilities; and

15 “(D) provide technical assistance to entities  
16 carrying out community rehabilitation programs to  
17 build their internal capacity to provide individualized  
18 services and supports leading to competitive inte-  
19 grated employment, and to transition individuals  
20 with disabilities away from nonintegrated settings;”;  
21 and

22 (B) in paragraph (2), by striking “, cen-  
23 ters for independent living;”;

24 (3) in subsections (d), (e), and (f), by inserting  
25 “of Labor” after “Secretary” each place it appears;



1       pendent living for individuals with disabilities in  
2       community activities;

3           “(2) provide short-term training and technical  
4       instruction, including training for the personnel of  
5       centers for independent living and Statewide Inde-  
6       pendent Living Councils;

7           “(3) conduct special projects and demonstra-  
8       tions;

9           “(4) collect, prepare, publish, and disseminate  
10      educational or informational materials, including re-  
11      ports of the projects for which funds are provided  
12      under this Act; and

13          “(5) provide monitoring and conduct evalua-  
14      tions.

15      “(b) AUTHORITIES CONCERNING OTHER AGEN-  
16      CIES.—

17          “(1) SERVICES AND FACILITIES.—In carrying  
18      out the duties under this Act, the ILA Director may  
19      utilize the services and facilities of any agency of the  
20      Federal Government and of any other public or non-  
21      profit agency or organization, in accordance with  
22      agreements between the ILA Director and the head  
23      thereof, and may pay therefor, in advance or by way  
24      of reimbursement, as may be provided in the agree-  
25      ment.

1           “(2) TASK FORCES.—In carrying out the provi-  
2           sions of this Act, the ILA Director shall appoint  
3           such task forces as may be necessary to collect and  
4           disseminate information in order to improve the abil-  
5           ity of the ILA Director to carry out the provisions  
6           of this Act.

7           “(c) REGULATIONS GENERALLY.—The Secretary of  
8           Health and Human Services may promulgate such regula-  
9           tions as are considered appropriate to carry out the ILA  
10          Director’s duties under this Act.

11          “(d) REGULATIONS TO IMPLEMENT THE WORK-  
12          FORCE INVESTMENT ACT OF 2013.—Not later than 180  
13          days after the date of enactment of the Workforce Invest-  
14          ment Act of 2013, the Secretary of Health and Human  
15          Services shall receive public comment and promulgate reg-  
16          ulations to implement the amendments made by the Work-  
17          force Investment Act of 2013.

18          “(e) NECESSITY.—In promulgating regulations to  
19          carry out this Act, the Secretary of Health and Human  
20          Services shall promulgate only regulations that are nec-  
21          essary to administer and ensure compliance with the spe-  
22          cific requirements of this Act.

23          “(f) APPLICATION.—In this section, a reference to  
24          ‘this Act’ means a provision of this Act that the Secretary  
25          of Health and Human Services has authority to carry out.

1           “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out this section  
3 such sums as may be necessary.”.

4 **SEC. 506. REPORTS.**

5           Section 13 (29 U.S.C. 710) is amended—

6           (1) in section (c)—

7           (A) by striking “(c)” and inserting  
8 “(c)(1)”;

9           (B) in the second sentence, by striking  
10 “section 136(d) of the Workforce Investment  
11 Act of 1998” and inserting “section 131(d)(2)  
12 of the Workforce Investment Act of 2013”; and

13           (C) by adding at the end the following:

14           “(2) The ILA Director described in section 701A  
15 shall include, in the annual report, information on the ex-  
16 tent to which centers for independent living receiving  
17 funds under part C of title VII have complied with the  
18 standards and assurances set forth in section 725. The  
19 ILA Director may identify individual centers for inde-  
20 pendent living in the analysis contained in that informa-  
21 tion. The ILA Director shall include in the report the re-  
22 sults of onsite compliance reviews, identifying individual  
23 centers for independent living and other recipients of as-  
24 sistance under part C of title VII.”; and

25           (2) by adding at the end the following:

1           “(d)(1)(A) The Commissioner shall ensure that the  
2 reports, information, and data described in subparagraph  
3 (B) are made publicly available in a timely manner, includ-  
4 ing through electronic means, in order to inform the public  
5 about the administration and performance of programs in  
6 each State under this Act.

7           “(B) The reports, information, and data referred to  
8 in subparagraph (A) shall consist of—

9                   “(i) reports submitted by a designated State  
10 agency or designated State unit under this Act;

11                   “(ii) accountability information, including State  
12 performance information relating to evaluation  
13 standards and performance indicators, and addi-  
14 tional performance accountability indicators, under  
15 section 106, including information on compliance  
16 with such standards, indicators, and measures, relat-  
17 ing to individuals with disabilities, submitted by a  
18 designated State agency or designated State unit  
19 under this Act, or submitted by a State to the Sec-  
20 retary of Labor or the Secretary of Education under  
21 section 131 of the Workforce Investment Act of  
22 2013;

23                   “(iii) data collected from each designated State  
24 unit under this Act with the approval of the Office  
25 of Management and Budget, which shall be made



1 publicly available in the aggregate, and in a manner  
2 that will not reveal personally identifiable informa-  
3 tion; and

4 “(iv) reports from monitoring conducted under  
5 this Act, including relevant reports required under  
6 section 131 of the Workforce Investment Act of  
7 2013 and other relevant reports, information, and  
8 data required under title I of such Act.

9 “(C)(i) The Commissioner shall ensure that the infor-  
10 mation described in clause (ii) is made publicly available  
11 in a timely manner, including through electronic means.

12 “(ii) The information referred to in clause (i) is—

13 “(I) the reports, information, and data required  
14 to be submitted by designated State units or des-  
15 ignated State agencies under this Act;

16 “(II) evaluations, studies, and audits conducted  
17 by Federal agencies, concerning programs carried  
18 out under this Act; and

19 “(III) a list that specifies the designated State  
20 unit or designated State agency for each State, in-  
21 cluding a link to the website maintained by each  
22 such unit or agency.

23 “(2) The Commissioner shall maintain public use  
24 read-only access to the State and aggregated reports, and  
25 analyzed data, concerning programs carried out under this

1 Act, that are filed and maintained in the Disability Em-  
2 ployment Services and Supports Administration manage-  
3 ment information system or a system maintained by the  
4 Department of Labor.”.

5 **SEC. 507. EVALUATION AND INFORMATION.**

6 (a) EVALUATION BY THE SECRETARY OF LABOR.—  
7 Section 14 (29 U.S.C. 711)—

8 (1) in the section header, by striking “EVALUA-  
9 TION” and inserting “EVALUATION BY THE SEC-  
10 RETARY OF LABOR”;

11 (2) by inserting “of Labor” after “Secretary”  
12 each place it appears;

13 (3) in subsection (f)(2), by striking “non-  
14 integrated to integrated employment” and inserting  
15 “nonintegrated to competitive integrated employ-  
16 ment”;

17 (4) by redesignating subsection (g) as sub-  
18 section (h); and

19 (5) by inserting after subsection (f) the fol-  
20 lowing:

21 “(g) In this section, a reference to ‘this Act’ means  
22 a provision of this Act that the Secretary of Labor has  
23 authority to carry out.”.



1 that all studies, evaluations, proposals, and data produced  
2 or developed with Federal funds under this Act shall be-  
3 come the property of the United States.

4 “(d) INFORMATION.—Such information as the Sec-  
5 retary of Health and Human Services may determine to  
6 be necessary for purposes of the evaluations conducted  
7 under this section shall be made available upon request  
8 of the Secretary, by the departments and agencies of the  
9 executive branch.

10 “(e) INFORMATION ON INDEPENDENT LIVING.—The  
11 ILA Director shall identify and disseminate information  
12 on exemplary practices concerning independent living serv-  
13 ices and centers for independent living.

14 “(f) APPLICATION.—In this section, a reference to  
15 ‘this Act’ means a provision of this Act that the Secretary  
16 of Health and Human Services has authority to carry out.

17 “(g) AUTHORIZATION.—There are authorized to be  
18 appropriated to carry out this section such sums as may  
19 be necessary.”.

20 (e) INFORMATION.—Section 15 (29 U.S.C. 712) is  
21 amended—

22 (1) in subsection (a)—

23 (A) by inserting “of Labor” after “Sec-  
24 retary” each place it appears; and

1 (B) in paragraph (1), by striking “State  
2 workforce investment boards” and inserting  
3 “State workforce development boards”; and  
4 (2) in subsection (b), by striking “Secretary to  
5 develop within the Department of Education” and  
6 inserting “Secretary of Labor to develop, within the  
7 Department of Labor,”.

8 **SEC. 508. CARRYOVER.**

9 Section 19 (29 U.S.C. 716) is amended—

10 (1) in subsection (a)(1), by striking “part B of  
11 title I” and all that follows through “including” and  
12 inserting “part B of title I (except the client assist-  
13 ance program funded under section 112), part B of  
14 title VI, chapter 1 of title VII, or chapter 2 of title  
15 VII (except as provided in section 753(b)), includ-  
16 ing”; and

17 (2) by adding at the end the following:

18 “(c) CLIENT ASSISTANCE PROGRAM; PROTECTION  
19 AND ADVOCACY OF INDIVIDUAL RIGHTS.—

20 “(1) APPROPRIATED AMOUNTS.—Notwith-  
21 standing any other provision of law, any funds ap-  
22 propriated for a fiscal year to carry out a grant pro-  
23 gram under section 112 or 509 (except as provided  
24 in section 509(b)), including any funds reallocated  
25 during that fiscal year under such grant program,

1 that are not obligated and expended by a recipient  
2 prior to the beginning of the succeeding fiscal year,  
3 shall remain available for obligation and expenditure  
4 by such recipient during such succeeding fiscal year.

5 “(2) PROGRAM INCOME.—Notwithstanding any  
6 other provision of law, any amount of program in-  
7 come received by a recipient under a grant program  
8 under section 112 or 509 in a fiscal year that is not  
9 obligated and expended by the recipient prior to the  
10 beginning of the succeeding fiscal year, shall remain  
11 available until the end of the second fiscal year after  
12 the fiscal year in which it was received.”.

13 **SEC. 509. TRADITIONALLY UNDERSERVED POPULATIONS.**

14 Section 21 (29 U.S.C. 718) is amended—

15 (1) in subsection (a), by striking paragraphs  
16 (1) and (2) and inserting the following:

17 “(1) RACIAL PROFILE.—The demographic pro-  
18 file of the United States is changing at an unprece-  
19 dented rate, with the population of the Nation be-  
20 coming far more ethnically diverse than in the past.  
21 Within the United States, while the percentage in-  
22 crease from 2000 to 2010 for white Americans was  
23 9.7 percent, the percentage increase during that pe-  
24 riod for racial and ethnic minorities was much high-  
25 er: 43.0 percent for Latinos, 12.3 percent for Afri-

1       can-Americans, and 43.2 percent for Asian-Ameri-  
2       cans. By the year 2020, the Nation is projected to  
3       have a population of 341,000,000, and the percent-  
4       age of the population that will be either Latino, Af-  
5       rican-American, or Asian-American is projected to  
6       be over 40 percent.

7               “(2) RATE OF DISABILITY.—Ethnic and racial  
8       minorities tend to have disabling conditions at a dis-  
9       proportionately high rate. In 2011—

10               “(A) among Americans ages 16 through  
11       64, the rate of disability was 12.1 percent;

12               “(B) among African-Americans in that age  
13       range, the disability rate was more than twice  
14       as high, at 27.1 percent; and

15               “(C) for American Indians and Native  
16       Alaskans in the same age range, the disability  
17       rate was also more than twice as high, at 27.0  
18       percent.”;

19       (2) in subsection (b)(1)—

20               (A) by striking “National Institute on Dis-  
21       ability and Rehabilitation Research” and insert-  
22       ing “National Institute on Disability, Inde-  
23       pendent Living, and Rehabilitation Research”;  
24       and

1 (B) by striking “1 percent” and inserting  
2 “2 percent”.

3 **Subtitle B—Vocational**  
4 **Rehabilitation Services**

5 **SEC. 511. DECLARATION OF POLICY; AUTHORIZATION OF**  
6 **APPROPRIATIONS.**

7 (a) FINDINGS; PURPOSE; POLICY.—Section 100(a)  
8 (29 U.S.C. 720(a)) is amended—

9 (1) in paragraph (1)—

10 (A) in subparagraph (C), by striking  
11 “gainful employment in integrated settings”  
12 and inserting “gainful employment in competi-  
13 tive integrated employment settings”;

14 (B) in subparagraph (D)(iii), by striking  
15 “medicare and medicaid” and inserting “Medi-  
16 care and Medicaid”; and

17 (C) in subparagraph (G)—

18 (i) by striking “workforce investment  
19 systems” and inserting “workforce develop-  
20 ment systems”; and

21 (ii) by striking “workforce investment  
22 activities” and inserting “workforce devel-  
23 opment activities”;

24 (2) in paragraph (2)—



1 (A) in subparagraph (A), by striking  
2 “workforce investment system” and inserting  
3 “workforce development system”; and

4 (B) in subparagraph (B), by striking  
5 “gainful employment” and inserting “high qual-  
6 ity employment that will increase opportunities  
7 for economic self-sufficiency”; and

8 (3) in paragraph (3)—

9 (A) in subparagraph (B), by striking  
10 “gainful employment in integrated settings”  
11 and inserting “competitive integrated employ-  
12 ment”; and

13 (B) in subparagraph (E), by inserting  
14 “should” before “facilitate”.

15 (b) **AUTHORIZATION OF APPROPRIATIONS.**—Section  
16 100(b)(1) (29 U.S.C. 720(b)(1)) is amended by striking  
17 “fiscal years 1999 through 2003” and inserting “fiscal  
18 years 2014 through 2018”.

19 **SEC. 512. STATE PLANS.**

20 (a) **PLAN REQUIREMENTS.**—Section 101(a) (29  
21 U.S.C. 721(a)) is amended—

22 (1) in paragraph (1)—

23 (A) in subparagraph (A), by striking “to  
24 participate” and all that follows and inserting  
25 “to receive funds under this title for a fiscal

1           year, a State shall submit, and have approved  
2           by the Secretary and the Secretary of Edu-  
3           cation a unified State plan in accordance with  
4           section 112, or a combined State plan in ac-  
5           cordance with section 113, of the Workforce In-  
6           vestment Act of 2013. The unified or combined  
7           State plan shall include, in the portion of the  
8           plan described in section 112(b)(2)(D) of such  
9           Act (referred to in this subsection as the ‘voca-  
10          tional rehabilitation services portion’), the pro-  
11          visions of a State plan for vocational rehabilita-  
12          tion services, described in this subsection.”; and

13                   (B) in subparagraph (B)—

14                           (i) by striking “in the State plan for  
15                           vocational rehabilitation services,” and in-  
16                           serting “as part of the vocational rehabili-  
17                           tation services portion of the unified or  
18                           combined State plan submitted in accord-  
19                           ance with subparagraph (A),”; and

20                           (ii) by striking “Rehabilitation Act  
21                           Amendments of 1998” and inserting  
22                           “Workforce Investment Act of 2013”; and  
23                   (C) in subparagraph (C)—

24                           (i) by striking “The State plan shall  
25                           remain in effect subject to the submission

1 of such modifications” and inserting “The  
2 vocational rehabilitation services portion of  
3 the unified or combined State plan sub-  
4 mitted in accordance with subparagraph  
5 (A) shall remain in effect until the State is  
6 required to submit the plan in accordance  
7 with subparagraph (A) or until the submis-  
8 sion of such modifications”; and

9 (ii) by striking “, until the State sub-  
10 mits and receives approval of a new State  
11 plan”;

12 (2) in paragraph (2)—

13 (A) in subparagraph (A), by striking “The  
14 State plan” and inserting “The State plan for  
15 vocational rehabilitation services”;

16 (B) in subparagraph (B)(ii), by striking  
17 subclauses (I) through (IV) and inserting the  
18 following:

19 “(I) is primarily concerned with  
20 vocational rehabilitation, or vocational  
21 and other rehabilitation, of individuals  
22 with disabilities, and is responsible for  
23 administering the vocational rehabili-  
24 tation program of the designated  
25 State agency;

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1                   “(II) has a full-time director who  
2                   is responsible for the day-to-day oper-  
3                   ation of the vocational rehabilitation  
4                   program, including—

5                   “(aa) making all decisions  
6                   affecting eligibility for vocational  
7                   rehabilitation services, the nature  
8                   and scope of available services,  
9                   and the provision of the services;

10                  “(bb) the determination to  
11                  close the record of services of an  
12                  individual who has achieved an  
13                  employment outcome;

14                  “(cc) policy formulation and  
15                  implementation;

16                  “(dd) the allocation and ex-  
17                  penditure of funds for vocational  
18                  rehabilitation services;

19                  “(ee) representation of the  
20                  organizational unit as a one-stop  
21                  partner in the one-stop delivery  
22                  system under title I of the Work-  
23                  force Investment Act of 2013;  
24                  and

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1                   “(ff) representation of the  
2                   vocational rehabilitation services  
3                   core program for purposes of sec-  
4                   tion 111(b)(1)(C)(iii)(I) of the  
5                   Workforce Investment Act of  
6                   2013;

7                   “(III) has a staff employed on  
8                   the rehabilitation work of the organi-  
9                   zational unit, all or substantially all of  
10                  whom are employed full-time on the  
11                  vocational rehabilitation or vocational  
12                  and other rehabilitation work of the  
13                  organizational unit;

14                  “(IV) is located at an organiza-  
15                  tional level and has an organizational  
16                  status within the designated State  
17                  agency comparable to that of other  
18                  major organizational units of the des-  
19                  ignated State agency for which the  
20                  head of the designated State agency  
21                  has a direct line of authority; and

22                  “(V)(aa) has the sole authority  
23                  and responsibility within the State to  
24                  ensure that the funds appropriated  
25                  under this title are expended only in

1 a manner that is consistent with the  
2 purposes of this title; and

3 “(bb) may not delegate to an-  
4 other agency, including the designated  
5 State agency, the authority and re-  
6 sponsibility described in item (aa) or  
7 allow an agency described in this item  
8 to perform that authority and respon-  
9 sibility.”; and

10 (C) by adding at the end the following:

11 “(D) STATE AGENCY FOR REIMBURSE-  
12 MENT PURPOSES.—A governing body of an In-  
13 dian tribe that receives a grant under section  
14 121 shall be considered, for purposes of the cost  
15 reimbursement provisions—

16 “(i) in section 222(d)(1) of the Social  
17 Security Act (42 U.S.C. 422(d)(1)), to be  
18 a State; and

19 “(ii) in subsections (d) and (e) of sec-  
20 tion 1615 of the Social Security Act (42  
21 U.S.C. 1382d), to be a State agency de-  
22 scribed in subsection (d) of that section.”;

23 (3) in paragraph (5)—

24 (A) in subparagraph (C), by striking  
25 “and” at the end;

1 (B) by redesignating subparagraph (D) as  
2 subparagraph (E); and

3 (C) by inserting after subparagraph (C)  
4 the following:

5 “(D) notwithstanding subparagraph (C),  
6 permit the State, in its discretion, to elect to  
7 serve eligible individuals (whether or not receiv-  
8 ing vocational rehabilitation services) who re-  
9 quire specific services or equipment to maintain  
10 employment; and”;

11 (4) in paragraph (6)(B), by striking “to employ  
12 and advance in employment” and inserting “to em-  
13 ploy and advance in competitive integrated employ-  
14 ment”;

15 (5) in paragraph (7)—

16 (A) in subparagraph (A)(v)—

17 (i) in subclause (I), after “rehabilita-  
18 tion technology” insert the following: “, in-  
19 cluding training implemented in coordina-  
20 tion with entities carrying out State pro-  
21 grams under section 4 of the Assistive  
22 Technology Act of 1998 (29 U.S.C.  
23 3003)”;

24 (ii) in subclause (II), by striking “Re-  
25 habilitation Act Amendments of 1998” and

1                   inserting “Workforce Investment Act of  
2                   2013”; and

3                   (B) in subparagraph (B), by striking  
4                   clause (ii) and inserting the following:

5                   “(ii) the establishment and mainte-  
6                   nance of education and experience require-  
7                   ments, to ensure that the personnel have a  
8                   21st Century understanding of the evolving  
9                   labor force and the needs of individuals  
10                  with disabilities, including requirements  
11                  for—

12                  “(I)(aa) attainment of a bacca-  
13                  laureate degree in a field of study rea-  
14                  sonably related to vocational rehabili-  
15                  tation, to indicate a level of com-  
16                  petency and skill demonstrating basic  
17                  preparation in a field of study such as  
18                  vocational rehabilitation counseling,  
19                  social work, psychology, disability  
20                  studies, business administration,  
21                  human resources, special education,  
22                  supported employment, customized  
23                  employment, economics, or another  
24                  field that reasonably prepares individ-



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1 uals to work with consumers and em-  
2 ployers; and

3 “(bb) demonstrated paid or un-  
4 paid experience, for not less than 1  
5 year, consisting of—

6 “(AA) direct work with indi-  
7 viduals with disabilities in a set-  
8 ting such as an independent liv-  
9 ing center;

10 “(BB) direct service or ad-  
11 vocacy activities that provide  
12 such individual with experience  
13 and skills in working with indi-  
14 viduals with disabilities; or

15 “(CC) direct experience as  
16 an employer, as a small business  
17 owner or operator, or in self-em-  
18 ployment, or other experience in  
19 human resources, recruitment, or  
20 experience in supervising employ-  
21 ees, training, or other activities  
22 that provide experience in com-  
23 petitive integrated employment  
24 environments; or

1                   “(II) attainment of a master’s or  
2                   doctoral degree in a field of study  
3                   such as vocational rehabilitation coun-  
4                   seling, law, social work, psychology,  
5                   disability studies, business administra-  
6                   tion, human resources, special edu-  
7                   cation, management, public adminis-  
8                   tration, or another field that reason-  
9                   ably provides competence in the em-  
10                  ployment sector, in a disability field,  
11                  or in both business-related and reha-  
12                  bilitation-related fields; and”;

13                  (6) in paragraph (8)—

14                   (A) in subparagraph (A), by striking  
15                   “(5)(D)” and inserting “(5)(E)”;

16                   (B) in subparagraph (B)—

17                   (i) in the matter preceding clause

18                   (i)—

19                   (I) by striking “workforce invest-  
20                   ment system” and inserting “work-  
21                   force development system”; and

22                   (II) by striking “(5)(D)” and in-  
23                   serting “(5)(E)”;

24                   (ii) in clause (iv), by striking  
25                   “(5)(D)” and inserting “(5)(E)”;

1 (iii) by adding at the end the fol-  
2 lowing:

3 “(v) PROVISION OF ACCOMMODATIONS  
4 AND AUXILIARY AIDS AND SERVICES.—In-  
5 formation specifying policies and proce-  
6 dures for resolving issues of financial re-  
7 sponsibility and reimbursement, as appro-  
8 priate, for an accommodation or auxiliary  
9 aid or service for an individual with a dis-  
10 ability, in the event that the designated  
11 State unit pays for that item or that aid  
12 or service, in order to avoid interruption of  
13 or delay in—

14 “(I) the progress of an individual  
15 in achieving an employment outcome;

16 “(II) an immediate job place-  
17 ment; or

18 “(III) the provision of services to  
19 an individual at extreme medical  
20 risk.”; and

21 (C) in subparagraph (C)(i), by striking  
22 “(5)(D)” and inserting “(5)(E)”;  
23 (7) in paragraph (10)—

24 (A) in subparagraph (B), by striking “an-  
25 nual” and all that follows through “of 1998”

1           and inserting “annual reporting of information,  
2           on eligible individuals receiving the services,  
3           that is necessary to assess the State’s perform-  
4           ance on those primary indicators of perform-  
5           ance (described in section 131(b)(2)(A)(i) of the  
6           Workforce Investment Act of 2013)”;

7           (B) in subparagraph (C)—

8                 (i) in the matter preceding clause (i),  
9                 by inserting “, from each individual  
10                State,” after “additional data”;

11               (ii) in clause (i)(II), by striking “de-  
12                termined” and all that follows and insert-  
13                ing “determined to be ineligible for voca-  
14                tional rehabilitation services, and the rea-  
15                son for such determination of ineligibility  
16                (disaggregated by type of disability, and  
17                age);”;

18               (iii) in clause (ii)—

19                     (I) in subclause (I), by striking  
20                     “(5)(D)” and inserting “(5)(E)”;

21                     (II) in subclause (II), by striking  
22                     “and” at the end; and

23                     (III) by adding at the end the  
24                     following:

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1                   “(IV) a comparison, among indi-  
2                   viduals who obtained employment,  
3                   of—

4                   “(aa) the number of individ-  
5                   uals who continued to use public  
6                   benefits; and

7                   “(bb) the number of individ-  
8                   uals who no longer used public  
9                   benefits;

10                  “(V) the aggregate number of in-  
11                  dividuals with ongoing open cases  
12                  (disaggregated by individuals who are  
13                  in training settings, and individuals  
14                  who are in postsecondary education),  
15                  and the services individuals described  
16                  in this subclause are receiving;

17                  “(VI) the aggregate number of  
18                  students with disabilities and the ag-  
19                  gregate number of youth with disabil-  
20                  ities that are receiving transition serv-  
21                  ices, and the total cost for providing  
22                  those services to such students and  
23                  such youth during the last full fiscal  
24                  year prior to the date of enactment of  
25                  the Workforce Investment Act of

1                   2013 and during each fiscal year  
2                   thereafter;

3                   “(VII) the number of youth with  
4                   disabilities who entered apprenticeship  
5                   programs and the number of youth  
6                   with disabilities who entered postsec-  
7                   ondary education;

8                   “(VIII) the number of youth with  
9                   disabilities who entered employment;

10                  “(IX) the number of individuals  
11                  referred to one-stop centers, as de-  
12                  fined in section 101 of the Workforce  
13                  Investment Act of 2013; and

14                  “(X) the number of individuals  
15                  referred from such one-stop centers to  
16                  designated State units and the out-  
17                  comes of such referrals;”;

18                  (iv) in clause (iii), by striking “and”  
19                  at the end;

20                  (v) in clause (iv)—

21                  (I) in subclause (I), by inserting  
22                  before the semicolon the following:  
23                  “and, for those who achieved employ-  
24                  ment outcomes, the average length of  
25                  time to obtain employment”; and

1 (II) in subclause (II), by striking  
2 the period and inserting “; and”; and  
3 (vi) by adding at the end the fol-  
4 lowing:

5 “(v)(I) the transition from school to  
6 postsecondary life, including employment,  
7 and achievement of the postsecondary vo-  
8 cational goals, of students with disabilities  
9 served under the program carried out  
10 under this title; and

11 “(II) the provision of supported em-  
12 ployment services.”;

13 (C) in subparagraph (D)(i), by striking  
14 “title I of the Workforce Investment Act of  
15 1998” and inserting “title II of the Workforce  
16 Investment Act of 2013”;

17 (D) in subparagraph (E)(ii), by striking  
18 “of the State” and all that follows and inserting  
19 “of the State in meeting the standards and in-  
20 dicators established pursuant to section 106.”;  
21 and

22 (E) by adding at the end the following:

23 “(G) RULES FOR REPORTING OF DATA.—  
24 The disaggregation of data under this section  
25 shall not be required within a category if the





1                   TEMS” and inserting “WORKFORCE DEVEL-  
2                   OPMENT SYSTEMS”;

3                   (ii) in the matter preceding clause (i),  
4                   by striking “workforce investment system”  
5                   and inserting “workforce development sys-  
6                   tem”;

7                   (iii) in clause (i)(II), by inserting  
8                   “(including programmatic accessibility and  
9                   physical accessibility)” after “program ac-  
10                  cessibility”;

11                  (iv) in clause (ii), by striking “work-  
12                  force investment system” and inserting  
13                  “workforce development system”; and

14                  (v) in clause (v), by striking “work-  
15                  force investment system” and inserting  
16                  “workforce development system”;

17                  (B) in subparagraph (B), by striking  
18                  “workforce investment system” and inserting  
19                  “workforce development system”;

20                  (C) in subparagraph (C)—

21                  (i) by inserting “the State programs  
22                  carried out under section 4 of the Assistive  
23                  Technology Act of 1998 (29 U.S.C.  
24                  3003),” after “including”;

1                   (ii) by inserting “, noneducational  
2 agencies serving out-of-school youth,” after  
3 “Agriculture”; and

4                   (iii) by striking “such agencies and  
5 programs” and inserting “such Federal,  
6 State, and local agencies and programs”;  
7 and

8                   (iv) by striking “workforce investment  
9 system” and inserting “workforce develop-  
10 ment system”;

11 (D) in subparagraph (D)—

12                   (i) in clause (ii), by striking “comple-  
13 tion” and inserting “implementation”;

14                   (ii) by redesignating clauses (iii) and  
15 (iv) as clauses (iv) and (v), respectively;  
16 and

17                   (iii) by inserting after clause (ii) the  
18 following:

19                   “(iii) identifying options for additional  
20 education and training, in order to facili-  
21 tate the provision of transition services for  
22 youth with disabilities and students with  
23 disabilities, such as services provided under  
24 section 114;”;

1           (E) by redesignating subparagraphs (E)  
2           and (F) as subparagraphs (F) and (H), respec-  
3           tively;

4           (F) by inserting after subparagraph (D)  
5           the following:

6           “(E) COORDINATION WITH EMPLOYERS.—  
7           The State plan shall contain plans, policies, and  
8           procedures for coordination between the des-  
9           ignated State unit and employers that build re-  
10          lationships with employers and identify commu-  
11          nity-based competitive integrated employment  
12          opportunities and career exploration opportuni-  
13          ties—

14               “(i) in order to facilitate the provision  
15               of vocational rehabilitation services for in-  
16               dividuals with disabilities; and

17               “(ii) in order to facilitate the provi-  
18               sion of transition services for youth with  
19               disabilities and students with disabilities,  
20               such as services provided under section  
21               114.”;

22          (G) in subparagraph (F), as redesignated  
23          by subparagraph (E) of this paragraph—

24               (i) by inserting “chapter 1 of” after  
25               “part C of”; and

1 (ii) by inserting “, as appropriate” be-  
2 fore the period;

3 (H) by inserting after subparagraph (F),  
4 as redesignated by subparagraph (E) of this  
5 paragraph, the following:

6 “(G) COOPERATIVE AGREEMENT REGARD-  
7 ING INDIVIDUALS ELIGIBLE FOR HOME AND  
8 COMMUNITY-BASED WAIVER PROGRAMS.—The  
9 State plan shall include an assurance that the  
10 designated State unit has entered into a formal  
11 cooperative agreement with the State agency re-  
12 sponsible for administering the State Medicaid  
13 plan under title XIX of the Social Security Act  
14 (42 U.S.C. 1396 et seq.) and the State agency  
15 with primary responsibility for providing serv-  
16 ices and supports for individuals with intellec-  
17 tual disabilities and individuals with develop-  
18 mental disabilities, with respect to the delivery  
19 of vocational rehabilitation services, including  
20 extended services, for individuals with the most  
21 significant disabilities who have been deter-  
22 mined to be eligible for home and community-  
23 based services under a Medicaid waiver, Med-  
24 icaid State plan amendment, or other authority  
25 related to a State Medicaid program.”;

1 (I) in subparagraph (H), as redesignated  
2 by subparagraph (E) of this paragraph—

3 (i) in clause (ii)—

4 (I) by inserting “on or” before  
5 “near”; and

6 (II) by striking “and” at the end;

7 (ii) by redesignating clause (iii) as  
8 clause (iv); and

9 (iii) by inserting after clause (ii) the  
10 following:

11 “(iii) strategies for the provision of  
12 transition planning, by personnel of the  
13 designated State unit, the State edu-  
14 cational agency, and the recipient of funds  
15 under part C, that will facilitate the devel-  
16 opment and implementation of the individ-  
17 ualized education programs under section  
18 614(d) of the Individuals with Disabilities  
19 Education Act (20 U.S.C. 1414(d)) and,  
20 as appropriate, the development and com-  
21 pletion of the individualized plans for em-  
22 ployment under section 102, in order to  
23 enable students with disabilities to achieve  
24 postschool employment outcomes; and”;  
25 and

1 (J) by adding at the end the following:

2 “(I) COORDINATION WITH ASSISTIVE  
3 TECHNOLOGY PROGRAMS.—The State plan shall  
4 include an assurance that the designated State  
5 unit, and the lead agency and implementing en-  
6 tity (if any) designated by the Governor of the  
7 State under section 4 of the Assistive Tech-  
8 nology Act of 1998 (29 U.S.C. 3003), have de-  
9 veloped working relationships and will enter  
10 into agreements for the coordination of their ac-  
11 tivities, including the referral of individuals  
12 with disabilities to programs and activities de-  
13 scribed in that section.

14 “(J) COORDINATION WITH TICKET TO  
15 WORK AND SELF-SUFFICIENCY PROGRAM.—The  
16 State plan shall include an assurance that the  
17 designated State unit will coordinate activities  
18 with any other State agency that is functioning  
19 as an employment network under the Ticket to  
20 Work and Self-Sufficiency Program established  
21 under section 1148 of the Social Security Act  
22 (42 U.S.C. 1320b–19).

23 “(K) INTERAGENCY AGREEMENTS WITH  
24 STATE MEDICAID, DEVELOPMENTAL DISABIL-  
25 ITIES, AND MENTAL HEALTH AGENCIES.—

1                   “(i) AGREEMENTS.—The State plan  
2                   shall provide that the Governor, in collabo-  
3                   ration with the designated State agency or  
4                   agencies (if more than 1 agency is des-  
5                   ignated under paragraph (2)(A)), shall de-  
6                   velop agreements with covered State agen-  
7                   cies for developing a system for supporting  
8                   community-based employment in inte-  
9                   grated settings, to the greatest extent  
10                  practicable.

11                  “(ii) PROVISIONS.—The State plan  
12                  shall provide that an agreement developed  
13                  under clause (i) shall include the compo-  
14                  nents described in clauses (i) through (iv)  
15                  of section 101(a)(8)(B) with respect to  
16                  services provided through the system (ex-  
17                  cept that, instead of applying to a public  
18                  entity, the clauses shall apply to each cov-  
19                  ered State agency). Additional provisions  
20                  of the agreement shall include a descrip-  
21                  tion of how the covered State agencies will  
22                  work together to increase community-based  
23                  employment opportunities in integrated  
24                  settings.

1                   “(iii) DEFINITION.—In this subpara-  
2                   graph, the term ‘covered State agency’  
3                   means the State agency that is responsible  
4                   for administering the State Medicaid plan  
5                   under title XIX of the Social Security Act  
6                   (42 U.S.C. 1396 et seq.), the State agency  
7                   that is responsible for providing services  
8                   for individuals with developmental disabil-  
9                   ities, and the State agency that is respon-  
10                  sible for providing mental health services.”;

11                  (9) in paragraph (14)—

12                   (A) in the paragraph header, by striking  
13                  “ANNUAL” and inserting “SEMIANNUAL”;

14                   (B) in subparagraph (A)—

15                   (i) by striking “annual” and inserting  
16                  “semiannual”;

17                   (ii) by striking “(and thereafter” and  
18                  all that follows through “representative)”  
19                  and inserting “, and annually thereafter”;  
20                  and

21                   (iii) by striking “to competitive” and  
22                  all that follows and inserting the following:  
23                  “to competitive integrated employment or  
24                  training for competitive integrated employ-  
25                  ment;”;



1 (C) in subparagraph (B), by striking  
2 “and” at the end;

3 (D) in subparagraph (C), by striking “the  
4 individuals described” and all that follows and  
5 inserting “individuals in attaining competitive  
6 integrated employment; and”; and

7 (E) by adding at the end the following:

8 “(D) an assurance that the State will re-  
9 port the information generated under subpara-  
10 graphs (A), (B), and (C), for each of the indi-  
11 viduals, to the Administrator of the Wage and  
12 Hour Division of the Department of Labor for  
13 each fiscal year, not later than 60 days after  
14 the end of the fiscal year.”;

15 (10) in paragraph (15)—

16 (A) in subparagraph (A)—

17 (i) in clause (i)—

18 (I) in subclause (II), by striking  
19 “and” at the end;

20 (II) in subclause (III)—

21 (aa) by striking “workforce  
22 investment system” and inserting  
23 “workforce development system”;  
24 and

1 (bb) by adding “and” at the  
2 end; and

3 (III) by adding at the end the  
4 following:

5 “(IV) youth with disabilities, and  
6 students with disabilities, including  
7 their need for pre-employment transi-  
8 tion services described in section 114  
9 or other transition services; and”;

10 (ii) by striking clauses (ii) and (iii)  
11 and inserting the following:

12 “(ii) include an assessment of the  
13 needs of individuals with disabilities for  
14 transition services and pre-employment  
15 transition services provided under this Act,  
16 and coordinated with transition services  
17 provided under the Individuals with Dis-  
18 abilities Education Act (20 U.S.C. 1400 et  
19 seq.), and an assessment as to whether the  
20 transition and pre-employment transition  
21 services provided under those Acts meet  
22 the needs of individuals with disabilities.”;  
23 (B) in subparagraph (B)—

24 (i) in clause (ii), by striking “and” at  
25 the end;

1 (ii) by redesignating clause (iii) as  
2 clause (iv); and

3 (iii) by inserting after clause (ii) the  
4 following:

5 “(iii) the number of individuals who  
6 are eligible for services under this title, but  
7 are not receiving such services due to an  
8 order of selection; and”;

9 (C) in subparagraph (D)—

10 (i) by redesignating clauses (iii)  
11 through (v) as clauses (iv) through (vi);

12 (ii) by inserting after clause (ii) the  
13 following:

14 “(iii) the methods to be used to im-  
15 prove and expand vocational rehabilitation  
16 services for students with disabilities, in-  
17 cluding the coordination of services de-  
18 signed to facilitate the transition of such  
19 students from the receipt of educational  
20 services in school to postsecondary life (in-  
21 cluding the receipt of vocational rehabilita-  
22 tion services under this title, postsecondary  
23 education, employment, and pre-employ-  
24 ment transition services under section  
25 114);”;

1 (iii) in clause (vi), as redesignated by  
2 clause (i) of this subparagraph, by striking  
3 “workforce investment system” and insert-  
4 ing “workforce development system”;

5 (11) in paragraph (20)—

6 (A) in subparagraphs (A) and (B)(i), by  
7 striking “workforce investment system” and in-  
8 serting “workforce development system”;

9 (B) by redesignating subparagraph (B) as  
10 subparagraph (C); and

11 (C) by inserting after subparagraph (A)  
12 the following:

13 “(B) INFORMATION ON ASSISTANCE FOR  
14 BENEFICIARIES OF ASSISTANCE UNDER TITLE  
15 II OR XVI OF THE SOCIAL SECURITY ACT.—The  
16 State plan shall include an assurance that the  
17 designated State unit will make available, to in-  
18 dividuals entitled to benefits under title II or  
19 XVI of the Social Security Act (42 U.S.C. 401  
20 et seq., 1381 et seq.) on the basis of a disability  
21 or blindness—

22 “(i) information on the availability of  
23 benefits and medical assistance authorized  
24 under the State Medicaid program under  
25 title XIX of the Social Security Act (42

1 U.S.C. 1396 et seq.) or under the Medi-  
2 care program under title XVIII of the So-  
3 cial Security Act (42 U.S.C. 1395 et seq.),  
4 and medical assistance authorized under  
5 other federally funded programs;

6 “(ii) information on the availability of  
7 assistance through benefits planning and  
8 assistance programs authorized under sec-  
9 tion 1149 of the Social Security Act (42  
10 U.S.C. 1320b–20) and services provided by  
11 the State protection and advocacy system  
12 and authorized under section 1150 of the  
13 Social Security Act (42 U.S.C. 1320b–21);  
14 and

15 “(iii) in the case of individuals who  
16 are also eligible for a ticket under the  
17 Ticket to Work and Self-Sufficiency Pro-  
18 gram established under section 1148 of the  
19 Social Security Act (42 U.S.C. 1320b–19),  
20 general information regarding the options  
21 for using the ticket and information on  
22 how to contact a program manager of the  
23 Ticket to Work and Self-Sufficiency Pro-  
24 gram to obtain information on approved  
25 employment networks, on providers for the

1 benefits planning and assistance programs  
2 described in clause (ii) in the State, and on  
3 the services provided by the State protec-  
4 tion and advocacy system and described in  
5 clause (ii).”; and

6 (12) by adding at the end the following:

7 “(25) SERVICES FOR STUDENTS WITH DISABIL-  
8 ITIES.—The State plan shall provide an assurance  
9 that, with respect to students with disabilities, the  
10 State—

11 “(A) has developed and will implement—

12 “(i) strategies to address the needs  
13 identified in the assessments described in  
14 paragraph (15);

15 “(ii) strategies to achieve the goals  
16 and priorities identified by the State, in ac-  
17 cordance with paragraph (15), to improve  
18 and expand vocational rehabilitation serv-  
19 ices for students with disabilities on a  
20 statewide basis; and

21 “(B) has developed and will implement  
22 strategies to carry out the provision of pre-em-  
23 ployment transition services in accordance with  
24 section 114.

1           “(26) JOB GROWTH AND DEVELOPMENT.—The  
2           State plan shall provide an assurance describing how  
3           the State will utilize initiatives involving in-demand  
4           industry sectors or occupations under sections  
5           116(c) and 118 of the Workforce Investment Act of  
6           2013 to increase competitive integrated employment  
7           opportunities for individuals with disabilities.”.

8           (b) APPROVAL.—Section 101(b) (29 U.S.C. 721(b))  
9           is amended to read as follows:

10          “(b) SUBMISSION; APPROVAL; MODIFICATION.—The  
11          State plan for vocational rehabilitation services shall be  
12          subject to—

13               “(1) subsection (c) of section 112 of the Work-  
14               force Investment Act of 2013, in a case in which  
15               that plan is a portion of the unified State plan de-  
16               scribed in that section 112; and

17               “(2) subsection (b), and paragraphs (1), (2),  
18               and (3) of subsection (c), of section 113 of such Act  
19               in a case in which that State plan for vocational re-  
20               habilitation services is a portion of the combined  
21               State plan described in that section 113.”.

22          (c) CONSTRUCTION.—Section 101 (29 U.S.C. 721) is  
23          amended by adding at the end the following:

24               “(c) CONSTRUCTION.—Nothing in this part shall be  
25          construed to reduce the obligation of a local educational

1 agency or any other agency to provide or pay for any tran-  
2 sition services that are also considered special education  
3 or related services and that are necessary for ensuring a  
4 free appropriate public education to children with disabil-  
5 ities within the State involved.”.

6 **SEC. 513. ELIGIBILITY AND INDIVIDUALIZED PLAN FOR EM-**  
7 **PLOYMENT.**

8 (a) ELIGIBILITY.—Section 102(a) (29 U.S.C. 722(a))  
9 is amended—

10 (1) in paragraph (1)(B), by striking “regain  
11 employment” and inserting “regain employment, in-  
12 cluding accomplishing career advancement, in em-  
13 ployment that is consistent with the individual’s  
14 strengths, resources, priorities, concerns, abilities,  
15 capabilities, and informed choice”;

16 (2) in paragraph (2)—

17 (A) in subparagraph (A)—

18 (i) in the subparagraph header, by  
19 striking “DEMONSTRATION” and inserting  
20 “APPLICANTS”; and

21 (ii) by striking “, unless” and all that  
22 follows and inserting a period; and

23 (B) in subparagraph (B)—



1 (i) in the subparagraph header, by  
2 striking “METHODS” and inserting “RE-  
3 SPONSIBILITIES”;

4 (ii) in the first sentence—

5 (I) by striking “In making the  
6 demonstration required under sub-  
7 paragraph (A),” and inserting “Prior  
8 to determining under this subsection  
9 that an applicant described in sub-  
10 paragraph (A) is unable to benefit due  
11 to the severity of the individual’s dis-  
12 ability or that the individual is ineli-  
13 gible for vocational rehabilitation serv-  
14 ices,”; and

15 (II) by striking “, except under”  
16 and all that follows and inserting a  
17 period; and

18 (iii) in the second sentence, by strik-  
19 ing “individual or to determine” and all  
20 that follows and inserting “individual. In  
21 providing the trial experiences, the des-  
22 ignated State unit shall provide the indi-  
23 vidual with the opportunity to try different  
24 employment experiences, including sup-  
25 ported employment, and the opportunity to

1                   become employed in competitive integrated  
2                   employment.”;

3                   (3) in paragraph (3)(A)(ii), by striking “out-  
4                   come from” and all that follows and inserting “out-  
5                   come, including supported employment, from voca-  
6                   tional rehabilitation services due to the current (as  
7                   of the date of the determination) severity of the dis-  
8                   ability of the individual.”; and

9                   (4) in paragraph (5)—

10                   (A) in the matter preceding subparagraph

11                   (A)—

12                   (i) by striking “If an individual” and  
13                   inserting “If, after the designated State  
14                   unit carries out the activities described in  
15                   paragraph (2)(B), a review of existing  
16                   data, and, to the extent necessary, the as-  
17                   sessment activities described in section  
18                   7(2)(A)(ii), an individual”; and

19                   (ii) by striking “is determined” and  
20                   all that follows through “not to be” and in-  
21                   serting “is determined not to be”;

22                   (B) by redesignating subparagraphs (A)  
23                   through (D) as subparagraphs (B) through (E),  
24                   respectively;

1 (C) by inserting before subparagraph (B)  
2 the following:

3 “(A) the ineligibility determination shall be  
4 an individualized one, based on the available  
5 data, and shall not be based on assumptions  
6 about broad categories of disabilities;” and

7 (D) in clause (i) of subparagraph (C), as  
8 redesignated by subparagraph (B) of this para-  
9 graph, by inserting after “determination” the  
10 following: “, including clear and convincing evi-  
11 dence that forms the basis for the determina-  
12 tion of ineligibility”.

13 (b) DEVELOPMENT OF AN INDIVIDUALIZED PLAN  
14 FOR EMPLOYMENT, AND RELATED INFORMATION.—Sec-  
15 tion 102(b) (29 U.S.C. 722(b)) is amended—

16 (1) in paragraph (1)—

17 (A) in subparagraph (A), by striking “, to  
18 the extent determined to be appropriate by the  
19 eligible individual;”;

20 (B) by redesignating subparagraphs (B),  
21 (C), and (D) as subparagraphs (C), and (D),  
22 and (E), respectively; and

23 (C) by inserting after subparagraph (A)  
24 the following:

1           “(B) information on the availability of as-  
2           sistance from consumer organizations, as de-  
3           fined in section 106(a)(4) (including a listing of  
4           such organizations) that can assist an indi-  
5           vidual in the development of an individualized  
6           plan for employment, in order to ensure that  
7           the plan reflects the informed and effective  
8           choices of the individual;”;

9           (2) by redesignating paragraphs (2) and (3) as  
10          paragraphs (3) and (4), respectively;

11          (3) by inserting after paragraph (1) the fol-  
12          lowing:

13           “(2) INDIVIDUALS ENTITLED TO BENEFITS  
14          UNDER THE SOCIAL SECURITY ACT.—For an indi-  
15          vidual entitled to benefits under title II or XVI of  
16          the Social Security Act (42 U.S.C. 401 et seq., 1381  
17          et seq.) on the basis of a disability or blindness, the  
18          designated State unit shall provide to the indi-  
19          vidual—

20           “(A) general information on the avail-  
21          ability of benefits and medical assistance au-  
22          thorized under the State Medicaid program  
23          under title XIX of the Social Security Act (42  
24          U.S.C. 1396 et seq.) or under the Medicare  
25          program under title XVIII of the Social Secu-

1           rity Act (42 U.S.C. 1395 et seq.), and medical  
2           assistance authorized under other federally  
3           funded programs;

4           “(B) general information on the avail-  
5           ability of assistance through benefits planning  
6           and assistance programs authorized under sec-  
7           tion 1149 of the Social Security Act (42 U.S.C.  
8           1320b–20) and services provided by the State  
9           protection and advocacy system and authorized  
10          under section 1150 of the Social Security Act  
11          (42 U.S.C. 1320b–21); and

12          “(C) in the case of individuals who are also  
13          eligible for a ticket under the Ticket to Work  
14          and Self-Sufficiency Program established under  
15          section 1148 of the Social Security Act (42  
16          U.S.C. 1320b–19), general information regard-  
17          ing the options for using the ticket and infor-  
18          mation on how to contact a program manager  
19          of the Ticket to Work and Self-Sufficiency Pro-  
20          gram to obtain information on approved em-  
21          ployment networks, on providers for the bene-  
22          fits planning and assistance programs described  
23          in subparagraph (B) in the State, and on the  
24          services provided by the State protection and

1           advocacy system and described in subparagraph  
2           (B).”;

3           (4) in paragraph (3), as redesignated by para-  
4           graph (2) of this subsection—

5           (A) in subparagraph (E)—

6           (i) in clause (i), by striking “and” at  
7           the end;

8           (ii) in clause (ii), by striking the pe-  
9           riod and inserting “; and”; and

10          (iii) by adding at the end the fol-  
11          lowing:

12           “(iii) amended, as necessary, to in-  
13           clude the postemployment services and  
14           service providers that are necessary for the  
15           individual to maintain or regain employ-  
16           ment, consistent with the individual’s  
17           strengths, resources, priorities, concerns,  
18           abilities, capabilities, interests, and in-  
19           formed choice.”; and

20          (B) by adding at the end the following:

21           “(F) TIMEFRAME FOR COMPLETING THE  
22           INDIVIDUALIZED PLAN FOR EMPLOYMENT.—  
23           The individualized plan for employment shall be  
24           developed as soon as possible, but not later  
25           than a deadline of 90 days after the date of the

1 determination of eligibility described in para-  
2 graph (1), unless the designated State unit and  
3 the eligible individual agree to an extension of  
4 that deadline to a specific date by which the in-  
5 dividualized plan for employment shall be com-  
6 pleted.

7 “(G) FAILURE TO DEVELOP THE INDIVID-  
8 UALIZED PLAN FOR EMPLOYMENT WITHIN THE  
9 SPECIFIED TIMEFRAME.—In the event the indi-  
10 vidualized plan for employment is not completed  
11 by the deadline or extended deadline, as appro-  
12 priate, under subparagraph (F), the eligible in-  
13 dividual shall have the right to request the pro-  
14 cedures described in subsection (c). If the eligi-  
15 ble individual requests a hearing, the hearing  
16 officer shall have the authority to order the des-  
17 ignated State unit to complete the individual-  
18 ized plan for employment within a reasonable  
19 period of time.”; and

20 (5) in paragraph (4), as redesignated by para-  
21 graph (2) of this subsection—

22 (A) in subparagraph (A)—

23 (i) by inserting “in competitive inte-  
24 grated employment” after “outcome”; and

1                   (ii) by striking “choice of the” and all  
2                   that follows and inserting “choice of the el-  
3                   igible individual, consistent with the gen-  
4                   eral goal of competitive integrated employ-  
5                   ment (except that in the case of an eligible  
6                   individual who is a student, the description  
7                   may be a description of the student’s pro-  
8                   jected postschool employment outcome);”;  
9                   (B) in subparagraph (B)(i)—  
10                   (i) by redesignating subclause (II) as  
11                   subclause (III); and  
12                   (ii) by striking subclause (I) and in-  
13                   serting the following:  
14                   “(I) needed to achieve the employ-  
15                   ment outcome, including, as appropriate—  
16                   “(aa) the provision of assistive  
17                   technology devices and assistive tech-  
18                   nology services (including referrals de-  
19                   scribed in section 103(a)(3) to the de-  
20                   vice reutilization programs and dem-  
21                   onstrations described in subpara-  
22                   graphs (B) and (D) of section 4(e)(2)  
23                   of the Assistive Technology Act of  
24                   1998 (29 U.S.C. 3003(e)(2)) through



1 agreements developed under section  
2 101(a)(11)(H);

3 “(bb) mentoring services; and

4 “(cc) personal assistance services  
5 (including training in the management  
6 of such services);

7 “(II) in the case of a plan for an eligi-  
8 ble individual that is a student, the specific  
9 transition services and supports (including  
10 work experience, mentoring activities, and  
11 supported employment) needed to achieve  
12 the student’s employment outcome or pro-  
13 jected postschool employment outcome;  
14 and”;

15 (C) in subparagraph (F), by striking  
16 “and” at the end;

17 (D) in subparagraph (G), by striking the  
18 period and inserting “; and”; and

19 (E) by adding at the end the following:

20 “(H) for an individual who also is receiving  
21 assistance from an employment network under  
22 the Ticket to Work and Self-Sufficiency Pro-  
23 gram established under section 1148 of the So-  
24 cial Security Act (42 U.S.C. 1320b–19), a list  
25 of the services that are listed in the individual

1 work plan that the individual developed with  
2 the employment network under subsection (g)  
3 of that section, and a description of how re-  
4 sponsibility for service delivery will be divided  
5 between the employment network and the des-  
6 ignated State unit.”.

7 (c) PROCEDURES.—Section 102(c) (29 U.S.C.  
8 722(c)) is amended—

9 (1) in paragraph (1), by adding at the end the  
10 following: “The procedures shall allow an applicant  
11 or an eligible individual or, as appropriate, the appli-  
12 cant’s representative or individual’s representative,  
13 the opportunity to request mediation, an impartial  
14 due process hearing, or both procedures.”;

15 (2) in paragraph (2)—

16 (A) in subparagraph (A)—

17 (i) in clause (ii), by striking “and” at  
18 the end;

19 (ii) in clause (iii), by striking the pe-  
20 riod and inserting “; and”; and

21 (iii) by adding at the end the fol-  
22 lowing:

23 “(iv) any applicable State limit on the  
24 time by which a request for mediation  
25 under paragraph (4) or a hearing under

1 paragraph (5) shall be made, and any re-  
2 quired procedure by which the request  
3 shall be made.”; and

4 (B) in subparagraph (B)(iii), by inserting  
5 “the denial,” before “reduction,”; and

6 (3) in paragraph (5)—

7 (A) by striking subparagraph (A) and in-  
8 serting the following:

9 “(A) OFFICER.—A due process hearing de-  
10 scribed in paragraph (2) shall be conducted by  
11 an impartial hearing officer who, on reviewing  
12 the evidence presented, shall issue a written de-  
13 cision based on the provisions of the approved  
14 State plan, requirements specified in this Act  
15 (including regulations implementing this Act),  
16 and State regulations and policies that are con-  
17 sistent with the Federal requirements specified  
18 in this title. The officer shall provide the writ-  
19 ten decision to the applicant or eligible indi-  
20 vidual, or, as appropriate, the applicant’s rep-  
21 resentative or individual’s representative, and to  
22 the designated State unit. The impartial hear-  
23 ing officer shall have the authority to render a  
24 decision and require actions, consistent with the  
25 requirements specified in this title (including

1 regulations implementing this title), regarding  
2 all aspects of the applicant’s or eligible individ-  
3 ual’s vocational rehabilitation services under  
4 this title.”; and

5 (B) in subparagraph (B), by striking “in  
6 laws (including regulations)” and inserting  
7 “about Federal and State laws (including regu-  
8 lations) and the approved State plan”.

9 **SEC. 514. VOCATIONAL REHABILITATION SERVICES.**

10 Section 103 (29 U.S.C. 723) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (13), by striking “work-  
13 force investment system” and inserting “work-  
14 force development system”;

15 (B) by striking paragraph (15) and insert-  
16 ing the following:

17 “(15) transition services for students with dis-  
18 abilities, that facilitate the transition from school to  
19 postsecondary life, such as achievement of an em-  
20 ployment outcome in competitive integrated employ-  
21 ment, or pre-employment transition services de-  
22 scribed in section 114;”;

23 (C) by redesignating paragraphs (17) and  
24 (18) as paragraphs (18) and (19), respectively;

1 (D) by inserting after paragraph (16) the  
2 following:

3 “(17) customized employment;”;

4 (E) in paragraph (18), as redesignated by  
5 subparagraph (C) of this paragraph, by striking  
6 the “and” at the end;

7 (F) in paragraph (19), as redesignated by  
8 subparagraph (C) of this paragraph, by striking  
9 the period and inserting “; and”; and

10 (G) by adding at the end the following:

11 “(20) mentoring services.”; and

12 (2) in subsection (b)—

13 (A) in paragraph (2)(A), by striking the  
14 second sentence and inserting “Such programs  
15 shall be used to provide services described in  
16 this section that promote integration into the  
17 community and that result in competitive inte-  
18 grated employment, including supported em-  
19 ployment and customized employment, for ap-  
20 plicants or eligible individuals with disabil-  
21 ities.”;

22 (B) by striking paragraph (2)(B) and in-  
23 serting the following:

24 “(B) The establishment, development, or  
25 improvement of a facility for a community reha-

1           bilitation program, or the construction of such  
2           a facility, which shall be limited to that nec-  
3           essary for the expansion or improvement of  
4           services described in this section for applicants  
5           or eligible individuals with disabilities.”;

6           (C) by striking paragraph (5) and insert-  
7           ing the following:

8           “(5) Technical assistance to businesses that are  
9           seeking to employ individuals with disabilities.”; and

10          (D) by striking paragraph (6) and insert-  
11          ing the following:

12          “(6) Consultation and technical assistance serv-  
13          ices to assist State educational agencies and local  
14          educational agencies in planning for the transition of  
15          students with disabilities from school to postsec-  
16          ondary life, including employment.

17          “(7) Transition services to youth with disabil-  
18          ities and students with disabilities, for which a voca-  
19          tional rehabilitation counselor works in concert with  
20          educational agencies, providers of job training pro-  
21          grams, providers of services under the Medicaid pro-  
22          gram under title XIX of the Social Security Act (42  
23          U.S.C. 1396 et seq.), entities designated by the  
24          State to provide services for individuals with devel-  
25          opmental disabilities, centers for independent living

1 (as defined in section 702), housing and transpor-  
2 tation authorities, workforce development systems,  
3 and businesses and employers.”.

4 **SEC. 515. STATE REHABILITATION COUNCIL.**

5 Section 105 (29 U.S.C. 725) is amended—

6 (1) in subsection (b)(1)—

7 (A) in subparagraph (A)—

8 (i) by striking clause (ix) and insert-  
9 ing the following:

10 “(ix) in a State in which one or more  
11 projects are funded under section 121 and  
12 in which such services are provided  
13 through those projects, at least one rep-  
14 resentative of the directors of the projects  
15 located in such State;”;

16 (ii) in clause (x), by striking “and” at  
17 the end;

18 (iii) in clause (xi)—

19 (I) by striking “State workforce  
20 investment board” and inserting  
21 “State workforce development board”;  
22 and

23 (II) by striking the period and  
24 inserting “; and”; and

1 (iv) by adding at the end the fol-  
2 lowing:

3 “(xii) the director of the State’s com-  
4 prehensive statewide program of tech-  
5 nology-related assistance funded under sec-  
6 tion 4 of the Assistive Technology Act of  
7 1998 (29 U.S.C. 3003).”; and

8 (B) in subparagraph (B)—

9 (i) in clause (xi), by striking “and” at  
10 the end;

11 (ii) in clause (xii), by striking the pe-  
12 riod and inserting “; and”; and

13 (iii) by adding at the end the fol-  
14 lowing:

15 “(xiii) the director of the State’s com-  
16 prehensive statewide program of tech-  
17 nology-related assistance funded under sec-  
18 tion 4 of the Assistive Technology Act of  
19 1998 (29 U.S.C. 3003).”; and

20 (2) in subsection (c)—

21 (A) in the matter preceding paragraph (1),  
22 by striking “State workforce investment board”  
23 and inserting “State workforce development  
24 board”; and



1 (B) in paragraph (6), by striking “Service  
2 Act” and all that follows and inserting “Service  
3 Act (42 U.S.C. 300x-3(a)) and the State work-  
4 force development board, and with the activities  
5 of entities carrying out programs under the As-  
6 sistive Technology Act of 1998 (29 U.S.C. 3001  
7 et seq.);”.

8 **SEC. 516. EVALUATION STANDARDS AND PERFORMANCE**  
9 **INDICATORS.**

10 Section 106 (29 U.S.C. 726) is amended by striking  
11 subsection (a) and inserting the following:

12 “(a) IN GENERAL.—

13 “(1) STANDARDS AND INDICATORS.—The eval-  
14 uation standards and performance indicators for the  
15 vocational rehabilitation program carried out under  
16 this title shall be subject to the performance ac-  
17 countability provisions described in section 131(b) of  
18 the Workforce Investment Act of 2013.

19 “(2) ADDITIONAL PERFORMANCE ACCOUNT-  
20 ABILITY INDICATORS.—

21 “(A) IN GENERAL.—Subject to subpara-  
22 graph (B), the Commissioner may establish ad-  
23 ditional performance accountability indicators,  
24 which may include outcome and related meas-  
25 ures of program performance.

1           “(B) COMMENT.—Such additional per-  
2           formance accountability indicators shall be de-  
3           veloped with input from State vocational reha-  
4           bilitation agencies, related professional and con-  
5           sumer organizations, recipients of vocational re-  
6           habilitation services, and other interested par-  
7           ties. The Commissioner shall publish in the  
8           Federal Register a notice of intent to regulate  
9           regarding the development of proposed addi-  
10          tional performance accountability indicators.  
11          Proposed additional performance accountability  
12          indicators shall be published in the Federal  
13          Register for review and comment. Final addi-  
14          tional performance accountability indicators  
15          shall be published in the Federal Register.

16          “(3) REPORTS.—Each State that receives funds  
17          under this title shall submit a report to the Commis-  
18          sioner containing information on any additional per-  
19          formance accountability indicators established under  
20          paragraph (2).

21          “(4) CONSUMER ORGANIZATION.—In this sub-  
22          section, the term ‘consumer organization’ means a  
23          membership organization, or disability advocacy  
24          group, for which a majority of the members of the  
25          board of directors of the organization or group are

1 individuals with disabilities or family members of in-  
2 dividuals with disabilities.”.

3 **SEC. 517. MONITORING AND REVIEW.**

4 (a) IN GENERAL.—Section 107(a) (29 U.S.C.  
5 727(a)) is amended—

6 (1) in paragraph (3)(E), by inserting before the  
7 period the following: “, including personnel of a cli-  
8 ent assistance program under section 112, and past  
9 or current recipients of vocational rehabilitation  
10 services”; and

11 (2) in paragraph (4)—

12 (A) by striking subparagraphs (A) and (B)  
13 and inserting the following:

14 “(A) the eligibility process, including the  
15 process related to the determination of ineligi-  
16 bility under section 102(a)(5);

17 “(B) the provision of services, including  
18 supported employment services, and pre-em-  
19 ployment transition services for students with  
20 disabilities and, if applicable, the order of selec-  
21 tion;”;

22 (B) in subparagraph (C), by striking  
23 “and” at the end;

24 (C) by redesignating subparagraph (D) as  
25 subparagraph (E); and

1 (D) by inserting after subparagraph (C)  
2 the following:

3 “(D) data on individuals determined to be  
4 ineligible for services due to severity of their  
5 disability, to determine if systematic changes  
6 could result in increased capacity to meet the  
7 needs of such individuals; and”.

8 (b) REVIEW.—Section 107(d) (29 U.S.C. 727(d)) is  
9 amended, in paragraphs (1) and (2), by striking “a final  
10 determination of the Commissioner under section 101(b)  
11 or subsection (c)” and inserting “a final determination on  
12 a State plan for vocational rehabilitation services under  
13 the procedures referenced in section 101(b), or a final de-  
14 termination by the Commissioner under subsection (c)”.

15 **SEC. 518. TRAINING AND SERVICES FOR EMPLOYERS.**

16 Section 109 (29 U.S.C. 728a) is amended to read as  
17 follows:

18 **“SEC. 109. TRAINING AND SERVICES FOR EMPLOYERS.**

19 “A State may expend payments received under sec-  
20 tion 111 to educate and provide services to employers who  
21 have hired or are interested in hiring individuals with dis-  
22 abilities under programs carried out under this title, in-  
23 cluding—

24 “(1) providing training and technical assistance  
25 to employers regarding the employment of individ-

1 uals with disabilities, including disability awareness,  
2 and the requirements of the Americans with Disabil-  
3 ities Act of 1990 (42 U.S.C. 12101 et seq.) and  
4 other employment-related laws;

5 “(2) working with employers to—

6 “(A) provide opportunities for work-based  
7 learning experience (including internships,  
8 short-term employment, apprenticeships, and  
9 fellowships), such as opportunities in conjunc-  
10 tion with pre-employment transition services;

11 “(B) recruit qualified applicants with dis-  
12 abilities;

13 “(C) train employees with disabilities; and

14 “(D) promote retention of employees who  
15 are at risk of losing a job due to disability-re-  
16 lated barriers;

17 “(3) providing consultations, technical assist-  
18 ance, and support to employers on workplace accom-  
19 modations, assistive technology, and facilities and  
20 workplace access;

21 “(4) assisting employers with utilizing available  
22 financial support, including tax credits and deduc-  
23 tions available for hiring or accommodating individ-  
24 uals with disabilities; and



1           “(E) providing services to employers for  
2           employees who have disability-related barriers  
3           to continuing to perform their current job or  
4           who are at risk of losing a job due to disability-  
5           related barriers; and

6           “(F) coordinating provision of services to  
7           employers.”.

8   **SEC. 519. STATE ALLOTMENTS.**

9           (a) IN GENERAL.—Section 110 (29 U.S.C. 730) is  
10          amended—

11           (1) in subsection (a)(1), by striking “Subject to  
12           the provisions of subsection (c)” and inserting “Sub-  
13           ject to the provisions of subsections (c), (d), and  
14           (e),”; and

15           (2) by striking subsection (c) and inserting the  
16           following:

17           “(c)(1) For fiscal year 2014 and each fiscal year  
18           thereafter, the Commissioner shall reserve, from the funds  
19           appropriated under section 100(b)(1) for the fiscal year  
20           involved, an amount that is not less than 1.23 percent and  
21           not more than 1.5 percent of those funds in order to carry  
22           out section 121, except that the minimum percentage that  
23           may be so reserved shall increase by 0.01 percentage  
24           points for each succeeding fiscal year after fiscal year  
25           2014.

1           “(2) Notwithstanding paragraph (1), there shall be  
2 no increase in the minimum percentage of funds reserved  
3 under paragraph (1) unless there is an equivalent increase  
4 in the funds appropriated under section 100(b)(1).”.

5           (b) RESERVATION FOR PRE-EMPLOYMENT TRANSI-  
6 TION SERVICES.—Section 110 (29 U.S.C. 730) is amend-  
7 ed by adding at the end the following:

8           “(d)(1) From any State allotment under subsection  
9 (a) for a fiscal year, the State shall reserve not less than  
10 15 percent of the allotted funds for the provision of transi-  
11 tion services to assist students with disabilities and youth  
12 with disabilities in transitioning from education or train-  
13 ing to employment, which includes pre-employment transi-  
14 tion services under section 114.

15           “(2) From the funds reserved under paragraph (1),  
16 the designated State unit shall not expend more than 5  
17 percent of the funds to pay for the administrative costs  
18 of providing the transition services.

19           “(e) For fiscal year 2014 and each fiscal year there-  
20 after, the Commissioner shall reserve, from the funds ap-  
21 propriated under section 100(b) for each fiscal year,  
22 \$5,000,000 to support the program described in section  
23 303(e).”.



1 **SEC. 520. PAYMENTS TO STATES.**

2 Section 111(a)(2) (29 U.S.C. 731(a)(2)) is amended  
3 by striking subparagraph (B) and inserting the following:

4 “(B) The amount otherwise payable to a State for  
5 a fiscal year under this section shall be reduced by the  
6 amount by which expenditures from non-Federal sources  
7 under the State plan under this title for any previous fiscal  
8 year are less than the total of such expenditures for the  
9 second fiscal year preceding that previous fiscal year.”.

10 **SEC. 521. CLIENT ASSISTANCE PROGRAM.**

11 Section 112 (29 U.S.C. 732) is amended—

12 (1) in subsection (a)—

13 (A) in the first sentence—

14 (i) by striking “grants to States” and  
15 inserting “grants to agencies designated  
16 under subsection (c) (referred to individ-  
17 ually in this section as a ‘designated CAP  
18 agency’)”;

19 (ii) by inserting “including under sec-  
20 tions 114 and 511,” after “all available  
21 benefits under this Act,”; and

22 (iii) by inserting “and eligibility” after  
23 “to ensure the protection of the rights”;  
24 and

25 (B) in the second sentence, by striking  
26 “disabilities in the State” and inserting “dis-

1           abilities in the State in which the program is lo-  
2           cated”;

3           (2) in subsection (b), by striking the matter  
4           preceding paragraph (1) and inserting “Neither an  
5           agency within the State, nor the State, may receive  
6           payments from an allotment under subsection (e) in  
7           any fiscal year unless the State has designated  
8           under subsection (c) an agency that—”;

9           (3) in subsection (c)—

10           (A) in paragraph (2), by inserting “(as de-  
11           fined in section 106(a)(4))” after “consumer  
12           organizations”; and

13           (B) in paragraph (3), by striking “agency  
14           designated under this subsection” and inserting  
15           “designated CAP agency”;

16           (4) in subsection (d), by striking “agency des-  
17           ignated under subsection (c) of this section” and in-  
18           serting “designated CAP agency”;

19           (5) in subsection (e)—

20           (A) in paragraph (1)—

21           (i) by striking subparagraph (A) and  
22           inserting the following:

23           “(A) After reserving funds under subparagraphs (E)  
24           and (F), the Secretary shall allot the remainder of the  
25           sums appropriated for each fiscal year under this section

1 among the designated CAP agencies within the States on  
2 the basis of relative population of each State, except that  
3 no such agency shall receive less than \$50,000.”;

4 (ii) in subparagraph (B), by inserting  
5 “the designated CAP agencies located in”  
6 before “American Samoa”; and

7 (iii) by striking subparagraph (D) and  
8 inserting the following:

9 “(D)(i) For any fiscal year for which the funds ap-  
10 propriated for such fiscal year under subsection (h) exceed  
11 \$7,500,000, the minimum allotment under this subsection  
12 shall be \$100,000 for the designated CAP agencies located  
13 in States and \$45,000 for the designated CAP agencies  
14 located in territories.

15 “(ii) For any fiscal year for which the total amount  
16 appropriated under subsection (h) exceeds the total  
17 amount appropriated under such subsection (or the cor-  
18 responding provision) for the preceding fiscal year, the  
19 Secretary shall increase each of the minimum allotments  
20 under clause (i) by a percentage that shall not exceed the  
21 percentage increase, calculated by dividing such total  
22 amount for the fiscal year involved by such total amount  
23 for the preceding fiscal year.

24 “(E)(i) For any fiscal year for which the amount ap-  
25 propriated under subsection (h) equals or exceeds

1 \$13,000,000, and for each subsequent fiscal year, the Sec-  
2 retary shall reserve funds appropriated under subsection  
3 (h) to make a grant to the protection and advocacy system  
4 serving the American Indian Consortium, to provide des-  
5 ignated CAP agency services in accordance with the re-  
6 quirements of this section. The amount of such a grant  
7 shall be the same amount as is provided to a territory  
8 under subparagraph (B), as increased under clauses (i)  
9 and, if applicable, (ii) of subparagraph (D).

10 “(ii) In this subparagraph:

11 “(I) The term ‘American Indian Consortium’  
12 has the meaning given the term in section 102 of the  
13 Developmental Disabilities Assistance and Bill of  
14 Rights Act of 2000 (42 U.S.C. 15002).

15 “(II) The term ‘protection and advocacy sys-  
16 tem’ means a protection and advocacy system estab-  
17 lished under subtitle C of title I of the Develop-  
18 mental Disabilities Assistance and Bill of Rights Act  
19 of 2000 (42 U.S.C. 15041 et seq.).

20 “(F) For any fiscal year for which the amount appro-  
21 priated under subsection (h) equals or exceeds  
22 \$14,000,000, the Secretary shall reserve not less than 1.8  
23 percent and not more than 2.2 percent of such amount  
24 to provide a grant for training and technical assistance  
25 for the programs established under this section. Such

1 training and technical assistance shall be coordinated with  
2 activities provided under section 509(c)(1)(A).”;

3 (B) in paragraph (2)—

4 (i) except as provided in clause (ii), by  
5 striking “State” each place it appears and  
6 inserting “designated CAP agency”; and

7 (ii) by striking “States” each place it  
8 appears and inserting “designated CAP  
9 agencies”; and

10 (C) in paragraph (3), by striking “agency  
11 designated” and all that follows and inserting  
12 “designated CAP agency the amount specified  
13 in the application approved under subsection  
14 (f).”;

15 (6) in subsection (f), by striking “State” and  
16 inserting “designated CAP agency”;

17 (7) in paragraph (1) of subsection (g), by strik-  
18 ing “such programs” and inserting “the designated  
19 CAP agency of a State”; and

20 (8) in subsection (h), by striking “1999  
21 through 2003” and inserting “2014 through 2018”.

22 **SEC. 522. TECHNICAL ASSISTANCE FOR QUALITY SERVICES.**

23 Part B of title I (29 U.S.C. 730 et seq.), is amended  
24 by adding at the end the following:

1 **“SEC. 113. ADDITIONAL TECHNICAL ASSISTANCE.**

2 “The Commissioner shall provide technical assistance  
3 for programs provided under this title regarding improv-  
4 ing the quality of vocational rehabilitation services pro-  
5 vided through the programs, including—

6 “(1) consulting with the Department of Edu-  
7 cation, the Small Business Administration, other ap-  
8 propriate Federal agencies, State and local work-  
9 force development boards, and businesses or busi-  
10 ness-led intermediaries;

11 “(2) based on information obtained through the  
12 consultations, providing—

13 “(A) technical assistance that improves  
14 that quality by enabling designated State units  
15 to develop successful partnerships with local  
16 and multi-State businesses in an effort to em-  
17 ploy individuals with disabilities; and

18 “(B) technical assistance on developing  
19 self-employment opportunities and improving  
20 employment outcomes for individuals with dis-  
21 abilities; and

22 “(3) providing technical assistance to improve  
23 the quality of vocational rehabilitation services pro-  
24 grams carried out under section 121.”.

1 **SEC. 523. PRE-EMPLOYMENT TRANSITION SERVICES.**

2 Part B of title I (29 U.S.C. 730 et seq.), as amended  
3 by section 522, is further amended by adding at the end  
4 the following:

5 **“SEC. 114. PROVISION OF PRE-EMPLOYMENT TRANSITION**  
6 **SERVICES.**

7 “(a) IN GENERAL.—From the funds reserved under  
8 section 110(d), and funds made available through other  
9 funding sources, each State shall ensure that the des-  
10 ignated State unit, in collaboration with the local edu-  
11 cational agencies involved and other appropriate entities,  
12 shall provide, or arrange for the provision of, pre-employ-  
13 ment transition services.

14 “(b) REQUIRED ACTIVITIES.—Funds received under  
15 this section shall be used to support activities to improve  
16 the transition of youth with disabilities from school to  
17 postsecondary education, credentialing programs, or com-  
18 petitive integrated employment through—

19 “(1) implementing effective strategies that will  
20 increase the likelihood of independent living and in-  
21 clusion in communities and competitive integrated  
22 workplaces;

23 “(2) developing and improving strategies for in-  
24 dividuals with intellectual disabilities to live inde-  
25 pendently, participate in postsecondary education ex-

1       periences, and obtain and retain competitive inte-  
2       grated employment;

3           “(3) providing instruction to vocational rehabili-  
4       tation counselors, school transition personnel, and  
5       others supporting youth with disabilities to live inde-  
6       pendently, participate in postsecondary education,  
7       and obtain and retain competitive integrated employ-  
8       ment;

9           “(4) disseminating information about innova-  
10      tive, effective, and efficient approaches to promote  
11      independent living, postsecondary education, reha-  
12      bilitation, and competitive integrated employment,  
13      that—

14           “(A) provide effective transitions for youth  
15      with disabilities between educational settings or  
16      from secondary to postsecondary school set-  
17      tings;

18           “(B) improve the transition of youth with  
19      disabilities from nursing homes and long-term  
20      care facilities to independent living;

21           “(C) promote independent living of people  
22      with disabilities, including those with intellec-  
23      tual disabilities; and

24           “(5) applying evidence-based findings to facili-  
25      tate systemic changes, related to the transition of



1 youth with disabilities, in policy, procedure, practice,  
2 and the preparation of personnel.

3 “(c) AUTHORIZED ACTIVITIES.—Activities that may  
4 be carried out under this section include activities to im-  
5 prove transition of students from school to postsecondary  
6 education, independent living, and competitive integrated  
7 employment, including the development of self-advocacy  
8 skills, the development of knowledge and skills related to  
9 transition of family members of youth with disabilities,  
10 and the practices of professionals and others involved in  
11 providing services to transitioning youth with disabilities  
12 through—

13 “(1) coordinating and aligning transition serv-  
14 ices provided by education, health, rehabilitation,  
15 and social service agencies at the Federal, State, and  
16 local levels;

17 “(2) enabling self-advocates, parents and family  
18 members, professionals, and other persons to learn  
19 about, and implement, the findings of evidence-based  
20 research program evaluation, and successful prac-  
21 tices developed in model transition demonstration  
22 projects;

23 “(3) promoting change through multistate or  
24 regional frameworks that benefit States, local edu-  
25 cational agencies, vocational rehabilitation agencies,

1 developmental disability agencies, private businesses,  
2 and other participants in partnerships to improve  
3 transitions and competitive integrated employment  
4 for youth with disabilities;

5 “(4) demonstrating models of personnel devel-  
6 opment to ensure the preparation of individuals to  
7 provide effective education and services for  
8 transitioning youth with disabilities; and

9 “(5) disseminating information and strategies  
10 on how to reduce gender, racial and ethnic, and spe-  
11 cific disability type disproportionalities in inde-  
12 pendent living, rehabilitation, and competitive inte-  
13 grated employment outcomes for transitioning youth  
14 with disabilities.

15 “(d) LOCAL PRE-EMPLOYMENT TRANSITION COORDI-  
16 NATOR.—

17 “(1) COORDINATOR.—Each local office of a des-  
18 igned State unit shall designate staff to carry out  
19 the responsibilities of Local Pre-Employment Tran-  
20 sition Coordinators for the local office, as well as ap-  
21 propriate staff to support the Coordinators in car-  
22 rying out the responsibilities described in paragraph  
23 (2).

1           “(2) RESPONSIBILITIES.—It shall be the re-  
2           sponsibility of a Local Pre-Employment Transition  
3           Coordinator to—

4                   “(A) attend individualized education pro-  
5                   gram meetings for students with disabilities,  
6                   when invited;

7                   “(B) work with the local workforce devel-  
8                   opment boards, one-stop centers, and employers  
9                   to develop job opportunities for students with  
10                  disabilities, including internships, summer em-  
11                  ployment opportunities and other employment  
12                  opportunities available throughout the school  
13                  year, and apprenticeships;

14                  “(C) work with schools, including those  
15                  carrying out activities under section  
16                  614(d)(1)(A)(i)(VIII) of the Individuals with  
17                  Disabilities Education Act (20 U.S.C.  
18                  1414(d)(1)(A)(i)(VIII)), to coordinate and en-  
19                  sure the provision of pre-employment transition  
20                  services for students with disabilities, including  
21                  services described in clauses (i) through (v) of  
22                  section 7(30)(B); and

23                  “(D) when invited, attend person-centered  
24                  planning meetings for individuals receiving serv-

1           ices under title XIX of the Social Security Act  
2           (42 U.S.C. 1396 et seq.).

3           “(e) NATIONAL PRE-EMPLOYMENT TRANSITION CO-  
4 ORDINATION.—

5           “(1) IN GENERAL.—The Secretary of Edu-  
6 cation, the Secretary of Labor, and the Secretary of  
7 Health and Human Services shall each designate a  
8 lead staff person to fulfill the responsibilities of a  
9 National Pre-Employment Transition Coordinator  
10 for Students with Disabilities. The National Pre-  
11 Employment Transition Coordinators shall work co-  
12 operatively, and with other Federal agencies includ-  
13 ing the Corporation for National and Community  
14 Service, to develop and coordinate—

15           “(A) agency policies related to pre-employ-  
16 ment transition services; and

17           “(B) resources to increase job opportuni-  
18 ties for students with disabilities, including in-  
19 ternships, summer employment opportunities  
20 and other employment opportunities available  
21 throughout the school year, and apprentice-  
22 ships.

23           “(2) CONSTRUCTION.—Nothing in this sub-  
24 section shall be construed to prohibit a Secretary de-  
25 scribed in paragraph (1) from assigning additional

1 responsibilities, other than the responsibilities de-  
2 scribed in this subsection, to a staff person des-  
3 igned under this subsection.

4 “(f) **BALANCE AMONG DISABILITIES.**—In carrying  
5 out this section, States shall ensure that there is an appro-  
6 priate balance that addresses the transition needs of youth  
7 with disabilities, including such youth with physical, sen-  
8 sory, and intellectual disabilities and mental health dis-  
9 abilities.”.

10 **SEC. 524. AMERICAN INDIAN VOCATIONAL REHABILITA-**  
11 **TION SERVICES.**

12 Section 121 (29 U.S.C. 741) is amended—

13 (1) in subsection (a), in the first sentence, by  
14 inserting before the period the following: “(referred  
15 to in this section as ‘eligible individuals’), consistent  
16 with such eligible individuals’ strengths, resources,  
17 priorities, concerns, abilities, capabilities, interests,  
18 and informed choice, so that such individuals may  
19 prepare for, and engage in, high quality employment  
20 that will increase opportunities for economic self-suf-  
21 ficiency”;

22 (2) in subsection (b)—

23 (A) in paragraph (1)—

24 (i) in subparagraph (B), by striking  
25 “and” at the end;

1 (ii) in subparagraph (C), by striking  
2 the period and inserting “; and”; and

3 (iii) by adding at the end the fol-  
4 lowing:

5 “(D) contains assurances that—

6 “(i) all decisions affecting eligibility  
7 for vocational rehabilitation services, the  
8 nature and scope of available vocational re-  
9 habilitation services, and the provision of  
10 such services, will be made by a represent-  
11 ative of the tribal vocational rehabilitation  
12 program funded through the grant; and

13 “(ii) such decisions will not be dele-  
14 gated to another agency or individual.”;  
15 and

16 (B) by striking paragraphs (3) and (4) and  
17 inserting the following:

18 “(3) If an application is approved under this part for  
19 a grant, the resulting grant shall be for 5 years, if the  
20 grant recipient complies with the program requirements  
21 for the program carried out under this part (including the  
22 regulations promulgated for the program). The grant shall  
23 be renewed for additional 5-year periods if the Commis-  
24 sioner determines that the grant recipient demonstrated  
25 acceptable past performance and the grant recipient sub-

1 mits, and obtains approval by the Commissioner, for a  
2 plan, including a proposed budget, that identifies future  
3 performance criteria, goals, and objectives. The State shall  
4 continue to provide vocational rehabilitation services under  
5 the State plan to American Indians residing on or near  
6 a reservation whenever such State includes any such  
7 American Indians in its State population under section  
8 110(a)(1).

9 “(4) In allocating funds for grants under this part,  
10 the Secretary shall give priority to paying the continuation  
11 costs of projects in existence on the date of the allocation  
12 and may provide for increases in funding for such projects  
13 that the Secretary determines to be necessary.”;

14 (3) by redesignating subsection (c) as sub-  
15 section (d); and

16 (4) by inserting after subsection (b) the fol-  
17 lowing:

18 “(c)(1) From the funds appropriated and made avail-  
19 able to carry out this part for any fiscal year, beginning  
20 with fiscal year 2014, the Commissioner shall first reserve  
21 not less than 1.8 percent and not more than 2 percent  
22 of the funds to provide training and technical assistance  
23 to governing bodies described in subsection (a) for such  
24 fiscal year.

1           “(2) From the funds reserved under paragraph (1),  
2 the Commissioner shall make grants to, and enter into  
3 contracts and other arrangements with, entities that have  
4 experience in the operation of vocational rehabilitation  
5 services programs under this section to provide such train-  
6 ing and technical assistance with respect to developing,  
7 conducting, administering, and evaluating such programs.

8           “(3) The Commissioner shall conduct a survey of the  
9 governing bodies regarding training and technical assist-  
10 ance needs in order to determine funding priorities for  
11 such grants, contracts, or other arrangements.

12           “(4) To be eligible to receive a grant or enter into  
13 a contract or other arrangement under this section, such  
14 an entity shall submit an application to the Commissioner  
15 at such time, in such manner, and containing a proposal  
16 to provide such training and technical assistance, and con-  
17 taining such additional information as the Commissioner  
18 may require. The Commissioner shall provide for peer re-  
19 view of grant applications by panels that include persons  
20 who are not government employees and who have experi-  
21 ence in the operation of vocational rehabilitation services  
22 programs under this section.”.

23 **SEC. 525. VOCATIONAL REHABILITATION SERVICES CLIENT**  
24 **INFORMATION.**

25           Section 131 (29 U.S.C. 751) is amended—



1 (1) in subsection (a)—

2 (A) in paragraph (1)—

3 (i) in the matter preceding subpara-  
4 graph (A), by striking “Education” and in-  
5 serting “Labor”; and

6 (ii) in subparagraph (B)(i), by strik-  
7 ing “Rehabilitation Services Administra-  
8 tion” and inserting “Disability Employ-  
9 ment Services and Supports Administra-  
10 tion”; and

11 (B) in paragraph (2), by striking “title I  
12 of the Workforce Investment Act of 1998” and  
13 inserting “title II of the Workforce Investment  
14 Act of 2013”; and

15 (2) in subsection (b), by striking “Rehabilita-  
16 tion Services Administration” and inserting “Dis-  
17 ability Employment Services and Supports Adminis-  
18 tration”.

19 **SEC. 526. GAO STUDY ON INTERACTION WITH THE TICKET**  
20 **TO WORK AND SELF-SUFFICIENCY PROGRAM.**

21 (a) IN GENERAL.—The Comptroller General of the  
22 United States shall conduct a study on the interaction of  
23 programs carried out under title I of the Rehabilitation  
24 Act of 1973 (29 U.S.C. 720 et seq.) with the Ticket to  
25 Work and Self-Sufficiency Program established under sec-

1 tion 1148 of the Social Security Act (42 U.S.C. 1320b–  
2 19), including the impact of the interaction on bene-  
3 ficiaries, community rehabilitation programs (as defined  
4 in section 7 of the Rehabilitation Act of 1973 (29 U.S.C.  
5 705)), and designated State agencies (as so defined).

6 (b) CONDUCT OF STUDY.—In conducting the study  
7 under paragraph (1), the Comptroller General of the  
8 United States shall consult with all types of participants  
9 in the Ticket to Work and Self-Sufficiency Program, in-  
10 cluding the Social Security Administration, the Disability  
11 Employment Services and Supports Administration, tick-  
12 etholders, such designated State agencies, entities car-  
13 rying out such community rehabilitation programs (includ-  
14 ing employment networks), protection and advocacy sys-  
15 tems, relevant contractors, and organizations representing  
16 the interests of ticketholders.

17 (c) REPORT TO CONGRESS.—Not later than 18  
18 months after the date of enactment of this Act, the Comp-  
19 troller General of the United States shall submit a report,  
20 based on the findings of the study conducted pursuant to  
21 this section, to the Committee on Education and the  
22 Workforce of the House of Representatives, the Com-  
23 mittee on Ways and Means of the House of Representa-  
24 tives, the Committee on Health, Education, Labor, and

1 Pensions of the Senate, and the Committee on Finance  
2 of the Senate.

### 3 **Subtitle C—Research and Training**

#### 4 **SEC. 531. PURPOSE.**

5 Section 200 (29 U.S.C. 760) is amended—

6 (1) in paragraph (1), by inserting “technical as-  
7 sistance,” after “training,”;

8 (2) in paragraph (2), by inserting “technical as-  
9 sistance,” after “training,”;

10 (3) in paragraph (3)—

11 (A) in the matter preceding subparagraph

12 (A)—

13 (i) by inserting “, use, and adoption”  
14 after “transfer”; and

15 (ii) by inserting “in a timely and effi-  
16 cient manner,” after “disabilities”; and

17 (B) in subparagraph (D), by inserting  
18 “and dissemination of research findings to indi-  
19 viduals with disabilities and other interested en-  
20 tities” after “technology”;

21 (4) in paragraph (5), by striking “and” after  
22 the semicolon;

23 (5) by redesignating paragraph (6) as para-  
24 graph (8);

1           (6) by inserting after paragraph (5) the fol-  
2           lowing:

3           “(6) identify effective vocational rehabilitation  
4           practices and strategies to assist individuals with  
5           disabilities, including those with intellectual and psy-  
6           chiatric disabilities;

7           “(7) identify strategies for effective coordina-  
8           tion of services to job seekers with disabilities avail-  
9           able through the workforce development system  
10          partner programs;”;

11          (7) in paragraph (8), as redesignated by para-  
12          graph (5), by striking the period and inserting “;  
13          and”; and

14          (8) by adding at the end the following:

15          “(9) identify effective strategies for supporting  
16          the employment of individuals with disabilities in  
17          competitive integrated employment.”.

18 **SEC. 532. AUTHORIZATION OF APPROPRIATIONS.**

19          Section 201(a) (29 U.S.C. 761(a)) is amended—

20                 (1) in paragraph (1)—

21                         (A) by striking “1999 through 2003” and  
22                         inserting “2014 through 2018”;

23                         (B) by striking “National Institute on Dis-  
24                         ability and Rehabilitation Research” and insert-  
25                         ing “National Institute on Disability, Inde-

1           pendent Living, and Rehabilitation Research”;  
2           and

3                   (C) by striking “Rehabilitation Research  
4           Advisory Council” and inserting “Disability,  
5           Independent Living, and Rehabilitation Re-  
6           search Advisory Council”;

7           (2) in paragraph (2), by striking “1999  
8           through 2003” and inserting “2014 through 2018”.

9 **SEC. 533. NATIONAL INSTITUTE ON DISABILITY, INDE-**  
10 **PENDENT LIVING, AND REHABILITATION RE-**  
11 **SEARCH.**

12           Section 202 (29 U.S.C. 762) is amended—

13           (1) in the section heading, by inserting “,  
14 **INDEPENDENT LIVING,**” after “**DISABILITY**”;

15           (2) in subsection (a)—

16                   (A) in paragraph (1)—

17                           (i) in the matter preceding subpara-  
18                   graph (A), by striking “Department of  
19                   Education” and all that follows through  
20                   “which” and inserting “Administration for  
21                   Community Living of the Department of  
22                   Health and Human Services a National In-  
23                   stitute on Disability, Independent Living,  
24                   and Rehabilitation Research (referred to in  
25                   this title as the ‘Institute’), which”; and

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1 (ii) in subparagraph (A)—

2 (I) in clause (i), by inserting “,  
3 as appropriate” after “research”;

4 (II) in clause (ii), by striking  
5 “and training; and” and inserting “,  
6 training, and technical assistance;”;

7 (III) by redesignating clause (iii)  
8 as clause (iv); and

9 (IV) by inserting after clause (ii)  
10 the following:

11 “(iii) outreach and information that  
12 clarifies research implications for policy  
13 and practice; and”;

14 (B) in paragraph (2), by striking “di-  
15 rectly” and all that follows through the period  
16 and inserting “directly responsible to the Ad-  
17 ministrator for the Administration for Commu-  
18 nity Living of the Department of Health and  
19 Human Services.”;

20 (3) in subsection (b)—

21 (A) in paragraph (2), by striking subpara-  
22 graphs (A) through (D) and inserting the fol-  
23 lowing:

24 “(A) individuals with disabilities and the  
25 individuals’ representatives;

1           “(B) other Federal, State, tribal, and local  
2 public agencies;

3           “(C) private organizations engaged in re-  
4 search relating to independent living, rehabilita-  
5 tion, or providing rehabilitation or independent  
6 living services;

7           “(D) rehabilitation practitioners; and

8           “(E) international organizations and other  
9 organizations, as appropriate;”;

10           (B) in paragraph (3), by striking “in reha-  
11 bilitation” and inserting “on disability, inde-  
12 pendent living, and rehabilitation”;

13           (C) in paragraph (4)—

14           (i) in the matter preceding subpara-  
15 graph (A), by inserting “education, health  
16 care,” after “independent living;” and

17           (ii) by striking subparagraphs (A)  
18 through (D) and inserting the following:

19           “(A) public and private entities, includ-  
20 ing—

21           “(i) elementary schools and secondary  
22 schools (as defined in section 9101 of the  
23 Elementary and Secondary Education Act  
24 of 1965 (20 U.S.C. 7801);

1 “(ii) institutions of higher education;

2 and

3 “(iii) nongovernmental agencies and

4 organizations;

5 “(B) rehabilitation practitioners;

6 “(C) employers and organizations rep-

7 resenting employers with respect to employ-

8 ment-based educational materials or research;

9 “(D) individuals with disabilities (espe-

10 cially such individuals who are members of mi-

11 nority groups or of populations that are

12 unserved or underserved by programs under

13 this Act);

14 “(E) the individuals’ representatives for

15 the individuals described in subparagraph (D);

16 and

17 “(F) the Committee on Health, Education,

18 Labor, and Pensions of the Senate, the Com-

19 mittee on Appropriations of the Senate, the

20 Committee on Education and the Workforce of

21 the House of Representatives, and the Com-

22 mittee on Appropriations of the House of Rep-

23 resentatives;”;

24 (D) in paragraph (6)—



1 (i) by striking “advances in rehabilita-  
2 tion” and inserting “advances in disability,  
3 independent living, and rehabilitation”;  
4 and

5 (ii) by inserting “education, health  
6 care,” after “independent living”;

7 (E) in paragraph (7), by striking “taking  
8 whatever action is necessary to keep the Con-  
9 gress fully and currently informed” and insert-  
10 ing “reporting to Congress annually”;

11 (F) in paragraph (8)—

12 (i) by striking “health, income,” and  
13 inserting “health care, income, edu-  
14 cation,”; and

15 (ii) by striking “and evaluation of vo-  
16 cational and other” and inserting “and  
17 evaluation of independent living, voca-  
18 tional, and”;

19 (G) in paragraph (9), by striking “with vo-  
20 cational rehabilitation services for the purpose  
21 of identifying effective rehabilitation programs  
22 and policies that promote the independence of  
23 individuals with disabilities and achievement of  
24 long-term vocational goals” and inserting “with  
25 independent living and vocational rehabilitation

1 services for the purpose of identifying effective  
2 independent living and rehabilitation programs  
3 and policies that promote the independence of  
4 individuals with disabilities and achievement of  
5 long-term independent living and employment  
6 goals”;

7 (H) in paragraph (10), by striking “and  
8 telecommuting; and” and inserting “, supported  
9 employment (including customized employ-  
10 ment), and telecommuting;”;

11 (I) in paragraph (11), by striking the pe-  
12 riod and inserting “; and”; and

13 (J) by adding at the end the following:

14 “(12) ensuring that the research activities and  
15 findings, demonstration projects, reports, evalua-  
16 tions, studies, information described in this section,  
17 as well as information about any reports in progress,  
18 will be made publicly available in a timely manner,  
19 including through electronic means (such as the  
20 website of the Department of Health and Human  
21 Services and other relevant government agency  
22 websites) in order to inform the public about the re-  
23 search and activities performed under this title.”;

24 (4) in subsection (d)(1), by striking the second  
25 sentence and inserting the following: “The Director

1 shall be an individual with substantial knowledge  
2 and experience in independent living, rehabilitation,  
3 and research administration.”;

4 (5) in subsection (f)(1)—

5 (A) in the first sentence, by striking “fi-  
6 nancial assistance” and inserting “funding”;  
7 and

8 (B) by striking the second sentence and in-  
9 serting the following: “The scientific peer re-  
10 view shall be conducted by individuals who are  
11 not Department of Health and Human Services  
12 employees. The Secretary shall consider for  
13 peer review individuals who are scientists or  
14 other experts in disability, independent living,  
15 and rehabilitation, including individuals with  
16 disabilities and the individuals’ representatives,  
17 and who have sufficient expertise for the re-  
18 search funding.”;

19 (6) in subsection (h)—

20 (A) in paragraph (1)(A)—

21 (i) by striking “priorities for rehabili-  
22 tation research,” and inserting “priorities  
23 for disability, independent living, and reha-  
24 bilitation research,”; and

1 (ii) by inserting “dissemination,” after  
2 “training,”; and

3 (B) in paragraph (2)—

4 (i) in subparagraph (A), by striking  
5 “especially in the area of employment” and  
6 inserting “especially in the areas of em-  
7 ployment and independent living”;

8 (ii) in subparagraph (D)—

9 (I) in clause (i), by striking “Re-  
10 habilitation” and inserting “Dis-  
11 ability, Independent Living, and Re-  
12 habilitation”; and

13 (II) in clause (iv), by striking  
14 “researchers in the rehabilitation  
15 field” and inserting “researchers in  
16 the independent living and rehabilita-  
17 tion fields”;

18 (iii) in subparagraph (E), by striking  
19 “widespread dissemination of the results  
20 of” and inserting “widespread dissemina-  
21 tion of the information that clarifies impli-  
22 cations of the results for policy and prac-  
23 tice of”;

24 (iv) in subparagraph (F), by inserting  
25 “of information that clarifies implications

1 of the results for policy and practice and”  
2 after “widespread dissemination”;

3 (7) in subsection (j), by striking paragraph (3);

4 and

5 (8) by striking subsection (k) and inserting the  
6 following:

7 “(k) The Director shall make grants to institutions  
8 of higher education for the training of independent living  
9 and rehabilitation researchers, including individuals with  
10 disabilities and traditionally underserved populations of  
11 individuals with disabilities, as described in section 21,  
12 with particular attention to research areas that—

13 “(1) support the implementation and objectives  
14 of this Act; and

15 “(2) improve the effectiveness of services au-  
16 thorized under this Act.

17 “(1)(1) Not later than December 31 of each year, the  
18 Director shall prepare, and submit to the Secretary, the  
19 Committee on Health, Education, Labor, and Pensions of  
20 the Senate, and the Committee on Education and the  
21 Workforce of the House of Representatives, a report on  
22 the activities funded under this title.

23 “(2) The report under paragraph (1) shall include—

1           “(A) a compilation and summary of the infor-  
2           mation provided by recipients of funding for such ac-  
3           tivities under this title;

4           “(B) a summary of recipients funding received  
5           under this title and the progress of the recipients of  
6           funding in achieving the measurable goals described  
7           in section 204(d)(2); and

8           “(C) a summary of practical implications of re-  
9           search outcomes and anticipated next steps.

10          “(m)(1) If the Director determines that an entity  
11          that receives funding under this title fails to comply with  
12          the applicable requirements of this Act, or to make  
13          progress toward achieving the measurable goals described  
14          in section 204(d)(2), with respect to the covered activities  
15          involved, the Director shall utilize available monitoring  
16          and enforcement measures.

17          “(2) As part of the annual report required under sub-  
18          section (l), the Secretary shall describe each action taken  
19          by the Secretary under paragraph (1) and the outcomes  
20          of such action.”.

21          **SEC. 534. INTERAGENCY COMMITTEE.**

22          Section 203 (29 U.S.C. 763) is amended—

23                  (1) in subsection (a)(1)—

24                          (A) by striking “and cooperation” and in-  
25                          serting “, cooperation, and collaboration”;

1 (B) by striking “conducting rehabilitation  
2 research” and inserting “conducting disability,  
3 independent living, and rehabilitation research”;

4 (C) by striking “chaired by the Director”  
5 and inserting “chaired by the Secretary of  
6 Health and Human Services, or the Secretary’s  
7 designee,”;

8 (D) by inserting “the Chairman of the Na-  
9 tional Council on Disability, the Assistant Sec-  
10 retary on Disability Employment Policy, Serv-  
11 ices, and Supports, the Secretary of Defense,  
12 the Administrator of the Administration for  
13 Community Living,” after “Assistant Secretary  
14 for Special Education and Rehabilitative Serv-  
15 ices,”; and

16 (E) by striking “and the Director of the  
17 National Science Foundation.” and inserting  
18 “the Director of the National Science Founda-  
19 tion, the Secretary of Commerce, and the Ad-  
20 ministrator of the Small Business Administra-  
21 tion. Each member of the Committee shall par-  
22 ticipate in 1 or more of the standing commit-  
23 tees based on the responsibilities of the agency  
24 or office the member represents.”;

25 (2) in subsection (b)—

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1 (A) in paragraph (1)—

2 (i) by striking “from targeted individ-  
3 uals” and inserting “individuals with dis-  
4 abilities and their representatives”; and

5 (ii) by inserting “independent living  
6 and” before “rehabilitation”; and

7 (B) in paragraph (2)—

8 (i) by striking subparagraphs (A) and  
9 (B) and inserting the following:

10 “(A) share information regarding the  
11 range of assistive technology research, inde-  
12 pendent living research, and research that in-  
13 corporates the principles of universal design,  
14 that is being carried out by members of the  
15 Committee and other Federal departments and  
16 organizations;

17 “(B) identify and make efforts to address,  
18 gaps in assistive technology research, inde-  
19 pendent living research, and research that in-  
20 corporates the principles of universal design,  
21 that are not being adequately addressed;”;

22 (ii) in subparagraph (D), by striking  
23 “and research that incorporates the prin-  
24 ciples of universal design” and inserting “,  
25 independent living research, and research



1           that incorporates the principles of uni-  
2           versal design”; and

3                   (iii) in subparagraph (E), by striking  
4           “and research that incorporates the prin-  
5           ciples of universal design.” and inserting “,  
6           independent living research, and research  
7           that incorporates the principles of uni-  
8           versal design.”;

9           (3) by striking subsection (d);

10           (4) by redesignating subsection (c) as sub-  
11          section (d);

12           (5) by inserting after subsection (b) the fol-  
13          lowing:

14          “(c)(1) Not later than 2 years after the date of enact-  
15          ment of the Workforce Investment Act of 2013, and not  
16          later than every 3 years thereafter, the Committee shall  
17          host a disability, independent living, and rehabilitation re-  
18          search summit bringing together policymakers, represent-  
19          atives from Federal agencies conducting disability, inde-  
20          pendent living, and rehabilitation research, and organiza-  
21          tions representing individuals with disabilities, research-  
22          ers, and providers.

23          “(2) Based on the proceedings of the summit de-  
24          scribed in paragraph (1), the Committee shall develop a  
25          comprehensive governmentwide strategic plan for dis-

1 ability, independent living, and rehabilitation research.  
2 The strategic plan shall include measurable goals and ob-  
3 jectives, action-oriented measures, timetables, budgets,  
4 and assignment of responsible individuals and agencies for  
5 carrying out research activities. At a minimum, the stra-  
6 tegic plan shall include—

7           “(A) research priorities and recommendations;

8           “(B) the development of a searchable govern-  
9           mentwide inventory of disability, independent living,  
10          and rehabilitation research for trend and data anal-  
11          ysis across Federal agencies;

12          “(C) a set of guiding principles and policies and  
13          procedures for conducting and administering dis-  
14          ability, independent living, and rehabilitation re-  
15          search across Federal agencies; and

16          “(D) a summary of underemphasized and of  
17          duplicative areas of research.

18          “(3) Not later than 90 days after the conclusion of  
19 the summit described in paragraph (1), the strategic plan  
20 described in paragraph (2) shall be submitted to the Presi-  
21 dent and the Committee on Health, Education, Labor, and  
22 Pensions of the Senate and the Committee on Education  
23 and the Workforce of the House of Representatives.

24          “(4) The annual report prepared by the Committee  
25 under subsection (d) shall include an annual accounting

1 of the progress made in implementing the strategic plan  
2 described in paragraph (2), including achievement of  
3 measurable goals and objectives, timetables, budgets, and  
4 the assignment of responsible individuals and agencies.

5 “(5) The Committee shall have the authority to facili-  
6 tate collaborative projects among Federal agencies by re-  
7 ceiving the transfer of funds from such agencies.”;

8 (6) in subsection (d), as redesignated by para-  
9 graph (4)—

10 (A) in the matter preceding paragraph (1),  
11 by striking “Committee on Labor and Human  
12 Resources of the Senate” and inserting “Com-  
13 mittee on Health, Education, Labor, and Pen-  
14 sions of the Senate”; and

15 (B) by striking paragraph (1) and insert-  
16 ing the following:

17 “(1) describes the progress of the Committee in  
18 fulfilling the duties described in subsections (b) and  
19 (c), and including specifically for subsection (c)—

20 “(A) a report of the progress made in im-  
21 plementing the strategic plan;

22 “(B) a description of the achievement of  
23 measurable goals, objectives, and timetables;

24 “(C) detailed budgetary information; and

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1           “(D) the assignment of responsible individ-  
2           uals and agencies.”; and

3           (7) in subsection (e)—

4           (A) in paragraph (1), by striking “and”  
5           after the semicolon; and

6           (B) in paragraph (2), by striking the pe-  
7           riod at the end and inserting “; and”; and

8           (C) by adding at the end the following:

9           “(3) the term ‘independent living research’  
10          means research on issues and topics related to at-  
11          taining maximum self sufficiency and function by in-  
12          dividuals with disabilities, including research on as-  
13          sistive technology and universal design, employment,  
14          education, health and function, and community inte-  
15          gration and participation.”.

16 **SEC. 535. RESEARCH AND OTHER COVERED ACTIVITIES.**

17          Section 204 (20 U.S.C. 764) is amended—

18           (1) in subsection (a)—

19           (A) in paragraph (1)—

20           (i) by striking “pay part of” and in-  
21           serting “fund”;

22           (ii) by inserting “have practical real  
23           life applications and” before “maximize”;

24           and

1 (iii) by striking “employment, inde-  
2 pendent living,” and inserting “employ-  
3 ment, education, independent living, health  
4 care,”;

5 (B) in paragraph (2)—

6 (i) in subparagraph (A), by inserting  
7 “and from which the research findings can  
8 be transferred to practice” after “State  
9 agencies”;

10 (ii) in subparagraph (B)—

11 (I) by striking clause (ii) and in-  
12 serting the following:

13 “(ii) studies and analysis of factors related to  
14 industrial, vocational, educational, employment, so-  
15 cial, recreational, psychiatric, psychological, eco-  
16 nomic, and health and health care variables for indi-  
17 viduals with disabilities, including traditionally un-  
18 derserved populations as described in section 21, and  
19 how those variables affect such individuals’ ability to  
20 live independently and their participation in the  
21 labor force;”;

22 (II) in clause (iii), by striking  
23 “are homebound” and inserting “have  
24 significant challenges attempting to

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1 engage with community life outside of  
2 their homes”;

3 (III) in clause (iv), by inserting  
4 “, including the principles of universal  
5 design and the interoperability of  
6 products and services” after “disabil-  
7 ities”;

8 (IV) in clause (v), by inserting “,  
9 and to promote employment opportu-  
10 nities in competitive integrated em-  
11 ployment” after “employment”;

12 (V) in clause (vi), by striking  
13 “and” after the semicolon;

14 (VI) in clause (vii), by striking  
15 “and assistive technology.” and in-  
16 sserting “, assistive technology, and  
17 communications technology; and”;

18 (VII) by adding at the end the  
19 following:

20 “(viii) studies, analyses, and other activities af-  
21 fecting employment outcomes as defined in section  
22 7(11), including self-employment and telecommuting,  
23 of individuals with disabilities.”; and

24 (C) by adding at the end the following:

1 “(3) In carrying out this section, the Director shall  
2 emphasize covered activities that include plans for—

3 “(A) dissemination of high quality materials,  
4 scientifically valid research results, or findings, con-  
5 clusions, and recommendations resulting from cov-  
6 ered activities, including through electronic means  
7 (such as the website of the Department of Health  
8 and Human Services), so that such information is  
9 available in a timely manner to the general public;  
10 or

11 “(B) the commercialization of marketable prod-  
12 ucts, research results, or findings, resulting from the  
13 covered activities.”;

14 (2) in subsection (b)—

15 (A) in paragraph (1), by striking “(18)”  
16 both places the term appears and inserting  
17 “(17)”;

18 (B) in paragraph (2)—

19 (i) in subparagraph (A), by striking  
20 clauses (i) and (ii) and inserting the fol-  
21 lowing:

22 “(i) be operated in collaboration with institu-  
23 tions of higher education or providers of rehabilita-  
24 tion services, developers or providers of assistive  
25 technology devices, assistive technology services, or

1 information technology devices or services, as appro-  
2 priate, or providers of other appropriate services;  
3 and

4 “(ii) serve as centers of national excellence and  
5 national or regional resources for individuals with  
6 disabilities, as well as providers, educators, and re-  
7 searchers.”;

8 (ii) in subparagraph (B)—

9 (I) by striking clause (i) and in-  
10 sserting the following:

11 “(i) conducting coordinated and ad-  
12 vanced programs of research in inde-  
13 pendent living and rehabilitation targeted  
14 toward the production of new knowledge  
15 that will improve independent living and  
16 rehabilitation methodology and service de-  
17 livery systems, maximize health and func-  
18 tion (including alleviating or stabilizing  
19 conditions, or preventing secondary condi-  
20 tions), and promote maximum social and  
21 economic independence of individuals with  
22 disabilities, including promoting the ability  
23 of the individuals to prepare for, secure,  
24 retain, regain, or advance in employ-  
25 ment;”;



1 (II) by redesignating clauses (ii),  
2 (iii), and (iv), as clauses (iii), (iv), and  
3 (v), respectively;

4 (III) by inserting after clause (i)  
5 the following:

6 “(ii) conducting coordinated and advanced pro-  
7 grams in research in employer practices targeted to-  
8 ward production of new knowledge that will facilitate  
9 the ability of employers to identify, recruit, accom-  
10 modate, advance, and retain qualified individuals  
11 with disabilities;”;

12 (IV) in clause (iii), as redesign-  
13 nated by subclause (II), by inserting  
14 “independent living and” before “re-  
15 habilitation services”;

16 (V) in clause (iv), as redesignated  
17 by subclause (II)—

18 (aa) by inserting “inde-  
19 pendent living and” before “reha-  
20 bilitation” each place the term  
21 appears; and

22 (bb) by striking “and” after  
23 the semicolon; and

1 (VI) by striking clause (v), as re-  
2 designated by subclause (II), and in-  
3 serting the following:

4 “(v) serving as an informational and technical  
5 assistance resource to individuals with disabilities, as  
6 well as to providers, educators, and researchers,  
7 through conferences, workshops, public education  
8 programs, in-service training programs, and similar  
9 activities and providing outreach and information  
10 that clarifies research implications for policy and  
11 practice to promote the use of research findings  
12 through training, technical assistance, and dissemi-  
13 nation, including identifying potential new areas of  
14 research; and

15 “(vi) developing practical applications for the  
16 findings of the research of the Centers.”;

17 (iii) in subparagraph (C)—

18 (I) in clause (i), by inserting “,  
19 including research on assistive tech-  
20 nology devices, assistive technology  
21 services, and accessible electronic and  
22 information technology devices” after  
23 “research”;

24 (II) in clause (ii)—

1 (aa) by striking “and social”  
2 and inserting “, social, and eco-  
3 nomic”; and

4 (bb) by inserting “inde-  
5 pendent living and” before “reha-  
6 bilitation”; and

7 (III) by striking clauses (iii)  
8 through (vi) and inserting the fol-  
9 lowing:

10 “(iii) improving the evaluation process for de-  
11 termining the assistive technology needs of individ-  
12 uals with disabilities;

13 “(iv) research related to vocational rehabilita-  
14 tion, including the use of assistive technology devices  
15 and accessible electronic and information technology  
16 devices in employment;

17 “(v) continuation of research that promotes the  
18 emotional, social, educational, and functional growth  
19 of children who are individuals with disabilities, as  
20 well as their integration in school, employment, and  
21 community activities;

22 “(vi) continuation of research to develop and  
23 evaluate interventions, policies, and services that  
24 support families of those children and adults who  
25 are individuals with disabilities;



1 (VI) in subparagraph (G)(i), by  
2 inserting “independent living and” be-  
3 fore “rehabilitation-related”;

4 (VII) by striking subparagraph  
5 (I); and

6 (VIII) by redesignating subpara-  
7 graphs (J) through (O) as subpara-  
8 graphs (I) through (N), respectively;

9 (C) in paragraph (3)—

10 (i) in subparagraph (A), by inserting  
11 “independent living strategies and” before  
12 “rehabilitation technology”;

13 (ii) in subparagraph (B)—

14 (I) in clause (i)(I), by inserting  
15 “independent living and” before “re-  
16 habilitation problems”;

17 (II) in clause (ii)(II), by striking  
18 “employment” and inserting “edu-  
19 cational, employment,”; and

20 (III) in clause (iii)(II), by strik-  
21 ing “employment” and inserting “edu-  
22 cational, employment,”;

23 (iii) in subparagraph (D)(i)(II), by  
24 striking “postschool” and inserting “post-  
25 secondary education, competitive inte-

1           grated employment, and other age-appro-  
2           priate”; and

3                   (iv) in subparagraph (G)(ii), by in-  
4           serting “the success of any commercialized  
5           product researched or developed through  
6           the Center,” after “individuals with dis-  
7           abilities,”;

8           (D) in paragraph (4)(B)—

9                   (i) in clause (i)—

10                           (I) by striking “vocational” and  
11                           inserting “independent living, employ-  
12                           ment”;

13                           (II) by striking “special” and in-  
14                           serting “unique”; and

15                           (III) by inserting “social and  
16                           functional needs, and” before “acute  
17                           care”; and

18                           (ii) in clause (iv), by inserting “edu-  
19                           cation, health care,” after “employment,”;

20           (E) by striking paragraph (8) and insert-  
21           ing the following:

22                   “(8) Grants may be used to conduct a program  
23           of joint projects with the National Institutes of  
24           Health, the National Institute of Mental Health, the  
25           Health Services Administration, the Administration

1 on Aging, the Administration for Community Living,  
2 the National Science Foundation, the Department of  
3 Veterans Affairs, the Department of Defense, the  
4 Substance Abuse and Mental Health Services Ad-  
5 ministration, the Federal Communications Commis-  
6 sion, the Department of Health and Human Serv-  
7 ices, the National Aeronautics and Space Adminis-  
8 tration, the Department of Commerce, the Small  
9 Business Administration, the Department of Labor,  
10 other Federal agencies, and private industry in areas  
11 of joint interest involving rehabilitation.”;

12 (F) by striking paragraphs (9) and (11);

13 (G) by redesignating paragraphs (10),  
14 (12), (13), (14), (15), (16), (17), and (18), as  
15 paragraphs (9), (10), (11), (12), (13), (14),  
16 (15), and (16), respectively;

17 (H) in paragraph (11), as redesignated by  
18 subparagraph (G)—

19 (i) in the matter preceding subpara-  
20 graph (A), by striking “employment needs  
21 of individuals with disabilities, including”  
22 and inserting “employment needs, opportu-  
23 nities, and outcomes (including those relat-  
24 ing to self-employment, supported employ-

1                   ment, and telecommuting) of individuals  
2                   with disabilities, including”;

3                   (ii) in subparagraph (B), by inserting  
4                   “and employment related” after “the em-  
5                   ployment”;

6                   (iii) in subparagraph (E), by striking  
7                   “and” after the semicolon;

8                   (iv) in subparagraph (F), by striking  
9                   the period at the end and inserting “;  
10                  and”;

11                  (v) by adding at the end the following:

12                  “(G) develop models and alternatives to  
13                  help transition sheltered workshops for individ-  
14                  uals with disabilities to competitive integrated  
15                  employment for such individuals, and develop  
16                  recommendations for decreasing reliance on the  
17                  special minimum wage certificate program  
18                  under section 14(c) of the Fair Labor Stand-  
19                  ards Act of 1938 (29 U.S.C. 214(c)).”;

20                  (I) in paragraph (12), as redesignated by  
21                  subparagraph (G)—

22                   (i) in the matter preceding subpara-  
23                   graph (A), by inserting “an independent  
24                   living or” after “conduct”;



1 (ii) in subparagraph (D), by inserting  
2 “independent living or” before “rehabilita-  
3 tion”; and

4 (iii) in the matter following subpara-  
5 graph (E), by striking “National Institute  
6 on Disability and Rehabilitation Research”  
7 and inserting “National Institute on Dis-  
8 ability, Independent Living, and Rehabili-  
9 tation Research”;

10 (J) in paragraph (13), as redesignated by  
11 subparagraph (G), by inserting “independent  
12 living and” before “rehabilitation needs”;

13 (K) in paragraph (14), as redesignated by  
14 subparagraph (G), by striking “and access to  
15 gainful employment.” and inserting “, full par-  
16 ticipation, equal opportunity, and economic self-  
17 sufficiency.”; and

18 (L) by adding at the end the following:

19 “(17) Research grants may be used to conduct a  
20 model research and training program under which model  
21 centers shall be established to develop and use more ad-  
22 vanced and effective methods of evaluating and addressing  
23 the comprehensive community living needs, opportunities,  
24 and outcomes (including, but not limited to, those relating  
25 to long-term services and supports, independent living,

1 youth transition, education, employment, and health care)  
2 of individuals with disabilities, including programs that—

3 “(A) develop models to maximize opportunities  
4 for integrated community living, including employ-  
5 ment and independent living, for individuals with  
6 disabilities;

7 “(B) provide training and continuing education  
8 for personnel involved with community living for in-  
9 dividuals with disabilities;

10 “(C) develop model procedures for testing and  
11 evaluating the community living related needs of in-  
12 dividuals with disabilities;

13 “(D) develop model training programs to teach  
14 individuals with disabilities skills which will lead to  
15 integrated community living and full participation in  
16 the community; and

17 “(E) develop new approaches for long-term  
18 services and supports for individuals with disabil-  
19 ities, including supports necessary for competitive  
20 integrated employment.”; and

21 (3) by adding at the end the following:

22 “(d)(1) In awarding grants, contracts, or other fund-  
23 ing under this title, the Director shall award the funding  
24 on a competitive basis.

1           “(2)(A) To be eligible to receive funds under this sec-  
2 tion for a covered activity, an entity shall submit an appli-  
3 cation to the Director at such time, in such manner, and  
4 containing such information as the Director may require.

5           “(B) The application shall include information de-  
6 scribing—

7                 “(i) measurable goals, as established through  
8 section 1115 of title 31, United States Code, and a  
9 timeline and specific plan for meeting the goals, that  
10 the applicant has set for addressing priorities related  
11 to—

12                         “(I) commercialization of a marketable  
13 product (including a marketable curriculum or  
14 research) resulting from the covered activity;

15                         “(II) in the case of a covered activity relat-  
16 ing to technology, technology transfer;

17                         “(III) in the case of research, dissemina-  
18 tion of research results to, as applicable, Gov-  
19 ernment entities, individuals with disabilities,  
20 covered schools, the independent living commu-  
21 nity, the business community, the assistive tech-  
22 nology community, and the accessible electronic  
23 and information technology community; and

24                         “(IV) other priorities as required by the  
25 Director; and



1 (A) by striking “Department of Education  
2 a Rehabilitation Research Advisory Council”  
3 and inserting “Department of Health and  
4 Human Services a Disability, Independent Liv-  
5 ing, and Rehabilitation Research Advisory  
6 Council”; and

7 (B) by inserting “not less than” after  
8 “composed of”;

9 (3) by striking subsection (c) and inserting the  
10 following:

11 “(c) QUALIFICATIONS.—Members of the Council  
12 shall be generally representative of the community of dis-  
13 ability, independent living, and rehabilitation profes-  
14 sionals, the community of disability, independent living,  
15 and rehabilitation researchers, the directors of inde-  
16 pendent living centers and community rehabilitation pro-  
17 grams, the business community (including a representa-  
18 tive of the small business community) that has experience  
19 with the system of vocational rehabilitation services and  
20 independent living services carried out under this Act and  
21 with hiring individuals with disabilities, the community of  
22 stakeholders involved in assistive technology, the commu-  
23 nity of covered school professionals, the community of in-  
24 dividuals with disabilities, and the individuals’ representa-

1 tives. At least one-half of the members shall be individuals  
2 with disabilities or the individuals' representatives.”; and

3 (4) in subsection (g), by striking “Department  
4 of Education” and inserting “Department of Health  
5 and Human Services”.

6 **SEC. 537. DEFINITION OF COVERED SCHOOL.**

7 Title II (29 U.S.C. 760) is amended by adding at  
8 the end the following:

9 **“SEC. 206. DEFINITION OF COVERED SCHOOL.**

10 “In this title, the term ‘covered school’ means an ele-  
11 mentary school or secondary school (as such terms are de-  
12 fined in section 9101 of the Elementary and Secondary  
13 Education Act of 1965 (20 U.S.C. 7801)) or an institution  
14 of higher education.”.

15 **Subtitle D—Professional Develop-**  
16 **ment and Special Projects and**  
17 **Demonstration**

18 **SEC. 541. PURPOSE; TRAINING.**

19 (a) PURPOSE.—Section 301(a)(5) (29 U.S.C.  
20 771(a)(5)) is amended by striking “workforce investment  
21 systems” and inserting “workforce development systems”.

22 (b) TRAINING.—Section 302 (29 U.S.C. 772) is  
23 amended—

24 (1) in subsection (a)—

25 (A) in paragraph (1)—

1 (i) in subparagraph (E)—

2 (I) by striking all after “deliver”  
3 and inserting “supported employment  
4 services and customized employment  
5 services to individuals with the most  
6 significant disabilities”; and

7 (II) by striking “and” after the  
8 semicolon;

9 (ii) in subparagraph (F), by striking  
10 “and” after the semicolon;

11 (iii) in subparagraph (G), by striking  
12 the period at the end and inserting “;  
13 and”; and

14 (iv) by adding at the end the fol-  
15 lowing:

16 “(H) personnel trained in providing assist-  
17 ive technology services.”;

18 (B) in paragraph (4)—

19 (i) in the matter preceding subpara-  
20 graph (A), by striking “title I of the Work-  
21 force Investment Act of 1998” and insert-  
22 ing “title II of the Workforce Investment  
23 Act of 2013”;

1 (ii) in subparagraph (A), by striking  
2 “workforce investment system” and insert-  
3 ing “workforce development system”; and

4 (iii) in subparagraph (B), by striking  
5 “section 134(c) of the Workforce Invest-  
6 ment Act of 1998.” and inserting “section  
7 221(e) of the Workforce Investment Act of  
8 2013.”; and

9 (C) in paragraph (5)—

10 (i) by striking “title I of the Work-  
11 force Investment Act of 1998” and insert-  
12 ing “title II of the Workforce Investment  
13 Act of 2013”; and

14 (ii) by striking “Department of  
15 Labor” and inserting “Department of  
16 Education”;

17 (2) in subsection (b)(1)(B)(i), by striking “or  
18 prosthetics and orthotics” and inserting “prosthetics  
19 and orthotics, vision rehabilitation therapy, orienta-  
20 tion and mobility instruction, or low vision therapy”;

21 (3) in subsection (g)—

22 (A) in paragraph (1), by adding after the  
23 period the following: “Any technical assistance  
24 provided to community rehabilitation programs  
25 shall be focused on the employment outcome of



1 competitive integrated employment for individ-  
2 uals with disabilities.”; and

3 (B) in paragraph (3)—

4 (i) in subparagraph (A), by striking  
5 clause (iv) and inserting the following:

6 “(iv) for the 2 years following the  
7 date of enactment of the Workforce Invest-  
8 ment Act of 2013, to provide training re-  
9 garding the amendments made to this Act  
10 under title V of the Workforce Investment  
11 Act of 2013.”; and

12 (ii) in subparagraph (B), by striking  
13 “on the date of enactment of the Rehabili-  
14 tation Act Amendments of 1998” and in-  
15 sserting “on the date of enactment of the  
16 Workforce Investment Act of 2013”; and

17 (4) in subsection (i), by striking “fiscal years  
18 1999 through 2003” and inserting “fiscal years  
19 2014 through 2018”.

20 **SEC. 542. DEMONSTRATION, TRAINING, AND TECHNICAL AS-**  
21 **SISTANCE PROGRAMS.**

22 Section 303 (29 U.S.C. 773) is amended—

23 (1) in the section heading, by striking “**AND**  
24 **TRAINING PROGRAMS**” and inserting “**, TRAIN-**

1       **ING, AND TECHNICAL ASSISTANCE PRO-**  
2       **GRAMS”;**

3           (2) in subsection (b)—

4               (A) in paragraph (3)(A), by striking “Na-  
5               tional Institute on Disability and Rehabilitation  
6               Research” and inserting “National Institute on  
7               Disability, Independent Living, and Rehabilita-  
8               tion Research”;

9               (B) in paragraph (5)—

10               (i) in subparagraph (A)—

11                       (I) by striking clause (i) and in-  
12                       serting the following:

13                               “(i) initiatives focused on improving  
14                               transition from education to employment  
15                               for youth who are individuals with signifi-  
16                               cant disabilities, particularly in competitive  
17                               integrated employment, as described in  
18                               subsection (c);” and

19                       (II) by striking clause (iii) and  
20                       inserting the following:

21                               “(iii) increasing competitive integrated  
22                               employment for individuals with significant  
23                               disabilities.”; and

24               (ii) in subparagraph (B)(viii), by  
25               striking “under title I of the Workforce In-

1 vestment Act of 1998” and inserting  
2 “under title II of the Workforce Invest-  
3 ment Act of 2013”; and

4 (C) by striking paragraph (6);

5 (3) by redesignating subsections (c), (d), and  
6 (e), as subsections (f), (g), and (h), respectively;

7 (4) by inserting after subsection (b) the fol-  
8 lowing:

9 “(c) TRANSITION TECHNICAL ASSISTANCE, DEM-  
10 ONSTRATION PROJECTS, DISSEMINATION OF INFORMA-  
11 TION, AND IMPLEMENTATION OF EVIDENCE-BASED RE-  
12 SEARCH.—

13 “(1) IN GENERAL.—The Secretary shall enter  
14 into contracts or cooperative agreements with eligi-  
15 ble entities to provide technical assistance, support  
16 model demonstration projects, disseminate useful in-  
17 formation, and implement activities that are sup-  
18 ported by evidence-based research to facilitate tran-  
19 sition of youth with disabilities from school to post-  
20 secondary education, competitive integrated employ-  
21 ment, and independent living.

22 “(2) REQUIRED ACTIVITIES.—Funds received  
23 under this subsection shall be used to support activi-  
24 ties to improve the transition of youth with disabili-  
25 ties from school to postsecondary education,

1        credentialing programs, or competitive integrated  
2        employment through—

3                “(A) implementing effective strategies for  
4                promoting positive, pro-social behaviors and em-  
5                ployment skills, including such skills that will  
6                increase the likelihood of independent living and  
7                inclusion in communities and competitive inte-  
8                grated workplaces;

9                “(B) developing and improving the strate-  
10                gies for integrating veterans with disabilities  
11                into their communities, participate in postsec-  
12                ondary education, and supporting them to ob-  
13                tain and retain competitive integrated employ-  
14                ment;

15                “(C) developing and improving strategies  
16                for individuals with intellectual disabilities to  
17                live independently, participate in postsecondary  
18                education experiences, and to obtain and retain  
19                competitive integrated employment;

20                “(D) providing instruction to vocational re-  
21                habilitation counselor, school transition per-  
22                sonnel, and others supporting youth with dis-  
23                abilities to live independently, participate in  
24                postsecondary education, and obtain and retain  
25                competitive integrated employment;

1           “(E) disseminating information about in-  
2           novative, effective, and efficient approaches to  
3           promote independent living, postsecondary edu-  
4           cation, rehabilitation and competitive, inte-  
5           grated employment, that—

6                   “(i) provide effective transitions be-  
7                   tween educational settings or from sec-  
8                   ondary to postsecondary school settings;

9                   “(ii) improve educational and transi-  
10                  tional results at all levels of the edu-  
11                  cational system;

12                  “(iii) improve the transition of youth  
13                  with disabilities from nursing home and  
14                  long-term care facilities to independent liv-  
15                  ing;

16                  “(iv) promote independent living of  
17                  people with disabilities, including those  
18                  with intellectual disabilities; and

19                  “(F) applying evidence-based findings to  
20                  facilitate systemic changes, related to the tran-  
21                  sition of youth with disabilities, in policy, proce-  
22                  dure, practice, and the preparation of per-  
23                  sonnel.

24                  “(3) AUTHORIZED ACTIVITIES.—Activities that  
25                  may be carried out under this subsection include ac-

1           activities to improve transition of youth with disabil-  
2           ities from school to postsecondary education, inde-  
3           pendent living, and competitive integrated employ-  
4           ment, including the development of self-advocacy  
5           skills, the development of knowledge and skills re-  
6           lated to transition of family members of youth with  
7           disabilities, and the practices of professionals and  
8           others involved in providing services to transitioning  
9           youth through—

10                   “(A) applying and testing research and  
11                   program evaluation findings in typical settings  
12                   where youth with disabilities transition from  
13                   school to postsecondary education, independent  
14                   living, and competitive integrated employment  
15                   in order to determine the usefulness, effective-  
16                   ness, and general applicability of such findings;

17                   “(B) coordinating and aligning transition  
18                   services provided by education, health, rehabili-  
19                   tation, and social service agencies at the Fed-  
20                   eral, State, and local levels;

21                   “(C) enabling self-advocates, parents and  
22                   family members, professionals, and other per-  
23                   sons to learn about, and implement, the find-  
24                   ings of evidence-based research program evalua-

1           tion, and successful practices developed in  
2           model transition demonstration projects;

3           “(D) conducting outreach, and dissemi-  
4           nating information, relating to successful ap-  
5           proaches to overcoming systemic barriers to the  
6           effective and efficient transition of youth;

7           “(E) assisting States and local educational  
8           agencies with the process of planning systemic  
9           changes that will promote improved transitions  
10          for youth with disabilities;

11          “(F) promoting change through a  
12          multistate or regional framework that benefits  
13          States, local educational agencies, vocational re-  
14          habilitation agencies, developmental disability  
15          agencies, private businesses, and other partici-  
16          pants in partnerships to improve transitions for  
17          youth with disabilities;

18          “(G) demonstrating models of personnel  
19          development to ensure the preparation of indi-  
20          viduals to provide effective education and serv-  
21          ices for transitioning youth; and

22          “(H) disseminating information and strate-  
23          gies on how to reduce gender, racial and ethnic,  
24          and specific disability type disproportionalities  
25          in independent living, rehabilitation, and com-

1           petitive integrated employment outcomes for  
2           transitioning youth.

3           “(4) BALANCE AMONG DISABILITIES.—In car-  
4           rying out this subsection, the Secretary shall ensure  
5           that there is an appropriate balance that address the  
6           transition needs of youth with disabilities, including  
7           those with physical, sensory, intellectual disabilities,  
8           and mental health disabilities.

9           “(5) LINKING STATES TO INFORMATION  
10          SOURCES.—In carrying out this subsection, the Sec-  
11          retary shall support projects that link States to tech-  
12          nical assistance resources and make research and re-  
13          lated products available through libraries, electronic  
14          networks, parent and family training projects, and  
15          other information sources.

16          “(6) APPLICATIONS.—

17                 “(A) IN GENERAL.—An eligible entity that  
18                 wishes to enter into a contract or cooperative  
19                 agreement under this subsection shall submit  
20                 an application to the Secretary at such time, in  
21                 such manner, and containing such information  
22                 as the Secretary may require.

23                 “(B) STANDARDS.—To the maximum ex-  
24                 tent feasible, each eligible entity shall dem-  
25                 onstrate that the project described in the eligi-



1           ble entity’s application is supported by evi-  
2           dence-based research that has been carried out  
3           in accordance with standards for the conduct  
4           and evaluation of all relevant research and de-  
5           velopment.

6           “(d) COMMISSIONER’S SCHOLAR PROGRAM.—

7           “(1) IN GENERAL.—The Commissioner shall  
8           annually recognize, in a highly visible manner, eligi-  
9           ble individuals with significant disabilities who are  
10          successfully completing a postgraduate degree in  
11          law, business, science, technology, engineering,  
12          mathematics, or medicine (including completing any  
13          residency program).

14          “(2) STUDENT APPLICATIONS TO STATES.—Not  
15          later than May of 2014 and each subsequent year,  
16          each designated State unit shall solicit and consider  
17          the applications of individuals with significant dis-  
18          abilities who are receiving, or eligible to receive, vo-  
19          cational rehabilitation services under this title and  
20          who have the potential to complete rigorous profes-  
21          sional training in law, medicine, science, technology,  
22          engineering, mathematics, or business. The des-  
23          ignated State unit shall select not more than 2 indi-  
24          viduals, who are otherwise eligible for vocational re-  
25          habilitation services under title I (but without regard

1 to any order of selection established under section  
2 101(a)(5) in the State), for recognition as a Com-  
3 missioner's Scholar.

4 “(3) ELIGIBILITY OF STUDENTS.—In order to  
5 be eligible to receive assistance through the program,  
6 an applicant—

7 “(A) shall be receiving, or eligible to re-  
8 ceive, vocational rehabilitation services under  
9 this title pursuant to an individualized plan for  
10 employment that specifies an employment out-  
11 come in competitive integrated employment that  
12 would require graduate studies in the relevant  
13 field;

14 “(B) shall have previously completed a  
15 bachelor's degree program at an institution of  
16 higher education or to be scheduled to complete  
17 the degree not later than the July preceding the  
18 first school year for which the applicant pro-  
19 poses to use the assistance; and

20 “(C) shall have applied to, and been ac-  
21 cepted by, a program at an accredited institu-  
22 tion of higher education in the United States  
23 that confers a juris doctor degree, a master's of  
24 business administration degree, a doctor of  
25 medicine degree, a doctor of osteopathic medi-

1           eine degree, or a doctoral degree in a field of  
2           science, technology, engineering, or mathe-  
3           matics.

4           “(4) DETERMINATION BY THE COMMISS-  
5           SIONER.—Each eligible individual selected to be a  
6           Commissioner’s Scholar shall—

7                   “(A) be recognized in a manner deter-  
8                   mined by the Commissioner; and

9                   “(B) participate in Commissioner’s Scholar  
10                  activities, as determined by the Commissioner.

11           “(5) SERVICES AND SUPPORTS.—An individual  
12           selected to be a Commissioner’s Scholar in the State  
13           shall be eligible for the services and supports (in-  
14           cluding tuition) needed in order to successfully com-  
15           plete the individual’s degree program. Such services  
16           and supports (including tuition) shall be paid for  
17           from the funds appropriated under title I for the vo-  
18           cational rehabilitation State grants program.

19           “(6) EFFORTS TO SECURE ASSISTANCE FROM  
20           OTHER SOURCES.—The limitations of section  
21           103(a)(5) that apply to training services shall apply  
22           to services and supports described in paragraph (5).

23           “(7) RULE OF CONSTRUCTION.—Nothing in  
24           this subsection shall prevent any designated State  
25           unit from providing educational supports and serv-

1       ices, similar to the supports and services described  
2       in paragraph (5), to eligible individuals with disabil-  
3       ities within the State who are not served under this  
4       subsection.

5       “(e) TRAINING AND TECHNICAL ASSISTANCE CEN-  
6       TER TO PROMOTE HIGH-QUALITY EMPLOYMENT OUT-  
7       COMES FOR INDIVIDUALS RECEIVING SERVICES FROM  
8       DESIGNATED STATE AGENCIES AND AIVRS GRANT-  
9       EES.—

10       “(1) IN GENERAL.—The Commissioner shall  
11       award a grant, contract, or cooperative agreement to  
12       an eligible entity to support a training and technical  
13       assistance program that—

14               “(A) responds to agency specific informa-  
15               tion requests concerning high-quality employ-  
16               ment outcomes, from designated States agen-  
17               cies and recipients of American Indian voca-  
18               tional rehabilitation service grants funded under  
19               part C of title I (referred to in this subsection  
20               as ‘AIVRS grantees’), including—

21                       “(i) requests for information on the  
22                       expansion of self-employment, business  
23                       ownership, business development opportu-  
24                       nities, and other types of entrepreneurial

1 employment opportunities for individuals  
2 with disabilities;

3 “(ii) requests for information on the  
4 expansion and improvement of services to  
5 facilitate the transition of students with  
6 disabilities from school to postsecondary  
7 life, including competitive integrated em-  
8 ployment;

9 “(iii) requests for examples of policies,  
10 practices, procedures, or regulations that  
11 have enhanced or may enhance access to  
12 funding for assistive technology devices  
13 and assistive technology services for indi-  
14 viduals with disabilities;

15 “(iv) requests for information on ef-  
16 fective approaches to enhance informed  
17 choice and a consumer-directed State voca-  
18 tional rehabilitation system;

19 “(v) requests for assistance developing  
20 corrective action plans;

21 “(vi) requests for assistance in devel-  
22 oping and implementing effective data col-  
23 lection and reporting systems that measure  
24 the outcomes of the vocational rehabilita-  
25 tion services, and preparing reports for the

1 Commissioner as described in section  
2 106(b)(1); and

3 “(vii) requests for information on ef-  
4 fective approaches that enhance employ-  
5 ment outcomes for individuals with disabil-  
6 ities, including conducting outreach and  
7 forming partnerships with business and in-  
8 dustry; and

9 “(B) provides agency specific, regional,  
10 and national training and technical assistance  
11 concerning vocational rehabilitation services and  
12 related information to designated State agencies  
13 and AIVRS grantees, including—

14 “(i) facilitating on-site and electronic  
15 information sharing using state-of-the-art  
16 technologies, such as real-time on-line dis-  
17 cussions, multipoint video conferencing,  
18 and web-based audio/video broadcasts, on  
19 emerging topics that affect vocational reha-  
20 bilitation programs authorized under title  
21 I;

22 “(ii) enabling the designated State  
23 agencies and AIVRS grantees to coordi-  
24 nate training and data collection efforts  
25 with one-stop centers established under

1 section 221(e) of the Workforce Invest-  
2 ment Act of 2013;

3 “(iii) enabling the designated State  
4 agencies and AIVRS grantees to provide  
5 information on how the vocational rehabili-  
6 tation programs authorized under title I  
7 can provide technical assistance to the one-  
8 stop centers on making programs offered  
9 through the centers physically and pro-  
10 grammatically accessible to individuals  
11 with disabilities;

12 “(iv) sharing evidence-based and  
13 promising practices among the vocational  
14 rehabilitation programs;

15 “(v) maintaining an accessible website  
16 that includes links to—

17 “(I) the vocational rehabilitation  
18 programs;

19 “(II) appropriate Federal depart-  
20 ments and agencies, and private asso-  
21 ciations;

22 “(III) State assistive technology  
23 device and assistive technology service  
24 demonstration programs, device loan  
25 programs, device reutilization pro-

1                   grams, alternative financing systems,  
2                   or State financing activities, operated  
3                   through, or independently of, com-  
4                   prehensive statewide programs of  
5                   technology-related assistance carried  
6                   out under section 4 of the Assistive  
7                   Technology Act of 1998 (29 U.S.C.  
8                   3003), telework programs, and other  
9                   programs that provide sources of  
10                  funding for assistive technology de-  
11                  vices; and

12                   “(IV) various programs, includ-  
13                   ing programs with tax credits, avail-  
14                   able to employers for hiring or accom-  
15                   modating employees who are individ-  
16                   uals with disabilities;

17                   “(vi) enhancing employment outcomes  
18                   for individuals with mental illness and indi-  
19                   viduals with cognitive disabilities, particu-  
20                   larly in competitive integrated employment;

21                   “(vii) convening experts from the vo-  
22                   cational rehabilitation programs to discuss  
23                   and make recommendations with regard to  
24                   the employment of individuals with disabil-  
25                   ities and national emerging issues of im-



1 portance to individuals with vocational re-  
2 habilitation needs;

3 “(viii) enabling the designated State  
4 agencies and AIVRS grantees to provide  
5 practical information on effective ap-  
6 proaches for business and industry to use  
7 in employing individuals with disabilities,  
8 including provision of reasonable accom-  
9 modations;

10 “(ix) providing information on other  
11 emerging issues concerning the delivery of  
12 publicly funded employment and training  
13 services and supports to assist individuals  
14 with disabilities to enter the workforce,  
15 achieve improved employment outcomes,  
16 and become economically self-sufficient;  
17 and

18 “(x) carrying out such other activities  
19 as the Commissioner may require.

20 “(2) ELIGIBLE ENTITIES.—In this subsection,  
21 the term ‘eligible entity’ means an entity that has—

22 “(A) experience and expertise in admin-  
23 istering vocational rehabilitation services;

24 “(B) documented experience with and  
25 knowledge about self-employment, business

1 ownership, business development, and other  
2 types of entrepreneurial employment opportuni-  
3 ties and outcomes for individuals with disabili-  
4 ties, providing transition services for students  
5 with disabilities, and assistive technology;

6 “(C) the expertise necessary to identify the  
7 additional data elements needed to provide com-  
8 prehensive reporting of activities and outcomes  
9 of the vocational rehabilitation programs au-  
10 thorized under title I, and experience in uti-  
11 lizing data to provide annual reports; and

12 “(D) personnel with the skill and back-  
13 ground necessary to provide guidance or train-  
14 ing to entities carrying out programs authorized  
15 under section 121.

16 “(3) COLLABORATION.—In developing and pro-  
17 viding training and technical assistance under this  
18 subsection, a recipient of a grant, contract, or coop-  
19 erative agreement under this subsection shall col-  
20 laborate with other entities or individuals, in par-  
21 ticular—

22 “(A) agencies carrying out vocational reha-  
23 bilitation programs under title I (including the  
24 programs authorized under section 121) and

1 national organizations representing such pro-  
2 grams;

3 “(B) organizations representing individuals  
4 with disabilities;

5 “(C) organizations representing State offi-  
6 cials and agencies engaged in the delivery of as-  
7 sistive technology;

8 “(D) relevant employees from Federal de-  
9 partments and agencies other than the Depart-  
10 ment of Labor;

11 “(E) representatives of businesses;

12 “(F) individuals with disabilities, including  
13 individuals who use assistive technology and un-  
14 derstand the barriers to the acquisition of such  
15 technology and related services;

16 “(G) family members, guardians, advo-  
17 cates, and authorized representatives of such  
18 individuals.

19 “(4) RULE OF CONSTRUCTION.—The training  
20 and technical assistance provided under this sub-  
21 section may be delivered through the technical as-  
22 sistance and continuing education centers funded  
23 under this title.”;

24 (5) in subsection (f)(2), as redesignated by  
25 paragraph (2)—

1 (A) in subparagraph (E), by striking  
2 “and” after the semicolon;

3 (B) by redesignating subparagraph (F) as  
4 subparagraph (G); and

5 (C) by inserting after subparagraph (E)  
6 the following:

7 “(F) to provide support and guidance in  
8 helping individuals with significant disabilities,  
9 including students with disabilities, transition  
10 to competitive integrated employment; and”;  
11 and

12 (6) by striking subsection (h), as redesignated  
13 by paragraph (2), and inserting the following:

14 “(h) AUTHORIZATION OF APPROPRIATIONS.—

15 “(1) IN GENERAL.—For the purpose of car-  
16 rying out this section there are authorized to be ap-  
17 propriated such sums as may be necessary for each  
18 of the fiscal years 2014 through 2018.

19 “(2) RESERVATIONS.—Of the sums appro-  
20 priated under paragraph (1) for a fiscal year, the  
21 Secretary may reserve not more than \$500,000 to  
22 carry out subsection (e).”.

23 **SEC. 543. MIGRANT AND SEASONAL FARMWORKERS.**

24 Section 304 (29 U.S.C. 774) is amended—

1 (1) in subsection (a)(1), by striking “of Labor”;

2 and

3 (2) in subsection (b), by striking “fiscal years

4 1999 through 2003” and inserting “fiscal years

5 2014 through 2018”.

6 **SEC. 544. RECREATIONAL PROGRAMS.**

7 Section 305 (29 U.S.C. 776) is amended—

8 (1) in subsection (a)(1)(B), by striking “con-

9 struction of facilities for aquatic rehabilitation ther-

10 apy,”; and

11 (2) in subsection (b), by striking “fiscal years

12 1999 through 2003” and inserting “fiscal years

13 2014 through 2018”.

14 **Subtitle E—National Council on**  
15 **Disability**

16 **SEC. 551. ESTABLISHMENT.**

17 (a) IN GENERAL.—Section 400 (29 U.S.C. 780) is

18 amended—

19 (1) in subsection (a)(1)(A), by striking “fif-

20 teen” and inserting “9”; and

21 (2) in subsection (d), by striking “Eight” and

22 inserting “Five”.

23 (b) EFFECTIVE DATE.—This section takes effect 3

24 years after the date of enactment of this Act.

1 **SEC. 552. REPORT.**

2 Section 401 (29 U.S.C. 781) is amended—

3 (1) in subsection (a)—

4 (A) in paragraph (1), by striking “Na-  
5 tional Institute on Disability and Rehabilitation  
6 Research” and inserting “National Institute on  
7 Disability, Independent Living, and Rehabilita-  
8 tion Research” each place the term appears;

9 (B) in paragraph (2), by striking “Reha-  
10 bilitation Services Administration” and insert-  
11 ing “Disability Employment Services and Sup-  
12 ports Administration”;

13 (C) by inserting “the appropriate Assistant  
14 Secretary of the Department of Labor,” after  
15 “the appropriate Assistant Secretary of the De-  
16 partment of Education,”; and

17 (D) in paragraph (8), by inserting “of  
18 Labor” after “Secretary”; and

19 (2) by striking subsection (c).

20 **SEC. 553. AUTHORIZATION OF APPROPRIATIONS.**

21 Section 405 (29 U.S.C. 785) is amended by striking  
22 “fiscal years 1999 through 2003” and inserting “fiscal  
23 years 2014 through 2018”.

## 1     **Subtitle F—Rights and Advocacy**

### 2     **SEC. 556. INTERAGENCY COMMITTEE, BOARD, AND COUN-** 3                   **CIL.**

4           (a) INTERAGENCY COMMITTEE.—Section 501 (29  
5 U.S.C. 791) is amended—

6                 (1) by striking subsection (f); and

7                 (2) by redesignating subsection (g) as sub-  
8           section (f).

9           (b) ARCHITECTURAL AND TRANSPORTATION BAR-  
10   RIERS COMPLIANCE BOARD.—Section 502(j) (29 U.S.C.  
11 792(j)) is amended by striking “1999 through 2003” and  
12 inserting “2014 through 2018”.

13          (c) PROGRAM OR ACTIVITY.—Section 504(b)(2)(B)  
14 (29 U.S.C. 794(b)(2)(B)) is amended by striking “voca-  
15 tional education” and inserting “career and technical edu-  
16 cation”.

17          (d) INTERAGENCY DISABILITY COORDINATING  
18 COUNCIL.—Section 507(a) (29 U.S.C. 794e(a)) is amend-  
19 ed by inserting “the Chairperson of the National Council  
20 on Disability,” before “and such other”.

### 21     **SEC. 557. PROTECTION AND ADVOCACY OF INDIVIDUAL** 22                   **RIGHTS.**

23           Section 509 (29 U.S.C. 794e) is amended—

24                 (1) in subsection (c)(1)(A), by inserting “a  
25           grant or contract for” before “training”;

1 (2) in subsection (f)—

2 (A) in paragraph (2),—

3 (i) by striking “general” and all that  
4 follows through “records” and inserting  
5 “general authorities (including rights and  
6 remedies), including the authority to access  
7 records”; and

8 (ii) by inserting “of title I” after  
9 “subtitle C”; and

10 (B) in paragraph (3), by striking “author-  
11 ity” and inserting “authority (including the  
12 right)”;

13 (3) in subsection (g)(2), by striking “was paid”  
14 and all that follows and inserting “was paid, except  
15 that program income generated from the amount  
16 paid to an eligible system for a fiscal year shall re-  
17 main available to such system for the following 2 fis-  
18 cal years.”;

19 (4) in subsection (l), by striking “1999 through  
20 2003” and inserting “2014 through 2018”;

21 (5) by redesignating subsections (l) and (m) as  
22 subsections (m) and (n), respectively; and

23 (6) by inserting after subsection (k) the fol-  
24 lowing:



1           “(1) **SYSTEM AUTHORITY.**—For purposes of serving  
2 persons eligible for services under this section, an eligible  
3 system shall have the same general authorities, including  
4 access to records, as the system is afforded under subtitle  
5 C of title I of the Developmental Disabilities Assistance  
6 and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.),  
7 as determined by the Commissioner of the Administration  
8 on Developmental Disabilities.”.

9   **SEC. 558. EMPLOYMENT OF INDIVIDUALS WITH DISABIL-**  
10                           **ITIES AT WAGES BELOW MINIMUM WAGE.**

11           (a) **IN GENERAL.**—Title V (29 U.S.C. 791 et seq.)  
12 is amended by adding at the end the following:

13   **“SEC. 511. EMPLOYMENT OF INDIVIDUALS WITH DISABIL-**  
14                           **ITIES AT A SUBMINIMUM WAGE.**

15           “(a) **IN GENERAL.**—An entity, including a contractor  
16 or subcontractor of the entity, may not employ an indi-  
17 vidual with a disability at a wage (referred to in this sec-  
18 tion as a ‘subminimum wage’) that is less than the Federal  
19 minimum wage, unless the entity has complied with the  
20 requirements of section 14(c) of the Fair Labor Standards  
21 Act of 1938 (29 U.S.C. 214(c)), and any of the following  
22 additional conditions is met:

23                   “(1) The individual is currently employed, as of  
24 the effective date of this section, by an entity that  
25 holds a valid certificate pursuant to section 14(c) of

1 the Fair Labor Standards Act of 1938 (referred to  
2 in this section as a ‘certificate holder’).

3 “(2) The individual is older than age 24 on the  
4 date when the individual begins employment at a  
5 subminimum wage.

6 “(3) The individual is age 24 or younger and,  
7 before beginning work at a subminimum wage, has  
8 completed, and produces documentation indicating  
9 completion of, each of the following 3 actions:

10 “(A) The individual has received pre-em-  
11 ployment transition services that are available  
12 to the individual under section 114, or transi-  
13 tion services under the Individuals with Disabil-  
14 ities Education Act (20 U.S.C. 1400 et seq.)  
15 such as transition services available to the indi-  
16 vidual under section 614(d) of that Act (20  
17 U.S.C. 1414(d)).

18 “(B) The individual has applied for voca-  
19 tional rehabilitation services under title I, with  
20 the result that—

21 “(i) the individual has been found in-  
22 eligible for the services pursuant to that  
23 title; or



1 Federal and State programs and other re-  
2 sources in the individual's geographic area  
3 that offer employment-related services and  
4 supports designed to enable the individual  
5 to explore, discover, experience, and attain  
6 competitive integrated employment;

7 “(ii) understands the conditions under  
8 which a subminimum wage may be paid;  
9 and

10 “(iii) consents to work for the em-  
11 ployer and be paid a subminimum wage.

12 “(4) The individual, regardless of age, is receiv-  
13 ing work readiness or job training services provided  
14 by a certificate holder, as part of the individual's  
15 preparation for competitive integrated employment,  
16 for—

17 “(A) a period of not more than 6 months;

18 or

19 “(B) a longer period, if the individual  
20 wishes to continue to receive such services after  
21 an initial 6-month period and is reassessed by  
22 the agency referring the individual for such  
23 services, or an appropriate entity, not less often  
24 than every 6 months, to determine the individ-

1           ual’s ability to transition to competitive inte-  
2           grated employment.

3           “(b) CONSTRUCTION.—

4           “(1) SERVICES.—Nothing in subsection  
5           (a)(3)(B) shall be construed to prohibit a designated  
6           State unit from allowing an individual to receive  
7           work readiness or job training services provided by  
8           a certificate holder, for a period of not more than 6  
9           months.

10           “(2) RULE.—Nothing in this section shall be  
11           construed as changing the purpose of this Act de-  
12           scribed in section 2(b)(1), to empower individuals  
13           with disabilities to maximize opportunities for com-  
14           petitive integrated employment.

15           “(c) DURING EMPLOYMENT.—

16           “(1) IN GENERAL.—The entity described in  
17           subsection (a) may not continue to employ an indi-  
18           vidual at a subminimum wage unless, after the indi-  
19           vidual begins work at that wage, at the intervals de-  
20           scribed in paragraph (2), the individual (with, in an  
21           appropriate case, the individual’s parent or guard-  
22           ian)—

23           “(A) is provided career counseling, and in-  
24           formation and referrals described in subsection  
25           (a)(3)(C)(i), delivered in a manner that facili-

1           tates independent decisionmaking and informed  
2           choice, as the individual makes decisions re-  
3           garding employment and career advancement;  
4           and

5                   “(B) is informed by the employer of self-  
6           advocacy, self-determination, and peer men-  
7           toring training opportunities available in the in-  
8           dividual’s geographic area, provided by an enti-  
9           ty that does not have any financial interest in  
10          the individual’s employment outcome, under ap-  
11          plicable Federal and State programs or other  
12          sources.

13                   “(2) TIMING.—The actions required under sub-  
14          paragraphs (A) and (B) of paragraph (1) shall be  
15          carried out once every 6 months for the first year  
16          of the individual’s employment at a subminimum  
17          wage, and annually thereafter for the duration of  
18          such employment.

19                   “(3) SMALL BUSINESS EXCEPTION.—In the  
20          event that the entity described in subsection (a) is  
21          a business with fewer than 15 employees, such entity  
22          can satisfy the requirements of subparagraphs (A)  
23          and (B) of paragraph (1) by referring the individual,  
24          at the intervals described in paragraph (2), to the  
25          designated State unit for the counseling, informa-

1       tion, and referrals described in subparagraph (A)  
2       and the information described in subparagraph (B).

3       “(d) DOCUMENTATION.—

4               “(1) IN GENERAL.—The designated State unit,  
5       in consultation with the State educational agency,  
6       shall develop a new process or utilize an existing  
7       process, consistent with guidelines developed by the  
8       Secretary, to document the completion of the actions  
9       described in subparagraphs (A), (B), and (C) of sub-  
10      section (a)(3) by a youth with a disability who is an  
11      individual with a disability.

12              “(2) DOCUMENTATION PROCESS.—Such process  
13      shall require that—

14                      “(A) in the case of a student with a dis-  
15                      ability, for documentation of actions described  
16                      in subsection (a)(3)(A)—

17                              “(i) if such a student with a disability  
18                              receives and completes each category de-  
19                              scribed in clauses (i) through (v) of section  
20                              7(30)(B) of available pre-employment tran-  
21                              sition services, such completion of services  
22                              shall be documented by the designated  
23                              State unit in a manner consistent with this  
24                              section;

1                   “(ii) if such a student with a disability  
2                   receives and completes any transition serv-  
3                   ices available for students with disabilities  
4                   under the Individuals with Disabilities  
5                   Education Act, including those provided  
6                   under section 614(d)(1)(A)(i)(VIII) (20  
7                   U.S.C. 1414(d)(1)(A)(i)(VIII)), such com-  
8                   pletion of services shall be documented by  
9                   the appropriate school official responsible  
10                  for the provision of such transition services  
11                  for students with disabilities in the school  
12                  or school district, in a manner consistent  
13                  with this section; and

14                  “(iii) a Local Pre-Employment Tran-  
15                  sition Coordinator shall provide the final  
16                  documentation, in a form and manner con-  
17                  sistent with this section, of the completion  
18                  of pre-employment transition services as  
19                  described in clause (i), or transition serv-  
20                  ices under the Individuals with Disabilities  
21                  Education Act as described in clause (ii),  
22                  to the student with a disability within a  
23                  reasonable period of time following the  
24                  completion; and



1           “(B) when an individual has completed the  
2           actions described in subsection (a)(3)(C), fol-  
3           lowing the completion of the actions described  
4           in subparagraphs (A) and (B) of subsection  
5           (a)(3), the designated State unit shall provide  
6           the individual a document indicating such com-  
7           pletion, in a manner consistent with this sec-  
8           tion, within a reasonable time period following  
9           the completion of the actions described in this  
10          subparagraph.

11         “(e) VERIFICATION.—

12           “(1) BEFORE EMPLOYMENT.—Before an indi-  
13          vidual covered by subsection (a)(3) begins work for  
14          an employer at a subminimum wage, the employer  
15          shall review the documentation received by the indi-  
16          vidual under subsection (d), and provided by the in-  
17          dividual to the employer, that indicates that the in-  
18          dividual has completed the actions described in sub-  
19          paragraphs (A), (B), and (C) of subsection (a)(3)  
20          and the employer shall maintain copies of the docu-  
21          mentation.

22           “(2) DURING EMPLOYMENT.—In order to con-  
23          tinue to employ an individual at a subminimum  
24          wage, the employer shall verify completion of the re-  
25          quirements of subsection (c), including reviewing any

1 relevant documents provided by the individual, and  
2 shall maintain copies of the documentation.

3 “(f) FEDERAL MINIMUM WAGE.—In this section, the  
4 term ‘Federal minimum wage’ means the rate applicable  
5 under section 6(a)(1) of the Fair Labor Standards Act  
6 of 1938 (29 U.S.C. 206(a)(1)).”.

7 (b) EFFECTIVE DATE.—This section takes effect 2  
8 years after the date of enactment of the Workforce Invest-  
9 ment Act of 2013.

10 **Subtitle G—Employment Opportu-**  
11 **nities for Individuals With Dis-**  
12 **abilities**

13 **SEC. 561. PROJECTS WITH INDUSTRY.**

14 Section 611 (29 U.S.C. 795) is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (1)—

17 (i) by striking “in the competitive”  
18 and inserting “in competitive integrated  
19 employment in the”;

20 (ii) by inserting “locally” after “ca-  
21 reer advancement”; and

22 (iii) by striking “private industry”  
23 and inserting “large businesses or groups  
24 of businesses”;

25 (B) in paragraph (2)—

1 (i) in the matter preceding subpara-  
2 graph (A)—

3 (I) by striking “jointly financed  
4 Projects With Industry to create” and  
5 inserting “regional and national pub-  
6 lic-private partnerships that create”;

7 (II) by inserting “in competitive  
8 integrated employment” after “career  
9 opportunities”;

10 (III) by striking “Secretary of  
11 Labor” and inserting “Secretary of  
12 Education”; and

13 (IV) by striking “individual em-  
14 ployers, community” and inserting  
15 “consortia that include at least 1  
16 business or group of businesses, an in-  
17 stitution of higher education, and  
18 such organizations as community”;

19 (ii) by striking subparagraph (A) and  
20 inserting the following:

21 “(A)(i) identify hiring needs of the participant  
22 businesses; and

23 “(ii) identify partners to assist with—

24 “(I) recruitment;

25 “(II) hiring;

1 “(III) professional development;  
2 “(IV) workplace accommodations;  
3 “(V) benefits counseling; and  
4 “(VI) other services needed to support  
5 individual employees;”;

6 (iii) by striking subparagraphs (B)  
7 and (C) and inserting the following:

8 “(B) to the extent appropriate, provide for—

9 “(i) career exploration and on the job  
10 training to prepare individuals with disabilities  
11 for employment and career advancement in the  
12 competitive market; and

13 “(ii) paid internships for individuals with  
14 disabilities who seek employment; and”;

15 (iv) by redesignating subparagraph  
16 (D) as subparagraph (C);

17 (C) by striking paragraph (3) and insert-  
18 ing the following:

19 “(3) An eligible individual is considered a person with  
20 a disability, as defined under section 3 of the Americans  
21 with Disabilities Act of 1990 (42 U.S.C. 12102).”; and

22 (D) in paragraph (4), in the second sen-  
23 tence, by striking “the appropriate designated  
24 State unit and the individuals with disabilities  
25 (or the individuals’ representatives) involved.”

1 and inserting “the appropriate designated State  
2 units.”; and

3 (2) in subsection (e)(2)—

4 (A) by striking “, to the extent practicable,  
5 ensure an equitable distribution of payments  
6 made under this section among the States. To  
7 the extent funds are available, the Commis-  
8 sioner shall” and inserting “, to the extent  
9 funds are available,”; and

10 (B) by striking “in States, portions of  
11 States, Indian tribes, or tribal organizations”  
12 and inserting “nationally or in States, in por-  
13 tions of States, across multiple States, or in In-  
14 dian tribes or tribal organizations”.

15 **SEC. 562. AUTHORIZATION OF APPROPRIATIONS.**

16 Section 612 (29 U.S.C. 795a) is amended by striking  
17 “fiscal years 1999 through 2003” and inserting “fiscal  
18 years 2014 through 2018”.

19 **SEC. 563. SUPPORTED EMPLOYMENT SERVICES.**

20 Part B of title VI (29 U.S.C. 795g) is amended to  
21 read as follows:

1 **“PART B—SUPPORTED EMPLOYMENT SERVICES**  
2 **FOR INDIVIDUALS WITH THE MOST SIGNIFI-**  
3 **CANT DISABILITIES**

4 **“SEC. 621. PURPOSE.**

5 “It is the purpose of this part to authorize allotments,  
6 in addition to grants for vocational rehabilitation services  
7 under title I, to assist States in developing collaborative  
8 programs with appropriate entities to provide supported  
9 employment services for individuals with the most signifi-  
10 cant disabilities, including youth with the most significant  
11 disabilities, to enable such individuals to achieve an em-  
12 ployment outcome of supported employment in competitive  
13 integrated employment.

14 **“SEC. 622. ALLOTMENTS.**

15 “(a) IN GENERAL.—

16 “(1) STATES.—The Secretary shall allot the  
17 sums appropriated for each fiscal year to carry out  
18 this part among the States on the basis of relative  
19 population of each State, except that—

20 “(A) no State shall receive less than  
21 \$250,000, or  $\frac{1}{3}$  of 1 percent of the sums ap-  
22 propriated for the fiscal year for which the al-  
23 lotment is made, whichever amount is greater;  
24 and

25 “(B) if the sums appropriated to carry out  
26 this part for the fiscal year exceed the sums ap-

1           appropriated to carry out this part for fiscal year  
2           1992 by \$1,000,000 or more, no State shall re-  
3           ceive less than \$300,000, or  $\frac{1}{3}$  of 1 percent of  
4           the sums appropriated for the fiscal year for  
5           which the allotment is made, whichever amount  
6           is greater.

7           “(2) CERTAIN TERRITORIES.—

8                   “(A) IN GENERAL.—For the purposes of  
9                   this subsection, Guam, American Samoa, the  
10                  United States Virgin Islands, and the Common-  
11                  wealth of the Northern Mariana Islands shall  
12                  not be considered to be States.

13                   “(B) ALLOTMENT.—Each jurisdiction de-  
14                   scribed in subparagraph (A) shall be allotted  
15                   not less than  $\frac{1}{8}$  of 1 percent of the amounts  
16                   appropriated for the fiscal year for which the  
17                   allotment is made.

18           “(b) REALLOTMENT.—Whenever the Commissioner  
19           determines that any amount of an allotment to a State  
20           for any fiscal year will not be expended by such State for  
21           carrying out the provisions of this part, the Commissioner  
22           shall make such amount available for carrying out the pro-  
23           visions of this part to 1 or more of the States that the  
24           Commissioner determines will be able to use additional  
25           amounts during such year for carrying out such provi-

1 sions. Any amount made available to a State for any fiscal  
2 year pursuant to the preceding sentence shall, for the pur-  
3 poses of this section, be regarded as an increase in the  
4 allotment of the State (as determined under the preceding  
5 provisions of this section) for such year.

6 “(c) LIMITATIONS ON ADMINISTRATIVE COSTS.—A  
7 State that receives an allotment under this part shall not  
8 use more than 5 percent of the funds made available  
9 through the allotment to pay for administrative costs.

10 “(d) SERVICES FOR YOUTH WITH THE MOST SIG-  
11 NIFICANT DISABILITIES.—A State that receives an allot-  
12 ment under this part shall expend half of the allotment  
13 for the provision of supported employment services, in-  
14 cluding extended services, to youth with the most signifi-  
15 cant disabilities in order to assist those youth to achieve  
16 an employment outcome in supported employment.

17 **“SEC. 623. AVAILABILITY OF SERVICES.**

18 “(a) SUPPORTED EMPLOYMENT SERVICES.—Funds  
19 provided under this part may be used to provide supported  
20 employment services to individuals who are eligible under  
21 this part.

22 “(b) EXTENDED SERVICES.—

23 “(1) IN GENERAL.—Except as provided in para-  
24 graph (2), funds provided under this part, or title I,



1       may not be used to provide extended services to indi-  
2       viduals who are eligible under this part or title I.

3           “(2) **EXTENDED SERVICES FOR YOUTH WITH**  
4       **THE MOST SIGNIFICANT DISABILITIES.**—Funds allot-  
5       ted under this part, or title I, and used for the pro-  
6       vision of services under this part to youth with the  
7       most significant disabilities pursuant to section  
8       622(d), may be used to provide extended services to  
9       youth with the most significant disabilities. Such ex-  
10      tended services shall be available for a period not to  
11      exceed 4 years.

12   **“SEC. 624. ELIGIBILITY.**

13       “An individual, including a youth with a disability,  
14      shall be eligible under this part to receive supported em-  
15      ployment services authorized under this part if—

16           “(1) the individual is eligible for vocational re-  
17      habilitation services under title I;

18           “(2) the individual is determined to be an indi-  
19      vidual with a most significant disability;

20           “(3) for purposes of activities carried out with  
21      funds described in section 622(d), the individual is  
22      a youth with a disability, as defined in section  
23      (7)(42); and

24           “(4) a comprehensive assessment of rehabilita-  
25      tion needs of the individual described in section

1       7(2)(B), including an evaluation of rehabilitation,  
2       career, and job needs, identifies supported employ-  
3       ment as the appropriate employment outcome for  
4       the individual.

5       **“SEC. 625. STATE PLAN.**

6       “(a) STATE PLAN SUPPLEMENTS.—To be eligible for  
7       an allotment under this part, a State shall submit to the  
8       Commissioner, as part of the State plan under section  
9       101, a State plan supplement for providing supported em-  
10      ployment services authorized under this Act to individuals,  
11      including youth with the most significant disabilities, who  
12      are eligible under this Act to receive the services. Each  
13      State shall make such annual revisions in the plan supple-  
14      ment as may be necessary.

15      “(b) CONTENTS.—Each such plan supplement  
16      shall—

17              “(1) designate each designated State agency as  
18              the agency to administer the program assisted under  
19              this part;

20              “(2) summarize the results of the comprehen-  
21              sive, statewide assessment conducted under section  
22              101(a)(15)(A)(i), with respect to the rehabilitation  
23              needs of individuals, including youth, with signifi-  
24              cant disabilities and the need for supported employ-

1       ment services, including needs related to coordina-  
2       tion;

3           “(3) describe the quality, scope, and extent of  
4       supported employment services authorized under this  
5       Act to be provided to individuals, including youth  
6       with the most significant disabilities, who are eligible  
7       under this Act to receive the services and specify the  
8       goals and plans of the State with respect to the dis-  
9       tribution of funds received under section 622;

10          “(4) demonstrate evidence of the efforts of the  
11       designated State agency to identify and make ar-  
12       rangements (including entering into cooperative  
13       agreements) with other State agencies and other ap-  
14       propriate entities to assist in the provision of sup-  
15       ported employment services;

16          “(5) demonstrate evidence of the efforts of the  
17       designated State agency to identify and make ar-  
18       rangements (including entering into cooperative  
19       agreements) with other public or nonprofit agencies  
20       or organizations within the State, employers, natural  
21       supports, and other entities with respect to the pro-  
22       vision of extended services;

23          “(6) describe the activities to be conducted pur-  
24       suant to section 622(d) for youth with the most sig-  
25       nificant disabilities, including—

1           “(A) the provision of extended services for  
2 a period not to exceed 4 years; and

3           “(B) how the State will use the funds spec-  
4 ified in section 622(d) to leverage other public  
5 and private funds to increase resources for ex-  
6 tended services and expand supported employ-  
7 ment opportunities for youth with the most sig-  
8 nificant disabilities;

9           “(7) provide assurances that—

10           “(A) funds made available under this part  
11 will only be used to provide supported employ-  
12 ment services authorized under this Act to indi-  
13 viduals who are eligible under this part to re-  
14 ceive the services;

15           “(B) the comprehensive assessments of in-  
16 dividuals with significant disabilities, including  
17 youth with the most significant disabilities, con-  
18 ducted under section 102(b)(1) and funded  
19 under title I will include consideration of sup-  
20 ported employment as an appropriate employ-  
21 ment outcome;

22           “(C) an individualized plan for employ-  
23 ment, as required by section 102, will be devel-  
24 oped and updated using funds under title I in  
25 order to—

1           “(i) specify the supported employment  
2           services to be provided, including, as ap-  
3           propriate, for youth with the most signifi-  
4           cant disabilities, transition services, and  
5           pre-employment transition services pro-  
6           vided in accordance with sections  
7           101(a)(25) and 114;

8           “(ii) specify the expected extended  
9           services needed, including the extended  
10          services that may be provided to youth  
11          with the most significant disabilities under  
12          this part, in accordance with an approved  
13          individualized plan for employment, for a  
14          period not to exceed 4 years; and

15          “(iii) identify, as appropriate, the  
16          source of extended services, which may in-  
17          clude natural supports, or that it is not  
18          possible to identify the source of extended  
19          services at the time the individualized plan  
20          for employment is developed;

21          “(D) the State will use funds provided  
22          under this part only to supplement, and not  
23          supplant, the funds provided under title I, in  
24          providing supported employment services speci-  
25          fied in the individualized plan for employment;

1           “(E) services provided under an individual-  
2           ized plan for employment will be coordinated  
3           with services provided under other individual-  
4           ized plans established under other Federal or  
5           State programs;

6           “(F) to the extent jobs skills training is  
7           provided, the training will be provided onsite;

8           “(G) supported employment services will  
9           include placement in an integrated setting  
10          based on the unique strengths, resources, prior-  
11          ities, concerns, abilities, capabilities, interests,  
12          and informed choice of individuals with the  
13          most significant disabilities;

14          “(H) the State agencies designated under  
15          paragraph (1) will expend not more than 5 per-  
16          cent of the allotment of the State under this  
17          part for administrative costs of carrying out  
18          this part; and

19          “(I) with respect to supported employment  
20          services provided to youth with the most signifi-  
21          cant disabilities pursuant to section 622(d), the  
22          designated State agency will provide, directly or  
23          indirectly through public or private entities,  
24          non-Federal contributions towards the grant  
25          award in an amount that is not less than 10

1           percent of the costs of carrying out such serv-  
2           ices; and

3           “(8) contain such other information and be sub-  
4           mitted in such manner as the Commissioner may re-  
5           quire.

6   **“SEC. 626. RESTRICTION.**

7           “Each State agency designated under section  
8   625(b)(1) shall collect the information required by section  
9   101(a)(10) separately for—

10           “(1) eligible individuals receiving supported em-  
11           ployment services under this part;

12           “(2) eligible individuals receiving supported em-  
13           ployment services under title I;

14           “(3) eligible youth receiving supported employ-  
15           ment services under this part; and

16           “(4) eligible youth receiving supported employ-  
17           ment services under title I.

18   **“SEC. 627. SAVINGS PROVISION.**

19           “(a) SUPPORTED EMPLOYMENT SERVICES.—Noth-  
20           ing in this Act shall be construed to prohibit a State from  
21           providing supported employment services in accordance  
22           with the State plan submitted under section 101 by using  
23           funds made available through a State allotment under sec-  
24           tion 110.

1           “(b) POSTEMPLOYMENT SERVICES.—Nothing in this  
2 part shall be construed to prohibit a State from providing  
3 discrete postemployment services in accordance with the  
4 State plan submitted under section 101 by using funds  
5 made available through a State allotment under section  
6 110 to an individual who is eligible under this part.

7 **“SEC. 628. AUTHORIZATION OF APPROPRIATIONS.**

8           “There is authorized to be appropriated to carry out  
9 this part, including for technical assistance, such sums as  
10 may be necessary for each of the fiscal years 2014 through  
11 2018.”.

12 **Subtitle H—Independent Living**  
13 **Services and Centers for Inde-**  
14 **pendent Living**

15 **CHAPTER 1—GENERAL PROVISIONS**

16 **SEC. 571. PURPOSE.**

17           Section 701 (29 U.S.C. 796) is amended, in para-  
18 graph (3), by inserting before the period the following: “,  
19 with the goal of improving the independence of and equal  
20 opportunity for individuals with disabilities”.

21 **SEC. 572. INDEPENDENT LIVING ADMINISTRATION.**

22           Title VII (29 U.S.C. 796 et seq.) is amended by in-  
23 serting after section 701 the following:



1 **“SEC. 701A. INDEPENDENT LIVING ADMINISTRATION.**

2 “(a) ESTABLISHMENT.—In order to promote the phi-  
3 losophy and purpose of section 701, there is established  
4 within the Administration for Community Living of the  
5 Department of Health and Human Services, an Inde-  
6 pendent Living Administration.

7 “(b) DIRECTOR.—

8 “(1) APPOINTMENT.—The Independent Living  
9 Administration shall be headed by a Director (re-  
10 ferred to in this title as the ‘ILA Director’) ap-  
11 pointed by the Secretary of Health and Human  
12 Services.

13 “(2) QUALIFICATIONS.—The ILA Director shall  
14 have substantial knowledge of independent living  
15 services.

16 “(3) AUTHORITIES.—The Independent Living  
17 Administration shall be the principal agency, and  
18 the ILA Director shall be the principal officer, to  
19 carry out this title. In performing the functions of  
20 the office, the ILA Director shall be directly respon-  
21 sible to the Administrator for the Administration for  
22 Community Living of the Department of Health and  
23 Human Services.

24 “(c) GENERAL COUNSEL.—The Office of the General  
25 Counsel of the Department of Health and Human Services  
26 shall designate 1 or more individuals, with substantial

1 background and experience in, and knowledge of, inde-  
2 pendent living services, centers for independent living, and  
3 Statewide Independent Living Councils, under this title,  
4 to provide advice, support, and technical assistance to the  
5 ILA Director.

6 “(d) INPUT.—The ILA Director shall have the au-  
7 thority to seek such input and advice, including convening  
8 meetings, as the ILA Director determines to be appro-  
9 priate with respect to the policies and conduct of the Inde-  
10 pendent Living Administration.

11 “(e) STAFF.—The Secretary shall ensure that—

12 “(1) the Independent Living Administration has  
13 sufficient staff to provide oversight of, conduct au-  
14 diting of, and provide technical assistance to, the  
15 centers for independent living and Statewide Inde-  
16 pendent Living Councils funded under this Act; and

17 “(2) such staff includes qualified individuals  
18 who have significant experience with centers for  
19 independent living or Statewide Independent Living  
20 Councils described in section 705.”.

21 **SEC. 573. DEFINITIONS.**

22 Section 702 (29 U.S.C. 796a) is amended—

23 (1) in paragraph (1)—

24 (A) in the matter before subparagraph (A),

25 by inserting “for individuals with significant

1 disabilities (regardless of age or income)” be-  
2 fore “that—”;

3 (B) in subparagraph (A), by striking  
4 “and” at the end;

5 (C) in subparagraph (B), by striking the  
6 period and inserting “, including, at a min-  
7 imum, independent living core services as de-  
8 fined in section 7(17); and”; and

9 (D) by adding at the end the following:

10 “(C) has sufficient staff to provide the  
11 services described in subparagraph (B).”; and

12 (2) in paragraph (2), by striking the period and  
13 inserting the following: “, both in terms of—

14 “(A) the management, staffing, decision-  
15 making, and operation of the center; and

16 “(B) the center’s establishment of policies,  
17 direction, and provision of services.”.

18 **SEC. 574. STATE PLAN.**

19 Section 704 (29 U.S.C. 796c) is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1)—

22 (i) by inserting after “State plan” the  
23 following: “developed and signed in accord-  
24 ance with paragraph (2),”; and

1                   (ii) by striking “Commissioner” each  
2                   place it appears and inserting “ILA Direc-  
3                   tor”;

4                   (B) in paragraph (2)—

5                   (i) in the matter preceding subpara-  
6                   graph (A), by striking “developed and  
7                   signed by”; and

8                   (ii) by striking subparagraphs (A) and  
9                   (B) and inserting the following:

10                   “(A) developed by the chairperson of the  
11                   Statewide Independent Living Council, and the  
12                   directors of the centers for independent living  
13                   in the State, after receiving public input from  
14                   individuals with disabilities and other stake-  
15                   holders throughout the State; and

16                   “(B) signed by—

17                   “(i) the chairperson of the Statewide  
18                   Independent Living Council, acting on be-  
19                   half of and at the direction of the Council;

20                   “(ii) the director of the designated  
21                   State entity described in subsection (c);  
22                   and

23                   “(iii) not less than 51 percent of the  
24                   directors of the centers for independent liv-  
25                   ing in the State.”;

1 (C) in paragraph (3)—

2 (i) in subparagraph (A), by striking  
3 “State independent living services” and in-  
4 serting “independent living services in the  
5 State”;

6 (ii) in subparagraph (B), by striking  
7 “and” at the end; and

8 (iii) by striking subparagraph (C) and  
9 inserting the following:

10 “(C) working relationships and collabora-  
11 tion between—

12 “(i) centers for independent living;  
13 and

14 “(ii)(I) entities carrying out programs  
15 that provide independent living services, in-  
16 cluding those serving older individuals;

17 “(II) other community-based organi-  
18 zations that provide or coordinate the pro-  
19 vision of housing, transportation, employ-  
20 ment, information and referral assistance,  
21 services, and supports for individuals with  
22 significant disabilities; and

23 “(III) entities carrying out other pro-  
24 grams providing services for individuals  
25 with disabilities; and

1           “(D) cooperative agreements and partner-  
2           ships to provide a seamless model for provision  
3           of services to individuals with disabilities and to  
4           avoid duplication of services.”;

5           (D) in paragraph (4), by striking “Com-  
6           missioner” each place it appears and inserting  
7           “ILA Director”; and

8           (E) by adding at the end the following:

9           “(5) STATEWIDENESS.—The State plan shall  
10          provide for the provision of independent living serv-  
11          ices on a statewide basis, to the greatest extent pos-  
12          sible, including through the establishment of addi-  
13          tional centers for independent living, expanded  
14          catchment areas, or focused outreach to serve under-  
15          served populations.”;

16          (2) in subsection (b), by striking the period and  
17          inserting the following: “, as well as a plan for fund-  
18          ing the administrative costs of the Council.”;

19          (3) in subsection (c)—

20               (A) in the subsection heading, by striking  
21               “UNIT” and inserting “ENTITY”;

22               (B) in the matter preceding paragraph (1),  
23               by striking “the designated State unit of such  
24               State” and inserting “a State entity of such

1 State (referred to in this title as the ‘designated  
2 State entity’);

3 (C) in paragraphs (3) and (4), by striking  
4 “Commissioner” each place it appears and in-  
5 serting “ILA Director”;

6 (D) in paragraph (3), by striking “and” at  
7 the end;

8 (E) in paragraph (4), by striking the pe-  
9 riod and inserting “; and”; and

10 (F) by adding at the end the following:

11 “(5) retain not more than 15 percent of the  
12 funds received by the State for any fiscal year under  
13 part B, for the performance of the services outlined  
14 in paragraphs (1) through (4).”;

15 (4) in subsection (i), by striking paragraphs (1)  
16 and (2) and inserting the following:

17 “(1) the Statewide Independent Living Council;

18 “(2) centers for independent living;

19 “(3) the designated State entity; and

20 “(4) other State agencies or entities rep-  
21 resented on the Council, other councils that address  
22 the needs and issues of specific disability popu-  
23 lations, and other public and private entities deter-  
24 mined to be appropriate by the Council.”;

25 (5) in subsection (m)—

1 (A) in paragraph (4), by striking “Com-  
2 missioner” each place it appears and inserting  
3 “ILA Director”; and

4 (B) in paragraph (5), by striking “Com-  
5 missioner” each place it appears and inserting  
6 “ILA Director”; and

7 (6) by adding at the end the following:

8 “(o) PROMOTING FULL ACCESS TO COMMUNITY  
9 LIFE.—

10 “(1) IN GENERAL.—The plan shall describe  
11 how the State will provide independent living serv-  
12 ices that promote full access to community life for  
13 individuals with significant disabilities.

14 “(2) SERVICES.—The services shall include—

15 “(A) facilitating transitions of individuals  
16 with significant disabilities from nursing homes  
17 and other institutions, to home and community-  
18 based residences, with the requisite supports  
19 and services;

20 “(B) providing assistance to individuals  
21 with significant disabilities that are at risk of  
22 entering institutions so that the individuals may  
23 remain in the community; and

24 “(C) facilitating transitions of youth (in-  
25 cluding students) who are individuals with sig-



1           nificant disabilities, who were eligible for indi-  
2           vidualized education programs under section  
3           614(d) of the Individuals with Disabilities Edu-  
4           cation Act (20 U.S.C. 1414(d)), and who have  
5           completed their secondary education or other-  
6           wise left school, to postsecondary life, including  
7           employment.”.

8   **SEC. 575. STATEWIDE INDEPENDENT LIVING COUNCIL.**

9           Section 705 (29 U.S.C. 796d) is amended—

10           (1) in subsection (b)—

11                   (A) by striking paragraph (2) and insert-  
12           ing the following:

13                   “(2) COMPOSITION.—The Council shall in-  
14           clude—

15                           “(A) among its voting members, at least 1  
16           director of a center for independent living cho-  
17           sen by the directors of centers for independent  
18           living within the State;

19                           “(B) among its voting members, for a  
20           State in which 1 or more centers for inde-  
21           pendent living are run by, or in conjunction  
22           with, the governing bodies of American Indian  
23           tribes located on Federal or State reservations,  
24           at least 1 representative of the directors of the  
25           centers; and

1           “(C) as ex officio, nonvoting members, a  
2           representative of the designated State entity,  
3           and representatives from State agencies that  
4           provide services for individuals with disabili-  
5           ties.”;

6           (B) in paragraph (3)—

7           (i) by redesignating subparagraphs  
8           (C) through (F) as subparagraphs (D)  
9           through (G), respectively;

10          (ii) in subparagraph (B), by striking  
11          “parents and guardians of”; and

12          (iii) by inserting after paragraph (B)  
13          the following:

14          “(C) parents and guardians of individuals  
15          with disabilities;”;

16          (C) in paragraph (5)(B), by striking  
17          “paragraph (3)” and inserting “paragraph  
18          (1)”; and

19          (D) in paragraph (6), by striking subpara-  
20          graph (B) and inserting the following:

21          “(B) NUMBER OF TERMS.—No member of  
22          the Council, other than a representative de-  
23          scribed in paragraph (2)(A) if there is only one  
24          center for independent living within the State,  
25          may serve more than 2 consecutive full terms.”;

1           (2) by striking subsection (c) and inserting the  
2 following:

3           “(c) FUNCTIONS.—

4           “(1) DUTIES.—The Council shall—

5           “(A) in conjunction with the directors of  
6 the centers for independent living in the State,  
7 jointly develop the State plan as provided in  
8 section 704(a)(2), and sign the State plan;

9           “(B) monitor, review, and evaluate the im-  
10 plementation of the State plan;

11           “(C) have at least 4 regularly scheduled  
12 meetings per year, and ensure that such meet-  
13 ings of the Council are open to the public and  
14 sufficient advance notice of such meetings is  
15 provided;

16           “(D) submit to the ILA Director such  
17 periodic reports as the ILA Director may rea-  
18 sonably request, and keep such records, and af-  
19 ford such access to such records, as the ILA  
20 Director finds necessary to verify the informa-  
21 tion in such reports; and

22           “(E) as appropriate, coordinate activities  
23 with other entities in the State that provide  
24 services similar to or complementary to inde-  
25 pendent living services, such as entities that fa-

1 facilitate the provision of or provide long-term  
2 community-based services and supports.

3 “(2) AUTHORITIES.—The Council may, con-  
4 sistent with the State plan described in section 704,  
5 unless prohibited by State law—

6 “(A) facilitate the improvement and co-  
7 ordination of services provided to individuals  
8 with disabilities by centers for independent liv-  
9 ing, government agencies, and community orga-  
10 nizations;

11 “(B) conduct resource development activi-  
12 ties to obtain funding from public and private  
13 resources to support the activities described in  
14 this subsection or to support the provision of  
15 independent living services by centers for inde-  
16 pendent living; and

17 “(C) perform such other functions, con-  
18 sistent with the purpose of this chapter and  
19 comparable to other functions described in this  
20 subsection, as the Council determines to be ap-  
21 propriate.

22 “(3) LIMITATION.—The Council shall not pro-  
23 vide independent living services directly to individ-  
24 uals with significant disabilities or manage such  
25 services.”;

1 (3) in subsection (e)—

2 (A) in paragraph (1), in the first sentence,  
3 by striking “prepare” and all that follows  
4 through “a plan” and inserting “prepare, in  
5 conjunction with the designated State entity (as  
6 necessary), a plan”; and

7 (B) in paragraph (3), by striking “State  
8 agency” and inserting “State entity”; and

9 (4) in subsection (f)—

10 (A) by striking “such resources” and in-  
11 serting “available resources”; and

12 (B) by striking “(including” and all that  
13 follows through “compensation” and inserting  
14 “(such as personal assistance services), and to  
15 pay reasonable compensation”.

16 **SEC. 575A. RESPONSIBILITIES OF THE ILA DIRECTOR.**

17 Section 706 (29 U.S.C. 796d–1) is amended—

18 (1) by striking the title of the section and in-  
19 serting the following:

20 **“SEC. 706. RESPONSIBILITIES OF THE ILA DIRECTOR.”;**

21 (2) in subsection (a)—

22 (A) in paragraph (1), by striking “Com-  
23 missioner” each place it appears and inserting  
24 “ILA Director”; and

25 (B) in paragraph (2)—

1 (i) in subparagraph (A), by striking  
2 “Commissioner” each place it appears and  
3 inserting “ILA Director”; and

4 (ii) in subparagraph (B)—

5 (I) in clause (i)—

6 (aa) by striking “Secretary”  
7 and inserting “Secretary or the  
8 Commissioner”; and

9 (bb) by striking “to the  
10 Commissioner; and” and insert-  
11 ing “to the ILA Director;”;

12 (II) by redesignating clause (ii)  
13 as clause (iii); and

14 (III) by inserting after clause (i)  
15 the following:

16 “(ii) to the State agency shall be  
17 deemed to be references to the designated  
18 State entity; and”;

19 (3) by striking subsection (b) and inserting the  
20 following:

21 “(b) INDICATORS.—Not later than 1 year after the  
22 date of enactment of the Workforce Investment Act of  
23 2013, the ILA Director shall develop and publish in the  
24 Federal Register indicators of minimum compliance for  
25 centers for independent living (consistent with the stand-

1 ards set forth in section 725), and indicators of minimum  
2 compliance for Statewide Independent Living Councils.”;

3 (4) in subsection (c)—

4 (A) in paragraph (1)—

5 (i) by striking “Commissioner” each  
6 place it appears and inserting “ILA Direc-  
7 tor”; and

8 (ii) by striking the last sentence;

9 (B) in paragraph (2)—

10 (i) in the matter preceding subpara-  
11 graph (A), by striking “Commissioner”  
12 and inserting “ILA Director”;

13 (ii) in subparagraph (A), by striking  
14 “such a review” and inserting “a review  
15 described in paragraph (1)”;

16 (iii) in subparagraphs (A) and (B), by  
17 striking “Department” each place it ap-  
18 pears and inserting “Independent Living  
19 Administration”; and

20 (5) by striking subsection (d).

## 21 **CHAPTER 2—INDEPENDENT LIVING**

### 22 **SERVICES**

#### 23 **SEC. 576. ADMINISTRATION.**

24 (a) ALLOTMENTS.—Section 711 (29 U.S.C. 796e) is  
25 amended—

1 (1) in subsection (a)—

2 (A) in paragraph (1)(A)—

3 (i) by striking “Except” and inserting  
4 “After the reservation required by section  
5 711A is made, and except”; and

6 (ii) by inserting “the remainder of  
7 the” before “sums appropriated”; and

8 (B) in paragraph (2)(B), by striking  
9 “amounts made available for purposes of this  
10 part” and inserting “remainder described in  
11 paragraph (1)(A)”;

12 (2) in subsections (a), (b), and (c), by striking  
13 “Commissioner” each place it appears and inserting  
14 “ILA Director”; and

15 (3) by adding at the end the following:

16 “(d) ADMINISTRATION.—Funds allotted or made  
17 available to a State under this section shall be adminis-  
18 tered by the designated State entity, in accordance with  
19 the approved State plan.”.

20 (b) TRAINING AND TECHNICAL ASSISTANCE.—Part  
21 B of title VII is amended by inserting after section 711  
22 (29 U.S.C. 796e) the following:

23 **“SEC. 711A. TRAINING AND TECHNICAL ASSISTANCE.**

24 “(a) IN GENERAL.—From the funds appropriated to  
25 carry out this part for any fiscal year, beginning with fis-



1 cal year 2014, the ILA Director shall first reserve not less  
2 than 1.8 percent and not more than 2 percent of the funds  
3 to provide training and technical assistance to Statewide  
4 Independent Living Councils for such fiscal year.

5 “(b) ALLOCATION.—From the funds reserved under  
6 subsection (a), the ILA Director shall make grants to, and  
7 enter into contracts and other arrangements with, entities  
8 that have experience in the operation of Statewide Inde-  
9 pendent Living Councils to provide such training and tech-  
10 nical assistance with respect to developing, conducting, ad-  
11 ministering, and evaluating Statewide Independent Living  
12 Councils.

13 “(c) FUNDING PRIORITIES.—The ILA Director shall  
14 conduct a survey of Statewide Independent Living Coun-  
15 cils regarding training and technical assistance needs in  
16 order to determine funding priorities for such grants, con-  
17 tracts, or other arrangements.

18 “(d) REVIEW.—To be eligible to receive a grant or  
19 enter into a contract or other arrangement under this sec-  
20 tion, such an entity shall submit an application to the ILA  
21 Director at such time, in such manner, and containing a  
22 proposal to provide such training and technical assistance,  
23 and containing such additional information as the ILA Di-  
24 rector may require. The ILA Director shall provide for  
25 peer review of grant applications by panels that include

1 persons who are not government employees and who have  
2 experience in the operation of Statewide Independent Liv-  
3 ing Councils.”.

4 (c) PAYMENTS.—Section 712(a) (29 U.S.C. 796e-  
5 1(a)) is amended by striking “Commissioner” and insert-  
6 ing “ILA Director.”

7 (d) AUTHORIZED USES OF FUNDS.—Section 713 (29  
8 U.S.C. 796e-2) is amended—

9 (1) by striking the matter preceding paragraph  
10 (1) and inserting the following:

11 “(a) IN GENERAL.—The State may use funds re-  
12 ceived under this part to provide the resources described  
13 in section 705(e) (but may not use more than 30 percent  
14 of the funds paid to the State under section 712 for such  
15 resources unless the State specifies that a greater percent-  
16 age of the funds is needed for such resources in a State  
17 plan approved under section 706), relating to the State-  
18 wide Independent Living Council, may retain funds under  
19 section 704(c)(5), and shall distribute the remainder of  
20 the funds received under this part in a manner consistent  
21 with the approved State plan for the activities described  
22 in subsection (b).

23 “(b) ACTIVITIES.—The State may use the remainder  
24 of the funds described in subsection (a)—”; and

1           (2) in paragraph (1), by inserting “, particu-  
2           larly those in unserved areas of the State” after  
3           “disabilities”.

4           (e) AUTHORIZATION OF APPROPRIATIONS.—Section  
5           714 (29 U.S.C. 796e–3) is amended by striking “1999  
6           through 2003” and inserting “2014 through 2018”.

7                           **CHAPTER 3—CENTERS FOR**  
8                           **INDEPENDENT LIVING**

9           **SEC. 581. PROGRAM AUTHORIZATION.**

10           Section 721 (29 U.S.C. 796f) is amended—

11                   (1) in subsection (a)—

12                           (A) by striking “1999” and inserting  
13                           “2014”;

14                           (B) by striking “Commissioner shall allot”  
15                           and inserting “ILA Director shall make avail-  
16                           able”; and

17                           (C) by inserting “, centers for independent  
18                           living,” after “States”;

19                   (2) in subsection (b)—

20                           (A) in paragraph (1)—

21                                   (i) by striking “For” and all that fol-  
22                                   lows through “Commissioner” and insert-  
23                                   ing “From the funds appropriated to carry  
24                                   out this part for any fiscal year, beginning  
25                                   with fiscal year 2014, the ILA Director”;

1 (ii) by striking “reserve from such ex-  
2 cess” and inserting “reserve not less than  
3 1.8 percent and not more than 2 percent  
4 of the funds”; and

5 (iii) by striking “eligible agencies”  
6 and all that follows and inserting “centers  
7 for independent living and eligible agencies  
8 for such fiscal year.”;

9 (B) in paragraph (2)—

10 (i) by striking “Commissioner” and  
11 inserting “ILA Director”; and

12 (ii) by inserting “fiscal management  
13 of,” before “planning.”;

14 (C) in paragraphs (3), (4), and (5), by  
15 striking “Commissioner” each place it appears  
16 and inserting “ILA Director”; and

17 (D) in paragraph (3), by striking “State-  
18 wide Independent Living Councils and”;

19 (3) in subsection (c), by striking “Commis-  
20 sioner” each place it appears and inserting “ILA Di-  
21 rector”;

22 (4) in subsection (d), by striking “Commis-  
23 sioner” each place it appears and inserting “ILA Di-  
24 rector”; and

25 (5) by adding at the end the following:

1       “(e) CARRYOVER AUTHORITY.—Notwithstanding any  
2 other provision of law—

3               “(1) any funds appropriated for a fiscal year to  
4 carry out a grant program under section 722 or  
5 723, that are not obligated and expended by the re-  
6 cipients prior to the beginning of the succeeding fis-  
7 cal year shall remain available for obligation and ex-  
8 penditure by such recipients during that succeeding  
9 fiscal year and the subsequent fiscal year; and

10              “(2) any amounts of program income received  
11 by recipients under a grant program under section  
12 722 or 723 in a fiscal year, that are not obligated  
13 and expended by the recipients prior to the begin-  
14 ning of the succeeding fiscal year, shall remain avail-  
15 able for obligation and expenditure by such recipi-  
16 ents during that succeeding fiscal year and the sub-  
17 sequent fiscal year.”.

18 **SEC. 582. CENTERS.**

19       (a) CENTERS IN STATES IN WHICH FEDERAL FUND-  
20 ING EXCEEDS STATE FUNDING.—Section 722 (29 U.S.C.  
21 796f–1) is amended—

22              (1) in subsections (a), (b), and (c), by striking  
23 “Commissioner” each place it appears and inserting  
24 “ILA Director”;

25              (2) in subsection (c)—

1 (A) by striking “grants” and inserting  
2 “grants for a fiscal year”; and

3 (B) by striking “by September 30, 1997”  
4 and inserting “for the preceding fiscal year”;

5 (3) in subsection (d)—

6 (A) in paragraph (1)—

7 (i) by striking “Commissioner” and  
8 inserting “ILA Director”; and

9 (ii) by striking “region, consistent”  
10 and all that follows and inserting “region.  
11 The ILA Director’s determination of the  
12 most qualified applicant shall be consistent  
13 with the provisions in the State plan set-  
14 ting forth the design of the State for es-  
15 tablishing a statewide network of centers  
16 for independent living.”; and

17 (B) in paragraph (2)—

18 (i) in the matter preceding subpara-  
19 graph (A), by striking “Commissioner”  
20 and inserting “ILA Director”; and

21 (ii) by striking subparagraph (A) and  
22 inserting the following:

23 “(A) shall consider comments regarding  
24 the application—

1                   “(i) by individuals with disabilities  
2                   and other interested parties within the new  
3                   region proposed to be served; and

4                   “(ii) if any, by the Statewide Inde-  
5                   pendent Living Council in the State in  
6                   which the applicant is located;”; and

7                   (iii) in subparagraph (C), by inserting  
8                   “, and consistent with the other objectives  
9                   of this title” before the period; and

10                  (4) in subsections (e) and (g) by striking “Com-  
11                  missioner” each place it appears and inserting “ILA  
12                  Director.”.

13                  (b) CENTERS IN STATES IN WHICH STATE FUNDING  
14                  EXCEEDS FEDERAL FUNDING.—Section 723 (29 U.S.C.  
15                  796f–2) is amended—

16                  (1) in subsections (a), (b), (g), (h), and (i), by  
17                  striking “Commissioner” each place it appears and  
18                  inserting “ILA Director”;

19                  (2) in subsection (a), in the header of para-  
20                  graph (3), by striking “COMMISSIONER” and insert-  
21                  ing “ILA DIRECTOR”; and

22                  (3) in subsection (c)—

23                          (A) by striking “grants” and inserting  
24                          “grants for a fiscal year”; and

1 (B) by striking “by September 30, 1997”  
2 and inserting “for the preceding fiscal year”.

3 (c) CENTERS OPERATED BY STATE AGENCIES.—Sec-  
4 tion 724 (29 U.S.C. 796f–3) is amended—

5 (1) in the matter preceding paragraph (1)—

6 (A) by striking “1993” and inserting  
7 “2013”;

8 (B) by striking “Rehabilitation Act  
9 Amendments of 1998” and inserting “Work-  
10 force Investment Act of 2013”; and

11 (C) by striking “1994” and inserting  
12 “2014”; and

13 (2) by striking “Commissioner” each place it  
14 appears and inserting “ILA Director”.

15 **SEC. 583. STANDARDS AND ASSURANCES.**

16 Section 725 (29 U.S.C. 796f–4) is amended—

17 (1) in subsection (b)—

18 (A) in paragraph (1)(D), by striking “to  
19 society” and inserting “, both within the com-  
20 munity and throughout the United States,”;  
21 and

22 (B) in paragraph (5), by inserting “(as de-  
23 fined in section 7(17))” after “core services”;  
24 and



1           (2) in subsection (c), by striking “Commis-  
2           sioner” each place it appears and inserting “ILA Di-  
3           rector”.

4 **SEC. 584. AUTHORIZATION OF APPROPRIATIONS.**

5           Section 727 (29 U.S.C. 796f–6) is amended by strik-  
6           ing “fiscal years 1999 through 2003” and inserting “fiscal  
7           years 2014 through 2018”.

8 **CHAPTER 4—INDEPENDENT LIVING SERV-**  
9 **ICES FOR OLDER INDIVIDUALS WHO**  
10 **ARE BLIND**

11 **SEC. 586. INDEPENDENT LIVING SERVICES FOR OLDER IN-**  
12 **DIVIDUALS WHO ARE BLIND.**

13           Chapter 2 of title VII (29 U.S.C. 796j et seq.) is  
14           amended—

15           (1) by redesignating sections 752 and 753 as  
16           sections 753 and 754, respectively; and

17           (2) by inserting after section 751 the following:

18 **“SEC. 752. TRAINING AND TECHNICAL ASSISTANCE.**

19           “(a) GRANTS; CONTRACTS; OTHER ARRANGE-  
20 MENTS.—For any fiscal year for which the funds appro-  
21 priated to carry out this chapter exceed the funds appro-  
22 priated to carry out this chapter for fiscal year 2008, the  
23 Commissioner shall first reserve from such excess, to pro-  
24 vide training and technical assistance to designated State  
25 agencies, or other providers of independent living services

1 for older individuals who are blind, that are funded under  
2 this chapter for such fiscal year, not less than 1.8 percent,  
3 and not more than 2 percent, of the funds appropriated  
4 to carry out this chapter for the fiscal year involved.

5       “(b) ALLOCATION.—From the funds reserved under  
6 subsection (a), the Commissioner shall make grants to,  
7 and enter into contracts and other arrangements with, en-  
8 tities that demonstrate expertise in the provision of serv-  
9 ices to older individuals who are blind, to provide training  
10 and technical assistance with respect to planning, devel-  
11 oping, conducting, administering, and evaluating inde-  
12 pendent living programs for older individuals who are  
13 blind.

14       “(c) FUNDING PRIORITIES.—The Commissioner shall  
15 conduct a survey of designated State agencies that receive  
16 grants under section 753 regarding training and technical  
17 assistance needs in order to determine funding priorities  
18 for grants, contracts, and other arrangements under this  
19 section.

20       “(d) APPLICATION.—To be eligible to receive a grant  
21 or enter into a contract or other arrangement under this  
22 section, an entity shall submit an application to the Com-  
23 missioner at such time, in such manner, containing a pro-  
24 posal to provide such training and technical assistance,

1 and containing such additional information as the Com-  
2 missioner may require.”.

3 **SEC. 587. PROGRAM OF GRANTS.**

4 Section 753 (29 U.S.C. 796k), as redesignated by  
5 section 586, is amended—

6 (1) by striking subsection (h);

7 (2) by redesignating subsections (i) and (j) as  
8 subsections (h) and (i), respectively;

9 (3) in subsection (b), by striking “section 753”  
10 and inserting “section 754”;

11 (4) in subsection (c)—

12 (A) in paragraph (1), by striking “section  
13 753” and inserting “section 754”; and

14 (B) in paragraph (2)—

15 (i) by striking “subsection (j)” and in-  
16 serting “subsection (i)”; and

17 (ii) by striking “subsection (i)” and  
18 inserting “subsection (h)”;

19 (5) in subsection (g), by inserting “, or con-  
20 tracts with,” after “grants to”;

21 (6) in subsection (h), as redesignated by para-  
22 graph (2)—

23 (A) in paragraph (1), by striking “sub-  
24 section (j)(4)” and inserting “subsection

25 (i)(4)”;

- 1 (B) in paragraph (2)—
- 2 (i) in subparagraph (A)(vi), by adding
- 3 “and” after the semicolon;
- 4 (ii) in subparagraph (B)(ii)(III), by
- 5 striking “; and” and inserting a period;
- 6 and
- 7 (iii) by striking subparagraph (C);
- 8 and
- 9 (7) in subsection (i), as redesignated by para-
- 10 graph (2)—
- 11 (A) by striking paragraph (2) and insert-
- 12 ing the following:
- 13 “(2) MINIMUM ALLOTMENT.—
- 14 “(A) STATES.—In the case of any of the
- 15 several States, the District of Columbia, or the
- 16 Commonwealth of Puerto Rico, the amount re-
- 17 ferred to in paragraph (1)(A) for a fiscal year
- 18 is the greater of—
- 19 “(i) \$350,000;
- 20 “(ii) an amount equal to the amount
- 21 the State, the District of Columbia, or the
- 22 Commonwealth of Puerto Rico received to
- 23 carry out this chapter for fiscal year 2008;
- 24 or

1                   “(iii) an amount equal to  $\frac{1}{3}$  of 1 per-  
2                   cent of the amount appropriated under sec-  
3                   tion 754, and not reserved under section  
4                   752, for the fiscal year and available for  
5                   allotments under subsection (a).

6                   “(B) CERTAIN TERRITORIES.—In the case  
7                   of Guam, American Samoa, the United States  
8                   Virgin Islands, or the Commonwealth of the  
9                   Northern Mariana Islands, the amount referred  
10                  to in paragraph (1)(A) for a fiscal year is  
11                  \$60,000.”;

12                  (B) in paragraph (3)(A), by striking “sec-  
13                  tion 753” and inserting “section 754, and not  
14                  reserved under section 752,”; and

15                  (C) in paragraph (4)(B)(i), by striking  
16                  “subsection (i)” and inserting “subsection (h)”.

17 **SEC. 588. INDEPENDENT LIVING SERVICES FOR OLDER IN-**  
18 **DIVIDUALS WHO ARE BLIND AUTHORIZATION**  
19 **OF APPROPRIATIONS.**

20                  Section 754 (29 U.S.C. 796l), as redesignated by sec-  
21                  tion 586, is amended by striking “fiscal years 1999  
22                  through 2003” and inserting “fiscal years 2014 through  
23                  2018”.

1 **Subtitle I—Increasing Employment**  
2 **Opportunities for Individuals**  
3 **With Disabilities**

4 **SEC. 591. DISABILITY EMPLOYMENT.**

5 (a) IN GENERAL.—The Rehabilitation Act of 1973  
6 (29 U.S.C. 701 et seq.) is amended by adding at the end  
7 the following:

8 **“TITLE VIII—INCREASING EM-**  
9 **PLOYMENT OPPORTUNITIES**  
10 **FOR INDIVIDUALS WITH DIS-**  
11 **ABILITIES**

12 **“SEC. 801. OFFICE OF DISABILITY EMPLOYMENT POLICY,**  
13 **SERVICES, AND SUPPORTS.**

14 “(a) PURPOSE.—The purpose of this section is to es-  
15 tablish an Office of Disability Employment Policy, Serv-  
16 ices, and Supports—

17 “(1) to help develop and support national poli-  
18 cies and practices that will increase employment and  
19 economic advancement opportunities for all individ-  
20 uals with disabilities;

21 “(2) to ensure that such individuals are fully  
22 integrated into the 21st Century workforce; and

23 “(3) to help advance the purposes specified in  
24 section 2(b).

1           “(b) OFFICE.—There is established within the De-  
2   partment of Labor an Office of Disability Employment  
3   Policy, Services, and Supports (referred to in this section  
4   as the ‘Office’). Except as otherwise specifically provided  
5   in this Act, such Office shall be the principal entity car-  
6   rying out the functions described in this section.

7           “(c) ASSISTANT SECRETARY.—

8                 “(1) IN GENERAL.—The Office shall be headed  
9   by an Assistant Secretary of Disability Employment  
10   Policy, Services, and Supports (referred to in this  
11   title as the ‘Assistant Secretary’) appointed by the  
12   President by and with the advice and consent of the  
13   Senate. Except as otherwise specifically provided in  
14   this Act, the Assistant Secretary shall be the prin-  
15   cipal officer carrying out the functions described in  
16   this section.

17                 “(2) EXPERIENCE.—The Assistant Secretary  
18   shall be an individual with experience in, and a thor-  
19   ough knowledge of, disability employment policy,  
20   training and educational opportunities for individ-  
21   uals with disabilities (including youth with disabili-  
22   ties), public benefit programs for individuals with  
23   disabilities, job development, and the barriers that  
24   may limit employment and economic advancement  
25   opportunities of individuals with disabilities.

1           “(3) GOALS AND DIRECTION.—In carrying out  
2 the functions of the Office, the Assistant Secretary  
3 shall be guided by the goals of achieving equal op-  
4 portunity, full participation, economic self-suffi-  
5 ciency, and independent living for all individuals  
6 with disabilities, to the greatest extent possible. In  
7 the performance of the functions of the Office, the  
8 Assistant Secretary shall be directly responsible to  
9 the Secretary of Labor.

10          “(d) FUNCTIONS.—

11           “(1) IN GENERAL.—The Assistant Secretary  
12 shall provide national leadership, and encourage  
13 interagency collaboration, on increasing employment  
14 and training opportunities for individuals with dis-  
15 abilities through the development of policies and ini-  
16 tiatives (taking into account relevant information  
17 from other Federal agencies and including the  
18 awarding of grants as appropriate) that—

19           “(A) eliminate barriers to the employment  
20 and training of individuals with disabilities;

21           “(B) advance opportunities for employ-  
22 ment, and identify strategies that increase em-  
23 ployment opportunities in the private sector, for  
24 individuals with disabilities, including recruit-



1           ment, retention, and promotion of such individ-  
2           uals;

3           “(C) identify and remove disincentives that  
4           limit or prevent the full employment of individ-  
5           uals with disabilities who are receiving benefits  
6           through Federal or State programs such as  
7           medical assistance under a State Medicaid pro-  
8           gram under title XIX of the Social Security Act  
9           (42 U.S.C. 1396 et seq.), disability insurance  
10          benefits under title II of the Social Security Act  
11          (42 U.S.C. 401 et seq.), or supplemental secu-  
12          rity income benefits under title XVI of the So-  
13          cial Security Act (42 U.S.C. 1381 et seq.);

14          “(D) advise and assist the Department of  
15          Labor and other Federal agencies in the devel-  
16          opment of policies and practices that increase  
17          employment opportunities in the Federal Gov-  
18          ernment for individuals with disabilities, includ-  
19          ing outreach to and recruitment, retention, and  
20          promotion of such individuals;

21          “(E) assist youth with disabilities, includ-  
22          ing such youth who are out-of-school youth, in  
23          successfully transitioning into competitive inte-  
24          grated employment;

1           “(F) increase access for individuals with  
2           disabilities seeking employment, education, and  
3           training services from a one-stop delivery sys-  
4           tem described in section 221(e) of the Work-  
5           force Investment Act of 2013, and other public  
6           and private providers of such services and sup-  
7           ports;

8           “(G) increase coordination of activities be-  
9           tween State vocational rehabilitation programs  
10          and the workforce development systems (as de-  
11          fined in section 101 of such Act), including the  
12          one-stop centers (as defined in such section  
13          101), including assisting individuals with dis-  
14          abilities in maximizing the services available  
15          through such programs, systems, and centers;

16          “(H) leverage available public and system  
17          resources to address individual and systematic  
18          employment barriers for individuals with dis-  
19          abilities, and assist such individuals in navi-  
20          gating the process of coordinating their public  
21          benefits, including health care;

22          “(I) increase employment opportunities for  
23          individuals with significant disabilities; and

24          “(J) meet other objectives, as specified by  
25          the Secretary of Labor, that will increase em-

1           ployment and training opportunities for individ-  
2           uals with disabilities.

3           “(2) LIMITED ENFORCEMENT AUTHORITY.—

4           The Assistant Secretary does not have enforcement  
5           authority, under Federal laws other than this Act, to  
6           carry out the functions described in paragraph (1).

7           “(e) REPORT.—For each fiscal year, beginning with  
8           the first full fiscal year following the date of enactment  
9           of the Workforce Investment Act of 2013, the Secretary  
10          of Labor shall prepare a report and submit the report to  
11          the Committee on Education and the Workforce of the  
12          House of Representatives and the Committee on Health,  
13          Education, Labor, and Pensions of the Senate, not later  
14          than 90 days after the end of that fiscal year. The report  
15          shall summarize the Office’s progress in—

16               “(1) meeting the general objectives specified in  
17               paragraphs (1) and (2) of subsection (a);

18               “(2) meeting each of the 4 goals specified in  
19               subsection (c)(3); and

20               “(3) developing the specific policies and initia-  
21               tives specified in subsection (d).

22          “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
23          are authorized to be appropriated to carry out this section  
24          such sums as may be necessary for each of fiscal years  
25          2014 through 2018.

1 **“SEC. 802. ADVISORY COMMITTEE ON INCREASING COM-**  
2 **PETITIVE INTEGRATED EMPLOYMENT FOR**  
3 **INDIVIDUALS WITH DISABILITIES.**

4 “(a) ESTABLISHMENT.—Not later than 60 days after  
5 the date of enactment of the Workforce Investment Act  
6 of 2013, the Secretary of Labor shall establish an Advi-  
7 sory Committee on Increasing Competitive Integrated Em-  
8 ployment for Individuals with Disabilities (referred to in  
9 this section as the ‘Committee’).

10 “(b) APPOINTMENT AND VACANCIES.—

11 “(1) APPOINTMENT.—The Secretary of Labor  
12 shall appoint the members of the Committee de-  
13 scribed in subsection (c)(6), in accordance with sub-  
14 section (c). Each member so appointed shall be ap-  
15 pointed for a 2-year term.

16 “(2) VACANCIES.—Any vacancy in the Com-  
17 mittee shall not affect its powers, but shall be filled  
18 in the same manner, in accordance with the same  
19 paragraph of subsection (c), as the original appoint-  
20 ment or designation was made.

21 “(c) COMPOSITION.—The Committee shall be com-  
22 posed of—

23 “(1) the Assistant Secretary of Disability Em-  
24 ployment Policy, Services, and Supports, the Assist-  
25 ant Secretary for Employment and Training, and

1 the Administrator of the Wage and Hour Division,  
2 of the Department of Labor;

3 “(2) the Commissioner of the Administration on  
4 Developmental Disabilities, or the Commissioner’s  
5 designee;

6 “(3) the Director of the Centers for Medicare  
7 & Medicaid Services of the Department of Health  
8 and Human Services, or the Director’s designee;

9 “(4) the Commissioner of Social Security, or  
10 the Commissioner’s designee;

11 “(5) the Commissioner of the Disability Em-  
12 ployment Services and Supports Administration, or  
13 the Commissioner’s designee; and

14 “(6) representatives from constituencies con-  
15 sisting of—

16 “(A) self-advocates for individuals with in-  
17 tellectual or developmental disabilities;

18 “(B) providers of employment services, in-  
19 cluding those that employ individuals with intel-  
20 lectual or developmental disabilities in competi-  
21 tive integrated employment;

22 “(C) representatives of national disability  
23 advocacy organizations for adults with intellec-  
24 tual or developmental disabilities;

1           “(D) experts with a background in aca-  
2           demia or research and expertise in employment  
3           and wage policy issues for individuals with in-  
4           tellectual or developmental disabilities;

5           “(E) representatives from the employer  
6           community or a national employer organization;  
7           and

8           “(F) other individuals or representatives of  
9           organizations with expertise on the issue of in-  
10          creasing opportunities for competitive inte-  
11          grated employment for individuals with disabil-  
12          ities.

13          “(d) CHAIRPERSON.—The Secretary of Labor shall  
14          designate a Chairperson of the Committee from among the  
15          appointed members of the Committee.

16          “(e) MEETINGS.—The Committee shall meet at the  
17          call of the Chairperson, but not less often than 4 times  
18          per year.

19          “(f) DUTIES.—The Committee shall study, and pre-  
20          pare findings, conclusions, and recommendations for the  
21          Secretary of Labor on, ways to—

22                 “(1) reduce reliance on the use of the certificate  
23                 program carried out under section 14(c) of the Fair  
24                 Labor Standards Act of 1938 (29 U.S.C. 214(c)) for  
25                 the employment of individuals with intellectual or

1 developmental disabilities, or other individuals with  
2 significant disabilities, except in limited cir-  
3 cumstances or for training purposes;

4 “(2) increase the employment opportunities for  
5 individuals described in paragraph (1) in competitive  
6 integrated employment; and

7 “(3) increase oversight of and accountability for  
8 the use of such certificates.

9 “(g) COMMITTEE PERSONNEL MATTERS.—

10 “(1) TRAVEL EXPENSES.—The members of the  
11 Committee shall not receive compensation for the  
12 performance of services for the Committee, but shall  
13 be allowed travel expenses, including per diem in lieu  
14 of subsistence, at rates authorized for employees of  
15 agencies under subchapter I of chapter 57 of title 5,  
16 United States Code, while away from their homes or  
17 regular places of business in the performance of  
18 services for the Committee. Notwithstanding section  
19 1342 of title 31, United States Code, the Secretary  
20 may accept the voluntary and uncompensated serv-  
21 ices of members of the Committee.

22 “(2) STAFF.—The Secretary of Labor may des-  
23 ignate such personnel as may be necessary to enable  
24 the Committee to perform its duties.

1           “(3) DETAIL OF GOVERNMENT EMPLOYEES.—  
2           Any Federal Government employee, with the ap-  
3           proval of the head of the appropriate Federal agen-  
4           cy, may be detailed to the Committee without reim-  
5           bursement, and such detail shall be without inter-  
6           ruption or loss of civil service status or privilege.

7           “(4) FACILITIES, EQUIPMENT, AND SERV-  
8           ICES.—The Secretary of Labor shall make available  
9           to the Committee necessary office space and furnish  
10          the Committee, under such arrangements respecting  
11          financing as may be appropriate, with necessary  
12          equipment, supplies, and services.

13          “(h) REPORTS.—

14                 “(1) INTERIM AND FINAL REPORTS.—The Com-  
15                 mittee shall prepare and submit to the Secretary of  
16                 Labor, as well as the Committee on Health, Edu-  
17                 cation, Labor, and Pensions of the Senate and other  
18                 appropriate committees of Congress—

19                         “(A) an interim report that summarizes  
20                         the progress of the Committee, along with any  
21                         interim findings, conclusions, and recommenda-  
22                         tions described in subsection (f); and

23                         “(B) a final report that summarizes that  
24                         progress and states final findings, conclusions,



1           and recommendations described in subsection  
2           (f).

3           “(2) PREPARATION AND SUBMISSION.—The re-  
4           ports shall be prepared and submitted—

5                   “(A) in the case of the interim report, not  
6           later than 1 year after the date on which the  
7           Committee first meets; and

8                   “(B) in the case of the final report, not  
9           later than 2 years after the date on which the  
10          Committee first meets.

11          “(i) TERMINATION.—The Committee shall terminate  
12          on the day after the date on which the Committee submits  
13          the final report.

14          **“SEC. 803. PUBLIC EDUCATION CAMPAIGNS ABOUT HIRING**  
15                   **INDIVIDUALS WITH DISABILITIES.**

16          “(a) IN GENERAL.—Not later than 120 days after  
17          the date of enactment of the Workforce Investment Act  
18          of 2013, the Secretary of Labor, acting through the As-  
19          sistant Secretary and in coordination with the Commis-  
20          sioner of the Disability Employment Services and Sup-  
21          ports Administration, the Commissioner of Social Secu-  
22          rity, and the heads of other relevant Federal agencies and  
23          divisions of Federal agencies, shall develop and carry out  
24          public education campaigns that educate employers (in-  
25          cluding small businesses), employees (including individuals

1 with disabilities), and members of the general public (in-  
2 cluding young adults) on the benefits of hiring individuals  
3 with disabilities. The public education campaign for em-  
4 ployers (including small businesses) shall include informa-  
5 tion on—

6           “(1) the work opportunity credit under section  
7           51 of the Internal Revenue Code of 1986; and

8           “(2) tax incentives available to businesses to  
9           help cover the cost of improving accessibility, includ-  
10          ing—

11                   “(A) the disabled access credit under sec-  
12                   tion 44 of the Internal Revenue Code of 1986;  
13                   and

14                   “(B) the tax deduction available under sec-  
15                   tion 190 of the Internal Revenue Code of 1986,  
16                   for expenses for architectural barrier removal.

17          “(b) EDUCATIONAL MATERIALS.—The public edu-  
18          cation campaigns described in subsection (a) shall include,  
19          as necessary, different educational materials in order to  
20          adequately target and educate, small businesses, employ-  
21          ers generally, employees, and members of the general pub-  
22          lic, including educational materials on work incentives that  
23          may assist individuals with disabilities in leaving programs  
24          of public benefits, entering the workforce, advancing their

1 economic status, and contributing to and participating  
2 more fully in their communities.”.

3 (b) ELIMINATION OF TEXT ESTABLISHING EXISTING  
4 OFFICE.—Title I of the Department of Labor Appropria-  
5 tions Act, 2001, as enacted into law by section 1(a)(1)  
6 of the Consolidated Appropriations Act, 2001 is amended,  
7 in the matter under the header “SALARIES AND EX-  
8 PENSES” in the matter under the header “DEPART-  
9 MENTAL MANAGEMENT”, by striking “: Provided further,  
10 That beginning” and all that follows through “this pur-  
11 pose”.

12 (c) REFERENCES.—A reference in any other Federal  
13 law, Executive order, rule, regulation, or delegation of au-  
14 thority, or any document of or relating to—

15 (1) the Assistant Secretary for Disability Em-  
16 ployment Policy, shall be deemed to refer to the As-  
17 sistant Secretary of Disability Employment Policy,  
18 Services, and Supports; and

19 (2) the Office of Disability Employment Policy,  
20 shall be deemed to refer to the Office of Disability  
21 Employment Policy, Services, and Supports.

1       **Subtitle J—General Provisions**

2       **SEC. 596. TRANSFER OF FUNCTIONS TO DEPARTMENT OF**  
3               **LABOR, AND SAVINGS PROVISIONS.**

4           (a) DEFINITIONS.—For purposes of this section, un-  
5 less otherwise provided or indicated by the context—

6               (1) the term “Disability Employment Services  
7               and Supports Administration” means the Disability  
8               Employment Services and Supports Administration  
9               of the Office of Disability Employment Policy, Serv-  
10              ices, and Supports of the Department of Labor;

11              (2) the term “Federal agency” has the meaning  
12              given to the term “agency” by section 551(1) of title  
13              5, United States Code;

14              (3) the term “function” means any duty, obli-  
15              gation, power, authority, responsibility, right, privi-  
16              lege, activity, or program;

17              (4) the term “office” includes any office, ad-  
18              ministration, agency, institute, unit, organizational  
19              entity, or component thereof; and

20              (5) the term “Rehabilitation Services Adminis-  
21              tration” means the Rehabilitation Services Adminis-  
22              tration of the Office of Special Education and Reha-  
23              bitative Services of the Department of Education.

24           (b) TRANSFER OF FUNCTIONS.—There are trans-  
25           ferred to the Disability Employment Services and Sup-

1 ports Administration, all functions which the Commis-  
2 sioner of the Rehabilitation Services Administration exer-  
3 cised before the effective date of this section (including  
4 all related functions of any officer or employee of that Ad-  
5 ministration) under the Rehabilitation Act of 1973 (29  
6 U.S.C. 701 et seq), other than chapter 1 of title VII of  
7 that Act (29 U.S.C. 796 et seq).

8 (c) DETERMINATIONS OF CERTAIN FUNCTIONS BY  
9 THE OFFICE OF MANAGEMENT AND BUDGET.—If nec-  
10 essary, the Office of Management and Budget shall make  
11 any determination of the functions that are transferred  
12 under this section.

13 (d) PERSONNEL PROVISIONS.—

14 (1) APPOINTMENTS.—The Commissioner of the  
15 Disability Employment Services and Supports Ad-  
16 ministration may appoint and fix the compensation  
17 of such officers and employees, including investiga-  
18 tors, attorneys, and administrative law judges, as  
19 may be necessary to carry out the respective func-  
20 tions transferred under this section. Except as oth-  
21 erwise provided by law, such officers and employees  
22 shall be appointed in accordance with the civil serv-  
23 ice laws and their compensation fixed in accordance  
24 with title 5, United States Code.

1           (2) EXPERTS AND CONSULTANTS.—The Com-  
2           missioner of the Disability Employment Services and  
3           Supports Administration may obtain the services of  
4           experts and consultants in accordance with section  
5           3109 of title 5, United States Code, and compensate  
6           such experts and consultants for each day (including  
7           travel time) at rates not in excess of the rate of pay  
8           for level IV of the Executive Schedule under section  
9           5315 of such title. The Commissioner of the Dis-  
10          ability Employment Services and Supports Adminis-  
11          tration may pay experts and consultants who are  
12          serving away from their homes or regular place of  
13          business travel expenses and per diem in lieu of sub-  
14          sistence at rates authorized by sections 5702 and  
15          5703 of such title for persons in Government service  
16          employed intermittently.

17          (e) DELEGATION AND ASSIGNMENT.—Except where  
18          otherwise expressly prohibited by law or otherwise pro-  
19          vided by this section, the Commissioner of the Disability  
20          Employment Services and Supports Administration may  
21          delegate any of the functions transferred to the Commis-  
22          sioner of such Administration by this section and any  
23          function transferred or granted to such Commissioner  
24          after the effective date of this section to such officers and  
25          employees of such Administration as the Commissioner

1 may designate, and may authorize successive re delegations  
2 of such functions as may be necessary or appropriate. No  
3 delegation of functions by the Commissioner of the Dis-  
4 ability Employment Services and Supports Administration  
5 under this subsection or under any other provision of this  
6 section shall relieve such Commissioner of responsibility  
7 for the administration of such functions.

8 (f) REORGANIZATION.—The Commissioner of the  
9 Disability Employment Services and Supports Administra-  
10 tion is authorized to allocate or reallocate any function  
11 transferred under this section among the officers of such  
12 Administration, and to establish, consolidate, alter, or dis-  
13 continue such organizational entities in such Administra-  
14 tion as may be necessary or appropriate.

15 (g) RULES.—The Commissioner of the Disability  
16 Employment Services and Supports Administration is au-  
17 thorized to prescribe, in accordance with the provisions of  
18 chapters 5 and 6 of title 5, United States Code, such rules  
19 and regulations as that Commissioner determines nec-  
20 essary or appropriate to administer and manage the func-  
21 tions of that Administration.

22 (h) TRANSFER AND ALLOCATIONS OF APPROPRIA-  
23 TIONS AND PERSONNEL.—Except as otherwise provided  
24 in this section, the personnel employed in connection with,  
25 and the assets, liabilities, contracts, property, records, and

1 unexpended balances of appropriations, authorizations, al-  
2 locations, and other funds employed, used, held, arising  
3 from, available to, or to be made available in connection  
4 with the functions transferred by this section, subject to  
5 section 1531 of title 31, United States Code, shall be  
6 transferred to the Disability Employment Services and  
7 Supports Administration. Unexpended funds transferred  
8 pursuant to this subsection shall be used only for the pur-  
9 poses for which the funds were originally authorized and  
10 appropriated.

11 (i) INCIDENTAL TRANSFERS.—The Director of the  
12 Office of Management and Budget, at such time or times  
13 as the Director shall provide, is authorized to make such  
14 determinations as may be necessary with regard to the  
15 functions transferred by this section, and to make such  
16 additional incidental dispositions of personnel, assets, li-  
17 abilities, grants, contracts, property, records, and unex-  
18 pended balances of appropriations, authorizations, alloca-  
19 tions, and other funds held, used, arising from, available  
20 to, or to be made available in connection with such func-  
21 tions, as may be necessary to carry out the provisions of  
22 this section. The Director of the Office of Management  
23 and Budget shall provide for the termination of the affairs  
24 of all entities terminated by this section and for such fur-



1 ther measures and dispositions as may be necessary to ef-  
2 fectuate the purposes of this section.

3 (j) EFFECT ON PERSONNEL.—

4 (1) IN GENERAL.—Except as otherwise pro-  
5 vided by this section, the transfer pursuant to this  
6 section of full-time personnel (except special Govern-  
7 ment employees) and part-time personnel holding  
8 permanent positions shall not cause any such em-  
9 ployee to be separated or reduced in grade or com-  
10 pensation for 1 year after the date of transfer of  
11 such employee under this section.

12 (2) EXECUTIVE SCHEDULE POSITIONS.—Except  
13 as otherwise provided in this section, any person  
14 who, on the day preceding the effective date of this  
15 section, held a position compensated in accordance  
16 with the Executive Schedule prescribed in chapter  
17 53 of title 5, United States Code, and who, without  
18 a break in service, is appointed in the Disability Em-  
19 ployment Services and Supports Administration to a  
20 position having duties comparable to the duties per-  
21 formed immediately preceding such appointment  
22 shall continue to be compensated in such new posi-  
23 tion at not less than the rate provided for such pre-  
24 vious position, for the duration of the service of such  
25 person in such new position.

1           (3) TERMINATION OF CERTAIN POSITIONS.—

2           Positions whose incumbents are appointed by the  
3           President, by and with the advice and consent of the  
4           Senate, the functions of which are transferred by  
5           this section, shall terminate on the effective date of  
6           this section.

7           (k) SAVINGS PROVISIONS.—

8           (1) CONTINUING EFFECT OF LEGAL DOCU-  
9           MENTS.—All orders, determinations, rules, regula-  
10          tions, permits, agreements, grants, contracts, certifi-  
11          cates, licenses, registrations, privileges, and other  
12          administrative actions—

13                 (A) which have been issued, made, grant-  
14                 ed, or allowed to become effective by the Presi-  
15                 dent, any Federal agency or official thereof, or  
16                 by a court of competent jurisdiction, in the per-  
17                 formance of functions which are transferred  
18                 under this section; and

19                 (B) which are in effect at the time this  
20                 section takes effect, or were final before the ef-  
21                 fective date of this section and are to become  
22                 effective on or after the effective date of this  
23                 section,

24                 shall continue in effect according to their terms until  
25                 modified, terminated, superseded, set aside, or re-

1 voked in accordance with law by the President, the  
2 Commissioner of the Disability Employment Services  
3 and Supports Administration or other authorized of-  
4 ficial, a court of competent jurisdiction, or by oper-  
5 ation of law.

6 (2) PROCEEDINGS NOT AFFECTED.—The provi-  
7 sions of this section shall not affect any proceedings,  
8 including notices of proposed rulemaking, or any ap-  
9 plication for any license, permit, certificate, or finan-  
10 cial assistance pending before the Rehabilitation  
11 Services Administration at the time this section  
12 takes effect, with respect to functions transferred by  
13 this section but such proceedings and applications  
14 shall be continued. Orders shall be issued in such  
15 proceedings, appeals shall be taken therefrom, and  
16 payments shall be made pursuant to such orders, as  
17 if this section had not been enacted, and orders  
18 issued in any such proceedings shall continue in ef-  
19 fect until modified, terminated, superseded, or re-  
20 voked by a duly authorized official, by a court of  
21 competent jurisdiction, or by operation of law. Noth-  
22 ing in this paragraph shall be deemed to prohibit the  
23 discontinuance or modification of any such pro-  
24 ceeding under the same terms and conditions and to  
25 the same extent that such proceeding could have

1       been discontinued or modified if this section had not  
2       been enacted.

3           (3) SUITS NOT AFFECTED.—The provisions of  
4       this section shall not affect suits commenced (with  
5       respect to functions transferred under this section)  
6       before the effective date of this section, and in all  
7       such suits, proceedings shall be had, appeals taken,  
8       and judgments rendered in the same manner and  
9       with the same effect as if this section had not been  
10      enacted.

11          (4) NONABATEMENT OF ACTIONS.—No suit, ac-  
12      tion, or other proceeding commenced by or against  
13      the Rehabilitation Services Administration (with re-  
14      gard to functions transferred under this section), or  
15      by or against any individual in the official capacity  
16      of such individual as an officer of the Rehabilitation  
17      Services Administration (with regard to functions  
18      transferred under this section), shall abate by reason  
19      of the enactment of this section.

20          (5) ADMINISTRATIVE ACTIONS RELATING TO  
21      PROMULGATION OF REGULATIONS.—Any administra-  
22      tive action relating to the preparation or promulga-  
23      tion of a regulation by the Rehabilitation Services  
24      Administration (with regard to functions transferred  
25      under this section) may be continued by the Dis-

1 ability Employment Services and Supports Adminis-  
2 tration with the same effect as if this section had  
3 not been enacted.

4 (l) SEPARABILITY.—If a provision of this section or  
5 its application to any person or circumstance is held in-  
6 valid, neither the remainder of this section nor the applica-  
7 tion of the provision to other persons or circumstances  
8 shall be affected.

9 (m) REFERENCES.—A reference in any other Federal  
10 law, Executive order, rule, regulation, or delegation of au-  
11 thority, or any document of or relating to—

12 (1) the Commissioner of the Rehabilitation  
13 Services Administration (with regard to functions  
14 transferred under this section), shall be deemed to  
15 refer to the Commissioner of the Disability Employ-  
16 ment Services and Supports Administration; and

17 (2) the Rehabilitation Services Administration  
18 (with regard to functions transferred under this sec-  
19 tion), shall be deemed to refer to the Disability Em-  
20 ployment Services and Supports Administration.

21 (n) ADDITIONAL CONFORMING AMENDMENTS.—

22 (1) RECOMMENDED LEGISLATION.—After con-  
23 sultation with the appropriate committees of Con-  
24 gress and the Director of the Office of Management  
25 and Budget, the Commissioner of the Disability Em-

1       ployment Services and Supports Administration shall  
2       prepare and submit to Congress recommended legis-  
3       lation containing technical and conforming amend-  
4       ments to reflect the changes made by this section.

5           (2) SUBMISSION TO CONGRESS.—Not later than  
6       180 days after the effective date of this section, the  
7       Commissioner of the Disability Employment Services  
8       and Supports Administration shall submit the rec-  
9       ommended legislation referred to under paragraph  
10      (1).

11      (o) TRANSITION.—The Commissioner of the Dis-  
12      ability Employment Services and Supports Administration  
13      is authorized to utilize—

14           (1) the services of such officers, employees, and  
15      other personnel of the Rehabilitation Services Ad-  
16      ministration with regard to functions transferred  
17      under this section; and

18           (2) funds appropriated to such functions,  
19      for such period of time as may reasonably be needed to  
20      facilitate the orderly implementation of this section.

21      (p) INTERIM LEADERSHIP.—Until the date on which  
22      the Commissioner of the Disability Employment Services  
23      and Supports Administration takes office, the Secretary  
24      of Labor may exercise any authority of that Administra-  
25      tion.

1 **SEC. 597. TRANSFER OF FUNCTIONS TO DEPARTMENT OF**  
2 **HEALTH AND HUMAN SERVICES, AND SAV-**  
3 **INGS PROVISIONS.**

4 (a) INDEPENDENT LIVING ADMINISTRATION.—

5 (1) DEFINITIONS.—For purposes of this sub-  
6 section, unless otherwise provided or indicated by  
7 the context—

8 (A) the terms “Disability Employment  
9 Services and Supports Administration”, “func-  
10 tion”, and “Rehabilitation Services Administra-  
11 tion” have the meanings given the terms in sec-  
12 tion 596; and

13 (B) the term “Independent Living Admin-  
14 istration” means the Independent Living Ad-  
15 ministration of the Administration for Commu-  
16 nity Living of the Department of Health and  
17 Human Services.

18 (2) TRANSFER OF FUNCTIONS.—There are  
19 transferred to the Independent Living Administra-  
20 tion, all functions which the Commissioner of the  
21 Rehabilitation Services Administration exercised be-  
22 fore the effective date of this section (including all  
23 related functions of any officer or employee of that  
24 Administration) under chapter 1 of title VII of the  
25 Rehabilitation Act of 1973 (29 U.S.C. 796 et seq)

1 or the Assistive Technology Act of 1998 (29 U.S.C.  
2 3001 et seq.).

3 (3) DETERMINATIONS OF CERTAIN FUNCTIONS  
4 BY THE OFFICE OF MANAGEMENT AND BUDGET.—  
5 If necessary, the Office of Management and Budget  
6 shall make any determination of the functions that  
7 are transferred under paragraph (2).

8 (4) ADMINISTRATIVE MATTERS.—

9 (A) IN GENERAL.—Except as provided in  
10 subparagraph (B), subsections (d) through (o)  
11 of section 596—

12 (i) shall apply to the Rehabilitation  
13 Services Administration; and

14 (ii) shall apply to the Independent  
15 Living Administration and the Director of  
16 that Administration in the same manner  
17 and to the same extent as those sub-  
18 sections apply to the Disability Employ-  
19 ment Services and Supports Administra-  
20 tion and the Commissioner of that Admin-  
21 istration.

22 (B) REFERENCES TO TRANSFERS.—For  
23 purposes of applying those subsections under  
24 subparagraph (A), references in those sub-  
25 sections to a transfer shall be considered to



1           refer to a transfer under paragraph (2) or a  
2           corresponding provision of this subsection.

3           (5) INTERIM LEADERSHIP.—Until the date on  
4           which the Director of the Independent Living Ad-  
5           ministration takes office, the Secretary of Health  
6           and Human Services may exercise any authority of  
7           that Administration.

8           (b) NATIONAL INSTITUTE ON DISABILITY, INDE-  
9           PENDENT LIVING, AND REHABILITATION RESEARCH.—

10           (1) DEFINITIONS.—For purposes of this sub-  
11           section, unless otherwise provided or indicated by  
12           the context—

13                   (A) the terms “Disability Employment  
14                   Services and Supports Administration”, “func-  
15                   tion”, and “Rehabilitation Services Administra-  
16                   tion” have the meanings given the terms in sec-  
17                   tion 596;

18                   (B) the term “NIDILRR” means the Na-  
19                   tional Institute on Disability, Independent Liv-  
20                   ing, and Rehabilitation Research of the Admin-  
21                   istration for Community Living of the Depart-  
22                   ment of Health and Human Services; and

23                   (C) the term “NIDRR” means the Na-  
24                   tional Institute on Disability and Rehabilitation  
25                   Research of the Office of Special Education and

1           Rehabilitative Services of the Department of  
2           Education.

3           (2) TRANSFER OF FUNCTIONS.—There are  
4 transferred to the NIDILRR, all functions which the  
5 Director of the NIDRR exercised before the effective  
6 date of this section (including all related functions  
7 of any officer or employee of the NIDRR).

8           (3) DETERMINATIONS OF CERTAIN FUNCTIONS  
9 BY THE OFFICE OF MANAGEMENT AND BUDGET.—  
10 If necessary, the Office of Management and Budget  
11 shall make any determination of the functions that  
12 are transferred under paragraph (2).

13           (4) ADMINISTRATIVE MATTERS.—

14           (A) IN GENERAL.—Except as provided in  
15 subparagraph (B), subsections (d) through (o)  
16 of section 596—

17           (i) shall apply to the NIDRR and the  
18 Director of the NIDRR in the same man-  
19 ner and to the same extent as those sub-  
20 sections apply to the Rehabilitation Serv-  
21 ices Administration and the Commissioner  
22 of that Administration; and

23           (ii) shall apply to the NIDILRR and  
24 the Director of the NIDILRR in the same  
25 manner and to the same extent as those

1 subsections apply to the Disability Employ-  
2 ment Services and Supports Administra-  
3 tion and the Commissioner of that Admin-  
4 istration.

5 (B) REFERENCES TO TRANSFERS.—For  
6 purposes of applying those subsections under  
7 subparagraph (A), references in those sub-  
8 sections to a transfer shall be considered to  
9 refer to a transfer under paragraph (2) or a  
10 corresponding provision of this subsection.

11 (c) REFERENCES IN ASSISTIVE TECHNOLOGY ACT  
12 OF 1998.—

13 (1) SECRETARY.—Section 3(13) of the Assistive  
14 Technology Act of 1998 (29 U.S.C. 3002(13)) is  
15 amended by striking “Education” and inserting  
16 “Health and Human Services”.

17 (2) NATIONAL ACTIVITIES.—Section 6 of the  
18 Assistive Technology Act of 1998 (29 U.S.C. 3005)  
19 is amended—

20 (A) in subsection (b)(4)(B)(v), by striking  
21 “Office of Disability Employment Policy” each  
22 place it appears and inserting “Office of Dis-  
23 ability Employment Policy, Services, and Sup-  
24 ports”; and

1 (B) in subsection (d)(4), by striking “Edu-  
2 cation” and inserting “Health and Human  
3 Services”.

4 (3) GENERAL ADMINISTRATION.—Section 7 of  
5 the Assistive Technology Act of 1998 (29 U.S.C.  
6 3006) is amended—

7 (A) in subsection (a)—

8 (i) in paragraph (1), by striking “the  
9 Assistant Secretary” and all that follows  
10 through “Rehabilitation Services Adminis-  
11 tration,” and inserting “the Administrator  
12 of the Administration for Community Liv-  
13 ing, acting through the Director of the  
14 Independent Living Administration,”;

15 (ii) in paragraph (2), by striking “The  
16 Assistant Secretary” and all that follows  
17 through “Rehabilitative Services,” and in-  
18 serting “The Administrator of the Admin-  
19 istration for Community Living shall con-  
20 sult with the Office of Special Education  
21 Programs in the Department of Education,  
22 the Disability Employment Services and  
23 Supports Administration in the Depart-  
24 ment of Labor, and the National Institute

1 on Disability, Independent Living, and Re-  
2 habilitation Research,”; and

3 (iii) in paragraph (3), by striking “the  
4 Rehabilitation Services Administration”  
5 and inserting “the Disability Employment  
6 Services and Supports Administration in  
7 the Department of Labor”; and

8 (B) in subsection (c)(5), by striking “Edu-  
9 cation” and inserting “Health and Human  
10 Services”.

11 **SEC. 598. TABLE OF CONTENTS.**

12 The table of contents in section 1(b) is amended—

13 (1) by striking the item relating to section 12  
14 and inserting the following:

“Sec. 12. Administration by the Secretary of Labor.

“Sec. 12A. Administration by the Secretary of Health and Human Services.”;

15 (2) by striking the item relating to section 14

16 and inserting the following:

“Sec. 14. Evaluation by the Secretary of Labor.

“Sec. 14A. Evaluation by the Secretary of Health and Human Services.”;

17 (3) by striking the item relating to section 109

18 and inserting the following:

“Sec. 109. Training and services for employers.”;

19 (4) by inserting after the item relating to sec-  
20 tion 112 the following:

“Sec. 113. Additional technical assistance.

“Sec. 114. Pre-employment transition services.”;

1           (5) by striking the item relating to section 202  
2           and inserting the following:

“Sec. 202. National Institute on Disability, Independent Living, and Rehabilitation Research.”;

3           (6) by striking the item relating to section 205  
4           and inserting the following:

“Sec. 205. Disability, Independent Living, and Rehabilitation Research Advisory Council.

“Sec. 206. Definition of covered school.”;

5           (7) by striking the item relating to section 303  
6           and inserting the following:

“Sec. 303. Demonstration, training, and technical assistance programs.”;

7           (8) by inserting after the item relating to section  
8           509 the following:

“Sec. 510. Establishment of standards for accessible medical diagnostic equipment.

“Sec. 511. Employment of individuals with significant disabilities at a subminimum wage.”;

9           (9) by striking the items relating to part B of  
10          title VI and inserting the following:

“PART B—SUPPORTED EMPLOYMENT SERVICES

“Sec. 621. Purpose.

“Sec. 622. Allotments.

“Sec. 623. Availability of services.

“Sec. 624. Eligibility.

“Sec. 625. State plan.

“Sec. 626. Restriction.

“Sec. 627. Savings provision.

“Sec. 628. Authorization of appropriations.”;

11          (10) in the items relating to title VII—

12                   (A)(i) by inserting after the item relating  
13          to section 701 the following:

“Sec. 701A. Independent Living Administration.”;

14          and

1 (ii) by striking the item relating to section  
2 706 and inserting the following:

“Sec. 706. Responsibilities of the ILA Director.”;

3 (B) by inserting after the item relating to  
4 section 711 the following:

“Sec. 711A. Training and technical assistance.”;

5 and

6 (C) by striking the items relating to sec-  
7 tions 752 and 753 and inserting the following:

“Sec. 752. Training and technical assistance.

“Sec. 753. Program of grants.

“Sec. 754. Authorization of appropriations.”;

8 and

9 (11) by adding at the end the following:

“TITLE VIII—INCREASING EMPLOYMENT OPPORTUNITIES FOR  
INDIVIDUALS WITH DISABILITIES

“Sec. 801. Office of Disability Employment Policy, Services, and Supports.

“Sec. 802. Advisory Committee on Increasing Competitive Integrated Employ-  
ment for Individuals with Disabilities.

“Sec. 803. Public education campaigns about hiring individuals with disabili-  
ties.”.

10 **TITLE VI—GENERAL**

11 **PROVISIONS**

12 **Subtitle A—Workforce Investment**

13 **SEC. 601. PRIVACY.**

14 (a) SECTION 444 OF THE GENERAL EDUCATION  
15 PROVISIONS ACT.—Nothing in this Act shall be construed  
16 to supersede the privacy protections afforded parents and  
17 students under section 444 of the General Education Pro-  
18 visions Act (20 U.S.C. 1232g).

1 (b) PROHIBITION ON DEVELOPMENT OF NATIONAL  
2 DATABASE.—

3 (1) IN GENERAL.—Nothing in this Act shall be  
4 construed to permit the development of a national  
5 database of personally identifiable information on in-  
6 dividuals receiving services under title II.

7 (2) LIMITATION.—Nothing in paragraph (1)  
8 shall be construed to prevent the proper administra-  
9 tion of national programs under subtitles C and D  
10 of title II or to carry out program management ac-  
11 tivities consistent with title II.

12 **SEC. 602. BUY-AMERICAN REQUIREMENTS.**

13 (a) COMPLIANCE WITH BUY AMERICAN ACT.—None  
14 of the funds made available under title II or III or under  
15 the Wagner-Peyser Act (29 U.S.C. 49 et seq.) may be ex-  
16 pended by an entity unless the entity agrees that in ex-  
17 pending the funds the entity will comply with sections  
18 8301 through 8303 of title 41, United States Code (com-  
19 monly known as the “Buy American Act”).

20 (b) SENSE OF THE CONGRESS; REQUIREMENT RE-  
21 GARDING NOTICE.—

22 (1) PURCHASE OF AMERICAN-MADE EQUIPMENT  
23 AND PRODUCTS.—In the case of any equipment or  
24 product that may be authorized to be purchased  
25 with financial assistance provided using funds made



1 available under title II or III or under the Wagner-  
2 Peyser Act (29 U.S.C. 49 et seq.), it is the sense of  
3 Congress that entities receiving the assistance  
4 should, in expending the assistance, purchase only  
5 American-made equipment and products.

6 (2) NOTICE TO RECIPIENTS OF ASSISTANCE.—  
7 In providing financial assistance using funds made  
8 available under title II or III or under the Wagner-  
9 Peyser Act, the head of each Federal agency shall  
10 provide to each recipient of the assistance a notice  
11 describing the statement made in paragraph (1) by  
12 Congress.

13 (c) PROHIBITION OF CONTRACTS WITH PERSONS  
14 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—  
15 If it has been finally determined by a court or Federal  
16 agency that any person intentionally affixed a label bear-  
17 ing a “Made in America” inscription, or any inscription  
18 with the same meaning, to any product sold in or shipped  
19 to the United States that is not made in the United  
20 States, the person shall be ineligible to receive any con-  
21 tract or subcontract made with funds made available  
22 under title II or III or under the Wagner-Peyser Act (29  
23 U.S.C. 49 et seq.), pursuant to the debarment, suspension,  
24 and ineligibility procedures described in sections 9.400  
25 through 9.409 of title 48, Code of Federal Regulations,

1 as such sections were in effect on August 7, 1998, or pur-  
2 suant to any successor regulations.

3 **SEC. 603. TRANSITION PROVISIONS.**

4 (a) **WORKFORCE DEVELOPMENT SYSTEMS.**—The  
5 Secretary of Labor and the Secretary of Education shall  
6 take such actions as the Secretaries determine to be ap-  
7 propriate to provide for the orderly transition from any  
8 authority under the Workforce Investment Act of 1998  
9 (29 U.S.C. 2801 et seq.) to any authority under title I.  
10 Such actions shall include the provision of guidance re-  
11 lated to unified state planning and the performance ac-  
12 countability system described under such title.

13 (b) **WORKFORCE INVESTMENT ACTIVITIES.**—The  
14 Secretary of Labor shall take such actions as the Sec-  
15 retary determines to be appropriate to provide for the or-  
16 derly transition from any authority under the Workforce  
17 Investment Act of 1998 to any authority under title II.

18 (c) **ADULT EDUCATION AND LITERACY PROGRAMS.**—  
19 The Secretary of Education shall take such actions as the  
20 Secretary determines to be appropriate to provide for the  
21 orderly transition from any authority under the Adult  
22 Education and Family Literacy Act (20 U.S.C. 9201 et  
23 seq.), as in effect on the day before the date of enactment  
24 of this Act, to any authority under the Adult Education  
25 and Family Literacy Act, as amended by this Act.

1           (d) EMPLOYMENT SERVICES ACTIVITIES.—The Sec-  
2 retary of Labor shall take such actions as the Secretary  
3 determines to be appropriate to provide for the orderly  
4 transition from any authority under the Wagner-Peyser  
5 Act (29 U.S.C. 49 et seq.), as in effect on the day before  
6 the date of enactment of this Act, to any authority under  
7 the Wagner-Peyser Act, as amended by this Act.

8           (e) VOCATIONAL REHABILITATION PROGRAMS.—The  
9 Secretary of Education shall take such actions as the Sec-  
10 retary determines to be appropriate to provide for the or-  
11 derly transition from any authority under the Rehabilita-  
12 tion Act of 1973 (29 U.S.C. 701 et seq.), as in effect on  
13 the day before the date of enactment of this Act, to any  
14 authority under the Rehabilitation Act of 1973, as amend-  
15 ed by this Act.

16           (f) REGULATIONS.—

17           (1) PROPOSED REGULATIONS.—Not later than  
18 180 days after the date of enactment of this Act, the  
19 Secretary of Labor and the Secretary of Education,  
20 as appropriate, shall develop and publish in the Fed-  
21 eral Register proposed regulations relating to the  
22 transition to, and implementation of, this Act.

23           (2) FINAL REGULATIONS.—Not later than 18  
24 months after the date of enactment of this Act, the  
25 Secretary of Labor and the Secretary of Education,

1 as appropriate, shall develop and publish in the Fed-  
2 eral Register final regulations relating to the transi-  
3 tion to, and implementation of, this Act.

4 (g) EXPENDITURE OF FUNDS DURING TRANSI-  
5 TION.—

6 (1) IN GENERAL.—Subject to paragraph (2)  
7 and in accordance with regulations developed under  
8 subsection (f), States, grant recipients, administra-  
9 tive entities, and other recipients of financial assist-  
10 ance under the Workforce Investment Act of 1998  
11 may expend funds received under such Act, prior to  
12 July 1, 2015, in order to plan and implement pro-  
13 grams and activities authorized under this Act.

14 (2) ADDITIONAL REQUIREMENTS.—Not more  
15 than 2 percent of any allotment to any State from  
16 amounts appropriated under the Workforce Invest-  
17 ment Act of 1998 for fiscal year 2014 may be made  
18 available to carry out activities authorized under  
19 paragraph (1) and not less than 50 percent of any  
20 amount used to carry out activities authorized under  
21 paragraph (1) shall be made available to local enti-  
22 ties for the purposes of the activities described in  
23 such paragraph.

1 **SEC. 604. REDUCTION OF REPORTING BURDENS AND RE-**  
2 **QUIREMENTS.**

3 In order to simplify reporting requirements and re-  
4 duce reporting burdens, the Secretary of Labor and the  
5 Secretary of Education shall establish procedures and cri-  
6 teria under which a State board and local board may re-  
7 duce reporting burdens and requirements.

8 **SEC. 605. EFFECTIVE DATES.**

9 (a) IN GENERAL.—Except as otherwise provided in  
10 this Act, this Act, and the amendments made by this Act,  
11 take effect on the date of enactment of this Act.

12 (b) EFFECTIVE DATE FOR WORKFORCE DEVELOP-  
13 MENT PERFORMANCE ACCOUNTABILITY SYSTEM.—The  
14 requirements of section 131 shall apply beginning on the  
15 first day of the second full program year after the date  
16 of enactment of this Act.

17 **Subtitle B—Amendments to Other**  
18 **Laws**

19 **SEC. 611. REPEAL OF THE WORKFORCE INVESTMENT ACT**  
20 **OF 1998.**

21 (a) YOUTH OPPORTUNITY GRANTS.—Section 169 of  
22 the Workforce Investment Act of 1998 (29 U.S.C. 2914)  
23 is repealed.

24 (b) TWENTY-FIRST CENTURY WORKFORCE COMMIS-  
25 SION.—Subtitle C of title III of the Workforce Investment  
26 Act of 1998 (29 U.S.C. 2701 note) is repealed.

1           (c) WORKFORCE INVESTMENT ACT OF 1998.—The  
2 Workforce Investment Act of 1998 (29 U.S.C. 2801 et  
3 seq.) is repealed.

4 **SEC. 612. PREPARATION AND SUBMISSION OF CON-**  
5 **FORMING AMENDMENTS.**

6           (a) PREPARATION.—After consultation with the ap-  
7 propriate committees of Congress and the Director of the  
8 Office of Management and Budget, the Secretary of Labor  
9 and the Secretary of Education, as appropriate, shall pre-  
10 pare recommended legislation containing technical and  
11 conforming amendments to reflect the changes made by  
12 titles I through V.

13           (b) SUBMISSION TO CONGRESS.—Not later than 6  
14 months after the date of enactment of this Act, the Sec-  
15 retary of Labor and the Secretary of Education, as appro-  
16 priate, shall submit to Congress the recommended legisla-  
17 tion referred to in subsection (a).

18 **SEC. 613. WORKFORCE INVESTMENT REFERENCES AND**  
19 **CONFORMING AMENDMENTS.**

20           (a) WORKFORCE INVESTMENT ACT OF 1998 REF-  
21 ERENCES.—Except as otherwise specified, a reference in  
22 a Federal law to a provision of the Workforce Investment  
23 Act of 1998 (29 U.S.C. 2801 et seq.) shall be deemed to  
24 refer to the corresponding provision of this Act.

1 (b) WAGNER-PEYSER ACT REFERENCES.—Except as  
2 otherwise specified, a reference in a Federal law to a provi-  
3 sion of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) shall  
4 be deemed to refer to the corresponding provision of such  
5 Act, as amended by this Act.

6 **SEC. 614. DISABILITY-RELATED REFERENCES AND CON-**  
7 **FORMING AMENDMENTS.**

8 Except as otherwise specified, a reference in a Fed-  
9 eral law to a provision of the Rehabilitation Act of 1973  
10 (29 U.S.C. 701 et seq.) shall be deemed to refer to the  
11 corresponding provision of such Act, as amended by this  
12 Act.